




August 1, 2022

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer  For

Subject: Amendment to Cooperative Agreement with the California Department of Transportation for Preparation of the Project Report and Environmental Document for the Interstate 5/EI Toro Road Interchange Project

Overview

On November 22, 2016, the Orange County Transportation Authority entered into a cooperative agreement with the California Department of Transportation to perform environmental phase services for preparation of the project report and environmental document for the Interstate 5/EI Toro Road Interchange Project.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-6-1262 between the Orange County Transportation Authority and the California Department of Transportation to provide federal funding, which the California Department of Transportation will draw directly, to complete environmental phase services for preparation of the project report and environmental document for the Interstate 5/EI Toro Road Interchange Project.
- B. Authorize the use of up to \$4,813,000 in additional Surface Transportation Block Grant Program funds for the Interstate 5/EI Toro Road Interchange Project.
- C. Authorize the use of up to \$350,000 in additional Measure M2 funds for public outreach efforts for the Interstate 5/EI Toro Road Interchange Project.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.

Discussion

The Interstate 5 (I-5)/El Toro Road Interchange Project (Project) is part of Project D in the Measure M2 (M2) freeway program. In the Next 10 Delivery Plan, adopted by the Orange County Transportation Authority (OCTA) Board of Directors (Board) in December 2021, the project is listed as one of the M2 freeway projects to be environmentally cleared by 2030 and shelf ready for future funding and advancement. The California Department of Transportation (Caltrans) approved the project study report for the Project in early 2015, and environmental work began in May 2017.

The existing I-5/El Toro Road interchange currently experiences congestion during the morning and afternoon peak periods, resulting in unacceptable levels of service. The Project will improve traffic flows and ease congestion within the interchange, accommodate an expected increase in regional traffic, and improve access to and from the I-5 freeway. Proposed improvements at the El Toro Road interchange include improving El Toro Road and other local roads, modifying entrance and exit ramps, and modifying or replacing bridge structures.

Caltrans is the implementing agency for the environmental phase of the Project. Both state and federal environmental approval is required so that the Project is eligible for use of federal funding. Caltrans is the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) lead agency for the Project and responsible for CEQA/NEPA compliance. Caltrans will determine the type of CEQA/NEPA documentation and will prepare the documentation in accordance with CEQA/NEPA requirements. Project environmental phase work began in May 2017 with the draft environmental document (ED) circulated for public review and comments from April to May 2019. There was no consensus amongst the cities of Laguna Hills, Laguna Woods, and Lake Forest (cities) on a preferred alternative following public review of the two build alternatives presented in the draft ED.

The M2 ordinance, as approved by the voters, requires that specific improvements at this interchange be subject to approved plans developed in cooperation with local jurisdictions and affected communities. Due to the lack of consensus amongst the cities on a preferred alternative, the Caltrans environmental phase work was paused, and OCTA initiated discussions and held meetings between late 2019 and early 2020 with the cities and Caltrans to address the lack of consensus and to discuss proposed alternatives, other options, and next steps. In September 2020, OCTA began an Alternatives Assessment Study to look at potential additional alternatives, in coordination with the cities and Caltrans. Seven alternatives were identified by staff from the

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three cities through the study effort and were then evaluated. In March 2022, meetings with cities staff and Caltrans produced a consensus on the following two new alternatives to move forward to the environmental phase:

Alternatives Assessment (AA)-1: Braided Ramps One Location

This alternative distributes traffic via two sets of hook off- and on- ramps on the southbound side of the I-5 freeway in the City of Laguna Hills. Eastbound traffic travels over El Toro Road, exits the freeway on the south side of El Toro Road, and then connects to El Toro Road to travel east. The impact on the Village at Laguna Hills development is conceptually significantly less as compared to the collector-distributor concept included in the draft ED.

Alternatives Assessment (AA)-5: Flyover with Roundabout close to Rockfield Boulevard

This alternative distributes eastbound traffic via a flyover bridge which then connects to a roundabout close to Rockfield Boulevard, providing access to Los Alisos Boulevard and the area south of El Toro Road. This alternative could have significant impacts on the two shopping centers in the southeast quadrant of the interchange.

OCTA staff presented a project update to the three city councils in May and June of this year. The project updates and information about the two new alternatives were received, and feedback was provided by each of the three city councils. Based on this collective feedback, staff recommends moving forward with a full environmental analysis of the two newly proposed alternatives, AA-1 and AA-5, in the environmental phase.

As part of the restarted environmental phase, it is proposed that the CEQA ED be revised from an Initial Study/Mitigated Negative Declaration to an Environmental Impact Report to better align with the requirements of SB 743 (Chapter 386, Statutes of 2013), and address the cities' comments received during the draft ED public comment period, as well as other project considerations. As required by SB 743, Caltrans' traffic and environmental analysis of the build alternatives, including the two new alternatives described above, will study if the Project leads to a measurable and substantial increase in vehicle miles traveled, as well as the potential need for mitigation measures.

OCTA will again lead public outreach for the remainder of the environmental phase. It is envisioned that this will include a comprehensive communications plan, ascertainment of key stakeholders, and updated materials including presentations, postcards, exhibits, fact sheets, noticing documents, etc.

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Outreach will also include public awareness campaign and community meetings, email marketing, surveys, direct mail, and issues and metrics tracking. Also included are logistics and implementation of public scoping meetings, virtual, and in-person public hearings.

An amendment to the cooperative agreement between OCTA and Caltrans is needed to incorporate the two new alternatives into the environmental phase of the Project. In order to fund this environmental work, staff requests Board approval of the use of \$4,813,000 in federal Surface Transportation Block Grant Program (STBGP) funds to pay for the completion of environmental phase work as part of the federal fiscal year (FY) 2022-23 Obligation Authority Plan. OCTA will designate the STBGP funds to Caltrans, as the implementing agency for the environmental phase, and Caltrans will directly draw \$4,813,000 from the Federal Highway Administration (FHWA). Use of federal funds for M2 freeway projects is consistent with Board-approved Capital Programming Policies, which prioritize all state and federal funds to fulfill commitments to M2 projects. Per policy, STBGP funds are specifically for the M2 freeway program, and local streets and roads projects. The use of STBGP funds for the Project allows OCTA to preserve M2 freeway funds for future M2 freeway projects. In addition, by utilizing federal funds and allowing Caltrans to draw the funds directly, OCTA is able to fund Caltrans' direct effort as the implementing agency at a lower overhead rate than would be required if using local M2 funds. The Capital Funding Program Report includes a summary of how OCTA's capital projects are currently funded, along with the proposed changes in this item, and is provided as Attachment B.

Staff also requests Board approval of \$350,000 in M2 funds for outreach support through the completion of the environmental phase of the Project. These funds will provide for a comprehensive communications plan, ascertainment of key stakeholders, a public awareness campaign, community meetings, emails, and implementation of scoping meetings and metrics tracking.

Fiscal Impact

Federal STBGP funds for the Project will flow directly to Caltrans and will not flow through OCTA. Caltrans will directly withdraw \$4,813,000 from FHWA for the Project. Funding for public outreach is included in OCTA's FY 2022-23 Budget, External Affairs Division, Account No. 0017-7519-FD102-0IA, and will be funded through M2 revenue.

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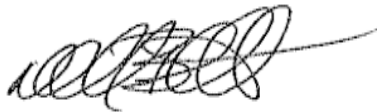
Summary

Staff requests Board approval for the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-6-1262 between OCTA and Caltrans, to allow for Caltrans' direct draw of federal funds, in the amount of \$4,813,000, the use of an additional \$350,000 in M2 funds for OCTA public outreach efforts, and to authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to complete environmental phase services for preparation of the project report and environmental document for the Project.

Attachments

- A. California Department of Transportation, District 12, Cooperative Agreement No. C-6-1262 Fact Sheet
- B. Capital Funding Program Report

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