

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 27, 2006

Reference No.: 2.8a.(1) - REVISED
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Terry Abbott
Division Chief
Local Assistance

Ref: **REQUEST TO EXTEND THE PERIOD OF PROJECT ALLOCATION PER
RESOLUTION G-03-19, STATE TRANSPORTATION IMPROVEMENT PROGRAM
GUIDELINES
WAIVER-06-12**

CTC ACTION UPDATE: The Time Extension request for Project #1 (Red Bluff, PPNO 2402) was Denied. The California Transportation Commission approved Project #5 (SLO, PPNO 0986), Project #9 (Thousand Oaks, PPNO 3141), and Project #10 (Ventura, PPNO 3140) for 12 months only, and Project #13 was approved for 12 months. All other extension requests approved as requested.

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the extension requests for the period of time shown for each project on the attached document.

ISSUE:

The Commission programmed funds in Fiscal Year 2005-06 totaling \$31,436,000 for 13 projects, as shown on the attachment. The attachment shows the details of the projects and the explanations for the delays. The funds will not be allocated by the June 30, 2006 deadline. The project sponsors are requesting extensions, and the planning agencies concur.

BACKGROUND:

Resolution G-03-19, State Transportation Improvement Program (STIP) Guidelines, adopted by the Commission on December 11, 2003, stipulates that 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.

Attachment

Time Extension/Waiver – Project Allocation Deadline
 Local Streets and Roads Projects

Project #	Applicant County	Extension Amount By Component (\$ in thousands)	Number of Months Requested
PPNO	Project Description	E&P (Environmental & Permits) PS&E (Plans, Specifications and Estimates) R/W (Right of Way) CON (Construction) TOTAL	CT Recommendation
Reason for Project Delay:			
1	City of Red Bluff Tehama	\$0 \$0 \$0	18 months 12/31/07
DENIED	PPNO: 2-2402 Walnut St. Beautification/ Pedestrian Improvements	\$325 \$325	Support
<p>The Walnut Street TE project is based on a conceptual plan and a City of Red Bluff (City) study completed in 2000 for Historic Downtown Red Bluff. Components of the conceptual plan were “bulb outs” at the intersections and at mid block, with landscaping and the use of pavers within the intersections. The Walnut Street Beautification TE project included these “bulb outs” at the Walnut/Washington Street intersection.</p> <p>Since the initial concept was developed, the City has experienced unprecedented rapid growth, which could not have been foreseen. The rapid growth has increased traffic in the City’s historic rural community. The Red Bluff Technical Advisory Committee (TAC) believes that these “bulb outs” may no longer be appropriate for the City’s future traffic needs. The TAC has requested a public meeting with the Downtown Red Bluff Historic Society, local business owners, and residents to explain the concerns and concepts. It is estimated that the Context Sensitive Solutions process with the Downtown Red Bluff Historic Society, local business owners, residents, City Planning Commission, and City Council will take a minimum of six months. The City anticipates changes to the plans and specifications after the Context Sensitive Solutions process is completed. Any changes to the plans and specifications will require the approval of the California Division of the State Architect and a revised TE application. The City is requesting an 18 month time extension to complete the Context Sensitive Solutions process and allow the City sufficient time to modify the plans and specifications.</p>			
2	City of Santa Barbara Santa Barbara	\$0 \$3 \$0	5 months 11/30/06
	PPNO: 5-1196 Class II Bike Lanes	\$0 \$3	Support
<p>Due to unforeseen circumstances, this TE project is still in the environmental process and may not be cleared prior to the current June 2006 allocation deadline. The City of Santa Barbara (City) was required to perform an archaeological assessment of the site that was not anticipated. This process requires the Historic Landmarks Commission to accept the assessment prior to CEQA clearance. In addition to the environmental delays, the City has experienced staffing changes and lengthy contract negotiations with the design consultant. The City took active measures to expedite this project by requesting the R/W funding to be allocated as PA&ED funding, and using local dollars to fund the design and right of way phases. The City shifted the budget in an attempt to accommodate the project’s programming deadlines, while making progress on environmental issues and design work. The City is requesting a five-month extension to obtain environmental clearance and retain the final \$3,000 PS&E funding.</p>			

Time Extension/Waiver – Project Allocation Deadline
 Local Streets and Roads Projects

Project #	Applicant County	Extension Amount By Component (\$ in thousands)		Number of Months Requested	
		E&P (Environmental & Permits)	PS&E (Plans, Specifications and Estimates)	Extended Deadline	CT Recommendation
	PPNO Project Description	R/W (Right of Way)	CON (Construction)		
	Reason for Project Delay:	TOTAL			
3	City of Santa Barbara	\$0		8 months	
	Santa Barbara	\$45			
		\$0		2/28/07	
	PPNO: 5-1193	\$0			
	Sidewalk on Carrillo Hill	\$45		Support	
		<i>and</i>		<i>and</i>	
			\$0		14 months
		\$0			
		\$0		8/30/07	
		\$531			
		\$531		Support	
<p>Due to unforeseen circumstances, this TE project is still in the environmental process. The City of Santa Barbara (City) will not be able to meet the current PS&E allocation deadline or the current construction allocation deadline. The City was required to perform a biological assessment and an archaeological assessment of the site that was not anticipated. The approval process requires the Historic Landmarks Commission to accept the assessment prior to CEQA clearance. The Department required a Section 106 Study that must be reviewed by the State Historic Preservation Office (SHPO). These reviews add time to the schedule. The City has taken active measures to expedite this project by allocating a portion of PS&E for use in PA&ED phase, and is using local funding to subsidize the PS&E work. The eight-month extension will allow the agency time to obtain CEQA clearance and complete the biological assessment.</p> <p>The City is requesting a 14-month extension for the construction allocation to allow adequate time to complete the PS&E package and obtain NEPA clearance as required for the Construction allocation.</p>					
4	City of Santa Barbara	\$0		8 months	
	Santa Barbara	\$100			
		\$0		2/28/07	
	PPNO: 5-1195	\$0			
	Sidewalk on Loma Alta Drive	\$100		Support	
<p>Due to unforeseen environmental circumstances, this TE project is still in the environmental process. The City of Santa Barbara (City) will not be able to make the current PS&E allocation deadline. The City was required to perform a biological assessment and an archaeological assessment of the site that were not anticipated. This approval process requires the Historic Landmarks Commission to accept the assessment prior to CEQA clearance. The environmental field visit conducted by the City noted oak trees that may be in the alignment of the proposed sidewalk. As a result, the Department required a Section 106 Study that must be reviewed by the SHPO. These reviews have added time to the schedule. The City took active measures to expedite this project by using local dollars to fund the design and R/W phases. The City anticipates several right of way easements and acquisitions that will require additional time. The project has also been delayed as a result of a staffing change that replaced the project manager design team for the project. The City shifted funding to accommodate the project's programming deadlines while making progress on environmental issues and design work.</p> <p>The City is requesting an eight-month extension to allow the agency time to obtain CEQA clearance and complete the biological assessment for environmental clearance prior to the design allocation. The construction deadline in the 2006 STIP will be amended to FY 2007-08. The City anticipates completing the PS&E in time for its allocation if this extension is granted.</p>					

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			Extended Deadline	CT Recommendation
	PPNO	E&P (Environmental & Permits)		
	Project Description	PS&E (Plans, Specifications and Estimates)		
		R/W (Right of Way)		
		CON (Construction)		
		TOTAL		
	Reason for Project Delay:			
5	San Luis Obispo County	\$0	18 months	Approved for 12 months
	San Luis Obispo	\$0		
		\$0	12/31/07	06/30/07
	PPNO: 5-0986	\$2,000		
	Halcyon Road/Route 1 Improvements	\$2,000		Support
<p>This road project entails sensitive environmental issues because it requires the construction of a new bridge over Arroyo Grande Creek and the realigned roadway is traversing prime agricultural land. Work on the environmental document began in early 2002. The scope of work included a Department project, State Route 1 between Valley and the Halcyon Rd intersection. However, over several planning sessions the Department and the San Luis Obispo Council of Governments determined that this portion of the project was not feasible. As a result, the County had to renegotiate its agreement with the consultant, causing a two-month delay.</p> <p>There have been multiple reviews required for each of the environmental reports submitted, with each review taking up to eight weeks. This has doubled the time estimated by our consultants and delayed the process by at least 12 months.</p> <p>In December 2004, the design consultant was informed that there were a few changes to the project description, which affected the original Area of Potential Effect (APE). In May 2005, the County learned that a subsequent Archeological Study Report (ASR) and Historic Preservation Study Report (HPSR) had to be prepared for State Historic Preservation Office (SHPO) concurrence. The second round of SHPO concurrence is almost complete. The HPSR has been finalized but is pending SHPO concurrence. This has added over 12 months to the Section 106 Environmental Process.</p> <p>In June 1, 2005, the Biological Assessment (BA) was transmitted to the FHWA. The FHWA then transmitted the BA to the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). The USFWS and NMFS have not begun preparation of the Biological Opinion. As of February 22, 2006, the USFWS had not submitted a comment letter in response to the BA.</p> <p>In August 2005, new information from the Location Hydraulic Study (LHS) required the channel to be lined with riprap. The earlier environmental documents may need to be revised, as they do not include a discussion of the use of riprap. Additionally, it was discovered that riprap had been installed in the channel in 1965 but has been buried by silt and willow growth. A revised project description has been generated and the Mitigated Negative Declaration will be re-circulated in March 2006. This has delayed the project by eight months.</p> <p>The County is requesting an 18-month extension as a result of these unforeseen delays.</p>				

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Project Description	R/W (Right of Way)	CON (Construction)	TOTAL
Reason for Project Delay:			
6	Tulare County	\$0	6 months
	Tulare	\$4,307	
		\$0	12/31/06
	PPNO: 6-6L11	\$0	
	Road 80 Widening from Avenue 304 to Avenue 416	\$4,307 <i>and</i>	Support <i>and</i>
		\$0	6 months
		\$0	
		\$12,417	12/31/06
		\$0	
		\$12,417	Support
<p>The environmental studies and alignment alternatives for this project were largely completed by 2003. The administrative draft environmental document for this project was first submitted in 2003. Unfortunately, it was submitted when the required format for environmental documents was being revised. This resulted in the submittal of approximately five administrative drafts of the environmental document over the next two years. The delay in completion of the environmental document has been administrative and not related to controversy over the project's environmental impacts or engineering challenges.</p> <p>Department staff is now preparing a mitigated negative declaration for CEQA compliance and an environmental assessment with technical studies for NEPA compliance for this project. To complete the environmental document, Department staff is using completed technical studies and updated information from Tulare County (County) and the cities. The completed document is currently in the quality control and final editing stages. It will be submitted to FHWA in April of this year and public review will occur in the spring of 2006. The PA&ED phase will be complete in September 2006. The County is requesting an extension of six-months to allocate the R/W and PS&E phases in December 2006.</p>			
7	Tulare County	\$0	12 months
	Tulare	\$1,604	
		\$0	6/30/07
	PPNO: 6-0101	\$0	
	Road 108 Widening from Leland Avenue to Avenue 280	\$1,604 <i>and</i>	Support <i>and</i>
		\$0	12 months
		\$0	
		\$2,384	6/30/07
		\$0	
		\$2,384	Support
<p>The environmental studies and alignment alternatives for this project were proceeding after approval in 2001. The Department informed Tulare County (County) that the provisions in the Code of Civil Procedure Section 1245 strictly applied to this project, and the County needed either the written permission of the property owners or a court order for the environmental studies that required entry on private property. As County staff sought written permission from the various property owners, progress on the environmental studies was seriously hampered. Subsequently, reimbursement from the Department for this project was delayed as result of budget issues at the State level. However, the County demonstrated its interest and commitment to this project by continuing work on this project when funding became available by borrowing funds from other local sources under Assembly Bill 3090.</p> <p>The agreement with a consultant to complete the environmental documents, preliminary engineering, and permits has been extended to June 30, 2007. The consultant has prepared a project completion schedule. Due to the intense interest in completing construction of the project within their jurisdiction, the first construction phase has been aggressively programmed in the 2008/09 Regional Transportation Improvement Program. The County is requesting a 12-month extension to allocate the PS&E and R/W phases in June 2007.</p>			

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	PPNO	E&P (Environmental & Permits)	
	Project Description	PS&E (Plans, Specifications and Estimates)	CT Recommendation
		R/W (Right of Way)	
		CON (Construction)	
		TOTAL	
	Reason for Project Delay:		
8	City of Visalia Tulare County	\$0 \$0 \$615	6 months 12/31/06
	PPNO: 6-0105 Road 80/Plaza Drive Widening from Airport Drive to Avenue 416	\$0 \$615	Support
	<p>The environmental studies and alignment alternatives for this project were largely completed by 2003. The administrative draft environmental document was first submitted in 2003. This resulted in the submittal of approximately five administrative drafts of the environmental document over the next two years. The delay in completion of the environmental document has been administrative and not related to controversy over the project's environmental impacts or engineering challenges.</p> <p>Department staff is preparing a mitigated negative declaration for CEQA for the compliance and an environmental assessment with technical studies for NEPA compliance for this project. Department staff is working with completed technical studies and updated information from Tulare County (County) and the cities to complete the environmental document. The completed document is currently in the quality control and final editing stages. It will be submitted to FHWA in April of 2006, and public review will occur in the spring of 2006. The PA&ED phase will be complete in September 2006. The City is requesting a six-month extension to allocate the R/W and PS&E phases in December 2006.</p>		
9	City of Thousand Oaks Ventura County	\$0 \$0 \$0	20 months Approved for 12 months 2/29/08 06/30/07
	PPNO: 7-3141 U.S. 101 Sound Wall from Lynn Road to Wendy Drive	\$1,192 \$1,192	Support
	<p>This project was ready for construction in Fiscal Year (FY) 2004-05; however, it was delayed due to the lack of STIP funding. This project was originally programmed in the 2002 STIP, but was re-programmed to FY 2005-06. The Department has asked the City of Thousand Oaks (City) to re-evaluate project cost estimates due to rising construction costs and revise the plans to meet new environmental requirements and design standards.</p> <p>The City is requesting a 20-month extension, as the project will require consultant assistance to examine and update the plans, specifications and estimate; Department ESC and District 7 Design & Environmental staff review of the plans; new permits and a cooperative agreement with the Department. Local funds will be used to fulfill the additional funding requirements.</p>		
10	City of Ventura Ventura County	\$0 \$0 \$0	20 months Approved for 12 months 2/29/08 06/30/07
	PPNO: 7-3140 State Route 126 Sound Wall on Main Street	\$469 \$469	Support
	<p>This project was ready for construction in FY 2004-05; however, it was delayed due to the lack of STIP funding. This project was re-programmed to FY 2005-06 from the 2002 STIP. The Department has asked the City to re-evaluate project cost estimates due to rising construction costs and to revise the plans to meet new environmental requirements and design standards.</p> <p>The City is requesting a 20-month extension, as the project re-evaluation will require consultant assistance to examine and update the plans, specifications and estimate; ESC and District 7 Design & Environmental staff review of the plans; new permits and a cooperative agreement with the Department. Local funds will be used to fulfill the additional funding requirements.</p>		

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Reason for Project Delay:			
11	City of Redding	\$0	6 months
	Shasta	\$0	
		\$0	12/31/06
	PPNO: 2-2037	\$4,201	
	Cypress Bridge Widening	\$4,201	Support
<p>The environmental phase of the Cypress Avenue Bridge project has been completed and the right of way acquisition and final design phases are underway. The City of Redding (City) expects to complete the right of way acquisition by May 2006, except for one potential relocation. The City does not know the timeline for the acquisition involving the potential relocation because it is subject to the negotiations with the property owner and business involved. The final design is proceeding with an early finish date of June 2006 and a late finish date of September 2006. The project is scheduled for advertising in November 2006.</p> <p>The construction phase includes \$4.2 million of STIP matching funds programmed in the current fiscal year and over \$53 million of Highway Bridge Program (HBP) funding in Federal Fiscal Year 2006-07. Due to the timing of the HBP portion of the funding, the construction contract will be awarded near the end of December 2006.</p> <p>The City is requesting a six-month extension for the construction allocation to align the STIP match for the project with the HBP funding and allow the construction funding to be obligated and allocated simultaneously. This will help avoid the potential loss of funding due to an early STIP award deadline, provide ample time to acquire the necessary right of way, and allow the City time to analyze bids and award the contract after a sixty-day advertising period.</p>			
12	County of Tehama	\$0	12 months
	Tehama	\$0	
		\$0	6/30/07
	PPNO: 2-2149	\$1,078	
	Bridge Replacement	\$1,078	Support
<p>Environmental issues beyond Tehama County's (County) control have delayed this project. Indirect impacts to vernal pools created an 18-month delay for protocol surveys, a biological assessment, and a U.S. Fish and Wildlife Service (USFWS) biological opinion. NEPA and CEQA requirements have been completed, and the County is working to obtain Right of Way certification.</p> <p>The environmental delay had been compounded by property negotiations. Negotiations with a property owner have required extensive coordination, and the owner has not accepted the land appraisal to date. Condemnation proceedings are pending. A court order of possession is foreseeable, and may require an additional six to twelve months.</p> <p>The County is requesting a 12-month time extension to obtain Right of Way certification and then request the allocation of construction funds. The County is confident this bridge project can be delivered for construction in the summer of 2007.</p>			

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	Reason for Project Delay:			
13	County of Tehama Tehama	\$0 \$0 \$0	6 months Approved for 12 months	
	PPNO: 2-2183 Bridge Replacement	\$165 \$165	12/31/06 06/30/07	Support
<p>This project was delayed by ten months for environmental issues. Tehama County (County) had to wait nine months for the Army Corps of Engineers to verify that there were wetlands within the project alignment. The County also took a month to redesign the project to avoid impact to wetlands and payment of fees to the Army Corps of Engineers.</p> <p>In addition to environmental delays, the project redesign required a wider structure to accommodate a traffic detour and the staging of construction. Although the redesign decreased costs and avoided impacts to wetlands, the County was forced to provide additional justification to the FHWA to eliminate concerns of a capacity-increasing project. After working with FHWA for twelve months, the County was given approval for the wider structure. As a condition of FHWA approval for the wider structure, the County had to include a separate bike path within the project. The justification for a wider structure caused a one-year delay in NEPA clearance and programming of a TE project (PPNO 2428).</p> <p>After the County obtained NEPA clearance, a local developer submitted plans to improve an intersection within the project limits. This improvement included donation of property and funding from the developer; however, it may delay Right of Way certification for as much as six months.</p> <p>The County is requesting a six-month extension for the construction allocation as a result of the various delays.</p>				