

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 2-3, 2003

Reference No.: 4.3c. - REVISED  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

Prepared by: Division of Local Assistance  
Division of Mass Transportation  
Division of Rail

Ref: **PENDING WAIVERS/TIME EXTENSION REQUESTS – WAIVER 03-02**

**CTC Action Taken: Approved STIP Contract Award Extensions until September 2003. All remaining Waivers were approved as requested, with one project for Tulare County for \$1,301,000 withdrawn.**

## ISSUE:

Attached is a listing of seventeen (17) Waiver/Time Extension requests totaling \$17,600,000. Twelve (12) requests are to extend the contract award deadline, two (2) requests are to extend the reimbursement deadline, two (2) requests are to extend the allocation deadline, and one (1) request is to extend the project completion deadline. Project details and the Department of Transportation's (Department) recommendations are included on the attachment.

Region/Agency	STIP Contract Award	STIP Reimbursement	STIP Allocation	STIP Project Completion	STE-TEA Reimbursement	Totals
Monterey County			\$200,000			\$200,000
Palmdale	\$5,380,000					\$5,380,000
Alhambra	\$1,994,000					\$1,994,000
Portola	\$557,000					\$557,000
Yolo County	\$495,000					\$495,000
Seaside	\$109,000					\$109,000
Trinity County	\$891,000					\$891,000
Redwood City	\$3,100,000					\$3,100,000
Gilroy	\$47,000					\$47,000
Oroville	\$61,000					\$61,000
Avenal		\$22,000				\$22,000
UC San Francisco					\$1,416,000	\$1,416,000
<del>Tulare County - Withdrawn</del>			\$1,301,000			<del>\$1,301,000</del>
W. Contra Costa Transit Authority	\$150,000					\$150,000
Los Angeles City	\$59,000					\$59,000
Los Angeles Co.	\$518,000					\$518,000
North County Transit District				\$1,300,000		\$1,300,000
<b>Total</b>	<b>\$13,361,000</b>	<b>\$22,000</b>	<b>\$1,501,000</b>	<b>\$1,300,000</b>	<b>\$1,416,000</b>	<del><b>\$17,600,000</b></del> <b>\$16,299,000</b>

**RECOMMENDATION:**

The Department'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. At the February 2003 meeting, the Commission postponed all remaining waiver/time extension requests until the April 2003 meeting.

Attachment

<b>Local Assistance February 2003 Meeting Pending Waiver/Time Extension Requests</b>			
<b>Regional Agency</b>	<b>Extension Amount</b>	<b>Number of Months Requested</b>	
<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>	
		<b>CT Recommendation</b>	
<b>Transportation Agency for Monterey County</b>	\$200,000	18 months	<b>6 Months Approved</b>
Monterey County, Dept. of Public Works Hall Road Overlay PPNO 05-1153 <u>Extension of Allocation Deadline</u>	STIP PS&E	12/30/04  Support	
<b>Reason for Project Delay:</b>			
<p>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&amp;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&amp;ED. Since the PS&amp;E portion (\$200,000) cannot begin until environmental clearance is complete, the County requests an 18-month extension for allocation of the PS&amp;E dollars.</p>			
<b>Los Angeles County Metropolitan Transportation Agency</b>	\$5,380,000	8 months	<b>6 Months Approved</b>
City of Palmdale Avenue S Widening PPNO 07-2365 <u>Extension of Contract Award Deadline</u>	STIP Construction	1/8/04  Support	
<b>Reason for Project Delay:</b>			
<p>Construction funds for this project were allocated May 9, 2002. Coordination with multiple public agencies has significantly delayed the finalization of the PS&amp;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.</p>			

<b>Local Assistance February 2003 Meeting Pending Waiver/Time Extension Requests</b>		
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		<b>CT Recommendation</b>
<b>Los Angeles County Metropolitan Transportation Agency</b>	\$1,994,000	12 months <span style="border: 1px solid black; padding: 2px;">6 Months Approved</span>
City of Alhambra	STIP	6/6/03
Fremont Ave. Addition of SB thru lane and RT lane	Construction	Support
PPNO 07-7035		
<u>Extension of Contract Award Deadline</u>		
<b>POST FACT REQUEST</b>		
<b>Reason for Project Delay:</b>		
<p>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.</p> <p>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.</p>		

<b>Local Assistance April 2003 Meeting Pending Waiver/Time Extension Requests</b>		
Regional Agency	Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline
		CT Recommendation
<b>Plumas County Transportation Commission</b>  City of Portola Gulling Street Signals PPNO 2043 <u>Extension of Contract Award Deadline</u>	\$557,000  STIP Construction	7 months 12/7/03 Support
<span style="border: 1px solid black; padding: 2px;">6 Months Approved</span>		
<b>Reason for Project Delay:</b>		
<p>Two bridges on South Gulling Street span the UPRR and the Middle Fork Feather River. These bridges are 400 or so feet south of this signalization project and had seismic retrofitting underway during the construction seasons of 2001 and 2002. The Gulling Street bridge is the only crossing of the Middle Fork Feather River in 14 miles. The retrofit project was nearly complete in Spring 2002 when it was determined that both bridge decks' rebar reinforcement was deteriorated to the point of needing replacement. Because the retrofit projects were not entirely complete and the need to replace the bridge decks was required before any more retrofit work was done, the deck replacement was scheduled for late Summer 2002. This interfered with the scheduled field data work needed for the surface and subsurface signalization design. This delay was unforeseen and could not be expected. The deck replacement project was initiated in May 2002 and completed in November 2002.</p> <p>The river crossing was reduced to one lane of traffic and the traffic associated with the construction delay made it impossible to do the required field work for the surface improvements and subdrainage design on Gulling Street. Additionally, the delayed field work had to be conducted during the winter months which made the acquisition of field data sporadic and difficult due to the weather. Locating underground utilities in the winter is hazardous and was postponed until February 2003. These delays resulted in a 7-month delay to the signalization project. Therefore, the City is requesting a 7-month extension of the contract award deadline.</p>		
<b>Sacramento Area Council of Governments</b>  Yolo County County Road 32 Reconstruction PPNO 1L49 <u>Extension of Contract Award Deadline</u>	\$495,000  STIP Construction	12 months 4/5/04 Support
<span style="border: 1px solid black; padding: 2px;">6 Months Approved</span>		
<b>Reason for Project Delay:</b>		
<p>Construction of this project was initially planned for Summer 2002, and a request for allocation was prepared for the April 2002 CTC meeting. However, right of way acquisition was not yet complete and it was necessary to prepare a request for allocation extension in case the acquisition was not complete by the April CTC meeting. Both the allocation and extension requests were prepared, with the intention that one would be pulled depending on the status of the acquisition. Right of way was not certified in time and the County intended that the allocation request would be pulled and the extension requested. Unfortunately, the extension request was pulled instead and the allocation was made. This then established April 2003 as the contract award deadline. The County attempted to meet this deadline, however after submitting the Request to Proceed with Construction in December 2002, the County was informed that the construction dollars are being rolled into the 2003 MTIP. Due to this, a formal amendment to the MTIP is required at the March 20, 2003 meeting of the SACOG Board. This is a new policy that just went into effect. Following the March meeting, the amendment must go to FHWA for approval, at which point Caltrans can issue an E-76 authorizing the funds. This process delays contract award well past the April deadline. Also, SBC Pacific Bell and Pacific Gas &amp; Electric maintain that their utilities will not be relocated prior to the end of April, and contract award cannot take place prior to utility relocation. The County does have assurances that these utilities will be relocated in enough time to allow construction to begin in early Summer 2003.</p> <p>In addition, the County requested an allocation of an additional \$500,000 in STIP construction funds at the February 2003 CTC meeting. These funds are to be added to the construction contract. This allocation has been delayed, which delays the award of the contract.</p> <p>Due to these delays, the County is requesting an extension of the contract award deadline. In the event that the utilities are not relocated early enough to allow for construction in Summer 2003, the County is requesting a 12-month extension so that a contract can be awarded for construction in Summer 2004.</p>		

<b>Local Assistance April 2003 Meeting Pending Waiver/Time Extension Requests</b>			
Regional Agency	Extension Amount	Number of Months Requested	
Local Agency	Fund Type	Extended Deadline	
		CT Recommendation	
<b>Transportation Agency for Monterey County</b>  City of Seaside Fremont Blvd Rehabilitation PPNO 1011 <u>Extension of Contract Award Deadline</u>	\$109,000  STIP Construction	4 months  9/7//04  Support	<span style="border: 1px solid black; padding: 2px;"><b>6 Months Approved</b></span>
<p><b>Reason for Project Delay:</b></p> <p>This Fremont Blvd. repair project is part of a larger project for Fremont Boulevard Improvements, which has additional STIP funds programmed in future years. The Seaside County Sanitation District's (SCSD) Draft Master Plan has indicated that the sewer main located on Fremont Boulevard is deteriorating and is in need of repair. The SCSD Master Plan has placed this sewer main replacement as its first priority. The City was only recently notified of this change. As of January 30, 2003, the project design is 60% complete. Therefore, the City must redesign the project to incorporate the sewer main replacement into the design. The City is requesting a 4-month extension of the contract award deadline in order to make this change.</p>			
<b>Trinity County Transportation Commission</b>  Trinity County Rush Creek Road Rehabilitation Widen for Bicycle/Pedestrian Use PPNO 2130 <u>Extension of Contract Award Deadline</u>	\$891,000  STIP Construction	12 months  5/31//04  Support	<span style="border: 1px solid black; padding: 2px;"><b>6 Months Approved</b></span>
<p><b>Reason for Project Delay:</b></p> <p>During the environmental review for this project, two environmental sensitive areas were identified that required the widening be done on only one side of the roadway. This resulted in improvements exceeding right of way limits and additional acquisitions not originally envisioned. The County has been unable to locate one of the affected landowners. 6 months of appraisals, re-appraisals and negotiations have lead to all other affected landowners signing or expressing a willingness to sign right of way contract agreements. The County may be forced to go to condemnation for the land with the unlocated owner. Based on prior condemnations, it will take 1 to 2 months with a real estate attorney and another 1 to 2 months to obtain a Resolution of Necessity from the Board of Supervisors, and Court Order of Possession. Then the County will be ready within another 2 to 3 months to advertise and award the contract. However, this will in all likelihood lead to a fall contract award, which will cause construction to occur in the winter months. The County requests additional time to allow for construction in the Summer of 2004. Therefore, the County is requesting a 12-month extension of the contract award deadline.</p> <p>Note: Right of way acquisition is being funded with local funds.</p>			

<b>Local Assistance April 2003 Meeting Pending Waiver/Time Extension Requests</b>		
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<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>
		<b>CT Recommendation</b>
<b>Metropolitan Transportation Commission</b>  Redwood City Ralston / SR101 Interchange PPNO 0696JG <u>Extension of Contract Award Deadline</u>	\$3,100,000  STIP Construction	12 months 5/8/04 Support
<div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>6 Months Approved</b></div>		
<b>Reason for Project Delay:</b>		
<p>There have been several delays to this project. The project manager was changed from City of Belmont to the City of Redwood City, which was approved at the November 2002 CTC meeting. The NPDES permit issues were more complicated than anticipated and required design changes, and there were additional design coordination issues with the Highway 101 Auxiliary Lane Project from Ralston to March Road. This was further complicated by the delay of the Highway 101 Auxiliary Lane Project, which was awarded in January 2003. Due to these delays, the City is requesting a 12-month extension of the contract award deadline.</p>		
<b>Metropolitan Transportation Commission</b>  City of Gilroy Monterey Street Corridor Improvements PPNO 2168 <u>Extension of Contract Award Deadline</u>	\$47,000  STIP Construction	12 months 9/19/03 Support
<div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>6 Months Approved</b></div>		
<b>POST FACT REQUEST</b>		
<b>Reason for Project Delay:</b>		
<p>The City of Gilroy was on schedule to bid and construct the Monterey Operational Improvement Project. In February 2002, the City was informed of the grant award for Phase II of the Monterey Streetscape Improvement Project. A portion of the Corridor Improvements Project and the Streetscape Improvement Project overlapped. The Corridor project was put on hold so the conform areas of the overlap could be identified. The consultant for the Corridor project was directed to complete the plans once the conform areas were designed. The City then sent out the notices for bid in August, with a bid opening date of September 4, 2002. The award date was to be September 17, 2002. The City received two bids. The apparent low bidder did not meet the DBE goal, nor did the meet "Good Faith Effort". The second bidder did not possess the correct state license and the bid was more than 25% over budget. Therefore, both bidders were rejected. The City then decided to combine the two projects in the next advertisement. Due to oversight, the City did not request an extension when it became apparent that the award would not take place on September 17, 2002. However, this project remains a priority, with a revised advertisement date in February 2003. Therefore, the City requests a 12-month extension of the contract award deadline. This will allow additional time in case of trouble with bids similar to what previously occurred.</p>		

Local Assistance April 2003 Meeting Pending Waiver/Time Extension Requests			
Regional Agency	Extension Amount	Number of Months Requested	
Local Agency	Fund Type	Extended Deadline	CT Recommendation
<b>Butte County Association of Governments</b> City of Oroville Montgomery Street Rehabilitation PPNO 2L108 <u>Extension of Contract Award Deadline</u> <b>POST FACT REQUEST</b>	\$61,000	6 months	<b>6 Months Approved</b>
	STIP Construction	9/15/03 Support	
<b>Reason for Project Delay:</b> This project has been delayed due to the failure of utility companies to complete all undergrounding of existing utilities in the area of proposed construction. This undergrounding is estimated to be complete by April 15, 2003, after which time the City will advertise the project. The City estimates that an additional 6 months will be required to properly advertise and award the project. Therefore, the City is requesting a 6-month extension of the contract award deadline.			
<b>Kings County Association of Governments</b> City of Avenal Whitney Street Reconstruction PPNO 8509 <u>Extension of Expenditure Deadline</u> <b>POST FACT REQUEST</b>	\$22,000	11 months	<b>Approved</b>
	STIP PS&E	5/30/03 Support	
<b>Reason for Project Delay:</b> This project was awarded on June 28, 2002. The winning bid came in for less money that was allocated for the construction phase. The City wants to use the remaining money to extend the work being done on Whitney on the east end (from Corcoran Avenue to 350 feet east of Corcoran Avenue). Therefore, the City is requesting additional time to expend PS&E for this addition. The City is requesting an 11-month extension of the expenditure deadline.			
<b>UC San Francisco</b> Statewide Transportation Enhancement Projects STPLE-6342(001) STPLE-6342(002) <u>Extension of Expenditure Deadline</u>	\$424,000 \$992,000	35 months 23 months 5/31/06	<b>Approved</b>
	STE -TEA	Support	
<b>Reason for Project Delay:</b> This project is for a statewide safety education and marketing campaign. Originally, two STE projects were programmed and allocated by the CTC. In the near future, it is expected that these projects will be combined. The additional time for expenditure is due to an unforeseen determination that an existing master agreement between Caltrans and the University of California could not be used by this project. Although conditional authorization to proceed was made in August and November 2001, discrepancies regarding a number of provisions in the master agreement resulted in a protracted period of negotiations before a new agreement was executed on March 29, 2002. The DBE program was not advertised until after March 2002, delaying the actual project start to September 2002. The project is to run at least three years, therefore deadlines must be extended. The University is requesting an extension of the expenditure/completion deadline for the combined project to May 31, 2006 (23 months for one project and 35 months for the other).			

<b>Local Assistance April 2003 Meeting Pending Waiver/Time Extension Requests</b>		
Regional Agency	Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline
CT Recommendation		
<b>Tulare County Association of Governments</b>	\$1,301,000	20
		<span style="border: 1px solid black; padding: 2px;">Withdrawn by Agency</span>
Tulare County Road 80 – Widen to 4 lanes PPNO 6L11 <u>Extension of Allocation Deadline</u>	STIP PS&E	2/28/05 Support
<b>Reason for Project Delay:</b>		
<p>This project has been delayed for the following reasons: programming of PA&amp;ED was delayed from May 2002 to November 2002; allocation of PA&amp;ED has been delayed to April 2003 (at the earliest); and time needed to complete Caltrans and FHWA review of the Environmental Document is expected to take as much as 10 months. Therefore, the County is requesting a 20-month extension of the allocation deadline.</p>		

<b>Mass Transportation April 2003 Meeting Pending Waiver/Time Extension Requests</b>		
Regional Agency	Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline
CT Recommendation		
<b>Metropolitan Transportation Commission</b>	\$150,000	8 Months
		<span style="border: 1px solid black; padding: 2px;">6 Months Approved</span>
Western Contra Costa Transit Authority  Contra Costa Bus Turnouts PPNO 04-1122 <u>Extension for Third Party Contract Award Deadline</u>	SHA	12/31/03  Support
<b>Reason for Project Delay:</b>		
<p>Due to safety concerns, WestCAT and the City of Pinole have found an alternate location for the bus stop and are requesting an 8-month time extension to allow them to design the relocated bus stop and begin construction.</p>		
<b>Los Angeles County Metropolitan Transportation Agency</b>	\$59,000	8 Months
		<span style="border: 1px solid black; padding: 2px;">6 Months Approved</span>
City of Los Angeles  Taxi/Shuttle Stands at Metro Red Line Stations at North Hollywood and Universal City PPNO 07-3203 <u>Extension for Third Party Contract Award Deadline</u>	SHA	12/31/03  Support
<b>Reason for Project Delay:</b>		
<p>The agency has had a difficult time in finding a contractor willing to work on this small project. If the agency cannot find a contractor, then the work will be done internally.</p>		

<b>Mass Transportation April 2003 Meeting Pending Waiver/Time Extension Requests</b>			
<b>Los Angeles County Metropolitan Transportation Agency</b>	\$518,000	6 Months	<b>Approved</b>
County of Los Angeles	PTA	10/31/03	
Purchase Three Shuttle Service Vehicles for East Los Angeles PPNO 07-2894 <u>Extension for Third Party Contract Award Deadline</u>		Support	
<b>Reason for Project Delay:</b>			
County of Los Angeles tried to "piggyback" on a City of Los Angeles procurement contract, but the contract expired. The county needs the extra time to bid out its own vehicle purchase contract.			

<b>Intercity Rail April 2003 Meeting Pending Waiver/Time Extension Request</b>			
<b>Department</b>	<b>Extension Amount</b>	<b>Number of Months Requested</b>	
<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>	<b>CT Recommendation</b>
<b>Department of Transportation</b>	\$1,300,000	5 Months	<b>Approved</b>
North County Transit District	SHA	11/30/03	
Sorrento Miramar Double Track PPNO 75-9069A <u>Extension for Project Completion</u>		Support	
<b>Reason for Project Delay:</b>			
The design and construction has been delayed due to extensive geotechnical investigations in environmentally sensitive lands and the City of San Diego requiring the use of a new and not fully developed Site Development Permit process.			