

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

CERTIFICATE NUMBER
(FOR COMPTROLLER'S USE ONLY)
n/a

TO:
CITY COUNCIL

FROM (ORIGINATING DEPARTMENT):
Public Works/Engineering-ROW

DATE:
07/22/2011

SUBJECT: Accepting federal funds for the Coastal Rail Trail Project

PRIMARY CONTACT (NAME, PHONE):
Marnell Gibson, 619-533-5213, M.S. 908A

SECONDARY CONTACT (NAME, PHONE):
Abi Palaseyed, 619-533-4654, M.S. 908A

COMPLETE FOR ACCOUNTING PURPOSES

FUND	60000				
DEPT / FUNCTIONAL AREA					
ORG / COST CENTER	2000151112				
OBJECT / GENERAL LEDGER ACCT	512059				
JOB / WBS OR INTERNAL ORDER	S-00951				
C.I.P./CAPITAL PROJECT No.					
AMOUNT	\$0.00	0.00	0.00	0.00	0.00

FUND					
DEPT / FUNCTIONAL AREA					
ORG / COST CENTER					
OBJECT / GENERAL LEDGER ACCT					
JOB / WBS OR INTERNAL ORDER					
C.I.P./CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE): Current appropriation: \$1,517,469

This Request: \$553,000 Total Cost: \$2,070,469

Regional Surface Transportation Plan (RSTP) = \$489,571 (Grant fund)

Transportation Development Act (TDA) = \$63,429 (SANDAG local match)

ROUTING AND APPROVALS

CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Environmental Analysis	Comptroller	ORIG DEPT.	Heinrichs, Tony	8/2/2011
Equal Opportunity Contracting		CFO		
Liaison Office		DEPUTY CHIEF		
Grants Administration		COO	Goldstone, Jay	8/28/2011
Financial Management		CITY ATTORNEY		

COUNCIL
PRESIDENTS OFFICE

PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorizing the Mayor or his designee to accept Program Supplement No. M171 Rev 2 to Local Agency-State Agreement for Federal Aid Project No. CML-5004(131), Coastal Rail Trail Project, CIP S-00951, for the amount of \$489,571 Regional Surface Transportation Plan (RSTP) funds and \$63,429 in Transportation Development Act (TDA) funds; and
2. Authorizing the Chief Financial Officer or designee to accept up to \$553,000 of which \$489,571 is from Regional Surface Transportation Plan (RSTP) and \$63,429 is from Transportation Development Act (TDA) if the grant funding is secured; and
3. Authorize the Chief Financial Officer to establish a separate interest-bearing account for the grants, if required; and
4. Authorizing the Chief Financial Officer to increase the Fiscal Year 2012 Capital Improvement Projects budget in CIP S-00951, Coastal Rail Trail, by up to \$553,000, of which \$489,571 is from Federal, Grant Fund no. 1000126-2002 and \$63,429 is from Transportation Development Act (TDA), Fund no. 600002 (other);and
5. Authorize the Chief Financial Officer to appropriate and expend up to \$553,000, of which \$489,571 is from Federal, Grant Fund no. 1000126-2002 and \$63,429 is from Transportation Development Act (TDA), Fund no. 600002, for CIP S-00951, Coastal Rail Trail Project, for the purpose of planning and feasibility study, pending receipt of the Program Supplement for the Local Agency – State Agreement and Revised Finance letter for Federal Aid Project No. CML-5004(131) Coastal Rail Trail Project, contingent upon the Chief Financial Officer or their designee first certifying that funds are, or will be, on deposit with the City Treasurer.

STAFF RECOMMENDATIONS:
Adopt the resolutions.

SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)

COUNCIL DISTRICT(S):	Council District 1 - Sherri Lightner
COMMUNITY AREA(S):	Torrey Pines and University
ENVIRONMENTAL IMPACT:	This activity statutorily exempt from CEQA pursuant to State CEQA Guidelines, Section 15262 (Feasibility & Planning).
CITY CLERK INSTRUCTIONS:	Upon Mayoral approval, Please return one copy of the executed Council Action, and a copy of the resolution to Nitsuh Aberra, Right of Way Division, MS 908A.

COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE: 07/22/2011

ORIGINATING DEPARTMENT: Public Works/Engineering-ROW

SUBJECT: Accepting federal funds for the Coastal Rail Trail Project

COUNCIL DISTRICT(S): Council District 1 - Sherri Lightner

CONTACT/PHONE NUMBER: Marnell Gibson/619-533-5213, M.S. 908A

DESCRIPTIVE SUMMARY OF ITEM:

Accept Federal funds, in the amount of \$553,000 in which \$489,571 is from Regional Surface Transportation Plan (RSTP) and \$63,429 is from Transportation Development Act (TDA), for the Coastal Rail Trail Project.

STAFF RECOMMENDATION:

Adopt the resolutions.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The Coastal Rail Trail (CRT) is a multi-jurisdictional project among the coastal cities of Oceanside, Del Mar, Carlsbad, Encinitas, Solana Beach and San Diego. Each City serves as the lead agency responsible for development of the Coastal Rail Trail within their City limits. The project will develop an approximately 40-mile, continuous corridor of multi-use, Class I, Class II, and some Class III bicycle facilities to be constructed primarily along the railroad right of way (ROW). The City of San Diego will develop approximately half of the 40-mile CRT. The proposed path will begin near the City of Del Mar at the intersection of Carmel Valley Road and Sorrento Valley Road to the north and continues to Union Station Downtown San Diego. Presently, the City is focusing on the northerly ten miles of the trail from the Sorrento Valley Road/Carmel Valley to the Gilman Drive/I-5 intersections.

Staff have been working with SANDAG and Caltrans to secure additional funding to re-evaluate and determine the alignment in the preliminary engineering phase. SANDAG and Caltrans have authorized additional funds towards the preliminary engineering phase for the project in the amount of \$533,000. In addition, this action will authorize the Mayor, or his representative, to execute and accept for and on behalf of the City of San Diego, the Program Supplement for the additional funds that is required for the City of San Diego to complete the preliminary engineering design phase. Currently, the City is in the process of negotiating a new contract with Nasland Engineering. This agreement will be brought to Council for approval at a future date. During this phase of the project, the City will form a task-force to seek early input from the Community groups, agencies and other key stakeholders.

Furthermore, the City of San Diego will be responsible for the planning and feasibility studies in order to prepare the appropriate environmental document in a future phase, including technical studies, required for both CEQA and National Environmental Policy Act (NEPA). Due to acceptance of the federal funding, NEPA is required and will be led by Caltrans.

FISCAL CONSIDERATIONS:

Additional funding in the amount of \$553,000 is being provided by San Diego Association of Governments (SANDAG) which will be used for preliminary design and environmental document. This phase of the project will be funded through Regional Surface Transportation Plan (\$489,571 RSTP) and Transportation Development Act (\$63,429 TDATDA) funds.

EQUAL OPPORTUNITY CONTRACTING INFORMATION:

Funding Agency: City of San Diego (TransNet-Bicycle & TDA) and Caltrans (CMAQ & RSTP) – prevailing wages do apply to this contract.

Others: Work Force Report will be submitted with the procurement of the consultant. Staff will monitor adherence to Non-Discrimination Ordinance. Future agreement will be subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Council Resolution # R-295633 was adopted on October 29, 2001 - Accepting \$631,130 in CMAQ funding and \$81,770 in TransNet Bicycle funds.
 - Council Resolution # R-299459 was adopted on July 19, 2004 – Authorizing a phase funded agreement with URS Corporation.
 - Council Resolution # R-303713 was adopted in May 27, 2008 – Authorizing the acceptance and execution of a program supplement (No. 171M1) to the agreement and increasing the CIP for expending \$787,100 (\$696,820 CMAQ and \$90,280 TransNet Bicycle funds).
- Capital Outlay fund - \$17,469

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In the preliminary design phase of the project, the Engineering and Capital Projects Department consulted with the San Diego Bicycle Coalition regarding the usability of various alternatives and/or alignments. As the project enters into a more detailed environmental analysis and design phase, Engineering & Capital Projects will work with all stakeholders and various community groups to produce a project alternative and alignment that has the least impacts to the natural environment and existing canyon uses while providing maximum usability to the diverse biking community.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

SANDAG, CalTrans, San Diego Bicycle Coalition, University City and Torrey Pines Community Planning Groups, Friends of Rose Canyon and Rose Creek Watershed Alliance.

Heinrichs, Tony

Originating Department

Goldstone, Jay

Deputy Chief/Chief Operating Officer

104
5/20/08

(R-2008-899)
(COR.COPY)

RESOLUTION NUMBER R- 303713

DATE OF FINAL PASSAGE MAY 27 2008

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A PROGRAM SUPPLEMENT TO THE AGREEMENT REGARDING THE COASTAL RAIL TRAIL PROJECT; INCREASING CIP 58-162.0; AND EXPENDING \$787,100 FOR THE PROJECT.

WHEREAS, the City, the San Diego Association of Governments, and the California Department of Transportation have begun the Coastal Rail Trail Project for a bikeway running from downtown San Diego to the City of Del Mar; and

WHEREAS, additional funding for the project is available to the City from SANDAG and CalTrans under the Congestion Mitigation Air Quality Program and the TransNet Bicycle Program; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor or his designee is authorized to execute and accept, for and on behalf of the City, an amendment to the Local Agency-State Agreement for Federal Aid Project, No. CML-5004(131) in connection with the Coastal Rail Trail Project, under terms and conditions set forth in Program Supplement No. 171-M1, on file in the office of the City Clerk as Document No. RR- 303713.

2. That in accordance with the annual appropriation ordinance, the City Auditor and Comptroller is authorized to increase the Fiscal Year 2008 Capital Improvement Program budget by increasing CIP 58-162.0, Coastal Rail Trail Project, by the amount of \$787,100.

3. That the City Auditor and Comptroller is further authorized to accept funds for the above project in the amount of \$696,820 from the Congestion, Mitigation & Air Quality Program and deposit same into Fund No. 38693, CMAQ Funds; and \$90,280 from the TransNet Bicycle Program, and deposit same into Fund No. 30301, TransNet Bicycle Program.

4. That the City Auditor and Comptroller is further authorized to transfer the amount of \$696,820 from Fund No. 38693, CMAQ Funds, to CIP 58-162.0, Coastal Rail Trail Project; and \$90,280 from Fund No. 30301, TransNet Bicycle Program; both to CIP 58-162.0, Coastal Rail Trail Project.

5. That the expenditure of an amount not to exceed \$787,100 from CIP 58-162.0, Coastal Rail Trail Project, is authorized, solely and exclusively to provide funds for preliminary engineering under the above Program Supplement, provided that the City Auditor furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

6. That the City Auditor is further authorized to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department.

7. That the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

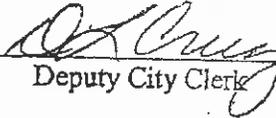
By 
Ryan Kohut
Deputy City Attorney

(R-2008-899)
(COR.COPY)

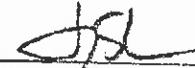
RK:cfq
04/15/08
5/19/08 COR.COPY
Aud.Cert:N/A
Or.Dept:Eng&CP
R-2008-899

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of MAY 20 2008.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 5-27-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RESOLUTION NUMBER R- 299459

ADOPTED ON JUL 19 2004

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS; AUTHORIZING ESTABLISHMENT OF PHASE FUNDING AND AWARD OF PUBLIC WORKS CONTRACT; AND TAKING RELATED ACTIONS.

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a phase funded agreement with URS Corporation, in an amount not to exceed \$1,170,503.76, for environmental and engineering services, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR 299459 together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

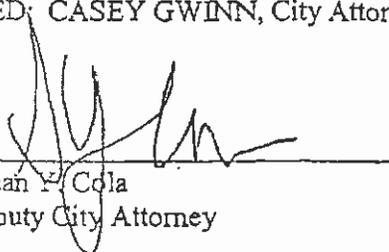
BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$589,977.59 from CIP No. 58-162.0, Coastal Rail Trail Project, of which \$508,207.59 is from Fund No. 38693, Congestion Mitigation Air Quality (CMAQ), and \$81,770.0 is from Fund No. 30301, Proposition A Bike Ways, for Phase I of the Agreement, is authorized for the purpose of providing funds for the above referenced Project.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$580,526.17 for Phase II of the Agreement with URS Corporation, is approved, contingent on the receipt of the additional funds from Caltrans and SANDAG, and provided that the City Auditor first furnishes one or more certificates certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized,
upon advice from the administering department, to transfer excess budgeted funds, if any, to the
appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

By



Susan P. Cola
Deputy City Attorney

SYC:sc
Aud.Cert.: 2500010
07/06/04
Or.Dept: E&CP
R-2005-49

Passed and adopted by the Council of San Diego on July 19, 2004 by the following vote:

YEAS: PETERS, ZUCCHET, LEWIS, MAIENSCHIN, FRYE, INZUNZA, MAYOR MURPHY.

NAYS: NONE.

NOT PRESENT: ATKINS, MADAFFER.

AUTHENTICATED BY:

DICK MURPHY
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Esther Ramos, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. R-299459, passed and adopted by the Council of The City of San Diego, California on July 19, 2004.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: , Deputy
Esther Ramos

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(R-2002-506)

RESOLUTION NUMBER R- 295833

ADOPTED ON OCT 29 2001

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City Manager is hereby authorized to apply for and accept a total of \$631,130 in Congestion Mitigation & Air Quality (CMAQ) Funds (Fund No. 38693) from the State, and \$81,770 in TransNet Bikeway Funds (Fund No. 30301) from SANDAG for the preliminary engineering, environmental documentation, final design, and permitting for the Coastal Rail Trail.
2. That the addition of CIP No. 58-162.0 (Coastal Rail Trail) to the FY 2002 Capital Improvement Program is hereby authorized.
3. That the appropriation and expenditure of \$712,900 from CIP No. 58-162.0 for the Coastal Rail Trail Bikeway extending from City of Del Mar/City of San Diego Limit to San Diego Centre City, contingent upon receipt of a fully executed program supplement from the State and receipt of funds from SANDAG is hereby authorized.
4. That the Auditor and Comptroller is hereby authorized to amend the Fiscal Year 2002 Capital Improvement Program Budget by \$712,900 for CIP 58-162.0, Coastal Rail Trail Bikeway.

APPROVED: CASEY GWINN, City Attorney

By 
Elmer L. Heap, Jr.
Deputy City Attorney

ELH:smf
10/05/01
Or.Dept: Trans/Traffic Eng.
Aud.Cert:2200375
R-2002-506
Form=r-t,frm

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3151
Fax (916) 653-7621



January 25, 2011

File : 11-SD-0-SD
CML-5004(131)
Coastal Rail Trall; San Diego/Del
Mar City Limit to Downtown San
Diego

Mr. Tony Heinrichs
Deputy Chief of Public Works
City of San Diego
202 C Street
San Diego, CA 92101

Attn: Ms. Nitsuh Aberra

Dear Mr. Heinrichs:

Enclosed are two originals of the Program Supplement Agreement No. 171-M2 to Administering Agency-State Agreement No. 11-5004.

Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. Attach your local agency's certified authorizing resolution that clearly identifies the project and the official authorized to execute the agreement. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

A copy of the State approved finance letter containing the fund encumbrance and reversion date information will be mailed to you with your copy of the executed agreement.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Zhang".

RAY ZHANG, Chief
Office of Project Implementation - South
Division of Local Assistance

Enclosure

c: DLA AE Project Files
(11) DLAE - Erwin Gojuangco

PROGRAM SUPPLEMENT NO. M171 Rev. 2
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 11-5004

Date: January 13, 2011
Location: 11-SD-0-SD
Project Number: CML-5004(131)
E.A. Number: 11-956153
Locode: 5004

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 08/28/98 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Coastal Rail Trail; San Diego/Del Mar City Limit to Downtown San Diego

TYPE OF WORK: Pedestrian and Bike Path

LENGTH: 25.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
			LOCAL	OTHER
\$2,053,000.00	L400	\$696,820.00	\$235,479.00	\$0.00
	L23R	\$489,571.00		
	Q400	\$631,130.00		

CITY OF SAN DIEGO

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Caleb Kuzing

Date 1/13/11

\$1,817,521.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
106	2001	2660-101-890	2001-2002	20.30.010.820	C	262040	892-F	631,130.00
47	2006	2660-102-890	2006-2007	20.30.010.820	C	262040	892-F	696,820.00
712	2010	2660-102-890	2010-2011	20.30.010.810	C	262040	892-F	489,571.00

SPECIAL COVENANTS OR REMARKS

1. All project repair, replacement and maintenance involving the physical condition and the operation of project improvements referred to in Article III MAINTENANCE, of the aforementioned Master Agreement will be the responsibility of the ADMINISTERING AGENCY and shall be performed at regular intervals and as required for efficient operation of the completed project improvements.
2. The ADMINISTERING AGENCY will reimburse the STATE for the ADMINISTERING AGENCY share of costs for work requested to be performed by the STATE.
3. The ADMINISTERING AGENCY agrees that payment of Federal funds will be limited to the amounts approved by the Federal Highway Administration (FHWA) in the Federal-Aid Project Authorization/Agreement or Amendment/Modification (E-76) and accepts any resultant increases in ADMINISTERING AGENCY funds as shown on the Finance Letter, any modification thereof as approved by the Division of Local Assistance, Office of Project Implementation.
4. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available for new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a STATE approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.
5. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
6. (DO NOT USE - SUPERCEDED WITH #1199) Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance,

SPECIAL COVENANTS OR REMARKS

the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

7. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
8. (DO NOT USE - SUPERCEDED WITH #1198) Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

Department of Transportation
Division of Accounting
Local Programs Accounting Branch, MS #33
P. O. Box 942874
Sacramento, CA 94274-0001

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

9. "ADMINISTERING AGENCY certifies that neither the ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this agreement. ADMINISTERING AGENCY agrees that it will notify the STATE immediately, in the event a suspension or a debarment happened after the execution of this agreement."
10. The ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act and OMB A-133 if it receives a total of \$500,000 or more in federal funds in a single fiscal year. The federal funds received under this project are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning & Research. OMB A-133 superceded OMB A-128 in 1996. A reference to OMB A-128 in a Master Agreement (if any) is superceded by this covenant to conform to OMB A-133.
11. The Administering Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT -assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT -assisted contracts. The administrating Agency's DBE Race-Neutral Implementation Agreement is incorporated by reference in this agreement. Implementation of this program is a legal

SPECIAL COVENANTS OR REMARKS

obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved DBE Race-Neutral Implementation Agreement, Caltrans may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

12. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

13. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
14. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System

SPECIAL COVENANTS OR REMARKS

(EPLS).

15. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

Failure to do so will cause a delay in the State processing invoices for the construction phase.

Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

16. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

Coastal Rail Trail S-00951
 Grant-1000176-2002

CALIFORNIA DEPARTMENT OF TRANSPORTATION

AMENDMENT MODIFICATION SUMMARY

FEDERAL AID PROGRAM
 DLA LOCATOR: 11-SD-0-SD
 PREFIX: CML
 PROJECT NO: 5004(131)
 SEQ NO: 3
 EA: 11956153L
 AGENCY: SAN DIEGO
 ROUTE:
 TIP DATA
 MPO: SANDAG
 FSTIP YR: 08/09
 STIP REF: 110-0000-0271
 DISASTER NO:
 BRIDGE NO'S:

PROJECT LOCATION:
 FROM SAN DIEGO TO DEL MAR CITY LIMIT ALONG RR
 TYPE OF WORK:
 CLASS I BIKE PATH DESIGN,PES,P
 FED RR NO'S:
 PUC CODES:
 PROJ OVERSIGHT: EXEMPT FROM FHWA REVIEW
 ENV STATUS / DT:
 RW STATUS / DT:
 INV RTE: 0
 BIG MP: 0
 END MP: 0

PREV AUTH / AGREE DATES:
 PE: 10/23/2001
 RW:
 CON:
 SPR:
 MCS:
 OTH:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID	FEDERAL COST	AC COST
L23R	10	15	N	SAN DIEGO	URBAN		\$1,327,950.00	\$0.00
L400	10	15	N	SAN DIEGO	URBAN		\$489,571.00	\$0.00
Q400	10	15	N	SAN DIEGO	URBAN		\$1,817,521.00	\$0.00
FUNDING SUMMARY								
PHASE								
PREV. OBLIGATION							\$1,500,000.00	\$0.00
THIS REQUEST							\$553,000.00	\$0.00
SUBTOTAL							\$2,053,000.00	\$0.00
PREV. OBLIGATION							\$0.00	\$0.00
THIS REQUEST							\$0.00	\$0.00
SUBTOTAL							\$0.00	\$0.00
PREV. OBLIGATION							\$0.00	\$0.00
THIS REQUEST							\$0.00	\$0.00
SUBTOTAL							\$0.00	\$0.00
TOTAL:							\$2,053,000.00	\$1,817,521.00

STATE REMARKS

HISTORICAL COMMENTS

This request is for the Preliminary Engineering (PE) phase of the Coastal Rail Trail bikeway project. This phase will include Preliminary alternative design, environmental documentation, final design, and permitting for the Coastal rail Trail.
 10/23/01 RZ: This sequence (#1) authorizes PE, \$631,130 Q40 funds.
 07/18/07 RE: This sequence (#2) authorizes additional PE \$696,820 Q400 funds.
 07/24/07 TAW PE increase authorization \$696,820.00 L400 CMAQ funds.

08/13/2010 FHWA has been non-responsive to the following question: Can STP urban funds (L230, L23E, L23R) be used on an off-system Bike Ped project? According to Title 23 U.S.C. §217: Bicycle Transportation and Pedestrian Walkways, it appears that they can...

(a) Use Of STP And Congestion Mitigation Program Funds.—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under sections 104(b)(2) and 104(b)(3) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

With this understanding, I am submitting Seq#3 for processing.

07/12/2010 City of San Diego requests additional PE with RSTP funds. Add'l PE: \$653,000 = \$489,571 (Fed) + \$63,429 (Local)

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST; OTH
FOR: PE INCREASE
DOCUMENT TYPE: AMOD

ON 07/12/2010 220-5406
ON 08/03/2010 653-9210
ON 08/13/2010 FOR CALTRANS
ON 08/13/2010 FOR FHWA
ON 08/20/2010

PREPARED BY: PHAM, ANH-VU
REVIEWED BY: KE, RICHARD
AUTHORIZED BY: EMMETT, WINTON
PROCESSED BY: FOGLE, JERILYNN
EXECUTED BY: VENESHIA SMITH

LAST FHWA ELECTRONIC SIGNATURE

SIGNATURE HISTORY FOR PROJECT NUMBER 5004(131) AS OF 09/27/2010

FHWA FMIS 4.0 SIGNATURE HISTORY

MOD #	SIGNED BY	SIGNED ON
2	JERILYNN FOGLE JACOB R. WACLAW VENESHIA SMITH	08/16/2010 08/20/2010 08/20/2010
1	JERILYNN FOGLE JERILYNN FOGLE BRENDA BRYANT	07/31/2007 07/31/2007 07/31/2007
0	ANN S. WRIGHT ANN S. WRIGHT GARY D. YARBER	11/01/2001 11/01/2001 11/01/2001

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY

DOCUMENT TYPE	SIGNED BY	SIGNED ON
AMEND/MOD	EMMETT, WINTON	08/13/2010

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO
EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

DATE:
August 8, 2011

SUBJECT: Accepting federal funds for the Coastal Rail Trail Project

GENERAL CONTRACT INFORMATION

Recommended Consultant: N/A

Current Appropriation: \$ 1,517,469.
Amount of this Action: \$ 533,000.
Total Anticipated Cost: \$ 2,070,469.

Funding Source: Grant/SANDAG

Goal: Pending calculation prior to advertisement

SUBCONSULTANT PARTICIPATION

There is no sub contracting associated with this action. This is funding acceptance only from Federal Grant fund and SANDAG match of TDA funds.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

This agreement is neither subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2708) nor the City's Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

ADDITIONAL COMMENTS

Authorizing the Chief Financial Officer to increase the FY 2012 CIP budget in CIP S-00951, Coastal Rail Trail, by up to \$533,000, of which \$489,571 is from Federal, Grant Fund no. 1000126-2002 and \$63,429 is from Transportation Development Act (TDA), Fund no. 600002.

Mandatory subcontracting goals must adhere to funding agency requirement and approved by Administrative Department Director prior to advertisement.

RW