




**November 5, 2018**

**To:** Regional Planning and Highways Committee

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

**Subject:** Amendment to Cooperative Agreements with the Cities of Costa Mesa, Fountain Valley, Huntington Beach, and Westminster for the Interstate 405 Improvement Project

### **Overview**

On March 14, 2016, the Orange County Transportation Authority Board of Directors approved Cooperative Agreement Nos. C-5-3612, C-5-3613, C-5-3614, and C-5-3615 with the cities of Costa Mesa, Fountain Valley, Huntington Beach, and Westminster, respectively, for city services required during design-build implementation of the Interstate 405 Improvement Project. These cooperative agreements need to be amended to provide reimbursement for pavement mitigation costs for city streets used for signed, long-term detour routes during construction.

### **Recommendations**

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-5-3612 between the Orange County Transportation Authority and the City of Costa Mesa, in the amount of \$661,981, to provide reimbursement for pavement mitigation on city streets used for signed, long-term detour routes during construction. This will increase the maximum obligation of the cooperative agreement to a total value of \$1,006,881.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-5-3613 between the Orange County Transportation Authority and the City of Fountain Valley, in the amount of \$657,008, to provide reimbursement for pavement mitigation on city streets used for signed, long-term detour routes during construction. This will increase the maximum obligation of the cooperative agreement to a total value of \$1,632,708.

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- C. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-5-3614 between the Orange County Transportation Authority and the City of Huntington Beach, in the amount of \$682,737, to provide reimbursement for pavement mitigation on city streets used for signed, long-term detour routes during construction. This will increase the maximum obligation of the cooperative agreement to a total value of \$1,278,937.
- D. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-5-3615 between the Orange County Transportation Authority and the City of Westminster, in the amount of \$623,888, to provide reimbursement for pavement mitigation on city streets used for signed, long-term detour routes during construction. This will increase the maximum obligation of the cooperative agreement to a total value of \$1,823,888.

***Discussion***

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation, and the corridor cities of Costa Mesa, Fountain Valley, Huntington Beach, Seal Beach, and Westminster (Corridor Cities), 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 will combine with the existing high-occupancy vehicle lane to provide dual express lanes in each direction of I-405 from SR-73 to I-605, otherwise known as the 405 Express Lanes.

On March 14, 2016, the OCTA Board of Directors (Board) approved cooperative agreements with the Corridor Cities to provide funding for agreed-to city services during the design-build implementation of the Project. The reimbursement to each corridor city includes costs for review and approval of plans, specifications, and reports; oversight of construction inspection services for each city's facilities; review and acceptance of the transportation management plan (TMP); traffic engineering; and police services during the design and construction of the Project (Attachments A through D). The agreements also provided for reimbursement for pavement mitigation on the corridor city streets used for signed, long-term detour routes during construction. Specific dollar amounts were not included at the time because the TMP was not yet approved, and the pavement mitigation costs had not been quantified.

Staff reported to the Board at that time that amendments to these cooperative agreements would be brought back for Board approval when the costs for pavement mitigation based on the approved TMP were developed and mutually agreed upon with the Corridor Cities.

The TMP, which identifies city-approved signed, long-term detour routes, was approved on November 16, 2017. Subsequently, a pavement study based on the approved TMP and forecasted construction traffic was completed. The study identified the pre-Project pavement conditions of the detour routes and forecasted the Project-related pavement impacts to the detour routes and the associated mitigation costs, which have been mutually agreed to with the Corridor Cities. The reimbursement for pavement mitigation will be made to each city as a lump sum payment upon execution of the proposed amendment to each city's cooperative agreement.

During negotiations to determine the pavement mitigation amounts included in these amendments, the Corridor Cities collectively expressed concern regarding the potential of signed, long-term detour routes experiencing pavement damage beyond the levels anticipated under these amendments. To address this concern, language is incorporated into these amendments to allow for the post-construction assessment of detour routes, on a case by case basis, to determine if unanticipated and excessive pavement damage has occurred, which requires repair above and beyond what was originally anticipated. If excessive pavement damage is determined and verified after construction, future amendments would be brought to the Board for approval to cover additional pavement mitigation costs, as applicable and mutually agreed upon.

Attachments E through H to this report depict the revised reimbursement amounts for each corridor city. The proposed amendments will be funded from the Project contingency and will not increase the total Project estimate of \$1.9 billion.

#### **Fiscal Impact**

Funding for these amendments to the cooperative agreements is included in the proposed OCTA's Fiscal Year 2018-19 Budget, Capital Programs Division, accounts 0017-9084-FK101-0I2 and 0017-9017-A9510-0I2, and will be funded with local M2 funds.

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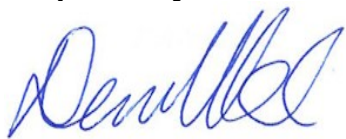
***Summary***

Staff requests Board approval for the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement Nos. C-5-3612, C-5-3613, C-5-3614, and C-5-3615 with the cities of Costa Mesa, Fountain Valley, Huntington Beach, and Westminster, in the amounts of \$661,981, \$657,008, \$682,737, and \$623,888, respectively, to provide reimbursement for pavement mitigation on corridor city streets used for signed, long-term freeway detours during Project construction.

***Attachments***

- A. City of Costa Mesa, Cooperative Agreement No. C-5-3612 Fact Sheet
- B. City of Fountain Valley, Cooperative Agreement No. C-5-3613 Fact Sheet
- C. City of Huntington Beach, Cooperative Agreement No. C-5-3614 Fact Sheet
- D. City of Westminster, Cooperative Agreement No. C-5-3615 Fact Sheet
- E. Revised City of Costa Mesa Maximum Reimbursement for City Services
- F. Revised City of Fountain Valley Maximum Reimbursement for City Services
- G. Revised City of Huntington Beach Maximum Reimbursement for City Services
- H. Revised City of Westminster Maximum Reimbursement for City Services

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