

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 12-13, 2007

Reference No.: 2.8e.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Terry Abbott
Division Chief
Local Assistance

Subject: **REQUEST FOR WAIVER ASSEMBLY BILL (AB) 1012 "USE IT OR LOSE IT"**
PROVISIONS FOR REGIONAL AGENCY APPORTIONED FEDERAL FUNDS
WAIVER-07-37

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve Waiver-07-37, extending the period of availability of Regional Surface Transportation Program (RSTP) funds subject to reprogramming under the provisions of Assembly Bill (AB) 1012 (Chapter 783 of the Statutes of 1999). The Riverside County Transportation Commission (RCTC) is requesting a six-month time extension (to May 2007) of their Federal Fiscal Year (FFY) 2005 RSTP balances.

ISSUE:

The annual notice to regional agencies under Assembly Bill (AB) 1012 "Use It or Lose It" provisions for FFY 2005 (October 1, 2004 - September 30, 2005) funds was released on November 20, 2006. The deadline for obligating balances subject to reprogramming was November 1, 2007. At this time, one regional agency has indicated that they wish to have their RSTP balances made available for an additional six months. Commission approval is required in order for the balance amounts to remain available to the agency.

BACKGROUND:

As of September 30, 2007, the balance subject to reprogramming under the provisions of AB 1012 for FFY 2005 is \$13,599,964. Of that amount, \$1,036,450 is for Congestion Mitigation and Air Quality Program (CMAQ) and \$12,563,514 is for RSTP. The CMAQ and RSTP funds subject to reprogramming are also identified in the close-out report for FFY 2005 under agenda item 3.6.

The RCTC is requesting a six-month extension for four projects funded with RSTP funds totaling \$12,739,000, including \$175,486 from more current balances that are not subject to reprogramming.

AB 1012 was enacted October 10, 1999, with a goal of improving the delivery of transportation projects. A section of the legislation states that regional agency CMAQ federal funds and RSTP federal funds that are not obligated within the first three years of federal eligibility are subject to reprogramming by the Commission in the fourth year.

In past years, the Commission has granted extensions requests submitted by regional agencies for the purpose of extending the availability of funds for remaining balances in CMAQ and RSTP that would otherwise be subject to reprogramming.

Attachment

**AB 1012 Extension Requests
Waiver 07-37**

**Reference No. 2.8e.
December 12-13, 2007
Attachment**

Regional Agency	Extension Amount	Number of Months Requested
Local Agency	Fund Type	Extended Deadline CT Recommendation
Reason for Project Delay:		
RIVERSIDE COUNTY TRANSPORTATION COMMISSION		
RIVERSIDE COUNTY Etiwanda Avenue; Van Buren to Philadelphia, Road Rehabilitation RIV0321223	\$1,469,000 RSTP	6 months 05/01/08 Support
<p>Riverside County is requesting an extension for the area of Etiwanda Avenue Project; extending from Van Buren to Philadelphia. The reason for this extension is due to issues that arose with the local utility company that had jurisdiction in the area of the Etiwanda Avenue Project and the need to relocate the utility facilities. These issues regarding relocation have recently been resolved. Riverside County expects to obligate the amount requested under this extension before May 1, 2008.</p>		
RIVERSIDE COUNTY TRANSPORTATION COMMISSION		
CITY OF TEMECULA		
De Portola Avenue Rehabilitation Project; on De Portola Road from Jedediah Smith Road to Margarita Road Road Rehabilitation RIV031223	\$417,000 RSTP	6 months 05/01/08 Support
Rancho California Avenue Rehabilitation Project Road Rehabilitation RIV031223	\$2,958,000 RSTP	6 months 05/01/08 Support
<p>The City of Temecula is requesting an extension for the De Portola Avenue Rehabilitation Project and the Rancho California Avenue Rehabilitation Project. The reason for extension requests is due to changes in the scope of the projects. The project scopes were modified to address storm drainage issues. At this time, the City of Temecula expects to obligate the amount requested for each of these extensions before May 1, 2008.</p>		
RIVERSIDE COUNTY TRANSPORTATION COMMISSION		
RIVERSIDE COUNTY TRANSPORTATION COMMISSION		
On State Route 60/Interstate 215, East Junction High- Occupancy Vehicle (HOV) Connector	\$7,895,000 RSTP	6 months 05/01/08 Support
<p>The Riverside County Transportation Commission (RCTC) is requesting an extension for the East Junction HOV Connector project located at State Route 60/Interstate 215, in Riverside County. The reason for the extension request is due to a change in the scope of the project. The project scope has been expanded to include additional components that were recently shifted onto this project. This resulted in an increase of time needed in the design phase in order to accommodate the change in project scope and right-of-way costs that were not part of the original project scope. This change to the scope was supported and approved by the RCTC board in September 2007. This change also allows for the RCTC to advance a future project with this one and ultimately will result in a cost savings to RCTC by the merging of two projects into one, eliminate the need for the advanced project, and shorten the length of time that the project will cause disruption to traffic and traffic flow in the project area. At this time, the RCTC expects to obligate the amount requested for this extension before May 1, 2008.</p>		