

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 19-20, 2016

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

From: NORMA ORTEGA  
Chief Financial Officer

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

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR A  
LOCALLY ADMINISTERED STATE TRANSPORTATION IMPROVEMENT  
PROGRAM RAIL PROJECT, PER RESOLUTION G-13-07  
WAIVER 16-39**

## **RECOMMENDATION:**

The California Department of Transportation recommends the California Transportation Commission (Commission) approve a 20-month time extension to August 31, 2018 to complete construction of the Emeryville Intermodal Transfer Station Parking project (PPNO 2020) in Alameda County.

## **ISSUE:**

On February 23, 2012, the Commission approved Resolutions MFP-11-07 allocating \$4,200,000 in Interregional Improvement Program (IIP) funds from the Public Transportation Account (PTA) for the construction of the project. However, the project needed to secure additional funding that was to come from the Redevelopment Agencies which were dissolved by an executive order in 2012. These funds were to pay for environmental remediation work that must be done in advance of construction improvements. The Commission's allocation was anticipated to be timely, having been requested prior to dissolution of the Emeryville Redevelopment Agency (Agency); however, the consequences of the dissolution of the Agency created unforeseen and deleterious impacts on the project.

On February 25, 2014, the City of Emeryville (City) and Wareham Development Corporation entered into an Agreement for Public Improvements Funding (Agreement). The Agreement sets forth the terms and conditions under which the City will provide funding in support of the project, in recognition of the dissolution of the Agency. Section 3.2 of the Agreement provides that the parties agreed to jointly request an extension of the outside date for completion of the project if completion was not achieved by June 30, 2015.

The City experienced a 14-month delay resulting from wet weather, which prevented the City's contractor, Wareham Development, from implementing required remediation and obtaining regulatory sign-off until May 2016 due to the United States Environmental Protection Agency requirements for dry weather work, while dealing with extraction of potential Polychlorinated Biphenyl releases, finalizing plans, and securing permits for the abatement. The City also experienced an additional two-month delay in the abatement duration, and a four-month delay in the regulatory sign-off. These cumulative remediation close-out delays postponed construction start by a total of 20 months and pushed completion beyond the current contract term end date of December 31, 2016.

To date, the project's multi-million dollar contaminated soil excavation/removal has been completed, regulatory sign-off of the excavation phase has been completed, and construction of the project has commenced. Construction is expected to be completed by August 31, 2018, the end of the 20-month extension timeframe.

Therefore, the City is requesting a 20-month time extension to August 31, 2018 to complete construction.

**BACKGROUND:**

Current State Transportation Improvement Program guidelines stipulate that a local agency has up to 36 months from the award of the contract to complete the project. The Commission may approve waivers to the timely use of funds deadline one time only for up to 20 months in accordance with Government Code Section 14529.8.