

**CALIFORNIA TRANSPORTATION COMMISSION**

**Delegation of Authority to the Department of  
Transportation for Sub-allocation and Adjustment of  
Right-of-Way Projects Programmed in the STIP and  
SHOPP**

**RESOLUTION G-19-01  
Amending Resolution G-01-09**

- 1.1 WHEREAS, the California Transportation Commission (Commission), pursuant to Government Code Sections 7 and 14512, may request that the California Department of Transportation (Department) perform such work as the Commission deems necessary to carry out its duties and responsibilities; and
- 1.2 WHEREAS, the Commission, pursuant to Government Code Section 14533, is authorized to allocate funds for transportation projects programmed in the State Transportation Improvement Program (STIP), and the State Highway Operation and Protection Program (SHOPP); and
- 1.3 WHEREAS, frequent adjustment of allotments are necessary to allow for orderly acquisition, relocation and clearance of right-of-way thereby accomplishing the Right-of-Way Capital Plan in the most effective and efficient manner as well as meeting construction schedules; and
- 1.4 WHEREAS, funds can only be allocated for acquisitions when such acquisitions comply with environmental laws; and
- 1.5 WHEREAS, it is desirable to reduce Commission workload by minimizing the number of routine financial resolutions being processed.
- 2.1 NOW THEREFORE BE IT RESOLVED, that annually (in June) the Department will present its Right-of-Way Capital Plan for the upcoming fiscal year to the Commission for review and acceptance. The plan will be supported by a project list that at a minimum will include the following information:
  1. Project description and identification of source programming document.
  2. Caltrans district, county, route, and post mile.
  3. Caltrans Expenditure Authorization number and Planning Programming Number.
  4. Planned right-of-way expenditure for the project included in the Right-of-Way Capital Plan for the upcoming fiscal year.

5. Total programmed right-of-way capital for the project.
  6. Total right-of-way capital expenditures to date.
  7. Fiscal year of programming for right-of-way capital.
- 2.2 BE IT FURTHER RESOLVED, that the Commission will make a yearly allocation for the total Right-of-Way Capital Plan (without project level allocations), and must approve any revisions to the total allocation required during the year; and
- 2.3 BE IT FURTHER RESOLVED, that the Director of the Department (Director) is hereby authorized to sub-allocate and adjust funds to individual projects for the acquisition of right-of-way, relocation of utilities, and other necessary related right-of-way activities; and
- 2.4 BE IT FURTHER RESOLVED, that notwithstanding the above limitations, the Director is authorized to allot funds for acquisition of hardship and protection parcels when, in his/her opinion, circumstances warrant such acquisitions; and
- 2.5 BE IT FURTHER RESOLVED, that prior to the approval of the environmental document, Caltrans is restricted from right-of-way expenditures with exception of the following activities that may occur during the Project Approval and Environmental Document phase:
1. Permits to Enter
  2. Environmental permit fees
  3. Positive location of utilities
  4. Agreements for Railroad Coordination
  5. Preliminary title fees
- 2.6 BE IT FURTHER RESOLVED, that commitments for projects during the Project Approval and Environmental Document phase related to the items listed above are limited to five percent of the overall amount approved in the fiscal year Right-of-Way Capital Plan.
- 2.7 BE IT FURTHER RESOLVED, that the Department will report quarterly on right-of-way expenditures in the context of the Right-of-Way Capital Plan, including expenditures and significant advancement or delay of right-of-way acquisition for large parcels (\$2 million or more in right-of-way capital) included in the Right-of-Way Capital Plan. The report shall include a summary, by program, of the funds programmed, allocated or sub-allocated, and expended; and

- 2.8 BE IT FURTHER RESOLVED, that changes to the sub-allocation amounts for individual projects must be included in the quarterly report; and
- 2.9 BE IT FURTHER RESOLVED, that any project identified by the Department as needing right-of-way capital after the Commission acceptance of the Right-of-Way Capital Plan will be reported in the quarterly report; and
- 2.10 BE IT FURTHER RESOLVED, that for any project with significant right-of-way acquisition delay the Department will include a statement of impact to the delivery of the construction phase of the project; and
- 2.11 BE IT FURTHER RESOLVED, that annually after the conclusion of the budget year, based on the Department's official book closing statement, the Department will report the actual Right-of-Way Capital Program level encumbrance status compared to the allocated amounts; and
- 2.12 BE IT FURTHER RESOLVED, that projects programmed with right-of-way capital for Fiscal Year 2019-20 or later with right-of-way capital of \$10 million or more must receive Commission approval for project level allocations prior to expenditure of funds, with the exception of expenditures related to activities identified in section 2.5 above. If a project that initially falls below this threshold increases to an amount equal to or exceeding the threshold requirement, an individual project allocation will be required.
- 2.13 THEREFORE BE IT FURTHER RESOLVED, that this resolution supersedes and replaces Resolution G-01-09.