

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 10-11, 2009

Reference No. 2.8a.(1)
Action Item

From: CINDY McKIM
Chief Financial Officer

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Division Chief
Transportation Programming

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT ALLOCATION
WAIVER-09-18**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend the period of project allocation for five State-administered on-system projects for the time periods specified on the attached document.

ISSUE:

The attached document identifies one project totaling \$34,235,000 programmed in the 2008 State Transportation Improvement Program (STIP) and the 2008 State Highway Operation and Protection Program (SHOPP), and four additional projects totaling \$74,213,000 programmed in the 2008 STIP. These on-system projects are programmed for delivery in Fiscal Year 2008-09. The Department will not be ready to request an allocation of funds by the June 30, 2009 deadline. The attachment shows the details of the projects and the explanation for the delays. The respective regional planning agencies concur with the requests.

BACKGROUND:

Current STIP Guidelines stipulate that funds programmed are available for allocation only until the end of the fiscal year identified in the STIP. The Commission may approve a waiver to the timely use of funds deadline for allocation one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.

Time Extension/Waiver – Project Allocation Deadline
 State-Administered Projects on the State Highway System

	Dist-Co-Rte Implementing Agency PPNO Project Description	Program/Year Extension Amount By Component (\$ in thousands) PA&ED (Project Approval & Environmental Document) PS&E (Plans, Specifications and Estimates) R/W (Right of Way) CON (Construction) TOTAL	Number of Months Requested Extended Deadline CT Recommendation
1	03-Sut-99 Department of Transportation STIP PPNO: 03-8361B Sutter 99 Segment 2	RIP / 08-09 \$0 \$0 \$0 \$7,766 \$7,766	6 months 12/31/2009
<p>The California Department of Transportation (Department) is requesting a 6-month extension to the period of allocation for the Sutter 99 Segment 2 STIP project in Sutter County. Currently, the environmental process includes review by the United State Army Corps of Engineers (USACE), and is expected to fall under the Federal Floodway review process-- Section 208. This is the process normally taken when the effects of the project are not considered to be substantial and is handled locally with USACE reviewing the project impacts and forwarding their comments to the Central Valley Flood Protection Board for approval.</p> <p>The possibility exists, however, that the project will require a more rigorous Federal Floodway review process under Section 408. Section 408 is a new process initiated in October 2008 by the USACE. Under this process, the USACE Chief of Engineers has to grant permission to alter an existing flood control structure. It also states that the project can not be detrimental to the public interest and does not impair the usefulness of the existing flood control. Furthermore, if the project is determined to alter the levee substantially through relocation, requires the levee be enlarged or rebuilt, or if the water elevation in the river would be affected by more than 0.1 foot, then the project would be considered a substantial alteration. This would then require the review and approval of the USACE from the central office in Washington D.C. which could take up to six months.</p>			
2	10-Mer-140 Department of Transportation STIP PPNO: 10-5645 Bradley Overhead SHOPP PPNO: 10-5643 Bradley Overhead	RIP / 08-09 \$0 \$0 \$0 \$15,640 \$15,640 SHOPP / 08-09 \$0 \$0 \$0 \$18,595 \$18,595	6 months 12/31/2009
<p>The Department is requesting a 6-month extension to the period of allocation for the Bradley Overhead STIP and SHOPP projects, which will be combined for construction. The Department is currently going through the condemnation process on six parcels. It may require an additional six months to secure the Right of Way Certification.</p>			
3	04-CC-4 Department of Transportation PPNO: 04-0192E SR-4 East Widening from Loveridge to Somersville	RIP / 08-09 \$0 \$0 \$0 \$30,035 \$30,035	6 months 12/31/2009
<p>The Department is requesting a 6-month extension to the period of allocation for the Route 4 Loveridge Road to Somerville Road Widening project. Two environmental permits (Sections 401 and 404) have not yet been obtained. The original application for the 401 permit was submitted to Region 2 Regional Water Quality Control Board (RWQCB) over a year ago. Recently, the RWQCB has determined that the 401 permit has to be issued by the State Water Board, not by the RWQCB, as a portion of this project lies outside the RWQCB boundaries. Design details were submitted to the State Water Board on April 30, 2009, and all the parties are working to expedite the permit approval.</p>			

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4	08-Riv-10 Department of Transportation PPNO: 08-0007D Ramon Road Interchange	RIP / 08-09 \$0 \$0 \$0 \$34,912 \$34,912	20 months 02/28/2011
<p>The Department is requesting a 20-month extension to the period of allocation for the Ramon Road Interchange project. The Union Pacific Railroad has recently informed the Department of their intent to add a third track to an area that will be grade-separated as part of the scope of the project. The Department is currently evaluating its impact on the project design. This request for time extension is in anticipation of having to redesign that section of the roadway. This extension will also provide the time necessary to acquire additional Right of Way and execute the necessary agreements.</p>			
5	05-SCr-1 Department of Transportation PPNO: 05-0542H Route 1 Widening Landscaping	RIP / 08-09 \$0 \$0 \$0 \$1,500 \$1,500	1 month 07/31/2009
<p>The Department is requesting a 1-month extension to the period of allocation for the Route 1 Widening Landscaping project. Prior to a construction allocation, the California Transportation Commission must take action on the final environmental document for consideration of funding. The Department will submit the required information for Commission consideration and concurrent allocation at its July meeting.</p>			