



**June 5, 2023**

**To:** Regional Transportation Planning Committee

**From:** Darrell E. Johnson, Chief Executive Officer *For*

**Subject:** Cooperative Agreement with the California Department of Transportation for State Route 57 Northbound Improvement Project Between Orangewood Avenue and Katella Avenue for Right-of-Way Services

**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, utility relocation, and legal support services for the State Route 57 Northbound Improvement Project between Orangewood Avenue and Katella Avenue.

**Recommendations**

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2577 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$3,294,358, to perform right-of-way services, for the State Route 57 Northbound Improvement Project between Orangewood Avenue and Katella Avenue.
- B. Authorize the use of up to \$1,794,358 in Measure M2 freeway funds for right-of-way capital and right-of-way services for the State Route 57 Northbound Improvement Project between Orangewood Avenue and Katella Avenue.
- 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.

***Discussion***

The State Route 57 Northbound Improvement Project between Orangewood Avenue and Katella Avenue (Project) is part of Project G in the Measure M2 (M2) freeway program. The Project is included in the updated Next 10 Delivery Plan adopted by the Orange County Transportation Authority (OCTA) Board of Directors (Board) in November 2022. The Project is listed as one of the M2 freeway projects currently in the final design phase using M2 funding.

The final environmental document, approved in March 2019, identifies Alternative 2 as the preferred alternative to be implemented. The Project will construct the missing section of the fifth general purpose lane, extend the existing auxiliary lane from the Orangewood Avenue off-ramp to the Katella Avenue off-ramp, improve the Katella Avenue off-ramp to provide additional storage capacity, and extend the merge length between the existing freeway on-/off-ramps to improve weaving distance.

On March 8, 2021, the Board authorized Cooperative Agreement No. C-1-3300 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 the Project. An additional cooperative agreement with Caltrans is now needed to initiate the Project's right-of-way (ROW) phase.

OCTA proposes to enter into a cooperative agreement with Caltrans to define the roles and responsibilities of both agencies. Caltrans will be the lead agency implementing ROW activities, which shall include property appraisals and acquisitions, relocation assistance for displacees, if necessary, and coordination of utility relocations for the Project. Caltrans will also be the lead agency for eminent domain proceedings, through the California Transportation Commission, if needed. OCTA will be the lead agency for ROW engineering activities, which shall include mapping, surveying, and monumentation with oversight from Caltrans on these activities at no cost to OCTA. The estimated cost of OCTA's ROW engineering is \$9,000 and is proposed to be funded by M2 funds. The estimated cost of the ROW support services performed by Caltrans is \$785,358, which is proposed to be funded by M2 funds. The total estimated capital cost for ROW acquisition and utility relocations is \$2,500,000, which is also proposed to be funded by M2 funds, bringing the total amount of the proposed ROW Cooperative Agreement to \$3,294,358.

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On December 12, 2022, the OCTA Board approved \$1,500,000 for the ROW Phase of the Project; therefore, the additional amount needed to fund the proposed Cooperative Agreement No. C-3-2577 is \$1,794,358.

ROW activities are anticipated to commence in summer 2023 upon completion of 65 percent design and determination of final ROW requirements. The Project is estimated to impact a total of four properties, both privately and publicly owned, and two utility conflicts. 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.

In addition to standard ROW activities, Caltrans is requesting ROW legal support services to be added to ROW support. Any resolutions of necessity and eminent domain legal proceedings will be handled by Caltrans. Upon approval of the cooperative agreement, OCTA agrees to reimburse Caltrans for ROW legal support services throughout the Project. In an effort to help manage costs for Caltrans legal support, language in the proposed cooperative agreement requires Caltrans to inform OCTA of any possible legal or administrative settlements and to invite OCTA to any mediations or settlement conferences. This language is intended for Caltrans and OCTA to gain consensus on settlements and agree on minimizing the additional capital and support costs associated with ROW settlements and litigation.

**Fiscal Impact**

As part of this cooperative agreement, funding for Caltrans services for ROW capital and support is included in OCTA's proposed Fiscal Year 2023-24 Budget, Capital Programs Division, Account nos. 0017-7514-FG104-02K and 0017-9081-FG104-02K. Staff is seeking Board approval for \$1,794,358 in M2 freeway funding. The Capital Funding Program includes a summary of how OCTA's capital projects are currently funded, along with the proposed changes in this item, and is provided as Attachment A.

**Summary**

Staff requests Board of Directors' approval for the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2577 with the California Department of Transportation, in the amount of \$3,294,358, for ROW support

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services and ROW capital costs for the State Route 57 Northbound Improvement Project between Orangewood Avenue and Katella Avenue.

***Attachment***

- A. Capital Funding Program Report

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