

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 17-18, 2023

From: STEVEN KECK, Chief Financial Officer

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

Prepared By: Dee Lam, Chief
Division of Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR
LOCALLY-ADMINISTERED ACTIVE TRANSPORTATION PROJECTS,
PER ATP GUIDELINES
WAIVER 23-43**

ISSUE:

Should the California Transportation Commission (Commission) extend the period of contract awards for two locally-administered Active Transportation Program (ATP) projects, for the time period shown in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends the Commission extend the period of contract award for two locally-administered ATP projects, for the time period shown in the attachment.

BACKGROUND:

The Commission allocated \$5,436,000 for two locally-administered ATP projects, identified in the attachment. The responsible agencies have been unable to award the contracts within six months of allocation. The attachment describes the details of the project and the explanation for the delay. The respective agencies request an extension, and the planning agencies concur.

Current ATP Guidelines stipulate that the agencies implementing a project request a time extension if the project will not be awarded within six months of allocation. The Commission may approve waivers to the timely use of funds deadline, one-time only, for up to 12 months.

Attachment

*"Provide a safe and reliable transportation network that
serves all people and respects the environment."*

**Time Extension/Waiver – Contract Award Deadline
Active Transportation Program**

Project Number: 1
Applicant: City of Sacramento
County: Sacramento
District: 3
PPNO: 1768
Allocation Amount: \$3,333,000
Phase: Construction
Allocation Date: 12/8/2022
Allocation Resolution Number: FATP-2223-11
Number of Months Requested: 12 Months
Extended Deadline: 6/30/2024
Department Recommendation: Support

Two Rivers Trail (Phase II)

The City of Sacramento (City) requests a 12-month time extension to the period of contract award for the Construction (CON) phase of the Two Rivers Trail (Phase II) project. The City has experienced unexpected delays in awarding the contract.

The project proposes to construct a Class I path along the American River, connecting the current path at H Street to Sutter's Landing Regional Park. The project also includes slope stabilization, retaining structures, pavement markings, signing, and environmental mitigation. The City is required to coordinate the environmental mitigation efforts with the United States Fish and Wildlife Services (USFWS). The opinion from the USFWS, the Valley Elderberry Longhorn Beetle (VELB) mitigation requires the project to purchase 212 VELB credits from an approved mitigation bank prior to construction. The City contacted qualified mitigation banks for the necessary credits, and it was discovered that there needed to be more credits available statewide. The USFWS is in the process of qualifying more mitigation banks to make credits available for projects to satisfy mitigation requirements. To meet the necessary mitigation requirements for the project and move forward with construction, the City has reinitiated the project's consultation with the USFWS to provide an alternative means of mitigation. Instead of the VELB credits, an updated Biological Assessment (BA) was submitted to the Department for consideration. Upon approval, the Department will submit the updated BA to USFWS, who then will issue a biological opinion within 135 days. The updated BA includes language allowing the project to purchase credits later if they are unavailable during the CON phase. In addition, an adjacent United States Army Corps of Engineers (USACE) Bank Protection project is currently delayed due to challenges with the construction plan. The USACE Bank Protection project shares the same footprint as the City's project. The USACE project was planned for construction in 2023; however, the project is delayed until April 2024 because of the requirements imposed by the Union Pacific Railroad. The City is coordinating with the USACE and

participating in bi-weekly coordination meetings. The City and USACE are working to resolve outstanding constructability issues for the individual projects and, collectively, to establish contract requirements that would allow both projects to build concurrently.

Therefore, the City requests a 12-month time extension to award the CON phase from June 30, 2023 to June 30, 2024.

Project Number: 2
Applicant: City of Ojai
County: Ventura
District: 7
PPNO: 5144
Allocation Amount: \$2,103,000
Phase: Construction
Allocation Date: 12/8/2022
Allocation Resolution Number: FATP-2223-12
Number of Months Requested: 12 Months
Extended Deadline: 6/30/2024
Department Recommendation: Support

Pedestrian and Bike Safety Improvements: Ojai Avenue (State Route 150) and Maricopa Highway (State Route 33)

The City of Ojai (City) requests a 12-month time extension to the period of contract award for the CON phase of the Pedestrian and Bike Safety Improvements: Ojai Avenue (State Route 150) and Maricopa Highway (State Route 33) project. The City has experienced unexpected delays in awarding the contract.

The project proposes to install two-way Class I bike facilities on the south side of the road and Class II bike facilities on the north side, construct Americans with Disability Act accessible curb ramps, and install rectangular rapid flashing beacons at various intersections. The location of the project site is on the State highway system; therefore, due to the cooperative agreement requirements of the Department's project management, the project plans had to be reviewed, circulated, and coordinated with the Department, which resulted in a three month delay. In addition, there was extensive coordination between project staff, the design team, the Ventura County Transportation Commission, the Federal Highway Administration (FHWA), and the Department's oversight, which caused a delay of five months. As a result of the successful coordination, the FHWA approval is expected soon. Furthermore, the county of Ventura has recently experienced a need for more available contractors to bid on projects similar to this project. Due to the remote nature of the City, the City plans to advertise for ten weeks instead of four weeks to attract more contractors to bid on this project. Based on the City's previous experience, the City may need to readvertise the project and has allowed time in this request to address this issue. The bid documents, proper advertisement, and award of the CON phase are anticipated to be completed by the extended deadline.

Therefore, the City requests a 12-month time extension to award the CON phase from June 30, 2023 to June 30, 2024.