

Minutes of the
Orange County Transportation Authority
Orange County Transit District
Orange County Local Transportation Authority
Orange County Service Authority for Freeway Emergencies
Board of Directors Meeting

Call to Order

The December 9, 2019 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Shaw at 9:05 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Roll Call

Following the Invocation and Pledge of Allegiance, the Clerk of the Board noted a quorum was present, with the following Directors in attendance:

Directors Present: Tim Shaw, Chairman
 Steve Jones, Vice Chairman
 Lisa A. Bartlett
 Laurie Davies
 Barbara Delgleize
 Andrew Do
 Michael Hennessey
 Gene Hernandez
 Jose F. Moreno
 Joe Muller
 Richard Murphy
 Miguel Pulido
 Donald P. Wagner
 Ryan Chamberlain, District Director
 California Department of Transportation District 12

Director Absent: Doug Chaffee
 Mark A. Murphy
 Michelle Steel
 Gregory T. Winterbottom

Also Present: Darrell E. Johnson, Chief Executive Officer
 Ken Phipps, Deputy Chief Executive Officer
 Laurena Weinert, Clerk of the Board
 Olga Prado, Assistant Clerk of the Board
 James Donich, General Counsel
 Members of the Press and the General Public

Special Calendar

Orange County Transportation Authority Special Calendar Matters

1. Presentation of Resolutions of Appreciation for Employees of the Month for December 2019

Darrell E. Johnson, Chief Executive Officer (CEO), presented OCTA Resolutions of Appreciation Nos. 2019-093, 2019-094, and 2019-095 to Martin Lubus, Coach Operator; Coung Dang, Maintenance; and Tamara Warren, Administration, as Employees of the Month for December 2019.

2. Salute to Outgoing Orange County Transportation Authority Board of Directors

Chairman Shaw recognized and presented OCTA Resolution of Appreciation No. 2019-092 to outgoing Board Member Jose F. Moreno. Darrell E. Johnson, CEO, also recognized and thanked Director Moreno for his service on the OCTA Board of Directors (Board).

Orange County Local Transportation Authority Special Calendar Matters

3. Adopt Resolution of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605

Darrell E. Johnson, CEO, reported that last Thursday, OCTA reached an agreement with the property owner, and this item is no longer needed. Mr. Johnson stated that OCTA met a major milestone of completing the right-of-way phase of the Interstate 405 Improvement Project. Mr. Johnson thanked the Board, General Counsel's team, and OCTA staff for all their efforts.

Chairman Shaw commented on the New York rating agency meetings he attended this year and how the risks of projects were discussed, and this milestone is worth a press release.

No action was needed for this item due to OCTA reaching an agreement with the property owner.

Orange County Transportation Authority Special Calendar Matters

4. The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal

(This item was heard after the vote of Consent Calendar items 5 through 18.)

Darrell E. Johnson, CEO, opened with comments and introduced Kome Ajise, Executive Director, Southern California Association of Governments (SCAG) who presented a PowerPoint presentation as follows:

- Connect SoCa – About the Plan:
 - Goals;
 - Laws That Guide the Plan;
 - How We Got Here – Local Engagement; and
 - Planning Process.
- Connect SoCal - SoCal Today:
 - Where We Live;
 - Where We Have Grown;
 - How We Travel Today;
 - Our Challenges;
 - Planning for 2045 – Growth Forecast;
 - Planning for 2045 – Our Change Age Structure; and
 - How Orange County Will Grow.
- Connect SoCal – A Path to Greater Access, Mobility & Sustainability:
 - Core Vision & Key Connections;
 - Core Vision; and
 - Key Connections.
- Connect SoCal – Paying Our Way Forward:
 - Insufficient Core Revenues to Meet System Needs; and
 - New Revenue Sources.
- Connect SoCal – Measuring Our Progress:
 - Benefits of Plan Implementation;
 - Job Creation Benefits; and
 - Plan Benefits for Orange County.
- Connect SoCal – Looking Ahead;
- What's Next?; and
- Public Comment.

4. (Continued)

A discussion ensued regarding:

- SCAG's "100 hours stuck in traffic" data is for an average of one-year.
- Concerns about vehicle miles traveled (VMT) impacts to lower income people.
- There are VMT implementation issues, and VMT would replace the gas tax, California Department of Motor Vehicle fees, and weight fees.
- Gasoline vehicles would have an advantage under VMT.
- OCTA will provide comments for the Draft 2020 SCAG Regional Transportation Plan (RTP).
- Director Bartlett reported that she serves on the California Transportation Commission Road Charge Technical Advisory Committee. She stated that revenues would increase with VMT and provided other comments about VMT.
- Director Moreno requested the estimates of revenues assumed to be generated through user charges attributed to Orange County commuters in the Draft 2020 SCAG RTP.
- The SCAG region cannot afford not to build housing and lose talent.
- SCAG has been working with the state legislature about the housing regulation concerns.
- SCAG is reviewing housing close to jobs, jobs close to residents, and having job centers to shorten commutes.

No action was taken on this information item.

Consent Calendar (Items 5 through 18)

Orange County Transportation Authority Consent Calendar Matters

5. Approval of Minutes

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to approve of the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of November 25, 2019.

Vice Chairman Jones was not present to vote on this item.

6. Proposed 2020 Board of Directors Meetings Calendar

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies 2020 Board of Directors meetings calendar.

Vice Chairman Jones was not present to vote on this item.

7. 2020 Technical Steering Committee Membership

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to approve proposed 2020 Technical Steering Committee membership.

Vice Chairman Jones was not present to vote on this item.

8. Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to direct staff to prepare and submit comments on the draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, and the associated program environmental impact report prior to the January 24, 2020, comment deadline.

Vice Chairman Jones was not present to vote on this item.

9. Active Transportation Update

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to receive and file as an information item.

Vice Chairman Jones was not present to vote on this item.

Orange County Transit District Consent Calendar Matters

10. Approval to Release Request for Quotes for the Purchase of Paratransit Buses

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to approve the release of Request for Quotes 9-1570 to purchase up to 116 22-foot gasoline-powered cutaway buses for OC ACCESS paratransit service, with an option for ten additional 22-foot cutaway buses from qualified vendors under the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative.

Vice Chairman Jones was not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

11. Amendment to Cooperative Agreement with the California Department of Transportation for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to:

- A. Authorize the use of an additional \$1.5 million in federal Surface Transportation Block Grant Program funds for the State Route 55 improvement project between Interstate 405 and Interstate 5.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Cooperative Agreement No. C-7-1753 between the Orange County Transportation Authority and the California Department of Transportation to update Funding Summary No. 3, in the amount of \$1.5 million, for design funding for the State Route 55 improvement project between Interstate 405 and Interstate 5. This will increase the maximum obligation of funding for the plans, specifications, and estimates to a total contract value of \$22.2 million.
- 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 recommendation.

Vice Chairman Jones was not present to vote on this item.

12. Amendment to Agreement for Additional Design Services for State Route 55 Improvement Project Between Interstate 405 and Interstate 5

Director Do pulled this item and stated that this is the third change order within six months and asked why there are so many changes within a short period of time.

Ross Lew, Program Manager for Highway Programs, responded that design services amendments are typical and highlighted the reasons for the three amendments.

Director Do inquired if WKE, Inc., (WKE) identified 30 days ago the services needed under Amendment No. 3. Mr. Lew responded that WKE did not identify the additional design services 30 days ago.

12. (Continued)

Director Do stated his concerns about a large dollar amount change order within 30 days of another change order. Director Do wants to ensure, that within OCTA's process, there are checks and balances.

Darrell E. Johnson, CEO, stated the differences between a contract amendment and construction change order. He also stated that amendment negotiations could take months, as well as provided clarification on the WKE amendments.

James Donich, General Counsel, stated that OCTA's contracts, especially design services contracts, contain a clause that if a change is identified the contract firm will continue the work during the negotiations of the amendment.

A motion was made by Director Do, seconded by Director R. Murphy, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-7-1719 between the Orange County Transportation Authority and WKE, Inc., in the amount of \$1,219,977, for additional design services for the State Route 55 improvement project between Interstate 405 and Interstate 5. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$18,609,141.

Director Hennessey was not present to vote on this item.

13. Amendment to Cooperative Agreement with the California Department of Transportation for the Interstate 5 High-Occupancy Vehicle Improvement Project Between Pacific Coast Highway and San Juan Creek Road

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-3-1504 between the Orange County Transportation Authority and the California Department of Transportation to increase construction capital funding, in the amount of \$900,000, for construction of the Interstate 5 high-occupancy vehicle improvement project between Pacific Coast Highway and San Juan Creek Road. This will increase the maximum obligation of the construction phase of the agreement to a total contract value of \$63,954,500.

13. (Continued)

- B. Authorize the use of up to \$900,000 Measure M2 funds for construction capital funding for the Interstate 5 high-occupancy vehicle improvement project between Pacific Coast Highway and San Juan Creek Road.
- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute any necessary amendments and/or agreements to facilitate associated programming actions.

Vice Chairman Jones was not present to vote on this item.

14. Approval to Release Request for Proposals for On-Call Right-of-Way Support Services for Capital Improvement Projects

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 9-1613 for selection of consultant services for on-call right-of-way support services for capital improvement projects.
- B. Approve the release of Request for Proposals 9-1613 for on-call right-of-way support services for capital improvement projects.

Vice Chairman Jones was not present to vote on this item.

15. Measure M2 Quarterly Progress Report for the Period of July 2019 Through September 2019

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to receive and file as an information item.

Vice Chairman Jones was not present to vote on this item.

16. Measure M2 Environmental Mitigation Program Update

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to receive and file as an information item.

Vice Chairman Jones was not present to vote on this item.

17. Fiscal Year 2019-20 Measure M2 Annual Eligibility Review

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to:

- A. Approve 33 currently eligible local agencies as eligible to continue to receive Measure M2 net revenues.
- B. Receive and file the Measure M2 eligibility verification documents submitted by the cities of Santa Ana and Stanton.

Vice Chairman Jones was not present to vote on this item.

18. Comprehensive Transportation Funding Programs Semi-Annual Review - September 2019

A motion was made by Director R. Murphy, seconded by Director Davies, and declared passed by those present, to approve the requested adjustments to Comprehensive Transportation Funding Programs projects and Local Fair Share Program funds.

Vice Chairman Jones was not present to vote on this item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

19. Options for Future Express Lane Corridors in Orange County

Darrell E. Johnson, CEO, provided opening comments and introduced Kurt Brotcke, Director of Strategic Planning, who provided a PowerPoint presentation for this item as follows:

- Intercounty Travel Demand;
- Freeway Development;
- Federal Performance Standards;
- California Department of Transportation (Caltrans) District 12 Plans;
- Regional Perspective;
- Long-Range Transportation Plan;
- Express Lanes Network Study Goals;
- Concept A: Caltrans District 12's 15-Year Plan;
- Concept B: Express Lanes Extensions;
- Concept C: Direct Connectors;
- Concept D: Intercounty Connections;
- Concept E: Core Facilities; and
- Next Steps.

19. (Continued)

A discussion ensued regarding:

- Director Bartlett stated concerns about the merging/weaving on the State Route (SR) 73 toll road from Jamboree Road before Bison Avenue.
- OCTA staff stated that if the project study report moved forward, the weaving/merging concerns mentioned by Director Bartlett, on SR-73 could be reviewed.
- OCTA's long-range plan includes on SR-73 to Bison Avenue a non-converted additional lane in the center section right-of-way.
- The Transportation Corridor Agencies (TCA) is conducting a study for improvements on the Interstate 5 (I-5) in south Orange County, and the TCA study includes review of express lanes.
- OCTA's analysis of express lanes in south Orange County did not indicate demand for a toll facility south of SR-73 on I-5 to the San Diego County line.
- Director Muller stated that Caltrans District 12 requested the TCA to analyze express lanes south of SR-73 on I-5 to the San Diego County line. Director Muller believes that OCTA should also study express lanes in that area and work with the TCA.
- Director Chamberlain stated the following:
 - The manage lanes study conducted by Caltrans District 12 did not identify express lanes on I-5 from SR-73 to the San Diego County line due to the following:
 - There are no high-occupancy vehicle (HOV) lanes in south Orange County from Avenida Pico to the San Diego County line, and currently not a near-term issue.
 - Caltrans is working with the TCA to review toll pricing in TCA's environmental document.
 - Included in SCAG's RTP are express lanes to the San Diego County line, and Caltrans wants to review for consideration.

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to direct staff to return in spring 2020 with draft recommendations on a preferred approach to implementation of express lanes.

Directors Moreno and Pulido were not present to vote on this item.

Discussion Items

20. California Department of Transportation Proposed High-Occupancy Toll Lanes in North Orange County

Darrell E. Johnson, CEO, provided opening comments and highlighted this item's discussion at the recent Regional Planning and Highways (RP&H) Committee meeting.

Mr. Johnson introduced Lan Zhou, Deputy Director of Planning & Local Assistance at Caltrans District 12, who provided a PowerPoint presentation for this item as follows:

- Orange County HOV Lane Degradation (2013/2017);
- Express Lanes (2018);
- Express Lane Benefits;
- Compliance and Study;
- Express Lane Implementation Priority;
- I-5 Express Lanes Project Limits;
- I-5 Degradation Status North of the SR-55;
- I-5 HOV/Express Lanes Alternatives;
- I-5 Project Studies; and
- Partners and Outreach.

A discussion ensued regarding:

- Director Muller highlighted the recent RP&H Committee meeting discussion about 3+ HOV lanes option, 3+ HOV lanes empty lane syndrome, and degradation to the HOV lanes.
- Director Muller made a motion that OCTA requests the California Department of Transportation to include a high-occupancy vehicle 3+ occupancy alternative as part of the Interstate 5 high-occupancy vehicle express lanes environmental document between the State Route 55 and Los Angeles County line.
- Studying the 3+ HOV lanes will provide data on the learning curve time period.
- Director R. Murphy asked for the percentage of electric vehicles in the HOV lanes and how many would qualify for the 3+ HOV lanes.
- Director R. Murphy also asked if electric vehicles were not allowed in the HOV lanes would Caltrans be subject to the 45 miles per hour (MPH) requirement.
- Director Chamberlain responded to Director R. Murphy's questions as follows:
 - The electric vehicles in the HOV lanes range between 2 to 20 percent and depends on the corridor and segment.

20. (Continued)

- Electric vehicles for 3+ HOV lanes range between 5 and 10 percent and depends on the corridor, time, and segment.
- If the State did not allow stickered electric vehicles in the HOV lanes, Caltrans would not be subject to the 45 MPH requirement.
- Caltrans still focuses on ensuring the HOV lanes have an incentive to rideshare.
- Currently, the HOV lanes do not provide a rideshare incentive with or without the exemption of stickered electric vehicles.
- Mr. Johnson, CEO, referenced slide 10 of the PowerPoint and stated the HOV/express lanes policy concerns and Measure M2 (M2) nexus will come forward to the Board.
- In 2006, the Orange County voters approved M2 and one of the M2 freeway projects are HOV lanes in the I-5 in south Orange County, and the standard useful life for a project is 20 years.
- For commuters to have a seamless HOV connectivity, OCTA will work with Los Angeles and Riverside counties.
- Concerns that HOV 3+ is a large paradigm switch, and the study of HOV 3+ will be helpful on how to go forward.
- OCTA's role under the metropolitan planning organization, is planning and programming and long-range planning of transportation projects.

A motion was made by Director Muller, seconded by Director Wagner, and declared passed by those present, to request the California Department of Transportation to include a high-occupancy vehicle 3+ occupancy alternative as part of its Interstate 5 (State Route 55 to the Los Angeles County line) high-occupancy vehicle/express lanes environmental document.

Directors Moreno and Pulido were not present to vote on this item.

21. Update on State Route 55 Improvement Project from Interstate 405 to Interstate 5

Darrell E. Johnson, CEO, provided opening comments.

Ross Lew, Program Manager for Highway Programs, and Chris Boucly, Public Outreach, External Affairs, co-presented a PowerPoint presentation on this item as follows:

- Project Limits and Background;
- Project Improvements;
- Project Update;
- Project Schedule;

21. (Continued)

- Next Steps; and
- Public Outreach.

Chairman Shaw stated that the SR-55 Improvement Project is needed.

No action was taken on this discussion item.

Discussion Items

22. Public Comments

A public comment was heard from Edwin Shoemaker, City of Westminster resident, who stated that the toll road by the City of Tustin has a non-tolled lane that is hard to enter due to the traffic congestion.

Chairman Shaw asked staff to follow-up with Mr. Shoemaker about his comment.

23. Chief Executive Officer's Report

Darrell E. Johnson, CEO, reported the following:

Stuff-A-Bus Toy Drive -

- On Friday, December 13th, OCTA will host the 27th Annual Stuff-A-Bus Toy Drive, along with ABC7 and Southern California firefighters, at the Great Park in Irvine – a new location this year.
- OCTA will be at the Great Park from 4:00 a.m. to 6:30 p.m., and the Board was invited to stop by and drop off a toy for kids in need.

New Year's Eve Free Bus Service -

- For the 18th year in a row, OCTA will be offering free bus rides on New Year's Eve from 6:00 p.m. to 2:30 a.m.

In Closing -

- This is OCTA's final Board meeting of the year and wished everyone a very happy and safe holiday season.
- OCTA accomplished a lot in 2019 under the Board's leadership and guidance over the year.

24. Directors' Reports

Director Bartlett requested, at the November 11th Board meeting, for OCTA to review a similar program that the Los Angeles County Metropolitan Transportation Authority offers for all veterans to ride free on Veterans Day.

Darrell E. Johnson, CEO, responded that OCTA took under advisement Director Bartlett's request, and the findings and recommendation will be brought to the Board.

Director Hennessey thanked Director Moreno for his service on the Board, and thanked Chairman Shaw for his leadership this year.

Chairman Shaw reported that at the Women's Transportation Seminar – Orange County (WTS-OC) gala, OCTA was recognized as the Employer of the Year.

Chairman Shaw also reported that at the WTS-OC gala, he recognized Maggie McJilton, Executive Director of Human Resources and Organizational Development (HROD), for doing a great job of leading the HROD Division. Chairman Shaw also thanked OCTA for being a great employer.

Darrell E. Johnson, CEO, showed the Board the WTS-OC Employer of the Year award. Mr. Johnson reported that 47 percent of OCTA staff are female and 30 percent of the managerial staff are female.

Chairman Shaw also report that at the WTS-OC gala, OCTA was recognized for the City of Orange downtown parking structure project.

25. Closed Session

James Donich, General Counsel, stated that in consultation with Darrell E. Johnson, CEO, and OCTA staff, the below Closed Session items have been continued to the January 13, 2020 Board meeting.

The Closed Session items were for the following:

- A. Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – APN No. 095-020-19 – Authority Negotiator is Joe Gallardo. Negotiator for the Department of the Navy will be appointed by the Department of the Navy.
- B. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 (Teamsters) regarding the coach operators. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of Human Resources and Organizational Development and Teamsters Representative.

26. Adjournment

Chairman Shaw wished everyone Happy Holidays.

The meeting adjourned at 11:08 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, January 13, 2020**, at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

Laurena Weinert
Clerk of the Board

Tim Shaw
Chairman