



**July 1, 2024**

**To:** Regional Transportation Planning Committee

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

**Subject:** Cooperative Agreement with the California Department of Transportation for the State Route 91 Improvement Project Between Acacia Street and La Palma Avenue

### **Overview**

The Orange County Transportation Authority proposes to enter into a cooperative agreement with the California Department of Transportation for construction capital and construction management support services for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue.

### **Recommendations**

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-4-2215 between the Orange County Transportation Authority and the California Department of Transportation, in an amount up to \$169,491,000, comprised of a construction capital share of \$145,588,000 and a construction management services share of \$23,903,000 for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue.
- B. Authorize the use of fiscal year 2024-25 Community Project Funding/ Congressionally Directed Spending, in the amount of \$3,000,000, for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue.
- C. Authorize the inclusion of State Highway Operation and Protection Program funding, in the amount of \$23,170,000, for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue.
- D. Authorize the use of \$143,321,000 in State Route 91 Express Lanes excess revenue for construction capital and construction support for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue.

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- E. 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 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 (SR-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 add general purpose lanes in the eastbound direction between SR-57 and SR-55 and in the westbound (WB) direction between Glassell Street and State College Boulevard. 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 3 will provide WB operational improvements between Acacia Street and La Palma Avenue, WB improvements at State College Boulevard, and reconstruction of the La Palma Avenue overcrossing bridge. Segment 3 will also provide a new bypass ramp that allows northbound (NB) SR-57 traffic to exit at Orangethorpe Avenue in advance of the SR-91/NB SR-57 connector merge. The WB SR-91/NB SR-57 connector will be adjusted to accommodate the bypass ramp. Caltrans has also developed a multi-asset project (MAP) within the project limits that is funded by the State Highway Operation and Protection Program (SHOPP). Caltrans' MAP scope of work (SOW) includes pavement rehabilitation, existing safety device upgrades, census stations installation, lighting replacement, and conduit replacement. The MAP SOW was combined with the Segment 3 plans, specifications, and estimates (PS&E) at 100 percent design, which was then submitted to Caltrans for review in January 2024.

On June 15, 2019, the Board authorized Cooperative Agreement No. C-9-1274 with Caltrans to provide oversight of the PS&E, and to advertise and award the construction contract for Segment 3.

On May 13, 2024, the Board authorized Cooperative Agreement No. C-4-2214 with Caltrans for the right-of-way phase for Segment 3.

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A cooperative agreement for the construction phase for Segment 3, is now needed to define the specific roles and funding responsibilities including construction capital and construction management (CM) support services.

Bid documents for Segment 3 are being prepared for advertisement of the construction contract in spring 2025. The total construction capital funding required for Segment 3 is \$145,588,000, and the construction support funding required is \$23,903,000. The total construction cost of \$169,491,000 will be funded by a combination of \$3,000,000 in federal Community Project Funding/Congressionally Directed Spending (CPFCDs), \$23,170,000 in SHOPP, and \$143,321,000 in 91 Express Lanes (EL) net excess revenue.

A table depicting the proposed funding plan for the construction cooperative agreement with Caltrans is provided below.

Funding Programs	Proposed Funding
CPFCDs	\$3,000,000
SHOPP	\$23,170,000
91 EL Excess Revenue	\$143,321,000
Total:	\$169,491,000

As the implementing agency for construction of the Project, Caltrans will be responsible for advertisement, award, approval, and administration of the construction contract. Under the proposed cooperative agreement, Caltrans and OCTA have agreed to share in the CM support services for the Project. Caltrans, as the construction phase implementing agency, will provide the resident engineer, structures representative, field surveying and other field personnel, along with construction administrative support and environmental monitoring. OCTA will retain a consultant firm to augment Caltrans' field staff with electrical, structural and roadway inspection, office engineering, materials testing, and claims support services. OCTA's consultant will also provide a field office to house construction staff on the Project. Through separate contracts, OCTA will lead the public outreach and freeway service patrol efforts.

The Project is identified as Project I in the Next 10 Delivery Plan and the use of 91 EL funding is consistent with the Board-approved Capital Programming Policy and the policy for the use of Excess 91 EL Toll Revenue for eligible projects along the SR-91 corridor to improve regional mobility. These updates are

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reflected in the Capital Funding Program Report, which depicts funding for OCTA projects, and is provided as Attachment A.

**Fiscal Impact**

The Project will be included in the proposed OCTA Fiscal Year (FY) 2024-25 Budget and subsequent FY budgets, Capital Programs Division, account nos. 0017-9084-FI104-0U9 and 0017-9085-FI104-0U9, 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 Cooperative Agreement No. C-4-2215 with Caltrans, in the amount of \$169,491,000, comprised of a construction capital share of \$145,588,000 and a construction management services share of \$23,903,000 for Segment 3 of the Project. Additionally, Board authorization is requested to fully fund the construction phase through a combination of CPFCDs and SHOPP funding, and 91 Express Lanes excess revenues.

**Attachment**

- A. Capital Funding Program Report

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