



June 12, 2023

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Adopt Resolution No. 2023-033 and Authorize the Chief Executive Officer to Take All Necessary Actions to Address the Emergency Need for Railroad Track Protection from a Landslide in the Vicinity of Mile Post 204.6 on the Orange Subdivision

Overview

A hillside owned by the City of San Clemente at the Casa Romantica Cultural Center and Gardens adjacent to the Orange County Transportation Authority-owned railroad right-of-way, in the vicinity of Mile Post 204.6 on the Orange Subdivision, has failed and continues to incrementally move. Landslide debris continues to crumble down the slope and foul the tracks, necessitating suspension of all rail services. Measures must be taken to protect the rail line from landslide debris so that passenger and freight rail service can be safely restored as quickly as possible.

Recommendation

Adopt Resolution No. 2023-033 and authorize the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track protection in the vicinity of Mile Post 204.6 on the Orange Subdivision, including working with the Southern California Regional Rail Authority to develop and implement protective measures to safely restore rail service as soon as possible, and return to the Board of Directors, as required, to report on the status thereof.

Discussion

The Orange County Transportation Authority (OCTA) owns the Orange Subdivision railroad right-of-way (ROW) between the Fullerton Junction and the San Diego County Line. This rail corridor is part of the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor that provides intercity and commuter passenger and freight rail service. This corridor is a critical link in Southern California's rail network and is of both state and national importance, designated as a federal

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defense connector line as part of the Strategic Rail Corridor Network by the United States Department of Defense.

On April 27, 2023, a significant landslide on a slope owned by the City of San Clemente (City) at the Casa Romantica Cultural Center and Gardens, located above OCTA's railroad tracks at Mile Post (MP) 204.6 (Attachment A), resulted in passenger service being suspended due to landslide debris fouling the track and safety concerns due to continued slope movement. The City procured a geotechnical engineer to assess the landslide, and a contractor to grade the slope as a remedial measure to stop the sliding and reduce risk to nearby buildings and the railroad. The City's remedial grading was intended to be an interim stabilization measure until the City could prepare a more permanent stabilization project for implementation. The City completed the grading activity and the Southern California Regional Rail Authority's (SCRRA) maintenance contractor removed material that fell into OCTA's railroad ROW, allowing for passenger rail service to resume on May 27, 2023.

Unfortunately, on June 5, 2023, significant additional slope movement occurred, and landslide debris fouled the tracks, requiring the tracks to again be closed and all rail services suspended to ensure passenger safety. The City has stated that it will take weeks to perform a more in-depth investigation and determine what actions they will take to stabilize the landslide.

OCTA and SCRRA are committed to resuming safe rail service through this landslide area as quickly as possible and will be working together to develop and implement a safe and effective means to protect the railroad so that critical passenger and freight rail services can resume. OCTA and SCRRA consultant engineers are assessing the evolving landslide conditions and characteristics to develop protective measures. These measures may include design and construction of a temporary soldier pile retaining wall at the bottom of the slope within OCTA's ROW to provide protection for the railroad track and rail operations from any additional landslide debris. Contracts and agreements necessary to affect these measures will need to be executed as expeditiously as possible.

Emergency Procurement

Under normal circumstances, OCTA, like most public agencies, is required by the Public Contract Code (PCC) to procure public works projects utilizing a competitive process which normally includes an invitation for bids and awarding

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the contract to the lowest, responsible, responsive bidder. However, in certain circumstances, the PCC does allow for emergency procurements whereby the requirement for a competitive process is waived and the public agency can authorize the procurement of equipment, services, and supplies to address emergency circumstances without giving notice for bids to let contracts.

Specifically, PCC Section 22050 provides that a public agency can, by a four-fifths vote of its governing body, authorize the procurement of equipment, services, and supplies to address an emergency circumstance. Before taking this action, the governing body is required to make findings, based upon substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. The governing body can then delegate authority to order any action required to address the emergency.

Once the governing body has made those findings, the authorized individual, in the present case, the Chief Executive Officer (CEO), can immediately enter into contracts and agreements necessary to address the emergency circumstance. The CEO is then required by the statute to report to the governing body, at its next regular meeting, and at every regularly scheduled meeting thereafter, the status of the emergency and the governing body must determine at each meeting by a four-fifths vote that there is a need to continue the emergency action until such time that the emergency no longer exists.

In the present case, the City's remedial grading mitigation measures have failed to stabilize the landslide, and OCTA's ROW, including the railroad tracks, are in imminent threat of continued debris fall from the landslide. The City does not have a plan or timeline to stabilize the landslide. This emergency resolution is necessary to provide protection of the railroad tracks and to allow all rail services to resume as soon as possible.

Summary

Staff recommends adoption of Resolution No. 2023-033 and authorization for the Chief Executive Officer to take whatever actions are necessary to address the emergency need for railroad track stabilization in the vicinity of Mile Post 204.6 on the Orange Subdivision (Attachment C), including working with the Southern California Regional Rail Authority to develop and implement protective measures to safely restore all rail services as soon as possible, and to return to the Board of Directors, as required, to report on the status thereof.

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Attachments

- A. Project Location Map
- B. Pictures of Recent Landslide at Mile Post 204.6
- C. Resolution No. 2023-033

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