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## **BOARD AGENDA**

Orange County Transportation Authority Board Meeting  
Orange County Transportation Authority Headquarters  
Board Room - Conference Room 07-08  
550 South Main Street  
Orange, California  
**Monday, March 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](http://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 Donchak

### **Pledge of Allegiance**

Director Winterbottom



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## **BOARD AGENDA**

### **Special Calendar**

#### **Orange County Transportation Authority Special Calendar Matters**

**1. Presentation of Resolutions of Appreciation for Employees of the Month for March 2018**

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2018-047, 2018-048, and 2018-049 to Julio Giraldo, Coach Operator, Patrick Dawes, Maintenance, and Lydia Bilynsky, Administration, as Employees of the Month for March 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 Orange County Transportation Authority Board of Directors approved acquiring right-of-way for the project. At this time, the Orange County Transportation Authority 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 Resolution of Necessity Nos. 2018-027, 2018-028, 2018-029, 2018-030, 2018-031, 2018-032, 2018-033, 2018-034, 2018-035, 2018-036, 2018-037, 2018-038, 2018-039, 2018-040, 2018-042, 2018-043, 2018-044, 2018-045, and 2018-046, and authorize and direct General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the Interstate 405 Improvement Project between State Route 73 and Interstate 605.





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**BOARD AGENDA****Consent Calendar (Items 3 through 8)**

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 March 12, 2018.

**4. State Legislative Status Report**

Kristin Essner/Lance M. Larson

**Overview**

An oppose position is recommended on a bill related to local street and road funding. A support position is recommended on a bill related to California Environmental Quality Act challenges against transportation projects. An update is provided on a bill related to demonstrating a transportation project's benefits to a disadvantaged community, sponsored consistent with the Orange County Transportation Authority's 2017-18 State Legislative Platform. An update is provided on the Board of Equalization's actions to adjust the gas tax. An economic study is provided on the impacts of SB 1 (Chapter 5, Statutes of 2017). An overview is provided on a legislative hearing related to autonomous vehicle technology.

**Recommendations**

- A. Adopt an OPPOSE position on AB 1759 (McCarty, D-Sacramento), which would withhold local street and road money for any local government unable to meet their Regional Housing Need Allocation requirements.
- B. Adopt a SUPPORT position on AB 1905 (Grayson, D-Concord), which would prevent a transportation project from being stayed or enjoined under the California Environmental Quality Act if the project is included in a region's sustainable communities strategy.



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## **BOARD AGENDA**

### **5. Federal Legislative Status Report**

Dustin Sifford/Lance M. Larson

#### **Overview**

Principles are proposed in response to the President's infrastructure proposal, which is summarized in detail. A support recommendation is proposed for a bill providing more bonding flexibility. Summaries are also provided on three recent hearings, one on the President's infrastructure proposal and two pertaining to the implementation of positive train control.

#### **Recommendations**

- A. Adopt the proposed Principles for a Potential Federal Infrastructure Package and direct staff to take necessary and appropriate actions in furtherance of these goals in Washington, D.C.
- B. Adopt a SUPPORT position on H.R. 5003 (Hultgren, R-IL 14), which would reinstate the tax incentive for advance refunding bonds.

### **Orange County Transit District Consent Calendar Matters**

### **6. Agreement for Fullerton Park and Ride Minor Rehabilitation**

George Olivo/James G. Beil

#### **Overview**

As part of the Orange County Transportation Authority's Fiscal Year 2017-18 Budget, the Board of Directors approved Fullerton Park and Ride minor rehabilitation. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

#### **Recommendations**

- A. Find Calpromax Engineering, Inc., the apparent low bidder, as non-responsive, due to failure to meet the federal requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2066 between the Orange County Transportation Authority and RSB Group, Inc., the lowest responsive, responsible bidder, in the amount of \$854,000, for the Fullerton Park and Ride minor rehabilitation.



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## **BOARD AGENDA**

### **7. Agreement for the Operation and Maintenance of a Micro-Transit Pilot Program**

Curt Burlingame/Beth McCormick

#### **Overview**

On November 13, 2017, the Board of Directors approved the release of a request for proposals for the operation and maintenance of a one-year pilot program to provide micro-transit in two low transit demand areas of Orange County. A competitive procurement has been conducted and offers were received in accordance with the Orange County Transportation Authority procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

#### **Recommendations**

- A. Approve the selection of Keolis Transit Services, LLC, as the firm to provide operation and maintenance services for the micro-transit pilot program.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2052 between the Orange County Transportation Authority and Keolis Transit Services, LLC, in the amount of \$1,150,000, for a one-year initial term from July 1, 2018 through June 30, 2019, with two, one-year option terms to provide operation and maintenance services for the micro-transit pilot program.

### **Orange County Local Transportation Authority Consent Calendar Matters**

### **8. Approval to Release Request for Proposals for Program Management Consultant Services for the Regional Rail Programs**

Jason Lee/James G. Beil

#### **Overview**

Staff has developed a request for proposals to initiate a competitive procurement process to retain a consultant for program management services for the Orange County Transportation Authority's regional rail programs.



## **BOARD AGENDA**

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### **8. (Continued)**

#### **Recommendations**

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1512 for the selection of a consultant to provide program management services for regional rail programs.
- B. Approve the release of Request for Proposals 8-1512 for program management consultant services for the Orange County Transportation Authority's regional rail programs.

### **Regular Calendar**

#### **Orange County Local Transportation Authority Regular Calendar Matters**

### **9. OC Streetcar Project Update** Kelly Hart/James G. Beil

#### **Overview**

The Orange County Transportation Authority, in coordination with the cities of Santa Ana and Garden Grove, is underway with the development and construction of the OC Streetcar project. An update on the OC Streetcar project activities is provided for the Board of Directors' review.

#### **Recommendation**

Receive and file as an information item.

### **10. Approval to Award Contract for Manufacturing and Delivery of Vehicles for the OC Streetcar Project** Mary Shavalier/James G. Beil

#### **Overview**

On December 19, 2016, the Orange County Transportation Authority Board of Directors approved the release of a request for proposals for the purchase of eight streetcar vehicles for the OC Streetcar project. Board of Directors' approval is requested to award an agreement for the purchase of these vehicles, as well as the associated spare parts and tools.



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## **BOARD AGENDA**

### **10. (Continued)**

#### **Recommendations**

- A. Approve the selection of Siemens Industries, Inc., as the firm to provide eight streetcar vehicles contingent upon successful completion of a pre-award audit to confirm compliance with federal Buy America requirements.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-6-1445 between the Orange County Transportation Authority and Siemens Industries, Inc., in the amount of \$51,527,520, for the purchase of eight streetcar vehicles, spare parts, and tools, with an option to purchase up to ten additional streetcar vehicles and spare parts.

### **Discussion Items**

#### **11. 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.

#### **12. Chief Executive Officer's Report**

#### **13. Directors' Reports**

#### **14. Closed Session**

A Closed Session will be held as follows:

- A. Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation. Evan Weiss, et al. v. The People of the State of California, By and Through Its Department of Transportation, et al., OCSC Case No. 30-2012-00605637, Civ. No. G052735.



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## **BOARD AGENDA**

### **14. (Continued)**

- B. Pursuant to Government Code Section 54956.9(d)(1) – Conference with General Counsel - Existing Litigation. City of Seal Beach v. State of California Department of Transportation, et al., San Diego Superior Court Case No. 37-2016-00021062.
- C. 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.


### **15. Adjournment**

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



**March 26, 2018**

**To:** Members of the Board of Directors

**From:** Darrell E. 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 Orange County Transportation Authority Board of Directors approved acquiring right-of-way for the project. At this time, the Orange County Transportation Authority 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. 2018-027, 2018-028, 2018-029, 2018-030, 2018-031, 2018-032, 2018-033, 2018-034, 2018-035, 2018-036, 2018-037, 2018-038, 2018-039, 2018-040, 2018-042, 2018-043, 2018-044, 2018-045, and 2018-046, and authorize and direct General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the 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 OCTA and Caltrans for final design, construction, and right-of-way (ROW) acquisition for the Interstate 405 Improvement Project between State Route 73 (SR-73) and Interstate 605 (I-605) (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 SR-73 and I-605, including 181 residential properties, 79 commercial/industrial properties, 44 public properties, and one railroad property. There are 304 properties identified as partial acquisitions, and one property is identified as a full acquisition. The full acquisition of this one property was approved by the Board on February 26, 2018, and will result in the relocation of three businesses operating on the property. The real property requirements are comprised of a combination of acquisitions of fee interests (FEEs), permanent highway easements, permanent footing easements (PFEs), maintenance access easements (MAEs), temporary construction easements (TCEs), and access control rights needed to construct the proposed highway and express lane improvements, which include bridge construction, soundwalls, retaining walls, drainage systems, and the installation of above-ground and underground facilities, including electrical, telecommunication, water, sewer, gas, and storm drain systems.

Resolution Nos. 2018-027 through 2018-038 pertain to OCTA's acquisition of three separate TCEs. The proposed TCEs affect the common areas over three separate lots within the condominium complex known as the Mesa Verde Villas Homeowners Association (Association), in the City of Costa Mesa, and are needed to provide the DB contractor with sufficient work area to reconstruct a soundwall on the existing Caltrans ROW. A four-unit condominium is located on each lot and is owned by four separate owners. Each condominium owner owns the airspace within an individual unit and also owns an undivided one-fourth interest in the common areas within each respective lot.

Due to the fact that each condominium owner owns an undivided one-fourth interest in each of the common areas of each respective lot, each owner must be named in a separate resolution of necessity (RON) describing each individual interest in the respective TCE. The Project does not require a need for any of the individual airspaces within each of the individual units; therefore, it does not require any of the owners or occupants to relocate as a result of the Project.



The following is a breakdown of the ownerships impacted by the three separate TCEs:

Lot 1 – Resolution Nos. 2018-027, 2018-028, 2018-029, and 2018-030 pertain to the proposed acquisition of a TCE over a portion of the common area respectively owned by Barbara M. Brown (Unit A); Noe Cabrera and Rosa M. Cabrera (Unit B); Faustino Juan Alvarez and Elsa Estela Alvarez (Unit C); and Caitlin Carty and Rhett Butler (Unit D).

Lot 2 – Resolution Nos. 2018-031, 2018-032, 2018-033, and 2018-034 pertain to the proposed acquisition of a TCE over a portion of the common area respectively owned by Michelle Louise Price (Unit A); Scott Sam Hunter and Steve Robert Hunter, Co-Trustees of The Shirley Ann Hunter Family Trust, dated September 20, 2004 (Unit B); Thomas V. Hammond (Unit C); and Steve Trautman (Unit D).

Lot 3 – Resolution Nos. 2018-035, 2018-036, 2018-037, and 2018-038 pertain to the proposed acquisition of a TCE over a portion of the common area, respectively owned by Daniel R. George, Trustee of The Daniel R. George Family Trust, dated October 30, 2015 (Unit A); Kristopher Allen Prowse (Unit B); Meghan Grace Mikuleky (Unit C); and Seth Bradley (Unit D).

The condominium complex is managed by the Association which has contractual responsibilities over the common areas and the area described in each of the three TCEs. Even though the Association does not appear on title as record owner of the common areas, the Association, through its legal representative, provided OCTA staff with a written notice of intent to appear and be heard on the proposed adoption of each RON (Attachment A).

Resolution No. 2018-039 pertains to the proposed acquisition of a partial FEE and a TCE over a portion of the property owned by DK-USA, LLC, a California limited liability company. The acquisition of the subject partial FEE is needed to widen Ellis Avenue and construct an Americans with Disabilities Act (ADA) ramp on the sidewalk at the corner of Ellis Avenue and Pacific Street. The acquisition of the subject TCE is needed to provide the DB contractor with sufficient work area to construct the proposed freeway improvements. The property owner, through a legal representative, provided OCTA staff with a written notice of intent to appear and be heard on the proposed adoption of a RON and also sent a separate letter requesting a continuance of the hearing. Included is OCTA's letter response to the property owner's legal representative. Also, the City of Fountain Valley has provided a letter notifying OCTA that the City of Fountain Valley has adopted new building setback requirements that pertain to the subject property (Attachment B).

Resolution No. 2018-040 pertains to the proposed acquisition of a PFE and TCE over a portion of the property owned by Douglas R. Hughes. The acquisition of the subject PFE is needed to provide an area underground for the location of a retaining wall footing along Brookhurst Street. The acquisition of the subject TCE is needed to provide the DB contractor with sufficient work area to construct the proposed retaining wall and for grading an access slope from the street to the property. The property owner, through OCTA's ROW consultant, provided OCTA staff with a verbal notice of intent to appear and be heard on the proposed adoption of a RON (Attachment C).

Resolution No. 2018-042 pertains to the proposed acquisition of a partial FEE and TCE over a portion of the property owned by Shapell SoCal Rental Properties, LLC, a Delaware Limited Liability Company. The acquisition of the subject partial FEE is needed to widen Goldenwest Street and Bolsa Avenue, and reconstruct existing sidewalk. The acquisition of the subject TCE is needed to provide the DB contractor with sufficient work area for construction of the proposed improvements. The lessee on the property, RM El Torito, LLC, provided OCTA staff with a written notice of intent to appear and be heard on the proposed adoption of a RON (Attachment D).

Resolution No. 2018-043 pertains to the proposed acquisition of a partial FEE, a PFE, an MAE, and a TCE over a portion of the property owned by Westminster Mall, LLC, a Delaware limited liability company. The acquisition of the subject partial FEE is needed for the widening of the existing street. The acquisition of the subject PFE is needed to provide an area underground for the location of the retaining wall footing. The acquisition of the subject MAE is needed to provide access for maintenance of the retaining wall. The acquisition of the subject TCE is needed to provide the DB contractor with sufficient work area to construct the proposed improvements and reconstruct the existing one-way exit from the mall to Bolsa Avenue.

Resolution No. 2018-044 pertains to the proposed acquisition of a PFE and two TCEs over a portion of the property owned by Seritage SRC Finance LLC, a Delaware Limited Liability Company. The acquisition of the subject PFE is needed to provide an area underground for the location of the retaining wall footing along the freeway off-ramp. The acquisition of the subject TCEs is needed to provide the DB contractor with sufficient work area to construct the proposed improvements and reconstruct the existing mall entrance.

Resolution No. 2018-045 pertains to the proposed acquisition of a partial FEE, a PFE, and a TCE over a portion of the property owned by John Michael Smolin, Successor Trustee of The Smolin Family Trust under Declaration of Trust, dated

August 22, 1998. The acquisition of the subject partial FEE is needed to provide additional area for the realignment of the freeway off-ramp. The acquisition of the subject PFE is needed to provide an area underground for the location of the retaining wall footing along the freeway off-ramp. The acquisition of the subject TCE is needed to provide the DB contractor with sufficient work area to construct the proposed improvements and realignment of the freeway off-ramp.

Resolution No. 2018-046 pertains to the proposed acquisition of a partial FEE and two TCEs over a portion of the property owned by Golden Westminster Investments, LLC, a California limited liability company. The acquisition of the subject partial FEE is needed to provide for the widening of the freeway. The acquisition of the subject TCEs is needed to provide the DB contractor with sufficient work area to accommodate the freeway widening improvements and for reconstruction of the existing entrance to the property.

The property owners have been given substantially more time than the 30 days required by the Federal Highway Administration to consider OCTA's written purchase offer and have been contacted multiple times as described in Attachment E. These contacts include OCTA staff requesting a meeting with the property owner to conduct an OCTA policies and procedures first level review to describe 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 in November 2018 through January 2019 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 RONS will ensure that Project schedules are maintained and contractual commitments are met by OCTA.

The "List of Property Owners" and "Photo Aerial Exhibits," Attachments F and G, 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. 2018-027 Barbara M. Brown – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-028 Noe Cabrera and Rosa M. Cabrera – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-029 Faustino Juan Alvarez and Elsa Estela Alvarez – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-030 Caitlin Carty and Rhett Butler – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-031 Michelle Louise Price – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-032 Scott Sam Hunter and Steve Robert Hunter, Co-Trustees of The Shirley Ann Hunter Family Trust, dated September 20, 2004 – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-033 Thomas V. Hammond – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-034 Steve Trautman – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-035 Daniel R. George, Trustee of The Daniel R. George Family Trust, dated October 30, 2015 – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.

- Resolution No. 2018-036 Kristopher Allen Prowse – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-037 Meghan Grace Mikuleky – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-038 Seth Bradley – Action is recommended for an acquisition of one TCE over a portion of the property to reconstruct the existing soundwall.
- Resolution No. 2018-039 DK-USA, LLC, a California limited liability company – Action is recommended for an acquisition of one partial FEE and one TCE over a portion of the property to provide area for the widening of Ellis Avenue and construction of an ADA ramp.
- Resolution No. 2018-040 Douglas R. Hughes – Action is recommended for an acquisition of one partial PFE and one TCE over a portion of the property to construct the proposed retaining wall, and construct the freeway improvements.
- Resolution No. 2018-042 Shapell SoCal Rental Properties, LLC, a Delaware Limited Liability Company – Action is recommended for an acquisition of one partial FEE and one TCE over a portion of the property to provide for the widening of Goldenwest Street and Bolsa Avenue and reconstruction of existing sidewalk, and provide working area for construction of project improvements.
- Resolution No. 2018-043 Westminster Mall, LLC, a Delaware limited liability company – Action is recommended for an acquisition of one partial FEE, one PFE, one MAE, and one TCE over a portion of the property to provide areas for the northwest access road, construct a retaining wall, provide access to the retaining wall for maintenance purposes, and provide working areas for construction of project improvements.
- Resolution No. 2018-044 Seritage SRC Finance LLC, a Delaware Limited Liability Company – Action is recommended for an acquisition of one PFE and two TCEs over a portion of the property to construct the proposed retaining wall, and provide area for the reconstruction of the existing mall entrance.

- Resolution No. 2018-045 John Michael Smolin, Successor Trustee of The Smolin Family Trust under Declaration of Trust, dated August 22, 1998 – Action is recommended for an acquisition of one partial FEE, one PFE, and one TCE over a portion of the property to accommodate realignment of the freeway off-ramp, to construct the proposed retaining wall, and provide working area to construct the proposed freeway improvements.
- Resolution No. 2018-046 Golden Westminster Investments, LLC, a California limited liability company – Action is recommended for an acquisition of one partial FEE and two TCEs over a portion of the property to provide for the widening of the freeway, and provide working areas to construct proposed freeway improvements and reconstruct the existing entrance.

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 Section 7267.2 of the Governmental Code has been made to the owner or owners of record.

Property owners affected by a RON and/or their designated representative 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 H-Z), 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.

***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. Letter from Michael H. Leifer, Palmieri Tyler Attorneys at Law, to Clerk of the Board, Orange County Transportation Authority, Dated February 20, 2018, Re: Mesa Verde Villas Homeowners Association – 1624 Iowa Street, Costa Mesa, CA
- B. Letter from Michael H. Leifer, Palmieri Tyler Attorneys at Law, to Clerk of the Board, Orange County Transportation Authority, Dated February 20, 2018, Re: DK-USA, LLC – 18480 Pacific Street, Fountain Valley, CA  
Letter from Michael H. Leifer, Palmieri Tyler Attorneys at Law, to Gary C. Weisberg, Woodruff, Spradlin & Smart, Dated March 12, 2018, Re: DK-USA, LLC – 18480 Pacific Street, Fountain Valley, CA  
Letter from Gary C. Weisberg, Woodruff, Spradlin & Smart, to Michael H. Leifer, Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP, Dated March 14, 2018, Re: DK-USA, LLC – 18480 Pacific Street, Fountain Valley, CA  
Letter from Steven Ayers, Planner, City of Fountain Valley, to Clerk of the Board, Orange County Transportation Authority, Dated March 8, 2018, Subject: I-405 Improvement Project: Orange County Transportation Authority's notice of hearing regarding intent to adopt resolution of necessity to acquire interests in real property by eminent domain for the property located at 18480 Pacific Street, Fountain Valley, CA 92708 (APN 156-165-04)
- C. Interoffice Memo from Joe Gallardo, Manager, Real Property, to Clerk of the Board, Orange County Transportation Authority, Dated March 7, 2018, Subject: Douglas R. Hughes – Vacant Land (East side of Brookhurst St., South of I-405), Fountain Valley Interstate 405 Improvement Project between State Route 73 and Interstate 605 Resolution of Necessity No. 2018-040
- D. Letter from Bryan Lockwood, RM El Torito, LLC, to Clerk of the Board, Orange County Transportation Authority, Dated February 26, 2018, Re: Letter addressed to Shapell SoCal Rental Properties, LLC ("Lessor"), dated February 9, 2018 ("Notice of Hearing Letter"), regarding I-405 Improvement Project: Orange County Transportation Authority's (the "OCTA's") Notice of Hearing Regarding Intent to Adopt Resolution of Necessity to Acquire Interests in Real Property By Eminent Domain,

- pertaining to the real property located at 15042 Goldenwest Street, Westminster, CA 92683
- E. Correspondence/Contact Summary, Resolution Nos. 2018-027 Brown, 2018-028 Cabrera, 2018-029 Alvarez, 2018-030 Carty-Butler, 2018-031 Price, 2018-032 Hunter Family Trust, 2018-033 Hammond, 2018-034 Trautman, 2018-035 George Family Trust, 2018-036 Prowse, 2018-037 Mikuleky, 2018-038 Bradley, 2018-039 DK-USA, 2018-040 Hughes, 2018-042 Shapell Socal, 2018-043 Westminster Mall, 2018-044 Seritage SRC, 2018-045 Smolin Trust, and 2018-046 Golden Westminster
  - F. List of Property Owners, Interstate 405 Improvement Project Between State Route 73 and Interstate 605, Board of Directors Exhibit Matrix
  - G. Photo Aerial Exhibits
  - H. Resolution No. 2018-027
  - I. Resolution No. 2018-028
  - J. Resolution No. 2018-029
  - K. Resolution No. 2018-030
  - L. Resolution No. 2018-031
  - M. Resolution No. 2018-032
  - N. Resolution No. 2018-033
  - O. Resolution No. 2018-034
  - P. Resolution No. 2018-035
  - Q. Resolution No. 2018-036
  - R. Resolution No. 2018-037
  - S. Resolution No. 2018-038
  - T. Resolution No. 2018-039
  - U. Resolution No. 2018-040
  - V. Resolution No. 2018-042
  - W. Resolution No. 2018-043
  - X. Resolution No. 2018-044
  - Y. Resolution No. 2018-045
  - Z. Resolution No. 2018-046

**Prepared by:**



Joe Gallardo  
Manager, Real Property  
(714) 560-5546

**Approved by:**



James G. Beil, P.E.  
Executive Director, Capital Programs  
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Irvine, CA 92623-9712  
Refer To File No. 38943-000  
Document I.D. 2211741.1

February 20, 2018

**VIA OVERNIGHT DELIVERY & EMAIL**

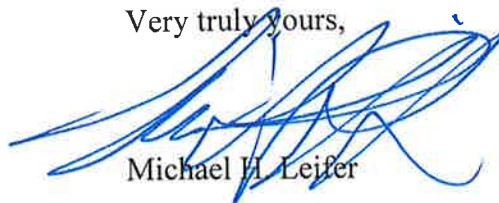
Clerk of the Board  
Orange County Transportation Authority  
550 S. Main Street  
Orange, CA 92863

Re: Mesa Verde Villas Homeowners Association - 1624 Iowa Street, Costa Mesa, CA

Dear Clerk of the Board:

The purpose of this letter is to notify the Orange County Transportation Authority that Mesa Verde Villas Homeowners Association intends to appear and be heard at the Resolution of Necessity hearing scheduled for March 26, 2018.

Very truly yours,



Michael H. Leifer

MHL:mp  
cc: Client

# PALMIERI TYLER

ATTORNEYS AT LAW

Michael H. Leifer  
Direct Dial (949) 851-7294  
Direct Fax (949) 825-5412  
mleifer@ptwww.com

P.O. Box 19712  
Irvine, CA 92623-9712  
Refer To File No. 38943-000  
Document I.D. 2211741.1

February 20, 2018

**VIA OVERNIGHT DELIVERY & EMAIL**

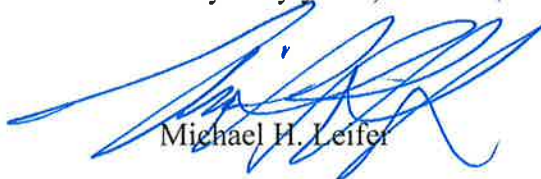
Clerk of the Board  
Orange County Transportation Authority  
550 S. Main Street  
Orange, CA 92863

Re: DK-USA, LLC - 18480 Pacific Street, Fountain Valley, CA

Dear Clerk of the Board:

The purpose of this letter is to notify the Orange County Transportation Authority that the property owner intends to appear and be heard at the Resolution of Necessity hearing scheduled for March 26, 2018.

Very truly yours,



Michael H. Leifer

MHL:mp  
cc: Client

# PALMIERI TYLER

ATTORNEYS AT LAW

Michael H. Leifer  
Direct Dial (949) 851-7294  
Direct Fax (949) 825-5412  
mleifer@ptwww.com

P.O. Box 19712  
Irvine, CA 92623-9712  
Refer To File No. 38943-000  
Document I.D. 2211741.1

March 12, 2018

## VIA E-MAIL

Gary C. Weisberg  
Woodruff Spradlin & Smart  
555 Anton Blvd., Suite 1200  
Costa Mesa, CA 92626

Re: DK-USA, LLC - 18480 Pacific Street, Fountain Valley, CA

Dear Gary:

This is to follow-up regarding the above matter.

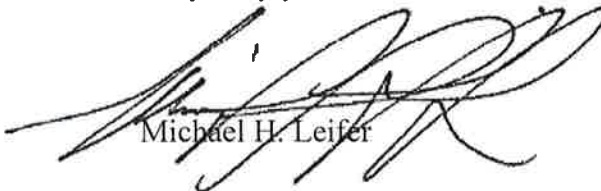
We have requested documents and information from OCTA. We have also requested a first level administrative review (or the equivalent). You suggested that we propose some dates.

As you know, I have been in trial in another matter. I also have an appellate oral argument scheduled on March 19th that I am in the process of preparing for.

We would request that OCTA agree to continue the resolution of necessity hearing so that we can obtain the documents, information and meeting that we have been requesting.

Please let me know. Thanks.

Very truly yours,



Michael H. Leifer

MHL:mp  
cc: Client

March 14, 2018

**VIA HAND DELIVERY**

Michael H. Leifer  
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP  
1900 Main Street, Suite 700  
Irvine, CA 92614

**Re: DK-USA, LLC – 18480 Pacific Street, Fountain Valley, CA**

Dear Mike:

This letter is in response to yours of March 12, 2018, and the various email exchanges between our respective offices in connection with the above-referenced matter. As it relates to the documents you have requested, hopefully you received the project plans in the vicinity of your client's property that I forwarded to you by email on February 28, 2018. If you did not receive these plans, please let me know. I am enclosing with this letter a disc containing the "project timeline" documents that you requested.

As you know, we have been trying to schedule a first level review meeting since mid-January 2018. As recently as March 7, 2018, I asked you to provide specific dates when you and your clients could attend such a meeting. Having not heard from you, on March 12, 2018, my office provided you with several proposed dates for the meeting. We will continue to work with you on finding a mutually agreeable date.

I have discussed with my client your request for a continuance of the hearing on the resolution of necessity. Unfortunately, we cannot continue the resolution hearing.

Very truly yours,

WOODRUFF, SPRADLIN & SMART  
A Professional Corporation

  
GARY C. WEISBERG

Enclosure

cc: Client



## CITY OF FOUNTAIN VALLEY

---

### PLANNING DEPARTMENT

10200 SLATER AVENUE • FOUNTAIN VALLEY, CA 92708-4736 • (714) 593-4425, FAX: (714) 593-4525

March 8, 2018

Clerk of the Board  
Orange County Transportation Authority  
550 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584

SUBJECT: I-405 Improvement Project: Orange County Transportation Authority's notice of hearing regarding intent to adopt resolution of necessity to acquire interests in real property by eminent domain for the property located at 18480 Pacific Street, Fountain Valley, CA 92708 (APN 156-165-04)

Dear Sirs,

The City of Fountain Valley is in receipt of your notice of hearing regarding intent to adopt a resolution of necessity to acquire interests in real property by eminent domain for the property located at 18480 Pacific Street.

The subject property is currently zoned SP – Specific Plan and is located within the Crossings Specific Plan. Within the Crossings Specific Plan, the subject property is located within the Mixed Industry District of the plan. There is a minimum 10 foot side yard setback from the building to the property line along Ellis Avenue in the Mixed Industry District for this property. The proposed 12.51 foot encroachment into the existing setback along Ellis Avenue will encroach into the required setback for this property.

Additionally, if this same encroachment is proposed for the adjacent property located at 10950 Virginia Circle, please be aware that this property is located in the Workplace Gateway District of the Crossings Specific Plan. This district requires no side yard setback and a 10 foot rear setback from the building to the property line.

If you have any questions, I can be reached at (714) 593-4431 or [steven.ayers@fountainvalley.org](mailto:steven.ayers@fountainvalley.org).

Sincerely,

Steven Ayers  
Planner  
City of Fountain Valley





*INTEROFFICE MEMO*

March 7, 2018

To: Clerk of the Board

From: Joe Gallardo, Manager, Real Property

Subject: **Douglas R. Hughes** - Vacant Land (East side of Brookhurst St.,  
South of I-405), Fountain Valley  
**Interstate 405 Improvement Project between State Route 73  
and Interstate 605**  
**Resolution of Necessity 2018-040**

OCTA has received verbal notification that Douglas R. Hughes intends to appear and be heard at the Resolution of Necessity hearing scheduled for March 26, 2018.

cc: Jim Beil, Executive Director, Capital Programs  
Rose Casey, Director, Highway Programs  
James Donich, General Counsel

**RM El Torito, LLC**  
5660 Katella Avenue, Suite 200  
Cypress, California 90630

February 26, 2018

**RECEIVED**

**FEB 26 2018**

**OCTA  
CLERK OF THE BOARD**

**Via Same Day Personal Delivery**

**Notice of Request to Appear at the March 26, 2018 Hearing of the Board of Orange County Transportation Authority.**

Clerk of the Board  
Orange County Transportation Authority  
550 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584


Re: Letter addressed to Shapell SoCal Rental Properties, LLC ("Lessor"), dated February 9, 2018 ("Notice of Hearing Letter"), regarding I-405 Improvement Project: Orange County Transportation Authority's (the "OCTA's") Notice of Hearing Regarding Intent to Adopt Resolution of Necessity to Acquire Interests in Real Property By Eminent Domain, pertaining to the real property located at 15042 Goldenwest Street, Westminster, CA 92683

Ladies and Gentlemen:

The undersigned, RM El Torito, LLC ("Lessee"), is the lessee of the property that is described in the Notice of Hearing Letter. Lessee hereby delivers written notice to OCTA that Lessee is invoking its right to be given the opportunity to be heard at the March 26, 2018 hearing.

Sincerely,

**RM El Torito, LLC**

By:   
Name: Bryan Lockwood  
Title: PRESIDENT & CEO.

cc: Vijay S. Sekhon, Esq.

**Correspondence/Contact Summary****Resolution No. 2018-027****Barbara M. Brown**

<b>Date</b>	<b>Reason for Contact</b>
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
January 4, 2017	OCTA ROW agent received call from property owner regarding NDA. Discussed project and impact to the property. Owner will wait for the offer.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 31, 2017	OCTA ROW agent presented offer to property owner.
August 3, 2017	OCTA staff and OCTA ROW agent met with HOA Board and discussed project impacts and HOA's interest in the common area. Some residents impacted by the project were present at the HOA Board meeting.
August 7, 2017	OCTA ROW agent spoke to property owner who agreed to sign the agreement although no clear understanding was reached with the HOA regarding their interest in the common area. Owner stated that she will contact the HOA president for update. Agent scheduled meeting with owner for document execution.
August 8, 2017	OCTA ROW agent met with property owner for execution of acquisition documents.
August 15, 2017	OCTA ROW agent prepared transmittal and sent original executed acquisition documents to OCTA for processing.
September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 27, 2017	OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" of the property and informing him that OCTA would continue to communicate directly with the owners until OCTA received confirmation from the property owner that OCTA should contact counsel for the HOA rather than the property owner.



September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
November 6, 2017	OCTA ROW agent received letter dated October 17, 2017 from property owner rescinding acceptance of offer and agreement to sell interest on property and requested that all future communications go through HOA's attorney, Mike Leifer. OCTA counsel received carbon copy of letter on or about November 1.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA I-405 Project planned acquisition.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting.

## Correspondence/Contact Summary

### Resolution No. 2018-028 Noe and Rosa M. Cabrera

Date	Reason for Contact
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 31, 2017	OCTA ROW agent unable to locate a contact number for property owners and will initiate field attempt. OCTA ROW agent met with the property owner at the site and scheduled a meeting date and time for the offer presentation.
August 3, 2017	<p>OCTA ROW agent met with the property owner to present the offer and discussed in detail the terms and compensation. Property owner stated desire to speak with the other unit owners regarding the shared compensation with the HOA. OCTA ROW agent advised owner of the HOA meeting later in the day and encouraged his participation.</p> <p>OCTA staff and OCTA ROW agent met with HOA Board and discussed project impacts and HOA's interest in the common area. Some residents impacted by the project were present at the HOA Board meeting.</p>
August 22, 2017	OCTA ROW agent met with one of the property owners to present the offer and discussed in detail the terms and compensation.
September 15, 2017	OCTA ROW agent mailed to property owner a 30-day reminder letter regarding the 20% incentive fee payment via USPS regular mail.
September 22, 2017	<p>OCTA ROW agent mailed to property owner 10-day reminder letter via USPS certified and regular mail. Agent emailed copy to HOA's attorney (Cane).</p> <p>HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.</p>

September 27, 2017	<p>OCTA ROW agent spoke to property owner who stated he was ready to sign offer documents, but would like to attend the special HOA meeting scheduled for tomorrow before signing the offer documents. Co-owner advised agent he had received a letter from an attorney inviting them to the HOA meeting to discuss the project and how it will affect the homeowners.</p> <p>OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.</p>
September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 2, 2017	OCTA ROW agent attempted to speak with property owners to verify decision on offer. Agent left voice message reminding them the 20% incentive fee payment offer expires today.
October 3, 2017	OCTA ROW agent received acknowledgment of receipt by property owner of 10-day reminder letter.
October 5, 2017	OCTA ROW agent attempted to speak with property owners to verify decision on offer. OCTA ROW agent left voice message to verify representation by legal counsel or if owner is ready to sign the agreement.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA's I-405 Project planned acquisition.
January 4, 2018	OCTA ROW agent received revised offer package certified mail receipt signed by property owner.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA intent to appear and be heard at the resolution of necessity hearing.

March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting. Property owner was copied on letter.
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## **Correspondence/Contact Summary**

### **Resolution No. 2018-029 Faustino Juan and Elsa Estela Alvarez**

<b>Date</b>	<b>Reason for Contact</b>
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
December 29, 2016	OCTA ROW agent received NDA certified mail receipt signed by HOA.
January 4, 2017	OCTA ROW agent received call from property owners' son regarding the NDA and discussed the project and impact to his parents' property.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 31, 2017	OCTA ROW agent spoke to one of the property owners regarding an offer presentation. Owner stated that her son will contact OCTA ROW agent to schedule a meeting date and time for the offer presentation.
August 2, 2017	OCTA ROW agent spoke to property owners' son to coordinate meeting date and time for offer presentation.
August 3, 2017	OCTA ROW agent met and presented the offer package to property owner and reviewed the offer and compensation in detail. Property owners' son attended the HOA meeting on behalf of his mother.
August 7, 2017	OCTA ROW agent followed up with the property owner on offer review. Property owner stated that they will contact HOA about the distribution of compensation and will advise.
August 22, 2017	OCTA ROW agent met with property owners to discuss compensation. Owner will contact OCTA ROW agent with further questions. OCTA ROW agent reminded owner about the 60-day timeline for the 20% incentive fee payment.
September 15, 2017	OCTA ROW agent attempted to speak with property owners to verify decision on offer; left voice message.

September 22, 2017	<p>OCTA ROW agent mailed to property owners a 10-day reminder letter via USPS certified and regular mail.</p> <p>Letter to ROW agent informing agent that Palmieri, Tyler, Wiener, Wilhelm &amp; Waldron (PTW) was retained by HOA and asking that all further contact to individual homeowners be made through their firm.</p>
September 27, 2017	<p>OCTA ROW agent called property owner to schedule a meeting to discuss their concerns regarding the project and agreement and left a voice message reminding them of the expiration of the 60-day incentive fee payment period on October 2, 2017.</p> <p>Later, OCTA ROW agent met on-site with property owner and discussed the offer and expiration of the 60-day incentive period.</p> <p>OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with “owners of record” and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.</p>
September 28, 2017	<p>HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.</p>
October 2, 2017	<p>Property owner informed OCTA ROW agent that they would not continue negotiations based on the previous week’s HOA meeting where they were told they are being represented by an attorney and all communications with OCTA should be through the attorney.</p>
October 3, 2017	<p>OCTA ROW agent received acknowledgment of receipt by property owner of 10-day reminder letter.</p>
October 16, 2017	<p>HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.</p>
December 20, 2017	<p>OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA I-405 Project planned acquisition.</p>

January 8, 2018	OCTA ROW agent received revised offer package certified mail receipt signed by property owner.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting. Property owner was copied on the letter.

## Correspondence/Contact Summary

### Resolution No. 2018-030 Caitlin Carty and Rhett Butler

Date	Reason for Contact
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
December 29, 2016	OCTA ROW agent received NDA certified mail receipt from HOA.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 31, 2017	OCTA ROW agent called property owners and left voice messages requesting a call back.
August 1, 2017	OCTA ROW agent received call from the property owner and, at their request, presented the offer package over the phone. OCTA ROW agent informed the owner about the incentive payment offered by OCTA for the project. Owner stated that they will contact the HOA to discuss the division of compensation.
August 3, 2017	OCTA ROW agent met with property owners to present offer package and discussed in detail the offer and compensation. Owners attended the HOA meeting hoping to discuss proceeds distribution. HOA Property Manager said that the process is being reviewed by the HOA attorney and should have more information during the next HOA meeting scheduled for September 7, 2017.
August 7, 2017	OCTA ROW agent called property owners to verify their decision on the offer; left voice message.
August 30, 2017	OCTA ROW agent met with property owners to review the offer, appraisal and compensation. Property owners will attend the next HOA meeting for clarification of common areas interest and governance. Property owners will have their attorney review the appraisal.
August 31, 2017	OCTA ROW agent mailed to property owners a 30-day reminder letter regarding the 20% incentive fee payment via USPS regular mail.



September 15, 2017	OCTA ROW agent attempted contact with property owners to verify decision on offer; left voice message.
September 20, 2017	OCTA ROW agent mailed to property owner a 10-day reminder letter via USPS certified and regular mail.
September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 27, 2017	<p>OCTA ROW agent performed field attempt to contact property owner. No answer at the door, agent left contact card.</p> <p>OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with “owners of record” and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.</p>
September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 2, 2017	OCTA ROW agent called property owners to verify their acceptance of offer and the expiration of incentive fee payment period on September 30, 2017. Received acknowledgment of receipt of 10-day reminder letter by owner.
October 5, 2017	OCTA ROW agent called property owners and left voice message for owners to verify representation by legal counsel or if owners are ready to sign the agreement.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
November 6, 2017	OCTA ROW agent received letter dated October 17, 2017 from property owners rescinding acceptance of offer and agreement to sell interest on property and to communicate with them through the HOA’s attorney, Michael Leifer. OCTA counsel received carbon copy of letter on or about November 1.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA I-405 Project planned acquisition.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.

February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting.

## Correspondence/Contact Summary

**Resolution No. 2018-031**

**Michelle Louise Price**

<b>Date</b>	<b>Reason for Contact</b>
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
January 13, 2017	OCTA ROW agent received call from property owner regarding NDA. OCTA ROW agent discussed the project with the owner, who is also a board member of the HOA. The owner will call the appraiser and schedule a meeting.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 28, 2017	OCTA ROW agent spoke to property owner who wants to verify decision made by HOA regarding compensation. Property owner will contact agent when agent can present offer package.
July 31, 2017	OCTA ROW agent presented offer package to property owner who is vice president of the HOA and stated that she had previously met with OCTA representatives to discuss project's impact to the property. Property owner stated that she will confer with the HOA attorney (David Cane) to ensure all other unit owners are notified of the process.
August 2, 2017	OCTA ROW agent contacted property owner regarding execution of ROW contract prior to agreement between HOA and owner as to distribution of funds.
August 4, 2017	OCTA ROW agent spoke to property owner and scheduled a date, time and place for execution of the offer package documents.
August 7, 2017	OCTA ROW agent attempted to contact property owner to coordinate meeting date, time and place to execute the agreement and deed.
August 8, 2017	OCTA ROW agent met property owner who executed the agreement and deed.
August 9, 2017	OCTA ROW agent contacted property owner to respond to her questions regarding the appraisal.

August 22, 2017	OCTA ROW agent met with property owner at her unit requesting an update on the HOA's review of the CC&Rs pertaining to the granting of the TCE and distribution of any compensation.
September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 27, 2017	OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.
September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
November 6, 2017	OCTA ROW agent received letter dated October 17, 2017 from property owner rescinding acceptance of offer and agreement to sell interest on property. OCTA counsel received carbon copy of letter on or about November 1.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA I-405 Project planned acquisition.
December 22, 2017	OCTA ROW agent mailed revised offer package to property owners via USPS regular and certified mail.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting.

## **Correspondence/Contact Summary**

### **Resolution No. 2018-032**

**Scott Sam Hunter and Steve Robert Hunter, Co-Trustees of  
The Shirley Ann Hunter Family Trust dated September 20, 2004**

<b>Date</b>	<b>Reason for Contact</b>
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
December 29, 2016	OCTA ROW agent received NDA certified mail receipt signed by HOA.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 28, 2017	OCTA ROW agent unable to locate contact number for property owners and will initiate field attempt next week.
August 1, 2017	OCTA ROW agent made a field attempt to contact property owner at his residence in Costa Mesa. OCTA ROW agent left contact card with owner's relative.
August 2, 2017	OCTA ROW agent received call from property owner and then met with him to present offer package. OCTA ROW agent advised the owner to contact the HOA to discuss and determine how proceeds will be distributed.
August 3, 2017	Property owner informed OCTA ROW agent that he attended the HOA meeting. Property owner will contact OCTA ROW agent with further questions.
August 7, 2017	OCTA ROW agent spoke to property owner to verify decision on the offer. Property owner stated that he will wait for the next HOA meeting before signing the agreement and deed.
September 7, 2017	OCTA ROW agent spoke to property owner to verify his decision on the offer. Property owner stated that they are ready to sign, pending attendance to the HOA meeting that will take place that day.
September 15, 2017	OCTA ROW agent called property owner to verify if offer package documents have been signed; left voice message.
September 19, 2017	OCTA ROW agent met with property owners to review and discuss the project and sign documents.

September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 27, 2017	OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.
September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
November 6, 2017	OCTA ROW agent received letter dated October 17, 2017 from property owners rescinding acceptance of offer and agreement to sell interest on property. OCTA counsel received carbon copy of letter on or about November 1.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA I-405 Project planned acquisition.
December 22, 2017	OCTA ROW agent mailed revised offer package to property owners via USPS regular and certified mail to his mailing address in Costa Mesa, CA.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
January 24, 2018	OCTA ROW agent received call from property owner inquiring status of transaction. OCTA ROW agent informed him that negotiations are now being handled by OCTA legal counsel and that agent has been instructed not to contact the property owners. OCTA ROW agent informed him to contact his attorney for more information on the process.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA's intent to appear and be heard at the resolution of necessity hearing.

March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting.
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## Correspondence/Contact Summary

### Resolution No. 2018-033

Thomas V. Hammond

Date	Reason for Contact
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 28, 2017	OCTA ROW agent called property owner and left a voice message requesting return call.
July 31, 2017	OCTA ROW agent spoke with, then met, the property owner to present offer package. OCTA ROW agent advised owner to contact the HOA regarding distribution of compensation.
August 7, 2017	OCTA ROW agent called property owner to verify any decision on the offer; left voice message.
August 31, 2017	OCTA ROW agent mailed to property owner a 30-day reminder letter regarding the 20% incentive fee payment via USPS regular mail.
September 15, 2017	OCTA ROW agent called property owner to verify any decision on the offer; left voice message.
September 19, 2017	OCTA ROW agent mailed to property owner 10-day reminder letter via USPS certified and regular mail.
September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 27, 2017	<p>OCTA ROW agent called property owner regarding his decision on the offer; left voice message and reminded him that the 20% incentive fee payment will expire on September 29, 2017. OCTA ROW agent made field attempt to contact owner. OCTA ROW agent left contact card in the mailbox.</p> <p>OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.</p>



September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 5, 2017	OCTA ROW agent called property owner to verify any decision on the offer; left voice message to verify representation by legal counsel or if owner is ready to sign the agreement.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
November 6, 2017	OCTA ROW agent received letter dated October 17, 2017 from property owner rescinding acceptance of offer and agreement to sell interest on property. OCTA counsel received carbon copy of letter on or about November 1.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA I-405 Project planned acquisition.
December 22, 2017	OCTA ROW agent mailed revised offer package to property owners via USPS regular and certified mail.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA's intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting.

## Correspondence/Contact Summary

### Resolution No. 2018-034 Steve Trautman

Date	Reason for Contact
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 28, 2017	OCTA ROW agent was unable to locate contact number for property owner and will initiate field attempt next week.
August 2, 2017	OCTA ROW agent performed field attempt to contact property owner. OCTA ROW agent left contact card.
August 3, 2017	OCTA ROW agent met with property owner and presented offer. Property owner attended the HOA meeting hoping to discuss the process to distribute proceeds.
August 7, 2017	OCTA ROW agent attempted to speak with property owner to verify decision on offer. Agent left voice message.
September 5, 2017	OCTA ROW agent mailed to property owner a 30-day reminder letter regarding the 20% incentive fee payment via USPS regular mail.
September 15, 2017	OCTA ROW agent attempted to speak with property owner to verify decision on offer. Agent left a voice message.
September 18, 2017	OCTA ROW agent spoke to property owner who stated he is waiting for the HOA to advise how the funds will be distributed.
September 22, 2017	<p>OCTA ROW agent mailed to property owner a 10-day reminder letter via USPS certified and regular mail. Agent emailed copy to HOA's attorney (Cane).</p> <p>HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.</p>
September 27, 2017	OCTA ROW agent spoke to property owner advising him that the incentive fee payment period will expire on October 2, 2017. Property owner responded that he will attend the HOA special meeting tomorrow and will decide thereafter.

	OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.
September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 2, 2017	OCTA ROW agent spoke to property owner who stated he was ready to sign offer documents, pending some modifications to the ROW contract. OCTA legal counsel could not agree with all the owner's changes to the contract and owner refused to sign the acquisition documents.
October 3, 2017	OCTA ROW agent received acknowledgment of receipt by property owner of 10-day reminder letter.
October 5, 2017	OCTA ROW agent left voice message for property owner to verify his representation by legal counsel.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA I-405 Project planned acquisition.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting. Property owner was copied on letter.

## **Correspondence/Contact Summary**

**Resolution No. 2018-035**  
**Daniel R. George, Trustee of the**  
**Daniel R. George Family Trust dated October 30, 2015**

<b>Date</b>	<b>Reason for Contact</b>
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
June 6, 2017	OCTA ROW agent received email from HOA attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 28, 2017	OCTA ROW agent called property owner and left voice messages requesting a call back.
July 31, 2017	OCTA ROW agent received call from property owner and, per his request, the offer package presentation was made over the phone. OCTA ROW agent advised the owner to contact his HOA to discuss and determine how proceeds will be distributed. OCTA ROW agent sent to owner the offer package via USPS regular and certified mail.
August 7, 2017	OCTA ROW agent called property owner to verify receipt of offer package and his decision regarding the offer and left voice message.
August 31, 2017	OCTA ROW agent sent to property owner a 30-day reminder letter regarding the 20% incentive fee payment deadline.
September 15, 2017	OCTA ROW agent called property owner regarding his decision on the offer and left voice message.
September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 25, 2017	OCTA ROW agent received call from property owner who verbally stated his acceptance of the offer subject to eligibility for the 20% incentive fee payment. Offer package execution scheduled for September 26, 2017.
September 26, 2017	OCTA ROW agent met with property owner who executed agreement and deed.

September 27, 2017	OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with “owners of record” and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owner directly.
September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual homeowners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
December 20, 2017	OCTA ROW agent mailed a revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA’s I-405 Project planned acquisition.
January 5, 2018	OCTA ROW agent received a revised offer package certified mail receipt signed by property owner.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA’s intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting. Courtesy copy of letter sent to property owner.

## Correspondence/Contact Summary

### Resolution No. 2018-036 Kristopher Allen Prowse

Date	Reason for Contact
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
January 10, 2017	OCTA ROW agent received NDA certified mail receipt from HOA.
June 6, 2017	OCTA ROW agent received email from HOA's attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
August 1, 2017	OCTA ROW agent made field attempt to contact the property owner at his residence; presented offer package to property owner.
August 31, 2017	OCTA ROW agent mailed to property owner a 30-day reminder letter regarding the 20% incentive fee payment via USPS regular mail.
September 20, 2017	OCTA ROW agent mailed to property owner 10-day reminder letter via USPS regular and certified mail.
September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 27, 2017	<p>OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owners directly.</p> <p>OCTA ROW agent made a field attempt to contact property owner at his residence. OCTA ROW agent spoke with owner's spouse about offer. Property owners will review and contact OCTA ROW agent with further questions.</p>

September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual property owners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
September 29, 2017	OCTA ROW agent met with property owner to sign agreement and deed.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel's efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
November 22, 2017	OCTA ROW agent received letter dated October 17, 2017 from property owner rejecting offer and requesting communications be sent to HOA counsel. (Courtesy copy of letter was received by OCTA counsel.)
December 20, 2017	OCTA ROW agent mailed revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA's I-405 Project planned acquisition.
January 4, 2018	OCTA ROW agent received a revised offer package certified mail receipt signed by property owner.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA's intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting.

## Correspondence/Contact Summary

### Resolution No. 2018-037 Meghan Grace Mikuleky

Date	Reason for Contact
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
June 6, 2017	OCTA ROW agent received email from HOA's attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 28, 2017	OCTA ROW agent attempted to contact property owner. OCTA ROW agent spoke to property owner's mother who stated she would forward agent's contact information to owner.
August 3, 2017	OCTA ROW agent made field attempt to contact property owner. OCTA ROW agent left contact card.
August 7, 2017	OCTA ROW agent left voice message with the owner's mother requesting her to have the property owner contact OCTA ROW agent.
August 18, 2017	OCTA ROW agent continuing attempt to contact property owner through the owner's mother.
August 21, 2017	OCTA ROW agent spoke to the HOA vice-president about owner's contact.
August 22, 2017	OCTA ROW agent made field attempt to meet property owner. OCTA ROW agent left her contact card by owner's mailbox.
September 1, 2017	OCTA ROW agent continued to attempt to contact property owner. OCTA ROW agent left voice message for owner's mother.
September 6, 2017	OCTA ROW agent spoke to property owner and scheduled offer presentation for September 7, 2017 at 9:30am.
September 7, 2017	OCTA ROW agent met with property owner to present the offer package: Property owner stated that she is accepting the offer, but would like to review the documents more before signing the agreement.



September 15, 2017	OCTA ROW agent called property owner to verify decision on the offer; left voice message.
September 22, 2017	HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.
September 27, 2017	<p>OCTA ROW agent called property owner to verify decision on the offer; left voice message. OCTA ROW agent made field attempt to contact property owner; left her contact card.</p> <p>OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with “owners of record” and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owners directly.</p>
September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual property owners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 5, 2017	OCTA ROW agent called property owner to verify decision on the offer; left voice message for owner to verify representation by legal counsel or if owner is ready to sign the agreement.
October 9, 2017	OCTA ROW agent continued to attempt to contact property owner. Agent mailed to property owner a 30-day reminder letter regarding the 20% incentive fee payment via USPS regular mail.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel’s efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
November 22, 2017	OCTA ROW agent received letter dated October 17, 2017 from property owner rescinding acceptance of offer and agreement to sell interest on property. (Courtesy copy of letter was received by OCTA counsel.)
December 20, 2017	OCTA ROW agent mailed revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA counsel, Michael Leifer, for OCTA’s I-405 Project planned acquisition.
January 4, 2018	OCTA ROW agent received revised offer package certified mail receipt signed by property owner.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA's counsel.

February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA's intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA's counsel to HOA's counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting.

## Correspondence/Contact Summary

### Resolution No. 2018-038

Seth Bradley

Date	Reason for Contact
December 21, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed notice of decision to appraise notification letter (NDA letter) to property owner.
December 28, 2016	OCTA ROW agent mailed NDA letter to Mesa Verde Villas Homeowner's Association (HOA) c/o Diversified Association Management. Package included NDA letters in connection with Caltrans Parcel Nos. 103389 through 103400.
June 6, 2017	OCTA ROW agent received email from HOA's attorney (David Cane) alleging property owner cannot grant OCTA temporary construction easement (TCE) without the consent of HOA and compensation for the TCE is property of the HOA.
July 25, 2017	OCTA ROW agent delivered a copy of the offer packages to HOA's attorney (David Cane).
July 31, 2017	OCTA ROW agent performed field attempt to contact property owner. OCTA ROW agent left contact card.
August 3, 2017	<p>OCTA ROW agent spoke to property owner. OCTA ROW agent inquired if they can schedule a meeting for offer presentation. Property owner agreed to meet that day.</p> <p>OCTA ROW agent met with property owner to deliver the offer package and discussed offer and acquisition documents.</p>
August 7, 2017	OCTA ROW agent spoke to property owner about the offer. Property owner will attend HOA meeting before a decision is made.
September 15, 2017	OCTA ROW agent continuing to attempt to contact property owner and unable to leave him a voice message. OCTA ROW agent will perform field attempt.
September 22, 2017	<p>OCTA ROW agent mailed to property owner 10-day reminder letter via USPS regular and certified mail.</p> <p>HOA counsel (Mike Leifer) sent ROW agent letter informing agent that he was retained by HOA and asked that all further contact with individual homeowners be made through his firm.</p>
September 27, 2017	<p>OCTA ROW agent spoke to property owner who said he is signing the offer once he attends the special HOA meeting.</p> <p>OCTA counsel sent letter to property owner counsel (Mike Leifer) informing him that OCTA had statutory obligations to communicate with "owners of record" and informed him that OCTA would continue to communicate directly with the property owners until OCTA received confirmation from the property owners that OCTA should contact HOA counsel rather than the property owners directly.</p>

September 28, 2017	HOA counsel (Mike Leifer) sent letter to OCTA counsel asking that communications be directed to HOA counsel rather than to the individual property owners claiming that the rights of the individual homeowners as to common areas were subordinate to the rights of the HOA.
October 2, 2017	OCTA ROW agent spoke to property owner to verify his decision on the offer. Owner stated that he is represented by legal counsel, Michael Leifer, whom agent should contact starting immediately.
October 3, 2017	OCTA ROW agent received acknowledgment of receipt by property owner of 10-day reminder letter.
October 16, 2017	HOA counsel and OCTA counsel conferred by telephone regarding HOA counsel's efforts to secure letters from the individual property owners to confirm that they wish for communications to be made directly through HOA counsel.
December 20, 2017	OCTA ROW agent mailed revised offer package to property owner via USPS certified and regular mail. OCTA ROW agent hand delivered a copy of the revised offer package to HOA's attorney, Michael Leifer, for OCTA's I-405 Project planned acquisition.
January 5, 2018	OCTA ROW agent received revised offer package certified mail receipt signed by property owner.
January 23, 2018	OCTA counsel emailed and mailed letter regarding first-level review meeting to HOA counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Costa Mesa notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 13, 2018	OCTA counsel and new property owner Seth Bradley communicated by email and telephone regarding Mr. Bradley's purchase of the home from previous owner. Mr. Bradley provided evidence regarding purchase of the home and OCTA counsel forwarded to him a copy of the offer packet and notice of hearing regarding OCTA's intent to adopt a resolution of necessity. Mr. Bradley requested that OCTA continue to communicate with him directly in addition to OCTA's communications with HOA counsel.
February 20, 2018	Letter from HOA counsel to OCTA notifying them of HOA's intent to appear and be heard at the resolution of necessity hearing.
March 5, 2018	Letter from OCTA counsel to HOA counsel reminding him that OCTA remains interested in participating in a first-level review meeting and proposing dates for the meeting. Courtesy copy of letter sent to property owner.

## Correspondence/Contact Summary

### Resolution No. 2018-039 DK-USA, LLC, a California limited liability company

Date	Reason for Contact
November 10, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent received call from property owner's daughter who operates the business located on subject property and had questions about the project and appraisal/acquisition process. Property owner's daughter requested any drawings regarding the project ROW. OCTA ROW agent e-mailed the owner the draft cut sheet.
November 15, 2016	OCTA ROW agent received email from OCTA asking agent to contact property owner with further questions about the project concerning work along Ellis Avenue and impacts to the property. OCTA ROW agent contacted owner and discussed the project design and impacts and scheduled property staking at the request of the owner.
October 26, 2017	OCTA ROW agent called and left a message for property owner's daughter who returned call and confirmed appointment for November 1, 2017 to make the offer presentation.
October 31, 2017	OCTA ROW agent received call and email from property owner's attorney regarding offer presentation at his office for November 1, 2017. OCTA ROW agent emailed attorney regarding postponement of offer presentation due to unforeseen circumstances and requested a letter from the property owner confirming attorney's representation.
November 1, 2017	OCTA ROW agent received email from property owner's attorney office with copy of their letter of representation.
November 8, 2017	E-mail correspondence between OCTA ROW agent and property owner's attorney regarding legal representation of property owner.
December 7, 2017	OCTA ROW agent mailed offer package to property owner via GSO overnight delivery.
December 8, 2017	OCTA's legal counsel e-mailed OCTA ROW agent that OCTA's legal counsel emailed a copy of the offer package to the property owner's attorney.
January 22, 2018	OCTA's legal counsel e-mailed OCTA ROW agent stating that they emailed the first level review letter to property owner's attorney.
February 2, 2018	Property owner's attorney e-mailed OCTA's legal counsel requesting staking of property. OCTA legal counsel coordinated with OCTA ROW agent to schedule the requested staking. Staking scheduled for February 14, 2018. OCTA legal counsel informed the property owner about the staking and property owner's attorney acknowledged the date/time.

February 9, 2018	OCTA legal counsel mailed to property owner and City of Fountain Valley Notice of Hearing Regarding Intent to Adopt Resolution of Necessity.
February 12, 2018	OCTA legal counsel e-mailed courtesy copy of Notice of Hearing Regarding Intent to Adopt Resolution of Necessity to property owner's counsel.
February 16, 2018	Property owner's legal counsel e-mailed request to OCTA's counsel for project plans and project timelines.
February 21, 2018	OCTA Clerk of the Board received letter from property owner's legal counsel regarding notice of intention to appear and be heard at Hearing on Intent to Adopt Resolution of Necessity
February 21, 2018	OCTA legal counsel called property owner's counsel and discussed production of project plans and timelines.
February 22, 2018	OCTA legal counsel e-mailed property owner's counsel providing status of production of project plans and timelines.
February 28, 2018	OCTA legal counsel e-mailed to property owner's counsel current set of project plans in vicinity of Subject Property.
March 7, 2018	OCTA legal counsel received email from property owner's counsel regarding status of producing "project timeline" documents and first level review meeting.
March 8, 2018	OCTA legal counsel emailed property owner's counsel regarding status of "project timeline" documents and requesting specific dates for first level review meeting.
March 12, 2018	OCTA legal counsel received letter from property owner's counsel asking for a continuance of resolution of necessity hearing.
March 12, 2018	OCTA legal counsel emailed property owner's counsel with proposed dates for first level review meeting.
March 13, 2018	OCTA legal counsel emailed property owner's counsel agreeing to provide a response to request to continue the resolution of necessity hearing by close of business on March 14, 2018.
March 13, 2018	OCTA staff was informed of a letter sent by the City of Fountain Valley (City) to OCTA Clerk of the Board regarding the City's building setback requirements.  OCTA staff discussed the content of the letter with the City's Public Works director.
March 14, 2018	OCTA legal counsel hand delivered letter to property owner's counsel with "project timeline" documents and declining request to continue the resolution of necessity hearing.

## Correspondence/Contact Summary

**Resolution No. 2018-040**

**Douglas R. Hughes**

<b>Date</b>	<b>Reason for Contact</b>
December 7, 2017	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent sent to property owner the offer package by FedEx overnight delivery. OCTA ROW agent researching owner's contact phone number.
December 8, 2017	OCTA ROW agent received FedEx delivery confirmation of offer package to property owner.
December 14, 2017	OCTA ROW agent performed a field attempt at property owner's mailing address. OCTA ROW agent met with property owner who is a beneficiary of the Hughes Family Trust. OCTA ROW agent confirmed that property owner had received offer package but property owner refused to discuss offer and rejected it.
January 8, 2018	OCTA ROW agent mailed to property owner 30-day incentive notice via USPS regular and certified mail.
January 18, 2018	OCTA ROW agent received signed 30-day incentive notice certified mail receipt.
January 19, 2018	OCTA ROW agent called property owner and left voice message. OCTA ROW agent contacted interim trustee lawyer. OCTA ROW agent delivered offer package to interim trustee of the Hughes Family Trust. OCTA ROW agent discussed offer with interim trustee attorney.
January 22, 2018	OCTA ROW agent mailed to property owner first level review letter via USPS regular mail to tax roll address in Fountain Valley, California and owner's alternate mailing address in Irvine, California.
January 26, 2018	OCTA ROW agent mailed to property owner a 10-day reminder letter regarding the incentive fee payment offer via USPS regular and certified mail.
February 2, 2018	OCTA ROW agent spoke to interim trustee regarding any contact or communication with property owner. Trustee stated to OCTA ROW agent that she will make additional efforts to contact owner regarding offer package and incentive fee payment offer. Trustee acknowledged receipt of the 10-day reminder letter regarding incentive. OCTA ROW agent called property owner and left a voice message with a call back request.
February 5, 2018	OCTA ROW agent received signed 50-day incentive notice certified mail receipt.

February 9, 2018	OCTA counsel mailed to property owner and City of Fountain Valley notice of hearing regarding OCTA's intent to adopt resolution of necessity (NOI).
February 22, 2018	OCTA ROW agent contacted interim trustee attorney who stated that the property will be taken out of the trust and transferred back to Mr. Hughes directly.
March 5, 2018	ROW agent received phone call from new property owner Douglas Hughes stating that he received NOI letter and intends to appear and be heard at the resolution of necessity hearing.
March 5, 2018	OCTA staff spoke with property owner to address owner's questions and concerns related to the project design and right of way requirements. OCTA will arrange a first level review meeting with property owner to provide additional information.
March 14, 2018	OCTA staff met with the property owner and conducted the first level review to discuss the need for the ROW.



**Correspondence/Contact Summary**  
**Resolution No. 2018-042**  
**Shapell SoCal Rental Properties, LLC, a Delaware Limited Liability Company**

<b>Date</b>	<b>Reason for Contact</b>
June 29, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent received e-mail from OCTA's appraiser that the property owner's representative is the LLC's in-house legal counsel.
July 10, 2016	OCTA ROW agent advises OCTA and its legal counsel of property owner's legal representation.
August 25, 2017	OCTA ROW agent left message for property owner's representative to contact OCTA ROW agent for offer presentation.
August 30, 2017	OCTA ROW agent presented offer to property owner's representative and discussed project impacts and property owner's concerns. Property owner's representative refused to sign the receipt of offer package.
August 31, 2017	OCTA ROW agent called and left message for property owner's representative to contact OCTA ROW agent as the email OCTA ROW agent had sent bounced back.
September 19, 2017	OCTA ROW agent called property owner's representative and left message requesting a call back.
September 25, 2017	OCTA ROW agent called property owner's representative and left message requesting representative to contact OCTA ROW agent.
September 26, 2017	OCTA ROW agent researched other contact phone numbers for property owner. OCTA ROW agent requested property owner to contact OCTA ROW agent.
October 9, 2017	OCTA ROW agent mailed OCTA's incentive fee program notice to property owner's in-house counsel and regional director.
October 10, 2017	OCTA ROW agent called, emailed and left messages to both property owner's representatives to discuss OCTA's offer and pending expiration date of incentive fee.
October 11, 2017	OCTA ROW agent received voice mail and email from property owner's representative that they are getting a survey and independent appraisal completed. OCTA ROW agent confirmed to property owner's representatives that OCTA ROW agent has received their voice mail and e-mail.
October 25, 2017	OCTA ROW agent called and left messages for both of property owner's representatives inquiring about status of their appraisal.
October 26, 2017	OCTA ROW agent mailed by overnight delivery notice of OCTA incentive fee program pending expiration date to both of property owner's representatives.

November 7, 2017	OCTA ROW agent called and left messages to property owner's secondary representative requesting the status of property owner's survey and appraisal.
November 17, 2017	OCTA ROW agent mailed first level review letter to property owner's representatives via regular mail.
December 5, 2017	OCTA ROW agent received voice message from property owner's primary representative that he received the first level review letter and would like to meet with OCTA and its legal counsel and consultants on January 11, 2018 to discuss the offer and project.
December 8, 2017	OCTA ROW agent contacted property owner's representative regarding their survey and appraisal.
December 12, 2017	OCTA ROW agent left message for owner's legal counsel regarding first level review.
December 14, 2017	OCTA ROW agent received voice message from property owner's legal counsel regarding first level review date and time.
December 19, 2017	OCTA ROW agent left message for property owner's legal counsel confirming first level review meeting.
January 11, 2018	OCTA team met with property owner and their legal representative and conducted first level review meeting. Discussed project impacts and schedule. OCTA informed property owner that a revised offer will be presented to them because of an overlapping public easement encumbering the interest being acquired.
January 12, 2018	OCTA ROW agent at the request of property owner e-mailed mitigation plat to property owner's legal representative.
January 17, 2018	OCTA legal counsel e-mailed revised legal descriptions and plat maps to property owner's counsel.
January 26, 2018	OCTA ROW agent e-mailed revised offer to property owner's legal counsel via overnight delivery.
January 29, 2018	OCTA ROW agent received confirmation of revised offer delivery to property owner's legal counsel.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Fountain Valley Notice of Hearing Regarding Intent to Adopt Resolution of Necessity.
February 12, 2018	OCTA legal counsel e-mailed courtesy copy of Notice of Hearing Regarding Intent to Adopt Resolution of Necessity to property owner's counsel.
February 27, 2018	OCTA legal counsel and property owner's counsel exchange voicemail messages regarding ongoing settlement discussions and fact that property owner's engineer is reviewing impacts of property acquisition.

## Correspondence/Contact Summary

### Resolution No. 2018-043 Westminster Mall, LLC

Date	Reason for Contact
June 16, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent advised that the Westminster Mall is owned by the Washington Prime Group (WPG) and met with property owner's representatives: WPG's director of real estate development; and the mall's general manager. Agent explained the project and listened to owner's concerns.
November 9, 2017	OCTA ROW agent called and left a voice message for property owner's representative regarding presentation of an offer.
November 10, 2017	OCTA ROW agent called and left a voice message for property owner's representative regarding presentation of an offer.
November 13, 2017	OCTA ROW agent called and left a voice message for property owner's representative regarding presentation of an offer.
November 14, 2017	OCTA ROW agent mailed offer package to property owner's representative via USPS regular and certified mail. OCTA ROW agent also called and left a detail voice message for owner's representative.
November 17, 2017	OCTA ROW agent spoke with property owner's representative who confirmed receipt of the offer package. Property owner representative requested a few days to review the offer package before discussing the offer.
December 27, 2017	OCTA ROW agent called and left a detailed voice message for the property owner's representative regarding the offer package.
January 5, 2018	OCTA ROW agent called and left a voice message for the property owner's representative regarding status of the offer and requested he contact OCTA ROW agent.
January 16, 2018	OCTA ROW agent received a voice mail from property owner's representative regarding the offer. OCTA ROW agent returned call and left a voice message.
January 22, 2018	OCTA ROW agent mailed to the property owner's representatives the first level review letter via USPS regular mail at the mall location and its corporate offices in Ohio.
January 29, 2018	OCTA ROW agent attempted to contact property owner's representative regarding the offer status, but could not leave voice mail as it was full.
February 9, 2018	OCTA legal counsel mailed to property owner duplicate sets of Notice of Hearing Regarding Intent to Adopt Resolution of Necessity (one set to address appearing on last equalized County assessment roll and the other set to an address as provided on the offer letter). A copy of the notice was also sent to the City of Westminster as required by law.

February 20, 2018	Notice of Hearing document addressed as listed on County assessment roll returned from U.S. Postal service as non-deliverable. The duplicate notice of hearing sent to the property owner address as provided on the offer letter was <b>not</b> returned.
February 21, 2018	OCTA legal counsel confirmed proper address with County of Orange tax assessor's office.

## Correspondence/Contact Summary

### Resolution No. 2018-044 Seritage SRC Finance LLC

Date	Reason for Contact
May 17, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent mailed to the property owner the NDA via USPS regular and certified mail.
June 6, 2016	OCTA ROW agent received back the NDA by the USPS designated as "no such number."
December 7, 2017	OCTA ROW agent sent via overnight mail the offer package to the property owner at two (2) different mailing addresses in New York, NY and Hoffman Estates, IL.
December 20, 2017	OCTA ROW agent left message for property owner regarding the offer package.
January 9, 2018	OCTA ROW agent left message for property owner regarding the offer package.
January 22, 2018	OCTA ROW agent mailed to property owner the first level review letter via USPS regular mail addressed to both the Orange County tax roll address and an alternate mailing address.
February 9, 2018	OCTA legal counsel mailed to property owner and to City of Westminster notice of hearing regarding intent to adopt resolution of necessity (NOI).
February 12, 2018	OCTA legal counsel telephone conference with representative of tenant of the property regarding the need for the NOI letter to be sent to alternate mailing address in New York, NY.
February 13, 2018	OCTA legal counsel mailed NOI to property owner at New York, NY address.
February 21, 2018	OCTA ROW agent received call from property owner's representative confirming receipt of offer package. OCTA ROW agent discussed the proposed acquisitions and when they would be needed, the appraisal, mitigation plan and responded to her questions. Property owner representative will commence an internal review of the offer package with the property owner.
February 27, 2018	OCTA ROW agent emailed property owner's representative to follow up on the offer package and the previous conversation.

## Correspondence/Contact Summary

**Resolution No. 2018-045**  
**John Michael Smolin, Successor Trustee of The Smolin Family Trust**  
**under Declaration of Trust dated August 22, 1998**

<b>Date</b>	<b>Reason for Contact</b>
May 18, 2017	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent called property owner and left a voice message requesting a call back to schedule the offer presentation.
May 23, 2017	OCTA ROW agent called property owner and left a voice message requesting a call back to schedule an appointment to meet and discuss the offer package. OCTA ROW agent received voice message from owner stating an initial meeting is not necessary and to email him the offer package. OCTA ROW agent emailed owner a copy of the offer package.
June 5, 2017	OCTA ROW agent called property owner and left a voice message requesting a call back or email reply confirming that he had received the offer package.
June 8, 2017	OCTA ROW agent called property owner and left a voice message requesting a call back or email reply confirming that he had received the offer package. OCTA ROW agent received phone call from owner stating that he could not access the offer package and appraisal report in the link. Property owner requested that offer be mailed to his P.O. Box address. At the request of property owner, OCTA ROW agent communicated to him the offer amount. OCTA ROW agent mailed to owner the offer package via USPS regular and certified mail.
July 10, 2017	OCTA ROW agent called property owner and left a voice message requesting a call back to confirm receipt of the offer package and status of his review.
July 13, 2017	OCTA ROW agent received offer package sent via certified mail returned as "unclaimed."
July 14, 2017	OCTA ROW agent called property owner requesting a call back to confirm if he received the offer package sent to him via USPS regular mail addressed to his PO Box. OCTA ROW agent received a voice message from owner stating that he did not check, and that he will most likely be home at the end of July and anticipates meeting to discuss the offer package sometime in August. Owner stated he will likely obtain an independent appraisal.
July 21, 2017	OCTA ROW agent called property owner and left a voice message stating she had received his voice message, could meet him to discuss the offer package when convenient for him and to let her know the date, time and place.

August 16, 2017	OCTA ROW agent called property owner and left a voice message requesting a call back to confirm when he will be available to meet and discuss the offer package.
September 29, 2017	OCTA ROW agent called property owner and left a voice message requesting a call back to confirm when he will be available to meet and discuss the offer package.
October 4, 2017	OCTA ROW agent emailed property owner requesting a date and time to schedule an appointment to meet and discuss the offer package as soon as possible.
October 19, 2017	OCTA ROW agent received an email from property owner stating his work as a fire fighter has been keeping him away from home and will be in contact once he has a better idea of his schedule. OCTA ROW agent acknowledged receipt of his email and requested that owner advise his availability as soon as he knows.
November 17, 2017	OCTA ROW agent emailed property owner requesting dates and times when he can meet to discuss the offer package.
November 22, 2017	OCTA ROW agent received an email from property owner stating that the offer over the phone was less than encouraging. Owner further stated he will make every effort to meet in December. OCTA ROW agent acknowledged receipt of his email and encouraging him to meet with OCTA and OPC in December.
December 6, 2017	OCTA ROW agent called property owner and left a voice message requesting a call back to meet and discuss the revised offer package. OCTA ROW agent stated there are some design changes for the subject property and that the revised offer package reflects these changes. OCTA ROW agent followed up with an e-mail.
December 7, 2017	OCTA ROW agent mailed revised offer package to property owner via GSO overnight delivery.
December 8, 2017	OCTA ROW agent received notification from GSO that package cannot be delivered to P.O. Box address. OCTA ROW agent mailed revised offer package to property owner via FedEx overnight and emailed same to property owner.
December 9, 2017	OCTA ROW agent received an email from property owner stating he has been fighting the SoCal fires for the past week and must defer his availability until a date closer to Christmas. OCTA ROW agent acknowledged receipt of owner's email.
December 22, 2017	OCTA ROW agent emailed property owner to follow up on his availability to meet and discuss the revised offer with OCTA and OPC in December.
January 9, 2018	OCTA ROW agent called property owner and got busy dial tone; could not leave voice message. OCTA ROW agent emailed owner requesting him to contact OCTA ROW agent.

January 22, 2018	OCTA ROW agent mailed to property owner the first level review letter via USPS regular mail.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Westminster notice of hearing regarding intent to adopt resolution of necessity (NOI).



## Correspondence/Contact Summary

### Resolution No. 2018-046 Golden Westminster Investments, LLC

Date	Reason for Contact
April 28, 2016	Orange County Transportation Authority (OCTA) right-of-way (ROW) agent responded to property owner regarding questions about project design. OCTA ROW agent to arrange a meeting for owner with the design team.
July 26, 2016	OCTA ROW agent called property owner who stated that he is ill, in the hospital and could not presently talk, and for agent to call him sometime in the future.
April 18, 2017	OCTA ROW agent left voice message for property owner requesting him to contact his tenants and coordinate access to the building. Access is requested by OCTA's ROW's consultant to study the building's interior configuration to address relocation of the building's backside exit doors.
May 1, 2017	OCTA ROW agent spoke with property owner regarding tenant coordination and inspection access.
May 18, 2017	OCTA ROW agent emailed property owner requesting access permission for OPC's architect consultant to study the building's interior configuration to address relocation of the building's backside exit doors. OCTA ROW agent proposed a meeting with owner, OCTA, OCTA's ROW consultant and design team to address owner's concerns with the project.
June 28, 2017	OCTA team met at property owner's office to discuss the project and owner's concerns regarding proposed improvements.
August 25, 2017	At the request and with the approval of the property owner, OCTA ROW agent coordinated staking of proposed improvements at the property.
November 14, 2017	OCTA ROW agent called property owner and left a voice message requesting a meeting to present the offer package.
November 15, 2017	OCTA ROW agent sent email to property owner proposing two dates and asking his availability for a meeting to present the offer package.
November 29, 2017	OCTA ROW agent called property owner and learned he is sick and cannot meet. Property owner suggested a January 2018 meeting; however, owner agreed for OCTA ROW agent to mail the offer package next week as well as emailing him a copy for review and will meet in January 2018 for offer presentation.
December 6, 2017	OCTA ROW agent mailed to property owner the offer package via GSO overnight delivery.

December 7, 2017	OCTA ROW agent received GSO delivery notification that offer package was delivered to the property owner's office on December 7, 2017.
December 8, 2017	OCTA ROW agent sent email to property owner with a copy of the offer package for his review and consideration.
January 6, 2018	OCTA ROW agent received email from property owner stating he is ill again and if it would be possible for OCTA to extend the duration of the incentive fee payment offer.
January 8, 2018	OCTA ROW agent sent email to property owner stating that she would inquire with OCTA about the extension and proceed with a meeting and offer negotiations at owner's convenience.
January 22, 2018	OCTA ROW agent received email from property owner requesting an appointment be scheduled with the OCTA team to discuss the offer. OCTA ROW agent e-mailed property owner with proposed dates/time to meet.
January 31, 2018	OCTA staff and OCTA ROW consultant met with the property owner at their offices to discuss offer and address owner's concerns with the project. OCTA expressed its commitment to addressing owner's issues and encouraged owner to obtain its own independent appraisal.
February 6, 2018	As requested by property owner, OCTA ROW agent emailed him contact information for three real estate appraisers that he has the option to use for an independent appraisal or he can select an appraiser of his own choosing.
February 9, 2018	OCTA legal counsel mailed to property owner and City of Westminster Notice of Hearing Regarding Intent to Adopt Resolution of Necessity.
February 23, 2018	OCTA staff received email from property owner expressing concerns relating to potential impacts to property.
February 23, 2018	OCTA staff and OCTA's ROW Consultant contacted the property owner and discussed owner's concerns related to property visibility, parking reconfiguration and fire exit modifications. Property owner will provide OCTA with independent mitigation plan and cost estimate from architect relating to these items.
February 27, 2018	OCTA staff received an email from property owner which included a mitigation summary prepared by the property owner's architect. The mitigation summary itemized the architect's recommended curative work to address potential impacts to the property.
March 2, 2018	OCTA staff emailed the property owner to memorialize our telephone conversation on February 27, 2018.

March 5, 2018	In response to the property owner's request, OCTA staff emailed the property owner with the engineering design plans relating to the subject property.
March 7, 2018	OCTA staff and OCTA's ROW Consultant met with property owner and property owner's architect to review the mitigation summary report in detail. OCTA staff to evaluate and discuss mitigation summary with OCTA's real estate appraiser.

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

<b>Resolution No.</b>	<b>APN</b>	<b>Owner</b>	<b>Property Address</b>	<b>Area Needed</b>	<b>Type of Acquisition</b>	<b>Reason for Acquisition</b>
<b>Mesa Verde Villas</b>						
2018-027	932-070-37	Barbara M. Brown	1624 Iowa Street # A, Costa Mesa	682 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-028	932-070-38	Noe Cabrera and Rosa M. Cabrera	1624 Iowa Street # B, Costa Mesa	682 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-029	932-070-39	Faustino Juan Alvarez and Elsa Estela Alvarez	1624 Iowa Street # C, Costa Mesa	682 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-030	932-070-40	Caitlin Carty and Rhett Butler	1624 Iowa Street # D, Costa Mesa	682 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-031	932-070-33	Michelle Louise Price	1626 Iowa Street # A, Costa Mesa	662 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-032	932-070-34	Scott Sam Hunter and Steve Robert Hunter, Co-Trustees of The Shirley Ann Hunter Family Trust	1626 Iowa Street # B, Costa Mesa	662 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-033	932-070-35	Thomas V. Hammond	1626 Iowa Street # C, Costa Mesa	662 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-034	932-070-36	Steve Trautman	1626 Iowa Street # D, Costa Mesa	662 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-035	932-070-29	Daniel R. George, Trustee of The Daniel R. George Family Trust	1628 Iowa Street # A, Costa Mesa	649 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall

2018-036	932-070-30	Kristopher Allen Prowse	1628 Iowa Street # B, Costa Mesa	649 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-037	932-070-31	Meghan Grace Mikuleky	1628 Iowa Street # C, Costa Mesa	649 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-038	932-070-32	Seth Bradley	1628 Iowa Street # D, Costa Mesa	649 Sq. Ft.	TCE	The TCE is needed to reconstruct the existing soundwall
2018-039	156-165-04	DK-USA, LLC	18480 Pacific Street, Fountain Valley	1,555 Sq. Ft. 1,001 Sq. Ft.	FEE TCE	One partial FEE and one TCE are needed to provide an area for the widening of Ellis Avenue and construction of an ADA ramp
2018-040	169-162-06 169-162-10	Douglas R. Hughes	Vacant Land (East side of Brookhurst Street, South of I-405), Fountain Valley	114 Sq. Ft. 1,864 Sq. Ft.	PFE TCE	One PFE and one TCE are needed to construct the proposed retaining wall and construction of freeway improvements
2018-042	142-382-13	Shapell SoCal Rental Properties, LLC	15042 Goldenwest St, Westminster	1,427 Sq. Ft. 145 Sq. Ft.	FEE TCE	One partial FEE and one TCE are needed to provide for the widening of Goldenwest Street and Bolsa Avenue and reconstruction of existing sidewalk
2018-043	195-373-08	Westminster Mall, LLC	6951 Bolsa Avenue, Westminster	131 Sq. Ft. 261 Sq. Ft. 1,253 Sq. Ft. 3,491 Sq. Ft.	FEE PFE MAE TCE	One partial FEE, one PFE, one MAE, and one TCE are needed to provide areas for the northwest access road, construction of a retaining wall, and access to the retaining wall for maintenance purposes
2018-044	195-373-09	Seritage SRC Finance LLC	550 Westminster Mall, Westminster	0.2 Sq. Ft. 26,528 Sq. Ft. 222 Sq. Ft.	PFE TCE TCE	One PFE and two TCEs are needed to construct the proposed retaining wall and provide area for the reconstruction of the existing mall entrance

2018-045	195-373-27	John Michael Smolin, Successor Trustee of The Smolin Family Trust under Declaration of Trust dated August 22, 1998	S/W of San Diego Freeway at Westminster Mall, Westminster	22,126 Sq. Ft. 614 Sq. Ft. 1,824 Sq. Ft.	FEE PFE TCE	One partial FEE, one PFE and one TCE are needed to accommodate the realignment of freeway off-ramp, construct the proposed retaining wall, and to construct proposed freeway improvements
2018-046	195-353-07	Golden Westminster Investments, LLC	14731 Goldenwest St, Westminster	57 Sq. Ft. 1,369 Sq. Ft. 2,915 Sq. Ft.	FEE TCE TCE	One partial FEE and two TCEs are needed to provide for the widening of the freeway, and to construct proposed freeway improvements, and reconstruct the existing entrance

**Legend**

APN = Assessor's Parcel Number

FEE = Partial Fee

PFE = Permanent Footing Easement

MAE = Maintenance Access Easement

TCE = Temporary Construction Easement

# PHOTO AERIAL EXHIBITS

Resolution Nos. 2018-027, 2018-028, 2018-029, 2018-030



Not to Scale,  
For Presentation Purposes Only

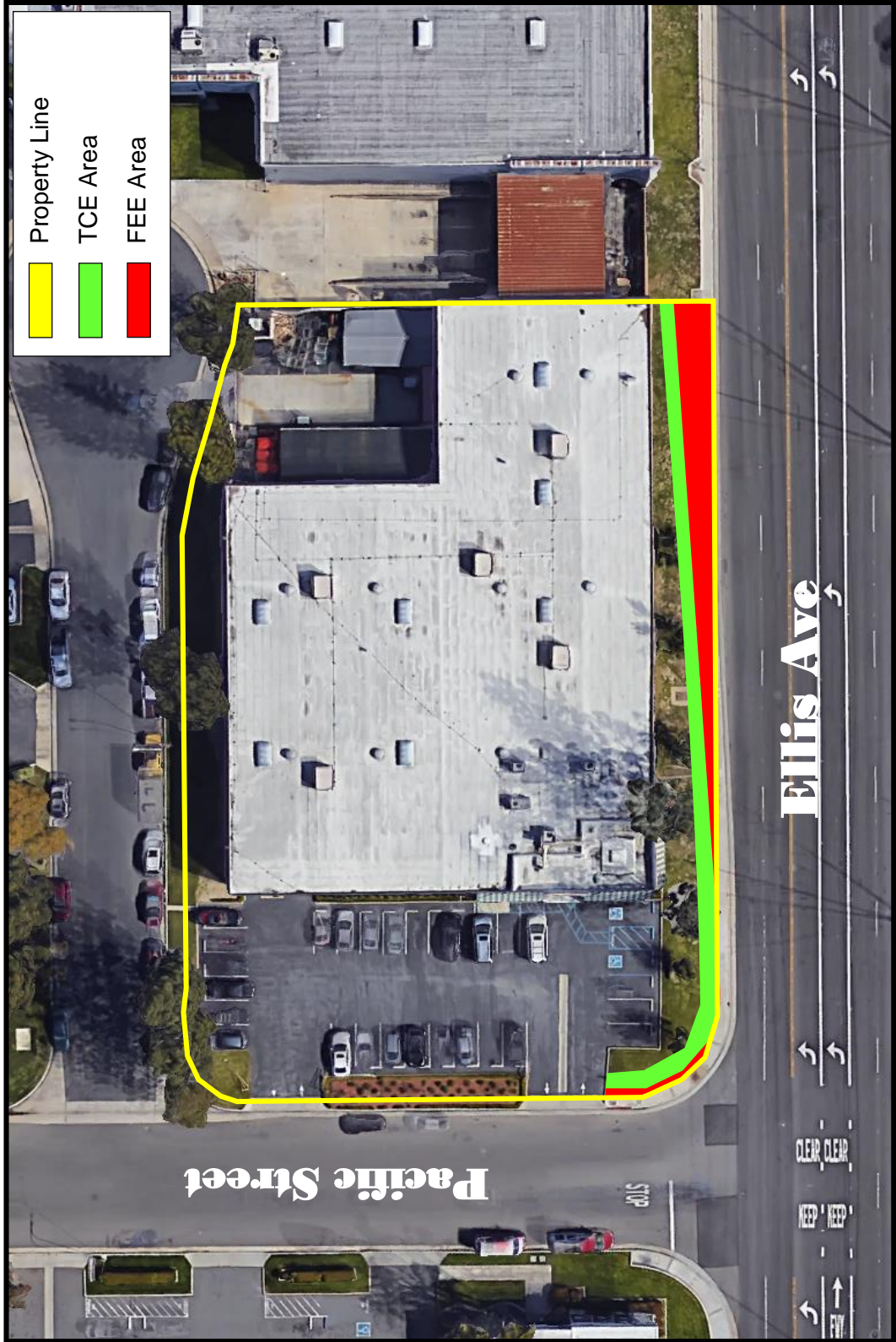








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For Presentation Purposes Only



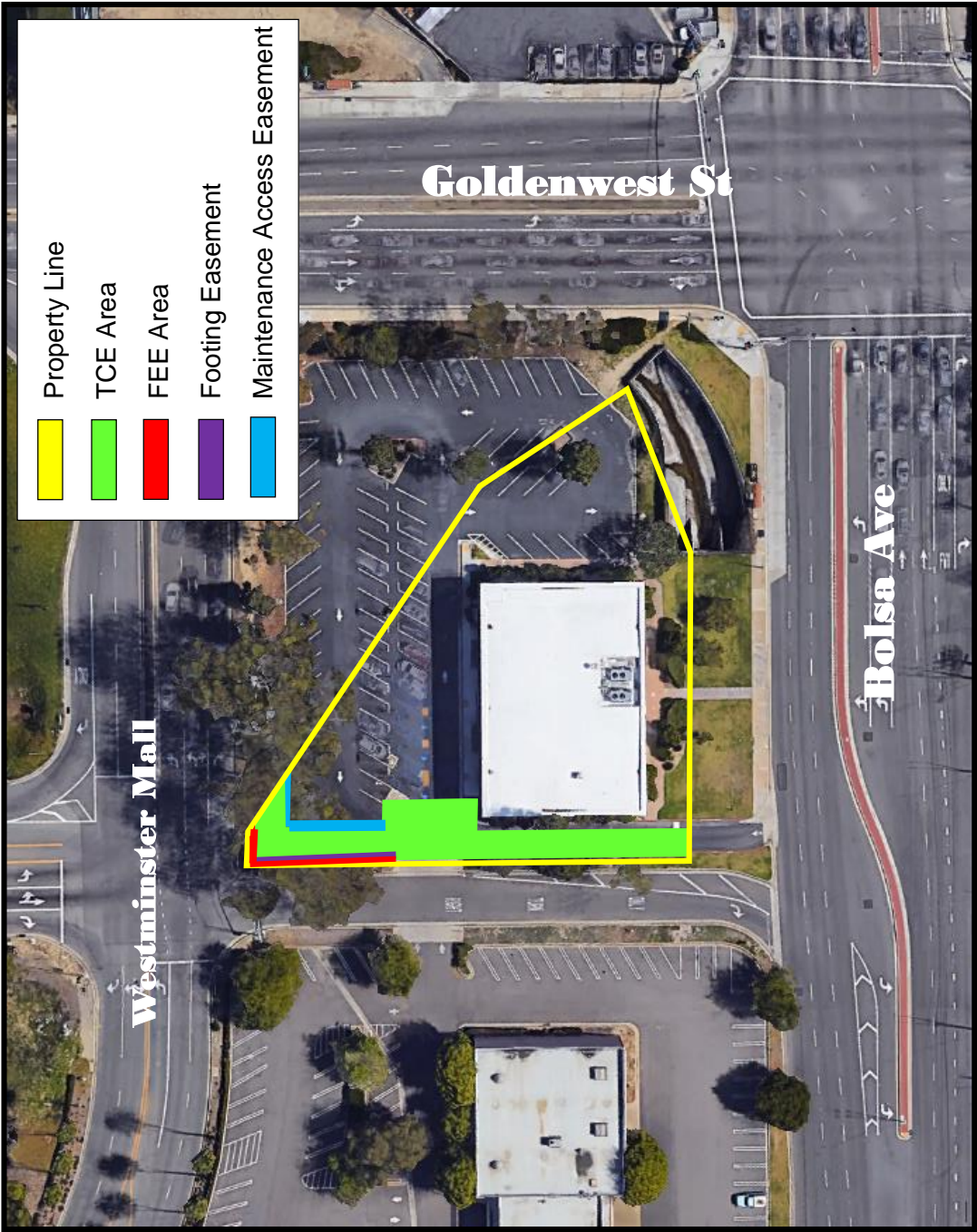




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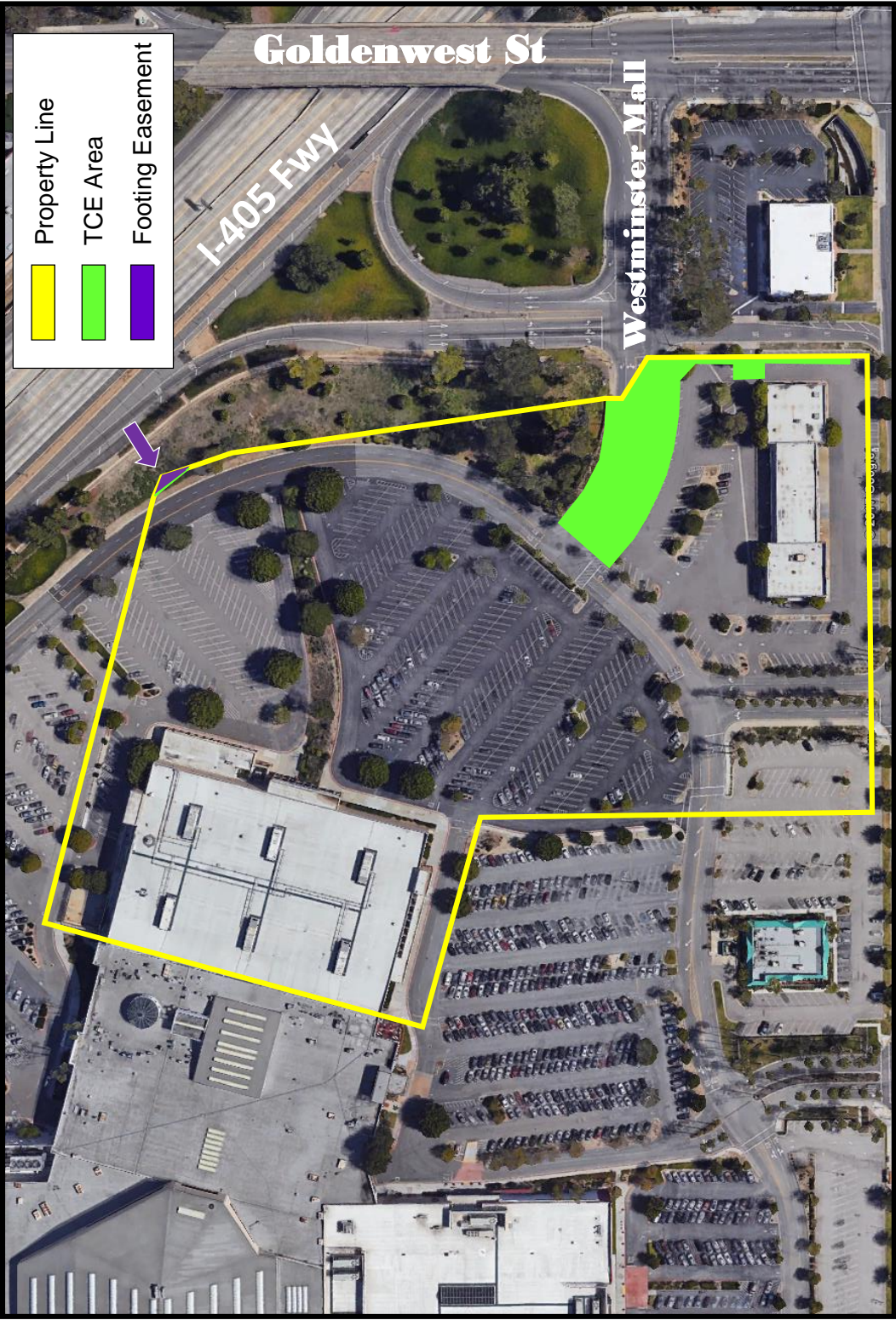




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For Presentation Purposes Only

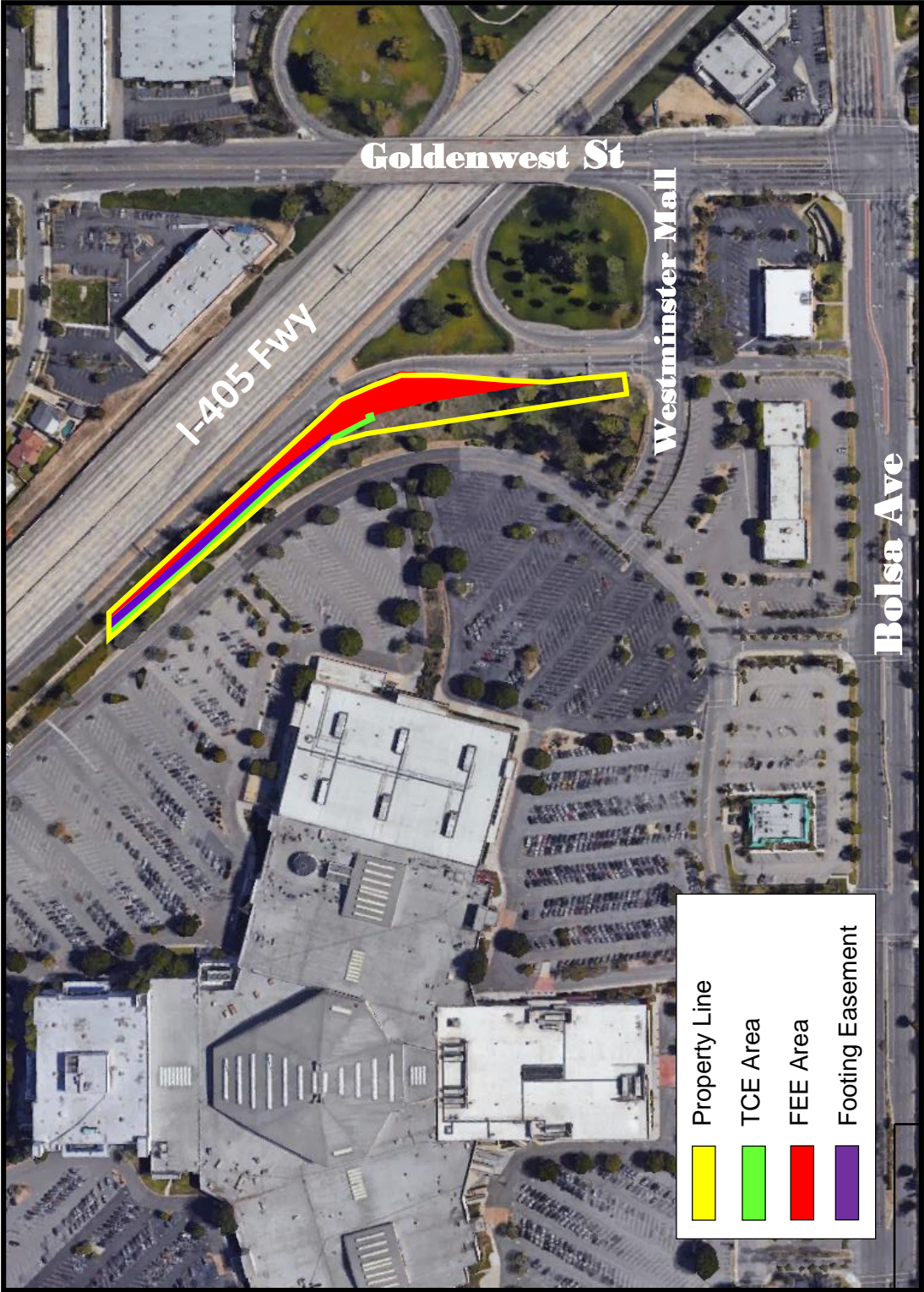


Resolution No. 2018-044 (Seritage SRC)



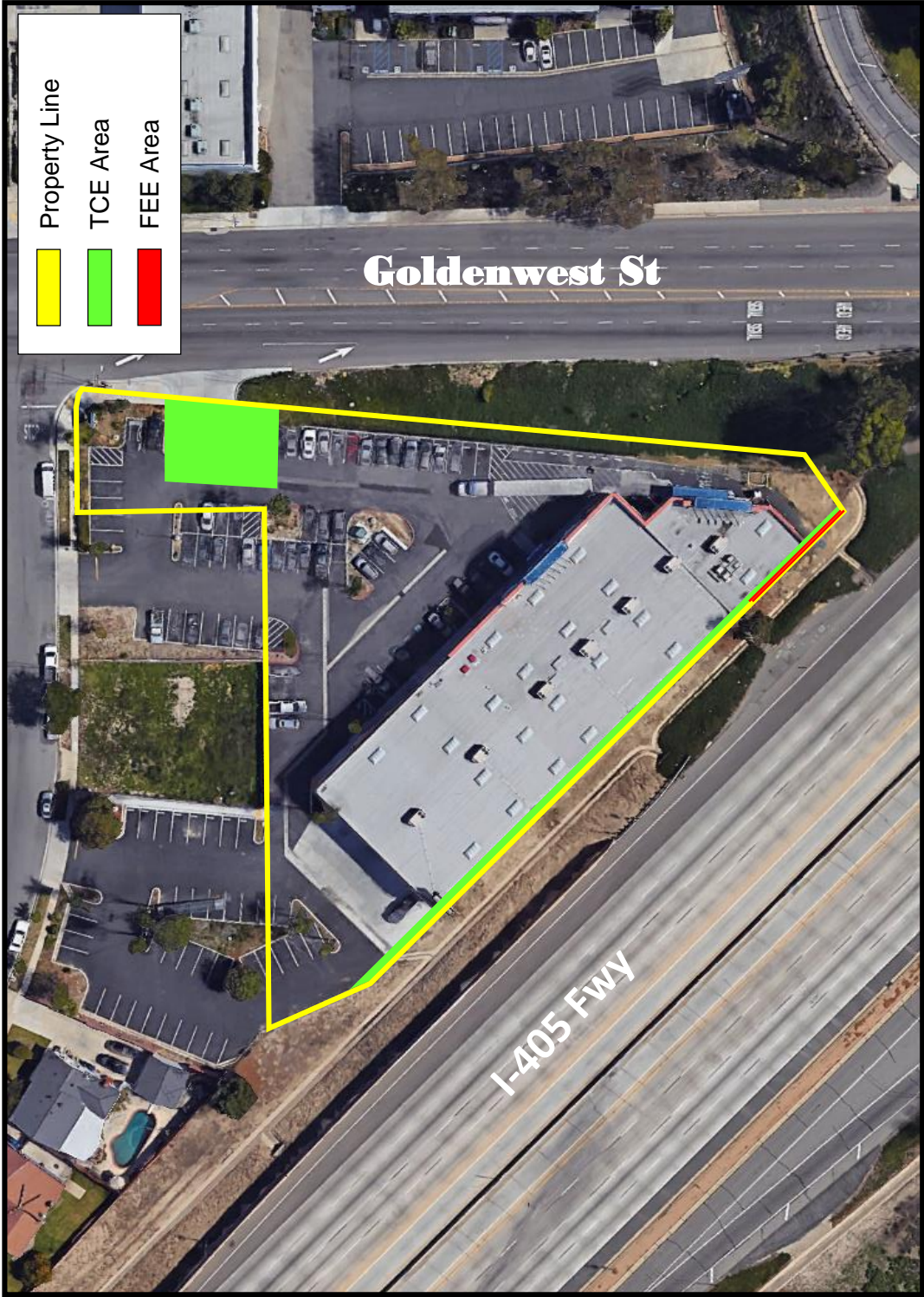
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For Presentation Purposes Only







Resolution No. 2018-046 (Golden Westminster)



Not to Scale,  
For Presentation Purposes Only



**RESOLUTION NO. 2018-027**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-37**

**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**, a portion of the real property located at 1624 Iowa Street #A, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-027, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No.: 932-070-37  
Caltrans Parcel No.: 103397-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103397-1

Temporary Construction Easement

APN 932-070-37

The northeasterly 9.00 feet of Lot 35 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 682 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

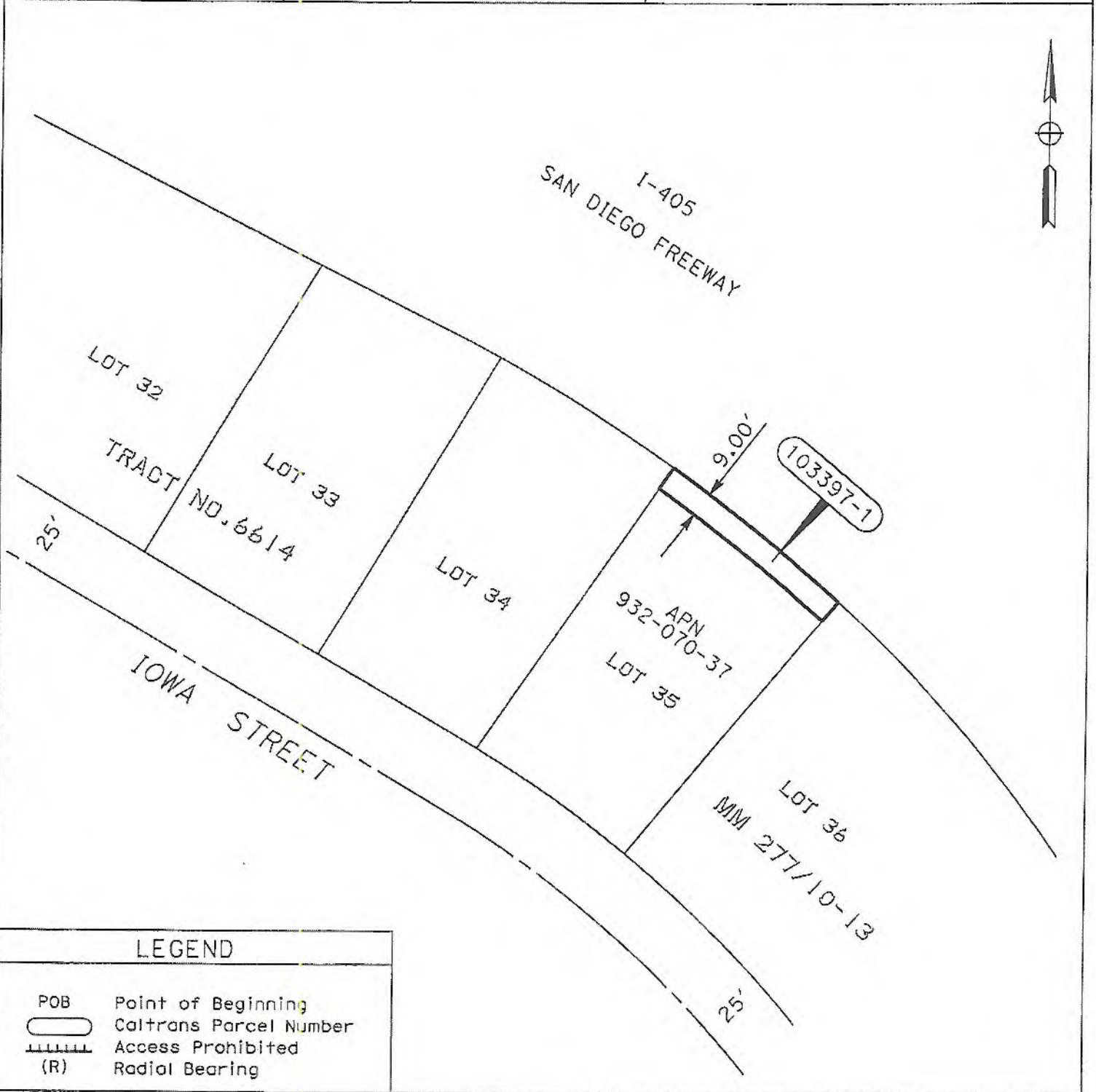
10.14.2016  
Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103397-1	TCE	682 SF	932-070-37



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

**NOTES**

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

**103397-1**  
**TEMPORARY CONSTRUCTION EASEMENT**

FEET 0 25 50 100 150

PREPARED BY:

PSOMAS

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

DATE: 04-20-16		REV.: 10-14-16		EA: OF		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
12	ORANGE	405	11.65	1	1		

**RESOLUTION NO. 2018-028**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-38**

**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**, a portion of the real property located at 1624 Iowa Street #B, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and



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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-028, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-38**

**Caltrans Parcel No.: 103398-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103398-1  
Temporary Construction Easement  
APN 932-070-38

The northeasterly 9.00 feet of Lot 35 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 682 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

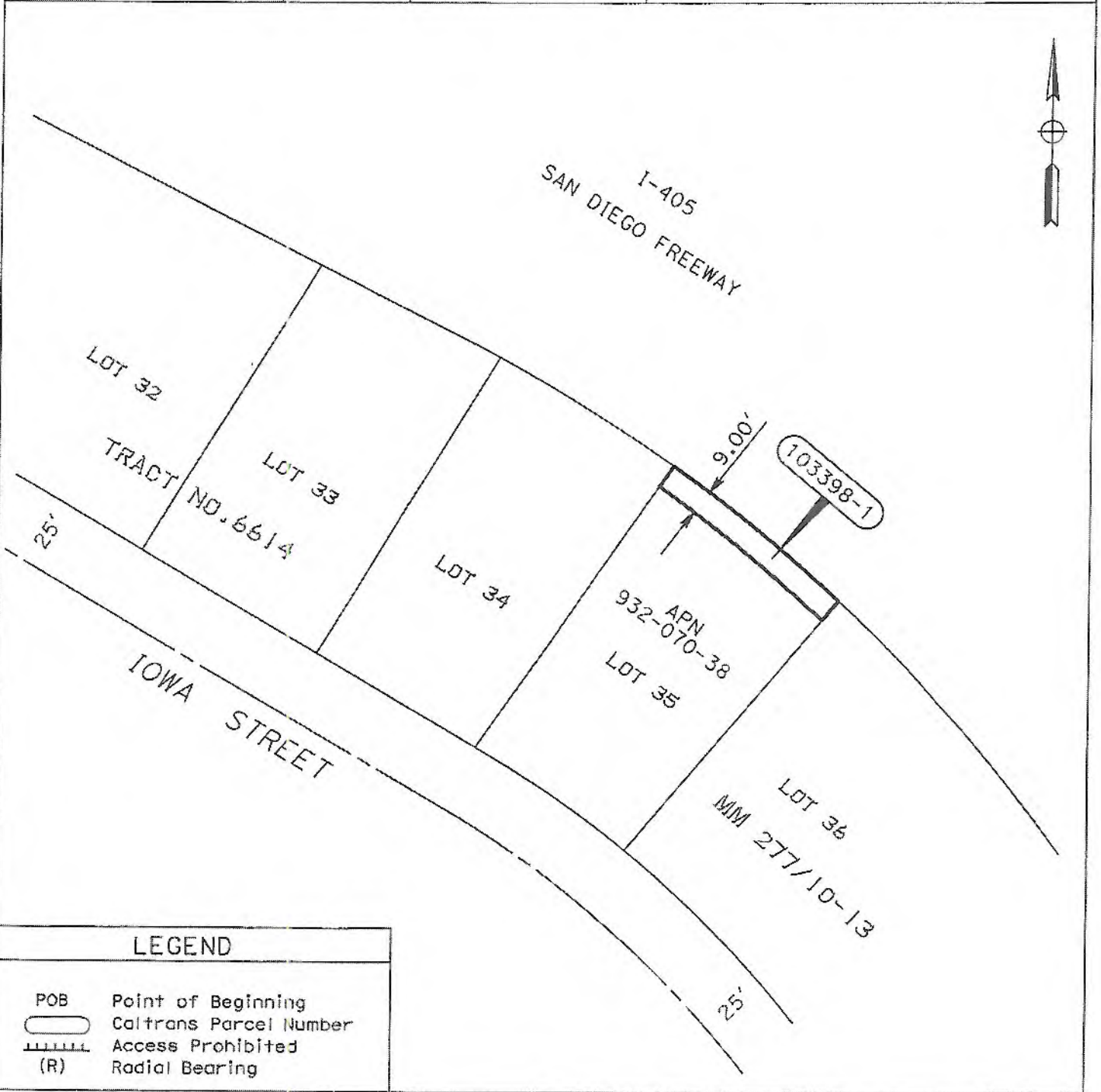
Jeremy L. Evans  
Jeremy L. Evans, PLS 5282

10.14.2016  
Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103398-1	TCE	682 SF	932-070-38



## LEGEND

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

## NOTES

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

103398-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

3 Hutton Centre Drive, Ste. 200  
Santa Ana, California 92707

DATE: 04-20-16

REV.: 10-14-16

EA: OF

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	11 65	1	1

**RESOLUTION NO. 2018-029**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-39**

**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**, a portion of the real property located at 1624 Iowa Street #C, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and



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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-029, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-39**

**Caltrans Parcel No.: 103399-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.

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- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103399-1

Temporary Construction Easement

APN 932-070-39

The northeasterly 9.00 feet of Lot 35 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 682 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

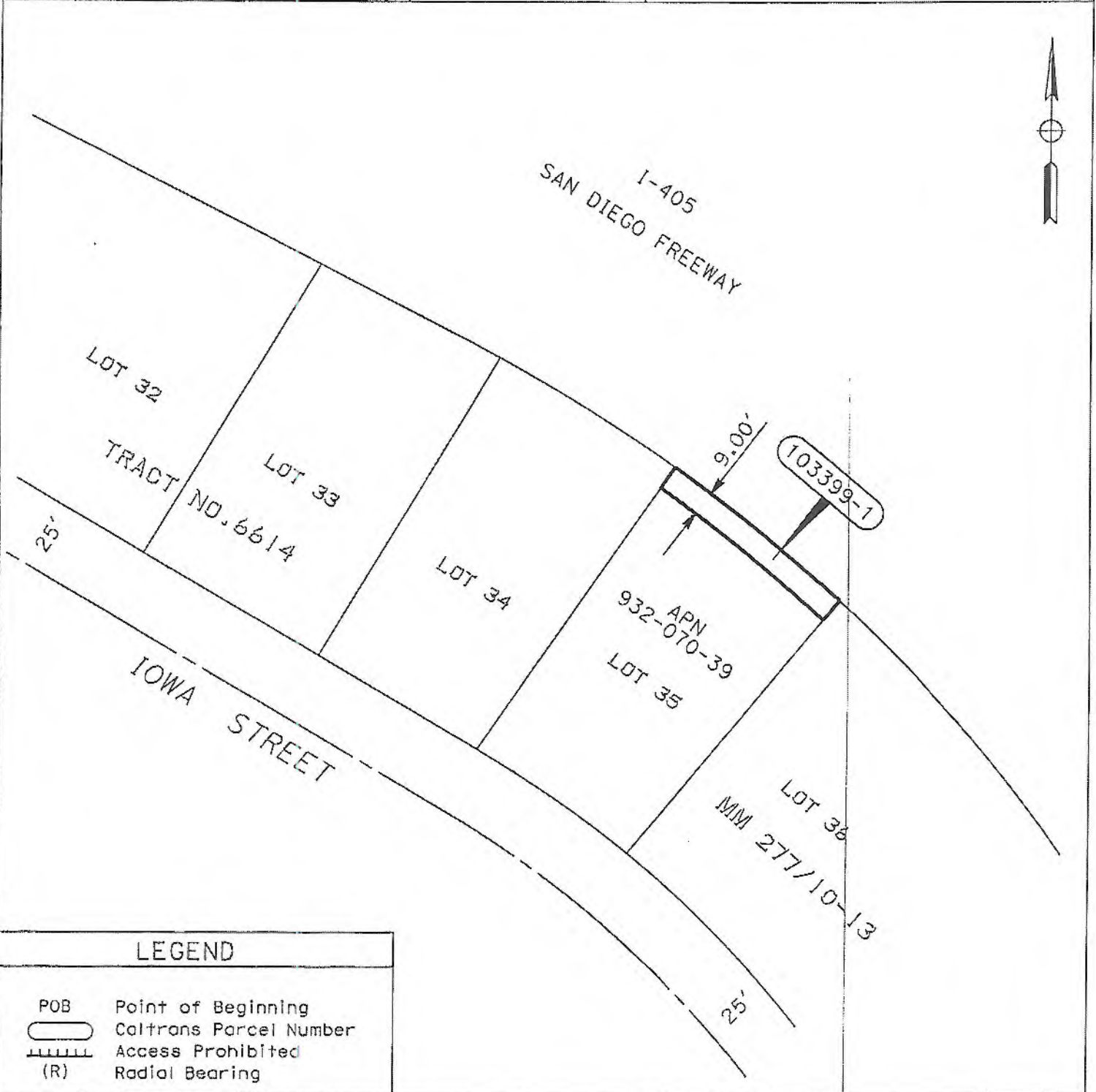
10.14.2016  
Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103399-1	TCE	682 SF	932-070-39



## LEGEND

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

## NOTES

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

103399-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

3 Hutton Centre Drive, Ste. 200  
Santa Ana, California 92707

DATE: 04-20-16		REV.: 10-14-16		EA: OF		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM		SHEET NO.	TOTAL SHEETS	
12	ORANGE	405	11 65		1	1	

**RESOLUTION NO. 2018-030**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-40**

**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**, a portion of the real property located at 1624 Iowa Street #D, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and



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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5.     Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-030, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-40**

**Caltrans Parcel No.: 103400-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103400-1

Temporary Construction Easement

APN 932-070-40

The northeasterly 9.00 feet of Lot 35 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 682 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

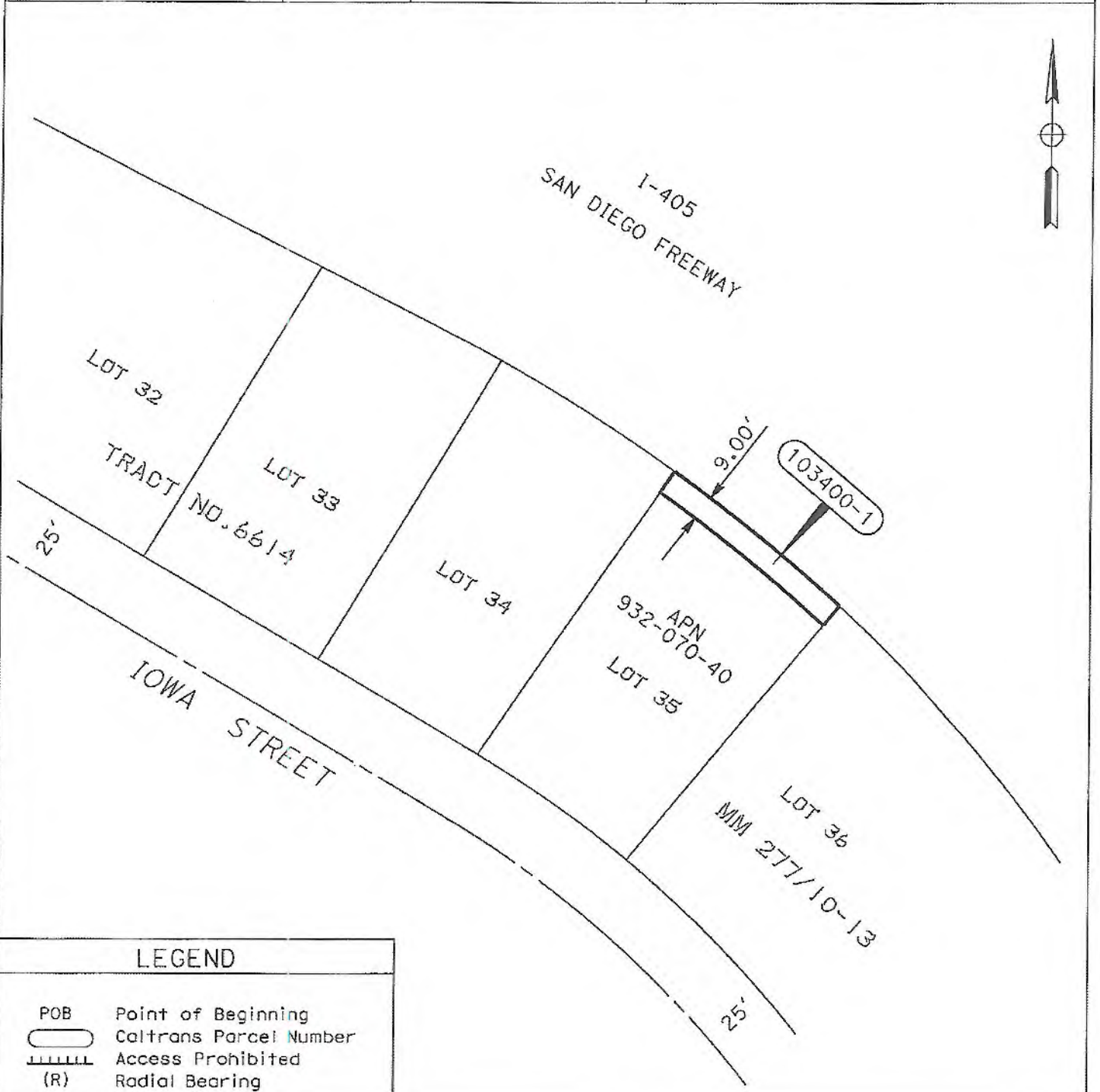
10.14.2016

Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103400-1	TCE	682 SF	932-070-40



## LEGEND

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

## NOTES

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

103400-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

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

DATE: 04-20-16

REV.: 10-14-16

EA: OF

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	11.65	1	1

**RESOLUTION NO. 2018-031**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-33**

**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**, a portion of the real property located at 1626 Iowa Street #A, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and



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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-031, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-33**

**Caltrans Parcel No.: 103393-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103393-1

Temporary Construction Easement

APN 932-070-33

The northeasterly 9.00 feet of Lot 34 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 662 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

10.14.2016

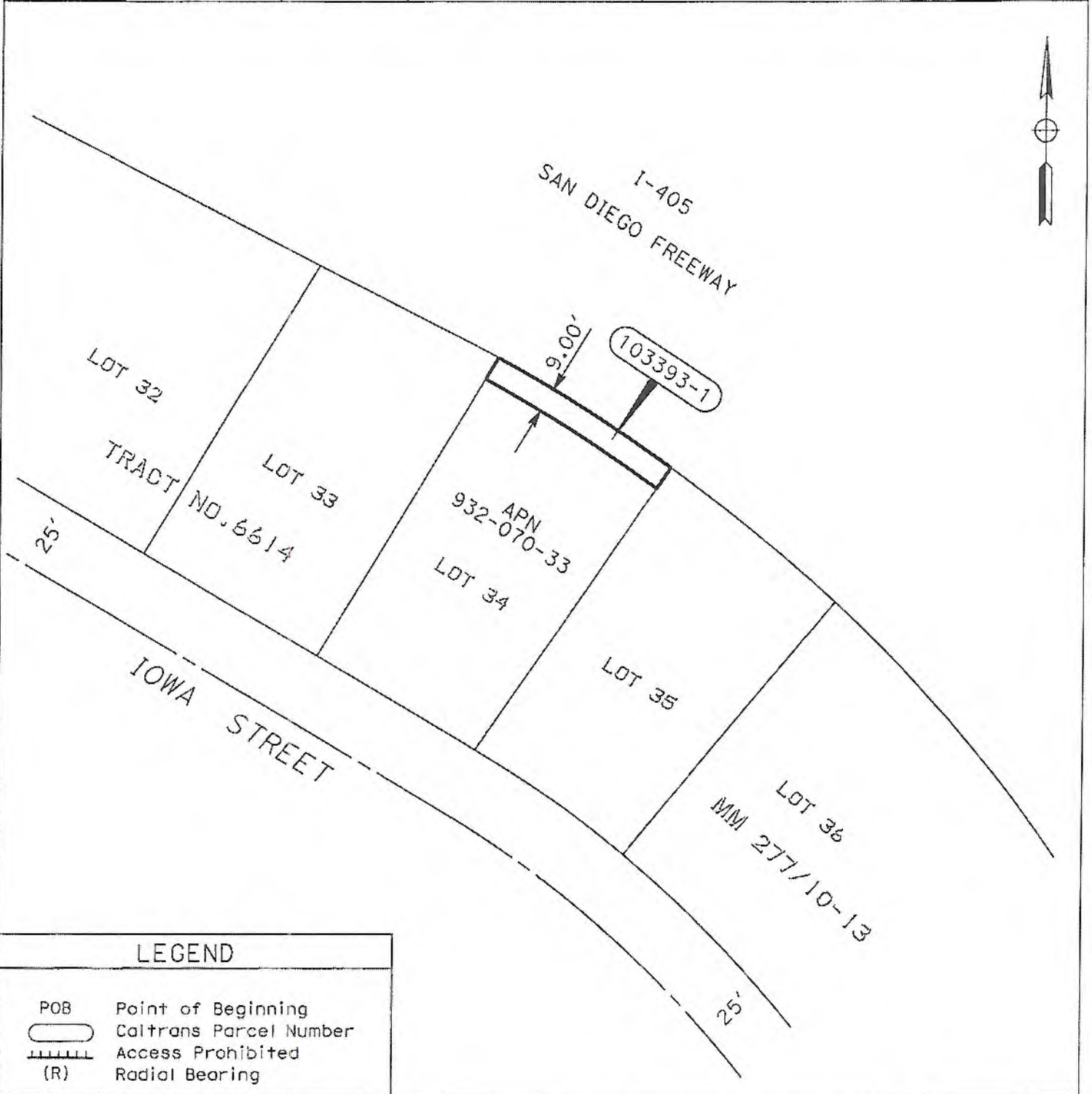
Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103393-1	TCE	662 SF	932-070-33



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

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

103393-1
TEMPORARY CONSTRUCTION EASEMENT
FEET 0 25 50 100 150

PREPARED BY:	DATE: 04-20-16						REV.: 10-14-16		EA: OF		FA#:	
<b>PSOMAS</b> 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 714-437-7229	DISTRICT		COUNTY	ROUTE	SHEET PM		SHEET NO.		TOTAL SHEETS			
	12		ORANGE	405	11 66		1		1			

**RESOLUTION NO. 2018-032**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-34**

**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**, a portion of the real property located at 1626 Iowa Street #B, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-032, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-34**

**Caltrans Parcel No.: 103394-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103394-1

Temporary Construction Easement

APN 932-070-34

The northeasterly 9.00 feet of Lot 34 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 662 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

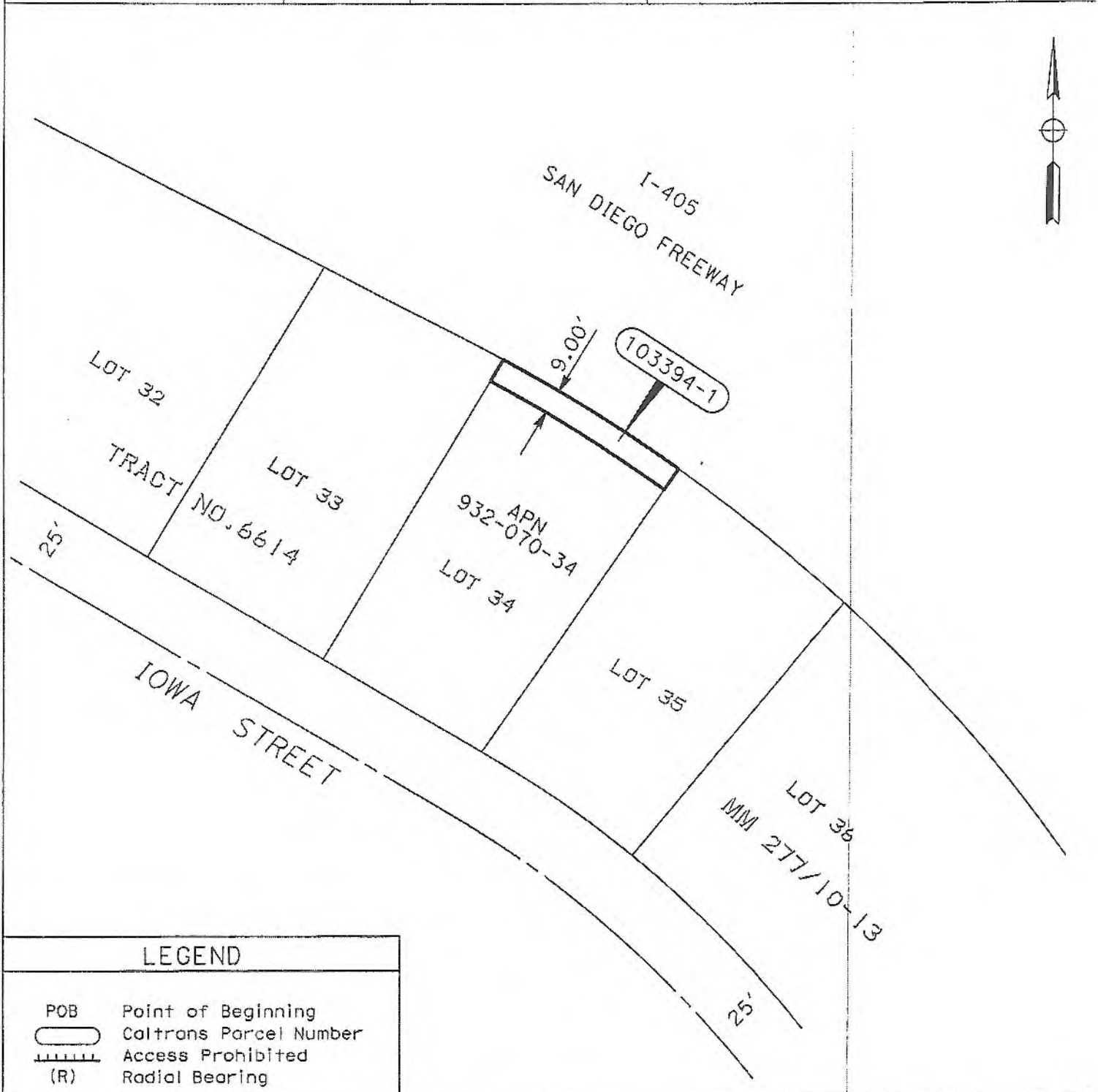
Jeremy L. Evans  
Jeremy L. Evans, PLS 5282

10.14.2016  
Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103394-1	TCE	662 SF	932-070-34



## LEGEND

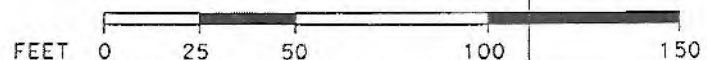
- POB Point of Beginning
-  Caltrans Parcel Number
-  Access Prohibited
- (R) Radial Bearing

## NOTES

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

103394-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

3 Hutton Centre Drive, Ste. 200  
Santa Ana, California 92707

DATE: 04-20-16		REV.: 10-14-16		EA: OF		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM		SHEET NO.	TOTAL SHEETS	
12	ORANGE	405	11 66		1	1	



**RESOLUTION NO. 2018-033**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-35**

**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**, a portion of the real property located at 1626 Iowa Street #C, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-033, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD



Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-35**

**Caltrans Parcel No.: 103395-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103395-1

Temporary Construction Easement

APN 932-070-35

The northeasterly 9.00 feet of Lot 34 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 662 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

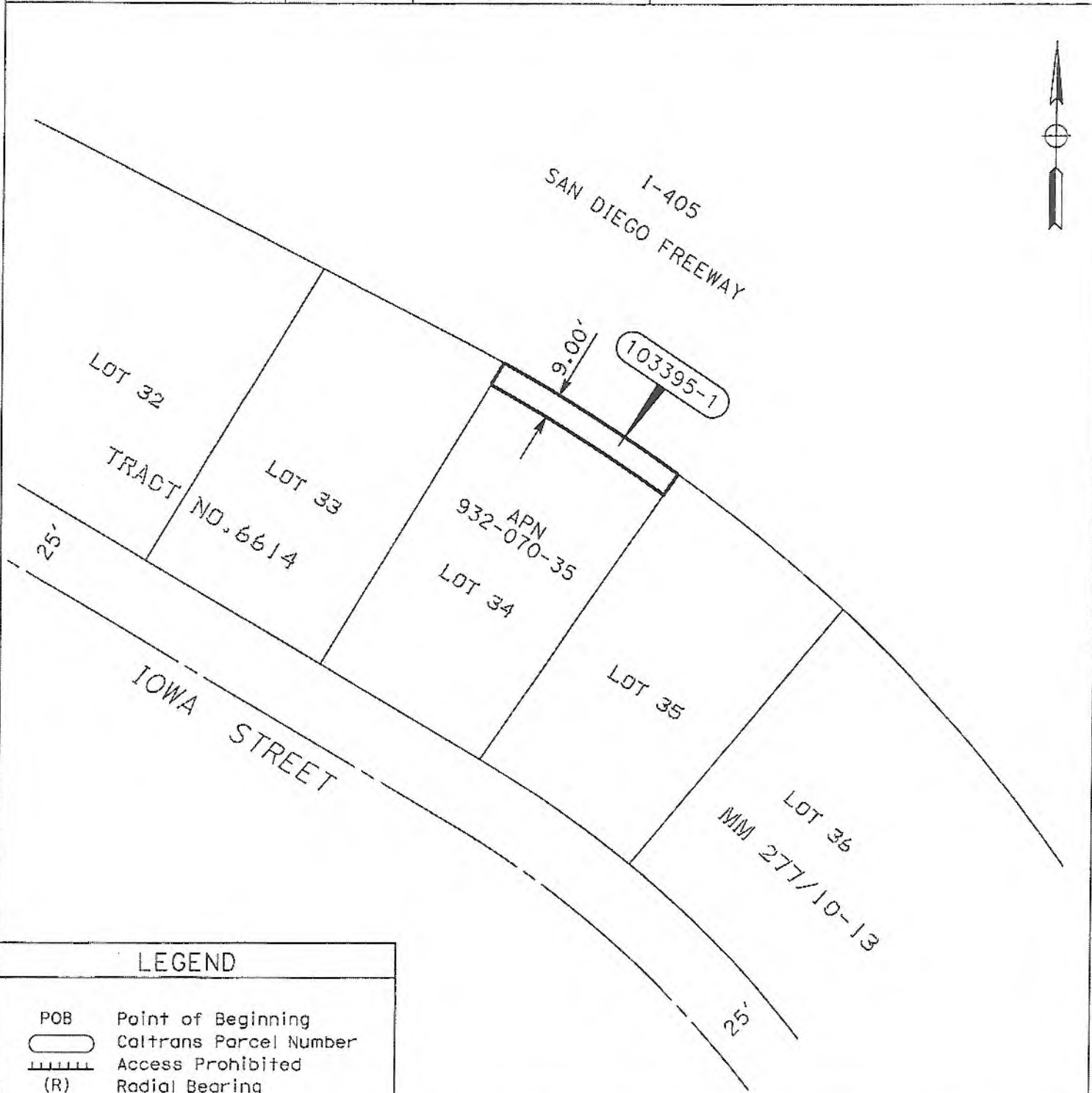
Jeremy L. Evans  
Jeremy L. Evans, PLS 5282

10.16.2016  
Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103395-1	TCE	662 SF	932-070-35



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

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

103395-1	
TEMPORARY CONSTRUCTION EASEMENT	

PREPARED BY:

PSOMAS

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

DATE: 04-20-16

REV.: 10-14-16

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

11.66

1

1

**RESOLUTION NO. 2018-034**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-36**

**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**, a portion of the real property located at 1626 Iowa Street #D, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and



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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-034, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No.: 932-070-36  
Caltrans Parcel No.: 103396-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103396-1

Temporary Construction Easement

APN 932-070-36

The northeasterly 9.00 feet of Lot 34 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 662 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

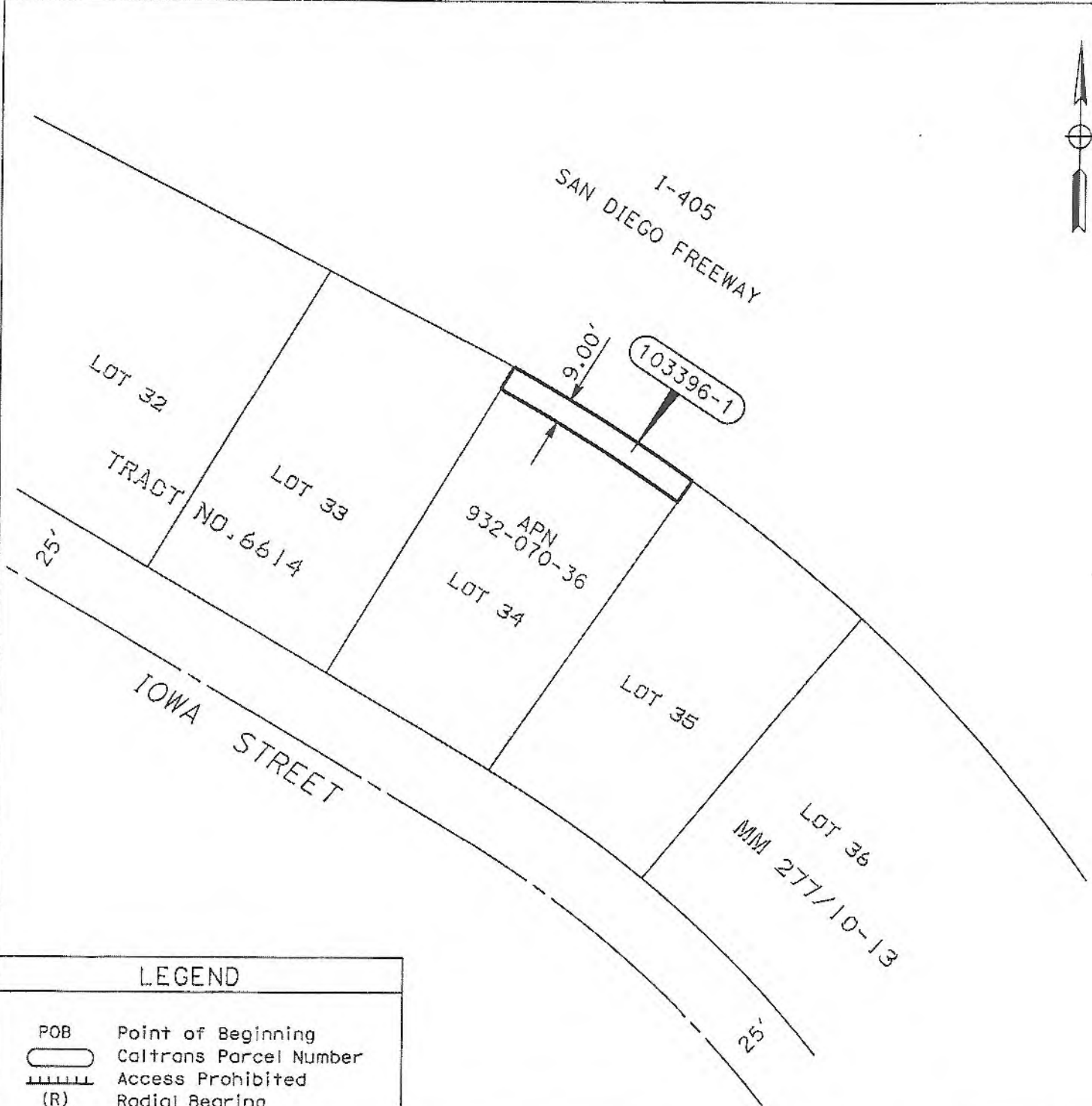
Jeremy L. Evans  
Jeremy L. Evans, PLS 5282

10.14.2016  
Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103396-1	TCE	662 SF	932-070-36



## LEGEND

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

## NOTES

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

103396-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

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

DATE: 04-20-16		REV.: 10-14-16		EA: OF		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
12	ORANGE	405	11.66	1	1		

**RESOLUTION NO. 2018-035**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-29**

**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**, a portion of the real property located at 1628 Iowa Street #A, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5.     Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-035, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-29**

**Caltrans Parcel No.: 103389-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103389-1

Temporary Construction Easement

APN 932-070-29

The northeasterly 9.00 feet of Lot 33 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 649 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

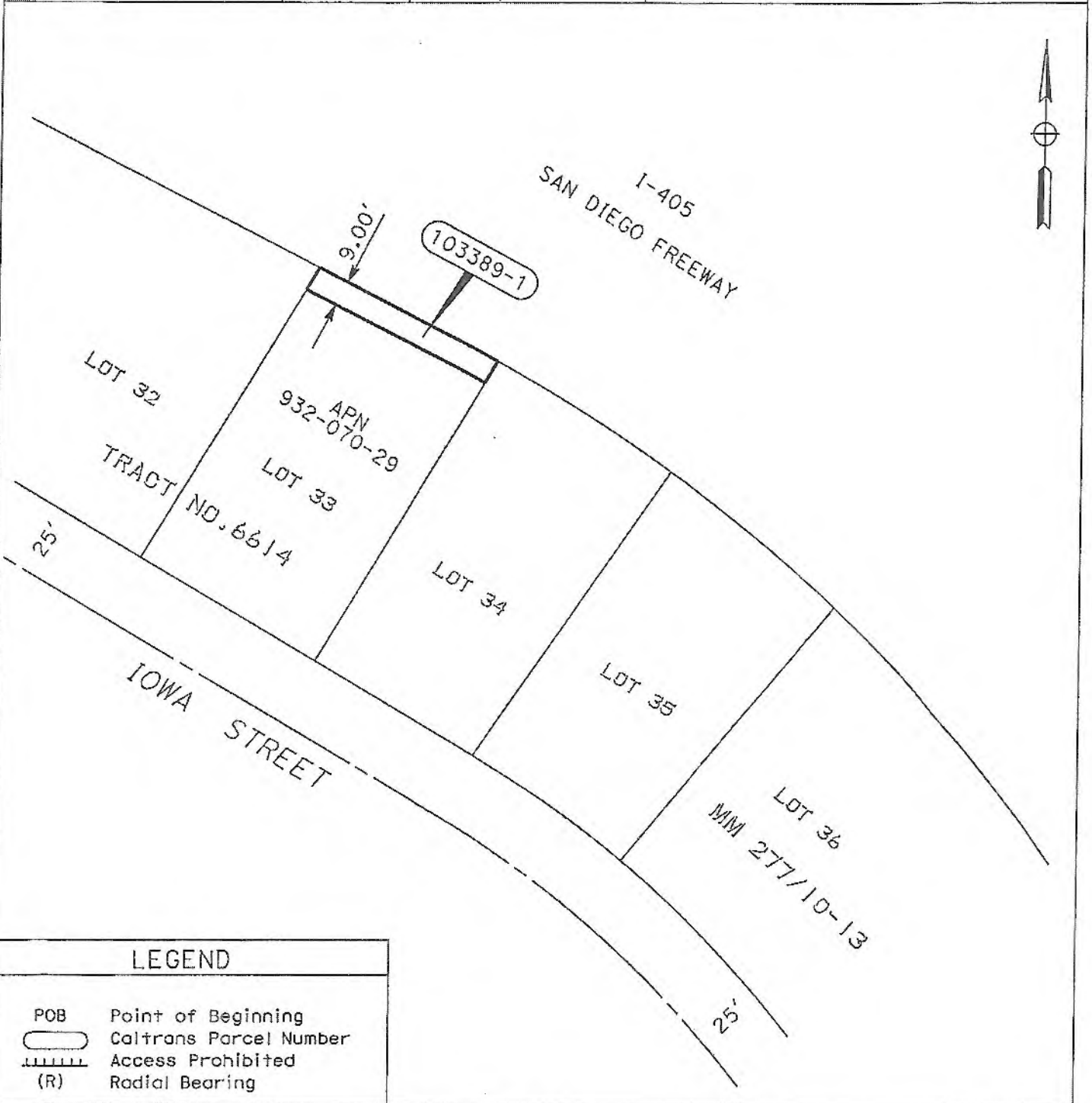
Jeremy L. Evans  
Jeremy L. Evans, PLS 5282

10.14.2016  
Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103389-1	TCE	649 SF	932-070-29



## LEGEND

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

## NOTES

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

103389-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

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

DATE: 04-20-16

REV.: 10-14-16

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

11.67

1

1

**RESOLUTION NO. 2018-036**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-30**

**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**, a portion of the real property located at 1628 Iowa Street #B, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5.     Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-036, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-30**

**Caltrans Parcel No.: 103390-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103390-1

Temporary Construction Easement

APN 932-070-30

The northeasterly 9.00 feet of Lot 33 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per map the filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 649 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

10.14.2016

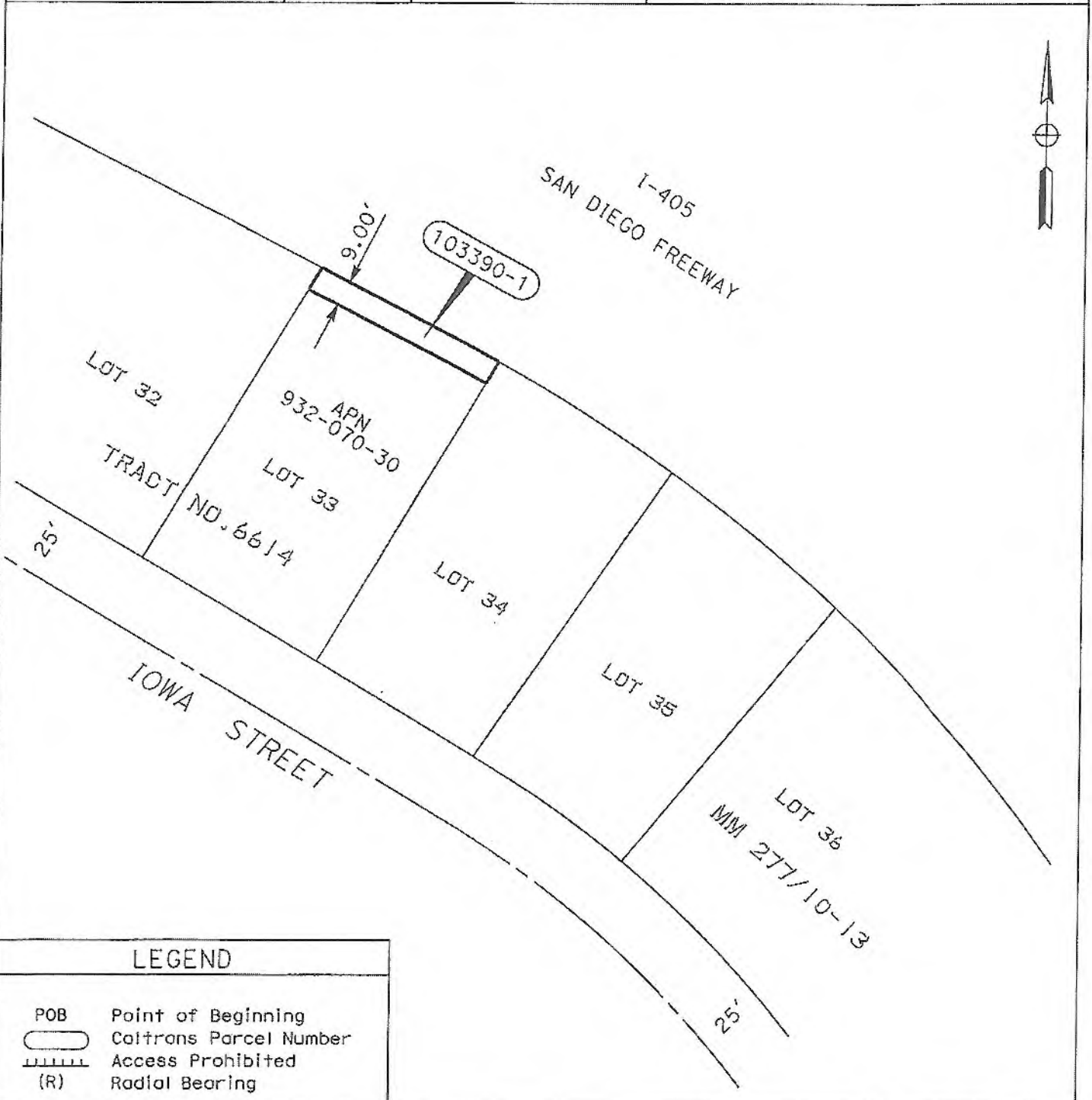
Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103390-1	TCE	649 SF	932-070-30



## LEGEND

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

## NOTES

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

103390-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

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

DATE: 04-20-16

REV.: 10-14-16

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

11.67

1

1

**RESOLUTION NO. 2018-037**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-31**

**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**, a portion of the real property located at 1628 Iowa Street #C, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5.     Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-037, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-31**

**Caltrans Parcel No.: 103391-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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:**

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- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103391-1

Temporary Construction Easement

APN 932-070-31

The northeasterly 9.00 feet of Lot 33 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 649 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

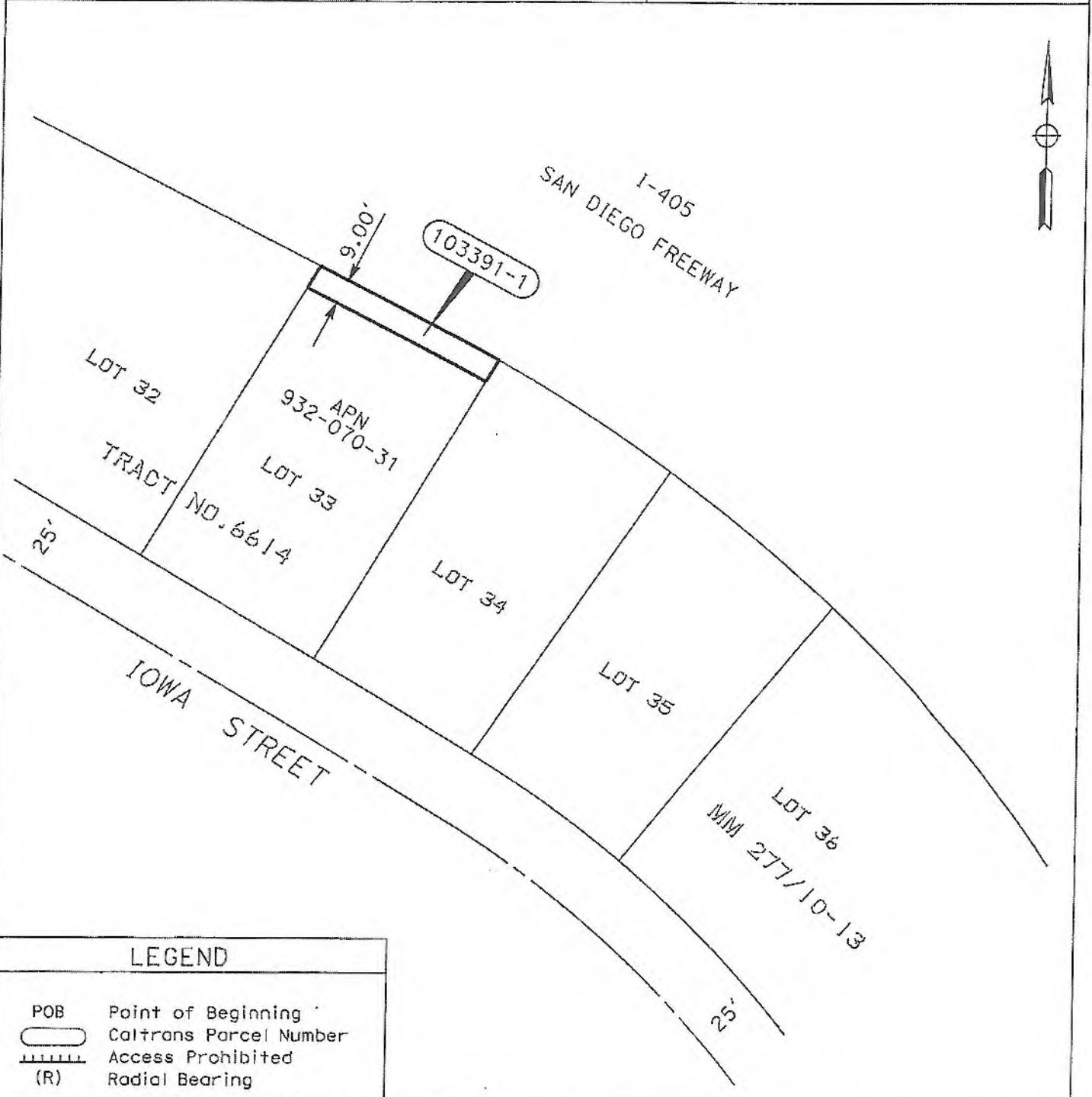
10.14.2016

Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103391-1	TCE	649 SF	932-070-31



## LEGEND

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

## NOTES

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

103391-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

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

DATE: 04-20-16

REV.: 10-14-16

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

11.67

1

1



**RESOLUTION NO. 2018-038**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 932-070-32**

**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**, a portion of the real property located at 1628 Iowa Street #D, Costa Mesa, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described in and depicted in Exhibit "A" hereto ("the Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

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

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure on February 9, 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 Interest. 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 March 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 Interest.

Section 5. Description of Property Interest. The property interest 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 Property Interest sought to be acquired is 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 a temporary construction easement in the real property 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 Property Interest 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 Interest 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. 2018-038, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD



Exhibit "A"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 932-070-32**

**Caltrans Parcel No.: 103392-1**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A1" and depicted in Exhibit "A2" 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.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access by OCTA to the TCE area shall be from the public right of way (i.e., the right of way on the freeway side of the property).
- 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 'A1' LEGAL DESCRIPTION

Caltrans Parcel No. 103392-1

Temporary Construction Easement

APN 932-070-32

The northeasterly 9.00 feet of Lot 33 of Tract No. 6614, in the City of Costa Mesa,  
County of Orange, State of California, per the map filed in Book 277, Pages 10 through  
13 of Miscellaneous Maps in the office of the County Recorder of said County.

Containing 649 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

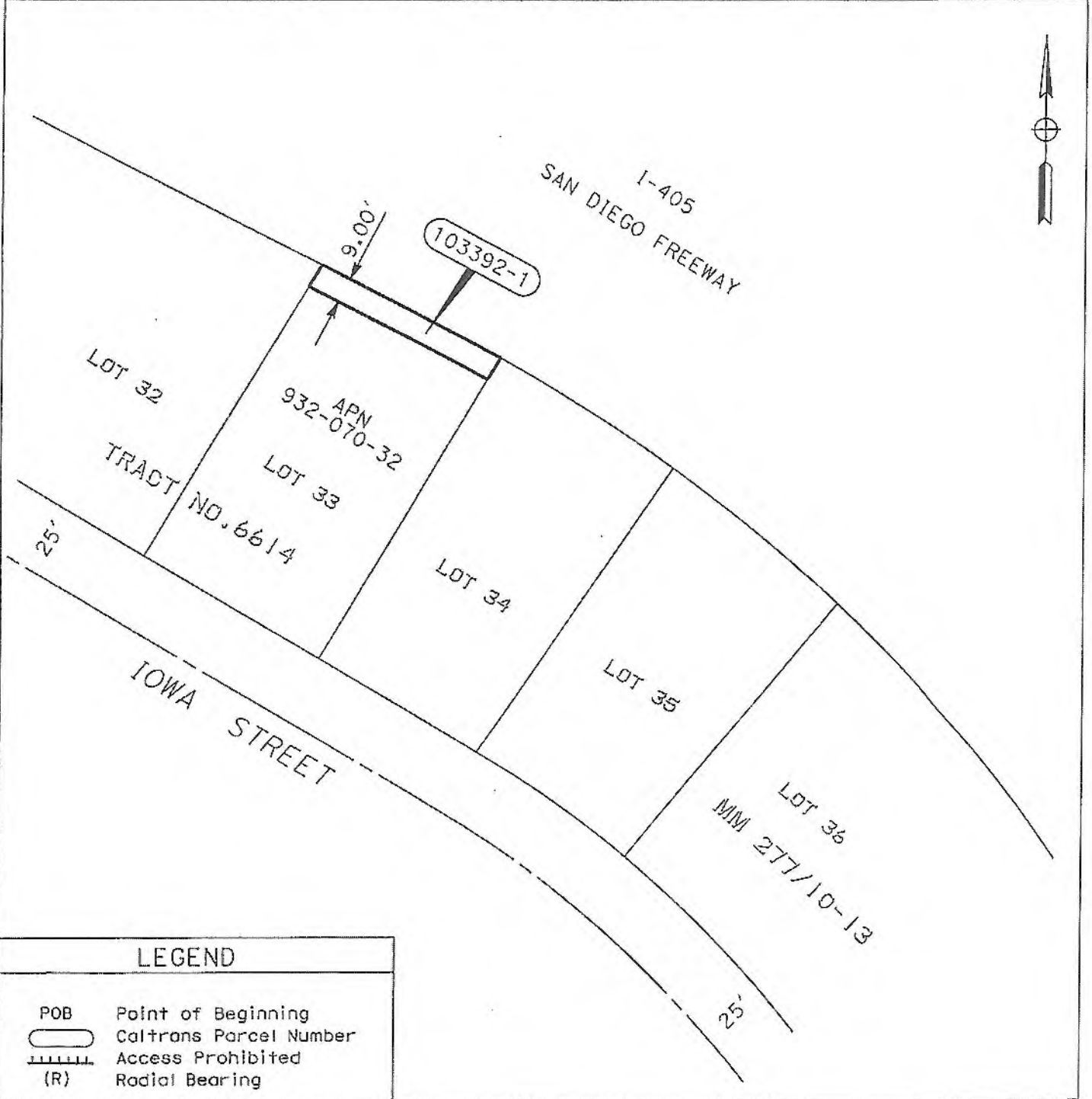
10.14.2016

Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103392-1	TCE	649 SF	932-070-32



## LEGEND

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

## NOTES

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

103392-1

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

**PSOMAS**

3 Hutton Centre Drive, Ste. 200  
 Santa Ana, California 92707  
 (714)751-7373/(714)545-0083 (Fax)

DATE: 04-20-16

REV.: 10-14-16

EA: OF

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	11.67	1	1



**RESOLUTION NO. 2018-039**

**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. 156-165-04.**

**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**, portions of the real property located at 18480 Pacific 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 and a temporary construction easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 February 9, 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 March 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 one partial fee interest and one temporary construction easement 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. 2018-039, 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. 102893-1

Fee Acquisition

APN 156-165-04

In the City of Fountain Valley, County of Orange, State of California, being a portion of Parcel 10 as shown on a map filed in Book 36, Page 28 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

PARCEL 1

Commencing at the East one quarter corner of Section 32 Township 5 South, Range 10 West in the Rancho Las Bolsas, per a map filed in Book 51, Page 12 of Miscellaneous Maps of said County, said point being on the centerline of Ellis Avenue; thence along said centerline North  $89^{\circ}32'12''$  West 387.70 feet; thence leaving said centerline North  $00^{\circ}27'48''$  East 40.00 feet to the southeast corner of said Parcel 10 and the True Point of Beginning; thence along the east line of said Parcel 10 North  $00^{\circ}27'48''$  East 12.51 feet; thence leaving said east line to the beginning of a non-tangent curve concave southerly having a radius of 1517.50 feet, to which point a radial line bears North  $00^{\circ}45'49''$  West; thence westerly 71.00 feet along said curve through a central angle of  $02^{\circ}40'51''$ ; thence non-tangent South  $86^{\circ}58'40''$  West 134.44 feet to the beginning of a non-tangent curve concave northerly having a radius of 981.50 feet, to which point a radial line bears South  $03^{\circ}27'16''$  East; thence westerly 19.90 feet along said curve through a central angle of  $01^{\circ}09'42''$  to the southerly line of said Parcel 10; thence along said southerly line non-tangent South  $89^{\circ}32'12''$  East 224.98 feet to the said southeast corner of said Parcel 10 and the True Point of Beginning.

Containing 1509 square feet.

## COAST SURVEYING, INC.

### PARCEL 2

Commencing at the said southeast corner of Parcel 10; thence along the southerly line of said Parcel 10 North  $89^{\circ}32'12''$  West 251.06 feet to the beginning of a tangent curve concave northeasterly having a radius of 27.00 feet; thence continuing along the southwesterly line of said Parcel 10 northwesterly 5.89 feet along said curve through a central angle of  $12^{\circ}30'24''$  to the True Point of Beginning; thence continuing along said curve and said southwesterly line of Parcel 10 36.52 feet through a central angle of  $77^{\circ}29'34''$ ; thence along the westerly line of said Parcel 10 tangent North  $00^{\circ}27'46''$  East 0.61 feet; thence leaving said westerly line South  $89^{\circ}39'26''$  East 1.72 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 28.52 feet, to which point a radial line bears North  $89^{\circ}39'26''$  West; thence southeasterly 35.50 feet along said curve through a central angle of  $71^{\circ}18'34''$  to the said southwesterly line of Parcel 10 and the True Point of Beginning.

Containing 46 square feet

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

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 or access, appurtenant to Grantor's remaining property, in and to said freeway.

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

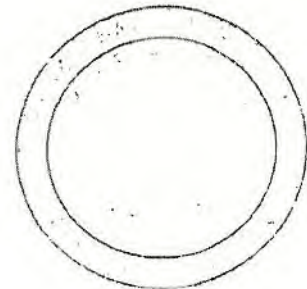
Prepared under the direction of

Kriss Larson

Kriss Larson, PLS 6179

11-16-17

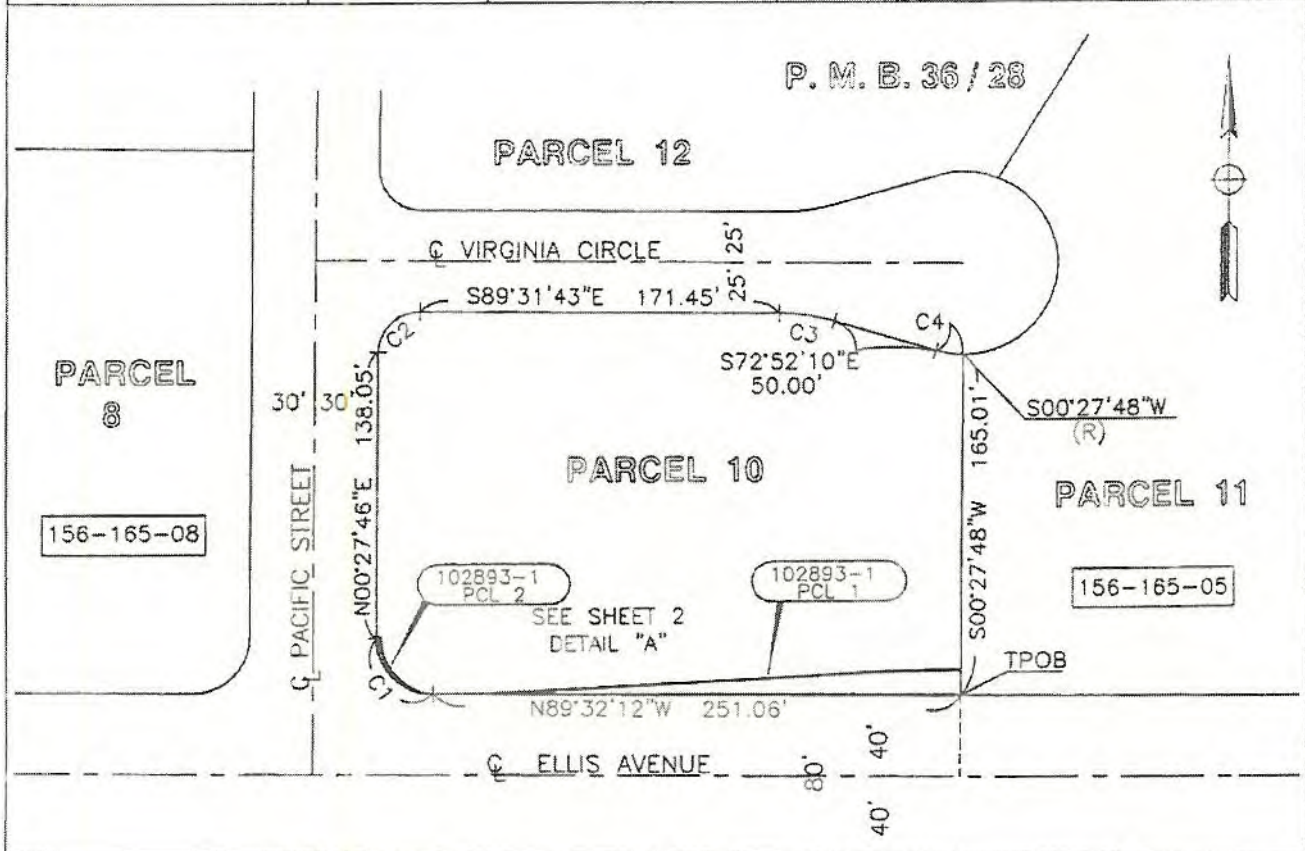
Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102893-1 PCL 1	FEE	1,509 SF	156-165-04
102893-1 PCL 2	FEE	46 SF	156-165-04



CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	27.00'	89°59'58"	42.41'
C2	20.00'	90°00'30"	31.42'
C3	90.00'	16°39'33"	26.17'
C4	45.00'	16°40'02"	13.09'

## 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

102893-1

FEE ACQUISITION



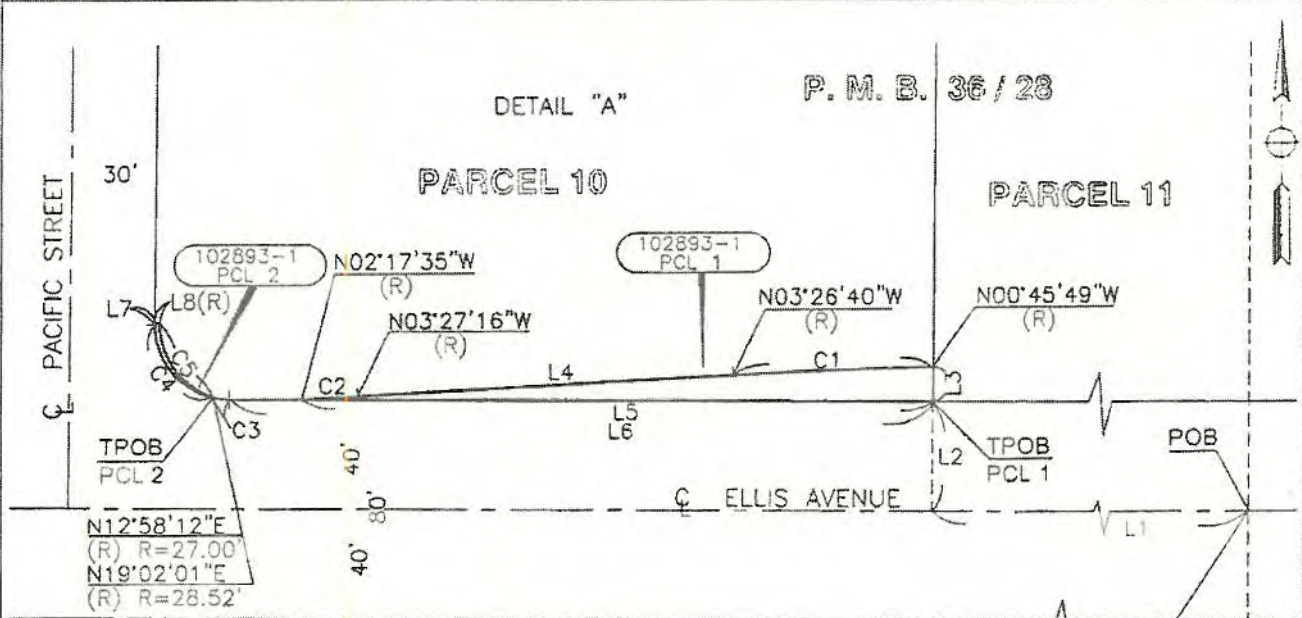
PREPARED BY  
COAST SURVEYING  
15031 PARKWAY LOOP, SUITE B  
TUSTIN, CA 92780-6527  
(714)918-6268

DATE: 11-17-17		REV.:	EA: _____	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	12.64	1	2



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102893-1 PCL 1	FEE	1,509 SF	156-165-04
102893-1 PCL 2	FEE	46 SF	156-165-04



LINE DATA		
	BEARING	DISTANCE
L1	N89°32'12"W	387.70'
L2	N00°27'48"E	40.00'
L3	N00°27'48"E	12.51'
L4	S86°58'40"W	134.44'
L5	N89°32'12"W	224.98'
L6	W89°32'12"W	251.06'
L7	N00°27'48"E	0.61'
L8	S89°39'26"E	1.72'

EAST 1/4 COR SECTION 32,  
T. 5 S., R. 10 W.  
PER M.M. 51/12

SEC. 32 = 5 - 10  
SEC. 33 = 5 - 10

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	517.50'	2°40'51"	71.00'
C2	981.50'	1°09'42"	19.90'
C3	27.00'	12°30'24"	5.89'
C4	27.00'	77°29'34"	36.52'
C5	28.52'	71°18'34"	35.50'

## 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

102893-1

FEE ACQUISITION



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

DATE: 11-17-17 REV.:			EA: _____		FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405	12.64	2	2	

Exhibit 2



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 156-165-04**

**Caltrans Parcel No.: 102893-2**

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 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 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 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 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 'B1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102893-2

Temporary Construction Easement

APN 156-165-04

In the City of Fountain Valley, County of Orange, State of California, being a portion of Parcel 10 as shown on a map filed in Book 36, Page 28 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the East one quarter corner of Section 32 Township 5 South, Range 10 West in the Rancho Las Bolsas, per a map filed in Book 51, Page 12 of Miscellaneous Maps of said County, said point being on the centerline of Ellis Avenue; thence along said centerline North 89°32'12" West 387.70 feet; thence leaving said centerline North 00°27'48" East 40.00 feet to the southeast corner of said Parcel 10; thence along the easterly line of said Parcel 10 North 00°27'48" East 12.51 feet to the True Point of Beginning; thence leaving said east line to the beginning of a non-tangent curve concave southerly having a radius of 1517.50 feet, to which point a radial line bears North 00°45'49" West; thence westerly 71.00 feet along said curve through a central angle of 02°40'51"; thence non-tangent South 86°58'40" West 134.44 feet to the beginning of a non-tangent curve concave northerly having a radius of 981.50 feet, to which point a radial line bears South 03°27'16" East; thence westerly 19.90 feet along said curve through a central angle of 01°09'42" to the southerly line of said Parcel 10; thence non-tangent along the said southerly line of Parcel 10 North 89°32'12" West 26.08 feet to the beginning of a tangent curve concave northeasterly having a radius of 27.00 feet; thence northwesterly 5.89 feet along said curve and the southwesterly line of said Parcel 10 through a central angle of 12°30'24" to the beginning of a non-tangent curve concave northeasterly having a radius of 28.52 feet, to which point a radial line bears South 19°02'01" West; thence leaving said southwesterly line northwesterly 35.50 feet along said curve through a central angle of 71°18'34"; thence non-tangent South 89°39'26"

## COAST SURVEYING, INC.

1 East 3.52 feet to the beginning of a non-tangent curve concave northeasterly having a  
2 radius of 25.00 feet, to which point a radial line bears North  $89^{\circ}39'26''$  West; thence  
3 southeasterly 39.86 feet along said curve through a central angle of  $91^{\circ}20'38''$  to the  
4 beginning of a tangent curve concave northerly having a radius of 978.00 feet; thence  
5 easterly 41.77 feet along said curve through a central angle of  $02^{\circ}26'50''$ ; thence non-  
6 tangent North  $86^{\circ}58'40''$  East 134.44 feet to the beginning of a non-tangent curve  
7 concave southerly having a radius of 1521.00 feet, to which point a radial line bears  
8 North  $03^{\circ}26'54''$  West; thence easterly 71.35 feet along said curve through a central  
9 angle of  $02^{\circ}41'15''$  to the said easterly line of Parcel 10; thence along said easterly line  
10 South  $00^{\circ}27'48''$  West 3.50 feet to the True Point of Beginning.

11  
12 Containing 1001 square feet.

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

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.

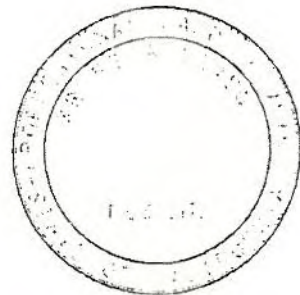
18  
19 Prepared under the direction of

20  
21 Kriss Larson

22 Kriss Larson, PLS 6179

11-16-17

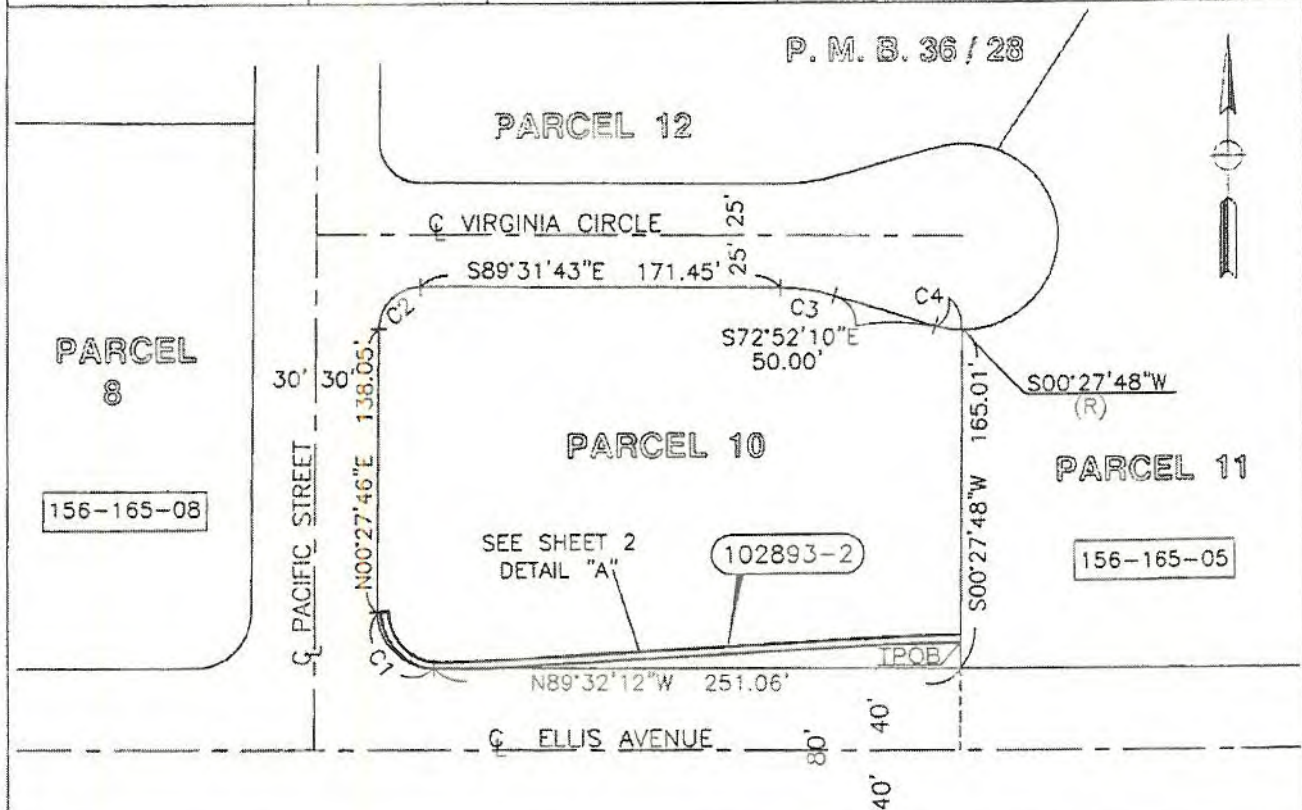
23 Date





# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
102893-2	TCE	1,001 SF	156-165-04



CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	27.00'	89°59'58"	42.41'
C2	20.00'	90°00'30"	31.42'
C3	90.00'	16°39'33"	26.17'
C4	45.00'	16°40'02"	13.09'

## 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

102893-2

TEMPORARY CONSTRUCTION EASEMENT

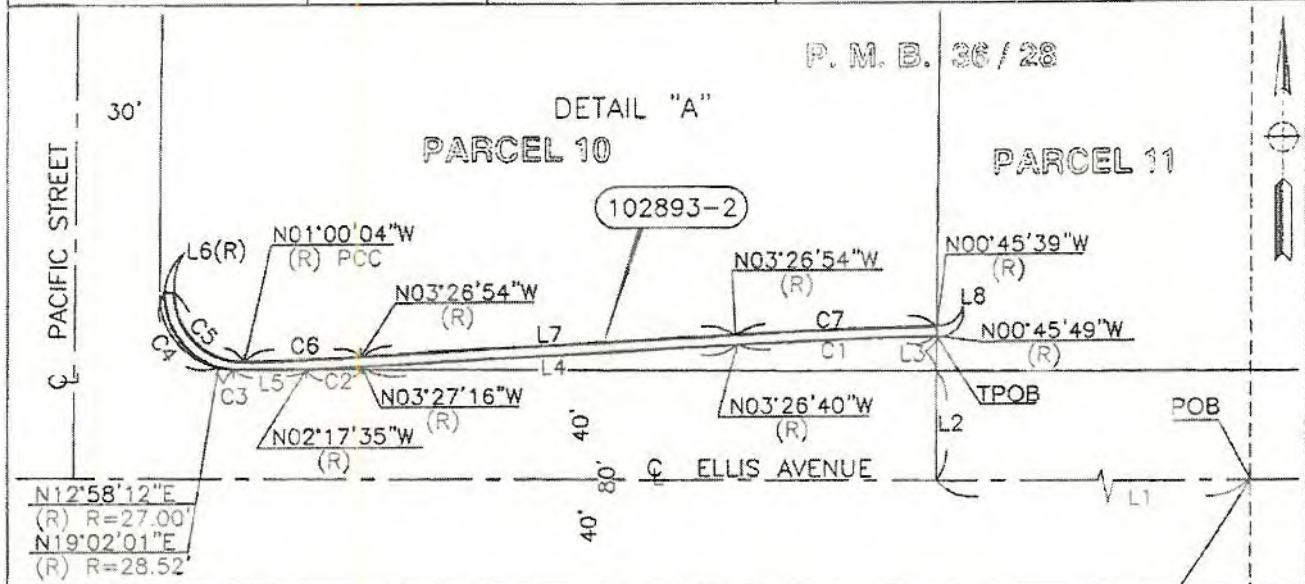


PREPARED BY:  
COAST SURVEYING  
15031 PARKWAY LOOP, SUITE B  
TUSTIN, CA 92780-6527  
(714)918-6266

DATE: 11-17-17		REV.:	EA: _____	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	12.64	1	2

# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
102893-2	TCE	1,001 SF	156-165-04



LINE DATA		
	BEARING	DISTANCE
L1	N89°32'12"W	387.70'
L2	N00°27'48"E	40.00'
L3	N00°27'48"E	12.51'
L4	S86°58'40"W	134.44'
L5	N89°32'12"W	26.08'
L6	S89°39'26"E	3.52'
L7	N86°58'40"E	134.44'
L8	S00°27'50"W	3.50'

EAST 1/4 COR SECTION 32.  
T. 5 S., R. 10 W.  
PER M.M. 51/12

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	1517.50'	2°40'51"	71.00'
C2	981.50'	1°09'42"	19.90'
C3	27.00'	12°30'24"	5.89'
C4	28.52'	71°18'34"	35.50'
C5	25.00'	91°20'38"	39.86'
C6	978.00'	2°26'50"	41.77'
C7	1521.00'	2°41'15"	71.35'

SEC. 32  
- 10  
- 5  
- 5  
- 10

## LEGEND

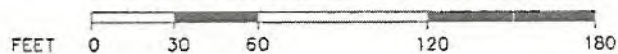
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Coltrans Parcel Number
- Access Prohibited

## NOTES

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

102893-2

TEMPORARY CONSTRUCTION EASEMENT



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

DATE: 11-17-17 REV.:			EA: _____	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	12.64	2	2



**RESOLUTION NO. 2018-040**

**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. 169-162-06, 169-162-10.**

**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 east side of Brookhurst Street, south of the I-405 Freeway, 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 permanent footing easement as legally described in 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**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 February 9, 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 March 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 footing easement 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. 2018-040, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD



Exhibit "A"

**PERMANENT FOOTING EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel Nos.: 169-162-10**

**Caltrans Parcel No.: 102951-1**

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 ("Footing Easement"), subject to the rights and limitations described herein. 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 easement rights described above.

# COAST SURVEYING, INC.

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 102951-1

Permanent Footing Easement

APN 169-162-10

In the City of Fountain Valley, County of Orange, State of California, being a portion of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 29, Township 5 South, Range 10 West, in the Rancho Las Bolsas, as shown on a map recorded in Book 51, Page 12 of Miscellaneous Maps, and as further described in Instrument 82-144127, of Official Records, all in the office of the County Recorder of said County, described as follows:

**Commencing** at the southwest corner of said Section 29, being the centerline intersection of Brookhurst Street and Talbert Avenue, as shown on a map filed in Book 116, Pages 31 through 32 of Parcel Maps in the office of the County Recorder of said County; thence along the centerline of Brookhurst Street North 00°19'17" East 500.12 feet; thence leaving said centerline South 89°41'08" East 65.00 feet to the northwest corner of Parcel F of said Parcel Map, said point also being the southwest corner of the land described in the said Director's Deed recorded in Book 11272 Page 1053 of Official Records, and being on the easterly right of way line of Brookhurst Street, 65 feet wide easterly from centerline; thence along said easterly right-of-way line North 00°19'17" East 24.02 feet to the **True Point of Beginning**; thence along said easterly right of way line North 00°19'17" East 42.95 feet to the northwest corner of said Instrument No. 82-144127 of Official Records and the beginning of a non-tangent curve concave northerly having a radius of 200.00 feet, to which point a radial line bears South 42°34'16" West; thence southeasterly 3.76 feet along said curve and the northerly line of said Instrument No. 82-144127 of Official Records through a central angle of 01°04'36"; thence leaving said northerly line non-tangent South 00°32'45" West 26.40 feet; thence South 00°17'31"

## COAST SURVEYING, INC.

West 14.04 feet; thence North 90°00'00" West 2.71 feet to the said easterly right-of-way line of Brookhurst Street and the **True Point of Beginning**.

Containing 114 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

*Kriss Larson*

Kriss A. Larson, PLS 6179

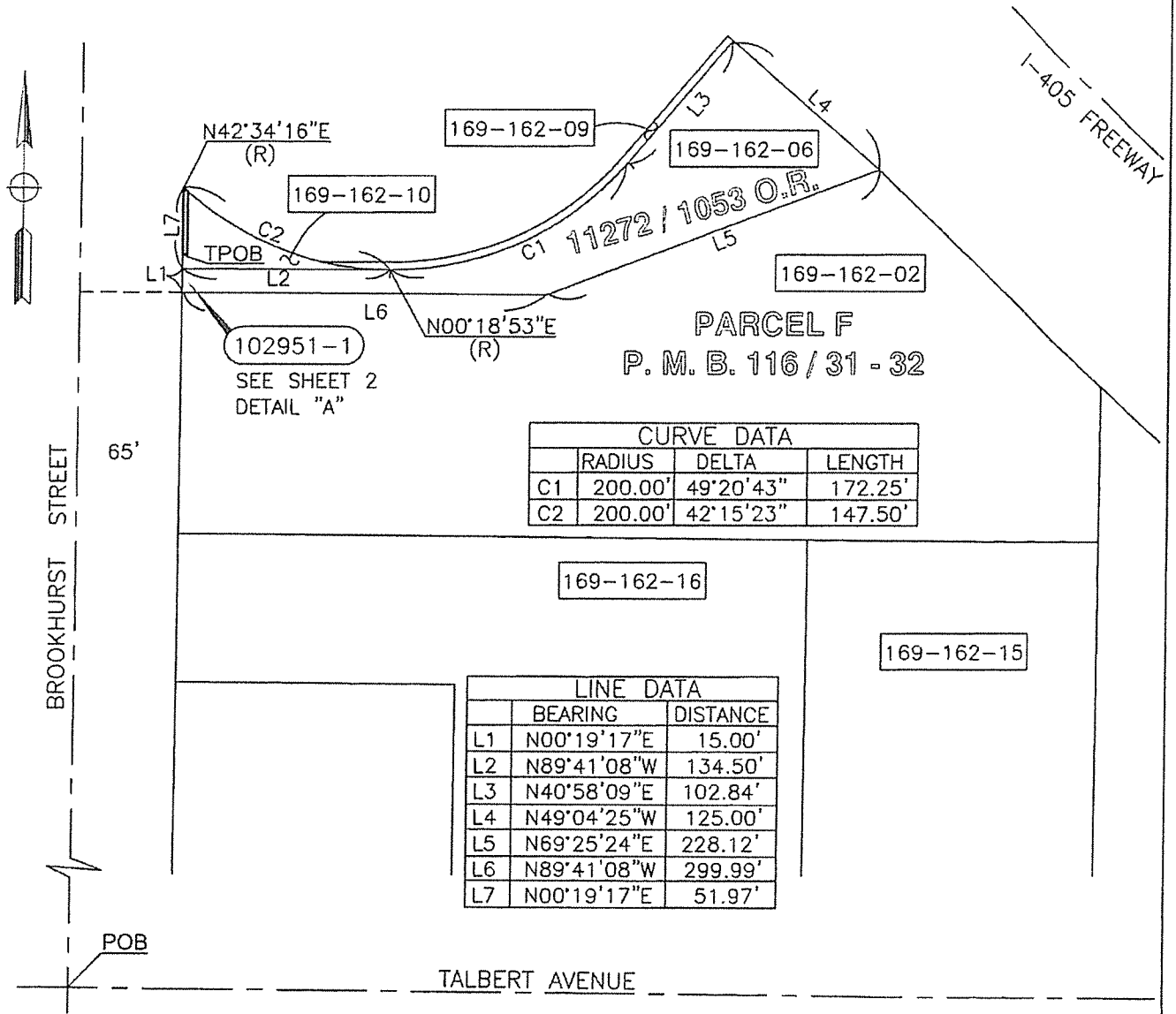
*4-6-17*

Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102951-1	PFE	114 SF	169-162-10



CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	200.00'	49°20'43"	172.25'
C2	200.00'	42°15'23"	147.50'

LINE DATA		
	BEARING	DISTANCE
L1	N00°19'17"E	15.00'
L2	N89°41'08"W	134.50'
L3	N40°58'09"E	102.84'
L4	N49°04'25"W	125.00'
L5	N69°25'24"E	228.12'
L6	N89°41'08"W	299.99'
L7	N00°19'17"E	51.97'

## 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

## PERMANENT FOOTING EASEMENT



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

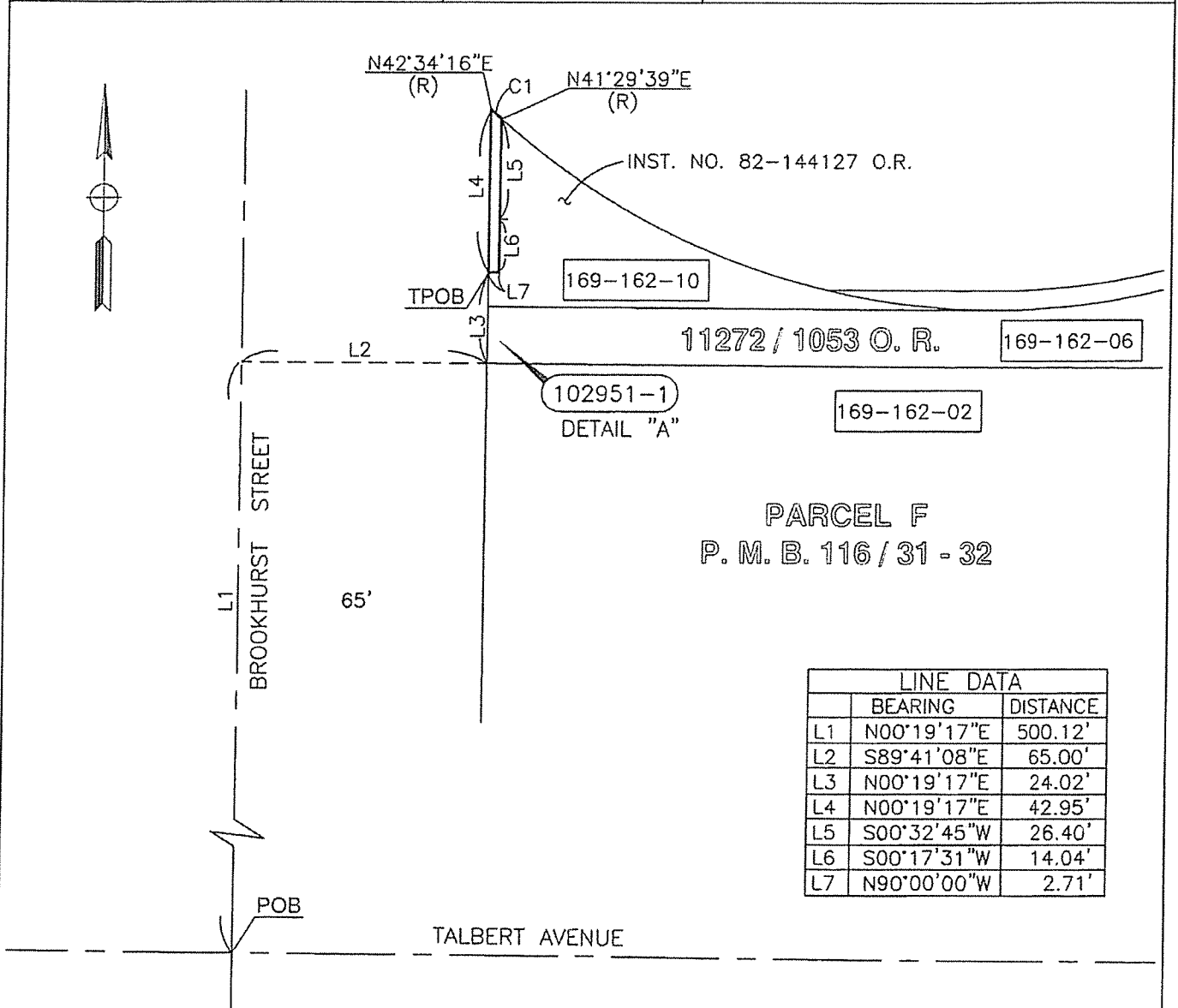
DATE: 4-6-17 REV.: EA: FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.64	1	2



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102951-1	PFE	114 SF	169-162-10



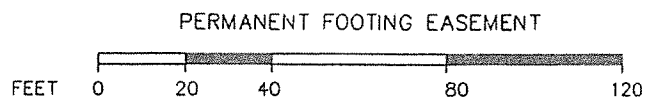
LINE DATA		
	BEARING	DISTANCE
L1	N00°19'17"E	500.12'
L2	S89°41'08"E	65.00'
L3	N00°19'17"E	24.02'
L4	N00°19'17"E	42.95'
L5	S00°32'45"W	26.40'
L6	S00°17'31"W	14.04'
L7	N90°00'00"W	2.71'

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	200.00'	1°04'36"	3.76'

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: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266		DATE: 4-6-17	REV.:	EA: _____	FA#: _____
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.64	2	2

Exhibit "B"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No.: 169-162-06, 169-162-10  
Caltrans Parcel No.: 102951-2**

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 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 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.
- At the commencement of the Construction Period, OCTA may place a temporary fence around the TCE area. However, reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained as necessary.
- 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 graded and compacted.

OCTA expressly reserves the right to convey, transfer or assign the easement rights described above.

# COAST SURVEYING, INC.

## EXHIBIT 'B1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 102951-2

Temporary Construction Easement

APN 169-162-06, 169-162-10

In the City of Fountain Valley, County of Orange, State of California, being a portion of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 29, Township 5 South, Range 10 West, in the Rancho Las Bolsas, as shown on a map recorded in Book 51, Page 12 of Miscellaneous Maps, and as further described in Director's Deeds recorded in Book 11272 Page 1053 and as Instrument 82-144127, both of Official Records, all in the office of the County Recorder of said County, described as follows:

**Commencing** at the southwest corner of said Section 29, being the centerline intersection of Brookhurst Street and Talbert Avenue, as shown on a map filed in Book 116, Pages 31 through 32 of Parcel Maps in the office of the County Recorder of said County; thence along the centerline of Brookhurst Street North 00°19'17" East 500.12 feet; thence leaving said centerline South 89°41'08" East 65.00 feet to the northwest corner of Parcel F of said Parcel Map, said point also being the southwest corner of the land described in the said Director's Deed recorded in Book 11272 Page 1053 of Official Records, and being on the easterly right of way line of Brookhurst Street, 65 feet wide easterly from centerline and the **True Point of Beginning**; thence along said easterly right of way line North 00°19'17" East 66.97 feet to the northwest corner of said Instrument No. 82-144127 of Official Records and the beginning of a non-tangent curve concave northerly having a radius of 200.00 feet, to which point a radial line bears South 42°34'16" West; thence southeasterly 43.37 feet along said curve and the northerly line of said Instrument No. 82-144127 through a central angle of 12°25'26"; thence leaving said northerly line non-tangent South 00°19'17" West 41.50 feet to the southerly line of said Director's Deed recorded in Book 11272 Page 1053 of Official Records and the northerly line of

## COAST SURVEYING, INC.

1 said Parcel F; thence North 89°41'08" West 35.00 feet along said southerly line to the  
2 said southwest corner and the **True Point of Beginning**.

3  
4 Containing 1864 square feet.

5  
6  
7 See Exhibit 'B2' attached hereto and made a part hereof.

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

13  
14 Prepared under the direction of

15  
16 Kriss Larson

17  
18 Kriss A. Larson, PLS 6179

4-6-17

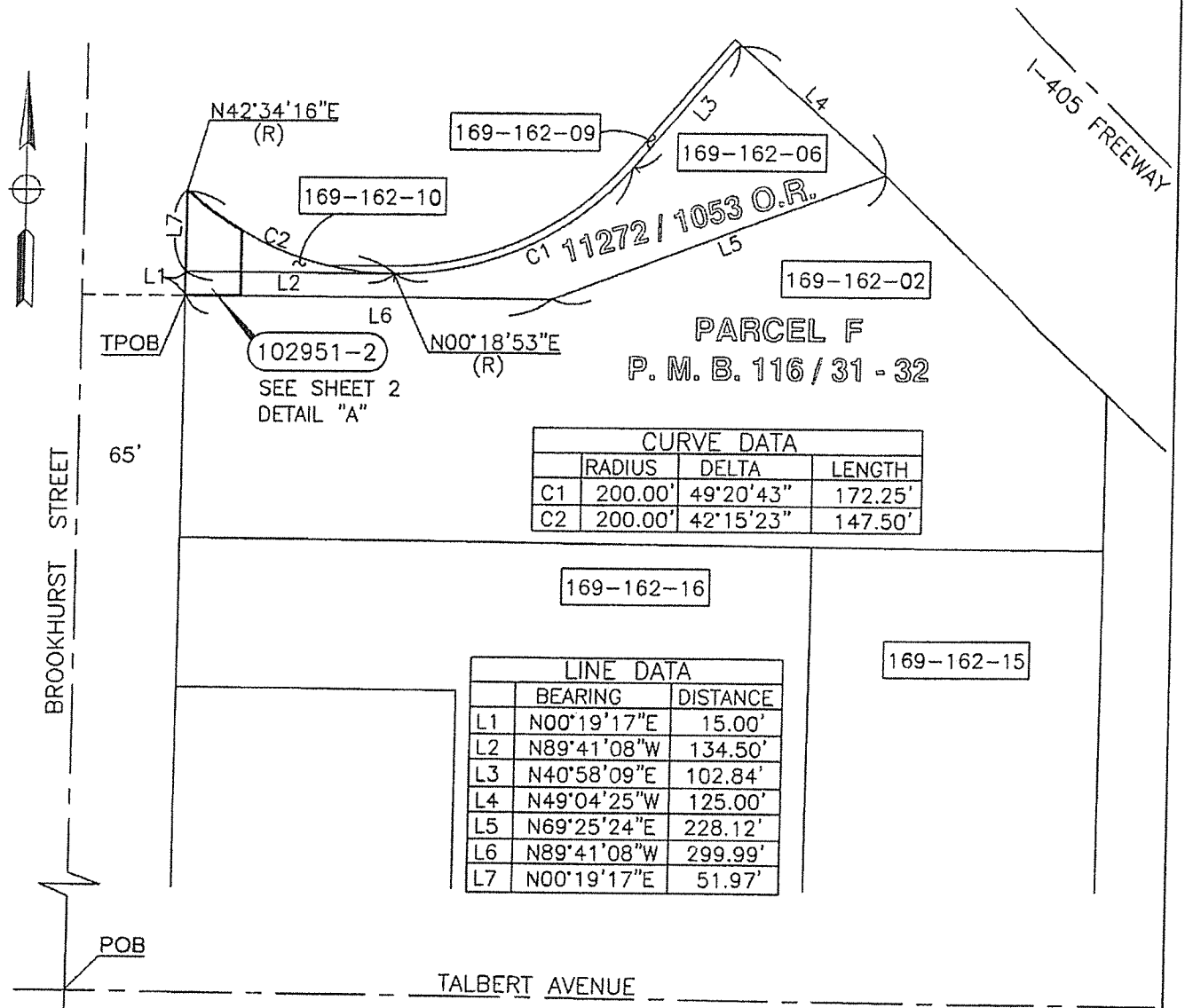
Date





# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
102951-2	TCE	1,864 SF	169-162-06, 169-162-10



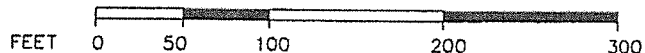
## LEGEND

- (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: 4-6-17

REV.:

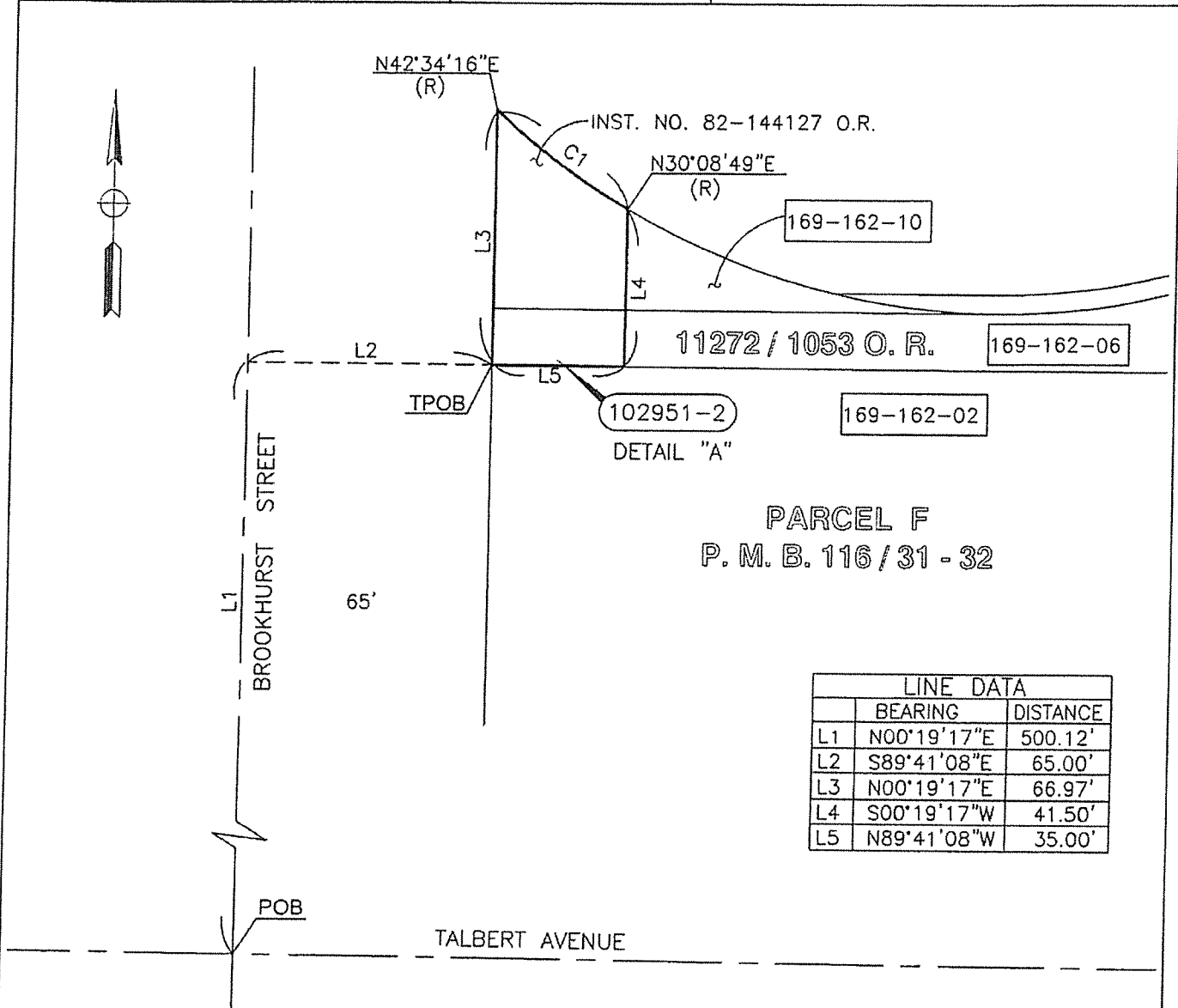
EA:

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.64	1	2

# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
102951-2	TCE	1,864 SF	169-162-06, 169-162-10



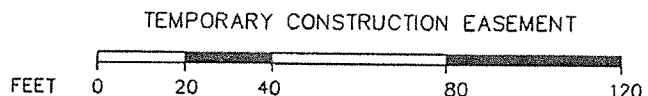
LINE DATA		
	BEARING	DISTANCE
L1	N00°19'17"E	500.12'
L2	S89°41'08"E	65.00'
L3	N00°19'17"E	66.97'
L4	S00°19'17"W	41.50'
L5	N89°41'08"W	35.00'

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	200.00'	12°25'26"	43.37'

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: <b>COAST SURVEYING</b> 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266		DATE: 4-6-17	REV.:	EA: _____	FA#: _____
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.64	2	2

**RESOLUTION NO. 2018-042**

**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. 142-382-13.**

**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 15042 Goldenwest Street, in the City of Westminster, 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 and a temporary construction easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 February 9, 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 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 March 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 one partial fee interest and one temporary construction easement 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. 2018-042, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit 1

# PSOMAS

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103157-1

#### Fee Acquisition

APN 142-382-13

That portion of Lot 1 of Tract 8284, in the City of Westminster, County of Orange, State of California, as per the map filed in Book 322, Pages 44 through 46 of Miscellaneous Maps in the office of the County Recorder of said County, described as follows:

#### Parcel 1

Beginning at the centerline intersection of Goldenwest Street and Bolsa Avenue, said intersection also being the northwest corner of Section 14, Township 5 South, Range 11 West, Rancho Las Bolsas Chica as shown on said Tract No. 8284; thence along the centerline of Bolsa Avenue South  $89^{\circ}32'39''$  East 135.41 feet; leaving said centerline thence South  $00^{\circ}27'21''$  West 89.74 feet to the northeasterly corner of said Lot 1 and the True Point of Beginning; thence along the northerly, northwesterly and westerly lines of said Lot 1, the following three (3) courses:

- 1) North  $89^{\circ}33'52''$  West 50.96 feet; thence
- 2) South  $38^{\circ}12'31''$  West 29.54 feet; thence
- 3) South  $00^{\circ}16'13''$  West 58.93 feet to a point hereon referred to as Point 'A';

thence leaving said westerly line South  $89^{\circ}43'47''$  East 10.00 feet; thence North  $00^{\circ}16'13''$  East 58.18 feet to a non-tangent curve concave southeasterly having a radius of 25.02 feet, a radial line to said curve bears North  $60^{\circ}41'42''$  West; thence northeasterly 27.17 feet along said curve through a central angle of  $62^{\circ}13'27''$ ; thence South  $88^{\circ}28'15''$  East 44.42 feet to the northeasterly line of said Lot 1; thence along said northeasterly line North  $32^{\circ}25'52''$  West 14.27 feet to the True Point of Beginning.

Containing 1410 square feet.



# PSOMAS

## Parcel 2

Beginning at the above mentioned 'Point A'; thence continuing along said westerly line the following three (3) courses:

- 1) South  $00^{\circ}16'13''$  West 154.72 feet; thence
- 2) South  $04^{\circ}31'35''$  West 31.73 feet to the True Point of Beginning; thence
- 3) South  $04^{\circ}31'35''$  West 28.06 feet;

thence leaving said westerly line North  $10^{\circ}11'44''$  East 12.08 feet; thence North  $00^{\circ}16'08''$  East 16.08 feet to the True Point of Beginning.

Containing 17 square feet.

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.

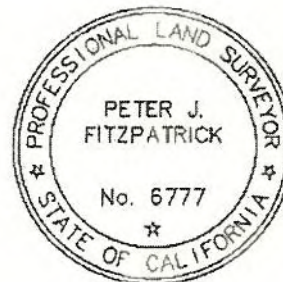
This legal description was prepared by me or under my direction.

*Peter J. Fitzpatrick*

Peter J. Fitzpatrick, PLS 6777

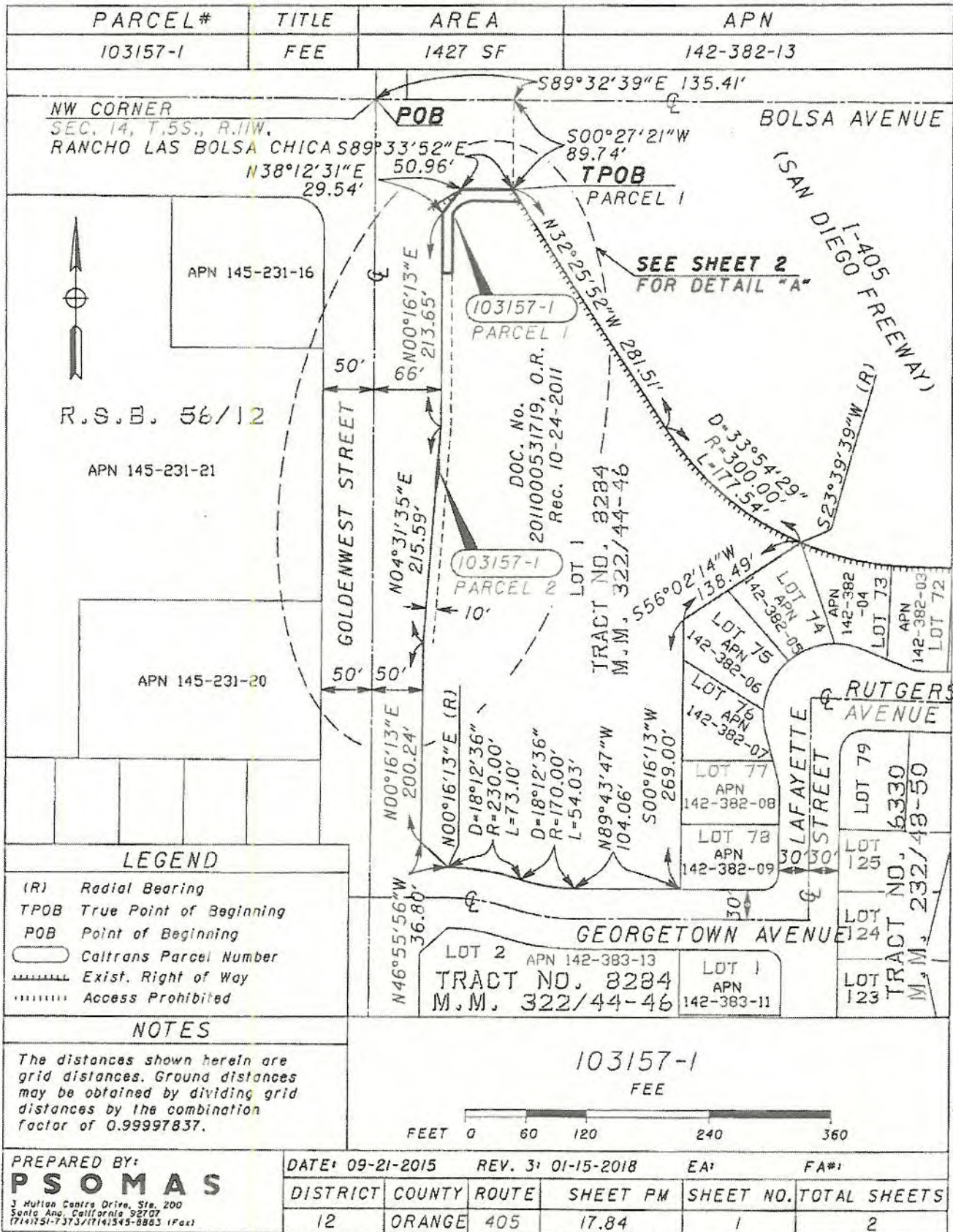
*Jan. 15, 2018*

Date





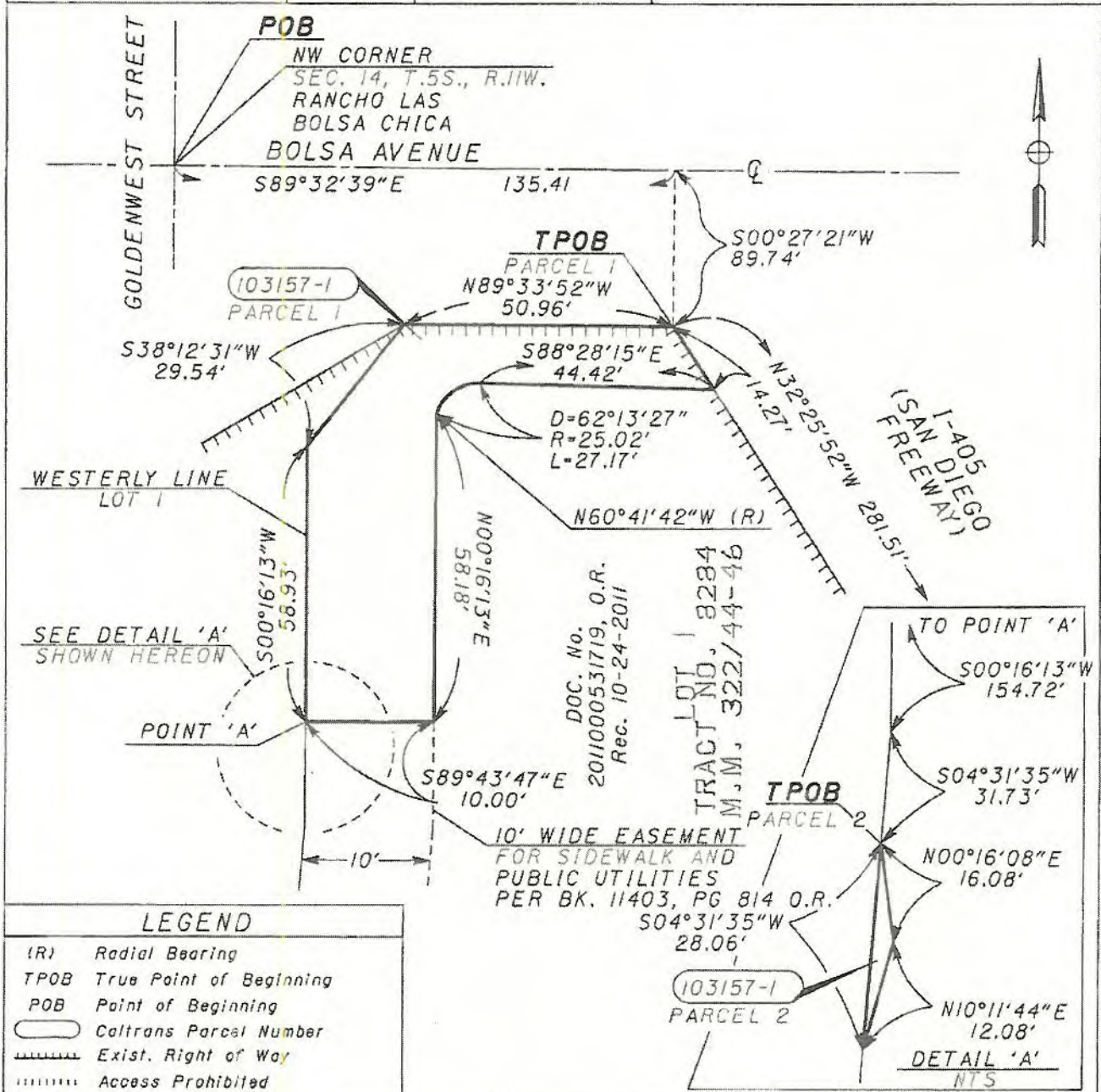
# EXHIBIT A2





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103157-1	FEE	1427 SF	142-382-13



<b>PREPARED BY:</b> <b>PSOMAS</b> <small>3 Hutton Centre Drive, Ste. 200          Santa Ana, California 92707          (714) 751-7373 / (714) 545-8883 (Fax)</small>	<b>DATE:</b> 09-21-2015 <b>REV. 3:</b> 01-15-2018 <b>EA:</b> <b>FA#:</b>					
	<b>DISTRICT</b>	<b>COUNTY</b>	<b>ROUTE</b>	<b>SHEET PM</b>	<b>SHEET NO.</b>	<b>TOTAL SHEETS</b>
	12	ORANGE	405	17.84	2	2

## Exhibit 2



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 142-382-13**

**Caltrans Parcel No.: 103157-2**

The Orange County Transportation Authority seeks to acquire a non-exclusive temporary construction easement within and upon the real property described in Exhibit "B1" and depicted in Exhibit "B2" attached hereto, subject to the rights and limitations described herein ("TCE"). The non-exclusive 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 non-exclusive TCE shall be for a period of forty-eight (48) months. However, 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 remain 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.
- Reasonable pedestrian and vehicular access to the property 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 business sign near the northwest corner of the property will be purchased by OCTA.
- Access to the TCE area will be through the public right-of-way.
- 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 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.

# PSOMAS

## EXHIBIT 'B1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103157-2

Temporary Construction Easement

APN 142-382-13

That portion of Lot 1 of Tract No. 8284, in the City of Westminster, County of Orange, State of California, as per the map filed in Book 322, Pages 44 through 46 of Miscellaneous Maps in the office of the County Recorder of said County, described as follows:

**Beginning** at the centerline intersection of Goldenwest Street and Bolsa Avenue, said intersection also being the northwest corner of Section 14, Township 5 South, Range 11 West, Rancho La Bolsa Chica as shown on said Tract No. 8284; thence along the centerline of said Bolsa Avenue South  $89^{\circ}32'39''$  East 135.41 feet; thence South  $00^{\circ}27'21''$  West 89.74 feet to the northeasterly corner of said Lot 1; thence along the northeasterly line of said Lot 1 South  $32^{\circ}25'52''$  East 14.27 feet to the **True Point of Beginning**; thence continuing along said northeasterly line South  $32^{\circ}25'52''$  East 1.21 feet; thence leaving said northeasterly line North  $88^{\circ}28'15''$  West 45.09 feet; thence South  $01^{\circ}31'45''$  West 4.08 feet; thence North  $88^{\circ}28'15''$  West 9.33 feet to a non-tangent curve concave southeasterly having a radius of 22.02 feet, a radial line to said curve bears North  $23^{\circ}32'41''$  West; thence southwesterly 22.91 feet along said curve through a central angle of  $59^{\circ}37'12''$  feet; thence non-tangent to said curve North  $00^{\circ}16'13''$  East 9.63 feet to a non-tangent curve concave southeasterly having a radius of 25.02 feet, a radial line to said curve bears North  $60^{\circ}41'42''$  West; thence northeasterly 27.17 feet along said curve through a central angle of  $62^{\circ}13'27''$ ; thence South  $88^{\circ}28'15''$  East 44.42 feet to the **True Point of Beginning**.



# PSOMAS

1 Containing 145 square feet.

2

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

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

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11

12 Prepared under the direction of

13

14

15

16

Jeremy L. Evans

17

Jeremy L. Evans, PLS 5282

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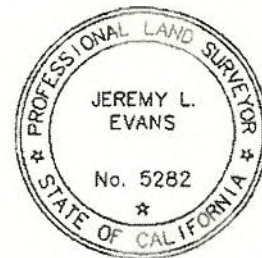
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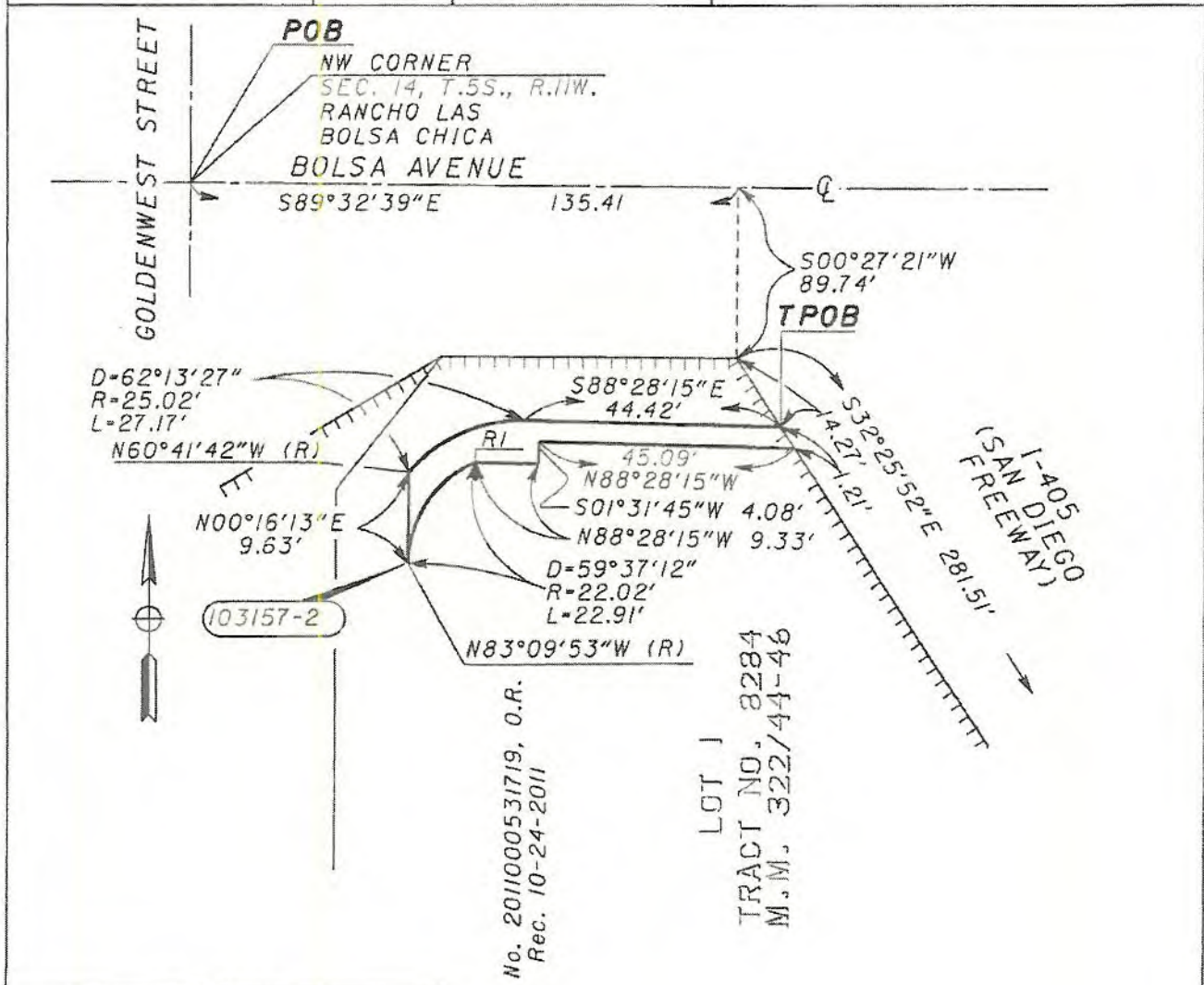
31



1-15-2018  
Date

# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103157-2	TCE	145 SF	142-382-13



## LEGEND

- (R) Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Exist. Right of Way
- Access Prohibited

## RADIAL LINE DATA

RI N23°32'41"W

## NOTES

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

103157-2

TEMPORARY CONSTRUCTION EASEMENT

NOT TO SCALE

PREPARED BY:

**PSOMAS**

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

DATE: 09-21-2015

REV. 3: 01-12-2018

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

17.84

1

1



**RESOLUTION NO. 2018-043**

**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. 195-373-08.**

**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 6951 Bolsa Avenue, in the City of Westminster, 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 permanent footing easement as legally described in and depicted in Exhibit "2" hereto, a maintenance access easement as legally described in and depicted in Exhibit "3" hereto, and a temporary construction easement as legally described and depicted in Exhibit "4" hereto (collectively, the "Property Interests"); and



**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 February 9, 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 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 March 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 "4" 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 a partial fee interest, a permanent footing easement, a maintenance access easement, and a temporary construction easement in the real property described and depicted in Exhibits "1" through "4" 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. 2018-043, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit 1

**FEE ACQUISITION**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Assessor Parcel No.: 195-373-08**  
**Caltrans Parcel No.: 103165-1**

The Orange County Transportation Authority seeks to acquire the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto in fee simple absolute for the construction and use of the I-405 Improvement Project; provided, however, any and all abutter's rights, including access rights, appurtenant to said property shall be reserved and maintained for the benefit of the owner(s) and occupant(s) of the remaining property.



# PSOMAS

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103165-1

Fee Acquisition

APN 195-373-08

In the City of Westminster, County of Orange, State of California, being a portion of Parcel 6 as per map filed in Book 51, Page 36 of Parcel Maps in the Office of the Recorder of said County, described as follows:

**Beginning** at the intersection of Goldenwest Street and Bolsa Avenue as shown on Record of Survey No. 86-1103 filed in Book 115, Pages 35 to 38, inclusive, of Records of Survey in the Office of the County Recorder of said County; thence North 89°29'55" West 373.62 feet along the centerline of said Bolsa Avenue to the southerly prolongation of the westerly line of said Parcel 6; thence North 00°30'05" East 324.91 feet along said prolongation and westerly line to the most northerly corner of said Parcel 6; thence South 54°22'53" East 69.57 feet along the northeasterly line of said Parcel 6 to the **True Point of Beginning**; thence continuing South 54°22'53" East 2.55 feet along said northeasterly line; thence North 89°52'47" West 16.29 feet; thence South 00°29'14" West 71.64 feet; thence North 89°30'46" West 1.48 feet; thence North 00°29'14" East 73.11 feet; thence South 89°52'47" East 15.69 feet to the **True Point of Beginning**.

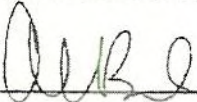
Containing 131 square feet.

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

# PSOMAS

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, PLS 4955

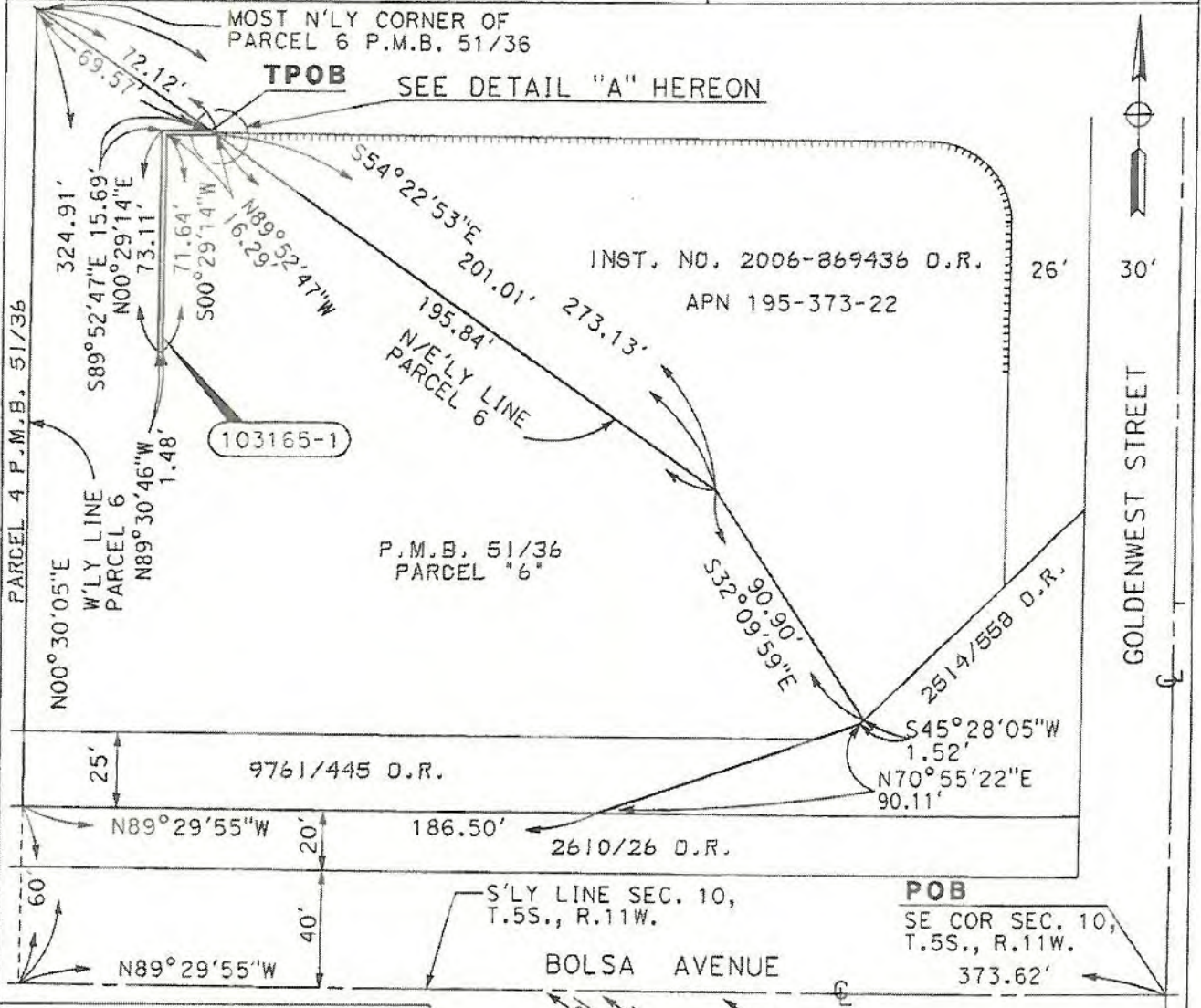
6/15/15  
Date





# EXHIBIT A2

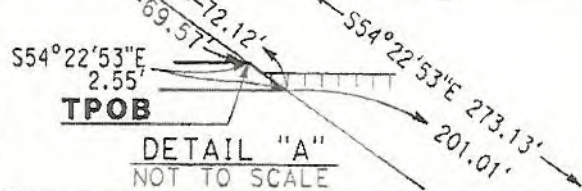
PARCEL#	TITLE	AREA	APN
103165-1	FEE	131 SF	195-373-08



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 EASEMENT



PREPARED BY: <b>PSOMAS</b> 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		DATE: 01-26-15	REV.:	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405		1	1

Exhibit 2



**PERMANENT FOOTING EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-08**

**Caltrans Parcel No.: 103165-2**

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 shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "B1" and "B2," 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 "B1" and "B2," 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.

# PSOMAS

## EXHIBIT 'B1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103165-2

Permanent Footing Easement

APN 195-373-08

In the City of Westminster, County of Orange, State of California, being a portion of Parcel 6 as per map filed in Book 51, Page 36 of Parcel Maps in the Office of the Recorder of said County, described as follows:

**Beginning** at the intersection of Goldenwest Street and Bolsa Avenue as shown on Record of Survey No. 86-1103 filed in Book 115, Pages 35 to 38, inclusive, of Records of Survey in the Office of the County Recorder of said County; thence North 89°29'55" West 373.62 feet along the centerline of said Bolsa Avenue to the southerly prolongation of the westerly line of said Parcel 6; thence North 00°30'05" East 324.91 feet along said prolongation and westerly line to the most northerly corner of said Parcel 6; thence South 54°22'53" East 72.12 feet along the northeasterly line of said Parcel 6 to the **True Point of Beginning**; thence continuing South 54°22'53" East 5.17 feet along said northeasterly line; thence North 89°52'47" West 17.52 feet; thence South 00°29'14" West 68.66 feet; thence North 89°30'46" West 3.00 feet; thence North 00°29'14" East 71.64 feet; thence South 89°52'47" East 16.29 feet to the **True Point of Beginning**.

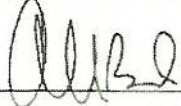
Containing 261 square feet.

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

# PSOMAS

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, PLS 4955

6/15/15  
Date





# EXHIBIT B2

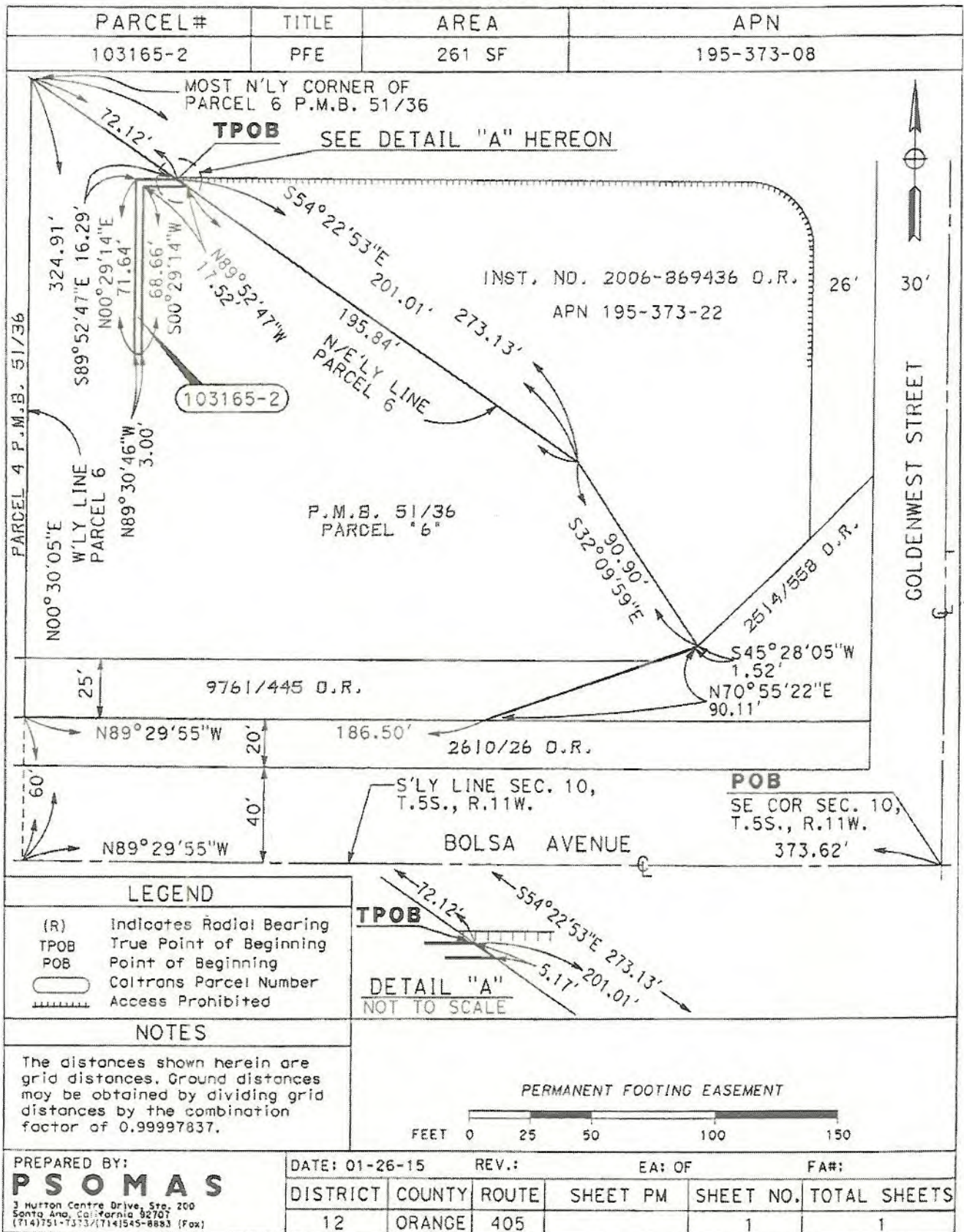




Exhibit 3

**MAINTENANCE ACCESS EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-08**

**Caltrans Parcel No.: 103165-3**

The Orange County Transportation Authority seeks to acquire a non-exclusive maintenance access easement in, on and across the real property described in Exhibit "C1" and depicted in Exhibit "C2" attached hereto, subject to the rights and limitations described herein ("Access Easement"). The Access Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "OCTA") for the purpose of providing access to, and maintenance of, a retaining wall and appurtenances thereto constructed on the adjoining public right of way in connection with the I-405 Improvement Project.

The owner(s) and occupant(s) of the real property subject to the Access Easement shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "C1" and "C2," respectively, that would impede OCTA's rights as defined herein, including without limitation, landscaping of the type that would prohibit or restrict reasonable pedestrian and vehicular access. OCTA's access to the Access Easement shall be limited to responding to emergency situations relating to the retaining wall and appurtenances thereto and periodic visual inspections, cleaning, and maintenance as may be necessary. The owner(s) and occupant(s) of the real property subject to the Access Easement will have the right to use the surface of the easement area described and depicted in the attached Exhibits "C1" and "C2," respectively, for access or automobile parking purposes.

The rights and obligations of OCTA and the owner(s) of the real property subject to the Access 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 Access Easement subject to the same rights and limitations described herein.

# PSOMAS

## EXHIBIT 'C1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103165-3

Maintenance Access Easement

APN 195-373-08

In the City of Westminster, County of Orange, State of California, being a portion of Parcel 6 as per map filed in Book 51, Page 36 of Parcel Maps in the Office of the Recorder of said County, described as follows:

**Beginning** at the intersection of Goldenwest Street and Bolsa Avenue as shown on Record of Survey No. 86-1103 filed in Book 115, Pages 35 to 38, inclusive, of Records of Survey in the Office of the County Recorder of said County; thence North 89°29'55" West 373.62 feet along the centerline of said Bolsa Avenue to the southerly prolongation of the westerly line of said Parcel 6; thence North 00°30'05" East 324.91 feet along said prolongation and westerly line to the most northerly corner of said Parcel 6; thence South 54°22'53" East 72.12 feet along the northeasterly line of said Parcel 6 to the **True Point of Beginning**; thence continuing South 54°22'53" East 25.83 feet along said northeasterly line; thence North 89°52'47" West 22.42 feet; thence South 00°29'14" West 56.74 feet; thence North 89°30'46" West 15.00 feet; thence North 00°29'14" East 71.64 feet; thence South 89°52'47" East 16.29 feet to the **True Point of Beginning**.

Containing 1,253 square feet.

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

# PSOMAS

Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

9.22.16

Date





# EXHIBIT C2

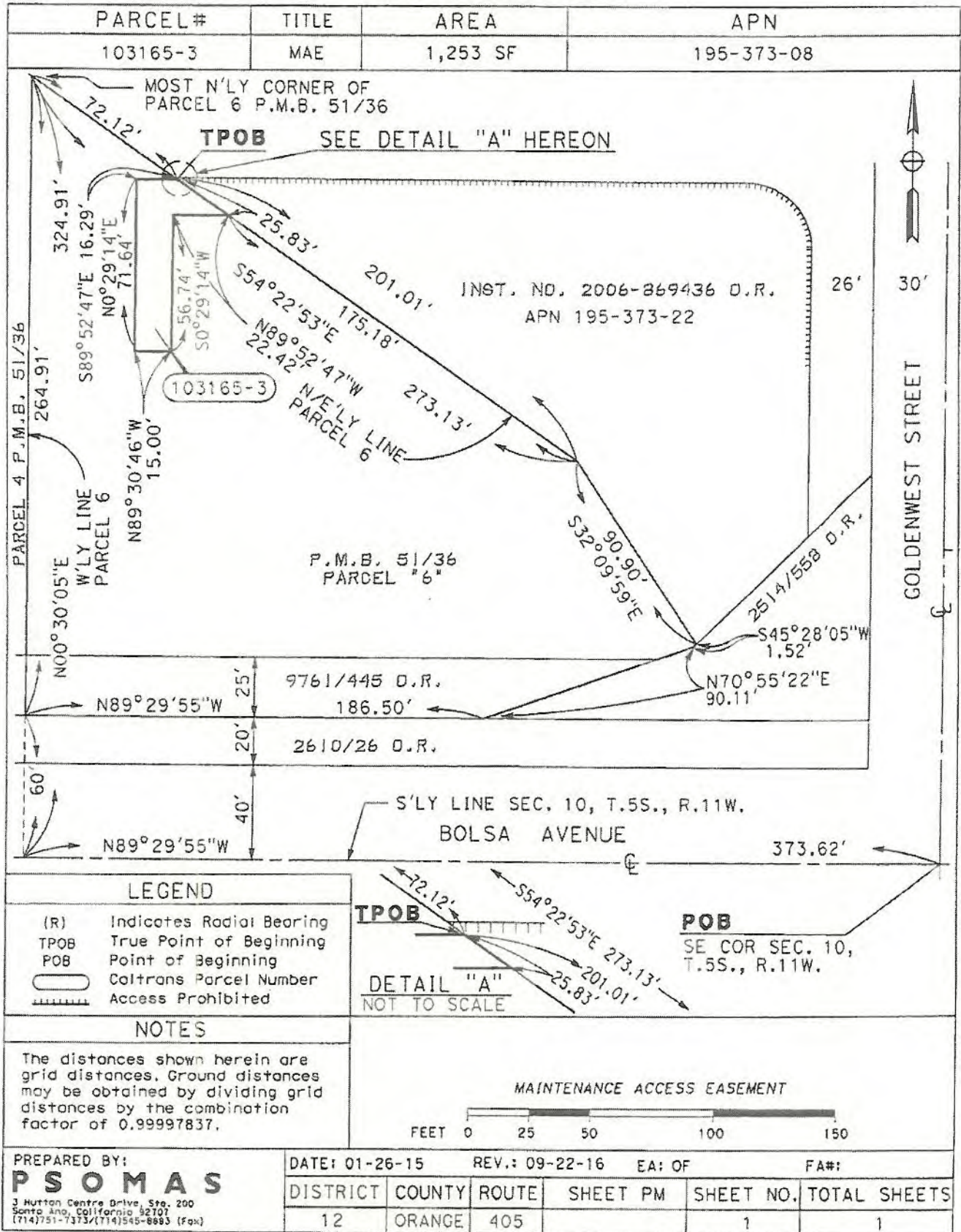


Exhibit 4



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-08**

**Caltrans Parcel No.: 103165-4**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "D1" and depicted in Exhibit "D2" 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.
- 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.

# PSOMAS

## EXHIBIT 'D1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103165-4

Temporary Construction Easement

APN 195-373-08

In the City of Westminster, County of Orange, State of California, being a portion of Parcel 6 as per the map filed in Book 51, Page 36 of Parcel Maps, in the Office of the Recorder of said County, described as follows:

**Beginning** at the intersection of Goldenwest Street and Bolsa Avenue as shown on Record of Survey No. 86-1103 filed in Book 115, Pages 35 through 38 of Records of Survey in the Office of the County Recorder of said County; thence North 89°29'55" West 373.62 feet along the centerline of said Bolsa Avenue to the southerly prolongation of the westerly line of said Parcel 6; thence North 00°30'05" East 60.00 feet along said prolongation to the southwesterly corner of said Parcel 6; thence North 00°30'05" East 264.91 feet along said westerly line to the most northerly corner of said Parcel 6; thence South 54°22'53" East 72.05 feet along the northeasterly line of said Parcel 6 to the **True Point of Beginning**; thence continuing along said northeasterly line South 54°22'53" East 22.39 feet; thence North 89°52'47" West 21.60 feet; thence South 00°29'14" West 53.46 feet; thence North 89°26'19" East 15.52 feet; thence South 00°29'14" West 47.19 feet; thence North 88°38'47" West 17.48 feet; thence South 00°29'44" West 110.30 feet to the southerly line of said Parcel 6; thence along said southerly line North 89°29'55" West 10.49 feet; thence North 00°30'36" East 151.68 feet; thence North 89°30'46" West 0.59 feet; thence North 00°29'14" East 71.64 feet; thence South 89°52'47" East 16.29 feet to the **True Point of Beginning**.

Containing 3491 square feet.



# PSOMAS

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.

This legal description was prepared by me or under my direction.

*Peter J. Fitzpatrick*

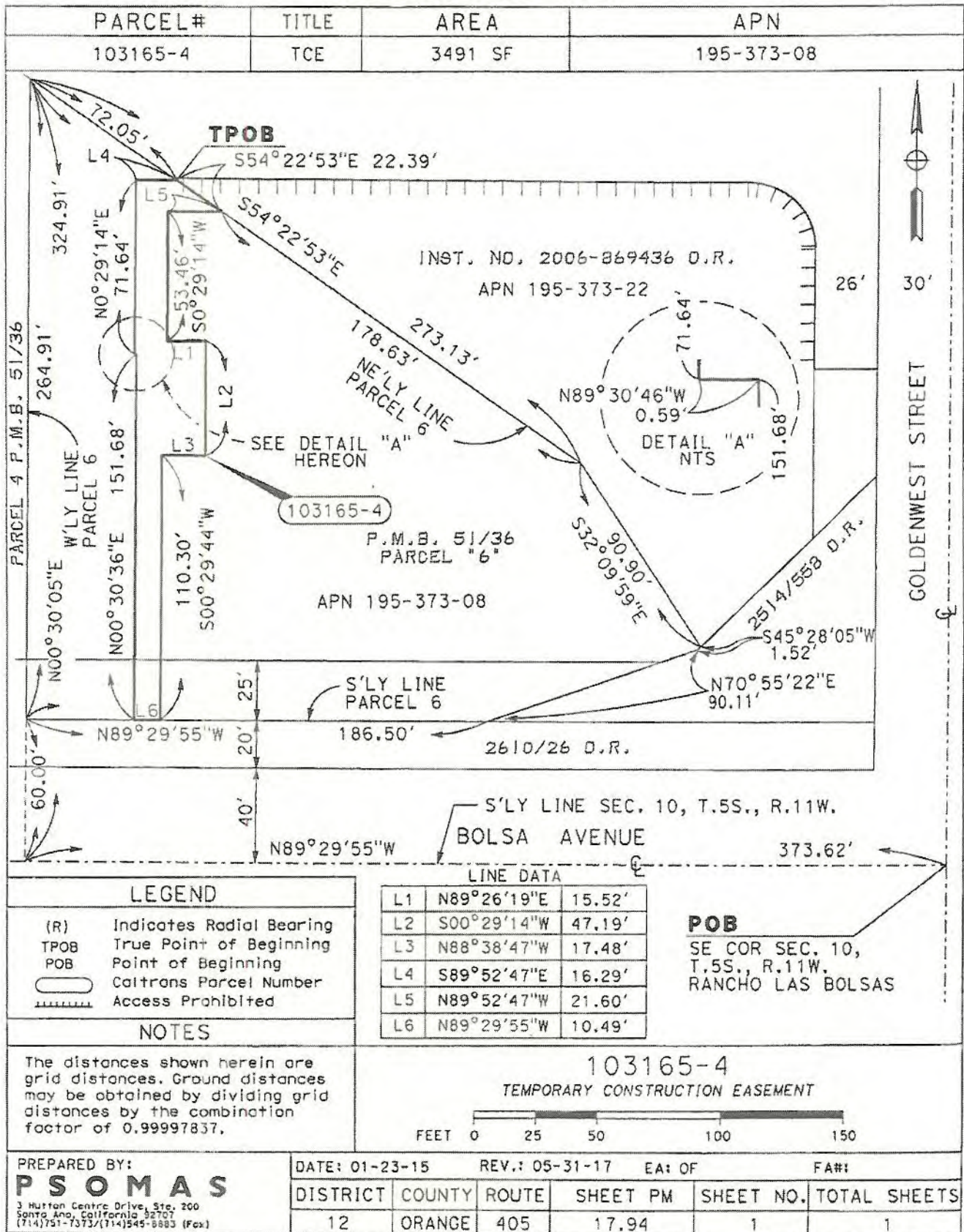
Peter J. Fitzpatrick, PLS 6777

*May 31, 2017*

Date



# EXHIBIT D2



**RESOLUTION NO. 2018-044**

**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. 195-373-09.**

**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 550 Westminster Mall, Westminster, 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 "A" hereto, a permanent 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**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 February 9, 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 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 March 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 interest, one permanent 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. 2018-044, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit "A"



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-09**

**Caltrans Parcel No.: 103166-1**

This temporary construction easement shall be in, on, over, under, and across that certain 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 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.
- At the commencement of the Construction Period, OCTA may place a temporary fence around the TCE area; provided however, no fence will be placed in such a manner as to impede reasonable access around or across any driveway. Reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained. In addition, two-way access within the TCE area shall be maintained at all times.
- On-ramps and off-ramps that provide access immediately adjacent to the Westminster Mall (Bolsa Avenue and Goldenwest Street) shall not be closed during the following time periods: November 1 – January 31, Easter Weekend, Memorial Day Weekend, Fourth of July Weekend, and Labor Day Weekend.
- 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 by OCTA to restore it to a similar condition that existed prior to commencement of the construction activities.
- A mitigation plan has been developed by OCTA to reduce or eliminate impacts to parking due to the TCE. The cost to implement said plan is included in the compensation to be paid by OCTA to property owner.

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

# PSOMAS

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103166-1

Temporary Construction Easement

APN 195-373-09

In the City of Westminster, County of Orange, State of California, being a portion of Parcel 4, as per the map filed in Book 51, page 36 of Parcel Maps, Records of said County, described as follows:

Commencing at the intersection of Goldenwest Street and Bolsa Avenue as shown on Record of Survey No. 86-1103 filed in Book 115, Pages 35 to 38, inclusive, of Records of Survey in the Office of the County Recorder of said County; thence North 89°29'55" West 373.62 feet along the centerline of said Bolsa Avenue to the southerly prolongation of the easterly line of said Parcel 4; thence North 00°30'05" East 60.00 feet along said prolongation to the southeasterly corner of said Parcel 4 and the True Point of Beginning; thence along the easterly and northeasterly lines of said Parcel 4 the following three courses:

1. North 00°30'05" East 264.91 feet;
2. North 54°22'53" West 69.58 feet;
3. North 07°08'31" West 16.37 feet;

thence leaving said easterly line North 82°03'06" West 70.94 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 234.42 feet, a radial line to said beginning bears South 21°07'37" West; thence northwesterly 105.67 feet along said curve through a central angle of 25°49'35"; thence non-tangent to said curve South 42°00'23" West 91.22 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 326.10 feet, a radial line to said beginning bears South 45°31'21" West; thence southeasterly 270.01 feet along said curve through a central angle of 47°26'26"; thence non-tangent to said curve South 47°16'11" East 30.47 feet; thence South 00°40'45" West 50.64 feet; thence North 89°35'26" West

# PSOMAS

20.29 feet; thence South 00°24'34" West 40.00 feet; thence South 89°35'26" East  
20.08 feet; thence South 00°42'35" West 113.50 feet to the southerly line of said Parcel 4;  
thence South 89°29'55" East 10.93 feet along said southerly line to the True Point of  
Beginning.

Containing 26528 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.

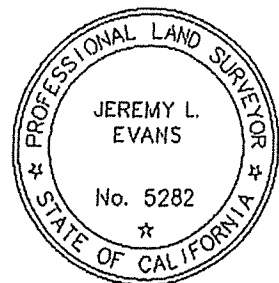
Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

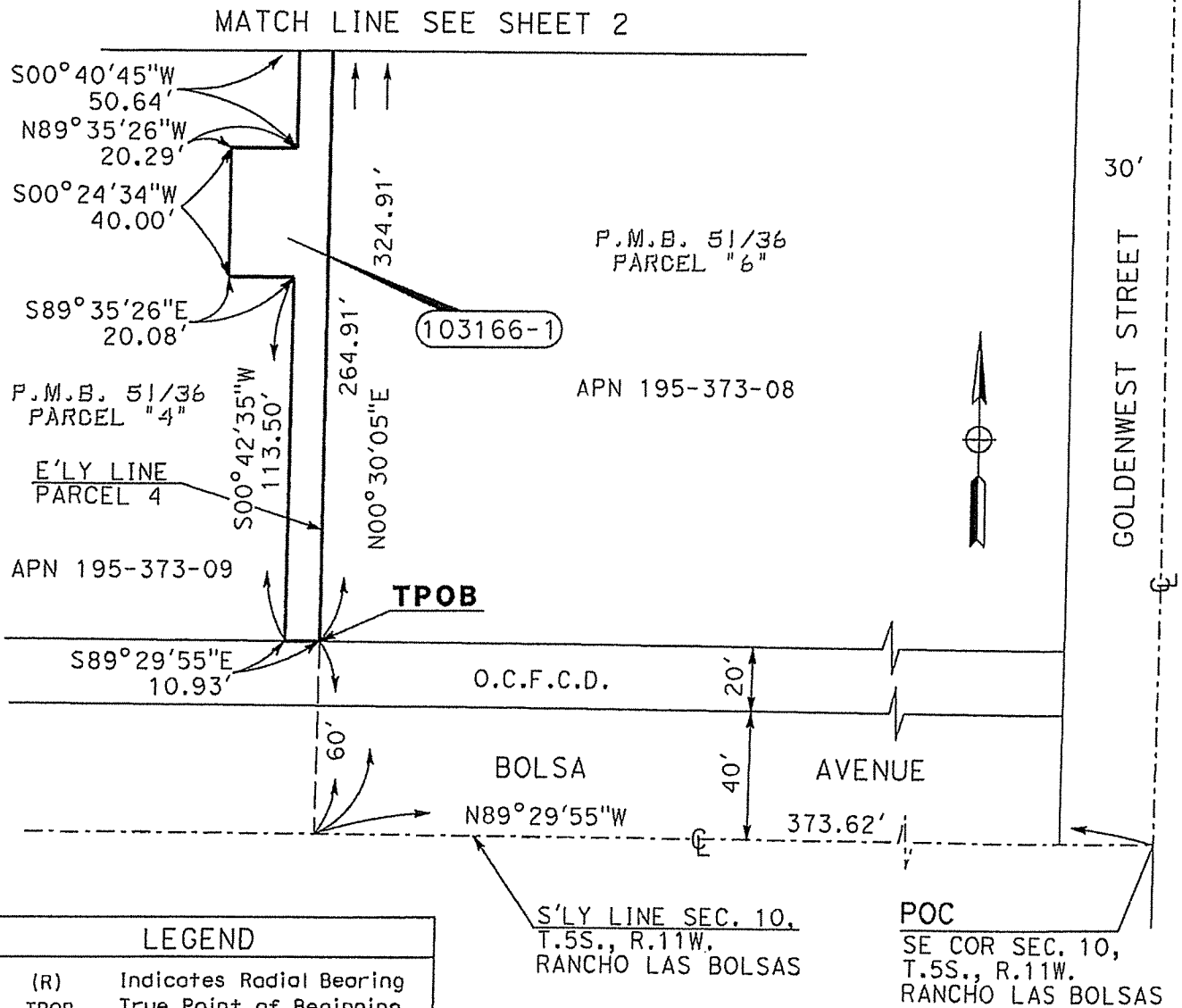
4.19.2017

Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103166-1	TCE	26528 SF	195-373-09



## LEGEND

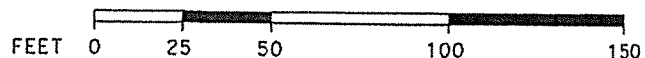
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POC Point of Commencement
- Caltrans Parcel Number
- Access Prohibited

## NOTES

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

103166-1

TEMPORARY CONSTRUCTION EASEMENT



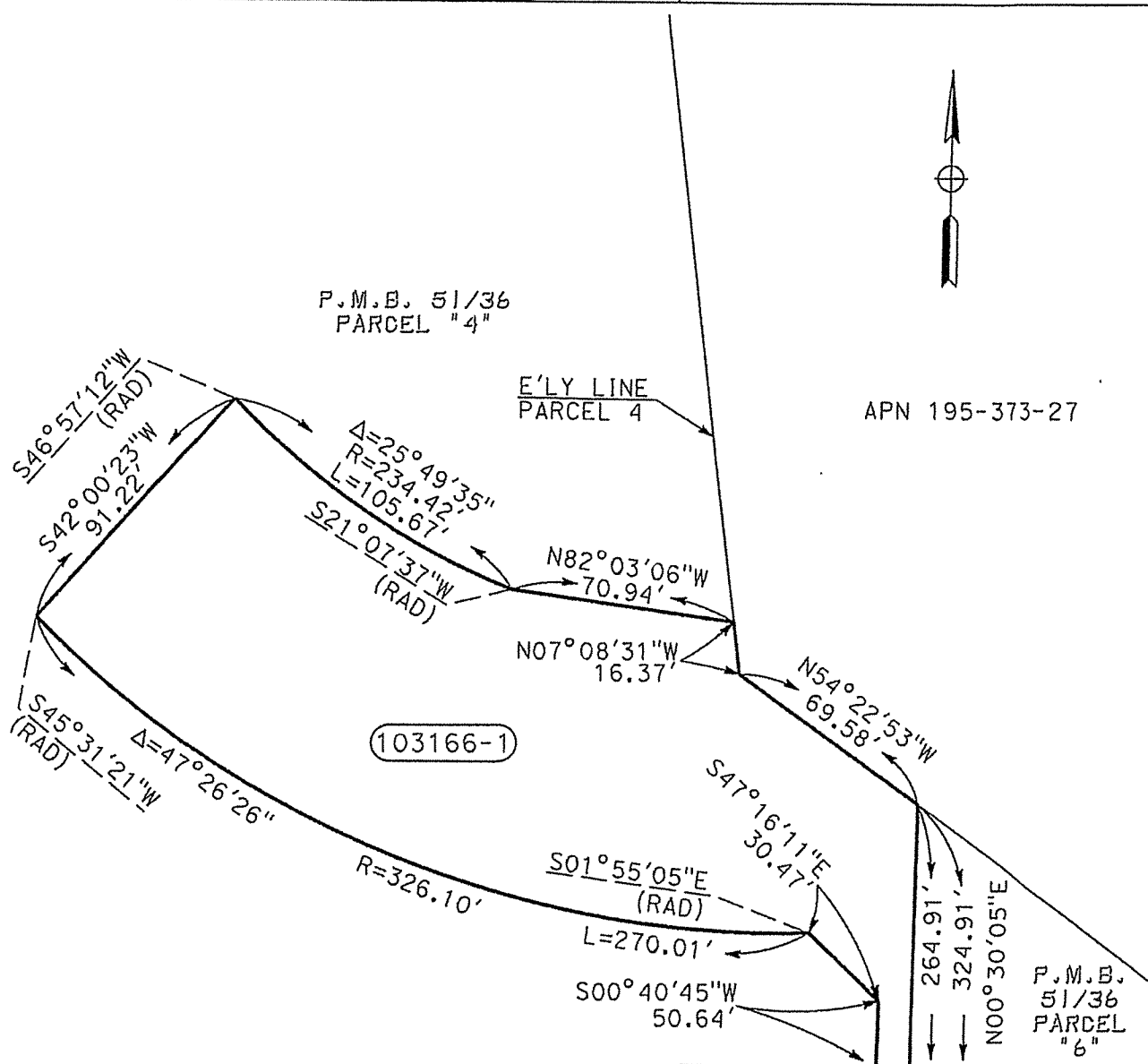
PREPARED BY:  
**PSOMAS**  
3 Hutton Centro Drive, Ste. 200  
Santa Ana, California 92707  
(714)751-7373/(714)545-8883 (Fax)

DATE: 01-21-15		REV.: 04-19-17		EA:	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	18.08	1	2



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103166-1	TCE	26528 SF	195-373-09



## LEGEND

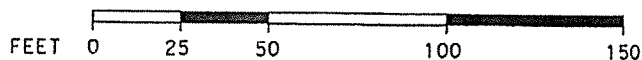
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POC Point of Commencement
- 103166-1 Caltrans Parcel Number
- Access Prohibited

## NOTES

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

103166-1

TEMPORARY CONSTRUCTION EASEMENT



MATCH LINE  
SEE SHEET 1

PREPARED BY:

**PSOMAS**

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

DATE: 01-21-15

REV.: 04-19-17

EA:

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	18.08	2	2

Exhibit "B"

**PERMANENT FOOTING EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-09**

**Caltrans Parcel No.: 103166-2**

This non-exclusive permanent footing easement shall be 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 shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "B1" and "B2," 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 "B1" and "B2," 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.

# PSOMAS

## EXHIBIT 'B1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103166-2

Permanent Footing Easement

APN 195-373-09

In the City of Westminster, County of Orange, State of California, being a portion of Parcel 4, as per map filed in Book 51, page 36 of Parcel Maps, Records of said County, described as follows:

Beginning at the most northerly corner of said Parcel 4; thence South 74°29'55" East 596.10 feet along the northeasterly line of said Parcel 4 to the **True Point of Beginning**; thence along the northeasterly and easterly lines of said Parcel 4 the following two courses:

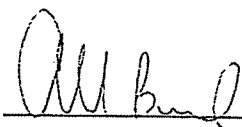
1. South 74°29'55" East 0.48 feet;
  2. South 19°47'51" East 0.81 feet;
- thence North 39°41'17" West 1.15 feet to the **True Point of Beginning**.

Containing 0.2 square feet.

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.

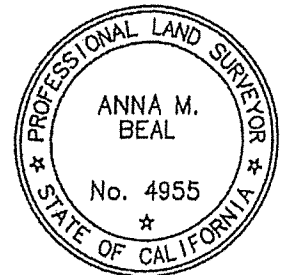
Prepared under the direction of



Anna M. Beal, PLS 4955

Date

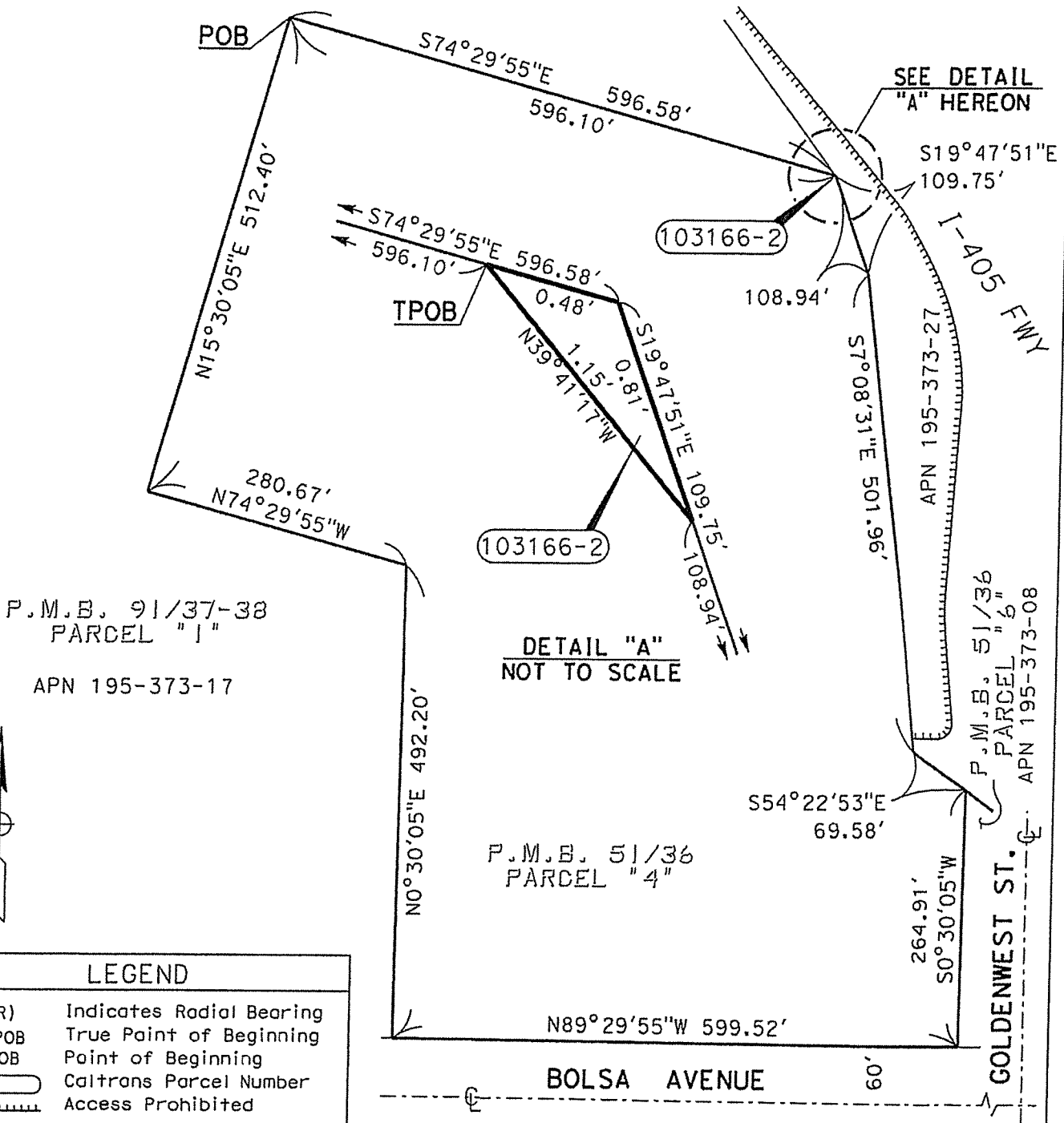
3/30/11







## EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103166-2	PFE	0.2 SF	195-373-09

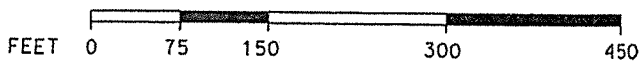


LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

## 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 FOOTING EASEMENT



PREPARED BY:

**P S O M A S**

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

DATE: 03-24-16

REV.:

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS	1
--------------	---

12

ORANGE

405

---

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1

1

Exhibit "C"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-09**

**Caltrans Parcel No.: 103166-3**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "C1" and depicted in Exhibit "C2" 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 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.
- At the commencement of the Construction Period, OCTA may place a temporary fence around the TCE area. 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.
- 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 'C1' LEGAL DESCRIPTION

Caltrans Parcel No. 103166-3

Temporary Construction Easement

APN 195-373-09

In the City of Westminster, County of Orange, State of California, being a portion of Parcel 4, as per map filed in Book 51, page 36 of Parcel Maps, Records of said County, described as follows:

**Beginning** at the most northerly corner of said Parcel 4; thence South 74°29'55" East 578.58 feet along the northeasterly line of said Parcel 4 to the **True Point of Beginning**; thence along the northeasterly and easterly lines of said Parcel 4 the following two courses:

1. South 74°29'55" East 18.00 feet;

2. South 19°47'51" East 30.20 feet;

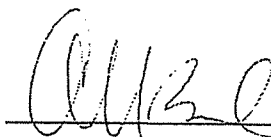
thence North 39°41'17" West 43.17 feet to the **True Point of Beginning**.

Containing 222 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.

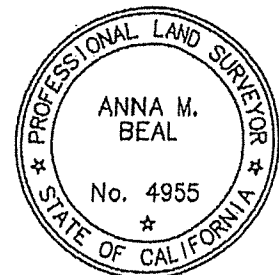
Prepared under the direction of



Anna M. Beal, PLS 4955

3/30/16

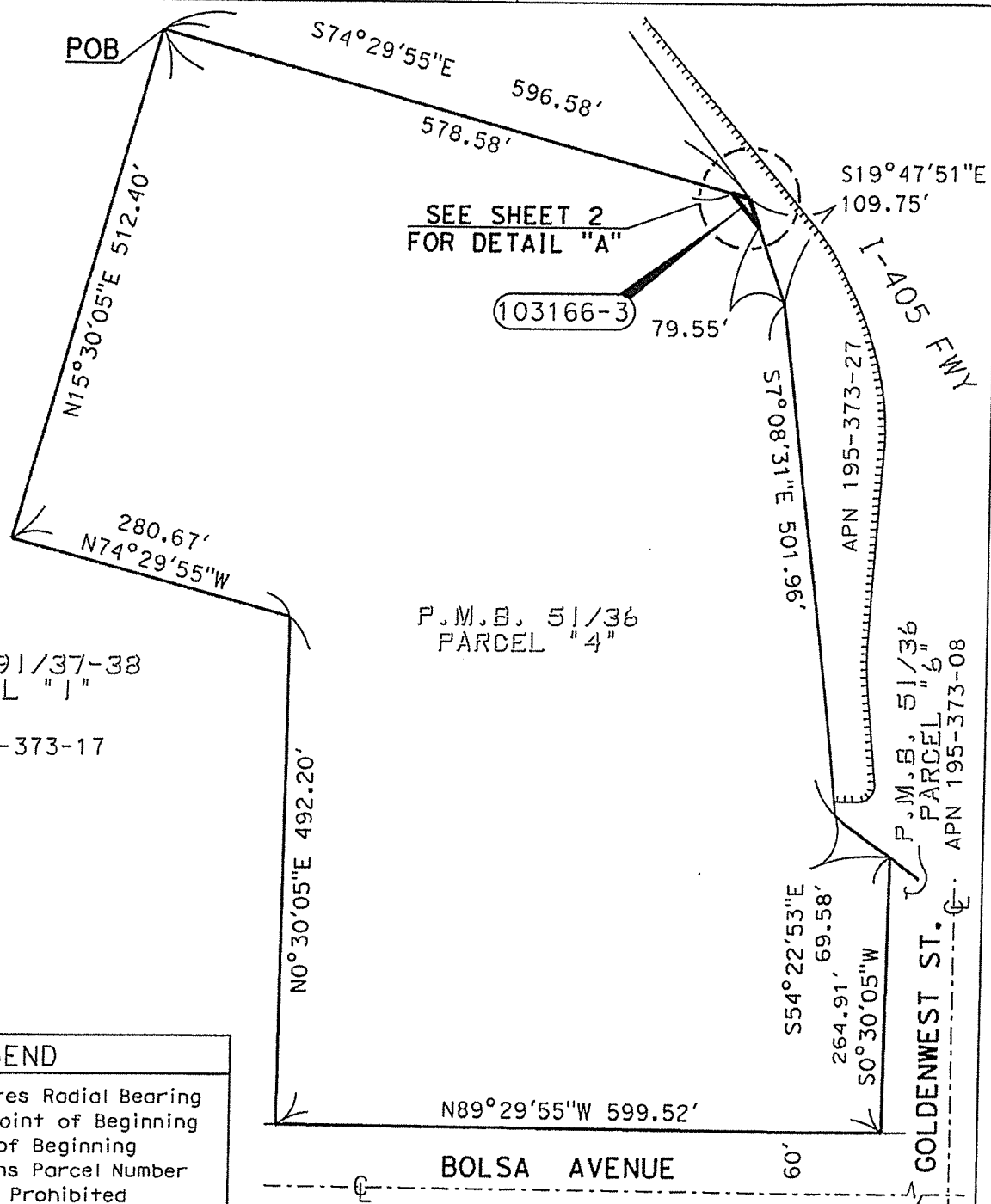
Date





# EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103166-3	TCE	222 SF	195-373-09



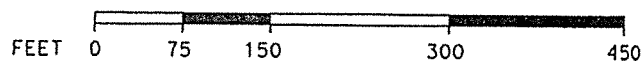
## LEGEND

(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:

**PSOMAS**

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

DATE: 03-24-16

REV.:

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

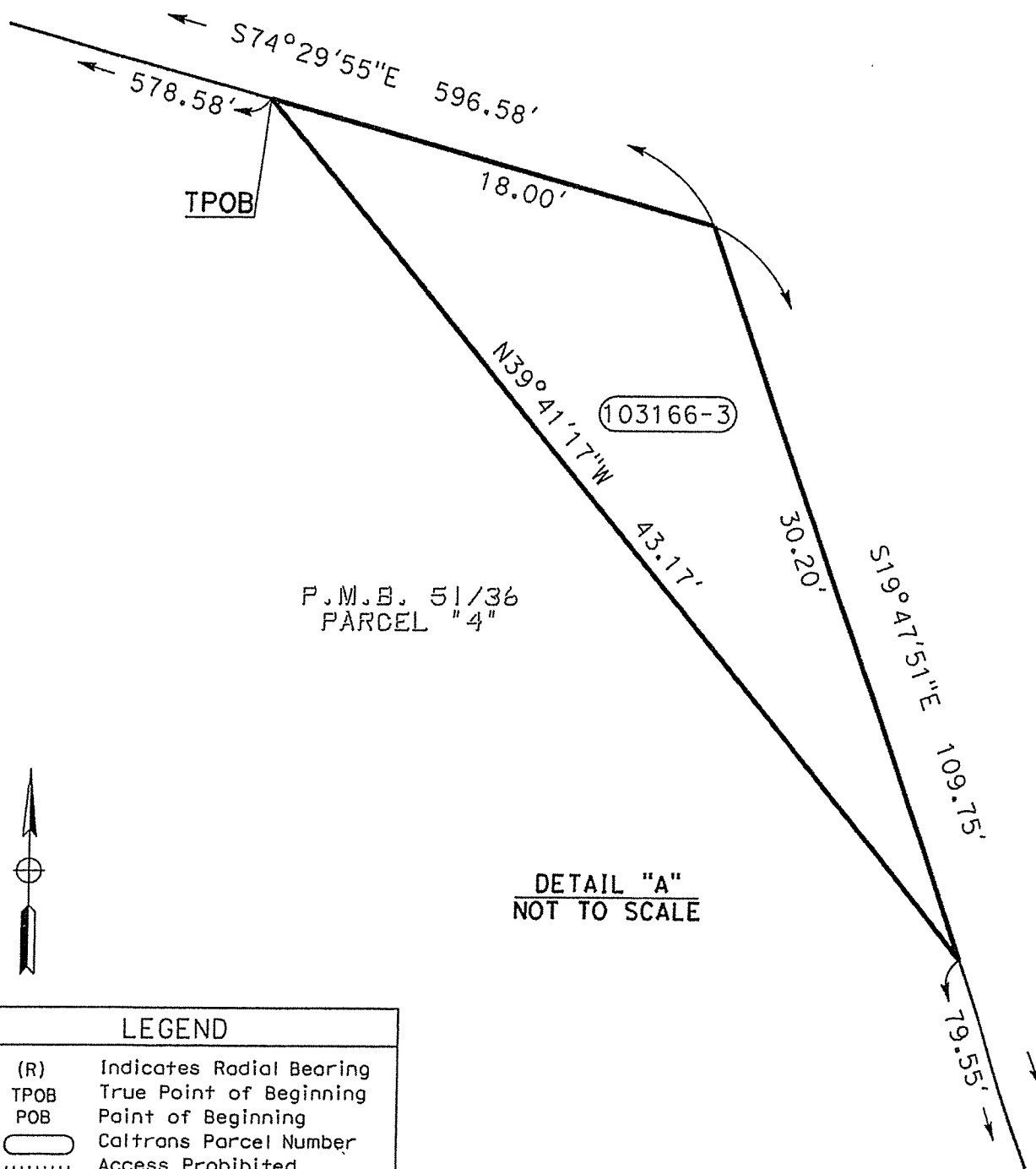
405

1

2

# EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103166-3	TCE	222 SF	195-373-09



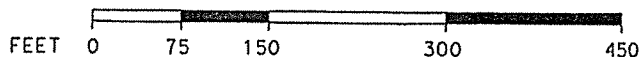
## LEGEND

(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:

**PSOMAS**

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

DATE: 03-24-16

REV.:

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

2

2

**RESOLUTION NO. 2018-045**

**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. 195-373-27.**

**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 southwest of San Diego Freeway at Westminster Mall, in the City of Westminster, 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 "A" hereto, a permanent 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**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 February 9, 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 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 March 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 interest, one permanent 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. 2018-045, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

EXHIBIT "A"



# PSOMAS

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

#### Caltrans Parcel No. 103167-1

#### Fee Acquisition

APN 195-373-27

In the City of Westminster, County of Orange, State of California, being a portion of the land described in that certain Trust Transfer Deed recorded September 09, 1996 as Document No. 19960459133 of Official Records of said County, described as follows:

**Beginning** at the intersection of the northerly line of Tract No. 685 per the map filed in Book 26, Page 6 of Miscellaneous Maps, Records of said County, and the westerly line of Goldenwest Street, 60.00 feet wide, as shown on said map; thence North 89°30'48" West 791.39 feet along the northerly line of said map to the **True Point of Beginning**; said point also being the most northeasterly corner of said lands; thence continuing along said northerly line North 89°30'48" West 10.51 feet; thence South 44°33'25" East 8.28 feet; thence South 39°41'17" East 112.79 feet; thence South 50°18'43" West 4.17 feet to a point on the southwesterly line of said lands; thence South 44°01'05" East 10.03 feet along said southwesterly line; thence North 50°18'43" East 3.42 feet; thence South 39°41'17" East 45.14 feet to a point on said southwesterly line; thence along said southwesterly line the following two (2) courses:

1. South 44°01'05" East 86.85 feet

2. South 36°54'19" East 135.08 feet;

thence South 39°41'17" East 58.26 feet; thence South 27°51'34" East 122.73 feet; thence North 62°08'26" East 1.50 feet; thence South 27°51'34" East 141.38 feet to a non-tangent curve concave westerly having a radius of 250.88 feet, a radial line to said curve bears North 75°19'24" East; thence southerly 62.67 feet along said curve through a central angle of 14°18'46"; thence South 00°21'51" East 137.92 feet to a point on the easterly line of said lands; thence along the easterly and northeasterly lines of said lands the following four (4) courses:

# PSOMAS

1. North 03°37'07" East 177.33 feet to a curve concave southwesterly having a radius of 300.00 feet;
2. northwesterly 230.46 feet along said curve through a central angle of 44°00'56";
3. North 40°23'49" West 274.54 feet;
4. North 44°00'30" West 255.27 feet to the True Point of Beginning.

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.

Containing 22,126 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.

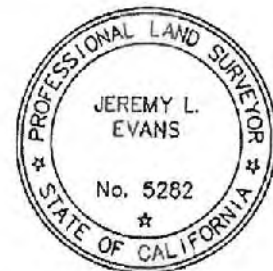
Prepared under the direction of

*Jeremy L. Evans*

Jeremy L. Evans, PLS 5282

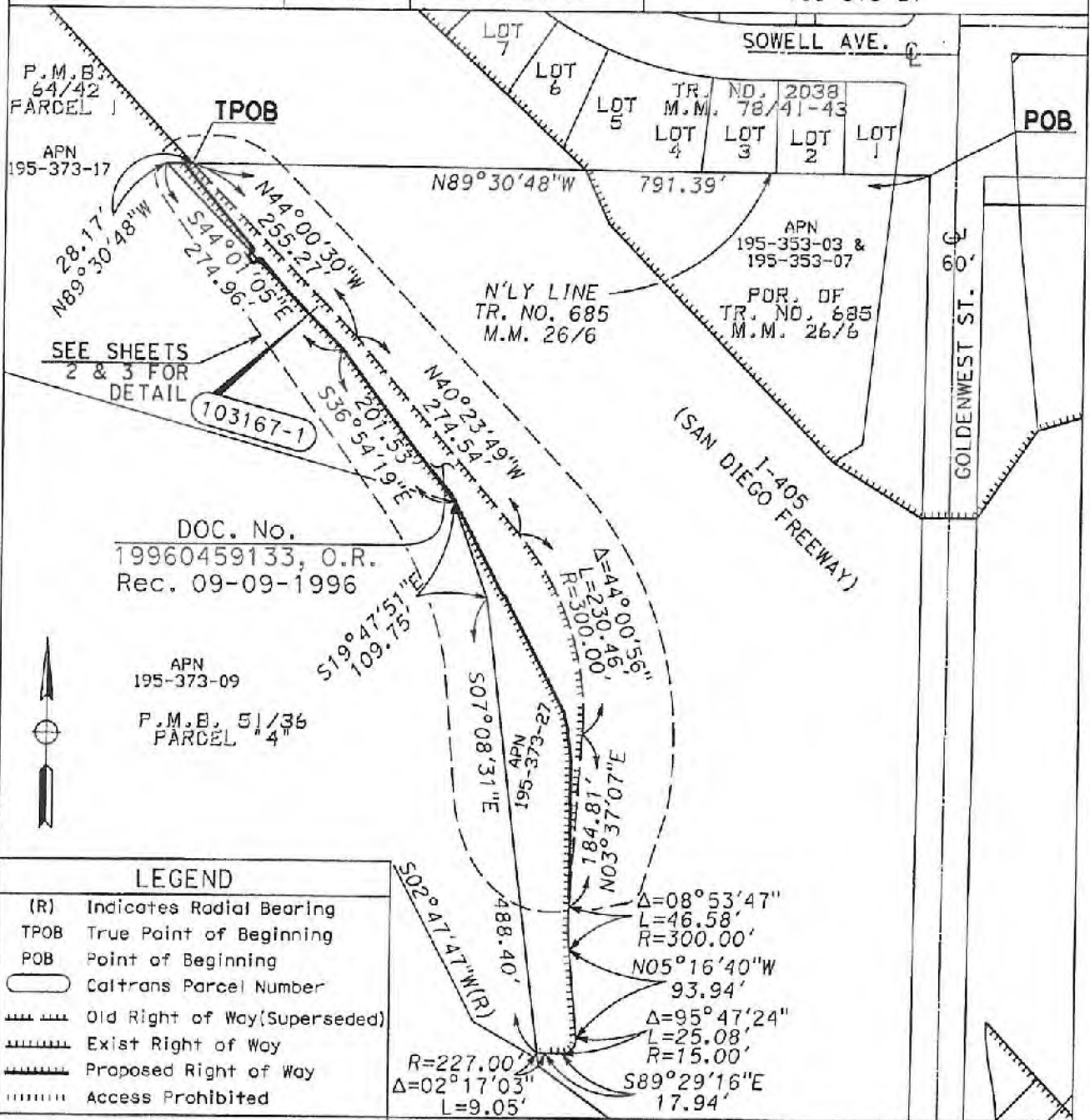
11.07.2017

Date



# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103167-1	FEE	22126 SF	195-373-27



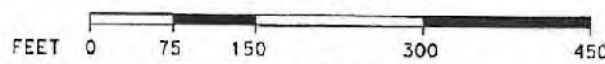
LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Old Right of Way(Superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

**NOTES**

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

**103167-1**

FEE ACQUISITION



PREPARED BY: <b>PSOMAS</b> 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		DATE: 03-18-2016	REV.: 11-7-2017	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	18.02	1	3

# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103167-1	FEE	22126 SF	195-373-27

DETAIL  
1" = 60'

## LINE DATA

L1-S44°33'25"E	8.28'
L2-S50°18'43"W	4.17'
L3-S44°01'05"E	10.03'
L4-N50°18'43"E	3.42'
L5-S39°41'17"E	45.14'

F.M.B. 64/42  
PARCEL 1

APN  
195-373-17

APN  
195-373-09  
F.M.B. 51/36  
PARCEL 4

## 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)545-8863 (Fax)

DATE: 03-18-2016

REV.: 11-7-2017

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

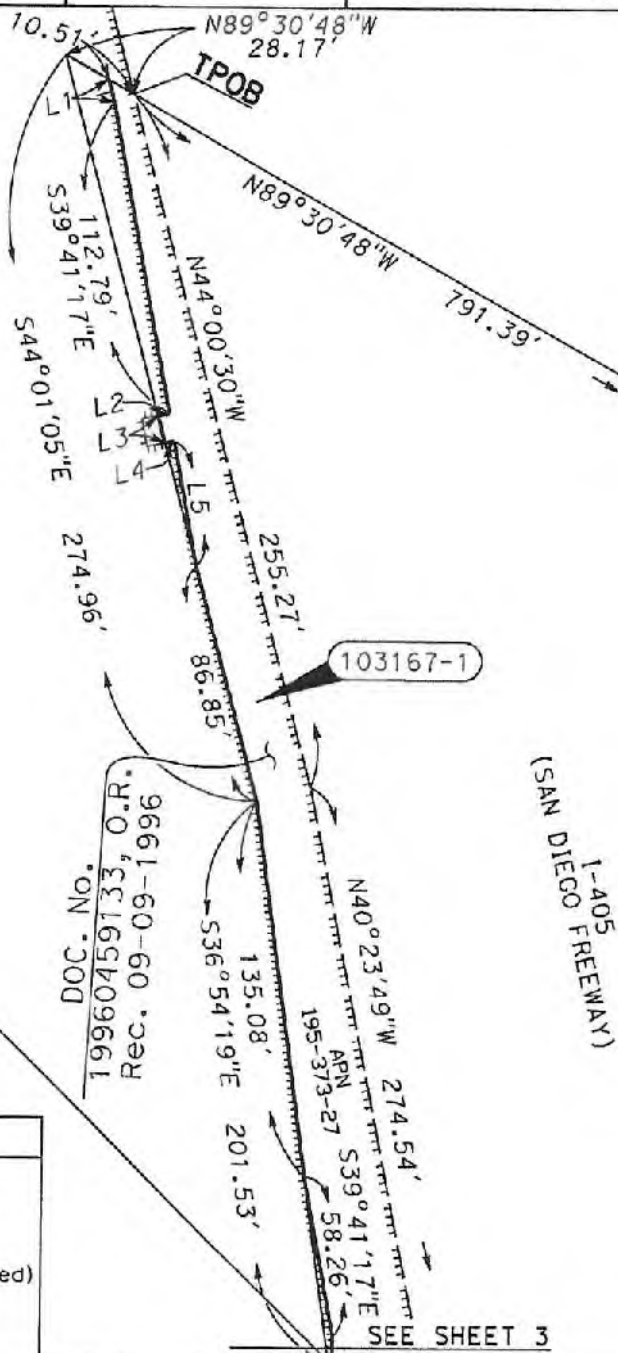
ORANGE

405

18.02

2

3



**103167-1**

FEE ACQUISITION

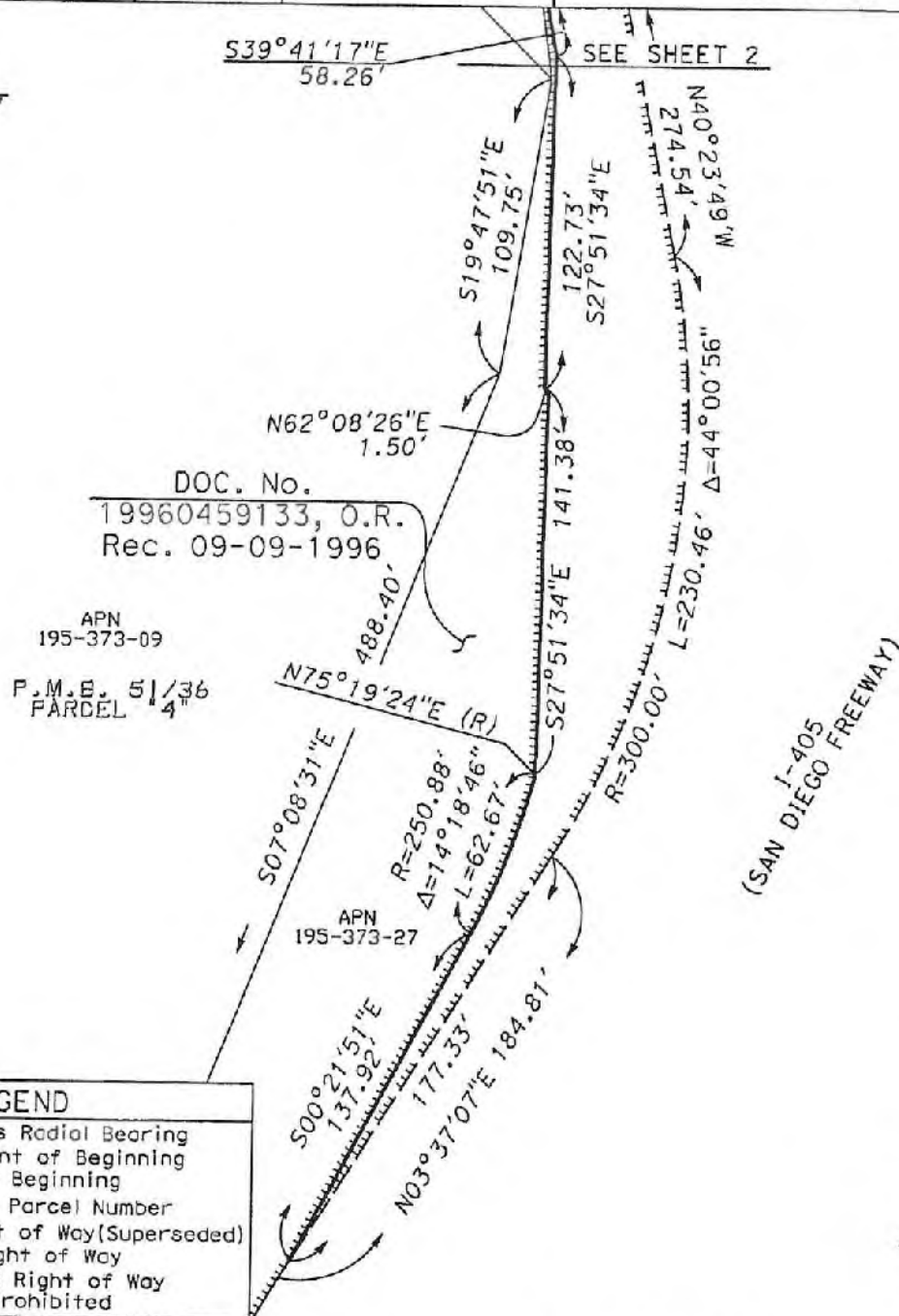
FEET 0 30 60 120 180

SEE SHEET 3

# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103167-1	FEE	22126 SF	195-373-27

DETAIL  
1" = 60'



## LEGEND

(R)	Indicates Radial Bearing
TPCB	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.

103167-1

FEE ACQUISITION

FEET 0 30 60 120 180

PREPARED BY:

**PSOMAS**

3 Hutton Centre Drive, Ste. 200  
Santa Ana, California 92707  
(714)751-7373/(714)545-8863 (Fax)

DATE: 03-18-2016

REV.: 11-7-2017

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

18.02

3

3



# EXHIBIT "B"

**PERMANENT FOOTING EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-27**

**Caltrans Parcel No.: 103167-2**

This non-exclusive permanent footing easement shall be in, on and under the real property described in Exhibit "B1" and depicted in Exhibit "B2" attached hereto ("Footing Easement"), subject to the rights and limitations described herein. 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 "B1" and "B2," 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 "B1" and "B2," respectively, for access or automobile parking purposes, once the subsurface footings are in place, to the extent said access or automobile parking rights existed before the acquisition of this Footing Easement.

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 easement rights described above.

# PSOMAS

## EXHIBIT 'B1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103167-2

Footing Easement

APN 195-373-27

In the City of Westminster, County of Orange, State of California, being a portion of the lands described in that certain Trust Transfer deed recorded September 09, 1996 as Instrument No. 19960459133 of Official Records of said County, described as follows:

#### Parcel 1:

**Beginning** at the intersection of the northerly line of Tract No. 685 per map filed in Book 26, Page 6 of Miscellaneous Maps, Records of said County, and the westerly line of Goldenwest Street, 60.00 feet wide, as shown on said map; thence North 89°30'48" West 791.39 feet along the northerly line of said Tract to the most northeasterly corner of said lands; thence continuing along said northerly line North 89°30'48" West 10.51 feet to the **True Point of Beginning**; thence South 44°33'25" East 8.28 feet; thence South 39°41'17" East 112.79 feet; thence South 50°18'43" West 3.50 to a point hereinafter referred to as **Point "A"**; thence North 39°41'17" West 112.64 feet; thence North 44°33'25" West 11.63 feet to a point on the northerly line of said Tract; thence along last said line South 89°30'48" East 4.95 feet to the **True Point of Beginning**.

Containing 429 square feet

#### Parcel 2:

**Beginning** at "**Point A**" as described in Parcel 1 above; thence South 50°18'43" West 0.67 feet to a point on the southwesterly line of said lands; thence South 44°01'05" East 10.03 feet along said southwesterly line to the **True Point of Beginning**; thence leaving said southwesterly line, North 50°18'43" East 3.42 feet; thence South 39°41'17" East

# PSOMAS

45.14 feet to a point on said southwesterly line, said point hereinafter referred to as  
"Point B"; thence North 44°01'05" West 45.27 feet along said southwesterly line to the  
True Point of Beginning.

Containing 77 square feet.

## Parcel 3:

Beginning at "Point B" as described in Parcel 2 above; thence along said southwesterly  
line the following two (2) courses:

1. South 44°01'05" East 86.85 feet

2. South 36°54'19" East 135.08 feet to the True Point of Beginning;

thence leaving said southwesterly line South 39°41'17" East 58.26 feet; thence

South 27°51'34" East 17.07 feet; thence North 39°41'17" West 7.84 feet; to a point on

said southwesterly line; thence northerly and northwesterly along said southwesterly line

the following two (2) courses:

1) North 19°47'51" West 0.81 feet

2) North 36°54'19" West 66.45 to the True Point of Beginning.

Containing 108 square feet.

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.

# PSOMAS

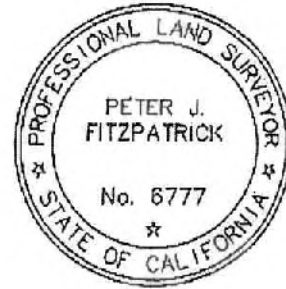
1 This legal description was prepared by me or under my direction.

2 Peter J. Fitzpatrick

3 Peter J. Fitzpatrick, PLS 6777

4 Nov 7, 2017

5 Date

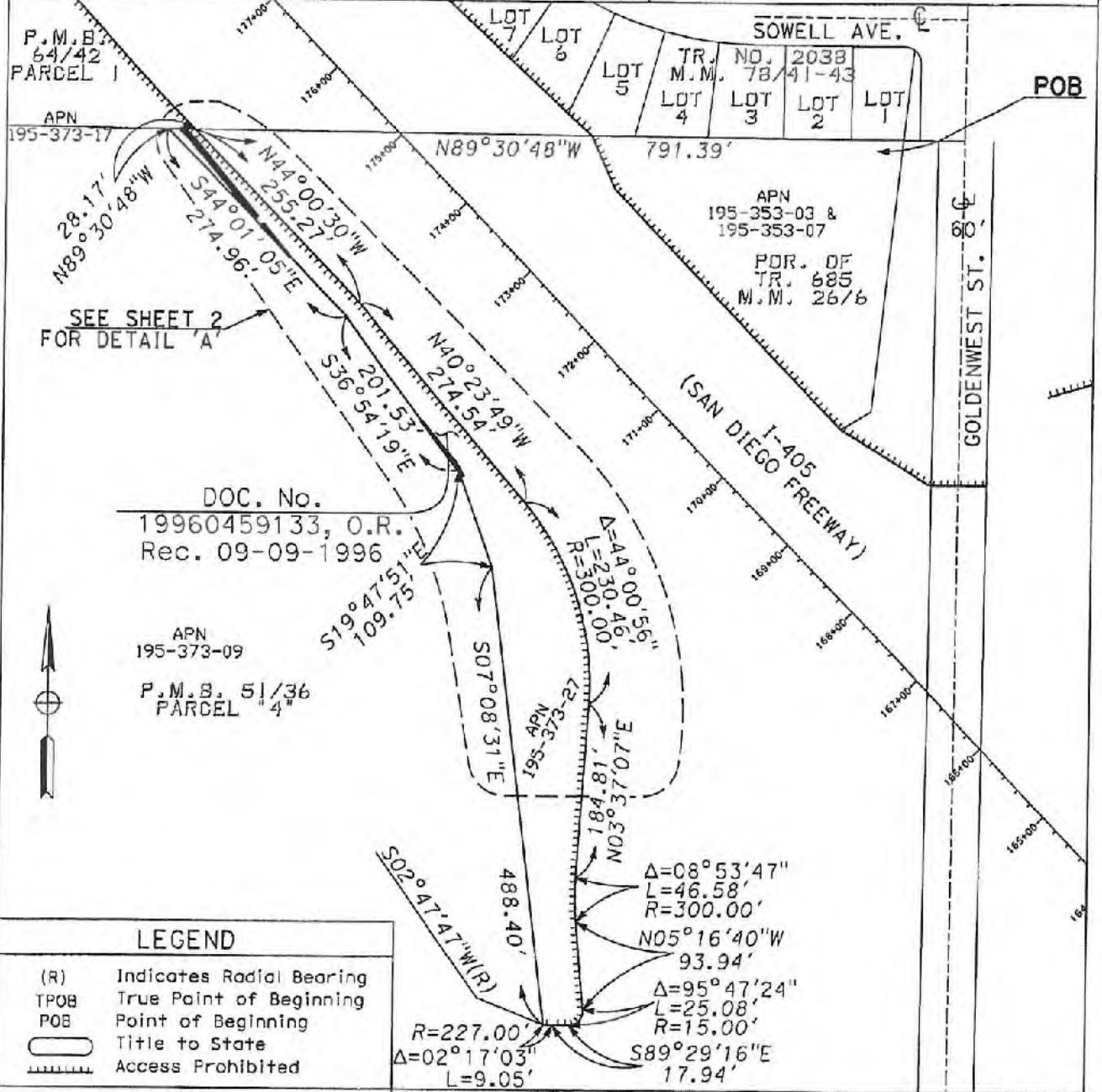


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# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103167-2 Pcl 1	ESMT	429 SF	195-373-27
103167-2 Pcl 2		77 SF	
103167-2 Pcl 3		108 SF	



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Title to State
	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.

**103167-2**

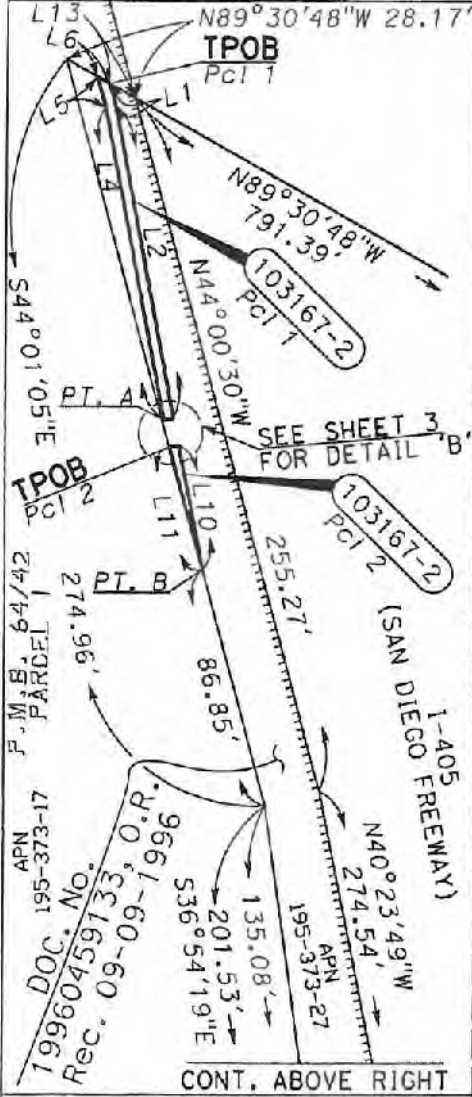
FOOTING EASEMENT



PREPARED BY: <b>PSOMAS</b> 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714) 751-7373 / (714) 555-8883 (Fax)		DATE: 03-18-2016	REV.: 11-07-17	EA: OF	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	18.02	1	3

# EXHIBIT B2

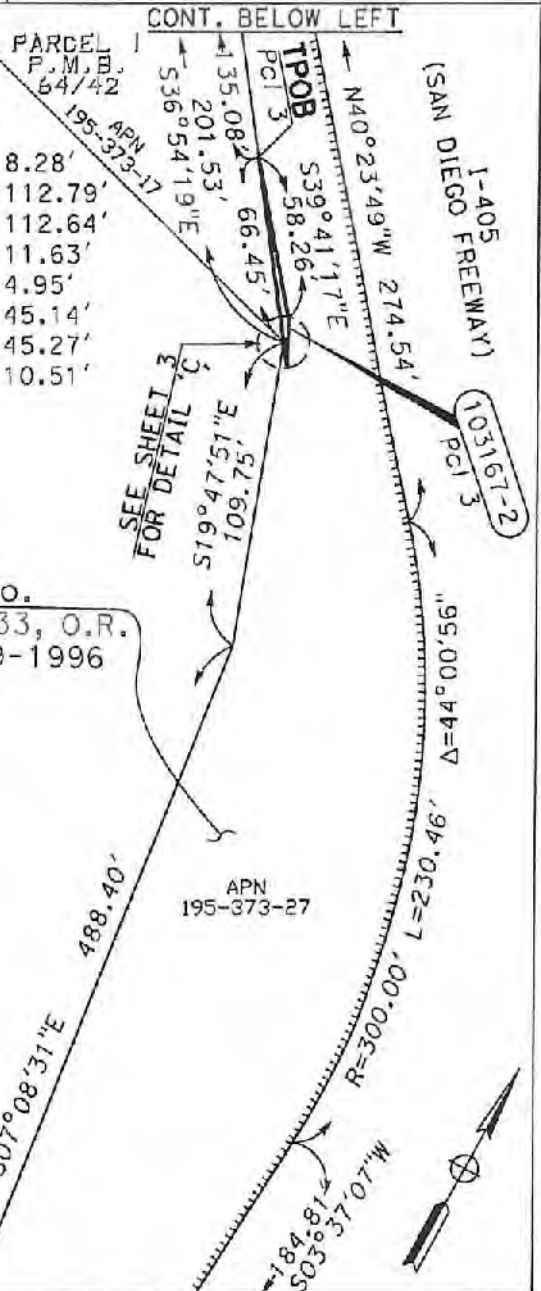
PARCEL#	TITLE	AREA	APN
103167-2 Pci 1	ESMT	429 SF	195-373-27
103167-2 Pci 2		77 SF	
103167-2 Pci 3		108 SF	



DETAIL 'A'  
1" = 60'

## LINE DATA

L1-S44°33'25"E	8.28'
L2-S39°41'17"E	112.79'
L4-N39°41'17"W	112.64'
L5-N44°33'25"W	11.63'
L6-S89°30'48"E	4.95'
L10-S39°41'17"E	45.14'
L11-N44°01'05"W	45.27'
L13-N89°30'48"W	10.51'



DOC. No.  
19960459133, O.R.  
Rec. 09-09-1996

## LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Title to State
- 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.

103167-2

FOOTING EASEMENT



PREPARED BY:

**PSOMAS**

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

DATE: 03-18-2016

REV.: 11-07-17

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

18.02

2

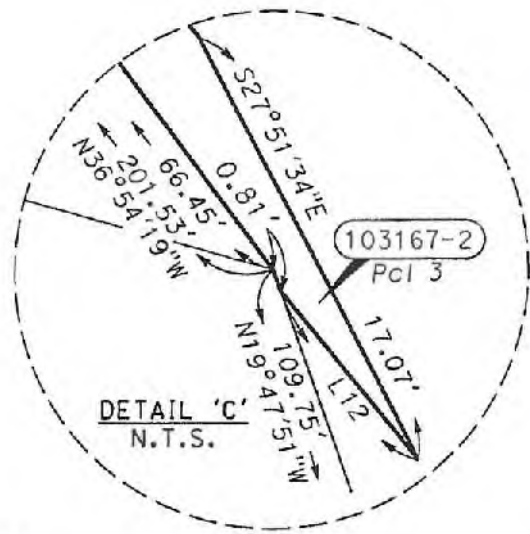
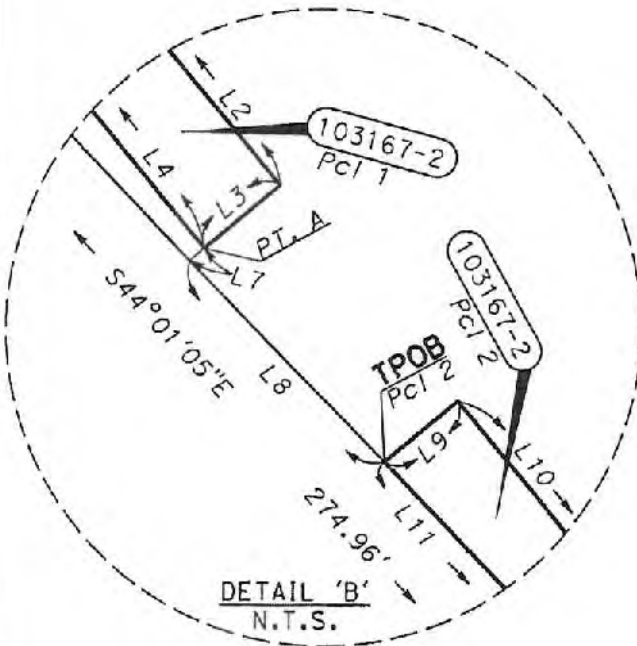
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# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103167-2 Pcl 1	ESMT	429 SF	195-373-27
103167-2 Pcl 2		77 SF	
103167-2 Pcl 3		108 SF	

## LINE DATA

L2-S39°41'17"E	112.79'
L3-S50°18'43"W	3.50'
L4-N39°41'17"W	112.64'
L7-S50°18'43"W	0.67'
L8-S44°01'05"E	10.03'
L9-N50°18'43"E	3.42'
L10-S39°41'17"E	45.14'
L11-N44°01'05"W	45.27'
L12-N39°41'17"W	7.84'



## LEGEND

(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Title to State
	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.

**103167-2**

FOOTING EASEMENT

PREPARED BY:

**PSOMAS**

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

DATE: 03-18-2016

REV.: 11-07-17

EA: OF

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	18.02	3	3

EXHIBIT "C"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No.: 195-373-27**

**Caltrans Parcel No.: 103167-3**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "C1" and depicted in Exhibit "C2" 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 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.
- At the commencement of the Construction Period, OCTA may place a temporary fence around the TCE area. However, to the extent it existed prior to OCTA's acquisition of the TCE, 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 be 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 graded and compacted by OCTA.

OCTA expressly reserves the right to convey, transfer or assign the easement rights described above.



# PSOMAS

## EXHIBIT 'C1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103167-3

Temporary Construction Easement

APN 195-373-27

In the City of Westminster, County of Orange, State of California, being a portion of the lands described in that certain Trust Transfer Deed recorded September 09, 1996 as Instrument No. 19960459133 of Official Records of said County, described as follows:

#### Parcel 1:

Beginning at the intersection of the northerly line of Tract No. 685 per the map filed in Book 26, Page 6 of Miscellaneous Maps, Records of said County, and the westerly line of Goldenwest Street, 60.00 feet wide, as shown on said map; thence North 89°30'48" West 791.39 feet along the northerly line of said map to the most northeasterly corner of said lands; thence continuing along said northerly line North 89°30'48" West 10.51 feet to the **True Point of Beginning**; thence South 44°33'25" East 8.28 feet; thence South 39°41'17" East 112.79 feet; thence South 50°18'43" West 4.17 feet to a point on the southwesterly line of said lands, said point hereinafter referred to as **Point "A"**; thence North 44°01'05" West 132.81 feet along said southwesterly line to a point on the northerly line of said map; thence South 89°30'48" East 17.67 feet along said northerly line to the **True Point of Beginning**

Containing 1,129 square feet.

#### Parcel 2:

Beginning at **"Point A"** as described in Parcel 1 above; thence along the southwesterly line of said lands South 44°01'05" East 10.03 feet to the **True Point of Beginning**; thence North 50°18'43" East 3.42 feet; thence South 39°41'17" East 45.14 feet to a point on said southwesterly line, said point hereinafter referred to as **"Point B"**; thence

# PSOMAS

North 44°01'05" West 45.27 feet along said southwesterly line to the **True Point of Beginning.**

Containing 77 square feet.

## Parcel 3:

Beginning at "**Point B**" as described in Parcel 2 above; thence along the southwesterly line of said lands the following two (2) courses:

1. South 44°01'05" East 86.85 feet

2. South 36°54'19" East 135.08 feet to the **True Point of Beginning;**

thence South 39°41'17" East 58.26 feet; thence South 27°51'34" East 122.73 feet;

thence North 62°08'26" East 1.50 feet; thence South 27°51'34" East 4.50 feet; thence

South 62°08'26" West 6.00 feet; thence North 27°51'34" West 82.86 feet; thence

North 39°41'17" West 6.00 to said southwesterly line; thence along said southwesterly

line the following two (2) courses;

1. North 19°47'51" West 30.20 feet

2. North 36°54'19" West 66.45 feet to the **True Point of Beginning.**

Containing 618 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

*Jeremy L. Evans*

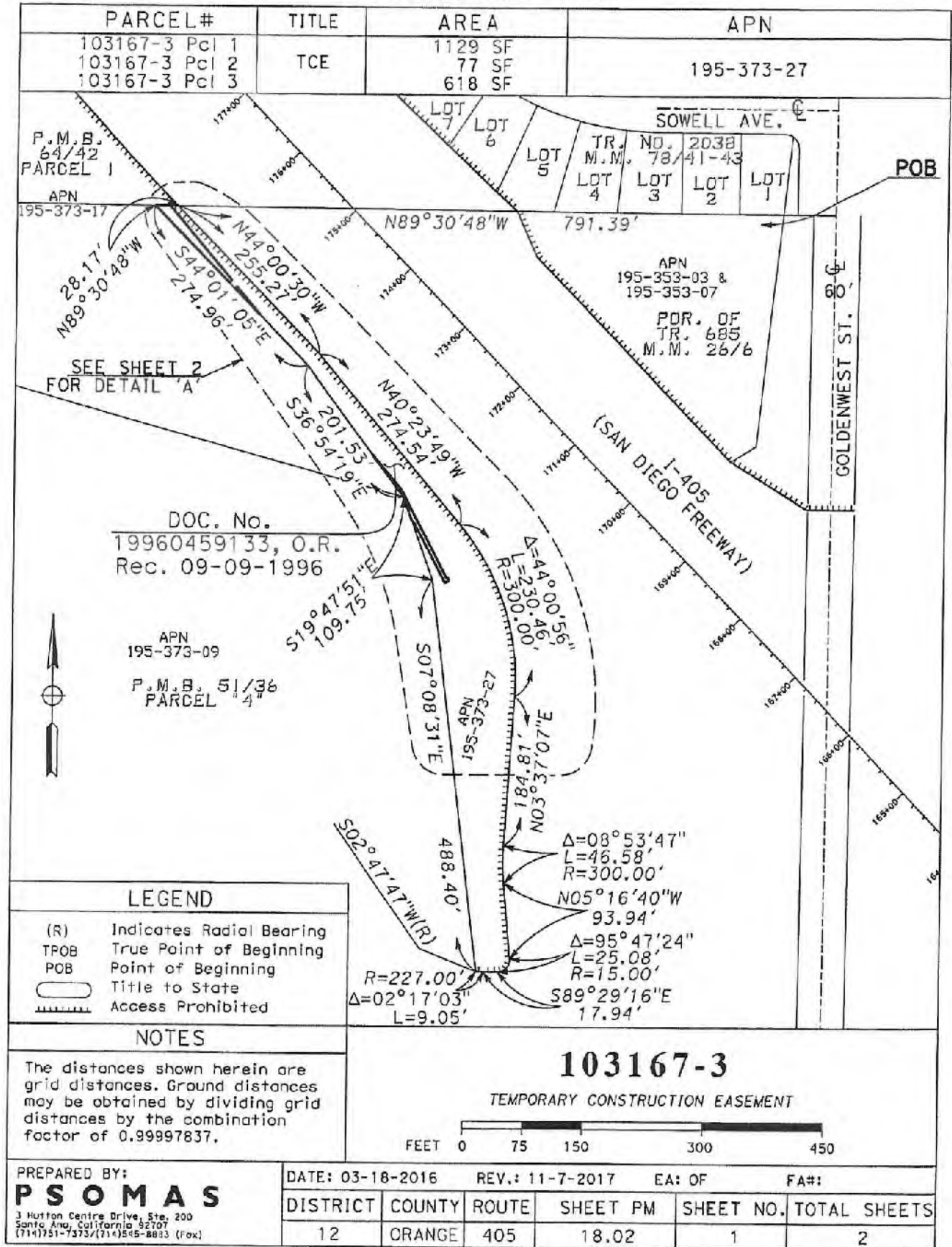
Jeremy L. Evans, PLS 5282

11-07-2017

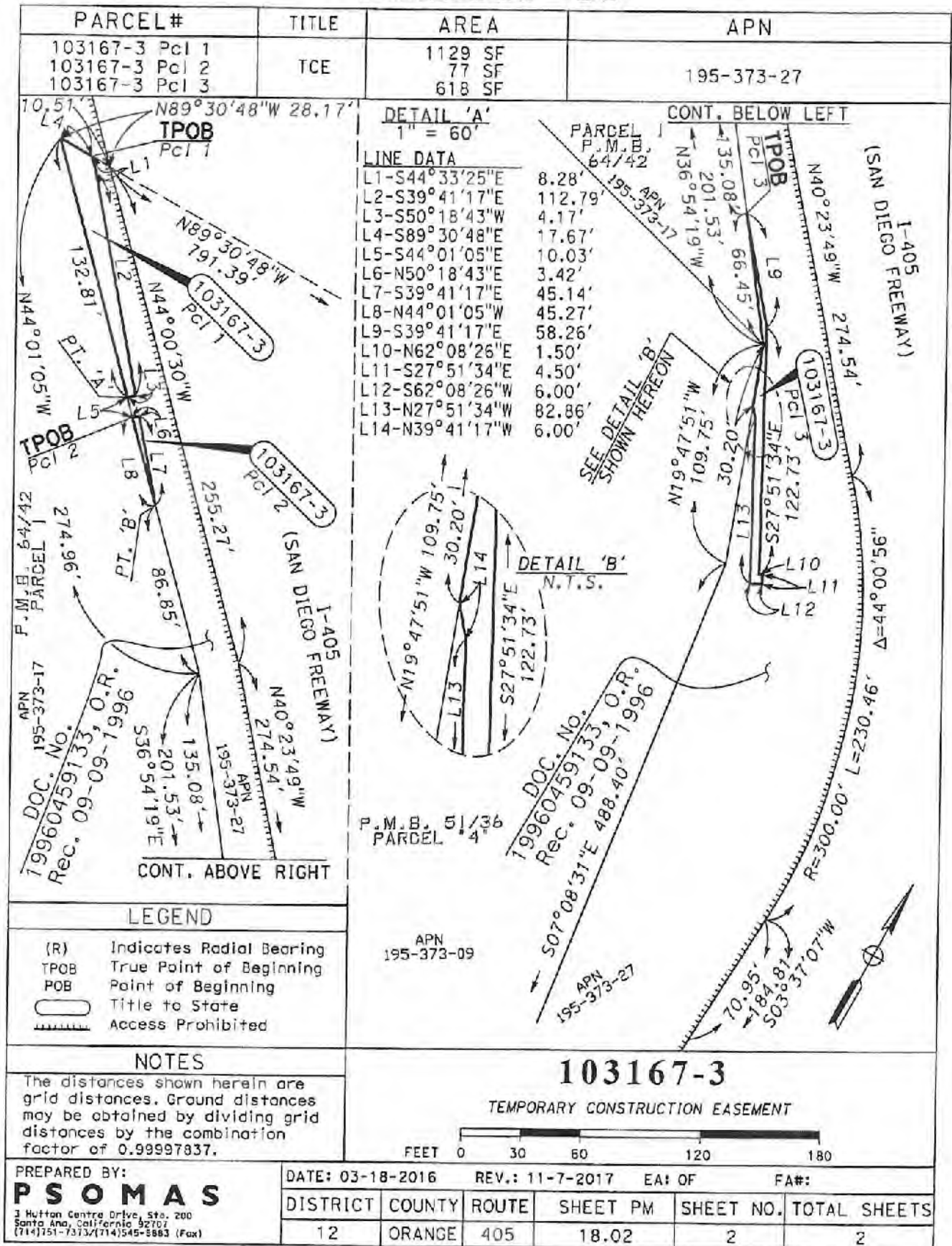
Date



# EXHIBIT C2



# EXHIBIT C2



**RESOLUTION NO. 2018-046**

**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. 195-353-07**

**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 14731 Goldenwest Street in the City of Westminster, 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 temporary construction easement as legally described and depicted in Exhibit “B” attached hereto; and a temporary construction easement as legally described and depicted in Exhibit “C” attached hereto (collectively, the “Property Interests”); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 February 9, 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 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 March 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 a partial fee interest and two temporary construction easements as described and depicted in Exhibits "A," "B," and "C" 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. 2018-046, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

EXHIBIT A



# PSOMAS

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103174-1

FEE

APN 195-353-07

That portion of Tract No. 685, in the City of Westminster, County of Orange, State of California, per the map filed in Book 26, Page 6 of Miscellaneous Maps in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Sowell Avenue and Goldenwest Street as shown on Tract No. 2038, per the map filed in Book 78, pages 41 through 43 of said Miscellaneous Maps; thence South 00°27'27" West 129.90 feet along the centerline of said Goldenwest Street to the easterly prolongation of the southerly line of said Tract No. 2038; thence North 89°30'48" West 67.64 feet along said easterly prolongation and the southerly line of Lot 1 of said Tract 2038 to the westerly line of Parcel 9 as shown on the map recorded June 23, 1966 in State Highway Map Book No. 4, Pages 12 through 22, in the office of said County Recorder; thence along the westerly lines of said Parcel 9, South 06°07'16" West 288.59 feet and South 58°51'38" West 36.95 feet to the intersection with the southwesterly line of the land described in a document recorded February 20, 1970 in Book 9222, Page 203 of Official Records in the office of said County Recorder and the **True Point of Beginning**; thence North 44°01'55" West 58.73 feet along said southwesterly line; thence leaving said southwesterly line South 45°21'52" East 18.39 feet; thence South 46°30'37" East 40.89 feet to the westerly line of said Parcel 9; thence South 58°51'38" West 2.25 feet along said westerly line to the **True Point of Beginning**.

Containing 57 square feet.

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

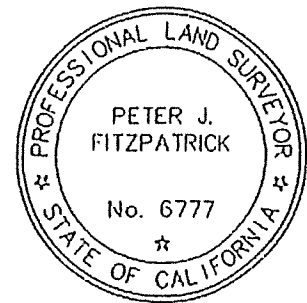
# PSOMAS

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 or access, appurtenant to Grantor's remaining property, in and to said freeway

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

This legal description was prepared by me or under my direction.

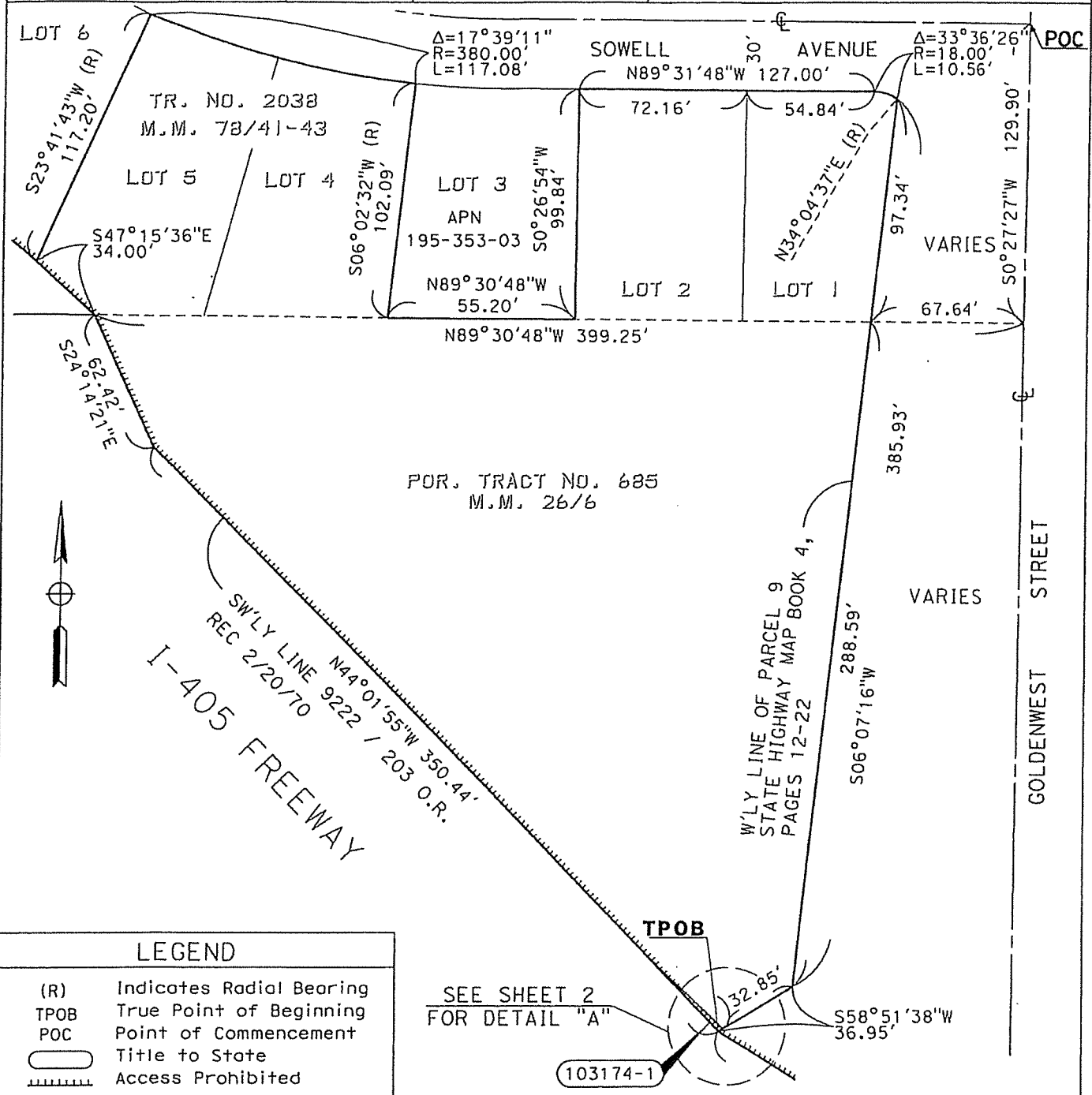
Peter J. Fitzpatrick  
Peter J. Fitzpatrick, PLS 6777



June 1, 2017  
Date

# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103174-1	FEE	57 SF	195-353-07



PREPARED BY:

**PSOMAS**

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

DATE: 4/12/17

REV.: 06/01/17

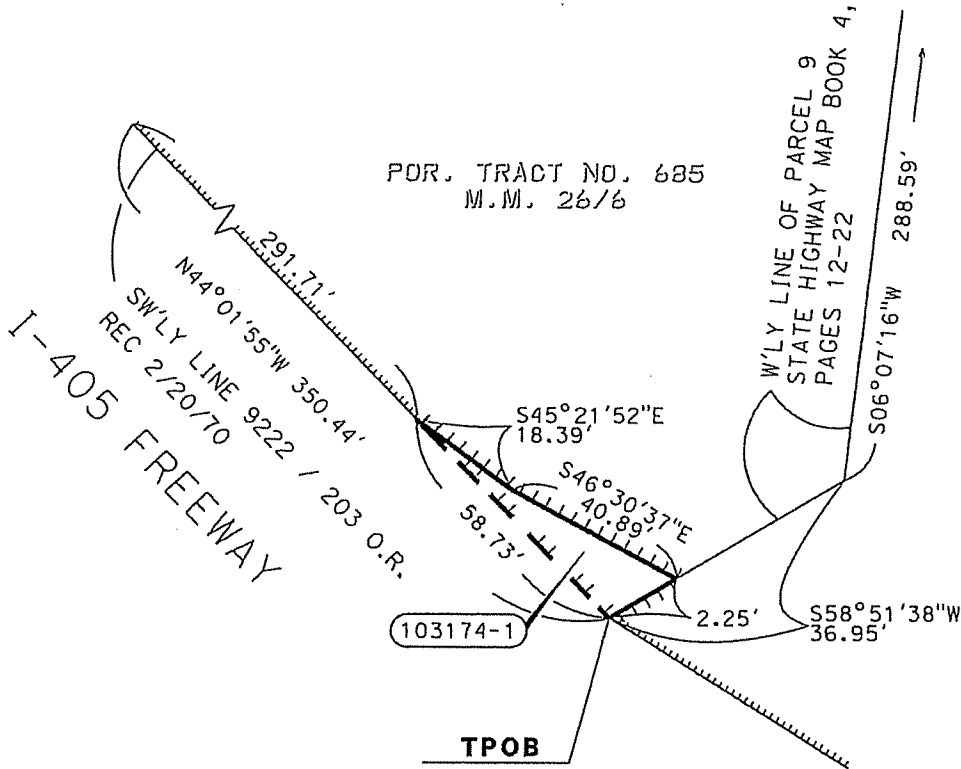
EA:

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	18.00	1	2

# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103174-1	FEE	57 SF	195-353-07



DETAIL "A"  
NOT TO SCALE

## LEGEND

(R) Indicates Radial Bearing  
 TPOB True Point of Beginning  
 POC Point of Commencement  
 Title to State  
 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.

103174-1

FEE ACQUISITION

NOT TO SCALE

PREPARED BY:

**PSOMAS**

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

DATE: 4/12/17

REV.: 06/01/17

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

18.00

2

2

EXHIBIT B



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel Nos.: 195-353-07**

**Caltrans Parcel No.: 103174-2**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "B1" and depicted in Exhibit "B2" 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. OCTA will access the TCE from existing public right-of-way.

**Rights and Restrictions of Use and Occupancy of TCE:**

- OCTA shall provide the owner and occupants 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 will 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, with the exception of one existing sign which will be sheltered in place. 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, the 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 'B1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 103174-2

Temporary Construction Easement

APN 195-353-07

That portion of Tract No. 685, in the City of Westminster, County of Orange, State of California, per the map filed in Book 26, Page 6 of Miscellaneous Maps in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Sowell Avenue and Goldenwest Street as shown on Tract No. 2038, per the map filed in Book 78, pages 41 through 43 of said Miscellaneous Maps; thence South 00°27'27" West 129.90 feet along the centerline of said Goldenwest Street to the easterly prolongation of the southerly line of said Tract No. 2038; thence North 89°30'48" West 67.64 feet along said easterly prolongation and the southerly line of Lot 1 of said Tract 2038 to the westerly line of Parcel 9 as shown on the map recorded June 23, 1966 in State Highway Map Book No. 4, Pages 12 through 22, in the office of said County Recorder; thence along the westerly lines of said Parcel 9, South 06°07'16" West 288.59 feet and South 58°51'38" West 36.95 feet to the intersection with the southwesterly line of the land described in a document recorded February 20, 1970 in Book 9222, Page 203 of Official Records in the office of said County Recorder; thence North 44°01'55" West 58.73 feet along said southwesterly line to the **True Point of Beginning**; thence leaving said southwesterly line South 45°21'52" East 18.39 feet; thence South 46°30'37" East 40.89 feet to the westerly line of said Parcel 9; thence North 58°51'38" East 1.85 feet along said westerly line; thence leaving said westerly line North 44°01'55" West 362.47 feet to the southwesterly line of the land described in said Book 9222, Page 203; thence along said southwesterly lines, South 24°14'21" East 11.81 feet and South 44°01'55" East 291.71 feet to the **True Point of Beginning**.

# PSOMAS

Containing 1,369 square feet.

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.

This legal description was prepared by me or under my direction.

*Peter J. Fitzpatrick*

Peter J. Fitzpatrick, PLS 6777

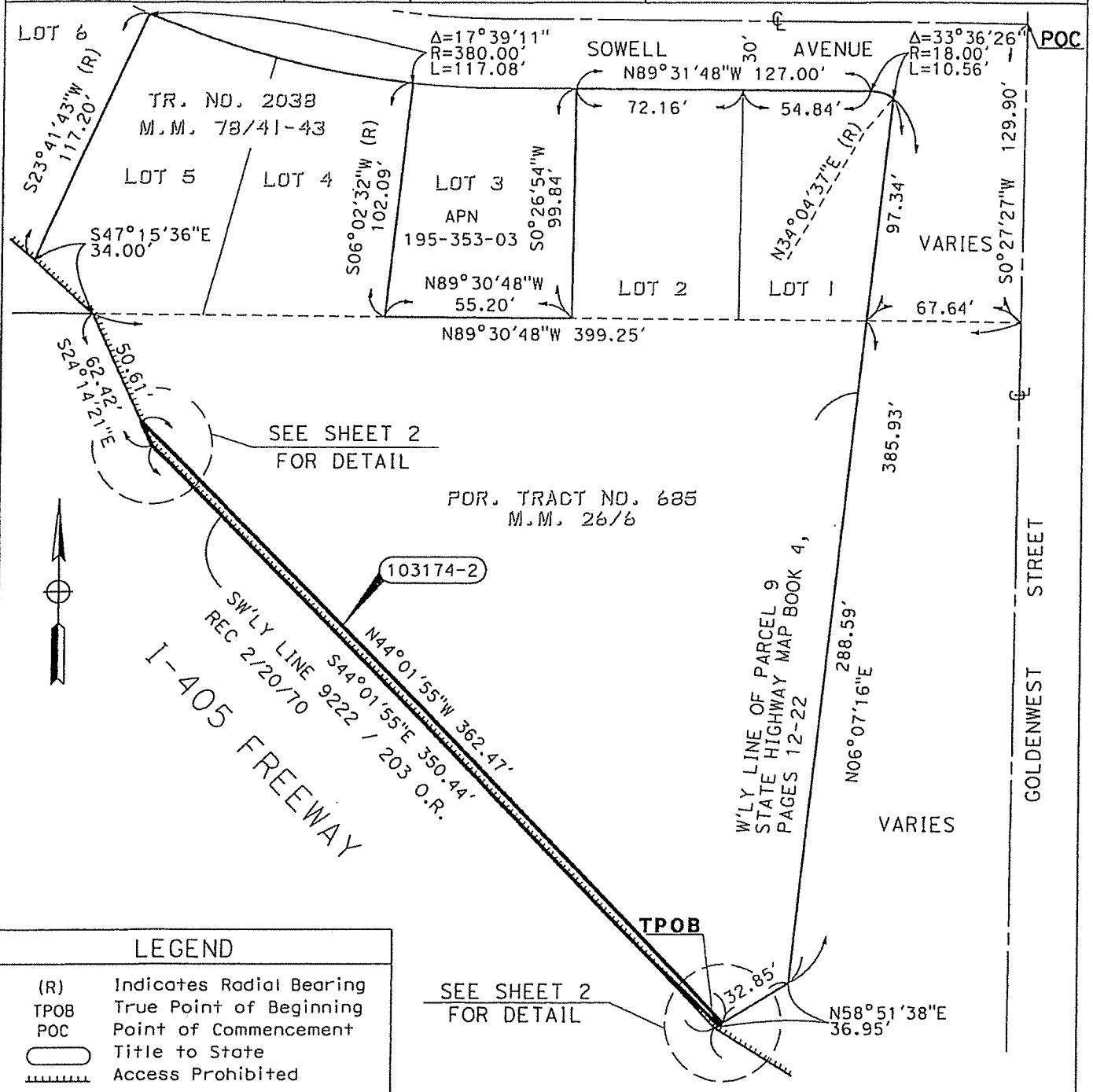
*June 1, 2017*

Date



# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103174-2	TCE	1,369 SF	195-353-07



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POC	Point of Commencement
	Title to State
	Access Prohibited

**NOTES**

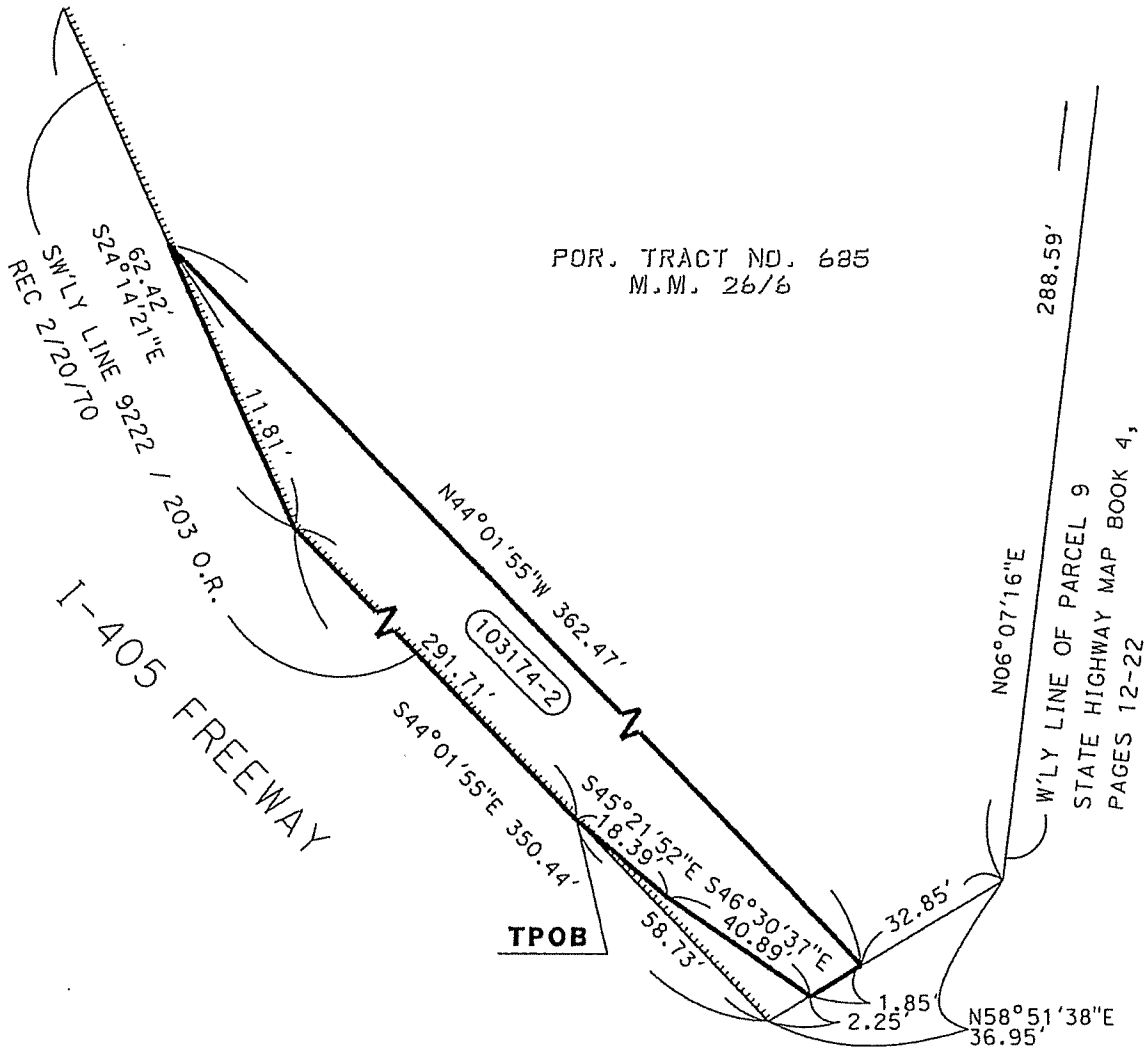
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837.

103174-2	
TEMPORARY CONSTRUCTION EASEMENT	

PREPARED BY:		DATE: 4/11/17		REV.: 06/01/17		EA:		FA#:	
<b>PSOMAS</b>		DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		12	ORANGE	405	18.00	1	2		

# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103174-2	TCE	1,369 SF	195-353-07



POR. TRACT NO. 685  
M.M. 26/6

## LEGEND

(R) Indicates Radial Bearing  
TPOB True Point of Beginning  
POC Point of Commencement  
Title to State  
Access Prohibited

DETAIL  
NOT TO SCALE

## NOTES

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

103174-2

TEMPORARY CONSTRUCTION EASEMENT

NOT TO SCALE

PREPARED BY:

**PSOMAS**

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

DATE: 4/11/17

REV.: 06/01/17

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

18.00

2

2



EXHIBIT C

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel Nos.: 195-353-07**

**Caltrans Parcel No.: 103174-3**

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 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 six (6) 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 forty-two (42) months of the TCE period will be non-exclusive.

**Rights and Restrictions of Use and Occupancy of TCE:**

- OCTA shall provide the owner and occupants 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 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.
- OCTA will use the TCE to adjust any grade differentials between the remaining property and adjoining public right-of-way and/or perform any necessary matchwork within the TCE area.
- 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 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. 103174-3

Temporary Construction Easement

APN 195-353-07

That portion of Lot 1 of Tract No. 2038 as per map filed in Book 78, Pages 41 through 43 of Miscellaneous Maps and that portion of Tract No. 685 as per map filed in Book 26, Page 6, in the City of Westminster, County of Orange, State of California in the Office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Sowell Avenue and Goldenwest Street as shown on said map, thence South 00°27'27" West 129.90 feet along the centerline of said Goldenwest Street to the easterly prolongation of the southerly line of said Lot 1; thence North 89°30'48" West 67.64 feet along said easterly prolongation and the southerly line of said Lot 1 to the westerly line of Parcel 9 as shown on the map recorded in State Highway Map Book No. 4 Pages 12 through 22, in the office of County Recorder; thence along said westerly line South 06°07'16" West 9.72 to the **True Point of Beginning**; thence leaving said westerly line North 83°52'44" West 40.00 feet; thence North 06°07'16" East 72.88 feet; thence South 83°52'44" East 40.00 feet to said westerly line; thence along said westerly line South 06°07'16" West 72.88 to the **True Point of Beginning**.

Containing 2915 square feet.

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

# PSOMAS

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.

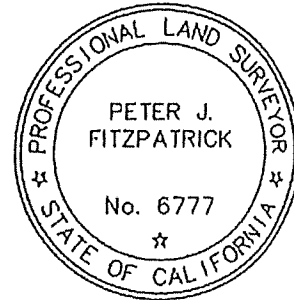
3  
4 This legal description was prepared by me or under my direction.

5  
6 Peter J. Fitzpatrick

7  
8 Peter J. Fitzpatrick, PLS 6777

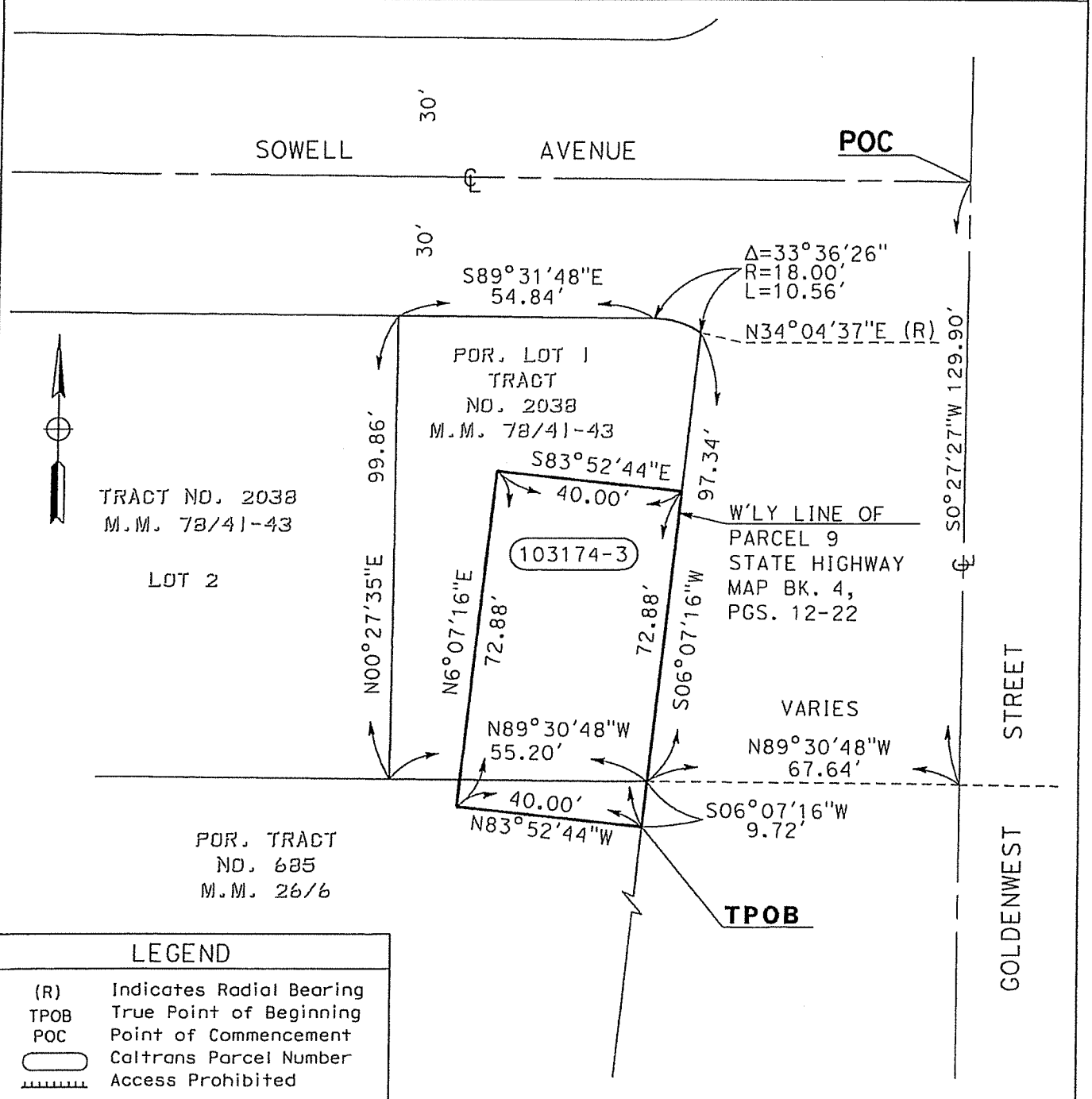
9  
10 Nov. 13, 2017

11 Date



# EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103174-3	TCE	2915 SF	195-353-07



PREPARED BY: <b>PSOMAS</b> 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	DATE: 06/01/17		REV.: 11/13/17		EA:	FA#:	
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
	12	ORANGE	405	18.00	1	1	





**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







Legend – slides 4 to 13  
TCE = temporary construction easement  
FEE = fee interest  
MAE = maintenance access easement

1-Resolution Of Necessity No. 2018-031  
Price

2-Resolution Of Necessity No. 2018-032  
Hunter Family Trust

3-Resolution Of Necessity No. 2018-033  
Hammond

4-Resolution Of Necessity No. 2018-034  
Trautman



Not to Scale,  
For Presentation Purposes Only



1-Resolution Of Necessity No. 2018-035  
George Family Trust

2-Resolution Of Necessity No. 2018-036  
Prowse

3-Resolution Of Necessity No. 2018-037  
Mikuleky

4-Resolution Of Necessity No. 2018-038  
Bradley



Not to Scale,  
For Presentation Purposes Only

# Resolution of Necessity No. 2018-039

DK-USA, LLC



Not to Scale,  
For Presentation Purposes Only



# Resolution of Necessity No. 2018-040

Douglas R. Hughes



Not to Scale,  
For Presentation Purposes Only



# Resolution of Necessity No. 2018-042

## Shapell Social Rental Properties, LLC



Not to Scale,  
For Presentation Purposes Only

# Resolution of Necessity No. 2018-043

## Westminster Mall, LLC

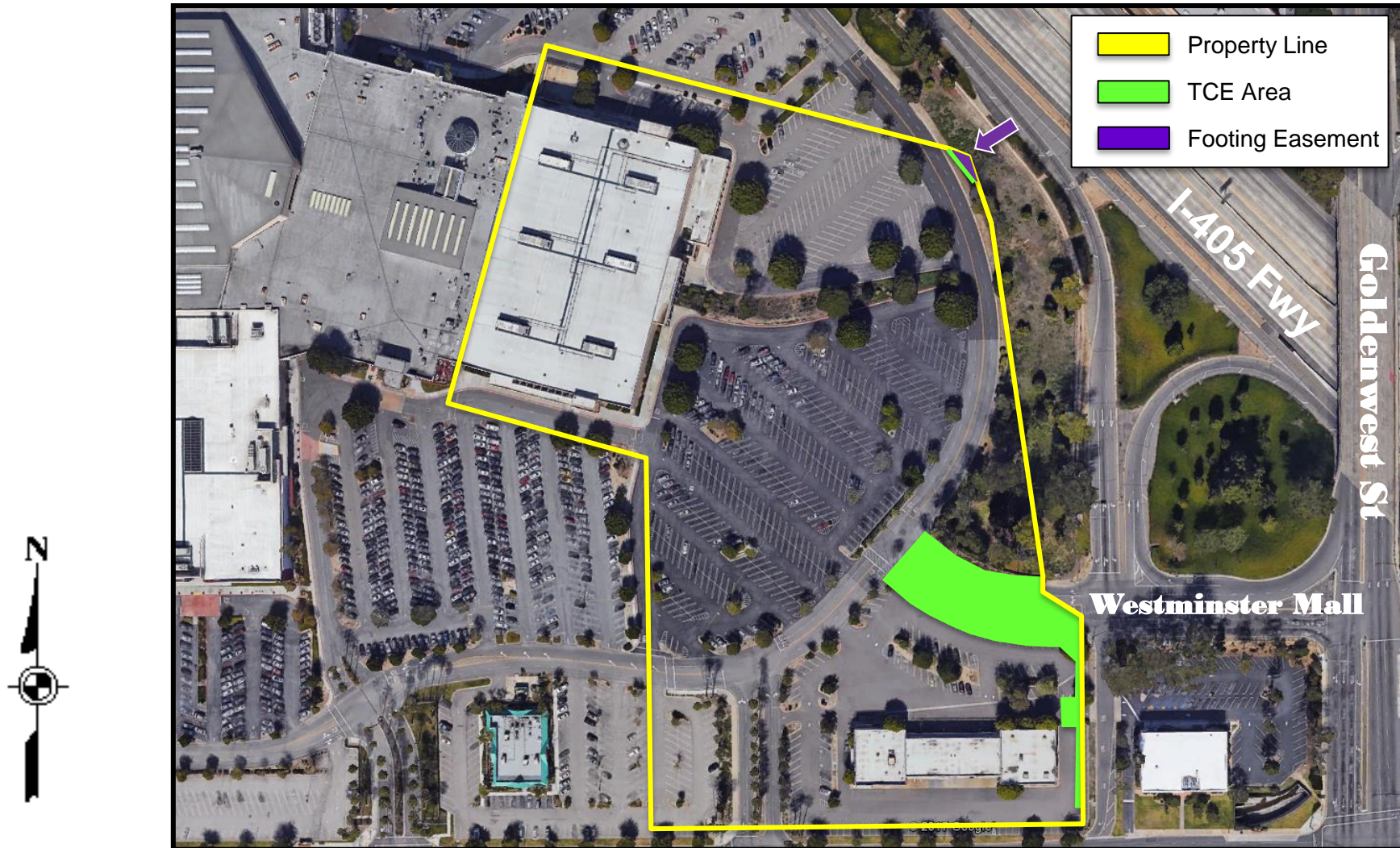


Not to Scale,  
For Presentation Purposes Only



# Resolution of Necessity No. 2018-044

Seritage SRC Finance, LLC

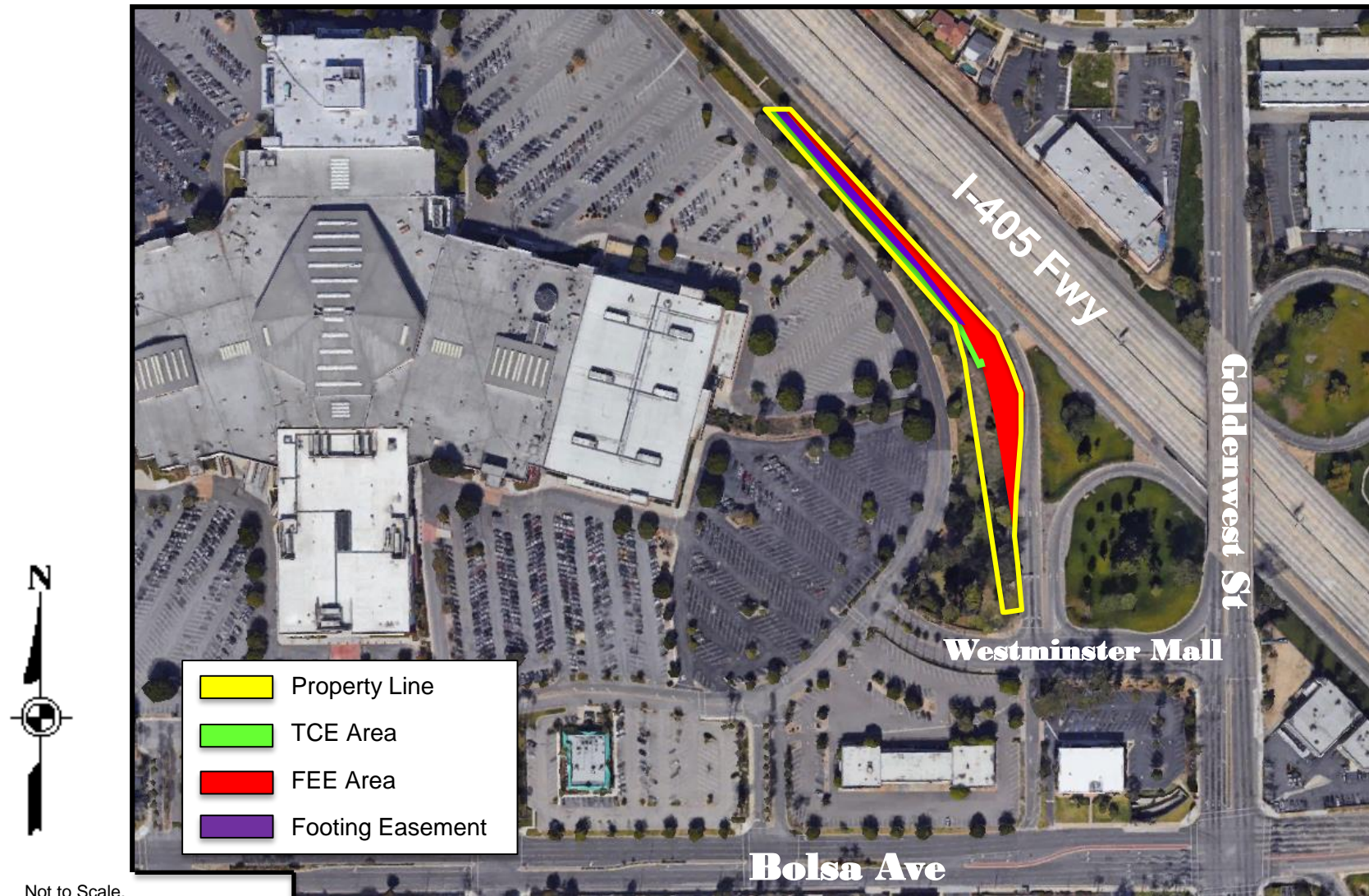


Not to Scale,  
For Presentation Purposes Only



# Resolution of Necessity No. 2018-045

Smolin Family Trust





# Resolution of Necessity No. 2018-046

Golden Westminster Investments, LLC



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.

REVISED  
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 March 12, 2018 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairwoman Bartlett at 9:03 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  
                               Michelle Steel  
                               Gregory T. Winterbottom  
                               Adnan Maiah, Acting District Director  
                                     California Department of Transportation District 12

Directors Absent:     Shawn Nelson  
                               Tom Tait

Also Present:         Darrell E. 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



Chairwoman Bartlett started the meeting with a moment of silence for Pomona Police Officer Gregory Casillas who lost his life over the weekend in the line of duty.

## **Special Calendar**

There were no Special Calendar matters.

## **Consent Calendar (Items 1 through 11)**

### **Orange County Transportation Authority Consent Calendar Matters**

#### **1. Approval of Minutes**

A motion was made by Director Murray, seconded by Director Pulido, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of February 26, 2018.

Directors Hennessey and Jones were not present to vote on this item.

#### **2. Enhanced Mobility for Seniors and Disabled Grant Program Call for Projects**

A motion was made by Director Murray, seconded by Director Pulido, and declared passed by those present, to direct staff to issue a call for projects for the Orange County Enhanced Mobility for Seniors and Disabled Grant Program.

Directors Hennessey and Jones were not present to vote on this item.

#### **3. Agreements for On-Call Consulting Services for 91 Express Lanes**

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

- A. Approve the selections of HNTB Corporation; Parsons Transportation Group, Inc.; Silicon Transportation Consultants LLC; Traffic Technologies, Inc.; and WSP USA, Inc., as the firms to provide on-call consulting services for the 91 Express Lanes, in an aggregate amount of \$600,000.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2050 between the Orange County Transportation Authority and HNTB Corporation to provide on-call consulting services for the 91 Express Lanes for a five-year initial term effective through March 31, 2023, with one, two-year option term.

**3. (Continued)**

- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1462 between the Orange County Transportation Authority and Parsons Transportation Group, Inc., to provide on-call consulting services for the 91 Express Lanes for a five-year initial term effective through March 31, 2023, with one, two-year option term.
- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1463 between the Orange County Transportation Authority and Silicon Transportation Consultants LLC, to provide on-call consulting services for the 91 Express Lanes for a five-year initial term effective through March 31, 2023, with one, two-year option term.
- E. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1464 between the Orange County Transportation Authority and Traffic Technologies, Inc., to provide on-call consulting services for the 91 Express Lanes for a five-year initial term effective through March 31, 2023, with one, two-year option term.
- F. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1465 between the Orange County Transportation Authority and WSP USA, Inc., to provide on-call consulting services for the 91 Express Lanes for a five-year initial term effective through March 31, 2023, with one, two-year option term.

Directors Hennessey and Jones were not present to vote on this item.

**4. Local Transportation Fund Claims for Fiscal Year 2018-19**

A motion was made by Director Murray, seconded by Director Pulido, and declared passed by those present, to adopt Orange County Transit District Resolution No. 2018-023 authorizing the filing of Local Transportation Fund claims, in the amounts of \$154,145,736, to support public transportation, and \$8,173,080 for community transit services.

Directors Hennessey and Jones were not present to vote on this item.

**5. Revised State Transit Assistance Fund Claims for Fiscal Year 2017-18**

A motion was made by Director Murray, seconded by Director Pulido, and declared passed by those present, to authorize staff to file State Transit Assistance Fund claims, for a revised amount of \$25,331,435 to support public transportation.

Directors Hennessey and Jones were not present to vote on this item.

**6. Low Carbon Transit Operations Program Recommendations for Fiscal Year 2017-18 Funds**

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

- A. Approve the use of \$4,787,534 in fiscal year 2017-18 Low Carbon Transit Operations Program funding for Bravo! 529 Rapid Bus Service start-up and operations for the first three years.
- B. Approve Resolution 2018-022, consistent with the Low Carbon Transit Operations Program Guidelines.
- C. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above recommendations.

Directors Hennessey and Jones were not present to vote on this item.

**Orange County Transit District Consent Calendar Matters**

**7. Contract Change Order for Replacement of Heating and Ventilation Units at the Garden Grove Bus Base Maintenance Building**

A motion was made by Director Murray, seconded by Director Pulido, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 3 to Agreement No. C-6-1399 with Western Air Conditioning Company, Inc., in an amount of \$85,678, for the installation of new equipment curb foundations to support the new heating and ventilation units, and to add 48 calendar days to the contract duration.

Directors Hennessey and Jones were not present to vote on this item.

**8. Transit Division Performance Measurements Report for the Second Quarter of Fiscal Year 2017-18**

This item was pulled by Directors Donchak and Steel.

Director Steel asked why the fixed-route bus service revenue has declined with the stabilization of the service. Johnny Dunning, Jr., Manager, Scheduling and Customer Advocacy, responded that the ridership stabilization is due to the OC Bus 360° Plan and the Santa Ana College student pass program.

Director Steel inquired if there will be a revenue cost analysis comparison. Darrell Johnson, Chief Executive Officer (CEO), responded that compared to last year, the revenue decline rate is 2.5 percent, which is in-line with the forecast.

**8. (Continued)**

Director Steel asked how the lower 20 percent farebox recovery requirement will be addressed. Mr. Johnson, CEO, responded the Staff Report notes that with the state law passage, OCTA can add "local funds" in order to be compliant with the 20 percent farebox recovery ratio.

Director Donchak thanked the Transit Committee for its hard work to address the bus ridership concerns, and requested a breakdown, by minutes and category, for the 15 percent to 17 percent on-time performance bus service delays.

Director Donchak stated that the contractor's penalty for missed trips has increased to \$52,000, as noted in the Attachment A of the Staff Report, and asked what is OCTA's policy for missed trips.

Mr. Johnson, CEO, responded that the missed trip penalty is addressed in the contract with First Transit, which will expire in June 2019. He also stated that OCTA is currently analyzing the contract option year to come forward for Board of Directors' (Board) consideration in early summer 2018.

Director Donchak also asked how SB 1 relates to mass transit. Mr. Johnson, CEO, responded that SB 1 funding has helped OCTA keep the bus service levels the same as last year.

Mr. Johnson, CEO, also reported that two weeks ago, staff had a preliminary discussion with the Finance and Administration Committee that if SB 1 is repealed, OCTA may need to adjust the bus service levels.

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

Director Jones was not present to vote on this item.

**Orange County Local Transportation Authority Consent Calendar Matters**

**9. Cooperative Agreement with the City of Laguna Niguel for Video Surveillance System at the Laguna Niguel/Mission Viejo Metrolink Station**

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

- A. Amend the Metrolink Surveillance System Deployment Program to include the Laguna Niguel/Mission Viejo Metrolink Station, and allocate Federal Transit Administration Grant Program 5309, in the amount of \$320,000, with a 20 percent match of \$80,000 in Proposition 1B funds, to the Laguna Niguel/Mission Viejo Metrolink Station video surveillance system project.

**9. (Continued)**

- B. Authorize the Chief Executive Officer to execute Cooperative Agreement No. C-7-2141 between the Orange County Transportation Authority and the City of Laguna Niguel to define roles, responsibilities, and funding for implementation of a video surveillance system at the Laguna Niguel/ Mission Viejo Metrolink Station.

Directors Hennessey and Jones were not present to vote on this item.

**10. Approval to Release Request for Proposals for On-Call Property Maintenance Services for Orange County Transportation Authority-Owned Properties**

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

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1452 for on-call property maintenance services for Orange County Transportation Authority-owned properties acquired to support highway and transit projects.
- B. Approve the release of Request for Proposals 8-1452 for on-call property maintenance services for Orange County Transportation Authority-owned properties acquired to support highway and transit project.

Directors Hennessey and Jones were not present to vote on this item.

**11. Measure M2 Environmental Cleanup Program - Tier 1 Grant Program Call for Projects**

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

- A. Approve the proposed revisions to the Comprehensive Transportation Funding Programs Guidelines for Environmental Cleanup Program Tier 1 projects.
- B. Authorize staff to issue the fiscal year 2018-19 Environmental Cleanup Program Tier 1 call for projects for approximately \$2.8 million.

Directors Hennessey and Jones were not present to vote on this item.



## **Regular Calendar**

### **Orange County Transit District Regular Calendar Matters**

#### **12. Agreement for the Operation and Maintenance of a Micro-Transit Pilot Program**

Darrell Johnson, CEO, provided opening comments and introduced Curt Burlingame, Manager, Contract Transportation Services, who provided a PowerPoint presentation for this item as follows:

- What is Micro-Transit and Where Can It Work;
- OCTA Micro-transit – Not a Transportation Network Company;
- Pilot Goals;
- Huntington Beach\Aliso Viejo\Laguna Niguel\Mission Viejo (Coverage\Hubs);
- Service Levels and Pricing;
- OCFlex (Vehicle Type and Branding);
- Procurement Process;
- Proposing Firms;
- Keolis Proposal; and
- Next Steps.

A discussion ensued regarding:

- TransLoc software is used nationally with other types of services.
- OCTA will be the first to use TransLoc for a micro-transit application.
- Transit Committee Chairman Murray stated that the Transit Committee and staff worked hard on the OCFlex pilot program to fill the gap in lower demand traditional fixed-route service areas.
- OCFlex pilot program will start in August 2018, after the vehicles have been delivered.
- The fare for using the service is being analyzed and may be \$5 per trip.
- The average wait time for the on-demand service is approximately 15 minutes, and the mobile app will indicate the wait time.
- OCFlex could be a potential service option for ACCESS users, which could reduce the operating costs for ACCESS service.

Director Spitzer asked if the Board was notified about a Levine Act issue with respect to Yellow Cab North Orange County (Yellow Cab), what is the legal relationship between Keolis Transit Services, LLC (Keolis) and Yellow Cab, and who is the Yellow Cab principal staff.

James Donich, General Counsel, responded that OCTA's Contracts Administration and Materials Management Department received information from Keolis regarding campaign contributions from Larry Slagle, President, Yellow Cab, for two Board Members, and a discussion ensued.

**12. (Continued)**

An additional discussion ensued regarding the pilot program as follows:

- The proposed pricing will not undercut Uber and Lyft on-demand service as OCFlex is a different type of service.
- The mobile app will not go beyond the six-mile service zone.
- The performance measurements are similar to Project V measurements.

A motion was made by Director Murray, seconded by Director Delgleize, for the following recommendations:

- A. Approve the selection of Keolis Transit Services, LLC, as the firm to provide operation and maintenance services for the micro-transit pilot program.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2052 between the Orange County Transportation Authority and Keolis Transit Services, LLC, in the amount of \$1,150,000, for a one-year initial term from July 1, 2018 through June 30, 2019, with two, one-year option terms to provide operation and maintenance services for the micro-transit pilot program.

It was announced that Chairwoman Bartlett would not participate due to the Levine Act. Directors Spitzer, M. Murphy, and Steel chose not to participate due to a lack of information regarding parent and principal company relationships with the recommended firm that they were unable to research prior to the Board meeting. Due to this lack of information and out of an abundance of caution, Directors Spitzer, M. Murphy, and Steel chose not to continue to participate on the item.

An additional discussion ensued regarding the Levine Act, and the above vote was null and void.

Chairwoman Bartlett turned the meeting over to Vice Chairman Shaw, and Vice Chairman Shaw announced that there was a public comment request from Larry Slagle, and Mr. Slagle declined to address the Board.

A motion was made by Director Davies, seconded by Director Hennessey, and declared passed by those participating, to continue this item to the March 26, 2018 Board meeting.

Chairwoman Bartlett and Directors M. Murphy, Spitzer, and Steel did not participate, due to the Levine Act.

Director Pulido was not present to vote.

## **Discussion Items**

### **13. Update on the Interstate 5/EI Toro Road Interchange Improvement Project**

Darrell Johnson, CEO, provided opening remarks and introduced Adnan Maiah, Acting District Director for the California Department of Transportation (Caltrans) District 12, and Lisa Ramsey, Acting Deputy District Director for Capital Programs, Caltrans District 12.

Ms. Ramsey provided a PowerPoint presentation for this item as follows:

- Project Location;
- Purpose and Need;
- Partnering;
- Progress to Date;
- Alternative 1 – Intersection Modification (\$65 million);
- Alternative 2 – (Flyover \$95 million);
- Alternative 3 – Diverging Diamond Interchange (\$65 million); and
- Project Schedule for Environmental Phase.

A discussion ensued regarding:

- The City of Manteca (northern California) is configuring the same improvements and currently is non-operational.
- This improvement project is less expensive to build.
- Alternative 3 intersection will be at-grade.
- Director M. Murphy requested a simulation model of the Diverging Diamond Interchange.
- The next update for this proposed project will be in late summer or fall 2018.
- Mr. Johnson, CEO, thanked Caltrans for reviewing options to fix the Interstate 5 (I-5)/EI Toro Road interchange.
- OCTA has offered to provide the Board additional information about Alternative 3 - Diverging Diamond Interchange.

There was no action taken on this information item.

**14. Eastbound State Route 22 Safety Improvement Project at Interstate 5/ State Route 22/State Route 57**

Darrell Johnson, CEO, provided opening remarks and introduced Lisa Ramsey, Acting Deputy District Director for Capital Programs, Caltrans District 12, who provided a PowerPoint presentation for this item as follows:

- Project Location – Eastbound (EB) State Route (SR) 22;
- Project Purpose and Funding;
- Project Scope – Modify EB SR-22;
- Progress to Date;
- Project Schedule; and
- Public Outreach.

A discussion ensued regarding:

- Director Winterbottom suggested starting the diamond lane one mile farther east in order to alleviate the traffic, and Caltrans will review.
- Regional Planning and Highways (RP&H) Committee Chairman M. Murphy reported that this item was discussed at the March 5, 2018 RP&H Committee meeting, and referenced the diagram requested by the Committee Members. Last Friday, the Board was provided the diagram information, which is not part of this Board agenda packet.
- Safety concerns about eliminating the barrier, and Caltrans provided additional explanation for the proposed safety modifications.
- Director Do requested a meeting with Caltrans staff to discuss the results of the traffic study model, as well as stated that he provided a prior recommendation to start the barrier closer to Fairview Street.
- Advanced message signage would be provided.

There was no action taken on this information item.

**15. Public Comments**

There were no public comments.

**16. Chief Executive Officer's Report**

Darrell Johnson, CEO, reported on the following:

- OCTA recently received the American Public Transportation Association first place award for the Ad Wheel Award in Comprehensive Campaign category for Best Marketing and Communications to Increase Ridership as part of OC Bus 360° Plan.
- The Members of the Legislative and Communications and Transit committees and OCTA staff were thanked for their marketing efforts.
- I-5 South Orange County:
  - The northbound I-5 will be reduced to three lanes from 9:00 a.m. to 2:00 p.m. on Tuesday, March 13<sup>th</sup> and Wednesday, March 14<sup>th</sup> from Avenida Vista Hermosa to Camino de Estrella.
  - The daytime lane closures are necessary because of temperature requirements for striping work.
- Interstate 405 Improvement Project:
  - There will be overnight lane and ramp closures between the cities of Seal Beach to Fountain Valley.
  - Closures will start as early as 9:00 p.m. and are expected to be finished by 5:00 a.m. on weekdays and 7:00 a.m. on weekends.
  - This construction will continue over the next few months to include restriping and setting up concrete barriers.
  - More significant construction will occur later this year.
- SR-91 Improvement Project (SR-57 to SR-55):
  - OCTA will host an open house for the public to learn more about the SR-91 Improvement Project, which is currently in the environmental phase.
  - The open house is scheduled for Wednesday, March 14<sup>th</sup> from 5:00 p.m. to 8:00 p.m. at the Rio Vista Elementary School in the City of Anaheim.
- 91 Express Lanes:
  - OCTA is commemorating the 15<sup>th</sup> anniversary of owning and operating the 91 Express Lanes, which was purchased in 2003 to improve the SR-91 corridor.
  - Since 2003, OCTA has invested \$28.9 million in toll revenues to improve the SR-91 corridor.
  - OCTA also partnered with the Riverside County Transportation Commission to open the eight-mile extension of the 91 Express Lanes.
  - A video highlighting the accomplishments was shown.



**17. Directors' Reports**

Vice Chairman Shaw reported that he, along with Directors Delgleize and Murray, attended last week's Association of California Cities – Orange County meeting in Sacramento to ensure Orange County receives its fair share of transportation funding. Vice Chairman Shaw stated that the meeting included Ryan Chamberlain in his new role as Chief Deputy Director.

Adnan Maiah reported that he is Acting District Director for Caltrans District 12, and he will be working the Board, Mr. Johnson, CEO, and OCTA staff regarding transportation issues within Orange County.

**18. Closed Session**

A Closed Session was held for the following:

- A. Pursuant to Government Code Section 54957(b) to evaluate the annual performance of the Chief Executive Officer, Darrell Johnson.
- B. Pursuant to Government Code Section 54957.6 to meet with the designated representative, Chairwoman Lisa A. Bartlett, regarding the compensation of the Chief Executive Officer.

There was no report out for this item.

Directors Do, R. Murphy, Pulido, and Spitzer were not present for the Closed Session items.

**19. Adjournment**

The meeting adjourned at 10:22 a.m.

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

ATTEST:

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Laurena Weinert  
Clerk of the Board

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Lisa A. Bartlett  
OCTA Chairwoman



## COMMITTEE TRANSMITTAL

**March 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 March 15, 2018

**Present:** Directors Davies, Delgleize, Hennessey, Murray, Nelson, Shaw,  
and Winterbottom  
**Absent:** None

### **Committee Vote**

This item was passed by the Members present.

Director Winterbottom was not present to vote on this item.

### **Committee Recommendations**

- A. Adopt an OPPOSE position on AB 1759 (McCarty, D-Sacramento), which would withhold local street and road money for any local government unable to meet their Regional Housing Need Allocation requirements.
- B. Adopt a SUPPORT position on AB 1905 (Grayson, D-Concord), which would prevent a transportation project from being stayed or enjoined under the California Environmental Quality Act if the project is included in a region's sustainable communities strategy.



**March 15, 2018**

**To:** Legislative and Communications Committee

**From:** Darrell Johnson, Chief Executive Officer

**Subject:** State Legislative Status Report

### **Overview**

An oppose position is recommended on a bill related to local street and road funding. A support position is recommended on a bill related to California Environmental Quality Act challenges against transportation projects. An update is provided on a bill related to demonstrating a transportation project's benefits to a disadvantaged community, sponsored consistent with the Orange County Transportation Authority's 2017-18 State Legislative Platform. An update is provided on the Board of Equalization's actions to adjust the gas tax. An economic study is provided on the impacts of SB 1 (Chapter 5, Statutes of 2017). An overview is provided on a legislative hearing related to autonomous vehicle technology.

### **Recommendations**

- A. Adopt an OPPOSE position on AB 1759 (McCarty, D-Sacramento), which would withhold local street and road money for any local government unable to meet their Regional Housing Need Allocation requirements.
- B. Adopt a SUPPORT position on AB 1905 (Grayson, D-Concord), which would prevent a transportation project from being stayed or enjoined under the California Environmental Quality Act if the project is included in a region's sustainable communities strategy.

### **Discussion**

AB 1759 (McCarty, D-Sacramento): General Plans: Housing Elements: Production Report: Withholding of Transportation Funds

AB 1759 would require the California Department of Housing and Community Development (HCD), beginning June 30, 2022, and every year thereafter until June 30, 2051, to review the efforts of each city and county to determine whether

it has met its applicable minimum production goal relative to its Regional Housing Needs Assessment (RHNA) allocation. This assessment would measure new units of housing, including both rental housing and for-sale housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy. If the HCD determines that a city or county has met its applicable minimum production goal for that reporting period, then the HCD would be required to certify that finding to the State Controller's Office (SCO). A city or a county would only be eligible to receive local streets and roads funding provided by SB 1 (Chapter 5, Statutes of 2017) if the jurisdiction complies with the minimum production goals as certified by HCD and the SCO. The goal that a city or county must meet would gradually increase, hitting 100% of the applicable minimum production goal for each RHNA income level starting on January 1, 2045.

AB 1759 would require Orange County cities and the County of Orange to provide that it has met a minimum production goal in its annual report for that reporting period to be eligible for the SB 1 Local Streets and Roads (LSR) program funding. The LSR program, which provides cities and counties funding for road maintenance, rehabilitation, and critical safety projects is expected to receive about \$1.5 billion annually, doubling the amount of funding provided to cities and counties under traditional state local street and road funding sources.

With the addition of a housing production requirement, AB 1759 would set a concerning precedent, where other policy priorities could potentially be linked to transportation funds. This could impact cities, counties, and agencies such as the Orange County Transportation Authority (OCTA) looking to deliver critical infrastructure projects. This could also potentially conflict with other state goals, including those related to the environment and disadvantaged communities. AB 1759 reduces local authority over the implementation of funds provided under SB 1, and links it to other goals without providing the necessary resources.

Stakeholders opposing the bill include the Southern California Association of Governments, the Riverside County Transportation Commission (RCTC), Metrolink, San Bernardino County Transportation Authority (SBCTA), Self-Help Counties Coalition, and the Association of California Cities – Orange County.

The text of AB 1759 and a comprehensive analysis of the legislation are included as Attachment A. An oppose position is consistent with OCTA's 2017-18 State Legislative Platform principle to "oppose efforts to reduce local prerogative over regional program funds."



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**AB 1905 (Grayson, D-Concord): Environmental Quality: Judicial Review: Transportation Projects**

AB 1905 would limit the circumstances under which a court can award injunctive relief for legal actions and proceedings pursued under the California Environmental Quality Act (CEQA). The bill would specifically prohibit a court from awarding injunctive relief to transportation projects that have been adopted as part of a metropolitan planning organization's sustainable communities strategy (SCS) and for which there is a certified environmental impact report (EIR), unless the court makes one of the following two findings. First, a court could award injunctive relief against a project if continued construction presents an imminent threat to public health and safety. Second, a court may stay or enjoin a project if it contains unforeseen important Native American artifacts or historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by construction.

Many of OCTA's projects are subject to CEQA review. Under current law, a court has the authority to halt project construction upon filing of a lawsuit under CEQA, potentially delaying projects for which OCTA has also prepared a certified EIR. Delays resulting from these types of legal actions can increase construction costs and interrupt the efficient delivery of mobility solutions in Orange County. Moreover, when these projects are included in a region's SCS, they are part of a strategy to meet greenhouse gas emission reduction requirements set by the California Air Resources Board pursuant to SB 375 (Chapter 728, Statutes of 2008). Delays resulting from injunctive relief can jeopardize the ability for a region to meet its SB 375 targets, which could impair future grant funding. The California Transportation Commission's (CTC) 2017 Annual Report acknowledged the potential for this impact, explicitly noting the potential for project delays from litigation. The CTC recommended that the Legislature pursue legislation to mitigate these impacts. This recommendation influenced AB 1905.

It is important to note that AB 1905 would not prevent a court from halting project constructions that are harmful to the environment. Instead, the bill provides a bright line determination for when such court intervention is warranted, bringing a much-needed level of certainty to the environmental review process. Each project would still have to complete an EIR, ensuring an opportunity for public comment and mitigation of any environmental impacts.

The text of AB 1905 and a comprehensive analysis of the legislation are included as Attachment B. A SUPPORT position is consistent with the provision in OCTA 2017-18 State Legislative Platform's to "Support legislation to streamline the environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still



maintaining traditional environmental protections.” Besides the CTC, other regional agencies are also moving forward with a support position, including the RCTC, the SBCTA, and the Southern California Associated Governments.

**SB 1119 (Newman, D-Fullerton): Low Carbon Transit Operations Program**

SB 1119 would create categories of investment by which a transit agency can demonstrate they are benefitting disadvantaged communities (DAC) when using Low Carbon Transit Operations Program (LCTOP) funding. Each year, 60 percent of cap-and-trade revenues are dedicated to ongoing appropriations, including five percent annually for LCTOP. Only LCTOP is allocated by formula, while the other programs are competitive grants. LCTOP is allocated pursuant to the State Transit Assistance Formula, with OCTA receiving about 5.4 percent of the total funding provided each year, based on farebox revenues and population.

Each cap-and-trade funded program must meet specific targets of investment for the benefit of DACs, 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.

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.

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.

SB 1119 seeks to fix this issue by clarifying that a transit agency is deemed to have met its disadvantaged community investment requirement if it uses its LCTOP funding for:

- Transit fare subsidies, including student transit passes,
- Transit connections to major employment, medical or education centers, for residents of disadvantaged communities or low-income areas,
- Technology improvements that reduce greenhouse gas emissions, including zero-emission buses and infrastructure.

Consistent with the OCTA 2017-18 State Legislative Platform's principle to sponsor legislation to increase the flexibility in meeting disadvantaged community investment requirements to allow eligibility for projects that improve transit connectivity options, a SPONSOR position has been taken on SB 1119. A copy of the bill and a sponsor letter are included as Attachment C. OCTA staff is also reaching out to other transportation stakeholders, the environmental community, education interests, and other stakeholders to allow for additional support. The California Transit Association has taken action to co-sponsor the bill, which should allow for additional support from transit agencies statewide.

### SB 1 Update

Formula funding provided under SB 1 continues to flow to OCTA and cities throughout the county. The CTC is currently considering competitive applications to fund a wide array of projects across the state, which are expected to be announced in May 2018. OCTA is closely tracking any and all funding opportunities to ensure that a fair share of transportation resources is dedicated to Orange County. The State has developed a website – [rebuildingca.ca.gov](http://rebuildingca.ca.gov) – with comprehensive information about the ways in which SB 1 is improving mobility in California, and includes links to projects that have already been funded. In February, the American Road and Transportation Builders Association published a report, included as Attachment D, outlining the \$182.6 billion in economic benefits provided by SB 1 in the next decade alone.



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### California Board of Equalization Takes Action on Price Based-Excise Tax

On February 27, 2018, the California Board of Equalization (BOE), on a 2-2 vote, opted not to approve a recommended four cent increase to the price-based excise tax. Currently, the rate is 11.7 cents. The Governor's Fiscal Year 2017-2018 State Budget Proposal included the recommended increase. Without approval, this creates a \$617 million shortfall. This could directly impact available funding for projects programmed in the State Transportation Improvement Program (STIP). As part of the "gas tax swap" instituted in 2010, which replaced the sales tax on gasoline with a price-based excise tax, the BOE is to annually adjust the price-based excise tax on gasoline so that the revenues generated from the tax match what would have been generated had the sales tax still been in place. Under SB 1, BOE will no longer be involved in this process starting in 2019, when the rate is automatically set at 17.3 cents.

The revenues from the price-based excise tax are used to fund local streets and roads, the STIP, and State Highway Operation and Protection Program. The decrease approved by the BOE will potentially require adjustments by the CTC on the estimated funding available for the STIP and other programs. This could create impacts to projects statewide. Staff will continue to update the OCTA Board of Directors as conversations progress.

### Senate Transportation and Housing Committee Hearing on Autonomous Vehicles

On February 20, 2018, the Senate Transportation and Housing Committee held an information hearing entitled, "Autonomous Vehicles: Opportunities and Challenges." Panelists for the hearing included Jean Shiimoto, California Department of Motor Vehicles; Dan Sterling, University of California, Davis Institute for Transportation Studies; Seleta Reynolds, City of Los Angeles Department of Transportation; Jill North, City of San Jose; Michael Tree, Livermore Amador Valley Transit Authority; Rosemary Shahan, Consumers for Auto Reliability and Safety; Harry Lightsey, General Motors; Laura Bisesto, Lyft; Ron Medford, Waymo; and Doug Bloch, Teamsters Joint Council 7. The purpose of the hearing was to inform and explore the role of the California Legislature in the adoption and regulation of autonomous vehicles.

Many of the ideas and themes revolved around the potential for autonomous vehicles to improve safety and mitigate congestion. Both Senator Jim Beall (D-San Jose), Chairman of the Senate Transportation and Housing Committee, and Assembly Member Jim Frazier (D-Oakley), Chairman of the Assembly Transportation Committee, opened the hearing stating the legislature's need to look at autonomous vehicles in a comprehensive manner to ensure greater efficiencies in the transportation system. Dan Sterling from the

University of California, Davis, mentioned the need to create incentives for public agencies and private entities to provide pooled and micro-transit services in a manner that reduces costs and serves fixed-transit routes. Seleta Reynolds from the City of Los Angeles Department of Transportation shared similar points and emphasized that the legislature should provide flexible funding given the impact autonomous vehicles can have on mobility, equity, safety, accessibility, land use, and commerce. Finally, Jane Shiimoto from the California Department of Motor Vehicles provided an update on the new regulations being approved by the California Office of Administrative Law to administer driverless testing and deployment, which would allow manufacturers to test autonomous vehicles on public roads without a driver behind the steering wheel. Staff will continue to monitor regulations on autonomous vehicles and will provide updates as needed to the OCTA Board of Directors.

### **Summary**

Positions are recommended on bills related to local street and road funding and the environmental review process for transportation projects. An update is provided on a bill sponsored, related to disadvantaged communities and transit investments. Updates are also provided on Board of Equalization actions, SB 1 (Chapter 5, Statutes of 2017) economic impacts, and legislative hearings on autonomous technology.

### **Attachments**

- A. AB 1759 (McCarty, D-Sacramento) Bill Analysis with Bill Language
- B. AB 1905 (Grayson, D-Concord) Bill Analysis with Bill Language
- C. Orange County Transportation Authority Sponsor Letter for SB 1119 (Newman, D-Fullerton) with Bill Language
- D. The Economic Impacts of Senate Bill 1 on California
- E. Orange County Transportation Authority Legislative Matrix

#### **Prepared by:**



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**BILL:** AB 1759 (McCarty, D-Sacramento)  
Introduced January 4, 2018

**SUBJECT:** AB 1759 would withhold transportation funds from a city or county if it fails to meet the Regional Housing Needs Assessment production goals.

**STATUS:** Pending in the Assembly Transportation Committee and the Assembly Housing and Community Development Committee.

**SUMMARY AS OF FEBRUARY 27, 2018:**

AB 1759 (McCarty, D-Sacramento) would require the California Department of Housing and Community Development (HCD), beginning June 30, 2022, and every year thereafter until June 30, 2051, to review each production report submitted by a city or county to determine whether the city or county has met the applicable minimum production goal for that reporting period relative to its Regional Housing Needs Assessment (RHNA) allocation. "Production report" is defined to include information reported by a city or county as part of its annual report to the HCD, which contains the number of net new units of housing, including both rental housing and for-sale housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy. If the HCD determines that a city or county has met its applicable minimum production goal for that reporting period, then the HCD would be required to submit a certification of that result to the State Controller no later than June 30 of that year. A city or a county would only be eligible to receive Local Streets and Roads (LSR) funding provided by SB 1(Chapter 5, Statutes of 2017) if it complies with the minimum production goals necessary for certification under the following reporting periods:

- For a production report that covers January 1, 2022, to January 2027, the minimum production goal should be at least 20 percent for each RHNA income level.
- For a production report that covers January 1, 2028, to January 2032, the minimum production goal should be at least 40 percent for each RHNA income level.
- For a production report that covers January 1, 2033, to January 2038, the minimum production goal should be at least 60 percent for each RHNA income level.
- For a production report that covers January 1, 2039, to January 2044, the minimum production goal should be at least 80 percent for each RHNA income level.
- For a production report that covers January 1, 2045, to January 2050, the minimum production goal should be at least 100 percent for each RHNA income level.

AB 1759 would require the State Controller to withhold the apportionment of funds for each city or county that is not in compliance with the production goals, and deposit those funds in a separate escrow account. The Controller would only be able to distribute those funds in the escrow account if the city or county is later certified by the HCD to be in compliance.



### **EFFECTS ON ORANGE COUNTY:**

Under the Planning and Zoning Law, a city or county is required to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires a planning agency to provide an annual report including a production report to the legislature, the Governor's Office of Planning and Research, and the HCD after the legislature has adopted all or part of a general plan. AB 1759 would require Orange County cities and the County of Orange to provide that it has met a minimum production goal in its annual report for that reporting period to be eligible for SB 1 LSR funding. The LSR program, which provides cities and counties funding for road maintenance, rehabilitation, and critical safety projects is expected to receive about \$1.5 billion annually, doubling the amount of funding provided to cities and counties under traditional state local street and road funding sources.

With the addition of a housing production requirement, AB 1759 would set a concerning precedent, where other policy priorities could potentially be linked to transportation funds. This could impact transportation planning, programming, and construction activities for cities, counties, and agencies such as the Orange County Transportation Authority (OCTA) looking to deliver critical infrastructure projects. This could also potentially conflict with other state goals, including those related to the environment and disadvantaged communities. AB 1759 reduces local authority over the implementation of funds provided under SB 1, and links it to other goals without providing the necessary resources. This directly conflicts with the intent behind SB 1 in providing additional, needed resources to address the underfunded maintenance and infrastructure needs within the State.

Stakeholders opposing the bill include the Southern California Association of Governments, the Riverside County Transportation Commission, Metrolink, San Bernardino County Transportation Authority, Self-Help Counties Coalition, and the Association of California Cities – Orange County.

An oppose position is consistent with OCTA's 2017-18 State Legislative Platform principle to "oppose efforts to reduce local prerogative over regional program funds."

### **OCTA POSITION:**

Staff recommends: OPPOSE

**ASSEMBLY BILL**

**No. 1759**

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**Introduced by Assembly Member McCarty**

January 4, 2018

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An act to add Section 65400.5 to the Government Code, and to amend Section 2034 of, and to add Section 2036.5 to, the Streets and Highways Code, relating to state government finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1759, as introduced, McCarty. General plans: housing element: production report: withholding of transportation funds.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires a planning agency to include in its annual report specified information, known as a production report, regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy.

This bill would require the department, on or before June 30, 2022, and on or before June 30 every year thereafter and until June 30, 2051, to review each production report submitted by a city or county in accordance with the provisions described above to determine whether that city or county has met the applicable minimum production goal for



that reporting period. The bill would provide that, if the department determines that a city or county has met its applicable minimum production goal for that reporting period, the department shall, no later than June 30 of that year, submit a certification of that result to the Controller.

Existing law creates the Road Maintenance and Rehabilitation Program and, after certain allocations for the program are made, requires the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Prior to receiving an apportionment of funds under the program from the Controller in a fiscal year, existing law requires an eligible city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of the report, to apportion funds to eligible cities and counties included in the report, as specified. Existing law requires cities and counties to maintain their existing commitment of local funds for street, road, and highway purposes in order to remain eligible for an allocation or apportionment of these funds.

This bill would, commencing with the 2022–23 fiscal year and through and including the 2051–52 fiscal year, also require cities and counties to be certified in the prior fiscal year by the Department of Housing and Community Development, as described above, in order to remain eligible for an apportionment of these funds. For each city and county that is not in compliance with this requirement, the bill would require the Controller withhold the apportionment of funds that would otherwise be apportioned and distributed to the city or county for the fiscal year and deposit those funds in a separate escrow account for each city or county that is not in compliance. The bill would require the Controller to distribute the funds in the escrow account to the applicable city or county after the city or county is certified to be in compliance and meets other specified requirements. The bill would make other technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65400.5 is added to the Government  
2 Code, to read:

3 65400.5. (a) For purposes of this section:

4 (1) "Department" means the Department of Housing and  
5 Community Development.

6 (2) "Production report" means the information reported by a  
7 city or county pursuant to subparagraph (H) of paragraph (2) of  
8 subdivision (a) of Section 65400 as a part of the annual report  
9 described in Section 65400.

10 (b) The department shall, on or before June 30, 2022, and on  
11 or before June 30 every year thereafter and through and including  
12 June 30, 2051, review each production report submitted by a city  
13 or county to determine whether the city or county has met the  
14 applicable minimum production goal for that reporting period. The  
15 minimum production goal shall be calculated using the following  
16 schedule:

17 (1) For a production report that covers a reporting period for  
18 each calendar year commencing January 1, 2022, to January 1,  
19 2027, inclusive, the minimum production goal means that the  
20 production report reflects that the number of units of housing  
21 available in that city or county is at least 20 percent of the city or  
22 county's share of regional housing needs for each income category.

23 (2) For a production report that covers a reporting period for  
24 each calendar year commencing January 1, 2028, to January 1,  
25 2032, inclusive, the minimum production goal means that the  
26 production report reflects that the number of units of housing  
27 available in that city or county is at least 40 percent of the city or  
28 county's share of regional housing needs for each income category.

29 (3) For a production report that covers a reporting period for  
30 each calendar year commencing January 1, 2033, to January 1,  
31 2038, inclusive, the minimum production goal means that the  
32 production report reflects that the number of units of housing  
33 available in that city or county is at least 60 percent of the city or  
34 county's share of regional housing needs for each income category.

35 (4) For a production report that covers a reporting period for  
36 each calendar year commencing January 1, 2039, to January 1,  
37 2044, inclusive, the minimum production goal means that the  
38 production report reflects that the number of units of housing



1 available in that city or county is at least 80 percent of the city or  
2 county's share of regional housing needs for each income category.

3 (5) For a production report that covers a reporting period for  
4 each calendar year commencing January 1, 2045, and January 1,  
5 2050, the minimum production goal means that the production  
6 report reflects that the number of units of housing available in that  
7 city or county is 100 percent of the city or county's share of  
8 regional housing needs for each income category.

9 (c) Any calculation made by the department pursuant to  
10 subdivision (b) that results in a fractional unit shall be rounded  
11 down.

12 (d) If the department determines that a city or county has met  
13 its applicable minimum production goal for that reporting period  
14 as described in subdivision (b), the department shall no later than  
15 June 30 of that year submit a certification of that result to the  
16 Controller. A certification is valid for the next fiscal year.

17 SEC. 2. Section 2034 of the Streets and Highways Code is  
18 amended to read:

19 2034. (a) (1) Prior to receiving an apportionment of funds  
20 under the program pursuant to paragraph (2) of subdivision (h) of  
21 Section 2032 from the Controller in a fiscal year, an eligible city  
22 or county shall submit to the commission a list of projects proposed  
23 to be funded with these funds. All projects proposed to receive  
24 funding shall be adopted by resolution by the applicable city  
25 council or county board of supervisors at a regular public meeting.  
26 The list of projects proposed to be funded with these funds shall  
27 include a description and the location of each proposed project, a  
28 proposed schedule for the project's completion, and the estimated  
29 useful life of the improvement. The project list shall not limit the  
30 flexibility of an eligible city or county to fund projects in  
31 accordance with local needs and priorities so long as the projects  
32 are consistent with subdivision (b) of Section 2030.

33 (2) The commission shall submit an initial report to the  
34 Controller that indicates the *eligible* cities and counties that have  
35 submitted a list of projects ~~as described in this subdivision that~~  
36 *meet the requirements of paragraph (1)* and that ~~are~~ therefore  
37 ~~eligible to~~ *may* receive an apportionment of funds under the  
38 program for the applicable fiscal ~~year~~ *year pursuant to paragraph*  
39 *(3)*. If the commission receives a list of projects from ~~a~~ *an eligible*  
40 city or county after it submits its initial report to the Controller,



1 the commission shall submit a subsequent report to the Controller  
2 that indicates the *eligible* cities and counties that submitted a list  
3 of projects *that meet the requirements of paragraph (1)* after the  
4 commission submitted its initial report.

5 (3) The Controller, upon receipt of the initial report, shall  
6 apportion funds to eligible cities and ~~counties~~. *counties included*  
7 *in the initial report*.

8 (4) (A) For any *eligible* city or county that is not included in  
9 the initial report submitted to the Controller pursuant to paragraph  
10 (2), the Controller shall retain the monthly share of funds that  
11 would otherwise be apportioned and distributed to the city or  
12 county pursuant to paragraph (3).

13 (B) If the Controller receives a subsequent report from the  
14 commission within 90 days of receiving the initial report from the  
15 ~~commission that a city or county has become eligible to receive~~  
16 ~~an apportionment~~, *commission*, the Controller shall apportion the  
17 funds retained pursuant to subparagraph (A) to ~~the any eligible~~  
18 ~~city or county~~. *county included in the subsequent report*.

19 (C) The Controller shall reapportion to all eligible cities and  
20 *counties included in the initial report or a subsequent report from*  
21 *the commission* pursuant to the formula in clauses (i) and (ii) of  
22 subparagraph (C) of paragraph (3) of subdivision (a) of Section  
23 2103 any funds that were retained pursuant to subparagraph (A)  
24 but that were not apportioned and distributed pursuant to  
25 subparagraph (B).

26 (b) For each fiscal year, each *eligible* city or county receiving  
27 an apportionment of funds shall, upon expending program funds,  
28 submit documentation to the commission that details the  
29 expenditures of all funds under the program, including a description  
30 and location of each completed project, the amount of funds  
31 expended on the project, the completion date, if applicable, and  
32 the estimated useful life of the improvement.

33 (c) Prior to receiving an apportionment of funds under the  
34 program pursuant to paragraph (2) of subdivision (h) of Section  
35 2032 from the Controller in a fiscal year, an eligible city or county  
36 may expend other funds on eligible projects and may reimburse  
37 the source of those other funds when it receives its apportionment  
38 from the Controller.

39 SEC. 3. Section 2036.5 is added to the Streets and Highways  
40 Code, to read:

1     2036.5. (a) Commencing with the 2022–23 fiscal year, and  
2 until the 2051–52 fiscal year, in addition to the requirement  
3 specified in Section 2036, in order to remain eligible in any fiscal  
4 year for an apportionment of funds pursuant to paragraph (2) of  
5 subdivision (h) of Section 2032 a city or county shall, in the prior  
6 fiscal year, be certified by the Department of Housing and  
7 Community Development pursuant to Section 65400.5 of the  
8 Government Code.

9     (b) For each city or county that is not in compliance with  
10 subdivision (a), the Controller shall withhold the apportionment  
11 of funds that would otherwise be apportioned and distributed to  
12 that city or county for the fiscal year and shall deposit those funds  
13 in a separate escrow account for each city or county that is not in  
14 compliance with subdivision (a).

15     (c) The Controller shall distribute the funds held in an escrow  
16 account created pursuant to subdivision (b) to the applicable city  
17 or county after both of the following occur:

18         (1) The city or county is certified by the Department of Housing  
19 and Community Development pursuant to Section 65400.5 of the  
20 Government Code in the prior fiscal year.

21         (2) The city or county submits a list of projects proposed to be  
22 funded with the funds in the escrow account that meet the  
23 requirements of subdivision (a) of Section 2034 to the commission  
24 and the commission submits a report to the Controller indicating  
25 that the list of projects meets those requirements.

26     (d) If a city or county whose funds have been withheld complies  
27 with paragraph (1) of subdivision (c) but does not comply with  
28 paragraph (2) of subdivision (c), the Controller shall reapportion  
29 the funds that have been withheld to eligible cities and counties  
30 pursuant to the formula in clauses (i) and (ii) of subparagraph (C)  
31 of paragraph (3) of subdivision (a) of Section 2103.

32     (e) A city or county that receives an apportionment of funds  
33 pursuant to this section shall comply with subdivision (b) of Section  
34 2034 with respect to the expenditure of those funds.



**BILL:** AB 1905 (Grayson, D-Concord)  
Introduced January 22, 2018

**SUBJECT:** AB 1905 would prohibit a court from staying or enjoining a transportation project adopted in a sustainable communities strategy and which has a certified environmental impact report absent specified findings.

**STATUS:** Pending in Assembly Natural Resources Committee

**SUMMARY AS OF FEBRUARY 28, 2018:**

AB 1905 (Grayson, D-Concord) would limit the circumstances under which a court can award injunctive relief for legal actions and proceedings pursued under the California Environmental Quality Act (CEQA). The bill would specifically prohibit a court from awarding injunctive relief to transportation projects that have been adopted as part of a metropolitan planning organization's sustainable communities strategy (SCS) and for which there is a certified environmental impact report (EIR).

Under the bill, courts would still have the ability to award injunctive relief in one of two situations. First, a court could award injunctive relief against a project if continued construction presents an imminent threat to public health and safety. Second, a court may stay or enjoin a project if it contains unforeseen important Native American artifacts or historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by construction.

AB 1905 also contains a provision which declares that those project activities not covered by the legislation should not be invalidated simply because injunctive relief was awarded to another, severable aspect of the project covered by AB 1905.

**EFFECTS ON ORANGE COUNTY:**

The Orange County Transportation Authority (OCTA) serves as the lead or primary funding agency on many projects subject to CEQA review. Under current law, a court has the authority to halt project construction upon filing of a lawsuit under CEQA, potentially delaying projects for which OCTA has also prepared a certified EIR. Delays resulting from these types of legal actions can increase construction costs and interrupt the efficient delivery of mobility solutions in Orange County. Moreover, when these projects are included in a region's SCS, they are part of a strategy to meet greenhouse gas emission reduction requirements set by the California Air Resources Board pursuant to SB 375 (Chapter 728, Statutes of 2008). Delays resulting from injunctive relief can jeopardize the ability of a region to meet its SB 375 targets, which could impair future grant funding. The California Transportation Commission's (CTC) 2017 Annual Report acknowledged the potential for this impact, explicitly noting the potential for project delays from litigation.

The CTC therefore recommended that the Legislature pursue legislation to mitigate these impact, and that recommendation is what influenced AB 1905.

It is important to note that AB 1905 would not prevent a court from halting project constructions that are harmful to the environment. Instead, the bill provides a bright line determination for when such court intervention is warranted, bringing a much-needed level of certainty to the environmental review process. Each project would still have to complete an EIR, ensuring an opportunity for public comment and mitigation of any environmental impacts.

OCTA has previously supported similar policies. When the Legislature was considering SB 375, one of OCTA's proposed amendments would have provided for a streamlined CEQA process for all projects in an adopted SCS. In creating a more seamless environmental review process, AB 1905 essentially achieves the same goal as OCTA's proposed amendment to SB 375.

A SUPPORT position is consistent with the provision in OCTA 2017-18 State Legislative Platform's to "Support legislation to streamline the environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still maintaining traditional environmental protections." Besides the CTC, other regional agencies are also moving forward with a support position including the Riverside County Transportation Commission, San Bernardino County Transportation Authority, and the Southern California Associated Governments. A similar concept was also recently included in the President's infrastructure proposal.

**OCTA POSITION:**

Staff recommends: SUPPORT

**ASSEMBLY BILL**

**No. 1905**

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**Introduced by Assembly Member Grayson**

January 22, 2018

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An act to add Section 21168.6.7 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL’S DIGEST

AB 1905, as introduced, Grayson. Environmental quality: judicial review: transportation projects.

The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. The act establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to the act.

This bill would, in an action or proceeding seeking judicial review under the California Environmental Quality Act, prohibit a court from staying or enjoining a transportation project that is included in a sustainable communities strategy and for which an environmental impact report has been certified, unless the court makes specified findings.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21168.6.7 is added to the Public  
2 Resources Code, to read:

3 21168.6.7. (a) This section shall only apply to a transportation  
4 project that is included in a sustainable communities strategy  
5 approved by a metropolitan planning organization pursuant to  
6 Section 65080 of the Government Code and for which an  
7 environmental impact report has been certified.

8 (b) In any action or proceeding to attack, review, set aside, void,  
9 or annul the certification of an environmental impact report for a  
10 transportation project or the granting of such a project's approval,  
11 the court shall not stay or enjoin the construction or operation of  
12 the transportation project unless the court finds either of the  
13 following:

14 (1) The continued construction or operation of the transportation  
15 project presents an imminent threat to the public health and safety.

16 (2) The transportation project contains unforeseen important  
17 Native American artifacts or unforeseen important historical,  
18 archaeological, or ecological values that would be materially,  
19 permanently, and adversely affected by the continued construction  
20 or operation of the transportation project unless the court stays or  
21 enjoins the construction or operation of the transportation project.

22 (c) If the court finds that paragraph (1) or (2) of subdivision (b)  
23 is satisfied, the court shall only enjoin those specific activities  
24 associated with the transportation project that present an imminent  
25 threat to public health and safety or that materially, permanently,  
26 and adversely affect unforeseen important Native American  
27 artifacts or unforeseen important historical, archaeological, or  
28 ecological values.

29 (d) An action or proceeding to attack, set aside, void, or annul  
30 a determination, finding, or decision of the lead agency or  
31 responsible agency granting subsequent project approval for a  
32 transportation project included in the environmental impact review  
33 shall be subject to the judicial remedy limitations of this section.

34 (e) When an action or proceeding brought pursuant to this  
35 section challenges a portion of a transportation project and that  
36 portion is severable from the transportation project, the court may  
37 enter an order as to those portions of the transportation project that  
38 includes one or more of the remedies set forth in Section 21168.9.

1     (f) The provisions of this section are severable. If any provision  
2     of this section or its application is held invalid, that invalidity shall  
3     not affect other provisions or applications that can be given effect  
4     without the invalid provision or application.

O



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Darrell Johnson  
Chief Executive Officer

February 26, 2018

The Honorable Josh Newman  
California State Senate  
State Capitol Building, Room 4082  
Sacramento, California 95814

**Subject: SB 1119 (Newman) – SPONSOR**

Dear Senator Newman:

On behalf of the Orange County Transportation Authority (OCTA) Board of Directors, we are pleased to sponsor SB 1119, legislation that will allow flexibility in the use of Low Carbon Transit Operations Program (LCTOP) funding for transit connectivity purposes, and would like to express our thanks for your leadership in authoring this important piece of legislation.

The cap-and-trade program is one of the key policies the California Air Resources Board 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). Each year, five percent of total cap-and-trade revenues are directed to the LCTOP, which is to be used to help promote transit operations and capital improvements to reduce greenhouse gas emissions and improve mobility.

Under existing law, recipients of LCTOP funding are required to demonstrate that at least 50 percent of program funds received be expended on projects or services that benefit disadvantaged communities (DAC), which is defined using the California Environmental Protection Agency's California Communities Environmental Health Screening Tool (CalEnviroScreen). This particular requirement limits where OCTA can use cap-and-trade funding to provide transit services that connect DAC residents to employment centers, educational institutions or healthcare centers, unless the service actually occurs within a DAC. This does not take into account the actual riders that use the transit services, including the communities they originate from, income levels, or transit dependency. In OCTA's case, almost two-thirds of riders live in a household with an income of less than \$30,000, and more than 84 percent do not have access to a car. With LCTOP funding expected to grow in future years, this disadvantaged community requirement presents an increased challenge for OCTA and other transit agencies.



The Honorable Josh Newman  
February 26, 2018  
Page 2

SB 1119 allows flexibility in the use of LCTOP so transit agencies can seek opportunities to provide additional connectivity options for residents of DACs, and 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.

Specifically, OCTA has had recent success in implementing a new student transit pass program for Santa Ana College using LCTOP funding. Through this program, 14 percent of students have reported that they are now riding the bus for the first time, and 77 percent of those that already rode the bus report they are riding it more. Overall, 88 percent report that they no longer park on campus since the pass program took effect. With the success of the program, other universities have shown interest in adopting a similar program, but do not meet the disadvantaged community requirements as defined by the CalEnviroScreen tool. SB 1119 will provide the needed flexibility to allow the expansion of this program, further expanding transportation choices for students. It will also allow additional transit services that connect to major employment areas, or further the use of zero-emission technology.

A SPONSOR position is consistent with the OCTA 2017-2018 State Legislative Platform's principle to "sponsor legislation to increase the flexibility in meeting disadvantaged community investment requirements to allow eligibility for projects that improve transit connectivity options."

If you or your staff have any questions regarding OCTA's position on SB 1119, please contact Kristin Essner, Manager of State and Federal Relations, at (714) 560-5754 or [kessner@octa.net](mailto:kessner@octa.net).

Sincerely,



Lisa A. Bartlett  
Chairwoman

LAB:jp

c: Darrell Johnson, Chief Executive Officer  
Orange County State Legislative Delegation  
Platinum Advisors, LLC

**Introduced by Senator Newman**February 13, 2018

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An act to amend Section 75230 of the Public Resources Code, relating to transportation.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1119, as introduced, Newman. Low Carbon Transit Operations Program.

Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates specified portions of the annual proceeds in the fund to various programs, including 5% for the Low Carbon Transit Operations Program, administered by the Department of Transportation, which provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility.

Existing law requires, for recipient transit agencies whose service areas include disadvantaged communities, as specified, that those recipient transit agencies expend at least 50% of the total moneys they received as part of the Low Carbon Transit Operations Program on projects or services that meet specified requirements and benefit those disadvantaged communities.

This bill would authorize a recipient transit agency to satisfy the above-stated requirement by expending at least 50% of program funds received on transit fare subsidies, specified transit connections, or technology improvements that reduce emissions of greenhouse gases.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.



*The people of the State of California do enact as follows:*

SECTION 1. Section 75230 of the Public Resources Code is amended to read:

75230. (a) The Low Carbon Transit Operations Program is hereby created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities.

(b) Funding for the program is continuously appropriated pursuant to Section 39719 of the Health and Safety Code from the Greenhouse Gas Reduction Fund established pursuant to Section 16428.8 of the Government Code.

(c) Funding shall be allocated by the Controller on a formula basis consistent with the requirements of this part and with Section 39719 of the Health and Safety Code, upon a determination by the Department of Transportation that the expenditures proposed by a recipient transit agency meet the requirements of this part and guidelines developed pursuant to this section, and that the amount of funding requested is currently available.

(d) A recipient transit agency shall demonstrate that each expenditure of program moneys allocated to the agency reduces greenhouse gas emissions.

(e) A recipient transit agency shall demonstrate that each expenditure of program moneys does not supplant another source of funds.

(f) Moneys for the program shall be expended to provide transit operating or capital assistance that meets any of the following:

(1) Expenditures that directly enhance or expand transit service by supporting new or expanded bus or rail services, new or expanded water-borne transit, or expanded intermodal transit facilities, and may include equipment acquisition, fueling, and maintenance, and other costs to operate those services or facilities.

(2) Operational expenditures that increase transit mode share.

(3) Expenditures related to the purchase of zero-emission buses, including electric buses, and the installation of the necessary equipment and infrastructure to operate and support these zero-emission buses.

(g) (I) For recipient transit agencies whose service areas include disadvantaged communities, as identified pursuant to Section 39711 of the Health and Safety Code, at least 50 percent of the

1 total moneys received pursuant to this chapter shall be expended  
2 on projects or services that meet the requirements of subdivisions  
3 (d), (e), and (f) and benefit the disadvantaged communities, as  
4 identified consistent with the guidance developed by the State Air  
5 Resources Board pursuant to Section 39715.

6 *(2) The requirement in paragraph (1) shall be met if a transit*  
7 *agency expends at least 50 percent of the total moneys it receives*  
8 *from the program to provide any of the following:*

9 *(A) Transit fare subsidies, including student transit passes.*

10 *(B) Transit connections to major employment areas, education*  
11 *centers, or medical facilities for residents of disadvantaged or*  
12 *low-income communities.*

13 *(C) Technology improvements that reduce emissions of*  
14 *greenhouse gases, including the purchase of zero-emission buses*  
15 *and fueling infrastructure.*

16 (h) The Department of Transportation, in coordination with the  
17 State Air Resources Board, shall develop guidelines that describe  
18 the methodologies that recipient transit agencies shall use to  
19 demonstrate that proposed expenditures will meet the criteria in  
20 subdivisions (d), (e), (f), and (g) and establish the reporting  
21 requirements for documenting ongoing compliance with those  
22 criteria.

23 (i) Chapter 3.5 (commencing with Section 11340) of Part 1 of  
24 Division 3 of Title 2 of the Government Code does not apply to  
25 the development of guidelines for the program pursuant to this  
26 section.

27 (j) A recipient transit agency shall submit the following  
28 information to the Department of Transportation before seeking a  
29 disbursement of funds pursuant to this part:

30 (1) A list of proposed expense types for anticipated funding  
31 levels.

32 (2) The documentation required by the guidelines developed  
33 pursuant to this section to demonstrate compliance with  
34 subdivisions (d), (e), (f), and (g).

35 (k) For capital projects, the recipient transit agency shall also  
36 do all of the following:

37 (1) Specify the phases of work for which the agency is seeking  
38 an allocation of moneys from the program.

39 (2) Identify the sources and timing of all moneys required to  
40 undertake and complete any phase of a project for which the



1 recipient agency is seeking an allocation of moneys from the  
2 program.

3 (3) Describe intended sources and timing of funding to complete  
4 any subsequent phases of the project, through construction or  
5 procurement.

6 (l) A recipient transit agency that has used program moneys for  
7 any type of operational assistance allowed by subdivision (f) in a  
8 previous fiscal year may use program moneys to continue the same  
9 service or program in any subsequent fiscal year if the agency can  
10 demonstrate that reductions in greenhouse gas emissions can be  
11 realized.

12 (m) Before authorizing the disbursement of funds, the  
13 Department of Transportation, in coordination with the State Air  
14 Resources Board, shall determine the eligibility, in whole or in  
15 part, of the proposed list of expense types, based on the  
16 documentation provided by the recipient transit agency to ensure  
17 ongoing compliance with the guidelines developed pursuant to  
18 this section.

19 (n) The Department of Transportation shall notify the Controller  
20 of approved expenditures for each recipient transit agency, and  
21 the amount of the allocation for each agency determined to be  
22 available at that time of approval.

23 (o) A recipient transit agency that does not submit an  
24 expenditure for funding in a particular fiscal year may retain its  
25 funding share, and may accumulate and utilize that funding share  
26 in a subsequent fiscal year for a larger expenditure, including  
27 operating assistance. The recipient transit agency must first specify  
28 the number of fiscal years that it intends to retain its funding share  
29 and the expenditure for which the agency intends to use these  
30 moneys. A recipient transit agency may only retain its funding  
31 share for a maximum of four years.

32 (p) A recipient transit agency may, in any particular fiscal year,  
33 loan or transfer its funding share to another recipient transit agency  
34 within the same region for any identified eligible expenditure under  
35 the program, including operating assistance, in accordance with  
36 procedures incorporated by the Department of Transportation in  
37 the guidelines developed pursuant to this section, which procedures  
38 shall be consistent with the requirement in subdivision (g).

39 (q) A recipient transit agency may apply to the Department of  
40 Transportation to reassign any savings of surplus moneys allocated

1 under this section to the agency for an expenditure that has been  
2 completed to another eligible expenditure under the program,  
3 including operating assistance. A recipient transit agency may also  
4 apply to the Department of Transportation to reassign to another  
5 eligible expenditure any moneys from the program previously  
6 allocated to the agency for an expenditure that the agency has  
7 determined is no longer a priority for the use of those moneys.

8 (r) The recipient transit agency shall provide annual reports to  
9 the Department of Transportation, in the format and manner  
10 prescribed by the department, consistent with the internal  
11 administrative procedures for the use of the fund proceeds  
12 developed by the State Air Resources Board.

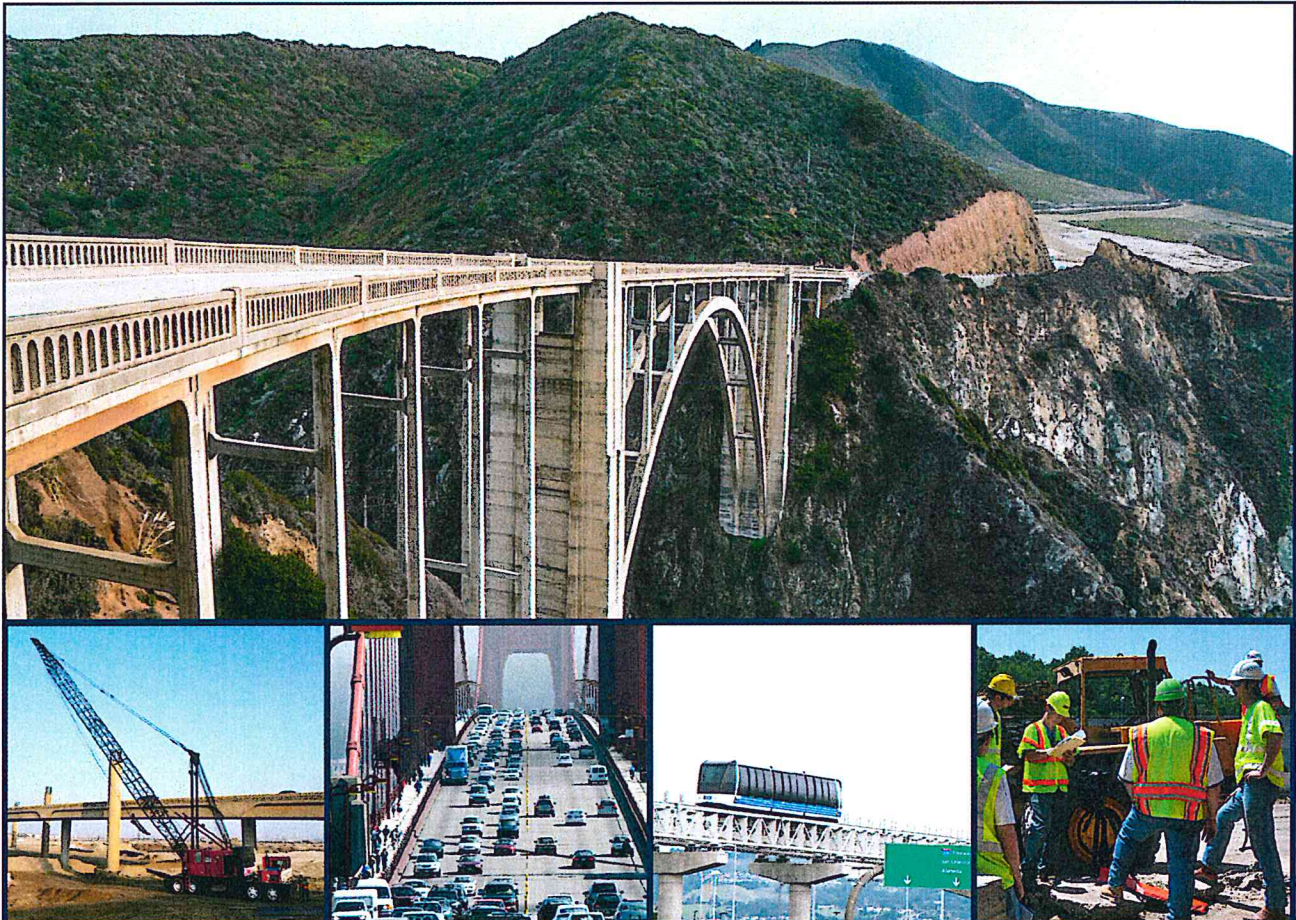
13 (s) The Department of Transportation and recipient transit  
14 agencies shall comply with the guidelines developed by the State  
15 Air Resources Board pursuant to Section 39715 of the Health and  
16 Safety Code to ensure that the requirements of Section 39713 of  
17 the Health and Safety Code are met to maximize the benefits to  
18 disadvantaged communities as described in Section 39711 of the  
19 Health and Safety Code.

20 (t) A recipient transit agency shall comply with all applicable  
21 legal requirements, including the requirements of the California  
22 Environmental Quality Act (Division 13 (commencing with Section  
23 21000)), and civil rights and environmental justice obligations  
24 under state and federal law. Nothing in this section shall be  
25 construed to expand or extend the applicability of those laws to  
26 recipient transit agencies.

27 (u) The audit of public transportation operator finances already  
28 required under the Transportation Development Act (*Chapter 4*  
29 *(commencing with Section 99200) of Part 11 of Division 10 of the*  
30 *Public Utilities Code*) pursuant to Section 99245 of the ~~Public~~  
31 ~~Utilities Code~~ *that code* shall be expanded to include verification  
32 of receipt and appropriate expenditure of moneys from the program.  
33 Each recipient transit agency receiving moneys from the program  
34 in a fiscal year for which an audit is conducted shall transmit a  
35 copy of the audit to the Department of Transportation, and the  
36 department shall make the audits available to the Legislature and  
37 the Controller for review on request.



# The Economic Impacts of Senate Bill 1 on California



Commissioned by  
The California Alliance for Jobs  
The California Transit Association  
Transportation California

Prepared by **ARTBA** American Road  
& Transportation  
Builders Association

FEBRUARY 2018



## About the Authors

This research was conducted for a coalition of California transportation associations – The California Alliance for Jobs, The California Transit Association and Transportation California – by the economics & research team at the Washington, D.C.-based American Road & Transportation Builders Association (ARTBA). This analysis was led by Dr. Alison Premo Black, the association's senior vice president and chief economist. ARTBA Market Research Associate Lital Shair Nada made significant contributions to the research and analysis.

Since joining ARTBA in 2000, Dr. Black has led teams and authored over 80 studies examining state transportation funding and investment patterns. Dr. Black also leads the operation of the Transportation Investment Advocacy Center™. She has a Ph.D. in economics from the George Washington University and a master's in international economics and Latin American Studies from the Johns Hopkins School of Advanced International Studies.

Ms. Nada is pursuing a Master's of Science in Applied Economics degree at Johns Hopkins University. She graduated magna cum laude from Brandeis University with degrees in Economics and International & Global Studies. Since joining ARTBA in 2012, Ms. Nada has authored over 25 custom reports for clients. She also manages ARTBA's transportation market intelligence subscription reports and is assistant director for the ARTBA Research & Education Division.

## About the American Road & Transportation Builders Association

The Washington, D.C.-based American Road & Transportation Builders Association (ARTBA) is a federation whose primary goal is to aggressively grow and protect transportation infrastructure investment to meet the public and business demand for safe and efficient travel. In support of this mission, ARTBA also provides programs and services designed to give its more than 8,000 public and private sector members a global competitive edge.

ARTBA's The Transportation Investment Advocacy Center™ (TIAC), a first-of-its kind, dynamic education program and Internet-based information resource designed to help private citizens, legislators, organizations and businesses successfully grow transportation investment at the state and local levels through the legislative and ballot initiative processes. It's powered by: [www.transportationinvestment.org](http://www.transportationinvestment.org).

## About The California Alliance for Jobs

The California Alliance for Jobs is a unique labor-management partnership that advocates for responsible investments in public infrastructure projects. Representing over 2,000 heavy construction companies and 80,000 union construction workers, the Alliance focuses on the core of what keeps California's people and economy moving as the state's population grows: transportation networks, water systems, and increasing the quality of infrastructure for all Californians.

## About The California Transit Association

The California Transit Association is dedicated to advocating for the creation of transit-friendly policy, to protect and increase transit funding, and to support a balanced transportation system.

## About Transportation California

Transportation California is a diversified, non-partisan, non-profit coalition representing a broad spectrum of business, labor, and local agencies which have united to create the state's leading transportation advocacy and public education group. Founded in 1990, today its member companies and groups account for more than 200,000 California jobs.

# The Economic Impacts of Senate Bill 1 on California

## TABLE OF CONTENTS

I. Executive Summary .....	4
II. The Economic Impact of Transportation Investment in California.....	7
The Economic Impacts of SB 1 .....	7
Additional User Benefits and Savings for California Drivers and Businesses .....	13
Models Used .....	16
III. Transportation Investment is Key to Economic Growth and Business Success.....	17
IV. Challenges Facing California's Transportation Network.....	21
V. Broader Economic Challenges .....	26
VI. The Economic Impacts of SB 1 on Major Industry Sectors .....	28
Agriculture, forestry, fishing, and hunting .....	33
Mining .....	34
Utilities .....	35
Construction .....	36
Manufacturing .....	37
Wholesale trade.....	38
Retail trade.....	39
Transportation and warehousing .....	40
Information .....	41
Finance and insurance .....	42
Real estate and rental and leasing .....	43
Professional, scientific, and technical services.....	44
Management of companies and enterprises.....	45
Administrative and waste management services .....	46
Educational services .....	47
Health care and social assistance.....	48
Arts, entertainment, and recreation.....	49
Accommodation and food services .....	50
Other services .....	51
Methodology and Sources .....	52
Appendix 1: Supporting Studies.....	55
Appendix 2: SB 1 Revenue and Expenditure 10-Year Forecast .....	58
Appendix 3: SB 1 Spending by Type .....	59
Appendix 4: Total Economic Impacts of SB 1 on California over 10 Years.....	60
Appendix 5: What is SB 1? .....	61
Appendix 6: How is Transportation Investment Funded in California? .....	62

# I. Executive Summary

The transportation investment enacted under California Senate Bill 1 (SB 1)—signed into law April 28, 2017—will support at least \$182.6 billion in increased economic activity and benefits for California residents and businesses over the next 10 years, averaging \$18.3 billion per year. As the investment increases during this period, SB 1 will support an additional 682,029 job-years<sup>1</sup> throughout all sectors of the state's economy, over the 10 years. This translates to an average of 68,203 jobs each year.

A sustained increase in California highway, street, bridge and transit investment will reduce costs for users of the transportation system, provide broad economic benefits to communities across the state and improve the quality of infrastructure.

This report quantifies how the investments made under SB 1 will create benefits for users of the transportation system as well as stimulate economic activity across all sectors of the state economy.

As repairs and upgrades are made to California's highway, street, bridge and transit networks, drivers, businesses and transit riders will save time and money. These user benefits are a result of decreased congestion, less money spent on vehicle repairs, safer roads, and an improved infrastructure network.

- Total user benefits average \$3.8 billion per year in savings for California drivers, transit riders and businesses, which will add up to \$38.2 billion over 10 years. This is an annual savings of nearly \$300 per household in California. Commuters will spend less time sitting in traffic and the cost of maintaining and operating their vehicles will go down as roadway conditions improve. Truck drivers will spend less time idling on congested highways and transit riders will take more trips and have greater access to goods and services.

Total Impacts of SB 1 over 10 Years	
User Benefits	\$38.2 billion
Highway, Street & Bridge	\$23.6 billion
Transit	\$14.6 billion
Economic Impacts	
Economic Output	\$111.8 billion
Earnings	\$32.6 billion
Employment	682,029 job-years
<b>Total Impact</b>	<b>\$182.6 billion</b>

- SB 1 will support the repair, repaving and reconstruction of over 84,000 lane miles on nearly 19,000 miles of roadway, including work on over 18,300 lane miles of urban interstate, and 7,000 lane miles of rural interstate over 10 years.
- With improved conditions, drivers will spend less money on fixing their cars and trucks. Drivers will save an average of \$818 million per year in operating costs, adding up to \$8.2 billion over 10 years.
- Better roads also mean safer roads. This adds up to an average of \$58 million per year in additional safety benefits, or \$584 million over 10 years. As crash, injury and fatality rates decline, there will be fewer costs associated with injuries, fatalities and property damage.
- Additional investment under SB 1 will enable the replacement of an additional 556 state and local bridges in the first five years of the program. This will result in 387 fewer structurally deficient or functionally obsolete bridges.

<sup>1</sup> A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in the manufacturing sector and remains in her position for five years, this is counted as five job-years.

The second type of benefit captures the direct, indirect and induced economic impacts of SB 1, which is measured by increases in economic output, value-added, employment, earnings, and tax revenues. The direct economic impacts of SB 1 are a result of the increased investment in road, bridge and transit construction, project support activities and transit operations. This activity generates additional indirect and induced economic impacts throughout all sectors of the economy.

How does this ripple effect work? Highway, street, bridge and transit contractors purchase inputs (such as materials) from California businesses, in addition to other firms outside of the state, as they complete work on projects. These suppliers then purchase items from other firms, creating an indirect effect.

These employees of the construction firms and supplier industries spend their earnings by purchasing clothing, food and other goods and services, thereby creating induced demand in other sectors of the state economy. As jobs are created or sustained, employees receive additional income and spend more, and businesses increase sales. Subsequently, taxes grow due to larger payroll and sales volumes, providing the state and local municipalities with additional revenues to reinvest in California.

The combined direct, indirect and induced economic impacts from SB 1 include:

- Sales and output by California businesses in all sectors will increase by \$11 billion each year, totaling \$111.8 billion over 10 years.
- This additional investment will support or create an additional 68,203 jobs on average each year, adding up to 682,029 job-years over 10 years.
- Those workers will earn an average of \$3.3 billion per year, resulting in \$32.6 billion in additional earnings over 10 years.

The additional economic activity from the implementation of SB 1 is significant—over 10 years, this will add up to \$182.6 billion in additional output, earnings and user benefits, which will contribute \$57.9 billion to the state gross domestic product (GSP).<sup>2</sup>

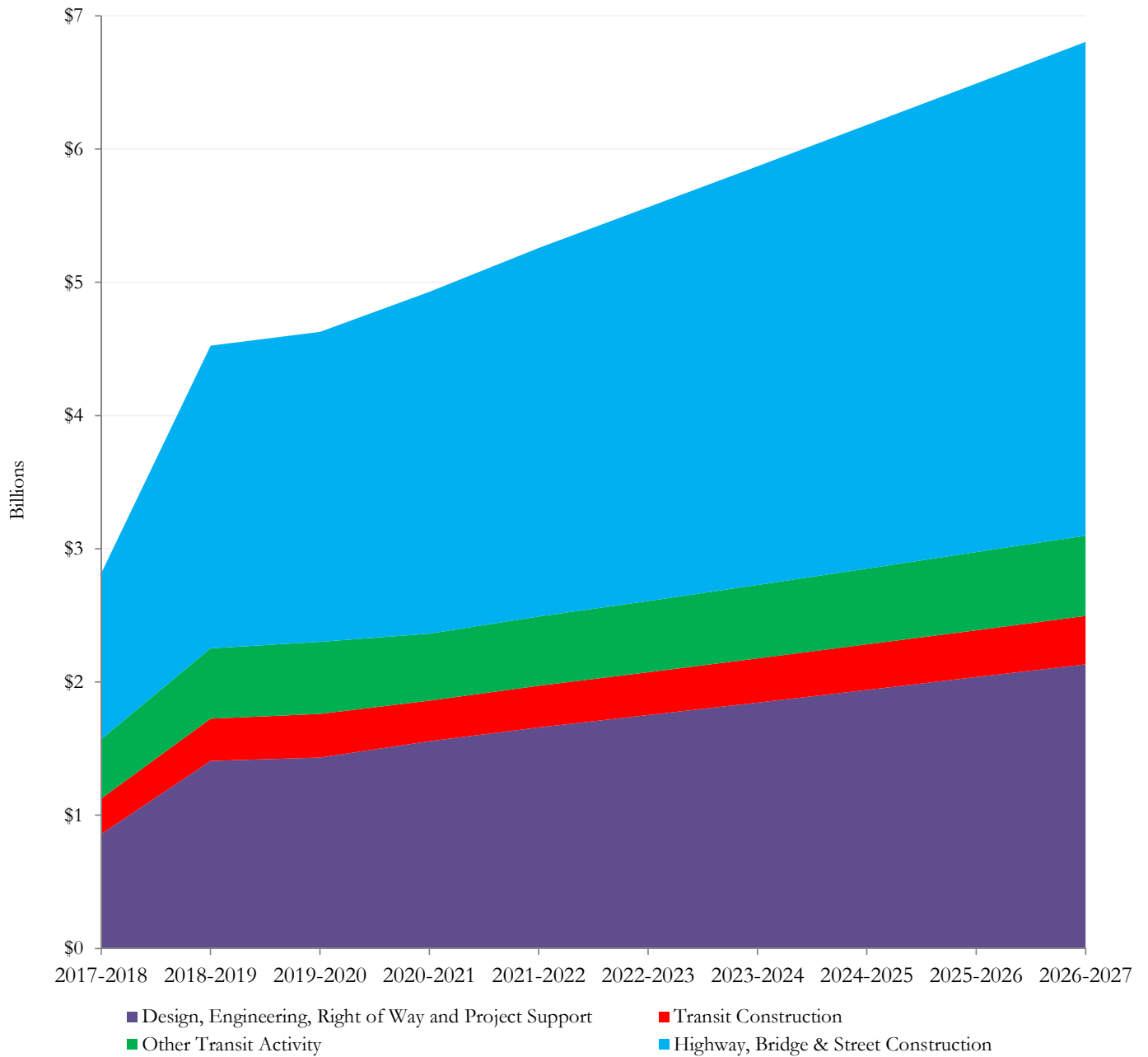
In addition to the economic impacts quantified in the report, there are additional benefits for California residents and businesses that are harder to quantify (outlined in Section III of the report), suggesting that **the quantified benefits of \$182.6 billion in this report are just the minimum**. As investment levels continue to grow under SB 1 in the future, these benefits and economic impacts will continue to improve conditions and the quality of life for the next generation.

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<sup>2</sup> GSP is the value added by an industry to the overall economy. This is the state equivalent of national Gross Domestic Product, or GDP. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.



## SB 1 Investment over 10 Years, by Fiscal Year



## II. The Economic Impacts of Transportation Investment in California

This report uses a series of sophisticated models to quantify both the immediate economic activity from increased highway, street, bridge and transit program spending levels under SB 1 and the longer-term user benefits that accrue from improving the transportation system. A complete description of those models can be found at the end of this section, and with more detail in the Methodology and Sources section.

### The Economic Impacts of SB 1

The sustained increase in California highway, street, bridge and transit investment provided by SB 1 will have significant immediate economic effects on all sectors of the state's economy. Transportation capital investments trigger immediate economic activity that creates and sustains jobs and tax revenues, yet yield long-lived capital assets that facilitate economic growth for the next generation by providing access to jobs, services, materials and markets.

This ripple effect is felt through all sectors of the California economy – contractors purchase materials and workers spend their earnings while they work on projects, creating demand in other sectors of the state economy. As jobs are created or sustained, these employees earn more and spend more, and businesses increase sales. This results in larger payroll and sales volumes, providing the state and local municipalities with additional tax revenues to reinvest in California.

The economic activity from a sustained \$5.3 billion annual increase in California's highway, street, bridge and transit investment over the next 10 years will yield the following benefits:

- Generate nearly \$11.2 billion annually in additional economic output as businesses throughout the economy sell more goods and services to both other businesses and consumers, totaling \$112 billion over 10 years.
- Increase GSP by over \$5.7 billion per year, adding up to \$57.9 billion over 10 years.

- Support or create an additional 68,203 jobs on average each year, with 77 percent of the employment outside of the construction industry, including an estimated 13,964 jobs in transportation and warehousing, 7,466 jobs in other services, 4,308 jobs in retail trade and 3,867 jobs in real estate and rental and leasing. This will add up to a total of 682,029 job-years supported or created by additional SB 1 spending over the next 10 years.
- These workers will earn nearly \$3.3 billion in wages annually, totaling \$32.6 billion over 10 years.
- \$738.3 million in additional tax revenues each year, adding up to \$7.4 billion over 10 years. This includes:
  - \$22.2 million in annual state payroll taxes, totaling \$221.8 million over 10 years
  - \$249.6 million in annual federal payroll taxes, totaling \$2.5 billion over 10 years
  - \$356.2 million in annual state income taxes, totaling \$3.6 billion over 10 years
  - \$110.4 million in annual state and local sales taxes, totaling \$1.1 billion over 10 years

**Over the first 10 years of the bill, this will add up to an additional \$111.8 billion in economic output and 682,029 job-years. These workers will earn nearly \$33 billion.**

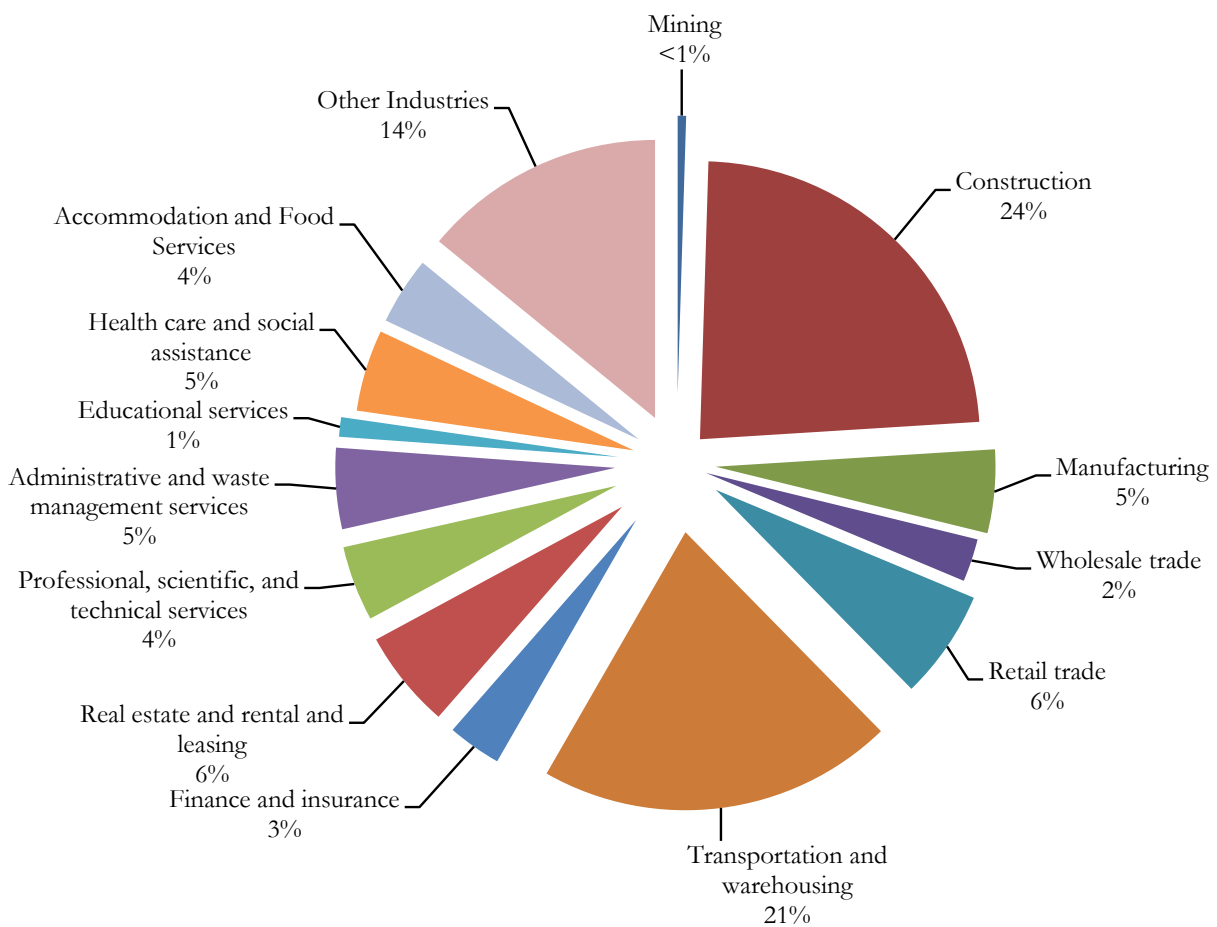
This economic activity is driven by construction spending as well as expenditures on transit operations, planning and design work, right-of-way purchases, construction support, administration and research. Of the \$53.1 billion in SB 1 spending, \$27.8 billion is estimated to go toward highway, street and bridge construction, \$3.2 billion toward transit construction and \$5.4 billion for other transit activity. The remaining \$16.6 billion of SB 1 spending will go toward planning and design work, right of way purchases and other project support activities.

Average Annual Economic Impacts of SB 1					
	Impacts of Highway, Bridge and Street Construction	Impacts of Transit Construction	Impacts of Other Transit Activity	Impacts of Design, Engineering, Right of Way and Project Support	Total Annual Impacts
<b>Total Output</b>	\$5.5 billion	\$678.2 million	\$1.3 billion	\$3.7 billion	\$11.2 billion
<b>Total Value Added (GSP)</b>	\$2.9 billion	\$370.5 million	\$656.1 million	\$1.8 billion	\$5.8 billion
<b>Earnings</b>	\$1.6 billion	\$225.0 million	\$456.2 million	\$1.0 billion	\$3.3 billion
<b>Employment</b>	28,421 jobs	4,302 jobs	16,950 jobs	18,529 jobs	68,203 jobs
<b>Total Tax Revenues</b>	\$344.5 million	\$49.2 million	\$135.1 million	\$209.6 million	\$738.3 million
<b>State Payroll Tax</b>	\$10.7 million	\$1.5 million	\$3.1 million	\$6.8 million	\$22.2 million
<b>Federal Payroll Tax</b>	\$120.4 million	\$17.2 million	\$34.9 million	\$77.0 million	\$249.6 million
<b>State Income Tax</b>	\$157.7 million	\$23.4 million	\$84.6 million	\$90.6 million	\$356.2 million
<b>State &amp; Local Sales Tax</b>	\$55.7 million	\$7.1 million	\$12.5 million	\$35.1 million	\$110.4 million

Total Economic Impacts of SB 1					
	Impacts of Highway, Bridge and Street Construction	Impacts of Transit Construction	Impacts of Other Transit Activity	Impacts of Design, Engineering, Right of Way and Project Support	Total Annual Impacts
<b>Total Output</b>	\$55.3 billion	\$6.8 billion	\$12.8 billion	\$36.9 billion	\$111.8 billion
<b>Total Value Added (GSP)</b>	\$29.2 billion	\$3.7 billion	\$6.6 billion	\$18.4 billion	\$57.9 billion
<b>Earnings</b>	\$15.7 billion	\$2.3 billion	\$4.6 billion	\$10.1 billion	\$32.6 billion
<b>Employment</b>	284,214 job-years	43,019 job-years	169,503 job-years	185,292 job-years	682,029 job-years
<b>Total Tax Revenues</b>	\$3.4 billion	\$492.0 million	\$1.4 billion	\$2.1 billion	\$7.4 billion
<b>State Payroll Tax</b>	\$107.0 million	\$15.3 million	\$31.0 million	\$68.5 million	\$221.8 million
<b>Federal Payroll Tax</b>	\$1.2 billion	\$172.1 million	\$349.0 million	\$770.2 million	\$2.5 billion
<b>State Income Tax</b>	\$1.6 billion	\$234.0 million	\$845.8 million	\$906.0 million	\$3.6 billion
<b>State &amp; Local Sales Tax</b>	\$557.0 million	\$70.6 million	\$125.0 million	\$351.2 million	\$1.1 billion

Sources: U.S. Bureau of Economic Analysis, U.S. Census Bureau RIMS, U.S. Department of Labor, U.S. Census Bureau County Business Patterns, California State Comptroller's Office, California State Board of Equalization, State of California Franchise Tax Board

## Additional California Jobs Supported/Created by SB 1 Investment





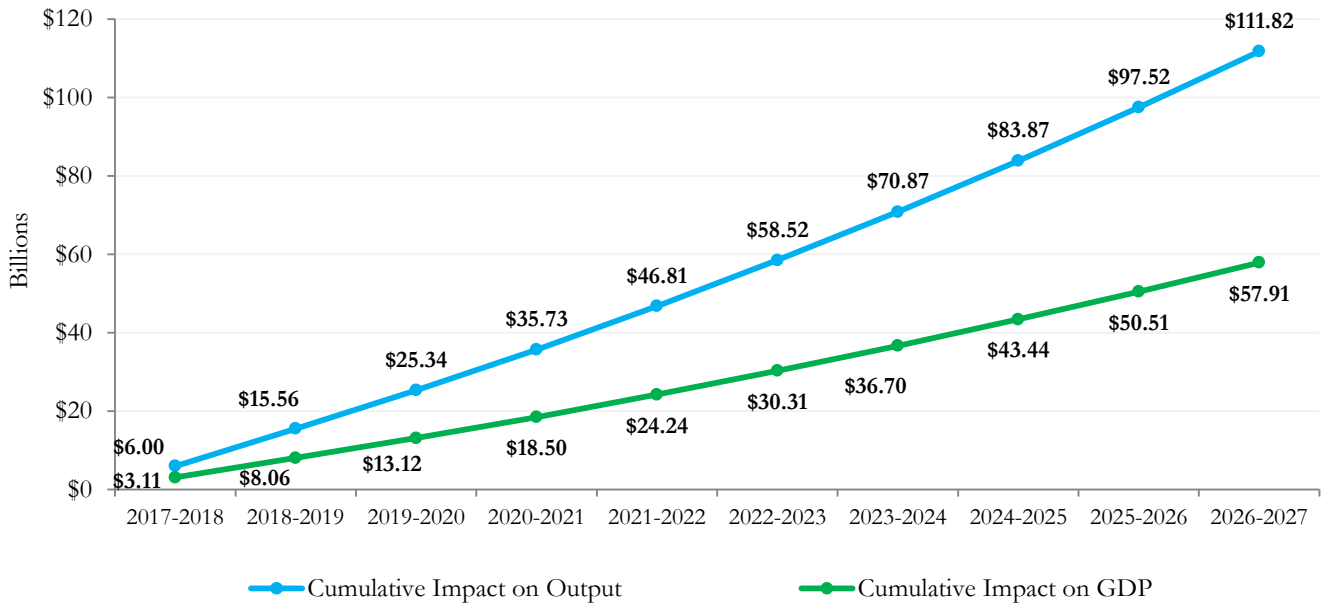
Average Annual Economic Impacts of SB 1		
Industry	Impact on Industry Output (in millions)	Jobs Supported/Created
Agriculture, forestry, fishing, and hunting	\$27.3	208
Mining	\$126.6	329
Utilities	\$102.1	132
Construction	\$3,382.7	15,962
Manufacturing	\$1,215.8	3,289
Wholesale trade	\$365.6	1,696
Retail trade	\$366.0	4,308
Transportation and warehousing	\$768.5	13,964
Information	\$242.9	685
Finance and insurance	\$526.4	2,114
Real estate and rental and leasing	\$739.6	3,867
Professional, scientific, and technical services	\$486.2	2,967
Management of companies and enterprises	\$90.8	330
Administrative and waste management services	\$227.1	3,197
Educational services	\$52.3	768
Health care and social assistance	\$341.6	3,219
Arts, entertainment, and recreation	\$62.1	712
Accommodation and Food Services	\$194.3	2,664
Other services	\$1,863.0	7,466
<b>Total industry impact*</b>	<b>\$11,181.2</b>	<b>68,203</b>

\*Does not include impact on government output.

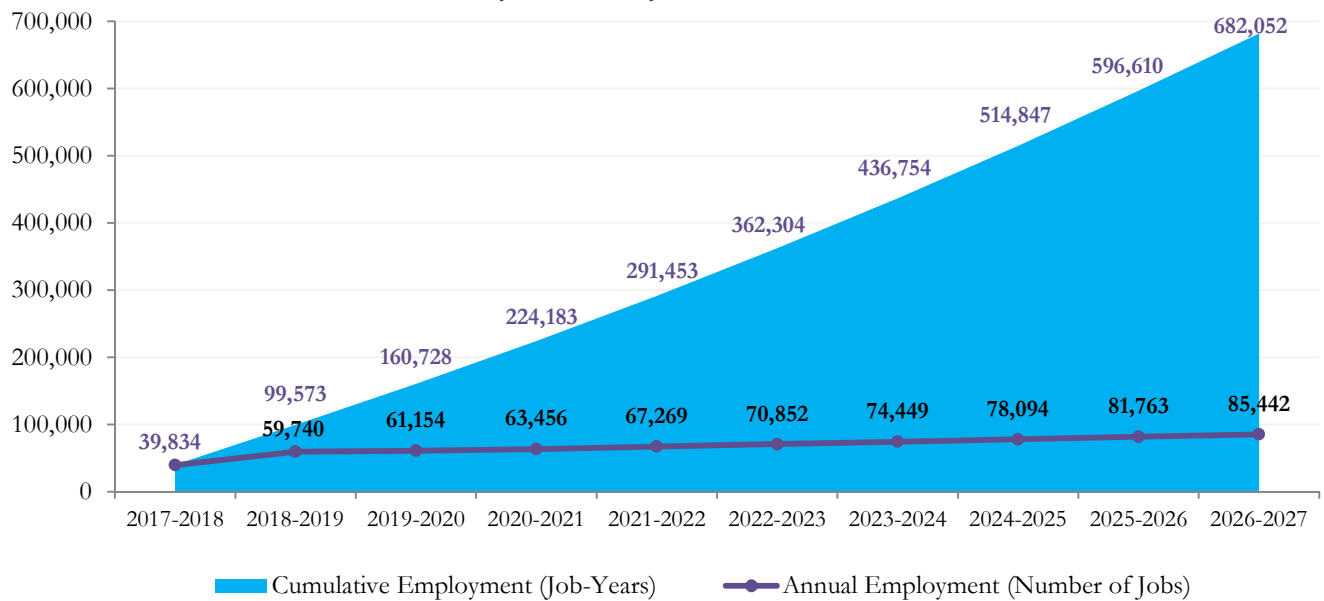
Total Economic Impacts of SB 1 over 10 Years		
Industry	Impact on Industry Output (in millions)	Job-Years Supported/Created
Agriculture, forestry, fishing, and hunting	\$272.6	2,077
Mining	\$1,266.3	3,290
Utilities	\$1,020.9	1,316
Construction	\$33,827.3	159,616
Manufacturing	\$12,157.7	32,891
Wholesale trade	\$3,655.9	16,957
Retail trade	\$3,660.3	43,076
Transportation and warehousing	\$7,684.9	139,641
Information	\$2,429.4	6,852
Finance and insurance	\$5,263.9	21,143
Real estate and rental and leasing	\$7,396.0	38,674
Professional, scientific, and technical services	\$4,862.1	29,673
Management of companies and enterprises	\$907.5	3,304
Administrative and waste management services	\$2,271.5	31,967
Educational services	\$522.7	7,677
Health care and social assistance	\$3,415.7	32,187
Arts, entertainment, and recreation	\$620.8	7,117
Accommodation and Food Services	\$1,942.6	26,641
Other services	\$18,630.1	74,656
<b>Total industry impact*</b>	<b>\$111,811.9</b>	<b>682,029</b>

\*Does not include impact on government output.

## Annual Impacts of SB 1 on Output and GDP



## Annual Impacts of SB 1 on Employment Jobs vs. Job-Years



## Additional User Benefits and Savings for California Drivers and Businesses

In addition to the immediate economic impacts from highway, street, bridge and transit investment and construction activity, California residents and businesses will gain additional savings from a safer and more efficient transportation system. The improvement in California's transportation network will provide long term benefits for businesses and users, including improved safety, lower operating costs, reduced congestion and an increase in both mobility and efficiency.

This does not include the additional benefits of improving access to critical facilities like schools and hospitals or increases in business productivity.

Businesses will have access to a larger pool of labor, supplies and customers. An improved highway, street and bridge network will also result in lower operating costs, allowing business to increase investment in other capital outlays.

Beyond the jobs supported by the immediate highway, street and bridge construction work, the economic activity and employment for many California companies relies on the mobility provided by the highway, street and bridge system.

Without the infrastructure built, maintained and managed by California's transportation construction industry, virtually all major industry sectors that comprise the California economy—and the local jobs they sustain—would not exist or could not function.

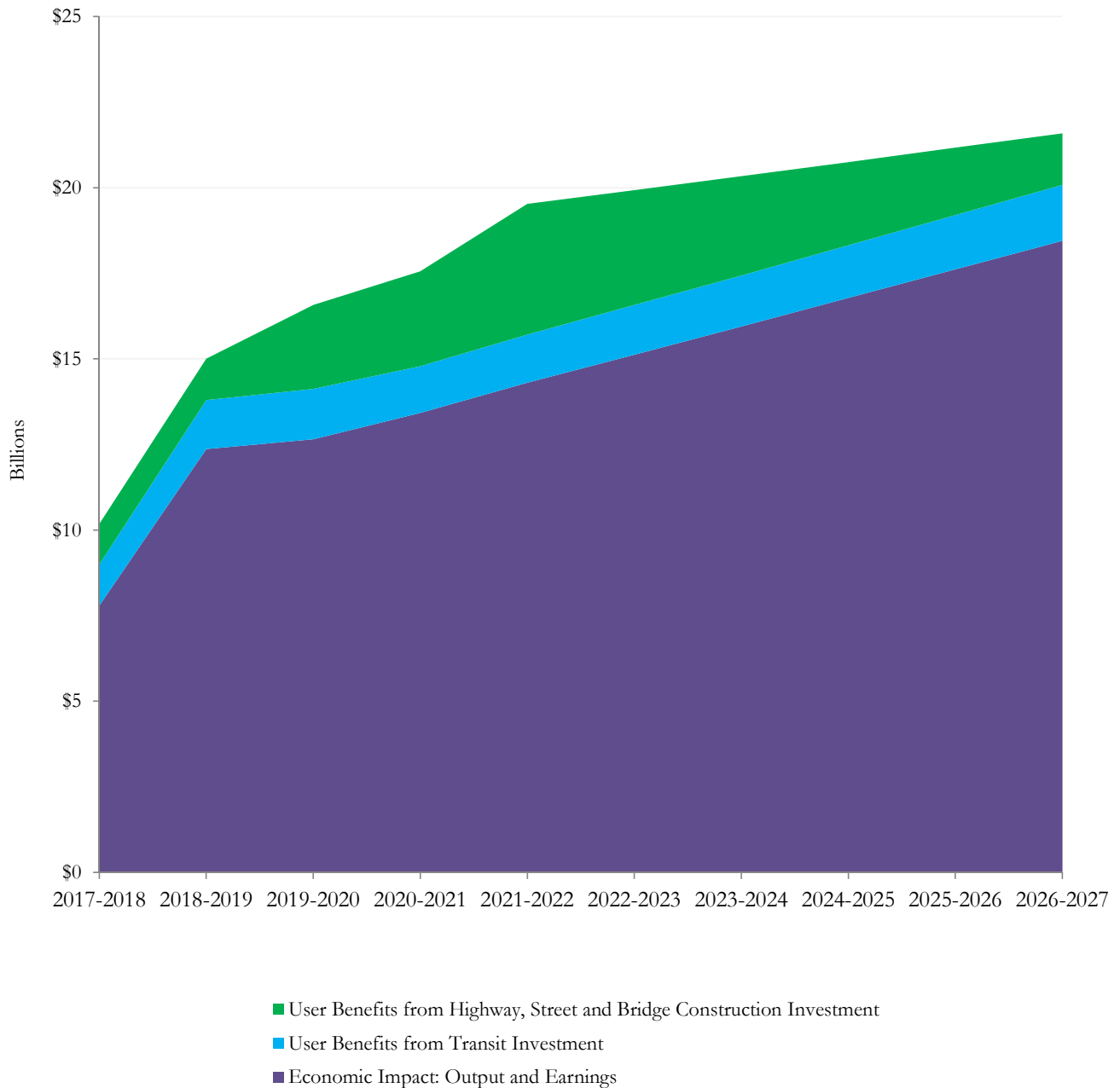
The higher investment levels under SB 1 will have significant user benefits for California residents and businesses over the next 10 years. Depending on the mix of projects, some of the potential benefits include:

- California drivers, transit riders and businesses will save an estimated \$3.8 billion per year. This includes lower operating costs for cars and trucks, less time spent idling in traffic and congestion, safety benefits and lower maintenance costs for travel on improved roads. The benefits from transit investment include additional work and medical-related trips, transportation cost savings and greater mobility. Over 10 years, this adds up to \$38.2 billion in savings that can be used for other purposes.
  - With improved conditions, drivers will spend less money on fixing their cars and trucks. Drivers will save an average of \$818 million per year in operating costs, adding up to \$8.2 billion over 10 years, or an average savings of \$310 per driver over that time period.
  - As they are spending less time in congestion, annual savings will be as high as \$2.6 billion per year, or \$14.7 billion over 10 years. This is an average of over \$550 per driver. Individuals will have more time for leisure or work-related activities.
  - Better roads also mean safer roads. This adds up to an average of \$58 million per year in additional safety benefits or \$584 million over 10 years. As crash, injury and fatality rates decline, there will be fewer costs associated with injuries, fatalities and property damage.
  - Delays in repairing roads cause costs to rise substantially. As roads are maintained and fixed before they need major reconstruction work, total maintenance costs for Caltrans and local governments will decrease by an average of \$9 million per year, or \$87 million over 10 years.
  - Transit improvements will support cost savings and other benefits of an average of \$1.5 billion per year. Over 10 years, this will add up to \$14.6 billion.



- A more efficient transportation network will have positive impacts not only on congestion, but also on the environment. The improvements made under SB 1 will decrease emissions costs by about 31 percent. As traffic speeds increase and vehicles spend less time idling in traffic, emissions costs will decline.
- The reduced costs in travel time alone for truck drivers in California will be significant. Trucks account for 27 percent of the travel on California's urban interstates. Additional savings under SB 1 will add up to nearly \$1.6 billion per year for the 14 million trucks that use the urban interstate. That is an average cost of over \$114,000 per truck, each year. That is money that businesses can use to reinvest in other capital equipment or increase employment.
- Depending on the mix of projects, this increased Caltrans spending level supported by SB 1 will support the repair, repaving and reconstruction of over 84,000 lane miles on nearly 19,000 miles of roadway. This includes work on over 18,300 lane miles of urban interstate, plus an additional 7,000 lane miles of rural interstate. Additionally, California will be able to address capacity constraints, widening existing roadways to add 13,500 lane-miles to existing right of way in order to help ease congestion.
- By accelerating bridge investment through SB 1, California will be able to make needed bridge repairs sooner, resulting in an improved bridge network and a safer drive for California residents.
  - Additional investment under SB 1 enables the replacement of an additional 556 state and local bridges in the first five years of the program. This will result in 387 fewer structurally deficient or functionally obsolete bridges across the state.
  - Bridge conditions will improve sooner with this additional investment, as Caltrans and local agencies will be able to address needed deck and superstructure repairs. The number of bridges with decks rated as excellent or very good will increase by 527 in the first few years of investment, and the number of bridge with excellent or very good superstructures will increase by 551.
  - Overall, Caltrans and local agencies will be able to accelerate the improvement of 682 bridges across the state. When added to baseline state and local bridge investment levels, over 10 years, the implementation of SB 1 will allow a total of 2,192 state and local bridges to be improved.

## Total Benefits of SB 1 Investment over 10 Years, by Fiscal Year



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## Models Used

The U.S. Department of Transportation's Highway Economic Requirements System State Version (HERS-ST) model analyzes the changes in highway conditions, user costs and other key variables for roads in California under different investment scenarios.

The National Bridge Investment Analysis System (NBIAS), developed by the U.S. Federal Highway Administration (FHWA), is a modeling tool to estimate bridge performance for various budget levels. NBIAS models all bridges in the FHWA's National Bridge Inventory, which comprises all bridges that carry traffic.

Using HERS-ST and NBIAS, we can not only examine the impact of investing at baseline levels before the implementation of SB 1 on improvements to the road and bridge network in California, but also analyze the impact of new investment levels including SB 1. The difference between these two scenarios is illustrative of the additional benefits of implementing SB 1.

A number of academic studies have created multipliers for the long-run benefits of transit investment. For this study, we use the California-specific state-wide multiplier from the National Center for Transit Research.<sup>3</sup> They estimate that every \$1 in transit spending yields \$1.69 in user benefits. The authors' benefit-cost analysis includes quantifying savings from the cost of foregone medical and work trips, emissions, crashes, travel time and vehicle ownership and operation expenses.

The economic impacts of highway, street, bridge and transit investment are analyzed using the Regional Input-Output Modeling System (RIMS-II) from the U.S. Bureau of Economic Analysis (BEA).<sup>4</sup> The models estimate the output, employment levels, earnings and value added (contribution to state GSP) specific to industry sectors in the state. Although construction and other related activity will require some inputs and materials from other states, the model captures only the impact on California businesses.

The RIMS-II model does not include the longer term benefits to users, which are captured as part of HERS-ST, NBIAS and the transit multipliers. It is also important to note that the improvements selected by the HERS-ST and NBIAS models are based on benefit-cost ratios. This means the model will implement improvements with the greatest benefit relative to the cost. Although the exact projects selected by the California Department of Transportation (Caltrans) and local governments will likely be different, the difference between the two investment levels illustrates the differences in economic impacts.

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<sup>3</sup> Ranhjot Doavarthy, Jeremy Mattson & Elvis Ndembe, "Cost-Benefit Analysis of Rural and Small Urban Transit," National Center for Transit Research, North Dakota State University. Prepared for the U.S. DOT, October 2014

<sup>4</sup> A full explanation of the RIMS-II models is available from BEA: [https://www.bea.gov/regional/pdf/rims/rimsii\\_user\\_guide.pdf](https://www.bea.gov/regional/pdf/rims/rimsii_user_guide.pdf).

### III. Transportation Investment is Key to Economic Growth and Business Success

California's highway, street, bridge and transit network is integral to the success of the state economy—facilitating the shipment of over \$1.5 trillion in goods produced by California businesses. The efficient and safe movement of goods and people is critical to the economic competitiveness of California and the quality of life for its citizens. Every employee, customer and business pays a price when the system is congested, unsafe or in poor condition.

In addition to spurring immediate economic growth, investment in California's infrastructure creates tangible assets that are long-lived and facilitates economic activity for many years to come by providing access to jobs, services, materials and markets. An improved transportation network results in reduced operating costs and increased market access for California businesses. Sustained investment in highways, bridges and transit is critical to making the best use of these capital assets.

The importance of a robust transportation network has been well documented by business analysts, economists and the research community.<sup>5</sup> Overall estimates are that every \$1 increase in the highway, street and bridge capital stock generates a total of 30 cents in business savings.<sup>6</sup>

Some of these specific benefits include:

- **Staying Competitive:** The overall business environment in the United States is changing, and there is likely to be a greater importance placed on logistics and global transportation networks.<sup>7</sup> The value of total truck freight shipments on California roads is expected increase from \$1.8 trillion in 2015 to \$3.9 trillion in 2045. Truck shipments of California goods for export alone are estimated to increase from \$127.5 billion in 2015 to \$720.3 billion—an increase of over 475 percent.<sup>8</sup>
- **Access to Labor:** A better transportation system means that it is easier for employees to get to work and businesses are able to recruit from a larger pool of potential workers. Investment in highway, street, bridge and transit allows businesses to benefit from an expanded labor pool of specialized workers, which means access to more productive employees. Investing in a high-quality transit system specifically allows density to develop and business clusters to grow.<sup>9</sup> Downtown office district locations, which are often focused on financial services and related business sectors, usually coincide with the location of higher availability and usage of public transportation.<sup>10</sup>

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<sup>5</sup> Glen Weisbrod, Don Very, & George Treyz, "Measuring Economic Costs of Urban Traffic Congestion to Business."

<sup>6</sup> Nadiri, M. Ishaq and Theofanis P. Mamuneas, "Contribution of Highway Capital to Output and Productivity Growth in the U.S. Economy and Industries," Federal Highway Administration, 1998.

<sup>7</sup> Ronald McQuaid, Malcom Greig, Austin Smith, & James Cooper, "The Importance of Transport in Business' [Location Decisions](http://stopstanstedexpansion.com/documents/sse10_appendix_9.pdf)," January 2004, < [http://stopstanstedexpansion.com/documents/sse10\\_appendix\\_9.pdf](http://stopstanstedexpansion.com/documents/sse10_appendix_9.pdf)>.

<sup>8</sup> Freight Analysis Framework

<sup>9</sup> Daniel Graham, "Agglomeration Economies and Transport Investments," [Imperial College](http://www.imperial.ac.uk), December 2007.

<sup>10</sup> Weisbrod, 20.



- **Increased Market Share & More Customers:** A good transportation system means that California businesses can reach a greater pool of customers. For example, if a pharmaceutical company can count on better roads for its employees and key product delivery and supply routes, the company will be able to increase employment and its market access to hospitals and other linked industries. Local industries will benefit from these larger markets and reduced transaction costs.<sup>11</sup>
  - **Business Expansion:** California businesses will increase their output of goods and services at higher levels of investment. A modern transportation system enables business growth, expansion, and increased hiring. Reducing congestion has a demonstrable impact on shipping volume and on prices, with a rate of return of about 10 percent a year, as a conservative estimate.<sup>12</sup> Lower transport costs also have a quantifiable effect on firm choices with respect to suppliers and relatively improve firm hiring ability.
  - **Increase in Demand for Inputs:** As the economy expands, businesses will purchase more goods from their suppliers and will increase their demand for private capital. This includes buying more vehicles, equipment, office supplies or even building new plants and factories.<sup>13</sup>
  - **Reducing Production Costs:** Economic studies show that reduced costs for inputs is one of the main business benefits from an increase in transportation investment. Typically businesses pay less for inputs when they have access to larger markets.<sup>14</sup>
  - **Agglomeration Economies:** Firms benefit by locating near one another, even if they are competitors. This is known as the agglomeration of market activity. This happens because a group of firms will attract a greater number of suppliers and customers than one company alone. Lower transportation costs are a key factor for agglomeration, and will be important in attracting new firms to an area.<sup>15</sup> Increasing returns to local industries can be anticipated in areas with intermodal linkages or intra-modally, as between major highways.
- Agglomeration effects are seen in public transportation as well, with clustering of economic activity around station stops. This clustering results in a smaller distance that California residents have to travel to access job opportunities. Subsequently, job seekers can expand the geographic area in which they can search for jobs, making a greater number of jobs available to them.<sup>16</sup> Additionally, by locating near public transit, businesses save money since they can build less parking infrastructure. A Washington Metropolitan Area Transit Authority study estimates that building parking for the federal employees who take the Metro instead each day will cost the government \$2.4 billion.<sup>17</sup>

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<sup>11</sup> McQuaid, 29.

<sup>12</sup> Zhigang Li and Yu Chen, "Estimating the Social Return to Transport Infrastructure: A Price-Difference Approach Applied to a Quasi-Experiment," 2013, *Journal of Comparative Economics*, Vol. 41 (3), pg. 669–683.

<sup>13</sup> The magnitude of the effect of highway capital on output will differ by industry, with the largest difference observed between manufacturing and non-manufacturing industries.

<sup>14</sup> It is an industry standard to use elasticities of supply and demand for materials as a measure of the impact of a change in transportation infrastructure investment. Based on a study conducted by the FHWA, the output elasticity of materials is usually the largest. The elasticity of labor and capital inputs is the second largest.

<sup>15</sup> Jean-Paul Rodrigue, "Transport and Location," *The Geography of Transport Systems*, 2017, <<https://people.hofstra.edu/geotrans/eng/ch2en/conc2en/ch2c4en.html>>.

<sup>16</sup> Anthony Venables, "Evaluating Urban Transport Improvements: Cost-Benefit Analysis in the Presence of Agglomeration and Income Taxation," September 2004.

<sup>17</sup> "Making the Case for Transit: WMATA Regional Benefits of Transit," WMATA, November 2011: 4.

- **More Efficient Operations:** With an efficient transportation system, businesses can make better decisions about their products, inputs and workforce without worrying about poor roadways or congestion. Businesses respond in a variety of ways to congestion. Some businesses may change their mix of labor and capital, reduce the daily deliveries made by a driver or serve a smaller, more specialized market. All of these adjustments can mean a loss for business productivity and market share.<sup>18</sup>
- **Intra-Industry Linkages:** California industries are heavily interlinked, relying on other industries for the supply of inputs or for final processing. These linkages rely on an efficient network of well-maintained highways, roads, bridges and railways.
- **Fostering Innovation:** Transportation infrastructure investment is closely linked with economic competitiveness. Research suggests that highway investment results in industry growth and innovation.<sup>19</sup> Innovation results from infrastructure better supporting business activity. Infrastructure also attracts research and development firms for the large return on investment it offers.
- **Access to Global Markets:** Many California firms depend on connections to global markets. A robust and efficient transportation system makes California firms less vulnerable to economic shocks and to losing their competitive edge compared to other emerging industries. Industries also benefit from access to secondary markets, supported by a modern transportation infrastructure system.
- **Emergency Management Operations:** A well-invested transportation system will help ensure that evacuation routes remain efficient and accessible during major storms. In addition, the proper transportation investments will ensure that road networks are resilient to future super storms.
- **Spillover Savings:** In addition to the cost-lowering impacts of reducing road roughness, increasing average speed, and reducing total user and travel time costs on firms, reducing congestion has a demonstrable effect on shipping volume and on prices, with a return of about 10 percent a year, as a conservative estimate.<sup>20</sup> Lower transport costs also have a quantifiable effect on firm choices with respect to suppliers and relatively improve firm hiring ability. Reducing transportation costs will have a significant spillover effect on all industries in the state and can be expected to be reflected in relatively lowering the cost of goods within the state, for both consumers and businesses.<sup>21</sup>

Consider the benefits to a business when the state makes transportation improvements. The increase in construction activity will mean more demand for products and services in the area. A local business will sell more of its products and may even hire additional employees to increase output. With an improved transportation network, local businesses on the many main streets will thrive.

The business will also have lower distribution costs because of the improved highways, bridges and transit in the area. More customers will be able to reach the business, and the owner may be able to hire more talented, educated and skilled workers that live further away.

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<sup>18</sup> Weisbrod, 4.

<sup>19</sup> Katherine Bell. "Investing in Infrastructure Means Investing in Innovation." Harvard Business Review, March 2012. In 2011, researchers at the University of Texas A&M found a critical link between the forecasted growth of the industry and investment in the transportation infrastructure system, using standard supply and demand analysis (Rosson 2011)

<sup>20</sup> Li, 669-683.

<sup>21</sup> ICF Consulting, "Economic Effects of Transportation: The Freight Story," 2002.

The increase in demand may also lead the business to expand, opening another store, plant or business location. Finally, the business will demand more inputs and raw materials from their own suppliers, creating economic ripple effects throughout the economy. The business owner may also be able to purchase cheaper inputs because they have greater access to more markets.

In addition to business benefits, households also see significant benefits from transit investment:

- **Reducing Household Expenditures:** Research by the American Public Transportation Association (APTA) estimates that a two-car family living in a transit-rich area can eliminate one of its vehicles, saving over \$9,900 a year. These savings are significant to families, and will likely shift household spending to more productive uses, which will in turn stimulate the local economy.<sup>22</sup> The Center for Neighborhood Technology also found that households that have access to high quality public transit spend less on housing and transportation as a percentage of their income.<sup>23</sup>

In addition, Weisbrod and Reno (2009) estimate that each person traveling by public transportation generates cost savings to both themselves and drivers of \$1,505 to \$2,455 per year. The average public transportation user who does not drive saves about \$905 per year in costs (in 2008 dollars). Additionally, non-transit users will see a benefit from reduced congestion of \$1.20 to \$3.10 per public transportation trip, or \$600 to \$1,550 per year.<sup>24</sup>

- **Increasing Access to Jobs, Particularly for Disadvantaged Residents:** Investment in public transportation provides better and more consistent access to jobs, particularly for service and entry level employees with limited mobility options, as well as the more than 51 million Americans with disabilities. Eighty three percent of older Americans say public transit provides them with easy access to everyday necessities.<sup>25</sup>
- **Travel Time Savings for Transit Users:** Making improvements to transit networks will result in more direct or frequent service. This means that transit users will spend less time waiting for trains or buses, and benefit from faster travel times on their way to work or entertainment.
- **Benefits of Decreased Congestion:** Increased investment in public transportation will result in expanded service and increased utilization of transit systems. This will result in fewer cars on the roads, and therefore less congestion for households traveling by car and by bus. A reduction in congestion levels has a positive effect on air quality, the quality of life and household costs, as cars waste less gasoline by idling in traffic.
- **Improved Reliability:** With less congestion, workers benefit from a more reliable commute, which is particularly important to those whose jobs depend on getting to work on time. This holds true for both transit users and those who drive to work; transit users can get to work faster and more consistently using an improved transit network, while drivers can benefit from fewer delays since there are fewer cars on the road.

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<sup>22</sup> APTA, "Commuters Who Resolve to Save Money in 2012 Take Note: Transit Riders Save More As Gas Prices Increase."

<sup>23</sup> "Penny Wise, Pound Foolish," [Center for Neighborhood Technology](#), March 2010.

<sup>24</sup> Glen Weisbrod and Arlee Reno, "Economic Impact of Public Transportation Investment," APTA, October 2009.

<sup>25</sup> APTA, "Economic Recovery: Promoting Growth."

## IV. Challenges Facing the California Transportation Network

California faces some of the most challenging road and bridge conditions in the country. Increasing investment to improve the safety, efficiency and conditions of the state's highway, street and bridge network will help all system users.

- **Road Conditions**—According to FHWA, California has 180,800 miles of roadway.<sup>26</sup> Of the state's 56,758 miles of roadway eligible for federal aid, 50 percent are rated "not acceptable" and need major repairs or replacement. This is the fourth highest percentage in all 50 states.

According to the American Society of Civil Engineers, driving on California roads in need of repair costs each driver \$844 per year.<sup>27</sup>

A 2016 study commissioned jointly by the League of California Cities and the California State Association of Counties uses the Pavement Condition Index (PCI) to evaluate the grade or condition of roads across the state. The PCI ranges from 0 to 100, with a score of 100 for new roads, a score over 70 for good to excellent roads, and a score of 25 or less for failed roads. This study, which captured data from over 99 percent of the California's local roads, found that the statewide average PCI was 65, in the "at risk" category. Additionally, 52 out of the 58 California counties have either "at risk" or "poor" pavements. This rating can have significant impacts on road conditions going forward, since deterioration occurs much more quickly at that point in the pavement life cycle. And if there are delays repairing "at risk" roads, the cost of repair may rise substantially. Overall, just over half (54.8 percent) of local streets and roads are in good condition across the state.<sup>28</sup>

The state of California's roads highlights the need for this additional investment provided by SB 1. Under 2016 funding levels, this study estimated that almost a quarter of local streets and roads would be in "failed" conditions by 2026 absent additional investment, and there would be a backlog of \$59 billion. Funding would be unable to keep up with necessary investment, and the state would also see a funding shortfall of \$71.3 billion for pavements and other components by that time.<sup>29</sup>

<sup>26</sup> FHWA Highway Statistics 2016 Table HM-10, <<https://www.fhwa.dot.gov/policyinformation/statistics/2016/hm10.cfm>>.

<sup>27</sup> American Society of Civil Engineers, "2017 Infrastructure Report Card," <<https://www.infrastructurereportcard.org/state-item/california/>>.

<sup>28</sup> Save California Streets, "Final Report: California Statewide Local Streets and Roads Needs Assessment," October 2016. This study was managed by the Metropolitan Transportation Commission, and other members of the Oversight Committee included: the League of California Cities; the California State Association of Counties; the County Engineers Association of California; California Regional Transportation Planning Agencies; the California Rural Counties Task Force; and the County of Los Angeles Department of Public Works.

<sup>29</sup> Ibid.



- **Deficient Bridges**— California has 25,657 roadway bridges, captured by the FHWA National Bridge Inventory (NBI) data. FHWA reports 23.6 percent of these bridges are either “structurally deficient” (1,603 bridges) or “functionally obsolete” (4,441 bridges). This is above the national average of 22 percent. Bridge owners estimate it will cost at least \$12 billion to make needed bridge repairs in the state.

The Save California Streets Coalition estimates the total number of non-NBI bridges in California at 4,000, with needs ranging from \$80 to \$100 million.<sup>30</sup>

- **Road Safety**—The National Highway Traffic Safety Administration reports there were 3,357 fatal motor vehicle crashes, resulting in 3,623 fatalities, in California during 2016. Of these, 42 percent of fatalities occurred on rural roads and 28 percent occurred on the National Highway System. Motor vehicle crashes are the number one cause of death and permanently disabling injuries for young Americans under age 21.
- **Freight Traffic**—Inter-state truck shipments along California’s highway, street and bridge network are vital to the economic growth of the state. California businesses shipped a total of \$2.22 trillion in freight in 2015. Of this total, 67 percent was shipped via truck. Truck traffic alone is expected to increase by 127 percent by 2045, reaching \$3.39 trillion in value.
- **Transit Needs**—Trains, buses, tracks and transit stations across California are growing older; many are approaching the end of their useful life, while transit needs are expected to continue growing. According to a report by the California Transit Association, which performed a detailed analysis of transit asset conditions in 2013, the average age of the state’s bus fleet (which makes up almost half of total transit vehicles) is 11 years, just shy of the 12 year replacement age recommended by the Federal Transit Administration. Additionally, 46 percent of buses are 12 years old or older, meaning that many will need to be replaced in the near term. The rail fleet, while older than the bus fleet, has a longer useful life, so only 13 percent of rail vehicles are older than 25 years. Additionally, components of some transit stations are in need of replacement; transit station buildings on average are slightly older than their useful lives, and station escalators are almost six years older than their useful lives, on average.<sup>31</sup>

Additionally, at 2013 funding levels, there would be more transit assets beyond their useful life in 2020 than in 2010, growing the backlog of transit capital needs. In this analysis, the California Transit Association estimates that capital projects, including preservation, service expansion and major new service (such as extending a rail line) projects, would only see 33 percent of needed funding.<sup>32</sup>

<sup>30</sup> Ibid.

<sup>31</sup> California Transit Association, “California’s Unmet Transit Funding Needs: Fiscal Years 2011–2020,” Jul. 13, 2013.

<sup>32</sup> Ibid.

- **Congestion**—Traffic congestion occurs when the number of vehicles on a roadway is greater than the road was designed to handle. Traffic is not able to move at speed, and the resulting slowdowns have a ripple effect along the roadway. Traffic congestion has adverse impacts on air quality, the quality of life and business activity. In California, this can cost urban drivers anywhere from \$31 to \$1,711 per year.<sup>33</sup>

Air quality is affected due to increased vehicle emissions from cars and trucks stuck in traffic. Poor air quality has an impact on the health of at-risk populations, including the elderly and small children.

Personal time delays mean that commuters and other system users are behind the wheel longer, rather than spending more time at work or at leisure, impacting their quality of life. This increased traffic congestion means additional costs, which are associated with a reduced service area for business suppliers, customer markets and workforces.

A survey of business owners found that typical ways businesses deal with congestion include:<sup>34</sup>

- Costs for additional drivers and trucks due to longer travel times
- “Rescue drivers” to avoid missed deliveries due to unexpected delays
- Loss of productivity due to missed deliveries
- Shift changes to allow earlier production cut off
- Reduced market areas
- Increased inventories
- Costs for additional crews and decentralized operations to serve the same market area
- Businesses that are local can absorb the cost or pass it on
- Trade-oriented businesses can respond by moving their operations

<sup>33</sup> Texas Transportation Institute 2015 Urban Mobility Scorecard

<sup>34</sup> Economic Development Research Group, “The Cost of Congestion to the Economy of the Portland Region,” November 2005, <[https://www.edrgroup.com/pdf/trade\\_trans\\_studies\\_cocreport1128final.pdf](https://www.edrgroup.com/pdf/trade_trans_studies_cocreport1128final.pdf)>.

## Annual Cost of Congestion in California Cities

Urban Area	Cost Per Commuter		Total Cost	
	Annual Hours of Delay Per Commuter	Annual Cost of Congestion Per Commuter	Total Annual Hours of Delay (in thousands)	Total Annual Cost of Congestion (in millions)
Los Angeles–Long Beach–Anaheim CA	80	\$1,711	622,509	\$13,318
San Francisco–Oakland CA	78	\$1,675	146,013	\$3,143
San Jose CA	67	\$1,422	104,559	\$2,230
Riverside–San Bernardino CA	59	\$1,316	99,058	\$2,201
Sacramento CA	43	\$958	79,412	\$1,334
San Diego CA	42	\$887	60,220	\$1,658
Concord CA	35	\$752	21,712	\$466
Mission Viejo–Lake Forest–San Clemente CA	28	\$590	17,389	\$361
Thousand Oaks CA	25	\$527	11,823	\$116
Stockton CA	18	\$516	8,001	\$148
Bakersfield CA	19	\$512	6,656	\$215
Fresno CA	23	\$495	5,115	\$251
Oxnard CA	23	\$494	6,282	\$134
Vallejo CA	21	\$456	5,915	\$83
Santa Cruz CA	21	\$444	5,486	\$82
Santa Barbara CA	20	\$434	4,286	\$89
Modesto CA	18	\$421	4,448	\$159
Santa Rosa CA	19	\$407	3,993	\$128
Camarillo CA	17	\$368	4,181	\$27
Livermore CA	16	\$358	3,703	\$31
Lancaster–Palmdale CA	17	\$349	3,828	\$88
Antioch CA	15	\$347	3,806	\$100
Redding CA	16	\$345	3,084	\$46
Santa Clarita CA	15	\$341	2,037	\$86
Watsonville CA	14	\$315	1,980	\$25
Gilroy–Morgan Hill CA	14	\$311	2,093	\$33
Fairfield CA	14	\$303	1,890	\$42
Santa Maria CA	13	\$299	1,980	\$43
Victorville–Hesperia CA	12	\$292	1,531	\$102
Yuma AZ–CA	11	\$292	1,685	\$41
Napa CA	13	\$290	1,606	\$26
Seaside–Monterey CA	13	\$287	1,474	\$35
Salinas CA	10	\$233	1,317	\$47
Yuba City CA	9	\$227	1,395	\$30
Merced CA	9	\$218	1,212	\$33

Source: Texas Transportation Institute 2015 Urban Mobility Scorecard

### Annual Cost of Congestion in California Cities (continued)

Urban Area	Cost Per Commuter		Total Cost	
	Annual Hours of Delay Per Commuter	Annual Cost of Congestion Per Commuter	Total Annual Hours of Delay (in thousands)	Total Annual Cost of Congestion (in millions)
San Luis Obispo CA	10	\$218	1,229	\$18
Petaluma CA	9	\$201	1,178	\$15
Visalia CA	8	\$190	1,118	\$46
Chico CA	8	\$179	829	\$19
Lodi CA	8	\$179	822	\$13
Manteca CA	7	\$177	623	\$16
Davis CA	7	\$169	634	\$13
Murrieta–Temecula–Meniffee CA	7	\$162	690	\$72
Indio–Cathedral City CA	6	\$149	665	\$40
Vacaville CA	7	\$143	571	\$14
Lompoc CA	6	\$126	553	\$10
Simi Valley CA	5	\$110	495	\$14
El Paso de Robles–Atascadero CA	4	\$106	439	\$8
El Centro–Callexico CA	4	\$87	440	\$10
Madera CA	4	\$87	314	\$8
Porterville CA	3	\$73	360	\$6
Hemet CA	3	\$62	228	\$11
Tracy CA	1	\$38	106	\$3
Hanford CA	1	\$37	111	\$4
Turlock CA	1	\$31	126	\$3
Total California Cities			1,263,210	\$27,294

Source: Texas Transportation Institute 2015 Urban Mobility Scorecard



## V. Broader Economic Challenges

Increasing transportation investment will stimulate economic growth and lead to more job opportunities for California residents. This will help the state's construction sector continue to recover from the downturn of the Great Recession in 2008.

Real GSP in California was \$2.6 trillion in 2016, up 16 percent from pre-recession levels of \$2.0 trillion in 2007.<sup>35</sup> Despite this overall growth, the California construction industry continues to struggle. Compared to 2007, real GSP in 2016 was down 13 percent.

The construction sector continues to fall behind other parts of the economy. Though California construction employment increased steadily for the past five years, annual and summer employment levels are still well below pre-recession levels. California construction employment is estimated at 810,540 in 2017, 9 percent below 2007 levels.<sup>36</sup> This trend is also reflected in highway, street and bridge construction employment as well as other heavy construction employment, which comprises transit employment. Those sectors have seen job declines of 8 percent and 19 percent, respectively, from pre-recession levels.

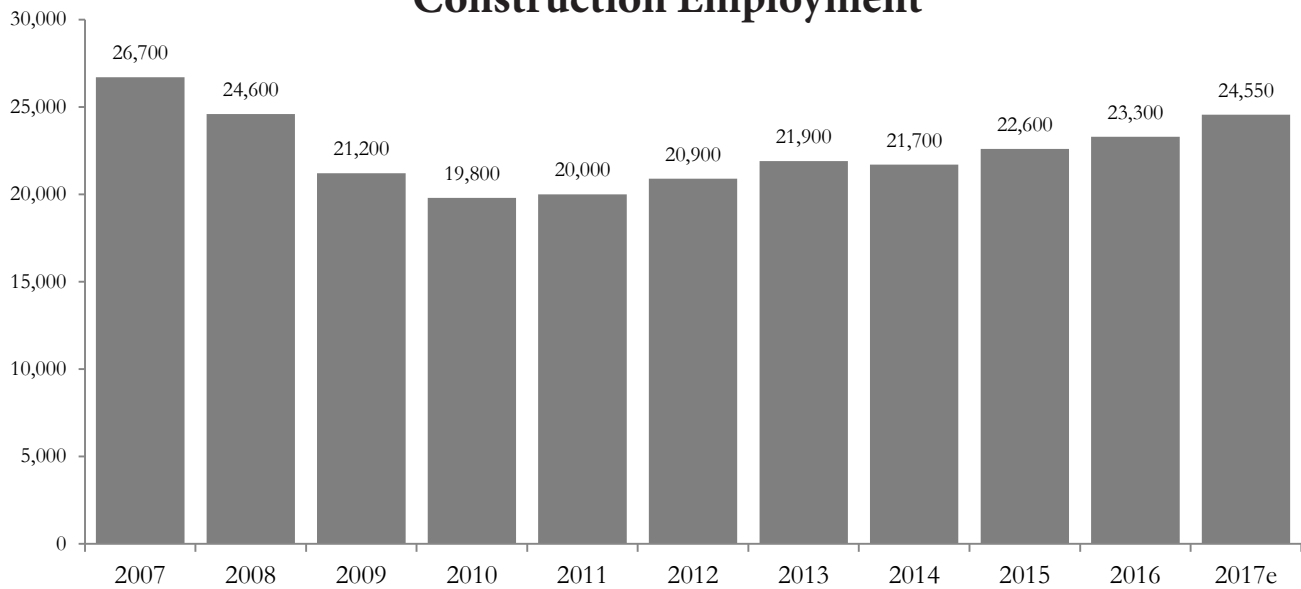
<sup>35</sup> U.S. Bureau of Economic Analysis

<sup>36</sup> U.S. Department of Labor Bureau of Labor Statistics Local Area Unemployment Statistics



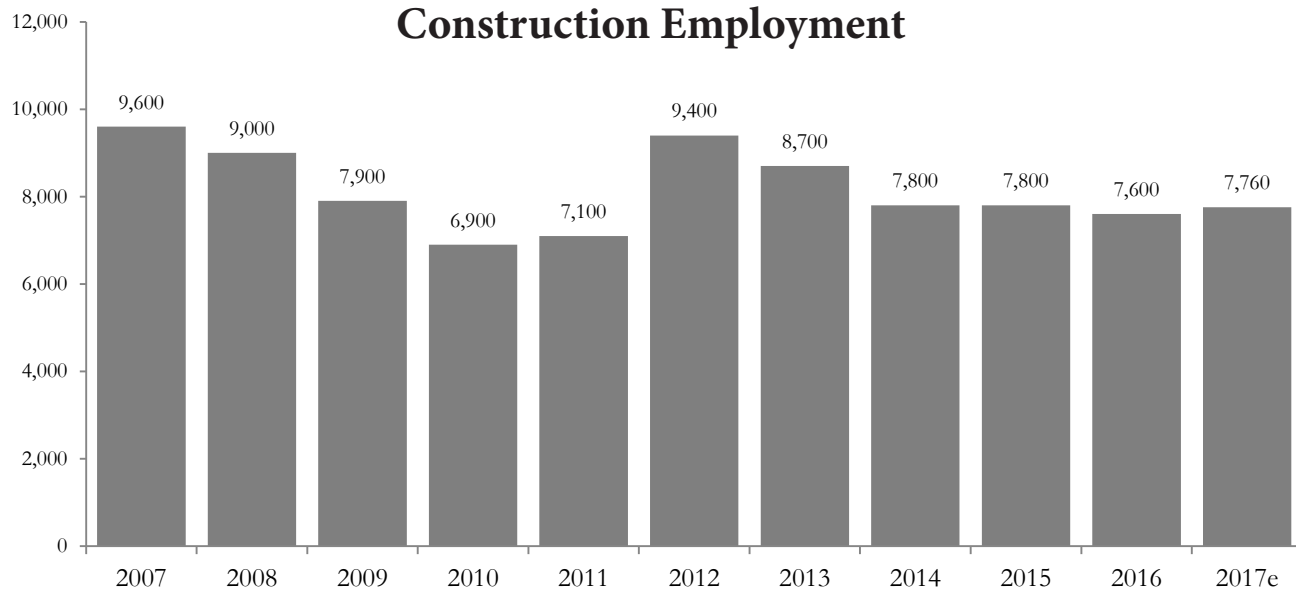
Source: U.S. Department of Labor Bureau of Labor Statistics

## California Highway, Street, and Bridge Construction Employment



Source: U.S. Department of Labor Bureau of Labor Statistics

## California Other Heavy and Civil Engineering Construction Employment



Source: U.S. Department of Labor Bureau of Labor Statistics

## VI. The Economic Impacts of SB 1 on Major Industry Sectors

SB 1 will increase highway, street, bridge and transit investment each year, resulting in a significant immediate effect on all sectors of the state economy. This investment comprises highway, street and bridge construction, transit construction, other transit spending, and the remainder of SB 1 annual spending which goes toward construction support activities, right-of-way, planning, design, research, and administration.

The economic ripple effect of Caltrans spending on construction, transit and support activities will impact every sector in the economy. This is the demand that is created when economic activity is stimulated across the state.

In this section, the economic impacts for each component of SB 1 spending are calculated for each of the state's 19 major industry sectors.



Average Annual Economic Impacts of SB 1 Industry Output (in millions)					
Industry	Impacts of Highway, Bridge and Street Construction	Impacts of Transit Construction	Impacts of Other Transit Activity	Impacts of Design, Engineering, Right of Way and Project Support	Total Annual Impacts
Agriculture, forestry, fishing, and hunting	\$12.5	\$2.3	\$3.6	\$8.8	\$27.3
Mining	\$65.7	\$4.3	\$15.8	\$40.9	\$126.6
Utilities	\$49.0	\$6.3	\$14.5	\$32.4	\$102.1
Construction	\$2,802.9	\$326.9	\$11.8	\$241.1	\$3,382.7
Manufacturing	\$760.9	\$79.5	\$136.6	\$238.7	\$1,215.8
Wholesale trade	\$210.6	\$25.1	\$46.5	\$83.4	\$365.6
Retail trade	\$175.0	\$37.9	\$41.9	\$111.3	\$366.0
Transportation and warehousing	\$116.8	\$13.0	\$564.6	\$74.1	\$768.5
Information	\$104.6	\$15.1	\$34.2	\$89.0	\$242.9
Finance and insurance	\$176.4	\$24.2	\$86.4	\$239.4	\$526.4
Real estate and rental and leasing	\$359.4	\$47.3	\$98.1	\$234.8	\$739.6
Professional, scientific, and technical services	\$167.5	\$23.7	\$60.9	\$234.1	\$486.2
Management of companies and enterprises	\$48.1	\$6.0	\$11.2	\$25.4	\$90.8
Administrative and waste management services	\$74.0	\$10.3	\$38.8	\$104.0	\$227.1
Educational services	\$25.0	\$3.6	\$7.3	\$16.3	\$52.3
Health care and social assistance	\$165.5	\$23.7	\$47.6	\$104.8	\$341.6
Arts, entertainment, and recreation	\$28.9	\$4.2	\$8.5	\$20.4	\$62.1
Accommodation and Food Services	\$91.3	\$12.7	\$26.1	\$64.1	\$194.3
Other services	\$91.0	\$12.0	\$29.4	\$1,730.6	\$1,863.0
Total industry impact*	\$5,525.5	\$678.2	\$1,283.8	\$3,693.7	\$11,181.2

\*Does not include impact on government output.

Average Annual Economic Impacts of SB 1 Jobs Supported/Created					
Industry	Impacts of Highway, Bridge and Street Construction	Impacts of Transit Construction	Impacts of Other Transit Activity	Impacts of Design, Engineering, Right of Way and Project Support	Total Annual Impacts
Agriculture, forestry, fishing, and hunting	93	20	30	65	208
Mining	198	11	33	88	329
Utilities	63	8	19	42	132
Construction	12,529	2,022	73	1,338	15,962
Manufacturing	2,071	253	273	691	3,289
Wholesale trade	977	116	216	387	1,696
Retail trade	2,056	446	494	1,312	4,308
Transportation and warehousing	737	88	12,640	499	13,964
Information	295	42	94	254	685
Finance and insurance	716	100	340	959	2,114
Real estate and rental and leasing	1,819	254	519	1,276	3,867
Professional, scientific, and technical services	1,010	141	362	1,454	2,967
Management of companies and enterprises	176	22	41	92	330
Administrative and waste management services	1,130	153	503	1,411	3,197
Educational services	373	51	102	241	768
Health care and social assistance	1,559	223	449	988	3,219
Arts, entertainment, and recreation	336	46	93	236	712
Accommodation and Food Services	1,265	171	349	879	2,664
Other services	861	112	274	6,219	7,466
Total industry impact*	28,421	4,302	16,950	18,529	68,203



Total Economic Impacts of SB 1 over 10 Years Industry Output (in millions)					
Industry	Impacts of Highway, Bridge and Street Construction	Impacts of Transit Construction	Impacts of Other Transit Activity	Impacts of Design, Engineering, Right of Way and Project Support	Total Annual Impacts
Agriculture, forestry, fishing, and hunting	\$125.2	\$23.3	\$36.0	\$88.1	\$272.6
Mining	\$656.6	\$43.4	\$157.6	\$408.7	\$1,266.3
Utilities	\$489.6	\$62.5	\$144.7	\$324.0	\$1,020.9
Construction	\$28,029.4	\$3,268.9	\$118.4	\$2,410.6	\$33,827.3
Manufacturing	\$7,609.0	\$795.4	\$1,365.9	\$2,387.4	\$12,157.7
Wholesale trade	\$2,106.0	\$251.1	\$464.8	\$834.0	\$3,655.9
Retail trade	\$1,749.9	\$378.7	\$418.5	\$1,113.1	\$3,660.3
Transportation and warehousing	\$1,168.5	\$129.9	\$5,645.6	\$741.0	\$7,684.9
Information	\$1,046.1	\$150.6	\$342.2	\$890.5	\$2,429.4
Finance and insurance	\$1,763.8	\$242.0	\$864.0	\$2,394.0	\$5,263.9
Real estate and rental and leasing	\$3,594.4	\$473.3	\$980.7	\$2,347.5	\$7,396.0
Professional, scientific, and technical services	\$1,674.8	\$237.5	\$609.0	\$2,340.9	\$4,862.1
Management of companies and enterprises	\$481.3	\$59.6	\$112.4	\$254.2	\$907.5
Administrative and waste management services	\$740.0	\$103.0	\$388.4	\$1,040.0	\$2,271.5
Educational services	\$250.4	\$36.3	\$73.2	\$162.8	\$522.7
Health care and social assistance	\$1,655.3	\$236.5	\$475.6	\$1,048.3	\$3,415.7
Arts, entertainment, and recreation	\$289.3	\$42.1	\$85.0	\$204.3	\$620.8
Accommodation and Food Services	\$912.5	\$127.3	\$261.5	\$641.3	\$1,942.6
Other services	\$909.7	\$120.2	\$293.7	\$17,306.5	\$18,630.1
Total industry impact*	\$55,254.8	\$6,782.1	\$12,837.8	\$36,937.2	\$111,811.9

\*Does not include impact on government output.

**Total Economic Impacts of SB 1 over 10 Years  
Job-Years Supported/Created**

Industry	Impacts of Highway, Bridge and Street Construction	Impacts of Transit Construction	Impacts of Other Transit Activity	Impacts of Design, Engineering, Right of Way and Project Support	Total Annual Impacts
Agriculture, forestry, fishing, and hunting	926	204	300	646	2,077
Mining	1,975	109	326	881	3,290
Utilities	626	81	187	422	1,316
Construction	125,294	20,217	731	13,376	159,616
Manufacturing	20,713	2,534	2,735	6,910	32,891
Wholesale trade	9,771	1,164	2,156	3,866	16,957
Retail trade	20,557	4,459	4,945	13,117	43,076
Transportation and warehousing	7,372	879	126,397	4,992	139,641
Information	2,949	416	945	2,542	6,852
Finance and insurance	7,155	1,002	3,400	9,586	21,143
Real estate and rental and leasing	18,189	2,537	5,192	12,756	38,674
Professional, scientific, and technical services	10,104	1,413	3,621	14,535	29,673
Management of companies and enterprises	1,755	217	408	924	3,304
Administrative and waste management services	11,298	1,533	5,030	14,105	31,967
Educational services	3,734	508	1,022	2,414	7,677
Health care and social assistance	15,591	2,229	4,490	9,877	32,187
Arts, entertainment, and recreation	3,361	465	934	2,357	7,117
Accommodation and Food Services	12,653	1,707	3,492	8,789	26,641
Other services	8,611	1,118	2,739	62,188	74,656
<b>Total industry impact*</b>	<b>284,214</b>	<b>43,019</b>	<b>169,503</b>	<b>185,292</b>	<b>682,029</b>

\*Does not include impact on government output.

## The Economic Benefits of SB 1 on ...

# Agriculture, forestry, fishing, and hunting

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$273 million in output in the Agriculture, Forestry, Fishing, and Hunting sector over 10 years, supporting over 2,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$27 million in additional economic output
- A \$13.7 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 208 jobs. These workers will earn nearly \$8 million in wages
- \$1.3 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$27.3 million	\$272.6 million
Value Added (contribution to GSP)	\$13.7 million	\$137.2 million
Employment	208 jobs	2,077 job-years
Total Payroll	\$7.9 million	\$79.3 million
Total Tax Revenues	\$1.3 million	\$13.1 million
State Payroll Tax Contribution	\$53.9 thousand	\$539.2 thousand
Federal Payroll Tax Contribution	\$606.6 thousand	\$6.1 million
State Income Tax Contribution	\$623.1 thousand	\$6.2 million
State & Local Sales Tax Contribution	\$24.2 thousand	\$242.4 thousand

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Agriculture, forestry, fishing, and hunting contributed \$36.0 billion to state economic activity in 2016, accounting for 1.4 percent of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$62.0 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 16,150 establishments and sole proprietorships in California with an existing payroll valued at \$13.7 billion. These businesses contribute an estimated \$1.1 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$32,316 each year. The Agriculture, Forestry, Fishing and Hunting sector comprises establishments primarily engaged in growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$62.0 billion	16	1.4%
Value Added (contribution to GSP)	\$36.0 billion	16	1.4%
Establishments	16,150 businesses	15	1.8%
Employment	423,926 jobs	13	2.9%
Average Annual Salary	\$32,316	17	
Total Payroll	\$13.7 billion	17	1.6%
Total Tax Revenues	\$2.5 billion	17	1.2%
State Payroll Tax Contribution	\$93.2 million	17	1.6%
Federal Payroll Tax Contribution	\$1.0 billion	17	1.6%
State Income Tax Contribution	\$1.3 billion	17	1.6%
State & Local Sales Tax Contribution	\$63.5 million	17	0.1%

## The Economic Benefits of SB 1 on ...

# Mining

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$1 billion in output in the Mining sector over 10 years, supporting over 3,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$127 million in additional economic output
- A \$85.4 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 329 jobs. These workers will earn over \$22 million in wages
- \$4.9 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$126.6 million	\$1.3 billion
Value Added (contribution to GSP)	\$85.4 million	\$853.6 million
Employment	329 jobs	3,290 job-years
Total Payroll	\$22.3 million	\$223.5 million
Total Tax Revenues	\$4.9 million	\$49.4 million
State Payroll Tax Contribution	\$151.9 thousand	\$1.5 million
Federal Payroll Tax Contribution	\$1.7 million	\$17.1 million
State Income Tax Contribution	\$2.7 million	\$26.8 million
State & Local Sales Tax Contribution	\$398.5 thousand	\$4.0 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Mining contributed \$8.3 billion to state economic activity in 2016, accounting for 0.3% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$14.3 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 839 establishments and sole proprietorships in California with an existing payroll valued at \$2.1 billion. These businesses contribute an estimated \$178.5 million in state and federal payroll taxes. Individuals working in this sector earn an average of \$87,880 each year. The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$14.3 billion	19	0.3%
Value Added (contribution to GSP)	\$8.3 billion	19	0.3%
Establishments	839 businesses	19	0.1%
Employment	24,380 jobs	19	0.2%
Average Annual Salary	\$87,880	6	
Total Payroll	\$2.1 billion	19	0.2%
Total Tax Revenues	\$416.2 million	19	0.2%
State Payroll Tax Contribution	\$14.6 million	19	0.2%
Federal Payroll Tax Contribution	\$163.9 million	19	0.2%
State Income Tax Contribution	\$198.9 million	19	0.2%
State & Local Sales Tax Contribution	\$38.8 million	18	0.1%

## The Economic Benefits of SB 1 on ...

### Utilities

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$1 billion in output in the Utilities sector over 10 years, supporting over 1,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$102 million in additional economic output
- A \$53.0 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 132 jobs. These workers will earn nearly \$16 million in wages
- \$2.9 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$102.1 million	\$1.0 billion
Value Added (contribution to GSP)	\$53.0 million	\$530.1 million
Employment	132 jobs	1,316 job-years
Total Payroll	\$15.7 million	\$156.7 million
Total Tax Revenues	\$2.9 million	\$29.3 million
State Payroll Tax Contribution	\$106.6 thousand	\$1.1 million
Federal Payroll Tax Contribution	\$1.2 million	\$12.0 million
State Income Tax Contribution	\$1.5 million	\$15.0 million
State & Local Sales Tax Contribution	\$126.5 thousand	\$1.3 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

### SECTOR OVERVIEW

Utilities contributed \$28.8 billion to state economic activity in 2016, accounting for 1.1% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$49.5 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 1,219 establishments and sole proprietorships in California with an existing payroll valued at \$7.3 billion. These businesses contribute an estimated \$610.3 million in state and federal payroll taxes. Individuals working in this sector earn an average of \$122,784 each year. The Utilities sector comprises establishments engaged in the provision of the following utility services: electric power, natural gas, steam supply, water supply, and sewage removal.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$49.5 billion	17	1.1%
Value Added (contribution to GSP)	\$28.8 billion	17	1.1%
Establishments	1,219 businesses	18	0.1%
Employment	59,668 jobs	18	0.4%
Average Annual Salary	\$122,784	3	
Total Payroll	\$7.3 billion	18	0.8%
Total Tax Revenues	\$1.4 billion	18	0.7%
State Payroll Tax Contribution	\$49.8 million	18	0.8%
Federal Payroll Tax Contribution	\$560.5 million	18	0.8%
State Income Tax Contribution	\$680.2 million	18	0.8%
State & Local Sales Tax Contribution	\$68.6 million	16	0.1%



## The Economic Benefits of SB 1 on ...

# Construction

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$34 billion in output in the Construction sector over 10 years, supporting nearly 160,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$3 billion in additional economic output
- A \$1.8 billion increase in gross state product (GSP)\*\*
- Supporting or creating an additional 15,962 jobs. These workers will earn over \$1 billion in wages
- \$193.1 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$3.4 billion	\$33.8 billion
Value Added (contribution to GSP)	\$1.8 billion	\$17.7 billion
Employment	15,962 jobs	159,616 job-years
Total Payroll	\$1.0 billion	\$10.3 billion
Total Tax Revenues	\$193.1 million	\$1.9 billion
State Payroll Tax Contribution	\$7.0 million	\$69.8 million
Federal Payroll Tax Contribution	\$78.5 million	\$785.2 million
State Income Tax Contribution	\$91.8 million	\$918.0 million
State & Local Sales Tax Contribution	\$15.8 million	\$158.0 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Construction contributed \$101.7 billion to state economic activity in 2016, accounting for 3.9% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$175.1 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 69,900 establishments and sole proprietorships in California with an existing payroll valued at \$42.5 billion. These businesses contribute an estimated \$3.5 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$61,946 each year. The Construction sector comprises establishments primarily engaged in the construction of buildings or engineering projects (e.g., highways and utility systems).

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$175.1 billion	9	3.9%
Value Added (contribution to GSP)	\$101.7 billion	9	3.9%
Establishments	69,900 businesses	6	7.6%
Employment	686,757 jobs	8	4.7%
Average Annual Salary	\$61,946	9	
Total Payroll	\$42.5 billion	10	4.8%
Total Tax Revenues	\$8.4 billion	10	4.1%
State Payroll Tax Contribution	\$289.3 million	10	4.8%
Federal Payroll Tax Contribution	\$3.3 billion	10	4.8%
State Income Tax Contribution	\$3.9 billion	10	4.8%
State & Local Sales Tax Contribution	\$908.2 million	6	1.8%

## The Economic Benefits of SB 1 on ...

# Manufacturing

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$12 billion in output in the Manufacturing sector over 10 years, supporting nearly 33,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$1 billion in additional economic output
- A \$407.1 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 3,289 jobs. These workers will earn nearly \$224 million in wages
- \$43.1 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$1.2 billion	\$12.2 billion
Value Added (contribution to GSP)	\$407.1 million	\$4.1 billion
Employment	3,289 jobs	32,891 job-years
Total Payroll	\$223.7 million	\$2.2 billion
Total Tax Revenues	\$43.1 million	\$431.1 million
State Payroll Tax Contribution	\$1.5 million	\$15.2 million
Federal Payroll Tax Contribution	\$17.1 million	\$171.1 million
State Income Tax Contribution	\$19.9 million	\$198.6 million
State & Local Sales Tax Contribution	\$4.6 million	\$46.1 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Manufacturing contributed \$291.6 billion to state economic activity in 2016, accounting for 11.1% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$502.3 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 38,532 establishments and sole proprietorships in California with an existing payroll valued at \$75.6 billion. These businesses contribute an estimated \$6.3 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$65,052 each year. The Manufacturing sector comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$502.3 billion	2	11.1%
Value Added (contribution to GSP)	\$291.6 billion	2	11.1%
Establishments	38,532 businesses	11	4.2%
Employment	1,162,646 jobs	6	7.9%
Average Annual Salary	\$65,052	8	
Total Payroll	\$75.6 billion	4	8.6%
Total Tax Revenues	\$16.6 billion	5	8.1%
State Payroll Tax Contribution	\$514.3 million	4	8.6%
Federal Payroll Tax Contribution	\$5.8 billion	4	8.6%
State Income Tax Contribution	\$7.0 billion	4	8.6%
State & Local Sales Tax Contribution	\$3.3 billion	4	6.6%

## The Economic Benefits of SB 1 on ...

# Wholesale trade

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$4 billion in output in the Wholesale Trade sector over 10 years, supporting nearly 17,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$366 million in additional economic output
- A \$247.7 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 1,696 jobs. These workers will earn over \$117 million in wages
- \$33.6 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$365.6 million	\$3.7 billion
Value Added (contribution to GSP)	\$247.7 million	\$2.5 billion
Employment	1,696 jobs	16,957 job-years
Total Payroll	\$117.3 million	\$1.2 billion
Total Tax Revenues	\$33.6 million	\$335.6 million
State Payroll Tax Contribution	\$797.8 thousand	\$8.0 million
Federal Payroll Tax Contribution	\$9.0 million	\$89.8 million
State Income Tax Contribution	\$13.6 million	\$136.1 million
State & Local Sales Tax Contribution	\$10.2 million	\$101.8 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Wholesale trade contributed \$142.6 billion to state economic activity in 2016, accounting for 5.4% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$245.7 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 59,353 establishments and sole proprietorships in California with an existing payroll valued at \$73.8 billion. These businesses contribute an estimated \$6.2 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$86,439 each year. The Wholesale Trade sector comprises establishments engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$245.7 billion	7	5.4%
Value Added (contribution to GSP)	\$142.6 billion	7	5.4%
Establishments	59,353 businesses	7	6.5%
Employment	854,203 jobs	7	5.8%
Average Annual Salary	\$86,439	7	
Total Payroll	\$73.8 billion	5	8.4%
Total Tax Revenues	\$18.9 billion	3	9.2%
State Payroll Tax Contribution	\$502.1 million	5	8.4%
Federal Payroll Tax Contribution	\$5.6 billion	5	8.4%
State Income Tax Contribution	\$6.9 billion	5	8.4%
State & Local Sales Tax Contribution	\$5.9 billion	3	11.7%

## The Economic Benefits of SB 1 on ...

# Retail trade

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$4 billion in output in the Retail Trade sector over 10 years, supporting over 43,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$366 million in additional economic output
- A \$241.6 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 4,308 jobs. These workers will earn over \$132 million in wages
- \$70.2 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$366.0 million	\$3.7 billion
Value Added (contribution to GSP)	\$241.6 million	\$2.4 billion
Employment	4,308 jobs	43,076 job-years
Total Payroll	\$132.4 million	\$1.3 billion
Total Tax Revenues	\$70.2 million	\$702.4 million
State Payroll Tax Contribution	\$900.1 thousand	\$9.0 million
Federal Payroll Tax Contribution	\$10.1 million	\$101.3 million
State Income Tax Contribution	\$12.4 million	\$123.7 million
State & Local Sales Tax Contribution	\$46.8 million	\$468.4 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Retail trade contributed \$146.4 billion to state economic activity in 2016, accounting for 5.6% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$252.2 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 108,542 establishments and sole proprietorships in California with an existing payroll valued at \$52.3 billion. These businesses contribute an estimated \$4.4 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$30,942 each year. The Retail Trade sector comprises establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$252.2 billion	6	5.6%
Value Added (contribution to GSP)	\$146.4 billion	6	5.6%
Establishments	108,542 businesses	3	11.8%
Employment	1,690,005 jobs	2	11.5%
Average Annual Salary	\$30,942	18	
Total Payroll	\$52.3 billion	8	5.9%
Total Tax Revenues	\$37.6 billion	1	18.3%
State Payroll Tax Contribution	\$355.6 million	8	5.9%
Federal Payroll Tax Contribution	\$4.0 billion	8	5.9%
State Income Tax Contribution	\$4.9 billion	8	5.9%
State & Local Sales Tax Contribution	\$28.4 billion	1	56.7%

## The Economic Benefits of SB 1 on ...

# Transportation and warehousing

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$8 billion in output in the Transportation and Warehousing sector over 10 years, supporting nearly 140,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$769 million in additional economic output
- A \$358.7 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 13,964 jobs. These workers will earn nearly \$316 million in wages
- \$94.3 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$768.5 million	\$7.7 billion
Value Added (contribution to GSP)	\$358.7 million	\$3.6 billion
Employment	13,964 jobs	139,641 job-years
Total Payroll	\$315.7 million	\$3.2 billion
Total Tax Revenues	\$94.3 million	\$942.5 million
State Payroll Tax Contribution	\$2.1 million	\$21.5 million
Federal Payroll Tax Contribution	\$24.2 million	\$241.5 million
State Income Tax Contribution	\$67.1 million	\$670.7 million
State & Local Sales Tax Contribution	\$890.9 thousand	\$8.9 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Transportation and warehousing contributed \$64.5 billion to state economic activity in 2016, accounting for 2.5% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$111.2 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 23,153 establishments and sole proprietorships in California with an existing payroll valued at \$25.1 billion. These businesses contribute an estimated \$2.1 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$51,732 each year. The Transportation and Warehousing sector includes industries providing transportation of passengers and cargo, warehousing and storage for goods, scenic and sightseeing transportation, and support activities related to modes of transportation.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$111.2 billion	12	2.5%
Value Added (contribution to GSP)	\$64.5 billion	12	2.5%
Establishments	23,153 businesses	13	2.5%
Employment	486,149 jobs	12	3.3%
Average Annual Salary	\$51,732	12	
Total Payroll	\$25.1 billion	12	2.9%
Total Tax Revenues	\$4.6 billion	13	2.2%
State Payroll Tax Contribution	\$171.0 million	12	2.9%
Federal Payroll Tax Contribution	\$1.9 billion	12	2.9%
State Income Tax Contribution	\$2.3 billion	12	2.9%
State & Local Sales Tax Contribution	\$160.3 million	12	0.3%



## The Economic Benefits of SB 1 on ...

# Information

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$2 billion in output in the Information sector over 10 years, supporting nearly 7,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$243 million in additional economic output
- A \$138.8 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 685 jobs. These workers will earn over \$53 million in wages
- \$12.8 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$242.9 million	\$2.4 billion
Value Added (contribution to GSP)	\$138.8 million	\$1.4 billion
Employment	685 jobs	6,852 job-years
Total Payroll	\$53.3 million	\$532.6 million
Total Tax Revenues	\$12.8 million	\$127.8 million
State Payroll Tax Contribution	\$362.2 thousand	\$3.6 million
Federal Payroll Tax Contribution	\$4.1 million	\$40.7 million
State Income Tax Contribution	\$7.9 million	\$79.1 million
State & Local Sales Tax Contribution	\$437.9 thousand	\$4.4 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Information contributed \$222.7 billion to state economic activity in 2016, accounting for 8.5% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$383.7 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 22,943 establishments and sole proprietorships in California with an existing payroll valued at \$85.1 billion. These businesses contribute an estimated \$7.1 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$124,319 each year. The Information sector comprises establishments engaged in the following processes: (a) producing and distributing information and cultural products, (b) providing the means to transmit or distribute these products as well as data or communications, and (c) processing data.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$383.7 billion	3	8.5%
Value Added (contribution to GSP)	\$222.7 billion	3	8.5%
Establishments	22,943 businesses	14	2.5%
Employment	684,853 jobs	9	4.7%
Average Annual Salary	\$124,319	2	
Total Payroll	\$85.1 billion	3	9.7%
Total Tax Revenues	\$15.7 billion	6	7.7%
State Payroll Tax Contribution	\$579.0 million	3	9.7%
Federal Payroll Tax Contribution	\$6.5 billion	3	9.7%
State Income Tax Contribution	\$7.9 billion	3	9.7%
State & Local Sales Tax Contribution	\$702.8 million	8	1.4%

## The Economic Benefits of SB 1 on ...

# Finance and insurance

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$5 billion in output in the Finance and Insurance sector over 10 years, supporting over 21,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$526 million in additional economic output
- A \$268.0 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 2,114 jobs. These workers will earn nearly \$144 million in wages
- \$34.2 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$526.4 million	\$5.3 billion
Value Added (contribution to GSP)	\$268.0 million	\$2.7 billion
Employment	2,114 jobs	21,143 job-years
Total Payroll	\$143.5 million	\$1.4 billion
Total Tax Revenues	\$34.2 million	\$341.8 million
State Payroll Tax Contribution	\$975.5 thousand	\$9.8 million
Federal Payroll Tax Contribution	\$11.0 million	\$109.7 million
State Income Tax Contribution	\$22.0 million	\$219.6 million
State & Local Sales Tax Contribution	\$266.0 thousand	\$2.7 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Finance and insurance contributed \$130.1 billion to state economic activity in 2016, accounting for 5.0% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$224.1 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 50,303 establishments and sole proprietorships in California with an existing payroll valued at \$66.1 billion. These businesses contribute an estimated \$5.5 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$111,895 each year. The Finance and Insurance sector comprises establishments primarily engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or in facilitating financial transactions.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$224.1 billion	8	5.0%
Value Added (contribution to GSP)	\$130.1 billion	8	5.0%
Establishments	50,303 businesses	9	5.5%
Employment	591,037 jobs	10	4.0%
Average Annual Salary	\$111,895	4	
Total Payroll	\$66.1 billion	7	7.5%
Total Tax Revenues	\$11.8 billion	9	5.7%
State Payroll Tax Contribution	\$449.7 million	7	7.5%
Federal Payroll Tax Contribution	\$5.1 billion	7	7.5%
State Income Tax Contribution	\$6.1 billion	7	7.5%
State & Local Sales Tax Contribution	\$129.1 million	13	0.3%

## Real estate and rental and leasing

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$7 billion in output in the Real Estate and Rental and Leasing sector over 10 years, supporting nearly 39,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$740 million in additional economic output
- A \$517.3 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 3,867 jobs. These workers will earn over \$120 million in wages
- \$33.8 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$739.6 million	\$7.4 billion
Value Added (contribution to GSP)	\$517.3 million	\$5.2 billion
Employment	3,867 jobs	38,674 job-years
Total Payroll	\$120.3 million	\$1.2 billion
Total Tax Revenues	\$33.8 million	\$337.7 million
State Payroll Tax Contribution	\$818.0 thousand	\$8.2 million
Federal Payroll Tax Contribution	\$9.2 million	\$92.0 million
State Income Tax Contribution	\$21.5 million	\$214.7 million
State & Local Sales Tax Contribution	\$2.3 million	\$22.8 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

### SECTOR OVERVIEW

Real estate and rental and leasing contributed \$441.7 billion to state economic activity in 2016, accounting for 16.8% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$760.9 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 52,378 establishments and sole proprietorships in California with an existing payroll valued at \$17.1 billion. These businesses contribute an estimated \$1.4 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$59,809 each year. The Real Estate and Rental and Leasing sector comprises establishments primarily engaged in renting, leasing, or otherwise allowing the use of tangible or intangible assets, and establishments providing related services.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$760.9 billion	1	16.8%
Value Added (contribution to GSP)	\$441.7 billion	1	16.8%
Establishments	52,378 businesses	8	5.7%
Employment	286,606 jobs	17	1.9%
Average Annual Salary	\$59,809	10	
Total Payroll	\$17.1 billion	14	1.9%
Total Tax Revenues	\$5.0 billion	12	2.4%
State Payroll Tax Contribution	\$116.6 million	14	1.9%
Federal Payroll Tax Contribution	\$1.3 billion	14	1.9%
State Income Tax Contribution	\$1.6 billion	14	1.9%
State & Local Sales Tax Contribution	\$1.9 billion	5	3.9%

## Professional, scientific, and technical services

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$5 billion in output in the Professional, Scientific, and Technical Services sector over 10 years, supporting nearly 30,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$486 million in additional economic output
- A \$302.3 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 2,967 jobs. These workers will earn over \$216 million in wages
- \$44.0 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$486.2 million	\$4.9 billion
Value Added (contribution to GSP)	\$302.3 million	\$3.0 billion
Employment	2,967 jobs	29,673 job-years
Total Payroll	\$216.0 million	\$2.2 billion
Total Tax Revenues	\$44.0 million	\$439.5 million
State Payroll Tax Contribution	\$1.5 million	\$14.7 million
Federal Payroll Tax Contribution	\$16.5 million	\$165.3 million
State Income Tax Contribution	\$25.3 million	\$253.0 million
State & Local Sales Tax Contribution	\$654.9 thousand	\$6.5 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

### SECTOR OVERVIEW

Professional, scientific, and technical services contributed \$218.5 billion to state economic activity in 2016, accounting for 8.3% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$376.5 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 122,589 establishments and sole proprietorships in California with an existing payroll valued at \$115.6 billion. These businesses contribute an estimated \$9.6 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$91,851 each year. The Professional, Scientific, and Technical Services sector comprises establishments that specialize in performing professional, scientific, and technical activities for others.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$376.5 billion	4	8.3%
Value Added (contribution to GSP)	\$218.5 billion	4	8.3%
Establishments	122,589 businesses	1	13.3%
Employment	1,258,225 jobs	5	8.5%
Average Annual Salary	\$91,851	5	
Total Payroll	\$115.6 billion	1	13.1%
Total Tax Revenues	\$20.8 billion	2	10.2%
State Payroll Tax Contribution	\$785.9 million	1	13.1%
Federal Payroll Tax Contribution	\$8.8 billion	1	13.1%
State Income Tax Contribution	\$10.7 billion	1	13.1%
State & Local Sales Tax Contribution	\$473.5 million	9	0.9%

# Management of companies and enterprises

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$908 million in output in the Management of Companies and Enterprises sector over 10 years, supporting over 3,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$91 million in additional economic output
- A \$54.5 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 330 jobs. These workers will earn over \$38 million in wages
- \$7.5 million in additional tax revenues

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$90.8 million	\$907.5 million
Value Added (contribution to GSP)	\$54.5 million	\$545.4 million
Employment	330 jobs	3,304 job-years
Total Payroll	\$38.1 million	\$381.2 million
Total Tax Revenues	\$7.5 million	\$74.9 million
State Payroll Tax Contribution	\$259.2 thousand	\$2.6 million
Federal Payroll Tax Contribution	\$2.9 million	\$29.2 million
State Income Tax Contribution	\$4.3 million	\$43.1 million
State & Local Sales Tax Contribution	\$6.1 thousand	\$61.0 thousand

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Management of companies and enterprises contributed \$38.6 billion to state economic activity in 2016, accounting for 1.5% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$66.5 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 5,308 establishments and sole proprietorships in California with an existing payroll valued at \$44.3 billion. These businesses contribute an estimated \$3.7 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$140,343 each year. The Management of Companies and Enterprises sector comprises (1) establishments that hold the securities of (or other equity interests in) companies and enterprises for the purpose of owning a controlling interest or influencing management decisions or (2) establishments (except government establishments) that administer, oversee, and manage establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision making role of the company or enterprise.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$66.5 billion	14	1.5%
Value Added (contribution to GSP)	\$38.6 billion	14	1.5%
Establishments	5,308 businesses	17	0.6%
Employment	315,604 jobs	16	2.1%
Average Annual Salary	\$140,343	1	
Total Payroll	\$44.3 billion	9	5.0%
Total Tax Revenues	\$7.8 billion	11	3.8%
State Payroll Tax Contribution	\$301.2 million	9	5.0%
Federal Payroll Tax Contribution	\$3.4 billion	9	5.0%
State Income Tax Contribution	\$4.1 billion	9	5.0%
State & Local Sales Tax Contribution	\$4.3 million	19	0.01%



## Administrative and waste management services

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$2 billion in output in the Administrative and Waste Management Services sector over 10 years, supporting nearly 32,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$227 million in additional economic output
- A \$144.4 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 3,197 jobs. These workers will earn over \$99 million in wages
- \$23.0 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$227.1 million	\$2.3 billion
Value Added (contribution to GSP)	\$144.4 million	\$1.4 billion
Employment	3,197 jobs	31,967 job-years
Total Payroll	\$99.2 million	\$992.4 million
Total Tax Revenues	\$23.0 million	\$229.7 million
State Payroll Tax Contribution	\$674.8 thousand	\$6.7 million
Federal Payroll Tax Contribution	\$7.6 million	\$75.9 million
State Income Tax Contribution	\$14.2 million	\$142.4 million
State & Local Sales Tax Contribution	\$458.3 thousand	\$4.6 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

### SECTOR OVERVIEW

Administrative and waste management services contributed \$76.7 billion to state economic activity in 2016, accounting for 2.9% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$132.0 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 43,631 establishments and sole proprietorships in California with an existing payroll valued at \$66.7 billion. These businesses contribute an estimated \$5.6 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$47,994 each year. The Administrative and Support and Waste Management and Remediation Services sector comprises establishments performing routine support activities for the day-to-day operations of other organizations.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$132.0 billion	10	2.9%
Value Added (contribution to GSP)	\$76.7 billion	10	2.9%
Establishments	43,631 businesses	10	4.7%
Employment	1,389,206 jobs	4	9.4%
Average Annual Salary	\$47,994	14	
Total Payroll	\$66.7 billion	6	7.6%
Total Tax Revenues	\$12.0 billion	8	5.8%
State Payroll Tax Contribution	\$453.4 million	6	7.6%
Federal Payroll Tax Contribution	\$5.1 billion	6	7.6%
State Income Tax Contribution	\$6.2 billion	6	7.6%
State & Local Sales Tax Contribution	\$243.3 million	11	0.5%

## The Economic Benefits of SB 1 on ...

# Educational services

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$523 million in output in the Educational Services sector over 10 years, supporting nearly 8,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$52 million in additional economic output
- A \$31.9 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 768 jobs. These workers will earn nearly \$25 million in wages
- \$5.0 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$52.3 million	\$522.7 million
Value Added (contribution to GSP)	\$31.9 million	\$319.4 million
Employment	768 jobs	7,677 job-years
Total Payroll	\$24.8 million	\$247.7 million
Total Tax Revenues	\$5.0 million	\$50.1 million
State Payroll Tax Contribution	\$168.4 thousand	\$1.7 million
Federal Payroll Tax Contribution	\$1.9 million	\$18.9 million
State Income Tax Contribution	\$2.8 million	\$28.3 million
State & Local Sales Tax Contribution	\$111.3 thousand	\$1.1 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Educational services contributed \$25.2 billion to state economic activity in 2016, accounting for 1.0% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$43.5 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 13,957 establishments and sole proprietorships in California with an existing payroll valued at \$16.5 billion. These businesses contribute an estimated \$1.4 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$39,737 each year. The Educational Services sector comprises establishments that provide instruction and training in a wide variety of subjects.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$43.5 billion	18	1.0%
Value Added (contribution to GSP)	\$25.2 billion	18	1.0%
Establishments	13,957 businesses	16	1.5%
Employment	414,712 jobs	14	2.8%
Average Annual Salary	\$39,737	15	
Total Payroll	\$16.5 billion	16	1.9%
Total Tax Revenues	\$3.0 billion	16	1.5%
State Payroll Tax Contribution	\$112.1 million	16	1.9%
Federal Payroll Tax Contribution	\$1.3 billion	16	1.9%
State Income Tax Contribution	\$1.5 billion	16	1.9%
State & Local Sales Tax Contribution	\$87.9 million	15	0.2%

## Health care and social assistance

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate over \$3 billion in output in the Health Care and Social Assistance sector over 10 years, supporting over 32,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$342 million in additional economic output
- A \$204.3 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 3,219 jobs. These workers will earn over \$157 million in wages
- \$30.2 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$341.6 million	\$3.4 billion
Value Added (contribution to GSP)	\$204.3 million	\$2.0 billion
Employment	3,219 jobs	32,187 job-years
Total Payroll	\$157.0 million	\$1.6 billion
Total Tax Revenues	\$30.2 million	\$301.6 million
State Payroll Tax Contribution	\$1.1 million	\$10.7 million
Federal Payroll Tax Contribution	\$12.0 million	\$120.1 million
State Income Tax Contribution	\$17.0 million	\$169.5 million
State & Local Sales Tax Contribution	\$131.6 thousand	\$1.3 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

### SECTOR OVERVIEW

Health care and social assistance contributed \$161.6 billion to state economic activity in 2016, accounting for 6.2% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$278.4 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 109,285 establishments and sole proprietorships in California with an existing payroll valued at \$106.3 billion. These businesses contribute an estimated \$8.9 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$56,739 each year. The Health Care and Social Assistance sector comprises establishments providing health care and social assistance for individuals.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$278.4 billion	5	6.2%
Value Added (contribution to GSP)	\$161.6 billion	5	6.2%
Establishments	109,285 businesses	2	11.9%
Employment	1,873,857 jobs	1	12.7%
Average Annual Salary	\$56,739	11	
Total Payroll	\$106.3 billion	2	12.1%
Total Tax Revenues	\$18.8 billion	4	9.2%
State Payroll Tax Contribution	\$723.0 million	2	12.1%
Federal Payroll Tax Contribution	\$8.1 billion	2	12.1%
State Income Tax Contribution	\$9.9 billion	2	12.1%
State & Local Sales Tax Contribution	\$104.1 million	14	0.2%

## The Economic Benefits of SB 1 on ...

# Arts, entertainment, and recreation

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$621 million in output in the Arts, Entertainment, and Recreation sector over 10 years, supporting over 7,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$62 million in additional economic output
- A \$35.8 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 712 jobs. These workers will earn over \$20 million in wages
- \$5.3 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$62.1 million	\$620.8 million
Value Added (contribution to GSP)	\$35.8 million	\$358.1 million
Employment	712 jobs	7,117 job-years
Total Payroll	\$20.1 million	\$201.2 million
Total Tax Revenues	\$5.3 million	\$52.5 million
State Payroll Tax Contribution	\$136.8 thousand	\$1.4 million
Federal Payroll Tax Contribution	\$1.5 million	\$15.4 million
State Income Tax Contribution	\$3.3 million	\$33.0 million
State & Local Sales Tax Contribution	\$272.6 thousand	\$2.7 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Arts, entertainment, and recreation contributed \$36.2 billion to state economic activity in 2016, accounting for 1.4% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$62.3 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 23,840 establishments and sole proprietorships in California with an existing payroll valued at \$16.6 billion. These businesses contribute an estimated \$1.4 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$50,013 each year. The Arts, Entertainment, and Recreation sector includes a wide range of establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$62.3 billion	15	1.4%
Value Added (contribution to GSP)	\$36.2 billion	15	1.4%
Establishments	23,840 businesses	12	2.6%
Employment	332,743 jobs	15	2.3%
Average Annual Salary	\$50,013	13	
Total Payroll	\$16.6 billion	15	1.9%
Total Tax Revenues	\$3.2 billion	15	1.6%
State Payroll Tax Contribution	\$113.2 million	15	1.9%
Federal Payroll Tax Contribution	\$1.3 billion	15	1.9%
State Income Tax Contribution	\$1.5 billion	15	1.9%
State & Local Sales Tax Contribution	\$275.5 million	10	0.6%

## The Economic Benefits of SB 1 on ...

# Accommodation and food services

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$2 billion in output in the Accommodation and Food Services sector over 10 years, supporting nearly 27,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Over \$194 million in additional economic output
- A \$108.0 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 2,664 jobs. These workers will earn over \$62 million in wages
- \$19.7 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$194.3 million	\$1.9 billion
Value Added (contribution to GSP)	\$108.0 million	\$1.1 billion
Employment	2,664 jobs	26,641 job-years
Total Payroll	\$62.2 million	\$622.3 million
Total Tax Revenues	\$19.7 million	\$197.4 million
State Payroll Tax Contribution	\$423.2 thousand	\$4.2 million
Federal Payroll Tax Contribution	\$4.8 million	\$47.6 million
State Income Tax Contribution	\$5.3 million	\$52.6 million
State & Local Sales Tax Contribution	\$9.3 million	\$92.9 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

## SECTOR OVERVIEW

Accommodation and food services contributed \$76.0 billion to state economic activity in 2016, accounting for 2.9% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$131.0 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 83,829 establishments and sole proprietorships in California with an existing payroll valued at \$34.2 billion. These businesses contribute an estimated \$2.9 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$21,266 each year. The Accommodation and Food Services sector comprises establishments providing customers with lodging and/or preparing meals, snacks, and beverages for immediate consumption.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$131.0 billion	11	2.9%
Value Added (contribution to GSP)	\$76.0 billion	11	2.9%
Establishments	83,829 businesses	4	9.1%
Employment	1,609,306 jobs	3	10.9%
Average Annual Salary	\$21,266	19	
Total Payroll	\$34.2 billion	11	3.9%
Total Tax Revenues	\$12.6 billion	7	6.1%
State Payroll Tax Contribution	\$232.7 million	11	3.9%
Federal Payroll Tax Contribution	\$2.6 billion	11	3.9%
State Income Tax Contribution	\$3.2 billion	11	3.9%
State & Local Sales Tax Contribution	\$6.5 billion	2	13.1%



## The Economic Benefits of SB 1 on ...

### Other services

Increased spending on California's highways, bridges and transit as a result of SB 1 will generate nearly \$19 billion in output in the Other Services sector over 10 years, supporting nearly 75,000 job-years.\*

The average annual economic benefits of SB 1 spending on this sector include:

- Nearly \$2 billion in additional economic output
- A \$806.3 million increase in gross state product (GSP)\*\*
- Supporting or creating an additional 7,466 jobs. These workers will earn over \$462 million in wages
- \$72.3 million in additional tax revenues

	Average Annual Impacts of SB 1	Total Economic Impacts of SB 1 over 10 Years
Industry Output	\$1.9 billion	\$18.6 billion
Value Added (contribution to GSP)	\$806.3 million	\$8.1 billion
Employment	7,466 jobs	74,656 job-years
Total Payroll	\$462.2 million	\$4.6 billion
Total Tax Revenues	\$72.3 million	\$722.6 million
State Payroll Tax Contribution	\$3.1 million	\$31.4 million
Federal Payroll Tax Contribution	\$35.4 million	\$353.6 million
State Income Tax Contribution	\$23.2 million	\$231.5 million
State & Local Sales Tax Contribution	\$10.6 million	\$106.0 million

Increasing transportation spending from SB 1 will have positive economic impacts on this sector in two ways. The first is through direct purchases from transportation construction firms and suppliers involved in building, maintaining and operating California's highways, bridges and transit systems. The second effect is when employees of transportation firms spend their wages and make purchases throughout the economy.

\* A job-year of employment is defined as employment for one person during one year. Thus, this number will include people whose jobs are created/supported by SB 1 over multiple years. For example, if a person is hired in this sector and remains in her position for five years, this is counted as five job-years.

\*\* GSP is the value added by an industry to the overall economy. California's GSP was \$2.62 trillion in 2016, according to the U.S. Bureau of Economic Analysis. That is the difference between total sales and the intermediate goods. Gross output is the measure of total industry sales for both intermediate and final goods. California's gross output in 2016 is estimated to be \$4.52 trillion.

### SECTOR OVERVIEW

Other services contributed \$56.2 billion to state economic activity in 2016, accounting for 2.1% of the state's Gross State Product (GSP).\*\* Total sales in the industry were an estimated \$96.8 billion, which includes goods and services for final consumers as well as any inputs sold to other industries.

This sector includes 73,293 establishments and sole proprietorships in California with an existing payroll valued at \$19.2 billion. These businesses contribute an estimated \$1.6 billion in state and federal payroll taxes. Individuals working in this sector earn an average of \$33,407 each year. The Other Services (except Public Administration) sector comprises establishments engaged in providing services not specifically provided for elsewhere in the classification system, including equipment and machinery repairing, promoting or administering religious activities, grantmaking, advocacy, drycleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services, and dating services.

	Current Value	California Ranking	Percentage of State Total
Industry Output	\$96.8 billion	13	2.1%
Value Added (contribution to GSP)	\$56.2 billion	13	2.1%
Establishments	73,293 businesses	5	8.0%
Employment	575,034 jobs	11	3.9%
Average Annual Salary	\$33,407	16	
Total Payroll	\$19.2 billion	13	2.2%
Total Tax Revenues	\$4.1 billion	14	2.0%
State Payroll Tax Contribution	\$130.6 million	13	2.2%
Federal Payroll Tax Contribution	\$1.5 billion	13	2.2%
State Income Tax Contribution	\$1.8 billion	13	2.2%
State & Local Sales Tax Contribution	\$739.1 million	7	1.5%

## VII. Methodology and Sources

The FHWA HERS-ST model is used to estimate the investment needs for California on the National Highway System, using the same modeling techniques as those employed by FHWA when preparing the federal Needs and Conditions report on the nation's transportation infrastructure.

HERS-ST selects a set of optimal improvements based on funding constraints, or can determine the cost of making all cost-beneficial improvements over a given time period to the state roads that are part of the federal aid system. Both approaches were used for the purposes of this study. All data used in the model is submitted by Caltrans to FHWA as part of the Highway Performance Monitoring System.

The FHWA NBIAS model is used to estimate the investment needs for bridges in California, also using the same modeling techniques as those employed by FHWA when preparing the federal Needs and Conditions report on the nation's transportation infrastructure. Similar to HERS-ST, NBIAS selects a set of optimal improvements based on funding constraints, or can determine the cost of making all cost-beneficial improvements over a given time period to roadway bridges across the state. The funding constraint approach was used for the purposes of this study, utilizing the NBIAS model which maximizes benefits. All data used in this model was submitted by Caltrans to FHWA as its' National Bridge Inventory data, which is collected by FHWA annually from all states.

The investment levels used in this report are from the California Department of Finance's forecast of SB 1 revenues and expenditures from the Governor's 2017-2018 Enacted Budget (included in Appendix 2). Baseline highway, street, bridge and transit investment levels (investment levels without additional SB 1 funding) are based on levels provided in the California 2017-18 State Budget for Caltrans and State Transit Assistance. Absent implementation of SB 1, funding levels are expected to rise at the rate of California inflation projected by the California Department of Finance in its inflation forecast.

SB 1 spending estimates by program area and type of work, as well as the methodology used, were developed with input from the California Department of Finance.

SB 1 spending on highways, bridges and transit was estimated based on the line items included in the SB 1 revenue and expenditure forecast. Highway, street and bridge spending comprises the following line items: Total Local Streets and Roads; Local Partnership; STIP (Local Share); Total State SHOPP/Maintenance; Bridges and Culverts; STIP (State Share); and a portion of Trade Corridor Enhancement and Congested Corridors spending. Transit spending comprises the following line items: State Transit Assistance; Transit and Intercity Rail Capital Program; Commuter Rail and Intercity Rail; and a portion of Trade Corridor Enhancement and Congested Corridors spending. There are two line items (Trade Corridor Enhancement and Congested Corridors) that can be used for either highways, bridges or transit, so those items were split among highway, street and bridge spending and transit spending based on the average split between highway, street and bridge versus transit spending in the SB 1 forecast; eighty three percent of Trade Corridor Enhancement and Congested Corridors spending is expected to go toward highways and bridges, and the remaining 17 percent is expected to go toward transit.

The split between highway, street and bridge SB 1 spending is estimated using the split between the value of state highway, street and bridge projects funded by SB 1 available at the Rebuilding California website (<http://rebuildingca.ca.gov>) and accessed on Dec. 4, 2017. Highway spending is estimated to be 68 percent of total highway, street and bridge spending each year, with bridge spending estimated at 32 percent.

For baseline levels, the split between highway, street and bridge spending is estimated using the split between the value of highway, street and bridge projects in the California 2016 State Highway Operation and Protection Program (SHOPP) for 2016–17 through 2019–20. This document was released in March 2016, so numbers do not reflect the implementation of SB 1. Similar to the SB 1 split, highway spending is estimated to be 68 percent of total highway, street and bridge spending each year, with bridge spending estimated at 32 percent.

Actual highway, street and bridge construction spending is estimated based on construction and non-construction spending levels in the revised California 2016 SHOPP for 2015–16 through 2021–22. This document was revised after October 2017, so numbers reflect the implementation of SB 1. This document details spending breakdowns for capital outlays for right of way, planning and actual construction work. Highway, street and bridge construction spending are estimated to be 67 percent of highway, street and bridge spending each year, respectively.

Transit construction spending is estimated based on National Transit Database data from 2016 that includes spending by California transit agencies on capital and operations. Transit capital investment includes spending on rolling stock such as train cars and buses in addition to stations, buildings and rail. Thirty eight percent of spending by California transit agencies in 2016 is capital spending, therefore 38 percent of transit investment each year is estimated to be transit construction spending. Though capital investment is not analogous to construction spending, comprising construction support activities in addition to construction activities, in the absence of a more precise estimate for transit construction spending, the capital spending percentage is used as a conservative estimate (since it is much lower than the highway, street and bridge construction percentage) of the percent of transit construction spending.

To calculate the higher investment level resulting from the implementation of SB 1, SB 1 expenditures from the revenue and expenditure forecast were added to the baseline highway, street, bridge and transit spending level for each year. SB 1 spending on highways, bridges and transit is estimated at \$50.3 billion over 10 years, or \$5.0 billion each year on average. When added to the baseline spending level of \$107.2 billion, the new level of highway, street, bridge and transit investment is expected to total \$157.5 billion, or \$15.8 billion annually.

The immediate impact of an increase in transportation construction spending is calculated using the U.S. Department of Commerce Regional Input-Output Modeling System (RIMS II). RIMS II is based on input output (I-O) tables. For a given industry, the I-O tables show the industrial distribution of inputs purchased and outputs sold. In this analysis, four separate California-specific multipliers were used to estimate the impact of highway, street and bridge construction, transit construction, transit non-construction activity, and remaining spending from SB 1. The total immediate impact was calculated by adding up the impact values for each of the four multipliers, for each type of impact and for each industry.

Research shows that RIMS II multipliers are similar to other regional I-O models based on in-depth and often expensive surveys. According to the U.S. Department of Commerce, RIMS multipliers have been used to estimate such things as the regional impact of military base closings, tourist expenditures, new energy facilities, offshore drilling and the opening or closing of manufacturing plants and other facilities. These multipliers are also used frequently to analyze the impact of new construction projects, including transportation construction.

Industry value added (contribution to GSP) for California is the most recent data from the U.S. Bureau of Economic Analysis GSP estimates for the state, broken out by industry, for 2016. Industry output for California was estimated by taking California's percent share of national GSP for each industry and multiplying it by national gross output by industry.

The state payroll tax rate is calculated using the average employer tax rate as a percent of total wages. The source for this information is the National Association of State Workforce Agencies (NASWA) and the U.S. Department of Labor Employment Training Administration (ETA) Financial Handbook 394. The federal payroll tax rate is estimated to be 7.65 percent.

Income tax contributions are calculated by adding up the California State Comptroller's Office Monthly Statements of General Fund Cash Receipts and Disbursements for January through December 2016. The amount of income tax contributions attributable to each industry was estimated by multiplying the total income tax contributions amount by the percentage of total wages for each industry. Total estimated income tax collections using this method are \$81.7 billion. The value of actual income tax collections reported by California in the 2015 U.S. Census of State and Local Government Finance, published by the U.S. Census Bureau, was \$77.9 billion. This difference is in part attributable to inflation, an expanded workforce and income taxes paid by government workers. Employment and economic impact of the public sector is not included in the 19 sector analysis.

Total state sales tax revenues are based on the actual collections of sales tax in 2016 as recorded in the California State Comptroller's Office Monthly Statements of General Fund Cash Receipts and Disbursements for January through December 2016. In 2016, California had a 7.5 percent combined sales and use tax rate that includes both the state rate of 6.5 percent and the local rate of 1.0 percent. The total value of state sales tax receipts is \$38.5 billion, the same as the amount reported in the 2015 Census of State and Local Government Finance for state sales tax revenues. The total state and local sales tax revenues amount reported in the 2015 Census of State and Local Government Finance was \$49.9 billion, with 77 percent from state sales tax revenues and the remaining 23 percent from local sales tax revenues. Therefore, to calculate the total state and local sales tax value, 2016 collected state sales tax receipts were estimated

to equal 77 percent of total state and local sales tax revenues. Using this methodology, the value of total state and local sales tax revenues used in this report is \$50.0 billion. The amount of state and local sales tax revenues attributable to each industry was estimated by multiplying the total state and local sales tax revenue amount by the percentage of taxable sales for each industry, calculated by adding up the California State Board of Equalization's Statewide Taxable Sales, By Type of Business tables for the first three quarters of 2016.

Employment and establishment data was calculated using the U.S. Census Bureau's County Business Patterns. All payroll data has been adjusted for inflation to 2016 dollars using the Bureau of Labor Statistics Consumer Price Index.

All bridge information, including conditions, is from FHWA's National Bridge Inventory and is for 2017 (data released in January 2018), the latest year that data is available.

Fatality and crash information is from the National Highway Traffic Safety Administration for 2016, the latest year that data is available.

State data on freight shipments is from the FHWA Freight Analysis Framework and is for 2015, the latest year that data is available.

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# Appendix 1: Supporting Studies

Transportation capital investments trigger immediate economic activity that creates and sustains jobs and tax revenue, yet yields long-lived capital assets that facilitate economic activity for many decades to come by providing access to jobs, services, materials and markets.

An improved highway, street, bridge and transit network results in lower operating costs, allowing businesses to increase investment in other capital outlays and expand their operations. Commuters spend less time in traffic and congestion as mobility increases, and safety enhancements help save lives and reduce injuries.

The overall economic benefits of transportation investment to a state's economic activity are well documented in the economics literature. There are numerous studies that have found a positive correlation between transportation infrastructure investment and economic development. Although the exact impact of the investment has varied among studies, the fact that there is a positive relationship is widely accepted.<sup>37</sup>

Some of the main findings include:

- A recent study commissioned by the U.S. Treasury Department found that for every **\$1 in capital spent on select projects, the net economic benefit ranged between \$3.50 and \$7.00.**<sup>38</sup> Released in December 2016, "40 Proposed U.S. Transportation and Water Infrastructure Projects of Major Economic Significance" also explores some of the challenges of completing the work. The report found that a lack of public funding was "by far the most common factor hindering the completion" of the projects.
- A 2005 report by Dr. Robert Shapiro and Dr. Kevin Hassett found that the U.S. transportation network provides more than **\$4 in direct benefits for every \$1 in direct costs** that taxpayers pay to build, operate and maintain this system.<sup>39</sup> These economic benefits include lower costs and higher productivity for businesses, and time savings and additional income for workers. The authors noted that the estimate substantially understates the full net benefits of the U.S. transportation network and does not take into account the increased benefit from better access to schools and hospitals, or other ways these investments support economic growth and allow American workers and companies to compete successfully on the global stage.

<sup>37</sup> Economic studies have found output elasticities ranging from as high as 0.56 (Aschauer 1989) to a low of 0.04 (Garcia-Mila and McGuire 1992). This means that a 1 percent increase in highway investment will result in between 0.04 to 0.56 percent increase in output. Most of this variation is because studies have a different focus—looking at different types of investment measures and output at either the national, state or county level.

<sup>38</sup> Report available at <https://www.treasury.gov/connect/blog/Pages/Importance-of-Infrastructure-Investment-for-Spurring-Growth-.aspx> as of February 2017.

<sup>39</sup> R. Shapiro and K. Hassett, "Healthy Returns: The Economic Impact of Public Investment in Surface Transportation," 2005.



- According to an analysis by TRIP, a national transportation research group, **the average return to every \$1 spent on highway, street and bridge investment is \$5.20**, which takes the form of lower maintenance costs, fewer delays, improved safety and less congestions. This analysis is based on the U.S. Department of Transportation's Conditions and Performance Report.
- A study by Dr. Alicia Munnell of the Federal Reserve Bank of Boston concluded that states that invested more in infrastructure tended to have greater output, more private investment and more employment growth.<sup>40</sup> Her work found that **a 1 percent increase in public capital will raise national output by 0.15 percent**<sup>41</sup>. She further notes that the major impact of public capital output is from investment in highways and water and sewer systems. Other public capital investments, such as school buildings and hospitals, had virtually no measureable impact on private production.<sup>42</sup> Munnell also concludes that public capital and infrastructure investment have a significant positive impact on a state's private employment growth and private sector output.
- Federal Highway Administration economist Theresa Smith reached similar conclusions, finding that **a 10 percent increase in highway capital stock will increase a state's gross state product by 1.2 to 1.3 percent**.<sup>43</sup> This means a \$1 billion increase in California's highway capital stock will increase state productivity between \$1.21 million to \$1.27 million.
- Additional studies have found that transportation infrastructure investments have an impact on the attractiveness of local communities, which helps determine local economic activity and land values. In general, most studies find that locations close to large transportation infrastructure investment have higher land values.<sup>44</sup>

<sup>40</sup> Alicia Munnell, "How Does Public Infrastructure Affect Regional Economic Performance," New England Economic Review, September/October 1990.

<sup>41</sup> Munnell's elasticity for private capital is 0.31, so that a 1 percent increase in private capital will raise national output by 0.31 percent. This is in line with other studies of returns from private capital investment.

<sup>42</sup> Munnell says she is not implying that government-provided education and health services have no effect on productivity, but rather "the stock of buildings ... may not be the best indicator of the quality of education services; teachers' salaries, for example, might be a better measure."

<sup>43</sup> Theresa Smith, "The Impact of Highway Infrastructure on Economic Performance," Public Roads Vol. 57 – No. 4 (Spring 1994).

<sup>44</sup> A synopsis of these studies are available in the Transportation Research Board's *Expanding Metropolitan Highways: Implications for Air Quality and Energy Use – Special Report 245*, 1995

- M. Ishaq Nadiri of New York University and the National Bureau of Economics Research and Theofanis P. Mamuneas of New York University find significant cost structure and productivity performance impacts on the U.S. manufacturing industry as a result of highway investment. Their work shows that the rate of return on highway investment can be greater than private investment.

Some major findings include:<sup>45</sup>

- Over the period 1950 to 1989, U.S. industries realized production cost savings averaging 18 cents annually for each \$1 invested in the road system.
- Investments in non-local roads yield even higher production cost savings – estimated at 24 cents for each \$1 of investment.
- Although the impact of highway investment on productivity has declined since the early 1970s and the initial construction of the Interstate, evidence suggests that highway infrastructure investments more than pay for themselves in terms of industry cost savings.
- The U.S. highway network's contribution to economic productivity growth was between 7 and 8 percent over the time period 1980 to 1989.
- The net social rate of return on investment in the non-local road system during the 1980s was 16 percent, and the rate of return for the entire road network was 10 percent.<sup>46</sup>
- This rate of return was significantly higher than the prevailing rate of return on private capital and the long-term interest rate during this time period.
- The higher return to highway capital is due to its network feature, since the benefits are shared by all industries.

Overall, the benefits from investing to maintain and improve a state's transportation network are greater than the cost, and can help support economic growth throughout the economy for years to come.

<sup>45</sup> Summary provided by U.S. Department of Transportation, *Productivity and the Highway Network: A Look at the Economic Benefits to Industry from Investment in the Highway Network*.

<sup>46</sup> The net social rate of return is an estimate of the benefits to private industries derived from the shared use of public highways.

# Appendix 2: SB 1 Revenue and Expenditure 10-Year Forecast

SB 1 Revenue and Expenditure 10-Year Forecast (in millions)												
	Year 1 2017- 2018	Year 2 2018- 2019	Year 3 2019- 2020	Year 4 2020- 2021	Year 5 2021- 2022	Year 6 2022- 2023	Year 7 2023- 2024	Year 8 2024- 2025	Year 9 2025- 2026	Year 10 2026- 2027	10-Year Total	Annual Average
<b>Revenues</b>												
Gasoline Excise Tax	\$1,252	\$1,866	\$1,911	\$2,270	\$2,474	\$2,651	\$2,830	\$3,009	\$3,189	\$3,370	\$24,823	\$2,482
Diesel Excise Tax	\$401	\$656	\$651	\$702	\$724	\$746	\$768	\$790	\$813	\$836	\$7,086	\$709
Diesel Sales Tax	\$200	\$313	\$326	\$339	\$353	\$368	\$384	\$400	\$417	\$434	\$3,533	\$353
Transportation Improvement Fee	\$726	\$1,453	\$1,503	\$1,598	\$1,686	\$1,774	\$1,862	\$1,950	\$2,038	\$2,126	\$16,716	\$1,672
Zero Emission Vehicle Fee (with CPI)	\$0	\$0	\$0	\$18	\$21	\$24	\$27	\$30	\$34	\$38	\$191	\$19
Loan Repayment	\$235	\$235	\$236	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$706	\$71
Caltrans Efficiencies (not allocated)	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,000	\$100
<b>Total New Revenue</b>	<b>\$2,913</b>	<b>\$4,623</b>	<b>\$4,726</b>	<b>\$5,027</b>	<b>\$5,357</b>	<b>\$5,663</b>	<b>\$5,971</b>	<b>\$6,280</b>	<b>\$6,591</b>	<b>\$6,903</b>	<b>\$54,054</b>	<b>\$5,405</b>
<b>Expenditures</b>												
<b>Local</b>												
Local Streets and Roads												
Local Streets and Roads (2104-2107)	\$0	\$21	\$21	\$85	\$118	\$150	\$182	\$214	\$246	\$278	\$1,316	\$132
Local Streets and Roads (2103)	\$75	\$75	\$102	\$87	\$122	\$154	\$186	\$218	\$250	\$282	\$1,549	\$155
RMRA – Local Streets and Roads	\$371	\$1,069	\$1,080	\$1,172	\$1,236	\$1,296	\$1,353	\$1,411	\$1,468	\$1,526	\$11,980	\$1,198
<b>Total Local Streets and Roads</b>	<b>\$446</b>	<b>\$1,165</b>	<b>\$1,204</b>	<b>\$1,344</b>	<b>\$1,476</b>	<b>\$1,599</b>	<b>\$1,721</b>	<b>\$1,842</b>	<b>\$1,964</b>	<b>\$2,086</b>	<b>\$14,846</b>	<b>\$1,485</b>
State Transit Assistance	\$280	\$380	\$394	\$409	\$424	\$440	\$456	\$473	\$491	\$509	\$4,255	\$426
Transit and Intercity Rail Capital Program	\$330	\$333	\$340	\$261	\$267	\$274	\$281	\$288	\$295	\$302	\$2,970	\$297
Local Partnership	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$2,000	\$200
Active Transportation	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,000	\$100
STIP (Local Share)	\$0	\$0	\$20	\$65	\$91	\$115	\$139	\$163	\$187	\$211	\$993	\$99
Commuter Rail and Intercity Rail	\$25	\$39	\$41	\$42	\$44	\$46	\$48	\$50	\$52	\$54	\$442	\$44
Local Planning Grants	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$250	\$25
RMRA-Administration (DMV, SCO, CTC)	\$2	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$38	\$4
<b>Total Local Expenditures</b>	<b>\$1,408</b>	<b>\$2,246</b>	<b>\$2,328</b>	<b>\$2,450</b>	<b>\$2,632</b>	<b>\$2,803</b>	<b>\$2,973</b>	<b>\$3,145</b>	<b>\$3,318</b>	<b>\$3,492</b>	<b>\$26,794</b>	<b>\$2,679</b>
<b>State</b>												
SHOPP/Maintenance												
SHOPP (44/44/12)	\$0	\$0	\$7	\$24	\$33	\$42	\$51	\$59	\$68	\$77	\$361	\$36
SHOPP (2108)	\$75	\$113	\$113	\$151	\$210	\$267	\$323	\$380	\$437	\$494	\$2,565	\$257
RMRA – SHOPP/Maintenance	\$371	\$1,069	\$1,080	\$1,172	\$1,236	\$1,296	\$1,353	\$1,411	\$1,468	\$1,526	\$11,980	\$1,198
<b>Total SHOPP/Maintenance</b>	<b>\$446</b>	<b>\$1,182</b>	<b>\$1,200</b>	<b>\$1,347</b>	<b>\$1,479</b>	<b>\$1,604</b>	<b>\$1,727</b>	<b>\$1,850</b>	<b>\$1,973</b>	<b>\$2,097</b>	<b>\$14,906</b>	<b>\$1,491</b>
Bridges and Culverts	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$4,000	\$400
Trade Corridor Enhancement	\$200	\$298	\$296	\$309	\$314	\$318	\$323	\$328	\$333	\$338	\$3,059	\$306
Congested Corridors	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$2,500	\$250
Parks (excise tax on vehicle used off-highway)	\$54	\$80	\$80	\$83	\$85	\$86	\$87	\$88	\$90	\$91	\$823	\$82
Agriculture (excise tax on farm vehicle use)	\$17	\$25	\$25	\$26	\$27	\$27	\$27	\$28	\$28	\$29	\$258	\$26
STIP (State Share)	\$0	\$0	\$7	\$22	\$30	\$38	\$46	\$54	\$62	\$70	\$331	\$33
Freeway Service Program	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$250	\$25
RMRA – Administration (DMV, SCO, CTC)	\$2	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$38	\$4
Transportation Workforce Training	\$5	\$5	\$5	\$5	\$5	\$0	\$0	\$0	\$0	\$0	\$25	\$3
UC and CSU Transportation Research	\$7	\$7	\$7	\$7	\$7	\$7	\$7	\$7	\$7	\$7	\$70	\$7
<b>Total State Expenditures</b>	<b>\$1,406</b>	<b>\$2,277</b>	<b>\$2,299</b>	<b>\$2,477</b>	<b>\$2,625</b>	<b>\$2,760</b>	<b>\$2,897</b>	<b>\$3,035</b>	<b>\$3,173</b>	<b>\$3,311</b>	<b>\$26,260</b>	<b>\$2,626</b>
<b>Total Expenditures from SB 1</b>	<b>\$2,814</b>	<b>\$4,523</b>	<b>\$4,627</b>	<b>\$4,927</b>	<b>\$5,257</b>	<b>\$5,563</b>	<b>\$5,870</b>	<b>\$6,180</b>	<b>\$6,491</b>	<b>\$6,803</b>	<b>\$53,054</b>	<b>\$5,305</b>

Source: SB 1 Revenue and Expenditures Forecast from the Governor's 2017-2018 Enacted Budget

## Appendix 3: SB 1 Spending by Type

SB 1 Spending by Type over 10 Years (in millions)												
	Year 1 2017– 2018	Year 2 2018– 2019	Year 3 2019– 2020	Year 4 2020– 2021	Year 5 2021– 2022	Year 6 2022– 2023	Year 7 2023– 2024	Year 8 2024– 2025	Year 9 2025– 2026	Year 10 2026– 2027	10– Year Total	Annual Average
Highway, Bridge, Street & Transit	\$2,577	\$4,247	\$4,352	\$4,649	\$4,975	\$5,284	\$5,591	\$5,898	\$6,207	\$6,517	\$50,302	\$5,030
Highway, Bridge & Street	\$1,865	\$3,401	\$3,483	\$3,841	\$4,143	\$4,427	\$4,708	\$4,988	\$5,269	\$5,551	\$41,682	\$4,168
Construction	\$1,245	\$2,270	\$2,325	\$2,564	\$2,765	\$2,955	\$3,142	\$3,329	\$3,517	\$3,705	\$27,821	\$2,782
Other Highway, Bridge & Street Activity	\$620	\$1,131	\$1,158	\$1,277	\$1,378	\$1,472	\$1,566	\$1,659	\$1,752	\$1,846	\$13,862	\$1,386
Transit	\$712	\$846	\$869	\$808	\$832	\$857	\$883	\$910	\$938	\$966	\$8,620	\$862
Construction	\$268	\$318	\$326	\$304	\$313	\$322	\$332	\$342	\$353	\$363	\$3,240	\$324
Other Transit Activity	\$444	\$528	\$542	\$504	\$519	\$535	\$551	\$568	\$585	\$603	\$5,380	\$538
Other SB 1 Spending	\$237	\$276	\$275	\$278	\$282	\$279	\$279	\$282	\$284	\$286	\$2,752	\$275
<b>Total Spending</b>	<b>\$2,814</b>	<b>\$4,523</b>	<b>\$4,627</b>	<b>\$4,927</b>	<b>\$5,257</b>	<b>\$5,563</b>	<b>\$5,870</b>	<b>\$6,180</b>	<b>\$6,491</b>	<b>\$6,803</b>	<b>\$53,054</b>	<b>\$5,305</b>

# Appendix 4: Total Economic Impact of SB 1 on California over 10 Years

Total Economic Impact of SB 1 on California over 10 Years (in millions)												
	Year 1 2017- 2018	Year 2 2018- 2019	Year 3 2019- 2020	Year 4 2020- 2021	Year 5 2021- 2022	Year 6 2022- 2023	Year 7 2023- 2024	Year 8 2024- 2025	Year 9 2025- 2026	Year 10 2026- 2027	10-Year Total	Annual Average
User Benefits	\$2,384	\$2,634	\$3,925	\$4,140	\$5,224	\$4,807	\$4,389	\$3,973	\$3,558	\$3,143	\$38,176	\$3,818
Highway, Street & Bridge	\$1,181	\$1,205	\$2,457	\$2,775	\$3,819	\$3,358	\$2,896	\$2,435	\$1,973	\$1,511	\$23,609	\$2,361
Transit	\$1,203	\$1,430	\$1,468	\$1,365	\$1,405	\$1,449	\$1,493	\$1,538	\$1,585	\$1,632	\$14,567	\$1,457
Economic Impacts	\$7,785	\$12,368	\$12,652	\$13,420	\$14,304	\$15,123	\$15,946	\$16,777	\$17,612	\$18,449	\$144,433	\$14,443
Economic Output	\$5,999	\$9,562	\$9,782	\$10,389	\$11,076	\$11,713	\$12,352	\$12,998	\$13,647	\$14,297	\$111,812	\$11,181
Earnings	\$1,786	\$2,806	\$2,871	\$3,032	\$3,228	\$3,410	\$3,594	\$3,779	\$3,965	\$4,152	\$32,621	\$3,262
<b>Total Impact</b>	<b>\$10,169</b>	<b>\$15,002</b>	<b>\$16,577</b>	<b>\$17,561</b>	<b>\$19,528</b>	<b>\$19,930</b>	<b>\$20,335</b>	<b>\$20,750</b>	<b>\$21,170</b>	<b>\$21,592</b>	<b>\$182,609</b>	<b>\$18,261</b>
Other Economic Impacts												
Value Added (GSP)	\$3,106	\$4,952	\$5,066	\$5,380	\$5,736	\$6,066	\$6,398	\$6,733	\$7,069	\$7,406	\$57,911	\$5,791
Employment	39,834	59,740	61,154	63,456	67,269	70,852	74,449	78,094	81,763	85,442	682,029	68,203



## Appendix 5: What is SB 1?

### What is SB 1?

California's Senate Bill 1 (SB 1), which was signed in to law on April 28, 2017, will boost transportation funding through a combination of motor fuel and vehicle registration increases. The bill is projected to raise \$53.1 billion over the first 10 years, which will be used to fund road and bridge maintenance and improvements, as well as transit and rail infrastructure.

The key components of SB 1 include:

- Increase the state gas tax by 12 cents per gallon and the diesel tax by 20 cents per gallon, with an additional 4 percent increase in the diesel sales tax (beginning Nov. 1, 2017).
- Create a Transportation Improvement Fee based on the market value of the vehicle (beginning Jan. 1, 2018).
- Eliminate the current Board of Equalization "Gas Tax Swap" formula for a variable-rate motor fuel tax based on annual changes to the Consumer Price Index (beginning July 1, 2019).
- Index the state gas tax to inflation (beginning Jan. 1, 2020).
- Implement a Zero-Emission Vehicle Fee of \$100 for electric vehicles for model year 2020 or later (beginning Jan. 1, 2020).
- Require the California Department of Transportation (Caltrans) to generate up to \$100 million in department efficiencies, overseen by the newly-created Transportation Inspector General.

# Appendix 6: How is Transportation Investment Funded in California?

## How is Transportation Investment Funded in California?

California's highway, street bridge and transit network is funded from a combination of three sources: federal, state and local funding. Federal and state revenues account for about half of highway and transit funding, with local funds comprising the remaining half.

**State Funds.** State revenues are generated from multiple sources, including:

- **Gas Tax:** Prior to the passage of SB 1, the California state gas tax was comprised of two parts—a flat excise tax of 18 cents per gallon, and an additional variable-rate component.
  - The “Gas Tax Swap” of 2010 resulted in an “adjustable” gas tax that added a 2.25 percent sales tax on motor fuel purchases (reduced from the state’s 6 percent general sales tax). To ensure the sales tax percentage on motor fuel does not affect overall cost of taxes paid at the pump when compared to the previous tax structure, the state’s excise tax on fuel is adjusted annually so that any change in the variable-rate percentage is revenue neutral.
  - Prior to SB 1, the combined state gas tax was being charged at 27.8 cents per gallon.
- **Sales Tax on Diesel:** 6.5 percent of the state sales and use tax on diesel fuel is applied to transportation funding.
- **Truck Weight Fees:** A fee is assessed on commercial vehicles based on gross weight of the vehicle. The nearly \$1 billion generated by this fee is used to pay for transportation bond debt (below).
  - **2006 Proposition 1B Bond:** The 2006 Bond Act approved \$19.9 billion to be used for “congestion relief, goods movement facilitation, air quality improvement, and safety and security enhancements to the transportation network.”
  - **Vehicle License, Registration, and Driver License Fees:** Revenue from these fees is allocated to the California Highway Patrol and the Department of Motor Vehicles for traffic law enforcement and regulations.

**Local Funds.** Cities and counties are given the ability to implement a local sales tax for transportation purposes through an initiative, which must receive two-thirds support from voters to be enacted. The Transportation Development Act of 1971 initiated a statewide 0.25 percent sales tax for local transportation funding. Additional local revenue sources include bonds, property-related charges (including property taxes, benefits assessment districts, and developer fees), and local General Fund revenue.



# Orange County Transportation Authority Legislative Matrix

2018 State Legislation Session  
March 15, 2018

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<b>BILLS WITH POSITIONS</b>			
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><b>INTRODUCED:</b> 02/02/2017 <b>LOCATION:</b> ASSEMBLY</p> <p><b>STATUS:</b> 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.</p> <p>02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.</p>	<p><b>SUPPORT</b> (partial list) Support: California Chamber of Commerce, County of San Bernardino, Ventura County Transportation Commission</p> <p><b>Oppose:</b> California Bicycle Coalition, California League of Conservation Voters, Coalition for Clean Air</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<b>AB 302</b> <b>(Gipson – D)</b> 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.	<b>INTRODUCED:</b> 02/06/2017 <b>LAST AMEND:</b> 04/17/2017 <b>LOCATION:</b> ASSEMBLY  <b>STATUS:</b> 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.	<b>OPPOSE</b>  Support: California Natural Gas Vehicle Coalition (Sponsor), Clean Energy, Coalition for Clean Air, Tesla  Oppose: California Trucking Association, Truck and Engine Manufacturers Association
<b>AB 344</b> <b>(Melendez – R)</b> 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.	<b>INTRODUCED:</b> 02/07/2017 <b>LAST AMEND:</b> 07/03/2017 <b>LOCATION:</b> Senate Transportation and Housing Committee  <b>STATUS:</b> 07/03/2017 In SENATE. Read second time and amended. Referred to Committee on TRANSPORTATION AND HOUSING	<b>OPPOSE</b>  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: Senate Transportation and Housing Committee  STATUS: 07/17/2017 In SENATE. Read second time and amended. Re-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), Fair Housing Council of Orange County  Oppose: California Association of Councils of Government (CALCOG), Riverside County Transportation Commission (RCTC), Southern California Association of Governments (SCAG)



BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<b>AB 1454</b> <b>(Bloom – D)</b> 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.	<b>INTRODUCED:</b> 02/17/2017 <b>LAST AMEND:</b> 05/01/2017 <b>LOCATION:</b> ASSEMBLY  <b>STATUS:</b> 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.	<b>SUPPORT</b>  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
<b>AB 1640</b> <b>(Garcia – D)</b> 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.	<b>INTRODUCED:</b> 02/17/2017 <b>LOCATION:</b> ASSEMBLY  <b>STATUS:</b> 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.	<b>OPPOSE</b>  Oppose: Self-Help Counties Coalition

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>AB 1759</b> <i>(McCarty – D)</i></p> <p><i>General Plans: Housing Element: Production Report</i></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><b>INTRODUCED:</b> 01/04/2018 <b>LOCATION:</b> Assembly Transportation Committee</p> <p><b>STATUS:</b> 02/12/2018 To ASSEMBLY Committees on TRANSPORTATION and HOUSING AND COMMUNITY DEVELOPMENT.</p>	<p><i>Staff Recommends:</i> <b>OPPOSE</b></p> <p>Oppose: Metrolink, RCTC, SBCTA, SCAG, Self-Help Counties Coalition, Association of California Cities - Orange County</p>
<p>► <b>AB 1905</b> <i>(Grayson – D)</i></p> <p><i>Environmental Quality: Judicial Review: Transportation</i></p>	Prohibits a court, in an action or proceeding seeking judicial review under the California Environmental Quality Act, from staying or enjoining a transportation project that is included in a sustainable communities strategy and for which an environmental impact report has been certified, unless the court makes specified findings.	<p><b>INTRODUCED:</b> 01/22/2018 <b>LOCATION:</b> Assembly Natural Resources Committee</p> <p><b>STATUS:</b> 02/05/2018 To ASSEMBLY Committees on NATURAL RESOURCES and TRANSPORTATION.</p>	<p><i>Staff Recommends:</i> <b>SUPPORT</b></p> <p>Support: RCTC, San Bernardino County Transportation Authority (SBCTA), California Transportation Commission</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<b>SB 264</b> <b>(Nguyen – R)</b> 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.	<b>INTRODUCED:</b> 02/08/2017 <b>LAST AMEND:</b> 04/04/2017 <b>LOCATION:</b> SENATE  <b>STATUS:</b> 2/01/2018 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.	OPPOSE  Oppose: HNTB Corporation, Self-Help Counties Coalition, Professional Engineers in California Government



BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<b>SB 268</b> <b>(Mendoza – R)</b> Los Angeles County Metropolitan Transportation	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.	<b>INTRODUCED:</b> 02/08/2017 <b>LAST AMEND:</b> 09/05/2017 <b>LOCATION:</b> Assembly Local Government Committee  <b>STATUS:</b> In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.	OPPOSE  (partial list) Support: California Contract Cities Association, Gateway Cities Council of Governments, League of California Cities, Los Angeles County Division  Oppose: Los Angeles Area Chamber of Commerce, Los Angeles County Board of Supervisors, LA Metro, Orange County Business Council, SBCTA, RCTC, Metrolink

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<b>SB 768</b> <b>(Allen – D)</b> 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.	<b>INTRODUCED:</b> 02/17/2017 <b>LAST AMEND:</b> 03/27/2017 <b>LOCATION:</b> SENATE  <b>STATUS:</b> 02/01/2018 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.	<b>SUPPORT</b> 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



BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>SB 1119</b>  <b>(Newman – D)</b>  <i>Low Carbon Transit Operations Program</i></p>	<p>Authorizes a recipient transit agency to satisfy requirements of the Low Carbon Transit Operations Program by expending at least a specified percentage of program funds received on transit fare subsidies, specified transit connections, or technology improvements that reduce emissions of greenhouse gases.</p>	<p><b>INTRODUCED:</b> 02/13/2017  <b>LOCATION:</b>  Senate Transportation and Housing Committee</p> <p><b>STATUS:</b> 02/22/2018  To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY.</p>	<p>SPONSOR</p> <p>Co-sponsor:  California Transit Association</p>

**BILLS BEING MONITORED**

CA AB 33	<b>AUTHOR:</b> <b>TITLE:</b> <b>FISCAL COMMITTEE:</b> <b>URGENCY CLAUSE:</b> <b>INTRODUCED:</b> <b>LAST AMEND:</b> <b>DISPOSITION:</b> <b>LOCATION:</b> <b>SUMMARY:</b>  Requires the Public Utilities Corporation to consider authorizing electrical corporations to offer programs and investments that support customers who purchase a used electric vehicle. Requires that the programs and investments be designed to accelerate widespread transportation electrification, achieve ratepayer benefits, reduce dependence on petroleum, meet air quality standards, and reduce emissions of greenhouse gases.  <b>STATUS:</b> 07/03/2017  <b>CATEGORY:</b>	Quirk [D] Transportation Electrification no no 12/05/2016 06/22/2017 Pending Senate Energy, Utilities and Communications Committee  In SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Not heard. Funding
CA AB 87	<b>AUTHOR:</b> <b>TITLE:</b> <b>INTRODUCED:</b> <b>LAST AMEND:</b> <b>DISPOSITION:</b> <b>LOCATION:</b> <b>SUMMARY:</b>  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.  <b>STATUS:</b> 01/29/2017  <b>CATEGORY:</b>	Ting [D] Autonomous Vehicles 01/05/2017 01/03/2018 Pending - Carryover SENATE  In ASSEMBLY. Read third time. Passed ASSEMBLY. To SENATE. To SENATE. Miscellaneous
CA AB 91	<b>AUTHOR:</b> <b>TITLE:</b> <b>INTRODUCED:</b> <b>LAST AMEND:</b> <b>DISPOSITION:</b> <b>LOCATION:</b> <b>SUMMARY:</b>  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.  <b>STATUS:</b> 09/15/2017 <b>CATEGORY:</b>	Cervantes [D] High-Occupancy Vehicle Lanes 01/09/2017 06/20/2017 Pending - Carryover Senate Inactive File  In SENATE. From third reading. To Inactive File. Miscellaneous

*CA AB 151 (Burke), which pertained to California Global Warming Solutions, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

CA AB 161	<b>AUTHOR:</b> Levine [D] <b>TITLE:</b> Department of Finance: Infrastructure Investment <b>FISCAL COMMITTEE:</b> yes <b>INTRODUCED:</b> 01/13/2017 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Senate Appropriations Committee <b>SUMMARY:</b> Authorizes the Department of Finance to identify infrastructure projects in the state for which the department will guarantee a rate of return on investment for an investment made in that infrastructure project by the Public Employees' Retirement System. <b>STATUS:</b> 08/21/2017 In SENATE Committee on APPROPRIATIONS: Not heard. <b>CATEGORY:</b> Funding
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*CA AB 378 (Garcia), which pertained to Greenhouse Gases and Criteria Air Pollutants, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

CA AB 419	<b>AUTHOR:</b> Salas [D] <b>TITLE:</b> Greenhouse Gases: Life Cycle Emissions Profiles <b>INTRODUCED:</b> 02/09/2017 <b>LAST AMEND:</b> 08/21/2017 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Senate Rules Committee <b>SUMMARY:</b> Designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Authorizes the state board to include the use of market-based compliance mechanisms. Amends existing law which requires all moneys, except for fines and penalties, collected by the state board to be deposited in the Greenhouse Gas Reduction Fund. Appropriates a specified sum for the purpose of funding a study by one or more campuses of the University of California. <b>STATUS:</b> 08/21/2017 From SENATE Committee on RULES with author's amendments. 08/21/2017 In SENATE. Read second time and amended. Re-referred to Committee on RULES. <b>CATEGORY:</b> Environment
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CA AB 533	<b>AUTHOR:</b> Holden [D] <b>TITLE:</b> State Highway Route 710 <b>INTRODUCED:</b> 02/13/2017 <b>LAST AMEND:</b> 07/03/2017 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Senate Transportation and Housing Committee <b>SUMMARY:</b>
	<p>Require the Department of Transportation, in consultation with the Los Angeles County Metropolitan Transportation Authority, to establish the State Route 710 North Advisory Committee to study the alternatives considered in the State Route 710 North Draft Environmental Impact Review and other transit options to improve travel in the State Route 710 North project area, along with alternatives not considered by the environmental review. Implements the alternative recommended by the advisory committee.</p>
	<b>STATUS:</b> 07/03/2017 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments.
	07/03/2017 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING.
	<b>CATEGORY:</b> Transit, Environment

CA AB 623	<b>AUTHOR:</b> Rodriguez [D] <b>TITLE:</b> Autonomous Vehicles: Accident Reporting <b>INTRODUCED:</b> 02/14/2017 <b>LAST AMEND:</b> 07/05/2017 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Senate Appropriations Committee <b>SUMMARY:</b>
	<p>Requires the operator of an autonomous vehicle who is involved in an accident that results in damage to the property of any one person in excess of a specified amount, or in bodily injury, or in the death of a person, to report the accident to the Department of Motor Vehicles. Requires a traffic collision report prepared by a member of the Department of the California Highway Patrol or any other peace officer to specify if an autonomous vehicle was involved in the traffic collision in any manner.</p>
	<b>STATUS:</b> 07/05/2017 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
	<b>CATEGORY:</b> Miscellaneous

CA AB 636	<p><b>AUTHOR:</b> Irwin [D]  <b>TITLE:</b> Local Streets and Roads: Expenditure Reports  <b>INTRODUCED:</b> 02/14/2017  <b>LAST AMEND:</b> 06/27/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Rules Committee  <b>SUMMARY:</b>  Amends reporting requirements related to the Highway Users Tax Account. Requires a complete report of expenditures for street and road purposes to be submitted to the Controller within a certain number of months after the close of the fiscal year adopted by a county, city, or city and county. Makes conforming changes. Requires the Controller to adjust related timelines in the uniform construction cost accounting procedure to conform with the submission of certain information.  <b>STATUS:</b>  06/27/2017 From SENATE Committee on RULES with author's amendments.  06/27/2017 In SENATE. Read second time and amended. Re-referred to Committee on RULES.  <b>CATEGORY:</b> Funding</p>
CA AB 697	<p><b>AUTHOR:</b> Fong [R]  <b>TITLE:</b> Tolls: Exemption for Privately Owned Ambulances  <b>INTRODUCED:</b> 02/15/2017  <b>LAST AMEND:</b> 06/12/2017  <b>DISPOSITION:</b> Pending - Carryover  <b>LOCATION:</b> Senate Inactive File  <b>SUMMARY:</b>  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.  <b>STATUS:</b>  09/16/2017 In SENATE. From third reading. To Inactive File.  <b>CATEGORY:</b> Toll Lanes</p>
CA AB 1017	<p><b>AUTHOR:</b> Santiago [D]  <b>TITLE:</b> Collective Bargaining Agreements: Arbitration  <b>INTRODUCED:</b> 02/16/2017  <b>LAST AMEND:</b> 07/05/2017  <b>DISPOSITION:</b> Pending - Carryover  <b>LOCATION:</b> Senate Inactive File  <b>SUMMARY:</b>  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.  <b>STATUS:</b>  09/15/2017 In ASSEMBLY. Ordered returned to SENATE. To SENATE.  <b>CATEGORY:</b> Employment</p>



CA AB 1041	<b>AUTHOR:</b> Levine [D] <b>TITLE:</b> Bay Area Toll Authority: Conflict of Interest <b>INTRODUCED:</b> 02/16/2017 <b>LAST AMEND:</b> 01/03/2018 <b>DISPOSITION:</b> Pending - Carryover <b>LOCATION:</b> SENATE <b>SUMMARY:</b> 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.  <b>STATUS:</b> 01/16/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. To SENATE. <b>CATEGORY:</b> Funding
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CA AB 1160	<b>AUTHOR:</b> Bonta [D] <b>TITLE:</b> Autonomous Vehicles <b>INTRODUCED:</b> 02/17/2017 <b>LAST AMEND:</b> 04/17/2017 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Senate Transportation and Housing Committee <b>SUMMARY:</b> Changes the definition of autonomous vehicle to mean any vehicle equipped with autonomous technology that has been integrated into that vehicle or a vehicle that meets specified levels of driving automation.  <b>STATUS:</b> 06/08/2017 To SENATE Committee on TRANSPORTATION AND HOUSING. <b>CATEGORY:</b> Miscellaneous
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CA AB 1324 (Gloria), which pertained to Transportation: Local Transportation Authorities: Transactions and Use Tax, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 1395	<b>AUTHOR:</b> Chu [D] <b>TITLE:</b> Department of Transportation: Litter Cleanup and Abatement <b>INTRODUCED:</b> 02/17/2017 <b>LAST AMEND:</b> 01/22/2018 <b>DISPOSITION:</b> Pending - Carryover <b>LOCATION:</b> SENATE <b>SUMMARY:</b> 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.  <b>STATUS:</b> 01/29/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. To SENATE. <b>CATEGORY:</b> Funding
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CA AB 1421	<p><b>AUTHOR:</b> Dababneh [D]  <b>TITLE:</b> Railroads: Noise and Vibration Levels  <b>INTRODUCED:</b> 02/17/2017  <b>LAST AMEND:</b> 03/22/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Rules Committee  <b>SUMMARY:</b>  Requires the Department of Transportation to conduct a study to determine the noise and vibration levels associated with all railroad lines in the vicinity of residential areas or schools.  <b>STATUS:</b>  06/08/2017 To SENATE Committee on RULES.  <b>CATEGORY:</b> Rail</p>
CA AB 1603	<p><b>AUTHOR:</b> Ridley-Thomas S [D]  <b>TITLE:</b> Meyers-Milias-Brown Act: Local Public Agencies  <b>INTRODUCED:</b> 02/17/2017  <b>LAST AMEND:</b> 08/24/2017  <b>DISPOSITION:</b> Pending - Carryover  <b>LOCATION:</b> Senate Inactive File  <b>SUMMARY:</b>  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.  <b>STATUS:</b>  09/16/2017 In SENATE. From third reading. To Inactive File.  <b>CATEGORY:</b> Employment</p>
CA AB 1683	<p><b>AUTHOR:</b> Burke [D]  <b>TITLE:</b> Transformative Climate Communities Program: Report  <b>INTRODUCED:</b> 02/17/2017  <b>LAST AMEND:</b> 04/03/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Rules Committee  <b>SUMMARY:</b>  Requires the Strategic Growth Council to submit a specified report on the Transformative Climate Communities Program to the Governor and specified committees of the Legislature.  <b>STATUS:</b>  06/14/2017 To SENATE Committee on RULES.  <b>CATEGORY:</b> Environment</p>

CA AB 1745	<b>AUTHOR:</b>	Ting [D]
	<b>TITLE:</b>	Vehicles: Clean Cars 2040 Act
	<b>INTRODUCED:</b>	01/03/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Transportation Committee
	<b>SUMMARY:</b>	
	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.	
	<b>STATUS:</b>	
	01/16/2018	To ASSEMBLY Committee on TRANSPORTATION.
	<b>CATEGORY:</b>	Environment

► CA AB 1755	<b>AUTHOR:</b>	Steinorth [R]
	<b>TITLE:</b>	Bicycle and Pedicab Operation
	<b>INTRODUCED:</b>	01/03/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Transportation Committee
	<b>SUMMARY:</b>	
	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.	
	<b>STATUS:</b>	
	02/28/2018	<i>In ASSEMBLY. Coauthors revised.</i>
	<b>CATEGORY:</b>	Active Transportation

CA AB 1756	<b>AUTHOR:</b>	Brough [R]
	<b>TITLE:</b>	Transportation Funding
	<b>INTRODUCED:</b>	01/04/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Transportation Committee
	<b>SUMMARY:</b>	
	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.	
	<b>STATUS:</b>	
	01/16/2018	To ASSEMBLY Committee on TRANSPORTATION.
	<b>CATEGORY:</b>	Funding

► CA AB 1792 (Frazier), which pertained to Local Government: Municipal Improvement Projects, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.		
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CA AB 1866	<b>AUTHOR:</b>	Fong [R]
	<b>TITLE:</b>	Transportation funding
	<b>INTRODUCED:</b>	01/12/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Transportation Committee
	<b>SUMMARY:</b>	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.
	<b>STATUS:</b>	
	01/29/2018	To ASSEMBLY Committee on TRANSPORTATION.
	<b>CATEGORY:</b>	Funding

CA AB 1867	<b>AUTHOR:</b>	Reyes [D]
	<b>TITLE:</b>	Employment Discrimination: Sexual Harassment
	<b>INTRODUCED:</b>	01/12/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	ASSEMBLY
	<b>SUMMARY:</b>	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.
	<b>STATUS:</b>	
	01/12/2018	INTRODUCED.
	<b>CATEGORY:</b>	Employment

► CA AB 1870 (Reyes), which pertained Employment Discrimination, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 1938	<b>AUTHOR:</b>	Burke [D]
	<b>TITLE:</b>	Employment Discrimination: Familial Status
	<b>INTRODUCED:</b>	01/25/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	ASSEMBLY
	<b>SUMMARY:</b>	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.
	<b>STATUS:</b>	
	01/25/2018	INTRODUCED.
	<b>CATEGORY:</b>	Employment

► CA AB 2017	<p><b>AUTHOR:</b> Chiu [D]</p> <p><b>TITLE:</b> Public Employers: Employee Organizations</p> <p><b>INTRODUCED:</b> 02/05/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Public Employees, Retirement and Social Security Committee</p> <p><b>SUMMARY:</b> Prohibits a public employer from deterring or discouraging prospective public employees from becoming or remaining members of an employee organization.</p> <p><b>STATUS:</b> 02/12/2018 To ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.</p> <p><b>CATEGORY:</b> Employment</p>
► CA AB 2034	<p><b>AUTHOR:</b> Kalra [D]</p> <p><b>TITLE:</b> Human Trafficking: Notice</p> <p><b>INTRODUCED:</b> 02/06/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Judiciary Committee</p> <p><b>SUMMARY:</b> Requires a business or other establishment that operates an intercity passenger rail, light rail, or bus station, to train its new and existing employees who are likely to receive a report from another employee about suspected human trafficking, in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency. Requires the Department of Justice to develop guidelines to assist employers in providing the employee training.</p> <p><b>STATUS:</b> 02/16/2018 To ASSEMBLY Committee on JUDICIARY.</p> <p><b>CATEGORY:</b> Employment</p>
► CA AB 2061	<p><b>AUTHOR:</b> Frazier [D]</p> <p><b>TITLE:</b> Near-Zero Emission and Zero-Emission Vehicles</p> <p><b>INTRODUCED:</b> 02/07/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>COMMITTEE:</b> Assembly Transportation Committee</p> <p><b>HEARING:</b> 03/19/2018 2:30 pm</p> <p><b>SUMMARY:</b> Authorizes a near-zero-emission vehicle or a zero-emission vehicle to exceed axle, tandem, gross, or bridge formula weight limits, up to a specified pound maximum, by an amount equal to the difference between the weight of the vehicle attributable to the fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system.</p> <p><b>STATUS:</b> 02/16/2018 To ASSEMBLY Committee on TRANSPORTATION.</p> <p><b>CATEGORY:</b> Miscellaneous</p>



► CA AB 2062	<p><b>AUTHOR:</b> Maienschein [R]  <b>TITLE:</b> State Highways: Landscaping  <b>INTRODUCED:</b> 02/07/2018  <b>DISPOSITION:</b> Pending  <b>COMMITTEE:</b> Assembly Transportation Committee  <b>HEARING:</b> 03/19/2018 2:30 pm  <b>SUMMARY:</b>  Requires highway planting projects undertaken or approved by the Department of Transportation to include, when appropriate, California native wildflowers as an integral and permanent part of the planting design, with priority given to those species of wildflower that will help rebuild pollinator populations.</p> <p><b>STATUS:</b>  02/16/2018 To ASSEMBLY Committee on TRANSPORTATION.  <b>CATEGORY:</b> Public Works</p>
► CA AB 2065	<p><b>AUTHOR:</b> Ting [D]  <b>TITLE:</b> Local Agencies: Surplus Land  <b>INTRODUCED:</b> 02/07/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Local Government Committee  <b>SUMMARY:</b>  Expands the definition of local agency to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with the requirements for the disposal of surplus land.</p> <p><b>STATUS:</b>  02/22/2018 To ASSEMBLY Committee on LOCAL GOVERNMENT.  <b>CATEGORY:</b> Public Works</p>
► CA AB 2069	<p><b>AUTHOR:</b> Bonta [D]  <b>TITLE:</b> Medical Cannabis: Employment Discrimination  <b>INTRODUCED:</b> 02/07/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Provides worker protections to patients using medical cannabis outside of the workplace and not during work hours. Exempts employers whose workers are in safety sensitive positions subject to federal drug testing mandates.</p> <p><b>STATUS:</b>  02/07/2018 INTRODUCED.  <b>CATEGORY:</b> Employment</p>

► CA AB 2127	<p><b>AUTHOR:</b> Ting [D]</p> <p><b>TITLE:</b> Electric Vehicle Infrastructure: Assessment and Roadmap</p> <p><b>INTRODUCED:</b> 02/08/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Communications and Conveyance Committee</p> <p><b>SUMMARY:</b></p> <p>Requires the Energy Commission, in consultation with the State Air Resources Board and the PUC, to create a statewide assessment of electric vehicles charging infrastructure needed to support the levels of electric vehicles adoption needed for the state to reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030.</p> <p><b>STATUS:</b></p> <p>03/01/2018 To ASSEMBLY Committees on COMMUNICATIONS AND CONVEYANCE and TRANSPORTATION.</p> <p><b>CATEGORY:</b> Public Works, Environment</p>
► CA AB 2145	<p><b>AUTHOR:</b> Reyes [D]</p> <p><b>TITLE:</b> Vehicular Air Pollution</p> <p><b>INTRODUCED:</b> 02/12/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Transportation Committee</p> <p><b>SUMMARY:</b></p> <p>Removes as an eligible projects for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program those projects that help to facilitate clean goods movements corridors and instead add as eligible projects those that are on or adjacent to the state's multimodal state freight system and those that support grid integration and integrated storage solutions and charging management demonstration and analytics.</p> <p><b>STATUS:</b></p> <p>02/26/2018 To ASSEMBLY Committee on TRANSPORTATION.</p> <p><b>CATEGORY:</b> Environment</p>
► CA AB 2154	<p><b>AUTHOR:</b> Bonta [D]</p> <p><b>TITLE:</b> Public Employment: Labor Relations: Release Time</p> <p><b>INTRODUCED:</b> 02/12/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Public Employees, Retirement and Social Security Committee</p> <p><b>SUMMARY:</b></p> <p>Prescribes requirements relating to release time that would apply to all of the public employers and employees subject to specified public employee acts and would generally repeal the provisions relating to release time in those acts.</p> <p><b>STATUS:</b></p> <p>02/26/2018 To ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.</p> <p><b>CATEGORY:</b> Employment</p>

► CA AB 2249	<p><b>AUTHOR:</b> Cooley [D]</p> <p><b>TITLE:</b> Public Contracts: Local Agencies: Alternative Procedure</p> <p><b>INTRODUCED:</b> 02/13/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Local Government Committee</p> <p><b>SUMMARY:</b></p> <p>Authorizes public projects of a specified amount or less to be performed by the employees of a public agency, authorize public projects of a specified amount or less to be let to contract by informal procedures, and require public projects of more than a specified amount to be let to contract by formal bidding procedures.</p> <p><b>STATUS:</b></p> <p>03/01/2018 To ASSEMBLY Committee on LOCAL GOVERNMENT.</p> <p><b>CATEGORY:</b> Public Works</p>
► CA AB 2252	<p><b>AUTHOR:</b> Limon [D]</p> <p><b>TITLE:</b> State Grants: State Grant Administrator</p> <p><b>INTRODUCED:</b> 02/13/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Accountability and Administrative Review Committee</p> <p><b>SUMMARY:</b></p> <p>Establishes, within the State Clearinghouse, a state grant administrator who is designated by the Governor to serve as the state's primary point of contact for information on grants provided by state agencies. Authorizes the state grant administrator, among other things, to support the establishment of a statewide network of individuals who serve as a point of contact for state grant opportunities in state agencies.</p> <p><b>STATUS:</b></p> <p>03/01/2018 To ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.</p> <p><b>CATEGORY:</b> Funding</p>
► CA AB 2304	<p><b>AUTHOR:</b> Holden [D]</p> <p><b>TITLE:</b> Transit Pass Programs: Status Report</p> <p><b>INTRODUCED:</b> 02/13/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Transportation Committee</p> <p><b>SUMMARY:</b></p> <p>Requires the Department of transportation to submit a report specified committees of the Legislature on the status of transit pass programs statewide.</p> <p><b>STATUS:</b></p> <p>03/01/2018 To ASSEMBLY Committee on TRANSPORTATION.</p> <p><b>CATEGORY:</b> Transit</p>



► CA AB 2317	<p><b>AUTHOR:</b> Eggman [D]  <b>TITLE:</b> Whistleblower Protection: State and Local Contractors  <b>INTRODUCED:</b> 02/13/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Extends the whistleblower protections afforded to employees to independent contractors working for a state and local government who are tasked with monitoring, and receiving complaints from facilities, services, and programs operated by state and local government.  <b>STATUS:</b>  02/13/2018 INTRODUCED.  <b>CATEGORY:</b> Government Accountability</p>
► CA AB 2341	<p><b>AUTHOR:</b> Mathis [R]  <b>TITLE:</b> California Environmental Quality Act  <b>INTRODUCED:</b> 02/10/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Natural Resources Committee  <b>SUMMARY:</b>  Specifies that, except as provided, the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for the purposes of California Environmental Quality Act and that the lead agency is not required to evaluate the aesthetic of those projects.  <b>STATUS:</b>  03/01/2018 To ASSEMBLY Committee on NATURAL RESOURCES.  <b>CATEGORY:</b> Environment</p>
► CA AB 2353	<p><b>AUTHOR:</b> Frazier [D]  <b>TITLE:</b> Construction Defects: Actions: Statute of Limitations  <b>INTRODUCED:</b> 02/13/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Judiciary Committee  <b>SUMMARY:</b>  Specifies the requirements for actions for construction defects. Includes a statute of limitations that, except as specified, prohibits an action from being brought to recover under these provisions more than 5 years after substantial completion of the improvement but no later than the date the notice of the completion is recorded.  <b>STATUS:</b>  03/01/2018 To ASSEMBLY Committee on JUDICIARY.  <b>CATEGORY:</b> Public Works</p>
► CA AB 2366	<p><b>AUTHOR:</b> Bonta [D]  <b>TITLE:</b> Employment: Victims of Sexual Harassment: Protections  <b>INTRODUCED:</b> 02/14/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Extends employment protections to the victims of sexual harassment, also extend these employment protections to immediate family members of the victims for taking time off from work to provide assistance to the victims when seeking relief or obtaining those services and counseling.  <b>STATUS:</b>  02/14/2018 INTRODUCED.  <b>CATEGORY:</b> Employment</p>

► CA AB 2418	<p><b>AUTHOR:</b> Mullin [D]</p> <p><b>TITLE:</b> Transportation: Advanced Technologies</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b></p> <p>States the intent of Legislature to enact legislation to establish a pilot program that allow municipalities to compete for grant funding, and to leverage both public and private funding to promote flexible innovation and encourage the use of advanced technologies to improve the state's transportation system.</p> <p><b>STATUS:</b></p> <p>02/14/2018 INTRODUCED.</p> <p>CATEGORY: Funding</p>
► CA AB 2433	<p><b>AUTHOR:</b> Salas [D]</p> <p><b>TITLE:</b> Department of Transportation: Voluntary Inspection</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b></p> <p>Authorizes the Department of Transportation to establish a subaccount of the State Highway Account to accommodate deposits and expenditures of moneys relative to voluntary inspection and testing services.</p> <p><b>STATUS:</b></p> <p>02/14/2018 INTRODUCED.</p> <p>CATEGORY: Funding</p>
► CA AB 2434	<p><b>AUTHOR:</b> Bloom [D]</p> <p><b>TITLE:</b> Strategic Growth Council: Health in All Policies</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b></p> <p>Requires the Strategic Growth Council to establish a Health in All Policies (HiAP) Task Force for the purposes of incorporating health, equity, and sustainability considerations into decision-making across sectors and policy areas.</p> <p><b>STATUS:</b></p> <p>02/14/2018 INTRODUCED.</p> <p>CATEGORY: Miscellaneous</p>



► CA AB 2482	<p><b>AUTHOR:</b> Voepel [R]</p> <p><b>TITLE:</b> Employment: Flexible Work Schedules</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b></p> <p>Permits an individual nonexempt employee to request an employee's selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday, except as specified. Requires that the flexible work schedule contain specified information and the employer's and employee's original signature.</p> <p><b>STATUS:</b></p> <p>02/14/2018 INTRODUCED.</p> <p><b>CATEGORY:</b> Employment</p>
► CA AB 2506	<p><b>AUTHOR:</b> Burke [D]</p> <p><b>TITLE:</b> State Vehicle Fleet: Near-Zero-Emission Vehicles</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b></p> <p>Requires, by a specified date, at least a specified percentage of newly purchased vehicles with a gross vehicle weight of specified pounds or more purchased by the Department of General Services and other state entities for the state fleet to be near-zero emission.</p> <p><b>STATUS:</b></p> <p>02/14/2018 INTRODUCED.</p> <p><b>CATEGORY:</b> Environment</p>
► CA AB 2530	<p><b>AUTHOR:</b> Melendez [R]</p> <p><b>TITLE:</b> Bonds: Transportation</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b></p> <p>Provides that no further bonds shall be sold for high-speed rail purpose pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in Phase I blended system.</p> <p><b>STATUS:</b></p> <p>02/14/2018 INTRODUCED.</p> <p><b>CATEGORY:</b> High-Speed Rail</p>

► CA AB 2535	<p><b>AUTHOR:</b> Obernolte [R]</p> <p><b>TITLE:</b> High-occupancy Toll Lanes: Toll Evasion Violation</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b> Requires the notice of toll evasion violation to include a copy of all photographic evidence on which the toll evasion determination was based if the vehicle was found, by automated devices, to have evaded the toll through failure to meet occupancy requirements in a high-occupancy toll lane.</p> <p><b>STATUS:</b> 02/14/2018 CATEGORY: INTRODUCTION. Toll Lanes</p>
► CA AB 2543	<p><b>AUTHOR:</b> Eggman [D]</p> <p><b>TITLE:</b> State Agencies: Infrastructure Project Budget: Report</p> <p><b>INTRODUCED:</b> 02/15/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b> Requires each state agency or department authorized to undertake large and complex infrastructure projects to develop and implement a policy for publicly reporting any significant change in the cost or schedule of a large and complex infrastructure project that would result in the project exceeding its projected budget by 10 percent or more or being delayed by 12 months or longer.</p> <p><b>STATUS:</b> 02/15/2018 CATEGORY: INTRODUCTION. Government Accountability</p>
► CA AB 2548	<p><b>AUTHOR:</b> Friedman [D]</p> <p><b>TITLE:</b> Commute Benefit Policies</p> <p><b>INTRODUCED:</b> 02/15/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b> Authorizes the Los Angeles County Metropolitan Transportation Authority (LACMTA) in coordination with the South Coast Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 entities with a specified number of employees to offer certain employees commute benefits, as specified.</p> <p><b>STATUS:</b> 02/15/2018 CATEGORY: INTRODUCTION. Employment</p>

► CA AB 2564	<p><b>AUTHOR:</b> Rodriguez [D]  <b>TITLE:</b> Civil and Administrative Penalties: Policy  <b>INTRODUCED:</b> 02/15/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Requires the state board to review, update, and publish the penalty policy or specified civil administrative penalties relating to vehicular air pollution for specified civil or administrative penalties no later than a specified date.  <b>STATUS:</b>  02/15/2018 INTRODUCED.  <b>CATEGORY:</b> Environment</p>
► CA AB 2615	<p><b>AUTHOR:</b> Carrillo [D]  <b>TITLE:</b> Department of Transportation: Powers and Duties  <b>INTRODUCED:</b> 02/15/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Requires the Department of Transportation to enter into a memoranda of understanding with all appropriate public agencies, including the Department of Parks and Recreation and any local public entity, for purposes of providing maximum and safe pedestrian access to state and local parks.  <b>STATUS:</b>  02/15/2018 INTRODUCED.  <b>CATEGORY:</b> Active Transportation</p>
► CA AB 2650	<p><b>AUTHOR:</b> Lackey [R]  <b>TITLE:</b> Public Transit Buses: Illuminated Signs  <b>INTRODUCED:</b> 02/15/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Increases the maximum display area of an illuminated sign on a public transit bus to 4,320 inches and allows paid advertising to be displayed on the illuminated sign.  <b>STATUS:</b>  02/15/2018 INTRODUCED.  <b>CATEGORY:</b> Transit</p>
► CA AB 2652	<p><b>AUTHOR:</b> Quirk [D]  <b>TITLE:</b> Telecommunications: Universal Service  <b>INTRODUCED:</b> 02/15/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Relates to existing law which requires the PUC to adopt a portability freeze rule for the lifeline program. Requires the commission to consider including a 6-month duration of the portability freeze in the rule. Requires a provider of mobile telephony service providing lifeline service to offer, as part of the service, a plan that includes unlimited minutes, unlimited text messages, and, to the extent possible, unlimited mobile data service.  <b>STATUS:</b>  02/15/2018 INTRODUCED.  <b>CATEGORY:</b> Miscellaneous</p>



► CA AB 2712	<b>AUTHOR:</b> Allen T [R] <b>TITLE:</b> Bonds: Safe, Reliable High-Speed Passenger Train <b>INTRODUCED:</b> 02/15/2018 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> ASSEMBLY <b>SUMMARY:</b>
	<p>Provides the no future bonds shall be sold for high-speed rail purpose pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase 1 blended system. Requires redirection of the unspent proceeds received from outstanding bonds issued and sold for other high-speed rail purposes prior to the effective date of these provisions.</p>
	<b>STATUS:</b> 02/15/2018 INTRODUCED. <b>CATEGORY:</b> High-Speed Rail
► CA AB 2730	<b>AUTHOR:</b> Harper [R] <b>TITLE:</b> Franchise Tax Board: Collection Of Delinquent Tolls <b>INTRODUCED:</b> 02/15/2018 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> ASSEMBLY <b>SUMMARY:</b>
	<p>Removes existing law requiring the Franchise Tax Board to collect certain delinquencies related to vehicles, including, but not limited to, unpaid tolls, toll evasion penalties, and any related administrative or service fee, as though the delinquencies are taxes as specified.</p>
	<b>STATUS:</b> 02/15/2018 INTRODUCED. <b>CATEGORY:</b> Toll Lanes
► CA AB 2734	<b>AUTHOR:</b> Frazier [D] <b>TITLE:</b> California Transportation Commission <b>INTRODUCED:</b> 02/15/2018 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> ASSEMBLY <b>SUMMARY:</b>
	<p>Excludes the California Transportation Commission from the Transportation Agency. Establishes it as an entity in state government, and requires it to act in an independent oversight role.</p>
	<b>STATUS:</b> 02/15/2018 INTRODUCED. <b>CATEGORY:</b> Miscellaneous

► CA AB 2938	<p><b>AUTHOR:</b> Bloom [D]  <b>TITLE:</b> Sales and Use Taxes: Credit: City Of Santa Monica  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Allows the City of Santa Monica to apply as a credit the amount the City of Santa Monica paid to the California Department of Tax and Fee Administration for the taxes imposed pursuant to this part, as measured by rental receipts, for the lease or rental of bicycles as part of a publicly shared regional bicycle system within the County of Los Angeles against an amount equal to what the City of Santa Monica would have paid as sales tax reimbursement or use tax.</p> <p><b>STATUS:</b>  02/16/2018 INTRODUCED.  <b>CATEGORY:</b> Funding</p>
► CA AB 2966	<p><b>AUTHOR:</b> Aguiar-Curry [D]  <b>TITLE:</b> Disaster Relief  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Provides that the state share for the removal of dead and dying trees in connection with the Governor's proclamation of a state of emergency issued on a specified date is no more than 90 percent of total state eligible costs.</p> <p><b>STATUS:</b>  02/16/2018 INTRODUCED.  <b>CATEGORY:</b> Miscellaneous</p>
► CA AB 3000	<p><b>AUTHOR:</b> Friedman [D]  <b>TITLE:</b> Land Use: New Housing Development: Parking Requirements  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Prohibits a city, county, or city and county from imposing minimum parking requirements for new housing developments where offstreet parking is permitted.</p> <p><b>STATUS:</b>  02/16/2018 INTRODUCED.  <b>CATEGORY:</b> Miscellaneous</p>
► CA AB 3031	<p><b>AUTHOR:</b> Quirk [D]  <b>TITLE:</b> Safety in Employment: Power Tools: Training  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Requires an employer whose employees are involved in using power tools or other equipment for the cutting, grinding, coring, or drilling of concrete or masonry materials to provide specified training to those employees to reduce health hazards associated with the inhalation or ingestion of dust arising from those operations.</p> <p><b>STATUS:</b>  02/16/2018 INTRODUCED.  <b>CATEGORY:</b> Employment</p>



► CA AB 3059	<p><b>AUTHOR:</b> Bloom [D]  <b>TITLE:</b> Congestion Pricing Demonstration Pilot Projects  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>            Authorizes 2 congestion pricing demonstration projects in Northern California and 2 in Southern California. Defines congestion pricing to mean the assessment of a charge on motor vehicles using local streets and roads in a participating jurisdiction, which charge could vary based on the time of day or the day of the week.  <b>STATUS:</b>            02/16/2018 INTRODUCED.  <b>CATEGORY:</b> Toll Lanes</p>
► CA AB 3077	<p><b>AUTHOR:</b> Caballero [D]  <b>TITLE:</b> Vehicles: Children Safety  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>            Authorizes a citation for not wearing a bicycle helmet to be dismissed by a local agency if the parent or legal guardian of the person in violation of the provision demonstrates that the person has a helmet meeting the specified requirements and the person either commits to wearing the helmet or completes a local bicycle safety course. Authorizes a school district to install and operate an automated schoolbus video enforcement system.  <b>STATUS:</b>            02/16/2018 INTRODUCED.  <b>CATEGORY:</b> Active Transportation</p>
► CA AB 3084	<p><b>AUTHOR:</b> Levine [D]  <b>TITLE:</b> Public Employees: Retirement Systems: Annual Report  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>            Requires each state and local public retirement system to, in its annual audited financial statements submitted to the Controller, in a form prescribed by the Controller, show that the retirement system has met or if it has not met, specified parameters related to the provision of other postemployment benefits.  <b>STATUS:</b>            02/16/2018 INTRODUCED.  <b>CATEGORY:</b> Employment</p>

► CA AB 3124	<p><b>AUTHOR:</b> Bloom [D]  <b>TITLE:</b> Vehicles: Length Limitations: Buses: Bicycles  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Amends existing law imposing a limitation on the length of vehicles that may be operated on the highways, with specified exemptions. Relates to an articulated bus or articulated trolley coach equipped with a folding device attached to the front that is designed and used exclusively for transporting bicycles. Increases the lengths in the exemption.  <b>STATUS:</b>  02/16/2018  <b>CATEGORY:</b> INTRODUCTION.  Transit</p>
► CA AB 3155	<p><b>AUTHOR:</b> Cooper [D]  <b>TITLE:</b> Public Works: Definition  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Expands the meaning of the term public works for purposes of requirements regarding the payment of prevailing wages, to include warranty work, and would include warranty work within the definition of construction as it is used to define "public works".  <b>STATUS:</b>  02/16/2018  <b>CATEGORY:</b> INTRODUCTION.  Public Works</p>
► CA AB 3165	<p><b>AUTHOR:</b> Friedman [D]  <b>TITLE:</b> Hydrogen Fueled Vehicles  <b>INTRODUCED:</b> 02/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  Repeals the provision which provides that the Commission may cease funding for certain stations once the Commission determines that the private sector is establishing publicly available hydrogen fueling stations without the need for government support.  <b>STATUS:</b>  02/16/2018  <b>CATEGORY:</b> INTRODUCTION.  Funding</p>

CA ACA 21	<p><b>AUTHOR:</b> Mayes [R]</p> <p><b>TITLE:</b> State infrastructure: funding: investment fund</p> <p><b>INTRODUCED:</b> 01/03/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> ASSEMBLY</p> <p><b>SUMMARY:</b></p> <p>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.</p> <p><b>STATUS:</b></p> <p>01/03/2018 INTRODUCED.</p> <p><b>CATEGORY:</b> Funding</p>
CA SB 21	<p><b>AUTHOR:</b> Hill [D]</p> <p><b>TITLE:</b> Law Enforcement Agencies: Surveillance: Policies</p> <p><b>INTRODUCED:</b> 12/05/2016</p> <p><b>LAST AMEND:</b> 08/21/2017</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Appropriations Committee</p> <p><b>SUMMARY:</b></p> <p>Establishes procedures for the Department of the California Highway Patrol and the Department of Justice to establish their own Surveillance Use Policies. Requires that these agencies ensure that the collection, use, maintenance, sharing, and dissemination of information or data collected with surveillance technology is consistent with respect for individual privacy and civil liberties, and that the policy be publicly available on the agency' s Internet Web site.</p> <p><b>STATUS:</b></p> <p>09/01/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.</p> <p><b>CATEGORY:</b> Government Accountability</p>
CA SB 49	<p><b>AUTHOR:</b> de Leon [D]</p> <p><b>TITLE:</b> Environmental and Workers' Defense Act</p> <p><b>INTRODUCED:</b> 12/05/2016</p> <p><b>LAST AMEND:</b> 09/12/2017</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Assembly Rules Committee</p> <p><b>SUMMARY:</b></p> <p>Relates to the California Environmental, Public Health, and Workers Defense Act of 2017. Relates to clean air, drinking water, discharge of pollutants into the atmosphere and waters, and endangered species. Requires specified agencies to take prescribed actions to maintain and enforce standards pertaining to air, water, and protected species. Prohibits a state agency from amending rules to be less stringent in protection of workers' rights and workers' safety than established by federal law.</p> <p><b>STATUS:</b></p> <p>09/12/2017 From ASSEMBLY Committee on RULES with author's amendments.</p> <p>09/12/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on RULES.</p> <p><b>CATEGORY:</b> Environment</p>



CA SB 137	<p><b>AUTHOR:</b> Allen [D]  <b>TITLE:</b> Transit Districts: Ordinances  <b>INTRODUCED:</b> 01/12/2017  <b>LAST AMEND:</b> 04/27/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Transportation Committee  <b>SUMMARY:</b>  Requires a transit district to publish an ordinance on its Internet Web site, or the otherwise appropriate Internet Web site, within fifteen days after the ordinance's passage and in a manner that is accessible and easily navigable. Requires a local agency to perform an additional duty.  <b>STATUS:</b>  06/01/2017 To ASSEMBLY Committee on TRANSPORTATION.  <b>CATEGORY:</b> Transit</p>
CA SB 158	<p><b>AUTHOR:</b> Monning [D]  <b>TITLE:</b> Commercial Drivers License: Education  <b>INTRODUCED:</b> 01/19/2017  <b>LAST AMEND:</b> 07/12/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Appropriations Committee  <b>SUMMARY:</b>  Requires the Department of Motor Vehicles to adopt regulations related to entry-level driver training requirements for drivers of commercial motor vehicles including specified minimum hours of behind-the-wheel training. Exempts a driver operating certain farm vehicles under certain conditions from these new training requirements.  <b>STATUS:</b>  09/01/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.  <b>CATEGORY:</b> Miscellaneous</p>
CA SB 244	<p><b>AUTHOR:</b> Lara [D]  <b>TITLE:</b> Privacy: Agencies: Personal Information  <b>INTRODUCED:</b> 02/06/2017  <b>LAST AMEND:</b> 09/08/2017  <b>DISPOSITION:</b> Pending  <b>FILE:</b> A-28  <b>LOCATION:</b> Assembly Inactive File  <b>SUMMARY:</b>  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.  <b>STATUS:</b>  09/14/2017 In ASSEMBLY. From third reading. To Inactive File.  <b>CATEGORY:</b> Public Records</p>

CA SB 262	<p><b>AUTHOR:</b> Wieckowski [D]  <b>TITLE:</b> Climate Change: Climate Adaptation: Advisory Council  <b>INTRODUCED:</b> 02/08/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Natural Resources Committee  <b>SUMMARY:</b>  Amends an existing law which requires the Office of Planning and Research to establish an advisory council. Specifies that members on the advisory council shall serve staggered terms.  <b>STATUS:</b>  05/18/2017 To ASSEMBLY Committee on NATURAL RESOURCES.  <b>CATEGORY:</b> Environment</p>
CA SB 348	<p><b>AUTHOR:</b> Leyva [D]  <b>TITLE:</b> County Voter Information Guide: Taxpayer Notice  <b>INTRODUCED:</b> 02/14/2017  <b>LAST AMEND:</b> 03/20/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Local Government Committee  <b>SUMMARY:</b>  Requires, if a local special tax measure is presented to voters for approval, an elections official to include in a county voter information guide a notice regarding the process for initiating a validation action challenging the levy of a special tax. Requires the notice to conform with certain formatting, print, and type requirements.  <b>STATUS:</b>  06/14/2017 From ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Do pass to Committee on LOCAL GOVERNMENT. (6-0)  <b>CATEGORY:</b> Government Accountability</p>
CA SB 477	<p><b>AUTHOR:</b> Cannella [R]  <b>TITLE:</b> Intercity rail corridors: extensions  <b>INTRODUCED:</b> 02/16/2017  <b>LAST AMEND:</b> 05/26/2017  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Appropriations Committee  <b>SUMMARY:</b>  Provides that at any time after an interagency transfer agreement between the Department of Transportation and a joint powers board has been entered into, the amendment of the agreement may provide for the extension of an affected rail corridor to provide intercity rail service beyond the defined boundaries of the corridor. Requires a proposed extension to be approved through a specified business plan.  <b>STATUS:</b>  09/01/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.  <b>CATEGORY:</b> Rail</p>



CA SB 760	<p><b>AUTHOR:</b> Wiener [D]  <b>TITLE:</b> Transportation Funding: Active Transportation:  <b>INTRODUCED:</b> 02/17/2017  <b>LAST AMEND:</b> 01/23/2018  <b>DISPOSITION:</b> Pending - Carryover  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b>  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.</p> <p><b>STATUS:</b>  01/29/2018 In SENATE. Read third time. Passed SENATE. To ASSEMBLY.  <b>CATEGORY:</b> Funding</p>
CA SB 771	<p><b>AUTHOR:</b> de Leon [D]  <b>TITLE:</b> California Environmental Quality Act  <b>INTRODUCED:</b> 02/17/2017  <b>LAST AMEND:</b> 07/18/2017  <b>DISPOSITION:</b> Pending - Carryover  <b>LOCATION:</b> Assembly Inactive File  <b>SUMMARY:</b>  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.</p> <p><b>STATUS:</b>  09/13/2017 In ASSEMBLY. To Inactive File.  <b>CATEGORY:</b> Environment</p>
CA SB 827	<p><b>AUTHOR:</b> Wiener [D]  <b>TITLE:</b> Planning and zoning: transit-rich housing bonus  <b>INTRODUCED:</b> 01/03/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Transportation and Housing Committee  <b>SUMMARY:</b>  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.</p> <p><b>STATUS:</b>  01/16/2018 To SENATE Committees on TRANSPORTATION AND HOUSING and GOVERNANCE AND FINANCE.  <b>CATEGORY:</b> Planning</p>

CA SB 893	<p><b>AUTHOR:</b> Nguyen [R]  <b>TITLE:</b> Planning and zoning: density bonus  <b>INTRODUCED:</b> 01/11/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Transportation and Housing Committee  <b>SUMMARY:</b>  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.  <b>STATUS:</b>  01/24/2018 To SENATE Committees on TRANSPORTATION AND HOUSING and GOVERNANCE AND FINANCE.  <b>CATEGORY:</b> Planning</p>
CA SB 903	<p><b>AUTHOR:</b> Cannella [R]  <b>TITLE:</b> Transportation Development Act: County of Stanislaus  <b>INTRODUCED:</b> 01/16/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Transportation and Housing Committee  <b>SUMMARY:</b>  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.  <b>STATUS:</b>  01/24/2018 To SENATE Committee on TRANSPORTATION AND HOUSING.  <b>CATEGORY:</b> Funding</p>
► CA SB 957	<p><b>AUTHOR:</b> Lara [D]  <b>TITLE:</b> Vehicles: High-Occupancy Vehicle Lanes  <b>INTRODUCED:</b> 01/30/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Transportation and Housing Committee  <b>SUMMARY:</b>  Authorizes an identifier to be issued to super-low emissions vehicles (SULEV's), enhanced advanced technology partial zero-emission vehicles (AT PEZEV's) and transitional zero emission vehicles (TZEV's) for a vehicle that had previously been issued an identifier and would make that identifier valid until a specified date the 4th year after the year in which the identifier was issued if the applicant for the identifier has a household income at or below a specified percentage of the statewide median income.  <b>STATUS:</b>  02/08/2018 To SENATE Committee on TRANSPORTATION AND HOUSING.  <b>CATEGORY:</b> Toll Lanes</p>

► CA SB 993	<p><b>AUTHOR:</b> Hertzberg [D]  <b>TITLE:</b> Sales Tax: Services  <b>INTRODUCED:</b> 02/05/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Governance and Finance Committee  <b>SUMMARY:</b>  Expands, as specified, the Sales and Use Tax Law to impose a tax on the purchase of services by businesses in California at a specified percentage of the sales price of the service. Requires the tax be collected and remitted by the seller of the services. Exempts certain types of services, including health care services, from the tax and exempts from the tax a business with gross receipts of less than a specified amount in the previous 4 quarters.</p> <p><b>STATUS:</b>  02/14/2018 To SENATE Committee on GOVERNANCE AND FINANCE.  <b>CATEGORY:</b> Funding</p>
► CA SB 1014	<p><b>AUTHOR:</b> Skinner [D]  <b>TITLE:</b> Zero-Emission Vehicles  <b>INTRODUCED:</b> 02/06/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Energy, Utilities and Communications Committee  <b>SUMMARY:</b>  Requires the Public Utilities Commission, in consultation with the State Air Resource Board, to establish the California Clean Miles Standard and Incentive Program for zero-emission vehicles, used by participating drivers to provide prearranged transportation services for compensation for a transportation network company with the goal to increase the percentage of passenger miles provided by zero-emissions vehicles used on behalf of transportation network companies.</p> <p><b>STATUS:</b>  02/14/2018 To SENATE Committees on ENERGY, UTILITIES AND COMMUNICATIONS, ENVIRONMENTAL QUALITY and TRANSPORTATION AND HOUSING.  <b>CATEGORY:</b> Environment</p>
► CA SB 1015	<p><b>AUTHOR:</b> Allen [D]  <b>TITLE:</b> California Climate Resiliency Program  <b>INTRODUCED:</b> 02/07/2018  <b>DISPOSITION:</b> Pending  <b>COMMITTEE:</b> Senate Natural Resources and Water Committee  <b>HEARING:</b> 03/13/2018 9:30 am  <b>SUMMARY:</b>  Establishes the California Climate Resiliency Program to increase resiliency to climate change impacts in urban and rural communities throughout the state and to fund the planning and implementation of projects that improve and enhance developed areas. Requires that the program be developed and implemented by the Wildlife Conservation Board.</p> <p><b>STATUS:</b>  02/14/2018 To SENATE Committees on NATURAL RESOURCES AND WATER and ENVIRONMENTAL QUALITY.  <b>CATEGORY:</b> Environment</p>



► CA SB 1027	<p><b>AUTHOR:</b> Pan [D]</p> <p><b>TITLE:</b> Greenhouse Gases</p> <p><b>INTRODUCED:</b> 02/07/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Senate Environmental Quality Committee</p> <p><b>SUMMARY:</b></p> <p>Requires the greenhouse gas emissions (GHG) reduction targets to also include targets for each employee or category of employees, and would require the information prepared and submitted for the report card to include information about employee GHG emissions. Requires an independent audit and verification to include actual and proposed reductions achieved for each employee or category of employees, to identify areas of improvement and determine best practices for reducing employee GHG emissions.</p> <p><b>STATUS:</b></p> <p>02/14/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.</p> <p><b>CATEGORY:</b> Environment</p>
► CA SB 1049	<p><b>AUTHOR:</b> Moorlach [R]</p> <p><b>TITLE:</b> Public Contracts: Local Public Entities: Project Labor</p> <p><b>INTRODUCED:</b> 02/08/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Senate Governance and Finance Committee</p> <p><b>SUMMARY:</b></p> <p>Deletes provisions relative to requirements for solicitation and evaluation of bids and awarding of contracts by public entities, including local public entities, requiring a project labor agreement entered into by a public entity, or required of contractors by the public entity. Deletes existing law prohibiting the use of state funding or financial assistance to support a charter city project as specified.</p> <p><b>STATUS:</b></p> <p>02/22/2018 To SENATE Committee on GOVERNANCE AND FINANCE.</p> <p><b>CATEGORY:</b> Public Works</p>
► CA SB 1074	<p><b>AUTHOR:</b> Moorlach [R]</p> <p><b>TITLE:</b> Motor Vehicle Fuel: Disclosure of Government Costs</p> <p><b>INTRODUCED:</b> 02/12/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> SENATE</p> <p><b>SUMMARY:</b></p> <p>Requires that every service station display, at a conspicuous place on, at, or near the dispensing apparatus or at or near the point of sale, at least one clearly visible sign showing a list of applicable state and federal fuel taxes per gallon of motor vehicle fuel sold from the dispensing apparatus, and require to display the state sales tax, refinery reformatting costs, state underground storage fee costs, cap-and-trade program compliance costs and Low-Carbon Fuel Standard program costs per gallon.</p> <p><b>STATUS:</b></p> <p>02/12/2018 INTRODUCED.</p> <p><b>CATEGORY:</b> Government Accountability</p>

► CA SB 1077	<b>AUTHOR:</b>	Wilk [R]
	<b>TITLE:</b>	Construction Contracts: Wrap-Up Insurance
	<b>INTRODUCED:</b>	02/12/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Judiciary Committee
	<b>SUMMARY:</b>	
		Recasts the wrap-up insurance to other consolidated insurance program requirements into a single provision regulating all contracts for public and private works of improvement, entered into or amended on and after a specified date, for which a wrap-up insurance policy or consolidated insurance program is applicable.
	<b>STATUS:</b>	
	02/22/2018	To SENATE Committee on JUDICIARY.
	<b>CATEGORY:</b>	Public Works

► CA SB 1080	<b>AUTHOR:</b>	Newman [D]
	<b>TITLE:</b>	Transportation Network Companies: Driver Identification
	<b>INTRODUCED:</b>	02/12/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Transportation and Housing Committee
	<b>SUMMARY:</b>	
		Requires a transportation network company driver to possess either a valid driver's license issued by the state or California or, in the case of a nonresident active duty military member or a nonresident dependent of an active duty military member, a valid driver's license issued by the other state or territory of the United States in which the member or dependent is a resident.
	<b>STATUS:</b>	
	02/22/2018	To SENATE Committees on TRANSPORTATION AND HOUSING and ENERGY, UTILITIES AND COMMUNICATIONS.
	<b>CATEGORY:</b>	Miscellaneous

► CA SB 1145	<b>AUTHOR:</b>	Leyva [D]
	<b>TITLE:</b>	Enhanced Infrastructure Financing District: Maintenance
	<b>INTRODUCED:</b>	02/14/2018
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Governance and Finance Committee
	<b>SUMMARY:</b>	
		Authorizes an infrastructure financing district to finance the ongoing or capitalized costs to maintain public capital facilities financed by the district.
	<b>STATUS:</b>	
	02/22/2018	To SENATE Committee on GOVERNANCE AND FINANCE.
	<b>CATEGORY:</b>	Funding



► CA SB 1153	<p><b>AUTHOR:</b> Stern [D]</p> <p><b>TITLE:</b> Local Initiatives: Review</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Senate Elections and Constitutional Amendments Committee</p> <p><b>SUMMARY:</b> Requires the county counsel for county initiative measures and the city attorney for municipal initiative measures to initiate a public review process posting the text of the proposed measure on its web site and inviting and providing for the submission of written public comments on the initiative.</p> <p><b>STATUS:</b> 02/22/2018 To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.</p> <p><b>CATEGORY:</b> Government Accountability</p>
► CA SB 1167	<p><b>AUTHOR:</b> Anderson [R]</p> <p><b>TITLE:</b> Eminent Domain: Final Offer of Compensation</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Senate Judiciary Committee</p> <p><b>SUMMARY:</b> Provides that if a court finds, on motion of a defendant that a plaintiff's offer was lower than a specified percentage of the compensation awarded in the proceeding, then the court would be required to include the defendant's litigation costs in the costs allowed.</p> <p><b>STATUS:</b> 02/22/2018 To SENATE Committee on JUDICIARY.</p> <p><b>CATEGORY:</b> Government Accountability</p>
► CA SB 1172	<p><b>AUTHOR:</b> Beall [D]</p> <p><b>TITLE:</b> High-Speed Rail Authority</p> <p><b>INTRODUCED:</b> 02/14/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> Senate Transportation and Housing Committee</p> <p><b>SUMMARY:</b> Authorizes the California High-Speed Rail Authority, under the High-Speed Rail Act, to keep the public informed through activities, including, but not limited to, community outreach events, public information workshops, and newsletters posted on the authority's Internet Web site.</p> <p><b>STATUS:</b> 02/22/2018 To SENATE Committee on TRANSPORTATION AND HOUSING.</p> <p><b>CATEGORY:</b> High-Speed Rail</p>

► CA SB 1262	<p><b>AUTHOR:</b> Newman [D]</p> <p><b>TITLE:</b> Construction Manager/General Contractor Project</p> <p><b>INTRODUCED:</b> 02/15/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> SENATE</p> <p><b>SUMMARY:</b></p> <p>Removes the cap on the number of projects for which the Department of Transportation is authorized to use the Construction Manager/General Contractor (CM/GC) method, eliminates the minimum construction costs limitation, and makes conforming changes to existing provisions.</p> <p><b>STATUS:</b></p> <p>02/15/2018 INTRODUCED.</p> <p>CATEGORY: Public Works, Planning</p>
► CA SB 1301	<p><b>AUTHOR:</b> Beall [D]</p> <p><b>TITLE:</b> State Permitting: Environment: Processing Times</p> <p><b>INTRODUCED:</b> 02/16/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> SENATE</p> <p><b>SUMMARY:</b></p> <p>Requires the department of Fish and Wildlife, the San Francisco Bay Conservation and Development Commission, the California Coastal Commission, the State Water Resources Control Board, and a California Regional Water Quality Control Board, for certain permits that each entity administers, to keep an accurate record of permit processing times.</p> <p><b>STATUS:</b></p> <p>02/16/2018 INTRODUCED.</p> <p>CATEGORY: Environment</p>
► CA SB 1328	<p><b>AUTHOR:</b> Beall [D]</p> <p><b>TITLE:</b> Mileage-Based Road Usage Fee</p> <p><b>INTRODUCED:</b> 02/16/2018</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>LOCATION:</b> SENATE</p> <p><b>SUMMARY:</b></p> <p>Extends the operation of the California Transportation Commission to create a Road Usage Charge (RUC) technical Advisory Committee until a specified date. Requires the technical advisory committee to assess the potential for mileage-based revenue collection for California's roads and highways as an alternative to the gas tax system.</p> <p><b>STATUS:</b></p> <p>02/16/2018 INTRODUCED.</p> <p>CATEGORY: Funding</p>

► CA SB 1384	AUTHOR:	Bates [R]
	TITLE:	Repatriation Infrastructure Fund
	INTRODUCED:	02/16/2018
	DISPOSITION:	Pending
	LOCATION:	SENATE
	SUMMARY:	
	Relates to federal corporate repatriation statute pursuant to which foreign earnings of United States-based corporations that are currently invested abroad are moved to the United States. Requires the remaining repatriation revenues to be transferred to the Repatriation Infrastructure Fund in the State Treasury, which the bill would create.	
	STATUS:	
	02/16/2018	INTRODUCED.
	CATEGORY:	Funding

► CA SB 1412	AUTHOR:	Bradford [D]
	TITLE:	Applicants for Employment: Criminal History
	INTRODUCED:	02/16/2018
	DISPOSITION:	Pending
	LOCATION:	SENATE
	SUMMARY:	
	Specifies that provisions do not prohibit an employer from asking an applicant about, or seeking from any source information regarding, a particular conviction of the applicant if, pursuant to state or federal law, the employer regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation.	
	STATUS:	
	02/16/2018	INTRODUCED.
	CATEGORY:	Employment



## COMMITTEE TRANSMITTAL

**March 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 March 15, 2018

**Present:** Directors Davies, Delgleize, Hennessey, Murray, Nelson, Shaw,  
and Winterbottom  
**Absent:** None

### **Committee Vote**

This item was passed by the Members present.

Director Winterbottom was not present to vote on this item.

### **Committee Recommendations**

- A. Adopt the proposed Principles for a Potential Federal Infrastructure Package and direct staff to take necessary and appropriate actions in furtherance of these goals in Washington, D.C.
- B. Adopt a SUPPORT position on H.R. 5003 (Hultgren, R-IL 14), which would reinstate the tax incentive for advance refunding bonds.





**March 15, 2018**

**To:** Legislative and Communications Committee

**From:** Darrell Johnson, Chief Executive Officer

**Subject:** Federal Legislative Status Report

### **Overview**

Principles are proposed in response to the President's infrastructure proposal, which is summarized in detail. A support recommendation is proposed for a bill providing more bonding flexibility. Summaries are also provided on three recent hearings, one on the President's infrastructure proposal and two pertaining to the implementation of positive train control.

### **Recommendations**

- A. Adopt the proposed Principles for a Potential Federal Infrastructure Package and direct staff to take necessary and appropriate actions in furtherance of these goals in Washington, D.C.
- B. Adopt a SUPPORT position on H.R. 5003 (Hultgren, R-IL 14), which would reinstate the tax incentive for advance refunding bonds.

### **Discussion**

#### **The President's Infrastructure Proposal**

On February 12, 2018, the President released an outline for potential infrastructure legislation. The proposal calls for \$1.5 trillion in infrastructure investment. While a significant new investment in infrastructure, only \$200 billion in additional federal appropriations are proposed, with the remainder dependent on new state and local funding sources and increased private investment. Details are not provided on where the \$200 billion in new appropriations will come from, with reports indicating that it will likely come from unspecified budget cuts. A breakdown of the \$200 billion in appropriations is as follows:



- \$100 billion for the Infrastructure Incentives Program
  - This new grant program would be administered by the Department of Transportation, the United States Army Corps of Engineers, and the Environmental Protection Agency.
  - Eligible uses include transportation, airports, passenger rail, maritime and inland watery ports, flood control, and other water infrastructure uses.
  - The grant scoring would heavily favor projects funded by new, non-federal revenue sources.
- \$50 billion for the Rural Infrastructure Program
  - This new program would distribute formula funding for rural projects, with 80 percent of the funds going directly to the governors of each state and 20 percent being reserved for performance grants. A “rural formula” would be created based on rural lane miles and rural population, adjusted to achieve policy objectives.
  - Eligible uses include transportation, broadband, water, waste, and power and electric.
- \$20 billion for the Transformative Projects Program
  - New grant funding administered by the Department of Commerce for high-risk, high-reward projects that “fundamentally transform the way infrastructure is delivered.”
  - Eligible projects include transportation, clean water, drinking water, energy, commercial space, and broadband sectors.
- \$30 billion to expand the use of innovative financing tools
  - \$14 billion to expand credit programs, including the Transportation Infrastructure Finance and Innovation Act loan program,
  - \$10 billion to create a Federal Capital Financing Fund to finance the purchase of real property,
  - \$6 billion to expand the use of private activity bonds.

The proposal’s new funding programs represent a welcome investment in infrastructure projects, but specifics of implementation are still unclear. The proposal is not solely for transportation projects, as illustrated by policy proposals pertaining to water infrastructure, telecommunications, veterans, workforce development, and Superfund sites. Much of the funding would not be administered by the Department of Transportation, leaving determinations about federal transportation funding to agencies whose expertise is not federal transportation policy.

Staff is also closely monitoring provisions that could significantly impact the Orange County Transportation Authority’s (OCTA) operations. One area of concern is provisions that could limit funding from flowing to Orange County and

California. For example, the new \$100 billion grant program would only be allowed to make up 20 percent of the total project cost, significantly reducing the long-standing federal commitment to improving our nation's infrastructure. Another noteworthy part of the proposal is the language providing more states with tolling flexibility, specifically through the examination of grandfathered restrictions in federal law. In addition, the infrastructure proposal would require value capture financing, a tool to redirect increases in property taxes resulting from transportation programs, as a receipt of funds through the Capital Investment Grant program, which could lead to land use issues in some jurisdictions.

While the infrastructure proposal does not offer a solution for the funding of the Highway Trust Fund, there is discussion about new forms of transportation revenue. In conjunction with the infrastructure proposal, a report prepared by the Council of Economic Advisers, an agency within the Executive Office of the President, praised user fees for vehicles miles traveled, specifically citing the pilot program in Oregon, as a way to "increase efficiency and raise needed revenues to pay for infrastructure improvements and additions to capacity." Administration officials have indicated that they may include a long-term Highway Trust Fund solution in an infrastructure bill. According to reports, the President has supported raising the federal gas tax, although leaders in Congress have not been very receptive of such a proposal.

Nearly one-third of the infrastructure proposal is dedicated to expediting permitting improvements. These policies provide transportation agencies like OCTA with an opportunity to leverage their experience and expertise delivering mobility solutions to improve federal review processes. Of note, the proposal includes many policies that were discussed in the Breaking Down Barriers Report and subsequent Follow-on Study, each of which were approved by the OCTA Board of Directors. Below is a complete list of policies from the proposal supported in OCTA's past advocacy efforts:

- One Agency, One Decision – project sponsors would only work with one federal agency throughout the federal review process, as opposed to coordinating with multiple agencies as is required under current law.
- Single Record of Decision – creation of a single environmental review document to be utilized by all federal agencies instead of each agency using a different document to conduct its own analysis.
- Expedited processing – mandated time limits for review actions, automatic processing of review actions not achieved by the time limit, and penalties for failure to process certain review actions.
- Expanded design-build authority – allowing design-build contractors to conduct final design activities before environmental review is complete.



- Flexibility for projects with a small federal share – limiting federal review for projects mostly funded by state and local dollars.
- Streamlined federal review across different modes – ensuring that the environmental review is similar across different modes.
- Additional guidelines to streamline environmental review – instruct the Council on Environmental Quality to issue an update of its guidance on how to best streamline environmental review.
- Expanded delegation of environmental review – expand and make permanent a pilot program, utilized by California, allowing states to conduct environmental review rather than the federal government.
- Common categorical exclusions from environmental review – a common set of categorical exclusions, expedited review for certain types of projects, that is the same for each federal agency.

Staff has drafted principles to guide OCTA's advocacy efforts on any related legislation, which are included as Attachment A and detailed below. The principles either expand upon policies outlined in OCTA's 2017-18 Federal Legislative Platform or address specific areas of concern with the proposal. Principles include efforts to increase formula funding and eligibility standards to allow OCTA to be competitive for any funds, ensure any funding is supplemental to, and not in place of, existing funds, promote the recommendations of OCTA's Breaking Down Barriers initiative, and seek expansion of financing programs and public-private partnerships.

#### H.R. 5003 (Hultgren, R-Illinois) Legislation Restores the Tax Exemption for Advance Refunding Bonds

H.R. 5003 restores the recently repealed tax exemption for advance refunding bonds. An advance refunding bond is a bond issued to pay off another bond, most often at a lower interest rate. The tax legislation that passed last December repealed the tax exemption for state and local bonds used to advance refund other bonds. Without the tax exemption, advance refunding bonds are less attractive investments and, thereby, less beneficial financing options for state and local bonding agencies. H.R. 5003 simply reinstates the tax exemption for advance refunding bonds that was repealed in the tax legislation.

Advance refunding bonds provide transportation agencies with the opportunity to reduce financing costs by taking advantage of better market conditions. These instruments also allow OCTA to readjust any unfavorable terms that may have been part of the original issuance. OCTA achieved cost savings through the issuance of advance refunding bonds during the Measure M1 program. In 2013, OCTA issued an advance refunding bond for debt on the 91 Express

Lanes that both took advantage of lower interest rates and removed a required reserve fund, giving the agency more flexibility on this debt.

H.R. 5003 is one of many tax policy changes proposed in the wake of last year's tax legislation. There are various technical changes that may be required to address any unintended consequences from that bill. In addition, Congress is also considering how to approach the return of so-called extenders, or tax provisions with different expiration dates that are extended each year. The House Committee on Ways and Means has announced a hearing to examine the best way to proceed on any necessary tax legislation in the near future. OCTA staff will continue to monitor these efforts.

A copy of H.R. 5003 is included as Attachment B. Staff recommends a SUPPORT position on H.R. 5003, consistent with the policy included in OCTA's 2017-18 Federal Legislative Platform that states, "Support federal legislation and programs which accelerate funding for transportation infrastructure projects and, thereby, create additional jobs and economic activity in Orange County." Representative Ed Royce (R-Yorba Linda) is a co-sponsor of H.R. 5003.

#### Senate Committee on Environment and Public Works Hearing on the Infrastructure Proposal

On March 1, the Senate Committee on Environment and Public Works hosted Secretary of Transportation, Elaine Chao, to discuss the President's infrastructure proposal. Secretary Chao gave an overview of the proposal and answered questions from members of the Committee. Senator Deb Fischer (R-Nebraska) specifically asked Secretary Chao if the funding in the infrastructure proposal would supplement, not replace, current transportation programs. Secretary Chao responded by saying that the funding in question would be in addition to transportation funding included in the budget and distributed on a formula basis. Secretary Chao also committed to fully implementing outstanding transportation-related rulemakings and working with Congress on the details of potential legislation.

#### House Committee on Transportation and Infrastructure Subcommittee on Railroads, Pipelines, and Hazardous Materials Hearing on Positive Train Control Implementation

On February 15, 2018, the House Committee on Transportation and Infrastructure Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on the implementation of Positive Train Control (PTC). Members of the Subcommittee and the witnesses discussed the challenges preventing full implementation of PTC by the statutory deadline at the end of the 2018 calendar



year. The most prominent issues discussed were limited vendor options, interoperability between rail lines, and problems with field testing. There was bipartisan support for maintaining the current statutory deadline.

Representative Napolitano (D-El Monte) specifically asked about PTC implementation in Southern California, noting that Metrolink is already compliant. Edward Hamberger, President and CEO of the Association of American Railroads, said that BNSF Railway Company has implemented PTC. Union Pacific is currently testing the technology. Both lines will require interoperability testing. Mr. Hamberger was optimistic that the deadline would be met. Representative Napolitano then asked Richard Anderson, CEO of Amtrak, about Amtrak's efforts in Southern California. Mr. Anderson directly stated, multiple times, that Amtrak would meet the implementation deadline.

#### Senate Committee on Commerce, Science, and Transportation Hearing on Positive Train Control Implementation

On March 1, 2018, the Senate Committee on Commerce, Science, and Transportation also held a hearing on PTC implementation. This hearing focused the findings of the Government Accountability Office (GAO) evaluation of PTC implementation among passenger railroads, which was conducted at the request of Chairman John Thune (R-South Dakota). The GAO report found that as many as two-thirds of the nation's 29 commuter railroads were not likely to implement PTC before the statutory deadline at the end of the year. A GAO witness expanded upon the report's findings in saying that the Federal Railroad Administration must use the information it is already receiving from passenger railroads to make risk determinations and then focus its resources on the highest risk areas. There was again bipartisan agreement not to extend the statutory deadline, although there was not the same consensus on how to handle extensions requested by rail lines.



**Summary**

The President's infrastructure proposal is summarized, and principles are proposed to guide OCTA's advocacy efforts for any infrastructure related legislation that may be crafted in the near future. A support recommendation is proposed for a bill to provide additional financing flexibility. Summaries are also provided on three recent Congressional hearings.

**Attachments**

- A. Principles for Potential Infrastructure Legislation
- B. H.R. 5003 (Hultgren, R-IL 14) Bill Language
- C. Potomac Partner DC, Monthly Legislative Report - February 2018

**Prepared by:**

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**Principles for Potential Infrastructure Legislation**

1. Advocate for increasing formula funding administered by the Department of Transportation with sufficient flexibility to support the delivery of transformative mobility solutions.
2. Support a fiscally sound solution to the Highway Trust Fund's structural revenue deficit that maintains the long-standing federal commitment to meeting our nation's transportation needs.
3. Work to make certain that increases in transportation funding are not a replacement of, or substitute for, ongoing transportation-related programs.
4. Oppose arbitrary geographic limits, matching requirements, or other funding mechanisms that discourage federal funding from flowing to transportation agencies in California, like Orange County Transportation Authority (OCTA), that have years of experience responsibly using local tax dollars on infrastructure projects.
5. Encourage the expanded use of public-private partnerships and innovative approaches to project financing and delivery while continuing to offer feedback on how OCTA's experience, such as with the Transportation Infrastructure Finance and Innovation Act loan program, can be used to modernize our nation's infrastructure.
6. Recommend further study and analysis of value capture financing, or any attempt to recover and redirect increases in property taxes resulting from transportation projects, to explore the feasibility of such a tool, such as through a pilot program, before mandating it as a condition for transportation funding.
7. Advocate for the inclusion of the numerous recommendations from the OCTA Breaking Down Barriers Report and subsequent Follow-on Study that were included in the infrastructure proposal or that may be included in future legislative efforts.

115TH CONGRESS  
2D SESSION

# H. R. 5003

To amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2018

Mr. HULTGREN (for himself, Mr. RUPPERSBERGER, Mr. MESSER, Mr. ROYCE of California, Mr. KILDEE, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TREATMENT OF ADVANCE REFUNDING BONDS.**

4 (a) IN GENERAL.—Section 149(d) of the Internal  
5 Revenue Code of 1986 is amended—

6 (1) in paragraph (1), by striking “to advance  
7 refund another bond” and inserting “as part of an  
8 issue described in paragraph (2), (3), or (4)”;

9 (2) by redesignating paragraphs (2) and (3) as  
10 paragraphs (6) and (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) CERTAIN PRIVATE ACTIVITY BONDS.—An issue is described in this paragraph if any bond (issued as part of such issue) is issued to advance refund a private activity bond (other than a qualified 501(c)(3) bond).

“(3) OTHER BONDS.—

“(A) IN GENERAL.—An issue is described in this paragraph if any bond (issued as part of such issue), hereinafter in this paragraph referred to as the ‘refunding bond’, is issued to advance refund a bond unless—

“(i) the refunding bond is only—

“(I) the 1st advance refunding of the original bond if the original bond is issued after 1985, or

“(II) the 1st or 2nd advance refunding of the original bond if the original bond was issued before 1986,

“(ii) in the case of refunded bonds issued before 1986, the refunded bond is redeemed not later than the earliest date on which such bond may be redeemed at par or at a premium of 3 percent or less,



1 “(iii) in the case of refunded bonds  
2 issued after 1985, the refunded bond is re-  
3 deemed not later than the earliest date on  
4 which such bond may be redeemed,

5 “(iv) the initial temporary period  
6 under section 148(c) ends—

7 “(I) with respect to the proceeds  
8 of the refunding bond not later than  
9 30 days after the date of issue of such  
10 bond, and

11 “(II) with respect to the proceeds  
12 of the refunded bond on the date of  
13 issue of the refunding bond, and

14 “(v) in the case of refunded bonds to  
15 which section 148(e) did not apply, on and  
16 after the date of issue of the refunding  
17 bond, the amount of proceeds of the re-  
18 funded bond invested in higher yielding in-  
19 vestments (as defined in section 148(b))  
20 which are nonpurpose investments (as de-  
21 fined in section 148(f)(6)(A)) does not ex-  
22 ceed—

23 “(I) the amount so invested as  
24 part of a reasonably required reserve



1 or replacement fund or during an al-  
2 lowable temporary period, and

3 “(II) the amount which is equal  
4 to the lesser of 5 percent of the pro-  
5 ceeds of the issue of which the re-  
6 funded bond is a part or \$100,000 (to  
7 the extent such amount is allocable to  
8 the refunded bond).

9 “(B) SPECIAL RULES FOR REDEMP-  
10 TIONS.—

11 “(i) ISSUER MUST REDEEM ONLY IF  
12 DEBT SERVICE SAVINGS.—Clause (ii) and  
13 (iii) of subparagraph (A) shall apply only  
14 if the issuer may realize present value debt  
15 service savings (determined without regard  
16 to administrative expenses) in connection  
17 with the issue of which the refunding bond  
18 is a part.

19 “(ii) REDEMPTIONS NOT REQUIRED  
20 BEFORE 90TH DAY.—For purposes of  
21 clauses (ii) and (iii) of subparagraph (A),  
22 the earliest date referred to in such clauses  
23 shall not be earlier than the 90th day after  
24 the date of issuance of the refunding bond.

1           “(4) ABUSIVE TRANSACTIONS PROHIBITED.—

2           An issue is described in this paragraph if any bond  
3           (issued as part of such issue) is issued to advance  
4           refund another bond and a device is employed in  
5           connection with the issuance of such issue to obtain  
6           a material financial advantage (based on arbitrage)  
7           apart from savings attributable to lower interest  
8           rates.

9           “(5) SPECIAL RULES FOR PURPOSES OF PARA-  
10          GRAPH (3).—For purposes of paragraph (3), bonds  
11          issued before the date of the enactment of this sub-  
12          section shall be taken into account under subpara-  
13          graph (A)(i) thereof except—

14                 “(A) a refunding which occurred before  
15                 1986 shall be treated as an advance refunding  
16                 only if the refunding bond was issued more  
17                 than 180 days before the redemption of the re-  
18                 funded bond, and

19                 “(B) a bond issued before 1986, shall be  
20                 treated as advance refunded no more than once  
21                 before March 15, 1986.”.

22          (b)           CONFORMING           AMENDMENT.—Section  
23          148(f)(4)(C) of such Code is amended by redesignating  
24          clauses (xiv) through (xvi) as clauses (xv) through (xvii)

1 and by inserting after clause (xiii) the following new  
2 clause:

3                   “(xiv) DETERMINATION OF INITIAL  
4                   TEMPORARY PERIOD.—For purposes of  
5                   this subparagraph, the end of the initial  
6                   temporary period shall be determined with-  
7                   out regard to section 149(d)(3)(A)(iv).”.

8           (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to advance refunding bonds issued  
10 after the date of the enactment of this Act.

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## Potomac Partners DC

Monthly Legislative Report – February 2018

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**February Advocacy Meetings**

**Senate Commerce, Science and Transportation Committee** – We met to follow-up with Professional Staff from the Senate Subcommittee on Surface Transportation on our meeting at the beginning of the month regarding the status of the OC Streetcar, and we provided the staff some additional data on the project. We discussed actions at the Federal Transit Administration (FTA) and the status of the Full Funding Grant Agreement (FFGA) and the Capital Investment Grant (CIG) program. We also discussed President Trump's infrastructure proposal released on February 12<sup>th</sup>.

**Senate Banking, Housing, and Urban Affairs Committee** – We met with Professional Staff from the Senate Subcommittee on Housing, Transportation, and Community Development to follow-up on Chairwoman Lisa Bartlett's meetings at the beginning of the month. During our discussions we spoke about next steps for the OC Streetcar and the status of an FFGA at the Federal Transit Administration (FTA). We provided some data on the project's procurement schedule as well as additional materials regarding the Management Capacity/Capability (MCC) review. We also discussed President Trump's Infrastructure proposal.

**Senator Feinstein (D-CA)** – We followed-up with senior transportation staff in Senator Feinstein's office on Chairwoman Bartlett's meeting to discuss the OC Streetcar and an FFGA from FTA. We provided additional materials outlining the procurement process for the streetcars and the positive impact the project will have on job creation. We also discussed President Trump's Infrastructure proposal. Senate Feinstein is supportive of the project and willing to weigh-in with the FTA and press them for a FFGA. We also discussed opportunities for funding in the FY19 appropriations process.

**Chairman Mario Diaz-Balart (R-FL)** – We met with Congressman Mario Diaz-Balart, Chairman of the House Appropriations Subcommittee on Transportation, Housing, and Urban Development to follow-up on the Capital Investments Grant (CIG) program and the OC Streetcar. We followed-up on Chairwoman Bartlett's meeting and discussed appropriations language that would help facilitate funding for the OC Streetcar project. We reiterated the positive review of OCTA's ability to manage the project. We discussed President Trump's FY19 budget request and his infrastructure proposal released the same day. We also briefly discussed the possible return of congressionally directed spending (earmarks).



**Congressman Lou Correa (D-CA)** – We met with Congressman Correa and his staff to discuss the OC Streetcar and the need for an expedited FFGA at the FTA. We discussed the need for an expedited FFGA and next steps at FTA. We also discussed the President's Infrastructure proposal and the FY18 and FY19 appropriations process.

**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. We discussed next steps for the project and how continued delays at FTA are expected to drive up costs for the project. We also discussed President Trump's infrastructure proposal and the Transportation Committee's upcoming hearings.

**Chairman Sam Graves (R-MO)** – We followed-up with Congressman Sam Graves and his senior 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 President's infrastructure proposal and opportunities for language that would facilitate key projects in any upcoming legislation. We also discussed what to expect in the upcoming hearings regarding the proposal expected to be held next month.

**Congressman Ed Royce (R-CA)** – We met with Congressman Royce and his staff to discuss the OC Streetcar. We discussed the FFGA and gave an update on our conversations with Congress and the FTA. We also discussed the President's infrastructure proposal and his FY19 budget request.

**House Transportation and Infrastructure Committee** – We met with senior staff on the House Transportation and Infrastructure Committee to discuss President Trump's infrastructure proposal and upcoming hearings on the subject. We also discussed the OC Streetcar and updated our conversations with the DOT and the FTA.

**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. We also discussed the President's Budget Request for FY19.

**House Appropriations Committee** – We met with senior staff on the Transportation, Housing and Urban Affairs Subcommittee (THUD) to discuss the OC Streetcar. We discussed the upcoming FY18 omnibus appropriations bill. We discussed support for the CIG program and spoke about the need for an expedited FFGA at FTA. We also discussed the FY19 appropriations process and the procedures for submitting appropriations requests.

### **Advance Refunding Bonds Legislation**



On February 14<sup>th</sup>, Congressman Hultgren (R-IL) and Congressman Ruppertsberger (D-MD), introduced bi-partisan legislation to restore the tax-exempt status of advance refunding (AR) bonds. Reps. Hultgren and Ruppertsberger co-chair the Congressional Municipal Finance Caucus. AR bonds were eliminated in the tax reform package passed at the end of 2017. Orange County Congressman Ed Royce (R-CA) has cosponsored the bill and we are continuing to work with his staff on this issue. Municipalities and some transportation authorities use AR bonds to lower borrowing costs by refinancing existing bonds at a lower rate. Advance refunding bond issuance totaled \$91 billion in 2017 and the municipal bond market is roughly \$3.8 trillion in size.

### **FY18 Budget and Appropriations**

At the beginning of the month Congressional leaders reached a deal to fund the government until March 23<sup>rd</sup>. This date was chosen to give appropriators time to draft 12 new FY18 appropriations bills to account for new budget caps laid out in [HR 1892 – Bipartisan Budget Act of 2018](#). HR 1892 boosts federal spending by about \$300 billion over two years, lifts the debt ceiling until March 2019 and provides \$90 billion in disaster aid for hurricane and wildfire recovery efforts. Congressional leaders were expecting to pass the bill before funding lapsed at midnight on February 8<sup>th</sup> but hit a speed bump when Senator Rand Paul (R-KY) procedurally delayed a vote in the Senate. The Senate passed the bill minutes after 1:00am on February 9<sup>th</sup> and the House, scheduled to be in recess, voted to approve the bill at around 4:00am.

Most notably is the inclusion of key language in Section 40415 extending the excise tax on alternative fuel credits. We have worked extensively with the House and Senate appropriations committees to ensure the inclusion of this language into the final bill and will continue to meet with the appropriate members regarding its next extension.

### **Discretionary Funding**

- FY18 total discretionary funding levels under the new spending caps agreement:
  - \$700 billion in total defense funding, which includes \$629 billion in base and \$66 billion in OCO
    - \$5 billion in emergency funding has been enacted for FY18
    - Consistent with the enacted FY18 NDAA
  - \$591 billion in non-defense funding, which includes \$579 billion in base funding and \$12 billion in OCO
  - This is a total increase in defense spending caps by \$80 billion and an increase in non-defense by \$63 billion for FY18
- FY19 total discretionary funding levels under the new spending caps agreement:
  - \$716 billion in total defense discretionary funding (\$647 billion in base and \$69 billion in OCO)
  - \$605 billion in total non-defense discretionary funding (\$597 billion in base and \$8 billion in OCO)
  - This is a total increase in defense spending caps by \$85 billion and an increase in non-defense by \$68 billion for FY19



- Over \$46 billion of the non-defense increase in FY18 and FY19 is intended to be targeted to support NIH research, combat opioids and support mental health programs, reduce the VA healthcare maintenance backlog, invest in infrastructure, support higher education, and a Child Care Development Block Grant program

#### Disaster Aid Package

- \$80+ billion in an emergency disaster aid package provides additional funding for recovery efforts across the country to rebuild affected communities
- Critical funding for the Disaster Relief Fund, Army Corps of Engineers, Agriculture, SBA disaster loans, Federal Highways, and Housing
- Provides disaster related tax relief to CA Wildfires and other communities affected by hurricanes
- Stabilizes Medicaid Programs in Puerto Rico and the Virgin Islands

#### Additional Provisions

- Provides an extension of the debt limit through 2018
- Includes 10-year CHIP reauthorization
- Repeals IPAB
- Seed cotton is made eligible for the farm safety net
- Eliminates the caps on crop insurance policies for livestock producers
- Tax extenders for 2017
  - Sec. 40302. Extension of railroad track maintenance credit.
  - Sec. 40404. Extension of credit for alternative fuel vehicle refueling property.
  - Sec. 40413. Extension of energy efficient commercial buildings deduction.
  - **Sec. 40415. Extension of excise tax credits relating to alternative fuels.**
    - *EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.*  
*IN GENERAL —Sections 6426(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2016” and inserting “December 31, 2017”.*  
*OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.*  
*(3) EFFECTIVE DATE. —The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.*  
*(b) SPECIAL RULE FOR 2017. Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) 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.*

- Establishes two committees to address pensions and budget/appropriations reform
  - On February 23rd, House leadership announced the members of the newly created budget and spending reform joint committee, created in the Bipartisan Budget Act of 2018. The joint committee's objective is to find ways to procedurally fix the budget and appropriations process and help Congress move away from depending on continuing Resolutions to fund the government. Speaker Paul Ryan (R-WI) appointed three members; Budget Chairman Steve Womack (R-AR), Rep. Jodey Arrington (R-TX), Rep. Rob Woodall (R-GA), and Rules Committee Chairman Rep. Robert Latta (R-OH). Minority Leader Nancy Pelosi (D-CA) chose to appoint members who sit on the appropriations committee; Rep. Nita Lowey (D-NY), Rep. Lucille Roybal-Allard (D-CA), Rep. Derek Kilmer (D-WA), and the top Democrat on the Budget Committee Rep. John Yarmuth (D-KY). Senate Leadership has yet to appoint eight Senators from their chamber, which is tasked with producing reforms to the budget and appropriations process by November 30th. Similar panels formed in the past were ultimately unable to produce passable bipartisan legislation to reform the budget and appropriations process.
- 2-year extension of Federally Qualified Health Centers (community health centers)
- Extends special diabetes project
- Averts FY18 and FY19 Medicaid Disproportionate Share Hospital Reductions
- Provides for permanent Medicare improvements:
  - Repeal of the Medicare payment cap for therapy services
  - Extension of Special Needs Plans in Medicare Advantage
  - Home health rural add-on payment
  - Ground ambulance add-on payments

The legislation also contains a limited number of anomalies to address unique issues arising during the duration of the CR. These anomalies include:

- Continue funding authority to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program
- Allow Department of Energy to sell and use up to \$350 million of crude oil from the Strategic Petroleum Reserve to carry out the modernization program authorized in the Bipartisan Budget Act of 2015.
- Provide \$6.379 million for operating funds for the Southeastern Power Administration, which are fully offset by collections from power customers.
- Provide the Judiciary with additional juror fees to accommodate for increased juror usage.
- Continue Department of Education authority to make account maintenance fee payments to guarantee agencies under the Federal Family Education Loan program.



- Provide authority for new construction starts for urgently-needed projects associated with the F-35A program to avoid schedule delays and anticipated cost increases identified by the Air Force.
- Make technical corrections to comply with the authorization, allowing the Department of Transportation to consolidate its credit programs for efficient management and direct oversight of the resources.
- Extend the authorization of the HOPE VI program for the duration of the CR, enabling the Department of Housing and Urban Development to continue the revitalization of distressed neighborhoods.
- Provide funding for the staffing of newly opened or expanded Indian Health Service facilities.
- Modify existing authority to allow the Secretary of Education to waive cohort default rate requirements for public institutions of higher education operating in severely economically distressed communities.

### **FY19 Budget and Appropriations**

Regarding the budget and appropriations process for fiscal year 2019 (FY19) President Trump released his Budget Request on February 12<sup>th</sup>. The Administration's FY19 budget request called for deep reductions to domestic spending accounts in similar fashion to his FY18 budget request to include a reduction in CIG funding that would only cover funding for projects with current FFGAs. The budget blueprint asks Congress to increase spending for:

- **Defense** (+13% \$80 billion over FY17 levels);
- **Infrastructure** (\$200 billion over 10 years, outlined in depth later in this report);
- **Opioid treatment** (\$10 billion and a new program called Certified Community Behavioral Health Clinics);
- **National Nuclear Security Administration** (Dept. of Energy sees and overall reduction of %3.4%, but NNSA sees a \$2.2 billion boost, 17.5%);
- **Dept. of Commerce** (6.1% increase to prepare for 2020 census);
- **Dept. of Homeland Security** (12% for border security and southern border wall);
- **General Services Administration** (\$1.8 billion increase over FY17 funding);
- **Veterans Affairs** (8.3% increase over 2018 budget);
- **Wildfire Suppression Operations** (\$1.5 billion).

If Congress were to enact the President's budget requests, which GOP appropriators are already saying is not going to happen, then the Department of Transportation would see a 19% decrease of funding overall, to \$15.6 billion. This would include the complete elimination of the TIGER grant program and major reductions to Amtrak (\$538 million requested, compared to \$1.2 billion in FY17 enacted). Highways would receive \$46 billion. The FTA would be set at \$11.2 billion, down from \$12.3 billion. That includes \$9.9 billion for formula grants, and \$1 billion for capital investment grant funding, which is a reduction from \$2.4 billion enacted last year. This is consistent with last year's budget, which as mentioned earlier called for winding down New Starts funding, which Congressional appropriators have largely rejected.

This budget work was completed before Congress finalized its FY18 budget deal; so after the passage of the Bipartisan Budget Act of 2018 the White House submitted an additional document to Congress “adding-back” cut programs to take advantage of newly available funding. Key investments ‘added-back’ in the FY 2019 Budget include:

- **Opioids and Mental Health:**

- An additional \$10 billion in discretionary funding to address the opioid epidemic and serious mental illness. Deaths from drug overdoses have almost doubled in the last 10 years, and a major driver of this crisis is opioids addiction. This funding would support efforts to prevent opioid abuse and help those who abuse opioids get access to overdose reversal drugs, treatment, and recovery support services. This funding would also provide services to seriously mentally ill individuals.

- **National Institutes of Health (NIH):**

- \$9.2 billion to return funding for NIH to the FY 2017 enacted level of \$33 billion. • Job Training: An additional \$1.5 billion for workforce development grants at the Department of Labor, returning the Department's main training and employment State formula grants to their FY 2017 level enacted and demonstrating the Administration's effort to leverage the workforce development system to match and train workers with open jobs supporting training for additional youth and dislocated workers. Together with the additional flexibilities proposed by the Administration, these resources would enable 2 States and localities to provide training and employment services that are tailored to meet the workforce needs of their job-seekers and employers.

- **Education:**

- \$1.7 billion for Impact Aid, Federal Work Study, and TRIO programs at the Department of Education to reverse large funding reductions, and additional funding for the proposed Opportunity Grants to significantly expand the reach of public and private school choice and allow more students to go to schools that best meet their needs.

- **Housing:**

- \$1.7 billion for the Department of Housing and Urban Development (HUD) to hold harmless elderly and disabled households in HUD-assisted housing as rent reform proposals are implemented and maintain current services levels of housing vouchers.

It should also be noted that this budget is an outline. Congressional appropriators are ultimately responsible for appropriating funds.

**Key President’s Budget links:**

- Full FY19 Budget Request: [goo.gl/BSFkLQ](https://goo.gl/BSFkLQ)



- Appendix Documents: [goo.gl/ovqwc7](http://goo.gl/ovqwc7)
- Addendum Accounting for the Bipartisan Budget Act of 2018: [goo.gl/8dE21d](http://goo.gl/8dE21d)
- Advance Appropriations: [goo.gl/T4dCVk](http://goo.gl/T4dCVk)
- Historical Tables: [goo.gl/4k9nyq](http://goo.gl/4k9nyq)
- White House Fact Sheets: [goo.gl/AUgvFJ](http://goo.gl/AUgvFJ)

## **Infrastructure Bill Update**

The White House has officially released President Trump's long-awaited Infrastructure Proposal titled "Legislative Outline for Rebuilding Infrastructure in America". The proposal is based on a framework of six principles:

1. \$200 billion in Federal funds to spur at least \$1.5 trillion in infrastructure investments with partners at the State, local, Tribal, and private level.
2. New investments will be made in rural America, which has been left behind for too long.
3. Decision making authority will be returned to State and local governments.
4. Regulatory barriers that needlessly get in the way of infrastructure projects will be removed.
5. Permitting for infrastructure projects will be streamlined and shortened.
6. America's workforce will be supported and strengthened.

The plan seeks to achieve these principles by investing \$200 billion to leverage \$1.5 trillion in infrastructure spending and implementing revenue capture reforms.

After the release of the proposal, President Trump signaled he might be willing to support an increase of the gas tax. Chairman of the House Transportation and Infrastructure Committee Bill Shuster (R-PA) has recently been speaking about a gas tax increase with House and Senate transportation leaders, calling it a true user fee that could be the solution to making the Highway Trust Fund solvent within the next decade.

The full White House infrastructure proposal is outlined below:

1. **Funding and Financing Infrastructure Improvements** - Invest \$200 billion in Federal funds to spur at least \$1.5 trillion in infrastructure investments with partners at the State, local, Tribal, and private level.
  - A. **50% Incentives Program (\$100B)** - To encourage increased State, local, and private investment by awarding project sponsors incentives for demonstrating innovative approaches that will generate independent revenue, reduce project costs and timelines, and improve performance.
    - i. The Incentives Program will target a wide-ranging group of traditional government-owned asset classes.
    - ii. Project sponsors will apply for incentives, and applications will be evaluated on objective criteria with new revenue being the largest driver for award. The evaluation criteria would be weighted according to the following criteria:
      1. 10% - The dollar value of the project or program of projects;



2. 50% - Evidence supporting how the applicant will secure and commit new, non-Federal revenue to create sustainable, long-term funding for infrastructure investments;
  3. 20% - Evidence supporting how the applicant will secure and commit new, non-Federal revenue for operations, maintenance and rehabilitation;
  4. 10% - Updates to procurement policies and project delivery approaches to improve efficiency in project delivery and operations;
  5. 5% - Plans to incorporate new and evolving technologies
  6. 5% - Evidence supporting how the project will spur economic and social returns on investment.
- iii. Project sponsors selected for award will execute an agreement committing to meet agreed progress milestones, and incentive funds will be conditioned upon achieving the milestones within identified timeframes.
- B. **25% Rural Infrastructure Program (\$50B)** - The President proposes to dedicate 25 percent of the Federal dollars to enable rural America to address its unique infrastructure challenges, rebuilding and modernizing bridges, roads, water and wastewater assets, water resources, waterways, power generation assets, and broadband. The bulk of these funds under the President's plan will be made available to Governors via formula to choose the investments that respond to the unique rural needs of their respective States. States will apply for the remaining funds, which will be distributed as rural performance grants based on performance criteria, including increased investment in broadband. This program also will provide a needed boost to tribal and territorial infrastructure.
- C. **10% Transformative Projects Program (\$20B)** - Projects that can reimagine traditional approaches to infrastructure and unlock GDP growth.
- i. The plan dedicates 10 percent of the overall amount to spur competition around bold, innovative, and truly transformative projects that could dramatically improve future infrastructure, become self-sustaining without Federal support, and have a significant impact on the Nation, a region, State or metropolitan area.
  - ii. Funding will be available under three options (demonstration, project planning, capital construction) designed to support three distinct project lifecycle phases.
  - iii. Project sponsors also may seek technical assistance to navigate Federal regulatory, policy, and administrative processes, or to develop safety and other regulatory frameworks to execute a project.
  - iv. Each awardee under this program will enter into a partnership agreement with the Federal Government that specifies performance milestones.
- D. **10% Financing Programs (\$20B)** – Of the appropriated funds, \$14 billion would be made available for the expansion of existing credit programs to address a broader range of infrastructure needs, giving State and local governments increased opportunity to finance large-scale infrastructure projects under terms that are more advantageous than in the financial market. All funds remaining in credit programs ten years after enactment would be diverted to the Federal capital financing fund, to allow for efficient acquisition of real property.



- i. The budgetary cost for the expansion of PABs would be \$6 billion. These provisions would provide tools and mechanisms for market participants to invest in public infrastructure.
  - ii. This includes extending Transportation Infrastructure Finance and Innovation Act (TIFIA) eligibility to airport projects and non-Federal maritime and inland waterway ports.
  - iii. It also recommends providing subsidy funding for Railroad Rehabilitation and Improvement Financing (RRIF) loans to short-line freight and passenger rail projects and expanding the Water Infrastructure Finance and Innovation Act (WIFIA) program to flood mitigation, navigation, and water supply.
  - iv. The plan would provide additional amounts for the Rural Utilities Service (RUS) to facilitate further investment in rural infrastructure.
  - v. The plan also will create flexibility and broaden eligibility to facilitate use of private activity bonds for eligible public infrastructure projects.
- E. **5% Federal Capital Revolving Fund (\$10B)**
- i. This provision would create a funding mechanism that is similar to a capital budget but 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. Of the total appropriation, \$10 billion would be made available to capitalize the revolving fund. Upon approval 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.
  - ii. As a result, purchases of real property assets would no longer compete with annual operating and programmatic expenses for the limited funding available under tight discretionary caps. Instead, agencies would pay for real property over time as the property were utilized. The repayments would be made from future appropriations, which would provide an incentive to select projects with the highest return on investment, including future cost avoidance. The repayments also would replenish the revolving fund so that real property could continually be replaced as needed.
- F. **Public Lands and Federal Assets** - The President's plan will make additional statutory changes that will restore the benefits of public lands and federally owned assets to the American people. It will enable revenues generated from public lands to pay for capital and maintenance needs of infrastructure on public lands. It also will allow for the sale or lease of federally owned assets to optimize their value and to reinvest revenues back into infrastructure.
- G. **Establish Interior Maintenance Fund**
- i. Currently, receipts generated from mineral and energy development on public lands are not available for capital and maintenance of public infrastructure.
  - ii. This limitation perpetuates the deferred maintenance backlog for public lands infrastructure.
  - iii. Allowing half of additional receipts generated by expanded Federal energy development to be deposited into the Fund would help the DOI address this



backlog. Such receipts would be deposited into the Fund until the cumulative amount deposited had reached \$18 billion.

- iv. The receipts deposited in the Fund would be made available to the Secretary of the Interior, without fiscal year limitation, to address the deferred maintenance and capital needs for infrastructure in national parks and wildlife refuges.
- v. The DOI would use its capital asset management systems to prioritize projects, monitor implementation, and measure results.

## **2. Additional Provisions for Infrastructure Improvements**

### **A. Veterans Affairs**

- i. Authorizes the VA to retain proceeds from sales of properties and exchange existing facilities for construction of new facilities.
- ii. Authorize pilot program for VA to exchange land or facilities for lease of space in multi-tenant facilities. Congress should create a pilot program, for up to five projects, to allow the VA to exchange existing VA land or facilities for a lease of space in a resulting private facility built on the former VA land.
- iii. Increase the threshold above which VA is required to obtain congressional authorization for leases. Increasing the authorization threshold for VA major medical leases (38 U.S.C. 8104) from the current threshold of \$1 million in annual costs to the current GSA prospectus threshold which is \$3.095 million and updated periodically would reduce the number of VA authorizations and align the authorization levels across the two programs.

### **B. Water Infrastructure**

- i. **Financing**
  - 1. Authorize Clean Water Revolving Fund for Privately Owned Public-purpose Treatment Works
  - 2. Provide New Flexibility for Water Projects with De Minimis Federal Share
- ii. **Water Programs**
  - 1. Provide EPA Infrastructure Programs with "SEP-15" Authorizing Language
  - 2. Apply Identical Regulatory Requirements to Privately Owned Public-purpose Treatment Works and Publicly Owned Treatment Works
- iii. **Inland Waterways**
  - 1. Expand Authority Related to Non-Federal Construction and Operation of Inland Waterways Projects
- iv. **Water Infrastructure Resources**
  - 1. Authorize User Fee Collection and Retention under the WRRDA Section 5014 Pilot Program and Recreation User Fees for Operation and Maintenance of Public Facilities
  - 2. Expand U.S. Army Corps of Engineers' Authority to Engage in Long-term Contracts
  - 3. Authorize Commercial 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. Amend Water Resources Development Act to Allow for Waiver of Cost Limits (Sec. 902 of WRDA 1986)

### 3. Permitting

- i. Would establish a “**One Agency, One Decision**” environmental review structure.
  - 1. Protect the Environment through a Structure that Establishes Firm Deadlines to Complete Environmental Reviews and Permits
    - a. This proposal would establish a firm deadline of 21 months for lead agencies to complete their environmental reviews through the issuance of a Finding of No Significant Impact (FONSI) or Record of Decision (ROD), as appropriate.
    - b. Additionally, the proposal would establish a firm deadline of 3 months after the lead agency’s FONSI or ROD for Federal agencies to make decisions with respect to the necessary permits. (This 3-month deadline also would apply to any permits issued by State agencies under Federal law pursuant to delegations of authority from a Federal oversight agency where such permits are a prerequisite to the completion of a Federal agency’s ability to issue a permit.) Appropriate enforcement mechanisms would be established to ensure that permit decisions are issued.
- ii. **Reducing Inefficiencies in Environmental Reviews** by requiring a single environmental review document and a single record of decisions coordinated by the lead agency.
- iii. Clarify that **Alternatives Outside of the Scope** of an Agency’s Authority or Applicant’s Capability Are Not Feasible Alternatives.
- iv. Direct the Council on Environmental Quality (CEQ) to Issue Regulations to **Streamline the NEPA Process**
- v. **Eliminate Redundancy in EPA Reviews** of Environmental Impact Statements (EIS) under Section 309 of the Clean Air Act.
- vi. Focus the Scope of Federal Resource Agency NEPA Analysis on Areas of Special Expertise or Jurisdiction.
- vii. **Reduce Duplication and Increase Flexibility** in Establishing and Using Categorical Exclusions.
- viii. More Effectively Address Environmental Impacts by **Allowing Design-Build Contractors** for Highway Projects to Conduct Final Design Activities before NEPA Is Complete
- ix. Curtail Costs by Allowing for **Advance Acquisition and Preservation of Rail Rights-of-Way** before NEPA Is Complete
- x. Enhance Integration of Transportation Planning and NEPA by **Removing an Unneeded Concurrence Point** for Using Transportation Planning Documents and Decisions in NEPA
- xi. Remove Duplication in the Review Process for Mitigation Banking by **Eliminating the Interagency Review Teams**
- xii. Authorize All Lead Federal Agencies for Infrastructure Projects to Opt into Highway and Transit Streamlining Procedures
- xiii. Increase Efficiency by Expediting Certain Small Telecommunications Equipment in NEPA and the National Historic Preservation Act



- xiv. Create Incentives for Enhanced Mitigation
  - xv. Modify the Federal Power Act and Other Laws to Prohibit the Ability of Federal Agencies to Intervene in FERC Proceedings
  - xvi. Authorize Federal Agencies to Accept Funding from Non-Federal Entities to Support Environmental and Permitting Reviews
  - B. **Delegation to States** - Would streamline and expand existing procedures to delegate environmental review and permitting decisions to States.
  - C. **Judicial Review** - These provisions would reform judicial review standards for environmental reviews to avoid protracted litigation and to make court decisions more consistent. These provisions also would narrow the scope of judicial review by exempting certain actions or issues from challenge.
4. **Workforce Development**
- A. Would **Expand Pell Grant Eligibility** to high-quality, short-term programs to allow individuals to use Pell grants to pay for short-term programs that lead to a credential or certification in an in-demand field.
  - B. **Reforming Licensing Requirements** seeks reforms to require that States accepting Federal funds for infrastructure projects accept workers with out-of-State licenses to work on those projects. This would speed project delivery, reduce project costs, and provide flexibility to workers with out-of-State skilled trade licenses.
  - C. **Reforming Career and Technical Education (CTE)**. The President is asking Congress to make reforms to the CTE program to ensure that more students in America's secondary and postsecondary institutions have access to high-quality technical education that teaches them practical knowledge and skills needed in today's technology-driven economy.
  - D. **Strengthening Ties to the Workforce for College Students**. The President's plan would make Federal Work Study program (FWS) reforms to better distribute aid to schools and students who can most benefit. This will ensure that more participants obtain relevant workplace experience, including by participating in an apprenticeship.

### **Hearing: House Transportation and Infrastructure Committee; Oversight of Positive Train Control Implementation in the United States**

On Thursday, February 15<sup>th</sup>, the House Transportation and Infrastructure Committee held an oversight hearing entitled "*Oversight of Positive Train Control Implementation in the United States.*" Congressman Faso oversaw the hearing as Chairman. During his opening line of questioning he asked "What are the single biggest obstacle to implementing (PTC)?", directing his question to Mr. Reyes, Chief Counsel of the Federal Railroad Administration. Mr. Reyes quoted a December 27<sup>th</sup> letter from Secretary of Transportation Chao in which she expressed concern about the implementation of PTC. He said that the main issue is the limited number of PTC equipment and service providers and installers for Class I and commuter trains and that implementation has been delayed by software problems and technical issues, rather than issues caused by funding



deficiencies. Mr. Hamberger, President and CEO of Association of American Railroads (AAR), cited problems with interoperability, specifically citing Chicago where you will have a locomotive owned by company (A) operating on track owned by company (B), with a back-office server owned by company (C). Each Class I railroad has developed its own system for communication, its own dispatch system, its own IT platform and each system must work in real time with the locomotive in all kinds of weather and personnel conditions.

Mr. Anderson, CEO of Amtrak, said that Amtrak alone must have interoperability with 15 back-office servers owned by individual railroads. In addition, Amtrak operates 3 different PTC systems depending on the region. There are other situations, he said, where those "host" railroads appear unlikely to qualify for that additional time, which Congress allowed under a 2015 law for railroads that achieve certain installation and training benchmarks. "For those segments, Amtrak will suspend operations," Anderson said. It wasn't immediately clear where those areas are located. There is also a small segment of Amtrak services operating over tracks where FRA has granted other railroads main line track exemptions from the mandate. The agency allows such exceptions to PTC requirements in areas with low levels of hazardous freight or passenger traffic.

According to Mr. Anderson, Amtrak will be fully in compliance in Southern California by the 2018 deadline. Congressman Jeff Denham (R-CA), Chairman of the Railroads and Hazardous Materials Subcommittee, along with Ranking Member Capuano (D-MA) told the panel that another delay beyond the 2018 congressionally mandated PTC deadline will not be tolerated.

Witnesses:

- **Juan D. Reyes III**, Chief Counsel, Federal Railroad Administration | [Written Testimony](#)
- **Robert Sumwalt**, Chairman, National Transportation Safety Board | [Written Testimony](#)
- **Edward Hamberger**, President and Chief Executive Officer, Association of American Railroads | [Written Testimony](#)
- **Richard Anderson**, Chief Executive Officer, Amtrak | [Written Testimony](#)
- **Paul Skoutelas**, President and Chief Executive Officer, American Public Transportation Association | [Written Testimony](#)
- **John P. Tolman**, Vice President and National Legislative Representative, Brotherhood of Locomotive Engineers and Trainmen | [Written Testimony](#)

Link to Subject Matter Memo: [https://transportation.house.gov/uploadedfiles/2018-02-15 - ssm final.pdf](https://transportation.house.gov/uploadedfiles/2018-02-15_-_ssm_final.pdf)

### **Key Confirmations, and Nominations**

On February 13<sup>th</sup>, **Ron Batory** was confirmed to the post of Administrator of the Federal Railroad Administration (FRA) following months of delays. Senate Minority Leader Chuck Schumer (D-NY) and other NY/NJ Democrats had held up Batory's nomination over

frustrations with what they say is the Trump administration's lukewarm attitude toward helping fund a multibillion-dollar effort to rebuild rail infrastructure in and around New York City. The Senate also confirmed **Adam Sullivan** to be Assistant Secretary for Governmental Affairs and **Raymond Martinez** to head the Federal Motor Carrier Safety Administration.

In addition, former Congresswoman **Thelma Drake (R-VA)** has received an “intent to nominate” from the White House for the post of Administrator of the Federal Transit Administration (FTA).



## COMMITTEE TRANSMITTAL

**March 26, 2018**

**To:** Members of the Board of Directors  
**From:** Laurena Weinert, <sup>MS</sup> Clerk of the Board  
**Subject:** Agreement for Fullerton Park and Ride Minor Rehabilitation

### Transit Committee Meeting of March 8, 2018

**Present:** Directors Davies, Do, Jones, Murray, Pulido, and Winterbottom  
**Absent:** Director Tait

### **Committee Vote**

This item was passed by the Members present.

Director Pulido was not present to vote on this item.

### **Committee Recommendations**

- A. Find Calpromax Engineering, Inc., the apparent low bidder, as non-responsive, due to failure to meet the federal requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2066 between the Orange County Transportation Authority and RSB Group, Inc., the lowest responsive, responsible bidder, in the amount of \$854,000, for the Fullerton Park and Ride minor rehabilitation.



**March 8, 2018**

**To:** Transit Committee

**From:** Darrell Johnson, Chief Executive Officer

**Subject:** Agreement for Fullerton Park and Ride Minor Rehabilitation

### **Overview**

As part of the Orange County Transportation Authority's Fiscal Year 2017-18 Budget, the Board of Directors approved Fullerton Park and Ride minor rehabilitation. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

### **Recommendations**

- A. Find Calpromax Engineering, Inc., the apparent low bidder, as non-responsive, due to failure to meet the federal requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2066 between the Orange County Transportation Authority and RSB Group, Inc., the lowest responsive, responsible bidder, in the amount of \$854,000, for the Fullerton Park and Ride minor rehabilitation.

### **Discussion**

The Orange County Transportation Authority (OCTA) completed construction of the Fullerton Park and Ride facility in 1981. The condition of the bus dock platform area has deteriorated and is in need of repair. The project includes bus dock platform concrete flatwork repair/replacement; concrete curb repairs; installation of new Americans with Disabilities Act-compliant tactile warning tile; restoration of restroom exterior walls; replacement of bus dock platform signage, benches, and trash cans; and removal of concrete pedestal walls adjacent to the parking areas due to security concerns. The project includes coordination with OCTA bus operations, marketing, and facilities maintenance to complete the minor rehabilitation to improve bus transit user experience at the OCTA Fullerton Park and Ride facility.



### ***Procurement Approach***

This procurement was handled in accordance with OCTA's Board of Directors-approved procedures for public works projects. These procedures, which conform to both federal and state requirements, require that contracts are awarded to the lowest responsive, responsible bidder after a sealed bidding process.

Invitation for Bids (IFB) 7-2066 was released on December 5, 2017, through OCTA's CAMM NET system. The project was advertised on December 5 and 12, 2017, in a newspaper of general circulation. A pre-bid conference and job walk were held on December 13, 2017, and were attended by six firms. Three addenda were issued to provide the pre-bid conference registration sheets, provide responses to questions, and handle administrative issues related to the IFB. On January 9, 2018, two bids were received and publicly opened.

Both bids were reviewed by staff from the Contracts Administration and Materials Management and Rail Programs and Facilities Engineering departments to ensure compliance with the contract terms and conditions, and technical specifications. The list of bidders and bid amounts are presented below:

<u>Firm and Location</u>	<u>Bid Amount</u>
Calpromax Engineering, Inc. Placentia, California	\$733,000
RSB Group, Inc. (RSB) Lake Forest, California	\$854,000

The apparent low bidder, Calpromax Engineering, Inc., was found non-responsive due to failure to meet the required Disadvantaged Business Enterprise (DBE) participation or demonstrate sufficient good faith efforts as required by the United States Department of Transportation regulations, which is providing funding for this project.

The engineer's estimate for this project was \$710,000. The recommended firm's bid is 20 percent above the engineer's estimate. This is due to the need for coordination of phasing and staging the work activities while maintaining the bus operations at the same time. As a result, the required signage for traffic control and fencing increased proportionately. The cost analysis showed that RSB's cost elements for bus dock platform concrete, along with the requirements for payment of prevailing wages of ready mix concrete, exceeded the engineer's estimate. Staff compared the engineer's estimate to the bid proposal and determined that the proposal is within acceptable tolerances in costs related to

demolition, tile replacement, and installation of truncated domes.

RSB met the requirements of the IFB, as well as all federal and state requirements, including the DBE participation goal. Therefore, after completing a cost analysis of the bid components, staff considers the bid to be competitive and meets the requirements of the essential transit maintenance facility project.

State law requires award to the lowest responsive, responsible bidder. As such, staff recommends award to RSB, the lowest responsive, responsible bidder, in the amount of \$854,000, for the Fullerton Park and Ride minor rehabilitation.

#### **Fiscal Impact**

The project was approved in OCTA's Fiscal Year 2017-18 Budget, Capital Programs and is funded by Federal Transportation Administration Section 5337 State of Good Repair grant funds, Revenue Code 0030-6042-D3139-MJR.

#### **Summary**

Based on the information provided, staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2066 between the Orange County Transportation Authority and RSB Group, Inc., the lowest responsive, responsible bidder, in the amount of \$854,000, for Fullerton Park and Ride minor rehabilitation.

#### **Attachment**

None.

#### **Prepared by:**



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Program Manager  
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#### **Approved by:**



James G. Beil, P.E.  
Executive Director, Capital Programs  
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**March 26, 2018**

**To:** Members of the Board of Directors

**From:**  Laurena Weinert, Clerk of the Board

**Subject:** Agreement for the Operation and Maintenance of a Micro-Transit Pilot Program

**Board Discussion**

At the March 12, 2018 Board of Directors (Board) meeting, the Board discussed concerns regarding the Levine Act as it pertains to this procurement.

**Board Vote**

A motion was made by Director Davies, seconded by Director Hennessey, and declared passed by those participating, to continue this item to the March 26, 2018 Board meeting.

Directors Nelson and Tait were absent from the meeting.

Director Pulido was not present to vote on the action.

Due to the Levine Act, Chairwoman Bartlett and Directors M. Murphy, Spitzer, and Steel did not participate.

**Committee Vote and Recommendations**

See the "Committee Transmittal" for the Transit Committee meeting of March 8, 2018 vote and recommendations.



## COMMITTEE TRANSMITTAL

**March 12, 2018**

**To:** Members of the Board of Directors

**From:** Laurena Weinert, Clerk of the Board

**Subject:** Agreement for the Operation and Maintenance of a Micro-Transit Pilot Program

### Transit Committee Meeting of March 8, 2018

**Present:** Directors Davies, Do, Jones, Murray, Pulido, and Winterbottom  
**Absent:** Director Tait

### **Committee Vote**

This item was passed by the Members present.

### **Committee Recommendations**

- A. Approve the selection of Keolis Transit Services, LLC, as the firm to provide operation and maintenance services for the micro-transit pilot program.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2052 between the Orange County Transportation Authority and Keolis Transit Services, LLC, in the amount of \$1,150,000, for a one-year initial term from July 1, 2018 through June 30, 2019, with two, one-year option terms to provide operation and maintenance services for the micro-transit pilot program.





**March 8, 2018**

**To:** Transit Committee

**From:** Darrell Johnson, Chief Executive Officer

**Subject:** Agreement for the Operation and Maintenance of a Micro-Transit Pilot Program

### **Overview**

On November 13, 2017, the Board of Directors approved the release of a request for proposals for the operation and maintenance of a one-year pilot program to provide micro-transit in two low transit demand areas of Orange County. A competitive procurement has been conducted and offers were received in accordance with the Orange County Transportation Authority procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

### **Recommendations**

- A. Approve the selection of Keolis Transit Services, LLC, as the firm to provide operation and maintenance services for the micro-transit pilot program.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2052 between the Orange County Transportation Authority and Keolis Transit Services, LLC, in the amount of \$1,150,000, for a one-year initial term from July 1, 2018 through June 30, 2019, with two, one-year option terms to provide operation and maintenance services for the micro-transit pilot program.

### **Discussion**

As part of the OC Bus 360° program, a number of strategies were identified to improve bus ridership and meet changing mobility demands within the Orange County Transportation Authority (OCTA) service area. The implementation of a micro-transit pilot program has been identified as a strategy that could improve mobility choices in areas where there is a lower demand for traditional fixed-route service. The elements of this pilot program,

known as OCFlex, including the service plan, goals, and performance measures for the service, were presented to the Transit Committee at the October 12, 2017 meeting. Subsequently, on October 23, 2017, the Board of Directors (Board) approved the micro-transit pilot program and on November 13, 2017 approved the release of a request for proposals (RFP).

The OCFlex service will use a cloud-based software system for on-demand routing and dispatch of vehicles to identify pick-up and drop-off locations within predetermined zones. Zones are designed to connect to key transit services and community destinations at locations known as “hubs.” In addition to trips to or from a hub, trips may be taken anywhere within the zone.

The zones are approximately six square miles in size. The two zones include service areas within the cities of Huntington Beach, Aliso Viejo, Laguna Niguel, and Mission Viejo. OCTA will provide four wheelchair-accessible gasoline vehicles to the selected contractor to deliver the micro-transit service. These vehicles will be purchased by OCTA and provided to the contractor for operation. The vehicles will have the OCFlex branding and will only be used for OCTA operations.

OCFlex is a shared-ride service; therefore, multiple customers may be picked up and dropped off while the vehicle is enroute. The OCFlex service will be responsive to customer demand by providing riders the ability to book and pay for a ride in real-time through the use of a mobile application or by calling a reservation center.

### ***Procurement Approach***

This procurement was handled in accordance with Board-approved procedures for professional and technical services. In addition to cost, many other 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, and a fair and reasonable price structure.

On November 13, 2017, the Board authorized the release of RFP 7-2052, which was issued and sent out electronically on CAMM NET. The project was advertised in a newspaper of general circulation on November 13 and 20, 2017. A pre-proposal conference was held on November 28, 2017, with four attendees representing three firms. Four addenda were issued to make available a copy of the pre-proposal conference registration sheet and presentation, extend the proposal due date, and to respond to questions related to the RFP.

On January 9, 2018, two proposals were received. An evaluation committee consisting of OCTA staff from Contracts Administration and Materials Management, Contract Transportation Services, Service Planning and Customer Advocacy, Financial Planning and Analysis, Transportation Planning, and Information Systems departments met to review all proposals received.

The proposals were evaluated based on the following Board-approved evaluation criteria and weights:

- |                                     |            |
|-------------------------------------|------------|
| • Qualifications of the Firm        | 25 percent |
| • Staffing and Project Organization | 20 percent |
| • Work Plan                         | 30 percent |
| • Cost and Price                    | 25 percent |

Several factors were considered in developing the criteria weights. Work plan was weighted highest at 30 percent to emphasize the importance of the proposing firms effectively demonstrating their understanding and approach to performing the work specified in the scope of work, while meeting program goals and objectives. The work plan needed to address every aspect of the requirements specified in the scope of work and demonstrate the firm's ability to comply with applicable local, state, and federal regulations to deliver this type of service, as well as demonstrate understanding of the program's challenges.

Qualifications of the firm was weighted at 25 percent as the proposing firms needed to demonstrate related experience. The success of this service requires a firm that has a demonstrated comprehension of the specifications, with a proven history of similar service delivery and support. Cost and price was also weighted at 25 percent to ensure competitiveness in proposed pricing to accomplish the required work and ensure that OCTA receives value for the service provided. Staffing and project organization was assigned 20 percent to ensure the firms propose a knowledgeable management team, qualified drivers, and sufficient resources to manage the project effectively.

On January 18, 2018, the evaluation committee reviewed the two proposals received based on the evaluation criteria and conducted interviews with both firms listed below in alphabetical order:

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Firm and Location

Keolis Transit Services, LLC (Keolis)  
Los Angeles, California

MV Transportation, Inc. (MV)  
Dallas, Texas

The interviews took place on January 25, 2018, at each firm's facility, which consisted of a tour of the proposed call center, dispatch area, and vehicle maintenance areas. Following the tour, the firms' proposed project managers and key team members had an opportunity to demonstrate their firms' qualifications and understanding of OCTA's requirements through a presentation and responses to the evaluation committee questions. Questions were asked relative to the firms' experience utilizing on-demand dispatch software, approach to monitoring and ensuring quality customer service, the proposed project team's related experience, and clarification of the dedicated resource allocations for this pilot program. Finally, each team was asked specific clarification questions related to their proposal.

After considering the responses to the questions asked during the interviews, the evaluation committee reviewed the preliminary ranking for both firms and made adjustments to individual scores. As a result, the ranking of the firms remained unchanged.

Based on the evaluation of the written proposals, the firms' qualifications, and the information obtained from the interviews, the evaluation committee recommends Keolis for consideration of the award. The following is a summary of the proposal evaluation results.

**Qualifications of the Firm**

Both firms are qualified, established firms with demonstrated relevant experience providing passenger transportation services for various public transportation agencies throughout the country, including OCTA. Additionally, both firms are familiar with the designated zones for this pilot project as both firms currently provide transportation services within these service areas.

Keolis is a global public transportation operator with more than 100 years of passenger transportation experience throughout Europe and approximately nine years in the United States market. Keolis operates transit systems in California, Florida, Massachusetts, Nevada, and Washington D.C. Within Orange County,



Keolis currently operates transportation services for over 30 Orange County communities. Additionally, the firm operates a three-bus system for the City of Seal Beach, and through its wholly owned subsidiary, Yellow Cab of Greater Orange County, Keolis has provided on-demand response taxi service for OCTA's ACCESS paratransit contractor service since 2013. The proposed project manager and assistant project manager have led these local efforts. Client references received for Keolis were positive and received high overall satisfaction comments and scores. Keolis has proposed to operate OCTA's OCFlex service from their facility located in the City of Garden Grove.

MV has been in the passenger transportation industry for more than 42 years. MV provides paratransit, commuter, traditional fixed-route, and on-demand service to various transportation agencies throughout the United States and Canada. MV is the current contracted service provider for OCTA's ACCESS paratransit service and has provided this service to OCTA since 2013. MV has proposed to operate OCTA's OCFlex service from OCTA's facility located in the City of Irvine. The facility, along with the equipment at the facility, is currently dedicated to the operation of the ACCESS paratransit services. During the interview, the firm was asked if a contingency plan was in place should the current paratransit services contract not be renewed in 2019. The continuity of OCFlex service would be affected since they proposed to operate out of the same facility. MV confirmed that although there had been some discussions regarding this topic, no contingency plan was in place should this occur.

#### **Staffing and Project Organization**

Keolis proposed a well-balanced, tenured project team having extensive individual experience in performing similar services identified in the scope of work. Keolis' proposed project manager is well-qualified with over 30 years experience managing on-demand passenger transportation services within the taxi industry. The assistant project manager is also well-qualified with over 28 years of transportation experience specializing in safety, training, accident investigation, operations, and management. The dedicated roles and responsibilities of each project team member were clearly described. The firm also proposed to utilize its corporate staff resources for the implementation of this pilot program. These individuals, along with the proposed project managers, will be involved in all phases of program implementation and on-going technical support for the on-demand software that will be utilized for this service. Keolis best demonstrated its approach to providing quality customer service while meeting the program's performance goals, as well as its technical understanding of the scope of work and potential challenges. During the interview, the

proposed project team demonstrated a high level of competence and commitment to quality assurance and safety.

MV's proposed project team demonstrated experience providing transportation services. The proposed project manager has 12 years' experience in the transportation industry and is the current operations manager for OCTA's ACCESS paratransit service contract responsible for scheduling and management of operator shifts, as well as employee monitoring and coaching. However, this individual has only been with MV since November 2017. The firm's project organization plan was unclear as various individuals proposed to be on the project team are currently contractually committed to be fully-dedicated to the ACCESS paratransit service operations. It was unclear how these individuals would maintain their full dedication to the paratransit services while performing operations and management duties for the OCFlex micro-transit pilot program. Furthermore, during the interview, the team lacked cohesion, conflicting responses were provided, and several responses did not thoroughly address the questions.

#### **Work Plan**

Both firms addressed important elements of the scope of work. Both firms demonstrated their approach to providing a comprehensive maintenance program, recruitment, and training programs for drivers, as well as road call procedures for vehicles in service. Additionally, both firms proposed to install enhanced safety features on the vehicles, such as a collision avoidance system and an onboard video event recorder to monitor driver behavior.

Keolis demonstrated the most thorough understanding of the project's needs and complexity in its written work plan and during the interview. The firm's implementation plan was the most comprehensive and provided a detailed approach and activity schedule for completing the major milestones. Keolis proposed to utilize its senior-level corporate resources to serve as a corporate steering committee to provide on-site support and oversight of the implementation process. Furthermore, Keolis proposed to provide two dedicated 2015 or newer spare vehicles which can accommodate up to two wheelchairs and additional ambulatory passengers, as well as the ability to utilize its more than 200 taxi and sedan fleet as an additional contingency measure. These vehicles would be used to supplement the primary vehicles should the demand for micro-transit service increase to a point that the response time for a primary vehicle exceeds the program's response time standards.

MV proposed to use 2008 and 2012 model vehicles as spare vehicles. Only one of the two vehicles is wheelchair accessible and the other has limited seating capacity. Both vehicles were previously in use for the ACCESS paratransit services. MV's implementation plan was general and lacked detail. The work plan emphasized a seamless and quick transition of service, but did not elaborate on the steps that would be taken to fully integrate the OCFlex micro-transit pilot program into its current operation, while keeping the ACCESS paratransit service operations separate since various OCTA assets and resources were proposed to be shared.

#### **Cost and Price**

The firms were asked to provide revenue vehicle hourly (RVH) rates based on various ranges of monthly RVHs. Pricing scores were based on a formula which assigned the highest score to the lowest average monthly RVH rate and scores the other proposals average monthly RVH rate in relation to the lowest rate. Keolis proposed the lowest average monthly RVH rate.

#### **Procurement Summary**

Based on the evaluation of the written proposals, firms' qualifications, and the information obtained from the interviews, the evaluation committee recommends the selection of Keolis as the firm to provide operation and maintenance services for the micro-transit pilot program. Keolis best demonstrated strong relevant experience, ample resources, and submitted a thorough and comprehensive proposal that was responsive to all requirements of the RFP.

#### **Fiscal Impact**

The costs associated with this project to provide micro-transit pilot services will be included in the OCTA Proposed Fiscal Year 2018-19 Budget, Transit Division, Contract Transportation Services, accounts 2149-7317-D2160-N96 and 2149-7317-D2161-N97.

#### **Summary**

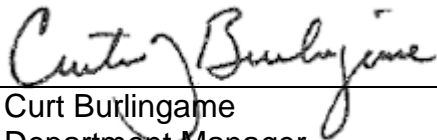
Based on the information provided, staff recommends the Board authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2052 between OCTA and Keolis, in the amount of \$1,150,000, to provide operation and maintenance services for the micro-transit pilot program for a one-year initial term with two, one-year option terms.

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***Attachments***

- A. Review of Proposals, RFP 7-2052 Operation and Maintenance of a Micro-Transit Pilot Program
- B. Proposal Evaluation Criteria Matrix – RFP 7-2052, Operation and Maintenance of a Micro-Transit Pilot Program
- C. Contract History for the Past Two Years, RFP 7-2052, Operation and Maintenance of a Micro-Transit Pilot Program

**Prepared by:**



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Curt Burlingame  
Department Manager  
Contract Transportation Services  
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**Approved by:**



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Beth McCormick  
General Manager, Transit  
714-560-5964



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Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
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**Review of Proposals**  
**RFP 7-2052 Operation and Maintenance of a Micro-Transit Pilot Program**  
Presented to Transit Committee - March 8, 2018  
2 proposals were received, 2 firms were interviewed, 1 firm is being recommended.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Average Revenue Vehicle Hour Rate
1	86.0	Keolis Transit Services, LLC  Los Angeles, California	None	Established international firm with more than 100 years experience in passenger transportation. Currently provides on-demand response taxi service for OCTA's ACCESS paratransit contracted service. Familiar with the project area; currently operates transportation services within the project service areas. Demonstrated clear, organized plan for allocation of staff resources. Proposed project team is experienced and has relevant past experience. Proposed a detailed implementation plan. Both spare vehicles are wheelchair accessible. Proposed installing enhanced safety features on the primary vehicles. Large fleet of backup vehicles for peak hours of service. Excellent references. Proposed lower average revenue vehicle hourly rate.	\$ 52.21
2	75.0	MV Transportation, Inc.  Dallas, Texas	None	Established firm with over 42 years experience in passenger transportation. Currently operates OCTA's ACCESS paratransit contracted service. Familiar with the project area; currently operates transportation services within the project service areas. Proposed installing enhanced safety features on the primary vehicles. Proposed to utilize OCTA's facility dedicated to paratransit service for operation of the micro-transit pilot program. Majority of the proposed project team is currently contractually committed to be fully dedicated to the paratransit services. Resource allocation and work assignments were unclear. No contingency plan in place for continued operation of the micro-transit pilot program should the paratransit services contract not be renewed in 2019. Project Manager has been with the firm approximately four months. References were generally positive. Revenue vehicle hour rate was competitive.	\$ 59.43

**Evaluation Panel:**

Internal:

Contracts Administration and Materials Management (1)  
Contract Transportation Services (1)  
Service Planning and Customer Advocacy (1)  
Financial Planning and Analysis (1)  
Transportation Planning (1)  
Information Systems (1)

**Proposal Criteria**

Qualifications of the Firm  
Staffing and Project Organization  
Work Plan  
Cost and Price

**Weight Factors**

25%  
20%  
30%  
25%

**PROPOSAL EVALUATION CRITERIA MATRIX**  
**RFP 7-2052 Operation and Maintenance of a Micro-Transit Pilot Program**

<b>FIRM: Keolis Transit Services, LLC</b>							<b>Weights</b>	<b>Overall Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	4.5	5	20.4
Staffing/Project Organization	4.0	3.5	3.5	4.0	4.0	4.0	4	15.3
Work Plan	4.0	4.5	4.0	4.5	4.0	4.0	6	25.0
Cost and Price	5.0	5.0	5.0	5.0	5.0	5.0	5	25.0
<b>Overall Score</b>	<b>85.0</b>	<b>86.0</b>	<b>83.0</b>	<b>88.0</b>	<b>85.0</b>	<b>87.5</b>		<b>86</b>

<b>FIRM: MV Transportation, Inc.</b>							<b>Weights</b>	<b>Overall Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	3.5	4.0	4.0	4.0	3.5	4.0	5	19.2
Staffing/Project Organization	3.5	3.0	3.5	3.5	3.0	3.5	4	13.3
Work Plan	3.5	3.5	3.5	3.5	3.5	3.0	6	20.5
Cost and Price	4.39	4.39	4.39	4.39	4.39	4.39	5	22.0
<b>Overall Score</b>	<b>74.5</b>	<b>75.0</b>	<b>77.0</b>	<b>77.0</b>	<b>72.5</b>	<b>74.0</b>		<b>75</b>

**CONTRACT HISTORY FOR THE PAST TWO YEARS**  
**RFP 7-2052 OPERATION AND MAINTENANCE OF A MICRO-TRANSIT PILOT PROGRAM**

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subconsultant Amount	Total Contract Amount
<b>Keolis Transit Services, LLC</b>						
Contract Type: N/A	None	N/A	N/A	N/A	N/A	
Subconsultants: None						
<b>Sub Total</b>						<b>\$0.00</b>
<b>MV Transportation, Inc.</b>						
Contract Type: Time and Expense	C-2-1865	ACCESS Paratransit Services	April 3, 2013	June 30, 2019	N/A	\$ 255,611,570
Subconsultants: Yellow Cab of Greater Orange County						
<b>Sub Total</b>						<b>\$255,611,570</b>



**March 26, 2018**

**To:** Members of the Board of Directors

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

**Subject:** Approval to Release Request for Proposals for Program Management Consultant Services for Regional Rail Programs

### **Overview**

Staff has developed a request for proposals to initiate a competitive procurement process to retain a consultant for program management services for the Orange County Transportation Authority's regional rail programs.

### **Recommendations**

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1512 for the selection of a consultant to provide program management services for regional rail programs.
- B. Approve the release of Request for Proposals 8-1512 for program management consultant services for the Orange County Transportation Authority's regional rail programs.

### **Discussion**

The Orange County Transportation Authority (OCTA) continues to make capital investments in the OCTA-owned rail corridor and other investments to improve passenger rail service in Orange County. Current projects include the design and construction of the Placentia Metrolink Station and parking structure, Anaheim Canyon Station improvements, Fullerton Transportation Center elevators, Control Point 4<sup>th</sup> Street, Orange Transportation Center parking structure, Orange County rail maintenance facility, Laguna Niguel to San Juan Capistrano passing siding, San Juan Creek bridge replacement, slope stabilization, and video surveillance systems. Future planned projects may include track and signal improvements, grade separation, station rehabilitation, and other improvements that will benefit passenger rail service and system safety.



OCTA is seeking a qualified program management consultant (PMC) team to assist in the management and delivery of these projects through various phases, including oversight, planning, environmental clearance, engineering, right-of-way acquisition, and construction activities. OCTA is obligated to deliver these projects consistent with programmed funding and within scope, schedule, and budget. The PMC will provide technical expertise and staff assistance to help manage OCTA's development of capital projects.

Consistent with OCTA's Board of Directors (Board) policy, the procurement will leverage the use of external funding by federalizing the agreement, thereby reducing future use of local funding, where possible.

OCTA has an existing contract for PMC services to support regional rail programs that expires on January 31, 2019, with current funds forecasted to be expended by October 31, 2018. A new agreement is needed to continue these services. The proposed services will be provided for a five-year term, with one, two-year option term.

### ***Procurement Approach***

OCTA's 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 weightings. Staff requests Board approval of the draft RFP, evaluation criteria, and weightings, which will be used to evaluate proposals received in response to the RFP. The following evaluation criteria and weightings will be used to evaluate the proposals received:

- |                                     |            |
|-------------------------------------|------------|
| • Qualifications of the Firm        | 35 percent |
| • Staffing and Project Organization | 40 percent |
| • Work Plan                         | 25 percent |

The evaluation criteria are consistent with criteria used for similar PMC procurements. In developing the criteria weightings, several factors were considered. Staff is proposing to assign the greatest level of importance to the staffing and project organization criterion, as the qualifications of the project manager, subconsultant teams, and the key team members must demonstrate their experience and ability in working with the railroads, as well as local regulatory and environmental agencies. Staff's ability to manage and support a variety of capital programs within OCTA's regional rail programs is critical to a timely project delivery. Likewise, staff assigned a higher level of importance to the qualifications of the firm, which must be knowledgeable in the areas of work identified in the scope of work and be able to support the necessary level of effort over the term of the contract. The work plan is assigned a lower weighting overall as direction will be provided by OCTA. As this is an architectural and

engineering procurement, the price is not an evaluation criterion pursuant to state and federal laws.

Additionally, the selected firm and subconsultants will be precluded from proposing on engineering, technical services, and/or construction related work for projects which the firm and subconsultant would oversee on behalf of OCTA or OCTA's regional rail programs for the term of the contract.

**Fiscal Impact**

The project is included in OCTA's Proposed Fiscal Year 2018-19 Budget, Capital Programs Division, Account 0017-7519-TR212-06P, and is funded with a combination of Measure M2, state, and federal funds.

**Summary**

Board of Directors approval is requested to release Request for Proposals 8-1512 for program management consultant services for the Orange County Transportation Authority's regional rail programs, as well as approval of evaluation criteria and weights.

**Attachment**

- A. Draft Request for Proposals 8-1512, Program Management Consultant Services for Regional Rail Programs

**Prepared by:**



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**Approved by:**



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

**REQUEST FOR PROPOSALS (RFP) 8-1512**

**PROGRAM MANAGEMENT CONSULTANT  
SERVICES FOR REGIONAL RAIL PROGRAMS**



**ORANGE COUNTY TRANSPORTATION AUTHORITY  
550 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584  
(714) 560-6282**

**Key RFP Dates**

<b>Issue Date:</b>	<b>March 26, 2018</b>
<b>Pre-Proposal Conference Date:</b>	<b>April 5, 2018</b>
<b>Question Submittal Date:</b>	<b>April 9, 2018</b>
<b>Proposal Submittal Date:</b>	<b>April 26, 2018</b>
<b>Interview Date:</b>	<b>June 13, 2018</b>

**FEDERAL TRANSIT ADMINISTRATION FUNDED PROJECT**

## **TABLE OF CONTENTS**

<b>SECTION I: INSTRUCTIONS TO OFFERORS .....</b>	<b>1</b>
<b>SECTION II: PROPOSAL CONTENT .....</b>	<b>9</b>
<b>SECTION III: EVALUATION AND AWARD .....</b>	<b>17</b>
<b>EXHIBIT A: SCOPE OF WORK.....</b>	<b>20</b>
<b>EXHIBIT B: PROPOSED AGREEMENT .....</b>	<b>21</b>
<b>EXHIBIT C: CAMPAIGN CONTRIBUTION DISCLOSURE FORM.....</b>	<b>22</b>
<b>EXHIBIT D: STATUS OF PAST AND PRESENT CONTRACTS.....</b>	<b>27</b>
<b>EXHIBIT E: DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND FORMS.....</b>	<b>29</b>
<b>EXHIBIT F: RESTRICTIONS ON LOBBYING.....</b>	<b>47</b>
<b>EXHIBIT G: SAFETY SPECIFICATIONS .....</b>	<b>59</b>
<b>EXHIBIT H: CERTIFICATION OF CONSULTANT, COMMISSIONS &amp; FEES.....</b>	<b>60</b>
<b>EXHIBIT I: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS.....</b>	<b>62</b>





March 26, 2018

**NOTICE OF REQUEST FOR PROPOSALS**

**RFP 8-1512: “PROGRAM MANAGEMENT CONSULTANT SERVICES FOR REGIONAL RAIL PROGRAMS”**

**TO: ALL OFFERORS**

**FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY**

The Orange County Transportation Authority (Authority) invites proposals from qualified consultants to provide program management consultant services for regional rail programs by assisting in the management and delivery of projects through various phases, including oversight, planning, environmental clearance, engineering, right-of-way acquisition and construction management activities.

The Authority has set a 10% Disadvantaged Business Enterprise (DBE) participation goal for this project.

**To prevent potential conflicts of interest the firm, including all subconsultants (at any tier) awarded the contract for this solicitation, will be precluded from participating (at any tier) on engineering, technical services and/or construction-related work for projects which they will be overseeing on behalf of Authority or Authority’s regional rail programs. The Authority will evaluate potential conflicts of interest on a case-by-case basis throughout the term of the agreement.**

**Proposals must be received in the Authority’s office at or before 2:00 p.m. on April 26, 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: Sonja Gettel, 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: Sonja Gettel, 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 8-1512, 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
Professional Consulting	Architectural & Engineering Design Consulting
	Construction Consulting
	Consultant Services - General
	Consultant Services - Transportation Planning
	Environmental Consulting
Professional Services	Architect Services, Professional
	Engineering - Architectural
	Engineering - Civil
	Engineering - Environmental
	Engineering - General
	Engineering - Right of Way
	Engineering - Structural
	Engineering - Traffic
	Engineering Drawings

Environmental - Architectural  
General Construction -  
Architectural  
Impact Studies, Environmental  
Land Surveying

A pre-proposal conference will be held on **April 5, 2018**, at 1:00 p.m. at the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 08. 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 **June 13, 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 **April 5, 2018**, at 1:00 p.m. the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 08. 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:

Sonja Gettel, Senior Contract Administrator  
Contracts Administration and Materials Management Department  
600 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584  
Phone: 714.560.5562, Fax: 714.560.5792  
Email: sgettel@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 E.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 **April 9, 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: [sgettel@octa.net](mailto:sgettel@octa.net)

**3. Authority Responses**

Responses from the Authority will be posted on CAMM NET, no later than **April 16, 2018**. Offerors may download responses from CAMM NET at <https://cammnet.octa.net>, or request responses be sent via U.S. Mail by emailing or faxing the request to Sonja Gettel, 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
Professional Consulting	Architectural & Engineering Design Consulting
	Construction Consulting
	Consultant Services - General
	Consultant Services - Transportation Planning
	Environmental Consulting
Professional Services	Architect Services, Professional
	Engineering - Architectural
	Engineering - Civil
	Engineering - Environmental
	Engineering - General
	Engineering - Right of Way
	Engineering - Structural
	Engineering - Traffic
	Engineering Drawings
	Environmental - Architectural
	General Construction - Architectural
	Impact Studies, Environmental
	Land Surveying

Inquiries received after 5:00 p.m. on April 9, 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 26, 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: Sonja Gettel, 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: Sonja Gettel, Senior Contract Administrator**

**3. Identification of Proposals**

Offeror shall submit an **original and 6 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 time and expense with fully burdened labor rates and anticipated expenses for work specified in the scope of work, included in the RFP as Exhibit A.

**L. 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.

**M. 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., and all applicable Federal requirements respecting prevailing wages. 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.

**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. PRIME AND LOWER TIER DEBARMENT**

Offerors are advised that by signing their proposal, they are certifying that they and their subconsultants are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency.

**P. DISADVANTAGED BUSINESS ENTERPRISE**

The Authority has established a ten percent (10%) Disadvantaged Business Enterprise (DBE) participation goal for the services required in this solicitation.

**Q. PROHIBITION**

To prevent potential conflicts of interest the firm, including all subconsultants (at any tier) awarded the contract for this solicitation, will be precluded from participating (at any tier) on engineering, technical services and/or construction-related work for projects which they will be overseeing on behalf of Authority or Authority's regional rail programs. The Authority will evaluate potential conflicts of interest on a case-by-case basis throughout the term of the agreement.

**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 Sonja Gettel, 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 labor-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 (Exhibit C)**

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 August 27, 2018.

### **2. Status of Past and Present Contracts Form (Exhibit D)**

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. Disadvantaged Business Enterprise Program and Forms (Exhibit E)**

Offeror shall complete Exhibit E-1, Exhibit E-2, and Exhibit E-3 per the instructions set forth in "DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROVISIONS FOR DOT-ASSISTED CONTRACTS."

**4. Restrictions on Lobbying Form (Exhibit F)**

As a recipient of federal funds, the Authority is required to certify compliance with the influencing restrictions and efforts of Offeror to influence federal officials regarding specific procurements in excess of \$100,000 that must be disclosed pursuant to section 1352, Title 31, U.S. Code.

This RFP includes, under Exhibit F, the following: a certification form entitled "Certification of Restrictions on Lobbying," the office of Management and Budget (OMB) Standard Form LLL entitled "Disclosure of Lobbying Activities," and a document entitled "Limitation on Payments to Influence Certain Federal Transactions."

The Offeror to this solicitation will be required to complete and submit to the Authority in their proposal, the certification form entitled "Certification of Restrictions on Lobbying" whether or not any lobbying efforts took place. If the Offeror did engage in lobbying activities, then OMB Standard Form LLL "Disclosure of Lobbying Activities" must also be completed and submitted to the Authority.

**5. Safety Specifications (Exhibit G)**

Offerors shall comply with Safety Specifications Level 1 as included in this RFP as Exhibit G, during the term of the awarded Agreement.

**6. Certification of Consultant, Commissions & Fees (Exhibit H)**

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.

**7. Proposal Exceptions and/or Deviations Form (Exhibit I)**

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.

**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 35%**

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 25%**

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 **June 13, 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 Transit Committee, the Offeror(s) with the highest ranking. The Transit Committee 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 the Authority's Accounting department a current IRS W-9 form prior to commencing work.

**D. 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**

**SCOPE OF WORK**  
**Program Management Consultant Services**  
**for**  
**Regional Rail Programs**

**1.0 BACKGROUND**

Orange County Transportation Authority (Authority) is a member of the Southern California Regional Rail Authority (SCRRA), a joint powers authority with five member agencies representing the counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura. SCRRA operates Southern California's five-county commuter rail system known as Metrolink. Metrolink was formed in 1991 with service beginning on the Orange County Line in 1994 and on the Inland Empire – Orange County Line in 1995. The third line serving Orange County operating via Fullerton is known as the 91/ Perris Valley Line with service beginning in 2002, and extended to Perris Valley in 2016.

The three lines serving Orange County provide a total of 54 weekday trains serving 11 Orange County stations located in Buena Park, Fullerton, Anaheim, Orange, Anaheim Canyon, Santa Ana, Tustin, Irvine, Laguna Niguel/ Mission Viejo, San Juan Capistrano, and San Clemente. A proposed station in Placentia is expected to begin construction in 2018. Total ridership for the three lines serving Orange County is over 40,000 riders per day. Authority owns 47.2 miles of railroad right of way in Orange County, known as the Orange/Olive subdivision, acquired from the Atchison, Topeka, and Santa Fe Railway (now BNSF) through a Purchase and Sale Agreement and shared use agreements with adjacent southern California transportation agencies. Authority's right of way extends from the Orange County border at San Diego to a half-mile before the Fullerton Station (Orange subdivision) and through the City of Orange to Placentia (Olive subdivision).

Orange County's Renewed Measure M2 includes Project R, High Frequency Metrolink Service, which is designed to build upon the successes of Metrolink and complement service expansion made possible through Measure M. Project R calls for infrastructure improvements, station improvements/ increased parking capacity, and other capital projects needed to accommodate expanded Metrolink service.

The Program Management Consultant (Consultant) shall assist Authority's Regional Rail department by providing technical expertise in developing, managing, and overseeing rail infrastructure improvements and station improvements. Technical expertise and oversight shall include but not be limited to the areas of track and signal work, grade crossings improvements, grade separations, station and parking improvements, including passenger amenities and underpasses or overpasses, etc. Consultant may also provide staff support to include but not limited to contract management, document control and project reporting, and project controls/ invoice review.



## **2.0 GENERAL DESCRIPTION OF SERVICES**

Consultant shall function as an extension of Authority's staff and assist Authority's Regional Rail staff by providing specialized expertise as required to effectively implement high frequency Metrolink services and complete all work associated with capital improvements, state of good repair projects, station improvements, and parking expansion through construction. Consultant shall provide extensive document control, technical expertise on an as-needed basis, assistance in the oversight of project implementation, administration and schedule, and project controls. Consultant's support shall include but not be limited to the following:

- Project Management Assistance for Capital Improvements
- Project Study Reports, Environmental Review/ Compliance, Design and Preliminary Engineering for Projects
- Support of Signal, Trackwork, Station Improvements as-needed
- Construction Management for Minor Capital Projects as Directed by the Authority
- Railroad, Member Agency and Other Consultant Coordination
- Utility Coordination
- City Coordination
- Preparation of Independent Cost Estimates/ Financial Plans
- Document Control
- Project Delivery Plans/ Schedule Monitoring
- Administrative Support and Reporting
- Contract Management and Development of Cooperative Agreements and Memorandum of Understanding (MOUs) with cities and Review of Railroad Agreements
- Project Controls/ Invoice Review
- Technical Assistance as-needed

Consultant shall assist Authority's Project Managers and provide specialized technical expertise as-needed. Consultant's area of expertise shall include technical, design, and construction oversight. Consultants shall have knowledge and expertise in the design of stations, parking expansion, track, bridge, rail and traffic signal, grade crossings, grade separation, and other related disciplines. Consultant shall have the knowledge of regional

rail in Orange County and in southern California and regulatory and/or funding requirements from various governing agencies including but not limited to Federal Transit Administration (FTA), Federal Railroad Administration (FRA), California Public Utilities Commission (CPUC), and others coordinating agencies. Consultants shall have knowledge in the requirements governing California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), including various resource permitting agencies to deliver projects. Authority will provide overall management and may contract directly with SCRRA for specialized railroad signal and trackwork.

### **3.0 SCOPE OF SERVICES**

#### **3.1 Project Management Assistance for Capital Improvements**

Consultant shall assist Authority's Regional Rail staff in implementing projects in support of high frequency Metrolink service including:

- Project management activities, collaborative practices, and problem solving.
- Oversee SCRRA and/or other design consultant's and contractor's work.
- Research and summarization as requested.
- On-going project management direction and coordination.
- Write and maintain project management plans.
- Write and maintain construction management plans.
- Write and maintain quality management plans.
- Support in coordination, monitoring, and documentation.
- Support in utilities/ coordination with utility companies.
- Assist in coordination of projects with agencies such as FTA, FRA, Federal Highway Administration (FHWA), CPUC, California Department of Transportation, County of Orange, railroads, and other agencies and stakeholders.
- Maintain and foster relationships with SCRRA, railroads, utility companies, SCRRA Member Agencies, cities, and other consultants.

#### **3.2 Technical Oversight and Support As-needed**

Consultant shall provide technical assistance on an as-needed basis. This work is anticipated to be performed primarily on an as-needed basis but may be performed by Consultant staff as directed by Authority. As necessary, support in technical areas will be

specifically requested and identified by Authority's Project Manager. Activities include, but are not limited to:

### **3.2.1 Technical Oversight**

Assist in the oversight of design and construction of infrastructure projects, station and parking expansion projects including pedestrian grade separated crossings, etc.

- Monitor and oversee SCRRA and other consultant's work, including performing design reviews.
- Assure quality and efficient/ timely completion of all project components.
- Coordinate environmental and design review by other governmental agencies and private companies.

### **3.2.2 Technical Support**

Provide as-needed engineering and technical expertise in all major elements of architecture and engineering (civil, structural, electrical, traffic, mechanical, hydrology, utilities and others) as they pertain to the design of parking structures, station improvements and infrastructure projects.

- Provide expertise in preparing requirements for entry into preliminary engineering and final design, including necessary progress reporting.
- Provide environmental review for projects as necessary for NEPA/ CEQA compliance.
- Prepare Project Study Reports to address purpose and need, and project alternatives.
- Prepare Independent Cost Estimates and financial plans.
- Perform design and preliminary engineering for Authority-led projects.
- Provide expertise to support obtaining various project permits.
- Provide expertise to support project concerns related to biological, historical, paleontological, archeological, contaminated and/or hazardous waste, noise, vibration, and others.
- Establish project delivery plans and monitor adherence to plans.
- Perform construction management for minor capital projects as directed by the Authority.
- Advise Authority staff in technical matters and assist in the resolution of technical issues and problems.
- Provide railroad operations and engineering expertise.

- Perform freight railroad and utility coordination and agreement preparation assistance.
- Provide right of way engineering support.
- Provide risk analysis support.
- Preparation of graphics and visual aids.
- Perform specialized studies as assigned.
- Perform operations simulation and analysis.
- Perform strategic security management planning and design.
- Other technical expertise as needed.

### **3.3 Document Control, Schedule Monitoring, Administrative Support, Contract Management, and Project Controls**

#### **3.3.1 Document Control**

Consultant shall provide day-to-day document control support to Authority's Project Manager as follows:

- Create, manage, and maintain a document control system and database per Authority's procedures. All incoming and outgoing items shall be logged, filed, and distributed. Other document control activities include the logging and storage of archival information, security of controlled documents, and electronic file maintenance.
- Keep accurate records of correspondence, reports, drawings, deliverables, and other project related documents and communications between Authority, SCRRA, cities, other consultants, and stakeholders. Maintain project file documents.

#### **3.3.2 Administration Support and Contract Management**

Consultant shall provide day-to-day administrative support and contract management to Authority's Project Manager as follows:

- Assist in the preparation of reports and correspondence.
- Data processing and preparation of databases, spreadsheets, agendas, meeting reports, and assist in drafting PowerPoint presentations.
- Assist Authority staff in preparing cooperative agreements and MOUs with SCRRA or other agencies, and other consultant agreements, amendments, and scopes of work.
- Support in procurements of other consultants, including assistance with project delivery methods and contract administration.

- Assist in reviewing SCCRA, other consultants, or local agency invoices for compliance with contract or cooperative agreement provisions, including review for accuracy and consistency.
- Assist in administering payments, and other associated general administrative duties as assigned.

### **3.3.3 Project Controls and Schedule Monitoring**

Manage and maintain current cost estimates for each project and evaluate and incorporate cost or project scope changes.

- Provide expertise and state of the art knowledge of information technology practices as related to project controls.
- Assist the Authority's Project Manager with scheduling, budgeting, cost control, change management, quality control, and document control.
- Prepare project status reports.
- Monitor the Quality Assurance/ Quality Control (QA/QC) program established by other consultants and SCRRA, including establishing an overall program standard of quality and monitoring its adherence.
- Assist in establishing and maintaining implementation schedule, and monitor individual project schedules.
- Assist in establishing project budgets and monitoring cost estimating by SCRRA and other consultants. Develop and review cost estimates for capital projects and studies. Monitor and update source of funds for each project. Manage and maintain current cost estimates for each improvement and evaluate any cost or project scope changes.

## **4.0 STAFFING**

### **4.1 Program and Project Management Service**

The Consultant shall assign staff to provide management, technical, and administrative assistance to the Authority on a full time and part time basis.

### **4.2 Level of Effort**

All Consultant staff shall work in an integrated team relationship with Authority's Project Manager, as well as with SCRRA, cities, member agencies, and other consultants.

The level of effort required by the Consultant under this contract is anticipated to be the full time equivalent (FTE) of four persons per year. It is anticipated that a half time project manager shall be required to support the Authority's Project Manager and manage the contract; in addition, a full time documents controls person and a full time project controls person are expected to support the Authority's Project Manager day-to-day. Technical expertise from various engineering disciplines will be required on an as-needed basis



(equivalent to 1 ½ FTE). The level of effort will be re-evaluated periodically to assure that the appropriate level of support is maintained. Authority will have sole discretion in defining and making changes in positions and tasks assigned to Consultant during the term of this Agreement.

#### Estimated Level of Effort

- Project Manager (1/2 FTE)
- Project Controls (1 FTE)
- Document Controls / Contract Management / Administrative Support (1 FTE)
- Technical Support and Oversight (1 ½ FTE)

### 4.3 Key Staff Qualifications

Project Manager: The project manager shall oversee and monitor the development of rail and rail facilities projects. The project manager will develop and monitor project budgets and schedules, review construction cost estimates, monitor compliance with the requirements of funding agencies, and represent the Authority at meetings with other consultants, contractors, other agencies and the public. The project manager should have at least ten years of related experience in management of FTA funded projects, knowledge of FTA / FRA / CPUC rules, regulations, and requirements, and knowledge of the SCRRA regional rail system. The project manager should have a degree in engineering and a professional registration as a Civil Engineer.

Project Controls Specialist: The project controls specialist shall have experience in scheduling and monitoring projects, reviewing and tracking project budgets and costs, cost estimating, analyzing contract changes, and in preparing project status reports. The project controls specialist shall have at least six years of experience in project controls, with a degree in a related area preferred.

Project Administrator/ Document Controls: The project administrator/ document controls position shall have experience performing project support tasks including maintaining contract files, interpreting contract payment terms and methods, reviewing and processing other consultant and contractor invoices, and interfacing with accounting personnel and systems. The project administrator shall have at least five years of related experience.

### 4.4 Location

The Consultant will be provided temporary office space for 3 FTEs at Authority's administration facilities located at 600 S. Main Street, Orange, California 92868.

#### **4.5 On Site Temporary Office Space by Authority**

The Authority will provide on a temporary basis office space, furniture, basic computer hardware and software, telephones, office supplies, and printing services to individuals required to work at the Authority's office in Orange, California.

#### **5.0 DELIVERABLES**

##### **Anticipated Deliverables**

Consultant shall submit deliverables pertinent to tasks assigned by the Authority's Project Manager. It is anticipated that the deliverables may include, but are not limited to:

- Designs/ Other consultant reviews
- Project management plans
- Cost estimates
- Railroad/ utility agreements
- Project status reports
- Procurement and contract management documents
- Document control logs
- Graphics and visuals
- Project delivery plans
- Project schedules
- Risk analysis documentation
- Technical reports and studies
- QA/QC monitoring reports
- Cooperative agreements/ Memorandums of Understanding
- Project closeouts
- Other to be determined

Specific deliverables will be further defined during the term of the Agreement.

**EXHIBIT B: PROPOSED AGREEMENT**

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**PROPOSED AGREEMENT NO. C-8-1512**

**BETWEEN**

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

**AND**

\_\_\_\_\_

**THIS AGREEMENT** is effective as of this \_\_\_\_ day of \_\_\_\_\_, 201\_, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, CA 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), , , , (hereinafter referred to as "CONSULTANT").

**WITNESSETH:**

**WHEREAS**, AUTHORITY requires assistance from CONSULTANT to provide program management consultant services for regional rail programs; and

**WHEREAS**, said work cannot be performed by the regular employees of AUTHORITY; and

**WHEREAS**, CONSULTANT has represented that it has the requisite personnel and experience, and is capable of performing such services; and

**WHEREAS**, CONSULTANT wishes to perform these services; and

**WHEREAS**, the AUTHORITY's Board of Directors authorized this Agreement on\_\_\_\_\_.

**NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CONSULTANT as follows:

**ARTICLE 1. COMPLETE AGREEMENT**

A. This Agreement, including all exhibits and documents incorporated herein and made applicable by reference, constitutes the complete and exclusive statement of the terms and conditions of the agreement between AUTHORITY and CONSULTANT and it supersedes all prior representations, understandings and communications. The invalidity in whole or in part of any term or condition of this Agreement shall not affect the validity of other terms or conditions.

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B. AUTHORITY's failure to insist in any one or more instances upon CONSULTANT's performance of any terms or conditions of this Agreement shall not be construed as a waiver or relinquishment of AUTHORITY's right to such performance or to future performance of such terms or conditions and CONSULTANT's obligation in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not be binding upon AUTHORITY except when specifically confirmed in writing by an authorized representative of AUTHORITY by way of a written amendment to this Agreement and issued in accordance with the provisions of this Agreement.

**ARTICLE 2. AUTHORITY DESIGNEE**

The Chief Executive Officer of AUTHORITY, or designee, shall have the authority to act for and exercise any of the rights of AUTHORITY as set forth in this Agreement.

**ARTICLE 3. SCOPE OF WORK**

A. CONSULTANT shall perform the work necessary to complete in a manner satisfactory to AUTHORITY the services set forth in Exhibit A, entitled "Scope of Work," attached to and, by this reference, incorporated in and made a part of this Agreement. All services shall be provided at the times and places designated by AUTHORITY.

B. CONSULTANT shall provide the personnel listed below to perform the above-specified services, which persons are hereby designated as key personnel under this Agreement.

<b><u>Names</u></b>	<b><u>Functions</u></b>

C. No person named in paragraph B of this Article, or his/her successor approved by AUTHORITY, shall be removed or replaced by CONSULTANT, nor shall his/her agreed-upon function or level of commitment hereunder be changed, without the prior written consent of AUTHORITY.

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1 D. Should the services of any key person become no longer available to CONSULTANT, the  
2 resume and qualifications of the proposed replacement shall be submitted to AUTHORITY for approval  
3 as soon as possible, but in no event later than seven (7) calendar days prior to the departure of the  
4 incumbent key person, unless CONSULTANT is not provided with prior notice by the departing employee.  
5 AUTHORITY shall respond to CONSULTANT within seven (7) calendar days following receipt of these  
6 qualifications concerning acceptance of the candidate for replacement.

7 **ARTICLE 4. TERM OF AGREEMENT**

8 A. This Agreement shall commence upon the effective date of this Agreement, and shall continue  
9 in full force and effect for a term of five (5) years through \_\_\_\_\_, unless earlier terminated or  
10 extended as provided in this Agreement.

11 B. AUTHORITY, at its sole discretion, may elect to extend the term of this Agreement up to an  
12 additional twenty-four (24) months, commencing \_\_\_\_\_ and continuing through  
13 \_\_\_\_\_, ("Option Term"), and thereupon require CONSULTANT to continue to provide  
14 services, and otherwise perform, in accordance with Exhibit A, entitled "Scope of Work", and Exhibit B,  
15 entitled "Schedule of Fees."

16 C. AUTHORITY's election to extend the Agreement beyond the Initial Term shall not diminish its  
17 right to terminate the Agreement for AUTHORITY's convenience or CONSULTANT's default as provided  
18 elsewhere in this Agreement. The "maximum term" of this Agreement shall be the period extending from  
19 commencement through \_\_\_\_\_, which period encompasses the Initial Term and Option Term.

20 **ARTICLE 5. PAYMENT**

21 A. For CONSULTANT's full and complete performance of its obligations under this Agreement and subject  
22 to the maximum cumulative payment obligation provisions set forth in Article 7, AUTHORITY shall pay  
23 CONSULTANT on a time and expense basis in accordance with the following provisions.

24 B. CONSULTANT shall invoice AUTHORITY on a monthly basis for payments corresponding to  
25 the work actually completed by CONSULTANT. Work completed shall be documented in a monthly  
26 progress report prepared by CONSULTANT, which shall accompany each invoice submitted by

1 CONSULTANT. AUTHORITY shall pay CONSULTANT at the hourly labor rates specified in Exhibit B,  
2 entitled "Price Summary Sheet," which is attached to and by this reference, incorporated in and made a  
3 part of this Agreement. These rates shall remain fixed for the term of this Agreement and are  
4 acknowledged to include CONSULTANT's overhead costs, general costs, administrative costs and profit.  
5 CONSULTANT shall also furnish such other information as may be requested by AUTHORITY to  
6 substantiate the validity of an invoice. At its sole discretion, AUTHORITY may decline to make full  
7 payment until such time as CONSULTANT has documented to AUTHORITY'S satisfaction, that  
8 CONSULTANT has fully completed all work required. AUTHORITY's payment in full shall constitute  
9 AUTHORITY's final acceptance of CONSULTANT'S work.

10 C. As partial security against CONSULTANT's failure to satisfactorily fulfill all of its obligations  
11 under this Agreement, AUTHORITY shall retain ten percent (10%) of the amount of each invoice  
12 submitted for payment by CONSULTANT. All retained funds shall be released by AUTHORITY and shall  
13 be paid to CONSULTANT within sixty (60) calendar days of payment of final invoice, unless AUTHORITY  
14 elects to audit CONSULTANT's records in accordance with Article 16 of this Agreement. If AUTHORITY  
15 elects to audit, retained funds shall be paid to CONSULTANT within thirty (30) calendar days of  
16 completion of such audit in an amount reflecting any adjustment required by such audit. During the term  
17 of the Agreement, at its sole discretion, AUTHORITY reserves the right to release all or a portion of the  
18 retained amount based on CONSULTANT'S satisfactory completion of certain milestones.  
19 CONSULTANT shall invoice AUTHORITY for the release of the retention in accordance with  
20 ARTICLE 5.

21 D. Invoices shall be submitted by CONSULTANT on a monthly basis and shall be submitted in  
22 duplicate to AUTHORITY's Accounts Payable office. CONSULTANT may also submit invoices  
23 electronically to AUTHORITY's Accounts Payable Department at [vendorinvoices@octa.net](mailto:vendorinvoices@octa.net). Each invoice  
24 shall be accompanied by the monthly progress report specified in paragraph B of this Article.  
25 AUTHORITY shall remit payment within thirty (30) calendar days of the receipt and approval of each  
26 invoice. Each invoice shall include the following information:

1. Agreement No. C-8-1512;
2. Specify the effort for which the payment is being requested;
3. The time period covered by the invoice;
4. Labor (staff name, hours charged, hourly billing rate, current charges, and cumulative charges) performed during the billing period;
5. Total monthly invoice (including project-to-date cumulative invoice amount); and retention;
6. Itemized expenses including support documentation incurred during the billing period;
7. Monthly Progress Report;
8. Weekly certified payroll for personnel subject to prevailing wage requirements, if applicable;
9. Certification signed by the CONSULTANT or his/her designated alternate that a) The invoice is a true, complete and correct statement of reimbursable costs and progress; b) The backup information included with the invoice is true, complete and correct in all material respects; c) All payments due and owing to subcontractors and suppliers have been made; d) Timely payments will be made to subcontractors and suppliers from the proceeds of the payments covered by the certification and; e) The invoice does not include any amount which CONSULTANT intends to withhold or retain from a subcontractor or supplier unless so identified on the invoice.
10. Any other information as agreed or requested by AUTHORITY to substantiate the validity of an invoice.

**ARTICLE 6. PROMPT PAYMENT CLAUSE**

A. CONSULTANT agrees to pay each subcontractor for the satisfactory work performed under this Agreement, no later than seven (7) calendar days from the receipt of each payment CONSULTANT receives from AUTHORITY. CONSULTANT agrees further to return retainage payments to each subcontractor within thirty (30) calendar days after the subcontractor's work is satisfactorily completed. AUTHORITY reserves the right to request the appropriate documentation from CONSULTANT showing

1 payment has been made to the subcontractors. Any delay or postponement of payment from the above  
2 referenced time frames may occur only for good cause following written approval by AUTHORITY.

3 B. Failure to comply with this provision or delay in payment without prior written approval from  
4 AUTHORITY will constitute noncompliance, which may result in appropriate administrative sanctions,  
5 including, but not limited to a penalty of two percent (2%) of the invoice amount due per month for every  
6 month that payment is not made.

7 C. These prompt payment provisions must be incorporated in all subcontract agreements issued  
8 by CONSULTANT under this Agreement.

9 **ARTICLE 7. MAXIMUM OBLIGATION**

10 Notwithstanding any provisions of this Agreement to the contrary, AUTHORITY and  
11 CONSULTANT mutually agree that AUTHORITY's maximum cumulative payment obligation (including  
12 obligation for CONSULTANT's profit) shall be \_\_\_\_\_ Dollars (\$ \_\_\_\_\_.00) which shall include all amounts  
13 payable to CONSULTANT for its subcontracts, leases, materials and costs arising from, or due to  
14 termination of, this Agreement.

15 **ARTICLE 8. NOTICES**

16 All notices hereunder and communications regarding the interpretation of the terms of this  
17 Agreement, or changes thereto, shall be effected by delivery of said notices in person or by depositing  
18 said notices in the U.S. mail, registered or certified mail, returned receipt requested, postage prepaid and  
19 addressed as follows:

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To CONSULTANT:

To AUTHORITY:

Orange County Transportation Authority

550 South Main Street

P.O. Box 14184

Orange, CA 92863-1584

ATTENTION:

ATTENTION: Sonja Gettel

Senior Contract Administrator

Phone:

Phone: (714) 560-5562

Email:

Email: sgettel@octa.net

cc: Jason Lee

Title: Project Manager

Tel: (714) 560-5833

Email: jlee1@octa.net

**ARTICLE 9. INDEPENDENT CONTRACTOR**

CONSULTANT's relationship to AUTHORITY in the performance of this Agreement is that of an independent contractor. CONSULTANT's personnel performing services under this Agreement shall at all times be under CONSULTANT's exclusive direction and control and shall be employees of CONSULTANT and not employees of AUTHORITY. CONSULTANT shall pay all wages, salaries and other amounts due its employees in connection with this Agreement and shall be responsible for all reports and obligations respecting them, such as social security, income tax withholding, unemployment compensation, workers' compensation and similar matters.

**ARTICLE 10. INSURANCE**

A. CONSULTANT shall procure and maintain insurance coverage during the entire term of this Agreement. Coverage shall be full coverage and not subject to self-insurance provisions. CONSULTANT shall provide the following insurance coverage:

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1           1. Commercial General Liability, to include Products/Completed Operations,  
2 Independent Contractors', Contractual Liability, and Personal Injury, and Property Damage with a  
3 minimum limit of \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate;

4           2. Automobile Liability to include owned, hired and non-owned autos with a combined  
5 single limit of \$1,000,000.00 each accident;

6           3. Workers' Compensation with limits as required by the State of California including a  
7 waiver of subrogation in favor of AUTHORITY, its officers, directors, employees and agents;

8           4. Employers' Liability with minimum limits of \$1,000,000.00; and

9           5. Professional Liability with minimum limits of \$1,000,000.00 per claim.

10          B. Proof of such coverage, in the form of an insurance company issued policy endorsement and  
11 a broker-issued insurance certificate, must be received by AUTHORITY prior to commencement of any  
12 work. Proof of insurance coverage must be received by AUTHORITY within ten (10) calendar days from  
13 the effective date of this Agreement with the AUTHORITY, its officers, directors, employees and agents  
14 designated as additional insured on the general and automobile liability. Such insurance shall be primary  
15 and non-contributive to any insurance or self-insurance maintained by AUTHORITY. Furthermore,  
16 AUTHORITY reserves the right to request certified copies of all related insurance policies.

17          C. CONSULTANT shall include on the face of the Certificate of Insurance the Agreement  
18 Number; and, the Contract Administrator's Name, Sonja Gettel.

19          D. CONSULTANT shall also include in each subcontract the stipulation that subcontractors shall  
20 maintain insurance coverage in the amounts required from CONSULTANT as provided in this Agreement.

21          E. CONSULTANT shall be required to immediately notify AUTHORITY of any modifications or  
22 cancellation of any required insurance policies.

23           **ARTICLE 11. ORDER OF PRECEDENCE**

24           Conflicting provisions hereof, if any, shall prevail in the following descending order of precedence:  
25 (1) the provisions of this Agreement, including all exhibits; (2) the provisions of RFP 8-1512, (3)  
26 CONSULTANT's technical proposal dated\_\_\_\_\_, Consultant's cost proposal dated\_\_\_\_\_, and

1 Consultant's final cost proposal dated\_\_\_\_\_; and (4) all other documents, if any, cited herein or  
2 incorporated by reference.

3 **ARTICLE 12. CHANGES**

4 By written notice or order, AUTHORITY may, from time to time, order work suspension and/or  
5 make changes in the general scope of this Agreement, including, but not limited to, the services furnished  
6 to AUTHORITY by CONSULTANT as described in the Scope of Work. If any such work suspension or  
7 change causes an increase or decrease in the price of this Agreement or in the time required for its  
8 performance, CONSULTANT shall promptly notify AUTHORITY thereof and assert its claim for  
9 adjustment within ten (10) calendar days after the change or work suspension is ordered, and an  
10 equitable adjustment shall be negotiated. However, nothing in this clause shall excuse CONSULTANT  
11 from proceeding immediately with the Agreement as changed.

12 **ARTICLE 13. DISPUTES**

13 A. Except as otherwise provided in this Agreement, any dispute concerning a question of fact  
14 arising under this Agreement which is not disposed of by supplemental agreement shall be decided by  
15 AUTHORITY's Director, Contracts Administration and Materials Management (Camm), who shall reduce  
16 the decision to writing and mail or otherwise furnish a copy thereof to CONSULTANT. The decision of  
17 the Director, Camm, shall be final and conclusive.

18 B. Pending final decision of a dispute hereunder, CONSULTANT shall proceed diligently with  
19 the performance of this Agreement and in accordance with the decision of AUTHORITY's Director,  
20 Camm. This Disputes clause does not preclude consideration of questions of law in connection with  
21 decisions provided for above. Nothing in this Agreement, however, shall be construed as making final  
22 the decision of any AUTHORITY official or representative on a question of law, which questions shall be  
23 settled in accordance with the laws of the State of California.

24 **ARTICLE 14. TERMINATION**

25 A. AUTHORITY may terminate this Agreement for its convenience at any time, in whole or part,  
26 by giving CONSULTANT written notice thereof. Upon termination, AUTHORITY shall pay

1 CONSULTANT its allowable costs incurred to date of that portion terminated. Said termination shall be  
2 construed in accordance with the provisions of CFR Title 48, Chapter 1, Part 49, of the Federal Acquisition  
3 Regulation (FAR) and specific subparts and other provisions thereof applicable to termination for  
4 convenience. If AUTHORITY sees fit to terminate this Agreement for convenience, said notice shall be  
5 given to CONSULTANT in accordance with the provisions of the FAR referenced above and ARTICLE  
6 8, herein. Upon receipt of said notification, CONSULTANT agrees to comply with all applicable provisions  
7 of the FAR pertaining to termination for convenience.

8 B. In the event either Party defaults in the performance of any of their obligations under this  
9 Agreement or breaches any of the provisions of this Agreement, the non-defaulting Party shall have the  
10 option to terminate this Agreement upon thirty (30) days' prior written notice to the other Party. Upon  
11 receipt of such notice, CONSULTANT shall immediately cease work, unless the notice from AUTHORITY  
12 provides otherwise. Upon receipt of the notice from AUTHORITY, CONSULTANT shall submit an invoice  
13 for work and/or services performed prior to the date of termination. AUTHORITY shall pay  
14 CONSULTANT for work and/or services satisfactorily provided up to the date of termination in compliance  
15 with this Agreement. Thereafter, CONSULTANT shall have no further claims against AUTHORITY under  
16 this Agreement. AUTHORITY shall not be liable for any claim of lost profits or damages for such  
17 termination.

18 **ARTICLE 15. INDEMNIFICATION**

19 CONSULTANT shall indemnify, defend and hold harmless AUTHORITY, its officers, directors,  
20 employees and agents from and against any and all claims (including attorneys' fees and reasonable  
21 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage to  
22 or loss of use of property caused by the negligent acts, omissions or willful misconduct by CONSULTANT,  
23 its officers, directors, employees, agents, subcontractors or suppliers in connection with or arising out of  
24 the performance of this Agreement.

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**ARTICLE 16. ASSIGNMENTS AND SUBCONTRACTS**

A. Neither this Agreement nor any interest herein nor claim hereunder may be assigned by CONSULTANT either voluntarily or by operation of law, nor may all or any part of this Agreement be subcontracted by CONSULTANT, without the prior written consent of AUTHORITY. Consent by AUTHORITY shall not be deemed to relieve CONSULTANT of its obligations to comply fully with all terms and conditions of this Agreement.

B. AUTHORITY hereby consents to CONSULTANT's subcontracting portions of the Scope of Work to the parties identified below for the functions described below. CONSULTANT shall include in the subcontract agreement the stipulation that CONSULTANT, not AUTHORITY, is solely responsible for payment to the subcontractor for the amounts owing and that the subcontractor shall have no claim, and shall take no action, against AUTHORITY, its officers, directors, employees or sureties for nonpayment by CONSULTANT.

<b><u>Subcontractor Name/Addresses</u></b>	<b><u>Function</u></b>

**ARTICLE 17. ACCESS TO RECORDS AND REPORTS**

CONSULTANT shall provide AUTHORITY, the U.S. Department of Transportation (DOT), the Comptroller General of the United States, or other agents of AUTHORITY, such access to CONSULTANT's accounting books, records, payroll documents and facilities of the CONSULTANT which are directly pertinent to this Agreement for the purposes of examining, auditing and inspecting all accounting books, records, work data, documents and activities related hereto. CONSULTANT shall maintain such books, records; data and documents in accordance with generally accepted accounting principles and shall clearly identify and make such items readily accessible to such parties during CONSULTANT's performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY. AUTHORITY's right to audit books and records directly related to this Agreement shall also extend to all first-tier subcontractors identified in ARTICLE 16 of this Agreement. CONSULTANT

1 shall permit any of the foregoing parties to reproduce documents by any means whatsoever or to copy  
2 excerpts and transcriptions as reasonably necessary.

3 **ARTICLE 18. CONFLICT OF INTEREST**

4 CONSULTANT agrees to avoid organizational conflicts of interest. An organizational conflict  
5 of interest means that due to other activities, relationships or contracts, the CONSULTANT is unable,  
6 or potentially unable to render impartial assistance or advice to the Authority; CONSULTANT's  
7 objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or  
8 the CONSULTANT has an unfair competitive advantage. CONSULTANT is obligated to fully disclose  
9 to the AUTHORITY in writing Conflict of Interest issues as soon as they are known to the  
10 CONSULTANT. CONSULTANT is obligated to fully disclose to the AUTHORITY in writing Conflict of  
11 Interest issues as soon as they are known to the CONSULTANT. All disclosures must be submitted  
12 in writing to AUTHORITY pursuant to the Notice provision herein. This disclosure requirement is for  
13 the entire term of this Agreement.

14 **ARTICLE 19. CODE OF CONDUCT**

15 CONSULTANT agrees to comply with the AUTHORITY's Code of Conduct as it relates to  
16 Third-Party contracts, which is hereby referenced and by this reference is incorporated herein.  
17 CONSULTANT agrees to include these requirements in all of its subcontracts.

18 **ARTICLE 20. PROHIBITION ON PROVIDING ADVOCACY SERVICES**

19 CONSULTANT and all subconsultants performing work under this Agreement, shall be  
20 prohibited from concurrently representing or lobbying for any other party competing for a contract with  
21 AUTHORITY, either as a prime consultant or subconsultant. Failure to refrain from such  
22 representation may result in termination of this Agreement.

23 **ARTICLE 21. FEDERAL, STATE AND LOCAL LAWS**

24 CONSULTANT warrants that in the performance of this Agreement, it shall comply with all  
25 applicable federal, state and local laws, statutes and ordinances and all lawful orders, rules and  
26 regulations promulgated thereunder.



1                   **ARTICLE 22. EQUAL EMPLOYMENT OPPORTUNITY**

2                   In connection with its performance under this Agreement, CONSULTANT shall not discriminate  
3                   against any employee or applicant for employment because of race, religion, color, sex, age or national  
4                   origin. CONSULTANT shall take affirmative action to ensure that applicants are employed, and that  
5                   employees are treated during their employment, without regard to their race, religion, color, sex, age or  
6                   national origin. Such actions shall include, but not be limited to, the following: employment, upgrading,  
7                   demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other  
8                   forms of compensation; and selection for training, including apprenticeship.

9                   **ARTICLE 23. CIVIL RIGHTS ASSURANCE**

10                  During the performance of this Agreement, CONSULTANT, for itself, its assignees and  
11                  successors in interest agree as follows:

12                  A. Compliance with Regulations: CONSULTANT shall comply with the Regulations relative to  
13                  nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT")  
14                  Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter  
15                  referred to as the Regulations), which are herein incorporated by reference and made a part of this  
16                  Agreement.

17                  B. Nondiscrimination: CONSULTANT, with regard to the work performed by it during the  
18                  Agreement, shall not discriminate on the grounds of race, color, or national origin in the selection and  
19                  retention of subcontractors, including procurements of materials and leases of equipment. The  
20                  CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section  
21                  21.5 of the Regulations, including employment practices when the Agreement covers a program set forth  
22                  in Appendix B of the Regulations.

23                  C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all  
24                  solicitations either by competitive bidding or negotiation made by the CONSULTANT for work to be  
25                  performed under a subcontract, including procurements of materials or leases of equipment, each  
26                  potential subcontractor or supplier shall be notified by the CONSULTANT of the CONSULTANT's

1 obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of  
2 race, color, or national origin.

3 D. Information and Reports: CONSULTANT shall provide all information and reports required  
4 by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records,  
5 accounts, other sources of information and its facilities as may be determined by the AUTHORITY to be  
6 pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information  
7 required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this  
8 information the CONSULTANT shall so certify to the AUTHORITY as appropriate, and shall set forth what  
9 efforts it has made to obtain the information.

10 E. Sanctions for Noncompliance: In the event of the CONSULTANT's noncompliance with  
11 nondiscrimination provisions of this Agreement, the AUTHORITY shall impose Agreement sanctions as  
12 it may determine to be appropriate, including, but not limited to:

13 6. Withholding of payments to the CONSULTANT under the Agreement until the  
14 CONSULTANT complies; and/or

15 7. Cancellation, termination, or suspension of the Agreement, in whole or in part.

16 F. Title VI of the Civil Rights Act: In determining the types of property or services to acquire, no  
17 person in the United States shall, on the grounds of race, color, or national origin, be excluded from  
18 participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program  
19 or activity receiving Federal financial assistance in violation of Title VI of the Civil Rights Act of 1964, as  
20 amended, 42 U.S.C. Sections 2000d et seq. and DOT regulations, "Nondiscrimination in Federally  
21 Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of  
22 1964," 49 CFR Part 21. In addition, FTA Circular 4702.1, "Title VI and Title VI-Dependent Guidelines for  
23 FTA Recipients," 05-13-07, provides FTA guidance and instructions for implementing DOT's Title  
24 VI regulations.

25 G. The Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. Sections 12101  
26 et seq., prohibits discrimination against qualified individuals with disabilities in all programs, activities, and

1 services of public entities, as well as imposes specific requirements on public and private providers of  
2 transportation.

3 H. Incorporation of Provisions: CONSULTANT shall include the provisions of paragraphs (A)  
4 through (H) in every subcontract, including procurements of materials and leases of equipment, unless  
5 exempt by the Regulations, or directives issued pursuant thereto. The CONSULTANT shall take such  
6 action with respect to any subcontract or procurement as the AUTHORITY may direct as a means of  
7 enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a  
8 CONSULTANT becomes involved in, or is threatened with, litigation with a subcontractor or supplier as  
9 a result of such direction, the CONSULTANT may request the AUTHORITY to enter into such litigation  
10 to protect the interests of the AUTHORITY, and, in addition, the CONSULTANT may request the United  
11 States to enter into such litigation to protect the interests of the United States.

12 **ARTICLE 24. RACE-CONSCIOUS DBE CONTRACT PROVISIONS FOR DOT-ASSISTED**  
13 **CONSULTANT CONTRACTS**

14 At the time of contract execution, the CONSULTANT committed to utilize DBE(s) in the  
15 performance of this DOT-assisted contract, and further agrees to ensure that DBE subcontractors listed  
16 on the "DBE Participation Commitment Form Exhibit E-1," perform work and/or supply materials in  
17 accordance with original commitments, unless otherwise directed and/or approved by the AUTHORITY  
18 prior to the CONSULTANT effectuating any changes to its race-conscious DBE participation  
19 commitment(s). CONSULTANT shall comply with all the requirements set forth in Attachment "A" titled,  
20 "DBE CONTRACT PROVISIONS FOR FTA-ASSISTED CONTRACTS WITH DISADVANTAGED  
21 BUSINESS ENTERPRISE (DBE) GOALS", which is attached to and, by this reference, incorporated in  
22 and made a part of this Agreement.

23 **ARTICLE 25. PROHIBITED INTERESTS**

24 A. CONSULTANT covenants that, for the term of this Agreement, no director, member, officer  
25 or employee of AUTHORITY during his/her tenure in office or for one (1) year thereafter, shall have any  
26 interest, direct or indirect, in this Agreement or the proceeds thereof.

1 B. No member of or delegate to, the Congress of the United States shall have any interest, direct  
2 or indirect, in this Agreement or to the benefits thereof.

3 **ARTICLE 26. OWNERSHIP OF REPORTS AND DOCUMENTS**

4 A. The originals of all letters, documents, reports and other products and data produced under  
5 this Agreement shall be delivered to, and become the property of AUTHORITY. Copies may be made  
6 for CONSULTANT's records but shall not be furnished to others without written authorization from  
7 AUTHORITY. Such deliverables shall be deemed works made for hire and all rights in copyright therein  
8 shall be retained by AUTHORITY.

9 B. All ideas, memoranda, specifications, plans, manufacturing, procedures, drawings,  
10 descriptions, and all other written information submitted to CONSULTANT in connection with the  
11 performance of this Agreement shall not, without prior written approval of AUTHORITY, be used for any  
12 purposes other than the performance under this Agreement, nor be disclosed to an entity not connected  
13 with the performance of the project. CONSULTANT shall comply with AUTHORITY's policies regarding  
14 such material. Nothing furnished to CONSULTANT, which is otherwise known to CONSULTANT or is or  
15 becomes generally known to the related industry shall be deemed confidential. CONSULTANT shall not  
16 use AUTHORITY's name, photographs of the project, or any other publicity pertaining to the project in  
17 any professional publication, magazine, trade paper, newspaper, seminar or other medium without the  
18 express written consent of AUTHORITY.

19 C. No copies, sketches, computer graphics or graphs, including graphic artwork, are to be  
20 released by CONSULTANT to any other person or agency except after prior written approval by  
21 AUTHORITY, except as necessary for the performance of services under this Agreement. All press  
22 releases, including graphic display information to be published in newspapers, magazines, etc., are to be  
23 handled only by AUTHORITY unless otherwise agreed to by CONSULTANT and AUTHORITY.

24 **ARTICLE 27. PATENT AND COPYRIGHT INFRINGEMENT**

25 A. In lieu of any other warranty by AUTHORITY or CONSULTANT against patent or copyright  
26 infringement, statutory or otherwise, it is agreed that CONSULTANT shall defend at its expense any claim

or suit against AUTHORITY on account of any allegation that any item furnished under this Agreement or the normal use or sale thereof arising out of the performance of this Agreement, infringes upon any presently existing U.S. letters patent or copyright and CONSULTANT shall pay all costs and damages finally awarded in any such suit or claim, provided that CONSULTANT is promptly notified in writing of the suit or claim and given authority, information and assistance at CONSULTANT's expense for the defense of same. However, CONSULTANT will not indemnify AUTHORITY if the suit or claim results from: (1) AUTHORITY's alteration of a deliverable, such that said deliverable in its altered form infringes upon any presently existing U.S. letters patent or copyright; or (2) the use of a deliverable in combination with other material not provided by CONSULTANT when such use in combination infringes upon an existing U.S. letters patent or copyright.

B. CONSULTANT shall have sole control of the defense of any such claim or suit and all negotiations for settlement thereof. CONSULTANT shall not be obligated to indemnify AUTHORITY under any settlement made without CONSULTANT's consent or in the event AUTHORITY fails to cooperate fully in the defense of any suit or claim, provided, however, that said defense shall be at CONSULTANT's expense. If the use or sale of said item is enjoined as a result of such suit or claim, CONSULTANT, at no expense to AUTHORITY, shall obtain for AUTHORITY the right to use and sell said item, or shall substitute an equivalent item acceptable to AUTHORITY and extend this patent and copyright indemnity thereto.

#### **ARTICLE 28. FINISHED AND PRELIMINARY DATA**

A. All of CONSULTANT's finished technical data, including but not limited to illustrations, photographs, tapes, software, software design documents, including without limitation source code, binary code, all media, technical documentation and user documentation, photo prints and other graphic information required to be furnished under this Agreement, shall be AUTHORITY's property upon payment and shall be furnished with unlimited rights and, as such, shall be free from proprietary restriction except as elsewhere authorized in this Agreement. CONSULTANT further agrees that it shall have no

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1 interest or claim to such finished, AUTHORITY-owned, technical data; furthermore, said data is subject  
2 to the provisions of the Freedom of Information Act, 5 USC 552.

3 B. It is expressly understood that any title to preliminary technical data is not passed to  
4 AUTHORITY but is retained by CONSULTANT. Preliminary data includes roughs, visualizations,  
5 software design documents, layouts and comprehensives prepared by CONSULTANT solely for the  
6 purpose of demonstrating an idea or message for AUTHORITY's acceptance before approval is given  
7 for preparation of finished artwork. Preliminary data title and right thereto shall be made available to  
8 AUTHORITY if CONSULTANT causes AUTHORITY to exercise ARTICLE 12, and a price shall be  
9 negotiated for all preliminary data.

10 **ARTICLE 29. DESIGN WITHIN FUNDING LIMITATIONS**

11 A. In order to ensure the accuracy of the construction budget for the benefit of the public works  
12 bidders and AUTHORITY's budget process, CONSULTANT shall accomplish the design services  
13 required under this Agreement so as to permit the award of a contract, for the construction of the facilities  
14 designed at a price that does not exceed the estimated construction contract price as set forth by  
15 AUTHORITY. When bids or proposals for the construction contract are received that exceed the  
16 estimated price, CONSULTANT shall perform such redesign and other services as are necessary to  
17 permit contract award within the funding limitation. These additional services shall be performed at no  
18 increase in the price for which the services were specified. However, CONSULTANT shall not be required  
19 to perform such additional services at no cost to AUTHORITY if the unfavorable bids or proposals are the  
20 result of conditions beyond its reasonable control.

21 B. CONSULTANT will promptly advise AUTHORITY if it finds that the project being designed will  
22 exceed or is likely to exceed the funding limitations and it is unable to design a usable facility within these  
23 limitations. Upon receipt of such information, AUTHORITY will review CONSULTANT's revised estimate  
24 of construction cost. AUTHORITY may, if it determines that the estimated construction contract price is  
25 so low that award of a construction contract not in excess of such estimate is improbable, authorize a  
26 change in scope or materials as required to reduce the estimated construction cost to an amount within

1 the estimated construction contract price set forth by AUTHORITY, or AUTHORITY may adjust such  
2 estimated construction contract price. When bids or proposals are not solicited or are unreasonably  
3 delayed, AUTHORITY shall prepare an estimate of constructing the design submitted and such estimate  
4 shall be used in lieu of bids or proposals to determine compliance within the funding limitation.

5 **ARTICLE 30. REQUIREMENTS FOR REGISTRATION OF DESIGNERS**

6 All design and engineering work furnished by CONSULTANT shall be performed by or under the  
7 supervision of persons licensed to practice architecture, engineering or surveying (as applicable) in the  
8 State of California, by personnel who are careful, skilled, experienced and competent in their respective  
9 trades or professions, who are professionally qualified to perform the work in accordance with the contract  
10 documents and who shall assume professional responsibility for the accuracy and completeness of the  
11 design documents and construction documents prepared or checked by them.

12 **ARTICLE 31. COVENANT AGAINST CONTINGENT FEES**

13 CONSULTANT warrants that he/she has not employed or retained any company or person, other  
14 than a bona fide employee working for the consultant; to solicit or secure this Agreement; and that he/she  
15 has not paid or agreed to pay any company or person other than a bona fide employee, any fee,  
16 commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from  
17 the award, or formation of this Agreement. For breach or violation of this warranty, the AUTHORITY shall  
18 have the right to annul this Agreement without liability, or at its discretion; to deduct from the Agreement  
19 price or consideration, or otherwise recover the full amount of such fee, commission, percentage,  
20 brokerage fee, gift, or contingent fee.

21 **ARTICLE 32. LOBBYING**

22 CONSULTANTS who apply or bid for an award of \$100,000 or more shall file the certification  
23 required by 49 CFR part 20, "New Restrictions on Lobbying". Each tier certifies to the above that it will  
24 not or has not used Federal appropriated funds to pay any person or organization for influencing or  
25 attempting to influence an officer or employee of any agency, a member of Congress, officer or employee  
26 of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract,

1 grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any  
2 registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on  
3 its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31  
4 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

5 **ARTICLE 33. HEALTH AND SAFETY REQUIREMENTS**

6 CONSULTANT shall comply with all the requirements set forth in Exhibit G, titled "Level 1  
7 SAFETY SPECIFICATIONS." As used therein, "Contractor" shall mean "Consultant," and "Subcontractor"  
8 shall mean "Sub-consultant."

9 **ARTICLE 34. CONTRACTOR PURCHASED EQUIPMENT**

10 A. If during the course of this Agreement, additional equipment is required, which will be paid for  
11 by the AUTHORITY, CONSULTANT must request prior written authorization from the AUTHORITY's  
12 project manager before making any purchase. As part of this purchase request, CONSULTANT shall  
13 provide a justification for the necessity of the equipment or supply and submit copies of three (3)  
14 competitive quotations. If competitive quotations are not obtained, CONSULTANT must provide the  
15 justification for the sole source.

16 B. CONSULTANT shall maintain an inventory record for each piece of equipment purchased  
17 that will be paid for by the AUTHORITY. The inventory record shall include the date acquired, total cost,  
18 serial number, model identification, and any other information or description necessary to identify said  
19 equipment or supply. A copy of the inventory record shall be submitted to the AUTHORITY upon request.

20 C. At the expiration or termination of this Agreement, CONSULTANT may keep the equipment  
21 and credit AUTHORITY in an amount equal to its fair market value. Fair market value shall be determined,  
22 at CONSULTANT's expense, on the basis of an independent appraisal. CONSULTANT may sell the  
23 equipment at the best price obtainable and credit AUTHORITY in an amount equal to the sales price. If  
24 the equipment is to be sold, then the terms and conditions of the sale must be approved in advance by  
25 AUTHORITY's project manager.

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1 D. Any subconsultant agreement entered into as a result of this Agreement shall contain all  
2 provisions of this clause.

3 **ARTICLE 35. PRIVACY ACT**

4 CONSULTANT shall comply with, and assures the compliance of its employees with, the  
5 information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. §552a.  
6 Among other things, CONSULTANT agrees to obtain the express consent of the Federal Government  
7 before the CONSULTANT or its employees operate a system of records on behalf of the Federal  
8 Government. CONSULTANT understands that the requirements of the Privacy Act, including the civil  
9 and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to  
10 comply with the terms of the Privacy Act may result in termination of the underlying Agreement.

11 **ARTICLE 36. INCORPORATION OF FTA TERMS**

12 All contractual provisions required by Department of Transportation (DOT), whether or not  
13 expressly set forth in this document, as set forth in Federal Transit Administration (FTA) Circular 4220.1F,  
14 as amended, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all  
15 FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained  
16 in this Agreement. CONSULTANT shall not perform any act, fail to perform any act, or refuse to comply  
17 with any requests, which would cause AUTHORITY to be in violation of the FTA terms and conditions.

18 **ARTICLE 37. FEDERAL CHANGES**

19 CONSULTANT shall at all times comply with all applicable FTA regulations, policies, procedures  
20 and directives, including without limitation those listed directly or by reference in the agreement between  
21 the AUTHORITY and FTA, as they may be amended or promulgated from time to time during this  
22 Agreement. CONSULTANT's failure to comply shall constitute a material breach of contract.

23 **ARTICLE 38. NO FEDERAL GOVERNMENT OBLIGATION TO THIRD PARTIES**

24 AUTHORITY and CONSULTANT acknowledge and agree that, notwithstanding any concurrence  
25 by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent  
26 the express written consent by the Federal Government, the Federal Government is not a party to this

Agreement and shall not be subject to any obligations or liabilities to the AUTHORITY, CONSULTANT, or any other party (whether or not a party to this Agreement) pertaining to any matter resulting from the underlying Agreement. CONSULTANT agrees to include these requirements in all of its subcontracts.

**ARTICLE 39. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS**

A. CONSULTANT acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this project. Accordingly, by signing this Agreement, CONSULTANT certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Agreement of the FTA assisted project for which this Agreement's work is being performed. CONSULTANT also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose penalties of the Program Fraud Civil Remedies Act of 1986 on the CONSULTANT to the extent the Federal Government deems appropriate.

B. CONSULTANT also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under an agreement connected with a project that is financed in whole or part with Federal assistance awarded by FTA under the authority of 49 U.S.C. §5307 et seq., the Government reserves the right to impose the penalties of 18 U.S.C. §1001 and 49 U.S.C. §5307(n) (1) et seq. on the CONSULTANT, to the extent the Federal Government deems appropriate. CONSULTANT agrees to include this requirement in all of its subcontracts.

**ARTICLE 40. RECYCLED PRODUCTS**

CONSULTANT shall comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement

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1 of the items designated in subpart B of 40 CFR Part 247. CONSULTANT agrees to include this  
2 requirement in all of its subcontracts.

3 **ARTICLE 41. ENERGY CONSERVATION REQUIREMENTS**

4 CONSULTANT shall comply with mandatory standards and policies relating to energy efficiency,  
5 which are contained in the state energy conservation plan issued in compliance with the Energy Policy  
6 Conservation Act.

7 **ARTICLE 42. CLEAN AIR**

8 CONSULTANT shall comply with all applicable standards, orders or regulations issued pursuant  
9 to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. CONSULTANT shall report each violation  
10 to AUTHORITY, who will in turn, report each violation as required to assure notification to FTA and the  
11 appropriate EPA Regional Office. CONSULTANT agrees to include this requirement in all of its  
12 subcontracts.

13 **ARTICLE 43. CLEAN WATER REQUIREMENTS**

14 CONSULTANT shall comply with all applicable standards, orders or regulations issued pursuant  
15 to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. CONSULTANT shall  
16 report each violation to AUTHORITY and understands and agrees that the AUTHORITY who will in turn,  
17 report each violation as required to assure notification to FTA and appropriate EPA Regional Office.  
18 CONSULTANT agrees to include this requirement in all of its subcontracts.

19 **ARTICLE 44. FLY AMERICA REQUIREMENT**

20 CONSULTANT agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance  
21 with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that  
22 recipients and sub recipients of Federal funds and their contractors are required to use U.S. Flag air  
23 carriers for the U.S. Government-financed international air travel and transportation of their personal  
24 effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter  
25 of necessity, as defined by the Fly America Act. CONSULTANT shall submit, if a foreign air carrier was  
26 used, an appropriate certification or memorandum adequately explaining why service by a U.S. carrier

1 was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a  
2 certificate of compliance with the Fly America requirements. CONSULTANT agrees to include the  
3 requirements of this section in all subcontracts that may involve international air transportation.

4 **ARTICLE 45. SEISMIC SAFETY REQUIREMENTS**

5 CONSULTANT agrees that any new building or addition to an existing building will be designed  
6 and constructed in accordance with the standards for Seismic Safety required in Department of  
7 Transportation Seismic Safety Regulations 49 CFR Part 41 and will certify to compliance to the extent  
8 required by the regulation. CONSULTANT also agrees to ensure that all work performed under this  
9 contract including work performed by a subcontractor is in compliance with the standards required by the  
10 Seismic Safety Regulations and the certification of compliance issued on the project.

11 **ARTICLE 46. DEBARMENT AND SUSPENSION**

12 CONSULTANT shall not do business with a subcontractor or other participant who is debarred,  
13 suspended or otherwise disqualified. CONSULTANT shall comply with 2 CFR Part 180, as adopted and  
14 supplemented by 2 CFR Part 1200. CONSULTANT shall include these requirements in any lower tier  
15 covered transaction it enters into.

16 **ARTICLE 47. STATE PREVAILING WAGE RATES**

17 A. CONSULTANT shall comply with the State of California's General Prevailing Wage Rate  
18 requirements in accordance with California Labor Code, Section 1770, and all Federal, State, and local  
19 laws and ordinances applicable to the work.

20 B. When prevailing wages apply to the services described in the scope of work, transportation  
21 and subsistence costs shall be reimbursed at the minimum rates set by the Department of Industrial  
22 Relations (DIR) as outlined in the applicable Prevailing Wage Determination. See <http://www.dir.ca.gov>.

23 C. CONSULTANT warrants that all mechanics, laborers, journeypersons, workpersons,  
24 craftspersons or apprentices employed by CONSULTANT or subcontractor at any tier for any work  
25 hereunder, shall be paid unconditionally and not less often than once a week and without any subsequent  
26 deduction or rebate on any account (except such payroll deductions as are permitted or required by

1 federal, state or local law, regulation or ordinance), the full amounts due at the time of payment, computed  
2 at a wage rate and per diem rate not less than the aggregate of the highest of the two basic hourly rates  
3 and rates of payments, contributions or costs for any fringe benefits contained in the current general  
4 prevailing wage rate(s) and per diem rate(s), established by the Director of the Department of Industrial  
5 Relations of the State of California, (as set forth in the Labor Code, commencing at Section 1770 et. seq.),  
6 or as established by the Secretary of Labor (as set forth in the Davis-Bacon Act, 40 U.S.C. 267a, et. seq.),  
7 regardless of any contractual relationship which may be alleged to exist between CONSULTANT or  
8 subcontractor and their respective mechanics, laborers, journeypersons, workpersons, craftspersons or  
9 apprentices. Copies of the current General Prevailing Wage Determinations and Per Diem Rates are on  
10 file at AUTHORITY's offices and will be made available to CONSULTANT upon request. CONSULTANT  
11 shall post a copy thereof at each job site at which work hereunder is performed.

12 D. In addition to the foregoing, CONSULTANT agrees to comply with all other provisions of the  
13 California Labor Code, which is incorporated herein by reference, pertaining to workers performing work  
14 hereunder including, but not limited to, those provisions for work hours, payroll records and  
15 apprenticeship employment and regulation program.

16 E. Any subcontract entered into as a result of this Agreement, if for more than \$25,000 for public  
17 works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public  
18 works, shall contain all of the provisions of this Article. CONSULTANT agrees to insert or cause to be  
19 inserted the preceding clause in all subcontracts which provide for workers to perform work hereunder  
20 regardless of the subcontractor tier.

21 **ARTICLE 48. PROHIBITION**

22 To prevent potential conflicts of interest the firm, including all subconsultants (at any tier) awarded  
23 the contract for this solicitation, will be precluded from participating (at any tier) on engineering, technical  
24 services and/or construction-related work for projects which they will be overseeing on behalf of Authority  
25 or Authority's regional rail programs. The Authority will evaluate potential conflicts of interest on a case-  
26 by-case basis throughout the term of this Agreement.

**ARTICLE 49. FORCE MAJEURE**

Either party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by the federal, state or local government; national fuel shortage; or a material act or omission by the other party; when satisfactory evidence of such cause is presented to the other party; and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the party not.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement No. C-8-1512 to be executed on the date first above written.

**CONSULTANT**

By \_\_\_\_\_

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

By \_\_\_\_\_

Darrell Johnson  
Chief Executive Officer

**APPROVED AS TO FORM:**

By \_\_\_\_\_

James M. Donich  
General Counsel

**APPROVED:**

By \_\_\_\_\_

James G. Beil, PE  
Executive Director, Capital Programs

Date \_\_\_\_\_

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT PROVISIONS  
FEDERALLY FUNDED CONTRACTS WITH DBE GOALS**

**I. DBE Participation**

It is the Consultant's responsibility to be fully informed regarding the requirements of 49 CFR, Part 26 and the Orange County Transportation Authority's (Authority's) DBE program developed pursuant to these regulations. Particular attention is directed to the following:

- A. A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program (CUCP).
- B. A certified DBE may participate as a prime consultant, subconsultant, joint venture partner, as a vendor of material or supplies, or as a trucking company.
- C. A DBE must perform a commercially useful function pursuant to 49 CFR 26.55 that is, a DBE firm must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- D. Consultant must not claim DBE participation as attained until the amount to be claimed is paid and fully adheres to DBE crediting provisions.

If the Consultant has committed to utilize DBE(s) in the performance of this DOT-assisted contract, the Consultant's submitted "DBE Participation Commitment Form" will be utilized to monitor Consultant's DBE commitments, unless otherwise directed and/or approved by the Authority prior to the Consultant effectuating any changes to its DBE participation commitment(s) (*Refer to Subsection H: "Performance of DBE Subconsultants"*).

Consultant must complete and submit all required DBE documentation to effectively capture all DBE utilization on the Authority's DOT-assisted contracts whether achieved race neutrally or race consciously. Even if a Consultant has not committed to utilize DBE(s) in the performance of this contract, the Consultant must execute and submit all required DBE forms and other related documentation as specified under this contract or as otherwise requested by the Authority. No changes to the Consultant's DBE Commitment must be made until proper protocols for review and approval of the Authority are rendered in writing.

To ensure full compliance with the requirements of 49 CFR, Part 26 and the Authority's DBE Program, the Consultant must:

- A. Take appropriate actions to ensure that it will continue to meet the DBE Commitment at the minimal level committed to at award or will satisfy the good faith efforts to meet the DBE Commitment, when change orders or other contract modifications alter the



dollar amount of the contract or the distribution of work. The Consultant must apply and report its DBE goal commitments against the total Contract Value, including any contract change orders and/or amendments.

## **II. DBE Policy and Applicability**

In accordance with federal financial assistance agreements with the U.S. Department of Transportation (U.S. DOT), the Authority has adopted a Disadvantaged Business Enterprise (DBE) Policy and Program, in conformance with Title 49 CFR, Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs".

The project is subject to these stipulated regulations and the Authority's DBE program. In order to ensure that the Authority achieves its overall DBE Program goals and objectives, the Authority encourages the participation of DBEs as defined in 49 CFR, Part 26 in the performance of contracts financed in whole or in part with U.S. DOT funds. Pursuant to the intent of these Regulations, it is also the policy of the Authority to:

Fulfill the spirit and intent of the Federal DBE Program regulations published under U.S. DOT Title 49 CFR, Part 26, by ensuring that DBEs have equitable access to participate in all of Authority's DOT-assisted contracting opportunities.

- A. Ensure that DBEs can fairly compete for and perform on all DOT-assisted contracts and subcontracts.
- B. Ensure non-discrimination in the award and administration of Authority's DOT-assisted contracts.
- C. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- D. Ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- E. Help remove barriers to the participation of DBEs in DOT-assisted contracts.
- F. Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.
- G. Consultant must not discriminate on the basis of race, color, national origin, or sex in the award and performance of subconsultant.

Any terms used in this section that are defined in 49 CFR, Part 26, or elsewhere in the Regulations, must have the meaning set forth in the Regulations. In the event of any conflicts or

inconsistencies between the Regulations and the Authority's DBE Program with respect to DOT-assisted contracts, the Regulations must prevail.

### III. Authority's DBE Policy Implementation Directives

Pursuant to the provisions associated with federal regulation 49 CFR, Part 26, the Disadvantaged Business Enterprise (DBE) program exists to ensure participation, equitable competition, and assistance to participants in the USDOT DBE program. Accordingly, based on the Authority's analysis of its past utilization data, coupled with its examination of similar Agencies' Disparity Study and recent Goal Methodology findings the Authority has implemented the reinstatement of the DBE program utilizing both race-conscious and race-neutral means across the board as all protected groups participation have been affected using strictly race neutral means on its FTA-assisted contracts.

The Authority reinstates the use of contract goals and good faith efforts. Meeting the contract-specific goal by committing to utilize DBEs or documenting a bona fide good faith effort to do so, is a condition of award. Additionally, contract-specific goals are now specifically targeted at DBEs (*DBEs owned and controlled by Black Americans, Hispanic Americans, Asian-Pacific Americans, Native Americans, Asian-Pacific Americans, Sub-Continent Asian Americans, and Women*). In the event of a substitution, a DBE must be substituted with another DBE or documented adequate good faith efforts to do so must be made, in order to meet the contract goal and DBE contract requirements.

#### A. Definitions

The following definitions apply to the terms used in these provisions:

1. **"Disadvantaged Business Enterprise (DBE)"** means a small business concern:  
(a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
2. **"Small Business Concern"** means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto, except that a small business concern must not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has annual average gross receipts in excess of \$19.57 million over the previous three fiscal years.
3. **"Socially and Economically Disadvantaged Individuals"** means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and

who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Asian-Indian Americans, women and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act, or by the Authority pursuant to 49 CFR part 26.65. Members of the following groups are presumed to be socially and economically disadvantaged:

- a) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
  - b) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
  - c) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
  - d) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas;
  - e) "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh; and
  - f) Women, regardless of ethnicity or race.
4. **"Owned and Controlled"** means a business: (a) which is at least 51 percent owned by one or more "Socially and Economically Disadvantaged Individuals" or, in the case of a publicly-owned business, at least 51 percent of the stock of which is owned by one or more "Socially and Economically Disadvantaged Individuals"; and (b) whose management and daily business operations are controlled by one or more such individuals.
5. **"Manufacturer"** means a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Consultant.
6. **"Regular Dealer"** means a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and in its own name, the purchase and sale of the product in question. A regular dealer in such bulk items as steel, cement, gravel, stone and petroleum products need not keep such products in stock if it owns or operates distribution equipment.
7. **"Fraud"** includes a firm that does not meet the eligibility criteria of being a certified DBE and that attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under

circumstances indicating a serious lack of business integrity or honesty. The Authority may take enforcement action under 49 CFR, Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR, Part 31. The Authority may refer the case to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

8. ***"Other Socially and Economically Disadvantaged Individuals"*** means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who, on a case-by-case basis, are determined by Small Business Administration or a recognized California Unified Certification Program Certifying Agency to meet the social and economic disadvantage criteria described below.

**B. "Social Disadvantage"**

1. The individual's social disadvantage must stem from his/her color, national origin, gender, physical handicap, long-term residence in an environment isolated from the mainstream of American society, or other similar cause beyond the individual's control.
2. The individual must demonstrate that he/she has personally suffered social disadvantage.
3. The individual's social disadvantage must be rooted in treatment, which he/she has experienced in American society, not in other countries.
4. The individual's social disadvantage must be chronic, longstanding and substantial, not fleeting or insignificant.
5. The individual's social disadvantage must have negatively affected his/her entry into and/or advancement in the business world.
6. A determination of social disadvantage must be made before proceeding to make a determination of economic disadvantage.

**C. "Economic Disadvantage"**

1. The individual's ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area that are not socially disadvantaged.
2. The following criteria will be considered when determining the degree of diminished

credit and capital opportunities of a person claiming social and economic disadvantage:

With respect to the individual:

- availability of financing bonding capability
- availability of outside equity capital
- available markets

With respect to the individual and the business concern:

- personal and business assets
- personal and business net worth
- personal and business income and profits

#### **IV. Submission of DBE Information and Ongoing Reporting Requirements (Post-Award)**

If there is a DBE goal on the contract, Consultant must complete and submit the following DBE exhibits (forms) consistent with Consultant DBE Goal Commitment within the specified timelines. Even if no DBE participation will be reported, the Consultant must execute and return the form:

- A. “Monthly DBE Subconsultant Commitment and Attainment Report Summary and Payment Verification ” (Form 103)

The purpose of this form is to ensure Consultant DBE commitments are attained, properly reported and credited in accordance with DBE crediting provisions based on the capacity the DBE performs the scope of work/service. This form further serves to collect DBE utilization data required under 49 CFR, Part 26.

The Consultant is required to complete and submit a Form 103 to the Authority by the 10<sup>th</sup> of each month until completion of the contract. The Consultant must submit its first Form 103 following the first month of contract activity. Upon completion of the contract, the Consultant must complete and submit a “Final: Monthly DBE Subconsultant Commitment and Attainment Report Summary and Payment Verification” (Form 103) to facilitate reporting and capturing actual DBE attainments at conclusion of the contract.

The Form 103 must include the following information:

1. General Contract Information – Including Contract Number and Name, Prime Consultant and the following:
  - a) Original Contract Amount
  - b) Running Total of Change Order Amount
  - c) Current Contract Amount
  - a) Amount Paid to Consultant during Month
  - b) Amount Paid to Consultant from Inception to Date



- c) DBE Contract Goal
- d) Total Dollar Amount of DBE Commitment
- e) DBE Commitment as Percentage of Current Contract Amount

2. Listed and/Proposed Consultant/Subconsultant Information – For All DBE participation being claimed either Race Neutrally or Race Consciously, regardless of tier:

- a) DBE Firm Name, Address, Phone Number, DBE Type of Operation, Certification Type and Certification Number.
- b) DBE Firm Contract Value Information:  
Original contract amount, running total of change order amount, Current contract amount, Amount paid to Consultant during month and Amount paid to Consultant to date.

3. Consultant Assurance of Full Compliance with Prompt Payment Provisions

Consultant to sign the prompt payment assurance statement of compliance contained within the Form 103. Consultant is to further maintain and submit at the request of Authority a detailed running tally of related invoices submitted by DBE(s) and Non DBE(s), including dates of invoice submission, dates accepted and corresponding dates and amount of payments made. The Payment and Retention Reporting tally must also include:

DBE(s) and Non DBE(s) Invoice Number, Invoice Amount, Invoice Date, Prime Consultant's Invoice Number that incorporated the corresponding DBE and Non DBE invoice(s) for billing purposes, Date of Invoice submission to Authority, Date and amount Authority paid on Prime Consultant's Invoice. The report must also reflect a breakout of retention withheld (including retention as specified in subcontract agreement(s) and disputed invoice retention) and retention payments made, check number and date paid to DBE and Non DBE.

Consultant is advised not to report the participation of DBE(s) toward the Consultant's DBE attainment until the amount being claimed has been paid to the DBE. Verification of payments and/or a signed Verification of Payment by the applicable DBE or Non DBE must be submitted with Form 103 to authenticate reported payments.

4. DBE Subcontract Agreements

The Consultant must submit to the Authority copies of executed subcontracts and/or purchase orders (PO) for all DBE firms participating on the contract within ten working days of award. The Consultant must immediately notify the Authority in writing of any

problems it may have in obtaining the subcontract agreements from listed DBE firms within the specified time.

5. "Monthly DBE Trucking Verification" Form

Prior to the 10th of each month, the Consultant must submit documentation on the "Monthly DBE Trucking Verification" Form to the Authority showing the amount paid to DBE trucking companies. The Consultant must also obtain and submit documentation to the Authority showing the amount paid by DBE trucking companies to all firms, including owner-operators, for the leasing of trucks. If the DBE leases trucks from a non-DBE, the Contactor may count only the fee or commission the DBE receives as a result of the lease arrangement.

The Consultant must also obtain and submit documentation to the Authority showing the truck number, owner's name, California Highway Patrol CA number, and if applicable, the DBE certification number of the owner of the truck for all trucks used during that month.

6. "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First Tier Subconsultants"

Upon completion of the contract, a summary of these records must be prepared on the: "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First Tier Subconsultants" and certified correct by the Consultant or the Consultant's authorized representative, and must be furnished to the Engineer. The form must be furnished to the Authority within 90 days from the date of contract acceptance. The amount of \$10,000 will be withheld from payment until a satisfactory form is submitted.

7. "Disadvantaged Business Enterprises (DBE) Certification Status Change"

If a DBE Sub is decertified during the life of the project, the decertified Subconsultant must notify the Consultant in writing with the date of decertification. If a Subconsultant becomes a certified DBE during the life of the project, the Subconsultant must notify the Consultant in writing with the date of certification (Attach DBE certification/Decertification letter). The Consultant must furnish the written documentation to the AUTHORITY.

Upon completion of the contract, the "Disadvantaged Business Enterprises (DBE) Certification Status Change" must be signed and certified correct by the Consultant indicating the DBEs' existing certification status. If there are no changes, please indicate "No Changes". The certified form must be furnished to the Authority within 90 days from the date of contract acceptance.

**V. DBE Eligibility and Commercially Useful Function Standards**

A DBE must be certified at the time of Proposal submission:

1. A certified DBE must be a small business concern as defined pursuant to Section 3 of the U.S. Small Business Act and relevant regulations promulgated pursuant thereto.
2. A DBE may participate as a Prime Consultant, Subconsultant, joint venture partner with a Prime or Subconsultant, vendor of material or supplies, or as a trucking company.
3. A DBE joint venture partner must be responsible for specific contract items of work, or clearly defined portions thereof. Responsibility means actually performing, managing and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.
4. At time of proposal submission, DBEs must be certified by the California Unified Certification Program (CUCP). Listings of DBEs certified by the CUCP are available from the following sources:
  - A. The CUCP web site, which can be accessed at <http://www.californiaucp.com>; or the Caltrans "Civil Rights" web site at <http://www.dot.ca.gov/hq/bep>.
1. A DBE must perform a commercially useful function in accordance with 49 CFR 26.55 (i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work). A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce to presume it is performing a commercially useful function.

**VI. DBE Crediting Provisions**

- A. When a DBE is proposed to participate in the contract, either as a Prime Consultant or Subconsultant, at any tier, only the value of the work proposed to be performed by the DBE with its own forces may be counted towards DBE participation. If the Consultant is a DBE joint venture participant, only the DBE proportionate interest in the joint venture must be counted.
1. If a DBE intends to subcontract part of the work of its subcontract to a lower-tier Subconsultant, the value of the subcontracted work may be counted toward DBE participation only if the Subconsultant is a certified DBE and actually performs the work with their own forces. Services subcontracted to a Non-DBE firm may not be

credited toward the Prime Consultant's DBE attainment.

2. Consultant is to calculate and credit participation by eligible DBE vendors of equipment, materials, and suppliers toward DBE attainment, as follows:
  - a) Sixty percent (60%) of expenditure(s) for equipment, materials and supplies required under the Contract, obtained from a regular dealer; or
  - b) One hundred percent (100%) of expenditure(s) for equipment, materials and supplies required under the Contract, obtained from a DBE manufacturer.
3. The following types of fees or commissions paid to DBE Subconsultants, Brokers, and Packers may be credited toward the prime Consultant's DBE attainment, provided that the fee or commission is reasonable, and not excessive, as compared with fees or commissions customarily allowed for similar work, including:
  - a) Fees and commissions charged for providing bona fide professional or technical services, or procurement of essential personnel, facilities, equipment, materials, or supplies required in the performance of the Contract;
  - b) Fees charged for delivery of material and supplies (excluding the cost of materials or supplies themselves) when the licensed hauler, trucker, or delivery service is not also the manufacturer of, or a regular dealer in, the material and supplies;
  - c) Fees and commissions charged for providing any insurance specifically required in the performance of the Contract.
4. Consultant may count the participation of DBE trucking companies toward DBE attainment, as follows:
  - a) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract.
  - b) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
  - c) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
  - d) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
  - e) The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease

arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

For purposes of this paragraph, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

5. If the Consultant listed a non-certified 1<sup>st</sup> tier Subconsultant to perform work on this contract, and the non-certified Subconsultant subcontracts a part of its work or purchases materials and/or supplies from a lower tier DBE certified Subconsultant or Vendor, the value of work performed by the lower tier DBE firm's own forces can be counted toward DBE participation on the contract. If a DBE Consultant performs the installation of purchased materials and supplies they are eligible for full credit of the cost of the materials.

## **VII. Performance of DBE Subconsultants**

DBEs must perform work or supply materials as listed in the "DBE Participation Commitment Form" specified under "*DBE Proposal Submission Requirements*" of these special provisions. Do not terminate a DBE listed Subconsultant for convenience and perform the work with your own forces or obtain materials from other sources without prior written authorization from the AUTHORITY.

The AUTHORITY grants authorization to use other forces or sources of materials for requests that show any of the following justifications (written approval from the AUTHORITY must be obtained prior to effectuating a substitution):

- A. Listed DBE fails or refuses to execute a written contract based on plans and specifications for the project.
- B. You stipulate a bond is a condition of executing the subcontract and the listed DBE fails to meet your bond requirements.
- C. Work requires a Consultants' license and listed DBE does not have a valid license under Consultants License Law.
- D. Listed DBE fails or refuses to perform the work or furnish the listed materials.
- E. Listed DBE's work is unsatisfactory and not in compliance with the contract.
- F. Listed DBE delays or disrupts the progress of the work.



G. Listed DBE becomes bankrupt or insolvent.

If a listed DBE Subconsultant is terminated, you must make good faith efforts to find another DBE Subconsultant to substitute for the original DBE. The substitute DBE must perform at least the same amount of work as the original DBE under the contract to the extent needed to meet the DBE goal.

The substitute DBE must be certified as a DBE at the time of request for substitution. The AUTHORITY does not pay for work or material unless it is performed or supplied by the listed DBE, unless the DBE is terminated in accordance with this section.

**VIII. Additional DBE Subconsultants**

In the event Consultant identifies additional DBE Subconsultants or suppliers not previously identified by Consultant for DBE participation under the contract, Consultant must notify the Authority by submitting "Request for Additional DBE Firm" to enable Consultant to capture all DBE participation. Consultant must also submit, for each DBE identified after contract execution, a written confirmation from the DBE acknowledging that it is participating in the contract for a specified value, including the corresponding scope of work (a subcontract agreement can serve in lieu of the written confirmation).

**IX. DBE "Frauds" and "Fronts"**

Only legitimate DBEs are eligible to participate as DBEs in the Authority's federally -assisted contracts. Proposers are cautioned against knowingly and willfully using "fronts." The use of "fronts" and "pass through" subcontracts to non-disadvantaged firms constitute criminal violations. Further, any indication of fraud, waste, abuse or mismanagement of Federal funds should be immediately reported to the Office of Inspector General, U.S. Department of Transportation at the toll-free hotline: (800) 424-9071; or to the following: 245 Murray Drive, Building 410, Washington, DC 20223; Telephone: (202) 406-570.

**X. Consultant's Assurance Clause Regarding Non-Discrimination**

In compliance with State and Federal anti-discrimination laws, the Consultant must affirm that they will not exclude or discriminate on the basis of race, color, national origin, or sex in consideration of contract award opportunities. Further, the Consultant must affirm that they will consider, and utilize Subconsultants and vendors, in a manner consistent with non-discrimination objectives.

**XI. Prompt Payment Clause**

Upon receipt of payment by Authority, Consultant agrees to promptly pay each Subconsultant for the satisfactory work performed under this Agreement, no later than seven

(7) calendar days. Consultant agrees further to return retainage payments to each Subconsultant within thirty (30) calendar days after the Subconsultant's work is satisfactorily completed. Authority reserves the right to request the appropriate documentation from Consultant showing payment has been made to the Subconsultants. Any delay or postponement of payment from the above referenced time frames may occur only for good cause following written approval by Authority.

In accordance with 49 CFR part 26.29 "Prompt Payment Provisions" (DBE Final Rule) the Authority will elect to utilize the following method to comply with the prompt payment of retainage requirement:

Hold retainage from the Consultant and provide for prompt and regular incremental acceptances of portions of the Consultant, pay retainage to prime Consultants based on these acceptances, and require a contract clause obligating the Consultant to pay all retainage owed to the Subconsultants for satisfactory completion of the accepted work within thirty (30) days after payment to the Consultant.

Failure to comply with this provision or delay in payment without prior written approval from Authority will constitute noncompliance, which may result in appropriate administrative sanctions, including, but not limited to a withhold of two percent (2%) of the invoice amount due per month for every month that payment is not made.

These prompt payment provisions must be incorporated in all subcontract agreements issued by Consultant under this Agreement. Each subcontract must require the Subconsultant to make payments to sub-Subconsultants and suppliers in a similar manner.

## **XII. Administrative Remedies and Enforcement**

Consultant must fully comply with the DBE contract requirements, including the Authority's DBE Program and Title 49 CFR, Part 26 "Participation of Disadvantaged Businesses in Department of Transportation Financial Assistance Programs" and ensure that all Subconsultants regardless of tier are also fully compliant. Consultant's failure to comply constitutes a material breach of contract, wherein the Authority will impose all available administrative sanctions including payment withholdings, necessary to effectuate full compliance. In instances of identified non-compliance, a Cure Notice will be issued to the Consultant identifying the DBE non-compliance matter(s) and specifying the required course of action for remedy.

The Consultant must be given ten (10) working days from the date of the Cure Notice to remedy or to (1) File a written appeal accompanied with supporting documentation and/or (2) Request a hearing with the Authority to reconsider the Authority's DBE determination. Failure to respond within the ten (10) working day period must constitute a waiver of the Consultant's right to appeal. If the Consultant files an appeal, the Authority, must issue a written determination and/or set a hearing date within ten (10) working days of receipt of the

written appeal, as applicable. A final Determination will be issued within ten (10) working days after the hearing, as applicable.

If, after review of the Consultant's appeal, the Authority decides to uphold the decision to impose DBE administrative remedies on the Consultant, the written determination must state the specific remedy(s) to be imposed.

Failure to comply with the Cure Notice and/or to remedy the identified DBE non-compliance matter(s) is a material breach of contract and is subject to administrative remedies, including, withholding at minimum of two percent (2%) of the invoice amount due per month for every month that the identified non-compliance matter(s) is not remedied. Upon satisfactory compliance the Authority will release all withholdings.

In addition to administrative remedies defined in this section, the Authority is not precluded from invoking other contractual and/or legal remedies available under federal, state or local laws.

**ARTICLE 50.**

**EXHIBIT C: CAMPAIGN CONTRIBUTION DISCLOSURE FORM**

**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<br>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 Chair**

**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**

**EXHIBIT D: STATUS OF PAST AND PRESENT CONTRACTS**

**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.

<b>Project city/agency/other:</b>	
<b>Contact Name:</b>	<b>Phone:</b>
<b>Project Award Date:</b>	<b>Original Contract Value:</b>
<b>Term of Contract:</b>	
<b>(1) Litigation, claims, settlements, arbitrations, or investigations associated with contract:</b>	
<b>(2) Summary and Status of contract:</b>	
<b>(3) Summary and Status of action identified in (1):</b>	
<b>(4) Reason for termination, if applicable:</b>	

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



**EXHIBIT E: DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM  
AND FORMS**

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION  
PROGRAM AND FORMS**

**1.0 DBE Goal**

To assist Proposers in ascertaining DBE availability based on the specific items of work associated with this procurement, the Authority has determined that DBEs could reasonably be expected to compete for subcontracting opportunities on this project based on their likely availability for work. The DBE Goal for this contract is **10%**.

**2.0 DBE Policy and Applicability**

In accordance with federal financial assistance agreements with the U.S. Department of Transportation (U.S. DOT), the Orange County Transportation Authority (Authority) has adopted a Disadvantaged Business Enterprise (DBE) Policy and Program, in conformance with Title 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs." The contract is subject to the following stipulated regulations. Pursuant to the intent of these Regulations, it is the policy of the Authority to:

- 2.1** Implement strategies that promote the spirit and intent of the Federal DBE Program regulations published under U.S. DOT Title 49 CFR, Part 26, by ensuring that DBEs have equitable access and opportunities to participate in all of Authority's DOT-assisted contracting opportunities.
- 2.2** Ensure non-discrimination in the award and administration of Authority's DOT-assisted contracts.
- 2.3** Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- 2.4** Ensure that only firms that meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- 2.5** Help remove barriers to the participation of DBEs in DOT-assisted contracts.
- 2.6** Provide training and other assistance through our resource partners to address capital, bonding and insurance needs.
- 2.7** Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

Proposers shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.

***Any terms used in this section that are defined in 49 CFR Part 26, or elsewhere in the Regulations, shall have the meaning set forth in the Regulations. In the event of any conflicts or inconsistencies between the Regulations and the Authority's DBE Program with respect to DOT-assisted contracts, the Regulations shall prevail.***

**Race-Neutral/Race-Conscious DBE Program Measures**

The Authority will utilize both Race-Neutral and Race-Conscious means to meet its overall DBE Program goals.

Race-Neutral measures will include but are not limited to conducting outreach, training, providing other resource assistance and assessing proposal delivery schedules to ensure that DBEs interested in proposing for DOT-assisted solicitations are provided. Additional Authority Race-Neutral measures include ensuring that DBEs and other small business are afforded ample opportunity to participate in the Authority's DOT-assisted solicitations by unbundling large contracts to make them more accessible to small businesses and requiring or encouraging Prime Consultants to subcontract portions of work that they might, otherwise, perform with their own forces. Race-Neutral participation also includes any time a DBE obtains a Prime Contract through customary competitive procurement procedures or is awarded a subcontract on a Prime Contract that does not carry a DBE goal.

In conjunction with the Race-Neutral measures listed above the Authority will implement Race-Conscious measures through the reinstatement of contract goals and good faith efforts. The Authority reinstates the use of meeting the contract-specific goal by committing to utilize DBEs or documenting a bona fide good faith effort to do so, as a condition of award. Contract-specific goals are specifically targeted at DBEs (*DBEs owned and controlled by Black Americans, Hispanic Americans, Asian-Pacific Americans, Native Americans, Asian-Pacific Americans, Sub-Continent Asian Americans, and Women*). In the event of a substitution, a DBE must be substituted with another DBE or documented adequate good faith efforts to do so must be made, in order to meet the contract goal and DBE contract requirements.

### 3.0 **Definitions**

The following definitions apply to the terms as used in these provisions:

- 3.1 ***"Disadvantaged Business Enterprise (DBE)"*** means a small business concern: (a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- 3.2 ***"Small Business Concern"*** means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto, except that a small business concern shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has annual average gross receipts in excess of \$19.57 million over the previous three fiscal years.
- 3.3 ***"Socially and Economically Disadvantaged Individuals"*** means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Asian-Indian Americans, women and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act, or by the Authority pursuant to 49 CFR part 26.65. Members of the following groups are presumed to be socially and economically disadvantaged:
- 3.3.1 "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- 3.3.2 "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- 3.3.3 "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- 3.3.4 "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas;

3.3.5 "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh; and

3.3.6 Women, regardless of ethnicity or race.

- 3.4 **"Owned and Controlled"** means a business: (a) which is at least 51 percent owned by one or more "Socially and Economically Disadvantaged Individuals" or, in the case of a publicly-owned business, at least 51 percent of the stock of which is owned by one or more "Socially and Economically Disadvantaged Individuals"; and (b) whose management and daily business operations are controlled by one or more such individuals.
- 3.5 **"Manufacturer"** means a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the contractor.
- 3.6 **"Regular Dealer"** means a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and in its own name, the purchase and sale of the product in question. A regular dealer in such bulk items as steel, cement, gravel, stone and petroleum products need not keep such products in stock if it owns or operates distribution equipment.
- 3.7 **"Fraud"** includes a firm that does not meet the eligibility criteria of being a certified DBE and that attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty. The Authority may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR part 31. The Authority may refer cases of identified fraud to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.
- 3.8 **"Other Socially and Economically Disadvantaged Individuals"** means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who, on a case-by-case basis, are determined by Small Business Administration or the Authority to meet the social and economic disadvantage criteria described below.



**3.8.1 Social Disadvantage**

- 3.8.1.1 The individual's social disadvantage must stem from his/her color, national origin, gender, physical handicap, long-term residence in an environment isolated from the mainstream of American society, or other similar cause beyond the individual's control.
- 3.8.1.2 The individual must demonstrate that he/she has personally suffered social disadvantage.
- 3.8.1.3 The individual's social disadvantage must be rooted in treatment, which he/she has experienced in American society, not in other countries.
- 3.8.1.4 The individual's social disadvantage must be chronic, longstanding and substantial, not fleeting or insignificant.
- 3.8.1.5 The individual's social disadvantage must have negatively affected his/her entry into and/or advancement in the business world.
- 3.8.1.6 A determination of social disadvantage must be made before proceeding to make a determination of economic disadvantage.

**3.8.2 Economic Disadvantage**

- 3.8.2.1 The individual's ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area that are not socially disadvantaged.
- 3.8.2.2 The following criteria will be considered when determining the degree of diminished credit and capital opportunities of a person claiming social and economic disadvantage:

With respect to the individual:

- availability of financing
- bonding capability
- availability of outside equity capital

- available markets

With respect to the individual and the business concern:

- personal and business assets
- personal and business net worth
- personal and business income and profits

#### **4.0 DBE Proposal Submission Requirements**

Proposer shall complete and submit the following DBE Exhibits (forms) at the times specified with their Proposal:

- “DBE Participation Commitment(s) Form” (Exhibit E-1)
- “Bidders List” (Exhibit E-2)
- “DBE Information - Good Faith Efforts” (Exhibit E-3)

#### **4.1 “DBE Participation Commitment(s) Form” (Exhibit E-1) at time of Proposal.** The Proposer is to provide the following information for each DBE that will participate in the contract:

- 4.1.1 The complete name and address of each DBE who will participate in the contract;
- 4.1.2 A description of the work that each DBE will perform or provide;
- 4.1.3 The dollar amount of the work to be performed or provided by the DBE;
- 4.1.4 Valid DBE Certification eligibility status, in conformance with 49 CFR, Part 26;
- 4.1.5 The Proposer shall also submit, for each DBE to perform under this contract, a written confirmation from the DBE acknowledging that it is participating in the contract for a specified value, including the corresponding scope of work (a subcontract proposal can serve in lieu of the written confirmation).

#### **4.2 “Bidders List” (Exhibit E-2)**

The Authority is required by Regulations to create and maintain a “Bidders List” of all firms proposing or quoting on the Authority’s DOT-assisted contracts for use in calculating the Authority’s overall DBE goal. Proposers are required to complete and submit the requested information listed on the “Bidders List Form” for all firms (DBE[s] and Non-DBE[s]) who submitted a bid, quote and/or proposal, including firms who were contracted by the Prime Proposer.

The “Bidders List” shall be included with the proposal submission.

#### **4.3 “DBE Information - Good Faith Efforts” (Exhibit E-3)**

A Proposer must, in order to be a responsible and/or responsive proposer, make good faith efforts to meet the goal. The Proposer can meet this requirement in either of two ways. First, the Proposer can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn’t meet the established DBE goal, the proposer took all necessary and reasonable steps to achieve the DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

If the Proposer did not meet or obtain enough DBE participation to meet the DBE goal, the Proposer must complete and submit the “DBE Information – Good Faith Efforts” form demonstrating that the Proposer made adequate good faith efforts to meet the goal.

If the Proposer has met the DBE goal based on the proposed participation of DBEs listed on the Proposer’s “DBE Participation Commitment(s) Form”, it is at the Proposer’s discretion (not mandatory) whether or not to submit “DBE Information – Good Faith Efforts” form. However, the submission of Good Faith Efforts documentation can protect the Proposer’s eligibility for award of the contract if the Authority determines that the Proposer failed to meet the goal for various reasons, e.g., a DBE firm was not certified at proposal submission or the Proposer made a mathematical error. Submittal of only the “DBE Participation Commitment(s) Form” form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

Good Faith Efforts documentation must be submitted with the proposal.

Good Faith Efforts documentation must include the following information and supporting documents, as necessary:

- 4.3.1 Items of work you have made available to DBE firms. Identify those items of work you might otherwise perform with your own forces and those items that have been broken down into economically feasible units to facilitate DBE participation. For each item listed, show the dollar value and percentage of the total contract. It is your responsibility to demonstrate that sufficient work to meet the goal was made available to DBE firms.
- 4.3.2 Names of certified DBEs and dates on which they were solicited to propose on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the DBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit DBEs through all reasonable and available means and provide sufficient time to allow DBEs to respond.
- 4.3.3 Name of selected firm and its status as a DBE for each item of work made available. Include name, address, and telephone number of each DBE that provided a quote and their price quote. If the firm selected for the item is not a DBE, provide the reasons for the selection and rejection of the DBE.
- 4.3.4 Name and date of each publication in which you solicited DBE participation for the project. Attach copies of the published advertisements (In the event the RFP submission due date is extended, proposer's are to re-advertise the new proposal due date).
- 4.3.5 Names of agencies and organizations, and dates on which they were contacted to provide assistance in contacting, recruiting, and using DBE firms. Proposer to provide copies of supporting documents of this effort.
- 4.3.6 List of efforts made to provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the DBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.

4.3.7 List of efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, and other technical assistance afforded. If such assistance is provided by you, identify the name of the DBE assisted, nature of the assistance offered, and date. Provide copies of supporting documents, as appropriate.

4.3.8 Any additional data to support demonstration of good faith efforts undertaken prior to proposal submission shall be provided.

For further guidance refer to the United States Department of Transportation's (USDOT) DBE Program, Appendix A of Title 49 CFR Part 26- "Guidance Concerning Good Faith Efforts."





**DBE PARTICIPATION COMMITMENT(S) FORM**

NOTE: Please refer to instructions on the reverse side of this form.

**Proposer to Complete this Section**

1. RFP No.: \_\_\_\_\_
2. Project Name/Description: \_\_\_\_\_
3. Prime Proposer Name: \_\_\_\_\_
4. Contract DBE Goal %: \_\_\_\_\_

**DBE Commitment Information**

5. Proposed DBE Firm (Name and Address)	6. DBE Certification Number	7. Description of Scope of Services/Work to be Provided	8. Dollar Value (\$) and/or Percentage (%) Of Contract	9. Percentage (%) of Work to be Performed by DBE Firm(s)

**Note: The proposer shall also submit, for each DBE to perform under this contract a written confirmation from the DBE acknowledging that it is participating in the contract for a specified value, including the corresponding scope of work (a subcontract proposal can serve in lieu of the written confirmation).**

<b>10. Total Value Claimed (\$)</b>  \$ _____	<b>11. Total DBE (%) Claimed towards Goal:</b>  _____ %
---	---

Proposer Assurance: The information on this form is complete and accurate and the proposer certifies that all DBE certifications and written confirmation documentation has been submitted to support the proposed DBE Commitment.

12. Preparer's Name (Print)

13. Preparer's Signature

14. Preparer's Title

15. Date

16. (Area Code) Tel. No.

17. Email Address

## INSTRUCTIONS - DBE Participation Commitment(s) Form

### Consultant Section

*The Consultant shall:*

1. **RFP No.-** Enter the RFP Number.
2. **Project Name/Description** - Enter the name and/or description of the project.
3. **Prime Proposer Name** - Enter the consultant's firm name.
4. **Contract DBE Goal %** - Enter the contract DBE goal percentage.
5. **Proposed DBE Firm** - Enter name and address of the proposed DBE Firm.
6. **DBE Certification Number** - Enter the DBEs Certification Identification Number. All DBEs must be certified on the date proposals are opened. (DBE subcontracted consultants should notify the prime consultant in writing with the date of the decertification if their status should change during the course of the contract).
7. **Description of Scope of Services/Work to be Provided** - Enter the scope of services/work that the proposed DBE Firm will be performing for this project and is eligible to perform the scope of services/work.
8. **Dollar Value (\$) and/or Percentage of Contract-** Enter the proposed dollar value and/or percentage of commitment each listed DBE firm.
9. **Percentage (%) of Work to be Performed by DBE Firm(s)** - Percent of participation listed in column 8 of work to be performed or services to be provided by DBE firms. This percentage should include work to be self-performed by the listed DBE as well as work that will be performed by lower-tier subconsultants to the listed DBE. DBE credit will only be credited for work performed by DBE firms, non-DBE subconsultants should not be reflected in the percentage (%).
10. **Total Value Claimed (\$)-**Enter the total dollar value of DBE credit claimed.
11. **Total DBE % Claimed towards Goal** - Enter the total participation claimed. If the Total % Claimed is less than item "4. Contract DBE Goal", a Good Faith Effort (GFE) is required.
12. **Preparer's Name (Print)** - Clearly enter the name of the authorized person signing the form for the consultant.
13. **Preparer's Signature** -The person completing this section of the form for the consultant's firm must sign their name.
14. **Preparer's Title** - Enter the position/title of the authorized person signing the form for the consultant.
15. **Date** - Enter the date the form is signed by the proposer.
16. **(Area Code) Tel. No.** - Enter the area code and telephone number of the authorized person signing the form for the consultant.
17. **Email Address-** Enter the email address of the authorized person signing the form for the consultant.

PLEASE NOTE: A firm is only eligible to count towards DBE participation in the NAICS codes contained within its California Unified Certification Program (CUCP) DBE Profile. Proposers are to verify that listed subconsultants contain DBE certification in the NAICS codes that they are being listed to perform.

## BIDDERS LIST

**Proposer:** \_\_\_\_\_

**RFP No.:** \_\_\_\_\_

The Department of Transportation requires the AUTHORITY to create and maintain a "Bidders List" containing information about all firms (DBE and Non-DBE) that bid, propose or quote on the Authority's DOT-assisted contracts, in accordance with 49 CFR Part 26.11. The "Bidders List" is intended to be a count of all firms that are participating, or attempting to participate, on DOT-assisted contracts, whether successful or unsuccessful in their attempt to obtain a contract.

The Proposer is to complete all requested information for every firm who submitted a bid, proposal or quote, including the primary Proposer, and submit this information at the time of proposal submission, or as otherwise specified in the solicitation. The AUTHORITY will utilize this information to assist in the AUTHORITY's overall DBE goal-setting process.

### Prime Proposer's Information:

Name of Prime's Firm:	Phone: (     )
Firm Address:	Fax: (     )
	E-mail:
	Type of work/services/materials provided:
Number of years in business:	
Contact Person:	Title:
Is the firm currently certified as a DBE under 49 CFR Part 26? Yes <input type="checkbox"/> No <input type="checkbox"/>	Check the box below for your firm's annual gross receipts last year:
DBE Certification Eligibility (place an "X"):  ___ African American    ___ Asian Pacific American ___ Native American    ___ Woman ___ Hispanic American    ___ Subcontinent Asian American ___ Other	<input type="checkbox"/> Less than \$1 million
	<input type="checkbox"/> Less than \$5 million
	<input type="checkbox"/> Less than \$10 million
	<input type="checkbox"/> Less than \$15 million
	<input type="checkbox"/> More than \$15 million

**Provide the following information for every firm (DBE and non-DBE) that submitted proposal or quote on this DOT-assisted project, whether successful or unsuccessful in their attempt to obtain a contract:**

Firm Name:	Phone: (     )
Firm Address:	Fax: (     )
	E-mail:
	Type of work/services/materials provided:

**RFP 8-1512  
EXHIBIT E-2**

Number of years in business:	
Contact Person:	Title:
Is the firm currently certified as a DBE under 49 CFR Part 26? Yes <input type="checkbox"/> No <input type="checkbox"/>	Check the box below for your firm's annual gross receipts last year:
DBE Certification Eligibility (place an "X"):  ___ African American    ___ Asian Pacific American ___ Native American    ___ Woman ___ Hispanic American    ___ Subcontinent Asian American ___ Other	<input type="checkbox"/> Less than \$1 million
	<input type="checkbox"/> Less than \$5 million
	<input type="checkbox"/> Less than \$10 million
	<input type="checkbox"/> Less than \$15 million
	<input type="checkbox"/> More than \$15 million

Firm Name:	Phone: (     )
Firm Address:	Fax: (     )
	E-mail:
	Type of work/services/materials provided:
Number of years in business:	
Contact Person:	Title:
Is the firm currently certified as a DBE under 49 CFR Part 26? Yes <input type="checkbox"/> No <input type="checkbox"/>	Check the box below for your firm's annual gross receipts last year:
DBE Certification Eligibility (place an "X"):  ___ African American    ___ Asian Pacific American ___ Native American    ___ Woman ___ Hispanic American    ___ Subcontinent Asian American ___ Other	<input type="checkbox"/> Less than \$1 million
	<input type="checkbox"/> Less than \$5 million
	<input type="checkbox"/> Less than \$10 million
	<input type="checkbox"/> Less than \$15 million
	<input type="checkbox"/> More than \$15 million

If necessary, this "Bidders List" form can be duplicated to include all firms (DBE and non-DBE) that have submitted a bid, proposal or quote on this DOT-assisted project, whether successful or unsuccessful in their attempt to obtain a contract.

**Failure of the Proposer to submit the required "Bidders List" form may deem the Proposer non-responsive.**





- B. Solicitation Effort Documentation; the names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used to following up initial solicitations to determine with certainty whether the DBEs were interested (please attach all copies of solicitation, telephone records, fax confirmations, etc.), amount of DBEs to repond, the DBE firms were provided information about the contract (location of project, contract number, bid date, items of work made available and contact information) in the Invitation to bid from the Bidder, the Bidder solicited through all reasonable means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract, Bidder to provide proof of aforementioned items, and DBE's in the market area for the work identified in 'Item A' as follows:

Names of DBEs Solicited Methods and Dates	Date of Initial Solicitation	Follow Up

- C. Rejected DBE Bid Documentation; the names, addresses, phone numbers, and amount of rejected DBE firms, the reasons for the Bidder's rejection of the DBE firms, the firms selected and accepted for that work (please attach all copies of quotes from the firms involved) and the price difference for each DBE if the selected firms is not a DBE, include an explanation of quote(s) rejected.

Names, addresses and phone numbers of rejected DBEs and the reasons for the Bidder's rejection of the DBEs as follows:


Names, addresses and phone numbers of firms selected for the work


- D. Publication Efforts Made to Advertise the Projects to Solicit DBE Participation; names and dates of each publication in which a request for DBE participation for this project was placed by the Bidder (please attach copies of advertisements or proof of publications). (Please note: If IFB due date is extended, Bidder is to re-advertise new bid due date.)

Publications	Dates of Advertisement

- E. Agencies, Organizations, or Groups contacted to provide assistance in Contracting, Recruiting, and Using DBEs; the names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received), as follows:


- F. Efforts to Provide Information About the Plans, Specifications, and Contract Requirements; efforts made to assist interested DBEs in obtaining necessary materials, or related assistance or services, Bidder to provide evidence of effort.


- G. Assistance with Lines of Credit, Insurance, and/or other Services; efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs, Bidder to provide a list of any assistance provided to prospective and bided DBEs:


- H. Additional Data to Support a Demonstration of Good Faith Efforts; (for additional data please use additional sheets as necessary):


**NOTE:** USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

**EXHIBIT F: RESTRICTIONS ON LOBBYING**

**CERTIFICATION**  
**LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN**  
**FEDERAL TRANSACTIONS**

A. DEFINITIONS

1. Authority, as used in this clause, means the Orange County Transportation Authority, acting on behalf of the Orange County Transit District.
2. Covered Federal action, as used in this clause, means any of the following Federal actions:
  - a. The awarding of any Federal contract.
  - b. The making of any Federal grant.
  - c. The making of any Federal loan.
  - d. The entering into of any cooperative agreement.
  - e. The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
3. Indian tribe and tribal organization, as used in this clause, have the meaning provided in Section 450b of the Indian self-determination and Education Assistance Act (25 U.S.C. 450) and include Alaskan Natives.
4. Influencing or attempting to influence, as used in this clause, means making, with the intent to influence, any communication to or appearance before an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.
5. Local government, as used in this clause, means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.
6. Officer or employee of an agency, as used in this clause, includes the following individuals who are employed by an agency:
  - a. An individual who is appointed to a position in the Government under title 5, United States code, including a position under a temporary appointment.
  - b. A member of the uniformed services, as defined in the subsection



101(3), Title 37, United States Code.

- c. A special Government employee, as defined in Section 202, Title 18, United States Code.
  - d. An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, Title 5, United States Code, Appendix section 3.
- 7. Person, as used in this clause, means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit, or not for profit. This term excludes an Indian tribe, tribal organization or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
  - 8. Reasonable compensation, as used in this clause, means with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.
  - 9. Reasonable payment, as used in this clause means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.
  - 10. Recipient, as used in this clause, includes the CONSULTANT and all subcontractors. This term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
  - 11. Regularly employed, as used in this clause, means, with respect to an officer or employee of a person requesting or receiving by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract. An officer or employee who is employed by such person for less than 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.
  - 12. State, as used in this clause, means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State regional or interstate entity having governmental duties and powers.

**B. PROHIBITIONS**

1. Section 1352 of Title 31, United States Code, among other things, prohibits a recipient of a Federal contract, grant, loan or cooperative agreement from using appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative agreement; or, the modification of any Federal contract, grant, loan, or cooperative agreement.
2. The Act also requires consultant to furnish a disclosure if any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a Federal contract, grant, loan or cooperative agreement.
3. The prohibitions of the Act do not apply under the following conditions:
  - a. Agency and legislative liaison by own employees.
    - (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action if the payment is for agency and legislative liaison activities not directly related to a covered Federal action.
    - (2) For purposes of paragraph C.3.a.(1) of this clause, providing any information specifically requested by an agency or Congress is permitted at any time.
    - (3) The following agency and legislative liaison activities are permitted any time where they are not related to a specific solicitation for any covered Federal action:

Discussing with an agency (including individual demonstrations) the qualities and characteristics of the person's products or services, conditions or terms of sale, and service capabilities.

Technical discussions and other activities regarding the application of adaptation of the person's products or services for

an agency's use.

- (4) The following agency and legislative liaison activities are permitted where they are prior to formal solicitation of any covered Federal action:

Providing any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action;

Technical discussions regarding the preparation of an unsolicited proposal prior to its official submission; and,

Capability presentations by persons seeking awards from an agency pursuant to the provisions of the Small Business Act, as amended by Public Law 95-507, and subsequent amendments.

- (5) Only those services expressly authorized by paragraph C.3.a.(1) of this clause are permitted under this clause.

b. Professional and technical services

- (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of:

A payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of covered Federal action, if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action or for meeting requirements imposed by or pursuant to law as condition for receiving that Federal action.

Any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of a covered Federal action if the payment is for professional or technical services rendered directly in the preparation, submission or negotiation of any bid, proposal, or application or that Federal action or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action. Persons other than officers or employees of a person requesting or receiving a covered Federal action include contractors and trade associations.

- (2) For purposes of paragraph C.3.a.(1) of this clause, professional and technical services shall be limited to advise and analysis directly applying any professional or technical discipline. For example, drafting of a legal document accompanying a bid or proposal is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission, or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission, or negotiation of a covered Federal action.
- (3) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation and any other requirements in the actual award documents.
- (4) Only those services expressly authorized by paragraph C.3.a.(1) and (2) of this clause are permitted under this clause.
- (5) The reporting requirements of FAR 3.803(a) shall not apply with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

c. Disclosure

- (1) The consultant who requests or receives from an agency a Federal contract shall file with that agency a disclosure form OMB standard form LLL, Disclosure of Lobbying Activities, (Attachment to the bid package) if such person has made or had agreed to made any payment using non appropriated funds (to include profits from any covered Federal action), which

would be prohibited under subparagraph B.1. of this clause, if paid for with appropriated funds.

- (2) The consultant shall file a disclosure form at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under subparagraph II.A. of this clause. An event that materially affects the accuracy of the information reported includes:

A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or

A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

- (3) The consultant shall require the submittal of a certification, and if required, a disclosure form by any person who requests or receives any subcontract exceeding \$100,000 under the Federal contract.
- (4) All subcontractor disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the prime consultant. The prime consultant shall submit all disclosures to the District at the end of the calendar quarter in which the disclosure form is submitted by the subcontractor. Each subcontractor certification shall be retained in the subcontract file of the awarding consultant.

d. Agreement

The consultant agrees not to make any payment prohibited by this clause.

e. Penalties

- (1) Any person who makes an expenditure prohibited under paragraph a) of this clause or who fails to file or amend the disclosure form to be filed or amended by paragraph d) of this clause shall be subject to civil penalties as provided for by 31 U.S.C. 1352. An imposition of a civil penalty does not prevent the Government from seeking any other remedy that may be



applicable.

- (2) Consultants may relay without liability on the representation made by their subcontractors in the certification and disclosure forms.

f. Cost Allowability:

Nothing in this clause is to be interpreted to make allowable or reasonable any costs, which will otherwise be unallowable or unreasonable. Conversely, costs made specifically unallowable by the requirements in this clause will not be made allowable under any other provisions.

**CERTIFICATION OF  
RESTRICTIONS ON LOBBYING**

I, \_\_\_\_\_, hereby certify on behalf (name of offeror) of  
\_\_\_\_\_ that:  
(Firm name)

1. No Federal appropriated funds have been paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the attached Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in all subcontracts, and that all subcontractors shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Bidder, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Bidder understands and agrees that the provisions of 31 U.S.C. 3801, et seq. apply to this certification and disclosure, if any.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

By \_\_\_\_\_  
(Signature of authorized official)

\_\_\_\_\_  
(Title of authorized official)

**DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

Approved by  
OMB  
003480045

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material changes  For Material Change Only: year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: _____		<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known: _____
<b>6. Federal Department/Agency:</b>		<b>7. Federal Program Name/Description:</b>  CFDA number, if applicable: _____
<b>8. Federal Action Number, if known:</b>		<b>9. Award Amount, if known:</b> \$ _____
<b>10. a. Name and Address of Lobbying Entity</b> (if individual, last name, first name, MI)		<b>b. Individuals Performing Services (including address if different from No 10a)</b> (last name, first name, MI):
(attach Continuation Sheet(s) SF - LLL - A if necessary)		
<b>11. Amount of Payment (check all that apply):</b>  \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned		<b>13. Type of Payment (check all that apply):</b> <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other specify: _____
<b>12. Forum of Payment (check all that apply):</b> <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify      nature: _____ value: _____		
<b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s) or Member(s) contracted for Payment indicated in Item, 11:</b>   (attach Continuation Sheet(s) SF-LLL-A if necessary)		
<b>15. Continuation Sheet(s) SF-LLL-A attached:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>16. Information requested through this form is authorized by Code 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.</b>		Signature: _____ Print name: _____ Title: _____ Telephone No: _____ Date: _____

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Authorized for Local Reproduction  
Standard Form - LLL

Approved by  
OMB  
003480045

## **INSTRUCTIONS FOR COMPLETION OF SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES**

This DISCLOSURE FORMS SHALL BE COMPLETED BY the reporting entity, whether Subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be a prime or subaward recipient. Identify the tier of the subawardee e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address city, state, and zip code of the prime Federal recipient. Include Congressional District.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency, name if known. For example, Department of Transportation, United State Coast Guard.
7. Enter the Federal program name for description of the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g. Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/ proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a.). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box (es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box (es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Management and Budget Paperwork Reduction Project (0348-0446), Washington, D.C. 20503.
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**DISCLOSURE OF LOBBYING ACTIVITIES CONTINUATION SHEET**

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

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**EXHIBIT G: SAFETY SPECIFICATIONS**

## **LEVEL 1 SAFETY SPECIFICATIONS**

### **PART I – GENERAL**

#### **1.1 GENERAL HEALTH, SAFETY & ENVIRONMENTAL (HSE) REQUIREMENTS**

- A. The Consultant/Contractor, its sub-tier Consultants, suppliers, and employees have the obligation to comply with all Authority health, safety and environmental compliance department (HSEC) policies, 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 Consultants or its sub-tier contractors may be cause for termination of scope, contracts, 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 for all Consultant personnel, sub-tier Consultants, suppliers, vendors, and new employees assigned to the project prior to commencement of the project.
- E. The Consultant shall ensure that all Consultant vehicles, including those of its sub-tier Consultants, 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 Consultant is encouraged to exceed minimum requirements. When the Consultant safety requirements exceed statutory standards, and the more stringent requirements shall be achieved for the safeguard of public and workers.

#### **G. GENERAL HSE SUBMITTALS**

- A. The Consultant 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 Consultant and its sub-tier contractors, suppliers, and vendors.

- B. Consultant shall submit to the Authority a copy their company's substance abuse prevention policy.
- C. Consultant shall submit to the Authority a copy their company's Safety policy and procedures manual.
- D. Managing Construction Activities; Consultant shall submit a monthly project report that includes both Consultant and Contractor number of workers on the project, a list of subcontractors, work hours (month, year to date, & project to date cumulative) of each contractor, labor designation, OSHA Recordable injuries and illnesses segregated by medical treatment cases, restricted workday cases, number of restricted days, lost workday cases, and number of lost work days, and recordable incident rate. Consultant shall provide this monthly report to the Authority Project Manager with other required monthly submittals, or upon request, within 72 hours.
- E. Managing Construction Activities; Consultant shall maintain a separate incident log shall be maintained for each project that includes project related and third party incidents (injury, property damage, fire, theft, near miss, etc.). This log shall be provided upon request, within 72 hours.

## **1.2 HAZARD COMMUNICATION**

- A. Consultant shall comply with CCR Title 8, Section 5194, Hazard Communication Standard. Prior to use on Authority property and/or project work areas Consultant shall provide the Authority Project Manager copies of SDS for all chemical 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.

## **1.3 INCIDENT NOTIFICATION AND INVESTIGATION**

- A. The Authority shall be promptly notified of any damage to the Authority's property, or incidents involving third party property damage, or reportable and/or recordable injuries (as defined by the U. S. Occupational Safety and Health Administration) to Authority employees and agents; Consultant, contractor, vendor employees or visitors and members of the general public that occurs or arises from the performance of Authority's contract work. A comprehensive investigation and written report shall be submitted to Authority's Project Manager within 24 hours of the incident.
- B. A serious injury or incident may require a formal incident review at the discretion of the Authority's Project Manager. The incident review shall be conducted within seven 7 calendar days of the incident. The serious incident presentation shall include action taken for the welfare of the injured, a status report of the injured, causation factors leading to the incident, a root cause analysis, and a detailed recovery plan that identifies corrective actions to prevent a similar incident, and actions to enhance safety awareness.

#### 1.4 PERSONAL PROTECTIVE EQUIPMENT

- A. The Consultant, its sub-tier Consultants, suppliers, and employees are required to comply with the Authority's personal protective equipment (PPE) policy while performing work at any Authority facility, i.e. eye protection policy, hearing protection policy, head protection, safety vests, Work Shoe Policy.
- B. The Consultant, its sub-tier Consultants, 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. The Authority requires eye protection on construction projects and work areas that meet ANSI Z-87.1 Standards.

#### 1.5 HSE REPRESENTATIVE – MANAGING CONSTRUCTION ACTIVITIES

- A. The minimum qualifications for the position of Health, Safety and Environmental (HSE) Representative are;
- B. The HSE Representative shall be a Certified Safety Professional (CSP) with current certification from the Board of Certified Safety Professionals (BCSP), or a Construction Health and Safety Technician (CHST) with current certification from the Board of Certified Safety Professionals, or a Certified Industrial Hygienist (CIH) with current certification from the American Board of Industrial Hygiene (ABIH).
- C. The HSE Representative shall have a minimum of seven (7) years of heavy construction field experience in administering enforcement of HSE programs on heavy construction and rail project sites, the last two years of which have been administering HSE in a similar construction discipline for which the firm has contracted with the Authority. The Consultant HSE Representative will be responsible for developing the CONSULTANT'S Project Safety Plan (PSP), performing site orientation and other HSE training of CONSULTANT field staff, The Consultant HSE Representative's qualifications and resume shall be presented for review and acceptance to the Authority, along with the PSP.
- D. The HSE Representative shall review the Contractor's Site Health and Safety Plan and associated Job Hazard Analysis (JHA), or Activity Hazard Analysis (AHA), and Storm Water Pollution Prevention Plan (SWPPP) on site best management practices, Monitor other applicable project environmental concerns, conduct periodic monitoring of the project site, and report observations of Contractor's activities in written reports.
- E. The HSE Representative shall set up, carry forward, aggressively and effectively maintain the PSP covering all phases of the project. It is expected that the HSE Representative will make periodic trips (*i.e., a minimum of weekly, and possibly daily trips at times to ensure Contractor's regulatory compliance in a quality assurance role*) to the project site to audit the CONTRACTOR's compliance with the Site Health and Safety Plan, prepare audit reports, and if necessary issue HSE observation of non-compliance notices. The HSE Representative shall

participate in monthly project team HSE compliance walks, and generally support the HSE program and OCTA project team.

#### 1.6 REFERENCES

- A. CCR Title 8 Standards (Cal/OSHA)
- B. FCR Including 1910 and 1926 Standards
- C. NFPA, NEC, ANSI, NIOSH Standards
- D. Title 40, Code of Federal Regulations (40 CFR)
- E. OCTA Construction Management Procedures Manual
- F. USACE Construction Quality Management Manual (EM 385-1-1)
- G. Construction Industry Institute (CII)
- H. Rail Programs Department Construction Management Procedures

END OF SECTION



**EXHIBIT H: CERTIFICATION OF CONSULTANT, COMMISSIONS & 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)

**EXHIBIT I: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS**

**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:

\_\_\_\_\_

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Area Below Reserved for Authority Use Only:

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## COMMITTEE TRANSMITTAL

**March 26, 2018**

**To:** Members of the Board of Directors  
**From:** Laurena Weinert, Clerk of the Board  
**Subject:** OC Streetcar Project Update

Transit Committee Meeting of March 8, 2018

**Present:** Directors Davies, Do, Jones, Murray, Pulido, and Winterbottom  
**Absent:** Director Tait

**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.





**March 8, 2018**

**To:** Transit Committee  
**From:** Darrell Johnson, Chief Executive Officer  
**Subject:** OC Streetcar Project Update

### **Overview**

The Orange County Transportation Authority, in coordination with the cities of Santa Ana and Garden Grove, is underway with the development and construction of the OC Streetcar project. An update on the OC Streetcar project activities is provided for the Board of Directors' review.

### **Recommendation**

Receive and file as an information item.

### **Background**

The Orange County Transportation Authority (OCTA), in coordination with the cities of Santa Ana and Garden Grove, is implementing the OC Streetcar project (Project), a new east-west double track streetcar between the Santa Ana Regional Transportation Center in the City of Santa Ana, and the Harbor Boulevard/Westminster Avenue intersection in the City of Garden Grove. The modern streetcar project includes track, overhead electrical power supply, ten stops in each direction, four traction power substations, and two bridges. In addition, a new maintenance and storage facility (MSF) will be constructed for the streetcar vehicles, administration, operations, parts storage, and maintenance-of-way.

In 2017, OCTA achieved several significant Project development milestones with the approval to enter into the Federal Transit Administration's (FTA) New Starts Engineering phase. Subsequently, OCTA completed the FTA Risk Assessment process, 100 percent design plans and specifications, and the Board of Directors (Board) approved the release of invitation for bids (IFB) for construction. In addition, the vehicle manufacturing and delivery procurement is nearing completion, and an operations and maintenance (O&M) industry forum was held. Along the Project alignment, third-party utility providers have performed relocation

engineering, and many of the necessary utility relocations are underway. Approximately \$30 million has been expended to date on project development activities.

### ***Discussion***

Significant progress continues to be made to advance the Project. Following the release of the construction IFB, two key actions have occurred. The construction bid opening date has been extended from March 5, 2018 to April 27, 2018, because of direct feedback from the construction industry and continued discussion by Congress of the 2018 FTA New Starts funding levels. The right-of-way (ROW) schedule to obtain possession of the ROW necessary for construction has also been extended because of the ongoing funding discussion in Congress. A detailed discussion of these activities is provided below.

#### **Federal Funding**

On May 22, 2017, the OCTA Board authorized the Chief Executive Officer to request and enter into a Full Funding Grant Agreement (FFGA) with FTA to secure a federal contribution of \$148.96 million through the Capital Investment Grant New Starts Program. New Starts is a competitive, discretionary grant program subject to annual appropriations by Congress, with extensive requirements and commitments to demonstrate the project sponsor has the technical and financial capacity to deliver the project. OCTA has completed and submitted all the necessary Project readiness documents to FTA.

The federal fiscal year (FFY) 2017 appropriations bill included \$50 million for the Project. On February 9, 2018, the President signed into law a continuing resolution (CR) through March 23, 2018, that significantly increased overall discretionary funding levels. Shortly thereafter, Congress began drafting FFY 2018 funding bills to fund all departments of the federal government, including transportation programs. Previous versions of the FFY 2018 funding bills considered in both the House and Senate increased funding capacity for New Starts. The increase in overall discretionary spending in the CR will likely allow for funding increases for New Starts projects, including the planned FFGA for the Project.

With an FFY 2018 appropriations bill expected by the end of March 2018, it is important to note that OCTA is permitted to purchase vehicles and seek future federal reimbursement given the pre-award authority granted to OCTA from FTA, prior to the signing of the FFGA.

As a result of ongoing discussions with the Orange County congressional delegation regarding the FFGA and the importance of New Starts, a bipartisan

letter signed by delegation members was sent to FTA in December 2017, supporting the Project and urging immediate signing of the FFGA. A response to that request has not yet been received. Staff continues to work with FTA, the California State Transportation Agency, as well as the congressional delegation regarding the status of the FFGA and will continue updating the Board on the progress of these discussions.

## **ROW**

Possession of the one residential ROW parcel being acquired for construction of the MSF is proceeding on schedule, with the motion for pre-judgment possession hearing scheduled for March 19, 2018. However, the ongoing discussion over federal funding has impacted the ability to gain early possession of the adjacent two commercial parcels needed for construction of the MSF.

In July 2017, the City of Santa Ana adopted a resolution of necessity and filed an eminent domain lawsuit with the Superior Court of California (Court) to obtain ROW needed for the MSF. In December 2017, the City of Santa Ana sought a motion for pre-judgment possession of the ROW, which is typical for public works projects going through the eminent domain process. This action allows the agency to gain possession of ROW and construct projects while the value of a parcel is determined through a longer legal process. The Court denied the motion for pre-judgment possession because the FFGA has yet to be finalized. The Court said it could not be proven that the FFGA is in jeopardy at this time if pre-judgment possession of ROW is not granted. The next step in ROW acquisition for the two commercial parcels is the eminent domain trial, with the right-to-take hearing scheduled for April 9, 2018. Results of this hearing will determine when OCTA can take possession of the ROW, begin demolition of the structures, and make it available to the contractor for construction. OCTA's general counsel is working closely with City of Santa Ana legal counsel in preparation for the hearing and will keep the Board apprised of the outcome.

## **Construction IFB**

On August 14, 2017, the OCTA Board approved the use of a pre-qualification process for construction of the Project. Five firms have been pre-qualified through that process. On December 11, 2017, OCTA released the IFB for Project construction, with bids planned to be open on March 5, 2018. Given the status of the federal funding and ROW acquisition process, an addendum was issued moving the bid opening to April 27, 2018.

OCTA will need assurance that the FFGA is proceeding, or another funding program is available, prior to the construction bid opening but no later than April 13, 2018. In addition, if the FFGA is not executed by early June 2018, the

construction award could not be made if OCTA proceeds with the current funding program.

If the construction bid opening is delayed, the construction contract award, as well as the overall project schedule, would be delayed. With a bid opening of April 27, 2018, the current estimated date for revenue service is February 2021.

#### Vehicle Manufacturing and Delivery

The vehicle manufacturing and delivery schedule is a critical element in order to start revenue service in February 2021. Vehicles must be available for the integrated testing that is required to confirm that vehicles, infrastructure, and systems are functional. The vehicle manufacturing and delivery contract award is scheduled to go to the Board for approval on March 26, 2018. Upon Board approval, staff would complete contract negotiations and the Buy America audit, with a notice to proceed (NTP) estimated by early June 2018. Issuing an NTP by early June 2018 is necessary to achieve the delivery schedule for the vehicles, which is 24 months duration from NTP for the first vehicle (June 2020), and 28 months for the last vehicle (October 2020).

Critical dates for the construction and vehicle activities, how these are interrelated, and the implications of delay on both cost and schedule are shown in Attachment A.

#### Potential Cost Impacts of Delay

The best and final offers (BAFO) submitted by the two proposers remain in effect until June 4, 2018. Beyond this date, there is a risk that the vehicle manufacturer may not honor the prices submitted, and vehicle costs could potentially increase. These costs could be even higher if a new vehicle procurement has to be issued. A vehicle contract delay impacts the February 2021 opening date; therefore, there would be additional costs for professional services and staff, estimated at approximately \$450,000 a month. In addition, if the construction contract has been already awarded, there would be construction delay costs as the integrated testing of the infrastructure and systems (track, switches, signals, etc.) requires the vehicles in order to be completed.

If award of the construction contract is delayed further, potential delay costs are estimated at \$450,000 a month for professional services and staff, and \$400,000 for the monthly construction escalation costs (three percent annual escalation). As noted earlier, approximately \$30 million has been expended to date on project development activities.

**Next Steps**

Work continues to progress on the Project as it relates to finalizing permits, coordination with third parties on utility relocation, finalizing the California Public Utilities Commission approvals for the Project's safety certification, acquisition and possession of required ROW, finalizing of the scope of services for the O&M request for proposals, and continued coordination with FTA.

Staff will return to the Board with an update on the federal funding, securing of the Project ROW, and any additional updates to the overall Project funding plan and schedule.

**Summary**

An update on the OC Streetcar project activities, including federal funding, right-of-way status, and construction invitation for bid is presented for the Board of Directors' review.

**Attachment**

- A. OC Streetcar Construction and Vehicle Schedules - Critical Dates and Interrelationships

**Prepared by:**

Kelly Hart  
Project Manager  
(714) 560-5725

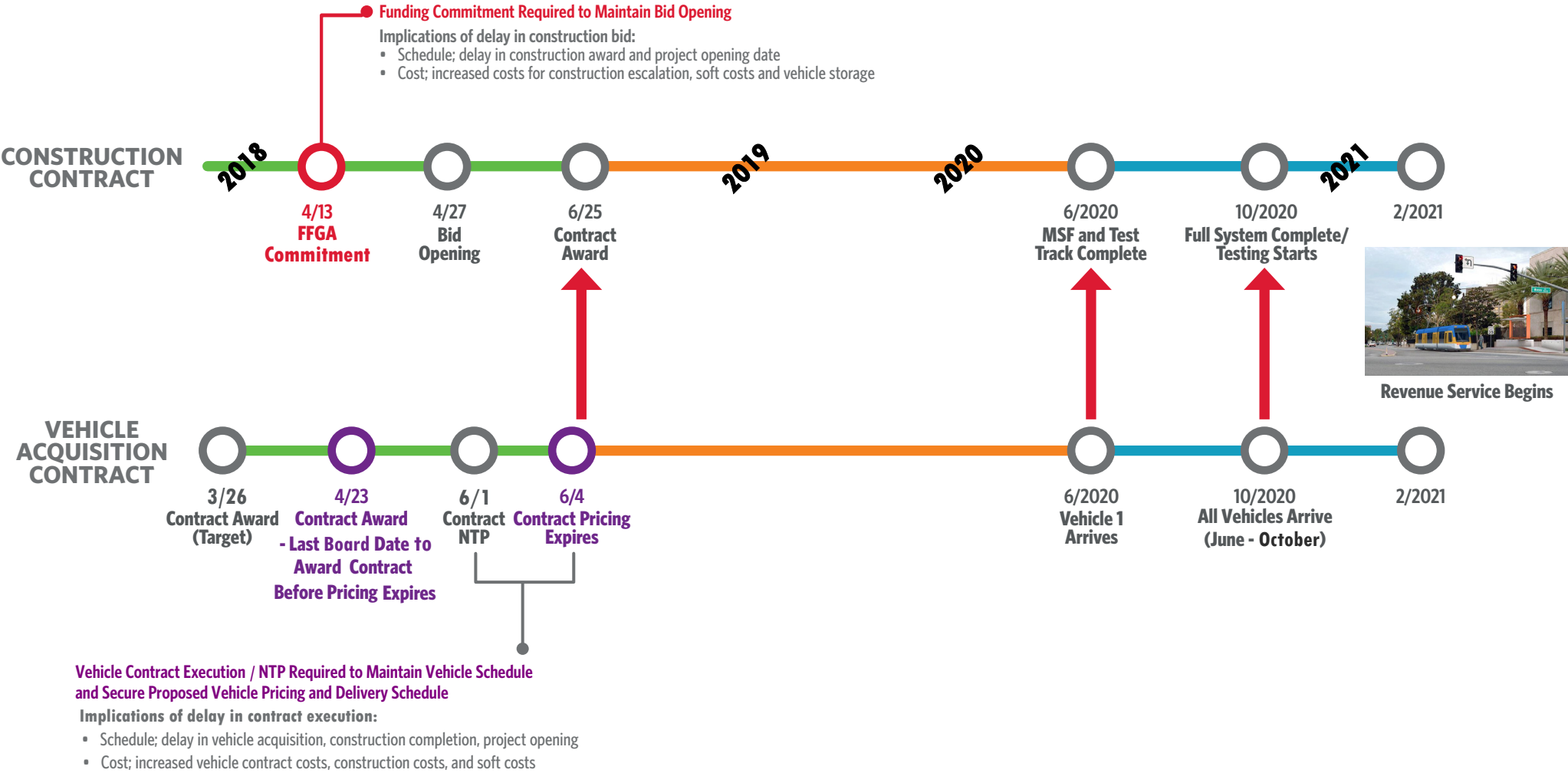
**Approved by:**

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





Construction and Vehicle Schedules - Critical Dates and Interrelationships



**LEGEND**


- Contract Award Activities
- Construction & Vehicle Manufacturing
- Integrated Testing, Training, Safety Certification
- Critical Interrelationships



MEMO

March 26, 2018

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer 

Subject: **H.R. 1625 - Consolidated Appropriations Act, 2018**

This memo is provided as an update to Item #9 - OC Streetcar Project Update. On Thursday, March 22, 2018, the U.S. House of Representatives (House) passed H.R. 1625, the Consolidated Appropriations Act, 2018 by a vote of 256-167. Shortly after midnight Friday, March 23, 2018, the U.S. Senate approved the funding bill by a vote of 65-32. The President signed the measure into law that afternoon.

Attached please find an overview of the Transportation section of H.R. 1625 outlined by the House Appropriations Committee noting funding levels pertaining to Infrastructure, Aviation, Highways, Rail and Transit. The overview highlights the Capital Investment Grant Program is funded at over \$2.6 billion with \$1.5 billion for projects within the New Starts program. Congress directed funding for this program at an increase of over \$1.4 billion than the Administration's request. Additionally, statutory and report language are included listing the funding amounts with Congressional direction to the Secretary of Transportation to continue to administer the capital investment program in accordance to the requirements of the program.

If you have any questions, please contact me.

DEJ: lml

# House Appropriations Committee

**Chairman Rodney Frelinghuysen**

Website address: <http://appropriations.house.gov/>

## **Fiscal Year 2018 Transportation, Housing and Urban Development Funding Bill** *Legislation targets funding to essential infrastructure that will help keep the nation moving, and supports community development and housing programs.*

The fiscal year 2018 Transportation, Housing and Urban Development Appropriations bill includes funding for the Department of Transportation, the Department of Housing and Urban Development, and other related agencies.

The bill includes \$70.3 billion in net discretionary spending – \$12.65 billion above the fiscal year 2017 level. This large increase in funding, agreed to as part of the recent budget “caps” agreement, makes critical investments in transportation infrastructure. The bill also includes funding for important community development and housing programs that will help our economy grow and thrive.

**Infrastructure Funding** – The bill provides an increase of \$10.6 billion above the fiscal year 2017 enacted level to begin to rebuild the nation’s aging infrastructure. This funding is targeted to our nation’s airports, roads, bridges, rail, and community development, and will create jobs and spur economic growth.

**Department of Transportation (DOT)** – The bill includes \$27.3 billion in discretionary appropriations for the Department of Transportation for fiscal year 2018. This is \$8.7 billion above the fiscal year 2017 enacted level. In total budgetary resources, including offsetting collections, the bill provides \$86.2 billion to improve and maintain our nation’s transportation infrastructure.

The bill targets funding to projects that will increase efficiency, safety, reliability, and quality of life for the traveling public, and that will help improve commerce and increase economic growth.

- **Air** – The bill includes \$18 billion in total budgetary resources for the Federal Aviation Administration (FAA) – \$1.6 billion above the fiscal year 2017 enacted level. These investments will help ease future congestion and help reduce delays for travelers in U.S. airspace.

This includes full funding for all air traffic control personnel, including 14,500 air traffic controllers, 7,400 safety inspectors, and operational support personnel. In addition, this provides \$1.3 billion for NextGen investments, an increase of \$239 million above the fiscal year 2017 enacted level. These investments will accelerate the modernization of the air traffic control system to ensure safe and reliable travel for the flying public, and to provide more certainty for the aviation industry.

The bill provides \$165 million for the Contract Tower program and language to ensure that towers ready to enter the program are not delayed further.



The agreement provides an additional \$1 billion in airport discretionary grants for airports with the greatest need for infrastructure improvements, particularly targeting small and rural airports.

- **Highways** – The bill provides \$45 billion from the Highway Trust Fund to be spent on the Federal-aid Highways Program, which is \$1 billion above the fiscal year 2017 enacted level. This funding mirrors the FAST Act authorized levels and will provide much needed growth and improvements within America’s highway system. In addition, the bill provides an extra \$2.5 billion in discretionary highway funding – a total increase of \$3.5 billion for roads and bridges over fiscal year 2017.
- **TIGER (National Infrastructure Investments)** – The multimodal TIGER program is funded at \$1.5 billion, a \$1 billion increase over the fiscal year 2017 enacted level. This program will fund states’ and local communities’ most critical transportation projects, and language is included in the bill to ensure that at least 30% of these funds go to rural communities.
- **Rail** – Federal investments in rail infrastructure and safety programs are funded at \$3.1 billion, which is \$1.2 billion over the fiscal year 2017 enacted level.

The bill provides a total of \$1.9 billion for Amtrak, of which \$650 million is for Northeast Corridor grants and \$1.3 billion is to support the national network. The bill also continues to require overtime limits for Amtrak employees to reduce unnecessary costs.

Also included is funding for the Federal-State Partnership for State of Good Repair grants at \$250 million, which is \$225 million above the fiscal year 2017 enacted level. This funding will address critical rail investments nationwide and on the Northeast Corridor – needs that must be addressed to sustain current rail services.

Rail safety and research programs are funded at \$287 million, \$29 million over the fiscal year 2017 enacted level. This will fund inspectors and training, plus maintenance and safety investments to the physical rail infrastructure, to help ensure the safety of passengers and local communities.

Consolidated Rail Infrastructure and Safety Improvements grants are funded at \$593 million, an increase of \$525 million from the fiscal year 2017 enacted level, to fund capital and safety improvements, planning, environmental work, and research.

The bill also includes \$250 million for grants to rail operators to install positive train control (PTC) technologies, which will significantly improve the safety of our rail system.

- **Transit** – The bill provides \$13.5 billion in total budgetary resources for the Federal Transit Administration (FTA) – \$1 billion above the fiscal year 2017 enacted level and \$2.3 billion above the request. Transit formula grants total \$9.7 billion – consistent with the FAST Act – to help local communities build, maintain, and ensure the safety of their mass transit systems.

Within this amount, \$2.6 billion is included for Capital Investment Grants transit projects. “New Starts” projects are funded at \$1.5 billion, Core Capacity projects at \$716 million, and Small Starts projects at \$400 million. These programs provide competitive grant funding for major transit

capital investments – including light rail, bus rapid transit, and commuter rail – that are planned and operated by local communities. The bill limits the federal match for “New Starts” projects to 51 percent.

The bill provides an additional \$834 million in transit infrastructure grants compared to the fiscal year 2017 level. This includes \$400 million to help communities modernize their bus systems, and \$400 million for capital assistance to transit systems across the country to maintain a state of good repair.

- **Maritime** – The bill includes \$980 million for the Maritime Administration, \$457 million above the fiscal year 2017 enacted level. This funding will continue to increase the productivity, efficiency, and safety of the nation’s ports and intermodal water and land transportation.

The Maritime Security Program is funded at the full authorized level of \$300 million. In addition, the bill provides \$300 million for a new national security multi-mission vessel, and provides \$121 million for the United States Merchant Marine Academy, including \$52 million for capital improvements and repairs.

- **Road Safety** – The bill contains funding for the various transportation safety programs and agencies within the Department of Transportation. This includes \$947 million in total budgetary resources for the National Highway Traffic Safety Administration, an increase of \$36 million over the fiscal year 2017 enacted level, and \$845 million for the Federal Motor Carrier Safety Administration, \$201 million above the fiscal year 2017 enacted level. Also included is \$272 million for the Pipeline and Hazardous Materials Safety Administration, an increase of \$8 million over the fiscal year 2017 enacted level.

Within these amounts, the bill provides more than \$100 million for research and demonstrations of automated vehicles, a technology that has the potential to save tens of thousands of lives.



1 hicle tested shall pay 20 percent of the cost of testing:  
2 *Provided further*, That a low or no emission vehicle new  
3 bus model tested that receives a passing aggregate test  
4 score in accordance with the standards established under  
5 section 5318(e)(2) of such title, shall be deemed to be in  
6 compliance with the requirements of section 5318(e) of  
7 such title: *Provided further*, That amounts made available  
8 by this heading shall be derived from the general fund:  
9 *Provided further*, That the amounts made available under  
10 this heading shall not be subject to any limitation on obli-  
11 gations for transit programs set forth in any Act.

12 TECHNICAL ASSISTANCE AND TRAINING

13 For necessary expenses to carry out 49 U.S.C. 5314,  
14 \$5,000,000.

15 CAPITAL INVESTMENT GRANTS

16 For necessary expenses to carry out fixed guideway  
17 capital investment grants under section 5309 of title 49,  
18 United States Code, \$2,644,960,000 to remain available  
19 until September 30, 2021: *Provided*, That of the amounts  
20 made available under this heading, \$2,252,508,586 shall  
21 be obligated by December 31, 2019: *Provided further*,  
22 That \$5,050,000 from unobligated amounts appropriated  
23 for the buses and bus facilities program under section  
24 5309 of such title from fiscal years 2000 to 2005 shall  
25 remain available until September 30, 2021 to carry out

1 section 5309: *Provided further*, That of the amounts made  
2 available under this heading, \$1,506,910,000 shall be  
3 available for projects authorized under section 5309(d) of  
4 such title, \$715,700,000 shall be available for projects au-  
5 thorized under section 5309(e) of such title, \$400,900,000  
6 shall be available for projects authorized under section  
7 5309(h) of such title: *Provided further*, That the Secretary  
8 shall continue to administer the capital investment grant  
9 program in accordance with the procedural and sub-  
10 stantive requirements of section 5309 of such title.

11 GRANTS TO THE WASHINGTON METROPOLITAN AREA

12 TRANSIT AUTHORITY

13 For grants to the Washington Metropolitan Area  
14 Transit Authority as authorized under section 601 of divi-  
15 sion B of Public Law 110–432, \$150,000,000, to remain  
16 available until expended: *Provided*, That the Secretary of  
17 Transportation shall approve grants for capital and pre-  
18 ventive maintenance expenditures for the Washington  
19 Metropolitan Area Transit Authority only after receiving  
20 and reviewing a request for each specific project: *Provided*  
21 *further*, That prior to approving such grants, the Secretary  
22 shall certify that the Washington Metropolitan Area Tran-  
23 sit Authority is making progress to improve its safety  
24 management system in response to the Federal Transit  
25 Administration’s 2015 safety management inspection:

(Xerox)

DIVISION L – TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND  
RELATED AGENCIES APPROPRIATIONS ACT, 2018

CONGRESSIONAL DIRECTIVES

Unless otherwise noted, the language and allocations set forth in the House report (House Report 115-237) and the Senate report (Senate Report 115-138) carry the same weight as the language included in this joint explanatory statement and should be complied with unless specifically addressed to the contrary in this division or joint explanatory statement. House report language and Senate report language, neither of which is changed by this joint explanatory statement, is a result of the 2018 appropriations agreement. The joint explanatory statement, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. The Department of Transportation and the Department of Housing and Urban Development are directed to notify the House and Senate Committees on Appropriations seven days prior to the announcement of a new program, initiative, or authority. Any reprogramming requests must be submitted to the Committees on Appropriations no later than June 30, 2018.



provide quarterly reports within 30 days of the quarter's end on cap waivers granted, and amounts paid above the cap for each month. The agreement also requires Amtrak's president to provide an annual report 60 days after enactment of this Act that summarizes Amtrak's total overtime expenses incurred by the corporation in 2017 and the three prior years, and the number of employees receiving overtime cap waivers and total overtime payments resulting from waivers by month of the 2017 calendar year and the three prior calendar years.

#### **FEDERAL TRANSIT ADMINISTRATION**

##### **ADMINISTRATIVE EXPENSES**

The agreement provides \$113,165,000 for administrative expenses.

#### **TRANSIT FORMULA GRANTS**

##### **(LIQUIDATION OF CONTRACT AUTHORIZATION)**

##### **(LIMITATION ON OBLIGATIONS)**

##### **(HIGHWAY TRUST FUND)**

The agreement limits obligations from the Mass Transit Account for transit formula grants to \$9,733,353,407, as authorized by the FAST Act. Funds are to be distributed as authorized. Further, the agreement provides \$10,300,000,000 for the liquidation of contract authority.

#### **TRANSIT INFRASTRUCTURE GRANTS**

The agreement provides an additional \$834,000,000 in transit infrastructure grants to remain available until expended. Of the funds provided, \$400,000,000 is available for buses and bus facilities grants authorized under 49 U.S.C. 5339, of which \$209,104,000 is provided for formula grants, \$161,446,000 is provided for competitive grants, and \$29,450,000 is provided for low or no emission grants. In addition, \$400,000,000 is available for state of good repair grants

authorized under 49 U.S.C. 5337, \$30,000,000 is provided for high density state apportionments authorized under 49 U.S.C. 5340(d), \$2,000,000 is provided for the bus testing facility authorized under 49 U.S.C. 5318, and \$2,000,000 is provided for bus testing facilities authorized under 49 U.S.C. 5312(h). The agreement provides funding from the general fund, and the funding is not subject to any limitation on obligations.

#### TECHNICAL ASSISTANCE AND TRAINING

The agreement provides \$5,000,000 for research activities under 49 U.S.C. 5314.

#### CAPITAL INVESTMENT GRANTS

The agreement provides \$2,644,960,000 for fixed-guideway projects, to remain available until September 30, 2021, and directs the Secretary to administer the capital investment grants program in accordance with the requirements of 49 U.S.C. 5309 and move projects through the program from initial application to construction. The agreement directs the FTA to use \$5,050,000 from unobligated amounts for fixed-guideway projects. Of the funds provided, \$1,506,910,000 is available for projects authorized under 5309(d), \$715,700,000 is available for projects authorized under 5309(e), \$400,900,000 is for projects authorized under 5309(h), and \$26,500,010 is available for oversight activities. The agreement directs the Secretary to obligate \$2,252,508,586 of the amount provided for the capital investment grants program by December 31, 2019. The agreement directs the Secretary to provide updated project ratings expeditiously at the request of the project sponsor.

#### GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The agreement provides \$150,000,000 to carry out section 601 of division B of Public Law 110-432, to remain available until expended. The agreement no longer requires the Secretary to certify that WMATA is making progress toward full implementation of the





## COMMITTEE TRANSMITTAL

**March 26, 2018**

**To:** Members of the Board of Directors  
**From:** Laurena Weinert, Clerk of the Board  
**Subject:** Approval to Award Contract for Manufacturing and Delivery of Vehicles for the OC Streetcar Project

### Transit Committee Meeting of March 8, 2018

**Present:** Directors Davies, Do, Jones, Murray, Pulido, and Winterbottom  
**Absent:** Director Tait

### **Committee Vote**

This item was passed by the Members present.

### **Committee Recommendations**

- A. Approve the selection of Siemens Industries, Inc., as the firm to provide eight streetcar vehicles contingent upon successful completion of a pre-award audit to confirm compliance with federal Buy America requirements.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-6-1445 between the Orange County Transportation Authority and Siemens Industries, Inc., in the amount of \$51,527,520, for the purchase of eight streetcar vehicles, spare parts, and tools, with an option to purchase up to ten additional streetcar vehicles and spare parts.



**March 8, 2018**

**To:** Transit Committee

**From:** Darrell Johnson, Chief Executive Officer

**Subject:** Approval to Award Contract for Manufacturing and Delivery of Vehicles for the OC Streetcar Project

### **Overview**

On December 19, 2016, the Orange County Transportation Authority Board of Directors approved the release of a request for proposals for the purchase of eight streetcar vehicles for the OC Streetcar project. Board of Directors' approval is requested to award an agreement for the purchase of these vehicles, as well as the associated spare parts and tools.

### **Recommendations**

- A. Approve the selection of Siemens Industries, Inc., as the firm to provide eight streetcar vehicles contingent upon successful completion of a pre-award audit to confirm compliance with federal Buy America requirements.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-6-1445 between the Orange County Transportation Authority and Siemens Industries, Inc., in the amount of \$51,527,520, for the purchase of eight streetcar vehicles, spare parts, and tools, with an option to purchase up to ten additional streetcar vehicles and spare parts.

### **Discussion**

The Orange County Transportation Authority (OCTA), in coordination with the cities of Santa Ana and Garden Grove, is implementing the OC Streetcar project (Project), a new east-west double track modern streetcar in Orange County between the Santa Ana Regional Transportation Center in the City of Santa Ana and the Harbor Boulevard/Westminster Avenue intersection in the City of Garden Grove. The purpose of the Project is to improve transit connectivity and accessibility, increase transit options, relieve congestion, and provide benefits to the traveling public.

In accordance with the Project's operating plan approved by the Federal Transit Administration (FTA), a fleet of eight streetcar vehicles is required to meet the level of service to be provided. Vehicle acquisition is one of the most critical elements to the Project delivery due to the long lead time for vehicle manufacturing, delivery, and inspection, followed by the integrated testing of the vehicle with the infrastructure and systems.

As part of the OCTA Board of Directors' (Board)-approved request for proposals (RFP), the contract documents were developed to include the safety requirements of the California Public Utilities Commission (CPUC), federal Buy America requirements, and Americans with Disabilities Act (ADA) requirements, including double-width doorways, priority seating, public information systems, signage, lighting, and interior circulation. To address the ADA requirements related to vehicle access, streetcar stop platforms have been designed to provide level boarding access to entry points of the vehicles. To ensure accessibility and maximize maneuverability within the vehicle, it was determined that the vehicle low floor area be a minimum 70 percent of the vehicle length. The low floor area does not have any steps, providing easy access to all users and room for maneuvering wheelchairs, mobility aids, strollers, and bicycles at the same level of the streetcar stop platforms.

Other technical requirements were specified to ensure the vehicles meet industry standards for streetcar operations. The following key technical requirements were based on the ridership forecast and design of the streetcar infrastructure:

- Single articulating car train with an operating cab at each end and a maximum operating speed of 44 miles per hour,
- Minimum length of 77 feet and a minimum passenger capacity of 115 to meet forecasted ridership,
- Minimum of two double-width doorways on each side in the low-floor section, with additional doors to maximize efficiency of passenger flow.

The specifications also define seating configuration, system communications, passenger information systems, lighting, safety and security systems, traction power requirements, and operating parameters based on the design of the guideway.

In addition to the base order, the RFP included an option pricing request for up to ten additional vehicles with associated spare parts to preserve pricing for potential system expansion. A separate Board action will be required to exercise any option items. Additionally, OCTA can decide to assign some or all of the

option vehicles to another transit agency for its use, which is standard in the transit industry.

***Procurement Approach***

The procurement was handled in accordance with Board-approved procedures for goods and services, and is compliant with FTA requirements. Award is recommended to the firm submitting the most competitive proposal, based upon evaluation factors relevant to the firm's qualifications, related experience and project management, the technical proposal, overall vehicle cost, inclusive of spare parts, special tools, and option items.

On December 16, 2016, the Board authorized the release of RFP 6-1445, which was electronically issued on CAMM NET. The Project was advertised on December 19 and December 26, 2016, in a newspaper of general circulation, and in a professional rail publication on December 19, 2016. A pre-proposal conference was held on January 10, 2017, with 18 attendees representing 15 firms. Ten addenda were issued to provide pre-proposal conference registration sheets, responses to requests for clarification, modify technical requirements, and handle administrative issues related to the RFP. On July 7, 2017, two proposals were received and deemed responsive to the RFP requirements:

Firm and Location

CAF USA, Inc. (CAF)  
Washington, DC

Siemens Industries, Inc. (Siemens)  
Sacramento, California

An evaluation committee met to review the two proposals. The committee was facilitated by a non-voting member of OCTA's Contracts Administration and Materials Management Department, and included members from Rail Programs, Transit Maintenance, and Health, Safety, and Environmental Compliance departments. In addition, the evaluation committee included external representatives from the following agencies that operate streetcar and light rail systems: the Los Angeles County Metropolitan Transportation Authority, San Diego Metropolitan Transit System, Southwest Ohio Regional Transit Authority (Cincinnati), and Tri-County Metropolitan Transportation District of Oregon (Portland). The evaluation committee was supported by a team of four technical advisors, which was comprised of subject matter experts in streetcar design, manufacturing, and operations, as well as quality assurance. The committee reviewed the technical proposals for responsiveness,

conformance to the technical specifications, and compliance to FTA quality management requirements. While the technical advisors did not score the proposals, the advisors were available to the evaluation committee to answer technical questions.

A comprehensive evaluation of the proposals was performed by the evaluation committee utilizing the following Board-approved evaluation criteria and weights:

- Qualifications, Related Experience, and Project Management      10 percent
- Technical Proposal      50 percent
- Cost and Price      40 percent

Qualifications, related experience, and project management was assigned a ten percent weighting. The criteria includes the firm's project organization, staff experience, adequacy of labor resources, and manufacturing capability and capacity. It also includes quality assurance in producing the vehicles while meeting the contract delivery schedule and all federal requirements. The technical proposal criteria was assigned the highest weight, 50 percent, due to the importance of selecting a vehicle that meets OCTA's technical specification requirements. This includes the ability to meet the performance requirements, vehicle design, assessing 'community fit,' ability to manage requested modifications, associated warranties, training support, and delivery schedule. Cost and price was assigned the second highest weight, 40 percent, because of the importance of a competitive cost.

The evaluation committee reviewed and discussed the two proposals based on the evaluation criteria and short-listed both firms for interviews.

On September 13 and September 14, 2017, the evaluation committee interviewed both firms. To assess Project understanding and approach, each firm received interview questions in advance and was provided an opportunity to make a presentation demonstrating understanding of OCTA's requirements and to clarify or elaborate on specific aspects of its proposal. The proposer's project manager and key personnel were requested to present each team's organizational and reporting structures, qualifications, value engineering recommendations, and respond to the evaluation committee's questions. In addition, each proposer was asked questions as to its experience and coordination of work with the CPUC as the state safety oversight agency, its manufacturing capacity, project management, system support, and approach to safety. After considering the responses to the questions asked during the interview, the evaluation committee adjusted the preliminary scores for both firms; however, Siemens remained the top-ranked firm with the highest cumulative score.



### Best and Final Offer (BAFO) Evaluation Results

On October 12, 2017, both firms were requested to submit a BAFO to provide revised pricing reflecting clarifications to the scope and specification requirements, and to confirm the information shared during the interview. The BAFO proposals were submitted on November 7, 2017. The technical advisors again performed a review for technical responsiveness. The evaluation committee reconvened on December 5, 2017, to review the BAFO proposals.

Based on the evaluation of written proposals and information obtained through the interview and BAFO process, Siemens' proposal was deemed the most advantageous to OCTA. This was a result of the firm's strong past performance history in vehicle design and manufacturing, the service-proven S70 vehicle, and competitive pricing. A brief summary of the evaluation results follows:

### Qualifications, Related Experience, and Project Management

Both firms were deemed well-established global entities, with extensive design and manufacturing experience, and the capability to produce a full range of streetcars and light rail vehicles to both United States and international design standards.

Siemens' proposal was ranked highest in this category due to the firm's project organization and excellent delivery record for its proposed S70 vehicle. Siemens' project organization/management was deemed most advantageous, providing an efficient project approach and clarity regarding roles, responsibilities, and reporting authority. Siemens has extensive manufacturing experience, having previously assembled 342 S70 vehicles for transit operations in eight cities (Atlanta, Charlotte, Houston, Norfolk, Portland, Salt Lake City, San Diego, and Seattle). Siemens' past experience presents considerable efficiencies and economies of scale. This is validated by a past performance record of on-budget and on-time deliveries, and a dedicated, model-specific production line producing approximately ten S70 vehicles a month.

The CAF proposal communicated strong engineering depth and production capabilities, reflecting a broad array of vehicle types manufactured. CAF proposed a good project team. Many key functions, such as safety, production planning, scheduling, procurement, and systems integration were proposed to be performed from its main headquarters located in Spain, with final assembly at its plant in Elmira, New York. It was the evaluation committee's assessment that this has the potential to present coordination challenges. In addition, CAF's production experience with its proposed URBOS 70 vehicle was not as extensive, with only one order of 39 vehicles delivered to Houston, Texas.

### Technical Proposal

Both of the proposed vehicles meet the OCTA technical specification requirements. Siemens' proposal demonstrated the most advantageous approach to meeting the contract and Project requirements. The proposed S70 vehicle has a more extensive service history, with over 340 vehicles in operation since 2004. Siemens has demonstrated more direct experience with CPUC safety regulations and the associated comprehensive testing and inspections, having delivered various rail vehicles to four major California cities (Los Angeles, Sacramento, San Diego, and Santa Clara).

CAF submitted a good, comprehensive technical proposal with detailed drawings, analysis, and plans. The proposed URBOS 70 vehicle has a less extensive service history, with vehicles in operation since 2014 in one city. The proposed Project approach of decentralized design and production operations, particularly with key project functions located in Spain, was of concern. As meeting the Project requirements would require additional re-engineering to the existing vehicle configuration, the approach of decentralized design and production further deemed its proposal less advantageous.

### Cost and Price

Pricing proposals were received separately from the technical proposals as required by the RFP and consisted of pricing for the vehicles, system support, spare parts, and special tools for both the base order and option vehicles.

The evaluated price included the base order of eight vehicles, inclusive of sales tax, system support, spare parts, and special tools, plus option pricing for up to ten additional vehicles and spare parts. Each price proposal was scored upon the original submittal and again during the BAFO phase. Pricing scores were assigned based on a formula which assigns the highest score to the lowest proposed price.

Siemens received the higher score in this category based on the base price and option pricing, submitting a total price of \$113,213,575. CAF received a lower score based on the base price and option pricing, submitting a total price of \$126,685,614. Siemens' base price of \$51,527,520 was 20.5 percent lower than CAF's base price of \$64,774,976.

The contract authorization request is for the base order items only, which includes eight streetcars, sales tax, system support, spare parts, and special tooling. Siemens' base price of \$51,527,520 is within budget, comparable to recent vehicle orders placed by other transit agencies and considered to be fair and reasonable.

### Procurement Summary

Based upon a review of the technical and cost submissions, Siemens received the highest score for each of the evaluation criteria: qualifications, related experience, and project management, technical proposal, and cost and price. Based upon the evaluation, staff is recommending award of the vehicle contract to Siemens.

A rolling stock procurement using FTA funds requires successful completion of a pre-award Buy America audit. Regulations require that the vehicle include a minimum of 70 percent part content (including assembly) made in the United States; therefore, the award is contingent upon successful completion of the pre-award Buy America audit.

Upon Board approval, staff would complete contract negotiations and the Buy America audit, with notice to proceed (NTP) estimated by early June 2018. The BAFO submitted by the two proposers has prices remaining in effect until early June 2018. Issuing an NTP by early June 2018 is also necessary to achieve the delivery schedule for the vehicles, which is 24 months duration from NTP for the first vehicle (June 2020) and 28 months for the last vehicle (October 2020). This delivery schedule is a critical element in achieving the February 2021 revenue service date, as vehicles must be available for the integrated testing that is required to confirm that vehicles, infrastructure, and systems are functional.

### Fiscal Impact

Funding is included in OCTA's Fiscal Year 2017-18 Budget, Capital Programs Division, Account 0051-9024-TS010-Z71. The Project is funded with local Measure M2 funds, federal Congestion Mitigation and Air Quality, and Capital Investment Grant (New Starts) funds. OCTA is permitted to purchase vehicles and seek future federal reimbursement given the pre-award authority granted to OCTA from FTA, prior to signing of the New Starts Full Funding Grant Agreement.

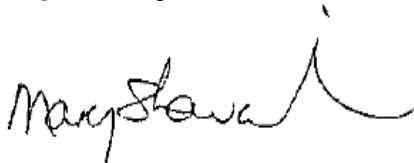
### **Summary**

Based on the information provided, staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-6-1445 between the Orange County Transportation Authority and Siemens Industries, Inc., in the amount of \$51,527,520, for purchase of eight streetcar vehicles, inclusive of sales tax, system support, spare parts, and special tooling, with an option to purchase up to ten additional vehicles and related spare parts.

***Attachments***

- A. Review of Proposals, RFP 6-1445 Manufacturing and Delivery of Vehicles for the OC Streetcar Project
- B. Proposal Evaluation Criteria Matrix, RFP 6-1445 Manufacturing and Delivery of Vehicles for the OC Streetcar Project
- C. Contract History for The Past Two Years, RFP 6-1445 Manufacturing and Delivery of Vehicles for the OC Streetcar Project

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Review of Proposals				
RFP 6-1445 Manufacturing and Delivery of Vehicles for the OC Streetcar Project				
Presented to the Transit Committee - March 8, 2018				
2 proposals were received, 2 firms were interviewed, 1 firm is being recommended				
Overall Ranking	Overall Score	Firm & Location	Evaluation Committee Comments	Price
1	85	Siemens Industries, Inc.	Highest-ranked firm overall.	Base Order \$ 51,527,520
			Proposed S70 vehicle meets Orange County Transportation Authority (OCTA) requirements.	
		Sacramento, California	Highly experienced, co-located project team with dedicated S70 production line. S70 vehicle has an extensive service history, with 342 vehicles operating since 2004 in eight cities.	
			Past performance indicates excellent on-time delivery record.	
			More experience with California Public Utilities Commission (CPUC) requirements.	
			Lowest price proposal.	
2	72	CAF USA, Inc.	Second-ranked firm.	Base Order \$ 64,774,976
		Washington, DC	Very comprehensive proposal.	
			Experienced project team; however, key project functions, including scheduling, procurement, engineering, and CPUC/safety would be performed outside the United States.	
			Proposed URBOS 70 vehicle meets OCTA requirements.	
			URBOS 70 vehicle has a limited service history and has only been in operation since 2014 in Houston.	
Evaluation Panel: Eight Members			Evaluation Criteria:	Percentage (%)
Internal:			Qualifications, Experience, and Project Management	10%
Rail Programs (1)			Technical Proposal	50%
Transit Maintenance (1)			Cost and Price	40%
Health, Safety and Environmental Compliance (1)				
Contracts Administration and Materials Management (1) (non-voting)				
External:				
Los Angeles County Metropolitan Transportation Authority (1)				
San Diego Metropolitan Transit System (1)				
Southwest Ohio Regional Transit Authority (1)				
Tri-County Metropolitan Transportation District of Oregon (1)				



**PROPOSAL EVALUATION CRITERIA MATRIX**  
**RFP 6-1445 Manufacturing and Delivery of Vehicles for the OC Streetcar Project**

<b>Siemens Industries, Inc.</b>									
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>Weights</b>	<b>Criteria Score</b>
<b>Qualifications, Related Experience, and Project Management</b>	3.0	4.0	3.0	3.5	4.0	4.0	4.0	2	7
<b>Technical Proposal</b>	3.5	3.5	3.0	4.0	4.0	4.0	4.5	10	38
<b>Cost and Price</b>	5.0	5.0	5.0	5.0	5.0	5.0	5.0	8	40
<b>Overall Score</b>	81	83	76	87	88	88	93		85
<b>CAF USA, Inc.</b>									
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>Weights</b>	<b>Criteria Score</b>
<b>Qualifications, Related Experience, and Project Management</b>	2.5	3.0	3.0	3.0	3.0	3.0	2.5	2	6
<b>Technical Proposal</b>	2.5	3.0	3.5	3.0	3.0	3.0	3.0	10	30
<b>Cost and Price</b>	4.5	4.5	4.5	4.5	4.5	4.5	4.5	8	36
<b>Overall Score</b>	66	72	77	72	72	72	71		72

## CONTRACT HISTORY FOR THE PAST TWO YEARS

## RFP 6-1445 Manufacturing and Delivery of Vehicles for the OC Streetcar Project

[illegible]

# Approval to Award Contract for Manufacturing and Delivery of Vehicles for the OC Streetcar Project

# Background

- Eight vehicles are required for the OC Streetcar project
  - Six for peak service, two spares
- Vehicles are a key risk area in project schedule
  - 28 months for delivery of the vehicles from contract Notice To Proceed
  - Additional time for inspection and acceptance of vehicles and then completing the integrated system testing of vehicles, infrastructure, and systems

# Vehicle Contract Scope

- Base order
  - Eight vehicles
  - System support
  - Project management, engineering, training, and manuals
  - Spare parts and special tools
- Optional items
  - Up to ten additional vehicles and spare parts
  - Included to preserve pricing for a potential future project, extension, or assignment to another transit agency
  - Board of Directors' (Board) approval required to purchase optional items



# Vehicle Requirements

- Bi-directional vehicle, cab at each end
- Minimum 115 passenger capacity
- 77 feet – 96 feet length
- Minimum 70 percent low floor to ensure accessibility
- Maximum operating speed
  - In street – 25 miles per hour (MPH) -35 MPH
  - Pacific Electric Right-of-Way - 44 MPH
- State and Federal requirements
  - State: California Public Utilities Commission - safety
  - Federal: Americans with Disabilities Act, Buy America

# Vehicle Procurement

- Board approved release of request for proposals on December 16, 2016
- Evaluation criteria and weights
  - Qualifications, Related Criteria, and Project Management 10 percent
  - Technical Proposal 50 percent
  - Cost and Price 40 percent
- Proposals received on July 6, 2017
- Best and Final Offers (BAFO) received on November 7, 2017

# Evaluation Process

- Two proposals received on July 6, 2017
  - CAF USA, Inc.
  - Siemens Industries, Inc.
- Evaluation committee reviewed proposals against evaluation criteria
  - Membership: Orange County Transportation Authority (OCTA) staff and representatives of four transit agencies operating light rail and streetcar service
- Technical advisors reviewed technical proposals for responsiveness, conformance to technical specifications, and Federal Transit Administration quality management requirements

# Evaluation Score – BAFO Results

- Siemens received the highest score for each of the evaluation criteria and the overall score

Siemens Industries, Inc.		
	Weights	Criteria Score
Qualifications, Related Experience, and Project Management	2	7
Technical Proposal	10	38
Cost and Price	8	40
Overall Score		85
CAF USA, Inc.		
	Weights	Criteria Score
Qualifications, Related Experience, and Project Management	2	6
Technical Proposal	10	30
Cost and Price	8	36
Overall Score		72

# Cost and Price Comparison - BAFO

	CAF USA, Inc.	Siemens Industries, Inc.	Difference Between Proposals ( \$ and %)
Base Order	\$ 64,774,976	\$ 51,527,520	\$ 13,247,456 20.5%
Optional Vehicles and Spare Parts	\$ 61,370,638	\$ 61,686,055	- \$ 315,417 - 0.5%
<b>Total Price</b>	<b>\$126,685,614</b>	<b>\$113,213,575</b>	<b>\$ 13,472,039 10.6%</b>



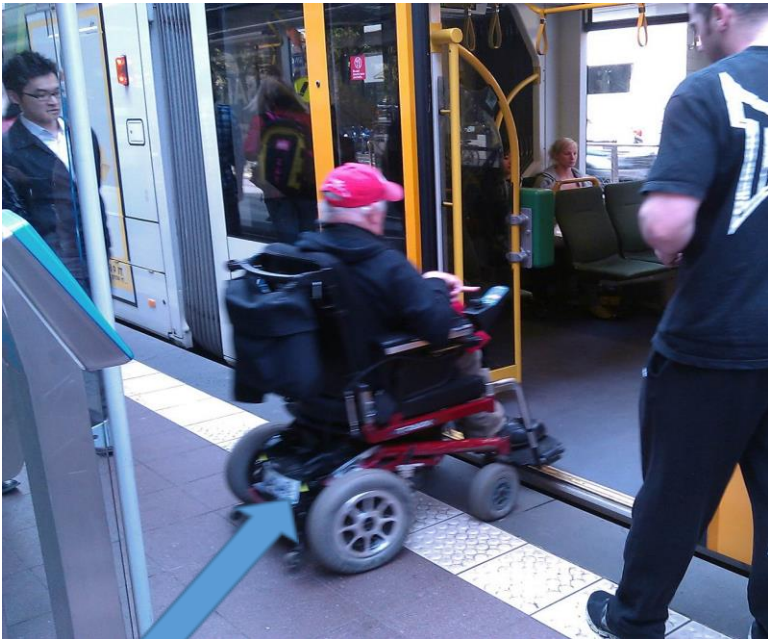
# Proposed Vehicle

- S70 Model
  - 342 vehicles in operation in 8 U.S. cities
- 88 feet long
- 181 passenger capacity, 70 seats
- Level boarding
- 70 percent low floor



# S70 Vehicle Access

- Four double-width doors are located on each side of the vehicle
- Stop platforms are being constructed with 14-inch high platform
- Enables fully-level boarding into the vehicle without use of steps, ramps, or bridge plates



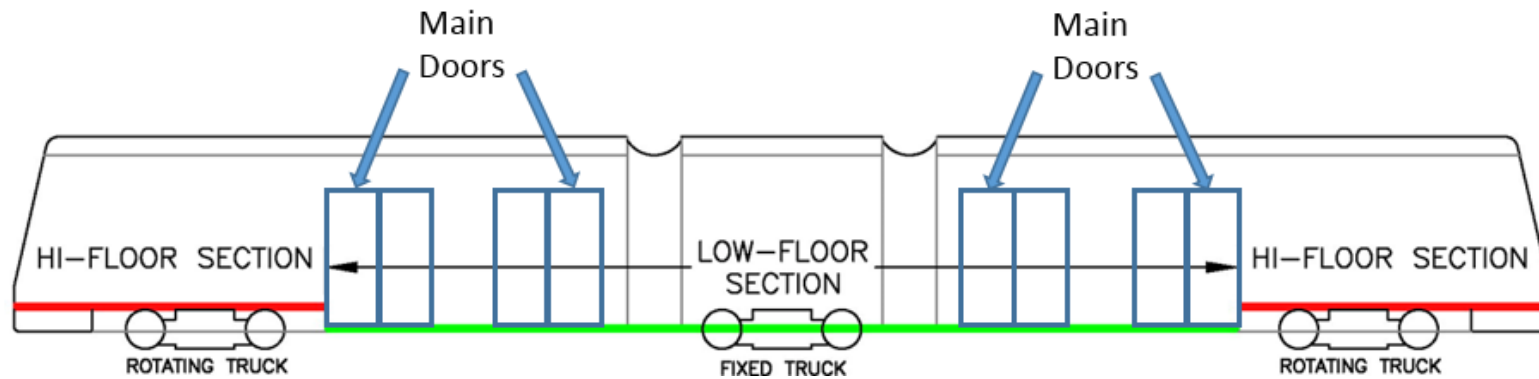
Wheelchair accessible



Fully-level Boarding - No bridge plate, ramp or step

# 70 Percent Low Floor Vehicle

- 70 percent of vehicle floor in passenger cabin is 14 inches high
- Interior steps from low floor section to high floor section at each end of vehicle





# 70 Percent Low Floor Vehicle (Cont.)

Low Floor



- Four double-width doors on each side
- Space for four wheelchairs/mobility aids/strollers
- 38 seats and most of the standing room

High Floor



- Operator cab at each end
- 32 seats in high floor sections

# Vehicle and Station Branding

- Vehicle specifications include exterior painting up to four colors plus decals
- OCTA will create design and paint scheme for vehicles and stops to ensure brand consistency





# Branding Process

- Review concepts and receive input from the Board – June to July 2018
- Conduct public outreach to gather feedback – August to September 2018
  - OCTA committees (Transit Advisory, Special Needs Advisory, and Teen Council)
  - Cities, community organizations, and businesses
  - Residents, students, commuters, and travelers
  - Current OC Bus, Metrolink, and Pacific Surfliner customers
- Provide public feedback and corresponding designs to the Board for approval – October to November 2018
- Provide Board-approved designs to vehicle manufacturer for production – December 2018

# Recommendations

- Approve the selection of Siemens Industries, Inc., as the firm to provide eight streetcar vehicles, contingent upon successful completion of a pre-award audit to confirm compliance with Buy America requirements
- Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-6-1445 between OCTA and Siemens Industries, Inc., in the amount of \$51,527,520, for the purchase of eight streetcar vehicles, spare parts and tools, with an option to purchase up to ten additional streetcar vehicles and spare parts