



**January 12, 2017**

**To:** Transit Committee

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

**Subject:** Cooperative Agreement with the City of Santa Ana for the Use of Right-of-Way for the OC Streetcar Project

### **Overview**

The Orange County Transportation Authority is the lead agency for the design, construction, operations, and maintenance of the OC Streetcar project in the cities of Garden Grove and Santa Ana. A cooperative agreement with the City of Santa Ana is required to secure the use of public right-of-way for the construction, operations, and maintenance of the OC Streetcar project.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-6-1433 between the Orange County Transportation Authority and the City of Santa Ana for use of public right-of-way for the construction, operations, and maintenance of the OC Streetcar project.

### **Discussion**

On July 13, 2015, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved Memorandum of Understanding (MOU) No. C-5-3295 with the City of Santa Ana (City) for roles and responsibilities for the implementation of the OC Streetcar project (Project). The Board directed staff to proceed with the development of agreements as listed in the MOU, including an agreement for use of City right-of-way (ROW) for the Project.

The Federal Transit Administration requires grantees to have “continuing control” on property where federal funds have been invested through the implementation of a transit project. This agreement provides the requisite continuing control for OCTA to construct, operate, and maintain the Project in the ROW. The intent of the agreement is to define the limits of use and each agency’s roles, responsibilities, and commitments related to OCTA’s facilities in the ROW, which includes the City’s streets and other improvements owned or controlled by the City.

Consensus has been reached with the City on the specific terms and conditions of the draft cooperative agreement, and a summary of the key provisions of the draft agreement follows:

- The term of the agreement is for 50 years with a 20-year extension at the discretion of OCTA. Further extensions are allowed upon mutual agreement.
- The limits of the use of the City's public ROW secured by this agreement are consistent with the OC Streetcar alignment.
- The agreement does not include provisions for parcels of property owned by the City outside of the City's public way.
- The City and all third parties must secure a permit from OCTA when working within OCTA's controlled work access limits - generally ten feet from the overhead contact system (poles, span wires, and contact wire) and within four feet of any rail.
- The City and OCTA agree to keep each other informed about future projects that may impact each other's use of the ROW.
- There is no cost associated with the cooperative agreement.

#### Next Steps

The draft agreement will be advanced to the Santa Ana City Council for review and approval. A ROW use agreement is not necessary with the City of Garden Grove because the portions of the OC Streetcar in the City of Garden Grove are within the limits of Pacific Electric ROW owned by OCTA. Staff will be returning in March 2017 for Board approval of additional agreements needed to advance the Project, including construction agreements with the cities of Santa Ana and Garden Grove, as well as an amendment to the Santa Ana Regional Transportation Center Station agreement.

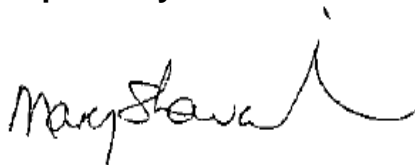
***Summary***

Staff requests Board of Directors' approval for the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-6-1433 between the Orange County Transportation Authority and the City of Santa Ana for the use of public right-of-way for the construction, operations, and maintenance of the OC Streetcar project.

***Attachment***

None.

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