



**June 8, 2017**

**To:** Transit Committee

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

**Subject:** San Juan Creek Bridge Replacement Project Update and Authority to Acquire Right-of-Way

### **Overview**

The Orange County Transportation Authority is the owner of the Orange subdivision railroad right-of-way in Orange County. The Southern California Regional Rail Authority is currently in the design phase for the San Juan Creek Bridge Replacement project. The project requires acquisition of property from public and private parties to allow the construction of the project. The initiation of the property acquisition process is necessary at this time to maintain the project delivery schedule.

### **Recommendation**

Authorize the Chief Executive Officer, or his designee, to initiate discussions with property owners and utility owners, make offers, and execute agreements for the acquisition of all necessary interests in real property and necessary utility relocations for the San Juan Creek Bridge Replacement project.

### **Background**

On January 12, 2016, the Southern California Regional Rail Authority (SCRRA) began design of the San Juan Creek Bridge Replacement project (Project). The Project is located in the City of San Juan Capistrano, approximately 0.5 mile south of Del Obispo Street at San Juan Creek, or Milepost 197.9 on the Orange subdivision. The Project will replace a 300-foot long railroad bridge built in 1917 that carries a single mainline track for passenger and freight rail traffic over San Juan Creek. The 100-year old bridge has reached its useful life and the Project will replace the bridge to increase safety and reduce maintenance. In order to maintain rail service during construction, the new bridge will be constructed adjacent to the west side of the existing bridge. The existing bridge will be demolished and the new substructure will be constructed to accommodate future bridge widening needs without impacting the creek and access trails and

roads. Additionally, the Orange County Transportation Authority (OCTA) and SCRRA, in coordination with the County of Orange (County), will incorporate construction of a bikeway, trail, and service vehicle underpass on the south end of the bridge parallel with the creek for a future County trail and bikeway improvement project. The additional underpass will enhance the County's network of regional trails and network of local and regional bikeways.

SCRRA is the overall lead for environmental, design, and construction of the Project. OCTA owns the Orange subdivision railroad right-of-way (ROW) in the County and is responsible to acquire the necessary ROW for the Project. The design was coordinated with OCTA to minimize impacts to adjacent property owners; however, the Project will require the acquisition of both public and private lands.

### ***Discussion***

SCRRA is the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) lead agency for environmental approval for the Project. The Project under CEQA guidelines is statutorily exempt and the Notice of Exemption was filed with the County and the State Clearinghouse on May 8, 2017. The Project type qualifies for federal documented categorical exclusion under Federal Transit Administration (FTA) guidelines and was submitted to the FTA for review and concurrence on March 24, 2017. FTA concurrence is anticipated to be issued in July 2017, which allows for the initiation of property acquisition.

The Project will have impacts to both privately-owned and publicly-owned properties. The Project is estimated to impact a total of nine parcels, including three commercial/industrial properties and six public properties (Attachment A). The real property requirements are comprised of a combination of partial fee purchases, permanent easements, and temporary construction easements (TCEs). The partial fee, permanent easements, and TCEs are required for bridge construction, retaining walls, track, access, and staging.

OCTA has adopted Real Property Department Policies and Procedures (RPDPP) to properly handle the acquisition of property rights. The RPDPP incorporates requirements set by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). The Uniform Act was enacted by the federal government to ensure real property is acquired, and that persons, businesses, and personal property (displacees) are relocated in an equitable, consistent, and equal manner. The RPDPP also incorporates State of California laws and regulations enacted to provide benefits and safeguards to property owners.

Statutory offers for the purchase of property will be made for an amount established as just compensation which shall be determined through an independent appraisal process. Efforts will be made to reach a negotiated settlement with property owners or businesses; however, when an impasse is reached, as an act of last resort, staff, through a separate Board of Directors (Board) action, may request the Board to adopt a resolution of necessity to proceed with eminent domain proceedings to obtain the necessary interests in real property.

The Project does not intend to require the permanent relocation or displacement of any single family residence or business as a result of property acquisitions; however, under state and federal regulations, any qualified displacee or occupant is entitled to receive relocation advisory assistance, and actual and reasonable moving costs for displaced residential occupants, displaced business owners, and for displacement of personal property. The relocation process runs concurrently with the acquisition process and is a requirement of law.

OCTA staff will continue to evaluate the need for property through the design phase. If any modifications to the ROW requirements are necessary, staff will take action to appropriately justify and document the need to secure necessary property to construct the Project in accordance with procedural requirements. Any need for additional ROW requirements will be addressed for appropriate justification within the parameters of the CEQA and NEPA.

#### **Cost and Schedule Status**

The current estimated cost to acquire all specified interests in real property and provide potential relocation assistance for the Project is approximately \$750,000. The approved Project budget is currently \$34.2 million. The design has advanced to 60 percent completion and the associated Project cost estimate has been updated. As the design developed, a different bikeway underpass bridge structure type to accommodate the existing bike path was selected due to the skewed alignment of the bridge. Deeper piles are also needed for the bridge structure due to scour protection needed for the new bridge structure, and additionally, the existing fiber optic line relocation cost was underestimated. This resulted in a construction cost increase of approximately \$2.5 million. The associated Project support costs including construction management, agency costs, railroad flagging, and contingencies have been reassessed and have increased by \$1.6 million. The combined increase is \$4.1 million, bringing the new total Project cost to \$38.3 million. It is anticipated that the final design will be completed in May 2018, with construction anticipated to begin in July 2019 and completed in January 2022.

**Next Steps**

Staff is currently preparing an item to return to the Board in July 2017 to program \$4.1 million in additional funds for the Project.

**Fiscal Impact**

The Project is included in OCTA's Fiscal Year 2017-18 Budget, Capital Programs Division, Account 0017-9081-TR022-ODM, and is funded with Measure M2 and state funds.

**Summary**

Staff requests the Board of Directors to authorize the Chief Executive Officer to make offers and execute agreements with property owners and utility owners for the acquisition of all necessary interests in real property and necessary utility relocations for the San Juan Creek Bridge Replacement project.

**Attachments**

- A. San Juan Creek Bridge Replacement Project Potential Right-of-Way Parcels
- B. San Juan Creek Bridge Replacement Project Impact Area

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**Approved**



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