



**February 3, 2020**

**To:** Regional Planning and Highways Committee

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

**Subject:** Construction and Maintenance Agreement with the Union Pacific Railroad and the California Department of Transportation for the Interstate 405 Improvement Project

### **Overview**

The Orange County Transportation Authority proposes to enter into a construction and maintenance agreement with the Union Pacific Railroad and the California Department of Transportation for the Interstate 405 Improvement Project. The project proposes to widen the Bolsa overhead freeway bridge over the railroad facility. A construction and maintenance agreement is required to define the specific terms, conditions, and funding responsibilities for the construction and long-term maintenance responsibility for the constructed bridge.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Construction and Maintenance Agreement No. C-9-1793 with the Union Pacific Railroad and the California Department of Transportation, in an amount not to exceed \$792,055, to define the specific terms, conditions, and funding responsibilities for construction and maintenance, including design and construction parameters, flagging, inspection, temporary construction easement, and permanent property rights for the Interstate 405 Improvement Project.

### **Discussion**

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), 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 would combine with the existing high-occupancy vehicle lane to provide dual express lanes in each direction on I-405 from SR-73 to I-605.

The Project proposes to widen the Bolsa overhead freeway bridge over the Union Pacific Railroad (UPRR) facility, which is located between the Goldenwest Street and Beach Boulevard interchanges.

A summary of the terms in the proposed construction and maintenance (C&M) agreement for the Project are listed below:

Work to be performed by OCTA:

- As the Project sponsor and funding agency, OCTA is fully responsible for all Project costs, except those costs for which Caltrans is responsible as provided in a separate cooperative agreement.
- OCTA shall be responsible for the design and construction of the widened freeway bridge and performance of all other necessary Project work including, without limitation, utility relocation coordination, grading, drainage, electrical, and other applicable items.
- Prior to the commencement of the Project, OCTA shall acquire the Public Utilities Commission of the State of California (State) order authorizing construction of the widened freeway bridge and obtain all other required permits and approvals for the construction.
- OCTA shall acquire all properties required to construct the widened freeway bridge.
- OCTA shall reimburse for expenses incurred by UPRR in accordance with the cost estimate for C&M agreement for the UPRR Company Bolsa overhead bridge (Attachment A).
- Upon final acceptance of the widened freeway bridge, OCTA shall cease being a party to this C&M agreement. The C&M agreement shall then be in full force and effect between the State and UPRR, for long-term maintenance purposes, until terminated by the State or the UPRR.

Work to be performed by UPRR:

- To provide engineering and design review work.
- To provide inspection services.
- To provide flagging protection work as deemed necessary by UPRR.

Work to be performed by Caltrans:

- To provide enhanced oversight, as defined in the separate cooperative agreement, to assure timely response and action for final acceptance of the Project.
- To provide construction inspection services.
- Upon completion and final acceptance of the widened freeway bridge by Caltrans, Caltrans shall become the sole owner and will thereafter control, operate, and maintain the widened freeway bridge at its sole cost and expense.

The estimated value of the C&M agreement is \$792,055.

#### **Fiscal Impact**

Funding for this C&M agreement is included in the proposed OCTA Fiscal Year 2020-21 Budget, Capital Programs Division, accounts 0017-9084-FK101-0I2 and 0017-9017-A9510-0I2, and is funded with local M2 funds. These UPRR services will be funded from the Project contingency and will not increase the total Project cost of \$1.9 billion.

#### **Summary**

Staff is seeking Board of Directors' approval for the Chief Executive Officer to negotiate and execute Construction and Maintenance Agreement No. C-9-1793 with the Union Pacific Railroad and the California Department of Transportation, in an amount not to exceed \$792,055, to define the specific terms, conditions, and funding responsibilities for construction and maintenance, including design and construction parameters, flagging, inspection, temporary construction easement, and permanent property rights for the Interstate 405 Improvement Project.

***Attachment***

- A. Cost Estimate for Construction and Maintenance Agreement for the Union Pacific Railroad Company Bolsa Overhead Bridge

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