

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 19-20, 2010

Reference No. 2.8a.(2)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Rachel Falsetti
Division Chief
Transportation Programming

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT ALLOCATION FOR A STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) PROJECT WAIVER-10-22**

RECOMMENDATION:

The California Department of Transportation recommends the California Transportation Commission extend the period of project allocation for the Route 880/Mission Boulevard Interchange (Phase 2) Project (PPNO 0016V) in Alameda County for 20 months.

ISSUE:

Currently, \$10,000,000 is programmed in the 2008 State Transportation Improvement Program for construction in Fiscal Year 2009-10. The Alameda County Transportation Authority will not be ready to request an allocation of funds by the June 30, 2010 deadline.

The project delivery involves securing various approvals from the Union Pacific Railroad (UPRR). The negotiations with UPRR have been going on now for a number of years. While it was expected that securing the necessary design and right of way approvals from UPRR would be challenging, the extent of difficulties related to negotiating with the UPRR were unforeseen, extraordinary and beyond the implementing agency's control. In addition to addressing typical right of way acquisition issues, the negotiations with the UPRR also includes disposition of a private enterprise with the UPRR right of way. This private enterprise operates a truck-rail transfer facility for which access must be maintained both during and after construction. Whether or not the truck-rail transfer facility remains within the project limits, and if so at what location, became an issue that delayed negotiations with UPRR. The design of the railroad elements of the project scope, which requires approval from UPRR, was also delayed due to the uncertainty surrounding the disposition of the truck-rail transfer facility. The negotiations with UPRR are continuing. A 20-month extension is requested in order to allow sufficient time to resolve above described right of way issues.

The Metropolitan Transportation Commission concurs with this request.

BACKGROUND:

Current STIP Guidelines stipulate that funds programmed are available for allocation only until the end of the fiscal year identified in the STIP. The Commission may approve a waiver to the timely use of funds deadline for allocation one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.