

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 24-25, 2020

From: STEVEN KECK, Chief Financial Officer

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

Prepared By: Dee Lam, Chief (Acting)
Division of Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR ACTIVE TRANSPORTATION PROJECT, PER ATP GUIDELINES WAIVER 20-43**

ISSUE:

Should the California Transportation Commission (Commission) extend the period of project completion for five projects, programmed in the Active Transportation Program (ATP), for the time periods identified in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends the Commission extend the period of project completion for five projects, programmed in the ATP, for the time period identified in the attachment.

BACKGROUND:

The Commission allocated \$9,973,000 for the construction of five ATP projects identified in the attachment. The responsible agencies will be unable to complete the projects by their construction deadline. The attachment describes the details of the projects and the explanations for the delay. The respective agencies request extensions in accordance with program guidelines.

Current ATP Guidelines stipulate that a local agency has up to 36 months from the time of contract award to accept the contract. The local agency has 180 days after the contract acceptance to prepare and submit the final invoices and reports to the Department. The Guidelines further stipulate that the Commission may approve a one-time only waiver to the project completion deadline, for up to 12 months, in accordance with Section 14529.8 of the Government Code.

Attachments

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”

**Time Extension/Waiver – Project Completion Deadline
Active Transportation Program**

Project Number: 1
Applicant: East Bay Regional Park District
County: Contra Costa
District: 04
PPNO: 2122B
Extended Amount: \$4,000,000
Phase: Construction
Award Date: 05/16/2017
Allocation Resolution Number: FATP-1617-08
Number of Months Requested: 12 Months
Extended Deadline: 05/31/2021
Department Recommendation: Support

San Francisco Bay Trail, Pinole Shores to Bay Front Park project

The East Bay Regional Park District (Agency) requests a 12-month time extension to complete the construction (CON) phase of the San Francisco Bay Trail, Pinole Shores to Bay Front Park project. The Agency has experienced an unexpected delay in completing the project.

The Agency awarded the CON phase in May 2017. The completion period for the CON phase ended in May 2020. Although the project is almost complete, formal acceptance of the construction contract has been complicated due to reconciling warranty items and issues with Union Pacific Railroad (UPRR) to determine whether certain issues were due to design or construction defects. The Agency has been mediating between its contractor and UPRR to rectify unsatisfactory post project site conditions related to site drainage and soil conditions. The UPRR property remediation work is now complete, but UPRR has not accepted the project as complete. However, final reconciliation, needed for contract acceptance, was further complicated by legal issues and the COVID-19 mandated shelter in place (SIP) orders. The SIP orders have limited the ability of the Agency to function normally, with limited operations occurring, staff working from home, and social distancing requirements. The Agency's ability to resolve contract acceptance issues is dependent on timely responses from the construction contractor and their sub-contractor, and timely responses from the construction contractor have been sporadic. The additional time will provide all parties involved with enough time to obtain the final report and finalize all required documents to close out the project.

Therefore, the Agency is requesting a 12-month completion time extension from May 31, 2020, to May 31, 2021.

Project Number: 2
Applicant: Los Angeles Unified School District
County: Los Angeles
District: 07
PPNO: 5109
Extended Amount: \$1,359,000
Phase: Construction
Award Date: 12/17/2018
Allocation Resolution Number: FATP-1718-08
Number of Months Requested: 12 Months
Extended Deadline: 12/31/2022
Department Recommendation: Support

Los Angeles Unified School District Middle School Bicycle Safety Physical Education Program

The Los Angeles Unified School District (District) requests a 12-month time extension to complete the construction (CON) phase of the Los Angeles Unified School District Middle School Bicycle Safety Physical Education Program. The District has experienced an unexpected delay in completing the project.

The District awarded the CON phase in December 2018. The completion period for the CON phase ends in December 2021. The project will provide bicycle safety for middle school youth by training physical education instructors to run a bicycle safety program and establish bicycle clubs and organize rides. Since March 2020, due to the COVID-19 pandemic, all District schools have been closed and are expected to remain closed through the summer of 2020. The District is requesting additional time to complete the program scope during the 2021-2022 school year and prepare evaluation and the grant project final report.

Therefore, the District is requesting a 12-month completion time extension from December 31, 2021, to December 31, 2022.

Project Number: 3
Applicant: City of Los Angeles
County: Los Angeles
District: 07
PPNO: 5197
Extended Amount: \$1,565,000
Phase: Construction
Award Date: 06/29/2017
Allocation Resolution Number: FATP-1617-20
Number of Months Requested: 12 Months
Extended Deadline: 06/30/2021
Department Recommendation: Support

Cesar E. Chavez Connections project

The City of Los Angeles (City) requests a 12-month time extension to complete the construction (CON) phase of the Cesar E. Chavez Connections project. The City has experienced an unexpected delay in completing the project.

The City awarded the CON phase in June 2017. The completion period for the CON phase ends in June 2020. In July of 2019, the American Telephone & Telegraph Company (AT&T) was scheduled to start vault relocation work within the project limits. AT&T vault relocation work was delayed due to expired clearance permits. AT&T then had to re-secure the permits, leading to delays. The process to renew the permit included a new review and approval of the traffic control plans and the utility trenching plans. The review process was lengthy due to a backlog of other utility reviews throughout the City. The permits were issued in December 2019; however, AT&T experienced further setbacks due to the holidays, weather, and disputes over fiber optic line ownership. In addition to these delays, in March 2020, due to the COVID-19 pandemic, worksite restrictions were mandated forcing AT&T to change its operations. The additional time will allow for the completion of the utility relocations and related work. With the likelihood of continued restrictions due to the COVID-19 pandemic, the City anticipates additional delays with the full scope of work and expects completing the project by June 2021.

Therefore, the City is requesting a 12-month completion time extension from June 30, 2020, to June 30, 2021.

Project Number: 4
Applicant: Omnitrans
County: Various
District: 08
PPNO: 1165
Extended Amount: \$2,975,000
Phase: Construction
Award Date: 08/07/2017
Allocation Resolution Number: FATP-1617-20
Number of Months Requested: 12 Months
Extended Deadline: 08/31/2021
Department Recommendation: Support

West Valley Connector Corridor - Safe Routes to Transit project

The Omnitrans (Agency) requests a 12-month time extension to complete the construction (CON) phase of the West Valley Connector Corridor - Safe Routes to Transit project. The Agency has experienced an unexpected delay in completing the project.

The Agency awarded the CON phase in August 2017. The completion period for the CON phase will lapse in August 2020. This project has a combination of Federal Transit Administration funds, local funds and ATP funds. The ATP funding makes up \$3,500,000 of the \$25,125,000 total project cost. Construction of the project is at 90 percent completion; however, the cities of Fontana, Montclair, Ontario, and Rancho Cucamonga have identified additional improvements needed within the scope of the project. There are curb ramps and sidewalk improvements needed to increase accessibility and walkability within one-half mile of the future West Valley Connector stations. In addition, the Agency is experiencing delays from various agencies and entities involved with the project closeout. The COVID-19 pandemic continues to spread across the city and various ordinances have been put into place for the safety of the public. It is unknown when this directive will expire. The additional time will provide all parties involved with enough time to obtain the final report and finalize all required documents to close out the project.

Therefore, the Agency is requesting a 12-month completion time extension from August 31, 2020, to August 31, 2021

Project Number: 6
Applicant: City of Garden Grove
County: Orange
District: 12
PPNO: 1002B
Extended Amount: \$74,000
Phase: Construction Non-Infrastructure
Award Date: 06/29/2017
Allocation Resolution Number: FATP-1617-20
Number of Months Requested: 12 Months
Extended Deadline: 06/30/2021
Department Recommendation: Support

First Mile Bicycle and Pedestrian Trail Expansion on the PE ROW and Education and Encouragement Activities project

The City of Garden Grove (City) is requesting a 12-month time extension to complete the construction non-infrastructure (CON-NI) phase for First Mile Bicycle and Pedestrian Trail Expansion on the PE ROW and Education and Encouragement Activities project. The City experienced unforeseen delays during the planning phase.

The City awarded the CON-NI phase in June 2017. The completion period for the CON phase ends in June 2020. The City received approval on a scope change in September 2019. The scope change included a bike trailer that would provide bike repair workshops by certified personnel for the community. The City received the authorization to proceed in February 2020 and planned for events to take place from March through June of 2020. However, due to the COVID-19 pandemic, all outreach events are cancelled until further notice. The City is currently planning for future outreach events that include social distancing measures and virtual safety videos. The City is requesting the additional time to develop these changes.

Therefore, the City is requesting a 12-month completion time extension for CON-NI from June 30, 2020, to June 30, 2021.