

State of California  
Business, Transportation and Housing Agency  
Department of Transportation

PROJECT BUSINESS MATTERS  
Extension Request – Contract Award  
Action Item

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CTC Meeting: June 6-7, 2001

Agenda Item: 2.8b.(1)

*Original Signed By*  
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Chief Financial Officer  
June 1, 2001

**WAIVER REQUEST – CTC RESOLUTION G-00-20**

**CTC STIP GUIDELINES**

**SECTION 65 – TIMELY USE OF FUNDS**

**LOCAL STREETS AND ROADS PROJECTS**

**WAIVER-01-36**

**ISSUE**

Resolution G-00-20, *STIP Guidelines*, adopted by the California Transportation Commission (Commission) on July 19, 2000, stipulates that funds allocated for the construction phase of local grant projects are available for contract award for a period of 12 months from the date of allocation.

The Commission allocated \$29,972,000 in Fiscal Year 1999-2000 fiscal year for the 12 projects listed on the attached table. To date, the implementing agencies have been unable to award the contracts against the allocations. The implementing agencies are requesting extensions per Resolution G-00-20. The regional transportation planning agencies concur. The attachment shows the details of the projects and the delays that resulted in the extension requests.

**RECOMMENDATION**

The Department of Transportation's recommendations are shown on the attachment.

Attachment

Time Extension/Waiver – Award Deadline  
Item 2.8b.(1) – Local Streets and Roads Projects

Project #	Applicant County	Allocation Amount (in thousands)	Number of Months Requested
		Allocation Date	Extended Deadline
	PPNO Project Description Reason for Project Delay:	Original Deadline	CT Recommendation
1	Humboldt County	\$1,411	10
	Humboldt	6/15/2000	4/15/02
	PPNO: 2036R Pavement rehab and widening of 2.5 m. of Elk River Rd. from PM 0.5 to 2.5	6/15/2001	Support
<p>The County of Humboldt has completed the PS&amp;E for this project. The County is ready to award the construction contract pending a permit from the US Army Corps of Engineers. The County previously had a permit from the Corps that had expired prior to completion of the PS&amp;E. In July 2000, an application for a replacement permit was submitted and is currently being processed through the Corps. Due to limited staffing at the Corps, the time required to process/approve a permit application has been considerably lengthened. In recent conversations with the Corps, it is projected that a permit could be issued by July 2001. This would require a 3-month extension to award the contract. Construction would then commence in September and be completed before the start of the rain season. However, if the Corps takes longer to issue the permit, the County would not be able to construct the project during the 2001 season. The earliest that the project could be constructed would be May 2002. This would require a time extension of 10 months. Therefore, based upon the unknown time required to obtain the permit for the 2001 construction season, the County requests a 10-month extension to secure the permit and award the construction contract for the 2002 season.</p>			
2	San Jose	\$18,000	20
	Santa Clara	7/20/00	3/20/03
	PPNO: 0454 Bailey Ave/Hwy 101 Interchange and Westerly Extension	7/20/01	Support
<p>Completion of PS&amp;E and bid advertising have been affected by delays in obtaining a Section 404 Nationwide Permit from the Army Corps of Engineers. The permit applications were submitted in May 2000, and the Corps initiated consultation with the US Fish and Wildlife Service and the National Marine Fisheries Service regarding possible effects on endangered species. Both agencies have not yet completed their biological opinions, and on February 5, 2001, the USF&amp;WS requested a 145-day extension. Since the City has no control over the timing of the biological opinions from these two Federal agencies, and because the USF&amp;WS is already into their second requested delay, there is a significant possibility of further delay. Although regulatory permits were included in the original project schedule, there was no way of anticipating the response timelines and the issues raised by the USF&amp;WS, an advisory agency to the Corps. While the Corps initial consultation focused upon the California Red-legged Frog, the USF&amp;WS are pursuing mitigation for other species and have adopted a strategy of attempting to combine a number of local and regional projects together in an effort to negotiate with the local agencies regarding preparation of Habitat Conservation Plans. After the biological opinions are finalized and the Corps issues its Permit, Section 401 Water Quality Certification or waiver of certification will still be needed from the California Regional Water Quality Control Board – San Francisco Bay Regional. This approval will likely take an additional one to three months after the Section 404 Permit is issued. After all permits are issued, the City will take a minimum of three months to advertise, open bids, and award a contract and up to six months or longer if there are any bid irregularities. Because of the uncertainty of the timing of these activities, the City seeks a 20-month extension.</p>			
3	City of Oakland	\$1,125	12
	Alameda	9/29/00	9/29/02
	PPNO: 2191 Third Street Extension	9/29/01	Support
<p>A roadway easement is required from Caltrans in order to certify the right of way. The proposed project extends 3<sup>rd</sup> Street under the newly constructed I-880 freeway. This parcel was sold to Caltrans by Union Pacific Railroad; however, Caltrans did not record and will not record the vesting document due to environmental conditions on the property. Caltrans has been unable to grant the City the required easement since the State has yet to take Property Title from the railroad. Consequently, the right of way certification has yet to be completed. An additional 12 months is necessary to complete negotiations between Caltrans, the Southern Pacific Railroad and the City for the transfer of title and easement agreements.</p>			

Time Extension/Waiver – Award Deadline  
Item 2.8b.(1) – Local Streets and Roads Projects

Project #	Applicant County	Allocation Amount (in thousands)	Number of Months Requested
		Allocation Date	Extended Deadline
	PPNO Project Description Reason for Project Delay:	Original Deadline	CT Recommendation
4	City of Berkeley	\$368	3
	Alameda	6/15/00	9/15/01
	PPNO: 0053K Berkeley Shoreline Bikeway	6/15/01	Support
<p>The original cooperative agreement between the City and Caltrans was executed in May 1996 for \$2.4 million in NHS funds (\$2.1 million for construction and \$300 thousand for construction engineering). An amended cooperative agreement is required from Caltrans due to funding increases from STIP amendment 98S-95, approved May 30, 2000, which added \$368 thousand in STIP, \$232 thousand in TEA, and \$78 thousand in City funds to the project. At the time of the STIP amendment, the preparation of PS&amp;E and the right of way certification were on the critical path of the project schedule and were expected to be complete by January 2001. The City anticipated that the amendment to the cooperative agreement would be executed by the time PS&amp;E and R/W certification were finalized, which would allow for the advertisement period to begin as soon as authorizations were obtained. As it turns out, the amendment was executed in April 2001, more than two months after the anticipated date, and the advertisement period cannot begin until a federal authorization is received based on the amended agreement. The authorization to proceed was required immediately upon execution of the amending to the cooperative agreement; however, the City has been informed that it may take up to four weeks to process this request. The City is requesting a 3-month extension to the award deadline to offset the delays in processing the agreement and receive federal authorization.</p>			
5	City of Santa Maria	\$1,378	3
	Santa Barbara	3/31/00	6/30/01
	PPNO: 2050 Rehabilitation	3/31/01	Support
<p>In March 2000, at the City's request CTC shifted \$59,000 from design phase to construction phase during the March CTC meeting. What the City did not request and did not know was that this action by CTC also allocated these shifted funds plus funds originally programmed for construction phase totaling \$1,378,000. Unaware that all the funds for construction had been allocated, and following the 1999 STIP Guidelines, the City proceeded to complete the environmental clearance. In June 2000, the City requested Caltrans to allocate the construction funds not knowing that the funds had been allocated. The City finally learned about the allocation when, in July 2000, Caltrans sent the City an allocation letter. By then, three months had passed on the now critical "timely use of funds" clock. Although the City was on track to meet the June 30, 2001 contract award deadline City originally set, it was simply too late to meet the March 30, 2001 deadline due to this earlier than requested allocation. Approximately half of the \$1,378,000 has been awarded. The remaining contracts are scheduled to be bid in April and awarded by June 30, 2001. The City requests a three-month extension in order to award the remaining contracts for N. Blosser and Betteravia.</p>			
6	City of Santa Barbara	\$1,102	3
	Santa Barbara	6/15/00	9/15/01
	PPNO: 0916 Installation of Traffic Adaptive Signal System – Calle Laureles to La Cumbre Rd	6/15/01	Support
<p>When this project was first reviewed by Caltrans Environmental Branch in April of 2000, it was issued a programmatic CE with no specific studies required. However, in January 2001, the City was informed by Caltrans Environmental staff of the requirement to conduct a Section 106 study involving archaeological resources and an evaluation of a potentially historic bridge. Although the bridge was evaluated as ineligible for listing in the National Registry of Historic Places by Caltrans Historic Bridge Inventory, the bridge turned 50 years old in year 2000. The City responded to this unexpected need for a special study, which required the hiring of a architectural historian. The City requires additional time to complete the studies and allow for Caltrans and FHWA review and approval.</p>			

Time Extension/Waiver – Award Deadline  
Item 2.8b.(1) – Local Streets and Roads Projects

Project #	Applicant County	Allocation Amount (in thousands)	Number of Months Requested
		Allocation Date	Extended Deadline
	PPNO Project Description Reason for Project Delay:	Original Deadline	CT Recommendation
7	County of Santa Cruz	\$3,090	20
	Santa Cruz	6/15/00	2/28/03
	PPNO: 0929 Capitola Rd Improvement Project Soquel Ave to Thirtieth Ave	6/15/01	Support
<p>This request is necessary because the acquisition of right of way and easements for the project are taking longer than originally anticipated. Though the County has completed the environmental studies required for the project, has obtained all necessary permits, and has acquired the right of way along the majority of the project site, the County has not been able to acquire the right of way for nine properties. The County Board of Supervisors has recently authorized the public works department to work with the County Counsel to establish eminent domain over the remaining properties. They will be going to court to get possession of these properties in April and are hoping to have the right of way certification by June 5, 2001. Though the County does not anticipate substantial delays, they and the regional agency feel it is prudent to request a full 20-month extension in the event of lengthy litigation.</p>			
8	Fresno	\$184	9
	Fresno	6/6/00	3/6/02
	PPNO: 6L02 Construct Traffic Operations Center	6/6/01	Support
<p>The City of Fresno earnestly and in good faith attempted to bid and award this project within the allowed time frame, but the nature of the project created unforeseen confusion on the part of potential bidders. This project involves an electronic traffic operations command center that is to be located within a newly constructed building. Therefore, the project specifications combined electronic and building components for the bid. The combination, however, created confusion for potential bidders and resulted in one bid that was well beyond the project budget. The City required additional time to engage in a peer review by an outside consultant with experience in integrating electronic/building projects. The resulting recommendation indicates that with revisions to the bid specifications, the project should be bid in separate components. The City can successfully bid and award the project in this manner with a nine-month extension for award using RSTP and CMAQ match funds.</p>			
9	City of Los Angeles (Housing Authority)	\$955	12
	Los Angeles County	6/14/00	6/14/02
	PPNO: 8041 Pico-Aliso Pedestrian Linkages	6/14/01	Support
<p>An extension of 12-months is requested in order to allow the Housing Authority of the City of Los Angeles to evaluate and respond to concerns raised by local residents and community groups regarding increased vehicular traffic volume and redirection on local residential streets resulting from the proposed MTA light rail system along first street. Any proposed revisions to the present traffic patterns and flow along the residential streets, within the project area, need to be coordinated with changes proposed by MTA to minimize the overall impact on the adjacent communities. Additionally, all traffic revisions will be reviewed and approved by the City of Los Angeles, Department of Public Works. Specific traffic studies and public hearings may be required prior to final approval, which will delay the completion of the preparation of bid documents and the subsequent award of the construction contract.</p>			

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PPNO	Project Description	Original Deadline	CT Recommendation
Reason for Project Delay:			
10	City of Los Angeles Los Angeles County	\$1,616 6/14/00	12 6/14/02
	PPNO: 8023 Broadway Sidewalks Reconstruction Project	6/14/01	Support
<p>The City could not start the sidewalk reconstruction project until the Broadway road reconstruction project was completed. Broadway was completed in September 2000 and certified in February 2001. The agency was on track to meet the required deadline until December 6, 2000, when Caltrans informed the City that the “No Right-of-Way Certification” attached to the request for STIP Funding Allocation was no longer acceptable. The initial acceptance of “No Right of Way Certification” was based on the City’s that all work would be performed on the City’s right of way. However, as the preparatory work progressed it became apparent that the sidewalks within the limit of the project were constructed over basements of private properties. In order to make structural modifications to the supporting systems of the sidewalks the City needed to enter these properties. Therefore, Caltrans indicated that although the new improvements, except for minor temporary encroachments, will be constructed within public streets or existing sidewalk easements, Permits to Enter and Construct by adjoining property owners will be needed. Therefore, Caltrans required “Certification of Right-of Way” when all Permits to Enter have been secured. Nineteen to twenty-five properties are affected. To date, all but five have been executed and submitted. According to Local Assistance Procedures, the Certification of Right of Way is required before bid opening. The City’s bid and award process can take up to five months. A one-time extension of 12 months is requested to allow for this and any other unanticipated problems and the possibility of having to rebid the project.</p>			
11	Stanislaus County Stanislaus	\$185 5/11/00	12 5/11/02
	PPNO: 9880 Finch Road at Mariposa Road	5/11/01	Support
<p>This project requires the relocation of some Modesto Irrigation District (MID) facilities. MID had been relocating their facilities at no charge to the County. However, last year MID changed their policy and required the County to pay over \$28,000 to relocate their facilities. This change in Midi’s policy will have significant impact to all road projects in which MID facilities must be relocated and lead to lengthy negotiations between the County Counsel’s office and MID’s legal department regarding the relocation fees. County Counsel questioned Midi’s authority to charge the fees and MID would not perform the relocation without payment. County Counsel eventually agreed to place the relocation fee into an escrow account until the issue of Midi’s authority to charge the relocation fee was resolved. Unfortunately, it took MID several months to agree on the format of the escrow account. During these negotiations, the project could not proceed which prevented the advertisement. Although the payment issue has not been completely settled, the escrow account has been established and the County is at last able to deposit the relocation money, which will allow the project to proceed. The project is ready to advertise. However, the Finch/Mariposa intersection is located in the Beard Industrial area and is subject to a dramatic increase in truck and automobile traffic due to the seasonal processing of a variety of fruits and vegetables in the immediate area. In order for the construction activity not to conflict with this increased traffic, the County would like to hold off advertising until December 2001.</p>			
12	City of South Pasadena Los Angeles	\$558 6/15/00	6 12/15/01
	PPNO: 7080 Pedestrian Bridge Rehab at Oaklawn Avenue	6/15/01	Support
<p>Although the City expects to award the construction contract for this project this month, there is still an issue regarding the scope of the project and completion of Section 106 consultation with the State Historic Preservation Office (SHPO). To avoid an adverse effect on this National Register Bridge, the City is requesting an amendment to the original National Register Nomination that will render a non-structural pier in the central arch of this five-bay concrete arch bridge as a non-contributing element. The amendment needs to be acted upon by the California Historic Resource Commission at its May 17, 2001 meeting. Pending Commission approval, the SHPO will forward the amendment to the Keeper of the National Register for concurrence. The Keeper has promised a one week expedited review of the issue to meet the project’s tight deadline. The project can be extended for no more than 6 months because of the concurrent construction of the MTA Blue Line that will run beneath the Oaklawn Bridge. The MTA Blue Line necessitated the rehabilitation of the Oaklawn Bridge due to the deteriorated condition of this 95 year old bridge. Because this impact was overlooked during the environmental studies for MTA Blue Line, the bridge rehabilitation project was not covered in mitigation requirements for the rail project. If the bridge is not rehabilitated, it could continue to deteriorate and create unnecessary safety hazard to the public. A City believes that a minor time extension to assure the best preservation project possible is a small price to pay for the public safety and historic preservation of this structure.</p>			