

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 14-15, 2025

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8d.(3), Action Item

Prepared By: Dee Lam, Chief
Division of Local Assistance

Subject: **POST-FACT REQUEST TO EXTEND THE PERIOD OF PROJECT DEVELOPMENT EXPENDITURE FOR A LOCALLY-ADMINISTERED ACTIVE TRANSPORTATION PROGRAM PROJECT, OFF THE STATE HIGHWAY SYSTEM WAIVER 25-170**

ISSUE:

Should the California Transportation Commission (Commission) approve a Post-Fact time extension for the period of project development expenditure for the locally-administered Active Transportation Program (ATP) Tracks at Brea Final Phase Gap Closure project (PPNO 1303), in Orange County, for the time period as identified in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission approve a Post-Fact time extension for the period of project development expenditure for the locally-administered ATP Tracks at Brea Final Phase Gap Closure project (PPNO 1303), in Orange County, for the time period as identified in the attachment.

BACKGROUND:

In March 2023, the Commission allocated \$1,787,000 for the locally-administered ATP Tracks at Brea Final Phase Gap Closure project (PPNO 1303). In accordance with ATP Guidelines (Guidelines), the deadline to complete project development expenditure was June 30, 2025. The responsible agency has been unable to complete the project component per the Timely Use of Funds (TUF) policy. The attachment describes the details of the project and the explanation for the delays.

Current Guidelines, adopted by the Commission, stipulate that the funds programmed for all components of local grant projects are available for expenditure only until the end of the second fiscal year following the year of allocation. The Commission may approve a waiver to the TUF deadline, one-time only, for up to 12 months.

Attachment

**Post-Fact Time Extension/Waiver – Project Development Expenditure
Active Transportation Program**

Project Number: 1
Applicant: City of Brea
County: Orange
District: 12
PPNO: 1303
Allocation Amount: \$1,787,000
Allocation Date: 03/23/2023
Remaining Balance: \$1,787,000
Phase: Right of Way
Allocation Resolution Number: FATP-2223-23
Number of Months Requested: 12 Months
Extended Deadline: 06/30/2026
Department Recommendation: Support

Tracks at Brea Final Phase Gap Closure

The City of Brea (City) requests a 12-month Post-Fact time extension for the period of project development expenditure for the Right of Way (RW) phase of the Tracks at Brea Final Phase Gap Closure project. The City has experienced delays with environmental clearance.

The project proposes to acquire a section of Union Pacific Railroad (UPRR) property to implement a Class I multi-use path.

The Tracks at Brea Final Phase Gap Closure project (PPNO 1303) is a segment of the Orange County Transportation Authority OC Loop project. The purpose of the OC Loop project is to provide a seamless 66-mile regional active transportation corridor integrating Class I off-street trails and Class II and III on-street bike facilities to create a continuous, multi-jurisdictional network in Orange County. The Tracks at Brea Final Phase Gap Closure project (PPNO 1303) is a crucial part to the viability of the OC Loop. The City received its RW phase allocation in March 2023 and has been negotiating the sale of an easement from UPRR. During this time, negotiations have been slow due to staff changes at UPRR. Currently, the negotiated cost for the easement is in the final stages and awaiting National Environmental Policy Act (NEPA) clearance. The City was anticipating receiving NEPA clearance before June 30, 2025. However, in late May 2025, the City was notified by the Department that the Natural Environment Study (Minimal Impact) report needed to be expanded. This required an existing bat habitat survey, which can only be done during the summer months. The study has been completed and NEPA clearance is expected by the first week of August 2025, allowing

the RW acquisition process to continue. Once negotiations are completed with UPRR, the City will submit the authorization of RW funds for UPRR acquisition to the Department.

The City's understanding was that a request had to be submitted by April 28, 2025, to meet the June 2025 Commission meeting agenda, if a time extension was needed. According to the ATP Guidelines, the request to extend the deadline for project development expenditure must be received by the Department prior to the expiration date. As of April 2025, the City did not realize that a time extension would be needed. Furthermore, the ATP funds were allocated for RW acquisition, and the City anticipated utilizing the funds before the expenditure deadline. Upon discovering the impacts affecting the project schedule and delivery, the City reached out to the Department for assistance. The City has only completed three ATP construction projects prior to this, with the latest one in Cycle 2, and has only received time extensions for project allocation for the Construction phase. This is the first project it has had with only pre-construction phase funding. The City has been educated on ATP Timely Use of Funds Policy and will ensure all deadlines will be adhered to for all future projects.

Therefore, the City is requesting a 12-month Post-Fact time extension for the period of project development expenditure for the RW phase from June 30, 2025, to June 30, 2026.