

RESOLUTION NO. 2025-068

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT AN EMERGENCY CONDITION EXISTS AND IMMEDIATE ACTION IS REQUIRED TO PRESERVE THE PROPERTY OF THE AUTHORITY AND PREVENT AN IMMEDIATE TERMINATION OF A CRITICAL AUTHORITY FUNCTION SUCH THAT PROCUREMENT OF EQUIPMENT, SERVICES, AND SUPPLIES FOR THOSE PURPOSES WITHOUT GIVING NOTICE FOR BIDS TO LET CONTRACTS IS REQUIRED

WHEREAS, the Orange County Transportation Authority (OCTA) is the owner of the certain rail right-of-way known as the Orange Subdivision (Rail Right-of-Way) of the Los Angeles-San Diego- San Luis Obispo (LOSSAN) Rail Corridor (Corridor), a portion of which is located in the cities of Dana Point, San Clemente, and San Juan Capistrano.

WHEREAS, the Rail Right-of-Way and the entire rail Corridor represent the only rail connection between San Diego, Orange, and Los Angeles Counties and is of state-wide and national importance; and

WHEREAS, since 2021, the operations of the Rail Right-of-Way and the Corridor have been forced to shut down on multiple occasions because of coastal bluff erosion, dry beach loss, and geologic landslide bluff failures. Over the past year, additional landslides, continued hillside instability, and additional beach and railroad embankment erosion has been observed that poses imminent risk to the railroad service life and property; and

WHEREAS, the past closures have severed the only rail connection between San Diego County and the rest of the nation, affecting millions of annual passengers and impacting more than \$1 billion in annual freight movement. Additionally, the Corridor plays a crucial role in the nation's Strategic Rail Corridor Network by supporting military logistics, freight movement, and passenger transportation, ensuring connectivity between key military installations and commercial hubs along the west coast; and

WHEREAS, for each failure of the rail line, costs to interested parties mount. For the LOSSAN Rail Corridor Agency, which OCTA is a member of and managing agency for, closures have resulted in a net loss of \$14 million to the Amtrak Pacific Surfliner service, which includes emergency bus bridges costing up to \$100,00 per day. In addition, OCTA has spent more than \$37 million to date on emergency fixes in the known ancient landslide area. Freight shipments crucial to the regional economy and military logistics have also faced significant delays; and

WHEREAS, OCTA has addressed the ongoing emergencies as they have occurred and through a comprehensive process, four (4) additional areas have been identified that are under imminent threat which require immediate action to prevent loss of property and essential public rail services, as well as for the protection of life and public safety to avoid catastrophic bluff failures and other damage to the Rail Right-of-Way and the Corridor; and

WHEREAS, those four (4) additional areas are defined as Area 1: Mile Post (MP) 203.80 to 203.90, Area 2: MP 204.00 to 204.40, Area 3: MP 204.07 to 204.34, and Area 4: MP 206.00 to 206.70; and

WHEREAS, based on the foregoing, OCTA must take immediate action to develop measures to protect the Rail Right-of-Way and the Corridor; and

WHEREAS, this emergency circumstance will not permit the delay that would result from a competitive solicitation for bids; and

WHEREAS, Public Contract Code Section 22050 authorizes OCTA, in the case of an emergency, to repair or replace a public facility, take any action directly related or required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bid or letting of contracts pursuant to the Public Contract Code; and

WHEREAS, said action requires a four-fifths vote of OCTA's Board of Directors in order to delegate the emergency authority to its Chief Executive Officer; and

NOW, THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of OCTA's Board of Directors under Public Contract Code Section 22050, OCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Findings. OCTA hereby finds, determines, and declares each of the following:

(a) The Rail Right-of-Way and the Corridor represent the only rail connection between San Diego, Orange, and Los Angeles Counties and is of state-wide and national importance; and

(b) Additional landslides, continued hillside instability, and additional beach and railroad embankment erosion has been observed that poses imminent risk to the Rail Right-of-Way and the Corridor and railroad service life and property; and

(c) Past closures due to landslides, continued hillside instability and additional beach and railroad embankment erosion have severed the only rail connection between San Diego County and the rest of the nation, affecting millions of annual passengers and impacting more than \$1 billion in annual freight movement; and

(d) The continued landslides, hillside instability, and additional beach and railroad embankment within the Rail Right-of-Way and Corridor constitutes an emergency circumstance that requires immediate action; and

(e) This emergency circumstance will not permit the delay that would result from a competitive solicitation for bids under the Public Contract Code.

Section 3. Acquisition of Necessary Equipment, Services, and Supplies. Pursuant to OCTA set forth in Public Contract Code Section 22050, OCTA's Chief Executive Officer is hereby authorized to take any directly related and immediate action required to address the emergency circumstance detailed herein and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

Section 4. Review of Emergency Circumstance. Pursuant to Public Contract Code Section 22050, OCTA's Board of Directors shall review the circumstance set forth herein and shall terminate said emergency circumstance when the need to continue said action no longer exists.

Section 5. Effective Date. This Resolution No. 2025-068 shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this 28th day of July 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

DOUG CHAFFEE, CHAIR
ORANGE COUNTY TRANSPORTATION AUTHORITY

This RESOLUTION was entered into
at a meeting of the Orange County
Local Transportation Authority held
July 28, 2025, in Orange, California.

ATTEST:

ANDREA WEST
CLERK OF THE BOARD

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

CERTIFICATE OF THE CLERK OF THE BOARD OF THE
ORANGE COUNTY LOCAL TRANSPORTATION AUTHORITY

I, Andrea West, Clerk of the Board of the Orange County Transportation Authority (OCTA), hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a meeting of the governing board of OCTA duly and regularly held in the City of Orange, California, on July 28, 2025, of which meeting all of the members of OCTA had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office, that said copy is a full, true, and correct copy of the original resolution adopted at said meeting and entered in said minutes, and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

I further certify that an agenda of said meeting was posted at least 72 hours before said meeting at a location in the City of Orange, California, freely accessible to the public and a brief general description of the resolution to be adopted at said meeting appeared on said agenda.

IN WITNESS WHEREOF, I have executed this certificate hereto as of this date, July 28, 2025.

By: _____
Its: ANDREA WEST
 CLERK OF THE BOARD