




October 3, 2022

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer 

Subject: Adopt Resolution No. 2022-075 and Authorize the Chief Executive Officer to Take all Necessary Actions to Address the Emergency Need for Railroad Track Stabilization in the Vicinity of Mile Post 206.8 on the Orange Subdivision

Overview

A hillside adjacent to the Orange County Transportation Authority-owned railroad right-of-way, in the vicinity of Mile Post 206.8 on the Orange Subdivision, has failed and continues to incrementally move, pushing the railroad tracks toward the Pacific Ocean. Measures must be taken to stabilize this landslide to restore and maintain passenger and freight rail service.

Recommendation

Adopt Resolution No. 2022-075 and authorize the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track stabilization in the vicinity of Mile Post 206.8 on the Orange Subdivision, and to 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 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 rail corridor is of state and national importance and is also designated as a national defense connector line as part of the Strategic Rail Corridor Network by the Department of Defense.

On September 16, 2021, the Southern California Regional Rail Authority (SCRRA) suspended passenger rail service for three weeks through south Orange County due to the failure of an adjacent slope which moved the tracks toward the ocean at Mile Post (MP) 206.8 (Attachment A). At that time, SCRRA began emergency

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work to stabilize and realign the track with the addition of rock revetment on the ocean side of the tracks to stop slide movement and to protect the track from the ocean. Although passenger rail service resumed on October 4, 2021, SCRRA placed additional emergency rock revetment found necessary to continue stabilizing the track. During this emergency effort, between late 2021 and early 2022, over 18,000 tons of riprap was placed along the beach adjacent to the track to halt the slope movement. Over this period, the track was laterally deflected toward the ocean by more than 28 inches. The track was realigned, and SCRRA continues to monitor the stability of the slope and track with inclinometers. Inclinometer readings from February 2022 to August 2022 were relatively stable with nearly no movement.

Due to recent higher tidal events, ocean currents and waves, and storm surge brought on by Hurricane Kay, a continued slope movement trend began to show in early September 2022, with movement between 0.01 inch and 0.04 inch per day. SCRRA began placing more riprap on September 13, 2022, and the effort is ongoing. An additional approximate 2,100 tons of riprap was placed to date and continued riprap placement will continue to help mitigate slope and track movement. However, the riprap placement effort is unable to slow or stop the movement. Rising tidal patterns, the upcoming rainy season, and risk of a seismic event may lead to additional and potential acceleration of the slide movement.

Inclinometer readings indicate recent continued slope movement ranging between 1.5 to 2.0 inches at a depth to 20 feet below the tracks (Attachment B). At the current rate of movement, within days, the deflection will exceed the limits of the inclinometer, at which time SCRRA will require personnel onsite 24/7 to monitor the situation and to warn and stop rail traffic if necessary. A new inclinometer is being installed but will not be operational until sometime in October 2022.

On September 24, 2022, OCTA staff was informed that the current slope movement mitigation measures are no longer effective to slow the slope and track movement, and that the adjacent slope is in imminent danger of continued and accelerated failure. OCTA has been advised by its geotechnical engineering consultant that immediate action must be taken to prevent the further slipping of the slope which would result in pushing the track into the ocean. OCTA, in cooperation with SCRRA, is proposing to procure a specialized contractor with expertise in geotechnical slope stability design and construction, to stabilize the slope and stop the movement of the railroad track.

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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 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 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, OCTA has been informed by geotechnical consultants that the previous mitigation actions have ceased to work in regard to the stabilization of the slope in question and that OCTA's right-of-way, including the railroad tracks, are in imminent threat of failure. The current situation does not permit the delay that would result from following OCTA's approved policies and procedures of solicitation of bids. Moreover, the action is necessary for the preservation of OCTA property and to prevent an immediate termination of a critical OCTA function.

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Summary

Staff recommends adoption of Resolution No. 2022-075 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 206.8 on the Orange Subdivision, and to return to the Board of Directors, as required, to report on the status thereof (Attachment C).

Attachments

- A. Project Location Map
- B. Inclinator Data Dated September 28, 2022
- C. Resolution No. 2022-075

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