



September 3, 2020

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Cooperative Agreement with the City of Mission Viejo for the Chrisanta Drive Community Soundwall

Overview

The City of Mission Viejo has requested funding assistance from the Orange County Transportation Authority to design a soundwall on private properties in the Chrisanta Drive community along northbound Interstate 5 between Oso Parkway and La Paz Road. Staff is requesting approval of a cooperative agreement with the City of Mission Viejo to fund the City of Mission Viejo's preparation of the plans, specifications, and estimates for the proposed soundwall.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-0-2543 between the Orange County Transportation Authority and the City of Mission Viejo, in the amount of \$215,700, for the City of Mission Viejo to prepare the plans, specifications, and estimates for the Chrisanta Drive community soundwall.

Discussion

The Orange County Transportation Authority (OCTA) is funding and implementing the Interstate 5 (I-5) improvement project between State Route 73 and El Toro Road (Project) as part of the Measure M2 (M2) freeway program. Soundwalls meeting state and federal noise mitigation criteria are included in the Project. One area that did not meet the criteria to be included to receive a soundwall was the Chrisanta Drive community in the City of Mission Viejo (City). While the environmental documentation indicated a soundwall was required to mitigate noise, a soundwall at this location was not deemed reasonable, or cost effective, due primarily to physical constraints. In order to be feasible and effectively provide the required noise mitigation, this soundwall would need to be constructed on private property, all affected owners would need to agree to

construction and maintenance of the soundwall, and as recordation of the soundwall as a permanent burden on the owner's property.

In September 2015, as part of the final design of the Project, a feasibility study was performed by OCTA's design consultant to investigate construction of a soundwall along the rear property lines of 31 affected homes adjacent to the freeway. The study concluded a soundwall can be constructed that will mitigate the highway noise affecting the residences, provided it is built on those private properties. In April 2016, an offer of \$55,000 per residence was made by OCTA to the City to construct the soundwall. This offer also included an appropriate level of design and construction support to be funded by OCTA. At the City's request, an escalation factor of four percent per year has been included in the funding amounts.

The City has requested a cooperative agreement with OCTA to fund the preparation of the plans, specifications, and estimates (PS&E) for the soundwall. If approved by the Board of Directors (Board), staff will enter into an agreement with the City for the City to act as the lead agency to prepare the PS&E and to address issues, including encroachment permits, right-of-way, and recording the homeowners' agreements with the County Recorder's office.

The City will prepare a preliminary design, sufficient for the City to obtain written agreements from each of the homeowners to allow construction, inspection, and maintenance of the soundwall by the City. Should the City fail to obtain written agreements from all 31 homeowners, OCTA and the City will agree as to what part, if any, of the proposed soundwall can feasibly be constructed. If an agreement is not reached between OCTA and the City, OCTA will not provide funding to the City for final design or construction of the soundwall. If OCTA and the City reach agreement on the extent of the proposed soundwall, OCTA will provide final design funding, up to a maximum of \$215,700, to the City.

If the City meets the requirements of the cooperative agreement to proceed to construction, staff will return with a request for Board approval to amend the agreement to include additional funding up to a maximum of \$2,157,000 for construction capital, and up to a maximum of \$215,700 for construction support to construct soundwalls along 31 properties, for a total maximum obligation of \$2,588,400 in M2 funds. The design is scheduled to be completed in early 2022, with construction beginning in late 2022.

Fiscal Impact

The total cost of design, including legal fees, is estimated to be \$215,700. Funding for this cooperative agreement with the City is included in OCTA's Fiscal Year 2020-21 Budget, Capital Programs Division, Account 0017-7831-FC105-1O6, and is funded with M2 funds.

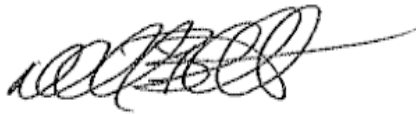
Summary

Staff requests Board approval for the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-0-2543 with the City for City services, in the amount of \$215,700, to prepare the PS&E for the Chrisanta Drive community soundwall.

Attachment

None.

Prepared by:

A handwritten signature in black ink, appearing to read 'Niall Barrett'.

Niall Barrett, P.E.
Program Manager
(714) 560-5879

A handwritten signature in blue ink, appearing to read 'Virginia Abadessa'.

Virginia Abadessa
Director, Contracts Administration and
Materials Management
(714) 560-5623

Approved by:

A handwritten signature in blue ink, appearing to read 'James G. Beil'.

James G. Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646