

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 24-25, 2020

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8v.(11) Action Item

Prepared By: Kyle Gradinger, Chief
Division of Rail and Mass Transportation

Subject: **REQUEST TO AMEND A PREVIOUSLY APPROVED TIME EXTENSION FOR THE PERIOD OF PROJECT ALLOCATION FOR A SENATE BILL 1 TRADE CORRIDOR ENHANCEMENT PROGRAM PROJECT, PER THE INTERIM TIMELY USE OF FUNDS POLICY WAIVER 20-39**

ISSUE:

Should the California Transportation Commission (Commission) approve an amendment to Waiver 19-33, originally approved in June 2019, for period of project allocation for the Senate Bill 1 (SB 1) Trade Corridor Enhancement Program (TCEP) Quiet Zone Safety Engineering Measures (PPNO T0004) project in Alameda County?

RECOMMENDATION:

The California Department of Transportation recommends the Commission approve an amendment to Waiver 19-33, for an additional 8-months for period of project allocation for construction for the Senate Bill 1 (SB 1) Trade Corridor Enhancement Program (TCEP) Quiet Zone Safety Engineering Measures (PPNO T0004) project in Alameda County.

BACKGROUND:

In May 2018, the Commission approved Resolution TCEP-P-1718-01 programming \$4,200,000 in TCEP funds to construction funding for the Quiet Zone Safety Engineering Measures project.

In June 2019, in accordance with SB 1 TCEP Guidelines, the City of Emeryville (City) requested and received a 12-month extension for the period of project allocation to June 30, 2020.

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However, the City has experienced substantial impacts caused by the COVID-19 pandemic and uncertainties related to emergency shelter-in-place directives, the City is requesting that the Commission approve an amendment to Waiver 19-33 and grant an additional 8-months to the period of project allocation, to 20-months, per the Commission adopted Interim Timely Use of Funds policy.

Meetings, discussions, and deliverables from all stakeholder agencies have been hindered by the COVID-19 shelter-in-place (SIP) directives. It has been difficult to setup meetings in a timely manner and share material with a group of representatives of all the Project stakeholders. Some of these meetings would have typically occurred in person where it would have been much more efficient in resolving multiple issues and sharing documents. Due to City staff and the City's consultants being displaced from offices, the last set of responses and fulfillments of requests back to UPRR were delayed approximately one-month.

UPRR also appears to be experiencing impacts, as the City has currently seen a two-month delay from UPRR and expects that to continue through May 2020 and beyond as response to emails and phone calls have not been successful since the COVID-19 SIP began in mid-March. The City has recently submitted a full response to UPRR comments at the beginning of April, and our experience with UPRR responding back to City submittals in the past has averaged from two-to-five months.

The next set of responses back from UPRR are expected to be delayed beyond the typical timeframes as there is a compounding effect in how much time it takes to complete the normal dialogue, reviews, and revisions needed to finalize deliverables. In-light of the unknown SIP duration and compounding delays that are impacting timely deliverables from the City and UPRR, an additional eight-months is being requested. The City anticipates requesting a construction allocation at the January 2021 Commission Meeting.

Current TCEP Guidelines, Resolution G-17-32, stipulate that TCEP allocations must be requested in the fiscal year of project programming. And the Commission may approve a waiver to timely use of funds deadline for allocation one-time only up to 12-months. However, under the adopted Interim Timely Use of Funds policy, approved under Resolution G-20-56, an extension can be requested for up to 20-months for each delivery milestone, where permissible by statute, to address impacts to project delivery as a result of the COVID-19 pandemic.