



May 6, 2024d

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Cooperative Agreements with the California Department of Transportation for the State Route 91 Improvement Project Between State Route 57 and State Route 55 for Right-of-Way Capital and Support Services

Overview

On October 12, 2020, the Orange County Transportation Authority Board of Directors approved a cooperative agreement between the Orange County Transportation Authority and the California Department of Transportation for right-of-way support services, right-of-way engineering, right-of-way acquisition, and utility relocation for the State Route 91 Improvement Project between State Route 57 and State Route 55. Board of Directors' approval is requested to negotiate and execute three new project segment cooperative agreements to replace the original cooperative agreement.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-4-2212, between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$5,926,000, for right-of-way support services, right-of-way engineering, right-of-way acquisition, and utility relocation costs for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue.
- B. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-4-2213, between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$28,166,000, for right-of-way support services, right-of-way engineering, right-of-way acquisition, right-of-way decertification of excess land, and utility relocation costs for the State Route 91 Improvement Project between State Route 55 and La Palma Avenue.

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- C. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-4-2214, between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$5,510,000, for right-of-way support services, right-of-way engineering, right-of-way acquisition, and utility relocation costs for the State Route 91 Improvement Project between La Palma Avenue and Acacia Street.

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 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 improve the eastbound general purpose lanes between La Palma Avenue and SR-55 and provide westbound operational improvements between Lakeview Avenue and SR-55 and between La Palma Avenue and Acacia Street.

Right-of-way (ROW) acquisition is underway with the Project segmented into the following limits:

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

On October 12, 2020, the OCTA Board approved a cooperative agreement between OCTA and Caltrans for ROW support services, ROW engineering, ROW acquisition, and utility relocation for the Project.

Caltrans is now requiring the original single ROW cooperative agreement to be split into three new cooperative agreements, one for each of the three segments. This requirement is consistent with a recently amended cooperative agreement with Caltrans for the Interstate 5 Improvement Project and it will apply to all existing and future cooperative agreements and amendments for projects with multiple segments. Additionally, reimbursed tasks for review of an excess land appraisal and excess land decertification will be added Cooperative Agreement No. C-4-2213 for Segment 2.

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The total ROW funding previously approved by the Board for the Project was \$39,602,000, funded through SR-91 Express Lanes (EL) excess revenue. Each segment’s capital and support component cost is broken down as follows:

- Segment 1 – The ROW capital cost is \$4,938,000 and the ROW support cost is \$988,000, for a total of \$5,926,000.
- Segment 2 – The ROW capital cost is \$24,492,000 and the ROW support cost is \$3,674,000, for a total amount of \$28,166,000. Recommendation B also adds reimbursed tasks for review of an excess land appraisal and excess land decertification, which are covered by the original support cost.
- Segment 3 – The ROW capital cost is \$4,408,000 and the ROW support cost is \$1,102,000, for a total of \$5,510,000.

There is no change to the total cost, or cost per segment, as shown in the following table.

Segment	Original Funding	Increase/ Decrease	Proposed Funding
Segment 1	\$5,926,000	\$0	\$5,926,000
Segment 2	\$28,166,000	\$0	\$28,166,000
Segment 3	\$5,510,000	\$0	\$5,510,000
Total ROW Cost	\$39,602,000	\$0	\$39,602,000

Fiscal Impact

These cooperative agreements will be included in OCTA’s Fiscal Year (FY) 2024-25 Budget and subsequent FY budgets, Capital Programs Division, account nos. 0017-7514-FI106-1OQ, 0017-7514-FI105-1OR, and 0017-7514-FI104-0U9, and will be funded through SR-91 EL excess revenue and local funds.

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Summary

Board approval is requested for the Chief Executive Officer to negotiate and execute Cooperative Agreement Nos. C-4-2212 for Segment 1, C-4-2213 for Segment 2, and C-4-2214 for Segment 3 between OCTA and Caltrans for ROW support services, ROW engineering, ROW acquisition, and utility relocation for the Project, and ROW decertification for Segment 2. The maximum obligation of the combined cooperative agreements will be unchanged at a total contract value of \$39,602,000, comprised of a capital share of \$33,838,000, and a support share of \$5,764,000.

Attachment

None.

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