

## MEMORANDUM

## TAB 132

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 17-18, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8v.(7), Action Item **YELLOW MEETNG HANDOUT**

Prepared By: James R. Anderson  
Division of Financial Programming

Subject: **POST-FACT TIME EXTENSION REQUEST FOR SHOPP PRE-CONSTRUCTION COMPLETION TIME EXTENSIONS FOR PREVIOUSLY APPROVED SHOPP PROJECTS, AS AN EXCEPTION TO THE SHOPPP GUIDELINES WAIVER 22-141 AMENDING WAIVER 20-74 & WAIVER 21-84**

### **ISSUE:**

Should the California Transportation Commission (Commission) approve a Post-Fact amendment for previously approved time extensions for State Highway Operation and Protection Program (SHOPP) projects, to complete the project development expenditures, as an exception to the SHOPP Guidelines? The original time extensions for these projects were approved under Waiver 20-74 in October 2020 and Waiver 21-84 in June 2021, respectively.

### **RECOMMENDATION:**

The California Department of Transportation (Department) recommends that the Commission approve this Post-Fact amendment for previously approved time extensions for SHOPP projects, to complete the project development expenditures, as an exception to the SHOPP Guidelines. The original time extensions for these projects were approved under Waiver 20-74 in October 2020 and Waiver 21-84 in June 2021, respectively.

### **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

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

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.

Current SHOPP Guidelines stipulate that the agency implementing a project request a time extension if the project will not be completed within 36 months after 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 amendment for additional time.

Attachment

Post Fact Time Extension Amendment - SHOPP Project Development Deadlines

Reference No.: 2.8v.(7)

August 17-18, 2022

Attachment 1

Page 1 of 1

**YELLOW MEETING HANDOUT**

Index No.	District	County	Route	Project ID	EA5	PPNO	Program	Phase	TUF Deadline	Months Requested by Time Extension	Time Extension Deadline	Additional Months Needed	Proposed New Deadline	Justification
1	05	MON	001	0514000004	1F510	2524	SHOPP	PA&ED	6/27/2020	24	June-22	24	June-24	This project was originally programmed as a SHOPP Long Lead project. The project proposes to replace Limekiln Bridge. The bridge is located over water in the coastal zone and within a state park. Local permitting agencies have changed design and permitting requirements which has caused delays. The Department is having ongoing discussions with the local permitting agencies to find a solution to move the project forward.
2	04	SM	101	0419000534	3J062	1487J	SHOPP	PS&E	8/14/2021	8	April-22	12	April-23	The project has been delayed to avoid construction conflicts with an adjacent project and update design plans and estimates. We previously requested an additional 6 month time extension , however, after the Project was advertised and bids opened on 7/1/22, the bid received was over the Engineers Estimate. As a result, additional time is needed to allow for adequate time to evaluate the bid package, re-advertise, and award the construction contract. We are requesting an additional 12 months instead of the original request of 6 months.