
Authority Board **STAFF REPORT**

Meeting Date: June 21, 2023

Subject	NEW ITEM: State Route 4 Mokelumne Bike Trail/Pedestrian Overcrossing (Project 5002b) – Approval to Increase Construction Allotment for Agreement No. 561 with Joseph J. Albanese for Construction Services
Summary of Issues	<p>The Authority has partnered with the State Route 4 Bypass Authority (SR4BA), East Contra Costa Regional Fee and Finance Authority (ECCRFFA), and City of Brentwood (City) to complete the State Route 4 (SR4) Mokelumne Bike Trail/Pedestrian Overcrossing (POC) (Project 5002b) (Project).</p> <p>The Project is eligible for Regional Measure 3 (RM3) funds under the East Contra Costa County Transit Center (ECCCTC) category. While the Metropolitan Transportation Commission (MTC) was not allocating RM3 funds due to pending litigation, project sponsors were allowed to advance projects with local funds for later reimbursement with RM3 funds as long as they received approval of a Letter of No Prejudice (LONP) prior to incurring expenses.</p> <p>On February 17, 2021, the Authority Board approved Resolution 21-07-P, which authorized the Executive Director to request an LONP in the amount of \$11 million to fund the construction phase of the Project.</p> <p>On March 8, 2021, the Authority received an approved LONP from MTC.</p> <p>On September 15, 2021, the Authority Board authorized the contract award to Joseph J. Albanese (JJA) to provide</p>

	construction services. The Authority Board also approved Resolution 21-41-P, which established a construction allotment amount of \$8,626,589.23. Since the start of construction in March 2021, the Project has encountered numerous issues, which will require additional funding to complete the Project.
Recommendations	Staff seeks approval of Resolution 21-41-P (Rev 1), which will increase the authorized construction allotment amount by \$1,575,681, for a new total construction allotment value of \$10,202,270.
Staff Contact	Ivan Ramirez
Financial Implications	Funding is provided by RM3. A LONP for the cost increase was approved by MTC in May 2023.
Options	The Authority Board could elect to modify or not approve this request; however, work will likely need to be stopped and the Authority will not be fulfilling its commitments.
Attachments	A. Resolution 21-41-P (Rev 1)
Changes from Committee	N/A

Background

The Project will construct a bridge spanning over SR4, which closes an existing gap along the Mokelumne trail and provides safe access for bicyclists and pedestrians. The Authority, SR4BA, ECCRFFA, and City are partnering to complete the Project.

The Authority is the project sponsor, and its responsibilities include project management and securing funding for design, utility relocations, construction management, and construction. ECCRFFA is providing funding for the environmental clearance and right-of-way (ROW) phases. SR4BA is the lead agency for the preparation of the California Environmental Quality Act of 1970 environmental document. SR4BA is also responsible for acquiring and holding

title for ROW needed on the Project, and to transfer the title of ROW to the City upon project completion.

The Project is eligible for RM3 funds under the ECCCTC category. While MTC was not allocating RM3 funding due to pending litigation, project sponsors were allowed to advance projects with local funds for later reimbursement by RM3 funds as long as they received approval of an LONP prior to incurring expenses.

On February 17, 2021, the Authority Board approved Resolution 21-07-P, which authorized the Executive Director to request the LONP in the amount of \$11 million to fund the construction phase of the Project.

On February 24, 2021, the Authority obtained the LONP from MTC.

On September 15, 2021, the Authority Board awarded JJA the contract to provide construction services. Additionally, Resolution 21-41-P was approved to establish a construction allotment in the amount of \$8,626,589.23. Since the start of construction in March 2022, the Project has encountered numerous issues, including bird nesting, design changes, construction easement obstructions, differing site conditions, and weather-related impacts that have increased the construction cost requiring additional funding to complete the Project.

On April 19, 2023, the Authority Board authorized submittal of an LONP to MTC for an additional \$2 million for construction services to account for the additional construction costs.

On May 24, 2023, MTC approved the LONP. Since the legal challenge to RM3 funding is now resolved, it is anticipated that MTC will start allocating RM3 funds to project sponsors in summer 2023, thus allowing Authority staff to seek reimbursement of all construction-related costs on the Project.

Staff seeks approval of Resolution 21-41-P (Rev 1), which will increase the authorized construction allotment amount by \$1,575,681, for a new total construction allotment value of \$10,202,270.

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