State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 25-26, 2008

Reference No.: 2.8a.(2) – **REVISED**
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Terry Abbott
Division Chief
Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT ALLOCATION PER STATE TRANSPORTATION IMPROVEMENT PROGRAM GUIDELINES WAIVER-08-21**

CTC ACTION UPDATE: The California Transportation Commission approved the time extension request for Project #9 (City of Windsor, PPNO 5156F) for nine months only, and approved the time extension request for Project #11 (City of Madera, PPNO A007) for 13 months only. All other time extension requests were approved as presented.

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve Waiver-08-21, extending the period of project allocation for the projects listed on the attached document for the time periods shown.

ISSUE:

The attached document identifies 14 projects totaling $2,992,000 that are programmed in the State Transportation Improvement Program for delivery in Fiscal Year 2007-08. The agencies will not be able to request an allocation of funds by the June 30, 2008, deadline. The attachment shows the details of the projects and the explanation for the delays. The project sponsors are requesting extensions, and the planning agencies concur.

BACKGROUND:

Current State Transportation Improvement Program Guidelines adopted by the Commission stipulate that funds that are programmed for all components of local grant projects or for Department construction costs 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 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 PPNO Project Description Reason for Project Delay	Extension Amount By Component ($ in thousands) E&P (Environmental & Permits) PS&E (Plans, Specifications and Estimates) R/W (Right of Way) CON (Construction) TOTAL	Number of Months Requested Extended Deadline CT Recommendation
1	City of Lakeport Lake PPNO: 01-3036B Lake County Fairgrounds Sidewalks	$0 $0 $105 $0 **$105**	12 months 6/30/2009 Support
	The City of Lakeport (City) is requesting a 12-month extension to the period of allocation for R/W funds for the Lake County Fairgrounds Sidewalks TE Project. The Department conducted a field review on April 26, 2007, and completed the Preliminary Environmental Study form. During that time, the City's resources were fully committed to a Cease and Desist Order issued by the Regional Water Quality Control Board, which required urgent improvement to the Waste Water Treatment Plant. This delayed the City in securing the services of a consulting engineering firm to perform the required studies for the E&P phase of the project. The City now anticipates entering into a contract during the summer of 2008, and the studies will commence. However, it is likely that biological assessments will need to be conducted in the spring of 2009, resulting in the E&P phase not being completed until late in the spring of 2009. The City anticipates completing the environmental studies (Water Quality Permit Study, Flood Plain Study and Hazardous Waste Study) in March 2009, and completing the NEPA document and the PS&E phase in June 2009.		
2	County of Tehama Tehama PPNO: 02-2184 McCoy Road South Fork Dibble Creek Bridge	$0 $0 $0 $212 **$212**	12 months 06/30/2009 Support
	The County of Tehama (County) is requesting a 12-month extension to the period of allocation for construction funds for the McCoy Road South Fork Dibble Creek Bridge project. NEPA approval was delayed by six months due to encroachment on to Highway 36 -- issues with the type of connection, determination of property owner, geometrics, and improvements to Highway 36. Correction of these issues increased the safety and efficiency of the intersection of Highway 36 and McCoy Road. Right of way activities were delayed for eight months because of the length of time needed to execute an agreement between the County and the Department so that the Department could acquire the required right of way for the project. The final draft of the agreement is under review with the County's Counsel and will be forwarded to the Department for execution shortly. The Department is expected to obtain right of way clearance within eight months of this request for extension, and the County will request an allocation for construction phase shortly thereafter. The County is requesting a 12- month extension.		
3	County of Tehama Tehama PPNO: 02-2185 McCoy Road Central Fork Dibble Creek Bridge	$0 $0 $0 $212 **$212**	12 months 06/30/2009 Support
	The County of Tehama (County) is requesting a 12-month extension to the period of allocation for construction funds for the McCoy Road Central Fork Dibble Creek Bridge project. NEPA approval was delayed by six months due to encroachment on to Highway 36 -- issues with the type of connection, determination of property owner, geometrics, and improvements to Highway 36. Correction of these issues increased the safety and efficiency of the intersection of Highway 36 and McCoy Road. Right of way activities were delayed for eight months because of the length of time needed to execute an agreement between the County and the Department so that the Department could acquire the required right of way for the project. The final draft of the agreement is under review with the County's Counsel and will be forwarded to the Department for execution shortly. The Department is expected to obtain right of way clearance within eight months of this request for extension, and the County will request an allocation for construction phase shortly thereafter. The County is requesting a 12- month extension.		

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4	County of Tehama Tehama PPNO: 02-2379 South Fork Cottonwood Creek Bridge at Evergreen Road	$0 $95 $0 $0 **$95**	12 months 06/30/2009 Support
	The County of Tehama (County) is requesting a 12-month extension to the period of allocation for PS&E funds for the South Fork Cotton Creek Bridge Project. This project was originally to be funded through the Local Seismic Safety Retrofit Program (LSSRP), which provides funds for the minimal replacement bridge. STIP funds were requested to augment the LSSRP funds for the approach work not funded through the LSSRP. However; funding for the LSSRP became unavailable and the remaining funds required to match the Highway Bridge Program could not be programmed in the STIP. The County subsequently funded the gap in funds through the STIP in the year 2002. As the County continued to work with a consultant on this project, the STIP entered a time when funding was unable to be requested. In order to deliver the safest project with minimal environmental impact, the alignment of the bridge and roadway approaches were changed. This change triggered the need for additional environmental work to be completed. The County requested Federal Emergency Management Agency (FEMA) Map Division to study and change the flood plain elevations to allow for the alignment. FEMA is studying the 3000-foot wide flood plain to determine the accuracy of the map, and upon completion, will issue a letter confirming the flood plain change, as required for NEPA documentation. The County anticipates notification of FEMA flood plain map by June 2009, based on previous experience with FEMA.		
5	County of Lassen Lassen PPNO: 02-2432 Lambert Lane Bridge Replacement over Harston Slough (7C-51)	$0 $0 $0 $140 **$140**	6 months 12/31/2008 Support
	The County of Lassen (County) is requesting a 6-month extension to the period of allocation for construction funds for the Lambert Lane Bridge Replacement over Harston Slough (7C-51) Project. The delivery of this project has been delayed because of the additional time needed to complete electrical utility relocation by Lassen Municipal Utility District (LMUD) and for acquisition of the property necessary for the construction. LMUD has rescheduled the relocation of the electrical lines several times and relayed to the County that it will be able to complete the relocation work by October 2008. Also, the R/W phase experienced some delays in obtaining the appraisals, which further delayed the right of way acquisition. This project was on track to have the right of way certified by June 2008; however, with the noted delays it is estimated that the right of way will be certified in December 2008. The County estimates that the electrical relocation will be completed by October 2008 and anticipates completing the right of way acquisition by December 2008.		
6	County of Lassen Lassen PPNO: 02-2433 Lambert Lane Bridge Replacement over Harston Slough Overflow (7C-66)	$0 $0 $0 $140 **$140**	6 months 12/31/2008 Support
	The County of Lassen (County) is requesting a 6-month extension to the period of allocation for construction funds for the Lambert Lane Bridge Replacement over Harston Slough Overflow (7C-66) Project. The delivery of this project has been delayed because of the additional time needed to complete electrical utility relocation by Lassen Municipal Utility District (LMUD) and for acquisition of the property necessary for the construction. LMUD has rescheduled the relocation of the electrical lines several times and relayed to the County that it will be able to complete the relocation work by October 2008. Also, the R/W phase experienced some delays in obtaining the appraisals, which further delayed the right of way acquisition. This project was on track to have the right of way certified by June 2008; however, with the noted delays it is estimated that the right of way will be certified in December 2008. The County estimates that the electrical relocation will be completed by October 2008 and anticipates completing the right of way acquisition by December 2008.		

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7	County of Lassen Lassen PPNO: 02-2434 Leavitt Lane Bridge Replacement	$0 $0 $0 $120 **$120**	2 months 08/30/2008 Support
	The County of Lassen (County) is requesting a two-month extension to the period of allocation for construction funds for the Leavitt Lane Bridge Replacement project. This project has experienced delays in acquiring the property necessary for the construction of the new replacement bridge. This STIP funding is to be used as a match for Highway Bridge Rehabilitation and Replacement funds. The County experienced unforeseen delay in obtaining the appraisal for right of way acquisition. The County anticipates completing the right of way acquisition by July 2008 and closing escrow by August 2008, after which the project will be ready for the construction allocation.		
8	City of Weed Siskiyou PPNO: 02-2448 Black Butte Drive and Vista Drive Rehabilitation	$0 $155 $0 $0 **$155**	9 months 03/31/2009 Support
	The City of Weed (City) is requesting a nine-month extension to the period of allocation for PS&E funds for the Black Butte Drive and Vista Drive project due to delays in obtaining the CEQA document. A study to ascertain that there are no sensitive native plants on the site can be made only during the May through June blooming season. The City anticipates completion of the Initial Study by September 2008 (after the 2008 blooming season), circulation of the Initial Study by November 2008, preparation of the final CEQA document and final certification by January 2009, and continuance of the public hearing meeting by March 2009.		
9	City of Windsor Sonoma PPNO: 04-5156F Old Redwood Highway Pedestrian Enhancements	$0 $0 $0 $270 **$270**	~~12 months~~ **Approved for 9 months only.** ~~06/30/2009~~ **03/31/2009** Support
	The City of Windsor (City) is requesting a 12-month extension to the period of allocation for construction funds for the Old Redwood Highway Pedestrian Enhancement TE project. The City is coordinating the design with a proposed 100-unit mixed-use development project immediately adjacent to the project limits. The application for the development project was submitted after the STIP funds were programmed, necessitating this extension request. Coordinating the design will allow the proposed development frontage improvements to efficiently conform to the City's project and provide a more efficient overall result. The City anticipates completing 35 percent of the design by September 2008, completing 65 percent of the design by November 2008, completing 100 percent of the design by January 2009, advertising and awarding by April 2009, and starting construction by June 2009.		

CEQA- California Environmental Quality Act
NEPA-National Environmental Policy Act
STIP-State Transportation Improvement Program

FHWA-Federal Highway Administration
TE-Transportation Enhancements
The Department-California Department of Transportation

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10	City of Santa Cruz Santa Cruz PPNO: 05-0927 San Lorenzo River Bike/Pedestrian Bridge	$0 $0 $0 $475 **$475**	11 months 05/31/2009 Support
	The City of Santa Cruz (City) is requesting an 11-month extension to the period of allocation for construction funds for the San Lorenzo River Bike/Pedestrian Bridge TE project. The City is awaiting the final approval of permits from the United States Army Corps of Engineers (Clean Water Act, Section 404), the California Regional Water Quality Control Board (Clean Water Act, Section 401, Water Quality Certification), and the California Department of Fish and Game (Notification of Lake or Streambed Alteration). The timing of these approvals will determine whether the City can realistically bid this project this year in order to fit within the June 15 – October 15 timeframe allowed by Fish and Game for work in the channel, or whether the project has to wait until next year. However, given that it is unpredictable how long it will take for these permits from other entities to be issued, the City, the Santa Cruz County Regional Transportation Commission and the Department have determined that it is prudent to request an allocation extension for construction. If the project does not receive all the necessary permits in time to go to construction this summer, an extension of 11-months will allow the City to bid the project in the spring of 2009, and be poised to begin construction as soon as allowed under the terms of the Fish and Game Permit. The City anticipates obtaining the permits by September 2008, finalizing construction documents by December 2008, bidding the project by April 2009, and awarding the project by May 2009.		
11	City of Madera Madera PPNO: 06-A007 Gateway Drive Bridge and Union Pacific Railroad Bridge Bike/Pedestrian Undercrossing	$0 $0 $0 $186 **$186**	~~16 months~~ **Approved for 13 months only.** ~~10/31/2009~~ **07/31/2009** Support
	The City of Madera (City) is requesting a 16-month extension to the period of allocation for construction funds for the Gateway Drive Bridge and Union Pacific Railroad (UPRR) Bridge Bike/Pedestrian Undercrossing TE project. The City has recently commenced the lengthy easement negotiations with the UPRR Main Office in Omaha, Nebraska. Since the proposed trail under-crossing will run beneath one of the main UPRR California lines, the UPRR has Homeland Security/safety concerns, and will likely require a protective awning trellis and security lighting beneath their bridge clearances. Typically, these complex procedures proceed very slowly, and may take a minimum of 16 months. The City is currently scheduling a project site visit with the civil engineering consultant and the UPRR, so all parties will be in agreement on the scope of work. The construction window for this type of project within the Fresno River can only be scheduled during March through October, the dry months of the year. This requires certain governmental agency permits and approvals that require additional processing time. The City anticipates the California Department of Fish and Game permit and the United States Army Corps of Engineers permit by November 2008, Regional Water Quality Control Board permit and the United States Bureau of Reclamation permit by June 2009, and Madera County Flood Control District by July 2009. The City consultant firm estimates that the PS&E phase is at the 10 percent design stage, and it is in the process of selecting a biologist to perform additional studies associated with the potential impacts of working in the Fresno River. Lastly, there are three City staff positions (City Engineer, Deputy City Engineer and Park Planning Manager) that have been vacant for more than three months that were key parties in overseeing and managing this project. Therefore, the City requests 16-month time extension to compensate for 13 months permit delays and 3 months to allow for any additional delays due to the staff shortage.		

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12	County of Kings Kings PPNO: 06-C002 10th Avenue Gateway to Hanford TE Reserve	$0 $45 $0 $145 **$190**	15 months 04/30/2009 PS&E, 09/30/2009 CON Support
	The County of Kings (County) is requesting a 15-month extension to the period of allocation for the 10th Avenue Gateway to Hanford TE project, PPNO 06-0002A. A total of $200,000 was set aside in the TE Reserve for the 10th Avenue Gateway to Hanford project. However, the project was delayed due to coordination issues between the County and the City of Hanford regarding design and maintenance of the facility. The design issues have been resolved, and the County expects to have a maintenance contract with the City of Hanford by July 2008. Of the $200,000 set aside in the TE Reserve, $10,000 has been programmed to the County for the PA&ED phase and is being requested for allocation on this month's agenda. The County is requesting a 15-month time extension for the remaining $190,000. The County anticipates completing the environmental documentation for the PA&ED phase by January 2009, requesting an allocation of $45,000 for the PS&E phase in February 2009, and requesting an allocation of $145,000 for the construction phase by September 2009.		
13	City of Compton Los Angeles PPNO: 07-3150 Willowbrook Avenue Rail Corridor Enhancement	$0 $0 $0 $592 **$592**	12 months 06/30/2009 Support
	The City of Compton (City) is requesting a 12-month extension to the period of allocation for construction funds for the Willowbrook Avenue Rail Corridor Enhancement TE project. A portion of the proposed improvements for this project are contiguous with the Martin Luther King Jr. (MLK Jr.) Transit Center; therefore, the two projects must be coordinated. The MLK Jr. Transit Center Expansion project scope and schedule were modified by the Metropolitan Transportation Authority (MTA) in 2007, which was unforeseen and beyond the City's control. The City was unable to initiate a request for construction authorization until this modification was completed in December 2007, after which the Department expressed a concern with the project's scope of work. This allocation extension is requested to provide time to resolve scope issue. The City anticipates resolving the scope inconsistencies by September 2008, reviewing the environmental documents based on the scope resolution by November 2008, modifying the design contract documents by February 2009, and requesting an allocation by June 2009.		
14	Calaveras Council of Governments Calaveras PPNO: 10-0016B Shay Locomotive Restoration TE Reserve	$0 $0 $0 $100 **$100**	20 months 02/28/2010 Support
	The Calaveras Council of Governments (Council) is requesting a 20-month extension to the period of allocation for construction funds for the Shay Locomotive Restoration TE project to allow time to process the NEPA environmental clearance. The project must comply with the provisions of Section 106 of the National Historic Preservation Act, including the requirement for a consultation with the State Historic Preservation Officer (SHPO) regarding the Shay Locomotive's eligibility as a historic monument. If the Shay Locomotive is found to be eligible for the National Register, the NEPA clearance process will require a total of 19 months. The Council anticipates completion of the environmental reviews by August 2008, determination of the appropriate NEPA documentation by September 2008, a decision regarding eligibility for registry as a national monument by October 2008, processing of the historic registration documentation by October 2009, and SHPO approval of the historic registration documentation by January 2010.		