

MEMORANDUM

TAB 124

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 12-13, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8c.(8), Action Item – **YELLOW MEETING HANDOUT**

Prepared By: Kyle Gradinger, Division Chief
Division of Rail and Mass Transportation

Subject: **POST-FACT REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR A LOCALLY-ADMINISTERED MULTI-FUNDED SENATE BILL 1 SOLUTIONS FOR CONGESTED CORRIDORS PROGRAM/LOCAL PARTNERSHIP PROGRAM (FORMULAIC AND COMPETITIVE) PROGRAM/TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM RAIL PROJECT WAIVER 22-164**

ISSUE:

Should the California Transportation Commission (Commission) approve a post-fact time extension to extend the period of project completion for the locally-administered multi-funded Senate Bill 1 (SB 1) Solutions for Congested Corridors Program (SCCP)/Local Partnership Program (LPP) (Formulaic and Competitive)/Transit and Intercity Rail Capital Program (TIRCP) Redlands Passenger Rail Project (PPNO 1230), in San Bernardino County, for the period of time shown in the attachment?

RECOMMENDATION:

The California Department of Transportation recommends that the Commission approve a post-fact time extension to extend the period of project completion for the locally-administered multi-funded SB 1 SCCP/LPP (Formulaic and Competitive)/TIRCP Redlands Passenger Rail Project (PPNO 1230), in San Bernardino County, for the period of time shown in the attachment.

BACKGROUND:

On October 18, 2018, the Commission allocated \$6,169,000 in SB 1 LPP (Formulaic) funds, \$10,831,000 in SB 1 LPP (Competitive) funds, \$65,000,000 in SB 1 SCCP funds, and \$9,204,000 in TIRCP funds totaling \$91,204,000 for the construction phase of the

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locally-administered rail project. The responsible agency has been unable to complete the construction phase. The attachment describes the details of the project and the explanation for the delay.

Program Guideline for each program stipulates that the agency implementing a project can request a time extension if the project will not be completed within the specified timeline. Under the Timely Use of Funds policy, an extension, of up to 20 months can be requested for each delivery milestone, where permissible by statute.

Attachment

Post-Fact Time Extension/Waiver – Period of Project Completion
Multi-Funded SCCP/LPP (Formulaic and Competitive)/TIRCP

Project Number: 1

Applicant: San Bernardino County Transportation Authority

County: San Bernardino

District: 8

PPNO: 1230

Allocation Amount: \$91,204,000

Phase: Construction

Allocation Date: October 18, 2018

Allocation Resolution Numbers: LPP-A-1819-08, SCCP-A-1819-04, and TIRCP-1819-02

Number of Months Requested: 18 Months

Extended Deadline: December 31, 2023

Department Recommendation: Support

Redlands Passenger Rail Project

The San Bernardino County Transportation Authority (SBCTA) requests an 18-month post-fact time extension through December 31, 2023, to complete the construction phase of the Redlands Passenger Rail Project.

SB1 LPP (Formulaic and Competitive), SB 1 SCCP, and TIRCP funds allocated on October 18, 2018, were used to construct the Mainline track and passenger stations (Mainline construction) component of the project. The original Timely Use of Funds (TUF) deadline for project completion was April 30, 2022 (LPP and SCCP), and June 30, 2022 (TIRCP) for the Mainline construction was June 30, 2022.

SBCTA achieved substantial completion for the Mainline construction portion of the project in March 2022, with expenditures 98 percent complete. However, punch list items related to vandalism, collision damage, and site reviews prevented SBCTA from completing construction contract acceptance (CCA/closeout). In Spring 2022, a vehicle collision damaged a train signal house and arson at a homeless encampment near Twin Creek bridge, damaged the railroad ties, which required repairs for both unforeseen incidents. Material shortages from unresolved supply chain issues are causing a delay for SBCTA from completing validation and testing of the grade crossing equipment. The estimated delivery of the replacement light standard located at 6th Street is December 2022; but estimated delivery of two traffic signals and other equipment needed to repair the train signal house, remains undetermined because of supply chain issues. Temporary repairs have been implemented and once the parts and equipment are delivered, SBCTA can move forward with the required validation and testing of the new equipment to ensure safe operations in the corridor.

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Additionally, punch list items related to the submittal of documentation of site reviews and closeout of permits with agencies, both State and federal, are necessary to complete construction contract acceptance.

Upon completion of the punch list items referenced above, project closeout will begin, including negotiation and processing of construction change notices, review and approval of time impact analysis, transfer of construction documentation from construction contractor (Flatiron) to SBCTA, and final payment to Flatiron.

Despite the extraordinary and unforeseen circumstances, SBCTA currently estimates the start of rail service by the end of October 2022, and final contract acceptance/closeout of the Mainline construction in October 2023.

This is a post fact because SBCTA had a clerical error in the tool used for deadline monitoring and missed the opportunity to request a time extension by the TUF deadline of June 30, 2022, resulting in this post-fact time extension request.

Therefore, due to the unforeseen delays surrounding contract acceptance, SBCTA requests an 18-month post-fact time extension for the period of project completion from June 30, 2022, to December 31, 2023.