



SB1 Workshop

PART 6

TIMELY USE OF FUNDS

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CHIEF, OFFICE OF STATE PROGRAMS

November 2018



TIMELY USE OF FUNDS OVERVIEW
STIP – ATP – SB1
(LPP, TCEP, SCCP)

Today's Goal?

Understanding:

- Timely Use of Funds (TUF) Purpose
- Time Extension Request Process
- Submittal Timelines
- Extension Request Quality
- Delay Drivers by Phase
- Information Resources/Tools

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What Programs do TUF rules apply to?

- State Transportation Improvement Program (STIP)
- Active Transportation Program (ATP)
- Local Partnership Program (LPP)
- Trade Corridors Enhancement Program (TCEP)
- Solutions for Congested Corridors (SCCP)

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Timely Use of Funds

Established by Statute:

- For STIP, SB 45, Section 622 and Section 66 of the CTC STIP Guidelines
- ATP and SB1 Programs modeled after the STIP and have similar guidelines and TUF rules

Intention is to encourage local agencies to accurately program, monitor and deliver projects in a timely manner



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What are the TUF Deadlines?



- **Allocations** - Funds must be allocated by CTC in the year programmed. (PA&ED, PS&E, RW, & CON)
- **Expenditure** - Project development-phase expenditures must occur by end of 2nd State FY following year of allocation (PA&ED, PS&E, & RW)
- **Contract Award** - Projects must be awarded within 6 months from construction allocation
- **Project Completion** - Project must be completed within 36 months of the award

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Consequences of Not Receiving an Extension

Implementing Agencies that do not request an extension are at risk as follows:

- For Allocations: Funds lapse and particular phase will no longer be eligible for funding.
- For Expenditures: Only expenses incurred up to deadline are eligible for invoicing. Activities beyond deadline will no longer be eligible for reimbursement.
- For Contract Award: Construction funds lapse and no longer eligible for funding.
- For Project Completion: Only expenses occurred up to the deadline are eligible for invoicing. Activities beyond deadline will no longer be eligible for reimbursement.

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TIMELY USE OF FUNDS BY PROGRAM

Program	STIP Timely Use of Funds	ATP Timely Use of Funds	LPP Timely Use of Funds	TCEP Timely Use of Funds	SCCP Timely Use of Funds
Applicability	All STIP funds (Federal \$ and/or State\$)	All ATP funds (Federalized \$ and/or State\$)	All LPP funds (Federalized \$ and/or State\$)	All TCEP funds (Federalized \$ and/or State\$)	All SCCP funds (Federalized \$ and/or State\$)
Applicability level	Each project phase	Each project phase	Each project phase	Each project phase	Con Phase only
Emphasis	Project Delivery	Project Delivery	Project Delivery	Project Delivery	Project Delivery
Authority	SB45 of 1997	SB99 / AB101 / SBI	SBI	SBI	SBI
Enforcing Agency	CTC	CTC	CTC	CTC	CTC
Cost Increases	Yes, Commission approval required.	Not from ATP \$\$, Caltrans must be notified.	Not from LPP \$\$, Commission must be notified.	Not from TCEP \$\$, Caltrans must be notified.	Not from SCCP \$\$, Commission must be notified.
Rules	Funds must be allocated by CTC in the year programmed. Project development-phase expenditures must occur by end of 2 nd FY following allocation date. Projects must be awarded within 6 months from construction allocation. Project must be completed within 36 months of the award.	Funds must be allocated by CTC in the year programmed. Project development-phase expenditures must occur by end of 2 nd FY following allocation date. Projects must be awarded within 6 months from construction allocation. Project must be completed within 36 months of the award.	Funds must be allocated by CTC in the year programmed. Project development-phase expenditures must occur by end of 2 nd FY following allocation date. Projects must be awarded within 6 months from construction allocation. Project must be completed within 36 months of the award.	Funds must be allocated by CTC in the year programmed. Project development-phase expenditures must occur by end of 2 nd FY following allocation date. Projects must be awarded within 6 months from construction allocation. Project must be completed within 36 months of the award.	Funds must be allocated by CTC in the year programmed. Projects must be awarded within 6 months from construction allocation. Project must be completed within 36 months of the award.
Possible Extensions	CTC may approve up to 20-month extension for each of the deadlines.	CTC may approve up to 12-month extension for each of the deadlines, except <u>Allocations</u> . <u>Allocations</u> can be requested up to 20-months.	CTC may approve up to 12-month extension for each of the deadlines, except <u>Project Completion</u> . <u>Project Completions</u> can be requested up to 20-months.	CTC may approve up to 12-month extension for each of the deadlines, except <u>Project Completion</u> . <u>Project Completions</u> can be requested up to 20-months.	CTC may approve up to a 12-month extension for CON Allocation and Contract Award. <u>Project Completion</u> can be requested up to 20-months.
Number of Extensions Allowed	One extension per phase per type, i.e., ALLOCATION • PA&E, PS&E, R,W, CON EXPENDITURE • PA&E, PS&E, R,W AWARD • CON COMPLETION • CON	One extension per phase per type, i.e., ALLOCATION • PA&E, PS&E, R,W, CON EXPENDITURE • PA&E, PS&E, R,W AWARD • CON COMPLETION • CON	One extension per phase per type, i.e., ALLOCATION • PA&E, PS&E, R,W, CON EXPENDITURE • PA&E, PS&E, R,W AWARD • CON COMPLETION • CON	One extension per phase per type, i.e., ALLOCATION • PA&E, PS&E, R,W, CON EXPENDITURE • PA&E, PS&E, R,W AWARD • CON COMPLETION • CON	One extension per phase per type, i.e., ALLOCATION • CON AWARD • CON COMPLETION • CON

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Time Extension Request Forms

Forms

- STIP – 23B
- ATP – 22B
- SB1 – Pending

New Dynamic Time Extension Form being developed to replace 22B & 23B.

For projects with funding from multiple programs subject to TUFs, the program with the more restrictive deadline governs.

Local Assistance Program Guidelines: Request for Time Extension (Local ATP Projects) EXHIBIT 22-B

EXHIBIT 22-B: REQUEST FOR TIME EXTENSION (LOCAL ATP PROJECTS)
[To Be Placed on Local Agency Letterhead]

To: (DLAE Name) _____ Date: _____
District Local Assistance Engineer PPHO: _____
Caltrans, Office of Local Assistance PROJECT #: _____
(District Address) Project ID: _____

Client/Project Description:
(Location) _____
(County) _____
Assembly District: _____
Senate District: _____

Dear (DLAE Name):

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

A. Project description:
(Give description of project, location and scope from Project Programming Request. Include programmed funding level, by phase)

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

Exhibit 22-B May 20, 2018
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Delay Drivers - Allocations

- | | |
|--|---|
| <ul style="list-style-type: none"> ▪ PA&E <ul style="list-style-type: none"> • Lack of Master Agreement | <ul style="list-style-type: none"> ▪ R/W <ul style="list-style-type: none"> • Environmental Clearance <ul style="list-style-type: none"> – Permitting – Technical Studies – Design |
| <ul style="list-style-type: none"> ▪ PS&E <ul style="list-style-type: none"> • Environmental Clearance <ul style="list-style-type: none"> – Permitting – Community Input – Technical Studies | <ul style="list-style-type: none"> ▪ CON <ul style="list-style-type: none"> • Environmental Clearance <ul style="list-style-type: none"> – Incomplete Plans & Specs – Right of Way Certification |



Time Extensions also follow the CTC Meeting Prep Schedule

dot.ca.gov/hq/transprog/ctcliason.htm

2018 PREPARATION SCHEDULE
CALIFORNIA TRANSPORTATION COMMISSION (CTC) MEETINGS
AGENDA ITEM(S) DUE DATES

Prepared by:
OFFICE OF CTC LIAISON
DIVISION OF TRANSPORTATION PROGRAMMING
CALIFORNIA DEPARTMENT OF TRANSPORTATION
<http://www.dot.ca.gov/hq/transprog/ctcliason.htm>

Effective:
September 2017

2018 California Transportation Commission (CTC) Meeting Schedule	Local Agency Submits Off System Funds Requests, Program Amendments, and Time Extensions to Calltrans Districts (and CTC Staff for Prop 116 Rail)	District Submits Off System and On System Requests to HQ Divisions	HQ Divisions Submit Final Off System and On System Requests to Budgets	Final Agenda Language Due From HQ Divisions to Office of CTC Liaison	Final Book Items Due from HQ Divisions to Office of CTC Liaison
Date and Location:	10:00 AM District & CTC	10:00 AM HQ Divisional Funds Request email	5:00 PM Budgets	10:00 AM CTC Liaison	10:00 AM CTC Liaison
Jan 31 - Feb 1 - Sacramento Area	Mon, Dec 4, '17	Mon, Dec 11, '17	Mon, Dec 18, '17	Thu, Dec 28, '17	Thu, Jan 4, '18
March 21-22 - Los Angeles	Mon, Jan 22, '18	Mon, Jan 29, '18	Mon, Feb 5, '18	Wed, Feb 14, '18	Thu, Feb 22, '18
May 16-17 - San Diego	Mon, Mar 19, '18	Mon, Mar 26, '18	Mon, Apr 2, '18	Wed, Apr 11, '18	Thu, Apr 19, '18
June 27-28 - Sacramento Area	Mon, Apr 30, '18	Mon, May 7, '18	Mon, May 14, '18	Wed, May 23, '18	Thu, May 31, '18
August 15-16 - San Francisco	Mon, Jun 18, '18	Mon, Jun 25, '18	Mon, Jul 2, '18	Wed, Jul 11, '18	Thu, Jul 19, '18
October 17-18 - Central Valley	Mon, Aug 20, '18	Mon, Aug 27, '18	Tue, Sep 4, '18	Wed, Sep 12, '18	Thu, Sep 20, '18
December 5-6 - Riverside	Mon, Oct 8, '18	Mon, Oct 15, '18	Mon, Oct 22, '18	Wed, Oct 31, '18	Thu, Nov 8, '18

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What Happens When You Need A Time Extension Request?

Complete a Time Extension Request Form

- Provide justification supporting the amount of time being requested
- Work with District Local Assistance staff

Review, revise and check for completeness

- Work with District Local Assistance to correct deficiencies

Local Agencies can view the agenda items prior to the CTC meeting at: <http://www.dot.ca.gov/hq/transprog/ctcliason.htm>

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Good Example!



E. Reason for project delay

The construction funds for project ATPL-5006 (800) are currently programmed for FY 2015-16. The City has not yet obtained the required National Environmental Policy Act (NEPA) Clearance for this project and as such, is requesting a 12 month construction allocation extension. This extension is necessary to provide the necessary time to obtain the necessary environmental clearance, and subsequently enable the City to finalize all design plans and process the Right of Way Certification (both of which are dependent on final NEPA clearances), in order to process CTC construction allocation paperwork.

Background

On April 23, 2015, the City submitted the Preliminary Environmental Studies (PES) form to Caltrans, with a recommended Categorical Exclusion without Technical Studies determination. Caltrans did not agree with our recommended determination and as such, on October 28, 2015, required the City submit the following technical studies:

1. Air quality report for a Conformity Finding (23 USC 326 CE)
2. Air quality report for PM₁₀/PM_{2.5} Interagency Consultation
3. Section 4(f) Historic Properties
4. Cultural Resources Studies including : APE Map, HPSR/HRRER

The City has already complied with the Air Quality requirements identified in items # 1 and #2 above.

The City and its consultant (AECOM) have been in constant communication with Caltrans' environmental planning group for the past 7 months to address all outstanding issues associated with items #3 and #4 above. The City and Caltrans have recently agreed to the following target dates to ensure timely completion of these studies:

- Reports at 75% completion by 2/12/16 (Completed)
- 8 properties being evaluated; exempted over 40 properties; AECOM can send over to Caltrans the accepted property matrix for preliminary approval (Completed)
- AECOM to submit reports to City by 2/26/16 (Completed)
- City to review and submit comments back 2/26/16 (Completed)
- AECOM to submit to Caltrans by 3/1/16 (Completed)
- Caltrans comments on reports by 4/1/16 (30 days) (Completed)
- AECOM to re-submit by 4/8/16 (Submitted on 4/15/16)
- Caltrans approves final draft reports on 4/15/16 (Completed)
- AECOM to submit 5 signed hard copies of report, each with a CD of the PDF copy by 4/25/16 (completed)
- Caltrans send reports to SHPO for concurrence on evaluations 4/29/16
- SHPO Review 30 days - 5/29/16 (further SHPO review requirements uncertain until concurrence is received) (in progress)
- As SHPO reviews the reports, AECOM to prepare Finding of Effect (FOE), pending verification from Caltrans if an FOE is required, by 5/15/16
- Caltrans to review FOE and provide comments to AECOM by 6/15/16
- AECOM revises FOE to address Caltrans comments and re-submits to Caltrans by 6/30/16
- Caltrans accepts FOE and AECOM submits hard copies to Caltrans - 7/5/16
- Caltrans submits approved FOE to SHPO (maximum 30-day SHPO review) by 7/6/16
- Final SHPO Clearance of FOE by 8/31/16

The City had originally anticipated moving into the Final Design Phase of the project in July 2015, or immediately upon issuance of the Environmental Clearance. Due to the additional technical studies required, and a revised target date of approximately end of August 2016 (assuming SHPO concurs and approves the reports and FOE in a timely manner), we are hereby requesting a 12 month extension to June 30, 2017 to allow for the completion of PA/CE, FOE and Right of Way, and obtain allocation of construction funds.

Signatures

H. Local Agency Certification:

This Request for Time Extension has been prepared in accordance with the *Procedures for Administering Local Projects in the Active Transportation Program (ATP)*. 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 _____ at _____ (name) (phone number)

Signature _____ Title: _____ Date: _____

Agency/Commission: _____

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

Concurred

Signature _____ Title: _____ Date: _____

Agency/CTC _____

J. Caltrans District Local Assistance Engineer Acceptance:

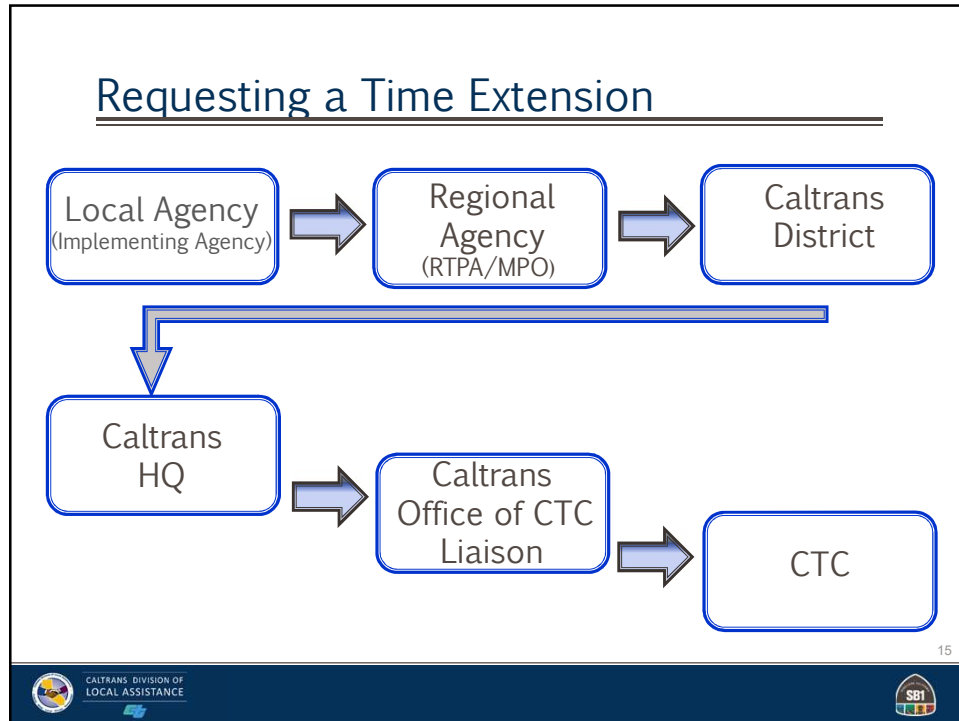
I have reviewed the information submitted on the Request for Time Extension and agree it is complete and has been prepared in accordance with the *Procedures for Administering Local Projects in the Active Transportation Program (ATP)*.

Signature _____ Title: _____ Date: _____

Phone Number _____

Attachments: _____





Who Approves The Extension?

- Only the CTC can approve or deny time extension requests
- Local Agencies are urged to attend the CTC meeting to defend their extension requests
- Extension requests are NOT automatic nor guaranteed!




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CALTRANS DIVISION OF LOCAL ASSISTANCE

SBI

How Do You Know If Your Extension Was Approved?

- Watch the CTC Meeting live on Webcast
- Check the CTC Liaison's website for the Action Taken Report (posted a week after meeting)
 - www.dot.ca.gov/hq/transprog/ctcliason.htm Action Taken Report
 - Local Assistance CTC Liaison emails to DLAEs after CTC Debriefing meetings
- HQ Program Analysts will generate an extension letter. Signed copy will be sent to local agencies via the DLAE's.

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For more information, please contact your District Local Assistance Engineer.

District 1 – Suzi Theiss, (707) 445-6399
Suzanne.Theiss@dot.ca.gov

District 2 – Ian Howatt, (530) 225-3484
Ian.Howatt@dot.ca.gov

District 3 – David Giongco, (530) 741-5450
David.Giongco@dot.ca.gov

District 4 – Sylvia Fung, (707) 445-6399
Sylvia.Fung@dot.ca.gov

District 5 – Heidi Borders, (805) 549-3111
Heidi.Borders@dot.ca.gov

District 6 – Jim Perrault, (559) 445-5417
James.Perrault@dot.ca.gov

District 7 – Steve Novotny, (213) 897-4289
Steve.Novotny@dot.ca.gov

District 8 – David Lee, (909) 806-4756
David.Lee@dot.ca.gov

District 9 – Forest Becket, (760) 872-0681
Forest.Becket@dot.ca.gov

District 10 – Parminder Singh, (209) 948-3689
Parminder.Singh@dot.ca.gov

District 11 – Bing Luu, (619) 220-5311
Bing.Luu@dot.ca.gov

District 12 – Tifini Tran, (707) 445-6399
Tifini.Tran@dot.ca.gov

Visit the Caltrans Local Assistance SB1 Website at
<http://www.dot.ca.gov/hq/LocalPrograms/SB1/>

