

**Date:** Monday, June 8, 2009

**Time:** 9:00 a.m.

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



## BOARD AGENDA

Orange County Transportation Authority Board Meeting  
Orange County Transportation Authority Headquarters  
First Floor - Room 154  
600 South Main Street, Orange, California  
***Monday, June 8, 2009, 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.

### **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.

### **Public Availability of Agenda Materials**

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

### **Call to Order**

### **Invocation**

Director Campbell

### **Pledge of Allegiance**

Director Dalton



## BOARD AGENDA

ACTIONS

### Special Matters

**1. Public Hearing on the Orange County Transportation Authority's Fiscal Year 2009-10 Budget**

Rene I. Vega/Kenneth Phipps

***Overview***

The Orange County Transportation Authority Fiscal Year 2009-10 Budget presents a balanced plan of sources and uses of funds while providing for the current and future transportation requirements of Orange County. The public hearing provides the public the opportunity to comment on the details of the budget. The Board of Directors may approve the fiscal year 2009-10 budget following the public hearing on June 8, 2009, at the regularly scheduled Board Meeting on June 22, 2009, or in a special meeting convened prior to July 1, 2009, by when state law mandates budget approval.

***Recommendations***

- A. Approve by resolution the Orange County Transportation Authority's Fiscal Year 2009-10 Budget.
- B. Approve changes to the Personnel and Salary Resolution.
- C. Authorize the purchasing agent to execute the software and hardware licensing, maintenance, and emergency support purchase orders and/or agreements.

**2. Approval of September Service Change**

Scott Holmes/Beth McCormick

***Overview***

On May 22, 2009, the Board of Directors conducted a public hearing to receive public input on proposed bus service changes for the September 2009 Service Change program. This report summarizes the comments received and the staff responses to them. The report also presents three alternatives for consideration by the Board of Directors.



## BOARD AGENDA

ACTIONS

### 2. (Continued)

#### *Recommendations*

- A. Find that the Orange County Transportation Authority has a fiscal emergency as defined by Public Resources Code section 21080.32(d)(2) caused by the failure of the Orange County Transportation Authority revenues to adequately fund agency programs and facilities and that bus service reductions of approximately 400,000 annualized vehicle service hours in fiscal year 2009-10 are required to implement necessary budget reductions.
- B. Review and approve a service reduction strategy which results in the approximate reduction of 100,000 revenue vehicle hours effective with the September Service Change program, which reduces service on 29 Orange County Transportation Authority bus routes and discontinues Owl service on routes 43, 50, 57, and 60.
- C. Direct staff to return to the Board of Directors with periodic updates regarding progress toward achieving service reduction program targets.

### **Consent Calendar (Items 3 through 19)**

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**

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of May 22, 2009.



## BOARD AGENDA

ACTIONS

4. **Adoption of Conflict of Interest Code by Incorporating Model Code Adopted by Fair Political Practices Commission, Including Future Amendments**

Wendy Knowles

**Overview**

Pursuant to the Orange County Transportation Authority's Conflict of Interest Code, Members of the Board of Directors and certain designated employees are required to file Statements of Economic Interests and the Conflict of Interest Code must be amended as appropriate. Incorporating the Model Conflict of Interest Code adopted by the Fair Political Practices Commission (FPPC) is recommended in order to simplify the process of incorporating future amendments as required by the FPPC.

**Recommendations**

- A. Adopt Resolution 2009-35, incorporating by reference the standard model Conflict of Interest Code, including future amendments thereto, adopted by the FPPC as the Conflict of Interest Code for the Orange County Transportation Authority, including Appendices A and B in which members and employees are designated and disclosure categories are set forth.
- B. Direct the Clerk of the Board to distribute and monitor Statements of Economic Interests for Members and the Board of Directors, the Chief Executive Officer and certain designated employees, and file those statements with the Clerk of the Orange County Board of Supervisors by April 1 of each year.

5. **Draft 2009 State Route 91 Implementation Plan**

Dan Phu/Kia Mortazavi

**Overview**

Enabling legislation related to the 91 Express Lanes requires the Orange County Transportation Authority to annually issue a plan and proposed schedule for the Riverside Freeway (State Route 91) improvement projects eligible for funding by potential excess toll revenue. The Draft 2009 State Route 91 Implementation Plan is provided for Board of Directors' review and approval.



## BOARD AGENDA

ACTIONS

5. (Continued)

***Recommendation***

Approve the Draft 2009 State Route 91 Implementation Plan.

6. **Federal and State Programming Actions**

Adriann Cardoso/Kia Mortazavi

***Overview***

The Orange County Transportation Authority receives annual appropriations from the federal Congestion Mitigation and Air Quality Improvement Program. In order to maintain full programming capacity of the available appropriations and avoid loss of funds, Board of Directors' approval is required for substitution projects. Transfer of Proposition 1B Corridor Mobility Improvement Account funds to other qualified projects is required as a result of Board of Directors approval for the use of American Recovery and Reinvestment Act of 2009 federal highway funds to advance the Riverside Freeway (State Route 91) eastbound lane project.

***Recommendations***

- A. Approve reprogramming \$16.5 million in Congestion Mitigation and Air Quality funds to three projects: (1) increased Metrolink operations, (2) Bravo! operations, and (3) rail station improvements.
- B. Authorize the transfer of \$71.44 million in Proposition 1B Corridor Mobility Improvement Account funds from the Riverside Freeway (State Route 91) eastbound lane project to: (1) the Orange Freeway (State Route 57), Orangethorpe Avenue to Lambert Road, (2) the Orange Freeway (State Route 57), Katella Avenue to Lincoln Avenue project, and (3) the West County Connectors Project.
- C. Authorize staff to prepare and submit necessary programming documents including amendments to the Regional Transportation Improvement Program, to submit the Federal Transit Administration grant application, and to execute any necessary agreements to reflect the approved programming.



## BOARD AGENDA

ACTIONS

**7. State and Federal Programming Policies**  
Abbe McClenahan/Kia Mortazavi

**Overview**

The Orange County Transportation Authority receives various local, state, and federal funding sources for delivery of multiple transportation capital projects. With the recent passage of the American Reinvestment and Recovery Act of 2009 and other recent transportation funding changes, staff is returning with updated state and federal programming policies for Board of Directors' review and approval.

**Committee Recommendation**

Approve the overall policy direction for programming of local, state, and federal funds with the exception of the Regional Surface Transportation Program and not modifying that policy at this time.

**8. Maintenance Services for the Orange County Transportation Authority's Operating Railroad Right-of-Way**  
Dinah Minter/Darrell E. Johnson

**Overview**

The Orange County Transportation Authority owns approximately 46 miles of operating railroad right-of-way and contracts for maintenance services of this property. The current maintenance contract expires on June 30, 2009. Staff requests that the current agreement be extended through December 31, 2009, and that staff be directed to explore the option of the Southern California Regional Rail Authority assuming responsibility for maintenance services for this railroad right-of-way.

**Recommendations**

- A. Cancel Request for Proposal 8-1129 for maintenance services for the Orange County Transportation Authority's operating railroad right-of-way, which the release of the request for proposal was approved by the Board of Directors on November 24, 2008.



## BOARD AGENDA

ACTIONS

8. (Continued)

- B. Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-3-0912 between the Orange County Transportation Authority and Joshua Grading & Excavating, Inc., in an amount not to exceed \$600,000, and to extend the contract term through December 31, 2009.
- C. Direct staff to explore options for maintenance services for the operating railroad right-of-way in Orange County and return to the Board of Directors with alternatives for its consideration and direction.

9. **Annual Insurance Program Review**

Al Gorski/Patrick J. Gough

**Overview**

The Orange County Transportation Authority purchases various insurance coverages such as workers' compensation, liability, property, terrorism, business interruption, life, health, dental, vision, and short-term and long-term disability insurance. The Orange County Transportation Authority contracts with insurance brokers for the marketing and placement of these coverages.

**Recommendation**

Receive and file as an information item.

10. **Third Quarter Fiscal Year 2008-09 Grant Status Report**

Chris McCandless/Kenneth Phipps

**Overview**

The Quarterly Grant Status Report summarizes grant activities for information purposes for the Orange County Transportation Authority Board of Directors. This report focuses on significant activity for the period of January through March 2009. The Quarterly Grant Status Report summarizes future and pending grant applications, awarded/executed and current grant agreements, as well as closed-out grant agreements.





## BOARD AGENDA

ACTIONS

10. (Continued)

***Recommendation***

Receive and file as an information item.

11. **Fiscal Year 2008-09 Third Quarter Budget Status Report**

Victor Velasquez/Kenneth Phipps

***Overview***

The Orange County Transportation Authority's staff has implemented the fiscal year 2008-09 budget. This report summarizes the material variances between the budget plan and actual revenues and expenses.

***Recommendation***

No action taken on this receive and file informational item.

12. **Resolution to Establish the Orange County Transportation Authority General Fund Appropriations Limitation for Fiscal Year 2009-10**

James L. Cook, Jr./Kenneth Phipps

***Overview***

The State Constitution requires that each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit for the following year pursuant to Article XIII B.

***Recommendation***

Adopt Orange County Transportation Authority Resolution No. 2009-30 to establish the Orange County Transportation Authority General Fund appropriations limit at \$8,378,151 for fiscal year 2009-10.



## BOARD AGENDA

ACTIONS

13. **Revenue Room Closure**  
Tom Wulf/Kenneth Phipps

***Overview***

The Orange County Transportation Authority will close the revenue room operation at the Santa Ana Base on June 30, 2009. The closure will save approximately \$150,000 annually in bus transit operating costs.

***Recommendation***

No action taken on this receive and file informational item.

14. **State Route 91 Advisory Committee Operation Policy and Procedures**  
Kirk Avila/Kenneth Phipps

***Overview***

In 2003, the State Route 91 Advisory Committee adopted an operation policy and procedures, which established the rules for conduct of committee meetings. With the passage of Senate Bill 1316 (Chapter 714, Statutes of 2008), a new operation policy and procedures must be adopted by both the Orange County Transportation Authority and the Riverside County Transportation Commission.

***Recommendation***

Approve the State Route 91 Advisory Committee Operation Policy and Procedures.



## BOARD AGENDA

ACTIONS

### Orange County Local Transportation Authority Consent Calendar Matters

15. **Amendment to Agreement for Additional Design and Construction Support Services for the Placentia Avenue Railroad Grade Separation Project**  
M. Joseph Toolson/Kia Mortazavi

#### *Overview*

On October 27, 2008, the Board of Directors approved an agreement with MTK, Inc., in the amount of \$1,623,000, to provide final design and construction support services for the Placentia Avenue railroad grade separation project. Upon further review, the level of services needed to complete this work will require an increase in the authorized contract amount.

#### *Recommendation*

Authorize the Interim Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-8-0961 with MTK, Inc., in an amount not to exceed \$670,446, for additional design and construction support services for the Placentia Avenue railroad grade separation project.

16. **Cooperative Agreements with the Cities of Placentia, Anaheim, and Fullerton for the Railroad Grade Separation Projects**  
M. Joseph Toolson/Kia Mortazavi

#### *Overview*

The Orange County Transportation Authority proposes to enter into cooperative agreements with the cities of Placentia, Anaheim, and Fullerton. Cooperative agreements are required to establish roles, responsibilities, and process for the implementation of the railroad grade separation projects located at the Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue at-grade rail crossings.



## BOARD AGENDA

ACTIONS

### 16. (Continued)

#### *Committee Recommendations*

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0412 with the City of Placentia, in an amount not to exceed \$537,500, for traffic management planning, environmental re-evaluation, project support, and police services for the railroad grade separation projects located at Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue.
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0413 with the City of Anaheim, in an amount not to exceed \$370,000, for traffic management planning, project support, and police services for the railroad grade separation projects located at Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue.
- C. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0414 with the City of Fullerton, in an amount not to exceed \$92,500, for traffic management planning, project support, and police services for the railroad grade separation project located at Placentia Avenue.

### 17. **Resolution to Establish the Orange County Local Transportation Authority / Measure M Appropriations Limitation for Fiscal Year 2009-10** James L. Cook, Jr./Kenneth Phipps

#### *Overview*

The state constitution requires that each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit for the following year pursuant to Article XIII B.

#### *Recommendation*

Adopt Orange County Local Transportation Authority/Measure M Resolution No. 2009-31 to establish the Orange County Local Transportation Authority/Measure M appropriations limit at \$1,270,952,900 for fiscal year 2009-10.



## BOARD AGENDA

ACTIONS

18. **Selection of a Consultant for Preparation of a Project Study Report/Project Development Support for the Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange**  
Dan Phu/Kia Mortazavi

### *Overview*

Renewed Measure M includes a project to update and improve local interchanges on the Santa Ana Freeway (Interstate 5) including the Avenida Pico interchange. Proposals and statements of qualifications for the preparation of a project study report/project development support document were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of consultants to perform architectural and engineering work.

### *Recommendations*

- A. Select RMC, Inc., as the highest qualified firm to prepare the project study report for the Santa Ana Freeway (Interstate 5)/Avenida Pico interchange improvements.
- B. Authorize the Interim Chief Executive Officer to request a cost proposal from RMC, Inc., and negotiate an agreement for services.
- C. Authorize the Interim Chief Executive Officer to execute the final agreement.

## **Orange County Transit District Consent Calendar Matter**

19. **Agreement for Heating, Ventilation, and Air Conditioning Replacement at the Irvine Sand Canyon Bus Base Maintenance Building**  
James J. Kramer/Darrell E. Johnson

### *Overview*

The Orange County Transportation Authority needs to replace the existing heating, ventilation, and air conditioning system at the Irvine Sand Canyon Bus Base maintenance building to reduce maintenance costs and improve energy efficiency. The project is ready for construction and Board of Directors' authorization is required.



## BOARD AGENDA

ACTIONS

### 19. (Continued)

#### *Recommendation*

Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0281 between the Orange County Transportation Authority and Pardess Air, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$285,000, for heating, ventilation, and air conditioning replacement at the Irvine Sand Canyon Bus Base maintenance building.

## Regular Calendar

### Orange County Local Transportation Authority Regular Calendar

#### 20. **Amendment to Cooperative Agreements with the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project**

Tom Bogard/Kia Mortazavi

#### *Overview*

The California Department of Transportation has requested amendments to two cooperative agreements to fund additional project support services for final design and right-of-way acquisition for the Riverside Freeway (State Route 91) Eastbound Project and is requesting the Board of Directors approve these cost increases and provide additional local funding to pay for the additional services.

#### *Recommendations*

- A. Approve Amendment No. 1 to Cooperative Agreement No. C-7-1151 to add \$1.3 million to pay for additional final design services provided by the California Department of Transportation on the Riverside Freeway (State Route 91) Eastbound Project.



## BOARD AGENDA

ACTIONS

### 20. (Continued)

- B. Approve Amendment No. 2 to Cooperative Agreement No. C-7-1152 to add \$350,000 to pay for additional right-of-way acquisition services provided by the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project.
  
- C. Amend the Orange County Transportation Authority Fiscal Year 2009-10 Budget to add \$1.65 million to pay for additional project support services provided by the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project.

## Discussion Items

### 21. Anaheim Regional Transportation Intermodal Center Update

Jennifer Bergener/Darrell E. Johnson

### 22. 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.

### 23. Interim Chief Executive Officer's Report

### 24. Directors' Reports

### 25. Closed Session

Pursuant to Government Code Section 54956.9(a) to discuss Avery, et al v. Orange County Transportation Authority, et al; OCSC No. 07CC0004.

### 26. Adjournment

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, June 22, 2009**, at the OCTA Headquarters.







BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Public Hearing on the Orange County Transportation Authority's Fiscal Year 2009-10 Budget

Finance and Administration Committee meeting of May 27, 2009

**Present:** Directors Amante, Bates, Campbell, and Green  
**Absent:** Directors, Brown, Buffa, and Moorlach

**Committee Vote**

This item was passed by all Committee Members present.


**Committee Recommendations**

- A. Approve by resolution the Orange County Transportation Authority's Fiscal Year 2009-10 Budget.
- B. Approve changes to the Personnel and Salary Resolution.
- C. Authorize the purchasing agent to execute the software and hardware licensing, maintenance, and emergency support purchase orders and/or agreements.



*May 27, 2009*

**To:** Finance and Administration Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Public Hearing on the Orange County Transportation Authority's Fiscal Year 2009-10 Budget

**Overview**

The Orange County Transportation Authority Fiscal Year 2009-10 Budget presents a balanced plan of sources and uses of funds while providing for the current and future transportation requirements of Orange County. The public hearing provides the public the opportunity to comment on the details of the budget. The Board of Directors may approve the fiscal year 2009-10 budget following the public hearing on June 8, 2009, at the regularly scheduled Board Meeting on June 22, 2009, or in a special meeting convened prior to July 1, 2009, by when state law mandates budget approval.

**Recommendations**

- A. Conduct a public hearing on the Orange County Transportation Authority's Fiscal Year 2009-10 Budget on June 8, 2009.
- B. Approve by resolution the Orange County Transportation Authority's Fiscal Year 2009-10 Budget.
- C. Approve changes to the Personnel and Salary Resolution.
- D. Authorize the purchasing agent to execute the software and hardware licensing, maintenance, and emergency support purchase orders and/or agreements.

**Background**

Orange County Transportation Authority's (OCTA) staff has developed a balanced budget for fiscal year (FY) 2009-10 that defines the financial resources required to provide multi-modal transportation services to Orange County residents.

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An informal budget workshop was conducted with the Board of Directors (Board) on Monday, May 11, 2009, during which staff made a presentation on the proposed plans for each of OCTA's programs and services and their associated revenues and expenses.

Official notice of this public hearing was posted in accordance with OCTA policy. According to state law, the budget must be approved prior to July 1, 2009.

***Discussion***

The preparation of the OCTA annual budget began in December 2008 in coordination with the Fiscal Year 2008-09 Comprehensive Business Plan. The development of the budget begins with preliminary revenue projections for the upcoming fiscal year, which are further refined as additional information becomes available such as the release of revised economic forecasts, updates on the state budget and data collection on current year revenue performance. This information is compiled and utilized to establish divisional budget targets.

During the month of January 2009, OCTA staff communicated the divisional budget targets and entered budget requests into the budget system. Following a brief period of review and consolidation, the initial budget request was presented to executive management.

Meetings between division directors/managers and the budget team to review budget requests followed soon after. The results of these meetings were to 1) ensure all supporting divisions were able to meet the targeted reduction of 10 percent 2) agree on either keeping or eliminating budget items (staffing, services and supplies, and capital items) or 3) agree to disagree and continue the discussion in formal presentations of divisional budgets with the Chief Executive Officer (CEO). Successive meetings to bring expenditures in-line with available funding were completed in April 2009. Once final revisions were made the budget team began producing and distributing budget documents.

This year's budget was carefully assembled in the midst of one of the most challenging economic periods in history. Revenue shortfalls precipitated by a drop in sales tax receipts and the elimination of transit assistance from the state requires a significant reduction in bus service over the next year. Negative economic forces also require that long-term plans related to Metrolink service and capital improvements be reconsidered.

Bus service which has historically relied upon increasing sales tax receipts and assistance from the state, has felt the most immediate impact of the current recession. The budget projects the third straight year of declining sales tax and the elimination of the state transit assistance. In response to this dramatic decline in operating revenues, this budget includes a wage and hiring freeze for administrative employees, a 10 percent reduction in divisional budgets, deferral of several capital projects, and the utilization of economic stimulus dollars for operations. Despite making these reductions, OCTA anticipates to have revenue shortfalls of more than \$30 million in bus operations. Therefore, efforts will be made to reduce operating costs by the equivalent of 400,000 revenue vehicle hours to preserve a sustainable level of service over the long-term.

The budget also accommodates the continuing commitment of the original Measure M Program (M1) with the construction phases planned for both the Santa Ana Freeway (Interstate 5) Gateway and the San Diego Freeway (Interstate 405) West County Connectors (WCC) projects. However, M1 is not immune to this economic downturn.

With less M1 ½-cent sales tax receipts expected, the contingency balance for the freeway mode will decrease and less funding will be available for local street projects. However, hundreds of millions of dollars of previously designated funds will be used next year to continue the Metrolink Service Expansion Program and support construction activities for the Interstate 5 (I-5) Gateway Project. In addition, Tax-Exempt Commercial Paper will be used to kick start various projects included in the Renewed Measure M (M2) Early Action Plan. Specifically, investments will be made on the Orange, Riverside, and San Diego freeways.

The FY 2009-10 budget represents a balanced plan of sources and uses of funds. The combination of estimated revenues and use of reserves produces available funding of \$1,213.8 million, while proposed expenditures and designations yield a total use of funds of \$1,213.8 million (Attachment A - Resolution and Attachment B - Budget Summary).

The available funding includes revenues of \$708.2 million and reserve usage of \$505.6 million. The reserve usage is comprised of funds previously designated or reserved for operating and capital projects. The largest reserve utilization is in the Local Transportation Authority (LTA) (\$301.1 million) and will be used primarily to fund capital improvements to accommodate the Metrolink Service Expansion Program. Additionally, \$118.7 million will be utilized for M2 Early Action Plan projects. The OCTA will also contribute \$31 million from reserves

for the Bristol Street Widening Project, \$14 million for the Anaheim Regional Transportation Intermodal Center, and \$14 million from the Bus Operations Fund to offset the revenue loss through the Transportation Development Act (TDA) diversion.

The proposed use of funds consists of salaries and benefits of \$153.2 million, services and supplies of \$674.1 million, debt service of \$99.3 million, capital and fixed assets of \$266 million, and designations for future operating and capital requirements of \$21.2 million. The largest designation is in the State Route 91 Toll Road Fund for future capital improvements along the Riverside Freeway Corridor (\$12.1 million). In addition, OCTA has designated \$4.9 million to help fund future Orange County Transit District fixed assets such as revenue vehicles and facility modifications.

On a year-over-year comparison, the FY 2009-10 budget is 14.8 percent (\$156 million) greater than the FY 2008-09 budget. The investment in the Metrolink Service Expansion Program and the M2 Early Action Plan are the primary drivers for the increase in the overall budget.

The budget has been presented to the following committees as well as to individual Board Members upon request.

Committee	Date
Finance and Administration	May 13
	May 27
Transit	May 14
	May 28
Highways	May 18
	June 1
Legislative and Communications	May 21
	June 4
Executive	June 1
Board of Directors Meeting	June 8

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The Board may approve the FY 2009-10 budget following the June 8, 2009, public hearing or at the regularly scheduled meeting on June 22, 2009, or in a special meeting convened prior to July 1, 2009, by when state law mandates budget approval.

#### **Personnel and Salary Resolution**

The Personnel and Salary Resolution (PSR) for FY 2009-10 includes the elimination of merit increases and special performance awards for administrative employees (Attachment C). Administrative employees do not receive step increases, general increases, or cost of living adjustments. The union personnel will receive wage increases in accordance with their respective collective bargaining agreements. Minor changes have been made to the PSR to clarify previous wording and to reflect new laws or changes to existing laws. Please refer to Attachment D for a list of programs for administrative employees that will be suspended or changed during FY 2009-10 in response to the current economic situation.

#### **Information Systems Licensing and Maintenance Agreements**

Each year in conjunction with approving the budget, the Board approves OCTA's software and hardware licensing and maintenance agreements. OCTA follows industry practice to ensure proper maintenance and to receive critical product upgrades of its licensed software and purchased hardware. The annual licensing and maintenance agreements are executed with each hardware and software developer on a sole source basis for an amount not to exceed the contracted value for each vendor. On a cumulative basis, the software and hardware licensing and maintenance agreements will not exceed \$3.6 million. The sole source list includes licensing and maintenance agreements as well as emergency support during after hours, weekends, and holidays. A list of the agreements is included as Attachment E.

#### ***Summary***

The Orange County Transportation Authority Fiscal Year 2009-10 Budget was reviewed by the Board of Directors in a workshop setting on May 11, 2009, and in each committee prior to the public hearing scheduled for June 8, 2009. The Board of Directors may approve the fiscal year 2009-10 budget following the public hearing on June 8, 2009, at the regularly scheduled meeting on June 22, 2009, or in a special meeting convened prior to July 1, 2009, by when state law mandates budget approval.

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***Attachments***

- A. Resolution of the Board of Directors for the Orange County Transportation Authority Approving an Operating and Capital Budget for Fiscal Year 2009-10, OCTA Resolution No. 2009-22
- B. Orange County Transportation Authority Fiscal Year 2009-10 Budget Summary
- C. Personnel and Salary Resolution for Fiscal Year 2009-2010
- D. Orange County Transportation Authority Administrative Programs Suspended for Fiscal Year 2009-2010
- E. Orange County Transportation Authority Licensing and Maintenance Agreements Sole Source List

**Prepared by:**



Rene Vega  
Section Manager, Budget Development  
Financial Planning and Analysis  
(714) 560-5702

**Approved by:**



Kenneth Phipps  
Acting Executive Director,  
Finance and Administration  
(714) 560-5637

**RESOLUTION OF THE BOARD OF DIRECTORS FOR  
THE ORANGE COUNTY TRANSPORTATION AUTHORITY  
APPROVING AN OPERATING AND CAPITAL BUDGET  
FISCAL YEAR 2009-10**

**WHEREAS**, the Chief Executive Officer and staff have prepared and presented to the Board of Directors a proposed operating and capital budget in the amount of \$1.2 billion for Fiscal Year 2009-10;

**WHEREAS**, said Chief Executive Officer and staff did conduct a public workshop before the Board of Directors on May 11, 2009, in the Board Chambers, at which time the proposed budget was considered;

**WHEREAS**, a public hearing was conducted on June 8, 2009, at which the public was invited to express its views and objections to said budget; and;

**WHEREAS**, the original of said proposed budget will be revised to reflect each and all of the amendments, changes, and modifications which the Board of Directors, up to the time of the approval of this resolution, believes should be made in said proposed budget as so submitted and to correct any non-substantive errors or omissions.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Directors of the Orange County Transportation Authority as follows:

1. The operating and capital budget of the Orange County Transportation Authority and all affiliated agencies for the Fiscal Year July 1, 2009 through June 30, 2010, is hereby approved, a copy of which is on file with the Clerk of the Board.
2. The Clerk of the Board shall certify to the passage and approval of this resolution, and it shall thereupon be in full force and effect.

ADOPTED SIGNED AND APPROVED this 8th day of June 2009.

AYES:

NOES:

ABSENT:

ATTEST:

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Wendy Knowles  
Clerk of the Board

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Peter Buffa, Chairman  
Orange County Transportation Authority



**Orange County Transportation Authority  
Fiscal Year 2009-10  
Budget Summary**

*\$ in millions*

Estimated Revenues	\$	708.2
Utilization of Designated/Reserved Funds		505.6

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<b>Total Sources of Funds</b>	<b>\$</b>	<b>1,213.8</b>
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Appropriate Funds to:

Salaries & Benefits	\$	153.2
Services & Supplies		674.1
Debt Service		99.3
Capital / Fixed Assets		266.0

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Total Expenses	\$	1,192.6
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Designation of Funds	\$	21.2
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<b>Total Uses of Funds</b>	<b>\$</b>	<b>1,213.8</b>
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# **PERSONNEL AND SALARY RESOLUTION**

**FISCAL YEAR 2009-2010**

**EFFECTIVE DATE JUNE 21, 2009**

**THIS DOCUMENT PROVIDES INFORMATION ON GENERAL POLICIES REGARDING EMPLOYMENT PRACTICES, EMPLOYEE BENEFITS, COMPENSATION AND SALARY STRUCTURE FOR ADMINISTRATIVE EMPLOYEES AT THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND WILL BE PRESENTED TO THE OCTA BOARD OF DIRECTORS ON JUNE 8, 2009.**

## **PROPOSED**

***PREPARED BY:***

***HUMAN RESOURCES AND***

***ORGANIZATIONAL DEVELOPMENT DIVISION***

***PATRICK J. GOUGH***

***EXECUTIVE DIRECTOR***



See Attachment for Summary of Changed or Suspended Administrative Programs

*Revised: May 20, 2009*

## Summary of Proposed Changes to the Personnel and Salary Resolution (PSR) FY 2010

### PERSONNEL RESOLUTION

PROPOSED CHANGE	REASON	SUBJECT	PG	SECTION
Changed definition of subject	Clarity	Elimination of position, reorganizations, and workforce reductions	7	2.3
Impact of workforce reduction on position control document	Clarity	Position management	7	2.3
Added language to reflect practice	Clarity	Layoff Benefits	8	2.3
Added practice regarding introductory period	Clarity	Introductory Period	9	2.6
Added language for clarity and to reflect changes	Clarity	Relocation Expenses	9, 10	2.8
Added language clarifying overtime	Payroll/timecard process	Workweek and Overtime	13, 15	3.4
Title Change from Members of the Board of Directors to Board Members	Document Consistency	Throughout Document	19, 20	4.1
Added section 4.1D Retirement Plan	Defined retirement plan for board members	Retirement Plan	20	4.1D
Added ARRA language that affects COBRA	New law	COBRA	22	4.3A
Added language clarifying transportation passes for dependents.	Clarity	Employee Use of Transportation System	23	4.4B
Added language to define maximum leave if both husband and wife work at OCTA	Clarity	Family and Medical Leave	25	4.5
Added language regarding forms	Clarity	Family Medical Leave	25	4.5
Explain use of accrued sick and vacation time for FMLA	Clarity	Family Medical Leave	25	4.5
Added language regarding California's Paid Family Leave Insurance Benefit	Reflect existing law	Family Medical Leave	25	4.5
Changed title from 4.5G Wounded Armed Forces Family Member to 4.5B Military Caregiver Leave for FMLA	Keep all FMLA laws together	Family Medical Leave	26, 28	4.5B
Added language for updated FMLA law, Military Qualifying Exigencies	Updated FMLA	Family Medical Leave	26	4.5C
Added Family-School partnership act	Reflect existing law	Family-School Partnership Act	26	4.5D
Added Kin-Care	Reflect existing law	Kin-Care	27	4.5E

## Summary of Proposed Changes to the Personnel and Salary Resolution (PSR) FY 2010

### PERSONNEL RESOLUTION

PROPOSED CHANGE	REASON	SUBJECT	PG	SECTION
Added Military Spouse Leave	New law	Leave	27	4.5G
Deleted redundant language	Language stated in 4.5A	Pregnancy Disability Leave	28	4.5I
Deleted "The Chief of Staff" and Increased reimbursement amount	Due to change in responsibility and to reflect updated average cost	Safety Shoes	31	4.6E
Added language on Deferred Compensation for Salary Grade V and above; the program is now a "matching" program	Clarity	Deferred Compensation	31	4.7A
Added language to clarify sick leave payout upon retirement	Reflect policy	Sick Leave	35	4.8F
Minor word changes to vacation program	Clarity and combine annual accrual with maximum accrual	Vacation	37	4.8H

### SALARY RESOLUTION

PROPOSED CHANGE	REASON	SUBJECT	PG	SECTION
Reflect 0% increase for merit pool, interim and special performance awards.	Budget requirement	Salary Adjustments	43, 44	5.5, 5.6

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# GENERAL OVERVIEW

## 1.1 PURPOSE OF PERSONNEL AND SALARY RESOLUTION

In an effort to establish an equitable and consistent plan for managing Human Resources matters, to attract, develop and retain top talent, and to ensure consistent selection, promotion, and compensation practices based on merit, ability, and performance, the following Human Resources policies are hereby adopted for administrative employees.

The Orange County Transportation Authority (the Authority or OCTA)~~Authority~~ reserves and maintains the right to eliminate, modify or otherwise change, at any time, for any reason, any provision(s) of this Personnel and Salary Resolution, including, but not limited to, any employee benefit or right provided in this Personnel and Salary Resolution.

## 1.2 HUMAN RESOURCES POLICIES AND PROCEDURES

The Chief Executive Officer acting as the Appointing Authority may elect to delegate certain responsibilities. The Chief Executive Officer is charged with ensuring that ~~Orange County Transportation Authority (the Authority or OCTA)~~ Human Resources policies and procedures provide for an effective and efficient organization, staffed with qualified employees receiving fair and equitable treatment. The Executive Director of ~~Finance, Administration, and Human Resources~~ and Organizational Development is responsible for managing the Human Resources functions and is responsible for developing and administering Human Resources policies and procedures that are in the best interest of the Authority and its employees.

The Chief Executive Officer makes the final determination on the interpretation of Authority Human Resources policies as established by the Board and is authorized to establish and maintain Human Resources procedures that are consistent with those policies.

Exceptions to the Personnel and Salary Resolution may be authorized in writing by the Chief Executive Officer. This exception authority may not be delegated.

Please refer to specific policies and procedures for additional information.



## POLICIES AND PROCEDURES

### 2.1 AT-WILL EMPLOYMENT

The employment of each Authority employee whose employment is governed by the provisions of this Personnel and Salary Resolution is At-Will. The Appointing Authority has the right to reassign, dismiss, reduce pay, or suspend without pay any employee, at any time, for any reason.

### 2.2 COMPENSATION

The Authority will maintain a compensation philosophy and salary structure for full-time and part-time employees as stated in the Personnel and Salary Resolution.

Salary ranges, rates, and employee benefits are to be reviewed and considered for adjustment on an annual basis. This permits the Authority an opportunity to periodically assess the competitiveness of the compensation plan, including the salary structure, and make necessary adjustments to reflect changes in internal equity and labor market conditions.

### 2.3 ELIMINATION OF POSITIONS REORGANIZATIONS, AND WORKFORCE REDUCTIONS

~~Whenever it becomes necessary, in the judgment of the Board of Directors, usually upon recommendation of the Appointing Authority~~ Chief Executive Officer, the Board Chief Executive Officer may eliminate any position. The Chief Executive Officer has the authority to reduce the workforce and to layoff full-time or part-time employees because of the elimination of a position, lack of funds, lack of work or for operational efficiencies. An employee who is transferred, reassigned, or laid-off because of the elimination of a position or reduction in the workforce may be placed in another position for which he/she the employee is qualified, provided an opening exists. Workforce reductions may allow for the position to remain vacant until the Appointing Authority finds it necessary to fill the position again.

~~The Appointing Authority has the authority to layoff full-time and part-time employees for lack of funds, lack of work or for operational efficiencies. An employee recalled within six months may be reinstated to the same position if the position is available.~~

## POLICIES AND PROCEDURES

### 2.3A LAYOFF BENEFITS

For purposes of this section, benefits based on length of service will be reinstated to the level prior to layoff if an employee is reinstated to the same or a different position within six months following the date of layoff.

An employee placed on layoff may be granted paid health insurance in accordance with the following schedule:

Years of Service	Length of Coverage
Less than 3	1 month
3 but less than 5	2 months
5 but less than 10	3 months
10 or more	4 months

Upon termination from the Authority due to layoff, all unused or unpaid vacation and sick leave will be paid to the affected employee.

### 2.3B SEVERANCE PAY

The Chief Executive Officer may authorize the payment of severance pay to full-time and part-time employees in accordance with the following schedule:

Years of Service	Weeks of Severance Pay
Less than 3	2 weeks
3 but less than 5	3 weeks
5 but less than 10	4 weeks
10 or more	5 weeks

The provisions of Severance Pay do not apply to any employee terminated for gross misconduct. Severance pay for part-time employees is calculated in accordance with their regular schedules.

### 2.4 GRIEVANCE PROCEDURE

The Appointing Authority may establish and be responsible for the maintenance of a grievance procedure for use by administrative employees.

## **POLICIES AND PROCEDURES**

### **2.5 INTERNSHIPS**

A person employed in an intern position is considered an employee in a type of extra-help classification and will be compensated at an hourly rate to be determined by the Appointing Authority. An intern is not eligible for employee benefits paid by the Authority except as required by law.

### **2.6 INTRODUCTORY PERIOD**

All full-time and part-time employees have an introductory period of twenty-six (26) weeks. An employee who is promoted, transferred, or reinstated may be required to complete an introductory period for the new position. The introductory period is computed from the beginning of the pay period in which the employee was hired or promoted. Introductory status, because of promotion or transfer, does not break an employee's continuous service. The Appointing Authority reserves the right to extend the introductory period and will notify the employee in writing.

During the introductory period, the employee may be terminated, suspended, or demoted at any time for any reason without right of appeal or hearing. Prior to promotion or transfer, it is recommended that an employee successfully complete the introductory period.

### **2.7 PERFORMANCE REVIEW AND PLANNING PROGRAM**

The Appointing Authority is responsible for developing and administering a formal performance planning and review program for all full-time and part-time administrative employees.

### **2.8 RELOCATION EXPENSES**

The Authority may provide relocation assistance under the following circumstances:

- When a new employee's permanent residence is outside a radius of 100 miles from the administrative offices of the Authority and outside the counties of Orange, Riverside, San Diego, Los Angeles, and San Bernardino, and
- When the position is one of the following:
  - Executive management
  - Department manager

## POLICIES AND PROCEDURES

### 2.8 RELOCATION EXPENSES (CONTINUED)

- Requires an individual with a set of skills, experiences, and training, which are in limited supply and high demand.

Approval of the Chief Executive Officer and the Executive Director of ~~Finance, Administration, and Human Resources~~ and Organizational Development is required. The maximum reimbursement is \$35,000. The Chief Executive Officer will inform the Finance and Administration Committee if the reimbursement for the relocation expenses exceeds \$20,000.

Conditions of relocation expense reimbursement must be in writing and agreed upon ~~before~~ prior to the employee's start date.

Taxation of reimbursed expenses, if any, will be in accordance with Internal Revenue Service (IRS) guidelines. Reimbursements are reported on the annual W-2 form.

## **EMPLOYMENT PRACTICES**

### **3.1 ALTERNATIVE WORK SCHEDULES**

The Appointing Authority has the authority to designate flexible starting, ending, and core times for the performance of work during the standard workday consistent with the Authority policy regarding "Workweek and Overtime." The Appointing Authority also has the authority to designate alternative workweek schedules, such as 4/10s or 9/80s, provided the administration of such schedules is consistent with any applicable state and federal laws.

The Appointing Authority may establish necessary guidelines to administer alternative workweek schedules at the department and section level.

### **3.2 OUTSIDE EMPLOYMENT ACTIVITIES**

An administrative employee may not engage in outside employment or other outside activities incompatible with the full and proper discharge of the duties and responsibilities of his/her Authority employment. Before accepting or engaging in any outside employment, an employee must obtain written permission from the Appointing Authority.

### **3.3 SELECTION OF EMPLOYEES**

The Chief Executive Officer is the Appointing Authority for the selection and termination of all employees in all positions except those reporting directly to the Board. The Chief Executive Officer is authorized to approve revisions in classification titles and grades, provided that in no event will upgrades be in effect without Board approval and provided that any such changes are in accordance with the established Authority Policies and Procedures and the Board-adopted fiscal year budget.

### **3.4 WORKWEEK AND OVERTIME**

The Fair Labor Standards Act (FLSA) defines workweek as a period of 168 hours during consisting of seven (7) consecutive 24-hour periods. The employer can determine the day and hour that the workweek begins. Each workweek is considered on its own to determine minimum wage and overtime payments: there is no averaging of two or more workweeks. The Department of Labor uses workweek to determine compliance with federal regulations such as requirements for wage payments and overtime. ~~The administration of w~~Workweek and overtime will be administered consistent with any applicable state and federal laws.

## EMPLOYMENT PRACTICES

### 3.4 WORKWEEK AND OVERTIME (CONTINUED)

Except as otherwise provided by the Appointing Authority, the regular work period for a full-time Authority employee is forty (40) hours per week.

Authorized work performed in excess of eight (8) hours per day or in excess of forty (40) hours per workweek by a full-time or part-time non-exempt employee is considered overtime.

This definition does not apply to a non-exempt employee who regularly works a 9/80 work schedule, or who regularly works any other work schedule totaling forty (40) hours per workweek. For a non-exempt employee on an alternative work schedule, authorized work performed in excess of the regularly scheduled hours per day or in excess of forty (40) hours per workweek is considered overtime.

For purposes of calculating overtime compensation, paid holidays not worked, and pre-approved vacation not worked is treated as authorized work performed. If a designated holiday occurs on a regularly scheduled day off, these hours are not considered hours worked. Overtime must be authorized prior to performance of such work.

Excluding employees on an alternative work schedule, non-exempt employees will be paid 1-1/2 times their regular rate for all time worked in excess of eight (8) hours in a workday or forty (40) hours in a workweek. Non-exempt employees on alternative work schedules will be eligible for daily overtime for hours worked in excess of their regular schedule or forty (40) hours in a workweek. Hours away from work due to illness, even when compensated, are not included in overtime calculations.

The Authority does not permit the accrual of compensatory time in lieu of payment of overtime.

In no case may a non-exempt employee's work schedule be changed when the purpose of the change is to avoid compensating the employee at 1-1/2 times his/her regular rate for work performed in excess of his/her regular work schedule.

If, in the judgment of the Appointing Authority, work beyond the normal workday, workweek, or work period is required, such work may be ordered.

## EMPLOYMENT PRACTICES

### 3.4 WORKWEEK AND OVERTIME (CONTINUED)

A non-exempt employee who is required to work on a designated holiday will be paid 1-1/2 times his/her regular rate for authorized work performed, in addition to regular holiday pay. Added pay for holiday hours worked will not be considered when calculating overtime on more than 40 hours in a workweek.

An exempt employee, either part-time or full-time, is not eligible for overtime payment or any additional compensation for time worked in excess of eight (8) hours per day or forty (40) hours per workweek or time worked in excess of their regular schedule.

Sick leave and vacation accruals, as well as retirement service credits, accrue on paid hours excluding overtime.

## EMPLOYEE BENEFITS

### 4.1 BOARD MEMBER BENEFITS

The Appointing Authority may establish and be responsible for health (medical, dental, and vision), and life (life and accidental death and dismemberment) insurance benefits for Board Members at a cost not to exceed the amount established by the Board in the annual budget.

#### 4.1A BENEFITS ELIGIBILITY

For Board Members whose term of office commenced prior to June 27, 2005: The Board Members and their dependents will have the entire cost of their health premiums paid by the Authority.

For Board Members whose term of office, or new term of office, commenced after June 26, 2005, and prior to November 13, 2006: the Board Members will have the same premium cost as full-time employees and will receive the same health benefits as full-time employees, which may change to reflect the current programs offered.

For Board Members whose term of office, or new term of office, commenced on or after November 13, 2006, and who do not receive health benefits from the public entity they are elected to serve: the Board Members will have the same premium cost and the same health benefits as full-time employees paid by the Authority, which may change to reflect the current programs offered.

For Board Members whose term of office, or new term of office, commenced on or after November 13, 2006, and who receive health benefits from the public entity they are elected to serve: the Board Members may choose to receive the same health benefits as full-time employees provided the Board Member pays 100% of the Authority premium, which may change to reflect the current programs offered.

#### 4.1B COMPUTER PURCHASE REIMBURSEMENT PROGRAM

The Authority may reimburse Board Members of the Board of Directors for computer purchases in the same amounts and subject to the same limitations as provided in section 4.6B.



## EMPLOYEE BENEFITS

- 4.1C  
DEFERRED  
COMPENSATION
- Board Members of the Board of Directors may participate in the Authority's Deferred Compensation Program.
- 4.1D  
RETIREMENT  
PLAN
- Board Members are required to participate in the 3121 Federal Insurance Contributions Act (FICA) Alternative plan, because they are not eligible to participate in the Orange County Employee Retirement System. Board Members contribute 7.50% of OCTA pay. The 3121 FICA Alternative plan is required under the Omnibus Budget Reconciliation Act (OBRA) and is administered by a third party administrator.
- 4.1E  
LIFE INSURANCE  
AND  
SUPPLEMENTAL  
LIFE INSURANCE
- Life insurance will be provided by the Authority in the amount of \$50,000 coverage for each Board Member.
- Voluntary Board Member-paid supplemental life insurance and elder care options may be offered by the Authority for Board Members and/or their dependents.
- 4.1E  
MEDICAL  
EXAMINATIONS
- The Authority may provide annual employer-paid medical examinations for Board Members of the Board of Directors.
- 4.1G  
REIMBURSEMENT  
OF EXPENSES
- The Authority will reimburse Board Members of the Board of Directors for actual and necessary expenses incurred in the performance of their duties, as provided in the policy for Compensation, Reimbursement of Expenses and Ethics Training for Members of the Board of Directors.
- 4.2  
GRANDFATHERED  
BENEFITS
- The following exceptions to policy as otherwise outlined in this Personnel and Salary Resolution result from the consolidation of the Orange County Transit District and the Orange County Transportation Commission.
- The following benefits apply only to those employees who were employees of the Orange County Transportation Commission, on the payroll of the Orange County Transportation Commission, as of June 19, 1991.

## **EMPLOYEE BENEFITS**

### **4.2A GRANDFATHERED LEAVE**

Each non-exempt employee covered under this section will be entitled to sixteen (16) hours of paid Administrative Leave per fiscal year. Each exempt employee covered under this section will be entitled to thirty-two (32) hours of paid Administrative Leave per fiscal year.

Approval will be by the Appointing Authority. Any unused Administrative Leave for the current fiscal year will be paid to the employee in the event of termination or retirement. The maximum accrual amount for non-exempt employees will be twenty-four (24) hours.

The maximum accrual amount for exempt employees will be forty-eight (48) hours.

### **4.2B GRANDFATHERED RETIREMENT**

An employee covered under this section may continue to participate in the Public Employees' Retirement System and shall be governed by its rules and regulations.

The Authority will pay all of the normal contributions for such employees in addition to the employer's contribution.

### **4.3 HEALTH, LIFE, AND DISABILITY INSURANCE BENEFITS**

The Appointing Authority will establish and be responsible for a health (medical, dental, and vision), life (life and accidental death and dismemberment), and disability insurance programs for all full-time and part-time employees at a cost not to exceed the amount established by the Board in the annual budget. Disability insurance may include short-term disability and/or long-term disability benefits.

### **4.3A COBRA AND CONTINUED COVERAGE**

All full-time or part-time employees terminating employment may have continuing health (medical, dental, and vision) insurance pursuant to the governing provisions of the program in which they are enrolled. The employee will be required to pay the premium for the coverage selected in accordance with the provisions of COBRA, except as provided in the policy for Layoff & Severance Pay.

Health coverage ends the last day of the month in which the employee terminates.

## EMPLOYEE BENEFITS

The American Recovery and Reinvestment Act of 2009 (ARRA), provides a nine-month subsidy of COBRA premiums for eligible employees who are involuntarily terminated between September 1, 2008 and December 31, 2009.

### 4.3B DISABILITY INSURANCE

Employees participate in the Employment Development Department's (EDD) State Disability Insurance (SDI) program and employer-paid short-term disability (STD) and long-term disability (LTD) insurance programs. Employees may be eligible for benefits under STD and/or LTD once sick leave is exhausted.

### 4.3C FULL-TIME EMPLOYEES

The Authority will pay full-time employees' health, life, and disability insurance premiums after the first month of employment at a cost based on the difference between the total plan premium and the OCTA contribution rates approved by the Board of Directors. Employees hired prior to June 27, 2004, will have the entire cost of employee and dependent premiums paid beginning the pay period following the completion of seven years of service.

### 4.3D LIFE INSURANCE AND SUPPLEMENTAL LIFE INSURANCE

Life insurance will be provided by the Authority to full-time and part-time employees in the amount of two times the annual salary for each full-time and part-time employee.

Voluntary employee-paid supplemental life insurance and elder care options may be offered by the Authority for employees and/or eligible dependents.

### 4.3E PART-TIME EMPLOYEES

After the first month of employment, the Authority will contribute 50% of the premium cost for health, life, and disability insurance for part-time employees and their dependents provided the part-time employee applies for such insurance coverage.

### 4.3F RETIREE'S HEALTH BENEFITS CONTINUATION

An employee who retires from the Authority is eligible to continue medical, dental, and vision coverage as a package provided the retiree continues to pay the full monthly premium. Current group health benefits may continue up to age sixty-five (65).

An employee who defers retirement or receives disability

## EMPLOYEE BENEFITS

retirement is not eligible for this benefit.

For additional information regarding retiree health benefits that may apply under the Additional Retiree Benefit Account Plan (ARBA) please refer to section 4.7B.

### 4.3G SURVIVOR BENEFIT

When an employee dies and has dependents that are covered under the group insurances offered by the Authority at time of death, the Authority will continue the health benefits at no cost to the dependent(s) for a maximum of three (3) months.

After that time, dependents may be eligible for coverage in accordance with the provisions of COBRA.

## 4.4 MISCELLANEOUS BENEFITS

### 4.4A EMPLOYEE RECREATION ASSOCIATION (ERA)

The Appointing Authority will be responsible for monitoring the Employee Recreation Association (ERA), which is administered by the Finance and Administration and ~~Human Resources~~ Division.

### 4.4B EMPLOYEE USE OF TRANSPORTATION SYSTEM

The Appointing Authority has established policies and procedures regarding an active or retired employee and eligible dependents' free transportation on the Authority's transportation services. The eligible dependents of a deceased employee will also be provided with free transportation on the Authority's fixed route bus services until the dependent no longer meets the eligibility requirements.

### 4.4C ILL CHILD CARE

The Authority will reimburse an eligible employee the cost to care for an ill child or children up to \$50 per day, but not to exceed \$250 total per calendar year per employee. Childcare must be provided by a state-licensed childcare facility or a state-licensed nurse.

### 4.4D MEDICAL EXAMINATIONS

The Authority may provide employer-paid annual medical examinations for Executive Employees and Department Managers.

### 4.4E MILEAGE

An employee will be reimbursed for use of his/her private

## EMPLOYEE BENEFITS

**REIMBURSEMENT** automobile for official business of the Authority at the rate established by the Internal Revenue Service.

The Appointing Authority will determine what constitutes official Authority business, which would require use of an employee's private automobile. Local travel for mileage reimbursement purposes will include travel in Los Angeles, Orange, San Bernardino, Riverside, and San Diego counties.

Executive Employees please see section 4.6A.

**4.4F  
OUT-OF-POCKET  
EXPENSES** The Authority will reimburse its employees for out-of-pocket expenses incurred while conducting official business for the Authority as provided in the policy regarding travel and conference expenses.

**4.4G  
PROFESSIONAL  
LICENSES AND  
CERTIFICATES** The Authority will pay for any work-related professional licenses, certificates, or renewal fees as approved by the Appointing Authority.

**4.4H  
RECOGNITION  
AND AWARD  
PROGRAMS** The Appointing Authority may establish and maintain an employee service award program and employee appreciation programs to provide recognition to employees for performance, continuous service, safety, and commitment to public transportation.

### **4.5 PROTECTED LEAVES**

Leaves of absence may be granted by the Appointing Authority to employees with or without pay. This policy will be interpreted and applied in accordance with all applicable state and federal laws. Employees may not engage in other employment while on a leave of absence without prior written approval of the Authority.

**4.5A  
FAMILY AND  
MEDICAL LEAVE  
(FMLA)** Employees with at least twelve (12) months of service with the Authority and who have worked 1,250 hours in the preceding twelve (12) months are eligible for up to twelve (12) weeks of leave in a twelve (12) month period under the Family and Medical Leave Act (FMLA) for the purposes of:

- the birth of a child of the employee;

**4.5A**

## EMPLOYEE BENEFITS

### FMLA (continued)

- the placement of a child with the employee in connection with adoption or foster care by the employee;
- to care for the employee's spouse, child, or parent with a serious health condition; or
- the employee's own serious health condition and/or disability including work-related injuries and illnesses that prevent the employee from performing his/her job duties.

When both a husband and wife are employed by OCTA, the number of workweeks of leave, which may be taken for the birth or placement of a child, shall not exceed twelve (12) workweeks aggregated.

Medical certification, on an OCTA approved form, from the attending Health Care Provider, will be required for a leave. Submitting an incomplete medical certificate may result in denial or delay of medical leave.

~~For leaves related to the employee's own serious illness, accrued sick must first be exhausted and leave in excess of accrued sick leave will be unpaid unless the employee elects to use accrued vacation leave.~~

Family and Medical leaves are unpaid leaves; however, employees requesting leave may use accrued vacation, sick, and personal paid time. Once an employee exhausts all accrued sick, vacation time and paid personal time, any remaining approved Family and Medical Leave will be unpaid. Any unpaid leave may have an adverse impact on an employee's OCERS retirement benefit.

Through California's Paid Family Leave Insurance benefit, employees may be eligible for up to six weeks of paid leave within a 12-month period, to care for a seriously ill child, spouse, parent or registered domestic partner, or to bond with a new child or to bond with a minor child in connection with the birth, adoption or the foster care placement of that child.

The employee will be entitled to his/her same position or a comparable position upon return to work. If a leave exceeds the allowed twelve (12) weeks, the Authority does not guarantee the employee's classification or employment. If applicable, Workers' Compensation will run concurrent

## EMPLOYEE BENEFITS

FMLA (continued) with other family and medical leaves.

The Authority will continue to maintain and pay for the employee's group health coverage at the same level as active employees for any period covered under FMLA or other protected leave status. To continue health coverage, an employee in an unpaid status will be responsible for submitting health insurance contributions, at the same rate and frequency as active employees. Failure to pay the employee's contribution may result in a lapse of coverage.

In addition to family and medical leave absences, an employee who is absent due to a pregnancy-related disability leave may be entitled to a leave of absence under the California Pregnancy Disability Leave (PDL).

With the exception of pregnancy-related disability leaves, California Family Rights Act (CFRA) normally runs concurrent with FMLA and Workers' Compensation related leaves.

### 4.5B FMLA - MILITARY CAREGIVER LEAVE

Eligible employees may take up to twenty-six (26) weeks of leave to care for a spouse, child, parent or next of kin (defined as "nearest blood relative") whom has a serious illness or wound incurred in the line of duty. This leave is available during a single twelve (12) month period and is combined with all other FMLA leaves in that period, resulting in a maximum total leave of twenty-six (26) weeks. As with all FMLA leaves, the time is unpaid, although employees may elect to use any available accrued leave balances.

### 4.5C FMLA - MILITARY QUALIFYING EXIGENCIES

Eligible employees may take up to twelve (12) weeks of family and medical leave under the FMLA in a twelve (12) month period to assist with "any qualifying exigency" that arises from a spouse, child or parent in an active duty status in the Armed Forces. This includes the notification of an impending order or call to active duty and is not confined to a single twelve (12) month period. The twelve (12) week period is reduced by leave for any other qualifying FMLA event during the twelve (12) month period.

### 4.5D FAMILY-SCHOOL PARTNERSHIP ACT (FSPA)

Employees who are parents, guardians, or grandparents with custody of a child in kindergarten or grades one to twelve, inclusive, or attending a licensed child day care facility, may take up to eight (8) hours in a calendar month (up to 40 hours in a year) to participate in activities of the

## EMPLOYEE BENEFITS

child's school or licensed child day care facility. The Authority requires the use of accrued vacation time for these absences. If accrued vacation time is exhausted, the absence will be unpaid. Written verification of parental participation in school activity is required

### 4.5E KIN-CARE

Employees may take up to half of their annual accrued sick leave to attend to an illness of a child, parent, spouse, or domestic partner. Employees taking Kin-Care leave will be asked to submit a Leave of Absence Form.

### 4.5F MILITARY LEAVE

An employee on mandatory leave of absence for training or service with U.S. Armed Forces will receive differential pay up to a total amount equivalent to regular pay. In instances where training or service with U.S. Armed Forces is not mandatory and is not covered by state or federal law, the leave of absence will be unpaid.

### 4.5G MILITARY SPOUSE LEAVE

Eligible employees who are the spouse of a qualified member of the Armed Forces may take up to ten (10) days of unpaid leave during the same period in which the qualified member is on an authorized leave from deployment during a period of military conflict.

### 4.5H PERSONAL LEAVE

When requested, the Appointing Authority may grant a personal leave of absence without pay for an initial period of thirty (30) calendar days and extensions may be granted to a maximum of six (6) months from the beginning date of the personal leave. A personal leave of absence may be effective, if granted, only after all vacation benefits are exhausted.

If the personal leave of absence extends for thirty (30) calendar days or less, an employee will be returned to the original classification. If the personal leave of absence extends for more than thirty (30) calendar days, the Authority will not guarantee the employee's classification or employment with the Authority, but will attempt to reinstate the employee to a like or similar classification. The employee will have continuing life insurance, medical, dental, and vision benefits for thirty (30) calendar days following the date on which the personal leave of absence begins.

### 4.5H PERSONAL LEAVE (CONTINUED)

During the initial thirty (30) calendar day period covered under Personal Leave, the Authority will continue to



## EMPLOYEE BENEFITS

provide the cost of the employee coverage and the same contribution for applicable dependent premiums at the then current rate. To continue health coverage, employees on an unpaid status are responsible for submitting health insurance contributions, at the same rate and frequency as active employees. Failure to pay the employee's contribution may result in a lapse of coverage.

After this period, the employee will be required to remit in advance each month the monthly cost of the group insurance premiums incurred during the remainder of the leave of absence in order ~~if wishing~~ to continue group insurance. Non-receipt of premium reimbursements will result in the termination of the employee's insurance.

### 4.5I PREGNANCY DISABILITY LEAVE

A pregnant employee is entitled to a leave only for the period of actual medical disability attributable to pregnancy, childbirth, or related medical conditions up to a maximum of four (4) months per pregnancy. ~~The employee may use accrued vacation or other accrued paid leave. Any leave in excess of accrued hours will be unpaid. An employee may integrate State Disability Insurance (SDI) benefits with accrued leave balances.~~

Beyond the maximum of four (4) months per pregnancy covered under Pregnancy Disability Leave (PDL), California Family Rights Act (CFRA) may be available for "bonding time," for employees who meet eligibility requirements.

### 4.5G ~~WOUNDED ARMED FORCES FAMILY MEMBER~~

(Retitled, see 4.5B,  
page 26)

~~Eligible employees may take up to twenty six (26) weeks of leave to care for a spouse, child, parent or next of kin (defined as "nearest blood relative") whom has a serious illness or wound incurred in the line of duty. This leave is available during a single twelve (12) month period and is combined with all other FMLA leaves in that period, resulting in a maximum total leave of twenty six (26) weeks. As with all FMLA leaves, the time is unpaid, although employees may elect to use any available accrued leave balances.~~

## **EMPLOYEE BENEFITS**

### **4.6 REIMBURSEMENTS AND ALLOWANCES**

#### **4.6A AUTOMOBILE ALLOWANCE AND ASSIGNMENT OF AUTOMOBILES**

The Authority may elect either to provide an assigned automobile and all related expenses or to provide a monthly automobile allowance to Executive Employees. The monthly allowance will be in lieu of any other compensation or reimbursement for expenses incurred in the use of his/her personal automobile in the performance of his/her duties. The automobile allowance will be in the same amount as is provided to the County of Orange managers at the department head or agency head level as determined by the Orange County Board of Supervisors.

The Authority may assign an automobile for each employee in the following positions: Base Manager, Bus Operations; Section Manager, Operations Support; Base Manager, Maintenance; Department Manager, Safety; Department Manager, Bus Operations; Department Manager, Security and Emergency Preparedness; and Department Manager, Maintenance. All related expenses are paid by the Authority. The automobile assigned to an employee may be used by other employees during regular working hours.

When needed, the Appointing Authority is authorized to assign an automobile on a twenty-four (24) hour (overnight) basis to an employee as required to conduct the business of the Authority.

#### **4.6B COMPUTER PURCHASE REIMBURSEMENT PROGRAM**

The Authority may reimburse a non-introductory employee for 50% of actual expenditures for the cost of a personal computer, compatible software, maintenance contracts, repairs, and related equipment. An employee may not receive more than \$500 during any twelve (12) month period.

The first reimbursement payment will be made upon submission and approval of appropriate documentation. Subsequent payments will be made upon request on the anniversary date of the original payment to the employee.

## **EMPLOYEE BENEFITS**

To be eligible for this benefit, the employee must utilize a personal computer in his/her current position with the Authority. The Appointing Authority will have final decision-making authority on job-relatedness.

If an employee is out on a qualified leave of absence, no reimbursement will be made until employee returns from leave of absence.

If an employee terminates employment with the Authority or gives notice of termination from the Authority for any reason, no reimbursement or further reimbursement will be made.

### **4.6C EDUCATIONAL REIMBURSEMENT PROGRAM**

The Authority may provide an Educational Reimbursement Program to reimburse a non-introductory full-time employee for reasonable educational expenses for work-related courses. The Appointing Authority will be responsible for developing, administering, and maintaining the program.

A full-time employee will be reimbursed for eligible expenses associated with work-related courses in pre-approved certificate programs, system specific computer software training, English as a Second Language (ESL) classes, Spanish, and other specific work-related languages, as approved.

A full-time employee who satisfactorily completes a work-related course at an accredited high school, trade school, junior college, college, or university will be reimbursed in full for eligible expenses up to a maximum of \$2,000 per fiscal year. If an employee terminates employment, or gives notice of termination prior to completion of the course, no reimbursement will be made.

### **4.6D UNIFORMS**

An employee with the classification title of Field Supervisor or Coach Operations Instructor, who is required to wear a uniform on the job, will be granted an allowance up to \$500 per year for the purchase of uniforms at the Authority's authorized uniform supplier. Uniform purchases must comply with the guidelines established by the Transit Division.

## EMPLOYEE BENEFITS

### 4.6E SAFETY SHOES

~~The Chief of Staff~~, Section Supervisors of Inventory Control, Facility Maintenance, Maintenance Supervisors, Maintenance Field Administrators, Safety and Environmental Compliance Department staff, and employees working in Right-of-Way will be eligible for reimbursement of the cost of a pair of approved, steel-toed safety shoes. Upon presentation of proof of purchase, an employee will be reimbursed for the cost of the safety shoes up to a maximum of \$400 130 per year.

### 4.7 RETIREMENT AND DEFERRED COMPENSATION

#### 4.7A DEFERRED COMPENSATION

The Authority may provide all full-time, part-time, and extra-help employees, including those covered by a collective bargaining agreement, with a deferred compensation program. The Appointing Authority will be responsible for the establishment and administration of this program, utilizing the services of an outside administrator. This service will be provided at no cost to the Authority.

Enrollment in this program will be offered to employees on a voluntary basis, unless mandated by state or federal law. Employee contributions to the program will be made by payroll deduction. The Chief Executive Officer may authorize the Authority to pay all or part of the employee contributions for designated employees.

Administrative employees will receive Authority-paid matching contributions to 401(a) plans based on years of service as set forth below:

Years of Service	Percent of Base Pay
5 or more years	1%
10 or more years	2%
20 or more years	3%

In addition to the above scale, employees in Salary Grade V and above will receive an employer-paid ~~non~~-matching contribution of 2% of base salary to the 401(a) plan upon hire or promotion.

## **EMPLOYEE BENEFITS**

### **4.7B RETIREMENT**

All full-time and part-time employees of the Authority will participate in the Orange County Employees Retirement System (OCERS) and will be governed by its rules and regulations.

The Authority will pay all of the employee contribution for full-time and part-time administrative employees.

An employee who retires from the Authority after January 1, 1995, may be eligible for a benefit under the Additional Retiree Benefit Account (ARBA) Plan. The retiring employee is eligible if the following conditions are met:

- at least ten (10) years of service and is at least fifty (50) years of age at retirement, and
- receives retirement benefits under OCERS within thirty (30) days from the date of separation.

The benefit amount represents \$10.00 per month per year of service, not to exceed a monthly benefit of \$150.00.

The Authority reserves the right to modify or terminate this plan at any time by action of the Board of Directors. Administration of the ARBA Plan will be in accordance with the plan document.

Exceptions to the above policy resulting from the consolidation of the Orange County Transit District and the Orange County Transportation Commission are addressed in Grandfathered Benefits.

### **4.8 TIME OFF BENEFITS**

#### **4.8A ACCRUALS**

All paid time-off benefits will accrue during a leave of absence for only the period during which the employee is paid. An employee on unpaid leave of absence does not earn service credit. An employee who returns to work from a leave of absence retains all accumulated service credit. Service credit for retirement benefits will be based on the specifications of the retirement system.

## EMPLOYEE BENEFITS

### 4.8B BEREAVEMENT LEAVE

A full-time or part-time employee will be granted paid bereavement leave for time actually lost, up to three (3) regularly-scheduled workdays, to arrange for and/or attend the funeral of an immediate family member.

Immediate family member includes: spouse, parent, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepchild, stepparent, stepbrother, stepsister, grandparent, grandchild, or registered domestic partner. Bereavement leave may be granted for each occurrence.

An eligible employee who attends the funeral of an immediate family member outside a 350-mile radius from administrative offices of the Authority will be granted up to five (5) days paid bereavement leave.

This paid bereavement leave will not be chargeable to sick leave or vacation. The Appointing Authority will authorize such absence from work.

Additional leave, if required, to make arrangements and/or attend the funeral of an immediate family member may be approved by the Appointing Authority and will be charged against accrued sick or vacation leave

### 4.8C CATASTROPHIC LEAVE DONATIONS

Employees may elect to donate accrued sick and/or vacation leave to another employee who is on an unpaid catastrophic leave of absence and has exhausted all accrued time off benefits. The process is initiated by a request for donations from the employee on catastrophic leave status.

Sick and/or vacation leave donations must be transferred in 8-hour increments. Sick leave donations require that the donor's sick leave balance after transfer of donations is 120 hours or more.

Donations do not in any way alter or extend the approved leave period.

### 4.8D HOLIDAYS AND PERSONAL PAID HOLIDAYS

The Authority will observe eleven (11) paid holidays consisting of designated holidays and PPHs as determined by the Chief Executive Officer.

## EMPLOYEE BENEFITS

### 4.8D HOLIDAYS AND PERSONAL PAID HOLIDAYS (CONTINUED)

When a holiday falls on a Saturday, the previous day will be observed as the holiday, and when a holiday falls on a Sunday, the next day will be observed as the holiday, unless otherwise designated by the Chief Executive Officer. When a holiday falls on an employee's scheduled day off, either the previous working day or the next scheduled working day will be observed by the employee as the holiday.

A full-time or part-time non-exempt employee who is required to work on a holiday will be paid at 1-1/2 times his/her regular hourly rate for all hours worked in addition to pay for his/her regularly-scheduled workday. An exempt employee will receive no premium pay for work on a scheduled Authority holiday.

A full-time, exempt employee will receive holiday pay for each of the above holidays and will be paid based on his/her normally scheduled workday.

a full-time, non-exempt employee will receive up to 88 hours of holiday pay at his/her regular rate during the calendar year.

All part-time employees will receive holiday pay for each holiday at his/her regular rate on a pro-rated basis.

PPHs are taken at an employee's discretion following supervisory approval. An employee will be paid for any unused PPHs for the current calendar year in the event of termination or retirement. A maximum of two (2) PPHs not taken in one calendar year may be carried forward to the following calendar year.

### 4.8E JURY DUTY

A full-time or part-time employee who is called for jury duty or for examination for jury duty will receive compensation at his/her regular rate of pay for those days that coincide with the employee's regularly-scheduled workdays.

Full-time and part-time employees are not eligible to receive additional compensation from the court system.

### 4.8F SICK LEAVE

The Authority provides a plan for full-time and part-time employees to accrue sick leave. Sick leave may be used for an absence from employment for any of the following reasons:

## EMPLOYEE BENEFITS

- The employee is physically or mentally unable to perform his/her duties due to illness, injury or medical condition of the employee.
- The absence is for the purpose of obtaining professional diagnosis or treatment for a medical condition of the employee.
- The absence is for other medical reasons of the employee, such as pregnancy or obtaining a physical examination.

For leaves other than the employee's own serious illness, the employee may use accrued vacation leave and leave in excess of accrued vacation will be unpaid unless the employee desires to use accrued sick leave.

An employee will accrue sick leave with pay for each paid hour in a regularly scheduled workweek at the rates as provided in the following table:

Years of Service	Accrual Rates	Approximate Accrual
Less than 3 years	.0347 Hours	9 days per year
3 years or more	.0462 Hours	12 days per year

Sick leave will be paid consistent with an employee's regularly scheduled workday. Accrued sick leave will be added to the employee's sick leave accumulation account upon the completion of the pay period, with no credit to be applied during the progress of the pay period or for a fraction of the pay period during which an employee's service is terminated.

An employee who terminates from the Authority with ten (10) years or more of continuous service who is in good standing with the Authority will receive payment of any earned but unused sick leave up to a maximum of 160 hours.

Upon paid retirement (as defined by OCERS) from the Authority, with 10 years or more of service, or death, an employee or the estate will be paid for the employee's unused or unpaid sick leave to a maximum of 240 hours. This benefit does not apply to deferred retirement except as provided above.

4.8F  
SICK LEAVE  
(CONTINUED)



## EMPLOYEE BENEFITS

Upon termination from the Authority due to layoff, all unused or unpaid sick leave will be paid to the affected employee.

An employee, who is injured on the job, resulting in loss of time, will be paid for the balance of the assignment on the day of injury at the regular rate of pay. The employee will also be paid for the time lost during the waiting period (first three (3) days following date of injury, for which no Workers' Compensation benefits are provided). This payment will be at benefit rates provided under the Workers' Compensation Act. Payments under this section will not be charged against the employee's accumulated sick leave. Vacation and sick leave accruals will continue during this three (3) day period and the employee will be credited as if he/she had worked his/her regularly scheduled hours each day.

For group insurance purposes only, time lost due to an on-the-job injury will not be considered an unpaid leave of absence. The Authority will continue to maintain and pay for the employee's group health coverage at the same level as active employees. To continue health coverage, an employee will be responsible for submitting health insurance contributions at the same rate and frequency as active employees. Failure to pay the employee's contribution may result in a lapse of coverage.

### 4.8G SICK LEAVE PAYOFF

An employee who has accumulated sick leave in excess of 120 hours, as of the close of the first pay period ending in November, may choose to retain all unused accumulated sick leave and continue to accrue sick leave or to receive a single payment at his/her current rate of pay for any amount in excess of 120 hours. If the employee elects to receive payment, it will be paid prior to December 31 of that year.

## EMPLOYEE BENEFITS

### 4.8H VACATION

The Authority provides vacation leave with pay for full-time and part-time employees. Vacation leave is differentiated from other types of leave because it is intended for the rest, relaxation, and renewal of employees.

Accrued vacation leave will be applied to the employee's vacation accumulation account only upon completion of each pay period except when an employee terminates. Upon termination, all unused vacation leave accrued through the employee's termination date will be paid.

An employee with less than two years of service will earn .0385 hours of vacation leave for each ~~regular~~ straight time hour of pay in a regularly scheduled workweek.

An employee with more than two (2) years of service will earn hours of vacation leave at the following accrual rates:

Years of Service	Accrual Rates	Accruable-Hrs. Hours Per Year
Greater than 2	.0577 hrs.	120
10	.0770 hrs.	160
15	.0808 hrs.	168
16	.0847 hrs.	176
17	.0885 hrs.	184
18	.0924 hrs.	192
19 or more	.0962 hrs.	200

The maximum allowable accrued vacation leave at any time for full-time or part-time employees is as follows:

Years of Service	Maximum Accrued Vacation Leave
Less than 2	160 Hours
Less than 3	240 Hours
Less than 10	300 Hours
Less than 19	390 Hours
19 or more	440 Hours

An employee will not accrue vacation leave in excess of these the maximum amounts unless authorized by the

## EMPLOYEE BENEFITS

### 4.8H VACATION (CONTINUED)

Chief Executive Officer. The Chief Executive Officer is exempt from a maximum accrual.

Vacations will be scheduled consistent with efficient Authority operations.

### 4.8I VACATION SELLBACK

An employee has the option of receiving up to 200 hours of vacation pay each calendar year for accrued but unused vacation. An employee must use at least forty (40) hours of vacation during the previous twelve (12) months before exercising the "sellback" option. The "sellback" option may be exercised twice in any given calendar year, but the total hours "sold-back" may not exceed 200 hours.

Under unusual circumstances involving verifiable emergencies, the Appointing Authority may authorize a cash value payment to an employee for an amount up to the total amount of accrued vacation.

An employee terminating from the Authority will be paid, in a lump sum payment, for all unused vacation leave accrued through his/her termination date at his/her current rate of pay.

# COMPENSATION

## 5.1 COMPENSATION OVERVIEW

### 5.1A PHILOSOPHY

The Authority's objective is to provide competitive wages based on the market value for comparable work. Human Resources strives to administer the compensation program in a flexible but consistent manner. The purpose of the compensation program is to attract, retain, and motivate employees.

Employees are recognized for their contributions through performance-based merit increases.

### 5.1B SALARY RESOLUTION

The purpose of the Salary Resolution is to:

- Attract and retain a workforce dedicated to excellence, thereby ensuring the Authority's ability to meet the present and future business objectives of the organization.
- Maintain a salary program, which will give maximum incentive to real accomplishments and compensate individuals on the basis of merit without discrimination, while providing necessary administrative control of salary costs.
- Provide salary structures, which are internally equitable and externally competitive.

### 5.1C SALARY STRUCTURE

The Salary Structure is designed to provide:

- Salary grade ranges for classifications based upon the scope and level of responsibility of work performed in comparison to other work performed within the Authority and in comparison to the external market.
- Salaries paid to employees that reflect the level of responsibilities of the classification and the performance of the individual.

## COMPENSATION

### 5.2 ADMINISTRATION OF COMPENSATION

The Appointing Authority is responsible for the establishment of definitive guidelines for adjusting individual salaries and salary ranges. The development and administration of these guidelines may be delegated to appropriate staff.

Within guidelines established by the Appointing Authority, compensation adjustments may be given:

- as an increase to base pay
- in a lump sum payment, and/or
- as deferred compensation.

The Appointing Authority is authorized to adjust an incumbent's salary. The salary of each Executive Employee will be determined by the Chief Executive Officer.

### 5.3 FULL-TIME AND PART-TIME EMPLOYEES

An employee may be hired or promoted into a position at any salary within the range for the classification; such salary is to be determined based on individual qualifications. Approval by the Appointing Authority is required for starting salaries at or above the midpoint of the range for external hires.

A new employee will complete an introductory period. At the end of the introductory period, the employee's performance will be evaluated and the employee ~~will~~ may be eligible for a merit increase based on the employee's performance level during the introductory period.

Following the completion of the introductory period, subsequent performance reviews will be conducted annually and merit increases may be authorized at that time.

### 5.4 RECLASSIFICATIONS

When an employee is assigned to a classification with a lower salary range, or when the employee's position is reclassified to a lower salary range:

- the employee's salary may be reduced to the maximum of the new range, or

## COMPENSATION

### 5.4 RECLASSIFICATIONS (CONTINUED)

- with the approval of the Appointing Authority, the employee may retain his or her salary paid prior to the new assignment.

Any employee promoted from one defined position to a different position at a higher salary grade will be brought at least to the minimum of the salary range for the different position. The promoted or laterally transferred employee may serve an introductory period of twenty-six (26) weeks. At the end of the introductory period, the employee's performance will be evaluated and a salary increase may be authorized.

### 5.5 SALARY ADJUSTMENTS

An employee may receive a merit increase based on his/her performance evaluation rating at the time of his/her annual review unless the overall rating is "needs improvement" or "unsatisfactory".

For fiscal year ~~2009~~ 2010, due to budget shortfalls, the total dollar amount of all salary increases granted pursuant to the provisions above will ~~not exceed 4%~~ be 0% of the total budgeted salaries for Administrative positions authorized by the Board of Directors.

Individual merit increases may vary in size depending on performance. Dollars unspent in this budget may be used to supplement the special performance award budget for the same fiscal year.

For fiscal year ~~2009~~ 2010, due to budget shortfalls, if an employee's salary is below the midpoint of the salary grade range for his/her classification, the employee may be considered for an interim review and salary increase of ~~up to 3%~~ 0% or to the midpoint of the range, whichever is less. This applies to employees in salary grades A through U only.

An employee's performance may be reviewed at any time during the year as appropriate, but his/her salary may not be adjusted other than as provided in this Personnel and Salary Resolution.

An employee who has taken continuous approved time off without pay in excess of 30 calendar days during the review period may have his/her review date extended by a period

## COMPENSATION

of time up to the amount of time that the employee was on approved leave.

### 5.6 SPECIAL PERFORMANCE AWARDS

The Appointing Authority may authorize special awards for full-time and part-time employees based on individual employee performance. Each award will be a single lump sum payment and will not increase an employee's base salary.

For the fiscal year ~~2009~~ 2010, due to budget shortfalls, the total dollar amount of all special awards granted pursuant to the provisions above will ~~not exceed 3%~~ be 0% of the total budgeted salaries for positions authorized by the Board of Directors.

### 5.7 TEMPORARY ASSIGNMENTS

When an employee is assigned duties of a different classification with the same or higher salary grade, the employee's salary may be increased by an amount not to exceed 5%. Such increase may be made only in those instances where the assignment will last at least 30 days and will not, in any event, be paid for a period in excess of 180 days, without written authorization by the Chief Executive Officer.

## SALARY STRUCTURE FISCAL YEAR 2009

GRADE		MINIMUM	MIDPOINT	MAXIMUM
E	Hourly	13.38	16.45	19.52
	Monthly	2,319.20	2,851.34	3,383.47
	Annual	27,830.40	34,216.00	40,601.60
Marketing Information Coordinator				
F	Hourly	14.33	17.70	21.07
	Monthly	2,483.87	3,068.00	3,652.14
	Annual	29,806.40	36,816.00	43,825.60
Customer Relations Representative Marketing Information Coordinator, Senior Office Specialist, Assistant				
G	Hourly	15.13	18.79	22.45
	Monthly	2,622.54	3,256.94	3,891.34
	Annual	31,470.40	39,083.20	46,696.00
Schedule Checker Secretary I, Senior				
H	Hourly	16.07	20.03	23.99
	Monthly	2,785.47	3,471.87	4,158.27
	Annual	33,425.60	41,662.40	49,899.20
Customer Relations Representative, Senior Office Specialist Schedule Checker, Senior <u>Warranty Coordinator, Associate</u>				
J	Hourly	17.03	21.33	25.63
	Monthly	2,951.87	3,697.20	4,442.54
	Annual	35,422.40	44,366.40	53,310.40
Computer Operator Help Desk Technician, Associate Office Specialist, Senior Offset Printer Schedule Analyst, Associate Secretary II, Senior				



**SALARY STRUCTURE FISCAL YEAR 2009**

## SALARY STRUCTURE FISCAL YEAR 2009

		MINIMUM	MID POINT	MAXIMUM
K	Hourly	18.13	22.81	27.49
	Monthly	3,142.54	3,953.74	4,764.94
	Annual	37,710.40	47,444.80	57,179.20
	Administrative Specialist			
	Buyer, Associate			
	Grants Technician			
	Help Desk Technician			
	HR Assistant			
	Offset Printer, Senior			
	Secretary, Executive			
	Special Assignment			
	Warranty Coordinator			
L	Hourly	19.59	24.80	30.00
	Monthly	3,395.60	4,298.67	5,200.00
	Annual	40,747.20	51,584.00	62,400.00
	Accountant, Associate			
	<u>Benefits Analyst, Associate</u>			
	Claims Representative, Associate			
	Code Administrator			
	Community Relations Specialist, Associate			
	Compensation Analyst, Assistant			
	Computer Operator, Senior			
	Contract Administrator, Associate			
	Customer Relations Specialist, Associate			
	Employment Representative, Associate			
	External Affairs Administrator			
	Financial Analyst, Associate			
	Fleet Analyst, Associate			
	Government Relations Representative, Associate			
	Help Desk Technician, Senior			
	Human Resources Representative, Associate			
	Local Government Relations Representative, Associate			
	Marketing Specialist, Associate			
	Media Relations Specialist, Associate			
	Operations Analyst, Associate			
	Public Information Specialist, Associate			
	Right-of-Way Administrator <u>Agent</u> , Associate			
	Schedule Analyst			
	Special Assignment			
	Stops and Zones Planner, Associate			
	Telecommunications Coordinator			
	Training & Development Specialist, Associate			
	<u>Transit Planner, Associate</u>			

**SALARY STRUCTURE FISCAL YEAR 2009**

Warranty Coordinator, Senior

GRADE	TYPE	MINIMUM	MIDPOINT	MAXIMUM
M	Hourly	21.51	27.23	32.95
	Monthly	3,728.40	4,719.87	5,711.34
	Annual	44,740.80	56,638.40	68,536.00

## SALARY STRUCTURE FISCAL YEAR 2009

Access Eligibility Administrator  
Accountant  
~~Administrative Assistant to the Deputy CEO~~  
Administrative Assistant to the Executive Director  
Administrative Assistant to the General Manager  
Buyer  
Civil Engineer, Assistant  
Claims Representative  
Coach Operations Instructor  
Code Administrator, Senior  
Community Relations Specialist  
Compensation Analyst, Associate  
Customer Relations Specialist  
Desktop Support Technician, Associate  
Employee Relations Representative, Associate  
External Affairs Administrator, Senior  
Field Supervisor  
Government Relations Representative  
Internal Auditor, Associate  
Intranet/Multimedia Specialist  
Local Government Relations Representative  
Marketing Program Administrator, Associate  
Marketing Specialist  
Media Relations Specialist  
Operations Analyst  
Payroll Administrator  
Printing and Reprographics Administrator  
Programmer Analyst, Associate  
Public Information Specialist  
Radio Dispatcher  
Rail Right-of-Way ~~Administrator~~ Agent  
Section Supervisor II  
Service Analyst, Associate  
Special Assignment  
Stops and Zones Analyst  
Stops and Zones Planner, Senior  
~~Transportation Analyst, Associate~~  
Transportation Funding Analyst, Associate  
Transportation Modeling Analyst, Associate  
Transportation Outreach Specialist, Associate  
GIS Analyst, Associate  
Transit Planner  
Window Dispatcher

## SALARY STRUCTURE FISCAL YEAR 2009

GRADE		MINIMUM	MIDPOINT	MAXIMUM
N	Hourly	23.68	29.98	36.27
	Monthly	4,104.54	5,196.54	6,286.80
	Annual	49,254.40	62,358.40	75,441.60
	Administrative Assistant to the CEO			
	Benefits Analyst			
	Business Relations Administrator			
	Civil Engineer, Associate			
	Clerk of the Board, Assistant			
	Compensation Analyst			
	Contract Administrator			
	<del>Data Portal Administrator</del>			
	Desktop Support Technician			
	Employee Relations Representative			
	Employment Representative			
	Field Administrator			
	Financial Analyst			
	Fleet Analyst			
	Grants Funding Specialist, Associate			
	Human Resources Representative			
	Internal Auditor			
	Intranet/Multimedia Specialist, Senior			
	IS Security Analyst, Associate			
	Loss Control and Accident Analyst			
	Maintenance Analyst, Senior			
	Marketing Specialist, Senior			
	Media Relations Specialist, Senior			
	Network Analyst, Associate			
	Operations Analyst, Senior			
	Programmer Analyst			
	Project Controls Analyst			
	Public Information Specialist, Senior			
	Right-of-Way Administrator <u>Agent</u>			
	Safety, Health & Environmental Specialist, Associate			
	Schedule Analyst, Senior			
	Section Supervisor III			
	Service Analyst			
	Special Assignment			
	Stops and Zones Analyst, Senior			
	Training & Development Administrator			
	Transportation Funding Analyst			
	<u>Transportation Modeling Analyst</u>			
	<u>Transportation Outreach Specialist</u>			
	<u>GIS Analyst</u>			

## SALARY STRUCTURE FISCAL YEAR 2009

PAGE		MINIMUM	WAGE POINT	MAXIMUM
P	Hourly	26.29	33.13	39.96
	Monthly	4,556.94	5,742.54	6,926.40
	Annual	54,683.20	68,910.40	83,116.80
	Accountant, Senior			
	Business Computing Solutions Specialist, Associate			
	Business Intelligence Analyst, Associate			
	Business Systems Analyst			
	Buyer, Senior			
	Civil Engineer			
	Claims Representative, Senior			
	Coach Operations Instructor, Senior			
	Community Relations Specialist, Senior			
	Customer Relations Specialist, Senior			
	Data Portal Administrator, Senior			
	Data Warehouse Architect, Associate			
	Desktop Support Technician, Senior			
	Employee Programs Administrator			
	Employment Representative, Senior			
	Field Administrator, Senior			
	Government Relations Representative, Senior			
	Grants Funding Specialist			
	HR Business Partner			
	Human Resources Representative, Senior			
	Local Government Relations Representative, Senior			
	Maintenance Field Administrator			
	Maintenance Instructor			
	Marketing Production Administrator			
	Marketing Program Administrator			
	Safety, Health & Environmental Specialist			
	Section Supervisor IV			
	Special Assignment			
	Systems Software Analyst, Associate			
	Telecommunications Technician			
	Training & Development Administrator, Senior			
	Traffic Engineer			
	Web Developer			

## SALARY STRUCTURE FISCAL YEAR 2009

GRADE		MINIMUM	MIDPOINT	MAXIMUM
R	Hourly	29.10	36.87	44.63
	Monthly	5,044.00	6,390.80	7,735.87
	Annual	60,528.00	76,689.60	92,830.40

## SALARY STRUCTURE FISCAL YEAR 2009

Assistant Base Manager  
Benefits Analyst, Senior  
Business Computing Solutions Specialist  
Business Intelligence Analyst  
Business Systems Analyst, Senior  
Community Relations Officer  
Community Transportation Coordinator  
Compensation Analyst, Senior  
Contract Administrator, Senior  
Database Administrator  
~~Data Portal and Dashboard Developer~~  
Data Warehouse Architect  
Development Project Manager I  
Employee Relations Representative, Senior  
Financial Analyst, Senior  
Fleet Analyst, Senior  
Grants Funding Manager  
HR Business Partner, Senior  
Internal Communications/Employee Programs Administrator  
Inventory Analyst  
IS Project Manager I  
IS Security Analyst  
Maintenance Field Administrator, Senior  
Maintenance Instructor, Senior  
Maintenance Supervisor  
Network Analyst  
OCTAP Administrator  
Project Controls Analyst, Senior  
Public Information Officer  
Rail Project Manager I  
~~Right-of-Way Administrator~~ Agent, Senior  
Safety, Health & Environmental Specialist, Senior  
Section Manager I  
Service Analyst, Senior  
Special Assignment  
Telecommunications Administrator  
~~Transportation Analyst, Senior~~  
Transit Planner, Senior  
Transportation Funding Analyst, Senior  
Transportation Modeling Analyst, Senior  
Transportation Outreach Specialist, Senior  
GIS Analyst, Senior  
Web Developer, Senior



## SALARY STRUCTURE FISCAL YEAR 2009

GRADE		MINIMUM	MAXIMUM	RANGE
S	Hourly	32.68	41.38	50.08
	Monthly	5,664.54	7,172.54	8,680.54
	Annual	67,974.40	86,070.40	104,166.40
	Accountant, Principal			
	Benefits Analyst, Principal			
	Business Computing Solutions Specialist, Senior			
	Business Intelligence Analyst, Senior			
	Business Systems Analyst, Principal			
	Civil Engineer, Senior			
	Claims Manager			
	Community Transportation Coordinator, Senior			
	Compensation Analyst, Principal			
	Construction Safety Officer			
	Database Administrator, Senior			
	<del>Data Portal and Dashboard Developer, Senior</del>			
	Development Project Manager II			
	Financial Analyst, Principal			
	Government Relations Representative, Principal			
	Internal Auditor, Senior			
	Investment Officer			
	IS Project Manager II			
	Local Government Relations Representative, Principal			
	Network Analyst, Senior			
	Programmer Analyst, Senior			
	Project Controls Analyst, Principal			
	<u>Rail Project Manager II</u>			
	<del>Right-of-Way Administrator</del> <u>Agent</u> , Principal			
	Section Manager II			
	Small Business Program Administrator			
	Special Assignment			
	Systems Software Analyst			
	Traffic Engineer, Senior			
	Training and Development Administrator, Principal			
	Transit Project Manager			
	<del>Transportation Analyst, Principal</del>			
	<u>Transportation Funding Analyst, Principal</u>			
	<u>Transportation Modeling Analyst, Principal</u>			
	<u>Transportation Outreach Specialist, Principal</u>			
	<u>GIS Analyst, Principal</u>			

## SALARY STRUCTURE FISCAL YEAR 2009

GRADE		MINIMUM	MIDPOINT	MAXIMUM
T	Hourly	36.75	46.43	56.10
	Monthly	6,370.00	8,047.87	9,724.00
	Annual	76,440.00	96,574.40	116,688.00
	Analysis Project Manager Base Manager Bus Rapid Transit Project Manager Business Computing Solutions Specialist, Lead Civil Engineer, Principal Contract Administrator, Principal Data Warehouse Architect, Senior Deputy Treasurer Internal Auditor, Principal Investment Officer, Senior IS Business Strategist IS Project Manager III IS Security Analyst, Senior Media Relations Officer Development Project Manager III Rail Project Manager III Section Manager III Special Assignment Systems Software Analyst, Senior Traffic Engineer, Principal Transit Project Manager, Senior			
U	Hourly	42.10	53.50	64.89
	Monthly	7,297.34	9,273.34	11,247.60
	Annual	87,568.00	111,280.00	134,971.20
	HR Section Manager, Senior Internal Audit Section Manager, Senior IS Section Manager, Senior CAMM Section Manager, Senior			
V	Hourly	45.54	57.87	70.19
	Monthly	7,893.60	10,030.80	12,166.27
	Annual	94,723.20	120,369.60	145,995.20
	Department Manager Program Manager, Development			

## **GLOSSARY OF TERMS**

<b>ADMINISTRATIVE EMPLOYEE</b>	Any employee of the Authority not covered by a collective bargaining agreement.
<b>APPOINTING AUTHORITY</b>	The Chief Executive Officer; he/she may delegate this responsibility.
<b>AT-WILL EMPLOYMENT</b>	An employee's employment status may be changed, including but not limited to, termination of employment, by the Authority or the employee, at any time for any reason.
<b>BOARD</b>	The Board of Directors of the Orange County Transportation Authority.
<b>CATASTROPHIC LEAVE</b>	An extended leave due to an employee's serious illness or medical condition that incapacitates an employee and where the employee is expected to use up all of the employee's accrued leave.
<b>CLASSIFICATION OR CLASSIFICATION TITLE</b>	The title that identifies the type of work being performed by one or more incumbents in a position.
<b>DOMESTIC PARTNER</b>	A domestic partnership is established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State. A domestic partner is further defined by California's Family Code, Section 297-297.5.
<b>ELIGIBLE DEPENDENT</b>	Spouse, registered domestic partner, and dependent children up to the age of 19 , or up to age 24, provided the dependent child aged 19 to 24 is enrolled as a full-time student. Proof of enrollment in a college or university is required. In some cases, a dependent child may be eligible for benefits to age 26.
<b>EXECUTIVE EMPLOYEE</b>	An employee classified as Chief Executive Officer, Deputy Chief Executive Officer, Chief of Staff, Executive Director, Division Director, Director of Special Projects, General Manager, Assistant General Manager, or Clerk of the Board.

## GLOSSARY OF TERMS

<b>EXEMPT EMPLOYEE</b>	An employee in a position that is not covered under the provisions of the Fair Labor Standards Act (FLSA) regarding minimum wage, overtime, maximum hours, and recordkeeping.
<b>EXTRA-HELP EMPLOYEE</b>	An employee hired on a temporary basis to serve as part-time augmentation of staff in which the duty or task defined generally requires less than 20 hours of work per week and no more than 1,000 work hours within a continuous 12-month period. An extra-help employee does not serve an introductory period and is not eligible for employee benefits.
<b>EXTRA-HELP POSITION</b>	A position, which is intended to be occupied on less than a year-round basis for reasons including, but not limited to, the following: to cover seasonal peak workloads, emergency extra workloads of limited duration, necessary vacation relief, paid sick leave, and other situations involving a fluctuating staff.
<b>FULL-TIME EMPLOYEE</b>	An administrative employee in a position with a normal workweek that totals at least 40 hours.
<b>INTERN</b>	An intern is a <u>special type of extra-help employee</u> enrolled as a full-time student at a two or four year college or university pursuing a course of study that will lead to an undergraduate or graduate degree, or a recent graduate, in a field of study applicable to the hiring department's specialty. The intern provides assistance to departments by performing a variety of duties related to the intern's career field. <u>Guidelines for extra-help employees also apply to interns.</u>
<b>INTRODUCTORY PERIOD</b>	A period of time during which a newly hired, promoted, or transferred full-time or part-time employee serves to demonstrate his/her ability to perform satisfactorily in the position.

## **GLOSSARY OF TERMS**

<b>NON-EXEMPT EMPLOYEE</b>	An employee in a position that is covered under the provisions of the Fair Labor Standards Act regarding minimum wage, overtime, maximum hours, and record keeping.
<b>PART-TIME EMPLOYEE</b>	An administrative employee in a position with a normal workweek that totals at least 20 hours but not more than 36 hours.
<b>POSITION</b>	Full-time and part-time positions in the Board-approved fiscal year budget.
<b>PROMOTION</b>	Movement of an employee from one position to a different position in a higher salary grade.
<b>RECLASSIFICATION</b>	The salary grade of a particular position is adjusted, either higher or lower, as a result of an evaluation process.
<b>REHIRE</b>	To employ someone who previously terminated his/her employment with the Authority (normally following a voluntary resignation) without restoring prior service.
<b>REINSTATE</b>	To return, within 6 months, an employee, previously terminated due to layoff, to active employment with the Authority and to restore prior service and benefit eligibility, with no formal break in service. Vacation, sick, and holiday hours for which the employee was paid at the time of termination are not restored. (This action is unrelated to retirement service credit).
<b>RETIREMENT</b>	A voluntary separation of employment whereby an employee meets the eligibility requirements to receive retirement benefits as defined by the Orange County Employees Retirement System (OCERS), and applies for those benefits prior to termination.

## **GLOSSARY OF TERMS**

### **SALARY RANGE**

The minimum and maximum of the salary grade for a position. It is based upon the scope and responsibility of work performed in comparison with other work performed within the Authority and in comparison with the competitive labor market.

### **TRANSFER**

Movement of an employee from one position to a different position in the same salary grade.

**Orange County Transportation Authority  
Administrative Programs Suspended for Fiscal Year 2009-2010**

In recognition of the challenging economic situation OCTA is facing, the following programs for administrative employees will be changed or suspended for FY 2009-10:

- Frozen Positions - 19  
**(Cost Savings \$2,001,326)**
- Contracted Staff/Temporary Help/Interns  
**(Cost Savings \$387,068)**
- Merit increases 0%; performance awards 0%.  
Personnel and Salary Resolution (PSR) Section 5.5, Salary Adjustments and  
Section 5.6, Special Performance Awards  
**(Cost Savings \$3,494,259)**
- One less Personal Paid Holiday (PPH) day (total paid holidays reduced from  
11 to 10).  
PSR Section 4.8D, Holidays and Personal Paid Holidays  
**(Cost Savings \$180,000)**
- Management physicals program on hold (program for salary grade V and  
above).  
PSR Section 4.1F and 4.4D, Medical Examinations  
**(Cost Savings \$37,500)**
- Computer purchase reimbursement program on hold.  
PSR Section 4.1B and 4.6B, Computer Purchase Reimbursement Program  
**(Estimated Cost Savings \$102,000)**
- Rideshare - Metrolink riders will have the option of receiving a RAD day  
(points accumulate for a day off) or ticket reimbursement, but cannot receive  
both incentives.  
**(Cost Savings \$59,113)**
- Employees in Grades V and above will take one furlough day (a day without  
pay).  
**(Cost Savings \$56,000)**
- Employees in Grades V and above are required to contribute to the Deferred  
Compensation program in order to receive the OCTA employer paid 2%  
contribution. Previously the employer contribution did not require employee  
contributions for eligibility. The program was a non-matching program.  
**(No Cost Savings associated with this change).**

**Position Equivalent Savings: 57**

**Estimated Annual Savings: \$6,317,266**

**ORANGE COUNTY TRANSPORTATION AUTHORITY LICENSING  
AND MAINTENANCE AGREEMENTS  
SOLE SOURCE LIST**

**The Standard Contracts**

<b>Vendor Name</b>	<b>Software / Hardware Product</b>	<b>Contract Amount</b>
ACS	ITCS Fixed Route Radio Software Systems: SmartTrack CAD & AVL, Automated Passenger Counter, Advanced Traveler Information System, and Voice Annunciator	\$ 150,000
ADD ONS	Ellipse Support Services	50,000
Business Objects	Designer and Query Tool	55,000
Carpa Datum	Budget Activity Reporting / Budget System	30,000
Compusoft	Learning Management Systems, SAAV, Commuter Club, & Ad-hoc MS-Access / SQL Server Application Support	50,000
Delcan Corporation	SR91 Video Surveillance System & ATMS Software	100,000
Dell Computer Inc.	91 Express Lanes Dell Computer Hardware	30,000
Giro	Map / HASTUS / Vehicle/ Crew/ Crew Opt/ Roster/ Minbus/ ATP/ Interface Program/ Geo Hastus Map/ Hastinfo/ Hastinfo - Web	97,000
Hitachi	Lawson Custom Interfaces & Modifications Support	50,000
Intellisec/Olliver Corporation	LENEL CARD Access/Security System	30,000
Konica Minolta Business Solutions	Digital Convenience Copiers	70,000
Kronos	Workforce Connect Software & Hardware	40,000
Lawson Software Inc.	Lawson HR/Payroll Software	155,000
M/A -COM	Fixed Route Radio Network Management Console Mobile Intermediary System, & RFI System Components	50,000
Mincom	Ellipse Interface Support	50,000
Mincom	Ellipse Software	150,000
Newlin Consulting	Ridership & Boardings Repts Support	35,000
Telvent	"Toll Pro" Customer Account Management System for the 91 Express Lanes	250,000
Omega Contract Design	CIC Web Page Software (Trip Planner)/Business Objects	35,000
Oniqua	Oniqua Software License for OAS	70,000
On-Time Consulting	Input Forms & Reports Maintenance - Auto Allocation Boarding/SalPlan Reports	35,000



**ORANGE COUNTY TRANSPORTATION AUTHORITY LICENSING  
AND MAINTENANCE AGREEMENTS  
SOLE SOURCE LIST**

**The Standard Contracts**

<b>Vendor Name</b>	<b>Software / Hardware Product</b>	<b>Contract Amount</b>
On-Time Consulting	Oracle Engine & OWB Support & Security Support	65,000
Oracle	Oracle DB Engine & Mgt Packs & Gateway	110,000
Pictometry	Pictometry Software	48,000
PIPS Technology, Inc.	ALPR Camera System for the 91 Express Lanes	40,000
Positron Public Safety Systems	Fixed Route & CTS Radio Dispatch Console Sub-Systems	63,000
Presentation Systems	Board Room Hardware & Meeting Supports	45,000
SIRIT Corporation	Electronic Toll and Traffic Managemnet System for 91 Express Lanes	265,000
Third Wave Corporation	CAMM - NET	65,000
Thomas Brothers Maps	Thomas Brothers, Maps - Interactive Mapping/Web Link (CIS)	65,000
Transit Intelligence	OTS	35,000
Trapeze Software Group	Trapeze Software - PASS4 - Mapmaker - Trapeze Pass 4 - IVR Confirm/Cancel & Real-time MDT & Call back & Trip booking & Gateway & Malteze-pass & Wygant Interface & Viewpoint & Cert & SUS - Trapeze - MDT Hardware Maintenance - Trapeze - MDT software with Map Maker	399,000
Virtual Consulting	Crystal & Business Objects Support	45,000
Xerox Corporation	Xerox 6135 Hardware Maintenance	45,600
XpressBase, LLC	SCOT Application (CRM)	25,000

**Subtotal \$ 2,897,600**

**ORANGE COUNTY TRANSPORTATION AUTHORITY LICENSING  
AND MAINTENANCE AGREEMENTS  
SOLE SOURCE LIST**

**Standard Contracts w/ Emergency Support**

*(The vendors listed below have been detailed to reflect the cost of the emergency support that is required for these vendors. This support is not covered in the basic contract. It will be used for emergency support during after hours, weekends & holidays.)*

<b>Vendor Name</b>	<b>Software / Hardware Product</b>	<b>Contract Amount</b>
<b>Bi-Tech/ Sungard</b>	IFAS Special Support	\$ 5,500
	Mincom Interface Support	10,000
	IFAS	80,000
<b>Database Systems Corp.</b>	(2) TRANSACT - (2) PRILIB - (2) FAST - Tranview / Tranwriter / Easvtran	30,000
	Transact & Fast Emergency Support	8,000
<b>Hewlett-Packard</b>	Hewlett-Packard Computers Maintenance	323,000
	Computer Maintenance Emergency Support	25,000
<b>Micro Focus</b>	Micro Focus Cobol / Net & Server Express	15,000
	Micro Focus Cobol / Net & Server Express Emergency Support	15,000
<b>On Group</b>	MVON	25,000
	MVON Outsourced Support	48,000
<b>On Group</b>	Blacksmith -HP/9000;developer;security - Fussion	16,000
	Blacksmith Emergency Support	48,000
<b>UC4 Software, Inc.</b>	UC4 Software	11,000
	UC4 Emergency Support (special APT support)	10,000
<b>Subtotal</b>		<b>\$ 669,500</b>
<b>Total of Contracts</b>		<b>\$ 3,567,100</b>

# **PowerPoint Presentation**



# Fiscal Year 2009-10 Proposed Budget Public Hearing



**Board of Directors' Meeting  
June 8, 2009**



# Budget Process



Development, Analysis and Recommendations	January - April
Finance and Administration Committee Briefings	January 28, March 11, April 8
Budget Workshop	May 11
Committee Presentations	May 12 - June 5
Public Hearing	June 8

# Balanced Budget



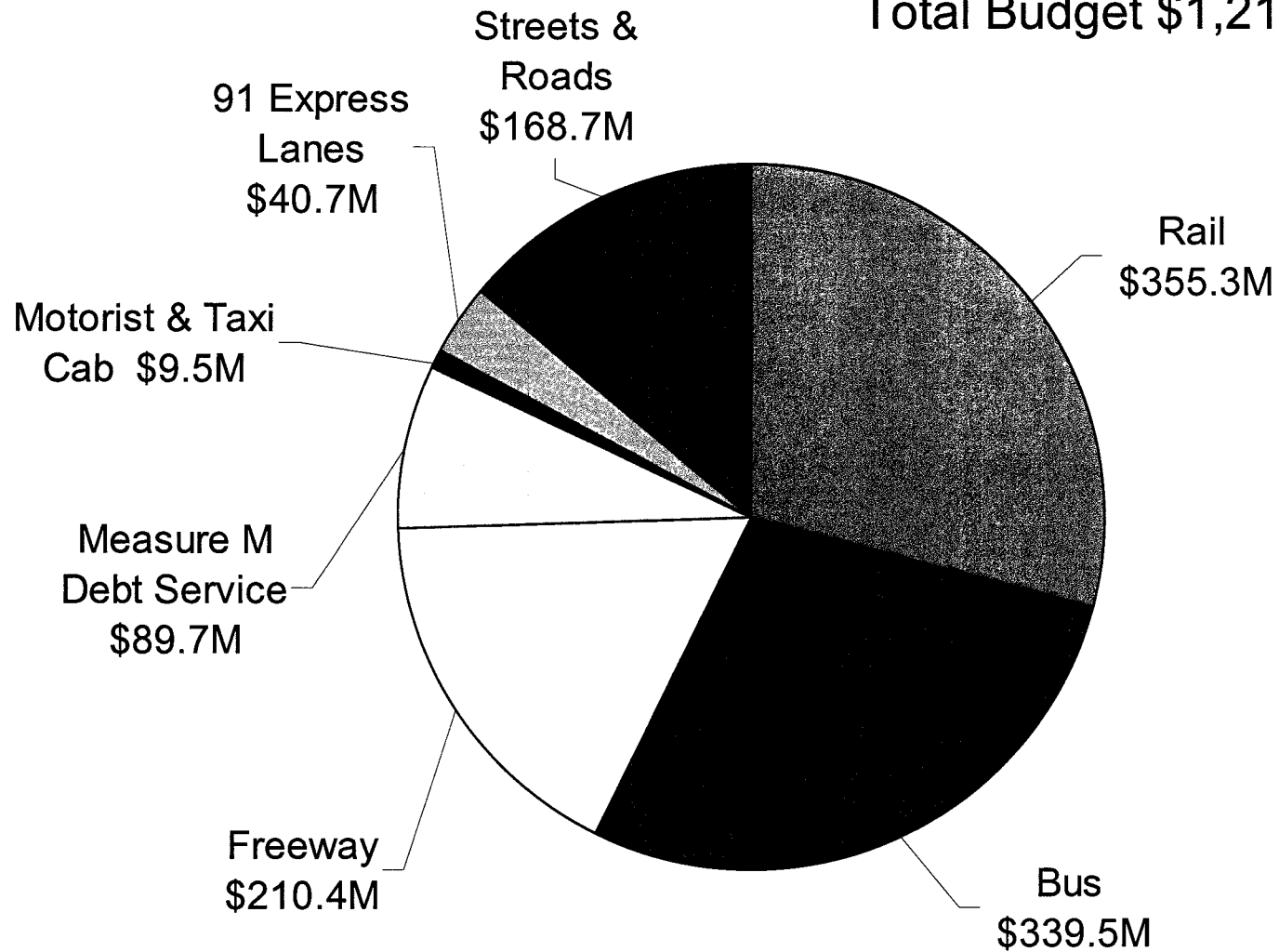
In Millions

	<b>FY 2009-10 Original Budget</b>	<b>FY 2009-10 Revised Budget</b>
<b>Revenue / Reserves</b>		
Revenues	\$ 741.7	\$ 708.2
Reserve Utilization	456.7	505.6
<b>Total Revenue/Reserves</b>	<b>\$ 1,198.4</b>	<b>\$ 1,213.8</b>
<b>Expenditures / Designations</b>		
Salaries and Benefits	\$ 153.2	\$ 153.2
Services and Supplies	749.6	775.1
Capital Expenditures	273.7	266.0
Designations	21.9	19.5
<b>Total Expenditures/Designations</b>	<b>\$ 1,198.4</b>	<b>\$ 1,213.8</b>

# Budget by Program



Total Budget \$1,213.8 Million



# Bus: Challenges & Assumptions



## Challenges

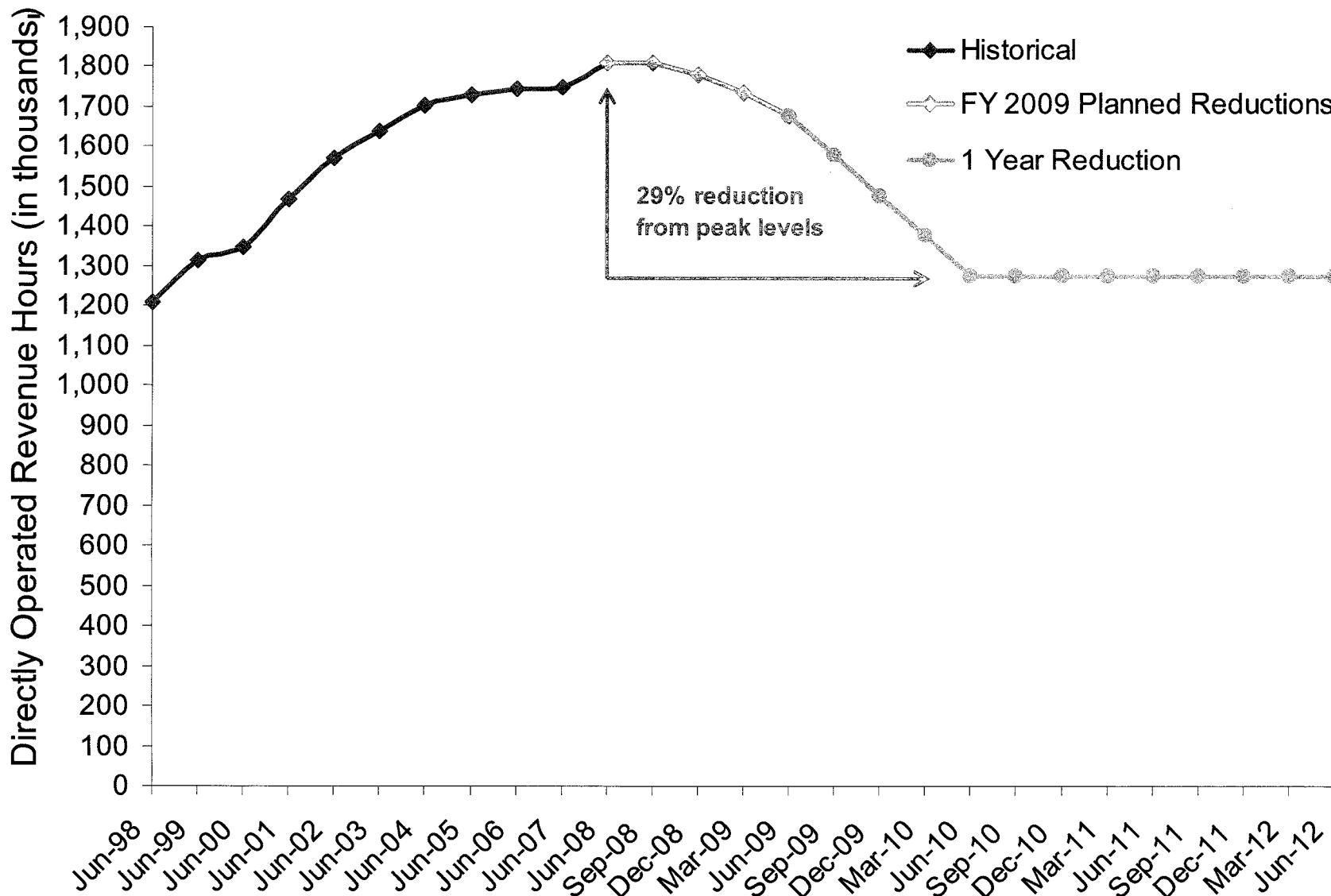
- Elimination of State Transit Assistance Fund
- Decrease in sales tax by 4.3% (Budget-to-budget reduction of 20%)
- Alternative Fuel Credit expires December 2009
- ACCESS paratransit contract cost increase

## Assumptions

- Federal Stimulus funding applied
- Increased flexibility of federal funds for both capital and operating
- Service reductions
  - 133 K revenue hours in Fiscal Year 2009 (Represents 7% reduction)
  - Equivalent of 400 K revenue hours planned in Fiscal Year 2010 (Represents 22% reduction)
- Bus rapid transit to be launched June 2010
- Fuel price assumptions
- Reduced Divisional budgets; administrative hiring / wage freezes
- Reprogrammed Bikeway & Pedestrian Facilities for bus operations



# Fixed Route Service Levels



# Rail: Challenges & Assumptions



## Challenges

- Measure M funds down
  - M1 - \$54 million less than projected
  - M2 - 38% less than originally anticipated over 30 years
  - Service expansion plans need revisiting
- Deferred Metrolink fare increase means pressure to increase subsidies
- Construction challenges for grade crossings, quiet zones, track projects

## Assumptions

- Prop 116 for ARTIC, Fullerton & Tustin parking, track expansion, Sand Canyon grade crossing
- ARTIC environmental & design continuing
- High speed rail corridor development activities increase
- Go Local Phase 2 work continues

# Freeways: Challenges & Assumptions



## Challenges

- Measure M1 and M2 sales tax projections down
- M1 un-programmed balance down to \$700,000
- M1 funds for ROW and engineering on SR-57 at risk (\$22 million)
- Proposition 1B Corridor Mobility Improvement Account (CMIA) availability uncertain

## Assumptions

- I-5 Gateway project nearing completion
- 5 other projects in construction in fiscal year 2009-10
  - SR-57 northbound lanes (2 projects)
  - SR-22/I-405/I-605 West County Connectors (2 projects)
  - SR-91 eastbound lane (1 project)
- Budget supports close to \$150 million of externally funded freeway projects
- M2 Early Action Plan needs revisiting

# 91 Express Lanes: Challenges & Assumptions



## Challenges

- Decrease in traffic volumes and toll revenues
- Potential internal borrowing repayment delay
- Impacts to operations from 91 construction
- 91 Express Lanes extension into Riverside County
- Lehman swap termination uncertainty

## Assumptions

- Revenues
  - Toll and non-toll revenues represent annualized amount using first six months of actuals for fiscal year 2008-09
- Expenditures
  - Operations
    - Tollroad Operator
  - Capital
    - Entrance and Exit Readers
    - Variable Message Signs

# Motorist & Taxi Cab Program: Challenges & Assumptions



## Challenges

- Flat revenue for freeway service patrol and abandoned vehicle program

## Assumptions

- \$1.00 fee on vehicle registration grows 1.2%-1.5%
- Service Authority for Freeway Emergencies revenues \$2.6 million
- Service Authority for Abandoned Vehicles revenues \$2.6 million
  - Distributed 50% population, 50% abatement
- Freeway Service Patrol revenues \$3 million
  - Freeway service patrol levels constant
- 511 to be implemented in fiscal year 2009-10
- Taxi program revenues recover 100% of expenses

# Revisit Budget Assumptions



- Sales Tax Revenue
- Ridership
- Passenger Fares
- Union Negotiations
- Fuel Tax Credit
- OCERS
- Federal Reauthorization
- State Budget Issues
  - Property Tax
  - Gas Tax Subvention to cities and counties
  - Suspension of Proposition 42

# Personnel and Salary Resolution



<b>Administrative Programs</b>	<b>Estimated Cost Savings</b>
Merit, Interim, and Performance Awards - 0%.	<b>\$ 3,494,259</b>
19 Frozen Administrative positions	<b>2,001,326</b>
Contracted Staff/Temporary Help/Interns	<b>387,068</b>
One less Personal Paid Holiday (PPH) day (total PPH reduced from 11 to 10)	<b>180,000</b>
Computer purchase reimbursement program on hold	<b>102,000</b>
Management physicals program on hold (Salary grade V and above)	<b>37,500</b>
Rideshare - Metrolink riders will have the option of receiving a RAD day or ticket reimbursement, but cannot receive both incentives	<b>59,113</b>
Employees in Grades V and above will take one furlough day	<b>56,000</b>
Employees in Grades V and above are required to contribute to the Deferred Compensation program in order to receive the OCTA employer paid 2% contribution. (No cost savings associated with this change)	<b>-</b>
<b>Estimated Annual Savings:</b>	<b><u>\$ 6,317,266</u></b>
<b>Position Equivalent Savings:</b>	<b>57</b>

# Recommendations




- Approve the FY 2009-10 budget
- Approve changes to the Personnel and Salary Resolution (PSR)
- Authorize the Purchasing Agent to execute the software and hardware licensing, maintenance, and emergency support purchase orders and/or agreements







*June 8, 2009*

**To:** Members of the Board of Directors  
**From:**  James S. Kenan, Interim Chief Executive Officer  
**Subject:** Approval of September Service Change

### **Overview**

On May 22, 2009, the Board of Directors conducted a public hearing to receive public input on proposed bus service changes for the September 2009 Service Change program. This report summarizes the comments received and the staff responses to these comments. The report also presents three alternatives for consideration by the Board of Directors.

### **Recommendations**

- A. Find that the Orange County Transportation Authority has a fiscal emergency as defined by Public Resources Code section 21080.32(d)(2) caused by the failure of the Orange County Transportation Authority revenues to adequately fund agency programs and facilities and that bus service reductions of approximately 400,000 annualized vehicle service hours in fiscal year 2009-10 are required to implement necessary budget reductions.
- B. Review and approve a service reduction strategy which results in the approximate reduction of 100,000 revenue vehicle hours effective with the September Service Change program, which reduces service on 29 Orange County Transportation Authority bus routes and discontinues Owl service on routes 43, 50, 57, and 60.
- C. Direct staff to return to the Board of Directors with periodic updates regarding progress toward achieving service reduction program targets.

***Discussion***

On May 22, 2009, the Orange County Transportation Authority (Authority) Board of Directors (Board) conducted a public hearing to receive public input and comments regarding a service reduction proposal involving 29 Authority bus routes that would yield an estimated savings of approximately 100,000 annual revenue vehicle hours of service.

The proposed reduction in service, to be implemented in September 2009, is the first of up to four programs needed to address a projected \$33 million shortfall in operating revenue in fiscal year 2009-10.

The September 2009 service reduction program is part of a process that began last year with the December 2008 Service Change program in response to rapidly shrinking operating revenues. Since then, the revenue forecast has continued to worsen and the unemployment rate in Orange County continues to climb to levels not seen in over 15 years.

The increase in unemployment has been very steep, particularly over the last six months, and the impact has been reflected in steadily declining bus ridership. While the Authority saw robust patronage through October 2008, ridership since November has dropped considerably. Calendar year-to-date through April 2009 shows a drop of 11.5 percent compared to the same period in 2008. While some of the decline was anticipated due to the fare increase in January 2009, the deteriorating local economy seems to be extending its depth and duration.

In March 2009, the Board took action and directed staff to prepare plans to reduce service to meet a projected operating revenue shortfall in fiscal year 2009-10, estimated to be approximately \$33 million. Starting from a base of 1,794,000 annual revenue vehicle hours of service as of July 1, 2009, it is estimated that approximately 400,000 annual revenue vehicle hours of service, approximately 22 percent of the base, needs to be reduced starting with the service change program in September 2009.

In addition, the Board directed staff to prepare the reduction plans in conformance with Board policy on the public notification and public review processes.

During the public review period, the Authority conducted a comprehensive public outreach campaign to inform riders and stakeholders of the massive cuts in bus operating revenue projected over the next five years and the associated need to reduce bus service. Meetings were conducted with Board advisory

committees and Board committees to discuss the strategies and scope of the necessary service reductions. Three community meetings were held on May 12, 13, and 14 at Anaheim City Hall, Authority Headquarters in Orange, and the Laguna Hills Community Center, respectively. The public outreach process culminated in the public hearing conducted by the Board on May 22, 2009.

In addition, brochures notifying riders and others of the potential service reductions were distributed with survey questions seeking input on the techniques that are used to reduce service. In addition to traditional print media, the survey was included in the web-based notification materials listed on the Authority's website.

#### Public Comment

Approximately 140 individuals attended the three community meetings and 66 spoke to participating Authority staff and Board Members. Some of the participants also attended the May 22 public hearing which was attended by approximately 120 individuals. At the hearing, 43 individuals addressed the Board.

In addition to those speaking at the community meetings and the public hearing, the Authority received more than 1,000 written and on-line comments, most addressing their dependence on bus service for work, school, and other essential activities.

Concern about the proposed discontinuation of Owl service and fear of a discontinuation of weekend service were among the topics that garnered the most attention as was the impact of any reduction in ACCESS service. Attachment A includes a summary of feedback gathered from written, on-line, and speakers' comments as well as Board advisory committee workshops.

#### Board of Directors Comments

In addition to the input received from the public, the Board asked for information on a number of topics involving funding sources, revenue generation, and service cost reduction, service ridership and routing information comparing the northern and southern areas of Orange County. The questions raised and staff responses are shown in Attachment B.

September 2009 Service Reduction Options

The proposal discussed at the May 22, 2009, public hearing, Option A, involves reducing service on 29 Authority bus routes including the discontinuation of Owl service on routes 43, 50, 57, and 60 as shown in Attachment C. Of the issues discussed over the public involvement process, the Owl service discontinuation garnered some attention. Respondents expressed concern that late night mobility would be compromised, negatively impacting workers using Owl service for trips to and from jobs where hours extend past midnight, particularly in the Anaheim Resort Area and at Disneyland.

While staff is sympathetic to the hardships created for those using Owl service, the maintenance of the service will require the consideration of other reduction elements that would create negative impacts for more riders. Staff is recommending the Board approve the proposal presented at the public hearing (Option A on Attachment C). This option impacts the fewest number of passengers.

Two alternatives are included for consideration by the Board that would mitigate the impacts to wholesale elimination of Owl service. Option B on Attachment D extends late night service to 1:00 a.m. on the four routes currently providing 24-hour service. Option C on Attachment E retains Owl service as currently scheduled. With both alternatives, services would have to be reduced elsewhere to make up for either the reduction or loss of savings associated with the operation of late night service.

With Option B, staff proposes a reduction of service on two additional routes impacting an estimated additional 1,200 riders on weekdays, 500 on Saturday, and 1,100 on Sunday.

With Option C, service reductions would involve another five routes compared to Option A, and impacts to riders would increase by 1,600 on weekdays, 1,750 on Saturday and 1,300 on Sunday.

***Summary***

On May 22, 2009, the Board of Directors of the Orange County Transportation Authority conducted a public hearing regarding proposed reductions in bus service needed to address a fiscal emergency caused by significant reductions in bus operating revenues. Based on analysis of the input received through the public review process, staff is recommending the original proposal involving service reduction on 29 Authority bus routes be approved for implementation in September 2009, the first of up to four changes required to address a projected

\$33 million revenue shortfall. The proposed service reduction program would remove approximately 100,000 annual revenue vehicle hours and contribute approximately \$8.5 million toward the \$33 million reduction in expenses needed in fiscal year 2009-10.

**Attachments**


- A. Public Involvement Program For Bus Service Reductions Effective September 2009 Through June 2010
- B. Bus Service Reduction Questions as of June 1, 2009
- C. Option A – Staff Recommendation – September 2009 Service Program
- D. Option B – Alternative Late Night Service Enhancement
- E. Option C – Owl Service Retention

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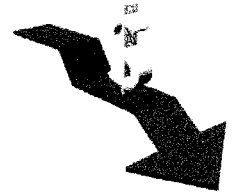


**Public Involvement Program For  
Bus Service Reductions  
Effective September 2009 Through June 2010**



## I. INTRODUCTION

The recently approved state budget resulted in devastating impacts for Orange County bus riders. The Legislature reduced the State Transit Assistance program, the only ongoing source of state funding for day-to-day transit operations, representing a loss of more than \$17 million through June. Next year these funds will be eliminated completely -- resulting in a loss of approximately \$100 million over the next five years.



The continuing economic crisis and declining sales tax revenue also have reduced available funding for transit services. Even with the extensive cost-cutting measures already taken by the Orange County Transportation Authority (OCTA), these significant funding reductions mean that the current level of bus service can no longer be sustained. Due to this reduced funding and declining sales tax revenue, substantial service reductions have been proposed starting in September 2009 through June 2010.

## II. PURPOSE

In mid-April 2009, OCTA launched a public involvement program to inform customers of the potential service changes and to gather feedback on the bus service reduction program and the proposals for the September 2009 bus service change. Comments have been gathered and reviewed by OCTA staff and are being submitted to the Board of Directors.

## III. WHAT WE LEARNED

The following is a brief recap of the public comments received from all sources

### ***A. Make strategic cuts***

- Reduce least used route segments, trip times
- Consider ACCESS implications
- Maintain current service levels in south Orange County
- When feasible, make frequency versus span reductions
- Reduce off-peak and weekend service
- Run lighter service on more holidays

### ***B. Don't make wholesale cuts***

- Don't eliminate Night Owl service
- Don't eliminate all weekend service

### ***C. Manage costs, raise revenue***

- Re-negotiate with the union; run fewer service changes (currently 4x per year)
- Contract out more
- Increase fares in lieu of service reductions
- Explore funding opportunities including: re-examine funding decisions, develop public private partnerships, sell or lease older buses
- Advocate for additional transit funding
- Charge for the Bus Book

### ***D. Other***

- Put schedule information at bus stops



## IV. PUBLIC INFORMATION & OUTREACH PROGRAM

### A. Public Notification

#### 1. Print Advertisements

13 newspaper ads that include:

- OC Register & Excelsior Public Hearing Notice
- OC Register & Excelsior Community Meeting Notice
- Chinese Daily News, Korean Daily & Nguoi Viet Community Meeting Notice
- OC Register "OCTA Transportation Update" Community Meeting Notice

#### 2. Bus Advertisements & Collaterals

- OCTA website in English, Spanish, Chinese, Korean & Vietnamese including an online survey
- The Transit Connection Newsletter (ACCESS)
- 1,200 Interior Bus Cards – English & Spanish
- 160,000 Public Notice Brochures with comment card – English & Spanish
- 50,000 Flyers – English, Spanish, Chinese, Korean & Vietnamese

#### 3. Mailings

- 650 stakeholders mailed
- 500 e-mailed information

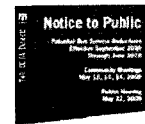
#### 4. Press Releases and Newsletter Information

#### 5. Public Service Announcements

- Local cable channels

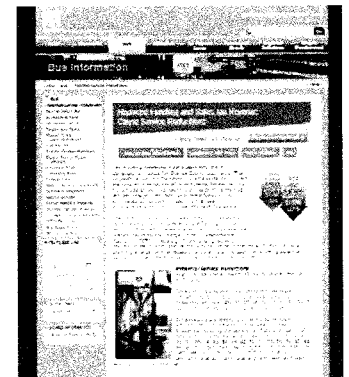
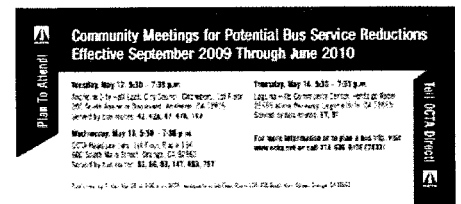
### B. Public Outreach Meetings

- Citizens Advisory/Special Needs Committees - 2 workshops
- Community Meetings – 3 locations, 140 attendants
- 50 meetings – cities, employers, schools, senior/disabled groups
- 30 one-on-ones – on board bus, churches, schools, transit centers
- Regional Center of Orange County Committee Presentations (ACCESS)
- Alta Resources CIC Representatives Roundtable
- OCTA Technical Steering Committee



#### Notificación al Público

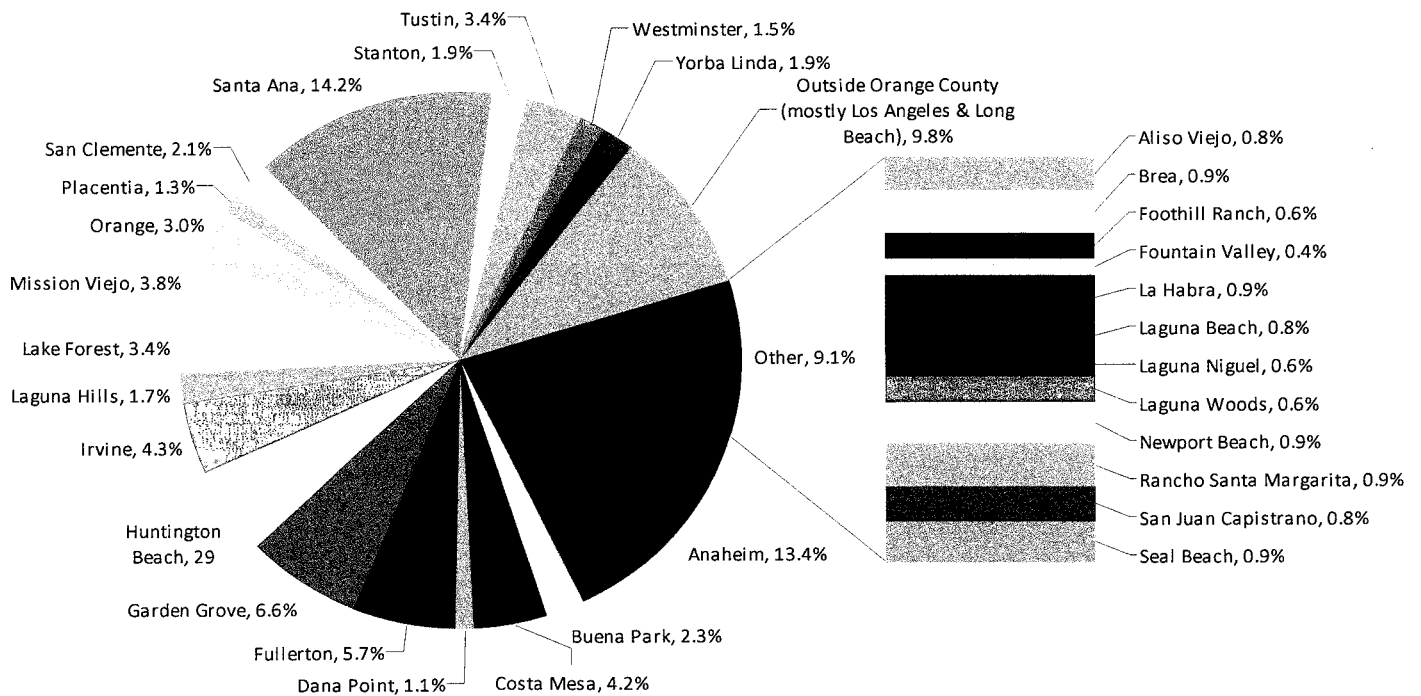
Publicación de Aviso de Reducción de Servicios de Buses Efectiva Septiembre 2009 a través de Junio 2010. Reuniones Comunitarias Mayo 12, 14, 16, 18 de Mayo del 2009. Audiencia Pública Mayo 27 de Mayo del 2009.



## V. PUBLIC FEEDBACK

Comments were received from customers throughout the county. The chart below shows distribution by city.

**Responses from Comment Cards and Online Surveys  
By City**



### A. Comments received by mail, web and phone – over 1,000

The main concerns/feedback are:

- Don't cut bus service
- Don't cut my route
- Don't eliminate weekend service
- Don't eliminate night owl service
- Don't raise prices
- Add more bus service
- Don't cut peak service
- Lower administrative costs
- Don't eliminate ACCESS
- Enforce fare collection
- Raise fares to avoid cuts

## **B. Community Meetings**

Comments summary by location.

### **1. North County – Anaheim, May 12**

**35 attendees, 14 speakers**

- Don't eliminate Night Owl service – people say they will lose their job - work at Disneyland, Knott's, go to Angels games, colleges (CSULB), etc.
- On Routes 46 and 50 there are people who smoke and drink alcohol, please fix this problem
- To save money & time, skip the side streets and use main boulevards only
- Remove homeless that sit at bus stops
- Post fare evasion fine signs in buses; post prices on side of bus, post sign in bus saying no drinking, eating, smoking
- ACCESS/Paratransit – don't cut service, weekdays or weekends
- Don't increase fares
- Don't get rid of weekend service – people want to go to work and church – lose jobs / livelihood if can't get to work
- Announce route changes and fare increases over audio system in bus so everyone knows what's happening
- Instead of bus books, have individual route only schedules
- Charge Metrolink users for bus connections
- Don't cut my route



### **2. Central County – OCTA, May 13**

**55 attendees, 30 speakers**

- Cut operation costs
- Collect funds from private sector; get cities involved
- Don't cut bus service
- Have less frequent stops instead of eliminating stops
- Don't eliminate Night Owl service – people say they will lose their job - work at Disneyland, Knott's Berry Farm, go to Angels games, colleges (CSULB), etc.
- Safety issues about people running to catch the bus; bringing large items on bus and having them in the aisles, safety hazard for those getting on and off bus; drivers who are trying to be on time

- Don't cut my route
- Adjust air conditioner on buses, too cold
- Buses are too crowded, if you cut it will be worse
- Don't cut ACCESS service or bus service that connects to ACCESS
- Charge for bus book
- Eliminate bus book on bus, have online only – save on printing costs
- Have advertisements on bus to make money
- Cut executive's salaries
- Eliminate express route to LA
- Cut less productive routes
- Don't eliminate weekend service
- Don't raise fares

### **3. South County – Laguna Hills, May 14**

**49 attendees, 22 speakers**

- Don't cut or reduce ACCESS service
- Don't cut my route
- Don't cut routes, students need for independent living
- Generate more income to keep the service intact
- There are too many break up routes; have better connectivity for inter-county, Metrolink, etc.
- Don't cut bus service
- Don't cut weekend or holiday service
- Keep geographic balance in mind
- Work with cities to help with shuttles; work with large employers to get help
- Transfers are right on top of each other, spread them out
- Don't cut Night Owl service
- Charge for bus books
- Raise fare if service will stay the same
- Report schedule times at bus stops



### **C. Citizens Advisory/Special Needs in Transit Committees Workshops (2)**

#### **Preferred options and comments summary:**

- Wholesale versus strategic cuts
- Geographic equity / coverage
- Reduce weekday peak service
- Reduce weekend service
- Reduce span of service
- Expand holiday service days
- Make strategic cuts
- Impact fewest riders
  - More important than geographic coverage
- Reduce frequency
  - More important than changing span
- Consider fare increase (temporary?)



#### **Other Committee comments:**

- ACCESS is the only option for some
- Convey to union: jobs will be lost
- Look for funding opportunities
- Use bigger buses to help with pass-bys
- Lease out or sell older buses
- Write legislature about tremendous impacts
- Pursue partnerships with private sector
- Promote vanpool/carpool opportunities

### **D. Public Hearing Comments**

**100+ attendees, 45 speakers**

The main concerns/feedback are:

- Don't cut bus service
- Don't cut my route
- Don't cut ACCESS
- Don't eliminate Night Owl service
- Raise the fares
- Keep geographic balance in mind

## **VI. NEXT STEPS**

OCTA will continue to stay engaged with customers throughout this difficult process. Staff will continue to update the Board of Directors as new feedback is received and compiled. The customer comment response matrix can be located at:

<http://www.octa.net/pdf/customer.pdf>

**Bus Service Reduction Questions  
as of June 1, 2009**

In its role as county transportation commission, the Orange County Transportation Authority (OCTA) allocates, or programs, revenues for mobility improvements. There has been some confusion about the definition of terms as well as questions about how bus transit is funded. The OCTA Transit Committee has requested information to help clarify and answer questions.

Director Winterbottom requested information about how we use the words transportation versus transit. Transportation is used as an umbrella term. When we say we are funding transportation improvements, it could refer to anything from freeways, streets and roads, and/or transit. The term “transit” primarily means bus, ACCESS, or rail services.

**1. How is OCTA bus transit funded?**

A mix of revenues funds bus service. Expenses are classified as either capital or operating. In general, capital expenses include vehicles and equipment; examples of operating expenses are costs for staff (drivers, mechanics, administrative personnel), services and supplies. Below are bus transit revenues.

<b>Program</b>	<b>Operations*</b>	<b>Capital*</b>	<b>Notes</b>
Local Transportation Fund (LTF) ¼-cent sales tax Created by the Transportation Development Act (TDA)	X	X	Used for bus operations - about \$85 million per year (net revenues)
Gas Tax Exchange (TDA Diversion)	X	X	Part of County of Orange bankruptcy recovery plan. Between 1996 and 2011, \$38 million LTF is diverted to the County of Orange. In exchange, the County gives OCTA \$23 million gas tax during the period 1997 to 2013. This represents a net loss of \$202 million to OCTA over 17 years.
State Transit Assistance Fund	X	X	Used for bus operations – State suspended program in 2009, loss is about \$20 million per year
Passenger Fares	X	X	Used for bus operations ~ \$60 million per year
Bus Operations Fund	X		Operating reserves fund created to backfill loss of sales tax revenue due to TDA diversion
Miscellaneous	X		Bus advertising, property taxes, transit subsidies, interest, and alternative fuel credit. Amounts vary depending on economy. In 2009, alternative fuel credit sunsets & impact is \$5 million per year
Measure M (M1)	(See note)		\$1 million/year for seniors and persons with disabilities to offset impact of fare increases
Federal Stimulus	(See note)	X	Between 2009 and 2011, \$76 million stimulus funds capitalized for operations such as capital cost of contracting and preventive maintenance
Federal Formula: Federal Gas Tax	(See note)	X	Section 5307 - about \$67 million per year for capital and to the greatest extent allowable, OCTA is using these funds to capitalize operations

\* Eligible expense

## **2. Is OCTA using reserves to fund bus operations?**

Yes. The Bus Operations Fund (BOF) is a mix of Local Transportation Fund ¼-cent sales tax revenues and interest. It was created as a set aside for future transit operations; \$106 million was deposited in the BOF in 1995. However, as part of the County of Orange's bankruptcy recovery plan, \$38 million per year in bus operations funds have been diverted to the County of Orange in exchange for \$23 million in gas tax revenues. The net loss is generally \$15 million per year. The balance in the BOF is about \$30 million; approximately \$14 million is planned for bus operations with the Fiscal Year (FY) 2009/2010 budget.

In addition, there is a need to have an ongoing reserve fund for capital purchases for replacement vehicles and expansion vehicles and facilities. Given the bus system is facing service cuts, the requirement for new vehicles is reduced. To the greatest extent allowable, OCTA is using capital funds for operations. In the proposed FY 2009/2010 budget, \$42 million of 5307 capital funds are being allocated for bus operations.

## **3. Are there other funds that could be used for bus operations (Director Campbell)?**

Yes. On November 24, 2008, the OCTA Board authorized the Chief Executive Officer to execute an internal transfer of up to \$46 million from the Commuter and Urban Rail Endowment (CURE) to the Bus Operations Fund to address the anticipated revenue shortfall over the next three years. At that time, it was felt the internal transfer could help offset losses in bus transit revenues and would help support the long-term viability of the bus transit system. Since then, things have changed. OCTA received federal stimulus funds in excess of \$46 million. In addition, sales tax revenue projections have further eroded affecting both bus and rail operating revenues. Since the CURE operates as an annuity designed to keep Metrolink service operating long-term, and is the primary funding source for rail operations, this transfer has not yet been executed as staff and the Board considers the long-term viability of Metrolink in Orange County. As a note, the near-term expansion of Metrolink service, like the implementation of bus rapid transit, is required to conform with air quality requirements.

## **4. What about the federal Congestion Mitigation and Air Quality program?**

Federal gas taxes fund the Congestion Mitigation and Air Quality (CMAQ) program; about \$40 million is generated annually for OCTA. Eligible projects / services support goals to improve air quality. This includes high occupancy vehicle lanes, rideshare and vanpool programs. CMAQ funds also can be used for the first three years of new transit operations and requires Federal Transit Administration (FTA) and OCTA Board of Director approval.

## **5. Will CMAQ funds be used to fund bus transit operations?**

CMAQ will be considered as a funding source for new Bravo! bus rapid transit service, subject to OCTA Board of Director approval. Bravo! is scheduled to begin operations in June 2010 and must be fully implemented by December 2010.

## **6. Are CMAQ funds being used to fund the West County Connectors? (Director Nguyen / Transit Committee)**

Yes. Approximately \$200 million in CMAQ funds are being used for the West County Connectors, a high occupancy vehicle lane project. OCTA has entered into a contract with the State to use CMAQ as a match for \$200 million in Corridor Mobility Improvement Account funds. The West County Connector project is scheduled to begin construction in 2010.

## **7. What about the alternative fuel tax credit?**

The federal government offers a \$0.50 per gallon equivalent tax credit to transit operators using clean fuel vehicles such as those used by OCTA. This translates into a fuel cost savings of about \$5 million annually – the equivalent of nearly 60,000 revenue vehicle hours. This provision in the law expires in December 2009. New legislation, H.R. 1835, the New Alternative Transportation to Give Americans Solutions Act (NAT GAS Act), could restore this credit and preserve 60,000 revenue vehicle hours.

**8. Are transit funds being used to widen Bristol Street and does the project include a dedicated lane for transit?** (Director Nguyen / Transit Committee)

In November 2005, the OCTA Board approved a five-year comprehensive funding strategy (CFS) that included \$125 million to widen Bristol Street and a companion action to allocate \$125 million to expand bus service by funding capital improvements to support bus rapid transit (BRT). Other improvements in the CFS included Metrolink expansion, grade separations, freeway improvements and street improvements.

The Bristol Street project was funded with gas tax revenues that flow to OCTA in exchange for LTF sales tax funds under the County of Orange bankruptcy recovery plan. To date, approximately \$53 million has been spent on the Bristol Street widening project and \$30.7 million is requested in the proposed fiscal year 2009/2010 budget. The project widens the street and does not presently include a dedicated lane for transit vehicles.

The BRT project was funded through the State Transportation Improvement Program, or STIP. As a note, in 2005, the BRT project had significant capital needs and the STIP had a transit capital focus. The Board action accommodated both the regional street improvement and the capital needs of the BRT system. Since then, STIP funds have diminished and there have been reductions in the scope of the BRT program. There have been no decreases in funding for the Bristol Street project.

**9. Can Measure M be used to fund the bus?**

Measure M (M1) funds contribute \$1 million per year to keep fares lower for seniors and persons with disabilities. In addition, the OCTA Board of Directors has programmed \$30 million of M1 funds to develop "Go Local" transit services. Use of these funds are limited to feeder bus and fixed guideway transit services that provide connections to Metrolink service. Step 1 in the Go Local program allocated \$3.4 million to Orange County cities for a needs assessment. For Step 2, \$5.9 million has been allocated to the City of Anaheim and \$5.9 million to the City of Santa Ana for detailed planning of fixed-guideway projects. Another \$1.08 million has been programmed for service planning support to assist with development of approximately 25 bus/shuttle proposals, \$2 million will fund oversight of the fixed-guideway projects by a project management consultant through Step 2 and \$249,600 will fund similar activities for bus/shuttle project management. Go Local Step 2 funds are anticipated to be spent over the next two years.

The Renewed Measure M (M2) transit program, which begins April 1, 2011, includes funding for both bus and rail improvements:

- Project R - High Frequency Metrolink Service (rail)
- Project S - Transit Extension to Metrolink (bus or rail)
- Project T - Metrolink Gateways (rail and bus station)
- Project U - Mobility Choices for Seniors & Persons with Disabilities (bus)
- Project V - Community Based Transit / Circulators (bus)
- Project W - Safe Transit Stops (bus)

**10. Can Measure M be changed so funds can be used for bus operations?**

Both M1 and M2 ordinances define how changes can be made to the plan. To reallocate funds within a mode (freeways, streets & roads, transit) requires a 2/3 vote of the Taxpayer's Oversight Committee and the OCTA Board of Directors. To reallocate funding from one mode to another requires a vote of the electorate. However, even if this were to occur, sales tax revenue projections – including Measure M and LTF are down significantly. Projections indicate a 38 percent reduction in revenues versus the 2005 projections used to develop the M2 program of projects.

**11. Is OCTA using dedicated funds for the Commuter Bikeways Strategic Plan?** (Director Nguyen)

No. The Commuter Bikeways Strategic Plan is a long-term planning document that provides a vision for a countywide bicycle transportation network. It does not include a funding plan. However, OCTA has historically provided funding for bikeway projects through a variety of funding sources. One of these sources is the ¼-cent sales tax funded as a result of the Transportation Development Act. For the Fiscal



Year 2009/2010, \$4 million, previously anticipated for bikeway projects, was reprogrammed for bus operations to help offset the shortfall in bus transit funds. OCTA also has provided funding for bikeway projects under the M1 – Transportation Systems Management / Transportation Demand Management (TSM/TDM) program.

**May 22, 2009 Public Hearing Follow-Up**

**12. What would be the impact of a fare increase and what type of fare increase would be required to avoid service cuts or to eliminate the \$33 million deficit? What would be the impact on ACCESS? (Vice Chair Amante, Director Cavecche)**

It is not feasible to raise the fare to a level that could totally avoid service cuts. For example, doubling the fare to \$3.00 per boarding requires an \$8.00 day pass and a \$100 monthly pass and results in an additional \$16 million in revenue. However, it is estimated 1/3 of the existing ridership would be lost; additional fare increases would deflect so many riders that revenues would actually decrease. A more feasible fare increase is shown on the chart below. This option would generate about \$8 million with an approximate 4 million boarding – about a 7 percent deflection rate.

	Regular Fare	Day Pass	ACCESS
Current Fares	\$1.50	\$4.00	\$2.70
Adjusted Fare	\$2.00	\$5.00	\$3.60

**13. What would it take to replace lost transit funds with a combination of fare increases and a Measure M type of directed tax for transit? (Director Mansoor)**

The loss in annual transit revenues is approximately \$75 million including \$20 million loss in State Transit Assistance funds, \$50 million loss in sales tax revenues generated through the Transportation Development Act (TDA), and another \$5 million loss in the alternative fuel tax credit. The existing TDA sales tax rate is ¼-cent; doubling this rate to ½-cent would generate approximately \$125 million more per year – more than covering the deficit. This assumes no fare increase.

**14. What percentage of costs (for directly operated bus service) is personnel /labor costs versus non-labor costs i.e. services, supplies, fuel? (Director Moorlach)**

The variable cost for directly operated bus service is \$85 per revenue vehicle hour (RVH). Approximately 88 percent - about \$75 - is for salaries and benefits for coach operators, mechanics, service workers and their supervisors. The balance is non-labor costs.

**15. Provide a summary of the diversion of Transportation Development Act Funds. (Director Moorlach)**

The Orange County bankruptcy relief package approved by the California Legislature on September 15, 1995 and signed into law by then Governor Wilson on October 9, 1995 included bills stipulating the diversion of Transportation Development Act (TDA) funds normally earmarked for public transit services. The recovery plan intercepts and redirects \$38 million a year of OCTA TDA funds to county bankruptcy relief beginning on July 1, 1996 for a 15-year period. In exchange, \$23 million a year in county gas taxes are transferred from the county to OCTA beginning July 1, 1997 and continuing until FY 2013. The loss in fiscal year 1996/97 is \$38 million. Beginning in fiscal year 1997/98, the net loss is \$15 million per year (\$38 million TDA funds exchanged for \$23 million gas tax funds). In FY 2012 and FY 2013, OCTA will receive the \$38 million TDA and \$23 million gas tax. The cumulative loss in public transit funding is \$202 million over a 17-year period.

**16. Provide information on “color of money” and stimulus funds received by OCTA. (Director Cavecche)**

Question 1 identifies how bus transit is traditionally funded and designates capital and operating funds. The largest shares of operating funds include the ¼-cent sales tax creating the Local Transportation Fund (LTF), the State Transit Assistance Fund (suspended in 2009), and passenger fares. In addition, questions 2-10 cover the use of reserves, the Commuter and Urban Rail Endowment, Congestion Mitigation and Air Quality Funds, the alternative fuel credit, Bristol Street funding, Measure M, and bikeway funds. Regarding federal funds provided through the American Recovery and Reinvestment Act (stimulus funds), OCTA is utilizing \$76 million in stimulus funds over a three-year period. These were capital funds however, with capital needs reduced, OCTA is capitalizing any operating costs it can. This includes capitalizing the cost of contracting and preventive maintenance. Capitalizing these costs preserves scarce operating dollars for bus operations. Although the precise allocation is subject to change, stimulus funds are anticipated to be used as follows:

FY 2008-09	\$28.0 million
FY 2009-10	\$37.5 million
FY 2010-11	\$10.5 million

**17. What are other transit system fares?**

Transit Property	Fare Per Boarding	Day Pass	Monthly Pass
<b>OCTA</b>	<b>\$1.50</b>	<b>\$4.00</b>	<b>\$55.00</b>
Los Angeles County MTA*	\$1.25	\$5.00	\$62.00
Oakland AC Transit	\$1.75	N/A	\$70.00
San Diego Transit	\$2.25	\$5.00	\$68.00
Santa Clara Valley VTA San Jose	\$1.75	\$5.00	\$61.25
Long Beach Transit**	\$1.10	\$3.50	\$60.00
Riverside Transit Authority	\$1.25	\$3.75	\$43.00
North County Transit District	\$2.00	\$5.00	\$59.00
San Bernardino Omnitrans	\$1.35	\$3.50	\$45.00
Santa Monica Transit	\$0.75	\$2.50	\$70.00***
San Francisco Muni	\$1.50	\$11.00****	\$45.00
Sacramento RTD	\$2.25	\$6.00	\$100.00

\* Fares subsidized through Measure R

\*\* Effective Feb 14, 2010, Long Beach fares will increase to \$1.25 per boarding, \$4.00 day pass, \$65.00 monthly pass

\*\*\* \$70.00 is the price of the Metro EZ Pass – Santa Monica does not have its own monthly pass

\*\*\*\* Includes rides on cable cars

**18. What is the timetable for reducing bus service, what percentage of service will be reduced, how many riders will be affected and how many jobs impacted? (Vice Chairman Amante)**

In Fiscal Year 2008/2009, the OCTA reduced bus service by 133,000 revenue vehicle hours (RVH) – an approximate 7 percent reduction on a base of 1.9 million RVH as of June 2008. On March 23, 2009, the Orange County Transportation Authority (OCTA) Board of Directors approved an additional 400,000 RVH reduction for FY 2009/2010. This represents a 21 percent reduction on a base of 1.9 million RVH. The cumulative reduction for both fiscal years is 533,000 RVH, a 28 percent reduction in RVH on a base of 1.9 million RVH. Service reductions for FY 2008/2009 and 2009/2010 have been or will be made according to the targets on the chart below. The chart also depicts estimates for position reductions and the estimated impact on boardings.

Service Change	Total Fixed Route Annualized Revenue Vehicle Hours	Change in Total Fixed Route Annualized Revenue Vehicle Hours	Change in Total Fixed Route Annualized Revenue Vehicle Hours by Fiscal Year	Coach Operator Positions Reduced	Maintenance Positions Reduced	Bus Operations Administrative Positions Reduced	Potential Boardings Impacted @ 35/RVH
Jun-08	1,927,000						
Sep-08	1,927,000	-					
Dec-08	1,898,000	(29,000)		18	0		1,015,000
Mar-09	1,849,000	(49,000)		32	17		1,715,000
Jun-09	1,794,000	(55,000)	(133,000)	30	0	19*	1,925,000
Sep-09	1,694,000	(100,000)		65	15	13	3,500,000
Dec-09	1,594,000	(100,000)		65	14	13	3,500,000
Mar-10	1,494,000	(100,000)		64	14	13	3,500,000
Jun-10	1,394,000	(100,000)	(400,000)	64	14	13	3,500,000

\* Vacancies as of March 2009

**19. How does OCTA use small buses versus large buses? (Director Cavecche)**

OCTA has contracted for bus service using small buses since the late 1980s. Historically, small buses have been used to serve areas with lower ridership demand, for express bus services, to develop ridership in new service areas, or to provide service in areas where big buses cannot maneuver easily. OCTA currently has 62 small vehicles used in contracted fixed route service. Typically these 32-foot vehicles carry 26-28 passengers.

**20. Why weren't brochures put on the bus at the Garden Grove base? (Director Cavecche)**

Brochures were put on the buses. The first pallet of public hearing brochures was delivered to the Bus Book shed at the Garden Grove base. Service workers retrieved the boxes as needed from the Bus Book shed and transferred them to the fuel island where brochures were put onboard buses during vehicle servicing each night. The procedure for delivery of these brochures was subsequently changed, and all additional deliveries of materials were made directly to the fuel island. At this point, the service workers did not need to transfer boxes from the Bus Book shed unless they ran out of materials at the fuel island. Materials were placed on buses each evening through May 23; the pictures submitted at the Board meeting on May 22 are those boxes of materials that are left over in the Garden Grove Bus Book shed. Similarly, there are cases of left over brochures at the two Authority operating bases and the contracted services operating base. As these are date sensitive materials, they will be recycled. In addition, a new generic comment card, which will not be dated, is being produced.

**21. What is the impact of the proposed September service change on ACCESS service?**

There would be minimal impacts to ACCESS service. If Night Owl service is eliminated for the fixed route, complementary ACCESS service would also be eliminated affecting approximately 25 daily trips on ACCESS.

**22. How does ridership compare in south county versus north county? (Director Cavecche)**

The attached map and statistics summarize service utilization and service allocation as divided by six planning regions comprising the Orange County service area. The information is based on analysis of farebox data for rider activity on Wednesday, February 25, 2009.

The data clearly shows that the Central area generates more passenger activity than the other regions. It also shows that service allocation is disproportionate for the most part when comparing utilization to resource allocation. South County receives more service than the utilization statistics would suggest.

**May 28, 2009 Transit Committee Follow-Up**

**23. Is there more information about hotel work shifts in the Disneyland resort area? This might give us an indication of hours people work and how they might be impacted by eliminating Night Owl service. (Director Dalton)**

Very limited information is available. Staff was able to determine the evening work shifts at the Anaheim Hilton:

- 2:00 pm -10:30 pm - 150 employees work this shift
- 3:00 pm - 11:30 pm - 150 employees work this shift
- 11:00 pm - 7:00 am - 35 people work this shift
- 

These shifts would not appear to be impacted by the elimination of Night Owl service.

Disneyland was not able to provide exact numbers on shifts and how many employees work those shifts since the park opens at different times throughout the year, depending on promotions and the season. Also, the park operates 24-hours per day and seven days a week. Nevertheless, Disneyland Human Resources was able to inform OCTA that their most popular shifts are in the mornings and on weekends; specific times were not available. However, Disneyland staff mentioned that the amount of employees that end their shift on or after 12:00 p.m. and/or begin their shift on or before 6:00 am is great – perhaps in the thousands. While this information is helpful, it is limited. Therefore, it is recommended the Night Owl ridership data be used for the purposes of assessing volume and time periods people use the service.



In response to Board Member questions received at the June 1, 2009, Executive Committee meeting, additional information to clarify the differences between Attachments C, D, and E, and route location information will be provided to Board Members no later than June 5, 2009.

# OPTION A - STAFF RECOMMENDATION - SEPTEMBER 2009 SERVICE PROGRAM

## Estimated Resource and Passenger Impacts

LINE	DAY OF WEEK	ANNUALIZED REVENUE VEHICLE HOURS REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
20	Weekday	2,920	Headway 60" to 95"	404 daily	Approximately 404 daily riders will see frequency reduced from 60" to 95"	
21	Weekday	320	Delete last Southbound trip: 810pm Southbound (span)	10	Approximately 10 daily riders will need to take an earlier trip	Yes
26	Weekday	590	Delete 3 trips: 534am Eastbound (short) (not span)	6	Approximately 6 daily riders will need to take an earlier or later trip	
26			951pm Eastbound (long) (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
26			505am Westbound (short) (span)	6	Approximately 6 daily riders will need to take a later trip	Yes
29	Weekday	13,650	Peak headway from 15" to 20"	9600 daily	Approximately 9600 daily riders will see frequency reduced from 15" to 20"	
29	Saturday	790	Headway 15" to 18" all day	6500 daily	Approximately 6500 daily riders will see frequency reduced from 15" to 18"	
29	Sunday	390	Headway 15" to 18" all day	4300 daily	Approximately 4300 daily riders will see frequency reduced from 15" to 18"	
33	Sunday	350	Headway 60" to 65"	1200 daily	Approximately 1200 daily riders will see frequency reduced from 60" to 65"	
37	Weekday	660	Delete 2 trips: 1000pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
37			1024pm Southbound (span)	12	Approximately 12 daily riders will need to take an earlier trip	Yes
38	Weekday	6,765	Peak headway from 8" to 15"/ Delete 4 Trips 333am Eastbound (short) (span)	2800 daily	Approximately 2800 daily riders will see frequency reduced from 8" to 15"	
38			404am Eastbound (short) (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
38			1020pm Eastbound (long) (not span)	6	Approximately 6 daily riders will need to take a later trip	Yes
38			1230pm Westbound (short) (span)	14	Approximately 14 daily riders will need to take an earlier trip	
38	Saturday	640	Headway 30" to 45" all day	5	Approximately 5 daily riders will need to take an earlier trip	Yes
38	Sunday	720	Headway 30" to 45" all day	2900 daily	Approximately 2900 daily riders will see frequency reduced from 30" to 45"	
43	Weekday	7,500	Peak headway from 10" to 15"	2400 daily	Approximately 2400 daily riders will see frequency reduced from 30" to 45"	
43	Weekday	3,310	Discontinue OWL	1800 daily	Approximately 1800 daily riders will see frequency reduced from 10" to 15"	
43	Saturday	2,200	Headway from 20/15 to 25/18	127 daily	Approximately 127 daily riders will need to take earlier service	Yes
43	Saturday	500	Discontinue OWL	12300 daily	Approximately 12300 daily riders will see frequency reduced by 3" to 5"	
43	Sunday	1,350	Headway 15" to 18" all day	154 daily	Approximately 154 daily riders will need to take earlier service	Yes
43	Sunday	470	Discontinue OWL	9600 daily	Approximately 9600 daily riders will see frequency reduced by 3"	
46	Sunday	110	Delete 1 trip: 659pm Eastbound (span)	182 daily	Approximately 182 daily riders will need to take earlier service	Yes
50	Weekday	4,450	Short Line	10	Approximately 10 daily riders will need to take an earlier trip	Yes
50	Weekday	3,060	Discontinue OWL	6700 daily	Approximately 6700 daily riders may have to adjust their trip times by 30"	
50	Saturday	410	Short Line	121 daily	Approximately 121 daily riders will need to take earlier service	Yes
50	Saturday	624	Discontinue OWL	4300 daily	Approximately 4300 daily riders may have to adjust their trip times by 30"	
50	Sunday	410	Short Line	159 daily	Approximately 159 daily riders will need to take earlier service	Yes
50	Sunday	696	Discontinue OWL	3700 daily	Approximately 3700 daily riders may have to adjust their trip times by 30"	
51	Saturday	830	Headway 40" to 60" all day	196 daily	Approximately 196 daily riders will need to take earlier service	Yes
51	Sunday	930	Headway 40" to 60" all day	725 daily	Approximately 725 daily riders will see frequency reduced from 40" to 60"	
				637 daily	Approximately 637 daily riders will see frequency reduced from 40" to 60"	

LINE	DAY OF WEEK	ANNUALIZED REVENUE VEHICLE HOURS REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
54	Saturday	55	Delete 1 trip:			
54	Saturday		957pm Eastbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
55	Weekday	3,700	Headway 15 to 18, 20 to 22, 30 to 35, 45 to 60	2500 daily	Approximately 2500 daily riders will see frequency reduced by 2" to 15"	
56	Weekday	3,770	Short Line/ Delete 3 trips:	2640 daily	Approximately 2640 daily riders may have to adjust their trip times by 30"	
56			431am Eastbound (short) (span)	8	Approximately 8 daily riders will need to take a later trip	Yes
56			1037pm Eastbound (long) (span)	3	Approximately 3 daily riders will need to take an earlier trip	Yes
56			1012pm Westbound (long) (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
57	Weekday	3,200	Discontinue OWL	151 daily	Approximately 151 daily riders will need to take earlier service	Yes
57	Saturday	860	Discontinue OWL	131 daily	Approximately 131 daily riders will need to take earlier service	Yes
57	Sunday	890	Discontinue OWL	57 daily	Approximately 57 daily riders will need to take earlier service	Yes
60	Weekday	2,650	Discontinue OWL	122 daily	Approximately 122 daily riders will need to take earlier service	Yes
60	Saturday	530	Discontinue OWL	92 daily	Approximately 92 daily riders will need to take earlier service	Yes
60	Sunday	570	Discontinue OWL	86 daily	Approximately 86 daily riders will need to take earlier service	Yes
62	Weekday	790	Delete 3 trips:			
62			720pm Eastbound (span)	7	Approximately 7 daily riders will need to take an earlier trip	Yes
62			820pm Eastbound (span)	10	Approximately 10 daily riders will need to take an earlier trip	Yes
62			820pm Westbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
71	Sunday	1,200	Headway 45" to 60" all day			
72	Saturday	540	Headway 45" to 60" all day	1050 daily	Approximately 1050 daily riders will see frequency reduced from 45" to 60"	
74	Weekday	2,390	Operate Peak Hours Only - 6 Round Trips	128 daily	Approximately 128 daily riders will be limited to service in the peak hours only	
76	Weekday	280	Delete 1 trip:			
76			1012pm Westbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
76	Saturday	590	Headway 60" to 90" all day	453 daily	Approximately 453 daily riders will see frequency reduced from 60" to 90"	
76	Sunday	565	Headway 60" to 90" all day	257 daily	Approximately 257 daily riders will see frequency reduced from 60" to 90"	
83	Weekday	5,180	Headway stretch by 5" all day/ Delete 3 trips:	3270 daily	Approximately 3270 daily riders will see frequency reduced by Approximately. 5" all day	
83			535am Northbound (short) (not span)	5	Approximately 5 daily riders will need to take an earlier or later trip	
83			1110pm Northbound (span)	2	Approximately 2 daily riders will need to take an earlier trip	Yes
83			1111pm Southbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes
83	Saturday	305	Delete 4 trips:			
83			630pm Northbound (not span)	14	Approximately 14 daily riders will need to take an earlier or later trip	
83			1150pm Northbound (span)	11	Approximately 11 daily riders will need to take an earlier trip	Yes
83			724pm Southbound (not span)	9	Approximately 9 daily riders will need to take an earlier or later trip	
83			825pm Southbound (not span)	9	Approximately 9 daily riders will need to take an earlier or later trip	
83	Sunday	355	Headway 30" to 45" midday/ Delete 3 trips:	1360 daily	Approximately 1360 daily riders will see frequency reduced from 30" to 45"	
83			630am Northbound (span)	7	Approximately 7 daily riders will need to take a later trip	Yes
83			1050pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
83			1150pm Northbound (span)	1	Approximately 1 daily rider will need to take an earlier trip	Yes
85	Weekday	3,820	Headway 30" to 35" all day/ Delete 9 trips:	1550 daily	Approximately 1550 daily riders will see frequency reduced from 30" to 35"	
85			506am Northbound (span)	3	Approximately 3 daily riders will need to take a later trip	Yes
85			531am Northbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
85			831pm Northbound (span)	7	Approximately 7 daily riders will need to take an earlier trip	Yes
85			916pm Northbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes



LINE	DAY OF WEEK	ANNUALIZED REVENUE VEHICLE HOURS REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
85			1008pm Northbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes
85			500am Southbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
85			647pm Southbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
85			848pm Southbound (not span)	8	Approximately 8 daily riders will need to take an earlier or later trip	
85			1018pm Southbound (span)	4	Approximately 4 daily riders will need to take an earlier trip	Yes
85	Saturday	605	Headway 45" to 60" all day	732 daily	Approximately 732 daily riders will see frequency reduced from 45" to 60"	
85	Sunday	675	Headway 45" to 60" all day	473 daily	Approximately 473 daily riders will see frequency reduced from 45" to 60"	
89	Weekday	3,205	Headway 30" to 40" all day	2590 daily	Approximately 2590 daily riders will see frequency reduced from 30" to 40"	
89	Saturday	895	Headway 30" to 45" all day	1670 daily	Approximately 1670 daily riders will see frequency reduced from 30" to 45"	
89	Sunday	1,000	Headway 30" to 45" all day	1350 daily	Approximately 1350 daily riders will see frequency reduced from 30" to 45"	
91	Weekday	7,855	Headway 30" to 45"/Delete 5 trips:	5400 daily	Approximately 5400 daily riders will see frequency reduced from 30" to 35"	
91			522am Northbound (not span)	6	Approximately 6 daily riders will need to take an earlier or later trip	
91			231pm Northbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
91			1008pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
91			250pm Southbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
91			1013pm Southbound (span)	9	Approximately 9 daily riders will need to take an earlier trip	Yes
177	Saturday	380	Headway 45" to 90" all day	421 daily	Approximately 421 daily riders will see frequency reduced from 45" to 90"	
177	Sunday	420	Headway 45" to 90" all day	317 daily	Approximately 317 daily riders will see frequency reduced from 45" to 90"	
178	Weekday	1,130	Headway 30" to 45" am and pm peaks	950 daily	Approximately 950 daily riders will see frequency reduced from 30" to 45"	
178	Saturday	180	Delete 5 trips:			
178			432pm Eastbound (span)	9	Approximately 9 daily riders will need to take an earlier trip	Yes
178			517pm Eastbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
178			820am Westbound (span)	7	Approximately 7 daily riders will need to take a later trip	Yes
178			435pm Westbound (span)	2	Approximately 2 daily riders will need to take an earlier trip	Yes
178			520pm Westbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
187	Weekday	640	Delete 2 trips:			
187			540am Northbound (span)	11	Approximately 11 daily riders will need to take a later trip	Yes
187			530am Southbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
721	Weekday	510	Delete 2 trips:			
721			500am Northbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
721			600am Southbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
<b>Grand Total</b>		<b>104,380</b>				
				<b>*PASSENGER IMPACT:</b> The daily average number of passengers directly affected by a trip deletion or during the affected period of a headway change		
<b>DAILY PASSENGER IMPACT:</b>						
<b>WEEKDAY: 41,104</b>						
<b>SATURDAY: 31,666</b>						
<b>SUNDAY: 26,141</b>						
						<b>Last update: 29 May 09</b>

# OPTION B - ALTERNATIVE LATE NIGHT SERVICE ENHANCEMENT

## Estimated Resource and Passenger Impacts

LINE	DAY OF WEEK	ANNUALIZED RVH REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
20	Weekday	2,920	Headway 60" to 95"	404 daily	Approximately 404 daily riders will see frequency reduced from 60" to 95"	
21	Weekday		Delete last southbound trip: 810pm Southbound (span)	10	Approximately 10 daily riders will need to take an earlier trip	Yes
24	Weekday	867	Delete 3 trips: 500am Eastbound (span) 455am Westbound (span) 525am Westbound (span)	10 9 14	Approximately 10 daily riders will need to take a later trip Approximately 9 daily riders will need to take a later trip Approximately 14 daily riders will need to take a later trip	Yes Yes Yes
26	Weekday	590	Delete 3 trips: 534am Eastbound (short) (not span) 951pm Eastbound (long) (span) 505am Westbound (short) (span)	6 8 6	Approximately 6 daily riders will need to take an earlier or later trip Approximately 8 daily riders will need to take an earlier trip Approximately 6 daily riders will need to take a later trip	Yes Yes
29	Weekday	13,650	Peak headway from 15" to 20"	9600 daily	Approximately 9600 daily riders will see frequency reduced from 15" to 20"	
29	Saturday	790	Headway 15" to 18" all day	6500 daily	Approximately 6500 daily riders will see frequency reduced from 15" to 18"	
29	Sunday	390	Headway 15" to 18" all day	4300 daily	Approximately 4300 daily riders will see frequency reduced from 15" to 18"	
33	Sunday	350	Headway 60" to 65" all day	1200 daily	Approximately 1200 daily riders will see frequency reduced from 60" to 65"	
37	Weekday	660	Delete 2 trips: 1000pm Northbound (span) 1024pm Southbound (span)	8 12	Approximately 8 daily riders will need to take an earlier trip Approximately 12 daily riders will need to take an earlier trip	Yes Yes
38	Weekday	6,765	Peak headway from 8" to 15"/ Delete 4 Trips 333am Eastbound (short) (span) 404am Eastbound (short) (span) 1020pm Eastbound (long) (not span) 1230pm Westbound (short) (span)	2800 daily 5 6 14 5	Approximately 2800 daily riders will see frequency reduced from 8" to 15" Approximately 5 daily riders will need to take a later trip Approximately 6 daily riders will need to take a later trip Approximately 14 daily riders will need to take an earlier or later trip Approximately 5 daily riders will need to take an earlier trip	Yes Yes Yes
38	Saturday	640	Headway 30" to 45" all day	2900 daily	Approximately 2900 daily riders will see frequency reduced from 30" to 45"	
38	Sunday	720	Headway 30" to 45" all day	2400 daily	Approximately 2400 daily riders will see frequency reduced from 30" to 45"	
43	Weekday	7,500	Peak headway from 10" to 15"	1800 daily	Approximately 1800 daily riders will see frequency reduced from 10" to 15"	
43	Saturday	2,200	Headway from 20/15 to 25/18	12300 daily	Approximately 12300 daily riders will see frequency reduced by 3" to 5"	
43	Sunday	1,350	Headway 15" to 18" all day	9600 daily	Approximately 9600 daily riders will see frequency reduced from 15" to 18"	
43	Weekday	827	OWL - Operate between Midnight and 1am	84 daily	Approximately 84 daily riders will need to take earlier or later service	
43	Saturday	125	OWL - Operate between Midnight and 1am	102 daily	Approximately 102 daily riders will need to take earlier or later service	
43	Sunday	117	OWL - Operate between Midnight and 1am	102 daily	Approximately 102 daily riders will need to take earlier or later service	
46	Sunday	110	Delete 1 trip: 659pm Eastbound (span)	10	Approximately 10 daily riders will need to take an earlier trip	Yes
50	Weekday	4,450	Short Line	6700 daily	Approximately 6700 daily riders may have to adjust their trip times by 30"	
50	Saturday	410	Short Line	4300 daily	Approximately 4300 daily riders will see frequency reduced from 30" to 40"	
50	Sunday	410	Short Line	3700 daily	Approximately 3700 daily riders will see frequency reduced from 30" to 40"	
50	Weekday	765	OWL - Operate between Midnight and 1am	83 daily	Approximately 83 daily riders will need to take earlier or later service	
50	Saturday	156	OWL - Operate between Midnight and 1am	94 daily	Approximately 94 daily riders will need to take earlier or later service	
50	Sunday	174	OWL - Operate between Midnight and 1am	98 daily	Approximately 98 daily riders will need to take earlier or later service	
51	Saturday	830	Headway 40" to 60" all day	725 daily	Approximately 725 daily riders will see frequency reduced from 40" to 60"	
51	Sunday	930	Headway 40" to 60" all day	637 daily	Approximately 637 daily riders will see frequency reduced from 40" to 60"	
54	Weekday	5,605	Peak Headway 15" to 20"	1005 daily	Approximately 1005 daily riders will see frequency reduced from 15" to 20"	

LINE	DAY OF WEEK	ANNUALIZED RVH REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
54	Saturday	546	Headway 30" to 35" all day	460 daily	Approximately 460 daily riders will see frequency reduced from 30" to 35"	
54	Sunday	392	Headway 30" to 40" all day	429 daily	Approximately 429 daily riders will see frequency reduced from 30" to 40"	
55	Weekday	3,700	Headway 15 to 18, 20 to 22, 30 to 35, 45 to 60	2500 daily	Approximately 2500 daily riders will see frequency reduced by 2" to 15"	
56	Weekday	3,770	Short Line/Delete 3 trips	2640 daily	Approximately 2640 daily riders will see frequency reduced by 10" all day, 20" in the late evening	
56			431am Eastbound (span)	8	Approximately 8 daily riders will need to take a later trip	Yes
56			1037pm Eastbound (span)	3	Approximately 3 daily riders will need to take an earlier trip	Yes
56			1012pm Westbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
57	Weekday	800	OWL - Operate between Midnight and 1am	96 daily	Approximately 96 daily riders will need to take earlier or later service	
57	Saturday	215	OWL - Operate between Midnight and 1am	75 daily	Approximately 75 daily riders will need to take earlier or later service	
57	Sunday	222	OWL - Operate between Midnight and 1am	35 daily	Approximately 35 daily riders will need to take earlier or later service	
59	Saturday	856	Headway 60" to 75" all day	263 daily	Approximately 263 daily riders will see frequency reduced from 60" to 75"	
59	Sunday	726	Headway 60" to 75" all day	178 daily	Approximately 178 daily riders will see frequency reduced from 60" to 75"	
60	Weekday	662	OWL - Operate between Midnight and 1am	81 daily	Approximately 81 daily riders will need to take earlier or later service	
60	Saturday	132	OWL - Operate between Midnight and 1am	73 daily	Approximately 73 daily riders will need to take earlier or later service	
60	Sunday	142	OWL - Operate between Midnight and 1am	72 daily	Approximately 72 daily riders will need to take earlier or later service	
62	Weekday	4,572	Headway 35" to 50" all day/Delete 6 trips:	348 daily	Approximately 348 daily riders will see frequency reduced from 35" to 50"	
62			530am Eastbound (span)	14	Approximately 14 daily riders will need to take a later trip	Yes
62			720pm Eastbound (span)	7	Approximately 7 daily riders will need to take an earlier trip	Yes
62			820pm Eastbound (span)	10	Approximately 10 daily riders will need to take an earlier trip	Yes
62			525am Westbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
62			720pm Westbound (span)	16	Approximately 16 daily riders will need to take an earlier trip	Yes
62			820pm Westbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
71	Sunday	1,200	Headway 45" to 60" all day	689 daily	Approximately 689 daily riders will see frequency reduced from 45" to 60"	
72	Saturday	540	Headway 45" to 60" all day	1050 daily	Approximately 1050 daily riders will see frequency reduced from 45" to 60"	
74	Weekday	2,390	Operate Peak Hours Only - 6 Round Trips	128 daily	Approximately 128 daily riders will be limited to service in the peak hours only	
76	Weekday	280	Delete 1 trip:			
76			1012pm Westbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
76	Saturday	590	Headway 60" to 90" all day	453 daily	Approximately 453 daily riders will see frequency reduced from 60" to 90"	
76	Sunday	565	Headway 60" to 90" all day	257 daily	Approximately 257 daily riders will see frequency reduced from 60" to 90"	
83	Weekday	5,180	Headway stretch by 5" all day/ Delete 3 trips:	3270 daily	Approximately 3270 daily riders will see frequency reduced by Approximately. 5" all day	
83			535am Northbound (short) (not span)	5	Approximately 5 daily riders will need to take an earlier or later trip	
83			1110pm Northbound (span)	2	Approximately 2 daily riders will need to take an earlier trip	Yes
83			1111pm Southbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes
83	Saturday	305	Delete 4 trips:			
83			630pm Northbound (not span)	14	Approximately 14 daily riders will need to take an earlier or later trip	
83			1150pm Northbound (span)	11	Approximately 11 daily riders will need to take an earlier trip	Yes
83			724pm Southbound (not span)	9	Approximately 9 daily riders will need to take an earlier or later trip	
83			825pm Southbound (not span)	9	Approximately 9 daily riders will need to take an earlier or later trip	
83	Sunday	355	Headway 30" to 45" midday/ Delete 3 trips:	1360 daily	Approximately 1360 daily riders will see frequency reduced from 30" to 45"	
83			630am Northbound (span)	7	Approximately 7 daily riders will need to take a later trip	Yes
83			1050pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
83			1150pm Northbound (span)	1	Approximately 1 daily rider will need to take an earlier trip	Yes
85	Weekday	3,820	Headway 30" to 35" all day/ Delete 9 trips:	1550 daily	Approximately 1550 daily riders will see frequency reduced from 30" to 35"	
85			506am Northbound (span)	3	Approximately 3 daily riders will need to take a later trip	Yes
85			531am Northbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
85			831pm Northbound (span)	7	Approximately 7 daily riders will need to take an earlier trip	Yes
85			916pm Northbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes

LINE	DAY OF WEEK	ANNUALIZED RVH REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
85			1008pm Northbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes
85			500am Southbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
85			647pm Southbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
85			848pm Southbound (not span)	8	Approximately 8 daily riders will need to take an earlier or later trip	
85			1018pm Southbound (span)	4	Approximately 4 daily riders will need to take an earlier trip	Yes
85	Saturday	605	Headway 45"/60" to 90" all day	732 daily	Approximately 732 daily riders will see frequency reduced from 45"/60" to 90"	
85	Sunday	675	Headway 45"/60" to 90" all day	473 daily	Approximately 473 daily riders will see frequency reduced from 45"/60" to 90"	
89	Weekday	3,205	Headway 30" to 40" all day	2590 daily	Approximately 2590 daily riders will see frequency reduced from 30" to 40"	
89	Saturday	895	Headway 30" to 45" all day	1670 daily	Approximately 1670 daily riders will see frequency reduced from 30" to 45"	
89	Sunday	1,000	Headway 30" to 45" all day	1350 daily	Approximately 1350 daily riders will see frequency reduced from 30" to 45"	
91	Weekday	7,855	Headway 30" to 45"/Delete 5 trips:	5400 daily	Approximately 5400 daily riders will see frequency reduced from 30" to 35"	
91			522am Northbound (not span)	6	Approximately 6 daily riders will need to take an earlier or later trip	
91			231pm Northbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
91			1008pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
91			250pm Southbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
91			1013pm Southbound (span)	9	Approximately 9 daily riders will need to take an earlier trip	Yes
177	Saturday	380	Headway 60"/65" to 100" all day	421 daily	Approximately 421 daily riders will see frequency reduced from 60"/65" to 100"	
177	Sunday	420	Headway 60"/65" to 100" all day	317 daily	Approximately 317 daily riders will see frequency reduced from 60"/65" to 100"	
178	Weekday	1,130	Headway 30" to 45" am and pm peaks	950 daily	Approximately 950 daily riders will see frequency reduced from 30" to 45"	
178	Saturday	180	Delete 5 trips:			
178			432pm Eastbound (span)	9	Approximately 9 daily riders will need to take an earlier trip	Yes
178			517pm Eastbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
178			820am Westbound (span)	7	Approximately 7 daily riders will need to take a later trip	Yes
178			435pm Westbound (span)	2	Approximately 2 daily riders will need to take an earlier trip	Yes
178			520pm Westbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
187	Weekday	640	Delete 2 trips:			
187			540am Northbound (span)	11	Approximately 11 daily riders will need to take a later trip	Yes
187			530am Southbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
721	Weekday	510	Delete 2 trips:			
721			500am Northbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
721			600am Southbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
<b>Grand Total</b>		<b>103,756</b>				
<b>DAILY PASSENGER IMPACT:</b>				<b>* PASSENGER IMPACT:</b> The daily average number of passengers directly affected by a trip deletion or during the affected period of a headway change		
<b>WEEKDAY: 42,348</b>						
<b>SATURDAY: 32,191</b>						
<b>SUNDAY: 27,223</b>				<b>Last update: 29 May 09</b>		

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# OPTION C - OWL SERVICE RETENTION

## Estimated Resource and Passenger Impacts

LINE	DAY OF WEEK	ANNUALIZED RVH REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
20	Weekday	2,920	Headway 60" to 95"	404 daily	Approximately 404 daily riders will see frequency reduced from 60" to 95"	
21	Weekday	320	Delete 5 trips:			
21			638pm Northbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
21			738pm Northbound (span)	13	Approximately 13 daily riders will need to take an earlier trip	Yes
21			516am Southbound (span)	9	Approximately 9 daily riders will need to take a later trip	Yes
21			710pm Southbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
21			810pm Southbound (span)	11	Approximately 11 daily riders will need to take an earlier trip	Yes
24	Weekday	867	Delete 3 trips:			
24			500am Eastbound (span)	10	Approximately 10 daily riders will need to take a later trip	Yes
24			455am Westbound (span)	9	Approximately 9 daily riders will need to take a later trip	Yes
24			525am Westbound (span)	14	Approximately 14 daily riders will need to take a later trip	Yes
26	Weekday	590	Delete 3 trips:			
26			534am Eastbound (short) (not span)	6	Approximately 6 daily riders will need to take an earlier or later trip	
26			951pm Eastbound (long) (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
26			505am Westbound (short) (span)	6	Approximately 6 daily riders will need to take a later trip	Yes
29	Weekday	13,650	Peak headway from 15" to 20"	9600 daily	Approximately 9600 daily riders will see frequency reduced from 15" to 20"	
29	Saturday	790	Headway 15" to 18" all day	6500 daily	Approximately 6500 daily riders will see frequency reduced from 15" to 18"	
29	Sunday	390	Headway 15" to 18" all day	4300 daily	Approximately 4300 daily riders will see frequency reduced from 15" to 18"	
33	Saturday	306	Headway 60" to 65" all day	1200 daily	Approximately 1200 daily riders will see frequency reduced from 60" to 65"	
33	Sunday	350	Headway 60" to 65" all day	1200 daily	Approximately 1200 daily riders will see frequency reduced from 60" to 65"	
37	Weekday	660	Delete 2 trips:			
37			1000pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
37			1024pm Southbound (span)	12	Approximately 12 daily riders will need to take an earlier trip	Yes
38	Weekday	6,765	Peak headway from 8" to 15"/ Delete 4 Trips	2800 daily	Approximately 2800 daily riders will see frequency reduced from 8" to 15"	
38			333am Eastbound (short) (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
38			404am Eastbound (short) (span)	6	Approximately 6 daily riders will need to take a later trip	Yes
38			1020pm Eastbound (long) (not span)	14	Approximately 14 daily riders will need to take an earlier or later trip	
38			1230pm Westbound (short) (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes
38	Saturday	640	Headway 30" to 45" all day	2900 daily	Approximately 2900 daily riders will see frequency reduced from 30" to 45"	
38	Sunday	720	Headway 30" to 45" all day	2400 daily	Approximately 2400 daily riders will see frequency reduced from 30" to 45"	
43	Weekday	7,500	Peak headway from 10" to 15"	1800 daily	Approximately 1800 daily riders will see frequency reduced from 10" to 15"	
43	Saturday	2,200	Headway from 20/15 to 25/18	12300 daily	Approximately 12300 daily riders will see frequency reduced by 3" to 5"	
43	Sunday	1,350	Headway 15" to 18" all day	9600 daily	Approximately 9600 daily riders will see frequency reduced from 15" to 18"	
43	Weekday		OWL		REMOVED FROM PROGRAM	
43	Saturday		OWL		REMOVED FROM PROGRAM	
43	Sunday		OWL		REMOVED FROM PROGRAM	
46	Sunday	110	Delete 1 trip:			
46	Sunday		659pm Eastbound (span)	10	Approximately 10 daily riders will need to take an earlier trip	Yes
50	Weekday	4,450	Short Line	6700 daily	Approximately 6700 daily riders may have to adjust their trip times by 30"	
50	Saturday	410	Short Line	4300 daily	Approximately 4300 daily riders will see frequency reduced from 30" to 40"	
50	Sunday	410	Short Line	3700 daily	Approximately 3700 daily riders will see frequency reduced from 30" to 40"	
50	Weekday		OWL		REMOVED FROM PROGRAM	
50	Saturday		OWL		REMOVED FROM PROGRAM	
50	Sunday		OWL		REMOVED FROM PROGRAM	
51	Saturday	830	Headway 40" to 60" all day	725 daily	Approximately 725 daily riders will see frequency reduced from 40" to 60"	
51	Sunday	930	Headway 40" to 60" all day	637 daily	Approximately 637 daily riders will see frequency reduced from 40" to 60"	
54	Weekday	5,605	Peak Headway 15" to 20"	1005 daily	Approximately 1005 daily riders will see frequency reduced from 15" to 20"	

ATTACHMENT E

LINE	DAY OF WEEK	ANNUALIZED RVH REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
54	Saturday	546	Headway 30" to 35" all day	460 daily	Approximately 460 daily riders will see frequency reduced from 30" to 35"	
54	Sunday	392	Headway 30" to 40" all day	429 daily	Approximately 429 daily riders will see frequency reduced from 30" to 40"	
55	Weekday	3,700	Headway 15 to 18, 20 to 22, 30 to 35, 45 to 60	2500 daily	Approximately 2500 daily riders will see frequency reduced by 2" to 1.5"	
56	Weekday	3,770	Short Line/Delete 3 trips	2640 daily	Approximately 2640 daily riders will see frequency reduced by 10" all day, 20" in the Late Evening	
56			431am Eastbound (span)	8	Approximately 8 daily riders will need to take a later trip	Yes
56			1037pm Eastbound (span)	3	Approximately 3 daily riders will need to take an earlier trip	Yes
56			1012pm Westbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
57			OWL		REMOVED FROM PROGRAM	
57			OWL		REMOVED FROM PROGRAM	
57			OWL		REMOVED FROM PROGRAM	
59	Saturday	856	Headway 60" to 75" all day	263 daily	Approximately 263 daily riders will see frequency reduced from 60" to 75"	
59	Sunday	726	Headway 60" to 75" all day	178 daily	Approximately 178 daily riders will see frequency reduced from 60" to 75"	
60			OWL		REMOVED FROM PROGRAM	
60			OWL		REMOVED FROM PROGRAM	
60			OWL		REMOVED FROM PROGRAM	
62	Weekday	4,572	Headway 35" to 50" all day/Delete 6 trips:	348 daily	Approximately 348 daily riders will see frequency reduced from 35" to 50"	
62			530am Eastbound (span)	14	Approximately 14 daily riders will need to take a later trip	Yes
62			720pm Eastbound (span)	7	Approximately 7 daily riders will need to take an earlier trip	Yes
62			820pm Eastbound (span)	10	Approximately 10 daily riders will need to take an earlier trip	Yes
62			525am Westbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
62			720pm Westbound (span)	16	Approximately 16 daily riders will need to take an earlier trip	Yes
62			820pm Westbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
71	Sunday	1,200	Headway 45" to 60" all day	689 daily	Approximately 689 daily riders will see frequency reduced from 45" to 60"	
72	Saturday	540	Headway 45" to 60" all day	1050 daily	Approximately 1050 daily riders will see frequency reduced from 45" to 60"	
74	Weekday	2,390	Operate Peak Hours Only - 6 Round Trips	128 daily	Approximately 128 daily riders will be limited to service in the peak hours only	
76	Weekday	280	Delete 1 trip:			
76			1012pm Westbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
76	Saturday	590	Headway 60" to 90" all day	453 daily	Approximately 453 daily riders will see frequency reduced from 60" to 90"	
76	Sunday	565	Headway 60" to 90" all day	257 daily	Approximately 257 daily riders will see frequency reduced from 60" to 90"	
82	Saturday	359	Headway 60" to 100" all day	376 daily	Approximately 376 daily riders will see frequency reduced from 60" to 100"	
82	Sunday	400	Headway 60" to 100" all day	287 daily	Approximately 287 daily riders will see frequency reduced from 60" to 100"	
83	Weekday	5,180	Headway stretch by 5" all day/ Delete 3 trips:	3270 daily	Approximately 3270 daily riders will see frequency reduced by Approximately. 5" all day	
83			535am Northbound (short) (not span)	5	Approximately 5 daily riders will need to take an earlier or later trip	
83			1110pm Northbound (span)	2	Approximately 2 daily riders will need to take an earlier trip	Yes
83			1111pm Southbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes
83	Saturday	305	Delete 4 trips:			
83			630pm Northbound (not span)	14	Approximately 14 daily riders will need to take an earlier or later trip	
83			1150pm Northbound (span)	11	Approximately 11 daily riders will need to take an earlier trip	Yes
83			724pm Southbound (not span)	9	Approximately 9 daily riders will need to take an earlier or later trip	
83			825pm Southbound (not span)	9	Approximately 9 daily riders will need to take an earlier or later trip	
83	Sunday	355	Headway 30" to 45" midday/ Delete 3 trips:	1360 daily	Approximately 1360 daily riders will see frequency reduced from 30" to 45"	
83			630am Northbound (span)	7	Approximately 7 daily riders will need to take a later trip	Yes
83			1050pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
83			1150pm Northbound (span)	1	Approximately 1 daily rider will need to take an earlier trip	Yes
85	Weekday	3,820	Headway 30" to 35" all day/ Delete 9 trips:	1550 daily	Approximately 1550 daily riders will see frequency reduced from 30" to 35"	
85			506am Northbound (span)	3	Approximately 3 daily riders will need to take a later trip	Yes
85			531am Northbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
85			831pm Northbound (span)	7	Approximately 7 daily riders will need to take an earlier trip	Yes
85			916pm Northbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes

LINE	DAY OF WEEK	ANNUALIZED RVH REDUCTIONS	PROPOSED CHANGE	PASSENGER IMPACT*	NOTES	ACCESS IMPACT
85			1008pm Northbound (span)	5	Approximately 5 daily riders will need to take an earlier trip	Yes
85			500am Southbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
85			647pm Southbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
85			848pm Southbound (not span)	8	Approximately 8 daily riders will need to take an earlier or later trip	
85			1018pm Southbound (span)	4	Approximately 4 daily riders will need to take an earlier trip	Yes
85	Saturday	605	Headway 45"/60" to 90" all day	732 daily	Approximately 732 daily riders will see frequency reduced from 45"/60" to 90"	
85	Sunday	675	Headway 45"/60" to 90" all day	473 daily	Approximately 473 daily riders will see frequency reduced from 45"/60" to 90"	
87	Weekday	3,042	Headway 45" to 80" all day	680 daily	Approximately 680 daily riders will see frequency reduced from 45" to 80"	
89	Weekday	3,205	Headway 30" to 40" all day	2590 daily	Approximately 2590 daily riders will see frequency reduced from 30" to 40"	
89	Saturday	895	Headway 30" to 45" all day	1670 daily	Approximately 1670 daily riders will see frequency reduced from 30" to 45"	
89	Sunday	1,000	Headway 30" to 45" all day	1350 daily	Approximately 1350 daily riders will see frequency reduced from 30" to 45"	
91	Weekday	7,855	Headway 30" to 45"/Delete 5 trips:	5400 daily	Approximately 5400 daily riders will see frequency reduced from 30" to 35"	
91			522am Northbound (not span)	6	Approximately 6 daily riders will need to take an earlier or later trip	
91			231pm Northbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
91			1008pm Northbound (span)	8	Approximately 8 daily riders will need to take an earlier trip	Yes
91			250pm Southbound (not span)	7	Approximately 7 daily riders will need to take an earlier or later trip	
91			1013pm Southbound (span)	9	Approximately 9 daily riders will need to take an earlier trip	Yes
145	Sunday	297	Headway 45" to 60" all day	257 daily	Approximately 257 daily riders will see frequency reduced from 45" to 60"	
177	Saturday	380	Headway 60"/65" to 100" all day	421 daily	Approximately 421 daily riders will see frequency reduced from 60"/65" to 100"	
177	Sunday	420	Headway 60"/65" to 100" all day	317 daily	Approximately 317 daily riders will see frequency reduced from 60"/65" to 100"	
178	Weekday	1,130	Headway 30" to 45" am and pm peaks	950 daily	Approximately 950 daily riders will see frequency reduced from 30" to 45"	
178	Saturday	180	Delete 5 trips:			
178			432pm Eastbound (span)	9	Approximately 9 daily riders will need to take an earlier trip	Yes
178			517pm Eastbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
178			820am Westbound (span)	7	Approximately 7 daily riders will need to take a later trip	Yes
178			435pm Westbound (span)	2	Approximately 2 daily riders will need to take an earlier trip	Yes
178			520pm Westbound (span)	6	Approximately 6 daily riders will need to take an earlier trip	Yes
187	Weekday	640	Delete 2 trips:			
187			540am Northbound (span)	11	Approximately 11 daily riders will need to take a later trip	Yes
187			530am Southbound (span)	5	Approximately 5 daily riders will need to take a later trip	Yes
721	Weekday	510	Delete 2 trips:			
721			500am Northbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
721			600am Southbound (span)	4	Approximately 4 daily riders will need to take a later trip	Yes
<b>Grand Total</b>		<b>104,143</b>				
<b>DAILY PASSENGER IMPACT</b>				<b>* PASSENGER IMPACT:</b> The daily average number of passengers directly affected by a trip deletion or during the affected period of a headway change		
<b>WEEKDAY: 42,719</b>						
<b>SATURDAY: 33,423</b>						
<b>SUNDAY: 27,460</b>						
				<b>Last update: 29 May 09</b>		

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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  
Board of Directors  
May 22, 2009

## Call to Order

The May 22, 2009, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order by Chairman Buffa at 9:00 a.m. at the Orange County Transportation Authority Headquarters, Orange, California.

## Roll Call

Directors Present: Peter Buffa, Chairman  
Jerry Amante, Vice Chairman  
Bill Campbell  
Carolyn Cavecche  
William J. Dalton  
Paul Glaab  
Cathy Green  
Allan Mansoor  
John Moorlach  
Janet Nguyen  
Chris Norby  
Curt Pringle  
Gregory T. Winterbottom  
Cindy Quon, Governor's Ex-Officio Member

Also Present: James S. Kenan, Interim Chief Executive Officer  
Paul C. Taylor, Deputy Chief Executive Officer  
Wendy Knowles, Clerk of the Board  
Mary Burton, Clerk of the Board's office  
Kennard R. Smart, Jr., General Counsel  
Members of the Press and the General Public

Directors Absent: Patricia Bates  
Arthur C. Brown  
Richard Dixon  
Miguel Pulido

## **Invocation**

Director Cavecche gave the invocation.

## **Pledge of Allegiance**

Chairman Buffa led the Board and audience in the Pledge of Allegiance.

## **Public Comments on Agenda Items**

Chairman Buffa 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 May 2009**

Chairman Buffa presented Orange County Transportation Authority Resolutions of Appreciation Nos. 2009-023, 2009-024, 2009-025 to Jack Huggett, Coach Operator; Miguel Madrigal, Maintenance; and Cindy Robles, Administration, as Employees of the Month for May 2009.

### **2. Public Hearing on Potential Bus Service Reductions**

(A verbatim transcript of this public hearing is on file in the Clerk of the Board's office.)

Scott Holmes provided background, updates, and reviewed proposed service reductions which will go into effect in September, stating this will be the first of several reductions necessary to cut 400,000 hours of service due to budget issues. Mr. Holmes informed Members that this process is iterative and it has become necessary to enlarge the scope of the program and have added seven more lines for consideration at this time.

Director Cavecche emphasized the importance of looking closely at the Night Owl service in order to not discontinue service that may be deemed essential to a large number of workers in the resort complex in Anaheim.

Director Pringle asked that staff look at the number of riders per route using the Night Owl service per hour and see if there may be a way to eliminate some of the service, but leave some intact during the hour(s) of highest ridership.

Director Cavecche highlighted that the September service change is for 100,000 hours, only a portion of the total 400,000 service hours which will likely be cut.

**2. (Continued)**

Director Glaab reminded staff that there is a geographical equity issue, and he will be monitoring that in relation to South County service reductions.

Director Moorlach inquired as to the status of the management study which was performed several months ago.

Interim Chief Executive Officer (CEO), James S. Kenan, responded that the organizational study is nearly complete, and did not look at the transit system. The study was commissioned with the focus of project delivery in regards to Measure M2. Mr. Kenan stated he would check on the status of this study.

Director Moorlach stated that while there are several divisions, management time is allocated to each division, and he would like to know what hours are allotted for management time with regard to transit.

Director Moorlach requested a summary of the diversion of OCTA's Transit Development Act funds as they related to the Orange County bankruptcy which occurred several years ago.

Director Cavecche stated that if Director Moorlach would like to look at the efficiencies for dollars, she would volunteer, along with the City Manager in Orange, to work on looking at this issue.

Chairman Buffa provided opening comments before yielding the floor to public comments, stating that the Board "hates" having to make these cuts, and that it is not discretionary on the Board's part. He reminded everyone that this situation is a direct result of the goings-on in Sacramento regarding the state's budget and that the "legs have been cut out from under transit" in California; every transit agency in the state is going through similar cut-backs.

Chairman Buffa told the audience that he and the other Board Members are interested in hearing from the public regarding how to make the necessary cuts, either by eliminating routes, portions of routes, changing scheduling, etc.

Public comments were heard from:

Kathryn McCullough, Council Member from Lake Forest, who requested staff look at using the monies from selling off buses for transit and lessen the impact to certain areas.

Randy Platt, Chief Executive Officer, Community Senior Serve Nutrition Program for the Elderly, and Vice Chair of the Special Needs in Transit Committee, provided a letter signed by the Chairman of the Citizens' Advisory Committee, and asked that this letter be forwarded to the State Legislators.

**2. (Continued)**

Denise Welch, representing seniors and disabled, expressed her concern for cuts to ACCESS service.

Director Campbell stated that on behalf of the County of Orange, he would ask County staff to look at what transportation could be provided through their non-emergency service.

Jane Reifer, resident of Fullerton, emphasized the need to protect funds for transit. Ms. Reifer requested a study of past decisions on transit funding be performed.

Director Campbell asked Ms. Reifer to send a letter to the Board detailing her request.

Adam Hogan, resident of Mission Viejo, stated that the bus is his only means of transportation and is concerned for service cuts.

Cassie Rush, resident of Mission Viejo, stated that she uses the bus system a great deal as her transportation to and from work and school.

Barbara Schulman, resident of Mission Viejo and teacher at "Futures" in that city. She stated that students are being taught to ride the buses to assist them in being independent, and very much needs the service protected.

Roberta Menn, resident of Mission Viejo and representative of the Saddleback Valley Unified School District, stated that she works with students and other adults with disabilities within the community. She emphasized that there needs to be geographic equity for bus service in South Orange County.

Kevin Nguyen, resident of Anaheim, requested that his routes not be eliminated.

Lara Wakim, resident of Fullerton, presented the Board with a petition with 436 signatures she had gathered from various areas of Orange County, and requested that current levels of Night Owl service not be reduced.

Sheryl Silva, resident of Anaheim, encouraged the Board to not eliminate Night Owl service in the Anaheim resort area.

Faith Shookman, resident of Rancho Santa Margarita, asked that service not be cut back on the routes she uses for school and work.

Marco Volpe, resident of Mission Viejo, stated he very much needs bus transportation and is concerned for the loss of service.

2. (Continued)

Zeke Castro, resident of Laguna Hills, stated he needs bus transportation to get to work.

Kyra Uyeda, resident of Laguna Hills, stated she needs the bus to get to work and school.

Peter Clarke, resident of Laguna Hills, stated that he needs the bus to get to work.

Steven Chan, resident of Costa Mesa, stated he is a student at UC School of Medicine and School of Business, and presented a map he had developed reflecting the proposed service reductions. Mr. Chan expressed concern for students getting to the university.

Tammy Elger, stated that she needs the bus to get to work.

Karen Belan, resident of Buena Park, indicated that there are homeless people residing at or close to bus stops and would like this looked at; she indicated she feels this is a safety concern.

Starr Avedesian, Principal in the Saddleback Valley Unified School District, advocated for transportation being preserved for students.

Daisy Helguero, resident of Tustin, suggested small buses be used whenever necessary in place of the larger buses.

Paul Hyek, resident of Fountain Valley, shared his observations regarding ACCESS drivers and indicated "bus etiquette" should be taught to students.

Phil Bacerra, resident of Santa Ana, praised today's level of transportation in Orange County, and voiced his opposition to the proposed service cuts. Mr. Bacerra requested all options be explored.

Director Campbell at this time stated that he had been informed by his staff at the County that if ACCESS fixed routes are changed, and the ability is reduced for some to have ACCESS, the County's non-emergency medical program can assist those who are ACCESS-eligible, but live outside the three-quarter mile area.

Gary Wisser, resident of Mission Viejo and representing Vocational Visions as well as the Special Needs in Transit Committee, stated that his organization's clients depend on OCTA for transportation and provided suggestions for service cuts.

James Suaso, resident of Santa Ana and a student at Cal State Long Beach, offered whatever assistance he could provide to help raise funds to offset the necessary budget cuts.

2. (Continued)

Gamil Sedrak, resident of Brea, offered to volunteer if he could assist in any way and encouraged the Board to decrease expenses and find ways to increase the funds coming into OCTA.

Paolo Barone, resident of Aliso Viejo, stated that he represented the “Orange County Bus Riders’ Union” and expressed his concern for service reductions.

Christine Nelson, resident of Mission Viejo, expressed the need for paratransit service for her husband. Ms. Nelson stressed the importance of keeping ACCESS service available for those who rely on it as their only means of transportation.

Anna Boyce, resident for Mission Viejo, advocated for sustaining the level of bus service in South County.

William Turner, resident of Costa Mesa and appointee to the Special Needs in Transit Committee, stated that he works with developmentally-disabled adults and is concerned for loss of ACCESS service routes. Mr. Turner stated he would like a committee/partnership formed between the disabled community and their support groups, along with OCTA, to develop ways to effectively use ACCESS service and reduce the funds which are necessary in order to preserve service for all who need it.

Ellen Shurtleff, representing the Futures Program and resident of Laguna Beach, urged the Board to not cut bus service.

Melinda Matranga, representing the Futures Program and resident of Laguna Niguel, advocated for sustaining service in South Orange County.

Roy Shahbazian, resident of Orange, urged the Board to find ways to get and utilize federal money to fund capitalized maintenance and current levels of bus transit. He also requested that the Board look at ways to use transit money to fund projects which may or may not include a transit component and stated he would hope there could be some flexibility in that regard for the situation today.

Tresa Oliveri, resident of Irvine, OCTA Employee, and Board Member of the Regional Center of Orange County, stated that the funding at the Regional Center is being cut, also and this will compel disabled users who are able to use fixed route, to do so. She also recognized OCTA staff for assisting the Regional Center and stated she hopes there will be partnering on transportation issues.

David Epps, resident in Aliso Viejo, complained about bus transfers and times available. He further opposed service cuts in South Orange County and preservation of the Night Owl Service.

2. (Continued)

Cindy Kelly, resident of Aliso Viejo, stated that she uses the bus to get to work and encouraged the Board not to cut bus service.

Edmond Alexander, resident of Anaheim, stated that he uses the bus and feels it is very poor service at this time, with packed and dirty buses.

Renee Taylor, OCTA Coach Operator and resident of Anaheim, stated she chooses to help if she can. Ms. Taylor advised the Board that riders need the newly revised brochures and complained that she found boxes of brochures which were not provided to the public. She also asked for a means by which to communicate to the Board and requested the Comment Box be brought back to the bases.

Director Cavecche requested a response as to why Garden Grove bus management did not place new bus brochures on buses.

Kyle Minnis, resident of Santa Ana, stated that he would favor a fare hike if it would make a difference in service cuts, and does not feel that a 10 p.m. cut-off time for service is reasonable.

Jose DeLeon (speaking through a Spanish Interpreter), is a resident of Santa Ana, and stated that he would like to understand why bus service schedules were removed from bus stops some time ago. He also asked that bus books be available on buses if not at bus stops.

Philip Capo, teacher and resident of Santa Ana, expressed concern for possible cuts in Night Owl service on routes 38 and 83.

Ingen Kang, resident of Fullerton, inquired as to what kind of fare increase would be necessary to prevent service cuts.

Vice Chairman Amante and Director Cavecche requested information on a potential fare increase – what the impact would be, if it would decrease the amount of necessary service cuts.

Duane Roberts, resident of Anaheim, offered comments regarding federal stimulus funds he feels could be used for transit.

A motion was made by Director Green, seconded by Director Winterbottom, and declared passed by those present, to direct staff to return to the Board of Directors on June 8, 2009, with results of the public hearing and staff recommendations.

Vice Chairman Amante requested information on what percentage of bus service will be reduced, how many riders will be affected, and how many jobs.

**2. (Continued)**

Director Cavecche requested routing information for south vs. north county and ridership numbers for south county, and requested information on the use of small buses vs. larger buses. She further requested information on the “color of money” and the use of stimulus funds received by OCTA.

**Consent Calendar (Items 3 through 20)**

Chairman Buffa stated that all matters on the Consent Calendar would be approved in one motion unless a Board Member or a member of the public requested separate action on a specific item.

**Orange County Transportation Authority Consent Calendar Matters**

**3. Approval of Minutes - Special Meeting**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' special meeting of May 11, 2009.

**4. Approval of Minutes - Regular Meeting**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of May 11, 2009.

**5. Approval of Board Member Travel**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, for approval for Chairman Buffa to travel to Miami, FL, May 25-27, 2009, for discussions on goods movement and transportation reauthorization; Chairman Buffa, Vice Chair Amante, and Director Campbell to travel to New York, NY, in June 2009 to participate in the Annual Rating Agency Trip; Director Brown to travel to Chicago, IL, from June 13-18, 2009, to attend the American Public Transportation Association (APTA) Rail Conference;

**6. State Legislative Status Report**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to approve a set of principles that should be considered in evaluating potential mechanisms to secure existing transit funding sources and proposed new sources of transit funding at the state and federal levels.



**7. Federal Legislative Status Report**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to support the continuation of the fuel excise tax credit first made available in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users for compressed natural gas and liquefied natural gas, beyond the current expiration of the credit on December 31, 2009.

**8. 2009 Commuter Bikeways Strategic Plan Final Draft**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to approve the 2009 Commuter Bikeways Strategic Plan.

**9. Credit Card Clearinghouse Services**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0201, for a term of three-years plus two additional one-year option terms, between the Orange County Transportation Authority and Bank of America Merchant Services. The agreement is for electronically processing and authorizing the 91 Express Lanes' and bus pass sales' credit card transactions on a daily basis and settling the accounts into the Orange County Transportation Authority's designated bank account, currently at the Bank of the West, in a secure and timely manner.

**10. Fiscal Year 2008-09 Internal Audit Plan, Third Quarter Update**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to receive and file the third quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2008-09 Internal Audit Plan.

**Orange County Local Transportation Authority Consent Calendar Matters**

**11. Adoption of Guiding Principles for High-Speed Rail Funding**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to adopt the guiding principles for the high-speed rail funding made available under the American Recovery and Reinvestment Act of 2009.

**12. Cooperative Agreement with the City of Fullerton for Go Local Step Two Bus/Shuttle Service Planning**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0307 between the Orange County Transportation Authority and the City of Fullerton to define each party's roles and responsibilities for service planning of the bus/shuttle proposal entitled, "California State University Fullerton Streetcar."

**13. Selection of a Consultant for Preparation of a Project Study Report/Project Development Support for the Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange**

A motion was made by Director Moorlach, seconded by Director Cavecche, to approve staff's recommendations, as listed below:

- A. Select RMC, Inc., as the highest qualified firm to prepare the project study report for the Santa Ana Freeway (Interstate 5)/Avenida Pico interchange improvements.
- B. Authorize the Interim Chief Executive Officer to request a cost proposal from RMC, Inc., and negotiate an agreement for services.
- C. Authorize the Interim Chief Executive Officer to execute the final agreement.

Chairman Buffa abstained from voting on this item, which resulted in a quorum not being present; the item will return to the Board for a vote on June 8, 2009.

**Orange County Transit District Consent Calendar Matters**

**14. Amendment to Agreement for Coach Operator, Operations Instructor, and Field Supervisor Uniforms**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-7-0614 between the Orange County Transportation Authority and Galls, An ARAMARK Company, LLC, to exercise the first option year, in an amount not to exceed \$307,166, for the provision of coach operator, operations instructor, and field supervisor uniforms through June 30, 2010, for a total contract amount of \$1,087,425.

**15. Cooperative Agreement with the City of Irvine Regarding iShuttle Vehicles**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to authorize the Interim Chief Executive Officer to approve Cooperative Agreement No. C-9-0364 with the City of Irvine for consignment of 12, 27-foot compressed natural gas buses for the operation of the Irvine Business Complex shuttle.

**16. ACCESS Performance Measurements Update**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to receive and file as an information item.

**17. Cooperative Agreements with the City of Laguna Beach for the Pass-Through of Local Funds for the Continued Operation of Public Transit Services**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to:

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-7-1197 between the Orange County Transportation Authority and the City of Laguna Beach, concerning federal funds in an amount not to exceed \$1,105,000, for the next five years commencing fiscal year 2008-09. These funds provide public transit services and operating assistance and are subject to the availability of federal funds.
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-7-1198 between the Orange County Transportation Authority and the City of Laguna Beach, concerning state funds in an amount not to exceed \$1,250,000, for the next five years commencing fiscal year 2008-09. These funds provide public transit services and operating assistance and are subject to the availability of state funds.

**18. Agreements for Printing Services for Bus Public Information**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to:

- A. Authorize the Interim Chief Executive Officer to execute Agreement No. C-8-1398 between the Orange County Transportation Authority and Clearwater Graphics, Inc., in an amount not to exceed \$290,000, for the initial term, with two one-year option terms, for printing, packaging and delivering the bus book through June 30, 2010.
- B. Authorize the Interim Chief Executive Officer to execute Amendment to Agreement No. C-8-0813 between the Orange County Transportation Authority and Pacific Litho, Inc., in an amount not to exceed \$130,000, for printing individual line timetables, bus system maps and service change communication materials through June 30, 2010.

**19. Amendments to Agreements for Rideshare Database and Program Support Services**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to:

- A. Authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Cooperative Agreement No. C-6-0678 between the Orange County Transportation Authority and the Riverside County Transportation Commission, in an amount not to exceed \$84,500, for rideshare support services from July 1, 2009 through June 30, 2010. This increases the total maximum cumulative contract obligation amount to \$311,998. This action is contingent upon approval of the Orange County Transportation Authority Fiscal Year 2009-10 Budget.
- B. Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-6-0344 with Inland Transportation Services, in an amount not to exceed \$117,000, to process carpool match lists and develop employer transportation average vehicle ridership surveys to provide viable transportation information. This increases the total maximum cumulative contract obligation amount to \$447,000 for Inland Transportation Services. This action is contingent upon approval of the Orange County Transportation Authority Fiscal Year 2009-10 Budget.

**20. Customer Relations Report for Third Quarter Fiscal Year 2008-09**

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to receive and file as an information item.

**Regular Calendar**

**Orange County Local Transportation Authority Regular Calendar Matters**

**21. Funding Agreement Between the Orange County Transportation Authority and the City of Anaheim for Phase I of the Anaheim Regional Transportation Intermodal Center Project**

A motion was made by Director Cavecche, seconded by Director Green, and declared passed by those present, to authorize the Interim Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-9-0448 with the City of Anaheim for Phase I of the Anaheim Regional Transportation Intermodal Center Project subject to approval by the California Transportation Commission and Renewed Measure M eligibility approval.

## **Discussion Items**

### **22. Public Comments**

At this time, Chairman Buffa stated that 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 would be taken on off-agenda items unless authorized by law.

No public comments were offered at this time.

### **23. Interim Chief Executive Officer's Report**

James S. Kenan, Interim Chief Executive Officer, reported:

- Congressman Bill Shuster, who sits on the House Transportation and Infrastructure Committee and is the ranking member of the Transportation Infrastructure Rail Subcommittee, will be visiting OCTA on Friday, May 29;
- A listing of "Frequently Asked Questions" for transit funding will be sent out later today to Board Members.

### **24. Directors' Reports**

There were no reports offered by Board Members.

### **25. Closed Session**

A Closed Session was held regarding:

- A. Pursuant to Government Code Section 54957 to consider the appointment of a Chief Executive Officer.
- B. Pursuant to Government Code Section 54957.6, meet with designated representatives Chairman Buffa, Vice Chairman Amante, and Directors Campbell, Cavecche, Pringle, and Winterbottom to discuss the compensation of the Chief Executive Officer.

### **26. Consideration of Appointment of a Chief Executive Officer**

Due to the lack of a quorum, Chairman Buffa stated that this item would not be considered at this time.

**27. Adjournment**

The meeting adjourned at 12:15 p.m. The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, June 8, 2009**, at the OCTA Headquarters.

ATTEST

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Wendy Knowles  
Clerk of the Board

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Peter Buffa  
OCTA Chairman





**June 8, 2009**

**To:** Members of the Board of Directors

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Adoption of Conflict of Interest Code by Incorporating Model Code Adopted by Fair Political Practices Commission, Including Future Amendments

### **Overview**

Pursuant to the Orange County Transportation Authority's Conflict of Interest Code, Members of the Board of Directors and certain designated employees are required to file Statements of Economic Interests and the Conflict of Interest Code must be amended as appropriate. Incorporating the Model Conflict of Interest Code adopted by the Fair Political Practices Commission (FPPC) is recommended in order to simplify the process of incorporating future amendments as required by the FPPC.

### **Recommendations**

- A. Adopt Resolution 2009-35, incorporating by reference the standard model Conflict of Interest Code, including future amendments thereto, adopted by the FPPC as the Conflict of Interest Code for the Orange County Transportation Authority, including Appendices A and B in which members and employees are designated and disclosure categories are set forth.
- B. Direct the Clerk of the Board to distribute and monitor Statements of Economic Interests for Members and the Board of Directors, the Chief Executive Officer and certain designated employees, and file those statements with the Clerk of the Orange County Board of Supervisors by April 1 of each year.

### **Background**

The Political Reform Act requires that every local agency review its Conflict of Interest Code each year to determine that it is accurate to date.



## **Adoption of Conflict of Interest Code by Incorporating Model Code Page 2 Adopted by Fair Political Practices Commission, Including Future Amendments**

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### ***Discussion***

The FPPC has adopted a model Conflict of Interest Code (Code) for local agencies (2 California Code of Regulations, Section 18730). From time to time, the FPPC amends the Code to conform to changes in the law. A local agency may adopt the Code by incorporating it by reference and this action will include all future amendments to the Code. This action assures compliance with changes in the law because amendments by the FPPC are automatically incorporated into the local agency's Conflict of Interest Code.

On November 24, 2008, the Board of Directors approved a Conflict of Interest Code for the Orange County Transportation Authority, including designated positions and disclosure categories. The approval of the model Code will include the same designated positions and disclosure categories previously approved. In the future, the Authority will annually review the disclosure categories and designated positions to determine which employees are required to file a statement of Economic Interests Form 700.

### ***Summary***

Adoption of a Conflict of Interest Code by incorporating by reference the model conflict of Interest Code adopted by the FPPC, including future amendments. Include the designated positions and disclosure categories as previously approved on November 24, 2008.

### ***Attachments***

- A. Resolution Number 2009-35, Resolution of the Board of Directors of the Orange County Transportation Authority Adopting a Conflict of Interest Code Which Supersedes All Prior Conflict of Interest Codes and Amendments Previously Adopted
- B. Conflict of Interest Code for the Orange County Transportation Authority (including Appendices A and B)

### ***Prepared by:***



Wendy Knowles  
Clerk of the Board  
(714) 560-5676

**Resolution Number 2009-35**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY  
ADOPTING A CONFLICT OF INTEREST CODE  
WHICH SUPERSEDES ALL PRIOR CONFLICT OF  
INTEREST CODES AND AMENDMENTS  
PREVIOUSLY ADOPTED**

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 et. seq. ("the Act"), requires a local government agency to adopt a Conflict of Interest Code pursuant to the Act; and

WHEREAS, the Orange County Transportation Authority has previously adopted a Conflict of Interest Code and that Code now requires updating; and

WHEREAS, amendments to the Act have in the past and foreseeably will in the future require conforming amendments to be made to the Conflict of Interest Code; and

WHEREAS, the Fair Political Practice Commission has adopted a regulation, 2 California Administrative Code Section 18730, which contains terms for a standard model Conflict of Interest Code, which, together with amendments thereto, may be adopted by public agencies and incorporated by reference to save public agencies time and money by minimizing the actions required of such agencies to keep their codes in conformity with the Political Reform Act.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The terms of 2 California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, together with Appendices A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Orange County Transportation Authority.

Page Two

Section 2. The provisions of all Conflict of Interest Codes and Amendments thereto previously adopted by the Orange County Transportation Authority are hereby superseded.

Section 3. The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303.

**ADOPTED, SIGNED, AND APPROVED this 8th day of June 2009**

**AYES:**

**NOES:**

**ABSENT:**

**ATTEST:**

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Wendy Knowles  
Clerk of the Board

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Peter Buffa, Chairman  
Orange County Transportation Authority

OCTA Resolution No. 2009-35

**CONFLICT OF INTEREST CODE FOR THE  
ORANGE COUNTY TRANSPORTATION AUTHORITY**

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Orange County Transportation Authority.

Designated employees shall file statements of economic interests with the Authority's Political Reform Act Filing Officer (Clerk of the Board) who will make the statements available for public inspection and reproduction (Government Code Section 82008). Upon receipt of the statements of the members of the Board of Directors, the Filing Officer shall make and retain a copy and forward the original of these statements to the Clerk of the Orange County Board of Supervisors. Statements for all other designated employees will be retained by the Filing Officer.

## APPENDIX A

### CONFLICT OF INTEREST CODE

#### ORANGE COUNTY TRANSPORTATION AUTHORITY

<b>Designated Positions</b>	<b>Disclosure Category</b>	<b>Schedules Associated</b>
Analysis Project Manager	2	A-1, A-2, C, D and E
Assistant Base Manager, Bus Operations	2	A-1, A-2, C, D and E
Assistant General Manager, Operations	1	All
Base Manager, Bus Operations	1	All
Base Manager, Vehicle Maintenance	1	All
Benefits Analyst, Senior, Deferred Compensation	2	A-1, A-2, C, D and E
Business Computing Solutions Specialist, Lead	2	A-1, A-2, C, D and E
Business Computing Solutions Specialist, Senior	2	A-1, A-2, C, D and E
Business Systems Analyst, Principal, Financial Planning and Analysis	2	A-1, A-2, C, D and E
Business Systems Analyst, Senior, Contracts and Procurement	1	All
Business Systems Analyst, Senior, General Accounting	2	A-1, A-2, C, D and E
Buyer	2	A-1, A-2, C, D and E
Buyer, Associate	2	A-1, A-2, C, D and E
Buyer, Senior	1	All
CAMM Section Manager, Senior	1	All
Chief Executive Officer	1	All
Chief Information Officer	1	All
Chief of Staff	1	All
Chief Risk Officer	1	All
Civil Engineer, Principal	1	All
Civil Engineer, Senior	1	All
Claims Manager	1	All
Claims Representative	2	A-1, A-2, C, D and E
Claims Representative, Associate	2	A-1, A-2, C, D and E
Claims Representative, Senior	2	A-1, A-2, C, D and E
Code Administrator	2	A-1, A-2, C, D and E
Code Administrator, Senior	1	All
Construction Safety Officer	2	A-1, A-2, C, D and E
Consultants*	1	All
Contracts Administrator	1	All
Contracts Administrator, Associate	2	A-1, A-2, C, D and E
Contracts Administrator, Principal	1	All
Contracts Administrator, Senior	1	All
Data Warehouse Architect	2	A-1, A-2, C, D and E
Data Warehouse Architect, Associate	2	A-1, A-2, C, D and E
Data Warehouse Architect, Senior	2	A-1, A-2, C, D and E

## APPENDIX A

### CONFLICT OF INTEREST CODE

#### ORANGE COUNTY TRANSPORTATION AUTHORITY

<b>Designated Positions</b>	<b>Disclosure Category</b>	<b>Schedules Associated</b>
Database Administrator, Senior	2	A-1, A-2, C, D and E
Deputy Chief Executive Officer	1	All
Development Project Manager I, II, III	2	A-1, A-2, C, D and E
Director, Board of Directors	1	All
Director, Clerk of the Board	1	All
Director, Contracts Administration and Materials Management	1	All
Director, Finance, Administration, and Human Resources	1	All
Director, Highway Project Delivery	1	All
Director, Special Projects	1	All
Director, Strategic Planning	1	All
Director, Transit Project Delivery	1	All
Employee Programs Administrator	2	A-1, A-2, C, D and E
Executive Director, Development	1	All
Executive Director, External Affairs	1	All
Executive Director, Finance, Administration and HR	1	All
Executive Director, Internal Audit	1	All
Executive Director, Workforce Development	1	All
Field Administrator	1	All
Field Administrator, Senior	1	All
Financial Analyst, Principal	2	A-1, A-2, C, D and E
Financial Analyst, Senior, Contracts Administration and Materials Management	2	A-1, A-2, C, D and E
Fleet Analyst	2	A-1, A-2, C, D and E
Fleet Analyst, Senior	2	A-1, A-2, C, D and E
General Counsel	1	All
General Manager, Toll Roads	1	All
General Manager, Transit	1	All
Government Relations Representative, Principal	1	All
Grants Funding Manager	2	A-1, A-2, C, D and E
Grants Funding Specialist	2	A-1, A-2, C, D and E
Grants Funding Specialist, Associate	2	A-1, A-2, C, D and E
HR Section Manager, Senior, Compensation and Benefits	2	A-1, A-2, C, D and E
Internal Audit Section Manager, Senior	1	All
Internal Auditor, Associate	1	All
Internal Auditor, Principal	1	All
Internal Auditor, Senior	1	All
Intranet/Multimedia Specialist	2	A-1, A-2, C, D and E
Intranet/Multimedia Specialist, Senior	2	A-1, A-2, C, D and E
Inventory Analyst	2	A-1, A-2, C, D and E

## APPENDIX A

### CONFLICT OF INTEREST CODE

#### ORANGE COUNTY TRANSPORTATION AUTHORITY

<b>Designated Positions</b>	<b>Disclosure Category</b>	<b>Schedules Associated</b>
Investment Officer	2	A-1, A-2, C, D and E
Investment Officer, Senior	2	A-1, A-2, C, D and E
IS Business Strategist	1	All
IS Project Manager I	2	A-1, A-2, C, D and E
IS Project Manager II	2	A-1, A-2, C, D and E
IS Project Manager III	2	A-1, A-2, C, D and E
IS Section Manager, Senior	2	A-1, A-2, C, D and E
IS Security Analyst	2	A-1, A-2, C, D and E
IS Security Analyst, Associate	2	A-1, A-2, C, D and E
IS Security Analyst, Senior	2	A-1, A-2, C, D and E
Lieutenant, Orange County Sheriff's Department	1	All
Local Government Relations Representative, Principal	2	A-1, A-2, C, D and E
Maintenance Analyst, Senior	2	A-1, A-2, C, D and E
Maintenance Field Administrator, Senior	2	A-1, A-2, C, D and E
Maintenance Supervisor	2	A-1, A-2, C, D and E
Manager, Accounting and Financial Reporting	1	All
Manager, Bus Operations	1	All
Manager, Capital and Local Programs	1	All
Manager, Community Transportation Services	1	All
Manager, Contracts and Procurement	1	All
Manager, Employee and Labor Relations	1	All
Manager, Federal Relations	1	All
Manager, Financial Planning and Analysis	1	All
Manager, Human Resources	1	All
Manager, Internal Audit	1	All
Manager, Maintenance	1	All
Manager, Marketing	1	All
Manager, Metrolink Expansion	1	All
Manager, Operations Analysis	1	All
Manager, Planning and Analysis	1	All
Manager, Public Communications	1	All
Manager, Safety, Environmental Compliance	1	All
Manager, Security and Emergency Preparedness		
Manager, Service Planning and Customer Advocacy	1	All
Manager, State Relations	1	All
Manager, Transit Program Management	1	All
Manager, Transportation Analysis/GIS	1	All
Media Relations Officer	1	All

## APPENDIX A

### CONFLICT OF INTEREST CODE

#### ORANGE COUNTY TRANSPORTATION AUTHORITY

<b>Designated Positions</b>	<b>Disclosure Category</b>	<b>Schedules Associated</b>
Media Relations Specialist, Senior	1	All
Network Analyst	2	A-1, A-2, C, D and E
Network Analyst, Associate	2	A-1, A-2, C, D and E
Network Analyst, Senior	2	A-1, A-2, C, D and E
Operations Analyst	2	A-1, A-2, C, D and E
Operations Analyst, Associate	2	A-1, A-2, C, D and E
Operations Analyst, Senior	2	A-1, A-2, C, D and E
Printing and Reprographics Administrator	2	A-1, A-2, C, D and E
Program Manager, Highway Project Delivery	1	All
Program Manager, Local Initiatives	1	All
Program Manager, Regional Initiatives	1	All
Project Controls Analyst	2	A-1, A-2, C, D and E
Project Controls Analyst, Principal	2	A-1, A-2, C, D and E
Project Controls Analyst, Senior	2	A-1, A-2, C, D and E
Project Manager	1	All
Public Information Officer	2	A-1, A-2, C, D and E
Rail Right-of-Way Administrator	1	All
Right-of-Way Administrator	1	All
Right-of-Way Administrator, Principal	1	All
Right-of-Way Administrator, Senior	1	All
Safety, Health and Environmental Specialist	2	A-1, A-2, C, D and E
Safety, Health and Environmental Specialist, Senior	2	A-1, A-2, C, D and E
Schedule Analyst	1	All
Schedule Analyst, Associate	1	All
Schedule Analyst, Senior	1	All
Section Manager, Access Services	1	All
Section Manager, Accounting Operations	2	A-1, A-2, C, D and E
Section Manager, Accounting/Reporting	2	A-1, A-2, C, D and E
Section Manager, Accounts Payable	2	A-1, A-2, C, D and E
Section Manager, Advertising and Promotions	2	A-1, A-2, C, D and E
Section Manager, Budget Development	2	A-1, A-2, C, D and E
Section Manager, Capital and Local Programs	1	All
Section Manager, Comprehensive Business Plan/Grants	2	A-1, A-2, C, D and E
Section Manager, Creative Services	2	A-1, A-2, C, D and E
Section Manager, Employment	2	A-1, A-2, C, D and E
Section Manager, Facilities	2	A-1, A-2, C, D and E
Section Manager, Facilities Maintenance	1	All
Section Manager, General Accounting	2	A-1, A-2, C, D and E



## APPENDIX A

### CONFLICT OF INTEREST CODE

#### ORANGE COUNTY TRANSPORTATION AUTHORITY

<b>Designated Positions</b>	<b>Disclosure Category</b>	<b>Schedules Associated</b>
Section Manager, General Services	2	A-1, A-2, C, D and E
Section Manager, Geographic Information Systems	1	All
Section Manager, Inventory Control	1	All
Section Manager, IS Business Support Services	2	A-1, A-2, C, D and E
Section Manager, Long Range Strategies	1	All
Section Manager, Maintenance	2	A-1, A-2, C, D and E
Section Manager, Maintenance Procurement Team	2	A-1, A-2, C, D and E
Section Manager, Maintenance Resource Management	1	All
Section Manager, Maintenance Support Services	2	A-1, A-2, C, D and E
Section Manager, Marketing Research and Program Development	2	A-1, A-2, C, D and E
Section Manager, Media Relations	1	All
Section Manager, Motorist Services	1	All
Section Manager, Operations Planning and Scheduling	1	All
Section Manager, Operations Support	1	All
Section Manager, Payroll	2	A-1, A-2, C, D and E
Section Manager, Planning and Analysis	1	All
Section Manager, Procurement Team or Capital Projects	1	All
Section Manager, Programming	1	All
Section Manager, Project Controls	2	A-1, A-2, C, D and E
Section Manager, Project Development, Planning and Analysis	1	All
Section Manager, Regional Transportation Modeling	1	All
Section Manager, Right-of-Way	1	All
Section Manager, Scheduling	1	All
Section Manager, Streets and Roads Program Delivery	1	All
Section Manager, Technical Services	2	A-1, A-2, C, D and E
Section Manager, Training and Development	2	A-1, A-2, C, D and E
Section Supervisor, Accounts Payable	2	A-1, A-2, C, D and E
Section Supervisor, Facility Maintenance	2	A-1, A-2, C, D and E
Section Supervisor, Office Services	2	A-1, A-2, C, D and E
Section Supervisor, Records and Asset Management	2	A-1, A-2, C, D and E
Section Supervisor, Revenue	1	All
Section Supervisor, Stores, Contracts Administration and Materials Management	2	A-1, A-2, C, D and E
Service Analyst, Senior	1	All
Stops And Zones Analyst	1	All
Stops and Zones Analyst, Senior	1	All
Stops and Zones Planner, Associate	1	All
Stops and Zones Planner, Senior	1	All
Systems Software Analyst	2	A-1, A-2, C, D and E

## APPENDIX A

### CONFLICT OF INTEREST CODE

#### ORANGE COUNTY TRANSPORTATION AUTHORITY

<b>Designated Positions</b>	<b>Disclosure Category</b>	<b>Schedules Associated</b>
Systems Software Analyst, Associate	2	A-1, A-2, C, D and E
Systems Software Analyst, Senior	2	A-1, A-2, C, D and E
Telecommunications Administrator/ Coordinator	2	A-1, A-2, C, D and E
Traffic Engineer	2	A-1, A-2, C, D and E
Traffic Engineer, Associate	2	A-1, A-2, C, D and E
Traffic Engineer, Principal	2	A-1, A-2, C, D and E
Training and Development Administrator	2	A-1, A-2, C, D and E
Training and Development Administrator, Principal	2	A-1, A-2, C, D and E
Training and Development Administrator, Senior	2	A-1, A-2, C, D and E
Transit Project Manager	2	A-1, A-2, C, D and E
Transit Project Manager, Senior	2	A-1, A-2, C, D and E
Transportation Analyst	1	All
Transportation Analyst, Principal	1	All
Transportation Analyst, Scheduling, Commuter Rail, or Planning	1	All
Transportation Analyst, Senior	1	All
Transportation Analyst, Senior, Community Transportation Services	2	A-1, A-2, C, D and E
Warranty Coordinator	2	A-1, A-2, C, D and E
Warranty Coordinator, Senior	2	A-1, A-2, C, D and E
Web Developer	2	A-1, A-2, C, D and E
Web Developer, Content	2	A-1, A-2, C, D and E
Web Developer, Content, Senior	2	A-1, A-2, C, D and E
Web Developer, Senior	2	A-1, A-2, C, D and E

#### Consultants\*

- \* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation.

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus, not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection by the Filing Officer.

**APPENDIX B**

**DISCLOSURE CATEGORIES**

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

1. **Designated employees in Group 1 must report:**

All interests in real property in Orange County, as well as investments, business positions, and sources of income (including gifts, loans, and travel payments).

2. **Designated employees in Group 2 must report:**

All investments, business positions, and sources of income (including gifts, loans, and travel payments).





BOARD COMMITTEE TRANSMITTAL

*June 8, 2009*

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Draft 2009 State Route 91 Implementation Plan

Highways Committee Meeting of June 1, 2009

Present: Directors Amante, Cavecche, Glaab, Mansoor, and Pringle  
Absent: Directors Dixon, Green, and Norby

**Committee Vote**


No action was taken on this item due to lack of quorum.

**Staff Recommendation**

Approve the Draft 2009 State Route 91 Implementation Plan.



*June 1, 2009*

**To:** Highways Committee  
**From:**  James S. Kenan, Interim Chief Executive Officer  
**Subject:** Draft 2009 State Route 91 Implementation Plan

**Overview**

Enabling legislation related to the 91 Express Lanes requires the Orange County Transportation Authority to annually issue a plan and proposed schedule for the Riverside Freeway (State Route 91) improvement projects eligible for funding by potential excess toll revenue. The Draft 2009 State Route 91 Implementation Plan is provided for Board of Directors' review and approval.

**Recommendation**

Approve the Draft 2009 State Route 91 Implementation Plan.

**Background**

AB 1010 (Chapter 688, Statutes of 2002) requires the Orange County Transportation Authority (OCTA), in consultation with the Riverside County Transportation Commission (RCTC) and the California Department of Transportation (Caltrans), to annually issue a plan for the Riverside Freeway (State Route 91) improvements from the Ontario Freeway (Interstate 15) to the Costa Mesa Freeway (State Route 55). On September 30, 2008, SB 1316 (Chapter 714, Statutes of 2008) was signed into law by the Governor and enables RCTC to operate a toll facility extension to Interstate 15 (I-15) along the State Route 91 (SR-91) by partial assignment to RCTC or by amendment to the franchise agreement from OCTA. OCTA and RCTC staff are currently investigating which option would best fit the needs of both agencies. The intent of the plan is to establish a program of projects eligible for funding by potential excess 91 Express Lanes toll revenue.

**Discussion**

A major update to the Draft 2009 State Route 91 Implementation Plan (Plan) occurred in 2006, with Caltrans, RCTC, and corridor cities providing input.

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The update focused primarily on including and incorporating recommendations from the approved Riverside County-Orange County Major Investment Study (MIS) into the Plan as well as inclusion of preliminary traffic analysis describing the general benefits of major projects.

The projects for the Plan have been updated based on the RCTC's 10-year Delivery Plan, the state Proposition 1B Corridor Mobility Improvement Account process, and the Orange County voter-approved Renewed Measure M Program. Additionally, several major projects have been advanced through the project development process and new information has been incorporated into the Plan. OCTA staff collaborated with Caltrans, RCTC, Transportation Corridor Agencies, and corridor cities for the Plan update. OCTA retained an engineering consultant for the update that included convening technical meetings with agencies' staff. The results of this process are included in Attachment A. The Plan describes projects and transportation benefits, anticipated implementation schedules by milestone year, and costs for major projects from now through 2030. The projects are organized by readiness and logical sequencing; however, full funding for all projects has not been secured.

The first set of projects is anticipated to be completed by 2011 and includes four improvements at a total cost of approximately \$144 million. The projects include construction of a Metrolink parking structure at the North Main Street Corona Metrolink Station, Metrolink service improvements, express bus improvements, and the eastbound SR-91 lane addition from the Eastern Transportation Corridor (State Route 241) to the Corona Expressway (State Route 71). These projects are in the process of preliminary engineering, final design, construction, or procurement and implementation.

The second set of projects will be completed in the 2015 timeframe and will include five projects with a total cost of approximately \$1.9 billion. The projects include the addition of a fifth general purpose (GP) lane in each direction of the SR-91 between State Route 55 (SR-55) and State Route 241 (SR-241), State Route 71/SR-91 interchange improvements, the SR-91 Corridor Improvement Project from SR-241 to Pierce Street, which will widen SR-91 by one GP lane in each direction east of SR-241 and extend the 91 Express Lanes to I-15, a westbound SR-91 lane at Tustin Avenue, and a proposed new interchange or overcrossing at Fairmont Boulevard.

Projects for implementation by 2022 include the SR-241/SR-91 direct high-occupancy vehicle/high-occupancy toll connector, a significant expansion of Metrolink service from the Inland Empire, and an eastbound SR-91 lane between the Orange Freeway (State Route 57) and SR-55. OCTA, Caltrans,

and RCTC will be initiating preliminary planning activities to define the scope and costs for these projects and to advance readiness when local, state, or federal funding becomes available. Consequently, there may be opportunities to advance these projects if additional funding is made available. Projects for implementation by 2022 are anticipated to cost up to \$1.2 billion.

Projects for implementation by post-2025 focus on longer lead time projects. These projects include additional SR-55/SR-91 interchange improvements, an elevated four-lane facility (MIS Corridor A) from SR-241 to I-15, a four-lane facility (MIS Corridor B) from SR-241/Laguna Freeway (State Route 133) to I-15/Cajalco Road, and the Anaheim to Ontario International Airport high-speed rail. These potential projects require a significant amount of planning, design, funding, future policy, and public input to determine if one or both concepts move forward in the project development process. Elements of these projects may also be included in previous projects. As such, all projects may not be implemented as described within this project summary and annual Plan updates will capture the most current phasing and funding assumptions.

The Plan includes traffic analysis for major SR-91 projects. The results indicate that improvements planned will decrease travel time and improve peak-hour travel speeds. Compared to 2011, travel time along the SR-91 corridor (between the SR-57 and I-15) will be improved significantly due to the 2015 slate of projects. For instance, the estimated eastbound afternoon peak-hour average travel time of 73 minutes can be reduced by approximately 66 percent by 2015. Travel time in the westbound direction will also improve by 32 percent when comparing 2011 and 2015 figures. Further improvements will rely on upgrades to the SR-55/SR-91 interchange or other solutions such as the SR-241 connection from the 91 Express Lanes. These solutions, however, need further assessment and development.

Staff presented the Plan to the State Route 91 Advisory Committee on May 29, 2009, for review and feedback. Comments have been incorporated into Attachment A.

### ***Summary***

The Orange County Transportation Authority has completed the Draft 2009 State Route 91 Implementation Plan required by enabling toll road legislation. The plan is presented for Board of Directors' review and approval. The final document will be transmitted to appropriate members of the state legislature.



**Attachment**

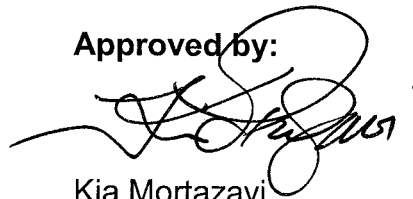
- A. Draft 2009 State Route 91 Implementation Plan

**Prepared by:**



Dan Phu  
Section Manager, Project Development  
(714) 560-5907

**Approved by:**



Kia Mortazavi  
Executive Director, Development  
(714) 560-5741

DRAFT



# 2009 State Route 91 Implementation Plan

June 2009

Prepared for:



Prepared by:



In Association with:



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**INTRODUCTION**

Previous law authorized the California Department of Transportation (Caltrans) to enter into franchise agreements with private companies to construct and operate four demonstration toll road projects in California. This resulted in the development of the 91 Express Lanes facility in Orange County. The four-lane, 10-mile toll road runs along the median of the Riverside Freeway (State Route 91) in northeast Orange County between the Orange/Riverside County Line and the Costa Mesa Freeway (State Route 55). Since the 91 Express Lanes carried its first vehicle on December 27, 1995, the facility has saved users over 32 million hours of commuting time.

While the 91 Express Lanes facility has improved travel time along the State Route 91 (SR-91) corridor, provisions in the franchise agreement between Caltrans and the private franchisee, the California Private Transportation Company (CPTC), prohibited Caltrans and county transportation agencies from adding transportation capacity or operational improvements to the SR-91 corridor from the Ontario Freeway (Interstate 15) in Riverside County to the Orange/Los Angeles Counties border through the year 2030. Consequently, the public agencies were barred from adding new lanes, improving interchanges, and adding other improvements to decrease congestion on the SR-91 freeway.

Recognizing the need to eliminate the non-compete provision of the franchise agreement, Governor Gray Davis signed Assembly Bill 1010 (Lou Correa) into law in September 2002, paving the way for much-needed congestion relief for thousands of drivers who use SR-91 to travel between Riverside and Orange Counties each day. The bill allowed the Orange County Transportation Authority (OCTA) to purchase the 91 Express Lanes franchise and eliminate the existing clause that prohibited any capacity-enhancing improvements from being made to SR-91 until the year 2030. The purchase agreement for the 91 Express Lanes was completed in January 2003, placing the road in public hands at a cost of \$207.5 million. With the elimination of the non-compete provision through AB 1010 and the subsequent 91 Express Lanes

purchase by the OCTA, Orange County and Riverside County public officials and Caltrans Districts 8 and 12 have been coordinating improvement plans for SR-91.

Senate Bill 1316 (Lou Correa) was signed into law in August 2008 as an update to the provisions of AB 1010. SB 1316 authorizes OCTA to transfer its rights and interests in the Riverside County portion of SR-91 toll lanes by assigning them to the Riverside County Transportation Commission (RCTC), and authorizes RCTC to impose tolls for 50 years. SB 1316 also requires OCTA, in consultation with Caltrans and RCTC, to annually issue a plan and a proposed completion schedule for SR-91 improvements from State Route 57 (SR-57) to Interstate 15 (I-15). The previous SR-91 Implementation Plan included a westerly project limit of 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.

This 2009 SR-91 Implementation Plan (Plan) is the result of the requirement to provide the State Legislature with an annual Implementation Plan for SR-91 improvements and builds on the 2008 report, which was a major update of the previous annual Implementation Plans. This year's update includes projects identified in the Riverside County – Orange County Major Investment Study (MIS) as well as other project development efforts and funding programs such as the RCTC 10-Year Western County Highway Delivery Plan that outlines a number of projects such as the extension of High Occupancy Toll (HOT) Lanes from the Orange/Riverside County Line to I-15, the California Transportation Commission (CTC) Corridor Mobility Improvement Account (CMIA) that provides a funding source for transportation projects, the extension of the Measure A program that provides funding for transportation projects in Riverside County, and the Renewed Measure M program that provides funding for transportation projects in Orange County. The 2009 Plan includes an overview, identification of issues and needs, time frames for project packages to improve mobility on SR-91, and are listed based on a logical sequence for implementation. Project descriptions include conceptual

lane diagrams (as appropriate), cost estimates (in 2009 dollars, or as noted), and discussion of key considerations that need to be addressed in the planning and development of each project. This plan will provide OCTA, RCTC, and Caltrans with a framework to implement SR-91 and other related improvements. Future annual plan updates will continue to refine the scope, cost, and schedule of each project included in this version of the plan.

## **SR-91 CORRIDOR CONDITIONS**

### **Project Limits**

The project study limits encompass the segment of SR-91 from west of the junction of SR-57 and SR-91 in the City of Anaheim in Orange County, to east of the junction of SR-91 and I-15 in the City of Corona in Riverside County. The freeway segment is approximately 20.3 miles long, and includes approximately 12.7 miles within Orange County and approximately 7.6 miles within Riverside County.

### **Traffic Conditions Summary**

A review of traffic conditions in the Corridor indicates that the existing carrying capacity of the facility is inadequate to accommodate current and future peak demand volumes, and that Level of Service (LOS) F prevails in the peak direction during the entire peak period, where LOS F is defined as the worst freeway operating condition and is defined as a density of more than 45 passenger cars/lane/mile. The results also indicate that there are several physical constraints that generate unacceptable traffic queues. The following list summarizes the deficiencies identified along the SR-91 Corridor:

- ❖ Heavy traffic volumes from I-15 (North and South) converge with SR-91. The weaving and merging condition is complicated by the close proximity of the Westbound (WB) Main Street off-ramp.
- ❖ High demand from several on-ramps within the eastern segment exacerbates traffic conditions during rush hours.
- ❖ An eastbound (EB) general purpose (GP) lane is dropped just east of the Corona Expressway (State Route 71).
- ❖ The second EB High Occupancy Vehicle (HOV) lane becomes a GP lane. Heavy downstream congestion

forces traffic to exit at the Green River off-ramp. The backup caused by the off-ramp blocks the right lane of the mainline freeway.

- ❖ High traffic volumes from Gypsum Canyon Road and Santa Ana Canyon Road contribute to congestion on the mainline.
- ❖ The Foothill Transportation Corridor (State Route 241) merges with SR-91 causing additional congestion in the EB direction. Both EB lanes from State Route 241 (SR-241) are dropped prior to State Route 71 (SR-71).
- ❖ Heavy traffic reentering the freeway merges at slow speeds from existing WB and EB truck scales, impacting the general-purpose lanes.
- ❖ SR-55 merges with SR-91. An EB lane on SR-91 is dropped at Lakeview Avenue and a second EB lane is dropped at Imperial Highway creating a severe merge condition.
- ❖ WB SR-91 drops a GP lane and a 91 Express Lane to SB SR-55, which contributes to mainline congestion.
- ❖ High demand from Weir Canyon Road, Imperial Highway and Lakeview Avenue.
- ❖ WB traffic entering SR-91 at Lakeview Avenue weaving through three lanes from WB SR-91 to southbound (SB) SR-55 contributes to mainline congestion.

## **PROJECT SUMMARY**

Many of the projects identified in this 2009 Plan are based on the MIS that was completed in January 2006. The projects are presented based on potential implementation schedules and priorities established in the MIS as well as through subsequent project development. Table 1 summarizes the various projects in the 2009 Plan, and they are outlined below by implementation schedule (see Section 2 for detailed project summaries):

- ❖ The first set of projects is anticipated to be completed by 2011 and includes four improvements at a total cost of approximately \$145 million. The projects include construction of a Metrolink parking structure at the North Main Street Corona Metrolink Station, Metrolink service improvements, Express Bus improvements, and the EB SR-91 lane addition from SR-241 to SR-71. These projects are in the process of preliminary engineering, final design, construction,

or procurement and implementation, as noted in the project summaries.

- ❖ The 2015 improvements include five projects, with a total cost up to approximately \$1.9 billion. The projects include new travel lanes between SR-55 and SR-241; interchange improvements at SR-71/SR-91; the SR-91 Corridor Improvement Project (CIP) from SR-241 to Pierce Street that will widen SR-91 by one GP lane in each direction east of SR-241, add collector-distributor (CD) roads and direct connectors at I-15/SR-91, extend the 91 Express Lanes to I-15, and add system interchange improvements; a new WB lane at Tustin Avenue; and a potential new interchange or overcrossing at Fairmont Boulevard.
- ❖ Three projects for implementation by 2022 include the SR-241/SR-91 HOV/HOT direct connector, a significant expansion of Metrolink service and station improvements, and SR-91 improvements between SR-57 and SR-55. OCTA, RCTC, and Caltrans will be initiating preliminary planning activities for these projects to ensure readiness when local, state, or federal funding becomes available. Consequently, there may be opportunities to advance these projects if additional funding is made available. Projects for implementation by 2022 would cost approximately \$900 million to \$1.2 billion. Some of these projects may become components of post-2025/2030 projects.
- ❖ Projects for post-2025/2030 implementation focus on longer-lead time projects and include: SR-55/SR-91 Interchange Improvements, an Elevated 4-Lane Facility (MIS Corridor A) from SR-241 to I-15, a 4-Lane Facility (MIS Corridor B) from SR-241/Laguna Freeway (State Route 133) to I-15/Cajalco Road, and the Anaheim to Ontario International Airport High Speed Rail. The \$200 million dollar interchange project and the other three, multi-billion dollar potential projects require a significant amount of planning, design, and future policy and public input. In some cases, these projects may include previous projects as project components,

Table 1 – SR-91 Implementation Plan Projects

Project No.	Project Summary	Cost (\$M)
<b>By Year 2011</b>		
1	North Main Street Corona Metrolink Station Parking Structure	25.0
2	Metrolink Short-Term Expansion Plan	35.4
3	Express Bus Improvements – Orange County to Riverside County	9.5
4	Eastbound Lane Addition from SR-241 to SR-71	74.5
<b>SUBTOTAL</b>		<b>144.4</b>
<b>By Year 2015</b>		
5	Widen SR-91 between SR-55 and SR-241 by Adding a 5 <sup>th</sup> GP lane in Each Direction	104.2
6	SR-71/SR-91 Interchange Improvements	117.5
7	Widen SR-91 by One GP Lane in Each Direction East of SR-241, CD Roads and Direct Connectors at I-15/SR-91, Extension of Express Lanes to I-15, and System Interchange Improvements	1,542
8	SR-91 WB Lane at Tustin Avenue	94.8
9	Fairmont Boulevard Improvements	44 - 76
<b>SUBTOTAL</b>		<b>1,903 - 1,935</b>
<b>By Year 2022</b>		
10	SR-241/SR-91 HOV/HOT Connector	150 - 440
11	Metrolink Service and Station Improvements	335
12	SR-91 between SR-57 and SR-55	417
<b>SUBTOTAL</b>		<b>902 – 1,192</b>
<b>By Post-2025/2030</b>		
13	SR-55/SR-91 Interchange Improvements	200
14	Elevated 4-Lane Facility (MIS Corridor A) from SR-241 to I-15	2,720
15	4-Lane Facility (MIS Corridor B) from SR-241/SR-133 to I-15/Cajalco Road	5,960
16	Anaheim to Ontario International Airport High Speed Rail	TBD
<b>SUBTOTAL</b>		<b>8,880+</b>

such that all projects may not be implemented within this project summary.

### Traffic Analysis

For the 2009 Plan, the traffic analysis for major SR-91 capacity projects has been updated from the 2008 Plan and the westerly project study limit has been revised to include SR-57. This analysis used the latest freeway operations software model available from UC Berkeley and 2008 traffic data. This freeway operations model

provides a better depiction of actual travel delays experienced by motorists compared to traditional travel demand models. The model can be used to analyze freeway bottlenecks sometimes neglected in traditional travel demand models. This approach is especially important given high SR-91 traffic volumes and the potential for relatively few vehicles to significantly slow down traffic. For example, a minor freeway merging area can cause many vehicles to slow, cascading delay through the traffic stream, and suddenly both speed and volume rapidly decrease for major segments of the freeway.

The operations analysis quantified travel time savings for WB morning and EB afternoon conditions for the following major capacity enhancing projects:

- ❖ Eastbound lane addition from SR-241 to SR-71 by 2011 (Project 4).
- ❖ New lanes in both directions from SR-55 to SR-241 by 2014 (Project 5).
- ❖ New lanes in both directions from SR-241 to I-15 by 2015 (Project 7).
- ❖ Eastbound lane between SR-57 and SR-55 by 2022 (Project 12).
- ❖ New capacity provided by Corridor A and Corridor B by post-2025/2030 as recommended by the 2006 MIS (Projects 14 and 15).

The results indicate that the WB morning travel times increase for 2011 as there are no planned WB improvements, but by 2015 and 2022 there are significant travel time improvements compared with the 2011 results. Results for 2030 illustrate travel time increases without Corridors A and B, whereas the inclusion of Corridors A and B results in greatly reduced travel times. The afternoon travel times are slightly decreased for the EB SR-91 project planned for 2011, whereas 2015 and 2022 improvements will significantly decrease EB travel speeds. These improvements will help manage the future growth for the SR-91 corridor. The current design of the SR-55/SR-91 interchange limits the ability to move traffic into north and central Orange County via SR-55, and significant future vehicle delays may result without major interchange improvements and downstream capacity increases or diversion to other corridors.

The introduction of Corridors A and B by post-2025/2030 offers the potential capacity to manage future SR-91 traffic demand in both directions. While both of these corridors are still concepts, they provide substantial relief to EB and WB traffic congestion in the future. Further feasibility studies will determine if one or both concepts move forward in the project development process. The charts below describe the travel time benefits by year including these various project concepts. The 2030 scenario shows travel time without the Corridor A and B improvements.

Figure 1-1 – Mainline Westbound SR-91 from I-15 to SR-57 A.M. Peak Hour Average Travel Time

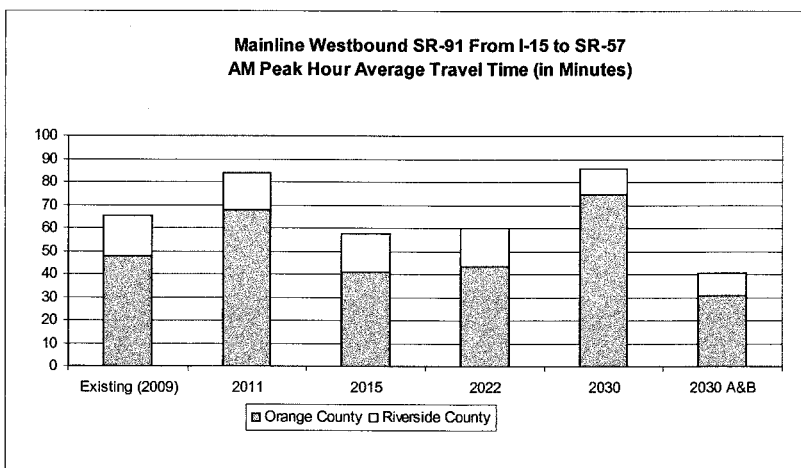
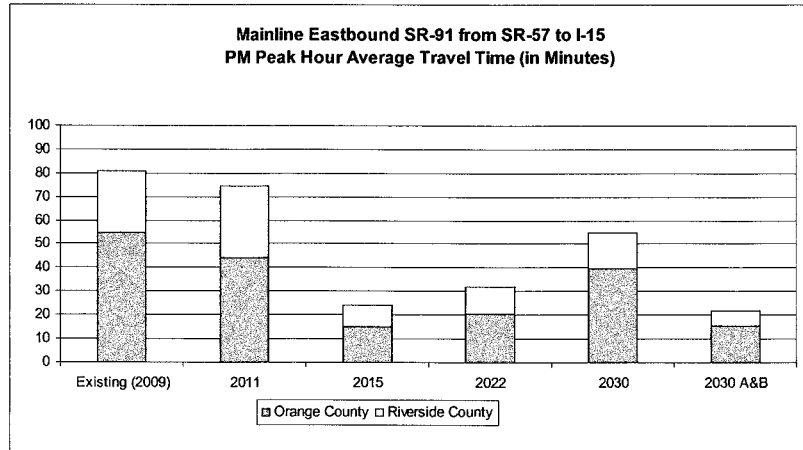


Figure 1-2 – Mainline Eastbound SR-91 from SR-57 to I-15 P.M. Peak Hour Average Travel Time



## PROJECT ACCOMPLISHMENTS

Much progress has been made since the initial 2003 SR-91 Implementation Plan was approved.

### Recently Completed Construction/Improvement Projects

As of May 2009, the following physical improvements have been constructed/implemented:

- ❖ Repaved and sealed pavement surfaces, replaced raised channelizers, and restriped lanes on the 91 Express Lanes.
- ❖ EB SR-91 restripe and median barrier reconstruction project that removed the CHP enforcement area and extended the EB auxiliary lane from SR-71 to the Serfas Club Drive off-ramp.
- ❖ Express Bus improvements are implemented for the Galleria at Tyler to South Coast Metro route.
- ❖ WB auxiliary lane extension between the County Line and SR-241. This project eliminated the lane drop at the 91 Express Lanes and extended the existing auxiliary lane from the County Line to SR-241 in the westbound direction. This improvement minimized the traffic delays at the lane drop area, resulting in improved vehicle progression.
- ❖ WB restripe project extended the auxiliary lane between SR-71 and the County Line resulting in a new continuous auxiliary lane between SR-71 & SR-241.
- ❖ Safety Improvements at the Truck Scales. Existing shoulders were improved, lanes were re-striped,

illumination improved, and signage was modified into and out of the EB facilities.

- ❖ Green River Road overcrossing replacement.

These projects provided enhanced freeway capacity and improved mobility for one of the most congested segments of the freeway.

In addition, there are two projects that are currently in the project development phase that have a direct impact upon SR-91 widening projects. The first is the \$2 billion U.S. Army Corps of Engineers (Corps) Santa Ana River Mainstem (SARM) improvement project that provides flood protection from the recently improved Prado Dam (near SR-71) to the Pacific Ocean. As part of the Corps' project, existing riverbanks have been improved due to the increased capacity of the Prado Dam outlet works, which can now release up to 30,000 cfs compared to the previous facility capacity of 10,000 cfs. The only remaining segment of the Santa Ana River to be improved is Reach 9, which includes areas along SR-91 from the Coal Canyon Wildlife Corridor Crossing to SR-71. SR-91 project teams have coordinated with the Corps; Caltrans; and other federal, regional, and local agencies in order to accommodate future SR-91 improvements by the Corps bank protection project within Reach 9 by relocating the Santa Ana River while it would have been otherwise disturbed by the original Corps project to protect-in-place the riverbank protection for SR-91. This will greatly enhance the ability of Caltrans and other regional transportation agencies to implement many of the SR-91 improvement projects listed herein. The Corps currently has 95% design plans completed for the improvements and are awaiting federal stimulus package funding allocation and disbursement prior to construction.



The other project with a direct impact to SR-91 is the \$100 million Santa Ana Regional Interceptor (SARI) sewer trunk line relocation. The existing SARI line is within the Santa Ana River floodplain and is in jeopardy of failure due to scour from the potential increased flood releases by the aforementioned Corps project. In order to relocate the proposed 48-inch diameter SARI line outside of the floodplain, which is immediately adjacent to SR-91, highway R/W needs to be relinquished to the Orange County Flood Control District (OCFCD) for location of the SARI line. SR-91 project teams have coordinated with the OCFCD; Caltrans; and other federal, regional, and local agencies in order to accommodate planned SR-91 improvements within the R/W subsequent to relinquishment. This project initiated the preliminary engineering phase in early 2009 and is scheduled to complete construction by summer 2012.

### Recently Completed PSR's and other Reports

In addition to the physical improvements in the corridor, there are several reports and PSR's that are completed, in draft form, or anticipated to be approved that identify improvements that will provide improved mobility. The reports and PSR's include:

- ❖ Project Study Report "On State Route 91 Between the SR-91/SR-55 Interchange and the SR-91/SR-241 Interchange in Orange County" (April 2004).
- ❖ MIS – Final Project Report: Locally Preferred Strategy Report (January 2006).
- ❖ Project Study Report "On Route 91 from State Route 241 in Orange County to Pierce Street in the City of Riverside in Riverside County" (October 2006).
- ❖ Renewed Measure M Transportation Investment Plan (November 2006).
- ❖ Project Study Report for SR-71/SR-91 Interchange (December 2006).
- ❖ RCTC 10-Year Western County Highway Delivery Plan (December 2006).
- ❖ Renewed Measure M Early Action Plan, approved August 2007.
- ❖ SR-91 from SR-57 to SR-55 Feasibility Study (anticipated by May 2009).
- ❖ 91 Express Lanes Extension and State Route 241 Connector Feasibility Study (March 2009).
- ❖ SR-91/Fairmont Boulevard Feasibility Study (anticipated by June 2009).
- ❖ Plans, Specifications and Estimates (PS&E) for Eastbound SR-91 lane addition from SR-241 to SR-71 (2009).
- ❖ Renewed Measure M Strategic Plan (anticipated by June 2009).

### Updates from the 2008 SR-91 Implementation Plan

In addition, to the improvements and progress noted above, the following projects that were included in the 2008 SR-91 Implementation Plan have been modified or dropped for the 2009 Plan:

- ❖ The Green River Road interchange improvements have been completed and the project is deleted from the 2009 Plan.
- ❖ The Fairmont Boulevard improvements (Project 9) alternative for drop ramps into the 91 Express Lanes has been deleted. A traditional interchange or overcrossing alternative are still included as viable options.
- ❖ An eastbound SR-91 widening project from SR-57 to SR-55 (Project 12) has been added for 2009.
- ❖ The SR-55/SR-91 interchange improvements (Project 13) schedule has been changed from 2020 completion to post-2025/2030.
- ❖ The 2020 horizon year has been updated to 2022 to capture projects that will be implemented before 2025.
- ❖ Various project costs and schedules have been updated from the 2008 Plan based on continued project development.

**OVERVIEW**

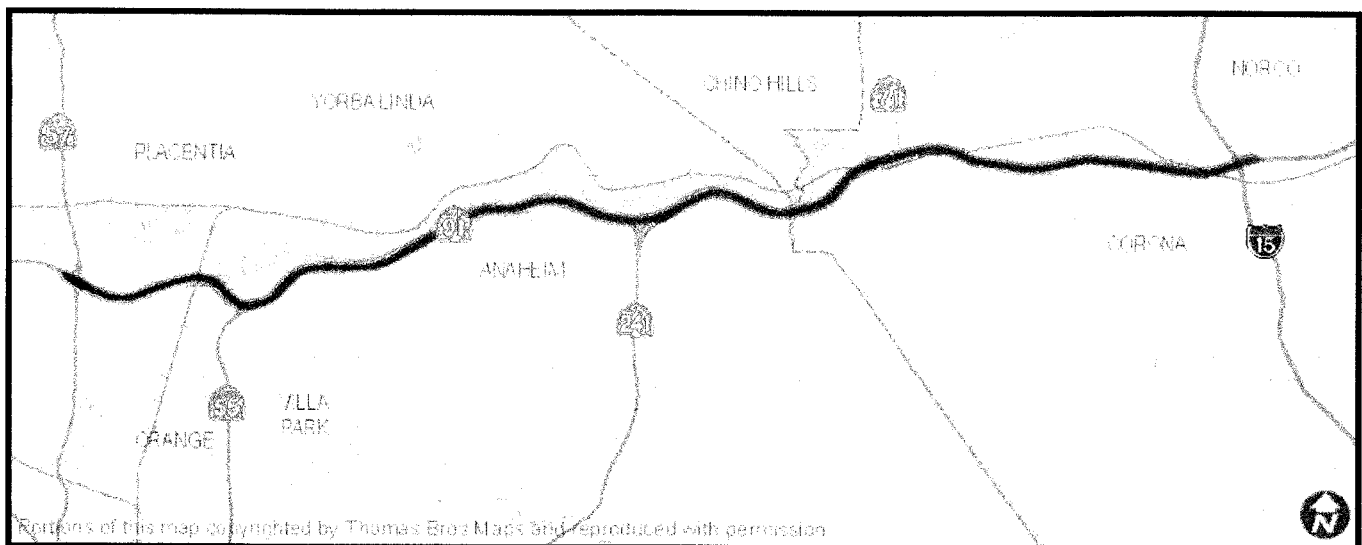
The 2009 Plan describes projects, implementation schedules, key consideration, benefits, and costs (in 2009 dollars, or as noted) for major projects through post-2025/2030. Most of the projects identified in this Implementation Plan are based on the MIS that was completed in January 2006. The projects are presented based on potential implementation schedules and priorities established in the MIS. The schedules for implementation of the packages of projects include 2011, 2015, 2022, and post-2025/2030. The 2011 and 2015 projects are capable of being implemented through the project development process with minimal to moderate environmental constraints. Some of the longer-range projects for 2022 and post-2025/2030 require more significant planning and environmental assessment prior to design.

Each of the project improvements includes an estimate of project schedules. It is important to note that implementing various time saving measures, such as design-build or contractor incentives for early completion, may potentially reduce project schedules. The implementation phases are defined as follows:

- ❖ **Conceptual Engineering = Pre-Project Study Report (Pre-PSR)** – Conceptual planning and engineering for project scoping and feasibility prior to initiating the PSR phase.
- ❖ **Preliminary Engineering = Project Study Report (PSR)** – Conceptual planning and engineering phase that allows for programming of funds.
- ❖ **Environmental = Project Report/Environmental Documentation (PR/ED)** – The detailed concept design that provides environmental clearance for the project and programs for final design and right of way acquisition. The duration for this phase is typically 2-3 years.
- ❖ **Design = Plans, Specifications and Estimates (PS&E)** – Provide detailed design to contractors for construction bidding and implementation.
- ❖ **Construction** = The project has completed construction and will provide congestion relief to motorists.

The intent of these implementation plan project packages is to provide an action list for OCTA, RCTC and Caltrans to pursue in the project development process or for initiating further studies.

Figure 2-1 – SR-91 Project Study Area from SR-57 to I-15

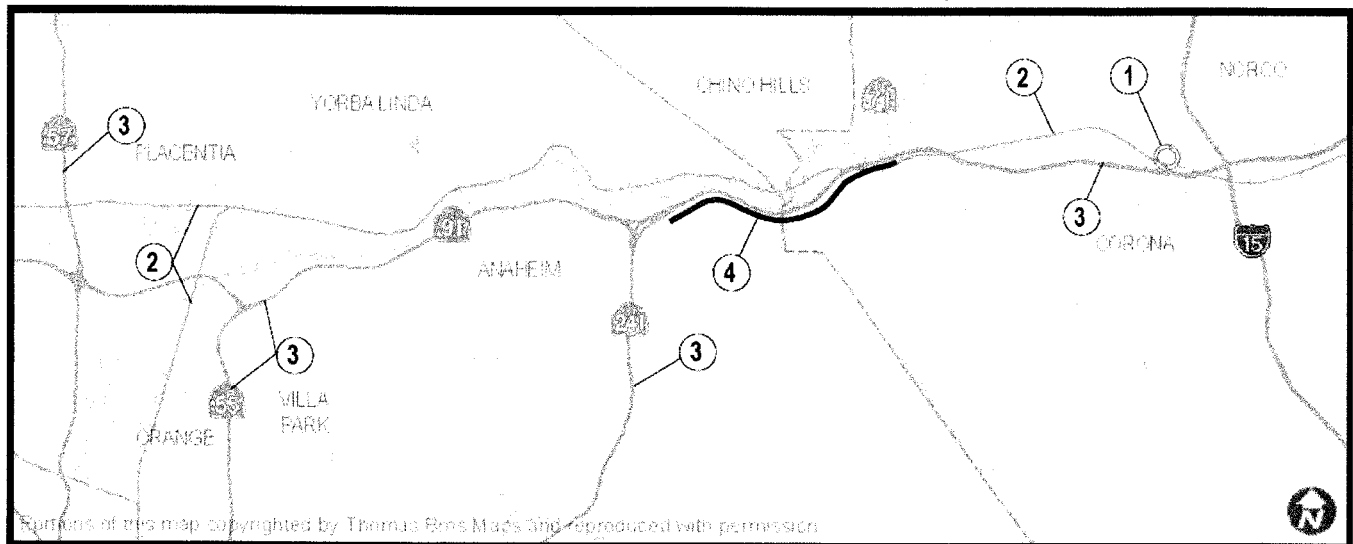


# By Year 2011

The first set of projects will be completed by 2011 and includes four improvements at a total cost of approximately \$144 million (in 2009 dollars). The projects include a new parking structure at the North Main Street Corona Metrolink Station, Metrolink service improvements, Express Bus improvements, and the EB SR-91 lane addition from near SR-241 to SR-71. Most of these projects are in the process of preliminary engineering, final design, construction, or procurement and implementation. These projects are recommended for the first few years of the Plan and will provide mobility improvements to the corridor when implemented. Most of these near term projects provide immediate operational benefits with a minimum of effort required relative to environmental documentation and Right-of-Way constraints.

Project No.	Project Summary	Cost (\$M)
1	North Main Street Corona Metrolink Station Parking Structure	25.0
2	Metrolink Short-Term Expansion Plan	35.4
3	Express Bus Improvements – Orange County to Riverside County	9.5
4	Eastbound Lane Addition from SR-241 to SR-71	74.5
<b>SUBTOTAL</b>		<b>144.4</b>

Figure 2-2 – Summary of Projects for Implementation By 2011



# North Main Street Corona Metrolink Station Parking Structure

**Project No:** 1

**Anticipated Completion:** 2009

## Project Cost Estimate

Capital Cost	\$ 20,000,000
Support Cost	\$ 5,000,000
R/W Cost	\$0
Total Project Cost	\$ 25,000,000

## Project Schedule

Preliminary Engineering	Completed
Environmental	Completed
Design	Completed
Construction	2008-2009

## Project Description

The project will provide a six level parking structure with 1,065 parking stalls. The construction is within the existing North Main Street Metrolink station property in Corona.

## Key Considerations

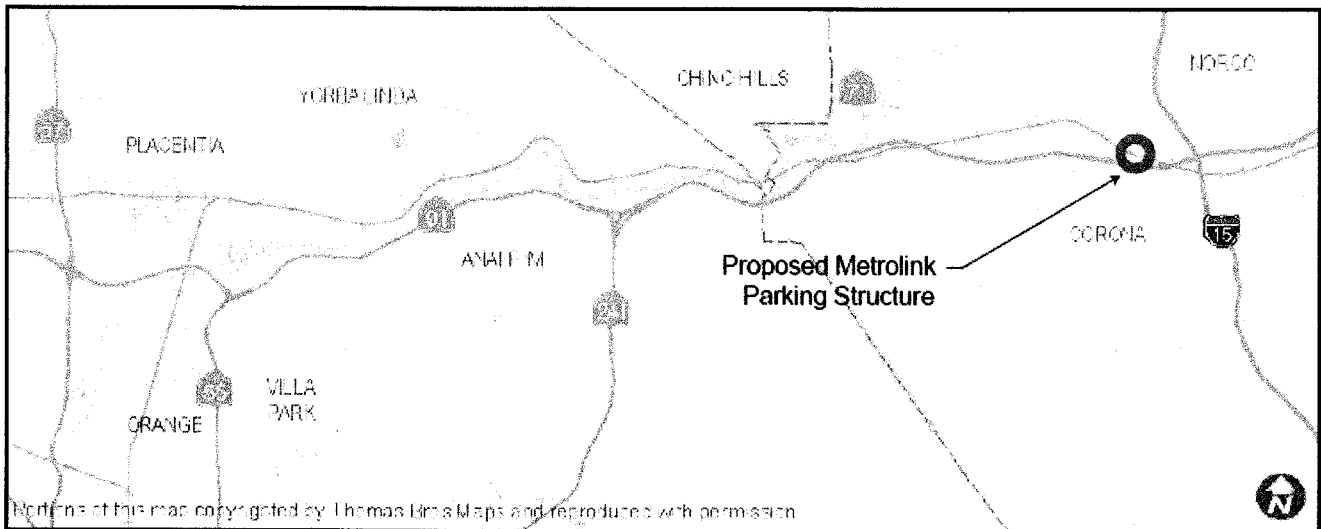
Maintaining parking for passengers temporarily displaced by the new construction is a significant issue. Addressing this issue involves providing additional parking, shuttle service, and encouraging passengers to use adjacent stations during construction. Proposed improvements will be constructed within existing right of way.

## Benefits

Demand for parking currently exceeds the capacity at the North Main Street Corona station. New parking capacity will allow Metrolink ridership to increase thereby diverting vehicle trips from SR-91.

## Current Status

Construction was initiated in January 2008 and is scheduled to be completed by June 2009. The project is funded with Federal Congestion Management and Air Quality (CMAQ) funds.



# Metrolink Short-Term Expansion Plan

<b>Project No:</b>	2
<b>Anticipated Completion:</b>	2010
<hr/>	
<b>Project Cost Estimate</b>	
OCTA Project Cost	\$ 35,400,000
<b>Project Schedule</b>	
To be completed by 2010	

## Project Description

Orange County Transportation Authority (OCTA), working with the Riverside County Transportation Commission (RCTC), San Bernardino Associated Governments (SANBAG), and the Southern California Regional Rail Authority (SCRRA), plans a short-term expansion of train service from the Inland Empire to Orange County. More trains are planned on the Inland Empire - Orange County (IEOC) line that currently runs between San Bernardino, Riverside, and Orange counties as well as the "91 Line" that goes from the Inland Empire to Los Angeles via Orange County, paralleling SR-91.

Currently, 16 trains a day run on the IEOC line and nine trains on the 91 Line for a total of 25 daily trains. The short-term expansion adds four additional IEOC trains and four additional 91 Line trains by 2010 for a total of 33 daily trains, subject to negotiations with Burlington Northern Santa Fe (BNSF), RCTC, and Los Angeles County Metropolitan Transportation Authority (LACMTA). The planned short-term expansion is necessary to accommodate population and employment growth in the region as well as make the current service more convenient.

## Current Status

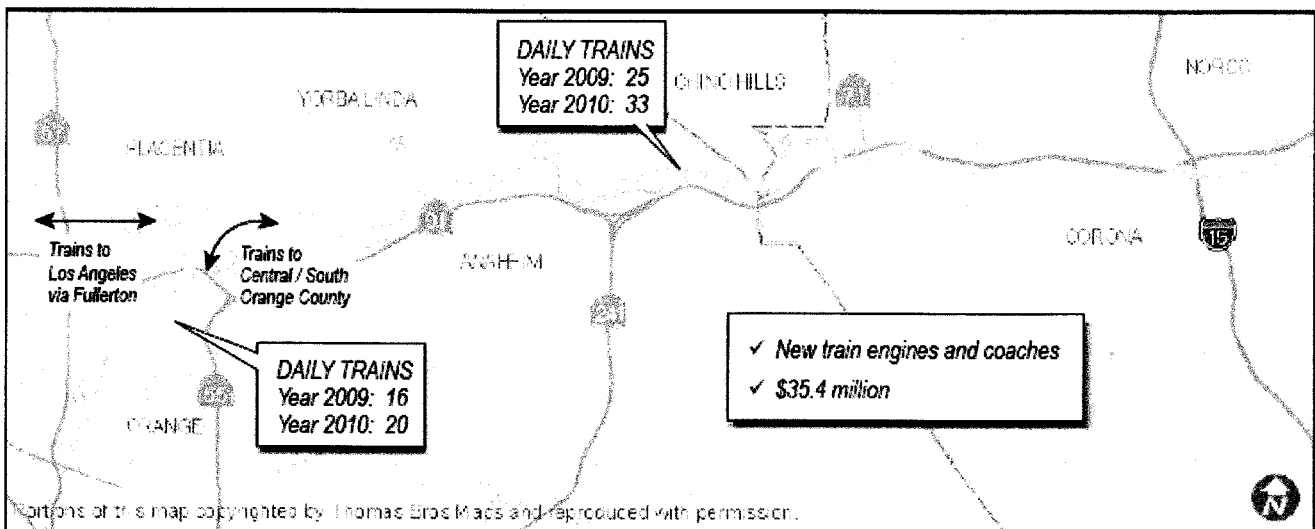
SCRRA equipment procurement is underway with Rotem Company for the purchase of trailer and cab cars, and also with MotivePower, Inc. for locomotives.

## Key Considerations

Capital costs necessary for this expansion includes the purchase of engines and coaches to operate the new service. OCTA costs are estimated at \$35.4 million. The long-term plan (by 2020) adds more service and requires a significant capital investment, including an additional station in Placentia. Coordination has been ongoing with the Metrolink extension studies (see also Project #11 for long-term details).

## Benefits

Enables development of expanded Metrolink Service and improves efficiency, which will contribute to congestion relief on SR-91.



# Express Bus Improvements Orange County to Riverside County

**Project No:** 3

**Anticipated Completion:** 2011

**Project Cost Estimate**

Total Capital Cost \$ 9,500,000

Total Annual Operating Cost \$ 900,000

**Project Schedule**

Riverside/Corona to South Coast Metro implemented Fall 2006

Riverside/Corona to Tyler to Irvine Business Complex/UCI in FY 2010/2011

Riverside/Corona to North East Anaheim and CSUF in FY 2010/2011

Riverside/Corona to Anaheim Resort in FY 2010/2011

**Project Description**

Orange County Transportation Authority (OCTA), working with the Riverside County Transportation Commission (RCTC), and the Riverside Transit Agency (RTA), plans an extensive expansion of Express Bus service between Riverside and Orange counties. Commuters lack direct transit connections to many Orange County employment centers, and new Express Bus service will provide connections to employment centers in Anaheim, Costa Mesa, Fullerton, and Irvine.

Four Express Bus routes are planned from Riverside County to the Anaheim Canyon Business Center and California State University Fullerton; Anaheim Civic Center, Western Medical Center, and Anaheim Resort; and Irvine Business Complex and University of California, Irvine (UCI). Routes would run every 30 to 45 minutes in the peak period, and service will be tailored to match demand. Implementation began in Fall 2006 with the Riverside County to Hutton Centre and South Coast Metro route. The other routes are planned for implementation by Fiscal Year 2010/2011 contingent on future budget authority.

**Key Considerations**

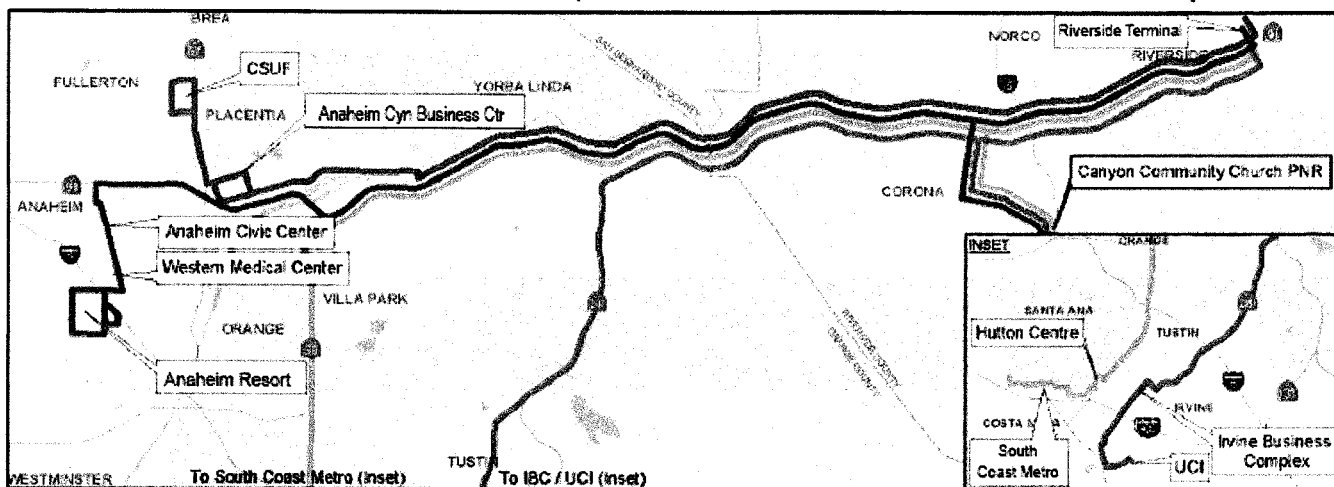
Operating costs are estimated at \$900,000 each year. Costs are shared by Orange and Riverside counties.

**Benefits**

Development of Express Bus services will contribute to congestion relief on SR-91.

**Current Status**

OCTA is developing a procurement plan to purchase additional vehicles. A cooperative agreement covering the Riverside/Corona to South Coast Metro service with Riverside County has been developed. The Riverside County to South Coast Metro Express Bus route is currently operating. Expansion of the program is dependent upon future financial commitments with Riverside County.



# Eastbound Lane Addition from SR-241 to SR-71

**Project No:** 4

**Anticipated Completion:** 2011

**Project Cost Estimate**

Capital Cost	\$ 59,000,000
Support Cost	\$ 14,300,000
R/W Cost	\$ 1,200,000
<b>Total Project Cost</b>	<b>\$ 74,500,000</b>

**Project Schedule**

Preliminary Engineering	Completed
Environmental	Completed
Design	2007-2009
Construction	2009-2011

**Project Description**

The project will provide an additional eastbound (EB) lane from the SR-91/SR-241 interchange to the SR-71/SR-91 interchange and will widen all EB lanes and shoulders to standard widths.

**Key Considerations**

Coordination with SR-91 Corridor Improvement Project (Project #7) will be required. Staged construction would be required for all ramp reconstruction and freeway widening. Freeway operations would most likely be affected by this project, however, freeway lane closures are not anticipated. An EB concrete shoulder will be constructed with a 12 foot width to provide for future widening as contemplated by Project #7 (SR-91 Corridor Improvement Project).

**Benefits**

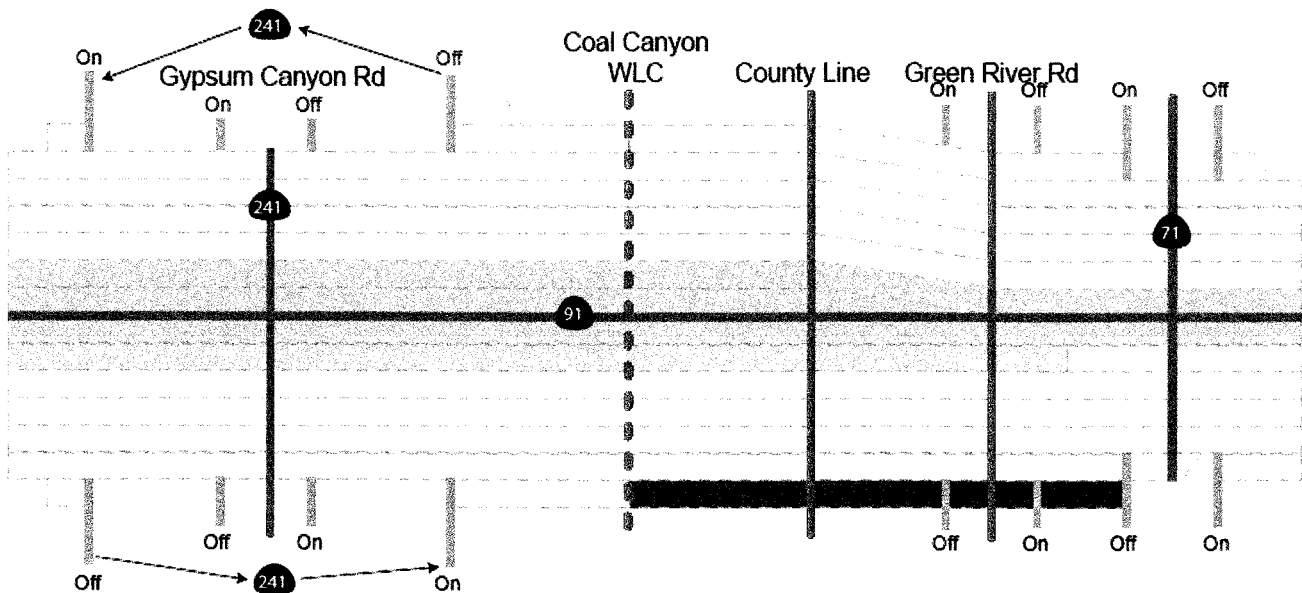
The lane addition would help to alleviate the weaving condition between SR-241 and SR-71, as well as remove vehicles from the SR-91 mainline that would be exiting at Green River Road and SR-71.

**Current Status**

The environmental phase was completed in December 2007. The project is currently in the design phase. Funding is from the Corridor Mobility Improvement Account (CMIA) with \$71.44M approved, and the balance of project costs are from other sources. Caltrans completed design and is performing right-of-way certification, which is anticipated for completion by May 2009. Construction is anticipated to begin in late 2009 and is scheduled to be completed by November 2011.

**LEGEND**

- Existing Highway
- Interchange/Ramp
- County Line
- HOV or HOT Lane
- Existing Lane
- Project Improvement Lane
- Existing Interchange

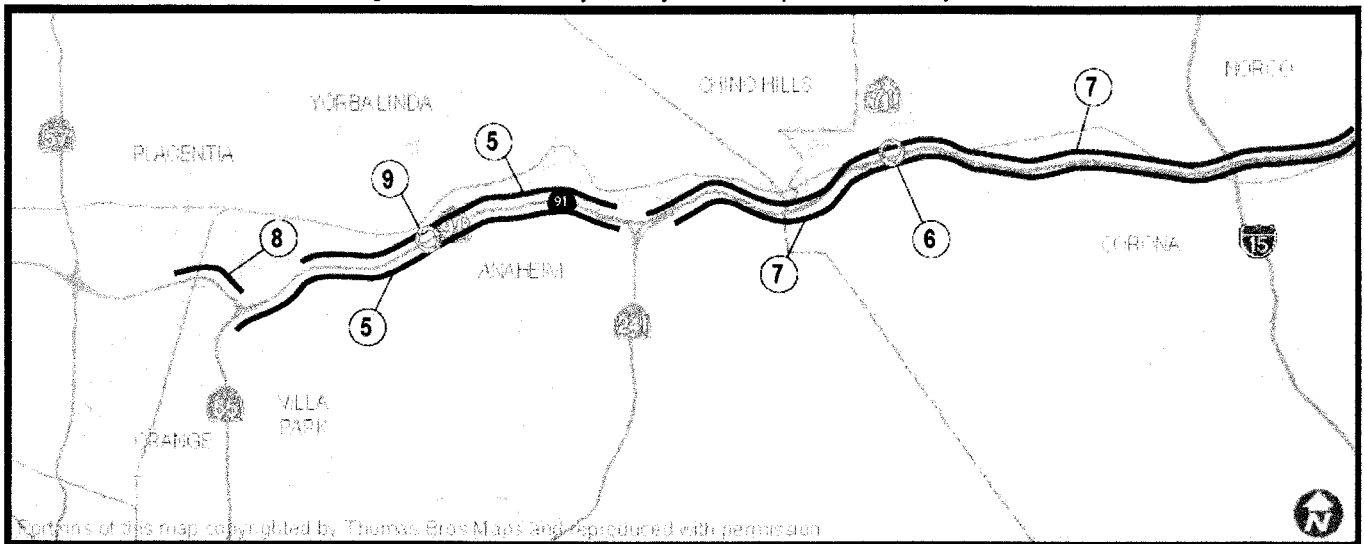


# By Year 2015

The next set of improvements includes five projects, which would be implemented by 2015 at a total cost of approximately \$1.9 billion (in 2009 dollars, or as noted). One of the projects includes SR-91 widening by one general purpose (GP) lane in each direction between SR-55 and SR-241. Another project is the interchange improvements at SR-71/SR-91. The third project is the SR-91 Corridor Improvement Project (CIP) from SR-241 to Pierce Street that will widen SR-91 by one GP lane in each direction east of SR-241, add CD Roads and Direct Connectors at I-15/SR-91, extend 91 Express Lanes to I-15, and add system interchange improvements. The other two projects that will be completed in this time frame include the WB lane at Tustin Avenue, and a potential new interchange at Fairmont Boulevard.

Project No.	Project Summary	Cost (\$M)
5	Widen SR-91 between SR-55 and SR-241 by Adding a 5 <sup>th</sup> GP lane in Each Direction	104.2
6	SR-71/SR-91 Interchange Improvements	117.5
7	Widen SR-91 by One GP Lane in Each Direction East of SR-241, CD Roads and Direct Connectors at I-15/SR-91, Extension of Express Lanes to I-15, and System Interchange Improvements	1,542
8	SR-91 WB Lane at Tustin Avenue	94.8
9	Fairmont Boulevard Improvements	44 - 76
<b>SUBTOTAL</b>		<b>1,903 - 1,935</b>

Figure 2-3 – Summary of Projects for Implementation By 2015





# Widen SR-91 between SR-55 and SR-241 by Adding a 5th GP Lane in Each Direction

<b>Project No:</b>	5
<b>Anticipated Completion:</b>	2014
<hr/>	
<b>Project Cost Estimate</b>	
Capital Cost	\$ 78,000,000
Support Cost	\$ 22,700,000
R/W Cost	\$ 3,500,000
<b>Total Project Cost</b>	<b>\$ 104,200,000</b>
<b>Project Schedule</b>	
Preliminary Engineering	Completed
Environmental	2007-2009
Design	2009-2011
Construction	2011-2014

### Project Description

This project proposes capacity and operational improvements by adding one general purpose (GP) lane on eastbound (EB) SR-91 from the SR-55/SR-91 connector to east of Weir Canyon Road interchange and on westbound (WB) SR-91 from just east of Weir Canyon Road interchange to the Imperial Highway (SR-90) interchange. Additionally, this project would facilitate truck traffic approaching the truck scales in both directions.

### Key Considerations

Coordination with the proposed Fairmont Boulevard project (Project #9) will be required. Caltrans is not considering relocation of the truck scales at this time.

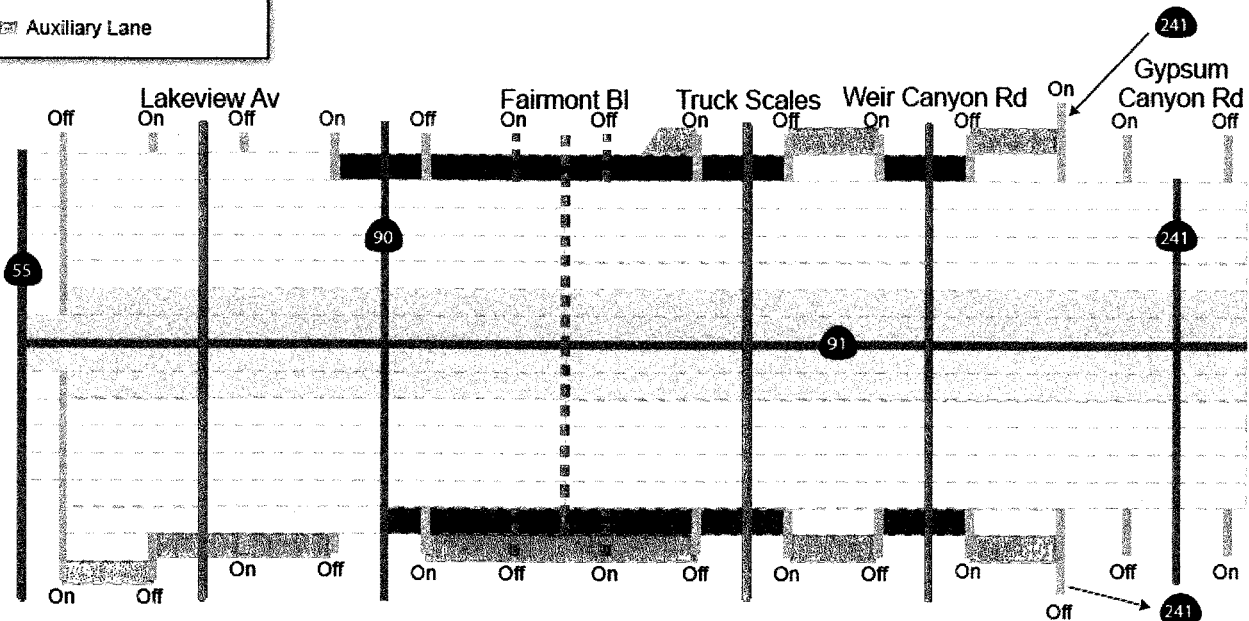
### Benefits

Alleviates congestion on WB SR-91 by eliminating the lane drop at the truck scales and providing a continuous GP lane to SR-90. Alleviates congestion on EB SR-91 by eliminating the lane drop for northbound (NB) SR-55 at SR-91 by providing an auxiliary lane to Lakeview Avenue, and at SR-90 by providing a continuous GP lane to Weir Canyon Road.

### Current Status

Preliminary engineering was completed and approved by Caltrans. The environmental phase is underway and is anticipated to be completed by May 2009. The project received \$22M of Corridor Mobility Improvement Account (CMIA) funding and \$74M of State Transportation Improvement Program (STIP) Augmentation funds.

LEGEND	
	Existing Highway
	Interchange/Ramp
	Existing Interchange
	Proposed Interchange
	HOV or HOT Lane
	Existing Lane
	Project Improvement Lane
	Auxiliary Lane



Project No: 6

Anticipated Completion: 2015

**Project Cost Estimate\***

Total Project Cost \$ 117,500,000

**Project Schedule**

Preliminary Engineering	Completed
Environmental	2008-2010
Design/Construction	2010-2015

\* Costs derived from RCTC 10-Year Delivery Plan escalated to year of construction.

**Project Description**

The current project is anticipated to include a new two-lane direct connector flyover from eastbound (EB) SR-91 to northbound (NB) SR-71, and modifications to the existing Green River Road EB SR-91 On-Ramp to a braided connector.

**Key Considerations**

Project improvements need to be coordinated with the following projects: SR-91 Eastbound Lane Addition (Project #3), the SR-91 Corridor Improvement Project (CIP) (Project #7), and the SR-241/SR-91 High Occupancy Vehicle (HOV)/High Occupancy Toll (HOT) Direct Connector (Project #10). The Green River Road Overcrossing Replacement was recently completed and consists of replacing the existing Green River Road Overcrossing with a new six-lane wide, 4-span overcrossing to accommodate future widening of SR-91 by Projects #4, #7 and #10. The SR-91 Eastbound Lane Addition (Project #4) is undergoing final design and is scheduled to start construction in the Fall of 2009. The SR-91 CIP (Project #7) is in the environmental phase, concurrent with Project #6. A feasibility study for the SR-241/SR-91 HOV/HOT Connector (Project #10) is currently under way, which includes three alternatives for further study and includes one alternative with a third managed lane in each direction to SR-71/SR-91 that could impact the ramp and collector-distributor (CD) road merge areas with SR-91.

Close coordination with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and Department of Fish and Game will also be required as the connector crosses the Santa Ana River below the Prado Dam. In addition, implementation of Major Investment Study (MIS) Corridor A (Project #14) within the median of SR-91 will require the need for a three-level crossing of SR-91 and the proposed SR-71 direct flyover connector improvement. Coordination will be required with an at-grade or grade-separated managed lane ingress/egress facility that may be near the County Boundary as part of the SR-91 CIP (Project #7).




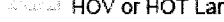


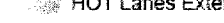

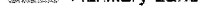

**Benefits**

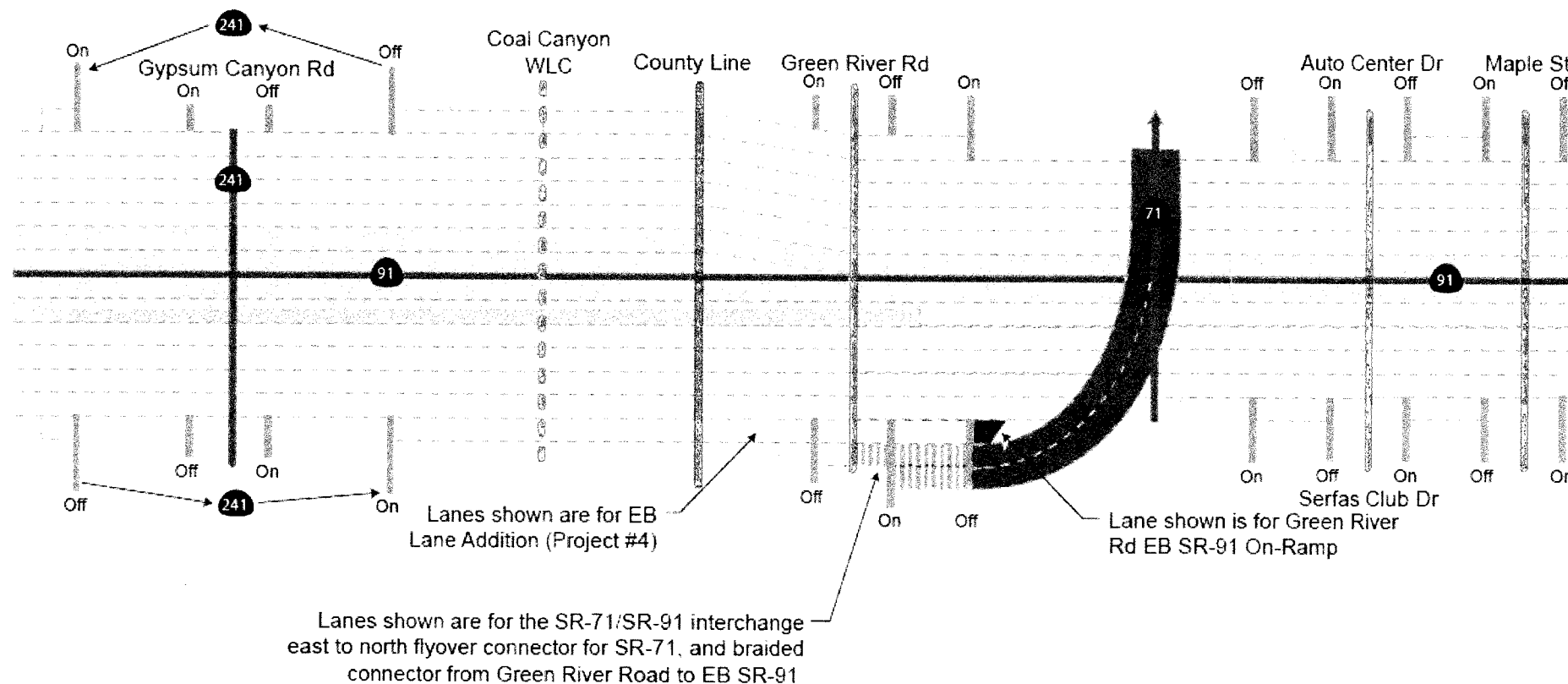
The project will provide a new direct connector improvement from EB SR-91 to NB SR-71, replacing the geometric choke point created by the existing connector. The project will also improve traffic operations and operational efficiency by eliminating or minimizing weaving conflicts through the use of auxiliary lanes and by relocating the lane-drop easterly to Serfas Club Drive. The EB CD road system will reduce mainline SR-91 traffic by diverting traffic bound for SR-71.

**Current Status**

Preliminary engineering was completed and approved by Caltrans. This project is currently in the environmental phase, which commenced in February 2008 and is anticipated to be completed by early 2010.

**LEGEND**

-  Existing Highway
-  Interchange/Ramp
-  County Line
-  HOV or HOT Lane
-  Existing Lane
-  Project Improvement Lane
-  HOT Lanes Extension
-  CD Road
-  Auxiliary Lane
-  Project #4 Improvements



# Widen SR-91 by One GP Lane in Each Direction East of SR-241, CD Roads and Direct Connectors at I-15/SR-91, Extension of Express Lanes to I-15 and System Interchange Improvements

## Project Description

The approved Project Study Report (PSR) for the SR-91 Corridor Improvement Project (CIP), from SR-241 to Pierce Street, recommended the addition of a 5th lane in each direction, the addition of auxiliary lanes at various locations, and the addition of collector-distributor (CD) lanes at the SR-71/SR-91 interchange (now part of Project #6) and at the I-15/SR-91 interchange. Subsequently, the Riverside County Transportation Commission's (RCTC) 10-Year Delivery Plan recommended the following improvements, in addition to the PSR recommended improvements: the extension of the High Occupancy Toll (HOT) lanes from the SR-241 to I-15, the construction of SR-91/I-15 High Occupancy Vehicle (HOV)/HOT median direct connectors, and the construction of one HOV/HOT lane in each direction from the I-15/SR-91 interchange southerly to I-15/Cajalco Road, and northerly to I-15/Hidden Valley Parkway.

## Key Considerations

Coordination among many of the SR-91 freeway projects that overlap in geographical limits is critical to successfully delivering these projects on schedule and for their estimated costs. Accommodating or at least not precluding future project work by the construction of current project work is a recurring theme for each of these projects. Minimizing conflicts in scope between projects requires direct coordination between each project team. Exacerbating this issue is the fact that future projects frequently have multiple alternatives under study, each with differing scope and construction footprints. Specifically, the project improvements need to continue to be coordinated with the SR-91 Eastbound (EB) Lane Addition (Project #4), the SR-71/SR-91 Connector Improvements (Project #6), and the SR-241/SR-91 HOV/HOT Connector (Project #10). In addition, an at-grade or grade-separated managed lane ingress/egress facility may be introduced near the County Line. Continued coordination will be required with the Santa Ana Regional Interceptor (SARI) Sewer Line Relocation and the U.S. Army Corps of Engineers riverbank protection project.

The Green River Road Overcrossing Replacement consisted of replacing the existing Green River Road Overcrossing with a new six-lane wide, 4-span overcrossing to accommodate future widening of SR-91, including Projects #4, #6 and #10. The SR-91 Eastbound Lane Addition (Project #4) will provide an additional EB lane on SR-91 from SR-241 to the SR-71/SR91 Interchange and widen all EB lanes and shoulders to standard widths. The SR-91 EB Lane Addition (Project #4) is undergoing final design and is scheduled to start construction in late 2009. The SR-71/SR-91 Interchange (Project #6) is anticipated to include a new direct connector flyover from EB SR-91 to northbound (NB) SR-71, modifications to the existing Green River Road EB SR-91 On-Ramp and the EB SR-91 to NB SR-71 ramp connector. The SR-241/SR-91 HOV/HOT Connector (Project #10) will provide a direct HOV/HOT connection between SR-241 and the 91 Express Lanes. A SR-241/SR-91 HOV/HOT Connector Feasibility Study (Project #10) is currently under way, which includes three alternatives for further study that will need to be coordinated with the proposed project.

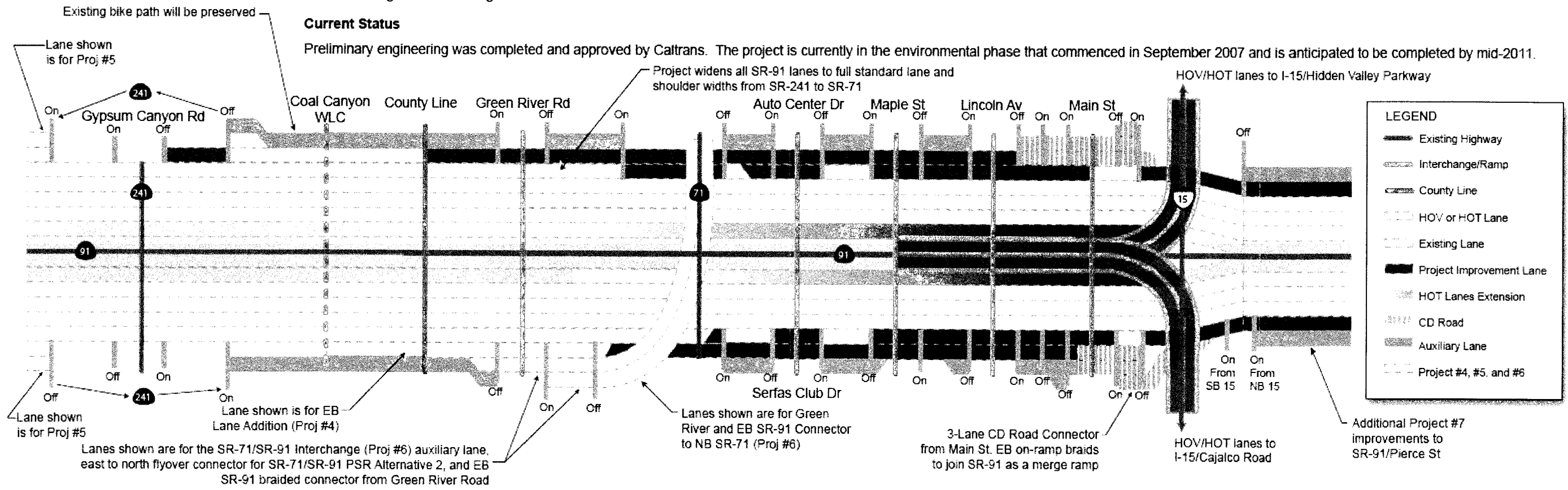
## Benefits

The project will reduce congestion and delays by providing additional SR-91 capacity from SR-241 to Pierce Street and along I-15 from SR-91 to Cajalco Road to the south and to Hidden Valley Parkway to the north. Traffic operation will improve by eliminating or reducing weaving conflicts along SR-91 and I-15 by the use of CD roads and auxiliary lanes. The project will provide drivers a choice to use HOT lanes for a fee in exchange for time savings.

## Current Status

Preliminary engineering was completed and approved by Caltrans. The project is currently in the environmental phase that commenced in September 2007 and is anticipated to be completed by mid-2011.

<b>Project No:</b>	7
<b>Anticipated Completion:</b>	2015
<hr/>	
<b>Project Cost Estimate *</b>	
Total Project Cost	\$ 1,542,000,000
<hr/>	
<b>Project Schedule</b>	
Preliminary Engineering	Completed
Environmental	2007-2011
Design/Construction	2011-2015
<hr/>	
* Costs derived from RCTC 10-Year Delivery Plan escalated to year of construction.	



# SR-91 WB Lane at Tustin Avenue

**Project No:** 8

**Anticipated Completion:** 2015

**Project Cost Estimate\***

Capital Cost	\$ 62,300,000
Support Cost	\$ 29,200,000
R/W Cost	\$ 3,300,000
<b>Total Project Cost</b>	<b>\$ 94,800,000</b>

**Project Schedule\***

Preliminary Engineering	Completed
Environmental	2009-2011
Design	2011-2013
Construction	2013-2015

\* Costs and schedule are derived from 2008 STIP information

**Project Description**

The project will add a westbound (WB) auxiliary lane on SR-91 beginning at the northbound (NB) SR-55 to WB SR-91 connector through the Tustin Avenue interchange. The project will also reconstruct the Tustin Avenue overcrossing structure.

**Key Considerations**

The three build-alternatives within the Project Study Report (PSR), *On Westbound (WB) SR-91 Auxiliary Lane from the Northbound (NB) SR-55/WB SR-91 Connector to the Tustin Avenue Interchange*, require additional right-of-way. City of Anaheim utilities are within close proximity of the proposed widening section. Coordination may be required with SR-55/SR-91 interchange improvements (Project #12). Widening of the Santa Ana River bridge is required for all alternatives. Coordination will be required with SR-55/SR-91 improvements (Project #13), which includes a proposed WB SR-91 to SB SR-55 flyover connector. Coordination with the City of Anaheim will be required for potential widening of Tustin Avenue and/or the WB SR-91 Off-Ramp. A SR-91 Feasibility Study from SR-57 to SR-55 was initiated in 2008 and will evaluate improvements from Lakeview Avenue through Tustin Avenue.









**Benefits**

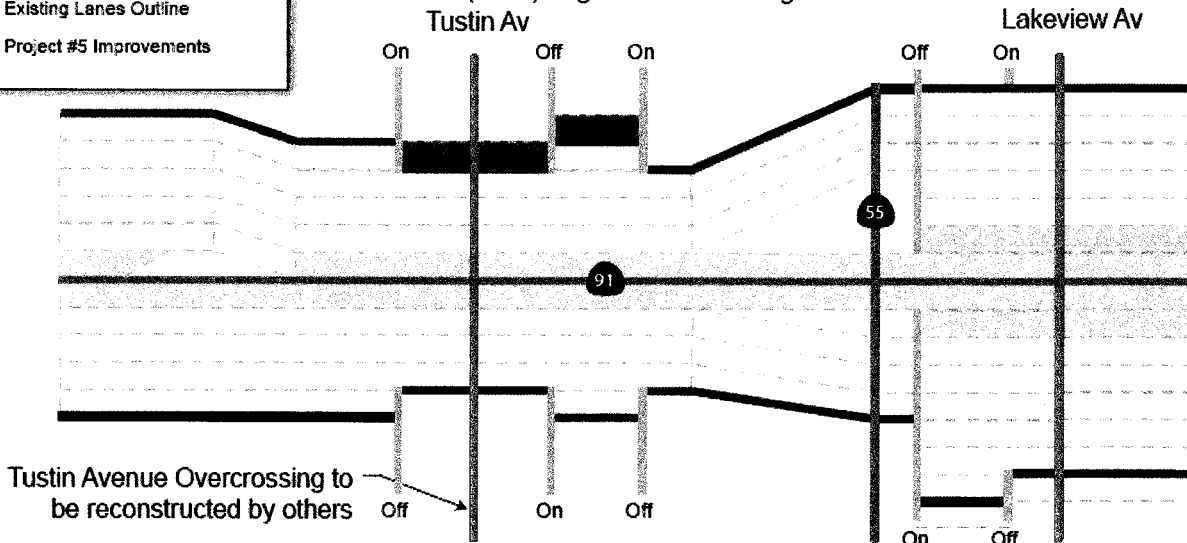
The project would reduce or eliminate operational problems and deficiencies on this section of WB SR-91 including weaving and merging maneuvers. This project would also address choke-point conditions, which are caused primarily by extensive weaving between the NB SR-55 to WB SR-91 connector and the WB SR-91 off-ramp to Tustin Avenue.

**Current Status**

Preliminary engineering was completed and approved by Caltrans. The environmental phase was initiated in early-2009. The project received \$91.43M in 2008 State Transportation Improvement Program (STIP) Augmentation funding.

**LEGEND**

-  Existing Highway
-  Interchange/Ramp
-  Existing Interchange
-  HOV or HOT Lane
-  Existing Lane
-  Project Improvement Lane
-  Existing Lanes Outline
-  Project #5 Improvements



# Fairmont Boulevard Improvements

**Project No:** 9  
**Anticipated Completion:** 2015

**Project Cost Estimate \***

Total Project Cost, Low \$ 44,000,000  
 Total Project Cost, High \$ 76,000,000

**Project Schedule**

Conceptual Engineering	2008-2009
Preliminary Engineering	2009-2010
Environmental	2010-2012
Design	2012-2013
Construction	2013-2015

\*R/W cost is undetermined at this time.  
 Cost does not include potential impact to Santa Ana River.

**Project Description**

The project would provide a new interchange with SR-91 at Fairmont Boulevard. A connection is proposed southerly into Anaheim as part of Option 2.

*Option 1* includes a new overcrossing at Fairmont Boulevard with SR-91 access. On- and off-ramps will connect Fairmont Boulevard to eastbound (EB) and westbound (WB) SR-91. Option 1 does not include a Fairmont Boulevard connection to Santa Ana Canyon Road to the south.

*Option 2* is similar to Option 1 but extends Fairmont Boulevard to connect to existing Santa Ana Canyon Road to the south of SR-91.

*Option 3* is a new overcrossing at Fairmont Boulevard, which will not provide SR-91 access.

**Key Considerations**

Coordination with SR-91 EB and WB widening (Project #5) is recommended as it may need to be constructed first or designed to accommodate the future interchange ramps. Interchange spacing and weaving issues (to SR-55) need to be evaluated for both options. Widening of SR-91 maybe needed to accommodate Option 1 and 2 ramps. Proximity of the Santa Ana River may require that the WB ramp junction for Option 1 be located north of the river. New connection requirements and interchange spacing needs to be considered.

**Benefits**

The interchange is expected to relieve congestion at SR-90, Lakeview Avenue, and Weir Canyon Road Interchanges. Additional accessibility with Option 2 is expected to increase utilization of the proposed interchange. Preliminary traffic modeling shows a 10-15% decrease in volumes at Weir Canyon and Imperial Highway interchanges with the Option 1 and 2 interchange alternatives.

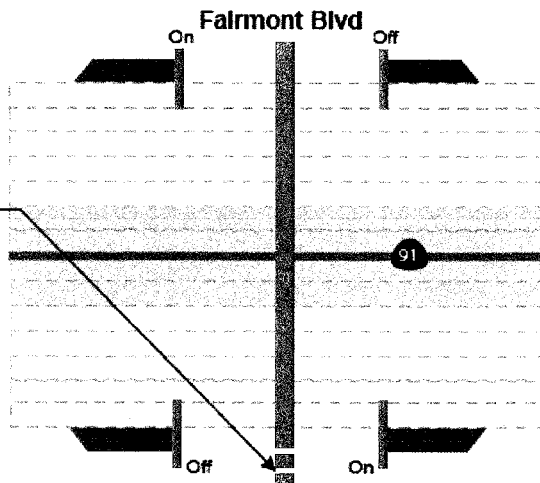
**Current Status**

The City of Anaheim initiated a year-long conceptual engineering study that began in June 2008. Multiple alternatives have been developed with the three most prominent alternatives featured herein.

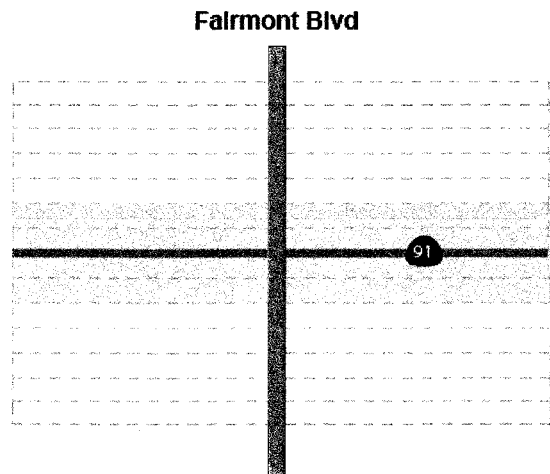
**LEGEND**

- Existing Highway
- Proposed Interchange/Ramp
- Existing Interchange
- HOV or HOT Lane
- Existing Lane
- Proposed Improvement Lanes
- Project #5 Improvements

**OPTION 1 & 2**



**OPTION 3**



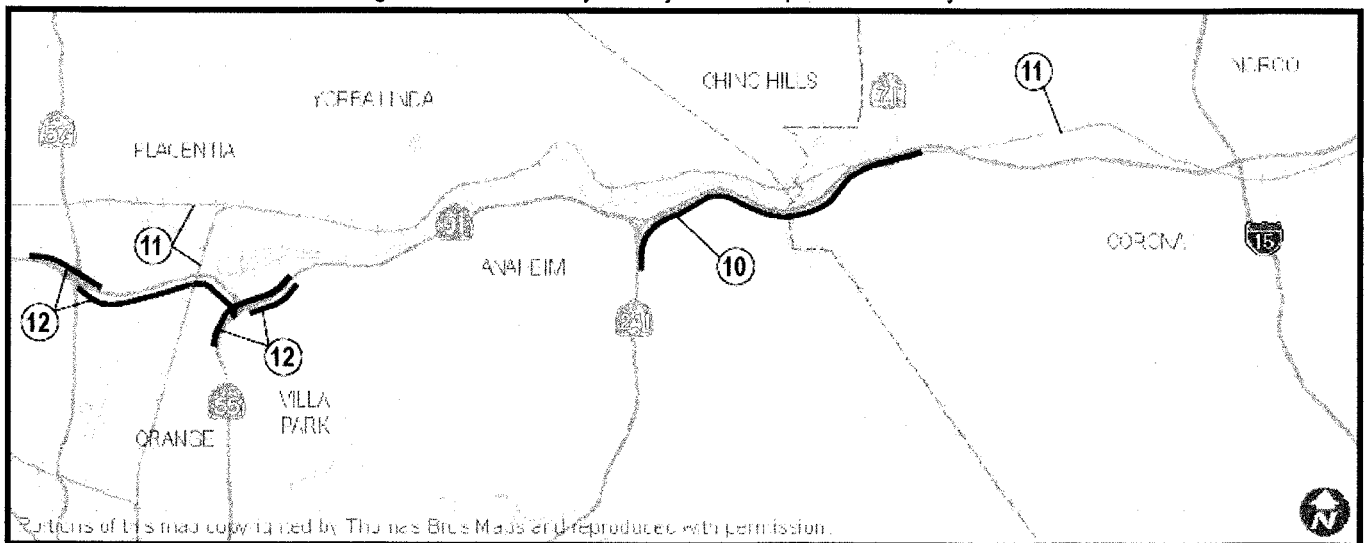
OPTION 2  
 Incl. Southerly  
 Connection to  
 Santa Ana  
 Cyn Rd

# By Year 2022

Projects for implementation by 2022 include the SR-241/SR-91 HOV/HOT connector improvements, a significant expansion of Metrolink service and station improvements, and SR-91 improvements between SR-57 and SR-55. OCTA, RCTC, and Caltrans will be initiating preliminary planning activities for these projects to ensure readiness when local, state, or federal funding becomes available. Consequently, there may be opportunities to advance these projects if additional funding is made available. Projects for implementation by 2022 are expected to cost approximately \$900 million to \$1.2 billion (in 2009 dollars, or as noted). Some of these projects may become components of post-2025/2030 projects.

Project No.	Project Summary	Cost (\$M)
10	SR-241/SR-91 HOV/HOT Connector	150 - 440
11	Metrolink Service and Station Improvements	335
12	SR-91 between SR-57 and SR-55	417
<b>SUBTOTAL</b>		<b>902 - 1,192</b>

Figure 2-4 – Summary of Projects for Implementation By 2022



# SR-241/SR-91 HOV/HOT Connector

**Project No:** 10  
**Anticipated Completion:** 2017

**Project Cost Estimate Range\***

Total Proj. Cost, Low \$ 150,000,000  
 Total Proj. Cost, High \$ 440,000,000

**Project Schedule**

Preliminary Engineering	2007-2009
Conceptual Engineering	2010-2011
Environmental	2011-2013
Design	2013-2015
Construction	2015-2017

\*Range assumes a 2-lane or 4-lane connector, extending as far as SR-71

**Project Description**

The SR-241/SR-91 High Occupancy Vehicle (HOV) / High Occupancy Toll (HOT) connector will carry northbound (NB) SR-241 traffic to eastbound (EB) SR-91 Express Lanes and carry westbound (WB) 91 Express Lanes traffic to southbound (SB) SR-241. Outside widening would be required mainly on the south side of SR-91 for realignment of EB lanes.

**Key Considerations**

Costs may vary significantly depending on the implementation of earlier projects. The HOV/HOT connector merges in the median of SR-91 and requires outside widening of SR-91 and realignment of the Gypsum Canyon interchange. Implementation of Major Investment Study (MIS) Corridor A (Project #14) may supercede the need for the HOV/HOT connector improvements as the project may become the west leg of Corridor A. The connector impact on SR-91 depends upon if the connectors are 4-lanes (toll-to-toll) or 2-lanes (HOV/HOT). The impact of the connector on the 91 Express Lanes may require the connector lanes to be extended, possibly to SR-71, which will require further evaluation. Toll collection issues would need to be resolved. Widening to accommodate the project could impact the collector-distributor (CD) road and retaining walls near the County Line, and is accommodated by the SR-71 connector (Project #6) as well as by the lanes added with Project #7, including the potential extension of 91 Express Lanes as currently proposed in Riverside County Transportation Commission's (RCTC) 10-Year Deliver Plan. Costs range from a 2-lane connector ending near Coal Canyon to a 4-lane connector ending near SR-71. Also, the project could be considered as a component of Project #7. Realignment of WB and EB SR-91 lanes may be required. In addition, an at-grade or grade-separated managed lane ingress/egress facility may be introduced near the County Line by Project #7. Nonstandard lane widths may be required at the Green River Road overcrossing.

**LEGEND**

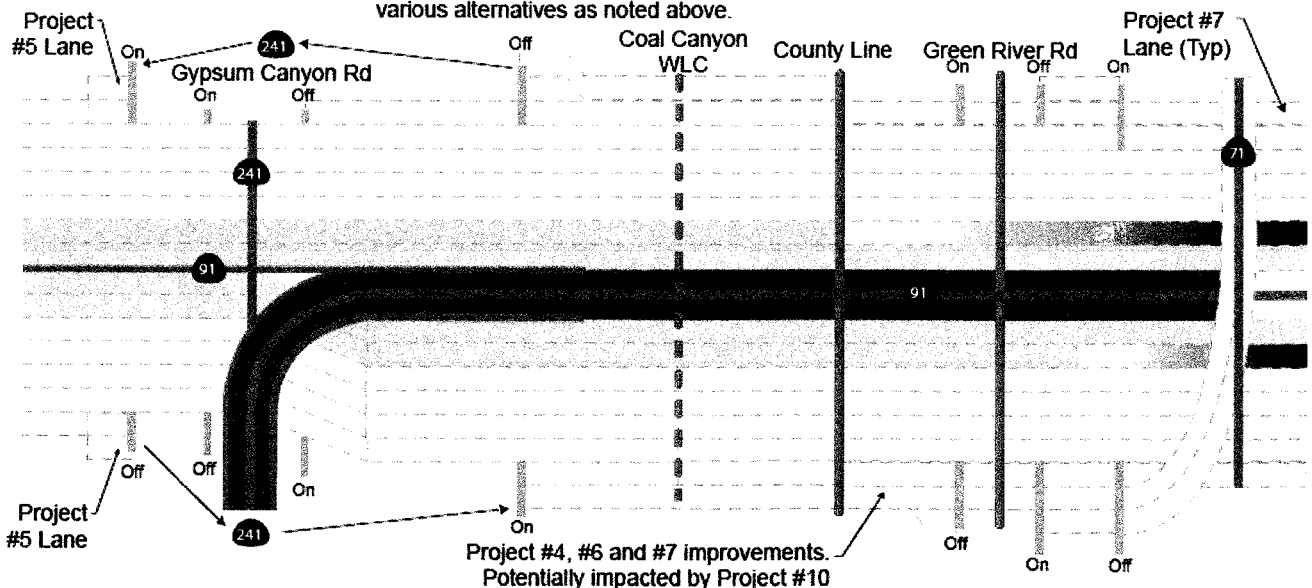
- Existing Highway
- Interchange/Ramp
- County Line
- HOV or HOT Lane
- Existing Lane
- Project Improvement Lane
- Express Lanes Extension
- Project #4, #5, #6, and #7 Improvements
- Existing Interchange

**Benefits**

Improves access to SR-241 and South County for traffic that does not currently utilize 91 Express Lanes, which also improves WB SR-91 by eliminating the need for toll users to weave across four general purpose lanes to use the existing SR-241 connector. Alleviates congestion on NB SR-241 and EB SR-91 by allowing SR-241 toll and/or HOV users to bypass the existing general purpose EB SR-91 direct connector. The project may provide a benefit to the Central County MIS.

**Current Status**

Preliminary engineering concepts for a SR-241/SR-91 direct connector have been developed by Transportation Corridor Agencies (TCA) and Caltrans. The 91 Express Lanes Extension and SR-241 Connector Feasibility Study was completed in March 2009 and was initiated to evaluate various alternatives as noted above.



# Metrolink Service and Station Improvements

<b>Project No:</b>	11
<b>Anticipated Completion:</b>	2020
<hr/>	
<b>Project Cost Estimate</b>	
Total Capital Cost	\$ 335,000,000
<hr/>	
<b>Project Schedule</b>	
To be completed by 2020	

## Project Description

Orange County Transportation Authority (OCTA), working with the Riverside County Transportation Commission (RCTC), San Bernardino Associated Governments (SANBAG), and the Southern California Regional Rail Authority (SCRRA), plans an extensive expansion of train service from the Inland Empire to Orange County. More trains are planned on the Inland Empire - Orange County (IEOC) line that currently runs between San Bernardino, Riverside, and Orange counties as well as the "91 Line" that goes from the Inland Empire to Los Angeles via Orange County, paralleling SR-91.

Currently, 16 trains a day run on the IEOC line and nine trains on the 91 Line. The long-term expansion plan builds on service levels that will be implemented by 2010 (Project #2). The "2010" plan includes four additional IEOC trains and four additional 91 Line trains for a total of 33 trains a day. The long-term plan adds another four IEOC trains and five 91 Line trains for a total of 42 daily trains. This planned expansion is necessary to accommodate population and employment growth in the region as well as make the current service more convenient.

## Key Considerations

The capital program is estimated to cost \$335 million, and costs would be shared by the member agencies of SCRRA and Burlington Northern Santa Fe (BNSF). Service levels are subject to negotiation with BNSF, RCTC, and Los Angeles County Metropolitan Transportation Authority (LACMTA).

## Benefits

Enables development of new Metrolink Services, which will contribute to congestion relief on SR-91.

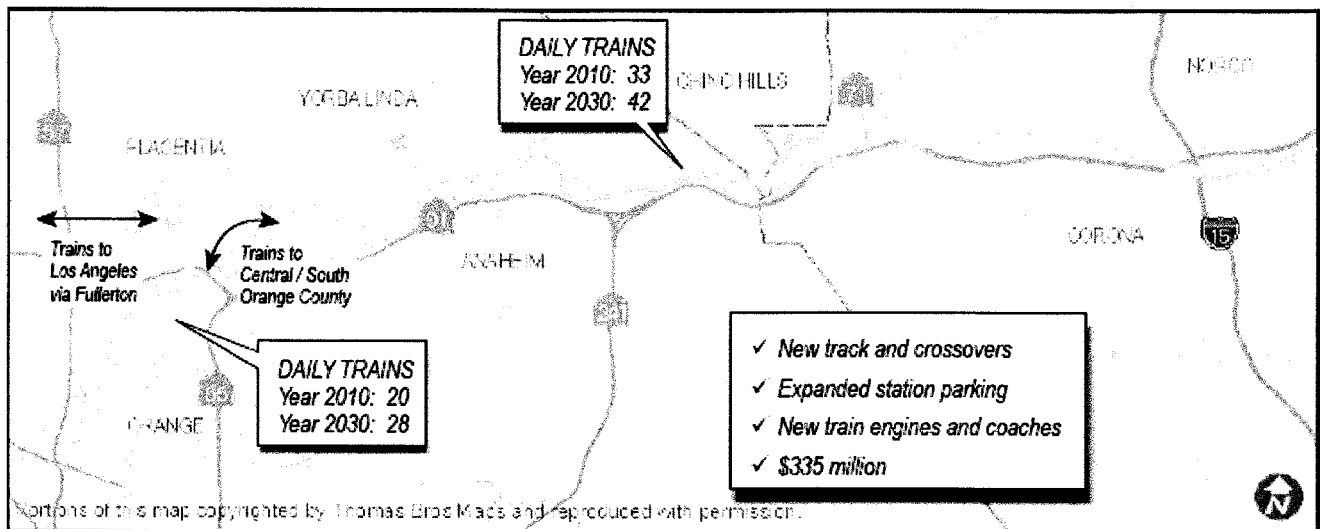
## Current Status

The proposed expansion is included in the Renewed Measure M program.

Capital improvements necessary for this expansion include a third track on sections of the rail line in Orange, Riverside, and San Bernardino counties; new crossovers at critical locations to allow trains to pass one another; new storage tracks in San Bernardino; parking improvements at key stations; and purchase of engines and coaches to operate the new service.

The City of Anaheim is proposing to construct the Anaheim Regional Transportation Intermodal Center (ARTIC). Phase I will be completed by 2015 and will relocate the existing Metrolink station from the Angel Stadium parking lot to the new ARTIC site east of SR-57, includes a new Metrolink and Amtrak service facility, and infrastructure improvements for California High-Speed Rail (CHSR) and bus services. Phase II build-out is anticipated by 2020 and includes new services based upon increased demand as well as Bus Rapid Transit (BRT) and a local fixed-guideway project. The Phase III ultimate build-out by 2030 includes additional terminal facilities with new regional services to include CHSR and the Anaheim to Ontario segment of the California-Nevada Super Speed Train (CNSST).

The City of Placentia is proposing to construct a new Metrolink commuter rail passenger station and parking lot in the City of Placentia. This project is scheduled to be completed in mid-2013.





# SR-91 between SR-57 and SR-55

**Project No:** 12  
**Anticipated Completion:** 2022

**Project Cost Estimate**

Capital Cost	TBD
R/W Cost	TBD
Support Cost	TBD
Management & Contingency	TBD
<b>Total Project Cost*</b>	<b>\$417,000,000</b>

**Project Schedule:**

Conceptual Engineering	2008-2009
Preliminary Engineering	2009-2010
Environmental	2010-2015
Design	2015-2018
Construction	2018-2022

\*Project cost in 2005 dollars from the Renewed Measure M program

**Project Description**

Improve the SR-57/SR-91 interchange complex, including nearby local interchanges, as well as adding freeway capacity between SR-55 and SR-57. A new connector from westbound (WB) SR-91 to southbound (SB) SR-55 will be constructed. Improvements also extend to State College Blvd to the west.

Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

**Key Considerations**

The proposed project improvements on WB and eastbound (EB) SR-91 between SR-57 and SR-55 may require right-of-way acquisition.

Coordination with the SR-91/SR-55 interchange improvement (Project #13) will be required. Coordination with the SR-91 WB Lane at Tustin Avenue improvements (Project #8) will be required.

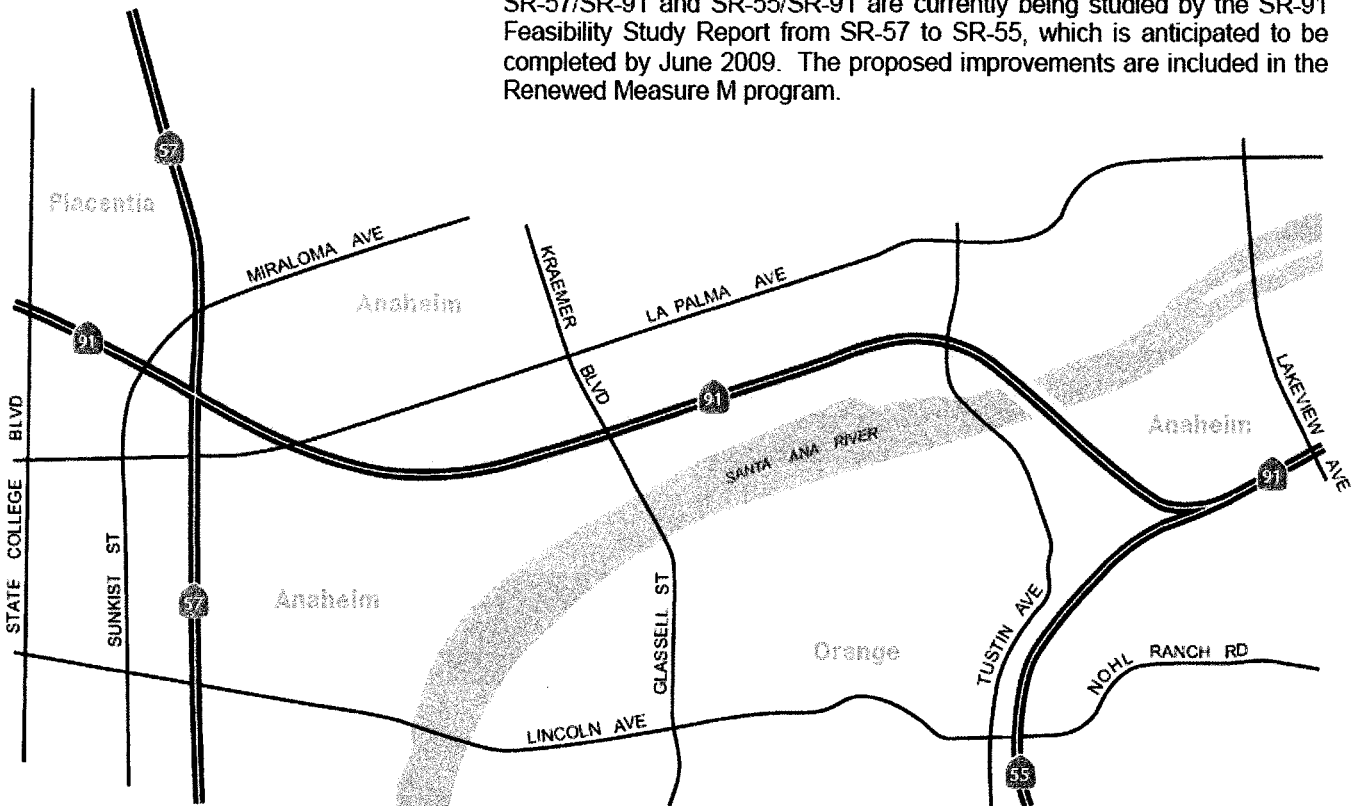
**Benefits**

The proposed project improvements on WB and EB SR-91 between SR-57 and SR-55 includes, among other features, adding one EB general purpose lane to achieve lane balancing. The project improvement will alleviate congestion and reduce delay.

The SR-57/SR-91 and SR-55/SR-91 interchange improvements are expected to provide congestion relief for SR-91 traffic.

**Current Status**

The project improvement for EB SR-91 widening and for improvements to SR-57/SR-91 and SR-55/SR-91 are currently being studied by the SR-91 Feasibility Study Report from SR-57 to SR-55, which is anticipated to be completed by June 2009. The proposed improvements are included in the Renewed Measure M program.

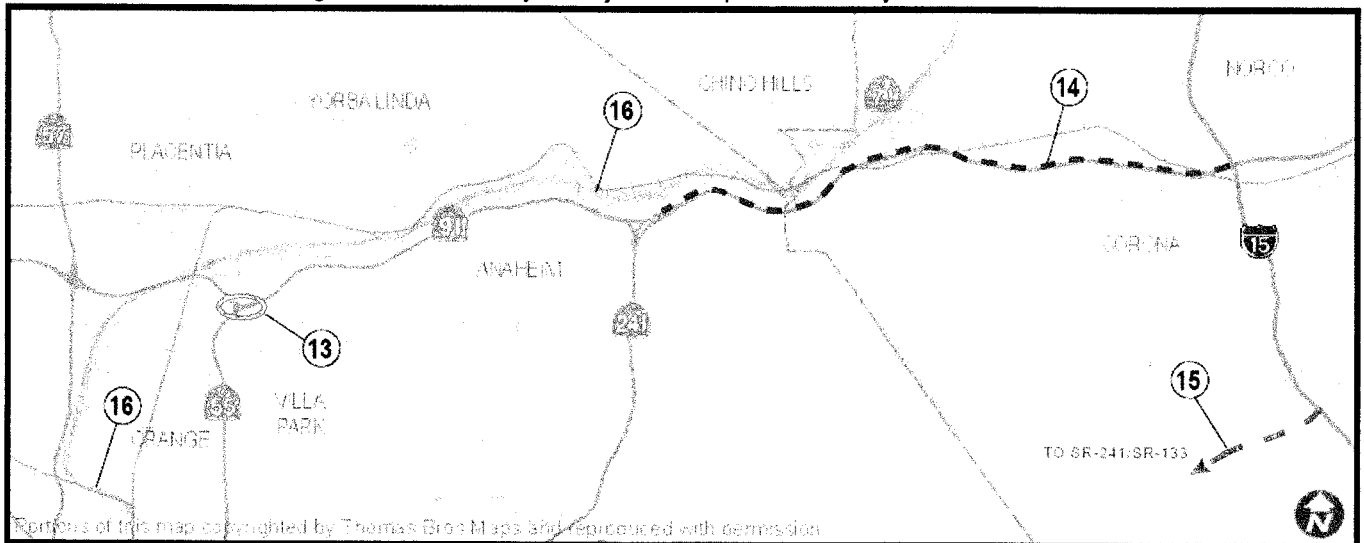


# By Year Post-2025/2030

Projects for implementation by post-2025/2030 focus on longer-lead time projects. This multi-billion dollar program includes: SR-55/SR-91 Interchange Improvements, an Elevated 4-Lane Facility (MIS Corridor A) from SR-241 to I-15, a 4-Lane Facility (MIS Corridor B) from SR-241/SR-133 to I-15/Cajalco Road, and the Anaheim to Ontario International Airport High Speed Rail. The \$200 million dollar SR-55/SR-91 interchange project and the other three, multi-billion dollar potential projects include significant environmental constraints and right of way requirements in addition to requiring a significant amount of planning, design, and future policy and public input. The Corridor A project may incorporate projects being developed in the earlier programs as project components, such that all projects may not be implemented within this project summary in addition to Corridor A.

Project No.	Project Summary	Cost (\$M)
13	SR-55/SR-91 Interchange Improvements	200
14	Elevated 4-Lane Facility (MIS Corridor A) from SR-241 to I-15	2,720
15	4-Lane Facility (MIS Corridor B) from SR-241/SR-133 to I-15/Cajalco Road	5,960
16	Anaheim to Ontario International Airport High Speed Rail	TBD
<b>SUBTOTAL</b>		<b>8,880+</b>

Figure 2-5 – Summary of Projects for Implementation by Post-2025/2030



# SR-55/SR-91 Interchange Improvements

**Project No:** 13

**Anticipated Completion:** Post-2025/2030

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**Project Cost Estimate**

Capital Cost	\$ 148,000,000
Support Cost (25%)	\$ 37,000,000
R/W Contingency (10%)	\$ 15,000,000
<b>Total Project Cost</b>	<b>\$ 200,000,000</b>

**Project Schedule**

Conceptual Engineering	2010-2011
Preliminary Engineering	TBD
Environmental	TBD
Design	TBD
Construction	TBD

**Note:** Project costs derived from the Riverside County - Orange County MIS, January 2006 and are in 2005 dollars

## Project Description

Improvements consist of adding SR-91 capacity by reconstructing the interchange, re-striping existing lanes, and modifying the connectors to and from SR-55 and SR-91. The improvements extend to Lakeview Avenue to the east and would include a new connector from westbound (WB) SR-91 to southbound (SB) SR-55.

## Key Considerations

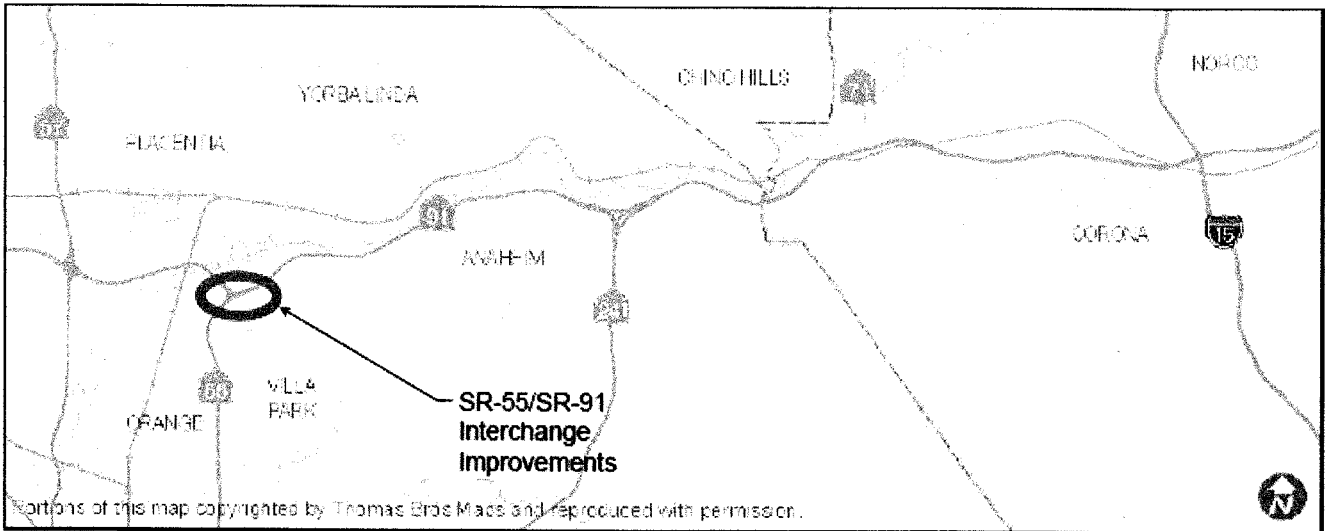
Right-of-way impacts, detailed SR-55/SR-91 interchange improvements, and downstream impacts to SR-55 require further evaluation in a subsequent phase of project development. Conceptual design of SR-55/SR-91 could be coordinated with SR-91 widening from SR-55 to SR-241 (Project #5), with improvements at SR-91 and Tustin Avenue (Project #8), and with the SR-91 Feasibility Study improvements from SR-57 to SR-55 (Project #12). The study for Project #12 is currently being conducted, however, it will not analyze significant improvements at SR-55/SR-91. Operational enhancements between SR-55 and Lakeview Avenue may provide some benefit for SR-55/SR-91 by addressing WB SR-91 weaving issues and by the proposed two-lane, right-hand direct connector exit from WB SR-91 to SB SR-55.

## Benefits

Interchange improvements are expected to provide congestion relief for SR-91 traffic and improve the connections to and from SR-91 and SR-55.

## Current Status

SR-55/SR-91 project information was derived from the Final Alternatives Evaluation and Refinement Report, December 2005, by the Riverside County - Orange County Major Investment Study (MIS). Conceptual engineering is scheduled for 2010/2011.



# Elevated 4-Lane Facility (MIS Corridor A) from SR-241 to I-15

## Project Description

The improvements primarily consist of constructing a new 4-lane elevated expressway near or within the Santa Ana Canyon with freeway-to-freeway connectors at SR-241 and I-15. The facility may include managed lanes and potential reversible operations.

## Key Considerations

Choice of alignment will be key to determining net capacity increase. Implementation of Corridor A may supercede the need for the direct connector improvement Project #10 (at SR-241/SR-91), depending on the potential extension of the 91 Express Lanes. Extensive right-of-way (R/W) will be required to implement the improvements if the alignment is not on the SR-91 corridor. If Project #7 is constructed and a 4-lane elevated facility is proposed within the median of SR-91 through Corona, extensive managed lane closures would be required during construction (thus temporarily reducing SR-91 capacity during construction).

Potential considerations for co-locating the Magnetic Levitation (Maglev) train (see Project #16) adjacent to Corridor A (and also SR-91) include providing a two-column structure with a barrier between the trains and vehicles. Concepts for Corridor A and Maglev within the SR-91 median could jeopardize future opportunities for managed lanes within the SR-91 median, such as the extension of 91 Express Lanes. An alternative could be studied for the median Corridor A viaduct along with reduced SR-91 geometric standards to minimize R/W impacts. Also, direct connectors (such as for High Occupancy Vehicle (HOV) / High Occupancy Toll (HOT) at I-15/SR-91) to/from the median could be precluded by Maglev columns located within the same median area. Caltrans and Maglev highway R/W, maintenance, safety, and operations considerations would need to be analyzed if shared use with a Maglev facility were pursued. Additional mitigation costs may be required for improvements to SR-241 and SR-133. Corridor A as managed lanes, with potential extension of 91 Express Lanes to I-15 (Project #7), may affect traffic distribution due to "parallel" tolled facilities.

**Project No:** 14

**Anticipated Completion:** TBD

### Project Cost Estimate\*\*

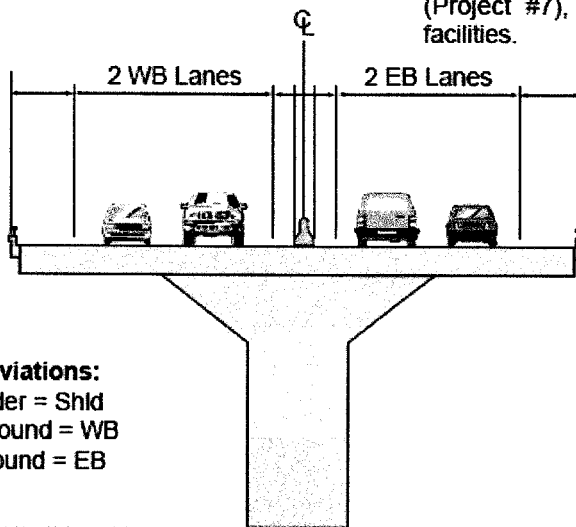
Capital Cost*	\$ 1,488,000,000
Support Cost (25%)	\$ 372,000,000
R/W Cost	\$ 860,000,000
<b>Total Project Cost</b>	<b>\$ 2,720,000,000</b>

### Project Schedule

Conceptual Engineering	TBD
Preliminary Engineering	TBD
Environmental	TBD
Design	TBD
Construction	TBD

\*Capital costs include \$160M for environmental mitigation excluding corresponding support cost, which is included in support cost estimate

\*\*Costs derived from Riverside County - Orange County MIS, January 2006 and are in 2005 dollars



**Abbreviations:**  
Shoulder = Shld  
Westbound = WB  
Eastbound = EB

Elevated 4-Lane Facility (MIS Corridor A) Cross-Section

## Benefits

The project would provide significant congestion relief by allowing vehicles to bypass the at-grade freeway lanes and local arterial interchanges between SR-241 and I-15. Connections are provided directly between SR-91, SR-241, and I-15.

## Current Status

This project is identified in the Riverside County - Orange County Major Investment Study (MIS) as part of the Locally Preferred Strategy to improve mobility between Riverside County and Orange County. Additional Conceptual engineering is being considered.

# 4-Lane Facility (MIS Corridor B) from SR-241/SR-133 to I-15/Cajalco Road

<b>Project No:</b>	15
<b>Anticipated Completion:</b>	TBD
<hr/>	
<b>Project Cost Estimate**</b>	
Capital Cost*	\$ 4,544,000,000
Support Cost (25%)	\$ 1,136,000,000
R/W Cost	\$ 280,000,000
<b>Total Project Cost</b>	<b>\$ 5,960,000,000</b>
<b>Project Schedule</b>	
Geotechnical Feasibility	2008-2009
Preliminary Engineering	TBD
Environmental	TBD
Design	TBD
Construction	TBD
*Capital costs include \$280M for environmental mitigation. Costs exclude approximately \$470M for SR-133 improvements.	
**Costs derived from Riverside County - Orange County MIS, January 2006 and are in 2005 dollars	

### Project Description

The improvements primarily consist of constructing a new 4-lane highway facility through the Cleveland National Forest with freeway-to-freeway connectors at SR-241/SR-133 and I-15/Cajalco Road. The facility may include managed lanes. The 4-lane facility would essentially be a continuation of SR-133 on the west end of the corridor, to I-15 on the east end.

### Key Considerations

Choice of facility type (nearly full-length tunnel, or other facility type with less tunneling) will be important to refine the cost of implementation. Determining groundwater levels will be key in determining alignments and allowable depths for the tunnel sections. Costs associated with Major Investment Study (MIS) Corridor B are shown for the nearly full-length tunnel option. Extensive right-of-way may be required to implement the improvements. Toll requirements will need further study.

### Benefits

The project would provide significant congestion relief by providing an alternative route between Orange and Riverside counties and would allow vehicles to bypass SR-91 between SR-241 and I-15. The project would not disrupt SR-91 traffic during construction and would allow for additional route selection for incident management, emergency evacuation, and for continuity of the highway network by linking SR-133 to I-15.

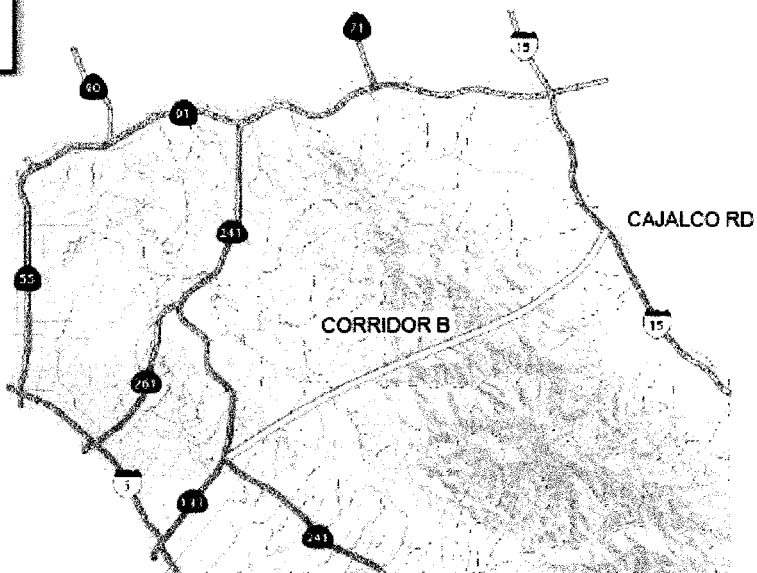
### Current Status

The Irvine Corona Expressway (ICE) project is identified in the MIS as part of the Locally Preferred Strategy to improve mobility between Riverside County and Orange County. Geotechnical field investigations were completed in November 2008, and five sites along the representative alignment will be studied for over a year.

**LEGEND**

Existing Highway

Corridor B (ICE) Representative Alignment



**NOTE: REPRESENTATIVE ALIGNMENT SHOWN FOR ILLUSTRATIVE PURPOSES ONLY**

# Anaheim to Ontario International Airport High Speed Rail



<b>Project No:</b>	<b>16</b>
<b>Anticipated Completion:</b>	<b>Post-2030</b>
<hr/>	
<b>Project Cost Estimate</b>	
To Be Determined	
<b>Project Schedule</b>	
To Be Determined	

## Project Description

Proposals for a new high speed rail corridor from Anaheim to Ontario are included in this project. This project includes an alternative that would use SR-91 right-of-way, or would be aligned adjacent to SR-91 right-of-way, or could potentially be co-located with the Major Investment Study (MIS) Corridor A (Project #14) alignment. Another alignment opportunity is being investigated along SR-57.

## Key Considerations

Alternative alignment impacts to SR-91 right-of-way envelope and/or Santa Ana River are undetermined. The choice of alignment will potentially impact MIS Corridor A (Project #14). Right-of-way (R/W) will be required to implement the improvements. Potential considerations for co-locating the Magnetic Levitation (Maglev) train adjacent to Corridor A (and also SR-91) include providing a two-column structure with a barrier between the trains and vehicles. Caltrans and Maglev highway R/W, maintenance, safety, and operations considerations would need to be analyzed if shared use with a Maglev facility were pursued. See the MIS Corridor A (Project #14) for additional considerations. Coordination with Project #11 will be required.

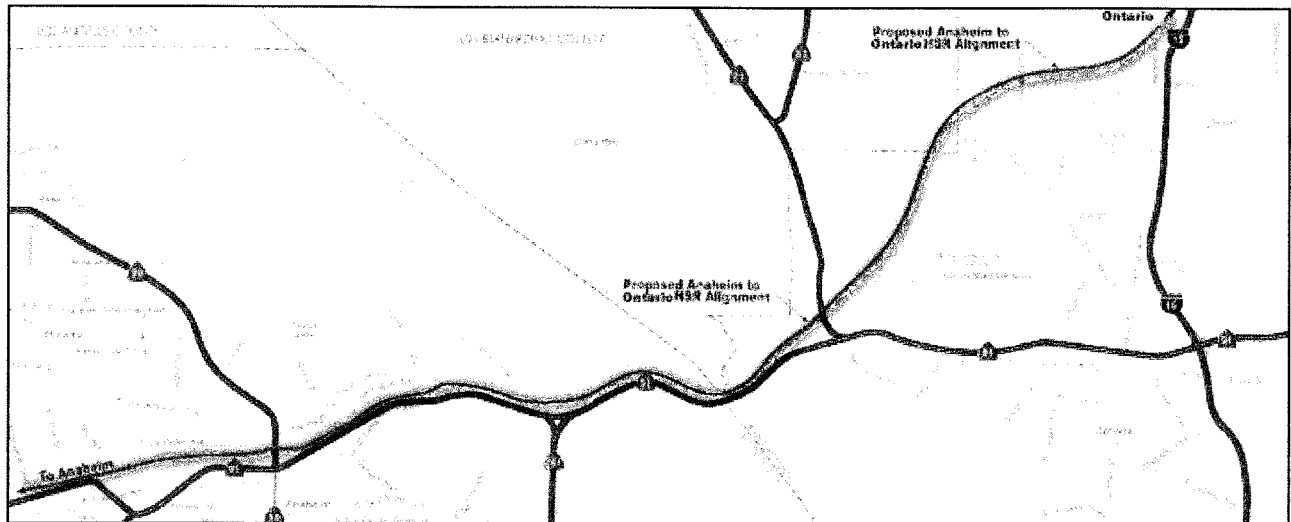
<b>LEGEND</b>	
	Existing Highway
	High Speed Rail Representative Alignment

## Benefits

The project would provide congestion relief by providing a direct high-speed/high-capacity connection with Ontario International Airport for Orange County air passengers and business next-day deliveries. Relieves congestion on SR-91 by providing additional capacity in the corridor.

## Current Status

Conceptual engineering studies are currently underway. Congress has approved \$47M for the environmental phase of the project.



REPRESENTATIVE ALIGNMENT SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

## SECTION 3:

# REFERENCES

The following documents and resources were used in the development of the 2009 Plan. Data was provided by OCTA, RCTC, Caltrans Districts 8 and 12, Transportation Corridor Agencies (TCA), and other agencies.

- 
- Draft Project Study Report/Project Report "Adjacent to Route 91 Between Weir Canyon Road and the Coal Canyon Wildlife Corridor Crossing", SARI line R/W relinquishment, April 2009
- 91 Express Lanes Extension and State Route 241 Connector Feasibility Study, March 2009
- Project Study Report/Project Report "On Gypsum Canyon Road Between the Gypsum Canyon Road/SR-91 Westbound Off-Ramp (PM 16.4) and the Gypsum Canyon Road/SR-91 Eastbound Direct On-Ramp (PM 16.4)", June 2008
- California Transportation Commission, Corridor Mobility Improvement Account (CMIA), February 2007
- Final Plans, Specifications and Estimates for Green River Road Overcrossing, 2006
- Project Study Report "On Route 91 from Green River Road to Serfas Club Drive in the City of Corona in Riverside County", December 2006
- Orange County Transportation Authority Renewed Measure M Transportation Investment Plan, November 2006
- Project Study Report "On Route 91 from State Route 241 in Orange County to Pierce Street in the City of Riverside in Riverside County", October 2006
- Riverside County-Orange County Major Investment Study (MIS) – Final Project Report: Locally Preferred Strategy Report, January 2006
- Preliminary design plans for Eastbound Lane Addition from SR-241 to SR-71, 2006
- SR-91 Choke Point Elimination - City of Corona, Prepared by Parsons, November 19, 2005
- Project Study Report "Westbound State Route 91 Auxiliary Lane from the NB SR-55/WB SR-91 Connector to the Tustin Avenue Interchange", July 2004
- Project Study Report "On State Route 91 Between the SR-91/SR-55 Interchange and the SR-91/SR-241 Interchange in Orange County", April 2004
- California – Nevada Interstate Maglev Project Report, Anaheim-Ontario Segment; California-Nevada Super Speed Train Commission, American Magline Group, August 2003
- SR-91 Congestion Relief Alternatives Analysis, Caltrans, January 2003
- Route Concept Reports for SR-91, Caltrans Districts 8 and 12
- Various Preliminary Drawings and Cross Sections, Caltrans Districts 8 and 12
-







BOARD COMMITTEE TRANSMITTAL

June 8, 2009

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Federal and State Programming Actions

Highways Committee Meeting of June 1, 2009

**Present:** Directors Amante, Cavecche, Glaab, Mansoor, and Pringle  
**Absent:** Directors Dixon, Green, and Norby

**Committee Vote**


This item was passed by all Committee Members present.

**Committee Recommendations**

- A. Approve reprogramming \$16.5 million in Congestion Mitigation and Air Quality funds to three projects: (1) increased Metrolink operations, (2) Bravo! operations, and (3) rail station improvements.
- B. Authorize the transfer of \$71.44 million in Proposition 1B Corridor Mobility Improvement Account funds from the Riverside Freeway (State Route 91) eastbound lane project to: (1) the Orange Freeway (State Route 57), Orangethorpe Avenue to Lambert Road, (2) the Orange Freeway (State Route 57), Katella Avenue to Lincoln Avenue project, and (3) the West County Connectors Project.
- C. Authorize staff to prepare and submit necessary programming documents including amendments to the Regional Transportation Improvement Program, to submit the Federal Transit Administration grant application, and to execute any necessary agreements to reflect the approved programming.



*June 1, 2009*

**To:** Highways Committee  
**From:**  James S. Kenan, Interim Chief Executive Officer  
**Subject:** Federal and State Programming Actions

**Overview**

The Orange County Transportation Authority receives annual appropriations from the federal Congestion Mitigation and Air Quality Improvement Program. In order to maintain full programming capacity of the available appropriations and avoid loss of funds, Board of Directors' approval is required for substitution projects. Transfer of Proposition 1B Corridor Mobility Improvement Account funds to other qualified projects is required as a result of Board of Directors approval for the use of American Recovery and Reinvestment Act of 2009 federal highway funds to advance the Riverside Freeway (State Route 91) eastbound lane project.

**Recommendations**

- A. Approve reprogramming \$16.5 million in Congestion Mitigation and Air Quality funds to three projects: (1) increased Metrolink operations, (2) Bravo! operations, and (3) rail station improvements.
- B. Authorize the transfer of \$71.44 million in Proposition 1B Corridor Mobility Improvement Account funds from the Riverside Freeway (State Route 91) eastbound lane project to: (1) the Orange Freeway (State Route 57), Orangethorpe Avenue to Lambert Road, (2) the Orange Freeway (State Route 57), Katella Avenue to Lincoln Avenue project, and (3) the West County Connectors Project.
- C. Authorize staff to prepare and submit necessary programming documents including amendments to the Regional Transportation Improvement Program, to submit the Federal Transit Administration grant application, and to execute any necessary agreements to reflect the approved programming.

**Background**

The Congestion Mitigation and Air Quality (CMAQ) Improvement Program, jointly administered by the Federal Highway Administration and the Federal Transit

Administration, was reauthorized in 2005 under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The SAFETEA-LU CMAQ program provides over \$8.6 billion in funds to invest in projects that reduce air pollutants regulated from transportation-related sources over a period of five years (2005-2009). The Orange County Transportation Authority (OCTA) receives approximately \$40 million in CMAQ funds annually.

Eligible uses of CMAQ funds include highway and transit capital projects with air quality benefits and limited operating assistance to introduce new transit service or expand existing service.

In June 2006, the Board of Directors (Board) approved a policy to program CMAQ funds for high-occupancy vehicle connectors and drop ramps. At that time, the CMAQ funds received through annual appropriations to OCTA from fiscal year (FY) 2007-08 through FY 2011-12 were programmed to the West County Connectors (WCC) Project. Subsequently, this funding was used to secure a \$200 million Proposition 1B grant for the project.

On March 9, 2009, the OCTA Board approved using regional American Reinvestment and Recovery Act of 2009 (ARRA) funds in place of Proposition 1B Corridor Mobility Improvement Account (CMIA) funds to advance the Riverside Freeway (State Route 91) eastbound lane project.

On March 27, 2009, the state passed legislation ABX3 20 (Chapter 21, Statutes of 2009) that determined a regional share of ARRA-federal highway funding for Orange County. ABX3 20 has a provision that in circumstances where Proposition 1B funds are being replaced with ARRA funds, the California Transportation Commission (CTC) shall allocate funds for one or more qualifying projects in the appropriate program in OCTA's jurisdiction.

### ***Discussion***

#### **CMAQ funds**

OCTA must obligate a certain portion of CMAQ funds each year in order to avoid loss of funds. Due to moving part of the right-of-way cost to the construction phase for the WCC Project, funds OCTA had planned to obligate in FY 2008-09 will not be obligated until FY 2009-10. To meet the annual obligation requirement for FY 2008-09, staff is recommending that OCTA program \$16.5 million in CMAQ funds to three transit projects. The current year CMAQ funds (originally programmed for the WCC Project) will be replaced with CMAQ funding from FY 2012-13.

The three transit projects which are recommended to receive CMAQ funding are:

1. \$8.15 million to operate high-frequency Metrolink service
2. \$8.15 million for Bravo! service
3. \$0.20 million for Metrolink station improvements

The proposed programmed amounts are estimates and actual funding requirements may vary. It should be noted that by transferring these CMAQ funds to a transit project, the funds will be obligated when these are executed into a Federal Transit Administration grant and may be used for these projects over a three-year period.

In 2010, the Metrolink commuter rail program is scheduled to substantially increase train frequency between Fullerton and Laguna Niguel/Mission Viejo. This project was developed to satisfy air quality mitigation commitments and provide enhanced service for regional commuters. The CMAQ funding will pay for approximately 60 percent of the operating cost of the incremental difference between existing service and the new high-frequency service for the initial three-year start-up period.

Beginning in 2010, three Bravo! service projects are planned to be implemented within high bus ridership corridors to satisfy air quality mitigation commitments and meet regional air quality conformity requirements in the South Coast air basin. The Bravo! services are designed to provide a new transit option for Orange County commuters and visitors by decreasing travel time and improving travel speed. The CMAQ funding will account for approximately 60 percent of the operating cost of the first line for the same three-year start-up period.

There are 11 stations that support Metrolink operations in Orange County and serve over 14,000 passengers per day. In order to support continued and expanded Metrolink operations, station improvements (not included in the Metrolink Station Expansion Program scope) will be necessary. Projects may include installation of new ticket vending machines, improved lighting, new signage, and station access improvements. This funding would also support access improvements such as ramps, hand rails, and curb cuts. Specific needs will be identified following the Metrolink Service Expansion Project .

One of the primary program purposes for CMAQ is to fund transportation air quality conformity measures. These projects are eligible to receive CMAQ funds and have considerable air quality benefits. Operating assistance may be CMAQ-funded for a maximum of three years. Transferring CMAQ funds to these projects ensures these funds continue to be available to Orange County projects. Further, funding these proposed projects offers relief to the transit

program, which has seen declining revenues recently and improves cash flow projections in later years.

#### Proposition 1B CMIA funds

When the Board directed the programming of ARRA funds for the State Route 91 (SR-91) eastbound lane project, \$71.44 million in CMIA funds became available to program on other projects. CTC staff has recommended programming these funds to existing CMIA-funded projects since the existing CMIA projects have already been vetted through the CTC process and have been determined to be eligible for the funding.

OCTA has four projects that were programmed with CMIA funding:

1. SR-91 eastbound lane project
2. Orange Freeway (State Route 57) northbound widening project (Orangethorpe Avenue to Lambert Road)
3. State Route 57 (SR-57) northbound widening project (Katella Avenue to Lincoln Avenue)
4. WCC Project

In order to uphold the Board's first priority of using ARRA funds in support of the Renewed Measure M (M2) Early Action Plan (EAP), staff recommends offsetting \$69.10 million in M2 funds from the two SR-57 projects first. These projects are currently programmed with CMIA and M2 funds and are both M2 EAP projects. By offsetting M2 funds with CMIA funds, this action will support the EAP and reduce reliance on declining revenues in the near-term.

The M2 funds that are made available by using CMIA funds on the SR-57 projects will go toward offsetting future freeway program project needs.

The remaining CMIA funds (\$2.34 million) will go to the WCC Project which is currently funded through a combination of federal CMAQ and CMIA funds.


#### **Summary**

To meet federal funding deadlines, staff proposes to reprogram \$16.50 million federal CMAQ funds to three eligible transit projects: (1) increased Metrolink operations, (2) Bravo! operations, and (3) rail station improvements. Staff also recommends transferring \$71.44 million in CMIA funds made available by programming ARRA funds on the SR-91 eastbound lane project to: (1) SR-57, Orangethorpe Avenue to Lambert Road, (2) SR-57, Katella Avenue to Lincoln Avenue project, and (3) the WCC Project.


**Attachment**

None.

**Prepared by:**

  
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**Approved by:**

  
Kia Mortazavi  
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BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** State and Federal Programming Policies

Highways Committee Meeting of June 1, 2009

**Present:** Directors Amante, Cavecche, Glaab, Mansoor, and Pringle  
**Absent:** Directors Green, Dixon, and Norby

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation (Reflects change from staff recommendation)**

Approve the overall policy direction for programming of local, state, and federal funds with the exception of the Regional Surface Transportation Program and not modifying that policy at this time.


**Committee Comments**

Return with monthly legislative updates on the potential diversion of local agencies' gas tax funds.





*June 1, 2009*

**To:** Highways Committee  
**From:**  James S. Kenan, Interim Chief Executive Officer  
**Subject:** State and Federal Programming Policies

### **Overview**

The Orange County Transportation Authority receives various local, state, and federal funding sources for delivery of multiple transportation capital projects. With the recent passage of the American Reinvestment and Recovery Act of 2009 and other recent transportation funding changes, staff is returning with updated state and federal programming policies for Board of Directors' review and approval.

### **Recommendation**

Approve the overall policy direction for funding and programming of local, state, and federal funds.

### **Background**

In June 2006, the Board of Directors (Board) adopted a Comprehensive Funding Strategy and Policy Direction through fiscal year (FY) 2010-11. In November 2006, Orange County voters approved the renewal of Measure M, providing a multi-billion dollar investment in transportation in Orange County from 2011 to 2041. That same November, California voters passed Proposition 1B, a \$19.9 billion bond initiative for transportation improvements throughout the state. To date, the Orange County Transportation Authority (OCTA) has been successful in securing \$686 million through five competitive and two formula programs. OCTA's successful programs include:

- Trade Corridors Improvement Fund, \$217 million
- Corridor Mobility Improvement Account, \$384 million
- Public Transportation, Modernization, Improvement, and Service Enhancement, \$ 54 million
- Traffic Light Synchronization Program, \$4 million
- State-Local Partnership Program, \$12 million

- Transit System Safety Security & Disaster Response Account, \$7 million
- Highway-Railroad Crossing Safety Account, \$8 million

In January 2008, the Board adopted the 2008 State Transportation Improvement Program (STIP), as well as funding allocations for the 2008 Transportation Enhancements (TE) and Transportation Development Act (TDA) call for projects. In June 2008, the Board approved funding allocations for the 2007 Combined Transportation Funding Program call for projects and in November 2008, the Board approved the Federal Transit Administration, Section 5307 Urbanized Area Formula Program (Section 5307) and Congestion Mitigation and Air Quality (CMAQ) funds. Consistent with prior Board practices, full funding available under TDA-Article 4 and Section 5307 programs will continue to be dedicated to bus transit capital and operations.

Most recently, in February 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was passed, securing another \$212.4 million for Orange County projects including transit operations. On March 9, 2009, the Board approved the ARRA funded program of projects. Finally, the economic downturn has had a significant impact on Measure M revenues and related projects. Staff has updated the state and federal programming policies (SFPP) to reflect these changes.

***Discussion***

The goal of the SFPP is to provide a comprehensive overview of the major fund sources and strategically leverage these sources to ensure on-time project delivery in the most efficient manner, as well as maximize the use of the funding sources within the funding constraints. There are nine major fund sources included in the SFPP. These nine funding sources are summarized in the following table and detailed further in Attachment A.

State	Federal	Local
STIP	Regional Surface Transportation Program (RSTP)	Measure M (M1)
Proposition 1B (12 subprograms)	CMAQ	Renewed Measure M (M2)
TDA-Article 3	TE	
	ARRA	

Each of these nine funding sources have a specific transportation improvement goal defined by the enabling legislation which are considered in the development of the programming policies. The unique elements of each funding source are subject to specific rules regarding the eligible uses as outlined in Attachment B.

The Proposition 1B funds are subject to the annual state budget, allocation by the California Transportation Commission (CTC), bond sales by the Pooled Money Investment Account, and appropriations from the legislature.

The federal funds are made available through the federal transportation act. The current act, the Safe Accountable, Flexible, Efficient Transportation Equity Act, Legacy for Users will expire in September 2009, and the current SFPP assumes a new act will continue the existing programs at the same funding levels. The ARRA funds are a one-time federal funding source providing funds for promoting economic recovery. The ARRA funds are very timely in that the funds will replace existing state funds currently not available or substantially delayed. Local funds are made available through local sales tax measures which are subject to its economic conditions.

**Programming Policies**

The programming policies are intended to provide direction for the allocation of funds to ensure the maximum benefit from each of the sources in relation to the OCTA's programs and projects. Consistent with prior Board direction, program development, and planning efforts, including the M2 Early Action Plan (EAP), staff has developed updated programming policies for these programs as summarized in the following table.

Funding Source	Programming Policy
All	First priority of all funding sources is to fulfill commitments to existing projects, specifically M1 projects will receive first priority followed by M2
STIP	Freeway program consistent with M2, soundwalls, and transit capital
Proposition 1B	Maximize the Orange County allocations consistent with each program and ensure the receipt of allocated funds
TDA-Article 3	OCTA bus operations funding shortfalls (formerly set-aside for bike and pedestrian projects)
CMAQ	Existing projects and high-occupancy vehicle system completion, first three years of new or expanded bus and rail transit operations, rail transit projects, and vanpool services
RSTP	Freeway Program (consistent with EAP priorities), grade separations, and local streets and roads
TE	Landscaping and enhancement through a competitive call to local agencies
Section 5307 - 1 percent set-aside	Bicycle and pedestrian improvement projects through a competitive call for projects
M1	Completion of Santa Ana Freeway (Interstate 5) and Orange Freeway (State Route 57) commitments and shortfalls
M2	Freeway and grade separation match commitments, EAP projects
ARRA	First priority is to EAP (M2) projects, followed by local agency projects, and projects supporting M2

These programming policy recommendations remain generally consistent with the previously approved policies and other Board actions; however, there are four recommended changes related to its use of TDA-Article 3, Section 5307, CMAQ, and RSTP funding.

### TDA-Article 3

The first policy change involves the use of TDA-Article 3 funds for bicycle and pedestrian improvements. These funds are part of the ¼ cent sales tax authorized for transportation use in state law. Provisions in Public Utilities Code, Section 99233 (et seq) authorize up to 2 percent of the ¼ cent sales tax for bicycle and pedestrian improvements.

Prior Board action committed these funds to a competitive call for bicycle and pedestrian improvements. Due to current budget and funding shortfalls, staff is recommending that the programming policy be amended to identify the priorities for the use of these funds. The first priority would be to cover any operating shortfalls in OCTA bus operations that are related to the state's diversion of State Transit Assistance (STA) funds. The state FY 2008-09 budget diverts STA dollars from transit agencies to expenses associated with home to school transportation. The second priority would be to use the funds for bicycle and pedestrian improvements through a competitive call for projects. The approval of this policy would remove the TDA component from near-term calls for projects until STA dollars are fully restored to transit operators.

### Federal Transit Administration, Section 5307 Urbanized Area Formula

Staff is recommending bicycle and pedestrian improvements as a first priority in the Section 5307 "1 percent minimum" set aside program. Section 5307 funds can be used for projects that improve bicycle access to transit. Previously, this was set aside for the annual bus stop modification program which has now been completed.

### CMAQ

Eligible uses of CMAQ funds include highway projects with air quality benefits such as high-occupancy vehicle connectors, rideshare programs, transit capital projects, and operating assistance to introduce new transit service or expanded service. OCTA's previous policy directed funds to high-occupancy vehicle connectors, countywide rideshare program, and rail rolling stock. Staff is recommending that operating assistance for new and expanded rail and bus operations be included as a use of CMAQ funds. Eligible operating costs for

new or expanded transit service include labor, fuel, maintenance, and related expenses for a maximum of three years. Under a separate item, staff is requesting a transfer of CMAQ funds to the start up operations of the Metrolink Service Expansion Program and Bravo!

#### RSTP

Board policy has been to program these funds for local agency streets and roads rehabilitation and capital improvement projects as well as railroad grade separations. The recent allocation of \$33 million of ARRA funding for streets and roads rehabilitation projects equates to approximately two years of RSTP funding. In addition, proposition 1B, TCIF funding provided approximately \$183 million to grade separations. With the recent downturn in M1 sales tax revenues, staff is proposing that the freeway projects become the first funding priority for use of RSTP funds. This policy supports the EAP approved by the Board and is necessary to fulfill this commitment. Staff is recommending grade separations as a second priority, followed by streets and roads projects as funding is available.

Staff will return to the Board with updated SFPP every two years corresponding to the STIP cycle or sooner as new funding sources become available. The STIP fund estimate is expected to be adopted in October 2009 by the CTC. Staff will return to the Board with recommendations for updates to the 2010 STIP and final adoption of the STIP.

#### ***Summary***

Staff is presenting policies to guide the programming of state and federal funding sources. Four changes to the funding policies are recommended which include use of TDA-Article 3 funds for bus operations, use of Section 5307 funds for bicycle and pedestrian projects, use of CMAQ funds for expanded or new transit operations and transit capital projects, and freeway projects as first priority for RSTP funds.

**Attachments**

- A. Funding Sources – Origins, Estimates, and Uses
- B. Comprehensive Funding Strategy – Programming Policies

**Prepared by:**



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**Approved by:**



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## Funding Sources Origins, Estimates, and Uses

### State Sources

#### State Transportation Improvement Program (STIP)

The annual estimate for STIP funds is approximately \$60 million per year.

The STIP is a major source of funding for transportation improvements throughout the State of California. Revenues from state and federal sources are consolidated into the STIP. The STIP is divided into two major funding categories, the Regional Improvement Program (RIP) and the Interregional Improvement Program (IIP). Seventy-five percent of the STIP is directed to the RIP, which is then sub-allocated to counties by formula. The remaining 25 percent is programmed to the IIP, which is then allocated to the California Department of Transportation for projects of interregional significance.

#### Proposition 1B

Proposition 1B is a \$19.9 billion infrastructure bond (funds are distributed on a program basis).

Proposition 1B was passed by the voters in November 2006. Proposition 1B makes available \$19.9 billion for transportation improvements throughout the state. There are 12 main programs included in the bond. The Orange County Transportation Authority (OCTA) is eligible to receive or compete for funds in 10 of those categories. To date, OCTA has been successful in programming \$384 million through the Corridor Mobility Improvement Account, \$217 million through the Trade Corridors Improvement Fund, and \$4 million in the Traffic Light Synchronization Program. Additionally, OCTA has secured \$73 million in formula distributions. The city of Irvine was the successful applicant of \$8 million of Highway-Grade Crossing Safety Account funds towards the Sand Canyon grade separation project.

#### Transportation Development Act (TDA)

The annual estimate for TDA-Article 3 funds is approximately \$2.8 million per year.

The TDA-Article 3 funds are made available through the TDA, established by the California legislature in 1971. Two percent of TDA funds, referred to as Article 3 are available for use on bicycle and pedestrian facilities. TDA statute dictates that funds can be made available to counties and cities for pedestrian and bicycle facilities unless the transportation planning agency finds that the money can be used to better advantage in transit and bus projects. Staff is recommending the priority for these funds be shifted to cover any operating shortfalls in OCTA bus operations related to the state's diversion of state transit assistance funds.

## Federal Sources

### American Reinvestment and Recovery Act of 2009 (ARRA)

ARRA is a federal act providing \$787 billion for economic recovery (funds are distributed on a program basis).

The ARRA was signed by President Obama on February 17, 2009, with the main objective of preserving and creating jobs and promoting economic recovery.

California's share of federal highway investment and federal transit capital assistance recovery funds is \$3.64 billion of which OCTA is eligible to receive \$212.4 million. The Board of Directors-adopted program of projects provided first priority to Renewed Measure M (M2) Early Action Plan projects, with second priority to local agency projects, and third priority to projects supporting M2. OCTA's plan for the funds targets \$130.4 million for highways, \$76.8 million for transit, \$1.2 million for rail moderation, and \$4 million for transportation enhancements.

### Congestion Mitigation and Air Quality (CMAQ)

The annual estimate of CMAQ funds is \$40 million.

The CMAQ program was established in 1991 as part of the Federal Intermodal Surface Transportation Efficiency Act (ISTEA). It has since been reauthorized through the subsequent two acts (Transportation Equity Act for the 21<sup>st</sup> Century {TEA-21} and the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users {SAFETEA-LU}). These funds are eligible for use on transportation projects that contribute to the attainment or maintenance of National Ambient Air Quality Standards in non-attainment or air-quality maintenance areas. Examples of eligible projects include enhancements to existing transit services, rideshare, and construction of high-occupancy vehicle lanes. The current commitments from the CMAQ program are to the west Orange County Connectors Project and to the rideshare/vanpool program. Staff is recommending on an exception basis, funding for the first three years of new or expanded transit operations and transit capital projects.

### Regional Surface Transportation Program (RSTP)

The annual estimate for RSTP funds is \$29.9 million.

The RSTP program was also established in 1991 by ISTEA and reauthorized under TEA-21 and SAFETEA-LU. Funds from this program are intended to be directed to projects and programs for a broad variety of transit and highway work. OCTA has historically directed these funds towards highway projects, arterial highway rehabilitation, and grade separations.



## Transportation Enhancement (TE)

The annual estimate for the TE program is \$3.9 million per year.

The TE program, like the two federal programs above, is made available through the federal transportation acts. The TE program provides funding to transportation-related projects that enhance the quality of life in or around transportation facilities. Eligible projects from the TE program include aesthetic enhancements such as landscaping and monument signs, as well as bike and pedestrian projects. OCTA's current programming policy directs TE funds to be used for landscaping projects only.

## Federal Transit Administration, Section 5307 Formula (Section 5307)

The annual estimate for the Section 5307 1 percent set-aside is \$500,000 per year.

Section 5307 Urbanized Area Formula Program makes federal funds available for transit capital assistance to urbanized areas with populations of 50,000 or more. Funding is apportioned on the basis of formula with set asides for transit enhancements including bikeways and pedestrian facilities.

## Local

### Measure M (M1)

The current sales tax measure, M1, was approved by voters in 1991. Funding is allocated across three broad programs: freeways, streets and roads, and transit. Funds are directed towards specific projects in each of the programs as approved by the Orange County voters.

### Renewed Measure (M2)

Orange County voters approved an extension of the current M1 in November 2006. M2 is anticipated to make available approximately \$11.86 billion over the 30-year life of the measure. These funds are again directed towards specific projects in three broad categories of highways, streets and roads, and transit.

## Comprehensive Funding Strategy - Programming Policies

Funding Source	Programming Policy	Eligible Uses
All	First priority of all funding sources is to fulfill commitments to existing projects, specifically M1 projects will receive first priority	
State Transportation Improvement Program	Freeway program consistent with M2, soundwalls, and transit capital projects	Freeway improvements and transit capital as determined by the fund estimate
Proposition 1B (various programs)	Maximize the Orange County allocations consistent with each program and ensure the receipt of allocated funds	Program specific criteria determine project type
Transportation Development Act-Article 3	OCTA bus operations funding shortfalls (formally set-aside for bike and pedestrian projects)	Bus operations and bicycle/pedestrian improvements
Congestion Mitigation and Air Quality	Existing project and high-occupancy vehicle (HOV) system completion, first three years of new or expanded bus and rail transit operations, rail transit projects, and vanpool services	Projects that result in reduced pollutants, HOV lanes, transit capital, etc.
Regional Surface Transportation Program	Freeway Program (consistent with Early Action Plan {EAP} priorities), grade separations, and streets and roads	Highway and transit operations and capital improvements
Transportation Enhancement	Landscaping and enhancement through a competitive call to local agencies	Landscaping, scenic enhancements and bicycle/pedestrian improvements
Section 5307 - 1 percent set-aside	Bicycle and pedestrian improvements through a competitive call for projects	
Measure M (M1)	Completion of Santa Ana Freeway (Interstate 5) and Orange Freeway (State Route 57) commitments and shortfalls	Voter approved projects
Renewed Measure M (M2)	Freeway and grade separation match commitments, EAP projects	Voter approved projects
American Reinvestment and Recovery Act of 2009	First priority is to EAP (M2) projects, followed by local agency projects, projects supporting M2	Program specific criteria determine project type





BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Maintenance Services for the Orange County Transportation Authority's Operating Railroad Right-of-Way

Transit Committee Meeting of May 28, 2009

**Present:** Directors Dalton, Dixon, Nguyen, and Winterbottom  
**Absent:** Directors Brown, Green, and Pulido

**Committee Vote**

This item was passed by all Committee Members present.


**Committee Recommendations**

- A. Cancel Request for Proposal 8-1129 for maintenance services for the Orange County Transportation Authority's operating railroad right-of-way, which the release of the request for proposal was approved by the Board of Directors on November 24, 2008.
- B. Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-3-0912 between the Orange County Transportation Authority and Joshua Grading & Excavating, Inc., in an amount not to exceed \$600,000, and to extend the contract term through December 31, 2009.
- C. Direct staff to explore options for maintenance services for the operating railroad right-of-way in Orange County and return to the Board of Directors with alternatives for its consideration and direction.



**May 28, 2009**

**To:** Transit Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Maintenance Services for the Orange County Transportation Authority's Operating Railroad Right-of-Way

**Overview**

The Orange County Transportation Authority owns approximately 46 miles of operating railroad right-of-way and contracts for maintenance services of this property. The current maintenance contract expires on June 30, 2009. Staff requests that the current agreement be extended through December 31, 2009, and that staff be directed to explore the option of the Southern California Regional Rail Authority assuming responsibility for maintenance services for this railroad right-of-way.

**Recommendations**

- A. Cancel Request for Proposal 8-1129 for maintenance services for the Orange County Transportation Authority's operating railroad right-of-way, which the release of the request for proposal was approved by the Board of Directors on November 24, 2008
- B. Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-3-0912 between the Orange County Transportation Authority and Joshua Grading & Excavating, Inc., in an amount not to exceed \$600,000, and to extend the contract term through December 31, 2009.
- C. Direct staff to explore options for maintenance services for the operating railroad right-of-way in Orange County and return to the Board of Directors with alternatives for its consideration and direction.

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***Discussion***

Since the time the Orange County Transportation Authority (Authority) acquired the railroad right-of-way in 1993, the Authority has directly contracted for right-of-way maintenance services in Orange County.

The right-of-way maintenance services include weed abatement, litter removal, graffiti removal, clean up of debris, drainage maintenance, tree trimming, installation of safety fencing, and various other services needed to keep the right-of-way in compliance with local, regional, and Federal Railroad Administration requirements. These requirements are associated with ensuring visibility of railroad signals, engineers' line of sight, and keeping the right-of-way clear of any potential hazards.

The agreement with the current right-of-way maintenance contractor, Joshua Grading & Excavating, Inc., expires on June 30, 2009. The original contract was for three years, with two one-year options, both of which the Authority has exercised.

***Procurement Approach***

On November 24, 2008, the Board of Directors (Board) authorized the release of Request for Proposals (RFP) 8-1129 for right-of-way maintenance services. On January 15, 2009, four proposals were received in response to this solicitation. The evaluation committee reviewed all proposals received and found two firms most qualified for the work. On January 28, 2009, the evaluation committee interviewed both firms.

Upon completion of the evaluation committee process, it was discovered that the outside evaluator had a conflict of interest that was not initially disclosed to the Contracts Administration and Materials Management (CAMM) Department. This situation was investigated by CAMM to determine if the non-disclosure had any impact on the evaluation process. Although the evaluator did not overtly try to bias the committee's decision, a more indirect persuasion may have occurred, therefore, CAMM recommended that the procurement be cancelled. The Rail Programs staff concurs with this recommendation and is requesting that the Board direct staff to proceed with the cancellation of the procurement.

With the cancellation of RFP 8-1129, the current agreement with Joshua Grading & Excavating, Inc., must be extended in order to provide continued right-of-way maintenance until a decision is made by the Board on how to proceed with future right-of-way maintenance. The estimated cost of

extending the current service agreement is \$100,000 per month or approximately \$600,000 for the six-month period.

By extending the current agreement through December 31, 2009, right-of-way maintenance services will continue while staff researches the available options and returns to the Board with recommendations.

#### Considerations

To date, right-of-way maintenance has been satisfactorily performed by the various contractors who have been awarded the service agreement since 1993. However, beginning in August 2009, the Southern California Regional Rail Authority (SCRRA) plans to undertake major construction projects on the rail corridor in Orange County for the Metrolink Service Expansion Program (MSEP) and the Rail-Highway Grade Crossing Safety Enhancement Program (Grade Crossing Program). The SCRRA plans to construct both of the program elements under the same contracts and schedule. The proposed construction schedule for the MSEP and Grade Crossing Program is 18 months and 28 months, respectively. There will be four to five separate contracts and contractors involved in the construction of the MSEP and Grade Crossing Program. In addition to this, SCRRA also has a maintenance of way contractor who maintains the track infrastructure and performs right-of-way maintenance as prescribed in its service agreement.

Over the next two years there will be scheduled weekend track closures for major construction activities such as bridge replacements and track cutovers. There will also be scheduled nights and weekends when one track is taken out of service for construction work. After construction is substantially complete, new passenger rail service is slated to begin in the summer of 2010. While the service increase will not be implemented all at once, each time additional service is provided more constraints are placed on when, where, and how the maintenance contractor can perform the required services. Each new constraint increases the level of coordination, management, and risk, of construction crews and other work crews on the railroad right-of-way.

Given the high level of construction activity and number of contractors needed to support this major work effort, staff would like to examine the risk and opportunities associated with safely controlling and managing the resources working on the operating railroad right-of-way corridor and return to the Board with options for its consideration.

Alternatively, the Board may direct staff to re-solicit proposals for maintenance services for the Authority's operating railroad right-of-way and return to the Board with a recommendation to award a service agreement.

**Fiscal Impact**

The project is included in the Authority's Proposed Fiscal Year 2009-10 Budget, Rail Programs Division, Accounts 0093-7517-D2601-AB9, 0010-7517-T1000-ASA, and 1722-7517-D2601-AR7, they are funded through the Commuter Urban Rail Endowment, Measure M, and Orange County Transit District, respectively.

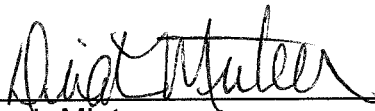
**Summary**

The current agreement for maintenance of the Authority-owned railroad right-of-way expires on June 30, 2009. Staff requests that the Board approve Amendment No. 4 to Agreement No. C-3-0912 with Joshua Grading & Excavating, Inc., to extend the contract term through December 31, 2009, and return to the Board with options on maintaining the operating railroad right-of-way.

**Attachment**

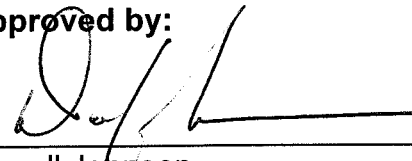
- A. Joshua Grading & Excavating, Inc., Agreement No. C-3-0912 Fact Sheet

**Prepared by:**



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Manager, Metrolink Service Expansion  
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**Approved by:**



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Executive Director, Rail Programs  
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Virginia Abadessa  
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**Joshua Grading & Excavating, Inc.  
Agreement No. C-3-0912 Fact Sheet**

1. December 8, 2003, Agreement No. C-3-0912, \$2,730,000, approved by Board of Directors.
  - For preventative and corrective maintenance of the Authority's railroad right-of-ways for a three-year term.
2. March 26, 2007, Amendment No. 1 to Agreement No. C-3-0912, \$1,100,000, approved by Board of Directors.
  - To exercise first option term through April 12, 2008, and to increase the maximum cumulative obligation amount.
3. January 14, 2008, Amendment No. 2 to Agreement No. C-3-0912, \$1,250,000, approved by Board of Directors.
  - To exercise second option term through April 12, 2009, and to increase the maximum cumulative obligation amount.
4. March 17, 2009, Amendment No. 3 to Agreement No. C-3-0912, \$250,000, approved by contract administrator.
  - To extend term through June 30, 2009, and to increase the maximum cumulative obligation amount.
5. June 8, 2009, Amendment No. 4 to Agreement No. C-3-0912, \$600,000 pending approval by Board of Directors.
  - To extend term through December 31, 2009, and to increase the maximum cumulative obligation amount.

Total committed to Joshua Grading & Excavating, Inc., after approval of Amendment No. 4 to Agreement No. C-3-0912: \$5,930,000.





BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Annual Insurance Program Review

Finance and Administration Committee meeting of May 27, 2009

**Present:** Directors Amante, Bates, Campbell, and Green  
**Absent:** Directors Brown, Buffa, and Moorlach

**Committee Vote**


This item was passed by all Committee Members present.

**Committee Recommendation**

Receive and file as an information item.



**May 27, 2009**

**To:** Finance and Administration Committee  
**From:**  James S. Kenan, Interim Chief Executive Officer  
**Subject:** Annual Insurance Program Review

**Overview**

The Orange County Transportation Authority purchases various insurance coverages such as workers' compensation, liability, property, terrorism, business interruption, life, health, dental, vision, and short-term and long-term disability insurance. The Orange County Transportation Authority contracts with insurance brokers for the marketing and placement of these coverages.

**Recommendation**

Receive and file as an information item.

**Background**

Marsh Risk and Insurance Services (Marsh) works concurrently with the Risk Management Department as Broker of Record for the Orange County Transportation Authority (OCTA) for the marketing and placement of the property and casualty coverage while the Human Resources Department works with Mercer for the marketing and placement of health and disability coverages.

On November 8, 2006, the Finance and Administration Committee directed staff to follow a five-point process in the procurement of the insurance coverages, which included an annual review of all insurance coverages by the Finance and Administration Committee. This report will include renewal dates, areas of liability, coverage amounts, and insurance carrier information. This report is to be presented at the second Finance and Administration Committee meeting in May each year.

**Discussion**

The OCTA purchases various insurance coverages such as workers' compensation, liability, property, terrorism, business interruption, life, health, dental, vision, and short and long-term disability insurance.

**Workers' Compensation**

Workers' compensation coverage is designed to provide medical, temporary disability, and permanent disability benefits to injured workers. Employer's liability is an additional coverage provided as part of the excess workers' compensation insurance policy. Employer's liability insurance covers claims against an employer on behalf of employees seeking damages because of job-related activities involving bodily injury or disease to employees. For example, if a claim was filed against OCTA due to a serious and willful action resulting from an uncorrected yet known safety hazard that caused injury to an employee, OCTA may be liable for the costs of the claim as they would fall outside of the normal workers' compensation coverage. The employer's liability coverage would pay for the cost of legal defense for these types of claims. Fortunately, OCTA has not had any claims that would trigger the employer's liability coverage.

The excess workers' compensation insurance policy from October 1, 2007 through October 1, 2008, with ACE American Insurance Company (ACE) had an aggregate self-insured retention (SIR) of \$750,000 per claim or occurrence and coverage to statutory limits with a rate of \$0.4300 per \$100 of payroll for a premium of \$483,655. As a result of market negotiations, ACE agreed to guarantee this rate for two years, provided that OCTA's loss experience continued to trend favorably, no new business ventures would be acquired and OCTA would not market this coverage with other insurance competitors. As directed by the Finance and Administration Committee, OCTA agreed to these terms.

Although OCTA had already obtained a guaranteed premium rate for the October 1, 2008 through October 1, 2009, policy renewal, staff directed Marsh to approach ACE to discuss the potential of renewing the policy with a reduced SIR of \$500,000 for the same guaranteed rate of \$0.4300. ACE agreed to reduce the SIR from \$750,000 to \$500,000 and again guaranteed this rate for two years, provided that OCTA's loss experience continued to trend favorably, no new business ventures would be acquired and OCTA would not market this coverage with other insurance competitors. As directed by the Finance and Administration Committee, OCTA agreed to these items as this agreement reduced OCTA's loss exposure by \$250,000 per occurrence with a two-year

guarantee. OCTA renewed the policy at the \$0.4300 guaranteed rate at statutory limits with a \$500,000 SIR for an annual premium of \$521,730, based on an estimated payroll of \$121,323,920 for the policy period of October 1, 2008 through October 1, 2009.

#### Excess Liability

The OCTA is also self-insured for liability claims. However, OCTA purchases excess liability insurance to provide financial protection against potential high-exposure liability losses. It protects against liability claims for bodily injury and property damage arising out of premises, all operations including the 91 Express Lanes, products, and completed operations, advertising and personal injury liability; errors and omissions liability (including public official's coverage); employment practices and employee benefit liability.

Last year's policy period included a primary excess liability policy for \$10 million in coverage with Everest National Insurance Company (Everest) for a premium of \$377,706, as well as a secondary excess liability insurance policy for \$25 million through Great American Insurance Services (Great American) for a premium of \$158,204. Collectively, these policies provided OCTA with \$35 million of liability insurance in excess of the \$4 million SIR for a total premium of \$535,910.

At the time of the 2008 renewal for these policies, OCTA as well as other public transit organizations experienced a less favorable insurance market due to fewer insurance companies willing to write transportation risks. OCTA received four quotes out of 13 insurers marketed, but incumbents Everest and Great American provided OCTA with the most competitive quotes for the primary and secondary excess liability insurance policies. Everest quoted \$309,060 for \$10 million in primary liability protection in excess of a \$4 million SIR and Great American quoted \$142,778 for \$25 million in secondary excess protection.

As directed by the Finance and Administration Committee, OCTA opted to renew the excess liability policies with Everest and Great American which provides combined insurance protection of \$35 million above a \$4 million SIR for a total premium of \$451,838. This renewal maintains OCTA's insurance protection of \$35 million, with a 15.69 percent or \$84,072 decrease in premium. Both of these excess liability policies are effective from November 1, 2008 to November 1, 2009.

## Property

Aside from the 91 Express Lanes property, OCTA currently owns buildings, contents, and buses with an insurable value of \$512,689,469. To protect property from accidental loss, OCTA purchases property insurance. The annual property insurance policy for OCTA renews on the first of December each year. Last year, OCTA was insured with Travelers Property Casualty Company of America (Travelers) for an annual premium of \$369,317. This policy protected against broad property perils such as fire, flood protection, and property losses caused by earthquake.

Insurance companies determine property insurance quotes based upon current insurance market conditions affecting rates per \$100 in property values and the total value of property to be insured. At the time of the renewal of this policy in December 2008, property insurance market premiums were becoming more favorable. This enabled OCTA to pursue increases in total per occurrence coverage limits as well as adding other increases in protection for a reasonable additional premium. Travelers submitted the most competitive premium pricing with a quote of \$379,390 for standard perils and flood coverage, and \$5 million in earthquake coverage. As directed by the Finance and Administration Committee, OCTA opted to renew the property insurance policy with Travelers for the policy period of December 1, 2008 through December 1, 2009.

### 91 Express Lanes Property

The OCTA purchases property, earthquake, flood, and terrorism insurance for the roadway, structures, and business personal property, including business interruption coverage for the 91 Express Lanes. The 91 Express Lanes insurance policy for the March 1, 2008 through March 1, 2009, policy period consisted of a primary property policy with AXIS Reinsurance Company (AXIS), a primary difference-in-conditions (flood and earthquake) policy with Empire Indemnity Insurance Company (Empire). This policy period insured a total of \$133,096,597 of 91 Express Lanes property for an annual premium of \$368,596.

The total insurable property values increased from \$133,096,597 to \$135,410,416 for the March 1, 2009, policy renewal. The values for the roadway, paving, and structures, were increased by 9.4 percent from \$75,273,684 to \$82,349,410, as recommended by the Marshall & Swift Cost Index. The business interruption value was decreased from \$47.4 million to \$40 million to reflect current traffic and revenue volumes. In addition, added coverage for newly upgraded business personal property,

leasehold improvements, and equipment and software were included in this renewal. The transponder inventory value was increased from \$195,408 to \$233,500 to reflect usual quantity on hand for distribution.

Although OCTA received two insurance company quotes for the primary property policy, six quotes were received for renewing the earthquake policy. AXIS provided the most competitive quote of \$135,400 for the primary property policy and Empire quoted \$254,753 for the earthquake coverage.

As directed by the Finance and Administration Committee, OCTA opted to renew the property insurance policy with AXIS to include enhancements of the standard policy, and with Empire for \$35 million of earthquake coverage with a current \$1 million deductible maintained. The \$390,153 combined premium is a 5.6 percent or \$21,557 increase for these two policies from the preceding policy term. The current property insurance policy is effective from March 1, 2009 to March 1, 2010.

#### Health Insurance

The OCTA presently has agreements with various companies to provide medical, dental, vision, life insurance, and disability services for administrative employees (unrepresented) and employees represented by the Transportation Communications International Union (TCU).

#### Medical Providers

OCTA has offered three choices of medical plans to its employees and their families since 1981. On September 8, 2008, the Board approved new contracts replacing CIGNA Healthcare of California (CIGNA) with Aetna to provide a health maintenance organization (HMO) plan as well as an open access managed choice (OAMC) plan for the period January 1, 2009 through December 31, 2009. In addition, the Board approved an amendment to the agreement with Kaiser Foundation Health Plan, Inc. (Kaiser) to provide an HMO plan for the period January 1, 2009 through December 31, 2009.

Aetna offered a 2 percent overall rate increase for an annual cost of \$4.1 million and guaranteed through December 31, 2009. CIGNA provided a 12 percent increase for an annual cost of \$4.5 million. Aetna's replacement of CIGNA resulted in a cost savings of approximately \$400,000.



### Vision Service Plan

Vision Service Plan (VSP) is offered to employees who select Aetna medical coverage since Kaiser medical also includes vision coverage. VSP offered no change in the administration fees for 2009. Since the plan is self-funded, a 9.1 percent increase was added to the budgeted rate for calendar year 2009. This is an estimated annual cost of \$121,000 and includes the cost for vision claims and administration services through December 31, 2009. The VSP network is comprised primarily of ophthalmologists, optometrists, and no retail stores.

### Dental Services

SmileSaver, the incumbent, offered a decrease of 5.6 percent below calendar year 2008 rates for prepaid dental services and guaranteed this rate through December 31, 2011, with an estimated annual cost of \$21,000.

For preferred provider organization (PPO) dental services, MetLife dental PPO, the incumbent, provided no rate increase over last year, with an estimated annual amount of \$160,000, guaranteeing this rate for one year through December 31, 2009.

### Life and Disability Insurance

Lincoln Financial Group offered a rate decrease over the previous year and guaranteed rates through December 31, 2010, with an estimated annual cost of \$260,000. This includes an increase to the long-term disability monthly maximum benefit amount from \$6,000 to \$8,000 effective January 1, 2009.

### Flexible Spending Account

OCTA offers employees a flexible spending account (FSA) for healthcare expenses of the employee, spouse, and dependents, as well as a separate FSA for dependent care expenses, through non-taxable reimbursements. Previously, the FSA was administered internally by human resources. In an effort to protect employees' personal health information on top of the cost benefit, the Board approved contracting with third-party administrator, Creative Benefits, Inc., to review medical claims and receipts for reimbursing employees beginning in calendar year 2007.

Creative Benefits, Inc. offered a rate guarantee of three years for an estimated annual amount of \$8,500 for administering the FSA effective January 1, 2007 through December 31, 2009.

***Summary***

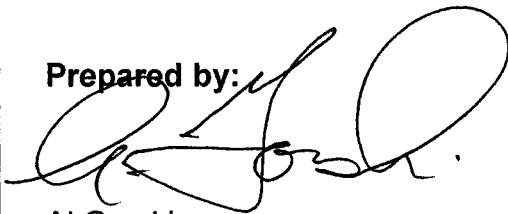
The Orange County Transportation Authority purchases various insurance coverages such as workers' compensation, liability, property, terrorism, business interruption, life, health, dental, vision , short-term and long-term disability insurance. The Orange County Transportation Authority contracts with insurance brokers for the marketing and placement of these coverages. All of the necessary insurance and purchased benefits were renewed on time and with Board of Directors approval within the approved budget.

The Risk Management and Human Resources staff will continue to work with Orange County Transportation Authority's brokers on strategies for future renewals in order to obtain the best possible insurance coverage at the lowest policy premium rates.

***Attachment***

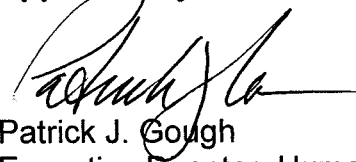
None.

**Prepared by:**



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**Approved by:**



Patrick J. Gough  
Executive Director, Human Resources &  
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BOARD COMMITTEE TRANSMITTAL

*June 8, 2009*

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Third Quarter Fiscal Year 2008-09 Grant Status Report

Finance and Administration Committee meeting of May 27, 2009

**Present:** Directors Amante, Bates, Campbell, and Green  
**Absent:** Directors, Brown, Buffa, and Moorlach

***Committee Vote***

This item was passed by all Committee Members present.


***Committee Recommendation***

Receive and file as an information item.



**May 27, 2009**

**To:** Finance and Administration Committee

**From:**  James S. Kenan , Interim Chief Executive Officer

**Subject:** Third Quarter Fiscal Year 2008-09 Grant Status Report

### **Overview**

The Quarterly Grant Status Report summarizes grant activities for information purposes for the Orange County Transportation Authority Board of Directors. This report focuses on significant activity for the period of January through March 2009. The Quarterly Grant Status Report summarizes future and pending grant applications, awarded/executed and current grant agreements, as well as closed-out grant agreements.

### **Recommendation**

Receive and file as an information item.

### **Discussion**

The Orange County Transportation Authority's (OCTA) long-term, proactive planning approach ensures the effective utilization of limited capital and operating resources. One critical aspect of this proactive planning approach is to strategically seek and obtain federal, state, and local grant funding.

The ongoing grant activities are categorized by future grant applications, pending grant applications, awarded/executed grant agreements, current grant agreements, Federal Transit Administration (FTA), and other discretionary grants, as well as closed grant agreements.

### Future Grant Applications

OCTA has five grant proposals currently under development as summarized below and on Attachment A.

#### Fiscal Year (FY) 2009 FTA Section 5309 Discretionary Bus Capital Grant Program

- The FY 2009 FTA Bus Capital Grant effort will include the development of transit earmarks recently appropriated in FY 2008 and 2009. The appropriations include \$490,000 for intercounty express bus (requested by Representative Loretta Sanchez [D-CA]) and two earmarks totaling \$3,211,500 for the Anaheim Regional Transportation Intermodal Center (requested by Senator Diane Feinstein [D-CA], Representative Ed Royce, [R-CA], and Representative Loretta Sanchez [D-CA]). Grant applications will be developed and submitted throughout the fiscal year based on project readiness and their inclusion into the Regional Transportation Improvement Program (RTIP). The federal funds require up to a 20 percent local match contribution and are to be applied for and awarded by September 2010.

#### FTA Section 5316 Jobs Access Reverse Commute Program/ FTA Section 5317 New Freedom Initiative

- Work is underway to complete a competitive call for projects for FTA Section 5316 and 5317 funds as directed by the OCTA Board of Directors (Board) on December 8, 2008. Over the past several months, staff has hosted local workshops, conducted reviews, and assisted local applicants with projects that seek to address the unmet transportation needs of persons of low income and those with disabilities. Staff will present a list of recommended projects to the Board in June 2009 to allocate over \$4.4 million in federal grant funding. The selection will be based on mobility needs and criteria identified in OCTA's Public Transit-Human Services Transportation Coordination Plan adopted on October 10, 2008.

#### FY 2010 Federal Transportation Appropriations Requests: Federal Highways Administration (FHWA) and FTA

- Throughout the month of February 2009, staff submitted project requests to the Orange County Congressional Delegation to pursue up to \$48 million in federal earmark funds for inclusion in the FY 2010 Transportation

Appropriations Act. Discretionary funds are being requested to support a list of eight transit and highway projects adopted by the Board on January 26, 2009. The projects were chosen based on several factors, including the viable status of the project, funding need, and their benefits to the Orange County community. Over 90 unique documents were prepared and submitted to the congressional district offices in February 2009 in support of this effort. Appropriated funds are typically announced early the following year.

FTA Section 5307 Transit Capital: American Recovery and Reinvestment Act of 2009

- Work is underway with FTA to secure all \$76.8 million in transit capital assistance funds made available to OCTA through the American Recovery and Reinvestment Act of 2009. Staff is working with FTA on developing the grant agreement and reporting requirements, as well as with the Southern California Association of Governments (SCAG) on its approval in the RTIP. As authorized by the Board on March 9, 2009, the funds are to be used to maximize funding for bus maintenance activities, including \$76.1 million for capital costs of contracting and preventive maintenance, and \$750,000 to support capital improvements at OCTA's bus base facilities. A draft grant agreement is currently in review and is expected to be finalized by June 2009.

New Surface Transportation Authorization Requests: FHWA and FTA

- Staff is working collaboratively across all departments and with the Orange County Congressional Delegation to develop project requests for inclusion in the new surface transportation authorizing legislation. The requests pursue over \$1 billion in discretionary capital funds to support 16 high-priority transit and highway projects approved by the Board on April 27, 2009. Over 120 unique documents were prepared and submitted to the delegation in support of this effort.

Pending Grant Applications

The OCTA has five pending grant proposals awaiting award or approval, which are summarized on Attachment B.

FY 2009 California Transit Security Grant Program (CTSGP), Proposition 1B Transit System Safety, Security, and Disaster Response Account

- 
- On April 16, 2009, staff submitted project proposals and financial documents needed to secure \$3.52 million allocated to OCTA through the FY 2009 CTSGP. As directed by the Board on February 23, 2009, the funds are to support upgrades to OCTA's transit communications system (\$3,435,574) and the installation of license plate recognition systems on OCTA Transit Police Service vehicles (\$85,000). Award notifications are anticipated in June 2009. The funds do not require local match contributions or cost-sharing arrangements.

FY 2009 Transit Security Grant Program (TSGP): Department of Homeland Security (DHS)

- On January 23, 2009, staff submitted proposals to pursue \$880,000 in grant funds from the Department of Homeland Security to support a variety of security projects. Funds are being pursued to update the OCTA emergency operations plan (\$200,000), train and exercise OCTA staff in regards to the updated plan (\$200,000), and conduct counter-surveillance training (\$180,000), as well as implement a public awareness campaign for OCTA (\$300,000). These efforts are intended to help bring up-to-date OCTA's emergency protocols and procedures, ensure well-trained and practiced personnel, while enhancing security awareness among transit riders. The proposals were developed in response to the release of the 2009 TSGP guidelines on November 5, 2008. An award notification is expected to be announced in June 2009.

FY 2008 FTA Section 5310 Transportation for Elderly Persons and Persons with Disabilities

- As directed by the Board on August 25, 2008, staff submitted a recommended list of five applications for statewide competition in FTA's Section 5310 Program. The program presents an opportunity for local agencies to acquire Americans with Disabilities Act (ADA) accessible vehicles and related equipment to help meet the transportation needs of elderly persons and persons with disabilities. The applications pursue over \$1.85 million for nine paratransit vans, 21 accessible buses, and related equipment. An award of grant funds will help ensure quality transportation to disabled and senior communities in Orange County while alleviating demand on OCTA's ACCESS services. Awards notifications are expected in June 2009.



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FY 2009 FTA Congestion Mitigation and Air Quality (CMAQ) Fund Transfer

- On July 17, 2008, staff submitted an FTA grant agreement to transfer \$17.2 million in CMAQ funds from FHWA to FTA for transit use. Of that amount, \$16.5 million will fund commuter rail station improvements, facility modifications, and parking expansions as identified by an OCTA commuter rail needs assessment completed June 2008. The remaining \$735,000 in funds are to support rideshare services. The grant agreement with FTA has been prepared and is expected to be executed June 2009 once the project is incorporated in an approved RTIP.

FY 2008 TSGP: DHS

- On September 15, 2008, staff submitted a draft proposal to the DHS to pursue \$409,000 in grant funds to develop and conduct an exercise and training program aimed at reducing safety and security risks associated with OCTA's alternative fuel vehicles and infrastructure. The program will seek feedback from local first responder agencies and equipment manufacturers, update protocols and procedures, and provide training to OCTA transit staff. An award notification date has yet to be announced by the granting agency.

Awarded/Executed Grant Agreements

Federal Emergency Management Agency (FEMA): State of California  
Emergency Management Agency (CalEMA)

- As directed by the Board on April 13, 2009, staff executed the final documents needed to recover costs and losses incurred by OCTA during the November 2008 freeway complex wildfire. Over the past several months, staff has worked cooperatively with CalEMA and FEMA representatives to identify \$65,809 in eligible costs, which include the cleanup and replacement of a storage shed, equipment, and damaged asphalt (\$52,313), repairs to the communications antenna, and cabling (\$11,627), as well as vehicle and overtime labor costs (\$1,870).

FY 2005 TSGP Unexpended Funds: DHS

- On November 14, 2008, the Governor's Office of Homeland Security (OHS) awarded OCTA \$34,733 to fund the purchase and programming costs of five handheld mobile radios for use by OCTA Transit Police Service officers. The

grant funds are those that remained unspent statewide from the FY 2005 TSGP grant cycle and do not require local match. The portable radios have been procured, and were operational on January 31, 2009, to support enhanced patrolling and increase OCTA's emergency preparedness.

#### Current Grant Agreements - FTA

OCTA has nine current capital formula grants and four current capital discretionary grants, which are summarized on Attachments C and D (operating assistance only).

**Capital Formula Grants:** OCTA receives an annual formula capital grant from the FTA. There are nine active formula capital grants, totaling \$735.5 million. A total of \$669.4 million of these grants have been expended or obligated for procurement, leaving a remaining and available balance of \$66.1 million.

**Capital Discretionary Grants:** There are four active discretionary capital grants, totaling \$17.7 million. A total of \$6.1 million of these grants has been expended or obligated for procurement, leaving a remaining and available balance of \$11.6 million. The \$11.6 million available balance includes the construction of the Harbor Boulevard bus rapid transit (BRT) demonstration project, mobile fare equipment for OCTA, engineering design for BRT busway, and security camera system for four existing commuter rail stations located in Laguna Niguel, Orange, Santa Ana, and Tustin.

#### Current Grant Agreements - Other Discretionary Grants

OCTA has \$193.7 million in current other discretionary grants, which are summarized on Attachment E.

In addition to the specific grants outlined above, OCTA receives a variety of discretionary grants from sources such as Air Quality Management District, Mobile Source Air Pollution Reduction Review Committee, Homeland Security, State Transportation Improvement Program (STIP), CMAQ, California Department of Transportation, Proposition 1B, FHWA, and the State Highway Fund. The remaining and available balance on these discretionary grants is \$49.7 million. These funds will be received on a reimbursement of eligible expense basis.

### Closed Grant Agreements

The OCTA staff closed out one discretionary capital grant agreement and one formula capital grant agreement as summarized on Attachment F. Provided below is a brief summary of the grants by category.

**Discretionary Capital Grant:** OCTA staff closed out the CA-03-0585 grant agreement. All federal funds attributed to these grant agreements have been expensed and reimbursed.

**Formula Capital Grant:** OCTA staff closed out the CA-90-X962 grant agreement. All federal funds attributed to these grant agreements have been expensed and reimbursed.

### ***Summary***

This report provides an update of the grant funded activities for the third quarter of fiscal year 2008-09, January through March 2009. Staff recommends this report be received and filed as an information item.

**Attachments**

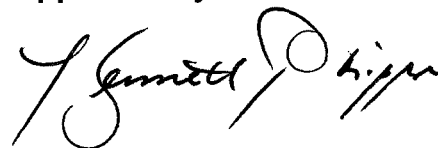
- A. Quarterly Grant Status Report, January through March 2009, Future Grant Applications
- B. Quarterly Grant Status Report, January through March 2009, Pending Grant Applications
- C. Quarterly Grant Status Report, January through March 2009, Current Formula and Discretionary Grants
- D. Quarterly Grant Status Report, January through March 2009, Operating Assistance Only
- E. Quarterly Grant Status Report, Current Other Discretionary Grants
- F. Quarterly Grant Status Report, January through March 2009, Federal Transit Administration Capital Grant Index

**Prepared by:**



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**Approved by:**



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Acting Executive Director  
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*for*

Quarterly Grant Status Report  
January thru March 2009  
Future Grant Applications

**ATTACHMENT A**

**Federal Transit Administration Section 5309 (c) - Bus and Bus Related Facilities Program**

Discretionary grants are funded by Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users/Transportation Equity Act for the 21st Century.

Grants provide capital funds for projects that improve efficiency and coordination of transportation systems.

GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Fiscal Year 2008 Earmark: Intercounty Express Bus (Sanchez)	\$ 490,000	\$ 122,500	\$ 612,500	July 2009	September 2010	Grant applications will be developed and submitted throughout the fiscal year based on project readiness and their inclusion into the Regional Transportation Improvement Program .
Fiscal Year 2008 Earmark: Anaheim Regional Transportation Intermodal Center (Feinstein, Royce and Sanchez)	3,211,500	802,875	4,014,375	July 2009	September 2010	Grant applications will be developed and submitted throughout the fiscal year based on project readiness and their inclusion into the Regional Transportation Improvement Program.
<b>Sub-Total</b>	<b>\$ 3,701,500</b>	<b>\$ 925,375</b>	<b>\$ 4,626,875</b>			

**Federal Transit Administration Section 5316 Jobs Access Reverse Commute Program/ Federal Transit Administration Section 5317 New Freedom Initiative**

GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Federal Transit Administration Section 5316 - Jobs Access Reverse Commute (JARC) and Section 5317 - New Freedom Initiative	\$ 4,424,997	\$ 2,852,573	\$ 7,277,570	June 2009	August 2009	Staff intends to present a list of recommended projects to the OCTA Board in June 2009 to allocate over \$4.8 million in federal grant funding.
<b>Sub-Total</b>	<b>\$ 4,424,997</b>	<b>\$ 2,852,573</b>	<b>\$ 7,277,570</b>			

**Fiscal Year 2010 Federal Transportation Appropriations Requests: Federal Highway Administration and Federal Transit Administration**

GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Fiscal Year 2010 Earmark: Federal Highway Administration and Federal Transit Administration	\$ 48,000,000	\$ 12,000,000	\$ 60,000,000	February 2009	April 2009	Throughout the month of February 2009, staff submitted project requests to the Orange County Congressional Delegation to pursue up to \$48 million in federal earmark funds for inclusion in the fiscal year 2010 Transportation Appropriations Act.
<b>Sub-Total</b>	<b>\$ 48,000,000</b>	<b>\$ 12,000,000</b>	<b>\$ 60,000,000</b>			

**Federal Transit Administration Section 5307 Transit Capital: American Recovery and Reinvestment Act of 2009**

GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Fiscal Year 2009 bus maintenance activities, bus service, preventative maintenance, and support to capital improvements at OCTAs bus base facilities.	\$ 76,800,000	\$ -	\$ 76,800,000	April 2009	June 2009	Staff is working with Federal Transit Administration on developing the grant agreement and reporting requirements, as well as with the Southern California Association of Governments on its approval in the Regional Transportation Improvement Program
<b>Sub-Total</b>	<b>\$ 76,800,000</b>	<b>\$ -</b>	<b>\$ 76,800,000</b>			

Quarterly Grant Status Report  
 January thru March 2009  
 Future Grant Applications

New Surface Transportation Authorization Requests: Federal Highway Administration and Federal Transit Administration						
GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Discretionary capital funds to support 16 high priority transit and highway projects	\$ 1,000,000,000	\$ 250,000,000	\$ 1,250,000,000	April 2009	TBD	Staff is pursuing over \$1 billion in discretionary capital funds to support 16 high priority transit and highway projects. The request documents will be submitted to the delegation in March and April of 2009, as requested.
<b>Sub-Total</b>	<b>\$ 1,000,000,000</b>	<b>\$ 250,000,000</b>	<b>\$ 1,250,000,000</b>			

<b>Total</b>	<b>\$ 1,132,926,497</b>	<b>\$ 265,777,948</b>	<b>\$ 1,398,704,445</b>
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Quarterly Grant Status Report  
 January thru March 2009  
 Pending Grant Applications

**ATTACHMENT B**

Fiscal Year 2009 California Transit Security Grant Program, Proposition 1B Transit System Safety, Security, and Disaster Response Account						
GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Proposition 1B Transit System Safety, Security, and Disaster Response Account (TSSSDRA)	\$ 3,520,000	\$ -	\$ 3,520,000	January 2009	June 2009	As directed by the OCTA Board on February 23, 2009, the funds are to support upgrades to OCTA's transit communications system (\$3,435,574) and the installation of license plate recognition systems on OCTA Transit Police Service vehicles (\$85,000).

Transit Security Grant Program: Department of Homeland Security						
GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Fiscal Year 2009 Transit Security Grant Program: Department of Homeland Security	\$ 880,000	\$ 220,000	\$ 1,100,000	January 2009	June 2009	On January 23, 2009, staff submitted proposals to pursue \$880,000 in grant funds from the Department of Homeland Security to support a variety of security projects. Funds are being pursued to update the OCTA emergency operations plan.

Fiscal Year 2008 Federal Transit Administration Section 5310 Transportation for Elderly Persons and Persons with Disabilities						
GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Fiscal Year 2008 Earmark: Transportation for Elderly Persons	\$ 1,850,000	\$ 462,500	\$ 2,312,500	August 2008	June 2009	Awards notifications are expected in June 2009.

Mobile Source Air Pollution Reduction Review Committee						
GRANT	GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Fiscal Year 2008 Congestion Mitigation and Air Quality	\$ 17,235,000	\$ 4,125,000	\$ 21,360,000	July 2008	June 2009	To fund commuter rail station improvements, facility modifications, parking expansions and support rideshare services. The grant agreement with Federal Transit Administration has been prepared and is expected to be executed June 2009 once the project is incorporated in an approved Regional Transportation Improvement Plan.

Fiscal Year 2008 Transit Security Grant Program: Department of Homeland Security						
GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	ESTIMATED SUBMITTAL DATE	ESTIMATED APPROVAL DATE	STATUS
Fiscal Year 2008 Earmark: Department of Homeland Security	\$ 409,000	\$ 102,250	\$ 511,250	September 2008	June 2009	An award notification date has yet to be announced by the granting agency.

<b>Total</b>	<b>\$ 23,894,000</b>	<b>\$ 4,909,750</b>	<b>\$ 28,803,750</b>			
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Quarterly Grant Status Report  
January thru March 2009

**ATTACHMENT C**

Current Formula and Discretionary Grants

<b>Federal Transit Authority SECTION 5307, 5309 AND 5313 GRANT FUNDS</b>						
<b>Federal Transit Authority Section 5307 - Urbanized Area Formula Capital Grant Program</b>						
Formula grants funded by the Transportation Equity Act for the 21st Century. Funds are generally used to purchase revenue vehicles, vehicle and facility modifications and bus related equipment.						
CURRENT GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	EXPENDED TO DATE	UNLIQUIDATED OBLIGATIONS	REMAINING BALANCE
Fiscal Year 2009 Congestion Mitigation and Air Quality	\$ 5,200,000	\$ 1,300,000	\$ 6,500,000	\$ -	\$ -	\$ 6,500,000
Fiscal Year 2008	52,551,072	6,406,488	58,957,560	40,375,480	342,413	18,239,667
Fiscal Year 2007 Congestion Mitigation and Air Quality	5,616,267	651,984	6,268,251	1,625,494	150,716	4,492,041
Fiscal Year 2007	48,631,827	5,657,957	54,289,784	37,337,239	1,060,602	15,891,943
Fiscal Year 2006	47,043,235	5,562,746	52,605,981	33,963,626	744,093	17,898,262
Fiscal Year 2005	88,923,097	10,618,649	99,541,746	91,473,812	8,024,317	43,617
Fiscal Year 2004 **	52,130,309	7,058,512	59,188,821	58,162,007	1,026,814	-
Fiscal Year 2002-03 *	138,042,215	18,030,787	156,073,002	155,384,461	688,463	78
Fiscal Year 2001	35,613,774	4,899,532	40,513,306	36,885,446	637,406	2,990,454
<b>Formula Grants Total</b>	<b>\$ 473,751,796</b>	<b>\$ 60,186,655</b>	<b>\$ 533,938,451</b>	<b>\$ 455,207,565</b>	<b>\$ 12,674,824</b>	<b>\$ 66,056,062</b>

Note: The remaining balance reflects funds in an approved grant waiting for the procurement contract.

\* The Fiscal Year 2002-03 Section 5307 Grant is a consolidated Fiscal Year 2001-02 and Fiscal Year 2002-03 mega grant.

\*\* The Fiscal Year 2003-04 Section 5307 Grant is "ONLY" 9/12 of the amount available because the extension of Transportation Equity Act for the 21st Century expired June 30, 2004.

<b>Federal Transit Authority Section 5309 - Discretionary Capital Grant Program</b>						
Discretionary grants funded by the Transportation Equity Act for the 21st Century. Grants provide capital funds for projects that improve efficiency and coordination of transportation systems.						
CURRENT GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	EXPENDED TO DATE	UNLIQUIDATED OBLIGATIONS	REMAINING BALANCE
Fiscal Year 2008 Bus Program	\$ 7,021,300	\$ 1,727,839	\$ 8,749,139	\$ 670,358	\$ 62,602	\$ 8,016,179
Fiscal Year 2006 Bus Application	970,874	242,719	1,213,593	82,763	156,893	973,937
Fiscal Year 2005 Bus Application	4,344,932	1,037,983	5,382,915	2,704,959	-	2,677,956
Fiscal Year 2001-02 Cities of Anaheim and Brea and Santa Ana Bus Base	1,930,671	469,249	2,399,920	2,329,602	70,318	-
<b>Discretionary Grants Sub-Total</b>	<b>\$ 14,267,777</b>	<b>\$ 3,477,790</b>	<b>\$ 17,745,567</b>	<b>\$ 5,787,682</b>	<b>\$ 289,813</b>	<b>\$ 11,668,072</b>

Note: The above grant amounts include Federal Transit Authority amount and Orange County Transportation Authority local match but excludes operating assistance.

The federal funds allocated for operating assistance can be found in Attachment D.

<b>Formula and Discretionary Grant Total</b>	<b>\$ 488,019,573</b>	<b>\$ 63,664,445</b>	<b>\$ 551,684,018</b>
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Quarterly Grant Status Report  
 January thru March 2009  
 Operating Assistance Only

<b>FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT FUNDS</b>				
<b>Federal Transit Administration Section 5307 - Urbanized Area Formula Capital Grant Program</b>				
<b>Note: Operating Assistance Only</b>				
<b>CURRENT GRANT</b>	<b>FEDERAL GRANT AMOUNT</b>	<b>LOCAL SHARE AMOUNT</b>	<b>TOTAL GRANT AMOUNT</b>	<b>Federal Transit Administration DATE PAID</b>
Fiscal Year 2008 *	\$ 5,255,107	\$ 18,759,832	\$ 24,014,939	June 6, 2008
Fiscal Year 2007 *	4,863,183	19,151,756	24,014,939	December 12, 2007
Fiscal Year 2006 *	4,659,324	19,355,615	24,014,939	October 3, 2006
Fiscal Year 2005 *	5,341,510	24,844,621	30,186,131	October 4, 2005
Fiscal Year 2004 *	3,010,031	15,503,544	18,513,575	August 30, 2004
Fiscal Year 2002-03 *	6,966,007	37,562,925	44,528,932	August 21, 2003
Fiscal Year 2001 *	3,155,000	16,411,495	19,566,495	March 8, 2002
Fiscal Year 2000 *	2,889,244	13,818,506	16,707,750	September 29, 2000
<b>Formula Grants Total</b>	<b>\$ 36,139,406</b>	<b>\$ 165,408,294</b>	<b>\$ 201,547,700</b>	

Note: \* Includes Americans with Disabilities Act Paratransit Operating Assistance "ONLY"

**Quarterly Grant Status Report  
Current Other Discretionary Grants**

**DISCRETIONARY ALLOCATIONS**

**Air Quality Management District Grant Program and Mobile Source Air Pollution Reduction Review Committee**  
Provides grants for the purchase of clean fuel revenue vehicles and other activities to reduce mobile source emissions.

CURRENT GRANT	STATE GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
Fiscal Year 2002-03 Mobile Source Air Pollution Reduction Committee Contract #MS03041 Revenue Contract #C60123	\$ 1,360,000	\$ -	\$ 1,360,000	\$ -	Grant funds 68 liquefied natural gas buses at \$20,000 each. On June 1, 2004, Orange County Transportation Authority executed a contract with Mobile Source Air Pollution Reduction Committee with an expiration date of 2008. The funds have been reprogrammed to the current compressed natural gas bus procurement. A reimbursement request for \$1,224,000 was sent in March with payment received April 16th. Received final check #0105015 dated January 14, 2009, for \$136,000.
Fiscal Year 2002-03 Air Quality Management District Contract #07320 Revenue Contract #C71248	1,000,000	-	1,000,000	1,000,000	Funds were awarded in October 2002 for liquified natural gas fueling infrastructure at the Garden Grove and Anaheim facilities. On December 3, 2004, Air Quality Management District approved OCTA's request to direct funds towards liquified natural gas fuel tank upgrades for the bus fleet and an liquified natural gas fueling station at the Santa Ana Base. Due to delays with the liquified natural gas tank improvement project and new commitment towards compressed natural gas fuel technologies, staff began discussions with Air Quality Management District to realign the total grant award to support compressed natural gas (CNG) fueling at the Santa Ana facility. Negotiations with the CNG fueling vendor were completed in May 2006, a detailed project scope was forwarded to Air Quality Management District staff to develop emissions benefit calculations needed to redirect awarded funds. On February 2, 2007, the Air Quality Management District governing Board approved the use of grant funds to OCTA. First reimbursement for \$990,000 was submitted on November 17, 2008.
Fiscal Year 2004-05 Mobile Source Air Pollution Reduction Committee Contract #MSO5040 Revenue Contract #C60060	200,000	-	200,000	-	Executed in March 2006, this grant funds 25 natural gas buses at \$8,000 per bus. A reimbursement request of \$180,000 for 25 buses less retentions, was sent in December 2007 with the funds being received in January 2008. Received final check #0105015 dated January 14, 2009, for \$20,000.
Fiscal Year 2004-05 Mobile Source Air Pollution Reduction Committee Contract #PT05063 Revenue Contract #C52915	425,000	-	425,000	76,500	Grant awarded for \$150,000 in February 2005 to purchase and install 71 catalyzed diesel particulate filter systems to retrofit certain diesel-fueled buses. In June 2005, the Mobile Source Air Pollution Reduction Committee Board increased award amount to \$603,500. The contract was executed in March 2006 and budgeted in fiscal year 2007. Requisition 41263 was approved in January 2007. In June 2007, the Board approved a reduction of the number of filters to 50, resulting in a new award amount of \$425,000. Reimbursement invoice AR123404 for \$348,500 was sent September 12, 2008, and received October 20, 2008.

**Quarterly Grant Status Report  
Current Other Discretionary Grants**

**DISCRETIONARY ALLOCATIONS**

**Air Quality Management District Grant Program and Mobile Source Air Pollution Reduction Review Committee  
Provides grants for the purchase of clean fuel revenue vehicles and other activities to reduce mobile source emissions.**

CURRENT GRANT	STATE GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
Fiscal Year 2006 Mobile Source Air Pollution Reduction Committee Contract #MS06002 Revenue Contract #C71246	\$ 928,000	\$ -	\$ 928,000	\$ 518,580	Executed November 2007, this grant provides funding for the purchase and implementation of automated vehicle locator and mobile data terminal equipment to increase the efficiency of the Freeway Service Patrols. The award requires a minimum 25 percent match funded through the Orange County Service Authority for Freeway Emergencies. To date reimbursements from the Mobile Source Air Pollution Reduction Committee total \$409,420. Project continues for three years. In conversations with Mobile Source Air Pollution Reduction Committee about Match requirements.
Fiscal Year 2006 Mobile Source Air Pollution Reduction Committee Contract #MS06045 Revenue Contract #C71175	200,000	-	200,000	-	Grant executed August 2007. Provides funds to offset capital costs of the compressed natural gas fueling station at the Santa Ana Base. Reimbursement invoice for \$180,000 paid on November 19, 2008. Final reimbursement for \$20,000 was received on February 3, 2009.
Fiscal Year 2006 Mobile Source Air Pollution Reduction Committee Contract #MS07009 Revenue Contract #C80815	800,000	-	800,000	80,000	Awarded on April 6, 2007, this grant helps support the purchase of 40 new buses equipped with advanced low emission natural gas engines. During the first quarter (July thru September), 28 Low Emission buses were conditionally accepted. A pause in payments to the vendor delayed reimbursement during the second quarter (October thru December). A reimbursement invoice for \$720,000 was received on March 18, 2009.
Fiscal Year 2007 Air Quality Management District Contract #08130 Revenue Contract #C81043	4,700,000	-	4,700,000	3,125,000	On December 7, 2007, the Air Quality Management District awarded Orange County Transportation Authority \$4.7 million in grant funds through the Fiscal Year 2007 Carl Moyer Grant Program. The award supports the repowering of 188 Orange County Transportation Authority transit buses with new advanced low emission engines with a grant amount of \$25,000 each. The new advanced replacement engines will reduce tail pipe emissions between 600 and 700 pounds per year per vehicle. The first reimbursement for \$1,575,000 was received on March 4, 2009. The second reimbursement for \$1,075,000 was submitted on March 30, 2009.
Fiscal Year 2008 Mobile Source Air Pollution Reduction Committee Contract # TBD Revenue Contract #Cxxxxxx	1,500,000	-	1,500,000	1,500,000	Awarded by the Mobile Source Air Pollution Reduction Review Committee on November 15, 2007, to implement a "Big Rig" pilot program intended to ease congestion by removing disabled trucks along the highly congested Riverside Freeway. This pilot service would operate similar to the Freeway Service Patrol to help mitigate the impacts of goods movement. This project has been delayed for at least one year (fiscal year 2011).
Fiscal Year 2008 - Alternative Fuels Infrastructure Program Contract # MSO8057 Revenue Contract #	400,000	-	400,000	400,000	On July 11, 2008, the Mobile Source Air Pollution Reduction Committee awarded OCTA \$400,000 in competitive grant funds from its Alternative Fuels Infrastructure Program. The award will offset the capital costs of implementing a new compressed natural gas fueling station at the Garden Grove Base facility, while allowing local funds to be used towards other OCTA projects and programs. The contract is in the execution process.

**Quarterly Grant Status Report  
Current Other Discretionary Grants**

**DISCRETIONARY ALLOCATIONS**

**State Office of Homeland Security**

These grants are to be used for the protection of the Orange County's transportation system.

CURRENT GRANT	STATE GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
Fiscal Year 2005 Transit Security Grant Program	\$ 34,733	\$ -	\$ 34,733	\$ -	On November 14, 2008, the Governor's Office of Homeland Security awarded Orange County Transportation Authority \$34,733 to fund the purchase of five handheld mobile radios for use by Orange County Transportation Authority Transit Police Service Officers. The radio's have been procured and the funds received.
Fiscal Year 2006 Transit Security Grant Program	950,000	-	950,000	950,000	Funds on-board bus cameras, surveillance system at the Buena Park Rail Station and development of a Comprehensive Emergency Operations Plan. A reimbursement request, AR 123950 for \$924,575 was sent on 2/18/09. A final reimbursement request AR 123971 for \$25,425, was sent on March 6, 2009.
Fiscal Year 2007 Transit Security Grant Program	1,550,000	-	1,550,000	1,550,000	Funds on-board bus surveillance system and exercise and training program. A reimbursement request, AR 123951 for \$1,400,000 was sent on 2/18/09.

**Federal Emergency Management Agency**

State of California Emergency Management Agency

CURRENT GRANT	STATE GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
November 2008 Freeway Complex Wildfire Cost Recovery	\$ 65,809	\$ -	\$ 65,809	\$ 59,420	Wild fire recovery eligible costs include the clean-up and replacement of a storage shed, equipment, and damaged asphalt (\$52,313), repairs to the communications antenna and cabling (\$11,627), and vehicle and overtime costs (\$1,870).

**State Transportation Improvement Program**

CURRENT GRANT	CALTRANS QA/QC AMOUNT	OCTA TOTAL GRANT AMOUNT	STATE GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
2006 State Transportation Improvement Program Capital BRT (PS&E)	\$ -	\$ 8,310,000	\$ 8,310,000	\$ 6,927,210	West Orange County Bus Rapid Transit Guideway, Design Phase (Plans, Specifications and Estimates). Reimbursement to date is \$1,382,790
2007 State Transportation Improvement Program Capital Placentia Rail Station (PS&E)	-	2,500,000	2,500,000	2,456,880	Placentia Rail Station Design phase (Plans, Specifications and Estimates). Contract C71294 executed 10/2/08 with Willdan for PS&E. Received reimbursement for \$24,198 in December 2008. Reimbursement to date is \$43,120. Per project manager (Lora Cross) project has been delayed.
2008 State Transportation Improvement Program Capital Tustin Rail Station (PS&E)	-	1,100,000	1,100,000	1,100,000	Tustin Rail Station Design phase (Plans, Specifications and Estimates). Contract not executed.
2008 State Transportation Improvement Program El Camino Real Soundwall (PS&E)	-	646,000	646,000	238,463	Funding for the Santa Ana Freeway El Camino Real Soundwall, Design Phase (Plans, Specifications and Estimates). Received the first reimbursement for \$407,536.52 in December 2008. 2nd reimbursement AR 123972 for \$117,455.25 was sent March 4, 2009.

**Quarterly Grant Status Report  
Current Other Discretionary Grants**

<b>DISCRETIONARY ALLOCATIONS</b>					
2008 State Transportation Improvement Program Capital Avenida Vaquero Soundwall (PS&E)	-	620,000	620,000	282,751	Funding for the Santa Ana Freeway Avenida Vaquero Soundwall, Design Phase (Plans, Specifications and Estimates). Received the first reimbursement for \$337,248.82 in December 2008. A second reimbursement for \$192,954.90 is scheduled for April 3, 2009.

<b>California Integrated Waste Management Board</b>					
CURRENT GRANT	STATE GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
Targeted Rubberized Asphalt Concrete Incentive Grant Program	\$ 150,000	\$ -	\$ 150,000	\$ 150,000	Funding to help offset the costs of rubberized asphalt on the Garden Grove Freeway improvement project. Received final report on 10/28/08. Reimbursement invoice submitted on November 3, 2008. Final Report is in review by Waste Management (2/25/09).

**Quarterly Grant Status Report  
Current Other Discretionary Grants**

**DISCRETIONARY ALLOCATIONS**

<b>State Transportation Improvement Program Programming, Planning, Monitoring (PPM)</b>					
<b>CURRENT GRANT</b>	<b>STATE GRANT AMOUNT</b>	<b>LOCAL SHARE AMOUNT</b>	<b>TOTAL GRANT AMOUNT</b>	<b>REMAINING BALANCE</b>	<b>PROJECT STATUS</b>
Fiscal Year 2004 Program	\$ 3,500,000	\$ -	\$ 3,500,000	\$ 3,500,000	Annual State Transportation Improvement Program allocation for the programming, planning, monitoring. Submitted Final reimbursement for \$3.5M to California Department of Transportation (Caltrans) District 12 on February 5, 2008. Staff fulfilled a Caltrans District 12 request on two occasions for additional information for further clarification to complete project review. Project close-out is continuing at Caltrans District 12. Staff continues to monitor the status of this reimbursement.
Fiscal Year 2005 Program	1,287,000	-	1,287,000	801,761	Annual State Transportation Improvement Program allocation for the programming, planning, monitoring. Final reimbursement for \$749K on October 10, 2007 is pending at Caltrans District 12. Staff continues to monitor the status of this reimbursement.
Fiscal Year 2006 Program	1,777,000	-	1,777,000	166,108	Annual State Transportation Improvement Program allocation for the programming, planning, monitoring. Final reimbursement for \$166,108 on June 23, 2008 is pending at Caltrans District 12. Staff continues to monitor the status of this reimbursement.
Fiscal Year 2007 Program	1,531,000	-	1,531,000	743,609	Annual State Transportation Improvement Program allocation for the programming, planning, monitoring. Received payment of \$787,391.19 on July 17, 2008. Working with Caltrans District 12 to review workplan amendment and closeout procedures.
Fiscal Year 2008 Program	1,531,000	-	1,531,000	1,531,000	Annual State Transportation Improvement Program allocation for the programming, planning, monitoring. Working with Caltrans District 12 to review workplan amendment and closeout procedures.

<b>State Proposition 1B State Funding for the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA)</b>					
<b>CURRENT GRANT</b>	<b>STATE GRANT AMOUNT</b>	<b>LOCAL SHARE AMOUNT</b>	<b>TOTAL GRANT AMOUNT</b>	<b>REMAINING BALANCE</b>	<b>PROJECT STATUS</b>
Fiscal Year 2008 Cycle 1 #6061-0002OES ID # 059-91032	\$ 17,138,093	\$ -	\$ 17,138,093	\$ 3,553,186	Currently, 140 of the 173 paratransit vehicles are on the property waiting inspection and acceptance. A total of \$13,584,907 has been transferred from Prop 1B to Fund 30 as reimbursement.
Fiscal Year 2008 Cycle 1 #6061-0002OES ID # 059-91032	2,684,610	-	2,684,610	958,667	Currently making quarterly capital lease payments for Anaheim compressed natural gas fueling facility and transferring funds as revenue to Fund 30.
Fiscal Year 2008 Cycle 1 #6061-0002OES ID # 059-91032	2,723,218	-	2,723,218	984,407	Currently making quarterly capital lease payments for the Garden Grove compressed natural gas fueling facility and transferring funds as revenue to Fund 30.
Fiscal Year 2008 Cycle 1 #6061-0002OES ID # 059-91032	2,684,605	-	2,684,605	2,684,605	In January 2009, the operating lease payments will begin for the Irvine/Sand Canyon compressed natural gas fueling facility. No actuals thru March 2009.

**Quarterly Grant Status Report  
Current Other Discretionary Grants**

**DISCRETIONARY ALLOCATIONS**

**State Proposition 1B Transit Security Grant Program (CTSGP)  
Transit System Safety, Security, and Disaster Response Account (TSSSDRA)**

CURRENT GRANT	STATE GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
FY 2008 Proposition 1B Transit System Safety, Security, and Disaster Response Account	\$ 818,450	\$ -	\$ 818,450	\$ 818,450	No activity to date for the Commuter Rail right-of-way fencing project. Project has been included in the proposed FY 2010 Budget.
FY 2008 Proposition 1B Transit System Safety, Security, and Disaster Response Account	802,124	-	802,124	802,124	Funds were transferred from account code 2166-9022-D3107-K6M (\$200K) for the video surveillance systems for base facilities project. A scope of work was developed and sent out for proposals which were originally scheduled to be received on January 20. On January 5, legal counsel sent an opinion that these types of projects can be done as a design build procurement. We cancelled the request for proposal and are revising the scope of work for a design/build procurement to be issued shortly. There is a requisition (# 6193) in place in Contracts, Administration and Materials Management.
FY 2008 Proposition 1B Transit System Safety, Security, and Disaster Response Account	754,000	-	754,000	754,000	Funds were transferred from account code 2166-9022-D3107-EY1 (\$500K) for the key card access systems for base facilities project. A scope of work was developed and sent out for proposals which were originally scheduled to be received on January 20. On January 5, legal counsel sent an opinion that these types of projects can be done as a design build procurement. We cancelled the request for proposals and are revising the scope of work for a design/build procurement to be issued shortly. There is a requisition (# 6194) in place in Contracts, Administration and Materials Management.
FY 2008 Proposition 1B Transit System Safety, Security, and Disaster Response Account	732,900	-	732,900	22,173	On-board bus video surveillance cameras project. As of March 19, 2009, there has been a transfer of \$710,727 to fund 30 to cover 48 paratransit buses & 22 40' compressed natural gas buses.
FY 2008 Proposition 1B Transit System Safety, Security, and Disaster Response Account	273,100	-	273,100	273,100	Cooperative Agreement with Southern California Regional Rail Authority to fund grade crossing monitors in Orange County. Requisition #6862 was sent to Contract Administration and Materials Management for \$273,100 March 23, 2009.
FY 2008 Proposition 1B Transit System Safety, Security, and Disaster Response Account	140,000	-	140,000	140,000	The video surveillance system for the Irvine station - The original public bid opening for this project was 9/9/08 but there were no bids submitted. The specs for the project were revised to allow for more companies to be able to bid the project and there was a second public bid opening on 10/17/08. A notice to award the contract was given to consultant on 11/10/08. The city will hold the contract with the consultant. We have cooperative agreement C-3-0628 amendment #5 with the city that gives them the funds for the video surveillance system. Installation of the video surveillance system at the Irvine station was completed in March. The final walk and turn over of system to the city is expected the end of April.

**Quarterly Grant Status Report  
Current Other Discretionary Grants**

**DISCRETIONARY ALLOCATIONS**

**Federal Highway Administration Grant Program Congestion Mitigation Air Quality  
Federal funding for the Garden Grove Project Construction**

CURRENT GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
Fiscal Year 2004	\$ 101,276,120	\$ -	\$ 101,276,120	\$ 63,109	Funding for the construction of carpool lanes on the Garden Grove Freeway. Amount received to date is \$101,213,011. Staff will seek final reimbursement of \$63,109.
Fiscal Year 2007	26,000,000	-	26,000,000	11,007,757	Funding for the design of the high occupancy vehicle direct connectors from Garden Grove Freeway to the San Diego Freeway and the San Gabriel Freeway. Reimbursements to date of \$14,992,243.21.

**Federal Highway Administration Grant Program  
Value Pricing Pilot Program for research and potential deployment of OCTA's Performance Monitoring and Pricing Project.**

CURRENT GRANT	FEDERAL GRANT AMOUNT	LOCAL SHARE AMOUNT	TOTAL GRANT AMOUNT	REMAINING BALANCE	PROJECT STATUS
Fiscal Year 2006 Value Pricing Pilot Program	\$ 588,000	\$ 147,000	735,000	\$ 578,220	Funds the performance monitoring and pricing pilot project on 91 Express Lanes to review speed and travel time sensor technology options, approaches to dynamic pricing and policy impacts. Funding requires a 20 percent match. During the quarter ending 12/31/07, the Orange County Transportation Authority entered into a new agreement with a new project management firm to assist in oversight of this project. Reimbursements to date of \$9,780.

<b>Total</b>	<b>\$ 180,504,762</b>	<b>\$ 13,323,000</b>	<b>\$ 193,827,762</b>	<b>\$ 49,797,082</b>	
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**Quarterly Grant Status Report  
January thru March 2009  
Federal Transit Administration Capital Grant Index**

GRANT NO.	DESCRIPTION	EXECUTED DATE	GRANT BUDGET	UNLIQUIDATED OBLIGATIONS	TOTAL OUTLAYS	TOTAL COMMIT/COSTS	UNCOMMITTED BALANCE	PERCENT COMPLETE	ANTICIPATED CLOSE-OUT
CA-03-0585	Irvine Transportation Center	9/26/2001	\$ 3,101,725	\$ -	\$ 3,101,725	\$ 3,101,725	\$ -	100.00%	April '09
CA-03-0626	Cities of Anaheim and Brea	8/25/2002	2,399,920	70,318	2,329,602	2,399,920	-	97.07%	May '09
CA-03-0709	2005 Section 5309 Bus Application	3/3/2005	5,382,915	-	2,704,959	2,704,959	2,677,956	50.25%	June '10
CA-03-0754	2006 Section 5309 Bus Application	8/22/2006	1,213,593	156,893	82,763	239,656	973,937	6.82%	December '09
CA-04-0078	FY2008 Section 5309 Bus Application	9/8/2008	8,749,139	62,602	670,358	732,960	8,016,179	7.66%	December '10
CA-90-X962	Program of Projects	9/25/2000	103,942,433	-	103,942,433	103,942,433	-	100.00%	April '09
CA-90-Y048	Program of Projects	3/4/2001	40,513,306	637,406	36,885,446	37,522,852	2,990,454	91.05%	April '10
CA-90-Y163	Program of Projects	8/14/2003	156,073,002	688,463	155,384,461	156,072,924	78	99.56%	July '09
CA-90-Y237	Program of Projects	8/19/2004	59,188,821	1,026,814	58,162,007	59,188,821	-	98.27%	June '09
CA-90-Y349	Program of Projects	9/22/2005	99,541,746	8,024,317	91,473,812	99,498,129	43,617	91.89%	April '10
CA-90-Y428	Program of Projects	9/28/2006	52,605,981	744,093	33,963,626	34,707,719	17,898,262	64.56%	June '09
CA-90-Y540	Program of Projects	12/10/2007	54,289,784	1,060,602	37,337,239	38,397,841	15,891,943	68.77%	March '10
CA-90-Y644	Program of Projects	6/11/2008	58,957,560	342,413	40,375,480	40,717,893	18,239,667	68.48%	April '10
CA-95-X005	FY 2007 CMAQ Fund Transfer	8/28/2007	6,268,251	150,716	1,625,494	1,776,210	4,492,041	25.93%	March '10
CA-95-X043	FY 2009 CMAQ Fund Transfer-Irvine Guideway	9/22/2008	6,500,000	-	-	-	6,500,000	0.00%	September '12
<b>TOTALS</b>			<b>\$ 652,228,176</b>	<b>\$ 12,964,637</b>	<b>\$ 568,039,405</b>	<b>\$ 581,004,042</b>	<b>\$ 71,224,134</b>	<b>87.09%</b>	





BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Fiscal Year 2008-09 Third Quarter Budget Status Report

Finance and Administration Committee meeting of May 27, 2009

**Present:** Directors Amante, Bates, Campbell, and Green  
**Absent:** Directors, Brown, Buffa, and Moorlach

**Committee Vote**

No action was taken.


**Staff Recommendation**

Receive and file informational item.



**May 27, 2009**

**To:** Finance and Administration Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Fiscal Year 2008-09 Third Quarter Budget Status Report

### **Overview**

The Orange County Transportation Authority's staff has implemented the fiscal year 2008-09 budget. This report summarizes the material variances between the budget plan and actual revenues and expenses.

### **Recommendation**

Receive and file as an information item.

### **Background**

The Board of Directors (Board) approved the Orange County Transportation Authority (OCTA) Fiscal Year (FY) 2008-09 Budget on June 9, 2008. The approved budget itemized the anticipated revenues and expenses necessary to meet OCTA's transportation programs and service commitments. The OCTA budget is a compilation of individual budgets for each of OCTA's funds, including the General Fund; three enterprise funds; eight special revenue funds; two capital project funds; one debt service fund; four trust funds; and two internal service funds.

The approved revenue budget is \$1.06 billion comprised of \$768 million in current year revenues and \$290 million in use of reserves. The approved expenditure budget is \$1.06 billion with \$1.03 billion of current year expenditures and \$26 million of designations.

This report will analyze material variances between the year-to-date budget and actuals for both revenues and expenditures.

Through the third quarter, there have been eight Board-approved budget amendments. A summary of each amendment follows:

**Fiscal Year 2008-09 Amended Budget**

Description	Amount (in thousands)
6/08/2008 Approved Budget	\$ 1,057,845
7/28/2008 Integrated Financial Accounting System Upgrade	488
9/11/2008 Laguna Hills Transportation Center Roof Access System	51
9/11/2008 Santa Ana Bus Base Natural Gas Line Installation	1,662
10/10/2008 Eastbound State Route 91 Riverside Freeway Right-of-Way Support Services	308
11/24/2008 Mid-Year Budget Amendment	(64,997)
11/24/2008 91 Express Lanes Debt Rating Fees	510
1/26/2009 Architectural, Engineering Design, and Construction Support Services	1,000
3/23/2009 Renewed Measure M Project Management Staffing Requirements	42
3/31/2009 Total Amended Budget	<u>\$ 996,907</u>

**Discussion**

Staff monitors and analyzes current year revenues and expenditures versus the amended budget. This report will provide budget-to-actual explanations for any material variances.

**Staffing**

A staffing plan of 1,983 full-time equivalent (FTE) positions was approved in the FY 2008-09 budget. The Board amended the staffing plan by two positions associated with project management requirements to deliver the Renewed Measure M Early Action Plan, which increased the budgeted FTEs to 1,985. At the end of March 2009, 1,857 of these positions were filled. Overall the vacancy rate for OCTA was 6.4 percent, with union and administrative groups experiencing a 6.2 and a 7.1 percent vacancy rate, respectively. A breakdown of the vacancy rate by job category is provided below.

**Amended Full-Time Equivalent Vacancy Rate**

Staffing Description	Budget	Filled	Vacant	Vacancy Rate
Coach Operators	1,164.0	1,105.0	59.0	5.1%
Maintenance Union	264.0	233.0	31.0	11.7%
Transportation Communications International Union	49.0	47.0	2.0	4.1%
<i>Union Subtotal</i>	<u>1,477.0</u>	<u>1,385.0</u>	<u>92.0</u>	<u>6.2%</u>
Direct Transit Operations Support	201.0	192.0	9.0	4.5%
Other Administrative	307.0	280.0	27.0	8.8%
<i>Administrative Subtotal</i>	<u>508.0</u>	<u>472.0</u>	<u>36.0</u>	<u>7.1%</u>
<b>Total Authority</b>	<u><b>1,985.0</b></u>	<u><b>1,857.0</b></u>	<u><b>128.0</b></u>	<u><b>6.4%</b></u>

Revenue Summary

Board-approved budget amendments have decreased the approved revenue budget by \$60.9 million. As the table below indicates, the total amended revenue budget for FY 2008-09 is \$997 million. This section of the report focuses on major variances between budgeted and actual revenues through the third quarter.

**Fiscal Year 2008-09 Amended Revenue Budget**

Revenues (in thousands)	Current Year	Reserves	Total
Approved Budget	\$ 767,962	\$ 289,883	\$ 1,057,845
Amendments	(80,117)	19,180	(60,938)
<b>Total Amended Budget</b>	<b>\$ 687,845</b>	<b>\$ 309,062</b>	<b>\$ 996,907</b>

Revenues of \$492.4 million through the third quarter are 6.3 percent over the amended budget of \$463.2 million. Sub-categories with a material variance are presented on the following page at the object summary level:

Fiscal Year 2008-09 Revenue Summary  
(in thousands)

Description	Year to Date Budget	Year to Date Actual	Variance	%
Sales Tax Revenue	\$ 283,256	\$ 264,754	\$ (18,501)	-6.5%
Advertising Revenue	4,741	3,342	(1,400)	-29.5%
Farebox Revenue	40,447	39,292	(1,155)	-2.9%
Miscellaneous	4,131	3,159	(972)	-23.5%
Toll Road Revenue	32,747	32,156	(591)	-1.8%
Property Tax Revenue	7,061	6,735	(326)	-4.6%
Gas Tax Exchange	17,250	17,088	(162)	-0.9%
Department of Motor Vehicles Fees Revenue	2,938	2,906	(32)	-1.1%
Fees and Fines	124	102	(22)	-17.6%
Rental Income	967	1,284	317	32.7%
State Grants	12,784	14,276	1,492	11.7%
Other Financial Assistance	419	4,918	4,498	1073.4%
Federal Capital Assistance Grants	31,127	42,569	11,443	36.8%
Interest Income	24,528	37,859	13,331	54.4%
Federal Operating Grants	659	21,924	21,265	3229.0%
<b>Total Revenue</b>	<b>\$ 463,180</b>	<b>\$ 492,365</b>	<b>\$ 29,185</b>	<b>6.3%</b>

\*(under) / over

Sales Tax Revenue: Actuals of \$264.8 million are 6.5 percent below the budget of \$283.3 million. In developing the Measure M (M1) and Local Transportation Fund (LTF) sales tax revenue budgets, staff used the first six months of actuals in FY 2007-08 and annualized the remaining half of the year. The result was then escalated based on a blended sales tax growth rate of 3.39 percent developed from forecasts provided by three universities (University of California, Los Angeles; California State University, Fullerton; and Chapman University). The underrun is caused by two factors: First, OCTA began the year with a lower base sales tax figure because sales tax revenues in the second half of FY 2007-08 were approximately 9.5 percent less than anticipated. Secondly, there has been an actual decline of approximately 12 percent through the third quarter. As a result of these factors, a budget amendment to reduce the budget was approved by the Board on November 24, 2008.

However, actuals through the third quarter of FY 2008-09 continue to decline. Thus, the M1 sales tax is underrunning by \$7.8 million and the LTF sales tax is underrunning by \$4.1 million through the third quarter. As a result, a second budget amendment was presented to the Board on April 13, 2009, to further address the continued decline in sales tax revenues. The second amendment will be reflected in the fourth quarter budget status report.

Furthermore, the State Transit Assistance Fund (STAF) has received \$5.6 million of the \$8.4 million that is expected to be received by year-end. The \$8.4 million equates to \$17.4 million less than anticipated (\$25.8 million) for the year.

Advertising Revenue: Actuals of \$3.3 million are \$1.4 million below the budget of \$4.7 million. This is in part due to a timing issue related to the budgeted cashflow.

Also, as a result of the downturn in the economy, OCTA's current advertising contractor requested relief from the minimum guarantee of revenues. On March 23, 2009, the Board approved a contract amendment to address this issue. As a result, total revenues for the year are expected to be \$0.7 million less than originally anticipated.

Farebox Revenue: Actuals of \$39.3 million are \$1.1 million below the budget of \$40.4 million. The underrun is primarily attributed to a decrease in boardings as a result of the declining economic environment.

Miscellaneous Revenue: Actuals of \$3.1 million are \$1 million below the budget of \$4.1 million. This is primarily due to the Freeway Service Patrol (FSP) program revenues that were originally cashflowed to be received



in January, April, and June 2009. FSP revenues are expected to be in-line by year-end.

Note: State Grants, Other Financial Assistance, Federal Capital Assistance Grants, and Federal Operating Grants: Revenues in these categories are received on a reimbursement basis. Therefore, it is not uncommon to receive reimbursements in subsequent years related to prior year activity, especially due to the long lead-time associated with the manufacturing of revenue vehicles.

State Grants: Actuals of \$14.3 million are \$1.5 million above the budget of \$12.8 million. This variance is attributed to the reimbursement of Proposition 1B funds for prior year paratransit bus purchases.

Other Financial Assistance: Actuals of \$4.9 million are \$4.5 million above the budget of \$0.4 million. This is due to reimbursements received from several other agencies, the City of Garden Grove, the Air Quality Management District (AQMD), and the Traffic Congestion Relief Program (TCRP). The reimbursements received covered already incurred expenses for the Garden Grove Freeway (State Route 22) widening project, the cost for low emission engines, the replacement of North American Bus Industries (NABI) engines, and the Santa Ana Base fueling station.

Federal Capital Assistance Grants: Actuals of \$42.5 million are running over the budget of \$31.1 million by \$11.4 million. This is primarily due to federal fund reimbursements (\$31.6 million) related to prior year bus purchases. However, this overrun is offset by underruns related to the West County Connectors (WCC) right-of-way (ROW) phase (\$15.7 million), the San Diego Freeway (Interstate 405) from San Gabriel Freeway (Interstate 605) to the Costa Mesa Freeway (State Route 55) project acceptance and environmental design phase (PAVED) (\$4.2 million), and the ACCESS with American Disabilities Act (ADA) bus stop accessibility program (\$0.5 million).

The underrun in Congestion Mitigation and Air Quality (CMAQ) funds, under the Federal Capital Assistance Grants sub-category, is due to longer than anticipated contract negotiations related to the WCC ROW phase and the Interstate 405 (I-405) from Interstate 605 (I-605) to the State Route 55 (SR-55) PAVED. These contract negotiations are in the final phase. Actual reimbursement of these CMAQ funds are expected to be sought in the fourth quarter.

Interest Income: Actuals of \$37.8 million are approximately \$13.3 million above the budgeted amount of \$24.5 million. The budget was developed based on the assumption of a 4 percent return for the fiscal year. However, the OCTA's investment performance was higher than forecasted levels during

the first three quarters of the fiscal year due to the increase in market value of high quality securities. Treasury, agency, high-quality corporate and asset-backed securities, which comprised approximately 81 percent of OCTA's portfolio, continue to perform well as safety in the fixed-income market is highly valued.

Federal Operating Grants: Actuals of \$21.9 million are \$21.3 million above the budget of \$0.6 million. The variance is primarily attributed to reimbursement from the Federal Transit Administration (FTA) for FY 2007-08 preventative maintenance related to OCTA's paratransit service.

Expense Summary

The expenditure budget has been decreased by \$60.9 million as a result of eight Board-approved amendments that were summarized on page 2 of this report. As the table below indicates, the amended expenditure budget for FY 2008-09 is \$997 million.

**Fiscal Year 2008-09 Amended Expenditure Budget**

In Thousands	Current Year	Designations	Total
Approved Budget	\$ 1,031,541	\$ 26,303	\$ 1,057,845
Amendments	(53,815)	(7,122)	(60,938)
Total Amended Budget	\$ 977,726	\$ 19,181	\$ 996,907

This section focuses on major variances between budgeted and actual expenditures for the third quarter. These variances are explained at an object summary level based on the expense summary table on the next page. Actual expenditures of \$455 million represent a 27.6 percent underrun in comparison to the amended budget of \$628.6 million.

Fiscal Year 2008-09 Expense Summary  
(In Thousands)

Description	Year to Date Budget	Year to Date Actual	Variance	%
<b>Salaries</b>				
Compensated Absences	\$ 9,231	\$ 9,110	\$ 122	1.3%
Salaries	75,933	73,149	2,783	3.7%
<i>Total Salaries</i>	<i>\$ 85,164</i>	<i>\$ 82,259</i>	<i>\$ 2,905</i>	<i>3.4%</i>
<b>Benefits</b>				
Pensions	\$ 19,104	\$ 19,192	\$ (88)	-0.5%
Other Benefits	3,681	3,678	3	0.1%
Insurances	1,849	1,832	17	0.9%
Health Care	15,446	14,807	639	4.1%
<i>Total Benefits</i>	<i>\$ 40,080</i>	<i>\$ 39,509</i>	<i>\$ 570</i>	<i>1.4%</i>
<i>Total Salaries and Benefits</i>	<i>\$ 125,244</i>	<i>\$ 121,768</i>	<i>\$ 3,476</i>	<i>2.8%</i>
<b>Services and Supplies</b>				
Other Materials and Supplies	\$ 1,254	\$ 3,256	\$ (2,002)	-159.6%
Miscellaneous Expense	1,021	1,542	(521)	-51.0%
Taxes	60	225	(165)	-273.5%
Maintenance Expense	5,050	5,109	(59)	-1.2%
Utilities	1,927	1,864	63	3.3%
Debt Service	100,188	100,023	164	0.2%
Advertising Fees	554	147	407	73.4%
Travel, Training, Mileage	998	469	530	53.1%
Tires and Tubes	1,836	1,221	615	33.5%
Office Expense	2,167	1,328	840	38.7%
Leases	4,859	3,968	890	18.3%
Contract Transportation	33,007	31,942	1,064	3.2%
Insurance Claims Expense	8,268	5,275	2,993	36.2%
Fuels and Lubricants	15,006	11,327	3,679	24.5%
Outside Services	26,627	21,672	4,956	18.6%
Professional Services	74,294	28,120	46,173	62.1%
Contributions to Other Agencies	157,979	98,372	59,607	37.7%
<i>Total Services and Supplies</i>	<i>\$ 435,095</i>	<i>\$ 315,861</i>	<i>\$ 119,234</i>	<i>27.4%</i>
<b>Capital and Fixed Assets</b>				
Work In Process	\$ 1,346	\$ 275	\$ 1,071	79.6%
Capital Expense-Local Funding	22,837	5,531	17,306	75.8%
Construction in Progress	44,030	11,573	32,457	73.7%
<i>Total Capital and Fixed Assets</i>	<i>\$ 68,213</i>	<i>\$ 17,379</i>	<i>\$ 50,834</i>	<i>74.5%</i>
<i>Total All Expenses</i>	<i>\$ 628,552</i>	<i>\$ 455,008</i>	<i>\$ 173,544</i>	<i>27.6%</i>

\*under / (over)

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Salary and Benefits: Actuals of \$121.8 million are 2.8 percent below the budget of \$125.2 million. The variance is primarily attributed to salaries. Actuals for salaries (\$82.3 million) are 3.4 percent or \$2.9 million below the budget of \$85.2 million. This is due to the implementation of a hiring limit earlier this year. In addition, reductions in service levels are expected to continue through the remainder of the fiscal year.

Services and Supplies: Actuals of \$315.9 million are 27.4 percent below the budget of \$435.1 million. Sub-categories with a material variance are presented below at the object summary level.

Other Materials and Supplies: Actuals of \$3.3 million are over the budget of \$1.3 million by \$2 million. The variance is attributed to scrap and obsolescence inventory of maintenance parts. In the past, these costs were grouped together with maintenance parts costs. However, since the transition to Ellipse, OCTA's integrated maintenance, inventory, and purchasing software application, scrap and obsolescence inventory maintenance part expenses were segregated from maintenance part costs. Funds to cover these expenses will continue to be identified throughout the fourth quarter and transferred to the appropriate account.

Contract Transportation: Actuals of \$31.9 million are \$1.1 million under the budget of \$33 million. The underrun can be attributed to contract fixed route service. Invoices for this service are running one month in arrears. An accrual is posted at the end of every month to reflect a more accurate estimation of total cost year-to-date. However, the accruals are based on prior year activity and are often understated. Actuals are expected to be in-line with the budget by year-end.

Insurance Claims Expense: Insurance claims represent expenses associated with personal liability/property damage (PL/PD) and workers' compensation (WC) losses. The actuals of \$5.3 million are 36.2 percent below the budget of \$8.3 million. The primary reason for the underrun is associated with PL/PD claims expense (\$1.7 million), excess liability (\$0.3 million), WC claims expense (\$0.6 million), and excess liability insurance (\$0.4 million).

The PL/PD claims expense and excess liability are contributing a combined \$2 million to the variance. This is due to an actuarial based projection of claims payout, derived from a report conducted in 2007, used to develop the budget. However, the frequency and severity of claims have been less than anticipated during the fiscal year.

The underrun in WC excess liability and claims expense totaling \$1 million, also stems from the budget being derived from an actuarial based projection and actuals continuing to track below the forecast. This positive underrun

continues to be a collaborative effort from OCTA staff holding safety classes at the bases to reduce accidents/claims, WC savings being shared with coach operators as an incentive to reduce claims, and risk management focusing on closing claims in a timely manner.

Fuels and Lubricants: Actuals of \$11.3 million are \$3.7 million under the budget of \$15 million. The underrun can be attributed to lower than anticipated costs per gallon for liquefied natural gas (LNG) and compressed natural gas (CNG). These fuels were originally budgeted at \$0.76 cents and \$1.02 per gallon, respectively. However, the current average cost per gallon for LNG is \$0.40 cents and \$0.56 cents for CNG. In addition, diesel fuel costs have also continued to underrun. The budgeted cost per gallon for diesel fuel is \$3.64. However, the actual average cost per gallon to-date is \$2.61 and has dipped as low as \$1.42 per gallon.

Outside Services: Actuals are under the budget of \$26.6 million by \$5 million. The variance is primarily spread across the following funds: the Orange County Transit District (OCTD) Fund for \$1.8 million, the Service Authority for Freeway Emergencies (SAFE) Fund for \$1.6 million, the 91 Express Lanes Fund for \$0.8 million, and the General Fund for \$0.8 million. These four funds contribute 100 percent of the \$5 million variance and their explanations are provided below.

First, within the OCTD Fund, \$0.3 million of the variance can be attributed to the CNG equipment operations and maintenance contract. Invoices for this contract are running two months in arrears, but actuals are expected to be on-track with the budget by the end of the fiscal year.

Also contributing \$0.3 million of the variance is the driver's pull-down sun visors project. This project is ongoing and expenses have been recognized under the maintenance parts budget. The funds available in the budget for this project will be transferred to the maintenance parts account, as needed, to cover the added expenses being recorded.

On-call architectural, engineering, and testing and inspection services are also contributing \$0.3 million to the variance within the OCTD Fund. These services are all budgeted to be expensed on a monthly basis. However, their actual usage is often difficult to forecast and have not been required as anticipated.

Security services are contributing \$0.2 million to the variance within the OCTD Fund. This variance is attributed to invoices running one month in arrears. Actual expenses for these services are expected to be on-track against the budget by year-end.

Finally, contributing \$0.4 million to the OCTD variance are revenue vehicle major maintenance expense (\$0.2 million) and mobility training services (\$0.2 million) under the ACCESS service. Expenses for these items are incurred on an as needed basis and year-to-date have not been required as projected.

The SAFE Fund is contributing \$1.6 million to the underrun due to towing services (\$0.6 million) and the big rig pilot program (\$1 million). During the development of the budget, it was estimated that hourly cost for towing services would range between \$65 to \$70 per hour. However, after successful contract negotiations, actual costs per hour range between \$56 to \$65. The FSP Big Rig Pilot Program is being re-evaluated as a result of the downturn in the economy and is being postponed to a later fiscal year.

The 91 Express Lanes Fund is contributing \$0.8 million to the variance. This variance is primarily comprised of both toll road equipment repair maintenance (\$0.5 million) and maintenance supply repairs (\$0.1 million). These items are used on an as needed basis. They include costs associated with the relocation of equipment and utilities during the re-pavement or improvements on the Riverside Freeway (State Route 91) corridor. It also includes expenses incurred due to maintenance required to the systems used by the 91 Express Lanes. These services have not been required as originally anticipated.

The General Fund is contributing, \$0.8 million to the overall variance due to hardware and software annual maintenance costs. This variance is primarily due to invoices running one month in arrears. Invoices through March 2009 were received and processed in April 2009. Actual expenses for these services are expected to be on-track against the budget by the end of the fiscal year as several of the annual maintenance costs are incurred in the fourth quarter.

Professional Services: Actuals of \$28.1 million are \$46.2 million under the budget of \$74.3 million. The variance can be primarily attributed to underruns in the Renewed Measure M (M2) Fund (\$24.8 million), M1 Fund (\$13.7 million), and General Fund (\$3.9 million). These three funds contribute \$42.4 million or 91.7 percent of the \$46.2 million variance and their explanations are provided below.

Within the M2 Fund, the primary reason for the \$24.8 million variance is related to the Grade Separation Project. The design phase is currently on-hold pending the review and approval of environmental documents by the Federal Highway Administration (FHWA). Approval of the environmental documents is expected in the fourth quarter and at that time the final design phase will commence.

The M1 Fund is contributing \$13.7 million to the overall variance. This is primarily due to on-call ROW support services (\$5.6 million) related to the Santa Ana Freeway (Interstate 5) Gateway project, on-call traffic engineering services (\$3.1 million), the City of Orange Metrolink parking expansion project (\$2 million), and the cities of Laguna Niguel and Mission Viejo parking expansion project (\$1 million).

The variance of \$5.6 million under ROW support services is due to a payment for ROW acquisition of land to Union Pacific. This payment was inadvertently posted as a services expense rather than a capital expenditure in the prior fiscal year. Accounting identified and adjusted the posting to properly reflect the capital expenditure. However, this action crossed over fiscal years and resulted in an underrun in the current fiscal year.

On-call traffic engineering services are contributing \$3.1 million to the variance. These services were expected to be expensed in the third and fourth quarter of the fiscal year. However, after further review of the timelines, these services have been re-budgeted in the new fiscal year.

The parking expansion projects are both contributing a combined \$3 million to the overall variance. This is primarily due to maintenance and operation negotiations with the cities. Expenses are expected to take place in the fourth quarter.

Several line items are contributing to the \$3.9 million underrun in the General Fund. The line items include: Bus Rapid Transit (BRT) project management services (\$1.5 million), the City of Tustin parking expansion project (\$1.1 million), the Orange and Los Angeles County Inter-County Corridor Study (\$0.6 million), and State Advocacy Services (\$0.4 million).

BRT project management services are contributing approximately \$1.5 million to the overall variance within the General Fund. This underrun is attributed to two factors: One, invoices are three months in arrears and two, the monthly invoices that have been posted are lower than anticipated by approximately \$50,000 each.

Professional services related to the City of Tustin parking expansion are expected to take place in the fourth quarter. The delay is due to negotiations with the city for maintenance and operations of the facility.

The Orange and Los Angeles County Inter-County Corridor Study is contributing \$0.6 million to the underrun due to additional technical studies. These additional technical studies are expected to be complete June 2009. As a result, these funds are being re-budgeted next fiscal year.

State Advocacy Services are contributing \$0.4 million to the variance. This is due to invoices running in arrears. The project manager is working with the state advocate and expenses are expected to be on-track with the budget by the end of the fiscal year.

Contributions to Other Agencies: Actuals of \$98.4 million are \$59.6 million below the budget of \$158 million. The variance can be primarily attributed to underruns in the M1 Fund (\$50.7 million), Commuter and Urban Rail Endowment Fund (CURE) for \$3 million, the LTF for \$2.3 million, and the General Fund (\$1.3 million). These four funds contribute \$57.3 million or 96.1 percent of the \$59.6 million variance and their explanations are provided below.

The variance under the M1 fund can be attributed to the Metrolink locomotives and rail cars (\$26.3 million) and the Metrolink Service Expansion Plan (MSEP) infrastructure improvements (\$24.4 million).

The Metrolink locomotives and rail cars project is on schedule but contributing \$25.7 million to the variance. The Southern California Regional Rail Authority (SCRRA) is the lead agency on the project and has elected to utilize other sources of funds available for the project before beginning to invoice the OCTA. Once these other sources of funds are fully utilized, OCTA expects to begin receiving invoices.

The MSEP infrastructure improvements (\$24.4 million) are also being led by SCRRA. These funds were initially anticipated to be expensed on a quarterly basis. However, after further review of the project and its requirements, expenses are expected to be incurred in the fourth quarter.

The variance (\$3 million) under the CURE fund is related to the Metrolink rehabilitation, renovation, and fiber optics project (\$1.5 million) and the Keller Street Yard Storage Facility (\$1.5 million).

The funds for the Metrolink rehabilitation and renovation (\$1.5 million) project is anticipated to be expensed by year-end. The variance is a result of the project schedule being revised after the budget was approved.

The Keller Street Storage Facility is underrunning by \$1.5 million due to a change in the project schedule after the budget was approved. The design stage is complete and \$1.5 million of the \$3.5 million budgeted for this project are expected to be expensed in the current fiscal year. The remaining funds have been re-budgeted in the upcoming fiscal year.

The variance under the LTF can be attributed to the Bicycle, Pedestrian and Facilities Program which is \$2.3 million under budget. This is due to invoices



running two quarters in arrears. However, the program is expected to be on-track by the end of the fiscal year.

The variance (\$1.3 million) under the General Fund can be attributed to the Bristol Street Widening Project. This variance is primarily due to a delay caused by reviewing street widening specifications and plans.

#### Capital and Fixed Assets Summary

Capital and fixed assets actuals of \$17.4 million are 74.5 percent below the budget of \$68.2 million. The variance is associated with the work in process, Capital Expense – Local Funding, and the Construction in Progress categories.

Work in Process: Actuals are running \$1 million below the budget of \$1.3 million. The variance is due to the additional ROW land acquisitions for the State Route 22 (SR-22), \$0.6 million, and the ROW land acquisition for the SR-22 project (\$0.4 million).

The additional land acquisition for the SR-22 project is contributing \$0.6 million to the underrun. First, this phase of the project was negotiated for \$0.1 million less than anticipated. Secondly, the acquisition was fully expensed in October 2008 for \$0.5 million. However, after further review, it was determined that expenditures for this phase of the project would be funded with capital expense local funds (\$0.4 million) and capital expense buildings improvement funds (\$0.1 million), to properly account for the land and the improvement portion of the costs.

The SR-22 ROW land acquisition is contributing \$0.4 million to the underrun. This variance is due to longer than anticipated negotiations between California Department of Transportation (Caltrans) and the County of Orange regarding the maintenance of land being acquired. Once these negotiations are complete, actual expenditures will be on-track with the budget.

Capital Expense-Local Funding: Actuals of \$5.5 million are running \$17.3 million under the budget. The underrun is due to the purchase of 12 buses for the Irvine Business Complex (\$5.5 million), the purchase of 47 gasoline cutaway buses (\$4.6 million), the ROW acquisitions for grade separations (\$2 million), the electronic toll system technology upgrade (\$1.9 million), BRT bus painting project (\$1.1 million), and the Toll Pro upgrade (\$0.3 million). These five items make up 82.7 percent of the overall variance. An explanation for each is provided below.

After further review, the purchase of 12 shuttle buses for the Irvine Business Complex was canceled. It was determined that the most cost effective way to

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address this project was to provide the City of Irvine with 12 new CNG buses from the OCTA's most recent delivery of buses.

The purchase of 47 gasoline cutaway buses is contributing \$4.6 million to the underrun. This is due to changes in the procurement timeline and the quantity of buses anticipated to be received this fiscal year. Delivery is anticipated in the fourth quarter, as are expenses. However, only expenses for 33 buses will be posted (\$3.4 million) and the remaining will be part of two one-year options under the contract in which, if exercised, 11 additional buses can be purchased each year for a combined total of 55 gasoline cutaway buses.

The ROW acquisition for the grade separations project is contributing \$2 million to the underrun. An environmental report recommending soil, asbestos, and lead paint testing was ordered and the results were received in March 2009. A peer review of the report is expected to take place in the fourth quarter and ROW acquisition is expected to be closed out by the end of the fiscal year.

The electronic toll system technology upgrade for the 91 Express Lanes is underrunning by \$1.9 million. The request for proposals (RFP) for this project was originally scheduled to be released in the first half of the year. However, after further review by the project manager and updates to the scope of work, the RFP was released in the third quarter. A response was received and an evaluation of the proposal is expected to be complete in the fourth quarter with a recommendation to the Board at the latter part of the quarter.

The painting of 92 BRT buses has an underrun of \$1.1 million. After thoroughly reviewing the paint facilities currently operated by the OCTA and after conducting a cost-benefit analysis, staff has determined the project will be completed in-house and only 51 buses will be required. The only expenses for this line item will be for materials and hardware required to complete the project.

Construction in Progress: Actuals of \$11.6 million are \$32.5 million below the budget of \$44 million. The variance is primarily attributed to the I-5 Gateway capital construction project (\$29.9 million). Expenses for this project have been incurred, however, invoices from Caltrans are running in arrears.

A fund level analysis as well as fund level financial schedules for the General Fund, LTF, OCTD Fund, 91 Express Lanes Fund, and Internal Service Funds are included as Attachments A and B.

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**Summary**

In summary, OCTA's revenues are running under the budget primarily due to lower than anticipated sales tax and STAF revenues. Sales tax revenues continue to be lower than anticipated primarily due to a decrease in the base sales tax figure used to forecast the current year's budget and the economic downturn that resulted in actual reductions in sales tax receipts compared to the projected 3.39 growth rate.

In addition, the STAF is expected to receive \$8.4 million for the fiscal year, \$17.4 million less than budgeted (\$25.8 million).

The underrun in revenues is partially offset with an overrun in interest income. The net result in revenues represents an underrun through the third quarter of \$29.2 million or 6.3 percent.

Total expenditures are underrunning the budget by \$173.5 million with professional services, contributions to other agencies, and construction in progress accounting for \$138.3 million or 80 percent of the overall variance.

The services and supplies budget, accounts for \$119.2 million or 68.7 percent of the underrun primarily due to various professional service and contributions to other agencies line items. Items contributing to the overall variance include the Metrolink locomotives and rail cars (\$26.3 million), the MSEP infrastructure improvements (\$25 million), and Bicycle, Pedestrian and Facilities Program (\$2.3 million).

Capital and fixed assets are contributing \$50.8 million or 29.3 percent to the overall variance in expenses. The driver of this variance is related to the I-5 Gateway capital construction project. Expenses are being incurred but invoices from Caltrans are running in arrears.

**Attachments**

- A. Fund Level Analysis
- B. Fund Level Financial Schedules

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**Fund Level Analysis**

**General Fund – Revenue Summary**

Revenues are running \$8.5 million under the budget, while expenditures are under by \$16.4 million compared to a budget of \$67 million.

**Variance Analysis – Revenues**

Note: It is not uncommon for revenues in these categories to be received in future years rather than the year in which they were originally budgeted.

State Assistance: Actuals are running under the budget by \$5.9 million. The variance is primarily due to station improvements in the City of Placentia (\$2.5 million) and the parking expansion in the City of Tustin (\$1.1 million). The station improvement project in the City of Placentia was negotiated for \$1.8 million versus the \$2.5 million budgeted. The contract was finalized at the beginning of the second quarter and is currently underway. Reimbursement of State Transportation Improvement Program (STIP) funds will be sought as expenses are incurred. The underrun in STIP funds related to the parking expansion in the City of Tustin, is a timing issue. The expense was budgeted to be incurred in the third quarter of the fiscal year. Reimbursement of funds are usually received one to two months after expenses have been posted.

Federal Capital Grants: Actuals are running under the budget by \$1.8 million. The underrun is primarily related to the Irvine Transportation Center parking expansion project (\$1.7 million). This project is complete and no further expenses will be incurred in the current fiscal year. Furthermore, all expenses eligible for reimbursement have been submitted.

**Variance Analysis – Expenses**

Professional Services: Actuals are running under the budget by \$3.9 million. Several line items are contributing to the \$3.9 million underrun in the General Fund. The line items include: bus rapid transit (BRT) project management services (\$1.5 million), the City of Tustin parking expansion project (\$1.1 million), Orange and Los Angeles County Inter-county Corridor Study (\$0.6 million), and State Advocacy Services (\$0.4 million).

BRT project management services are contributing approximately \$1.5 million to the overall variance within the General Fund. This underrun is attributed to two factors: One, invoices are three months in arrears and, two, the invoices that have been posted are lower than anticipated by approximately \$50,000 each.

Professional services related to the City of Tustin parking expansion are expected to take place in the fourth quarter. The delay was due to negotiations with the city on maintenance and operations of the facility.

The Orange and Los Angeles County Inter-County Corridor Study is contributing \$0.6 million to the underrun due to additional technical studies. These additional technical studies are expected to be complete June 2009. As a result, these funds are being re-budgeted in next fiscal year's budget.

State Advocacy Services are contributing \$0.4 million to the variance. This is due to invoices running in arrears. The project manager is working with the state advocate and expenses are expected to be on-track with the budget by the end of the fiscal year.

Contributions to Other Agencies: Actuals are under the budget by \$3 million. The underrun is primarily due to the Bristol Street Widening Project. Staff has recognized the slowdown in repayment requests due to street improvement plans being finalized. This involves coordination with the Southern California Edison (SCE) Company, Orange County Sanitation District (OCSD), and Metropolitan Water District (MWD). Construction of this project will commence in the third quarter.

Capital Expense-Locally Funded: Actuals are \$7.2 million under the budget of \$7.4 million. The underrun is due to the purchase of 12 buses for the Irvine business complex (\$5.5 million) and the BRT bus painting project (\$1.1 million).

After further review, the purchase of 12 shuttle buses for the Irvine business complex was canceled. It was determined that the most cost effective way to address this project was to provide the City of Irvine with 12 new compressed natural gas (CNG) buses from the OCTA's most recent delivery of buses.

The painting of 92 BRT buses has an underrun of \$1.1 million. After thoroughly reviewing the paint facilities currently operated by the OCTA and after conducting a cost-benefit analysis, staff has determined the project will be completed in-house and only 51 buses will be required. The only expenses for this line item will be for materials and hardware required to complete the project.

### **Local Transportation Authority (LTA) Fund (Measure M) – Revenue and Expense Summary**

Revenues of \$206.3 million are \$16.3 million or 7.3 percent under the budget of \$222.6 million. Expenditures of \$75.8 million are also under the budget by 55.3 percent or \$93.9 million.

#### **Variance Analysis – Revenues**

Federal Capital Assistance Grants: Actuals are running \$15.7 million or 67.6 percent under the budget of \$23.2 million. The underrun in Congestion Mitigation and Air Quality (CMAQ) funds, under the Federal Capital Assistance

Grants sub-category, is due to longer than anticipated contract negotiations related to the West County Connectors (WCC) right-of-way (ROW) phase and the San Diego Freeway (Interstate 405) from San Gabriel Freeway (Interstate 605) to the Costa Mesa Freeway (State Route 55) project acceptance and environmental design phase (PA/ED). These contract negotiations are in the final phase. Actual reimbursement of these CMAQ funds are expected to be sought in the fourth quarter.

Taxes and Fees: Actuals are running 4.2 percent below the budget of \$184.6 million. In developing the M1 sales tax revenue budget, staff used the first six months of actuals in fiscal year (FY) 2007-08 and annualized the remaining half of the year. The result was then escalated based on a blended sales tax growth rate of 3.39 percent developed from forecasts provided by three universities (University of California, Los Angeles; California State University, Fullerton; and Chapman University). The underrun is caused by two factors: First, OCTA began the year with a lower base sales tax figure because sales tax revenues in the second half of FY 2007-08 were approximately 9.5 percent less than anticipated. Secondly, there has been an actual decline of approximately 12 percent through the third quarter. As a result of these factors, a budget amendment to reduce the budget was approved by the Board of Directors (Board) on November 24, 2008.

However, actuals through the third quarter of FY 2008-09 continue to decline. Thus, the M1 sales tax is underrunning by \$7.8 million and the LTF sales tax is underrunning by \$4.1 million through the third quarter. As a result, a second budget amendment was presented to the Board on April 13, 2009, to further address the continued decline in sales tax revenues. The second amendment will be reflected in the fourth quarter budget status report.

Interest Income: Actuals of \$18.5 million are approximately \$7 million above the budgeted amount of \$11.5 million. The budget was developed based on the assumption of a 4 percent return for the fiscal year. However, the OCTA's investment performance was higher than forecasted levels during the first three quarters of the fiscal year due to the increase in market value of high quality securities. Treasury, agency, high-quality corporate and asset-backed securities, which comprised approximately 81 percent of OCTA's portfolio, continue to perform well as safety in the fixed-income market is highly valued.

#### **Variance Analysis – Expenses**

Professional Services: Actuals are \$13.7 million below the budget. This is primarily due to on-call ROW support services (\$5.6 million), related to the Interstate 5 (I-5) Gateway project, on-call traffic engineering services (\$3.1 million), the City of Orange Metrolink parking expansion

project (\$2 million), and the cities of Laguna Niguel and Mission Viejo parking expansion project (\$1 million).

The variance of \$5.6 million under ROW support services is due to a payment for ROW Acquisition of land to Union Pacific. This payment was inadvertently posted as a services expense rather than a capital expenditure in the prior fiscal year. Accounting identified and adjusted the posting to properly reflect the capital expenditure. However, this action crossed over fiscal years and resulted in an underrun in the current fiscal year.

On-call traffic engineering services are contributing \$3.1 million to the variance. These services were expected to be expensed in the third and fourth quarter of the current fiscal year. However, after further review of the timelines, these services have been re-budgeted in the next fiscal year.

The parking expansion projects are both contributing a combined \$3 million to the overall variance. This is primarily due to maintenance and operation negotiations with the cities. Expenses are expected to take place in the fourth quarter.

Contributions to Other Agencies: Actuals of \$58.8 million are \$50.7 million or 46.3 percent below the budget of \$109.4 million. The Metrolink locomotives and rail cars project is on schedule but contributing \$25.7 million to the variance. The Southern California Regional Rail Authority (SCRRA) is the lead agency on the project and has elected to utilize other sources of funds available for the project before beginning to invoice the OCTA. Once these other sources of funds are fully utilized, OCTA expects to begin receiving invoices.

The Metrolink Service Expansion Plan (MSEP) infrastructure improvements (\$24.4 million) are also being led by SCRRA. These funds were initially anticipated to be expensed on a quarterly basis. However, after further review of the project and its requirements, expenses are expected to be incurred in the fourth quarter.

Construction in Progress: Actuals of \$10.7 million are 73.8 percent or \$30.1 million under the budget of \$40.8 million. The variance is primarily attributed to the I-5 Gateway capital construction project (\$29.9 million). Expenses for this project have been incurred, however, invoices from California Department of Transportation (Caltrans) are running in arrears.



## **LTA Fund (Renewed Measure M [M2]) – Revenue and Expense Summary**

Revenues of \$0.2 million are \$4 million or 96.2 percent under the budget of \$4.2 million. Expenditures are also under the budget of \$45 million by \$31.2 million.

### **Variance Analysis – Revenues**

Federal Capital Assistance Grants: Actuals are running under the budget by \$4.2 million. The variance is due to the Interstate 405 (I-405) from Interstate 605 (I-605) to the State Route 55 (SR-55) PAVED. These contract negotiations are in the final phase. Actual reimbursement of these funds are expected to be sought in the fourth quarter.

### **Variance Analysis – Expenses**

Professional Services: Actuals of \$12.4 million are underrunning the budget by \$24.8 million. Within the M2 Fund, the primary reason for the \$24.8 million variance is related to the Grade Separation project. The design phase is currently on-hold pending the review and approval of environmental documents by the Federal Highway Administration (FHWA). Approval of the environmental documents is expected in the fourth quarter and at that time the final design phase will commence.

Construction in Progress: Actuals are \$4.1 million below the budget. This is due to ROW acquisition for the grade separation project. An environmental report recommending soil, asbestos, and lead paint testing was ordered and the results were received in March 2009. A peer review of the report is expected to take place in the fourth quarter and ROW acquisition is expected to be closed out by the end of the fiscal year.

## **Orange County Transit District Fund – Revenue and Expense Summary**

Revenues of \$144.1 million are over the budget by \$65.3 million. Expenditures of \$158.2 million are 8.6 percent under the budget of \$173 million.

### **Variance Analysis – Revenues**

Federal Capital Grants: The actuals of \$33.4 million are \$32.6 million over the budget. This variance is directly attributed to federal fund reimbursements related to prior year bus purchases. It is not uncommon to receive reimbursements in subsequent years related to prior year activity, especially due to the long lead-time associated with the manufacturing of revenue vehicles.

Federal Operating Grants: Actuals of \$21.8 million are 100 percent above the budget. The variance is primarily attributed to reimbursement from the Federal

Transit Administration (FTA) for FY 2007-08 preventative maintenance related to OCTA's paratransit service.

Other Financial Assistance: Actuals of \$33.1 million are running 46.7 percent below the budget of \$22.5 million. The variance is due to a delay in the purchase of 47 gasoline cutaway buses (\$4.6 million) offset by the reimbursement of Proposition 1B funds for prior year paratransit bus purchases. It is not uncommon for revenue reimbursement under this category to be received in a future fiscal year.

The delay is due to changes in the procurement timeline and the quantity of buses anticipated to be received this fiscal year. Delivery is anticipated in the fourth quarter, as are expenses. However, only expenses for 33 buses will be posted (\$3.4 million), and the remaining will be part of two one-year options under the contract in which, if exercised, 11 additional buses can be purchased each year for a combined total of 55 gasoline cutaway buses. Once expenses are posted, reimbursement of Proposition 1B funds will be sought.

Advertising Revenue: Actuals of \$3.5 million are \$1.4 million below the budget of \$4.9 million. This is in part due to a timing issue related to the budgeted cashflow.

Also, as a result of the downturn in the economy OCTA's current advertising contractor requested relief from the minimum guarantee of revenues. On March 23, 2009, the Board approved a contract amendment to address this issue. As a result, total revenues for the year are expected to be \$0.7 million less than originally anticipated.

Interest Income: Actuals of \$5.9 million are \$3.4 million above the budgeted amount of \$2.5 million. The budget was developed based on the assumption of a 4 percent return for the fiscal year. However, the OCTA's investment performance was higher than forecasted levels during the first three quarters of the fiscal year due to the increase in market value of high quality securities. Treasury, agency, high-quality corporate and asset-backed securities, which comprised approximately 81 percent of OCTA's portfolio, continue to perform well as safety in the fixed-income market is highly valued.

#### **Variance Analysis – Expenses**

Maintenance Expense: Actuals of \$7.3 million are over the budget of \$5 million by \$2.3 million. The variance is primarily attributed to scrap and obsolescence inventory maintenance parts. In the past, the costs were grouped together with maintenance parts costs. However, since the transition to Ellipse, our integrated maintenance, inventory and purchasing software application, scrap and obsolescence inventory maintenance part expenses were segregated from

maintenance part costs. Funds to cover these expenses will continue to be identified throughout the fourth quarter and transferred to ensure the actuals are on-track with the budget.

Leases: Actuals of \$0.3 million are \$1 million under the budget of \$1.3 million. This is primarily due to operating and maintenance lease for the Irvine Base CNG fueling station. The fueling station was expected to go online in August, but the project was delayed due to the construction of a natural gas line. The station was completed at the beginning of the third quarter and expenses began to be posted in February 2009 instead of August 2008.

Fuels and Lubricants: Actuals of \$11.3 million are \$3.7 million under the budget of \$15 million. The underrun can be attributed to lower than anticipated costs per gallon for liquefied natural gas (LNG) and CNG. These fuels were originally budgeted at \$0.76 cents and \$1.02 per gallon, respectively. However, the current average cost per gallon for LNG is \$0.40 cents and \$0.56 cents for CNG.

Outside Services: Actuals of \$8.6 million are under the budget of \$10.4 million by \$1.8 million. The variance can primarily be attributed to the following:

First, within the Orange County Transit District (OCTD) Fund, \$0.3 million of the variance can be attributed to the CNG equipment operations and maintenance contract. The invoices for the contract are running two months in arrears, but actuals are expected to be on-track with the budget by the end of the fiscal year.

Also contributing \$0.3 million of the variance is the driver's pull-down sun visors project. This project is ongoing and expenses have been recognized under the maintenance parts budget. The funds available in the budget for this project will be transferred to maintenance parts, as needed, to cover the added expenses being recorded.

On-call architectural, engineering, testing, and inspection services are contributing \$0.3 million to the variance within the OCTD Fund. These services are all budgeted to be expensed on a monthly basis. However, their actual usage is often difficult to forecast and have not been required as anticipated.

Security services are contributing \$0.2 million to the variance within the OCTD Fund. This variance is attributed to invoices running one month in arrears. Actual expenses for these services are expected to be on-track against the budget by year-end.

Also, contributing \$0.4 million to the variance are revenue vehicle major maintenance expense (\$0.2 million) and mobility training services (\$0.2 million)

under the ACCESS service. Expenses for these items are incurred on an as needed basis and year-to-date have not been required as projected.

Capital Expense-Locally Funded: Actuals are running 96.8 percent below the budget of \$6.8 million. The variance is primarily due to the purchase of 47 gasoline cutaway. This is due to changes in the procurement timeline and the quantity of buses anticipated to be received this fiscal year. Delivery is anticipated in the fourth quarter, as are expenses. However, only expenses for 33 buses will be posted (\$3.4 million) and the remaining will be part of two one-year options under the contract in which, if exercised, 11 additional bus can be purchased each year for a combined total of 55 gasoline cutaway buses.

### **91 Express Lanes Fund – Revenue and Expense Summary**

Revenues of \$35 million are 1.2 percent below the budget of \$34.6 million. Expenditures of \$20.9 million are 18.9 percent under the budget of \$25.8 million.

#### **Variance Analysis – Revenue**

Toll Road Revenue: These revenues include both toll road revenues and miscellaneous toll road revenues. The actuals of \$32.1 million are under the budget of \$32.7 million by \$0.6 million. This is primarily due to a decrease in commuters that are utilizing the 91 Express Lanes. As the economy has softened, OCTA has seen a decrease in overall trips in the second quarter compared to the same period last year.

Interest Income: Actuals of \$2.8 million are approximately \$1 million above the budgeted amount of \$1.8 million. The budget was developed based on the assumption of a 4 percent return for the fiscal year. However, the OCTA's investment performance was higher than forecasted levels during the first three quarters of the fiscal year due to the increase in market value of high quality securities. Treasury, agency, high-quality corporate and asset-backed securities, which comprised approximately 81 percent of OCTA's portfolio, continue to perform well as safety in the fixed-income market is highly valued.

#### **Variance Analysis – Expenses**

Debt Service: The actuals of \$11.7 million are over the budget of \$9.9 million by 18.6 percent. The variance is attributed to two factors. First, one of the OCTA's swap counterparties, Lehman Brothers, filed for bankruptcy in September 2008. As a result, the monthly swap counterparty payments, which offset the interest expenses, were ceased commencing October 1, 2008. Second, the interest rate on OCTA's variable rate bonds increased due to financial concerns with Dexia Bank. Dexia Bank was one of the firms providing liquidity support for the variable rate bonds.

Professional Services: The actuals of \$2.4 million are under the budget of \$3.5 million by 31.4 percent. The underrun is due to consultants for operational and technical support services. Services under this contract are on an as-needed basis. Through the third quarter, these services have not been utilized as initially anticipated.

Capital Expense-Locally Funded: The actuals of \$0.4 million are under the budget of \$4.2 million by 90.8 percent. The primary drivers of this variance are the electronic toll system technology upgrade (\$1.9 million), variable message signs (\$0.4 million), and phase II of the Anaheim facility leasehold improvements (\$0.3 million).

The electronic toll system technology upgrade for the 91 Express Lanes is underrunning by \$1.9 million. The request for proposals (RFP) for this project was originally scheduled to be released in the first half of the year. However, after further review by the project manager and updates to the scope of work, the RFP was released in the third quarter. A response was received and an evaluation of the proposal is expected to be complete in the fourth quarter with a recommendation to the Board at the latter part of the quarter.

Variable message signs and phase II of the Anaheim facility leasehold improvements for the 91 Express Lanes are contributing \$0.4 million and \$0.3 million, respectively, to the underrun. These project are currently being evaluated by staff and are anticipated to be released in the fourth quarter.

### **Internal Service Funds – Revenue and Expense Summary**

Revenues of \$2.6 million are running over the budget by \$1 million, while expenditures of \$5.3 million are 38.2 percent under the budget of \$8.5 million.

### **Variance Analysis – Expenses**

Insurance Claims Expense: The actuals of \$4.6 million are 38.3 percent below the budget of \$7.4 million. The primary reasons for the underrun is attributed to the personal liability/property damage claim expenses. The budget was developed utilizing an actuarial based projection of claims payout derived from a report conducted in 2007. However, the frequency and severity of claims has been less than anticipated during this current fiscal year, which has resulted in lower costs to OCTA.

**Fund Level Financial Schedules**

**General Fund  
Revenues and Expenses**  
(In Thousands)

Description	Budget	Actual	Variance	%
State Assistance	\$ 5,941	\$ 81	\$ (5,859)	-98.6%
Federal Capital Grants	2,500	710	(1,789)	-71.6%
Federal Operating Grants	659	162	(497)	-75.4%
Interest Income	367	(17)	(384)	-104.7%
Miscellaneous	265	95	(170)	-64.3%
Fees and Fines	-	-	-	0.0%
Other Financial Assistance	81	250	169	208.5%
<b>Total Revenues</b>	<b>\$ 9,811</b>	<b>\$ 1,280</b>	<b>\$ (8,531)</b>	<b>-87.0%</b>
Other Benefits	\$ 889	\$ 1,119	\$ (230)	-25.9%
Pensions	5,052	4,893	160	3.2%
Insurances	621	471	150	24.1%
Extra Help Employees	668	505	163	24.4%
Compensated Absences	2,146	2,146	0	0.0%
Health Care	2,604	2,310	295	11.3%
Salaries-Regular Employees	16,107	15,774	334	2.1%
<b>Total Salaries and Benefits</b>	<b>\$ 28,087</b>	<b>\$ 27,217</b>	<b>\$ 870</b>	<b>3.1%</b>
Leases	\$ 3,180	\$ 3,327	\$ (146)	-4.6%
Maintenace Expense	5	2	3	63.5%
Other Materials and Supplies	55	38	17	30.5%
Utilities	615	571	44	7.1%
Advertising Fees	185	103	81	44.1%
Miscellaneous Expense	439	351	88	20.0%
Travel, Training, and Mileage	436	241	195	44.8%
Office Expense	1,132	779	353	31.2%
Outside Services	2,577	1,731	846	32.8%
Contributions to other Agencies	11,605	8,639	2,965	25.6%
Professional Services	11,276	7,359	3,917	34.7%
<b>Total Services and Supplies</b>	<b>\$ 31,505</b>	<b>\$ 23,141</b>	<b>\$ 8,365</b>	<b>26.5%</b>
Capital Expense-Locally Funded	\$ 7,364	\$ 155	\$ 7,209	97.9%
<b>Total Expenses</b>	<b>\$ 66,956</b>	<b>\$ 50,513</b>	<b>\$ 16,443</b>	<b>24.6%</b>

\*Revenues - (under) / over

\*Expenses - under / (over)

## Fund Level Financial Schedules

### Local Transportation Authority Fund (Measure M) Revenues and Expenses

(In Thousands)

Description	Budget	Actual	Variance	%
Federal Capital Assistance Grants	\$ 23,175	\$ 7,514	\$ (15,661)	-67.6%
Taxes/Fees	184,612	176,848	(7,764)	-4.2%
State Assistance	123	-	(123)	-100.0%
Sale Capital Assets	1,610	1,610	-	0.0%
Rental Income	251	293	42	16.8%
Miscellaneous	-	102	102	100.0%
Other Financial Assistance	1,320	1,431	111	8.4%
Interest Income	11,460	18,461	7,001	61.1%
<b>Total Revenues</b>	<b>\$ 222,550</b>	<b>\$ 206,258</b>	<b>\$ (16,292)</b>	<b>-7.3%</b>
Utilities	\$ -	\$ 29	\$ (29)	100.0%
Miscellaneous Expense	5	10	(5)	-112.4%
Travel, Training, and Mileage	10	6	3	34.3%
Other Materials & Supplies	8	-	8	100.0%
Office Expense	50	35	15	29.8%
Advertising Fees	32	2	30	92.4%
Outside Services	148	11	136	92.4%
Debt Service	450	163	287	63.8%
Professional Services	14,769	1,027	13,743	93.0%
Contributions to Other Agencies	109,430	58,759	50,671	46.3%
<b>Total Services and Supplies</b>	<b>\$ 124,901</b>	<b>\$ 60,042</b>	<b>\$ 64,858</b>	<b>51.9%</b>
Capital Expense-Locally Funded	\$ 2,600	\$ 4,775	\$ (2,175)	-83.7%
Work in Process	1,346	275	1,071	79.6%
Construction in Progress	40,822	10,714	30,108	73.8%
<b>Total Capital</b>	<b>\$ 44,767</b>	<b>\$ 15,764</b>	<b>\$ 29,003</b>	<b>64.8%</b>
<b>Total Expenses</b>	<b>\$ 169,668</b>	<b>\$ 75,806</b>	<b>\$ 93,862</b>	<b>55.3%</b>

\*Revenues - (under) / over

\*Expenses - under / (over)

**Local Transportation Authority Fund (Measure M2)**  
**Revenues and Expenses**  
*(In Thousands)*

Description	Budget	Actual	Variance	%
Federal Capital Assistance Grants	\$ 4,169	\$ -	\$ (4,169)	-100.0%
Interest Income	-	160	160	100.0%
<b>Total Revenues</b>	<b>\$ 4,169</b>	<b>\$ 160</b>	<b>\$ (4,008)</b>	<b>-96.2%</b>
Leases	\$ -	\$ 65	\$ (65)	100.0%
Office Expense	15	16	(1)	-4.6%
Travel, Training, and Mileage	10	1	9	93.2%
Miscellaneous Expense	10	1	10	93.7%
Advertising Fees	24	-	24	100.0%
Outside Services	84	7	77	91.7%
Debt Service	1,313	340	973	74.1%
Contributions to Other Agencies	2,200	942	1,258	57.2%
Professional Services	37,222	12,401	24,821	66.7%
<b>Total Services and Supplies</b>	<b>\$ 40,877</b>	<b>\$ 13,772</b>	<b>\$ 27,104</b>	<b>66.3%</b>
Construction in Progress	\$ 4,125	\$ -	\$ 4,125	100.0%
<b>Total Capital</b>	<b>\$ 4,125</b>	<b>\$ -</b>	<b>\$ 4,125</b>	<b>100.0%</b>
<b>Total Expenses</b>	<b>\$ 45,002</b>	<b>\$ 13,772</b>	<b>\$ 31,229</b>	<b>69.4%</b>

\*Revenues - (under) / over

\*Expenses - under / (over)



**Fund Level Financial Schedules**  
**Orange County Transit District Fund**  
**Revenues and Expenses**

(In Thousands)

Description	Budget	Actual	Variance	%
Advertising Revenue	\$ 4,907	\$ 3,520	\$ (1,386)	-28.3%
Farebox Revenue	40,282	39,343	(939)	-2.3%
Insurance Recoveries	361	(123)	(484)	-134.0%
Taxes/Fees	7,061	6,735	(326)	-4.6%
Miscellaneous	55	-	(55)	-100.0%
Rental Income	347	474	128	36.8%
Interest Income	2,458	5,907	3,449	140.3%
Other Financial Assistance	22,549	33,081	10,532	46.7%
Federal Operating Grants	-	21,762	21,762	100.0%
Federal Capital Grants	758	33,374	32,616	4300.7%
<b>Total Revenues</b>	<b>\$ 78,777</b>	<b>\$ 144,075</b>	<b>\$ (65,297)</b>	<b>-82.9%</b>
Pensions	\$ 14,022	\$ 14,268	\$ (246)	-1.8%
Insurances	1,271	1,358	(87)	-6.8%
Compensated Absences	7,072	6,951	120	1.7%
Other Benefits	2,788	2,549	239	\$ 0
Health Care	12,816	12,476	340	2.7%
Extra Help Employees	879	(102)	981	111.6%
Salaries-Regular Employees	58,178	56,868	1,310	2.3%
<b>Total Salaries and Benefits</b>	<b>\$ 97,026</b>	<b>\$ 94,369</b>	<b>\$ 2,657</b>	<b>2.7%</b>
Maintenance Expense	\$ 5,045	\$ 7,307	\$ (2,262)	-44.8%
Insurance Claim Expense	-	873	(873)	100.0%
Contributions to Other Agencies	173	712	(540)	-312.2%
Utilities	1,254	1,251	3	0.2%
Miscellaneous Expense	256	247	9	3.5%
Advertising Fees	63	26	37	58.0%
Debt Service	-	(89)	89	0.0%
Other Materials and Supplies	1,171	1,015	156	13.3%
Office Expense	610	419	190	31.2%
Travel, Training, and Mileage	519	214	305	58.8%
Professional Services	3,266	2,810	456	14.0%
Tires and Tubes	1,836	1,221	615	33.5%
Contract Transportation	28,268	27,367	901	3.2%
Leases	1,325	269	1,056	79.7%
Outside Services	10,422	8,641	1,782	17.1%
Fuels and Lubricants	15,006	11,321	3,685	24.6%
<b>Total Services and Supplies</b>	<b>\$ 69,215</b>	<b>\$ 63,605</b>	<b>\$ 5,609</b>	<b>8.1%</b>
Capital Expense-Locally Funded	\$ 6,808	\$ 216	\$ 6,592	96.8%
<b>Total Capital</b>	<b>\$ 6,808</b>	<b>\$ 216</b>	<b>\$ 6,592</b>	<b>96.8%</b>
<b>Total Expenses</b>	<b>\$ 173,048</b>	<b>\$ 158,190</b>	<b>\$ 14,858</b>	<b>8.6%</b>

\*Revenues - (under) / over

\*Expenses - under / (over)

## Fund Level Financial Schedules

### 91 Express Lanes Fund Revenues and Expenses

(In Thousands)

Description	Budget	Actual	Variance	%
Toll Road Revenue	\$ 27,532	\$ 25,215	\$ (2,317)	-8.4%
Insurance Recovery	42	2	(40)	-95.2%
Interest Income	1,793	2,836	1,042	58.1%
Miscellaneous Toll Road Revenue	5,215	6,941	1,727	33.1%
<b>Total Revenues</b>	<b>\$ 34,582</b>	<b>\$ 34,994</b>	<b>\$ 412</b>	<b>1.2%</b>
Debt Service	\$ 9,868	\$ 11,707	\$ (1,838)	-18.6%
Miscellaneous Expense	145	168	(22)	-15.3%
Equipment/Structure	8	2	5	69.8%
Travel, Training, and Mileage	17	5	13	73.7%
Utilities	20	(20)	40	203.7%
Leases	353	307	46	13.0%
Insurance Claims Expense	788	682	105	13.3%
Contract Transportation	4,738	4,575	163	3.4%
Advertising Fees	250	15	235	94.0%
Office Expense	331	67	264	79.8%
Outside Services	1,620	647	973	60.1%
Professional Services	3,487	2,393	1,095	31.4%
<b>Total Services and Supplies</b>	<b>\$ 21,626</b>	<b>\$ 20,548</b>	<b>\$ 1,078</b>	<b>5.0%</b>
Capital Expense-Locally Funded	\$ 4,169	\$ 385	\$ 3,784	90.8%
<b>Total Capital</b>	<b>\$ 4,169</b>	<b>\$ 385</b>	<b>\$ 3,784</b>	<b>90.8%</b>
<b>Total Expenses</b>	<b>\$ 25,795</b>	<b>\$ 20,933</b>	<b>\$ 4,862</b>	<b>18.9%</b>

\*Revenues - (under) / over

\*Expenses - under / (over)

## Fund Level Financial Schedules

### Internal Service Funds Revenues and Expenses

(In Thousands)

Description	Budget	Actual	Variance	%
Interest Income	\$ 1,622	\$ 1,747	\$ 125	7.7%
Insurance Recoveries	53	894	841	1596.8%
Total Revenues	\$ 1,675	\$ 2,641	\$ 966	57.7%
Miscellaneous Expense	\$ 0	\$ 160	\$ (160)	100.0%
Outside Services	157	106	51	32.3%
Professional Services	907	377	530	58.4%
Insurance Claims Expense	7,434	4,589	2,846	38.3%
Total Services and Supplies Expenses	\$ 8,547	\$ 5,281	\$ 3,266	38.2%
Total Expenses	\$ 8,547	\$ 5,281	\$ 3,266	38.2%

\*Revenues - (under) / over

\*Expenses - under / (over)





BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** Resolution to Establish the Orange County Transportation Authority General Fund Appropriations Limitation for Fiscal Year 2009-10

Finance and Administration Committee meeting of May 27, 2009

**Present:** Directors Amante, Bates, Campbell, and Green  
**Absent:** Directors, Brown, Buffa, and Moorlach

**Committee Vote**

This item was passed by all Committee Members present.


**Committee Recommendation**

Adopt Orange County Transportation Authority Resolution No. 2009-30 to establish the Orange County Transportation Authority General Fund appropriations limit at \$8,378,151 for fiscal year 2009-10.



**May 27, 2009**

**To:** Finance and Administration Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Resolution to Establish the Orange County Transportation Authority General Fund Appropriations Limitation for Fiscal Year 2009-10

### **Overview**

The State Constitution requires that each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit for the following year pursuant to Article XIII B.

### **Recommendation**

Adopt Orange County Transportation Authority Resolution No. 2009-30 to establish the Orange County Transportation Authority General Fund appropriations limit at \$8,378,151 for fiscal year 2009-10.

### **Background**

In November 1979, the voters of the State of California approved Proposition 4, commonly known as the Gann Initiative. The proposition created Article XIII B of the California Constitution which is also known as the Gann appropriations limitation.

Both the Article XIII B appropriations limit and its implementing legislation were modified by Proposition 111, approved by voters in 1990. The law specifies that the appropriations of revenues, "proceeds of taxes" by state and local governments, may only increase annually by a limit based on a factor comprised of the change in population and the change in California per capita personal income. The appropriation limit includes any interest earned from the investment of the proceeds of taxes and must be reviewed during the annual financial audit.

***Discussion***

In accordance with the requirements of Article XIII B, a resolution has been prepared and is attached for review (Attachment A). The resolution establishes the Orange County Transportation Authority (OCTA) General Fund appropriations limit for fiscal year (FY) 2009-10 at \$8,378,151, excluding federal grant funds and other funds to be received from sources not subject to the appropriations limitation.

Based on the FY 2009-10 budget for the General Fund, appropriations subject to limitation equal \$4,064,587. Proceeds of taxes subject to the appropriations limitation consist of a transfer of \$3,916,912 in ¼ cent sales tax revenues from the Orange County Local Transportation Fund to the General Fund for administration, planning, and programming of the Local Transportation Fund plus \$147,675 in interest earned on the proceeds of these taxes. Attachment B shows the calculation of the FY 2009-10 OCTA General Fund appropriations limit. The change in population and change in California per capita personal income rates were obtained from the State of California, Department of Finance.

***Summary***

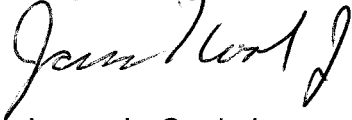
Staff recommends adoption of the Orange County Transportation Authority General Fund Resolution No. 2009-30, which will establish the fiscal year 2009-10 appropriation limit at \$8,378,151.

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***Attachments***

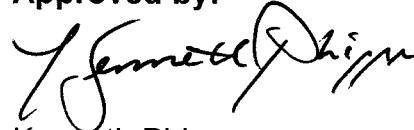
- A. Resolution of the Orange County Transportation Authority General Fund Establishing Appropriations Limit for Fiscal Year 2009-10.
- B. Orange County Transportation Authority General Fund Fiscal Year 2008-09 GANN Appropriations Limitation.

**Prepared by:**



James L. Cook Jr.  
Financial Analyst  
Financial Planning and Analysis  
(714) 560-5917

**Approved by:**



Kenneth Phipps  
Acting Executive Director,  
Finance and Administration  
(714) 560-5637



**RESOLUTION OF THE  
ORANGE COUNTY TRANSPORTATION AUTHORITY GENERAL FUND  
ESTABLISHING APPROPRIATIONS LIMIT FOR  
FISCAL YEAR 2009-10**

**WHEREAS**, Article XIII B of the California Constitution and Sections 7900 through 7913 of the California Government Code require the establishment of an appropriations limit; and

**WHEREAS**, appropriations limits are applicable to funds received from the proceeds of taxes and interest earned on such proceeds.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Orange County Transportation Authority/General Fund hereby determines that pursuant to Section 7902b of the California Government Code, the appropriations limit for the Orange County Transportation Authority/General Fund for Fiscal Year 2009-10 is \$8,378,151.
2. The total amount authorized to be expended by the Orange County Transportation Authority/General Fund during Fiscal Year 2009-10 from the proceeds of taxes, including interest earned from the investment of the proceeds of taxes, is \$4,064,587.
3. The appropriations limit for Fiscal Year 2009-10 exceeds proceeds of taxes for Fiscal Year 2008-09 by \$4,313,563.

ADOPTED, SIGNED, AND APPROVED this 8th day of June 2009.

AYES:

NOES:

ABSENT:

ATTEST:

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Wendy Knowles  
Clerk of the Board

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Peter Buffa, Chairman  
Orange County Transportation Authority

ORANGE COUNTY TRANSPORTATION AUTHORITY GENERAL FUND  
FISCAL YEAR 2008-09  
GANN APPROPRIATIONS LIMITATION

A. PER CAPITA CHANGE

California per capita  
personal income change 0.62%

B. POPULATION CHANGE

County of Orange 1.11%

C: GANN CALCULATION

Per capita change:	0.62%	Converted to ratio:	1.0062
Population change:	1.11%	Converted to ratio:	1.0111
Gann factor for FY 2009-10		$1.0442 \times 1.0084 =$	1.0174

**FY 2008-09 APPROPRIATIONS LIMIT \$8,235,116**

**Ratio of change 1.01736882**

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**FY 2008-09 APPROPRIATIONS LIMIT \$8,378,151**

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BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Revenue Room Closure

Finance and Administration Committee meeting of May 27, 2009

Present: Directors Amante, Bates, Campbell, and Green  
Absent: Directors, Brown, Buffa, and Moirlach

**Committee Vote**


No action was taken.

**Staff Recommendation**

Receive and file as an information item.



**May 27, 2009**

**To:** Finance and Administration Committee  
**From:**  James S. Kenan, Interim Chief Executive Officer  
**Subject:** Revenue Room Closure

**Overview**

The Orange County Transportation Authority will close the revenue room operation at the Santa Ana Base on June 30, 2009. The closure will save approximately \$150,000 annually in bus transit operating costs.

**Recommendation**

Receive and file as an information item.

**Background**

Prior to July 1, 1996, the Orange County Transportation Authority (Authority) counted all fare collections using internal resources. In response to increased overtime costs, increasing use of temporary help and escalating workers' compensation claims, the Authority began outsourcing some of the counting to reduce costs. As internal staff was reduced through attrition, more counting was outsourced.

The revenue clerks are members of the Transportation Communications International Union (TCU). As more of the counting function was outsourced, the TCU negotiated a provision in the contract that protects clerks employed as of April 1, 2005. Under the terms of the contract, the Authority agreed to find alternate positions for those clerks in the event that the internal revenue function was discontinued. Today, this provision protects the three current revenue clerks.

**Discussion**

During calendar year 2008, fare collections totaled approximately \$36 million. The three revenue clerks counted 25 percent of the collections; Sectran Security, Inc. counted the balance.

Outsourcing the balance of the counting function will cost approximately \$50,000 per year. However, outsourcing will allow the Authority to eliminate the two sheriff's positions that provide security for the Revenue Section. By eliminating the need for security, the Authority will realize approximately \$200,000 in savings per year.

Netting the incremental counting cost against savings realized by eliminating the cost of security results in a net savings of approximately \$150,000. In accordance with the TCU collective bargaining agreement, the Authority is currently working to identify alternative positions within the organization that are in need of resources for which the three revenue clerks could apply. Finally, this move opens up space at the Santa Ana Base that may be used for other purposes in the future.

When the Revenue Section is closed, the Accounting Department intends to retain a small portion of the revenue area at the Santa Ana Base to conduct periodic collection audits. This space will also serve as a secure location to hold malfunctioning cash bins until the contractor is able to transport the bins for processing.

**Summary**


By eliminating the Revenue Section and outsourcing all fare collection processing, the Orange County Transportation Authority expects to realize approximately \$150,000 in bus transit operating cost savings annually. A secondary benefit is the ability to redeploy the three current revenue clerks into other value added positions at a time when resources are scarce.

**Attachment**

None.

**Prepared by:**

Tom Wulf  
Department Manager  
Accounting  
(714) 560-5659

**Approved by:**

Kenneth Phipps  
Acting Executive Director,  
Finance and Administration  
(714) 560-5637





BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board  
**Subject:** State Route 91 Advisory Committee Operation Policy and Procedures

State Route 91 Advisory Committee Meeting of May 29, 2009

**Present:** Members Amante, Buster, Campbell, Cavecche, Hall, Magee, and Spiegel  
**Absent:** Members Brown, Pringle, and Tavaglione

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**

Approve the State Route 91 Advisory Committee Operation Policy and Procedures.





**May 29, 2009**

**To:** State Route 91 Advisory Committee

**From:** *JK* James S. Kenan, Interim Chief Executive Officer

**Subject:** State Route 91 Advisory Committee Operation Policy and Procedures

### **Overview**

In 2003, the State Route 91 Advisory Committee adopted an operation policy and procedures, which established the rules for conduct of committee meetings. With the passage of Senate Bill 1316 (Chapter 714, Statutes of 2008), a new operation policy and procedures must be adopted by both the Orange County Transportation Authority and the Riverside County Transportation Commission.

### **Recommendation**

Approve the State Route 91 Advisory Committee Operation Policy and Procedures.

### **Background**

Assembly Bill (AB) 1010 (Chapter 688, Statutes of 2002), codified in the California Public Utilities Code (PUC) Section 130240, was enacted into law in 2002 which authorizes the Orange County Transportation Authority (OCTA) to purchase and operate the 91 Express Lanes toll road. AB 1010 created the State Highway Route 91 (State Route 91) Advisory Committee to review issues and make recommendations to OCTA regarding the toll facility.

In September 2008, Governor Schwarzenegger approved Senate Bill (SB) 1316 (Chapter 714, Statutes of 2008), which provided a framework for the extension of the 91 Express Lanes toll road by allowing OCTA to assign the rights, interests, and obligations in the Riverside County portion of the toll lanes to the Riverside County Transportation Commission (RCTC), or by amending the franchise agreement.

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***Discussion***

SB 1316, as successor to AB 1010, abrogated the reference of Section 130240, which created the existing State Route 91 (SR-91) Advisory Committee. In its place, PUC Section 130245 was added to reconstitute the SR-91 Advisory Committee. The SR-91 Advisory Committee is to review issues and make recommendations to OCTA and RCTC regarding the transportation facilities, including the tolls imposed, operations, maintenance, interoperability, use of toll revenues, and improvements in the SR-91 corridor.

As required by Section 130245(b) of the PUC, the SR-91 Advisory Committee shall establish rules for the conduct of committee meetings. Attachment A is the SR-91 Advisory Committee Operation Policy and Procedures (Policy and Procedures) and is presented for the committee's consideration. The Policy and Procedures also contains a provision for the appointment of alternates to the committee.

***Summary***

Pursuant to the California Public Utilities Code Section 130245(b), the State Route 91 Advisory Committee shall establish rules for the conduct of committee meetings. The State Route 91 Advisory Committee Operation Policy and Procedures is presented for the committee's consideration.

***Attachment***

- A. State Highway Route 91 (SR 91) Advisory Committee – Committee Operation Policy and Procedures

**Prepared by:**



Kirk Avila  
General Manager  
91 Express Lanes  
(714) 560-5674

**STATE HIGHWAY ROUTE 91 (SR 91) ADVISORY COMMITTEE  
COMMITTEE OPERATION POLICY AND PROCEDURES**

**PREAMBLE**

Assembly Bill 1010, codified in Public Utilities Code section 130240<sup>1</sup>, was enacted into law in 2002 and created the State Highway Route 91 (SR 91) Advisory Committee (the “SR 91 Advisory Committee”). Senate Bill 1316, enacted into law in 2008, is a successor to AB 1010. SB 1316 abrogated the reference in 130240 creating the SR 91 Advisory Committee and added a new Public Utilities Code section 130245 to reconstitute the SR 91 Advisory Committee. Section 130245(b) requires the SR 91 Advisory Committee to establish rules for the conduct of committee meetings and permits the appointment of alternates to the SR 91 Advisory Committee.

**PURPOSE**

The SR 91 Advisory Committee shall review issues and make recommendations to the Orange County Transportation Authority and the Riverside County Transportation Commission regarding the transportation facilities authorized pursuant to sections 130240 and 130244, including the tolls imposed, operations, maintenance, interoperability, and use of toll revenues, and improvements in the SR 91 corridor, including the identification and siting of alternative highways.

When reviewing the initial and subsequent toll structures proposed by the Orange County Transportation Authority and the Riverside County Transportation Commission or any changes to the toll structure, the SR 91 Advisory Committee shall place an information item on a regularly scheduled agenda for due public comment and consideration of the SR 91 Advisory Committee.

The Orange County Transportation Authority shall conduct an audit on an annual basis of the toll revenues collected and expenditures made during its operation of the facilities authorized in section 130240. The audit shall review the revenues and expenditures related to those facilities for consistency with the provisions of 130240 and shall be provided to the SR 91 Advisory Committee.

The Riverside County Transportation Commission shall conduct an audit on an annual basis of the toll revenues collected and expenditures made during its operation of the facilities authorized in section 130244 once those facilities are operational. The audit shall review revenues and expenditures related to those

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<sup>1</sup> All references to the Public Utilities Code unless otherwise indicated.

facilities for consistency with section 130244 and shall be provided to the SR 91 Advisory Committee.

### OPERATING POLICY

The SR 91 Advisory Committee will conduct its operations in the context of two basic policies:

#### Statutory Authority

The SR 91 Advisory Committee will conduct its operations in a manner as to ensure its adherence to the provisions of California Public Utilities Code Section 130245.

#### Timeliness

The SR 91 Advisory Committee recognizes that the Orange County Transportation Authority's and the Riverside County Transportation Commission's successful management and operation of the 91 Express Lanes is a complex effort, and that, in such an undertaking, unnecessary delays in reviews and recommendations will inevitably result in the wasting of scarce resources. The SR 91 Advisory Committee will make every effort to expedite the required action such that no SR 91 Advisory Committee reviews and recommendations are unnecessarily delayed.

### OPERATING PROCEDURES

The SR 91 Advisory Committee meetings shall be open to the public and comply with the requirements of the "Brown Act," (Government Code Sections 54950 et. seq.) The SR 91 Advisory Committee shall receive the annual audit and data concerning the 91 Express Lanes toll structure, operations, maintenance, the use of toll revenues, and improvements in the SR 91 corridor, including the identification and siting of alternative highways.

The Orange County Transportation Authority and the Riverside County Transportation Commission staff will provide the SR 91 Advisory Committee with timely information on the operations of the 91 Express Lanes. The SR 91 Advisory Committee members may request additional information from the Orange County Transportation Authority and the Riverside County Transportation Commission.

The Orange County Transportation Authority and the Riverside County Transportation Commission shall equally share all costs associated with the requirements of the SR 91 Advisory Committee. The Orange County Transportation Authority and Riverside County Transportation Commission shall provide staff and services for the SR 91 Advisory Committee. The agenda for each meeting of the SR 91 Advisory Committee shall be prepared cooperatively by the staff of the Orange County Transportation Authority and the Riverside County Transportation Commission. Any matter within

the jurisdiction of the SR 91 Advisory Committee shall be included on the agenda at the request of any voting member of the SR 91 Advisory Committee.

### PROVISION FOR ALTERNATES

Each member agency of the SR 91 Advisory Committee may appoint alternates to the Advisory Committee. Each alternate must be a member of the agency's governing board. The alternates from a member agency may only participate in the SR 91 Advisory Committee in the absence of regular SR 91 Advisory Committee members from that agency. Each alternate present shall have only one vote, regardless of the number of SR 91 Advisory Committee members from that agency that are absent.

### OFFICERS

At the SR 91 Advisory Committee's first meeting of each calendar year the SR 91 Advisory Committee shall select a Chairman and Vice-Chairman, who shall each be a voting member of the SR 91 Advisory Committee.

The Chairman, when present, will preside at all meetings of the SR 91 Advisory Committee. The Vice-Chairman will preside in the absence of the Chairman. The officer presiding is charged with keeping order and preserving decorum. The officer presiding shall decide all questions of order subject to the action of a majority of the SR 91 Advisory Committee members.

### AMENDMENTS

This document may be amended at any time by the SR 91 Advisory Committee.





BOARD COMMITTEE TRANSMITTAL

*June 8, 2009*

**To:** Members of the Board of Directors

**From:** <sup>WK</sup> Wendy Knowles, Clerk of the Board

**Subject:** Amendment to Agreement for Additional Design and Construction Support Services for the Placentia Avenue Railroad Grade Separation Project

Highways Committee Meeting of June 1, 2009

Present: Directors Amante, Cavecche, Glaab, Mansoor, and Pringle

Absent: Directors Dixon, Green, and Norby

**Committee Vote**

This item was passed by all Committee Members present.


**Committee Recommendation**

Authorize the Interim Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-8-0961 with MTK, Inc., in an amount not to exceed \$670,446, for additional design and construction support services for the Placentia Avenue railroad grade separation project.



**June 1, 2009**

**To:** Highways Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Amendment to Agreement for Additional Design and Construction Support Services for the Placentia Avenue Railroad Grade Separation Project

### **Overview**

On October 27, 2008, the Board of Directors approved an agreement with MTK, Inc., in the amount of \$1,623,000, to provide final design and construction support services for the Placentia Avenue railroad grade separation project. Upon further review, the level of services needed to complete this work will require an increase in the authorized contract amount.

### **Recommendation**

Authorize the Interim Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-8-0961 with MTK, Inc., in an amount not to exceed \$670,446, for additional design and construction support services for the Placentia Avenue railroad grade separation project.

### **Discussion**

In June 2008, Orange County Transportation Authority (Authority) staff presented an implementation plan for the railroad grade separation projects. This plan identified that the five grade separation projects primarily within the City of Placentia (Placentia) boundaries would be managed by the Authority utilizing a combination of federal, state, Renewed Measure M, and Trade Corridors Improvement Funds from Proposition 1B, passed by voters in 2006. These grade separation project locations include Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue along the Orangethorpe rail corridor.



The grade separation at Placentia Avenue had previously been designed by Placentia to a 60 to 80 percent completion level prior to the project being placed on hold due to lack of funding. The identification of a new funding source by the Authority allowed for these grade separation projects to be restarted. The Authority selected a design consultant to proceed with final design in accordance with the Authority-approved selection process. This selection identified MTK, Inc., (MTK) as the most qualified firm to perform final design services at the Placentia Avenue railroad grade separation project.

Pursuant to Board of Directors action on October 27, 2008, staff authorized MTK to perform data collection and fact finding to evaluate the actual level of design completion for the work previously developed by Placentia. After review of all existing data, staff has determined that the actual level of design completion of the previous work done by Placentia is closer to 30 to 40 percent, rather than the 60 to 80 percent previously assumed. Therefore, the previously estimated value of the services needed to conclude the work will need to be increased by \$670,446.

This procurement was originally handled in accordance with the Authority's procedures for professional architectural and engineering services which conform to both federal and state laws. It has become necessary to process and amend the current agreement to provide a greater level of service to complete the final design of the Placentia Avenue grade separation.

Staff requested a price proposal from MTK to perform this additional work. The proposal was reviewed by the internal auditor and the cost was found to be fair and reasonable for the work to be performed. The original agreement, awarded on January 29, 2009, was in the amount of \$1,623,000. This agreement has been amended previously (Attachment A). The total amount after approval of Amendment No. 2 will be \$2,293,446.

#### **Fiscal Impact**

The additional work described in Amendment No. 2 to Agreement No. C-8-0961 was approved in the Authority's Fiscal Year 2008-09 Budget, Development Division, Account 0017-7519-SO201-PPJ, and is funded through Renewed Measure M.

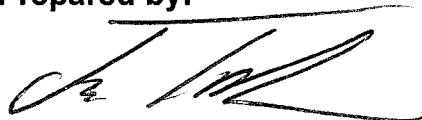
#### **Summary**

Staff recommends approval of Amendment No. 2, in the amount of \$670,446, to Agreement No. C-8-0961 with MTK for additional design and construction support services for the Placentia Avenue railroad grade separation project.

***Attachment***

- A. MTK, Inc., Agreement No. C-8-0961 Fact Sheet

**Prepared by:**

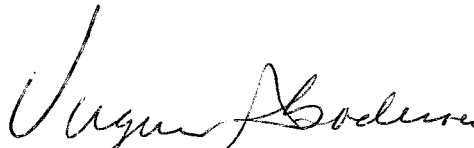


M. Joseph Toolson  
Program Manager, Development  
714-560-5406

**Approved by:**



Kia Mortazavi  
Executive Director, Development  
714-560-5741



Virginia Abadessa  
Director, Contracts Administration &  
Materials Management  
714-560-5623

**MTK, Inc.  
Agreement No. C-8-0961 Fact Sheet**

1. October 27, 2008, Agreement No. C-8-0961, \$1,623,000, approved by Board of Directors.
  - Provide final design and construction support services for the Placentia Avenue railroad grade separation project.
2. April 20, 2009, Amendment No. 1 to Agreement No. C-8-0961, \$0, approved by purchasing agent.
  - Provide additional insurance coverage required by Burlington Northern Santa Fe Railway to enter into its right-of-way.
3. June 8, 2009, Amendment No. 2 to Agreement No. C-8-0961, \$670,446, pending Board of Directors approval.
  - Provide additional design and construction support services for the Placentia Avenue railroad grade separation projects.

Total committed to MTK, Inc., after approval of Amendment No. 2 to Agreement No. C-8-0961: \$2,293,446.





BOARD COMMITTEE TRANSMITTAL

June 8, 2009

**To:** Members of the Board of Directors  
**From:** Wendy Knowles<sup>WK</sup>, Clerk of the Board  
**Subject:** Cooperative Agreements with the Cities of Placentia, Anaheim, and Fullerton for the Railroad Grade Separation Projects

Highways Committee Meeting of June 1, 2009

**Present:** Directors Amante, Cavecche, Glaab, Mansoor, and Pringle  
**Absent:** Directors Dixon, Green, and Norby

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendations**

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0412 with the City of Placentia, in an amount not to exceed \$537,500, for traffic management planning, environmental re-evaluation, project support, and police services for the railroad grade separation projects located at Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue.
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0413 with the City of Anaheim, in an amount not to exceed \$370,000, for traffic management planning, project support, and police services for the railroad grade separation projects located at Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue.
- C. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0414 with the City of Fullerton, in an amount not to exceed \$92,500, for traffic management planning, project support, and police services for the railroad grade separation project located at Placentia Avenue.




***Committee Discussion***

The Highways Committee requested that a statement be added to the agreements that indicates that the exhibits shown in the agreements are based on the approved environmental document and that the cities and OCTA will work together during final design to explore other configuration options that may reduce the impact of the projects on adjacent properties.



*June 1, 2009*

**To:** Highways Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Cooperative Agreements with the Cities of Placentia, Anaheim, and Fullerton for the Railroad Grade Separation Projects

**Overview**

The Orange County Transportation Authority proposes to enter into cooperative agreements with the cities of Placentia, Anaheim, and Fullerton. Cooperative agreements are required to establish roles, responsibilities, and process for the implementation of the railroad grade separation projects located at the Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue at-grade rail crossings.

**Recommendations**

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0412 with the City of Placentia, in an amount not to exceed \$537,500, for traffic management planning, environmental re-evaluation, project support, and police services for the railroad grade separation projects located at Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue.
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0413 with the City of Anaheim, in an amount not to exceed \$370,000, for traffic management planning, project support, and police services for the railroad grade separation projects located at Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue.
- C. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0414 with the City of Fullerton, in an amount not to exceed \$92,500, for traffic management planning, project support, and police services for the railroad grade separation project located at Placentia Avenue.

***Discussion***

The Orange County Transportation Authority (Authority) and the cities of Placentia, Anaheim, and Fullerton have agreed to the specific terms, conditions, and funding responsibilities for the railroad grade separation projects located at Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue at-grade rail crossings. The cooperative agreements will be similar in nature for each agency, except for a few minor differences to meet city-specific requirements and for the City of Placentia to act as the lead agency for maintenance agreements and for the completion of the environmental document.

The following briefly describes the purpose and content of the cooperative agreements and summarizes the responsibilities of both the Authority and the local corridor cities for the implementation of the railroad grade separation projects.

The cities of Placentia, Anaheim, and Fullerton agree to the following:

- Collaborate and cooperate with Authority staff, its consultants, employees, agents, and contractors during design and construction of the projects and commit to participate in various partnering and project meetings.
- Cooperate with the Authority for the relocation, protection, and construction of utilities.
- Perform design reviews and issue no-fee permits to contractors to accommodate the design process and schedule.
- Provide traffic engineering, project support, and police services as requested during construction to ensure safety, maintenance of traffic, and closures and detours.
- Relinquish to the Authority, at no cost upon request, vacant and tenantless properties previously acquired by the City of Placentia for railroad grade separation projects. Additionally, maintain and manage previously purchased properties at no cost to the Authority until such time as they are relinquished for construction.



- Accept all construction improvements within the jurisdictional boundaries of each city, enter into maintenance agreements for all facilities constructed, and release the Authority of any future maintenance obligations.
- Provide a completed and approved environmental document for the Orange County Gateway Project (lead agency, City of Placentia).
- Enter into construction and maintenance agreements with the Authority and Burlington Northern Santa Fe Railway (BNSF) to establish the rights and obligation of each party relating to the maintenance of the work within the jurisdictional boundaries of the city. The lead agency is the City of Placentia.

The Authority agrees to the following:

- Work in partnership with each city during the implementation of design, right-of-way acquisition, and construction of the railroad grade separation projects.
- Implement a quality assurance and quality control program during design and construction.
- Be responsible for and coordinate all activities relating to securing all right-of-way acquisition, temporary construction easements, and certification deemed necessary and appropriate by the Authority, including eminent domain.
- Support the relocation of utilities in accordance with current city prior-rights established for utility relocations.
- Prepare construction contract documents, advertise and award construction contract, and conduct construction administration and construction management.
- Coordinate with BNSF for all work to be done in the railroad right-of-way.
- Investigate for potential hazardous material sites within the project limits.
- Prepare a traffic management plan or regional traffic study that addresses construction-related impacts to existing city street traffic.

- Implement a public awareness campaign during design and construction of the projects that advises the cities, local businesses, residents, elected officials, motorists, and media of construction status and street detours.
- Reimburse the cities for actual costs for providing traffic management planning, project support, and police services during design and construction.

#### **Fiscal Impact**

The agreements are included in the Authority's proposed Fiscal Year 2009-10 Budget, Development Division, Account 0017-7831-SO202-QKC and are funded through Renewed Measure M.

#### **Summary**

Staff is seeking Board of Directors authorization to execute cooperative agreements with the cities of Placentia, Anaheim, and Fullerton for traffic management planning, project support, and police services for railroad grade separation projects at Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue.

***Attachments***

- A. Draft Cooperative Agreement No. C-9-0412 Between Orange County Transportation Authority and City of Placentia
- B. Draft Cooperative Agreement No. C-9-0413 Between Orange County Transportation Authority and City of Anaheim
- C. Draft Cooperative Agreement No. C-9-0414 Between Orange County Transportation Authority and City of Fullerton

**Prepared by:**



M. Joseph Toolson  
Program Manager, Development  
714-560-5406

**Approved by:**



Kia Mortazavi  
Executive Director, Development  
714-560-5741



Virginia Abadessa  
Director, Contracts Administration &  
Materials Management  
714-560-5623

**DRAFT**

**COOPERATIVE AGREEMENT NO. C-9-0412**

**BETWEEN**

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

**AND**

**CITY OF PLACENTIA**

**THIS AGREEMENT**, is effective this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the City of Placentia, 401 East Chapman Avenue, Placentia, CA, 92870, a California Charter City and a municipal corporation (hereinafter referred to as "CITY").

**RECITALS:**

**WHEREAS**, AUTHORITY, in cooperation and partnership with the Burlington Northern Santa Fe (BNSF) Railway, and the cities of Placentia, Anaheim, and Fullerton, is proposing to design and construct five grade separation projects (hereinafter referred to as the "PROJECTS") to grade separate vehicular traffic from rail traffic to alleviate the current and potential traffic impacts and enhance safety at existing at-grade rail crossings at several intersections within the Orangethorpe railroad corridor; and

**WHEREAS**, the PROJECTS are located at the Placentia Avenue crossing as shown in Exhibit A, Kraemer Boulevard crossing as shown in Exhibit B, Orangethorpe Avenue crossing as shown in Exhibit C, Tustin Avenue/Rose Drive crossing as shown in Exhibit D, and Lakeview Avenue crossing as shown in Exhibit E; and

**WHEREAS**, AUTHORITY agrees to design, acquire right-of-way (excluding the CITY's previously purchased properties for the PROJECTS), and advertise, award, and administer the construction of the PROJECTS, adhering to CITY standards and requirements for work within the jurisdictional boundaries of CITY; and

1           **WHEREAS**, CITY and AUTHORITY acknowledge that AUTHORITY's obligation is to  
2 fund and oversee the PROJECTS under this Agreement; and

3           **WHEREAS**, AUTHORITY's obligations under this Agreement are contingent upon and  
4 subject to CITY'S approval of the PROJECTS pursuant to both the California Environmental  
5 Quality Act (CEQA) and the National Environmental Policy Act (NEPA); and AUTHORITY  
6 shall have no obligations under this Agreement, and the Agreement shall have no force and  
7 effect, unless and until AUTHORITY determines, in its sole and absolute discretion, that CITY  
8 has completed and approved all applicable environmental reviews and clearances, and made  
9 any and all appropriate and applicable findings as required by law; and

10           **WHEREAS**, CITY agrees to relinquish to AUTHORITY, at no cost upon request, the  
11 properties previously acquired by CITY for the construction of the PROJECTS, vacant and  
12 without tenants to AUTHORITY; and should CITY's previously acquired properties for the  
13 construction of the PROJECTS decrease in value as a result of the construction activities,  
14 AUTHORITY will not be held responsible for reimbursement for any loss in value; and

15           **WHEREAS**, CITY agrees to provide, subject to reimbursement by AUTHORITY,  
16 environmental re-evaluation support should there be changes in design from the approved  
17 environmental reviews and clearances during any phases of the PROJECTS; and

18           **WHEREAS**, CITY agrees to provide support during design and construction, including  
19 consultant selection, design and construction reviews and Traffic Management Planning  
20 services; and

21           **WHEREAS**, upon completion and acceptance by CITY of the PROJECTS, or portion  
22 thereof, CITY will accept control and maintenance, at its own cost and expense those portions  
23 of the PROJECTS lying within CITY boundaries. Upon acceptance by CITY of the  
24 PROJECTS or any portions thereof, CITY shall also be responsible for liability, including tort  
25 liability, for the PROJECTS or such portion thereof at no cost or expense to AUTHORITY; and

26 /

1           **WHEREAS**, CITY shall enter into separate maintenance agreements with the cities of  
2 Anaheim and Fullerton. The maintenance agreements will establish the rights and obligations  
3 of each party relating to the maintenance of the work lying within each CITY's boundaries; and

4           **WHEREAS**, CITY shall enter into construction & maintenance (C&M) agreements with  
5 the AUTHORITY and BNSF to establish the rights and obligation of each party relating to the  
6 maintenance of the work within the jurisdictional boundaries of CITY; and

7           **WHEREAS**, this Cooperative Agreement defines the specific terms, conditions and  
8 funding responsibilities between AUTHORITY and CITY for the final design, environmental  
9 review and approvals, right-of-way acquisition, construction, and construction administration of  
10 the PROJECTS; and

11           **WHEREAS**, CITY's City Council approved this Agreement on May 19, 2009; and

12           **WHEREAS**, AUTHORITY's Board of Directors approved this Agreement on June 8,  
13 2009.

14           **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY  
15 as follows:

16           **ARTICLE 1. COMPLETE AGREEMENT**

17           This Agreement, including all exhibits and documents incorporated herein and made  
18 applicable by reference, constitutes the complete and exclusive statement of the terms and  
19 conditions of the Agreement between AUTHORITY and CITY and supersedes all prior  
20 representations, understandings and communications. The invalidity in whole or in part of any  
21 term or condition of this Agreement shall not affect the validity of other terms or conditions.

22           **ARTICLE 2. RESPONSIBILITES OF AUTHORITY**

23           AUTHORITY agrees to the following responsibilities for the PROJECTS:

24           A. To work in partnership with CITY during the implementation of design, right-of-way  
25 acquisition and construction of the PROJECTS. To collaborate and cooperate with CITY staff,  
26

1 consultants, employees, and agents during design, right of way acquisition and construction of  
2 the PROJECTS.

3 B. To identify and secure funding sources, and administer funding during all phases of  
4 the PROJECTS.

5 C. To fund the cost of the PROJECTS as defined within this Agreement and subject to  
6 availability of funds. PROJECTS costs include environmental re-evaluation reviews and  
7 approvals, engineering design, right-of-way, utilities, demolition, site clearance/preparation,  
8 construction, construction design support, and construction management. AUTHORITY will be  
9 responsible for funding all right-of-way acquisition (excluding the cost of CITY's previously  
10 purchased properties, in part or whole, for the PROJECTS), temporary construction  
11 easements and utility relocation costs in accordance with existing CITY prior rights  
12 agreements. Construction management costs funded by AUTHORITY shall include  
13 construction surveying and inspection, construction materials testing, construction contract  
14 administration and related required technical services.

15 D. To provide all staff, employees, agents, consultants and contractors deemed  
16 necessary and appropriate by AUTHORITY to manage, administer, coordinate, and oversee  
17 engineering design, right-of-way, construction, and construction management of the  
18 PROJECTS.

19 E. To provide plans, specifications, and estimates (PS&E) for the PROJECTS, for work  
20 done within CITY jurisdiction, to CITY for review and approval at least 30 calendar days prior  
21 to advertisement. PS&E will be prepared in conformance with CITY regulations, procedures,  
22 manuals, standard plans and specifications, and other applicable agency standards for the  
23 PROJECTS.

24 F. To comply with all applicable federal and state third party contracting laws and  
25 regulations as required.

26 /

1 G. To implement a quality assurance and quality control program during design and  
2 construction of the PROJECTS.

3 H. To be responsible for and coordinate activities relating to right-of-way acquisition  
4 (excluding CITY's previously purchased properties, in part or whole), temporary construction  
5 easements and certification deemed necessary and appropriate by the AUTHORITY, including  
6 eminent domain, if necessary, for the construction of the PROJECTS.

7 I. To maintain and manage any excess land acquired as a result of the PROJECTS  
8 until disposed of by AUTHORITY in a manner consistent with applicable laws and acceptable  
9 to CITY, except for excess land previously purchased by CITY, in part or whole, through  
10 CITY's General Fund or other non-grant funds. If excess land is disposed of prior to the  
11 termination of this Agreement, net proceeds, after accounting for AUTHORITY's expenses as  
12 well as closing costs paid through escrow, shall be returned in their entirety to the PROJECTS,  
13 subject to compliance with applicable law. After termination of this Agreement, and to the  
14 extent permissible by law, remaining excess land shall be conveyed to CITY or sold to  
15 adjacent property owners, at fair market value, any net proceeds from any sale of excess land  
16 shall be returned to the PROJECTS. Should CITY's previously acquired properties for the  
17 construction of the PROJECTS decrease in value as a result of the construction activities,  
18 AUTHORITY will not be held responsible for reimbursement for any loss in value.

19 J. To monitor the activities of staff, agents, contractors, consultants and employees to  
20 ensure compliance with the approved PROJECTS schedules, quality, and budget goals.

21 K. To prepare construction contract documents, advertise and award construction  
22 contract and conduct construction administration and construction management.

23 L. To provide PROJECT closeout activities, including walk-through, punch list, as-built  
24 records and final payment accounting.

25 M. To coordinate with BNSF for all work to be done in the railroad right-of-way.

26 /



1 N. To be responsible for the investigation of potential hazardous materials sites within  
2 the PROJECTS limits. If AUTHORITY encounters hazardous materials or contamination or  
3 protected cultural resources within the PROJECTS limits during the said investigation or in the  
4 course construction, AUTHORITY shall notify the CITY and responsible control agencies of  
5 such discovery.

6 O. If hazardous materials, cultural, archeological, paleontological, biological, or other  
7 protected resources are encountered during construction of the PROJECTS, AUTHORITY  
8 shall stop work in that area until a qualified professional evaluates the nature and significance  
9 of the find and a plan is approved by AUTHORITY for the removal or protection of the  
10 materials or resource. The cost for any removal or protection shall be covered as a  
11 PROJECTS cost in accordance with this Agreement.

12 P. To require the AUTHORITY's contractors to obtain no-fee permits from CITY for any  
13 work done within the jurisdictional boundaries of CITY. Design and construction work within  
14 the jurisdictional boundaries of CITY will conform to applicable CITY standards in place at  
15 commencement of PROJECTS final engineering design.

16 Q. To coordinate development and construction of the PROJECTS with CITY and hold  
17 regular technical, traffic management, public relations, and various other project meetings to  
18 brief CITY on the status of the PROJECTS; to solicit input, and to provide a forum to discuss  
19 and resolve project and local agency issues.

20 R. To prepare a Traffic Management Plan (TMP) for CITY review and approval that  
21 addresses, to the extent appropriate, construction-related impacts to existing CITY street  
22 traffic. The TMP will include normal traffic handling requirements during construction of the  
23 PROJECTS, including staging, lane closures, ramp closures, detours, signage and  
24 signalization and will specify requirements for communicating with the public and local  
25 agencies during construction.

1           S. To implement a Public Awareness Campaign (PAC) during design and construction  
2 of the PROJECTS, that advises CITY, local CITY businesses, residents, elected officials,  
3 motorists, and media of construction status, and street detours.

4           T. To work with CITY to develop and implement a business outreach program during  
5 construction of the PROJECTS.

6           U. To reimburse CITY, within 30 days of receipt of an acceptable invoice, for actual  
7 costs for providing traffic engineering services (including staff overhead and third party traffic  
8 signal maintenance service costs contracted out by CITY) and any modifications to streets,  
9 intersections, signals, etc. required to address traffic impacts during construction in an amount  
10 not to exceed One Hundred Twenty-Seven Thousand Five Hundred Dollars (\$127,500.00).  
11 This amount will not be exceeded without the prior written amendment to this Agreement,  
12 which approval shall not be unreasonably withheld or delayed, it being understood that this  
13 amount is an estimate based on the as-needed and sporadic nature of the services and is  
14 subject to update.

15           V. To reimburse CITY, within 30 days of receipt of an acceptable invoice, for actual  
16 costs, including staff overhead, for providing police services in an amount not to exceed Sixty  
17 Two Thousand Five Hundred Dollars (\$62,500.00). Police service costs will not exceed this  
18 amount without the prior written amendment to this Agreement, which approval shall not be  
19 unreasonably withheld or delayed, it being understood that this amount is an estimate based  
20 on the as-needed and sporadic nature of the services and is subject to update.

21           W. To reimburse CITY, within 30 days of receipt of an acceptable invoice, for actual  
22 costs, including staff overhead, for providing project support services as described in Article  
23 3.B in an amount not to exceed Two Hundred Seventy-Two Thousand Five Hundred Dollars  
24 (\$272,500.00). Project support service costs will not exceed this amount without the prior  
25 written amendment to this Agreement, which approval shall not be unreasonably withheld or  
26

1 delayed, it being understood that this amount is an estimate based on the as-needed and  
2 sporadic nature of the services and is subject to update.

3 X. To reimburse CITY, within 30 days of receipt of an acceptable invoice, for actual  
4 costs, including staff overhead, direct project related staff time, consultant time and associated  
5 costs relating to environmental re-evaluation support as requested by AUTHORITY should  
6 there be changes in design from the approved CEQA and NEPA during any phase of the  
7 PROJECTS in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00). This  
8 amount will not be exceeded without the prior written amendment to this Agreement, which  
9 approval shall not be unreasonably withheld or delayed, it being understood that this amount is  
10 an estimate based on the as-needed and sporadic nature of the services and is subject to  
11 update.

12 **ARTICLE 3. RESPONSIBILITIES OF CITY**

13 CITY agrees to the following responsibilities for the PROJECTS:

14 A. To collaborate and cooperate with the AUTHORITY staff, consultants, employees,  
15 agents, and contractors during design and construction of PROJECTS, including CITY staff  
16 participation in the PROJECTS partnering program.

17 B. To provide project management support, including but not limited to, design  
18 consultant selection, plan and specifications review and concurrence, which includes  
19 aesthetics review and structure type selection, public and business outreach and construction  
20 inspection.

21 C. To make reasonable efforts to issue no-fee permits and perform design reviews for  
22 work done within CITY jurisdiction within thirty (30) calendar days from request, and not cause  
23 delay to the PROJECTS construction schedules.

24 D. To make available to AUTHORITY all necessary regulations, policies, procedures,  
25 manuals, standard plans and specifications, and other standards required for the  
26 administration of the PROJECTS.

1 E. To be responsible for the proper implementation of the agreed upon portion of the  
2 approved TMP provided by AUTHORITY for work within the jurisdictional boundaries of the  
3 CITY.

4 F. To deliver to AUTHORITY, the completed and approved environmental document  
5 for Placentia Avenue identifying AUTHORITY as the lead agency for administration of  
6 Placentia Avenue. Additionally, to deliver to AUTHORITY the completed and approved  
7 environmental documents for the "Orange County Gateway Project", including PROJECTS at  
8 Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, and Lakeview Avenue,  
9 identifying the AUTHORITY as the lead agency.

10 G. To provide traffic engineering (including third party traffic signal maintenance service  
11 costs contracted out by CITY) and police services as requested by AUTHORITY.

12 H. To submit monthly invoices to AUTHORITY for actual costs incurred by CITY for  
13 traffic engineering, traffic signal maintenance, project support, and police services and any  
14 modifications to city streets, intersections, signals, etc. to address traffic or other impacts  
15 during the PROJECTS construction. Invoices shall be submitted in duplicate to AUTHORITY's  
16 Program Manager. Each invoice shall reference this Agreement number; specify the work for  
17 which payment is being requested, the time period covered by the invoice, the amount of  
18 payment requested, staff names/positions and hourly rates if appropriate, and supporting  
19 documentation for all expenses invoiced. CITY shall submit the final invoice no later than  
20 ninety (90) days after final acceptance of PROJECTS.

21 I. CITY shall cause each public utility to rearrange or relocate its public utility facilities  
22 that may be determined by AUTHORITY and CITY to conflict with the PROJECTS. CITY  
23 hereby agrees to exercise and invoke its rights under any applicable state franchise laws or  
24 under any applicable franchise agreements that it has with utilities, to effectuate such  
25 rearrangement or relocation at the expense of the affected utility, as necessary to allow  
26 completion of the PROJECTS. CITY shall cooperate with AUTHORITY and provide all

1 appropriate and necessary support to achieve this result. In the event the public utility fails to  
2 make the rearrangement or relocation or fails to agree to make the rearrangement or  
3 relocation in a timely manner, CITY shall, to the full extent allowed by law, assign its rights  
4 under this Agreement to AUTHORITY to permit AUTHORITY to rearrange or relocate in a  
5 timely manner. CITY shall cooperate with AUTHORITY, shall provide assistance to  
6 AUTHORITY as needed, and shall join with AUTHORITY as a party in the prosecution or  
7 defense of CITY'S and AUTHORITY'S rights under the laws of the State of California to cause  
8 such rearrangements or relocations. Wherever reasonably feasible, any relocation of a public  
9 utility shall be made to an area covered by a state franchise or local franchise.

10 J. To cooperate with AUTHORITY for the relocation, protection, and construction of  
11 utilities within CITY, including any CITY-owned utilities and any utilities that are the subject of  
12 franchise agreements approved by CITY.

13 K. Upon identification of illegally placed hazardous materials, CITY agrees to seek  
14 restitution for removal of hazardous materials found within CITY-owned properties within the  
15 PROJECTS limits and shall reimburse AUTHORITY for PROJECTS costs recovered, less  
16 CITY's costs incurred in such restitution recovery efforts.

17 L. To relinquish properties previously acquired by CITY for the construction of the  
18 PROJECTS to AUTHORITY, at no cost to AUTHORITY.

19 M. To maintain and manage previously purchased properties at no cost to AUTHORITY  
20 until such time as they are relinquished for construction. Properties shall be turned over to  
21 AUTHORITY vacant and without tenants.

22 N. Upon completion and acceptance of work done within CITY jurisdiction, the  
23 improvements will be turned over to CITY. CITY will not withhold its acceptance of work due to  
24 any unreasonable requirements.

25 O. To attend and participate in the PROJECTS regular technical, traffic management,  
26 public relations, and various other project meetings to brief CITY on the status of the

1 PROJECTS, to solicit input, and to provide a forum to discuss and resolve project and local  
2 agency issues.

3 P. Upon completion and CITY's final acceptance of the PROJECTS, CITY shall be  
4 responsible for entering into maintenance agreements for all facilities constructed and shall  
5 release AUTHORITY from any obligations thereof.

6 Q. CITY and AUTHORITY shall enter into Construction & Maintenance (C&M)  
7 agreements with BNSF as the lead agency, to establish the rights and obligation of each party  
8 relating to the maintenance of the work lying within each CITY's boundaries.

9 **ARTICLE 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT & NATIONAL**  
10 **ENVIRONMENTAL POLICY ACT**

11 AUTHORITY's obligations under this Agreement are subject to CITY'S successful  
12 completion of CITY's review of the PROJECT pursuant to both the California Environmental  
13 Quality Act (CEQA) and the National Environmental Policy Act (NEPA). AUTHORITY shall  
14 have no obligations under this Agreement, and the Agreement shall have no force and effect,  
15 unless and until AUTHORITY determines, in its sole and absolute discretion, that CITY has  
16 completed all applicable environmental reviews and clearances, and made any and all  
17 appropriate and applicable findings required under applicable laws.

18 **ARTICLE 5. DELEGATED AUTHORITY**

19 The actions required to be taken by CITY in the implementation of this Agreement are  
20 delegated to its City Administrator, or designee, and the actions required to be taken by  
21 AUTHORITY in the implementation of this Agreement are delegated to AUTHORITY's Chief  
22 Executive Officer.

23 **ARTICLE 6. AUDIT AND INSPECTION**

24 AUTHORITY and CITY shall maintain a complete set of records in accordance with  
25 generally accepted accounting principles. Upon reasonable notice, AUTHORITY and CITY  
26

1 shall permit each Party's authorized representatives to inspect and audit all work, materials,  
2 payroll, books, accounts, and other data and records of the other Party for a period of four (4)  
3 years after final payment, or until any on-going audit is completed. For purposes of audit, the  
4 date of completion of this Agreement shall be the date of CITY's payment of AUTHORITY's  
5 final billing (so noted on the invoice) under this Agreement. Each Party shall have the right to  
6 reproduce any such books, records, and accounts of the other Party relative to the  
7 PROJECTS. The above provision with respect to audits shall extend to and/or be included in  
8 contracts with AUTHORITY'S contractors, including BNSF and its contractors.

9 **ARTICLE 7. MAXIMUM OBLIGATION**

10 AUTHORITY's maximum obligation for all costs under this Agreement shall not exceed  
11 Five Hundred Thirty-Seven Thousand Five Hundred Dollars (\$537,500.00), unless such  
12 maximum obligation is increased by an amendment to this Agreement.

13 **ARTICLE 8. INDEMNIFICATION**

14 A. AUTHORITY shall defend, indemnify and hold harmless CITY and CITY's officers,  
15 agents, elected officials, and employees, from all liability, claims, losses and demands,  
16 including defense costs and reasonable attorneys' fees, whether resulting from court action or  
17 otherwise, arising out of the acts or omissions of AUTHORITY, officers, agents, or employees,  
18 in the performance of this Agreement, excepting acts or omissions directed by CITY, officers,  
19 agents, or employees, acting within the scope of their employment, for which CITY agrees to  
20 defend and indemnify AUTHORITY in a like manner.

21 B. CITY shall defend, indemnify and hold harmless AUTHORITY and AUTHORITY's  
22 officers, agents, elected officials, and employees, from all liability, claims, losses and demands,  
23 including defense costs and reasonable attorneys' fees, whether resulting from court action or  
24 otherwise, arising out of the acts or omissions of CITY, officers, agents, or employees, in the  
25 performance of this Agreement, excepting acts or omissions directed by AUTHORITY, its  
26 officers, agents, or employees, acting within the scope of their employment, for which

1 AUTHORITY agrees to defend and indemnify CITY in a like manner. This indemnity shall  
2 survive even after the termination of this Agreement.

3 **ARTICLE 9. ADDITIONAL PROVISIONS**

4 A. AUTHORITY and CITY agree to the following mutual responsibilities for the  
5 PROJECTS:

6 B. AUTHORITY will form a Steering Committee (COMMITTEE) that consists of a  
7 senior staff member from the Parties to this Agreement and other impacted agencies.  
8 COMMITTEE will provide guidance and input on the following:

- 9 • Major design elements within CITY-jurisdiction.
- 10 • Estimated traffic volumes and traffic management plans and studies.
- 11 • Construction staging and phasing plans, construction detour plans and sequencing,  
12 including sequencing of construction and monitoring contractor's compliance with  
13 the schedule to minimize impacts to CITY, CITY projects (both public and private),  
14 so that AUTHORITY may construct the PROJECTS efficiently and economically.
- 15 • Visual aesthetics and landscaping.
- 16 • Railroad temporary track (shoofly) design.
- 17 • Right of way acquisition and relocation assistance plans.
- 18 • Community involvement and outreach, including business outreach.
- 19 • Responsibilities for relocation or modification of CITY-owned facilities or utilities.

20 The COMMITTEE will serve as a forum to resolve any issues regarding the impact of  
21 the PROJECTS construction on CITY facilities, businesses, and residences, including CITY  
22 street closures during construction. The COMMITTEE members will negotiate in good faith to  
23 resolve the issues, allow affected members to express their interest and concerns, and ensure  
24 consistency with CITY standards to reach understanding and agreement on such issues.  
25 COMMITTEE will meet as requested by AUTHORITY to review the status of the PROJECTS,  
26 and discuss and resolve policy issues affecting the PROJECTS. COMMITTEE members will



1 be required to agree to participate in COMMITTEE meetings and maintain a good record of  
2 attendance.

3 C. AUTHORITY will establish a mitigation-monitoring program to monitor and ensure  
4 compliance by the AUTHORITY's contractors with all the mitigation measures identified in the  
5 Environmental Document and review the program on a regular basis with CITY.

6 D. If CITY chooses to form an underground utility district for the purpose of removing  
7 overhead facilities within the project limits, CITY and AUTHORITY shall jointly agree on the  
8 incremental increase in the cost of undergrounding and CITY shall be responsible for the  
9 increased cost. In addition, if AUTHORITY believes that the formation and execution of an  
10 underground program shall have a significant adverse affect on the overall project schedule  
11 and cost, AUTHORITY shall so notify CITY and the PROJECTS shall proceed without  
12 formation of an underground utility district

13 E. AUTHORITY will monitor and ensure that AUTHORITY's contractors comply with the  
14 CITY's National Pollution Discharge Elimination System (NPDES) ordinance. CITY and  
15 AUTHORITY will individually review and comment on PROJECTS plans, specifications,  
16 estimates, geometric plans, traffic management plans, and construction staging and detouring  
17 plans for adherence to agreed upon policy decisions of COMMITTEE. No COMMITTEE  
18 decision that is inconsistent with the TMP shall be effective unless CITY agrees in writing with  
19 that decision.

20 F. AUTHORITY and CITY shall comply with all applicable laws, statues, ordinances and  
21 regulations of any governmental authority having jurisdiction over the PROJECTS.

22 G. This Agreement shall continue in full force and effect through final acceptance of the  
23 PROJECTS by CITY or August 1, 2016, whichever is later. This Agreement may be extended  
24 upon mutual written agreement by both Parties.

25 /

26 /

1 H. This Agreement may be amended in writing at any time by the mutual consent of  
 2 both Parties. No amendment shall have any force or effect unless executed in writing by both  
 3 Parties.

4 I. The persons executing this Agreement on behalf of the Parties hereto warrant that  
 5 they are duly authorized to execute this Agreement on behalf of said Parties and that, by so  
 6 executing this Agreement, the Parties hereto are formally bound to the provisions of this  
 7 Agreement.

8 J. All notices hereunder and communications regarding this Agreement, shall be  
 9 effected by delivery of said notices in person or by depositing said notices in the U.S. mail,  
 10 registered or certified mail, and addressed as follows:

<p>11 To CITY:</p> <p>12 City of Placentia</p> <p>13 401 East Chapman Avenue</p> <p>14 Placentia, CA 92870</p> <p>15 Attention: Andrew R. Muth</p> <p>16 City Engineer</p> <p>17 714-993-8245</p> <p>18 e-mail: amuth@placentia.org</p>	<p>To AUTHORITY:</p> <p>Orange County Transportation Authority</p> <p>P. O. Box 14184</p> <p>Orange, CA 92863-1584</p> <p>Attention: Kathleen Murphy-Perez</p> <p>Manager, Capital Projects</p> <p>714-560-5743</p> <p>e-mail: kperez@octa.net</p>
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19

20 K. The headings of all sections of this Agreement are inserted solely for convenience of  
 21 reference, and are not part of and not intended to govern, limit or aid in the construction or  
 22 interpretation of any terms or provisions thereof.

23 L. Each of the terms and conditions of this Agreement shall inure to the benefit of and  
 24 shall bind, as the case may be, not only the Parties hereto, but each and every one of the  
 25 heirs, executors, administrators, successors, assignees, and legal representatives of the  
 26 parties.

1 M. If any term, provision, covenant or condition of this Agreement is held to be invalid,  
2 void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the  
3 remainder to this Agreement shall not be affected thereby, and each term, provision, covenant  
4 or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by  
5 law.

6 N. This Agreement may be executed and delivered in any number of counterparts,  
7 each of which, when executed and delivered shall be deemed an original, and all of which  
8 together shall constitute the same Agreement. Facsimile signatures will not be permitted.

9 O. Each Party shall promptly notify the other Party in writing of any legal impediment,  
10 change of circumstance, pending litigation, or any other event, occurrence, or condition that  
11 may adversely affect such party's ability to carry out and perform any of the duties, services,  
12 and/or obligations under the Agreement.

13 P. The terms of this Agreement are intended to confer benefits only on the Parties to  
14 this Agreement and to their heirs, executors, administrators, successors, assignees and legal  
15 representatives. No rights of action shall accrue to any other persons or entities under this  
16 Agreement.

17 Q. AUTHORITY or CITY shall not delegate or assign its rights or otherwise transfer its  
18 obligations, in whole or in part, under this Agreement to any other person or entity without the  
19 prior written consent of the other Party.

20 R. In addition to any other rights or remedies, either Party may take legal action, in law  
21 or in equity, to cure, correct or remedy any default, to recover damages for any default, to  
22 compel specific performance of this Agreement, to obtain injunctive relief, a declaratory  
23 judgment or any other remedy consistent with the purposes of this Agreement.

24 S. This Agreement shall be governed and construed in accordance with the laws of the  
25 State of California. In the event of any legal action to enforce or interpret this Agreement, the  
26 sole and exclusive venue shall be a court of competent jurisdiction located in Orange County,

1 California, and the Parties hereto agree to and do hereby submit to the jurisdiction of such  
2 court, notwithstanding Code of Civil Procedure Section 394.

3 This Agreement shall be made effective upon execution by both Parties.

4 **IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement No.  
5 C-9-0412 to be executed on the date first above written.

6 **CITY OF PLACENTIA**

**ORANGE COUNTY TRANSPORTATION  
AUTHORITY**

7  
8 By: \_\_\_\_\_

By: \_\_\_\_\_

9 Greg Sowards  
Mayor

James S. Kenan  
Interim Chief Executive Officer

10  
11 **ATTEST:**

**APPROVAL RECOMMENDED:**

12  
13 By: \_\_\_\_\_

By: \_\_\_\_\_

14 Patrick Melia  
City Clerk

Kia Mortazavi  
Executive Director, Development

15 Dated: \_\_\_\_\_

16  
17  
18 **ATTACHMENTS**

19 Exhibit A – Project Location Map, Placentia Avenue Undercrossing

20 Exhibit B – Project Location Map, Kraemer Boulevard Undercrossing

21 Exhibit C – Project Location Map, Orangethorpe Avenue Overcrossing

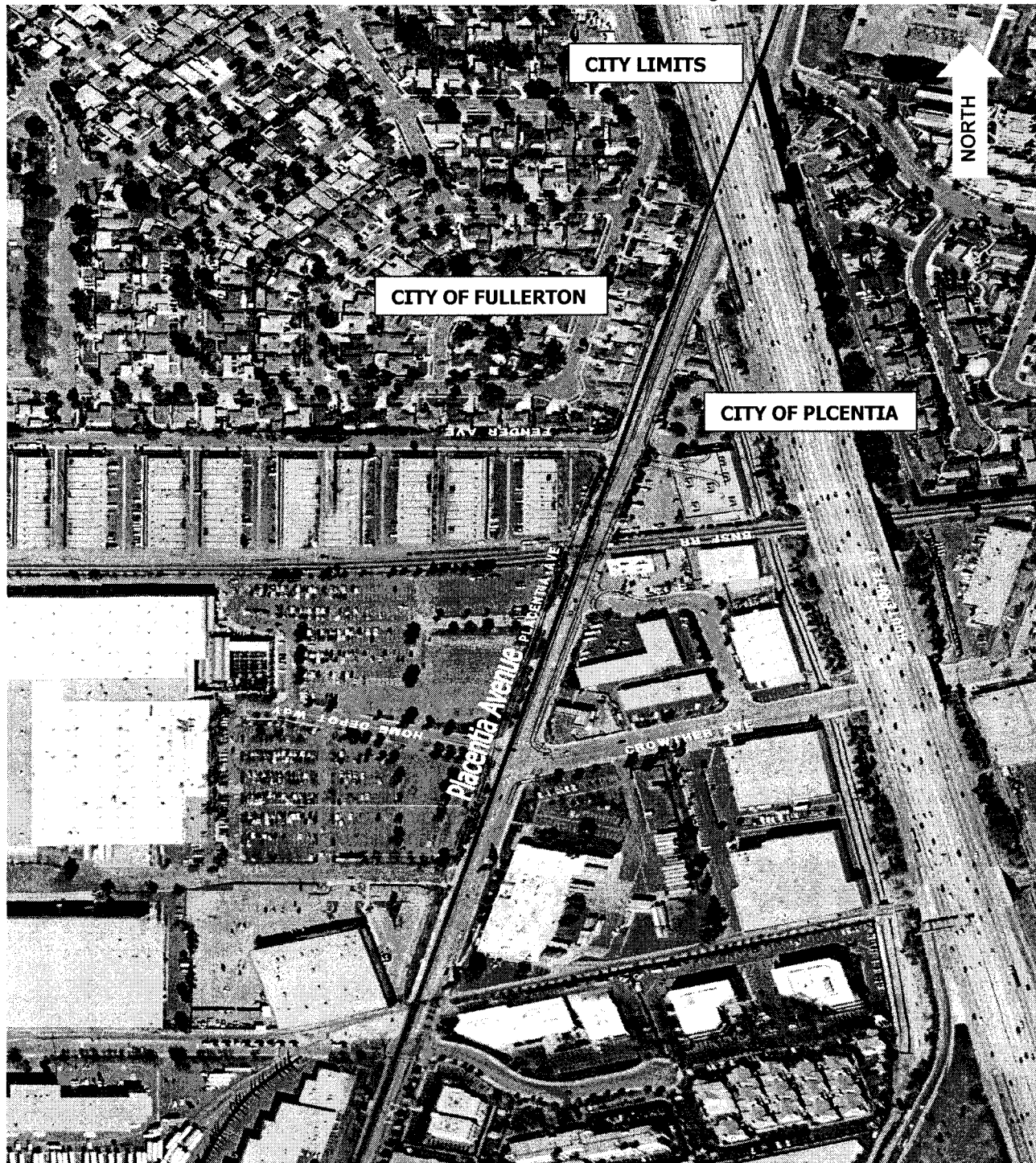
22 Exhibit D – Project Location Map, Tustin Avenue/Rose Drive Overcrossing

23 Exhibit E -- Project Location Map, Lakeview Avenue Overcrossing

24  
25  
26

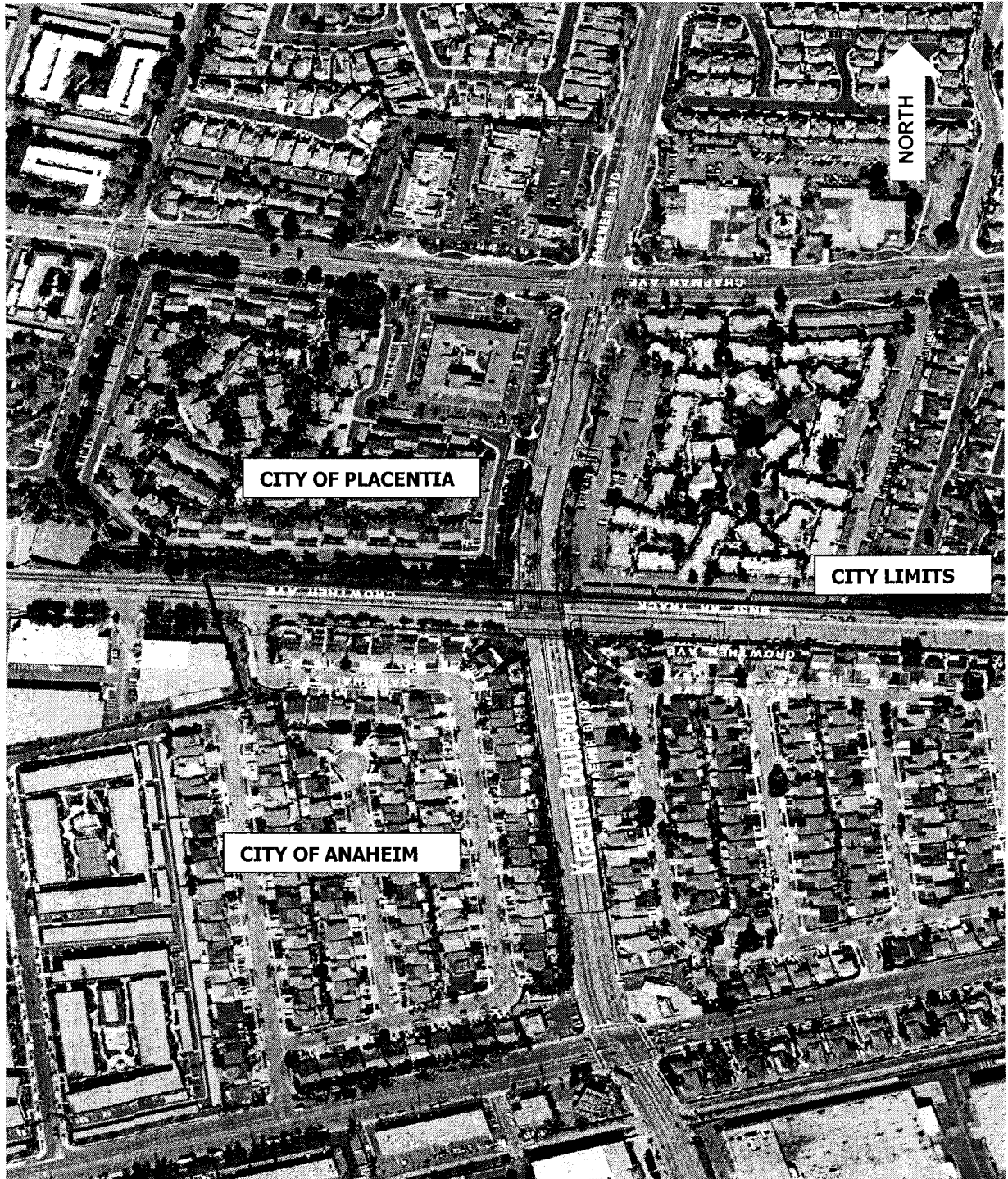
**Project Map**

**Placentia Avenue Undercrossing**



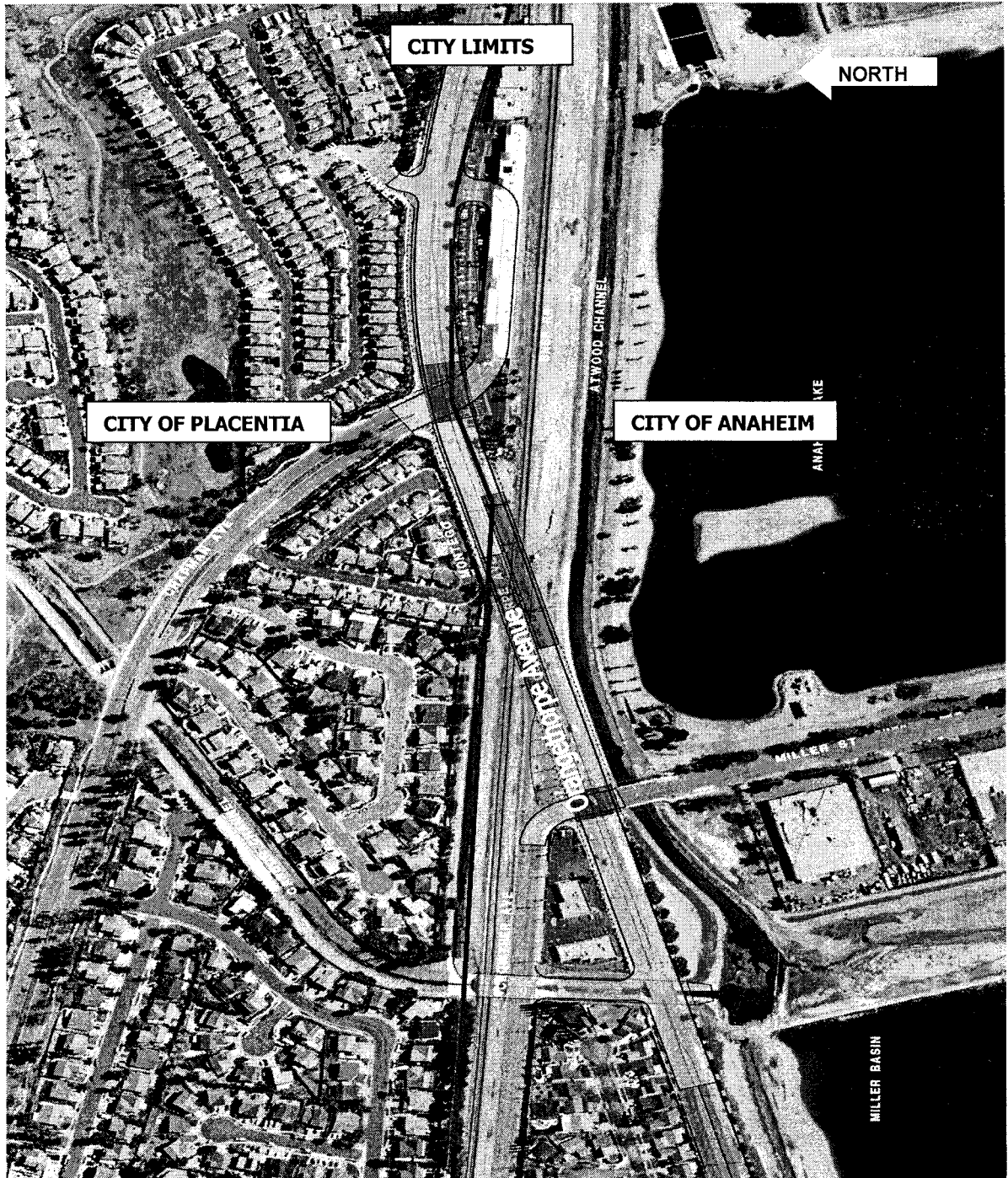
Project Map

**Kraemer Boulevard Undercrossing**



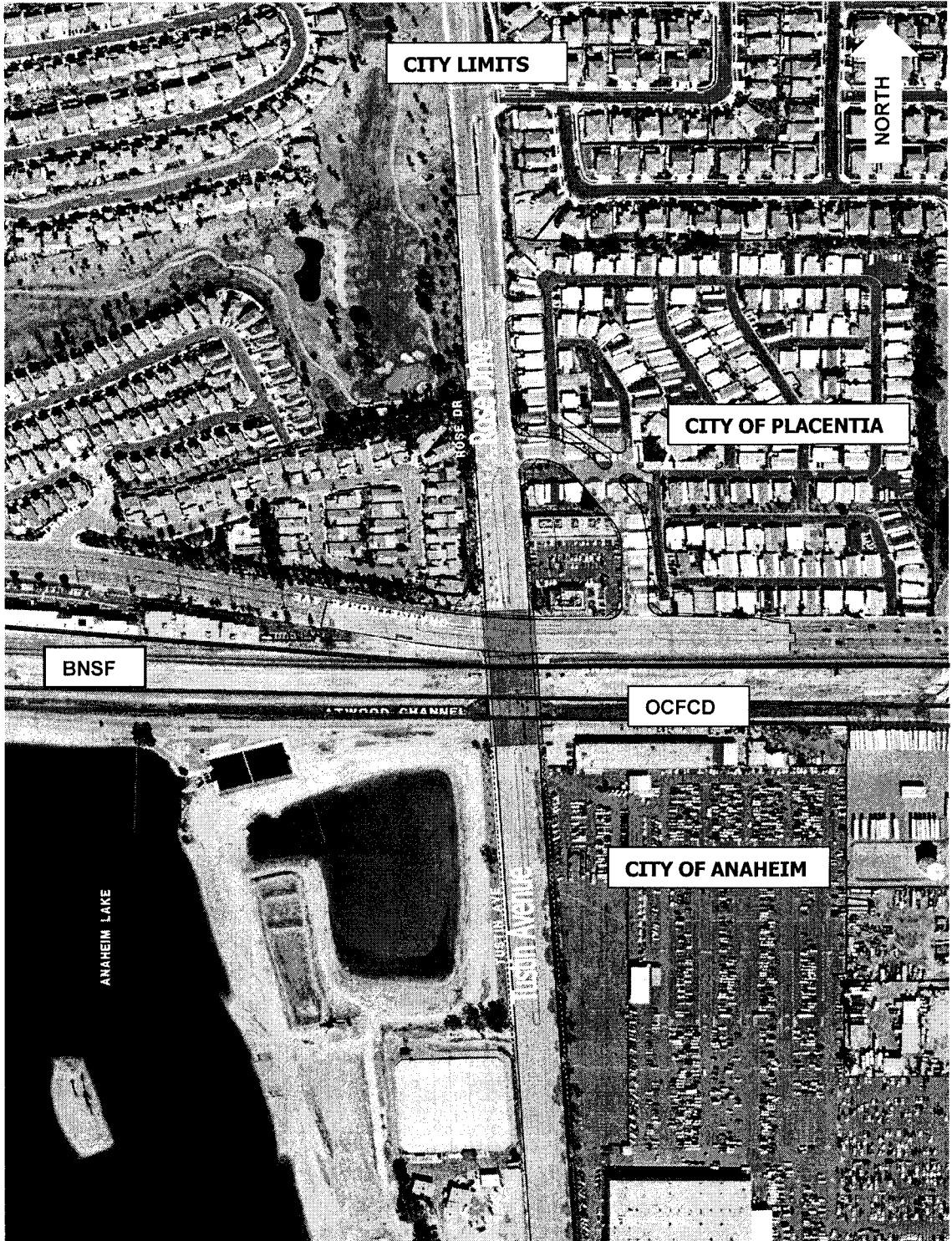
Project Map

Orangethorpe Avenue Overcrossing



Project Map

Tustin Avenue/Rose Drive Overcrossing





Project Map

Lakeview Avenue Overcrossing





**DRAFT**

**COOPERATIVE AGREEMENT NO. C-9-0413**

**BETWEEN**

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

**AND**

**CITY OF ANAHEIM**

**THIS AGREEMENT**, is effective this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the City of Anaheim, 200 S. Anaheim Boulevard Anaheim, CA, 92805, a municipal corporation (hereinafter referred to as "CITY").

**RECITALS:**

**WHEREAS**, AUTHORITY, in cooperation and partnership with the Burlington Northern Santa Fe (BNSF) Railway, and the cities of Placentia and Anaheim, is proposing to design and construct four grade separation projects (hereinafter referred to as the "PROJECTS") to grade separate vehicular traffic from rail traffic to alleviate the current and potential traffic impacts and enhance safety at existing at-grade rail crossings at several intersections within the Orangethorpe railroad corridor; and

**WHEREAS**, the PROJECTS are located at the Kraemer Boulevard crossing as shown in Exhibit A, Orangethorpe Avenue crossing as shown in Exhibit B, Tustin Avenue/Rose Drive crossing as shown in Exhibit C, and Lakeview Avenue crossing as shown in Exhibit D; and

**WHEREAS**, AUTHORITY agrees to design, acquire right-of-way, and advertise, award, and administer the construction of the PROJECTS, adhering to CITY standard plans and requirements for work within the jurisdictional boundaries of the CITY; and

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1           **WHEREAS**, CITY agrees to provide support during design and construction including  
2 consultant selection, design and construction reviews and Traffic Management Planning  
3 services; and

4           **WHEREAS**, upon completion and acceptance by CITY of the PROJECTS, or portion  
5 thereof, CITY will accept control and maintenance, at its own cost and expense those portions  
6 of the PROJECTS lying within CITY boundaries. Upon acceptance by CITY of the  
7 PROJECTS or any portions thereof, CITY shall also be responsible for liability, including tort  
8 liability, for the PROJECTS or such portion thereof at no cost or expense to AUTHORITY; and

9           **WHEREAS**, CITY shall enter into separate maintenance agreements with the City of  
10 Placentia. The maintenance agreements will establish the rights and obligations of each party  
11 relating to the maintenance of the work lying within the jurisdictional boundaries of CITY; and

12           **WHEREAS**, this Cooperative Agreement defines the specific terms, conditions and  
13 funding responsibilities between the AUTHORITY and CITY for the final design, right-of-way  
14 acquisition, construction, and construction administration of the PROJECTS; and

15           **WHEREAS**, the AUTHORITY's Board of Directors approved this Agreement on June 8,  
16 2009; and

17           **WHEREAS**, the CITY's City Council approved this Agreement on June 9, 2009;

18           **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY  
19 as follows:

20           **ARTICLE 1. COMPLETE AGREEMENT**

21           This Agreement, including all exhibits and documents incorporated herein and made  
22 applicable by reference, constitutes the complete and exclusive statement of the terms and  
23 conditions of the Agreement between AUTHORITY and CITY and supersedes all prior  
24 representations, understandings and communications. The invalidity in whole or in part of any  
25 term or condition of this Agreement shall not affect the validity of other terms or conditions.

26 /

1           **ARTICLE 2. RESPONSIBILITES OF AUTHORITY**

2           AUTHORITY agrees to the following responsibilities for the PROJECTS:

3           A. To work in partnership with CITY during the implementation of design, right-of-way  
4 acquisition, and construction of the PROJECTS. To collaborate and cooperate with CITY staff,  
5 its consultants, employees, and agents during design, right-of-way acquisition, and  
6 construction of the PROJECTS.

7           B. To identify and secure funding sources, and administer funding for all phases of the  
8 PROJECTS.

9           C. To fund the cost of the PROJECTS as defined within this Agreement and subject to  
10 availability of funds. PROJECTS costs include engineering design, right-of-way, utilities,  
11 demolition, site clearance/preparation, construction, construction design support, and  
12 construction management. AUTHORITY will be responsible for funding all right-of-way  
13 acquisition, temporary construction easements, and utility relocation costs, in accordance with  
14 existing CITY prior rights agreements. Construction management costs funded by  
15 AUTHORITY shall include construction surveying and inspection, construction materials  
16 testing, construction contract administration and related required technical services.

17           D. To provide all staff, employees, agents, consultants and contractors deemed  
18 necessary and appropriate by AUTHORITY to manage, administer, coordinate, and oversee  
19 engineering design, right-of-way, construction, and construction management of the  
20 PROJECTS.

21           E. To provide plans, specifications, and estimates (PS&E) for the PROJECTS, for work  
22 done within CITY jurisdiction, to CITY for review and approval at least 30 calendar days prior  
23 to advertisement. PS&E will be prepared in conformance with CITY regulations, procedures,  
24 manuals, standards and specifications, and other applicable agency standards for the  
25 PROJECTS.

26 /

1 F. To comply with all applicable federal and state third party contracting laws and  
2 regulations as required.

3 G. To implement a quality assurance and quality control program during design and  
4 construction of the PROJECTS.

5 H. To be responsible for and coordinate activities relating to securing all right-of-way  
6 acquisition, temporary construction easements, and certification deemed necessary and  
7 appropriate by AUTHORITY, including eminent domain, if necessary, for the construction of  
8 the PROJECTS.

9 I. To maintain and manage any excess land acquired as a result of the PROJECTS  
10 until disposed of by AUTHORITY in a manner consistent with applicable law and acceptable to  
11 CITY. If excess land is disposed of prior to the termination of this Agreement, any net  
12 proceeds, after accounting for AUTHORITY's expenses as well as closing costs paid through  
13 escrow, shall be returned to the PROJECTS in their entirety, subject to compliance with  
14 applicable law. After termination of this Agreement, and to the extent permissible by law,  
15 remaining excess land shall be conveyed to CITY or sold to adjacent property owners at fair  
16 market value, and any net proceeds from any sale of excess land shall be applied to the costs  
17 of the PROJECTS.

18 J. To monitor the activities of staff, agents, contractors, consultants and employees to  
19 ensure compliance with the approved PROJECTS schedules, quality, and budget goals.

20 K. To prepare construction contract documents, advertise and award construction  
21 contracts, and conduct construction administration and construction management.

22 L. To provide PROJECT closeout activities, including walk-through, punch list, as-built  
23 records, and final payment accounting.

24 M. To coordinate with BNSF for all work to be done in the railroad right-of-way.

25 /

26 /

1 N. To be responsible for the investigation of potential hazardous material sites within  
2 the PROJECTS limits. If AUTHORITY encounters hazardous material or contamination or  
3 protected cultural resources within the PROJECTS limits during the said investigation or in the  
4 course of construction, AUTHORITY shall notify CITY and responsible control agencies of  
5 such discovery.

6 O. If hazardous materials, cultural, archeological, paleontological, biological, or other  
7 protected resources are encountered during construction of the PROJECTS, AUTHORITY  
8 shall stop work in the affected area until a qualified professional evaluates the nature and  
9 significance of the find, and a plan is approved by AUTHORITY for the removal or protection of  
10 materials or resource. The cost for any removal or protection shall be covered as a  
11 PROJECTS cost in accordance with this Agreement.

12 P. To require AUTHORITY's contractors to obtain no-fee permits from CITY for any  
13 work done within the jurisdictional boundaries of CITY. Design and construction work within  
14 the jurisdictional boundaries of CITY will conform to applicable CITY standards in place at  
15 commencement of PROJECTS final engineering design.

16 Q. To coordinate development and construction of the PROJECTS with CITY, and hold  
17 regular technical, traffic management, public relations, and various other project meetings to  
18 brief CITY on the status of the PROJECTS, to solicit input, and to provide a forum to discuss  
19 and resolve project and local agency issues.

20 R. To prepare a Traffic Management Plan (TMP) for CITY review and approval that  
21 addresses, to the extent appropriate, construction-related impacts to existing CITY street  
22 traffic. The TMP will include normal traffic handling requirements during construction of the  
23 PROJECTS, including staging, lane closures, ramp closures, detours, signage, Intelligent  
24 Transportation Systems (ITS), and signalization, and will specify requirements for  
25 communicating with the public and local agencies during construction.

26 /

1           S. To implement a public awareness campaign (PAC) during design and construction of  
2 the PROJECTS, that advises CITY, local CITY businesses, residents, elected officials,  
3 motorists, and media of construction status, and street detours.

4           T. To work with CITY to develop and implement a business outreach program during  
5 construction of the PROJECTS.

6           U. To reimburse CITY, within 30 days of receipt of an acceptable invoice, for actual  
7 costs for providing traffic engineering services (including staff overhead and third party traffic  
8 signal maintenance service costs contracted out by CITY) and any modifications to streets,  
9 intersections, signals, etc. required to address traffic impacts during construction in an amount  
10 not to exceed One Hundred Eighty Thousand Dollars (\$180,000). This amount will not be  
11 exceeded without the prior written amendment to this Agreement, which approval shall not be  
12 unreasonably withheld or delayed, it being understood that this amount is an estimate based  
13 on the as-needed and sporadic nature of the services and is subject to update.

14           V. To reimburse CITY, within 30 days of receipt of an acceptable invoice, for actual  
15 costs, including staff overhead, for providing police services in an amount not to exceed Fifty  
16 Thousand Dollars (\$50,000). Police service costs will not exceed this amount without the prior  
17 written amendment to this Agreement, which approval shall not be unreasonably withheld or  
18 delayed, it being understood that this amount is an estimate based on the as-needed and  
19 sporadic nature of the services and is subject to update.

20           W. To reimburse CITY, within 30 days of receipt of an acceptable invoice, for actual  
21 costs, including staff overhead, for providing project support services as described in Article  
22 3.B in an amount not to exceed One Hundred Forty Thousand Dollars (\$140,000). Project  
23 support service costs will not exceed this amount without the prior written amendment to this  
24 Agreement, which approval shall not be unreasonably withheld or delayed, it being understood  
25 that this amount is an estimate based on the as-needed and sporadic nature of the services  
26 and is subject to update.



1 X. To ensure that in all contracts or agreements AUTHORITY enters into with any  
2 person(s) or firm(s) to perform work on the PROJECTS, including without limitation  
3 construction contractors, design professionals, and consultants, each such contract or  
4 agreement shall contain indemnification and insurance provisions, in favor of the AUTHORITY  
5 and the CITY, their respective officials, officers, and employees, with requirements, limits,  
6 coverages, and terms and conditions in conformance with sound risk management principles  
7 for projects of this kind, nature, risk, and complexity. Further, AUTHORITY shall ensure that  
8 such contracts or agreements provide for indemnity and insurance protection for the CITY in  
9 amounts and form at least equal to the protection AUTHORITY secures for itself.

10 **ARTICLE 3. RESPONSIBILITIES OF CITY**

11 CITY agrees to the following responsibilities for the PROJECTS:

12 A. To collaborate and cooperate with AUTHORITY staff, consultants, employees,  
13 agents, and contractors during design and construction of PROJECTS, including CITY staff  
14 participation in the PROJECTS partnering program.

15 B. To provide project management support, including but not limited to, design  
16 consultant selection, plan and specifications review and concurrence, which includes  
17 aesthetics review and structure type selection, public and business outreach, and construction  
18 inspection.

19 C. To make reasonable efforts to issue no-fee permits and perform design reviews for  
20 work done within CITY jurisdiction within thirty (30) calendar days from request, and not cause  
21 delay to the PROJECTS construction schedules.

22 D. To make available to AUTHORITY all necessary regulations, policies, procedures,  
23 manuals, standard plans and specifications, and other standards required for the  
24 administration of the PROJECTS.

25 E. To be responsible for the proper implementation of the agreed upon portion of the  
26 approved TMP provided by AUTHORITY for work within the jurisdictional boundaries of CITY.

1 F. To provide traffic engineering (including third party traffic signal maintenance service  
2 costs contracted out by CITY) and police services as requested by AUTHORITY.

3 G. To submit monthly invoices to AUTHORITY for actual costs incurred by CITY for  
4 traffic engineering, traffic signal maintenance, project support, and police services and any  
5 modifications to city streets, intersections, signals, etc. to address traffic or other impacts  
6 during PROJECTS construction. Invoices shall be submitted in duplicate to AUTHORITY's  
7 Program Manager. Each invoice shall reference this Agreement number; specify the work for  
8 which payment is being requested, the time period covered by the invoice, the amount of  
9 payment requested, staff names/positions and hourly rates if appropriate, and support  
10 documentation for all expenses invoiced. CITY shall submit the final invoice no later than  
11 ninety (90) days after final acceptance of the PROJECTS.

12 H. CITY shall cause each public utility to rearrange or relocate its public utility facilities  
13 that may be determined by AUTHORITY and CITY to conflict with the PROJECTS. CITY  
14 hereby agrees to exercise and invoke its rights under any applicable state franchise laws or  
15 under any applicable franchise agreements that it has with utilities, to effectuate such  
16 rearrangement or relocation at the expense of the affected utility, as necessary to allow  
17 completion of the PROJECTS. CITY shall cooperate with AUTHORITY and provide all  
18 appropriate and necessary support to achieve this result. In the event the public utility fails to  
19 make the rearrangement or relocation or fails to agree to make the rearrangement or  
20 relocation in a timely manner, CITY shall, to the full extent allowed by law, assign its rights  
21 under this Agreement to AUTHORITY to permit AUTHORITY to rearrange or relocate in a  
22 timely manner. CITY shall cooperate with AUTHORITY, shall provide assistance to  
23 AUTHORITY as needed, and shall join with AUTHORITY as a party in the prosecution or  
24 defense of CITY'S and AUTHORITY'S rights under the laws of the State of California to cause  
25 such rearrangements or relocations. Wherever reasonably feasible, any relocation of a public  
26 utility shall be made to an area covered by a state franchise or local franchise.

1 I. To cooperate with AUTHORITY for the relocation, protection, and construction of  
2 utilities within CITY, including any CITY-owned utilities and any utilities that are the subject of  
3 franchise agreements approved by CITY.

4 J. Upon identification of illegally placed hazardous materials, CITY agrees to seek  
5 restitution for removal of hazardous materials found within CITY-owned properties within the  
6 PROJECTS limits and shall reimburse AUTHORITY for PROJECTS costs recovered, less  
7 CITY's costs incurred in such restitution recovery efforts.

8 K. Upon completion and acceptance of work done within CITY jurisdiction, the  
9 improvements will be turned over to CITY.

10 L. To attend and participate in the PROJECTS regular technical, traffic management,  
11 public relations, and various other project meetings to brief CITY on the status of the  
12 PROJECTS, to solicit input, and to provide a forum to discuss and resolve project and local  
13 agency issues.

14 M. Upon completion and CITY final acceptance of the PROJECTS, CITY shall be  
15 responsible for entering into maintenance agreements for all facilities constructed, and shall  
16 release AUTHORITY of any obligations thereof, except as otherwise specifically set forth in  
17 this Agreement.

18 **ARTICLE 4. DELEGATED AUTHORITY**

19 The actions required to be taken by CITY in the implementation of this Agreement are  
20 delegated to its City Manager, or designee, and the actions required to be taken by  
21 AUTHORITY in the implementation of this Agreement are delegated to AUTHORITY's Chief  
22 Executive Officer.

23 **ARTICLE 5. AUDIT AND INSPECTION**

24 AUTHORITY and CITY shall maintain a complete set of records in accordance with  
25 generally accepted accounting principles. Upon reasonable notice, AUTHORITY and CITY  
26 shall permit each Party's authorized representatives to inspect and audit all work, materials,

1 payroll, books, accounts, and other data and records of the other Party for a period of four (4)  
2 years after final payment, or until any on-going audit is completed. For purposes of audit, the  
3 date of completion of this Agreement shall be the date of CITY's payment of AUTHORITY's  
4 final billing (so noted on the invoice) under this Agreement. Each Party shall have the right to  
5 reproduce any such books, records, and accounts of the other Party relative to the  
6 PROJECTS. The above provision with respect to audits shall extend to and/or be included in  
7 contracts with AUTHORITY'S contractors, including BNSF and its contractors.

8 **ARTICLE 6. MAXIMUM OBLIGATION**

9 AUTHORITY's maximum obligation for all costs under this Agreement shall not exceed  
10 Three Hundred Seventy Thousand Dollars (\$370,000.00), unless such maximum obligation is  
11 increased by an amendment to this Agreement

12 **ARTICLE 7. INDEMNIFICATION**

13 A. AUTHORITY shall defend, indemnify and hold harmless CITY, and CITY's officers,  
14 agents, elected officials, and employees, from all liability, claims, losses and demands,  
15 including defense costs and reasonable attorneys' fees, whether resulting from court action or  
16 otherwise, arising out of the acts or omissions of AUTHORITY, and AUTHORITY's officers,  
17 agents, or employees, in the performance of this Agreement, excepting acts or omissions  
18 directed by CITY, its officers, agents, or employees, acting within the scope of their  
19 employment, for which the CITY agrees to defend and indemnify AUTHORITY in a like  
20 manner. This indemnity shall survive even after the termination of this Agreement.

21 B. CITY shall defend, indemnify and hold harmless AUTHORITY, and AUTHORITY's  
22 officers, agents, elected officials, and employees, from all liability, claims, losses and demands,  
23 including defense costs and reasonable attorneys' fees, whether resulting from court action or  
24 otherwise, arising out of the acts or omissions of CITY, its officers, agents, or employees, in  
25 the performance of this Agreement, excepting acts or omissions directed by AUTHORITY, its  
26 officers, agents, or employees, acting within the scope of their employment, for which

1 AUTHORITY agrees to defend and indemnify CITY in a like manner. This indemnity shall  
2 survive even after the termination of this Agreement.

3 **ARTICLE 8. ADDITIONAL PROVISIONS**

4 AUTHORITY and CITY agree to the following mutual responsibilities for the  
5 PROJECTS:

6 A. AUTHORITY will form a Steering Committee (COMMITTEE) that consists of a  
7 senior staff member from the Parties to this Agreement and other impacted agencies.  
8 COMMITTEE will provide guidance and input on the following:

- 9 • Major design elements within CITY-jurisdiction.
- 10 • Estimated traffic volumes and traffic management plans and studies.
- 11 • Construction staging and phasing plans, construction detour plans and sequencing,  
12 including sequencing of construction, and monitoring of contractor's compliance with  
13 the schedule to minimize impacts to CITY, CITY projects (both public and private),  
14 so that AUTHORITY may construct the PROJECTS efficiently and economically.
- 15 • Visual aesthetics and landscaping.
- 16 • Railroad temporary track (shoofly) design.
- 17 • Right of way acquisition and relocation assistance plans.
- 18 • Community involvement and outreach, including business outreach.
- 19 • Responsibilities for relocation or modification of CITY-owned facilities or utilities.

20 COMMITTEE will serve as a forum to resolve any issues regarding the impact of the  
21 PROJECTS construction on CITY facilities, businesses, and residences, including CITY street  
22 closures during construction. COMMITTEE members will negotiate in good faith to resolve the  
23 issues, allow affected members to express their interests and concerns, and ensure  
24 consistency with CITY standards to reach understanding and agreement on such issues.  
25 COMMITTEE will meet as requested by AUTHORITY to review the status of the PROJECTS  
26

1 and discuss and resolve policy issues affecting the PROJECTS. COMMITTEE members  
2 agree to participate in COMMITTEE meetings and maintain a good record of attendance.

3 B. AUTHORITY will establish a mitigation-monitoring program to monitor and ensure  
4 compliance by AUTHORITY's contractors with all the mitigation measures identified in the  
5 environmental document and review the program on a regular basis with the CITY.

6 C. AUTHORITY will monitor and ensure that the AUTHORITY's contractors comply with  
7 the provisions provided in Anaheim Municipal Code Chapter 10.09 (NPDES). CITY and  
8 AUTHORITY will individually review and comment on PROJECTS PS&E, geometric plans,  
9 traffic management plans, and construction staging and detouring plans for adherence to  
10 agreed upon policy decisions of COMMITTEE. No COMMITTEE decision that is inconsistent  
11 with the TMP shall be effective unless CITY agrees in writing with that decision.

12 D. If CITY chooses to form an underground utility district for the purpose of removing all  
13 overhead facilities within the project limits, CITY and AUTHORITY shall jointly agree on the  
14 incremental increase in the cost of undergrounding and CITY shall be responsible for the  
15 increased cost. In addition, if AUTHORITY believes that the formation and execution of an  
16 underground program shall have a significant adverse affect on the overall project schedule  
17 and cost, AUTHORITY shall so notify CITY and the PROJECTS shall proceed without  
18 formation of an underground utility district.

19 E. AUTHORITY and CITY shall comply with all laws, statues, ordinances and  
20 regulations of any governmental authority having jurisdiction over the PROJECTS.

21 F. This Agreement shall continue in full force and effect through final acceptance of the  
22 PROJECTS by CITY or August 1, 2016, whichever is later. This Agreement may be extended  
23 upon mutual written agreement by both parties.

24 G. This Agreement may be amended in writing at any time by the mutual consent of  
25 both Parties. No amendment shall have any force or effect unless executed in writing by both  
26 Parties.

H. The persons executing this Agreement on behalf of the Parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said Parties, and that by so executing this Agreement, the Parties hereto are formally bound to the provisions of this Agreement.

I. All notices hereunder and communications regarding this Agreement, shall be effected by delivery of said notices in person or by depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:

<p>To CITY:</p> <p>City of Anaheim</p> <p>200 S. Anaheim Boulevard, Suite 276</p> <p>Anaheim, CA 92805</p> <p>Attention: Natalie Meeks</p> <p>Director, Public Works</p> <p>714-765-5176</p> <p>e-mail: nmeeks@anaheim.net</p>	<p>To AUTHORITY:</p> <p>Orange County Transportation Authority</p> <p>P. O. Box 14184</p> <p>Orange, CA 92863-1584</p> <p>Attention: Kathleen Murphy-Perez</p> <p>Manager, Capital Projects</p> <p>714-560-5743</p> <p>e-mail: kperez@octa.net</p>
--	--

J. The headings of all sections of this Agreement are inserted solely for convenience of reference, and are not part of, and are not intended to govern, limit or aid in the construction or interpretation of any terms or provisions thereof.

K. The provisions of this Agreement shall bind and inure to the benefit of each of the Parties hereto and all successors or assigns of the Parties hereto.

L. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

1 M. This Agreement may be executed and delivered in any number of counterparts,  
2 each of which, when executed and delivered shall be deemed an original and all of which  
3 together shall constitute the same Agreement. Facsimile signatures will not be permitted.

4 N. Each Party shall promptly notify the other Party in writing of any legal impediment,  
5 change of circumstance, pending litigation, or any other event, occurrence, or condition that  
6 may adversely affect such party's ability to carry out and perform any of the duties, services,  
7 and/or obligations under the Agreement.

8 O. The terms of this Agreement are intended to confer benefits only on the Parties to  
9 this Agreement and to their successor and/or assigns. No rights of action shall accrue to any  
10 other persons or entities under this Agreement.

11 P. AUTHORITY or CITY shall not delegate or assign its rights or otherwise transfer its  
12 obligations, in whole or in part, under this Agreement to any other person or entity without the  
13 prior written consent of the other Party.

14 Q. In addition to any other rights or remedies, either Party may take legal action, in law  
15 or in equity, to cure, correct or remedy any default, to recover damages for any default, to  
16 compel specific performance of this Agreement, to obtain injunctive relief, a declaratory  
17 judgment or any other remedy consistent with the purposes of this Agreement.

18 R. This Agreement shall be governed and construed in accordance with the laws of the  
19 State of California. In the event of any legal action to enforce or interpret this Agreement, the  
20 sole and exclusive venue shall be a court of competent jurisdiction located in Orange County,  
21 California, and the Parties hereto agree to and do hereby submit to the jurisdiction of such  
22 court, notwithstanding Code of Civil Procedure Section 394.

23 /

24 /

25 /

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This Agreement shall be made effective upon execution by both Parties.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement No. C-9-0413 to be executed on the date first above written.

**CITY OF ANAHEIM**

**ORANGE COUNTY TRANSPORTATION  
AUTHORITY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Curt Pringle  
Mayor

James S. Kenan  
Interim Chief Executive Officer

**ATTEST:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Linda N. Andal  
City Clerk

Kennard R. Smart, Jr.  
General Counsel

**APPROVED AS TO FORM:  
CRISTINA L. TALLEY  
CITY ATTORNEY**

**APPROVAL RECOMMENDED:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Bryn M. Morley  
Deputy City Attorney

Kia Mortazavi  
Executive Director, Development

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**ATTACHMENTS**

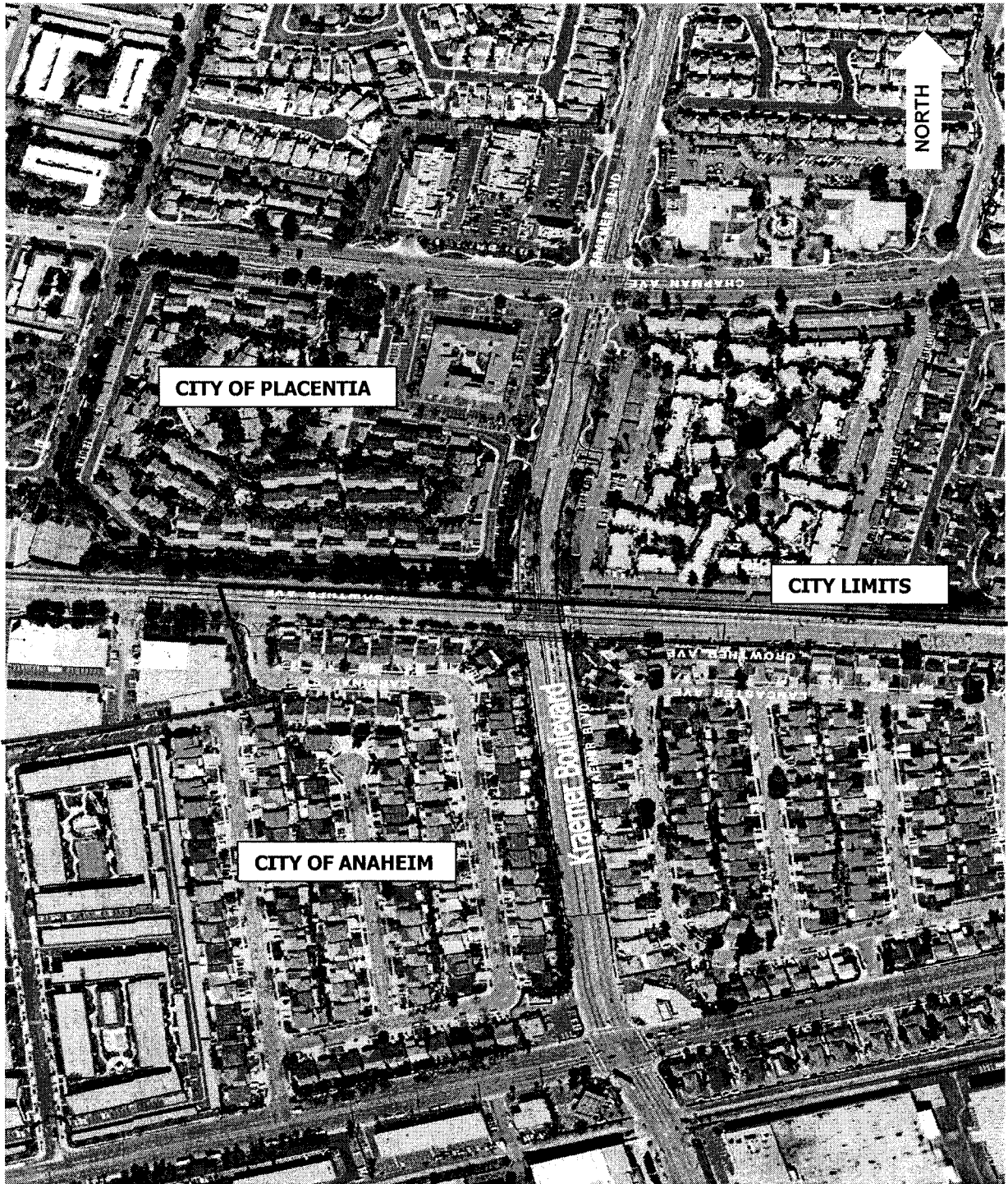
Exhibit A – Project Location Map, Kraemer Boulevard Undercrossing

Exhibit B – Project Location Map, Orangethorpe Avenue Overcrossing

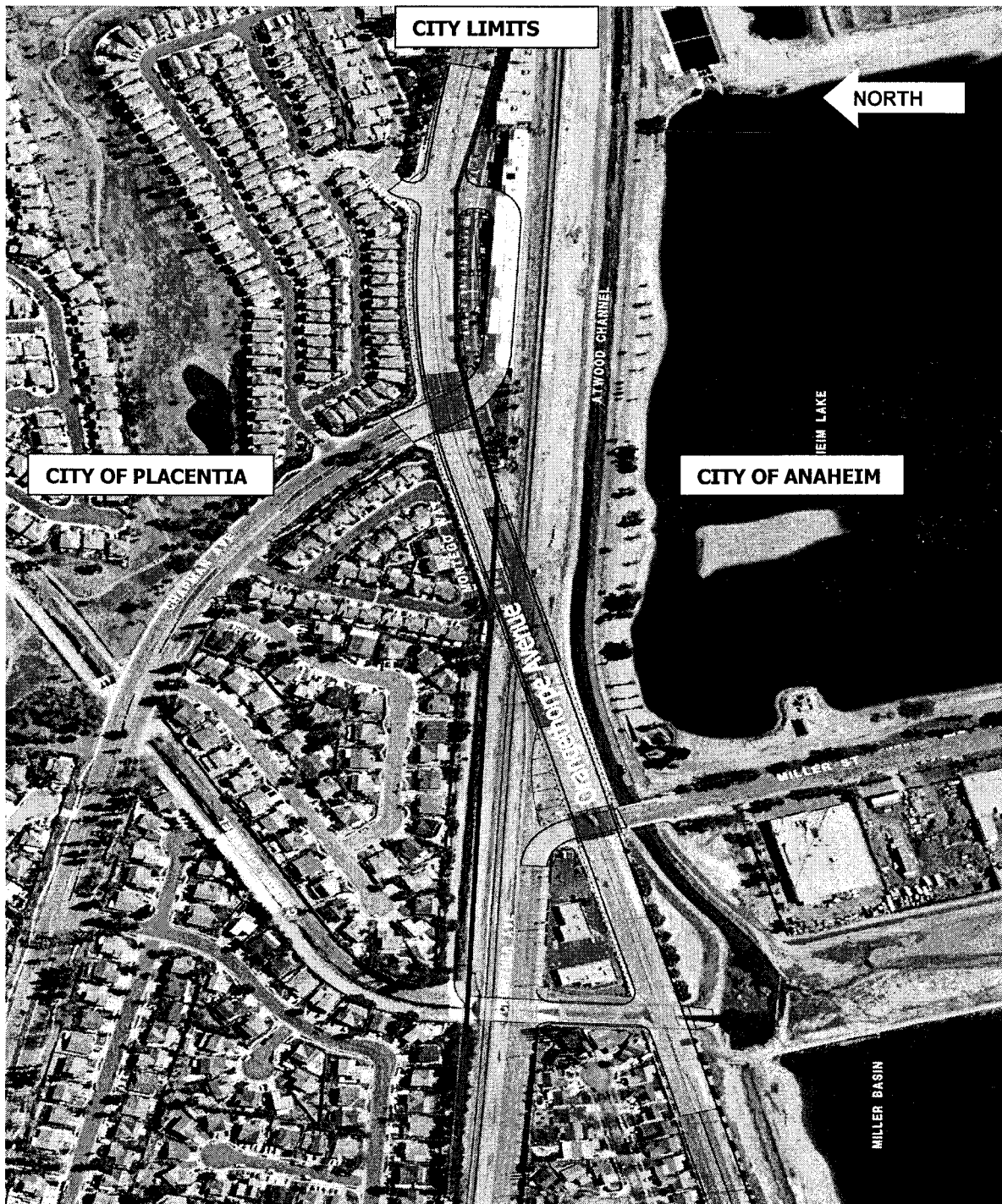
Exhibit C – Project Location Map, Tustin Avenue/Rose Drive Overcrossing

Exhibit D – Project Location Map, Lakeview Avenue Overcrossing

Project Location Map  
Kraemer Boulevard Undercrossing

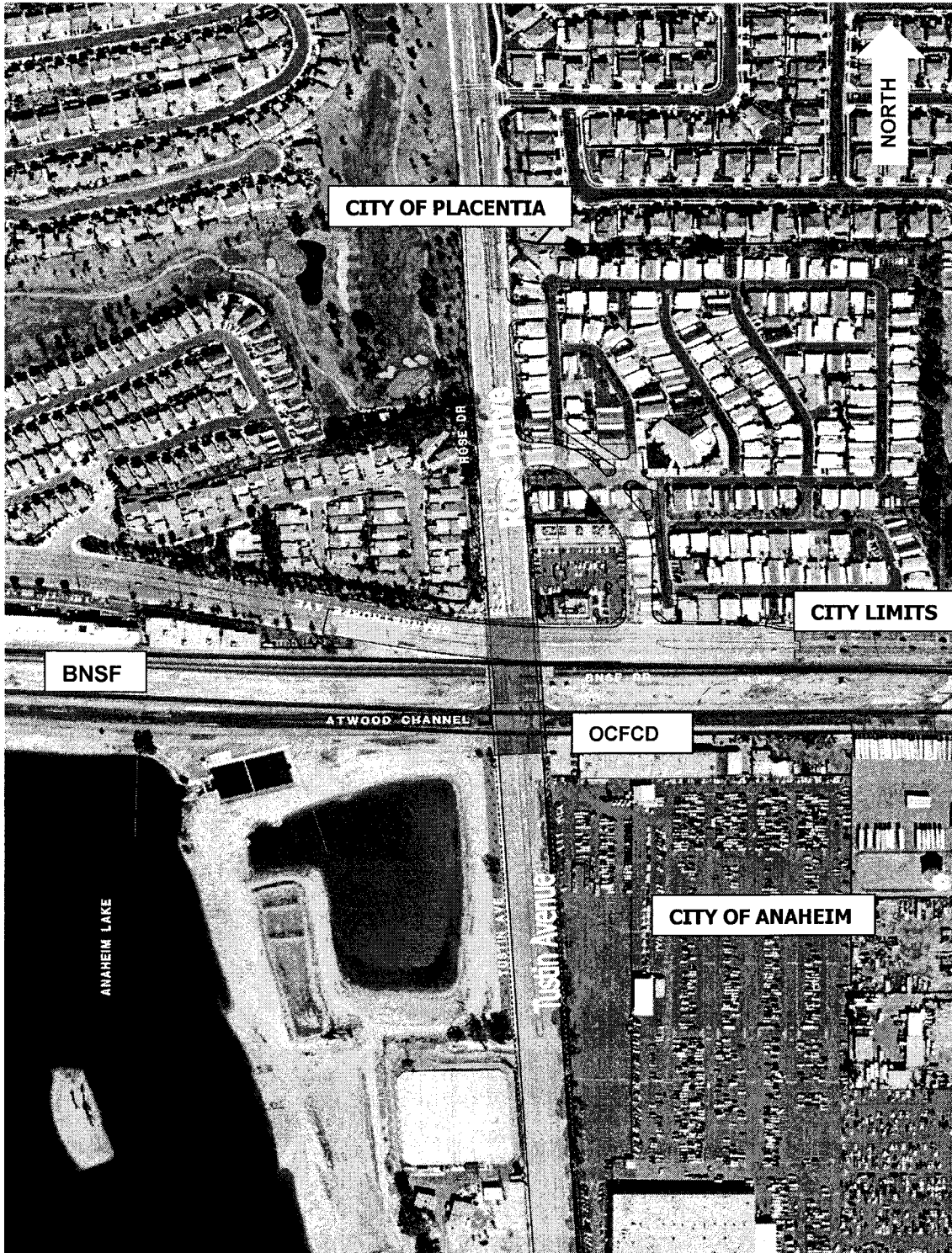


**Project Location Map**  
**Orangethorpe Avenue Overcrossing**



Project Location Map

**Tustin Avenue/Rose Drive Overcrossing**



Project Location Map

Lakeview Avenue Overcrossing



DRAFT

COOPERATIVE AGREEMENT NO. C-9-0414

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF FULLERTON

**THIS AGREEMENT**, is effective this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the City of Fullerton, 303 W. Commonwealth Avenue, Fullerton, CA, 92832, a municipal corporation (hereinafter referred to as "CITY").

RECITALS:

**WHEREAS**, AUTHORITY, in cooperation and partnership with the Burlington Northern Santa Fe (BNSF) Railway, and the cities of Placentia and Fullerton, is proposing to design and construct a grade separation project (hereinafter referred to as the "PROJECT") to grade separate vehicular traffic from rail traffic to alleviate the current and potential traffic impacts and enhance safety at existing at-grade rail crossings; and

**WHEREAS**, the PROJECT is located at the Placentia Avenue crossing as shown in Exhibit A; and

**WHEREAS**, AUTHORITY agrees to design, acquire right of way, and advertise, award, and administer the construction of the PROJECT, adhere to CITY standard plans and requirements for work within the jurisdictional boundaries of CITY; and

**WHEREAS**, CITY agrees to provide support during design and construction, including plan reviews and Traffic Management Planning services; and

**WHEREAS**, upon completion and acceptance by CITY of the PROJECT, or portion thereof, CITY will accept control and maintenance, at its own cost and expense of those

1 portions of the PROJECT lying within the jurisdictional boundaries of CITY; and upon  
2 acceptance by CITY of the PROJECT or any portions thereof, CITY shall also be responsible  
3 for liability, including tort liability, for the PROJECT or such portion thereof at no cost or  
4 expense to AUTHORITY; and

5 **WHEREAS**, CITY shall enter into separate maintenance agreements with the City of  
6 Placentia. Said agreements will establish the rights and obligations of each party relating to  
7 the maintenance of the work lying within each CITY's boundaries; and

8 **WHEREAS**, this Cooperative Agreement defines the specific terms, conditions and  
9 funding responsibilities between AUTHORITY and CITY for the final design, right-of-way  
10 acquisition, construction, and construction administration of the PROJECT; and

11 **WHEREAS**, the AUTHORITY's Board of Directors approved this Agreement on June 8,  
12 2009; and

13 **WHEREAS**, the CITY's City Council approved this Agreement on July 7, 2009;

14 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY  
15 as follows:

16 **ARTICLE 1. COMPLETE AGREEMENT**

17 This Agreement, including all exhibits and documents incorporated herein and made  
18 applicable by reference, constitutes the complete and exclusive statement of the terms and  
19 conditions of the Agreement between AUTHORITY and CITY and supersedes all prior  
20 representations, understandings and communications. The invalidity in whole or in part of any  
21 term or condition of this Agreement shall not affect the validity of other terms or conditions.

22 **ARTICLE 2. RESPONSIBILITES OF AUTHORITY**

23 AUTHORITY agrees to the following responsibilities for the PROJECT:

24 A. To collaborate and cooperate with CITY staff and agents during the implementation  
25 of final design, right-of-way acquisition, and construction of the PROJECT.

26 /

1           B. To identify and secure funding sources, and administer funding during all phases of  
2 the PROJECT.

3           C. To fund the cost of the PROJECT as defined within this Agreement. PROJECT  
4 costs include engineering design, right-of-way, utilities, demolition, site clearance/preparation,  
5 construction, construction design support, and construction management. AUTHORITY will be  
6 responsible for funding all right-of-way acquisition, temporary construction easements, and  
7 utility relocation costs in accordance with existing CITY prior rights agreements. Construction  
8 management costs funded by AUTHORITY shall include construction surveying and  
9 inspection, construction materials testing, construction contract administration and related  
10 required technical services.

11           D. To provide all staff, employees, agents, consultants and contractors deemed  
12 necessary and appropriate by AUTHORITY to manage, administer, coordinate, and oversee  
13 engineering design, right-of-way, construction, and construction management of the  
14 PROJECT.

15           E. To provide final plans, specifications, and estimates (PS&E) for the PROJECT  
16 related work done within CITY's jurisdiction, for review and comment at least 30 calendar days  
17 prior to advertisement. PS&E will be prepared in conformance with any applicable CITY  
18 regulations, procedures, standard plans and specifications, and other applicable agency  
19 standards for the PROJECT.

20           F. To comply with all applicable federal and state third party contracting laws and  
21 regulations as required.

22           G. To implement a quality assurance and quality control program during design and  
23 construction of the PROJECT.

24           H. To be responsible for, and coordinate activities relating to right-of-way acquisition,  
25 temporary construction easements, and certification deemed necessary and appropriate by  
26 AUTHORITY, including eminent domain, if necessary, for the construction of the PROJECT.



1 I. To maintain and manage any excess land acquired as a result of the PROJECT until  
2 disposed of by AUTHORITY in a manner consistent with applicable law and acceptable to  
3 CITY. If excess land is disposed of prior to the termination of this Agreement, net proceeds,  
4 after accounting for AUTHORITY's expenses as well as closing costs paid through escrow,  
5 shall be returned in their entirety to the PROJECT, subject to compliance with applicable law.  
6 After termination of this Agreement, and to the extent permissible by law, remaining excess  
7 land shall be conveyed to CITY or sold to adjacent property owners, at fair market value, and  
8 any net proceeds from any sale of excess land shall be returned to the PROJECT.

9 J. To monitor the activities of staff, agents, contractors, consultants and employees to  
10 ensure compliance with the approved PROJECT schedules, quality, and budget goals.

11 K. To prepare construction contract documents, advertise and award construction  
12 contracts, and conduct construction administration and construction management.

13 L. To provide PROJECT closeout activities, including walk-through, punch list, as-built  
14 records and final payment accounting.

15 M. To coordinate with BNSF for all work to be done in the railroad right-of-way.

16 N. To be responsible for the investigation of potential hazardous materials sites within  
17 the PROJECT limits. If AUTHORITY encounters hazardous materials or contamination or  
18 protected cultural resources within the PROJECT limits during the said investigation or in the  
19 course of construction, AUTHORITY shall notify CITY and responsible control agencies of  
20 such discovery.

21 O. If hazardous materials, cultural, archeological, paleontological, biological, or other  
22 protected resources are encountered during construction of the PROJECT, AUTHORITY shall  
23 stop work in the affected area until a qualified professional evaluates the nature and  
24 significance of the find, and a plan is approved by AUTHORITY for the removal or protection  
25 of the material or resource. The cost for any removal or protection shall be included as an  
26 eligible PROJECT expense in accordance with this Agreement.

1 P. To require the AUTHORITY's contractors to obtain no-fee permits from CITY for any  
2 work done within the jurisdictional boundaries of CITY. Design and construction work within  
3 the jurisdictional boundaries of CITY will conform to applicable CITY standards in place at  
4 commencement of PROJECT final engineering design.

5 Q. To coordinate development and construction of the PROJECT with CITY, and hold  
6 regular technical, traffic management, public relations, and various other project meetings to  
7 brief CITY on the status of the PROJECT; solicit input, and provide a forum to discuss and  
8 resolve project and local agency issues.

9 R. To prepare a Traffic Management Plan (TMP) for CITY review and approval that  
10 addresses, to the extent appropriate, construction-related impacts to existing CITY street  
11 traffic. The TMP will include normal traffic handling requirements during construction of the  
12 PROJECT, including staging, lane closures, detours, signage, Intelligent Transportation  
13 Systems (ITS), and signalization and will specify requirements for communicating with the  
14 public and local agencies during construction.

15 S. To implement a public awareness campaign (PAC) during design and construction of  
16 the PROJECT, that advises CITY, local CITY businesses, residents, elected officials,  
17 motorists, and media of construction status, and street detours.

18 T. To work with CITY to develop and implement a business outreach program during  
19 construction of the PROJECT.

20 U. To reimburse CITY, within 30 calendar days of receipt of an acceptable invoice for  
21 the actual costs, for providing traffic engineering services (including staff overhead and third  
22 party traffic signal maintenance service costs contracted out by CITY) and any modifications to  
23 streets, intersections, signals, etc. required to address traffic impacts during construction in an  
24 amount not to exceed Forty Five Thousand Dollars (\$45,000.00). This amount will not be  
25 exceeded without the prior written amendment to this Agreement, which approval shall not be  
26

1 reasonably withheld or delayed, it being understood that this amount is an estimate based on  
2 the as-needed and sporadic nature of the services and is subject to update.

3 V. To reimburse CITY, within 30 calendar days of receipt of an acceptable invoice, for  
4 the actual costs, including staff overhead, for providing police services for traffic management  
5 in an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00). Police  
6 service costs will not exceed this amount without the prior written amendment to this  
7 Agreement, which approval shall not be reasonably withheld or delayed, it being understood  
8 that this amount is an estimate based on the as-needed and sporadic nature of the services  
9 and is subject to update.

10 W. To reimburse CITY, within 30 calendar days of receipt of an acceptable invoice, for  
11 actual costs, including staff overhead, for providing project support services as described in  
12 Article 3.B in an amount not to exceed Thirty Five Thousand Dollars (\$35,000.00). Project  
13 support service costs will not exceed this amount without the prior written amendment to this  
14 Agreement, which approval shall not be reasonably withheld or delayed, it being understood  
15 that this amount is an estimate based on the as-needed and sporadic nature of the services  
16 and is subject to update.

17 **ARTICLE 3. RESPONSIBILITIES OF CITY**

18 CITY agrees to the following responsibilities for the PROJECT:

19 A. To collaborate and cooperate with the AUTHORITY staff, consultants, employees,  
20 agents, and contractors during design and construction of PROJECT, including CITY staff  
21 participation in the PROJECT partnering program.

22 B. To provide project support for the PROJECT, including but not limited to, consultant  
23 selection, plan and specifications review and concurrence, which includes aesthetics review  
24 and structure type selection, public and business outreach, and construction inspection.

25 C. To issue no-fee permits for construction activity and perform design reviews for work  
26 done within CITY jurisdiction within thirty (30) calendar days from request.

1 D. To make available to AUTHORITY all necessary regulations, policies, procedures,  
2 manuals, standard plans and specifications, and other standards required for the  
3 administration of the PROJECT.

4 E. To be responsible for the implementation of the agreed upon portion of the approved  
5 TMP for work within the jurisdictional boundaries of CITY.

6 F. To provide traffic engineering (including third party traffic signal maintenance service  
7 costs contracted out by the CITY) and police services as requested by the AUTHORITY.

8 G. To submit monthly invoices to the AUTHORITY for actual costs incurred by the CITY  
9 for traffic engineering, traffic signal maintenance, project support, and police services and any  
10 modifications to city streets, intersections, signals, etc. to address traffic or other impacts  
11 during PROJECT construction. Invoices shall be submitted in duplicate to AUTHORITY's  
12 Program Manager. Each invoice shall reference this Agreement number; specify the work for  
13 which payment is being requested, the time period covered by the invoice, the amount of  
14 payment requested, staff names/positions and hourly rates if appropriate, and support  
15 documentation for all expenses invoiced. CITY shall submit the final invoice no later than  
16 ninety (90) calendar days after final acceptance of PROJECT

17 H. CITY shall cause each public utility to rearrange or relocate its public utility facilities  
18 that may be determined by AUTHORITY and CITY to conflict with the PROJECTS. CITY  
19 hereby agrees to exercise and invoke its rights under any applicable state franchise laws or  
20 under any applicable franchise agreements that it has with utilities, to effectuate such  
21 rearrangement or relocation at the expense of the affected utility, as necessary to allow  
22 completion of the PROJECTS. CITY shall cooperate with AUTHORITY and provide all  
23 appropriate and necessary support to achieve this result. In the event the public utility fails to  
24 make the rearrangement or relocation or fails to agree to make the rearrangement or  
25 relocation in a timely manner, CITY shall, to the full extent allowed by law, assign its rights  
26 under this Agreement to AUTHORITY to permit AUTHORITY to rearrange or relocate in a

1 timely manner. CITY shall cooperate with AUTHORITY, shall provide assistance to  
2 AUTHORITY as needed, and shall join with AUTHORITY as a party in the prosecution or  
3 defense of CITY'S and AUTHORITY'S rights under the laws of the State of California to cause  
4 such rearrangements or relocations. Wherever reasonably feasible, any relocation of a public  
5 utility shall be made to an area covered by a state franchise or local franchise.

6 I. To cooperate with AUTHORITY for the relocation, protection, and construction of  
7 utilities within CITY, including any CITY-owned utilities and any utilities that are the subject of  
8 franchise agreements approved by CITY.

9 J. Upon identification of illegally placed hazardous materials, CITY agrees to seek  
10 restitution for removal of hazardous materials found within CITY-owned properties within the  
11 PROJECT limits and shall reimburse AUTHORITY for PROJECT costs recovered, less CITY's  
12 costs incurred in such restitution recovery efforts.

13 K. Upon completion and acceptance of work done within CITY jurisdiction, the  
14 improvements will be turned over to CITY. CITY will not withhold its acceptance of work due to  
15 any unreasonable requirements.

16 L. To attend and participate in the PROJECT regular technical, traffic management,  
17 public relations, and various other project meetings to brief CITY on the status of the  
18 PROJECT, to solicit input, and to provide a forum to discuss and to resolve project and local  
19 agency issues.

20 M. Upon completion and CITY final acceptance of the PROJECT, CITY shall be  
21 responsible for entering into maintenance agreements for all facilities constructed and shall  
22 release AUTHORITY of any obligations thereof.

23 **ARTICLE 4. DELEGATED AUTHORITY**

24 The actions required to be taken by CITY in the implementation of this Agreement are  
25 delegated to its City Manager, or designee, and the actions required to be taken by  
26 AUTHORITY in the implementation of this Agreement are delegated to AUTHORITY's Chief

1 Executive Officer.

2 **ARTICLE 5. AUDIT AND INSPECTION**

3 AUTHORITY and CITY shall maintain a complete set of records in accordance with  
4 generally accepted accounting principles. Upon reasonable notice, AUTHORITY and CITY  
5 shall permit each Party's authorized representatives to inspect and audit all work, materials,  
6 payroll, books, accounts, and other data and records of the other Party for a period of four (4)  
7 years after final payment, or until any on-going audit is completed. For purposes of audit, the  
8 date of completion of this Agreement shall be the date of CITY's payment of AUTHORITY's  
9 final billing (so noted on the invoice) under this Agreement. Each Party shall have the right to  
10 reproduce any such books, records, and accounts of the other Party relative to the PROJECT.  
11 The above provision with respect to audits shall extend to and/or be included in contracts with  
12 AUTHORITY'S contractors, including BNSF and its contractors.

13 **ARTICLE 6. MAXIMUM OBLIGATION**

14 AUTHORITY's maximum obligation for all costs under this Agreement shall not  
15 exceed Ninety-Two Thousand Five Hundred Dollars (\$92,500.00), unless such maximum  
16 obligation is increased by an amendment to this Agreement.

17 **ARTICLE 7. INDEMNIFICATION**

18 A. AUTHORITY shall defend, indemnify and hold harmless CITY and CITY's officers,  
19 agents, elected officials, and employees, from all liability, claims, losses and demands,  
20 including defense costs and reasonable attorneys' fees, whether resulting from court action or  
21 otherwise, arising out of the acts or omissions of AUTHORITY, its officers, agents, or  
22 employees, in the performance of this Agreement, excepting acts or omissions directed by  
23 CITY, officers, agents, or employees, acting within the scope of their employment, for which  
24 the CITY agrees to defend and indemnify AUTHORITY in a like manner.

25 B. CITY shall defend, indemnify and hold harmless AUTHORITY and AUTHORITY's  
26 officers, agents, elected officials, and employees, from all liability, claims, losses and demands,

1 including defense costs and reasonable attorneys' fees, whether resulting from court action or  
2 otherwise, arising out of the acts or omissions of CITY, officers, agents, or employees, in the  
3 performance of this Agreement, excepting acts or omissions directed by AUTHORITY, officers,  
4 agents, or employees, acting within the scope of their employment, for which the AUTHORITY  
5 agrees to defend and indemnify CITY in a like manner. This indemnity shall survive even after  
6 the termination of this Agreement.

7 **ARTICLE 8. ADDITIONAL PROVISIONS**

8 AUTHORITY and CITY agree to the following mutual responsibilities for the PROJECT:

9 A. AUTHORITY will form a Steering Committee (COMMITTEE) that consists of a  
10 senior staff member from the Parties to this Agreement and other impacted agencies.  
11 COMMITTEE will provide guidance and input on the following:

- 12 • Major design elements within CITY-jurisdiction.
- 13 • Estimated traffic volumes and traffic management plans and studies.
- 14 • Construction staging and phasing plans, construction detour plans and sequencing,  
15 including sequencing of construction and monitoring contractor's compliance to the  
16 schedule to minimize impacts to CITY, CITY projects (both public and private), so  
17 that AUTHORITY may construct the PROJECT efficiently and economically.
- 18 • Visual aesthetics and landscaping.
- 19 • Railroad temporary track (shoofly) design.
- 20 • Right of way acquisition and relocation assistance plans.
- 21 • Community involvement and outreach, including business outreach.
- 22 • Responsibilities for relocation or modification of CITY-owned facilities or utilities.

23 The COMMITTEE will serve as a forum to resolve any issues regarding the impact of  
24 the PROJECT construction on CITY facilities, businesses, and residences, including CITY  
25 street closures during construction. The COMMITTEE members will negotiate in good faith to  
26 resolve the issues, allow affected members to express their interests and concerns, and

1 ensure consistency with CITY standards to reach understanding and agreement on such  
2 issues. COMMITTEE will meet as requested by AUTHORITY to review the status of the  
3 PROJECT and discuss and resolve policy issues affecting the PROJECT. COMMITTEE  
4 members agree to participate in COMMITTEE meetings and maintain a good record of  
5 attendance.

6 B. AUTHORITY will establish a mitigation-monitoring program to monitor and ensure  
7 compliance by AUTHORITY's contractors with all the mitigation measures identified in the  
8 Environmental Document and review the program on a regular basis with CITY.

9 C. The AUTHORITY will monitor and ensure that the AUTHORITY's contractors comply  
10 with CITY's National Pollution Discharge Elimination System (NPDES) ordinance. CITY and  
11 AUTHORITY will individually review and comment on the PROJECT plans, specifications,  
12 estimates, geometric plans, traffic management plans, and construction staging and detouring  
13 plans for adherence to agreed upon policy decisions of COMMITTEE. No COMMITTEE  
14 decision that is inconsistent with the TMP shall be effective unless CITY agrees in writing with  
15 that decision.

16 D. If CITY chooses to form an underground utility district for the purpose of removing  
17 overhead facilities within the project limits, CITY and AUTHORITY shall jointly agree on the  
18 incremental increase in the cost of undergrounding and CITY shall be responsible for the  
19 increased cost. In addition, if AUTHORITY believes that the formation and execution of an  
20 underground program shall have a significant adverse affect on the overall project schedule  
21 and cost, AUTHORITY shall so notify CITY and the PROJECT shall proceed without formation  
22 of an underground utility district.

23 E. AUTHORITY and CITY shall comply with all applicable laws, statues, ordinances  
24 and regulations of any governmental authority having jurisdiction over the PROJECT.

25 /

26 /



F. This Agreement shall continue in full force and effect through final acceptance of the PROJECT by CITY or August 1, 2016, whichever is later. This Agreement may be extended upon mutual written agreement by both Parties.

G. This Agreement may be amended in writing at any time by the mutual consent of both Parties. No amendment shall have any force or effect unless executed in writing by both Parties.

H. The persons executing this Agreement on behalf of the Parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that, by so executing this Agreement, the parties hereto are formally bound to the provisions of this Agreement.

I. All notices hereunder and communications regarding this Agreement, shall be effected by delivery of said notices in person or by depositing said notices in the U.S. mail, registered or certified mail, and addressed as follows:

<p>To CITY:</p> <p>City of Fullerton</p> <p>303 W. Commonwealth Avenue</p> <p>Fullerton, CA 928732-1775</p> <p>Attention: Donald K. Hoppe</p> <p>Director of Engineering</p> <p>714-738-6864</p> <p>e-mail: DonH@ci.fullerton.ca.us</p>	<p>To AUTHORITY:</p> <p>Orange County Transportation Authority</p> <p>P. O. Box 14184</p> <p>Orange, CA 92863-1584</p> <p>Attention: Kathleen Murphy-Perez</p> <p>Manager, Contracts &amp; Procurement</p> <p>714-560-5743</p> <p>e-mail: kperez@octa.net</p>
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J. The headings of all sections of this Agreement are inserted solely for the convenience of reference and are not part of and not intended to govern, limit or aid in the construction or interpretation of any terms or provision thereof.

1 K. The provisions of this Agreement shall bind and inure to the benefit of each of the  
2 parties hereto and all successors or assigns of the parties hereto.

3 L. If any term, provision, covenant or condition of this Agreement is held to be invalid,  
4 void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the  
5 remainder to this Agreement shall not be affected thereby, and each term, provision, covenant  
6 or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by  
7 law.

8 M. This Agreement may be executed and delivered in any number of counterparts,  
9 each of which, when executed and delivered shall be deemed an original, and all of which  
10 together shall constitute the same Agreement. Facsimile signatures will not be permitted.

11 N. Each Party shall promptly notify the other Party in writing of any legal impediment,  
12 change of circumstance, pending litigation, or any other event, occurrence, or condition that  
13 may adversely affect such party's ability to carry out and perform any of the duties, services,  
14 and/or obligations under the Agreement.

15 O. The terms of this Agreement are intended to confer benefits only on the Parties to  
16 this Agreement and to their successors and/or assigns. No rights of action shall accrue to any  
17 other persons or entities under this Agreement.

18 P. AUTHORITY or CITY shall not delegate or assign its rights or otherwise transfer its  
19 obligations, in whole or in part, under this Agreement to any other person or entity without the  
20 prior written consent of the other Party.

21 Q. In addition to any other rights or remedies, either Party may take legal action, in law  
22 or in equity, to cure, correct or remedy any default, to recover damages for any default, to  
23 compel specific performance of this Agreement, to obtain injunctive relief, a declaratory  
24 judgment or any other remedy consistent with the purposes of this Agreement.

25 /

26 /

1 R. This Agreement shall be governed and construed in accordance with the laws of the  
2 State of California. In the event of any legal action to enforce or interpret this Agreement, the  
3 sole and exclusive venue shall be a court of competent jurisdiction located in Orange County,  
4 California, and the Parties hereto agree to and do hereby submit to the jurisdiction of such  
5 court, notwithstanding Code of Civil Procedure Section 394.

6 This Agreement shall be made effective upon execution by both Parties.

7 **IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement No.  
8 C-9-0414 to be executed on the date first above written.

9 **CITY OF FULLERTON**

**ORANGE COUNTY TRANSPORTATION  
AUTHORITY**

12 By: \_\_\_\_\_

By: \_\_\_\_\_

13 Don Bankhead  
14 Mayor

James S. Kenan  
Interim Chief Executive Officer

16 **ATTEST:**

**APPROVAL RECOMMENDED:**

17 By: \_\_\_\_\_

By: \_\_\_\_\_

19 Beverley White  
20 City Clerk

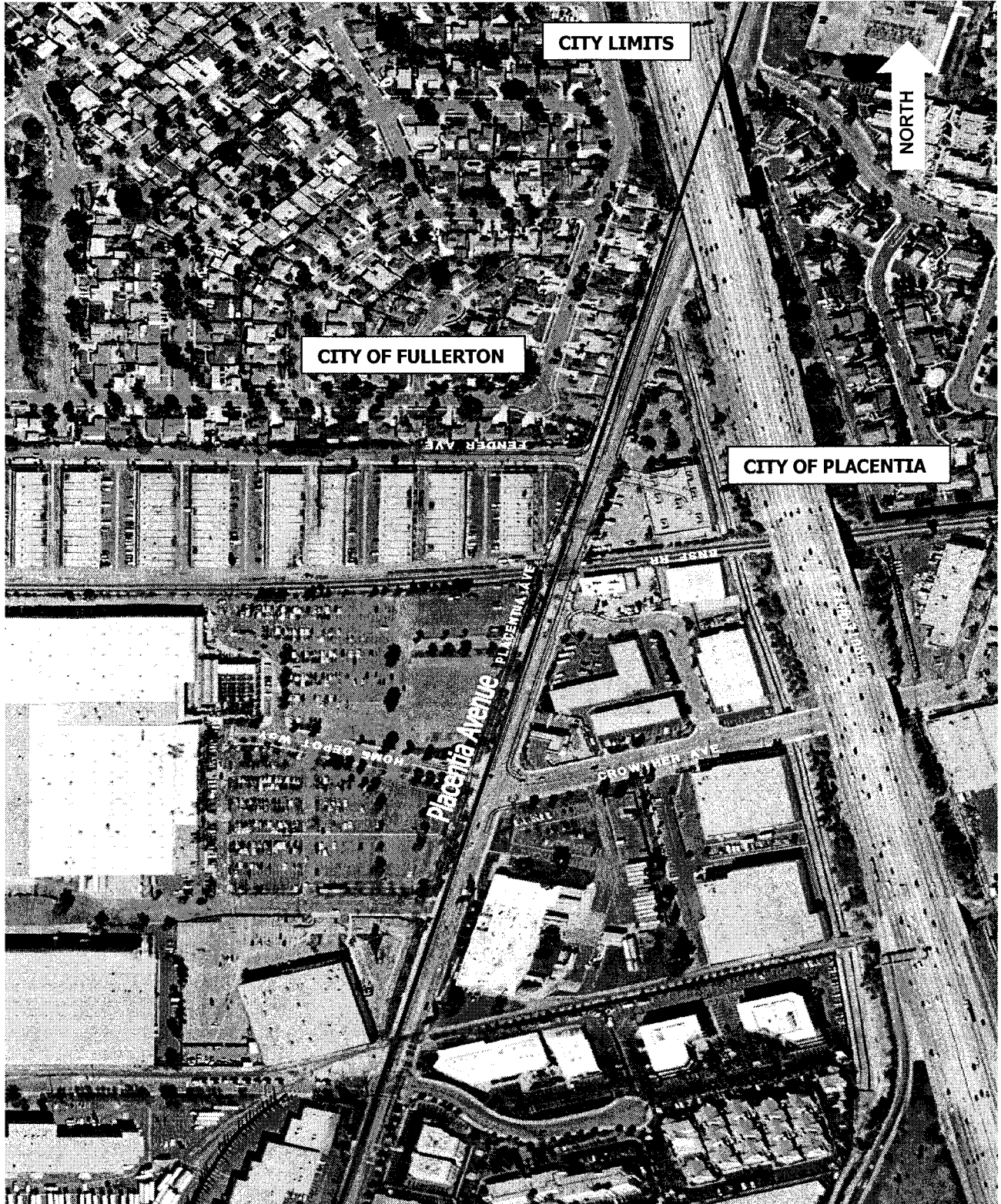
Kia Mortazavi  
Executive Director, Development

Dated: \_\_\_\_\_

21 ATTACHMENT

22 Exhibit A – Project Location Map – Placentia Avenue Undercrossing  
23  
24  
25  
26

Project Location Map  
Placentia Avenue Undercrossing







BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject:** Resolution to Establish the Orange County Local Transportation Authority / Measure M Appropriations Limitation for Fiscal Year 2009-10

Finance and Administration Committee meeting of May 27, 2009

**Present:** Directors Amante, Bates, Campbell, and Green  
**Absent:** Directors, Brown, Buffa, and Moorlach

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendation**


Adopt Orange County Local Transportation Authority/Measure M Resolution No. 2009-31 to establish the Orange County Local Transportation Authority/Measure M appropriations limit at \$1,270,952,900 for fiscal year 2009-10.





**May 27, 2009**

**To:** Finance and Administration Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Resolution to Establish the Orange County Local Transportation Authority / Measure M Appropriations Limitation for Fiscal Year 2009-10

### **Overview**

The state constitution requires that each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit for the following year pursuant to Article XIII B.

### **Recommendation**

Adopt Orange County Local Transportation Authority/Measure M Resolution No. 2009-31 to establish the Orange County Local Transportation Authority/Measure M appropriations limit at \$1,270,952,900 for fiscal year 2009-10.

### **Background**

In November 1979, the voters of the State of California approved Proposition 4, commonly known as the Gann Initiative. The proposition created Article XIII B of the California Constitution which is also known as the Gann appropriations limitation.

Both the Article XIII B appropriations limit and its implementing legislation were modified by Proposition 111, approved by voters in 1990. The law specifies that the appropriations of revenues, "proceeds of taxes" by state and local governments, may only increase annually by a limit based on a factor comprised of the change in population and the change in California per capita personal income. The appropriation limit includes any interest earned from the investment of the proceeds of taxes and must be reviewed during the annual financial audit.



**Resolution to Establish the Orange County Local Transportation Authority Measure M Appropriations Limitation for Fiscal Year 2008-09** Page 2

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***Discussion***

In accordance with the requirements of Article XIII B, a resolution has been prepared and is attached for review (Attachment A). The resolution establishes the Orange County Local Transportation Authority/Measure M appropriations limit for fiscal year (FY) 2009-10 at \$1,270,952,900, excluding federal grant funds and other funds to be received from sources not subject to the appropriations limitation. Appropriations subject to limitation do not include appropriations for debt service, costs of complying with the mandates of the courts or the federal government, or capital outlay projects.

Based on the FY 2009-10 budget for the Local Transportation Authority/Measure M Fund, appropriations subject to limitation equal \$244,420,208. This amount consists of \$234,745,296 in Measure M ½ cent sales taxes and \$9,674,912 in interest estimated to be received in FY 2009-10. Attachment B shows the calculation of the FY 2009-10 Orange County Local Transportation Authority/Measure M appropriations limit. The change in population and change in California per capita personal income rates were obtained from the State of California, Department of Finance.

***Summary***

Staff recommends adoption of the Orange County Local Transportation Authority/Measure M Resolution No. 2009-31, which will establish the fiscal year 2009-10 appropriation limit at \$1,270,952,900 for the Orange County Local Transportation Authority.

**Resolution to Establish the Orange County Local Transportation Authority Measure M Appropriations Limitation for Fiscal Year 2008-09** *Page 3*

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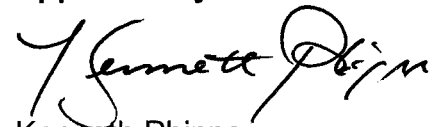
***Attachments***

- A. Resolution of the Orange County Local Transportation Authority/Measure M Establishing Appropriations Limit for Fiscal Year 2009-10.
- B. Orange County Local Transportation Authority / Measure M Fiscal Year 2008-09 GANN Appropriations Limitation.

**Prepared by:**

  
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Financial Planning and Analysis  
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**Approved by:**

  
Kenneth Phipps  
Acting Executive Director,  
Finance and Administration  
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**RESOLUTION OF THE  
ORANGE COUNTY LOCAL TRANSPORTATION AUTHORITY/MEASURE M  
ESTABLISHING APPROPRIATIONS LIMIT FOR  
FISCAL YEAR 2009-10**

**WHEREAS**, Article XIII B of the California constitution and Sections 7900 through 7913 of the California Government Code require the establishment of an appropriations limit; and

**WHEREAS**, appropriations limits are applicable to funds received from the proceeds of taxes and interest earned on such proceeds.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Orange County Local Transportation Authority/Measure M hereby determines that pursuant to Section 7902b of the California Government Code, the appropriations limit for the Orange County Local Transportation Authority/Measure M for Fiscal Year 2009-10 is \$1,270,952,900
2. The total amount authorized to be expended by the Orange County Local Transportation Authority/Measure M during the Fiscal Year 2009-10 from the proceeds of taxes, including interest earned from the investment of the proceeds of taxes, is \$244,420,208.
3. The appropriations limit for Fiscal Year 2009-10 exceeds proceeds of taxes for Fiscal Year 2009-10 by \$1,026,532,692.

ADOPTED SIGNED AND APPROVED this 8<sup>th</sup> day of June 2008.

AYES:

NOES:

ABSENT:

ATTEST:

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Wendy Knowles  
Clerk of the Board

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Peter Buffa, Chairman  
Orange County Local Transportation Authority



ORANGE COUNTY LOCAL TRANSPORTATION AUTHORITY/MEASURE M  
FISCAL YEAR 2008-09  
GANN APPROPRIATIONS LIMITATION

A. PER CAPITA CHANGE

California per capita  
personal income change 0.62%

B. POPULATION CHANGE

County of Orange 1.11%

C: GANN CALCULATION

Per capita change:	0.62%	Converted to ratio:	1.0062
Population change:	1.11%	Converted to ratio:	1.0111

Gann factor for FY 2008-09 1.0442 x 1.0084 = 1.0174

**FY 2008-09 APPROPRIATIONS LIMIT \$1,249,254,818 Revised**

**Ratio of change 1.01736882**

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**FY 2009-10 APPROPRIATIONS LIMIT \$1,270,952,900**

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BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject:** Selection of a Consultant for Preparation of a Project Study Report/Project Development Support for the Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange

Highways Committee Meeting of May 18, 2009

**Present:** Directors Amante, Cavecche, Glaab, Green, Mansoor, Norby, and Pringle  
**Absent:** Director Dixon

**Committee Vote**

This item was passed by all Committee Members present.

Director Norby was not present for this vote.

**Committee Recommendations**


- A. Select RMC, Inc., as the highest qualified firm to prepare the project study report for the Santa Ana Freeway (Interstate 5)/Avenida Pico interchange improvements.
- B. Authorize the Interim Chief Executive Officer to request a cost proposal from RMC, Inc., and negotiate an agreement for services.
- C. Authorize the Interim Chief Executive Officer to execute the final agreement.





**May 18, 2009**

**To:** Highways Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Selection of a Consultant for Preparation of a Project Study Report/  
Project Development Support for the Santa Ana Freeway (Interstate 5)/  
Avenida Pico Interchange

### **Overview**

Renewed Measure M includes a project to update and improve local interchanges on the Santa Ana Freeway (Interstate 5) including the Avenida Pico interchange. Proposals and statements of qualifications for the preparation of a project study report/project development support document were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of consultants to perform architectural and engineering work.

### **Recommendations**

- A. Select RMC, Inc., as the highest qualified firm to prepare the project study report for the Santa Ana Freeway (Interstate 5)/Avenida Pico interchange improvements.
- B. Authorize the Interim Chief Executive Officer to request a cost proposal from RMC, Inc., and negotiate an agreement for services.
- C. Authorize the Interim Chief Executive Officer to execute the final agreement.

### **Discussion**

Renewed Measure M includes a project to update and improve local interchanges on the Santa Ana Freeway (Interstate 5). The next step in the project development process is the preparation of a project study report (PSR), which analyzes alternatives and determines project feasibility and preliminary costs.

The Orange County Transportation Authority (Authority) is seeking consultant assistance for the preparation of a PSR for this project.

***Procurement Approach***

This procurement was handled in accordance with the Authority procedures for architectural and engineering requirements that conform to both federal and state law. Proposals are evaluated without consideration of cost and are ranked in accordance with the qualifications of the firm, staffing, and the work plan. The highest ranked firm is requested to submit a cost proposal and the final agreement is negotiated. Should negotiations fail with the highest ranked firm, a cost proposal will be solicited from the second ranked firm in accordance with the procurement policies previously adopted by the Authority's Board of Directors (Board).

On February 19, 2009, Request for Proposals (RFP) 9-0205 was released and sent electronically to 1378 firms registered on CAMM NET. The project was advertised on February 23, 2009, and March 3, 2009, in a newspaper of general circulation. A pre-proposal conference was held on March 4, 2009, with 53 attendees representing 40 firms.

Addendum No. 1 to RFP 9-0205 was issued on March 5, 2009, to post the pre-proposal conference registration sheet.

On March 25, 2009, ten proposals were received. An evaluation committee consisting of staff from the Strategic Planning Department, Highway Project Delivery Department, Contracts Administration and Materials Management Department, and the California Department of Transportation met to review all proposals submitted. The proposals were evaluated on the following evaluation criteria and weights.

- Qualifications of the Firm 25 percent
- Staffing and Project Organization 35 percent
- Work Plan 40 percent

The evaluation criteria are consistent with the weightings developed for similar architectural and engineering services. In developing the weightings, several factors are considered. The weightings gave the greatest importance to the work plan because the project area has some specific technical issues that must be addressed. Likewise, a high level of importance was placed on staffing and project organization as the qualifications of the project manager and other key task leaders and sub-consultants are very important to successful completion of the project. As this is an architectural and

engineering procurement price is not an evaluation criteria pursuant to state and federal law.

The evaluation committee reviewed all proposals received and found four of the firms most qualified to perform the work. The four most qualified firms are presented below in ranked order:

Firm and Location

RMC, Inc.  
Santa Ana, California

CH2M HILL  
Santa Ana, California

T.Y. Lin International  
Irvine, California

Huitt-Zollars, Inc.  
Irvine, California

On April 21, 2009, the evaluation committee interviewed each of the four firms. Questions were asked relative to the firms' proposed staffing, understanding of the project issues, and each firms' approach to the scope of work and proposed schedules. Based upon the proposal evaluation and interviews, staff recommends RMC, Inc. (RMC), as the top ranked firm to prepare the PSR/project development support (PDS) for improvements to the Interstate 5 (I-5)/Avenida Pico interchange.

**Qualifications of Firm**

All four firms have relevant experience in relation to the type of services required. RMC was ranked higher as the firm has demonstrated specific experience which includes work in San Clemente with the I-5/EI Camino Real ramp modification and soundwall implementation project. CH2M HILL showed a good variety of experience on highway projects but not as much at the PSR/PDS stage. T.Y Lin International and Huitt-Zollars, Inc., provided good experience at the PSR stage.

**Staffing and Project Organization**

All four firms proposed solid key staff that are well qualified. The RMC team demonstrated significant experience and understanding of the corridor and

proposed creative solutions to increase the traffic flow on Avenida Pico and minimize the impact to right-of-way.

#### Work Plan

The RMC work plan clearly demonstrated a high degree of understanding of the scope of work and understanding of potential issues that may be encountered and the firm offered a specific approach on how to address each problem with appropriate resolutions.

#### Recommendation

Based on the evaluation of the written proposals, the team qualifications, and information obtained from the interviews, the evaluation committee recommends the selection of RMC as the top-ranked firm. RMC submitted an outstanding detailed technical proposal that was responsive to all requirements of the RFP. RMC's written technical proposal and approach to the project demonstrated the most thorough understanding of project issues.

#### Fiscal Impact

This project was approved in the Authority's proposed Fiscal Year 2008-09 Budget, Development Division, Account 0017-7519-FC002-N2N, and is funded through local funds and Renewed Measure M Tax Exempt Commercial Paper Funds.

#### **Summary**

The evaluation committee met and reviewed all proposals received. Based on the proposals and interviews, the committee recommends the selection of RMC as the most qualified firm to prepare the PSR for the I-5/Avenida Pico interchange improvements.

Staff is requesting authorization to request a cost proposal from RMC and negotiate an agreement within the approved budget for this project which is \$450,000.

**Attachments**

- A. Project Study Report/Project Development Support for the Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange - Review of Proposals - RFP 9-0205
- B. Proposal Evaluation Criteria Matrix (Short-Listed Firms) - RFP 9-0205 - Project Study Report/Project Development Support for the Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange
- C. Contract History for the Past Two Years - RFP 9-0205 - Project Study Report/Project Development Support for the Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange

**Prepared by:**



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Section Manager  
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**Approved by:**



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Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
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Project Study Report/Project Development Support for the  
Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange  
Review of Proposals - RFP 9-0205

(Presented to Highways Committee - 5/18/09)  
10 proposals received, 4 firms were interviewed

Overall Ranking	Overall Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Price
1	89	RMC, Inc. Santa Ana, CA	RBF Consulting Austin-Foust Associates, Inc. LSA Associates Kleinfelder	Highest ranked overall proposal. Team demonstrated an excellent understanding of the traffic flow concerns and minimizing right-of-way impacts. The work plan gave a very detailed review of the project traffic issues and provided a variety of solutions. Each team member has experience with other projects in the project area. Outstanding proposed key staff has ample availability. Team provided detailed answers to the interview questions.	Architectural and engineering contract.  In accordance with state law, selection is based on technical qualifications, price is not an evaluation factor.
2	83	CH2M HILL Santa Ana, CA	Coast Surveying Minagar & Associates Utility Specialists California, Inc.	Second ranked proposal. Firm has a good understanding of the project area. Work plan identifies existing deficiencies in traffic flow and proposed good solutions. Key staff has experience with other projects in the area. Outlined how team would involve the stakeholders in the process. Team gave in depth responses to the questions during the interview.	
3	82	T.Y. Lin International Irvine, CA	KOA Corporation ICF Jones & Stokes Overland, Pacific & Cutler, Inc. Leighton Consulting, Inc. Towill, Inc. Sweeny & Associates	Third ranked proposal. Firm has a good understanding of the project area. Detailed work plan that identified traffic concerns and presented unique solutions. Good approach to involving all stakeholders early in the process. Team gave detailed response to questions during the interview. Firm has experience in performing this type of work.	
4	80	Huit-Zollars, Inc. Irvine, CA	CNS Engineering, Inc. Austin-Foust Associates, Inc. BonTerra Consulting, LLC Group Delta Consultants, Inc. Overland, Pacific Cutler, Inc.	Fourth ranked proposal. Firm has an understanding of the project area. Good work plan that identified the under crossing needs of Avenida Pico. Key staff has experience with other projects in the area. Team responded well to interview questions.	

Evaluation Panel: (5)

OCTA:

CAMM (1)  
Development (2)

Outside:

Caltrans (2)  
City of San Clemente (1)

Proposal Criteria

Qualifications of Firm  
Staffing and Project Organization  
Work Plan

Weight Factor

25%  
35%  
40%

<b>Proposal Evaluation Criteria Matrix (Short-Listed Firms)</b> <b>RFP 9-0205 - Project Study Report/Project Development Support for the</b> <b>Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange</b>								
<b>Firm: RMC, Inc.</b>						<b>Weights</b>		<b>Criteria Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.5	4.5	4.5	4.0	4.5	4.0	5	21.7
Staffing/Project Organization	4.5	4.5	4.5	4.0	4.5	4.5	7	30.9
Work Plan	4.5	4.5	4.5	4.5	4.5	4.5	8	36.0
<b>Overall Score</b>	<b>90.0</b>	<b>90.0</b>	<b>90.0</b>	<b>84.0</b>	<b>90.0</b>	<b>87.5</b>		<b>89</b>
<b>Firm: CH2M HILL</b>						<b>Weights</b>		<b>Criteria Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.5	4.5	4.0	4.0	4.0	4.0	5	20.8
Staffing/Project Organization	4.0	4.0	4.0	4.0	4.0	4.0	7	28.0
Work Plan	4.5	4.5	4.0	4.0	4.0	4.5	8	34.0
<b>Overall Score</b>	<b>86.5</b>	<b>86.5</b>	<b>80.0</b>	<b>80.0</b>	<b>80.0</b>	<b>84.0</b>		<b>83</b>
<b>Firm: T.Y. Lin International</b>						<b>Weights</b>		<b>Criteria Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	4.0	5	20.0
Staffing/Project Organization	4.0	4.0	4.5	4.0	4.5	4.0	7	29.2
Work Plan	4.0	4.5	4.0	4.0	4.0	4.0	8	32.7
<b>Overall Score</b>	<b>80.0</b>	<b>84.0</b>	<b>83.5</b>	<b>80.0</b>	<b>83.5</b>	<b>80.0</b>		<b>82</b>
<b>Firm: Huitt-Zollars, Inc.</b>						<b>Weights</b>		<b>Criteria Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	4.0	5	20.0
Staffing/Project Organization	4.0	4.0	4.0	4.0	4.0	4.0	7	28.0
Work Plan	4.0	4.5	3.5	4.0	4.0	4.0	8	32.0
<b>Overall Score</b>	<b>80.0</b>	<b>84.0</b>	<b>76.0</b>	<b>80.0</b>	<b>80.0</b>	<b>80.0</b>		<b>80</b>
<p>The range of scores for the non-short-listed firms was 58 to 74.</p> <p>Evaluation Committee: (6)  OCTA:      Camm (1)      DEVELOPMENT (2)  Caltrans (2)  City of San Clemente (1)</p>								

**Contract History For The Past Two Years**  
**RFP 9-0205 - Project Study Report/Project Development Report for the**  
**Santa Ana Freeway (Interstate 5)/Avenida Pico Interchange**

<b>Firm - Prime Only</b>	<b>Contract Number</b>	<b>Description</b>	<b>Contract Start Date</b>	<b>Contract End Date</b>	<b>Contract Amount</b>
RMC, Inc.	C-7-0995	Plans, specifications, and estimates for soundwalls in the City of San Clemente	1/15/2008	8/31/2010	\$ 897,017
	C-7-1360	Feasibility study for the Riverside Freeway (State Route 91) from the Orange Freeway (State Route 57) to the Costa Mesa Freeway (State Route 55)	5/12/2008	3/31/2009	\$ 297,021
	C-8-0897	Project management consulting services for strategic planning	6/11/2008	12/31/2009	\$ 50,000
	C-8-1238	Project report for the Interstate 5 (I-5) high-occupancy vehicle lane widening	Awarded not yet executed		\$ -
<b>Sub Total</b>					<b>\$ 1,244,038</b>
<b>Firm - Prime Only</b>	<b>Contract Number</b>	<b>Description</b>	<b>Contract Start Date</b>	<b>Contract End Date</b>	<b>Contract Amount</b>
CH2M HILL	C-5-2712	Plans, specifications, and estimates for Oso Parkway at I-5	12/12/2005	12/31/2010	\$ 1,819,709
	C-7-0612	91 Express Lanes Extension/Foothill Transportation Corridor (State Route 241) connector studies	6/28/2007	6/30/2009	\$ 510,883
	C-7-1247	Design effort for widening the northbound State Route 57 (SR-57) between Yorba Linda Boulevard to Lambert Avenue	2/19/2008	7/31/2014	\$ 5,759,057
		Design services for Lakeview Avenue railroad grade separation project	3/4/2009	6/30/2009	\$ 349,593
<b>Sub Total</b>					<b>\$ 8,439,242</b>
<b>Firm - Prime Only</b>	<b>Contract Number</b>	<b>Description</b>	<b>Contract Start Date</b>	<b>Contract End Date</b>	<b>Contract Amount</b>
Huitt-Zollars, Inc.	C-3-1383	On-call right-of-way engineering and surveying	11/10/2003	12/31/2009	\$ 153,755
	C-6-0670	Development, management, and coordinate freeway chokepoints and retrofit soundwalls	11/27/2006	6/6/2008	\$ 195,000
<b>Sub Total</b>					<b>\$ 348,755</b>
<b>Firm - Prime Only</b>	<b>Contract Number</b>	<b>Description</b>	<b>Contract Start Date</b>	<b>Contract End Date</b>	<b>Contract Amount</b>
T.Y. Lin International	NONE	No contracts have been awarded			
<b>Sub Total</b>					<b>\$ -</b>







BOARD COMMITTEE TRANSMITTAL

**June 8, 2009**

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board  
**Subject:** Agreement for Heating, Ventilation, and Air Conditioning Replacement at the Irvine Sand Canyon Bus Base Maintenance Building

Transit Committee Meeting of May 28, 2009

**Present:** Directors Dalton, Dixon, Nguyen, and Winterbottom  
**Absent:** Directors Brown, Green, and Pulido

**Committee Vote**

This item was passed by all Committee Members present.


**Committee Recommendation**

Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0281 between the Orange County Transportation Authority and Pardess Air, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$285,000, for heating, ventilation, and air conditioning replacement at the Irvine Sand Canyon Bus Base maintenance building.



**May 28, 2009**

**To:** Transit Committee

**From:**  James S. Kenan, Interim Chief Executive Officer

**Subject:** Agreement for Heating, Ventilation, and Air Conditioning Replacement at the Irvine Sand Canyon Bus Base Maintenance Building

### **Overview**

The Orange County Transportation Authority needs to replace the existing heating, ventilation, and air conditioning system at the Irvine Sand Canyon Bus Base maintenance building to reduce maintenance costs and improve energy efficiency. The project is ready for construction and Board of Directors' authorization is required.

### **Recommendation**

Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0281 between the Orange County Transportation Authority and Pardess Air, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$285,000, for heating, ventilation, and air conditioning replacement at the Irvine Sand Canyon Bus Base maintenance building.

### **Discussion**

The Orange County Transit District, predecessor to the Orange County Transportation Authority (Authority), completed construction of the Irvine Sand Canyon Bus Base in two phases, in 1976 and 1981. The existing multi-zone unit servicing the maintenance building was installed in 1987 and is beyond its useful life, requiring frequent and extensive repairs. The project consists of replacing the existing multi-zone unit with five small heating, ventilation, and air conditioning (HVAC) units, each to service a different zone in the building that will improve the building's energy efficiency. The project also includes cleaning of the existing ductwork, new supply and return diffusers, and a new controls system. The building is currently occupied by contract staff who conducts the operations and maintenance of the Authority's ACCESS and contract bus service.

***Procurement Approach***

This procurement was handled in accordance with the Authority's procedures for public works and construction projects, which conform to federal and state requirements. Public works projects are handled as sealed bids and award is made to the lowest responsive, responsible bidder.

Invitation for Bids 9-0281 was released on March 17, 2009, and posted on CAMM NET with an electronic notification sent to 915 firms. The project was advertised on March 20 and March 25, 2009, in a newspaper of general circulation. A pre-bid conference was held on March 26, 2009, and was attended by nine firms. Addendum No. 1 was issued to post pre-bid attendee sheets and Addendum No. 2 was issued to answer questions that were received. On April 16, 2009, five bids were received.

All bids were reviewed by staff from the Rail Programs Division and the Contracts Administration and Materials Management Department to ensure compliance with the terms and conditions, specifications, and drawings. Upon the evaluation of the bids received, the three lowest responsive, responsible bidders for heating, ventilation, and air conditioning replacement are identified below. State law requires award to the lowest responsive, responsible bidder.

<u>Firm and Location</u>	<u>Bid Price</u>
Pardess Air, Inc. Los Angeles, California	\$285,000
Dalke & Sons Construction Riverside, California	\$297,350
Los Angeles Air Conditioning LaVerne, California	\$408,000

The engineer's estimate for this project is \$284,575. The recommended firm's bid is within one-half of 1 percent of the engineer's estimate and therefore considered fair and reasonable. Staff recommends award of the HVAC replacement contract to Pardess Air, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$285,000.

**Agreement for Heating, Ventilation, and Air Conditioning  
Replacement at the Irvine Sand Canyon Bus Base  
Maintenance Building**

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**Page 3**

**Fiscal Impact**

The project was approved in the Authority's Fiscal Year 2008-09 Budget, Rail Programs, Account 1722-9022-D3122-FXY, and will be funded through Section 5307 formula funds, in the amount of \$228,000, with the local 20 percent match of \$57,000 funded through the Orange County Transit District.


**Summary**

Based on the information provided, staff recommends award of Agreement No. C-9-0281 to Pardess Air, Inc., in an amount not to exceed \$285,000, for heating, ventilation, and air conditioning replacement at the Irvine Sand Canyon Bus Base maintenance building.


**Attachment**

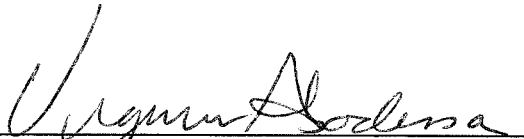
None.

**Prepared by:**

  
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**Approved by:**

  
Darrell Johnson  
Executive Director, Rail Programs  
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Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
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BOARD COMMITTEE TRANSMITTAL

June 8, 2009

**To:** Members of the Board of Directors  
**From:** Wendy Knowles, Clerk of the Board <sup>WK</sup>  
**Subject:** Amendment to Cooperative Agreements with the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project

Highways Committee Meeting of June 1, 2009

**Present:** Directors Amante, Cavecche, Glaab, Mansoor, and Pringle  
**Absent:** Directors Dixon, Green, and Norby

**Committee Vote**

This item was passed by all Committee Members present.

**Committee Recommendations**

- A. Approve Amendment No. 1 to Cooperative Agreement No. C-7-1151 to add \$1.3 million to pay for additional final design services provided by the California Department of Transportation on the Riverside Freeway (State Route 91) Eastbound Project.
- B. Approve Amendment No. 2 to Cooperative Agreement No. C-7-1152 to add \$350,000 to pay for additional right-of-way acquisition services provided by the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project.
- C. Amend the Orange County Transportation Authority Fiscal Year 2009-10 Budget to add \$1.65 million to pay for additional project support services provided by the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project.

**Staff Comments**

Separate action to amend the fiscal year 2009-10 budget included as Recommendation C is no longer required. Staff was able to amend the draft fiscal year budget to include the increase of \$1.65 million for the two Caltrans cooperative agreement amendments prior to final submittal of the full budget to the Board on June 8, 2009.



*June 1, 2009*

**To:** Highways Committee

**From:** *JK* James S. Kenan, Interim Chief Executive Officer

**Subject:** Amendment to Cooperative Agreements with the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project

**Overview**

The California Department of Transportation has requested amendments to two cooperative agreements to fund additional project support services for final design and right-of-way acquisition for the Riverside Freeway (State Route 91) Eastbound Project and is requesting the Board of Directors approve these cost increases and provide additional local funding to pay for the additional services.

**Recommendations**

- A. Approve Amendment No. 1 to Cooperative Agreement No. C-7-1151 to add \$1.3 million to pay for additional final design services provided by the California Department of Transportation on the Riverside Freeway (State Route 91) Eastbound Project.
- B. Approve Amendment No. 2 to Cooperative Agreement No. C-7-1152 to add \$350,000 to pay for additional right-of-way acquisition services provided by the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project.
- C. Amend the Orange County Transportation Authority Fiscal Year 2009-10 Budget to add \$1.65 million to pay for additional project support services provided by the California Department of Transportation for the Riverside Freeway (State Route 91) Eastbound Project.



***Background***

The Riverside Freeway (State Route 91) Eastbound Project is an \$80.8 million investment which adds a new general purpose lane in the eastbound direction on State Route 91 from the Eastern Transportation Corridor (State Route 241) in Orange County to the Corona Expressway (State Route 71) in Riverside County. The Orange County Transportation Authority (OCTA) is funding the project using a combination of federal, state, and local funds. The cost of final design and right-of-way (ROW) acquisition is being funded with local monies.

The local funds for the final design and ROW acquisition were provided by OCTA's 91 Express Lane funds and Riverside County Transportation Commission's (RCTC) share of state funds. The budget for final design was \$6.7 million, which was shared at \$1.7 million by OCTA and \$5 million by RCTC. The budget for ROW acquisition was \$1.4 million, all paid by OCTA. Of this amount, \$1 million was for ROW capital costs and \$400,000 for ROW acquisition services.

Design and ROW work are complete to the point where the project is being prepared for advertisement for construction bids. Start of construction is expected to be in September 2009.

***Discussion***

The California Department of Transportation (Caltrans) was assigned to be the implementing agency for final design, ROW acquisition, and construction of the State Route 91 eastbound project. Caltrans is doing this work using state employees. The original budget for final design of the project was \$6.7 million. This amount needs to be revised by \$1.3 million for a new total of \$8 million. For ROW acquisition services the current budget is \$400,000. Caltrans is requesting to increase this amount by \$350,000 for a new total of \$750,000 (Attachment A).

Most of the final design and ROW acquisition has been completed on the project and the funds requested have already been expended. At this time, Caltrans is requesting an amendment to the existing cooperative agreements to provide funding to reimburse the state for these costs. The only eligible source of funding to pay for these additional services is local money from OCTA.

These additional costs were not anticipated when developing the OCTA Fiscal Year (FY) 2009-10 Budget. The FY budget will need to be amended to increase the authorized amount by \$1.65 million to pay for these cost increases. Funding will be provided by excess toll revenues generated by the 91 Express Lanes. Instead of retiring 91 Express Lanes subordinated debt, these excess revenues will be used to fund the project. It is still anticipated that the full retirement of the subordinated debt will occur in FY 2011.

#### **Fiscal Impact**

The OCTA FY 2009-10 Budget must be amended to include an additional \$1.65 million in funding for the State Route 91 Eastbound Project. The account codes are 0036-7519/FJ100-HGL for design and 0036-7514/FJ100-HGK for ROW. The funds would come from excess toll revenues generated by the 91 Express Lanes.

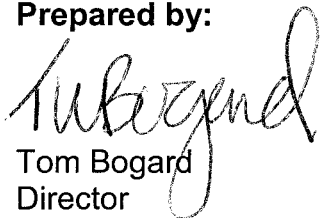
#### **Summary**

The original budget for final design and ROW acquisition for the State Route 91 Eastbound Project has been exceeded by Caltrans. Caltrans is requesting an amendment to two cooperative agreements for a total of \$1.65 million to pay for the additional services. An amendment to the FY 2009-10 budget is also necessary to pay for the changes in the cooperative agreement amendments.

***Attachments***

- A. Department of Transportation District 12 Letter dated May 21, 2009, to Interim Chief Executive Officer James S. Kenan
- B. Agreement No. C-7-1151 Fact Sheet, Caltrans Agreement No. 12-569
- C. Agreement No. C-7-1152 Fact Sheet, Caltrans Agreement No. 12-573

**Prepared by:**

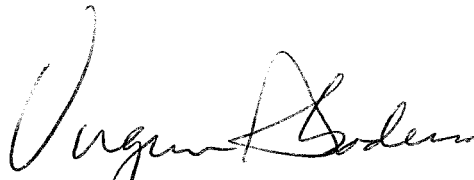


Tom Bogard  
Director  
Highway Project Delivery  
714-560-5918

**Approved by:**



Kia Mortazavi  
Executive Director, Development  
714-560-5741



Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
714-560-5623

**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!*

May 21, 2009

James S. Kenan  
Interim Chief Executive Office  
Orange County Transportation Authority  
P.O. Box 14184  
Orange, CA 92863-1584

Dear Mr. Kenan:

After the approval of Proposition 1B in 2006 by the voters of the State of California, the California Department of Transportation (Department) collaborated with the Orange County Transportation Authority (OCTA) and succeeded in securing funding for five projects in Orange County, including the eastbound State Route 91 (SR-91) lane addition project from SR-241 to SR-71. The success in securing Proposition 1B funding for this project was coupled with the challenge of delivery within a tight timeline per Proposition 1B and later on the Recovery Act timelines. Our collaborative strategy was to combine the delivery power of consultant and Department resources having the consultant prepare the Project Report and Environmental Document while the Department would accelerate design efforts. I am pleased to share with you that the project has now met the 120-day Recovery Act obligation requirement and has a planned bid opening date of July 30.

There is a need to address the costs associated with project acceleration of design and right of way activities, \$1,300,000 and \$350,000 respectively. The primary factors contributing to increase these costs were the geotechnical and structural design related to the prehistoric Mindeman slide; the design for relocating Toll Road equipment as the project included widening the median shoulder to standard width for safety enhancement; extensive alternative design for improvements with the BNSF railroad in order to obtain required railroad construction and maintenance agreements; and eminent domain proceedings for relocation of access road easement rights for one property.

The Department and OCTA staff have worked as a cohesive team throughout the project and determined these efforts are prudent in order to keep the project on schedule. The Department requests OCTA's approval of the cooperative agreement amendments 12-569 A1 for design cost and 12-573 A2 for right of way support cost. The Department appreciates the partnership with OCTA to bring about successful delivery of this project. An Executive Progress Summary is attached for your information. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Quon".

CINDY QUON  
Director  
District 12

Enclosure



# SR-91 EB LANE ADDITION FROM ROUTE 241 TO RTE 71

EA 12-0G0401

## Executive Progress Summary

May 21, 2009



### Project Schedule:

Final PR/ED	December 1, 2007	<i>Actual December 28, 2007</i>
Right of Way Cert/RTL:	March 2009	<i>Actual May 14, 2009</i>
Listing for Advertisement:	May 18, 2009	<i>Actual May 18, 2009</i>
ARRA Funds Obligation	May 21, 2009	
Advertise:	June 8, 2009	
Bid Opening:	July 30, 2009	

Component Cost Estimate:	Approved	Current	Difference
PA&ED Support	\$ 1,944,000	\$ 1,944,000	\$ 0
Design Support	\$6,700,000	\$ 8,000,000	<b>\$1,300,000</b>
Construction Capital:	\$65,000,000	\$58,852,000	\$(6,148,000)
Construction Support:	\$ 6,440,000	\$ 9,000,000	\$2,560,000
Right of Way Capital:	\$ 924,000	\$ 924,000	\$ 0
Right of Way Support:	\$ 400,000	\$ 750,000	<b>\$ 350,000</b>
<b>Total:</b>	<b>\$81,408,000</b>	<b>\$79,470,000</b>	<b>\$(1,938,000)</b>

**Total Project Savings: \$1,938,000**

### Funding Sources:

Design:	\$5,000,000 (TCRP) + \$1,700,000 (OCTA) {requesting \$1,300,000}
Construction Capital/Support:	\$65,000,000 (CMIA) / \$6,440,000 (CMIA)
Right of Way Capital/Support:	\$924,000 (OCTA) / \$400,000 (OCTA) {requesting \$350,000}

### Major Activities:

- RON approved by the CTC for the Starranch parcel on May 14, 2009
- Ready to List achieved on May 14, 2009.
- Federal Obligation obtained by May 21, 2009.
- Advertisement on June 8, 2009; Bid opening on July 30, 2009.
- OCTA requesting bond credit to be programmed as follows: SR-57 (\$54.5M to Orangethorpe to Lambrecht; \$14.6M to Katella to Lincoln), and \$2.3M to West County Connectors.

### Current Issues:

- Design and Right of Way support cost increase –
  - Geotechnical and structural design related to the prehistoric Mindeman slide
  - Design for relocating Toll Road equipment
  - Extensive alternative design for improvements with BNSF to obtain railroad agreements
  - Imminent domain proceedings for relocation of access road easement rights for one property
  - Addressing unforeseen utility impacts

Agreement No. C-7-1151 Fact Sheet  
Caltrans Agreement No. 12-569

1. March 3, 2008, Agreement No. C-7-1151, \$1.7 million, approved by the Board of Directors.
  - To widen eastbound State Route 91 with an additional lane in the eastbound direction from the State Route 241/State Route 91 interchange in Orange County to the State Route 71/State Route 91 interchange in Riverside County.
2. June 8, 2009, Amendment No. 1 to Agreement No. C-7-1151, \$1.3 million, pending Board of Directors approval.
  - For additional design services.

Total committed to Caltrans after approval of Amendment No. 1 to Agreement No. C-7-1151 will be \$3 million.

Agreement No. C-7-1152 Fact Sheet  
Caltrans Agreement No. 12-573

1. November 27, 2007, Agreement No. C-7-1152, \$1,016,400, approved by the Board of Directors.
  - To provide right-of-way support to widen eastbound the State Route 91 with an additional lane in the eastbound direction from the State Route 241/ State Route 91 interchange in Orange County to the State Route 71/ State Route 91 interchange in Riverside County.
2. December 1, 2008 , Amendment No. 1 to Agreement No. C-7-1152, \$400,000, approved by the Board of Directors.
  - For additional right-of-way support services.
3. June 8, 2009, Amendment No. 2 to Agreement No. C-7-1152, \$350,000, pending Board of Directors approval.
  - For additional right-of-way support services.

Total committed to Caltrans, after approval of Amendment No. 2 to Agreement No. C-7-1152 will be \$1,766,400







**ARTIC**

**ARTIC Phase 1 – Initial Transportation Center**  
Environmental Clearance, Architectural / Engineering (A/E) Selection and Design Process

Orange County Transportation Authority  
Board of Directors Meeting  
June 8, 2009



**Project Update**



**Jennifer Bergener** – Rail Program Manager, OCTA  
*Overview / Schedule / Environmental*



**Jamie Lai, P.E.** - Transit Manager, City of Anaheim  
*RFP Process / Selection / Conceptual Design*

## Project History

- Jointly led project between OCTA and City of Anaheim
- OCTA Board approved project description and three phase delivery approach - November 2008
- OCTA Board approved environmental and advance conceptual engineering - February 2009
- OCTA Board approved the full funding request for ARTIC - March 2009
- OCTA Board approved the full funding plan for Phase 1 - May 2009

## Funding Summary for ARTIC Phase 1

This comprehensive plan provides for \$178.86 million as follows:

<b>Funding Source</b>	<b>Amount (in millions)</b>
Renewed Measure M - Project T Bond Proceeds	\$ 81.60
Measure M Transit Revenue	\$ 6.00
2008 State Transportation Improvement Program	\$ 29.22
Proposition 116	\$ 58.84
Federal Earmark	\$ 3.20
<b>Total</b>	<b>\$178.86</b>

## Status & Key Dates:

- Environmental Clearance underway (OCTA) .....April 2009
  - Jones & Stokes
  - Includes associated advanced conceptual design (30%)
- Architectural & Engineering (City).....May 2009
  - Parsons Brinckerhoff/HOK
  - Architecture & Final Design
- Environmental Clearance Complete.....October 2010
- Construction Start (City).....2011
- Construction Complete (Phase 1)- Station Operational.....2013

## Overview of A/E Procurement

### RFQ

- Release date - 2/11/09
- Distributed to domestic and int'l firms
- 19 SOQ submittals - 2/27/09
- Short list of six (6) firms - 3/13/09

### RFP

- Release date - 3/13/09
- 5 proposal submittals - 4/10/09
- Evaluation committee members
  - City - Public Works, Planning, Utilities
  - OCTA
  - KTG

### Highest Scoring Team

- Unanimous decision
- Clear scoring gap between PB/HOK and other teams



## Parsons Brinckerhoff / HOK

Parsons Brinckerhoff and HOK (PB/HOK) team clearly distinguished themselves as the most qualified and responsive team.

PB/HOK team brings unique services to help ensure the long-term success of the ARTIC Phase 1 project, including:

- Alignment with the City and OCTA objectives for ARTIC Phase 1
- Functional design with emphasis on multi-modal connectivity
- Iconic and timeless architectural design
- A thorough approach to LEED Platinum Certification
- Master site planning
- An extensive public involvement program
- Cost estimating and a "managing to budget" approach
- Proposal quality
- Impressive and professional interview
- Demonstrated team chemistry



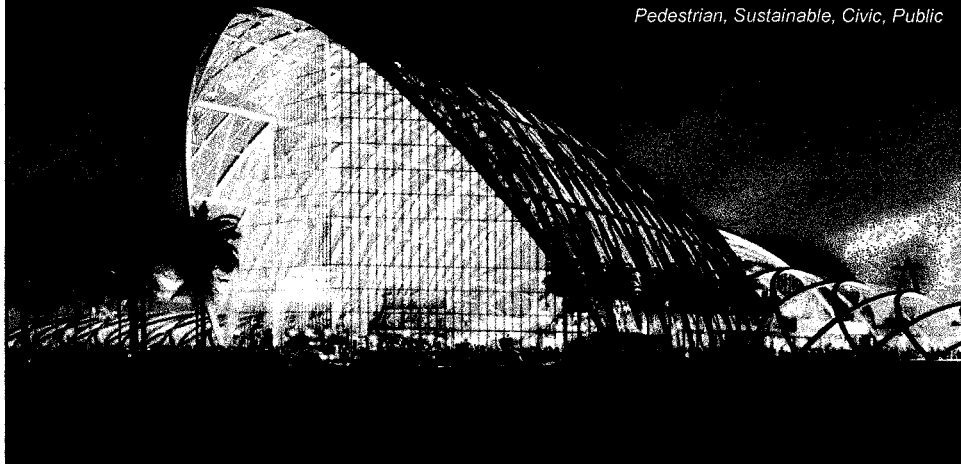
## CONCEPTUAL DESIGN:

A Soaring Open Space...

**World Class Transportation Hub:**  
*Functional, Adaptable, Flexible*

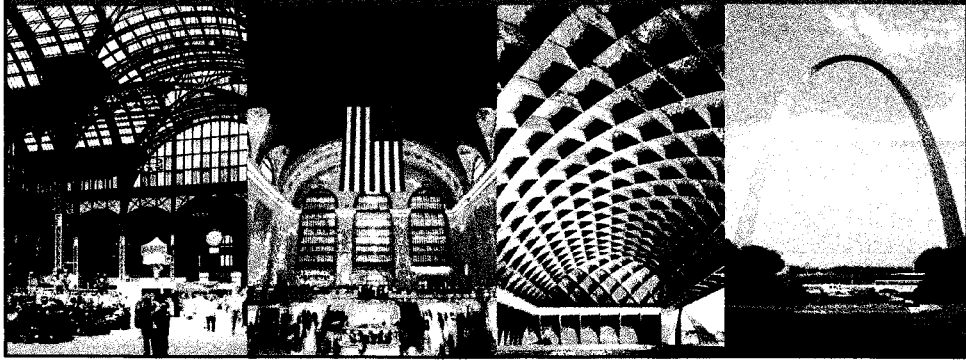
**An Iconic Design:**  
*Skyline Presence and Visibility*

**Vibrant Urban Center:**  
*Pedestrian, Sustainable, Civic, Public*



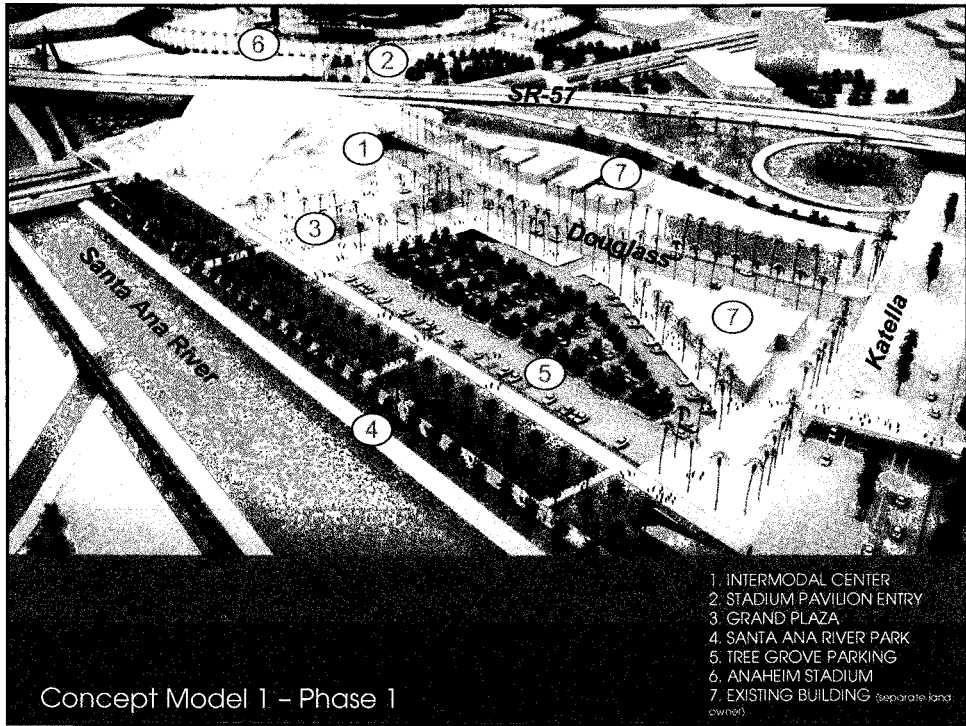
An American Train Station for the 21<sup>ST</sup> Century,  
Visionary, Timeless...

**“Arrival, Entrance, Destination, Gateway, Passage”**

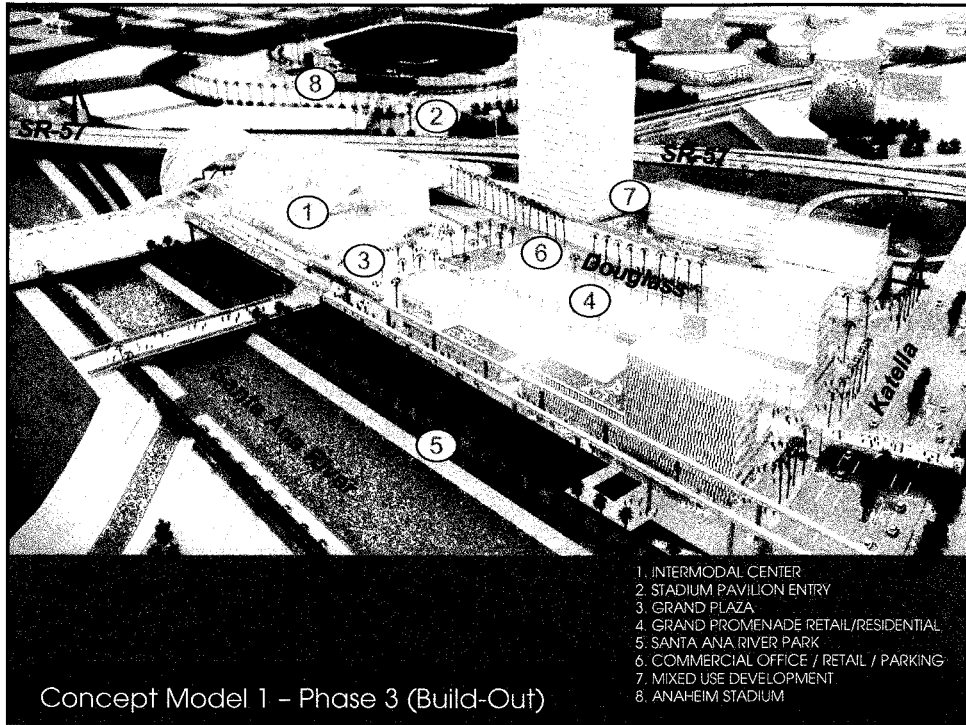


A Vision of  
Open Space,  
Light, Volume,  
Velocity,  
Movement...



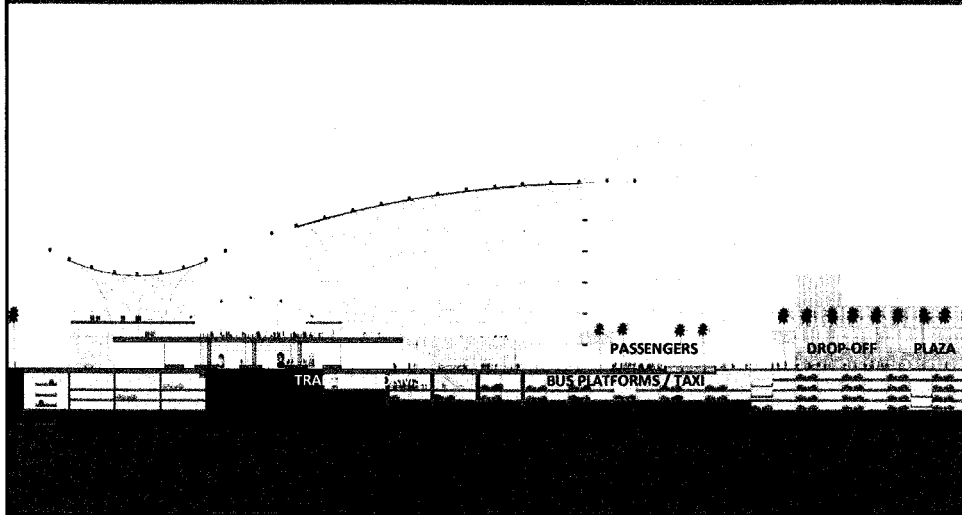


Concept Model 1 - Phase 1



Concept Model 1 - Phase 3 (Build-Out)

## Cross-Section through Terminal Building and Plaza



Parsons Brinckerhoff / HOK

### Conceptual Design

- Allows for strong multi-modal connectivity
- Simple and efficient circulation
- Provides seamless integration to Phases 2, 3 and the Honda Center
- Design promotes a scale and form that responds to the human experience
- An Iconic, Bold and Functional Design in Phase 1
- Provides a grand, central indoor/outdoor civic space
- Responds to "Sense-of-Place" and Orange County history
- External membrane will be the same concept as Beijing Olympic Swim Stadium – the "Water Cube" (ETFE air-filled pillows control amount of sunlight and thermal balance)
- Logical phasing allows for future market-capture opportunities
- Master Plan provides an urban experience along the promenade and a more passive river-edge experience

## Next Steps

- Continued coordination between OCTA and City for Environmental & Design
- Program Manager Proposals Due ..... June 2009

