

SR-241 / 91 Express Connector Term Sheet

SEPTEMBER 12, 2019

Program of Projects

- 91 Corridor program of projects and sequencing¹
 - 15/91 EB/NB Express Lanes Connector (ELC)
 - SR-91 WB Corridor Operations Project (COP)
 - SR-91/SR-71 EB/NB Connector²
 - SR-241/91 Express Connector (EC)
- All parties agree to work together to resolve geometric and operations issues between 91 COP, SR-241 / 91 EC, and future 6th Lane with the mutual goal of minimizing cost, scope, schedule and construction impacts to all projects.
 - The SR-91 COP schedule will not be delayed.

Project Approval / Environmental Documentation (PA/ED)

- TCA to deliver the SR-241/91 EC PA/ED. TCA and Caltrans will update the environmental document with consideration of the comments received.
- Caltrans shall not finalize / approve PA/ED until RCTC and OCTA have had a 30-day opportunity to review response to comments. Caltrans shall not sign the Notice of Determination or Record of Decision any sooner than January 2, 2020.
- OCTA to process the Federal Transportation Improvement Program (FTIP) amendment for SR-241/91 EC for Right-of-Way (ROW) and Construction phases immediately following RCTC and OCTA having had a 30-day opportunity to review response to comments.

Project Delivery

- TCA to complete final design of SR-241/91 EC with Caltrans oversight.
- Caltrans has final design approval of SR-241/91 EC.

¹ See Appendix A for SR-91 Projects Sequencing Priorities dated September 12, 2019.

² SR-241/91 EC is not dependent upon completion of SR-71/SR-91 Interchange Improvements.

- TCA will provide OCTA and RCTC ample opportunity to review and concur with all aspects of the final design. OCTA and RCTC shall focus on the interface of the SR-241/91 EC with the existing 91 Express Lanes facility and agreed upon projects in the attached SR-91 Projects Sequencing Priorities.
- Caltrans and TCA shall consider all reasonable comments and requests from OCTA and RCTC, and OCTA and RCTC comments and requests to Caltrans and TCA shall be fair and reasonable.
- Caltrans District 12 to Advertise, Award, Administer (AAA) construction phase.

SR-241/91 EC Capital and Support Funding

- TCA to fund 100% of Plan, Specification and Estimate (PS&E), ROW, and Construction including tolling infrastructure.
- Project will not be financed.
- OCTA, RCTC, TCA and Caltrans to seek eligible funds from external discretionary and/or competitive non-TCA funds (i.e. SB1).
 - TCA funds to be reduced by receipt of any external discretionary and/or competitive non-TCA funds.
 - Attempts to seek external discretionary and/or competitive non-TCA funds would not delay the project.

Roadway Maintenance Responsibility

- Caltrans to be responsible for performing maintenance of all improvements constructed as part of SR-241/91 EC (roadway, structures, etc.).
- Maintenance requirements to be funded from SR-241/91 EC toll revenues.

Toll Revenues

- Parties to receive toll revenue from SR-241/91 EC equal to percentage of capital and support funding provided (e.g., 100% of capital and support funding = 100% EC toll revenue, 80% of capital and support funding = 80% EC toll revenue).
- Term of tolling shall be consistent with latest sunset date for existing 91 Express Lanes, TCA agreements or any subsequent amendments in the future.
- 91 Express Lanes to be paid/reimbursed for any 91 Express Lanes operating cost or maintenance cost incurred, if any.
- Use of toll revenues shall be consistent with AB 194, modified as follows:
 - A. Repayment of funds with interest, excluding external discretionary funds, used to construct the SR-241/91 EC. Interest rate will be based upon the Surplus

Money Investment Fund rate as defined in the California Streets and Highway Code.

- B. The development, maintenance, repair, rehabilitation, improvement, reconstruction, administration, and operation of improvements constructed as part of SR-241/91 EC, including toll collection and enforcement.
- C. Reserves for the purposes specified in subparagraph (B).
- D. All remaining revenue generated by the toll facility shall be used in the corridors from which the revenue was generated pursuant to an expenditure plan developed by the sponsoring agency.
- E. The expenditure plan shall be incorporated as part of the TCA Capital Improvement Plan (CIP) and be adopted annually by the TCA Board of Directors. TCA shall submit the CIP to OCTA for consistency review with the Regional Transportation Plan and related programs.
- F. The administrative expenses related to operation of SR-241/91 EC facility shall not exceed 3 percent of the toll revenues.

241 / 91 EC Operations

- OCTA/RCTC to operate the SR-241/91 EC including calculating and posting dynamic pricing, traffic/incident monitoring via CCTV in the Traffic Operations Center, management of SR-241/91 EC closures, dispatch of CHP and tow trucks for incidents, creation and processing of toll transactions, revenue collection, violation processing, etc.
- Additional operations terms will be included in an operations term sheet and will also be memorialized in a future operating agreement between TCA, OCTA, and RCTC.

APPENDIX A

SR 91 PROJECTS SEQUENCING PRIORITIES

1. 15/91 Express Lanes Connector

- Design-Build Request for Proposals (RFP) Due – November 2019
- Design-Build Contract – March 2020
- Design-Build Notice to Proceed – Spring 2020
- Open to Traffic – End of 2022

2. SR-91 Corridor Operations Project

- PA/ED – October 2019
- Construction Advertisement – March 2020
- Open to Traffic – End of 2021

3. SR-71/SR-91 Interchange Improvements

- Environmental Document and Re-evaluation – Completed
- Ready to List Target – 2021 Design update needed due to new structures standards
- Open to Traffic – Early 2023

3. SR-241 / SR-91 Express Connector

- PA/ED – November 2019
- Construction – Notice to Proceed for construction in early 2023, or sooner if mutually agreed to based on a technical review of construction staging, traffic handling / lane closure for SR-241/91 EC and 15/91 ELC. This effort will not impact the delivery of the 15/91 ELC which is the priority.

Related Project Responsibilities

- Caltrans District 8 to be the lead Caltrans district for all RCTC-led projects.
 - District 12 coordinates through District 8 on all issues related to Geometric Approval Drawings (GAD), operations, etc.
- Caltrans District 12 to be lead Caltrans district for all OCTA-led and TCA-led projects.
 - District 8 coordinates through District 12 on all issues related to GAD, operations, etc.

Other Items

- Team will continue to work together to evaluate the Westbound Third Express Lane and if determined to be necessary, implementation will be jointly developed.
- SR-71/SR-91 Interchange Improvements and SR-241/91 EC are not contingent upon each other. Specifically, completion of the SR-71/SR-91 Interchange Improvements are not required prior to the SR-241/ 91 EC going to construction.
- 6th General Purpose Lane Addition (SR-241 to SR-71)
 - Team would work together to investigate the feasibility of the addition, including the potential of an interim option.