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www.AlamedaCTC.org

Memorandum

Date: January 31, 2011
To: ACTAC
From: Matt Todd, Manager of Programming
Subject: **STIP Extension Request – Approve Allocation Deadline for the City of Oakland Coliseum BART Pedestrian Improvements Project**

Action Requested

ACTAC is requested to recommend Board approval of the Request for Time Extension to the June 30, 2011 allocation deadline for the City of Oakland Coliseum BART Pedestrian Improvements Project.

Discussion

The City of Oakland requests a 6-month time extension to the allocation deadline from June 30, 2011 to December 31, 2011 for the \$885,000 of STIP-TE programmed for the Construction phase.

The timely use of funds provisions enacted by SB 45 are intended to encourage local and regional agencies to accurately program, monitor and deliver STIP projects in a timely manner. Per the STIP Guidelines, the CTC may grant a one-time extension to each of the allocation, expenditure, award, and completion deadlines 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 20 months.

The reason for the extension request is to provide time to complete the NEPA and ROW certification process. The City has provided extensive responses to the NEPA review with a number of technical memos prepared by City staff. Nonetheless, it appears that the State of California may still require additional time to verify the Cultural, Historic and Archeological studies with the State Historic Preservation Office (SHPO). In addition, the City is working on the Right of Way Certification element and is currently waiting for feedback and/or an indication from UPRR of the timeframe required to secure the necessary UPRR permit. A time extension will provide the time to complete the ROW Certification for the project. Due to the NEPA and ROW Certification considerations, staff is requesting an extension of six (6) months to implement the project allocation.

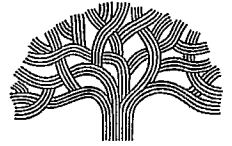
Next Steps

Upon Alameda CTC Board approval, MTC concurrence will be requested. If received, the request will be forwarded on to Local Assistance for signature and placement on the May CTC agenda.

Attachments

Attachment A - STIP Time Extension Request

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 5313 • OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency
Redevelopment Division

(510) 238-3015
FAX (510) 238-3691
TDD (510) 238-3254

January 24, 2011

Tiep Dang
District Local Assistance Engineer
Caltrans District 4, Office of Local Assistance
111 Grand Avenue
Oakland, CA 94623-0660

Dear Mr. Dang:

RE: PPNO:2103A
Project No.: RPSTPL- 5012(107)
EA: CE (Pending)
Coliseum BART Plaza and Pedestrian Areas
City of Oakland; Alameda County
Assembly District 16th
Senate District: 9th

We request that the California Transportation Commission (CTC) approve a request for a time extension for this project. The reason for the extension request is to provide time to complete the NEPA and ROW certification review process. The City has provided extensive responses to the NEPA review with a number of technical memos prepared by City staff. Nonetheless, it appears that the State of California may still require time to verify the Cultural, Historic and Archeological review component with the State Historic Preservation Office (SHPO). In addition, we are working on the Right of Way Certification elements. We have an executed certification, but are working to permit the improvement with both UPRR and BART, the co-applicant on the STIP grant. While we view the ROW work here as procedural, a time extension would assist the City of Oakland and provide the time to execute the ROW for the project. Due to the NEPA and ROW considerations, staff is requesting an extension of six (6) months to implement the project allocation.

E. Reason for project delay

The RIP-TE funds were the first federal funds programmed to the project. At the time of programming, we assumed the NEPA process would be straightforward given the nature of the proposed improvements and our evaluation related to CEQA. We were unable to begin the NEPA process through Caltrans Local Assistance until we had the federal funding approved in the TIP. While the project was adopted into the 2010 STIP, the TIP amendment for the federal funding was not approved until June 2010. We were ready to begin the NEPA process (notwithstanding the Local Assistance requirement that the federal funds be approved in the TIP) at the time we submitted the application for the 2010 STIP development, i.e. February/March 2010.

As detailed design progressed and the impacts on the UPRR right of way were identified, we initiated discussions with UPRR about a permit for the work affecting their right of way. We are currently in discussions with UPRR. The 100% PS&E has been discussed with UPRR, and we are waiting for feedback and/or an indication of the timeframe required to secure the permit necessary to secure our Right of Way Certification required for our Construction Allocation Vote.

The project has experienced compounding delays beyond the control of the City of Oakland. First, the delay waiting for the TIP amendment to be approved so the NEPA process could begin, followed by the unpredictable timeframe for negotiating with UPRR to secure the required permit.

At the time of programming, we expected to be in a position to submit a complete request for allocation package in the March 2011 timeframe. We understood that we would also need to be ready to submit a complete request for authorization to proceed with construction package in order to get our E-76 and to be ready to advertise as soon after the CTC vote as possible so we could meet the award deadline following the allocation.

While we have been able to make up most of the delay, our current project schedule includes two key assumptions related to preparing complete request packages for the allocation and authorization: 1) NEPA approval by 3/31/11 (based on outstanding comments/requirements from Caltrans); and 2) UPRR permit approval by the end of July 2011 (including some contingency time). The controlling assumption is the UPRR permit which will allow us to complete our Right of Way Certification for Caltrans approval (the ability for sponsors to certify the right of way for off-system projects has been rescinded by Caltrans, i.e. LAPM Exhibit 13-A deleted). If we have the permit by the end of July 2011, we can submit our Right of Way Certification for Caltrans approval during August 2011, and be ready to submit our request for allocation and authorization packages by the end of September, which should make us ready for an allocation at the December 2011 CTC meeting.

The six month extension being requested represents the difference between the original deadline of June 30, 2011 and December 31, 2011 to allow for a vote at the December 2011 CTC meeting.

I. Regional Transportation Planning Agency/County Transportation Commission Concurrence:

Concurred

Signature _____ Title: _____

Date: _____

Agency/CTC _____

J. Caltrans District Local Assistance Engineer Acceptance:

I have reviewed the information submitted on the Request for Time Extension and agree it is complete and has been prepared in accordance with the Procedures for Administering Local Grant Projects in the State Transportation Improvement Program.

Signature _____ Title: _____

Date: _____

Attachments:

Distribution: (1) Original -DLAE (2) Copy- Division of Local Assistance, STIP Coordinator
(3) Copy - RTPA/County Transportation Commission

This project was initially adopted into the 2010 STIP.

F. Status of project milestones/ revised project milestones

1) Completion of Environmental Document:

CEQA - Notice of exemption signed and filed 2010.

NEPA - Categorical Exemption pending, field review completed Jan. 12, 2011.

2) Right of Way Certification:

Certification Form B information has been prepared as requested. Oakland signed 13-B ROW Certification and the permits to enter are in process.

3) Construction: Project will be advertised by the Oakland upon CTC approval in FY 2011.

G. Timely Use of Funds

We request that the CTC approve this request at the May 2011 meeting.

H. Local Agency Certification:

This Request for Time Extension has been prepared in accordance with the Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STIP). I certify that the information provided in the document is accurate and correct. I understand that if the required information has not been provided this form will be returned and the request may be delayed. Please advise us as soon as the time extension has been approved. You may direct any questions to Jay Musante, Project Manager at 238-6658.

Signature 

Title: ACTING AREA MANAGER

Date: 1/29/11

Agency/Commission:

CITY OF OAKLAND

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