



JPB Board of Directors  
Meeting of March 2, 2023

Correspondence as of February 10, 2023

# Subject

- 1 TJPA 2/9 Board meeting item 11 Amendment to General Engineering Consultant services contract

**From:** [Roland Lebrun](#)  
**To:** [Transbay Info](#)  
**Cc:** [Supervisor Aaron Peskin](#); [SFCTA Board Secretary](#); [MTABoard@SFMTA.com](#); [Board \(@caltrain.com\)](#); [Mandelman, Rafael \(BOS\)](#); [SFCTA CAC](#); [cac@sfmta.com](#); [TJPA CAC](#); [cacsecretary \[at\]caltrain.com](#)  
**Subject:** TJPA 2/9 Board meeting item 11 Amendment to General Engineering Consultant services contract  
**Date:** Wednesday, February 8, 2023 9:17:38 AM  
**Attachments:** [Option 2.1 delivery alternative.bmp](#)

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Dear Chair Gee,

Further to my email of January 23 (below) which highlighted the Federal Government's rating of the current DTX project as "not recommended" for a \$900M Mega grant due to a lack of "***sufficient legal, financial, and technical capacity to carry out the project***", it is unclear why staff should now recommend wasting another \$20M "accelerating the design" of a **\$7B Caltrain terminus with half the capacity of the 4<sup>th</sup> & King railyard.**

The staff recommendation is at best questionable when considering the following facts:

- **Parsons Transportation Group were directly responsible for the 3-track fiasco** (<https://tjpa.org/uploads/2009/07/Train-Operations-Analysis-of-Two-versus-Three-Mainline-Tracks-Oct-17.pdf> page 13) which prevented the advance of the 7<sup>th</sup> Street 2-track alignment for the last 6 years even though London had proved that such and alignment had 50% more capacity (12 trains/hour vs 8) with half the platforms (3 vs 6) five years earlier (April 2012 Olympics).  
*"Only the study performed by **Parsons and Carl Wood for TJPA** included perturbation analysis"* (<https://tjpa.org/uploads/2009/07/Train-Operations-Analysis-of-Two-versus-Three-Mainline-Tracks-Oct-17.pdf> slide 5).
- **Parsons Transportation Group were responsible for a 5-year Caltrain PTC implementation delay** (missed Federal deadlines in 2015 and 2018) until a member of the public recommended that the Caltrain Board award the PTC signaling contract to Wabtec, the lowest bidder back in 2011.
- **The recommended delivery method for the main civil construction package is "progressive design build"** and the FTA are not expected to approve entry into the engineering phase until August at the earliest so it is unclear why staff are recommending "accelerating" utility relocations, demolitions and site clearance to 60-90% design instead of developing an RFP for the eventual progressive design builder who will be responsible for designing and building the project, including utility relocations, demolitions and site clearance.

## Recommendation

- 1) Terminate the Parsons general engineering contract effective immediately for cause
- 2) Direct staff to develop an RFP for a progressive design build contract for the 7<sup>th</sup> Street alignment

Respectfully presented for your consideration

Roland Lebrun

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**From:** Roland Lebrun

**Sent:** Monday, January 23, 2023 11:28 AM

**To:** Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>

**Cc:** Supervisor Aaron Peskin <aaron.peskin@sfgov.org>; SFCTA Board Secretary <clerk@sfcta.org>; MTABoard@SFMTA.com <MTABoard@SFMTA.com>; Caltrain Board <board@caltrain.com>; Transbay Info <info@tjpa.org>; SFCTA CAC <cac@sfcta.org>; cac@sfmta.com <cac@sfmta.com>; TJPA CAC <CAC@TJPA.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>

**Subject:** SFCTA Board Item 12 Public Comment DTX Governance

Dear Chair Mandelman and Commissioners,

The intent of this email is to substantiate and elaborate on the concerns I expressed with the latest DTX cost estimates and funding plan.

The attached Department of Transportation FY 22 Mega Grant Rankings document includes a TJPA application for a \$900M grant which lists the following statutory requirements for a project to be selected for award:

1. *The project is likely to generate national or regional economic, mobility, or safety benefits (49 USC 6701(f))*
2. *The project is in need of significant Federal funding (49 USC 6701(f))*
3. ***The project will be cost-effective (49 USC 6701(f))***
4. ***With respect to related non-Federal financial commitments, 1 or more stable and dependable sources of funding and financing are available to (i) construct, operate, and maintain the project; and (ii) cover cost increases (49 USC 6701(f))***
5. ***The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project (49 USC 6701(f))***
6. *The applicant submitted, together with the grant application, a data collection and analysis plan that meets the requirements in 49 USC 6701(g)*

Line 34 on page 1 of the report shows that **the TJPA received an Overall Rating of “Not Recommended”** because it failed to meet statutory requirements 4 & 5 above. Please note that the Estimated Project Cost at the time of the application was \$4.9B and that **the revised cost estimate of \$6.7B will exceed \$7B once financing is included**. It is therefore reasonable to assume that the next application for a Mega grant will fail to meet the cost-effectiveness requirement (3 above).

The root cause of these issues appears to lie with **the TJPA’s lack of “technical capacity to carry out the project”**, specifically that the TJPA’s consultant have been unable to conceive let alone develop a cost-effective solution that makes it possible to connect the Transit Center to Embarcadero **while preserving SIX thru tracks with 1,400-foot platforms**.

### **Conclusion**

I believe that the time has come to revisit the DTX governance structure adopted by the Board last year and transition to a model whereby the TJPA remains accountable but **assigns project delivery**

**responsibility to a TJPA member agency with a proven track record of designing and delivering cost-effective twin-bore tunnels on time and on budget under downtown San Francisco.**

Respectfully presented for your consideration.

Roland Lebrun

## Institutional Options Analysis: Alternatives



Alternative Family	Alternative	Structure Overview
<b>1. TJPA Delivery</b>	1.1 Baseline/Conventional	<ul style="list-style-type: none"> <li>TJPA accountable and responsible for project delivery using staff and consultants, and cooperation of partners</li> <li>Oversight provided by TJPA Board, staff, and funder oversight protocols</li> <li>Current Peninsula Rail MOU sunsets; bi-lateral intergovernmental agreements (IGAs) developed between TJPA and partner agencies</li> </ul>
	1.2 Integrated Management	<ul style="list-style-type: none"> <li>TJPA accountable and responsible for project delivery using staff and consultants, and involvement of partners</li> <li>Organizational structure further developed to provide management oversight, alignment of multi-agency actions, and project coordination</li> <li>Multi-lateral and/or bi-lateral agreements among/between DTX partner agencies</li> </ul>
<b>2. TJPA Accountable but assigns Project Delivery Responsibility</b>	2.1 Assignment to TJPA member agency	<ul style="list-style-type: none"> <li>TJPA takes high-level oversight role and retains accountability</li> <li>Project delivery responsibility assigned to TJPA member agency</li> </ul>
	2.2 Assignment to non-member agency	<ul style="list-style-type: none"> <li>TJPA takes high level oversight role and retains accountability</li> <li>Project delivery responsibility assigned to agency other than TJPA member</li> </ul>
	2.3 Assignment to special purpose entity	<ul style="list-style-type: none"> <li>TJPA takes high level oversight role and retains accountability</li> <li>Project delivery responsibility assigned to a newly-created special purpose entity (not currently in existence)</li> </ul>
<b>3. Transfer Accountability</b>	3.1 Upload to newly-created regional agency	<ul style="list-style-type: none"> <li>Project delivery accountability and responsibility is transferred to a regional project delivery agency (not currently in existence)</li> </ul>

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