



ITEM ID: 2024-155-0

TRANSMITTAL DATE: April 19, 2024

MEETING DATE: April 26, 2024

TO: Board of Directors

FROM: Justin Fornelli, Chief, Program Delivery

SUBJECT: Reimbursement Agreement with Level 3 Communications for the relocation of a fiber optic duct bank for the SCORE Simi Valley Double Track Project

Issue

Approval is needed to negotiate and execute a Reimbursement Agreement with Level 3 Communications for the relocation of a fiber optic duct bank for the SCORE Simi Valley Double Track Project.

Recommendation

Contracts, Operations, Maintenance and Safety Committee recommended (5-0) the Board authorize the Chief Executive Officer to negotiate and execute a Reimbursement Agreement between the Authority and Level 3 Communications for a not-to-exceed amount of \$5,750,625.35 for the relocation of a fiber optic duct bank that is required for the SCORE Simi Valley Double Track Project.

Strategic Commitment

This report aligns with the Strategic Business Plan commitment of:

- **Advancing Key Regional Goals:** We will grow the role of regional rail in addressing climate change, air quality, and other pressing issues by advancing toward zero emissions, making rail a compelling alternative to single-occupant automobiles and advancing equity-focused opportunities for all communities throughout Southern California. The SCORE Simi Valley Double Track Project would enable additional capacity and service improvements on Metrolink's Ventura County Line (VCL).

Background

The key components of the SCORE Simi Valley Double Track Project (Project) are:

- Install 2.2 miles of a 2nd Mainline Track immediately adjacent to the existing Mainline Track
- Construct a 2nd side platform at the Simi Valley Station with a connecting pedestrian underpass
- Install pedestrian safety equipment, warning devices, and new track panels at 5 existing grade crossings

During Project design development in 2020/2021, a conflict was identified with a fiber optic duct bank owned by Level 3 Communications. Within this fiber optic duct bank are multiple fiber optic cables that are owned by separate fiber optic carriers, namely Level 3 Communications, AT&T, CenturyLink, and PacBell.

The fiber optic duct bank was found to be in conflict for approximately 1 mile in length with the Project's 2nd Mainline track, as well as with the 2nd platform and pedestrian underpass at Simi Valley Station, and the grade crossing improvements at Tapo Street, East Los Angeles Avenue, and Hidden Ranch Drive grade crossings. The fiber optic conduit was deemed to require relocation (Relocation) prior to the commencement of the Authority's Project construction.

In 2022, the Authority worked closely with all associated stakeholders, namely Union Pacific Railroad (UPRR), Ventura County Transportation Commission (VCTC), and Los Angeles County Metropolitan Transportation Authority (Metro), to determine financial responsibility for the Relocation. Upon review of all existing Agreements related to the Level 3 Communications fiber optic duct bank, it was determined amongst the stakeholders that the Authority's Project would be financially responsible for the Relocation.

On September 9, 2022, the Authority and Level 3 Communications entered into a Preliminary Engineering Reimbursement Agreement (PERA), under which Level 3 Communications developed the Relocation design and undertook the coordination with all associated fiber optic carriers. The Relocation design was completed in June 2023. A key element of the Relocation design is a deep bore segment of approximately 0.75 miles in length, which is necessary due to conflicts with other existing utilities within the grade crossings, existing storm water channel, and the pedestrian underpass structure and associated drainage facilities.

Discussion

Level 3 Communications commenced preparation of a cost estimate for the Relocation construction, which was submitted to the Authority in November 2023. A key cost driver is the deep bore segment, which costs significantly more than a typical trench segment.

After several rounds of negotiation, which included value engineering and reviewing alternative construction methodologies, it was determined that a not-to-exceed amount of \$5,750,625.35 was a fair and reasonable cost for the construction of the Relocation.

The Reimbursement Agreement provides Level 3 Communications with the authority to undertake Relocation construction prior to the commencement of Project construction.

Budget Impact

The amounts for which contract authority is requested are included in the Adopted SCORE Program Capital Budget for FY2023-24 (\$5,750,625.35) and funded with CRISI funds granted by FRA through the SCORE Program.

Next Steps

Upon Board Authorization, the Reimbursement Agreement will be negotiated and executed between the Authority and Level 3 Communications.

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