

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 12-13, 2009

Reference No.: 2.8d.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

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Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT DEVELOPMENT EXPENDITURE FOR LOCALLY-ADMINISTERED STIP PROJECTS, PER STIP GUIDELINES WAIVER-09-30**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the request by the County of Inyo (County) to extend the period of project development expenditure for the Environmental and Permits (E&P) phase of the Eastern Sierra Scenic Byway Tourist Center Transportation Enhancement (TE) project (PPNO 09-2517C) for 20 months, to February 28, 2011.

## **ISSUE:**

The County of Inyo is requesting a post-fact 20-month extension to the period of project development expenditure for the Eastern Sierra Scenic Byway Tourist Center TE project. The County was unable to complete the E&P component of the project due to an unforeseen environmental issue relating to a sensitive cultural resource at the project site. Of the \$398,000 allocated, \$185,872 remains to be expended. The County requests a 20-month time extension for the E&P component of the project to February 28, 2011.

Although the County failed to submit a time extension request at the June 2009 Commission meeting, County staff discussed this issue with Commission staff on June 12, 2009, and Commission staff supported the County's proposal to submit a post-fact time extension request for the Commission's August 2009 meeting.

## **BACKGROUND:**

On June 7, 2007, Commission approved Resolution FP-06-104 allocating \$398,000 to the County for the E&P component of the project. While working on the environmental phase, the County discovered a sensitive cultural resource at the project site. This discovery has delayed the completion of the National Environmental Policy Act environmental document because it is potentially eligible for inclusion in the National Registry of Historic Places. The Final Archaeological Evaluation Report and the Historic Property Survey Report are currently being reviewed by the Department and the State Historic Preservation Office. Because of this unforeseen delay, the funding programmed for the project needed to be extended or moved to a future year.

On June 11, 2009, the Commission approved a 20-month allocation extension for the PS&E component of the project, and approved a STIP amendment to reprogram the construction component to Fiscal Year 2012-13. The County intended to submit an extension request for the environmental component at the June 10-11, 2009 meeting, but discovered that the request had not been sent.

Current State Transportation Improvement Program Guidelines stipulate that funds allocated for local project development or right of way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. The Commission may approve a waiver to the timely use of funds deadline one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.