

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 22-23, 2003

Reference No.: 4.3c.
Information Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Terry Abbott
Division Chief
Local Assistance

Ref: **PENDING WAIVERS/TIME EXTENSION REQUESTS**

Attached is a listing of seven (7) Waiver/Time Extension requests totaling \$4,254,088. As seen in the summary table below, six (6) requests are to extend the deadline to obligate funds for regional agency apportioned federal funds per the AB 1012 "Use it or Lose It" provisions for Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP), Regional Transportation Enhancement Activity (R-TEA). The remaining request is for STIP/TEA funds.

Region	CMAQ	RSTP	R-TEA	STIP/TEA	Totals
Imperial (2)		\$1,062,778	\$310,434		\$1,373,212
Inyo			\$456,285		\$456,285
Lassen			\$249,000		\$249,000
Mariposa			\$45,285		\$45,285
Riverside	\$1,830,306				\$1,830,306
Ventura				\$300,000	\$300,000
Total	\$1,830,306	\$1,062,778	\$1,061,004	\$300,000	\$4,254,088

BACKGROUND:

Due to the implications of Executive Order D-64-02 issued by the Governor on November 26, 2002, the special legislative session called by the Governor to address General Fund shortfalls, the uncertainty concerning Federal funding and the Department's December 2002 monthly financial report; the Commission postponed approval of all waiver/time extension requests until the February 2003 meeting.

Attachments

December 2002 Meeting Pending AB 1012 Cycle 3 Extension Requests		
Regional Agency	Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline
		CT Recommendation
Imperial Valley Association of Governments	\$310,434	12 months
City of El Centro	R-TEA	12/3/03
		Support
Reason for Project Delay:		
<p>The R-TEA balance subject to reprogramming for Imperial Valley Association of Governments had been calculated incorrectly due to project coding errors. The balance was understated. These coding errors were not discovered until November. IVAG has not had adequate time to develop an obligation plan for the additional dollars subject to AB 1012 reprogramming. Therefore, a 12 month extension is requested for the obligation of \$310,434.</p>		

Lassen County Local Transportation Commission	\$249,000	12 months
Lassen County Department of Public Works	R-TEA	12/3/03
		Support
Reason for Project Delay:		
<p>After months of negotiations with the Army Corps of Engineers (ACE) for approval of a wetland mitigation site, Lassen County finally received approval for an alternate site at Honey Lake Wetland Mitigation Bank (HLWMB). The original proposed site was determined to be unacceptable by ACE. During final negotiations for an agreement with the California Department of Fish and Game for the HLWMB, the U.S. Fish and Wildlife Service made an emergency listing for the Carson Wandering Skipper as an endangered species. The November 29, 2001 listing placed the construction of the wetland bank on hold until the U.S. Fish and Wildlife Service could be satisfied that compliance with Section 7 of the Endangered Species Act had been met. The HLWMB had been on a schedule for construction during summer 2002. Concurrently, with the required studies at the HLWMB to satisfy the U.S. Fish and Wildlife Service, Lassen County and the City of Susanville have been proceeding with an option for another alternative site that does not have the Carson Wandering Skipper habitat. An alternative site has been located which appears to be acceptable to the ACE. Final negotiations and agreements are currently being completed with the ACE and the property owner of the site. This project has experienced a 12-month delay due to the Carson Wandering Skipper listing as an endangered species and the process for locating another wetland site. Thus, Lassen County is asking for a 12-month extension.</p>		

Mariposa County	\$45,285	12 months
Mariposa County	R-TEA	12/3/03
		Support
Reason for Project Delay:		
<p>Mariposa County is in the process of developing an approved DBE program. They are unable to obligate additional federal funds until the DBE program is approved. They anticipate approval within the next 12 months. Therefore, they are requesting a 12 -month extension.</p>		

December 2002 Meeting Pending AB 1012 Cycle 3 Extension Requests		
Regional Agency	Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline
		CT Recommendation
Imperial Valley Association of Governments	\$1,062,778	12 months
	RSTP	12/3/03
		Support
Reason for Project Delay:		
<p>Imperial Valley Association of Governments RSTP balance subject to reprogramming increased as a result of identifying several projects that were miscoded. These projects were initially shown as obligations under Imperial Valley, thereby reducing the balance subject to reprogramming for Cycle 3. When the error were discovered, the balance subject to reprogramming for Imperial Valley Association of Governments increased by a large amount. These errors were not discovered until early November. The local agency is in the process of obligating approximately \$1.2 million on an RSTP project which is more than enough to offset the current balance subject to reprogramming. However, the local agency will not be able to obligate these funds prior to the December 3, 2002 deadline. As a result, a 12 -month extension is requested for the obligation of \$1,062,778. This time extension will also allow an adequate supply of OA to become available for this obligation.</p>		

Riverside County Council of Governments	\$1,830,306	12 months
	CMAQ	12/3/03
		Support
Reason for Project Delay:		
<p>Riverside County does have projects that will use the remainder of their AB 1012 Cycle 3 CMAQ funds. The funds will be used for signal interconnects and intersection improvements. They also expect to obligate approximately \$35 million in CMAQ funds by May of 2003 for the High Occupancy Vehicle lane project on State Route 60. However, the federal budget has not been signed, and available Obligation Authority (OA) is limited. The Department is currently operating under a federal Continuing Resolution that provides a pro-rated share of anticipated OA. In order to ensure adequate OA is available to all regions having AB 1012 Cycle 3 balances, some regions have agreed to postpone some of their obligations in order to allow other regions to use the available OA. Riverside was able to use approximately \$6.9 million in OA in November, and has agreed to postpone further obligations until adequate OA is available. Therefore, a twelve-month extension is requested.</p>		

January 2003 Meeting Pending Waiver/Time Extension Requests

Regional Agency	Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline
CT Recommendation		
Ventura County Transportation Commission		
Ventura County Transportation Commission	\$300,000	20 months
PPNO 07-2358	TEA (STIP) Construction	5/31/05 Support
Reason for Project Delay:		
<p>This project will fabricate and install murals on the SR 01 overhead structure (Freeway Bridge) at the Camarillo Rail Station. The construction funds were allocated on December 9, 1999, and the contract was awarded in September 2000. The fabrication has been completed on schedule. However, a Caltrans project to widen the Freeway Bridge has been delayed and completion is not expected for another two years. Although Ventura County Transportation Commission (VCTC) and the artist are now ready to install the mural, it will be difficult given the construction currently underway. In addition, the mural could be damaged if it is installed while the Caltrans project is under construction. Therefore, VCTC is requesting the maximum allowable extension of 20 months to the completion deadline in order to delay installation of the mural until after the Caltrans project is completed.</p>		

Regional Agency	AB1012 "Use It or Lose It" Cycle 3 Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline
CT Recommendation		
Inyo County RTPA		
	\$456,285	12 months
	R-TEA	12/3/03 Support
Reason for Project Delay:		
<p>This project has been delayed due to complications with the environmental document. Also the United States Forest Service has not completed their DBE plan. We anticipate this project will be ready for a construction allocation in March or April of 2003.</p>		