



AGENDA

Executive Committee Meeting

Committee Members

Michael Hennessey, Chairman
Lisa A. Bartlett, Vice Chair
Andrew Do
Lori Donchak
Al Murray
Shawn Nelson
Tim Shaw

Orange County Transportation Authority
Headquarters
550 South Main Street
Board Room – Conf. Room 07
Orange, California
Monday, August 7, 2017 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 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 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 Committee 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.

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.

Call to Order

Pledge of Allegiance

Director Shaw

1. Public Comments

Special Calendar

There are no Special Calendar matters.



Consent Calendar (Items 2 and 3)

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

2. Approval of Minutes

Approve the minutes of the Executive Committee meeting of June 5, 2017.

3. Proposed Response to Orange County Grand Jury Report on the Ortega Highway Project

David Simpson/Lance M. Larson

Overview

Staff has prepared a response to the June 5, 2017, report issued by the Orange County Grand Jury entitled, "Ortega Highway: Unnecessary Delays Have Cost Us Millions" for the Orange County Transportation Authority Board of Directors consideration.

Recommendation

Authorize the Chief Executive Officer to submit the proposed response to the Orange County Grand Jury report's findings and recommendations as required by California Penal Code 933(c).

Regular Calendar

4. Capital Programs Division - Fourth Quarter Fiscal Year 2016-17 and Planned Fiscal Year 2017-18 Capital Action Plan Performance Metrics

James G. Beil

Overview

The Orange County Transportation Authority's Strategic Plan key strategies and objectives to achieve the goals for Mobility and Stewardship include delivery of all Capital Action Plan projects on time and within budget. The Capital Action Plan is used to create a performance metric to assess capital project delivery progress on highway, grade separation, rail, and facility projects. This report provides an update on the Capital Action Plan delivery and performance metrics.

Recommendation

Receive and file as an information item.



5. Measure M2 Environmental Mitigation Program Update
Lesley Hill/Kia Mortazavi

Overview

Measure M2 includes a program to deliver comprehensive mitigation for the environmental impacts of freeway projects in exchange for streamlined project approvals from the state and federal resources agencies. To date, the Environmental Mitigation Program has acquired conservation properties and provided funding for habitat restoration projects. A status report on the draft Natural Community Conservation Plan/Habitat Conservation Plan and accompanying environmental impact report/environmental impact statement is presented.

Recommendation

Receive and file as an information item.

Discussion Items

- 6. Chief Executive Officer's Report**
- 7. Committee Members' Reports**
- 8. Closed Session**

There are no Closed Session items scheduled.

9. Adjournment

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, September 7, 2017**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.



MINUTES

Executive Committee Meeting

Committee Members Present

*Michael Hennessey, Chairman
Lisa A. Bartlett, Vice Chair
Andrew Do
Lori Donchak
Al Murray
Tim Shaw*

Staff Present

*Darrell Johnson, Chief Executive Officer
Ken Phipps, Deputy Chief Executive Officer
Laurena Weinert, Clerk of the Board
Olga Prado, Assistant Clerk of the Board
James Donich, General Counsel
OCTA Staff and Members of the General Public*

Committee Members Absent

Shawn Nelson

Call to Order

The June 5, 2017 regular meeting of the Executive Committee was called to order by Chairman Hennessey at 9:02 a.m.

Pledge of Allegiance

Vice Chair Bartlett led in the Pledge of Allegiance.

1. Public Comments

No public comments were received.

Special Calendar

There were no Special Calendar matters.

Consent Calendar (Items 2 and 4)

2. Approval of Minutes

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to approve the minutes of the Executive Committee meeting of May 1, 2017.

Director Do was not present to vote on this item.



MINUTES

Executive Committee Meeting

3. **Membership Appointments for the Measure M2 Environmental Cleanup Allocation Committee**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to:

- A. Approve the reappointment of current committee members serving on the Measure M2 Environmental Cleanup Program Environmental Cleanup Allocation committee for an additional three-year term.
- B. Appoint two committee members to replace outgoing members on the Measure M2 Environmental Cleanup Program Environmental Cleanup Allocation Committee.

Director Do was not present to vote on this item.

4. **Membership Appointments for the Measure M2 Environmental Oversight Committee**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to:

- A. Approve the reappointment of current committee members serving on the Measure M2 Environmental Mitigation Program Environmental Oversight Committee for an additional three-year term.
- B. Appoint one committee member to replace an outgoing member on the Measure M2 Environmental Mitigation Program Environmental Oversight Committee.

Director Do was not present to vote on this item.

Regular Calendar

5. **Measure M2 Quarterly Progress Report for the Period of January 2017 Through March 2017**

Tami Warren, Manager of the Measure M Program Office, provided a PowerPoint presentation as follows:

- Overview;
- Highlights;
- Challenges; and
- Summary.



MINUTES

Executive Committee Meeting

5. (Continued)

A discussion ensued regarding:

- Director Donchak requested that staff include managing the Measure M2 (M2) sales tax revenue forecast as one of the highlighted program delivery challenges.
- Director Donchak requested that staff communicate to the cities how M2 is working for each city.
- Project W – Safe Transit Stops first construction efforts are being monitored, and staff will return to the Board with next steps. In addition, each local city is required to have a match for Project W which is only for the busiest transit stops.
- Project W could provide improvements to the bus system as Orange County Transportation Authority (OCTA) reviews ways to increase bus ridership.
- Project F – State Route (SR) 55 Improvement Project environmental document is to be completed in September 2017.
- At today's Regional Planning and Highways Committee meeting, there is a cooperative agreement with the OCTA and the California Department of Transportation (Caltrans) for Caltrans to initiate the design work for the SR-55 Improvement Project.

Following the discussion, no action was taken on this receive and file information item.

Discussion Items

6. Fiscal Year 2017-18 Budget Workshop Follow-up

Darrell Johnson, Chief Executive Officer (CEO), opened with remarks that staff documented all the questions from the May 8th budget workshop and recent committee meetings. He also stated that at the May 24th Finance and Administration Committee, the proposed fiscal year 2017-18 budget passed unanimously and will be forwarded to the June 12th Board of Directors meeting.

Victor Velasquez, Manager of Financial Planning and Analysis, reported that staff has documented the questions and the written responses from the May 8th budget workshop and were provided today as a handout to the Committee Members.

Mr. Velasquez also reported that since the budget workshop, staff has attended each committee meeting, and offered to the Committee Members one-on-one meetings to discuss the proposed budget.



MINUTES

Executive Committee Meeting

7. Chief Executive Officer's Report

Darrell Johnson, CEO, reported that:

- On Tuesday, June 20th at 10:00 a.m., located at the O'Neill Regional Park in Trabuco Canyon, would be the first event to commemorate the finalization of the Final Natural Community Conservation Plan/Habitat Conservation Plan.
- On Thursday, June 22nd, OCTA will host a public information meeting for the SR-57 Northbound Improvement Project from Orangewood to Katella Avenue. The open house will take place in the cafeteria at Portola Middle School in Orange at 5:00 p.m.
- The Angels Express service has decreased by 29 percent from last year's record ridership. Thus far, there have only been five Friday night Angels baseball games versus six at this point last year, which would account for some of the decrease.

8. Committee Members' Reports

Director Murray reported that last Friday was the SR-91 Advisory Committee meeting, and he is honored to have been elected the Committee Chairman, and Karen Spiegel, Riverside County Transportation Commission (RCTC) representative, being elected as the Committee Vice Chair.

Director Murray also reported that at the SR-91 Advisory Committee meeting, there were presentations on the SR-91 Implementation Plan, non-compete provisions, and the extension of the 91 Express Lanes to Riverside County.

Vice Chair Bartlett reported that this evening is the south Orange County mobility forum at Saddleback College, and she will report back at the appropriate time about the forum.

Director Shaw reported on his recent positive travel experience on the SR-91 from Beach Boulevard to the Interstate 15.

Mr. Johnson, CEO, remarked that all the projections for the 91 Express Lanes extension to Riverside County have achieved their two year ramp-up period in the first month.

9. Closed Session

There were no Closed Session items scheduled.



MINUTES

Executive Committee Meeting

10. Adjournment

The Executive Committee meeting adjourned at 9:20 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, July 6, 2017**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room – Conference Room 07, Orange, California.

ATTEST

Laurena Weinert
Clerk of the Board

Michael Hennessey
Chairman



August 7, 2017

To: Executive Committee

From: Darrell Johnson, Chief Executive Officer 

Subject: Proposed Response to Orange County Grand Jury Report on the Ortega Highway Project

Overview

Staff has prepared a response to the June 5, 2017, report issued by the Orange County Grand Jury entitled, "Ortega Highway: Unnecessary Delays Have Cost Us Millions" for the Orange County Transportation Authority Board of Directors consideration.

Recommendation

Authorize the Chief Executive Officer to submit the proposed response to the Orange County Grand Jury report's findings and recommendations as required by California Penal Code 933(c).

Discussion

California Penal Code 933(c) states that the Orange County Transportation Authority (OCTA) Board of Directors (Board) shall comment on the findings and recommendations of the Orange County Grand Jury (Grand Jury) that pertain to public agency matters under the control of the Board within 90 days of the release of the Grand Jury's final report. The Grand Jury report entitled, "Ortega Highway: Unnecessary Delays Have Cost Us Millions" was released on June 5, 2017. The 90-day deadline occurs on September 3, 2017. The proposed response for the Board's consideration, if approved, will be submitted to the presiding Judge of the Superior Court, who empanels the Grand Jury, with copies filed with the OCTA Clerk of the Board and the Orange County Clerk of the Board of Supervisors.

The Grand Jury's report (Attachment A) indicated that the Master Plan of Arterial Highways has called for the widening of Ortega Highway for more than 50 years. The stated purpose of the Grand Jury's report was to examine the reason for delays on the widening of Ortega Highway.

Summary

The report completed by the Grand Jury provides a comprehensive review of the history as well as the challenges in getting the Ortega Highway project completed.

The Grand Jury concludes that delays to the project have cost taxpayers millions due to the rising costs of constructing new projects and that further delays could cost even more. The report places no blame on OCTA and acknowledges OCTA's attempt to work with cities in planning their projects.

All of the report's findings and recommendations have been agreed to, and are being addressed as outlined in the attached response (Attachment B).

Attachments

- A. Orange County Grand Jury Report
- B. Proposed Response to June 5, 2017, Grand Jury Report

Prepared by:



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Approved by:



Lance M. Larson
Executive Director,
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**ORTEGA HIGHWAY:
UNNECESSARY DELAYS HAVE COST US MILLIONS**



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SUMMARY

Continued development in Orange County and, in particular, South Orange County has resulted in increased traffic congestion during peak commuting periods on multiple arterial roadways, including California State Route 74. A roughly 29 mile section of State Route 74 from the City of San Juan Capistrano to Lake Elsinore is also known as Ortega Highway. To date, government agencies have expended tens of millions of dollars to partially widen and restructure portions of Ortega Highway. Additionally, they have budgeted and proposed millions more to complete the widening of the roughly one mile stretch of Ortega Highway from Calle Entradero to the City of San Juan Capistrano/Orange County Line, officially known as the SR 74-Lower Ortega Highway Widening Project.

After years of state, regional, and local agencies wrestling over the SR 74-Lower Ortega Highway Widening Project, a 2011 Settlement Agreement was reached between the California Department of Transportation, the City of San Juan Capistrano, and the Hunt Club Community Association that addressed the Project's aesthetics and the design and construction processes.

In January 2016, the San Juan Capistrano City Council relinquished the City of San Juan Capistrano's role as lead agency in the SR 74-Lower Ortega Highway Widening Project by reversing its December 2015 approval of an engineering consultant contract to finalize the design effort. Ongoing Project delays have resulted in the financial impact of millions of dollars to Orange County taxpayers due to increased Project costs and continue to jeopardize the safety of Orange County residents.

The Board of Supervisors recently authorized the Orange County Public Works Department to take on the role of lead agency on the Project. Accordingly, Public Works has obtained a grant from the Orange County Transportation Authority to proceed with the design engineering for the Project.

REASON FOR THE STUDY

One of the roles of county and city government is to ensure the safety of its residents. The increased development in South County, and the accompanying traffic, necessitates the timely completion of arterial roads to ensure continued safety for all residents. State Route 74 (SR 74), locally referred to as Ortega Highway, is part of the California Freeway and Expressway System and is a main traffic corridor for South County serving 43,500 vehicles daily (Caltrans, 2015).

The Master Plan of Arterial Highways (MPAH), Orange County's long-range roadway master plan, has called for a widening of Ortega Highway for more than 50 years to provide a traffic corridor for increased population (Orange County Transportation Authority, 2017). The delay of SR 74-Lower Ortega Highway Widening Project (Lower Ortega Project or Project) incurred by the actions of the San Juan Capistrano City Council (City Council) in January 2016 has the potential to cost Orange County taxpayers millions of dollars and jeopardizes the safety of those who routinely travel Ortega Highway. These concerns were brought to the 2016-2017 Orange County Grand Jury (OCGJ) in the form of a petition advocating the completion of the Lower Ortega Project. In its role as a citizen watchdog of local government, the OCGJ elected to investigate the causes for the delay, safety

implications, and financial impact this delay will have on Orange County.

METHOD OF STUDY

The OCGJ reviewed dozens of pertinent agency websites and press releases to establish an initial general understanding of the chronology of the Lower Ortega Project. Once a basic understanding of the Project was formed, members of the OCGJ conducted nineteen interviews with impacted stakeholders involved in the Lower Ortega Project, including: elected and appointed City of San Juan Capistrano (City) officials; representatives of the Hunt Club Community Association (Hunt Club), California Department of Transportation (Caltrans), the Orange County Transportation Authority (OCTA); and development representatives from Rancho Mission Viejo (RMV). The OCGJ also conducted interviews with members of the Orange County Board of Supervisors (Board of Supervisors) and representatives of elected State officials of the 73rd State Assembly District and 36th State Senate District representing the City and South Orange County. The OCGJ conducted an extensive examination of City Council records covering council agendas, resolutions, and meeting minutes pertaining to Ortega Highway for the period beginning January 2011 and through March 2017, including a review of the transportation component of the City's General Plan. The OCGJ also reviewed the 2011 Settlement Agreement between the City, Hunt Club, and Caltrans (Stipulated Judgement, 2011); Caltrans and OCTA transportation plans and control documents, including the MPAH (Orange County Transportation Authority, 2017); OCTA grants to the City; and area developer funding agreements.

BACKGROUND AND FACTS

The Lower Ortega Project

Caltrans oversees all state highways and freeways. Ortega Highway is a state highway, thus repairs and projects on Ortega Highway fall under the jurisdiction of Caltrans. Orange County has developed a Master Plan of Arterial Highways (MPAH), a countywide streets and highways plan that focuses on arterial highways consistent with existing and planned land uses. The MPAH map shows the existing and proposed circulation elements and defines their characteristics. Last updated in January 2017, the MPAH has designated Ortega Highway as a four lane arterial highway with a center two-way left turn lane and paved shoulders (Orange County Transportation Authority, 2017).

In Orange County, the MPAH is administered by OCTA. OCTA was formed through a consolidation of seven separate transportation agencies to develop and implement unified transportation programs and services throughout Orange County. As administrator of Orange County's MPAH, OCTA is responsible for maintaining the integrity of the MPAH map through its coordination with the County of Orange and its 34 cities. Local city planning documents must be consistent with the MPAH in order for cities to receive county funding for roadway improvement projects.

With approved plans to construct 14,000 homes, and nearly 5 million square feet of non-residential uses in the area east of the City over the next two decades, additional access from numerous roadways including Ortega Highway will be needed.

Data collected by Caltrans (Caltrans, 2015) on Ortega Highway showed the following five-year traffic volume increase:

	2010	2015
Peak Hour (i.e. busiest hour of the day); vehicles per hour	2,500	4,500
Peak Month (i.e. busiest month of the year); vehicles per day	28,750	45,250
Average Annual Daily Traffic (total annual count divided by 365); vehicles per day	27,500	43,500

The primary goals and benefits cited with regard to the Lower Ortega Project include the following (Orange County Public Works, 2016):

1. Enhance the safety of the road by providing a four lane divided highway with street lighting and bike lanes on both sides of the roadway.
2. Provide a four lane roadway that is consistent with the adopted City's General Plan and the MPAH.
3. Eliminate the current roadway bottle-neck and decrease the existing traffic congestion.
4. Provide drainage improvements to relieve existing flooding that occurs during heavy rains that have resulted in the closure of Ortega Highway.
5. Provide a safe crossing for pedestrians and equestrians via the traffic signal at Ortega Highway and Via Cordova/Hunt Club Drive.
6. Eliminate the current sidewalk gap on the south side of the roadway.
7. Reduce existing noise levels for residential developments by constructing sound walls and utilizing rubberized asphalt for the roadway.

Safety Concerns

The 0.9 mile segment of Ortega Highway between Calle Entradero and the eastern City limit is the last remaining section of two-lane highway between I-5 and Antonio Parkway/La Pata Avenue that remains unimproved. While this narrowing significantly reduces overall throughput (vehicles per hour) traversing Ortega Highway, it also results in several safety-related consequences. Left turning vehicles must cross traffic approaching from one direction and then merge with traffic going the opposite direction, a problematic maneuver especially when there are few, if any, breaks in the oncoming traffic (Maze, 2007).

The completion of this section of Ortega Highway would provide a center median/two way left turn lane, which serves two purposes: it provides a dedicated left turn lane for traffic on Ortega Highway, and it provides a “safe haven” for side street traffic turning left onto Ortega Highway. Additionally, a new traffic signal will provide breaks in the traffic on Ortega Highway, further enabling safer left turns onto and off of Ortega Highway from the residential areas. In order to complete this construction and meet the MPAH design, certain construction elements are necessary.

Delays to the Project

The City prides itself on effectively maintaining its open space character and nearly 40% of the City is open space and park land (City of San Juan Capistrano, 2017). The Hunt Club is a gate-guarded, private residential development that borders on the segment of Ortega Highway that will be affected by completion of the Lower Ortega Project. In 2011, residents of the City, Caltrans, and the Hunt Club differed on what they believed should be the proposed construction elements of the final project and legal objections to the expansion were filed. This delayed work on the widening project.

In 2011, a settlement agreement between all the parties was reached that explicitly detailed the aesthetics, the need for proper traffic control, and the physical scope of the road widening. This agreement was in compliance with the MPAH, the City's General Plan, and the required Environmental Impact Report and was binding on all the parties and their successors. However, the Settlement Agreement left undecided which entity would assume the role of the lead agency on the Project.

Caltrans is legally responsible for Ortega Highway. In keeping with Caltrans' preference to work with local governments when feasible, the Lower Ortega Project was first administered in 2008 by Public Works (Appendix A). After the Settlement Agreement, Caltrans allowed the City to take the role of lead agency. In this role, the City would have an opportunity to reflect San Juan Capistrano's singular nature and culture and address ongoing issues such as drainage and aesthetics.

The City, as the new lead agency, applied for and received grants for the Project from OCTA in the amount of \$1,050,000 for design engineering and \$3,679,800 for right-of-way (Appendix B). The City also received an additional commitment of \$450,000 from developers (City of San Juan Capistrano & Rancho Mission Viejo, LLC, 2013) and then spent funds in accordance with the Settlement Agreement. However, in 2014 a new City Council was elected and sought to oppose the widening project despite the language in the Settlement Agreement specifying that the signing parties and their successors would not oppose efforts to complete the Lower Ortega Project. This further delayed the project.

During interviews with the Grand Jury, some City Council members claimed they had not heard of the Settlement Agreement and some members commented they had heard of it, but had not read it and were not convinced it was relevant to their decision to halt the Project. Further, the City Council refused to waive privilege and allow the Grand Jury to discuss the City Council's understanding of the Settlement Agreement with City staff. As a result, the Grand Jury was unable to determine if the City Council fully understood the consequences of their choice to delay the project.

Financial Impact of Delay

In December 2015, the City Council voted to award a contract for the engineering design of the Lower Ortega Project (City of San Juan Capistrano, 2015). However, in January 2016, the City Council reversed its December 2015 decision and declined to execute the design engineering contract (City of San Juan Capistrano, 2016). The City Council then negated the agreement with

developers that would have contributed \$450,000 towards completion of the Lower Ortega Project.

As a result of this action OCTA informed the City that it required the return of previously advanced funding in the amount of \$705,095, which included repayment of \$185,170. This amount included \$10,000 for lost interest on these funds and non-reimbursable spent funds in the amount of \$175,170 (Appendix C).

The obligation of \$3,679,800 in OCTA Measure M2 right-of-way funding was deferred by the City from June 2015 to June 2017. This one time deferral cannot be further extended. As the right-of-way phase cannot be initiated until the design phase is sufficiently completed, the design phase needed to be completed within 1-1/2 years of the start. Delays to the design phase, caused by the City Council actions in January 2016, resulted in the de facto forfeiture of the OCTA grant funding previously secured for the right-of-way phase, as the design work could not be completed in time.

Funding for the right-of-way phase that the City previously secured through a competitive Measure M2 grant from OCTA will need to be reapplied for by Public Works as they take on the role of lead agency.

The postponement of the Lower Ortega Project had or will have the following financial impact to San Juan Capistrano residents and ultimately on the taxpayers of Orange County:

1. Due to the January 5, 2016, reversal of the City Council position on the Lower Ortega Project, the City authorized the City Manager to reimburse OCTA for grant funds advanced to the City for the Lower Ortega Project in the amount of \$705,095 (Swegles, 2017).
2. The above total included \$175,170 that the City had already spent on the Lower Ortega Project, but that OCTA determined to be ineligible, and \$10,000 interest on the grant funds advanced to the City by OCTA. The City Manager was directed to appropriate the \$185,170 from the Capistrano Circulation Fee Program for Fiscal Year 2016/2017 to reimburse OCTA (May, 2017).
3. From 2013 to 2016 Lower Ortega Project construction costs increased from \$19,305,000 to \$30,533,305 (Orange County Transportation Authority, 2013) (Orange County Public Works, 2016).
4. From 2013 to 2016 Lower Ortega Project right-of-way costs increased from \$6,133,000 to \$12,118,000 (Orange County Transportation Authority, 2013) (Orange County Public Works, 2016).

Interested readers are referred to Appendices A, B, and C for a detailed Lower Ortega Project chronology and list of funding and expenditures.

Future of the Project

In October 2016, Public Works was authorized to take on the role of lead agency via a Resolution of the Board of Supervisors (Orange County Board of Supervisors, 2016). Public Works subsequently submitted an application to OCTA for Measure M2 grant funding of \$1,950,000 for initial engineering costs. Ultimately, Public Works expects the Project to cost

over \$52 million, including engineering, right-of-way, and construction (Orange County Public Works, 2016). Upon the notification of actual award of the initial OCTA funding, Public Works plans to enter into cooperative agreements with developers for matching funds, and with Caltrans to begin the Project approval and environmental documentation phase. In addition, this cooperative agreement would obligate Caltrans to provide matching funds and future funding for Project cost escalation. Public Works also intends to “federalize” the project by updating the environmental documentation for the Project to meet federal National Environmental Policy Act (NEPA) standards, enabling Caltrans to apply to the U.S. Department of Transportation, Federal Highway Administration, so that the Lower Ortega Project would be eligible for future federal funds as they become available.

CONCLUSION

Traffic congestion in South Orange County will continue to be impacted by population growth as well as residential and commercial development. Ortega Highway is one of the main east-west traffic corridors in the area. Caltrans is ultimately responsible for managing the operations of state highways. Public Works, in accordance with Caltrans and OCTA, is responsible for resolving Orange County traffic corridor issues. Both agencies prefer, but are not required, to work through local city governments on such projects.

The City Council’s January 2016 reversal on executing the design engineering contract for the Lower Ortega Project took the City out of the role of lead agency and cost San Juan Capistrano residents \$185,170 in ineligible expenditures and interest. In rejecting the role as lead agency, the City also lost an advantage of having some influence over potential design aspects that could be tailored to the particular aesthetics and culture of San Juan Capistrano.

Continued delays and an inability to move forward with the Lower Ortega Project is a detriment to the mobility of the citizens of South Orange County. Regardless of the agency that takes the lead role in the Project, the following fact is inescapable: Since 1997, when Caltrans initiated the planning for the Lower Ortega Project, roadway construction costs have increased significantly.

While Project cost estimates prepared subsequent to the 2011 Settlement Agreement totaled approximately \$25 to \$30 million for design, right-of-way, and construction, the current Project estimate by Public Works for these same project components totals more than \$52 million. This increase is directly attributable to the over five year delay of the Project by the City.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on the investigation of, “Ortega Highway: Unnecessary Delays Have Cost Us Millions” in Orange County, the OCGJ has arrived at three principal findings, as follows:

F.1. As lead agency, the City Council’s minimal action from 2011 to 2015 and their January 2016 vote to rescind approval of the engineering design contract unnecessarily delayed the Lower Ortega Project and cost the county millions of dollars.

F.2. Traffic will continue to increase in South Orange County and Ortega Highway is one of the main arterial roads on which this traffic will travel. Until the Lower Ortega Project is complete congestion and safety concerns will remain.

F.3. The costs for completion of the Lower Ortega Project have escalated and are probably still understated. Further delay will result in additional costs for the taxpayers of Orange County.

Penal Code §933 and §933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested, from departments of local agencies and their non-elected department heads.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.”

Based on the investigation titled, “*Ortega Highway: Unnecessary Delays Have Cost Us Millions*” in Orange County, the OCGJ makes the following three recommendations:

R.1. OCTA should continue to actively work to resolve future traffic concerns on Ortega Highway.

R.2. City staff should prepare a report for presentation to the City Council and the citizens of San Juan Capistrano by September 1, 2017, assessing any fiscal consequences to the City incurred by their withdrawal from the active participation on the Lower Ortega Project so that citizens are advised of the full impact of actions taken with respect to the Project. This includes fiscal damages, claims, and penalties.

R.3. The County should continue to work towards timely completion of the Lower Ortega Project.

REQUIRED RESPONSES

The *California Penal Code* §933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official’s control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

Responses are required from the following governing bodies within 90 days of the date of the publication of this report:

1. Orange County Transportation Authority Board of Directors (F.2., F.3., R.1.)
2. Orange County Board of Supervisors (R.3.)
3. San Juan Capistrano City Council (F.1., F.3., R.2.)

Responses are requested from the following non-elected agency or department heads within 90 days of the date of the publication of this report:

1. Orange County Public Works (F.2., F.3., R.3.)

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APPENDICES

APPENDIX A

LOWER ORTEGA PROJECT CHRONOLOGY

- 1997
Caltrans initiates planning for the State Route 74- Lower Ortega Highway Project.
- 2004
The RMV Plan is approved by the Board of Supervisors. The approval includes a condition requiring South County Road Improvement Program (SCRIP) fees to support the Lower Ortega Project.
- January 18, 2005
The City Council adopts a Resolution supporting Orange County's request to the OCTA Combined Transportation Funding Program for funding of the Lower Ortega Project from Calle Entradero to the eastern City limits. Additionally, RMV and Orange County agencies enter into funding agreements; RMV begins design of various new local roadways.
- 2006
California Environmental Quality Act (CEQA), a mandated environmental document required to address potential environmental impacts, is certified for the widening for Orange County portion of the Lower Ortega Project (east of the City limit).
- May 30, 2006
The City Council and Planning Commission, in a joint meeting with Caltrans and Lower Ortega Project consultants, discussed design alternatives related to Caltrans' proposed widening of the Lower Ortega Highway and established a general consensus for project elements.
- March 6, 2007
The City Council approved the proposal to retain an environmental consultant to review the proposed Mitigated Negative Declaration (MND) or other related environmental documentation for the Lower Ortega Project and directed staff to request a full Environmental Impact Report (EIR) from Caltrans.
- May 1, 2007
The City Council (as part of a City Council Action item) shared a letter from the Orange County Fire Authority Division Chief, Dave Pierce, supporting the Ortega Highway widening to four (4) lanes to increase safety for firefighters and citizens.
- 2008
Design for the Orange County portion of the Lower Ortega Project is approved by Caltrans and Public Works and construction begins.

- January 6, 2009
The City Council provides comments on Caltrans' draft of the Lower Ortega Project Environmental Impact Report (EIR).
- March 17, 2009
City Mayor, Mark Neilson, authorizes Caltrans to proceed with the Lower Ortega Project.
- November 30, 2009
Caltrans issues Final Environmental Impact Report (FEIR).
- December 17, 2009
The Hunt Club files a Writ of Mandate and an Administrative Writ of Mandate seeking to invalidate the Lower Ortega Project claiming inadequacies in the FEIR.
- December 29, 2009
The City files a Writ of Mandate seeking to invalidate the Lower Ortega Project claiming inadequacies in the FEIR.
- November 16, 2010
Caltrans issues an addendum to the FEIR that incorporates certain features, improvements, and mitigating measures negotiated through a 2011 Settlement Agreement.
- July 14, 2011
Caltrans, the City, and the Hunt Club reach a settlement of their disputes regarding the FEIR and the Lower Ortega Project and execute the 2011 Settlement Agreement.
- August 11, 2011
The 2011 Settlement Agreement was incorporated in a Judgement entered and stipulated by the Superior Court that decreed:

“Neither the Hunt Club’s filing of its Verified Petition for a Writ of Mandate and an Administrative Writ of Mandate in this proceeding nor the filing of the City CEQA action shall prevent or restrain Caltrans from implementing the "State Route 74-Lower Ortega Highway Widening Project" as described in the FEIR and Addendum, so long as: (a) Caltrans' implementation of that Project is in all respects consistent with the FEIR and Addendum, (b) the Project implements all of the mitigation measures described in the FEIR and reflected in the Addendum, and (c) Caltrans complies with an (d) implements each and all of the terms, conditions, requirements and restrictions imposed upon Caltrans in connection with the implementation and construction of the Project by the 2011 Settlement Agreement incorporated by reference into this Judgment.”

Additionally Section 5.5 of the Executory Agreements Agreement stipulates:

“The City, for itself, its officers, councilmembers, employees, successors and assigns, agrees not to challenge or oppose the implementation of the Project, or seek judicial relief against the Project under the lawsuit, so long as the Project is constructed in accordance with the Project CEQA clearance and this Agreement.”

- November 4, 2011
OCTA and the City execute a Measure M2 Master Funding Agreement in which the City is identified as the lead agency for the design phase of the Lower Ortega Project.
- 2011/12
Construction of Orange County portion of the Lower Ortega Project improvements completed.
- February 5, 2013
The City Council resolves to amend their seven year Capital Improvement Program and submits a Measure M2 Grant Request to OCTA.
- April 8, 2013
OCTA agrees to provide \$1,050,000 in Measure M2 grant funds to the City for the engineering design of the Lower Ortega Project.
- October 15, 2013
The City Council approves a Funding Assistance Agreement with RMV, LLC to secure developer matching funds in the amount of \$450,000 for the engineering design of the Lower Ortega Project.
- November 5, 2013
The City Council approved a Personal Services Agreement with HDR Engineering, Inc. for \$911,013 to prepare plans, specifications, and cost estimates for the Lower Ortega Project; and adopted a Resolution authorizing submission of an application for grant funds through the OCTA "Call for Projects" to fund the Lower Ortega Project's right-of-way phase.
- 2014
The City resumes design on Lower Ortega Project.
- 2015
Caltrans completes construction of Ortega Highway interchange with 1-5.
- March 3, 2015
The City Council approved the request for the OCTA M2 Arterial Capacity Enhancement Program funding deferral for the right-of-way phase.
- April 7, 2015
Approval of closed session minutes from March 17, 25, and 30, 2015. No apparent public notice of the subject matter of the closed session.

- May 26, 2015
The Planning Commission forwarded a resolution for the proposed Fiscal Year 2015/16-2020/21 Capital Improvement Program to the City Council with a recommendation for adoption, based on a finding that the Capital Improvement Program is consistent with the General Plan.
- December 15, 2015
The City Council approves the Professional Services Agreement with Anderson-Penna Partners in the amount of \$1,545,000 million to prepare plans, specifications, and cost estimates for the Lower Ortega Project. Additionally, the Council approves the 1st amendment to the Funding Assist Agreement with RMV.
- January 5, 2016
The City Council approved new Rules of Order and Procedure that will allow discussion and possible actions to reconsider the December 15, 2015 motion regarding the Lower Ortega Project. The City Council cancels design contracts and funding from OCTA and RMV for the Lower Ortega Project.
- June 13, 2016
OCTA, based on the March 2016 Semi-Annual Review of their comprehensive Transportation Funding Programs, cancels grants 13-SJCP-ACE-3657 (\$1,050,000) for engineering design and 14-SJCO-ACE-3723 (\$3,679,800) for right-of-way based in the final action taken by the City Council at the January 5, 2016 meeting that directed staff not to proceed with the Lower Ortega Project.
- August 16, 2016
The City Council directs staff to communicate with OCTA to see if they can delay repayment of grant funds while the City reconsiders being lead agency for the Lower Ortega Project.
- October 11, 2016
Board of Supervisors Resolution authorizing Public Works to apply for OCTA Measure M2 grant monies for initial engineering costs essentially makes Public Works the new lead agency for the Lower Ortega Project.
- October 21, 2016
Public Works submits an *Arterial Capacity Enhancement Application for Ortega Highway Widening Improvements - Project Approval and Environmental Document Phase* to OCTA for initial Lower Ortega Project funding of \$1,950,000.
- February 7, 2017
Due to the January 5, 2016 relinquishment by the City Council as lead agency of the Lower Ortega Project, the City Council authorized the City Manager to reimburse OCTA for grant funds advanced to the City (plus interest earned on the funds) for the Lower Ortega Project, in the amount of \$703,812. Additionally, because the City spent \$175,170 on the Lower Ortega Project that OCTA determined to be ineligible, and the

Ortega Highway: Unnecessary Delays Have Cost Us Millions

City earned \$10,000 on the grant funds advanced to the City by OCTA, the City Manager was directed to appropriate \$185,170 from the Capistrano Circulation Fee Program for Fiscal Year 2016/2017 for reimbursement to OCTA.

APPENDIX B

LOWER ORTEGA PROJECT - Funding History				
Source	Amount	Date	Purpose	Action(s)
OCTA	\$1,050,000	April 8, 2013	M2 Grant 13-SJCP-ACE-3657 provides funds for engineering design of the Lower Ortega Project.	The City of San Juan Capistrano applied for M2 grant funds.
RMV	\$450,000	October 15, 2013	South County Road Improvement Program funds for engineering design of the Lower Ortega Project.	The City of San Juan Capistrano approves Funding Assistance Agreement with RMV.
OCTA	\$1,050,000 \$3,679,800	June 13, 2016	13-SJCP-ACE-3657 (\$1,050,000) engineering design and 14-SJCO-ACE-3723 (\$3,679,800) right-of-way.	Based on the City of San Juan Capistrano's failure to perform, OCTA cancels OCTA grants totaling \$4,729,800.
OCTA	\$1,950,000	October 21, 2016	CP-3455 engineering design of the Lower Ortega Project.	Public Works applies for engineering design funding.

APPENDIX C

LOWER ORTEGA PROJECT - Expenditures (Planned & Actual)				
Source	Amount	Date	Purpose	Action(s)
OCTA	\$1,050,000	April 8, 2013	M2 Grant 13-SJCP-ACE-3657 provides funds for engineering design of the Lower Ortega Project.	City of San Juan Capistrano applied for M2 Grant funds.
City of San Juan Capistrano Capital Improvement Program (CIP-14107)	\$911,013	November 5, 2013	To prepare plans, specifications, and cost estimates for the Lower Ortega Project.	Approved Personal Services Agreement with HDR Engineering, Inc in conjunction with Resolution 13-11-05-02.
City of San Juan Capistrano Capital Improvement Program (CIP-14107)	\$1,545,000	December 15, 2015	To prepare plans, specifications, and cost estimates for the Lower Ortega Project.	Approved Personal Services Agreement with Anderson-Penna Partners, Inc. This approval was later cancelled by the City Council with Resolution 16-01-05 adopted on January 5, 2016.
Capistrano Circulation Fee Program	\$185,170	February 7, 2017	OCTA grant reimbursement.	The San Juan Capistrano City Council directed the City Manager to appropriate \$185,170 from the City's Circulation Fee Program to reimburse OCTA for funds advanced for project administration that were determined to be ineligible. This amount included \$10,000.00 earned interest.

Proposed Response to June 5, 2017, Grand Jury Report

August 14, 2017

The Honorable Carrie Carmody
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Judge Carmody:

The Orange County Transportation Authority (OCTA) is pleased to respond to the findings and recommendations of the June 5, 2017, report issued by the Orange County Grand Jury entitled, "Ortega Highway: Unnecessary Delays Have Cost Us Millions."

OCTA takes very seriously its responsibility to Orange County taxpayers to develop and deliver transportation solutions that enhance the quality of life and keep Orange County moving. Similarly, we appreciate the Orange County Grand Jury's responsibilities that include the examination of all aspects of county government, including special districts, to ensure the county is being governed honestly and efficiently, and public funds are being handled appropriately. OCTA believes that any thoughtful review of how to handle the public's business can only provide for better outcomes.

The widening of Ortega Highway has been envisioned for many years and will help relieve congestion once the project is completed. OCTA is committed to working with all agencies involved to advance this project to address travel demand needs.

Thank you again for the opportunity to respond to this report. If you have any questions, please feel free to contact me at (714) 560-5343.

Sincerely,

Darrell Johnson
Chief Executive Officer

DJ:ds
Enclosure

Orange County Transportation Authority (OCTA)

Responses to Findings and Recommendations to the June 5, 2017 report issued by the Orange County Grand Jury

“Ortega Highway: Unnecessary Delays Have Cost Us Millions”

FINDINGS

Finding 2 – Traffic will continue to increase in South Orange County and Ortega Highway is one of the main arterial roads on which this traffic will travel. Until the Lower Ortega Project is complete congestion and safety concerns will remain.

OCTA agrees with this finding. Based on the latest projections from the Center for Demographic Research at California State University, Fullerton, Orange County is expected to grow in population by ten percent, with a 17 percent growth in employment by 2040. As a result of this growth, it is expected that travel demand will also increase. This makes completion of the planned roadway improvements critical. OCTA's role in the completion of the project pertains to planning. While public safety is a priority for all involved, operational and safety considerations are handled by the California Department of Transportation and local agencies.

Finding 3 – The costs for completion of the Lower Ortega Project have escalated and are probably still understated. Further delay will result in additional costs for the taxpayers of Orange County.

OCTA agrees with this finding. Barring an dramatic economic downturn. OCTA's experience has been that capital projects increase in cost over time,

RECOMMENDATIONS

Recommendation 1 -- OCTA should continue to actively work to resolve future traffic concerns on Ortega Highway.

This recommendation has been implemented. The OCTA Board of Directors is supportive of Ortega Highway Improvements. This has been evidenced by OCTA granting funds for the project through our Measure M competitive grant program to the County of Orange earlier this year. In addition, the Ortega Highway widening project was part of our Long Range Transportation Plan in 2014. OCTA supports the project based on the need for congestion relief.



August 7, 2017

To: Executive Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Capital Programs Division - Fourth Quarter Fiscal Year 2016-17 and Planned Fiscal Year 2017-18 Capital Action Plan Performance Metrics

Overview

The Orange County Transportation Authority's Strategic Plan key strategies and objectives to achieve the goals for Mobility and Stewardship include delivery of all Capital Action Plan projects on time and within budget. The Capital Action Plan is used to create a performance metric to assess capital project delivery progress on highway, grade separation, rail, and facility projects. This report provides an update on the Capital Action Plan delivery and performance metrics.

Recommendation

Receive and file as an information item.

Background

The Orange County Transportation Authority (OCTA) Capital Programs Division is responsible for project development and delivery of highway, grade separation, rail, and facility projects from the beginning of the environmental approval phase through construction completion. Project delivery commitments reflect defined project scope, costs, and schedules. Project delivery commitments shown in the Capital Action Plan (CAP) are key strategies and objectives to achieve the Strategic Plan goals for Mobility and Stewardship.

This report provides an update on the CAP performance metrics, which are the fiscal year (FY) snapshot of the planned CAP project delivery milestones in the budgeted FY. The Capital Programs Division also provides Metrolink commuter rail ridership, revenue, and on-time performance reports and metrics as part of rail program updates.

Discussion

The Capital Programs Division objective is to deliver projects on schedule and within the approved project budget. Key project cost and schedule commitments are captured in the CAP, which is regularly updated with new projects and project status (Attachment A). The CAP is categorized into four key groupings of projects; freeway projects, grade separation projects, rail and station projects, and key facility projects. Simple milestones are used as performance indicators of progress in project delivery. The CAP performance metrics provides a FY snapshot of the milestones targeted for delivery in the budgeted FY, and provide both transparency and measurement of annual capital project delivery performance.

The CAP project cost represents the total cost of the project across all phases of project delivery, including support costs, and right-of-way (ROW) and construction capital costs. The established baseline cost is shown in comparison to either the actual or forecast cost. The baseline costs may be shown as to-be-determined (TBD) if project scoping studies or other project scoping documents have not been approved, and may be updated as project delivery progresses and milestones are achieved. Projects identified in the Orange County local transportation sales tax measure (M2) are identified with the M2 logo and corresponding project letter. The CAP update is also included in the M2 Quarterly Report.

The CAP summarizes the very complex capital project critical path delivery schedules into eight key milestones.

Begin Environmental	The date work on the environmental clearance, project report, or preliminary engineering phase begins.
Complete Environmental	The date environmental clearance and project approval is achieved.
Begin Design	The date final design work begins, or the date when a design-build contract begins.
Complete Design	The date final design work is 100 percent complete and approved.

Construction Ready	The date contract bid documents are ready for advertisement, including certification of ROW, all agreements executed, and contract constraints cleared.
Advertise for Construction	The date a construction contract is advertised for bids.
Award Contract	The date the construction contract is awarded.
Construction Complete	The date all construction work is completed, and the project is open to public use.

These delivery milestones reflect progression across the project delivery phases shown below.



Project schedules reflect the approved milestone dates in comparison to the forecast or actual milestone dates. Milestone dates may be shown as TBD if project scoping or approval documents have not been finalized and approved, or if the delivery schedule has not been negotiated with the agency or consultant implementing the specific phase of a project. Planned milestone dates can be revised to reflect new dates from approved baseline schedule changes. Actual dates will be updated when milestones are achieved, and forecast dates will be updated to reflect project delivery status.

CAP fourth quarter FY 2016-17 milestones achieved include:

Freeway and OC Bridges Railroad Grade Separation Projects

- The begin environmental milestone for the Interstate 5 (I-5) El Toro Road interchange improvement was achieved.
- The complete design milestone for the addition of a second high-occupancy vehicle (HOV) lane on I-5 between State Route 55 (SR-55) and State Route 57 (SR-57) was achieved.

- The construction ready milestone for the southbound Interstate 405 (I-405) auxiliary lane between University Drive and State Route 133 has been achieved. However, funding for construction has not been identified since the project was dropped from the 2016 State Transportation Improvement Program (STIP).
- The construction ready milestone for the SR-57 widening landscape replacement planting project from Katella Avenue to Lincoln Avenue was achieved. This milestone was originally planned for the second quarter, but was delayed due to extensive design comments.
- The Lakeview Avenue railroad grade separation achieved completion of construction with conditional construction acceptance by the cities of Anaheim and Placentia in June 2017. This milestone was not originally anticipated to be completed in the current FY.

Rail and Station Projects

- The environmental clearance milestone for the Anaheim Canyon Metrolink Station expansion was achieved with Federal Transit Administration approval of a categorical exclusion determination on June 30, 2017.
- In June 2017, the OCTA Board of Directors (Board) awarded the construction contract for the Orange Metrolink Station parking expansion project. The construction contract award was originally planned in the second quarter, but was delayed due to the cancelation and reissuance of the invitation for construction bids.

The following CAP milestones missed the planned delivery through the fourth quarter of FY 2016-17.

Freeway Projects

- The complete design milestone for the I-5 widening from Oso Parkway to Alicia Parkway was missed. The I-5 widening project between State Route 73 (SR-73) and El Toro Road is being delivered in three logical construction segments based upon traffic management impacts and anticipated construction contract size. The complete design milestone for the Oso Parkway to Alicia Parkway segment has been rescheduled to align with the delivery schedule for the adjacent southerly widening segment from SR-73 to Oso Parkway. As previously reported to the OCTA Board, the

2016 STIP adopted by the California Transportation Commission in May 2016 delayed construction funding for the SR-73 to Oso Parkway segment from FY 2018-19 to FY 2020-21. All three segments have interrelated construction schedules to accommodate maintenance of traffic. Any significant delay to one segment may impact the construction schedule of the remaining two segments.

- The advertise construction and award contract milestones for the SR-57 widening landscape replacement planting from Katella Avenue to Lincoln Avenue were missed because of delays in resolving final California Department of Transportation (Caltrans) design comments. However, Caltrans is scheduled to advertise for construction bids on July 31, 2017, and open construction bids on August 24, 2017.
- The complete design, construction ready, advertise construction, and award contract milestones for the SR-57 widening landscape replacement planting from Orangethorpe Avenue to Lambert Avenue were missed. OCTA's consultant continues to address Caltrans design and quality assurance comments. The forecast schedule reflects completion of reviews, approvals, and packaging of the final landscape construction contract for Caltrans to advertise for construction bids in January 2018.
- The complete construction milestone for the I-5 widening to add an HOV lane from Vista Hermosa to Pacific Coast Highway was missed. However, construction acceptance is anticipated in late July or early August 2017. The opening of the HOV lane to traffic will be coordinated with completion of the two remaining northerly and southerly adjacent segments in early 2018.

Rail and Station Projects

- The complete environmental milestone for the 17th Street railroad grade separation project was missed. The California Office of Historic Preservation (OHP) did not concur with Caltrans determination of a Finding of No Adverse Effects on historical property adjacent to the project. The Finding of Effect document is being revised to address OHP comments, and the environmental clearance will not be achieved until October 2017, at the earliest. If OHP comments cannot be satisfactorily addressed, the environmental document may need to be upgraded from a categorical exemption to an environmental impact report/environmental impact statement, which will create significant delays to the environmental clearance. The current cost estimate for ROW and construction is approximately

\$95 million, and funding for the future delivery phases of this project has not been identified.

- The complete design and construction ready milestones for the San Juan Capistrano railroad passing siding project were missed. California Public Utilities Commission (CPUC) reviews of proposed modifications to the private at-grade railroad crossing serving as the entrance to Saddleback Church property have contributed to delays. In late July 2017, the CPUC concurred with the modifications so that the design can be completed. Design is forecast to be complete and the project construction ready in December 2017.
- The construction completion milestone was missed on the Fullerton Transportation Center Elevator upgrade contract. The construction contract is administered by the City of Fullerton, and construction completion is anticipated in mid-2018.

Recap of FY 2016-17 Performance Metrics

The performance metrics snapshot provided at the beginning of FY 2016-17 reflected 33 planned major project delivery milestones to accomplish. One additional milestone not originally planned for delivery in the FY was delivered early. The CAP and performance metrics have been updated to reflect both milestones achieved and missed throughout FY 2016-17 (Attachment B). There were 22 milestones completed (66.7 percent) in FY 2016-17, including the one milestone not in the original plan.

Of the 12 missed milestones through FY 2016-17, six are attributable to delays in design completion of freeway landscape replacement planting projects, four are railroad-related projects, and two are delays in freeway project phases.

New FY 2017-18 Performance Metrics

New forecast project delivery milestones are included in the CAP and the FY 2017-18 performance metrics (Attachment C). There are 34 major project milestones planned to be accomplished in FY 2017-18.

FY 2017-18 Cost and Performance Metrics Risks

The SR-55 widening between I-405 and I-5 carries significant risk for increased construction, ROW, and utility costs as Caltrans prepares 35 percent design and the required design exception studies/approvals to accommodate the addition of

a second HOV lane, generally within the same ROW limits as the M2 widening scope.

The final construction cost estimate for the SR-57 widening landscape replacement planting from Orangethorpe Avenue to Lambert Avenue may exceed available construction funding. Final design approvals from Caltrans have required addition of scope to accommodate maintenance worker safety not originally contemplated to be a part of the replacement planting project.

Early reviews of cost estimates to construct the I-5 widening from SR-73 to El Toro Road indicate the costs will exceed funding availability. Staff will continue to work with Caltrans and the consultant designers to assess costs and value engineer the design where possible as final design progresses toward completion.

As discussed earlier in this report, there is risk of delay and cost increases to complete environmental approval for the 17th Street railroad grade separation project due to OHP historical comments.

Summary

Significant capital project delivery progress has been achieved and reflected in the CAP. The planned FY 2017-18 performance metrics created from forecast project schedules will be used as a general project delivery performance indicator. Staff will continue to manage project costs and schedules across all project phases to meet project delivery commitments and report quarterly.

Attachments

- A. Capital Action Plan, Status Through June 2017
- B. Capital Programs Division, Fiscal Year 2016-17 Performance Metrics
Status Through June 2017
- C. Capital Programs Division, Fiscal Year 2017-18 Performance Metrics

Prepared by:



James G. Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646

Capital Action Plan
Status Through June 2017
Updated: July 25, 2017

Capital Projects	Cost Baseline/Forecast (millions)	Schedule Plan/Forecast							
		Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
Freeway Projects:									
I-5, Pico to Vista Hermosa	\$113.0	Jun-09	Dec-11	Jun-11	Oct-13	Feb-14	Oct-14	Dec-14	Aug-18
Project C	\$89.5	Jun-09	Oct-11	Jun-11	Oct-13	May-14	Sep-14	Dec-14	May-18
I-5, Vista Hermosa to Pacific Coast Highway	\$75.6	Jun-09	Dec-11	Jun-11	Feb-13	Jun-13	Oct-13	Dec-13	Mar-17
Project C	\$71.4	Jun-09	Oct-11	Jun-11	May-13	Aug-13	Feb-14	Jun-14	Jul-17
I-5, Pacific Coast Highway to San Juan Creek Road	\$70.7	Jun-09	Dec-11	Jun-11	Jan-13	May-13	Aug-13	Oct-13	Sep-16
Project C	\$71.2	Jun-09	Oct-11	Jun-11	Jan-13	Apr-13	Aug-13	Dec-13	Apr-18
I-5, I-5/Ortega Interchange	\$90.9	Sep-05	Jun-09	Jan-09	Nov-11	Mar-12	Jun-12	Aug-12	Sep-15
Project D	\$75.1	Sep-05	Jun-09	Jan-09	Dec-11	Apr-12	Jun-12	Aug-12	Jan-16
I-5, I-5/Ortega Interchange (Landscape)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Project D	N/A	N/A	N/A	Jan-14	Oct-14	Feb-15	Aug-15	Sep-15	Sep-16
I-5, SR-73 to Oso Parkway	\$151.9	Sep-11	Jun-14	TBD	Jan-18	May-18	Aug-18	Dec-18	Jan-24
Project C & D	\$190.5	Oct-11	May-14	Mar-15	Mar-18	Jan-19	May-19	Sep-19	Sep-24
I-5, Oso Parkway to Alicia Parkway	\$196.2	Sep-11	Jun-14	Nov-14	Jun-17	Dec-17	Feb-18	Jun-18	Feb-23
Project C & D	\$191.0	Oct-11	May-14	Nov-14	Nov-17	May-18	Jul-18	Oct-18	Jul-23
I-5, Alicia Parkway to El Toro Road	\$133.6	Sep-11	Jun-14	Mar-15	Jun-18	Dec-18	Jan-19	May-19	Jun-23
Project C	\$166.5	Oct-11	May-14	Mar-15	Jul-18	May-19	Jul-19	Nov-19	Dec-23
I-5, I-5/El Toro Road Interchange	TBD	Apr-17	Nov-19	TBD	TBD	TBD	TBD	TBD	TBD
Project D	TBD	Apr-17	Nov-19	TBD	TBD	TBD	TBD	TBD	TBD
I-5, I-405 to SR-55	TBD	May-14	Aug-18	TBD	TBD	TBD	TBD	TBD	TBD
Project B	TBD	May-14	Oct-18	TBD	TBD	TBD	TBD	TBD	TBD
I-5, SR-55 to SR-57	\$37.1	Jul-11	Jun-13	Jun-15	Mar-17	Jul-17	Sep-17	Dec-17	Feb-20
Project A	\$39.6	Jun-11	Apr-15	Jun-15	Jun-17	Oct-17	Jan-18	Apr-18	Jun-20
SR-55, I-405 to I-5	TBD	Feb-11	Nov-13	TBD	TBD	TBD	TBD	TBD	TBD
Project F	\$410.9	May-11	Sep-17	Aug-17	Apr-20	Nov-20	Feb-21	May-21	Jun-25
SR-55, I-5 to SR-91	TBD	Dec-16	Jan-20	TBD	TBD	TBD	TBD	TBD	TBD
Project F	TBD	Dec-16	Jan-20	TBD	TBD	TBD	TBD	TBD	TBD
SR-57 Northbound (NB), Orangewood Avenue to Katella Avenue	TBD	Apr-16	Dec-18	TBD	TBD	TBD	TBD	TBD	TBD
Project G	TBD	Apr-16	Dec-18	TBD	TBD	TBD	TBD	TBD	TBD
SR-57 (NB), Katella Avenue to Lincoln Avenue	\$78.7	Apr-08	Jul-09	Jul-08	Nov-10	Mar-11	May-11	Aug-11	Sep-14
Project G	\$40.5	Apr-08	Nov-09	Aug-08	Dec-10	Apr-11	Jul-11	Oct-11	Apr-15
SR-57 (NB), Katella Avenue to Lincoln Avenue (Landscape)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Project G	N/A	N/A	N/A	May-09	Jul-10	Jun-17	Jul-17	Oct-17	Dec-18

Capital Action Plan

Status Through June 2017

Updated: July 25, 2017

Capital Projects	Cost Baseline/Forecast (millions)	Schedule Plan/Forecast							
		Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
SR-57 (NB), Orangethorpe Avenue to Yorba Linda Boulevard Project G	\$80.2 \$52.6	Aug-05 Aug-05	Dec-07 Dec-07	Feb-08 Feb-08	Dec-09 Jul-09	Apr-10 Dec-09	Jun-10 May-10	Oct-10 Oct-10	May-14 Nov-14
SR-57 (NB), Yorba Linda Boulevard to Lambert Road Project G	\$79.3 \$55.4	Aug-05 Aug-05	Dec-07 Dec-07	Feb-08 Feb-08	Dec-09 Jul-09	Apr-10 Mar-10	Jun-10 May-10	Oct-10 Oct-10	Sep-14 May-14
SR-57 (NB), Orangethorpe Avenue to Lambert Road (Landscape) Project G	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SR-57 (NB), Orangethorpe Avenue to Lambert Road (Landscape) Cost/Schedule Risk	N/A	N/A	N/A	Oct-14	Aug-17	Nov-17	Jan-18	Mar-18	May-19
SR-57 (NB), Lambert Road to Tonner Canyon Cost/Schedule Risk	TBD TBD	TBD Aug-18	TBD Jul-21	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
SR-91 Westbound (WB), I-5 to SR-57 Project H	\$78.1 \$59.6	Jul-07 Jul-07	Apr-10 Jun-10	Oct-09 Mar-10	Feb-12 Apr-12	Jul-12 Aug-12	Aug-12 Oct-12	Nov-12 Jan-13	Apr-16 Jun-16
SR-91 Westbound (WB), I-5 to SR-57 (Landscape) Project H	N/A N/A	N/A N/A	N/A N/A	N/A Nov-14	N/A Aug-16	N/A Dec-16	N/A Feb-17	N/A Mar-17	N/A May-18
SR-91, SR-57 to SR-55 Project I	TBD TBD	Jan-15 Jan-15	Oct-18 May-19	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
SR-91 (WB), Tustin Interchange to SR-55 Project I	\$49.9 \$43.3	Jul-08 Jul-08	Jul-11 May-11	Jul-11 Jun-11	Mar-13 Feb-13	Jul-13 Apr-13	Aug-13 Jun-13	Oct-13 Oct-13	Jul-16 Jul-16
SR-91, SR-55 to SR-241 Project J	\$128.4 \$79.6	Jul-07 Jul-07	Jul-09 Apr-09	Jun-09 Apr-09	Jan-11 Aug-10	Apr-11 Dec-10	Jun-11 Feb-11	Sep-11 May-11	Dec-12 Mar-13
SR-91, SR-55 to SR-241 (Landscape) Project J	N/A N/A	N/A N/A	N/A N/A	N/A May-12	N/A Feb-13	N/A Apr-13	N/A Jul-13	N/A Oct-13	N/A Feb-15
SR-91 Eastbound, SR-241 to SR-71 Project J	\$104.5 \$57.8	Mar-05 Mar-05	Dec-07 Dec-07	Jul-07 Jul-07	Dec-08 Dec-08	Mar-09 May-09	May-09 Jun-09	Jul-09 Aug-09	Nov-10 Jan-11
91 Express Lanes to SR-241 Toll Connector	TBD TBD	N/A Nov-13	N/A Jan-18	N/A Dec-16	N/A Jul-18	N/A Oct-18	N/A Aug-18	N/A Dec-18	N/A Feb-21
I-405, I-5 to SR-55 Project L	TBD TBD	Dec-14 Dec-14	Jul-18 Jul-18	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
I-405, SR-55 to I-605 (Design-Build) Project K	\$1,900.0 \$1,900.0	Mar-09 Mar-09	Mar-13 May-15	Mar-14 Mar-14	Nov-15 Nov-15	Feb-16 Feb-16	Mar-16 Mar-16	Nov-16 Nov-16	May-23 May-23
I-405/SR-22 HOV Connector	\$195.9 \$120.4	N/A N/A	N/A N/A	Sep-07 Sep-07	Sep-09 Jun-09	Mar-10 Sep-09	May-10 Feb-10	Aug-10 Jun-10	Aug-14 Mar-15
I-405/I-605 HOV Connector	\$260.4 \$172.6	N/A N/A	N/A N/A	Sep-07 Sep-07	Sep-09 Sep-09	Mar-10 Feb-10	May-10 May-10	Oct-10 Oct-10	Jan-15 Mar-15
I-405/SR-22/I-605 HOV Connector (Landscape)	N/A N/A	N/A N/A	N/A N/A	N/A Jun-08	Sep-09 May-09	N/A Feb-16	N/A May-16	N/A Jul-16	N/A Feb-18

Capital Action Plan
Status Through June 2017
Updated: July 25, 2017

Capital Projects	Cost Baseline/Forecast (millions)	Schedule Plan/Forecast							
		Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
I-605, I-605/Katella Interchange Project M	TBD TBD	Aug-16 Aug-16	Nov-18 Nov-18	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
Grade Separation Projects:									
Sand Canyon Avenue Railroad Grade Separation Project R	\$55.6 \$61.8	N/A N/A	Sep-03 Sep-03	Jan-04 Jan-04	Jul-10 Jul-10	Jul-10 Jul-10	Oct-10 Oct-10	Feb-11 Feb-11	May-14 Jan-16
Raymond Avenue Railroad Grade Separation Project O	\$77.2 \$124.8	Feb-09 Feb-09	Nov-09 Nov-09	Mar-10 Mar-10	Aug-12 Dec-12	Nov-12 Jul-13	Feb-13 Oct-13	May-13 Feb-14	Aug-18 Aug-18
State College Boulevard Railroad Grade Separation (Fullerton) Project O	\$73.6 \$97.0	Dec-08 Dec-08	Jan-11 Apr-11	Jul-06 Jul-06	Aug-12 Feb-13	Nov-12 May-13	Feb-13 Sep-13	May-13 Feb-14	May-18 Jan-18
Placentia Avenue Railroad Grade Separation Project O	\$78.2 \$64.6	Jan-01 Jan-01	May-01 May-01	Jan-09 Jan-09	Mar-10 Jun-10	May-10 Jan-11	Mar-11 Mar-11	Jun-11 Jul-11	Nov-14 Dec-14
Kraemer Boulevard Railroad Grade Separation Project O	\$70.4 \$63.5	Jan-01 Jan-01	Sep-09 Sep-09	Jan-09 Feb-09	Jul-10 Jul-10	Jul-10 Jan-11	Apr-11 Jun-11	Aug-11 Sep-11	Oct-14 Dec-14
Orangethorpe Avenue Railroad Grade Separation Project O	\$117.4 \$108.6	Jan-01 Jan-01	Sep-09 Sep-09	Feb-09 Feb-09	Dec-11 Oct-11	Dec-11 Apr-12	Feb-12 Sep-12	May-12 Jan-13	Sep-16 Oct-16
Tustin Avenue/Rose Drive Railroad Grade Separation Project O	\$103.0 \$98.3	Jan-01 Jan-01	Sep-09 Sep-09	Feb-09 Feb-09	Dec-11 Jul-11	Mar-12 Jun-12	May-12 Oct-12	Aug-12 Feb-13	May-16 Oct-16
Lakeview Avenue Railroad Grade Separation Project O	\$70.2 \$107.4	Jan-01 Jan-01	Sep-09 Sep-09	Feb-09 Feb-09	Oct-11 Jan-13	Oct-12 Apr-13	Feb-13 Sep-13	May-13 Nov-13	Mar-17 Jun-17
17th Street Railroad Grade Separation Project R	TBD TBD	Oct-14 Oct-14	Jun-16 Oct-17	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
Rail and Station Projects:									
Rail-Highway Grade Crossing Safety Enhancement Project R	\$94.4 \$90.4	Jan-08 Jan-08	Oct-08 Oct-08	Jan-08 Jan-08	Sep-08 Sep-08	Sep-08 Sep-08	Sep-08 Sep-08	Aug-09 Aug-09	Dec-11 Dec-11
San Clemente Beach Trail Safety Enhancements Project R	\$6.0 \$5.0	Sep-10 Sep-10	Jul-11 Jul-11	Feb-12 Feb-12	Apr-12 Jun-12	Apr-12 Jun-12	Jul-12 Oct-12	Oct-12 May-13	Jan-14 Mar-14
San Juan Capistrano Passing Siding	\$25.3 \$30.8	Aug-11 Aug-11	Jan-13 Mar-14	Mar-15 Mar-15	May-16 Dec-17	May-16 Dec-17	Aug-16 Mar-18	Dec-16 Jul-18	Jan-19 Aug-20
OC Streetcar Project S	\$310.4 \$310.4	Aug-09 Aug-09	Mar-12 Mar-15	Feb-16 Feb-16	Sep-17 Sep-17	Oct-17 Oct-17	Oct-17 Oct-17	Apr-18 Apr-18	Jul-20 Jul-20
Placentia Metrolink Station and Parking Structure Project R	\$34.8 \$34.8	Jan-03 Jan-03	May-07 May-07	Oct-08 Oct-08	Jan-11 Feb-11	TBD Sep-17	TBD Oct-17	TBD Feb-18	TBD Oct-19
Anaheim Canyon Station	\$27.9 \$27.9	Jan-16 Jan-16	Dec-16 Jun-17	TBD Feb-18	TBD Apr-19	TBD Apr-19	TBD Jun-19	TBD Sep-19	TBD Dec-20

Capital Action Plan

Status Through June 2017

Updated: July 25, 2017

Capital Projects	Cost Baseline/Forecast (millions)	Schedule Plan/Forecast							
		Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
Orange Station Parking Expansion Cost/Schedule Risk	\$33.2 \$32.3	Dec-09 Dec-09	Dec-12 May-16	Nov-10 Nov-10	Apr-13 Apr-16	Jul-16 Jul-16	Jul-16 Jul-16	Nov-16 Jun-17	Jun-18 Jan-19
Fullerton Transportation Center - Elevator Upgrades Cost/Schedule Risk	\$3.5 \$4.0	N/A N/A	N/A N/A	Jan-12 Jan-12	Dec-13 Dec-13	Dec-13 Dec-13	Jun-14 Aug-14	Sep-14 Apr-15	Mar-17 Sep-18
Laguna Niguel/Mission Viejo Station ADA Ramps	\$3.5 \$5.1	Jul-13 Jul-13	Jan-14 Feb-14	Jul-13 Jul-13	Aug-14 Jul-15	Aug-14 Jul-15	Sep-14 Jul-15	Jan-15 Oct-15	Apr-17 Oct-17
Anaheim Regional Transportation Intermodal Center Project R & T	\$227.4 \$230.4	Apr-09 Apr-09	Feb-11 Feb-12	Jun-09 Jun-09	Feb-12 May-12	Feb-12 May-12	May-12 May-12	Jul-12 Sep-12	Nov-14 Dec-14

Note: Costs associated with landscape projects are included in respective freeway projects.

Grey = Milestone achieved
Green = Forecast milestone meets or exceeds plan
Yellow = Forecast milestone is one to three months later than plan
Red = Forecast milestone is over three months later than plan

Begin Environmental: The date work on the environmental clearance, project report, or preliminary engineering phase begins.

Complete Environmental: The date environmental clearance and project approval is achieved.

Begin Design: The date final design work begins, or the date when a design-build contract begins.

Complete Design: The date final design work is 100 percent complete and approved.

Construction Ready: The date contract bid documents are ready for advertisement, including certification of right-of-way, all agreements executed, contract constraints are cleared.

Advertise for Construction: The date a construction contract is both funded and advertised for bids.

Award Contract: The date the construction contract is awarded.

Construction Complete: The date all construction work is completed and the project is open to public use.

Acronyms

I-5 - Santa Ana Freeway (Interstate 5)
SR-73 - San Joaquin Freeway (State Route 73)
SR-55 - Costa Mesa Freeway (State Route 55)
SR-57 - Orange Freeway (State Route 57)
SR-91 - Riverside Freeway (State Route 91)
SR-22 - Garden Grove Freeway (State Route 22)
I-405 - San Diego Freeway (Interstate 405)
SR-241 - Foothill/Eastern Transportation Corridor (State Route 241)
I-605 - San Gabriel River Freeway (Interstate 605)
ADA - Americans with Disabilities Act

Capital Programs Division

Fiscal Year 2016-17 Performance Metrics Status Through June 2017

Begin Environmental

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
I-605, I-605/ Katella Avenue Interchange	X	✓							
I-5, I-5/El Toro Road Interchange			X					✓	
SR-55, I-5 to SR-91			X	✓					
Total Forecast/Actual	1	1	2	1	0	0	0	1	3

Complete Environmental

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
Anaheim Canyon Metrolink Station			X					✓	
17th Street Railroad Grade Separation							X		(missed)
Total Forecast/Actual	0	0	1	0	0	0	1	1	2

Begin Design

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
No "Begin Design" milestones scheduled for fiscal year 2016-17									
Total Forecast/Actual	0	0	0	0	0	0	0	0	0

Complete Design

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-91 (Westbound), I-5 to SR-57 Landscape	X	✓							
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape			X						(missed)
I-5, SR-55 to SR-57					X			✓	
I-5, Oso Parkway to Alicia Parkway							X		(missed)
I-405 Southbound, SR-133 to University Drive						✓	X		
San Juan Capistrano Passing Siding							X		(missed)
Total Forecast/Actual	1	1	1	0	1	1	3	1	6

Construction Ready

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
Orange Metrolink Station Parking Expansion	X	✓							
SR-57 (Northbound), Katella Avenue to Lincoln Avenue Landscape			X					✓	
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape			X						(missed)
SR-91 (Westbound), I-5 to SR-57 Landscape			X	✓					
I-405 Southbound, SR-133 to University Drive							X	✓	
San Juan Capistrano Passing Siding							X		(missed)
Total Forecast/Actual	1	1	3	1	0	0	2	2	6

Capital Programs Division

Fiscal Year 2016-17 Performance Metrics Status Through June 2017

Advertise Construction

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
Orange Metrolink Station Parking Expansion	X	✓							
SR-91 (Westbound), I-5 to SR-57 Landscape			X			✓			
SR-57 (Northbound), Katella Avenue to Lincoln Avenue Landscape					X				(missed)
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape					X				(missed)
Total Forecast/Actual	1	1	1	0	2	1	0	0	4

Award Contract

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
I-405/SR-22/I-605 HOV Connector Landscape	X	✓							
I-405, SR-55 to I-605 (Design-Build)			X	✓					
Orange Metrolink Station Parking Expansion			X					✓	
SR-91 (Westbound), I-5 to SR-57 Landscape					X	✓			
SR-57 (Northbound), Katella Avenue to Lincoln Avenue Landscape					X				(missed)
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape					X				(missed)
Total Forecast/Actual	1	1	2	1	3	1	0	1	6

Complete Construction

Project Description	FY 17 Qtr 1		FY 17 Qtr 2		FY 17 Qtr 3		FY 17 Qtr 4		FY 17 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-91 (Westbound), Tustin Interchange to SR-55	X	✓							
Orangethorpe Avenue Railroad Grade Separation	X			✓					
Tustin Avenue/Rose Drive Railroad Grade Separation	X			✓					
I-5/Ortega Highway Interchange Landscape		✓	X						
I-5, Vista Hermosa to Pacific Coast Highway					X				(missed)
Fullerton Transportation Center - Elevator Upgrades					X				(missed)
Lakeview Avenue Railroad Grade Separation								✓	(early)
Total Forecast/Actual	3	2	1	2	2	0	0	1	6

Totals	8	7	11	5	8	3	6	7	33
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Begin Environmental: The date work on the environmental clearance, project report, or preliminary engineering phase begins.

Complete Environmental: The date environmental clearance and project approval is achieved.

Begin Design: The date final design work begins or the date when a design-build contract begins.

Complete Design: The date final design work is 100 percent complete and approved.

Construction Ready: The date contract bid documents are ready for advertisement, right-of-way certified, all agreements executed, and contract constraints are cleared.

Advertise for Construction: The date a construction contract is both funded and advertised for bids.

Award Contract: The date the construction contract is awarded.

Construction Complete: The date all construction work is completed and the project is open to public use.

Acronyms

I-5 - Santa Ana Freeway (Interstate 5)

SR-22 - Garden Grove Freeway (State Route 22)

SR-55 - Costa Mesa Freeway (State Route 55)

SR-57 - Orange Freeway (State Route 57)

SR-91 - Riverside Freeway (State Route 91)

SR-133 - Laguna Freeway (State Route 133)

I-605 - San Gabriel River Freeway (Interstate 605)

I-405 - San Diego Freeway (Interstate 405)

HOV - high-occupancy vehicle

X = milestone forecast in quarter

✓ = milestone accomplished in quarter

Capital Programs Division

Fiscal Year 2017-18 Performance Metrics

Begin Environmental

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
No "Begin Environmental" milestones scheduled for FY 2017-18									
Total Forecast/Actual	0	0	0	0	0	0	0	0	0

Complete Environmental

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-55, I-405 to I-5	X								
17th Street Railroad Grade Separation			X						
91 Express Lanes to SR-241 Toll Connector					X				
Total Forecast/Actual	1	0	1	0	1	0	0	0	3

Begin Design

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-55, I-405 to I-5	X								
Anaheim Canyon Metrolink Station					X				
Total Forecast/Actual	1	0	0	0	1	0	0	0	2

Complete Design

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape	X								
OC Streetcar	X								
I-5, Oso Parkway to Alicia Parkway			X						
San Juan Capistrano Passing Siding			X						
I-5, SR-73 to Oso Parkway					X				
Total Forecast/Actual	2	0	2	0	1	0	0	0	5

Construction Ready

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
Placentia Metrolink Station and Parking Structure	X								
I-5, SR-55 to SR-57			X						
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape			X						
San Juan Capistrano Passing Siding			X						
OC Streetcar			X						
I-5, Oso Parkway to Alicia Parkway							X		
Total Forecast/Actual	1	0	4	0	0	0	1	0	6

Advertise Construction

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-57 (Northbound), Katella Avenue to Lincoln Avenue Landscape	X								
OC Streetcar			X						
Placentia Metrolink Station and Parking Structure			X						
I-5, SR-55 to SR-57					X				
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape					X				
San Juan Capistrano Passing Siding					X				
Total Forecast/Actual	1	0	2	0	3	0	0	0	6

Capital Programs Division

Fiscal Year 2017-18 Performance Metrics

Award Contract

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-57 (Northbound), Katella Avenue to Lincoln Avenue Landscape			X						
SR-57 (Northbound), Orangethorpe Avenue to Lambert Road Landscape					X				
Placentia Metrolink Station and Parking Structure					X				
I-5, SR-55 to SR-57							X		
OC Streetcar							X		
Total Forecast/Actual	0	0	1	0	2	0	2	0	5

Complete Construction

Project Description	FY 18 Qtr 1		FY 18 Qtr 2		FY 18 Qtr 3		FY 18 Qtr 4		FY 18 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
I-5, Vista Hermosa to Pacific Coast Highway	X								
Laguna Niguel/Mission Viejo Station ADA Ramps			X						
I-405/SR-22/I-605 HOV Connector Landscape					X				
State College Boulevard Railroad Grade Separation (Fullerton)					X				
I-5, Pico to Vista Hermosa							X		
I-5, Pacific Coast Highway to San Juan Creek Road							X		
SR-91 (Westbound), I-5 to SR-57 Landscape							X		
Total Forecast/Actual	1	0	1	0	2	0	3	0	7

Totals	7	0	11	0	10	0	6	0	34
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SR-55 - Costa Mesa Freeway (State Route 55)

SR-57 - Orange Freeway (State Route 57)

SR-91 - Riverside Freeway (State Route 91)

I-605 - San Gabriel River Freeway (Interstate 605)

I-405 - San Diego Freeway (Interstate 405)

SR-241 - Foothill/Eastern Transportation Corridor (State Route 241)

ADA - Americans with Disability Act

HOV - high-occupancy vehicle


X = milestone forecast in quarter

✓ = milestone accomplished in quarter



August 7, 2017

To: Executive Committee

From: Darrell Johnson, Chief Executive Officer 

Subject: Measure M2 Environmental Mitigation Program Update

Overview

Measure M2 includes a program to deliver comprehensive mitigation for the environmental impacts of freeway projects in exchange for streamlined project approvals from the state and federal resources agencies. To date, the Environmental Mitigation Program has acquired conservation properties and provided funding for habitat restoration projects. A status report on the draft Natural Community Conservation Plan/Habitat Conservation Plan and accompanying environmental impact report/environmental impact statement is presented.

Recommendation

Receive and file as an information item.

Background

Measure M2 (M2) includes an innovative comprehensive Environmental Mitigation Program (EMP) to address the biological impacts of M2 freeway projects. This is achieved through a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), approved by the California Department of Fish and Wildlife, and the United States Fish and Wildlife Service (USFWS) (Wildlife Agencies). These documents demonstrate that the conservation properties (Preserves) and habitat restoration projects have largely met the mitigation needs for the M2 Freeway Program. The NCCP/HCP and associated environmental impact report/environmental impact statement (EIR/EIS) were approved by the Orange County Transportation Authority (OCTA) Board of Directors (Board) in November 2016. The final permits were approved by the Wildlife Agencies in June 2017. A status report on the program is presented.

Discussion**NCCP/HCP and Associated EIR/EIS Update**

On November 28, 2016, the Board approved the NCCP/HCP, certified the final EIR/EIS, and authorized the Chief Executive Officer to negotiate and execute the implementing agreement (IA) between OCTA and the resources agencies. The IA signifies that the state and federal Wildlife Agencies formally accept that OCTA has implemented a mechanism to ensure successful implementation of the NCCP/HCP.

On March 31, 2017, the USFWS issued a 30-day notice of availability in the Federal Register that the final EIR/EIS had been completed, and also announced receipt of a final NCCP/HCP from the applicant, OCTA. The M2 NCCP/HCP, final EIR/EIS, and IA were available for public review per the requirements of the National Environmental Policy Act. At the close of the public review period on May 1, 2017, USFWS received two comment letters. Both comment letters were in support of the NCCP/HCP and were submitted by the United States Environmental Protection Agency, as well as the Environmental Coalition. This coalition is comprised of environmental and community groups that supported the Renewed M2 in 2006 because of its inclusion of a programmatic mitigation component.

On June 19, 2017, the Wildlife Agencies finalized the issuance of their respective biological opinion, findings, and associated permits, as well as signed the NCCP/HCP IA. As a result, the M2 environmental process will be streamlined allowing OCTA to move forward with the M2 freeway projects (as described in the NCCP/HCP).

As part of the NCCP/HCP process, an endowment is required to be established to fund the long-term management of the Preserves. In November 2016, the Board approved the plan for establishment of the fund. It is estimated that it will take up to ten to 12 years to fully fund the endowment. On March 17, the first deposit into the endowment was made, and the first quarterly investment report for the endowment was provided to the Finance and Administration Committee (F&A) in June. The report was found to be consistent with the endowment pool objectives. Staff will continue to oversee and provide endowment updates to the F&A and Environmental Oversight Committee (EOC) on a regular basis.

To date, five of the seven Preserve resource management plans (RMPs) have been completed. These RMPs guide the management of the Preserves as required under the NCCP/HCP. OCTA anticipates the release of the remaining two RMPs to the public by the end of summer 2017. The five previously released RMPs are being finalized and expected to be completed on a similar time line.

Next Steps

Staff will focus on the following key actions for the remainder of 2017 and beyond:

- Implement the process to utilize the NCCP/HCP mitigation for the M2 freeway projects during construction;
- Release and finalize the Aliso Canyon and Hayashi RMPs;
- Finalize the five RMPs (Trabuco and Silverado Canyon properties);
- Execute conservation easements, seek appropriate long-term land managers, and identify entities to assume the title for the Preserves;
- Continue to coordinate with the endowment fund manager and provide updates to the F&A and EOC;
- Develop annual reports to document environmental permitting for the M2 freeway projects, preserve activities, restoration status, and endowment funds;
- Identify and fund new restoration projects to satisfy remaining mitigation requirements of NCCP/HCP;
- Continue to coordinate with the Army Corps of Engineers and the State Water Resources Control Board to identify additional funding needed in order to obtain the programmatic Clean Water Act Section 401 and 404 permits for the freeway projects;
- Work with the environmental community and interested parties on public access opportunities.

OCTA will continue to manage the Preserves until a long-term manager(s) is established. Additionally, staff will monitor the progress of all restoration projects and provide status updates to the EOC until each project is implemented.

Summary

M2 includes an EMP that provides funding for programmatic mitigation to off-set impacts of the 13 freeway projects. To expedite the delivery of the freeway projects, this program was initiated to implement early project mitigation through property acquisition and habitat restoration. This program is administered through a NCCP/HCCP, which was completed and approved by the Board in November 2016. A status report on the program is presented.

Attachment


A. Acquisition Properties and Funded Restoration Projects

Prepared by:

A handwritten signature in cursive script, reading "Lesley Hill".

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Acquisition Properties and Funded Restoration Projects

