



ACCMA ■ 1333 Broadway, Suite 220 ■ Oakland, CA 94612 ■ PH: (510) 836-2560  
ACTIA ■ 1333 Broadway, Suite 300 ■ Oakland, CA 94612 ■ PH: (510) 893-3347

[www.AlamedaCTC.org](http://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 Berkeley Bay Trail Extension Project, Phase 1**

### Action Requested

ACTAC is requested to recommend Board approval of the Request for Time Extension to the June 30, 2011 allocation deadline for the Berkeley Bay Trail Extension Project, Phase 1.

### Discussion

The City of Berkeley requests a 12-month time extension to the expenditure deadline from June 30, 2011 to June 30, 2012 for the \$1,928,000 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.

As of 2009, the Bay Trail Extension Segment One Project at the Berkeley Marina was ready for construction using state and local funds. All project documents were completed, including environmental documents, construction documents, and permits. In mid-2009, state funding for the project was drastically reduced and the City looked to federal STIP-TE transportation funding. On September 20, 2010, MTC staff notified the City that TE funding had been approved.

While the City had environmentally cleared the project in 2004 in accordance with CEQA requirements, it is now in the process of obtaining NEPA clearance. The initial expectation was that the NEPA approval would be finalized by December 2010. This would have allowed sufficient time to obtain the Right of Way Certification by February 2011 and submit the allocation request package for a May 2011 CTC allocation. Due to the numerous stakeholders associated with the project, however, it now appears that the NEPA process may not be complete and approved by Caltrans until December 2011, initially anticipated in December 2010. As a result, the City of Berkeley requests an extension of twelve months to the allocation deadline from June 30, 2011 to June 30, 2012.

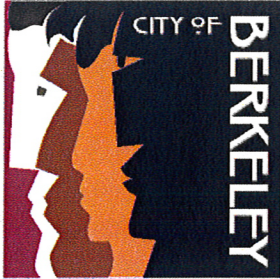
**Next Steps**

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

**REQUEST FOR TIME EXTENSION  
LOCAL STIP PROJECTS**



City of Berkeley  
Parks Recreation & Waterfront Department  
2180 Milvia Street, Berkeley, CA 94704  
Tel: (510) 981-6700 • TDD: (510) 981-6903 • Fax: (510) 981-6710  
E-Mail: [wrogers@ci.berkeley.ca.us](mailto:wrogers@ci.berkeley.ca.us)  
Website: <http://www.ci.berkeley.ca.us>

To:  
Tiep Dang  
District 4 Local Assistance Engineer  
Caltrans, Office of Local Assistance  
111 Grand Street  
Oakland, CA 94612

Date: January 31, 2011  
PPNO: 2100G  
PROJECT #: \_\_\_\_\_  
EA: \_\_\_\_\_  
Berkeley Bay Trail Extension Segment One  
Project  
County: Alameda  
Assembly District: 14  
Senate District: 9

Dear Mr. Dang:

We request that the California Transportation Commission approve a request for a time extension for this project.

**A. Project Description:**

The project involves the construction of Segment One of the Bay Trail Extension, which includes 0.51 miles ( 2,700 linear feet) of a class 1 asphalt multi-use bicycle/pedestrian trail; and a bicycle and pedestrian bridge over Strawberry Creek

**B. Project element for which extension requested:** (check appropriate box)

Allocation\*       Expenditure       Award       Completion  
(contract acceptance)

**C. Phase (component) of project:** (check appropriate box or boxes)

Environmental Studies & Permits       Plans, Specs. & Estimate       Right of Way       Construction\*

**D. Allocation and deadline summary**

Allocation Date By Phase (if applicable)	Allocated Amount By Phase (if applicable)	Original Deadline	Number of Months of Extension Requested	Extended Deadline
		June 30, 2011	12	June 30, 2012

**E. Reason for project delay**

As of 2009, the Bay Trail Extension Segment One Project at the Berkeley Marina was ready for construction using state and local funds. All project documents were completed, including environmental documents, construction documents, and permits. 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 U.S. Coast Guard; and a U.S. Army Corps of Engineers (ACOE) nationwide permit that included National Wildlife Service concurrence.

In mid-2009, state funding for the project was drastically reduced and the City looked to federal STIP-TE transportation funding. On September 20, 2010, MTC staff notified the City that TE funding had been approved.

While the City had environmentally cleared the project in accordance with CEQA requirements and had coordinated with federal stakeholder agencies (U.S. Army Corps of Engineers, U.S. Coast Guard, and the National Marine Fisheries Service), it is now in the process of obtaining NEPA clearance.

City staff has been working closely with Caltrans Local Assistance, and the initial expectation was that the NEPA approval would be finalized by December 2010. This would have allowed sufficient time to obtain the Right of Way Certification by February 2011 and submit the allocation request package for a May 2011 CTC allocation. Due to the numerous stakeholders associated with the project, however, it now appears that the NEPA process may not be complete and approved by Caltrans until December 2011.

As a result, the City of Berkeley requests an extension of twelve months, to June 30, 2012.

**F. Status of project milestones/revised project milestones**

## 1) Completion of Environmental Document:

CEQA – An Initial Study / Mitigated Negative Declaration was adopted on January 27, 2004.  
NEPA – NEPA Clearance is expected by December 2011.

## 2) Right of Way Certification:

Scheduled to be completed by February 2012.

## 3) Construction:

The original advertisement date was scheduled for March 1, 2011. The new advertisement date is scheduled for July 2012. Construction will be completed by March 2013.

**G. Timely Use of Funds:**

We request that the CTC approve this request at the May 19/20, 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:

\_\_\_\_\_  
(name) Deborah Chernin at \_\_\_\_\_  
(phone number) (510) 981-6715

Signature \_\_\_\_\_ Title: Principal Planner Date: \_\_\_\_\_

Agency/Commission: City of Berkeley – Parks Recreation & Waterfront Department

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

Concurred:

Signature \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Agency/CTC: \_\_\_\_\_

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**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