

# Memorandum

Tab 24

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 17-18, 2016

Reference No.: 4.10  
Action

From: SUSAN BRANSEN  
Executive Director

Subject: **AMENDMENTS TO RESOLUTION G-11 AUTHORIZATION FOR FUNDING EMERGENCY  
CONDITION RESPONSE PROJECTS**

## **ISSUE:**

Passage of Senate Bill 486 (Chapter 917, Statutes of 2014) increased the California Transportation Commission's (Commission) responsibility with respect to State Highway Operation and Protection Program (SHOPP) oversight. The Commission's G-11 resolution delegates to the California Department of Transportation's Director (Director) authority for funding emergency condition response projects. Resolution G-11 does not provide the Director with authority to allocate capital outlay support for emergencies, responsibility for managing the annual emergency reservation established in the Commission-adopted SHOPP, and responsibility for reporting delegated actions taken. Should the Commission update the G-11 Authorization for funding emergency condition response projects?

## **RECOMMENDATION:**

Staff recommends that the Commission approve the attached revised Resolution G-11 delegation of Commission authority to the Director.

## **BACKGROUND:**

On June 23, 1978, the Commission delegated to the Director the authority to allocate funding to address emergency condition response projects. Over the years, the G-11 delegation has been revised numerous times to reflect new transportation laws and Commission procedures.

With the passage of Senate Bill (SB) 486, the Commission's responsibility with respect to the SHOPP has changed. The Commission's G-11 delegation requires updating to include Director authority to allocate capital outlay support for emergencies, responsibility for managing the annual emergency reservation established in the Commission-adopted SHOPP, and responsibility for reporting delegated actions taken. The proposed revisions are shown in strikeout and underline on the attached resolution for comparison purposes.

Attachments

Resolution G-16-11 changes shown in ~~strikeout~~ and underline

Resolution G-16-11 clean version

## **CALIFORNIA TRANSPORTATION COMMISSION**

### **Authorization for Funding Emergency Condition Response Projects**

#### **Resolution G-0016-11**

#### **Amending Resolution G-11 and Replacing Resolution G-94 G-00-11**

- 1.1 **WHEREAS**, the occurrence of floods, slides, earthquakes, 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 emergency condition response Major Construction and Minor A Capital projects, ~~and~~ 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 ~~of Transportation~~ 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,
- 2.3 **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 ~~of Transportation~~, but the report to the Commission must state legitimate reasons why the follow-up restoration project G-11 allocation took so long the unforeseen conditions causing the delay; and,
- 2.4 **BE IT FURTHER RESOLVED**, that the Director ~~of Transportation~~ may adjust the funds allocated for emergency condition response projects and follow-up restoration projects provided that the adjustment allotments are 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; and,

ORIGINAL G-11 ALLOCATION	CLOSE OUT AND COMPLETE ALLOCATION ADJUSTMENT LIMIT
Up to \$1,000,000	20% of original G-11 allocation amount
\$1,000,000 to \$10,000,000	\$100,000 plus 10% of original G-11 allocation amount
\$10,000,000 to \$50,000,000	\$600,000 plus 5% of original G-11 allocation amount
\$50,000,000 to \$100,000,000	\$1,850,000 plus 2.5% of original G-11 allocation amount
Over \$100,000,000	\$3,100,000 plus 1.25% of original G-11 allocation amount

- 2.5 **BE IT FURTHER RESOLVED**, that the Director of ~~Transportation~~ 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 **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 **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 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, contract award and begin construction, and
  - Actual or projected dates for construction completion and project close-out.

## **CALIFORNIA TRANSPORTATION COMMISSION**

### **Authorization for Funding Emergency Condition Response Projects**

#### **Resolution G-16-11 Amending Resolution G-00-11**

- 1.1 **WHEREAS**, the occurrence of floods, slides, earthquakes, 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,
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- 2.1 **NOW, THEREFORE, BE IT RESOLVED**, that the California Director of Transportation (Director) is authorized to allocate monies for emergency condition response 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,
- 2.3 **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,
- 2.4 **BE IT FURTHER RESOLVED**, that the Director may adjust the funds allocated for emergency condition response projects and follow-up restoration projects provided that the adjustment allotments are 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; and,

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