



**October 4, 2021**

**To:** Regional Planning and Highways Committee

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

**Subject:** Cooperative Agreement with the California Department of Transportation for the Interstate 605/Katella Avenue Interchange Project

### **Overview**

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the California Department of Transportation to define roles, responsibilities, and funding obligations for right-of-way support services, right-of-way engineering, right-of-way acquisition, and utility relocation for the Interstate 605/Katella Avenue interchange project.

### **Recommendations**

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-1-2809 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$2,520,200, for right-of-way support services, right-of-way acquisition, and utility relocations for the Interstate 605/Katella Avenue interchange project.
- B. Authorize the use of up to \$2,520,200 in Measure M2 Freeway funds for right-of-way capital and right-of-way support services for the Interstate 605/Katella Avenue interchange project.
- 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 actions.

### **Discussion**

The Interstate 605/Katella Avenue Interchange Project (Project) is Project M in the Measure M2 (M2) freeway program. In the updated Next 10 Delivery Plan, adopted by the Orange County Transportation Authority (OCTA) Board of

Directors (Board) in April 2021, the Project is listed as one of the M2 freeway projects to be cleared through the environmental process and to move into design using M2 funding.

The final environmental document, approved in October 2018, identifies the build alternative as the preferred alternative to be implemented. The Project will modify interchange ramps and provide operational improvements along Katella Avenue between Coyote Creek Channel and Civic Center Drive.

On May 11, 2020, the Board authorized Cooperative Agreement No. C-0-2199 with the California Department of Transportation (Caltrans) to provide oversight of the plans, specifications, and estimates. The cooperative agreement was amended on June 11, 2021, for Caltrans to advertise and award the construction contract for the Project. An additional cooperative agreement with Caltrans is now needed to initiate the Project's right-of-way (ROW) phase.

OCTA proposes to enter into a cooperative agreement with Caltrans to define the roles and responsibilities of both agencies. Caltrans will be the lead agency implementing ROW activities, which include property appraisals and acquisitions, relocation assistance for displaces, if necessary, and coordination of utility relocations for the Project. Caltrans will also be the lead agency for eminent domain proceedings through the California Transportation Commission, if needed. OCTA will be the lead agency for ROW engineering activities, which include mapping, surveying, and monumentation, with oversight from Caltrans on these activities at no cost to OCTA. The estimated cost of OCTA's ROW engineering activities is \$137,000, and is proposed to be funded by M2 funds. The estimated cost of the ROW support services performed by Caltrans is \$757,000, which is proposed to be funded by M2 funds.

ROW activities are anticipated to commence in winter 2022 upon completion of 65 percent design and determination of final ROW requirements. The Project is estimated to impact a total of five properties, both privately and publicly owned, and eight utility conflicts. The real property requirements are comprised of a combination of partial fee acquisitions, permanent easements, utility easements, and temporary construction easements. There are no anticipated full fee acquisitions. The needed property rights are required to implement the Project scope as defined in the final environmental document. The total estimated capital cost for ROW acquisition and utility relocations is \$1,626,200, which is proposed to be funded by M2 funds.

In addition to standard ROW activities, Caltrans is requesting ROW legal support services to be added to ROW support. Any resolutions of necessity and eminent domain legal proceedings will be handled by Caltrans. Upon approval of the cooperative agreement, OCTA agrees to reimburse Caltrans for ROW legal support services throughout the Project. In an effort to help manage costs for Caltrans legal support, language in the proposed cooperative agreement requires Caltrans to inform OCTA of any possible legal or administrative settlements and to invite OCTA to any mediations or settlement conferences. This language is intended for Caltrans and OCTA to gain consensus on settlements and agree on minimizing the additional capital and support costs associated with ROW settlements and litigation.

#### **Fiscal Impact**

As part of this cooperative agreement, funding for Caltrans services for ROW support is included in OCTA's Fiscal Year (FY) 2021-22 Budget, and will be proposed for the FY 2022-23 budget, Capital Programs Division, Account No. 0017-7514-FM003-1O5. Staff is seeking Board approval for \$2,520,200 in M2 Freeway funding. The Capital Funding Program includes a summary of how OCTA's capital projects are currently funded, along with the proposed changes in this item and is provided as Attachment A.

#### **Summary**

Staff requests Board approval for the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-1-2809 with Caltrans, in the amount of \$2,520,200, for ROW support services and ROW capital costs for the Project.

***Attachment***

A. Capital Funding Program Report

**Prepared by:**



Josue Vaglienty, P.E.  
Senior Project Manager  
(714) 560-5852

**Approved by:**



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



Pia Veasap  
Director, Contracts Administration  
and Materials Management  
(714) 560-5619