

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 2011

Reference No.: 2.8a.(2) - **REVISED**  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

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Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT ALLOCATION FOR  
LOCALLY-ADMINISTERED STIP PROJECTS, PER STIP GUIDELINES  
WAIVER-11-32**

**CTC ACTION TAKEN: The California Transportation Commission took action on extension requests as follows: The extension request for Project 9 (PPNO 03-1317) was approved for 12 months. The extension requests for Projects 8 (03-1L61) and 11 (PPNO 04-2100G) were approved for six months. The extension request for Project 10 (PPNO 03-1318) was approved for three months. Project 5 (PPNO 02-2395C) was withdrawn prior to the meeting. Projects 1 through 4, 6, 7, and 12 through 14, were approved as requested.**

## **RECOMMENDATION:**

The California 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 14 projects totaling \$4,245,000 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**

<b>Project #</b>	<b>Applicant County PPNO Project Description Reason for Project Delay</b>	<b>Extension Amount (\$ in thousands) PA&amp;ED (Project Approval &amp; Environment Document) PS&amp;E (Plans, Specifications &amp; Estimates) ROW (Right of Way) CON (Construction) <b>TOTAL</b></b>	<b>Number of Months Requested Extended Deadline CT Recommendation</b>
1	County of Lake Lake County PPNO: 01-3070 Cole Creek Bridge Replacement	\$0 \$17 \$4 \$ <b>\$21</b>	6 Months 12/31/2011 Support
<p>The County of Lake (County) is requesting a six-month extension to the period of project allocation for the Plans Specifications and Estimates (PS&amp;E) and right of way phases of the Cole Creek Bridge Replacement project. The County has experienced unanticipated delays with environmental and the Native American consultation processes.</p> <p>The County conducted four phases of the archaeological research that spanned from December 2000 through October 2005. During consultation and reviews with the Department, the scope of the project was reduced significantly in an attempt to save costs for both the Department and the County. However, the reduced scope extended the archaeological studies by approximately two years.</p> <p>The County also experienced a difficult process during the Native American consultation. The County submitted the studies and memoranda to the Big Valley Rancheria's (BVR) staff for review and comments. The Finding of Effects (FOE), Data Recovery Plan (DRP) and Memorandum of Agreement (MOA) documents took almost two years, from March 2009 to December 2010, to be reviewed by BVR.</p> <p>The County completed all of the archaeological studies, and submitted the FOE, DRP, and MOA to the Department for review on December 10, 2010. The Department submitted the FOE, DRP and MOA to the State Historic Preservation Office (SHPO) for review and comment on April 27, 2011. The County received comments from the SHPO on May 10, 2011, is currently making revisions to the documents, and will be submitting the revised FOE, DRP and MOA back to SHPO for review and approval by June 13, 2011. The County estimates the SHPO will take three months to review and concur and anticipates obtaining the NEPA certification by September 13, 2011. The County plans to submit allocation requests for both the PS&amp;E and right of way phases of the project by October 1, 2011, with the objective of obtaining the Commission's approval in approximately December 2011.</p>			
2	County of Tehama Tehama County PPNO: 02-2148 Bowman Road Bridge Replacement	\$0 \$0 \$0 \$400 <b>\$400</b>	6 Months 12/31/2011 Support
<p>The County of Tehama (County) is requesting a six-month extension to the period of project allocation for the construction phase of the Bowman Road Bridge Replacement project. The County has experienced delays due to right of way certification issues.</p> <p>The County originally anticipated completing right of way certification by March 2011; however, the right of way acquisition proved more difficult than expected and the project is currently in the eminent domain process. On March 15, 2011, a Resolution of Necessity was approved by the County Board of Supervisors. The process will continue with an Order of Possession, which is expected approximately September 1, 2011. The County anticipates obtaining right of way certification and requesting an allocation for construction in time for the December 2011 Commission meeting.</p>			

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3	County of Tehama Tehama County PPNO: 02-2378 Sacramento River Bridge Replacement	\$0 \$0 \$11 \$0 <b>\$11</b>	20 Months 02/28/2013 Support
<p>The County of Tehama (County) is requesting a 20-month extension to the period of project allocation for right of way phase of the Sacramento River Bridge Replacement project.</p> <p>The County has experienced delays due to bridge reconfiguration. The bridge hydraulic and floodplain analysis showed that the previous design would result in a water rise upstream in a Federal Emergency Management Administration study area; therefore, the original bridge had to be reconfigured. The reconfiguration of the bridge has impacted the timelines for all phases of the project, including environmental, engineering, and right of way. The bridge reconfiguration has impacted project development activities in several ways. The bridge has been reconfigured to add 250 feet of clear opening in order to diminish the effect of the bridge and road fills to zero. The County has recently approved this reconfiguration. The reconfiguration has resulted in new environmental study limits, additional environmental field reviews, additional field surveying, and a new project description. All of the environmental studies have to be redrafted and project plans have been set back to the 30-percent complete mark. The County estimates a 16-month delay in obtaining the NEPA clearances due to these factors. The County is currently working with the Department to gain approval of the new configuration, including a value analysis, as required for any project costing more than \$20 million.</p> <p>The County anticipates completing the environmental studies by September 2012, and obtaining right of way certification by April 2013.</p>			
4	County of Tehama Tehama County PPNO: 02-2379 Evergreen Road Bridge at Cottonwood Creek – Bridge Replacement	\$0 \$65 \$0 \$0 <b>\$65</b>	18 Months 12/31/2012 Support
<p>The County of Tehama (County) is requesting an 18-month extension to the period of project allocation for the Plans, Specifications and Estimates (PS&amp;E) phase of the Evergreen Road Bridge at Cottonwood Creek project. The County has experienced delays with environmental processes and approvals for CEQA.</p> <p>The County must re-align the bridge due to complex floodplain/floodway hydraulics studies and analyses, which the county had not anticipated in the original project development schedule. The bridge realignment work has delayed completion of the CEQA process. The task of bridge re-alignment is an iterative and time consuming process. For each re-alignment of the bridge, a hydraulic study is performed to analyze potential creek channel re-contouring and flood elevation, and an environmental study limit is drafted to determine the environmental studies and impacts. The unforeseen complexities of the floodplain and the hydraulic characteristics of the area and discovery of a potentially impacted plant species have introduced additional difficulties. Recently discovered elderberry bushes may be impacted by the bridge re-alignment, and this requires approval by the United States Fish and Wildlife Services, adding more time to the environmental clearances. The County estimates that bridge re-alignment studies will take nine months, and subsequent determination of the project footprint and environmental studies of the new impacted areas will take an additional nine months.</p> <p>The County anticipates completing environmental certification and requesting an allocation for PS&amp;E by the end of 2012.</p>			

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5	County of Lassen Lassen County PPNO: 02-2395C Skyline South Multi Use Pathway Extension, TE	\$0 \$0 \$50 \$0 <b>\$50</b>	<b>18 Months - WITHDRAWN PRIOR TO CTC MEETING</b> 12/31/2012 Support
<p>The County of Lassen (County) is requesting an 18 month extension to the period of project allocation for the right of way phase of the Skyline South Multi Use Pathway Extension project. The County has experienced delays with environmental processes and approvals for CEQA and NEPA clearances.</p> <p>The project has been delayed because an abandoned railroad corridor was discovered late within the project's impact area, requiring additional complex and time consuming environmental studies, including a hazardous material study. The County has completed the Natural Environmental Study Report and Phase 1 of the environmental assessment, and has submitted them to the Department for review and to determine the extent of future required studies. The county estimates that the additional environmental studies will take approximately 12 months to complete.</p> <p>The County plans to hire private environmental consultants to complete the required studies. The County will perform the consultant solicitation and selection by September 2011, and will award the consultant contract and issue a notice to proceed by October 2011. The consultant will complete the environmental assessment by April 2012. The County will review and submit the environmental studies to the Department for review by June 2012. The County anticipates obtaining CEQA and NEPA clearances by December 2012.</p>			
6	County of Tehama Tehama County PPNO: 02-2430 99 West at Thomas Creek Bridge Replacement	\$0 \$58 \$0 \$0 <b>\$58</b>	9 Months 03/31/2012 Support
<p>The County of Tehama (County) is requesting a nine-month extension to the period of project allocation for the Plans, Specifications and Estimates (PS&amp;E) phase of the 99 West at Thomas Creek Bridge Replacement project. The County has experienced unforeseen delays with environmental processes and approvals for CEQA clearances.</p> <p>The time delay in the CEQA process is due to several factors. During the preliminary engineering, the County determined that the traffic detours could potentially have a negative impact on the railroad right of way and would have to be avoided. Therefore, the construction staging and traffic handling plans took an additional three months to complete. Subsequently, the determination of the project scope area, the project footprint, related environmental study limits and the determination of potential impact to the railroad right of way have consumed six more months than originally anticipated. The County estimates that the CEQA clearances will be complete by end of 2011 or early 2012; therefore, the County is requesting a nine-month time extension to complete environmental studies in order to proceed with the PS&amp;E phase of the project.</p>			

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7	Siskiyou County Siskiyou County PPNO: 02-2479 Bridge Preventive Maintenance Program at Various Locations Phase 1	\$0 \$0 \$0 \$103 <b>\$103</b>	12 Months 06/30/2012 Support
<p>The County of Siskiyou (County) is requesting a 12-month extension to the period of project allocation for the construction phase of the Bridge Preventive Maintenance Program at Various Locations Phase 1 (BPMP Phase 1) project. The County is requesting to delay construction allocation for BPMP Phase 1 to align this project allocation with the programmed construction funds on another Bridge Preventive Maintenance Program at Various Locations Phase 2 (BPMP Phase 2) project (PPNO 2504).</p> <p>BPMP Phase 2 will be programmed by STIP amendment in the 2010 STIP, which is expected to be approved at the June 2011 Commission meeting. The STIP funding capacity for BPMP Phase 2 is coming from another STIP project, the Ash Bridge Replacement project (PPNO 2302), because the Ash Bridge Replacement project will use toll credits for match, thereby freeing up STIP capacity to be reprogrammed to the new BPMP Phase 2 project. The County is proposing to delay the \$103,000 construction allocation for the BPMP Phase 1 project so that the County can request a construction allocation for the BPMP Phase 1 and BPMP Phase 2 projects at the same time to utilize economy of scale of delivering both projects under one contract. Another reason for the delay is that the original estimate for construction for BPMP Phase 1 was under-estimated because at the time no field inspection work had been completed. To date, our consultant has inspected every bridge and has an accurate cost for construction of all 30 bridges.</p> <p>Both BPMP Phase 1 and BPMP Phase 2 are fully funded. BPMP Phase 1 provides a \$103,000 State-only funds (SOF) match for \$898,000 Highway Bridge Program (HBP) funds, and BPMP Phase 2 provides a \$222,000 SOF match for \$1,935,000 HPB funds, for a total of \$325,000 SOF and leveraging of \$2,833,000 in federal HPB funds, as programmed in Federal Transportation Improvement Program Amendment 7, which was approved by FHWA on April 7, 2011. Total BPMP estimate for 30 bridges in the County is \$2,833,478. STIP amendment 10S-032 and the BPMP bridge list provide more information.</p> <p>The County does not anticipate any further delays to complete this project. The environmental process is nearly completed. The final Plans, Specification and Estimate will be completed by June 30, 2012.</p>			
8	Sierra County Sierra County PPNO: 03-1L61 Ridge Road Rehabilitation	\$0 \$100 \$59 \$0 <b>\$159</b>	<del>20 Months</del> <b>6 Months</b> <del>02/28/2013</del> <b>12/31/11</b> Support
<p>The County of Sierra (County) is requesting a 20-month extension to the period of project allocation for the Plans, Specifications and Estimates (PS&amp;E) and right of way phases of the Ridge Road Rehabilitation project. The County has experienced delays due to unanticipated NEPA compliance issues.</p> <p>The County originally anticipated having the NEPA compliance approval by June 2010; however an unanticipated requirement delayed the environmental process. The project is in a region of the County that has a history in gold mining and contains mining tailings (rock piles). The Department rejected the County's initial NEPA conclusions that would have placed the burden for a Health and Safety Plan (HSP) for construction activities within these isolated areas onto the next phase (PS&amp;E) of the project. The HSP included schedule for watering, dust control, and testing of soils and materials in the project site, but the Department insisted that HSP be prepared and evaluated in advance of any approval of the NEPA documents. Consequently, the NEPA clearance is delayed until HSP is developed. Furthermore, the Area of Potential impact study was expanded due to additional cultural recourses discovered during the initial study that required further investigations.</p> <p>The County anticipates obtaining the NEPA Categorical Exclusion document by December 2011. Due to the high elevation of the project site, testing for hazardous materials will have to occur after the snow melt in the summer of 2012. In a worst case scenario, the completion of HSP and any additional sampling and testing of soils will be completed by end of 2012 or early 2013. Once the NEPA and HSP are complete, the County can proceed with project engineering and right of way phases and request for corresponding allocations.</p>			

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9	Glenn County Glenn County PPNO: 03-1317 Hamilton City Pedestrian Improvements, TE	\$0 \$0 \$1 \$308 <b>\$309</b>	<del>20 Months</del> <b>12 Months</b> <del>02/28/2013</del> <b>06/30/12</b> Support
<p>The County of Glenn (County) is requesting a 20-month extension to the period of project allocation for the right of way and construction phases of the Hamilton City Pedestrian Improvements project. The County has experienced unforeseen delays with NEPA clearance and with obtaining right of way certification due to existing utility conflicts with the project.</p> <p>The Preliminary Environmental Study (PES) has been submitted to the Department for review. The County anticipates obtaining the NEPA document by late 2011. The County also encountered unforeseen right of way conflicts with existing utility poles and guy wires. There are two utilities firms with existing facilities that are in conflict with project construction. The County is working with the utility firms to complete the utility relocation so that the project can proceed; however, the utility firms have not committed to any time constraints. Upon obtaining the NEPA clearances, the County will request an allocation for the right of way phase. Subsequent to the right of way certification, the County anticipates requesting a construction allocation by February 28, 2013.</p>			
10	City of Willows Glenn County PPNO: 03-1318 Gateway Monument Signs Phase 2, TE	\$0 \$0 \$0 \$109 <b>\$109</b>	<del>7 Months</del> <b>3 Months</b> <del>01/31/2012</del> <b>09/30/11</b> Support
<p>The City of Willows (City) is requesting a seven-month extension to the period of project allocation for construction phase of the Gateway Monument Signs Phase 2 project. The City has experienced delays with the environmental review process and right of way acquisitions.</p> <p>The City programmed this TE project in the 2010 STIP in February 2, 2010. It took the City six months longer than originally anticipated to complete the right of way acquisition negotiations for the extension of an existing easement for placement of one of the signs on the west entrance to the City. The City obtained the easement on April 18, 2011.</p> <p>Due to inclusion of federal funding for the project, the City must prepare NEPA documents. The City will prepare and submit the Preliminary Environmental Study (PES) form by June 10, 2011. The City anticipates completing the CEQA and NEPA documentation by June 10, 2011. Therefore the City is confident that they can allocate construction funds for this project by January 2012, considering the worst case scenarios.</p>			

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11	City of Berkeley Alameda County PPNO: 04-2100G Berkeley Bay Trail Extensions Segment One, TE	\$0 \$0 \$0 \$1,928 <b>\$1,928</b>	<del>8 Months</del> <b>6Months</b> <del>02/28/2012</del> <b>12/31/11</b> Support
<p>The City of Berkeley (City) is requesting an eight-month extension to the period of project allocation for construction of the Berkeley Bay Trail Extension Segment One TE project.</p> <p>All of the project documents were completed; including environmental documents, construction documents, and permits; to meet the state funding requirements. During the planning phase, a comprehensive CEQA process was conducted and resulted in the adoption of a Mitigated Negative Declaration 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, Regional Water Quality Control Board, San Francisco Bay <b>Conservation</b> and Development Commission, and United States Coast Guard. The city also obtained a United States Army Corps of Engineers (AEOC) Nationwide Permit that requires construction to begin by March 18, 2012.</p> <p>On September 20, 2010, the Metropolitan Transportation Commission staff notified the City that \$1,928,000 in TE funds had been approved for construction of the project. The California State Coastal Conservancy is providing an additional \$355,000 in grant funds.</p> <p>The City originally anticipated obtaining NEPA and right of way certification by February 2011. However, based on recent discussions with Department staff, as well as the extensive time that it took for the City to obtain CEQA clearance and the permits and approvals, the City has revised the time estimate for the NEPA process. The City currently anticipates obtaining NEPA and right of way certification in September 2011.</p> <p>Once the City obtains the NEPA and right of way certifications, the City will advertise the project in late 2011. The City plans to request an allocation for the construction funds in early 2012, in order to award a contract by the spring of 2012.</p> <p>If the City were required to reprogram the construction funds in the 2012 STIP, the City would miss the March 18, 2012 construction start deadline required for the AEOC Nationwide Permit, and would have to apply for an Individual Permit, resulting in additional delays. The City would have to wait until July 2012 to request an allocation. The 2012 STIP is scheduled for adoption in April 2012. The City would then advertise and award a contract approximately August through October 2012. By this time, the dry weather would be past, making starting construction in Calendar Year 2012 infeasible. For this reason, the City is unable to reprogram the funds in the 2012 STIP. Therefore, the City is requesting an eight-month time extension to February 29, 2012, for the allocation of the funds programmed for construction.</p>			
12	City of El Paso De Robles San Luis Obispo County PPNO: 05-1978 South River Road Bike and Pedestrian Path (Phase One), TE	\$0 \$0 \$0 \$355 <b>\$355</b>	6 Months 12/31/2011 Support
<p>The City of El Paso De Robles (City) is requesting a six-month extension to the period of project allocation for construction phase of the South River Bike and Pedestrian Path (TE) project. The City has encountered unforeseen circumstances during the project's environmental clearance process that were beyond the City's control.</p> <p>The City recently discovered that it must prepare a least bell's vireo (bird species) survey as part of the NEPA clearance. Due to the nesting season of this species, the survey can be performed only between April 10 and July 31. The survey must consist of eight separate one-day surveys performed ten days apart. The earliest this could be completed is July 1, 2011. The City must submit the completed survey to the United States Fish and Wildlife Service (USFWS) for approval. The USFWS review period will take an additional two to three months.</p> <p>The City began the survey in April 2011, anticipates completing the survey by July 2011, and anticipates submitting the completed report to USFWS in August 2011. The City estimates that USFWS approval will be obtained by November 2011 which will enable the City to request an allocation for construction by December 2011.</p>			

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13	City of Visalia Tulare County PPNO: 06-D019 Saint John River Bicycle Path, TE	\$0 \$0 \$0 \$159 <b>\$159</b>	20 Months 02/28/2013 Support
<p>The City of Visalia (City) is requesting a 20-month extension to the period of project allocation for construction phase of the Saint John River Bicycle Path project. The City has experienced unforeseen issues with acquiring a parcel of land which has delayed the right of way certification process.</p> <p>Approximately six months ago, through a Preliminary Title Report, the City discovered that a parcel needed for project right of way is owned by a defunct levee district (Levee District Number One of Tulare County) and all of the individuals associated with the district are deceased. The Kaweah Delta Water Conservation District recommended contacting Tulare County. The Tulare County Resource Management Agency recommended using the eminent domain process to condemn the Levee District's interest in the property because there is nobody to represent the Levee District. The City Attorney concurs that the City's only recourse is condemnation. The City Attorney will take the Resolution of Necessity to the City Council in September 2011. The City anticipates filing the condemnation lawsuit in October 2011. The City anticipates the trial starting in August 2012 and continuing to November 2012. The City anticipates submitting the request for allocation for construction by December 2012, for consideration by the Commission in early 2013.</p>			
14	City of Arvin Kern County PPNO: 06-E015 Arvin Bicycle and Pedestrian Improvements TE	\$0 \$0 \$0 \$518 <b>\$518</b>	9 Months 03/31/2012 Support
<p>The City of Arvin (City) is requesting a nine-month extension to the period of project allocation for construction phase of the Arvin Bicycle and Pedestrian Improvement TE project. The City has encountered overhead utility conflicts with Pacific Gas and Electric and American Telephone and Telegraph facilities that were unforeseen and beyond its control.</p> <p>The previous City Engineer submitted the project application on October 26, 2005. The existence of the overhead utilities were not noted during the project application phase because the City did not think they were in conflict with the project implementation and thus the project construction phase was programmed for Fiscal Year 2010-11. In October 2010, after the site was surveyed and during the project engineering (PS&amp;E) phase, the City discovered more than 27 poles located along the path of the proposed construction, which created conflict with the project's implementation. The City is coordinating with the utility owners regarding various options to make the project work. The City's original preferred option for undergrounding of the utilities was deemed infeasible due to the length of time required, and the option was abandoned. The City has requested the utility owners to develop relocation plans that will work for the proposed project. The City anticipates that relocation activities will take approximately six to nine months, and the City anticipates requesting an allocation for the construction phase by March 2012.</p>			