

**DRAFT****RESOLUTION 20xx-xxx**

**RESOLUTION 1) FINDING THE BPC ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15301 AND 15302, AND 2) APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-43 TO GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,493,169 FOR THE RAILROAD TIE REPAIRS AT TENTH AVENUE MARINE TERMINAL, BERTHS 10-7 AND 10-8, AS AUTHORIZED BY THE BPC IN THE FY 2025 MAJOR MAINTENANCE PROGRAM APPROPRIATION**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, the Tenth Avenue Marine Terminal, a 96-acre omni-cargo facility, serves as a critical component of the Port of San Diego's maritime infrastructure; and

**WHEREAS**, this terminal is designed to accommodate a diverse range of specialized cargo, including refrigerated containers for produce, large energy components, shipbuilding materials, dry bulk commodities, and heavy-lift shipments; and

**WHEREAS**, recognized as one of the eighteen Strategic Ports in the United States, the Port of San Diego plays a vital role in supporting the Department of Defense's maritime and rail logistics for peacetime operations, national emergencies, and times of conflict; and

**WHEREAS**, the terminal features an on-dock rail yard, directly linked to the Burlington Northern and Santa Fe (BNSF) rail yard adjacent to the terminal; and

**WHEREAS**, this allows for direct and efficient vessel-to-rail transfers, particularly beneficial for specialty heavy-lift cargo and military operations; and

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**WHEREAS**, during the construction of a pavement repair project in 2017, it was discovered that the railroad track ties alongside Berths 10-7 and 10-8 are deteriorated and in need of replacement; and

**WHEREAS**, the project repairs approximately 450 linear feet of railroad track by replacing its deteriorated timber railroad ties and replacing approximately 10,000 square feet of weakened asphalt pavement alongside the track with reinforced concrete pavement to match the adjacent concrete pavement and accommodate the terminal's heavy traffic operations; and

**WHEREAS**, the Contract Documents, including Plans (No. TA-2019-05) and specifications (2019-43), were issued for advertisement for a total duration of 47 calendar days starting on January 29, 2025, for formal competition; and

**WHEREAS**, on March 17, 2025, the District received four (4) bids and based on a review of the bids, the lowest responsive and responsible bid was determined to be submitted by Granite Construction Company at \$1,493,169; and

**WHEREAS**, staff recommends that the Board of Port Commissioners (BPC) approve the plans and specifications and authorize the award of Major Maintenance Contract No. 2019-43 to Granite Construction Company in the amount of \$1,493,169 for the Railroad Tie Repairs at Tenth Avenue Marine Terminal, Berths 10-7 and 10-8; and

**WHEREAS**, should the BPC approve this item, construction is expected to commence in July 2025 and be completed within 180 calendar days after the notice to proceed to the Contractor; and

**WHEREAS**, the proposed BPC action, including without limitation a resolution approving plans and specifications and awarding Contract No. 2019-43 to Granite Construction Company in the amount of \$1,493,169 for the railroad tie repairs at Tenth Avenue Marine Terminal, Berths 10-7 and 10-8, as authorized by the BPC in the FY 2025 Major Maintenance Program Appropriation, is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement and Reconstruction) and Sections III.E.3.a. and III.E.3.b. of the District's Guidelines for Compliance with CEQA because the project would consist of the replacement of deteriorated railroad ties and adjacent concrete pavement that would involve no expansion of use beyond that previously existing, would be located on the same site as the structure replaced, and would have substantially the same purpose and capacity; and

**WHEREAS**, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2); and

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**WHEREAS**, the proposed BPC action complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation; and

**WHEREAS**, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; consequently, the proposed BPC action is consistent with the Public Trust Doctrine; and

**WHEREAS**, the proposed BPC action is considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction) of the District's Coastal Development Permit Regulations because the project would consist of the replacement of deteriorated railroad ties and adjacent concrete pavement that would involve negligible or no expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced, and would have substantially the same purpose and capacity as the structure replaced; and

**WHEREAS**, in addition, a categorical determination of exclusion and notice of approval was previously issued for this project on October 24, 2019, and became effective 10 working days after notification to California Coastal Commission staff since no appeals were received, therefore, issuance of a Coastal Development Permit or subsequent exclusion is not required for the proposed BPC action.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the Project, including without limitation a resolution approving plans and specifications and awarding Contract No. 2019-43 to Granite Construction Company in the amount of \$1,493,169 for the Railroad Tie Repairs at Tenth Avenue Marine Terminal, Berths 10-7 and 10-8, as authorized by the BPC in the FY 2025 Major Maintenance Program Appropriation is categorically exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) and Sections III.E.3.a. and III.E.3.b. of the District's Guidelines for Compliance with CEQA.

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3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the plans and specifications are approved and the Executive Director or their designated representative is hereby authorized and directed to enter into Contract No. 2019-43 with Granite Construction Company in the amount of \$1,493,169 for the railroad tie repairs at Tenth Avenue Marine Terminal, Berths 10-7 and 10-8.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6<sup>th</sup> day of June 2025, by the following vote: