

Proposed Trailer Bill Legislation

Direct Contracting Authority for I-15 Wildlife Crossings

SUMMARY:

This language would authorize the California Department of Transportation (Caltrans) to directly contract to construct three wildlife crossings over Interstate 15 (I-15) as part of the Brightline West high-speed rail project between California and Nevada.

BACKGROUND:

Caltrans, the California Department of Fish and Wildlife (CDFW), and Brightline West announced an agreement in February 2023 to design and construct three priority wildlife overcrossings across I-15 and the future Brightline West high-speed rail system connecting Southern California and Nevada, largely via the I 15 median. These dedicated overcrossings will provide a sustainable and safe path for wildlife, including bighorn sheep, over the existing highway lanes and the future high-speed rail system to be built within the median of the existing freeway. CDFW has identified these wildlife crossings as priority projects.

NEED FOR LEGISLATION:

While Caltrans could ordinarily enter into cooperative agreements with public agencies on transportation projects to partner on project delivery and funding, Caltrans does not have sufficient statutory authority to enter into a direct agreement with Brightline West to complete the wildlife crossings using the state's funds because, unlike other transportation agencies, Brightline West is a private company.

Caltrans has concerns that the Brightline West and wildlife crossings projects are likely to conflict, creating delays for both projects, claims, and increased costs. It is in the best interest of the state to avoid these negative outcomes by contracting with Brightline West, which has applied for federal rail funding under the Infrastructure Investment and Jobs Act. Constructing these wildlife crossings after the railway is operating would also be challenging and would require stoppages in rail operations.

PROPOSED LANGUAGE:

This language would allow Caltrans to directly contract with Brightline West to develop, design, and construct wildlife crossings as part of their project in the median on I-15.

This would provide for mutually beneficial collaboration between the state and a railroad project to construct environmentally beneficial wildlife crossings across transportation infrastructure while avoiding conflicts between projects built simultaneously.

This language would save taxpayer dollars as well as time delays by allowing one entity to manage the delivery of these wildlife crossings simultaneously with the delivery of the railway.