



October 3, 2022

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Cooperative Agreement with the California Department of Transportation for the Interstate 5 Replacement Planting Project Between State Route 73 and El Toro Road

Overview

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the California Department of Transportation for the Interstate 5 Replacement Planting Project between State Route 73 and El Toro Road.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-2-2807 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$12,335,000, for the Interstate 5 Replacement Planting Project between State Route 73 and El Toro Road.
- B. Authorize the use of up to \$0.79 million in Surface Transportation Block Grant funds for design services for the Interstate 5 Replacement Planting Project between State Route 73 and El Toro Road in lieu of Measure M2 funding.
- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.

Discussion

The Orange County Transportation Authority (OCTA), in partnership with the California Department Transportation (Caltrans), is implementing the Interstate 5 (I-5) Improvement Project between State Route 73 (SR-73) and

El Toro Road (Project). The Project adds general purpose lanes and other improvements in both directions of the I-5 from north of SR-73 to El Toro Road.

The Project is currently being constructed in three segments with the following Project limits:

- Segment 1 extends from north of SR-73 to Oso Parkway. Construction began on March 10, 2020, and is anticipated to be complete in 2024.
- Segment 2 begins at Oso Parkway and ends at Alicia Parkway. Construction began on May 29, 2019, and is anticipated to be complete in 2024.
- Segment 3 extends from Alicia Parkway to El Toro Road. Construction began on January 4, 2021, and is anticipated to be complete in 2024.

All three segments will require replacement planting and a three-year plant establishment period which will commence upon construction completion. Replacement planting will include areas where ground cover and trees were cleared and otherwise impacted during construction of the three segments of the Project. Plant establishment is the period that allows newly installed plant material to reach a state of maturity that will allow for minimal maintenance in the future. The plant establishment period typically includes replacement of dead or damaged plant material, weed and pest control, irrigation operation and repair, and other activities required to ensure the long-term survival of plant material.

It is standard practice for Caltrans to separate the replacement planting and plant establishment period work into a separate follow-on contract, which is relatively minor in scope and cost in relation to the major roadway work. During the design phase of the Project, OCTA and Caltrans mutually agreed to exclude the replacement planting and plant establishment work from the roadway construction contracts due to a lengthy three-year plant establishment period that is required by Caltrans. The plant establishment work would unnecessarily retain the roadway contractor for three years and potentially result in higher or unbalanced bid prices.

This cooperative agreement will include the design, right-of-way support, advertisement, award, and administration of the replacement planting landscape project, including the three-year plant establishment period per Caltrans requirements, for all three segments. The construction completion of the freeway improvement projects is scheduled for 2024. In order for the replacement planting contractor to be on board by 2024, a cooperative agreement is required between Caltrans and OCTA to document the obligations of each party for the I-5 Replacement Planting Project, and to initiate the preparation and packaging of the design for the contract documents.

OCTA proposes to enter into a cooperative agreement with Caltrans to define the roles and responsibilities of both agencies. As the implementing agency for design and construction of the replacement planting project, Caltrans will be responsible for the design, right-of-way support (utility coordination), advertisement, award, and administration of the replacement planting project. The cost for the development of the final contract documents, advertisement, and award is estimated in the amount of \$790,000. The capital construction cost is estimated to be \$10,595,000, and includes replacement planting, installation of irrigation systems, testing, repairs, and maintenance. Caltrans will provide all construction management support for the Project in the amount of \$950,000. OCTA will reimburse Caltrans \$5,545,000 in local Measure M2 funds for the construction capital component of the Project, and the balance will be funded with federal and state funds that Caltrans will draw down directly.

Fiscal Impact

The Project is partially included in OCTA's Fiscal Year 2022-23 Budget, Capital Programs Division, Account No. 0017-9084-FC107-03E and is funded with federal Surface Transportation Block Grant, State Transportation Improvement Program, and local Measure M2 funds. The remaining funding will be budgeted in subsequent fiscal years to fund the work. This Project is listed as Project C in the Measure M2 (M2) Next 10 Delivery Plan and the use of Surface Transportation Block Grant funding in lieu of M2 funding is consistent with the OCTA Board of Directors-approved Capital Programming Policy. The Capital Funding Program includes a summary of how OCTA's capital projects are currently funded along with the proposed changes in this report (Attachment A).

Summary

Staff requests Board of Directors' approval for the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-2-2807 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$12,335,000, for the Interstate 5 Replacement Planting Project between State Route 73 and El Toro Road.

Attachment

A. Capital Funding Program Report

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