

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 12-13, 2022

From: MITCH WEISS, Executive Director

Reference Number: 3.4, Information

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Subject: Local and Regional Agency Notice of Intent to Expend Funds on State Transportation Improvement Program Projects Prior to Commission Allocation per Senate Bill 184

Summary:

Senate Bill (SB) 184 (Chapter 462, Statutes of 2007) authorizes a local or regional agency, upon notifying the California Transportation Commission (Commission), to expend its own funds for a project programmed in the State Transportation Improvement Program (STIP) to which the Commission has not yet made an allocation. Attachment A includes a list of local STIP projects programmed in fiscal year (FY) 2022-23 for which notification letters, pursuant to SB 184, were received by the Commission.

Since last reported at the August 2022 Commission meeting, the Commission received one SB 184 notification for the Class I Bike Path: East San Bernardino – West San Bernardino project, in El Dorado County, programmed in fiscal year 2022-23. The effective date that funds may be expended for this project in advance of a Commission allocation is July 26, 2022, as shown in Attachment A.

Background:

Government Code Section 14529.17, as amended by SB 184, permits an agency to expend its own funds for a STIP project in advance of the Commission's approval of a project allocation, and to be reimbursed for the expenditures subsequent to the Commission's approval of the allocation.

Government Code Section 14529.17 is limited to advance expenditures for projects programmed in the current fiscal year of the STIP. Fiscal year 2022-23 notifications received prior to the beginning of the fiscal year are effective July 1, 2022. Notifications received after July 1, 2022, are effective the date the Commission receives the notification letter.

Section 64B of the STIP guidelines directs the agency to submit a copy of the allocation request and SB 184 notification letter to the Commission's Executive Director. The original allocation request should be submitted to the California Department of Transportation at the same time.

Invoking SB 184 does not establish a priority for allocations made by the Commission, nor does it establish a timeframe for when the allocations will be approved by the Commission. The statute does not require the Commission approve an allocation it would not otherwise approve. SB 184 advance expenditures must be eligible for reimbursement in accordance with state laws and procedures. In the event the advance expenditures are determined to be ineligible, the state has no obligation to reimburse those expenditures.

Attachments:

- Attachment A: SB 184 Notifications for Local STIP Projects

