



December 2, 2024

To: Regional Transportation Planning Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Amendment to Cooperative Agreement with the California Department of Transportation for the State Route 91 Improvement Project Between State Route 55 and Lakeview Avenue

Overview

On July 10, 2023, Orange County Transportation Authority Board of Directors approved a cooperative agreement between the Orange County Transportation Authority and the California Department of Transportation for construction capital and construction management support services for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue. Board of Directors' approval is requested to amend the cooperative agreement for additional construction capital cost.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-3-2655 between the Orange County Transportation Authority and the California Department of Transportation, in an amount of \$2,393,000, for additional construction capital cost for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue. This will increase the maximum cumulative obligation of the cooperative agreement to a total contract value of \$101,358,000.
- B. Authorize the use of \$2,393,000 in State Route 91 Express Lanes excess revenue for construction capital and construction support for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue.
- 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.

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Discussion

The Orange County Transportation Authority (OCTA), in partnership with the California Department of Transportation (Caltrans), is implementing the State Route 91 (SR-91) Improvement Project between State Route 57 and State Route 55 (SR-55) (Project). Measure M2 (M2) Project I was advanced as part of the updated Next 10 Delivery Plan approved by the OCTA Board of Directors (Board) in November 2023.

The Project will add a general purpose lane in the eastbound direction between La Palma Avenue and SR-55 and provide westbound (WB) operational improvements between Acacia Street and La Palma Avenue and between SR-55 and Lakeview Avenue. Final design for the Project is nearing completion in three segments with the following limits:

- Segment 1 extends from SR-55 to Lakeview Avenue
- Segment 2 extends from La Palma Avenue to SR-55
- Segment 3 extends from Acacia Street to La Palma Avenue

Segment 1 will realign the existing WB SR-91 Lakeview Avenue on- and off-ramps to direct traffic to WB SR-91 and add a new drop on-ramp from the middle of the Lakeview overcrossing bridge that connects directly to southbound (SB) SR-55, separating WB SR-91 traffic from merging SB SR-55 traffic. The existing Lakeview Avenue bridge will be replaced with a new bridge that includes six lanes with shoulders and sidewalks. Separately, Caltrans has developed the plans, specifications, and estimates for a multi-asset project (MAP) within the same project limits, which includes pavement rehabilitation, safety device upgrades, census stations, updated smart street lighting, and electrical conduit replacements. The MAP scope is funded by the State Highway Operation and Protection Program (SHOPP), and the 100 percent design plans have been combined with the Segment 1 plans, with all improvements to be advertised in one construction bid package. This will ensure efficient construction of all improvements and will minimize disruption to the traveling public, construction fatigue, potential construction conflicts, and redundant work.

On July 10, 2023, the OCTA Board authorized Cooperative Agreement No. C-3-2655 with Caltrans to provide construction capital and construction support services for Segment 1.

On May 13, 2024, the Board authorized Cooperative Agreement No. C-4-2212 with Caltrans for the right-of-way phase for Segment 1.

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On October 16, 2024, bids were opened by Caltrans. A total of five bidders submitted bids for the Project. The apparent low bid came in 14.11 percent higher than the project engineer's estimate. Caltrans, as the lead agency for the construction phase, has completed a bid review and determined that the apparent lowest bidder has met all the contract requirements, the bid price is fair and reasonable, and the contract should be awarded. Additional construction capital funds are required due to the funding shortfall to allow Caltrans to award the contract to the apparently low bidder.

The total construction funding previously approved by the OCTA Board for Segment 1 was \$98,965,000, comprised of \$42,566,000 in TCEP funds, \$5,000,000 in Federal Earmark, \$7,070,000 in SHOPP, and \$44,329,000 in SR-91 Express Lanes excess revenues (SR-91 EL revenues). The total increase to Cooperative Agreement No. C-3-2655 is \$2,393,000 proposed to be funded with SR-91 EL revenues, and the total construction capital and construction management support cost is revised from \$98,965,000 to \$101,358,000.

This amendment will increase the total cooperative agreement value to \$101,358,000, which includes SR-91 EL revenues revised from \$44,329,000 to \$46,722,000 (Attachment A). The Project is identified as Project I in the Next 10 Delivery Plan and the use of SR-91 EL revenues is consistent with the Board-approved Capital Programming Policy and the policy for the use of SR-91 EL revenues for eligible projects along the SR-91 corridor to improve regional mobility. These updates are reflected in the Capital Funding Program Report, which depicts funding for OCTA projects (Attachment B).

Fiscal Impact

The Project will be included in the proposed OCTA's Fiscal Year (FY) 2025-26 Budget and subsequent FY budgets, Capital Programs Division, Account No. 0017-9084-FI106-1OQ, and will be funded with a combination of federal, state, and local funds.

Summary

Staff requests Board approval for the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-3-2655 with Caltrans, in the amount of \$2,393,000, for additional construction capital cost for the Project. This will increase the maximum obligation of the cooperative agreement to a total contract value of \$101,358,000.

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Attachments

- A. California Department of Transportation, Cooperative Agreement No. C-3-2655 Fact Sheet
- B. Capital Funding Program Report

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