



REVISED

BOARD AGENDA

Orange County Transportation Authority Board Meeting
Orange County Transportation Authority Headquarters
Board Room - Conference Room 07-08
550 South Main Street
Orange, California
Monday, February 26, 2018 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

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

Public Comments on Agenda Items

Members of the public may address the Board of Directors regarding any item. Please complete a speaker's card and submit it to the Clerk of the Board or notify the Clerk of the Board the item number on which you wish to speak. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

Public Availability of Agenda Materials

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

Call to Order

Invocation

Director R. Murphy

Pledge of Allegiance

Director Davies



BOARD AGENDA

Special Calendar

Orange County Transportation Authority Special Calendar Matters

1. Presentation of Resolutions of Appreciation for Employees of the Month for February 2018

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2018-024, 2018-025, and 2018-026 to Harold Witherspoon, Coach Operator; Lisa Katt, Maintenance; and Mike Adler, Administration, as Employees of the Month for February 2018.

Orange County Local Transportation Authority Special Calendar Matters

2. Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605

Joe Gallardo/James G. Beil

Overview

The Orange County Transportation Authority is implementing the Interstate 405 Improvement Project between State Route 73 and Interstate 605. The project requires acquisition of property rights from public and private parties adjacent to the existing freeway and city streets. On May 11, 2015, the Board of Directors approved acquiring rights-of-way for the project. At this time, staff has been unable to reach an agreement to purchase required property rights from the subject property owners. It is now necessary for the Board of Directors to exercise its power of eminent domain by adopting resolutions of necessity in order to acquire these necessary property rights to make the properties available to meet the project delivery and construction schedules.

Recommendation

Adopt Resolutions of Necessity Nos. 2018-007, 2018-008, 2018-009, 2018-010, 2018-011, and 2018-013, and authorize and direct General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring necessary rights-of-way and real property interests for the Interstate 405 Improvement Project between State Route 73 and Interstate 605.



BOARD AGENDA

Consent Calendar (Items 3 through 13)

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

Orange County Transportation Authority Consent Calendar Matters

3. Approval of Minutes

Approval of the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of February 12, 2018.

4. Approval of Board Members Travel

Approve for Chairwoman Lisa A. Bartlett, Vice Chairman Tim Shaw, and Finance and Administration Committee Chairman Andrew Do to travel June 20 - 23, 2018, to attend the annual New York rating agency trip in New York, New York.

5. Audit Responsibilities of the Finance and Administration Committee

Janet Sutter

Overview

The Finance and Administration Committee of the Board of Directors of the Orange County Transportation Authority serves as an audit committee in its oversight of audit activities. Annually, the Board of Directors approves the Audit Responsibilities of the Finance and Administration Committee to reaffirm the responsibilities of the Finance and Administration Committee with regard to audits.

Recommendation

Approve the Audit Responsibilities of the Finance and Administration Committee.



BOARD AGENDA

6. Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2017

Ricco Bonelli/Janet Sutter

Overview

The Internal Audit Department has completed an audit of investments for the period July 1 through December 31, 2017. Based on the audit, the Orange County Transportation Authority complied with its debt, investment, and reporting policies and procedures.

Recommendation

Receive and file Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2017, Internal Audit Report No. 18-509, as an information item.

7. State Legislative Status Report

Kristin Essner/Lance M. Larson

Overview

An amendment is proposed to the Orange County Transportation Authority's 2017-18 State Legislative Platform to sponsor legislation related to disadvantaged communities. An update is provided on a state audit request to analyze fluctuations in transit funding. An overview is provided of a proposed regulatory framework to require the use of zero-emission buses. A summary is provided of the Legislative Analyst's Office report on the extension of the cap-and-trade program. A summary is provided on the cap-and-trade expenditure plan and the Governor's executive order on zero-emission vehicles. A verbal update will be provided on the Governor's fiscal year 2017-18 state budget.

Recommendation

Amend the 2017-18 Orange County Transportation Authority State Legislative Platform to sponsor legislation to clarify how a transportation project may provide benefits to disadvantaged communities.



BOARD AGENDA**8. Federal Legislative Status Report**

Dustin Sifford/Lance M. Larson

Overview

Updates are provided on the recent federal funding bills, Orange County Transportation Authority's advocacy efforts on the OC Streetcar project, tax legislation signed into law in December 2017, the President's infrastructure proposal, and pending confirmations to the Department of Transportation. A summary of the United States Senate Environment and Public Works Subcommittee hearing on freight movement is provided.

Recommendation

Receive and file as an information item.

9. Approval of Local Transportation Fund Fiscal Year 2018-19 Apportionment Estimates

Sam Kaur/Andrew Oftelie

Overview

The Orange County Transportation Authority, as the transportation planning agency and county transportation commission for Orange County, is responsible for developing estimates used in apportioning revenues earned and deposited in the Orange County Local Transportation Fund. Transportation Development Act regulations require that the apportionments for fiscal year 2018-19 be determined and prospective claimants be advised of the amounts.

Recommendation

Approve the Local Transportation Fund fiscal year 2018-19 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.



BOARD AGENDA

10. Fiscal Year 2017-18 Second Quarter Grant Reimbursement Status Report
Sam Kaur/Andrew Oftelie

Overview

The Quarterly Grant Reimbursement Status Report summarizes grant activities for the Orange County Transportation Authority Board of Directors. This report focuses on activity for the period of October through December 2017.

Recommendation

Receive and file as an information item.

11. Amendments to Agreements for Temporary Staffing Services
Karen DeCrescenzo/Maggie McJilton

Overview

On September 28, 2015, the Orange County Transportation Authority Board of Directors approved agreements with Trust Temporary Services, Inc., doing business as Helpmates Staffing Services, and Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, to provide temporary staffing services for a three-year initial term and two, two-year option terms. To continue services, amendments are required to increase the initial term maximum cumulative payment obligation.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3372 between the Orange County Transportation Authority and Trust Temporary Services, Inc., doing business as Helpmates Staffing Services, in the amount of \$77,500, to continue providing temporary staffing services. This will increase the maximum obligation of the agreement to a total contract value of \$454,405.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-5-3658 between the Orange County Transportation Authority and Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, in the amount of \$77,500, to continue providing temporary staffing services. This will increase the maximum obligation of the agreement to a total contract value of \$405,244.



BOARD AGENDA

Orange County Local Transportation Authority Consent Calendar Matters

12. Environmental Mitigation Program Endowment Fund Investment Report For December 31, 2017

Rodney Johnson/Andrew Oftelie

Overview

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan; acquired conservation properties; and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway projects. California Community Foundation manages the non-wasting endowment required to pay for the long-term management of the conservation properties. Each quarter, the California Community Foundation publishes a comprehensive report detailing the composition of the pool and the performance. Attached is the quarterly investment report for the Endowment Pool for the period ending December 31, 2017. The report has been reviewed and is consistent with the pool objectives.

Recommendation

Receive and file as an information item.

13. Approval to Release Request for Proposals for Construction Management Support Services for the Interstate 5 Widening Project Between Oso Parkway and Alicia Parkway

Niall Barrett/James G. Beil

Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement process to retain consultant services to provide construction management support services for the Interstate 5 widening project between Oso Parkway and Alicia Parkway.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1418 for selection of a consultant to provide construction management support services for the Interstate 5 widening project between Oso Parkway and Alicia Parkway.
- B. Approve the release of Request for Proposals 8-1418 to provide construction management support services for the Interstate 5 widening project between Oso Parkway and Alicia Parkway.



BOARD AGENDA

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

14. Contractor Selection for the Toll Lanes System Integrator Services for the 405 Express Lanes and 91 Express Lanes

Kirk Avila/Kenneth Phipps

Overview

On August 28, 2017, the Orange County Transportation Authority Board of Directors approved the release of a request for proposals to retain a contractor to provide toll lane system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes. Board of Directors' approval is requested for the selection of a firm to perform the required work, and to amend the fiscal year 2017-18 budget to accommodate for the toll lanes system integrator services.

Recommendations

- A. Approve the selection of Kapsch TrafficCom USA, Inc., as the firm to provide toll system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1911 between the Orange County Transportation Authority and Kapsch TrafficCom USA, Inc., in the amount of \$42,309,259, to provide toll lanes system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.
- C. Approve an amendment to the Orange County Transportation Authority's Fiscal Year 2017-18 Budget, in the amount of \$32,309,259, to accommodate for the toll lanes system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.



BOARD AGENDA

Discussion Items

15. 2018 Chief Executive Officer Initiatives and Action Plan

Darrell Johnson, Chief Executive Officer

In order to support and accomplish the 2018 Board of Directors Strategic Initiatives and the Orange County Transportation Authority Strategic Plan Goal Areas, the Chief Executive Officer develops the annual Chief Executive Officer Initiatives and Action Plan. This report summarizes the Chief Executive Officer initiatives, action plan, strategies, and milestones to be accomplished for calendar year 2018. The Chief Executive Officer Initiatives and Action Plan directly support the values, vision, mission, and goals of the Orange County Transportation Authority Strategic Plan and the 2018 Orange County Transportation Board of Directors Strategic Initiatives.

16. Public Comments

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.

17. Chief Executive Officer's Report

18. Directors' Reports

19. Closed Session

A Closed Session will be held for the following:

Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 regarding the coach operators. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of Human Resources and Organizational Development, and for Teamsters Local 952 is Patrick Kelly or his designee.



BOARD AGENDA**20. Adjournment**

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, March 12, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07-08, Orange, California.



February 26, 2018

To: Members of the Board of Directors

From: Darrell Johnson, Chief Executive Officer

Subject: Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605

Overview

The Orange County Transportation Authority is implementing the Interstate 405 Improvement Project between State Route 73 and Interstate 605. The project requires acquisition of property rights from public and private parties adjacent to the existing freeway and city streets. On May 11, 2015, the Board of Directors approved acquiring rights-of-way for the project. At this time, staff has been unable to reach an agreement to purchase required property rights from the subject property owners. It is now necessary for the Board of Directors to exercise its power of eminent domain by adopting resolutions of necessity in order to acquire these necessary property rights to make the properties available to meet the project delivery and construction schedules.

Recommendation

Adopt Resolutions of Necessity Nos. 2018-007, 2018-008, 2018-009, 2018-010, 2018-011, and 2018-013, and authorize and direct General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring necessary rights-of-way and real property interests for the Interstate 405 Improvement Project between State Route 73 and Interstate 605.

Background

The acquisition of public and private properties is often required to implement transportation projects, even though extensive efforts are made during the planning and design process to avoid or minimize the impacts to public and private properties. Design-build (DB) Cooperative Agreement No. C-4-1847 between the Orange County Transportation Authority (OCTA) and the California Department of Transportation (Caltrans) was approved by the Board of Directors (Board) on June 30, 2015, and defined the roles and responsibilities of

Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605 **Page 2**

OCTA and Caltrans for final design, construction, and right-of-way (ROW) acquisition for the Interstate 405 Improvement Project (Project). Pursuant to the DB cooperative agreement, OCTA is the lead implementing agency for final design, construction, and ROW acquisition for the Project. The environmental document and project report were approved by Caltrans on May 15, 2015.

Discussion

Construction of the Project will impact 305 properties between State Route 73 and Interstate 605, including 181 residential properties, 79 commercial/industrial properties, 44 public properties, and one railroad property. All 305 properties were identified as partial acquisitions (except that the owner of one of the commercial properties has requested a full acquisition for the reasons set forth below as it pertains to Resolution No. 2018-013). The real property requirements are comprised of a combination of partial fee acquisitions (FEEs), permanent highway easements (PHE), permanent footing easements (PFEs), temporary construction easements (TCEs), and access control rights needed to construct the proposed highway and express lane improvements for the Project. The partial FEEs, PHEs, PFEs, and TCEs are required for roadway and bridge construction, soundwalls and retaining walls, drainage systems, and for the installation of above-ground and underground facilities, including electrical, telecommunication, water, sewer, gas, and storm drain systems.

Resolution No. 2018-007 pertains to the proposed acquisition of a partial FEE, a PFE, and a TCE over a portion of the property owned by International Asset Management Group, LLC, a California limited liability company. The acquisition of the subject partial FEE is needed to provide additional area for the widening of the freeway. The acquisition of the subject PFE is to provide an area underground for the location of the retaining wall footing. The subject TCE is needed to provide the DB contractor with sufficient work area to widen the freeway and construct the proposed retaining wall along the Caltrans property line.

Resolution No. 2018-008 pertains to the proposed acquisition of a PHE and the relinquishment of abutter's right, including access rights, as well as a TCE over a portion of the property owned by Southern California Edison Company (SCE), a corporation. The acquisition of the subject PHE is needed to provide additional area for the widening of the freeway. The abutter's rights, including access rights, are needed to prevent direct access from the SCE property to the freeway. The subject TCE is needed to provide the DB contractor with sufficient work area for construction of the freeway off-ramp.

Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605 *Page 3*

Resolution No. 2018-009 pertains to the proposed acquisition of two partial FEEs, two PFEs, and two TCEs over a portion of the property owned by the City of Fountain Valley (City), a municipal corporation. The acquisition of the subject partial FEEs is needed to provide additional area for the widening of the freeway and Ward Street. The acquisition of the subject PFEs is to provide an area underground for the location of retaining wall footings. The subject TCEs are needed to provide the DB contractor with sufficient work area to widen the freeway and Ward Street, and construct the proposed retaining walls. The City leases the property on a long-term basis to Mike Thompson's RV, a sales and repair dealership of recreational vehicles, and per the lease terms possess an ownership interest in the property. Eminent domain proceedings will allow Mike Thompson's RV a legal process to address its financial impacts, while OCTA continues negotiations with the City regarding the acquisition.

Resolution No. 2018-010 pertains to the proposed acquisition of three partial FEEs, a PFE, and three TCEs over a portion of the property owned by Carolyn B. Huisch Properties, a California limited partnership, as to an undivided 50 percent interest, and John M. Huisch, Trustee of the Huisch Land Trust, dated May 24, 1984, as to an undivided 50 percent interest. The acquisition of the subject partial FEEs is needed to provide additional area for the widening of Magnolia Street. The acquisition of the subject PFE is to provide an area underground for the location of the retaining wall footing along Magnolia Street. The two TCEs along Magnolia Street are needed to provide the DB contractor with sufficient work area to construct the proposed retaining wall, footing, and street improvements. The third TCE abutting the freeway is needed to provide sufficient work area to install underground piping through an agreement with the Orange County Flood Control District.

Resolution No. 2018-011 pertains to the proposed acquisition of two TCEs over a portion of the property owned by Frank B. De Gelas and Donna L. De Gelas, as Trustees of the Frank and Donna De Gelas Trust, dated February 27, 2003. This property is also occupied by Mike Thompson's RV and serves as its offsite storage lot. The acquisition of the subject TCEs is needed to provide the DB contractor with sufficient work area to widen the freeway and Talbert Avenue.

Resolution No. 2018-013 pertains to the proposed full FEE acquisition of an entire property at the request of the owner. The design documents identify a need for a partial FEE, a PFE, and two TCEs over a portion of the property owned by G.B. Enterprises, a partnership. The acquisition of the subject partial FEE is needed to provide an American with Disabilities Act (ADA) access ramp on the sidewalk closest to the northeast corner of the intersection of Bolsa Avenue and Goldenwest Street. The acquisition of the subject PFE is needed to provide an area underground for the location of the retaining wall footing. The subject TCEs

Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605 *Page 4*

are needed to provide the DB contractor with sufficient work area to construct the proposed retaining wall and footing, build an ADA access ramp, and reconstruct the sidewalk. However, the acquisition of only portions of the property would result in a grade difference between the property and the adjacent roadway that would significantly impair access to the property for three businesses. In light of access issues and significant mitigation costs to address the issues involved, the property owner was given an option for OCTA to either acquire the portions of the property referenced herein or acquire the entire property in FEE. The property owner, through its legal representative, has requested OCTA to acquire the entire property in FEE.

Upon completion of construction activities in this area, the property will be sold in accordance with OCTA's excess property policy and procedures, with the proceeds from the sale being returned to the Project.

The design and needed construction activities to improve the intersection of Bolsa Avenue and Goldenwest Street will significantly impact three businesses operating on the property. Relocation assistance is being provided to a sporting goods store, a mattress retailer, and a donut shop in accordance with the Uniform Relocation and Real Property Acquisition Act and the California Government Code 7260. Under state and federal regulations, any qualified displacee or occupant is entitled to receive relocation advisory assistance, actual and reasonable moving expenses for its personal property, and a re-establishment payment to assist in identifying a replacement site.

Each of the property owners listed above for each of the RONS has been given substantially more time than the 30 days required by the Federal Highway Administration to consider OCTA's written purchase offer and has been contacted multiple times as described in Attachment A. These contacts include OCTA staff requesting meetings with the property owners to conduct a first level review in accordance with OCTA-adopted policies and procedures for the purpose of providing a detailed understanding of the Project design and the need for the property.

In accordance with the DB contract, OCTA must secure possession of the interests in the subject properties by applicable dates between September and December 2018 to meet Project schedule deadlines. Delay in acquiring the interests in these properties will cause Project delays and can potentially subject OCTA to a delay claim from the DB contractor. Proceeding with these resolutions of necessity (RONS) will ensure that Project schedules are maintained and contractual commitments are met by OCTA.

Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605 *Page 5*

The List of Property Owners and Photo Aerial Exhibits, Attachments B and C respectively, provide information on property ownerships and locations.

Acquisition of the subject property interests is being conducted in accordance with OCTA's Real Property Policies and Procedures and Caltrans guidelines. The required property interests were identified, engineered, and appraised by OCTA. The full appraised amount for each respective property interest was offered to the property owner under the requirements of Governmental Code Section 7267.2.

In order to proceed with the acquisition of the properties required for the Project and to comply with state and federal laws for ROW acquisition, the Board is requested to adopt the RONS for the subject properties. This action will allow OCTA to commence eminent domain proceedings to acquire the interests in real property needed for the Project.

The following RONS are recommended:

- Resolution No. 2018-007 International Asset Management Group, LLC, a California limited liability company – Action is recommended for an acquisition of one partial FEE, one PFE, and one TCE over a portion of the property to remove existing improvements, construct the proposed retaining wall, and provide area for the widening of the freeway.
- Resolution No. 2018-008 Southern California Edison Company, a corporation – Action is recommended for an acquisition of one PHE and the relinquishment of abutter's rights, including access rights and one TCE over a portion of the property to remove existing improvements, and provide area for the widening of the freeway off-ramp.
- Resolution No. 2018-009 City of Fountain Valley, a municipal corporation – Action is recommended for an acquisition of two partial FEEs, two PFEs, and two TCEs over a portion of the property to remove existing improvements, construct the proposed retaining wall, and provide area for the widening of Ward Street and the freeway.
- Resolution No. 2018-010 Carolyn B. Huisch Properties, a California limited partnership, as to an undivided 50 percent interest, and John M. Huisch, Trustee of the Huisch Land Trust, dated May 24, 1984, as to an undivided 50 percent interest – Action is recommended for an acquisition of three

Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605 **Page 6**

partial FEEs, one PFE, and three TCEs over a portion of the property to remove existing improvements, construct the proposed retaining wall, and provide area for the widening of Magnolia Street.

- Resolution No. 2018-011 Frank B. De Gelas and Donna L. De Gelas, as Trustees of the Frank and Donna De Gelas Trust, dated February 27, 2003 – Action is recommended for an acquisition of two TCEs over a portion of the property to remove existing improvements, provide area for the widening of Talbert Avenue, and construction of freeway improvements.
- Resolution No. 2018-013 G. B. Enterprises, a partnership – Action is recommended for a full fee acquisition of the property at the request of the property owner to remove existing improvements, construct the proposed retaining wall, ADA access ramp, and reconstruct the existing sidewalk.

The eminent domain proceedings commence with action by the Board to adopt a RON in accordance with the California Code of Civil Procedure Section 1245.240, which requires a vote of two-thirds of the Board Members. The Board is requested to determine whether the following criteria have been met:

1. The public interest and necessity require the Project;
2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property interest(s) sought to be acquired is necessary for the Project; and
4. The offer required by Governmental Code Section 7267.2 has been made to the owner or owners of record.

Property owners and/or its designated representative affected by a RON may request an appearance to speak to the Board when the RON is considered on matters of Project design and the impact to the subject property. The issue regarding compensation for the value of the property affected by the RON should not be discussed. In the event the Board approves the RONs (Attachments D1-D6), OCTA's General Counsel will proceed with litigation in order to obtain possession and ultimate use of the property interests. Staff will continue negotiations with the property owners throughout the eminent domain process with the objective of reaching an agreement on the acquisition without the necessity of trial.

Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605 **Page 7**

Summary

The acquisition of specified real property interests is required for the construction of the Project. Statutory offers have been made to the property owners, and negotiations are ongoing. Adopting these RONS and commencing eminent domain proceedings are requested to maintain the Project delivery schedule.

Attachments

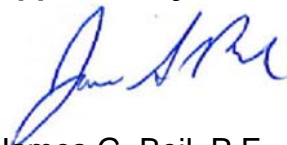
- A. Correspondence/Contact Summary, Resolution Nos. 2018-007 International Asset Management Group; 2018-008 Southern California Edison Company; 2018-009 City of Fountain Valley; 2018-010 Carolyn B. Huish Properties; 2018-011 Frank B. De Gelas and Donna L. De Gelas; and 2018-013 G.B. Enterprises
- B. List of Property Owners, Interstate 405 Improvement Project Between State Route 73 and Interstate 605, Board of Directors Exhibit Matrix
- C. Photo Aerial Exhibits
- D. Resolution No. 2018-007
- E. Resolution No. 2018-008
- F. Resolution No. 2018-009
- G. Resolution No. 2018-010
- H. Resolution No. 2018-011
- I. Resolution No. 2018-013

Prepared by:



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Approved by:



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**Correspondence/Contact Summary
Resolution No. 2018-007
International Asset Management Group, LLC, a California Limited
Liability Company**

Date	Reason for Contact
September 22, 2017	The Orange County Transportation Authority (OCTA) right-of-way (ROW) agent received e-mail from property owner stating that all correspondence and offers should be sent to his attorney. Agent contacted attorney to coordinate offer presentation.
September 26, 2017	OCTA ROW agent mailed offer package to property owner's attorney, at his request, via USPS certified mail.
October 23, 2017	OCTA ROW agent contacted property owner's attorney about status of their offer review process. Attorney e-mails that it is under review and questioned appraisal regarding current vs. future zoning.
October 31, 2017	OCTA ROW agent contacted OCTA's appraiser to discuss owner's concerns with the report. OCTA ROW agent e-mailed property owner's attorney regarding his questions on the appraisal report. OCTA ROW agent e-mailed and mailed 30-day incentive notice via USPS regular and certified mail.
November 17, 2017	OCTA ROW agent spoke with property owner's attorney who stated that owner would not be accepting the offer as he is in negotiations with a developer that is working with the City on a zone change. The owner and the developer believe the appraisal value should be higher. Agent requested attorney to have owner submit a counter-offer.
November 20, 2017	OCTA ROW agent mailed 50-day incentive notice via USPS regular and certified mail.
December 4, 2017	OCTA ROW agent e-mailed property owner's attorney about status of owner submitting a counter-offer.
December 20, 2017	OCTA ROW agent mailed first level review letter to property owner and attorney via regular mail.
January 12, 2018	OCTA mailed notice of hearing regarding intent to adopt resolution of necessity.

Correspondence/Contact Summary
Resolution No. 2018-008
Southern California Edison Company, a Corporation

Date	Reason for Contact
July 7, 2017	The Orange County Transportation Authority (OCTA) right-of-way (ROW) agent received offer package and initiated contact with property owner's (SCE) representative to make presentation.
July 12, 2017	OCTA ROW agent e-mailed and left message with SCE representative to contact agent for offer presentation. OCTA ROW agent received call from representative that offer package could be e-mailed to him. SCE representative advised agent that prior to beginning the review and California Public Utilities Commission 851 application process, SCE would require a processing fee from OCTA.
July 13, 2017	OCTA ROW agent e-mailed offer package to SCE representative and requested confirmation of receipt. OCTA ROW agent received confirmation of receipt from SCE for the offer package. E-mail correspondence between SCE representative and OCTA ROW agent regarding offer and SCE processing fee.
July 14, 2017	OCTA ROW agent received e-mail from SCE representative containing SCE's invoice for the \$14,000 processing fee for review of offer package. E-mail correspondence between OCTA ROW agent and SCE representative regarding requested processing fee.
July 25, 2017	OCTA ROW agent received e-mail from SCE representative that SCE's Survey and Mapping group has completed their review and approval of the legal descriptions and plat maps along with suggested annotations to the same. OCTA ROW agent e-mailed SCE that she would send their comments to the legal and plats to management and provide updated documents once available.
August 15, 2017	OCTA ROW agent mailed 30-day incentive notice via USPS regular and certified mail.
August 16, 2017	OCTA ROW agent received e-mail from SCE representative requesting a cross-section for review. OCTA ROW agent provided SCE with requested information.
August 21, 2017	OCTA ROW agent received signed 30-day incentive notice certified mail receipt.
August 22, 2017	OCTA ROW agent received e-mail from SCE representative requesting acquisition documents (ROW contract, permanent highway easements, and temporary construction easement deeds) in Microsoft Word format to provide redline changes. OCTA ROW agent provided SCE with the requested information.

August 30, 2017	OCTA ROW agent mailed 50-day incentive notice via USPS regular and certified mail.
September 6, 2017	OCTA ROW agent received signed 50-day incentive notice certified mail receipt.
September 8, 2017	OCTA ROW agent e-mailed SCE representative about status of the offer review process and that the 20 percent incentive payment period would be expiring on September 11, 2017.
September 21, 2017	OCTA ROW agent received e-mail from SCE representative that SCE would not be able to take advantage of the 20 percent incentive payment, and that SCE's lessee of the property, Bella Terra Mall, is reviewing proposal and lease agreement. SCE also had questions and comments regarding project construction.
September 26, 2017	OCTA's legal counsel spoke with SCE representative regarding processing fee requested by SCE.
December 13, 2017	OCTA ROW agent e-mailed SCE's representative about status of their offer review process.
December 18, 2017	OCTA ROW agent received e-mail from SCE representative that he attended the Interstate 405 design team meeting and inquired about the grading and improvement plans for the subject property. OCTA ROW agent emailed representative that she would follow up on his concerns and questions.
December 20, 2017	OCTA ROW agent mailed first level review letter to property owner and attorney via regular mail.
January 5, 2018	SCE representative left message for OCTA ROW agent stating that he received the first level review letter and has questions.
January 12, 2018	OCTA mailed notice of hearing regarding intent to adopt resolution of necessity.
January 12, 2018	OCTA ROW agent returned call from SCE representative and left message.

Correspondence/Contact Summary
Resolution No. 2018-009
City of Fountain Valley, a Municipal Corporation

Date	Reason for Contact
September 27, 2017	The Orange County Transportation Authority (OCTA), OCTA legal counsel, OCTA right-of-way (ROW) agent (collectively the "OCTA Team") met with the property owner's, City of Fountain Valley (City) representatives, and the City's ground lessee, Thompson RV, and Thompson RV's attorneys at OCTA's project office and presented the offer package. City and Thompson RV will review the offer package and provide OCTA Team with further questions.
October 2, 2017	OCTA ROW agent provided copy of offer package electronically to City, as requested by the City.
October 3, 2017	City representative e-mail OCTA ROW agent signed copy of receipt of offer package.
November 8, 2017	OCTA ROW agent mailed 30-day incentive notice to City via USPS regular mail.
November 8, 2017	OCTA ROW agent emailed 30-day incentive notice to City and carbon copied OCTA.
December 20, 2017	OCTA ROW agent mailed first level review letter to City via regular mail.
January 12, 2018	OCTA mailed notice of hearing regarding intent to adopt resolution of necessity.
January 12, 2018	OCTA's legal counsel forwarded courtesy copy of notice of hearing regarding intent to adopt resolution of necessity to property owner's tenant's legal counsel.
January 17, 2018	OCTA's legal counsel spoke with property owner's tenant's legal counsel, confirming representation and reiterating invitation for first level review meeting.
January 23, 2018	OCTA's legal counsel forwarded copy of first level review letter to property owner's tenant's legal counsel via email.
January 29, 2018	OCTA's legal counsel responded to property owner's tenant's representative indicating an inquiry would be made as to whether updated project plans are available.
February 6, 2018	OCTA's legal counsel forwarded e-mail to property owner's tenant's representative responding to inquiry regarding status of project plans.
February 9, 2018	OCTA Management met with the City Manager and the Director of Public Works to discuss the acquisition of the City property and to discuss why there is a need for eminent domain proceedings.

**Correspondence/Contact Summary
Resolution No. 2018-010**

Carolyn B. Huisch Properties, a California limited partnership, as to an undivided 50% interest and John M. Huisch, Trustee of the Huisch Land Trust (dated May 24, 1984), as to an undivided 50% interest

Date	Reason for Contact
July 22, 2016	The Orange County Transportation Authority (OCTA) right-of-way (ROW) agent contacted property owner to schedule an inspection of the property with the appraiser along with owners' tenant, Apex Parks Group (Apex/Boomers) and arrange for staking of the property to show impacts. Date of the same was agreed to by the owner.
July 26, 2016	OCTA ROW agent spoke to property owner's representative who cannot attend appraisal and staking meeting. OCTA ROW agent conferenced owner with representative and new date was agreed to by both.
August 15, 2016	OCTA ROW agent, OCTA counsel, and OCTA appraiser met with property owner and representatives and Boomers and conducted appraisal inspection. Owner expressed their concerns with impacts to the property and business.
October 25, 2016	OCTA ROW agent received call from property owner about status of offer.
October 26, 2016	OCTA ROW agent called property owner to discuss status of appraisal, mitigation report and offer. Owner requested review of mitigation report before it is finalized. OCTA ROW agent stated she would discuss this request with OCTA and provide feedback.
October 28, 2016	OCTA ROW agent called and left message for property owner to contact agent.
October 28, 2016	OCTA ROW agent received call from general manager of Apex/Boomers (lessee) requesting status and projected start of construction. OCTA ROW agent provided requested information to Boomers.
February 28, 2017	OCTA contacts owner' son, an attorney, to set up a meeting to discuss project impacts.
March 29, 2017	OCTA, ROW agent, owner, and tenant (Apex/Boomers) representatives meet to discuss project impacts.
August 8, 2017	OCTA and OCTA ROW agents met with property owners and owners' tenant and presented offer package.
August 22, 2017	Goodwill appraiser's initial contact with Apex/Boomers requesting financial information.
August 25, 2017	Goodwill appraiser sign Apex/Boomers Non-Disclosure Agreement.
August 28, 2017	Goodwill appraiser sent lease by Apex/Boomers.

August 29, 2017	Telephone call between goodwill appraise and Apex/Boomers regarding financial documents.
September 1, 2017	Goodwill appraiser receives profit and loss statements from Apex/Boomers.
September 5, 2017	Goodwill appraiser meets Apex/Boomers at subject property for inspection and interview.
September 6, 2017	Telephone call between goodwill appraiser and Apex/Boomers regarding financial documents and proposed capital improvements.
September 7, 2017	Goodwill appraiser e-mails Apex/Boomers with questions regarding financial statements.
September 28, 2017	Apex/Boomers e-mails goodwill appraiser with answers to financial questions on financial statements.
September 29, 2017	OCTA ROW agent called property owner's representative about status of their review of offer package and that the 60-day incentive payment acceptance would expire soon. Representative not available so agent left message with his secretary.
October 2, 2017	OCTA ROW agent e-mailed 50-day incentive notice to property owner's representative and requested status of their review of the offer package. OCTA ROW agent also mailed 50-day incentive notice to representative via USPS regular mail.
October 6, 2017	Apex/Boomers sends goodwill appraiser additional financial documents.
October 10, 2017	Goodwill appraiser meets Apex/Boomers at Irvine location for site inspection.
October 11, 2017	Telephone call between goodwill appraiser and Apex/Boomers regarding financial documents.
October 11, 2017	OCTA ROW agent spoke with property owner's tenant, Apex/Boomers, who stated they intended to present a counter offer in the next 30 days after getting quotes from vendors. Apex/Boomers expressed some of their concerns with the project to OCTA ROW agent. Owner will be conducting own due diligence and goodwill appraisal. OCTA ROW agent informed OCTA about Apex/Boomers concerns with the offer.
October 12, 2017	Telephone call between goodwill appraiser and Apex/Boomers regarding financial documents.
October 12, 2017	Exchange of e-mails between Apex/Boomers, OCTA ROW agent, and OCTA counsel regarding mitigation costs for Go-Karts and rebuild.
October 13, 2017	Exchange of e-mails between Apex/Boomers, OCTA ROW agent, and OCTA counsel regarding mitigation costs for Go-Karts and rebuild.
October 30, 2017	OCTA ROW agent received e-mail from Apex/Boomers regarding concerns with the offer/project. OCTA ROW agent forwarded these concerns to OCTA for review.

November 13, 2017	OCTA ROW agent e-mailed Apex/Boomers responding to their questions regarding American with Disabilities Act, mitigation report and goodwill appraisers.
November 14, 2017	Apex/Boomers requests a copy of the appraisal report.
November 15, 2017	OCTA ROW agent sends Apex/Boomers a copy of the appraisal report.
November 17, 2017	Apex/Boomers requests status of goodwill appraisal and advised still waiting for goodwill appraiser's calculations and then will need approval of settlement offer from OCTA.
December 20, 2017	OCTA ROW agent mailed first level review letter to property owners via regular mail.
January 10, 2018	OCTA ROW agent and OCTA counsel received e-mail from Apex/Boomers stating that they are in receipt of OCTA's first level review letter and are requesting offer for goodwill valuation. OCTA counsel responded to Apex/Boomers e-mail stating goodwill settlement offer being processed.
January 12, 2018	OCTA mailed notice of hearing regarding intent to adopt resolution of necessity.
January 15, 2018	OCTA counsel sends letter to Apex/Boomers with loss of goodwill settlement offer.
January 23, 2018	OCTA ROW agent sends Apex/Boomers a spreadsheet with breakdown of entire compensation offer to Apex/Boomers, including loss of goodwill.

**Correspondence/Contact Summary
Resolution No. 2018-011**

Frank B. De Gelas and Donna L. De Gelas, as Trustees of the Frank and Donna De Gelas Trust Dated February 27, 2003

Date	Reason for Contact
June 8, 2016	The Orange County Transportation Authority (OCTA) right-of-way (ROW) agent e-mailed OCTA appraiser regarding communication about appraisal inspection from property owner's attorney/representative.
August 30, 2017	OCTA ROW agent attempted to contact property owner's representative to schedule a date/time to present offer. OCTA ROW agent left message. OCTA ROW agent requested representative to provide dates and times convenient to them to present offer.
August 31, 2017	OCTA ROW agent received e-mail from property owner's representative who acknowledged OCTA ROW agent's voice message for offer presentation and stated he would provide some dates and times later that day.
September 6, 2017	OCTA ROW agent attempted to contact property owner's representative and left message with receptionist for property owner's representative to contact agent. OCTA ROW agent received property owner's representative available dates to meet. OCTA ROW agent e-mailed owner's representative that a letter of representation from the owner would need to be provided before an offer can be presented in the absence of the owner.
September 7, 2017	OCTA ROW agent e-mailed property owner's representative stating OCTA would not be able to meet until week of September 25, 2017, due to conflicts and requested him to confirm availability for that week.
September 8, 2017	OCTA ROW agent received e-mail from property owner's representative of availability for meeting during week of September 25 th . OCTA ROW agent replied and reminded them that a letter of representation from the owner would need to be provided before an offer can be presented at the meeting in the absence of the owner.
September 21, 2017	OCTA ROW agent received e-mail from property owner's representative with the letter of representation from the property owners. OCTA ROW agent acknowledged receipt of the letter of representation and confirmed a meeting time.
September 27, 2017	OCTA, OCTA legal counsel, OCTA ROW agent (collectively the "OCTA Team") met with the property owner's representative and property owner's attorney at OCTA's project office and presented the offer package. The OCTA Team discussed specific impacts to the property, project interests,

	duration of temporary construction easement, reconstruction of the bridge, circulation, etc. The OCTA Team also discussed the appraisal report and mitigation plan. Property owner will review the offer package and provide OCTA Team with further questions.
November 7, 2017	OCTA ROW agent e-mailed 30-day incentive notice to property owner and property owner's attorney and carbon copied OCTA and OCTA's legal counsel.
November 8, 2017	OCTA ROW agent mailed 30-day incentive notice to property owner and property owner's attorney via USPS regular mail.
December 20, 2017	OCTA ROW agent mailed first level review letter to property owner and attorney via regular mail.
January 12, 2018	OCTA mailed notice of hearing regarding intent to adopt resolution of necessity.
January 12, 2018	OCTA's legal counsel forwarded courtesy copy of notice of hearing regarding intent to adopt resolution of necessity to property owner's legal counsel.
January 17, 2018	OCTA's legal counsel spoke with property owner's legal counsel, confirming representation and reiterating invitation for first level review meeting.
January 23, 2018	OCTA's legal counsel forwarded copy of first level review letter to property owner's legal counsel via e-mail.
January 23, 2018	OCTA's legal counsel received letter from property owner's representative asking for updated set of plans, if any.
January 29, 2018	OCTA's legal counsel responded to property owner's representative indicating an inquiry would be made as to whether updated project plans are available.
February 6, 2018	OCTA's legal counsel forwarded e-mail to property owner's representative responding to inquiry regarding status of project plans.

Correspondence/Contact Summary
Resolution No. 2018-013
G. B. Enterprises, a partnership

Date	Reason for Contact
June 25, 2015	Orange County Transportation Authority (OCTA) staff and OCTA right-of-way (ROW) agent met at OCTA headquarters with property owner and property owner's attorney inquiring about how project design requirements might impact possible building expansion plans. OCTA ROW agent informed property owner that project design was still preliminary, but would provide some design requirements at the time of property appraisal.
June 28, 2016	OCTA ROW agent and legal counsel attend appraisal inspection meeting with property owner and property owner's legal counsel.
January 31, 2017	OCTA ROW agent spoke to tenant about the project and general information about the furniture, fixtures, and equipment appraisal process and will update tenant with further information in the future.
August 21, 2017	OCTA's legal counsel emailed digital copy of offer package to property owner's legal counsel.
August 21, 2017	Property owner's legal counsel acknowledged receipt of digital copy of offer package.
August 24, 2017	OCTA's legal counsel sent by overnight express mail hard copy of offer packet to property owner's legal counsel.
December 7, 2017	OCTA's legal counsel emailed property owner's legal counsel asking for signed acknowledgement from property owner confirming property owner's request that OCTA acquire the property in fee rather than portions thereof.
December 7, 2017	Property owner's legal counsel confirms in e-mail that property owner requests a fee acquisition, including the acquisition of the billboard sign on the property, but asks to modify the acknowledgement form.
December 7, 2017	OCTA's legal counsel sent e-mail to property owner's legal counsel consenting to modification of form confirming that property owner requests acquisition of the property in fee rather than portions thereof.
December 20, 2017	OCTA ROW agent mailed first level review letter to property owner (carbon copied property owner's legal counsel) via regular mail.
January 12, 2018	OCTA mailed notice of hearing regarding intent to adopt resolution of necessity.
January 24, 2018	OCTA's legal counsel sent e-mail to property owner's legal counsel confirming OCTA is agreeable to the full acquisition proposal.

List of Property Owners
Interstate 405 Improvement Project Between State Route 73 and Interstate 605
Board of Directors Exhibit Matrix

Resolution No.	APN	Owner	Property Address	Area Needed	Type of Acquisition	Reason for Acquisition
2018-007	139-031-62	International Asset Management Group, LLC, a California limited liability company	1683 Sunflower Ave., Costa Mesa	22,519 Sq. Ft.	FEE	One (1) partial FEE, one (1) PFE and one (1) TCE over a portion of the property are needed to remove existing improvements, construct the proposed retaining wall and provide area for the widening of the freeway.
	139-651-14			1,916 Sq. Ft.	PFE	
				15,057 Sq. Ft.	TCE	
2018-009	156-152-01	City of Fountain Valley, a municipal corporation	18240 Ward Street, Fountain Valley	11,557 Sq. Ft.	FEE	Two (2) partial FEEs, two (2) PFEs and (2) TCEs over a portion of the property are needed to remove existing improvements and construct the proposed retaining wall, and provide area for the widening of Ward Street and the freeway.
	156-152-02			4,169 Sq. Ft.	FEE	
	156-152-03			2,803 Sq. Ft.	PFE	
				955 Sq. Ft.	PFE	
				8,897 Sq. Ft.	TCE	
2018-011	156-094-01	Frank B. De Gelas and Donna L. De Gelas, as Trustees of the Frank and Donna De Gelas Trust dated February 27, 2003	10480 Talbert Ave., Fountain Valley	1,239 Sq. Ft.	TCE	Two (2) TCEs over a portion of the property are needed to remove existing improvements and provide area for the widening of Talbert Avenue and construction of freeway improvements.
				3,677 Sq. Ft.	TCE	

Resolution No.	APN	Owner	Property Address	Area Needed	Type of Acquisition	Reason for Acquisition
2018-010	143-301-31	Carolyn B. Huisch Properties, a California limited partnership, as to an undivided 50% interest and John M. Huisch, Trustee of the Huisch Land Trust (dated May 24, 1984), as to an undivided 50% interest	9025 Recreation Circle and 16800 Magnolia Street, Fountain Valley	393 Sq. Ft.	FEE	Three (3) partial FEEs, one (1) PFE and three (3) TCEs over a portion of the property are needed to remove existing improvements, construct the proposed retaining wall, and provide area for the widening of Magnolia Street.
	143-301-37			77 Sq. Ft.	FEE	
	143-294-01			20 Sq. Ft.	FEE	
	143-294-02			1,097 Sq. Ft.	PFE	
2018-008	142-073-17	Southern California Edison Company, a corporation	The Northeastly side of Center Drive, 1,028.15 feet Northwesterly of Beach Blvd, Huntington Beach	5,140 Sq. Ft.	TCE	One (1) PHE and (1) TCE over a portion of the property are needed to remove existing improvements and provide area for the widening of the freeway off-ramp.
				152 Sq. Ft.	TCE	
				659 Sq. Ft.	TCE	
2018-013	096-522-02 096-522-04	G.B. Enterprises, a partnership	14980 Goldenwest Street, Westminster	46,922 Sq. Ft.	Full Fee	Full fee acquisition needed to remove existing improvements and construct the proposed retaining wall, ADA access ramp and reconstruct the existing sidewalk.

Legend

APN = Assessor's Parcel Number
FEE = Partial Fee
PHE = Permanent Highway Easement
PFE = Permanent Footing Easements
TCE = Temporary Construction Easement

PHOTO AERIAL EXHIBITS

Resolution of Necessity No. 2018-007 (International Asset Management Group)

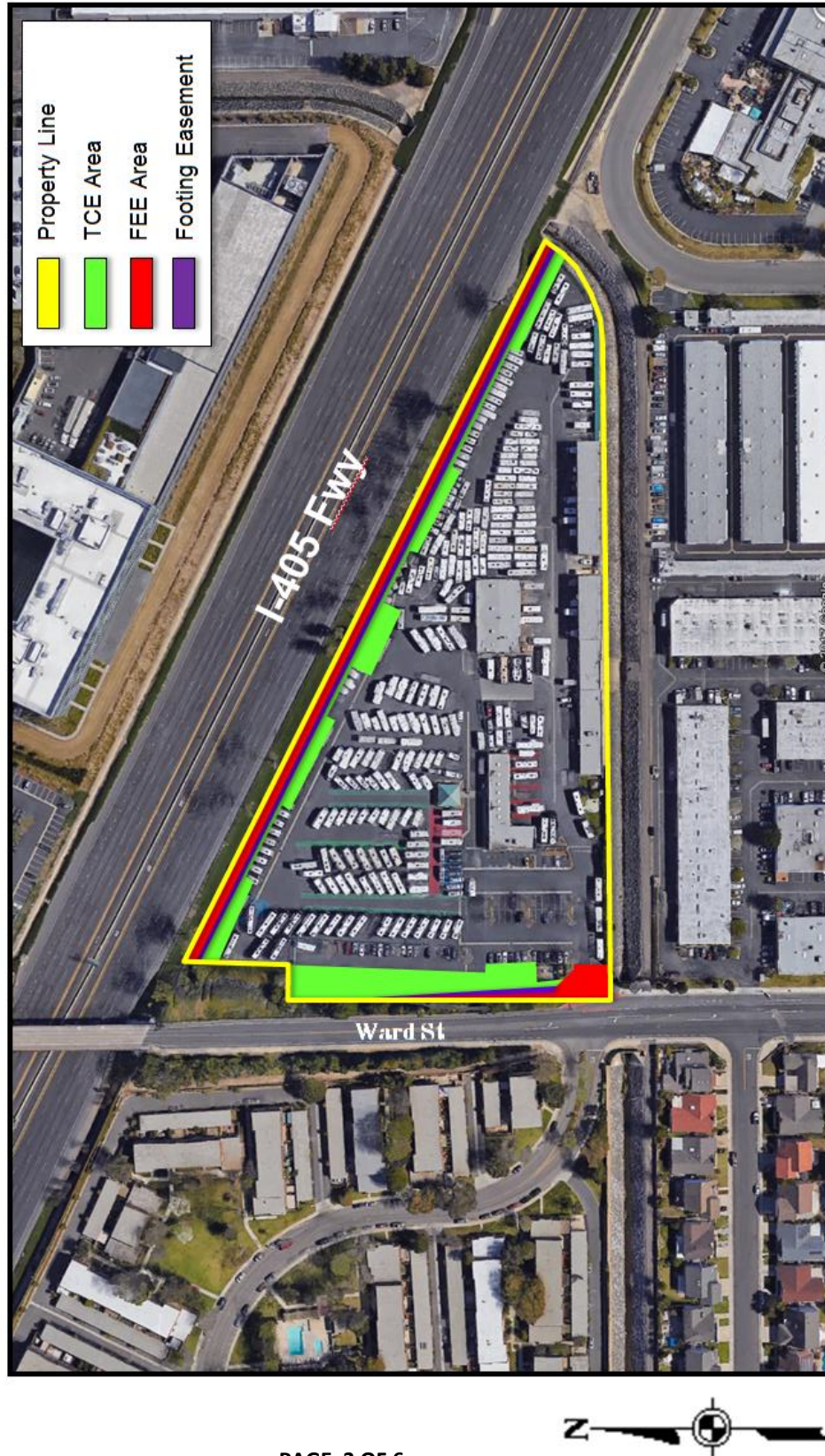


Not to Scale.
For Presentation Purposes Only

Resolution of Necessity No. 2018-008 (Southern California Edison)



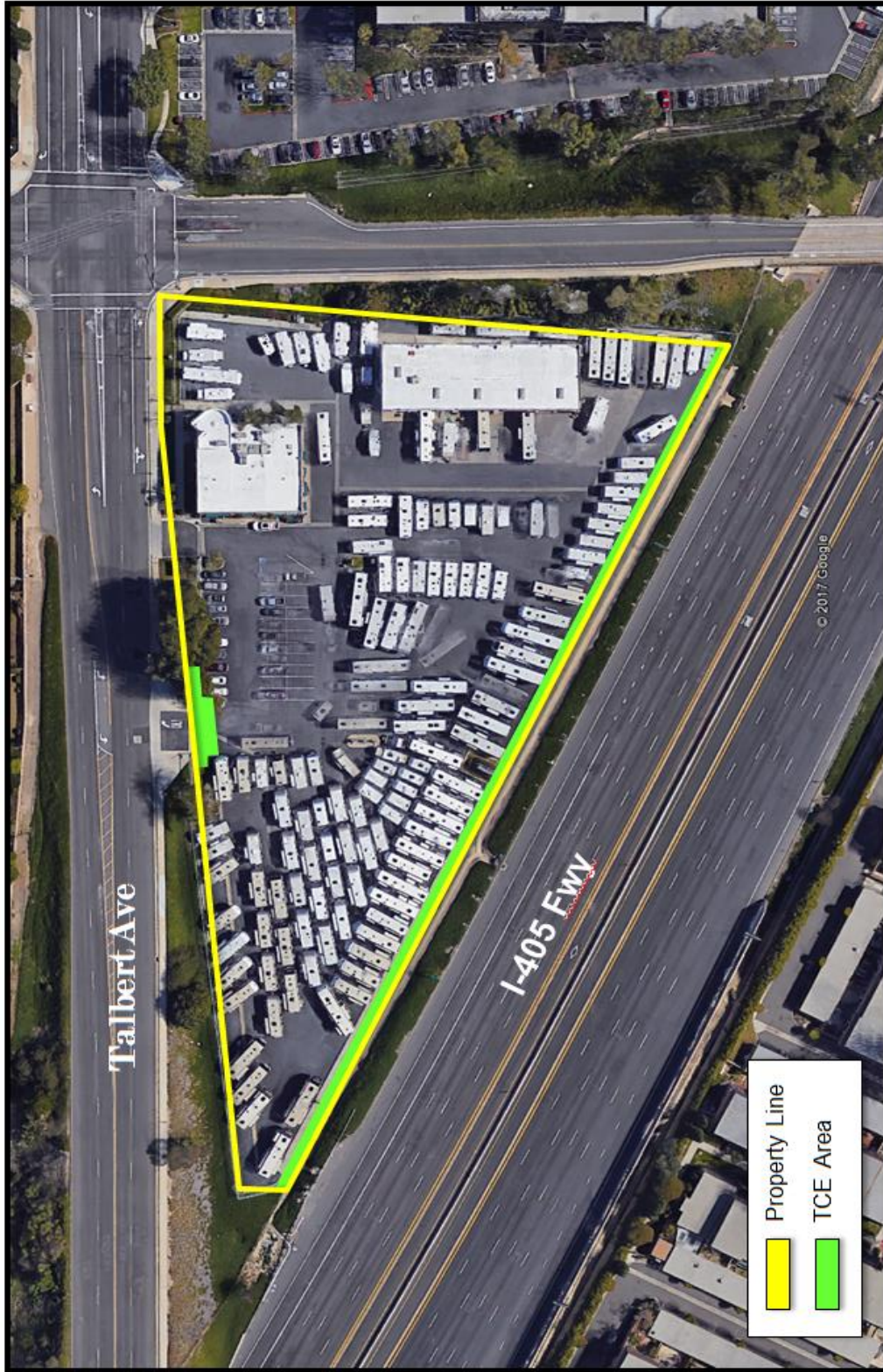
Resolution of Necessity No. 2018-009 (City of Fountain Valley)



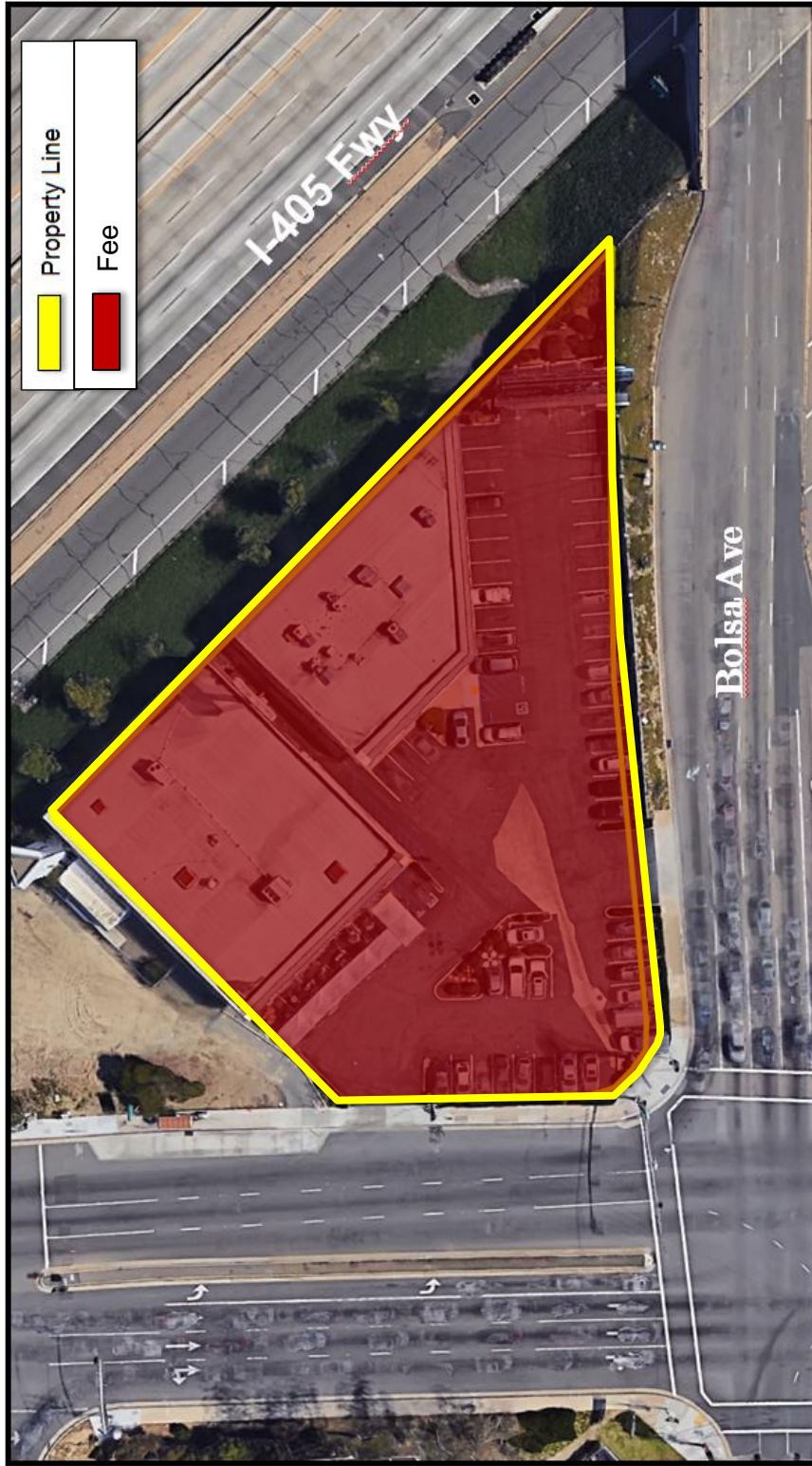
Resolution of Necessity No. 2018-010 (Carolyn B. Huish)



Resolution of Necessity No. 2018-011 (DeGelas Trust)



Resolution of Necessity No. 2018-013 (GB Enterprises)



RESOLUTION NO. 2018-007

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 139-031-62 AND 139-651-14.

WHEREAS, the Orange County Transportation Authority (the “Authority”) is undertaking the Interstate-405 (“I-405”) Improvement Project between State Route 73 and Interstate 605, a right-of-way for freeway purposes and all public uses appurtenant thereto (the “Project”); and

WHEREAS, the Project is intended to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Authority to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on May 11, 2015, the Authority’s Board of Directors authorized the Authority to acquire property interests for the Project; and

WHEREAS, portions of the real property located at 1683 Sunflower Avenue in the City of Costa Mesa, California (the “Subject Property”) are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described and depicted in Exhibit “A” hereto, a footing easement as legally described and depicted in Exhibit “B” hereto, and a temporary construction easement as legally described and depicted in Exhibit “C” hereto (collectively, the “Property Interests”); and

WHEREAS, the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure on January 12, 2018, the Authority mailed a Notice of Hearing on the Intent of the Authority to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Subject Property; and

WHEREAS, the Authority provided written notice to the City of Costa Mesa as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Authority's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Authority scheduled a hearing for February 26, 2018 at 9:00 am at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Authority's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Authority's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the Authority's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:

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

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Authority to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The property interests sought to be acquired are more particularly described and depicted in Exhibits “A,” “B,” and “C” attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The Property Interests sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is

a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire one partial fee, one footing easement, and one temporary construction easement in the real property described and depicted in Exhibits "A," "B," and "C" hereto, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. The Authority's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of the Authority by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit the Authority to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-007, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

Exhibit “A”

PSOMAS

EXHIBIT 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 102870-1

Fee Acquisition

APN 139-031-62 & 139-651-14

In the City of Costa Mesa, County of Orange, State of California, being a portion of Parcel 1 as per the map filed in Book 73, Pages 11 and 12 of Parcel Maps, in the Office of the Recorder of said County, described as follows:

Beginning at the centerline intersection of Sunflower Avenue and Cadillac Avenue as shown on Parcel Map 81-380 filed in Book 160, Pages 22 through 26 of Parcel Maps in the Office of the Recorder of said County; thence North 00°26'58" East 37.72 feet along said centerline of Cadillac Avenue to the easterly prolongation of the northerly line of said Parcel 1 shown as "North 88°51'57" East 71.13 feet" on said map; thence along said prolongation, northerly line and the northwesterly line of said Parcel 1 the following two courses:

1. North 89°33'19" West 131.01 feet;

2. South 28°23'13" West 399.57 feet to the **True Point of Beginning;**

thence South 63°25'26" East 189.61 feet to the beginning of a curve concave southwesterly having a radius of 40120.48 feet; thence southeasterly 236.28 feet along said curve through a central angle of 00°20'15"; thence North 26°54'49" East 0.52 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 40121.00 feet, a radial line to said beginning bears North 26°54'49" East; thence southeasterly 385.82 feet along said curve through a central angle of 00°33'04"; thence South 63°48'58" East 513.45 feet to a point on the easterly line of said Parcel 1; thence South 00°21'24" West 29.38 feet along last said line to the most southerly corner of said Parcel 1; thence along the southwesterly line of said Parcel 1 the following two (2) courses:

1. North 62°42'55" West 1125.48 feet;

PSOMAS

2. North 61°34'43" West 213.02 feet to the most westerly corner of said Parcel 1;
thence North 28°23'13" East 6.37 feet along the northwesterly line of said Parcel 1 to the
True Point of Beginning.

Containing 22,519 square feet.

This conveyance is made for the purpose of a freeway and the GRANTOR hereby
releases and relinquishes to the GRANTEE any and all abutter's rights including access
rights, appurtenant to GRANTOR's remaining property, in and to the freeway.

See Exhibit 'A2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by
dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of



Brian E. Bullock, PLS 5260

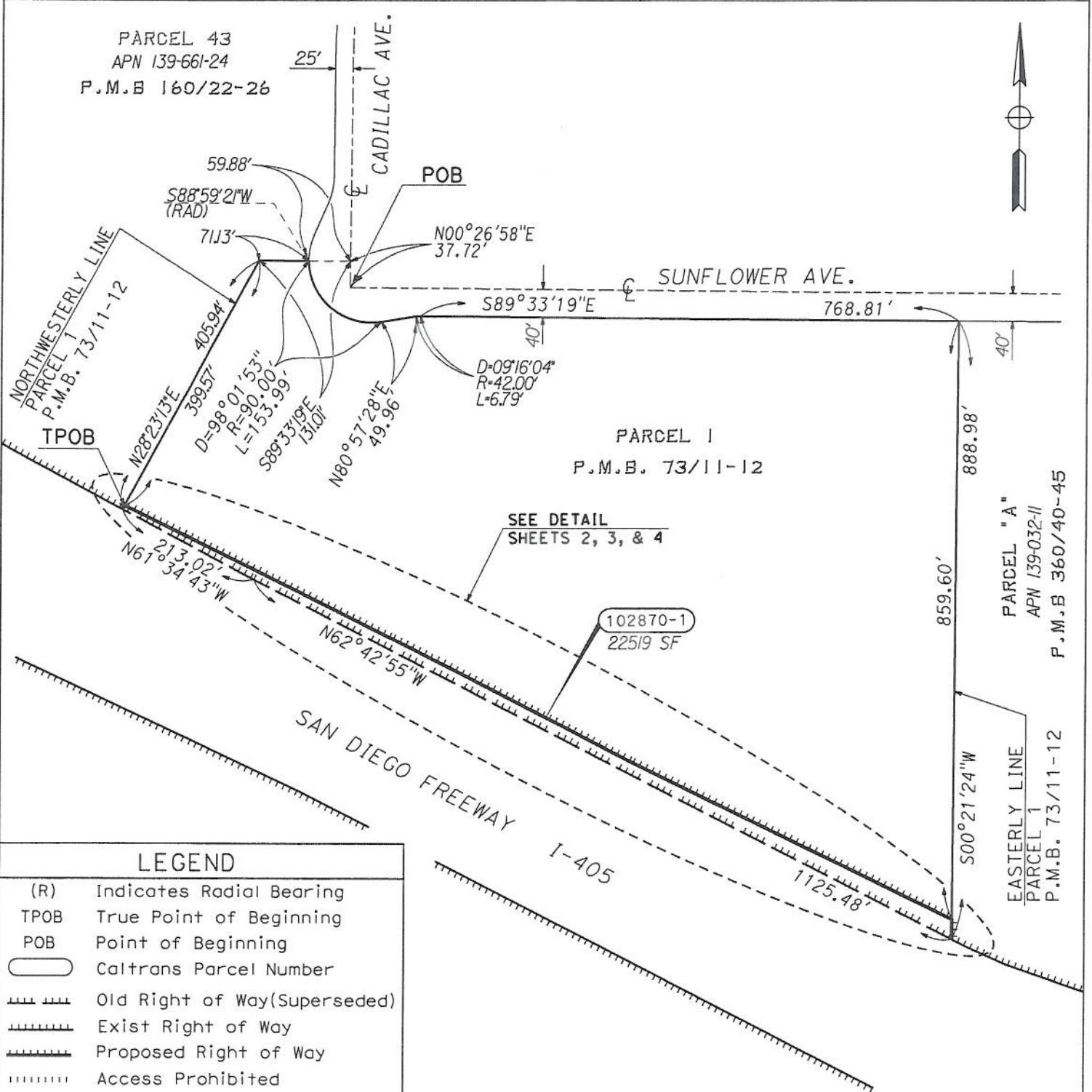
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Date



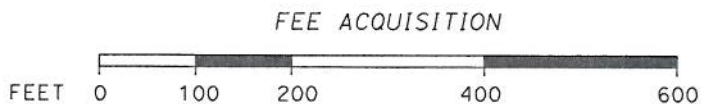
EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102870-1	FEE	22519 SF	139-031-62 & 139-651-14



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Old Right of Way(Superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

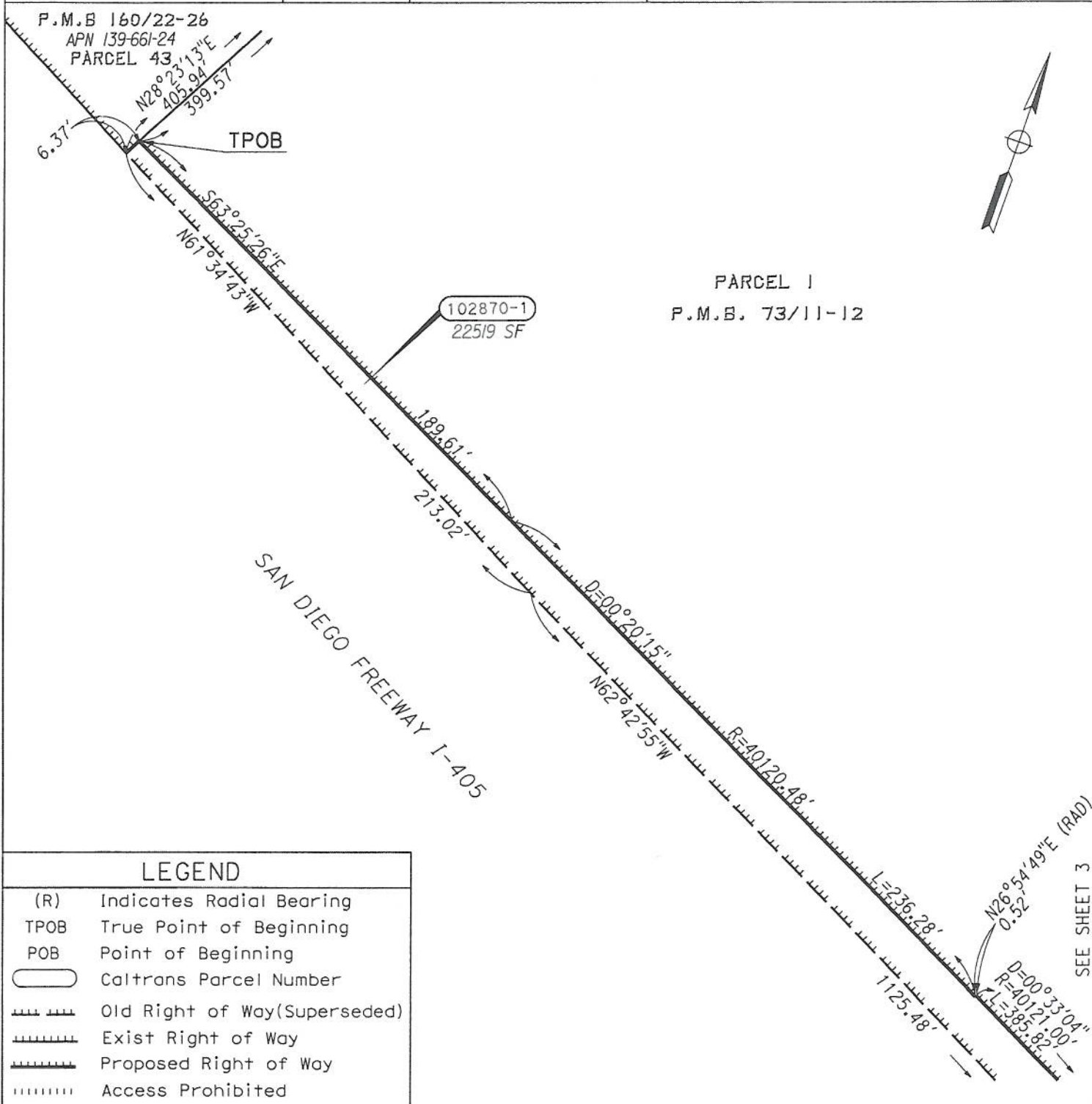
NOTES
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	DATE: 02-15-16		REV.1: 07-06-16		EA: OF		FA#:	
	DISTRICT	COUNTY	ROUTE	SHEET PM		SHEET NO.	TOTAL SHEETS	
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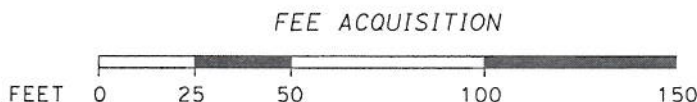
EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102870-1	FEE	22519 SF	139-031-62 & 139-651-14



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Old Right of Way(Superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

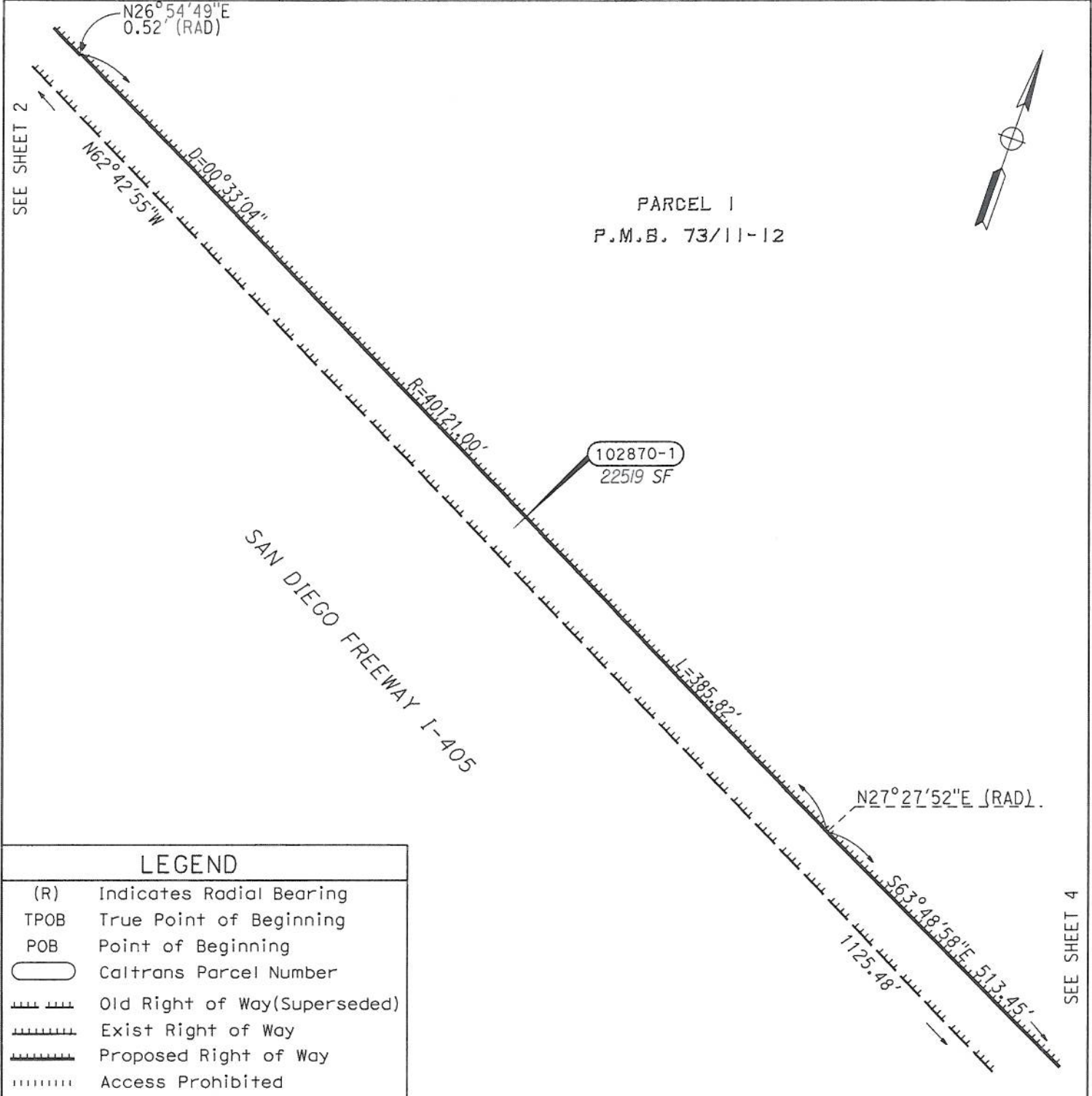
NOTES
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		DATE: 02-15-16	REV.1: 07-06-16	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	12.18	2	4

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102870-1	FEE	22519 SF	139-031-62 & 139-651-14



LEGEND

(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Old Right of Way(Superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

FEE ACQUISITION



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 02-15-16

REV.1: 07-06-16

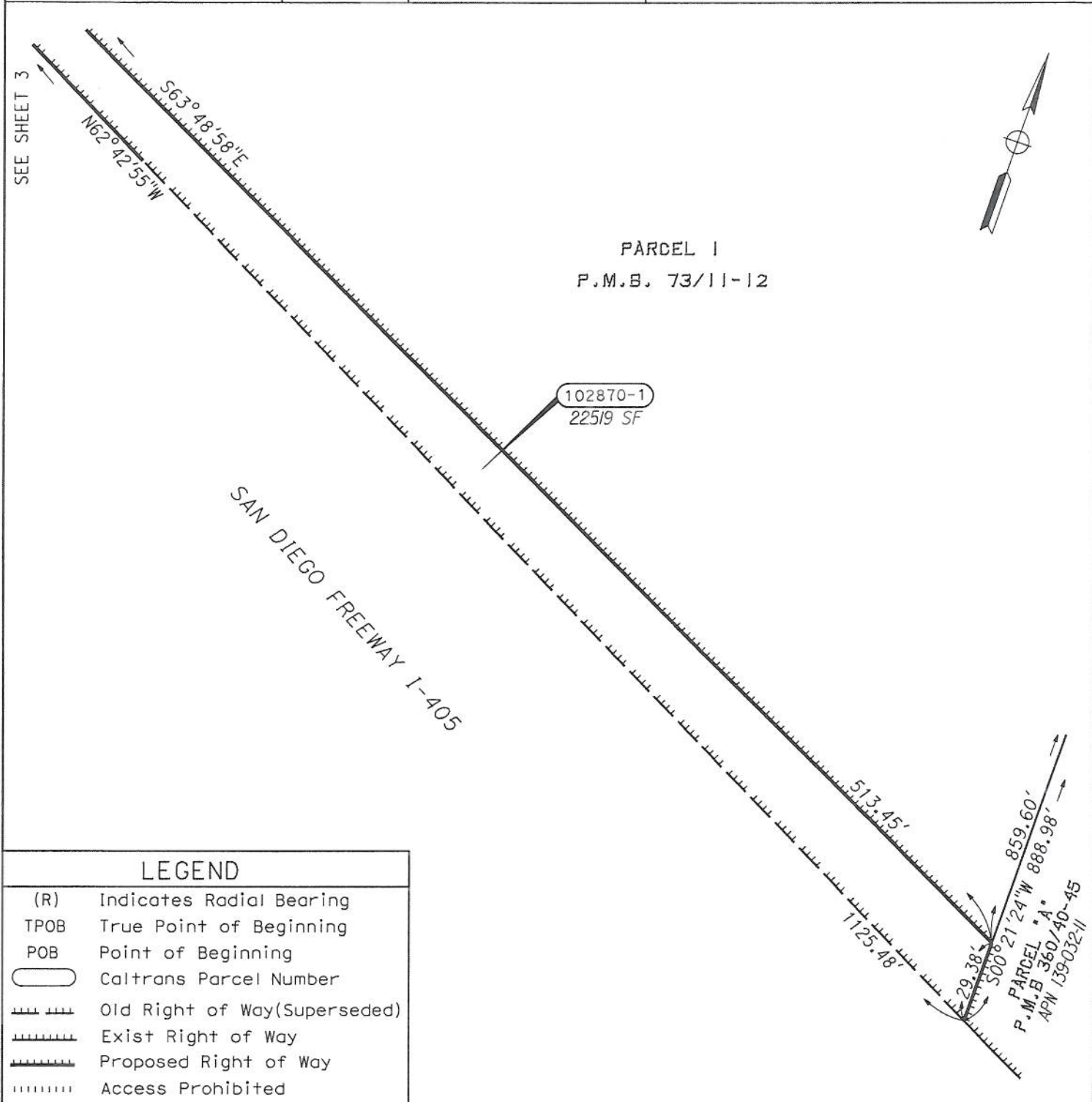
EA: OF

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	12.18	3	4

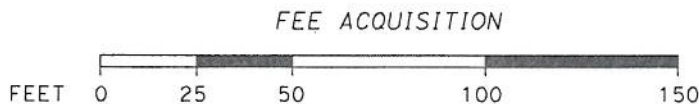
EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102870-1	FEE	22519 SF	139-031-62 & 139-651-14



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Old Right of Way(Superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

NOTES
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	DATE: 02-15-16		REV.1: 07-06-16		EA: OF		FA#:	
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
	12	ORANGE	405	12.18	4	4		

Exhibit “B”

**PERMANENT FOOTING EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 139-031-62, 139-651-14
Caltrans Parcel No.: 102870-2**

The Orange County Transportation Authority seeks to acquire a non-exclusive permanent footing easement in, on and under the real property described in Exhibit "B1" and depicted in Exhibit "B2" attached hereto, subject to the rights and limitations described herein ("Footing Easement"). The Footing Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "OCTA") for purposes of constructing, maintaining, repairing, relocating, and adjusting, as applicable, subsurface footings and appurtenances thereto in connection with the construction of the I-405 Improvement Project.

The owner(s) and occupant(s) of the real property subject to the Footing Easement (collectively, the "Owners") shall not construct any permanent improvements within the easement area of the Footing Easement that would impede OCTA's rights as defined herein. OCTA will backfill to grade, with dirt, or will install pavement material, within that portion of the Footing Easement area affected by OCTA's work. The Owners will have the right to use the surface of the easement area of the Footing Easement for access or automobile parking purposes once the subsurface footings are in place. Once the subsurface footings are in place, the Owners will also have the right to plant ground cover and grass on the easement area so long as their roots do not impact footings within the Footing Easement.

The rights and obligations of OCTA and the Owners shall run with the land and be binding upon and/or inure to the benefit of OCTA's and the Owners' respective heirs, successors and assigns.

OCTA expressly reserves the right to convey, transfer or assign the Footing Easement subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'B1' LEGAL DESCRIPTION

Caltrans Parcel No. 102870-2

Permanent Footing Easement

APN 139-031-62 & 139-651-14

In the City of Costa Mesa, County of Orange, State of California, being a portion of Parcel 1 as per the map filed in Book 73, Pages 11 and 12 of Parcel Maps, in the Office of the Recorder of said County, described as follows:

Beginning at the centerline intersection of Sunflower Avenue and Cadillac Avenue as shown on Parcel Map 81-380 filed in Book 160, Pages 22 through 26, inclusive, of Parcel Maps in the Office of the Recorder of said County; thence North 0°26'58" East 37.72 feet along said centerline of Cadillac Avenue to the easterly prolongation of the northerly line of said Parcel 1 shown as "North 88°51'57" East 71.13 feet" on said map; thence along said prolongation, northerly line and the northwesterly line of said Parcel 1 the following two courses:

1. North 89°33'19" West 131.01 feet;

2. South 28°23'13" West 399.57 feet to the **True Point of Beginning**;

thence South 63°25'26" East 189.61 feet to the beginning of a curve concave southwesterly having a radius of 40120.48 feet; thence southeasterly 236.28 feet along said curve through a central angle of 0°20'15"; thence North 26°54'49" East 4.50 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 40124.98 feet, a radial line to said beginning bears North 26°54'49" East; thence northwesterly 236.31 feet along said curve through a central angle of 0°20'15"; thence North 63°25'26" West 189.47 feet to northwesterly line of said Parcel 1; thence South 28°23'13" West 4.50 feet along said northwesterly line to the **True Point of Beginning**.

Containing 1,916 square feet.

PSOMAS

See Exhibit 'B2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of



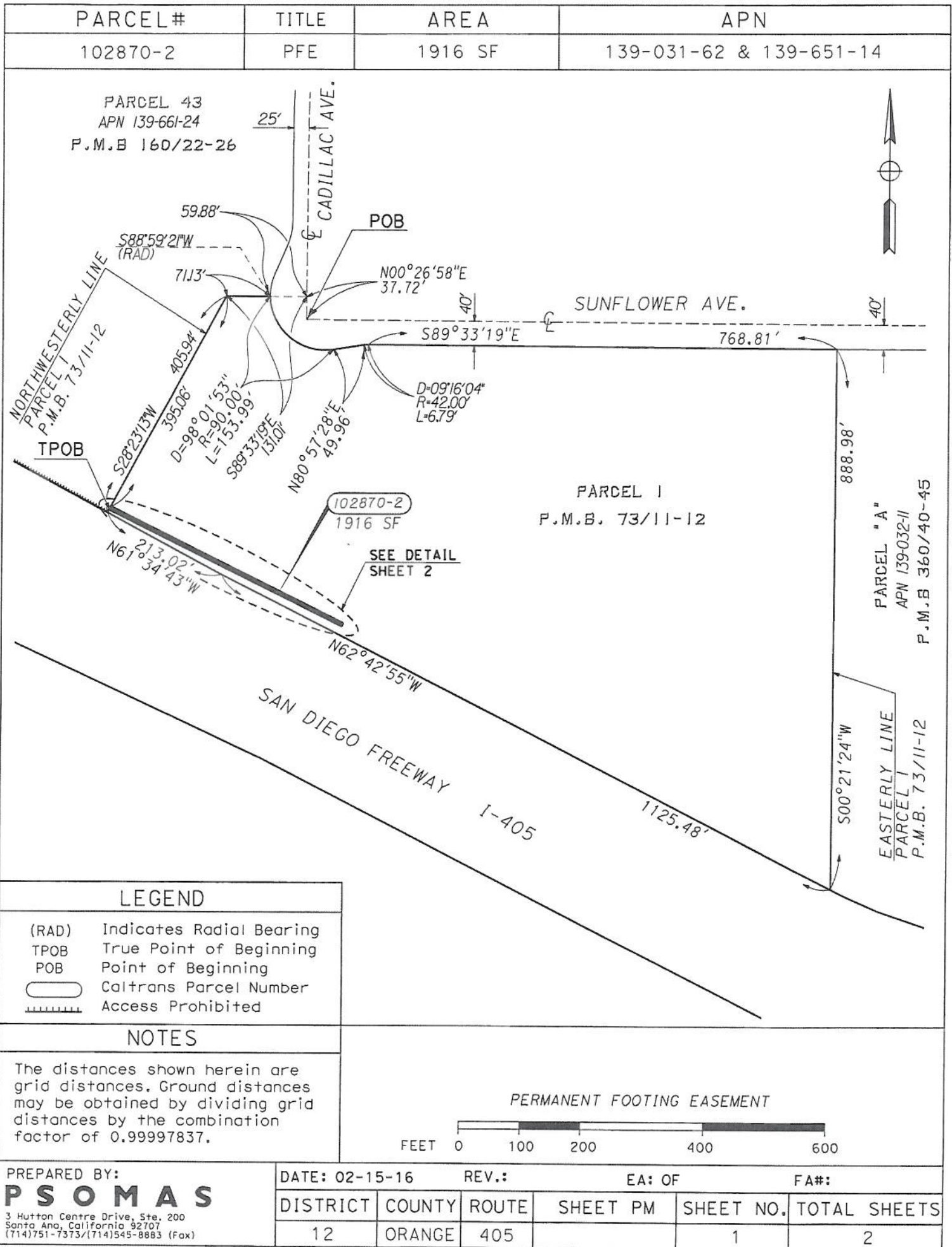
A handwritten signature in cursive script, appearing to read "Anna M. Beal", written over a horizontal line.

Anna M. Beal,

PLS 4955

3/11/16
Date

EXHIBIT B2



PREPARED BY:
PSOMAS
3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 02-15-16	REV.:	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM
12	ORANGE	405	1
SHEET NO.	TOTAL SHEETS		
	2		

EXHIBIT B2

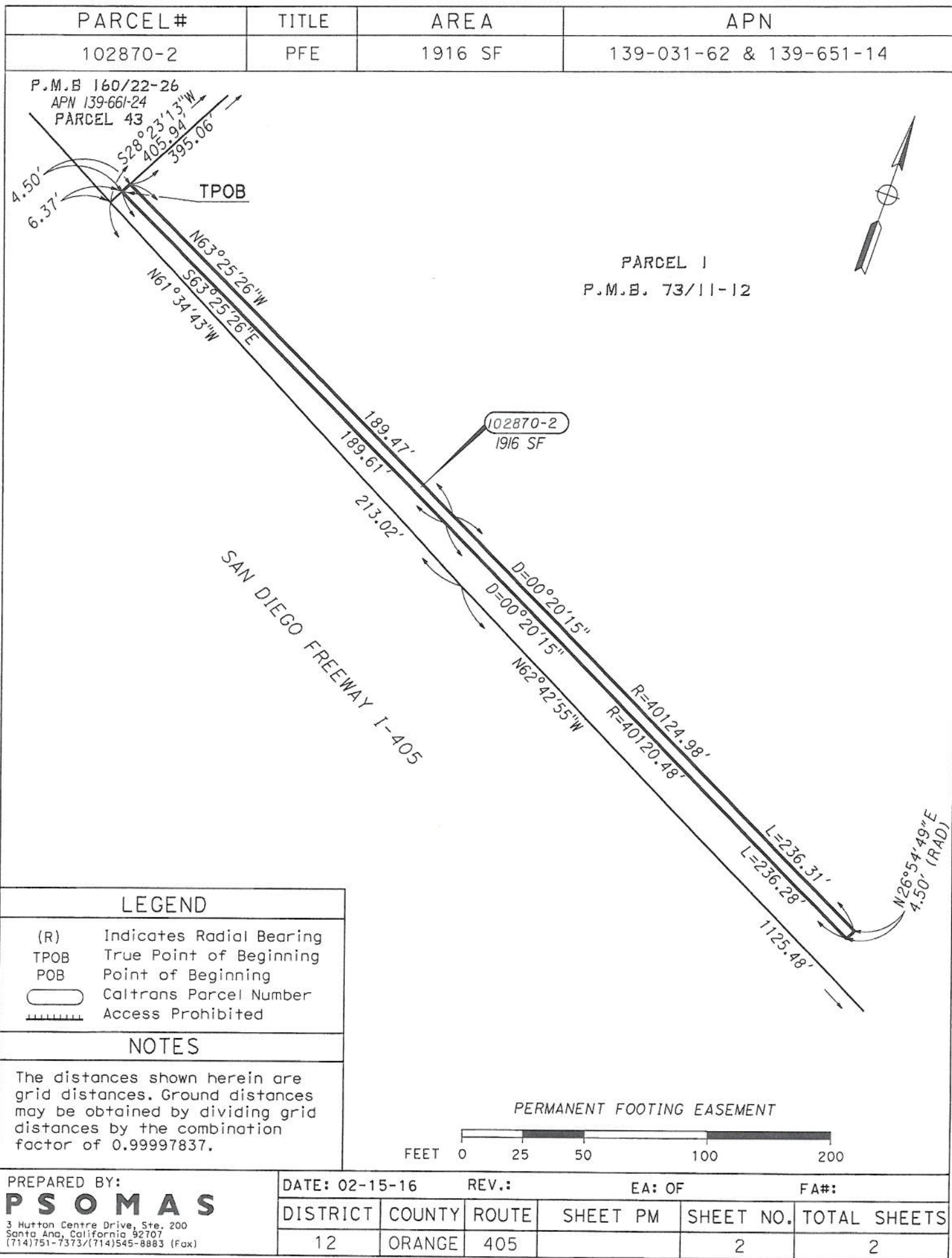


Exhibit “C”

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 139-031-62, 139-651-14
Caltrans Parcel No: 102870-3**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "C1" and depicted in Exhibit "C2" attached hereto, subject to the rights and restrictions described herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty-eight (48) months, a portion of which shall be exclusive (subject to the restrictions set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the forty-eight (48) month TCE period (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the restrictions set forth below. OCTA's use and occupancy of the TCE during the remaining twenty-four (24) months of the TCE period will be non-exclusive.

Rights and Restrictions of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- At the commencement of the Construction Period, OCTA may place a temporary fence around the TCE area. However, no temporary fence shall be in place during the twenty-four (24) months of OCTA's non-exclusive use of the TCE area, during which time reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained (provided said access existed prior to the acquisition of the TCE).
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by OCTA. The property owner shall be compensated for the re-establishment of a portion of the parking lot area as per OCTA's mitigation plan.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted to restore it to a condition that is as functionally equivalent as is practicable to its condition prior to commencement of the construction activities.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'C1' LEGAL DESCRIPTION

Caltrans Parcel No. 102870-3

Temporary Construction Easement

APN 139-031-62 & 139-651-14

In the City of Costa Mesa, County of Orange, State of California, being a portion of Parcel 1 as per the map filed in Book 73, Pages 11 and 12 of Parcel Maps, in the Office of the Recorder of said County, described as follows:

Beginning at the centerline intersection of Sunflower Avenue and Cadillac Avenue as shown on Parcel Map 81-380 filed in Book 160, Pages 22 through 26, inclusive, of Parcel Maps in the Office of the Recorder of said County; thence North $0^{\circ}26'58''$ East 37.72 feet along said centerline of Cadillac Avenue to the easterly prolongation of the northerly line of said Parcel 1 shown as "North $88^{\circ}51'57''$ East 71.13 feet" on said map; thence along said prolongation, northerly line and the northwesterly line of said parcel the following two courses:

1. North $89^{\circ}33'19''$ West 131.01 feet;
 2. South $28^{\circ}23'13''$ West 399.57 feet to the **True Point of Beginning**;
- thence South $63^{\circ}25'26''$ East 189.61 feet to the beginning of a curve concave southwesterly having a radius of 40120.48 feet; thence southeasterly 236.28 feet along said curve through a central angle of $0^{\circ}20'15''$; thence North $26^{\circ}54'49''$ East 0.52 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 40121.00 feet, a radial line to said beginning bears North $26^{\circ}54'49''$ East; thence southeasterly 385.82 feet along said curve through a central angle of $0^{\circ}33'04''$; thence South $63^{\circ}48'58''$ East 513.45 feet to easterly line of said Parcel 1; thence North $0^{\circ}21'24''$ East 11.11 feet along said easterly line; thence North $63^{\circ}48'59''$ West 508.39 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 40131.00 feet, a radial line to said beginning bears North $27^{\circ}27'52''$ East; thence northwesterly 385.92 feet along said curve through a central angle of $0^{\circ}33'04''$; thence

PSOMAS

North 26°54'49" East 3.98 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 40134.98 feet, a radial line to said beginning bears North 26°54'49" East; thence northwesterly 235.64 feet along said curve through a central angle of 0°20'11"; thence South 28°25'17" West 3.49 feet; thence North 61°34'43" West 189.78 feet to the northwesterly line of said Parcel 1; thence South 28°23'13" West 17.13 feet along said northwesterly line to the **True Point of Beginning**.

Containing 15,057 square feet.

See Exhibit 'C2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of



A handwritten signature in dark ink, appearing to read "A. M. Beal", written over a horizontal line.

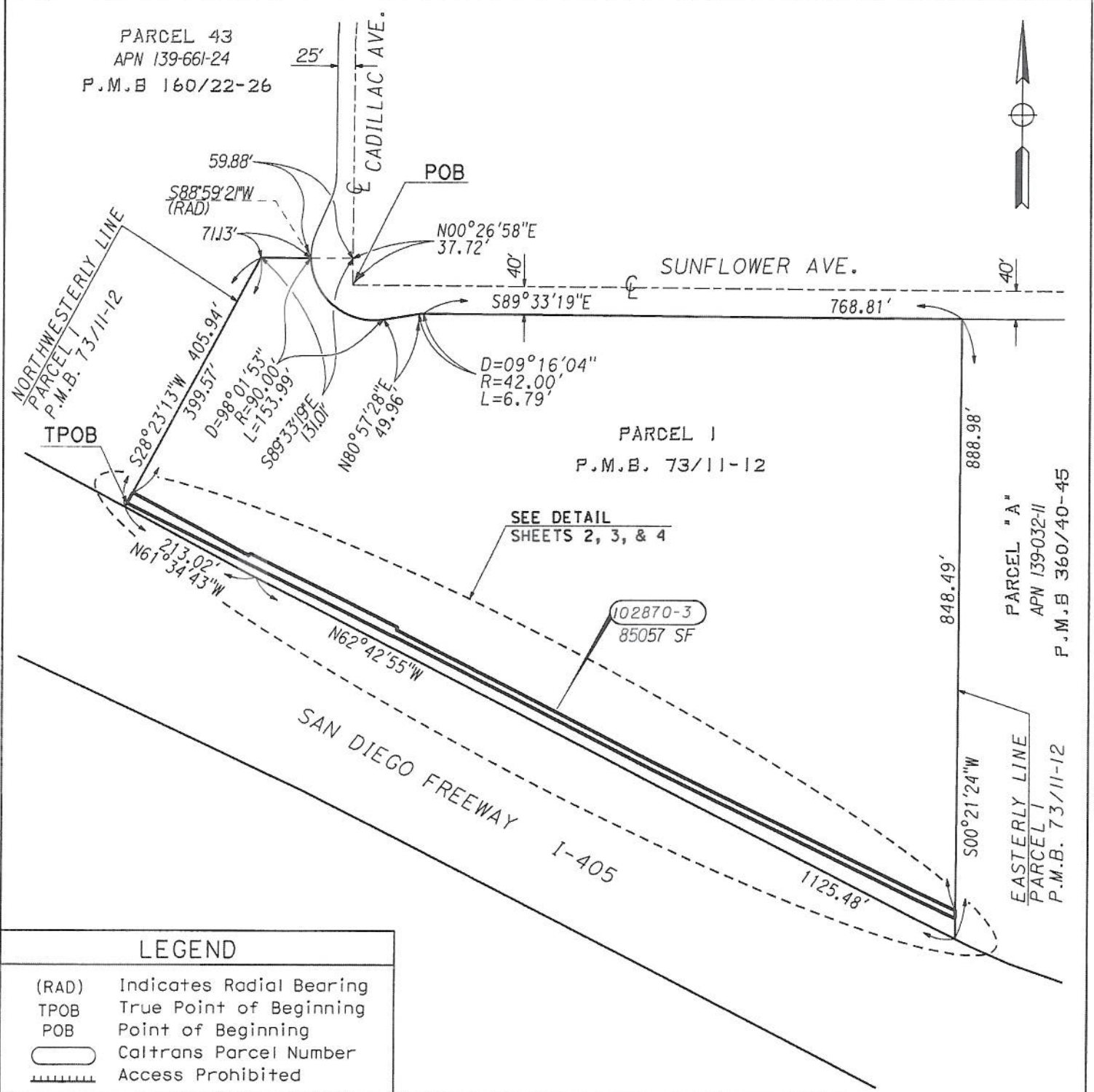
Anna M. Beal,

PLS 4955

3/11/16
Date

EXHIBIT C2

PARCEL#	TITLE	AREA	APN
102870-3	TCE	15057 SF	139-031-62 & 139-651-14



LEGEND

(RAD)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 02-15-16

REV.:

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

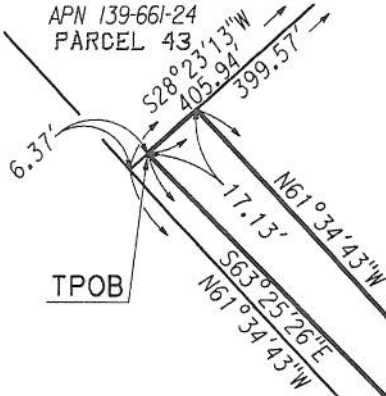
1

4

EXHIBIT C2

PARCEL#	TITLE	AREA	APN
102870-3	TCE	15057 SF	139-031-62 & 139-651-14

P.M.B. 160/22-26
APN 139-661-24
PARCEL 43



PARCEL 1

P.M.B. 73/11-12

102870-3
15057 SF

SAN DIEGO FREEWAY I-405

CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
C1	00°33'04"	40121.00'	385.82'
C2	00°33'04"	40131.00'	385.92'

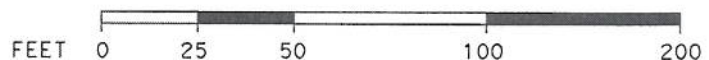
LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

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TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714) 751-7373 / (714) 545-8883 (Fax)

DATE: 02-15-16

REV.:

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

2

4

SEE SHEET 3

EXHIBIT C2

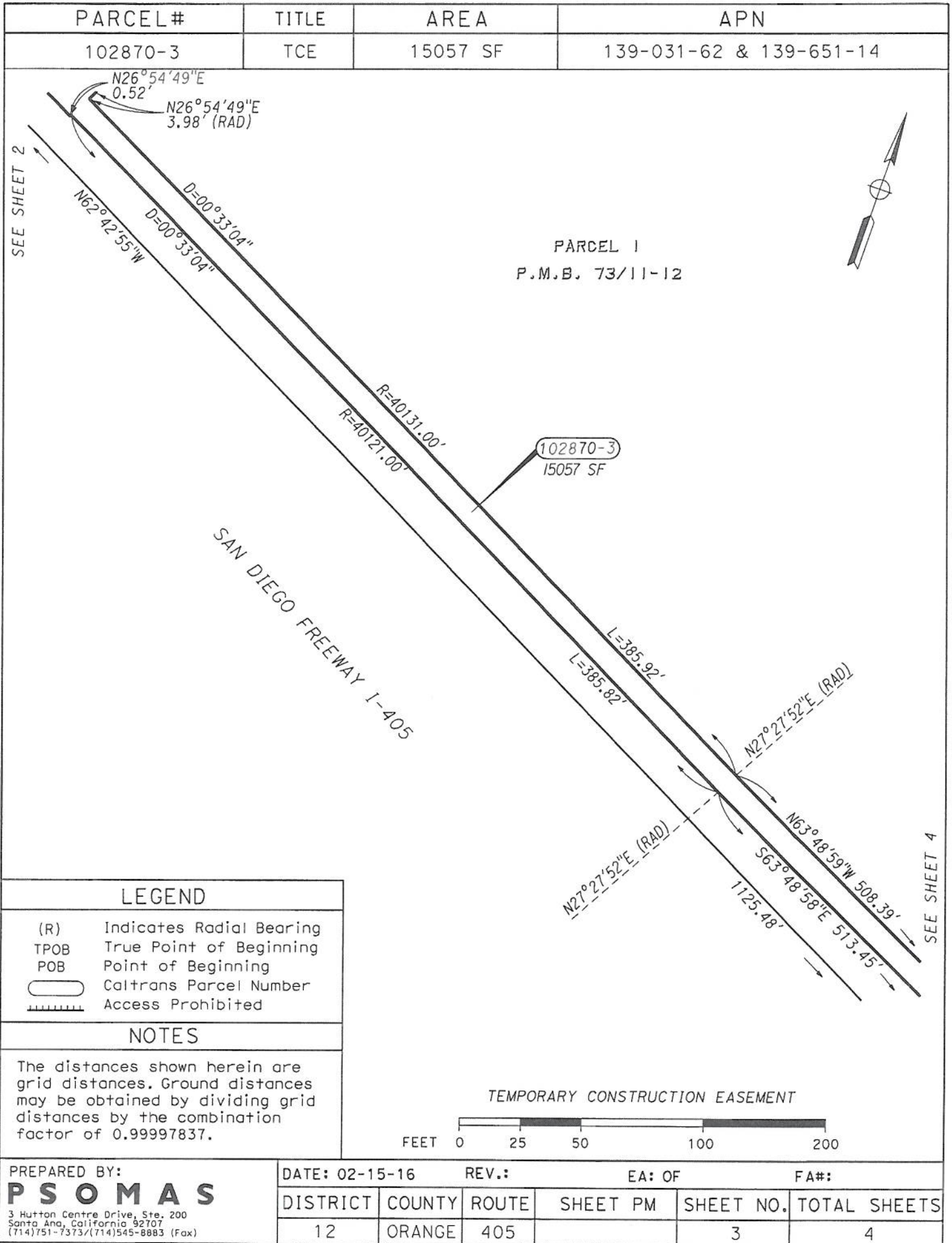
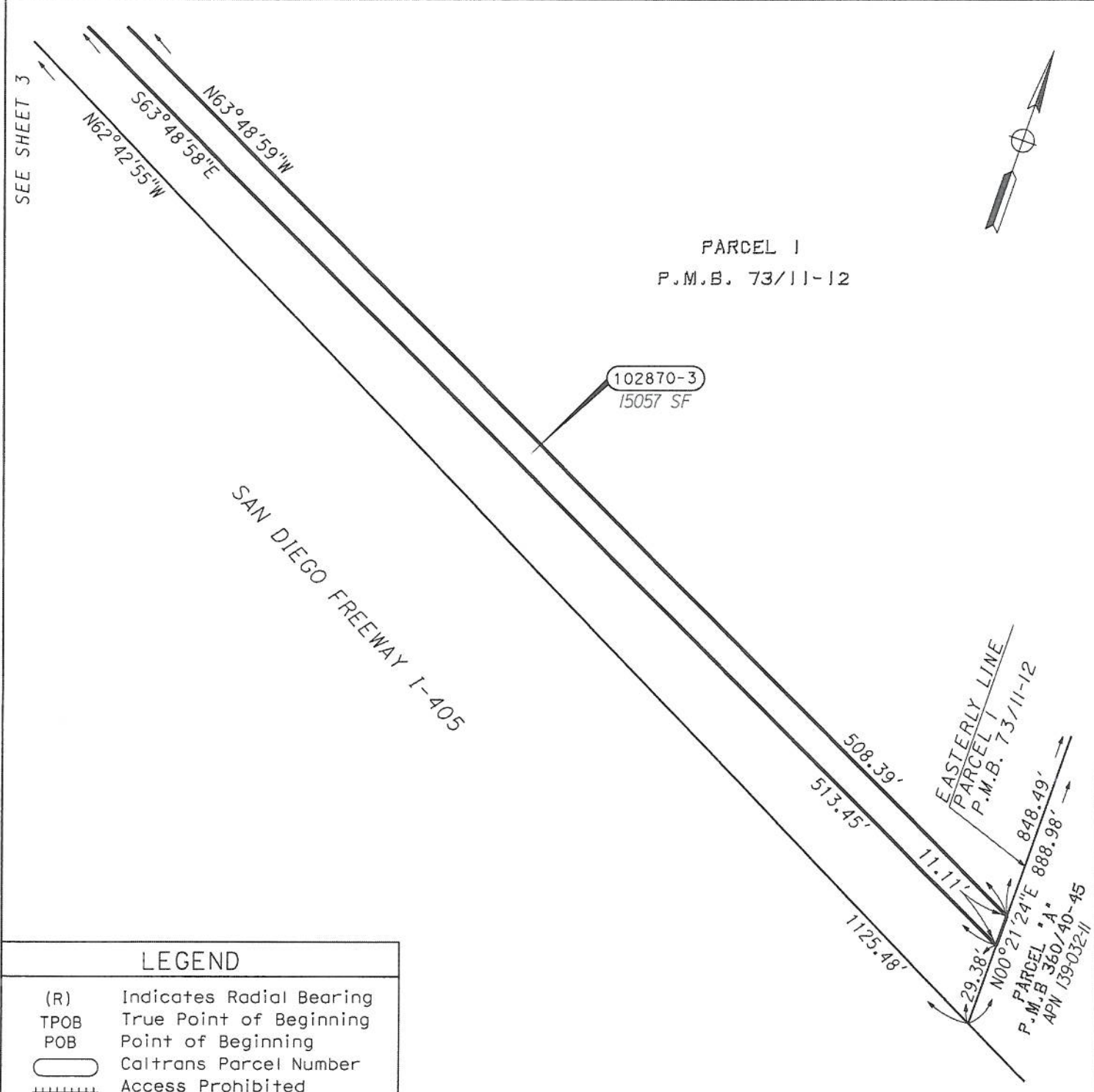


EXHIBIT C2

PARCEL#	TITLE	AREA	APN
102870-3	TCE	15057 SF	139-031-62 & 139-651-14



LEGEND

(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

NOTES

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TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 02-15-16

REV.:

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

4

4

RESOLUTION NO. 2018-008

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 142-073-17.

WHEREAS, the Orange County Transportation Authority (the "Authority") is undertaking the Interstate 405 ("I-405") Improvement Project between State Route 73 and Interstate 605, a right-of-way for freeway purposes and all public uses appurtenant thereto (the "Project"); and

WHEREAS, the Project is intended to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Authority to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on May 11, 2015, the Authority's Board of Directors authorized the Authority to acquire property interests for the Project; and

WHEREAS, portions of the real property located on the northeasterly side of Center Drive, beginning 1,028.15 feet northwesterly of Beach Boulevard, in the City of Huntington Beach, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project include a permanent highway easement and the relinquishment of abutter's rights, including access rights, as legally described and depicted in Exhibit "A" hereto and a temporary construction easement as legally described and depicted in Exhibit "B" hereto (collectively, the "Property Interests"); and

WHEREAS, the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure on January 12, 2018, the Authority mailed a Notice of Hearing on the Intent of the Authority to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Subject Property; and

WHEREAS, the Authority provided written notice to the City of Huntington Beach as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Authority's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Authority scheduled a hearing for February 26, 2018 at 9:00 am at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Authority's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Authority's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the Authority's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:

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

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Authority to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The property interests sought to be acquired are more particularly described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The Property Interests sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire one permanent highway easement and the relinquishment of abutter's rights, including access rights, and one temporary construction easement in the real property described and depicted in Exhibits "A" and "B" hereto, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. The Authority's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of the Authority by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit the Authority to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-008, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

EXHIBIT "A"

PSOMAS

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103091-1

Permanent Highway Easement

APN 142-073-17

In the City of Huntington Beach, County of Orange, State of California, being a portion of the lands described in that certain Corporation Grant Deed recorded December 18, 1958 in Book 4519, Page 491 of Official Records of said County, described as follows:

Beginning on the centerline of Center Drive at the westerly terminus of that certain curve shown as concave southerly having a radius of 550.00 feet, length of 270.64 feet and the central angle of 28°11'37" on that certain Parcel Map filed in Book 344 of Parcel Maps at Pages 18 thru 20, Orange County Records; thence from said point of beginning, to which point a radial line bears North 00°27'28" East, southeasterly along said centerline and said curve 270.99 feet through a central angle of 28°13'47" to a point thereon; thence along a radial bearing North 28°41'15" East 40.00 feet to the westerly terminus of the most southerly line of Parcel A as said parcel is shown on said Parcel Map, said line also being the northerly line of said lands described in said Corporation Grant Deed; thence along last said lines South 89°32'32" East 115.05 feet to the most easterly corner of said Parcel A, said corner being the **True Point of Beginning**; thence South 89°32'32" East 14.95 feet continuing along the easterly prolongation of said most southerly line to the northwesterly corner of Parcel 3 as said parcel is described in that certain Highway Easement Deed recorded March 24, 1967 in Book 8207, Page 446 of Official Records of said County; thence South 20°04'56" East 23.54 feet along the westerly line of the lands described in said Highway Easement Deed to a point thereon; thence North 46°00'59" West 32.01 feet to the **True Point of Beginning**.

Containing 165 square feet.

PSOMAS

This conveyance is made for the purpose of a freeway and the GRANTOR hereby releases and relinquishes to the GRANTEE any and all abutter's rights including access rights, appurtenant to GRANTOR's remaining property, in and to the freeway.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

See Exhibit 'A2' attached hereto and made apart hereof.

Prepared under the direction of



Brian E. Bullock, PLS 5260

9-15-16

Date



EXHIBIT A2

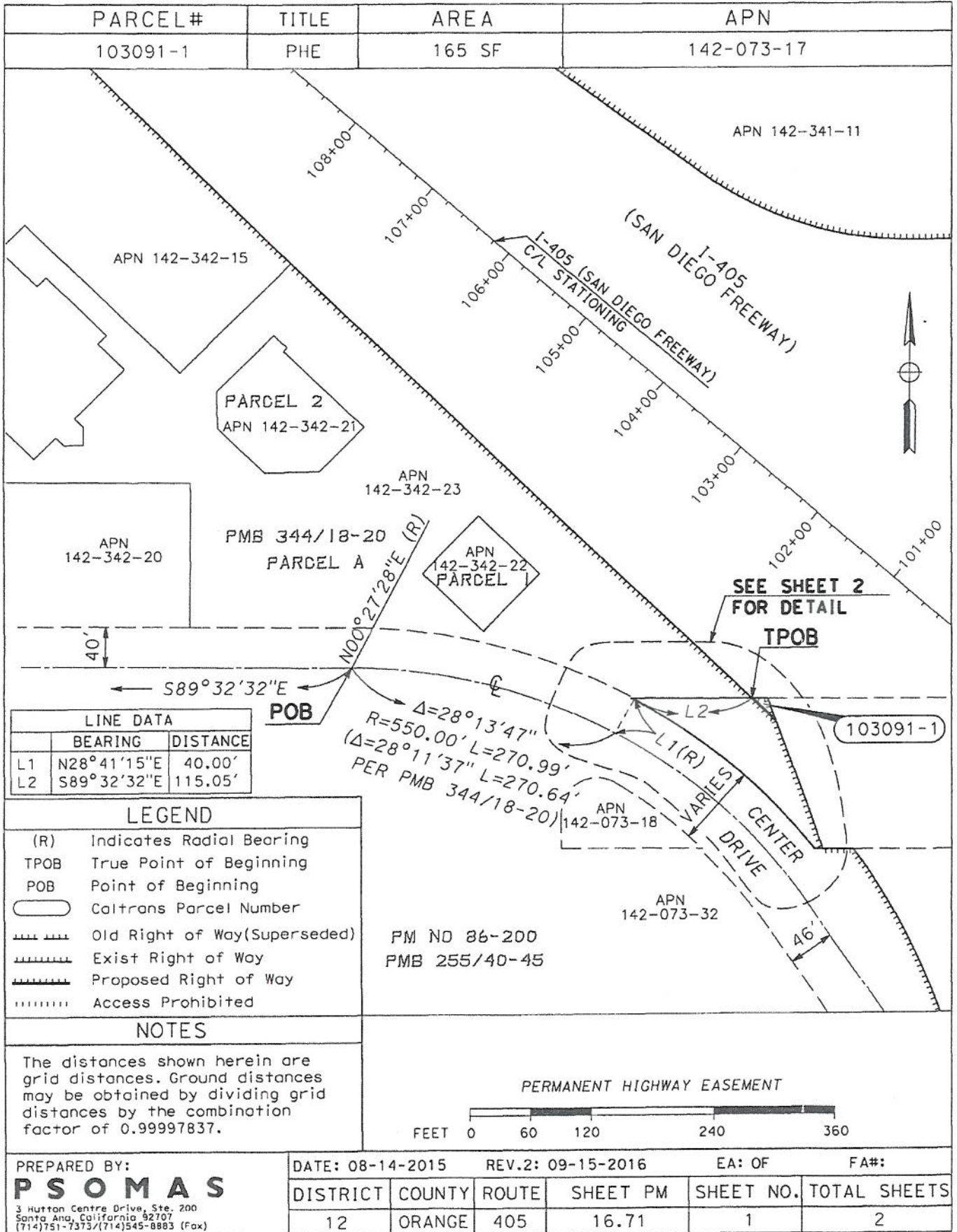


EXHIBIT A2

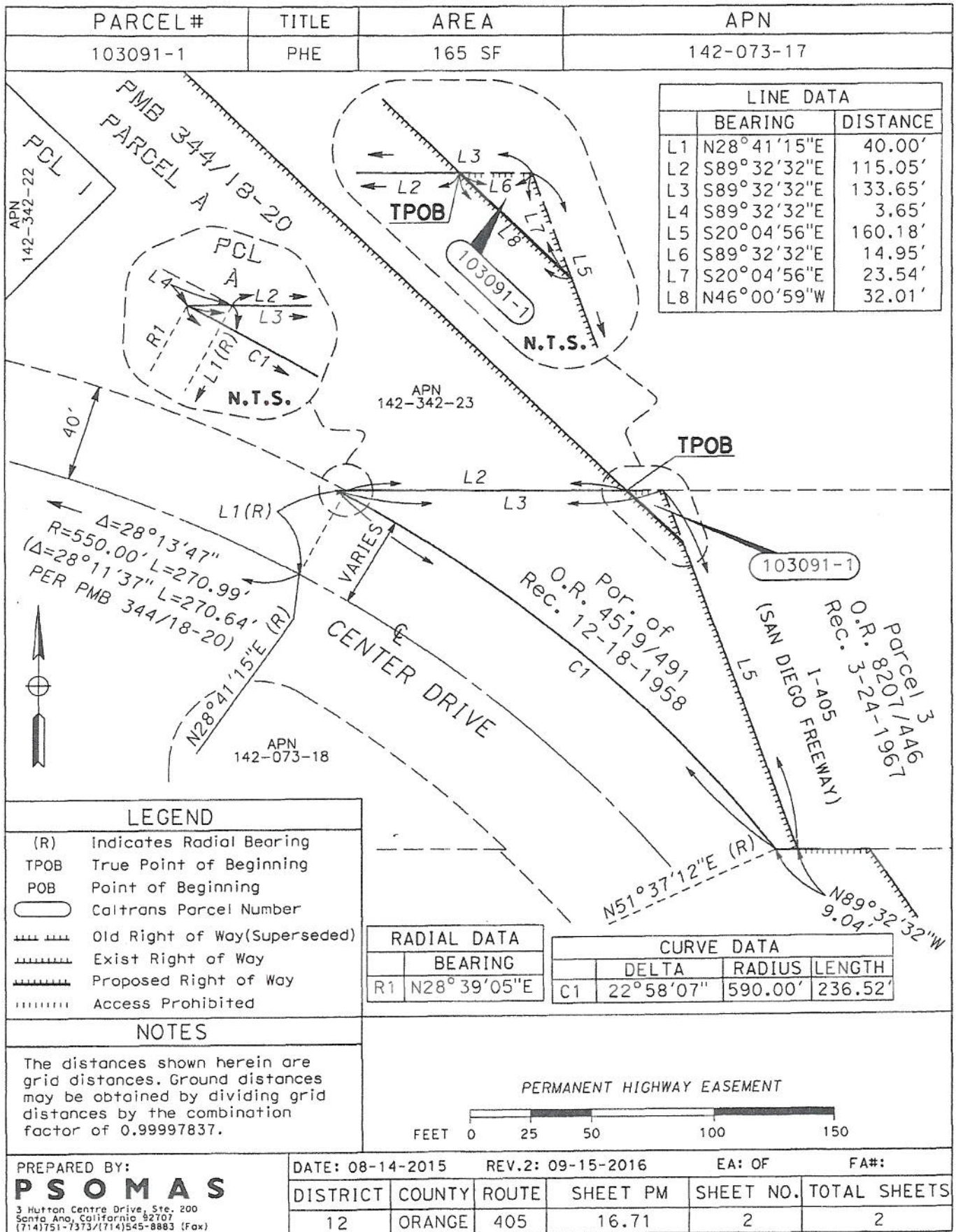


EXHIBIT "B"

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 142-073-17

Caltrans Parcel No.: 103091-2

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "B1" and depicted in Exhibit "B2" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the sixty (60) month TCE period (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. OCTA's use and occupancy of the TCE during the remaining thirty-six (36) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, OCTA may place a temporary fence around the TCE area, provided however, no fence will be placed around or across any driveway within the TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the I-405 Freeway.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted by OCTA.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'B1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103091-2

Temporary Construction Easement

APN 142-073-17

In the City of Huntington Beach, County of Orange, State of California, being a portion of the lands described in that certain Corporation Grant Deed recorded December 18, 1958 in Book 4519, Page 491 of Official Records of said County, described as follows:

Beginning on the centerline of Center Drive at the westerly terminus of that certain curve shown as concave southerly having a radius of 550.00 feet, length of 270.64 feet and the central angle of 28°11'37" on that certain Parcel Map filed in Book 344 of Parcel Maps at Pages 18 thru 20, Orange County Records; thence from said point of beginning, to which point a radial line bears North 00°27'28" East, southeasterly along said centerline and said curve 270.99 feet through a central angle of 28°13'47" to a point thereon; thence along a radial bearing North 28°41'15" East 40.00 feet to the westerly terminus of the most southerly line of Parcel A as said parcel is shown on said Parcel Map, said line also being the northerly line of said lands described in said Corporation Grant Deed; thence along last said lines South 89°32'32" East 115.05 feet to the most easterly corner of said Parcel A, said corner being the **True Point of Beginning**; thence South 46°00'59" East 32.01 feet to a point on the westerly line of Parcel 3 as said parcel is described in that certain Highway Easement Deed recorded March 24, 1967 in Book 8207, Page 446 of Official Records of said County; thence South 20°04'56" East 29.73 feet along said westerly line to a point thereon; thence North 46°00'59" West 72.43 feet to a point on said southerly line of said Parcel A; thence South 89°32'32" East 18.88 feet along last said line to the **True Point of Beginning**.

Containing 679 square feet

PSOMAS

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

See Exhibit 'B2' attached hereto and made apart hereof.

Prepared under the direction of

Jeremy L Evans

Jeremy L. Evans, PLS 5282

1-14-2017

Date

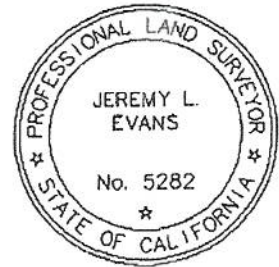


EXHIBIT B2

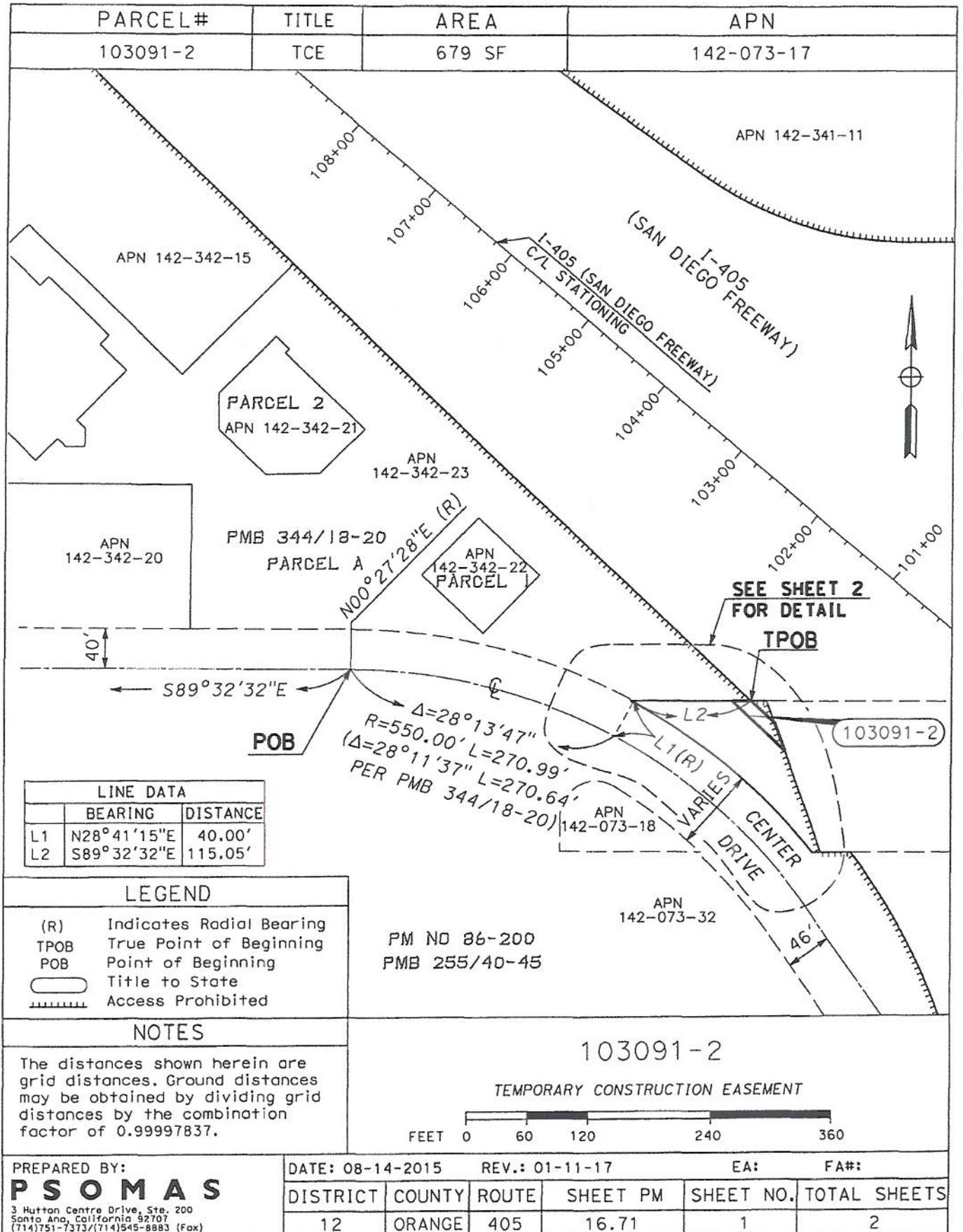
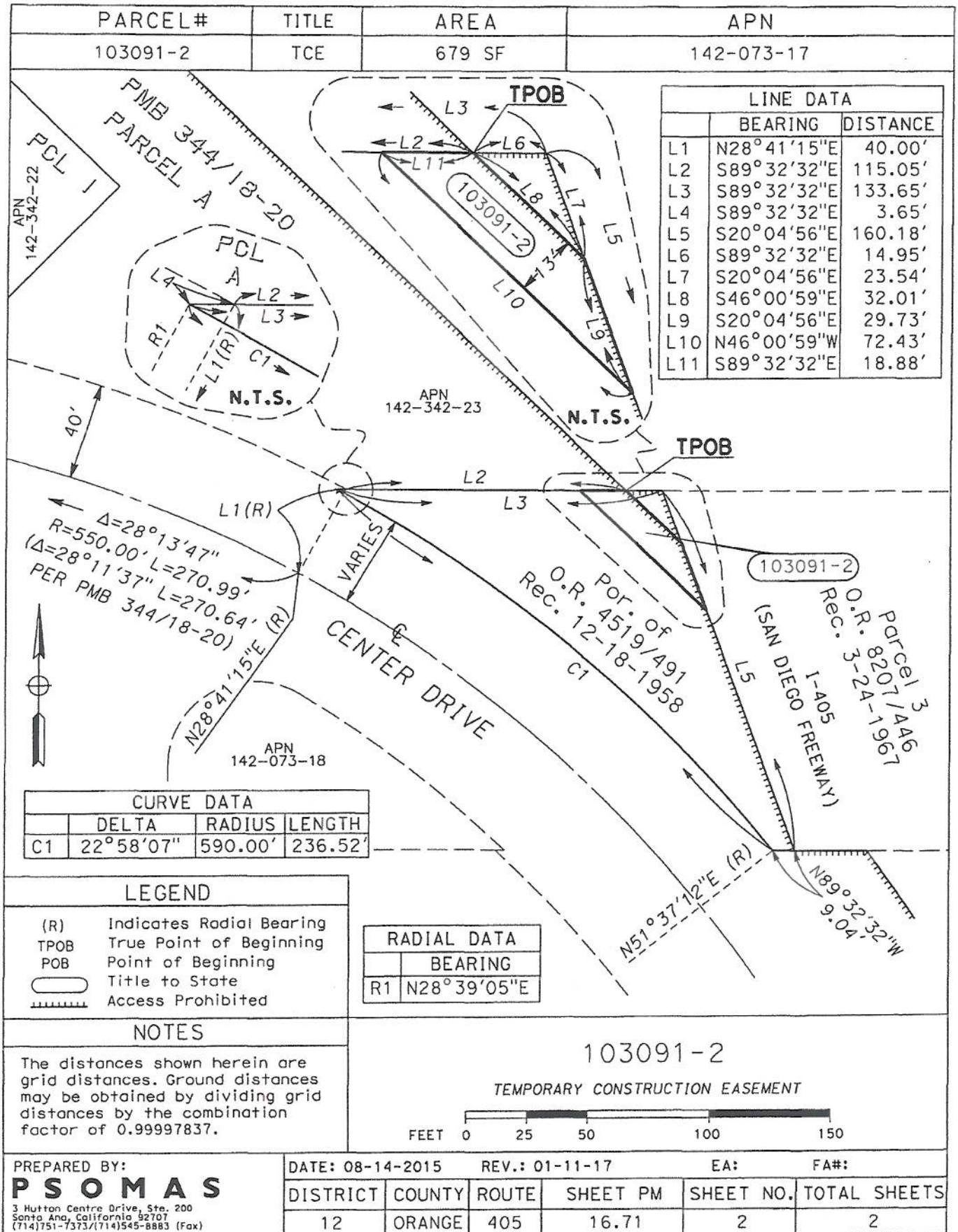


EXHIBIT B2



RESOLUTION NO. 2018-009

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 156-152-01, 156-152-02, AND 156-152-03.

WHEREAS, the Orange County Transportation Authority (the “Authority”) is undertaking the Interstate 405 (“I-405”) Improvement Project between State Route 73 and Interstate 605, a right-of-way for freeway purposes and all public uses appurtenant thereto (the “Project”); and

WHEREAS, the Project is intended to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Authority to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on May 11, 2015, the Authority’s Board of Directors authorized the Authority to acquire property interests for the Project; and

WHEREAS, portions of the real property located at 18240 Ward Street, in the City of Fountain Valley, California (the “Subject Property”) are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described in and depicted in Exhibit “1” hereto, a partial fee interest as legally described in and depicted in Exhibit “2” hereto, a permanent wall footing easement as legally described in and depicted in Exhibit “3” hereto, a permanent wall footing easement as legally described in and depicted in Exhibit “4” hereto, a temporary construction easement as legally described and depicted in Exhibit “5” hereto, and a temporary construction easement as legally described and depicted in Exhibit “6” hereto (collectively, the “Property Interests”); and

WHEREAS, the acquisition of the partial fee interest as legally described in and depicted in Exhibit "2" hereto shall be subject to the pre-existing right of access; and

WHEREAS, the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure on January 12, 2018, the Authority mailed a Notice of Hearing on the Intent of the Authority to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Subject Property; and

WHEREAS, the Authority provided written notice to the City of Fountain Valley as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Authority's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Authority scheduled a hearing for February 26, 2018 at 9:00 a.m. at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Authority's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Authority's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the Authority's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:

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

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Authority to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits “1” through “6” attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The Property Interests sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already

devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire two partial fee interests, two permanent wall footing easements, and two temporary construction easements in the real property described and depicted in Exhibits "1" through "6" hereto, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. The Authority's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of the Authority by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit the Authority to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-009, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

Exhibit 1

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-1

Fee Acquisition

APN 156-152-01, 156-152-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214, Page 966 of Official Records and Book 8662, Page 689 of Official Records both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwest corner of the land described in said Grant Deed recorded in Book 8214, Page 966 of Official Records; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed the following three (3) courses:

1. North $03^{\circ}07'06''$ East 46.11 feet;
2. South $89^{\circ}45'44''$ East 30.00 feet;
3. North $04^{\circ}09'32''$ East 146.28 feet to the most northerly corner of said Grant Deed said point being on the southwesterly right of way line of the State of California, San Diego Freeway and the **True Point of Beginning** ;

COAST SURVEYING, INC.

Thence along the northerly line of said Grant Deed recorded in Book 8214, Page 966 and the northerly line of said Grant Deed recorded in Book 8662, Page 689, both of Official Records South $62^{\circ}41'07''$ East 1127.84 feet to the southeasterly corner of said Grant Deed recorded in Book 8662, Page 689 of Official Records; thence along the southeasterly line of last said Grant Deed South $36^{\circ}27'58''$ West 10.56 feet; thence leaving said southeasterly line North $62^{\circ}40'13''$ West 1121.83 feet to the westerly line of said Grant Deed recorded in Book 8214, Page 866 of Official Records; thence along said westerly line North $04^{\circ}09'32''$ East 11.01 feet to the most northerly corner of said Grant Deed and the **True Point of Beginning**.

Containing 11557 square feet.

This conveyance is made for the purpose of a freeway and the GRANTOR hereby releases and relinquishes to the GRANTEE any and all abutter's rights including access rights, appurtenant to GRANTOR's remaining property, in and to the freeway.

See Exhibit 'A2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of

Kriss Larson

Kriss A. Larson, PLS 6179

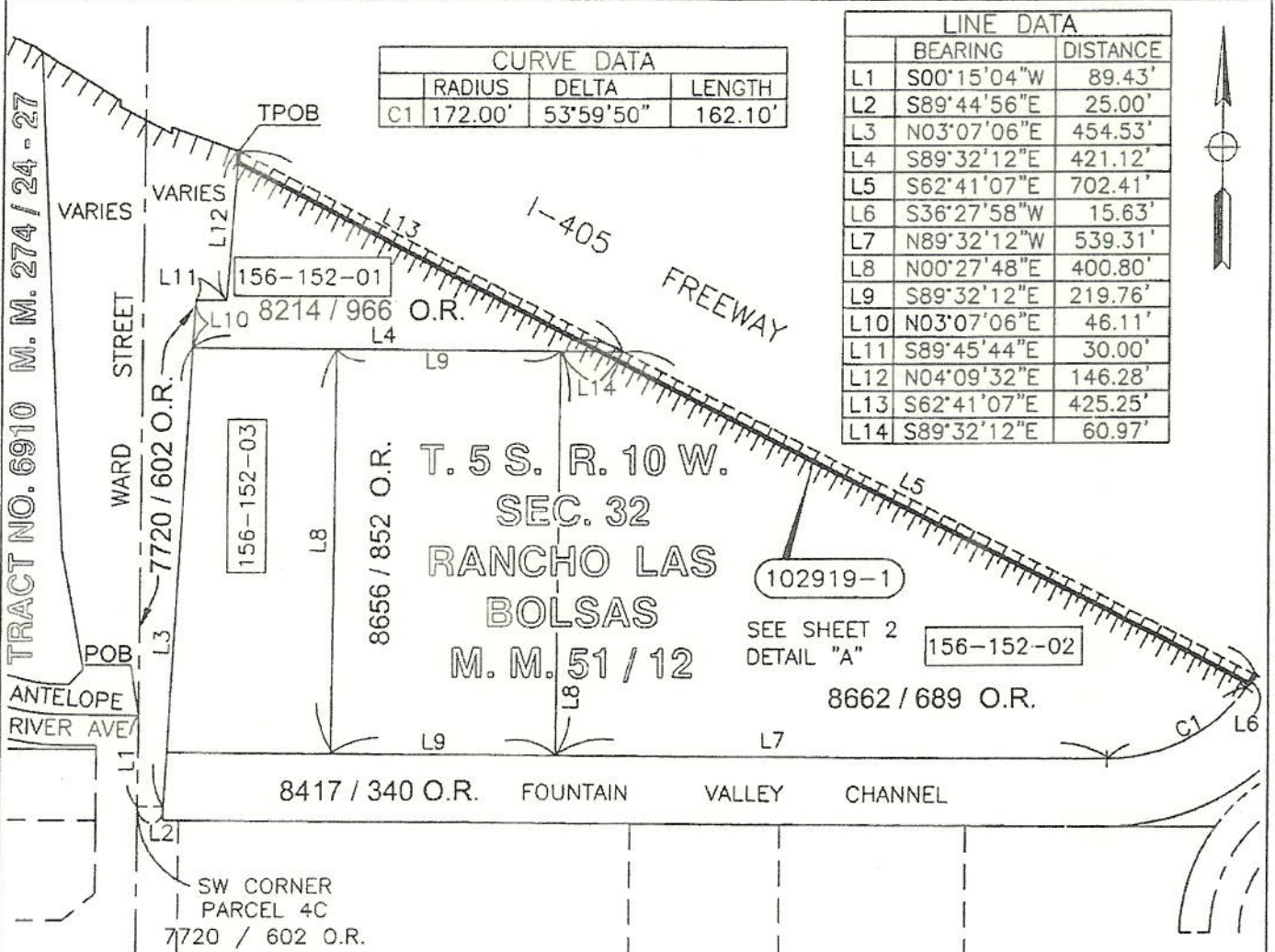
12-7-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-1	FEE	11,557 SF	156-152-01, 156-152-02



CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	172.00'	53°59'50"	162.10'

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	454.53'
L4	S89°32'12"E	421.12'
L5	S62°41'07"E	702.41'
L6	S36°27'58"W	15.63'
L7	N89°32'12"W	539.31'
L8	N00°27'48"E	400.80'
L9	S89°32'12"E	219.76'
L10	N03°07'06"E	46.11'
L11	S89°45'44"E	30.00'
L12	N04°09'32"E	146.28'
L13	S62°41'07"E	425.25'
L14	S89°32'12"E	60.97'

LEGEND

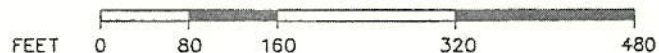
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- ||||| Old Right of Way(superseded)
- ||||| Exist Right of Way
- ||||| Proposed Right of Way
- ||||| Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

102919-1

FEE ACQUISITION

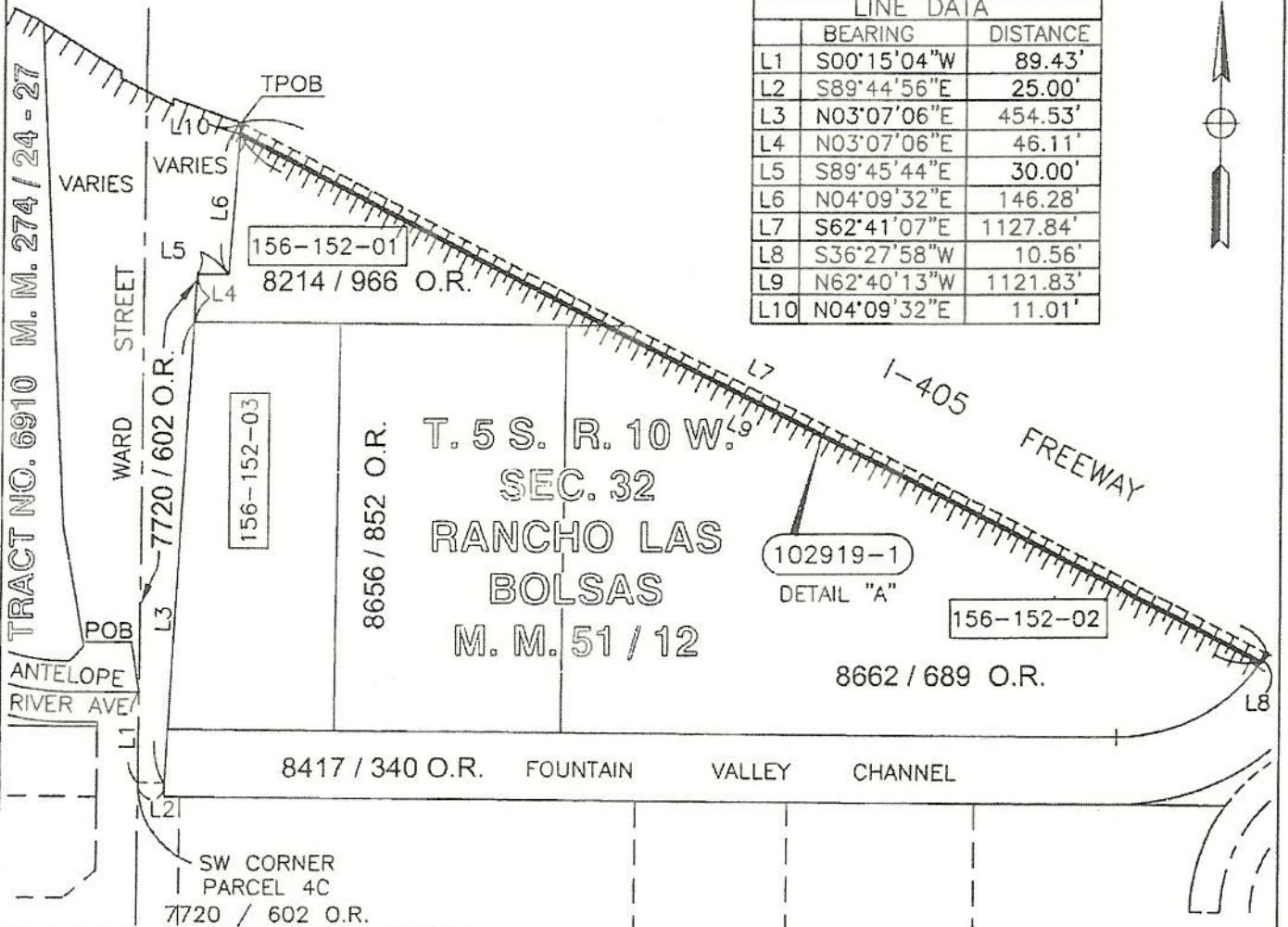


PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 12-7-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2

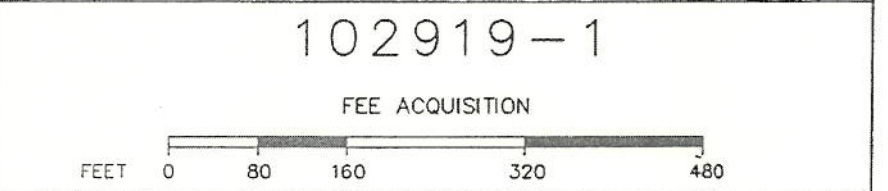
PARCEL#	TITLE	AREA	APN
102919-1	FEE	11,557 SF	156-152-01, 156-152-02



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Old Right of Way(superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837



PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266		DATE: 12-7-16	REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.04	2	2	

Exhibit 2

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-2

Fee Acquisition

APN 156-152-03

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in a Grant Deed filed in Book 8496, Page 507 of Official Records, both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274, Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South 00°15'04" West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South 89°44'56" East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North 03°07'06" East 53.30 feet to the southwest corner of the land described in said Grant Deed and the **True Point of Beginning**; thence continuing along the easterly line of said Parcel 4C and the westerly line of the land described in said Grant Deed North 03°07'06" East 285.54 feet; thence leaving said westerly line South 00°50'33" East 36.32 feet to the beginning of a tangent curve concave westerly having a radius of 5036.48 feet; thence southerly 103.24 feet along said curve through a central angle of 01°10'28"; thence tangent South 00°19'55" West 68.23 feet; thence South 44°03'45" East 33.61 feet; thence South 88°27'25" East 4.75 feet; thence South 01°32'35" West 53.42 feet to the southerly line of the land described in said Grant Deed;

COAST SURVEYING, INC.

1 thence along said southerly line North 89°32'12" West 42.81 feet to the southwest corner
2 of the land described in said Grant Deed and the **True Point of Beginning**.

3
4 Containing 4169 square feet.

5
6 See Exhibit 'A2' attached hereto and made a part hereof.

7
8
9 The distances shown herein are grid distances. Ground distances may be obtained by
10 dividing grid distances by the combination factor of 0.99997837.

11
12 Prepared under the direction of

13
14 Kriss Larson

15
16 Kriss A. Larson, PLS 6179

3-30-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-2	FEE	4,169 SF	156-152-03



TRACT NO. 6910
M. M. 274 / 24 - 27

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	53.30'

VARIES STREET VARIES
WARD
7720 / 602 O.R.
N03°07'06"E 400.87'

156-152-01

N89°32'12"W 140.39'

T. 5 S. R. 10 W.
SEC. 32

RANCHO LAS BOLSAS
M. M. 51 / 12

SEE SHEET 2
DETAIL "A"

102919-2

8496 / 507 O.R.

N00°27'47"E 400.44'

156-152-02

ANTELOPE RIVER AVENUE
POB

FOUNTAIN VALLEY

N89°32'12"W 158.96'

TPOB

CHANNEL 8417 / 340 O.R.

SW CORNER
PARCEL 4C
7720 / 602 O.R.

LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

FEE ACQUISITION



PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 3-30-16

REV.:

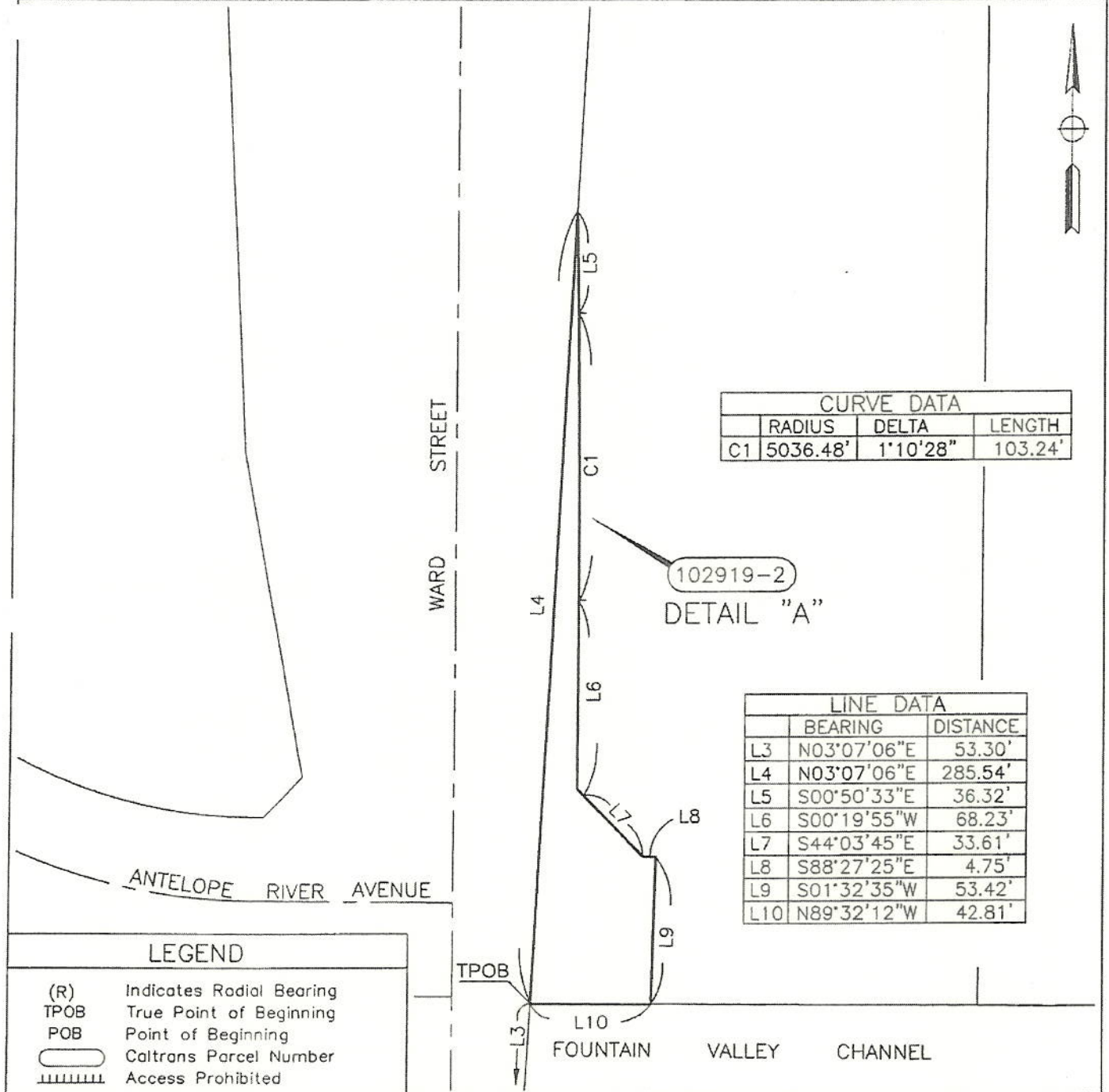
EA: XXXXX

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405		1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-2	FEE	4,169 SF	156-152-03



LEGEND		NOTES				
(R)	Indicates Radial Bearing	<p>The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837</p>				
TPOB	True Point of Beginning					
POB	Point of Beginning					
Caltrans Parcel Number						
Access Prohibited						
PREPARED BY:		DATE: 3-30-16 REV: EA: XXXXX FA#:				
COAST SURVEYING						
15031 PARKWAY LOOP, SUITE B						
TUSTIN, CA 92780-6527						
(714)918-6266						
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405		2	2	

**PERMANENT WALL FOOTING EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 156-152-01, 156-152-02
Caltrans Parcel No.: 102919-3**

The Orange County Transportation Authority seeks to acquire a non-exclusive permanent wall footing easement in, on and under the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("Footing Easement"). The Footing Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "OCTA") for purposes of constructing, maintaining, repairing, relocating, and adjusting, as applicable, subsurface footings and appurtenances thereto in connection with the construction of the I-405 Improvement Project.

The owner(s) and occupant(s) of the real property subject to the Footing Easement shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, that would impede OCTA's rights as defined herein. OCTA will backfill to grade, with dirt, or will install pavement material, within that portion of the Footing Easement area affected by OCTA's work. The owner(s) and occupant(s) of the real property subject to the Footing Easement will have the right to use the surface of the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, for access or automobile parking purposes, once the subsurface footings are in place.

The rights and obligations of OCTA and the owner(s) of the real property subject to the Footing Easement shall run with the land and be binding upon and/or inure to the benefit of OCTA's and the property owner's respective heirs, successors and assigns.

OCTA expressly reserves the right to convey, transfer or assign the Footing Easement subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-3

Permanent Wall Footing Easement

APN 156-152-01, 156-152-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214, Page 966 of Official Records and Book 8662, Page 689 of Official Records both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwest corner of the land described in said Grant Deed recorded in Book 8214, Page 966 of Official Records; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed the following three (3) courses:

1. North $03^{\circ}07'06''$ East 46.11 feet;
2. South $89^{\circ}45'44''$ East 30.00 feet;
3. North $04^{\circ}09'32''$ East 146.28 feet to the most northerly corner of said Grant Deed said point being on the southwesterly right of way line of the State of California, San Diego Freeway;

COAST SURVEYING, INC.

1 Thence along the westerly line of said Grant Deed recorded in Book 8214, Page 966
2 South 04°09'32" West 11.01 feet to the **True Point of Beginning**; thence leaving said
3 westerly line South 62°40'13" East 1121.83 feet to the southeasterly line of said Grant
4 Deed recorded in Book 8662, Page 689 of Official Records; thence along the
5 southeasterly line of last said Grant Deed South 36°27'58" West 2.53 feet; thence leaving
6 said southeasterly line North 62°40'13" West 1120.35 feet to the westerly line of said
7 Grant Deed recorded in Book 8214, Page 966 of Official Records; thence along said
8 westerly line North 04°09'32" East 2.72 feet to the **True Point of Beginning**.

9
10 Containing 2803 square feet.

11
12
13 See Exhibit 'A2' attached hereto and made a part hereof.

14
15
16 The distances shown herein are grid distances. Ground distances may be obtained by
17 dividing grid distances by the combination factor of 0.99997837.

18
19 Prepared under the direction of

20
21 Kriss Larson

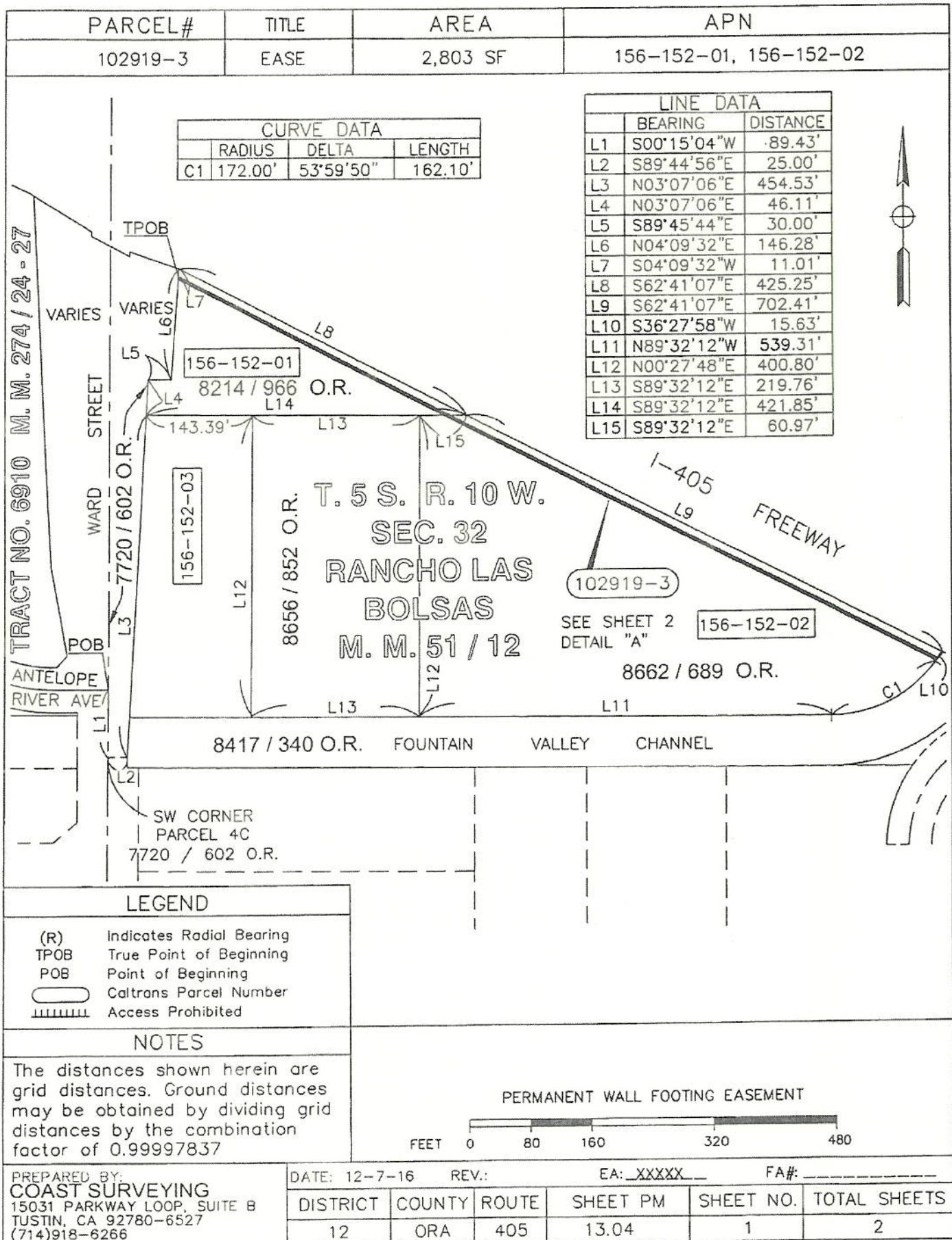
22
23 Kriss A. Larson, PLS 6179

12-7-16

Date



EXHIBIT A2



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

PERMANENT WALL FOOTING EASEMENT

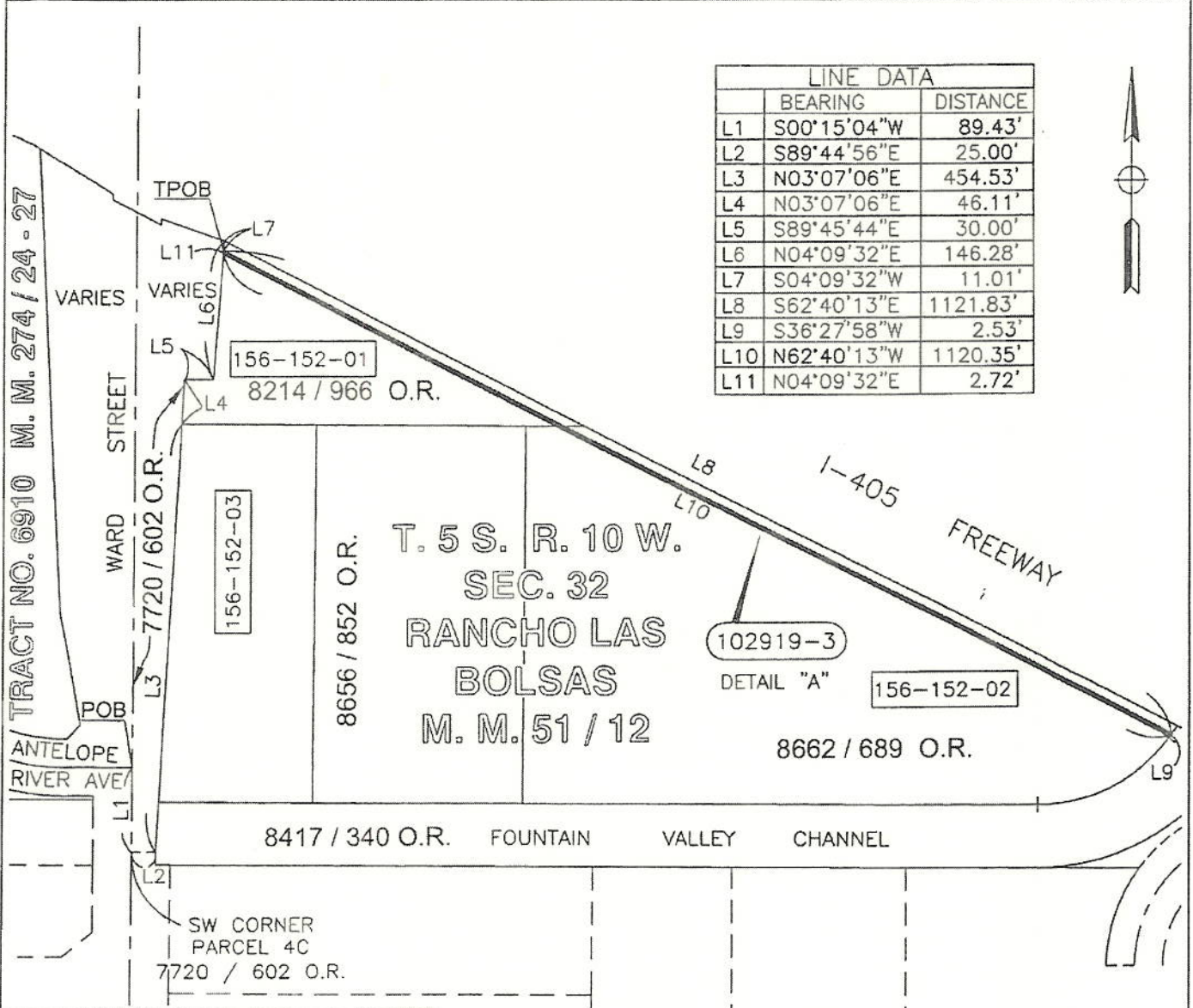


PREPARED BY:
COAST SURVEYING
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527
 (714)918-6266

DATE: 12-7-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-3	EASE	2,803 SF	156-152-01, 156-152-02



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

PERMANENT WALL FOOTING EASEMENT



PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 12-70-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	2	2

**PERMANENT WALL FOOTING EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel Nos.: 156-152-03

Caltrans Parcel No.: 102919-4

The Orange County Transportation Authority seeks to acquire a non-exclusive permanent wall footing easement in, on and under the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("Footing Easement"). The Footing Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "OCTA") for purposes of constructing, maintaining, repairing, relocating, and adjusting, as applicable, subsurface footings and appurtenances thereto in connection with the construction of the I-405 Improvement Project.

The owner(s) and occupant(s) of the real property subject to the Footing Easement shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, that would impede OCTA's rights as defined herein. OCTA will backfill to grade, with dirt, or will install pavement material, within that portion of the Footing Easement area affected by OCTA's work. The owner(s) and occupant(s) of the real property subject to the Footing Easement will have the right to use the surface of the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, for access or automobile parking purposes, once the subsurface footings are in place.

The rights and obligations of OCTA and the owner(s) of the real property subject to the Footing Easement shall run with the land and be binding upon and/or inure to the benefit of OCTA's and the property owner's respective heirs, successors and assigns.

OCTA expressly reserves the right to convey, transfer or assign the Footing Easement subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-4

Permanent Wall Footing Eastment

APN 156-152-03

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in a Grant Deed filed in Book 8496, Page 507 of Official Records, both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 53.30 feet to the southwest corner of the land described in said Grant Deed; thence continuing along said easterly line of Parcel 4C North $03^{\circ}07'06''$ East 285.54 feet to a point along the westerly line of said Grant Deed and the **True Point of Beginning**; thence continuing along the easterly line of said Parcel 4C and the westerly line of the land described in said Grant Deed North $03^{\circ}07'06''$ East 57.91 feet; thence leaving said westerly line South $00^{\circ}50'33''$ East 94.09 feet to the beginning of a tangent curve concave westerly having a radius of 5040.48 feet; thence southerly 103.32 feet along said curve through a central angle of $01^{\circ}10'28''$; thence tangent South $00^{\circ}19'55''$ West 72.32 feet; thence North $44^{\circ}03'45''$ West 5.72 feet; thence North $00^{\circ}19'55''$ East 68.23 feet to the beginning of a tangent curve concave westerly having a

COAST SURVEYING, INC.

1 radius of 5036.48 feet; thence northerly 103.24 feet along said curve through a central
2 angle of $01^{\circ}10'28''$; thence tangent North $00^{\circ}50'33''$ West 36.32 feet to the westerly line
3 of the land described in said Grant Deed and the **True Point of Beginning**.

4
5 Containing 955 square feet.

6
7 See Exhibit 'A2' attached hereto and made a part hereof.

8
9
10 The distances shown herein are grid distances. Ground distances may be obtained by
11 dividing grid distances by the combination factor of 0.99997837.

12
13 Prepared under the direction of

14
15 Kriss Larson

16
17 Kriss A. Larson, PLS 6179

10-31-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-4	FTG EASE	955 SF	156-152-03



TRACT NO. 6910
M. M. 274 / 24 - 27

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	53.30'
L4	N03°07'06"E	285.54'

N89°32'12"W 140.39'

T. 5 S. R. 10 W.
SEC. 32
RANCHO LAS BOLSAS
M. M. 51 / 12

TPOB

102919-4
SEE SHEET 2
DETAIL "A"

WARD STREET

7720 / 602 O.R.

N03°07'06"E 400.87'

8496 / 507 O.R.

N00°27'47"E 400.44'

ANTELOPE RIVER AVENUE

POB

FOUNTAIN VALLEY

N 89°32'12"W 158.96'

CHANNEL

8417 / 340 O.R.

SW CORNER
PARCEL 4C
7720 / 602 O.R.

LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- 102919-4 Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

FOOTING EASEMENT

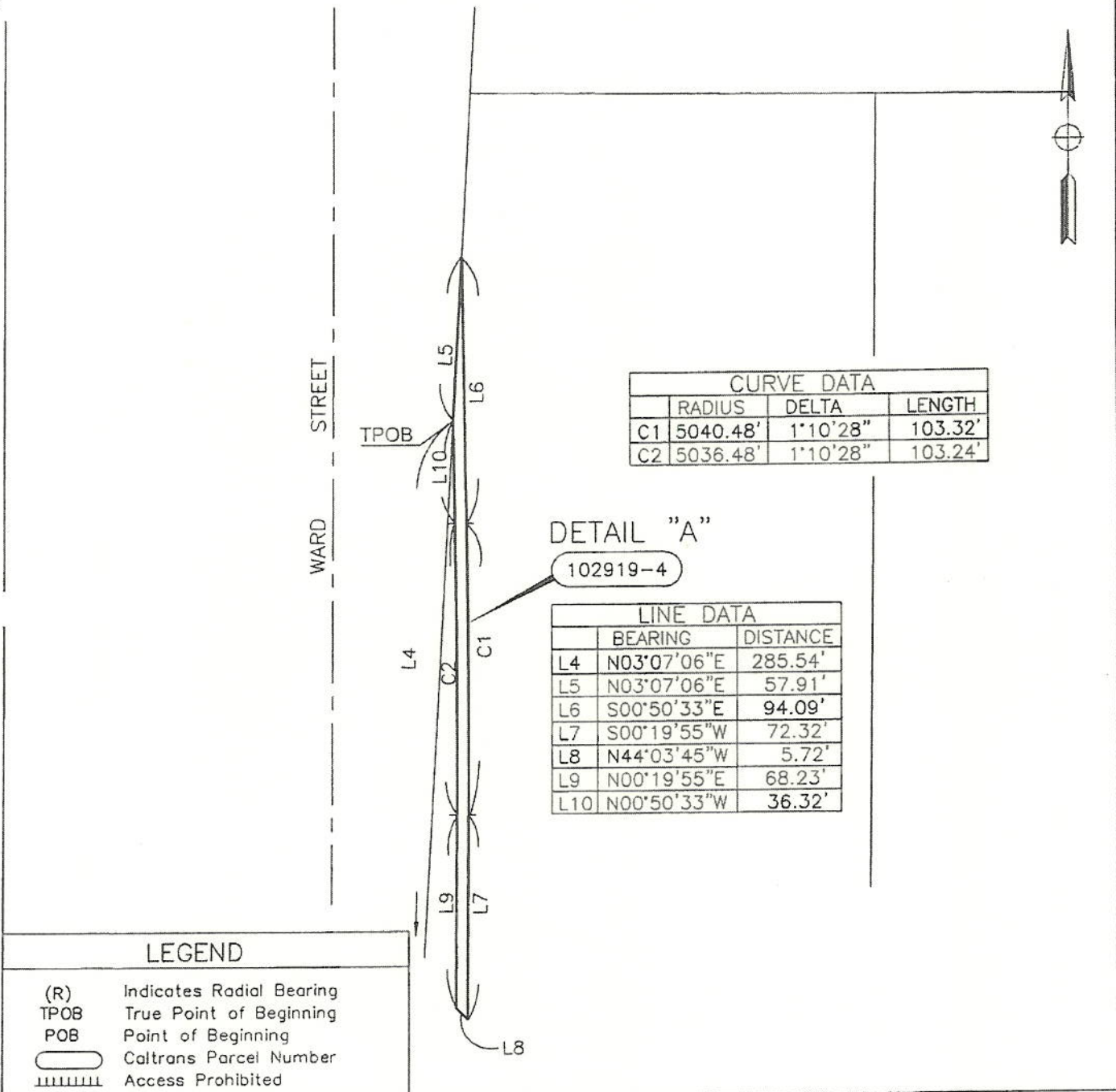


PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 3-30-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-4	FTG EASE	955 SF	156-152-03



NOTES	FOOTING EASEMENT
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837	<div style="text-align: center;"> <p>FEET 0 25 50 100 150</p> </div>

PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266	DATE: 3-30-16		REV.:	EA: XXXXX	FA#: _____	
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
	12	ORA	405	13.04	2	2

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 156-152-01, 156-152-03
Caltrans Parcel No.: 102919-5**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty-eight (48) months, a portion of which shall be exclusive (subject to the limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the forty-eight (48) month TCE period (hereinafter the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty-four (24) months of the TCE period will be non-exclusive.

Rights and Restrictions of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- At the commencement of Construction Period, OCTA may place a temporary fence around the TCE area, provided, however, reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by OCTA.
- The water well facility within the TCE area will be protected in place.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be backfilled to grade and functionally equivalent pavement material will be installed, as necessary, to restore it to a similar condition that existed prior to commencement of the construction activities.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-5

Temporary Construction Easement

APN 156-152-01, 156-152-03

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214, Page 966, and Book 8496 Page 507, both of Official Records, all recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwesterly corner of the land described in said Grant Deed recorded in Book 8214 Page 966 of Official Records, and the **True Point of Beginning**; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed North $03^{\circ}07'06''$ East 46.11 feet to the northwesterly corner of the land described in said Grant Deed; thence along the northerly line of the land described in said Grant Deed South $89^{\circ}45'44''$ East 25.03 feet; thence leaving said northerly line South $03^{\circ}07'06''$ West 278.30 feet; thence South $88^{\circ}26'19''$ East 15.34 feet; thence South $01^{\circ}33'41''$ West 66.04 feet; thence North $86^{\circ}52'54''$ West

COAST SURVEYING, INC.

1 22.15 feet; thence South $01^{\circ}17'21''$ West 35.14 feet; thence North $44^{\circ}03'45''$ East 12.54
2 feet; thence North $00^{\circ}19'55''$ East 68.23 feet to the beginning of a tangent curve concave
3 westerly having a radius of 5036.48 feet; thence northerly 103.24 feet along said curve
4 through a central angle of $01^{\circ}10'28''$; thence tangent North $00^{\circ}50'33''$ West 36.32 feet to
5 the westerly line of the land described in said Grant Deed recorded in Book 8496 Page
6 507 of Official Records; thence along said westerly line North $03^{\circ}07'06''$ East 115.33
7 feet to the northwesterly corner of the land described in said Grand Deed and the
8 southwesterly corner of said Grant Deed recorded in Book 8214, Page 966 of Official
9 Records and the **True Point of Beginning**.

10
11 Containing 8897 square feet.

12
13
14 See Exhibit 'A2' attached hereto and made a part hereof.

15
16
17 The distances shown herein are grid distances. Ground distances may be obtained by
18 dividing grid distances by the combination factor of 0.99997837.

19
20 Prepared under the direction of

21
22 Kriss Larson

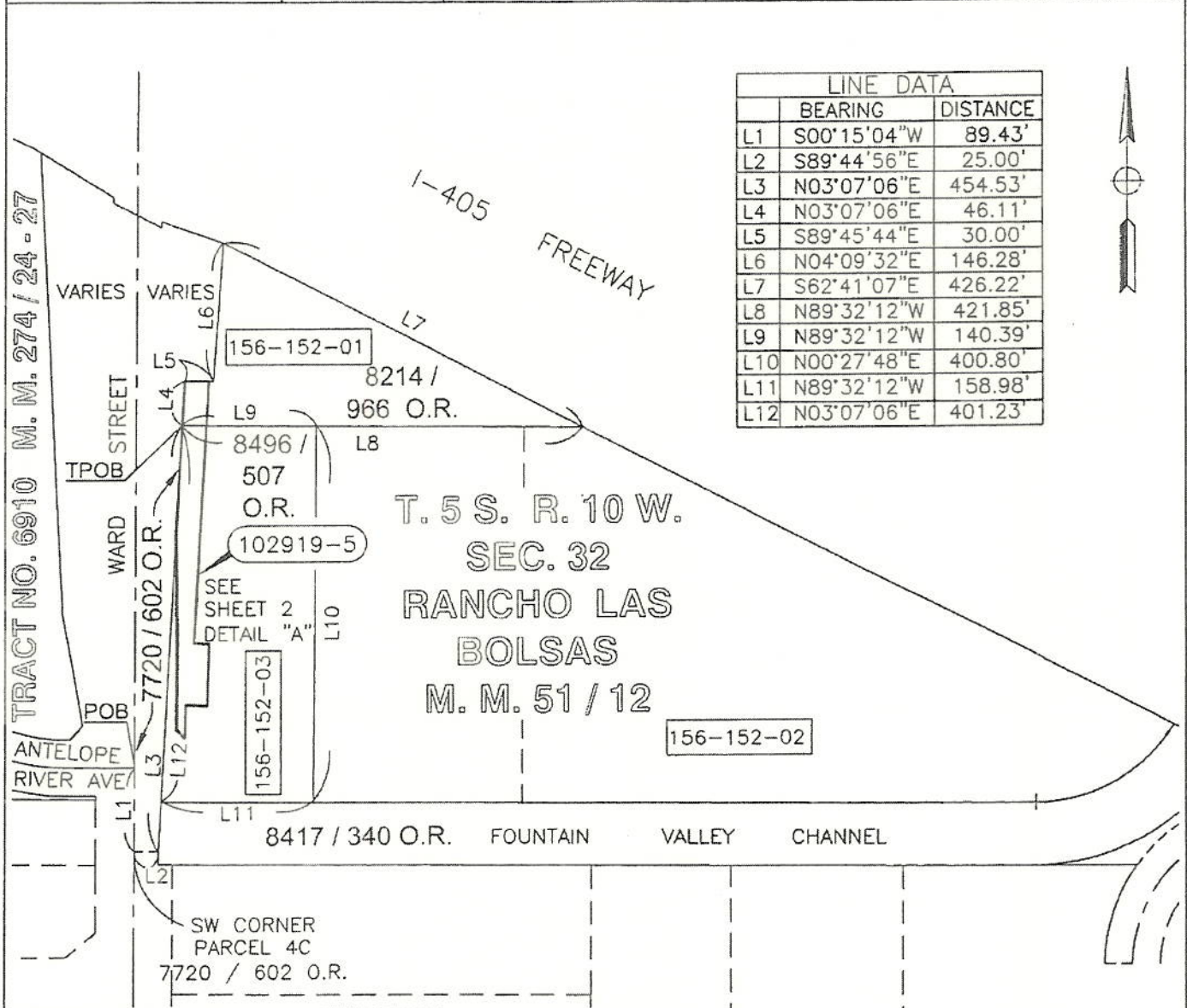
23
24 Kriss A. Larson, PLS 6179

7-31-17
Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-5	TCE	8,897 SF	156-152-01, 156-152-03



LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	454.53'
L4	N03°07'06"E	46.11'
L5	S89°45'44"E	30.00'
L6	N04°09'32"E	146.28'
L7	S62°41'07"E	426.22'
L8	N89°32'12"W	421.85'
L9	N89°32'12"W	140.39'
L10	N00°27'48"E	400.80'
L11	N89°32'12"W	158.98'
L12	N03°07'06"E	401.23'

LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- ||||||| Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

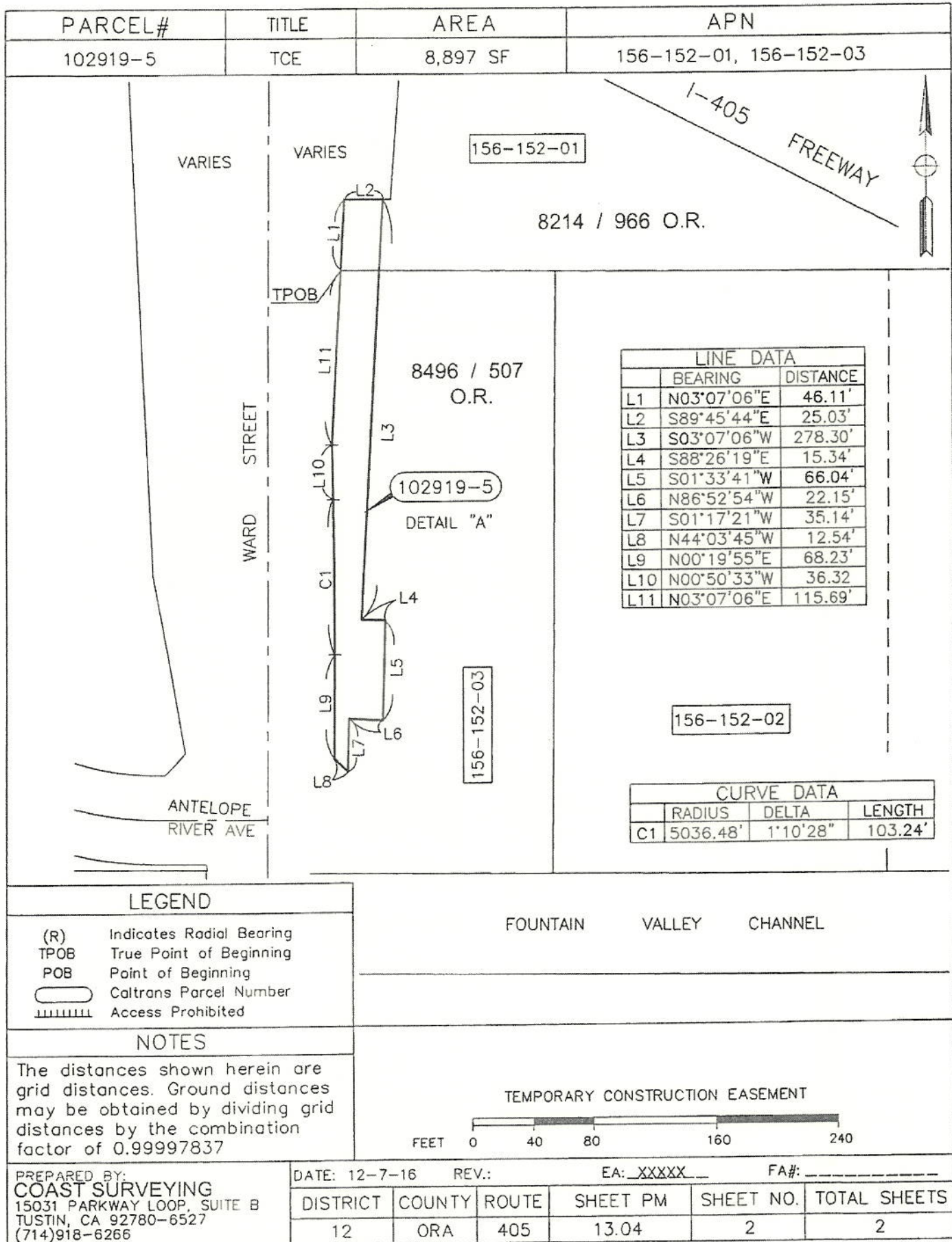
TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 12-7-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2



**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 156-152-01, 156-152-02
Caltrans Parcel No.: 102919-6**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty-eight (48) months, a portion of which shall be exclusive (subject to the limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the forty-eight (48) month TCE period (hereinafter the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty-four (24) months of the TCE period will be non-exclusive.

Rights and Restrictions of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- At the commencement of Construction Period, OCTA may place a temporary fence around the TCE area, provided, however, reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by OCTA. Specifically, the raised RV display platforms, large water feature and signage will be purchased and removed by OCTA.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-6

Temporary Construction Easement

APN 156-152-01, 02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214 Page 966, Book 8656 Page 852 and Book 8662 Page 689, all of Official Records, recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwest corner of the land described in said Grant Deed recorded in Book 8214, Page 966 of Official Records; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed the following three (3) courses:

1. North $03^{\circ}07'06''$ East 46.11 feet;
2. South $89^{\circ}45'44''$ East 30.00 feet;
3. North $04^{\circ}09'32''$ East 146.28 feet to the most northerly corner of said Grant Deed said point being on the southwesterly right of way line of the State of California, San Diego Freeway;

COAST SURVEYING, INC.

1 Thence along the westerly line of said Grant Deed South $04^{\circ}09'32''$ West 11.01 feet to
2 the **True Point of Beginning**; thence leaving said westerly line South $62^{\circ}40'13''$ East
3 1121.83 feet to the southeasterly line of said Grant Deed recorded in Book 8662, Page
4 689 of Official Records; thence along said southeasterly line South $36^{\circ}27'58''$ West 5.07
5 feet to the beginning of a curve concave northwesterly having a radius of 172.00 feet;
6 thence southwesterly 20.06 feet along said curve and said southeasterly line through a
7 central angle of $06^{\circ}40'53''$; thence leaving said southeasterly line non-tangent North
8 $62^{\circ}41'07''$ West 144.93 feet; thence along the following 15 courses:

- 9 1) North $27^{\circ}19'47''$ East 12.12 feet;
- 10 2) North $62^{\circ}40'13''$ West 186.62 feet;
- 11 3) South $27^{\circ}19'47''$ West 12.17 feet;
- 12 4) North $62^{\circ}41'07''$ West 130.00 feet;
- 13 5) North $27^{\circ}41'43''$ East 12.20 feet;
- 14 6) North $62^{\circ}40'13''$ West 84.69 feet;
- 15 7) South $27^{\circ}19'47''$ West 30.00 feet;
- 16 8) North $62^{\circ}40'13''$ West 100.00 feet;
- 17 9) North $27^{\circ}19'47''$ East 30.00 feet;
- 18 10) North $62^{\circ}40'13''$ West 85.00 feet;
- 19 11) South $27^{\circ}19'47''$ West 12.27 feet;
- 20 12) North $62^{\circ}41'07''$ West 135.00 feet;
- 21 13) North $27^{\circ}19'47''$ East 12.31 feet;
- 22 14) North $62^{\circ}40'13''$ West 115.00 feet;
- 23 15) South $27^{\circ}19'47''$ West 12.34 feet;

24 thence North $62^{\circ}41'07''$ West 124.89 feet to the westerly line of said Grant Deed
25 recorded in Book 8214 Page 966 of Official Records; thence along said westerly line
26 North $04^{\circ}09'32''$ East 27.05 feet to the **True Point of Beginning**.

27

28 Containing 23,567 square feet, more or less.

29

30 See Exhibit 'A2' attached hereto and made a part hereof.

31

COAST SURVEYING, INC.

1 The distances shown herein are grid distances. Ground distances may be obtained by
2 dividing grid distances by the combination factor of 0.99997837.

3

4 Prepared under the direction of

5

6

7

Kriss Larson

8

Kriss A. Larson, PLS 6179

9

4-24-17

Date

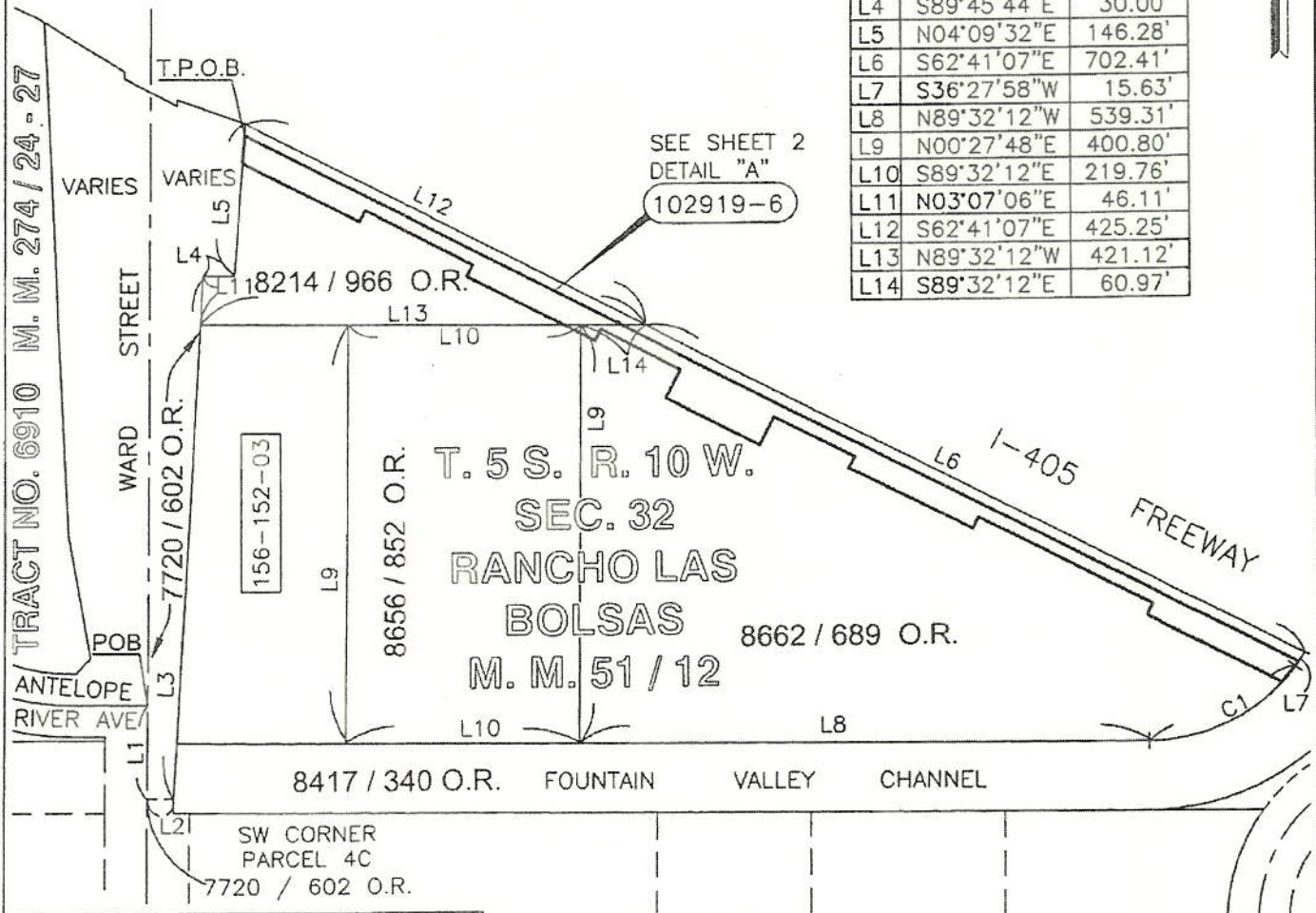


EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-6	TCE	23,567 SF	156-152-01, 156-152-02

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	172.00'	53°59'50"	162.10'

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	500.64'
L4	S89°45'44"E	30.00'
L5	N04°09'32"E	146.28'
L6	S62°41'07"E	702.41'
L7	S36°27'58"W	15.63'
L8	N89°32'12"W	539.31'
L9	N00°27'48"E	400.80'
L10	S89°32'12"E	219.76'
L11	N03°07'06"E	46.11'
L12	S62°41'07"E	425.25'
L13	N89°32'12"W	421.12'
L14	S89°32'12"E	60.97'



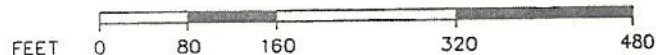
LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

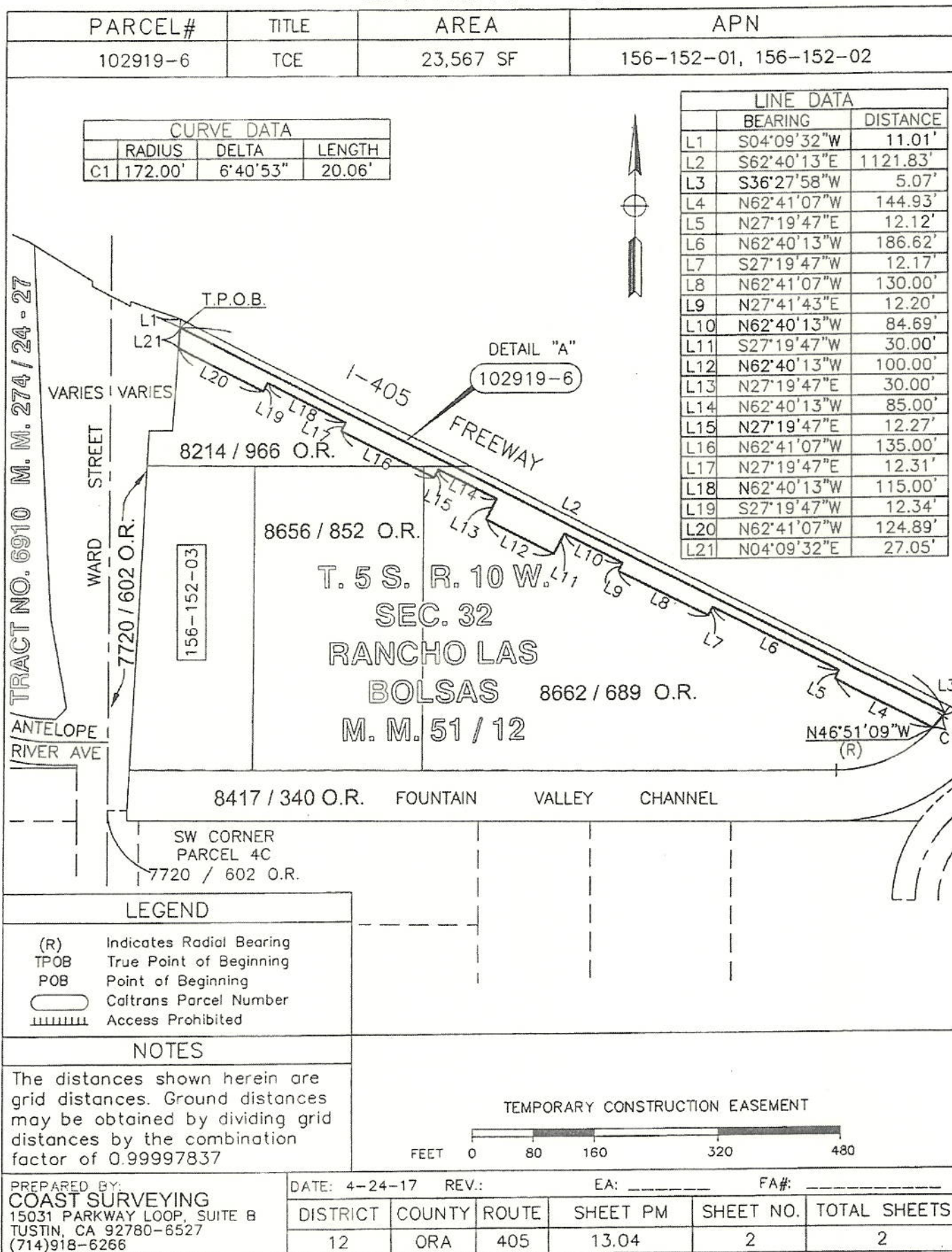
TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:
COAST SURVEYING
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527
 (714)918-6266

DATE: 4-24-17		REV.:	EA: _____	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2



RESOLUTION NO. 2018-010

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 143-294-01, 143-294-02, 143-301-31, AND 143-301-32

WHEREAS, the Orange County Transportation Authority (the “Authority”) is undertaking the Interstate-405 (“I-405”) Improvement Project between State Route 73 and Interstate 605, a right-of-way for freeway purposes and all public uses appurtenant thereto (the “Project”); and

WHEREAS, the Project is intended to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Authority to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on May 11, 2015, the Authority’s Board of Directors authorized the Authority to acquire property interests for the Project; and

WHEREAS, portions of the real property located at 16800 Magnolia Street and 9025 Recreation Circle, in the City of Fountain Valley, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project include a fee interest as legally described and depicted in Exhibit “A” attached hereto; a permanent footing easement as legally described and depicted in Exhibit “B” attached hereto; a fee interest as legally described and depicted in Exhibit “C” attached hereto; a temporary construction easement as legally described and depicted in Exhibit “D” attached hereto; a fee interest as legally described and depicted in Exhibit “E” attached hereto; a temporary construction easement as legally described and depicted in Exhibit “F” attached hereto; and a

temporary construction easement as legally described and depicted in Exhibit “G” attached hereto (collectively, the “Property Interests”); and

WHEREAS, the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure on January 12, 2018, the Authority mailed a Notice of Hearing on the Intent of the Authority to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Subject Property; and

WHEREAS, the Authority provided written notice to the City of Fountain Valley as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Authority’s Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Authority scheduled a hearing for February 26, 2018, at 9:00 am at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Authority’s Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Authority’s notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the Authority’s Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:

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

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the Subject Property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Authority to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits “A,” “B,” “C,” “D,” “E,” “F,” and “G” attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The Property Interests sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire three partial fee interests, a permanent footing easement, and three temporary construction easements a described and depicted in Exhibits "A," "B," "C," "D," "E," "F," and "G" attached hereto, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. The Authority's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of the Authority by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit the Authority to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-010, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

EXHIBIT A

PSOMAS

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-1

Fee Acquisition

APN 143-294-01

APN 143-294-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of the land described in those certain Deeds recorded December 4, 1987 as Instrument No. 87-690013 and Instrument No. 87-690014, and July 29, 1998 as Instrument No. 19980489925, all of Official Records of said County described as follows:

Beginning at the intersection of the westerly line of Section 19, Township 5 South, Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said northerly line, North 89°06'11" East 55.28 feet to the easterly line of Parcel 2A of the Final Order of Condemnation recorded August 6, 1963 in Book 6662, Page 132 of Official Records of said County and the **True Point of Beginning**; thence along said easterly line South 3°29'35" West 93.05 feet to the northwesterly line of that certain land conveyed to Orange County Flood Control District, per deed recorded July 14, 1964 in Book 7133, page 509 of Official Records of said County and the beginning of a non-tangent curve concave northwesterly having a radius of 122.50 feet, a radial line to said curve bears South 54°04'47" East; thence northeasterly 8.74 feet along said curve and northwesterly line through a central angle 04°05'13"; thence leaving said line North 1°24'32" East 96.16 feet; thence North 3°26'24" East 133.41 feet; thence North 0°06'52" West 12.68 feet to the northerly prolongation of the easterly line of Parcel 7 of State Highway Relinquishment No. 553, recorded in Book 8387, Page 528 of Official Records of said County; thence South 3°29'35" West 156.65 feet along said prolongation and said easterly line to the **True Point of Beginning**.

PSOMAS

Containing 393 square feet.

See Exhibit 'A2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

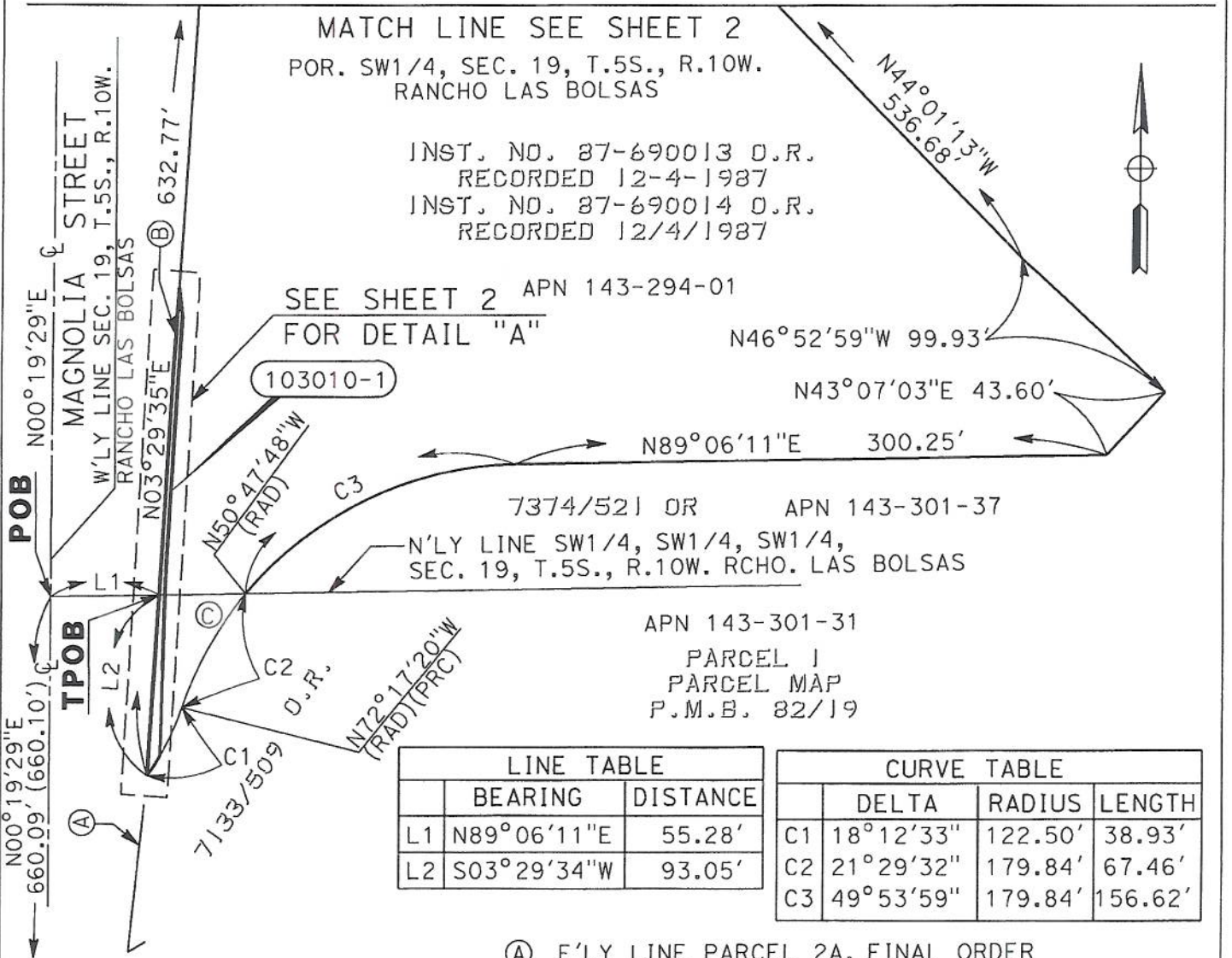
4.20.2017

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103010-1	FEE	393 SF	143-294-01 & -02



LEGEND

- (R) Indicates Radial Bearing
TPOB True Point of Beginning
POB Point of Beginning
Caltrans Parcel Number
Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

- (A) E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
(B) E'LY LINE AND N'LY PROLONGATION E'LY LINE PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BK 8387 / PG 528, O.R.
(C) INST. NO. 19980489925, O.R., REC. 7/29/98 (APN 143-294-02)

103010-1

FEE ACQUISITION

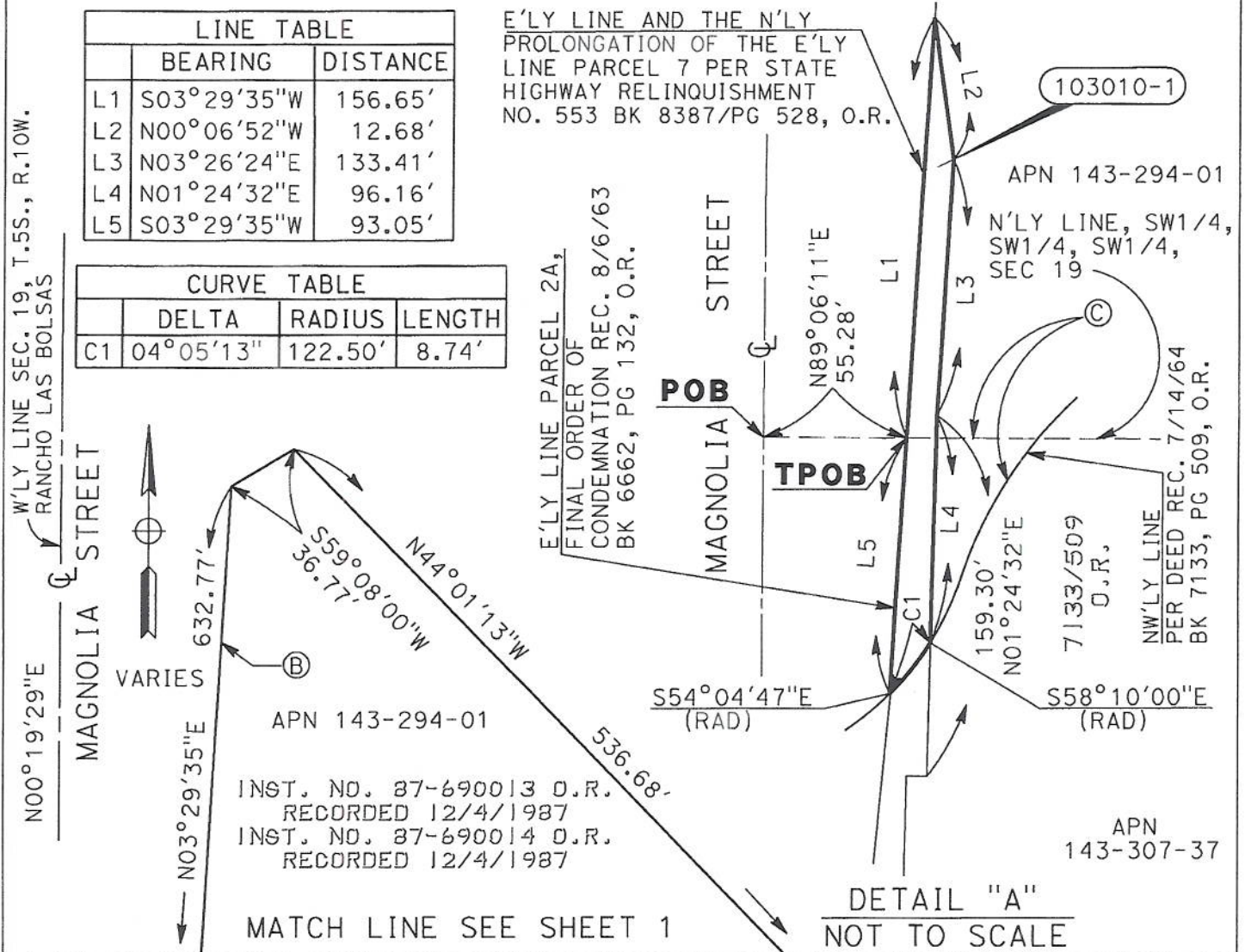


PREPARED BY:
PSOMAS
3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-09-15		REV.: 04-19-17		EA: OF		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
12	ORANGE	405	15.11	1	2		

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103010-1	FEE	393 SF	143-294-01



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

- ② E'LY LINE AND N'LY PROLONGATION
E'LY LINE PARCEL 7 PER STATE
HIGHWAY RELINQUISHMENT NO. 553
BK 8387/PG 528, O.R.,
- ③ INST. NO. 19980489925, O.R.
REC. 7/29/98 (APN 143-294-02)

103010-1

FEE ACQUISITION



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		DATE: 04-09-15	REV.: 04-19-17	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.11	2	2

EXHIBIT B

**PERMANENT FOOTING EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No.: 143-294-01, 143-294-02
Caltrans Parcel No.: 103010-2**

The Orange County Transportation Authority seeks to acquire a permanent footing easement in, on and under the real property described in Exhibit "B1" and depicted in Exhibit "B2" attached hereto, subject to the rights and limitations described herein ("Footing Easement"). The Footing Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "OCTA") for purposes of constructing, maintaining, repairing, relocating, and adjusting, as applicable, subsurface footings and appurtenances thereto in connection with the I-405 Improvement Project.

The owner and occupant(s) of the real property subject to the Footing Easement shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "B1" and "B2", respectively, that would in any manner impede, or otherwise interfere with OCTA's rights as defined herein. OCTA will backfill to grade, with dirt, or will install pavement material, within that portion of the Footing Easement area affected by OCTA's work. The owner and occupant(s) of the real property subject to the Footing Easement will have the right to use the surface of the easement area described and depicted in the attached Exhibits "B1" and "B2", respectively, solely for access, automobile parking, or ground cover plants and grasses (i.e., no trees) whose roots do not impact the subsurface footings, or any other appurtenances that may be put in place.

The rights and obligations of OCTA and the owner of the real property subject to the Footing Easement shall run with the land and be binding upon and/or inure to the benefit of OCTA's and the property owner's respective heirs, successors and assigns.

OCTA expressly reserves the right to convey, transfer or assign the Footing Easement subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'B1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-2

Footing Easement

APN 143-294-01

APN 143-294-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of the land described in those certain Deeds recorded December 4, 1987 as Instrument No. 87-690013 and Instrument No. 87-690014, and July 29, 1998 as Instrument No. 19980489925, all of Official Records of said County, described as follows:

Beginning at the intersection of the westerly line of Section 19, Township 5 South, Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence North $89^{\circ}06'11''$ East 56.58 feet along said northerly line to the **True Point of Beginning**; thence leaving said northerly line South $1^{\circ}24'32''$ West 20.65 feet; thence South $88^{\circ}35'28''$ East 5.00 feet; thence North $1^{\circ}24'32''$ East 31.16 feet; thence North $3^{\circ}26'30''$ East 134.31 feet to the beginning of a non-tangent curve concave easterly and having a radius of 4979.02 feet, a radial line to said beginning bears South $89^{\circ}36'29''$ West; thence northerly 100.51 feet along said curve through a central angle of $1^{\circ}09'24''$ to the northerly prolongation of the easterly line of Parcel 7 of State Highway Relinquishment No. 553, recorded in Book 8387, Page 528 of Official Records of said County; thence South $3^{\circ}29'34''$ West 88.79 feet along said line; thence leaving said line South $0^{\circ}06'52''$ East 12.68 feet; thence South $3^{\circ}26'24''$ West 133.41 feet; thence South $1^{\circ}24'32''$ West 10.49 feet to the **True Point of Beginning**.

Containing 1097 square feet.

PSOMAS

See Exhibit 'B2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

4.20.2017

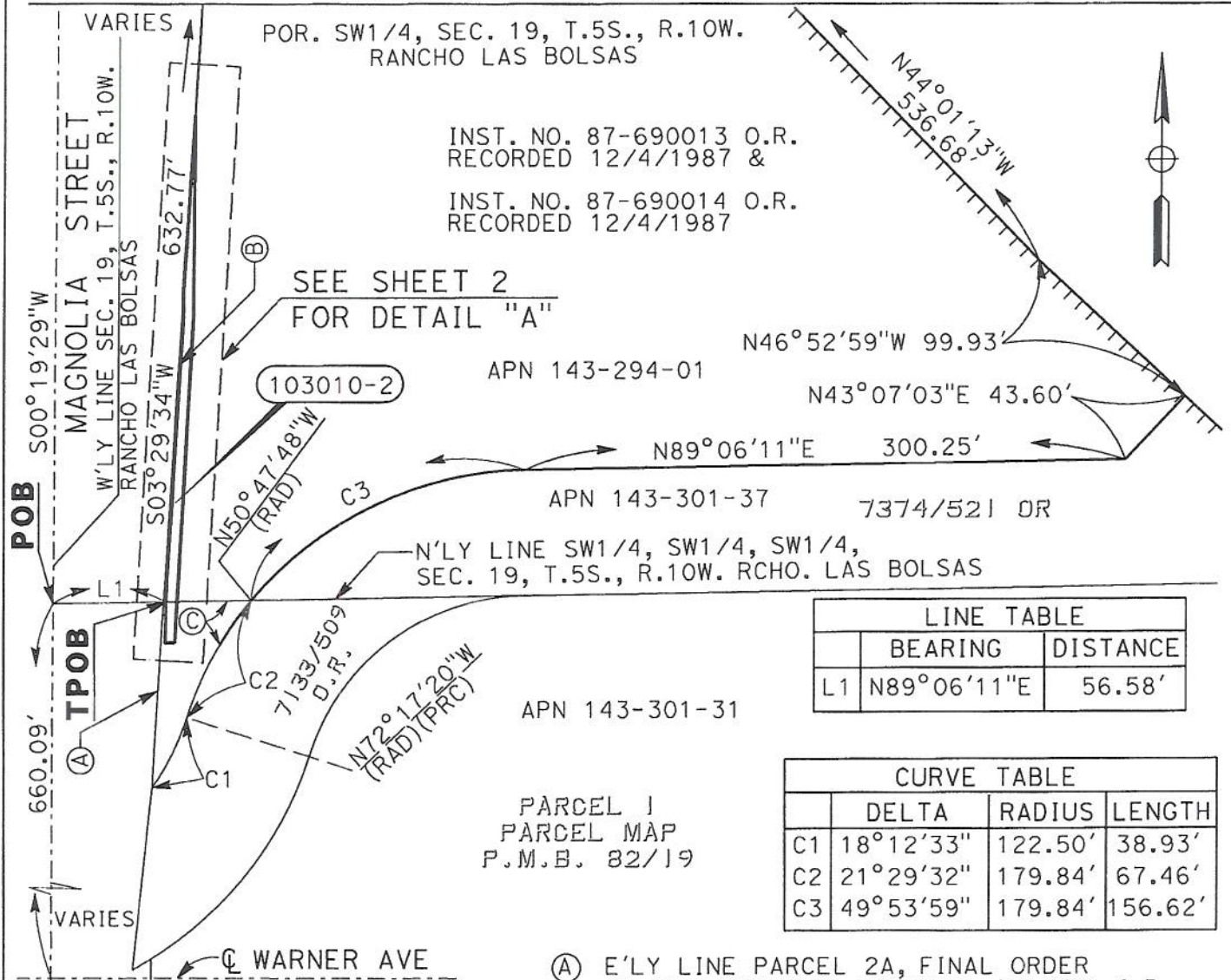
Date



EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103010-2	FOOTING ESMT	1097 SF	143-294-01 & 02

MATCH LINE SEE SHEET 2



- (A) E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
- (B) E'LY LINE AND N'LY PROLONGATION PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BOOK 8387 PAGE 528, O.R.
- (C) INSTRUMENT NO. 1998-0489925, O.R. REC. 7/29/98 (APN 143-294-02)

FEET 0 40 80 160 240

PREPARED BY:
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3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714) 751-7373 / (714) 545-8883 (Fax)

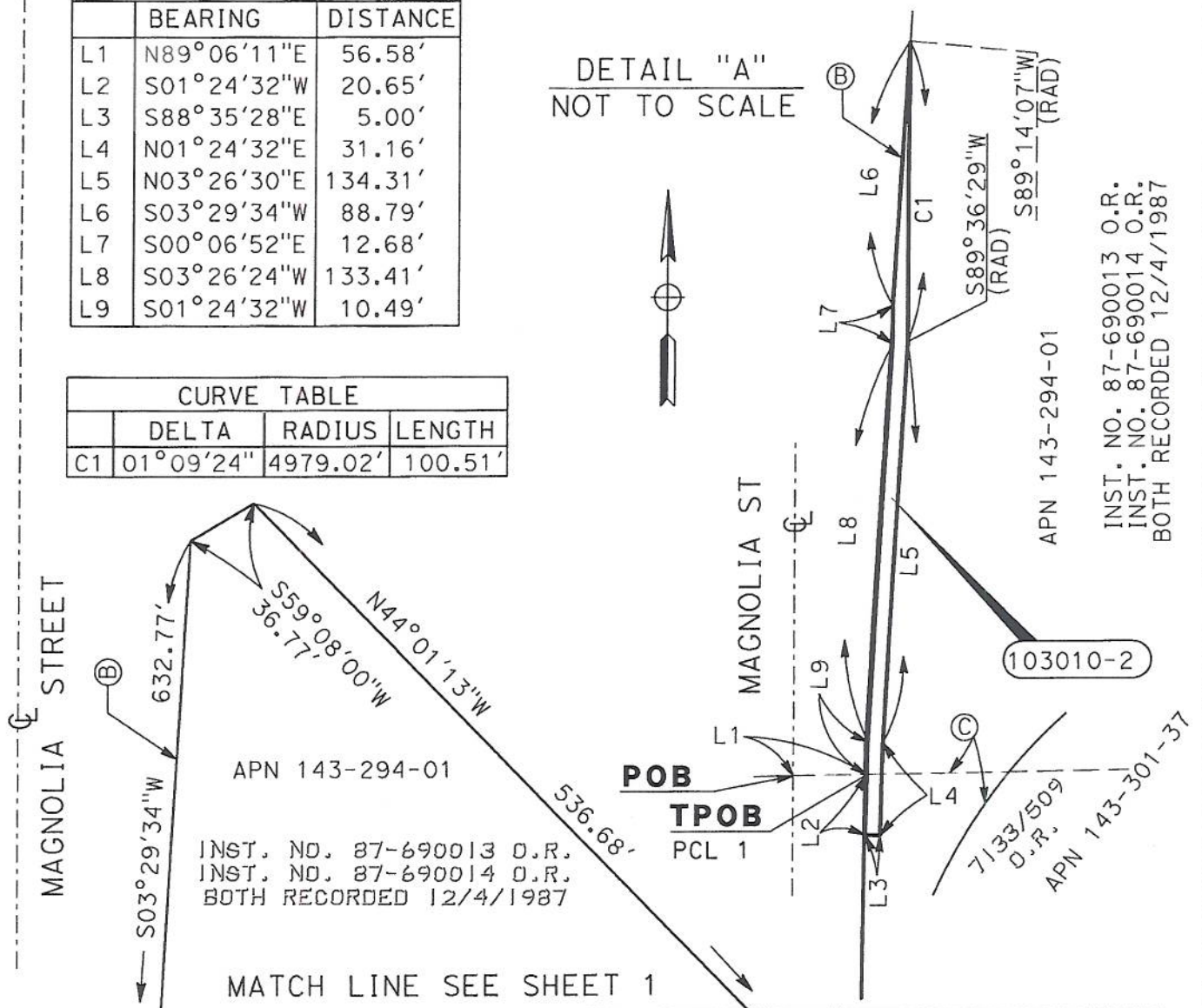
DATE: 04-21-15		REV.: 04-20-17		EA:	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.11	1	2

EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103010-2	FOOTING ESMT	1097 SF	143-294-01 & 02

LINE TABLE		
	BEARING	DISTANCE
L1	N89°06'11"E	56.58'
L2	S01°24'32"W	20.65'
L3	S88°35'28"E	5.00'
L4	N01°24'32"E	31.16'
L5	N03°26'30"E	134.31'
L6	S03°29'34"W	88.79'
L7	S00°06'52"E	12.68'
L8	S03°26'24"W	133.41'
L9	S01°24'32"W	10.49'

CURVE TABLE			
	DELTA	RADIUS	LENGTH
C1	01°09'24"	4979.02'	100.51'



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

Ⓑ E'LY LINE AND N'LY PROLONGATION PARCEL 7
PER STATE HIGHWAY RELINQUISHMENT NO. 553
BOOK 8387 PAGE 528, O.R.

Ⓒ INSTRUMENT NO. 1998-0489925, O.R.
REC. 7/29/98 (APN 143-294-02)

NOTES

The distances shown herein are
grid distances. Ground distances
may be obtained by dividing grid
distances by the combination
factor of 0.99997837.

103010-2

FOOTING EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-09-15

REV.: 04-20-17

EA:

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.11	2	2

EXHIBIT C

PSOMAS

EXHIBIT 'C1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-3

Fee Acquisition

APN 143-301-31

That portion of Parcel 1, in the City of Fountain Valley, County of Orange, State of California, per the map filed in Book 82, Page 19 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the westerly line of Section 19, Township 5 South, Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street, as shown on said map with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said westerly line South 00°19'29" West 178.40 feet; thence leaving said westerly line South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the westerly line of said Parcel 1 shown as "North 00°00'07" East 132.95 feet", said course having a bearing of North 00°19'29" East for the purpose of this description, and the **True Point of Beginning**; thence along the westerly line of said Parcel 1 South 00°19'29" West 92.76 feet to a non-tangent curve concave easterly having a radius of 6982.00 feet, a radial line to said curve bears North 88°50'19" West; thence Northerly 30.17 feet along said curve through a central angle of 00°14'51"; thence North 01°24'32" East 63.70 feet to a point on the northwesterly line of said Parcel 1, said point being the beginning of a non-tangent curve concave northwesterly having a radius 186.50 feet, a radial line to said point bears South 32°33'29" East; thence southwesterly 2.03 feet along said curve and said northwesterly line through a central angle 00°37'25" to the **True Point of Beginning**.

Containing 77 square feet.

PSOMAS

See Exhibit 'C2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of

Jeremy L. Evans
Jeremy L. Evans, PLS 5282

1-9-2017
Date

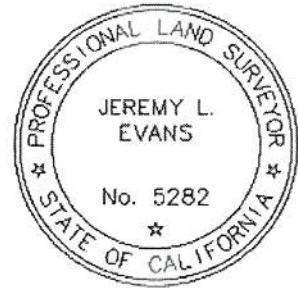
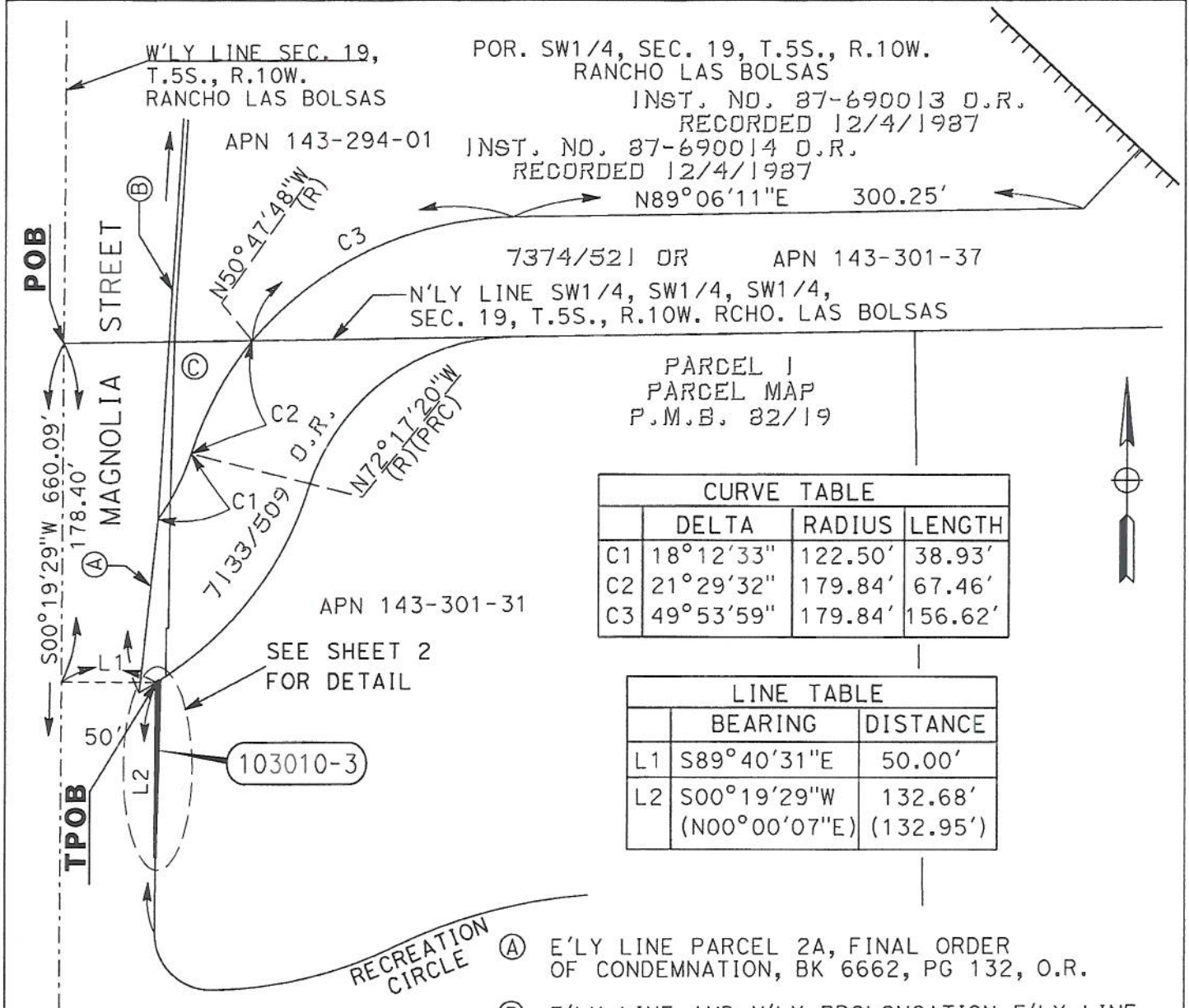


EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103010-3	FEE	77 SF	143-301-31



CURVE TABLE			
	DELTA	RADIUS	LENGTH
C1	18°12'33"	122.50'	38.93'
C2	21°29'32"	179.84'	67.46'
C3	49°53'59"	179.84'	156.62'

LINE TABLE		
	BEARING	DISTANCE
L1	S89°40'31"E	50.00'
L2	S00°19'29"W (N00°00'07"E)	132.68' (132.95')

LEGEND

(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

- ① E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
- ② E'LY LINE AND N'LY PROLONGATION E'LY LINE PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BK 8387 / PG 528, O.R.
- ③ INST. NO. 19980489925, O.R., REC. 7/29/98 (APN 143-294-02)
() INDICATES RECORD DIST. PER P.M.B. 82/19

103010-3

FEE ACQUISITION

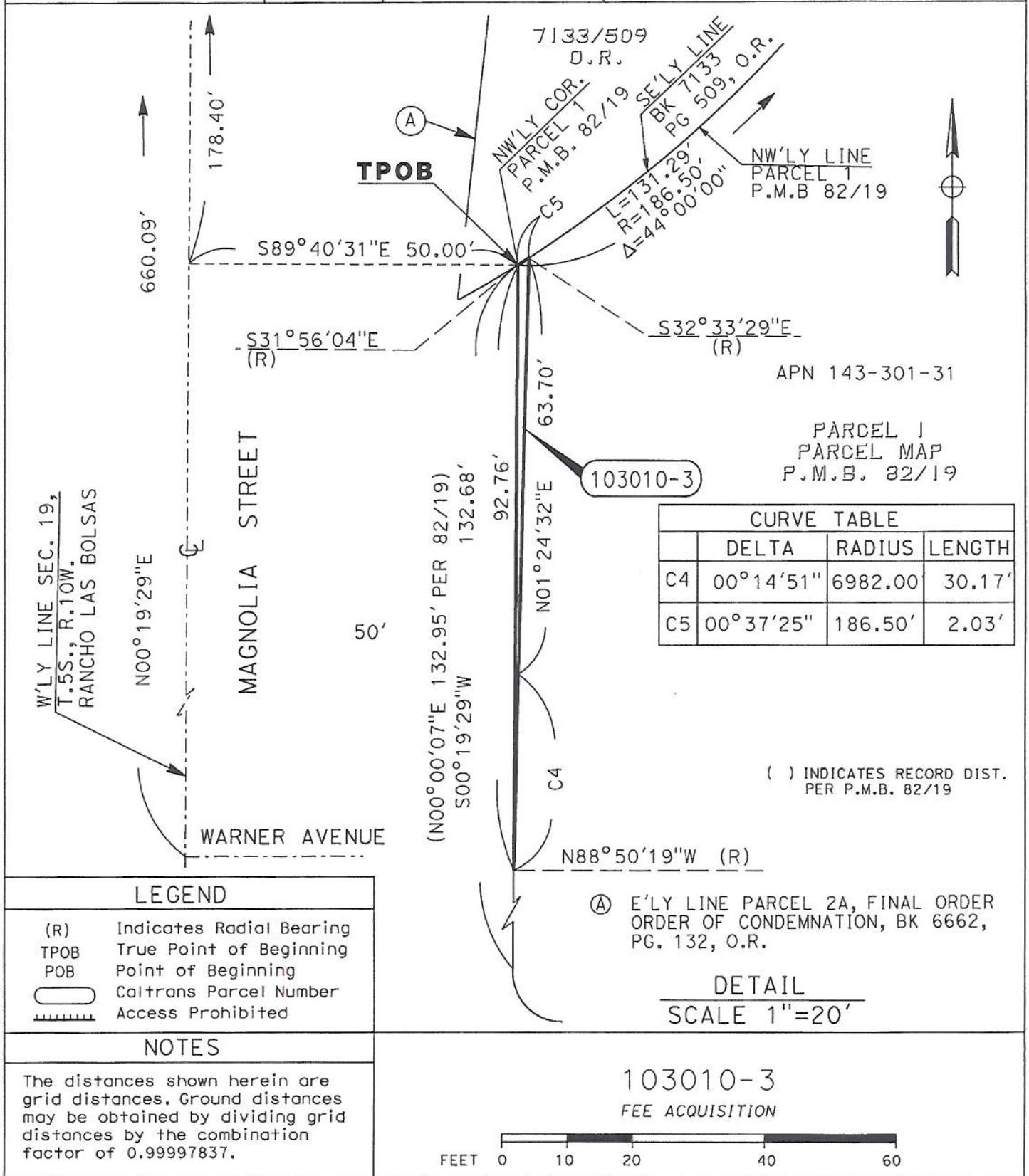


PREPARED BY:
PSOMAS
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Santa Ana, California 92707
(714) 751-7373 / (714) 545-8883 (Fax)

DATE: 04-09-15		REV.3: 01-09-17		EA:	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.11	1	2

EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103010-3	FEE	77 SF	143-301-31



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	DATE: 04-09-15		REV.3: 01-09-17		EA:	FA#:
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
	12	ORANGE	405	15.11	2	2

EXHIBIT D

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 143-294-01, 143-294-02

Caltrans Parcel No.: 103010-4

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "D1" and depicted in Exhibit "D2" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty eight (48) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty four (24) consecutive months within the forty eight (48) month TCE period (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty four (24) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, OCTA may place a temporary fence around the TCE area, provided however, no fence will be placed across any driveway within the TCE area, or in a manner that would impede reasonable access to any driveway within the TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted to restore it to a condition that is as functionally equivalent as is practicable to its condition prior to commencement of the construction activities.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'D1' LEGAL DESCRIPTION

Caltrans Parcel No. 103010-4

Temporary Construction Easement

APN 143-294-01

APN 143-294-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of the land described in those certain Deeds recorded December 4, 1987 as Instrument No. 87-690013 and Instrument No. 87-690014, and July 29, 1998 as Instrument No. 19980489925, all of Official Records of said County described as follows:

Beginning at the intersection of the westerly line of Section 19, Township 5 South, Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19, thence North 89°06'11" East 56.58 feet along said northerly line to the **True Point of Beginning**; thence leaving said northerly line South 1°24'32" West 85.67 feet to the northwesterly line of that certain land conveyed to Orange County Flood Control District per the deed recorded July 14, 1964 in Book 7133, Page 509 of Official Records of said County and the beginning of a non-tangent curve concave northwesterly having a radius 122.50 feet, a radial line to said curve bears South 58°10'00" East; thence northeasterly 30.19 feet along said curve and northwesterly line through a central angle 14°07'20" to a reverse curve concave southeasterly having a radius 179.84 feet; thence northeasterly 9.95 feet along said curve through a central angle of 3°10'16"; thence North 1°24'32" East 58.77 feet; thence North 3°26'24" East 134.58 feet to the beginning of a non-tangent curve concave easterly having a radius of 4969.02 feet, a radial line to said curve bears South 89°36'16" West; thence northerly along said curve 178.79 feet through a central angle 2°03'42"; thence North 86°30'26" West 6.88 feet to the northerly prolongation of the easterly line of Parcel 7 of State Highway Relinquishment No. 533, recorded in Book 8387, Page 528 of

PSOMAS

Official Records of said County; thence South $3^{\circ}29'34''$ West 167.35 feet along said northerly prolongation; thence leaving said prolongation South $0^{\circ}06'52''$ East 12.68 feet; thence South $3^{\circ}26'24''$ West 133.41 feet; thence South $1^{\circ}24'32''$ West 10.49 feet to the **True Point of Beginning.**

Containing 5140 square feet.

See Exhibit 'D2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

4.20.2017

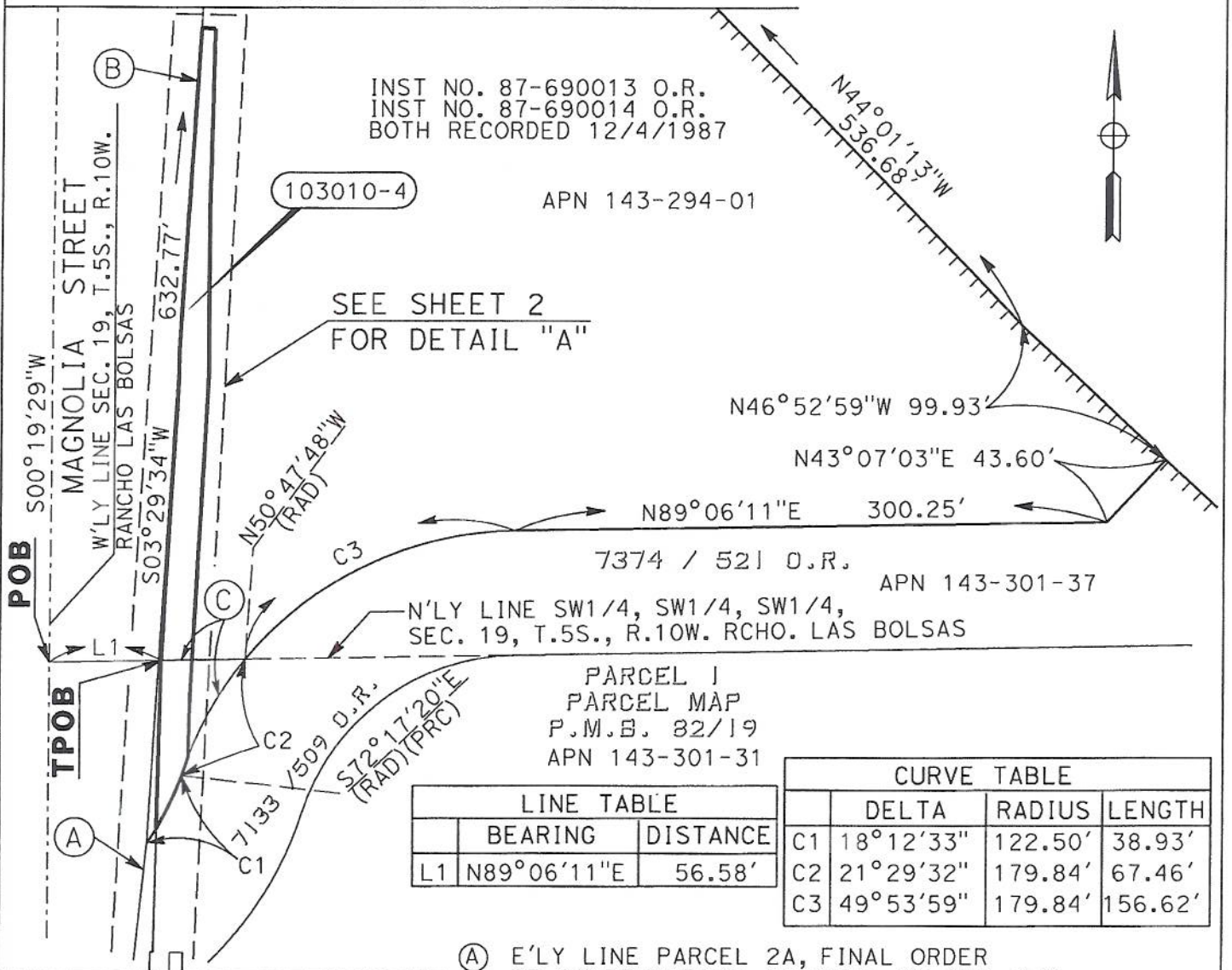
Date



EXHIBIT D2

PARCEL#	TITLE	AREA	APN
103010-4	TCE	5140 SF	143-294-01 & 02

MATCH LINE SEE SHEET 2



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited
NOTES	
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.	

PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	DATE: 04-21-15		REV.: 04-20-17		EA:	FA#:
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
	12	ORANGE	405	15.11	1	2

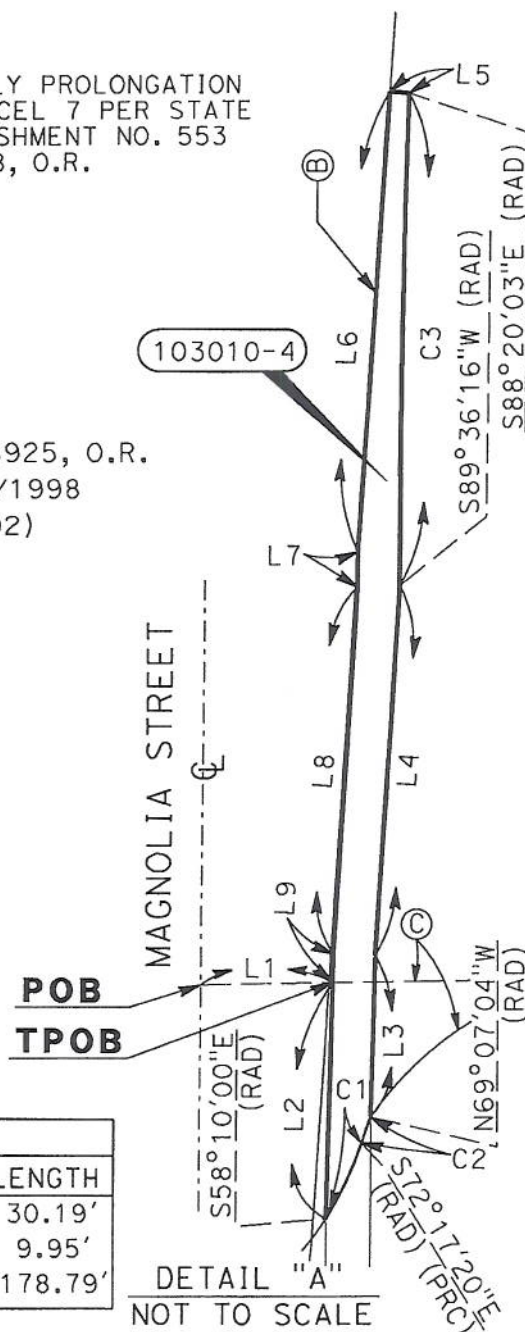
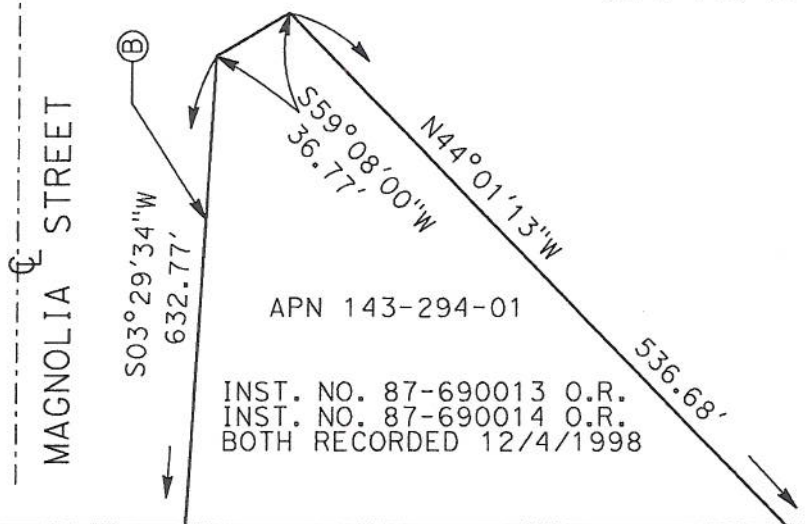
EXHIBIT D2

PARCEL#	TITLE	AREA	APN
103010-4	TCE	5140 SF	143-294-01 & 02

LINE TABLE		
	BEARING	DISTANCE
L1	N89°06'11"E	56.58'
L2	S01°24'32"W	85.67'
L3	N01°24'32"E	58.77'
L4	N03°26'24"E	134.58'
L5	N86°30'26"W	6.88'
L6	S03°29'34"W	167.35'
L7	S00°06'52"E	12.68'
L8	S03°26'24"W	133.41'
L9	S01°24'32"W	10.49'

Ⓑ E'LY LINE AND N'LY PROLONGATION
E'LY LINE PARCEL 7 PER STATE
HIGHWAY RELINQUISHMENT NO. 553
BK 8387 / PG 528, O.R.

Ⓒ INST. NO. 1998048925, O.R.
RECORDED 7/29/1998
(APN 143-294-02)



MATCH LINE SEE SHEET 1

LEGEND

(R) Indicates Radial Bearing
TPOB True Point of Beginning
POB Point of Beginning
Caltrans Parcel Number
Access Prohibited

CURVE TABLE

	DELTA	RADIUS	LENGTH
C1	14°07'20"	122.50'	30.19'
C2	03°10'16"	179.84'	9.95'
C3	02°03'42"	4969.02'	178.79'

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

103010-4

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-21-15

REV.: 04-20-17

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

15.11

2

2

EXHIBIT E

PSOMAS

EXHIBIT 'E1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-5

Fee Acquisition

APN 143-301-31

In the City of Fountain Valley, County of Orange, State of California, being a portion of Parcel 1 of the map filed in Book 82, Page 19 of Parcel Maps, Records of said County, described as follows:

Beginning at the intersection of the westerly line of Section 19, Township 5 South, Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said westerly line South 00°19'29" West 178.40 feet to a point thereon; thence leaving said line South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the westerly line of said Parcel shown as "North 00°00'07" East 132.95 feet" on said Parcel Map, said course having a bearing of North 00° 19'29" East for the purpose of this description, thence along the westerly and southwesterly lines of said Parcel 1 the following two (2) courses:

1. South 00°19'29" West 132.68 feet to the beginning of a curve concave northeasterly and having radius of 30.00 feet;
2. southeasterly along said curve 12.66 feet through a central angle of 24°10'36" to the **True Point of Beginning**;

thence continuing southeasterly and easterly along said southwesterly line and said curve 35.11 feet through a central angle of 67°03'26" to the beginning of a compound curve concave northerly having a radius of 225.00 feet; thence easterly continuing along southwesterly line and said curve 0.43 feet through a central angle of 00°06'32" to a point thereon; thence North 2°30'34" West 1.00 feet to a point, said point being the beginning of a non-tangent curve concave northeasterly having a radius of 30.00 feet, a

PSOMAS

radial line to said point bears South $02^{\circ}30'34''$ East; thence westerly and northwesterly along said curve 34.87 feet through a central angle of $66^{\circ}36'00''$ to the **True Point of Beginning**

Containing 20 square feet.

See Exhibit 'E2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of



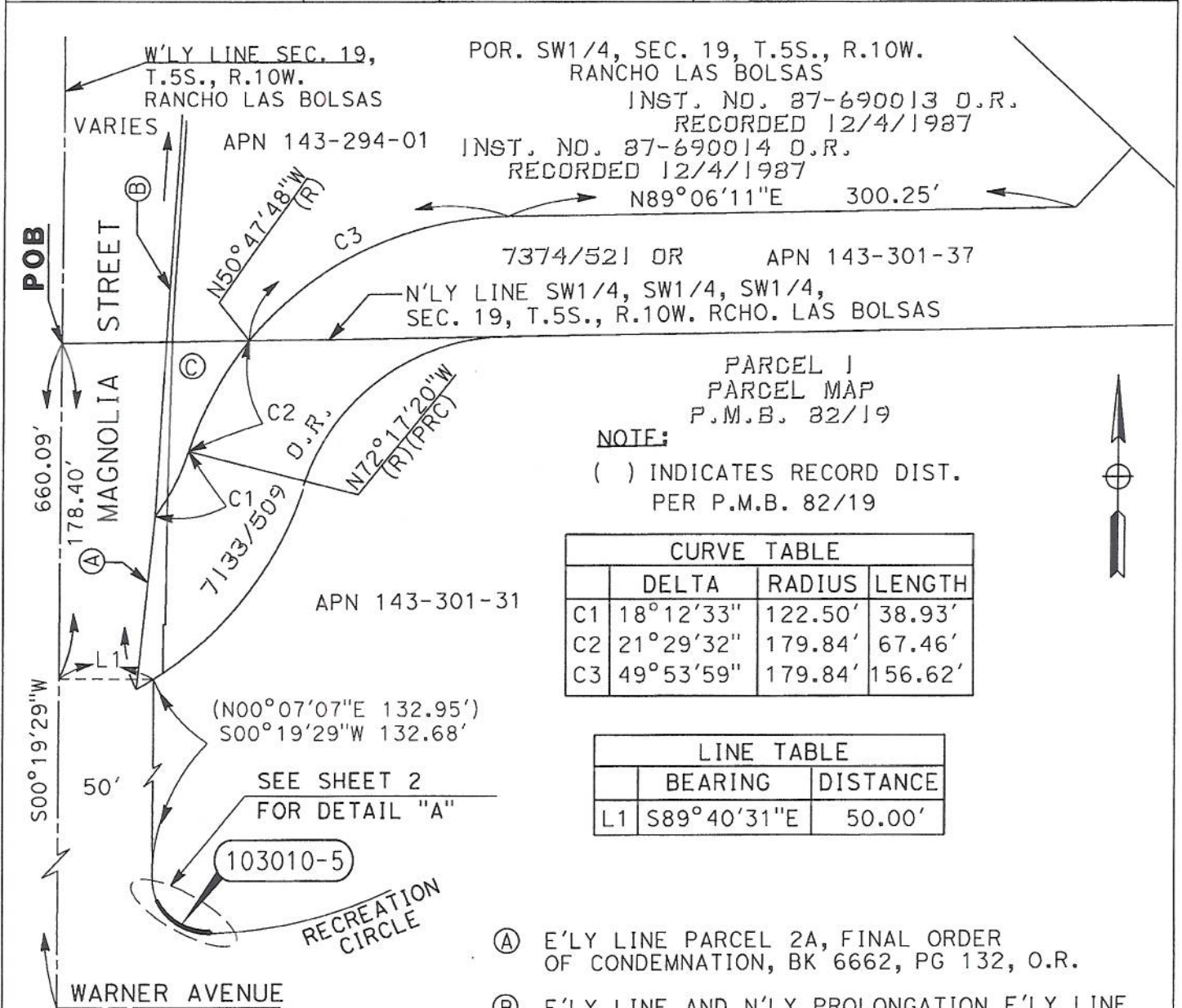

Anna M. Beal

P.L.S. 4955

4/6/16
Date

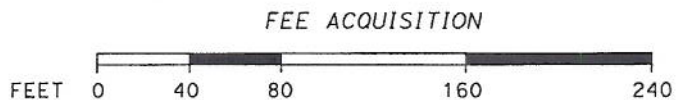
EXHIBIT E2

PARCEL#	TITLE	AREA	APN
103010-5	FEE	20 SF	143-301-31



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited
NOTES	
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.	

- ① E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
- ② E'LY LINE AND N'LY PROLONGATION E'LY LINE PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BK 8387 / PG 528, O.R.
- ③ INST. NO. 19980489925, O.R., REC. 7/29/98 (APN 143-294-02)



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		DATE: 04-09-15	REV.2: 03-24-16	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405		1	2

EXHIBIT E2

PARCEL#	TITLE	AREA	APN
103010-5	FEE	20 SF	143-301-31

MAGNOLIA STREET

(N00°00'07"E 132.95' PER 82/19)
(S00°19'29"W 132.68')



APN 143-301-31

PARCEL 1
PARCEL MAP
P.M.B. 82/19

() INDICATES RECORD DIST.
PER P.M.B. 82/19

L=12.66'
R=30.00'
Δ=24°10'36"

TPOB

S64°05'26"W (R)
L=34.87' R=30.00'
L=35.11' R=30.00'
S66°08'53"W (R)

DETAIL "A"
SCALE 1"=10'

103010-5
Parcel-2

S02°30'34"E (R)
N02°30'34"W 1.00'

Δ=66°36'00"
Δ=67°03'26"
L=0.43'
R=225.00'
Δ=00°06'32"
S01°01'05"E (R)

RECREATION CIRCLE

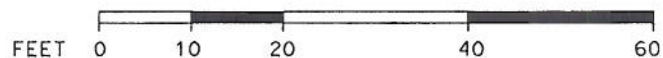
LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

FEE ACQUISITION



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714) 751-7373 / (714) 545-8883 (Fax)

DATE: 04-09-15

REV.3: 04-05-16

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

2

2

EXHIBIT F

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 143-294-01

Caltrans Parcel No.: 103010-6

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "F1" and depicted in Exhibit "F2" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty eight (48) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the forty eight (48) month TCE period (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. OCTA's use and occupancy of the TCE during the remaining forty two (42) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, OCTA will place a temporary fence around the TCE area.
- Access to the TCE area shall be from the public right of way.
- Except as to those improvements identified as being protected in place, improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted to restore it to a condition that is as functionally equivalent as is practicable to its condition prior to commencement of the construction activities.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'F1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-6

Temporary Construction Easement

APN 143-294-01

In the City of Fountain Valley, County of Orange, State of California, being a portion of the lands described in those certain Deeds recorded December 4, 1987 as Instrument No. 87-690013 and Instrument No. 87-690014, and July 29, 1998 as Instrument No. 19980489925, all of Official Records of said County described as follows:

Beginning at the northwesterly terminus of that certain course having a bearing of North 46°53'52" West as described in a deed recorded January 8, 1965 in Book 7374, Page 521 of Official Records of said County, the bearing of said course being North 46°52'59" West for the purposes of this description; thence North 46°52'59" West 8.00 feet along the northwesterly prolongation of said last course; thence South 43°07'03" West 19.00 feet; thence South 46°52'59" East 8.00 feet to the southeasterly line of said land; thence North 43°07'03" East 19.00 feet along said southeasterly line to the **Point of Beginning**.

Containing 152 square feet.

See Exhibit 'F2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

PSOMAS

Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

2.11.2017

Date

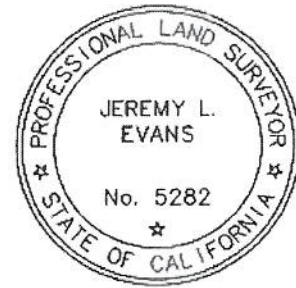
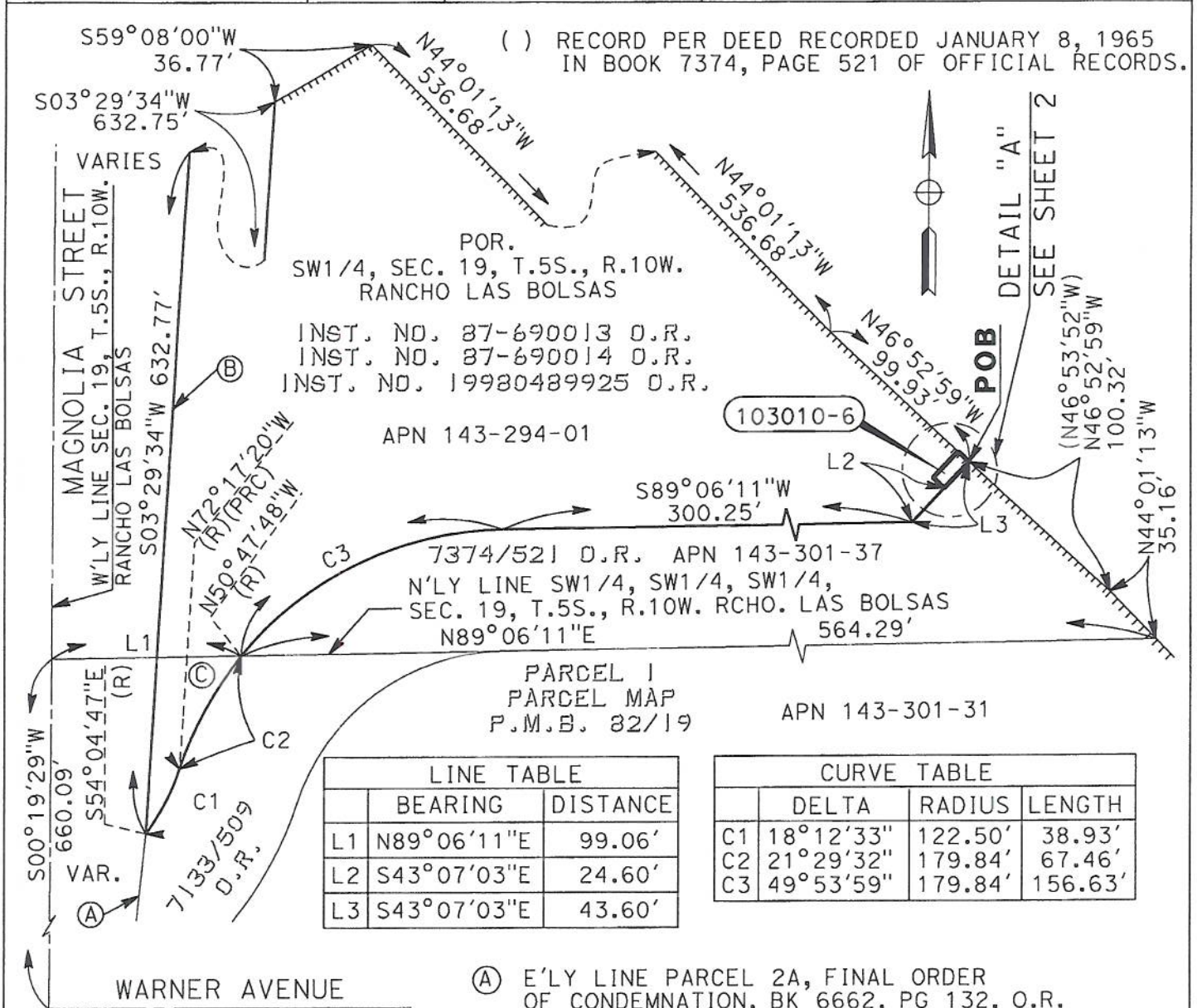


EXHIBIT F2

PARCEL#	TITLE	AREA	APN
103010-6	TCE	152 SF	143-294-01

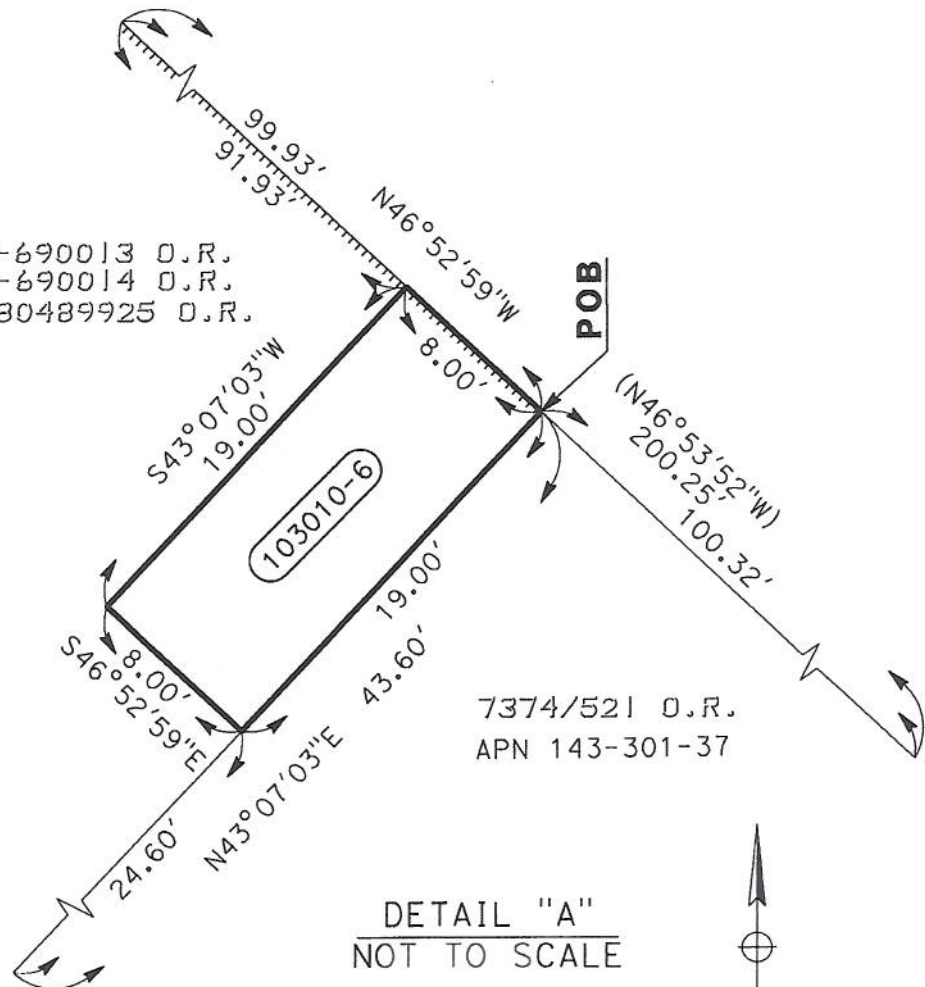


<p>LEGEND</p> <p>(R) Indicates Radial Bearing TPOB True Point of Beginning POB Point of Beginning Caltrans Parcel Number Access Prohibited</p>		<p>NOTES</p> <p>The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.</p>		<p>103010-6</p> <p>TEMPORARY CONSTRUCTION EASEMENT</p> <p>FEET 0 40 80 160 240</p>	
<p>PREPARED BY:</p> <p>PSOMAS</p> <p>3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)</p>		<p>DATE: 04-06-16 REV.: 02-06-17 EA: OF FA#:</p>		<p>DISTRICT COUNTY ROUTE SHEET PM SHEET NO. TOTAL SHEETS</p>	
<p>12 ORANGE 405 15.11 1 2</p>					

EXHIBIT F2

PARCEL#	TITLE	AREA	APN
103010-6	TCE	152 SF	143-294-01

INST. NO. 87-690013 O.R.
INST. NO. 87-690014 O.R.
INST. NO. 19980489925 O.R.



LEGEND

(R) Indicates Radial Bearing
TPOB True Point of Beginning
POB Point of Beginning
Caltrans Parcel Number
Access Prohibited

() RECORD PER DEED RECORDED JANUARY 8, 1965
IN BOOK 7374, PAGE 521 OF OFFICIAL RECORDS.

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

103010-6

TEMPORARY CONSTRUCTION EASEMENT

PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-06-16

REV.: 02-07-17

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

15.11

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2

EXHIBIT G

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 143-301-31

Caltrans Parcel No.: 103010-7

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "G1" and depicted in Exhibit "G2" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty eight (48) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty four (24) consecutive months within the forty eight (48) month TCE period (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty four (24) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, OCTA may place a temporary fence around the TCE area, provided however, no fence will be placed across any driveway within the TCE area or in a manner that would impede reasonable access to any driveway, or building.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Except as to those improvements identified below as being protected in place, improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- The following improvements within the TCE area will be protected in place:
 - Utility Box
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted to restore it to a condition that is as functionally equivalent as is practicable to its condition prior to commencement of the construction activities.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'G1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-7

Temporary Construction Easement

APN 143-301-31

That portion of Parcel 1, in the City of Fountain Valley, County of Orange, State of California, per the map filed in Book 82, Page 19 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the westerly line of Section 19, Township 5 South, Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street as shown on said map, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said westerly line, South 00°19'29" West 178.40 feet; thence leaving said westerly line South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the westerly line of said Parcel 1 shown as "North 00°00'07" East 132.95 feet", said point being on the northwesterly line of said Parcel 1, said point also being the beginning of a non-tangent curve concave northwesterly having a radius of 186.50 feet, a radial line to said point bears South 31°56'04" East; thence northeasterly 2.03 feet along said curve and said northwesterly line through a central angle 00°37'25" to the **True Point of Beginning**; thence South 01°24'32" West 63.70 feet to curve concave easterly having a radius of 6982.00 feet, a radial line to said curve bears North 88°35'28" West; thence Southerly 30.17 feet along said curve through a central angle of 00°14'51" to a point on the westerly line of said Parcel 1; thence along said westerly and southwesterly line of said Parcel 1 through the following two courses:

1. South 00°19'29" West 39.92 feet to a curve concave northeasterly having a radius of 30.00 feet;

PSOMAS

2. southeasterly 12.66 feet along said curve through a central angle of $24^{\circ}10'36''$ to a non-tangent curve concave northeasterly having a radius of 30.00 feet; a radial line to said curve bears South $64^{\circ}05'26''$ West;

thence southeasterly 34.87 feet along said curve through a central angle of $66^{\circ}36'00''$; thence South $02^{\circ}30'34''$ East 1.00 feet to a non-tangent curve concave northerly having a radius of 225.00 feet, a radial line to said curve bears South $01^{\circ}01'05''$ East; thence easterly 4.88 feet along said curve through a central angle of $01^{\circ}14'30''$; thence North $03^{\circ}02'56''$ West 4.00 feet to a non-tangent curve concave northerly having a radius of 221.00 feet, a radial line to said curve bears South $02^{\circ}14'44''$ East; thence westerly 5.13 feet along said curve through a central angle of $01^{\circ}19'49''$ to a compound curve concave northeasterly having a radius of 27.00 feet, a radial line to said curve bears South $00^{\circ}54'56''$ East; thence northwesterly 43.00 feet along said curve through a central angle of $91^{\circ}14'25''$; thence North $00^{\circ}19'29''$ East 116.92 feet; thence South $88^{\circ}35'28''$ East 8.41 feet; thence North $01^{\circ}24'32''$ East 23.06 feet to a point on the northwesterly line of said Parcel 1, said point being the beginning of a non-tangent curve concave northwesterly having a radius 186.50 feet, a radial line to said curve bears South $36^{\circ}20'59''$ East; thence southwesterly 12.34 feet along said curve and said northwesterly line through a central angle $03^{\circ}47'29''$ to the **True Point of Beginning**.

Containing 659 square feet.

See Exhibit 'G2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

PSOMAS

Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

2.11.2017

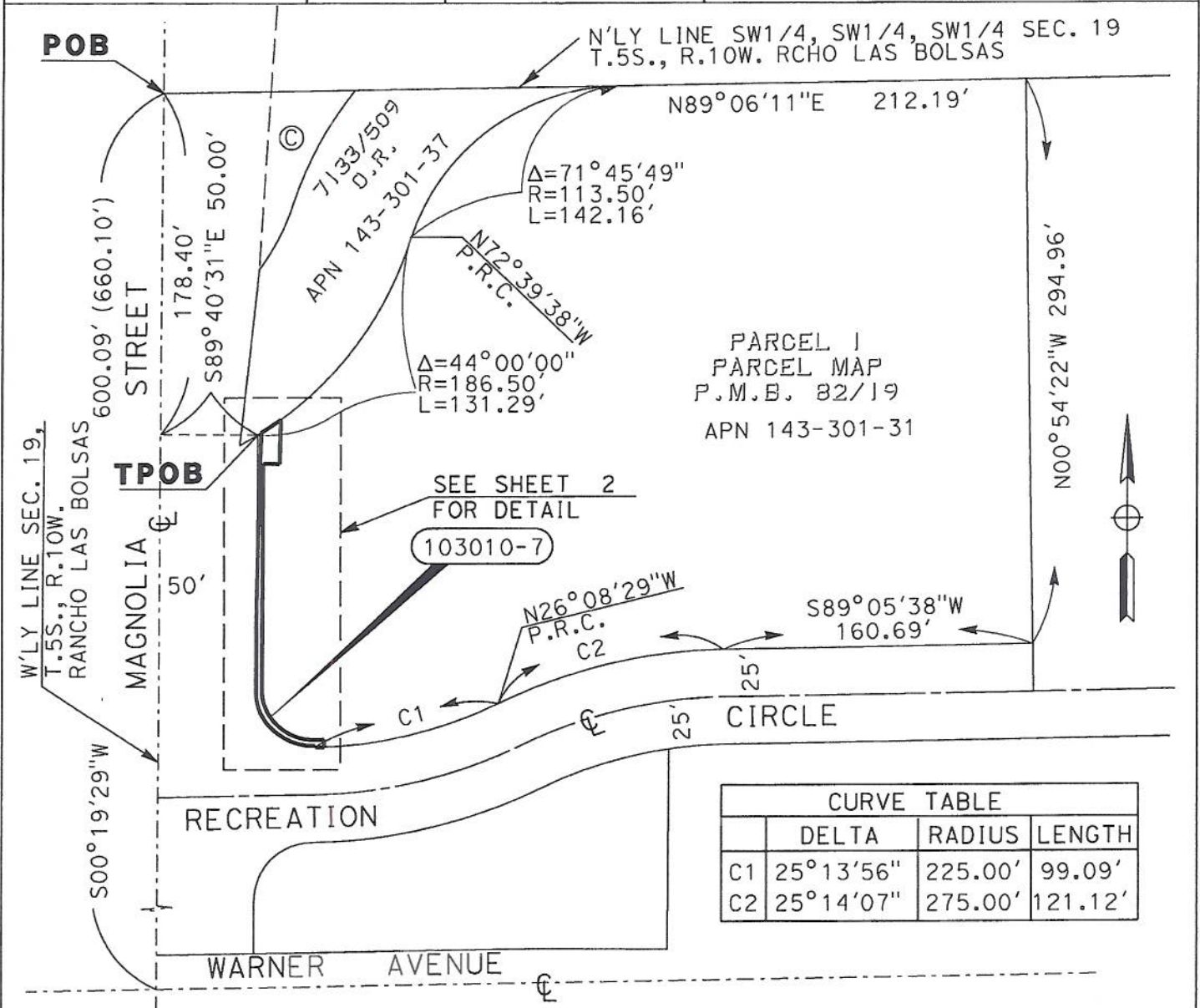
Date



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EXHIBIT G2

PARCEL#	TITLE	AREA	APN
103010-7	TCE	659 SF	143-301-31



CURVE TABLE			
	DELTA	RADIUS	LENGTH
C1	25° 13' 56"	225.00'	99.09'
C2	25° 14' 07"	275.00'	121.12'

LEGEND

(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

NOTE:

() INDICATES RECORD DIST.
PER P.M.B. 82/19

© INST. NO. 19980489925 O.R.
REC. 7/29/98 (APN 143-294-02)

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

103010-7

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-09-15

REV.: 02-07-17

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

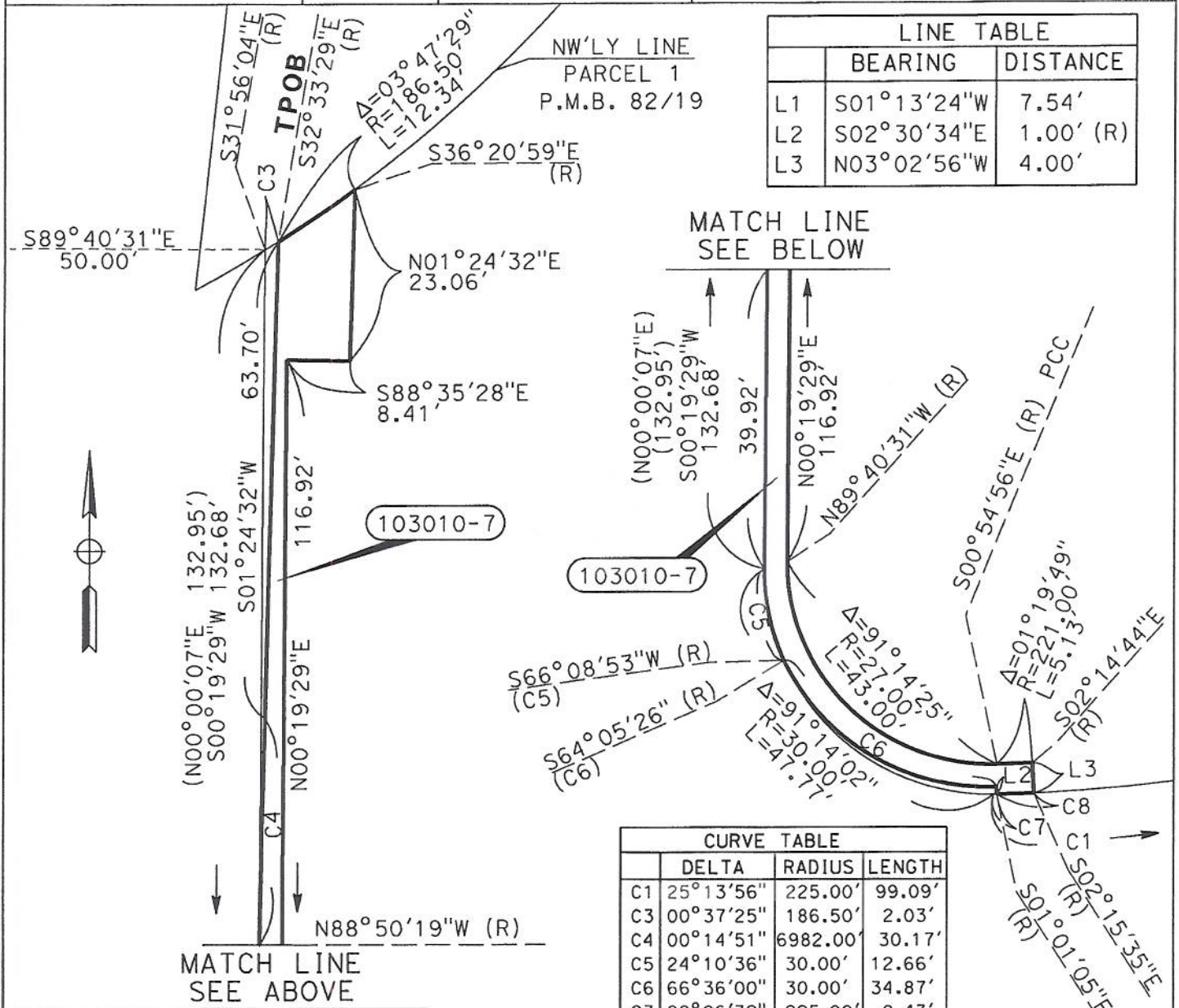
15.11

1

2

EXHIBIT G2

PARCEL #	TITLE	AREA	APN
103010-7	TCE	659 SF	143-301-31



LINE TABLE		
	BEARING	DISTANCE
L1	S01°13'24\"W	7.54'
L2	S02°30'34\"E	1.00' (R)
L3	N03°02'56\"W	4.00'

CURVE TABLE			
	DELTA	RADIUS	LENGTH
C1	25°13'56\"	225.00'	99.09'
C3	00°37'25\"	186.50'	2.03'
C4	00°14'51\"	6982.00'	30.17'
C5	24°10'36\"	30.00'	12.66'
C6	66°36'00\"	30.00'	34.87'
C7	00°06'32\"	225.00'	0.43'
C8	01°14'30\"	225.00'	4.88'

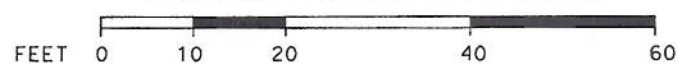
LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

DETAIL
SCALE 1"=20' () INDICATES RECORD DIST. PER P.M.B. 82/19

NOTES
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

103010-7

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		DATE: 04-09-15	REV.: 02-07-17	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.11	2	2

RESOLUTION NO. 2018-011

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 156-094-01.

WHEREAS, the Orange County Transportation Authority (the “Authority”) is undertaking the Interstate 405 (“I-405”) Improvement Project between State Route 73 and Interstate 605, a right-of-way for freeway purposes and all public uses appurtenant thereto (the “Project”); and

WHEREAS, the Project is intended to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Authority to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on May 11, 2015, the Authority’s Board of Directors authorized the Authority to acquire property interests for the Project; and

WHEREAS, portions of the real property located at 10480 Talbert Avenue, in the City of Fountain Valley, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project include a temporary construction easement as legally described in and depicted in Exhibit “1” hereto and a temporary construction easement as legally described and depicted in Exhibit “2” hereto (collectively, the “Property Interests”); and

WHEREAS, the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure on January 12, 2018, the Authority mailed a Notice of Hearing on the Intent of the Authority to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Subject Property; and

WHEREAS, the Authority provided written notice to the City of Fountain Valley as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Authority's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Authority scheduled a hearing for February 26, 2018 at 9:00 a.m. at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Authority's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Authority's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the Authority's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:

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

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Authority to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits “1” and “2” attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The Property Interests sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire two temporary construction easements in the real property described and depicted in Exhibits "1" and "2" hereto, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. The Authority's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of the Authority by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit the Authority to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-011, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

Exhibit 1

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 156-094-01

Caltrans Parcel No.: 102927-1

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty-eight (48) months, a portion of which shall be exclusive (subject to the limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the forty-eight (48) month TCE period (hereinafter the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty-four (24) months of the TCE period will be non-exclusive.

Rights and Restrictions of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- At the commencement of Construction Period, OCTA may place a temporary fence around the TCE area, provided, however, reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained.
- OCTA will use the TCE area to adjust any grade differentials between the remaining property and the adjoining public right-of-way and/or to perform any necessary match work within the TCE area.
- During the Construction Period, at least one-half of the width of the existing driveway within the TCE area will remain open at all times.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by OCTA.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be backfilled to grade and functionally equivalent pavement material will be installed, as necessary, to restore it to a similar condition that existed prior to commencement of the construction activities.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102927-1

Temporary Construction Easement

APN 156-094-01

In the City of Fountain Valley, County of Orange, State of California, being a portion of the northeasterly quarter of the northwesterly quarter of Section 32. Township 5 South, Range 10 West in the Rancho Las Bolsas, as shown on a map filed in Book 51, Page 12 of Miscellaneous Maps, as further described in a Grant Deed recorded as Instrument 2003000357203 in Official Records, all in the office of the County Recorder of said County described as follows:

Commencing at the centerline intersection of Ward Street and Talbert Avenue, as shown on a Parcel Map filed in Book 118, Pages 23-24 in the office of the County Recorder of said County; thence along the centerline of Talbert Avenue North 89°31'35" West 152.00 feet; thence perpendicular to said centerline South 00°28'25" West 50.00 feet to a corner on said Grant Deed being the westernmost terminus of the course stated as "North 89°31'21" West 102.00 feet" on said Grant Deed, shown as North 89°31'35" West 102.00 feet for purposes of this survey; then along the northerly line of said Grant Deed South 85°10'54" West 185.92 feet to the **True Point of Beginning**; thence continuing along said northerly line South 85°10'54" West 78.28 feet; thence leaving said northerly line South 04°49'06" East 10.00 feet; thence North 85°10'54" East 6.24 feet; thence South 00°41'11" West 10.05 feet; thence North 85°10'54" East 45.60 feet; thence North 00°41'11" East 10.05 feet; thence North 85°10'54" East 26.44 feet; thence North 04°49'06" West 10.00 feet to the said northerly line and the **True Point of Beginning**.

Containing 1239 square feet.

COAST SURVEYING, INC.

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See Exhibit 'A2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of

Kriss Larson

Kriss A. Larson, PLS 6179

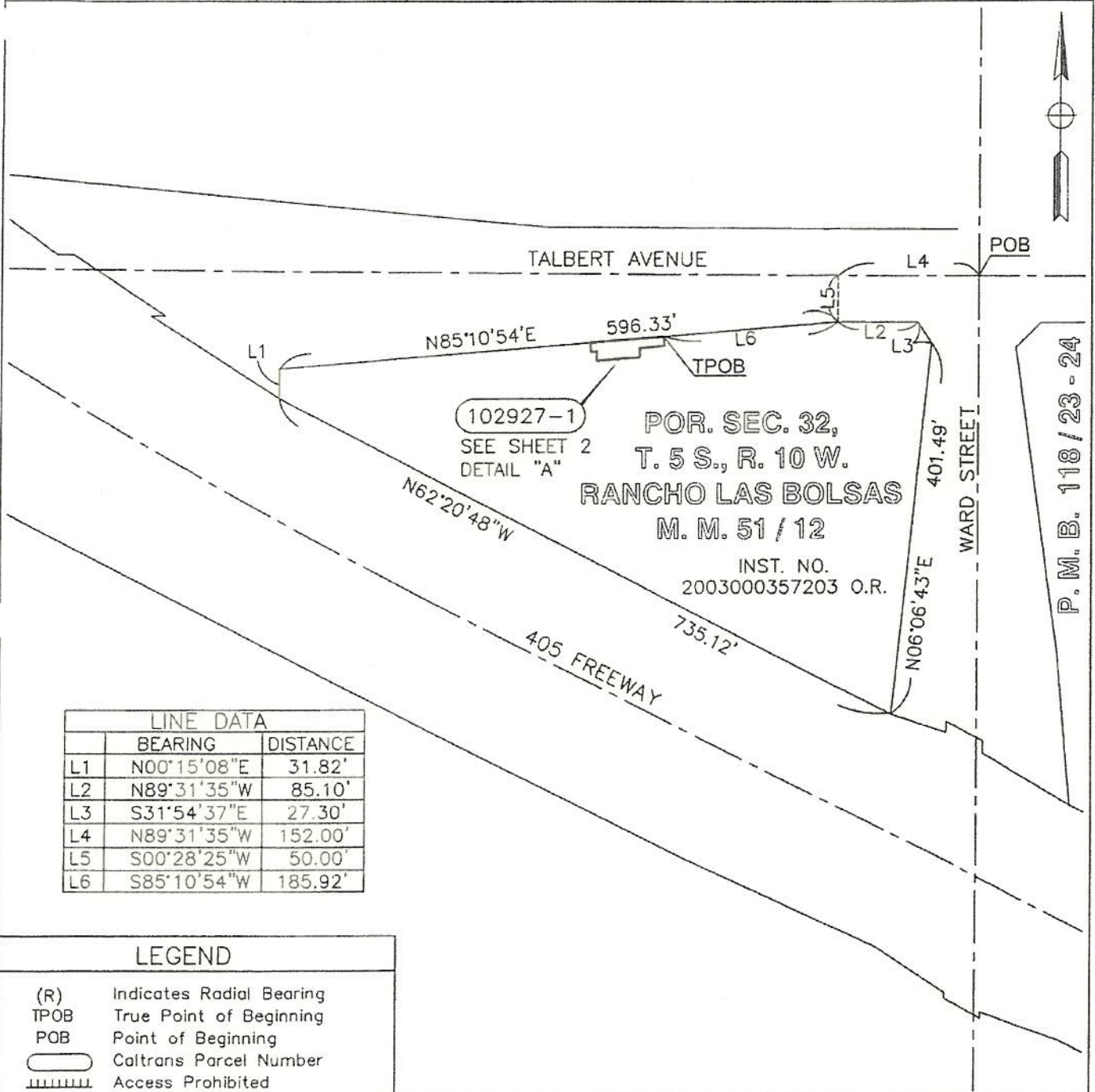
4-14-16

Date



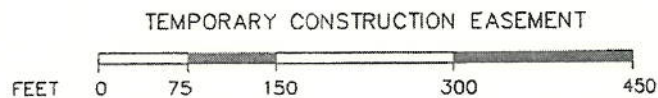
EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102927-1	TCE	1,239 SF	156-094-01



NOTES

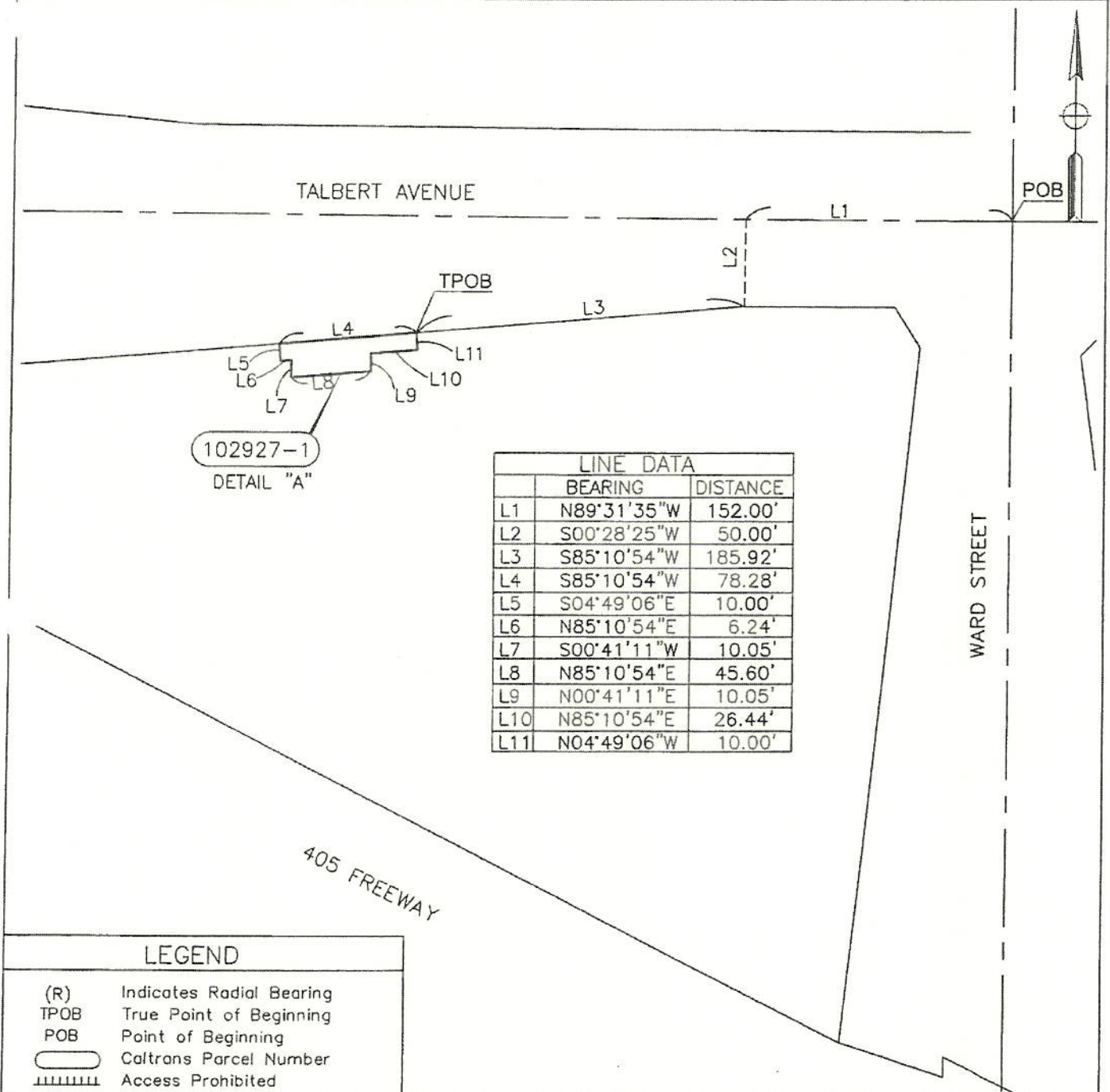
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837



PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266	DATE: 4-13-16		REV.:		EA: <u>XXXXX</u>		FA#: <u> </u>	
	DISTRICT	COUNTY	ROUTE	SHEET PM		SHEET NO.	TOTAL SHEETS	
	12	ORA	405	13.24		1	2	

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102927-1	TCE	1,239 SF	156-094-01



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- 102927-1 Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:
COAST SURVEYING
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527
 (714)918-6266

DATE: 4-13-16		REV.:		EA: XXXXX		FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM		SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.24		2	2	

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No.: 156-094-01
Caltrans Parcel No.: 102927-2**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty-eight (48) months, a portion of which shall be exclusive (subject to the limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the forty-eight (48) month TCE period (hereinafter the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty-four (24) months of the TCE period will be non-exclusive.

Rights and Restrictions of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- At the commencement of Construction Period, OCTA may place a temporary fence around the TCE area, provided, however, reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by OCTA.
- Any signage and the existing fence along the TCE area will be protected in place.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102927-2

Temporary Construction Easement

APN 156-094-01

In the City of Fountain Valley, County of Orange, State of California, being a portion of the northeasterly quarter of the northwesterly quarter of Section 32, Township 5 South, Range 10 West in the Rancho Las Bolsas, as shown on a map filed in Book 51, Page 12 of Miscellaneous Maps, as further described in a Grant Deed recorded as Instrument 2003000357203 in Official Records, all in the office of the County Recorder of said County described as follows:

Commencing at the centerline intersection of Ward Street and Talbert Avenue, as shown on a Parcel Map filed in Book 118, Pages 23-24 in the office of the County Recorder of said County; thence along the centerline of Talbert Avenue North 89°31'35" West 152.00 feet; thence perpendicular to said centerline South 00°28'25" West 50.00 feet to a corner on said Grant Deed being the westernmost terminus of the course stated as "North 89°31'21" West 102.00 feet" on said Grant Deed, shown as North 89°31'35" West 102.00 feet for purposes of this survey; then along the northerly line of said Grant Deed South 85°10'54" West 596.33 feet to the northwesternmost corner of said Grant Deed; thence along the westerly line of said Grant Deed South 00°15'08" West 31.82 feet to the southwesternmost corner of said Grant Deed and the **True Point of Beginning**; thence along the said westerly line North 00°15'08" East 5.63 feet; thence leaving said westerly line South 62°20'48" East 735.73 feet to the easterly line of said Grant Deed; thence along said easterly line South 06°06'43" West 5.38 feet to the southeasternmost corner of said Grant deed; thence along the southerly line of said Grant Deed North 62°20'48" West 735.11 feet to the southwesternmost corner of said Grant Deed and the **True Point of Beginning**.

COAST SURVEYING, INC.

Containing 3677square feet.

See Exhibit 'A2' attached hereto and made a part hereof.

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

Prepared under the direction of

Kriss Larson

Kriss A. Larson, PLS 6179

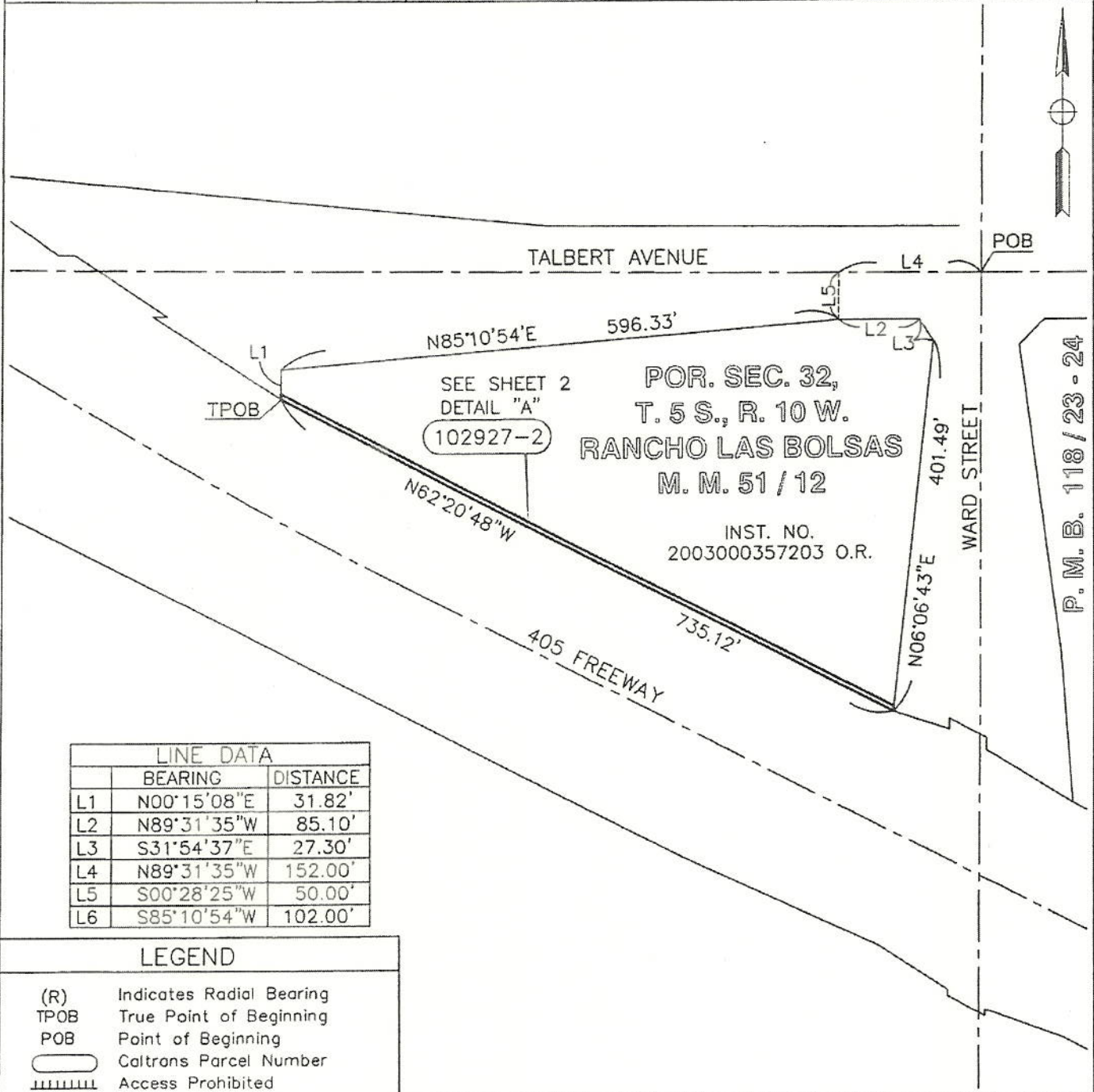
4-14-16

Date



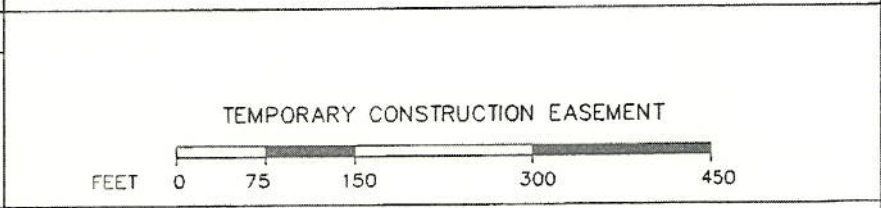
EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102927-2	TCE	3,677 SF	156-094-01



NOTES

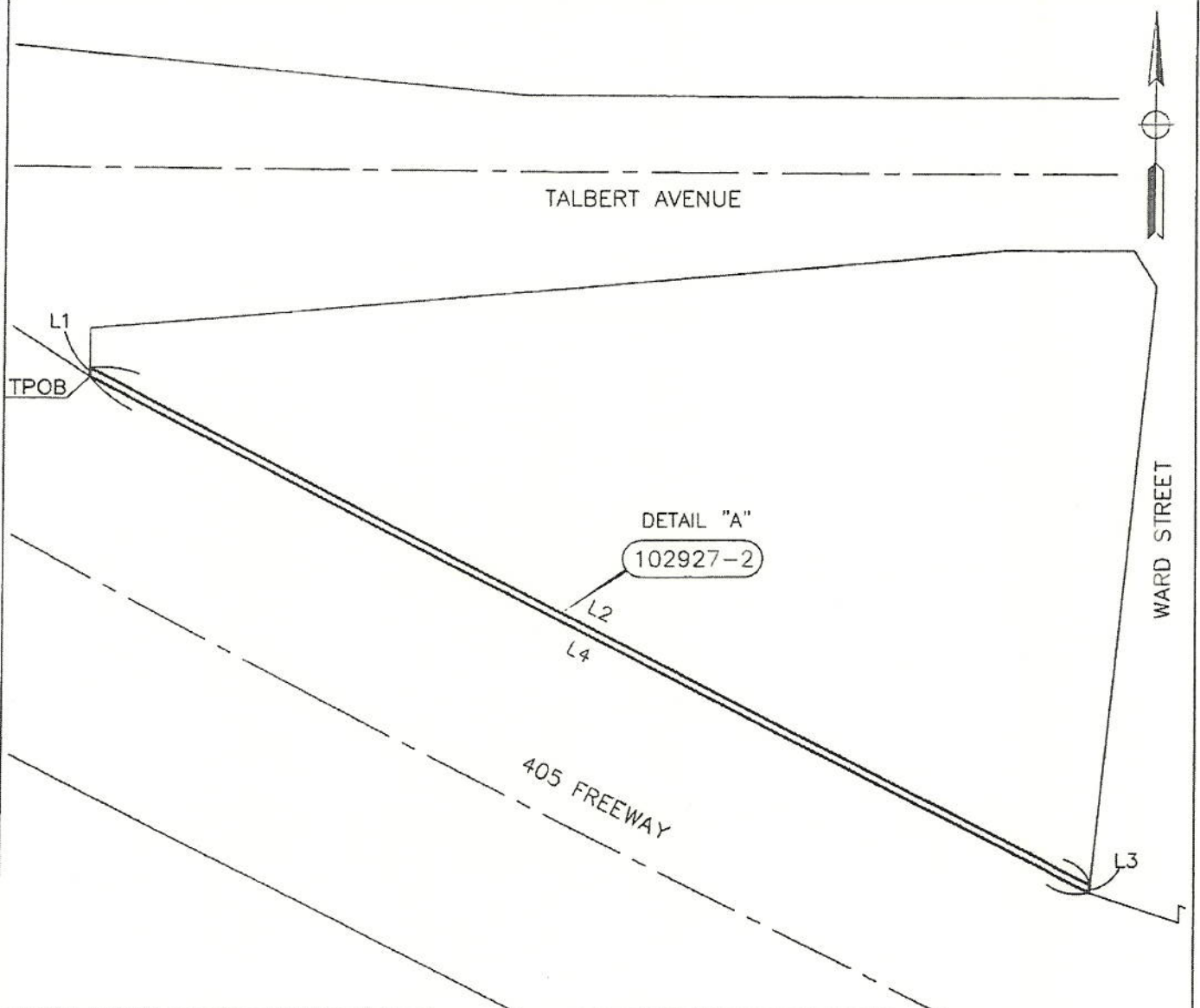
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837



PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266		DATE: 4-13-16	REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.24	1	2	

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102927-2	TCE	3,677 SF	156-094-01



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- 102927-2 Caltrans Parcel Number
- Access Prohibited

LINE DATA

	BEARING	DISTANCE
L1	N00°15'08"E	5.63'
L2	S62°20'48"E	735.73'
L3	S06°06'43"W	5.38'
L4	N62°20'48"W	735.11'

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 4-13-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.24	2	2

RESOLUTION NO. 2018-013

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION IN FEE BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF ASSESSOR PARCEL NOS. 096-522-02 AND 096-522-04.

WHEREAS, the Orange County Transportation Authority (the “Authority”) is undertaking the Interstate-405 (“I-405”) Improvement Project between State Route 73 and Interstate 605, a right-of-way for freeway purposes and all public uses appurtenant thereto (the “Project”); and

WHEREAS, the Project is intended to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Authority to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on May 11, 2015, the Authority’s Board of Directors authorized the Authority to acquire property interests for the Project; and

WHEREAS, on August 21, 2017, the Authority communicated alternate offers of compensation to the owner or owners of record for either the acquisition of the full fee interest or portions of the real property located at 14980 Goldenwest in the City of Westminster, California. In accordance with section 1240.150 of the California Code of Civil Procedure, the Authority provided the owner or owners of record an opportunity to elect between a partial acquisition or a full fee acquisition of the real property in light of the potential impacts, acquisitions, and construction of the Project in the manner proposed. The owner or owners of record elected the full fee acquisition option. Accordingly, this Resolution of Necessity relates to a full fee acquisition of Assessor Parcel Numbers 096-522-02 and 096-522-04 based on the owner or owners of record's consent; and

WHEREAS, the real property located at 14980 Goldenwest, in the City of Westminster, California (the "Subject Property") is required for the Project. The real property required for the Project is legally described and depicted in Exhibit "A" hereto; and

WHEREAS, the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Subject Property; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure on January 12, 2018, the Authority mailed a Notice of Hearing on the Intent of the Authority to Adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Subject Property; and

WHEREAS, the Authority provided written notice to the City of Westminster as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Authority's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Authority scheduled a hearing for February 26, 2018 at 9:00 am at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Authority's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Authority's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the Authority's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:

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

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Authority to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Subject Property.

Section 5. Description of Subject Property. The property sought to be acquired is more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The Subject Property sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already

devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire the Subject Property in fee as described and depicted in Exhibit "A" hereto, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. The Authority's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property in the name of and on behalf of the Authority by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit the Authority to take possession of the Subject Property at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-013, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

Exhibit “A”

All that certain real property situated in the County of Orange, State of California, described as follows:

Parcel 1:

That portion of the Southwest quarter of the Southwest quarter of Section 11, Township 5 South, Range 11 West, in the Rancho Las Bolsas, City of Westminster, County of Orange, State of California, as per map recorded in Book 51 Page 13 of Miscellaneous Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at a point in the Northwesternly line of that certain parcel of land conveyed by the State of California by Director's Deed D-92.4, recorded in Book 9246 Page 905 of Official Records, distant thereon South 45°26'30" West, 140.47 feet from the most Northerly corner thereof; thence along the Southwesterly prolongation of said Northwesternly line, South 45°27'30" West, 21.79 feet to the intersection thereof with a curve concave Northeasterly and having a radius of 135.00 feet; thence Southeasterly along last said curve, from a tangent which bears South 6°42'58" East, through an angle of 87°20'38", an arc distance of 205.80 feet to a reverse curve concave Southerly and having a radius of 1054.00 feet; thence Easterly along last said curve, through an angle of 5°12'24", an arc distance of 95.78 feet to a line parallel with and distant Northerly 16.00 feet, measured at right angles from the Northerly line of Bolsa Avenue, 80.00 feet wide; thence along said parallel line South 89°32'45" East, 9.57 feet; thence North 44°42'09" West, 61.24 feet to the most Easterly corner of said parcel of land in said Director's Deed D-92.4; thence along the Northeasterly and Northwesternly boundaries of said parcel of land in said Director's Deed D-92.4, North 44°01'46" West 259.20 feet and South 45°27'30" West 140.47 feet to the point of beginning; and

Parcel 2:

That portion of the Southwest quarter of the Southwest quarter of Section 11, Township 5 South, Range 11 West, in the Rancho Las Bolsas, City of Westminster, County of Orange, State of California, as per map recorded in Book 51 Page 13 of Miscellaneous Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Section 11, said Southwest corner being the intersection of Golden West Street formerly 60 feet wide, and Bolsa Avenue, formerly 80 feet wide; thence along the West line of said Section, said West line being the center line of said Golden West Avenue, North 0°27'30" East, 169.39 feet; thence South 89°13'30" East, 69.04 feet to that certain curve having a radius of 135 feet as described in

Director's Deeds D-78.1 from the State of California to Stuart A. Riddle, recorded in Book 9663 Pages 491 to 495 inclusive of Official Records in said office and being the true point of beginning; thence Southeasterly along said curve concave Northeasterly having a radius of 135 feet through an angle of $87^{\circ}20'38''$ an arc distance of 205.80 feet; thence South $85^{\circ}14'51''$ West 116.65 feet to a tangent curve, concave Northeasterly having a radius of 27.00 feet; thence Northwesterly along said curve through an angle of $95^{\circ}12'39''$ an arc distance of 44.87 feet; thence North $0^{\circ}27'30''$ East, 100.38 feet; thence North $45^{\circ}27'30''$ East 1.48 feet to said true point of beginning; said property being situated at the Northeast corner of Golden West Street and Bolsa Avenue.

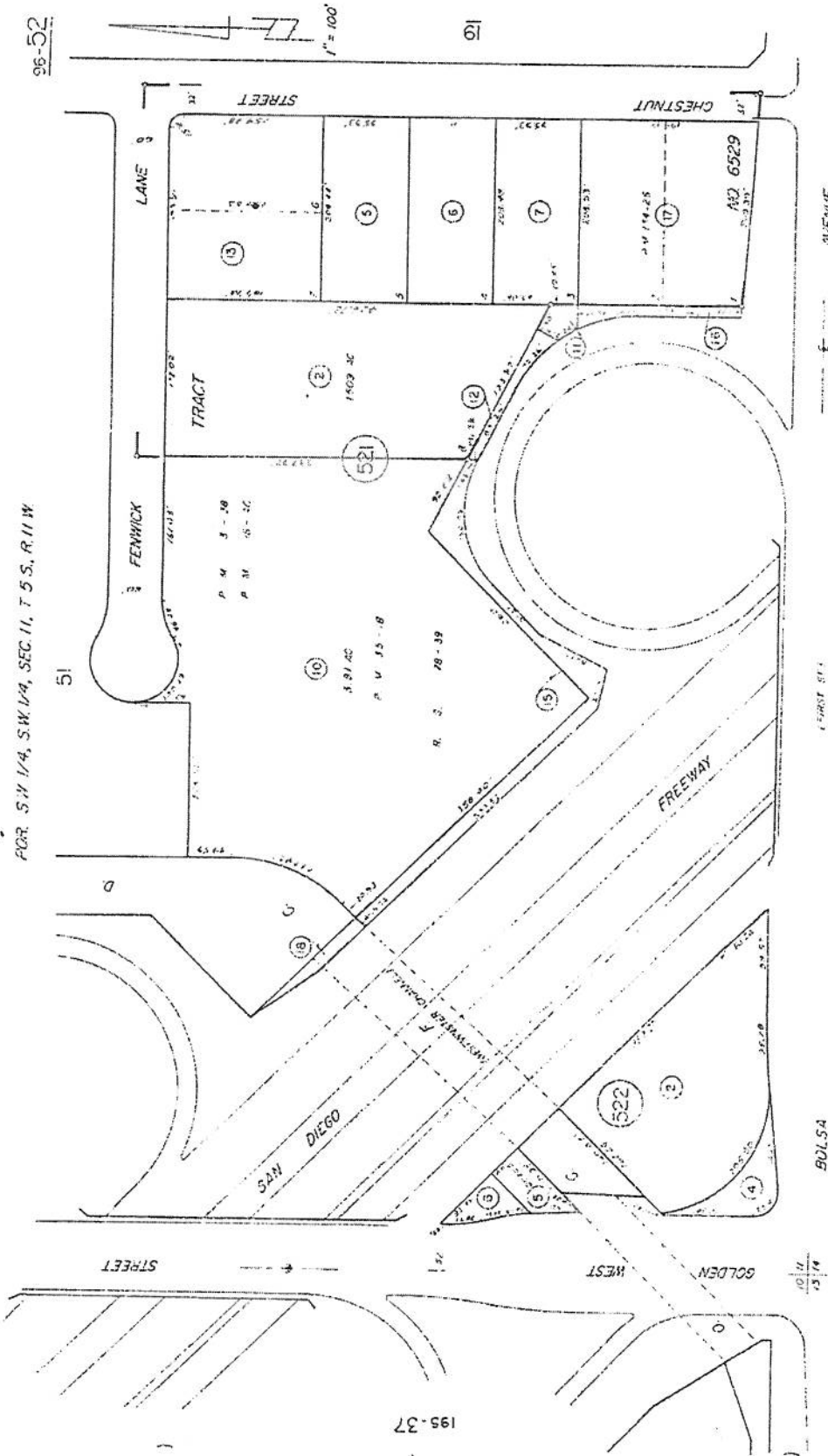
Except from a portion of said land all oil, gas, hydrocarbons, asphaltum and minerals but without the right to drill or dig through the surface thereof as reserved in the deed from Reuben W. Edwards, and others, recorded July 27, 1953 in Book 2544 Page 579 of Official Records.

Also excepting from the remainder of said land all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefore and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands, other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface of the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said land, as reserved in the deed from Reuben W. Edwards and others, recorded May 2, 1963 in Book 6532 Page 365 of Official Records.

Assessor's Parcel Number: 096-522-02,04

96-52

FOR S.W. 1/4, S.W. 1/4, SEC. 11, T. 5 S., R. 11 W.



ASSESSOR'S MAP
BOOK 95 PAGE 52
COUNTY OF ORANGE
142-01

NOTE: ASSESSOR'S BLOCK a
PARCEL NUMBERS
SHOWN IN CIRCLES
142-39

M.M. 253-25, 26
142-38

TR NO 6529

MARCH 1969



**Adopt Resolutions of Necessity for the
Interstate 405 Improvement Project
Between State Route 73 and Interstate 605**

I-405 Improvement Project Proposed Improvements



Not to Scale,
For Presentation Purposes Only

I-405 Improvement Project Resolutions of Necessity Locations



Resolution of Necessity No. 2018-007

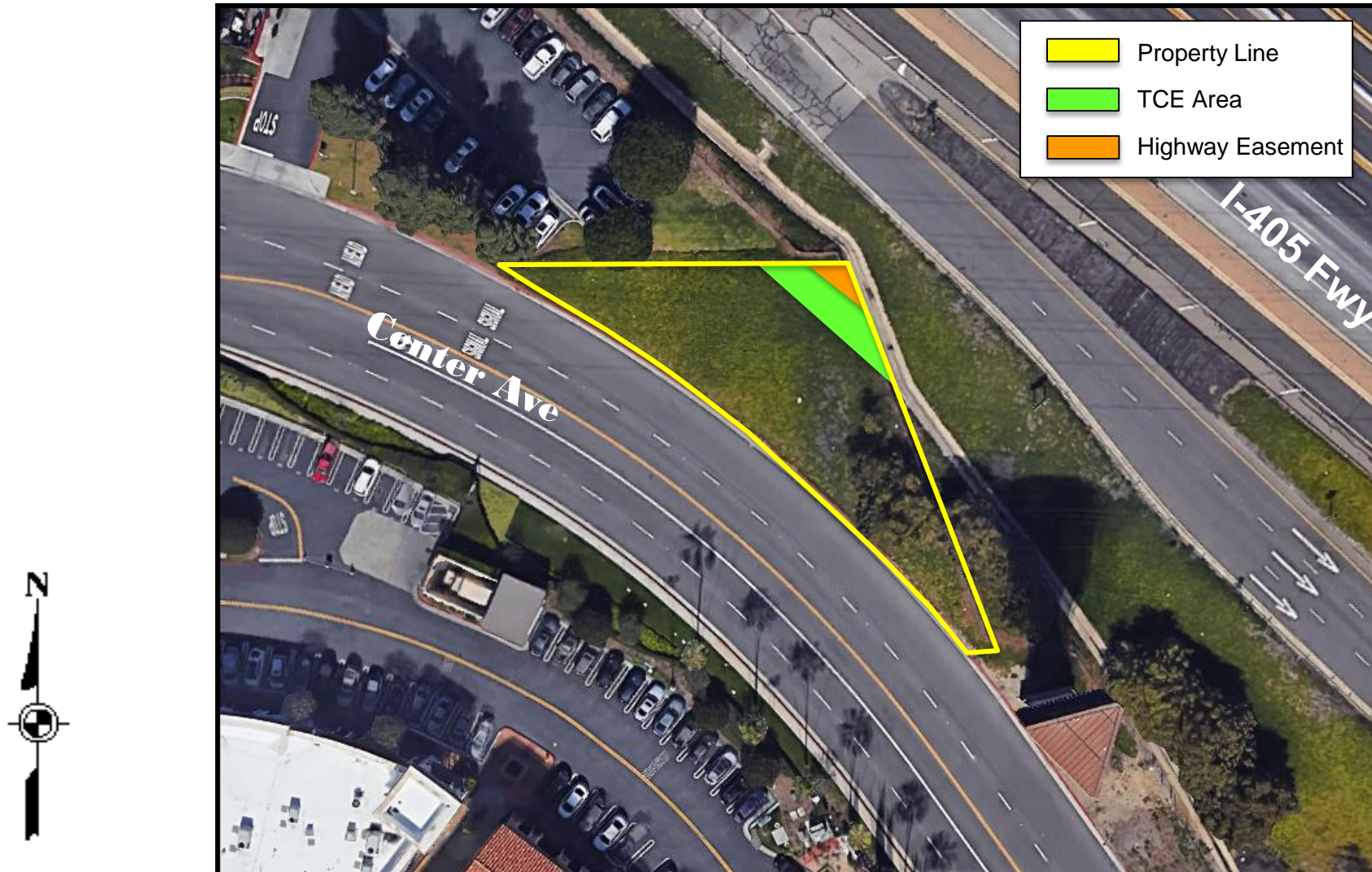
International Asset Management Group



Not to Scale,
For Presentation Purposes Only

Resolution of Necessity No. 2018-008

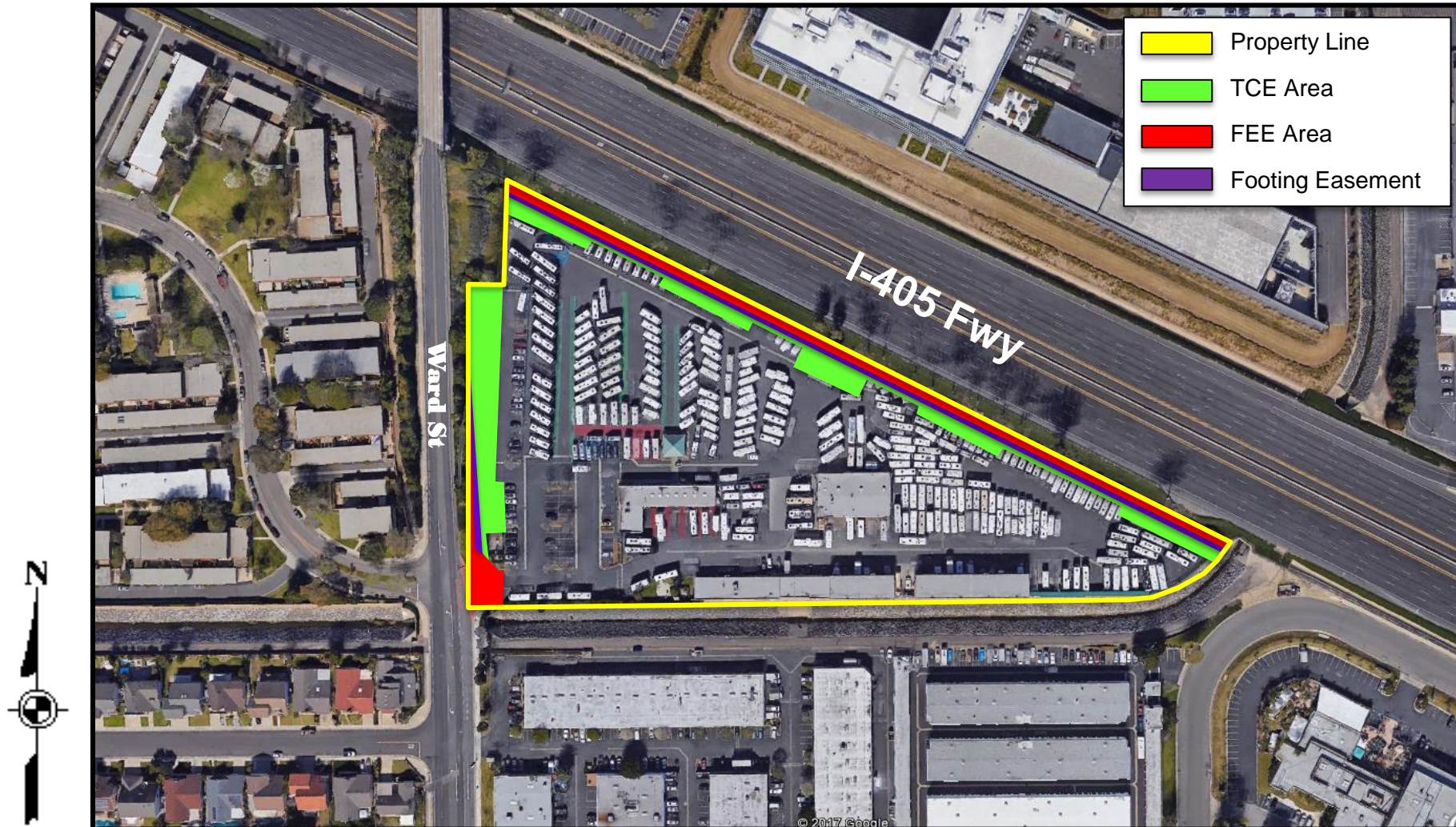
Southern California Edison



Not to Scale,
For Presentation Purposes Only

Resolution of Necessity No. 2018-009

City of Fountain Valley



Not to Scale,
For Presentation Purposes Only

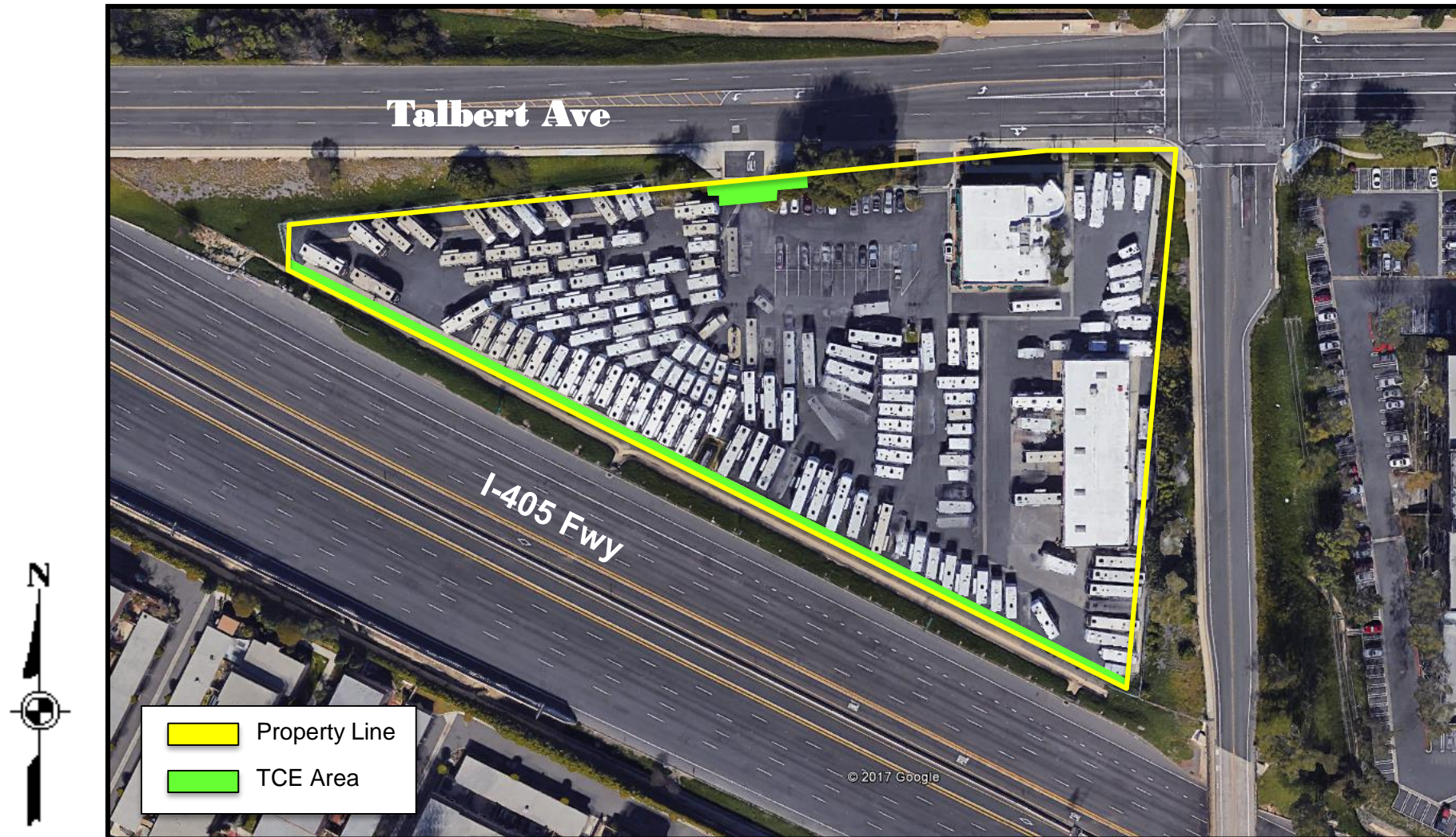
Resolution of Necessity No. 2018-010

Carolyn B. Huish



Resolution of Necessity No. 2018-011

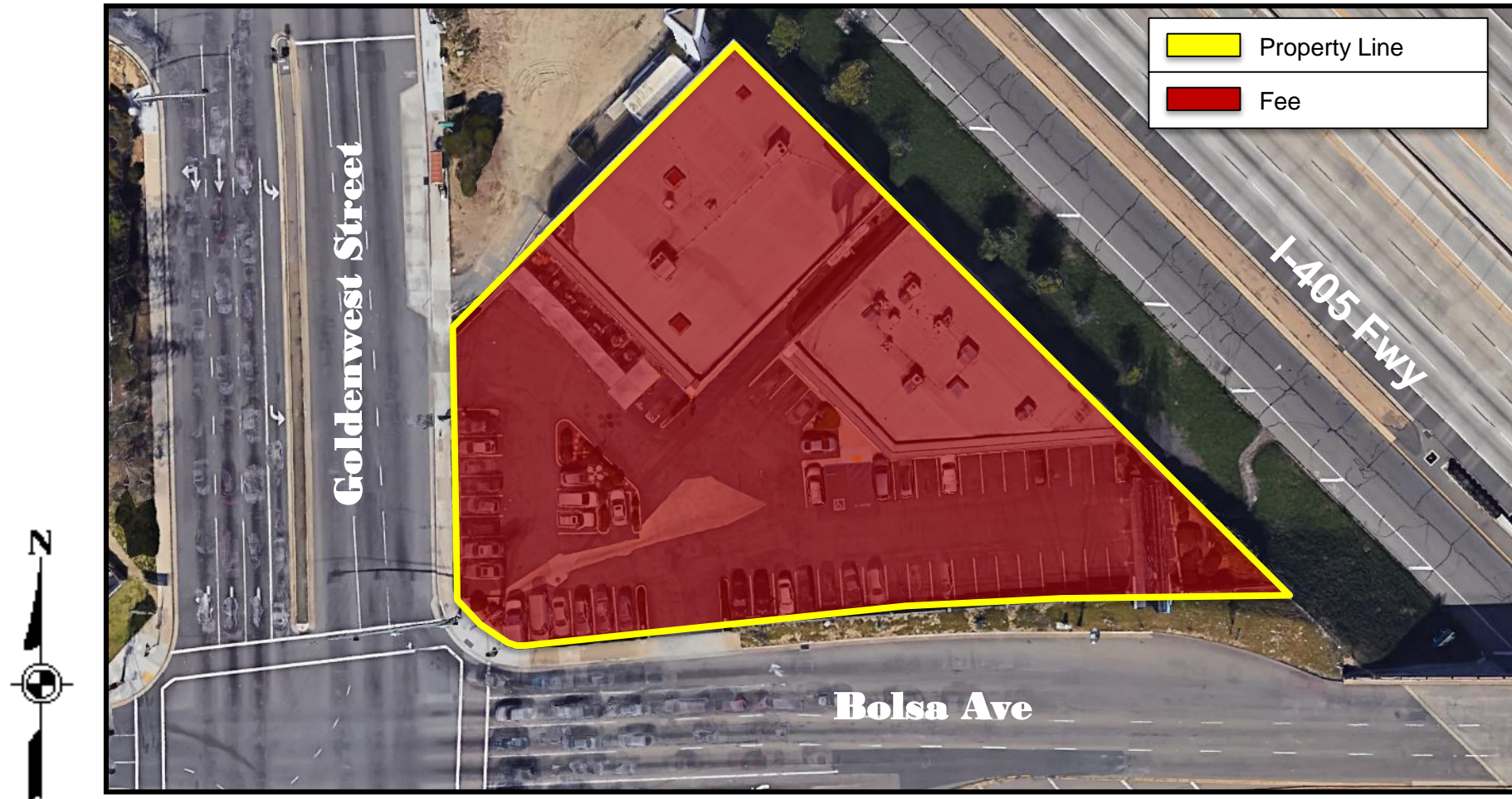
DeGelas Trust



Not to Scale,
For Presentation Purposes Only

Resolution of Necessity No. 2018-013

GB Enterprises



Not to Scale,
For Presentation Purposes Only

Four Requirements to be Considered to Adopt Resolutions

1. The public interest and necessity require the proposed project.
2. The proposed project is planned in a manner that will be most compatible with the greatest public good and the least private injury.
3. The property is necessary for the proposed project.
4. An offer to acquire the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

Minutes of the
Orange County Transportation Authority
Orange County Transit District
Orange County Local Transportation Authority
Orange County Service Authority for Freeway Emergencies
Board of Directors Meeting

Call to Order

The February 12, 2018 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairwoman Bartlett at 9:02 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Roll Call

Following the Invocation and Pledge of Allegiance, the Clerk of the Board noted a quorum was present, with the following Directors in attendance:

Directors Present: Lisa A. Bartlett, Chairwoman
Tim Shaw, Vice Chairman
Laurie Davies
Barbara Delgleize
Andrew Do
Lori Donchak
Michael Hennessey
Steve Jones
Mark A. Murphy
Richard Murphy
Al Murray
Miguel Pulido
Todd Spitzer
Tom Tait
Gregory T. Winterbottom
Ryan Chamberlain, Governor's Ex-Officio Member

Directors Absent: Shawn Nelson
Michelle Steel

Also 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
Members of the Press and the General Public

Special Calendar

Orange County Transportation Authority Special Calendar Matters

1. Presentation of Resolutions of Appreciation for Employees of the Year for 2017

Darrell Johnson, Chief Executive Officer (CEO), presented OCTA Resolutions of Appreciation Nos. 2018-019, 2018-020, 2018-021 to Manuel Vargas, Coach Operator, Patrick Courchaine, Maintenance, and Lesley Hill, Administration, as Employees of the Year for 2017.

Consent Calendar (Items 2 through 23)

Orange County Transportation Authority Consent Calendar Matters

2. Approval of Minutes

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of January 22, 2018.

Director Tait was not present to vote on this item.

3. Investigation and Limited Scope Review of the Senior Mobility Program Operated by the Korean American Senior Association

Director Spitzer pulled this item, provided comments, and stated that staff's recommendation was amended at the Finance and Administration (F&A) Committee meeting, and asked how staff will address the documented issues.

Mr. Johnson, CEO, stated that the Korean American Senior Association of Orange County (KASA) letter was provided (in the January 24, 2018 F&A Committee agenda packet) to the F&A Committee as Supplemental Information and highlighted the F&A Committee's discussion. Mr. Johnson also stated that OCTA would actively monitor KASA's Senior Mobility Program (SMP).

Director Spitzer asked that the recommendation include an April intermediate report regarding KASA's SMP, which is based on the January 24, 2018 F&A Committee's discussion. In addition, a discussion ensued about KASA's violation of the wheelchair accessible provision and how KASA is addressing the violation.

F&A Committee Chairman Do provided comments and agreed with the recommendation to include an April intermediate report.

3. (Continued)

A motion was made by Director Do, seconded by Director Spitzer, and declared passed by those present, to direct staff to implement recommendations to enhance oversight of the Senior Mobility Program operated by the Korean American Senior Association of Orange County and return to the Finance and Administration Committee in April with an intermediate report and a status on compliance by June 1, 2018.

Director Tait was not present to vote on this item.

4. Fiscal Year 2016-17 Auditor's Communication to Those Charged with Governance

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

Director Tait was not present to vote on this item.

5. Fiscal Year 2016-17 Annual Financial and Agreed-Upon Procedures Reports

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Receive and file the fiscal year 2016-17 annual financial statement audits and agreed-upon procedures reports as information items.
- B. Direct staff to implement two auditor recommendations related to procurement and subrecipient monitoring.

Director Tait was not present to vote on this item.

6. Fiscal Year 2016-17 Management Letter

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Receive and file the Orange County Transportation Authority Management Letter June 30, 2017, as an information item.
- B. Direct staff to implement auditor recommendations related to the information technology environment and procurement.

Director Tait was not present to vote on this item.

7. Fiscal Year 2017-18 Internal Audit Plan, Second Quarter Update

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file the second quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2017-18 Internal Audit Plan as an information item.

Director Tait was not present to vote on this item.

8. Purchasing Cards, Internal Audit Report No. 18-503

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to direct staff to implement the three recommendations provided in Purchasing Cards, Internal Audit Report No. 18-503.

Director Tait was not present to vote on this item.

9. Second Quarter Fiscal Year 2017-18 Procurement Status Report

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

Director Tait was not present to vote on this item.

10. 91 Express Lanes Property Insurance Renewal

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A38806, in the amount of \$500,000, to Marsh USA, Inc., to purchase the 91 Express Lanes' property, flood, and earthquake insurance on behalf of the Orange County Transportation Authority for the policy period of March 1, 2018 to March 1, 2019.

Director Tait was not present to vote on this item.

11. 2019 Federal Transportation Improvement Program and Financial Plan

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Authorize programming actions for, and the submittal of, the Federal Transportation Improvement Program project list and financial plan for fiscal year 2018-19 through fiscal year 2023-24.
- B. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate programming of projects.

11. (Continued)

- C. Adopt Resolution No. 2018-005 of the Board of Directors of the Orange County Transportation Authority.

Director Tait was not present to vote on this item.

12. Orange County Transportation Authority State and Federal Grant Programs - Update and Recommendations

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve cancellation of four projects from the County of Orange, City of Dana Point, and City of San Clemente, for a total of \$5.824 million in savings.
- B. Approve funding three 2016 Bicycle Corridor Improvement Program standby list projects in the cities of Irvine, Newport Beach, and the County of Orange for a total of \$5.025 million in Congestion Mitigation and Air Quality Improvement Program funds, contingent on the California Department of Transportation's approval of project eligibility and the Orange County Transportation Authority Master Plan of Arterial Highways' amendment approval.
- C. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program and execute any required agreements or amendments to facilitate the recommendations above.

Director Tait was not present to vote on this item.

13. Update on the Implementation of Orange County Transportation Authority Corridor Studies

Director Donchak pulled this item, provided comments, and stated that this item emphasis the importance of OCTA as the regional transportation planning agency. In addition, Director Donchak reported that outreach for the Los Angeles 2028 Olympics is in progress.

Director Donchak requested that the maps in Attachments A through E of the Staff Report be updated to reflect prior Board of Directors-approved items, and/or studies that have been completed and are in motion.

Director Donchak also requested that this item return as a consent item with the updated maps, and Regional Planning and Highways Committee Chairman M. Murphy concurred.

13. (Continued)

A motion was made by Director Donchak, seconded by Director M. Murphy, and declared passed by those present, to receive and file as information item, and update the maps in Attachments A through E of the Staff Report to reflect prior Board of Directors-approved items, and/or studies that have been completed and are in motion.

Directors Murray and Tait was not present to vote on this item.

14. Amendment to the Master Plan of Arterial Highways

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve an amendment to the Master Plan of Arterial Highways to reclassify the following facilities from secondary (four-lane, undivided) arterials to divided collector (two-lane, divided) arterials:

- Garden Grove Boulevard between Interstate 405 northbound off-ramp/State Route 22 eastbound off-ramp/State Route 22 eastbound on-ramp and Edwards Street;
- Edwards Street between Garden Grove Boulevard and Trask Avenue;
- Trask Avenue between Edwards Street and Hoover Street; and
- Hoover Street between Garden Grove Boulevard and Bolsa Avenue.

The proposed amendment will become final, contingent upon the Orange County Transportation Authority receiving documentation that the City of Westminster has amended their general plan, and has complied with the requirements of the California Environmental Quality Act.

If the originally proposed Master Plan of Arterial Highways amendment is modified as a result of the California Environmental Quality Act and/or general plan amendment process, the modified Master Plan of Arterial Highways amendment shall be returned to the Orange County Transportation Authority's Board of Directors for consideration.

- B. Direct the Executive Director of Planning, or his designee, to file a Notice of Exemption from the California Environmental Quality Act in support of the amendment to the Master Plan of Arterial Highways.
- C. Receive and file a status report on active Master Plan of Arterial Highways amendments.

Director Tait was not present to vote on this item.

15. Regional Planning Update

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

Director Tait was not present to vote on this item.

Orange County Transit District Consent Calendar Matters

16. Approval to Release Request for Proposals for Same-Day Taxi Service

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1440 for selection of taxi service providers.
- B. Approve the release of Request for Proposals 8-1440 to select taxi service providers to provide Same-Day Taxi services for a two-year initial term with two, one-year option terms.

Director Tait was not present to vote on this item.

17. Contract Change Order to Add Equipment to the Hydrogen Fuel Station

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 1 to Agreement No. C-7-1577 with Trillium USA Company LLC, in the amount of \$442,305, for the installation of additional equipment to increase fueling capacity of the hydrogen fuel station. This will increase the maximum obligation of the agreement to a total contract value of \$6,914,432.

Director Tait was not present to vote on this item.

18. Award of Agreement for Compressed Natural Gas Fueling Facility Operation and Maintenance

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the selection of Clean Energy as the firm to provide compressed natural gas fueling facility operation and maintenance.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1930 between the Orange County Transportation Authority and Clean Energy, in the amount of \$677,160, to provide compressed natural gas fueling facility operation and maintenance, for a three-year initial term beginning March 1, 2018, with two, one-year option terms.

Director Tait was not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

19. Capital Programs Division - Second Quarter Fiscal Year 2017-18 Capital Action Plan Performance Metrics

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

Director Tait was not present to vote on this item.

20. Amendment to Cooperative Agreement with the California Department of Transportation for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-7-1753 between the Orange County Transportation Authority and the California Department of Transportation to update Funding Summary No. 1 and transfer \$500,000 in federal Surface Transportation Block Grant Program funds from the California Department of Transportation to the Orange County Transportation Authority.

20. (Continued)

- B. Authorize the use of an additional \$3.2 million in federal Surface Transportation Block Grant Program funds, bringing the total funding committed for the plans, specifications, and estimates to \$20.7 million.
- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above recommendation.

Director Tait was not present to vote on this item.

21. Cooperative Agreement with the California Department of Transportation for the Interstate 5 Widening Project Between Oso Parkway and Alicia Parkway

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-8-1426 between the Orange County Transportation Authority and California Department of Transportation, in the amount of \$147,584,000, comprised of a construction capital share of \$124,020,000, and a construction management services share of \$23,564,000, for the Interstate 5 widening project between Oso Parkway and Alicia Parkway.

Director Tait was not present to vote on this item.

22. 2018 Project V Community-Based Transit/Circulators Program Guidelines and Call for Projects

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the 2018 Project V Community-Based Transit/Circulators Program Guidelines.
- B. Authorize staff to issue the 2018 Project V Community-Based Transit/Circulators Call for Projects in the amount of \$12 million.
- C. Authorize changes to the guidelines to allow consideration of 2018 Project V applications for off-peak Orange County Transportation Authority-led services, on a case-by-case basis.

Director Tait was not present to vote on this item.

Orange County Service Authority For Freeway Emergencies Consent Calendar Matters

23. Approval to Release Request for Proposals for Freeway Service Patrol Services

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 7-2155 for Freeway Service Patrol services.
- B. Approve the release of Request for Proposals 7-2155 for Freeway Service Patrol services for four service areas.

Director Tait was not present to vote on this item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

24. Transit Master Plan - Draft Final Plan and Action Plan

Darrell Johnson, CEO, provided opening comments and introduced Gary Hewitt, Section Manager, Transit Planning, who provided a PowerPoint presentation for this item as follows:

- Context of Transit Master Plan;
- Board Feedback on Potential Next Steps;
- Recommended Corridors;
- Survey: Other Improvements;
- Short-Term Action Plan;
- Mid/Long-Term Recommendations; and
- Next Steps.

A discussion ensued regarding:

- John Wayne Airport (JWA) to Anaheim resort transportation modes.
- At the request of the Board of Directors (Board), the JWA third party transportation modes would be reviewed with consideration of the workers and airline passengers.
- The JWA airline passenger traffic will increase, and consider the Los Angeles 2028 Olympics impacts to JWA.
- OCTA is planning for the future and the cities still can provide input.
- How San Francisco uses its transportation modes and bus system to move people.

24. (Continued)

- The Transit Committee added a recommendation to study transit improvements on the State College Boulevard and Main Street corridors as part of the OC Transit Vision Short-Term Action Plan.

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

- A. Direct staff to consider OC Transit Vision action plan in upcoming Long-Range Transportation Plan process, and return to the Board of Directors with an update as part of the draft 2018 Long-Range Transportation Plan.
- B. Direct staff to study transit improvements on the State College Boulevard and Main Street corridors as part of the OC Transit Vision Short-Term Action Plan.

Director Hennessey was not present to vote on this item.

25. 2018 Long-Range Transportation Plan Update

Darrell Johnson, CEO, provided opening comments and introduced Kurt Brotcke, Director of Strategic Planning, who provided a PowerPoint presentation for this item as follows:

- Long-Range Transportation Plan (LRTP);
- Trend 2040 – Proposed Projects, Results, and Managed Lanes Analysis;
- 2018 LRTP Scenarios Approach; and
- Next Steps.

A discussion ensued regarding:

- Slide 4 of the PowerPoint presentation that contains the no build option, is a good example for having Measure M2.
- Director Chamberlain reported the following for the California Department of Transportation (Caltrans):
 - Caltrans is going forward with a two-year project study report to review the express lanes on Interstate 5 north from the State Route 55 to the Orange County line.
 - After the two-year project study, Caltrans will proceed into the environmental and project report phase, and construction may happen in six to eight years.

25. (Continued)

- The high-occupancy vehicle (HOV) 2 to 3+ conversion is being discussed and may not be a state-wide approach because each corridor operates differently. Caltrans would only consider the conversion if adding additional capacity.
- HOV 2 to 3+ conversion, on a Measure M2 project, that adds capacity to the General Purpose (GP) lanes, might not make sense, as it may take away from the GP lanes capacity.
- HOV 2 to 3+ conversion and, at the same time, HOT lanes would allow the single occupancy vehicle users to buy into the express lanes, as well as mitigate the impacts to the GP lanes, and Caltrans state-wide is trending towards this approach.
- If the HOV degradation issues are not addressed, the Federal Highway Administration (FHWA) could sanction the state and withhold federal funding.
- Caltrans is moving forward and working with the FHWA to mitigate the HOV lanes degradation issues.
- It could be a challenge to model driverless vehicles, and when all the vehicles are automated, it will be easier to obtain data.
- Autonomous vehicles in the GP lanes and managed-lanes system will be reviewed and also discussed with industry experts.
- Review connecting vehicles for more capacity, safety features (collision avoidance), lane detection, etcetera, and improvements could be made with newer technologies.

No action was taken on this receive and file as an information item.

Discussion Items

26. Update on the Interstate 5 Widening Project from State Route 73 to El Toro Road

Rose Casey, Director of Highway Programs, provided a PowerPoint presentation for this item as follows:

- Project Area;
- Project Improvements;
- Avery Parkway – Interchange Improvements;
- La Paz Road – Interchange Improvements;
- Aesthetics;
- Current Activities;
- Public Communications and Outreach;
- Schedule; and
- Next Steps.

A discussion ensued regarding:

- The 2040 pricing noted in Item 25 are current estimates.
- OCTA will proceed with a FHWA cost estimates review workshop for this project.
- The environmental mitigation master planning of the freeway projects was complimented.
- The Interstate 405 (I-405) Improvement Project time and cost savings have benefited from the environmental mitigation program.
- This item is one aspect of the environmental staffing effectiveness for moving the freeway projects through smoothly.
- South Orange County is excited about this project and the timing dovetails with the 2023 completion of the I-405 Improvement Project.
- SB 1 stabilizing the State Transportation Improvement Program has helped this project move forward.
- Mr. Johnson, CEO, thanked Director Chamberlain and Caltrans for continuing to keep this project moving forward.
- Comments about murals for this project and along other freeways.

No action was taken on this information item.

Discussion Items

27. Public Comments

Public comments were heard from the following:

1. Al Burgess commented that he has worked for OCTA since 2005 as a Coach Operator, is a safety captain and behind the wheel trainer, and takes pride in his job. Mr. Burgess stated that he is speaking on behalf of the coach operators, and the last Best and Final Offer (BAFO) is unacceptable, as well as asked those that created the last BAFO to reconsider.
2. Jason Love, OC Bus rider, commented on the 2007 Coach Operator strike impacts and a (potential) strike could impact Orange County and Southern California.

Mr. Love also commented on the contracted drivers' lack of customer service, schedule issues for bus routes 43 and 543 weekend service, route 167 not operating on weekends and holidays, and many of the express routes are empty due to the fare pricing. He stated that the Riverside Transit Agency has successful express routes and fares, as well as provided comments on ways to improve routes 43 and 543 weekend service.

3. Almeta Carter commented on the Teamsters Local 952 (Teamsters) health care insurance for the coach operators, and that currently when a Teamsters member retires from OCTA, a union member can continue to hold the health insurance plan. Ms. Carter stated that if OCTA is allowed to take over the health care insurance, the coach operators will not have Teamsters retiree health care insurance.
4. Stan Brown commented that he is a retired Coach Operator and it seems that every time there is a major transportation corridor plan change, Teamsters is in contract negotiations regarding wages, medical coverage, and working conditions. Mr. Brown also stated that the coach operators are doing their best to enhance OCTA and are seeing few changes coming forward.

Mr. Brown concluded that the 91 corridor westbound a.m. traffic needs to be reviewed and provided some of the issues on the 91 corridor.

5. Theresa stated that she has been a people mover for 17 years, and commented on issues regarding the bus route scheduling and not getting breaks. She stated that many of the coach operators are behind schedule, and the passengers are not connecting with their next bus route due to the scheduling.

27. (Continued)

Theresa also stated that she drove the 57X, and the public loves the express route service due to the reliability of connecting to the next bus line, along with the ability to use the mobile ticketing app. She felt that improvements are needed on the route schedules and Coach Operator recovery time, and lastly, OCTA needs to become affordable for everyone.

6. Daniel Finke commented that more coach operators would like to have been here today. He stated there is an OCTA rule that prohibits a Coach Operator from purchasing items in route and prevents a Coach Operator from using a paid restroom facility, and felt the rule should be changed.

Mr. Finke suggested having the city and county fire stations allow the coach operators to use their restroom facilities. He stated that the contract proposal is a disappointment, the Coach Operator job is demanding and stressful, and asked to receive appreciation in a new contract.

Mr. Finke also commented that breaks are a challenge, and do not increase the amount of contracted drivers, as he receives customer complaints about the lack of customer service. Lastly, he stated that the new flyer excelsior bus issues need to be resolved and some bus trips are at full passenger capacity.

7. Cassandra Walker commented that she is a 30-year OCTA employee, and the last BAFO is unacceptable. Ms. Walker stated that Long Beach Transit, Los Angeles METRO, and other transit agencies have exceeded OCTA's Coach Operator salary.

8. Arthur Aguilera commented that he is a 26-year OCTA employee and highlighted his driving experience. He also commented that the coach operators are looking for job security, care about their job unlike the contracted drivers, and asked not to use contracted drivers.

Mr. Aguilera stated that the coach operators are not looking for a strike or labor dispute; yet, will fight for their job. He commented on the medical insurance challenges for retirees from age 60 to 65, and the Orange County Employee Retirement System formula for OCTA is not great. He highlighted Teamsters medical insurance for retirees before age 65, provided suggestions, and would like this contract finished as soon as possible.

27. (Continued)

9. Andrew Smith commented that he is a 20-year Coach Operator and has been a behind the wheel trainer/instructor, shop steward, and member of many committees. He stated that these negotiations have been a challenge, and Teamsters wants to keep the medical coverage and not relinquish it to OCTA. Mr. Smith added that Teamsters retirees currently have medical coverage, and OCTA wants to “kick them to the curb” and felt that it is not fair.

Mr. Smith commented on the Coach Operator turnover and reasons for leaving OCTA, and asked that the route schedules and treatment of the coach operators be reviewed.

10. Patrick Kelly, Secretary-Treasurer of Teamsters Local 952, stated that there is some progress on the contract; however, not where Teamsters needs to be. He added that OCTA has compliance issues under the Affordable Care Act and OCTA has been late on some of the contributions regarding medical insurance coverage.

Mr. Kelly reported that Teamsters heard, during negotiations from OCTA, that the trust fund is out of compliance, and Mr. Kelly explained why Teamsters should be allowed to keep the medical retiree insurance.

Mr. Kelly added that Teamsters is not going to strike and has legislation that will be introduced to address the issues. He concluded that the coach operators need to be respected, OCTA needs to step up its oversight, and asked to conclude this contract.

Chairwoman Bartlett stated that OCTA has provided the Teamsters the last BAFO which will go to the union membership next week.

28. Chief Executive Officer's Report

Darrell Johnson, CEO, reported on the following:

- Federal Government Budget Update:
 - Last week, after a brief government shutdown, President Trump signed into law a Continuing Resolution (CR) through March 23, 2018.
 - The CR also increases budget authority by a significant amount of money over the next two years. From a transportation standpoint, the appropriations process now can start with some topline numbers.
 - Potential significant increase capital transportation programs funding which is not for operating costs, and includes the Capital Investment Grant program expected to fund the OC Streetcar Project.
 - A detailed update will be provided to the Legislative and Communications Committee on Thursday, February 15th.
- Last week, Mr. Johnson was in Sacramento as part of the Mobility 21 delegation, and one of the main focuses is to ensure that Southern California is treated fairly and equitably with the implementation of SB 1 for the competitive grant programs.
- February Service Change:
 - On Sunday, February 11th, the service change went into effect and is part of OCTA's ongoing OC Bus 360° efforts.
 - The mobile readers are now fully operational throughout the fleet.
 - The service improvements included changing seven routes to provide more efficient service, with minor adjustments to 33 other routes and elimination of three routes due to low ridership.

29. Directors' Reports

Vice Chairman Shaw commented that during public comments (Item 27), there were allegations about the behaviors of OCTA's contracted bus service drivers and will it be addressed.

Mr. Johnson, CEO, responded that OCTA has a system in place for providing schedule concerns and oversight of the contractor is very important to OCTA.

Chairwoman Bartlett reported that the trip to Washington, D.C., went well, and she met with OCTA's legislators and Federal Transit Administration about the OC Streetcar Project.

30. Closed Session

A Closed Session was held for the following:

Pursuant to Government Code Section 65956.9(d)(1) – Existing Litigation – Conference with Legal Counsel – Orange County Transportation Authority v. Haydon Brothers, OCSC Case No. 30-2012-00605657.

There was no report out for the Closed Session item.

Directors Pulido and Spitzer were not present for the Closed Session item.

31. Adjournment

The meeting adjourned at 10:48 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, February 26, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

Laurena Weinert
Clerk of the Board

Lisa A. Bartlett
OCTA Chairwoman



OUT-OF-STATE TRAVEL

Board Member Only - Travel Authorization / Request For Payment

Attach copy of the **Travel Worksheet**, **Registration Forms**, and other pertinent documentation for this claim.
Travel **will not** be processed until all information is received.

CONFERENCE / SEMINAR INFORMATION

Name: Chairwoman Lisa A. Bartlett **Job Title:** Board Member

Department: _____ **Destination:** New York, NY

Program Name: New York Annual Rating Agency Trip

Description / Justification: OCTA will conduct a series of meetings with the rating agencies, financing institutions, and other interested parties in New York. Traditionally, the Chair, Vice-Chair of the Board, and the Chairman of the F&A Committee represent the Board of Directors on the trip. This year, OCTA representatives will be discussing various issues affecting the agency with New York analysts, including OCTA's upcoming financing plans, the progress on the I-405 Improvement Project, 91 Express Lanes, M2 Program, sales tax collections, FY 2018-19 approved budget, and the status of the local economy. The meetings will take place on June 21 and June 22, 2018.

COMMENTS

Conference / Seminar Date:	Departure Date: 6/20/18	Employee
Payment Due Date:	Return Date: 6/23/18	ID #: 4568

ESTIMATED EXPENDITURES

Transportation	\$600.00
Meals	\$296.00
Lodging	\$1,585.29
Registration	
Other	\$100.00
Total	\$2,581.29

APPROVALS

Please Sign:

Clerk of the Board

Date

ACCOUNTING CODES

Travel Org. Key: 0017	Object: 7655	Job Key: M0201	JL: B4B
Registration Org. Key:	Object:	Job Key:	JL:
Month: June	FY: 17/18	Board Date: February 26, 2018	T/A: 588



OUT-OF-STATE TRAVEL

Board Member Only - Travel Authorization / Request For Payment

Attach copy of the **Travel Worksheet**, **Registration Forms**, and other pertinent documentation for this claim.
Travel **will not** be processed until all information is received.

CONFERENCE / SEMINAR INFORMATION

Name: Vice Chairman Tim Shaw **Job Title:** Board Member

Department: **Destination:** New York, NY

Program Name: New York Annual Rating Agency Trip

Description / Justification: OCTA will conduct a series of meetings with the rating agencies, financing institutions, and other interested parties in New York. Traditionally, the Chair, Vice-Chair of the Board, and the Chairman of the F&A Committee represent the Board of Directors on the trip. This year, OCTA representatives will be discussing various issues affecting the agency with New York analysts, including OCTA's upcoming financing plans, the progress on the I-405 Improvement Project, 91 Express Lanes, M2 Program, sales tax collections, FY 2018-19 approved budget, and the status of the local economy. The meetings will take place on June 21 and June 22, 2018.

COMMENTS

Conference / Seminar Date:	Departure Date: 6/20/18	Employee
Payment Due Date:	Return Date: 6/23/18	ID #: 4433

ESTIMATED EXPENDITURES

Transportation	\$600.00
Meals	\$296.00
Lodging	\$1,585.29
Registration	
Other	\$100.00
Total	\$2,581.29

APPROVALS

Please Sign:

Clerk of the Board

Date

ACCOUNTING CODES

Travel Org. Key: 0017	Object: 7655	Job Key: M0201	JL: B4B
Registration Org. Key:	Object:	Job Key:	JL:
Month: June	FY: 17/18	Board Date: February 26, 2018	T/A: 589



OUT-OF-STATE TRAVEL

Board Member Only - Travel Authorization / Request For Payment

Attach copy of the **Travel Worksheet**, **Registration Forms**, and other pertinent documentation for this claim.
Travel **will not** be processed until all information is received.

CONFERENCE / SEMINAR INFORMATION

Name: Fin. & Admin. Chairman Andrew Do **Job Title:** Board Member

Department: _____ **Destination:** New York, NY

Program Name: New York Annual Rating Agency Trip

Description / Justification: OCTA will conduct a series of meetings with the rating agencies, financing institutions, and other interested parties in New York. Traditionally, the Chair, Vice-Chair of the Board, and the Chairman of the F&A Committee represent the Board of Directors on the trip. This year, OCTA representatives will be discussing various issues affecting the agency with New York analysts, including OCTA's upcoming financing plans, the progress on the I-405 Improvement Project, 91 Express Lanes, M2 Program, sales tax collections, FY 2018-19 approved budget, and the status of the local economy. The meetings will take place on June 21 and June 22, 2018.

COMMENTS

Conference / Seminar Date:	Departure Date: 6/20/18	Employee
Payment Due Date:	Return Date: 6/23/18	ID #: 4584

ESTIMATED EXPENDITURES

Transportation	\$600.00
Meals	\$296.00
Lodging	\$1,585.29
Registration	
Other	\$100.00
Total	\$2,581.29

APPROVALS

Please Sign:

Clerk of the Board

Date

ACCOUNTING CODES

Travel Org. Key: 0017	Object: 7655	Job Key: M0201	JL: B4B
Registration Org. Key:	Object:	Job Key:	JL:
Month: June	FY: 17/18	Board Date: February 26, 2018	T/A: 590



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors
From: Laurena Weinert, Clerk of the Board
Subject: Audit Responsibilities of the Finance and Administration Committee

Finance and Administration Committee Meeting of February 14, 2018

Present: Directors Do, Hennessey, Jones, and R. Murphy
Absent: Directors Donchak, Spitzer, and Steel

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Approve the Audit Responsibilities of the Finance and Administration Committee.



February 14, 2018

To: Finance and Administration Committee

From: Darrell Johnson, Chief Executive Officer
Janet Sutter, Executive Director
Internal Audit Department

Subject: Audit Responsibilities of the Finance and Administration Committee

Overview

The Finance and Administration Committee of the Board of Directors of the Orange County Transportation Authority serves as an audit committee in its oversight of audit activities. Annually, the Board of Directors approves the Audit Responsibilities of the Finance and Administration Committee to reaffirm the responsibilities of the Finance and Administration Committee with regard to audits.

Recommendation

Approve the Audit Responsibilities of the Finance and Administration Committee.

Background

The Internal Audit Department (Internal Audit) is an independent appraisal function, the purpose of which is to examine and evaluate the Orange County Transportation Authority's (OCTA) operations and activities. Internal Audit also coordinates and monitors the activities of external auditors, including the independent financial statement auditors. The Finance and Administration Committee (Committee) serves as OCTA's audit committee, having primary responsibility for the oversight of all audit activities.

Discussion

The Committee receives and reviews the annual Internal Audit Plan (Plan), all audit reports and management responses, and quarterly updates to the Plan.

The Committee reviews the independently audited financial statements of OCTA and its related entities, as well as the external auditor's required communications, including the management letter.

The Board of Directors originally adopted the Audit Responsibilities of the Finance and Administration Committee to establish responsibilities of the Committee with regard to audit. The responsibilities include an annual affirmation of the roles and responsibilities of the Committee in fulfilling this role.

Summary

Audit responsibilities of the Committee include Committee review of OCTA's audited financial statements, oversight of its Internal Audit function, and communication with its external auditors. These responsibilities are presented for Committee approval.

Attachment

- A. Orange County Transportation Authority, Audit Responsibilities of the Finance and Administration Committee

Prepared by:



Janet Sutter
Executive Director, Internal Audit
714-560-5591

**Orange County Transportation Authority
Audit Responsibilities of the Finance and Administration Committee**

The Finance and Administration Committee (Committee) of the Board of Directors (Board) of the Orange County Transportation Authority (OCTA) will assist the Board in fulfilling its audit oversight responsibilities with regard to (1) the integrity of OCTA's financial statements, (2) OCTA's compliance with legal and regulatory requirements, (3) the independent auditor's qualifications and independence, and (4) the performance of OCTA's internal audit function. In providing this assistance to the Board, the Committee will assume audit responsibilities as provided herein and recommend action on all audit matters to the full Board.

All Committee members will participate in fulfilling these responsibilities. At least one of the Committee members will have financial experience sufficient to provide guidance and assistance to other Committee members on matters related to accounting, auditing, budgeting, and finance.

Audit responsibilities of the Committee will include, but not be limited to, the following:

Financial Statements

- Review with management and the external auditors:
 - The annual financial audit reports and related footnotes, schedules, unadjusted differences, and management letter, including OCTA accounting principles and significant estimates or judgments impacting the financial statements.
 - Any serious difficulties or disputes with management encountered during the audit.
 - Matters required to be discussed by Statements on Auditing Standards issued by the Auditing Standards Board of the American Institute of Certified Public Accountants or other state or federal agencies.
- Inquire of the Chief Executive Officer and the Executive Director of Finance and Administration regarding the fiscal health of OCTA as well as the financial status of OCTA in relation to its adopted budget.

External Audit

- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with the Internal Audit Department (Internal Audit).
- Inquire of the external auditors, internal auditors, and management about significant risks or exposures facing OCTA and assess the steps management has taken or proposes to take to minimize such risks.
- Review the performance of the external auditors, including any issues arising during their most recent quality control or peer review, their independence as it relates to OCTA and recommend to the Board the appointment or discharge of the external auditors.
- Make recommendations to the Board on procurement of the external auditors and ensure compliance with Government Code Section 12410.6 with regard to assignment of partners.

Orange County Transportation Authority
Audit Responsibilities of the Finance and Administration Committee

Internal Audit

- Review with management and the Executive Director of Internal Audit the annual audit plan and quarterly reports of audit activity.
- Review the activities, staffing, budget, independence, and organizational structure of the internal audit function, including the effectiveness of the function and its compliance with the Government Accountability Office's *Government Auditing Standards* (Yellow Book).
- Review all internal audit reports, including management responses thereto.
- Ensure there are no unjustified restrictions or limitations placed upon Internal Audit.
- Review and concur in the appointment, replacement, or dismissal of the Executive Director of Internal Audit.

Internal Control

- Understand the scope of internal and external auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.
- Consider the effectiveness of OCTA's internal control system, including information technology security and control.

Other

- Review the Audit Responsibilities of the Finance and Administration Committee annually to reassess their adequacy and recommend any proposed changes.
- Review the Committee's effectiveness in carrying out its responsibilities.
- Other matters deemed appropriate by the Committee Chairman or as directed by the Chairman of the Board.



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors

From: Laurena Weinert, Clerk of the Board

Subject: Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2017

Finance and Administration Committee Meeting of February 14, 2018

Present: Directors Do, Hennessey, Jones, and R. Murphy

Absent: Directors Donchak, Spitzer, and Steel

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2017, Internal Audit Report No. 18-509, as an information item.



February 14, 2018

To: Finance and Administration Committee

From: Darrell Johnson, Chief Executive Officer
Janet Sutter, Executive Director
Internal Audit

Subject: Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2017

Overview

The Internal Audit Department has completed an audit of investments for the period July 1 through December 31, 2017. Based on the audit, the Orange County Transportation Authority complied with its debt, investment, and reporting policies and procedures.

Recommendation

Receive and file Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2017, Internal Audit Report No. 18-509, as an information item.

Background

The Treasury Department is responsible for the management of the Orange County Transportation Authority's (OCTA's) investment portfolio (portfolio). On December 31, 2017, the investment portfolio's book value was approximately \$1.4 billion. The portfolio consists of two managed portfolios: liquid assets for OCTA's daily operations and a short-term portfolio for future budgeted expenditures. External investment managers administer the short-term portfolio, and OCTA's Treasurer manages the liquid assets portfolio.

The Investment Policy (Policy) sets forth guidelines for all OCTA investments to ensure conformance with the California Government Code. The Policy outlines permitted investments as well as diversification guidelines. The diversification limits ensure the portfolio is not unduly concentrated in securities of one type,

industry, or entity, thereby assuring adequate portfolio liquidity should one sector or company experience difficulties.

Discussion

OCTA's investment activities are reviewed on a semi-annual basis by the Internal Audit Department. The objective of the audit was to determine if OCTA complies with its debt, investment, and reporting policies and procedures for the period July 1 through December 31, 2017.

Summary

Based on the audit, OCTA complied with its debt, investment, and reporting policies and procedures.

Attachment

- A. Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2017, Internal Audit Report No. 18-509

Prepared by:



Ricco Bonelli
Principal Internal Auditor
714-560-5384

Approved by:



Janet Sutter
Executive Director, Internal Audit
714-560-5591

ORANGE COUNTY TRANSPORTATION AUTHORITY INTERNAL AUDIT DEPARTMENT



Investments: Compliance, Controls, and Reporting July 1 through December 31, 2017

Internal Audit Report No. 18-509

February 1, 2018



Performed by: Janet Sutter, CIA, Executive Director
Ricco Bonelli, CIA, Principal Internal Auditor
Gabriel Tang, CPA, Principal Internal Auditor

RTB

Distributed to: Andrew Oftelie, Executive Director, Finance and Administration
Kirk Avila, Vicki Austin, Rodney Johnson

**ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Investments: Compliance, Controls, and Reporting
July 1 through December 31, 2017
February 1, 2018**

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ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Investments: Compliance, Controls, and Reporting
July 1 through December 31, 2017
February 1, 2018

Conclusion

The Internal Audit Department (Internal Audit) has completed an audit of investments for the period July 1 through December 31, 2017. Based on the audit, the Orange County Transportation Authority (OCTA) complied with its debt, investment, and reporting policies and procedures.

Background

Portfolio Management

The Treasury Department (Treasury) is responsible for the management of OCTA's investment portfolio (portfolio). On December 31, 2017, the portfolio's book value was approximately \$1.4 billion. The portfolio consists of two managed portfolios: liquid assets for OCTA's daily operations and a short-term portfolio for future budgeted expenditures. External investment managers administer the short-term portfolio and OCTA's Treasurer manages the liquid assets portfolio. OCTA also has investments in debt service reserve funds for various outstanding debt obligations. OCTA's Accounting Department (Accounting) is responsible for recording all debt and investment transactions and for reconciling all bank and custodial accounts monthly.

Investment Policy

The Investment Policy (Policy) sets forth guidelines for all OCTA investments to ensure conformance with the California Government Code (CGC). The Policy outlines permitted investments as well as diversification guidelines. The diversification limits ensure the portfolio is not unduly concentrated in securities of one type, industry, or entity, thereby assuring adequate portfolio liquidity should one sector or company experience difficulties.

OCTA has provided the investment managers with a copy of the Policy and requires investment managers to invest their portfolios in accordance with the provisions of the Policy.

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Investments: Compliance, Controls, and Reporting
July 1 through December 31, 2017
February 1, 2018

Objectives, Scope, and Methodology

The primary objective was to determine if OCTA complied with its debt, investment, and reporting policies and procedures.

Audit objectives included determining if:

- Internal controls over OCTA's investment activities were adequately designed;
- OCTA was in compliance with the CGC;
- Investment transactions were adequately supported; and
- OCTA was in compliance with investment requirements of debt issuances.

The scope included investment transactions and investment-related controls for the period July 1 through December 31, 2017.

The methodology consisted of reviewing the most current Investment Policy and Debt and Investment Management Manual, reviewing any personnel changes and corresponding updates to bank authorization signature cards, reviewing a judgmental sample of daily cash worksheets prepared by Accounting and Treasury staff, reviewing a judgmental sample of repo-sweeps, verifying a judgmental sample of wire transfers to source documents, reviewing judgmental samples of securities for Treasury software and computer data testing, and reviewing the quarterly debt and investment reports provided to OCTA's Board of Directors for accuracy. For daily cash report testing, repo-sweep testing, and wire transfer testing, Internal Audit judgmentally selected one transaction per month during the scope period. For Treasury software and computer data testing, Internal Audit haphazardly selected five securities per trustee per quarter, resulting in a sample of 40 securities, and traced the securities from the statements to the Clearwater Daily Holding Reports. For quarterly report transaction testing, Internal Audit haphazardly selected 40 investments per quarter for coverage over different types of securities. Since the samples are non-statistical, any conclusions are limited to the sample items tested. The methodology also included testing the Deputy Treasurer's monitoring of the investment managers' compliance with the Policy, including obtaining acknowledgement of receipt of OCTA's Policy, and obtaining written descriptions of the compliance and control environment of the investment managers.

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors
From: Laurena Weinert, Clerk of the Board
Subject: State Legislative Status Report

Legislative and Communications Meeting of February 15, 2018

Present: Directors Davies, Delgleize, Hennessey, Murray, Nelson, Shaw,
and Winterbottom
Absent: None

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Amend the 2017-18 Orange County Transportation Authority State Legislative Platform to sponsor legislation to clarify how a transportation project may provide benefits to disadvantaged communities.



February 15, 2018

To: Legislative and Communications Committee

From: Darrell Johnson, Chief Executive Officer

A handwritten signature in blue ink, appearing to read "Darrell Johnson", is written over the "From:" line.

Subject: State Legislative Status Report

Overview

An amendment is proposed to the Orange County Transportation Authority's 2017-18 State Legislative Platform to sponsor legislation related to disadvantaged communities. An update is provided on a state audit request to analyze fluctuations in transit funding. An overview is provided of a proposed regulatory framework to require the use of zero-emission buses. A summary is provided of the Legislative Analyst's Office report on the extension of the cap-and-trade program. A summary is provided on the cap-and-trade expenditure plan and the Governor's executive order on zero-emission vehicles. A verbal update will be provided on the Governor's fiscal year 2017-18 state budget.

Recommendation

Amend the 2017-18 Orange County Transportation Authority State Legislative Platform to sponsor legislation to clarify how a transportation project may provide benefits to disadvantaged communities.

Discussion

Sponsor Legislation to Clarify Disadvantaged Community Benefits from Transportation Projects

The cap-and-trade program is one of the key policies the California Air Resources Board (ARB) has implemented to meet the greenhouse reduction requirements outlined under AB 32 (Chapter 488, Statutes of 2006) and SB 32 (Chapter 249, Statutes of 2016). Last year the Legislature created increased legal certainty as it relates to the program through the passage of AB 398 (Chapter 135, Statutes of 2017), which extends the authority to implement the cap-and-trade program through 2030. With the enactment of this legislation, it

is expected that the revenues generated from the cap-and-trade program will generate anywhere from \$2 billion to \$7 billion annually through 2030.

Each year, 60 percent of these revenues are dedicated to ongoing appropriations, including five percent annually for the Low Carbon Transit Operations Program (LCTOP), ten percent annually for the Transit and Intercity Rail Capital Program, and 20 percent annually to the Affordable Housing and Sustainable Communities Program. While transit, rail, and other types of transportation projects may qualify for each of these programs, only LCTOP is allocated by formula, while the other programs are competitive grants. LCTOP is allocated pursuant to the State Transit Assistance Formula, with Orange County Transportation Authority (OCTA) receiving about 5.4 percent of the total funding provided each year, based on farebox revenues and population. In the Governor's proposed fiscal year 2018-19 state budget, it is estimated that OCTA will receive about \$9.7 million.

Each cap-and-trade funded program must meet specific targets of investment for the benefit of disadvantaged communities (DAC), as defined using the California Environmental Protection Agency's (CalEPA) California Communities Environmental Health Screening Tool (CalEnviroScreen). This tool utilizes a multitude of factors including demographics, health vulnerability, socioeconomic factors, air pollution, pesticide use, water quality, and toxic releases from facilities. Using this tool, CalEPA then identifies census tracts throughout the State that score highest when combining each of these factors. Overall, in the latest version of CalEnviroScreen, Orange County has 69 census tracts within the top 25 percent of DACs, a drop of 17 census tracts from the previous version of the tool. Because census tracts are very small in nature, the vast majority of Orange County is not considered to be a DAC. This further limits where OCTA can use cap-and-trade funding for transportation projects.

The development of CalEnviroScreen was required as a result of the passage of SB 535 (Chapter 830, Statutes of 2012), which first required that a percentage of cap-and-trade funding be used for the benefit of DACs. Later, AB 1550 (Chapter 369, Statutes of 2016) added requirements related to the investment for the benefit of low-income communities, and further limited investments deemed beneficial for DACs to only include investments in projects that are located within a DAC. AB 1550 removed the ability to show a benefit to a DAC by investing in an area surrounding a DAC. The CalEnviroScreen tool requires a statewide definition of a DAC to be used, regardless of whether the tool's criteria is present in each region or if the thresholds vary between regions. This may prevent an investment in what a region may define as its most disadvantaged areas.

Because of the DAC requirements, OCTA has been limited in how it utilizes cap-and-trade funding, including that received for the LCTOP. For the LCTOP formula funds, OCTA has directed most of the funds to transit fare subsidies. Most recently, funding was used for the Santa Ana College Transit Pass Program. In order to fund this program, OCTA was required to demonstrate that at least 50 percent of the students utilizing this program reside in an area considered a DAC, the threshold statutorily required for LCTOP funding. This threshold was barely met even though the college is surrounded by DACs. When analyzing other colleges within Orange County, there are currently no other institutions that would meet this requirement. This is despite the actual income level of the students or financial aid assistance received. If one of the primary drivers of cap-and-trade funding is to boost transit ridership and reduce emissions, the student pass programs can be very effective in allowing for mode shift and attracting new riders. For instance, the survey recently completed for the Santa Ana College Transit Pass Program showed that 88 percent of the students have not used parking on campus since the creation of the pass program. However, the DAC requirements limit the opportunities for such investment. With LCTOP funding expected to grow in future years, this presents an increased challenge for OCTA and other transit agencies.

OCTA also would be limited in funding other transit services that connect DAC residents to major employment centers, educational institutions or healthcare centers, unless the service actually occurs within a DAC. Because most residents of DACs do not stay within their census tract, this presents numerous disadvantages to projects funded by LCTOP and other cap-and-trade programs in meeting the intent to provide residents of DACs transit connectivity benefits. The restrictions the DAC investment requirements present are common issues for many areas of the state, including San Diego, the Bay Area, and the Central Coast area. The topic has been raised numerous times through discussions with the California Transit Association (CTA).

By sponsoring legislation to allow flexibility in the use of cap-and-trade funding for transportation purposes, OCTA can seek opportunities to not only provide additional connectivity options for residents of DACs, but also further reduce emissions. This can include investment in new student transit pass programs; transit connectivity to major centers of employment, healthcare and education; and zero-emission technology. Staff is therefore recommending that the OCTA 2017-18 State Legislative Platform be amended to include the following sponsor legislation principle:

“Sponsor legislation to increase the flexibility in meeting disadvantaged community investment requirements to allow eligibility for projects that improve transit connectivity options.”

Initial conversations related to the potential for such legislation have already occurred with Orange County delegation members, CTA, and environmental justice groups. OCTA staff will provide a verbal update of those conversations at the February 15, 2018, OCTA Legislative and Communications Committee meeting.

State Auditor Report Findings on the Local Transportation Fund

Per the direction of the OCTA Board of Directors, and articulated in the 2017-18 State Legislative Platform, on March 3, 2017, Assembly Member Tom Daly (D-Anaheim) and Assembly Member Todd Gloria (D-San Diego) authored a request to the Joint Legislative Audit Committee for the State Auditor to analyze the distribution and assessment of the Local Transportation Fund (LTF), which is imposed under the Bradley-Burns tax as part of the Transportation Development Act. OCTA sought the audit request after observing that the growth rates for LTF revenues, which have historically funded about 50 percent of OCTA's bus operations, were not keeping pace with local transportation sales taxes such as Measure M in Orange County. Since these taxes are assessed differently, it was believed that an increase in internet sales, and potentially other exclusions, could be impacting these rates. Specifically, the audit request asked the State Auditor to analyze the impact the point-of-sale determination for internet sales is having on LTF revenues and how various exemptions and exclusions may be impacting the fund source. The audit request was unanimously approved by the Joint Legislative Audit Committee on March 29, 2017.

On November 30, 2017, the State Auditor released an audit on "The Bradley-Burns Tax and Local Transportation Funds." An official summary of this audit is included as Attachment A. Overall, the audit found the LTF revenue statewide has been steadily increasing, but that some counties disproportionately benefit because of existing state law, with counties who have more warehouses or distribution centers receiving more revenue. The audit's primary finding is that changing the allocation structure for Bradley-Burns taxes would result in a more equitable distribution of local transportation funding, primarily due to the "point-of-sale" assessment structure and the impact from an increase in internet sales. The audit recommends that the state amend the Bradley-Burns tax law to allocate revenues from internet sales the same way they are allocated for local measures, such as Measure M, which is based on the destination of sold goods rather than their place of sale. The findings of the audit predict that, without a change in the law, the current inequities will only grow going forward due to the projected increase in e-commerce. The audit also makes several other recommendations to help increase LTF revenue and ensure compliance with existing law, including the following:

- The Legislature should routinely review and evaluate tax exemptions and other expenditures, eliminating those that are outdated or ineffective. With 160 existing exemptions and exclusions, the audit notes that about \$22.5 billion in potential statewide revenue could be put to use. As part of this effort, the audit also recommends that the Franchise Tax Board and Department of Finance should include in their annual report on tax expenditures, the estimated costs of those expenditures before implementation, compared to actual forgone revenues to date.
- Increase the tax base by taxing digital goods and taxing services. The report notes that existing state law is not clear as to whether digital goods are exempted. If it were to be interpreted that they were not exempted, this would produce a minor tax revenue boost. However, the biggest impact to tax revenues would be to tax services, which would result in an extra \$3.5 billion in LTF revenue annually statewide.
- In order to increase compliance with existing laws, the California Department of Tax and Fee Administration (Tax Administration) should develop a pilot program to determine the cost-effectiveness of providing monetary incentives to individuals who provide information about businesses with unpaid sales and use tax liabilities.

Many of the recommendations from the State Auditor would require a two-thirds vote due to their classification as a tax increase, including efforts to tax digital goods and services, or remove existing tax exemptions. Other recommendations would require funding being appropriated by the annual state budget, including the recommendation for the Tax Administration to develop a pilot program to report businesses who have unpaid sales and use tax liabilities.

In regards to the State Auditor's primary recommendation to change the situs determination for the assessment of Bradley-Burns tax revenue, this may prove very controversial in some parts of the state that stand to lose revenue. If looking at Bradley-Burns as a whole, this would include revenues for not only the LTF, but also the one percent Bradley-Burns directed to local governments. Currently, it is unclear which cities and counties would benefit or lose by a change in the rules, creating the potential for strong opposition which could handicap a legislative effort.

Potentially, a legislative change could be solely focused on LTF revenues, removing some potential opposition and controversy from local government. However, in discussing the results of the state audit on LTF revenues, the State Auditor noted that in producing the report, they only reviewed data from six different counties and could not produce results for all 58 counties due to strict confidentiality rules associated with this data. In order to assess the viability of

a legislative option, more data would be needed to determine which counties could benefit from a change in law. OCTA staff is therefore seeking methods to obtain more information about the other 52 counties. This can be done through two avenues, including providing information to individual counties on how they can obtain the data for their jurisdiction and attempting to seek this information through the Legislative Analyst's Office. Staff will provide updates to the OCTA Board of Directors as different options are analyzed and pursued, including the potential for legislation to be pursued.

Innovative Clean Transit Regulatory Proposal

In 2000, the ARB first issued the fleet rules for transit agencies, mandating large transit agencies with over 200 buses to reduce overall nitrous oxides (NOx) and particulate matter (PM) emissions based on two different fuel paths: the alternative fuel path or the diesel fuel path. Those agencies choosing the alternative fuel path were required to begin converting their fleets to non-diesel fuels, including natural gas, hybrid, hydrogen, or electric, while also reducing overall NOx and PM emissions. Those on the diesel fuel path were not required to purchase alternative fueled buses, but were subject to more accelerated NOx and PM emission reduction standards and were subject to implementation of zero-emission bus (ZEB) pilot programs. In the Southern California region, the South Coast Air Quality Management District opted to have all transit agencies within their jurisdiction proceed under the alternative fuel path, including OCTA.

Also put in place under the initial ARB regulations was a purchase requirement for ZEBs, which mandated those transit agencies following the alternative fuel path to have 15 percent of their purchase and lease agreements be ZEB starting in 2012. This same requirement applied to those agencies opting for the diesel fuel path starting in 2011. However, in July 2009, the ARB deferred the ZEB purchase requirement with a recommendation to first establish technology performance metrics that could be used to assess the commercial readiness and trigger a future purchase requirement. This deferral largely resulted from the advocacy of CTA and its member agencies, including OCTA, who pointed to the lack of technological readiness in broader use, and no identified funding resources at a time where transit agencies were already taking action to cut services and increase fares due to state funding cuts.

Since that time, discussions have continued between ARB staff, transit agencies, technology manufacturers, and other stakeholders regarding the appropriate metrics and path forward that would provide broader integration of ZEBs. Working with the CTA, OCTA and other transit agencies have advocated for a performance-based approach which focuses on actual emission reductions, while also considering funding availability, cost efficiency, and the potential for further technology demonstrations. This approach would also clearly allow for

transit agencies to opt out of any requirements due to financial hardship, or if the technology was not performing as needed. While previously ARB staff entertained the potential for a performance-based approach, they have recently moved towards a more aggressive ZEB purchase requirement.

In December 2017, ARB released the Innovative Clean Transit (ICT) Regulation Discussion Document. The ICT proposal seeks to impose an expedited ZEB purchase requirement on all transit agencies within the state, with the goal of achieving fully zero-emission fleets by 2040. Attachment B includes an outline of the requirements proposed under the ICT. While previous iterations of a ZEB purchase requirement were limited to larger urban buses, the ICT would apply to all transit buses, including those used for paratransit service. The regulation would also no longer be limited to transit agencies with 200 buses and over, instead applying to smaller fleets as well. Under the proposed ICT regulation discussion draft, transit agencies would be required to do the following:

- Abide by an accelerating ZEB purchase requirement which takes effect in 2020 for larger fleets with over 100 buses, requiring 25 percent of any bus purchase be ZEB. By 2029, a 100 percent purchase requirement would apply to all fleets.
- Large transit agencies with 100 or more buses would be required to purchase renewable fuels when diesel or natural gas contracts are renewed.
- Include low NOx engines when new bus purchases are made, if available in areas that do not meet federal NOx air quality standards.

While provisions are provided for off-ramps, where an agency can request a one-year extension for compliance, there is not an option for a transit agency to put compliance on hold if the requirements would lead to a reduction in service or other extreme financial hardship, or if funding reductions occur or funding for the increased costs associated with ZEBs is not identified. In addition, while the discussion draft acknowledges the potential for a future performance based option, this is not to occur until after the requirements are already in effect.

OCTA has made significant steps towards the integration of new technology within its transit fleet, including the purchase of ten hydrogen buses and associated fueling infrastructure, addition of low NOx engines on over 100 buses by the end of 2018, and conversion to renewable natural gas for the entire active fixed-route fleet. In addition, OCTA has recently sought funding opportunities to integrate battery electric buses into its fleet, seeking additional methods to test the technology and determine its appropriate use within OCTA's transit system. Despite this progress, the ICT seeks to accelerate the adoption of this technology beyond what is currently in use.

If the ARB adopts the ICT, it would create extreme financial implications for OCTA's transit system. It is currently expected that OCTA will proceed with its next large transit bus procurement after 2020, subjecting the procurement to the new purchase requirements. It is expected that almost 300 buses will be procured at that time. If the ZEB purchase requirement is in place, this could increase procurement costs by as much as \$114 million. Overall, to replace our entire fleet with ZEBs, including paratransit, it would cost at least an additional \$442 million in current dollars. These estimates assume that there would need to be an expansion of the fleet due to range limitations with existing ZEBs; however, these estimates do not include the costs of infrastructure and potential for increased fueling costs. This would significantly impact OCTA's ability to maintain existing services and could translate to a service reduction of over 20 percent if the additional funding were not identified. Furthermore, there are several technology challenges that continue to exist for these buses, including the inability to meet existing transit bus range requirements, lack of commercially available ZEBs to replace paratransit vehicles, and no guarantee that existing technology will meet necessary warranties to fulfill federal useful life requirements.

OCTA is currently working with the CTA and other transit stakeholders to respond to the ICT proposal, noting the inaccuracies included in the proposal and impacts to transit systems if enacted. OCTA's comments on the ICT proposal are included as Attachment C. Throughout this process, comments will continue to:

- Emphasize the need for additional capital and operating funding to implement any new technology commensurate with the increased costs, and the technology challenges which could impact service
- Detail the implications on transit service and ridership if implemented as proposed, and the associated vehicle miles traveled and disadvantaged community impacts.
- The need for technological advancement to meet the range and reliability requirements of existing transit systems.
- Potential conflicts with bus axle weight limitations.

ARB staff currently plan on holding workshops through the remainder of Winter and Spring 2018, with the goal of a formal regulation going for approval in Summer 2018. Staff will provide updates as discussions continue, including potential alternative pathways that may be considered.

Legislative Analyst's Office Report on the Extension of Cap-and-Trade

On December 12, 2017, the Legislative Analyst's Office (LAO) released a report entitled, "Cap-and-Trade Extension: Issues for Legislative Oversight." The report

was written in response to the passage of AB 398, which extended the cap-and-trade program from 2020 to 2030, to help the state achieve its goal of reducing greenhouse gas (GHG) emissions to 40 percent below 1990 levels by 2030. The report identifies five key implementation decisions for the Legislature to evaluate to ensure consistency with legislative goals and priorities, such as: setting post-2020 caps and banking rules to ensure the state meets its GHG targets, setting a hard price ceiling at a level that balances emissions and costs, setting price containment points to moderate price increases, implementing new offset limits, and determining industry assistance factors through 2020.

In addition, the LAO report also finds that the amount of revenue that will be generated from the extension of cap-and-trade is highly uncertain. The range of future revenues could vary by billions of dollars under different assumptions about future allowance prices. The revenues could range from \$2 billion to \$4 billion in 2018 and from \$2 billion to almost \$7 billion in 2030. It is expected that one of the priority policy areas the Legislature will address this year will be how to allocate future revenues, with only 60 percent of existing revenues dedicated to ongoing expenditures. Staff will continue to provide updates as these discussions continue.

Cap-and-Trade Expenditure Plan and the Governor's Executive Order on Zero-Emission Vehicles

On January 26, 2018, the Governor released a cap-and-trade expenditure plan for Fiscal Year 2018-2019. The \$1.25 billion dollar expenditure plan provides investments in renewable energy, transit-oriented development, environmental restoration, sustainable agriculture, and zero-emission trucks, buses, and vehicles. Specifically, the expenditure plan includes \$160 million to the ARB to provide incentives for clean trucks, buses, and off-road equipment, which will also be available for the Carl Moyer Program. The expenditure plan represents the 40 percent of cap-and-trade revenues available for appropriation on an annual basis.

In addition, on January 26, 2018, the Governor issued Executive Order B-48-18, to increase the supply of zero-emission vehicles and charging stations in California. The executive order calls for a new target of five million zero-emission vehicles in California by 2030. The Administration is also proposing a new eight-year \$2.5 billion initiative to help bring 250,000 vehicle charging stations and 200,000 hydrogen fueling stations to California by 2025.

Summary

A sponsor bill is recommended related to disadvantaged communities. Updates are provided on State Auditor findings related to local transit funding and a proposed regulation related to zero-emission buses. An overview is provided on a Legislative Analyst's Office report on the cap-and-trade program, the cap-and-trade expenditure plan and an executive order related to zero-emission vehicles. A verbal update will be provided on the Governor's proposed state budget.

Attachments

- A. Fact Sheet: The Bradley-Burns Tax and Local Transportation Funds
- B. California Air Resources Board: Innovative Clean Transit Regulation Summary
- C. Orange County Transportation Authority Comment Letter on the Innovative Clean Transit Regulation Discussion Document to California Air Resources Board Chair Mary Nichols, dated January 22, 2018
- D. Orange County Transportation Authority Legislative Matrix

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COMMITMENT
INTEGRITY
LEADERSHIP

November 30, 2017
Report 2017-106

FACT SHEET

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The Bradley-Burns Tax and Local Transportation Funds

Changing the Allocation Structure for the Bradley-Burns Tax Would Result in a More Equitable Distribution of Local Transportation Funding

Background

The California Department of Tax and Fee Administration (Tax Administration)—formerly part of the State Board of Equalization—administers the statewide general tax on the retail sale or use of merchandise or goods within the State. Subject to a number of exceptions, such as food for home consumption, California imposes sales and use taxes on the purchase price of tangible goods. Retailers owe sales taxes, while buyers owe use taxes for certain tangible goods not otherwise subject to the retail sales tax (e.g. Internet purchases from out-of-state retailers). Tax Administration also collects the Bradley-Burns tax on behalf of cities and counties and distributes the revenue to those local governments. The Bradley-Burns tax imposes a statewide rate of 1.25 percent, of which 1 percent is allocated to counties or incorporated cities to use at their discretion and the remainder is distributed to county local transportation funds (LTFs) to support transportation programs.

Our Key Recommendations

- The Legislature should do the following:
 - » Amend the Bradley-Burns tax to allocate revenues from Internet sales based on the destination of sold goods rather than their place of sale.
 - » Increase budgetary control and ensure it has the information needed for decision-making by regularly reviewing and evaluating tax exemptions and exclusions to sales and use taxes.
 - » Increase the tax bases for general sales and use taxes by amending state law to specify that digital goods are taxable.
- Tax Administration should help address the e-commerce tax gap and ensure out-of-state retailers comply with state tax laws by implementing a two-year pilot of its authorized reward program for information identifying unreported sales and use taxes.

Key Findings

- Although Tax Administration has adequately administered the Bradley-Burns tax and the tax revenue that county LTFs receive has steadily increased over the past five years, some counties may benefit disproportionately from the Bradley-Burns tax.
 - » Retailers generally allocate the Bradley-Burns tax revenue based on the place of sale, which they identify according to their business structure, even if they ship goods to other destinations.
 - » Retailers that make sales over the Internet (e-commerce) may identify the place of sale as one of their warehouses or sales offices rather than where they ship the goods to and thus, counties with more warehouses or offices may receive more Bradley-Burns and LTF revenue.
- E-commerce has contributed to California's tax gap—Tax Administration estimated that the State lost nearly \$1.5 billion in revenue due to unpaid taxes on e-commerce purchases.
 - » Retailers that have a connection with the State must remit sales taxes on applicable sales, but those that do not are not required to even if they sell goods to Californians.
 - » Buyers must pay use tax on purchases from retailers that do not remit sales taxes to California, but may not be aware they owe these taxes.
- There are 160 exemptions and exclusions to the State's general sales and use taxes, collectively estimated to be worth more than \$22.5 billion annually, yet there is no process to regularly evaluate them to determine if they are effective and should continue.
- The State currently does not tax digital goods or services, which could yield more than \$100 billion in additional tax revenue.

California Air Resources Board: Innovative Clean Transit Regulation Summary

Applicability: All transit agencies that own, lease or operate buses with a gross vehicle weight rating over 14,000 lbs. Buses subject to the regulation include cutaway buses, transit buses (including bus rapid transit), articulated buses, commuter coaches, double-deckers, trolley buses and vintage trolley buses. Fleet size based on 2019 fleets. *** May be expanded to include non-bus modes, including vans and cars.*

Purchase Requirement:

January 1, 2020: Large fleets with over 100 buses would need to purchase **25 percent** zero-emission buses (ZEB) when bus purchase made or implement an equivalent innovative zero-emission mobility program

2022: Informational update to assess zero emission technology, fleet experiences, costs and to evaluate the regulatory structure for achieving mobility improvements and a complete transition to zero emission technology.

January 1, 2023: Medium size fleets (more than 30 buses) and Large Fleets would have to meet a **50 percent** purchase requirement.

January 1, 2026: All transit fleets, would need to meet a **75 percent** purchase requirement.

January 1, 2029: **100 percent** purchase requirement for all fleets.

Renewable Fuel Requirements:

Large transit agencies with 100 or more transit buses required to purchase renewable fuels when diesel or natural gas contracts are renewed. *** Emission credits are counted under Low Carbon Fuel Standard.*

Low-NOx Engine Purchase Requirement:

All transit agencies are required to include low nitric oxide (NOx) engines when purchases are made if available for the bus type purchased (notes that they are currently not available for diesel or gasoline buses).

- Early action credit for low NOx engines purchased previous to the requirement.
- Only applies to areas that do not meet federal NOx requirements.

*** California Air Resources Board (ARB) plans on doing a low NOx engine regulation for all heavy duty engines in 2019, which will apply to 2023 engines and later.*

Purchase Requirement Early Action Credits:

Early actions would allow for a 1:1 credit for future purchase requirements if the bus is put in service between January 1, 2018 and January 1, 2023. If put in service prior to December 1, 2017, and still in operation as of January 1, 2018, there would be a 1:1 credit for electric battery buses and a 2:1 credit for fuel cell electric buses.

Joint ZEB Compliance Option:

Multiple transit agencies can petition the ARB Executive Director to implement a joint ZEB deployment within a region, where they would comply as if they were one joint agency, submitting one annual report. To do this, the agencies would have to jointly comply with the number of ZEB purchases the partners would otherwise have to purchase individually, which they could jointly fund through a common MPO or

other transportation policy-making organization. Various other requirements must be met, including operating buses with intent to meet FTA useful life requirements, providing appropriate maintenance and storage facilities, and demonstrating how deployment benefits disadvantaged communities.

Innovative Zero-Emission Mobility Option:

Innovative zero-emission mobility options include non-bus (or fixed guideway) transportation services provided by the transit agency with lighter zero-emission vehicles like micro transit, on-demand van or car transportation, or autonomous shuttle services.

If implementing such service, transit agency can apply to ARB Executive Officer for credit towards purchase requirement. In the application, it will have to identify the how the miles and passenger count will be measured. Credit will be applied such that 350,000 zero emission passenger miles per year from the program would be equivalent to purchasing one ZEB.

Off-Ramps:

ARB Executive Officer can provide a 1-year extension based on specific situations. These include:

- If delay occurs because utility cannot supply sufficient power to put the battery electric bus in service when they are delivered.
- Delay for reasons outside transit agency's control that would not allow a fuel cell electric bus to be put in service when delivered. This includes delays to hydrogen fueling station construction.
- When the equivalent ZEB has not completed Altoona testing. Only applies if the transit agency has no other purchase option.
- If the ZEB fleet expansion cannot be completed in compliance with local permitting requirements or safety requirements that could not have been foreseen and addressed prior.

No off-ramps are offered for:

- Requirements that would lead to a reduction in service or other extreme hardship.
- Funding reductions, such as if SB 1 (Chapter 5, Statutes of 2017) is repealed.
- Because a bus cannot meet necessary range requirements.
- Because of space constraints for necessary charging equipment.

Note: regulation specifies that transit agency is not out of compliance due to manufacturer delays.

Reporting Requirements:

Starting in 2020, each transit agency will be required to annually report information for all modes they operate dating back to 2015 as the proposed baseline year. This information will be used to determine whether the regulation should be expanded to include non-bus modes, whether zero-emission miles or another metric should be used for compliance or whether the zero-emission mobility option should be expanded.

Potential Performance Based Option (future discussion):

Discusses the potential for a zero-emission-miles-based fleet-wide approach to set a performance goal that can be used in lieu of the bus purchase mandate. This will include all modes from bicycles to light rail. The potential for this path will be informed by the annual reports received from transit agencies.



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CHIEF EXECUTIVE OFFICE

Darrell Johnson
Chief Executive Officer

January 22, 2017

Ms. Mary Nichols
Chairman
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Subject: Comments on Innovative Clean Transit Regulation Discussion Document

Dear Chairman Nichols:

The Orange County Transportation Authority (OCTA) Board of Directors appreciates the opportunity to offer comments on the California Air Resources Board's (ARB) Innovative Clean Transit Regulation Discussion Document (ICT Proposal), dated December 15, 2017. Since the postponement of the initial zero-emission bus purchase requirement in 2009, OCTA has taken significant steps to integrate new technology within its fleet in an economically sustainable manner, while also allowing for emission reductions and the testing of new technology. This includes obtaining over ten hydrogen fuel cell buses, exclusive use renewable natural gas for the existing fleet, and integration of low nitrogen oxide (NOx) engines, with about 20 percent of the fleet utilizing near-zero emission engines. These actions are over and above the significant emission reductions achieved when OCTA initially converted its fleet to natural gas. Transit agencies throughout the state are taking similar steps towards the integration of new technology. OCTA is therefore hopeful that through collaboration between the ARB and transit agency stakeholders, revisions can be formulated which allow the rule to be implemented in a fashion that is economically feasible, and allows for dependable technology to be developed.

The current ICT Proposal seeks to enact several new requirements which could jeopardize not only existing transit service levels, but present challenges in meeting fleet operating needs. These implications directly contradict the ARB's goals in pursuing the ICT, namely improving transit service and reducing emissions. The comments included on the attached document should be considered as revisions are made to the ICT Proposal.

OCTA appreciates the time and effort ARB staff has taken to meet with all transit agencies statewide to discuss the ICT proposal. Going forward, OCTA hopes to continue discussions with the ARB and develop collaborative solutions that will help reduce emissions and improve transit service statewide. As previously

Ms. Mary Nichols
January 22, 2017
Page 2

discussed, this could include efforts to create a performance-based standard, similar to what was proposed by the California Transit Association. If you or your staff have any questions regarding OCTA's comments, please contact Kristin Essner, Manager of State and Federal Relations, at (714) 560-5754 or kessner@octa.net.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Darrell Johnson', with a long horizontal stroke extending to the right.

Darrell Johnson
Chief Executive Officer

DJ:ke
Attachment

c: Members, California Air Resources Board
Richard Corey, Executive Officer, California Air Resources Board
Steve Cliff, Deputy Executive Office, California Air Resources Board
Jack Kitowski, Chief, Mobile Source Control Division, California Air Resources Board
Shirin Barfjani, Air Pollution Specialist, Mobile Source Control Division, California Air Resources Board
Yachun Chow, Manager, Zero Emission Bus Truck and Bus Section, California Air Resources Board
Platinum Advisors

Orange County Transportation Authority Comments on the California Air Resources Board's Innovative Clean Transit Regulation Discussion Document

1. Funding is not identified to bridge the gap between existing technology and zero-emission buses, which could directly impact existing transit service.

The Innovative Clean Transit Regulation Discussion Document (ICT Proposal) would create a new unfunded mandate for transit agencies, without the identification of sufficient resources to compensate for the increased costs that would be needed to implement the proposed purchase requirement. For the Orange County Transportation Authority (OCTA), it is estimated that it would cost an additional \$442 million, at current cost estimates, to convert its fleet to zero-emission technology. This does not include other costs for new fueling infrastructure or increased fuel costs. This estimate assumes not only the cost differential between existing compressed natural gas (CNG) buses, but also the need to increase the fleet size to integrate zero-emission buses (ZEB). OCTA's buses must meet a 300 mile range. Replacing a CNG bus with a ZEB is not a straight one-to-one comparison. Instead, because ZEBs cannot meet existing fleet range requirements, transit agencies will have to expand their fleet to comply with the purchase requirement and maintain existing service.

Already, OCTA has budgeted funding from existing sources, including the Transportation Development Act, State Transit Assistance, cap-and-trade, SB 1 (Chapter 5, Statutes of 2017) and federal transit sources, to maintain existing service levels. Any requirement put in place by the ICT Proposal would have to identify new funding sources, beyond those identified, to bridge the funding gap. Otherwise, transit agencies like OCTA would have to analyze potential service reductions. In order to meet the \$442 million funding gap, OCTA would have to look at reducing service by more than 20 percent; a level surpassing what was done during the last recession. This would not only immediately impact the most transit dependent areas of the state, but may also lead to an increase in vehicle miles travelled, which is counter-productive to other California Air Resources Board (ARB) environmental initiatives.

Most of the funding sources the ARB does identify in the ICT Proposal are either one-time funding pots or have not yet been identified as eligible for ZEB purchases. Furthermore, ARB has stated many of these sources cannot be used once the purchase requirement is enforced. It is unclear which provisions of state law prevent this, or why ongoing sources of funding like the Low Carbon Transit Operations Program, cannot be used.

2. New zero-emission technology has not been implemented at a scale which adequately demonstrates its technological ability to meet existing fleet requirements.

The ICT Proposal cites the availability of ZEBs that would meet a 300-mile range requirement, however, such vehicles have not yet been tested in actual operation. Rather than state that range is no longer an issue for ZEBs, the ICT Proposal should include

evidence of where such vehicles have been put in service and met those range requirements over an extended period of time. It is also unclear whether existing ZEBs will be able to meet the useful life requirements and whether the warranties for parts will be filled later in the vehicle's use. If unable to meet many of these requirements, this could put federal funding into jeopardy.

The ICT Proposal also does not include a discussion about the potential for impacts from increased bus axle weight. State law includes explicit bus axle weight limitations that transit buses must meet to operate on state highways and local streets and roads. The ICT Proposal fails to discuss these impacts, as required under existing state law. This discussion should also include details about the weight of electric buses and the associated range of the buses. Currently, the range cited by ZEB manufacturers do not account for the weight of the bus loaded with passenger, nor the use of air conditioning which greatly reduces the range.

There also is no discussion about electricity costs and how that will vary based on time of day, based on various fleet fueling requirements. Currently there is no certainty about the future of these costs, or what rates will be imposed for transit agencies. Many of the previous demonstrations of this technology were operating under special rate provisions which should not be held as the standard to determine costs for this regulation.

3. The ICT Proposal dramatically expands its application, without clearly demonstrating the existence of the technology being commercially available.

In previous iterations of the ICT Proposal and of a ZEB purchase requirement, the ARB limited its scope of application to urban buses. The current ICT Proposal significantly expands the scope to now include cutaway buses. This expansion was never previously discussed, and it is unclear that there is a commercially available cutaway bus to meet this requirement. On page six of the ICT Proposal, there is a statement that affirms that while some of these vehicles are in use today, none have been Altoona-tested and are not eligible for federal funding. Furthermore, often these buses are used to fulfill critical American with Disabilities Act (ADA) paratransit services. If transit agencies are not able to find buses to meet the ICT Proposal purchase requirement, this may not only lead to impacts to paratransit service, but could impact a transit agency's compliance with ADA.

4. The timeline for implementation does not allow for sufficient opportunities to assess the technology availability or economic implications prior to enforcement.

The timeline for the ICT Proposal only includes one opportunity for an economic and technological assessment of the regulation's provisions in 2022, which occurs after the first requirement is mandated. Under OCTA's existing procurement process, OCTA will potentially be looking at replacing 58 percent of its fleet by 2023. Currently, it is unclear whether the timing will require either 25 percent or 50 percent of the purchase to be ZEBs, pending regulatory interpretation. This procurement will begin before the 2022 assessment. Pending the assessment by ARB in 2022, these procurement requirements may be deferred or changed based on the findings. However, OCTA will still be required

to abide by the purchase requirement even if the findings by the ARB demonstrate that the technology is not viable in larger operation, or it is not economically viable. The ICT proposal should ensure that technology and economic assessments are done before any requirement is enforced, including prior to 2020. In addition, if at any time a requirement is found to be technologically or economically infeasible, a grace period should be applied for all transit agencies, including agencies undergoing previous procurements.

5. The ICT Proposal fails to account for each transit agency's unique procurement process, potentially impacting certain transit agencies more than others.

As stated above, OCTA's procurement process is unique in that, unlike in the hypothetical scenario presented on page 12 of the ICT Proposal, OCTA does not procure vehicles every three years, and its procurements are for much larger portions of its fleet. Acknowledging that not every transit agency's procurement process is the same, or useful life requirements, the ICT Proposal should include flexibility to address each agency's process. This includes cost assessments, technology capabilities, bus availability and manufacturer warranty standards.

6. Early action credits should be granted in a manner that takes into account all transit agency actions taken prior to any new requirement taking effect.

OCTA supports ARB efforts to recognize those agencies that have taken steps to implement advanced technologies prior to any new regulatory requirements. Currently, the ICT Proposal provides for different credit levels depending on whether the bus was put into service before or after January 1, 2018 for hydrogen buses. It is unclear why that differentiation is made. Instead, the two credits should be awarded for all hydrogen buses procured prior to the regulation taking effect. In addition, credit should be awarded for all battery electric buses procured prior to the regulation taking effect, rather than no credit being awarded for buses put in service after December 31, 2017.

7. The proposed conditions that would allow for temporary delay fail to take into account situations where service cuts may result or the technology fails to meet its stated capabilities

OCTA appreciates efforts to include scenarios where the ARB Executive Director may approve extensions for compliance with the requirements when certain conditions are present. While each of the scenarios presented are valid, this type of extension should also be granted in other situations, including (but not limited to) situations where:

- additional new funding is not identified to cover the increased costs associated with this regulation
- transit funding is reduced or cut by the state or federal government
- the new technology is unable to comply with state or federal requirements and/or does not pass the new Altoona testing requirements
- the costs of complying with the regulation would result in a reduction in transit service

- the buses are unable to meet a transit agency's range or useful life requirements

8. The ACT Proposal must consider infrastructure transition and facility requirements that will be required for a technology transition.

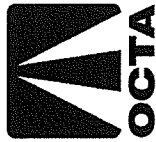
ARB's ICT Proposal will require a complete re-assessment of current operating infrastructure to include a revamp of the existing power grid for battery powered buses, sources of hydrogen for fuel-cell buses, electrical charging outlets throughout the facilities, high voltage connectors, individual controllers intended to monitor energy dispensed on as a per bus basis, among other updates. This will all require expanded right of way at the transit bases, which may not be available. This will also necessitate additional funding investment, which is not contemplated in the current ICT Proposal. As an example, currently, one of the largest OCTA facilities has a peak electricity consumption for a 200-bus operation in the range of ~1.6 MWhr. Based on today's requirement for charging battery-powered buses, this amount of energy is only capable of charging about 26 electric buses. In order to support 200 electric buses, this capacity needs to be multiplied by about eight times.

Within each base, the infrastructure will also need to be updated. Existing fueling practice includes a location for fuel dispensing, with each bus only requiring five to seven minutes for fueling. Fueling for ZEBs would entail multiple sources/locations for vehicle tracking, fuel dispensing, recording of consumables, etc. Additionally, plug-in battery powered buses are required to be "plugged-in" for several hours which extends fueling time and requires facility capacity. For each fueling station, installation of electrical conduits, electric plugs, individual charging and monitoring stations will also be required. These updates should be covered in the ICT Proposal.

9. Personnel training will be required for any technology transition, which is not currently addressed in the ICT Proposal.

Traditionally, the work-force found in the transit industry includes a high degree of expertise with diesel engines, with transition now occurring because of the introduction of natural gas engines. With high demand for this knowledge in fields outside of transit, there are also numerous existing issues in attracting talent to fill maintenance and operations roles. ARB's ICT Proposal will create an added level of difficulty, by requiring a completely new type of staff knowledge, without any identified training opportunities.

A transition to ZEBs would require complete retraining on not only the technological operating elements of a bus, but also the safety aspects. Without any existing large operations of ZEBs at transit facilities, many of the implications of the technology change are unknown. Gradual implementation of the technology would allow transit agencies to mitigate these risks and prepare and protect their staff.



Orange County Transportation Authority Legislative Matrix

2018 State Legislation Session
February 15, 2018

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
BILLS WITH POSITIONS			
AB 278 (Steinorth – R) California Environmental Quality Act: Transportation	Exempts from the CEQA provisions a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements.	<p>INTRODUCED: 02/02/2017 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 03/20/2017 In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage.</p> <p>03/20/2017 In ASSEMBLY Committee on NATURAL RESOURCES: Reconsideration granted.</p>	<p>SUPPORT (partial list) Support: California Chamber of Commerce, County of San Bernardino, Ventura County Transportation Commission</p> <p>Oppose: California Bicycle Coalition, California League of Conservation Voters, Coalition for Clean Air</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 302 (Gipson – D) South Coast Air Quality Management District: Fleets	Authorizes the governing board of the South Coast Air Quality Management District to adopt rules and regulations that require specified operators of public and commercial fleet vehicles to purchase zero-emission and near-zero-emission vehicles and that require those zero-emission and near-zero-emission vehicles to be operated in the South Coast District.	INTRODUCED: 02/06/2017 LAST AMEND: 04/17/2017 LOCATION: Assembly Transportation Committee STATUS: 05/08/2017 In ASSEMBLY Committee on TRANSPORTATION: Not heard.	OPPOSE Support: California Natural Gas Vehicle Coalition (Sponsor), Clean Energy, Coalition for Clean Air, Tesla Oppose: California Trucking Association, Truck and Engine Manufacturers Association
AB 344 (Melendez – R) Toll Evasion Violations	Provides that a person contesting a notice of toll evasion violation or notice of delinquent toll evasion is not required to pay the toll evasion penalty until after a processing agency or issuing agency finds as a result of an investigation, or the processing agency finds as a result of an administrative review, or a court finds as a result of a hearing, that the contestant did commit a toll evasion violation. Authorizes an administrative review to include reviews of multiple notices of toll evasion.	INTRODUCED: 02/07/2017 LAST AMEND: 07/03/2017 LOCATION: Senate Transportation and Housing Committee STATUS: 07/03/2017 In SENATE. Read second time and amended. Referred to Committee on TRANSPORTATION AND HOUSING	OPPOSE Support: American Civil Liberties Union Oppose: Transportation Corridor Agencies, Metropolitan Transportation Commission

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 686 (Santiago – D) Housing Discrimination: Further Fair Housing	Requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing. authorize the Director of Fair Employment and Housing to exercise his or her discretion to investigate, or to bring a civil action, based on a verified complaint that alleges a violation of these provisions. Requires an agency that completes an assessment of fair housing to submit it and post it on its Web site.	INTRODUCED: 02/15/2017 LAST AMEND: 07/17/2017 LOCATION: <i>Senate Transportation and Housing Committee</i> STATUS: 07/17/2017 In SENATE. Read second time and amended. Referred to Committee on TRANSPORTATION AND HOUSING..	OPPOSE (partial list) Support: National Housing Law Project (co-sponsor), Public Advocates (co-sponsor), Western Center on Law & Poverty (co-sponsor) California Environmental Justice Alliance, Fair Housing Council of Orange County Oppose: CALCOG, RCTC, Southern California Association of Governments

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 1454 (Bloom – D) Transportation Projects: Lease Agreements	Amends the existing law which authorizes for the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Reestablishes the authority under state law to engage in public-private partnerships for projects on the state highway system.	INTRODUCED: 02/17/2017 LAST AMEND: 05/01/2017 LOCATION: Assembly Rules Committee STATUS: 05/04/2017 Referred to ASSEMBLY Committee on RULES.	SUPPORT Support: Associated General Contractors, California and San Diego Chapters Oppose: American Federation of State, County, and Municipal Employees, California School Employees Association, Professional Engineers in California Government
AB 1640 (Garcia – D) Transportation Funding: Low Income Communities	Requires each regional transportation improvement program to allocate 25 percent of available funds to projects or programs that provide direct, meaningful, and assured benefits to low income individuals who live in identified communities or to riders of transit service that connects low income residents to critical amenities and services.	INTRODUCED: 02/17/2017 LOCATION: Assembly Transportation Committee STATUS: 03/16/2017 To ASSEMBLY Committee on TRANSPORTATION.	OPPOSE Oppose: Self-Help Counties Coalition

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 264 (Nguyen – R) High-Occupancy Toll Lanes: Interstate 405	Requires net excess toll revenues, as defined, received from high-occupancy toll lanes on a specified portion of an approximately 16-mile-long project corridor in the County of Orange on Interstate 405 and that traverses the Cities of Costa Mesa, Fountain Valley, Huntington Beach, Westminster, and Seal Beach to be allocated to the Orange County Transportation Authority and certain project corridor jurisdictions according to a specified schedule.	INTRODUCED: 02/08/2017 LAST AMEND: 04/04/2017 LOCATION: Senate Transportation and Housing Committee STATUS: 04/25/2017 In SENATE Committee on TRANSPORTATION AND HOUSING: Not heard.	OPPOSE Oppose: HNTB Corporation, Self-Help Counties Coalition, Professional Engineers in California Government

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 268 <i>(Mendoza – R)</i></p> <p>Los Angeles County Metropolitan Transportation</p>	<p>Requires the Los Angeles County Metropolitan Transportation Authority to submit a plan to the Legislature for revising the composition of the authority, if the number of members of the board of supervisors is increased, within a specified number of days of the increase. Adds the county auditor as a nonvoting member of the board of directors. Reduces the number of the board of supervisors. Requires that one supervisor represent the largest population in the unincorporated area of the County of Los Angeles.</p>	<p>INTRODUCED: 02/08/2017 LAST AMEND: 09/05/2017 LOCATION: Assembly Local Government Committee</p> <p>STATUS: In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.</p>	<p>OPPOSE</p> <p>(partial list)</p> <p>Support: California Contract Cities Association, Gateway Cities Council of Governments, League of California Cities, Los Angeles County Division</p> <p>Oppose: Los Angeles Area Chamber of Commerce, Los Angeles County Board of Supervisors, LA Metro, Orange County Business Council, SBCTA, RCTC, Metrolink</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 768 (Allen – D) Transportation Projects: Comprehensive Development	Extends the authorization of the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees.	INTRODUCED: 02/17/2017 LAST AMEND: 03/27/2017 LOCATION: Senate Appropriations Committee STATUS: 05/25/2017 In SENATE Committee on APPROPRIATIONS: Held in committee.	SUPPORT Support: Associated General Contractors, California and San Diego chapters, California Conference of Carpenters, California State Council of Laborers Oppose: American Federation of State, County, and Municipal Employees, California School Employees Association, Professional Engineers in California Government

BILLS BEING MONITORED

AB 1 (Frazier), which pertained to transportation funding, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 5 (Gonzalez), which pertained to the Opportunity To Work Act, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 33 (Quirk), which pertained to transportation electrification, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 65 (Patterson), which pertained to transportation bond debt service, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 66 (Patterson), which pertained to High-Speed Rail Authority reports, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ CA AB 87	AUTHOR: Ting [D] TITLE: Autonomous Vehicles INTRODUCED: 01/05/2017 LAST AMEND: 01/03/2018 DISPOSITION: Pending - Carryover LOCATION: SENATE SUMMARY: <i>Requires the Department of Motor Vehicles to adopt application requirements for the testing of autonomous vehicles on public roads without the presence of a driver inside. Requires that the manufacturer certify that the local authorities within the jurisdiction where the autonomous vehicle will be tested have been provided with a written notification. Requires that the manufacturer provide certain law enforcement agencies with a copy of a law enforcement interaction plan.</i> STATUS: 01/19/2017 CATEGORY: Miscellaneous
	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. To SENATE.</i>

CA AB 91	AUTHOR:	Cervantes [D]
	TITLE:	High-Occupancy Vehicle Lanes
	INTRODUCED:	01/09/2017
	LAST AMEND:	06/20/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Senate Inactive File
	SUMMARY:	Prohibits a high-occupancy vehicle lane from being established in the County of Riverside, unless that lane is established as a high-occupancy vehicle lane only during the hours of heavy commuter traffic, as determined by the Department of Transportation.
	STATUS:	
	09/15/2017	In SENATE. From third reading. To Inactive File.
	CATEGORY:	Miscellaneous

CA AB 151	AUTHOR:	Burke [D]
	TITLE:	California Global Warming Solutions Act
	INTRODUCED:	01/11/2017
	LAST AMEND:	05/02/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Assembly Inactive File
	SUMMARY:	Amends the Global Warming Solutions Act. Requires the Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan. Requires the state board to report to the Legislature on the need for increased education, career technical education, job training, and workforce development in ensuring that statewide greenhouse gas emissions are reduced by a specified level.
	STATUS:	
	08/24/2017	In ASSEMBLY. From third reading. To Inactive File.
	CATEGORY:	Environment

AB 161 (Levine), which pertained to infrastructure investment, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 190 (Steinworth), which pertained to local government development permits, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 206 (Gonzalez), which pertained to workers compensation, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 221 (Gray), which pertained to workers compensation, failed passage and is now dead. Therefore, the bill has been removed from the matrix.

AB 241 (Dababneh), which pertained to personal information privacy, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 287 (Holden), which pertained to State Highway Route 710, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 351 (Melendez), which pertained to transportation funding, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 378	AUTHOR:	Garcia [D]
	TITLE:	Greenhouse Gases and Criteria Air Pollutants
	INTRODUCED:	02/09/2017
	LAST AMEND:	05/30/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Assembly Inactive File
	SUMMARY:	
		Requires the State Air Resources Board when adopting rules and regulations to achieve certain greenhouse gas emissions reductions to follow specified requirements and prioritize specified emission reduction rules and regulations. Requires the Board to adopt air pollutant emissions standards for emissions of criteria air pollutants and toxic air contaminants at industrial facilities.
	STATUS:	
	09/11/2017	In ASSEMBLY. Reconsideration granted.
	09/11/2017	In ASSEMBLY. To Inactive File.
	CATEGORY:	Environment

AB 399 (Grayson), which pertained to autonomous vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 419 (Salas), which pertained to greenhouse gas emissions, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 496 (Fong), which pertained to transportation funding, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 533 (Holden), which pertained to State Highway Route 710, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 548 (Steinorth), which pertained to the Omnitrans Transit District, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 623 (Rodriguez), which pertained to the autonomous vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 636 (Irwin), which pertained to local streets and roads, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 694 (Ting), which pertained to bicycles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 697	AUTHOR: Fong [R] TITLE: Tolls: Exemption for Privately Owned Ambulances INTRODUCED: 02/15/2017 LAST AMEND: 06/12/2017 DISPOSITION: Pending - Carryover LOCATION: Senate Inactive File SUMMARY: Modifies the exemption of authorized emergency vehicles from the payment of a toll to apply to the use of a toll facility. Expands the exemption, dispute resolution procedures, and agreement provisions to include a privately owned emergency ambulance licensed by the Department of the California Highway Patrol. STATUS: 09/16/2017 CATEGORY:	 In SENATE. From third reading. To Inactive File. Toll Lanes
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AB 965 (Kiley), which pertained to civil liabilities for the California Department of Transportation, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 971 (Choi), which pertained to driving offenses for falling items, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 972 (Choi), which pertained to driving offenses for not labeling items, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 1017	AUTHOR:	Santiago [D]
	TITLE:	Collective Bargaining Agreements: Arbitration
	INTRODUCED:	02/16/2017
	LAST AMEND:	07/05/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Senate Inactive File
	SUMMARY:	Amends the existing law, with regard to disputes concerning collective bargaining agreements for private employees. Provides for such provision apply to public employment. Limits liability for attorney's fees under such provisions to a labor organization or employer.
	STATUS:	
	09/15/2017	In ASSEMBLY. Ordered returned to SENATE. To SENATE.
	CATEGORY:	Employment

► CA AB 1041	AUTHOR:	Levine [D]
	TITLE:	<i>Bay Area Toll Authority: Conflict of Interest</i>
	INTRODUCED:	02/16/2017
	LAST AMEND:	01/03/2018
	DISPOSITION:	Pending - Carryover
	LOCATION:	SENATE
	SUMMARY:	<i>Amends existing law relating to the Metropolitan Transportation Commission. Prohibits a representative appointed to the Oversight Committee from being affiliated, in any manner, with the Metropolitan Transportation Commission.</i>
	STATUS:	
	01/16/2018	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. To SENATE.</i>
	CATEGORY:	Funding

AB 1103 (Obernolte), which pertained to bicycles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1141 (Berman), which pertained to autonomous vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1160 (Bonta), which pertained to autonomous vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1235 (Daly), which pertained to the Santa Ana River Conservancy Program, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1255 (Dababneh), which pertained to digital mobile driver's license applications, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1259 (Calderon), which pertained to the Capital Access Loan Program for electric vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 1324 **AUTHOR:** Gloria [D]
 TITLE: *Transportation: Local Transportation Authorities: Transactions and Use Tax*

 INTRODUCED: 02/17/2017
 LAST AMEND: 1/29/2018
 DISPOSITION: Pending - Carryover
 LOCATION: Assembly Third Reading File
 SUMMARY:
Amends existing law relating to a local transportation authority's imposition of local retail transactions and use taxes. Authorizes an authority to impose a tax applicable to only a portion of its county by voter approval. Provides that the revenues derived from the tax be spent within, or for the benefit of, the portion of the county to which the tax would apply. Authorizes a certain Association of Governments to impose a transactions and use tax for transportation purposes.

 STATUS:
 1/29/2018 In ASSEMBLY. Read third time and amended. To third reading.
 CATEGORY: Funding

AB 1333 (Dababneh), which pertained to local government agency notices, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1341 (Calderon), which pertained to tax credits for zero-emission vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1363 (Baker), which pertained to transportation revenues, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 1395 **AUTHOR:** Chu [D]
 TITLE: *Department of Transportation: Litter Cleanup and Abatement*
 INTRODUCED: 02/17/2017
 LAST AMEND: 01/22/2018
 DISPOSITION: Pending - Carryover
 LOCATION: SENATE
 SUMMARY:
Requires the Department of Transportation to assign the highest priority to litter along state highways and other high litter incidence areas for the reallocation of existing litter cleanup resources. Requires the Department to conduct an assessment of the problem of litter on state highways.

 STATUS:
 01/29/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. To SENATE.
 CATEGORY: Funding

AB 1421 (Dababneh), which pertained to the noise and vibration levels associated with railroad lines, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1442 (Allen), which pertained to transportation revenues, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1469 (Grayson), which pertained to school transportation, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1470 (Wood), which pertained to state highways, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1489 (Brough), which pertained to the Architects Practice Act, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1509 (Baker), which pertained to the San Francisco Bay Area Rapid Transit District, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1519 (Cervantes), which pertained to the state highways, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 1603	AUTHOR:	Ridley-Thomas S [D]
	TITLE:	Meyers-Milias-Brown Act: Local Public Agencies
	INTRODUCED:	02/17/2017
	LAST AMEND:	08/24/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Senate Inactive File
	SUMMARY:	
		Relates to the Meyers-Milias-Brown Act which allows employees of local public agencies have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Revises the definition of public employee to include persons jointly employed by a public agency and any other employer at specified clinics and hospitals. Specifies rules and regulations.
	STATUS:	
	09/16/2017	In SENATE. From third reading. To Inactive File.
	CATEGORY:	Employment

AB 1635 (Quirk-Silva), which pertained public contracts and small business participation, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

AB 1683 (Burke), which pertained to the Transformative Climate Communities Program, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 1745 **AUTHOR:** Ting [D]
 TITLE: Vehicles: Clean Cars 2040 Act
 INTRODUCED: 01/03/2018
 DISPOSITION: Pending
 LOCATION: Assembly Transportation Committee
 SUMMARY:
 Requires all new passenger vehicles to be zero emissions vehicles after January 1, 2040. States that zero emissions vehicles cannot produce exhaust emissions of any criteria pollutant or greenhouse gas under any operational mode or condition. Exempts large commercial vehicles (larger than 10,000 pounds) and does not apply to vehicles owned by people moving into California from other states.

 STATUS:
 01/16/2018 To ASSEMBLY Committee on TRANSPORTATION.
 CATEGORY: Environment

► CA AB 1755 **AUTHOR:** Steinorth [R]
 TITLE: Bicycle and Pedicab Operation
 INTRODUCED: 01/03/2018
 DISPOSITION: Pending
 LOCATION: Assembly Transportation Committee
 SUMMARY:
 Subjects a person riding a bicycle or operating a pedicab on a bikeway or other publicly maintained trail or road to those rights and requirements of the Vehicle Code.

 STATUS:
 01/16/2018 To ASSEMBLY Committee on TRANSPORTATION.
 CATEGORY: Active Transportation

► CA AB 1756 **AUTHOR:** Brough [R]
 TITLE: Transportation Funding
 INTRODUCED: 01/04/2018
 DISPOSITION: Pending
 LOCATION: Assembly Transportation Committee
 SUMMARY:
 Repeals the Road Repair and Accountability Act of 2017 which establishes, among other things, a comprehensive transportation funding program by increasing the motor vehicle fuel (gasoline) tax.

 STATUS:
 01/16/2018 To ASSEMBLY Committee on TRANSPORTATION.
 CATEGORY: Funding

► CA AB 1759	<p>AUTHOR: McCarty [D]</p> <p>TITLE: General Plans: Housing Element: Production Report</p> <p>INTRODUCED: 01/04/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: ASSEMBLY</p> <p>SUMMARY:</p> <p>Requires the Department of Housing and Community Development to review each production report submitted by a city or county in accordance with specified provisions to determine whether that city or county has met the applicable minimum production goal for that reporting period.</p> <p>STATUS:</p> <p>01/04/2018 INTRODUCED.</p> <p>CATEGORY: Miscellaneous</p>
► CA AB 1792	<p>AUTHOR: Frazier [D]</p> <p>TITLE: Local Government: Municipal Improvement Projects</p> <p>INTRODUCED: 01/09/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: ASSEMBLY</p> <p>SUMMARY:</p> <p>States the intent of the Legislature to enact legislation that would provide local governments with resources and streamlining for municipal improvements and restoration projects.</p> <p>STATUS:</p> <p>01/09/2018 INTRODUCED.</p> <p>CATEGORY: Public Works</p>
► CA AB 1866	<p>AUTHOR: Fong [R]</p> <p>TITLE: Transportation funding</p> <p>INTRODUCED: 01/12/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Assembly Transportation Committee</p> <p>SUMMARY:</p> <p>Creates the Traffic Relief and Road Improvement Program to address traffic congestion and deferred maintenance on the state highway system and the local street and road system. Provides for the deposit of various existing sources of revenue in the Traffic Relief and Road Improvement Account as created by this bill in the State Transportation Fund, including specified revenues attributable to sales and use tax on vehicles, from motor vehicle insurance policies, diesel fuel and registration fees.</p> <p>STATUS:</p> <p>01/29/2018 To ASSEMBLY Committee on TRANSPORTATION.</p> <p>CATEGORY: Funding</p>

► CA AB 1867 **AUTHOR:** Reyes [D]
 TITLE: Employment Discrimination: Sexual Harassment
 INTRODUCED: 01/12/2018
 DISPOSITION: Pending
 LOCATION: ASSEMBLY
 SUMMARY:
 Requires an employer with 50 or more employees to maintain records of employee complaints of sexual harassment for 10 years from the date of filing. Requires the Department of Fair Employment and Housing to seek an order requiring an employer that violates the recordkeeping requirement to comply.

 STATUS:
 01/12/2018 INTRODUCED.
 CATEGORY: Employment

► CA AB 1870 **AUTHOR:** Reyes [D]
 TITLE: Employment Discrimination: Unlawful Practices
 INTRODUCED: 01/12/2018
 DISPOSITION: Pending
 LOCATION: ASSEMBLY
 SUMMARY:
 Extends the period to 3 years for which complaints alleging unlawful employment or housing practices may be filed with the Department of Fair Employment and Housing.

 STATUS:
 01/12/2018 INTRODUCED.
 CATEGORY: Employment

► CA AB 1938 **AUTHOR:** Burke [D]
 TITLE: Employment Discrimination: Familial Status
 INTRODUCED: 01/25/2018
 DISPOSITION: Pending
 LOCATION: ASSEMBLY
 SUMMARY:
 Prohibits an employer or other covered entity from making a nonjob-related inquiry to, or expressing any limitation, specification, or limitation based upon a person's familial status.

 STATUS:
 01/25/2018 INTRODUCED.
 CATEGORY: Employment

ACA 4 (Aguiar-Curry), which pertained to local government financing, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA ACA 21	AUTHOR:	Mayes [R]
	TITLE:	State infrastructure: funding: investment fund
	INTRODUCED:	01/03/2018
	DISPOSITION:	Pending
	LOCATION:	ASSEMBLY
	SUMMARY:	Amends the California Constitution to create the California Infrastructure Investment Fund in the State Treasury. Requires the Controller to transfer from the General Fund to the California Infrastructure Investment Fund in each fiscal year an amount equal to up to 2.5% of the estimated General Fund revenues for that fiscal year. Requires the amounts in the fund to be allocated for specified infrastructure investments.
	STATUS:	
	01/03/2018	INTRODUCED.
	CATEGORY:	Funding

SB 21 (Hill), which pertained to the California Highway Patrol, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 41 (Galgiani), which pertained to the State Air Resources Board, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 49 (de Leon), which pertained to the Environmental and Workers' Defense Act, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 79 (Allen), which pertained to exemptions under sales and use taxes, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 137 (Allen), which pertained to transit districts, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 158 (Monning), which pertained to the training requirements associated with a Commercial Driver's License, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA SB 244	AUTHOR:	Lara [D]
	TITLE:	Privacy: Agencies: Personal Information
	INTRODUCED:	02/06/2017
	LAST AMEND:	09/08/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Assembly Inactive File
	SUMMARY:	Revises the existing provision to provide that information is not open for public inspection, is confidential, and shall not be disclosed. Establishes that personal information collected or obtained pursuant to these provisions is confidential, and provide that information would only be collected, used, and retained to administer to public services or programs for which that information was collected or obtained.
	STATUS:	
	09/14/2017	In ASSEMBLY. From third reading. To Inactive File.
	CATEGORY:	Miscellaneous

SB 251 (Canella), which pertained to autonomous vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 262 (Wieckowski), which pertained to the Climate Change Advisory Council, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 263 (Leyva), which pertained to climate assistance centers, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 275 (Portantino), which pertained to surplus residential property, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 348 (Leyva), which pertained to the county voter information guide, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 369 (Hertzberg), which pertained to autonomous vehicles, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 371 (Moorlach), which pertained to local public employee organizations, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 414 (Vidak), which pertained to transportation bonds, failed passage and is now dead. Therefore, the bill has been removed from the matrix.

SB 415 (Vidak), which pertained to the High-Speed Rail rights-of-way, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 422 (Wilk), which pertained to public-private partnership authority, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 423 (Cannella), which pertained to indemnity agreements, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 477 (Cannella), which pertained to intercity rail corridor extensions, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 480 (Hueso), which pertained to the San Diego-Coronado Bridge safety study, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 571 (Pan), which pertained to public employee retirement plans, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 604 (Glazer), which pertained to the San Francisco Bay Area Rapid Transit District, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 686 (Wilk), which pertained to public contracts, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SB 697 (Stone), which pertained to land use development fees, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ CA SB 760	AUTHOR:	Wiener [D]
	TITLE:	Transportation Funding: Active Transportation:
	INTRODUCED:	02/17/2017
	LAST AMEND:	01/23/2018
	DISPOSITION:	Pending - Carryover
	LOCATION:	ASSEMBLY
	SUMMARY:	Authorizes a city, county, regional, other local agency, when using alternative minimum safety design criteria for the planning and construction of bikeways, to consider additional design guides, including the Urban Street Design Guide of the National Association of City Transportation Officials. Authorizes a state entity that is responsible for the planning and construction of roadways to consider additional design guides.
	STATUS:	
	01/29/2018	In SENATE. Read third time. Passed SENATE. To ASSEMBLY.
	CATEGORY:	Funding

CA SB 771	AUTHOR:	de Leon [D]
	TITLE:	California Environmental Quality Act
	INTRODUCED:	02/17/2017
	LAST AMEND:	07/18/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Assembly Inactive File
	SUMMARY:	Relates to The California Environmental Quality Act. Establishes a continuing education requirement for employees of public agencies who have primary responsibility to administer the act.
	STATUS:	
	09/13/2017	In ASSEMBLY. To Inactive File.
	CATEGORY:	Environment

SB 775 (Wieckowski), which pertained to greenhouse gas emissions regulations, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ CA SB 827	AUTHOR:	Wiener [D]
	TITLE:	Planning and zoning: transit-rich housing bonus
	INTRODUCED:	01/03/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Transportation and Housing Committee
	SUMMARY:	Authorizes a transit-rich housing project to receive a transit-rich housing bonus. Defines transit-rich. Specifies parcels of which are all within a specified radius of a major transit stop.
	STATUS:	
	01/16/2018	To SENATE Committees on TRANSPORTATION AND HOUSING and GOVERNANCE AND FINANCE.
	CATEGORY:	Planning

▶ CA SB 828	AUTHOR: Wiener [D] TITLE: Land use: housing element INTRODUCED: 01/03/2018 DISPOSITION: Pending LOCATION: Senate Rules Committee SUMMARY: States the intent of the Legislature to enact legislation that would require the Department of Housing and Community Development to take certain actions relating to unmet housing needs. STATUS: 01/16/2018 To SENATE Committee on RULES. CATEGORY: Planning
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▶ CA SB 893	AUTHOR: Nguyen [R] TITLE: Planning and zoning: density bonus INTRODUCED: 01/11/2018 DISPOSITION: Pending LOCATION: Senate Transportation and Housing Committee SUMMARY: Deletes existing law that prohibits, at the request of a developer, a county or county from imposing a vehicular parking ratio in excess of specified ratios on a development that meets specified criteria. STATUS: 01/24/2018 To SENATE Committees on TRANSPORTATION AND HOUSING and GOVERNANCE AND FINANCE. CATEGORY: Planning
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▶ CA SB 899	AUTHOR: Bradford [D] TITLE: Workers Compensation INTRODUCED: 01/16/2018 DISPOSITION: Pending LOCATION: Senate Rules Committee SUMMARY: Makes technical, nonsubstantive changes to existing law which provides that the actions of the Workers' Compensation Appeals Board are taken by a decision of a majority of the board. STATUS: 01/24/2018 To SENATE Committee on RULES. CATEGORY: Employment
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► CA SB 903	AUTHOR:	Cannella [R]
	TITLE:	Transportation Development Act: County of Stanislaus
	INTRODUCED:	01/16/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Transportation and Housing Committee
	SUMMARY:	Authorizes the Stanislaus Council of Governments, a transportation planning agency, to consider population density when determining if specified operators have met the requirements for claims for transit funds, and to reduce the applicable ratio of fare revenues to operating cost for specified operators by up to 5 percentage points from the ratio that was effective during the 2016-17 fiscal year if the population density of the County of Stanislaus is less than, or equal to, 1000 persons per square mile.
	STATUS:	
	01/24/2018	To SENATE Committee on TRANSPORTATION AND HOUSING.
	CATEGORY:	Funding

CA SCA 2	AUTHOR:	Newman [D]
	TITLE:	Motor Vehicle Fees and Tax: Restriction on Expenditures
	INTRODUCED:	01/18/2017
	LAST AMEND:	03/30/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Senate Inactive File
	SUMMARY:	Requires revenues derived from vehicle fees imposed under a specified chapter of the Vehicle License Fee Law to be used solely for transportation purposes. Prohibits these revenues from being used for the payment of principal and interest on state transportation general obligation bonds. Restricts portions of the sales and use tax on diesel fuel to expenditure on certain transportation planning or mass transportation purposes. Requires those revenues to be deposited in the Public Transportation Account.
	STATUS:	
	04/17/2017	In SENATE. From third reading. To Inactive File.
	CATEGORY:	Funding

SCA 6 (Wiener), which pertained to local transportation measures, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

SCA 10 (Moorlach), which pertained to public employee retirement benefits, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors
From: Laurena Weinert, Clerk of the Board
Subject: Federal Legislative Status Report

Legislative and Communications Meeting of February 15, 2018

Present: Directors Davies, Delgleize, Hennessey, Murray, Nelson, Shaw,
and Winterbottom
Absent: None

Committee Vote

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

Staff Recommendation

Receive and file as an information item.



February 15, 2018

To: Legislative and Communications Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Federal Legislative Status Report

Overview

Updates are provided on the recent federal funding bills, Orange County Transportation Authority's advocacy efforts on the OC Streetcar project, tax legislation signed into law in December 2017, the President's infrastructure proposal, and pending confirmations to the Department of Transportation. A summary of the United States Senate Environment and Public Works Subcommittee hearing on freight movement is provided.

Recommendation

Receive and file as an information item.

Discussion

Government Funding Update

On December 8, 2017, the President signed a continuing resolution (CR), a "stop-gap" funding measure to ensure funding for all departments of the federal government through December 22, 2017. The previous government funding bill was set to expire on December 8, 2017. This two week CR passed the Senate by a vote of 81-14 and the House of Representatives by a vote of 235-193. On December 22, 2017, the President signed another CR to fund the federal government through January 19, 2018. This CR passed the Senate by a vote of 66-32 and the House by a vote of 231-188. This CR included a provision to prevent the budgetary effects of the tax reform legislation from being counted for purposes of the Statutory Pay-As-You-Go Act of 2010, which triggers automatic spending cuts if Congress enacts legislation changing taxes, fees, or mandatory expenditures in a way that increases projected deficits.

On January 18, 2018, the House passed a CR that would have lasted through February 16, 2018. That CR included a six-year authorization of the Children's Health Insurance Program among other minor changes made to health care programs. On January 19, 2018, a Senate motion to invoke cloture on this measure failed by a vote of 50-49, causing a partial government shutdown at midnight on January 20, 2018. The government shutdown lasted until January 22, 2018, when Congressional leaders agreed to a CR through February 8, 2018. This CR passed the House by a vote of 266-150 and the Senate by a vote of 81-18, and it included the same policy provisions as the version of the CR that passed the House just a few days earlier.

On February 6, 2018, the House passed a CR through March 23, 2018. The next day, Senate leaders agreed to a bipartisan budget deal that they attached to the House-passed CR. Due to Senate procedural rules, the bill was not approved by the Senate and House until early on February 9, 2018. As a result, there was another partial government shutdown for a few hours. The CR, with the budget deal, passed the House by a vote of 240-186 and the Senate by a vote of 71-28. It was signed into law by the President later that day. The bipartisan compromise increased discretionary spending for the next two fiscal years well beyond the budget caps imposed by the Budget Control Act of 2011. For the remainder of the 2018 fiscal year, the bill will increase discretionary defense spending by \$80 billion and non-defense discretionary spending by \$63 billion. These funding increases will allow for additional funding capacity in an omnibus funding bill that Congress is expected to consider in the coming weeks. Specifically, the budget deal will likely result in increased funding for transportation programs, including the Capital Investment Grant program that is expected to fund the OC Streetcar project.

The budget deal also extended the debt limit until March 2, 2019, provided more than \$80 billion in disaster funding, and extended through tax year 2017 the Alternative Fuel Excise Tax Credit that had expired at the end of tax year 2016. The bill had just been released as this staff report was prepared. As such, staff will provide any additional details at the February 15, 2018, Legislative and Communications Committee meeting.

OC Streetcar Advocacy Update

In November 2017, Chairman Michael Hennessey, Legislative and Communications Chairman Shawn Nelson, Chief Executive Officer (CEO) Darrell Johnson, and Government Relations staff traveled to Washington, D.C. to discuss the OC Streetcar project with Members of Congress and officials from the Department of Transportation. The group emphasized the benefits of the project for the region and highlighted the need for the Secretary of

Transportation to sign the full funding grant agreement so that the Federal Transit Administration (FTA) can continue its activities with the Orange County Transportation Authority (OCTA). As a result of these successful meetings, members of the Orange County Congressional delegation sent Transportation Secretary Elaine L. Chao a letter in support of the OC Streetcar. The letter, sent on December 20, 2017, is included as Attachment A.

In January 2018, Chairwoman Lisa A. Bartlett, CEO Darrell Johnson, and Government Relations staff traveled to Washington, D.C. to introduce the new Chair. The delegation also used the meetings with the Congressional delegation and the FTA as an opportunity to discuss the timing of a full funding grant agreement for the OC Streetcar project and provide follow-up materials from the December meetings.

Tax Legislation

On December 22, 2017, the President signed into law the tax reform legislation that was discussed at the November Legislative and Communications Committee meeting. The final conference report passed the House by a vote of 224-201 and the Senate by a vote of 51-48. The bill is expected to increase the federal deficit by \$1.456 trillion over the next decade, and as noted above, these lost revenues will not be counted for purposes of the Statutory Pay-As-You-Go Act of 2010.

The final bill did not include a long-term fix for the Highway Trust Fund's structural revenue deficit, contrary to what many transportation groups advocated. The final agreement repealed the tax exemption for advance refunding bonds, which will likely increase borrowing costs for transportation agencies that issue these instruments. The conference report also limited the employer deduction for transportation benefits and repealed the employee deduction for bicycle benefits. Without these tax incentives, commuter benefits will become more expensive, potentially causing employers to alter or terminate their current benefit packages. The final bill did not repeal the tax exemption for private activity bonds or the tax credit for plug-in electric vehicles, each of which was included in the House bill. The conference report included a projected \$324.4 billion worth of repatriated earnings over the next ten years, an amount that was significantly more than the original proposals. This lost revenue could have otherwise been used to fund infrastructure projects.

Prior to the bill's passage, the Southern California Association of Governments worked with transportation agencies across the region to outline how the different policy changes that were being discussed would impact the delivery of

transportation projects. OCTA provided input on the agency's concerns and signed the final letter, which is included as Attachment B.

Infrastructure Proposal

On January 30, 2018, the President used the State of the Union Address to reiterate his support for an infrastructure package by asking Congress to produce a bill that invests \$1.5 trillion in infrastructure projects. That night, the White House released a fact sheet, included as Attachment C, to give some guidance on what the Administration would like to see in such a bill. According to this document, the President plans to divide the new funding as follows:

- Half of new funds would go to incentivizing new, non-federal revenue;
- A quarter of funds will address rural infrastructure needs; and
- Significant funding to prioritize projects based on community need.

The structure of the \$1.5 trillion in funding is still unclear, and the President has offered little detailed guidance on how Congress should finance such an investment. The President's 2018 Budget proposed a \$1 trillion infrastructure package but only planned to appropriate \$200 billion, with the remainder dependent on the generation of new state and local funding sources and increased private investment. In the State of the Union, the President noted that "[e]very Federal dollar should be leveraged by partnering with State and local governments and, where appropriate, tapping into private sector investment." Following the speech, news reports have indicated that the infrastructure package would only have a federal investment of \$200 billion, and lawmakers on both sides of the aisle questioned how Congress would structure the proposal.

In details leaked prior to the State of the Union, there were several areas of potential concern with the principles for an infrastructure package. For instance, the funding meant to incentivize new state and local investment, the largest portion of funding in the proposal, is reported to exclude any investment passed more than three years ago. As such, funding provided by Measure M2, which passed in 2006, would not qualify as a new local or state funding source, potentially lowering the ranking for projects using this local funding. In addition, reports revealed that there would be limits on what percentage of the project cost could be funded by the infrastructure package, with some funding from the proposal being limited to no more than 20 percent of the total project cost. As a result, most projects funded through the infrastructure package would be largely dependent on state and local funding. Staff will closely monitor the situation and give a verbal update at the February 15, 2018, Legislative and Communications

Committee meeting should there be any significant developments since the drafting of this staff report.

Pending Nominations to the Department of Transportation

On July 10, 2017, the President nominated Ronald L. Batory, former President and CEO of Conrail Inc., to be the Administrator of the Federal Railroad Administration (FRA). The nomination was initially referred to the Senate Committee on Science, Commerce, and Transportation, where it was reported favorably on August 2, 2017. Batory's nomination is awaiting confirmation by the full Senate. On January 26, 2018, it was reported that Heath Hall, who had been serving as Acting Administrator while Batory awaited confirmation, was taking an extended leave. As a result, Chief Counsel Juan Reyes became the Acting Deputy Administrator of the FRA.

On September 11, 2017, the President nominated Paul Trombino, former Director of the Iowa Department of Transportation, to be the Administrator of the Federal Highway Administration. The nomination was referred to the Senate Committee on Science, Commerce, and Transportation, where it was reported favorably on October 25, 2017. On December 11, 2017, Trombino removed himself from consideration, citing family concerns. No replacement has been named at the writing of this report.

The President has yet to nominate an Administrator to the FTA. Staff will keep the OCTA Board of Directors updated as the nominations and confirmations progress.

Senate Committee on Environment and Public Works Subcommittee Hearing on Freight Movement

On December 20, 2017, the Senate Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure held a hearing entitled, "Freight Movement: Assessing Where We Are Now and Where We Need To Go." During the hearing, Senators from both sides of the aisle acknowledged the need for greater infrastructure investment, particularly in freight infrastructure. Subcommittee Chairman James Inhofe (R-OK) highlighted that the FAST Act included \$6.3 billion in freight formula funding and \$4.5 billion in grant programs to improve freight movement. Both Chairman Inhofe and the witnesses agreed that more was needed and that federal funds should be prioritized to ensure that they have the largest impact on the economy.

Chris Spear, President and CEO of the American Trucking Associations, discussed how a 20 cent per gallon fee built into the price of transportation fuels

collected at the terminal rack, as well as an increase in registration fees, could be considered as potential funding sources for future infrastructure projects. He also called for Highway Trust Fund dollars to be restricted to highways and requested that Congress maintain the existing caps on non-highway spending under the FAST Act freight formula and Infrastructure for Rebuilding America grant program. Mark Policinski, speaking as a member of the Coalition for America's Gateways and Trade Corridors, urged Congress to lift the caps on non-highway spending, noting that freight moves on networks other than highways as well.

Summary

Updates are provided on the government funding bills, OCTA's advocacy efforts, tax legislation, the infrastructure package, and pending confirmations to the Department of Transportation. A summary of the Senate hearing on freight movement is also provided. The November, December, and January monthly activity reports from OCTA's Washington advocate, Potomac Partners DC, are provided as Attachment D, E, and F, respectively.

Attachments

- A. Letter from Orange County Congressional Delegation to the Honorable Elaine L. Chao, Secretary, U.S. Department of Transportation supporting a Full Funding Grant Agreement for the OC Streetcar, dated December 20, 2017
- B. Joint letter from Southern California Transportation Agencies to the Honorable Paul D. Ryan, Speaker of the House of Representatives, and the Honorable Mitch McConnell, Senate Majority Leader, on tax reform legislation, dated November 29, 2017
- C. THE WHITE HOUSE, Office of the Press Secretary, FOR IMMEDIATE RELEASE, January 30, 2018
- D. Potomac Partners DC, Monthly Legislative Report, November 2017
- E. Potomac Partners DC, Monthly Legislative Report, December 2017
- F. Potomac Partner DC, Monthly Legislative Report, January 2018

Prepared by:

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External Affairs
(714) 560-5389

Approved by:

Lance M. Larson
Executive Director,
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(714) 560-5908

Congress of the United States
Washington, DC 20515

December 20, 2017

The Honorable Elaine L. Chao, Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.,
Washington, DC 20590

Dear Secretary Chao:

As members of the Orange County California Congressional delegation, we are writing in support of the Orange County Transportation Authority's (OCTA's) request for the Department of Transportation (DOT) to enter into a Full Funding Grant Agreement (FFGA) for the Santa Ana to Garden Grove Streetcar project (OC Streetcar Project) as provided for in the Capital Investment Grant (CIG) program, administered by the Federal Transportation Administration (FTA). This \$299.34 million project will allow significant economic investment nationwide, generating an estimated 6,500 jobs and considerable contracting opportunities for the private sector.

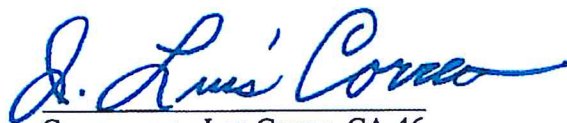
OCTA urgently needs the federal government's FFGA commitment in order to provide timely funding for critical upcoming Project activities and meet a projected opening date of December 2020. Construction Management and Quality Assurance Management contracts have been awarded and are underway. OCTA also has several planned contract awards and advertisements for vehicles, construction and operations and maintenance which must be awarded to meet the delivery target. A delay in the FFGA will slow these activities and create uncertainty to private sector cooperation, adding additional costs to the project. In addition, no committed federal or state funding for the project can be accessed without a FFGA between OCTA and FTA.

While a publically led project, the OC Streetcar Project has numerous private sector project stakeholders that are committed to the goal of improving America's infrastructure as efficiently and as quickly as possible. OCTA has a long-held Board policy to involve private contractors to the maximum extent feasible as part of their construction and operations activities. Private contractor employees make up over 91 percent of the current project workforce to date. All future project construction activities will be undertaken by private construction firms. The OCTA Board has also determined that the project operation and maintenance will be privately contracted.

We urge you to give this request for a FFGA for the OC Streetcar Project your full and fair consideration. This critical addition to America's transit infrastructure network is good for transportation and the economy. We look forward to any further discussion you may want regarding the merits of this project.

Sincerely,


Congressman Ed Royce, CA-39


Congressman Lou Correa, CA-46


Congresswoman Mimi Walters, CA-45


Congressman Alan Lowenthal, CA-47


Congressman Darrell Issa, C-49

Cc: Jane, Williams, FTA
Matthew Welbes, FTA



November 29, 2017

The Honorable Paul D. Ryan
Speaker of the House of Representatives
H-232, United States Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

RE: Transportation-Related Concerns with Tax Reform Proposals

Dear Mr. Speaker and Leader McConnell:

On behalf of the undersigned transportation agencies in Southern California, we are writing to express our significant concerns with both the House and Senate tax reform proposals, as they relate to transportation. Each version of the bill, unless offset by additional future revenues, could greatly increase the deficit, which could threaten a potential infrastructure package as well as funding levels in future surface transportation legislation. In addition, neither proposal includes a long-term fix for the Highway Trust Fund's structural revenue deficit despite bipartisan support for its inclusion in a tax reform bill. We respectfully urge you and your colleagues to consider the negative ways in which this bill may affect the transportation industry, including the specific provisions discussed in detail below.

Private Activity Bonds:

Private Activity Bonds (PABs) are debt instruments that raise capital for revenue-generating highway and freight transfer projects. PABs allow a private project sponsor to benefit from the lower financing costs of tax-exempt municipal bonds. The House proposal would repeal the tax incentive for PABs, reducing access to tax-exempt financing for facilities such as airports, sea ports, qualified highway or surface freight transfer facilities, and other eligible activities defined as private activity. The Senate version currently retains this important tax incentive.

PABs are considered a critical tool for many of the region's planned infrastructure investments. For example, planned investments at the Port of Los Angeles would be negatively impacted as tax-exempt financing plays a critical role in its Capital Improvement Plan, including \$450 million in projects that could be funded by bond proceeds. Based on current rates, if the Port of Los Angeles issued \$450 million of new PABs on a taxable basis, there would be an approximately \$1 million additional cost per year over the life of the bonds.

Tax-Exempt Advance Refunding Bonds:

The House and Senate bills both call for the elimination of the tax incentive for the advance refunding of bonds. Advance refunding bonds are debt instruments that allow an issuer to pay off another outstanding bond, often at a lower interest rate and with more favorable bond terms. Taxing the interest earned on advance refunding bonds limits the ability of transportation agencies to utilize this unique financial tool, which makes infrastructure projects in Southern California more dependent on federal funding.

Over the past five fiscal years, Los Angeles County Metropolitan Transportation Authority has advance refunded \$313.8 million of bonds for a \$40.3 million of interest savings. Riverside County Transportation Commission plans to execute an advance refunding on \$410 million in bonds, which the agency anticipates would save \$39 million.

The proposed changes to advance refunding bonds would make it more difficult, and likely more expensive, for our agencies to refinance bonds. We would be forced to either wait for years to see if interest rates remain low or refinance the outstanding bonds on a more expensive taxable basis. Should the current versions of the tax reform proposals be adopted into law, transportation agencies would face additional barriers to taking advantage of interest rates that could lower funding for actual transportation improvements.

Commuter Tax Benefit:

Current law treats the cost of commuting to work on public transportation as a tax-free fringe benefit that can be provided by an employer or utilized as a pre-tax payroll deduction. The current tax reform proposals remove the employer deduction for transportation fringe benefits, a key incentive for employers to offer transit benefits to employees.

In Southern California, over 340 companies utilize the employee commuter tax benefit exclusion and employer deduction to offer tickets and passes to their employees as a transit benefit. These tickets connect thousands of Southern Californians with access to our transit and bus systems, many of which may not have access without these benefits. Specifically, for Metrolink, participation in this program represents almost 20% of the system's revenues. Supporting an employee's commute to work provides substantial savings to both the employer and the employee. As such, we ask for your support for this tax benefit, which is vital to Southern California's public transportation network.

Alternative Fuel Benefits:

Unfortunately, the House and Senate tax overhauls do not extend the alternative fuels and related infrastructure tax credits that expired on December 31, 2016. A permanent extension would support the long-term energy security of our nation and provide certainty for our nation's transit agencies fueling their fleet with compressed (CNG) or liquefied (LNG) natural gas. Failure to renew these credits will discourage future investment in CNG and LNG vehicles and the associated infrastructure. We also support the inclusion of electric and hybrid-electric vehicles within eligible uses, and urge you to advocate for their inclusion within the extension of these important tax credits.

Conclusion:

Thank you for taking into consideration our concerns relating to private activity bonds, tax-exempt advance refunding bonds, the commuter tax benefit, and alternative fuel benefits. We urge the Congress to use this opportunity to reform the tax code to encourage greater investment in our nation's infrastructure, not to discourage it.

Sincerely,



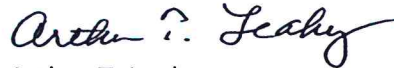
Hasan Ikhrata
Executive Director
Southern California Association of Governments



Mark Baza
Executive Director
Imperial County Transportation Commission



Phillip A. Washington
Chief Executive Officer
Los Angeles County Metropolitan
Transportation Authority



Arthur T. Leahy
Chief Executive Officer
Southern California Regional Rail Authority



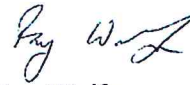
Darrell Johnson
Chief Executive Officer
Orange County Transportation Authority



Anne E. Mayer
Executive Director
Riverside County Transportation
Commission



Kim Kawada
Chief Deputy Executive Director
San Diego Association of Governments



Ray Wolfe
Executive Director
San Bernardino County Transportation
Authority



Darren M. Kettle
Executive Director
Ventura County Transportation Commission

cc: Hon. Dianne Feinstein, United States Senator
Hon. Kamala Harris, United States Senator
Hon. Kevin McCarthy, House Majority Leader

THE WHITE HOUSE
Office of the Press Secretary
FOR IMMEDIATE RELEASE
January 30, 2018

PRESIDENT DONALD J. TRUMP WILL REBUILD AMERICAN INFRASTRUCTURE AND FORGE A PATH TOWARDS GREATER PROSPERITY

"As we rebuild our industries, it is also time to rebuild our crumbling infrastructure." – President Donald J. Trump

AMERICA'S INFRASTRUCTURE NEEDS HELP: American infrastructure has fallen behind due to years of inaction and a broken permitting system.

- The United States ranks tenth in the world in terms of quality of overall infrastructure, according to the World Economic Forum.
- One out of every five miles of U.S. highway pavement is in poor condition.
- Americans spent an estimated 6.9 billion hours delayed in traffic in 2014, or 42 hours per driver.
- One third of America's bridges are 50 years or older.
- There are an estimated 240,000 water main breaks every year in the U.S.
- Red tape has held back American infrastructure investment.
 - The median time to complete an environmental review process of complex highway projects is at least 7 years, according to a 2014 report by the Government Accountability Office (GAO).

REBUILDING AMERICA: President Donald J. Trump's plan will renew our country's once-great infrastructure and help build a more prosperous future for all Americans.

- President Trump's proposal will generate at least \$1.5 trillion in infrastructure investment over the next decade.
 - This investment in American infrastructure will raise wages and improve quality of life for the American people.
- President Trump is putting forward a long-term solution that builds off of strong partnerships between Federal, state, tribal, and local authorities.
 - Half of the new infrastructure funds would go towards incentivizing new state and local investments in infrastructure.
 - President Trump's plan will empower state and local authorities to prioritize infrastructure projects based on their community's needs.
- This plan will eliminate unnecessary redundancies and inefficiencies in the regulatory and permitting process that are holding back American infrastructure development.

- The President's plan will address the infrastructure needs of rural America.
 - A quarter of the Federal funds will be dedicated to addressing rural infrastructure needs prioritized by state and local leaders.
 - These funds will go towards rebuilding roads, providing clean water to rural families and businesses, expanding broadband access, and supplying affordable, reliable power.
- President Trump's proposal will encourage the development of new, transformative infrastructure projects.

BUILDING OFF OF YEAR ONE: President Trump will continue to build off of the action his Administration took in its first year to improve American infrastructure.

- On August 15, 2017, President Trump signed an Executive Order to streamline the environmental review and permitting process for major infrastructure projects.
 - The Executive Order established a two-year goal for the environmental review process.
- In his first year in office, President Trump approved key infrastructure projects such as the Keystone XL and Dakota Access pipelines.
- President Trump's Rural Prosperity Task Force released a report detailing recommendations as to how the Administration can promote a more prosperous future for rural America.
- On January 8, 2018, President Trump signed an Executive Order on Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America.
- President Trump's Department of Agriculture (USDA) has already begun investing in infrastructure projects in rural America.
 - On January 19, 2018, the USDA announced it is awarding 72 grants totaling \$23.6 million for equipment that uses broadband internet to increase access to educational and health services for rural Americans.
 - President Trump's Department of Agriculture has announced that it will invest more than \$200 million to help improve broadband access in rural areas.
 - In FY 2017, the USDA invested more than \$40 million in infrastructure improvement projects in rural communities.

###

[Unsubscribe](#)



Potomac Partners DC

Monthly Legislative Report – November 2017

November Advocacy Meetings

Department of Transportation; Federal Transit Administration (FTA) – OCTA CEO and Board Members met with senior policy makers in the Federal Transit Administration (FTA) to discuss the OC Streetcar project and next steps for a Full Funding Grant Agreement (FFGA). They discussed the project's economic impact and how it will create an estimated 6,500 jobs nationwide and provided updated info-graphics regarding the project's highlights and impacts.

Department of Transportation; Office of the Secretary & Build America Bureau – We met with senior staff from the Office of Secretary and Deputy Assistant Secretary for Policy and the acting director of the the Build American Bureau to discuss feedback from OCTA's TIFIA loan process and some potential lessons learned. We also discussed progress on the 405 and the recent discussions we have had regarding the OC Streetcar and the need for a timely FFGA. We also briefly discussed the upcoming infrastructure bill that the staff members are preparing to roll out in 2018.

Senate Committee on Banking, Housing, and Urban Affairs – We met with Majority and Minority Professional Staff on the Senate Banking Committee to discuss the OC Streetcar and the need for a timely FFGA at DOT. We discussed next steps at FTA and the feedback the Senate Banking staff had received from the FTA regarding the OC Street Car's procurement status.

Chairman Sam Graves (R-MO) – We met with Congressman Sam Graves and his senior staff to discuss the OC Streetcar and the need for a FFGA. We discussed project milestones and the need to receive a timely decision from FTA regarding the FFGA.

Chairman Mario Diaz-Balart (R-FL) – We met with Congressman Diaz-Balart and his staff to discuss the OC Streetcar and the status of the Full Funding Grant Agreement (FFGA) at the Federal Transit Administration (FTA). We also discussed FY18 appropriations and his commitment to continue funding the CIG program as well as his support for the OC Street Car despite any White House Budget request to reduce the program.

Chairman Ed Royce (R-CA) – We met with Congressman Royce and his staff to give them an update on the OC Streetcar. We discussed support for an FFGA for the OC streetcar. We also discussed the timeline for a budget and appropriations deal in the House for FY18.

Congressman Alan Lowenthal (D-CA) – We met with Congressman Lowenthal to discuss the OC Streetcar and the need for a FFGA at FTA. We discussed the need for an agreement at FTA in order to meet project deadlines and reduce costs. We also discussed the far reaching impact of this important transportation project.

Senator Dianne Feinstein (D-CA) – We met with senior staff in Senator Feinstein’s office to discuss the OC Streetcar and the need for a timely approval of a FFGA at DOT. We discussed support for the CIG program and FY 18 Appropriations status.

Senator Kamala Harris (D-CA) – We met with senior staff in Senator Harris’ office to discuss the OC Streetcar and the need for a timely approval of a FFGA at DOT. We discussed support for the CIG program.

Congressman Darrell Issa (R-CA) – We met with Congressman Issa’s staff to follow-up on the need for support of the Capital Investments Grant (CIG) Program, and specifically support for a FFGA for the OC Streetcar. We discussed funding legislation in the House THUD bill for the CIG program.

Congressman Lou Correa (D-CA) – We met with Congressman Correa to discuss the OC street car and the CIG program. We discussed the OC Streetcar timeline and coordination with other members of the OC delegation in the House.

Congresswoman Napolitano – We met with Congresswoman Napolitano and her staff to continue our discussion on the Aviation Fuel Tax issue and the amendment that will be offered by Congressman Lowenthal. We also discussed the hearing held by the House Subcommittee on Highways and Transit. We also discussed the status of the OC Streetcar.

Chairman Jeff Denham (R-CA) – We met with Congressman Denham’s senior staff to continue our discussion regarding the upcoming infrastructure bill and the inclusion of possible incentives for P3 projects and private investments in public transportation and infrastructure projects.

Congressman Ken Calvert (R-CA) – We met with staff in Congressman Calvert’s office to discuss FY18 appropriations and budget and the CIG program. We also discussed the preservation of the Commuter Tax Benefits.

Tax Reform & Appropriations

On November 16th, the House passed a sweeping \$5.5 trillion tax bill ([H.R. 1](#)) by a vote of 227-205. The legislation would cut the corporate tax rate from 35% to 20%, sets the top small business rate at 25% for pass-through entities, and would double the standard deduction while reducing the individual tax brackets from 7 to 4. The bill would also repeal the state and local income tax deduction as well as the tax-exempt status for Private Activity Bonds (PABs).

Meanwhile the Senate has also been working to pass their own version of tax reform amending HR 1 that would still protect PAB's tax exemptions. Needless to say, the Senate bill has been modified numerous times throughout the month as Senate Republican Leadership worked to ensure the majority would have enough votes to pass the legislation. The recent version (that many assume has already been modified again) as an amendment to HR 1 can be found [HERE](#). A side-by-side comparison of House and Senate proposal that the time of the writing this report is as follows:

<u>Rule</u>	<u>Current Law</u>	<u>House bill</u>	<u>Senate plan</u>
Corporation Top Rate	35%	20% flat rate beginning in 2018	20% flat rate beginning in 2019
Passthroughs	39.6% top rate	25% flat rate on a portion of income for certain types of passthroughs	17.4% deduction for income of certain types of passthroughs. Expires 2025
Individual Brackets and Rates	7 Brackets; 39.6% top rate	4 Brackets: 12, 25, 25, and 39.6%. No Expiration	7 Brackets: 10, 12, 22, 24, 32, 35, 38.5%. Rates expire after 2025
Alternative Minimum Tax	Separate tax calculation on some returns	Repeal	Suspend for individuals through 2025; repeal for corporations
Carried interest	Capital gains rate on certain investment manager income	Assets would have to be held for three years	Assets would have to be held for three years
Business Expensing	Depreciated over time	Immediate 100% expensing after Sept. 27, 2017 and before Jan. 1, 2023	Immediate 100% expensing after Sept. 27, 2017 and before Jan. 1, 2023
Business Interest	Deductible	Limit to 30% of adjusted taxable income for most businesses with average gross receipts greater than 25M	Limit to 30% of adjusted taxable income for most businesses with average gross receipts greater than 15M
Bonds	Interest on state and local bonds isn't taxable	End exclusion for private activity bonds (PABs) and advance refunding bonds	End exclusion for advance refunding bonds
Electric Car Credit		Repeals tax credit for electric vehicles	No change
In-Service Pension Distributions		Permits in-service pension distributions at age 59½	No Change
Healthcare Individual Mandate		No change	Repeals individual mandate
Repatriation		Repatriates \$293 Billion of foreign corporate earnings	Repatriates \$184 Billion of foreign corporate earnings
Deduction for Commuter Benefits		Repeals employer deduction for transportation benefits	Repeals employer deduction for transportation benefits; repeals bicycle incentive for individuals
Highway Trust Fund		No solution for long-term deficit	No solution for long-term deficit

No Democrats are supporting the bill giving Republicans a narrow margin for passage. Using the budget reconciliation process, the bill will not be subject to filibuster and will only need 51 votes for floor passage. The current party divide in the Senate is 52 Republicans and 46 Democrats with 2 Independents that vote with Democrats (52-48).

Senator Susan Collins (R-ME) and others met with President Trump at the end of the month to discuss concerns with the tax bill such as the expiration of tax cuts for individuals after 10 years (called sunsets) and the repeal of the individual health care mandate. Senator Collins was one of the three Senate Republicans to vote against the repeal of the Affordable Care Act over the Summer. During that meeting, President Trump indicated to the Senator that he would support the Alexander-Murray bill, a bipartisan health care reform effort that would stabilize the individual healthcare market and potentially pave the way for Sen. Collin's support for a modified tax bill.

Regarding the FY 18 appropriations, much of what happens next will depend on the fate of tax reform in the Senate this week. The government is currently being funded by a Continuing Resolution (CR) that will expire on December 8th. House appropriators have asked for additional time to finalize an "omnibus" appropriations bill that would match with the projected topline spending levels of an FY18 budget deal that is currently being negotiated. Therefore, it seems likely that Congress will pass another short-term CR to avoid a government shutdown. However, President Trump indicated that he may not sign any new spending package that do not include funding for a southern border wall or other White House priorities. Democrats are also pushing for an immigration fix for DACA recipients in the must-pass Appropriations omnibus.

Notable Congressional Hearings

On Tuesday, November 28th the House T&I Subcommittee on Transportation and Protective Security met to hear stakeholder perspectives concerning security threats facing mass transit systems. In his opening statement, Chairman John Katko (R-NY) spoke about the unique challenges mass transit systems face in screening passengers, closing resource gaps, and targeting assistance from the Department of Homeland Security. The Homeland Security Committee held a full committee hearing to discuss preventative security for transportation systems on November 8th. Chairman Katko told witnesses that transportation providers needed to assess their ability and readiness to detect and disrupt threats on all surface transportation systems. He also stated that surface transportation modes serve over 10 billion riders annually compared to 800 million aviation passengers per year, highlighting the volume of passengers that use these systems. Witnesses spoke about the difficulties of securing such a large number of passengers in publicly accessible facilities traveling on advertised predictable schedules. Witnesses also expressed their concern over the growing number of terrorist attacks worldwide taking place at mass transit system facilities. They asked for increased federal investment in public transportation security as well as increased personnel support from the Department of Homeland Security.

During the hearing, Ranking Member Bonnie Watson Coleman (D-NJ) formally introduced a bill (HR 4474) that would increase funding for transit security grants to \$400 million, and allows transit stations to maintain TSA VIPR teams and hire more local police. In addition to transit grant funding, Coleman's bill would direct TSA to maintain 60 VIPR teams for surface transportation security, increase the number of bomb-sniffing teams and expand the law enforcement officer reimbursement program, currently designated to airports only, to transit and rail stations, among other hubs.

On November 29th, the Natural Resources Committee held an oversight hearing to discuss "*Modernizing NEPA for the 21st Century*". A major topic of concern and discussion was the role of the NEPA process in delaying large infrastructure projects. Some members questioned the witnesses as to how and why the NEPA process can drive project costs up by millions of dollars and whether or not the process is protecting the environment effectively enough to justify the costs. Witnesses testified that a considerable barrier to NEPA effectiveness is caused by unclear jurisdiction and environmental goals between agencies (e.g. Fish and Wildlife has a different agenda than the Army Corps of Engineers) and that there needs to be a designated decision maker to help merge these goals in a timely manner. While Democrats on the committee voice strong support for the law, there was still a considerable amount of concern regarding NEPA's costs and delays on large infrastructure projects.

Senate Confirmations Update

This month the Senate confirmed two major nominees to the Department of Transportation. Steven Gill Bradbury, of Virginia, was confirmed to be General Counsel of the Department of Transportation by a vote of 50-47. Derek Kan, a former Lyft executive from California, was also confirmed to be Under Secretary of Transportation for Policy by a vote of 90-7.



Potomac Partners DC

Monthly Legislative Report – December 2017

December Advocacy Meetings

Chairman Mario Diaz-Balart (R-FL) – We met with Chairman Diaz-Balart and his staff to follow-up on our discussions late last month regarding the OC Streetcar and the need for an FFGA in early 2018. We also discussed the FY18 appropriations process and new topline spending levels to be expected in January with the planned omnibus appropriations bill.

Congressman Ed Royce (R-CA) – We met with Congressman Royce and his staff to give them an update on the OC Streetcar. We discussed the current timing for an FFGA for the OC streetcar and FY18 Appropriation funding for the New Start program at FTA. We facilitated an OC delegation support letter to Secretary Chao regarding the OC Street Car FFGA. Chairman Royce's office is also reaching out to senior DOT staff to request a status from the FTA.

Chairman Sam Graves (R-MO) – We met with Congressman Sam Graves and his staff to follow-up on our discussion regarding our priorities for the new infrastructure legislation and the White House's infrastructure guidelines scheduled for release in January. We discussed funding for the OC Street Car and the status of the FFGA at FTA. We also shared with his staff our OC delegation support letter to Secretary Chao. We also discussed the infrastructure package and the administration's statement regarding a potential gas tax increase in the next infrastructure bill.

Congresswoman Napolitano – We met with Congresswoman Napolitano and her staff to continue our discussion on the Aviation Fuel Tax issue. We also discussed funding for the CIG program in the FY 18 Appropriations bill and the status of the OC Street Car- the next New Start project in the pipeline.

Congressman Alan Lowenthal (D-CA) – We met with staff in Congressman Lowenthal's office to discuss the OC Streetcar and the delegation support letter that was circulated this month. We also continued our discussion regarding the upcoming infrastructure bill and the inclusion of provisions that would streamline transportation financing. We also discussed the next steps for the FAA Reauthorization in the House.

Congressman Lou Correa (D-CA) – We met with Congressman Correa's staff to discuss the OC street car and the CIG program. We discussed the OC Streetcar timeline and coordination with other members of the OC delegation in the House.

Congressman Darrell Issa (R-CA) – We met with Congressman Issa’s staff to follow-up on the need for support of the Capital Investments Grant (CIG) Program, and specifically support for a FFGA for the OC Streetcar.

Chairman Jeff Denham (R-CA) – We met with Congressman Denham’s senior staff to continue our discussion regarding the upcoming infrastructure bill and we followed up on previous discussions regarding the Capital Investment Grant program at FTA.

Senate Banking Committee – We met with senior staff on the Senate Banking Committee’s minority staff to continue our discussion regarding the FTA’s New Starts report, report language in the FY18 Appropriations bill for CIG projects, and the OC Streetcar. We also discussed the timing of an FFGA for OC Street Car based on proposed passage of a full funding FY18 appropriations bill.

House Transportation and Infrastructure Committee – We continue to meet with key staff at the House T&I Committee to discuss the timing and contents of the infrastructure bill, and the inclusion of key priorities. We also discussed streamlining provisions being discussed for President Trump’s infrastructure package and the inclusion of new financing options such as P3s. We also discussed plans for any hearing regarding PTC implantation next year.

Congressman Ken Calvert (R-CA) – We met with staff in Congressman Calvert’s office to discuss FY18 appropriations and budget and CIG funding in the year end appropriations legislation.

Senator Kamala Harris (D-CA) – We met with Senator Harris’ staff to discuss support for the CIG program and the expected timing for the OC Streetcar’s FFGA. We also discussed PAB’s in the tax reform legislation and budget negotiations in the Senate.

Senator Dianne Feinstein (D-CA) – We met with staff in Senator Feinstein’s office several times throughout the month to discuss FY18 appropriations and the projected timing of an FFGA for the OC Streetcar.

Tax Reform

This month the focus was on passing tax reform (HR 1 – The Tax Cuts and Jobs Act). The full bill can be found [HERE](#). The Conference Committee Report can be found [HERE](#). The House and Senate each passed their own version of tax reform on September 16th and December 2nd respectively. After Senate passage, House and Senate leadership from both parties appointed members to a conference committee to negotiate differences between the two versions. The Conference Committee members included:

HOUSE REPUBLICANS

Ways and Means Committee

- Conference Chair: Chairman Kevin Brady (R-TX)
- Rep. Devin Nunes (R-CA)
- Rep. Peter Roskam (R-IL)
- Rep. Diane Black (R-TN)
- Rep. Kristi Noem (R-SD)

Natural Resources Committee

- Chairman Rob Bishop (R-UT)
- Rep. Don Young (R-AK)

Energy and Commerce Committee

- Rep. Fred Upton (R-MI)
- Rep. John Shimkus (R-IL)

HOUSE DEMOCRATS**House Committee on Ways and Means**

- Congressman Richard Neal (D-MA), Ranking Member
- Congressman Sander Levin (D-MI)
- Congressman Lloyd Doggett (D-TX)

House Committee on Natural Resources

- Congressman Raúl Grijalva (D-AZ), Ranking Member

House Committee on Energy and Commerce

- Congresswoman Kathy Castor (D-FL)

SENATE REPUBLICANS

Senator Tim Scott (R-SC)

Senator Rob Portman (R-OH)

Senator Pat Toomey (R-PA)

Senator John Thune (R-SD)

Senator John Cornyn (R-TX)

Finance Committee Chairman Orrin Hatch (R-UT)

Budget Committee Chairman Mike Enzi (R-WY)

Natural Resources Committee Chairwoman Lisa Murkowski (R-AK)

SENATE DEMOCRATS

Senator Ron Wyden (D-OR)

Senator Bernard Sanders (I-VT)

Senator Maria Cantwell (D-WA)

Senator Debbie Stabenow (D-MI)

Senator Robert Menendez (D-NJ)

Senator Tom Carper (D-DE)

Senator Patty Murray (D-WA)

These negotiations were mostly conducted behind closed doors among Republican conferees. The conference committee held a single public hearing as required by parliamentary rules, which was primarily used for political posturing with Democrats.

One difference between the two bills was the treatment of Private Activity Bonds (PABs). The initial House version would have repealed their tax exclusion status outright. The Senate version made no change. According to staff we spoke to, House negotiators were looking to reduce the statutory uses for PABs. During negotiations, we met with senior staff with most every member of the conference committee to ensure the preservation of all PAB uses. Ultimately the final bill did not change the tax exclusion or uses/caps for PABs. With regard to commuter tax benefits both the House and Senate bill repealed the employer deduction for transportation benefit. The employee commuter tax benefits, however, was maintained.

The final version of the bill was sent to the President for signing after passing the House with a vote of 227-203. Two members of the OC delegation originally did not support the bill, Congressman Darrell Issa (R-CA) and Congressman Dana Rohrabacher, however, after a re-vote on the bill a day later both were “yes” votes.

A preliminary chart showing both the House and Senate versions compared to the final bill is included below:

	<u>House Bill</u>	<u>Senate Bill</u>	<u>Final Bill</u>
Highway Trust Fund	No solution for long-term deficit	No solution for long-term deficit	No Solution
Private Activity Bonds	Taxes interest earned on private activity bonds	No change	No change
Advance Refunding Bonds	Taxes interest earned on advance refunding bonds	Taxes interest earned on advance refunding bonds	Taxes interest earned on advance refunding bonds
Deduction for Commuter Benefits	Repeals employer deduction for transportation benefits	Repeals employer deduction for transportation benefits; repeals bicycle incentive for individuals	Repeals employer deduction for transportation benefits; repeals bicycle incentive for individuals
Electric Car Credit	Repeals tax credit for electric vehicles	No change	Maintains Electric Car Credit
In-Service Pension Distributions	Permits in-service pension distributions at age 59½	No Change	No Change
Healthcare Individual Mandate	No change	Repeals individual mandate	Repealed

After the tax bill was sent to the White House, Senator Orrin Hatch—Chairman of the Senate Finance Committee—introduced the Committee’s “Tax Extender” legislation that would extend the alternative fuel tax credit (language for the alternative fuel tax is included below). There has been talk of attaching these tax extenders to the end of the year “must-pass” bills like the Continuing Resolution. However, that plan was scuttled after the House quickly prepared a clean CR until Jan 19th that the House and Senate passed before adjourning for the Holidays. It is possible that this legislation will move early in 2018 and could be attached to either the tax reform tech correction bill or the pending omnibus that Congress hopes to pass before the current CR expires on January 19th.

SEC. 307. EXTENSION OF BIODIESEL AND RENEWABLE DIESEL INCENTIVES.

(a) INCOME TAX CREDIT —

(1) IN GENERAL — Subsection (g) of section 1340A is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(2) EFFECTIVE DATE —The amendment made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) EXCISE TAX INCENTIVES —

(1) IN GENERAL —Section 6426(c)(6) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(2) PAYMENTS —Section 6427(e)(6)(B) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(3) EFFECTIVE DATE —The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(4) SPECIAL RULE FOR 2017.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

On December 21st Congress passed a stopgap spending legislation to keep all federal agencies funded through January 19th at FY17 levels. Lawmakers needed to pass this funding legislation by Friday to avert a government shutdown. This bill also includes some extra funding for disaster aid, and missile defense programs along with repairs to the Navy destroyers that were damaged in collisions this year. The extra emergency defense spending — which totals just over \$4.6 billion — was needed to attract the support of defense hawks for the continuing spending resolution after House Republican leaders abandoned plans to include a full-year Pentagon funding bill in a previous CR draft.

The measure also would delay mandatory across-the-board cuts to defense and domestic spending slated to take place in January, which benefits key transportation programs like the CIG program.

A summary of the bill provisions can be found on the rules committee website [here](#).

With a CR now in place, congressional appropriators hope to complete their work on an “Omnibus” spending bill in January.

Positive Train Control (PTC) Discussion in Congress

After the recent Amtrak train derailment in Washington State, Congress has begun discussing PTC implementation again. The initial deadline for freight and passenger railroads to have positive train control installed on their locomotives and tracks is just a year away, and many commuter railroads are far behind. Some Congressional Members are concerned some may not comply in time due to a number of reasons that include funding scarcities, the inherent complexity of the technology (and the small number of firms that can help agencies install it) and some railroads' failure to prioritize its installation. We are hearing that Congress will likely conduct oversight of the PTC implementation process early next year, and the Senate Commerce Committee is already planning a hearing for sometime next month.

The FRA's most recent report on PTC implementation for 2017 can be found here: <https://www.fra.dot.gov/app/ptc/>

The Senate has yet to confirm a new FRA administrator, which many on Capital Hill expect to happen sometime in January in order to help address the ongoing PTC implementation issues.



Potomac Partners DC

Monthly Legislative Report – January 2018

January Advocacy Meetings

Senate Commerce, Science and Transportation Committee – We facilitated a meeting with Professional Staff from the Senate Subcommittee on Surface Transportation. During the meeting we discussed the status of the OC Streetcar and we briefed the staff on the recent discussions with the Federal Transit Administration (FTA) on the status of the Full Funding Grant Agreement (FFGA) and the Capital Investment Grant (CIG) program. We also discussed the Trump Infrastructure bill and the various proposals that were included in an “unofficial” funding principles document, which was released earlier this month.

Senate Banking, Housing, and Urban Affairs Committee – We facilitated a meeting with Professional Staff from the Senate Subcommittee on Housing, Transportation, and Community Development. During the meeting we discussed the OC Streetcar and the status of an FFGA at the Federal Transit Administration (FTA). We gave an update on the project’s status and discussed the recent Management Capacity/Capability (MCC) review, which we shared with them after the meeting. We also discussed OCTA’s strong history of delivering projects on-time and under-budget, successfully managing billions of dollars in transportation infrastructure projects.

Senator Feinstein (D-CA) – We facilitated a meeting with senior transportation staff in Senator Feinstein’s office to give an update on the OC Streetcar. We discussed the procurement process for the streetcars and the positive impact the project will have on job creation. We also discussed the favorable MCC review by the Project Management Oversight Contractor (PMOC) and the need for an expedited FFGA by the FTA. Senator Feinstein is supportive of the project and willing to weigh-in with the FTA and press them for a FFGA.

Chairman Mario Diaz-Balart (R-FL) – We facilitated a meeting with Congressman Mario Diaz-Balart, Chairman of the House Appropriations Subcommittee on Transportation, Housing, and Urban Development. During the meeting we discussed the positive review of OCTA’s ability to manage the project. We asked the Chairman to weigh in with the FTA on the FFGA. We also briefly discussed the possible return of congressionally directed spending (earmarks).

Federal Transit Administration – Along with OCTA senior staff and Chairwoman Bartlett, we met with the Acting Administrator of the Federal Transit Administration, Jane Williams, to discuss the OC Streetcar. We provided the Acting Administrator with updated materials regarding OCTA’s streetcar procurement process and discussed the timeline for an FFGA for the project. We discussed the project’s budget, local funding

sources, and how costs will continue to rise with a delayed FFGA. We discussed how OCTA has expended nearly \$30 million to date on the project and how without an FFGA, pending contracts for the procurement of vehicles, construction and operations and maintenance could be delayed, leading the project to incur greater costs.

Congressman Lou Correa (D-CA) – We facilitated a meeting with Congressman Correa and his staff to discuss the OC Streetcar and the need for an expedited FFGA at the FTA. We provided the Congressman with updated materials regarding the project's progress and discussed the favorable review of OCTA's management capabilities as noted by the MCC report. We discussed how OCTA has met every statutory and administrative requirement necessary to advance the project and that while the project has committed funding from local, state and federal source, OCTA is unable to access any further federal funding without an FFGA. We discussed the procurement process and how without an FFGA, pending contracts could be delayed.

Congressman Alan Lowenthal (D-CA) – We met with Congressman Lowenthal and his staff to discuss the OC Streetcar. Congressman Lowenthal serves on the House Transportation and Infrastructure Committee. During the meeting we also discussed the favorable review of OCTA's management capabilities in the MCC review. We spoke about the need for an expedited FFGA at the FTA. We discussed the \$30 million OCTA has expended on the project and how without an FFGA pending contracts for procuring the vehicles, management and construction could be delayed.

Chairman Sam Graves (R-MO) – We facilitated a meeting with Congressman Sam Graves and his staff to discuss the OC Streetcar project. Congressman Graves is the Chairman of the House Subcommittee on Highways and Transit. During the meeting we followed-up with previous discussions regarding the need for an expedited FFGA at the FTA. We also discussed the project's impact on national job creation and how the OC Streetcar is expected to produce 6,500 well-paid jobs nation-wide, 4,000 of which will be generated by an FFGA from the FTA. Chairman Graves committed to weighing-in on the OC Streetcar's FFGA status at the FTA.

Congressman Ed Royce (R-CA) – We facilitated a meeting for Chairwoman Bartlett with Congressman Royce and his staff to give them an update on the OC Streetcar. We discussed support for an expedient FFGA at DOT and gave the Congressman updated information regarding the project's timeline and expected testing dates. We also discussed the delegation support letter and next steps at the FTA. Congressman Royce will be meeting with the FTA to discuss the OC Streetcar FFGA and work on securing a definitive timeline for approval.

House Transportation and Infrastructure Committee – We met with senior staff on the House Transportation and Infrastructure Committee to discuss President Trump's upcoming infrastructure proposal. We discussed the unofficial funding principles outline. We also discussed the President's State of the Union address and when we might see an official infrastructure proposal.

Congressman Ken Calvert (R-CA) – We met with staff in Congressman Calvert's office to discuss FY18 appropriations and budget and the possible return of congressionally directed spending in the FY19 Appropriations process.

FY18 Budget and Appropriations

The US Senate convened on January 3rd, 2018 to begin the 2nd session of the 115th Congress. The House convened on January 8th. As soon as Congress began session, the primary item on the legislative agenda in both chambers was the passage of an FY18 budget and legislation to fund the government beyond a January 19th deadline.

House and Senate leadership failed to reach a budget deal and propose a permanent appropriations package before the January 19th deadline, and on Thursday evening January 18th the House passed a Continuing Resolution (CR) ([HR 195](#)) along mostly partisan lines (230-197). Under normal circumstance the Senate and White House would have quickly passed the spending extension to avoid a government shutdown.

The Senate was unable to pass the House bill as Senate Democrats vowed to block any spending legislation that did not include protections for DREAMERS, undocumented immigrants that were brought into the US as children and who received special protections under Deferred Action for Childhood Arrivals (DACA). President Trump ended DACA in September of last year, giving Congress until March 2018 to find a legislative solution before DREAMERS would begin to be eligible for deportation.

Government funding officially lapsed at midnight on the 19th as Senate Democrats began a filibuster of the CR to protest the exclusion of DACA legislation. However, the shutdown did not last long. On Monday January 22nd the Senate convened to vote on [HR 195](#) in order to end the three-day government shutdown after Senate Democrats accepted a promise from Senate Republicans that DACA legislation would be considered with due process. During the shutdown, a bipartisan group of Senators expressed optimism for a legislative DACA fix but said that it should not be attached to the budget and appropriations negotiations. The House also convened briefly on Monday night during a scheduled recess week to approve the bill. The President quickly signed the bill into law and all furloughed federal workers returned to work on Tuesday morning with the federal government now funded through February 8th.

Other provisions included in the CR:

- 6-year reauthorization of the Children Health Insurance Program (CHIP)
- Kevin and Avonte's law of 2017: This bill amends the Violent Crime Control and Law Enforcement Act of 1994 to revise and rename the Missing Alzheimer's Disease Patient Alert Program as the Missing Americans Alert Program and to reauthorize it through FY22.
 - The bill subjects grants under the Missing Americans Program to accountability provisions. DOJ's Office of Inspector General must conduct annual audits of selected grant recipients. The bill prohibits grants to nonprofit

organizations that hold money in an offshore account to avoid tax liability. It also limits the use of grants under this bill for conferences that use more than \$20,000 in DOJ funds.

- Additionally, it directs the Bureau of Justice to award grants to health care, law enforcement, or public safety agencies to develop tracking technology programs to locate missing individuals with dementia or children with developmental disabilities.
- 2-Year delay in implementation of Excise Tax on High-Cost Employer-Sponsored Health Coverage.
- 2-Year delay in implementation of Annual fee on health insurance providers.

With only a few legislative days before the next CR expires, none of the underlying policy issues that ostensibly led to the shutdown, such as immigration legislation to protect DREAMERS, will likely be addressed before the February 8th deadline. This dynamic could set Congress up for another potential shutdown. Closed-door negotiations between Senate Majority Leader Mitch McConnell and Senate Minority Leader Chuck Schumer are continuing. Nevertheless, we are hearing that the House could vote as early as Tuesday, February 6th on another Continuing Resolution to fund the government until March 22nd. Conservatives and defense hawks are threatening to oppose yet another short-term funding bill. House Democrats have refused to back stopgap measures without those immigration reform policies included.

Regarding congressionally directed spending (earmarks), a group of ten Senators introduced new legislation that would make the current moratorium on earmarks permanent. The bill, ([The Earmark Elimination Act of 2018](#)) would call for any earmarks to be stricken from pending legislation, amendments, and resolutions unless a waiver is approved by at least two-thirds of the Senate body. We will continue to track this legislation, however, we do not see this legislation gaining much momentum in the House, where a return to congressionally directed spending remains popular. House Rules Committee Chairman Pete Sessions (R-TX) has expressed support for reinstating earmarks for transportation and infrastructure as a trail program. President Trump also expressed his support for earmarks earlier this month.

With regards to the FY19 budget request, the White House is now planning to deliver its budget request to Congress on February 12th or later. It is possible we could see that budget release slip into March if another shutdown becomes likely.

Infrastructure Bill Update

On January 22nd, an unofficial document purporting to be a White House draft of the upcoming infrastructure proposal's "funding principles" (included at the end of this report) was released. Soon after, however, the White House deputy chief of staff Paul Teller said the document was not reflective of the administration's ultimate proposal to fix the country's crumbling roads and bridges and promised that the President would give more details during the State of the Union (SOTU) address with a more formal

proposal coming in the next two to four weeks. Teller's report did not specify funding levels for White House proposal, but the White House has said on multiple occasions that they would like to commit \$200 billion to leverage what Trump touted during the SOTU address as \$1.5 trillion in total public/private financing. After the State of the Union Address (outlined below), the White House did say that the unveiling of the infrastructure proposal will be delayed again, partially due to the recent government shutdown.

It is also interesting to note that Congressman Bill Shuster (R-PA), Chairman of the House Transportation and Infrastructure Committee, brought up an increase in the gas tax to deal with the Highway Trust Fund (HTF) during an annual Republican Issues Conference in West Virginia on February 1st. The infrastructure-focused session included Transportation Secretary Elaine Chao, National Economic Council Director Gary Cohn, Senator John Barrasso (R-WY) and Senator John Thune (R-SD). Chairman Shuster noted that any user fee that would go straight towards its set purpose, the highways and transit system. Shuster also said "[The infrastructure bill] has to be bipartisan to get it through the Senate, and if we want to attract Democrats in the House, we probably lose some Republican votes." Permit streamlining was also discussed during the session.

President Trump's State of the Union Address

On Tuesday, January 30th, President Trump gave his first State of the Union address of his Presidency. During the address President Trump outlined the legislative goals for his administration in 2018. President Trump touted the tax reform package that Congress passed at the end of last year. He also spoke about the upcoming infrastructure package that we have been tracking closely for Orange County. President Trump's remarks are as follows:

"As we rebuild our industries, it is also time to rebuild our crumbling infrastructure. America is a nation of builders. We built the Empire State Building in just 1 year -- is it not a disgrace that it can now take 10 years just to get a permit approved for a simple road? I am asking both parties to come together to give us the safe, fast, reliable, and modern infrastructure our economy needs, and our people deserve.

Tonight, I am calling on the Congress to produce a bill that generates at least \$1.5 trillion for the new infrastructure investment we need. Every Federal dollar should be leveraged by partnering with State and local governments and, where appropriate, tapping into private sector investment -- to permanently fix the infrastructure deficit.

Any bill must also streamline the permitting and approval process -- getting it down to no more than two years, and perhaps even one. Together, we can reclaim our building heritage. We will build gleaming new roads, bridges,

highways, railways, and waterways across our land. And we will do it with American heart, American hands, and American grit.

In addition, President Trump mentioned his Administration's goal to expand vocational education opportunities and increase funding for workforce development and job training.

"We want every American to know the dignity of a hard day's work. We want every child to be safe in their home at night. And we want every citizen to be proud of this land that we love. We can lift our citizens from welfare to work, from dependence to independence, and from poverty to prosperity. As tax cuts create new jobs, let us invest in workforce development and job training. Let us open great vocational schools so our future workers can learn a craft and realize their full potential. And let us support working families by supporting paid family leave."

President Trump asked Congress to end the Defense Sequester, lower prescription drug prices, and to provide a path to citizenship for DREAMERS in exchange for border wall and Customs and Border Patrol funding. A link to the entire State of the Union Address can be found [HERE](#).

Positive Train Control

At the end of last month, Secretary of Transportation Elaine Chao sent letters to all of the nation's Class I railroads, intercity passenger railroads, and state and local transit authorities urging the completion of Positive Train Control (PTC) implementation before the Congressional deadline on December 31st, 2018. A copy of the letters can be found [HERE](#). In the letter, Secretary Chao expresses the importance of meeting congressionally approved milestones. She also outlined the FRA's and DOT's focus on safety-oriented rail initiatives this year. This letter comes after an Amtrak "Cascades" passenger train derailed near DuPont, Washington. National Transportation Safety Board (NTSB) investigators found that the train's derailment was caused by high speeds and human error and could have been prevented by PTC. The Senate Commerce Committee also plans to hold a hearing regarding PTC implementation at the end of February. The House T&I committee will likely follow suit sometime in March.

Congressional Retirements

On January 31st, Congressman Trey Gowdy (R-SC) announced that he will not run for reelection in 2018. Congressman Gowdy is another prominent House Republican to announce his retirement in recent weeks, including Orange County delegation member Congressman Ed Royce (R-CA). Congressman Darrell Issa (R-CA) also announced that he will not be running for reelection in CA-49. Other Republican Chairmen who have announced that they will not be running for reelection include:

- **Jeb Hensarling**, (R-TX) – House Financial Services Committee

- **Lamar Smith**, (R-TX) – House Science, Space and Technology Committee
- **Bob Goodlatte**, (R-TX) – House Judiciary Committee
- **Bill Shuster**, (R-PA) – House Transportation and Infrastructure Committee
- **Gregg Harper**, (R-MS) – House Administration Committee
- **Rodney Frelinghuysen**, (R-NJ) – House Appropriations Committee

Most notably is the unexpected retirement announcement by Congressman Rodney Frelinghuysen (R-NJ). Congressman Frelinghuysen is the Chairman of the House Appropriations Committee and his departure has already spurred a heated race for the Chairmanship. So far there are three Appropriators who have thrown their hats in the ring; Congressman Robert Aderholt (R-AL), Congresswoman Kay Granger (R-TX), and Congressman Tom Cole (R-OK).

Hearing: Building the Foundation for Surface Transportation Reauthorization

On Tuesday, January 14th the House Transportation and Infrastructure Committee held a hearing titled “Building the Foundation for Surface Transportation Reauthorization.” Chairman Bill Shuster wanted to discuss the Committee’s efforts to develop new legislation to reauthorize federal surface transportation programs. These programs were last authorized under the Moving Ahead for Progress in the 21st Century Act (MAP-21), which was signed into law in July 2012 and expires at the end of September. In his opening statement Chairman Shuster discussed the key principles that he wants to highlight in the bill, which include reducing regulatory burdens and increasing focus on freight mobility. He also spoke about the successes of MAP-21 that OCTA had impacted with the Breaking Down Barriers initiative, stating that it “reformed the project approval and delivery process for highway and public transportation projects, which allows projects to begin construction faster, maximizing the public investment and benefit.” Testimony was heard from public officials including Governor of Oklahoma Mary Fallin and Atlanta Mayor Lawrence Hanley. They testified that surface transportation requires both a long-term vision and funding stability to provide for our nation’s diverse mobility needs. We will continue to meet with Chairman Shuster and members of the committee in support of streamlining the environmental review process without impairing substantive environmental requirements.

Hearing: Securing Our Surface Transportation Systems

On Tuesday, January 30th the House Subcommittee on Transportation & Protective Security and the Subcommittee on Emergency Preparedness, Response, & Communication held a joint hearing titled “Securing Our Surface Transportation Systems: Examining the Department of Homeland Security’s Role in Surface Transportation Technologies”. This hearing continues the Committee’s efforts to gain a solid understanding of the challenges facing surface transportation operators, industry stakeholders, and DHS components in their mutual goal of using technology to address the unique security threats of transit systems. The Subcommittees specifically examined

how the Transportation Security Administration (TSA) and the Science & Technology Directorate collaborate to improve security capabilities and address identified needs. In his opening statement, Chairman John Katko (R-NY) said that security regulations, inspections, VIPR teams, and grants are only part of the solution and that these initiatives must be supplemented by the deployment of innovative security technologies to effectively reduce risk. The Subcommittees heard testimony from TSA security directors as well as security technology professionals. Witnesses spoke about recent terror attacks, implementing more advanced security technology, and how they are assessing transit system vulnerabilities to ensure that they can prevent future attacks.

Funding Principles

- I. **Infrastructure Incentives Initiative:** encourages state, local and private investment in core infrastructure by providing incentives in the form of grants. Federal incentive funds will be conditioned on achieving milestones within an identified timeframe. *Accounts for 50% of total appropriation.*
- A. Applies to: surface transportation, airports, passenger rail, maritime and inland waterway ports, flood control, water supply, hydropower, water resources, drinking water facilities, storm water facilities, Brownfield and Superfund sites
 - B. Eligible entities: States or groups of states, Puerto Rico, U.S. territories, metropolitan planning organizations, units of local government or a group of local governments, special purpose district or public authority responsible for maintaining infrastructure facilities, public utilities, non-profits, tribal governments, multijurisdictional group of eligible entities, private entities with sponsorship from an eligible public entity.
 - C. Core infrastructure projects are eligible. The lead federal agency administering the initiative will define eligible costs and conduct audits to ensure funds are used appropriately.
 - D. The lead federal agency will solicit applications every 6 months. Criteria includes:
 - 1. Dollar value of project (weighted at 10%)
 - 2. Evidence supporting how applicant will secure and commit new, non-federal revenue to create sustainable, long-term funding (weighted at 50%)
 - 3. Evidence supporting how applicant will secure and commit new, non-federal revenue for operations, maintenance and rehabilitation (weighted at 20%)
 - 4. Updates to procurement policies and project delivery approaches to improve efficiency in project delivery and operations (weighted at 10%)
 - 5. Plans to incorporate new technology (weighted at 5%)
 - 6. Evidence to support how project will spur economic and social returns on investment (weighted at 5%)
 - a. Calculated by multiplying the weighted score by the percentage of non-federal revenues used to fund the project
 - b. Lookback period:
- | Years Passed | New Revenue Credit Score Multiplier |
|-----------------|-------------------------------------|
| >3 years | 0% |
| 2-3 | 30% |
| 1-2 | 40% |
| 0-1 | 50% |
| After Jan. 2018 | 100% |
- E. Grant more than 10% of the amount available awards can't exceed 20% of total project cost. Any individual state can't receive more than 10% of the amount available.
- II. **Transformative Projects Program:** makes available federal funding and technical assistance for innovative and transformative infrastructure projects based on competitive basis to viable projects unable to secure financing through private sector due to the uniqueness of the program. Applicable projects must be exploratory and ground-breaking ideas that have more risk than standard infrastructure projects but offer a larger reward profile. Covered sectors include: transportation, clean water, drinking water, energy, commercial space, and telecommunications. *Accounts for 10% of total appropriation.*
- A. Dept. of Commerce chairs administration of the program.

- B. Eligible entities: States or groups of states, Puerto Rico, U.S. territories, metropolitan planning organizations, units of local government or a group of local governments, special purpose district or public authority responsible for maintaining infrastructure facilities, public utilities, non-profits, tribal governments, multijurisdictional group of eligible entities, private entities with sponsorship from an eligible public entity.
- C. Funding tracks: *Applicants could apply for all or specific tracks.*
 - 1. Demonstration: funding provided for planning, construction, deployment and evaluation of demonstration trials. Can't be used for applied R&D activities but instead where a prototype is operated at or near full scale. *Federal funding may be used for up to 30% of eligible costs.*
 - 2. Project Planning: funding provided for final pre-construction activities – i.e. final design and engineering. Demonstration trial must have occurred and been successful. Must demonstrate construction would begin within a reasonable time frame. *Federal funding may be used for up to 50% of eligible costs.*
 - 3. Capitol Construction: funding provided for capital projects having independent utility and ready for intended use upon completion. *Federal funding may be used for up to 80% of eligible costs.*
 - a. Under this track, applicant required to enter into a financial partnership agreement with the Federal Government requiring that if a project begins to generate value, the Federal Government would have rights to share in the project value. The Federal Government would not assert first claim under any such agreement, would not accept a seat on any company's board of directors, and all partnership agreements would provide that the company retains ownership of any and all intellectual property.
- D. Minimum match requirements in the form of equity investments by private or non-profit organizations. Applicant must demonstrate equity is committed and available.
- E. Federal technical assistance available in addition to funding tracks, but no funding provided.
- F. Dept. of Commerce would administer the program with an interagency selection committee. A notice of funding opportunity would be published in the federal register soliciting applications on an annual basis. Cost benefit analysis is required and applications are limited to one per lead applicant, although there would be no limit to the number of applications on which an applicant could be listed as a partner applicant.
- G. Applicants selected would enter into a partnership agreement with the Federal Government which would specify terms and would not exceed 7 years to outlay funds. Milestones and schedules included in the agreement, the progress for which the lead Federal agencies would conduct regular audits.

III. **Rural Infrastructure Program:** designed to encourage investment to enable rural economies, facilitate freight movement, improve access to reliable and affordable transportation, etc. States are incentivized to partner with local and private investment for completion and operation of projects under this program. *Accounts for 25% of total appropriation.*

- A. Eligible entities rural programs include:
 - 1. Transportation - roads, bridges, public transit, rail airports, and maritime and inland waterway ports;
 - 2. Broadband - and other high-speed data and communication conduits;
 - 3. Water and waste – drinking water, waste water, land revitalization, and Brownfields;
 - 4. Power and electric – governmental generation, transmission and distribution facilities; and
 - 5. Water resources – inland waterway ports, flood risk management, maritime ports and water supply.
- B. Funding:

1. 80% of funds made available for states would be provided to the Governor of each state via the following formula:
 - a. Ratio based on total rural lane miles in a state in relation to total rural lane miles in all states and a ratio based on the total adjusted rural population of a State in relation to the total adjusted rural population of all states.
 2. 20% reserved for rural performance grants
 - a. States encouraged to do so within 2 years of enactment
 - b. Grants available for up to 10 years after enactment or until funds run out.
 - c. To qualify, states must publish a comprehensive rural infrastructure investment plan (RIIP) within 180 days of receipt of formula funds.
 3. Funds made available would be distributed as block grants without Federal requirements, but must be used for projects in rural areas with a population of less than 50,000.
 4. Provides investment designed to address infrastructure needs on tribal lands and U.S. Territories.
- IV. **Federal Credit Programs:** designed to increase the capacity of existing Federal lending programs to increase investment. *Accounts for 7.05% of total appropriation.*
- A. Would establish the (1) Transportation Infrastructure Finance and Innovation Act, (2) Railroad Rehabilitation and Improvement Financing, (3) Water Infrastructure Finance and Innovation Act, and (4) United States Department of Agriculture Rural Utilities Lending Programs under which specific funds would be set aside and appropriated to the relevant U.S. agency and would remain available until 2028.
- V. **Public Lands Infrastructure Fund:** would create a new infrastructure fund in the U.S. Treasury called the Interior Maintenance Fund comprised of additional revenues from the amounts due and payable to the U.S. from mineral and energy development on Federal lands and waters.
- VI. **Disposition of Federal Real Property:** would establish through executive order the authority to allow for the disposal of Federal assets to improve the overall allocation of economic resources in infrastructure investment.
- VII. **Federal Capital Financing Fund:** creates a funding mechanism similar to a capital budget but that operates within the traditional rules used for the Federal budget by establishing a mandatory revolving fund to finance purchases of federally owned civilian real property. Once approved in an Appropriations Act, the revolving fund would transfer money to agencies to finance large- dollar real property purchases. Purchasing agencies would then be required to repay the fund in 15 equal annual amounts using discretionary appropriations. *Accounts for 5% of total appropriation.*
- VIII. **Private Activity Bonds:** would amend 26 U.S.C. 142 to allow broader categories of public- purpose infrastructure, including reconstruction projects, to take advantage of PABs would encourage more private investment in projects to benefit the public.
- A. Elimination of the AMT provision and the Advance Refunding prohibition on PABs
 - B. Elimination of the transportation volume caps on PABs and expend eligibility to ports and airports
 - C. Removal of state volume cap on PABs
 - D. Provide change-of-use provisions to preserve the tax-exempt status of governmental bonds
 - E. Require public attributes for core public infrastructure projects
 - F. Provide change-of-use cures for private leasing of projects to ensure preservation of tax exemption for core infrastructure bonds

Principles for Infrastructure Improvements

- I. **Transportation**
 - A. **Financing**
 1. Allow states flexibility to toll on interstates and reinvest toll revenues in infrastructure

2. Reconcile the grandfathered restrictions on use of highway toll revenues with current law
 3. Extend streamlined passenger facility charge process from non-hub airports to small hub sized airports
 4. Support airport and non-federal maritime and inland water way ports financing options through broadened TIFIA program eligibility
 5. Subsidize railroad rehabilitation and improvement financing for short-line and passenger rail
 6. Provide states flexibility to commercialize interstate rest areas
 7. Remove application of federal requirements for projects with de minimis Federal share
 8. Expand qualified credit assistance and other capabilities for state infrastructure banks
- B. Highways
1. Authorize federal land management agencies to use contracting methods available to states
 2. Raise the cost threshold for major project requirements to \$1 billion
 3. Authorize utility relocation to take place prior to NEPA completion
 4. Refund of federal investment to eliminate perpetual application of federal requirements
 5. Provide small highway projects with relief from the same Federal requirements as major projects
- C. Transit
1. Require value capture financing as condition for receipt of transit funds for major capital projects (Capital Investment Grants)
 2. Eliminate constraints on use of public-private and public-public partnerships in transit
 3. Codify expedited project delivery for Capital Investment Grants pilot program
- D. Rail
1. Apply Fast Act streamlining provisions to rail projects and shorten the statute of limitations
- E. Airports
1. Create more efficient federal aviation administration oversight of non-aviation development activities at airports
 2. Reduce barriers to alternative project delivery for airports
 3. Clarify authority for incentive payments under the Airport Improvement program
 4. Move oversight of AIP funds to post-expenditure audits

II. **Water Infrastructure**

- A. Financing
1. Authorize Clean Water State Revolving Fund for privately owned public purpose treatment works
 2. Expand EPA's WIFIA authorization to include flood mitigation, navigation and water supply
 3. Eliminate requirement under WIFIA for borrowers to be community water systems
 4. Authorize Brownfield rehabilitation and clean-up of superfund sites under WIFIA
 5. Reduce rating agency opinions from two to one for all borrowers
 6. Provide EPA authority to waive the springing lien in certain lending situations
 7. Increase the base level of administrative funding authorized to ensure EPA has sufficient funding to operate the WIFIA program
 8. Remove the restriction on the ability to reimburse costs incurred prior to loan closing under WIFIA
 9. Expand the WIFIA program to authorize eligibility for credit assistance for water systems acquisitions and restructurings.
- B. Water Programs
1. Remove the application of Federal requirements for de minimis Federal involvement
 2. Provide EPA infrastructure programs with "SEP-15" authorizing language

3. Apply identical regulatory requirements to privately owned “public purpose” treatment works and publicly owned treatment works
- C. Inland Waterways
 1. Authorize all third-party construction and operation arrangements as eligible expenses for inland waterways trust fund and treasury appropriations
 2. Authorize non-federal construction and operation of inland waterways projects
- D. Water infrastructure resources
 1. Authorize user fee collection and retention by the Federal government and third parties under the WRDA Section 5014 pilot program
 2. Expend U.S. Army Corps of Engineers’ authority to engage in long-term contracts
 3. Authorize operation and maintenance activities at hydropower facilities
 4. Deauthorize certain federal civil works projects
 5. Expand authority for acceptance of contributed and advanced funds
 6. Retain recreation user fees for operation and maintenance of public facilities
 7. Amend the Water Resources Development Act to allow for waiver of cost limits
 8. Expand WIFIA authorization to include Federal deauthorized water resource projects
- III. Veterans Affairs: designed to provide Veteran’s with state-of-the-art facilities
 - A. Authorize VA to retain proceeds from sales of properties
 - B. Authorize VA to exchange existing facilities for construction of new facilities
 - C. Authorize pilot for VA to exchange land or facilities for lease of space
 - D. Increase threshold above which VA is required to obtain Congressional authorization for leases
- IV. Land Revitalization (Brownfield/Superfund Reform)
 - A. Replicate the Brownfield Grant/Revolving Loan Fund program for Superfund projects
 - B. Clarify EPA’s ability to create special accounts for third party funds for CERCLA clean up response without state assurances
 - C. Provide liability relief for states and municipalities acquiring contaminated property through actions as sovereign governments
 - D. Provide EPA express settlement authority to enter into administrative agreements
 - E. Integrate clean up, infrastructure and long-term stewardship needs by creating flexibility in funding and execution requirements
 - F. Authorize national priority list sites to be eligible for Brownfield grants
 - G. Clarify risks to non-labile third parties that perform superfund cleanup.



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors
From: Laurena Weinert, Clerk of the Board
Subject: Approval of Local Transportation Fund Fiscal Year 2018-19 Apportionment Estimates

Finance and Administration Committee Meeting of February 14, 2018

Present: Directors Do, Hennessey, Jones, and R. Murphy
Absent: Directors Donchak, Spitzer, and Steel

Committee Vote

This item was passed by the Members present.


Committee Recommendation

Approve the Local Transportation Fund fiscal year 2018-19 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.



February 14, 2018

To: Finance and Administration Committee

From: Darrell Johnson, Chief Executive Officer 

Subject: Approval of Local Transportation Fund Fiscal Year 2018-19 Apportionment Estimates

Overview

The Orange County Transportation Authority, as the transportation planning agency and county transportation commission for Orange County, is responsible for developing estimates used in apportioning revenues earned and deposited in the Orange County Local Transportation Fund. Transportation Development Act regulations require that the apportionments for fiscal year 2018-19 be determined and prospective claimants be advised of the amounts.

Recommendation

Approve the Local Transportation Fund fiscal year 2018-19 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.

Background

The Transportation Development Act of 1971 established a funding source dedicated to transit and transit-related projects. The funding source consists of two parts: Local Transportation Fund (LTF) and the State Transit Assistance Fund (STAF). The LTF is derived from 1/4 cent of the 7.75 percent sales tax in Orange County. LTF revenues are collected by the State Board of Equalization and returned monthly to the local jurisdictions based on the volume of sales during each month. The STAF is generated from the sales tax on diesel and funded through the Public Transportation Account. STAF revenues are continuously appropriated to local agencies by formula on a quarterly basis.

Discussion

The estimate of LTF revenues for fiscal year (FY) 2018-19 has been calculated by the Orange County Auditor Controller at \$168,674,043. The forecast was based on FY 2017-18 estimated actuals and adjusted by a 3.1 percent growth rate.

The FY 2018-19 apportionment is summarized in the following table:

LTF Revenues	
Estimated Fiscal Year 2018-19 Sales and Use Tax Receipts	\$ 168,674,043
Article 3 payments:	
Orange County Auditor-Controller – Administration	\$ 7,804
Orange County Transportation Authority – County Transportation Commission Administration	144,425
Orange County Transportation Authority – County Transportation Commission Planning	3,795,166
Southern California Association of Governments – regional planning	1,265,055
Sub-total - Article 3 funding	\$ 5,212,450
Articles 4 and 4.5 payments:	
Orange County Transit District - Consolidated Transportation Service Agency Funding - Article 4.5	\$ 8,173,080
Orange County Transit District - Public Transit Funding - Article 4	154,145,736
Laguna Beach Municipal Transit Lines – Public Transit Funding – Article 4	1,142,777
Sub-total - Articles 4 and 4.5 funding	\$ 163,461,593
Total funds apportioned	\$ 168,674,043

Summary

Staff recommends approval of the LTF FY 2018-19 apportionment estimates. Staff also recommends authorizing the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County LTF for FY 2018-19.

Attachment

None.

Prepared by:



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Approved by:



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COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors
From: Laurena Weinert, Clerk of the Board
Subject: Fiscal Year 2017-18 Second Quarter Grant Reimbursement Status Report

Finance and Administration Committee Meeting of February 14, 2018

Present: Directors Do, Hennessey, Jones, and R. Murphy
Absent: Directors Donchak, Spitzer, and Steel

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file as an information item.



February 14, 2018

To: Finance and Administration Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Fiscal Year 2017-18 Second Quarter Grant Reimbursement Status Report

Overview

The Quarterly Grant Reimbursement Status Report summarizes grant activities for the Orange County Transportation Authority Board of Directors. This report focuses on activity for the period of October through December 2017.

Recommendation

Receive and file as an information item.

Discussion

The Orange County Transportation Authority (OCTA) has secured grant funding from federal and state grant agencies to deliver programs, projects, and services to improve mobility in Orange County. The use of these funds is consistent with capital programming policies approved by the OCTA's Board of Directors (Board). The Quarterly Grant Reimbursement Status Report summarizes awarded/executed, current, and closed grant agreements.

Awarded/Executed Grant Agreements:

During the second quarter, OCTA awarded/executed three discretionary grants which are summarized below.

Fiscal Year (FY) 2017 Office of Traffic Safety (OTS) – Safety Education Classes

OCTA secured \$75,000 in Pedestrian and Bicycle Safety Program funds from the OTS for safety education classes. Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving pedestrians and bicyclists. The funded strategies may include classroom education, bicycle rodeos, community events, presentations, and workshops. These countermeasures will be conducted in communities with high numbers of

pedestrian and/or bicycle related collisions, including underserved communities, older adults, and school-aged children.

FY 2016 Transit and Intercity Rail Capital Program (TIRCP) – Mobile Ticketing

OCTA has secured \$2.5 million in TIRCP funds from the California Department of Transportation, which will be used for the implementation of a system-wide mobile ticketing system. The grant funds will be used to purchase stand-beside readers that will be installed on OCTA's fixed-route bus system, which accommodates over 48 million boardings along 77 routes.

FY 2017 Transit Security Grant Program (TSGP) – Be the One Campaign

OCTA executed an agreement with the Federal Emergency Management Agency, a component of the Department of Homeland Security, to secure \$0.08 million in TSGP funds. These funds will be utilized for the Be the One (BT1) Public Awareness Campaign, which is intended to prevent and deter criminal and terrorist acts, and educate the public on reporting suspicious activity, incidents, and crimes. The BT1 campaign will address the following three areas: anti-crime/anti-terrorism, human trafficking, and emergency preparedness.

Current Grant Agreements:

OCTA's Federal Transit Administration (FTA) formula grant agreements total 14, and FTA discretionary grant agreements total three. The total FTA formula and discretionary grant agreements amount to \$329.2 million. The total amount reimbursed through the second quarter under these grant agreements is \$274 million, leaving a balance of \$55.2 million (Attachment A).

The 14 FTA formula grant agreements have a total federal amount of \$311.3 million. A total of \$263.1 million has been reimbursed, leaving a balance of \$48.2 million. The balance of these 14 FTA formula grant agreements will primarily fund the OC Streetcar, Orange Parking Structure, fixed-route bus procurements, rideshare and vanpool programs, the Laguna Niguel/San Juan Capistrano passing siding project, and rail rehabilitation projects.

The three FTA discretionary grant agreements have a total federal amount of \$17.9 million. A total of \$10.9 million has been reimbursed, leaving a balance of \$7 million. The balance of these three FTA discretionary grant agreements will primarily fund a new control point at 4th Street on the OCTA-owned railroad right-of-way (ROW), as well as slope stabilization improvements on the railroad ROW from the City of Laguna Niguel to the City of Lake Forest. The balance will also fund security camera surveillance systems for commuter rail stations located in the cities of Anaheim, Laguna Niguel/Mission Viejo, Orange, and Placentia.

In November 2017, OCTA was informed that the FTA Region IX office had placed grant CA-04-0122 on the FTA inactive list. These grant funds are programmed for the installation of the video surveillance system (VSS) at the Santa Ana/Garden Grove bus bases and have been identified as inactive due to a lack of reimbursement activity for a 12-month period. On January 22, 2018, the Board approved to release request for proposals for the installation/construction of the VSS project. OCTA anticipates executing the contract in June 2018 which will enable staff to post reimbursement activity in August 2018. Based on the guidance received from FTA, the grant will become active after the reimbursement is processed for the installation/construction elements of the project.

OCTA also has 45 state and Federal Highway Administration (FHWA) formula grant agreements (Attachment B) and 13 state discretionary grant agreements (Attachment C).

The 45 state and FHWA formula grant agreements total \$381.2 million. The total amount reimbursed through the second quarter under these other grant agreements is \$268.8 million, leaving a balance of \$112.4 million.

The 13 state discretionary grant agreements total \$7.3 million. A total of \$0.3 million of these discretionary grant agreements has been reimbursed, leaving a balance of \$7 million. These state discretionary grant agreements have a defined grant expiration date. Project expenses must be fully paid and reimbursed prior to the grant agreement expiration date. Staff anticipates each of the remaining balances to be fully reimbursed prior to the grant agreement expiration date.

Combined, the state and FHWA formula and discretionary grants total \$388.5 million. The total amount reimbursed across all these grant agreements equals \$269.1 million, leaving a remaining balance of \$119.4 million.

Grant Agreements Pending Close-out:

There are eight grant agreements totaling \$99.5 million which are pending close-out in the second quarter of FY 2017-18. All invoices for these grant agreements have been submitted to the external funding agency for reimbursement, and OCTA is pending final payment and/or approval of close-out documentation. These grant agreements are summarized in Attachment D.

Closed Grant Agreements:

There are two grant agreements totaling \$1.6 million that were closed out in the second quarter of FY 2017-18. These grant agreements are summarized in Attachment E.

Summary

This report provides an update of the grant agreement funded activities for the second quarter of FY 2017-18, October through December 2017. Staff recommends this report be received and filed as an information item.

Attachments

- A. Second Quarter Grant Reimbursement Status Report, October through December 2017, Federal Transit Administration Formula and Discretionary Grant Agreements
- B. Second Quarter Grant Reimbursement Status Report, October through December 2017, State and Federal Highway Administration Formula Grant Agreements
- C. Second Quarter Grant Reimbursement Status Report, October through December 2017, State Discretionary Grant Agreements
- D. Second Quarter Grant Reimbursement Status Report, October through December 2017, Grant Agreements Pending Close-out
- E. Second Quarter Grant Reimbursement Status Report, October through December 2017, Closed Grant Agreements

Prepared by:



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Approved by:



Andrew Oftelie
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**Second Quarter Grant Reimbursement Status Report
October through December 2017**

Federal Transit Administration Formula and Discretionary Grant Agreements						
	FEDERAL FISCAL YEAR (FFY)	GRANT NUMBER	FEDERAL AMOUNT	FEDERAL AMOUNT REIMBURSED	REMAINING BALANCE	EXPIRATION DATE
FTA Section 5307 - Urbanized Area Formula Grant Program						
1	2012	CA-90-Y942	\$ 57,746,965	\$ 55,286,541	\$ 2,460,424	June 2019
2	2013	CA-90-Z027	53,878,507	53,383,725	494,782	June 2018
3	2014	CA-90-Z174	55,129,189	54,867,711	261,478	June 2018
4	2015	CA-2016-032	55,400,721	53,099,176	2,301,545	December 2018
FTA Section 5307 Grant Subtotal			\$ 222,155,382	\$ 216,637,153	\$ 5,518,229	
FTA Section 5307 - Federal Funds flexed from the Federal Highway Administration (FHWA):						
5	2010	CA-95-X131	\$ 2,102,650	\$ 1,394,222	\$ 708,428	December 2019
6	2011	CA-95-X180	4,260,000	3,780,113	479,887	December 2018
7	2013	CA-95-X210	12,669,000	8,752,713	3,916,287	June 2019
8	2013	CA-95-X254	5,657,000	3,303,351	2,353,649	June 2019
9	2014	CA-95-X286	6,621,000	4,554,965	2,066,035	September 2018
10	2017	CA-2017-072	31,567,405	5,057,911	26,509,494	June 2021
FTA Section 5307 Flexed Grant Subtotal			\$ 62,877,055	\$ 26,843,275	\$ 36,033,780	
FTA Section 5310 - Enhanced Mobility of Seniors & Individuals with Disabilities Grant Program						
11	2013	64AM16-00157	\$ 630,416	\$ 0	\$ 630,416	March 2019
FTA Section 5310 Grant Subtotal			\$ 630,416	\$ 0	\$ 630,416	
FTA Section 5316 - Jobs Access and Reverse Commute (JARC) Grant Program						
12	2008	CA-37-X113	\$ 13,962,488	\$ 9,450,193	\$ 4,512,295	September 2019
FTA Section 5316 Grant Subtotal			\$ 13,962,488	\$ 9,450,193	\$ 4,512,295	
FTA Section 5317 - New Freedoms Grant Program						
13	2009	CA-57-X038	\$ 6,387,801	\$ 6,316,568	\$ 71,233	September 2018
FTA Section 5317 Grant Subtotal			\$ 6,387,801	\$ 6,316,568	\$ 71,233	
FTA Section 5337 - State of Good Repair Grant Program						
14	2016	CA-2016-096	\$ 5,261,812	\$ 3,872,245	\$ 1,389,567	December 2018
FTA Section 5337 Grant Subtotal			\$ 5,261,812	\$ 3,872,245	\$ 1,389,567	
Federal Transit Administration Formula Grants Total			\$ 311,274,954	\$ 263,119,434	\$ 48,155,520	

**Second Quarter Grant Reimbursement Status Report
October through December 2017**

Federal Transit Administration Formula and Discretionary Grant Agreements						
	FEDERAL FISCAL YEAR (FFY)	GRANT NUMBER	FEDERAL AMOUNT	FEDERAL AMOUNT REIMBURSED	REMAINING BALANCE	EXPIRATION DATE
FTA Section 5309 - Discretionary Capital Grant Program						
15	2008	CA-04-0078	\$ 7,021,300	\$ 5,730,472	\$ 1,290,828	December 2018
16	2009	CA-04-0122	4,845,999	3,934,803	911,196	December 2020
17	2012	CA-05-0269	6,000,000	1,196,720	4,803,280	March 2020
FTA Section 5309 Grant Subtotal			\$ 17,867,299	\$ 10,861,995	\$ 7,005,304	
Federal Transit Administration Discretionary Grants Total			\$ 17,867,299	\$ 10,861,995	\$ 7,005,304	
Total Federal Transit Administration Formula and Discretionary Grant Agreements			\$ 329,142,253	\$ 273,981,429	\$ 55,160,824	

Funding Source Notes

FTA Section 5307 - Urbanized Area Formula Grant Program: Funds are used to fund preventive maintenance, capital cost of contracting, and to purchase revenue vehicles, facility modifications, and bus-related equipment.

FTA Section 5310 - Enhanced Mobility of Seniors & Individuals with Disabilities Grant Program: Formula funding to states for the purpose of assisting nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities.

FTA Section 5316 - Jobs Access and Reverse Commute (JARC) Grant Program: Grants provide funds to support new transit services and to establish mobility management programs to assist low-income individuals.

FTA Section 5317 - New Freedoms Grant Program: Grants provide funds to support new transit services and establish mobility management programs to enhance access for persons with disabilities.

FTA Section 5337 - State of Good Repair Grant Program: A formula-based State of Good Repair program dedicated to repairing and upgrading the nation's rail transit systems along with high-intensity motor bus systems that use high-occupancy lanes.

FTA Section 5309 - Discretionary Capital Grant Program: Grants provide for projects that improve efficiency and coordination of transportation systems.

Second Quarter Grant Reimbursement Status Report

October through December 2017

State and Federal Highway Administration Formula Grant Agreements						
	FISCAL YEAR (FY)	PROJECT	GRANT AMOUNT	AMOUNT REIMBURSED	REMAINING BALANCE	EXPIRATION DATE
Active Transportation Program (ATP)						
1	2017	Orange County Active Transportation Plan	\$ 280,000	\$ 47,752	\$ 232,248	April 2019
ATP Subtotal			\$ 280,000	\$ 47,752	\$ 232,248	
Federal Highway Administration Grant Program - Congestion Mitigation & Air Quality (CMAQ)						
2	2010	Orangethorpe Ave Grade Separation (ROW)	\$ 27,504,000	\$ 23,605,790	\$ 3,898,210	June 2019
3	2011	Lakeview Ave Grade Separation (ROW)	6,532,000	6,532,000	0	June 2019
4	2012	I-5 HOV Segment 1, Ave Pico to Vista Hermosa (PS&E)	4,246,000	3,371,787	874,213	June 2018
5	2012	I-5 HOV Segment 2, Vista Hermosa to PCH (PS&E)	3,687,000	2,011,992	1,675,008	June 2019
6	2012	I-5 HOV Segment 3, PCH to San Juan Creek Rd (PS&E)	2,067,000	1,542,356	524,644	June 2019
7	2012	Lakeview Ave Grade Separation (ROW Utility Relocation)	3,135,862	60,901	3,074,961	June 2019
8	2013	I-5 HOV Segment 1, Ave Pico to Vista Hermosa (ROW)	8,000,000	4,009,067	3,990,933	June 2018
9	2015	I-5 from the Orange/San Diego County Line to Avenida Pico (PA/ED)	450,000	98,344	351,656	June 2020
10	2015	I-5, SR-55 to SR-57 (PS&E)	2,800,000	1,988,933	811,067	June 2020
CMAQ Subtotal			\$ 58,421,862	\$ 43,221,169	\$ 15,200,693	
Federal Highway Administration Grant Program - Regional Surface Transportation Program (RSTP)						
11	2011	Tustin Ave / Rose Dr Grade Separation Project (ROW Utility Relocation)	\$ 2,254,000	\$ 0	\$ 2,254,000	June 2019
12	2011	Tustin Ave / Rose Dr Grade Separation Project (ROW)	21,494,000	19,594,690	1,899,310	June 2019
13	2012	Lakeview Ave Grade Separation (ROW)	11,527,563	11,527,563	0	June 2019
14	2012	Tustin Ave / Rose Dr Grade Separation Project (Construction)	8,700,440	7,941,426	759,014	June 2019
15	2013	I-5, I-405 to SR-55 (PA/ED)	8,000,000	4,298,998	3,701,002	June 2018
16	2014	I-5 Segment 2, Oso Pkwy to Alicia Pkwy (PS&E)	10,000,000	8,831,179	1,168,821	June 2019
17	2015	I-405, I-5 to SR-55 (PA/ED)	8,000,000	4,320,528	3,679,472	June 2020
18	2015	I-5 Segment 1, SR-73 to Oso Pkwy (PS&E)	9,101,000	6,971,873	2,129,127	June 2020
19	2015	I-5 Segment 3, Alicia Pkwy to El Toro Rd (PS&E)	8,044,000	4,957,652	3,086,348	June 2020
20	2015	SR-91, SR-57 to SR-55 (PA/ED)	7,000,000	1,477,392	5,522,608	June 2020
21	2016	SR-57, Orangewood to Katella Ave (PA/ED)	2,500,000	788,563	1,711,437	June 2021
22	2017	SR-55, I-5 to SR-91 (PS&E)	5,000,000	321,107	4,678,893	June 2022
RSTP Subtotal			\$ 101,621,003	\$ 71,030,970	\$ 30,590,033	
Federal Highway Administration Grant Program - State Transportation Block Grant (STBG)						
23	2016	I-405, SR-73 to I-605 (Construction)	\$ 1,000	\$ 0	\$ 1,000	June 2021
STBG Subtotal			\$ 1,000	\$ 0	\$ 1,000	

ATTACHMENT B

Second Quarter Grant Reimbursement Status Report

October through December 2017

State and Federal Highway Administration Formula Grant Agreements						
	FISCAL YEAR (FY)	PROJECT	GRANT AMOUNT	AMOUNT REIMBURSED	REMAINING BALANCE	EXPIRATION DATE
Federal Highway Administration Grant Program - Traffic Congestion Relief Program (TCRP)						
24	2011	Kraemer Blvd Grade Separation (Construction)	\$ 1,462,000	\$ 0	\$ 1,462,000	June 2019
TCRP Subtotal			\$ 1,462,000	\$ 0	\$ 1,462,000	
Low Carbon Transit Operations Program (LCTOP) - California Department of Transportation (CALTRANS)						
25	2016	Bus Buy - 40' buses for Bravo!	\$ 3,046,000	\$ 0	\$ 3,046,000	June 2019
26	2017	Bus Bicycle Racks	752,825	0	752,825	June 2019
27	2017	Fare Discount - Fixed Route	900,000	414,131	485,869	June 2019
CAP & TRADE LCTOP Subtotal			\$ 4,698,825	\$ 414,131	\$ 4,284,694	
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Demonstration Funds						
28	2009	I-405, SR-73 to I-605 (PS&E)	\$ 439,371	\$ 439,371	\$ 0	June 2018
29	2012	Orangethorpe Ave Grade Separation (Construction)	18,600,000	16,270,618	2,329,382	June 2019
30	2013	I-405, SR-73 to I-605 (PS&E)	1,871,573	1,871,573	0	June 2018
SAFETEA-LU Demo Subtotal			\$ 20,910,944	\$ 18,581,562	\$ 2,329,382	
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Demonstration Funds						
31	2013	I-405, SR-73 to I-605 (PS&E)	\$ 6,549,820	\$ 6,499,820	\$ 50,000	June 2018
SAFETEA-LU Demo Subtotal			\$ 6,549,820	\$ 6,499,820	\$ 50,000	
SAFETEA-LU: Projects of National and Regional Significance (PNRS)						
32	2013	Lakeview Ave Grade Separation (Construction)	\$ 9,709,030	\$ 6,954,405	\$ 2,754,625	June 2019
SAFETEA-LU-PNRS Subtotal			\$ 9,709,030	\$ 6,954,405	\$ 2,754,625	
State Proposition 1B California Transit Security Grant Program (CTSGP): Transit System Safety, Security & Disaster Response Account (TSSSDRA)						
33	2015	Transit Security Operation Center (PS&E)	\$ 2,741,643	\$ 151,731	\$ 2,589,912	March 2019
34	2015	Video Surveillance System Upgrades (Construction)	100,000	0	100,000	March 2019
35	2016	Transit Security Operation Center (PA/ED)	3,180,574	0	3,180,574	March 2019
36	2016	Video Surveillance System Upgrades (Construction)	140,000	0	140,000	March 2019
PROP 1B TSSSDRA Subtotal			\$ 6,162,217	\$ 151,731	\$ 6,010,486	
State Proposition 1B: Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA)						
37	2015	Fullerton Transportation Center Elevator Project (Construction)	\$ 500,000	\$ 393,537	\$ 106,463	August 2020
38	2015	Raymond Ave Grade Separation Project (Construction)	43,008,102	31,848,167	11,159,935	August 2020
PROP 1B PTMISEA Subtotal			\$ 43,508,102	\$ 32,241,705	\$ 11,266,397	

Second Quarter Grant Reimbursement Status Report

October through December 2017

State and Federal Highway Administration Formula Grant Agreements						
	FISCAL YEAR (FY)	PROJECT	GRANT AMOUNT	AMOUNT REIMBURSED	REMAINING BALANCE	EXPIRATION DATE
State Proposition 1B: Trade Corridor Improvement Fund (TCIF)						
39	2011	Kraemer Blvd Grade Separation (Construction)	\$ 15,513,000	\$ 14,632,720	\$ 880,280	June 2019
40	2011	Placentia Ave Grade Separation (Construction)	9,550,000	9,299,039	250,961	June 2019
41	2012	Orangethorpe Ave Grade Separation (Construction)	41,632,000	26,613,098	15,018,902	June 2019
42	2012	Tustin Ave / Rose Dr Grade Separation Project (Construction)	30,862,000	21,455,738	9,406,262	June 2019
43	2013	Lakeview Ave Grade Separation (Construction)	27,628,157	17,713,988	9,914,169	June 2019
PROP 1B TCIF Subtotal			\$ 125,185,157	\$ 89,714,583	\$ 35,470,574	
State Transportation Improvement Plan (STIP) Programming, Planning & Monitoring (PPM)						
44	2016	PPM Program	\$ 831,000	\$ 0	\$ 831,000	December 2018
45	2017	PPM Program	1,899,000	0	1,899,000	December 2019
STIP PPM Subtotal			\$ 2,730,000	\$ 0	\$ 2,730,000	
Total State and Federal Highway Administration Formula Grant Agreements			\$ 381,239,960	\$ 268,857,829	\$ 112,382,131	

Second Quarter Grant Reimbursement Status Report
October through December 2017

State Discretionary Grant Agreements						
	FISCAL YEAR (FY)	PROJECT	GRANT AMOUNT	AMOUNT REIMBURSED	REMAINING BALANCE	EXPIRATION DATE
Air Quality Management District (AQMD) Grant Program and Mobile Source Air Pollution Reduction Review Committee (MSRC) / Transportation Control Measure Partner						
1	2015	Mobile Ticketing	\$ 1,553,657	\$ 0	\$ 1,553,657	December 2018
2	2016	Bus Rehab & Repower - 40' buses	1,470,000	0	1,470,000	March 2019
3	2017	Angels Express Train Service	503,272	0	503,272	April 2019
MSRC Subtotal			\$ 3,526,929	\$ 0	\$ 3,526,929	
Highway Safety Plan (HSP) - California Office of Traffic Safety (OTS)						
4	2017	Pedestrian and Bicycle Safety	\$ 75,000	\$ 0	\$ 75,000	October 2018
OTS Subtotal			\$ 75,000	\$ 0	\$ 75,000	
State Highway Account - Sustainable Communities						
5	2017	Active Transportation Count	\$ 177,000	\$ 0	\$ 177,000	February 2019
SHA-SC Subtotal			\$ 177,000	\$ 0	\$ 177,000	
Systemic Safety Analysis Reporting Program						
6	2016	Systemic Safety Analysis Report	\$ 315,000	\$ 0	\$ 315,000	September 2021
SSARP Subtotal			\$ 315,000	\$ 0	\$ 315,000	
Transit and Intercity Rail Capital Program						
7	2017	Mobile Ticketing (Construction)	\$ 2,482,000	\$ 0	\$ 2,482,000	December 2018
CAP & TRADE TIRCP Subtotal			\$ 2,482,000	\$ 0	\$ 2,482,000	
Transit Security Grant Program (TSGP) - State Office of Homeland Security						
8	2015	Update OCTA's Security and Emergency Plans	\$ 100,000	\$ 27,871	\$ 72,129	August 2018
9	2015	VIPR and Counter Terrorism Team Operations	115,500	115,500	0	August 2018
10	2015	Vulnerability Assessment of OCTA's Industrial Control and Communication	300,000	115,200	184,800	August 2018
11	2016	Update OCTA's Security and Emergency Plans	70,000	46,462	23,538	August 2019
12	2016	VIPR and Counter Terrorism Team Operations	70,000	39,945	30,055	August 2019
13	2017	Be The One Campaign	75,000	0	75,000	August 2020
TSGP Subtotal			\$ 730,500	\$ 344,978	\$ 385,522	
Total State Discretionary Grant Agreements			\$ 7,306,429	\$ 344,978	\$ 6,961,451	

ATTACHMENT C

Second Quarter Grant Reimbursement Status Report
October through December 2017

Grant Agreements Pending Close-out						
	FISCAL YEAR (FY)	FUNDING SOURCE	PROJECT	GRANT AMOUNT	AMOUNT REIMBURSED	REMAINING BALANCE
1	2016	FTA Section 5307	FTA CA-2016-116	\$ 56,269,958	\$ 56,269,955	\$ 3
2	2010	PROP 116	Sand Canyon Ave Grade Separation (Construction)	22,004,000	21,574,222	429,778
3	2010	PROP 1B HRCSA	Sand Canyon Ave Grade Separation (Construction)	6,618,000	6,618,000	0
4	2013	PROP 1B SLPP	La Pata Ave. Phase 1 (Construction)	5,110,000	5,110,000	0
5	2015	PROP 1B TSSSDRA	Raymond Ave Grade Separation Project (Construction)	200,000	200,000	0
6	2015	PROP 1B TSSSDRA	State College Blvd Grade Separation (Construction)	478,931	478,931	0
7	2016	PROP 1B TSSSDRA	Raymond Ave Grade Separation Project (Construction)	200,000	200,000	0
8	2010	RSTP	Sand Canyon Ave Grade Separation (Construction)	8,665,741	8,665,741	0
Total Grant Agreements Pending Close-out				\$ 99,546,630	\$ 99,116,849	\$ 429,781

Second Quarter Grant Reimbursement Status Report
October through December 2017

Closed Grant Agreements						
	FISCAL YEAR (FY)	FUNDING SOURCE	PROJECT	GRANT AMOUNT	AMOUNT REIMBURSED	REMAINING BALANCE
1	2017	OTS	Active Transportation Video Series	\$ 50,000	\$ 50,000	\$ 0
2	2014	PROP 1B TSSSDRA	State College Blvd Grade Separation (Construction)	1,506,069	1,506,069	0
Total Closed Grants				\$ 1,556,069	\$ 1,556,069	\$ 0



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors
From: Laurena Weinert, Clerk of the Board
Subject: Amendments to Agreements for Temporary Staffing Services

Finance and Administration Committee Meeting of February 14, 2018

Present: Directors Do, Hennessey, Jones, and R. Murphy
Absent: Directors Donchak, Spitzer, and Steel

Committee Vote

This item was passed by the Members present.

Committee Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3372 between the Orange County Transportation Authority and Trust Temporary Services, Inc., doing business as Helpmates Staffing Services, in the amount of \$77,500, to continue providing temporary staffing services. This will increase the maximum obligation of the agreement to a total contract value of \$454,405.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-5-3658 between the Orange County Transportation Authority and Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, in the amount of \$77,500, to continue providing temporary staffing services. This will increase the maximum obligation of the agreement to a total contract value of \$405,244.

Staff Comment

At the February 14, 2018 Finance and Administration Committee meeting, staff noted for the record that the Staff Report was revised to correct the dollar amount on Page 2, under Fiscal Impact, last sentence as follows:

“The increase of ~~\$155.00~~ \$155,000 in temporary staffing services...”



February 14, 2018

To: Finance and Administration Committee
From: Darrell Johnson, Chief Executive Officer *Y. Kenneth Rizzo for*
Subject: Amendments to Agreements for Temporary Staffing Services

Overview

On September 28, 2015, the Orange County Transportation Authority Board of Directors approved agreements with Trust Temporary Services, Inc., doing business as Helpmates Staffing Services, and Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, to provide temporary staffing services for a three-year initial term and two, two-year option terms. To continue services, amendments are required to increase the initial term maximum cumulative payment obligation.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3372 between the Orange County Transportation Authority and Trust Temporary Services, Inc., doing business as Helpmates Staffing Services, in the amount of \$77,500, to continue providing temporary staffing services. This will increase the maximum obligation of the agreement to a total contract value of \$454,405.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-5-3658 between the Orange County Transportation Authority and Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, in the amount of \$77,500, to continue providing temporary staffing services. This will increase the maximum obligation of the agreement to a total contract value of \$405,244.

Discussion

Temporary staffing services are required to cover unforeseen shortfalls in staff, which, if left unsupported, would have a negative impact on a department's

workload. While some temporary staffing needs can be anticipated, the primary reasons for fluctuations include, but are not limited to, unexpected leaves of absence, employee resignations, and staffing support for special projects that were unanticipated in the early planning stages of the budget process. The Human Resources Department oversees and manages all aspects of the temporary staffing services, including contract compliance and oversight of budget dollar expenditures.

This request is for an increase in the maximum obligation by \$155,000 which amounts to \$77,500 to be allocated to each temporary staffing agreement with Trust Temporary Services, Inc., doing business as Helpmates Staffing Services (Helpmates), and Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services (AppleOne). The increase is necessary to continue services provided by Helpmates and AppleOne during the initial contract term. Since the agreements were awarded, an increased demand for temporary staff support has accelerated requests to fill temporary staffing positions in the last year.

Procurement Approach

The procurement was originally handled in accordance with the Orange County Transportation Authority's (OCTA) Board of Directors' (Board)-approved procedures for professional and technical services. On September 28, 2015, the OCTA Board approved the award of two agreements with Helpmates and AppleOne. The original agreements were awarded on a competitive basis and include a three-year initial term and two, two-year option terms, in the amount of \$327,744 allocated to each agreement. The Contracts Administration and Materials Management Department has issued two contract amendments for Helpmates and one contract amendment for AppleOne (Attachments A and B).

The initial term of both agreements is through October 31, 2018. Amending the agreements will increase the maximum cumulative payment obligation by \$77,500 for each agreement, bringing the total contract value to \$454,405 with Helpmates and \$405,244 with AppleOne, which will allow both firms to continue providing temporary staffing services.

Fiscal Impact


Temporary staffing services are included in the OCTA Fiscal Year 2017-18 Budget and are funded through local funds. These services are utilized on an as-needed basis in response to the individual needs of each department. As such, anticipated expenditures for these services are budgeted as part of each department's budget. The increase of \$155,000 in temporary staffing services can be accommodated within the existing budget authorization.

Summary

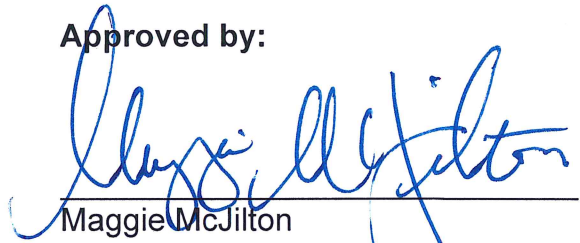
Staff is recommending the Board authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3372 with Trust Temporary Services, Inc., doing business as Helpmates Staffing Services, and Amendment No. 2 to Agreement No. C-5-3658 with Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, to increase the initial term maximum obligation by \$77,500 allocated to each agreement, for a total increase of \$155,000, to continue providing temporary staffing services.

Attachments

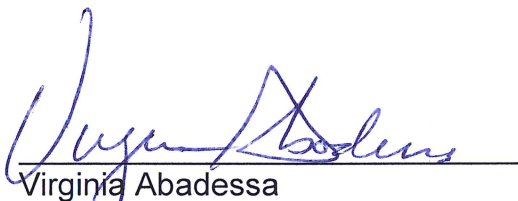
- A. Trust Temporary Services, Inc., doing business as Helpmates Staffing Services Agreement No. C-5-3372 Fact Sheet
- B. Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services Agreement No. C-5-3658 Fact Sheet

Prepared by:

Karen DeCrescenzo
Department Manager, Human Resources
714-560-5547

Approved by:

Maggie McJilton
Executive Director, Human Resources and
Organizational Development
714-560-5824



Virginia Abadessa
Director, Contracts Administration and
Materials Management
714-560-5623

**Trust Temporary Services, Inc., Doing Business as Helpmates Staffing Services
Agreement No. C-5-3372 Fact Sheet**

1. On September 28, 2015, Agreement No. C-5-3372, \$327,744, was approved by the Board of Directors (Board).
 - Agreement to provide temporary staffing services
 - The initial term of the agreement is effective November 1, 2015 through October 31, 2018, with two, two-year option terms.
2. On July 20, 2016, Amendment No. 1 to Agreement No. C-5-3372, \$0.00, was approved by the Contracts Administration and Materials Management (CAMM) Department.
 - Amendment to add language to the Scope of Work
3. On January 29, 2018, Amendment No. 2 to Agreement No. C-5-3372, \$49,161, was approved by CAMM.
 - Increase the maximum cumulative payment obligation
4. As of February 26, 2018, Amendment No. 3 to Agreement No. C-5-3372, \$77,500, is pending Board approval.
 - Increase the maximum cumulative payment obligation to continue services through October 31, 2018.

The total committed to Trust Temporary Services, Inc., doing business as Helpmates Staffing Services, Agreement No. C-5-3372, is in the amount of \$454,405.

**Howroyd Wright Employment Agency, Inc., Doing Business As
AppleOne Employment Services
Agreement No. C-5-3658 Fact Sheet**

1. On September 28, 2015, Agreement No. C-5-3658, \$327,744, was approved by the Board of Directors (Board).
 - Agreement to provide temporary staffing services
 - The initial term of the agreement is effective November 1, 2015 through October 31, 2018, with two, two-year option terms.
2. On July 21, 2016, Amendment No. 1 to Agreement No. C-5-3658, \$0.00, was approved by Contracts Administration and Materials Management Department.
 - Amendment to add language to the Scope of Work
3. As of February 26, 2018, Amendment No. 2 to Agreement No. C-5-3658, \$77,500, is pending Board approval.
 - Increase the maximum cumulative payment obligation to continue services through October 31, 2018.

The total committed to Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, Agreement No. C-5-3658, is in the amount of \$405,244.



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors
From: Laurena Weinert, Clerk of the Board
Subject: Environmental Mitigation Program Endowment Fund Investment Report For December 31, 2017

Finance and Administration Committee Meeting of February 14, 2018

Present: Directors Do, Hennessey, Jones, and R. Murphy
Absent: Directors Donchak, Spitzer, and Steel

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file as an information item.



February 14, 2018

To: Finance and Administration Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Environmental Mitigation Program Endowment Fund Investment Report For December 31, 2017

Overview

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan; acquired conservation properties; and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway projects. California Community Foundation manages the non-wasting endowment required to pay for the long-term management of the conservation properties. Each quarter, the California Community Foundation publishes a comprehensive report detailing the composition of the pool and the performance. Attached is the quarterly investment report for the Endowment Pool for the period ending December 31, 2017. The report has been reviewed and is consistent with the pool objectives.

Recommendation

Receive and file as an information item.

Background

On September 26, 2016, the Board of Directors approved the selection of the California Community Foundation (CCF) as an endowment fund manager for the Measure M2 Freeway Environmental Mitigation Program. Approximately \$2.9 million on an annual basis will be deposited in the endowment. On March 1, 2017, the Orange County Transportation Authority wired \$2,877,000 to CCF to be deposited in the Endowment Pool. These annual deposits are expected to continue for ten to 12 years or until the fund totals approximately \$46.2 million.

Discussion

The second scheduled deposit for the program was made on August 31, 2017 for fiscal year 2017-18. As of December 31, 2017, total pool assets in the CCF Endowment Pool were \$1.06 billion. Total foundation assets were \$1.79 billion. Performance for the Endowment Pool was 1.2 percent for the month, in line with the benchmark; 4.1 percent for the quarter, exceeding the customized benchmark by 0.5 percent. The one year return was 15.7 percent, exceeding the benchmark by 2.6 percent.

The balance as of December 31, 2017, is \$6,220,553. The number exceeds the projected balance of \$5,934,232 due to higher than projected investment earnings and lower than projected fees. The projected annualized cost for endowment services was 0.75 percent based on indications received during the due diligence process. The program is currently paying 0.35 percent fee on a sliding scale. That fee will continue to be reduced as assets grow.

Summary

The Orange County Transportation Authority is submitting a copy of the California Community Foundation Investment Report to the Board of Directors. The report is for the quarter ending December 31, 2017.

Attachments

- A. California Community Foundation Fund Statement - December 31, 2017
- B. California Community Foundation Endowment Pool Investments – December 31, 2017

Prepared by:



Rodney Johnson
Deputy Treasurer
Treasury/Public Finance
714-560-5675

Approved by:



Andrew Oftelie
Executive Director,
Finance and Administration
714-560-5649



ATTACHMENT A

Fund Name OCTA - Measure M2 Environmental Mitigation Program Fund
Fund Start Date 2/28/2017
Investment Pool(s) Endowment Pool

FUND STATEMENT

OCTA - Measure M2 Environmental Mitigation Program Fund (V398)

10/1/2017 - 12/31/2017

Fund Summary

	Report Period 10/1/2017 - 12/31/2017	Calendar YTD 1/1/2017 - 12/31/2017
Opening Fund Balance	\$5,985,257.25	\$0.00
Contributions	0.00	5,754,000.00
Investment Activity, net	235,295.89	466,553.14
Net Changes to Fund	235,295.89	6,220,553.14
Ending Balance	\$6,220,553.14	\$6,220,553.14

Investment Pool Performance as of 9/30/2017

	This Qtr.	1-Year	3-Years	5-Years	10-Years
Endowment Pool	3.5%	12.6%	4.6%	7.1%	4.3%
Social Impact Endowment Pool	2.9%	9.3%	5.8%	7.6%	4.6%
Conservative Balanced Pool	1.6%	5.7%	4.3%	n/a	n/a
Short Duration Bond Pool	0.4%	0.4%	1.5%	n/a	n/a
Capital Preservation Pool	0.3%	0.7%	0.4%	0.3%	0.8%

Endowment Pool - invested for long-term growth and appreciation while providing a relatively predictable stream of distributions that keeps pace with inflation over time. The target asset allocation is 50% equities, 14% hedge funds, 22% fixed income and 14% real assets. Investment management fees are 66 basis points.

Social Impact Endowment Pool - invested in a diversified pool aiming for capital growth for long-term grantmaking; underlying instruments undergo rigorous environmental and social analysis, with an asset allocation of approximately 60%-75% equities and 25%-40% fixed income. Investment management fees are 68 basis points.

Conservative Balanced Pool - designed to aim for moderate growth and to offer diversified exposure to the U.S. equity market and to investment grade fixed income with maturities from one to five years and an asset allocation of 70% fixed income and 30% equities investments. Investment management fees are 9 basis points.

Short Duration Bond Pool - invested to offer diversified exposure to investment grade fixed income with maturities from one to five years for the purposes of grants over a near-term one to four year horizon. Investment management fees are 5 basis points.

Capital Preservation Pool - designed to preserve principal and provide liquidity for present grantmaking needs through investment in short-term fixed income and cash instruments. Investment management fees are 10 basis points.



Endowment Pool

December 2017

INVESTMENTS

The Endowment Pool returned 1.2% for the month of December 2017, in line with its benchmark. For the trailing year, the pool returned 15.7%, 260 basis points ahead of its benchmark.

Total Pool Assets

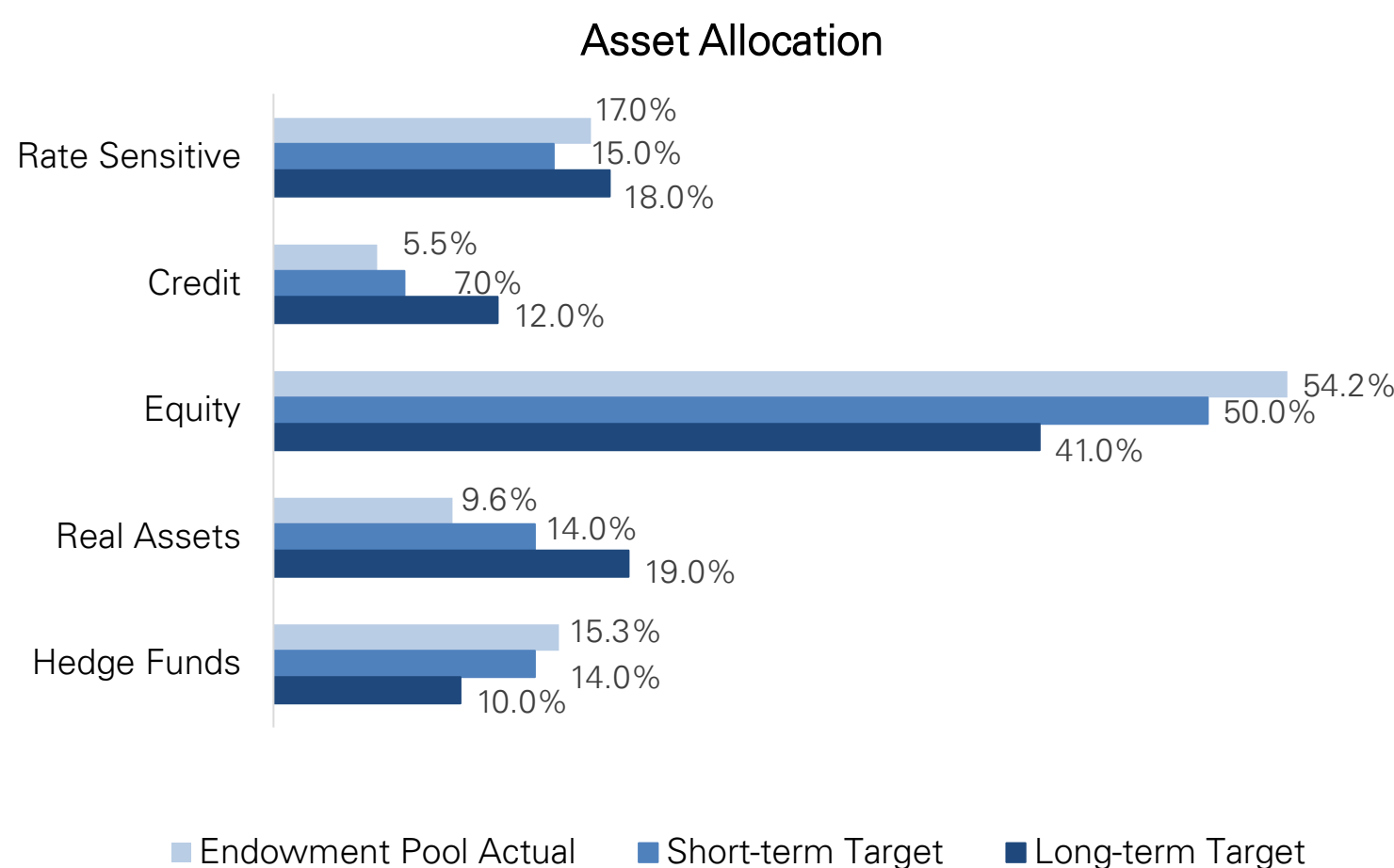
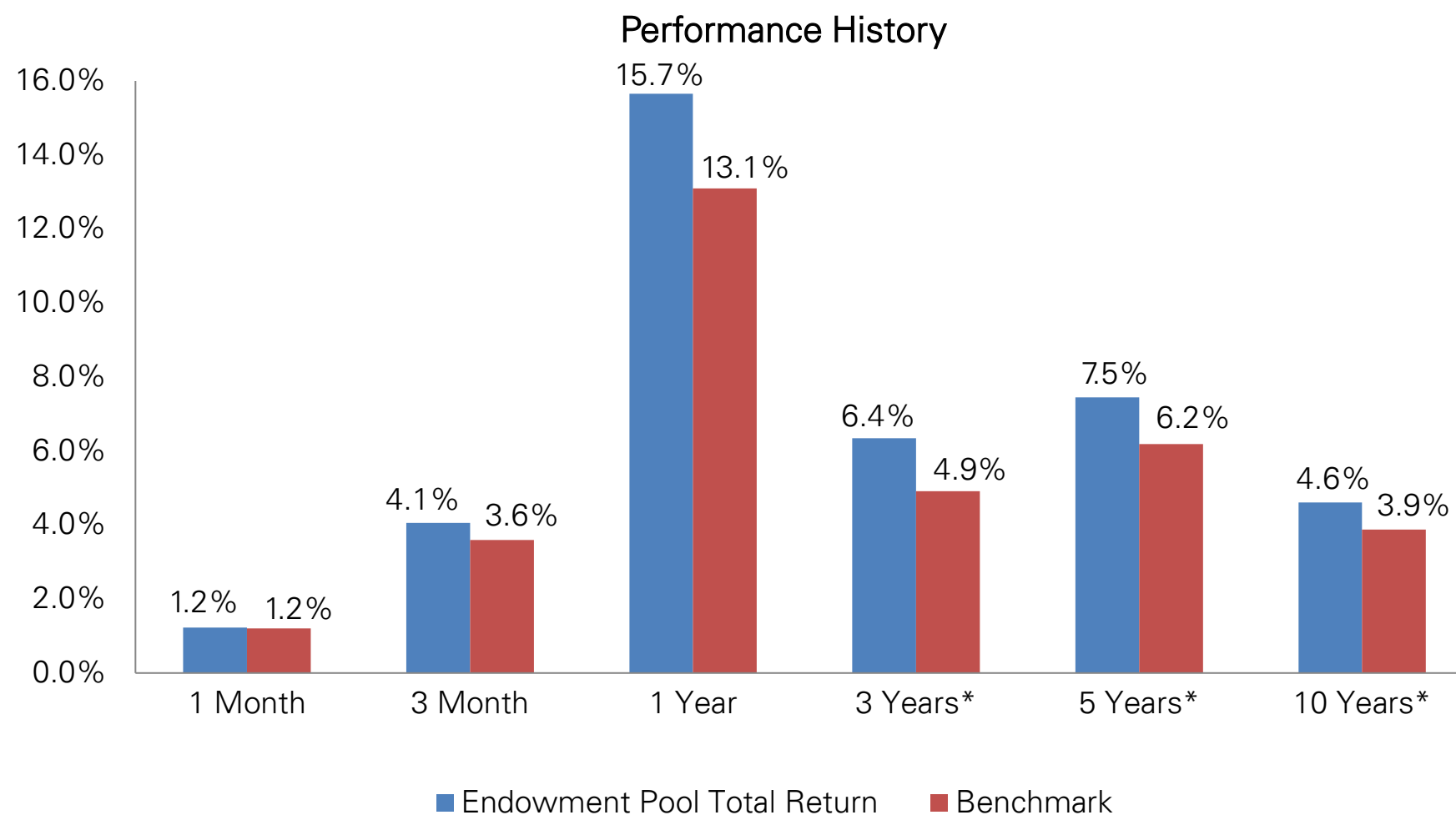
\$1.059 billion (Endowment Pool), \$1.79 billion (total foundation assets) as of December 31, 2017.

Pool Objective

Preserve the real (i.e., inflation-adjusted) purchasing power of the investment pool net of annual distributions for grants and expenses. An additional objective is to provide a relatively predictable, stable stream of distributions for grants and expenses that keep pace with inflation over time.

Investment Consultant

Meketa Investment Group



*Represents annualized returns.

1) Annual investment management fees approximate 0.66%, excluding manager incentive fees.

2) Investment performance is presented net of investment management fees, including manager incentive fees.

3) Total Fund Benchmark is a combination of: 50% MSCI ACWI / 14% HFR FOF / 14% S&P Real Assets Indx / 15% Barc Agg. / 7% Barc High Yield.

4) Short-term target allocation is over 2-5 years, long-term target allocation is over 5-10 years.



February 26, 2018

To: Members of the Board of Directors

From: Darrell Johnson, Chief Executive Officer

Subject: Approval to Release Request for Proposals for Construction Management Support Services for the Interstate 5 Widening Project Between Oso Parkway and Alicia Parkway

Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement process to retain consultant services to provide construction management support services for the Interstate 5 widening project between Oso Parkway and Alicia Parkway.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1418 for selection of a consultant to provide construction management support services for the Interstate 5 widening project between Oso Parkway and Alicia Parkway.
- B. Approve the release of Request for Proposals 8-1418 to provide construction management support services for the Interstate 5 widening project between Oso Parkway and Alicia Parkway.

Discussion

The Orange County Transportation Authority (OCTA), in partnership with the California Department of Transportation (Caltrans), is implementing the Interstate 5 (I-5) widening project between State Route 73 (SR-73) and El Toro Road (Project). The Project is part of Projects C and D in the Measure M2 (M2) freeway program and is being advanced through the updated Next 10 Delivery Plan, which was approved by the OCTA Board of Directors (Board) in November 2017.

The Project will add one general purpose lane in each direction on I-5 between Oso Parkway and Alicia Parkway, extend the existing second high-occupancy

vehicle (HOV) lane from El Toro Road to Alicia Parkway in each direction, re-establish existing auxiliary lanes, and construct new auxiliary lanes at various locations. In addition, the Project will reconstruct the Avery Parkway and La Paz Road interchanges, improve several existing on- and off-ramps, and convert existing and proposed carpool lanes to continuous access.

Final design for the Project is nearing completion in three segments, with the following Project limits:

- Segment 1 extends from SR-73 to south of Oso Parkway
- Segment 2 extends from south of Oso Parkway to south of Alicia Parkway
- Segment 3 extends from south of Alicia Parkway to El Toro Road

Construction of Segment 2 is expected to start in early 2019. Since OCTA does not have legal authority to construct state highway projects, OCTA staff proposes to use Caltrans for the administration of the construction contract. OCTA will provide consultant field staff for construction inspection, office engineer, scheduling, claims support, materials testing, and field surveying. As the implementing agency for the construction phase, Caltrans will provide the resident engineer, structures representative, and minimal other field personnel, along with construction administrative support, and environmental and paleontology monitoring. This approach has been used successfully on the West County Connectors project, the State Route 91, and the State Route 57 northbound widening projects, and is currently being used for the I-5 HOV improvement projects in southern Orange County.

Procurement Approach

OCTA's Board-approved procurement policies and procedures require that the Board approve all requests for proposals (RFP) over \$1,000,000, as well as approve the evaluation criteria and weighting. Staff is submitting for Board approval the draft RFP and evaluation criteria and weightings, which will be used to evaluate proposals received in response to the RFP.

The evaluation criteria and weightings are as follows:

- | | |
|-------------------------------------|------------|
| • Qualifications of the Firm | 25 percent |
| • Staffing and Project Organization | 40 percent |
| • Work Plan | 35 percent |

The evaluation criteria and weightings are consistent with those developed for similar architectural and engineering (A&E) procurements. In developing the criteria and weightings, several factors were considered. Staff is proposing giving the greatest importance to staffing and project organization as the qualifications of the project manager and other key task leaders are critical to the successful performance of the Project. Staff has assigned a high level of importance to the work plan as the technical approach and understanding of the project is critical to developing realistic schedules and work approaches. The qualifications of the firm's experience in performing similar work is also important to the success of the Project. As this is an A&E procurement, price is not an evaluation criterion pursuant to state and federal laws.

The RFP will be released upon Board approval of these recommendations.

Fiscal Impact

Funding is proposed in the OCTA Fiscal Year 2018-19 Budget, Capital Programs Division, Account 0017-9085-FC105-06W, and will be funded with M2 funds.

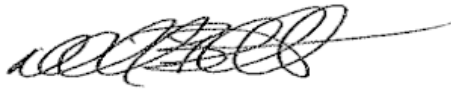
Summary

Board of Directors' approval is requested to release Request for Proposals 8-1418 for construction management support services for the Interstate 5 widening project between Oso Parkway and Alicia Parkway (Segment 2).

Attachment

- A. Draft Request for Proposals (RFP) 8-1418, Construction Management Support Services for the Interstate 5 Widening Project Between Oso Parkway and Alicia Parkway

Prepared by:



Niall Barrett, P.E.
Program Manager
(714) 560-5879

Approved by:



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



Virginia Abadessa
Director, Contracts Administration and
Materials Management
(714) 560-5623

REQUEST FOR PROPOSALS (RFP) 8-1418

**CONSTRUCTION MANAGEMENT
SUPPORT SERVICES FOR
INTERSTATE 5 WIDENING PROJECT
BETWEEN OSO PARKWAY AND
ALICIA PARKWAY**



**ORANGE COUNTY TRANSPORTATION AUTHORITY
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282**

Key RFP Dates

Issue Date:	February 26, 2018
Pre-Proposal Conference Date:	March 8, 2018
Question Submittal Date:	March 12, 2018
Proposal Submittal Date:	April 3, 2018
Interview Date:	May 8, 2018

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NOTICE OF REQUEST FOR PROPOSALS

(RFP): 8-1418: "CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR INTERSTATE 5 WIDENING PROJECT BETWEEN OSO PARKWAY AND ALICIA PARKWAY"

TO: ALL OFFERORS

FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY

The Orange County Transportation Authority (Authority) invites proposals from qualified consultants to provide Construction Management Support Services for Interstate 5 Widening Project Between Oso Parkway and Alicia Parkway.

The Authority has made the following documents available on CAMM NET for review.

- 100% Project Plans and Specifications Submittals, pending Caltrans approval.

Proposals must be received in the Authority's office at or before 2:00 p.m. on April 3, 2018.

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Marjorie Morris Threats, Senior Contract Administrator**

Proposals delivered using the U.S. Postal Service shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management
P.O. Box 14184
Orange, California 92863-1584
Attention: Marjorie Morris Threats, Senior Contract Administrator**

Proposals and amendments to proposals received after the date and time specified above will be returned to the Offerors unopened.

Firms interested in obtaining a copy of this Request for Proposals (RFP) may do so by downloading the RFP from CAMM NET at <https://cammnet.octa.net>.

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET. The website can be found at <https://cammnet.octa.net>. From the site menu click on CAMM NET to register.

To receive all further information regarding this RFP 8-1418, firms and subconsultants must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

<u>Category:</u>	<u>Commodity:</u>
Construction	Construction Management Services Inspection Services Traffic Control Services
Professional Consulting	Consultant Services - General Traffic Planning Consulting
Professional Services	Engineering - Civil Engineering - General Inspection - Testing & Analysis Land Surveying

A pre-proposal conference will be held on March 8, 2018, at 10:00 a.m. the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 09. All prospective Offerors are encouraged to attend the pre-proposal conference.

Offeror's are asked to submit written statements of technical qualifications and describe in detail their work plan for completing the work specified in the Request for Proposal. **No cost proposal or estimate of work hours is to be included in this phase of the RFP process.**

The Authority has established May 8, 2018, as the date to conduct interviews. All prospective Offerors will be asked to keep this date available.

Certain labor categories under this project are subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et. Seq. It is required that all mechanics and laborers employed or working at the site be paid not less than the basic hourly rates of pay and fringe benefits as shown in the current minimum wage schedules. Offerors must use the current wage schedules applicable at the time the work is in progress.

Offerors are encouraged to subcontract with small businesses to the maximum extent possible.

All Offerors will be required to comply with all applicable equal opportunity laws and regulations.

The award of this contract is subject to receipt of federal, state and/or local funds adequate to carry out the provisions of the proposed agreement including the identified Scope of Work.

SECTION I: INSTRUCTIONS TO OFFERORS

SECTION I. INSTRUCTIONS TO OFFERORS

A. PRE-PROPOSAL CONFERENCE

A pre-proposal conference will be held on March 8, 2018, at 10:00 a.m. the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 09. All prospective Offerors are encouraged to attend the pre-proposal conference.

B. EXAMINATION OF PROPOSAL DOCUMENTS

By submitting a proposal, Offeror represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the Authority's objectives.

C. ADDENDA

The Authority reserves the right to revise the RFP documents. Any Authority changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The Authority will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Offerors shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP and be rejected.

D. AUTHORITY CONTACT

All communication and/or contacts with AUTHORITY staff regarding this RFP are to be directed to the following Contract Administrator:

Marjorie Morris Threats, Senior Contract Administrator
Contracts Administration and Materials Management Department
600 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
Phone: 714.560. 5633, Fax: 714.560.5792
Email: mthreats@octa.net

Commencing on the date of the issuance of this RFP and continuing until award of the contract or cancellation of this RFP, no proposer, subcontractor, lobbyist or agent hired by the proposer shall have any contact or communications regarding this RFP with any AUTHORITY's staff; member of the evaluation committee for this RFP; or any contractor or consultant involved with the procurement, other than the Contract Administrator named above or unless expressly permitted by this RFP. Contact includes face-to-face, telephone, electronic mail (e-mail) or formal written communication. Any proposer, subcontractor, lobbyist or agent hired by the

proposer that engages in such prohibited communications may result in disqualification of the proposer at the sole discretion of the AUTHORITY.

E. CLARIFICATIONS

1. Examination of Documents

Should an Offeror require clarifications of this RFP, the Offeror shall notify the Authority in writing in accordance with Section D.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter which will be sent to all firms registered on CAMM NET under the commodity codes specified in this RFP.

2. Submitting Requests

- a. All questions, including questions that could not be specifically answered at the pre-proposal conference must be put in writing and must be received by the Authority no later than 5:00 p.m., on March 12, 2018.
- b. Requests for clarifications, questions and comments must be clearly labeled, "Written Questions". The Authority is not responsible for failure to respond to a request that has not been labeled as such.
- c. Any of the following methods of delivering written questions are acceptable as long as the questions are received no later than the date and time specified above:
 - (1) U.S. Mail: Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584.
 - (2) Personal Delivery: Contracts Administration and Materials Management Department, 600 South Main Street, Lobby Receptionist, Orange, California 92868.
 - (3) Facsimile: (714) 560-5792.
 - (4) Email: mthreats@octa.net

3. Authority Responses

Responses from the Authority will be posted on CAMM NET, no later than March 16, 2018. Offerors may download responses from CAMM NET at <https://cammmnet.octa.net>, or request responses be sent via U.S. Mail by emailing or faxing the request to Marjorie Morris Threats, Senior Contract Administrator.

To receive email notification of Authority responses when they are posted on CAMM NET, firms and subconsultants must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

<u>Category:</u>	<u>Commodity:</u>
Construction	Construction Management Services
	Inspection Services
	Traffic Control Services
Professional Consulting	Consultant Services - General
	Traffic Planning Consulting
Professional Services	Engineering - Civil
	Engineering - General
	Inspection - Testing & Analysis
	Land Surveying

Inquiries received after 5:00 p.m. on March 12, 2018, will not be responded to.

F. SUBMISSION OF PROPOSALS

1. Date and Time

Proposals must be received in the Authority's office at or before 2:00 p.m. on April 3, 2018.

Proposals received after the above-specified date and time will be returned to Offerors unopened.

2. Address

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management (CAMM)
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Marjorie Morris Threats, Senior Contract Administrator**

Or proposals delivered using the U.S. Postal Services shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management (Camm)
P.O. Box 14184
Orange, California 92863-1584
Attention: Marjorie Morris Threats, Senior Contract Administrator**

3. Identification of Proposals

Offeror shall submit an **original and 7 copies** of its proposal in a sealed package, addressed as shown above in F.2. The outer envelope must show the Offeror's name and address and clearly marked with RFP number. In addition to the above, Proposers shall also include one (1) electronic copy of their entire RFP submittal package in "PDF" format, on a CD, DVD, or flash drive.

4. Acceptance of Proposals

- a. The Authority reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.
- b. The Authority reserves the right to withdraw or cancel this RFP at any time without prior notice and the Authority makes no representations that any contract will be awarded to any Offeror responding to this RFP.
- c. The Authority reserves the right to issue a new RFP for the project.
- d. The Authority reserves the right to postpone proposal openings for its own convenience.
- e. Each proposal will be received with the understanding that acceptance by the Authority of the proposal to provide the services described herein shall constitute a contract between the Offeror and Authority which shall bind the Offeror on its part to furnish and deliver at the prices given and in accordance with conditions of said accepted proposal and specifications.
- f. The Authority reserves the right to investigate the qualifications of any Offeror, and/or require additional evidence of qualifications to perform the work.
- g. Submitted proposals are not to be copyrighted.

G. PRE-CONTRACTUAL EXPENSES

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror in the preparation of its proposal. Offeror shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Offeror in:

1. Preparing its proposal in response to this RFP;
2. Submitting that proposal to the Authority;
3. Negotiating with the Authority any matter related to this proposal; or
4. Any other expenses incurred by Offeror prior to date of award, if any, of the Agreement.

H. JOINT OFFERS

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

I. TAXES

Offerors' proposals are subject to State and Local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes. Offeror is responsible for payment of all taxes for any goods, services, processes and operations incidental to or involved in the contract.

J. PROTEST PROCEDURES

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator responsible for this procurement. Any protests filed by an Offeror in connection with this RFP must be submitted in accordance with the Authority's written procedures.

K. CONTRACT TYPE

It is anticipated that the Agreement resulting from this solicitation, if awarded, will be fully burdened labor rates and anticipated expenses for work specified in the Scope of Work, included in this RFP as Exhibit A.

L. PREVAILING WAGES

Certain labor categories under this project are subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et.seq. The proposer to whom a contract for the work is awarded by the Authority shall comply with the provision of the California Labor Code, including, without

limitation, the obligation to pay the general prevailing rates of wages in the locality in which the work is to be performed in accordance with, without limitation, Sections 1773.1, 1774, 1775 and 1776 of the California Labor Code governing employment of apprentices. Copies of the prevailing rates of per diem wages are on file at the Authority's principal office at 550 S. Main Street, Orange, CA 92868 and are available to any interested party on request.

M. CONFLICT OF INTEREST

All Offerors responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, an Offeror is unable, or potentially unable to render impartial assistance or advice to the Authority; an Offeror's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or an Offeror has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Offeror's proposal.

All Offerors must disclose in their proposal and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby AUTHORITY staff or the Board of Directors on their behalf.

Offerors hired to perform services for the AUTHORITY are prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the AUTHORITY, either as a prime or subcontractor.

N. CODE OF CONDUCT

All Offerors agree to comply with the Authority's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. All Offerors agree to include these requirements in all of its subcontracts.

O. PROHIBITION

The following prohibition apply to this procurement:

Offerors, including all subconsultants (at any tier), regardless of the level of service provided by said subcontractor(s), that is awarded this contract for construction management services is prohibited from submitting a bid for the construction of this Project.

Offerors, including all subconsultants (at any tier), awarded the design contract for the Interstate 5 Widening Project Between OSO Parkway and Alicia Parkway for the plans, specifications and estimates may not propose for any of the Construction Management Services for this Project.

The firm awarded the Program Management Consultant for the Highway Program contract may not submit a proposal for this procurement.

SECTION II: PROPOSAL CONTENT

SECTION II. PROPOSAL CONTENT**A. PROPOSAL FORMAT AND CONTENT****1. Format**

Proposals should be typed with a standard 12-point font, double-spaced and submitted on 8 1/2" x 11" size paper, using a single method of fastening. Charts and schedules may be included in 11"x17" format. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed fifty (50) pages in length, excluding any appendices, cover letters, resumes, or forms.

2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Marjorie Morris Threats, Senior Contract Administrator and must, at a minimum, contain the following:

- a. Identification of Offeror that will have contractual responsibility with the Authority. Identification shall include legal name of company, corporate address, telephone and fax number, and email address. Include name, title, address, email address and telephone number of the contact person identified during period of proposal evaluation.
- b. Identification of all proposed subcontractors including legal name of company, whether the firm is a Disadvantaged Business Enterprise (DBE), contact person's name and address, phone number and fax number, and email address; relationship between Offeror and subcontractors, if applicable.
- c. Acknowledgement of receipt of all RFP addenda, if any.
- d. A statement to the effect that the proposal shall remain valid for a period of not less than 180 days from the date of submittal.
- e. Signature of a person authorized to bind Offeror to the terms of the proposal.
- f. Signed statement attesting that all information submitted with the proposal is true and correct.

3. Technical Proposal

a. Qualifications, Related Experience and References of Offeror

This section of the proposal should establish the ability of Offeror to satisfactorily perform the required work by reasons of: experience in performing work of a similar nature; demonstrated competence in the services to be provided; strength and stability of the firm; staffing capability; work load; record of meeting schedules on similar projects; and supportive client references.

Offeror to:

- (1) Provide a brief profile of the firm, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size and location of offices; and number of employees.
- (2) Provide a general description of the firm's financial condition and identify any conditions (e.g., bankruptcy, pending litigation, planned office closures, impending merger) that may impede Offeror's ability to complete the project.
- (3) Describe the firm's experience in performing work of a similar nature to that solicited in this RFP, and highlight the participation in such work by the key personnel proposed for assignment to this project.
- (4) Identify subcontractors by company name, address, contact person, telephone number, email, and project function. Describe Offeror's experience working with each subcontractor.
- (5) Identify all firms hired or retained to provide lobbying or advocating services on behalf of the Offeror by company name, address, contact person, telephone number and email address. This information is required to be provided by the Offeror immediately during the evaluation process, if a lobbyist or advocate is hired or retained.
- (6) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who is most knowledgeable about the work performed. Offeror may also supply references from other work not cited in this section as related experience.

b. Proposed Staffing and Project Organization

This section of the proposal should establish the method, which will be used by the Offeror to manage the project as well as identify key personnel assigned.

Offeror to:

- (1) Identify key personnel proposed to perform the work in the specified tasks and include major areas of subcontract work. Include the person's name, current location, proposed position for this project, current assignment, level of commitment to that assignment, availability for this assignment and how long each person has been with the firm.
- (2) Furnish brief resumes (not more than two [2] pages each) for the proposed Project Manager and other key personnel that includes education, experience, and applicable professional credentials.
- (3) Indicate adequacy of labor resources utilizing a table projecting the resource allocation to the project by individual task.
- (4) Include a project organization chart, which clearly delineates communication/reporting relationships among the project staff.
- (5) Include a statement that key personnel will be available to the extent proposed for the duration of the project acknowledging that no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the Authority.

c. Work Plan

Offeror should provide a narrative, which addresses the Scope of Work, and shows Offeror's understanding of Authority's needs and requirements.

Offeror to:

- (1) Describe the approach to completing the tasks specified in the Scope of Work. The approach to the work plan shall be of such detail to demonstrate the Offeror's ability to accomplish the project objectives and overall schedule.
- (2) Outline sequentially the activities that would be undertaken in completing the tasks and specify who would perform them.

- (3) Furnish a project schedule for completing the tasks in terms of elapsed weeks.
- (4) Identify methods that Offeror will use to ensure quality control as well as budget and schedule control for the project.
- (5) Identify any special issues or problems that are likely to be encountered in this project and how the Offeror would propose to address them.
- (6) Offeror is encouraged to propose enhancements or procedural or technical innovations to the Scope of Work that do not materially deviate from the objectives or required content of the project.

d. Exceptions/Deviations

State any technical and/or contractual exceptions and/or deviations from the requirements of this RFP, including the AUTHORITY's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit B), using the form entitled "Proposal Exceptions and/or Deviations" included in this RFP. This Proposal Exceptions and/or Deviations form must be included in the original proposal submitted by the Offeror. If no technical or contractual exceptions and/or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted the AUTHORITY's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit B). Offerors will not be allowed to submit the Proposal Exceptions and/or Deviations form or any technical and/or contractual exceptions after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by AUTHORITY.

All exceptions and/or deviations will be reviewed by the AUTHORITY and will be assigned a "pass" or "fail" status. Exceptions and deviations that "pass" do not mean that the AUTHORITY has accepted the change but that it is a potential negotiable issue. Exceptions and deviations that receive a "fail" status means that the requested change is not something that the AUTHORITY would consider a potential negotiable issue. Offerors that receive a "fail" status on their exceptions and/or deviations will be notified by the AUTHORITY and will be allowed to retract the exception and/or deviation and continue in the evaluation process. Any exceptions and/or deviation that receive a "fail" status and the Offeror cannot or

does not retract the requested change may result in the firm being eliminated from further evaluation.

4. Cost and Price Proposal

Offerors are asked to submit only the technical qualifications as requested in the RFP. No cost proposal or work hours are to be included in this phase of the RFP process. Upon completion of the initial evaluations and interviews, if conducted, the highest ranked Offeror will be asked to submit a detailed cost proposal and negotiations will commence based on both the cost and technical proposals.

5. Appendices

Information considered by Offeror to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Offerors are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

B. FORMS

1. Campaign Contribution Disclosure Form

In conformance with the statutory requirements of the State of California Government Code Section 84308, part of the Political Reform Act and Title 2, California Code of Regulations 18438 through 18438.8, regarding campaign contributions to members of appointed Boards of Directors, Offeror is required to complete and sign the Campaign Contribution Disclosure Form provided in this RFP and submit as part of the proposal. Offeror is required to submit only one copy of the completed form(s) as part of its proposal and it should be included in only the original proposal. The prime consultant, subcontractors, lobbyists and agents are required to report all campaign contributions from the proposal submittal date up and until the Board of Directors makes a selection, which is currently scheduled for July 9, 2018 .

2. Status of Past and Present Contracts Form

Offeror shall complete and sign the form entitled "Status of Past and Present Contracts" provided in this RFP and submit as part of its proposal. Offeror shall identify the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract. Offeror shall

have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of Offeror's proposal.

A separate form must be completed for each identified contract. Each form must be signed by the Offeror confirming that the information provided is true and accurate. Offeror is required to submit one copy of the completed form(s) as part of its proposals and it should be included in only the original proposal.

3. Proposal Exceptions and/or Deviations Form

Offerors shall complete the form entitled "Proposal Exceptions and/or Deviations" provided in this RFP and submit it as part of the original proposal. For each exception and/or deviation, a new form should be used, identifying the exception and/or deviation and the rationale for requesting the change. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed nor considered by the AUTHORITY.

4. Certification of Consultant, Commissions & Fees

In receiving federal funds, Offeror is required to complete the Certification of Consultant, Commissions and Fees form. This form is to be included with Offeror's proposal.

SECTION III: EVALUATION AND AWARD

SECTION III. EVALUATION AND AWARD

A. EVALUATION CRITERIA

The Authority will evaluate the offers received based on the following criteria:

- 1. Qualifications of the Firm 25%**

 Technical experience in performing work of a closely similar nature; strength and stability of the firm; strength, stability, experience and technical competence of subcontractors; assessment by client references.
- 2. Staffing and Project Organization 40%**

 Qualifications of project staff, particularly key personnel and especially the Project Manager; key personnel's level of involvement in performing related work cited in "Qualifications of the Firm" section; logic of project organization; adequacy of labor commitment; concurrence in the restrictions on changes in key personnel.
- 3. Work Plan 35%**

 Depth of Offeror's understanding of Authority's requirements and overall quality of work plan; logic, clarity and specificity of work plan; appropriateness of resource allocation among the tasks; reasonableness of proposed schedule; utility of suggested technical or procedural innovations.

B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of Authority staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A. A list of top ranked proposals, firms within a competitive range, will be developed based upon the totals of each committee members' score for each proposal.

During the evaluation period, the Authority may interview some or all of the proposing firms. The Authority has established May 8, 2018, as the date to conduct interviews. All prospective Offerors are asked to keep this date available. No other interview dates will be provided, therefore, if an Offeror is unable to attend the interview on this date, its proposal may be eliminated from further discussion. The interview may consist of a short presentation by the Offeror after which the evaluation committee will ask questions related to the firm's proposal and qualifications.

At the conclusion of the evaluation process, the evaluation committee will rank proposals and will recommend to the Regional & Highways Committee, the Offeror(s) with the highest ranking. The Regional Planning & Highways Committee (s) will review the evaluation committee's recommendation and forward its recommendation to the Board of Directors for final action.

C. AWARD

The Evaluation Committee will select a firm to recommend to the Authority's Board of Directors. At the same time the recommended Offeror will be asked to submit a sealed price proposal. In conjunction with its action of selecting a firm, the Authority's Board of Directors will authorize staff to negotiate a contract price and other terms and conditions. The Board will also grant staff the ability to terminate negotiations with the selected Offeror if no satisfactory agreement can be reached and to begin negotiations with the next highest-ranked Offeror until a satisfactory agreement has been achieved.

The Authority reserves the right to award its total requirements to one Offeror or to apportion those requirements among several Offerors as the Authority may deem to be in its best interest. In addition, negotiations may or may not be conducted with Offerors; therefore, the proposal submitted should contain Offeror's most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror.

The selected Offeror will be required to submit to an audit of its financial records to confirm its financial stability and the Offeror's accounting system.

D. THE SELECTANT OFFEROR WILL BE REQUIRED TO SUBMIT TO THE AUTHORITY'S ACCOUNTING DEPARTMENT A CURRENT IRS W-9 FORM PRIOR TO COMMENCING WORK.

E. NOTIFICATION OF AWARD AND DEBRIEFING

Offerors who submit a proposal in response to this RFP shall be notified via CAMM NET of the contract award. Such notification shall be made within three (3) business days of the date the contract is awarded.

Offerors who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Offerors, who wish to be debriefed, must request the debriefing in writing or electronic mail and the Authority must receive it within three (3) business days of notification of the contract award.

EXHIBIT A: SCOPE OF WORK

EXHIBIT B: PROPOSED AGREEMENT

EXHIBIT C: FORMS

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Information Sheet

ORANGE COUNTY TRANSPORTATION AUTHORITY

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the OCTA or any of its affiliated agencies. (Please see next page for definitions of these terms.)

IMPORTANT NOTICE

Basic Provisions of Government Code Section 84308

- A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any board member or his or her alternate. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three months after a final decision is rendered by the Board of Directors. In addition, no board member or alternate may solicit or accept a campaign contribution of more than \$250 from you during this period.
- B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any board member or his or her alternate during the 12-month period preceding the filing of the application or the initiation of the proceeding.
- D. If you or your agent have in the aggregate contributed more than \$250 to any individual board member or his/or her alternate during the 12 months preceding the decision on the application or proceeding, that board member or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the board member or alternate returns the campaign contribution within 30 days from the time the director knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your proposal, or with the first written document you file or submit after the proceeding commences.

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are "agents."
3. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different directors or their alternates are not aggregated.
4. A list of the members and alternates of the Board of Directors is attached.

This notice summarizes the major requirements of Government Code Section 84308 of the Political Reform Act and California Code of Regulations, Title 2 Sections 18438-18438.8.

ORANGE COUNTY TRANSPORTATION AUTHORITY
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

RFP Number: _____ RFP Title: _____

To be completed only if campaign contributions have been made in the preceding 12 months.

Prime Contractor Firm Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is Contributor:

- | | | |
|---|---------|---------|
| <input type="radio"/> the Prime Contractor | Yes____ | No ____ |
| <input type="radio"/> Subcontractor | Yes____ | No ____ |
| <input type="radio"/> Agent/Lobbyist hired by Prime
to represent the Prime in this RFP | Yes____ | No ____ |

Note: Under the State of California Government Code section 84308 and California Code of Regulations, Title 2, Section 18438, campaign contributions made by the Prime Contractor and the Prime Contractor's agent/lobbyist who is representing the Prime Contractor in this RFP must be aggregated together to determine the total campaign contribution made by the Prime Contractor.

Board Member(s) to whom you and/or agent/lobbyist made campaign contributions and the dates of contribution(s) in the preceding 12 months. Each date must include the exact month, day, and year of the contribution.

Name of Board Member: _____

Name of Contributor: _____

Date(s): _____

Amount(s): _____

Name of Board Member: _____

Name of Contributor: _____

Date(s): _____

Amount(s): _____

Date: _____

Signature of Contributor

**ORANGE COUNTY TRANSPORTATION AUTHORITY
AND AFFILIATED AGENCIES**

Board of Directors

Lisa A. Bartlett, Chairwoman

Tim Shaw, Vice Chairman

Laurie Davies, Director

Barbara Delgleize, Director

Andrew Do, Director

Lori Donchak, Director

Michael Hennessey, Director

Steve Jones, Director

Mark A. Murphy, Director

Richard Murphy, Director

Al Murray, Director

Shawn Nelson, Director

Miguel Pulido, Director

Todd Spitzer, Director

Michelle Steel, Director

Tom Tait, Director

Greg Winterbottom, Director

STATUS OF PAST AND PRESENT CONTRACTS FORM

On the form provided below, Offeror shall list the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract.

A separate form must be completed for each contract. Offeror shall provide an accurate contact name and telephone number for each contract and indicate the term of the contract and the original contract value. Offeror shall also provide a brief summary and the current status of the litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations. If the contract was terminated, list the reason for termination.

Offeror shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of Offeror's proposal. Each form must be signed by an officer of the Offeror confirming that the information provided is true and accurate.

Project city/agency/other:	
Contact Name:	Phone:
Project Award Date:	Original Contract Value:
Term of Contract:	
(1) Litigation, claims, settlements, arbitrations, or investigations associated with contract:	
(2) Summary and Status of contract:	
(3) Summary and Status of action identified in (1):	
(4) Reason for termination, if applicable:	

By signing this Form entitled "Status of Past and Present Contracts," I am affirming that all of the information provided is true and accurate.

Name

Date

Title

Last Rev. 08/26/2015

PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

The following form shall be completed for each technical and/or contractual exception or deviation that is submitted by Offeror for review and consideration by Authority. The exception and/or deviation must be clearly stated along with the rationale for requesting the exception and/or deviation. If no technical or contractual exceptions or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted Authority’s technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit B). Offerors will not be allowed to submit this form or any contractual exceptions and/or deviation after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

Offeror:_____

RFP No.:_____ RFP Title: _____

Deviation or Exception No. : _____

Check one:

- Scope of Work (Technical) _____
- Proposed Agreement (Contractual) _____

Reference Section/Exhibit: _____ Page/Article No._____

Complete Description of Deviation or Exception:

Rationale for Requesting Deviation or Exception:

Area Below Reserved for Authority Use Only:

EXHIBIT D: SAFETY SPECIFICATIONS

LEVEL 1 HEALTH, SAFETY AND ENVIRONMENTAL SPECIFICATIONS

PART I – GENERAL

1.1 GENERAL HEALTH, SAFETY & ENVIRONMENTAL REQUIREMENTS

- A. The Contractor, its subcontractors, suppliers, and employees have the obligation to comply with all Authority health, safety and environmental compliance department (HSEC) requirements of this safety specification, project site requirements, bus yard safety rules, as well as all federal, state, and local regulations pertaining to scope of work, contracts or agreements with the Authority. Additionally, manufacturer requirements are considered incorporated by reference as applicable to this scope of work.
- B. Observance of repeated unsafe acts or conditions, serious violation of safety standards, non-conformance of Authority health, safety and environmental compliance department (HSEC) requirements, or disregard for the intent of these safety specifications to protect people and property, by Contractor or its subcontractors may be cause for termination of scope or agreements with the Authority, at the sole discretion of the Authority.
- C. The health, safety, and environmental requirements, and references contained within this scope of work shall not be considered all-inclusive as to the hazards that might be encountered. Safe work practices shall be planned and performed, and safe conditions shall be maintained during the course of this work scope.
- D. The Authority Project Manager shall be responsible to ensure a safety orientation is conducted of known potential hazards and emergency procedures for all Contractor personnel, subcontractors, suppliers, vendors, and new employees assigned to the project prior to commencement of the project.
- E. The Contractor shall ensure that all Contractor vehicles, including those of its subcontractors, suppliers, vendors and employees are parked in designated parking areas, and comply with traffic routes, and posted traffic signs in areas other than the employee parking lots.
- F. California Code of Regulations (CCR) Title 8 Standards are minimum requirements; each Contractor is encouraged to exceed minimum requirements. When the Contractor's safety requirements exceed statutory standards, the more stringent requirements shall be achieved for the safeguard of public and workers.

G. INJURY AND ILLNESS PREVENTION PLAN

The Contractor shall submit to the Authority, a copy of their company Injury and Illness Prevention Plan (IIPP) in accordance with California Code of Regulations (CCR) Title 8, Section 3203. The intent and elements of the IIPP shall be implemented and enforced by the Contractor and its sub-tier contractors, suppliers, and vendors.

- H. Contractor shall provide a copy of the Policy or Program of Company's Substance Abuse Prevention Policy that complies with the 1988 Drug Free Workplace Act.

1.2 HEAT ILLNESS PREVENTION PROGRAM

- A. Contractor shall provide a copy of their company Heat Illness Prevention Program in accordance with CCR Title 8, Section 3395, Heat Illness Prevention.

1.3 HAZARD COMMUNICATION

- A. Contractor shall comply with CCR Title 8, Section 5194 Hazard Communication Standard. Prior to use on Authority property and/or project work areas Contractor shall provide the Authority Project Manager copies of Safety Data Sheet (SDS) for all applicable products used, if any.
- B. All chemicals including paint, solvents, detergents and similar substances shall comply with South Coast Air Quality Management District (SCAQMD) rules 103, 1113, and 1171.
- C. The Contractor shall protect property and water resources from fuels and similar products throughout the duration of the contract. Contractor shall comply with Storm Water Pollution Prevention Plan (SWPPP) requirements.

1.4 INCIDENT NOTIFICATION AND INVESTIGATION

- A. The Authority shall be promptly notified of any of the following types of incidents:
 - 1. Damage to Authority property (or incidents involving third party property damage);
 - 2. Reportable and/or Recordable injuries (as defined by the U. S. Occupational Safety and Health Administration);
 - 3. Incidents impacting the environment, i.e. spills or releases on Authority property.
- B. Notifications shall be made to Authority representatives, employees and/or agents. This includes incidents occurring to contractors, vendors, visitors, or members of the general public that arise from the performance of Authority contract work. An immediate verbal notice followed by an a written incident investigation report shall be submitted to Authority's Project Manager within 24 hours of the incident.
- C. A final written incident investigative report shall be submitted within seven (7) calendar days, and include the following information. The current status of anyone injured, photos of the incident area, detailed description of what happened, the contributing factors that lead to the incident occurrence, a copy of the company policy or procedure associated with the incident and evaluation of effectiveness, copy of the task planning documentation, and the corrective action initiated to prevent recurrence. This information shall be considered the minimum elements required for a comprehensive incident report acceptable to OCTA.

1.5 PERSONAL PROTECTIVE EQUIPMENT

- A. The Contractor, its subcontractors, suppliers, and employees are required to comply with applicable personal protective equipment (PPE) requirements while performing work at any Authority project or property. Generally minimum PPE requirements

include eye protection; hearing protection, head protection, class 2 safety reflective vests, and appropriate footwear.

- B. The Contractor, its subcontractors, suppliers, and employees are required to provide their own PPE, including eye, head, foot, and hand protection, safety vests, or other PPE required to perform their work safely on Authority projects or property. The Authority requires eye protection on construction projects and work areas that meet ANSI Z-87.1 Standards.

1.6 REFERENCES

- A. CCR Title 8 Standards (Cal/OSHA)
- B. FCR Including 1910 and 1926 Standards
- C. NFPA, NEC, ANSI, NIOSH Standards
- D. OCTA Construction Management Procedures Manual
- E. OCTA Yard Safety Rules

END OF SECTION

Level 1 HSE Specifications
1008404.1
Revision 6, 7/20/2017

EXHIBIT E: CERTIFICATION OF CONSULTANT COMMISSION AND FEES

CERTIFICATION OF CONSULTANT, COMMISSIONS & FEES

I HEREBY CERTIFY that I am the _____, and duly authorized representative of the firm of _____, whose address is _____, and that, except as hereby expressly stated, neither I nor the above firm that I represent have:

- (a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this contract; nor
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract; nor
- (c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind, for or in connection with, procuring or carrying out this contract.

I acknowledge that this Certificate is to be made available to the California Department of Transportation (Caltrans) in connection with this contract involving participation of federal-aid highway funds, and is subject to applicable state and federal laws, both criminal and civil.

(Date)

(Signature)



COMMITTEE TRANSMITTAL

February 26, 2018

To: Members of the Board of Directors

From: Laurena Weinert, Clerk of the Board

Subject: Contractor Selection for the Toll Lanes System Integrator Services for the 405 Express Lanes and 91 Express Lanes

Finance and Administration Committee Meeting of February 14, 2018

Present: Directors Do, Hennessey, Jones, and R. Murphy
Absent: Directors Donchak, Spitzer, and Steel

Committee Vote

This item was passed by the Members present.

Committee Recommendations

- A. Approve the selection of Kapsch TrafficCom USA, Inc., as the firm to provide toll system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1911 between the Orange County Transportation Authority and Kapsch TrafficCom USA, Inc., in the amount of \$42,309,259, to provide toll lanes system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.
- C. Approve an amendment to the Orange County Transportation Authority's Fiscal Year 2017-18 Budget, in the amount of \$32,309,259, to accommodate for the toll lanes system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.



February 14, 2018

To: Finance and Administration Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Contractor Selection for the Toll Lanes System Integrator Services for the 405 Express Lanes and 91 Express Lanes

Overview

On August 28, 2017, the Orange County Transportation Authority Board of Directors approved the release of a request for proposals to retain a contractor to provide toll lane system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes. Board of Directors' approval is requested for the selection of a firm to perform the required work, and to amend the fiscal year 2017-18 budget to accommodate for the toll lanes system integrator services.

Recommendations

- A. Approve the selection of Kapsch TrafficCom USA, Inc., as the firm to provide toll system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1911 between the Orange County Transportation Authority and Kapsch TrafficCom USA, Inc., in the amount of \$42,309,259, to provide toll lanes system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.
- C. Approve an amendment to the Orange County Transportation Authority's Fiscal Year 2017-18 Budget, in the amount of \$32,309,259, to accommodate for the toll lanes system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 405 Express Lanes and 91 Express Lanes.

Discussion

The 91 Express Lanes has been operational for the past 22 years, and the 405 Express Lanes is anticipated to open in 2023. Both facilities comprise the Orange County Transportation Authority (OCTA) Express Lanes Program. The Express Lanes Electronic Toll and Traffic Management (ETTM) System Project (Project) is for the replacement of the existing 91 Express Lanes ETTM System and the implementation of a new ETTM System on the 405 Express Lanes, as part of the design-build Interstate 405 (I-405) Improvement Project from Euclid Street to Interstate 605 (I-605).

The current 91 Express Lanes ETTM System has been in place since 2004, with an upgrade completed in 2010. Sirit Corporation, which later became 3M Company (3M), was the firm responsible for the original development of the system design, integration, construction, installation, and maintenance of the ETTM System. As a result of 3M notifying OCTA in 2016 of their intent to no longer provide the existing level of maintenance support for the 91 Express Lanes, OCTA contracted with Cofiroute USA, LLC, to assume responsibility for the maintenance and support of the ETTM System.

In January 2017, OCTA entered into a design-build contract with OC 405 Partners for the design and construction of the I-405 Improvement Project, to be completed and open to the public in 2023. The I-405 Improvement Project will add one general purpose lane from Euclid Street to I-605 and will add an additional lane in each direction that would combine with the existing high-occupancy vehicle (HOV) lane to provide dual express lanes in each direction on the I-405 from State Route 73 (SR-73) to I-605, otherwise known as the 405 Express Lanes.

On October 12, 2015, the OCTA Board of Directors (Board) approved the operating assumptions for the 405 Express Lanes in which the 405 Express Lanes will operate in a manner similar to the existing 91 Express Lanes with all-electronic tolling using transponders (or future non-cash/electronic tolling) and with the same account types and violation processing.

On August 28, 2017, the Board approved the release of a request for proposals (RFP) to retain contractor services to provide toll lanes system integrator services for both the 405 Express Lanes and 91 Express Lanes. The Project includes the design, development, testing, installation, and maintenance of a complete and integrated ETTM System, which will be comprised of several subsystems that capture and transmit fully-formed trips to the back office system for customer account billing or violation processing. In addition, the selected

contractor will provide and maintain the roadside systems, including the nine variable message signs for the 405 Express Lanes, as well as the closed circuit television cameras for both express lanes facilities. The contractor will also establish and operate a traffic operations center and provide staff to monitor incidents and traffic conditions on the 405 Express Lanes facility.

Procurement Approach

This procurement was handled in accordance with OCTA's Board-approved procedures for professional and technical services. Various factors are considered in an award for professional and technical services. Award is recommended to the firm offering the most comprehensive overall proposal, considering such factors as staffing and project organization, prior experience with similar projects, work plan, technical approach as well as cost and price.

On August 28, 2017, RFP 7-1911 was issued electronically on CAMM NET. The procurement was advertised on August 28 and September 5, 2017, in a newspaper of general circulation. A pre-proposal conference was held on September 14, 2017, with 11 attendees representing nine firms. Nine addenda were issued to make available a copy of the pre-proposal presentation and conference registration sheets, provide responses to questions received, and handle administrative issues related to the RFP.

On October 31, 2017, four proposals were received. An evaluation committee consisting of staff from Contracts Administration and Materials Management, Highway Programs, and Express Lanes Programs departments, representatives from California Department of Transportation (Caltrans) District 12, San Diego Association of Governments, Alameda County Transportation Commission, and the Transportation Corridor Agencies, met to review all submitted technical proposals. The proposals were evaluated based on the following Board-approved evaluation criteria and weights:

- | | |
|-------------------------------------|------------|
| • Qualifications of the firm | 15 percent |
| • Staffing and Project Organization | 25 percent |
| • Work Plan | 15 percent |
| • Technical Approach | 25 percent |
| • Cost and Price | 20 percent |

Several factors were considered in developing the criteria weights. Work plan and technical approach together were given a combined weight of 40 percent due to the technical nature of the deliverables and the Offeror's proposed application of current available technology to OCTA's project demonstrating

substantial experience in the required scope of work and industry practices. Staffing and project organization was assigned a weight of 25 percent to emphasize the team's understanding of and experience with the Project and its challenges and the approach to implementing the various elements of the scope of work. The qualifications of the firm criterion was assigned a lesser weight, since it is the individuals' experiences that are of great significance on this type of Project. Cost and price was weighted at 20 percent to ensure delivery of a cost-effective implementation, operation, and maintenance of the Project.

On December 4, 2017, the evaluation committee reviewed the four proposals based on the evaluation criteria and short-listed the two firms most qualified to perform the required services. The most qualified firms are listed below in alphabetical order:

Firm and Location

Kapsch TrafficCom USA, Inc. (Kapsch)
McLean, Virginia

TransCore, LP (TransCore)
Nashville, Tennessee

On December 13, 2017, the evaluation committee conducted interviews with the two short-listed firms. Each firm had the opportunity to present its approach for accomplishing the requested services, demonstrate their technical approach, various aspects of their proposed solutions and systems, project team qualifications, and respond to evaluation committee questions. During the interview, each firm described its understanding of the requirements of this Project in the design, implementation, and maintenance and operation of the toll system, performance requirements, necessary coordination with the design-build contractor on the Project, and the transition from legacy to new toll system for the 91 Express Lanes. Each firm demonstrated the capabilities of its' proposed toll systems and technology in supporting the Project's requirements. In addition to answering questions of a general nature, both firms also answered specific clarifying questions related to each firm's proposal relative to the scope of work and requirements.

After considering the firms' demonstrations and responses to the questions asked during the interviews, the evaluation committee adjusted the preliminary scores for the two-shortlisted firms. However, the ranking of the firms remained unchanged.

Based on the evaluation of written proposals and the information obtained from interviews, it is recommended that Kapsch be selected to provide toll lanes system integration services for the 405 Express Lanes and 91 Express Lanes. The following is a brief summary of the proposal evaluation results.

Qualifications of the Firm

The two short-listed firms were found to be qualified to perform the types of services requested by the RFP. Both firms are established with highly relevant experience and resources.

The firms demonstrated experience and understanding of the scope of work and the Project's needs in the areas of coordination with the design-builder for the 405 Express Lanes, transition from legacy to new toll system for the 91 Express Lanes. Both firms demonstrated the depth of their firms' resources and extensive experience in toll systems and technology.

Kapsch has been in business for 125 years, offering worldwide services in the tolling and transportation industries. Kapsch has extensive experience in Open Road Tolling (ORT) / All Electronic Tolling (AET) collection systems, operations and integrations, supplying approximately 80 percent of all ORT/AET systems worldwide. In the United States, Kapsch was the toll systems integrator for several tolling projects for the Washington Department of Transportation, including the I-405 Express Lanes project in Seattle, Washington as well as several tolling projects in Austin, Texas for the Central Texas Regional Mobility Authority. Kapsch has an established presence in California being recently awarded the toll system integrator contracts for the Alameda County Transportation Commission Express Lanes and the Riverside County Transportation Commission I-15 Express Lanes projects. In addition, Kapsch has strong experience transitioning from legacy system to new lane system, including the Rhode Island Bridge Toll System and will be replacing the toll collection system for the Golden Gate Bridge in Northern California. Kapsch also has comprehensive industry experience working with and assisting agencies with transitioning between the different tolling protocols, most importantly 6C, as they have performed numerous multi-protocol deployments in the industry. This is extremely important as all California toll agencies are required to implement the new 6C protocol by January 2019 and continue to use the existing Title 21 protocol until it sunsets in December 2023.

TransCore has been in business for over 80 years deploying and supporting tolling and transportation systems worldwide. TransCore has solid experience in ORT/AET deployments with the first ORT system deployment in the country

along the Oklahoma Turnpike for the Oklahoma Turnpike Authority (OTA) in 2002. The firm was the toll system integrator for Phase I of the SR 237 Express Lanes for the Santa Clara Valley Transportation Authority and the Metro HOV to high-occupancy toll lanes conversion project for the Houston Metropolitan Transit Authority for Harris County. TransCore is assisting OTA with the migration from their legacy system to the new lane system technology. The proposal was very well written and organized with attention to detail.

Staffing and Project Organization

Both short-listed firms proposed highly qualified and diversified staff to adequately handle the work described in the scope of work and meet the RFP requirements.

Kapsch has about 3,500 employees worldwide with over 500 employees in the United States and offers a reliable depth in resources, which allows for quick mobilization to support the launch and delivery of the Project. Kapsch designated key personnel in each required area of expertise, with all key staff being direct Kapsch employees. The Project team is extremely qualified and has worked together on several relevant and recent tolling projects of similar scope to the Project. The project manager has 20 years of direct electronic toll collection experience, including project management, system engineering, and maintenance. The deputy project manager also has over 20 years' experience managing toll collection systems integration. Both of these individuals have had prior working experience with other key personnel identified on the team. Kapsch's team demonstrated the depth of the firm's resources, including availability of all key personnel and subject matter experts, and extensive experience in toll systems integration. During the interview and demonstration, Kapsch's team was very well-prepared, exhibited a strong team cohesion, and successfully responded to all questions raised by the evaluation panel.

TransCore has about 2,200 employees worldwide who provide a deep bench strength and wide range of skill sets when needed to support any project or customer. TransCore proposed a well-balanced team that is highly experienced with TransCore's proprietary lane solution that is to be deployed on the Project, the Infinity Digital Lane System. All key personnel listed have been with the firm for more than ten years each, and are experienced in all aspects of the Project's scope of work and requirements. The project manager has over 15 years of experience in the development and project management of toll collection system deployments. The availability of key personnel is good.

Work Plan

Both firms met the requirements of the RFP, and each firm adequately discussed its approach to toll systems design, development, installation, operations, and maintenance to accomplishing the Project's objectives and overall schedule.

Kapsch demonstrated a thorough understanding of the Project's requirements in their proposal, as well as during the interview. Their work plan addressed all requirements of the scope of work, as well as meeting key performance indicators and system security. Evident in their work plan and addressed during the interview is their position of transparency to the agency, where metrics and reports, associated risks and analyses are available at any level and at any time. The operations and maintenance team is involved during the onset of the design of the toll system in order to ensure ease of use and serviceability of the end product. Kapsch employs a multi-level review process, that includes peer reviews, and gate reviews with senior leadership, to ensure that all the scope of work requirements are met.

Kapsch understands the need to collaborate with the design-builder, OC 405 Partners, and is committed to working closely with them to ensure an efficient and integrated delivery of all required ETTM system for the Project. Kapsch will develop a detailed infrastructure requirements document that sets the level of understanding and expectations between Kapsch and OC 405 Partners and will provide the baseline for the civil site acceptance checklist.

In the work plan and during the interview, the Kapsch team demonstrated the robustness of their Remote Operations and Maintenance System (ROMS), which will provide 24 hours, 7 days per week monitoring and notifications, distribute all maintenance events, alarms, and assigned work. ROMS will immediately create service tickets and notify the assigned field or software technician of any equipment failure. Dashboards and reports are customizable and highly configurable to OCTA's needs. ROMS will provide OCTA with a complete, transparent, easy to use reporting, operations management, maintenance, and inventory control tool.

TransCore offered a detailed and easy to follow work plan, addressing the requirements of the RFP. A roles and responsibilities table was provided showing key personnel involvement during key activities throughout the Project's phases. The firm also provided a very detailed and complete project schedule. TransCore offered a detailed description of the quality process that will be implemented on the Project as well as a risk mitigation plan identifying some of the perceived risks with mitigation measures.

Technical Approach

Both firms discussed their technical systems and processes approach in meeting the Project's requirements. The firms described unique design or operational features of their systems that will benefit OCTA.

Kapsch proposed a fully integrated, transparent, easy to maintain, and scalable lane solution that provides high accuracy vehicle detection, image capture, and transponder association. Kapsch's ETTM system is comprised of field-proven components that allows for system redundancy. All end devices are addressable to support remote troubleshooting and reset, which minimizes the need for roadway closures.

As presented in Kapsch's demonstration during the interview, Kapsch's proposed automatic vehicle detection system, the Next-Gen Vehicle Detection System (nVDC), tracks all vehicles entering the toll zone until they leave the tolling region, ensuring all vehicles are detected, thus minimizing revenue leakage. It performs in all-weather conditions, regardless of speed or location within the zone. There are no gaps in detection.

Kapsch's lane solution is adaptable for both single and dual-gantry sites, such as the 405 Express Lanes and the 91 Express Lanes, respectively. Their proposed technical approach does not utilize in-pavement loops but rather uses fully overhead roadside redundant sensors and lasers for vehicle detection. This solution will not require replacement of the recently repaved lanes on the 91 Express Lanes, or close the express lanes to repair or replace the loops.

TransCore proposed a fully-functional, redundant, highly accurate and scalable solution system highlighting TransCore's Infinity Roadside system, and other roadway support systems that are proprietary to TransCore and altogether comprise the ETTM system. Their proposed lane system is easily upgradeable and maintained, which would significantly reduce lane down time and revenue leakage. Additionally, TransCore is proposing to use a test track facility to install new ETTM equipment and perform all required testing prior to installation for both the 91 and the 405 Express Lanes.

Cost and Price

Pricing scores were based on a formula which assigns the highest score to the firm with the lowest total price and scores the other proposals' total prices based on their relation to the lowest total price. Kapsch received the highest score based on the initial and option term pricing of \$57,115,492. This contract

authorization request is for the initial term in the amount of \$42,309,259. The total price proposed by Kapsch was the lowest of all the firms' proposed prices, and is under the budgeted amount for the Project.

Proposers were requested to provide cost and price information for the 405 Express Lanes separate from that information for the 91 Express Lanes, to allow for proper financial tracking on both facilities over the duration of the Project. The price breakdown, by Express Lanes facility, proposed by the recommended firm covering the initial term, is as follows:

Price for the 91 Express Lanes	\$13,726,604
Price for the 405 Express Lanes	\$28,582,655
Total Price for both Express Lanes Facilities	\$42,309,259

The costs include not only design and implementation of the ETTM systems for both facilities, but also the maintenance of both systems until the expiration of the contract in 2028. The initial term of the contract is for a period of ten years. The price for the 405 Express Lanes facility is higher than that of the 91 Express Lanes facility because the implementation work is significantly more involved on the 405 Express Lanes as it is a brand new express lanes facility, with twelve toll zones compared to the 91 Express Lane's five toll zones, in addition to the nine variable message signs and traffic operations center required for the 405 Express Lanes.

Procurement Summary

Based on the evaluation of the written proposals, the teams' qualifications, the work plan, technical approach, cost and price, and information obtained from the interviews, the evaluation committee recommends the selection of Kapsch TrafficCom USA, Inc. as the top-ranked firm. The Kapsch team's qualifications and their understanding of the Project's implementation and organization, work plan, technical approach, and Caltrans' and Federal Highways Administration's requirements are excellent.

Fiscal Impact

The approved OCTA FY 2017-18 Budget included \$10 million for the toll lanes system integrator for the 91 Express Lanes. A budget amendment of \$32,309,259 is required to award the encumbered contract for the toll lanes system integrator and consists of \$28,582,655 for the 405 Express Lanes and \$3,726,604 for the 91 Express Lanes, with the revenue sources to cover the

amendment comprising of Transportation Infrastructure Finance and Innovation Act funds and 91 Express Lanes funds, respectively.

Summary

Based on the information provided, staff recommends the Board authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1911 with Kapsch TrafficCom USA, Inc., in the amount of \$42,309,259, to provide toll lanes integration services for the 405 Express Lanes and 91 Express Lanes, and to approve the amendment to the Orange County Transportation Authority's Fiscal Year 2017-18 Budget, in the amount of \$32,309,259, to accommodate for the toll lanes integration services for the 405 Express Lanes and 91 Express Lanes services.

Attachments

- A. Review of Proposals, RFP 7-1911 Toll Lanes System Integrator Services for the 405 Express Lanes and the 91 Express Lanes.
- B. Proposal Evaluation Criteria Matrix (Short-listed), RFP 7-1911 Toll Lanes System Integrator Services for the 405 Express Lanes and the 91 Express Lanes.
- C. Contract History for the Past Two Years, RFP 7-1911 Toll Lanes System Integrator Services for the 405 Express Lanes and the 91 Express Lanes.

Prepared by:



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(714) 560-5674

Approved by:



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Deputy Chief Executive Officer
(714) 560-5649



Virginia Abadessa
Director, Contracts Administration
and Materials Management
(714) 560-5623

Review of Proposals

RFP 7-1911 Toll Lanes System Integrator Services for the 405 Express Lanes and 91 Express Lanes

(Presented to Finance And Administration Committee - February 14, 2018)

4 proposals were received, 2 firms were interviewed, 1 firm is being recommended

Overall Ranking	Overall Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Total Price
1	83	Kapsch TrafficCom USA, Inc. McLean, Virginia	Gannet Fleming, Inc. E-Squared Engineering, Inc. Reyes & Sons Electric, Inc.	Highest-ranked proposal Firm is a leader in the development and deployment of express lane systems Highly qualified project manager and proposed key personnel Excellent labor resources dedicated for the duration of the project Firm has excellent understanding of project, and has recent relevant express lanes project experience Comprehensive work plan and technical approach addressing all the elements of the scope of work and requirements Contractor. Solution encompasses overhead installation of all toll equipment minimizing the need for lane closures. Excellent interview with a comprehensive demonstration of the firm's solution and detailed responses to questions	\$42,309,259
2	77	TransCore, LP Nashville, Tennessee	Dimension Data North America Kambrian Corporation TJKM Transportation Global Electric Statewide Traffic Safety and Signs, Inc. Yale Chase MSL Electric, Inc. Safety Dynamics Group	Second-ranked firm overall Firm is a leader in the development and deployment of express lane systems Highly qualified project manager and proposed key personnel Very good labor resources dedicated for the duration of the project Firm has very good understanding of project, and has recent relevant express lanes project experience Very good work plan and technical approach addressing all the elements of the scope of work and requirements Excellent discussion on design, and integration with I-405 design-build Contractor. Solution encompasses in-pavement loops, which requires disruption to the newly paved 91 Lanes Express facility Good interview, demonstration of the firm's solution, and responses to questions	\$52,760,262

Evaluation Panel: Eight Members

From OCTA:

Contract Administration and

Materials Management (1)

Express Lanes (2)

Highway Projects (1)

External Members:

Caltrans (1)

Alameda County Transportation

Commission (1)

Transportation Corridors

Agencies (1)

San Diego Association of Governments (1)

Criterion

Qualifications of the Firm

Staffing/Project Organization

Work Plan

Technical Approach

Cost & Price

Weight

15%

25%

15%

25%

20%

PROPOSAL EVALUATION CRITERIA MATRIX

RFP 7-1911 Toll Lanes System Integrator Services for the 405 Express Lanes and 91 Express Lanes

FIRM: Kapsch TrafficCom USA, Inc.									Weights	Criteria Score
Evaluator Number	1	2	3	4	5	6	7	8		
Qualifications of Firm	4.00	4.00	4.00	4.00	4.00	3.50	4.00	4.00	3.00	11.81
Staffing/Project Organization	4.00	4.00	4.00	4.00	4.00	3.50	4.00	3.50	5.00	19.38
Work Plan	4.00	4.50	3.50	3.50	4.00	3.50	4.00	4.00	3.00	11.63
Technical Approach	4.00	4.50	4.00	4.50	4.50	3.50	4.00	4.00	5.00	20.63
Cost	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	4.00	20.00
Overall Score	84.00	88.00	82.50	85.00	86.50	76.00	84.00	81.50		83
FIRM: TransCore, LP									Weights	Criteria Score
Evaluator Number	1	2	3	4	5	6	7	8		
Qualifications of Firm	4.00	4.00	4.00	4.00	4.00	4.00	3.50	4.00	3.00	11.81
Staffing/Project Organization	4.00	4.00	4.00	3.00	3.50	3.50	3.50	3.50	5.00	18.13
Work Plan	4.00	4.00	4.00	3.50	4.00	3.50	3.50	4.00	3.00	11.44
Technical Approach	4.00	3.50	4.00	4.00	3.50	4.00	3.50	4.00	5.00	19.06
Cost	4.07	4.07	4.07	4.07	4.07	4.07	4.07	4.07	4.00	16.28
Overall Score	80.28	77.78	80.28	73.78	75.28	76.28	72.28	77.78		77
Range of scores for non-shortlisted firms is 53.11 to 61.95										

CONTRACT HISTORY FOR THE PAST TWO YEARS

RFP 7-1911 Toll Lanes System Integrator Services for the 405 Express Lanes and 91 Express Lanes

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subcontractor Amount	Total Contract Amount
Kapsch TrafficCom USA, Inc.						
Contract Type: N/A	None	N/A				\$ -
Subcontractors: None					\$ -	
			Sub Total			\$ -
TransCore LP						
Contract Type: Firm Fixed-Price	C-6-1365	Sole source contract for the supply of the 91 Express Lanes with Title 21-compliant transponders.	November 11, 2016	November 30, 2018		\$ 1,902,500
Subcontractors: None					\$ -	
Sub Total						\$ 1,902,500



Contractor Selection for the Toll Lanes System Integrator Services for the 405 Express Lanes and 91 Express Lanes

Procurements



Design-Build
Selection

November
2016

Procurements



Design-Build
Selection

November
2016



Toll Lane Systems
Integrator Services
February 2018

Procurements

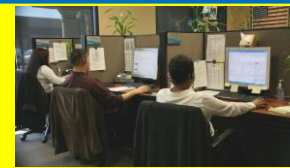


Design-Build
Selection

November
2016



Toll Lane Systems
Integrator Services
February 2018



Operating
Services /
Back-Office
Procurement
Mid-2019

Procurements



Design-Build
Selection

November
2016



Toll Lane Systems
Integrator Services
February 2018



Operating
Services /
Back-Office
Procurement
Mid-2019

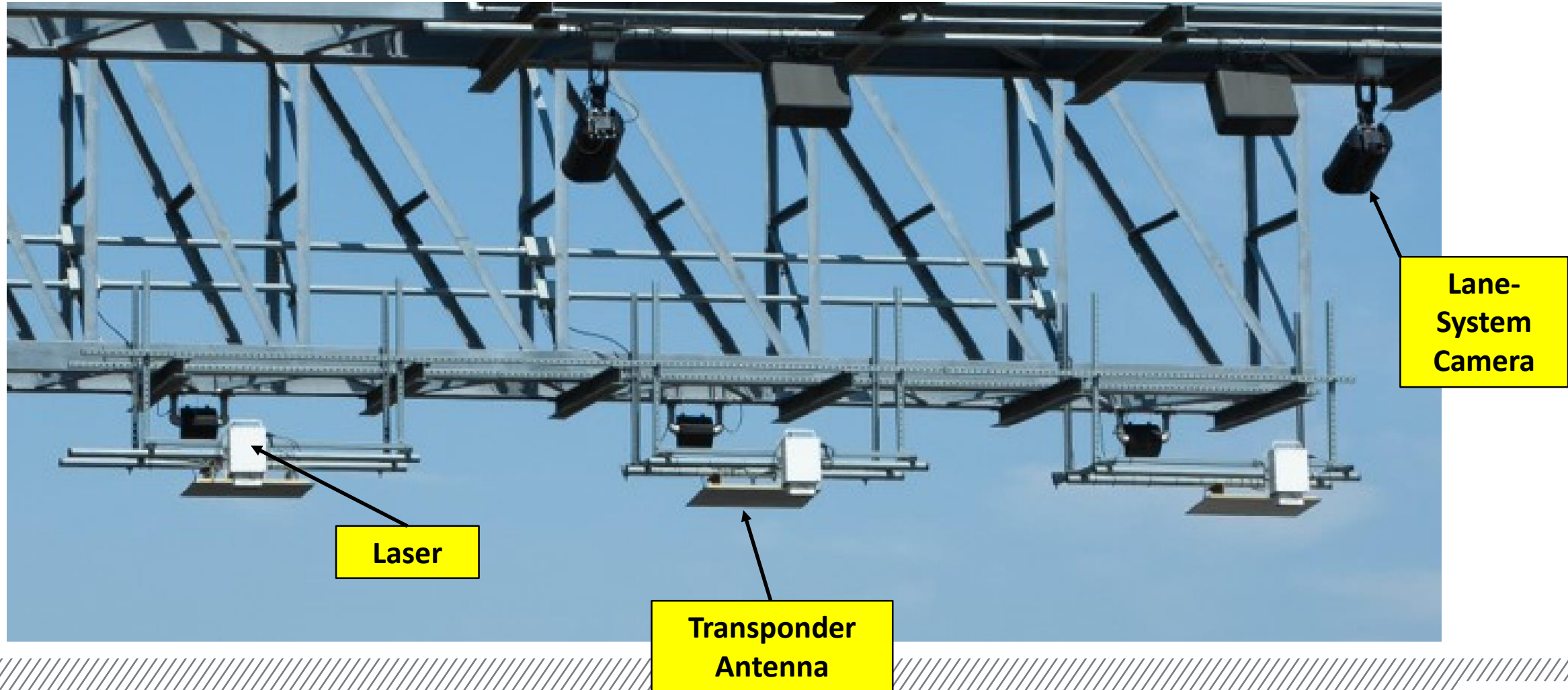


Roadway
Services
Procurement
2020

Procurement Includes

- Services for both the 91 and 405 Express Lanes for an initial term of 10 years
- Design, development, testing, installation of a complete electronic toll and traffic management system (lasers, antennas, readers, lane system cameras, servers, entrance readers)
- Roadway systems including changeable message signs for the 405 Express Lanes
- Traffic operations center equipment and staffing for the 405 Express Lanes
- Video cameras along the corridor for both the 91 and 405 Express Lanes
- Maintenance service for the term of the agreement

Electronic Toll and Traffic Management System



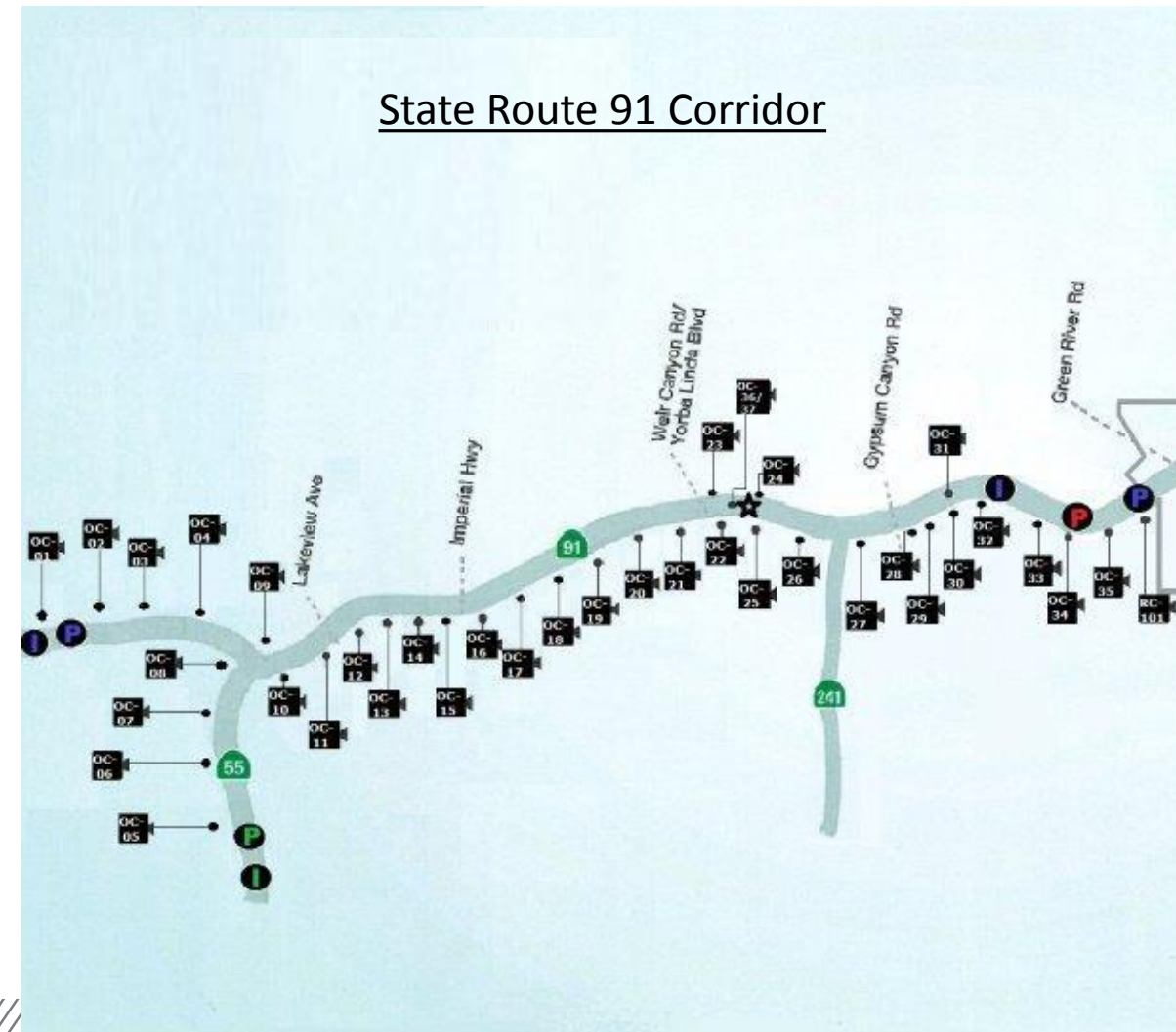
Changeable Message Signs



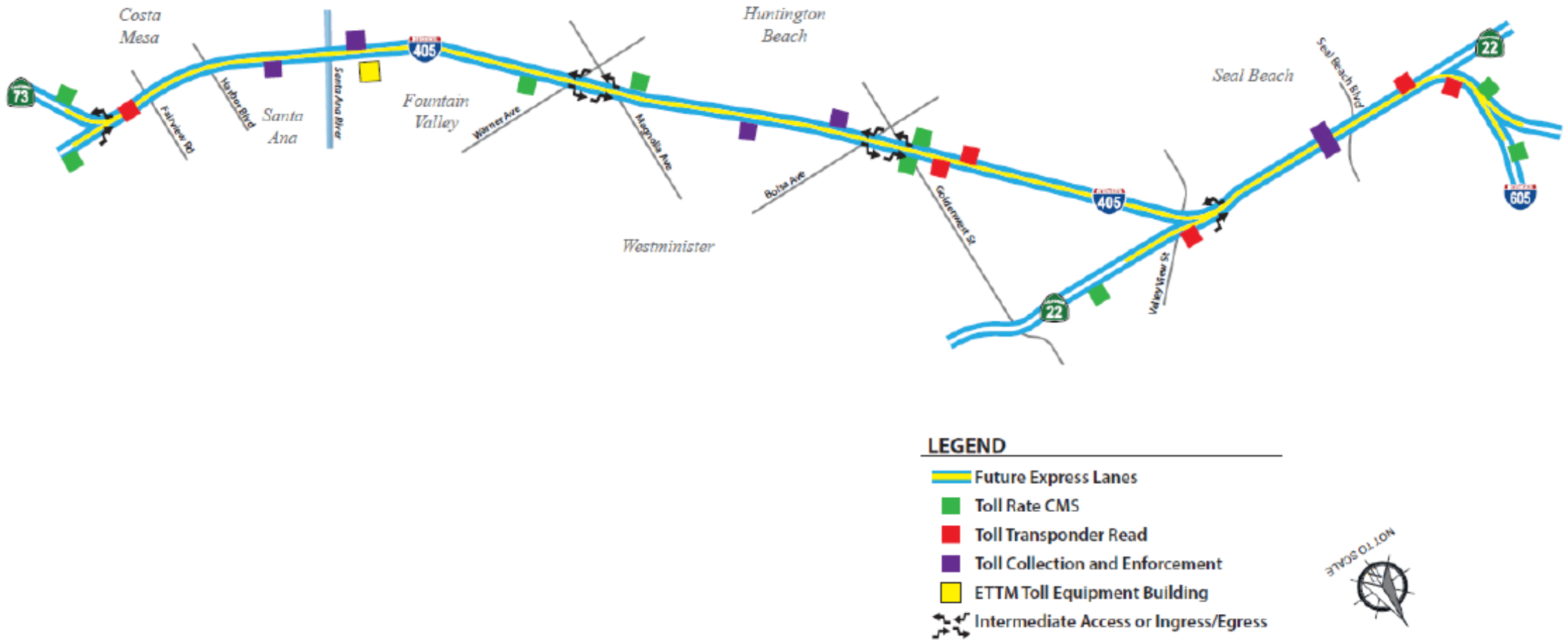
Traffic Operations Center



Video Cameras Along the Corridor



405 Express Lanes Conceptual Tolling Layout



Procurement Process

- Request for Proposals released on August 28, 2017
- Evaluation team included eight individuals
- Received four proposals
- Short-listed two firms and interviewed on December 13, 2017
 - Kapsch TrafficCom USA, Inc.
 - TransCore, LP
- Evaluation team recommends the selection of Kapsch TrafficCom USA, Inc.

Kapsch's Proposed Cost

	91 Express Lanes	405 Express Lanes	Total
Implementation Phase	\$7,549,831	\$15,007,250	\$22,557,081
Operations and Maintenance Phase	\$6,176,773	\$13,575,405	\$19,752,178
Total	\$13,726,604	\$28,582,655	\$42,309,259

Recommendations


- Approve the selection of Kapsch TrafficCom USA, Inc., as the firm to provide toll system integrator services for the design, installation, operations, and maintenance of the electronic toll and traffic management system for the 91 and 405 Express Lanes
- Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1911 between OCTA and Kapsch TrafficCom USA, Inc., in the amount of \$42,309,259
- Approve an amendment to OCTA's Fiscal Year 2017-18 Budget, in the amount of \$32,309,259 to accommodate for the toll lanes system integrator services

Next Steps

- Finalize contract and issue notice to proceed
- Selected firm would start on the replacement of the existing tolling equipment on the 91 Express Lanes
- Selected firm will work closely with the Design-Builder for the Interstate 405 Improvement Project to plan the installation of the tolling equipment
- Seek Board of Directors approval for release of Operating Services / Back-Office Request for Proposals in Fall 2018



February 26, 2018

To: Members of the Board of Directors
From: Darrell Johnson, Chief Executive Officer 
Subject: 2018 Chief Executive Officer's Initiatives and Action Plan

At the beginning of each calendar year, the Orange County Transportation Authority's (OCTA) Board of Directors (Board) identifies a set of priority goals entitled Board Strategic Initiatives (Attachment A). These initiatives were presented to the Board on January 22, 2018.

In support of the Board Strategic Initiatives, the Chief Executive Officer's (CEO) Initiatives and Action Plan (Attachment B) are then developed to track and accomplish the Board Strategic Initiatives and related efforts, as well as broader organizational goals. The CEO's Initiatives support the OCTA Strategic Plan goal areas of mobility, public service, fiscal sustainability, stewardship, and organizational excellence. The Action Plan identifies specific programs, projects, and targets, which are monitored throughout the calendar year.

For 2018, there are ten CEO Initiatives, supporting 66 projects/programs and monitored through 84 milestones. A report detailing the progress of these milestones will be provided on a quarterly basis for Board review.

Please contact me at (714) 560-5343 with any questions or suggestions.

DJ:lw
Attachments

2018

BOARD STRATEGIC INITIATIVES



DELIVER CAPITAL
PROJECTS



MAXIMIZE FUNDING
OPPORTUNITIES



DEVELOP SUSTAINABLE
TRANSPORTATION PLANS



STRENGTHEN REGIONAL
PARTNERSHIPS



MODERNIZE
TRANSIT SERVICES



CHAMPION FISCAL
RESPONSIBILITY



2018 CEO INITIATIVES AND ACTION PLAN

FEBRUARY 26, 2018



10 CEO INITIATIVES FOR 2018

1. Enhance Safety and Security Measures
2. Cultivate Organizational Excellence
3. Implement the Transit Vision of Orange County
4. Ready the OC Streetcar Project for Construction
5. Begin Construction of the I-405 Design-Build Project
6. Deliver Capital Projects
7. Modernize the 91 Express Lanes Toll Management Systems
8. Develop Sustainable Plans and Programs Based on Future Growth Projections
9. Promote Environmentally Friendly Initiatives
10. Secure a Viable Financial Future

2018 CEO Initiatives and Action Plan

Ten CEO Initiatives

1. Enhance Safety and Security Measures (10 Milestones)
2. Cultivate Organizational Excellence (14 Milestones)
3. Implement the Transit Vision of Orange County (11 Milestones)
4. Ready the OC Streetcar Project for Construction (5 Milestones)
5. Begin Construction of the I-405 Design-Build Project (4 Milestones)
6. Deliver Capital Projects (13 Milestones)
7. Modernize the 91 Express Lanes Toll Management Systems (3 Milestones)
8. Develop Sustainable Plans and Programs Based on Future Growth Projections (12 Milestones)
9. Promote Environmentally Friendly Initiatives (6 Milestones)
10. Secure a Viable Financial Future (6 milestones)

2018 CEO Milestone Summary

66 Projects/Programs, 84 Milestones

<i>Number of Milestones by Quarter</i>	
Q1	10 Milestones
Q2	24 Milestones
Q3	22 Milestones
Q4	28 Milestones
Total	84 Milestones

<i>Number of Milestones by Division</i>	
1. Capital Division	21 Milestones
2. Executive Office	8 Milestones
3. External Affairs Division	3 Milestones
4. Finance and Administration Division	12 Milestones
5. Human Resources and Organizational Development Division	10 Milestones
6. Planning Division	21 Milestones
7. Transit Division	9 Milestones
Total	84 Milestones

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 1: Enhance Safety and Security Measures

Project	Milestone	Division	Q1	Q2	Q3	Q4
1. Safety Value	Milestone: Incorporate the newly adopted Safety Value as one of HR's employee performance evaluation criteria - Q1 Note: Halogen employee reviews have Safety as a core value that each employee is required to be assessed against.	HROD				
2. Drug and Alcohol Program	Milestone: Revise and update OCTA's Drug and Alcohol Program Manual – Q2	HROD				
3. Emergency Operations Plans	Milestone: Present to ESC the updated Emergency Operations Plans – Q3	EXEC				
4. Safety Management System (SMS) Readiness	Milestone: Conduct a 3 rd party SMS readiness/compliance gap analysis for presentation to the ESC – Q3	HROD				
5. Safety Security Emergency Preparedness Plan (SSEPP)	Milestone: Present to ESC the SSEPP plan – Q3	EXEC				
6. Transit System Vulnerability Assessment	Milestone: Present to the F&A Committee the completed project assessment – Q3	EXEC				
7. Crisis Communication	Milestone: Update and distribute the Crisis Communication Plan – Q3	EXEC				
8. Facilities Security Camera System	Milestone: Begin construction of upgrades to security camera systems at the Santa Ana and Garden Grove Bus Bases - Q3. Note: On Jan 22, 2018, the BOD approved the request to issue the RFP for installation of the new video surveillance camera system at the Santa Ana and Garden Grove bus bases.	CAP				
9. Transit Security Operations Center (TSOC)	Milestone: Complete TSOC environmental – Q4	CAP				
10. Cybersecurity	Milestone: Conduct cyber security intrusion testing throughout the year. Make cyber recommendations to ESC throughout the year and install security measures and software to prevent intrusion. Report to ESC quarterly - Q4.	F&A				

Initiative 2: Cultivate Organizational Excellence

Project	Milestone	Division	Q1	Q2	Q3	Q4
1. Early Career Program	Milestone: Implement Early Career Program courses – Q2	HROD				
2. Succession Planning	Milestone: Implement development plans – Q2	HROD				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 2: Cultivate Organizational Excellence, continued

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
3. <i>Personal Salary Resolution (PSR)</i>	Milestone: Board approval of the PSR – Q2	HROD				
4. <i>Carryover 2017- IS System Upgrades. Complete Lawson Upgrade.</i>	Milestone: Upgrade Lawson Software, go live – Q2	F&A				
5. <i>OCTA Attitudinal and Awareness Survey</i>	Milestone: Deliver to the Board the results of the OCTA Attitudinal and Awareness Survey – Q2	EA				
6. <i>Employee Benefits</i>	Milestone: Renewal of the Employee Benefits contracts through the California State Association of Counties – Q3	HROD				
7. <i>Collective Bargaining Agreement</i>	Milestone: Board approval of Coach Operator's agreement – Q2	HROD				
8. <i>Information Systems Risk Assessment</i>	Milestone: Conduct a comprehensive risk assessment of the OCTA Information Systems environment and incorporate results into the FY 2018-19 Internal Audit Plan – Q3	EXEC				
9. <i>Metrics Dashboard</i>	Milestone: Demonstrate Metrics Dashboard to ESC – Q3	PLN				
10. <i>2018 Employee Engagement Survey</i>	Milestone: Conduct and deliver the Employee Engagement Survey. Report results to ESC – Q4	HROD				
11. <i>Employee Engagement Survey Action Plan</i>	Milestone: Present to ESC quarterly progress on the implementation of the 2017 Employee Engagement Action Plan – Q4	HROD				
12. <i>OCTA Desktop Replacement</i>	Milestone: Replace old desktops with new desktops and operating systems – Q4	F&A				
13. <i>Legislative Platforms</i>	Milestone: Board approval of 2019 State and Federal Platforms – Q4	EA				
14. <i>Federal/State Legislative Reports</i>	Milestone: Present to the Board monthly Federal/State Legislative Reports – Q4	EA				

Initiative 3: Implement the Transit Vision of Orange County

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
1. <i>Carryover 2017 - Phase II, Mobile ticketing system for fixed route buses.</i>	Milestone: Complete Phase II installation of mobile readers on active fleet vehicles – Q1	F&A				
2. <i>OC ACCESS Online</i>	Milestone: Launch OC ACCESS Online – Q1	TRN				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 3: Implement the Transit Vision of Orange County, continued

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
3. <i>Project V, Community Circulators</i>	Milestone: BOD award of grants to Community Circulator services – Q2. Note: On Jan 22, 2018 the BOD directed staff to return with revised Project V Guidelines for a potential call for projects. On Feb 12, 2018, the BOD approved Project V guidelines and Call for Projects.	PLN				
4. <i>Same Day Taxi Service</i>	Milestone: BOD award of consultant services for the same day taxi services - Q2 Note: On Feb 12, 2018, the BOD approved the release of the request for proposals for taxi service providers.	TRN				
5. <i>Freeway Service Patrol (FSP)</i>	Milestone: BOD award of selected FSP providers for FSP services - Q2 Note: On Feb 12, 2018, the BOD approved the release of the request for proposals for FSP services for four service areas.	TRN				
6. <i>Hydrogen Fuel Cell Bus Purchase</i>	Milestone: Receive first article, hydrogen bus – Q3	TRN				
7. <i>Micro-Transit Demonstration Project</i>	Milestone: Implement OC Flex Service – Q3	TRN				
8. <i>iShuttle Project V</i>	Milestone: Accept delivery of new iShuttle buses for expanded iShuttle service – Q3	TRN				
9. <i>Carryover 2017 - Near Zero NOx Emission Engines</i>	Milestone: Complete engine repower on 98 New Flyer buses – Q4	TRN				
10. <i>Hydrogen Fuel Cell Bus Purchase</i>	Milestone: Begin receiving remaining nine production buses – Q4	TRN				
11. <i>EZ Wallet Demonstration</i>	Milestone: Initiate a demonstration project of EZ Wallet – Q4	TRN				

Initiative 4: Ready the OC Streetcar Project for Construction

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
1. <i>Carryover 2017 - OC Streetcar Project</i>	Milestone: Execute the Federal New Starts Capital Investment Grant Program full funding grant agreement – Q2	CAP				
2. <i>Carryover 2017 - OC Streetcar Project</i>	Milestone: BOD award of the contract for the manufacturing and delivery of the streetcar rail vehicles - Q1 Note: Feb 26, 2018, OC Streetcar Vehicle Procurement Award.	CAP				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 4: Ready the OC Streetcar Project for Construction, continued

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
3. OC Streetcar Project	Milestone: Board approval to release the RFP for the management and operations of the OC Streetcar – Q1	EXEC				
4. OC Streetcar Project	Milestone: Board award of the construction contract – Q2	CAP				
5. OC Streetcar Project	Milestone: Begin construction of the OC Streetcar Project – Q3	CAP				

Initiative 5: Begin Construction of the I-405 Design-Build Project

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
1. I-405 Design-Build Project	Milestone: Begin construction of the I-405 Design-Build Project - Q1 Note: On Jan 26, 2018, a ground-breaking ceremony was held in Costa Mesa to begin construction on the I-405 Design Build Project.	CAP				
2. Carryover 2017 - 405 Express Lanes. Back-Office System, Customer Service and Traffic Operations Staffing	Milestone: Board approval to release the RFP for the back-office system, customer service and traffic operations staffing – Q3	EXEC				
3. I-405 Design-Build Project	Milestone: Present to the Board an update on the implementation of the Plan of Finance for the I-405 project – Q4	F&A				
4. I-405 Design-Build Project	Milestone: Acquire and deliver 143 ROW parcels for construction to the design-build per contract commitments – Q1-Q4	CAP				

Initiative 6: Deliver Capital Projects

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
1. Carryover 2017 - Hydrogen Fueling Station at the Santa Ana Base	Milestone: Award fueling station construction contract - Q1. Issue notice to proceed for design and construction of fueling station - Q1 Note: On Nov 13, 2017, the BOD authorized the CEO to negotiate and execute the contract for the construction, operation, and maintenance of a hydrogen fuel station.	CAP				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 6: Deliver Capital Projects, continued

Project	Milestone	Division	Q1	Q2	Q3	Q4
2. M2: I-5, SR-73 to Oso Parkway Design Project	Milestone: Complete 100% design – Q1	CAP				
3. M2: I-5, SR-55 to SR-57	Milestone: Award of construction contract – Q2	CAP				
4. I-5 Widening from Avenida Pico to San Juan Creek Road	Milestone: Open the new carpool lanes on I-5 from Pico to San Juan Creek Road – Q2	CAP				
5. Anaheim Canyon Plan Specifications and Estimate	Milestone: Professional engineering services. Deliverable will be the 60% plan, specifications & estimate (PS&E) – Q3	CAP				
6. M2: I-5, Alicia Parkway to El Toro Road	Milestone: Complete 100% design – Q3	CAP				
7. Placentia Metrolink Station	Milestone: Board award of construction contract – Q3 (subject to BNSF approval)	CAP				
8. Carryover 2017 - Hydrogen Fueling Station. Construct Hydrogen Fueling Station at the Santa Ana Base	Milestone: Commission into service the Hydrogen Fueling Station at the Santa Ana Base – Q4	CAP				
9. Carryover 2017 - San Juan Capistrano Passing Siding Project	Milestone: Begin construction – Q4	CAP				
10. M2: I-5, I-405 to SR-55	Milestone: Complete the environmental document – Q4	CAP				
11. M2: I-5, Oso Parkway to Alicia Parkway	Milestone: BOD award of construction contract - Q4 Note: On Feb 12, 2018, the BOD authorized execution of a COOP agreement with Caltrans for construction management services for this project. On Feb 12, 2018, I-5 Oso to Alicia - Update Feb 26, 2018, I-5 Oso to Alicia Construction Management RFP Release.	CAP				
12. M2: I-605/Katella Avenue Interchange	Milestone: Complete the environmental document – Q4	CAP				
13. M2: SR-57 NB – Orangewood Avenue to Katella Avenue	Milestone: Circulate the environmental document for public comment – Q4	CAP				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 7: Modernize the 91 Express Lanes Toll Management Systems

Project	Milestone	Division	Q1	Q2	Q3	Q4
1. 91 Express Lanes – 405 Express Lanes	Milestone: BOD award of contractor for the Electronic Toll and Traffic Management (ETTM) system for the 91 Express Lanes 405 Express Lanes - Q1 Note: Feb 26, 2018, Contract Award for Toll System Integrator	EXEC				
2. SR-91 Implementation Plan	Milestone: Present for Board approval the SR-91 Implementation Plan – Q2	PLN				
3. OCTA Credit Rating	Milestone: Present to the Board OCTA's current credit rating against outstanding debt – Q4	F&A				

Initiative 8: Develop Sustainable Plans and Programs Based on Future Growth Projections

Project	Milestone	Division	Q1	Q2	Q3	Q4
1. Transit Master Plan	Milestone: Present to BOD the Final Transit Master Plan - Q1 Note: On Feb 12, 2018, the Transit Master Plan (OC Transit Vision) Draft Final Report was delivered to the BOD for consideration.	PLN				
2. OC Bus 360°, Biannual Progress Report	Milestone: Present to the Transit Committee the OC Bus 360° update – Q2	PLN				
3. STIP	Milestone: Present to the Board the CTC approval of the 2018 STIP – Q2	PLN				
4. Streets and Roads	Milestone: Award up to \$8 million for the Regional Traffic Signal Synchronization Program to provide intersection improvements – Q2	PLN				
5. Streets and Roads	Milestone: Award up to \$32 million for streets projects through the M2 Regional Capacity Program – Q2	PLN				
6. Intelligent Transportation System (ITS) Strategic Deployment Plan	Milestone: Award consultant services contract to update the ITS Strategic Deployment Plan – Q3	PLN				
7. Next 10	Milestone: Present to the Board the Next 10 Plan market conditions review – Q3	PLN				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 8: Develop Sustainable Plans and Programs Based on Future Growth Projections, continued

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
8. <i>Transit Asset Management (TAM) Plan</i>	Milestone: Submit final TAM Plan to the FTA – Q3	PLN				
9. <i>Transit Corridor Study</i>	Milestone: Board award of consultant services for the Transit Corridor Study – Q4	PLN				
10. <i>Long-Range Transportation Plan</i>	Milestone: Present to the Board the final plan – Q4	PLN				
11. <i>OC Bus 360°, Biannual Progress Report</i>	Milestone: Present to the Transit Committee the OC Bus 360° update – Q4	PLN				
12. <i>LA Metro Collaboration</i>	Milestone: Collaborate with LA Metro on regional plans and report as required throughout the year – Q4.	PLN				

Initiative 9: Promote Environmentally Friendly Initiatives

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
1. <i>Bike Safety Training Program</i>	Milestone: Award contract for bike safety training program – Q2	PLN				
2. <i>M2 Environmental Programs</i>	Milestone: Freeway Mitigation Program – Finalize resource management plans for the remaining 2 properties – EOC Q3	PLN				
3. <i>Active Transportation</i>	Milestone: Present to the Board the OC Active Transportation Plan – Q4	PLN				
4. <i>Bicycle Corridor Improvement Program (BCIP)</i>	Milestone: Release BCIP Call for Projects – Q4	PLN				
5. <i>M2 Environmental Programs</i>	Milestone: Allocate M2 Environmental Cleanup Program Tier 1 Water Quality Grant Funding - Q4 Note: Mar 12, 2018, Release Tier 1 Call for Projects.	PLN				
6. <i>M2 Environmental Programs</i>	Milestone: Fund the environmental program endowment and provide quarterly reports to the Board – Q1 – Q4	F&A				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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Initiative 10: Secure a Viable Financial Future

<i>Project</i>	<i>Milestone</i>	<i>Division</i>	<i>Q1</i>	<i>Q2</i>	<i>Q3</i>	<i>Q4</i>
1. <i>Carryover 2017 - CBP. Revise the Comprehensive Business Plan (CBP)</i>	Milestone: BOD approval of the CBP - Q2 Note: Mar 26, 2018, CBP	F&A				
2. <i>Commercial Banking</i>	Milestone: Board approval of new commercial banking contract – Q2	F&A				
3. <i>FY 2018-19 Budget Adoption</i>	Milestone: Board adoption of the OCTA FY 2018-19 Budget – Q2	F&A				
4. <i>I-405 Design-Build Project</i>	Milestone: Request first TIFIA loan disbursement – Q2	F&A				
5. <i>CAFR</i>	Milestone: Present to the Board the FY 2017 - 18 CAFR, which includes audited financial statements earning and unmodified audit opinion – Q4	F&A				
6. <i>SB 1</i>	Milestone: Ensure fair distribution of SB-1 funding to Orange County projects. Report to Finance Committee as needed - Q1-Q4 Note: On Jan 22, 2018, the BOD approved Funding recommendations for the SB 1 (Chapter 5, Statutes of 2017) State of Good Repair program for fiscal year 2017-18 funds.	PLN				

On Track	Completed	Timetable Adjusted	At Risk	Carryover	Board Initiatives Supported
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ACRONYMS

BNSF – Burlington Northern Santa Fe Railway	LA Metro – Los Angeles Metropolitan Transportation Authority
Board – Board of Directors	M2 – Measure M2
CAFR – Comprehensive Annual Financial Report	NB - Northbound
CAP – Capital Programs	OCTA – Orange County Transportation Authority
CEO – Chief Executive Officer	PLN – Planning
CTC – California Transportation Commission	Q1 – First Quarter
EA – External Affairs	Q2 - Second Quarter
EOC – Environmental Oversight Committee	Q3 - Third Quarter
ESC – Executive Steering Committee	Q4 - Fourth Quarter
EXEC – Executive Office	RFP - Request for Proposals
F&A – Finance and Administration Committee	ROW – Right-of-Way
FTA – Federal Transit Administration	SB 1 (Chapter 5, Statutes 2017)
FY – Fiscal Year	SR-55 – State Route 55
HR – Human Resources	SR-57 – State Route 57
HROD – Human Resources & Organizational Development	SR-73 – State Route 73
I-5 – Interstate 5	SR-91 – State Route 91
I-605 – Interstate 605	STIP – State Transportation Improvement Program
I-405 – Interstate 405	TIFIA – Transportation Infrastructure Finance Act
IS – Information Services	TRN – Transit

2018 CEO INITIATIVES



ENHANCE SAFETY
AND SECURITY
MEASURES



CULTIVATE
ORGANIZATIONAL
EXCELLENCE



IMPLEMENT THE
TRANSIT VISION OF
ORANGE COUNTY



READY THE
OC STREETCAR PROJECT
FOR CONSTRUCTION



BEGIN CONSTRUCTION
OF THE I-405
DESIGN BUILD PROJECT



DELIVER CAPITAL
PROJECTS



MODERNIZE THE
91 EXPRESS LANES TOLL
MANAGEMENT SYSTEMS



DEVELOP SUSTAINABLE PLANS
AND PROGRAMS BASED ON
FUTUREGROWTH PROJECTIONS



PROMOTE
ENVIRONMENTALLY
FRIENDLY INITIATIVES



SECURE A
VIABLE FINANCIAL
FUTURE