

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 12-13, 2004

Reference No.: 2.8c.(3)  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

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Chief  
Division of Rail

Ref: **REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION, PER RESOLUTION G-03-19, STATE TRANSPORTATION IMPROVEMENT PROGRAM GUIDELINES WAIVER-03-50**

## **ISSUE**

Resolution G-03-19, State Transportation Improvement Program (STIP) Guidelines, adopted by the California Transportation Commission (Commission) on December 11, 2003, stipulates that the Commission may extend the deadline for project completion no more than one time and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and will in no event be for more than twenty (20) months.

For the two STIP projects on the attached list, the Department of Transportation (Department) will not be able to meet the project completion deadline specified in the STIP Guidelines and have requested extensions to allow sufficient time to resolve outstanding issues.

## **RECOMMENDATION**

The Department of Transportation recommends approval of the extension requests.

## **BACKGROUND**

On July 12, 2001, the Commission approved Resolution MFP-01-02, allocating \$1,219,000 in STIP funds for the Oxnard Station Parking Improvements project. On January 23, 2002, the Commission approved Resolution MFP-01-10, allocating \$2,500,000 in STIP funds for the Santa Margarita Bridge Replacement and Double Track project. The attachment describes the delays that have resulted in the extension requests.

Attachment

Time Extension/Waiver – Project Completion  
 Rail Projects

Project #	Recipient County	Extension Amount By Component PA&ED PS&E R/W CON TOTAL	Number of Months Requested  Extended Deadline  CT Recommendation
1	Department of Transportation Ventura County	\$0 \$0 \$1,219,000 \$0 <b>\$1,219,000</b>	12 months  6/30/2005  Support
<p>The right-of-way acquisition phase of the project is taking longer than originally anticipated due to prolonged negotiations with the Union Pacific Railroad surrounding final right-of-way value and relocation compensation. The Oxnard City Council adopted a resolution of necessity (Resolution 12,350) on April 15, 2003 to condemn the railroad property in question. The City of Oxnard (City) received a signed order of possession from Superior Court on April 24, 2003. The order was effective on July 28, 2003. The trial date is set for July 12, 2004. The City has deposited the appraisal amount with the Office of the State Treasurer, but the final right of way amount hasn't been determined yet. Based on the continued discussions between the City and the Department related to the City's negotiation with the Union Pacific Railroad, we believe the requested time extension will be sufficient to complete the right-of-way acquisition.</p>			
2	Department of Transportation San Diego	\$0 \$ 500,000 \$2,000,000 \$0 <b>\$2,500,000</b>	16 months  10/31/2005  Support
<p>The project has been delayed 16 months due to two issues:</p> <ol style="list-style-type: none"> <li>1.) Unanticipated delay in conducting endangered species protocol surveys (12 months.)</li> <li>2.) A request by the U.S. Fish and Wildlife Service (USFWS) to address this project under a Programmatic Section 7 Consultation process (4 months).</li> </ol> <p>In the initial design phase of this project early in 2003, North County Transit District (NCTD) conducted initial consultation with resource agencies including USFWS. As a result of this consultation, the project was redesigned to reduce and avoid certain potential environmental impacts. The redesign effort took additional time and resulted in the consultant not being able to complete the project footprint until after the 2003 endangered species protocol survey window had closed. The period March 1 – June 30 is the only seasonal survey window in which these surveys can be conducted each year. NCTD has now initiated endangered species protocol surveys (Spring of 2004), which has added one year to the project schedule. In February 2004, USFWS has requested that this project, adjacent projects and ongoing railroad maintenance activities be addressed through the Programmatic Section 7 Consultation Process. This project is expected to involve two phases, completion of a Section 7 Programmatic Consultation, and subsequently completion of a project-specific Section 7 Consultation, which has added four months to the project schedule.</p>			