State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Tab 103

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 26, 2015

Reference No.: 2.8c.(1)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Bruce Roberts, Acting Chief
Division of Rail and Mass Transportation

Subject: **POST FACT REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR PROPOSITION 1A – HIGH-SPEED PASSENGER TRAIN BOND PROGRAM – POSITIVE TRAIN CONTROL (INTERCITY) PROJECTS, PER HSPTBP GUIDELINES WAIVER 15-12**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend the period of project completion by 12 months to December 31, 2015, for the Positive Train Control–Los Angeles to Fullerton Project (Project) in Los Angeles County.

ISSUE:

In January 2011, the Commission approved Resolution HST1A-A-1011-01 allocating $2,940,000 in Proposition 1A funds for the construction of this Project. The Department believed that the State Transportation Improvement Program (STIP) timely use of funds rules applied only to the contract award delivery deadline per the Proposition 1A High-Speed Passenger Train Bond Program (HSPTBP) Guidelines. The HSPTBP Guidelines specify that an agency must request a time extension if the agency cannot award within six months. The HSPTBP guidelines make no reference to a project deadline for construction. However, the Department now understands that the Commission intended for the STIP timely use of funds rules to apply to all project delivery deadlines for the HSPTBP Program. Therefore, the Department is requesting a post fact time extension of 12 months, from December 31, 2014 to December 31, 2015, to complete the Project.

The Department executed a contract with BNSF Railway (BNSF) to construct the Project on December 30, 2011. The majority of the work has been completed; however, the final portion of work involving the installation of fiber optic components could not be completed as scheduled. The work was delayed due to the skilled labor work force required to install the fiber optic line being diverted from the Project to emergency work on the BNSF Needles Subdivision. A casualty flash flood occurred on August 25, 2013, washing out both main tracks at various bridges and locations in Southern California. The work force was diverted for the emergency work beginning August 2013 through January 2015, resulting in a delay to completion of the Project. BNSF has confirmed that the remaining work can be completed by December 31, 2015. Therefore, the Department is requesting a 12-month post fact time extension to December 31, 2015, to extend the period of project completion.

BACKGROUND:

In February 2010, the Commission adopted the Proposition 1A HSPTBP Guidelines (Resolution HST1A-G-0910-01) which require the implementing agency to request a time extension if the project will not be completed within 36 months. The Commission may approve a waiver to the timely use of funds deadline one time only, for up to 20 months.