

**ORANGE COUNTY LOCAL TRANSPORTATION AUTHORITY**

**ORDINANCE NO. 3**

**JULY 24, 2006**

**Orange County Local Transportation Authority  
550 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584  
Tel: (714) 560-6282**

1 Context Sensitive Design, as described in the nationally recognized Federal Highway  
2 Administration (FHWA) Principles of Context Sensitive Design Standards. Freeway  
3 Projects will be planned, designed and constructed using a flexible community-responsive  
4 and collaborative approach to balance aesthetic, historic and environmental values with  
5 transportation safety, mobility, maintenance and performance goals. Context Sensitive  
6 Design features include: parkway-style designs; environmentally friendly, locally native  
7 landscaping; sound reduction; improved wildlife passage and aesthetic treatments, designs  
8 and themes that are in harmony with the surrounding communities.

9                   5. At least five percent (5%) of the Net Revenues allocated for  
10 Freeway Projects shall fund Programmatic Mitigation for Freeway Projects. These funds  
11 shall be derived by pooling funds from the mitigation budgets of individual Freeway  
12 Projects, and shall only be allocated subject to the following:

13                   a. Development of a Master Environmental Mitigation and  
14 Resource Protection Plan and Agreement (Master Agreement) between the Authority and  
15 state and federal resource agencies that includes:

16                                   (i) commitments by the Authority to provide for  
17 programmatic environmental mitigation of the Freeway Projects,

18                                   (ii) commitments by state and federal resource  
19 agencies to reduce project delays associated with permitting and streamline the permit  
20 process for Freeway Projects,

21                                   (iii) an accounting process for mitigation obligations  
22 and credits that will document net environmental benefit from regional, programmatic  
23 mitigation in exchange for net benefit in the delivery of transportation improvements  
24 through streamlined and timely approvals and permitting, and

25                                   (iv) a description of the specific mitigation actions and  
26 expenditures to be undertaken and a phasing, implementation and maintenance plan.

27                                   (v) appointment by the Authority of a Mitigation and  
28 Resource Protection Program Oversight Committee ("Environmental Oversight

1 Committee") to make recommendations to the Authority on the allocation of the Net  
2 Revenues for programmatic mitigation, and to monitor implementation of the Master  
3 Agreement. The Environmental Oversight Committee shall consist of no more than twelve  
4 members and be comprised of representatives of the Authority, Caltrans, state and federal  
5 resource agencies, non-governmental environmental organizations, the public and the  
6 Taxpayers Oversight Committee.

7 b. A Master Agreement shall be developed as soon as  
8 practicable following the approval of the ballot proposition by the electors. It is the intent of  
9 the Authority and state and federal resource agencies to develop a Master Agreement prior  
10 to the implementation of Freeway Projects.

11 c. Expenditures of Net Revenues made subject to a Master  
12 Agreement shall be considered a Freeway Project and may be funded from the proceeds of  
13 bonds issued subject to Section 5 of the Ordinance.

14 B. Transit Projects

15 1. The Authority shall make every effort to maximize state and  
16 federal funding for Transit Projects. No Net Revenues shall be allocated in any year for  
17 any Transit Project if the Authority has made findings at a public meeting that the state or  
18 the federal government has reduced any allocations of state funds or federal funds to the  
19 Authority as the result of the addition of any Revenues.

20 2. Prior to the allocation of Net Revenues for a Transit Project, the  
21 Authority shall obtain a written agreement from the appropriate jurisdiction that the Transit  
22 Project will be constructed, operated and maintained to minimum standards acceptable to  
23 the Authority.

24 C. Street and Road Projects

25 Prior to the allocation of Net Revenues for any Street and Road  
26 Project, the Authority, in cooperation with affected agencies, shall determine the entity(ies)  
27 to be responsible for the maintenance and operation thereof.

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