

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 10-11, 2003

Reference No.: 2.8d
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Terry Abbott
Division Chief
Local Assistance

Ref: **POST FACT REQUEST TO EXTEND THE PERIOD OF PROJECT DEVELOPMENT
EXPENDITURE PER RESOLUTION G-01-21, FOR LOCAL STREETS AND ROADS
PROJECTS
WAIVER-03-29**

ISSUE:

The California Transportation Commission (Commission) allocated funds totaling \$369,000 in Fiscal Year 1999-2000 for the Friant Cove Project. The San Joaquin River Conservancy was unable to expend all the funds by the June 30, 2002 deadline. The attachment shows the details of the project and the delay that has resulted in the extension request. The San Joaquin River Conservancy requests an extension (POST FACT), and the planning agency (Council of Fresno County Governments) concurs.

RECOMMENDATION:

The Department of Transportation's recommendation is shown on the attachment.

BACKGROUND:

Resolution G-01-21, STIP Guidelines, adopted by the Commission on July 12, 2001, stipulates that funds programmed for project development and right of way components of local grant projects are available for expenditure only until the end of the second fiscal year after allocation. The guidelines further stipulate that the Commission may approve waivers 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
Item 2.8d – Local Streets and Roads Projects
Program Year 2003-04

Project #	Applicant County	Extension Amount By Component (\$ in thousands)	Number of Months Requested
	PPNO	PS&E	
	Project Description	R/W	CT Recommendation
	CON	TOTAL	
Reason for Project Delay:			
1	San Joaquin River Conservancy Fresno	\$369 \$0 \$0 \$0	20 months 2/29/2004
	PPNO: 7310 Friant Cove Project (TEA) POST FACT REQUEST	\$369	Neutral
<p>The Friant Cove Project was authorized under the State's Transportation Enhancement Activities (TEA) Cycle 3 Program within the 1996/97 allocation year. The State allocation was on August 19, 1999, with the Federal authorization on September 13, 1999. Originally, funds were programmed for preliminary engineering, right-of-way acquisition and construction of the project. By September 2000, the Conservancy had requested, and Council of Fresno County Governments approved, reprogramming the total TEA funds for preliminary engineering, including environmental review.</p> <p>The project has been delayed approximately 20 months beyond the original deadline, with preliminary engineering and environmental permitting now expected to be complete in January 2004. The original environmental documentation was completed by qualified consultants and a Negative Declaration was adopted by the Conservancy in January 1999, approximately nine months prior to the federal authorization date. However, the documentation was determined to be inadequate in September 1999. The Conservancy initiated new contracts to complete the environmental review in November 1999.</p> <p>Cultural resources assessments necessary to establish that the project would have no adverse effect on historic properties took an unanticipated 3 years and 4 months to complete. During this time resource assessments and reports were completed and submitted for Caltrans, Federal Highway Administration (FHWA) and State Office of Historic Preservation (SHPO) review and approval as follows:</p> <ul style="list-style-type: none"> • California State University Bakersfield (contractor) completed and submitted a review and final draft cultural resources assessment; work included test excavations on site. 11/99 – 9/01 • Concerns raised by Caltrans regarding potential effects of project; office and field meetings were held to agree on measures to avoid and preclude impacts. 9/01 – 5/02 • Historic Property Survey Report (HPSR) prepared by consultants and submitted in draft for review and comment by Caltrans and final. 5/02 – 10/02 • FHWA and SHPO review and concur with HPSR findings. 10/02 – 12/02 • Finding of No Adverse Effect to Historical Properties prepared and submitted to Caltrans; Caltrans approved the third draft of the report. 12/02 – 1/03 • Final Report of No Adverse Effect to Historic Properties was sent to FHWA and SHPO and approved by the two agencies. 1/03 – 3/03 <p>The Finding of No Adverse Effect to Historic Properties was necessary to establish that the project was eligible for TEA funding. Once completed, the project proceeded relatively smoothly through California Environmental Quality Act and National Environmental Policy Act.</p> <p>The Conservancy is requesting a 20-month extension of the expenditure deadline.</p>			