State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Tab 55

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: February 26-27, 2003

Reference No.: 4.3c. - **REVISED**
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

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Local Assistance

Ref: **PENDING WAIVERS/TIME EXTENSION REQUESTS**

ISSUE:

Attached is a listing of ~~eleven (11)~~ **twelve (12)** Waiver/Time Extension requests totaling ~~$12,365,088~~ **$14,865,088**. Six (6) requests are to extend the deadline to obligate funds for regional agency apportioned federal funds per the AB 1012 "Use it or Lose It" provisions for Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP), and Regional Transportation Enhancement Activity (R-TEA). The remaining requests are for STIP/TEA, **Conservation Lands (CL),** or STIP funds. Project details and the Department's recommendations are included on the attachment.

Region/Agency	CMAQ	RSTP	R-TEA	STIP/TEA	CL	STIP	Totals
Imperial (2)		$1,062,778	$310,434				$1,373,212
Inyo			$456,285				$456,285
Lassen			$249,000				$249,000
Mariposa			$45,285				$45,285
Riverside	$1,830,306						$1,830,306
Ventura				$300,000			$300,000
CA Parks & Rec.				$537,000			$537,000
Monterey County						$200,000	$200,000
Palmdale						$5,380,000	$5,380,000
Alhambra						$1,994,000	$1,994,000
Coastal Conserv.					**$2,500,000**		**$2,500,000**
Total	**$1,830,306**	**$1,062,778**	**$1,061,004**	**$837,000**	**$2,500,000**	**$7,574,000**	**$14,865,088**

RECOMMENDATION:

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

BACKGROUND:

Due to the implications of Executive Order D-64-02 issued by the Governor on November 26, 2002, the special legislative session called by the Governor to address General Fund shortfalls, the uncertainty concerning Federal funding and the Department's December 2002 monthly financial report; the Commission postponed approval of all waiver/time extension requests until the February 2003 meeting.

Attachment

December 2002 Meeting Pending AB 1012 Cycle 3 Extension Requests

Regional Agency / Local Agency	Extension Amount / Fund Type	Number of Months Requested / Extended Deadline / CT Recommendation
Imperial Valley Association of Governments City of El Centro	$310,434 R-TEA	6 months 6/3/03 Support

Reason for Project Delay:

The R-TEA balance subject to reprogramming for Imperial Valley Association of Governments had been calculated incorrectly due to project coding errors. The balance was understated. These coding errors were not discovered until November. IVAG has not had adequate time to develop an obligation plan for the additional dollars subject to AB 1012 reprogramming. Therefore, a 6-month extension is requested for the obligation of $310,434.

Lassen County Local Transportation Commission Lassen County Department of Public Works	$249,000 R-TEA	6 months 6/3/03 Support

Reason for Project Delay:

After months of negotiations with the Army Corps of Engineers (ACE) for approval of a wetland mitigation site, Lassen County finally received approval for an alternate site at Honey Lake Wetland Mitigation Bank (HLWMB). The original proposed site was determined to be unacceptable by ACE. During final negotiations for an agreement with the California Department of Fish and Game for the HLWMB, the U.S. Fish and Wildlife Service made an emergency listing for the Carson Wandering Skipper as an endangered species. The November 29, 2001 listing placed the construction of the wetland bank on hold until the U.S. Fish and Wildlife Service could be satisfied that compliance with Section 7 of the Endangered Species Act had been met. The HLWMB had been on a schedule for construction during summer 2002. Concurrently, with the required studies at the HLWMB to satisfy the U.S. Fish and Wildlife Service, Lassen County and the City of Susanville have been proceeding with an option for another alternative site that does not have the Carson Wandering Skipper habitat. An alternative site has been located which appears to be acceptable to the ACE. Final negotiations and agreements are currently being completed with the ACE and the property owner of the site. This project has experienced a delay due to the Carson Wandering Skipper listing as an endangered species and the process for locating another wetland site. Thus, Lassen County is asking for a 6-month extension.

Mariposa County Mariposa County	$45,285 R-TEA	6 months 6/3/03 Support

Reason for Project Delay:

Mariposa County is in the process of developing an approved DBE program. They are unable to obligate additional federal funds until the DBE program is approved. They anticipate approval within the next few months. Therefore, they are requesting a 6-month extension.

December 2002 (cont.) Meeting Pending AB 1012 Cycle 3 Extension Requests

Regional Agency / Local Agency	Extension Amount / Fund Type	Number of Months Requested / Extended Deadline / CT Recommendation
Imperial Valley Association of Governments	$1,062,778 RSTP	12 months 12/3/03 Support

Reason for Project Delay:

Imperial Valley Association of Governments RSTP balance subject to reprogramming increased as a result of identifying several projects that were miscoded. These projects were initially shown as obligations under Imperial Valley, thereby reducing the balance subject to reprogramming for Cycle 3. When the error were discovered, the balance subject to reprogramming for Imperial Valley Association of Governments increased by a large amount. These errors were not discovered until early November. The local agency is in the process of obligating approximately $1.2 million on an RSTP project which is more than enough to offset the current balance subject to reprogramming. However, the local agency will not be able to obligate these funds prior to the December 3, 2002 deadline. As a result, a 12 -month extension is requested for the obligation of $1,062,778. This time extension will also allow an adequate supply of OA to become available for this obligation.

Riverside County Council of Governments	$1,830,306 CMAQ	12 months 12/3/03 Support

Reason for Project Delay:

Riverside County does have projects that will use the remainder of their AB 1012 Cycle 3 CMAQ funds. The funds will be used for signal interconnects and intersection improvements. They also expect to obligate approximately $35 million in CMAQ funds by May of 2003 for the High Occupancy Vehicle lane project on State Route 60. However, the federal budget has not been signed, and available Obligation Authority (OA) is limited. The Department is currently operating under a federal Continuing Resolution that provides a pro-rated share of anticipated OA. In order to ensure adequate OA is available to all regions having AB 1012 Cycle 3 balances, some regions have agreed to postpone some of their obligations in order to allow other regions to use the available OA. Riverside was able to use approximately $6.9 million in OA in November, and has agreed to postpone further obligations until adequate OA is available. Therefore, a twelve-month extension is requested.

Mendocino County **Coastal Conservancy** **Glass Beach Acquisition Project**	**$2,500,000** **TEA** **Conservation Lands**	**15 months** **9/30/03** **Support**

Extension of Contract Award Deadline

Reason for Project Delay:

The Glass Beach Acquisition project was programmed for $2.5 million in Round Two of Conservation Lands (CL) on August 18, 1999, by Resolution G-99-21. CL projects must receive a CTC allocation vote within the same fiscal year they are programmed. The Department staff, with CTC staff concurrence, defined program year as the applicant's designated fiscal year of delivery. The project then has two additional years to obligate the funds and award a contract, or close escrow in the case of scenic land acquisitions. The funds were allocated on May 11, 2000 and the deadline to award the contract/expend the funds was June 30, 2002. The budget authority for the 1999/00 fiscal year has expired. The 2002/03 fiscal year Local Assistance budget authority will be utilized when the acquisition is complete and reimbursement is requested.

The project encountered an unavoidable delay during the environmental clearance process when it was discovered that a small portion of the property contains hazardous waste. Federal guidelines require the applicant to mitigate for hazardous waste, which they have diligently pursued. The California Integrated Waste Management Board (CIWMB) has entered into an agreement with the Department of General Services to complete the required remediation work. Final NEPA clearance cannot be issued until the Regional Water Quality Control Board and CIWMB have both stated in writing that no further remedial action is necessary. The required remediation work is expected to be complete by September 2003; therefore, the applicant requests a 15-month time extension until September 30, 2003 to complete the acquisition.

January 2003 Meeting Pending Waiver/Time Extension Requests

Regional Agency Local Agency	Extension Amount Fund Type	Number of Months Requested Extended Deadline CT Recommendation
Ventura County Transportation Commission Ventura County Transportation Commission PPNO 07-2358 Extension of Completion Deadline	$300,000 TEA (STIP) Construction	20 months 5/31/05 Support

Reason for Project Delay:

This project will fabricate and install murals on the SR 01 overhead structure (Freeway Bridge) at the Camarillo Rail Station. The construction funds were allocated on December 9, 1999, and the contract was awarded in September 2000. The fabrication has been completed on schedule. However, a Caltrans project to widen the Freeway Bridge has been delayed and completion is not expected for another two years. Although Ventura County Transportation Commission (VCTC) and the artist are now ready to install the mural, it will be difficult given the construction currently underway. In addition, the mural could be damaged if it is installed while the Caltrans project is under construction. Therefore, VCTC is requesting the maximum allowable extension of 20 months to the completion deadline in order to delay installation of the mural until after the Caltrans project is completed.

Inyo County RTPA AB1012 "Use It or Lose It" Cycle 3 Extension	$456,285 R-TEA	6 months 6/3/03 Support

Reason for Project Delay:

This project has been delayed due to complications with the environmental document. Also the United States Forest Service has not completed their DBE plan. We anticipate this project will be ready for a construction allocation in March or April of 2003.

February 2003 Meeting Pending Waiver/Time Extension Requests

Regional Agency Local Agency	Extension Amount Fund Type	Number of Months Requested Extended Deadline CT Recommendation
Transportation Agency for Monterey County Monterey County, Dept. of Public Works Hall Road Overlay PPNO 05-1153 Extension of Allocation Deadline	$200,000 STIP PS&E	18 months 12/30/04 Support
Reason for Project Delay: This project was scoped as an overlay and it was thought that the federal environmental document would be a programmatic categorical exemption. Therefore, all funds ($313,000) were programmed in PS&E. However, after completing a field review on June 10, 2002, Caltrans staff indicated that environmental studies would be needed due to the replacement of drainage structures on the project. A Natural Environmental Study (NES) and a Section 106 study must be performed. The County has also been told that consultation with the US Fish and Wildlife Service may be required based on the NES. The County is in the process of hiring a consultant to perform the required studies. The studies will take approximately 12 months to complete due to plant surveys to be conducted during the appropriate blooming periods. If consultation is needed with federal agencies, an additional 6 months will be needed. In November 2002, the County reprogrammed and allocated $113,000 of the $313,000 to PA&ED. Since the PS&E portion ($200,000) cannot begin until environmental clearance is complete, the County requests an 18-month extension for allocation of the PS&E dollars.		
Los Angeles County Metropolitan Transportation Agency City of Palmdale Avenue S Widening PPNO 07-2365 Extension of Construction Award Deadline	$5,380,000 STIP Construction	8 months 1/8/04 Support
Reason for Project Delay: Construction funds for this project were allocated May 9, 2002. Coordination with multiple public agencies has significantly delayed the finalization of the PS&E and the certification of right of way, with the delays being unforeseen and extraordinary. The project requires the following coordination, not yet completed: 1) An encroachment permit from Caltrans; 2) An encroachment permit from Los Angeles County; 3) Permits and licenses from LA County MTA and SCRRA; and, 4) Permits from Palmdale Water District. Although the City had factored in coordination with these agencies, the length of time required was unexpected. It is now anticipated that the coordination with these agencies will be complete by June 1, 2003, with right of way certification at that time. Allowing 60 days for construction authorization from Caltrans and 120 days to bid and award both CM and construction contracts, the City should be able to award the contract at the City's regularly scheduled council meeting of December 10, 2003. Therefore, the City is requesting an 8-month extension for contract award.		

February 2003 (cont.) Meeting Pending Waiver/Time Extension Requests

Regional Agency / Local Agency	Extension Amount / Fund Type	Number of Months Requested / Extended Deadline / CT Recommendation
Los Angeles County Metropolitan Transportation Agency City of Alhambra Fremont Ave. Addition of SB thru lane and RT lane PPNO 07-7035 POST FACT Extension of Construction Award Deadline	$1,994,000 STIP Construction	12 months 6/6/03 Support

Reason for Project Delay:

The construction funds for this project were allocated June 6, 2001. Fremont Avenue had to be redesigned due to the I-710 interim improvements. These improvements involved roadway improvement on Fremont from just south of the I-10 freeway to Valley Blvd. The two projects overlap at Valley. A dual southbound right turn lane at Valley was needed because the 710 freeway was not extended. In addition, a regional fiberoptic communication trunk line was funded and affected the design of Fremont Avenue as it relates to traffic signal design and trunk line placement within the proposed roadway improvements. The two projects were combined in order to achieve an estimated 15% cost efficiency. The right of way process is in its final stage of certification by Caltrans. Upon receiving right of way certification, the City will advertise the project.

The City is requesting a 12-month extension for contract award. This will allow the City to coordinate various aspects of this complicated and important project (i.e. I-719 interim, Fremont north of Valley, the regional communication trunk line, and finalizing the right of way certification.) The City was not aware that the STIP funds could expire in June 2002 without an extension. The City of Alhambra has always used its State and Federal funds on time, and has been working very closely with the district on this project. The City became aware of the deadline recently and immediately acted to request this extension in order to maintain the funds, which are very important for this project and for regional traffic.

Santa Barbara Council of Associated Governments State Department of Parks and Recreation Construct 2.5 miles of Bikeway from Gaviota State Beach to Canada San Onofre Rec. Area PPNO B-1530 Extension of Expenditure Deadline	$537,000 TEA (STIP) E&P and PS&E	20 months 2/28/05 ~~Neutral~~ **Support**

Reason for Project Delay:

The E&P and PS&E funds were allocated in August 2000 and must be expended by June 30, 2003. With the passage of the 2000 Park Bond, the Department of Parks and Recreation (DPR, Acquisition and Development Division) has had the responsibility of designing and managing hundreds of Deferred Maintenance Projects, along with our normally funded Capital Outlay Projects. In addition, a lawsuit settlement pertaining to ADA accessibility added an unforeseen immediate and unanticipated workload from January through July 2002. Both the passage of the 2000 Park Bond and the ADA settlement projects were beyond the control of the Department. The current staff situations allow DPR to commit sufficient staff to complete much of the tasks from within the Department. Due to sensitive cultural and natural resources, the Mitigated Negative Declaration and Environmental Assessment process with approvals is anticipated taking 20 to 24 months to complete, adding additional time constraints beyond the control of DPR. Substantial field investigations and routing adjustments have been conducted by DPR over the past few months to minimize potential impacts to resources and to reduce the future construction costs. The requested extension of 20 months will allow DPR staff time to complete all studies and reports required to complete the environmental documents and allow for reasonable Caltrans and FHWA reviews.