

Memorandum

TAB 137

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 11-12, 2011

Reference No.: 2.8a.(6)
REPLACEMENT ITEM
Action Item

From: NORMA ORTEGA
Chief Financial Officer

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Division Chief
Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT ALLOCATION FOR
LOCALLY-ADMINISTERED STIP PROJECTS, PER STIP GUIDELINES
WAIVER-11-21**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend the period of project allocation for the projects listed on the attached document for the time periods shown.

ISSUE:

The attached document identifies five projects totaling \$6,020,000 that are programmed in the State Transportation Improvement Program (STIP) for delivery in Fiscal Year 2010-11. The agencies will not be able to request an allocation of funds by the June 30, 2011 deadline. The attachment shows the details of the projects and the explanation for the delays. The project sponsors are requesting extensions, and the regional planning agencies concur.

BACKGROUND:

Current STIP 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 (\$ in thousands) PA&ED (Project Approval & Environment Document) PS&E (Plans, Specifications & Estimates) ROW (Right of Way) CON (Construction) TOTAL	Number of Months Requested Extended Deadline CT Recommendation
1	City of El Cerrito Contra Costa County PPNO: 04-2025F Pedestrian Improvements along Moeser Lane and Ashbury Avenue, TE	\$0 \$0 \$0 \$977 \$977	10 Months 04/30/2012 Support
<p>The City of El Cerrito (City) is requesting a ten-month extension to the period of project allocation for construction of the Pedestrian Improvements TE project along Moeser Lane and Ashbury Avenue. The City has encountered unforeseen circumstances in the Project Approval and Environmental Documents (PA&ED) phase and in the right of way phase.</p> <p>The first delay was due to a TE program requirement that project sponsors partner with a Community Conservation Corps or the California Conservation Corps. The City engaged in a lengthy discussion with CiviCorps, a Community Conservation Corps, about whether they were eligible to work on this project. Partnering with the corps would have significant impacts on project cost and delivery method, and because Moeser Lane and Ashbury Avenue are both federal-aid highways, it was determined that CiviCorps was not eligible to work on the project. The City experienced a five-month delay as the City considered adjusting the proposed project improvements and construction delivery method to partner with CiviCorps. With CiviCorps, the City had anticipated minimal design and a phased construction approach. However, without CiviCorps, the City must proceed with a traditional design-bid-build approach.</p> <p>The second delay was due to a right of way issue on Moeser Lane within a City easement on Pacific Gas and Electric (PG&E) property. The City had an easement that would allow the City to build a sidewalk with a graded shoulder without the need to acquire additional easements or permits. After further research the City determined that the easement was not as wide as first understood. On the remaining PG&E property abutting the easement, the City has a lease agreement that allows the City to use the abutting property for recreational purposes, including the construction of a path but not a sidewalk. The City will be reducing the width of the sidewalk from five feet to four feet to fit within the existing easement and installing a decomposed granite path instead of a sidewalk in the lease agreement area. This right of way issue resulted in a five-month delay.</p> <p>The City anticipates receiving environmental clearance in May 2011, and completing the design by November 30, 2011. The City is currently coordinating with PG&E to obtain permits and licenses for a temporary construction area for the path and sidewalk, and expects to receive the permits from PG&E by December 31, 2011. The City anticipates requesting an allocation for construction in April 2012; therefore, the City requests a ten-month time extension to April 30, 2012, for the allocation of the funds programmed for construction.</p>			

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2	City of Berkeley Alameda County PPNO: 04-2100G Berkeley Bay Trail Extensions Segment One, TE	\$0 \$0 \$0 \$1,928 \$1,928	12 Months 06/30/2012 Support
<p>The City of Berkeley (City) is requesting a 12-month extension to the period of project allocation for construction of the Berkeley Bay Trail Extension Segment One TE project. The City had been working with the California Coastal Conservancy (Conservancy) to fund the development of this project and in 2008, the Conservancy committed up to \$2,000,000 for the construction of Segment One. In early 2009, the project was ready for construction using Conservancy funding and local funds. In mid-2009, the Conservancy indicated that due to state budget problems, funding sources were reduced and the Conservancy reduced its funding commitment with the City to \$335,000 for the construction of this project. In late 2009, the City learned that the Metropolitan Transportation Commission (MTC) was seeking local projects to program for federal STIP TE funding. With the state funding for the project being drastically reduced, the City requested federal STIP TE transportation funding. On September 20, 2010, MTC staff notified the City that the TE funding had been approved.</p> <p>All project documents were completed, including environmental documents, construction documents, and permits to meet state funding requirements. During the planning phase, a comprehensive CEQA process was conducted and resulted in the adoption of the environmental document titled "Initial Study/Mitigated Negative Declaration for the Bay Trail at the Berkeley Marina" in 2004. During the design phase, all required authorizations for the project were obtained from the following stakeholder agencies: East Bay Regional Parks District; California State Parks; the Regional Water Quality Control Board; the San Francisco Bay Conversation and Development Commission (BCDC); the United States Coast Guard. The city also obtained a United States Army Corps of Engineers (ACOE) nationwide permit that included National Wildlife Service concurrence.</p> <p>While the City had environmentally cleared the project in accordance with CEQA requirements and had coordinated with federal stakeholder agencies, the City is now in the process of obtaining NEPA clearance. Due to the numerous stakeholders associated with this project, the City expects that the NEPA process may not be completed and approved until December 2011. After the NEPA process is complete, the City anticipates receiving right of way certification in February 2012, and submitting the allocation request package for the June 2012 Commission meeting. Therefore, the City requests a 12-month time extension to June 30, 2012, for the allocation of the funds programmed for construction.</p>			
3	City of Dublin Alameda County PPNO: 04-2100H Alamo Canal Regional Trail, TE	\$0 \$0 \$0 \$1,021 \$1,021	6 Months 12/31/2011 Support
<p>The City of Dublin (City) is requesting a 6-month extension to the period of project allocation for construction of the Alamo Canal Regional Trail TE project due to delays in obtaining NEPA approval.</p> <p>The City originally anticipated receiving NEPA approval by the end of December 2010. However, in December 2010, the scope of environmental studies expanded when the City was required to consult with the United States Fish and Wildlife Service (USFWS) regarding the project's impacts on the California red-legged frog. In April 2011, the USFWS issued its opinion and the Department issued a Categorical Exclusion.</p> <p>The City has begun the right of way process, and anticipates completing the right of way certification in May 2011.</p> <p>The project is being funded with federal \$1,346,000 of Transportation Investment Generating Economic Recovery II (TIGER II) funds in addition to the \$1,021,00 of STIP TE funds, and the City is currently preparing a Request for Authorization to Proceed (E-76) for submission the FHWA in May 2011. Also, the City is preparing a request for allocation of the STIP TE funds for submission to the Department in May 2011, for the August 2011 Commission meeting. The City anticipates receiving E-76 approval for the TIGER II funds in June 2011, and approval from the Commission for the STIP TE allocation in August 2011. The City is requesting a six-month time extension to December 31, 2011, which includes time for any additional unforeseen delays.</p>			

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4	Mono County Mono County PPNO: 09-2021 Bridgeport Street Rehabilitation	\$0 \$0 \$0 \$1,869 \$1,869	12 Months 06/30/2012 Support
<p>The County of Mono (County) is requesting a 12-month extension to the period of project allocation for construction of the Bridgeport Street Rehabilitation project. The County has experienced delays with the environmental review process.</p> <p>The County fulfilled CEQA requirements in April 2008 with the completion of a Negative Declaration (ND) under CEQA Section 15183, which allows for NDs to tier off of larger, approved environmental documents. At the time of submittal of the PS&E RFA, the County was unaware of the review required by the Commission. The Department informed the County in August 2010 that the environmental document would need to undergo review and approval by the Commission prior to approval of an RFA for PS&E. The Commission approved the Environmental Resolution in January 2011.</p> <p>The County is requesting an allocation for the PS&E phase at the May 11-12, 2011, Commission meeting. The County anticipates awarding a design contract by July 1, 2011, completing the PS&E phase by February 1, 2012, and obtaining County Board of Supervisors approval of the project design on March 6, 2012. The County expects to submit the RFA for the construction phase in May 2012. The timing of the construction for this project is being coordinated with the School Street Plaza TE project (Project 5, PPNO 09-2523), for which the County will be requesting an allocation in January 2012. The construction season in Bridgeport is May to October, and County must begin construction as early as possible to avoid losing the season to inclement weather. Therefore, the City requests a 12-month time extension to June 30, 2012, for the allocation of the funds programmed for construction.</p>			

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5	Mono County Mono County PPNO: 09-2523 School Street Plaza, TE	\$0 \$0 \$0 \$225 \$225	12 Months 06/30/2012 Support
<p>The County of Mono (County) is requesting a 12-month extension to the period of project allocation for construction of the School Street Plaza TE project. The County has experienced delays with obtaining an approved Request for Authorization (E-76) and completing an Archeological Survey Report (ASR).</p> <p>This project was originally part of the 2006 STIP with funds programmed for Project Approval and Environmental Documents (PA&ED) in Fiscal Year (FY) 2009-10; Plans, Specifications, and Estimates (PS&E) and Construction in FY 2010-11. The project was carried over into the 2010 STIP and the County submitted an updated TE application on February 2, 2010, as part of the 2010 STIP. At the same time, the County obtained an archeological consultant in anticipation of the need for an ASR because the project is partially located on the property containing the Mono County Courthouse, which is listed on the National Register of Historical Places.</p> <p>The project received an allocation for Project Approval and Environmental Documents (PA&ED) at the May 2010 Commission meeting. The County was informed in June 2010 that the PA&ED work could not proceed until the E-76 was approved. The County submitted an E-76 in early July 2010 and received approval on August 5, 2010. After E-76 approval, the County was notified of an error on the TE application regarding the inclusion of diagonal parking reconfiguration, which is an ineligible item for TE. The diagonal parking was removed from the project and will be covered under the Bridgeport Street Rehabilitation project (PPNO 09-2021).</p> <p>The delay in E-76 approval and the error on the TE application delayed the County, and in turn caused scheduling conflicts with the consultant. The ASR was completed in November 2010, and a draft Preliminary Environmental Studies (PES) form was submitted on January 4, 2011. A final PES was approved on March 23, 2011.</p> <p>The County is requesting a concurrent allocation for PS&E at the May 11-12, 2011, Commission meeting. If the PS&E allocation is approved, the County anticipates awarding a design contract by June 15, 2011, completing the design by September 15, 2011, and receiving County Board of Supervisors approval of the design on October 18, 2011. The County anticipates requesting construction allocation in January 2012, and will time the construction schedule for the School Street Plaza TE project coordinate with the construction schedule for the Bridgeport Street Rehabilitation project (Project 4, PPNO 09-2021) in order to minimize the disturbance to traffic and the project area. The construction season in Bridgeport is May to October, and County must begin construction as early as possible to avoid losing the season to inclement weather. Therefore, the County is requesting a 12-month time extension to June 30, 2012, for the allocation of the funds programmed for construction.</p>			