



**VENTURA COUNTY TRANSPORTATION COMMISSION
TRANSPORTATION TECHNICAL ADVISORY COMMITTEE**

Camarillo City Hall
Administrative Conference Room
601 Carmen Drive
Camarillo, CA

Thursday, May 16, 2013 at 9:00 AM

- Item # 1** Call to Order
- Item # 2** Public Comments
- Item # 3** Approval of April 18, 2013 Minutes
- Item # 4** Caltrans Local Assistance Update
- Item # 5** “Buy America” Presentation
- Item # 6** STP, CMAQ, and TE Project Status Updates
 - Update project schedules.
- Item # 7** Future Agenda Items
 - Congestion Management Program Update /Approval
 - Periodic Highway Construction Updates
 - Regional Transportation Funding & Planning
 - VCTC Programming Procedures—Potential Revision
 - Route 1 – Rerouting to Rice Avenue
 - Freeway Maintenance Agreements with Caltrans
 - ADA Requirements
 - Federal Streamlining Project
- Item # 8** Next Meeting is June 20, 2013

**MINUTES OF THE
VENTURA COUNTY TRANSPORTATION COMMISSION
TRANSPORTATION TECHNICAL ADVISORY COMMITTEE**

April 18, 2013 Meeting

Item # 1 Call to Order

Chair David Fleisch of the County of Ventura called the meeting to order at 9:10am. The following people were present:

Morris Zarbi	Caltrans
Robert Wong	Caltrans
Ken Matsuoka	Camarillo
Dave Klotzle	Moorpark
Jason Samonte	Oxnard
Brian Yanez	Santa Paula
Kamran Panah	Simi Valley
Mike Tohidian	Thousand Oaks
Ben Emami	Ventura County
David Fleisch	Ventura County
Chris Birkelo	Port of Hueneme
Ben Cacatian	VCAPCD
James Hinkamp	VCTC
Peter De Haan	VCTC
Stephanie Young	VCTC

Item #2 Public Comments

There were no public comments

Item #3 Approval of February 21, 2013 Minutes

There was no meeting in March. Brian Yanez of Santa Paula made the motion to approve the minutes. Ken Matsuoka of Camarillo seconded and the motion passed unanimously.

Item #4 Caltrans Local Assistance Update

Morris Zarbi of Caltrans Local Assistance advised that agencies must choose pro rata or lump sum federal share on finance letters. He will send guidance when it becomes available. The Hueneme Road TCIF project will be allocated at the May CTC meeting. The Camarillo and Ventura TE projects will be allocated at the June CTC meeting.

Item #5 Route 1 – Rerouting to Rice Avenue Update

Jason Samonte of Oxnard informed TTAC that in March, the CTC relinquished Oxnard Boulevard to the City of Oxnard. This item will remain as a future agenda item for further discussion and updates.

Item #6 Revision to Camarillo Transportation Enhancement Projects

This item was not an action item.

Item #7 New Caltrans Policy on Inactive Projects

This item was not an action item.

Item #8 ADA Requirements on Caltrans Projects

This item was not an action item. ADA Requirements will be added to the future agenda items.

Item #9 Future Agenda Items

Added: ADA Requirements
 Route 1 Rerouting to Rice Avenue
 Freeway Maintenance Agreements Presentation from Caltrans
 Buy America Update
 Federal Streamlining Project

Item #10 Next Meeting is May 16, 2013



Item # 6

May 16, 2013

MEMO TO: TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

FROM: STEPHANIE YOUNG, PROGRAM ANALYST

SUBJECT: STATUS OF FEDERAL STP, CMAQ, AND TE FUNDS

RECOMMENDATION:

- Update project schedules.

DISCUSSION:

Under federal law, STP, CMAQ, and TE funds apportioned to California lapse if they are not used within three years. AB 1012, which became law in October, 1999, applies the three-year lapsing rule to CMAQ and STP funds in each county. Furthermore, since, under California Transportation Commission (CTC) policy, TE funds are programmed based on County shares through the STIP, there are STIP timely-use requirements that apply to these funds. For these reasons, it is important for VCTC to have an accurate schedule of STP, CMAQ, and TE fund obligations. VCTC also uses this project schedule to ensure that the FTIP includes all of the projects which are ready-to-go and to manage the county's Obligational Authority (OA).

The attachment includes tables showing the status of all incomplete STP, CMAQ, and TE projects. Staff requests that agencies email their project updates prior to the meeting, if possible.

Approved STP Program - Obligated Projects as of 5/1/2013

Project Name	Agency	Call	TIP ID	STP Funding	Actual/Expected		Project Balance	Project Status	Next Submittal Date (PES/ ROW Cert/RFA/1st Invoice/Closeout)
					Obligation (E-76)	Date			
Ojai Trail Extension / Fulton Ext	Ojai	TEA-21	07-VEN010203	\$439,000		9/15/1998	\$379,915	\$59,085	
Street Rehabilitation/Reconstruction	S.B.Ventura	SAFETEA-LU Local	07-VEN54032	\$2,349,117		11/9/2005	\$2,038,390	\$310,727	6/1/2013 expected obligation
Traffic Signal 23 / River St	Fillmore	SAFETEA-LU	07-VEN031225	\$120,000		11/5/2007	\$120,000	\$0	
Central Avenue Intersection Improve	Fillmore	SAFETEA-LU	07-VEN93017	\$600,000		11/5/2007	\$600,000	\$0	
Ventura Blvd Improvements	Oxnard	2010 Mini-Call	07-VEN053403	\$125,713		6/28/2011	\$126,000	-\$287	CON began July 2012
Street Overlay/Resurfacing/Rehab	Oxnard	SAFETEA-LU Local	07-VEN54032	\$3,031,487		8/23/2011	\$3,031,487	\$0	
Wendy Drive / 101 Toll Credit	T.O.	2010 Mini-Call	07-VEN056406	\$658,945		8/25/2011	\$654,477	\$4,468	Cost savings transferred to Erbes Rd
Wendy Drive / 101 Improvement	T.O.	2010 Mini-Call	07-VEN056406	\$4,999,100		8/25/2011	\$4,718,541	\$280,559	Cost savings transferred to Erbes Rd
Victoria Avenue Improvements	Oxnard	2010 Mini-Call	07-VEN110112	\$58,873		12/13/2011	\$58,873	\$0	
Route 101/ Central Landscaping Enhancement	Camarillo	SAFETEA-LU	07-VEN050404	\$33,000		1/11/2012	\$33,000	\$0	Design expected to be complete 6/14
Adolfo Road Intersection Toll Credit	Camarillo	2010 Mini-Call	07-VEN050402	\$135,002		3/6/2012	\$80,333	\$54,669	Construction underway
Sta Rosa Rd @ Adolfo Intsect Mod CON	Camarillo	SAFETEA-LU	07-VEN050402	\$997,735		3/6/2012	\$641,105	\$356,630	underway
Ponderosa Dr Landscaping Toll Credit	Camarillo	2010 Mini-Call	07-VEN110305	\$52,390		8/31/2012	\$52,390	\$0	
Ponderosa Dr Landscaping	Camarillo	SAFETEA-LU	07-VEN110305	\$403,172		8/31/2012	\$403,172	\$0	
California Street / 101 Off Ramp	S.B.Ventura	2010 Mini-Call	07-VEN010202	\$750,000		8/31/2012	\$750,000	\$0	RFQ being processed.
Street Rehabilitation	Simi Valley	2012 Mini-Call	07-VEN54032	\$3,629,730		10/10/2012	\$3,629,730	\$0	
E. Ventura Blvd Improvements	Oxnard	SAFETEA-LU	07-VEN053403	\$248,000		Nov-12	\$248,000	\$0	
Ventura Blvd Improvements	Oxnard	2010 Mini-Call	07-VEN053403	\$3,279,697		11/2/2012	\$1,865,108	\$1,414,589	
Del Norte Road Rehabilitation	Oxnard	SAFETEA-LU	07-VEN54032	\$532,600		11/16/2012	\$532,600	\$0	RFA
Del Norte Road Rehabilitation	Oxnard	2010 Mini-Call	07-VEN54032	\$929,612		11/16/2012	\$929,612	\$0	
Street Rehabilitation	Port Hueneme	2010 Mini-Call	07-VEN54032	\$370,000		12/1/2012	\$370,000	\$0	
Road Resurfacing	Ojai	2012 Mini-Call	07-VEN54032	\$354,120		Mar-13		\$354,120	
Etting Rd Pavement Rehab	County	2012 Mini-Call	07-VEN54032	\$360,000		Mar-13		\$360,000	
Erringer Rd at Cochran Right Turn Lane	Simi Valley	2012 Mini-Call	07-VEN120604	\$575,445		Mar-13		\$575,445	
Pavement Rehab	Moorpark	2012 Mini-Call	07-VEN54032	\$637,416		Mar-13		\$637,416	
Kanan Rd Pavement Rehab	County	2012 Mini-Call	07-VEN54032	\$648,000		Mar-13		\$648,000	RFA submitted
Hueneme Rd Pavement Rehab	County	2012 Mini-Call	07-VEN54032	\$800,000		Mar-13		\$800,000	RFA submitted
Madera Rd Widening between Country Club West and Wood Ranch Pkwy	Simi Valley	2012 Mini-Call	07-VEN120103	\$885,300		Mar-13		\$885,300	Caltrans archeology and biology studies are required before environmental review can be completed.
Victoria Avenue Improvements CON	Oxnard	2010 Mini-Call	07-VEN110112	\$914,957		Mar-13		\$914,957	In design
Sta Rosa Rd Widen Upland/Woodcrk	Camarillo	SAFETEA-LU	07-VEN040502	\$1,870,277		4/3/2013	\$560,000	\$1,310,277	
Erbes Road Improvements	T.O.	2012 Mini-Call	07-VEN110308	\$285,027		May-13		\$285,027	\$285K STP transferred from Wendy Dr cost savings (3/1/13); also CMAQ funded
Rose Ave Resurfacing	Oxnard	2012 Mini-Call	07-VEN54032	\$2,162,328		May-13		\$2,162,328	
Street Overlay	Fillmore	2010 Mini-Call	07-VEN54032	\$26,559		Jun-13		\$26,559	
Street Overlay	Fillmore	2010 Mini-Call	07-VEN54032	\$240,851		Jun-13		\$240,851	
Hueneme Road Widening	Oxnard	2010 Mini-Call	07-VEN34094	\$824,628		Jun-13		\$824,628	
Rice Ave at Wooley Rd Improvements	County	2012 Mini-Call	07-VEN121006	\$200,000		Jul-13		\$200,000	
Pavement Rehab Various Streets	Camarillo	2012 Mini-Call	07-VEN54032	\$500,000		Jul-13		\$500,000	
Rice Corridor Bridge PE	Oxnard	2012 Mini-Call	07-VEN120801	\$1,760,000		Jul-13		\$1,760,000	
Pancho Rd Improvements	Camarillo	2012 Mini-Call		\$1,500,000		Aug-13		\$1,500,000	RFA
Pleasant Valley Bike Lanes	County	2012 Mini-Call		\$360,000		Oct-13		\$360,000	PES 5/2013; RFA 9/2013
Madera Rd Widening between Simi Village and LA Ave	Simi Valley	2012 Mini-Call	07-VEN121201	\$531,180		Dec-13		\$531,180	Delayed until RTP Amendment
Route 118 - Moorpark to e/o Spring	Moorpark	SAFETEA-LU	07-VEN031219	\$796,770		Mar-14		\$796,770	

ATTACHMENT

Approved STP Program - Obligated Projects as of 5/1/2013

Project Name	Agency	Call	TIP ID	STP Funding	Actual/Expected Obligation (E-76) Date	Obligated Amount*	Project Balance	Project Status	Next Submittal Date (PES/ ROW Cert/RFA/1st Invoice/Closeout)
Route 23 Widening High/Third	Moorpark	SAFETEA-LU	07-VEN051213	\$1,500,000	Dec-14		\$1,500,000		
Pleasant Valley at East 5th St Improvements	County	2012 Mini-Call		\$1,760,000	Mar-16		\$1,760,000	\$335K from PV/Sturgis transferred as Toll Credits for PE phase. PE submittal Nov 2013. CON expected 9/2016. \$1425+335=1760	PES 11/2013
Sta Rosa Rd @ Adolfo Intsect Mod ROW	Camarillo	SAFETEA-LU	07-VEN050402	\$44,265			\$44,265	Shift fr 101/PV	
Fulton Street Extension Toll Credit	Ojai	2010 Mini-Call	07-VEN010203	\$54,037			\$54,037		
Countywide Transit Study	VCTC	SAFETEA-LU	07-VEN34348	\$200,000		\$200,000	\$0	Agreement underway	
Highway Investment Study	VCTC	2012 Mini-Call	07-VEN120415	\$500,000			\$500,000		
Del Norte Resurfacing	Oxnard	2012 Mini-Call	07-VEN54032					\$2,688,479	
Fifth St Resurfacing	Oxnard	2012 Mini-Call	07-VEN54032					\$1,062,360	
Metal Canopy at Maintenance Facility	T.O.	2012 Mini-Call	07-VEN120418					\$300,000	

*Obligated amount = Funds approved by FHWA on Authorization to Proceed (FNM-76) form, or approved by FTA in grant application.

CMAQ Project Obligations as of 5/1/2013

Project Name	Agency	Call	TIP ID	CMAQ Funding	Actual/Expected Obligation (E-76) Date	Obligated Amount*	Balance	Project Status	Next Submittal & Date (PES/ ROW Cert/RFA/First Invoice/Closeout)
Rancho Camulos RR & Bike Path	County	TEA-21	07-VEN990310	\$ 265,000	8/29/2001	\$ 265,000	\$ -	to bid 11/2012; CON complete 11/2013	
Rancho Camulos RR & Bike Path	County	TEA-21	07-VEN990310	\$ 2,735,000	8/29/2001	\$ 2,601,459	\$ 133,541	to bid 12/2012; CON complete 11/2013; \$133 balance transferred to Las Posas and Santa Clara Bike Lanes	
Bike/Ped Oxnard & 5th	Oxnard	TEA-21	07-VEN990317	\$ 960,000	9/12/2001	\$ 960,000	\$ -	Completion expected 2013	
Main Street Intermodal Center	Fillmore	TEA-21	07-VEN54167	\$ 213,000	7/30/2002	\$ 213,000	\$ -		
Bike/Pedestrian/Equestrian Trail	Ojai	TEA-21	07-VEN54164	\$ 130,100	7/17/2004	\$ 2,125	\$ 127,975	Completion expected 2013	
Calleguas Creek Bike Trail Ph II (Adolfo to South side of US-101)	Camarillo	SAFETEA-LU	07-VEN050403	\$ 1,758,306	5/9/2006	\$ 1,758,306	\$ -		
Lynn Road Traffic Signal Coordination	T.O.	SAFETEA-LU	07-VEN056403	\$ 400,000	2/29/2008	\$ 393,242	\$ 6,758		
Santa Clara Bike Lanes Central/118 SR 126 Bike Path	County	2010 Mini-Call	07-VEN110303	\$ 60,000	6/28/2011	\$ 60,000	\$ -		PES 3/2013, RFA 6/2013
	S.B. Ventura	TEA-21	07-VEN990320	\$ 632,500	7/1/2011	\$ 632,500	\$ -	CON underway; Completion expected 3/18/13	
Hwy 126 Harmon Barranca Bike Path	S.B. Ventura	2010 Mini-Call	07-VEN031229	\$ 1,215,553	7/1/2011	\$ 574,377	\$ 641,176	CON underway; Completion expected 3/18/2013	
W.L.A. Ave Widening for Bike Lanes	Simi Valley	SAFETEA-LU	07-VEN051201	\$ 1,878,000	7/11/2011	\$ 1,814,000	\$ 64,000	PES and RFA are being prepared	PES and RFA
West L.A. Bike Lane Toll Credit	Simi Valley	2010 Mini-Call	07-VEN051201	\$ 172,056	7/11/2011	\$ 172,056	\$ -	PES and RFA are being prepared	PES and RFA
Calleguas Cr Bike Ph II Toll Credit	Camarillo	2010 Mini-Call	07-VEN050403	\$ 191,225	7/13/2011	\$ 189,423	\$ 1,802		
Arroyo Simi Bike Path	Simi Valley	SAFETEA-LU	07-VEN031205	\$ 113,975	8/11/2011	\$ 178,000	\$ (64,025)	CON Complete	Closeout?
Arroyo Simi Bike Path Toll Credit	Simi Valley	2010 Mini-Call	07-VEN031205	\$ 22,932	8/11/2011	\$ 22,932	\$ -	CON Complete	Closeout?
Moorpark Metrolink Station Entrance	Moorpark	2010 Mini-Call	07-VEN031218	\$ 449,450	1/5/2012	\$ 449,205	\$ 245	Completion expected 2014	
Calleguas Creek Bike Trail Ph IV	Camarillo	2010 Mini-Call	07-VEN110106	\$ 54,000	1/11/2012	\$ 54,000	\$ -		
Rideshare Programs	VCTC	2012 Mini-Call	07-VEN93017	\$ 886,000	6/22/2012	\$ 443,000	\$ 443,000		
Erbes Rd Improvements	T.O.	2012 Mini-Call	07-VEN110308	\$ 4,200,000	8/31/2012	\$ 4,200,000	\$ -		
Ventura Blvd Sidewalk PE	Oxnard	2012 Mini-Call	07-VEN120403	\$ 67,000	11/6/2012	\$ 67,000	\$ -		
Rose Ave Sidewalk PE	Oxnard	2012 Mini-Call	07-VEN120402	\$ 33,000	11/6/2012	\$ 33,000	\$ -		
Lynn Road Bike Lanes	T.O.	SAFETEA-LU	07-VEN090503	\$ 655,000	11/8/2012	\$ 665,000	\$ (10,000)		
Lomita Bike Routes	County	2010 Mini-Call	07-VEN110306	\$ 26,000	11/20/2012	\$ 26,000	\$ -	CON begins 2/7/2013	1st invoice
Lomita Bike Routes	County	2010 Mini-Call	07-VEN110306	\$ 212,000	11/20/2012	\$ 212,000	\$ -	CON begins 2/7/2013	1st invoice
Citywide Sidewalk Survey	Oxnard	2012 Mini-Call	07-VEN120802	\$ 177,060	Dec-12	\$ 177,000	\$ 60		
Bike Trail in Railroad ROW	Santa Paula	2010 Mini-Call	07-VEN111102	\$ 1,110,000	Jan-13	\$ 1,110,000	\$ -		
Sheridan Wy/Ventura River Bike Trail PE	S.B. Ventura	2010 Mini-Call	07-VEN110304	\$ 44,265	Mar-13	\$ 44,265	\$ -		
Hwy 126 Bike Path Gap Closure PE	S.B. Ventura	2010 Mini-Call	07-VEN031230	\$ 88,530	Mar-13	\$ 88,530	\$ -		
Sheridan Wy/Ventura River Bike Trail ROW	S.B. Ventura	2010 Mini-Call	07-VEN110304	\$ 177,060	Mar-13	\$ 177,060	\$ -		
Trip Demand Management	Oxnard	2012 Mini-Call	07-VEN120406	\$ 132,795	Apr-13	\$ 132,795	\$ -		
Oxnard Blvd Bike/Ped Path from Gonzales	Oxnard	SAFETEA-LU	07-VEN120424	\$ 341,000	Apr-13	\$ 341,000	\$ -		RFA for CON 3/2013
Arnell Rd/Dunnigan St Traffic Signal	Camarillo	2012 Mini-Call	07-VEN130106	\$ 250,000	Apr-13	\$ 50,000	\$ 200,000		
Hueneme Rd Bike Lanes	County	2012 Mini-Call	07-VEN120416	\$ 168,000	May-13	\$ 168,000	\$ -		
Calleguas Creek Bike Trail Ph III	Camarillo	2010 Mini-Call	07-VEN110105	\$ 360,000	Jun-13	\$ 360,000	\$ -		PES early 2013
Calleguas Creek Bike Trail Ph IV	Camarillo	2010 Mini-Call	07-VEN110106	\$ 300,000	Jun-13	\$ 300,000	\$ -		PES early 2013
Bike Facilities for NECSP	Oxnard	2012 Mini-Call	07-VEN130101	\$ 643,896	Jun-13	\$ 643,896	\$ -		
C Street Bike Facilities	Oxnard	2012 Mini-Call	07-VEN130102	\$ 306,075	Jun-13	\$ 306,075	\$ -		

CMAQ Project Obligations as of 5/1/2013

Project Name	Agency	Call	TIP ID	CMAQ Funding	Actual/Expected Obligation (E-76) Date	Obligated Amount*	Balance	Project Status	Next Submittal & Date (PES/ ROW Cert/RFA/First Invoice/Closeout)
Santa Clara Bike Lanes Central/118 Ventura Blvd Sidewalk CON	County Oxnard	2010 Mini- Call	07-VEN110303	\$ 1,030,000	Jul-13		\$ 1,030,000	Now under design. CON to begin 11/2013. Includes \$120 from Rancho Camulos	PES 3/2013, RFA 6/2013
Las Posas Rd Bike Lanes	County	2012 Mini- Call	07-VEN120403	\$ 846,346	Aug-13		\$ 846,346	Includes \$13K from Rancho Camulos	RFA for CON 8/2013
Hwy 126 Bike Path Gap Closure ROW	S.B. Ventura	2010 Mini- Call	07-VEN031230	\$ 53,118	Sep-13		\$ 53,118		PES 4/2013, RFA 8/2013
West LA Ave Bike Lanes	Simi Valley	2012 Mini- Call	07-VEN120417	\$ 2,213,250	Dec-13		\$ 2,213,250	Design complete 7/2013	
Hillcrest Drive Bike Path	T.O.	SAFETEA- LU	07-VEN056407	\$ 250,000	Dec-13		\$ 250,000		PSE 10/2013
Rose Ave Sidewalk CON	Oxnard	2012 Mini- Call	07-VEN120402	\$ 401,555	Jan-14		\$ 401,555		RFA for CON 1/2014
Hwy 126 Bike Path Gap Closure CON	S.B. Ventura	2010 Mini- Call	07-VEN031230	\$ 743,652	Jul-14		\$ 743,652		
Hwy 126 Harmon Toll Credit	S.B. Ventura	2010 Mini- Call	07-VEN031229	\$ 81,947		\$	\$ 81,947	Toll Credit could not be used	
Pole Creek Undercrossing	Fillmore	SAFETEA- LU	07-VEN051401	\$ 664,906			\$ 664,906	Delayed	
Pole Creek Bike Path Toll Credit	Fillmore	2010 Mini- Call	07-VEN051401	\$ 77,724			\$ 77,724	Delayed	
Oxnard Blvd Bike/Ped Path	Oxnard	SAFETEA- LU	07-VEN990317	\$ 2,105,530			\$ 2,105,530	\$341 transferred to Gonzales segment VEN120424	Project dropped from 2013 TIP.
Multi-modal Shoreside Power Project	Oxnard Harbor District	2012 Mini- Call	07-VEN120422	SHELF			SHELF		
California Street Improvements	S.B. Ventura	SAFETEA- LU	07-VEN990319	\$ 796,000			\$ 796,000	Completion expected 10/15/2013; Received Caltrans permit, fuding being switched to TE rather than CMAQ	RFA submitted
Calif. Street Bridge Upgrade	S.B. Ventura	TEA-21	07-VEN990319	\$ 329,000			\$ 329,000	Completion expected 10/15/2013; Received Caltrans permit, fuding being switched to TE rather than CMAQ	RFA submitted

*Obligated amount = Funds approved by FHWA on Authorization to Proceed (FNM-76) form, or approved by FTA in grant application.

Approved TE Projects - Obligations as of 5/1/2013

Project Name	Agency	Call	TIP ID	TEA Funding	Actual/Estimated Obligation (E-76) Date	Obligated Amount	Project Balance	Project Status	Next Submittal Date (PES/ROW Cert/RFA/Contract Award/1st Invoice/Closeout)
Piru/Camulos Bike Trail	County	2010 Mini-Call	07-VEN990310	\$ 479,000	1/25/2012	\$ 479,000	\$ -		
Tenth Street Improvements	Santa Paula	2010 Mini-Call	07-VEN110113	\$ 600,000	5/23/2012	\$52,000	\$ 548,000		
Ponderosa Drive Landscaping	Camarillo	2010 Mini-Call	07-VEN110305	\$ 1,017,000	7/27/2012	\$ 1,017,000	\$ -		
Ponderosa Drive Landscaping Ph II	Camarillo	2010 Mini-Call	07-VEN110307	\$ 400,000	11/1/2012		\$ 400,000		
Transportation Center Landscaping	T.O.	2010 Mini-Call	07-VEN110107	\$ 150,000	12/1/2013		\$ 150,000		
Omer Rains Bike Path Ph II	Ventura	2012 Mini-Call	07-VEN990341	\$ 980,000	Mar-14		\$ 980,000		
Route 101/Central Landscaping Enh	Camarillo	SAFETEA-LU	07-VEN050404	\$ -			\$ -	Design completion 6/14; Design funded with STP; \$498K TE - transferred to Lewis Rd (4/5/13)	
Lewis Road Landscaping	Camarillo	2010 Mini-Call	07-VEN110114	\$ 1,278,000			\$ 1,278,000	Design underway and expected complete 5/13	



Item # 5

May 17, 2013

MEMO TO: TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: BUY AMERICA FOR UTILITY RELOCATIONS

RECOMMENDATION:

- Receive and file.

BACKGROUND:

At prior meetings the Committee has discussed the new MAP-21 Buy America requirements as they apply to utility relocations. Caltrans has now issued the attached guidance regarding this policy. Caltrans expects to have right-of-way staff participate in the Committee meeting by phone.

MAP-21 requires that Buy America requirements be followed for all portions of a project, as defined by the NEPA document, where any portion of the project has federal participation. The largest practical change under this policy is that Buy America now applies to utility relocation where there is any federal funding in any portion or phase of the project as defined under NEPA, regardless of whether the utility relocation is federally-participating. This requirement applies to all utility relocations in agreements subsequent to MAP-21.

It appears that the Buy America policy does not apply to utility relocations where the utility is legally obligated to pay 100% of the cost of the work. In that case, where the project sponsor is legally prohibited from paying for the work, Buy America requirements need not be met.

Caltrans guidance provides that if the utility relocation Buy America is not met, a right-of-way certification will be processed that identifies the project as having met all requirements except for utility relocation Buy America. In such a case the project cannot be authorized for federal funding, but the fact that the project could have been delivered were it not for the utility relocation Buy America, will be tracked for statistical purposes. VCTC has been informed that high-level state officials are working with high-level utility executives to address this issue.



**Brent
Green/HQ/Caltrans/CAGov**
03/26/2013 05:14 PM

To Malcolm Dougherty/HQ/Caltrans/CAGov@DOT, Richard Land/HQ/Caltrans/CAGov@DOT, PDDC, Deputy District Directors Right of Way, rachel_falsetti@dot.ca.gov, Norma
cc Corporate RW & Land Surveys Office Chiefs
bcc Melani.Millard@dot.gov; brent.green@sbcglobal.net
Subject Interim Departmental Policy for Certifying Right of Way for projects impacted by MAP-21 Buy America Provisions.

Interim Departmental Policy for Certifying Right of Way for projects impacted by MAP-21 Buy America Provisions.

This policy is being provided to the Directors, SFPs, RW Managers, and numerous Divisions within Headquarters.

Policy

Summary

For Federally eligible projects do not approve a Right of Way (RW) certification unless you have executed utility agreements (UA) for all utility owners that includes the buy America provisions .

If the utility owners have expressly stated they do not intend to sign the UAs then continue to deliver the project by meeting all other constraints to RTL except the RW Certification , constrained only by the lack of executed UAs.

These "uncertified" projects will go to commission on the vote list . If by the commission meeting the UAs remain un-executed, the Department will recommend the funds not be allocated . The projects will be considered "delivered but not allocated". This will enable the department to obtain credit for delivery and prevent the loss of funding due to failure to deliver the project .

We will continue to work with the Districts , Office Engineer and Programming to ensure we meet this objective.

Detail

We have developed the following interim guidelines to ensure compliance with the Buy America provisions of MAP-21 in certifying projects. The goal remains to deliver projects while at the same time not risking federal participation in the utility relocations and the potential loss of federal funding on the entire project.

STEP 1- Determine if Buy America Applies to your Project

Buy America Definition Applicability and Rules

In order for a manufactured product to be considered subject to Buy America , the product must be manufactured predominantly of steel or iron. The Federal Highway Administration (FHWA) deems a product to be predominantly of steel or iron if the product consists of at least 90% steel or iron content when it is delivered to the job site for installation . *(Additional clarification on materials can be provided upon request).*

The Buy America Rules applies to:

- any contract eligible for Federal-Aid highway funding within the scope of applicable finding , determination, or decision under the National Environmental Policy Act (NEPA) regardless of the

funding source of such contracts, if at least one contract for the project is funded with Federal-Aid highway funds.

- any Federal-Aid authorization for contracts or agreements to perform environmental studies and document preparation, right of way acquisition, preliminary engineering and other non-construction work invokes the application of Buy America to the entire project (as determined by the NEPA document) even if no Federal funds are used in construction.

USDOT has determined that Buy America applies to any utility work to be accomplished as a result of a Federal-aid highway project. Buy America cannot be narrowed to exclude utility work, even if such utility work is not reimbursed with Federal-Aid highway funds.

When does Buy America NOT apply?

Where such work is not eligible for Federal-Aid (i.e. is not eligible for assistance under Title 23) because the State is legally unable to pay the utility because it violates the law of the State or violates a legal contract between the utility and the State. In these instances, such work would not constitute a contract eligible for assistance. This will likely be the case when the utility owner has sole liability for 100% of the relocation and they perform all the relocation work themselves. Your RW Divisions can help you identify this situations.

Note: Simply removing or substituting Federal funds for an eligible activity doesn't exempt the utility relocations from the Buy America provisions. Buy America will still apply.

STEP 2 - Determine the current status of the Utility Agreements

PERMISSIBLE CERTIFICATION

It is permissible to certify the right of way for your Buy America impacted utilities if you have executed utility agreements from all owners that contains the Buy America clause.

Submission of a certification with a draft UA or documented evidence of "meeting of the minds" from those utility owners that have not yet signed the utility agreement is NOT sufficient.

FHWA will not accept a certification with only a draft UA or based on a "meeting of the minds". This includes several utility owners who have expressly stated, or put in writing that they will not sign a utility agreement that contains the Buy America clause.

CERTIFICATION LEVELS

Right of Way Certification (RW Cert) Levels 1 and 2 remain delegated to the Districts for approval. However, unlike other currently delegated Cert 1s and 2s, the Districts must submit a copy of the certification to HQ RWLS. HQ RWLS will "accept" a copy of the certification. This is a requirement in order to track the impact and status of Buy America.

Certification Levels 3 and 3W still require both HQ RWLS and FHWA approval.

FHWA will require the Department to add additional language to the right of way certification document to verify and assure Buy America compliance.

NON-PERMISSABLE CERTIFICATION

The Department and FHWA will not approve RW Certs without executed utility agreements from all owners that contains the Buy America clause.

STEP 3 - Deliver the Project without a Cert or Ready-To-List (RTL)

The-Department will continue to "deliver" projects without executed Buy America clauses , if the ONLY constraint to RTL is the RW Cert. The project will be included-on the CTC vote list. If the utility owners have expressly stated they do not intend to sign the agreements then the Department will deliver (to the commission) the project without these provisions The Department will not recommend the CTC to allocate the funds if the Buy America provisions are not resolved by the CTC meeting .

For TCIF projects, Commission staff advised us to put those projects on the vote list and deliver them with the only constraint being the utilities (due to lack of Buy America provisions). Delivery in this manner will allow Local Public Agencies and the Department to get credit for delivery without the potential loss of the bond funding.

It is important that we strictly adhere to this policy for a number of reasons . Certifying without doing what is described above would cause a number of potential problems .

1. FHWA would not approve any Cert 3, or 3ws;
2. The owners could refuse to relocate in the field causing costly RW delays in construction . (And, we would have misrepresented the contract);
3. If the utility owners relocate without the agreements in place then the relocation would not be federally eligible;
4. FHWA could decide to pull all Federal Funds from the project .

This policy is interim because this is a very dynamic issue . We are continuing to engage FHWA and the utility owners on a daily basis . If this interim policy changes we will notify you .

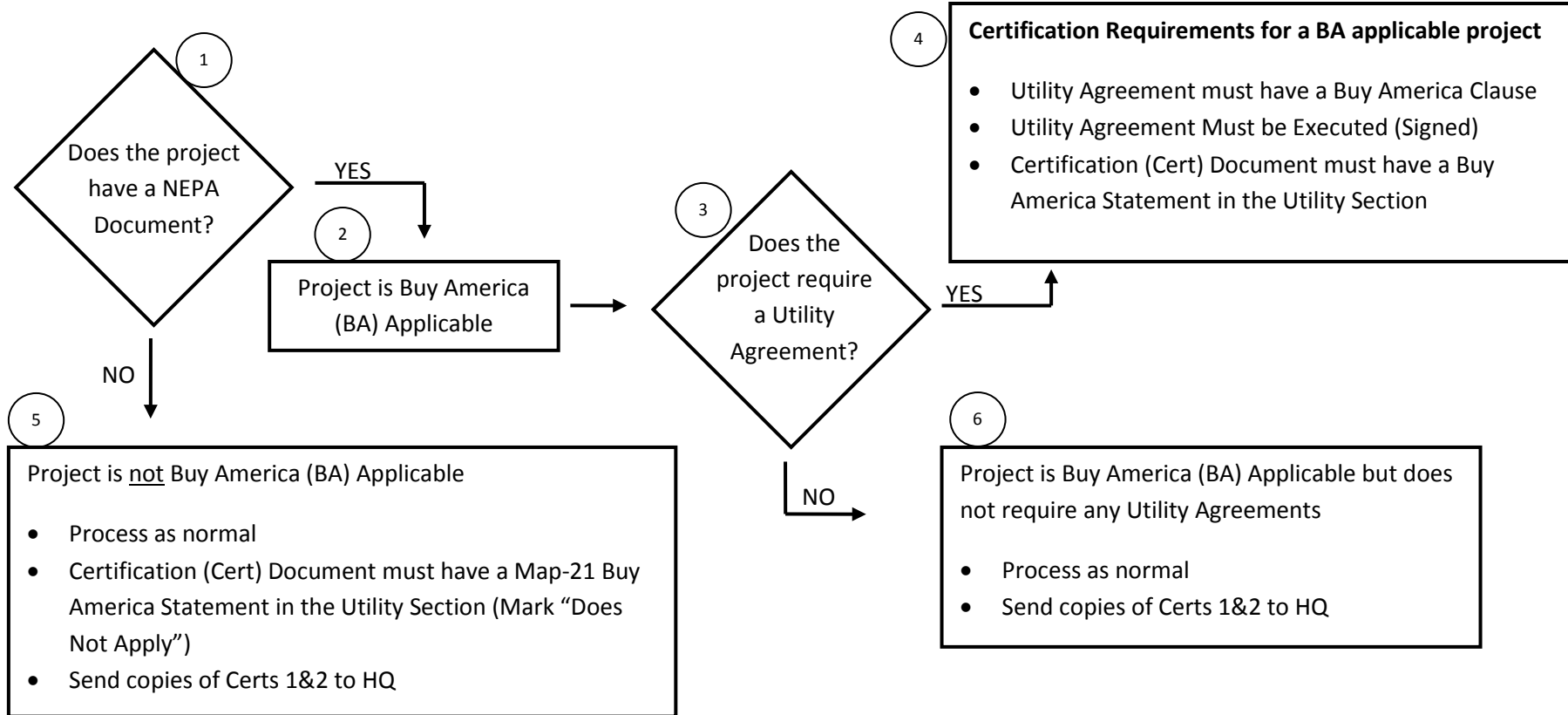
I encourage you to continue to work with your right of way divisions . They can help coordinate project specific issues and concerns .

Brent L. Green
Division Chief
Right of Way and Land Surveys
(916) 654-5075
(916) 698-4068 cell

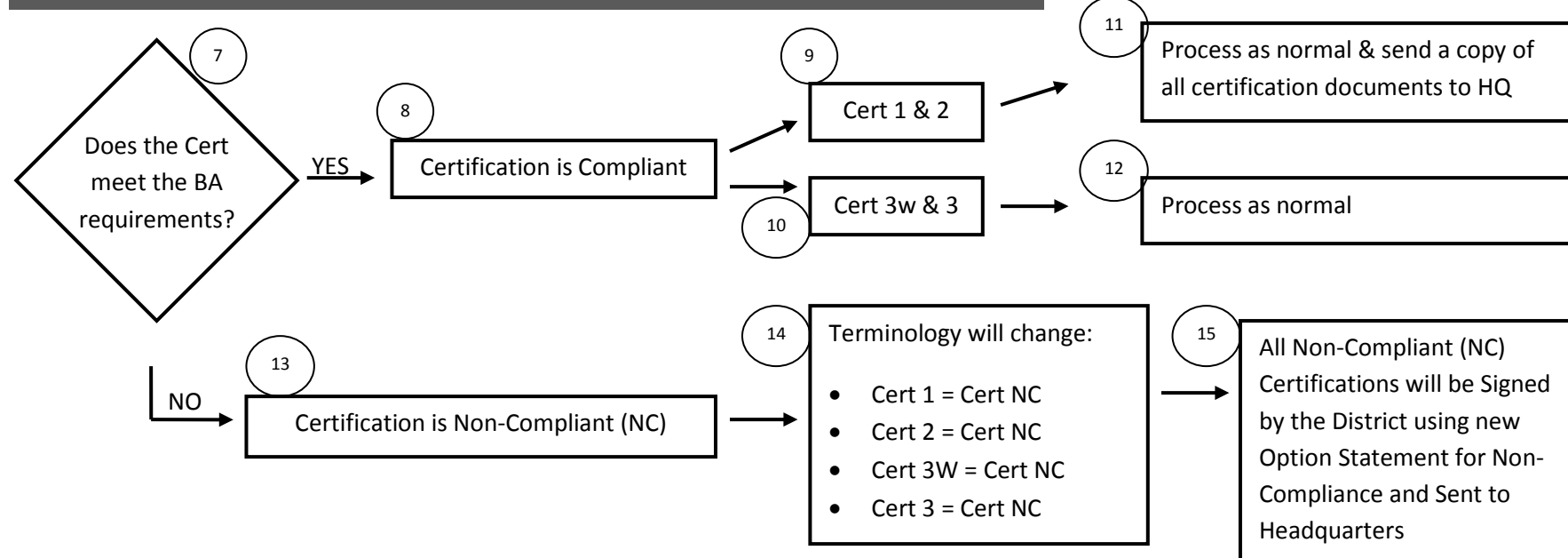
Right of Way Certification Process Under MAP-21 Buy America

Caltrans Right of Way • April 12, 2013

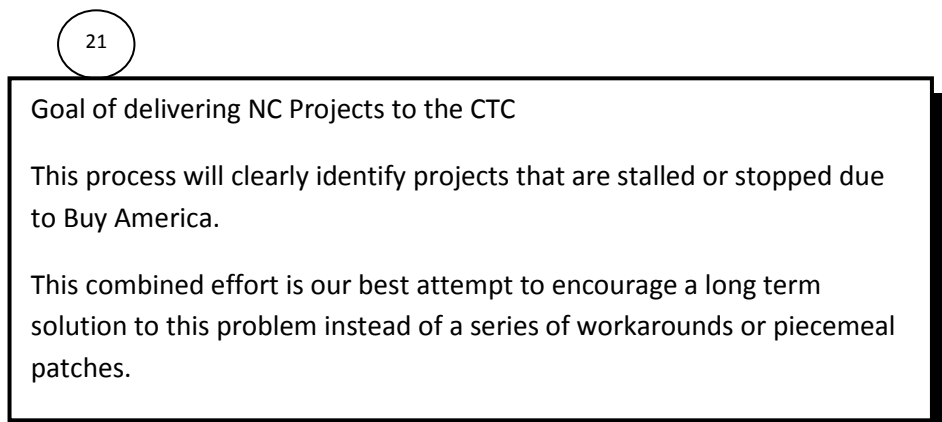
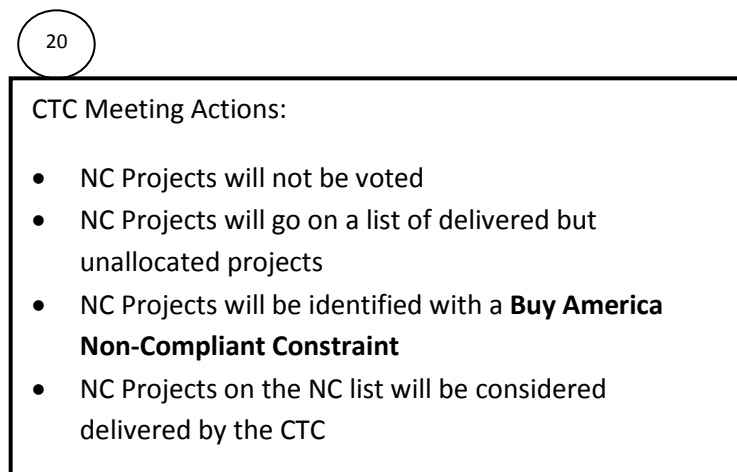
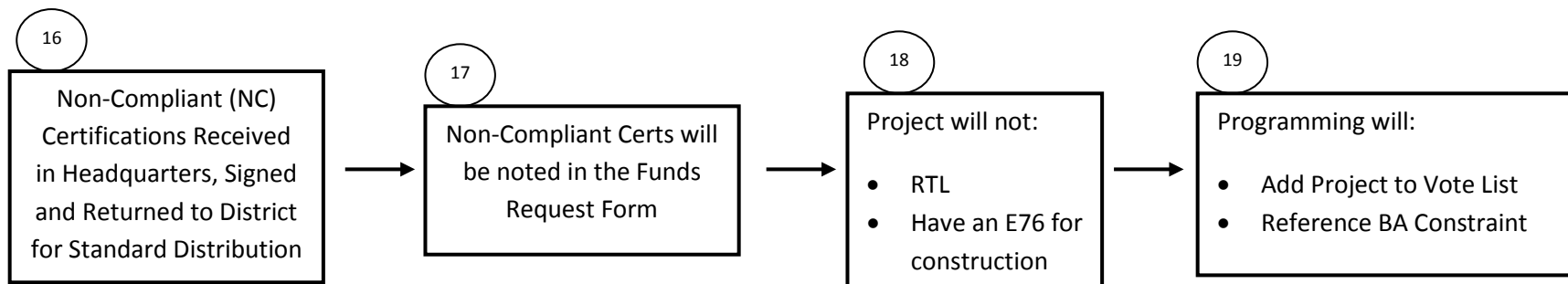
Does Buy America Affect the Right of Way Certification of My Project?



How do I Process a Certification with Buy America Requirements?



What happens to my Non-Compliant Certification?



Note: numbers on flow chart elements are meant for reference only and do not denote sequential action.

ONLY THE PARAGRAPHS RELATING TO THE SPECIFIC PROJECT SHOULD BE USED

To: (Name), District Director **Date:**

Attention: District Division Chief **File:** Dist.-Co.-Rte.-KP/PM: _____
 Project Development EA (Design Phase No.): _____
 Const. Fed-Aid No.: _____¹
 Right of Way Fed-Aid No.: _____¹

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____

Subject: Right of Way Certification No. _____ for the project _____ (Location and Work Description from Project PS&E)

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

(OR)

1. **STATUS OF REQUIRED RIGHT OF WAY:** Right of way (has been) acquired in accordance with applicable policy and procedure covering the acquisition of real property. State (has) legal and physical possession and right to enter on all land as follows:

- A. Total number of parcels required. _____²
1. Parcels acquired (escrow closed or Final Order of Condemnation recorded). _____³
 2. Parcels covered by Order for Possession. _____³

Parcel No.	Owner	Effective Date
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3. Parcels covered by Right of Entry (RE) _____³

Parcel No.	Owner	Type ⁴	Effective Date	Date Funds Made Available to Owner ⁵
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4. Parcels covered by a Right of Entry executed prior to appraisal _____⁶

Parcel No.	Owner	Effective Date
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5. Parcels covered by Resolution of Necessity only. _____³
 (Used only rarely in a Cert No. 3 situation where the project must be advertised, the Resolution of Necessity has been approved by the CTC, but the Order for Possession has not yet been served.)

Parcel No.	Owner	Anticipated OR Effective Date
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6. Parcels covered by other acquisition documents as follows: _____³

Explanation: _____

NOTE: Items 1 through 6 should equal Line A.

1 Add these words to all Certs. Must insert number(s) or the word "NONE" for the R/W Fed-Aid No.
 2 Parcels shown in Items 1-6 should total the number shown in Item A.
 3 Detail should be added showing expiration dates with fixed termination dates, such as temporary easements.
 4 Either RE or RC (possession clause in approved Right of Way Contract).
 5 If no entry is made in this column, a full explanation is required.
 6 Attach justification/approval from the DDC, Right of Way.

CERTIFICATION (Cont'd)

Project No.
CO-RTE-PM
Page 3 of 4

5. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions located within the limits of this project. (OR)
All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction. (OR)

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salvable/Non Salv.	Method of Disposal	Date Site Available to Const. Contractor
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6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project. (OR)
All necessary arrangements have been made with airspace lessee(s) and/or in Contract Provisions to minimize conflicts between lessee's activities and contractor's operations. (OR)
Airspace lease (describe) has been canceled effective (date). (OR)
(Explanation of other disposition of airspace lease area.)

7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project. (OR)
The project has no occupied parcels. (Except as explained below.)⁸ The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to the relocatees.

Types of relocation involved on this project: ⁹ Personal property relocation (AND) residential relocation, (AND) business, farm, or nonprofit relocation.

Exceptions:

Occupants of residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Parcel No.	KP/PM	Name of Occupant	Date to Vacate	Type Occupancy
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Explanation: (Describe the exceptions and the reason the R/W is not clear.)

8. **COOPERATIVE AGREEMENTS** (Optional Entry): None Required. (OR) Agency Agreement No.
9. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for this project. (OR)
All environmental mitigation parcels on the project have been acquired. (OR)
Acquisition of environmental mitigation parcels is ongoing. (Explanation.)

10. **CERTIFICATION**

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(1) (OR) (c)(2). The project may be advertised with contract award being made at any time. (OR)

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project may be advertised at any time. The project will be certified as conforming to Paragraph (c)(1) (OR) (c)(2) by (date) . (AND)
(Explanation and reasons why a #3 certification is being used and substantiation that the Cert #1 or #2 date given above is realistic.) (OR)

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the Bid Documents. An updated Certification No. 3 will be provided by (date)." ¹⁰ (OR)

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project has been advertised and the contract may be awarded. Approvals are attached for the work-around. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said work-around." ¹¹

CERTIFICATION (Cont'd)

Project No.

(OR)

“I hereby submit for the sole purpose of processing this unapproved Right of Way Certification NC (Non-compliant) to allow this project to be placed on the allocation vote list before the California Transportation Commission. Projects with unexecuted utility agreements due to the “Buy America” language requirements will be considered delivered but not allocated if the only remaining Right of Way constraint is “Buy America” non-compliance.

This unapproved Right of Way Certification NC cannot be used to advertise, open bids or award the construction contract. Right of Way will re-certify according to policy and procedures when deemed compliant in meeting the federal “Buy America” requirements.”

Insert Name

District Deputy Director /Office Chief - Right of Way
(or person authorized in writing to sign Certification)

BRENT L. GREEN, Chief

Division of Right of Way and Land Surveys

c: District or Headquarters, Office Engineer/
Headquarters, Program Manager, HQ Right of Way & Land Surveys

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- 8 Remove words in parentheses if not applicable.
9 Enter only those types involved in the specific project.
10 Certification statement to be used on the initial submittal of Special Certification No. 3.
11 Certification statement to be used on the updated Special Certification No. 3 required no later than 15 days prior to bid opening.