



AGENDA

Technical Steering Committee

2023 Committee Members

*Raja Sethuraman, Chair
Jamie Lai, Vice Chair
Iris Lee, District 1
Nabil Saba, District 2
Tom Wheeler, District 3
Rudy Emami, District 4
Mark Trestik, District 5
Jacki Scott, At-Large
Fiona Man, At-Large*

*Orange County Transportation Authority
550 South Main Street, Room 09
Orange, California
February 22, 2023 1:30 PM*

Any person with a disability who requires a modification or accommodation to participate in this meeting should contact the Orange County Transportation Authority (OCTA) Measure M2 Local Programs section, telephone (714) 560-5528, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

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 Committee 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 Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at: OCTA Headquarters, 600 South Main Street, Orange, California.

Members of the public may address the Committee regarding any item in two ways:

In-Person Comment

Members of the public may attend in-person and address the Committee regarding any item. Speakers will be recognized by the Chairman at the time the agenda item is to be considered.

Written Comment

Written public comments may also be submitted by emailing them to kmartinez@octa.net, and must be sent 90 minutes prior to the start time of the meeting. If you wish to comment on a specific agenda item, please identify the item number in your email. All public comments that are timely received will be part of the public record and distributed to the Committee. Public comments will be made available to the public upon request.



Call to Order

Self-Introductions

1. Approval of Minutes

Approval of Technical Steering Committee regular meeting minutes from the June 8, 2022 meeting.

Regular Items

2. 2023 CTFP Call for Projects – O and P Programming Recommendations – Charvalen Alacar

Overview

The Orange County Transportation Authority issued the 2023 annual Measure M2 Comprehensive Transportation Funding Programs - Regional Capacity Program and Regional Traffic Signal Synchronization Program call for projects in August 2022. A list of projects recommended for funding is presented for review and approval.

Recommendations

- A. Recommend for Board of Directors approval the award of \$33.48 million in 2023 Regional Capacity Program (Project O) funds to seven local agency projects.
- B. Recommend for Board of Directors approval the award of \$3.66 million in 2023 Regional Traffic Signal Synchronization Program (Project P) funds to three local agency projects.

Discussion Items

3. Correspondence

OCTA Board Items of Interest - Please see Attachment A.
Announcements by Email – Please see Attachment B.

4. Committee Comments

TSC Membership Update – Raja Sethuraman

5. Staff Comments

6. Items for Future Agendas



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7. Public Comments

8. Adjournment

The Technical Steering Committee is scheduled to convene on the second Wednesday of each month, at 1:30 p.m., at OCTA Headquarters.



June 8, 2022 Minutes



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Technical Steering Committee

Voting Representatives Present:

Shaun Pelletier, Chair	City of Aliso Viejo
Raja Sethuraman, Interim Vice Chair	City of Costa Mesa
Jake Ngo, District 1	City of Westminster
Jamie Lai, District 3	City of Yorba Linda
Tom Wheeler, District 5	City of Lake Forest
Mark Chagnon At-Large	City of Mission Viejo

Orange County Transportation Authority
550 S. Main Street, Room 09
Orange, California

June 8, 2022 1:30pm

Voting Representatives Absent:

Rudy Emami, District 4	City of Anaheim
Fiona Man, At-Large	County of Orange

Staff Present:

Kia Mortazavi
Kurt Brotcke
Adriann Cardoso
Charvalen Alacar
Francesca Ching
Anup Kulkarni
Harry Thomas
Amy Tran
Adrian Salazar
Cynthia Morales
Melanie Masud
Paul Rodriguez



Meeting was called to order by Mr. Pelletier at 1:30 p.m.

Self-Introductions

CONSENT CALENDAR ITEMS

1. The Minutes for the June 8, 2022 Meeting were approved

Mr. Wheeler motioned to approve the minutes.

Mr. Ngo seconded the motion.

The Minutes were approved, there was no further discussion.

REGULAR ITEMS

2. 2023 Comprehensive Transportation Funding Programs Guidelines Update – Charvalen Alacar

Ms. Alacar presented the proposed revisions to the Comprehensive Transportation Funding Program Guidelines for the 2023 Project O and P Call for Projects.

Ms. Alacar stated that if approved, the proposed changes would be incorporated into a Fiscal Year 2023 O&P call for projects and would be anticipated to be issued by the Board in August 2022. A summary of the proposed guidelines was provided in the staff report and attachments A and B of the staff report.

Ms. Alacar stated that Staff would present the item in four steps. Revisions to the guidelines for Project O, revisions to the guidelines for Project P, a discussion and vote, and lastly a discussion of modifications proposed by the TAC at the May 25, 2022, meeting regarding accommodations for previously awarded projects in response to supply chain and inflationary issues caused by the pandemic.

Ms. Alacar provided a reminder that the recommendations that would be introduced after the guidelines were to consider flexibility to reapply in the 2023 call without having to cancel an active grant prior to application and a potential policy for escalating certain projects.

Ms. Alacar reported the proposed changes to the RCP, include updates to references for the 2023 call, listing a potential funding target but removing it as a recommendation, updates to the three-year period available for programming from FY23 to FY25, updates to call related due dates including the deadline for facility modeling request now September 8 and application deadline now October 20 at 5:00 PM. The proposed changes also introduce language to clarify the eligibility of utility relocation expenses with respect to local agency demonstrated prior rights.



Ms. Alacar stated that the Selection Criteria is where scoring occurs and where important changes were proposed. These changes included:

- updated RCP scoring to emphasize safety improvements and incentivize active transportation program attributes, most notable in the Zoning Importance category through the Operational Attributes criteria.
- elements of an approved active transportation plan were proposed as a new operational attribute. This would entail incorporating project components that are constructed within the roadway and are identified in a council approved ATP plan.
- the point allocation for active transportation elements such as pedestrian facilities and bike lanes and safety improvements would be increased.
- in the ACE Program specifically under the Facility Usage scoring category, existing AVT and VMT ranges were merged into one category, now eligible for 15 points.
- the eligible points for Operational Attributes increased from 10 to 15 and consequently the Facility Importance category increased from 20 to 25 points.

Ms. Alacar reported several technical and clarifying changes to Chapter 8, the Traffic Signal Synchronization Program regarding Project P. Some relatively minor updates to the 2023 call include the deadline updates consistent with Project O, updating the deadlines to September 8 for modeling and October 20 for applications. and removal of target funding recommendation language under Project P.

Ms. Alacar reported on key changes which include, OCTA not having eligibility to lead projects in this call, clarifying language regarding the ineligibility of regular signal operations and maintenance, specifically as it pertains to communications repairs.

Ms. Alacar introduced OCTA Section Manager for Regional Modeling and Traffic Operations, Anup Kulkarni, to walk through the new scoring process as a result of changes to the scoring criteria.

Mr. Kulkarni stated that at the January 26, 2022 TAC meeting, OCTA staff presented the recommended approach to Regional Traffic Signal Synchronization Programs starting with updates to the CTFP guidelines that will assist with the planned county wide signal synchronization baseline project and the next generation of RTSSP in Orange County.

Mr. Kulkarni explained that the proposed scoring changes in the upcoming call are based on the key takeaways of the meeting. The program's purpose is to revisit signal operations as frequently as possible to ensure timing is being adjusted to manage changing traffic patterns.

Mr. Kulkarni stated that the program is unique as it also funds eligible equipment improvements that supports signal operations and aims to balance those two components in the guidelines, prioritizing signal projects that align with the future of



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signal synchronization and ensure that all corridors have an opportunity to receive funding, raising the base level of signal synchronization equipment in Orange County.

Mr. Kulkarni explained that the eight scoring categories have not undergone significant change over the last decade.

Mr. Kulkarni stated that among the proposed call there are 13 scoring changes, including:

- Elimination of the five points for the Maintenance of Effort category which used to be for projects committed to maintaining corridor improvements beyond the grant period. It was determined that removing this category would help eliminate any duplicate efforts beyond the grant period for this cycle.
- The VMT category would also be reduced by 5 points to support smaller projects.
- the Project Characteristics category would increase by 10 points, achieving a better balance between signal timing and eligible improvements.
- language was revised on the current project status to include all previously funded projects and to encourage new projects.
- for the Project Characteristics category, a different approach was taken to obtain the maximum points for this category. Improvements that are critical for efficient signal operations were emphasized, items that traditionally affect budget and schedule were deemphasized. An additional emphasis was placed on upgrading aging technology.

Mr. Kulkarni added that all improvements in the previous call are still eligible. However, each feature is assigned an improvement score for which an average for which an average of the quarter signals determines the final points for this category.

Mr. Kulkarni reported submitting timing only projects are still an eligible option, however that no capital improvements are allowed on any intersection on the corridor to obtain a maximum improvement score of 50 for the maximum 20 points in this Project Characteristics category.

Mr. Kulkarni added that if any equipment is proposed, the signal timing no capital options are eliminated. The maximum score depends on the status related to the proposed improvements.

Mr. Kulkarni clarified that installing an ATC controller would only result in a maximum score if the existing controller is not an APC controller or it is older than five years. For signal timing no capital status "Online" means that the signal is connected to the central system and active while "Offline" means that it is not connected.

Mr. Kulkarni stated that for Signal Communication status, time source is a reliable time source such as GPS or Master Controller.



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Mr. Kulkarni clarified that the point allocations are for this year and are a result of discussions had at the January TAC meeting regarding low-cost quick-build improvements helping signal synchronization.

Mr. Kulkarni reported on an example of a corridor with five signalized intersections that will be installing communications, controllers, CCTV, and detections for various statuses.

Mr. Kulkarni explained that this example contained both signal communication and field elements. Consequently, signal timing, no capital does not apply. In the example, the five synchronized intersections produce an average score of 35.5 which translates to 15 "project characteristic" points.

Mr. Kulkarni reported on OCTA Staff already updating supplemental application to include changes and tested it out with respect to a sample project to be made available as part of the supplemental application guide on the CTFP webpage, with training provided by OCTA similar to previous calls. The OC fund tracker will require less data to generate the score for this project. OCTA aims to make this program equitable and purposeful for the future of signal synchronization and are understanding to the changes requiring more review on applicants and invite any comments that can be addressed at the TAC meeting.

Mr. Kulkarni opened the item for discussion.

Mr. Wheeler asked to be walked through the new Project Characteristics category scoring process and asked if OCTA had anything like this process in the past.

Mr. Kulkarni explained that in the past OCTA had this category as an additive worth 10 points. The proposed changes increase the point allocation in this category to 20 points to promote better equipment and signal synchronization outcomes.

Mr. Wheeler stated that the new process appears to require significantly more work.

Mr. Kulkarni stated that the new process would not require a more significant time commitment. The supplemental application has been updated to no longer require as many calculations.

Mr. Sethuraman asked for clarification on point calculations.

Mr. Kulkarni clarified how the point conversion works from average points to total points and explained how an average of 35.5 points would net 15 points to the Project Characteristics category and a average score of 40 or greater would be required to obtain the maximum point allocation of 20 points for Project Characteristics

Mr. Kulkarni reemphasized that the recommended changes to the scoring process are for this year and that the scoring process could be addressed again in future years.



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Mr. Sethuraman asked if there were any changes to the corridor such as the number of intersections.

Mr. Kulkarni and Ms. Tran responded that there were no changes to the corridor.

Mr. Wheeler asked for clarification on why OCTA will not be leading projects.

Mr. Kulkarni reported that OCTA is leading on approximately 10 previous call projects and has committed to leading the Baseline project mentioned at the January 26 TAC meeting.

Mr. Brotcke added that the Baseline project would address approximately 2,200 traffic signals countywide.

Mr. Pelletier asked if the Baseline project has been approved.

Mr. Brotcke responded that the project is pending budget approval.

Mr. Wheeler asked for clarification on the definition of “all signals” in the context of the guidelines, whether that meant City wide or on the corridor and whether “all signals” refers to all signals in an application or a local agency.

Mr. Kulkarni reported that it most likely means all signals within the context of the application.

Mr. Wheeler directed staff to page 8-13 of the guidelines.

Mr. Kulkarni and Ms. Tran confirmed that “all signals” is used in the context of the application.

Mr. Wheeler asked to have that clarified somewhere.

Mr. Sethuraman asked if Leading Pedestrian Intervals will be eligible.

Mr. Kulkarni reported that he would follow up with Ms. Yang and report back at the next TAC meeting.

Mr. Pelletier asked for a motion.

Mr. Sethuraman forwarded the motion.

Mr. Wheeler seconded the motion.

DISCUSSION ITEMS

3. Discussion of Suggestions Regarded by the TAC (May 25, 2022) with Regard to Potential Accommodations to Previously Awarded Projects in Response to Supply Chain Issues and Inflationary Turmoil – Charvalen Alacar

Ms. Alacar reported on the handout titled, “Discussion Points for Flexible Cancellation of Projects to Reapply and Pre-award-Authority.”

Ms. Alacar reported that staff is recommending allowing agencies with previously awarded projects to reapply in the 2023 Project O and P call for projects (call) without first having to cancel their current grant. A project would only be eligible for this exception if a contract has not yet been awarded or work has not yet started on the project phase.

Ms. Alacar added that the project application would be completed and scored according to the 2023 guidelines.

Ms. Alacar clarified that in order to apply for the 2023 call, the current guidelines would require agencies to cancel through the September 2022 Semi Annual Review process. Staff is proposing to extend that out to the March 2023 Semi Annual Review.

Ms. Alacar stated that assuming that the TAC approves the CTFP Guideline revisions and the Board approves in August, the 2023 call would be issued in the August and September timeframe, applications would be due in October and around February agencies would submit cancellations for their current grant. In March, the TAC would review the programming recommendations for the 2023 call and that would incorporate previously awarded projects that scored high enough under the new call.

Ms. Alacar added that two months later in May the Board would approve the new programming recommendations under the 2023 call and with staff’s proposals of additional flexibility for the pre award authority which would allow agencies to award their contracts immediately upon Board approval in May opposed to waiting until July 1 of the program year.

Ms. Alacar stated that if approved, changes would be made to the project application form to include an initial statement that would mention cancelling the existing award upon approval to move forward with the new grant in the 2023 call.

Ms. Alacar concluded her presentation and asked for questions.

Mr. Wheeler asked whether applicants must cancel the project before receiving the new award.



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Ms. Alacar responded that instead of having to cancel in September, agencies can now cancel the following February when applicants have more knowledge about their standing in the 2023 call.

Ms. Cardoso added that at that point agencies would know the TAC recommendations. Agencies that have been recommended for awards would be asked to prepare a PowerPoint presentation.

Mr. Wheeler asked if an agency would lose their grant if they cancel their project and are not recommended for an award in the 2023 call.

Ms. Cardoso clarified that a cancellation request can be withdrawn and adds that OCTA does not go to the board until June for the semi-annual review approval, thus all awards would occur in May.

Mr. Wheeler asked for a conditional withdrawal option as an alternative to the outlined process.

Ms. Cardoso stated that the language would continue to be worked on and the application will require the applicant to sign a statement that the award is conditional.

Ms. Lai asked for clarification on the timing of the resolutions.

Ms. Cardoso clarified that all of the standard requirements apply as a new resolution because the potential award will be for a different amount.

Mr. Chagnon stated that this process is overly complicated and stated that not being able to move forward with the project award defeats the purpose because agencies don't want to wait a whole year to get started.

Mr. Chagnon added that traditionally there are more projects than there is money. This year is an exception, with fewer projects and surplus money.

Mr. Chagnon stated that surplus money should be allocated towards underfunded projects, making the case that route is more logical.

Mr. Wheeler asked Mr. Chagnon if he believes there is an issue with the proposed guidelines.

Mr. Chagnon clarified that he believes it is essential to be able to award the project and move forward, that local agencies should move forward at their own risk knowing that if they are not awarded, they will be responsible for covering their own funding gap.

Mr. Chagnon asked why OCTA will not allow individual agencies to assume the risk.

Mr. Brotcke responded that awarding a contract means you have full funding for it.



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Mr. Brotcke added that Project O and Project P are competitive programs and if there were any cost overruns, future projects are being precluded from competing for the same amount of money.

Mr. Brotcke stated that this is the best OCTA can do considering the current guidelines and ordinance. He added that it sends mixed messages from a funding policy perspective.

Mr. Chagnon conceded that this is outside the normal method of business but requests the one-time exception where previously underfunded projects can prove they are still competitive and in alignment with M2.

Mr. Chagnon added cancelling and reapplying is not convenient as standards have changed and reiterated that he is requesting a one-time exception for projects that have experienced extreme cost escalation not projects that have been mismanaged.

Ms. Lai stated that she agreed with Mr. Chagnon's points about the inability to cancel projects and reapply due to changing standards and asked to extend this exception over two to three cycles to allow cities to better strategize what works best for them without losing out on awards they already have.

Ms. Lai asked if OCTA was following their requests pertaining to the construction cost index (CCI) and if the two memos are related.

Ms. Cardoso confirmed with the Chair if it was okay to move into a discussion about the CCI.

Ms. Cardoso stated that OCTA is looking at applying escalation adjustments to projects that have not awarded a contract yet. OCTA is looking for feedback from the TSC on different scenarios that have been developed.

Ms. Lai stated the proposal looked promising and asked for staff to walk through the proposal.

Ms. Cardoso clarified that OCTA needs the TSC to answer questions so that staff can continue to develop the proposal.

Ms. Lai asked whether the proposal would require an Ordinance change.

Ms. Cardoso responded that an ordinance change would not be required as it was being prepared as a one-time exception.

Ms. Alacar presented the questions prepared by OCTA staff. She stated, OCTA's goal is to help escalate projects. OCTA is looking to the TSC for discussion on how to do that in regard to the Engineering News Record (ENR) CCI.



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Ms. Lai stated that the difference in inflation from the start of the pandemic in 2019 to now would be reasonable, that the norm would be 20 percent.

Ms. Lai stated that she wants her project that was awarded two years ago to be escalated so that it is fair and within reasonable cost.

Ms. Cardoso asked when the planned start date of that project would be.

Ms. Lai stated that the project would start in FY22-23.

Ms. Cardoso stated that the CCI can potentially be applied as it was for previous years. However, it is likely that the escalation rate used moving forward is what is available at the time of the Semi Annual Review.

Ms. Lai asked that the higher escalation rate be used whether that be month over month or year over year.

Mr. Ngo stated the current environment is in an unprecedented time so looking back into two years so you can get a before and better understanding of what is coming ahead of us.

Ms. Cardoso clarified whether to just adjust FY20-21 and FY21-22, and future years depending on where things are.

Mr. Ngo responded yes.

Ms. Cardoso asked if those years can potentially go back to the 2018 or 2019 call if someone was programed in the third year and then got the two-year extension and wouldn't be delivering the project until the 22/23 year. Stating under that scenario they could go back and look at the COVID years and escalate for that period.

Ms. Lai responded that if it were a complete resolution that it would seem reasonable.

Mr. Sethuraman asked if this is something that is automatically done for all projects or upon request.

Ms. Cardoso reported when a project is awarded funding, if they are in years two or three, they look at the ENR CCI and escalate year two and apply additional escalations for year three.

Mr. Brotcke stated that escalation adjustments should be upon request.

Mr. Chagnon asked if a project from 2018 would receive an escalation adjustment back from 2018.

Ms. Cardoso asked if Mr. Chagnon had a suggestion.



Mr. Chagnon stated to do it from 2018 due to the objective of delivering these projects.

Ms. Cardoso stated to be cautious of higher escalations in year two and three than from what actually occurred and to look at each fiscal year to understand the escalation rate was and what had been programmed in years two and three for each of the call cycles to see what the differences were.

Mr. Brotcke noted that going back to 2018 and 2019 would be pre-COVID and reminded the TSC that this discussion started from COVID related inflations risks.

Mr. Sethuraman stated 2021 should be the cutoff year.

Mr. Pelletier asked questions about how projects from the 2018 call would be treated, particularly those that have already been escalated.

Ms. Cardoso reported that both cannot be received and that the prior escalation would be stripped out first.

Ms. Cardoso stated that OCTA assumed that the escalation adjustment would be applied to right of way and construction and asked if that assumption was correct.

Ms. Cardoso added that either task 3 or task 7 under implementation for Project P were being considered. She reaffirms with the group if it is appropriate to limit escalation adjustments to right of way and construction.

Ms. Lai asked about Project P having an escalation for operations and maintenance (O&M).

Ms. Cardoso reported that there would be no escalation for O&M and that it would only apply to the capital piece.

Mr. Gabriel asked a question on the right of way and determining escalation by property.

Ms. Cardoso reported that issuing the offer letter would be considered the start of the phase and is used in place of contract award and if not acquisition the first contract would be considered the start of right of way.

Mr. Gabriel asked if escalation could be applied to any remaining properties that are not already settled.

Ms. Cardoso clarified that she is looking to the TSC to answer this question.

Mr. Gabriel stated the challenge when COVID hit and the statewide moratoriums on evictions, it was a de facto moratorium on right of way acquisition. There was an intent to not displace and relocate families.



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Mr. Gabriel stated that they are now at a point where we can acquire, but prices have escalated so he would recommend we allow it on a contract by contract basis which would be for each individual location.

Ms. Cardoso clarified it would still be based on the first offer letter, it would just be based on the offer letter for each property and if the first offer was already made then no escalation would be made on that particular parcel.

Mr. Gabriel asked that any remaining properties not under contract be eligible for escalation.

Mr. Brotcke stated we would take that as a comment due to concerns of how it would be implemented, how the payment would be made to the agency and how it gets tracked. It would largely depend on the number of properties that are involved.

Mr. Gabriel stated that escalation should be baselined as his project is down to the last few out of a dozen properties.

Mr. Brotcke stated that staff would look into that.

Ms. Cardoso asked if everyone was comfortable with the CCI 20-city average for both construction and right of way, as it is currently done in the CTFP Guidelines

Mr. Brotcke clarified that this is current practice.

Mr. Wheeler asked what the CCI 20-city average is and whether it was specific to Los Angeles or Orange County.

Ms. Alacar responded that the average comes from 20 cities nationwide.

Mr. Wheeler stated that Southern California is a unique market and utilizing a 20-city average that factors in a market like Texas may not help.

Mr. Wheeler stated that greater research and analysis would be valuable and asked whether this index is truly relevant to the market in Southern California.

Mr. Chagnon agreed with Mr. Wheeler.

Mr. Brotcke stated that there had been no previous concerns regarding the validity of the ENR CCI.

Mr. Chagnon restated wanting the ENR CCI to be reanalyzed.

Mr. Ngo asked for clarification on the Los Angeles Building Cost Index (BCI).

Mr. Wheeler stated his agency utilizes the Los Angeles BCI.



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Mr. Ngo stated that his agency refers to the Los Angeles BCI for maintenance contracts.

Ms. Cardoso asked Mr. Ngo for clarification on the index his agency uses.

Mr. Ngo confirmed his agency refers to the Los Angeles BCI.

Mr. Chagnon clarified that the Los Angeles BCI is used within Metro Southern California.

Ms. Lai suggested having a chart to compare the Los Angeles BCI to the ENR CCI.

Mr. Chagnon stated the difficulties that have been experienced with escalations rates varying month over month.

Ms. Cardoso asked the TSC what could be done to protect the timely use of funds or encourage sooner project delivery and how do we treat projects that have received delays, and would we allow a jurisdiction to come in and request for a delay at the same time they request an escalation.

Mr. Wheeler acknowledged that this would not be easy and has become increasingly difficult.

Ms. Lai stated her agency has had to reject bids for simple annual projects because they were too high.

Mr. Wheeler stated that this could be combatted with a delay and additional funds due to the increasing costs of materials.

Mr. Ngo stated that agencies would not pursue an incentive to receive a delay and additional funds, their primary goal is executing the project as soon as possible.

Ms. Lai asked if what was discussed pertained to projects that have not been awarded or to projects that have started construction and are now anticipating delays and construction cost increases.

Ms. Cardoso stated that the intention was for projects that have not yet awarded a contract.

Ms. Cardoso asked if escalation adjustments would require justification.

Ms. Cardoso stated that OCTA plans to have jurisdictions request escalation adjustments and asked if certain justifications should be treated as more valid than others.

Mr. Sethuraman stated that a request should be sufficient.



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Mr. Chagnon asked how this would work in the contract of his project that has already been awarded a contract but will likely have to rescind the award and rebid it.

Mr. Brotcke stated that the issue being discussed has never occurred before and should be discussed with the city separately.

Mr. Chagnon stated that this would be a key consideration in moving forward with the recommended guidelines.

Mr. Brotcke responded that if a contract has been awarded, a commitment has been made to funding that contract. If the contract were rescinded that creates a new wrinkle.

Mr. Chagnon clarified that because they could not move forward, the contractor backed out, and they will likely rebid the project.

Mr. Brotcke responded that it depends on what the contract award is, whether that is the previous award or the new award. If it is the new award that would be an obvious problem.

Ms. Lai asked if anything would be able to be done to extend the timeframe for the timely use of funds, without making changes to the ordinance.

Ms. Cardoso asked Ms. Lai for clarification on the question and responded that extensions on the timely use of funds would have to be considered on a case by case basis, asking whether the 24-month extension has been depleted and whether it is a project that is eligible for an extension.

Ms. Cardoso explained that this would not be possible today, but the tools may be available for delays, largely depending on individual projects.

Ms. Cardoso asked what kind of features should be included to ensure accountability.

Mr. Brotcke responded that ordinance requirements help maintain accountability as does having a contract award deadline and match rates, among other provisions.

Mr. Chagnon stated that the existing criteria help maintain accountability.

Mr. Brotcke asked the TSC, how the proposed changes could go wrong.

Mr. Ngo stated that if anything they could go through council to update resolutions to include the new request.

Mr. Wheeler stated that changes would need to go to council to assure projects are budgeted for and the match rate stays the same.



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Ms. Lai stated that cities could self-attest to needing escalation adjustments during the COVID-19 timeframe.

Mr. Brotcke stated that the goal of these revisions is to anchor escalation adjustments to the COVID-19 time period.

Mr. Chagnon stated that inflation started with COVID-19 and if the proposed changes are approved, this could be precedent setting.

Mr. Brotcke stated that OCTA was hopeful that when escalations are developed for the 2023 program, escalations will be adequate and repeating this process will not be necessary.

Ms. Lai responded to Mr. Brotcke's question and asked how OCTA would address questions about projects that have been awarded but are now experiencing COVID-19 related effects such as increased gas prices.

Mr. Chagnon stated that the simpler thing would be to re-apply but move forward with your current grant. He suggested a new application for additional time and supplemental funding as needed.

Mr. Wheeler stated that Mr. Chagnon's solution would be simpler for everyone's normal projects that require escalation. He also acknowledged that there are unique projects where a standardization of the process will not work and should be able to apply.

Mr. Chagnon asked if there were many agencies that have projects that are underfunded and now unable to proceed.

Mr. Chagnon stated that his impression was that there were only a small number of agencies with underfunded projects because of the timing of when they were awarded and ready to begin construction.

Mr. Wheeler and Mr. Sethuraman stated that they were able to afford their projects by reducing the scope of their projects.

Mr. Chagnon stated that a cost escalation would be more practical for those types of projects.

Mr. Wheeler stated that there was merit to having separate processes for standard cost escalations and more unique project adjustments.

Mr. Chagnon suggested doing one or the other, stating that the project would only cancel their existing awards if they were awarded a new amount, so they could get their cost escalation through one path and then reapply.

Mr. Sethuraman asked if awarded projects would be eligible for reapplication.



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Mr. Brotcke clarified that awarded projects would not be eligible for reapplication and explained that the issue with the City of Mission Viejo is that they may back out of their contract so that it is not awarded.

Mr. Brotcke stated that projects that have been awarded are not eligible for this process.

Ms. Lai asked how long the escalation process would take.

Ms. Cardoso stated that they would consider requests at the September Semi-Annual Review.

Ms. Lai asked if this process would occur with the Semi-Annual Review.

Ms. Cardoso clarified that requests would be taken separately from the Semi-Annual Review but would go to the board once, as a part of the Semi-Annual Review.

Ms. Cardoso explained that it was still uncertain if agencies may start their projects upon submitting a request or if they must wait for Board approval of the semi-annual review.

Ms. Lai explained that although her agency's project has not been awarded, there are constraints on the project.

Ms. Cardoso explained that one of the things OCTA is most concerned about is that agencies have full funding so that the contract can be awarded.

Ms. Lai asked about using General Fund funds to not supplant anything, contingent on receiving any additional funds.

Ms. Cardoso stated that the comments from today's meeting would be used to develop a proposal that the TSC will have an opportunity to review, although perhaps not before the next regularly scheduled TAC meeting.

Mr. Brotcke explained that there is a risk with going to the Board in December and that agencies may want to be cautious about doing anything until then. He added that internal discussions will be needed about when this information could be gathered despite the current uncertainty.

Ms. Lai asked about the legal standpoint of the issue.

Mr. Brotcke responded that if anything is done before Board action on funding, agencies are assuming the risk. He added that bringing this to the Board has not been scheduled.

Mr. Chagnon stated that Caltrans in the Federal Bridge Program has advanced construction where if the programmed funds are insufficient the city can move forward as long as the city agrees to provide the required funding until there are enough funds in the program.



MINUTES

Technical Steering Committee

Ms. Cardoso stated that she understood Mr. Chagnon and explained that the federal funds are programmed in the FTIP, meaning there are dollar amounts that have been approved by Caltrans even though funds cannot be accessed until later years.

Mr. Chagnon explained that the Federal Program accommodates for high bids by allowing local agencies to submit for additional funding based on the bids received. In this scenario local agencies can move forward with their projects while they are being reviewed for additional funding and they assume the risk of not being approved.

Mr. Chagnon stated that it should be okay for projects to move forward and apply for additional funding, accepting the risk that additional funding may or may not be approved.

Mr. Wheeler suggested that OCTA investigate what was stated by Mr. Wheeler, allowing the local agencies to move forward with projects with the risk of not receiving additional funding.

Ms. Cardoso reported that limits would have to be put on this type of process based on how or when the contract was awarded.

Mr. Wheeler stated he would be receptive to limits if local agencies are willing to take that risk.

Mr. Brotcke asked what happens when advanced construction occurs, and a new competitive application is submitted leading to a multimillion dollar over subscription.

Mr. Brotcke states that politically the agency that has already received funding for at least the first portion of their project will receive priority over a new higher scoring project. Ultimately the competitive nature of the ordinance requires us to go through this process.

Mr. Wheeler stated the project would have to reapply and if the project does not score well they would be responsible for funding the remainder of the project.

Mr. Chagnon stated that the purpose is to deliver the projects that will provide the greatest benefit to the area and whether they are old or new should not be a factor. The projects that provide the greatest benefit should be advanced.

Mr. Chagnon stated that prioritizing newer lower scoring projects is not an objective of M2, the competitive process for the allocation of funds is to deliver the highest quality projects in the region.

Ms. Lai supported the idea of the county telling local agencies before the contract is awarded and having the opportunity to supplement a portion of the contract with general funds with the opportunity to receive an escalation adjustment post-contract.



Mr. Wheeler stated wanting to avoid waiting until the Semi-Annual Review to move forward with projects.

Mr. Ngo asked how projects will be scored when they reapply only for additional funds.

Ms. Cardoso clarified that for any projects that are awarded, their original grant would be cancelled and added into the amount that is available in the current call.

Mr. Sethuraman stated that this is a complicated issue, hopes it is a one-time exception and recognizes that it will be difficult to explain this to the Board.

Mr. Brotcke stated that the proposed guidelines updates would continue to be fleshed it and tat OCTA staff would have more in two weeks.

Request – Mark Trestik

Mr. Trestik requested that the Committee and for staff to consider lane repurposing as an eligible project participation category for the arterial capacity enhancements. He provided the example of having a double left turn lane and converting that into a through lane or a reversible lane to manage existing lanes to help MPAH facilities that have severe right of way restrictions be competitive for this type of thing.

3. Correspondence

- OCTA Board Items of Interest – See Agenda
- Announcements Sent by Email – See Agenda

4. Committee Comments – No Comments

5. Staff Comments – None

6. Items for Future Agendas - None

7. Public Comments – None

8. Adjournment at 3:09 p.m.



AGENDA

Technical Steering Committee

Item# 2

2023 CTFP Call for Projects – O and P Programming Recommendations



Correspondence



Item 3, Attachment A: OCTA Board Items of Interest

- **Monday, June 13, 2022**
 - Item# 15:* Grant Acceptance for the Countywide Transportation Demand Management Strategic Plan
 - Item# 16:* Capital Programming Update
 - Item# 25:* Measure M2 Quarterly Progress Report for the Period of January 2022 Through March 2022
 - Item# 27:* Measure M2 Eligibility Review Recommendations for Fiscal Year 2020-21 Expenditure Reports
- **Monday, July 11, 2022**
 - Item# 5:* Orange County Transportation Authority State and Federal Grant Programs – Update and Recommendations
 - Item# 8:* Comprehensive Transportation Funding Programs Semi-Annual Review - March 2022
- **Monday, July 25, 2022**
 - Item# 20:* Measure M2 Community Based Transit Circulators Program Project V Ridership Report
- **Monday, August 8, 2022**
 - Item# 16:* Temporary Policy Change to Address Extraordinary Inflation for Prior Regional Capacity Program and Regional Traffic Signal Synchronization Program Allocations
 - Item# 17:* Release 2023 Annual Call for Projects for Measure M2 Comprehensive Transportation Funding Programs
- **Monday, August 22, 2022**
 - Item# 7:* SB 1 (Chapter 5, Statutes of 2017) State of Good Repair Program Recommendations for Fiscal Year 2022-23
 - Item# 8:* Federal Transit Administration Program of Projects for Federal Fiscal Year 2021-22
- **Monday, September 12, 2022**
 - Item# 6:* 2023 Active Transportation Program Regional Project Prioritization Point Assignments for Orange County
 - Item# 11:* Measure M2 Quarterly Progress Report for the Period of April 2022 Through June 2022
- **Monday, October 24, 2022**
 - Item# 14:* Acceptance of Grant Award from Federal Transit Administration Low or No Emission Grant Program and Department of Homeland Security Transit Grant Program
- **Monday, November 14, 2022**
 - Item# 22:* Measure M2 Annual Eligibility Review
 - Item# 28:* Measure M2 2022 Update: Next 10 Delivery Plan
- **Monday, December 12, 2022**
 - Item# 15:* 2023 Technical Steering Committee Membership



AGENDA

Technical Steering Committee

Item# 3

Item# 16: Securing State and Federal Formula Funds for Highway, Transit and Complete Streets Priority Projects

Item# 24: Measure M2 Quarterly Progress Report for the Period of July 2022 Through September 2022

- **Monday, January 23, 2023**

Item# 10: Measure M2 Community-Based Transit Circulators Program Project V Ridership Report

- **Monday, February 13, 2023**

Item# 12: Capital Programming Update – Federal Transit Administration Savings

Item# 22: Measure M2 Environmental Cleanup Program (Project X) – Tier 1 2023 Grant Program Call for Projects

Item# 23: Escalation Rate Adjustments Recommendations for Prior Regional Capacity Program and Regional traffic Signal Synchronization Program Allocations



Item 3, Attachment B: Announcements by Email

- Reminder: 2022 Call for Projects - M2 Environmental Cleanup Program (ECP) Tier 1 Closes Next Thursday, June 16th at 5:00pm, *sent 6/8/2022*
- June 22, 2022 OCTA Technical Advisory Committee Agenda and Meeting Information (IN-PERSON), *sent 6/17/2022*
- MSRC Transformative Transportation Grant Opportunity, *sent 6/17/2022*
- July 13, 2022 OCTA Technical Steering Committee Meeting Cancellation Notice, *sent 7/5/2022*
- Build America, Buy America Act, and a Temporary Waiver, *sent 7/15/2022*
- July 27, 2022 OCTA Technical Advisory Committee Meeting Cancellation Notice, *sent 7/22/2022*
- M2 \$1 Billion Streets and Roads Milestone - Reminder - Due July 29, *sent 7/22/2022*
- REMINDER: M2 \$1 Billion Streets and Roads Survey Still Accepting Submissions, *sent 8/2/2022*
- Message Sent on Behalf of Caltrans: DOT Request for Information - Buy America Construction Materials Provisions, Due 8/12/22, *sent 8/3/2022*
- August 10, 2022 OCTA Technical Steering Committee Meeting Cancellation Notice, *sent 8/4/2022*
- 2023 Call for Projects for M2 Regional Capacity Program (RCP) and Regional Traffic Signal Synchronization Program (RTSSP) Now Open, *sent 8/16/2022*
- Temporary Policy Changes to Address Extraordinary Inflation for M2 CTFP Projects, *sent 8/18/2022*
- September 2022 M2 Comprehensive Transportation Funding Programs (CTFP) Semi - Annual Review is Now Open, *sent 8/31/2022*
- September 14, 2022 OCTA Technical Steering Committee Meeting Cancellation Notice, *sent 9/9/2022*
- October 12, 2022 OCTA Technical Steering Committee Meeting Cancellation Notice, *sent 10/11/2022*
- 2023 Call for Projects RCP and RTSSP closes on Thurs., Oct. 20 at 5:00pm, *sent 10/17/2022*
- 2023 Measure M2 CTFP (Projects O and P) Call for Projects Final Deadline Reminder, *sent 10/20/2022*



AGENDA

Technical Steering Committee

Item# 3

- [Revised Meeting Date] November 9, 2022 OCTA Technical Advisory Committee Meeting Confirmation Notice, *sent 10/24/2022*
- November 9, 2022 OCTA Technical Advisory Committee Agenda and Meeting Information, *sent 11/4/2022*
- November 23, 2022 OCTA Technical Advisory Committee Meeting Cancellation Reminder, *sent 11/21/2022*
- OCTA Pavement Distress Trainings, *sent 11/22/2022*
- December 14, 2022 OCTA Technical Steering Committee Meeting Cancellation Notice, *sent 12/9/2022*
- TAC Cancellation Notice, December 28, 2022, *sent 12/27/2022*
- January 11, 2023 OCTA Technical Steering Committee Meeting Cancellation Notice, *sent 1/5/2023*
- 2023 OCTA Spring Pavement Management Software Training, *sent 1/6/2023*
- Notice of MSRC Funding Opportunity: Implementation of New or Expanded Microtransit Services (RFP2023-07), *sent 1/10/2023*
- 2021 Pavement Management Relief Funding (PMRF) Program Obligation Deadline Reminder, *sent 1/16/2023*
- January 25, 2023 OCTA Technical Advisory Committee Meeting Cancellation Notice, *sent 1/24/2023*
- REMINDER: Future Call for Projects - Requests for Letters of Interest Due January 31, *sent 1/30/2023*
- March 2023 M2 Comprehensive Transportation Funding Programs (CTFP) Semi-Annual Review is Now Open, *sent 2/1/2023*
- [Revised Meeting Date] February 22, 2023 OCTA Technical Steering Committee Meeting Confirmation Notice, *sent 2/6/2023*