

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 16-17, 2023

From: STEVE KECK, Chief Financial Officer

Reference Number: 2.8b.(5), Action Item

Prepared By: Dee Lam, Chief
Division of Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR THE
LOCALLY-ADMINISTERED MULTI-FUNDED SENATE BILL 1 TRADE CORRIDOR
ENHANCEMENT PROGRAM/TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM
PROJECT, PER TCEP GUIDELINES AND TIRCP ALLOCATION POLICY
WAIVER 23-140**

ISSUE:

Should the California Transportation Commission (Commission) extend the period of contract award for the locally-administered multi-funded Senate Bill 1 (SB 1) Trade Corridor Enhancement Program (TCEP)/Transit and Intercity Rail Capital Program (TIRCP) Del Mar Bluffs Phase 5 Rail project (PPNO T0015 and CP069), in San Diego County, for the time period shown in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission extend the period of contract award for the locally-administered multi-funded SB 1 TCEP/TIRCP Del Mar Bluffs Phase 5 Rail project (PPNO T0015 and CP069), in San Diego County, for the time period shown in the attachment.

BACKGROUND:

The Commission allocated \$37,326,000 for the locally-administered SB 1 TCEP/TIRCP Del Mar Bluffs Phase 5 Rail project (PPNO T0015 and CP069), identified in the attachment. The responsible agency has been unable to award the third-party contract per the Timely Use of Funds (TUF) policy.

“Provide a safe and reliable transportation network that serves all people and respects the environment.”

Current TCEP Guidelines and TIRCP Allocation Policy stipulate that the agency implementing a project request a time extension if the contract will not be awarded within six months of allocation. The Commission may approve waivers to the TUF deadline, one-time only, for up to 12 months. The attachment describes the details of the project and the explanation for the delay. The respective agency requests an extension.

Attachment

“Provide a safe and reliable transportation network that serves all people and respects the environment.”

Time Extension/Waiver – Contract Award Trade Corridor Enhancement Program

Project Number: 1
Applicant: San Diego Association of Governments
County: San Diego County
District: 11
PPNO: T0015
Allocation Amount: \$36,200,000
Phase: Construction
Allocation Date: March 23, 2023
Allocation Resolution Number: TCEP-A-2223-14
Number of Months Requested: 9 Months
Extended Deadline: June 30, 2024
Department Recommendation: Support

Del Mar Bluff Phase 5

The San Diego Association of Governments (SANDAG) requests a 9-month time extension to the period of contract award for the Construction (CON) phase of the Del Mar Bluffs Phase 5 project. SANDAG has experienced delays in awarding the third-party contract.

In March 2023, the Commission approved an allocation for the CON phase of \$36,200,000. The project proposes to stabilize eroding areas of the Del Mar Bluffs. The project has experienced delays in awarding the third-party contract due to scheduling issues with the BNSF Railway Company (BNSF) and Amtrak. In order to construct the bluff stabilization project components adjacent to the railway tracks it will be necessary to close the Los Angeles-San Diego-San Luis Obispo (LOSSAN) railway in the City of Del Mar, intermittently for extended periods of time at night to ensure adequate work windows are available to the contractor to construct work located in the railroad foul zone. SANDAG cannot go to bid until the work windows have been set, the constraints must be clearly detailed in the bid specifications. The North County Transit District (NCTD) and SANDAG have had several meetings with the BNSF, and LOSSAN staff representing Amtrak. Although all parties agree that extended night work windows are critical to the project, and that two extended nighttime work window closures are necessary and feasible to implement, there are conflicting operation restrictions between BNSF and Amtrak. BNSF suggests closures on weekend nights, and run freight during the daytime on Saturdays and Sundays. Amtrak has heavy ridership on weekends and suggests closures mid-week as that is when their ridership is lowest. NCTD is currently conducting modeling to determine which work windows will provide the least impact to the rail operators.

Unfortunately, at the time of the allocation request and approval, the SANDAG staff were unaware of the rail operators scheduling limitations. Additional time to award a contract will allow NCTD to complete the modeling to determine the work windows that provide the least impact to the rail operators, reach agreement with all parties, and allow SANDAG to go to bid.

Therefore, the SANDAG is requesting a 9-month time extension for the period of contract award, from September 30, 2023 to June 30, 2024.

Project Number: 2
Applicant: San Diego Association of Governments
County: San Diego County
District: 11
PPNO: CP069
Allocation Amount: \$1,126,000
Phase: Construction
Allocation Date: March 23, 2023
Allocation Resolution Number: TIRCP-2223-51
Number of Months Requested: 9 Months
Extended Deadline: June 30, 2024
Department Recommendation: Support

(2020:11) SDConnect: San Diego Rail Improvement Program (Del Mar Bluffs Phase 5)

The SANDAG requests a 9-month time extension to the period of contract award for the CON phase of the (2020:11) SDConnect: San Diego Rail Improvement Program (Del Mar Bluffs Phase 5) project. SANDAG has experienced delays in awarding the third-party contract.

In March 2023, the Commission approved an allocation for the CON phase of \$1,126,000. The project proposes to stabilize eroding areas of the Del Mar Bluffs. The project has experienced delays in awarding the third-party contract due to scheduling issues with the BNSF and Amtrak. In order to construct the bluff stabilization project components adjacent to the railway tracks it will be necessary to close the LOSSAN railway in the City of Del Mar, intermittently for extended periods of time at night to ensure adequate work windows are available to the contractor to construct work located in the railroad foul zone. SANDAG cannot go to bid until the work windows have been set, the constraints must be clearly detailed in the bid specifications. The NCTD and SANDAG have had several meetings with the BNSF and LOSSAN staff representing Amtrak. Although all parties agree that extended night work windows are critical to the project, and that two extended nighttime work window closures are necessary and feasible to implement, there are conflicting operation restrictions between BNSF, and Amtrak. BNSF suggests closures on weekend nights, and run freight during the daytime on Saturdays and Sundays. Amtrak has heavy ridership on weekends and suggests closures mid-week as that is when their ridership is lowest. NCTD is currently conducting modeling to determine which work windows will provide the least impact to the rail operators.

Unfortunately, at the time of the allocation request and approval, the SANDAG staff were unaware of the rail operators scheduling limitations. Additional time to award a contract will allow NCTD to complete the modeling to determine the work windows that provide the least impact to the rail operators, reach agreement with all parties, and allow SANDAG to go to bid.

Therefore, the SANDAG is requesting a 9-month time extension for the period of contract award, from September 30, 2023 to June 30, 2024.