

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 10-11, 2008

Reference No.: 2.8c.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

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Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR  
LOCALLY- ADMINISTERED STIP PROJECTS, PER STIP GUIDELINES  
WAIVER-08-41**

## **RECOMMENDATION:**

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend the period of project completion for the Bicycle Pavement Markings Transportation Enhancement (TE) project (PPNO 04-2007T) for 20 months, to September 30, 2010.

## **ISSUE:**

In July 2005, the Commission allocated \$368,000 to the San Francisco Municipal Transportation Agency (SFMTA) for the construction of the Bicycle Pavement Markings TE project. A construction contract was awarded in January 2006. Although the County had anticipated completing construction by the January 2009 deadline, unforeseen circumstances have caused the County to experience delays. A 20-month extension to the period of completion is being requested to extend the deadline from January 31, 2009 to September 30, 2010.

## **BACKGROUND:**

In April 2006, the SFMTA began work on the Bicycle Pavement Markings TE project. The SFMTA was compelled to stop the work in July 2006, as an outcome of a lawsuit against the implementation of the 2005 San Francisco Bicycle Plan. The San Francisco County Superior Court issued a peremptory writ of mandate preventing the City and County of San Francisco from implementing portions of the San Francisco Bicycle Plan until environmental review is completed on the entire plan. This injunction stems from a lawsuit challenging the environmental review of San Francisco's bicycle plan.

The SFMTA is prevented from delivering any capacity-increasing bicycle projects until the environmental review is completed and the injunction is lifted. The environmental impact report is expected to be completed in the fall of 2008. Public comments and agency responses are expected to take approximately ten additional months. If there are no appeals, SFMTA anticipates that the San Francisco County Superior Court will lift the injunction in the fall of 2009. Because this is a legal matter, these dates are best estimates, and therefore SFMTA requests a 20-month time extension - the maximum allowed by statute and State Transportation Improvement Program (STIP) Guidelines.

Current STIP Guidelines stipulate that a local agency has up to 36 months from the time of contract award to complete (accept) the contract. The local agency has 180 days after the contract acceptance to prepare and submit the final invoices and reports to the Department. The Guidelines further stipulate that the Commission may approve a waiver to the project completion deadline one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.