

CALIFORNIA TRANSPORTATION COMMISSION

Authorization for Funding Emergency Condition Response Projects

Resolution G-21-11

Amending Resolution G-16-11

(changes are shown in strikethrough and bold)

1.1 WHEREAS, the occurrence of **fires**, floods, slides, **slip-outs**, earthquakes, **and other unusual damaging events or unexpected failures of critical assets** ~~material failures, slip-outs, unusual accidents and other similar events~~ can suddenly endanger or damage State-owned transportation facilities and property in such a manner that the condition:

1. Places either people or property in jeopardy; or
2. Causes or threatens to cause closure of a transportation access which is necessary for:
 - Other emergency assistance efforts, or
 - The effective functioning of an area's services, commerce, manufacture and agriculture, or
 - People in the area to reach their homes and employment; or
3. Creates either an excessive increase in transportation congestion and delay, or an excessive increase in the necessary distances traveled.

1.2 WHEREAS, in such emergencies, the California Department of Transportation's ability to respond promptly with effective action can be impaired if it lacks authority to immediately fund those emergency condition response projects needed to alleviate such conditions which cannot be categorized as either maintenance or Minor B Capital projects; and,

1.3 WHEREAS, passage of Senate Bill 486 (Chapter 917, Statutes of 2014) increased California Transportation Commission (Commission) responsibility for the State Highway Operation and Protection Program (SHOPP); and,

2.1 NOW, THEREFORE, BE IT RESOLVED, that the California Director of Transportation (Director) is authorized to allocate monies for **Construction Capital, Right-of-Way Capital, and Capital Outlay Support phases** for emergency condition response **projects** ~~Major Construction and Minor A Capital projects, Right of Way Acquisition and commensurate Capital Outlay Support~~ from the appropriate source of State and Federal funds when any of the conditions described above require the immediate performance of work on State-owned transportation facilities and property or related work in adjacent areas, with the understanding that these actions will be reported to the Commission at its next meeting; and,

~~2.2 BE IT FURTHER RESOLVED, that the Director is authorized to allocate monies to fund follow-up restoration projects associated with and that immediately follow an emergency condition response project, with the understanding that these actions will be identified and reported to the Commission as "follow-up restoration" projects at its next meeting; and~~

2.2 BE IT FURTHER RESOLVED, that if additional cost or scope are deemed to be necessary during the delivery of an emergency condition response project, the Director may supplement the total G-11 funding amount, provided the adjustment is undertaken prior to over-expenditure of funds. An explanation of the unforeseen cost or scope, will be reported to the Commission at its next meeting; and

~~2.3 BE IT FURTHER RESOLVED, that follow-up restoration projects that follow by a year or more the emergency condition event that caused the project, qualify for G-11 allocation by the Director, but the report to the Commission must state the unforeseen conditions causing the delay; and~~

2.42.3 BE IT FURTHER RESOLVED, that for any capital or support allocation, the Director may adjust the funds allocated for emergency condition response projects for close-out of the construction contract after it has been accepted, and follow-up restoration projects provided that the adjustment allotments are is within the limits enumerated in the table below, and the base for calculating the allotment adjustments is the original G-11 funding amount to mitigate the conditions resulting from the emergency event or the original G-11 funding amount for a follow-up restoration project. At no time shall total payments made on a construction contract exceed the total current G-11 funding amount. For Construction Capital, Right-of-Way Capital, or Capital Outlay Support close-out adjustments, the base for calculating the post construction/close-out allocation limit shall be comprised of the initial allocation and any supplemental adjustments thereafter per each respective phase. The post construction/close-out adjustment shall be reported to the Commission at its next meeting. Projects that experience increases in costs that exceed the table limits below shall submit a detailed request to the Commission for its approval and require a supplemental project allocation vote; and,

ORIGINAL TOTAL G-11 ALLOCATION	POST CONSTRUCTION/CLOSE OUT AND COMPLETE ALLOCATION ADJUSTMENT LIMIT (PER PHASE)
Up to \$1,000,000	20% of total original G-11 phase allocation amount
\$1,000,000 to \$10,000,000	\$100,000 plus 10% of total original G-11 phase allocation amount
\$10,000,000 to \$50,000,000	\$600,000 plus 5% of total original G-11 phase allocation amount
\$50,000,000 to \$100,000,000	\$1,850,000 plus 2.5% of total original G-11 phase allocation amount

Over \$100,000,000	\$3,100,000 plus 1.25% of total original G-11 phase allocation amount
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~~2.5~~ BE IT FURTHER RESOLVED, that the Director is required to submit a monthly report to the Commission's Executive Director on all allotment adjustments made by the Director to G-11 funded projects. The report shall list all projects which received Director approved increases or decreases during the prior month, including allocations revised downward to match lower contract allotment amounts. At a minimum the Director will include the following information: project identifiers (PPNO & EA), description of work, original Director G-11 allocation amount including full history of any subsequent supplemental G-11 funds, and the Director's revised allocation; and,

~~2.6~~**2.4** BE IT FURTHER RESOLVED, that the Commission-adopted SHOPP program establishes an annual reservation amount for emergency condition response project allocations. The Director must request the Commission to amend the adopted SHOPP program to increase the annual reservation amount in the event additional emergency condition response funding is required in excess of the reservation. The amendment should be requested at the next regularly scheduled Commission meeting following the identification by the Director that additional emergency condition response funding is required; and,

~~2.7~~**2.5** BE IT FURTHER RESOLVED, that the Director is required to submit an annual close-out report at the conclusion of each fiscal year containing the total amount allocated for emergency condition response projects and total abatement amount collected. The report shall list all projects which received allocations. At a minimum the close-out report will include **the following** for each emergency condition response project:

- Location and brief scope of work,
- Date of incident or emergency,
- Cause of emergency condition,
- Amount allocated for capital construction, right of way acquisition and commensurate capital outlay support,
- Actual dates for allocation, **including initial allocation and any supplemental allocations**, contract award, and begin construction, and
- Actual or projected dates for construction completion ~~and project close-out.~~