

Date: Monday, April 10, 2006

Time: 9:00 a.m.

Where: Orange County Transportation Authority Headquarters
600 South Main Street, First Floor - Conference Room 154
Orange, California 92868



AGENDA

Orange County Transportation Authority Board Meeting
OCTA Headquarters
First Floor - Room 154
600 South Main Street, Orange, California
Monday, April 10, 2006, at 9:00 a.m.

ACTIONS

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Invocation

Director Pringle

Pledge of Allegiance

Director Correa

Agenda Descriptions

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

Public Comments on Agenda Items

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker's Card and submitting it to the Clerk of the Board. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.



AGENDA

ACTIONS

Special Matters

There are no Special Matter items.

Consent Calendar (Items 1 through 9)

All matters on the Consent Calendar are to be approved in one motion unless a Board member or a member of the public requests separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

1. Approval of Minutes

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of March 27, 2006.

2. State Legislative Status Report

Wendy Villa/Richard J. Bacigalupo

Overview

A request has been made by Assembly Member Huff to support AB 2361 (Huff, R Diamond Bar), a bill to implement a portion of the federal surface transportation legislation. A spot bill, SB 1726 (Lowenthal, D-Long Beach) has been introduced regarding bus head signs.

Recommendation

Adopt the following recommended position on legislation:
Support on AB 2361 (Huff, R-Diamond Bar).



AGENDA

ACTIONS

3. **Resolution Adopting the National Incident Management System**
Tom Little/Richard J. Bacigalupo

Overview

The Orange County Transportation Authority is required to adopt the National Incident Management System (NIMS) for emergency response coordination in order to maintain the agency's eligibility to receive federal grant funding related to emergency management and homeland security.

Recommendation

Approve the resolution adopting the National Incident Management System in accordance with federal emergency management guidelines.

4. **Cooperative Agreement with the California Department of Transportation for the Imperial Highway Grade Separation Project**
Jennifer Bergener/Paul C. Taylor

Overview

The Imperial Highway Grade Separation project is currently underway and is ready to enter the construction phase. The Orange County Transportation Authority is providing the funding for this project through the State Transportation Improvement Program. The project also received a federal earmark under the Transportation Equity Act for the 21st Century. A cooperative agreement with the California Department of Transportation is required for the use of the federal earmark.

Recommendation

Authorize the Chief Executive Officer to execute a cooperative agreement with the California Department of Transportation for the Imperial Highway Grade Separation project.



AGENDA

ACTIONS

5. **High-Speed Rail and Magnetic Levitation Status Report**
Richard J. Marcus/Paul C. Taylor

Overview

Various planning and conceptual engineering efforts are underway to implement high-speed rail and magnetic levitation initiatives in Southern California and Orange County. This status report provides an update on these initiatives for Board of Directors review.

Recommendation

Direct staff to take steps to continue to monitor, solicit information, evaluate, and probe these high-speed rail and magnetic levitation initiatives for possible future action by the Board of Directors.

6. **Amendment to Agreement for Temporary Staffing Services Contracts**
Lisa Arosteguy/James S. Kenan

Overview

On June 13, 2005, the Board of Directors approved an agreement with Corestaff Services, Focus On Temps, Inc., and PDQ Personnel Services, Inc., in the amount of \$340,000 per year, to provide temporary staffing services. The firms were retained in accordance with the Orange County Transportation Authority's procurement procedures for temporary staffing services.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 1 to on-call Agreement C-5-0938 with Corestaff Services, Agreement C-5-2439 with Focus On Temps, Inc., and Agreement C-5-2438 with PDQ Personnel Services, Inc., and the Orange County Transportation Authority, in an amount not to exceed \$400,000, to exercise the first option year for the period of July 1, 2006, to June 30, 2007, for all three agreements.



AGENDA

ACTIONS

7. **Request to Conduct a Workshop and Public Hearing on the Orange County Transportation Authority Fiscal Year 2006-07 Proposed Budget**
Andrew Offelie/James S. Kenan

Overview

The Orange County Transportation Authority is developing the fiscal year 2006-07 proposed budget which identifies available revenues and the costs associated with providing transportation services and programs to the commuters of Orange County. As part of the budget process, the Board of Directors reviews the proposed budget in detail in an open workshop setting in May and invites public comment during a public hearing convened in June.

Recommendation

Authorize staff to schedule a two hour budget workshop for May 8, 2006, and conduct a public hearing on June 12, 2006, and proceed with all public noticing requirements.

Orange County Transit District Consent Calendar Matters

8. **Amendment to Agreement for South County Senior Services**
Dana Wiemiller/John D. Byrd

Overview

On May 30, 2002, the Board of Directors approved an agreement with South County Senior Services, in the amount of \$132,000, to provide adult day healthcare transportation. South County Senior Services was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional/technical services.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 5 to Agreement C-2-0306 between the Orange County Transportation Authority and South County Senior Services, in an amount not to exceed \$231,839, for the provision of adult day healthcare transportation through June 30, 2007.



AGENDA

ACTIONS

9. **Amendment to Agreement for Provision of Senior Transportation to Congregate Meal Sites**
Dana Wiemiller/John D. Byrd

Overview

On April 22, 2004, the Board of Directors approved a revenue agreement with the Orange County Office on Aging for the provision of senior transportation to congregate meal sites funded in part by Older Americans Act funds.

Recommendations

- A. Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-4-0348 between the Orange County Transportation Authority and the Orange County Office on Aging for their share of the program expense for the provision of senior transportation to congregate meal sites, in an amount not to exceed \$440,000, through June 30, 2007.
- B. Authorize the Chief Executive Officer to execute amendments to agreements with eleven participating cities/centers for their share of the program expense through June 30, 2007, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$120,000.

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

10. **Garden Grove Freeway (State Route 22) Project Budget Amendment**
T. Rick Grebner/Stanley G. Phernambucq

Overview

The Garden Grove Freeway (State Route 22) Improvement Project has crossed a critical juncture. The design is more than 98 percent complete and construction has passed the halfway point. This report identifies the required budget and contract amendments to incorporate additional project improvements, including California Department of Transportation's updated seismic information, city and Board of Directors requested enhancements, and right-of-way cost impacts.



AGENDA

ACTIONS

10. (Continued)

Recommendations

- A. Reduce the 1996 Freeway Strategic Plan State Route 22 Measure M funding budget from \$321.4 million down to \$244.46 million to reflect the reimbursement of \$123.7 million of Transportation Congestion Relief Program funding to the Measure M program, and allocate additional Measure M funds, in the amount of \$46.9 million, required to accommodate the proposed budget amendment.
- B. Approve the incorporation of additional project scope and improvements funded by the Orange County Transportation Authority, including updated seismic requirements, placement of rubberized asphalt on the freeway and along Trask Avenue, and roadway improvements on The City Drive and Metropolitan Avenue. The estimated cost is \$40.1 million. A full list of the added improvements is shown on Attachments A and B.
- C. Approve the incorporation of additional project improvements, paid with federal and local funds by the Cities of Garden Grove and Orange, including reconstruction of the Magnolia Street bridge, widening of Garden Grove Boulevard, and widening ramps at Tustin Avenue, The City Drive, and Town and Country Road. The estimated cost is \$7.1 million. A full list of the added improvements is shown on Attachments A and B.
- D. Approve \$1.8 million of additional budget to incorporate additional project oversight services required, which resulted from incorporation of the seismic and project improvements.
- E. Approve \$5,554,000 of additional budget to incorporate additional costs related to right-of-way acquisition for the Garden Grove Freeway (State Route 22) Improvement Project.
- F. Authorize the Chief Executive Officer to execute the following contract change orders, cooperative agreements and contract amendments, and make the necessary budget adjustments in order to incorporate updated seismic information, requested scope changes and right-of-way cost increases:



AGENDA

ACTIONS

10. (Continued)

1. Amend the Garden Grove Freeway (State Route 22) Improvement Project budget from \$495 million to \$549,626,000; an increase of \$54,626,000, to incorporate additional costs related to updated seismic requirements, City of Garden Grove, City of Orange, and Board of Directors' requested improvements and right-of-way acquisitions.
2. Contract Change Order No. 34 to Agreement C-3-0663 between the Orange County Transportation Authority and the contractor, Granite-Myers-Rados, in the not-to-exceed amount of \$22,745,851, to incorporate California Department of Transportation's updated seismic information.
3. Cooperative Agreement C-6-0185 between the Orange County Transportation Authority and the City of Garden Grove, in the not-to-exceed amount of \$7,150,000, for reconstruction of the Magnolia Avenue bridge undercrossing and requested improvements to Garden Grove Boulevard. Authorize staff to process and execute the necessary funding applications to facilitate this action.
4. Cooperative Agreement C-6-0269 between the Orange County Transportation Authority and the City of Garden Grove, in the not-to-exceed amount of \$1.2 million, for placement of rubberized asphalt along Trask Avenue from Brookhurst Street to Magnolia Street.
5. Amendment No. 1 to Agreement C-4-0940 between the Orange County Transportation Authority and the City of Orange, in the not-to-exceed amount of \$426,000, for requested street betterments near The City Drive and Town and Country Road.
6. Contract Change Order Nos. 10 through 17, 21 through 24, 28, 29, and 33 to Agreement C-3-0663 between the Orange County Transportation Authority and Granite-Myers-Rados for out-of-scope additions, in the individual not-to-exceed amounts as shown on Attachment A.



AGENDA

ACTIONS

10. (Continued)

7. Amend the Orange County Transportation Authority's Fiscal Year 2005-06 Budget, Expense Account 0010-9017, by \$32 million, and amend Revenue Account 0010-6062 by \$7,722,890.
8. Authorize the Chief Executive Officer to execute Amendment No. 10 to Agreement C-1-2069 between the Orange County Transportation Authority and Parsons Transportation Group, Inc., in the not-to-exceed amount of \$7,811,946, for continued project management services for the Garden Grove Freeway (State Route 22) Improvement Project. This amount reflects \$6 million previously budgeted and an additional \$1.8 million for seismic and oversight of the added work.

Orange County Transportation Authority Regular Calendar Matters

11. Riverside County - Orange County Major Investment Study Draft Action Plan

Kurt Brotcke/Paul C. Taylor

Overview

A draft three-year plan for actions following the recently completed major investment study is presented for review, discussion, and potential action. Potential policymaking options for each corridor are also discussed.

Recommendations

- A. Direct staff to forward the draft action plan to the State Route 91 Advisory Committee for review and comment.
- B. Provide direction to staff on potential options for policy input to the Board of Directors for each element of the action plan.



AGENDA

ACTIONS

Other Matters

12. **Options for Policy Oversight Irvine-Corona Expressway**
Paul C. Taylor
13. **Garden Grove Freeway High Occupancy Vehicle Lanes Status Report**
Kurt Brotcke/Paul C. Taylor
14. **Chief Executive Officer's Report**
15. **Directors' Reports**
16. **Public Comments**

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.

17. **Closed Session**

There is no Closed Session scheduled.

18. **Adjournment**

The next regularly scheduled meeting of the OCTA/OCTD/OCLTA/OCSAFE/OCSAAV Board will be held at **9:00 a.m. on April 24, 2006**, at OCTA Headquarters at 600 South Main Street, First Floor - Room 154, Orange, California.

Minutes of the Meeting of the
Orange County Transportation Authority
Orange County Service Authority for Freeway Emergencies
Orange County Local Transportation Authority
Orange County Transit District
March 27, 2006

Call to Order

The March 27, 2006, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order at 9:02 a.m. at the Orange County Transportation Authority Headquarters, Orange, California; Chairman Brown presided over the meeting.

Roll Call

Directors Present: Arthur C. Brown, Chairman
Carolyn Cavecche, Vice Chair
Peter Buffa
Bill Campbell
Lou Correa
Richard Dixon
Michael Duvall
Cathy Green
Gary Monahan
Chris Norby
Curt Pringle
Miguel Pulido
Susan Ritschel
Mark Rosen
James W. Silva
Thomas W. Wilson
Gregory T. Winterbottom
Cindy Quon, Governor's Ex-Officio Member

Also Present: Arthur T. Leahy, Chief Executive Officer
Wendy Knowles, Clerk of the Board
Laurena Weinert, Assistant Clerk of the Board
Kennard R. Smart, Jr., General Counsel
Members of the Press and the General Public

Directors Absent: None

Invocation

Director Correa gave the invocation.

Pledge of Allegiance

Director Green led the Board and audience in the Pledge of Allegiance to the Flag of the United States of America.

Public Comments on Agenda Items

Chairman Brown announced that members of the public who wished to address the Board of Directors regarding any item appearing on the agenda would be allowed to do so by completing a Speaker's Card and submitting it to the Clerk of the Board.

Special Matters

1. Presentation of Resolutions of Appreciation for Employees of the Month for March 2006

Chairman Brown presented Orange County Transportation Authority Resolutions of Appreciation Nos. 2006-14, 2006-15, 2006-16 to Donna Jensen, Coach Operator; Toan Hoang, Maintenance; and Gail Cherry Administration, as Employees of the Month for March 2006.

2. Presentation of Resolution of Appreciation to Orange County Sheriff's Department Employee of the Quarter

Chairman Brown presented Orange County Transportation Authority Resolution of Appreciation No. 2006-17 to Orange County Sheriff's Deputy David Lowenstein.

Consent Calendar (Items 3 through 23)

Chairman Brown announced that all matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

3. Approval of Minutes

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of March 13, 2006.

4. Approval of Resolutions of Appreciation for Employees of the Month for March 2006

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to adopt Orange County Transportation Authority Resolutions of Appreciation Nos. 2006-14, 2006-15, 2006-16 to Donna Jensen, Coach Operator; Toan Hoang, Maintenance; and Gail Cherry Administration, as Employees of the Month for March 2006.

5. Approval of Resolution of Appreciation to Orange County Sheriff's Department Employee of the Quarter

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to adopt Orange County Transportation Authority Resolution of Appreciation No. 2006-17 to Orange County Sheriff's Deputy David Lowenstein.

6. Review of Third-Party Administration of Employee Health Benefits

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to receive and file the Review of Third-Party Administration of Employee Health Benefits, Internal Audit Report No. 05-010.

7. Review of Investment Activities for July through September 2005

Director Campbell pulled this item for discussion, and inquired if OCTA can impose penalties on the bank for poor performance, or what can be done in the future if any of the portfolio's managers make these kind of errors.

Kirk Avila, OCTA's Treasurer, stated that no penalties are included in the master repurchase agreement, and staff will bid soon for a new bank. With the issuance of a new contract, the subject of penalties will be addressed.

Motion was made by Director Campbell, seconded by Director Winterbottom, and declared passed by those present, to receive and file the Review of Investment Activities for July through September 2005, Internal Audit Report No. 06-026.

8. Chokepoint Program Status Update

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to execute a cooperative agreement with the California Department of Transportation for the Project Report/Environmental Document phase of the Orange Freeway (State Route 57) northbound widening project between Orangethorpe Avenue and Lambert Road.

8. (Continued)

- B. Approve evaluation criteria and authorize staff to proceed with issuance of Request for Proposals to procure services for the preparation of a Project Study Report for the San Diego Freeway (Interstate 405) between the San Gabriel Freeway (Interstate 605) and the Corona Del Mar Freeway (State Route 73) to advance the San Diego Freeway (Interstate 405) Major Investment Study to the next phase of development.

9. Euclid Street Signal Synchronization Pilot Project Status Report

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute a cooperative agreement for the Euclid Street Signal Synchronization Pilot Project with the cities of La Habra, Fullerton, Anaheim, Garden Grove, Santa Ana, and Fountain Valley and the California Department of Transportation.
- B. Direct staff to return with a status report by July 2006.

10. Amendment of Lease for Anaheim Office of the 91 Express Lanes

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute an amendment to the 91 Express Lanes lease for 1,307 square feet of additional office space with LBA Realty Fund Holding Company II, LLC.
- B. Amend the fiscal year 2005-06 budget in the amount of \$10,000 to fund the additional cost from the 91 Express Lanes Enterprise Fund 0036 7691-B0001-A88 for the remainder of the fiscal year.

11. Master Agreement for State Funded Transit Projects

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to execute the Master Agreement for State Funded Transit Projects, Agreement No. 64A0172, and all necessary program supplement agreements with the California Department of Transportation for the reimbursement of state funded transit projects.
- B. Approve the attached resolution as required by the California Department of Transportation to execute the above agreement.

12. Evaluation Criteria Weighting for Project Management Consultant for Metrolink Service Expansion

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to approve the proposed evaluation criteria specifying a weighting of 100 percent technical qualifications in accordance with procedures for architectural and engineering services which conform to both federal and state law.

13. Metrolink Quarterly Update

Vice Chair Cavecche pulled this item for discussion. She reminded staff and the Board that with increased services, there will be mitigation measures, and the cities that service runs through. Furthermore, in regards to the grade crossing safety enhancement program, there was no mention of the Metrolink Board's quiet zone policies and guidelines. She inquired if Metrolink would be putting those policies in place and when that would be coming before the Board.

Darrell Johnson, Manager, Programming and Commuter Rail, responded that the Metrolink Board took the draft policy two weeks ago to their Planning and Development Committee, and is not yet scheduled for Board action.

Director Winterbottom requested that Board Members be kept apprised of the quiet zones and grade crossing issues.

Motion was made by Vice Chair Cavecche, and seconded by Director Wilson with the stipulation that Board Members be apprised on all issues relating to quiet zones and grade crossings. Motion was declared passed by those present, to:

- A. Amend fiscal year 2005-06 budget to allocate \$215,000 of Commuter and Urban Rail Endowment funds for May 2006 start of weekend service in Orange County.
- B. Amend fiscal year 2005-06 budget to allocate \$10,613,000 towards a progress payment funded by the Congestion Mitigation and Air Quality Program and Commuter and Urban Rail Endowment fund for the purchase of 52 trailer cars and 7 cab cars.
- C. Approve additional funding in the amount of \$3,452,618 from the Commuter Urban Rail Endowment fund for the Santa Ana Second Main Track project.
- D. Amend fiscal year 2005-06 budget to allocate \$301,368 of Commuter and Urban Rail Endowment funds to provide member agency share for Burlington Northern Santa Fe Railroad capital improvements claims.

14. Procurement Incentives to Encourage Vendors to Provide Employee Health Benefits

This item was pulled at the Finance and Administration Committee meeting on March 22, 2006, and be presented to the Board of Directors at a later date.

15. Collective Bargaining Agreement Between Orange County Transportation Authority and Teamsters Local 952

This item was pulled by a member of the public who wished to address the Board.

Public comment was heard from Patrick Kelly, Teamsters Local 952, who thanked the Board for the final agreement offered and stated he was very pleased that the agreement had been ratified on March 24, 2006.

Motion was made by Director Green, seconded by Director Norby, and declared passed by those present, to approve the Collective Bargaining Agreement with Teamsters Local 952 covering mechanics and service workers.

16. Medicare Participation for Employees Hired Before April 1, 1986

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to authorize the Chairman of the Board of Directors to approve Resolution No. 2006-19 to request the State Social Security Administrator to include the employees covered under the Orange County Employees Retirement System in the state's master Social Security Agreement between the state and federal government.

Orange County Service Authority For Freeway Emergencies Consent Calendar Matters

17. Agreement for Call Box Digital Wireless Service

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to authorize the Chief Executive Officer to execute Agreement C-5-2927 between the Orange County Transportation Authority and Cingular Wireless, in an amount not to exceed \$60,000 per year, for a five-year period, to provide digital wireless service to support the Orange County Service Authority for Freeway Emergencies call box system.

18. Evaluation Criteria Weighting for Procurement of Mobile Data Terminal Vehicle Location System

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to approve proposed evaluation criteria weighting allocation.

Orange County Local Transportation Authority Consent Calendar Matters

19. Actions to Fund Street Improvements by the City of Costa Mesa

Director Rosen recused himself from voting on this item due to a conflict of interest due to a client of his being a source of income to him. He also has a business adjacent to this project.

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to:

- A. Provide the City of Costa Mesa with a \$1 million advance payment of Measure M turnback funds from future years to be used for street purposes.
- B. Authorize the Chief Executive Officer to negotiate a revenue-neutral reimbursement agreement for return of advanced turnback funds between the City of Costa Mesa and the Orange County Transportation Authority.
- C. Modify project scope of a previously funded Measure M Regional Interchange Program project (Bristol Street at the San Diego Freeway [Interstate 405], Orange County Transportation Authority project number 95-CMSA-RIP-1041) to include repair of damaged streets (Anton Boulevard and Avenue of the Arts) and allow the City to utilize \$1 million of construction allocation to cover cost of restoring damaged streets.

Director Rosen abstained from voting on this item.

20. Approval of a Memorandum of Understanding for the Garden Grove Freeway (State Route 22) Project Between the Orange County Transportation Authority and the County of Orange

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to authorize the Chief Executive Officer to execute Agreement C-5-2746 between the Orange County Transportation Authority and the County of Orange, in an amount not to exceed \$1.2 million, to address the cost reimbursement and outline the roles and responsibilities of each party in the design and relocation of a previously undisclosed 66-inch storm drain on Orange County Transportation Authority property.

Orange County Transit District Consent Calendar Matters

21. Amendment to Agreement for Test and Operation Gases for Liquefied Natural Gas Buses and Facilities

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-3-1228 between the Orange County Transportation Authority and Cameron Welding Supply, in an amount not to exceed \$60,000, for the purchase of test and operation gases for the liquefied natural gas buses and facilities.

22. Amendment to Agreement for Plan Check and Construction Management Services for Santa Ana Bus Base

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 9 to Agreement C-1-2282 between the Orange County Transportation Authority and MARRS Services, in an amount not to exceed \$135,000, for construction management services for the Santa Ana Bus Base, and extend the contract period to December 2006.

23. Second Quarter Fiscal Year 2005-06 Bus Operations Monthly Performance Measurements Report

Motion was made by Director Monahan, seconded by Director Buffa, and declared passed by those present, to receive and file as an information item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

24. Fiscal Year 2006 Comprehensive Business Plan

Arthur T. Leahy, Chief Executive Officer (CEO), provided opening comments and stated that this plan forms the basis for next fiscal year's budget.

Mr. Leahy stated that the assumptions used are conservative and prudent and he is pleased to report that the transit system is financially healthy and OCTA looks forward to modest increases in service, which are justified by the ridership increases which continue in the context of higher fuel prices. Mr. Leahy turned the presentation over to Andrew Oftelie, Manager, Financial Planning and Analysis.

Mr. Oftelie provided a PowerPoint presentation to the Board and went through the hand-out provided.

24. (Continued)

Director Campbell stated that he felt the numbers presented were aggressive, and he asked the CEO if they were achievable. Mr. Leahy responded that he felt confident about what was presented in the Plan and assured Members that a controlled growth was planned and would be achieved in an orderly fashion.

Mr. Leahy provided comments relative to consideration of riders' trip purposes, Metrolink changes and improvements, and monthly farebox return reports now in place. He stated that he believes this plan is prudent and responsive to OCTA's business of today and projections for the next year.

Director Norby asked if OCTA is responsible for the vehicles that the Service Authority for Abandoned Vehicles tows off the freeway, and Mr. Leahy responded that the local police departments are responsible for storing those vehicles. General Counsel, Kennard R. Smart, Jr., offered that this program is a separate legal entity.

Vice Chair Cavecche requested that staff report back on the operation of the Service Authority for Abandoned Vehicles Program and how cities calculate claims.

Director Duvall stated that he felt the vehicle owners should take personal responsibility for running out of gasoline and calling a tow company to remove vehicles from the roadway and should be charged for these services when provided.

Director Pringle stated that the legislative intent of this service was to keep vehicles moving when a car becomes disabled and not contribute to severe traffic tie-ups on the freeway by allowing the vehicle to be in the roadway for an extended period of time.

Vice Chair Cavecche added that she felt the private sector would provide this service if OCTA did not. At this time, she and Director Duvall requested a report on Freeway Service Patrol and whether the private sector could provide some services.

Motion was made by Director Campbell, seconded by Director Winterbottom, and declared passed by those present, to approve the Fiscal Year 2006 Comprehensive Business Plan.

Other Matters

25. Chief Executive Officer's Report

Chief Executive Officer, Arthur T. Leahy, informed Members:

- √ Vice Chair Cavecche would be speaking at the Women's Transportation Seminar on April 18.
- √ Sentencing was completed in regard to the OCTA workers' compensation case prosecuted in fall 2005. The individual received 120 days in jail and was fined \$1,000.
- √ This was the final Board meeting for Bill Foster, General Manager of OCTA's Transit Operations Division. Mr. Foster retires with more than 35 years' work in public transportation in a variety of organizations and areas of responsibility.

26. Directors' Reports

Director Rosen offered a report on the Sacramento Legislative trip taken last week by several Members on the Board.

Director Correa, who also participated in that trip and related meetings, stated that the timing was dynamic for these meetings, as a great deal of activity was going on in the Capitol regarding the Governor's Infrastructure Bond being potentially passed.

Director Green requested that all participants' names be listed on the briefing minutes for trip reports so that the Board is aware of who attended.

Director Pringle inquired if OCTA currently has a policy that is in compliance with AB 1234, which was enacted in January. He directed Kennard R. Smart, Jr., General Counsel, to ensure a policy is developed and comes to the Board for approval which is consistent with AB 1234 in regard to Board Members' reimbursements, obligations to report financial benefits, travel, etc.

Director Campbell agreed and emphasized the importance of Members meeting their obligation to report any financial benefit as part of meetings and trips.

Director Campbell also reported on his recent trip to Shanghai, Bangkok, and Viet Nam and the transportation systems he observed on that trip.

Director Winterbottom expressed his appreciation and gratitude to Mr. Foster for the improvements and accomplishments he has brought to Transit Operations during his tenure.

26. (Continued)

Director Dixon inquired on the status of OCTA being part of a Joint Powers Authority (JPA) or working agreement in regard to the tunnel project. He requested that this status be provided in writing to the Board

CEO, Arthur T. Leahy, stated that this issue is coming to the Regional Planning and Highways Committee on April 3.

Director Pringle stated he felt caution needs to be exercised regarding the JPA issue that OCTA needs to be careful not to miss out on funding possibilities by not following the Congressional leaders' direction. He would like to see a more aggressive approach to this issue rather than other agencies moving along and continuing to hold meetings where OCTA is not involved.

Director Pringle also inquired as to how far discussions have gone in regard to the high occupancy vehicle (HOV) lanes issues in Orange County. He is not satisfied with Caltrans' level of response, and would like a fuller explanation in terms of Caltrans' response on why there is not a clear allowance in Orange County, as is done in Northern California. He requested the Board be more fully briefed on all the HOV issues.

Director Quon responded that Caltrans is the delegated authority to administer the earmarked funding for Federal Highway Administration. She assured the Board that Caltrans has not received any application to initiate the draw-down on that particular obligation funding. When that takes place, she will update the Board.

Director Pringle asked if Caltrans has submitted a letter to OCTA or Riverside County Transportation Commission (RCTC), or any of the other water agencies that are participants in the JPA, that Caltrans would not recognize any organization that does not have a preeminent focus on transportation, and that includes OCTA and RCTC as members.

Director Quon stated that Caltrans District 12 is working with Caltrans District 8 in discussing how they can best determine the purpose of this legislation. They are also in dialogue with Caltrans Headquarters in Washington, D.C., to determine what is best.

Director Pringle stated that he felt it would be incumbent upon Caltrans to put a halt to what is going on, oversee where the dollars go, and recognize OCTA and RCTC. He suggested that perhaps a letter should be sent to the Director of Caltrans asking for clear direction that these dollars be delegated by transportation agencies.

26. (Continued)

Director Wilson stated that Caltrans should seek clarification from the makers of the bill regarding the JPA as they move forward, as well.

Director Quon added that the District has advised the water group they would be certifying the applicants' full compliance with the legislation.

Director Dixon stated his concern that the water agencies are taking advantage of language in the bill as well as Congressmen Calvert and Miller's long support for water issues and taking transportation funds to do their geotechnical studies for a potential water pipe. He feels that they are not concerned with putting cars between Riverside and Orange Counties, but moreover, are concerned with getting a water pipe completed, and this is a revenue source they have identified. He continued that this money should be used for transportation if it is used at all.

CEO, Arthur T. Leahy, commented that the options and institutional arrangements will be brought forward at the Regional Planning and Highways Committee next week.

Director Campbell stated that he had held discussions regarding the funding provided with Congressmen Calvert and Miller and they wanted a combination of water and transportation people participating in the geotechnical studies of the Cleveland National Forest to see if the project would be feasible. Director Campbell stated that the Congressmen are anxious to get this done, so we need to respond as soon as possible.

27. Public Comments

At this time, Chairman Brown invited members of the public to address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, stating that no action may be taken on off-agenda items unless authorized by law.

No requests were received from members of the public to address the Board.

28. Closed Session

A Closed Session was conducted pursuant to Government Code Section 54956.9(b)(1).

29. Orange County Transportation Authority Procurement Workshop

CEO, Arthur T. Leahy, provided opening comments as to the purpose of the workshop and explained the format. He said this would entail five questions being posed - indicating the current procurement practice and then offering staff recommendations. Mr. Leahy said the workshop should be a free-form discussion, and staff was not looking for any resolution at this time. As a result from this workshop, staff will take the input offered and come back to the Board with some proposed new procedures in the next few months.

Virginia Abadessa, Manager of Contracts Administration and Materials Management, provided an overview of the purpose of this workshop and provided a verbal and PowerPoint presentation.

QUESTION #1:

In regard to the question if Requests for Proposals (RFPs) should be brought to the Board prior to their release, the following comments were offered:

- √ Ms. Abadessa stated that the current practice is that projects identified in the annual budget require no further approval prior to release. The recommendations are to require Board approval for all procurements over \$1 million prior to releasing the RFP and approval to include the scope of work, evaluation criteria, and weights.
- √ Director Campbell stated he had a concern that setting a dollar amount for these approvals may be difficult as many contracts start out smaller and grow considerably over the course of the contract period. Mr. Leahy stated that those situations would be monitored and staff could bring to the Board approvals which were not required when the contract involved a much lesser amount.
- √ Director Pringle offered that the ultimate scope for a project should be considered when determining if a contract should be brought to the Board for approval.
- √ Ms. Abadessa provided information on various processes that are in place for procurements and Board involvement, such as protests over \$100,000.
- √ Director Pringle stated that the draft RFPs should be put on the OCTA website and comments solicited by vendors as to whether they had a different way to perform the work of the contract, thereby considerably affecting the bid price.
- √ Director Winterbottom stated that if these are posted and provided to the Board as drafts, more time would be involved and increased work and potential problems could result. He felt that a dollar amount should be established to guide when contracts come before the Board.

29. (Continued)

- √ Director Wilson stated that he felt most general issues should go through the Chief Executive Officer or his direct report. Otherwise, there is a perception of benefit only to some, and important timing may be impacted.
- √ Discussion followed regarding posting the RFPs on the website and how guidelines would be developed on the process to respond, then how changes to the RFP would be conveyed to potential bidders.
- √ Director Pringle stated that he felt the Board may want to participate in discussions before an RFP is released, and those RFPs should be provided throughout a vetting process.
- √ Ms. Abadessa briefed Members on the current process for conducting pre-proposal meetings.
- √ Director Silva emphasized that it is very important to keep the entire procurement process fair. He also expressed concern for changes to RFPs.
- √ Director Campbell stated that regarding pre-discussions with vendors prior to the release of RFPs, as suggested by Director Pringle, if that is not industry practice, a situation may be created where some bidders will respond beforehand, while others wait until afterward. He asked staff respond to that when they come back with final recommendations.
- √ Director Buffa stated he feels that OCTA has a very good notification process in place at this time, wherein bidders are immediately contacted when changes to an RFP take place.
- √ Director Rosen inquired if OCTA ever reimbursed bidders for their expenses. Mr. Leahy responded that the Authority has done that, most recently on the State Route 22 project, where bidders were incurring large bills for what they needed to do as part of their proposals. He stated competition could also be reduced throughout the process in this regard.

QUESTION #2:

In regard to how evaluation criteria and weights are determined, the following comments were offered:

- √ Ms. Abadessa stated the current practice is that the procurement staff and project manager discuss and agree on criteria and weights. Recommendations by staff are to continue practice of reviewing, approving criteria and weighting by the project manager, and for projects over \$1 million, the Board will review and approve.
- √ Director Pringle stated he would echo his comments as offered on Question 1 and felt that as to the issue of weights, emphasis should be given to those more important areas in contracts where increased emphasis would be appropriate to reflect greater or lesser subjectivity in the award. He does not have a problem with staff's recommendations as they are set out at this time. He feels those involved need to know how to weigh each of those categories so there is an understanding of where to put the emphasis.
- √ Director Winterbottom asked if an ad hoc committee should be put into place to review these issues. There was no recommendation from Board Members at this time to create an ad hoc committee.
- √ Director Rosen stated that project growth should be considered when weighting was being established.
- √ Director Wilson commented on Question 1 and stated that staff would be looking at the way the procurement process is handled and also to look at what the criteria ought to be for Board review – the ultimate scope of the project. He felt the process is broken into four components and staff is looking to publish a draft RFP, receive comments back from that, looking to have the pre-RFP conference, then release the RFP. He wanted to confirm that this what is being addressed under Question 1, and Ms. Abadessa confirmed that is correct.

QUESTION #3:

In regard to the question if evaluation criteria should be standardized for every project, these comments were offered:

- √ Ms. Abadessa stated that the current practice is for four standard criteria to be used: qualifications of firm, staffing/project management, work plan/technical plan, and cost and price (except for architectural and engineering contracts). The recommendation is to adopt the ranges shown (in the charts presented) as the preferred criteria weights and allow for different weights if project necessitates it with prior approval by procurement manager. (Projects over \$1 million should be reviewed by the Board.)

29. (Continued)

- √ Vice Chair Cavecche inquired if staff feels these four criteria convey what they should, and Ms. Abadessa responded 'yes'.
- √ Director Pringle inquired if there is a "straight-up" purchasing policy, and Ms. Abadessa replied that there is one for construction and capital equipment. Director Pringle asked how that is defined, and Ms. Abadessa responded that the scope is detailed, and the decision would be to award to the lowest bidder.
- √ Director Pringle emphasized that he would like small business participation on the smaller bids when possible.
- √ Vice Chair Cavecche stated that she felt giving points to those who have prior experience with OCTA limits new companies coming in. Director Winterbottom stated he felt the small business conference each year gives opportunities to the small businesses who are looking to do business with OCTA.
- √ Director Pringle stated that when the detailed report comes back of past contract awards, he would like to know which ones under \$100,000 did work for OCTA previously.

QUESTION #4:

In regard to the question of how a firm is evaluated for its qualifications and past performance, these comments were offered:

- √ Ms. Abadessa stated that the current practice is: under the Qualifications category, staff looks at experience performing similar work, strength and stability of firm, and assessment of client references. She stated that recent experience with the ACCESS RFP resulted in two changes: the Status of Past and Present Contracts Form and the Vendor Performance Program.
- √ Ms. Abadessa stated that staff recommendations are: to expand the use of the Status of Past and Present Contracts Form to all RFPs and review firms' past performance with OCTA using the Vendor Performance Program (VPP).
- √ Director Campbell asked why the Status of Past and Present Contracts would be needed on every contract proposed? Director Pringle indicated that he felt just the past five years' history would be sufficient.

QUESTION #5:

In regard to the question if a firm should be placed on a debarred list or be disqualified from future work if in a dispute with OCTA, these comments were offered:

- √ Ms. Abadessa stated that there is no policy or procedure today to handle these types of situations, and the recommendations are to develop a procedure for handling firms involved in a dispute/legal matter with OCTA and continue to assess past performance using the VPP.
- √ Director Pringle stated he felt it was important to not use the power of a “big agency” suing smaller firm, and he opposes permanent disbaring.
- √ Director Wilson offered some comments of what his past business experience was when he worked at Rockwell years ago.
- √ Director Cavecche stated OCTA should have a clear of definition of “dispute” and to put a process in place.
- √ Director Green stated that she thought staff should evaluate these comments and come back to the Board with clear recommendations.

Ms. Abadessa stated that in summary, all the comments and suggestions from today’s workshop will be taken into consideration, and procedures be refined. When that work is completed, the procurement process will come back through the Board in a staff report for their input and final recommendations.

30. Adjournment

The meeting adjourned at 12:40 p.m. Chairman Brown announced that the next regularly scheduled meeting of the OCTA/OCTD/OCLTA/OCSAFE/OCSAAV Board would be held at **9:00 a.m. on April 10, 2006**, at OCTA Headquarters at 600 South Main Street, First Floor - Room 154, Orange, California.

ATTEST

Wendy Knowles
Clerk of the Board

Arthur C. Brown
OCTA Chairman

BOARD COMMITTEE TRANSMITTAL



April 4, 2006

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: State Legislative Status Report

This item will be considered by the Legislative and Government Affairs/Public Communications Committee on April 6, 2006. Following Committee consideration of this matter, staff will provide you with a summary of the discussion and action taken by the Committee.

Please call me if you have any comments or questions concerning this correspondence. I can be reached at (714) 560-5676.



April 6, 2006

To: Legislative and Government Affairs/Public Communications Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: State Legislative Status Report

Overview

A request has been made by Assembly Member Huff to support AB 2361 (Huff, R-Diamond Bar), a bill to implement a portion of the federal surface transportation legislation. A spot bill, SB 1726 (Lowenthal, D-Long Beach) has been introduced regarding bus head signs.

Recommendation

Adopt the following recommended position on legislation:

Support on AB 2361 (Huff, R-Diamond Bar).

Discussion

Newly Analyzed State Legislation

On March 8, 2006, Assembly Member Huff's (R-Diamond Bar) office contacted the Orange County Transportation Authority (OCTA) seeking support for his bill, AB 2361. This bill is one of two proposed bills to implement legislation for the \$106 million Coordinated Border Infrastructure (CBI) Program under the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Current state law requires that all federal funds apportioned to California go to the State Transportation Improvement Program (STIP). However, SAFETEA-LU provides that these funds may only be used within 100 miles of a land border with Canada or Mexico. Absent implementing legislation the funds would still be allocated to projects in the 100-mile region as part of the STIP, however they would count against the county shares of those counties.

AB 2361 exempts CBI funds from the standard distribution and fair share formulas and instead creates a competitive grant process to be programmed by the California Transportation Commission. It also further clarifies that funds must be expended within 100 miles of the California-Mexico border in the counties of San Diego, Imperial, Orange, and Riverside as required in SAFETEA-LU. A priority will be given to projects that have the ability to reduce congestion and facilitate goods movement between the Mexico border and other regions.

SB 1282 (Ducheny, D-San Diego) also seeks to implement the same provision of SAFETEA-LU but through a much different and less clearly defined process, possibly negatively impacting county shares under the STIP.

Although Orange County would be eligible to receive CBI funds under current law and/or SB 1282, it would not result in a net increase in funds as the CBI funds would be exchanged for other STIP funding. Orange County is more likely to receive additional funds overall through the competitive bid process under AB 2361.

Staff recommends: SUPPORT for AB 2361 (Huff, R-Diamond Bar). Attachment A is the bill analysis.

Bus Destination Sign Spot Bill Introduced

The California Transit Association (CTA) has introduced a spot bill to address concerns noted in the 2006 OCTA State Legislative Platform, Section IV.G, regarding the need to update the California Vehicle Code (CVC) with respect to technological advances in bus destination signs.

A number of transit agencies in California have come under increased scrutiny by the California Highway Patrol (CHP) for alleged violations of the CVC related to color light emitting diode destination signs. Various CHP officers have issued citations related to the color, and photometric of the destination signs. The CHP has indicated that flashing and scrolling signs as well as the amber run number on the rear of the bus are not acceptable. Although OCTA has not yet been cited, several other agencies with similar head signs have been cited, such as Los Angeles Metropolitan Transportation Authority.

Several transit agencies are working with the CHP to resolve these issues as technology has changed drastically since the CVC addressed this issue in 1961. If an administrative solution cannot be found, CTA and the member transit agencies are also working with the CHP on a legislative remedy to be carried in SB 1726 (Lowenthal, D-Long Beach).

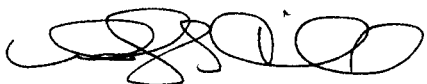
Summary

Assemblyman Huff has requested OCTA's support for AB 2361 to implement a portion of the federal SAFETEA-LU legislation. A spot bill, SB 1726 (Lowenthal, D-Long Beach) has been introduced regarding bus head signs.

Attachments

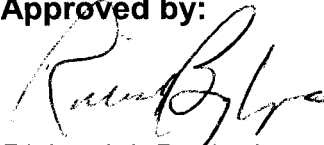
- A. Analysis of AB 2361 (Huff, R-Diamond Bar)
- B. Legislative Matrix

Prepared by:



Wendy Villa
Principal Government Relations
Representative
(714) 560-5595

Approved by:



Richard J. Bacigalupo
Deputy Chief Executive Officer
(714) 560-5901

BILL: AB 2361 (Huff, R-Diamond Bar)
Introduced February 23, 2006

SUBJECT: Implements the Coordinated Border Infrastructure (CBI) Program contained in the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

STATUS: Set for hearing in the Assembly Transportation Committee on April 17, 2006

SUMMARY AS OF MARCH 21, 2006:

AB 2361 would exempt federal SAFETEA-LU funds designated for the CBI program from being subject to current funding distribution and fair share formulas. These funds would instead be programmed by the California Transportation Commission through a competitive grant program. A priority will be given to projects that have the ability to reduce congestion and facilitate goods movement between the Mexico border and other regions. It also specifically requires the funds to be expended within 100 miles of the California-Mexico border in the counties of San Diego, Imperial, Orange, and Riverside.

Under current state law, these funds would be pooled and programmed for projects in the State Transportation Improvement Program (STIP), regardless of proximity to the border. Congress specifically stated that these funds should be used exclusively to enhance mobility near international borders. The author's office introduced the legislation to address the recommendations noted in the Legislative Analyst's Office in their report, Funding for Transportation: What the New Federal Act Means for California. This report states that new legislation is required to clarify that the funds are exempt from the standard STIP distribution, suggests a competitive grant program, and specifically requests that the 100-mile rule be codified. This bill is designed to address those issues and specifically designate this money for the border region.

Another bill introduced by Senator Ducheny (D-San Diego) seeks to implement the same provision of SAFETEA-LU but in a dramatically different way. SB 1282 states that the funds would be distributed through the STIP process although they would be exempted from the "fair share" formulas. It also allows the funds to be used for projects in Mexico. Lastly, nonfederal matching funds may come from any source, including the STIP. However, if STIP is used as matching funds, the amount is deducted from the appropriate county's share. If the project is in Mexico, it is deducted from the county share of the county adjoining the project.

EFFECTS ON ORANGE COUNTY:

The codification of the 100-mile rule could allow OCTA to apply for funds through the competitive grant process for projects in the southern part of the county, such as the I-5. It is unclear what outcome the SB 1282 would bring since the process described in the bill is also very unclear.

OCTA POSITION:

Staff recommends: SUPPORT.

ASSEMBLY BILL

No. 2361

Introduced by Assembly Member Huff

February 23, 2006

An act to add Section 164.1 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2361, as introduced, Huff. Transportation: federal funds: border infrastructure funds.

Existing law generally provides for programming by the California Transportation Commission of state and federal transportation capital improvement funds pursuant to the state transportation improvement program process, subject to various distribution and fair share formulas. Existing federal law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) apportions federal transportation funds to the states for various purposes, including funds for a coordinated border infrastructure program.

This bill would exempt federal funds derived from apportionments made to the state under the coordinated border infrastructure program of SAFETEA-LU from being subject to the funding distribution and fair share formulas. The bill would instead require these funds to be programmed by the commission through a competitive grant program separate from the state transportation improvement program in a manner consistent with federal law, with priority to be given to projects that have the ability to reduce congestion and facilitate goods movement between the Mexico border and other regions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 164.1 is added to the Streets and
2 Highways Code, to read:
3 164.1. Federal funds derived from apportionments made to
4 the state under Section 1101(a)(11) of the federal Safe,
5 Accountable, Flexible, Efficient Transportation Equity Act: A
6 Legacy for Users (SAFETEA-LU) for the coordinated border
7 infrastructure program established under Section 1303 of that act
8 shall not be subject to the programming formulas in Sections
9 164, 188, and 188.5. These funds shall be programmed by the
10 commission through a competitive grant program separate from
11 the state transportation improvement program in a manner
12 consistent with federal law, which requires the funds to be
13 expended within 100 miles of the California-Mexico border in
14 the counties of San Diego, Imperial, Orange, and Riverside.
15 Transportation planning agencies and the department may
16 nominate eligible projects. The commission shall give priority to
17 projects that have the ability to reduce congestion and facilitate
18 goods movement between the Mexico border and other regions.

O

Orange County Transportation Authority Legislative Matrix

(▶ Denotes changes from the last report)

OCTA Sponsor Legislation

- AB 267 **AUTHOR:** Daucher [R]
TITLE: Transportation Projects
LAST AMEND: 08/15/2005
LOCATION: Senate Appropriations Committee
STATUS:
08/25/2005 In SENATE Committee on APPROPRIATIONS: Not heard.
NOTES: LP Sec. III (a) Repayment of local funds
COMMENTARY:
Sponsor bill clarifying Legislature's intent to fully reimburse, without time limits, local agencies that use local funds to advance projects in the STIP. Relevance to OCTA: Ensures reimbursement of local funds expended on STIP projects.
Position: Sponsor
- ▶ AB 2538 **AUTHOR:** Wolk [D]
TITLE: Transportation Funds
INTRODUCED: 02/23/2006
LOCATION: Assembly Transportation Committee
STATUS:
03/13/2006 To ASSEMBLY Committee on TRANSPORTATION
COMMENTARY:
Authorizes each transportation planning agency or county transportation commission to request and receive up to 5% of federal metropolitan planning funds for the purposes of project planning, programming, and monitoring. Establishes a minimum amount allocated for this purpose.
Position: Co-Sponsor

Bills with Official Positions

- AB 372 **AUTHOR:** Nation [D]
TITLE: Public Contracts: Transit Design-Build Contracts
LAST AMEND: 01/11/2006
LOCATION: Senate Transportation and Housing Committee
STATUS:
01/26/2006 To SENATE Committee on TRANSPORTATION AND HOUSING.
COMMENTARY:
Authorizes Transit Operators to enter into a design-build contracts.
Position: Support
- AB 1118 **AUTHOR:** Umberg [D]
TITLE: Nonhighway Vehicles: Disclosure
LAST AMEND: 04/19/2005
LOCATION: Senate Transportation and Housing Committee
STATUS:
06/02/2005 To SENATE Committee on TRANSPORTATION AND HOUSING.
COMMENTARY:
Requires manufacturers of non-highway vehicles, including but not limited to pocketbikes, place a notice on the vehicles that they cannot be operated on highways.
Position: Watch
- ACA 4 **AUTHOR:** Plescia [R]
TITLE: Transportation Investment Fund
LAST AMEND: 05/09/2005
LOCATION: Assembly Appropriations Committee
STATUS:
01/09/2006 From ASSEMBLY Committee on TRANSPORTATION: Be adopted to Committee on APPROPRIATIONS.
NOTES: LP Proposition 42
COMMENTARY:
Deletes Proposition 42 suspension provisions. Relevance to OCTA: Ensures that OCTA, Orange County, and cities receive their share of Proposition 42 annually allowing for better project planning and delivery.
Position: Support
- ACA 11 **AUTHOR:** Oropeza [D]
TITLE: Transportation Funds: Loans
LOCATION: Assembly Appropriations Committee
STATUS:
01/09/2006 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.
COMMENTARY:
Deletes Proposition 42 suspension provisions. Permits up to 2 loans of Proposition 42 funds to the General Fund or to any other state fund or account in a 10 year period provided the first loan is repaid in full prior to permitting a second loan. Relevance to OCTA: Provides better protection of Proposition 42 allowing for better project planning and delivery.
Position: Watch

SB 208 **AUTHOR:** Alquist [D]
TITLE: Transportation Projects: Electronic Fund Transfers
LAST AMEND: 05/31/2005
LOCATION: Assembly Transportation Committee
STATUS:
06/27/2005 In ASSEMBLY Committee on TRANSPORTATION: Not heard.
NOTES: LP Sec. III (h) Removing funding barriers
COMMENTARY:
Requires Caltrans to implement a rapid electronic funds transfer system by June 30, 2006. Relevance to OCTA: Expedites the reimbursement of local funds expended on STIP projects.
Position: Support

► SCA 7 **AUTHOR:** Torlakson [D]
TITLE: Loans of Transportation Revenues and Funds
LAST AMEND: 01/12/2006
FILE: 21
LOCATION: Senate Third Reading File
STATUS:
01/31/2006 In SENATE. Read second time. To third reading
COMMENTARY:
Currently proposes non-substantive changes to the provision of the constitution allowing the suspension of Proposition 42. This is a spot bill for potential Proposition 42 reforms.
Position: Support

Bills being Monitored

- AB 713 **AUTHOR:** Torrico [D]
TITLE: High-Speed Passenger Train Bond Act
LOCATION: Senate Transportation and Housing Committee
STATUS:
06/09/2005 To SENATE Committee on TRANSPORTATION AND HOUSING.
COMMENTARY:
Puts the \$9.95 billion High Speed Rail Bond Act on the Nov. 8, 2008 ballot.
Position: Monitor
- AB 948 **AUTHOR:** Oropeza [D]
TITLE: Design-Build and Transit Operators
LAST AMEND: 04/13/2005
FILE: A-17
LOCATION: Senate Inactive File
STATUS:
07/11/2005 In SENATE. To Inactive File.
COMMENTARY:
Metrolink sponsored bill that would lower the threshold for design build from \$50 million to \$25 million. Would also require a labor compliance program if there is no collective bargaining agreement.
Position: Monitor
- AB 1010 **AUTHOR:** Oropeza [D]
TITLE: Rail Transit
LAST AMEND: 04/06/2005
LOCATION: Senate Energy, Utilities and Communications Committee
STATUS:
06/09/2005 To SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.
COMMENTARY:
Transfers responsibility for rail grade crossing safety from PUC to Caltrans.
Position: Monitor
- AB 1157 **AUTHOR:** Frommer [D]
TITLE: Rail Safety and Traffic Mitigation Bond Act of 2006
LAST AMEND: 02/08/2006
LOCATION: Senate Transportation and Housing Committee
STATUS:
02/08/2006 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments.
02/08/2006 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING.
COMMENTARY:
States the intent of the Legislature to enact legislation providing for a general obligation bond act to be submitted to the voters for approval in order to provide funding for a program to eliminate the most dangerous railroad-highway grade crossings in the state, as identified by the Public Utilities Commission, with funds to be allocated by the Transportation Commission.
Position: Monitor

AB 1699 **AUTHOR:** Frommer [D]
TITLE: Transportation: Highway Construction
LAST AMEND: 05/27/2005
LOCATION: Senate Transportation and Housing Committee
STATUS:
06/15/2005 To SENATE Committee on TRANSPORTATION AND HOUSING.

COMMENTARY:
Authorizes Caltrans or self help counties to construct up to 8 toll road HOT lane projects using design build. Contains a labor compliance component.
Position: Monitor

AB 1783 **AUTHOR:** Nunez [D]
TITLE: Infrastructure Financing
INTRODUCED: 01/04/2006
LOCATION: ASSEMBLY
STATUS:
01/04/2006 INTRODUCED
COMMENTARY:
This bill would provide for the financing of state and local government infrastructure through various funding sources. This is Assembly Democrats Infrastructure Bond Proposal.
Position: Monitor

AB 1838 **AUTHOR:** Oropeza [D]
TITLE: Transportation Bond Acts of 2006, 2008, and 2012
INTRODUCED: 01/10/2006
LOCATION: ASSEMBLY
STATUS:
01/10/2006 INTRODUCED
COMMENTARY:
This bill would authorize general obligation bonds for various transportation purposes, pledges a percentage of existing fuel excise taxes and truck weight fees to offset the cost of the bond debt service, and authorizes transportation entities to use a design-build process for contracting on transportation projects. This is the Administrations Infrastructure Bond Proposal. Identical to SB 1165.
Position: Monitor

AB 1974 **AUTHOR:** Walters [R]
TITLE: High Occupancy Vehicle Lanes
INTRODUCED: 02/09/2006
LOCATION: Assembly Transportation Committee
STATUS:
02/16/2006 To ASSEMBLY Committee on TRANSPORTATION
COMMENTARY:
Authorizes any county board of supervisors to authorize the use of high occupancy vehicle lanes on the state highway system within the county by any highway vehicle, providing that this use is consistent with federal law.
Position: Monitor

- ▶ AB 1990 **AUTHOR:** Walters [R]
TITLE: Eminent Domain
INTRODUCED: 02/09/2006
LOCATION: ASSEMBLY
STATUS:
02/09/2006 INTRODUCED
COMMENTARY:
Prohibits a city, county, special district, school district, community redevelopment agency, or community development commission or joint powers agency from exercising the power of eminent domain to acquire any real property if ownership of the property will be transferred to a private party or private entity.
Position: Monitor
- AB 2028 **AUTHOR:** Huff [R]
TITLE: Transportation Funding
INTRODUCED: 02/14/2006
LOCATION: ASSEMBLY
STATUS:
02/14/2006 INTRODUCED
COMMENTARY:
States the intent of the Legislature to provide an appropriation in the Budget Act of 2007 or in related legislation during the 2007-08 fiscal year to repay fully all funds that would have been transferred to the Transportation Investment Fund in previous fiscal years, but for the enactment of statutes providing for the suspension of those transfers.
Position: Monitor
- ▶ AB 2128 **AUTHOR:** Torrico [D]
TITLE: Tax: Credits: Commuter Benefits
INTRODUCED: 02/21/2006
LOCATION: Assembly Revenue and Taxation Committee
HEARING: 03/27/2006 1:30 p.m.
STATUS:
02/27/2006 To ASSEMBLY Committee on REVENUE AND TAXATION
COMMENTARY:
Authorizes a credit against taxes for each taxable year for costs incurred by a qualified taxpayer to provide commuter benefits to its employees.
Position: Monitor
- ▶ AB 2210 **AUTHOR:** Goldberg [D]
TITLE: Tow Trucks: Regulating
INTRODUCED: 02/22/2006
LOCATION: Assembly Transportation Committee
STATUS:
03/13/2006 To ASSEMBLY Committee on TRANSPORTATION
COMMENTARY:
Allows local authorities to license and regulate tow truck service companies and their operators. Requires a towing company to provide a photo copy of the written authorization to a vehicle owner or an agent of that owner.
Position: Monitor

- ▶ AB 2252 **AUTHOR:** Strickland [R]
TITLE: Environmental Impact Report
INTRODUCED: 02/22/2006
LOCATION: Assembly Local Government Committee
STATUS:
03/13/2006 To ASSEMBLY Committees on LOCAL GOVERNMENT and
NATURAL RESOURCES
COMMENTARY:
Exempts a development project from preparing and completing a 2nd or an
additional environmental impact report if the project complies with applicable
zoning and land use requirements, including the most recently adopted general
plan of a city of a county.
Position: Monitor
- ▶ AB 2286 **AUTHOR:** Torrico [D]
TITLE: Infrastructure Financing Districts in Housing Zones
INTRODUCED: 02/22/2006
LOCATION: Assembly Local Government Committee
STATUS:
03/13/2006 To ASSEMBLY Committee on LOCAL GOVERNMENT
COMMENTARY:
Authorizes the legislative body of a city or county to designate one or more
proposed infrastructure financing districts in housing opportunity zones to be
financed by tax increment financing.
Position: Monitor
- ▶ AB 2290 **AUTHOR:** DeVore [R]
TITLE: State Highway Facilities Designated for Trucks: Fees
INTRODUCED: 02/22/2006
LOCATION: Assembly Transportation Committee
STATUS:
03/02/2006 To ASSEMBLY Committee on TRANSPORTATION
COMMENTARY:
Authorizes the Department of Transportation or regional transportation agencies to
enter into comprehensive development franchise agreements with public and
private entities for the construction of transportation projects on state highways
designated for exclusive use of commercial trucks. Authorizes user fees to be
collected during the franchise agreement period, and authorizes the Transportation
Commission to approve continuation of those fees after termination of the
agreement.
Position: Monitor
- ▶ AB 2295 **AUTHOR:** Arambula [D]
TITLE: Transportation Capital Improvement Projects
INTRODUCED: 02/22/2006
LOCATION: Assembly Transportation Committee
STATUS:
03/02/2006 To ASSEMBLY Committee on TRANSPORTATION
COMMENTARY:
States that local road rehabilitation projects are eligible for funds allocated for
transportation capital improvement funds.
Position: Monitor

ACA X1 4 **AUTHOR:** Keene [R]
TITLE: State Finances
LAST AMEND: 04/11/2005
LOCATION: Assembly Budget Process Committee
STATUS:
04/11/2005 From ASSEMBLY Committee on BUDGET PROCESS with
author's amendments.
04/11/2005 In ASSEMBLY. Read second time and amended.
Re-referred to ASSEMBLY Committee on BUDGET
PROCESS.

COMMENTARY:
Administration's budget report proposal which includes Proposition 98 reform and
Proposition 42 protections.
Position: Monitor

ACA 5 **AUTHOR:** Richman [R]
TITLE: Public Retirement Systems
INTRODUCED: 12/06/2004
LOCATION: Assembly Public Employees, Retirement and Social Security
Committee
STATUS:
04/14/2005 To ASSEMBLY Committee on PUBLIC EMPLOYEES,
RETIREMENT, AND SOCIAL SECURITY

COMMENTARY:
Proposes a constitutional amendment that would prohibit new employees, hired
after July 1, 2007, from participating in a defined benefit plan. These employees
would be limited to a defined contribution plan or retirement system.
Position: Monitor

ACA 7 **AUTHOR:** Nation [D]
TITLE: Local Governmental Taxation
LOCATION: Assembly Appropriations Committee
STATUS:
05/25/2005 In ASSEMBLY Committee on APPROPRIATIONS: Heard,
remains in Committee.

COMMENTARY:
Lowers voter threshold to 55% for special tax measures.
Position: Monitor

ACA 9 **AUTHOR:** Bogh [R]
TITLE: Motor Vehicle Fuel Sales Tax Revenue
LOCATION: Assembly Appropriations Committee
STATUS:
01/09/2006 From ASSEMBLY Committees on TRANSPORTATION: Be
adopted to the Committee on APPROPRIATIONS.

COMMENTARY:
Would amend Prop 42 to require 4/5ths of the legislature to suspend transfer
instead of the current 2/3rds.
Position: Monitor

ACA 22 **AUTHOR:** La Malfa [R]
TITLE: Eminent Domain: Condemnation Proceedings
LAST AMEND: 01/26/2006
LOCATION: Assembly Housing and Community Development Committee
STATUS:
01/26/2006 From ASSEMBLY Committees on HOUSING AND
COMMUNITY DEVELOPMENT with author's amendments.
01/26/2006 In ASSEMBLY. Read second time and amended. Re-
referred to Committee on HOUSING AND COMMUNITY
DEVELOPMENT.

COMMENTARY:

Amends existing eminent domain law to only allow for private property to be taken when it is for a stated public use.

Position: Monitor

ACA 27 **AUTHOR:** McCarthy [R]
TITLE: State Budget: Capital Outlay
LOCATION: ASSEMBLY
STATUS:
01/25/2006 INTRODUCED

COMMENTARY:

Requires that the budget submitted to the Legislature by the Governor allocate, and that the Budget Bill as passed by the Legislature and as signed by the Governor appropriate, General Fund revenues to fund capital outlay projects of statewide significance and interest in an annual amount determined pursuant to a specified schedule.

Position: Monitor

SB 53 **AUTHOR:** Kehoe [D]
TITLE: Redevelopment
LAST AMEND: 08/15/2005
LOCATION: Assembly Local Government Committee
STATUS:
08/15/2005 From ASSEMBLY Committee on LOCAL GOVERNMENT
with author's amendments.
08/15/2005 In ASSEMBLY. Read second time and amended. Re-
referred to Committee on LOCAL GOVERNMENT.

COMMENTARY:

Requires redevelopment plans to contain a description of the agency's program to acquire real property by eminent domain, including prohibitions, if any, on the use of eminent domain, and a time limit for the commencement of eminent domain proceedings.

Position: Monitor

SB 153 **AUTHOR:** Chesbro [D]
TITLE: Clean Water, Safe Parks, Coastal Protection
LAST AMEND: 09/02/2005
LOCATION: Assembly Appropriations Committee
STATUS:
09/02/2005 From ASSEMBLY Committee on APPROPRIATIONS with
author's amendments.
09/02/2005 In ASSEMBLY. Read second time and amended. Re-
referred to Committee on APPROPRIATIONS.

COMMENTARY:

General Obligation Bond for water, parks and open space.

Position: Monitor

SB 172 **AUTHOR:** Torlakson [D]
TITLE: Bay Area State-Owned Toll Bridge: Financing
LAST AMEND: 05/27/2005
LOCATION: Assembly Transportation Committee
STATUS:
06/13/2005 To ASSEMBLY Committee on TRANSPORTATION.
COMMENTARY:
Gives the Bay Area Toll Authority more control over Caltrans construction of toll bridge seismic retrofits in the Bay Area. Requires quarterly reports by Caltrans the projects.
Position: Monitor

SB 371 **AUTHOR:** Torlakson [D]
TITLE: Public Contracts: Design-Build: Transportation
LAST AMEND: 01/23/2006
LOCATION: ASSEMBLY
STATUS:
01/30/2006 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
COMMENTARY:
Design-build spot bill to be jointly authored by Senators Torlakson and Runner.
Position: Monitor

SB 427 **AUTHOR:** Hollingsworth [R]
TITLE: Environmental Quality Act: Scoping Meetings
LAST AMEND: 01/04/2006
LOCATION: Assembly Natural Resources Committee
STATUS:
02/16/2006 To ASSEMBLY Committee on NATURAL RESOURCES
COMMENTARY:
Requires at least one scoping meeting for a project and requires the lead agency to consult with transportation planning agencies that could be affect by a project. Requires notice of at least one scoping meeting be provided to those agencies required to be consulted concerning the project and to require, in the consultation, the project's effect on overpasses, on-ramps, and off-ramps.
Position: Monitor

SB 459 **AUTHOR:** Romero [D]
TITLE: Air Pollution: South Coast District: Locomotives
LAST AMEND: 04/12/2005
LOCATION: Assembly Transportation Committee
STATUS:
06/27/2005 In ASSEMBLY Committee on TRANSPORTATION: Heard, remains in Committee.
COMMENTARY:
Authorizes SCAQMD to collect a fee associated with locomotive air pollution and to expend it for specified mitigation purposes including railroad grade crossings.
Position: Monitor

SB 760 **AUTHOR:** Lowenthal [D]
TITLE: Ports: Congestion Relief: Security Enhancement
LAST AMEND: 05/27/2005
LOCATION: Assembly Appropriations Committee
STATUS:
06/27/2005 From ASSEMBLY Committee on NATURAL RESOURCES:
Do pass to Committee on APPROPRIATIONS.

COMMENTARY:
Authorizes the Ports of Los Angeles and Long Beach to impose a \$30 fee on each Twenty foot Equivalent Unit (TEU). The Port would retain \$10 for improvements and would forward \$10 to AQMD for air quality mitigation, and \$10 to the CTC to use on railroad improvement projects in Orange and other counties.
Position: Monitor

► SB 832 **AUTHOR:** Perata [D]
TITLE: CEQA: Infill Development
LAST AMEND: 05/04/2005
LOCATION: *Assembly Inactive File*
STATUS:
03/02/2006 *In ASSEMBLY. To Inactive File.*

COMMENTARY:
Relates to infill development under the California Environmental Quality Act. Provides an alternative to infill criteria if the site is located in a city with a population of more than 200,000 persons, the site is not more than 10 acres, and the project does not have less than 200 or more than 300 residential units, as adopted by a resolution of the city council. Bill intended to be linked to SB 1024 Infrastructure Bond.
Position: Monitor

SB 1024 **AUTHOR:** Perata [D]
TITLE: Public Works and Improvements: Bond Measure
LAST AMEND: 01/26/2006
LOCATION: ASSEMBLY
STATUS:
01/30/2006 In SENATE. Read third time. Passed SENATE. *****To
ASSEMBLY.

COMMENTARY:
Enacts the Essential Facilities Seismic Retrofit Bond Act of 2005 to place a \$10.3 billion general obligation bond before voters to funds seismic retrofit of essential facilities, including the Bay Bridge, repay Proposition 42 loans, and to facilitate goods movement.
Position: Monitor

SB 1165 **AUTHOR:** Dutton [R]
TITLE: Transportation Bond Acts of 2006, 2008, and 2012
INTRODUCED: 01/10/2006
LOCATION: Senate Transportation and Housing Committee
STATUS:
01/19/2006 To SENATE Committees on TRANSPORTATION AND
HOUSING and ENVIRONMENTAL QUALITY.

COMMENTARY:
This bill would authorize general obligation bonds for various transportation purposes, pledges a percentage of existing fuel excise taxes and truck weight fees to offset the cost of the bond debt service, and authorizes transportation entities to use a design-build process for contracting on transportation projects. This is the Administrations Infrastructure Bond Proposal. Identical to AB 1838.
Position: Monitor

- SB 1431 **AUTHOR:** Cox [R]
TITLE: Public Contracts: Design-Build Contracting: Cities
INTRODUCED: 02/22/2006
LOCATION: Senate Local Government Committee
HEARING: 04/05/2006 9:30 am
STATUS:
03/02/2006 To SENATE Committee on LOCAL GOVERNMENT
COMMENTARY:
Permits any city with the approval of the city council, to enter into specified design-build contracts in accordance with specified provisions. Requires the Legislative Analyst's Office to report to the Legislature regarding the effectiveness of the design-build program.
Position: Monitor
- SB 1593 **AUTHOR:** Runner G [R]
TITLE: Vehicles: Removal: Storage
INTRODUCED: 02/24/2006
LOCATION: Senate Transportation and Housing Committee
HEARING: 04/04/2006 1:30 pm
STATUS:
03/09/2006 To SENATE Committees on TRANSPORTATION AND HOUSING and JUDICIARY
COMMENTARY:
Revises provisions of existing law that requires as part of the conditions under which a vehicle may be removed from private property that a sign of specified dimensions and specified size for lettering conveying specified information be posted on the property.
Position: Monitor
- SCA 15 **AUTHOR:** McClintock [R]
TITLE: Eminent Domain: Condemnation Proceedings
LAST AMEND: 08/23/2005
LOCATION: Senate Judiciary Committee
STATUS:
08/30/2005 In SENATE Committee on JUDICIARY: Failed passage.
08/30/2005 In SENATE Committee on JUDICIARY: Reconsideration granted.
COMMENTARY:
Amends existing eminent domain law to only allow for private property to be taken when it is for a stated public use.
Position: Monitor
- SCA 20 **AUTHOR:** McClintock [R]
TITLE: Eminent Domain: Condemnation Proceedings
INTRODUCED: 01/11/2006
LOCATION: Senate Judiciary Committee
STATUS:
01/19/2006 To SENATE Committees on JUDICIARY and ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS.
COMMENTARY:
Amends existing eminent domain law to only allow for private property to be taken when it is for a stated public use.
Position: Monitor

► SCA 21

AUTHOR: Runner G [R]
TITLE: State Budget
INTRODUCED: 01/11/2006
LOCATION: Senate Budget and Fiscal Review Committee
STATUS:
03/02/2006 In SENATE Committee on BUDGET AND FISCAL REVIEW:
Heard, remains in Committee
COMMENTARY:
Administration's General Fund GO Bond 6% Debt Cap Proposal
Position: Monitor



TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: ^{OK} Wendy Knowles, Clerk of the Board
Subject: Resolution Adopting the National Incident Management System

Security Working Group

March 30, 2006

Present: Directors Brown, Cavecche, Campbell, Correa, Dixon, and Winterbottom
Absent: Director Wilson

Security Working Group Vote

This item was passed by the Directors present.

Security Working Group Recommendation

Approve the resolution adopting the National Incident Management System in accordance with federal emergency management guidelines.

Note: The resolution has been included for your review.

ORANGE COUNTY TRANSPORTATION AUTHORITY

RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, the President of the United States in Homeland Security Presidential Directive HSPD-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive National Incident Management System (NIMS); and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the National Incident Management System (NIMS) standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System (ICS) components of the National Incident Management System (NIMS) are already an integral part of various incident management activities within the Orange County Transportation Authority, including current emergency management training and exercise programs; and

WHEREAS, in 1998 the Orange County Transportation Authority adopted the statewide Standardized Emergency Management System (SEMS) and implemented an emergency management program involving all local governments in the creation of the Orange County Operational Area; and

WHEREAS, the California Standardized Emergency Management System (SEMS) substantially meets the objectives of the National Incident Management System (NIMS); and

WHEREAS, the Orange County Transportation Authority Manager of Security and Threat Assessment will ensure that Authority personnel who are part of the emergency organization, and who are designated as California Disaster Service Workers (according to California Government Code Sections 3100 through 3109), are trained and prepared to respond; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

WHEREAS, pursuant to the President's Executive Order, Homeland Security Presidential Directive HSPD-5, local governments are required to establish the National Incident Management System (NIMS) as the standard for incident management.

NOW, THEREFORE, BE IT RESOLVED by the ORANGE COUNTY TRANSPORTATION AUTHORITY that the Orange County Transportation Authority Board of Directors does hereby approve and adopt the National Incident Management System (NIMS) for the already established Orange County Operational Area and directs the Chief Executive Officer to implement the National Incident Management System (NIMS), including the delivery of an Authority wide employee training program.

ADOPTED, SIGNED, AND APPROVED this _____ day of _____, 2006.

AYES:

NOES:

ABSENT:

ATTEST:

Wendy Knowles
Clerk of the Board

Arthur C. Brown, Chairman
Orange County Transportation Authority

Approved as to Form

By: _____
Kennard R. Smart, Jr., Esq.
General Counsel to OCTA



March 30, 2006

To: Security Working Group
From: *RB for ATL*
Arthur T. Leahy, Chief Executive Officer
Subject: Resolution Adopting the National Incident Management System

Overview

The Orange County Transportation Authority is required to adopt the National Incident Management System for emergency response coordination in order to maintain the agency's eligibility to receive federal grant funding related to emergency management and homeland security.

Recommendation

Approve the resolution adopting the National Incident Management System in accordance with federal emergency management guidelines.

Background

Through Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents, the President of the United States directed the Department of Homeland Security to develop, review, and administer a National Incident Management System (NIMS). The NIMS represents a consistent national approach to coordinate resources and more effectively and efficiently prevent, prepare for, respond to, and recover from domestic incidents regardless of cause, size, or complexity. The NIMS was designed from the foundational structure and successes of the Standardized Emergency Management System (SEMS). The NIMS also includes the Incident Command System (ICS) component which is a nationally utilized on-scene emergency management system. The Orange County Transportation Authority (OCTA) adopted the statewide SEMS and ICS protocol in 1998. Thus, the primary components in the NIMS are currently an integral part of the OCTA emergency management plan and protocol.

Discussion

In the event of a natural disaster or terrorist attack all federal, state, local, and tribal emergency response agencies should coordinate their efforts with a goal of providing the highest level of incident emergency management. The NIMS standardized procedures for managing personnel, communications facilities, and resources is designed to assist OCTA's ability to enhance local agency readiness and streamline incident management coordination.

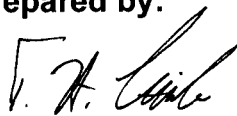
Summary

The adoption of this resolution and OCTA's implementation of the NIMS procedures and protocol will maintain OCTA's eligibility for federal emergency management and Homeland Security funding and help ensure our ability to respond to a major emergency.

Attachment

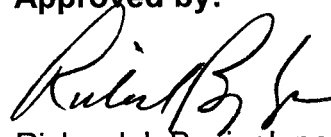
None.

Prepared by:



Thomas H. Little
Manager of Security
(714) 560-5918

Approved by:



Richard J. Bacigalupo
Deputy Chief Executive Officer
(714) 560-5901



BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject Cooperative Agreement with the California Department of Transportation for the Imperial Highway Grade Separation Project

Regional Planning and Highways Committee

April 3, 2006

Present: Directors Correa, Cavecche, Green, Monahan, Norby, Ritschel, and Rosen
Absent: Director Dixon

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute a cooperative agreement with the California Department of Transportation for the Imperial Highway Grade Separation project.



April 3, 2006

To: Regional Planning and Highways Committee
From: Arthur T. Leahy, ^{AL} Chief Executive Officer
Subject: Cooperative Agreement with the California Department of Transportation for the Imperial Highway Grade Separation Project

Overview

The Imperial Highway Grade Separation project is currently underway and is ready to enter the construction phase. The Orange County Transportation Authority is providing the funding for this project through the State Transportation Improvement Program. The project also received a federal earmark under the Transportation Equity Act for the 21st Century. A cooperative agreement with the California Department of Transportation is required for the use of the federal earmark.

Recommendation

Authorize the Chief Executive Officer to execute a cooperative agreement with the California Department of Transportation for the Imperial Highway Grade Separation project.

Background

The Orange County Transportation Authority (OCTA) has long supported the Imperial Highway Grade Separation project. OCTA included this project as one of the priorities of the 1998 State Transportation Improvement Program (STIP) and all subsequent STIPs. Since that time, OCTA has been working in close cooperation with the California Department of Transportation (Caltrans) District 12 to deliver this project.

The Imperial Highway Grade Separation project received a federal earmark in the amount of \$1.7 million under the Transportation Equity Act for the 21st Century. This earmark requires a 20 percent match, \$435,303, in order to access the funds.

OCTA has an existing soft match credit of approximately \$104 million with the Federal Highway Administration from the expenditures to construct the 91 Express Lanes. There is language in the United States Code (U.S.C) Title 23 section 1217(i) which states that “private entity expenditures to construct the SR-91 toll road located in Orange County, California, from SR-55 to the Riverside County line may be credited toward the State matching share for any Federal-aid project beginning construction after the SR-91 toll road was opened for traffic.” As the owner and operator of this toll road, OCTA is entitled to the soft match credit. This credit is available only to federal-aid projects and cannot be used to supplement or augment any locally funded projects.

Discussion

The Imperial Highway project is currently underway and is ready to enter the construction phase. OCTA is providing the funding for the Imperial Highway project through the STIP. The project also received a federal earmark under the Transportation Equity Act for the 21st Century. Caltrans is responsible for delivering the project. In order to proceed with the construction phase of this project, OCTA is required to access the federal earmark and provide the matching funds. Caltrans requires a cooperative agreement which outlines the funding sources and responsibilities of each agency. This is a standard requirement for Caltrans when delivering projects funded by another agency.

The federal earmark requires a 20 percent match, which is standard for federal earmarks. Staff recommends the use of \$435,303 of the soft match credit as the required match for the earmark.

Summary

The OCTA is required to supply a 20 percent match for the federal earmark on the Imperial Highway project. OCTA has a soft match credit which can be utilized to meet the federal match requirement. Caltrans requires a cooperative agreement which outlines the funding sources and responsibilities of each agency to deliver the project. Staff recommends utilizing the soft match credit and executing the cooperative agreement with Caltrans.

Attachment

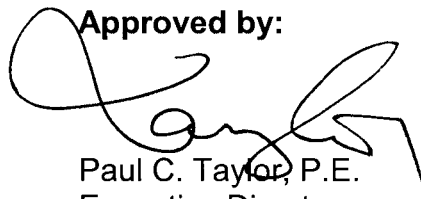
A. District Agreement NO. 12-547

Prepared by:



Jennifer Bergener
Section Manager, Capital Programs
(714) 560-5462

Approved by:



Paul C. Taylor, P.E.
Executive Director
Planning, Development and Commuter
Services
(714) 560-5431

District Agreement NO. 12-547

12-0RA-90 KP 18.99/20.28
Construct Grade Separation at Route 90 and the
Orangethorpe/Esperanza Road
12208-056211
District Agreement No. 12-547

LOCAL ASSISTANCE CONTRIBUTION AGREEMENT

THIS AGREEMENT, ENTERED INTO EFFECTIVE ON _____, 2006, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and the

ORANGE COUNTY TRANSPORTATION
AUTHORITY,
A public entity, referred to herein as
"AUTHORITY"

RECITALS

1. STATE and the AUTHORITY , pursuant to Streets and Highways Code Section 130, are authorized to enter into a cooperative agreement to contribute funds for improvements to State Highways within the County of Orange.
2. STATE contemplates the construction of a Grade Separation Project located at State Route90 and Orangethorpe Avenue/Esperanza Road referred to herein as "PROJECT.
3. AUTHORITY desires to contribute SOFT MATCH CREDIT funds apportionment(s) of non-federal funds in the amount of \$435,303 , referred to herein as "MATCH FUNDS", to be matched with a federal DEMO funds in the amount of \$1,741,211, referred to herein as "FUNDS" to be delivered by City of Anaheim as described in District Agreement 12-542, both sets of FUNDS and MATCH FUNDS to be applied towards allowable PROJECT costs as shown on Exhibit "A" (Contribution Letter for State Administered Projects) and Exhibit "B" (Finance Letter for State Administrated Projects with Local Programs Funding) attached to and made a part of this Agreement.
4. The parties hereto intend to define herein the terms and conditions under which PROJECT is to be partially financed by this AUTHORITY contribution of MATCH FUNDS .

SECTION I

STATE AGREES:

1. To undertake and complete PROJECT.
2. Any additional amount required in excess of these FUNDS and MATCH FUNDS to complete PROJECT pursuant to this Agreement will be borne by STATE, unless otherwise agreed to by AUTHORITY pursuant to an amendment to this Agreement.
3. To process all Federal authorizations, State allocations, and/or State application of funds on behalf of AUTHORITY as applicable under Federal and State law for the contribution of MATCH FUNDS towards PROJECT.
4. To obtain AUTHORITY approval in the form of an amendment to this Agreement, should additional available MATCH FUNDS be required for PROJECT.

SECTION II

AUTHORITY AGREES:

1. STATE may encumber MATCH FUNDS as identified in Exhibits "A" and "B", towards PROJECT.
2. To program all PROJECT funding in the appropriate RTIP, FTIP and STIP documents, and process all amendments thereto for any funding changes to PROJECT.
3. In the event changes to the MATCH FUNDS are necessary, to promptly notify STATE to determine if an Amendment to this Agreement should be executed to reflect said changes.
4. To enter into a separate cooperative agreement or an amendment to this Agreement with STATE when funds other than MATCH FUNDS that are under the direct control of AUTHORITY are to be contributed towards PROJECT or when any portion of the work on PROJECT is to be performed by AUTHORITY.

SECTION III

IT IS MUTUALLY AGREED:

1. All obligations of STATE under the terms of this Agreement are subject to the State Budget Act authority, the appropriation of resources by the Legislature the allocation of resources by the California Transportation Commission, and the encumbrance of those MATCH FUNDS to PROJECT.
2. The expenditure of MATCH FUNDS under the sole control of AUTHORITY by STATE is subject to the programming and appropriation of those funds by AUTHORITY.
3. Exhibit "A" may be revised by mutual agreement of the parties in the absence of a formal Agreement amending this Agreement to reflect funding increases by the approval of PROJECT manager with the consent of AUTHORITY. No amendment to this Agreement is necessary to reflect such increases in funding. Exhibit "A" and "B" revision shall be the responsibility of the STATE's District 12 Local Assistance Office.
4. Neither AUTHORITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the AUTHORITY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement.
5. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by AUTHORITY under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that AUTHORITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by AUTHORITY under this Agreement
4. 6 This Agreement shall terminate following completion of PROJECT or on June 30, 2010, whichever is earlier in time.

STATE OF CALIFORNIA

ORANGE COUNTY TRANSPORTATION
AUTHORITY

Department of Transportation

By: _____

WILL KEMPTON

Director of Transportation

By: _____

Jim Beil
Deputy District Director
CAPITAL PROJECTS

APPROVED AS TO FORM

By:

Approved as to form and procedure:

By: _____

Attorney
Department of Transportation

Certified as to FINANCIAL:
TERMS AND CONDITIONS

By: _____

HQ Accounting Administrator

CERTIFIED AS TO FUNDS:

By: _____

District Budget Manager



BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject: High-Speed Rail and Magnetic Levitation Status Report

Transit Planning and Operations Committee

March 23, 2006

Present: Directors Winterbottom, Brown, Silva, Duvall, and Green
Absent: Directors Pulido and Norby

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Direct staff to take steps to continue to monitor, solicit information, evaluate, and probe these high-speed rail and magnetic levitation initiatives for possible future action by the Board of Directors.



March 23, 2006

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, ^{AV} Chief Executive Officer
Subject: High-Speed Rail and Magnetic Levitation Status Report

Overview

Various planning and conceptual engineering efforts are underway to implement high-speed rail and magnetic levitation initiatives in Southern California and Orange County. This status report provides an update on these initiatives for Board of Directors review.

Recommendation

Direct staff to take steps to continue to monitor, solicit information, evaluate, and probe these high-speed rail and magnetic levitation initiatives for possible future action by the Board of Directors.

Background

There are one high-speed rail and three magnetic levitation (maglev) initiatives currently under development in the Southern California region that could serve Orange County. Each effort has its own set of distinct challenges involving alignment, funding, environmental issues, political support, phasing, and technology. Attachment A provides an overall map of these initiatives.

The initiatives include:

1. California High-Speed Train
2. Orangeline Maglev
3. Los Angeles International Airport (LAX)-South (Orange County) Maglev
4. Anaheim-Ontario Maglev

The status of each of these future potential projects is provided below.

Discussion**1. California High-Speed Train**

In November 2005, the California High-Speed Rail Authority (CHSRA) Board of Directors voted unanimously to certify the final program-level Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for a 700-mile high-speed train system serving Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. High-speed trains would be capable of a maximum speed of 200 miles per hour from San Francisco to Orange County. The system is forecast to carry between 42 and 68 million passengers per year by 2020.

Governor's Schwarzenegger's \$222 billion, ten-year public works bond proposal unveiled in early January 2006 included no funding for CHSRA, a state agency. The Schwarzenegger Administration and some members of the California State Legislature have stated that they intend to remove the \$9.95 billion high-speed rail bond measure currently on the November 2006 ballot. SB 1024 (Perata, D-Oakland) proposes funding of \$1 billion for the CHSRA.

As directed by the Orange County Transportation Authority (OCTA) Board of Directors (Board) on October 14, 2005, staff has been working with CHSRA staff to develop a Memorandum of Understanding (MOU) to jumpstart the project-specific EIR/EIS for the Los Angeles Union Station to Orange County segment. This would answer questions concerning the impacts and possible alternatives between Anaheim and Irvine. This EIR/EIS will be coordinated with planned OCTA track and station improvements associated with the Metrolink expansion.

2. Orangeline Maglev System

The proposed maglev line is from Palmdale to Los Angeles Union Passenger Terminal (Union Station) to Orange County, generally along Union Pacific's Stanton branch and the Pacific Electric (PE) Right-of-Way (ROW), owned by OCTA in Orange County and the Los Angeles County Metropolitan Transportation Authority (LACMTA) in Los Angeles County.

A joint powers authority (JPA), the Orangeline Development Authority (OLDA), has been formed. Work is now underway on preliminary engineering and financing. The proposal is for an elevated high-speed maglev system. According to OLDA, to the extent possible, the construction and operations will be financed through the private sector.

Neither LACMTA nor OCTA have taken a position on a proposed maglev line on the PE ROW since environmental and community impacts have not been addressed through a formal environmental document. However, staff continues to attend monthly OLDA board meetings to monitor developments of the Orangeline.

3. LAX-South Maglev

The Southern California Association of Governments (SCAG) completed this corridor study in October 2004. The corridor is proposed to have stations at Union Station, West Los Angeles, LAX, Carson, Long Beach, Seal Beach, Huntington Beach, John Wayne Airport (JWA), the Irvine Transportation Center, Santa Ana, and Anaheim. Operations of this maglev are proposed to be self-financing from user revenue.

OCTA has not taken action on this initiative. The Preferred Alternative of the recently completed San Diego Freeway (Interstate 405) Major Investment Study includes one additional general purpose traffic lane in each direction, which uses most of the California Department of Transportation's (Caltrans) ROW. Any future fixed guideway transit system (such as maglev) may require the additional acquisition of ROW along the Interstate 405 (I-405) corridor.

4. Anaheim-Ontario Maglev Corridor:

This project is part of a larger maglev initiative planned from Anaheim to Las Vegas. The environmental scoping document has been completed. The Nevada Department of Transportation (NDOT) is the sponsoring agency of the environmental work, with support from Caltrans. American Magline Group (AMG), a private sector consortium, has been leading the technical work on the corridor. California-Nevada Super Speed Train Commission (CNSSTC) is the project sponsor. OCTA has contributed a total of \$175,000 to support early planning and match federal grants.

The Anaheim-Ontario corridor is not part of the Initial Operating Segment (IOS), and is proposed to be built some time after the Las Vegas-Primm segment. The issues of environmental challenges and the inclusion of an intermediate station between Anaheim and Ontario to provide more commuting services is still an open issue and will be examined in the EIS. Any future fixed guideway transit system (such as maglev) may require the additional acquisition of ROW along the Riverside Freeway (State Route 91) corridor (particularly east of Foothill Eastern Transportation Corridor [State Route 241]) or require elevation above the existing ROW.

No work has begun on the environmental documents since the completion of the scoping process. Funding (\$45 million) was earmarked for the Las Vegas-Primm segment in the recently passed federal transportation bill (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users). A technical correction to the federal act language making funding available for the entire route (Anaheim – Las Vegas) was discussed, but has not been implemented thus far.

The following is a comparison of the four systems regarding ridership, distance, proposed stations, capital costs, and whether the Orange County segment of the respective system is part of the IOS. Each of these projects competes for limited transportation ROW in or along rail or freeway corridors.

System	Weekday Ridership Est. (year 2025)	Dist.	Southern California Stations	Capital Cost (year 2000 dollars)	OC Part of Initial System
California High-Speed Rail Authority (steel wheels train)	150,000 to 230,000	700 miles	Union Station, Norwalk and possible O.C. stations: , Fullerton, Anaheim, Santa Ana, and Irvine	\$33-\$37 Billion (statewide)	Maybe
Orangeline Maglev	New estimate being developed	110 miles	Palmdale to Union Station to an Orange County terminus TBD	\$10 Billion	Yes
LAX-OC Maglev (Southern Alignment with extensions to Union Station, Long Beach, and Anaheim)	254,000	87 miles	Union Station, West LA, LAX, Carson, Long Beach Airport (or I-405 Blue Line Station), Seal Beach, Huntington, John Wayne Airport, Santa Ana, Anaheim, Irvine Transportation Center	\$8.4 Billion	Maybe
Anaheim-Ontario Maglev	39,000	32 miles	Anaheim, Ontario Airport	\$2.8 Billion	No (Las Vegas-Primm, NV is the Initial Operating Segment)

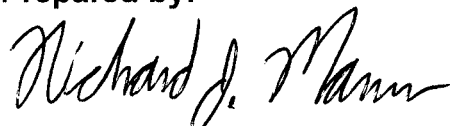
Summary

Various efforts are underway to provide high-speed ground transportation to Orange County residents, commuters, and visitors. OCTA staff will continue to monitor the development of the initiatives that affect Orange County and attend the respective meetings of each entity in order to represent Orange County interests. In addition, as directed by the Board, OCTA staff will develop an MOU with CHSRA to explore project-specific environmental work and preliminary engineering on the Anaheim to Los Angeles segment of the California High-Speed Train.

Attachment

- A. Proposed High-Speed Rail and Maglev Corridors

Prepared by:



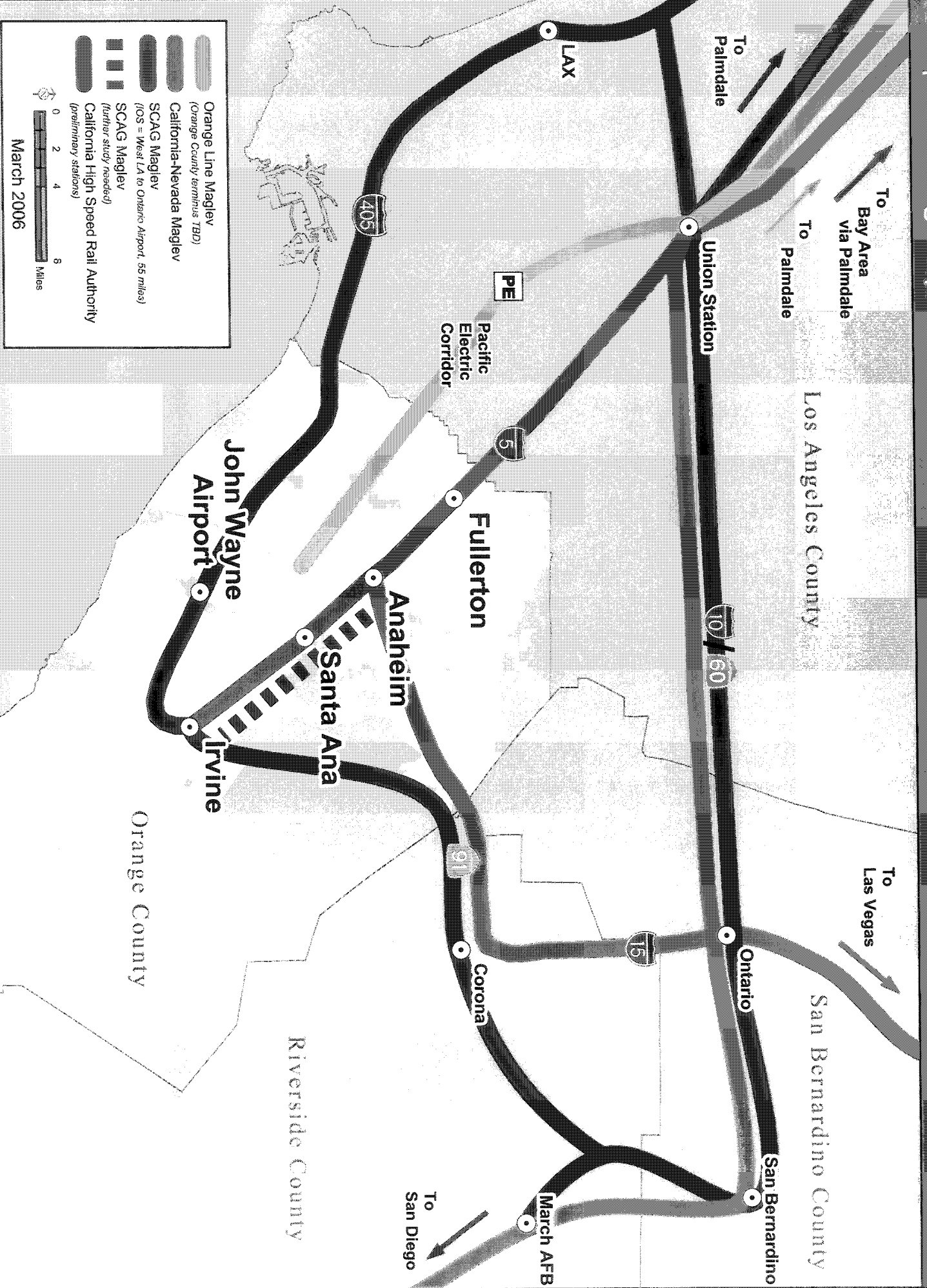
Richard J. Marcus
Section Manager II
(714) 560-5832

Approved by:



Paul C. Taylor, P.E.
Executive Director
Planning, Development and
Communications
(714) 560-5431

Proposed High-Speed Rail and Maglev Corridors



Portions of this map were prepared by Thomson Data Maps and reproduced with permission.



BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Amendment to Agreement for Temporary Staffing Services Contracts

Finance and Administration Committee

March 22, 2006

Present: Directors Wilson, Duvall, Correa, Cavecche and Pringle
Absent: Director Campbell

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 1 to on-call Agreement C-5-0938 with Corestaff Services, Agreement C-5-2439 with Focus On Temps, Inc., and Agreement C-5-2438 with PDQ Personnel Services, Inc., and the Orange County Transportation Authority, in an amount not to exceed \$400,000, to exercise the first option year for the period of July 1, 2006, to June 30, 2007, for all three agreements.



March 22, 2006

To: Finance and Administration Committee
From: *ATL*
Arthur T. Leahy, Chief Executive Officer
Subject: Amendment to Agreement for Temporary Staffing Services Contracts

Overview

On June 13, 2005, the Board of Directors approved an agreement with Corestaff Services, Focus On Temps, Inc., and PDQ Personnel Services, Inc., in the amount of \$340,000 per year, to provide temporary staffing services. The firms were retained in accordance with the Orange County Transportation Authority's procurement procedures for temporary staffing services.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 1 to on-call Agreement C-5-0938 with Corestaff Services, Agreement C-5-2439 with Focus On Temps, Inc., and Agreement C-5-2438 with PDQ Personnel Services, Inc., and the Orange County Transportation Authority, in an amount not to exceed \$400,000, to exercise the first option year for the period of July 1, 2006, to June 30, 2007, for all three agreements.

Background

The Orange County Transportation Authority (OCTA) uses temporary staffing services for personnel coverage due to prolonged illness, leaves of absence, extended position vacancies, additional staff requirements for special projects, for heavy workload demands and unforeseen circumstances. To provide on-call services for temporary personnel for OCTA, the Board awarded agreements to Corestaff Services, Focus On Temps, Inc., and PDQ Personnel Services, Inc., on June 13, 2005, for a one-year period, in the amount of \$340,000, with four option years.

Discussion

This procurement was originally handled in accordance with the OCTA's procedures for professional services. The original agreement was awarded on a competitive basis. It has become necessary to amend the agreement to continue to utilize temporary staffing services.

A formal Request for Proposals was conducted on March 18, 2005. Eleven proposals were received on April 11, 2005. An evaluation committee composed of staff from the Contracts Administration and Materials Management, Risk Management, Financial Planning and Analysis, Accounting, and Human Resources departments evaluated the proposals. All proposals were evaluated on the following criteria: qualifications of the firm/related experience; staffing and project organization; work plan, and cost. The evaluation committee found three proposals responsive and recommended an agreement be entered into with all three to allow greater flexibility and selection of temporary staff.

For the period of July 1, 2006, to June 30, 2007, contract billable rates are scheduled to increase as indicated below:

Corestaff Services billable rates will remain the same on all positions.

Focus On Temps, Inc., billable rates will increase on three positions by 2 percent to 3 percent or 72 cents per hour for each position.

PDQ Personnel Services, Inc. billable rates will increase on all positions by approximately 3 percent ranging from 43 cents to 84 cents per hour.

To date, Corestaff Services has supplied approximately 72 percent of OCTA temporary personnel, Focus On Temps has supplied approximately 24 percent of OCTA temporary personnel, and PDQ has supplied approximately 4 percent of OCTA temporary personnel. However, staff recommends extending all three contracts to allow for maximum flexibility when recruiting for temporary personnel in the upcoming year.

Based on OCTA's continued high vacancy rate, an analysis of expenses incurred to date, an analysis of the projected demand for temporary staffing services, and the scheduled increases in contract billing rates, additional funds are required to continue to provide efficient temporary services as needed at the OCTA during illnesses, vacations, peak projects, and other unique circumstances.

Fiscal Impact

Funds are budgeted by each division for temporary staffing needs and will be budgeted in the fiscal year 2006-07 budget for \$400,000 for Account 7617 – Temporary Services.

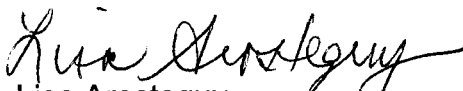
Summary

The original agreement awarded on June 13, 2005, was in the amount of \$340,000. Based on the continued need for temporary services support, staff recommends approval of Amendment No. 1, in the amount of \$400,000, to Agreement C-5-0938 with Corestaff Services, Agreement C-5-2438 with PDQ Personnel Services, Inc., and Agreement C-5-2439 with Focus On Temps, Inc., to exercise the first option year for the period of July 1, 2006, to June 30, 2007, for an aggregate amount of \$740,000.

Attachments

- A. Corestaff Services, PDQ Personnel Services, Inc., and Focus on Temps, Inc., Agreements C-5-0938, C-5-2438, and C-5-2439 Fact Sheet.
- B. Temporary Staffing Services Billable Rates.

Prepared by:



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Approved by:



James S. Kenan
Executive Director, Finance
Administration and Human Resources
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ATTACHMENT A

Corestaff Services, PDQ Personnel Services, Inc., and Focus On Temps, Inc. Agreement C-5-0938, C-5-2438 and C-5-2439 Fact Sheet

1. June 13, 2005, Agreement C-5-0938, C-5-2438 and C-5-2439, \$340,000, approved by Board of Directors.
 - The agreement was to provide for on-call temporary staffing services.
2. February 27, 2006, Amendment No. 1 to Agreement C-5-0938, C-5-2438 and C-5-2439, \$400,000, pending approval by Board of Directors.
 - This amendment will provide for additional funds for on-call temporary staffing services for increased costs associated with temporary staffing needs.

Total committed to Corestaff Services, Agreement C-5-0938, PDQ Personnel Services, Inc., Agreement C-5-2438, and Focus On Temps, Inc., Agreement C-5-2439: \$740,000 for the initial year and first year option.

Temporary Staffing Services Billable Rates

ATTACHMENT B

CORESTAFF Services

Classification Title	Wage	Billable Rate - Initial Year	Billable Rate - First Year Option	Billable Rate - Second Year Option	Billable Rate - Third Year Option	Billable Rate - Fourth Year Option
Accountant, Associate	\$22.00	\$30.36	\$30.36	\$30.47	\$30.47	\$30.58
Financial Analyst, Associate	\$22.00	\$30.36	\$30.36	\$30.47	\$30.47	\$30.58
Benefits Specialist, Associate	\$20.00	\$27.60	\$27.60	\$27.70	\$27.70	\$27.80
Office Specialist, Assistant	\$15.50	\$21.39	\$21.39	\$21.47	\$21.47	\$21.54
Office Specialist	\$17.50	\$24.15	\$24.15	\$24.24	\$24.24	\$24.33
Office Specialist, Senior	\$19.00	\$26.22	\$26.22	\$26.32	\$26.32	\$26.41
Secretary, Executive	\$20.00	\$27.60	\$27.60	\$27.70	\$27.70	\$27.80
Secretary, Senior Executive	\$24.00	\$33.12	\$33.12	\$33.24	\$33.24	\$33.36
Customer Relations Representative	\$15.50	\$21.39	\$21.39	\$21.47	\$21.47	\$21.55

FOCUS ON TEMPS, Inc.

Classification Title	Wage	Billable Rate - Initial Year	Billable Rate - First Year Option	Billable Rate - Second Year Option	Billable Rate - Third Year Option	Billable Rate - Fourth Year Option
Accountant, Associate	\$22.00	\$31.68	\$31.68	\$31.79	\$31.79	\$31.79
Financial Analyst, Associate	\$22.00	\$31.68	\$31.68	\$31.79	\$31.79	\$31.79
Benefits Specialist, Associate	\$20.00	\$28.80	\$28.80	\$28.90	\$28.90	\$28.90
Office Specialist, Assistant	\$15.00	\$21.60	\$22.32	\$22.76	\$22.76	\$22.76
Office Specialist	\$17.50	\$25.20	\$25.20	\$25.65	\$25.65	\$25.65
Office Specialist, Senior	\$18.50	\$26.64	\$27.36	\$27.46	\$27.46	\$27.46
Secretary, Executive	\$20.00	\$28.80	\$28.80	\$29.26	\$29.26	\$29.26
Secretary, Senior Executive	\$23.00	\$33.12	\$33.84	\$34.68	\$34.68	\$34.68
Customer Relations Representative	\$15.50	\$22.32	\$22.32	\$22.76	\$22.76	\$22.76

PDQ Careers

Classification Title	Wage	Billable Rate - Initial Year	Billable Rate - First Year Option	Billable Rate - Second Year Option	Billable Rate - Third Year Option	Billable Rate - Fourth Year Option
Accountant, Associate	\$17.48	\$25.35	\$26.10	\$26.88	\$27.70	\$28.52
Financial Analyst, Associate	\$17.48	\$25.35	\$26.10	\$26.88	\$27.71	\$28.52
Benefits Specialist, Associate	\$16.16	\$23.43	\$24.13	\$24.85	\$25.59	\$26.36
Office Specialist, Assistant	\$10.78	\$15.63	\$16.10	\$16.57	\$17.07	\$17.57
Office Specialist	\$13.27	\$19.24	\$19.82	\$20.42	\$21.03	\$21.66
Office Specialist, Senior	\$14.28	\$20.71	\$21.33	\$21.97	\$22.62	\$23.30
Secretary, Executive	\$16.16	\$23.43	\$24.13	\$24.85	\$25.59	\$26.36
Secretary, Senior Executive	\$19.19	\$27.83	\$28.67	\$29.52	\$30.41	\$31.32
Customer Relations Representative	\$12.25	\$17.76	\$18.30	\$18.85	\$19.42	\$20.00



BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WK}
Subject Request to Conduct a Workshop and Public Hearing on the Orange County Transportation Authority Fiscal Year 2006-07 Proposed Budget

Finance and Administration Committee

March 22, 2006

Present: Directors Wilson, Duvall, Correa, Cavecche and Pringle
Absent: Director Campbell

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize staff to schedule a two hour budget workshop for May 8, 2006, and conduct a public hearing on June 12, 2006, and proceed with all public noticing requirements.



March 22, 2006

To: Finance and Administration Committee
From: *RB for ATL*
Arthur T. Leahy, Chief Executive Officer
Subject: Request to Conduct a Workshop and Public Hearing on the Orange County Transportation Authority Fiscal Year 2006-07 Proposed Budget

Overview

The Orange County Transportation Authority is developing the fiscal year 2006-07 proposed budget which identifies available revenues and the costs associated with providing transportation services and programs to the commuters of Orange County. As part of the budget process, the Board of Directors reviews the proposed budget in detail in an open workshop setting in May and invites public comment during a public hearing convened in June.

Recommendation

Authorize staff to schedule a two hour budget workshop for May 8, 2006, and conduct a public hearing on June 12, 2006, and proceed with all public noticing requirements.

Background

The preparation of the Orange County Transportation Authority's (OCTA) annual budget began in January 2006, with the integration of revenue, service plan, labor, and capital assumptions defined in the 2006 Comprehensive Business Plan. The revenue and expenditure plans underwent successive reviews, with results presented to executive management. The proposed budget has since been subject to continuous revision to ensure a fiscally responsible and balanced financial plan.

Discussion

Staff is committed to providing adequate time for each member of the Board of Directors (Board) to review and comment on the proposed budget. The following budget review schedule allows Board Members to review the fiscal

**Request to Conduct a Workshop and Public Hearing on the
Orange County Transportation Authority Fiscal Year 2006-07
Proposed Budget**

Page 2

year 2006-07 proposed budget at the workshop and at each Committee Meeting prior to receiving comments from the public at the public hearing. The schedule of events is as follows:

May 8, 2006	Board conducts budget workshop (immediately following regular Board Meeting)
May 10	Finance and Administration Committee (follow-up from Budget Workshop)
May 11	Transit Planning and Operations Committee
May 15	Regional Planning and Highways Committee
May 18	Legislative and Government Affairs/Public Communications Committee
May 24	Finance and Administration Committee
May 25	Transit Planning and Operations Committee
June 1	Legislative and Government Affairs/Public Communications Committee
June 5	Executive Committee
June 5	Regional Planning and Highways Committee
June 8	Transit Planning and Operations Committee
June 12	Board Meeting - public hearing for the proposed fiscal year 2006-07 budget and approval, if appropriate
June 26, 2006	Board Meeting - approval of fiscal year 2006-07 budget (if not approved following the public hearing at the June 12, 2006, Board Meeting)

Please note that the budget workshop on May 8, 2006, is scheduled for two hours and will be conducted immediately following the regular OCTA Board Meeting.

In addition to these scheduled reviews, staff is available for more detailed discussions with individual Board Members on an as requested basis.

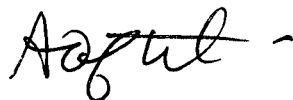
Summary

Staff requests approval to schedule a budget workshop on May 8, 2006, and conduct a public hearing on June 12, 2006, to receive comments regarding Orange County Transportation Authority's Fiscal Year 2006-07 Proposed Budget.

Attachment

None.

Prepared by:



Andy Oftelie
Department Manager
Financial Planning & Analysis
(714) 560-5649

Approved by:



James S. Kenan
Executive Director, Finance,
Administration and Human Resources
(714) 560-5678



Item 8.

BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WK}
Subject: Amendment to Agreement for South County Senior Services

Transit Planning and Operations Committee

March 23, 2006

Present: Directors Winterbottom, Brown, Silva, Duvall, and Green
Absent: Directors Pulido and Norby

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 5 to Agreement C-2-0306 between the Orange County Transportation Authority and South County Senior Services, in an amount not to exceed \$231,839, for the provision of adult day healthcare transportation through June 30, 2007.



March 23, 2006

To: Transportation Planning and Operations Committee
From: Arthur T. Leahy, ^{ALW} Chief Executive Officer
Subject: Amendment to Agreement for South County Senior Services

Overview

On May 30, 2002, the Board of Directors approved an agreement with South County Senior Services, in the amount of \$132,000, to provide adult day healthcare transportation. South County Senior Services was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional/technical services.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 5 to Agreement C-2-0306 between the Orange County Transportation Authority and South County Senior Services, in an amount not to exceed \$231,839, for the provision of adult day healthcare transportation through June 30, 2007.

Background

The South County Adult Day Healthcare Center (ADHC) is owned and operated by South County Senior Services (SCSS). SCSS provides a variety of services to seniors in south Orange County including non-emergency medical transportation, congregate meal programs, meals on wheels, case management, and, under agreements with certain cities, operation of Senior Mobility Program transportation.

Since May 2000, SCSS has been responsible for providing transportation to a group of ACCESS riders attending their ADHC program under a cost sharing agreement with the Orange County Transportation Authority (Authority). This partnership between the Authority and SCSS is advantageous to both parties and supports the paratransit growth management strategy to coordinate with other agencies to provide alternative transportation resources.

Discussion

This procurement was originally handled in accordance with the Authority's procedures for professional/technical services and was awarded on a competitive basis. It has become necessary to amend the agreement, exercising the fourth option year and extending the term of the agreement through June 30, 2007. The original agreement awarded on May 30, 2002, was in the amount of \$132,000, and has been previously amended (Attachment A). Under the terms of this agreement, the Authority will provide an operating subsidy of \$11.90 to SCSS for trips provided to ACCESS eligible individuals (Attachment B). Using the \$26.55 per trip cost for ACCESS, this represents a savings of \$14.65 per trip provided by SCSS for individuals who would otherwise have used ACCESS.

The total obligation after approval of Amendment No. 5 will be \$1,072,606.

Fiscal Impact

The work described in Amendment No. 5 to Agreement C-2-0306 is requested in the Authority's Fiscal Year 2006-07 Budget, Operations Division, Account 2131-7311-D1208-8T6, and is funded through the Local Transportation Fund.

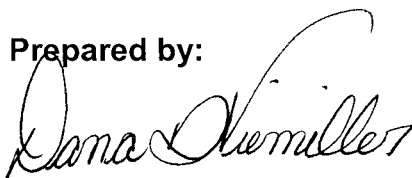
Summary

Staff recommends approval of Amendment No. 5, in the amount of \$231,839, to Agreement C-2-0306 with South County Senior Services.

Attachments

- A. South County Senior Services Agreement C-2-0306 Fact Sheet
- B. Operating Subsidy for ADHC Transportation Agreement C-2-0306 with South County Senior Services

Prepared by:



Dana Wiemiller
Community Transportation Coordinator
(714) 560-5718

Approved by:



William L. Foster
General Manager, Operations
(714) 560-5842

**South County Senior Services
Agreement C-2-0306 Fact Sheet**

1. May 30, 2002, Agreement C-2-0306, \$132,000, approved by Board of Directors.
 - Authority provides funding to SCSS to operate transportation for South County (formerly Laguna Hills) Adult Day Healthcare program attendees
 - Term of agreement July 1, 2002 through June 30, 2003

2. May 25, 2003, Amendment No. 1 to Agreement C-2-0306, \$145,530, approved by Board of Directors.
 - Exercise first of four option years to extend agreement through June 30, 2004
 - Represents a 10 percent increase in the contract value to provide approximately 10 percent more trips during the year

3. August 28, 2003, Amendment No. 2 to Agreement C-2-0306, \$87,318, approved by Board of Directors.
 - Increase the operating subsidy from 50 percent to 80 percent for fiscal year 2003-04 resulting in an \$87,318 increase in the maximum obligation
 - Modify the reimbursement method to reflect a per trip reimbursement paid to SCSS in arrears monthly with no cap for trips provided under this program
 - Specify that only trips provided to ADA eligible individuals under this program are eligible for reimbursement
 - Future option years would contain funds to allow for growth in the program and an increase in the trip costs; this adjustment as well as subsidy levels for option years are identified in Attachment B

4. April 26, 2004, Amendment No. 3 to Agreement C-2-0306, \$239,833, approved by Board of Directors.
 - Exercise second option term to extend agreement through June 30, 2005
 - Authority operating subsidy remains at \$13.20 per trip, or 80 percent of the total cost of the trip

5. April 25, 2005, Amendment No. 4 to Agreement C-2-0306, \$236,086, approved by Board of Directors.
 - Exercise third option term to extend agreement through June 30, 2006
 - Authority operating subsidy adjusted to \$12.38 per trip, or 75 percent of the total cost of the trip

6. April 10, 2006, Amendment No. 5 to Agreement C-2-0306, \$231,839, pending approval by Board of Directors.
 - Exercise fourth option term to extend agreement through June 30, 2007
 - Authority operating subsidy adjusted to \$11.90 per trip, or 70 percent of the total cost of the trip

Total committed to South County Senior Services, Inc., Agreement C-2-0306: \$1,072,606.

**Operating Subsidy for ADHC Transportation
Agreement C-2-0306 with South County Senior Services**

	FY 03/04	FY 04/05	FY 05/06	FY 06/07	Totals
Trips (one-way)	17,640	18,169	18,714	19,482	74,005
Total cost @ \$16.50	\$291,060	\$299,788	\$308,781	\$318,037	\$1,217,666
CPI @ 3% per year*		\$8,994	\$9,356	\$9,459	\$27,809
	\$291,060	\$308,872	\$318,137	\$327,496	\$1,245,565
OCTA subsidy FY 03/04	\$232,848				
OCTA subsidy FY 04/05		\$247,097			
OCTA subsidy FY 05/06			\$238,603		
OCTA subsidy FY 06/07				\$231,839	
SCSS subsidy FY 03/04	\$58,212				
SCSS subsidy FY 04/05		\$61,775			
SCSS subsidy FY 05/06			\$79,534		
SCSS subsidy FY 06/07				\$95,657	
OCTA Total	\$232,848	\$247,097	\$238,603	\$231,839	\$950,387
SCSS Total	\$58,212	\$61,775	\$79,534	\$95,657	\$295,178
Program Total	\$291,060	\$308,872	\$318,137	\$327,496	\$1,245,565
Estimated ACCESS cost @ \$26.55/trip	\$468,342	\$482,392	\$496,859	\$517,247	\$1,964,840
Savings to ACCESS	\$235,494	\$235,295	\$258,256	\$285,408	\$1,014,453

*By adding in a 3% per year growth factor, additional funds are programmed for increases in ridership or trip costs



BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject: Amendment to Agreement for Provision of Senior Transportation to Congregate Meal Sites

Transit Planning and Operations Committee

March 23, 2006

Present: Directors Winterbottom, Brown, Silva, Duvall, and Green
Absent: Directors Pulido and Norby

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-4-0348 between the Orange County Transportation Authority and the Orange County Office on Aging for their share of the program expense for the provision of senior transportation to congregate meal sites, in an amount not to exceed \$440,000, through June 30, 2007.
- B. Authorize the Chief Executive Officer to execute amendments to agreements with eleven participating cities/centers for their share of the program expense through June 30, 2007, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$120,000.



March 23, 2006

To: Transit Planning and Operations Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Amendment to Agreement for Provision of Senior Transportation to Congregate Meal Sites

Overview

On April 22, 2004, the Board of Directors approved a revenue agreement with the Orange County Office on Aging for the provision of senior transportation to congregate meal sites funded in part by Older Americans Act funds.

Recommendations

- A. Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-4-0348 between the Orange County Transportation Authority and the Orange County Office on Aging for their share of the program expense for the provision of senior transportation to congregate meal sites, in an amount not to exceed \$440,000, through June 30, 2007.
- B. Authorize the Chief Executive Officer to execute amendments to agreements with eleven participating cities/centers for their share of the program expense through June 30, 2007, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$120,000.

Background

In fiscal year 2003-04 the Orange County Transportation Authority (Authority) approved a revenue agreement (Attachment A) with the Orange County Office on Aging (OoA) to provide transportation services for seniors traveling to and from selected senior meal sites. The nutrition transportation program is a service initiated by the OoA to support their congregate meal program and is partially funded by Older Americans Act (Attachment B). A total of 20 cities/centers are included in the OoA allocation. The OoA contracts with the Authority to provide transportation to meal sites in ten cities. The Authority, OoA, and the cities receiving this service all contribute toward the cost of the

program, with the Authority contributing \$791,509, or 51 percent (Attachment C). The remaining ten cities/centers participate in the Authority's Senior Mobility Program, providing these trips either directly or through a private operator under contract to the city/center.

Discussion

This amendment exercises the second option year, extending services through June 30, 2007. As noted above, the agreement includes provision of transportation services to congregate meal programs in ten cities. During the term of this agreement, these cities have the option of transitioning to the Senior Mobility Program, under which they would assume direct responsibility for provision of these trips.

Fiscal Impact

Funds to operate this program are in the proposed Authority's Fiscal Year 2006-07 Budget. Similarly, revenues from the OoA and the cities/centers participating in the program have been estimated and are included as a Reimbursement from Other Agencies.

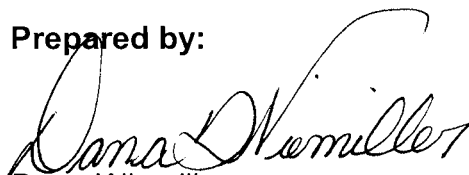
Summary

The Authority provides transportation to senior citizens attending congregate meal programs through an agreement with the Office on Aging. Approval is requested to execute Amendment No. 3 to Agreement C-4-0348 and related agreements with the cities and centers to extend the program through June 30, 2007.

Attachments

- A. Office on Aging Agreement C-4-0348 Fact Sheet
- B. Nutrition Transportation Program Outline
- C. Office on Aging Nutrition Transportation Program Funding Allocations by City

Prepared by:


Dana Wiemiller
Community Transportation Coordinator
(714) 560-5718

Approved by:


William L. Foster
General Manager, Operations
(714) 560-5842

**Office on Aging
Agreement C-4-0348 Fact Sheet**

1. April 22, 2004, Agreement C-4-0348, \$431,727, approved by Board of Directors.
 - Revenue agreement with the OoA for the provision of senior transportation to congregate meal sites
 - Term of agreement July 1, 2004 through June 30, 2005
 - Agreements executed with 11 participating cities/centers
2. March 14, 2005, Amendment No. 1 to Agreement C-4-0348, \$431,727, Approved by Board of Directors.
 - Exercise first option term to extend agreement through June 30, 2006
 - Execute amendments with 11 participating cities/centers to extend the term through June 30, 2006
3. February 7, 2006, Amendment No.2 to Agreement C-4-0348, \$9,886, approved by staff.
 - Amend revenue agreement to increase maximum obligation for purchase of additional bus passes and/or ACCESS coupons
4. April 10, 2006, Amendment No. 3 to Agreement C-4-0348, \$440,000, Approved by Board of Directors.
 - Exercise second option term to extend agreement through June 30, 2007
 - Execute amendments with 10 participating cities/centers to extend the term through June 30, 2007

Total committed to the Office on Aging, Agreement C-4-0348: \$1,313,340

Nutrition Transportation Program Outline

- The nutrition transportation program is a service initiated by Orange County Office on Aging (OoA) to support their congregate meal program. The OoA contracts with the Authority to provide transportation to selected centers within the county participating in the congregate meal program.
- The Office on Aging, the Authority, and the 10 cities receiving this service all contribute toward the cost of the program.
 - The OoA contributes approximately 29 percent of the cost of the program using Older Americans Act, Title III B funds, which are earmarked for senior supportive services including OoA transportation.
 - The Authority contributes approximately 51 percent of the cost of the program using Article 4.5 Transportation Development Act funds.
 - Each city or center participating in the program contributes the remaining twenty percent of the cost.
- While 20 cities/centers are included in the OoA allocation for senior nutrition transportation, the Authority only provides service to 10 of these cities/centers, providing approximately 48,000 annual trips. The remaining ten cities participate in the Authority's Senior Mobility Program (SMP) and account for an additional 115,000 trips provided annually for seniors traveling to congregate meal sites.
- The Authority currently has a contract with California Yellow Cab, Agreement C-3-1284, to provide nutrition transportation services to the 10 cities/centers participating in the congregate meal program.
- The OoA determines the level of funding for each city included in the nutrition program. SMP cities receive additional funds under the SMP program directly from the Authority.
- The funds requested for approval in this report represent the full 12-month commitment for this program in fiscal year 2006-07.

Office on Aging Nutrition Transportation Program
 Funding Allocation by City
 July 2005 - June 2007

PARTICIPATING NUTRITION CITIES	VEHICLE SERVICE HOUR (VSH) CALCULATION			FUNDING SOURCE			
	Number of Annual Trips	Daily VSH for FY 06/07	Annual VSH (based on 250 days)	VSH Cost FY07 (\$46.59)	City Contribution (\$9.31)	OoA Contribution (\$21,648)	OCTA Contribution (\$16.19)
So. CA Indian Center	584	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 10,524.00	\$ 8,095.00
City of Cypress	1,359	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 10,524.00	\$ 8,095.00
City of Dana Point	2,282	2.50	625.00	\$ 29,093.75	\$ 5,818.75	\$ 13,156.50	\$ 10,118.75
City of Fullerton	5,246	4.50	1,125.00	\$ 52,368.75	\$ 10,473.75	\$ 23,679.00	\$ 18,213.75
City of Garden Grove	14,847	16.75	4,187.50	\$ 194,928.13	\$ 38,985.63	\$ 88,138.50	\$ 67,795.63
City of Los Alamitos	1,952	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 10,524.00	\$ 8,095.00
City of Mission Viejo	2,043	3.25	812.50	\$ 37,821.88	\$ 7,564.38	\$ 17,101.50	\$ 13,154.38
City of Orange	12,498	10.00	2,500.00	\$ 116,375.00	\$ 23,275.00	\$ 52,620.00	\$ 40,475.00
City of San Juan Cap	2,683	2.25	562.50	\$ 26,184.38	\$ 5,236.88	\$ 11,839.50	\$ 9,106.88
City of Stanton	1,986	2.00	500.00	\$ 23,275.00	\$ 4,655.00	\$ 10,524.00	\$ 8,095.00
City of Tustin	3,390	3.00	750.00	\$ 34,912.50	\$ 6,982.50	\$ 15,786.00	\$ 12,142.50
Subtotals	48,870	50.25	12,562.50	\$ 584,784.38	\$ 116,956.88	\$ 264,417.00	\$ 203,386.83

PARTICIPATING SMP CITIES	Number of Annual Trips	FY07 SMP Funding	FUNDING SOURCE		
			City Contribution	OoA Contribution	OCTA Contribution
VNCOG	3,787	\$ 65,863.00	\$ 13,172.60	\$ 14,738.00	\$ 37,952.40
City of Anaheim	10,251	\$ 238,453.00	\$ 47,290.60	\$ 4,900.00	\$ 141,262.40
City of Brea	3,733	\$ 59,032.00	\$ 11,906.40	\$ 15,380.00	\$ 31,845.60
City of Buena Park	6,012	\$ 64,498.00	\$ 12,899.60	\$ 16,581.00	\$ 35,017.40
City of Huntington Bch	3,179	\$ 173,578.00	\$ 34,715.60	\$ 13,987.00	\$ 125,765.40
City of Laguna Niguel	764	\$ 48,519.00	\$ 9,703.80	\$ 3,146.00	\$ 35,569.20
City of La Habra	4,984	\$ 81,988.00	\$ 16,397.60	\$ 21,373.00	\$ 44,217.40
City of San Clemente	2,030	\$ 57,684.00	\$ 11,536.80	\$ 8,364.00	\$ 37,783.20
City of Seal Beach	6,022	\$ 80,087.00	\$ 16,017.40	\$ 12,896.00	\$ 51,173.60
City of Westminster	4,676	\$ 86,930.00	\$ 17,386.00	\$ 22,108.00	\$ 47,436.00
Subtotals	45,438	\$ 954,632.00	\$ 190,926.40	\$ 175,883.00	\$ 588,122.60
TOTALS	94,308	\$ 984,632.00	\$ 307,883.28	\$ 440,000.00	\$ 791,509.48

TOTAL PROGRAM ALLOCATION

FUNDING SOURCE (by FUNDING ALLOCATION)	FY 2006/07	% of Participation
OoA Title IIIB Funding	\$ 440,000.00	28.58%
OCTA Funding	\$ 791,509.48	51.42%
City Funding	\$ 307,883.28	20.00%
Total Allocated Funds:	\$ 1,539,392.75	100.00%



BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject Garden Grove Freeway (State Route 22) Project Budget Amendment

Regional Planning and Highways Committee

April 3, 2006

Present: Directors Correa, Cavecche, Green, Monahan, Norby, Ritschel, and Rosen
Absent: Director Dixon

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Reduce the 1996 Freeway Strategic Plan State Route 22 Measure M funding budget from \$321.4 million down to \$244.46 million to reflect the reimbursement of \$123.7 million of Transportation Congestion Relief Program funding to the Measure M program, and allocate additional Measure M funds, in the amount of \$46.9 million, required to accommodate the proposed budget amendment.
- B. Approve the incorporation of additional project scope and improvements funded by the Orange County Transportation Authority, including updated seismic requirements, placement of rubberized asphalt on the freeway and along Trask Avenue, and roadway improvements on The City Drive and Metropolitan Avenue. The estimated cost is \$40.1 million. A full list of the added improvements is shown on Attachments A and B.



- C. Approve the incorporation of additional project improvements, paid with federal and local funds by the Cities of Garden Grove and Orange, including reconstruction of the Magnolia Street bridge, widening of Garden Grove Boulevard, and widening ramps at Tustin Avenue, The City Drive, and Town and Country Road. The estimated cost is \$7.1 million. A full list of the added improvements is shown on Attachments A and B.
- D. Approve \$1.8 million of additional budget to incorporate additional project oversight services required, which resulted from incorporation of the seismic and project improvements.
- E. Approve \$5,554,000 of additional budget to incorporate additional costs related to right-of-way acquisition for the Garden Grove Freeway (State Route 22) Improvement Project.
- F. Authorize the Chief Executive Officer to execute the following contract change orders, cooperative agreements and contract amendments, and make the necessary budget adjustments in order to incorporate updated seismic information, requested scope changes and right-of-way cost increases:
 - 1. Amend the Garden Grove Freeway (State Route 22) Improvement Project budget from \$495 million to \$549,626,000; an increase of \$54,626,000, to incorporate additional costs related to updated seismic requirements, City of Garden Grove, City of Orange, and Board of Directors' requested improvements and right-of-way acquisitions.
 - 2. Contract Change Order No. 34 to Agreement C-3-0663 between the Orange County Transportation Authority and the contractor, Granite-Myers-Rados, in the not-to-exceed amount of \$22,745,851, to incorporate California Department of Transportation's updated seismic information.
 - 3. Cooperative Agreement C-6-0185 between the Orange County Transportation Authority and the City of Garden Grove, in the not-to-exceed amount of \$7,150,000, for reconstruction of the Magnolia Avenue bridge undercrossing and requested improvements to Garden Grove Boulevard. Authorize staff to process and execute the necessary funding applications to facilitate this action.



4. Cooperative Agreement C-6-0269 between the Orange County Transportation Authority and the City of Garden Grove, in the not-to-exceed amount of \$1.2 million, for placement of rubberized asphalt along Trask Avenue from Brookhurst Street to Magnolia Street.
5. Amendment No. 1 to Agreement C-4-0940 between the Orange County Transportation Authority and the City of Orange, in the not-to-exceed amount of \$426,000, for requested street betterments near The City Drive and Town and Country Road.
6. Contract Change Order Nos. 10 through 17, 21 through 24, 28, 29, and 33 to Agreement C-3-0663 between the Orange County Transportation Authority and Granite-Myers-Rados for out-of-scope additions, in the individual not-to-exceed amounts as shown on Attachment A.
7. Amend the Orange County Transportation Authority's Fiscal Year 2005-06 Budget, Expense Account 0010-9017, by \$32 million, and amend Revenue Account 0010-6062 by \$7,722,890.
8. Authorize the Chief Executive Officer to execute Amendment No. 10 to Agreement C-1-2069 between the Orange County Transportation Authority and Parsons Transportation Group, Inc., in the not-to-exceed amount of \$7,811,946, for continued project management services for the Garden Grove Freeway (State Route 22) Improvement Project. This amount reflects \$6 million previously budgeted and an additional \$1.8 million for seismic and oversight of the added work.

Staff Comment

Staff corrected the dollar amount on page nine, paragraph one, sentence two to reflect \$1,800,000.



April 3, 2006

To: Regional Planning and Highway Committee

From: Arthur T. Leahy, ^m Chief Executive Officer

Subject: Garden Grove Freeway (State Route 22) Improvement Project Budget Amendment

Overview

The Garden Grove Freeway (State Route 22) Improvement Project has crossed a critical juncture. The design is more than 98 percent complete and construction has passed the halfway point. This report identifies the required budget and contract amendments to incorporate additional project improvements, including California Department of Transportation's updated seismic information, city and Board of Directors requested enhancements, and right-of-way cost impacts.

Recommendations

- A. Reduce the 1996 Freeway Strategic Plan State Route 22 Measure M funding budget from \$321.4 million down to \$244.46 million to reflect the reimbursement of \$123.7 million of Transportation Congestion Relief Program funding to the Measure M program, and allocate additional Measure M funds, in the amount of \$46.9 million, required to accommodate the proposed budget amendment.
- B. Approve the incorporation of additional project scope and improvements funded by the Orange County Transportation Authority, including updated seismic requirements, placement of rubberized asphalt on the freeway and along Trask Avenue, and roadway improvements on The City Drive and Metropolitan Avenue. The estimated cost is \$40.1 million. A full list of the added improvements is shown on Attachments A and B.
- C. Approve the incorporation of additional project improvements, paid with federal and local funds by the Cities of Garden Grove and Orange, including reconstruction of the Magnolia Street bridge, widening of Garden Grove Boulevard, and widening ramps at Tustin Avenue,

The City Drive, and Town and Country Road. The estimated cost is \$7.1 million. A full list of the added improvements is shown on Attachments A and B.

- D. Approve \$1.8 million of additional budget to incorporate additional project oversight services required, which resulted from incorporation of the seismic and project improvements.
- E. Approve \$5,554,000 of additional budget to incorporate additional costs related to right-of-way acquisition for the Garden Grove Freeway (State Route 22) Improvement Project.
- F. Authorize the Chief Executive Officer to execute the following contract change orders, cooperative agreements and contract amendments, and make the necessary budget adjustments in order to incorporate updated seismic information, requested scope changes and right-of-way cost increases:
 - 1. Amend the Garden Grove Freeway (State Route 22) Improvement Project budget from \$495 million to \$549,626,000; an increase of \$54,626,000, to incorporate additional costs related to updated seismic requirements, City of Garden Grove, City of Orange, and Board of Directors' requested improvements and right-of-way acquisitions.
 - 2. Contract Change Order No. 34 to Agreement C-3-0663 between the Orange County Transportation Authority and the contractor, Granite-Myers-Rados, in the not-to-exceed amount of \$22,745,851, to incorporate California Department of Transportation's updated seismic information.
 - 3. Cooperative Agreement C-6-0185 between the Orange County Transportation Authority and the City of Garden Grove, in the not-to-exceed amount of \$7,150,000, for reconstruction of the Magnolia Avenue bridge undercrossing and requested improvements to Garden Grove Boulevard. Authorize staff to process and execute the necessary funding applications to facilitate this action.
 - 4. Cooperative Agreement C-6-0269 between the Orange County Transportation Authority and the City of Garden Grove, in the not-to-exceed amount of \$1.2 million, for placement of

rubberized asphalt along Trask Avenue from Brookhurst Street to Magnolia Street.

5. Amendment No. 1 to Agreement C-4-0940 between the Orange County Transportation Authority and the City of Orange, in the not-to-exceed amount of \$426,000, for requested street betterments near The City Drive and Town and Country Road.
6. Contract Change Order Nos. 10 through 17, 21 through 24, 28, 29, and 33 to Agreement C-3-0663 between the Orange County Transportation Authority and Granite-Myers-Rados for out-of-scope additions, in the individual not-to-exceed amounts as shown on Attachment A.
7. Amend the Orange County Transportation Authority's Fiscal Year 2005-06 Budget, Expense Account 0010-9017, by \$32 million, and amend Revenue Account 0010-6062 by \$7,722,890.
8. Authorize the Chief Executive Officer to execute Amendment No. 10 to Agreement C-1-2069 between the Orange County Transportation Authority and Parsons Transportation Group, Inc., in the not-to-exceed amount of \$7,811,946, for continued project management services for the Garden Grove Freeway (State Route 22) Improvement Project. This amount reflects \$6 million previously budgeted and an additional \$1.8 million for seismic and oversight of the added work.

Background

On September 22, 2005, the Orange County Transportation Authority (Authority) began construction on the first project in the state of California to be constructed on an active freeway using the design-build methodology. The Garden Grove Freeway (State Route 22) Improvement Project is the largest project contracted directly by the Authority, and is the largest freeway project currently in construction in the state of California. The project is on track to meet the 800-day completion date of November 30, 2006.

A number of major milestones have been achieved since the beginning of 2006. They include the following:

- Design is 98 percent complete
- 30 of the 35 bridges are currently under construction

- 51 percent of bridge work is complete
- Retaining wall construction is over 75 percent complete
- Soundwall construction is over 33 percent complete
- Orange Freeway (State Route 57) connector concrete poured
- Major utility relocations are complete
- Concrete paving is proceeding nightly
- Series of ramp openings will begin this Spring and early Summer
- Metropolitan Drive and The City Drive ramps are near completion

With design effectively completed, more than 50 percent of the bridge work completed, and several major right-of-way (ROW) acquisitions settled, it provides an opportune time to amend the project budget and associated agreements to reflect the progress already made and to accommodate proposed scope changes.

Discussion

The proposed budget amendment incorporates project improvements, including California Department of Transportation's (Caltrans) updated seismic information and city and Board of Directors (Board) project enhancements, as well as ROW cost increases. A summary of the budget amendment is shown on Attachment A. The following is a discussion of the major items:

Updated Seismic Information

One week after the Notice-to-Proceed was issued, Caltrans notified the Authority and the contractor, Granite-Myers-Rados (GMR), that the magnitude of a nearby fault would be increased. The timing and magnitude of the change was of concern to the Authority as this fault had not previously been formally documented by Caltrans. An increase in fault magnitude could have significant impacts, although at the time the extent could not be quantified. Many technical and executive meetings to reach resolution took place with Caltrans, as well as the Governor's administrative staff.

The Authority ultimately directed GMR to incorporate the new seismic information. As part of the design-build project, the Authority initially provided preliminary bridge designs to the contractor. Due to the updated seismic information, 28 of the 35 bridges had to be redesigned. Redesign of the bridges resulted in various construction impacts, including increased pile

numbers, increased pile length, increased reinforcing steel, and increased foundation size requiring additional concrete.

Following the seismic change, Authority staff worked extensively with GMR and Caltrans during the ensuing months to adhere to the 800-day schedule. The project team developed a construction-sequencing plan to recover the impacts of the bridge redesign while minimizing the cost impacts. An extensive evaluation of the impacts of the seismic changes on contract time, necessary labor, equipment needs, and additional material requirements in order to adhere to the 800-day project schedule has been completed.

The cost impact of incorporating the updated seismic information is approximately \$22.7 million, which includes bridge redesign, project time impacts, and construction cost increases.

Required Safety Upgrades

In addition to the seismic revisions, Caltrans, as ultimate owner of the project, has required the Authority to incorporate newly implemented safety criteria into the project after contract award. One of the major changes is the incorporation of revised specifications to ensure safety and adaptability of overhead sign structures. The revised specifications increase the structural steel quantities and size of foundations throughout the corridor. The cost impact of incorporating this upgrade is approximately \$5.2 million.

Caltrans also requires wider shoulder widths on all ramps that are adjacent to soundwalls. The approved conceptual design allowed a reduction in shoulder widths. The increase in shoulder widths requires additional retaining wall heights and asphalt paving. The cost impact of incorporating the wider shoulders is approximately \$1.75 million.

City of Garden Grove Requested Betterments

In Cooperative Agreement C-4-0567, the Authority agreed to:

- Construct the widened portion of the Magnolia Street bridge to accommodate future widening of the underlying Magnolia Street by the City of Garden Grove (the existing center section of the bridge was to remain as part of the current project).

- To replace the existing center section of the bridge when the City of Garden Grove improves Magnolia Street at some point in the future.

The City of Garden Grove recently received a Federal Highway Administration (FHWA) earmark for the State Route 22 (SR-22) project. With the additional funding, the City of Garden Grove has requested replacement of the center section of the Magnolia Street bridge be incorporated into the existing construction project. Funding the full replacement would ensure the bridge is constructed in a timely fashion to allow future widening of Magnolia Street, saving both the Authority and the City of Garden Grove future construction costs, and more importantly, reduce future impacts to the traveling public.

The incorporation of the center section of the Magnolia Street bridge reconstruction into the project will affect the schedule. Schedule analysis indicates that by working two shifts, six days a week, the Magnolia Street bridge will be completed in March 2007. The result is the High Occupancy Vehicle lane across the bridge and the auxiliary lane cannot be opened until the bridge is complete; however, this approach avoids future costs and delays to the public. All other freeway improvements in the existing contract would be unaffected by the Magnolia Street bridge reconstruction.

The federal funds will be allocated over five years in increments of 20 percent per year. In order to incorporate the work into the GMR contract, the Authority will be required to advance the funds for the change and receive reimbursement from the City of Garden Grove. The cost of the Magnolia Street bridge reconstruction, including extended project oversight, will be reimbursed completely by the City of Garden Grove. The total cost of incorporating the bridge reconstruction is approximately \$6.4 million.

The City of Garden Grove has also requested the widening of Garden Grove Boulevard under SR-22, near Fairview Street. Incorporation of this work into the project will accommodate City of Garden Grove plans for widening the street, reduce future construction impacts to the public, and reduce the future financial impact to the City of Garden Grove. The cost of the betterments will be reimbursed by the City of Garden Grove. The total cost of incorporating the Garden Grove Boulevard improvements is approximately \$720,000.

City of Orange Requested Betterments

The City of Orange has requested betterments to The City Drive, the Town and Country Road eastbound off-ramp, and the Tustin Avenue westbound on-ramp be added to the construction contract. Their requested improvements at The City Drive include a dedicated right turn lane at the eastbound off-ramp, extension of sidewalk along the west side, and additional paving. Betterments along Town and Country Road include a dedicated right turn lane at the eastbound off-ramp. Improvements at the Tustin Avenue westbound on-ramp include an additional lane on the ramp and improvements along Tustin Avenue. The cost of the betterments will be reimbursed by the City of Orange with local funds and Combined Transportation Funding Program grants. The total cost of incorporating the City of Orange improvements is approximately \$573,000.

Authority Scope Additions

On January 23, 2006, the Board, in response to neighborhood complaints, approved the following:

- a) Addition of rubberized asphalt along westbound SR-22 from Euclid Street to Magnolia Street
- b) Replacement of metal beam guardrail with concrete barrier from Euclid Street to Magnolia Street
- c) Placement of rubberized asphalt along Trask Avenue from Brookhurst Street to Magnolia Street

The cost of incorporating these enhancements is approximately \$3.9 million.

In response to additional community concerns, several small gaps and two new walls have been identified that could be incorporated into this project. The proposed soundwalls are located at the eastbound Fairview Street off-ramp in the City of Garden Grove and another along the north side of the freeway mainline, between Tustin Avenue and Cambridge Street, in the City of Orange. The two walls do not meet all the established Caltrans and federal standards, but may be candidates for the soundwall retrofit program; however, incorporation of the walls into this project would be less costly than waiting for a future retrofit project. The estimated cost of incorporating the soundwall enhancements is approximately \$2.5 million.

ROW Acquisition Impacts

There were a total of 57 separate interests in property identified prior to construction. All legal access rights for the initial 57 parcels were obtained to allow construction to proceed on schedule. Settlement was reached relatively easily with most property owners; however, there were a number of larger, complicated commercial acquisitions. Recently the Board approved several of these property acquisitions, which were higher than anticipated.

In addition to the identified parcels, Caltrans has requested the Authority obtain additional temporary construction easements to eliminate gaps or spaces between soundwalls and private property walls. Elimination of the gaps will address safety and maintenance concerns. The total estimated cost increase for the necessary ROW is \$5.6 million.

Parsons Transportation Group Amendment

On January 16, 2002, the Board authorized the Chief Executive Officer to negotiate and execute Agreement C-1-2069 with Parsons Transportation Group (PTG), the project management consultant (PMC), in an amount not to exceed \$41 million. The initial cost proposal submitted by PTG on January 31, 2002, was \$38 million, which was the basis for the original Authority budget for this line item. Eventually a best and final offer for \$32 million was accepted.

On April 26, 2004, Authority staff provided the Board with a status of Agreement C-1-2069 with PTG and relayed that a future amendment may be required near the end of the project to address the corresponding increase in necessary project scope for program management services. Because of the uncertainty of funding, bid prices, and duration of the project, the PMC staffing requirements to complete the project were not completely known; therefore, a contract amendment was deferred until the scope could be updated more accurately.

The contract with PTG requires an amendment to reflect the level of effort necessary to address the following issues:

- A 13-month delay in issuance of the design-build Request for Proposals (RFP) due to a significant delay in receiving approval of the environmental document.
- The use of a new pre-qualification form and procedures required by the State Department of Industrial Relations that extended the pre-qualification process.

- The potential loss of Traffic Congestion Relief Program funding that required modification to the RFP to request pricing on a Minimum Operating Segment and option segments.
- The revision of the RFP to allow for federal funding and the delay in obtaining state and FHWA approval to issue the RFP.
- Engineering support to address legal challenges to the environmental document.
- The cost for escalation of hourly labor rates over the five-year life of the agreement that was not included in the final proposal submitted by PTG.
- Additional design review effort to support the undated seismic information and project impacts.
- Extended project oversight for the Magnolia Street bridge reconstruction.
- To obtain project acceptance from Caltrans and FHWA.

The total amended dollar value for the PTG contract is \$7,811,946. Of this amount, \$1,800,00 is requested additional budget authorization to provide project oversight for the out-of-scope project improvements. The total amended contract value is approximately 4.6 percent over the original PTG estimate.

Budget Summary

The current project funding sources are provided in Chart 1 below:

CHART 1

Funding Source	Contribution
Measure M	\$321,408,000
Congestion Mitigation Air Quality	\$101,276,000
Traffic Congestion Relief Program	\$56,316,000
Cities	\$11,000,000
Regional Surface Transportation Program	\$5,000,000
Total	\$495,000,000

On July 14, 2005, the California Transportation Commission approved the Authority's request for the final SR-22 allocation of \$123.7 million. The proposed project budget shown in Chart 2 accounts for the additional Traffic Congestion Relief Program funding and increased city and Measure M funding to accommodate revisions to the seismic information, scope changes, and ROW cost increases.

CHART 2

Funding Source	Contribution
Measure M	\$244,611,000
Congestion Mitigation Air Quality	\$101,276,000
Traffic Congestion Relief Program	\$180,016,000
Cities	\$18,723,000
Regional Surface Transportation Program	\$5,000,000
Total	\$549,626,000

Fiscal Impact

The additional work described in Amendment No. 10 to Agreement C-1-2069 was not included in the fiscal year 2005-06 budget. Funds have been transferred from Account 0010-7831-M0001-ATX, Local Transportation Authority (LTA), Contributions to Other Agencies, to Account 0010-7519-F7100-5DK, LTA, Other Professional Services.

The additional work described in the various construction change orders to Agreement C-3-0663 was partially included in the fiscal year 2005-06 budget. Based on a conservative estimate of the number of change orders to be executed prior to the end of the fiscal year, a budget amendment of \$32 million, will be required in Account 0010-9017-F7100-7LJ, LTA, Construction Design/Build Work in Progress.

Additional revenue sources are available to partially fund the construction change orders noted above, which were not included in the fiscal year 2005-06 budget. A revenue budget amendment of \$7,722,890 will be required in Account 0010-6062, LTA, Reimbursement from Cities.

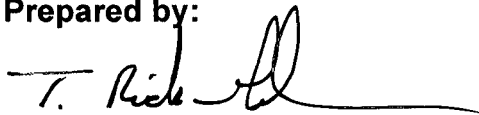
Summary

The Authority continues on schedule to complete the first project to be constructed in the state of California on an active freeway using the innovative design-build delivery method. Updated seismic design criteria and scope additions, including additional bridge reconstruction, additional soundwalls, enhanced landscaping, and widened city streets have all been added while still maintaining the original construction schedule of 800 days.

Attachments

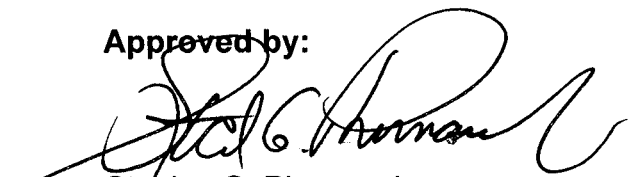
- A. Garden Grove Freeway (SR-22) HOV Lane Design-Build Project Program Budget - Summary of Scope Changes by Category, April 3, 2006
- B. Garden Grove Freeway (SR-22) HOV Lane Design-Build Project Program Budget - Summary of Scope Changes by Fund Source, April 3, 2006
- C. Parsons Transportation Group Agreement C-1-2069 Fact Sheet

Prepared by:



T. Rick Grebner, P.E.
Program Manager
(714) 560-5729

Approved by:



Stanley G. Phernambucq
Executive Director,
Construction & Engineering
(714) 560-5440

Garden Grove Freeway (SR-22) HOV Lane Design-Build Project

ATTACHMENT A

Program Budget Summary of Scope Changes by Category April 3, 2006

A. Seismic, weather and time related impacts			Measure M Funded	Other Funded	Source
Seismic, time related only	\$	17,756,872	\$ 17,756,872	\$ -	
Seismic, capital cost	\$	4,988,979	\$ 4,988,979	\$ -	
Sub total =	\$	22,745,851	\$ 22,745,851	\$ -	
B. Projected Contract Change Order (CCO) Budget Increases for Scope Changes					
CCO 3 - Project Aesthetics	\$	5,000,000	\$ -	\$ 5,000,000	RSTP
CCO 10 - Magnolia	\$	5,830,000	\$ -	\$ 5,830,000	TEA & G.Grove
CCO 11 - State Design Standards	\$	5,200,000	\$ 5,200,000	\$ -	
CCO 12 - City Drive Revisions	\$	1,047,767	\$ 847,767	\$ 200,000	Orange
CCO 13 - Relocate Wall 163	\$	234,115	\$ 234,115	\$ -	
CCO 14 - Tustin Ave Ramp	\$	146,890	\$ -	\$ 146,890	Orange CTFP
CCO 15 - Town and Country Turn Lane	\$	226,000	\$ -	\$ 226,000	Orange
CCO 16 - Changes on Metropolitan	\$	1,210,000	\$ 1,210,000	\$ -	
CCO 17 - Garden Grove Blvd Additional Lane	\$	720,000	\$ -	\$ 720,000	G. Grove
CCO 21 - Rubberized AC	\$	2,500,000	\$ 2,500,000	\$ -	
CCO 22 - Concrete Barrier in Lieu of Metal	\$	200,000	\$ 200,000	\$ -	
CCO 23 - Additional Sound and retaining walls	\$	2,500,000	\$ 2,500,000	\$ -	
CCO 24 - FEP for Caltrans (ITS Betterment)	\$	299,602	\$ 299,602	\$ -	
CCO 28 - Shoulder Width increase	\$	1,750,000	\$ 1,750,000	\$ -	
CCO 29 - HOV Demonstration Project	\$	-	\$ -	\$ -	
CCO 33 - CONN 3 (Horseshoe)	\$	1,261,420	\$ 1,261,420	\$ -	
Sub Totals =	\$	28,125,794	\$ 16,002,904	\$ 12,122,890	
Rubberized AC on Trask Ave (Garden Grove)	\$	1,200,000	\$ 1,200,000	\$ -	
Repair and Overlay Metropolitan Drive	\$	200,000	\$ 200,000	\$ -	
Sub Totals =	\$	1,400,000	\$ 1,400,000	\$ -	
Total Construction Scope Change =	\$	52,271,645	\$ 40,148,755	\$ 12,122,890	
C. Non-Construction Related Budget Additions					
Additional Project Management for Magnolia (CCO 10)	\$	600,000	\$ -	\$ 600,000	G. Grove
Additional Project Management for Scope Increase	\$	1,200,000	\$ 1,200,000		
Budget Adjustment for Right of Way Cost Increases	\$	5,554,000	\$ 5,554,000	\$ -	
Total Non-Construction Budget Additions =	\$	7,354,000	\$ 6,754,000	\$ 600,000	
Totals =	\$	59,625,645	\$ 46,902,755	\$ 12,722,890	
Original Program Budget =	\$	490,000,000			
Current Program Budget =	\$	495,000,000			
Proposed Budget Amendment =	\$	54,625,645	(See Note 1)		
Proposed Amended Project Budget =	\$	549,625,645			

Notes: 1) Proposed Budget Amendment = Total - Previously Approved Budget Amendments (CCO #3, Aesthetics)

Garden Grove Freeway (SR-22) HOV Lane Design-Build Project

Program Budget Summary of Scope Changes by Fund Source April 3, 2006

Description	Original Scope?	Budgeted?	Amount	Comments
Scope Changes - OCTA Funds				
A) Construction	No	No	\$ 22,745,851	CCO 34
- Seismic Criteria Change	No	No	\$ 6,950,000	CCO 11 & 28
- Safety Upgrades	No	No	\$ 1,261,420	CCO 33
- Eastbound 22 to Northbound 57 Connector Ramp	No	No	\$ 847,767	CCO 12 (OCTA share)
- City Drive Modifications	No	No	\$ 733,717	CCO 13 & 24, + Metro overlay
- Other Construction	No	No		
B) Mitigation	No	No	\$ 3,900,000	CCO 21 & 22 + GG Blvd RAC
- Rubberized Asphalt Garden Grove	No	No	\$ 2,500,000	CCO 23
- Soundwalls - Retrofit Orange, Garden Grove	No	No		
C) Additional Street and Ramp Improvements	No	No	\$ 1,210,000	CCO 16
- Metropolitan	No	No		
D) Project Support (Parsons Transportation Group, PTG)	No	No	\$ 725,000	
- Seismic and extended design review	No	No	\$ 475,000	
- Concrete plant inspection	No	No		
Subtotal Scope Changes -OCTA Funds			\$ 41,348,755	
Scope Changes - City Funds & Grants				
- Magnolia St / Bridge (Federal Grant, City Funds)	No	No	\$ 5,830,000	CCO 17
- Magnolia additional oversight (PTG)	No	No	\$ 600,000	CCO 12, 14, 15
- Garden Grove Street Improvements	No	No	\$ 720,000	
- Orange Ramp, Street Improvements	No	No	\$ 572,890	
Subtotal Scope Changes - Local Funds, Grants			\$ 7,722,890	
Total Scope Changes			\$ 49,071,645	

Total Right-of-Way Cost Increase Yes No \$ 5,554,000

Total Budget Request \$ 54,625,645

**Parsons Transportation Group
Agreement C-1-2069 Fact Sheet**

1. January 16, 2002, Agreement C-1-2069 \$31,988,054 approved by Board of Directors.
 - Provide project management services for the Garden Grove Freeway (State Route 22) design-build project.
2. June 18, 2002, Amendment No. 1 to Agreement C-1-2069, \$0, approved by procurement administrator.
 - Administrative change only. No changes made to term or dollar amount.
3. November 13, 2002, Amendment No. 2 to Agreement C-1-2069, \$0, approved by procurement administrator.
 - Administrative change only. No changes made to term or dollar amount.
4. May 28, 2003, Amendment No. 3 to Agreement C-1-2069, \$0, approved by procurement administrator.
 - Administrative change only. No changes made to term or dollar amount.
5. October 21, 2003, Amendment No. 4 to Agreement C-1-2069, \$0, approved by procurement administrator.
 - Administrative change only. No changes made to term or dollar amount.
6. May 6, 2004, Amendment No. 5 to Agreement C-1-2069, \$0, approved by procurement administrator.
 - Administrative change only. No changes made to term or dollar amount.
7. October 14, 2004, Amendment No. 6 Agreement C-1-2069, \$0, approved by procurement administrator.
 - Administrative change only. No changes made to term or dollar amount.
8. March 1, 2005, Amendment No. 7 to Agreement C-1-2069, \$0, approved by procurement administrator.
 - Administrative change only. No changes made to term or dollar amount.

9. September 7, 2005, Amendment No. 8 to Agreement C-1-2069, \$0, approved by procurement administrator.

- Administrative change only. No changes made to term or dollar amount.

10. December 5, 2005, Amendment 9 to Agreement C-1-2069, \$0, approved by procurement administrator.

- Administrative change only. No changes made to term or dollar amount.

11. April 10, 2006, Amendment 10 to Agreement C-1-2069, \$7,811,946, pending approval by Board of Directors.

- Increase Agreement maximum obligation to \$39,800,000.

Total committed to Parsons Transportation Group, Agreement C-1-2282: \$39,800,000.



BOARD COMMITTEE TRANSMITTAL

April 10, 2006

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject Riverside County - Orange County Major Investment Study Draft
Action Plan

Regional Planning and Highways Committee

April 3, 2006

Present: Directors Correa, Cavecche, Green, Monahan, Norby, Ritschel, and
Rosen
Absent: Director Dixon

Committee Vote

This item was passed by all Committee Members present.

Director Norby was not present to vote on this matter.

Committee Recommendations

- A. Direct staff to forward the draft action plan to the State Route 91 Advisory Committee for review and comment.
- B. Provide direction to staff on potential options for policy input to the Board of Directors for each element of the action plan.



April 3, 2006

To: Regional Planning and Highways Committee

From: Arthur T. Leahy, ^{KL} Chief Executive Officer

Subject: Riverside County – Orange County Major Investment Study Draft Action Plan

Overview

A draft three-year plan for actions following the recently completed major investment study is presented for review, discussion, and potential action. Potential policymaking options for each corridor are also discussed.

Recommendations

- A. Direct staff to forward the draft action plan to the State Route 91 Advisory Committee for review and comment.
- B. Provide direction to staff on potential options for policy input to the Board of Directors for each element of the action plan.

Background

The Orange County Transportation Authority (OCTA), the Riverside County Transportation Commission (RCTC), and the Foothill Eastern Transportation Corridor Agency (TCA) have completed a Major Investment Study (MIS) of long-term alternatives for improving travel between Riverside and Orange counties. The MIS recommends major improvements to the Riverside Freeway (State Route 91) from the Costa Mesa Freeway (State Route 55) to the Ontario Freeway (Interstate 15), a new elevated roadway (91 Viaduct) within State Route 91 (SR-91) between the Eastern Transportation Corridor (State Route 241) and Interstate 15 (I-15), and technical study of a new corridor south of SR-91 connecting Irvine to Corona (Irvine-Corona Expressway). These efforts are collectively referred to as the Riverside County-Orange County (RC-OC) Corridor. In addition, safety/operational improvements are recommended for Ortega Highway (State Route 74) from

the future State Route 241 (SR-241) extension (Foothill South) to Lake Elsinore.

Over the next three years, a series of initiatives are planned to advance RC-OC Corridor improvements. These initiatives involve follow-up on short- and long-term improvements to the SR-91, continued technical evaluation of an Irvine-Corona Expressway, and evaluating operational improvements to State Route 74 (SR-74). The draft action plan is presented below for review, discussion, and approval. This action plan will be presented to the SR-91 Advisory Committee at their next meeting.

Discussion

The action plan below focuses on specific activities over the next three calendar years starting in January 2006. Activities include:

- Executing funding agreements between the agencies
- Developing and finalizing a joint agreement and initiating Irvine-Corona Expressway technical feasibility studies
- Updating the SR-91 Implementation Plan
- Initiating a SR-74 safety/operational study with the California Department of Transportation (Caltrans)
- Starting the 91 Viaduct conceptual engineering
- Initiating a joint toll study with the Transportation Corridor Agencies
- Initiate SR-91 (SR-241 to SR-71) final design and related efforts

Each of these broad activities is further described below. A preliminary schedule is included in Attachment A.

Funding Agreements between OCTA/RCTC. Cooperative agreements between OCTA and RCTC to memorialize funding shares for SR-91 joint projects spanning the counties are needed. These agreements will also outline roles and responsibilities for design, right-of-way services, and other project development tasks as appropriate. Schedule: Finalize by June 30, 2006.

Joint Powers Agreement and Irvine-Corona Expressway Feasibility Studies. Federal legislation (Safe Accountability Flexible Efficient Transportation Equity Act: A Legacy for Users, 2004) earmarked a total of \$15.8 million to “study and construct highway alternatives between Orange and Riverside Counties, directed by the Riverside Orange Corridor Authority working with local government agencies, local transportation authorities, and guided by the current MIS”. To secure these funds, a joint agencies agreement for the Riverside Orange Corridor Authority development is recommended. The funds

would be used to initiate technical studies of the conceptual Irvine-Corona Expressway. For 2006, geotechnical investigation is recommended. Beyond 2006, preliminary engineering and seismic evaluation may be recommended contingent on findings emerging from the geotechnical study. Schedule: Finalize agreement by June 30, 2006, and initiate geotechnical study by fall 2006.

SR-91 Implementation Plan. Assembly Bill 1010 (AB 1010, 2002) requires OCTA to annually issue a plan and a proposed completion schedule for SR-91 improvements from I-15 to State Route 55 (SR-55). This plan establishes a program of projects eligible for funding by the use of potential excess toll revenue and other funds. The plan needs to be updated to reflect recent policy direction and potential project phasing. Schedule: Finalize plan by June 30, 2006.

Ortega Highway Operational and Safety Study. The MIS recommends SR-74 operational/safety improvements. A joint study of SR-74 with Caltrans Districts 8 and 12 is recommended focusing on the segment from the future extension of SR-241 (Foothill South) to Lake Elsinore. This study will include an amendment to the Master Plan of Arterial Highways to reduce future capacity from four lanes to two lanes on SR-74 east of the future Foothill South. Schedule: Initiate study by fall 2006 and complete by fall 2007.

91 Viaduct Conceptual Engineering. Conceptual engineering for the 91 Viaduct concept is recommended to gain a better understanding of impacts, costs, and overall fit in the SR-91 freeway. Funding has not been identified for this effort and is an action for 2006. Schedule: Complete 91 Expressway conceptual engineering by 2007.

Joint Toll Study with Transportation Corridor Agencies. Carrying more traffic on SR-241 is a key strategy if the 91 Viaduct moves forward. Timing of planned widening and lane additions to the TCA system along with possible adjustments in toll policies would need to be explored. The toll study action relates to identifying the specific revenue impacts to the TCA and the 91 Express Lanes with this concept. Schedule: Complete study by first half of 2007.

Complete SR-91 Environmental Impact Report (EIR) and Initiate Final Design. OCTA will complete the SR-91 eastbound lane (SR-241 to SR-71) environmental document by the end of 2006. Funding for the final design of this project has not been secured and is an action for 2006. In addition, RCTC plans to construct an additional lane in each direction from Pierce Street in the City of Riverside to the Orange County Line. Caltrans District 8 is in the

process of completing the required Project Study Report (PSR) for this project; availability of the final document is projected for June 2006. Schedule: Complete PSR by June 2006. Complete eastbound Draft EIR by December 2006. Initiate eastbound lane final design in first half of 2007 contingent on available revenue.

Finally, adding staff and program management resources to support the above actions are also recommended. The program manager would be a new OCTA staff person supported by one new senior analyst position, new administrative support, and program management consulting services. Schedule: Retain by June 30, 2006 (not shown on Attachment A schedule).

Institutional Options by Corridor

In oversight of the activities presented above, the OCTA Board of Directors will likely desire input from policymakers. Specific on-going input is needed on: (1) SR-91 improvements; (2) 91 Viaduct; (3) Irvine-Corona Expressway; and (4) Ortega Highway safety/operational improvements. Many policy input options are possible on each of these corridors including continuing to move recommendations through the SR-91 Advisory Committee, forming ad hoc subcommittees of the SR-91 Advisory Committee, executing a joint powers agreement with the involved agencies, and other potential options. Unfortunately, no “one size fits all” for every corridor. The table below presents a summary of some possible policymaking options for each corridor. Staff is seeking input from the Committee on a recommended approach for each corridor.

Project/Corridor	Policy Input Options	Governance Issues
State Route 91 Improvements	SR-91 Advisory Committee	None
91 Viaduct (related facility in SR-91)	SR-91 Advisory Committee	TCA input and role
	Ad Hoc Subcommittee of SR-91 Advisory Committee including TCAs	None
Irvine-Corona Expressway (new tunnel/surface or tunnel alignment)	SR-91 Advisory Committee	TCA, south OC cities, water agencies input
	Joint Powers Authority (create a new entity)	Project readiness (too early; need to determine feasibility)
	Joint powers agreement (do not create a new entity)	None
Ortega Highway Safety Improvements	SR-91 Advisory Committee	South OC cities involvement, etc.
	Ad Hoc Joint Subcommittee (OCTA / RCTC Boards) Working with Caltrans	None

Summary

A draft action plan is presented for review and input. Institutional options are also presented, and staff is seeking input on recommended next steps by corridor.

Attachment

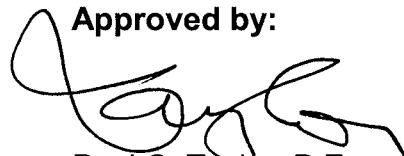
A. Preliminary Schedule

Prepared by:



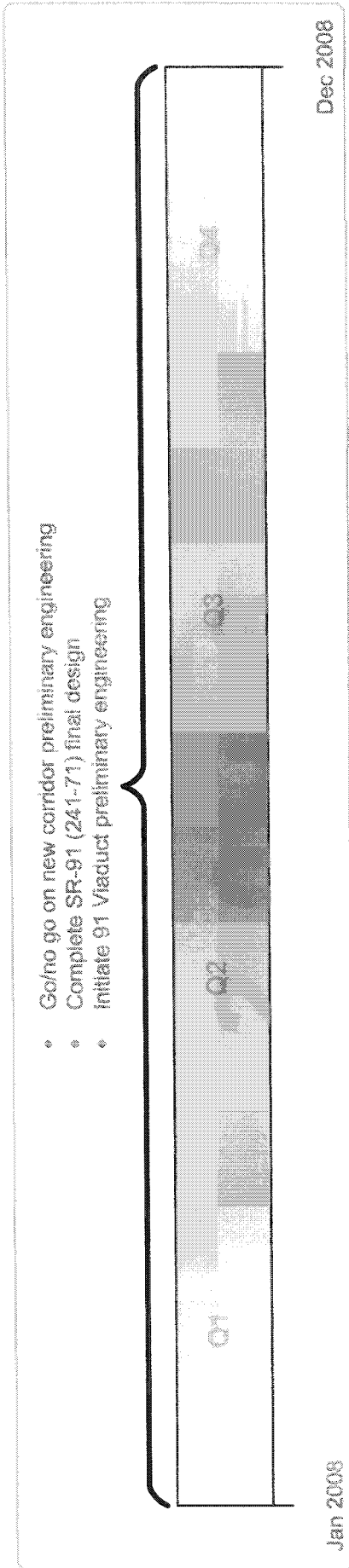
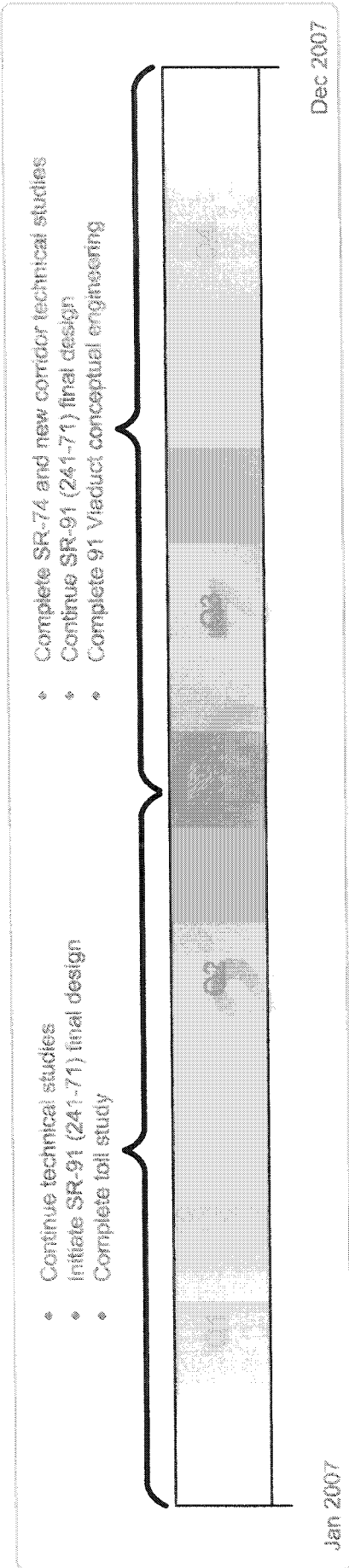
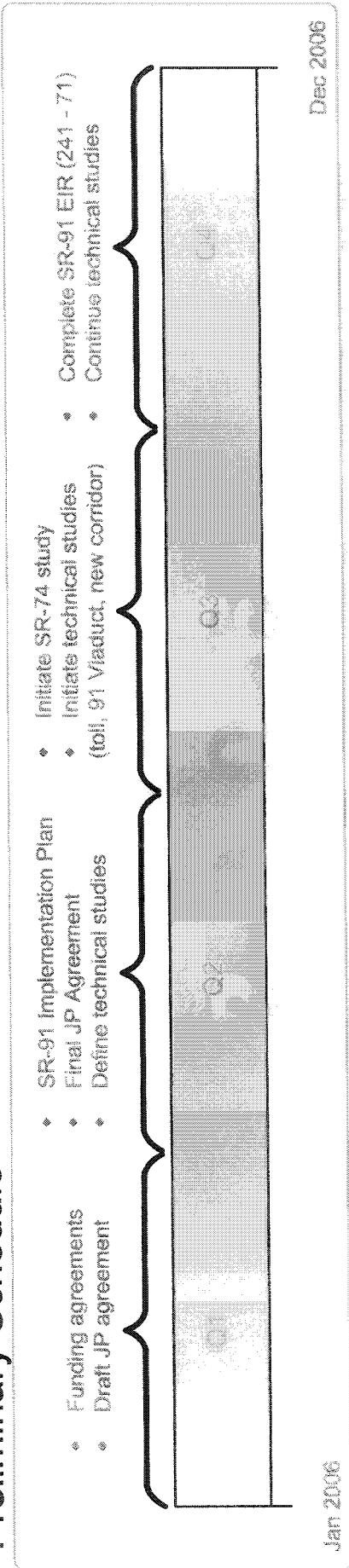
Kurt Brotcke
Manager, Planning and Analysis
(714) 560-5742

Approved by:



Paul C. Taylor, P.E.
Executive Director
Planning, Development and Commuter
Services
(714) 560-5431

Preliminary Schedule



A Joint Powers Authority

Item 12.

Member Agencies

Metropolitan Water District
of Southern California

Western Municipal Water
District of Riverside County

Municipal Water District
of Orange County

March 24, 2006

RECEIVED
EXECUTIVE OFFICE

MAR 27 2006

Art L
Paul J
file
Ken Smart

Hon. Art Brown, Chairman
Orange County Transportation Authority
550 South Main Street
Orange, CA 92863-1584

Art
Dear Chairman Brown:

On behalf of the Riverside Orange Corridor Authority (ROCA), I would like to invite your agency to join our Joint Powers Authority as a full voting member.

Enclosed is the current operating Joint Powers Authority Agreement for your reference.

We have organized ROCA to investigate the feasibility of building a multi-use tunnel to connect Riverside and Orange counties. Optimally this tunnel would include transportation, utilities and possibly even mass transit.

We believe the Orange County Transportation Authority may have an interest in the proposed multi-use tunnel and this will serve as our formal invitation.

Should you have any questions, please do not hesitate to contact me at 714-396-1350 or via e-mail brbarbre@mwdoc.com.

Sincerely,

Brett R. Barbre, Chairman
Riverside Orange Corridor Authority



Representing the communities of:
BREA, BUENA PARK, LA HABRA,
PLACENTIA AND YORBA LINDA

cc: Hon. Wes Bannister
Hon. Kevin Jeffries

BRETT R. BARBRE
Director, Division One

POST OFFICE BOX 1193 ♦ YORBA LINDA, CA 92885-1193
PHONE: 714-396-1350 ♦ FAX: 714-779-2746
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Office Address

10500 Ellis Avenue
Fountain Valley, CA 92728

Phone: 714-936-3058
Fax: 714-964-9389

RIVERSIDE ORANGE CORRIDOR AUTHORITY

JOINT EXERCISE OF POWERS AGREEMENT

This Agreement between the Members of the "Riverside Orange Corridor Authority" is made and entered into on the date shown below when the second Member executes this Agreement.

RECITALS

- A. The object of the Authority is to provide the necessary comprehensive, multi-agency, broadly based and mutually beneficial consensus planning and financing to manage geotechnical studies regarding a proposed additional transportation and utility corridor linking Riverside County and Orange County.
- B. The Parties to this Agreement have the common power to conduct such planning, financing, testing, and sharing of geotechnical data.
- C. It has been determined by the Parties hereto that it is in the best interest of the respective Parties to join together to administer the funds necessary to plan, finance and test to determine the geotechnical feasibility of a cost-effective and efficient construction of a transportation and utility corridor or to cooperate in the alignment of such public facilities.
- D. Each of the Parties is authorized to contract with each other for the joint exercise of any common power under Article 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California.
- E. The Parties hereto recognize that, in order to serve the purpose stated herein, additional funding from external sources must be obtained. Each Party has agreed to cooperate in obtaining additional funding, including but not limited to, contributions, gifts, debt financing, special legislation, toll revenue financing, Arterial Highway Financing programs and other forms of government grants-in-aid.
- F. The Parties hereto entered into this Agreement with the express understanding that the purpose of this Agreement shall be accomplished at little or no expense to the members hereto or to the Authority created hereunder.
- G. The Parties hereto have entered into this Agreement with the express understanding that the capital project needs of the various Parties differ in timing, the generation of environmental and other planning issues, and anticipated costs of geotechnical studies and delays in completing studies may result in termination of the joint efforts of the Parties during or beyond the planning and financing phases, or may result in the coordinated, but not joint, use of staffing, contractors, and shared data.
- H. The Parties hereto recognize that in accordance with the principles of sound community planning, future land use decisions should not upset the balance between land use intensity and adequate infrastructure facilities.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the Parties agree as follows:

I. DEFINITIONS

For purposes of this Agreement, the following words shall have the following meanings:

- a. "Agreement" means this Joint Exercise of Powers Agreement, as amended from time to time.
- b. "Authority" means the RIVERSIDE ORANGE CORRIDOR AUTHORITY.
- c. "Annual Budget" means the approved budget applicable to the expenses of administration of the Authority.
- d. "Board Members" or "Members" means those persons serving as members of the Board of the Authority or their alternates.
- e. "Board" means the governing body of the Authority.
- f. "Ex-Officio Members" means Board Members who do not have a vote in Authority matters and whose presence shall not be counted in determining whether a quorum sufficient to transact Authority business exists.
- g. "Executive Director" means the chief operating employee selected by the Board to manage the day-to-day activities of the Agency. The Executive Director may be an employee of any individual Party.
- h. "Fiscal Year" means July 1st to and including the following June 30th.
- i. "Party" means each public entity which becomes a signatory to this Agreement, accepting the rights and obligations of the Authority hereunder, including any public entity executing an amendment of the original Agreement as hereinafter provided.
- j. "Riverside Orange Corridor" means the two to three mile wide potential corridor through the Santa Ana Mountains, extending westerly from the vicinity of Interstate Highway 15 in Riverside County on the east and traversing westerly through the Santa Ana Mountains and the vicinity of the Cleveland National Forest to connect with California State Route 241 near its junction with California State Rout 133 in Orange County on the west as necessary to provide a jointly aligned right of way for the transportation of vehicles, mass transit facilities, utility facilities, and water, or any combination thereof. A maximum of three potential alignments between these points may be examined.
- k. "Quarter" means July 1st to and including September 30th, October 1st to and including December 31st, January 1st to and including March 31st, and April 1st to and including June 30th.

II. CREATION OF THE AUTHORITY, PURPOSE AND POWERS

2.1 CREATION

The Authority, a public entity separate from its Members, hereby is formed by the provisions of this Agreement, and Chapter 5, of Division 7 of Title 1 of the Government Code, beginning with Section 6500.

Within thirty (30) days after the effective date of this Agreement and after any amendment, the Authority shall cause a notice of such Agreement or amendment to be prepared and filed with the office of the California Secretary of State containing the information required by Government Code Section 6503.5

Within ten (10) days after the effective date of this Agreement, the Authority shall cause a statement of the information concerning the Authority and its Board Members required by Government Code Section 53051 to be filed with the office of the California Secretary of State and with the County Clerk of each county in which the Authority maintains an office, and within ten (10) days after an amendment which makes any change in the facts required to be stated pursuant to Subdivision (a) of such Section a statement of such facts also shall be provided therein.

2.2 PURPOSE

The purpose of this Agreement is to jointly exercise the common powers of its Members to manage and undertake geotechnical studies and planning regarding the Riverside Orange Corridor. The Parties thereafter by amendment to this Agreement or by a new Agreement may either (a) implement the acquisition, leasing or ownership, construction, and operation of the Riverside Orange Corridor as a joint facility by the Authority or (b) arrange for co-location of such facilities of the Parties on mutually agreeable and beneficial terms.

3 POWERS

The Authority shall have the power in its own name to exercise any and all common powers of its Members reasonably related to the purposes of the Authority, including but not limited to the powers to:

- a. Study the geotechnical feasibility of the Riverside Orange Corridor;
- b. Make and enter into contracts;
- c. Contract for the services of engineers, attorneys, planners, financial consultants, and other professionals, and separate and apart therefrom to employ such other persons, as it deems necessary;
- d. Lease, acquire, construct, manage, maintain and operate any buildings, works, or improvements;

- e. Acquire, hold, dispose of property by any lawful means, including without limitation, gift, purchase, eminent domain, lease, lease purchase or sale;
- f. Incur debts, liabilities, or obligations subject to limitations herein set forth;
- g. Receive gifts, contributions and donations of property, funds, services, and other forms of financial assistance from persons, firms, corporations and any governmental entity;
- h. Obtain and maintain in force from an admitted insurer a policy of insurance to defend and indemnify the directors and officers for any liabilities arising from actions taken in their capacities at the Authority;
- i. Sue and be sued in its own name;
- j. Apply for appropriate grants under any federal, state, or local programs for assistance in developing any of its programs;
- k. Adopt rules, regulations, by-laws and procedures governing the operation of the Authority;
- l. To the extent not herein specifically provided for, exercise any powers in the manner and according to the methods provided under applicable laws.

III. ORGANIZATION

3.1. Membership

The Parties to the Authority may include the Orange County Transportation Authority, the Riverside County Transportation Commission, the Foothill/Eastern Transportation Corridor Agency, the Metropolitan Water District of Southern California, the Municipal Water District of Orange County and the Western Municipal Water District, which have executed or hereafter execute this Agreement, or amendment thereto, and which have not, pursuant to the provisions hereof, withdrawn therefrom.

3.2. Board

- a. The Board shall consist of the following:
 - (1) Three voting Board Members from the Orange County Transportation Agencies (F/ETCA or OCTA).
 - (2) One voting Board Member from the Metropolitan Water District of Southern California ("MWD"), as appointed by the Board of MWD.
 - (3) One voting Board Member from the Municipal Water District of Orange County ("MWDOC"), as appointed by the Board of MWDOC.

- (4) One voting Board Member from the Western Municipal Water District ("WMWD"), as appointed by the Board of WMWD.
- (5) Three voting Board Members from the Riverside County Transportation Commission.

The Board may, from time to time, appoint additional ex-officio members.

- b. Except for ex-officio members, each Board Member shall be a current member of the governing body of the Party such member represents or a public official appointed by such Party.
- c. Each Board Member shall also have an alternate appointed by the governing body of the Party represented by such Board Member. An alternate Member shall assume all rights and duties of the absent Board Member.
- d. Each Board Member and alternate shall hold office from the first meeting of the Board after appointment by the governing body that is a Party to this agreement until a successor is named.
- e. A Board Member may be reimbursed for expenses incurred by such Board Member in the conduct of the business of the Authority subject to such rules and regulations as shall be adopted by the Board.

3.3 Principal Office

The principal office of the Authority shall be established by the Board and shall be located within either the County of Orange, the County of Los Angeles, or the County of Riverside. The Board is hereby granted full power and authority to change said principal office from one location to another within these counties. Any change shall be noted by the secretary of the Board under this Agreement but shall not be considered an amendment to this Agreement.

3.4 Meetings

The Board shall meet at the principal office of the Authority or at such place designated by the Board. The time and place of regular meetings of the Board shall be determined by resolution adopted by the Board, and a copy of such resolution shall be furnished to each Party. Regular, adjourned, and special meetings shall be called and conducted in accordance with the Ralph M. Brown Act, Government Code Section 54950 et. seq., as amended.

3.5 Quorum

A simple majority of the Board Members shall constitute a quorum for the purposes of the transaction of business relating to the Authority, except as expressly set forth herein or as otherwise provided by law.

3.6 Powers and Limitations Thereon

All the powers of the Authority shall be exercised by the Board, subject however, to the reserved rights of the Parties as herein set forth. Unless otherwise provided herein, each Board Member or participating alternate Board Member shall be entitled to one vote, and as except as otherwise provided herein or as otherwise provided by law, a three-fourths (3/4) vote of all Board Members shall be required to adopt any motion, resolution, or order and take any other action they deem appropriate, including without limitation any action which obligates the Authority to expend significant funds, not including routine expenditures.

3.7 Minutes

The secretary of the Authority shall cause to be kept minutes of regular, adjourned regular and special meetings of the Board, and shall cause a copy of the minutes to be forwarded to each Member and to each Party.

3.8 Rules

The Board may adopt from time to time rules and regulations for the conduct of its affairs consistent with this Agreement.

3.9 Vote or Assent of Members

The vote, assent, or approval of Parties in any matter requiring such vote, assent, or approval hereunder shall be evidenced by a certified copy of the action of the governing body of such Party filed with the Authority. It shall be the responsibility of the Executive Director to obtain certified copies of such actions.

3.10 Officers and Employees

There shall be selected by the Board from its membership, a chairman and vice chairman. The Board shall appoint a secretary who may be a Member. The Board shall appoint an officer or employee of a Party to hold the offices of treasurer and auditor for the Authority. Such person or persons shall possess the powers and the duties of, and shall perform the treasurer and auditor functions for the Authority, and those functions required by Government Code Sections 6505, 6505.5, and 6505.6, including any subsequent amendments thereto. The Board shall appoint an Executive Director.

The chairman, vice chairman, secretary, treasurer and auditor shall hold the office for a period of one year commencing July 1st of each year. Any officer, employee, or agent of the Board may also be an officer, employee or agent of any Parties. The appointment of the Board of such person shall be evidence that the two positions are compatible.

3.11 Committees

The Board may, as it deems appropriate, appoint committees to accomplish the purposes set forth herein. Each committee shall consist of at least two Board Members but fewer than a quorum of the Board; the Executive Director, auditor and/or the treasurer may also serve on any committee as the Board deems appropriate, but as non-voting members of the committee. Any meeting of such a committee shall be deemed to be a meeting of the Authority for compensation purposes only and all such meetings shall be open to all Board Members, unless the presence of Board Members who are not members of such committee would violate the provisions of the Ralph M. Brown Act, Government Code Section 54950, et. seq., as amended.

3.12 Additional Officers

The Board shall have the power, upon the unanimous approval of all Board Members, to appoint such additional officers as may be appropriate. Such officers may also be, but are not required to be, officers and employees of a Party.

3.13 Bonding Requirement

The officers or persons who have charge of, handle, or have access to any property of the Authority shall be so designated and empowered by the Board. Each such officer or person shall be required to file an official bond with the Board in an amount which shall be established with the Board. Should the existing bond or bonds of such officer or person be extended to cover the obligations provided herein, said bond shall be the official bond required herein. The premiums on any such bonds attributable to the coverage required shall be appropriate expenses to the Authority.

3.14 Status of Officers and Employees

All the privileges and immunities from liabilities, exemption from laws, ordinances and rules, all pension, relief, disability, worker's compensation, and other benefits which apply to the activities of officers, agents, or employees of any of the Parties when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement. None of the officers, agents, or employees appointed by the Board shall be deemed, by reason of their employment or appointment by the Board, to be employed by any of the individual Parties or, by reason of their employment by the Board, to be subject to any of the requirements of such individual Parties.

IV. STATE AND FEDERAL FUNDING

Each Party to this Agreement agrees to use its best efforts to assist the Authority in the securing of funding from both the State of California and the federal government to obtain grants, matching funds, or loans to underwrite the costs of the gathering of geotechnical data regarding the feasibility of the Riverside Orange Corridor. In using its best efforts, each Party shall support the inclusion in such funding of reimbursements to the Authority or to a Party for the consultant services performed under contract awarded by a Party after July 1, 2005 when such contract services consist of tunnel feasibility investigations within the three potential alignments of the Riverside Orange Corridor, including but not limited to, field reconnaissance, geologic mapping, soft rock bucket auger drilling, hard rock core drilling, field and laboratory testing, technical analysis of geologic conditions, stream surveys, biological surveys, and/or groundwater modeling.

V. BUDGET AND DISBURSEMENTS

5.1 Annual Budget

The Board shall adopt upon the unanimous approval of the Board Members, an annual budget, for the ensuing fiscal year, pursuant to procedures developed by the Board.

5.2 Disbursements

The auditor shall draw warrants upon the approval and written order of the Board. The Board shall requisition the payment of funds only upon approval of such claims or disbursements and such requisition for payment in accordance with the rules, regulations, policies, procedures and bylaws adopted by the Board. All disbursements of State or federal funds received by the Authority shall be disbursed in furtherance of geotechnical studies regarding the Riverside Orange Corridor, if so permitted by the terms and conditions of such funding sources.

5.3 Accounts

All funds will be placed in object accounts and the receipt, transfer, or disbursement of such funds during the term of this Agreement shall be accounted for in accordance with generally accepted accounting principles applicable to government entities. There shall be strict accountability of all funds. All revenues and expenditures shall be reported to the Board.

5.4 Expenditures Within Approved Annual Budget

All expenditures within the designations and limitations of the approved annual budget shall be made upon the approval of the Executive Director in accordance with the rules, policies and procedures adopted by the Board. No expenditure in excess of those budgeted shall be made without the unanimous approval of the Board Members of a revised and amended budget which may, from time to time, be submitted to the Board.

5.5 Audit

The records and accounts of the Authority shall be audited by an independent certified public accountant and copies of such audit report shall be filed with the County Auditor, State Controller and each Party no later than fifteen (15) days after receipt of said audit by the Board.

VI. LIABILITIES

6.1 Liabilities

The debts, liabilities, and obligations of the Authority shall be the debts, liabilities, or obligations of the Authority alone and not of the individual Parties, unless expressly specified herein.

6.2 Hold Harmless and Indemnity

To the extent that a liability is not funded by proceeds of insurance procured by the Authority, each Party hereto agrees to indemnify and hold the Authority and the other Parties harmless from and against any and all claims, causes of action, suits, judgments, costs, penalties, fines damages, losses and liabilities, including any injury to or death of persons or damage to or loss of property, including attorneys' accountants' and expert witness fees and costs incurred in connection with the enforcement of this indemnity, arising out of, relating to or resulting from any negligent or intentional act or omission of the indemnifying Party or its employees. Such indemnity shall not inure to the benefit of an indemnified party so as to impose liability on an indemnifying party for the active negligence of the indemnified party.

VII. ADMISSION AND WITHDRAWAL OF PARTIES

7.1 Admission of New Parties

It is recognized that public entities, other than the original Parties, may wish to Participate in the Authority. Additional public entities may become Parties to the

Authority upon such terms and conditions as may be provided by the Board and upon the unanimous consent of the Parties evidenced by the execution of a written amendment to this Agreement, and executed by all of the Parties, including the additional Party.

7.2 Withdrawal

While it is fully anticipated that each Party hereto shall participate in the Authority until all the purposes set forth in Section 2 above are accomplished, the Parties recognize that any Party may determine that withdrawal from this Agreement will be in its best interests to enable it to provide its services in the most timely, cost-effective, and qualitative and quantitative manner. Thus, each Party reserves the right, which will be continuing, to withdraw from this Agreement whenever such Party, in its discretion, so determines as provided in this Section 7.2.

The withdrawal of any Party, either voluntarily or involuntarily, shall be conditioned as follows:

- (i) in the case of a voluntary withdrawal, written notice shall be given not later than one hundred and twenty (120) days prior to the end of the fiscal year;
- (ii) the effective date of the withdrawal shall be the end of the fiscal year.

Said withdrawal shall not relieve the Party of its proportionate share of any debts or other liabilities incurred by the Authority prior to the date of notification of the Party's withdrawal.

VIII. TERMINATION AND DISPOSITION OF ASSETS

8.1 The Authority shall continue to exercise the joint powers herein until the termination of this Agreement and any extension thereof or until the Parties shall have mutually rescinded this Agreement; provided, however that the Authority shall continue to exist for the purposes of: disposing of all claims, parties advancing funds to the Authority and satisfaction of other covenants contained in the reimbursement agreements with such parties, distribution of assets and all other functions necessary to conclude the affairs of the Authority.

Termination shall occur upon the written consent of all of the Parties, upon the withdrawal from the Authority of a sufficient number of the Parties to leave fewer than two Parties remaining in the Authority. However, no such termination shall occur until all financial and contractual obligations of the Authority have been satisfied.

8.2 Distribution of Property and Funds

In the event of the termination of this Agreement, any property interest remaining in the Authority following the discharge of all obligations shall be disposed of as the Board shall determine with the objective of returning to each Party or former Party a proportionate share of the staffing and other contributions made to such properties by such Parties, less previous distributions, if any, provided however that any funds generated by the disposition of such property also shall be expended to construct facilities which accomplish the purposes of the Riverside Orange Corridor, to the extent legally possible.

In the event of termination of this Agreement, any funds remaining following the discharge of all obligations shall be disposed of by returning to the Party a proportionate share of such funds equal to the percentage of the staffing and other contributions made by each Party, less each Party's proportionate share of the previous distributions, if any, provided that said funds shall be expended to construct facilities which accomplish the purposes of the Riverside Orange Corridor, to the extent legally possible.

IX. MISCELLANEOUS

9.1 Amendments

This Agreement may be amended with the unanimous approval of all Members; provided, however, that no amendment may be made which would adversely affect the interests of the owner of bonds, letters of credit, or other financial obligations of the Authority.

9.2 Notice

Any notice or instrument required to be given or delivered by depositing the same in any United States Post Office, registered or certified, postage prepaid, addressed to the Parties, shall be deemed to have been received by the Party to whom the same is addressed at the expiration of seventy-two (72) hours after deposit of the same in the United States Post Office for transmission by registered or certified mail as aforesaid.

9.3 Effective Date

This Agreement shall be effective at such time as this Agreement has been executed by at least two Parties enumerated in the introduction of this Agreement.

9.4 Arbitration

Any controversy or claim between any two or more Parties, or between any such Party or Parties and the Authority, in respect to the Authority's operations, or to any claims, disputes, demands, differences, controversies, or misunderstandings arising under, out of, or in relation to this Agreement, shall be submitted to and determined by arbitration. To the extent not inconsistent herewith, the rules of the American Arbitration Association shall apply. The Party desiring to initiate arbitration shall give notice of its intention to arbitrate to every other Party and the Authority. Such notice shall designate as "respondents" such other Parties as the initiating Party intends to have bound by any award made therein. Any Party not so designated but which desires to join in the arbitration may, within ten (10) days of service upon it of such notice, file a response indicating its intention to join in and to be bound by the results of the arbitration, and further designating any other Parties it wishes to name as a respondent. Within twenty (20) days of the service of the initial demand for arbitration, the American Arbitration Association, hereinafter referred to as "AAA," shall submit simultaneously to the initiating and to all Parties named as respondents or filing a response therein, an identical list of names and persons chosen from AAA National Panel of Arbitrators which persons shall be, to the extent possible, persons first in the field of transportation as well as public law. Each Party to the dispute shall have seven (7) days from the mailing date in which to cross off any names indicating the order of his or her preference, and return the list with such time period, all persons named therein shall be deemed acceptable. From among the persons who have been approved on both lists, in accordance with the designated order of mutual preference, the AAA shall invite the acceptance of an arbitrator to serve. If the Parties fail to agree upon one of the persons named, the acceptable arbitrator is unable to act, or if for any other reason the appointment cannot be made from the submitted list, the AAA shall have the power to make the appointment of the arbitrator from other members of the panel without the submission of any additional list.

The arbitrator shall proceed to arbitrate the matter in accordance with the provisions of Title 9 of Part 3 of the Code of Civil procedure.

9.5 Partial Invalidity

If any or more of the terms, provisions, sections, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, sections, promises, covenants and conditions of this Agreement shall not be effected thereby and shall be valid and enforceable to the fullest extent permitted by law.

9.6 Successors

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.

9.7 Assignment

The Parties shall not assign any rights or obligations under this Agreement without consent of the other Parties.

9.8 Execution

ORANGE COUNTY TRANSPORTATION AUTHORITY

DATED _____

ORANGE COUNTY TRANSPORTATION
AUTHORITY, a public agency

By _____
Chairman

APPROVED AS TO FORM:

By _____

DATED _____

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

DATED _____

RIVERSIDE COUNTY TRANSPORTATION
COMMISSION, a public agency

By _____

Chairman
Riverside County Transportation
Commission

APPROVED AS TO FORM:

By _____

Bill Katzenstein
County Counsel

DATED _____

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY

DATED _____

FOOTHILL/EASTERN TRANSPORTATION
CORRIDOR AGENCY, a public agency

By _____
Chairman

APPROVED AS TO FORM:

By _____

DATED _____

METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

DATED 10/11/2005

METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA, a political
subdivision of the State of California

By Wesley M. Bannister
Wesley M. Bannister, Chairman
MWD Board of Directors

APPROVED AS TO FORM:

By Jeffrey Kightlinger
Jeffrey Kightlinger
General Counsel

DATED 10/11/2005

MUNICIPAL WATER DISTRICT
OF ORANGE COUNTY (MWDOC)

DATED 10-14-05

MUNICIPAL WATER DISTRICT
OF ORANGE COUNTY, a political subdivision
of the State of California

By Edward Royce, Sr.
Edward R. Royce, Sr., President
MWDOC Board of Directors

APPROVED AS TO FORM:

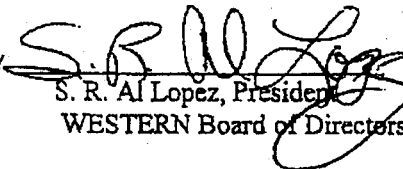
By Russell Behrens
Russell Behrens
General Counsel

DATED 10/13/05

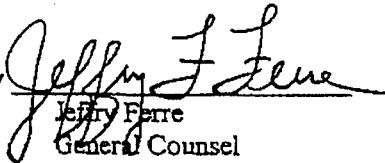
WESTERN MUNICIPAL WATER
DISTRICT OF RIVERSIDE COUNTY
(WESTERN)

DATED 11-2-05

WESTERN MUNICIPAL WATER DISTRICT
OF RIVERSIDE COUNTY, a political
subdivision of the State of California

By 
S. R. Al Lopez, President
WESTERN Board of Directors

APPROVED AS TO FORM:

By 
Jeffrey Ferre
General Counsel

DATED 11/2/05



April 10, 2006

To: Members of the Board of Directors

From: Arthur T. Leahy, Chief Executive Officer

Subject: Garden Grove Freeway (State Route 22) High-Occupancy Vehicle Lanes Status Report

Overview

In December 2005, the Board of Directors requested the California Department of Transportation evaluate peak-period-only operations and entry-exit changes for Orange County's high-occupancy vehicle lanes. The California Department of Transportation has responded with a proposal to allow entry and exit from the Garden Grove Freeway (State Route 22) high-occupancy vehicle lanes continuously, rather than at the restricted locations on a trial basis. A status report on the Garden Grove Freeway (State Route 22) proposal is provided for Board of Directors' review.

Recommendation

Receive and file as an information item.

Background

High-occupancy vehicle (HOV) lanes are special lanes on a freeway reserved for the use of carpools, vanpools, and/or buses. The HOV lanes enable those who carpool or ride the bus to bypass traffic in the adjacent general-purpose lanes. HOV lanes are sometimes called carpool lanes, diamond lanes, commuter lanes, or busways. Currently, HOV lanes are available on all freeways in Orange County with the exception of the Garden Grove Freeway (State Route 22).

All the HOV lanes in Orange County are located next to the center median and separated from the general-purpose lanes by two double yellow lines or a dashed white line at vehicle entry and exit locations. Typically, four feet of pavement separates the two double yellow lines. This type of HOV operation is referred to as "limited access" since entry and exit points are limited to specific locations. Most HOV lanes in Southern California operate 24 hours a

day, seven days a week with a minimum two-person occupancy requirement per vehicle.

The practice in Northern California is substantially different than Southern California. Most of the Bay Area HOV lanes allow continuous entry and exit ("continuous access") and operate without the two double yellow lines and four feet of buffer space. In addition, most Bay Area HOV lanes operate only in the peak commuting periods of the day. The decision in Northern California for continuous access and peak period only operation was based on lower traffic volumes and shorter congestion periods than in Southern California, according to a report commissioned by the Orange County Transportation Authority (OCTA) in 2002.

Construction is currently under way on State Route 22 (SR-22) to add one HOV lane in each direction between the Costa Mesa Freeway (State Route 55) and Valley View Avenue, a new travel lane in each direction between The City Drive and Beach Boulevard, and other major improvements. The SR-22 HOV lanes are currently planned to follow the limited access/24-hour operation design that is generally consistent with current Southern California practice. A California Department of Transportation (Caltrans) proposal to modify the planned operation of the SR-22 HOV lanes is provided below.

Discussion

On December 12, 2005, the Board of Directors (Board) approved a letter to Caltrans requesting Caltrans to develop a consistent statewide operations policy that would apply occupancy requirements only during peak hours; allow consistent ingress and egress during hours of HOV operations; and consider elimination of carpool bypass lanes at freeway ramps (Attachment A). In addition, the Board requested staff provide responses to four questions raised at the December 2005 Board meeting (Attachment B).

Caltrans responded in January 2006 stating that peak-period-only operation is a regional policy that needs to be addressed by the six counties in Southern California, Caltrans, and other agencies (Attachment C). However, Caltrans also suggested an HOV continuous access demonstration project on the SR-22 as a starting point in evaluating how Southern California commuters will respond to this change. This proposal would not implement the planned four feet of buffer space separating the HOV and general purpose lanes and would allow continuous entry and exit to the SR-22 HOV lanes. The continuous access proposal for the SR-22 HOV lanes may set the stage for future peak-period-only operations in the region.

At the March 20, 2006, Regional Planning and Highways Committee (Committee) meeting, Caltrans provided a verbal update on the SR-22 proposed continuous access HOV lanes. As part of the update, Caltrans proposed that OCTA and Caltrans co-sponsor a three-year demonstration of SR-22 continuous access HOV lanes. As a co-sponsor, Caltrans suggested OCTA would implement the physical infrastructure for the demonstration; pay for three to four months of greater California Highway Patrol enforcement due to the changed access rules; gather from the public perceptions and other input on continuous access operation; and convert continuous access to limited access should the demonstration prove unsuccessful. Caltrans would collect traffic data, evaluate that data, and work with OCTA on making recommendations on whether to make continuous access HOV lanes a permanent feature of SR-22. Staff does not believe OCTA should pay for greater enforcement costs or bear the entire cost of conversion back to limited access (should it be necessary).

The continuous access proposal, even on a trial basis, must be approved by the Federal Highway Administration, and that approval has not been obtained to date. The Committee requested Caltrans provide a written proposal to the Board at the earliest possible date. Staff has requested Caltrans to present their written proposal at or before the April 10, 2006, Board of Directors meeting.

Summary

OCTA requested Caltrans to develop a consistent statewide operations policy that would allow peak period only HOV operations; allow consistent ingress and egress during hours of HOV operations; and consider elimination of carpool bypass lanes at freeway ramps. Caltrans has responded with a proposed SR-22 continuous access HOV demonstration project as a starting point in making changes to HOV operations.

Attachments

- A. January 11, 2006, letter to Mr. Will Kempton, Director, California Department of Transportation
- B. Draft Responses to Board Questions From December 2005
- C. January 20, 2006, letter from Mr. James Pinheiro, Deputy District Director, Operations and Maintenance, California Department of Transportation, District 12

Prepared by:



Kurt Brotcke
Department Manager,
Planning and Analysis
(714) 560-5742

Approved by:



Paul C. Taylor, P.E.
Executive Director, Planning,
Development and Commuter Services
(714) 560-5431



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Director

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John
Chief Executive Officer



January 11, 2006

Mr. Will Kempton
Director
California Department of Transportation
1120 N. Street
Sacramento, CA 95814

Dear Mr. Kempton:

As Chairman of the Board of the Orange County Transportation Authority (OCTA), I respectfully request that the California Department of Transportation (Caltrans) undertake an examination of the differences in operation of high occupancy vehicle (HOV) lanes within the State of California and to rethink HOV operations policy in southern California.

Over the years OCTA has funded and implemented HOV lanes to conform to regional, state, and federal plans and policies. Currently Orange County has the most extensive and most heavily accessed HOV lane system in California. OCTA continues to make HOV investments; most recently the widening of the Garden Grove Freeway (State Route 22).

While state law requires that county transportation agencies, such as OCTA, concur in the establishment of HOV lanes, the operating policies and operations are solely the purview of the California Department of Transportation and the California Highway Patrol. Statewide there is no consistency in HOV lane operations policy. Generally, in northern California occupancy requirements for HOV lanes are applied only during peak hours with constant ingress/egress across lanes. By contrast, in southern California occupancy requirements are enforced 24-hours a day, and vehicles can enter and exit only at specific locations.

OCTA's Board of Directors believes it is time to revisit and review HOV operations policy here in southern California. The Board believes the system could operate more effectively and safely if consideration is given to a consistent statewide operations policy that would:

- Apply occupancy requirements only during peak hours
- Allow constant ingress/egress during hours of HOV operations
- Consider elimination of carpool bypass lanes on freeway ramps

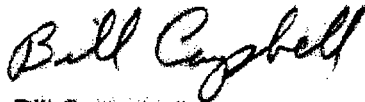
Mr. Will Kempton
January 11, 2006
Page 2

The Board recommends that the review and analysis be undertaken in the context of the entire southern California region and that it examine the following:

1. The basis for current operations policies.
2. Factors affecting a change to consistent statewide operations policy.
3. The effect a change in policy would have on:
 - a. Traffic benefits and costs;
 - b. Overall freeway operations and safety;
 - c. Air quality and environmental requirements;
 - d. Design modifications that may be required to the HOV system (lanes, ramps, connectors and signage);
 - e. Enforcement and compliance with occupancy requirements.

Orange County has made a significant investment in the HOV lane system and will continue to do so. We stand ready to contribute to and fully participate in a review of HOV operation policies. I look forward to hearing your thoughts and having further discussion about this important matter.

Sincerely,



Bill Campbell
Chairman

BC:pt

- c: Board of Directors
Arthur T. Leahy, Chief Executive Officer
Mark Pisano, Southern California Association of Governments
Eric Haley, Riverside County Transportation Commission
Roger Snoble, Los Angeles Metropolitan Transportation Authority
Tony Grasso, San Bernardino Associated Governments
Ginger Gherardi, Ventura County Transportation Commission
Douglas Failing, Department of Transportation, District 7
Cindy Quon, Department of Transportation, District 12
Michael Perovich, Department of Transportation, District 8

Draft Responses to Board Questions From December 2005

In December 2005, the Board of Directors asked staff to follow-up on four questions related to high-occupancy vehicle (HOV) lanes in Orange County. These questions and draft responses are provided below.

1. Has the Orange County Transportation Authority (OCTA) fulfilled Measure M commitments for HOV lane implementation?
2. Are there opportunities for reversible HOV lanes?
3. Are there opportunities for high-occupancy toll (HOT) lanes?
4. How would HOV lane changes involve federal agencies or non-compete agreements with the Transportation Corridor Agencies (TCA)?

1. OCTA has fulfilled its commitment to the voters to implement the promised HOV lanes included in the Measure M voter pamphlet. These commitments included HOV lanes on the Orange, Santa Ana, Costa Mesa, and San Diego Freeways.

2. There may be opportunities for reversible HOV operations where traffic patterns fit this type of operation. For example, the Orange Freeway (State Route 57) has highly directional traffic (morning southbound and evening northbound). However, the capacity of the "Orange Crush" interchange limits how much more traffic can be accommodated on State Route 57. This issue needs to be further analyzed through future engineering efforts.

3. HOT lanes are HOV lanes that allow single occupant vehicles (SOV) to use the lanes for a monetary toll. HOT is most commonly used as a mechanism to increase the utilization of HOV lanes in situations where HOV traffic volumes are well below the capacity of the lanes. HOV users may be charged a reduced toll when using HOT lanes. HOT lanes are provided on the 91 Express Lanes in Orange County and on the Ontario Freeway in San Diego County. There may be limited opportunities to sell excess HOV capacity in Orange County due to the relatively high usage of Orange County HOV lanes. These opportunities can be evaluated further with Board direction to do so.

4. Changes to HOV operations, such as entry and exit locations, fall under the purview of the California Department of Transportation (Caltrans) and are not subject to federal approval or current non-compete agreements with the TCA. However, elimination of HOV lanes would need to be approved by regional, state, and federal government agencies. For example, the South Coast Air Quality Management District, the California Air Resources Board, and Caltrans have some authority over HOV lane elimination. The Federal Highway Administration and Environmental Protection Agency would need to approve the elimination of HOV lanes, and amendments to state and federal legislation may also be required. The Southern California region would have to develop replacement transportation control measures (TCMs) to reduce mobile source emissions. HOV lanes are among TCMs which can be used to bring an area into compliance with the federal Clean Air Act Amendments (CAAA) of 1990. Failure to comply with CAAA can result in sanctions including the withholding of federal funding. In addition, elimination of certain HOV lanes could trigger provisions in the TCA's non-compete agreements for toll revenue reimbursement.

**DEPARTMENT OF TRANSPORTATION
DISTRICT 12**

3337 MICHELSON DRIVE, SUITE 380
IRVINE, CA 92612-8894
PHONE (949) 724-2007
FAX (949) 724-2019
TTY (949) 756-7813



*"Flex your power!
Be energy efficient!"*

January 20, 2006

Paul C. Taylor, P.E.
Executive Director
Planning, Development and Commuter Services
Orange County Transportation Authority
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584

Dear Paul:

I am responding to your letter of January 20, 2006 regarding a demonstration project to allow continuous ingress/egress during hours of High Occupancy Vehicle (HOV) operations and applying occupancy requirements only during peak hours on State Route 22.

The California Department of Transportation (Department) is working towards defining justification needed (i.e. study, etc.) so that the design-build process on the Route 22 project is accommodated efficiently.

The decision to operate the HOV lane system on a part-time (during peak hours) basis is more difficult because it affects the HOV policy governing the Southern California region. Consequently, the Department is not ready to operate the HOV lanes on Route 22 on a part-time basis until the policy change is approved. It is anticipated that a decision will be made after the projected opening in November.

In the interim, the Department will work diligently with OCTA toward implementing a demonstration project for continuous ingress/egress on the Route 22 project. As always, I look forward to working with you and your staff in this effort. Please contact me at (949) 279-5452 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James Pinheiro", written over a large, stylized circular flourish.

JAMES PINHEIRO, P.E.
Deputy District Director
Operations and Maintenance
District 12