

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 2011

Reference No.: 2.8d. - **REVISED**
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Denix D. Anbiah
Division Chief
Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT DEVELOPMENT EXPENDITURES FOR LOCALLY-ADMINISTERED STIP PROJECTS, PER STIP GUIDELINES WAIVER-11-30**

CTC ACTION TAKEN: The California Transportation Commission voted to approve the requested time extensions for 12 months only.

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve an extension to the period of project development expenditure for the time periods identified for each project on the attached document.

ISSUE:

The attached list identifies four locally-administered State Transportation Improvement Program (STIP) projects totaling \$234,000. The Commission allocated the funds in Fiscal Year 2007-08 for project development phases, as shown on the attachment. The attachment shows the details of the projects and the explanation for the delays.

BACKGROUND:

Current STIP 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.

Attachment

**Time Extension/Waiver – Project Development Expenditure Deadline
Local Streets and Roads Projects**

Project #	Applicant County PPNO Project Description Reason for Project Delay	Phase Allocation Amount Balance Remaining	Allocation Date Allocation Resolution Number Number of Months Requested Extended Deadline CT Recommendation
1	County of Modoc Modoc County PPNO: 02-2413 County Road 61 Bridge Replacement	Environmental & Permits (E&P) Allocated: \$42,000 Balance: \$16,160	10/30/2008 FP-08-17 20 Months 12 Months 02/28/2013 06/30/12 Support
<p>The County of Modoc (County) is requesting a 20-month extension to the period of project development expenditure for Environmental and Permits (E&P) for the County Road 61 Bridge Replacement (PPNO 2413) project. The County has experienced staffing constraints due to financial and workload issues which have delayed work on this project. The reason for delay is the same as for Project 2 below.</p> <p>On October 30, 2008, the Commission allocated \$42,000 to the County for E&P for the project. On March 26, 2009, the County advertised a contract for environmental design consultant. On May 5, 2009, the County requested pre-award audit of the selected consultant by the Department's Audit and Investigation. On July 13, 2009, the consultant contract was executed and on August 6, 2009, the County conducted a kickoff meeting with the consultant to begin work. On October 21, 2009, the County and its consultant team held an environmental coordination meeting with the Department, and in November 2009, submitted the final Field Review with the Areas of Potential Effect (APE) map and the Preliminary Environmental Studies (PES) form to the Department for review.</p> <p>During this period, the County has lost 25 percent of its engineering and environmental staff due to budget cuts, and has had a considerable workload increase due to American Recovery and Reinvestment Act stimulus program that was unforeseen.</p> <p>On August 10, 2010, the Department approved the PES and APE documents. The County's consultant is continuing to perform all work associated with the preparation of required technical studies and reports related to the project. Under the County's oversight, the consultant will coordinate NEPA and CEQA documents and approval processes, and help secure the necessary permits.</p> <p>The County anticipates completion of the NEPA and CEQA documentation by July 31, 2012, but given the many uncertainties with the environmental process and the fiscal financial constraints, the County is requesting a 20-month time extension to February 28, 2013.</p>			
2	County of Modoc Modoc County PPNO: 02-2414 County Road 61 Bridge Replacement	Environmental & Permits (E&P) Allocated: \$42,000 Balance: \$16,585	10/30/2008 FP-08-17 20 Months 12 Months 02/28/2013 06/30/12 Support
<p>The County of Modoc (County) is requesting a 20-month extension to the period of project development expenditure for Environmental and Permits (E&P) for the County Road 61 Bridge Replacement (PPNO 2414) project. The County has experienced staffing constraints due to financial and workload issues which have delayed work on this project. The reason for delay is the same as for Project 1 above.</p> <p>On October 30, 2008, the Commission allocated \$42,000 to the County for E&P for this project. On March 26, 2009, the County advertised a contract for environmental design consultant. On May 5, 2009, the County requested pre-award audit of the selected consultant by the Department's Audit and Investigation. On July 13, 2009, the consultant contract was executed and the County conducted a kickoff meeting on August 6, 2009 with the consultant to begin work. On October 21, 2009, the County and its consultant team held an environmental coordination meeting with the Department, and in November 2009, submitted the final Field Review with the Areas of Potential Effect (APE) map and the Preliminary Environmental Studies (PES) form to the Department for review.</p> <p>During this period, the County has lost 25 percent of its engineering and environmental staff due to budget cuts, and has had a considerable workload increases due to American Recovery and Reinvestment Act stimulus program that was unforeseen</p> <p>On August 10, 2010, the Department approved the PES and APE documents. The County's consultant is continuing to perform all work associated with the preparation of required technical studies and reports related to the project. Under the County's oversight, the consultant will coordinate NEPA and CEQA documents and approval processes, and help secure the necessary permits.</p> <p>The County anticipates completion of the NEPA and CEQA documentation by July 31, 2012, but given the many uncertainties with the environmental process and the fiscal financial constraints, the County is requesting a 20-month time extension to February 28, 2013.</p>			

**Time Extension/Waiver – Project Development Expenditure Deadline
Local Streets and Roads Projects**

Project #	Applicant County PPNO Project Description Reason for Project Delay	Phase Allocation Amount Balance Remaining	Allocation Date Allocation Resolution Number Number of Months Requested Extended Deadline CT Recommendation
3	Trinity County Trinity County PPNO: 02-2487 Lowden Park to Senior Center Bike/Pedestrian Path	Plans, Specifications and Estimate (PS&E) Allocated: \$130,000 Balance: \$86,177	08/28/2008 FP-08-07 18 Months 12 Months 12/31/2012 06/30/12 Support
<p>The County of Trinity (County) is requesting an 18-month extension to the period of project development expenditure for the Plans, Specifications and Estimate (PS&E) phase of the Lowden Park to Senior Center Bike/Pedestrian Path project.</p> <p>The project will be built along the East Weaver Creek Levee, a United States Army Corps of Engineers (Corps) Flood Control Project. The County is required to consult with the Corps regarding construction on the levee. The County engineers originally thought that the trail could be built between the levee and the creek if construction was at-grade (no fill in the floodplain) and the bridge clear-spanned the floodway without encroaching. The County's original design met these goals. However, informal consultation with the Corps revealed that the trail could not be in the floodplain, even at grade, unless it was gated and closed to the public during winter storm events. This would have greatly reduced the usefulness of the trail and increased the County's maintenance costs and liability. Therefore, the County developed a new design, either on top of the levee or on the outside (land side) of the levee. The new design will have to be reviewed and approved by the Corps.</p> <p>The local Fire Safe Ordinance (FSO) requires that all access roads, public or private, must be a minimum of 20 feet wide. The Levee Road (LR) is not a public road; it is a maintenance road constructed by the Corps at the same time as the levee, for providing equipment access to all points on the levee. The local residents rely on the LR to access existing business establishments outside of the levee. The existing LR is only 18 feet wide in some locations, a condition that existed prior to the FSO. However, if alterations are made to the LR, the FSO requires that it be brought up to current standards. In addition, if an eight-foot wide bicycle path is constructed on the levee, it will further reduce the width of the vehicle access on the LR. The eight-foot bike path and any additional width needed to bring the remaining vehicular section up to the 20-foot wide standard will have to be made up by widening the LR on the outside of the levee, away from East Weaver Creek, subject to Corps review and approval.</p> <p>The County will need to acquire businesses on the outside of the levee for the additional width on the LR, as this will require more right-of-way than was anticipated in the preliminary design phase. The business owners have been cooperative, but issues must be worked out to minimize effects on the businesses, circulation and infrastructure.</p> <p>The County has to meet design standards for the bicycle/pedestrian trail set by the American Association of State Highway and Transportation Officials and the American with Disabilities Act (ADA), due to the federal funding. The width constraints leave little flexibility to incorporate standard curve radii and ADA grades for the full length of the project. The County must employ creative design techniques and possibly design exceptions in order to achieve the best possible project within the constraints. This has taken the County "back to the drawing board" each time the constraints change.</p> <p>The County has worked out the major design issues, and has turned the final alignment over to the bridge design consultants to develop a bridge that meets design constraints. The County will complete the remainder of the trail design in-house within six months. However, final review by the Corps could take another six months.</p> <p>The County anticipates completing and submitting the PS&E to the Corp for review and approval by December 2011. The County anticipates obtaining the Corp's concurrence by June 2012. The County must submit the PS&E to the Division of State Architect (DSA) for review of the ADA requirements. The County anticipates completing PS&E phase by December 2012. While concurrent reviews by the Corps and DSA are possible, any changes required by either review could impact review of the other. Therefore, it is likely the DSA review would occur after the Corps review, adding another six months to the schedule.</p>			

**Time Extension/Waiver – Project Development Expenditure Deadline
Local Streets and Roads Projects**

Project #	Applicant County PPNO Project Description Reason for Project Delay	Phase Allocation Amount Balance Remaining	Allocation Date Allocation Resolution Number Number of Months Requested Extended Deadline CT Recommendation
4	County of Modoc Modoc County PPNO: 02-3269 County Road 1 Rehabilitation	Environmental & Permits (E&P) Allocated: \$20,000 Balance: \$19,501	12/11/2008 FP-08-23 20 Months 12 Months 02/28/2013 06/30/12 Support
<p>The County of Modoc (County) is requesting a 20-month extension to the period of project development expenditure for Environmental and Permits (E&P) for the County Road 1 Rehabilitation project.</p> <p>On December 11, 2008, the Commission allocated \$20,000 to the County for E&P for the project. Originally the County sought to clear CEQA because it had only State funding, and the County completed CEQA on April 10, 2009. However the County had to pursue NEPA clearances because the funding plan was changed to include federal funds. The County has programmed \$50,000 for Fiscal Year 2012-13 for PS&E phase, therefore, it is requesting a time extension of 20-months.</p> <p>The County plans to procure a consultant contract to prepare the NEPA documents. The consultant selection and award will take approximately four months and the County anticipates having an approved PES and APE for the Department's review by June 30, 2012. After receiving approval of the preliminary environmental studies and areas of potential effect, the consultant will prepare the required technical studies and reports related to the project. Under the County's oversight, the consultant will coordinate NEPA documents and approval processes, and help secure the necessary permits.</p> <p>The County anticipates completion of the NEPA clearances by February 28, 2013; therefore, the County is requesting a 20-month time extension.</p>			