

## MEMORANDUM

## TAB 126

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 17-18, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8i.(2), Action Item **YELLOW MEETING HANDOUT**

Prepared By: James R. Anderson, Chief  
Division of Financial Programming

Subject: **POST FACT TIME EXTENSION REQUESTS FOR FOUR STATE  
TRANSPORTATION IMPROVEMENT PROGRAM PHASES, AS AN EXCEPTION  
TO STIP GUIDELINES  
WAIVER 22-145**

### **ISSUE:**

Should the California Transportation Commission (Commission) approve Post-Fact time extension requests for four State Transportation Improvement Program (STIP) project phases, for the time periods as described in the attachment?

### **RECOMMENDATION:**

The California Department of Transportation (Department) recommends that the Commission approve Post-Fact time extension requests for four STIP project phases, for the time periods as described in the attachment.

### **BACKGROUND:**

These projects are coming to the Commission as Post-Fact time extension requests because they were not identified by one of the Department's project delivery reporting tools. The tool was developed primarily to track and report SHOPP project time extensions; however, it was discovered that the report was not capturing the entire population of projects, due to the way data was being filtered. This filtering resulted in missed/unidentified projects that needed time extensions across all programs (SHOPP and Non-SHOPP), as the reporting and tracking tool did not capture and alert all exceptions related to time extensions and timely use of funds requirements, due to various program nuances. As a result, the Department missed the submittal deadlines past the Timely Use of Funds (TUF) deadlines because the tool did not flag these types of projects.

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

The Department created the current list before the Commission by performing a detailed review through a manual analysis of each record which involved investigation all phases of the project in conjunction with the TUF requirements. The Department has made several enhancements and updates to the filtering of the tracking tool to make tracking and monitoring project related TUF information more accessible. The Department recognizes the need for better communication and education of the TUF requirements throughout the Department and making it part of the regular monitoring and oversight of the project delivery process.

The Department looks forward to the continued partnership with Commission staff and further discussions toward streamlining how the Department can improve its performance by meeting the TUF requirements.

Current STIP guidelines stipulate that the agency implementing a project request an expenditure time extension if the project phase will not be completed within 36 months of award. The Commission may approve waivers to the timely use of funds deadline one-time only for up to 20 months.

The attachment shows the details of the projects and the delays that have resulted in this time extension request.

Attachment

Post Fact Time Extension/Waiver - STIP Projects With Completed Phases

Index No.	Implementing Agency	District	Route	Project ID	PPNO	Program	Phase	Allocation Date	Additional Months Requested At Allocation	Award Date	TUF Deadline	Project Completion Time Extension	Phase Completed?	CCA Date	No. of Months Requested	Extended Deadline	Justification
1	Caltrans	05	246	0514000081	6400Y	STIP	Con Sup	5/16/2018	7	8/31/2018	3/31/2022	N/A	Yes	4/25/2022	5	August-22	This project is a landscape split off from 05-0C640. The contractor had issues with plant establishment which delayed construction completion by a month. The project area is located in an area of the central coast with strong persistent winds throughout the year which make establishment of native plants very difficult, particularly oak trees, which were planted at the project site as a mitigation requirement. Compounding the challenges of plant establishment: 1) soils are sandy making it harder for juvenile trees to take hold due to lack of water retention; 2) the juvenile trees were planted on steep (1:1) slopes making irrigation difficult, 3) and many of the trees planted were damaged by rodents or other chewing animals. Toward the end of the contract it was determined that some trees were not likely to survive and needed to be replaced. A coop was established under 05-0C641 between SB CAG and D5 for a share of funding to be provided by SB CAG for project landscaping. Two coop amendments were executed to increase landscape construction capital as a result of increased landscape costs and additional required landscape treatments. A time extension was not done timely due to the deadline dates of CTC submittals. The date to make a request at the March 2022 meeting was January 31, 2022. However, difficulty of late tree replacement was still undetermined, and later in February it became clearer that some additional time was needed to finish initial establishment efforts for the recently installed plants, compounded by developing drought conditions at that time. Due to these late stage challenges, the team decided they could not CCA until April 25 2022. This resulted in delivery of the project 25 days after the TUF deadline of March 31, 2022.
2	Caltrans	05	101	0513000082	0058Y	STIP	Con Cap	12/7/2016	18	4/4/2017	10/4/2021	N/A	Yes	5/31/2022	10	August-22	Construction was delayed due to several factors: the schedule did not provide 3 months of time for the delayed start. The contractor accumulatively stopped work for 3 months: 1 month to issue a CCO to install irrigation facility markers not shown on the plans and to protect irrigation systems from future damage, 1 month to repair damaged irrigation lines in an encampment within the project limits, and delays due to reworking non-compliant plantings. These factors were unanticipated. Prior to the reaching CCA on this project, the Department missed the opportunity to request a completion time extension prior to the deadline due to an oversight.
3	Caltrans	08	015	0800000621	0174L	STIP	Con Sup/ Con Cap	12/10/2014	0	11/5/2015	11/5/2018	N/A	Yes	9/14/2021	11	August-22	0800000621 (PPNO 0174L) and 0800000622 (PPNO 0175N) were combined under 0814000048 (PPNO 0169L) in 2013. A 6-month contract award time extension was approved in June 2015 with an extended deadline through December 2015. This project had 900-working days which equates to about 41-months. Construction started on 3/23/16. There was a construction delay of 143 days (approx. 7-mos) due to enviro issues in the Mojave River. The regulatory agency misunderstood the agreed upon construction methods. Work was suspended to allow time to devise a new method to conduct the work in the waterway that was less intrusive. There was an emergency project (deck failure) within the project limits that delayed this project by 1-month. Crews were redirected to address this failed section. There were also 89 weather days (approx. 4.5 mos). This was stated in the Supplemental Funds request. There were further delays after the funds request due to mainline paving grade discrepancies that took approx. 90-days to resolve. Plant Establishment was part of the contract and was a requirement in the Environmental Commitment Report for work being done in the Mojave River. Prior to the CCA of this project, the Department missed the opportunity to request a completion time extension prior to the deadline due to an oversight.
4	Caltrans	08	015	0800000622	0175N	STIP	Con Sup/ Con Cap	12/10/2014	0	11/5/2015	11/5/2018	N/A	Yes	9/14/2021	11	August-22	0800000621 (PPNO 0174L) and 0800000622 (PPNO 0175N) were combined under 0814000048 (PPNO 0169L) in 2013. There was an Award Extension requested on 3/17/15 and approved on 6/24/15. This project had 900-working days which equates to about 41-months. Construction started on 3/23/16. There was a construction delay of 143 days (approx. 7-mos) due to enviro issues in the Mojave River. The regulatory agency misunderstood the agreed upon construction methods. Work was suspended to allow time to devise a new method to conduct the work in the waterway that was less intrusive. There was an emergency project (deck failure) within the project limits that delayed this project by 1-month. Crews were redirected to address this failed section. There were also 89 weather days (approx. 4.5 mos). This was stated in the Supplemental Funds request. There were further delays after the funds request due to mainline paving grade discrepancies that took approx. 90-days to resolve. Plant Establishment was part of the contract and was a requirement in the Environmental Commitment Report for work being done in the Mojave River. Prior to the CCA of this project, the Department missed the opportunity to request a completion time extension prior to the deadline due to an oversight.

Post Fact Time Extension/Waiver - STIP Projects With Completed Phases

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5	Caltrans	07	010	0713000007	0310B	STIP	Con Sup	5/28/2015	24	11/16/2015	11/1/2020	N/A	Yes	6/17/2022	19	June-22	The contract required 1,530 working days (~70 months). An additional 60 months was requested for project completion at time of allocation. The project encountered unsuitable substances, such as asphaltic materials that were not suitable for fill & needed to be over excavated, hauled away and disposed of offsite. This was an identified risk contributing to delays to project schedule and increase in costs. Excessive groundwater along the eastbound direction of the freeway was an identified risk with a high probability and a very high impact to the project's capital costs and schedule. The extent of the risk was greatly magnified due to the lowering of the freeway by 5 feet. The impact resulted in approximately \$3.35 million in CCOs and contractor's claim for approximately \$5.7 million. The Portland Cement Concrete (PCC) and Asphalt Concrete pavement along WB & EB 1-10 from Holt Ave to Route 57 were badly damaged and deteriorated due to the series of rain events in January and February 2017. Maintenance issued an emergency contract for the repair of damaged pavement. The emergency contract was unable to cover all the repair work and we continued to repair the damaged pavement by issuing contract change orders (98 additional slabs were replaced). This supplementary work was not anticipated and was added during the construction phase. Reduced access to the western portion of the freeway due to continual conflict with an ongoing adjacent construction contract (Segment II, EA 07-1170U) caused major work stoppages and delays. The relocation of most of the utilities continued during the first 3 years of construction. Extra effort and resources were spent to coordinate with the contractor as well as the utility companies to relocate the impacted utilities. The continued relocation and coordination efforts placed a very heavy burden on the project's available resources and delayed the contractor by 47 working days. Project also required numerous complex utility relocations, some of which involved asbestos pipes that required removal and disposal of hazardous material. There were also 82 days of weather delays. Prior to the CCA of this project, the Department missed the opportunity to request a completion time extension prior to the deadline due to an oversight. Although the Department did submit this post-fact request for approval at the June 2022 CTC meeting, the Commission accepted the requested but deferred action of an approval to the August 2022 CTC meeting.