



BOARD AGENDA

Orange County Transportation Authority Board Meeting
Orange County Transportation Authority Headquarters
Board Room - Conference Room 07-08
550 South Main Street
Orange, California
Monday, March 22, 2021 at 9:00 a.m.

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the Orange County Transportation Authority (OCTA) Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Agenda Descriptions

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Guidance for Public Access to the Board of Directors/Committee Meeting

On March 12, 2020 and March 18, 2020, Governor Gavin Newsom enacted Executive Orders N-25-20 and N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and make public meetings accessible telephonically or electronically to all members of the public to promote social distancing due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19).

In accordance with Executive Order N-29-20, and in order to ensure the safety of the Orange County Transportation Authority (OCTA) Board of Directors (Board) and staff and for the purposes of limiting the risk of COVID-19, in person public participation at public meetings of the OCTA will not be allowed during the time period covered by the above referenced Executive Orders.



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Guidance for Public Access to the Board of Directors/Committee Meeting (Continued)

Instead, members of the public can listen to AUDIO live streaming of the Board and Committee meetings by clicking the below link:

<http://www.octa.net/About-OCTA/Who-We-Are/Board-of-Directors/Live-and-Archived-Audio/>

Public comments may be submitted for the upcoming Board and Committee meetings by emailing them to ClerkOffice@octa.net.

If you wish to comment on a specific agenda Item, please identify the Item number in your email. All public comments that are timely received will be part of the public record and distributed to the Board. Public comments will be made available to the public upon request.

In order to ensure that staff has the ability to provide comments to the Board Members in a timely manner, please submit your public comments **30 minutes prior to the start time of the Board and Committee meeting date.**



BOARD AGENDA

Call to Order

Roll Call

Invocation

Director Jones

Pledge of Allegiance

Director Harper

Special Calendar

Orange County Local Transportation Authority Special Calendar Matters

- 1. Adopt Resolutions of Necessity for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5**
Joe Gallardo/James G. Beil

Overview

The Orange County Transportation Authority is implementing the State Route 55 Improvement Project between Interstate 405 and Interstate 5. The project requires acquisition of property rights from public and private parties adjacent to the existing freeway and city streets. Currently, staff has been unable to reach an agreement to purchase required property rights from the subject properties. It is necessary for the Board of Directors to adopt resolutions of necessity and commence the eminent domain process to obtain possession of required property rights to maintain the project delivery and construction schedules.

Recommendation

Adopt Resolution of Necessity Nos. 2021-017, 2021-018, and 2021-019, and authorize and direct General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.



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Consent Calendar (Items 2 through 9)

All matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

2. Approval of Minutes

Approval of the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of March 8, 2021.

3. Agreement for Construction of the Anaheim Canyon Metrolink Station Improvement Project

Lora Cross/James G. Beil

Overview

The Orange County Transportation Authority, in coordination with the Southern California Regional Rail Authority and the City of Anaheim, has completed plans, specifications, and cost estimates for the Anaheim Canyon Metrolink Station Improvement Project. An invitation for bids was released on October 27, 2020. Bids were received in accordance with Board of Directors-approved procedures for public works projects. Board of Directors' approval is requested to execute the agreement.

Recommendations

- A. Find Environmental Construction, Inc., the apparent low bidder, as non-responsive for failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2193 between the Orange County Transportation Authority and Stacy and Witbeck, Inc., the lowest responsive, responsible bidder, in the amount of \$13,480,000, for the construction of the Anaheim Canyon Metrolink Station Improvement Project.



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3. (Continued)

- C. Authorize the use of up to \$4,300,000, in additional federal Congestion Mitigation and Air Quality Improvement Program funds to provide full funding for construction of the Anaheim Canyon Metrolink Station Improvement Project.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate programming of the Project.

4. State Legislative Status Report

Alexis Leicht/Lance M. Larson

Overview

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. Positions are recommended on two legislative proposals including one that will remove the sunset date on existing design-build authority for highway projects and another that seeks to require metropolitan planning organizations to meet vehicle miles traveled reduction targets as part of the regional transportation plan. An update is provided on an audit of the California Air Resources Board and its administration of transportation programs intended to reduce greenhouse gas emissions. As discussions related to post-pandemic recovery continue, an overview of the most recently passed legislative relief package and advocacy efforts regarding vaccine prioritization for public transit workers is given.

Recommendations

- A. Adopt a SUPPORT position on AB 1499 (Daly, D-Anaheim), which would remove the sunset date on existing design-build authority for highway projects.
- B. Adopt an OPPOSE UNLESS AMENDED position on SB 261 (Allen, D-Santa Monica), which would require metropolitan planning organizations to meet vehicle miles traveled reduction targets as part of the regional transportation plan.



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5. Federal Legislative Status Report Dustin J. Sifford/Lance M. Larson

Overview

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy issues directly impacting its programs, projects, and operations. An update is provided on Congressional action to enact the President's \$1.9 trillion stimulus funding package. An overview is provided of two transportation-related hearings, one on the reauthorization of federal transportation programs and the other on maintaining equity in transportation safety enforcement.

Recommendation

Receive and file as an information item.

Orange County Transit District Consent Calendar Matters

6. Local Transportation Fund Claims for Fiscal Year 2021-22 Sam Kaur/Andrew Oftelie

Overview

The Orange County Transit District is eligible to receive funding from the Local Transportation Fund for providing public transportation services throughout Orange County. In order to receive these funds, the Orange County Transit District, as the public transit and community transit services operator, must file claims with the Orange County Transportation Authority, the transportation planning agency for Orange County.

Recommendation

Adopt Orange County Transit District Resolution No. 2021-013 authorizing the filing of Local Transportation Fund claims, in the amounts of \$152,727,401 to support public transportation and \$8,094,904 for community transit services.



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7. Approval to Release Invitation for Bids for Battery Chargers for 40-Foot Plug-In Battery-Electric Buses

Dayle Withers/Jennifer L. Bergener

Overview

The Orange County Transportation Authority Board of Directors approved the purchase of ten battery-electric buses for use as a pilot for operation of OC Bus fixed-route service. Charging the buses will require a combination of electrical infrastructure provided by Southern California Edison through the Charge Ready Program and battery chargers secured through a separate procurement. Staff is requesting Board of Directors' approval to release an invitation for bids for battery chargers necessary to support the battery-electric bus pilot.

Recommendation

Approve the release of Invitation for Bids 0-2731 for battery chargers for 40-foot plug-in battery-electric buses.

8. Bus Operations Performance Measurements Report for the Second Quarter of Fiscal Year 2020-21

Johnny Dunning, Jr./Jennifer L. Bergener

Overview

The Orange County Transportation Authority operates fixed-route bus and demand-response paratransit service throughout Orange County and into neighboring counties. The established measures of performance for these services assess the safety, courtesy, reliability, and overall quality of the services. This report summarizes the year-to-date performance of these services through the second quarter of fiscal year 2020-21.

Recommendation

Receive and file as an information item.



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Orange County Local Transportation Authority Consent Calendar Matters

9. Agreement for Public Communications and Community Outreach Consultant Services for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5

Calina North/Maggie McJilton

Overview

On April 27, 2020, the Board of Directors approved the release of a request for proposals for public outreach consulting services during the pre-construction and construction phases of the State Route 55 Improvement Project between Interstate 405 and Interstate 5. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

Recommendations

- A. Approve the selection of Costin Public Outreach Group, as the firm to provide public outreach consulting services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2104 between the Orange County Transportation Authority and Costin Public Outreach Group, in the amount of \$1,684,990 for a five-year initial term, effective through September 30, 2025, with an option term of up to 36 months, to provide public outreach consulting services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.



BOARD AGENDA

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

10. Transportation Infrastructure Finance and Innovation Loan Interest Rate Reset Form of Financing Documents

Robert Davis/Andrew Oftelie

Overview

On October 26, 2020, the Orange County Transportation Authority Board of Directors directed staff to proceed with pursuing an interest rate reset of the Orange County Transportation Authority's 2017 Transportation Infrastructure Finance and Innovation Act Loan for up to \$628.9 million for the Interstate 405 Improvement Project. The form of the financing documents for the proposed transaction is presented for review and approval.

Recommendations

- A. Approve the substantially final form of the Transportation Infrastructure Finance and Innovation Act Loan Agreement between the Orange County Transportation Authority and the United States Department of Transportation for up to \$628.9 million, the substantially final form of the Second Supplemental Indenture by and between the Orange County Transportation Authority and the Trustee, and the substantially final form of the Loan Pay-off and Termination Agreement between the Orange County Transportation Authority and the United States Department of Transportation.
- B. Authorize the Chief Executive Officer to negotiate and execute a final Transportation Infrastructure Finance and Innovation Act Loan Agreement, Second Supplemental Indenture, and Loan Payoff and Termination Agreement.



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10. (Continued)

- C. Authorize the Chairman, Vice Chairman, Chief Executive Officer, Chief Financial Officer, Director of Finance and Administration, and Department Manager of Treasury and Public Finance to sign all documents related to the Transportation Infrastructure Finance and Innovation Act loan, including the Transportation Infrastructure Finance and Innovation Act Loan Agreement, the Second Supplemental Indenture, Loan Pay-off and Termination Agreement, and any certificates, notices, receipts, or agreements in connection with the foregoing.

Orange County Local Transportation Authority Regular Calendar Matters

11. OC Streetcar Project Supplemental Contingency

Mary Shavaliel/James G. Beil

Overview

The Orange County Transportation Authority is currently underway with the implementation of the OC Streetcar project. Board of Directors' approval is requested to provide additional funding to supplement the contingency for the project.

Recommendations

- A. Authorize the use of up to an additional \$7.32 million in Measure M2 funds and up to \$8.29 million in additional Federal Congestion Mitigation and Air Quality Improvement Program funds to supplement the contingency for the OC Streetcar project. Along with other previously-approved funding adjustments of \$70,000, this will increase the Federal Transit Administration Full Funding Grant Agreement funding from \$407.76 million to \$423.44 million, with use of federal funds contingent on Federal Transit Administration approval.
- B. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above action.



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12. Amendment to Agreement for Construction Management Services for the OC Streetcar Project

Mary Shavalier/James G. Beil

Overview

On July 25, 2016, the Orange County Transportation Authority Board of Directors approved an agreement with PGH Wong Engineering, Inc., to provide construction management services for the OC Streetcar project for a term of five years. An amendment to the existing agreement is necessary for the consultant to continue providing construction management services.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 11 to Agreement No. C-6-0926 between the Orange County Transportation Authority and PGH Wong Engineering, Inc., in the amount of \$6,829,862, and extend the agreement term through November 30, 2021, for continued OC Streetcar project construction management services. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$17,983,474.

Discussion Items

13. Public Comments

14. Chief Executive Officer's Report

15. Directors' Reports

16. Closed Session

A Closed Session will be held as follows:

Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - Evan Weiss, et al., v. Orange County Transportation Authority, et al - OSCS Case No. 30-2012-00605637.



BOARD AGENDA**17. Adjournment**

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, April 12, 2021**, at the Orange County Transportation Authority Headquarters, Board Room - Conference Room 07-08, 550 South Main Street, Orange, California.