



# **AGENDA**

## ***Regional Planning and Highways Committee Meeting***

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### **Committee Members**

Mark A. Murphy, Chairman  
Barbara Delgleize, Vice Chair  
Lisa A. Bartlett  
Doug Chaffee  
Joe Muller  
Richard Murphy  
Miguel Pulido

Orange County Transportation Authority  
Headquarters  
550 South Main Street  
Board Room – Conf. Room 07  
Orange, California  
**Monday, March 2, 2020 at 10:30 a.m.**

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

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

All documents relative to the items referenced in this agenda are available for public inspection at [www.octa.net](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**

### **Pledge of Allegiance**

Director Muller

### **1. Public Comments**

### **Special Calendar**

There are no Special Calendar matters.

### **Consent Calendar (Items 2 through 7)**

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

### **2. Approval of Minutes**

Approval of the minutes of the Regional Planning and Highways Committee meeting of February 3, 2020.



**3. Amendment to Cooperative Agreement with the City of Fountain Valley for the Interstate 405 Improvement Project**

Jeff Mills/James G. Beil

**Overview**

On March 14, 2016, the Orange County Transportation Authority Board of Directors approved Cooperative Agreement No. C-5-3613 with the City of Fountain Valley for city services required during the design-build implementation of the Interstate 405 Improvement Project. An amendment to the cooperative agreement is needed to design and construct an eight-inch waterline along the freeway between Mount Baldy Circle and Euclid Street in the City of Fountain Valley.

**Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-5-3613 between the Orange County Transportation Authority and the City of Fountain Valley, in the amount of \$282,000, for the design and construction of an eight-inch waterline along the freeway between Mount Baldy Circle and Euclid Street, as part of the Interstate 405 Improvement Project. This will increase the maximum obligation of the cooperative agreement to a total value of \$4,649,708.

**4. Amendment to Cooperative Agreement with the City of Westminster for the Interstate 405 Improvement Project**

Jeff Mills/James G. Beil

**Overview**

On March 14, 2016, the Orange County Transportation Authority Board of Directors approved Cooperative Agreement No. C-5-3615 with the City of Westminster for city services required during the design-build implementation of the Interstate 405 Improvement Project. The cooperative agreement needs to be amended for additional city support services during the design and construction of the project.

**Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Cooperative Agreement No. C-5-3615 between the Orange County Transportation Authority and the City of Westminster, in the amount of \$838,791, for additional city services for the Interstate 405 Improvement Project. This will increase the maximum obligation of the cooperative agreement to a total value of \$2,662,679.



**5. Cooperative Agreement with the Orange County Flood Control District for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5**

Ross Lew/James G. Beil

**Overview**

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the Orange County Flood Control District to define roles, responsibilities, process, and funding obligations for the Lane Channel reconstruction within the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

**Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-9-1469 between the Orange County Transportation Authority and the Orange County Flood Control District for in-kind equivalent exchange relating to the Lane Channel reconstruction and property rights, and the amount of \$175,000 for project support services, including design plans, specifications and report reviews, permit issuance, right-of-way coordination, and construction inspection for the Lane Channel reconstruction within the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

**6. Measure M2 Environmental Cleanup Program - Project X Tier 1 Grant Program Call for Projects**

Alfonso Hernandez/Kia Mortazavi

**Overview**

The Measure M2 Environmental Cleanup Program provides grants to projects that protect Orange County waterways and beaches from roadway runoff. Staff has updated the program implementation guidelines and is seeking authorization to release the next Environmental Cleanup Program Tier 1 call for projects.

**Recommendations**

- A. Approve the proposed revisions to the Comprehensive Transportation Funding Programs Guidelines for the Environmental Cleanup Program Tier 1 Program.
- B. Authorize staff to issue the fiscal year 2020 Environmental Cleanup Program Tier 1 call for projects.



**7. Grant Award Acceptance for Development of the Disaster Mitigation Plan**

Jennifer Haith Farinas/Kia Mortazavi

**Overview**

The California Governor's Office of Emergency Services awarded the Orange County Transportation Authority \$93,750 in competitive Hazard Mitigation Grant Program funding. The grant award will support the development of the Orange County Transportation Authority's first Local Hazard Mitigation Plan within the OC Bus service area and the Los Angeles - San Diego - San Luis Obispo Rail Corridor within Orange County.

**Recommendation**

Authorize the Chief Executive Officer, or designee, to accept California Governor's Office of Emergency Services Hazard Mitigation Grant Program award.

## **Regular Calendar**

**8. Supplemental Contract Change Order for the Interstate 405 Improvement Project from State Route 73 to Interstate 605 - Collection and Disposal of Unknown Hazardous Materials**

Jeff Mills/James G. Beil

**Overview**

On November 14, 2016, the Orange County Transportation Authority Board of Directors approved Agreement No. C-5-3843 with OC 405 Partners, a joint venture, for the design and construction of the Interstate 405 Improvement Project from State Route 73 to Interstate 605. A supplemental contract change order is needed to collect and dispose of unknown hazardous materials during construction through final project completion.

**Recommendation**

Authorize the Chief Executive Officer to negotiate and execute supplemental Contract Change Order No. 8.3 to Agreement No. C-5-3843 between Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$1,900,000, to collect and dispose of unknown hazardous materials for the Interstate 405 Improvement Project from State Route 73 to Interstate 605.



## **Discussion Items**

**9. Update on Interstate 5/El Toro Road Interchange Project**

Niall Barrett/James G. Beil

Staff will provide a project update.

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

**11. Committee Members' Reports**

**12. Closed Session**

There are no Closed Session items scheduled.

**13. Adjournment**

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Monday, April 6, 2020**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.



# **MINUTES**

## ***Regional Planning and Highways Committee Meeting***

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### **Committee Members Present**

Mark A. Murphy, Chairman  
Barbara Delgleize, Vice Chair  
Lisa A. Bartlett  
Doug Chaffee  
Joe Muller  
Miguel Pulido

### **Staff Present**

Darrell E. Johnson, Chief Executive Officer  
Ken Phipps, Deputy Chief Executive Officer  
Laurena Weinert, Clerk of the Board  
Sara Meisenheimer, Deputy Clerk of the Board  
James Donich, General Counsel  
OCTA Staff and members of the General Public

### **Committee Members Absent**

Richard Murphy

## **Call to Order**

The February 3, 2020 regular meeting of the Regional Planning and Highways Committee was called to order by Committee Chairman M. Murphy at 10:30 a.m.

## **Pledge of Allegiance**

Director Bartlett led in the Pledge of Allegiance.

### **1. Public Comments**

No public comments were received.

## **Special Calendar**

### **2. Committee Meeting 2020 Schedule**

Committee Chairman M. Murphy led a discussion regarding the 2020 Regional Planning and Highways Committee schedule.

Darrell E. Johnson, Chief Executive Officer (CEO), highlighted the proposed schedule. Staff suggests scheduling a meeting for Thursday, September 3<sup>rd</sup> due to the Labor Day holiday and a quorum check will be conducted at that time.

A motion was made by Director Bartlett, seconded by Director Chaffee, and declared passed by those present, to approve the 2020 Regional Planning and Highways Committee meetings calendar.

Director Pulido was not present to vote on this item.



**3. Roles and Responsibilities of the Regional Planning and Highways Committee**

Darrell E. Johnson, CEO, reported that the roles and responsibilities for each committee are reviewed for changes or additions, and there were no recommended changes for the Regional Planning and Highways Committee.

A motion was made by Committee Vice Chair Delgleize, seconded by Director Bartlett, and declared passed by those present, to approve the 2020 Regional Planning and Highways Committee Roles and Responsibilities.

Director Pulido was not present to vote on this item.

**Consent Calendar (Items 4 through 9)**

**4. Approval of Minutes**

A motion was made by Committee Vice Chair Delgleize, seconded by Committee Chairman M. Murphy, and declared passed by those present, to approve the minutes of the Regional Planning and Highways Committee meeting of January 6, 2020.

Director Pulido was not present to vote on this item.

**5. Contract Change Orders for the Interstate 405 Improvement Project from State Route 73 to Interstate 605**

A motion was made by Committee Vice Chair Delgleize, seconded by Committee Chairman M. Murphy, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 60 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$1,044,000, for additional design and construction efforts for the Heil Avenue pedestrian overcrossing.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 61 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$1,600,000, to extend the plant establishment period to three years.
- C. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 62 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$1,764,165, to reflect the 2017 State Senate Bill 1 diesel fuel sales tax rate increase.



**5. (Continued)**

Director Pulido was not present to vote on this item.

**6. Construction and Maintenance Agreement with the Union Pacific Railroad and the California Department of Transportation for the Interstate 405 Improvement Project**

A motion was made by Committee Vice Chair Delgleize, seconded by Committee Chairman M. Murphy, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Construction and Maintenance Agreement No. C-9-1793 with the Union Pacific Railroad and the California Department of Transportation, in an amount not to exceed \$792,055, to define the specific terms, conditions, and funding responsibilities for construction and maintenance, including design and construction parameters, flagging, inspection, temporary construction easement, and permanent property rights for the Interstate 405 Improvement Project.

Director Pulido was not present to vote on this item.

**7. Amendment to Agreements for Freeway Service Patrol Services**

A motion was made by Committee Vice Chair Delgleize, seconded by Committee Chairman M. Murphy, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-5-3109 with California Coach Towing, Inc., to extend the term of the agreement for ten months to October 1, 2021 and increase the contract authority by \$1,182,858. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$9,601,401.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3374 with Team A&B, Inc., doing business as A&B Towing, to extend the term of the agreement for ten months to October 1, 2021, and increase the contract authority by \$199,201. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$1,843,013.

Director Pulido was not present to vote on this item.



**8. Amendment to the Master Plan of Arterial Highways**

A motion was made by Committee Vice Chair Delgleize, seconded by Committee Chairman M. Murphy, and declared passed by those present, to:

- A. Approve the amendment to the Master Plan of Arterial Highways for South El Camino Real between Avenida Mendocino and the southern city limits from a secondary (four-lane, undivided) arterial to a divided collector (two-lane, divided) arterial. The proposed amendment will become final, contingent upon the Orange County Transportation Authority receiving documentation that the City of San Clemente has amended its general plan and has complied with the requirements of the California Environmental Quality Act.

If the City of San Clemente does not update its general plan within three years to reflect the Master Plan of Arterial Highway amendment, the contingent amendment will expire, but can be returned to the Orange County Transportation Authority's Board of Directors for reconsideration and action.

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

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

Director Pulido was not present to vote on this item.

**9. Regional Traffic Signal Synchronization Program Update**

This item was pulled by Director Bartlett and she thanked staff for implementing the El Toro Road traffic signal synchronization project and will make a significant difference and positive impact to the area.

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

Director Pulido was not present to vote on this item.

## **Regular Calendar**

### **10. Consultant Selection for the State Route 91 Geometric and Design Alternatives Analysis**

Dan Phu, Program Manager in the Planning Division, reported on the following:

- Summary of the State Route 91 (SR-91) corridor and how the goal is to minimize any impacts to the existing SR-91 corridor.
- Highlighted improvements to the SR-91 corridor.
- Highlighted the procurement process and staff's recommendations.

Director Bartlett commented that the project manager from Advanced Civil Technologies has 33 years of experience and to not let him retire until the projects are complete.

A motion was made by Director Bartlett, seconded by Director Chaffee, and declared passed by those present, to:

- A. Approve the selection of Advanced Civil Technologies as the firm to complete the State Route 91 geometric and design alternatives analysis.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1658 between the Orange County Transportation Authority and Advanced Civil Technologies to complete the State Route 91 geometric and design alternatives analysis.

### **11. Consultant Selection for the Preparation of Plans, Specifications, and Estimates for the State Route 91 Improvement Project Between La Palma Avenue and State Route 55**

Jeannie Lee, Senior Project Manager in the Highway Programs Department, reported on the following:

- SR-91 Improvement Project is in segment two of Project I in the Measure M2 freeway program, and the environmental phase of the project is nearly complete.
- Overview of the procurement process, staff's recommendations, and why WKE, Inc. is the recommended firm.

A discussion ensued about Segment 1, which is currently in negotiations with a selected consultant and Segment 3, which will come forth to the Board of Directors (Board) meeting to release the request for proposal.



**11. (Continued)**

A motion was made by Director Chaffee, seconded by Committee Vice Chair Delgleize, and declared passed by those present, to:

- A. Approve the selection of WKE, Inc., as the firm to prepare the plans, specifications, and estimates for the State Route 91 improvement project between La Palma Avenue and State Route 55.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1557 between the Orange County Transportation Authority and WKE, Inc., to prepare the plans, specifications, and estimates for the State Route 91 improvement project between La Palma Avenue and State Route 55.

**Discussion Items**

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

Darrell E. Johnson, CEO, reported on the following:

- Last Friday, January 31<sup>st</sup>, the Orange County Transportation Authority (OCTA) hosted a very successful event at the Santa Ana Base to celebrate the zero-emission bus fleet and the completion of the hydrogen fueling station. Chairman Jones and Directors Pulido, Shaw, and Sidhu were thanked for attending the event.
- OCTA also hosted the annual Lunar New Year event held on Saturday, February 1<sup>st</sup> at the Irvine Metrolink station. The event was very well attended, and Director Wagner attended the event.
- On Saturday, February 15<sup>th</sup>, OCTA will host a wilderness hike at the Wren's View Preserve in Trabuco Canyon to give the public an opportunity to explore the open space property acquired under Measure M2 environmental mitigation program.

**13. Committee Members' Reports**

Director Bartlett commented on the last South Coast Air Quality Management District Board meeting and the number of zero-emission buses she was able to view, including one of OCTA's buses; as well as, expressed her appreciation and encouragement.



**14. Closed Session**

There were no Closed Session items scheduled.

**15. Adjournment**

The meeting adjourned at 10:44 a.m.

The next regularly scheduled meeting of this Committee will be held at **10:30 a.m. on Monday, March 2, 2020**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.

ATTEST

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Mark Murphy  
Committee Chair

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Sahara Meisenheimer  
Deputy Clerk of the Board



**March 2, 2020**

**To:** Regional Planning and Highways Committee

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

**Subject:** Amendment to Cooperative Agreement with the City of Fountain Valley for the Interstate 405 Improvement Project

### **Overview**

On March 14, 2016, the Orange County Transportation Authority Board of Directors approved Cooperative Agreement No. C-5-3613 with the City of Fountain Valley for city services required during the design-build implementation of the Interstate 405 Improvement Project. An amendment to the cooperative agreement is needed to design and construct an eight-inch waterline along the freeway between Mount Baldy Circle and Euclid Street in the City of Fountain Valley.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-5-3613 between the Orange County Transportation Authority and the City of Fountain Valley, in the amount of \$282,000, for the design and construction of an eight-inch waterline along the freeway between Mount Baldy Circle and Euclid Street, as part of the Interstate 405 Improvement Project. This will increase the maximum obligation of the cooperative agreement to a total value of \$4,649,708.

### **Discussion**

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation and the cities of Costa Mesa, Fountain Valley, Huntington Beach, and Westminster, is implementing the Interstate 405 (I-405) Improvement Project between State Route 73 (SR-73) and Interstate 605 (I-605) (Project). The Project will add one general purpose lane from Euclid Street to I-605, consistent with Measure M2 Project K, and will add an additional lane in each direction that would combine with the existing high-occupancy vehicle lane to provide dual express lanes in each direction on I-405 from SR-73 to I-605. The Project includes improvements to city-owned and operated streets, city traffic facilities, and city utilities impacted by the Project.

## **Amendment to Cooperative Agreement with the City of Fountain Valley for the Interstate 405 Improvement Project**

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On March 14, 2016, the OCTA Board of Directors approved a cooperative agreement with the City of Fountain Valley (City) for city services to be provided during the design-build (DB) implementation of the Project. The reimbursement to the City includes costs for review and approval of plans, specifications, and reports, oversight of construction inspection services for City facilities, review and acceptance of the transportation management plan, traffic engineering, police services during design and construction of the Project, and funding for Project construction-related City street pavement repairs (Attachment A).

During construction to widen the freeway over the Santa Ana River, OCTA's DB contractor encountered an existing City waterline adjacent to the freeway between Mount Baldy Circle and Euclid Street. Due to the waterline's close proximity to the embankment fills required for the freeway widening and the associated additional loading on the waterline, the City raised concerns related to protecting this waterline in place. OCTA reviewed and concurred with the City's concerns, and agreed to replace a portion of the waterline to avoid a design change of the freeway widening and potential associated schedule delays.

OCTA is 100 percent liable for the cost of this waterline replacement. Although OCTA could have had the DB contractor perform the work, it was determined to be more cost effective to have the City perform the work. An amendment to the cooperative agreement is needed at this time to address this waterline replacement.

The key terms in the proposed amendment to the cooperative agreement include the following:

OCTA agrees to:

- Fund the design and construction management cost, in an amount not to exceed \$60,000, for the waterline.
- Reimburse the City for 50 percent of the costs of the actual construction bid amount upon contract award, 40 percent after the installation of the new waterline, and the remaining ten percent at City acceptance of the work after submittal of acceptable invoices by the City with proper supporting documentation.
- Fund construction change orders, as needed, not to exceed ten percent of the original construction bid amount. Costs exceeding ten percent of the original construction bid amount shall receive prior approval from OCTA.
- Contribute a maximum amount of \$282,000 to the total final costs for the design, construction management, and construction of the waterline.

## **Amendment to Cooperative Agreement with the City of Fountain Valley for the Interstate 405 Improvement Project**

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City agrees to:

- Serve as the lead agency for the design, construction management, and construction of the waterline.
- Design the waterline to meet existing City standards.
- Construct the waterline within the existing City waterline easement without purchase of any additional property or property rights.
- Return any net savings, if applicable, for all waterline costs to OCTA upon completion of work.

OCTA and the City agree that the waterline work shall not commence until a mutually acceptable date has been determined by both parties which shall not interfere with the Project. Both parties further agree that construction of the waterline shall be completed no later than April 30, 2023, which is the expiration date of the amendment.

Attachment B to this report depicts the revised reimbursement amount for the City. The proposed amendment will be funded from the Project contingency and is not anticipated to increase the total Project estimate of \$1.9 billion.

### **Fiscal Impact**

Funding for this amendment is included in OCTA's Fiscal Year 2019-20 Budget, Capital Programs Division, accounts 0017-9084-FK101-012 and 0037-9017-A9510-012, and is funded with local funds.

### **Summary**

Staff requests Board of Directors' approval for the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-5-3613 with the City of Fountain Valley, in the amount of \$282,000, for the design and construction of an eight-inch waterline along the freeway between Mount Baldy Circle and Euclid Street in the City of Fountain Valley, as part of the Interstate 405 Improvement Project.

**Amendment to Cooperative Agreement with the City of Fountain Valley for the Interstate 405 Improvement Project** *Page 4*

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***Attachments***

- A. City of Fountain Valley, Cooperative Agreement No. C-5-3613 Fact Sheet
- B. Revised Schedule A – Reimbursement/Contribution Schedule for Combined City Services for the City of Fountain Valley

**Prepared by:**



Jeff Mills, P.E.  
Senior Program Manager  
(714) 560-5925



Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
(714) 560-5623

**Approved by:**



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



**City of Fountain Valley  
Cooperative Agreement No. C-5-3613 Fact Sheet**

1. March 14, 2016, Cooperative Agreement No. C-5-3613, \$975,700, approved by the Board of Directors (Board).
  - To provide City of Fountain Valley (City) services, including plan review and approval of plans, specifications, reports, and traffic management plan, and oversight of construction and detour inspection services; traffic engineering and police services; and for repairs to city street pavements impacted by signed, long-term freeway detours for the Interstate 405 Improvement Project (Project).
2. November 12, 2018, Amendment No. 1 to Cooperative Agreement No. C-5-3613, \$657,008, approved by the Board.
  - To include costs for repairs to City street pavements impacted by signed, long-term freeway detours during construction of the Project that were not accounted for in the original cooperative agreement.
3. April 5, 2019, Amendment No. 2 to Cooperative Agreement No. C-5-3613, \$750,000, approved by the Contracts Administration and Materials Management Department.
  - To include reimbursement costs (City's cost share), in the amount of \$750,000, from the City to pay for the relocation of City water lines into bridges.
4. April 8, 2019, Amendment No. 3 to Cooperative Agreement No. C-5-3613, \$1,985,000, approved by the Board.
  - To provide additional City services, including plan review and approval of plans, specifications, reports; oversight construction and detour inspection services; review and acceptance of the traffic management plan, traffic engineering, and police services.
5. March 9, 2020, Amendment No. 4 to Cooperative Agreement No. C-5-3613, \$282,000, pending Board approval.
  - To provide funds to City for the design and construction of an eight-inch waterline along the freeway between Mount Baldy Circle and Euclid Street in the City.

Total cooperative agreement amount, including \$750,000 reimbursement from City, after approval of Amendment No. 4 to Cooperative Agreement No. C-5-3613: \$4,649,708.

**REVISED SCHEDULE A****REIMBURSEMENT/CONTRIBUTION SCHEDULE FOR COMBINED CITY SERVICES  
FOR THE CITY OF FOUNTAIN VALLEY**

<b><i>Item No.</i></b>	<b><i>Description of City Services</i></b>	<b><i>Maximum Reimbursement Amount by AUTHORITY<sup>1</sup></i></b>	<b><i>Maximum Contribution Amount by CITY</i></b>
1	Review and approval of plans, specifications, plans, and other pertinent engineering plans and reports, Traffic Management Plan review and concurrence, and construction oversight inspection services related to CITY FACILITIES.	\$1,738,200	
2	Traffic engineering and detour oversight inspection	\$675,900	
3	Police services (including overtime costs)	\$546,600	
4	Pavement mitigation	\$657,008	
5	Design and construct an eight-inch waterline along the freeway between Mount Baldy Circle and Euclid Street	\$282,000	
	<b>TOTAL MAXIMUM REIMBURSEMENT</b>	<b>\$3,899,708</b>	
6	Relocation of CITY water lines into bridges		\$750,000
	<b>TOTAL MAXIMUM CONTRIBUTIONS BY CITY</b>		<b>\$750,000</b>
<b>MAXIMUM OBLIGATION AMOUNT</b>		<b>\$4,649,708</b>	

<sup>(1)</sup> Revised Schedule A shows estimated reimbursement amounts for each CITY SERVICES item of work. During the term of this agreement, the CITY may redistribute funds for items of work as needed; however, the total amount for CITY SERVICES shall not exceed the Total Maximum Reimbursement amount shown herein.



**March 2, 2020**

**To:** Regional Planning and Highways Committee

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

**Subject:** Amendment to Cooperative Agreement with the City of Westminster for the Interstate 405 Improvement Project

### **Overview**

On March 14, 2016, the Orange County Transportation Authority Board of Directors approved Cooperative Agreement No. C-5-3615 with the City of Westminster for city services required during the design-build implementation of the Interstate 405 Improvement Project. The cooperative agreement needs to be amended for additional city support services during the design and construction of the project.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Cooperative Agreement No. C-5-3615 between the Orange County Transportation Authority and the City of Westminster, in the amount of \$838,791, for additional city services for the Interstate 405 Improvement Project. This will increase the maximum obligation of the cooperative agreement to a total value of \$2,662,679.

### **Discussion**

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation and the cities of Costa Mesa, Fountain Valley, Huntington Beach, and Westminster, is implementing the Interstate 405 (I-405) Improvement Project between State Route 73 (SR-73) and Interstate 605 (I-605) (Project). The Project will add one general purpose lane from Euclid Street to I-605, consistent with Measure M2 Project K, and will add an additional lane in each direction that would combine with the existing high-occupancy vehicle lane to provide dual express lanes in each direction on I-405 from SR-73 to I-605. The Project includes improvements to city-owned and operated streets, city traffic facilities, and city utilities impacted by the Project.

On March 14, 2016, the OCTA Board of Directors approved a cooperative agreement with the City of Westminster (City) for city services to be provided during the design-build implementation of the Project. A significant amount of construction is within the City. The reimbursement to the City includes costs for review and approval of plans, specifications, and reports, oversight of construction inspection services for City facilities, review and acceptance of the transportation management plan, traffic engineering, police services during design and construction of the Project, and funding for Project construction-related City street pavement repairs (Attachment A).

The level of effort incorporated into the original cooperative agreement included only limited efforts for design review and construction inspection as these were not fully developed or understood at the time. Both OCTA and City staff now have a better understanding of the level of effort needed for the City to effectively provide the support necessary for successful delivery of the Project.

The original scope of work assumed the design period would span approximately 15 months, and the Project would be divided into large design segments. OC 405 Partners' (OC405) design period is currently about 30 months based on contractual requirements and the magnitude of the Project, which is 15 months longer than originally anticipated. Due to the complexity of the Project, OC405 also elected to divide the Project into smaller design packages to allow an earlier start date for certain construction elements, as allowed by the Project contract. This has resulted in additional City engineering support in terms of increased labor and time periods needed to review the increased number of design packages.

The complexity of the construction staging and resulting maintenance of traffic (MOT) requirements on the local streets has necessitated additional City engineering and construction support efforts beyond the original estimate. The numerous stages of construction each require detailed MOT plans for the contractor to stage and conduct the work. Temporary traffic control plans are also required to implement the various MOT elements. The City is required to review and approve the construction staging plans, MOT plans, and each temporary traffic control plan for work impacting City streets. City construction inspection and traffic signal operations support are also required for implementation of the MOT and temporary traffic control elements. Additionally, OCTA has requested engagement from the City on several potential schedule mitigation strategies.

Attachment B to this report itemizes the revised reimbursement amount for City services. The proposed amendment will be funded from the Project contingency and is not anticipated to increase the total Project estimate of \$1.9 billion.

**Amendment to Cooperative Agreement with the City of Westminster for the Interstate 405 Improvement Project** **Page 3**

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**Fiscal Impact**

Funding for this amendment is included in OCTA's Fiscal Year 2019-20 Budget, Capital Programs Division, accounts 0017-9084-FK101-012 and 0037-9017-A9510-012, and is funded with a combination of federal, state, and local funds.

**Summary**

Staff requests Board of Directors' approval for the Chief Executive Officer to negotiate and execute Amendment No. 2 to Cooperative Agreement No. C-5-3615 with the City of Westminster, in the amount of \$838,791, for additional city services during design and construction of the Interstate 405 Improvement Project

**Attachments**

- A. City of Westminster, Cooperative Agreement No. C-5-3615 Fact Sheet
- B. Revised Schedule A – Reimbursement Schedule for Combined City Services for the City of Westminster

**Prepared by:**



Jeff Mills, P.E.  
Senior Program Manager  
(714) 560-5925



Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
(714) 560-5623

**Approved by:**



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

**City of Westminster  
Cooperative Agreement No. C-5-3615 Fact Sheet**

1. March 14, 2016, Cooperative Agreement No. C-5-3615, \$1,200,000, approved by the Board of Directors (Board).
  - To provide city services, including plan review and approval of plans, specifications, reports, and the traffic management plan, and oversight of construction and detour inspection services; traffic engineering and police services; and allow for future amendment for repairs to city street pavements impacted by signed, long-term detour routes for the Interstate 405 Improvement Project (Project).
2. November 12, 2018, Amendment No. 1 to Cooperative Agreement No. C-5-3615, \$623,888, approved by the Board.
  - To include costs for repair to city street pavements impacted by signed, long-term freeway detours during Project construction of the Project that were not accounted for in the original cooperative agreement.
3. March 9, 2020, Amendment No. 2 to Cooperative Agreement No. C-5-3615, \$838,791, pending Board approval.
  - To provide additional city services, including plan review and approval of plans, specifications, reports; oversight construction and detour inspection services; review and acceptance of the traffic management plan, traffic engineering, and police services.

Total committed to City of Westminster after approval of Amendment No. 2 to Cooperative Agreement No. C-5-3615: \$2,662,679.

**REVISED SCHEDULE A****REIMBURSEMENT SCHEDULE FOR COMBINED CITY SERVICES  
FOR THE CITY OF WESTMINSTER**

<b><i>Item No.</i></b>	<b><i>Reimbursement Description</i></b>	<b><i>Maximum Reimbursement Amount<sup>(1)</sup></i></b>
1	Review and approval of plans, specifications, and other pertinent engineering plans and reports, Traffic Management Plan review and concurrence, and construction oversight inspection services related to CITY FACILITIES.	\$1,135,000
2	Traffic engineering and detour inspection	\$529,791
3	Police services (including overtime costs)	\$374,000
4	Pavement mitigation	\$623,888 <sup>(2)</sup>
	<b>TOTAL MAXIMUM REIMBURSEMENT</b>	<b>\$2,662,679</b>

- <sup>(1)</sup> Revised Schedule A shows estimated reimbursement amounts for each CITY SERVICES item of work. During the term of this agreement, the CITY may redistribute funds for items of work as needed; however, the total combined amount for CITY SERVICES shall not exceed the Total Maximum Reimbursement amount shown herein.
- <sup>(2)</sup> This amount has been determined by ORANGE COUNTY TRANSPORTATION AUTHORITY, and shall be reimbursed as a one-time, lump sum amount upon execution of this amendment to the agreement.



**March 2, 2020**

**To:** Regional Planning and Highways Committee

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

**Subject:** Cooperative Agreement with the Orange County Flood Control District for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5

### **Overview**

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the Orange County Flood Control District to define roles, responsibilities, process, and funding obligations for the Lane Channel reconstruction within the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-9-1469 between the Orange County Transportation Authority and the Orange County Flood Control District for in-kind equivalent exchange relating to the Lane Channel reconstruction and property rights, and the amount of \$175,000 for project support services, including design plans, specifications and report reviews, permit issuance, right-of-way coordination, and construction inspection for the Lane Channel reconstruction within the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

### **Discussion**

The State Route 55 Improvement Project between Interstate 405 (I-405) and Interstate 5 (I-5) (Project) is part of Project F in the Measure M2 (M2) freeway program. The updated Next 10 Delivery Plan, adopted by the Orange County Transportation Authority (OCTA) Board of Directors in November 2019, identified the Project as one of the M2 freeway projects to be completed by 2026. The Project will add general purpose and high-occupancy vehicle lanes in each direction between I-405 and I-5, and will also add auxiliary lanes between interchanges.



Near the southern Project limit, the Orange County Flood Control District (OCFCD) has a 2,700 linear foot-long concrete drainage facility, the Lane Channel, that will be affected by the freeway widening and will require reconstruction. In addition, acquisition of OCFCD right-of-way (ROW) is required to accommodate the freeway widening.

The Lane Channel was built in 1967. OCFCD has identified a current need to repair the channel lining that would include demolition of damaged portions of the concrete-lined channel and construction to meet current design standards. Not only will the Project reconstruct the Lane Channel as a functionally equivalent channel meeting current design standards, but betterments (as described below) are included that will eliminate OCFCD's current channel repair cost and significantly minimize OCFCD's annual cost for maintenance repairs. During the design and development for the reconstruction of the Lane Channel, OCFCD requested these design betterments to improve channel hydraulics and safety and channel accessibility for OCFCD maintenance staff.

OCTA proposes to enter into a cooperative agreement with OCFCD to define the roles and responsibilities of both agencies. OCTA is the lead agency for the preparation of plans, specifications, and estimates (PS&E) and design reports, and for implementing ROW activities. OCFCD will provide oversight, PS&E and report reviews, permit issuance, ROW coordination, and construction inspection for the Lane Channel reconstruction to ensure the Project improvements meet OCFCD standards. The cooperative agreement also includes an in-kind equivalent exchange consideration between OCTA and OCFCD relating to the reconstruction of the channel and the property rights to be exchanged. The Project will reconstruct the Lane Channel with betterments that will eliminate future costs that OCFCD would otherwise incur to repair the channel and significantly minimize OCFCD's annual cost for maintenance repairs. In exchange, OCFCD will provide 0.83 acre of OCFCD property needed for Project improvements at fair market property value.

The in-kind equivalent exchange is based on the following:

- (a) The appraisal is nearing completion for the OCFCD property required for the freeway widening, and the preliminary fair market value is estimated to be approximately \$5,000,000.
- (b) The betterments to the Lane Channel include two reinforced concrete box enlargements at the north and south ends of the channel to improve hydraulics, maintenance access ramps and turnaround pads also at both ends of the channel, and a continuous five-foot wide maintenance walkway along the west side of the reconstructed channel. The

betterments construction and construction management costs are estimated to be approximately \$2,800,000.

- (c) Adjacent private properties are required to accommodate the OCFCD maintenance-related betterments. Appraisals are ongoing, and the combined fair market value for the adjacent properties is estimated to be approximately \$200,000.
- (d) OCFCD identified a current and immediate need to repair the channel lining at a cost of approximately \$2,000,000.

The in-kind equivalent exchange will be OCTA's \$3,000,000 in channel betterments and sliver acquisitions, plus \$2,000,000 in channel maintenance repair savings to OCFCD, in exchange for provision of OCFCD's property to OCTA, estimated to be approximately \$5,000,000.

The approved state, federal, and M2 capital programming commitments for freeway projects are included in the Capital Funding Program.

#### **Fiscal Impact**

Funding for the Project is included in OCTA's Fiscal Year 2019-20 Budget, Capital Programs Division, Account 0017-9084-FF101-0TB, and will be funded through M2.

#### **Summary**

Staff requests Board of Directors' approval for the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-9-1469 between the Orange County Transportation Authority and the Orange County Flood Control District for an in-kind equivalent exchange relating to the Lane Channel reconstruction and property rights, and in the amount of \$175,000, to provide project support services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

***Attachment***

None.

**Prepared by:**



Ross Lew, P.E.  
Program Manager  
(714) 560-5775



Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
(714) 560-5623

**Approved by:**




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



**March 2, 2020**

**To:** Regional Planning and Highways Committee

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

**Subject:** Measure M2 Environmental Cleanup Program - Project X Tier 1 Grant Program Call for Projects

### **Overview**

The Measure M2 Environmental Cleanup Program provides grants to projects that protect Orange County waterways and beaches from roadway runoff. Staff has updated the program implementation guidelines and is seeking authorization to release the next Environmental Cleanup Program Tier 1 call for projects.

### **Recommendations**

- A. Approve the proposed revisions to the Comprehensive Transportation Funding Programs Guidelines for the Environmental Cleanup Program Tier 1 Program.
- B. Authorize staff to issue the fiscal year 2020 Environmental Cleanup Program Tier 1 call for projects.

### **Background**

The Environmental Cleanup Program (ECP), also referred to as Project X, provides for the allocation of two percent of annual gross Measure M2 (M2) revenues to improve overall water quality in Orange County. Funding is allocated on a countywide competitive basis to assist jurisdictions in controlling transportation-related pollution. These funds are intended to supplement, not supplant, existing transportation-related water quality programs. Funds are awarded to priority projects that improve water quality in streams, harbors, and other waterways that have a nexus to transportation-related pollution, consistent with the Orange County Transportation Authority's (OCTA) Ordinance No. 3. The ordinance requires the Environmental Cleanup Allocation Committee (ECAC) to advise the OCTA Board of Directors (Board) on priorities and processes for the use of ECP funds. The ECAC reviewed the Comprehensive Transportation Funding Programs (CTFP) Guidelines and the call for projects (call) on February 13, 2020.

On May 24, 2010, the Board approved a two-tiered approach to fund the M2 ECP. The Tier 1 Grant Program consists of funding for equipment purchases and upgrades to existing storm drains and related best management practices. The Tier 2 Grant Program consists of funding for regional, potentially multi-jurisdictional, capital-intensive projects.

The previous Tier 1 call was finalized by the OCTA Board on September 9, 2019, with the approval of \$2,045,234 in ECP Tier 1 funds. The Board programmed funding to support 11 successful project applications (based on the scoring criteria). To date, the Tier 1 Program has funded 177 projects, totaling approximately \$24.5 million.

### ***Discussion***

OCTA staff worked with local agencies and the ECAC to determine areas of the program guidelines that needed to be adjusted, as well as reviewed issues that emerged out of the previous calls. The proposed modifications to the program guidelines are included in Attachment A.

The proposed changes were reviewed by the ECAC at the February 13, 2020 meeting. Although the ECAC meeting did not have a quorum (seven members minimum needed out of 12), the six present ECAC members voted unanimously to endorse the changes to the CTFP Guidelines and recommend Board approval to issue the fiscal year (FY) 2020 ECP Tier 1 call. A summary of the modifications is provided below.

#### **2020 Call Updates**

- Updated ECP call application schedule and target funding availability level (approximately \$2.8 million in M2 Project X funds).

#### **General Updates**

- Revised language referencing the ECP to Project X in order to be consistent with CTFP Guidelines.
- Clarified that all proposed scope modifications must be submitted to OCTA for review and approval.

#### **Next Steps**

Following Board approval, staff anticipates notifying local agencies of the call, which is anticipated to open on March 9, 2020. During the call, staff will offer one-on-one meetings to assist local agencies with the application process. Per the recommendation of the ECAC, in addition to one-on-one meetings, staff will offer a workshop for local agencies as an additional resource. Applications

would be due to OCTA by May 7, 2020, and staff will return to the Board with programming recommendations by late summer 2020.

Awards would be effective with Board approval and become available starting in FY 2021.

***Summary***

OCTA staff is recommending revisions to the ECP Tier 1 CTFP Guidelines and requests authorization to issue a 2020 ECP Tier 1 call, totaling approximately \$2.8 million.

***Attachments***

- A. List of Proposed Revisions to the 2020 CTFP Guidelines for Project X (Chapter 11)
- B. Comprehensive Transportation Funding Programs Guidelines Excerpt, Proposed Revisions

**Prepared by:**



Alfonso Hernandez  
Transportation Funding Specialist, Senior  
(714) 560-5363

**Approved by:**



Kia Mortazavi  
Executive Director, Planning  
(714) 560-5741

## List of Proposed Revisions to the 2020 CTFP Guidelines for Project X (Chapter 11)

No.	Chapter	Section	Page No.	Proposed Change
1	Chapter 11	Overview	11-1 to 11-14	Revised language referencing the ECP to Project X.
2	Chapter 11	Overview	11-1	Revise “leachating” to “leachate.”
3	Chapter 11	Overview	11-1	Revise “pesticides” to be stand-alone category.
4	Chapter 11	Overview	11-2	Added: “with appropriate supporting justification” for requests for upgrades and expansions.
5	Chapter 11	Overview	11-2	Changed point of contact to: <a href="mailto:AHernandez@octa.net">Alfonso Hernandez, (714) 560-5363, AHernandez@octa.net</a>
6	Chapter 11	Tier 1 Grant Program - Overview	11-3	Updated the total of Tier 1 calls from seven to nine.
7	Chapter 11	Tier 1 Grant Program – Tier 1 Project Types	11-3	Revise “sedimentation” to “sediments.”
8	Chapter 11	Project Programming	11-4	Changed Comprehensive Transportation Funding Program to CTFP.
9	Chapter 11	Funding Estimates	11-5	Updated the program year for Call.
10	Chapter 11	Funding Estimates	11-5	To provide further clarification, revise “applicant” to “eligible local agency.”

List of Proposed Revisions to the 2020 CTFP Guidelines for Project X (Chapter 11)			
No.	Chapter	Section	Proposed Change
11	Chapter 11	Scope Reductions/Modifications and Cost Savings	<p>Revised the section to be read as the following:  <i>“Any proposed scope modifications, such as a change in BMP device quantities and/or the adjustment of device locations, of an approved project must be submitted to OCTA for review and approval in advance of the change to ensure consistency with Tier 1 Grant Program requirements. The proposed modifications must mitigate the same pollutants, affect the same waterways, and meet all other provisions as stipulated in these guidelines.</i></p> <p><i>If the proposed scope modification is approved by OCTA, any cost savings will be proportionally shared between OCTA and the grantee; for example, a reduction in Project X funds must be applied proportionally to maintain the approved local match percentage. All cost savings will be returned to the Tier 1 Grant Program for reallocation for subsequent calls for projects.”</i></p>
12	Chapter 11	2020 Tier 1 Call for Projects	Updated the application deadline the 2020 Tier 1 Call for Projects. Proposed deadline is Thursday, May 7, 2020 at 5:00 PM PST.
13	Chapter 11	Tier 1 Selection Criteria	Revised the criteria listed in the CTFP to align more closely with the competitive selection criteria identified in Exhibit 11-1.
14	Chapter 11	Application Process	In order to highlight the minimum requirements for city council resolutions, placed the following sentence in bold text: <b>Local agencies, at a minimum, must include items a-l.</b>
15	Chapter 11	Application Process	Deleted: “For the Tier 1 Grant Program.” Language was unnecessary.
16	Chapter 11	Reporting and Reimbursement	Added new language to clearly define the ECAC and OCTA Board as the “reviewing and” approving bodies for this program, “respectively.”
17	Chapter 11	Additional Information	Updated contact for mailing address: Alfonso Hernandez, (714) 560-5363, <a href="mailto:AHernandez@octa.net">AHernandez@octa.net</a>

#### Acronyms

CTFP – Comprehensive Transportation Funding Program

ECP – Environmental Cleanup Program

OCTA – Orange County Transportation Authority



# **Comprehensive Transportation Funding Programs Guidelines Excerpt**

## **Proposed Revisions**

## Chapter 11 – Environmental Cleanup Program (Project X)

### Overview

The ECP, herein referred to as (Project X,) provides for M2 revenues to improve overall water quality in Orange County from transportation-generated pollution. Specifically, the ~~OCTA~~Orange County Local Transportation Authority's Ordinance No. 3 (Ordinance), dated July 24, 2006, provides 2 percent (2%) of gross M2 revenue dedicated to protecting Orange County beaches and waterways from the conveyance of urban runoff associated with transportation-generated pollution. ~~The ECP~~ (Project X) ensures that funds will be used on a countywide competitive basis to meet federal Clean Water Act standards for controlling transportation-generated pollution by funding nationally recognized Best Management Practices (BMPs).

As required by the Ordinance, an Environmental Cleanup Allocation Committee (ECAC), representing a broad cross-section of the water quality community, was formed in October 2007 to provide guidance on program design and funding. The goal of ~~the ECP~~ (Project X) is to fund projects on a countywide, competitive basis. This will assist the County of Orange and Orange County cities in reducing transportation-related water quality pollution by meeting Clean Water Act standards for local waterways and beaches.

Proposed projects must demonstrate a direct nexus (connection) to a reduction of transportation-related pollution as developed and defined by the ECAC in conformity with the Ordinance. All proposing agencies must demonstrate an understanding of how their proposed projects meet the following transportation pollution nexus definition:

- Transportation-related activities can be a contributor of pollutants and/or impairments to receiving waters via aerial deposition, storm, and non-storm water discharges. Transportation-related activities are associated with the operation, construction, and maintenance of public roads, highways, and other ground transportation systems.
- The conveyance of transportation-related pollutants to surface and groundwater can occur from precipitation, runoff, and leach~~ate~~ing entering or discharging from public roads, highways, and other ground transportation systems via drainage systems, such as catch basins, curbs, gutters, ditches, manmade channels, retention basins, or storm drains. The quality and quantity of these discharges vary considerably and are affected by hydrology, geology, land use, season, and sequence and discharge of hydrologic events.
- Pollutant sources can encompass right-of-way, properties, facilities, and activities related to motor vehicles, highway maintenance, construction site runoff, maintenance facility runoff, illegal dumping, spills, and landscaping care. Pollutant categories include but are not limited to metals (such as copper, lead, and zinc), organic chemicals and compounds (hydrocarbons), ~~and pesticides~~, sediment, nutrients (nitrogen and phosphorus), litter, oxygen demanding substances (decaying

vegetation, animal waste, and other organic matter), groundwater dewatering discharges, and pathogenic material.

~~ECP (Project X)~~ funds are designed to supplement, not supplant, existing water quality programs. Proposed projects must improve and not replace existing pollution reduction efforts by an eligible party. Funds will be awarded to the most competitive projects with the highest benefit to water quality.

The intent of the ~~ECP (Project X)~~ is to provide funding for water quality projects that do not replace existing transportation water quality expenditures. In other words, if a project has components which would replace features already in place or which would fulfill project specific mitigation, those components would not be eligible for funding consideration. Some upgrades and expansions may be eligible with appropriate supporting justification.

Proposed projects, which support compliance with the 2015 adopted Trash Provisions, are eligible for ~~ECP (Project X)~~ funding provided the funds would not replace established and programmed funds and the funds are not applied to any mandated project design features or required mitigation measures.

The eligibility of the project and its components will be determined during the evaluation process. Contact ~~Alfonso Hernandez~~~~Joseph Alcock~~ at (714) 560-536372, or [jalecockAHernandez@octa.net](mailto:jalecockAHernandez@octa.net) with questions.

## Tier 1 Grant Program

### Overview

The Tier 1 Grant Program is designed to mitigate the more visible forms of pollutants, such as litter and debris, which collect on the roadways and in the catch basins (storm drains) prior to being deposited in waterways and the ocean. It consists of grant funding for Orange County local governments to purchase equipment and upgrades for existing catch basins and other related BMPs (i.e., “street-scale” low flow diversion projects). Examples include screens, filters, and inserts for catch basins, as well as other devices designed to remove the above-mentioned pollutants. To date, [seven-nine](#) Tier 1 calls for projects have been held. Through this process, many of the opportunities for street-scale BMPs have been fulfilled. Water quality projects, regardless of technology, are eligible for Tier 1 funding provided they have a verifiable benefit to water quality and fall within the maximum per project programming cap. The intent of this funding program is for project applicants to complete the work generally within one year from the letter agreement execution.

### Tier 1 Project Types

The Tier 1 projects funded in the past includes the following types. A description of each project type is provided below:

- 1) Automatic Retractable Screen and other debris screens or inserts: screen or insert units prevent debris from entering the storm drain system.
- 2) Irrigation system retrofits to reduce runoff: these projects decrease runoff from highway medians by using more efficient irrigation systems and/or replacing existing landscape to reduce the amount of water used in irrigation.
- 3) Continuous Deflection Separator (CDS): CDS units screen, separate, and trap debris, sediment, oil, and grease from storm water runoff.
- 4) Linear Radial Gross Solid Removal Device (GSRD): GSRDs are certified full capture systems which efficiently remove large solids from runoff water flows.
- 5) Marina Trash Skimmer: these devices draw in floating debris, such as plastics, bottles, paper, oil sheen, and driftwood. The installation of marina trash skimmers will reduce the amount of trash and debris reaching the open ocean.
- 6) Bioswales and Bioretention systems: pollutants and sediment~~sation~~ are captured and subsequently removed from stormwater runoff.
- 7) Trash Boom: a floating boom placed across a channel captures trash and debris that have reached flood channels from being further conveyed to downstream receiving waters.

## Pre-Application Process

In order to ensure the best use of M2 funds and assist eligible jurisdictions with the Tier 1 Grant Program, applicants may engage in a pre-application process with OCTA staff in project planning, cost estimate development, and determination of likely projected competitiveness. Specific meeting times will be established once the call is initiated. After the call for projects deadline and submittal of the grant application, applicants will not be able to change the content of the application or scope of the project.

## Eligible Applicants

~~ECP (Project X)~~ funds can be used to implement street and highway-related water quality improvement projects to assist Orange County cities and the County of Orange to meet federal Clean Water Act standards for urban runoff and State Water Resources Control Board requirements for trash capture. Applicants eligible for ~~ECP (Project X)~~ funds include the 34 Orange County cities plus the County of Orange. Eligible applicants must meet the transportation requirements discussed in the M2 Ordinance.

Third parties, such as water and wastewater public entities, environmental resource organizations, nonprofit 501(c) environmental institutions, and homeowners' associations cannot act as the lead agency for a proposed project, however; these agencies can jointly apply with an Orange County city and/or the County of Orange.

Two or more agencies may participate in a project. If a joint application among agencies and/or third-party entities is submitted, a preliminary agreement with joint or third-party entities must be provided as part of the application. In order to meet Ordinance requirements, an eligible applicant must be the lead agency for the funding application. If a project includes more than one jurisdiction and is being submitted as a joint application, one agency shall act as lead agency and must provide a resolution of support from all joint applicants.

Each eligible jurisdiction must meet the eligibility criteria as set forth in Chapter 1 of these guidelines.

## Project Programming

The Tier 1 Grant Program approach is designed to be consistent with Chapter 2 of these ~~Comprehensive Transportation Funding Program (CTFP)~~ Guidelines regarding the provisions below:

- Program Consolidation
- Funding Projections
- Programming Adjustments
- Project Cost Escalation

- Programming Policies
- Schedule Change Requests
- Project Advancements
- Semi-Annual Review

Refer to Chapter 2 for explanations of the above provisions.

## Funding Estimates

Approximately \$2.8 million is available for the [2018-2020](#) Tier 1 call for projects.

The maximum amount for the Tier 1 Grant Program is \$500,000 per project. The maximum amount that an [eligible local agency applicant](#) can receive in [this](#) funding period is \$500,000.

## Matching Funds

For the Tier 1 Grant Program, a minimum local match of 20 percent (20%) of the eligible project cost is required. The matching funds shall be provided as a cash contribution.

Retroactive expenditures cannot be credited towards the matching fund threshold.

## Overmatch

For the Tier 1 Grant Program, administering agencies may “overmatch” ~~ECP (Project X)~~ projects; that is, additional cash match may be provided for the project. Applicants will receive additional points in the evaluation process for matching with cash above the minimum requirement. Proposals that exceed the 20 percent (20%) minimum funding match will be given an additional one-half point for every five percent (5%) over the minimum cash match (up to five bonus points).

Additionally, administering agencies must commit to cover any future cost overruns if the project is underfunded. Any work not eligible for ~~ECP (Project X)~~ reimbursement must be funded by other means by the project applicant and cannot count as match. These non-eligible items should not be included in the cost estimate breakdown in the application.

## Reimbursements

For the Tier 1 Grant Program, OCTA will release funds through two payments. The initial payment will constitute 75 percent (75%) of the contract award or programmed amount at contract award. OCTA will disburse the final payment, approximately 25 percent (25%) of eligible funds, after approval of the final report. Further information on reimbursements can be located within Chapter 9 of these Guidelines.

## Scope Reductions/Modifications and Cost Savings

Any proposed scope modifications, such as a change in BMP device quantities and/or the adjustment of device locations, of an approved project must be submitted to OCTA for

review and administrative approval in advance of the change to ensure consistency with the Tier 1 Grant Program requirements. The proposed modifications must mitigate the same pollutants, affect the same waterways, and meet all other provisions as stipulated in these guidelines.

If the proposed scope modification is approved by OCTA, any cost savings will be proportionally shared between OCTA and the grantee; for example, a reduction in ECP (Project X) funds must be applied proportionally to maintain the approved local match percentage. All cost savings will be returned to the Tier 1 Grant Program for reallocation for the subsequent calls for projects.

Any proposed scope reductions changes of an approved project must be submitted to OCTA to ensure consistency with the Tier 1 Grant Program requirements. If the proposed scope reduction is approved by OCTA, cost savings will be proportionally shared between OCTA and the grantee—a reduction in ECP (Project X) funds must be applied proportionally to maintain the approved local match percentage. All cost savings will be returned to the Tier 1 Grant Program for reallocation for the subsequent call of projects.

Any minor scope modifications, such as BMP device quantities (including increases) and/or the adjustment of device locations, must be submitted to OCTA for administrative approval prior to the implementation of the project. The proposed modifications must mitigate the same pollutants, affect the same waterways, and meet all other provisions as stipulated in these guidelines.

## **2019-2020 Tier 1 Call for Projects**

20202018 Tier 1 Call for Projects applications must be received by OCTA **no later than 5:00 p.m. on ThursdayFriday, May 978, 20192020**. Projects that do not award construction contracts by June 30, 2021 will not be considered. OCTA allocates funds on July 1 of each year. Tier 1 projects are not eligible for delay requests; please refer to Precept 17 for additional information. Funds will become available upon execution of a letter agreement.

After the Tier 1 applications are reviewed by OCTA, an advisory panel will review and rank projects. Following a review by the ECAC, a recommended priority list of projects will be forwarded to the OCTA Board for approval in summer 20192020. Funds allocated for projects are final once approved by the OCTA Board. No additional funds will be allocated to the project. Grantees are responsible for any costs exceeding the allocated amount.

## **Tier 1 Selection Criteria**

OCTA will evaluate all proposals that meet the mandatory prerequisites based on competitive selection criteria (Exhibit 11-1) with the following categories:

- Project Need, Transportation Nexus, and Water Quality Benefits (15 points)~~blem and source identification~~
- Cost/Benefit (16 points)~~Project design~~

- Pollutant Reduction Benefits (12 points)O&M
- Effectiveness Against More Visible Forms of Pollutants (10 points)
- Justification for Project Devices Considered and Proposed (5 points)Project benefits
- Proposed Device Performance Efficiency and/or Effectiveness (6 points)Performance metrics
- Project ~~implementation~~ and Readiness (6 points)
- Secondary attributes\* (5 points)
- Methodology for Measuring Pollutant Reduction Before and After Implementation (10 points)
- Operations and Maintenance Plan (15 points)

*\*Note: Project elements which may qualify for points under the "secondary attributes" category do not need to be eligible expenditures. See Eligible Expenditures and Ineligible Expenditures sections for further information.*

Each proposal can receive a maximum of 100 points, exclusive of five bonus points for cash overmatch. See Exhibit 11-1 for scoring categories and point distribution.



## Exhibit 11-1 (Tier 1 Scoring Criteria)

Scoring Criteria		Points Possible												
1. Describe the need for the selected BMP(s), including nexus to transportation pollutants, and detail the benefits to water quality the BMP(s) will achieve. (up to 15 Points)		15												
2. Cost/Benefit (Up to 16 points): Based on information provided by the applicant, a cost/benefit calculation will be conducted to compare the total project cost to the area of priority land uses treated by the proposed BMP(s). Applicant is required to provide <sup>1</sup> : <ul style="list-style-type: none"><li>Types(s) of BMP(s) proposed</li><li>Number of each BMP type</li><li>Total drainage area(s) contributing to each BMP type</li><li>Percent of drainage area(s) that is/are considered priority land uses (i.e., high density residential, industrial, commercial, mixed urban, public transportation stations)</li></ul> The applicant must also provide geospatial information (through ArcGIS and/or Google Earth) that identifies the drainage area(s) and BMP location(s) for the project.		16												
3. Pollutant Reduction Benefits: Based on treatment capacity and BMP type, project benefit will be calculated using the scoring equation: (A x 3) + (B x 3) + (C x 6) = (up to 12 points) <sup>1</sup>		12												
<table><tr><th>Line</th><th>Factor</th><th>Points Available</th></tr><tr><td>A</td><td>Fractional percent of 1 year, 1-hour event flowrate discharging from priority land uses to the BMP(s)</td><td>0 to 1</td></tr><tr><td>B</td><td>Fractional percent of 85th percentile, 24-hr design event that is treated by a low-impact development (LID) or treatment control BMP<sup>2</sup></td><td>0 to 1.5</td></tr><tr><td>C</td><td>BMP Multiplier:<ul style="list-style-type: none"><li>1/3 point for high capacity systems</li><li>2/3 point for filters/biofilters</li><li>1 point for zero-discharge BMPs</li></ul></td><td>0 to 1</td></tr></table>			Line	Factor	Points Available	A	Fractional percent of 1 year, 1-hour event flowrate discharging from priority land uses to the BMP(s)	0 to 1	B	Fractional percent of 85th percentile, 24-hr design event that is treated by a low-impact development (LID) or treatment control BMP <sup>2</sup>	0 to 1.5	C	BMP Multiplier: <ul style="list-style-type: none"><li>1/3 point for high capacity systems</li><li>2/3 point for filters/biofilters</li><li>1 point for zero-discharge BMPs</li></ul>	0 to 1
Line	Factor	Points Available												
A	Fractional percent of 1 year, 1-hour event flowrate discharging from priority land uses to the BMP(s)	0 to 1												
B	Fractional percent of 85th percentile, 24-hr design event that is treated by a low-impact development (LID) or treatment control BMP <sup>2</sup>	0 to 1.5												
C	BMP Multiplier: <ul style="list-style-type: none"><li>1/3 point for high capacity systems</li><li>2/3 point for filters/biofilters</li><li>1 point for zero-discharge BMPs</li></ul>	0 to 1												
<sup>1</sup> Applicants are not expected to calculate the score for question 2 and question 3. OCTA’s technical consultant will provide the analysis for these questions based on the application materials provided by the applicant.														
<sup>2</sup> Examples include high capacity systems (i.e. hydrodynamic separators), filters/biofilters, or zero-discharge BMPs (i.e., retention/infiltration).														
4. How effective will the proposed project be in dealing with the more visible forms of pollutants, such as a litter and debris? (up to 10 points)		10												
5. What other BMP types were considered for this project? Why was the proposed BMP chosen? (5 points)		5												
6. Provide information on proposed BMP performance efficiency and/or effectiveness, including pollutant capture, storage capacity, flow capacity, etc. (up to 6 points)		6												
7. Project Readiness: The project schedule will be reviewed by the evaluation committee to determine when the proposed BMP will be operational following the OCTA Board of Directors approval. (up to 6 points):		6												
Less than 4 Months	(6 points)	8 - 12 months	(2 points)											
4 - 8 months	(4 points)	More than 12 months	(1 point)											

# Comprehensive Transportation Funding Programs



8. Secondary Attributes: Will the proposed project provide any benefits beyond water quality improvement (i.e., water use efficiency, public awareness, flooding control, recreation, habitat, sustainability)? (up to 5 points)	5
9. What is the methodology for measuring pollutant reduction before and after the BMP is implemented? How frequently will monitoring and performance assessment occur? (up to 10 points)	10
10. Provide an O&M plan for the lifespan of the proposed project. Include schedule of inspections, cleaning, removal and disposal of pollutants, repairs, etc. (up to 15 points)	15
	<hr/>
	100
12. <b>BONUS:</b> Are local matching funds in excess of the 20% minimum cash being proposed? If yes, at what percentage? (.5 point for each 5% cash overmatch, up to 5 points)	5
Note: overmatch bonus points can only be granted to projects with a cash match.	
	<hr/>
	105

## Application Process

The following information, which is to be completed within the Tier 1 Grant Application Form, available electronically from OCTA, is required to evaluate and select projects. A checklist is included in the Tier 1 Grant Application Form to assist eligible agencies in assembling project proposals. The following project information will be necessary as part of the application process:

- Project Title
- Lead Agency Information
- Proposed Schedule
- Project Management
- Description and Scope of Proposed Project
- Integrated Regional Water Management Plan (IRWMP) identification (if applicable)
- Project Readiness
- Performance Metrics
- Detailed Project Estimate
- Minimum 20% Local Match (cash match only)
- Joint-Application (if applicable)

In addition to the completed Tier 1 Grant Application, the following documentation is required as part of the application process:

- Project design or concept drawings, including preliminary design calculations, of proposed BMP
- Precise maps to show tributary drainage area and proposed location(s) for BMP installation including geospatial information (through ArcGIS and/or Google Earth)
- Digital project site photos
- Preliminary agreements with joint and/or third-party entities if part of the funding application (if applicable)
- A city council resolution specific to each proposed project and funding commitment must be approved by the local jurisdiction's governing body prior to the Board approval of grant funds. A sample resolution is included as Exhibit 11-2. **Local agencies, at a minimum, must include items a-l.** The mechanism selected shall serve as a formal request for CTFP funds and states that matching funds will be provided by the agency. A final resolution authorizing request for funding consideration with a commitment of local match funding must be provided with the project application. **If a draft copy of the resolution is provided, the local agency must also provide the date the resolution will be finalized by the local agency's governing body.** A final copy of the City Council approved resolution must be provided at least four (4) weeks **PRIOR** to the consideration of programming recommendations by OCTA's Board.

~~For the Tier 1 Grant Program, An~~ unbound original and two copies (total of three) of the completed application form and supporting documentation are to be submitted, plus an electronic copy of the complete application materials. Electronic application materials can be submitted via email, USB drive, or Dropbox. CD/DVD files are not accepted. Use separate sheets of paper if necessary.

There is no maximum length for proposals. All pages must be numbered and printed on 8 1/2 x 11 sheets of white paper. Maps and drawings can be included on 11 x 17 sheets, folded into the proposal. The original proposal should be left unbound for reproduction purposes.

Submitted applications are considered final. Any applications that do not contain all required information and documentation will be disqualified.

## Exhibit 11-2 (Tier 1 Sample Resolution)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL/BOARD OF THE CITY/COUNTY OF \_\_\_\_\_

AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR (PROJECT NAME).

- (a) WHEREAS, Orange County Local Transportation Ordinance No.3, dated July 24, 2006, and is known and cited as the Renewed Measure M Transportation Ordinance and Investment Plan makes funds available through the Environmental Cleanup Program to help protect Orange County beaches and waterways from transportation-generated pollution (urban runoff) and improve overall water quality.
- (b) WHEREAS, the Environmental Cleanup, Tier 1 Grant Program consists of funding purchases and installation to catch basins with Best Management Practices, such as screens, filters, inserts, and other "street-scale" low flow diversion projects.
- (c) WHEREAS, OCTA has established the procedures and criteria for reviewing proposals; and
- (d) WHEREAS, (ADMINISTERING AGENCY) possesses authority to nominate water quality improvement projects that have a transportation pollution nexus to finance and construct the proposed project; and
- (e) WHEREAS, by formal action the (GOVERNING BODY) authorizes the nomination of (PROJECT NAME), including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the (ADMINISTERING AGENCY) to act in connection with the nomination and to provide such additional information as may be required; and
- (f) WHEREAS, the (ADMINISTERING AGENCY) will maintain and operate the equipment acquired and installed; and
- (g) WHEREAS, the (ADMINISTERING AGENCY) will give OCTA's representatives access to and the right to examine all records, books, papers or documents related to the funded Tier 1 Grant Project; and
- (h) WHEREAS, the (ADMINISTERING AGENCY) will cause work on the project to be commenced within a reasonable time after receipt of notification from OCTA and that the project will be carried to completion with reasonable diligence; and
- (i) WHEREAS, the (ADMINISTERING AGENCY) will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the American with Disabilities Act, and any other federal, state, and/or local laws, rules and/or regulations;
- (j) WHEREAS, the (ADMINISTERING AGENCY) must include all projects funded by Net Revenues in the seven-year Capital Improvement Program as part of the Renewed Measure M Ordinance eligibility requirement.
- (k) WHEREAS, the (ADMINISTERING AGENCY) authorizes a formal amendment to the seven-year Capital Improvement Program to add projects approved for funding upon approval from the Orange County Transportation Authority Board of Directors.
- (l) WHEREAS, the City/County of \_\_\_\_\_ will provide a minimum of 20% in matching funds for the (PROJECT NAME) as required by the Orange County Comprehensive Transportation Funding Programs Guidelines.
- NOW, THEREFORE, BE IT RESOLVED that the City/County of \_\_\_\_\_ hereby authorizes (NAME OF AGENCY REPRESENTATIVE) as the official representative of the (ADMINISTERING AGENCY) to accept funds for the Environmental Cleanup, Tier 1 Grant Program for (PROJECT NAME).
- BE IT FURTHER RESOLVED that the City/County of \_\_\_\_\_ agrees to fund its share of the project costs and any additional costs over the identified programmed amount.

## Eligible Expenditures

- ~~ECP~~-(Project X) funds must be for capital improvement. Construction management and project management cannot exceed 15 percent (15%) of the total construction costs.
- ~~ECP~~-(Project X) funds can only be used for facilities that are in public ownership for public use; however, water quality improvements on private property, which are connected to municipal separate storm sewer systems, are eligible. (For example, a homeowner association can apply for funding through an eligible agency if the proposed project is connected to a public facility.)
- Reducing volume of surface flows is an integral factor of improving water quality, therefore, projects that have water-saving features (i.e., drip systems) are eligible for funding considerations.

## Ineligible Expenditures

- O&M costs are not eligible expenditures. O&M costs cannot be utilized as a source of matching funds.
- ~~ECP~~-(Project X) funds are not to be used for planning.
- Expenditures prior to the grantee executed letter agreement date cannot be considered eligible for funding or match.
- Landscaping installation and replacement are not eligible for funding consideration.
- Replacement of equipment funded with ~~ECP~~-(Project X) funds that is still within its anticipated useful life (based on manufacturer's specifications).
- Capital equipment purchases related to regular on-going street maintenance efforts, including, but not limited to: trash receptacles, vacuum trucks and/or equipment, street sweepers, signage, etc.

## Reporting and Reimbursement

A final report must be filed within 180 days of the project being completed with information as shown in Form 10-16. See Chapter 9 for the process and requirements regarding reimbursements and reporting for the Tier 1 Grant Program.

Additionally, an exception to Precept #36: Agencies may appeal to the ECAC and the OCTA Board on any issues that the agency and OCTA cannot resolve, as such are the reviewing and approving bodies, respectively, for this program.

## Technical and/or Field Review

Once an agency submits a final report for a project, OCTA shall review the report for compliance with the CTFP guidelines and may conduct a field review. OCTA will use the project cost estimate forms submitted with the application and revised where appropriate, project accounting records and the final report as the primary items to conduct the

review. Agencies must maintain separate records for projects (i.e., expenditures, interest) to ensure compliance. Only CTFP eligible items listed on a project's cost estimate form will be reimbursed. See Chapter 10 for independent audit requirements beyond the technical and/or field review.

## Additional Information

Completed applications and questions regarding these procedures and criteria should be directed to:

By mail:

~~Joseph Alcock~~ [Alfonso Hernandez](#)

Orange County Transportation Authority

P.O. Box 14184

Orange, CA 92863-1584

Tel: (714) 560-5~~363673~~

Fax: (714) 560-5794

In person:

Orange County Transportation Authority

600 South Main Street

Orange, CA 92863-1584


Via email (for electronic submittal):

~~j~~[alcockAHernandez@octa.net](mailto:alcockAHernandez@octa.net)



**March 2, 2020**

**To:** Regional Planning and Highways Committee

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

**Subject:** Grant Award Acceptance for Development of the Disaster Mitigation Plan

### **Overview**

The California Governor's Office of Emergency Services awarded the Orange County Transportation Authority \$93,750 in competitive Hazard Mitigation Grant Program funding. The grant award will support the development of the Orange County Transportation Authority's first Local Hazard Mitigation Plan within the OC Bus service area and the Los Angeles - San Diego -San Luis Obispo Rail Corridor within Orange County.

### **Recommendation**

Authorize the Chief Executive Officer, or designee, to accept California Governor's Office of Emergency Services Hazard Mitigation Grant Program award.

### **Background**

On behalf of the Federal Emergency Management Agency (FEMA), the California Governor's Office of Emergency Services (Cal OES) makes grants available to local and state public agencies for programs to help plan for and mitigate impacts that can pose risks, threats and vulnerabilities to California's people, property, economy, and environment. These threats include earthquakes, floods, significant wildfires, prolonged drought impacts, public health emergencies, cybersecurity attacks, and agricultural, as well as threats to homeland security.

On May 13, 2019, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved the Resolution 2019-09, which authorized the Chief Executive Officer to submit federal and state disaster assistance, negotiate, and execute agreements and documents through Cal OES on behalf of OCTA.



In the fall 2018, FEMA declared a major disaster following the California Wildfires which made available approximately \$660 million in Hazard Mitigation Grant Program funding statewide. In response to this opportunity, OCTA submitted a Notice of Intent in March 2019, followed with a formal application in July 2019, requesting \$93,750 for the development of a Local Hazard Mitigation Plan (LHMP).

### ***Discussion***

On December 8, 2019, Cal OES awarded OCTA the full grant request of \$93,750 to develop the LHMP. The grant requires an OCTA in-kind match contribution of \$31,250, for a total of \$125,000. The LHMP is required to be complete by September 2022.

The LHMP will help develop OCTA's first Hazard Mitigation Plan, which will form a framework for decision making to reduce risks to lives, property, and impacts to the economy from future hazards. The LHMP will identify projects and mitigation strategies that will reduce hazards and OCTA facilities. Examples of mitigations may include structural retrofits, floodwalls and retaining walls, equipment purchases, sediment and erosion control, conservation easements, and wetland restoration and preservation.

OCTA will consult with stakeholders and emergency partners, including the Cal OES, County Emergency Management, Army Corps of Engineers, Orange County Fire Authority, California Department of Forestry and Fire Protection, Orange County Sheriffs, and Orange County Emergency Operations Center.

The LHMP will be developed according to FEMA Stafford Act standards. Once complete, OCTA will be eligible to receive future FEMA funding to mitigate risks and address threats and vulnerabilities within the OC Bus service area and the Los Angeles - San Diego - San Luis Obispo (LOSSAN) Rail Corridor within Orange County.

### ***Summary***

The Cal OES awarded OCTA \$93,750 to develop a LHMP, which will form the foundation for OCTA's long-term strategy to reduce disaster losses for the OC Bus service area and the LOSSAN Rail Corridor. Board authorization is requested to receive the grant and provide an in-kind match contribution of \$31,250.

***Attachment***

None.

**Prepared by:**



Jennifer Haith Farinas  
Senior Transportation Funding Analyst  
(714) 560-5392

**Approved by:**



Kia Mortazavi  
Executive Director, Planning  
(714) 560-5741



**March 2, 2020**

**To:** Regional Planning and Highways Committee

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

**Subject:** Supplemental Contract Change Order for the Interstate 405 Improvement Project from State Route 73 to Interstate 605 – Collection and Disposal of Unknown Hazardous Materials

### **Overview**

On November 14, 2016, the Orange County Transportation Authority Board of Directors approved Agreement No. C-5-3843 with OC 405 Partners, a joint venture, for the design and construction of the Interstate 405 Improvement Project from State Route 73 to Interstate 605. A supplemental contract change order is needed to collect and dispose of unknown hazardous materials during construction through final project completion.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute supplemental Contract Change Order No. 8.3 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$1,900,000, to collect and dispose of unknown hazardous materials for the Interstate 405 Improvement Project from State Route 73 to Interstate 605.

### **Discussion**

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation, is implementing the Interstate 405 (I-405) Improvement Project between State Route 73 (SR-73) and Interstate 605 (I-605) (Project). The Project will add one general purpose lane from Euclid Street to I-605, consistent with Measure M2 (M2) Project K, and will add an additional lane in each direction that would combine with the existing high-occupancy vehicle lane to provide dual express lanes in each direction on I-405 from SR-73 to I-605, otherwise known as the 405 Express Lanes.

**Supplemental Contract Change Order for the Interstate 405   Page 2**  
**Improvement Project from State Route 73 to Interstate 605 –**  
**Collection and Disposal of Unknown Hazardous Materials**

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On November 14, 2016, the OCTA Board of Directors (Board) approved Agreement No. C-5-3843 with OC 405 Partners (OC405), a joint venture, for the design and construction of the Project. The contract was executed and Notice to Proceed (NTP) No. 1 was issued to OC405 on January 31, 2017. On July 27, 2017, NTP No. 2 was issued to OC405 for the full design and construction of the Project.

In accordance with the contract documents, OC405 is required to properly collect and dispose of hazardous materials. Hazardous materials include contaminated soil from excavations, contaminated groundwater, hazardous materials removed from homeless encampments, and abandoned asbestos utility pipes. The contract distinguishes between known hazardous materials that are defined as the responsibility of OC405 to handle as part of the lump sum contract and unknown hazardous materials that are discovered during construction beyond the control of OC405. The collection and disposal of unknown hazardous materials is compensated on a time-and-materials basis at the direction of OCTA, and is paid through a contract change order (CCO).

During construction, underground asbestos utility pipes in conflict with the Project have been encountered that were not accurately shown in the as-built plans. In some cases, the as-built plans identified the location of the pipes, but did not identify its asbestos content which requires additional measures and costs to handle as hazardous materials. In addition, during the demolition of various bridge structures, additional asbestos and lead materials were encountered that were not identified in the as-built plans, but were determined to be hazardous upon further investigation and testing. Since then, staff has performed a review of the remaining bridge demolition locations and has conducted additional potholing in areas of unknown pipe material where asbestos utility pipes may be encountered. The removal of homeless encampments, which have the potential to contain hazardous materials, is also taking more effort than originally anticipated. Lastly, the number of locations or areas with contaminated underground soil and/or contaminated groundwater has been slightly more than originally anticipated. Staff has developed an independent cost estimate, in the amount of \$1,900,000, for the anticipated extra work until Project completion.

Supplemental CCO No. 8.3 for the collection and disposal of hazardous materials, in the amount of \$1,900,000, will be issued incrementally on an as-needed basis. Costs and expenses to collect and dispose of unknown hazardous materials will be tracked, reviewed, and paid on a time-and-materials basis.

### ***Procurement Approach***

The procurement was handled in accordance with the best-value selection process authorized by AB 401 (Chapter 586, Statutes of 2013) for design-build (DB) projects and with OCTA's Board-approved procedures for public works projects, which conform to both federal and state requirements. On November 14, 2016, OCTA approved Agreement No. C-5-3843 with OC405 for the design and construction of the Project through a DB contract.

Board approval is required for proposed supplemental CCO No. 8.3.

Supplemental CCO No. 8.3, in the amount of \$1,900,000, in addition to previous CCO Nos. 8.0 and 8.1 that were approved by OCTA's Contracts Administration and Materials Management Department, and CCO No. 8.2 approved by the Board, will give OCTA staff the ability to timely direct collection and disposal of unknown hazardous materials on an as-needed basis without impacting the Project schedule. CCO No. 8.3 brings the total authorized amount of CCO No. 8 to \$2,500,000.

Attachment A lists the CCOs that have been executed to date and the CCOs that are pending execution with OC405.

### ***Fiscal Impact***

Funding for this work was approved in OCTA's Fiscal Year 2019-20 Budget, Capital Programs Division, accounts 0017-9084-FK101-0GM and 0037-9017-A9510-0GM, and is funded with a combination of federal, state, and local funds. M2 funds will be used for improvements specific to M2 Project K, and non-M2 funds will be used for improvements specific to the 405 Express Lanes. The cost for the collection and disposal of unknown hazardous materials described in supplemental CCO No. 8.3 is funded from the Project contingency and is not anticipated to increase the total Project estimate of \$1.9 billion.

### ***Summary***

Staff recommends Board of Directors' authorization for the Chief Executive Officer to negotiate and execute supplemental Contract Change Order No. 8.3 to Agreement No. C-5-3843 with OC 405 Partners, a joint venture, in the amount of \$1,900,000, to collect and dispose of unknown hazardous materials for the Interstate 405 Improvement Project from State Route 73 to Interstate 605.

**Supplemental Contract Change Order for the Interstate 405   Page 4**  
**Improvement Project from State Route 73 to Interstate 605 –**  
**Collection and Disposal of Unknown Hazardous Materials**

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***Attachment***

A.     OC 405 Partners, Agreement No. C-5-3843, Contract Change Order Log

**Prepared by:**



Jeff Mills, P.E.  
Senior Program Manager  
(714) 560-5925



Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
(714) 560-5623

**Approved by:**



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

**OC 405 Partners  
Agreement No. C-5-3843  
Contract Change Order Log**

<b>Contract Change Order (CCO) No.</b>	<b>Title</b>	<b>Status</b>	<b>Date Executed</b>	<b>Cost</b>
001	Technical Provisions – Execution Version	Approved	06/14/2017	\$0.00
002	Notice to Proceed No. 1 Payment Cap Increase and Substantial Completion Deadline Modifications	Approved	6/21/2017	\$0.00
003	Extra Maintenance Work (Provisional Sum)	Approved	7/28/2017	\$200,000.00
003.1	Amendment to Change Order to Add Additional Funds for Extra Maintenance Work	Approved	10/2/2018	\$200,000.00
003.1.1	Provisional Sum for Extra Maintenance Work-Unilateral	Approved	10/10/2019	\$400,000.00
003.1.2	Supplemental Extra Maintenance Work	Approved	1/16/2020	\$350,000.00
004	Design-Builder Personnel Changes (Appendices 7 and 23)	Approved	12/20/2017	\$0.00
005	Dispute Review Board (Provisional Sum)	Approved	9/13/2017	\$50,000.00
005.1	Increase in Provisional Sum per Contract Section 19.4 Disputes Board	Approved	7/1/2019	\$50,000.00
006	Partnering (Provisional Sum)	Approved	9/13/2017	\$50,000.00
006.1	Partnering per Contract Section 19.1	Approved	7/1/2019	\$50,000.00
007	Implementation of California Department of Transportation (Caltrans) Guidance on Six-Inch Wide Longitudinal Traffic Lines and Non-Reflective Raised Pavement Markers	Approved	3/15/2018	\$0.00
008	Collection and Disposal of Unknown Hazardous Materials (Provisional Sum)	Approved	9/13/2018	\$100,000.00
008.1	Supplemental Unknown Hazardous Materials	Approved	9/11/2019	\$100,000.00
008.2	Supplemental Unknown Hazardous Materials	Approved	11/25/2019	\$250,000.00
008.2.1	Supplemental Unknown Hazardous Materials	Pending		\$150,000.00
008.3	Supplemental Unknown Hazardous Materials	Pending		\$1,900,000.00
009	Repair of Caltrans' Fiber Optic Line	Approved	5/16/2018	\$31,753.69
010	Five Project Funding Identification Signs (Provisional Sum)	Approved	7/2/2018	\$32,644.25

<b>Contract Change Order (CCO) No.</b>	<b>Title</b>	<b>Status</b>	<b>Date Executed</b>	<b>Cost</b>
011	Revised Right-of-Way (ROW) Availability Date of Caltrans Parcel No. 102919 Used By Mike Thompson's RV Super Store	Approved	6/28/2018	\$0.00
012	Credit to OCTA for Elimination of the Street Widening Improvements Along Eastbound Edinger Avenue	Approved	9/13/2018	-\$237,982.39
013	Additional Design and Construction Cost Compensation Related to: City Bridge Width; Construction Changes to Minimize ROW Impacts; Revised Design Concept at Ellis Avenue On-Ramp to Southbound I-405; State Route 73 Overhead Sign Structures; Sendero Apartments Left-Turn Pocket on Magnolia Street; Newland Street Waterline Extension; and Signal Improvements at Ellis Avenue/ Bushard Street	Approved	2/25/2019	\$8,560,556.00
013.1	Permanent Traffic Signal at the intersection of Warner Avenue and Greenleaf Street	Approved	12/5/2019	\$460,327.00
014	Thrust Blocks for the City of Fountain Valley Water Lines	Approved	10/29/2018	\$88,021.00
015	Slater Bridge Construction Shuttle Services	Approved	12/4/2018	\$175,000.00
016	Construction Zone Speed Reduction	Approved	12/3/2018	\$70,000.00
016.1	Additional Speed Reduction Signs	Approved	12/31/2019	\$4,512.00
017	Relocation of Water Lines for the City of Fountain Valley	Approved	3/8/2019	\$800,000.00
018	Enhanced Gawk Screen at Bolsa Chica Road	Approved	1/25/2019	\$56,395.00
019	Brookhurst Street Overhead Sign Location Redesign	Approved	1/25/2019	\$11,484.00
020	Differing Site Conditions - Pavement Thickness at Magnolia	Approved	1/29/2019	\$4,095.00
021	Polymer Fibers in All Concrete Bridge Decks	Approved	3/19/2019	\$1,463,020.00
022	Temporary Construction Easement Reduction at La Quinta	Approved	3/19/2019	\$85,573.00
023	Updated FasTrak Logos (Unilateral)	Approved	2/21/2019	\$20,532.00
024	Express Lanes Channelizers	Approved	3/12/2019	\$122,778.00
025	Stainless Steel Inserts at Fairview Road Overcrossing	Approved	3/12/2019	-\$9,293.00
026	OCTA PlanGrid Software Licenses	Approved	3/28/2019	\$35,994.00



<b>Contract Change Order (CCO) No.</b>	<b>Title</b>	<b>Status</b>	<b>Date Executed</b>	<b>Cost</b>
026.1	Supplemental for OCTA PlanGrid Software Licenses	Approved	9/11/2019	\$8,570.00
027	Utility potholing on Milton Ave	Approved	9/12/2019	\$61,731.87
027.1	Electrical Infrastructure Work at Milton Avenue	Approved	1/16/2020	\$278,282.28
028	Mesa Water District 12-inch Water Line (CN-1127)	Approved	5/7/2019	\$208,600.00
029	Magnolia Loop Ramp CMS Deletion	Approved	05/15/19	-\$74,319.00
030	Motel 6 Sound Wall (SW-791) Elimination	Approved	05/15/19	-\$130,000.00
031	Sound Wall 956 Reduction	Approved	05/22/19	-\$30,000.00
033	Edinger Channel Pavement Rehabilitation	Approved	07/30/19	\$176,465.00
034	Chevron and Crimson Utility Relocation at Goldenwest Crossing	Approved	8/2/2019	\$75,000.00
034.1	Chevron and Crimson Utility Relocation Support	Approved	12/31/2019	\$12,018.00
035	Incompatible Specifications - Adjacent to CRCP Pavement	Approved	06/26/19	\$2,900,557.00
037	Sound Wall 375 Protect in Place	Approved	06/04/19	\$200,000.00
040	HDPE in Lieu of RCP	Approved	7/9/2019	-\$7,418.68
041	Emergency Vehicle Preemption Devices at Fairview	Approved	7/9/2019	\$44,147.00
042	Executed Utility Agreements (Unilateral)	Approved	11/4/2019	\$0.00
043	Early Partial Removal of Sound Wall 328	Approved	9/16/2019	\$14,414.18
044	Field survey for Frontier at Westminster	Approved	1/7/2020	\$12,908.42
045	Water Line Betterments (CN 1012 & 6044) at Warner Avenue	Approved	10/12/2019	\$256,244.00
046	Additional Water Lines at Brookhurst Street and Talbert Avenue in the City of Fountain Valley	Approved	12/5/2019	\$389,878.00
047	Additional Water Line Valves for the City of Fountain Valley	Approved	12/5/2019	\$266,828.00
048	Temporary Construction Easement Reduction at Sit n' Sleep (CPN 103026)	Approved	10/17/2019	\$129,243.00
049	Beach Blvd Lane Widths Reduction (Necessary Basic Configuration Change)	Approved	10/17/2019	\$160,000.00

<b>Contract Change Order (CCO) No.</b>	<b>Title</b>	<b>Status</b>	<b>Date Executed</b>	<b>Cost</b>
050	Vibration Sensitive Receptors (McFadden OC Abutment 3)	Approved	10/17/2019	\$59,383.87
051	Exercising Water Valves for the City of Fountain Valley	Approved	1/16/2020	\$50,000.00
052	McFadden Avenue Interconnect Between Beach Boulevard and Sugar Drive	Approved	11/14/2019	\$0.00
053	Traffic Signal Modification at Beach and McFadden	Approved	11/14/2019	-\$128,118.00
054	DSC Pavement Against Median K-Rail	Approved	12/31/2019	\$11,133.00
055	LA Fitness at Retaining Wall 717	Approved	12/31/2019	\$8,428.29
056	Additional Speed Reduction Signs and Radar Packages	Approved	12/31/2019	\$148,397.00
057	Environmental Monitor at Bolsa Overcrossing	Pending		\$200,000.00
059	Pavement Limits for Beach Boulevard and Edinger Avenue	Pending		\$33,573.00
060	Additional Design and Construction for Heil Avenue Pedestrian Overcrossing (Unilateral)	Pending		\$1,044,000.00
061	Three-year Plant Establishment Period	Pending		\$1,600,000.00
062	Diesel Fuel Sales Tax	Pending		\$1,764,164.64

Original Contract Price	\$1,217,065,000.00
Contingency Fund	<u>\$98,935,000.00</u>
Total Contract Allotment	\$1,316,000,000.00
Subtotal Approved CCO	\$18,677,782.78
Subtotal Pending CCOs	<u>\$6,691,737.64</u>
Total CCOs	\$25,369,520.42
Proposed Revised Contract Price	\$1,242,434,520.42
Remaining Contingency Fund	\$73,565,479.58



# Update on Interstate 5/El Toro Road Interchange Project

# Project Area



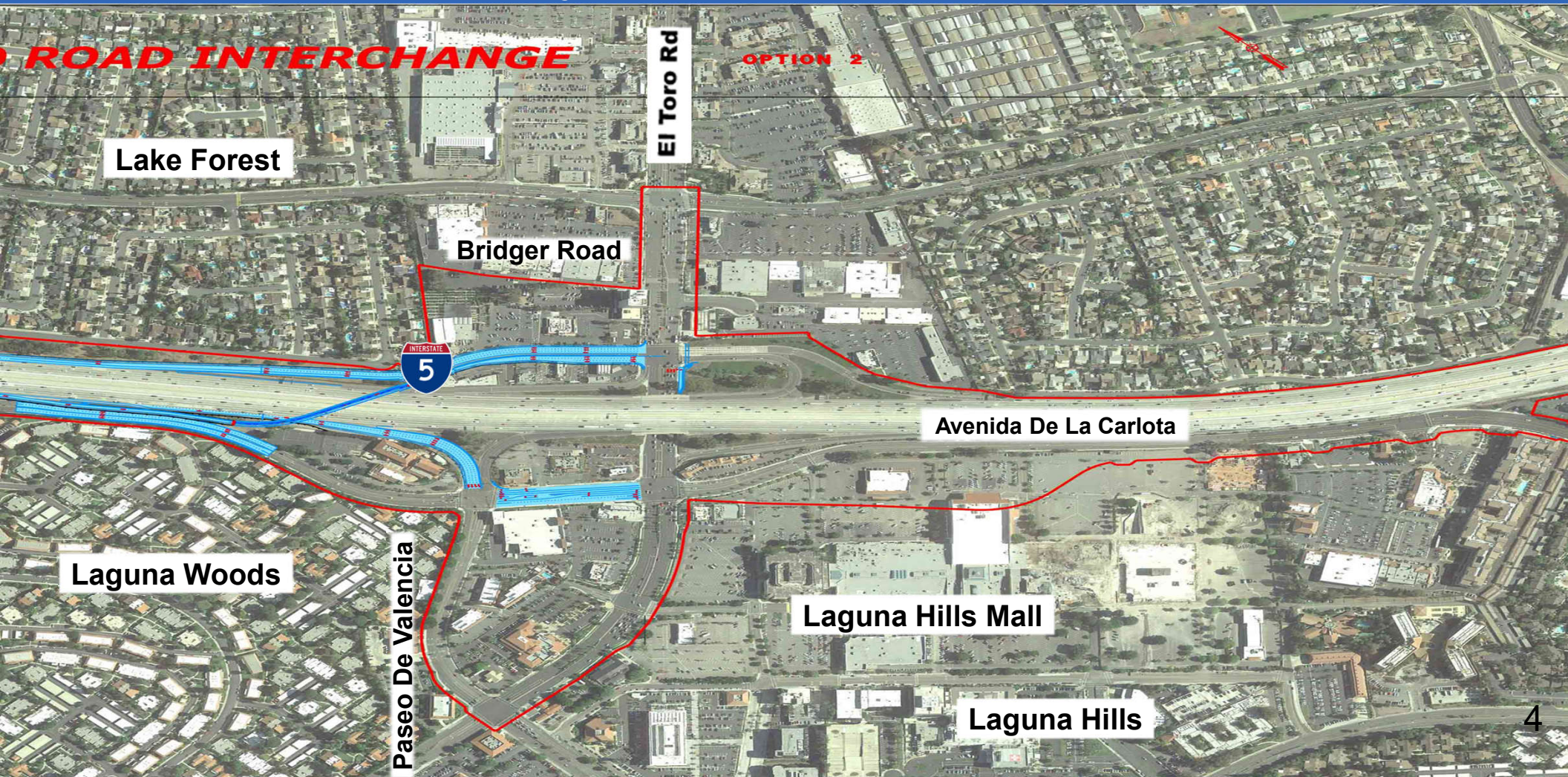
# Project Background/Timeline



- February 2015 – Project Study Report/Project Development Support considered 15 alternatives – four build alternatives were recommended for further study
- May 2017 – California Department of Transportation (Caltrans) began the Project Approval/Environmental Document (PA/ED) phase
- July 2018 – Public information meeting held at Laguna Woods City Hall with four build alternatives presented
- August 2018 to February 2019 – Design and right-of-way (ROW) workshops held between Orange County Transportation Authority (OCTA), Caltrans, and cities resulting in two of four build alternatives being removed from further study
- April to May 2019 – Public circulation and review of draft ED with two build alternatives presented



# Alternative 2: Flyover





# Alternative 4: Collector Distributer Road and Hook Ramps





# Alternative 4 and Option B: Collector Distributer Road and Hook Ramps





# Cost Benefit Comparison

	Alt 2	Alt 4	Alt 4 w Option B
Name	Flyover	Collector Distributer Road and Hook Ramps	Collector Distributer Road and Hook Ramps (including Bridger Road)
Cost*	\$175 million	\$241 million	\$231 million
Traffic Benefit	High	High	High

- Note: Cost estimates are in 2019 dollars

- Draft responses to public comments prepared by Caltrans
- Public comments received during public review:
  - Extent of needed ROW for each of two build alternatives
  - Visual impacts
  - Soundwalls
  - Construction impacts

- Four meetings held to discuss city concerns (October 2019 to January 2020)
  - Review of previous/current alternatives
  - Review of local traffic circulation from OCTA's traffic model
  - Discussion of new concepts
  - Discussion of new consultant effort and city financial commitments

# Next Steps



- Continue meetings between OCTA, Caltrans, and local cities
- Financial commitment by each city for study effort – March 2020
- Release request for proposals for concept evaluation study – April 2020
- Begin concept evaluation – September 2020
- Project update to OCTA Board of Directors – December 2020
- Draft study report – January 2021
- Final study report – March 2021