

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 9-10, 2015

Reference No.: 2.5e.(3)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

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Division of Transportation
Programming

Subject: ALLOCATION FOR SUPPLEMENTAL FUNDS FOR PREVIOUSLY VOTED PROJECT
RESOLUTION FA-15-13

RECOMMENDATION

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission) allocate an additional \$1,800,000 for the East Sonora Bypass Stage II project (PPNO 0021B) in Tuolumne County.

ISSUE

Additional funds are needed for one previously voted multi-funded project in order to pay for a settlement agreement for an administrative civil liability order by the California Regional Water Quality Control Board, Central Valley Region and settlement agreement with the contractor.

RESOLUTION

Resolved, that \$1,800,000 be allocated from the Budget Act of 2006, Budget Act Item 2660-801-3093, to provide additional funds for the project identified below.

Dist-Co-Rte	Funds	Original Allocated Amount	Current Allocation	Allocation Adjustment	Revised Allocation	% Increase Above Current Allocation
10-Tuo-108	CMIA	\$11,155,000	\$11,155,000	\$0	\$11,155,000	0.0%
	IIP	\$11,047,000	\$11,047,000	\$1,290,000	\$12,337,000	11.4%
	RIP	<u>\$4,358,000</u>	<u>\$4,772,000</u>	<u>\$510,000</u>	<u>\$5,282,000</u>	<u>11.7%</u>
	Total	\$26,560,000	\$26,974,000	\$1,800,000	\$28,774,000	6.7%

PROJECT DESCRIPTION

The project is located near Sonora, on Route 108 from Peaceful Oak Road to Via Este Road. The project constructed a two-lane expressway on a new alignment.

PROJECT LOCATION



FUNDING STATUS

In June 2007, the Commission programmed \$13,858,000 of Proposition 1B Corridor Mobility Improvement Account (CMIA) funds, \$14,300,000 of Interregional Improvement Program (IIP) funds, and \$5,642,000 of Regional Improvement Program (RIP) funds for construction.

In April 2010, the Commission approved Resolution CMIA-PA-0910-018, which deleted the proposed on-ramp and off-ramp at Peaceful Oak Road from the project scope, and reduced the IIP construction budget to \$13,800,000.

In January 2011, the Commission allocated \$11,155,000 of CMIA funds, \$11,047,000 of IIP funds, and \$4,358,000 of RIP funds for construction; savings of \$2,703,000 in CMIA, \$2,753,000 in IIP, and \$1,284,000 in RIP were returned to their respective programs. The construction contract was awarded in December 2011, with an authorized budget that matched the allocations. A supplemental allocation for \$414,000 STIP RIP funds was allocated October 2013, for structure modification to align for a future phase and final configuration.

Construction is complete as of January 2014. However, an additional \$1,800,000 is needed to close out the construction contract.

REASONS FOR COST INCREASE

On November 15, 2013, the Executive Officer of the Central Valley Water Board (Water Board) issued Administrative Civil Liability Complaint No. R5-2013-0589 (Complaint) to the Department pursuant to Water Code Sections 13323 and 13385. The complaint alleged that the Department violated provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge Associated with Construction and Land Disturbance Activities. The alleged violations are associated with the construction of the State Route 108 East Sonora Bypass Project Stage II.

There were five rain events between November 16, 2012 and December 21, 2012 that resulted in over 14 inches of rain at the project site. The Water Board was on site after the first weekend storm event and noted an out of compliance discharge. The contractor addressed some of the issues but at that time the slopes were saturated and unsafe to work on. The contractor did implement intermediate progressive efforts between the storms but the unacceptable discharge continued. The Water Board did numerous visits citing improvement as well as continued issues and the project was not in compliance until January 7, 2013.

The Department and the California Regional Water Board have settled on the amount of \$2,700,000 in payment to resolve these violations. The Department has paid all but \$38,000 of the Administrative Civil Liability fine out of the construction allocation and has depleted the funds. The contractor was responsible for \$715,974 of the fines and has submitted claims for additional Storm Water Pollution Prevention Plan (SWPPP) work. The Department came to a settlement with the contractor through arbitration on October 28, 2015, and is requesting \$1,800,000 to pay the contractor and the remainder of the Water Board fine.

DETERMINATION

The Department has determined that it is in the best interest of the State to pay the remainder of the Administrative Civil Liability fine and the amount settled with the contractor and close out the contract for this project.

Attachment

2.5 Highway Financial Matters

Project #	Allocation Amount	Recipient <u>RTPA/CTC</u> County Dist-Co-Rte Postmile	Project Title Location Project Description Project Support Expenditures	PPNO Program Funding Year Item # Fund Type Program Codes Project ID Adv Phase EA	State Federal Current Amount by Fund Type	State Federal Additional Amount by Fund Type	State Federal Revised Amount by Fund Type
2.5e.(3)			Supplemental Funds for Previously Voted Projects			Resolution FA-15-13	
1	\$1,800,000	Department of Transportation <u>TuolumneCTC</u> Tuolumne 10-TUO-108 R4/R6	Near Sonora on Route 108 from Peaceful Oak Road to Via Este. Construct a 2-lane expressway. Supplemental funds are needed to Close-out Contract. Total revised amount \$28,774,000 <u>Outcome/Output:</u> Project benefits show the daily time savings for individual person-minutes saved is 4.7, the cumulative person-minutes saved is 25,850 resulting is a total daily vehicle hours saved of 656.	10-0021B IIP/2010-11 304-6058 TFA 20.20.025.700	\$11,047,000		\$11,047,000
				RIP/2010-11 304-6058 TFA 20.20.075.600	\$4,358,000		\$4,358,000
				CMIA/2010-11 304-6055 CMIA 20.20.721.000	\$11,155,000		\$11,155,000
				RIP/2012-13 301-0042 SHA 20.20.075.600	\$414,000		\$414,000
				IIP/2006-07 801-3093 TDIF 20.20.025.700		\$1,290,000	\$1,290,000
				RIP/2006-07 801-3093 TDIF 20.20.075.600 1000000394		\$510,000	\$510,000
				34042			