



June 6, 2022

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Cooperative Agreement with the California Department of Transportation for the Interstate 5 Improvement Project Between Yale Avenue and State Route 55 and Authority to Acquire Right-of-Way

Overview

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the California Department of Transportation to define roles, responsibilities, and funding obligations for right-of-way support services, right-of-way engineering, right-of-way acquisition, and utility relocation for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-2-2232 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$1,230,000, to perform right-of-way services for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- B. Authorize the use of up to \$22,706,000 in federal Surface Transportation Block Grant and Measure M2 funding for right-of-way capital and right-of-way services for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.

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- D. Authorize the Chief Executive Officer to initiate discussions with property owners and utility owners, make offers, and execute agreements for the acquisition of all necessary real property interests and necessary utility relocations.

Discussion

The Interstate 5 (I-5) Improvement Project between Interstate 405 (I-405) and State Route 55 (SR-55) (Project) is Project B in the Measure M2 (M2) freeway program and is included in the updated Next 10 Delivery Plan adopted by the Orange County Transportation Authority (OCTA) Board of Directors (Board) in December 2021.

The Project will add one general purpose lane in both directions on the I-5 freeway between I-405 and SR-55. The Project will reestablish existing auxiliary lanes and provide new auxiliary lanes where necessary, and provide continuous access to the high-occupancy vehicle lanes. The final environmental document was signed on January 7, 2020, and build alternative 2B was identified as the preferred alternative by the Project development team. The Project is being developed as two separate design and construction projects to enhance the participation and competitive bidding of consultants and contractors, with the following Project limits:

- Segment 1 extends from I-405 to Yale Avenue
- Segment 2 extends from Yale Avenue to SR-55

On June 8, 2020, the Board authorized Cooperative Agreement No. C-0-2317 with the California Department of Transportation (Caltrans) to provide oversight of the plans, specifications, and estimates, and to advertise and award the construction contract for Segment 2 of the Project. An additional cooperative agreement with Caltrans is now needed to initiate the right-of-way (ROW) phase for Segment 2.

OCTA proposes to enter into a cooperative agreement with Caltrans to define the roles and responsibilities of both agencies. OCTA will be the lead agency implementing ROW activities, which shall include property acquisitions, relocation assistance for displacees if necessary, and coordination of utility relocations for the Project. OCTA will also be the lead agency for eminent domain proceedings, which shall include OCTA Board resolutions of necessity if needed. Caltrans will be the lead agency for ROW engineering activities for

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Segment 2, which shall include mapping, surveying and monumentation as directly reimbursed work. Caltrans' direct work will be funded by federal Surface Transportation Block Grant (STBG) funds, in the amount of \$1,230,000. Caltrans' oversight of other ROW activities will be at no cost to OCTA. ROW activities are anticipated to commence in summer 2022 before submittal of 65 percent design as final ROW requirements are being determined. The Project is estimated to impact a total of 12 properties, both privately and publicly-owned, and seven utility conflicts. The current list of impacted properties has land uses, which include vacant, commercial/industrial, multifamily residential, residential, and public (Attachment A). The real property requirements are comprised of a combination of partial fee acquisitions, permanent easements, utility easements, and temporary construction easements. There are no anticipated full fee acquisitions. The needed property rights are required to implement the Project scope as defined in the final environmental document. Consistent with Recommendation D above and the Project schedule, the Chief Executive Officer (CEO) will initiate discussions with property owners and utility owners upon Board approval of this item.

OCTA shall follow the Caltrans Right of Way Manual (RWM) and the OCTA Real Property Policies and Procedures Manual (RPPPM) to handle the acquisition of property rights, in compliance with requirements set by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). The Uniform Act was enacted by the federal government to ensure real property is acquired, and that displacees are relocated in an equitable, consistent, and equal manner. The Caltrans RWM and OCTA RPPPM also incorporate State of California laws and regulations enacted to provide benefits and safeguards to property owners. Statutory offers for the purchase of property will be made for an amount established as just compensation, which shall be determined through an independent appraisal process. Efforts will be made to reach a negotiated settlement with property owners or businesses; however, when an impasse is reached, as an act of last resort, staff, through a separate Board action, may request the Board to adopt a resolution of necessity to initiate eminent domain proceedings to obtain the necessary interests in real property.

The Project does not intend to require the permanent relocation or displacement of any residences or businesses as a result of property acquisitions. In the event of a need to displace any individual or business as a result of the Project, relocation assistance will be provided in accordance with the Caltrans RWM and OCTA RPPPM.

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OCTA and Caltrans staff will continue to evaluate the need for property through the design phase. If any modifications to the ROW requirements are necessary, OCTA staff will appropriately justify and document the need to secure such property to construct the Project in accordance with procedural requirements. Any need for additional ROW requirements will be addressed within the parameters of the California Environmental Quality Act and National Environmental Policy Act.

Fiscal Impact

As part of this cooperative agreement, funding for Caltrans services for ROW support is included in OCTA's proposed Fiscal Year 2022-23 Budget, Capital Programs Division, Account No. 0017-7514-FB103-1OD, and will be funded through STBG funds.

While the cooperative agreement with Caltrans represents a portion of the ROW cost, OCTA is requesting Board approval to program funds for ROW based on the current estimated cost for ROW capital and support, which will be funded through a combination of STBG and M2 funds.

Summary

Staff requests Board approval for the CEO to negotiate and execute Cooperative Agreement No. C-2-2232 between OCTA and Caltrans, in the amount of \$1,230,000, to perform ROW services for the I-5 Improvement Project between Yale Avenue and State Route 55, to provide oversight at no cost, and to certify the ROW for the Project. In addition, staff requests approval to use up to \$22,706,000 in STBG and M2 funds for the ROW phase for Project B, Segment 2, for a total of \$23,936,000. Finally, staff requests the Board authorize the CEO to make offers and execute agreements with property owners and utility owners for the acquisition of all necessary interests in real property and necessary utility relocations for the Project.

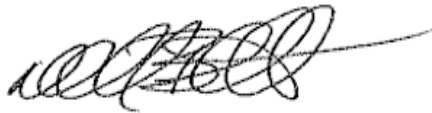
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Attachment

- A. Interstate 5 Improvement Project Between Yale Avenue and State Route 55 Right-of-Way Needs Summary

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