



April 27, 2020

VIA FIRST CLASS MAIL AND EMAIL (Jonathan.Huff@dot.ca.gov)

Mr. Mitch Weiss
Executive Director
California Transportation Commission
1120 N Street
Sacramento, CA 95814

Re: SB 1 TCEP Program - Request for Amendment (Scope of Work and Schedule) and Request for Funding Allocation (Construction) on Quiet Zone Safety Engineering Measures Project in Emeryville

Dear Mr. Weiss,

The City of Emeryville ("City") is requesting an amendment to the Scope of Work and Schedule on the Quiet Zone Safety Engineering Measures Project ("Project") in Emeryville. Additionally, City is requesting a Funding Allocation for Construction Funding for the above-named Project per the SB 1 TCEP Program guidelines. The Project was originally approved in Resolution TCEP-P-1819-05B (October 17, 2018) and revised per Waiver 19-33 (June 26, 2019).

Due to unforeseen staffing changes at Union Pacific Railroad (UPRR) and additional requests made by UPRR, the City's Plans, Specifications & Engineering (PS&E) phase extended beyond the time limit for the originally programmed project. The City appreciates that the Committee approved a twelve (12) month extension at the June 2019 CTC Meeting to address these issues. Since that extension approval, the City has been effective in negotiations with UPRR and have completed the City's PS&E package. The City is ready to advertise the project for construction. It should be noted that the PS&E phase has been solely funded using local City funding sources.

Amendment Request (Scope of Work and Schedule)

Preliminary Engineering (PE) Agreements have been executed between the City and UPRR for all three at-grade railroad crossings. The PE Agreements were necessary for UPRR to begin their portion of the design for the Project. As part of the negotiations with UPRR to sign the PE agreements, UPRR requested that the City undertake a Transportation Impact Assessment ("Closure Study") for the closure of the 66th and 67th Street grade crossings which deviates from the CTC approved scope of work at each crossing. As alluded to in the June 2019 CTC Allocation Extension Request letter, the Closure Study and negotiations with UPRR has resulted in three minor changes to the scope of work submitted and approved by CTC as part of the original SB 1 TCEP Funding program.

- 1) As part of the discussions on scope of work with UPRR, it was indicated that UPRR would not agree to the installation of quad gates at the 67th Street at-grade crossing without a queue prevention strategy. To alleviate this concern and provide the best safety measures at this crossing, the City agreed to add a pre-signal to the scope of the 67th/Shellmound at-grade crossing.
- 2) From the Closure Study recommendations, the City has agreed to close the 66th Street at-grade crossing to all modes of travel and to keep the 67th Street at-grade crossing open with added pedestrian/bicycle facilities. The goals of this project are to install safety improvements at each of the at-grade crossings, and the closure of 66th would be the best possible safety improvement that could be put in at this location. A closure removes all conflicts between trains and all modes of travel at the crossing. The benefits to safety and freight movement would be increased while the multi-modal circulation benefits would be lessened. The Closure Study concluded that the closure of 66th Street would not be detrimental to the overall circulation patterns for all modes of travel (including emergency services).
- 3) Additionally, the Closure Study recommended to signalize the 67th Street and Hollis Street intersection which is directly impacted by the closure of 66th Street and the re-direction of traffic circulation for all modes. This signal would improve:
 - a. East/west connectivity for both pedestrians and bicyclists who choose to use the 67th Street corridor to access Aquatic Park
 - b. Access to the bus stops on Hollis Street by providing signalized pedestrian crossings
 - c. Trucking safety and activities in the corridor because 67th Street would be signalized at both Shellmound and Hollis streets; whereas today these intersections are unsignalized

The City finds that these three changes should be considered minor changes to the original scope of work submitted and approved by CTC as part of the SB 1 TCEP Funding program. With the closure of one crossing and addition of two signalized intersections, the safety and freight movement benefits for the project will increase from the original scope. The changes from the original benefits are shown in Exhibits A and B.

Additionally, there is no anticipated cost increase if the Amendment Request is approved. As shown in Exhibit B, the savings from a reduced scope of work at 66th Street will cover the cost for the installation of both additional signals. If there are any additional costs beyond what was originally programmed for the project, the City will program local funds and do a concurrent drawdown proportionate with the original SB 1 TCEP funds.

Request for Funding Allocation (Construction)

The Project is funded by SB 1 TCEP Funding program for construction only, and the PS&E/ROW phases have been solely funded using local City funding sources. The PS&E and ROW phases are complete, and the Project is ready to advertise. The City requests that the California Transportation Commission allocate \$4,200,000 of SB 1 TCEP funding for the Construction Phase of this Project.

Our strategy for accelerating the schedule to complete the Project following the SB 1 TCEP Program's Timely Use of Funds Policies is to use separate bid advertisement packages. This will allow the City to begin construction in areas where C&M Agreements with UPRR are not required. UPRR has concurred on the revised scope of the Project in a Concurrence Letter and will be working with the City to finalize Construction and Maintenance (C&M) Agreements before the Project begins construction in areas that require right of entry approval from UPRR. The City expects to begin construction and give our Contractor a Notice to Proceed by December 2020. The City will continue to work with UPRR on finalizing C&M Agreements and the Project will complete construction following the SB 1 TCEP Program's Timely Use of Funds Policies.

It was indicated in our SB 1 quarterly reporting and in the Extension Request letter from June 2019 that UPRR's current responsiveness and additional scope of work requests have resulted in delayed actions and approvals. These actions were required during the PS&E phase and have affected future milestone completion dates. The delays unavoidably pushed back the timing for construction allocation. Delays have consumed twelve (12) months of delay for PS&E completion. This was the expected delay and extension time that we requested in our June 2019 allocation extension request. Other future milestone dates have been impacted as shown in our Revised PPR table and description below.

Also considering the substantial impacts caused by COVID-19 and uncertainties related emergency shelter-in-place directives, the City asks that CTC approves extending the timeline for Contract Award as part of the SB 1 – TCEP Program from 6-months to 12-months.

As the City is requesting our construction allocation, we find it necessary to also update our Project Programming Request (PPR) schedule to reflect changes from the extension that was granted, actual completed dates for certain tasks, and future milestone dates that have been affected.

Revised PPR schedule:

Project Milestone			Existing	Proposed
Project Study Report Approved				
Begin Environmental (PA&ED) Phase			01/31/2018	
Circulate Draft Environmental Document	Document Type	CE	03/01/2018	
Draft Project Report			04/01/2018	
End Environmental Phase (PA&ED Milestone)			05/01/2018	07/20/18
Begin Design (PS&E) Phase			07/01/2018	
End Design Phase (Ready to List for Advertisement Milestone)			02/01/2019	06/24/20
Begin Right of Way Phase			02/01/2019	06/24/20
End Right of Way Phase (Right of Way Certification Milestone)			04/01/2019	06/24/20
Begin Construction Phase (Contract Award Milestone)			09/01/2019	06/24/21
End Construction Phase (Construction Contract Acceptance Milestone)			05/01/2020	03/24/22
Begin Closeout Phase			05/01/2020	03/24/22
End Closeout Phase (Closeout Report)			11/01/2020	09/24/22

- "End Environmental Phase (PA&ED Milestone)" date changed to 07/20/2018 because City staff submitted the Notice of Exemption to Alameda County on June 15, 2018. The required 35-Day notice period expired July 20, 2018 and Alameda County provided the approved Environmental Document.

- "End Design Phase (Ready to List for Advertisement Milestone)" date changed to 06/24/20 per the approved 12-month extension for additional schedule variability from UPRR and expected Allocation Approval at the June 24-25, 2020 CTC Meeting.
- "Begin Right of Way Phase" date changed to 06/24/20 due to matching the change in "End Design Phase".
- "End Right of Way Phase (Right of Way Certification Milestone)" date changed to 06/24/20 due to matching the change in "End Design Phase".
- "Begin Construction Phase (Contract Award Milestone)" date changed to 06/24/2021 due to matching the change in "End Design Phase" and reflecting the revised SB 1 TCEP Program guidelines where the timely use of funds requirement is defined as 12 months to award the contract for the project from the CTC allocation approval at the June 2020 meeting.
 - Per the described strategy for accelerating the project schedule using separate bid advertisement packages, the City expects to be able to begin construction on the first phase of the project in December 2020.
- "End Construction Phase (Construction Contract Acceptance Milestone)" date changed to 03/24/2022. The original PPR has a 9-month timeline to complete construction of the Project. The City has shifted the 9-month period to begin at the new revised "Begin Construction Phase."
- "Begin Closeout Phase" date changed to 03/24/2022 due to matching the revised schedule for "End Construction Phase."
- "End Closeout Phase (Closeout Report)" date changed to 09/24/2022 due to matching the revised schedule for "Begin Closeout Phase" and using the original 6-month timeline.

The PPR schedule changes noted above indicate that the City intends to complete the Project within the SB 1 TCEP Program Guidelines for Timely Use of Funds. Thus far in the project, we have experienced unprecedented schedule uncertainty for common tasks and requests to and from UPRR. If it pleases the CTC, the City would like to consider changing the construction completion schedule to allow for schedule variability with UPRR for milestones after the Contract Award. The construction completion window could be extended to better align with the allowable contract completion dates in the SB 1 TCEP guidelines, which is an allowable time period of 36 months.

We appreciate your consideration of the City's Amendment Request and Request for Construction Allocation. Please find the attached materials reflecting our revised scope of work and project timing.

Thanks,

Christine Daniel, City Manager
City of Emeryville