

State of California  
Business, Transportation and Housing Agency  
Department of Transportation

PROJECT BUSINESS MATTERS  
Extension Request – AB 1012 Requirements  
Action Item

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CTC Meeting: January 23-24, 2002

Agenda Item: 2.8.(f)

*Original Signed By*  
ROBERT L. GARCIA  
Chief Financial Officer  
January 2, 2002

**WAIVER REQUEST**  
**ASSEMBLY BILL (AB) 1012 “USE IT OR LOSE IT” PROVISIONS**  
**REGIONAL AGENCY APPORTIONED FEDERAL FUNDS**  
**WAIVER-02-04**

**ISSUE**

The Department provided the Second cycle notification to regional agencies on December 5, 2000. The deadline to obligate funds prior to potential reprogramming by the Commission was December 5, 2001. The initial notice on December 5, 2000 totaled approximately \$276.9 million. Since that date, approximately \$237.5 million has been obligated and \$28.8 million has been extended (December 2001 CTC meeting). Some agencies still require extensions of the obligation deadline for their CMAQ and TEA funds. It is estimated that, assuming the CTC approves all January extension requests, less than \$250,000 will be available for reprogramming from Cycle 2.

**BACKGROUND**

Sections 182.6 and 182.7 of the Streets and Highways Code stipulate that Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) funds apportioned for programming by regional planning agencies be obligated within three years of the start of the federal fiscal year (FFY) for which the funds are received. The California Transportation Commission (Commission) may reprogram funds not obligated within the three-year period. The Department of Transportation (Department) is responsible to notify regional agencies of any funds entering the third year. Regional agencies are then responsible to provide obligation plans for any funds at risk of potential reprogramming. Section 182.6 of the Streets and Highways Code is also used to apply these provisions to Regional Transportation Enhancement Activities (TEA) funds.

**RECOMMENDATION**

The deadline for obligating Second cycle funds under AB 1012 “Use It or Lose It” provisions was December 5, 2001. The attachment identifies agencies and describes the projects that require additional time to obligate. The Department recommends approval of the attached extension requests.

Attachment

<b>Regional Agency</b>	<b>Extension Amount</b>	<b>Number of Months Requested</b>
<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>
<b>Reason for Project Delay:</b>		
<b>Mariposa County Transportation Commission</b>		
Mariposa Public Works	\$48,000	6 months
	Regional TEA	6/5/2002
		Support
<p>Delay of the Mariposa Beautification project is a result of project eligibility issues. The County of Mariposa could not begin work on this project until the scope of the TEA eligible activities was determined in November 2001. The County requests a 6-month time extension to complete the required environmental work prior to the construction phase.</p>		

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<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>
<b>Reason for Project Delay:</b>		
<b>Department Recommendation</b>		
<b>Humboldt County Association of Governments</b>		
City of Fortuna	\$250,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The Rohnerville Road Bike and Pedestrian Pathway project has been delayed. The last Federal Aid project undertaken by the City of Fortuna was more than ten years ago. The City is having to relearn the process. It has taken longer than anticipated for document review. The City has completed the PES, APE and CEQA/NEPA review. Right-of-way documents have also been submitted. The PS&amp;E package along with 2002 DBE, QAP, construction list and related work will be submitted in January 2002. The City is requesting a 6-month time extension and is expecting to obligate the project within that timeframe.</p>		
City of Trinidad	\$8,800	6 months
	Regional TEA	6/5/2002
		Support
<p>The Gateway Landscaping, Sidewalks, Information Kiosks project in Trinidad has been delayed. The final negotiation between property owners is taking more time than originally anticipated for this phase of the project. The City is asking for a 6-month time extension to obligate the project.</p>		

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<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>
<b>Reason for Project Delay:</b>		
<b>Mono County Transportation Commission</b>		
Mono County	\$128,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The Lee Vining Landscape project is delayed due to a Federal obligation shutdown for preliminary engineering. This has delayed the ability of Mono County to proceed with the project as scheduled. Due to the delay, the County is requesting a 6-month time extension.</p>		
Mono County	\$464,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The June Lake Streetscape Improvements project is delayed due to a Federal obligation shutdown of preliminary engineering. This has delayed the ability of Mono County to proceed with the project as scheduled. Due to the delay, the County is requesting a 6-month time extension.</p>		

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<b>Reason for Project Delay:</b>		
<b>Department Recommendation</b>		
<b>Los Angeles County Metropolitan Transportation Authority</b>		
City of Los Angeles	\$430,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The Angels Walk–Chinatown project is one of the substitution projects placed on the revised MTA “obligation plan”. The substitution projects are replacements for those projects on the original “obligation plan” that were not obligated due to eligibility concerns. The MTA is fully confident that this project will obligate within the 6-month time extension period.</p>		
City of Los Angeles	\$700,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The Pico Blvd. Corridor Enhancement–Crenshaw to La Brea project is one of the substitution projects placed on the revised MTA “obligation plan”. The substitution projects are replacements for those projects on the original “obligation plan” that were not obligated due to eligibility concerns. The MTA is fully confident that this project will obligate within the 6-month time extension period.</p>		
City of Los Angeles	\$1,135,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The Northeast Los Angeles Community Linkages–Phase III project is one of the substitution projects placed on the revised MTA “obligation plan”. The substitution projects are replacements for those projects on the original “obligation plan” that were not obligated due to eligibility concerns. The MTA is fully confident that this project will obligate within the 6-month time extension period.</p>		
City of Los Angeles	\$945,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The Century Blvd. Median Enhancement project is one of the substitution projects placed on the revised MTA “obligation plan”. The substitution projects are replacements for those projects on the original “obligation plan” that were not obligated due to eligibility concerns. The MTA is fully confident that this project will obligate within the 6-month time extension period.</p>		

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<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>
<b>Reason for Project Delay:</b>		
<b>Department Recommendation</b>		
<b>Lassen County Transportation Commission</b>		
Lassen County	\$119,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The project is the Skyline Road East Bicycle Path. Lassen County's 1999 TEA apportionment was erroneously applied to the Westwood Trailhead Visitor Center project which was to have been funded with \$251,000 from ISTEA-era TEA funds and \$157,000 from the County's 1998 TEA apportionment. The County assumed the 1999 TEA funds were spent. Upon subsequent investigation by Caltrans, a correction was made and the County was informed.</p> <p>The County is submitting an allocation request for the January 2002 CTC meeting for allocation of the STIP match funds. However, the official lapse date for the 1999 TEA funds is December 5, 2001. If there is any delay in allocation or if funds cannot be allocated due to the need to change from the construction component to the environmental and permits component, the County will have enough time to find an alternative match source and obtain the required Local Transportation Commission approval. The County will be able to obligate the project within the time extension period.</p>		
Lassen County	\$76,000	6 months
	Regional TEA	6/5/2002
		Support
<p>The project is the Skyline Extension Bicycle Path. Lassen County's 1999 TEA apportionment was erroneously applied to the Westwood Trailhead Visitor Center project which was to have been funded with \$251,000 from ISTEA-era TEA funds and \$157,000 from the County's 1998 TEA apportionment. The County assumed the 1999 TEA funds were spent. Upon subsequent investigation by Caltrans, a correction was made and the County was informed.</p> <p>The County is submitting an allocation request for the January 2002 CTC meeting for allocation of the STIP match funds. However, the official lapse date for the 1999 TEA funds is December 5, 2001. If there is any delay in allocation or if funds cannot be allocated due to the need to change from the construction component to the environmental and permits component, the County will have enough time to find an alternative match source and obtain the required Local Transportation Commission approval. The County will be able to obligate the project within the time extension period.</p>		

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<b>Local Agency</b>	<b>Fund Type</b>	<b>Extended Deadline</b>
<b>Reason for Project Delay:</b>		
<b>Department Recommendation</b>		
<b>Inyo County Local Transportation Commission</b>		
Inyo County	\$646,269	6 months
		6/5/2002
	Regional TEA	Support
<p>Completion of the PS&amp;E for the bicycle lanes and roadway resurfacing project was delayed due to adoption and implementation of the DBE Program for FY 01/02 (adopted 12/4/01). As a result, the project cannot be completed at the present time due to low winter temperatures. Suitable weather for paving operations will be available next spring. Draft PS&amp;E documents are available and can be completed shortly, allowing obligation within the county's requested extension of 6 months.</p>		

<b>Regional Agency</b>	<b>Extension Amount</b>	<b>Number of Months Requested</b>
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<b>Department Recommendation</b>		
<b>Reason for Project Delay: (reason same for all projects below)</b>		
<p><b>Riverside County Transportation Commission</b> requests a six-month extension for the following CMAQ projects in Riverside County. These projects will be obligated by June 2002. The anticipated obligation of \$12.4 million by June 2002 exceeds the balance subject to loss (\$7.8 million as of September 2001). In August 2002, RCTC also anticipates obligating \$31 million of CMAQ funds (twice the annual apportionment) on a High Occupancy Vehicle Project on State Route 60 in the City of Moreno Valley. Due to a majority of RCTC's remaining TEA21 CMAQ funds programmed on the Route 60 HOV project, a limited amount of projects programmed can be obligated this year. Although RCTC can obligate this year's balance subject to reprogramming with the approval of a six-month extension, they believe counties should not necessarily be held to obligating their balance subject to reprogramming for CMAQ, RSTP, and RTEA funds if they can demonstrate that the funding will be obligated in an upcoming fiscal year.</p> <p>Currently, AB 1012 allows counties to obligate more than their balance subject to reprogramming due to a majority of projects or funds programmed in a fiscal year. For example, last year RCTC obligated nearly twice their RSTP apportionment amount in federal fiscal year 1999/00, resulting in a zero balance subject to reprogramming this year. Therefore, if counties are allowed to obligate more than their apportionment level per year, then counties should also be allowed to accumulate funds if a majority of projects or funds are scheduled for obligation in a future year.</p>		
<b>Riverside County Transportation Commission</b>	\$331,344	6 months
City of Hemet	CMAQ	6/5/2002
Support		
Construction of Transportation/Transit Center (\$130,000 ROW and \$201,344 Construction).		
City of Lake Elsinore	\$639,845	6 months
	CMAQ	6/5/2002
Support		
Interconnect, Collier/Riverside Drive.		
City of Temecula	\$364,876	6 months
	CMAQ	6/5/2002
Support		
Interconnect, SR 79 North.		

<b>Riverside County Transportation Commission (Continued)</b>	<b>Extension Amount Fund Type</b>	<b>Number of Months Requested Extended Deadline Department Recommendation</b>
City of Murrieta	\$75,681 CMAQ	6 months 6/5/2002 Support
Signal, Jefferson/Kalmia. Project awaiting completion of a road construction project prior to implementation.		
City of Murrieta	\$75,681 CMAQ	6 months 6/5/2002 Support
Signal, Adams/Kalmia. Project awaiting completion of a road construction project prior to implementation.		
City of Murrieta	\$57,000 CMAQ	6 months 6/5/2002 Support
Signal, Jefferson/Murrieta Hot Spr. Project awaiting completion of a road construction project prior to implementation.		
Riverside County Transportation Commission	\$1,033,250 CMAQ	6 months 6/5/2002 Support
Clean Fuels Infrastructure Projects.		
Riverside County Transportation Commission	\$400,000 CMAQ	6 months 6/5/2002 Support
Station Security Enhancements.		
Riverside County Transportation Commission	\$2,500,000 CMAQ	6 months 6/5/2002 Support
San Jacinto Track Improvement Eng.		

<b>Riverside County                      Transportation Commission                      (Continued)</b>	<b>Extension Amount                      Fund Type</b>	<b>Number of Months Requested                      Extended Deadline                      Department Recommendation</b>
City of San Jacinto	\$156,560 CMAQ	6 months 6/5/2002 Support
Signal, Ramona/E. Main/San Jacinto/De Anza.		
City of Riverside	\$500,000 CMAQ	6 months 6/5/2002 Support
SR 91/Van Buren IC Improvements. City obligated \$1million for engineering in June 2001. City plans to obligate additional \$500,000 for design in January 2002.		
City of Riverside	\$6,271,000 CMAQ	6 months 6/5/2002 Support
Jurupa Grade Separation.		

**AMOUNTS SUBJECT TO AB 1012 REPROGRAMMING 12/05/2001**

	Region	\$ Subject to Reprogramming	Extension Requested	# of Projects	Available for Reprogramming
<b>CMAQ</b>	Riverside	\$7,824,607	\$12,405,237	12	\$0
	Tahoe	\$126,398	\$0	0	\$126,398
	Subtotal	\$7,951,005	\$12,405,237	12	\$126,398
<b>RSTP</b>	none	\$0	\$0	0	\$0
	Subtotal	\$0	\$0	0	\$0
<b>TEA</b>	Mariposa	\$47,582	\$48,000	1	\$0
	Humboldt	\$242,516	\$258,800	2	\$0
	Mono	\$251,000	\$592,000	2	\$0
	Los Angeles	\$1,144,552	\$3,210,000	4	\$0
	Lassen	\$195,000	\$195,000	2	\$0
	Inyo	\$755,400	\$646,269	1	\$109,131
	Subtotal	\$2,636,050	\$4,950,069	12	\$109,131
<b>Total</b>		<b>\$10,587,055</b>	<b>\$17,355,306</b>	<b>24</b>	<b>\$235,529</b>