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## Alameda Corridor Transportation Authority

October 11, 2018

<b>To:</b>	Governing Board
<b>From:</b>	John T. Doherty, Chief Executive Officer
<b>Subject:</b>	<i>Adopt Resolution No. 18-1 Approving Amendment No. 3 to Caltrans Cooperative Agreement No. 07-4914 for Segment 1 of the SR-47 Project (APPROVAL)</i>

### Recommendations:

Adopt the attached Resolution No. 18-1 approving the attached Amendment No. 3 to Construction Agreement No. 07-4914 with the California Department of Transportation which will increase the not-to-exceed budget for design support services from \$5,300,000 to \$6,900,000 for certain services to be provided by ACTA during construction of Segment 1 of the SR-47 Project; and authorize the Chief Executive Officer or Chief Financial Officer to execute said amendment.

### Background:

Through a series of several cooperative agreements, Caltrans and ACTA have advanced the SR-47 Project from the feasibility phase through the construction phase. The SR-47 Project is comprised of two separate fully operational segments: the Segment 1 Heim Bridge Replacement connecting Ocean Boulevard with SR-103, and the Segment 2 Expressway connecting Segment 1 with Alameda Street at PCH. Segment 1 design was a joint effort of Caltrans and ACTA, and Segment 1 construction, which is fully funded by Caltrans, is underway. Segment 2 has been placed on indefinite hold due to funding issues and the Ports' pending highway and rail traffic analyses to determine if Segment 2 is necessary. Should Segment 2 move forward, it will be ACTA's responsibility to manage and fund Segment 2 right-of-way acquisition, utility relocation, design, and construction.

There are two active cooperative agreements with Caltrans for the SR-47 Project.

### Agreement No. 07-4872

The first cooperative agreement, Agreement No. 07-4872, effective July 16, 2009, involves ACTA and Caltrans' respective responsibilities to fund, acquire right-of-way, coordinate utility relocation, and design Segment 1 and Segment 2. The original not-to-exceed amounts for Segment 1 reimbursements to ACTA were \$37 million for right-of-way capital costs and \$1.2



million for right-of-way support costs. The not-to-exceed right-of-way support costs were subsequently increased via amendments in May 2013 and March 2014 to \$1.7 million and \$2.9 million, respectively.

Agreement No. 07-4872, when executed, contemplated the simultaneous advancement of both Segment 1 and Segment 2. It contemplated that ACTA would manage and fund both segments with certain fixed Caltrans funding for Segment 1 only. This arrangement later changed due to litigation filed in November 2009 regarding the SR-47 Project's environmental review document. A subsequent court-approved stipulation allowed only Segment 1 to advance, while litigation continued on Segment 2. As a result of the stipulation, ACTA and Caltrans mutually agreed that Caltrans would manage and fully fund the construction of Segment 1, and that ACTA would manage and fully fund Segment 2 if and when it advances. A final Appeals Court ruling in November 2014 held that the environmental review document was sufficient thereby enabling Segment 2 to advance.

#### Agreement No. 07-4914

In March 2011, the Board authorized ACTA to enter into the second Caltrans cooperative agreement, Agreement No. 07-4914, effective September 7, 2011, which covers ACTA's support services to Caltrans during the construction phase of Segment 1. Under this agreement, ACTA is obligated to provide design support services during construction of Segment 1 and to perform certain environmental mitigation tasks. The original not-to-exceed amounts for Agreement No. 07-4914 were \$3,000,000 for design support services and \$1,730,000 for completion of environmental mitigation obligations.

In March 2015, ACTA executed Amendment No. 1 to Agreement No. 07-4914 (effective July 30, 2015) to increase the not-to-exceed amount from \$3,000,000 to \$4,300,000 for design support services (and with no change to the not-to-exceed environmental mitigation amount of \$1,730,000). In September 2017 with Board approval of Resolution 17-2, ACTA executed Amendment No. 2 (effective October 6, 2017) to increase the not-to-exceed amount from \$4,300,000 to \$5,300,000 for design support services (and with no change to the not-to-exceed environmental mitigation amount of \$1,730,000).

The services provided by ACTA under both cooperative agreements are provided in large part by ACTA's consultant, AECOM Technical Services, Inc. (ATS), formerly URS Corporation, as well as oversight and coordination services provided by the Alameda Corridor Engineering Team (ACET).

#### **Discussion:**

The subject recommendation involves a third amendment to Agreement No. 07-4914. As previously stated, this agreement has a reimbursement cap of \$5,300,000 for design support services and \$1,730,000 for completion of certain environmental mitigation obligations. The proposed amendment will increase the budget for design support services which is required due to construction delays. ACTA is obligated under the terms of the two cooperative agreements to provide services until successful completion of Segment 1. Caltrans is currently estimating a Segment 1 construction completion date in 2020.

If approved by the Board, the third amendment to Agreement No. 07-4914 will increase the not-to-exceed amount for Caltrans reimbursement for the design support services during construction by \$1,600,000 from \$5,300,000 to \$6,900,000. No change is required to the not-to-exceed budget of \$1,730,000 for the environmental mitigation obligations.

**Budget Impact:**

The FY19 Program Budget includes the activities covered by both agreements. The \$1,600,000 amendment to the Caltrans Construction Cooperative Agreement No. 07-4914 is entirely funded by Caltrans. All expenses incurred by ACTA are fully reimbursable.

Transmittals:

Transmittal 1 - Resolution No. 18-1

Transmittal 2 - Amendment No. 3 to Construction Agreement No. 07-4914