

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

PROJECT BUSINESS MATTERS
Extension Request – AB 1012 Requirements
Action Item

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CTC Meeting: December 12-13, 2001

Agenda Item: 2.8f.

Original Signed By: _____

ROBERT L. GARCIA
Chief Financial Officer
December 1, 2001

TIME EXTENSION REQUEST
ASSEMBLY BILL (AB) 1012 “USE IT OR LOSE IT” PROVISIONS
REGIONAL AGENCY APPORTIONED FEDERAL FUNDS
WAIVER-01-59

ISSUE

The Department provided the 2nd cycle notification to regional agencies on December 5, 2000. The deadline to obligate funds prior to potential reprogramming by the Commission is December 5, 2001. Some agencies require time extensions of the obligation deadline for their CMAQ, RSTP and TEA funds.

BACKGROUND

Sections 182.6 and 182.7 of the Streets and Highways Code stipulate that Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) funds apportioned for programming by regional planning agencies be obligated within three years of the start of the federal fiscal year (FFY) for which the funds are received. The California Transportation Commission (Commission) may reprogram funds not obligated within the three-year period. The Department of Transportation (Department) is responsible to notify regional agencies of any funds entering the third year. Regional agencies are then responsible to provide obligation plans for any funds at risk of potential reprogramming. Section 182.6 of the Streets and Highways Code is also used to apply these provisions to Regional Transportation Enhancement Activities (TEA) funds.

RECOMMENDATION

The deadline for obligating 2nd cycle funds under AB 1012 “use it or lose it” provisions is December 5, 2001. The attachment identifies agencies and describes the projects that require additional time to obligate. The Department recommends approval of the attached extension requests. Additional information will be provided at the January meeting for those agencies that are still compiling extension information.

ATTACHMENTS

Amounts Subject to AB1012 Reprogramming 12/05/2001*
Extension Requests Received ^**

| | Region | \$ Subject to Reprogramming | \$ Extension Requests | # of Projects |
|------------------|--------------------|--|----------------------------------|--------------------------|
| CMAQ | Butte | 378,112 | 390,000 | 1 |
| | San Benito | 214,663 | 230,614 | 4 |
| | Total CMAQ | \$592,775 | \$620,614 | 5 |
| RSTP | Orange*** | 24,761,283 | 24,761,283 | |
| | Total RSTP | \$24,761,283 | \$24,761,283 | |
| TEA | Monterey | 288,924 | 178,000 | 1 |
| | Riverside | 1,557,770 | 2,472,323 | 5 |
| | San Benito | 67,719 | 175,000 | 2 |
| | Santa Barbara | 557,011 | 680,012 | 2 |
| | Tahoe | 146,000 | 146,000 | 1 |
| | Tulare | 964,586 | 584,890 | 3 |
| | Del Norte | 115,672 | 172,000 | 1 |
| | Humboldt | 431,516 | 135,000 | 2 |
| | Plumas | 120,000 | 177,000 | 1 |
| | Siskiyou | 365,973 | 423,381 | 2 |
| Total TEA | \$4,615,171 | \$5,143,606 | 20 | |

*As of September 30, 2001

**Other regions will be coming forward with extension requests for the January meeting.

***Orange County's balance is a result of State use of Orange County CMAQ funds. Repayment was made with RSTP funds.

^ All extension requests are for 6 months, with the exception of San Benito, which is requesting 3-month extensions for two CMAQ projects

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| Regional Agency | | |
|--|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Butte County Association of Governments | | |
| City of Chico | \$390,000 | 6 months |
| | CMAQ | 6/5/2002 |
| | | Support |
| <p>As part of BCAG's Regional Obligation Plan, it was indicated that two projects would not be able to meet the December obligation deadline. As indicated in the obligation plan, Chico will obligate \$612,385 for their East Ave/Esplanade Signalization project and \$277,000 for the E. 1st Ave/Mangrove Ave Signalization project. This is enough to cover the 2nd cycle balance and any 3rd cycle notice. Therefore, a 6-month extension is requested for these obligations.</p> | | |

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| Regional Agency | | |
|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Siskiyou County Transportation Commission | | |
| City of Montague | \$242,780 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| <p>The Montague Railroad Depot building was relocated several years ago to a piece of City property adjacent to another historical building in the City of Montague. When the Area of Potential Effects (APE) map was being prepared, it was discovered that the property line for the Railroad Depot parcel ran through the middle of the adjacent historical building. A lot line adjustment is underway and should be completed by December 1, 2001. This has created a 3-month delay to prepare and process the APE map for approval by Caltrans and FHWA (expected FHWA approval March 1, 2002).</p> <p>After the APE map is approved by FHWA, an additional 3 months will be needed to process a review of the Historical Property Survey Report (HPSR) through the State Historic Preservation Office. Review of the HPSR cannot begin without an FHWA approved APE map. Total delay is six months.</p> | | |
| Collier Interpretive and Information Center (JPA) | \$180,601 | 6 months |
| | TEA | 6/5/2002 |
| | | Support |
| <p>The Collier Interpretive and Information Center (CIIC) Joint Powers Authority originally had planned to place a modular unit in the Collier Safety Roadside Rest Area parking lot to house the tourist information center until informed that a modular unit could not be funded with Federal TEA funds. CIIC revised the proposal to place a building on a concrete slab in a lawn area near the northerly restroom building. Very little ground disturbance was expected, and since the rest area was a developed facility, there was little time and money set aside for environmental studies. It was later determined that an archaeological dig would be needed to evaluate the presence of any significant archaeological resources that would be affected by the construction of the building. The dig started in October 2000, and the Historical Properties Survey Report was completed in June 2001. The survey report was sent to SHPO by FHWA on August 8, 2001. Once the SHPO review is done, the NEPA package can go to FHWA for approval. The final approval will occur by February 1, 2002.</p> <p>District 2 is concurrently preparing the Right-of-Way Certification, which will be complete by February 1, 2002.</p> <p>The architect is fast-tracking his work in order to have a final set of plans ready to go to Caltrans Structures by February 1, 2002. Assuming a full 8 weeks for review and revisions, the final PS&E package and Request for Authorization to Proceed with Construction will be ready to go to HQ OLP by May 1, and funds for construction should be obligated within 2 weeks of that time. Therefore, CIIC is requesting the full six months extension.</p> | | |

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| Regional Agency | | |
|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| Reason for Project Delay: | | CT Recommendation |
| Transportation Agency for Monterey County | | |
| City of Marina | \$178,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| <p>The Marina State Beach bikeway project is awaiting FHWA approval of the environmental document. The document was sent to FHWA in October 2001. The project expects to obligate funds soon after the environmental document is approved. Therefore, a 6-month extension is requested.</p> | | |

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| Regional Agency | | |
|--|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Santa Barbara County Association of Governments | | |
| City of Lompoc | \$306,130 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| For the Pedestrian Enhancement of Old Towne project, the city completed and submitted an Historic Structural Survey and an Archaeological Survey Report to FHWA for approval. There has been a delay in approval for these two reports. When the reports are approved, the city will begin the design phase. The city is requesting a 6-month extension due to the delay. | | |
| City of Santa Maria | \$373,882 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| The Highway 101 Beautification project in the city experienced a staff loss that stopped the project development. The Capital Projects Engineer that is now responsible for the project management will hire a consultant for the design phase, which will bring the schedule in to alignment with construction goals. Due to the delay, the city is requesting a 6-month extension. | | |

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| Regional Agency | | |
|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Orange County Transportation Authority | \$24,761,283 | 6 months |
| | RSTP | 6/5/2002 |
| | | support |
| <p>Orange has obligated all but \$24.8 million of their RSTP funds subject to potential reprogramming for the 2nd cycle. It is important to note that there was a fund exchange made by Caltrans in July 1999 that reduced the CMAQ balance by nearly \$30 million and caused a corresponding increase to the RSTP balance. The overall impact had the exchange not occurred would be that Orange would have a CMAQ balance subject to reprogramming in the 2nd cycle. An obligation plan was submitted that included a CMAQ project to clear what would have been a CMAQ balance. However, Orange is requesting that the potential reprogramming of the RSTP funds be waived for the 2nd cycle due to the impact of the exchange and their delivery record to date.</p> | | |

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| Regional Agency | | |
|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Council of San Benito County Governments | | |
| City of Hollister | \$100,000 | 6 months |
| | Regional TEA | 6/5/2002 support |
| An FTIP amendment was submitted to include the Decorative Sidewalks project on August 29, 2001. The amendment was sent to Caltrans and FHWA for approval on September 5, 2001. Once the letter of approval is received from FHWA, the transfer of the project to the FHWA will be processed and the funding can be obligated. This process should take no longer than six months; therefore an extension of six months is being requested. | | |
| City of San Juan Bautista | \$75,000 | 6 months |
| | Regional TEA | 6/5/2002 support |
| An FTIP amendment was submitted to include the Decorative Sidewalks project on August 29, 2001. The amendment was sent to Caltrans and FHWA for approval on September 5, 2001. Once the letter of approval is received from FHWA, the transfer of the project to the FHWA will be processed and the funding can be obligated. This process should take no longer than six months; therefore an extension of six months is being requested. | | |
| San Benito County | \$25,000 | 3 months |
| | CMAQ | 3/5/2002 support |
| An FTIP amendment was submitted to AMBAG by the Council of San Benito County Governments (COG) to include the San Benito County Rideshare Program for FY 01/02 on August 29, 2001. The amendment was sent to Caltrans and FHWA for their approval on September 5, 2001. Once COG receives the approval letter, the process should take no longer than two weeks. An extension of three months is being requested in order to obligate the funds. | | |
| San Benito County | \$25,000 | 3 months |
| | CMAQ | 3/5/2002 support |
| An FTIP amendment was submitted to AMBAG by the Council of San Benito County Governments (COG) to include the San Benito County Rideshare Program for FY 02/03 on August 29, 2001. The amendment was sent to Caltrans and FHWA for their approval on September 5, 2001. Once COG receives the approval letter, the process should take no longer than two weeks. An extension of three months is being requested in order to obligate the funds. | | |
| San Benito County | \$168,614 | 6 months |
| | CMAQ | 6/5/2002 support |
| An FTIP amendment for a project to purchase three paratransit vehicles was submitted on August 29, 2001. The amendment was sent to Caltrans and FTA for their approval on September 5, 2001. Once the FTA letter of approval is received, the transfer of the project to the FTA will be processed and the funding can be obligated. This process should take no longer than six months; therefore an extension of six months is being requested. | | |
| San Benito County | \$12,000 | 6 months |
| | CMAQ | 6/5/2002 support |
| An FTIP amendment was requested to include the purchase of 4 vanpool vans. The amendment was sent to Caltrans and FTA for their approval on September 5, 2001. Once the FTA letter of approval is received, the transfer of the project to the FTA will be processed and the funding can be obligated. This process should take no longer than six months; therefore an extension of six months is being requested. | | |

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| Regional Agency | | |
|--|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Tulare County Association of Governments | | |
| City of Visalia | \$226,000 | 6 months |
| | Regional TEA | 6/5/2002 support |
| <p>The City of Visalia's Garden Street project is on track. The processing of the "Authorization to Proceed with Construction" will require an extension past the December 5, 2001 obligation date. The City requests a six-month extension to allow for ample time to complete the necessary processing of the E-76. Additionally, the City desires to allow some additional time for extra public participation on the project, through the public hearing process. It is estimated that FHWA processing time could range from two to four months. Based on this uncertainty, the City requests the full six-month extension.</p> | | |
| City of Lindsay | \$176,890 | 6 months |
| | Regional TEA | 6/5/2002 support |
| <p>The City of Lindsay will be receiving supplemental funding in the amount of \$332,000 for the Hermosa Street Pedestrian Corridor project. This action has been approved by the Tulare County Association of Governments, but is awaiting FTIP approval by FHWA. The supplemental funding came from another TEA project within Tulare County. The Three Rivers Visitor Center project has environmental impacts that must be addressed, and may take up to a year to complete. In order for the funds not to be lost to the provisions of AB1012, portions of that funding were reprogrammed into the Hermosa Street Pedestrian Corridor Improvement project.</p> <p>The City plans to expand the existing project by providing additional locations for pedestrian related improvements. The City is in the process of finalizing their DBE program and goal. Federal funds cannot be obligated until the goal is in place. It is anticipated that the Office of Local Assistance will approve the goal by early to mid December. The project itself is on track, but the processing of the DBE goal and the TEA amendment will require an extension past the December 5, 2001 obligation date. The process for FHWA to process the amendment could take two to four months, and this degree of uncertainty is the reason for the full extension request. The City requests a six-month extension to allow for ample time to complete the necessary processing.</p> | | |
| City of Woodlake | \$182,000 | 6 months |
| | CMAQ | 6/5/2002 support |
| <p>The City of Woodlake will be receiving supplemental funding in the amount of \$182,000 for the Bravo Lake Bicycle/Pedestrian Pathway project. This action has been approved by the Tulare County Association of Governments, but is awaiting FTIP approval by FHWA. The supplemental funding came from another TEA project within Tulare County. The Three Rivers Visitor Center project has environmental impacts that must be addressed, and may take up to a year to complete. In order for the funds not to be lost to the provisions of AB1012, portions of that funding were reprogrammed into the Bravo Lake Bicycle/Pedestrian Pathway project.</p> <p>The City is in the process of finalizing their DBE program and goal. Federal funds cannot be obligated until the goal is in place. It is anticipated that the Office of Local Assistance will approve the goal by early to mid December. The project itself is on track, but the processing of the DBE goal and the TEA amendment will require an extension past the December 5, 2001 obligation date. The process for FHWA to process the amendment could take two to four months, and this degree of uncertainty is the reason for the full extension request. The City requests a six-month extension to allow for ample time to complete the necessary processing.</p> | | |

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| Regional Agency | | |
|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Del Norte Local Transportation Commission | | |
| City of Crescent City | \$172,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| <p>The City's Lighthouse Trail Project has been delayed. The City's last Federal Aid project was in 1993 and the City has had to learn the process anew. It has taken longer than anticipated for document review. The City has completed the PES, APE and CEQA/NEPA review, with ROW having been submitted. The 2002 DBE, QAP, Construction Checklist and related work, and the PSE will be submitted in December 2001. The City requests the full six-month extension to allow time for proper processing and approval.</p> | | |

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| Regional Agency | | |
|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Plumas County Local Transportation Commission | | |
| City of Portola | \$177,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| <p>The City of Portola has been working to complete studies needed for environmental clearance for the Class I Bicycle Trail project. All required studies have been completed and approved or are currently undergoing final review. None of the studies in final review are expected to take more than 30 days to gain approval. One recently completed study, however, resulted in the discovery of resources that require a lengthy review and consultation process.</p> <p>During field survey to determine if archaeological or historical resources exist within the project's Area of Potential Effects, two historical sites were found that appear to be eligible for the National Register of Historic Places. Eligibility of the sites for the Register, and proposed measures to prevent the project from adversely affecting them, are reported in the Historic Property Survey Report (HPSR) submitted to Caltrans on October 31, 2001. HPSR is undergoing revisions requested by Caltrans and will be submitted to FHWA by December 1. Upon approval by FHWA, the HPSR will be sent to the State Historic Preservation Officer (SHPO). SHPO will review it and issue a determination of whether or not the project is likely to adversely affect the historic properties. This process can take five months if a Memorandum of Agreement is deemed necessary and public notice is required. Following SHPO's approval, the final environmental document for the proposed project will be sent to FHWA for signature. This typically takes 30 days.</p> <p>The city is requesting an extension of the full six months to allow for the MOA and public notice, if required by SHPO.</p> | | |

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|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| Reason for Project Delay: | | |
| Tahoe Regional Planning Agency | | |
| Placer County | \$146,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| Support | | |
| <p>The delay in obligation for the Kings Beach Commercial Core Improvement Project is due to the Tahoe RTPA being unclear on the process for exchanging TEA funds. Caltrans has informed them of the correct procedure for exchanging TEA funds. The FTIP for the Tahoe MPO could not be amended in time to show the TEA funds applied to the above mentioned project, and the project sponsor, Placer County, would not be able to receive proper authorization from Caltrans in time to meet the obligation deadline of December 5, 2001. Therefore, an extension is necessary. The FTIP will be amended by February 2002, at which time Placer County will apply for authorization with the Caltrans District 3 Local Assistance Office. The TEA funds should be obligated within 6 months therefore, the County is requesting the full six-month extension.</p> | | |

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|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| Reason for Project Delay: | | CT Recommendation |
| Humboldt County Association of Governments | | |
| City of Eureka | \$56,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| The field review and 90% of the PS&E for the City's Broadway Sidewalks project have been completed and submitted to Caltrans. Although this project is categorically exempt, environmental processing is still pending. The preliminary Caltrans environmental assessment indicates the environmental appraisal should be programmatic. The city is requesting the full six-month extension to ensure that FNM-76 clearance is received for this project, and to now update the fiscal year DBE program. | | |
| City of Eureka | \$79,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| The field review and 90% of the PS&E for the City's Wabash Avenue bike lanes and landscaped bulb-outs project have been completed and submitted to Caltrans. A neighborhood meeting was held on August 1, 2001, where there was unanimous support for the project. Although this project is categorically exempt, environmental processing is still pending. The preliminary Caltrans environmental assessment indicates the environmental appraisal should be programmatic. The city is requesting the full six-month extension to ensure that FNM-76 clearance is received for this project, and to now update the fiscal year DBE program. | | |

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| Regional Agency | | |
|---|-------------------------|-----------------------------------|
| Local Agency | Extension Amount | Number of Months Requested |
| | Fund Type | Extended Deadline |
| | | CT Recommendation |
| Reason for Project Delay: | | |
| Riverside County Transportation Commission | | |
| City of Indio | \$1,000,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| The Indio Boulevard Enhancements project has been slightly delayed (six months) in order to combine additional road improvement projects funded with other resources along the same segment, resulting in a cost savings and avoiding any throw away of this project. Design (\$250,000) will be obligated in January 2002. There is no right-of-way involved in the project therefore, the city feels it is possible to obligate for construction (\$750,000) in June 2002. The city is requesting the full six-month extension. | | |
| City of Lake Elsinore | \$412,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| The Outlet Channel, Pedestrian/Bicycle Facilities project was advertised for bids and bids were submitted. There was a problem with one of the bid items, which caused confusion, and the bids had to be rejected. The city will re-bid the project in December and will obligate the funds within the next few months. The city is requesting the full six-month extension. | | |
| City of Palm Springs | \$416,323 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| The Gene Autry/Ramon Medians project received obligation from FHWA for PE Phase on September 12, 2000. After a comprehensive RFP process and (delayed) getting documentation from consultant, the City Council awarded a (3-phase) consulting design contract on April 4, 2001. The preliminary design was resubmitted to the City Planning Commission at least twice, resulting in several Commission requested revisions due to the high visibility and sensitive nature of the project, which is setting precedence for future median projects in Palm Springs. Also, the design requires Caltrans permits since the site is within State Hwy. 111, and additional effort is being made to design a project within Caltrans guidelines, accommodating their liability concerns re: plantings, etc. The city is confident that the design (now 80% complete) will be approved and advertised for construction by June 2002. Therefore, the city is requesting the full six-month extension. | | |
| City of Rancho Mirage | \$316,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| This Class I Bikepath and Landscaping project is to follow another road improvement project along Highway 111. The road improvement project was delayed slightly, thereby impacting two TEA projects, including this one. The city is currently proceeding with the TEA projects and is in the process of submitting the PS&E to the Caltrans district office for approval. Therefore, the city has demonstrated its ability to obligate the funds as soon as the road improvement project is completed. The city is requesting a six-month extension, and expects to obligate the funds well within that timeframe. | | |
| City of Rancho Mirage | \$328,000 | 6 months |
| | Regional TEA | 6/5/2002 |
| | | Support |
| This Median Island Landscaping/Beautification project is to follow another road improvement project along Highway 111. The road improvement project was delayed slightly, thereby impacting two TEA projects, including this one. The city is currently proceeding with the TEA projects and is in the process of submitting the PS&E to the Caltrans district office for approval. Therefore, the city has demonstrated its ability to obligate the funds as soon as the road improvement project is completed. The city is requesting a six-month extension, and expects to obligate the funds well within that timeframe. | | |