

MEMORANDUM

TAB 127

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 17-18, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8i.(3), Action Item **YELLOW MEETING HANDOUT**

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

Subject: **POST-FACT REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR A STATE-ADMINISTERED TRAFFIC CONGESTION RELIEF PROGRAM PROJECT ON THE STATE HIGHWAY SYSTEM, PER THE STIP GUIDELINES WAIVER 22-146**

ISSUE:

Should the California Transportation Commission (Commission) approve a Post-Fact time extensions, for the period of project completion for the State-Administered Traffic Congestion Relief Program (TCRP) Sunol Grade HOV Corridor-Southbound project (PPNO A0157J), in Alameda County, for the time period as described in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission approve this Post-Fact time extension, for the period of project completion for the State-Administered TCRP Sunol Grade HOV Corridor-Southbound project (PPNO A0157J), in Alameda County, for the time period as described in the attachment.

BACKGROUND:

In June 2017, the Commission allocated \$1,000,000 in construction capital for the the State-Administered TCRP Sunol Grade HOV Corridor-Southbound project. In accordance with the TCRP Close-Out Policy and the STIP Guidelines, the deadline to complete the Construction Contract Acceptance (CCA) for projects awarded in December 2017, is December 2020. However, the Department did not meet this deadline, and is now requesting a Post-Fact time extension for this phase.

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

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.

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.

Attachment

**Post-Fact Time Extension/Waiver – Project Completion for
Traffic Congestion Relief Program**

Project Number: 1
Applicant: Department of Transportation
County: Alameda
District: 04
PPNO: A0157J
EA: 2537C
Route: 680
Allocation Amount: \$1,000,000
Phase: CON/CON Support
Allocation Date: 06/28/2017
Allocation Resolution Number: TFP-16-21
Award Date: 12/18/2017
Number of Months Requested: 4 Months
Extended Deadline: 04/30/2022
Project CCA Date: 04/20/2022

Sunol Grade HOV Corridor-Southbound

The Department requests a 4-month post-fact time extension for the project completion (CON), in addition to an additional 12 months that was requested at the time of allocation of the Sunol Grade HOV Corridor-Southbound project extending the TUF deadline to December 2021. However, the Department experienced unexpected delays in completing construction by that date.

This project is located on State Route 680 in the Cities of Milpitas and Fremont, from 0.02 mile south of Route 237 to the East Warren Avenue Undercrossing, and intends to establish southbound follow-up replacement planting.

This project was awarded on December 18, 2017. Construction work did not commence until mid-March 2018, due to a special provision in the contract requiring the contractor to obtain approval on storm water pollution prevention plan prior to beginning construction. The contractor mobilized their equipment and began work soon after approval. During construction, some of the completed work with the irrigation and planting was found to be noncompliant and had to be redone. In addition, inclement weather further delayed the project. The net delay for the noncompliant work and inclement weather amounted to an additional one month.

Due to an oversight, the Department missed the opportunity to request additional time to complete construction before the December 2021, deadline. The project has been completed and reached CCA in April 2022.

Therefore, the Department is requesting a 4-month Post-Fact time extension for project completion to account for the time needed to complete construction, the plant establishment period, and reach CCA from December 31, 2021 to April 30, 2022.