

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 11-12, 2011

Reference No.: 2.8a.(6) - **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 ALLOCATION FOR
LOCALLY-ADMINISTERED STIP PROJECTS, PER STIP GUIDELINES
WAIVER-11-21**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend the period of project allocation for the projects listed on the attached document for the time periods shown.

ISSUE:

The attached document identifies **four** projects totaling **\$4,092,000** that are programmed in the State Transportation Improvement Program (STIP) for delivery in Fiscal Year 2010-11. The agencies will not be able to request an allocation of funds by the June 30, 2011 deadline. The attachment shows the details of the projects and the explanation for the delays. The project sponsors are requesting extensions, and the regional planning agencies concur.

BACKGROUND:

Current STIP Guidelines adopted by the Commission stipulate that funds that are programmed for all components of local grant projects or for Department construction costs are available for allocation only until the end of the fiscal year identified in the STIP. 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 Allocation Deadline
 Local Streets and Roads Projects

Project #	Applicant County PPNO Project Description Reason for Project Delay	Extension Amount (\$ in thousands) PA&ED (Project Approval & Environment Document) PS&E (Plans, Specifications & Estimates) ROW (Right of Way) CON (Construction) TOTAL	Number of Months Requested Extended Deadline CT Recommendation
1	City of El Cerrito Contra Costa County PPNO: 04-2025F Pedestrian Improvements along Moeser Lane and Ashbury Avenue, TE	\$0 \$0 \$0 \$977 \$977	15 Months 09/30/2012 Support
<p>The City of El Cerrito (City) is requesting a 15-month extension to the period of project allocation for construction of the Pedestrian Improvements TE project along Moeser Lane and Ashbury Avenue. The City has encountered unforeseen circumstances in the Project Approval and Environmental Documents (PA&ED) phase and in the right of way phase.</p> <p>The first unforeseen circumstance in the PA&ED phase was due to a TE program requirement that project sponsors partner with a Community Conservation Corps or the California Conservation Corps. The City engaged in a lengthy discussion with CiviCorps, a Community Conservation Corps, about whether they were eligible to work on this project. Partnering with a corps would have significant impacts on project cost and delivery method, and because Moeser Lane and Ashbury Avenue are both federal-aid highways, it was determined that CiviCorps was not eligible to work on the project. The City experienced a five-month delay as the City considered adjusting the proposed project improvements and construction delivery method to try and partner with CiviCorps. With CiviCorps, the City had anticipated minimal design and a phased construction approach. However, without CiviCorps, the City must proceed with a traditional design-bid-build approach.</p> <p>The second unforeseen circumstance occurred in the right of way phase. The City experienced an unexpected right of way issue on Moeser Lane within a City easement on Pacific Gas and Electric (PG&E) property. The City had an easement for street purposes that would allow the City to build a sidewalk with a graded shoulder without the need to acquire additional easements or permits. After further research it was determined that the easement was not as wide as first understood. On the remaining PG&E property abutting the easement, the City has a lease agreement that allows the City to use the abutting property for recreational purposes, including landscaping and establishment of hiking trails. The lease agreement allows for the construction of a path but not a sidewalk. The City will be adjusting the sidewalk improvements to work within the provisions of the existing easement and lease agreement. A four-foot sidewalk, instead of a five-foot sidewalk, will be installed in the easement area and a decomposed granite path instead of a sidewalk will be installed in the lease agreement area. This right of way investigation and research resulted in a five-month delay as the City evaluated various adjustments to the proposed improvements.</p> <p>As a result of the right of way issue, the City will be adjusting the sidewalk improvements to work within the provisions of the existing easement and lease agreement. The sidewalk and path construction will require a temporary construction area within the lease agreement area. The City is coordinating with PG&E to obtain permits and licenses for the required temporary construction area and the City anticipates the permitting process to take up to nine months.</p> <p>The City anticipates receiving environmental clearance by April 30, 2011, and completing the detailed design by November 30, 2011. The City expects to receive the construction permits from PG&E by May 31, 2012, and request an allocation for construction in September 2012. Therefore, the City requests a 15-month time extension to September 30, 2012, for the allocation of the funds programmed for construction.</p>			

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2	City of Berkeley Alameda County PPNO: 04 2100G Berkeley Bay Trail Extensions Segment One, TE	\$0 \$0 \$0 \$1,928 \$1,928	12 Months WITHDRAWN PRIOR TO CTC MEETING 06/30/2012 Support
<p>The City of Berkeley (City) is requesting a 12-month extension to the period of project allocation for construction of the Berkeley Bay Trail Extension Segment One TE project. The City had been working with the California Coastal Conservancy (Conservancy) to fund the development of this project and in 2008, the Conservancy committed up to \$2,000,000 for the construction of Segment One. In early 2009, the project was ready for construction using Conservancy funding and local funds. In mid 2009, the Conservancy indicated that due to state budget problems, funding sources were reduced and the Conservancy reduced its funding commitment with the City to \$335,000 for the construction of this project. In late 2009, the City learned that the Metropolitan Transportation Commission (MTC) was seeking local projects to program for federal STIP TE funding. With the state funding for the project being drastically reduced, the City requested federal STIP TE transportation funding. On September 20, 2010, MTC staff notified the City that the TE funding had been approved.</p> <p>All project documents were completed, including environmental documents, construction documents, and permits to meet state funding requirements. During the planning phase, a comprehensive CEQA process was conducted and resulted in the adoption of the environmental document titled "Initial Study/Mitigated Negative Declaration for the Bay Trail at the Berkeley Marina" in 2004. During the design phase, all required authorizations for the project were obtained from the following stakeholder agencies: East Bay Regional Parks District; California State Parks; the Regional Water Quality Control Board; the San Francisco Bay Conservation and Development Commission (BCDC); the United States Coast Guard. The city also obtained a United States Army Corps of Engineers (ACOE) nationwide permit that included National Wildlife Service concurrence.</p> <p>While the City had environmentally cleared the project in accordance with CEQA requirements and had coordinated with federal stakeholder agencies, the City is now in the process of obtaining NEPA clearance. Due to the numerous stakeholders associated with this project, the City expects that the NEPA process may not be completed and approved until December 2011. After the NEPA process is complete, the City anticipates receiving right of way certification in February 2012, and submitting the allocation request package for the June 2012 Commission meeting. Therefore, the City requests a 12-month time extension to June 30, 2012, for the allocation of the funds programmed for construction.</p>			

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3	City of Dublin Alameda County PPNO: 04-2100H Alamo Canal Regional Trail, TE	\$0 \$0 \$0 \$1,021 \$1,021	18 Months 12/31/2012 Support
<p>The City of Dublin (City) is requesting an 18-month extension to the period of project allocation for construction of the Alamo Canal Regional Trail TE project. The City has experienced delays due to the scope of the environmental studies required for NEPA approval, which in turn has delayed the project delivery milestones related to the Plans, Specifications & Estimates (PS&E) phase, and right of way certification.</p> <p>The City originally anticipated receiving the required NEPA approval by the end of December 2010; however, the scope of environmental studies had expanded from what the City originally envisioned. The City was required to consult with the United States Fish and Wildlife Service (USFWS) regarding the project impacts on the habitat of the California Red-Legged frog. The consultation with the USFWS is still ongoing and the City is currently waiting for the USFWS to issue the Biological Opinion. The City is also required to complete a Historic Property Survey Report and Archaeological Survey Report prior to receiving NEPA approval. The time it will take to obtain the Biological Opinion is the most critical in regards to the project schedule.</p> <p>The City is continuing to diligently work on as many activities as possible concurrently with the environmental studies, but NEPA approval is a prerequisite to completing the PS&E phase and right of way certification. The City anticipates that the USFWS will issue the Biological Opinion by the end of March 2012, and the City anticipates receiving NEPA approval by the end of June 2012. The City expects to finalize PS&E and secure right of way certification by September 2012, and submit an allocation request package for the December 2012 Commission meeting. Therefore, the City requests an 18-month time extension to December 31, 2012, for the allocation of the funds programmed for construction.</p>			

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4	Mono County Mono County PPNO: 09-2021 Bridgeport Street Rehabilitation	\$0 \$0 \$0 \$1,869 \$1,869	12 Months 06/30/2012 Support
<p>The County of Mono (County) is requesting a 12-month extension to the period of project allocation for construction of the Bridgeport Street Rehabilitation project. The County has experienced delays with the environmental review process and the funding process.</p> <p>The amount programmed for the Plans, Specifications, and Estimates (PS&E) phase was \$64,000. The County submitted a Request for Funding Allocation (RFA) for PS&E for \$64,000 in June 2008 and began the design process. The County determined that additional design money would be required and \$130,000 was transferred from the construction phase to PS&E in 2010. A second RFA for PS&E was submitted for the \$130,000 later that year with the intent that design would be completed in the spring of 2011, followed by an RFA for the construction phase prior to the June 30, 2011 allocation deadline.</p> <p>The County fulfilled CEQA requirements in April 2008 with the completion of a Negative Declaration (ND) under CEQA Section 15183, which allows for NDs to tier off of larger, approved environmental documents. At the time of submittal of the second PS&E RFA, the County was unaware of the review required by the Commission. The County was informed by the Department in August 2010 that the environmental document for the project would need to undergo review and approval by the Commission prior to approval of an RFA for PS&E. The Commission approved the Environmental Resolution in January 2011.</p> <p>The second PS&E RFA is currently scheduled for the May 2011 Commission meeting. Assuming approval of the RFA in May 2011, this does not provide an adequate time frame for completing design and submitting an RFA for the programmed construction funds prior to the construction allocation deadline of June 30, 2011.</p> <p>The County is anticipating approval of the RFA for the PS&E phase at the May 11-12, 2011, Commission meeting and awarding a design contract by July 1, 2011. The County anticipates the PS&E phase being completed by February 1, 2012, and obtaining County Board of Supervisors approval of the project design on March 6, 2012. The County expects to submit the RFA for the construction phase in May 2012 for the June 2012 Commission meeting. Therefore, the City requests a 12-month time extension to June 30, 2012, for the allocation of the funds programmed for construction.</p>			

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5	Mono County	\$0	12 Months
	Mono County	\$0	06/30/2012
	PPNO: 09-2523	\$0	Support
	School Street Plaza, TE	\$225	
		\$225	

The County of Mono (County) is requesting a 12-month extension to the period of project allocation for construction of the School Street Plaza TE project. The County has experienced delays with obtaining an approved Request for Authorization (E-76) and completing an Archeological Survey Report (ASR).

This project was originally part of the 2006 STIP with funds programmed for Project Approval and Environmental Documents (PA&ED) in Fiscal Year (FY) 2009-10; Plans, Specifications, and Estimates (PS&E) and Construction in FY 2010-11. The project was carried over into the 2010 STIP and the County submitted an updated TE application on February 2, 2010, as part of the 2010 STIP. At the same time, the County obtained an archeological consultant in anticipation of the need for an ASR because the project is partially located on the property containing the Mono County Courthouse, which is listed on the National Register of Historical Places.

The project received an approved allocation for PA&ED at the May 2010 Commission meeting. The County was informed in June 2010 that the PA&ED work could not proceed until the E-76 was approved. The County submitted an E-76 in early July 2010 and received E-76 approval on August 5, 2010. After E-76 approval, the County was notified of an error on the TE application regarding the inclusion of diagonal parking reconfiguration, which is an ineligible item for TE. The diagonal parking was removed from the project and will be covered under the Bridgeport Street Rehabilitation project (PPNO 09-2021).

The delay in E-76 approval and the error on the TE application delayed the County and in turn caused scheduling conflicts with the consultant. The ASR was completed in November 2010, and a draft Preliminary Environmental Studies (PES) form was submitted on January 4, 2011. A final PES was approved on March 23, 2011.

The County is requesting a concurrent allocation for PS&E at the May 11-12, 2011, Commission meeting. If the PS&E allocation is approved, the County anticipates awarding a design contract by June 15, 2011, completing the design by September 15, 2011, and receiving County Board of Supervisors approval of the design on October 18, 2011. The County is timing the construction schedule for the School Street Plaza TE project to reflect the proposed construction schedule for the Bridgeport Street Rehabilitation project (PPNO 09-2021) in order to minimize the disturbance to traffic and the project area. Therefore, the County is requesting a 12-month time extension to June 30, 2012, for the allocation of the funds programmed for construction.