OCTA

COMMITTEE TRANSMITTAL

September 28, 2015

To: Members of the Board of Directors

From: Laurena Weinert Clerk of the Board

Subject: Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Improvement Project

Regional Planning and Highways Committee Meeting of September 11, 2015

Present: Directors Bartlett, Donchak, Lalloway, Miller, Spitzer, and Ury
Absent: Director Nelson

Committee Vote

This item was passed by the Members present.

Director Donchak was not present to vote on this item.

Director Miller voted to oppose.

Committee Recommendations

A. Adopt findings and facts in support of Findings and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, and approve the Interstate 405 Improvement Project as identified and approved by the California Department of Transportation, the lead agency under the California Environmental Quality Act.

B. Authorize the Chief Executive Officer, or his designee, to implement the Interstate 405 Acquisition – Incentive Payment Program to acquire needed right-of-way for the Interstate 405 Improvement Project which is consistent with Federal Highways Administration and California Department of Transportation guidelines.

C. Authorize the Chief Executive Officer, or his designee, to execute agreements to acquire needed right-of-way in accordance with the modified settlement delegation authority for the Interstate 405 Improvement Project.

Committee Discussion

Board Chairman Lalloway requested that the Chief Executive Officer provide a monthly report to the Board regarding the Interstate 405 Improvement Project administrative and legal settlements entered into for property acquisitions.

ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Improvement Project

Staff Report

OCTA

September 11, 2015

To: Regional Planning and Highways Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Improvement Project

Overview

The Orange County Transportation Authority is implementing the Interstate 405 Improvement Project, which requires acquisition of property from public and private parties for the construction of freeway improvements. The Orange County Transportation Authority's ability to enter into agreements with property owners to acquire needed right-of-way in an expedited manner is necessary to assist in maintaining the design-build project delivery schedule. Additionally, the California Environmental Quality Act requires the Orange County Transportation Authority to consider the environmental impact report prepared by the California Department of Transportation and adopt specific findings.

Recommendations

A. Adopt findings and facts in support of Findings and Statement of Overriding Considerations, and the Mitigation and Monitoring Reporting Program, and approve the Interstate 405 Improvement Project as identified and approved by the California Department of Transportation, the lead agency under the California Environmental Quality Act.

B. Authorize the Chief Executive Officer, or his designee, to implement the Interstate 405 Acquisition – Incentive Payment Program to acquire needed right-of-way for the Interstate 405 Improvement Project which is consistent with Federal Highway Administration and California Department of Transportation guidelines.

C. Authorize the Chief Executive Officer, or his designee, to execute agreements to acquire needed right-of-way in accordance with the modified settlement delegation authority for the Interstate 405 Improvement Project.

Background

On April 27, 2015, the Orange County Transportation Authority (OCTA) Board of Directors (Board) authorized the negotiation and execution of the design-build (DB) cooperative agreement with the California Department of Transportation (Caltrans) for OCTA to construct and implement the Interstate 405 (I-405) Improvement Project (Project). The Project will add one general purpose lane in each direction from Euclid Street to Interstate 605 (I-605), consistent with the voter-approved Measure M2 (M2) Project K. The Project will also construct an additional lane in each direction that will be combined with the existing high-occupancy vehicle lane to provide dual express lanes in each direction from State Route 73 to I-605.

Pursuant to the DB cooperative agreement, Project construction and implementation was made contingent upon the completion of all required environmental review and clearances under the California Environmental Quality Act (CEQA) and the National Environmental Protection Act. The Project's final environmental impact report (EIR)/environmental impact statement was recently completed and approved by Caltrans. Throughout the environmental and preliminary engineering process, OCTA and Caltrans have made extensive efforts to minimize the impacts to property owners; however, the Project will require the acquisition of both public and private lands. Pursuant to the DB cooperative agreement, OCTA will acquire all necessary property for the Project.

OCTA has adopted Real Property Department Policies and Procedures (RPDPP) to properly handle the acquisition of property rights. The RPDPP incorporates requirements set by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). The Uniform Act was enacted by the federal government to ensure real property is acquired, and that relocation of persons, businesses, and personal property is performed in an equitable, consistent, and equal manner. The RPDPP also incorporates State of California laws and regulations enacted to provide benefits and safeguards to property owners.

Discussion

The Project is being implemented through a DB contract, which requires all right-of-way (ROW) needed to implement the Project be available to the DB contractor at prescribed points in the contract. Failure to acquire and obtain possession of the needed property for the Project will create significant risk of DB contractor delay claims against OCTA. ROW acquisition is a critical path

activity in carrying out the Project implementation. Staff is recommending the following two actions to expedite the acquisition of property.

I-405 Acquisition – Incentive Payment Program

In accordance with federal and state laws and regulations, statutory offers for purchase will be made for an amount established as just compensation which shall be determined through the appraisal process. Pursuant to these laws, OCTA is required to offer property owners the full amount of the appraisal. In an effort to expedite agreements with property owners, staff requests approval of the proposed I-405 Acquisition – Incentive Payment Program (Payment Program) to acquire needed ROW for the Project (Attachment A). OCTA's Payment Program will be consistent with Federal Highway Administration (FHWA)- and Caltrans-adopted guidelines, as shown in the Caltrans memorandum in Attachment B.

The Payment Program will provide an incentive to all property owners that execute an agreement within 60 days of the first written offer. The Payment Program incentive will allow payment of a lump sum of 20 percent above the appraised value, with a minimum payment of $1,000, and a maximum payment of $100,000 for each acquisition. The Payment Program is intended to help maintain the Project's DB delivery schedule, reduce the possibility of impasses in negotiations with property owners, and reduce Project legal and administrative costs in trying to reach settlements. Recent studies by FHWA on the use of incentive payments on transportation projects demonstrate that incentive payments can be effective in decreasing the time to acquire needed ROW. Considering fluctuating cost trends for real estate and construction labor and materials, as well as legal expense and Project delay cost risks associated with eminent domain, it is in the interest of the public and OCTA to use any method available to produce transportation projects quickly with as little reliance on eminent domain as possible. In 2013, Caltrans District 12 was the first agency to implement this type of incentive program in California. The State Route 91 Westbound Widening Project from State Route 55 to Tustin Avenue required 19 separate acquisitions consisting of both private and public ownerships. The Caltrans incentive payment program utilized a ten to 20 percent incentive payment based on the value of appraisal, provided the owner executed a contract within 60 days of the first written offer. Caltrans was successful in acquiring 18 of the 19 required parcels for the project as a result of the incentive payment. Caltrans has also recommended that OCTA implement the Payment Program using a 20 percent incentive payment.

I-405 Acquisition Modified Settlement Delegation Authority

A second method recommended to expedite the acquisition of property to help maintain the Project's DB delivery schedule is to implement modifications to the existing Board-approved settlement delegation authority thresholds approved in the RPDPP. The requested modification would be related to ROW acquisition, negotiation, and eminent domain only for the Project. The proposed modifications authorize the Chief Executive Officer (CEO) to approve a settlement when the difference between the approved appraisal and the proposed settlement is no more than 50 percent over the approved appraisal, and no more than $500,000. This is an increase in settlement authority of $250,000 from the existing policy. The CEO will also be authorized to approve a settlement when the difference between the approved appraisal and the proposed settlement is more than 50 percent over the approved appraisal, but not more than $100,000. This is an increase in settlement authority of $75,000 from the existing policy. This $100,000 threshold is intended to resolve issues for smaller-valued parcels. A comparison of the existing settlement delegation authority to the proposed Project-only settlement delegation authority is shown in Attachment C. The Project requires staff to enter into hundreds of ROW agreements over the next three years. The modifications to the settlement authority are intended to allow staff to react more quickly to reach a resolution of issues with property owners and reduce administrative and legal costs of lengthy negotiations. Based on the cost estimates for the Project, it is anticipated that a majority of the appraised values and subsequent ROW agreements with property owners will fall within the range of the requested modified Project-only settlement delegation authority. All proposed settlements will still require legal review and written justification that the proposed settlement is fair and reasonable.

It is critical to acquire as much ROW as possible prior to the beginning of construction, as shown in the ROW delivery schedule (Attachment D). The acquisition of property early in the DB process reduces OCTA's risk by providing more flexibility in the contractor's planning and performance of work, and will result in a more favorable pricing for construction. The proposed Payment Program and modifications to the existing settlement delegation authority will be useful tools to allow staff to streamline the delivery of ROW, lessens the risk to OCTA for construction delays, and takes full advantage of the DB delivery method.

Environmental Review

OCTA has been involved in the Project environmental review process since its initiation in 2009. Since OCTA is primarily responsible under the DB cooperative agreement for constructing and implementing the Project, it is considered a responsible agency. As defined by CEQA, a responsible agency is a public agency, other than the lead agency, that is responsible for carrying out or approving a project for which a lead agency has prepared an EIR or negative declaration. The responsible agency may rely on the lead agency's environmental document. When an EIR has been certified and it identifies one or more significant environmental effects, the responsible agency also needs to adopt Findings and Statement of Overriding Considerations as appropriate.

Since OCTA will be the agency responsible for constructing and implementing the Project, CEQA requires OCTA to approve similar actions as those taken by Caltrans to approve the Project. On June 17, 2015, Caltrans, as the lead agency under CEQA, took several actions that completed the CEQA environmental phase for the Project which included:

1. Certifying the final EIR;
2. Adopting the Findings and Statement of Overriding Considerations for the Project;
3. Adopting the Mitigation and Monitoring Reporting Program for the Project; and
4. Approving the Project.

OCTA's role as a responsible agency in reviewing the final EIR is to consider the Project's environmental impacts, the extent to which impacts have been lessened or avoided, and for those significant environmental impacts that remain, whether to adopt a Statement of Overriding Considerations. OCTA must make its own findings for each significant effect of the Project. If approved, OCTA will file a Notice of Determination stating that it considered the final EIR and approved the Project.

OCTA and Caltrans staff implemented an extensive outreach effort to collect comments on the draft EIR, and those comments were subsequently addressed in the final EIR which is available on the Project website. The comments received from the public and from public agencies resulted in new traffic analysis to identify potential traffic impacts in the Long Beach area that were presented and publicly circulated in a supplemental draft EIR and for which a public hearing was held. The information presented in the supplemental draft EIR was

incorporated into the final EIR. The supplemental draft EIR resulted in additional mitigation measures being added to the final EIR.

The findings adopted by Caltrans identified the following environmental categories that will result in less than significant impacts through the adoption of feasible mitigation measures (paleontological/cultural resources, geology and soils, and hazards and hazardous materials). The findings identify environmental categories (visual quality and/or character, permanent increased urbanization, and temporary construction detours and closures) that will result in significant environmental impacts, even with the implementation of mitigation measures. The findings identify a possible category (transportation/traffic) that may result in significant cumulative impacts if the cost differential were not paid by other entities, causing cumulative traffic impacts, resulting in failure to implement the proposed mitigation measures. The attached Findings for the Project summarizes the evidence relied upon by Caltrans in making its findings (Attachment E).

To address the unavoidable significant environmental impacts noted in the paragraph above, Caltrans adopted a Statement of Overriding Considerations concluding that the free-flow conditions in the Express Lanes, encouragement of carpooling and transit use, air quality improvements, lower travel time and higher travel speeds, enhanced trip reliability, construction employment, provision of safe Americans with Disabilities Act-compliant pedestrian facilities, or other benefits of the Project outweigh the unavoidable significant visual impacts, urbanization impacts, temporary construction detour and closure impacts, and possible cumulative traffic impacts created by Project construction (Attachment F). The Statement of Overriding Considerations summarizes those benefits found by Caltrans to outweigh the impacts, which are also summarized in the Statement of Overriding Considerations.

A Mitigation Monitoring and Reporting Program to ensure implementation of measures to reduce or eliminate other Project environmental impacts was approved by Caltrans and is included as Attachment G.

During the CEQA process, OCTA reviewed all comments on the draft EIR, supplemental draft EIR, and final EIR, and assisted with the preparation of written responses to those comments. Ultimately, all issues identified in comment letters were in OCTA staff's opinion appropriately addressed in the final EIR. Staff concurs with the findings made by Caltrans and recommends the OCTA Board adopt the Findings and Statement of Overriding Considerations and the Mitigation and Monitoring Reporting Program for the Project as identified and approved by Caltrans.

Next Steps

Pending Board approval of these items, OCTA will modify the settlement delegation authority for the Project in accordance with this report and implement the incentive payment for property acquisition. Additionally, OCTA will file a Notice of Determination with the Orange County Clerk and the State Clearinghouse to document that OCTA, as a responsible agency, considered the EIR as certified by Caltrans.

Fiscal Impact

The anticipated apparent costs for the Payment Program is estimated up to $5,000,000 and is anticipated to be offset by cost savings through a reduction in legal fees and additional administrative costs. The Project is included in OCTA's Fiscal Year 2015-16 Budget, Capital Programs Division, Account 0017-9021-FK101-0DW, and is funded with M2, state, and federal funds.

Summary

Staff requests the Board of Directors to adopt Findings and Statement of Overriding Considerations and the Mitigation and Monitoring Reporting Program, approve the Interstate 405 Improvement Project as identified and approved by the California Department of Transportation, and authorize the Chief Executive Officer, or his designee, to implement the Interstate 405 Acquisition – Incentive Payment Program and to execute agreements in accordance with the modified Interstate 405 settlement delegation authority.

Attachments

A. Orange County Transportation Authority Interstate 405 Acquisition – Incentive Payment Program
B. California Department of Transportation Memorandum on Acquisition – Incentive Payment Program
C. Interstate 405 Improvement Project Modified Settlement Delegation Authority
D. Right-of-Way Delivery Schedule
E. Findings for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605
F. California Department of Transportation Statement of Overriding Considerations for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605
G. Mitigation and Monitoring Reporting Program

Prepared by:

Joe Gallardo
Manager, Real Property
(714) 560-5546

Approved by:

Jim Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646

ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Design-Build Improvement Project

Attachment A

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERSTATE 405 ACQUISITION – INCENTIVE PAYMENT PROGRAM

The Orange County Transportation Authority (OCTA) Acquisition – Incentive Payment Program (Payment Program) encourages the expeditious acquisition of needed real property and is consistent with the intent of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). The Federal Highway Administration (FHWA), Office of Real Estate Services, has determined that the FHWA may participate in right-of-way acquisition incentive payments made under the FHWA-approved plan or program. Acquisition incentive payments are payments that are over and above the just compensation offer provided by the Uniform Act.

The authority for the FHWA to participate in incentive payments is found in 23 CFR 710.203(b)(2)(ii) which allows federal participation in relocation assistance and payments provided under the law of the State that may exceed the requirements of 49 CFR Part 24. The FHWA has the general authority to participate in the costs of construction that includes costs of right-of-way acquisition (See 23 U.S.C. §101(a)(3)). The use of incentive programs for right-of-way acquisition is analogous to the use of incentive/disincentive provisions for early completion in contracts for construction of federal aid projects (See 23 CFR 635.127(d)).

On June 12, 2014, the California Department of Transportation (Caltrans) adopted an Acquisition – Incentive Payment Program.

Based on the authority granted by the OCTA Board of Directors and the concurrence of FHWA and Caltrans, OCTA shall implement the I-405 Payment Program as follows:

Written offers to owners for the purchase of their property shall be based on the fair market value of the property (just compensation). The I-405 Payment Program payment (Payment) amounts will be based on the appraised value. The use of the Payment does not preclude the use of administrative and legal settlements, and each administrative and legal settlement will require independent support.

The procedures on the Payment shall incorporate the same level of safeguard against coercive negotiation practices as do standard OCTA's Real Estate Policies and Procedures and Caltrans' Right-of-Way Procedures. Per federal regulation, OCTA is required to allow at least 30 days for property owners to consider an offer prior to initiating the condemnation process (See 49 CFR 24.102(f) and Appendix A). Parcels acquired using acquisition incentive offers will be subject to the same quality control and quality assurance processes that are used for OCTA's right-of-way activities.

The Payment will be offered for both permanent and temporary acquisitions.

For all offers, the Payment for a permanent or temporary acquisition will be based on a lump sum payment of 20 percent of the appraised value of all parcels under the same ownership with a minimum payment of $1,000, and a maximum payment of $100,000.

The Payment amount will be calculated on the final appraised value and will then be rounded separately from the final appraised value based on the rounding rules found in Section 7.02.11 of the Caltrans' Right-of-Way Manual.

The Payment is a standing offer for 60 days. The 60 days starts with the Initiation of Negotiations (ION) as day one. The 60 days includes weekends and holidays. For mailed offers, it starts on the date the offer was received by certified mail.

If the 60th day falls on a weekend or holiday and the OCTA acquisition agent working with the grantor will not be available to conduct business with the grantor, the agent may end the incentive period on the first working day after the 60-day period is complete. Personal leave of the OCTA acquisition agent working with the grantor will not be cause to extend the incentive period. An alternate OCTA acquisition agent should be identified to address the issue.

The Payment offer will end at the execution of the right-of-way contract or at 5:00 p.m. on the 60th day if a right-of-way contract has not been signed by grantor. The 60 days will restart with a new offer based on an approved appraisal revision if one is deemed necessary by OCTA. An appraisal revision may result in a change in the Payment amount.

The Payment is a standing offer for 60 days regardless of OCTA initiating eminent domain proceedings. Additionally, this time period will be sufficient to allow the property owner the opportunity to obtain their own appraisal where OCTA pays the reasonable cost of the appraisal up to $5,000, as provided by California Code of Civil Procedure section 1263.025.

The following clause will be used in right-of-way contracts pertaining to the Payment Program for the Interstate 405 Improvement Project (Project):

> "In addition to the Fair Market Value, it is agreed by and between the parties hereto that the amount in clause XX above includes the sum of $ _____ as an incentive to the grantor for the timely signing of this Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE)."

The I-405 Payment Program will be applied to all parcels in the Project, including public agencies, regardless of type, size, appraisal, amount, or ownership.

I-405 Acquisition – Incentive Payment Program

Acquisition Type	Incentive Amount	Minimum Payment	Maximum Payment
Temporary or Permanent	20% of Appraisal	$1,000	$100,000

Example 1
(Minimum Payment)

Appraised Value	$4,500
Calculated at 20%	$900
Minimum Payment	$1,000
Incentive Payment for Acquisition	$1,000
Total Amount of Just Compensation	**$5,500**

Example 2
(20% Payment)

Appraised Value	$50,000
Calculated at 20%	$10,000
Incentive Payment for Acquisition	$10,000
Total Amount of Just Compensation	**$60,000**

Example 3
(Maximum Payment)

Appraised Value	$1,000,000
Calculated at 20%	$ 200,000
Maximum Payment	$ 100,000
Incentive Payment for Acquisition	$ 100,000
Total Amount of Just Compensation	**$1,100,000**

ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Design-Build Improvement Project

Attachment B

ATTACHMENT B

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

Serious drought.
Help Save Water!

To: DISTRICT DIRECTORS
DISTRICT REGION RIGHT OF WAY MANAGERS

Date: June 12, 2014

File: Acquisition

From: BRENT L. GREEN
Chief
Division of Right of Way and Land Surveys

Subject: **ACQUISITION – INCENTIVE PAYMENT PROGRAM**

The Federal Highway Administration (FHWA), Office of Real Estate Services has determined that the FHWA may participate in right-of-way acquisition incentive payments made under an FHWA approved plan or program. Acquisition incentive payments (Payments) are payments that are over and above the just compensation offer provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Recent studies on the use of incentive payments on transportation projects demonstrate that they can be effective in decreasing the time needed to acquire and clear needed rights-of-way.

The authority for the FHWA to participate in incentive payments is found in 23 CFR 710.203(b)(2)(ii) which allows Federal participation in relocation assistance and payments provided under the law of the State that may exceed the requirements of 49 CFR Part 24. The FHWA has the general authority to participate in the costs of construction that includes costs of right-of-way acquisition (See 23 U.S.C. §101(a)(3)). The use of incentive payments for right-of-way acquisition is analogous to the use of incentive/disincentive provisions for early completion in contracts for construction of Federal aid projects (See 23 CFR 635.127(d)).

This policy is consistent with the intent of the Uniform Act in that it encourages the expeditious acquisition of real property. Language in the implementing regulation focuses on the assurance that property owners and displaced persons receive at least the level of benefits to which they are entitled.

Considering fluctuating costs and trends for real estate and construction labor and materials, as well as the negative public perception of the court expense and project delay costs associated with the application of eminent domain, it is clearly in the public interest to use any tool available to produce transportation projects quickly with as little reliance on condemnation as possible.

The California Department of Transportation (Caltrans) is authorized to make incentive payments under California Law. Although California statutes do not specifically address incentive payments, they do require that written offers to owners for the purchase of their property be based on the fair market value of the property (just compensation). Caltrans has long

applied administrative settlements (justified offers above appraised amounts) during negotiations which have as their foundation the appraised value. Similarly, Payment amounts will be based on the appraised value. In fact, the use of Payments does not preclude the use of administrative settlements and each administrative settlement will require independent support.

The procedures on Payments incorporate the same level of safeguard against coercive negotiation practices as do standard Caltrans Right of Way procedures. Per Federal regulation, Caltrans is required to allow at least thirty (30) days for property owners to consider an offer prior to initiating the condemnation process (See 49 CFR 24.102(f) and Appendix A). Projects and parcels acquired using acquisition incentive offers will be subject to the same quality control and quality assurance processes that are used for all Caltrans Right of Way activities.

The Division of Right of Way and Land Surveys is implementing an acquisition incentive program to encourage property owners to sign Right of Way (ROW) contracts within sixty (60) days of the Initiation of Negotiations (ION) or any offer based on an approved appraisal revision. Payments will be offered for both permanent and temporary acquisitions.

The Payment for a permanent or temporary acquisition will be based on a lump sum payment of 10% of the appraised value of all parcels under the same ownership with a minimum payment of $1,000 and a maximum payment of $100,000.

Acquisition Type	Incentive Amount	Minimum Payment	Maximum Payment
Temporary or Permanent	10% of Appraisal	$1,000	$100,000

The Payment amount will be calculated on the final appraised value and will then be rounded separately from the final appraised value based on the rounding rules found in Section 7.02.11 of the Right of Way Manual.

Example 1:

Appraised Value	$	22,400.00
Calculated at 10%	$	2,240.00
Rounded (R/ W Manual 7.02.11)	$	2,250.00
Incentive Payment for Acquisition	**$**	**2,250.00**

Example 2:

Appraised Value	$	359,000
Calculated at 10%	$	35,900
Rounded (R/ W Manual 7.02.11)	$	35,900
Incentive Payment for Acquisition	**$**	**35,900**

Example 3:

Appraised Value	$	2,658,000
Calculated at 10%	$	265,800
Maximum Incentive Payment = $100,000.00	$	100,000
Incentive Payment for Acquisition	**$**	**100,000**

The Payment is a standing offer for sixty (60) days. The 60 days starts with the Initiation of Negotiations (ION) as day one (1). The 60 days includes weekends and holidays. For mailed offers it starts on the date the offer was received by certified mail.

If the 60th day falls on a weekend or holiday and the agent working with the grantor will not be available to conduct business with the grantor, the agent may end the incentive period on the first state working day after the 60 day period is complete. Personal leave of the agent working with the grantor will not be cause to extend the incentive period. An alternate agent should be identified to address the issue.

The Payment offer will end at the execution of the right of way contract or at 5:00 pm of the 60th day if a right of way contract has not been signed by the grantor. The 60 days will restart with a new offer based on an approved appraisal revision if one is deemed necessary by Caltrans. An appraisal revision may result in a change in the Payment amount.

The Payment is a standing offer for sixty days regardless of Caltrans initiating eminent domain proceedings. Additionally, this time period will be sufficient to allow the property owner the opportunity to obtain their own appraisal where Caltrans pays the reasonable cost of the appraisal up to $5,000 as provided by California Code of Civil Procedure section 1263.025.

The following clause will be used in Right of Way contracts when the Payment program is used on a project:

> "In addition to the Fair Market Value, it is agreed by and between the parties hereto that the amount in clause ## above includes the sum of $_____ as an incentive to the grantor for the timely signing of this Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE)."

The Payment program may be used on any project that will benefit a district or region. If the Payment program is used on a project it must be applied to all parcels in the project regardless of type, size, appraisal amount, or ownership including public agencies.

The Payment program has the potential to add significant costs to Right of Way capital expenses. Project estimates (i.e., ROW data sheets and/or related documents) may need to be updated to reflect additional costs of Payments. It is advisable to consult with the District/Regional Right of Way Planning and Management Office and the Project Manager to ensure the project has funds available to participate in the Payment program. In order to track these Payments, attached is a sample Federal Participation Memo with the appropriate coding to be used.

While this is the initial Caltrans Payment program, other similar incentive programs may be developed that have different formulae for determining the amounts and/or situations (i.e. Relocation Assistance Program incentives). Such other incentive programs will be established via separate memoranda.

cc: Suzette M. Musetti, Chief, Office of Appraisals and Local Programs, ROW/LS
Mark Turner, Chief, Office of Land Surveys, ROW/LS
Michael J. Rodrigues, Chief, Office of Real Property Services, ROW/LS
Rene Fletcher, Chief, Office of Project Delivery, ROW/LS
Ben Martin, Chief, Office of Railroads & Utility, ROW/LS
Lori Brownell, Chief, Office of Planning & Management, ROW/LS
Paul Pham, Senior Right of Way Agent, ROW/LS
Robert W. Dauffenbach, Senior Right of Way Agent, ROW/LS
Mark Zgombic, Senior Right of Way Agent, ROW/LS
Melani Millard, FHWA

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2000
FAX (949) 724-2019
TTY 711
www.dot.ca.gov

Serious Drought.
Serious drought.
Help save water!

July 14, 2015

Mr. Joe Gallardo, Manager
Real Property
Orange County Transportation Authority
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584

Via email: jgallardo@octa.net

Dear Mr. Gallardo;

In response to Orange County Transportation Authority's (OCTA) letter, dated February 3, 2015, requesting use and modification of the Acquisition Incentive Payment Program (Program) on the Interstate 405 Improvement Design-Build Project (Project), California Department of Transportation has approved a modified proposal. OCTA can proceed with the standard 10% incentive payment for all property owners on the Project or a one-time 20% incentive payment to all property owners on the Project, regardless of the appraised value of the parcel, with limits remaining the same, minimum $1,000 to maximum $100,000.

Per the Federal Highway Administration, Uniform Act compliance standards require fair and equitable treatment of all property owners and should be afforded to all participants.

Should you have any questions or require further information, please do not hesitate to contact me at (949) 724-2386. Thank you.

Sincerely,

RICKY RODRIGUEZ
Office Chief
Office of Right of Way & Land Surveys
District 12

ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Design-Build Improvement Project

Attachment C

Interstate 405 Improvement Project
Modified Settlement Delegation Authority

Administrative and legal settlement delegation authority threshold (real property interests only, excludes relocation assistance):

1. The Chief Executive Officer is authorized to approve an administrative or legal settlement when the difference between the approved appraisal and the proposed settlement is no more than 50% over the approved appraisal and no more than $500,000 over the approved appraisal;
2. The Chief Executive Officer is also authorized to approve an administrative or legal settlement when the difference between the approved appraisal and the proposed settlement is more than 50% over the approved appraisal, but not more than $100,000 over the approved appraisal;
3. The Orange County Transportation Authority (OCTA) Board of Directors must approve an administrative or legal settlement when the difference between the approved appraisal and the proposed settlement is more than 50% and more than $500,000 over the approved appraisal, and must approve all administrative or legal settlements when the proposed settlement is more than 50% over the approved appraisal and is more than $100,000 over the approved appraisal.

The Executive Director, Capital Programs settlement authority described in the Real Property Department Policy and Procedures remains unchanged. The Interstate 405 Improvement Project Modified Settlement Delegation Authority thresholds described in this sub-paragraph may not be increased by amendment, as described on Page 12, Paragraph XIV, Procedures Amendments of the OCTA Policies and Procedures Manual. Any increase in thresholds require approval by the OCTA Board of Directors.

Settlement Delegation Authority Comparison

	Existing	
	Percentage of Appraisal	Maximum $ Over Appraisal
Executive Director, Capital Programs (1)	≤ 20%	≤ $250,000
Chief Executive Officer (2)	≤ 50%	≤ $250,000
	≥ 50%	≤ $25,000
OCTA Board of Directors	> 50%	> $25,000
	-----	> $250,000

	Proposed	
	Percentage of Appraisal	Maximum $ Over Appraisal
Executive Director, Capital Programs (1)	≤ 20%	≤ $250,000
Chief Executive Officer (2)	≤ 50%	≤ $500,000
	≥ 50%	≤ $100,000
OCTA Board of Directors	> 50%	> $100,000
	-----	> $500,000

1) Recommended by Real Property Manager
Concurred with by Director of Highways Programs
Approved by Executive Director of Capital Programs

2) Recommended by Real Property Manager
Concurred with by Director of Highways Programs
Concurred with by Executive Director of Capital Programs
Approved by Chief Executive Officer

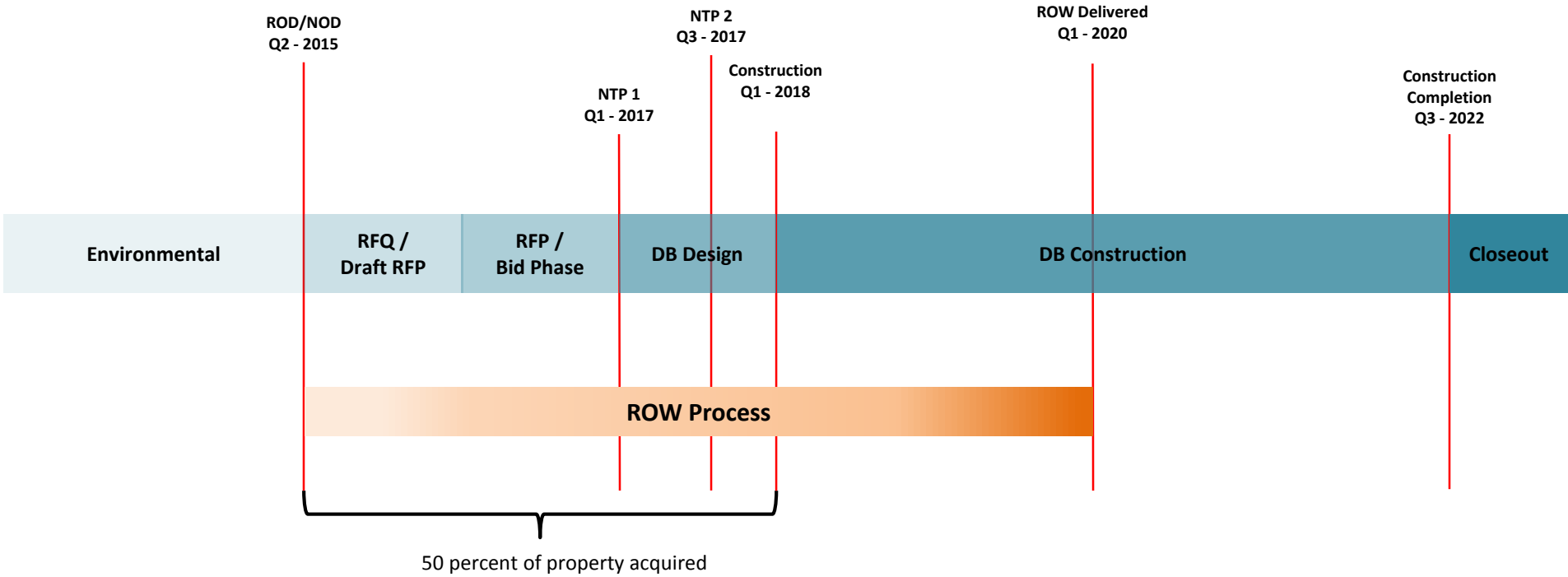
ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Design-Build Improvement Project

Attachment D

ATTACHMENT D

Right-of-Way Delivery Schedule



DEFINITIONS/TERMS:

Right-of-Way (ROW)

Request for Qualifications (RFQ)

Request for Proposals (RFP)

Record of Decision (ROD)/Notice of Determination (NOD) – California Environmental Quality Act/National Environmental Policy Act Environmental Approval

Notice to Proceed (NTP) 1 – Design-Build (DB) NTP with administrative tasks and final design

NTP 2 – DB full NTP with limited construction within existing and acquired ROW

Construction – DB begins major construction

Construction Completion – mainline and improvements open for traffic

ROW Process – appraisals, offers, negotiations, acquisitions, settlements, certifications

ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Design-Build Improvement Project

Attachment E

FINDINGS FOR THE INTERSTATE 405 IMPROVEMENT PROJECT BETWEEN STATE ROUTE 73 AND INTERSTATE 605

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15901) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impacts have been identified in the FEIR as resulting from the project. Impacts found not to be significant have not been included.

Paleontological/Cultural Resources

Significant Environmental Impacts:

Pleistocene vertebrates have been found at 10 to 15 ft below ground level, and deeper near the project; and vertebrate fossils have been recovered from borings in the project vicinity. The selected alternative's (Alternative 3) improvements are situated above paleontologically sensitive sediments, however disturbance of sediments below grade has the potential to directly affect paleontological resources along most of the Caltrans Right-of-Way (ROW). Anticipated impacts would be where augering for overhead signage and where the overcrossings and railroad overheads are replaced, particularly in the foundations and augering. Project redesign to avoid these sites proved to be infeasible, which could significantly impact paleontological resources within the project ROW.

The United States Navy conditioned the transfer of the proposed easement in the northern Naval Weapons Station (NAVWPNSTA) with construction of various Cost to Cure Items within their boundaries. These activities included relocation of the perimeter/security fencing and farm roads, installation of perimeter security lighting, various utilities associated with the lighting, and agricultural farmland. Construction of these activities occurred in 2011 during the course of the SR-22 West County Connector (WCC) project in the same area. The Navy required construction activities within the NAVWPNSTA be monitored by a qualified Native American and Archaeologist. Monitoring was conducted during the Cost to Cure project within the NAVWPNSTA and one isolate was identified.

Findings:

Changes or alterations have been designed in, or incorporated into, the project, which avoid or substantially lessen the significant environmental impact as identified in the final EIR. Incorporated by reference from the SR-22 WCC Project, is the Navy's Native American and Archaeological monitoring requirement for work on the NAVWPNSTA (CUL-4).

Statement of Facts:

To reduce potential direct impacts to paleontological resources, a Paleontological Mitigation Plan, as described in Mitigation Measure PAL-1, will be required. With the

implementation of PAL-1, the selected alternative's impacts on paleontological resources would be less than significant.

With the implementation of CUL-4, the selected alternative's impacts on previously unknown archaeological resources within the NAVWPNSTA would be less than significant.

Geology and Soils

Significant Environmental Impacts:

The project is located in a State of California mapped Liquefaction Hazard Zone. The project area has relatively shallow groundwater, layers of loose to medium dense saturated granular soils, and moderate to high earthquake accelerations. Liquefiable soils are expansive and are considered unstable or could become unstable due to liquefaction.

Findings:

Changes or alterations have been designed in, or incorporated into the project, which avoid or substantially lessen the significant environmental impact as identified in the final EIR.

Statement of Facts:

The design and construction of the selected alternative to current highway and structure design standards, including applicable seismic standards which would minimize the potential impacts due to seismic events on the project facilities. These potential impacts are addressed in Mitigation Measures GEO-1 through GEO-7, which require specific surveys and the treatment of these conditions as part of the final design. With the implementation of Mitigation Measures GEO-1 through GEO-7, the selected alternative's potential project impacts on geology and soils would be less than significant.

Hazards and Hazardous Materials

Significant Environmental Impacts:

Some partial acquisitions of properties are considered Recognized Environmental Conditions (RECs). Also, other site concerns related to Leaking Underground Storage Tanks (LUSTs), historical spills along I-405, Lead-Based Paint (LBP), Aerially-Deposited Lead (ADL), Asbestos-Containing Materials (ACMs), and abandoned drums and soil exist within or adjacent to the project area. As a result, property acquisition or disturbance without further investigation or characterization could result in a significant hazard to the public.

Significant impacts to emergency response plan could occur during the construction of the project which would occur over 54 months. Proposed mainline improvements would necessitate the construction of up to 8 new structures, 18 structure replacements, and 6 structure widening/modifications, which would result in construction-related delays along I-405, I-605, SR-22, SR-73, interchanges, and on surrounding local arterials.

Findings:

Changes or alterations have been designed in, or incorporated into, the project, which avoid or substantially lessen the significant environmental impact as identified in the final EIR.

Statement of Facts:

The project would incorporate procedures for hazardous materials investigation which are addressed in Measures HAZ-1 through HAZ-4 of the final environmental document. With the implementation of Measures HAZ-1 through HAZ-4, the selected alternative's potential impacts on properties potentially containing hazardous materials would be less than significant.

Project-construction-related closures would be addressed through a comprehensive Traffic Management Plan (TMP), as required by Mitigation Measure T-1, which includes requirements for coordination with and notification to the corridor cities and emergency responders. Additionally, Mitigation Measures T-2 through T-9 and T-12 would improve circulation on the affected local arterials. With the implementation of Measures T-1 through T-9 and T-12, the selected alternative's potential impacts on adopted emergency response or evacuation plans would be less than significant.

Community/Public Services

Significant Environmental Impacts:

Proposed mainline improvements would necessitate construction of up to 8 new structures, 18 structure replacements, and 6 structure widening/modifications over a 54 month duration, which would result in construction-related delays along I-405, I-605, SR-22, and SR-73, interchanges, and on surrounding local arterials: and could result in significant impacts on emergency response.

Construction of the selected alternative would result in temporary increases in automobile and/or pedestrian access to businesses, public services, schools, and other facilities. There may be temporary impacts during construction to pedestrian service within a 0.25 to 0.5 mile radius of the project that changes/reduces pedestrian access used by the disabled, resulting in a longer route that could indirectly reduce their access to community facilities. Additionally, construction may result in increases in local traffic as residents travel longer distances on local streets to enter I-405 at the limited access points.

Following completion of construction, most of the overcrossings and undercrossings will be wider to accommodate the additional lanes of I-405 and bring crossings to MPAH standards; as a result, this would increase the lengths of the roads and sidewalks that are on the overcrossings or in the undercrossings. Therefore, the amount of time pedestrians and bicyclists spend on these overcrossings or in the undercrossings would increase compared to existing conditions. The new features of the undercrossings would include lighting for vehicles and pedestrians consistent with local standards; however, the segments of those roads under the existing overcrossings would experience a reduction in the amount of natural light, which could be perceived by pedestrians and bicyclists as adversely affecting their experiences crossing under I-405.

Findings:

Changes or alterations have been designed in, or incorporated into, the project, which avoid or substantially lessen the significant environmental impact as identified in the final EIR. Measure T-1 requires implementation during construction of methods to avoid and minimize construction-related traffic and circulation impacts and minimize impacts to pedestrian and bicycle access, including ADA-compliant features, as a result of the proposed project. The provision of appropriate lighting in the new features of the undercrossings and potential additional lighting in the existing features of the undercrossings is included in the project.

Statement of Facts:

Project impacts on the community have been mitigated to the maximum extent practicable; however, the increased urbanization subsequent to completion of the project (i.e., expanded pavement and ROW, new and widened bridges/overcrossings/ undercrossings, new retaining walls and soundwalls, and replacement/removal of mature vegetation) and the temporary construction-related impacts on freeway users and corridor cities (i.e., 54-month construction period, increased congestion associated with construction, detours, ramp, lane and arterial closures, potential reduced incident response times, and reduced access to the freeway, businesses, and pedestrian facilities) are considered significant and unavoidable. Caltrans/OCTA has a robust public outreach process for this project, which will continue through completion of the project.

None of the temporary long-term closures that have been identified would result in any substantial impact on emergency access or response times. A Final TMP (Mitigation Measure T-1) will be prepared in coordination with local jurisdictions and emergency service providers (e.g., CHP, local police, fire, paramedics) to identify emergency service routes that serve hospitals, fire/police stations, emergency shelters, emergency command centers, and other facilities that provide essential services in times of emergency within the study area. All emergency service routes would be maintained during construction, or alternate routes would be provided. Mitigation Measure UT-2 requires emergency service providers to be alerted in advance of any temporary road closures and delays so that they have adequate time to make appropriate accommodations to ensure prompt emergency response times that fulfill their responsibilities and defined service objectives. In addition to T-1 and UT-2, Mitigation Measures COM-1 through COM-11 would further minimize potential project impacts on acceptable service ratios, response times, or other performance objectives of public services. With the implementation of Mitigation Measures T-1, UT-2, and COM-1 through COM-11, the selected alternative's potential impacts on police and fire emergency response would be less than significant.

Measures to avoid, minimize, and mitigate these potentially significant impacts during construction have been incorporated into the project; however, the related project impacts on the community within the corridor cannot be fully mitigated.

Transportation/Traffic

Significant Environmental Impacts:

Orange County

A. Future Selected Alternative Compared to Existing Condition

A comparison of the selected alternative in 2020 and 2040 to the existing condition reveals that in 2020, there are 11 intersections with a significant cumulative impact; and in 2040, there are 14 intersections with a significant cumulative impact.

Furthermore, with regard to freeway segments, an increase in the volume/capacity (v/c) ratio of a freeway segment is an indication of a cumulative traffic impact on the freeway mainline. Under the selected alternative, on I-405, between SR-73 and I-605, in 2020 and in 2040, LOS F conditions are anticipated during peak hours in the GP lanes, except for LOS D northbound from SR-73 to Brookhurst Street during the a.m. peak hour in 2020. Under the existing condition LOS F conditions occur during peak hours in the GP lanes, except for LOS D in the northbound direction during the a.m. peak hour and southbound during the p.m. peak hour between SR-73 and Brookhurst Street. Under the selected alternative, in 2020, v/c ratios range from 0.05 lower to 0.20 greater than existing conditions. In 2040, v/c ratios range from 0.13 to 0.45 greater than existing conditions. As a result, based on the increases in freeway GP lane v/c ratios, there is a cumulative impact on the freeway mainline.

B. Future Selected Alternative Compared to Future No Build

A comparison of selected alternative in 2020 and 2040 to the No Build Alternative in 2020 and 2040 identifies the contribution of the selected alternative to cumulative impacts. All v/c ratios for the freeway mainline under the selected alternative are lower than under the No Build Alternative. Therefore, the contribution of the selected alternative to the cumulative impact on the freeway mainline is less than significant.

Additionally, there are eight intersections with project contributions to cumulative traffic impacts that are significant. However, mitigation measures are proposed to mitigate those significant impacts, as discussed below in the statement of facts. With all improvements including mitigation, five intersections are anticipated to have significant cumulative impacts in 2020. In 2040, with all improvements including mitigation, 10 intersections are anticipated to have significant cumulative impacts. However, there are no intersections in 2020 or 2040 where the contribution of the selected alternative to the cumulative impacts is significant with the proposed mitigation in place.

As such, there are no significant impacts from the selected alternative on the performance or LOS of the circulation system.

Los Angeles County

A. Future Selected Alternative Compared to Existing Condition

A comparison of the selected alternative in 2020 and 2040 to the existing condition reveals that in 2020, there are five intersections in the Los Angeles County traffic study area with a significant cumulative impact; and in 2040, there are nine intersections with a significant cumulative impact.

Furthermore, with regard to freeway segments, an increase in the vehicle/capacity (v/c) ratio of a freeway segment is an indication of a cumulative impact on the freeway mainline. Under the selected alternative on I-405 north of I-605 to Lakewood Boulevard in 2020,

LOS F conditions are anticipated during peak hours in the GP lanes, except for LOS D and E in the southbound direction between I-605 and Studebaker Road during the AM and PM peak hours, respectively. In 2040, LOS F conditions are anticipated during peak hours in the GP lanes, except for LOS E in the southbound direction between I-605 and Studebaker Road during the AM peak hour. Under the existing condition, LOS D to F conditions occur during peak hours in the GP lanes. Under the selected alternative in 2020, v/c ratios in the GP lanes range from 0.01 to 0.61 greater than under existing conditions. In 2040, v/c ratios range from 0.09 to 0.72 greater than under existing conditions. Moreover, on I-405 north of I-605 to Lakewood Boulevard, HOV lanes are anticipated to operate at LOS F during peak hours in 2020 with v/c ratios in excess of 1.00, except southbound during the AM peak hour; the 2020 v/c ratios in the I-405 HOV lanes range from 0.94 to 1.24 in 2020. Under the existing condition, v/c ratios range from 0.50 to 1.06. In 2040, HOV lanes are anticipated to operate at LOS F during peak hours because v/c ratios are all forecast to be over capacity ranging from 1.25 to 1.65. In 2020, the selected alternative v/c ratios in the HOV lanes range from 0.05 lower to 0.46 greater than under existing conditions. In 2040, v/c ratios range from 0.19 to 0.86 greater than under existing conditions. As a result, based on the increases in freeway GP and HOV lane v/c ratios, there is a cumulative impact on the I-405 freeway mainline.

B. Future Selected Alternative Compared to Future No Build

A comparison of the selected alternative in 2020 and 2040 to the No Build Alternative in 2020 and 2040 identifies the contribution of the selected alternative to cumulative impacts. V/c ratios for the I-405 freeway mainline under the selected alternative are 0.03 to 0.13 higher than under the No Build Alternative in 2020 and 0.02 to 0.13 higher in 2040. Although there are some increases in v/c ratios, the contribution of the selected alternative to the cumulative impact on the freeway mainline is less than significant because LOS is F under the No Build Alternative or the maximum increase in v/c ratios is 0.05.

Additionally, there are seven intersections with project contributions to cumulative impacts that are significant. However, mitigation measures T-10 and T-11 are proposed to mitigate those significant impacts, as discussed below in the statement of facts. With all improvements, including mitigation, three intersections are anticipated to have significant cumulative impacts in either 2020 or 2040. However, there are no intersections where the contribution of the selected alternative to the cumulative impacts is significant with the proposed mitigations in place.

As such, there are no significant impacts from the selected alternative on the performance or the LOS of the circulation system.

Findings:

Changes or alterations have been designed in, or incorporated into, the project, which avoid or substantially lessen the significant environmental impact as identified in the final EIR.

Statement of Facts:

Mitigation measures T-10 and T-11 as identified in the FEIR address cumulative intersection operations/impacts in the portions of the study area within Los Angeles County (T–10 applies to City of Long Beach and T–11 applies to Caltrans). The project's fair share contributions are payments of a fair share towards overall construction costs of proposed mitigation improvements which would include shares from other projects with an identified impact/share. This is consistent with CEQA Guidelines Section 15130(a)(3). There are two possible payment options: payment could either be made by the project proponent to the City of Long Beach/Caltrans and they can implement the projects or, alternatively (applies to T–11 only), the project proponent shall hold the fair share mitigation funds until Caltrans pays the differential between the cost of the mitigation project and the retained funds to the project proponent and the project proponent would then program and construct the projects. If these measures are implemented as discussed above, traffic or transportation-related direct or indirect cumulative impacts are not anticipated to be significant. However, as discussed in T-10 and T-11, if the cost differential was not paid by other entities causing cumulative traffic impacts, then significant cumulative impacts would continue to occur at those intersections.

Visual/Aesthetics

Significant Environmental Impacts:

Construction of the selected alternative would result in changes to the visual quality and/or character associated with vegetation removal, construction activities, and the introduction of new and modified permanent structures. For the selected alternative, the removal of the eucalyptus trees and other vegetation within the interchange areas would likely have the greatest impact on the visual quality; however, this impact would remain until trees grow back to existing conditions. Other elements, such as replacement structures, new retaining walls, and soundwalls, would be a permanent visual change within the existing viewsheds along the corridor, including some areas where visual impacts were determined Moderately High.

Findings:

Changes or alterations have been designed in, or incorporated into the project, which avoid or substantially lessen the significant environmental impact as identified in the final EIR.

Statement of Facts:

Given the significance of impacts to visual/aesthetics, avoidance, minimization, and mitigation measures VIS-1 through VIS-21 have been incorporated to reduce significant unavoidable impacts on the visual character and quality of the project surroundings to the maximum extent practicable.

Greenhouse Gas Emissions

Significant Environmental Impacts:

Proposed mainline improvements would add capacity by adding one GP lane and one tolled express lane, which would result in increased throughput at higher speeds along I-405, I-605, SR-22, and SR-73. Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction GHG emissions include emissions produced as a result of material processing, emissions produced by onsite construction equipment, and emissions arising from traffic delays due to construction. These emissions would be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. During the operational phase, t is anticipated that the project will not result in an increase in operational GHG emissions. Based on the project resulting in less congestion and more efficient system operations, Caltrans anticipates that GHG emissions will decrease in the future build conditions when compared to existing conditions.

Findings:

It is Caltrans' determination that, in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a determination regarding the significance of the project's direct impact and its contribution on the cumulative scale to global climate change. However, Caltrans is firmly committed to implementing measures to help reduce the potential effects of the project. These measurements are outlined in the following sections.

Statement of Facts:

The project's specific measures to reduce these impacts include the following:

- For on-highway vehicles used for this project, contractors are encouraged to meet or exceed the USEPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).
- For non-road vehicles & equipment used for this project, contractors are encouraged to meet or exceed the USEPA Tier 4 exhaust emissions standards for heavy-duty non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).
- Contractors are encouraged to demonstrate and deploy heavy-duty technologies that exceed the latest USEPA emission performance standards for the equipment categories that are relevant for this project (e.g., plug-in hybrid-electric vehicles-PHEVs, battery-electric vehicles BEVs, fuel cell electric vehicles-FCEVs, etc.).
- The construction traffic management plan will be followed to maintain traffic flow in order to reduce emissions.
- Encourage the use of cement blended with the maximum feasible amount of fly ash or other materials that reduce GHG emissions from cement production.

ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Design-Build Improvement Project

Attachment F

CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE INTERSTATE 405 IMPROVEMENT PROJECT
BETWEEN STATE ROUTE 73 AND INTERSTATE 605

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15903), and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21 California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impacts have been identified as significant and not fully mitigable:

- Construction of the build alternatives would result in changes to the visual quality and/or character associated with vegetation removal, construction activities, and the introduction of new and modified permanent structures. For the build alternatives, the removal of the eucalyptus trees and other vegetation within the interchange areas would likely have the greatest impact on the visual quality; however, this effect would remain until trees grow back to existing conditions. Other elements, such as replacement structures, new retaining walls, and soundwalls, would be a permanent change to the elements within the existing viewsheds along the corridor, including some areas where visual impacts were determined to be Moderately High.

- Project effects on the community have been mitigated to the maximum extent practicable; however, the increased urbanization subsequent to completion of the project (i.e., expanded pavement and ROW, new and widened bridges/overcrossings/ undercrossings, new retaining walls and soundwalls, and replacement/removal of mature vegetation) and the temporary construction-related effects on freeway users and corridor cities (i.e., 54-month construction period, increased congestion associated with construction, detours, ramp, lane and arterial closures, potential reduced incident response times, and reduced access to the freeway, businesses, and pedestrian facilities) are considered significant and unavoidable. Accordingly, avoidance, minimization, and mitigation measures have been incorporated to reduce significant unavoidable effects on the corridor cities and traveling public to the maximum extent practicable.

- If the mitigation measures related to cumulative intersection operations/impacts in the portions of the study area within Los Angeles County are implemented, traffic or transportation-related direct or indirect cumulative impacts are not anticipated to be significant. However, the implementing agencies, being the City of Long Beach and Caltrans, are outside the control of the project proponent; should these measures not be implemented, after the fair share mitigation contribution, significant cumulative impacts would continue to occur at those intersections.

Given the significance of impacts to aesthetic/visual resources, community, and traffic pertaining to fair share mitigation, avoidance, minimization, and mitigation measures have been incorporated to reduce significant unavoidable effects to the maximum extent practicable.

Overriding considerations that support approval of this recommended project are as follows:

The selected alternative (Alternative 3) is considered a viable project alternative because it would achieve the project's purpose and need. The project purpose is a set of objectives the project is intended to meet. The project need is the range of transportation deficiencies that the project was initiated to address.

Accordingly, the purpose of the proposed action is to:

- Reduce congestion;
- Enhance operations;
- Increase mobility, improve trip reliability, maximize throughput, and optimize operations; and
- Minimize environmental impacts and right-of-way (ROW) acquisition.

In furtherance of the project's purpose, the following objective is established:

- To be consistent with regional plans and find a cost-effective early project solution for delivery.

Furthermore, current deficiencies of Interstate 405 (I-405) within the project limits are summarized below:

- The I-405 mainline general purpose (GP) lanes peak-period traffic demand exceeds available capacity;
- The I-405 mainline high-occupancy vehicle (HOV) lanes peak-period traffic demand exceeds available capacity;
- The I-405 mainline GP traffic lanes have operational and geometric deficiencies;
- The interchanges along I-405 within the study area have geometric, storage, and operational capacity deficiencies; and
- I-405 currently has limitations in detecting traffic incidents and providing rapid response and clearance due to lack of capacity and technological infrastructure.

Capacity and Level of Service (LOS)

With the current configuration, there is insufficient capacity within the I-405 corridor on the freeway and adjacent arterial streets to accommodate existing and projected travel demands between SR-73 and I-605. Furthermore, sections of the I-405 corridor currently operate at unacceptable levels of traffic congestion.

Existing and Future Traffic Volumes

By 2040, traffic volumes are projected to grow by approximately 30 to 35 percent along the project corridor.

Regional Population and Employment Growth Trends

Projected population and employment growth trends indicate that transportation demand in the I-405 corridor will continue to increase in future years.

Projected Delay and Level of Service Degradation

Without any improvements in the I-405 corridor, additional traffic congestion resulting from regional growth will further degrade traffic Level of Service (LOS) and worsen operational deficiencies in the future. During the morning and evening peak hours in years 2020 and 2040, traffic is forecasted to operate at LOS F along the entire corridor, with volume to capacity (V/C) ratios of 1.14 to 1.61.

Without any improvements in the I-405 corridor, future increased traffic congestion will result in substantially reduced travel speeds and substantially increased commute times.

Safety

The proposed project would relieve congestion by widening I-405, reconstructing interchanges and widening ramps, thus providing safety improvements within the project limits by reducing:

- Congestion-related collisions on the mainline of I-405;
- Off-ramp queuing onto the freeway mainline; and
- On-ramp queuing onto arterials due to mainline congestion and ramp meter operation.

Roadway and Operational Deficiencies

Operational problems occur on I-405 primarily because of physical bottlenecks. Moreover, a variety of interchange and ramp deficiencies in the I-405 corridor result in traffic queue backups onto the freeway and local streets.

Consistency with Regional Plans

Improvements in the proposed alternatives for the I-405 project corridor demonstrate consistency with the goals and objectives of the following regional plans:

- SCAG 2012 Regional Transportation Plan (RTP);
- SCAG 2015 Federal Transportation Improvement Program (FTIP);
- OCTA 2006 Long-Range Transportation Plan;
- OCTA Master Plan of Arterial Highways (2009 and 2007)
- OCTA 2009 Commuter Bikeways Strategic Plan

Modal Inter-Relationships and System Linkages

I-405 represents a major link to other freeway systems within the Orange County area and is a strategic component of the county's transportation system. Serving as a major link between Orange and Los Angeles Counties, the freeway begins at the "El Toro Y" in southeast Irvine and terminates near Mission Hills in the San Fernando Valley section of the City of Los Angeles. I-405 is part of the National Highway System and is considered a bypass route to I-5 (the Santa Ana/Golden State Freeway) providing intra-regional and inter-regional access between Orange and Los Angeles Counties.

With regard to local access, two highways parallel I-405 exist within the county: Pacific Coast Highway (Highway 1) to the south and I-5 to the north; however, these are not considered effective alternates for travel through the study area because of their distance from I-405 and because of their limited ability to accept additional traffic, particularly in the case of Pacific Coast Highway.

Improving interchange efficiency would provide a higher level of operation and throughput for entering and exiting traffic along I-405. Improving interchanges would likely enhance interchange safety. Adding ramp storage capacity would reduce queuing of vehicles back onto the freeway mainline and surface streets. Improving intersection efficiency would provide a higher level of operation and throughput for local street and ramp traffic.

On a regional level, I-405 provides access between cities in Orange and Los Angeles Counties. I-405 is used for commuting and inter-regional travel, along with direct and indirect access to employment centers, recreational attractions, shopping malls, medical centers, universities, airports, and other land uses. The northern segment, between Valley View Street and the I-605, is considered one of the heaviest traveled sections of freeway in the nation.

The entire length of I-405 is part of the National Highway System, the Department of Defense Priority Network, the Interstate Highway System, and the Strategic Highway Corridor Network. The 1990 Federal Surface Transportation Assistance Act (STAA) identifies I-405 as a "National Network" route for STAA trucks (Department 2007). Strategically, I-405 is a transportation link for national defense and transportation security, providing direct and indirect access to major military installations in the west, including Los Angeles Air Force Base to the north, and NAVWPNSTA Seal Beach, Air Force Reserve Center Los Alamitos, and Camp Pendleton to the south.

Project Benefits

In addition, project benefits include but are not limited to:

- The selected alternative best fulfills the purpose and need of the project; by providing tolled express lanes along an important travel corridor with free-flow conditions for future decades, access along the corridor will be greatly enhanced.
- This improvement, via tolled express lanes, will provide major benefits for the communities along the corridor, including Orange & Los Angeles County commuters by encouraging HOVs and transit bus services, as well enhancing response times for emergency vehicles. With free-flow conditions for such vehicles, livability along the corridor would be improved as lanes would be able to serve the community better.
- Air quality improvements associated with reduced congestion could improve health.
- The selected alternative has lower travel times and higher travel speeds due to the component of tolled express lanes. General purpose lanes will not deliver service life for the design year as demand exceeds capacity. But tolled express lanes can preserve mobility beyond the design year.
- Although, the construction costs will be higher for the selected alternative, the revenue generation from toll collection, the long-term operational benefits and transit/carpool encouragement outweigh any increase in construction cost.
- Additionally, the trip reliability for transit/carpools will be enhanced because they will be able to utilize the managed lanes, as opposed to being forced to use the general purpose lanes.
- The Project will provide construction jobs as well as other long-term employment opportunities for the businesses in Orange County and surrounding cities.
- The Project will support local and regional sustainability goals through urban infill.
- The Project will generate community benefits by maximizing available ROW opportunities and providing an efficient transportation corridor with State-of-the-Art improvements.

- The Project will provide safe access for pedestrians and special need people through ADA compliant facilities.

Conclusion

Pursuant to §15093 of the State *CEQA Guidelines*, decision-makers are required to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. In the event the benefits of a project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered "acceptable". The State *CEQA Guidelines* require that, when a public agency allows for the occurrence of significant effects which are identified in the Final Environmental Impact Report but are not at least substantially mitigated, the agency shall state in writing the specific reasons the action was supported. Any statement of overriding considerations should be included in the record of project approval and should be mentioned in the Notice of Determination.

To the extent the significant effects of the project are not avoided or substantially lessened to a level of insignificance, Caltrans, having reviewed and considered the information contained in the Final Environmental Impact Report for the Project, and having reviewed and considered the information contained in the public record, and having balanced the benefits of the Project against the unavoidable effects which remain, finds that such unmitigated effects to be acceptable in consideration of the overriding considerations discussed herein.

Caltrans finds that all feasible mitigation measures have been imposed to lessen unavoidable Project impacts to the extent possible. As such, Caltrans, as the Lead Agency for the Project, has reviewed and considered the information contained in the Draft, Supplemental, and Final Environmental Impact Reports prepared for the I-405 Improvement Project and the public record. Accordingly, the Lead Agency makes the following finding, pursuant to §15093 of the State *CEQA Guidelines*, with regard to the Statement of Overriding Considerations for the I-405 Improvement Project:

> *California Administrative Code, Title 14, Section 15093(a) states: "If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." Based on the above discussion and on the evidence presented, Caltrans therefore finds that the benefits of the proposed project outweigh the adverse impacts on Aesthetic/Visual Resources, community, and traffic impacts related to fair share mitigation from the I-405 Improvement Project, which cannot be eliminated or reduced to a level less than significant.*

ORANGE COUNTY TRANSPORTATION AUTHORITY

Federal Incentive Payment Program, Modified Settlement Delegation Authority, and Adoption of California Environmental Quality Act Findings for the Interstate 405 Improvement Project

Attachment G

Date: June 2015
Environmental Coordinator: Iffat Qamar
Phone No. 949-724-2886

MITIGATION AND MONITORING REPORTING PROGRAM

12-Orange-405
PM: 12-ORA-405 PM 9.3/24.2 / 07-LA-405 PM 0.0/1.2
12-ORA-22 PM R0.7/R3.8 / 12-ORA-22 PM R0.5/R0.7
12-ORA-73 PM R27.2/R27.8 / 12-ORA-605 PM 3.5/R1.6
07-LA-605 PM R0.0/R1.2
EA: 0H100
EFIS: 1200000180
San Diego Freeway (I-405) Improvement Project

Section and Measure Number	Avoidance, Minimization, and/or Mitigation Measure and Brief Description	Responsible Party*	Timing / Phase	Compliance Action	Verification of Compliance		Remarks
					Initial	Date	
	Land Use						
LU-1	If a build alternative is identified for implementation, either Caltrans or OCTA shall request the County of Orange and the cities along the project corridor to amend their respective General Plans to reflect the identified build alternative and the modification of land use designations for properties that would be acquired for the project that are not currently designated for transportation uses.	Caltrans/OCTA	Construction				
LU-2	Caltrans shall implement a TMP throughout the duration of the construction activities and make this document available to the public. A purpose of the TMP is to minimize project-related construction disruptions and would include traffic strategies designed in coordination with local jurisdictions.	Resident Engineer	Construction				
LU-3	Pedestrian access shall be maintained via detour at Pleasant View Park at all times during construction of the project.	Resident Engineer	Construction				
LU-4	Existing vegetation or landscaping at Buckingham Park that is damaged or removed during construction shall be replaced. Replacement plantings shall be consistent with any existing preserved vegetation. Replacement plantings shall be reviewed and approved by a Caltrans District 12 Landscape Architect.	Resident Engineer	Construction				
LU-5	Existing vegetation or landscaping at Cascade Park that is damaged or removed during construction shall be replaced. Replacement plantings shall be consistent with any existing preserved vegetation. Replacement plantings shall be reviewed and approved by a Caltrans District 12 Landscape Architect.	Design Engineer	Design				
LU-6	To avoid temporary closures of both riverbank trails of the Santa Ana River Trail, phased construction of the Euclid Street southbound I-405 on-ramp from Ellis Avenue shall provide access to at least one of the riverbank trails at all times during construction.	Resident Engineer	Construction				
COM-13	Where acquisition and relocation are unavoidable, the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended), Title 49 CFR Part 24 and, where applicable, the California Public Park Preservation Act of 1971 will be followed. An appraisal of the affected property will be obtained, and an offer for the full appraisal will be made.	Caltrans/OCTA	Row Acquisition				
	COMMUNITY IMPACTS						
COM-1**	No two consecutive/adjacent off-ramps or two consecutive/adjacent on-ramps in the same direction will be closed concurrently.	Resident Engineer	Construction				
COM-2**	Business access will be maintained at all times during construction, consistent with Section 7-1.03 Public Convenience of Standard Specifications (2010).	Resident Engineer	Construction				
COM-3**	Ramps that provide access immediately adjacent to South Coast Plaza (South Coast Drive northbound off-ramp), Bella Terra (Beach Boulevard off-ramps), or Westminster Mall (Bolsa Avenue northbound and Goldenwest Street southbound off-ramps) will not be closed from November 1 to January 31.	Caltrans/OCTA	ROW Acquisition				
COM-4**	Provision of motorist information (i.e., existing changeable message signs, portable changeable message signs, stationary ground-mounted signs, traffic radio announcements, and the Caltrans Highway Information Network [CHIN]).	Resident Engineer	Construction				
COM-5**	Incorporation of traffic circulation construction strategies (i.e., lane closure restrictions during holidays and special local events, closure of secondary streets during construction to allow quick construction and reopening, lane modifications [i.e., lane reductions, shifts] to maintain the number of lanes needed, allowing night work and extended weekend work, maintaining business access, and maintaining pedestrian and bicycle access). In addition, see Traffic Measure T-1 for public information regarding the TMP. Upon completion, the final TMP can be obtained by request from OCTA.	Resident Engineer	Construction				
COM-6**	Implementation of alternate and detour routes strategies (i.e., street/intersection improvements [e.g., widening, pavement rehabilitation, removal of median, restriping]) to provide added capacity to handle detour traffic, signal improvements, adjustment of signal timing and/or signal coordination to increase vehicle throughput, improve traffic flow and optimize intersection capacity, turn restrictions at intersections and roadways necessary to reduce congestion and improve safety, parking restrictions on alternate and detour routes during work hours to increase capacity, reduce traffic conflicts, and improve access.	Resident Engineer	Construction				
COM-7**	Coordination with the relevant parks and recreation departments of affected parks shall occur during construction to ensure the access and safety of users in the parks and trails adjacent to the proposed project.	OCTA/Caltrans	Construction				
COM-8**	Coordination with utility service providers and the implementation of public outreach program will be conducted to surrounding communities.	Design Engineer	Design				
COM-9**	Close coordination with railroad owners and operators will be conducted during final design and construction phases to minimize impacts to railroad operations.	OCTA/Caltrans	Design				
COM-10**	During design and construction, OCTA shall work closely with affected property owners to identify means to avoid and minimize parking impacts, including space management such as restriping of parking areas and identifying parking replacement options. When required, property owners shall receive compensation for the partial loss of property through the ROW acquisition process.	Caltrans/OCTA	ROW Acquisition				

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**Mitigation for significant impacts under CEQA

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COM-11**	Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. OCTA will implement a community information plan to maintain good community relations with the public by providing timely information about anticipated construction activities to affected citizens and adjacent property owners. Notification methods could include, but are not limited to, website, fliers, mailers, e-mail blasts, and electronic messaging on the freeway.	Caltrans/OCTA	Construction				
COM-12**	The existing Heil Avenue pedestrian crossing will remain open for use until the replacement crossing has been completed.	Caltrans/OCTA	ROW Acquisition				
COM-13	Where acquisition and relocation are unavoidable, the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended), Title 49 CFR Part 24 and, where applicable, the California Public Park Preservation Act of 1971 will be followed.	Caltrans/OCTA	ROW Acquisition				
COM-14	Caltrans and OCTA commit to working with the City of Costa Mesa to minimize impacts to the extent practicable through continuous coordination.	Caltrans/OCTA	Design				
COM-15	Caltrans and OCTA commit to working with the City of Seal Beach to minimize impacts to the extent practicable through continuous coordination. This includes striving to meet minimum City street standards and ensuring that any improvements meet the requirements of the Americans with Disabilities Act and provide safe passage for emergency service vehicles.	Caltrans/OCTA	Design				
	UTILITIES						
UT-1	During final design, utility providers will be made aware of project developments and be involved in the planning of utility rerouting, identification of potential conflicts, and the formulation of strategies to deal with unanticipated problems that may arise during construction.	Design Engineer	Design				
UT-2**	During construction, emergency service providers will be alerted in advance of any temporary road closures and delays so that they have adequate time to make appropriate accommodations to ensure prompt emergency response times that fulfill their responsibilities and defined service objectives.	Resident Engineer	Construction				
	TRAFFIC AND TRANSPORTATION/PEDESTRIAN AND BICYCLE FACILITIES						
T1**	A Final TMP will be prepared prior to project construction that identifies methods to avoid and minimize construction-related traffic and circulation effects and minimize impacts to pedestrian and bicycle access, including ADA-compliant features, as a result of the proposed project. During construction, the contractor shall implement the methods identified in the Final TMP.	Design Engineer	Design				
T-2**	During final design, plans shall be prepared to incorporate the following improvements at the Slater Avenue/Brookhurst Street intersection, which the contractor shall implement during construction: • Convert the southbound right-turn lane on Brookhurst Street to a fourth through lane (with right turns shared). • Convert the existing second eastbound through lane on Slater Avenue at Brookhurst Street to a shared through/right-turn lane. Retain the existing eastbound exclusive right-turn lane. • Provide increased queue storage areas for northbound right-turn, northbound left-turn, eastbound right-turn, and westbound left-turn movements.	Design Engineer	Design				
T-3**	During final design, plans shall be prepared to incorporate the following improvements at the Talbert Avenue/Brookhurst Street intersection, which the contractor shall implement during construction: • Add a third westbound through lane on Talbert Avenue. Retain the existing westbound exclusive right-turn lane. • Convert the southbound right-turn lane on Brookhurst Street to a fourth through lane (with right turns shared). • Convert the eastbound right-turn lane on Talbert Avenue to a fourth through lane (with right turns shared). Convert the existing third northbound through lane on Brookhurst Street to a shared through/right-turn lane. Retain the existing northbound exclusive right-turn lane.	Design Engineer	Design				
T-4**	During final design, plans shall be prepared to incorporate the following improvements at the Warner Avenue/Magnolia Street intersection, which the contractor shall implement during construction: • Convert the southbound right-turn lane on Magnolia Street at Warner Avenue to a shared through/right-turn lane. Extend the third southbound through lane on Magnolia Street south of the intersection. • Provide dual northbound left-turn lanes on Magnolia Street at Warner Avenue. • Extend the southbound dual left-turn pocket from the existing 200 ft to approximately 440 ft of queue storage.	Design Engineer	Design				
T-5**	During final design, plans shall be prepared to incorporate the following improvements at the McFadden Avenue/Beach Boulevard intersection, which the contractor shall implement during construction: • Provide an exclusive northbound right-turn lane on Beach Boulevard. • Provide increased queue storage areas for eastbound right-turn and westbound left-turn movements.	Design Engineer	Design				
T-6**	During final design, plans shall be prepared to incorporate the following improvements at the Center Avenue/Beach Boulevard intersection, which the contractor shall implement during construction: • Provide an exclusive right-turn lane and a shared through/right-turn lane on southbound Beach Boulevard. • Add a third eastbound right-turn lane on Center Avenue at Beach Boulevard. Increase the eastbound Center Avenue left-turn queue storage to 270 ft per lane and right-turn queue storage to 450 ft per lane. • Provide a fifth northbound through lane on Beach Boulevard.	Design Engineer	Design				
T-7**	During final design, plans shall be prepared to incorporate the following improvements at the Edinger Avenue/Beach Boulevard intersection, which the contractor shall implement during construction:	Design Engineer	Design				

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	• Add a fourth northbound through lane on Beach Boulevard at Edinger Avenue. • Convert the existing eastbound right-turn only lane on Edinger Avenue at Beach Boulevard to a fourth through lane (with a shared right turn) and extend the lane to Parkside Lane to increase vehicle queue storage. Sign and stripe to allow two curb lanes on eastbound Edinger Avenue at Beach Boulevard as freeway access lanes (to the southbound on-ramp at Edinger Avenue). • Extend the existing southbound dual left-turn lanes on Beach Boulevard from the existing queue storage of 240 ft to an average of 300 ft per lane. • Widen the Edinger Avenue overcrossing to provide two westbound through lanes and two eastbound through lanes. The third eastbound through lane on Edinger Avenue from Beach Boulevard is dropped at the bridge overcrossing. • At the intersection of eastbound Edinger Avenue and the I-405 southbound on-ramp, provide an exclusive right-turn and a shared through/right-turn lane on eastbound Edinger Avenue, thereby allowing two lanes onto the southbound ramp. • Provide increased queue storage areas for southbound left-turn, eastbound left-turn, and westbound left-turn movements.						
T-8**	During final design, plans shall be prepared to incorporate the following improvements at the Bolsa Avenue/Goldenwest Street intersection, which the contractor shall implement during construction: • Widen the southbound approach on Goldenwest Street to provide an exclusive right-turn lane and a second left-turn lane. The southbound left-turn pocket is extended past the Goldenwest Street/Westminster Mall Road intersection. • Widen the northbound approach on Goldenwest Street at Bolsa Avenue to provide an exclusive right-turn lane with queue storage of approximately 430 ft. • Convert the eastbound right-turn lane on Bolsa Avenue to a fourth through lane (with right turns shared). Widen the south side of Bolsa Avenue between Goldenwest Street and the I-405 southbound on-ramp. Sign and stripe to allow two curb lanes on eastbound Bolsa Avenue at Goldenwest Street as freeway access lanes (to the I-405 southbound on-ramp from Bolsa Avenue). • Widen the westbound approach to provide extended queue storage of 750 ft for the right-turn lane and increased queue storage of 280 ft for the left-turn lanes.	Design Engineer	Design				
T-9**	During final design, plans shall be prepared to incorporate the following improvements at the Garden Grove Boulevard and Bolsa Chica Road/Valley View Street intersection, which the contractor shall implement during construction: • Add a third westbound right-turn lane on Garden Grove Boulevard. • Add a third through lane on northbound Bolsa Chica Road/Valley View Street. • Extend the northbound right-turn lane on Bolsa Chica Road/Valley View Street and increase the existing queue storage of 400 ft to approximately 800 ft.	Design Engineer	Design				
T-10**	A payment shall be made by OCTA (Phase 1) and Caltrans (Phase 2) to the City of Long Beach based on a Cooperative Agreement to be negotiated and executed between OCTA and the City of Long Beach. The Cooperative Agreement shall identify the project's fair share of the costs for the improvements at intersections owned by the City of Long Beach based on the Preferred Alternative (PA) and in accordance with the fair share percentages for each location identified below. The Cooperative Agreement shall provide: • That the City of Long Beach's Transportation Mitigation Program will be revised to include the locations listed below under A, B, or C for the PA; • That the payment made by OCTA shall be placed into the City of Long Beach Transportation Mitigation Program and shall only be used to provide improvements to remedy impacts of the PA at the intersections listed below under A, B, or C for the PA; • The amount of the total payment to be applied to each location; and • That the proposed improvements shall be implemented by the City of Long Beach, with the City of Long Beach bearing responsibility for necessary clearances and permits. • If the implementing agency of this measure decides not to move forward with these improvements, these cumulative impacts would remain adverse. A. If PA is Alternative 1: • Los Coyotes Diagonal and Bellflower Boulevard intersection: o Add a second left-turn lane to eastbound approach. o Fair Share Percentage: 4.45%. (estimated total construction cost in 2013 dollars is $250,000) B. If PA is Alternative 2: • Willow Street and Bellflower Boulevard intersection: o Add an exclusive right-turn lane to eastbound approach; o Add a second left-turn lane to westbound approach; and o Add a second left-turn lane to southbound approach. o Fair Share Percentage: 10.41%. (estimated total construction cost in 2013 dollars is $810,000) • Willow Street and Los Coyotes Diagonal intersection: o Add a second left-turn lane to eastbound approach; and o Add a second left-turn lane to southbound approach. o Fair Share Percentage: 31.57%. (estimated total construction cost in 2013 dollars is $440,000) • Willow Street and Woodruff Avenue intersection: o Add a second left-turn lane to northbound approach. o Fair Share Percentage: 10.40%. (estimated total construction cost in 2013 dollars is $240,000)	OCTA	Design				

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	C. If PA is Alternative 3: • Willow Street and Bellflower Boulevard intersection: o Add an exclusive right-turn lane to eastbound approach; o Add a second left-turn lane to westbound approach; and o Add a second left-turn lane to southbound approach. o Fair Share Percentage: 10.41%. (estimated total construction cost in 2013 dollars is $810,000) • Los Coyotes Diagonal and Bellflower Boulevard intersection: o Add a second left-turn lane to eastbound approach. o Fair Share Percentage: 8.32%. (estimated total construction cost in 2013 dollars is $250,000) • Willow Street and Los Coyotes Diagonal intersection: o Add a second left-turn lane to eastbound approach; and o Add a second left-turn lane to southbound approach. o Fair Share Percentage: 30.03%. (estimated total construction cost in 2013 dollars is $440,000)						
T-11**	A payment shall be made by OCTA to Caltrans based on a Traffic Mitigation Agreement Fair Share Deferment to be negotiated and executed between OCTA and Caltrans. The Traffic Mitigation Agreement Fair Share Deferment shall identify the project's fair share of the costs for the improvements at intersections owned by the State of California based on the PA and in accordance with the fair share percentages for each location identified below. The Traffic Mitigation Agreement Fair Share Deferment shall provide: • That Caltrans will establish separate accounts for each of the locations listed below under A, B, or C for the PA; • That the payment made by OCTA shall be held by Caltrans and shall only be used to provide improvements to remedy impacts of the PA at the intersections listed below under A, B, or C for the PA; • The amount of the total payment to be applied to each location; • That the amounts for different locations shall not be commingled; and • That the proposed improvements shall be implemented by Caltrans, with Caltrans bearing responsibility for necessary clearances and permits. • If the implementing agency of this measure decides not to move forward with these improvements, these cumulative impacts would remain adverse. It should be noted that the State of California would implement a project only when enough funds have been collectively received for that specific mitigation measure. A. If PA is Alternative 1: • SR-22 westbound on-/off-ramp and College Park Drive intersection: o Add a second northbound through lane to the off-ramp approach to College Park Drive starting approximately 300 ft south of their intersection; and o Replace existing traffic control with a traffic signal. o Fair Share Percentage: 12.11%. (estimated total construction cost in 2013 dollars is $1,570,000) • 7th Street and Pacific Coast Highway intersection: o Add protected/permitted signal phasing to the eastbound and westbound approaches of Pacific Coast Highway to Bellflower Boulevard. o Fair Share Percentage: 11.70%. (estimated total construction cost in 2013 dollars is $450,000) • 7th Street and West Campus Drive intersection: o Add an exclusive right-turn lane to westbound approach, modifying traffic signals as needed. o Fair Share Percentage: 9.16%. (estimated total construction cost in 2013 dollars is $300,000) • 7th Street and Bellflower Boulevard intersection: o Add a second left-turn lane to eastbound approach, modifying signals and adjusting sidewalk as necessary. o Fair Share Percentage: 11.70%. (estimated total construction cost in 2013 dollars is $640,000) B. If PA is Alternative 2: • SR-22 westbound on-/off-ramp and College Park Drive intersection: o Add a second northbound through lane to the off-ramp approach to College Park Drive starting approximately 300 ft south of their intersection; and o Replace existing traffic control with a traffic signal. o Fair Share Percentage: 33.25%. (estimated total construction cost in 2013 dollars is $1,570,000) • 7th Street and Pacific Coast Highway intersection: o Add protected/permitted signal phasing to the eastbound and westbound approaches of Pacific Coast Highway to Bellflower Boulevard. o Fair Share Percentage: 7.84%. (estimated total construction cost in 2013 dollars is $450,000) • 7th Street and Bellflower Boulevard intersection: o Add a second left-turn lane to eastbound approach, modifying signals and adjusting sidewalk as necessary. o Fair Share Percentage: 16.92%. (estimated total construction cost in 2013 dollars is $640,000) • 7th Street and Channel Drive intersection: o Add a second left-turn lane to westbound approach, modifying signals as necessary; and o Provide dual southbound exclusive left-turn lanes. o Fair Share Percentage: 13.59%. (estimated total construction cost in 2013 dollars is $240,000)	OCTA	Design				

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	• 7th Street and West Campus Drive intersection: o Add an exclusive right-turn lane to westbound approach, modifying traffic signals as necessary. o Fair Share Percentage: 27.34%. (estimated total construction cost in 2013 dollars is $300,000) • 7th Street and East Campus Drive intersection: o Add a right-turn lane to westbound approach, modifying traffic signals as necessary and maximizing eastbound and westbound left-turn pocket lengths. o Fair Share Percentage: 21.30%. (estimated total construction cost in 2013 dollars is $450,000) C. If PA is Alternative 3: • 7th Street and Pacific Coast Highway intersection: o Add protected/permitted signal phasing to the eastbound and westbound approaches of Pacific Coast Highway to Bellflower Boulevard. o Fair Share Percentage: 8.08%. (estimated total construction cost in 2013 dollars is $450,000) • 7th Street and Bellflower Boulevard intersection: o Add a second left-turn lane to eastbound approach, modifying signals and adjusting sidewalk as necessary. o Fair Share Percentage: 17.64%. (estimated total construction cost in 2013 dollars is $640,000) • 7th Street and Channel Drive intersection: o Add a second left-turn lane to westbound approach, modifying signals as necessary; and o Provide dual southbound exclusive left-turn lanes. o Fair Share Percentage: 14.01%. (estimated total construction cost in 2013 dollars is $240,000) • 7th Street and West Campus Drive intersection: o Add an exclusive right-turn lane to westbound approach, modifying traffic signals as necessary. o Fair Share Percentage: 25.02%. (estimated total construction cost in 2013 dollars is $300,000) • 7th Street and East Campus Drive intersection: o Add a right-turn lane to westbound approach, modifying traffic signals as necessary and maximizing eastbound and westbound left-turn pocket lengths. o Fair Share Percentage: 7.39%. (estimated total construction cost in 2013 dollars is $450,000)						
T-12**	To address the potential operational challenge on the express lanes (under the HOV2+ free policy), a process will be developed to address the issue by considering HOV occupancy policy which may include, but not limited to: • adjusting to HOV3+ free with HOV2s discounted tolls • adjusting to HOV3+ free with HOV2s full tolls • adjusting to tolling HOV2s on individual tolling segments such as direct connectors to or from other freeways • periodic adjustments of tolling rates to maintain operations on individual tolling segments						
	VISUAL/AESTHETICS						
VIS-1**	Beginning with preliminary design and continuing through final design and construction, plan, save, and protect as much existing vegetation in the corridor, especially eucalyptus and other skyline trees, as feasible.	Design Engineer/ Resident Engineer	Design Construction				
VIS-2**	Survey exact locations for existing trees and include in plans.	Design Engineer	Design				
VIS-3**	Protect with temporary fencing large infield areas of existing plantings to be preserved.	Design Engineer/ Resident Engineer/ Biologist	Design/ Construction				
VIS-4**	Transplant, relocate, protect, and maintain existing trees that are in conflict with the proposed improvements, per Caltrans District 12 Landscape Architect approval.	Resident Engineer/ Biologist	Construction				
VIS-5**	Beginning with preliminary design and continuing through final design and construction, develop construction plans that apply architectural detailing to the proposed soundwalls, retaining walls, and bridges, including textures, colors, and patterns. Include elements such as caps, columns, pier caps, parapets, fencing, and abutment and wing walls as shown in the Aesthetics and Landscape Master Plan. In addition, bridge or architectural elements on ramps, bridges, and soundwalls will include forms and lines to match the existing built-environment features.	Design Engineer/ Resident Engineer	Design/ Construction				
VIS-6**	Beginning with preliminary design and continuing through final design and construction, landscape and revegetate disturbed areas to the greatest extent feasible.	Design Engineer/ Resident Engineer	Design / Construction				
VIS-7**	Include skyline trees in the planting palette to bring down the scale of the new freeway elements.	Design Engineer	Design				
VIS-8**	Fund from this parent project and accomplish by separate contract a 3-year extended plant establishment project to assure a well-established highway planting. This separate contract must begin as soon as possible upon completion of the 1-year plant establishment period that may be accomplished with the roadway contract.	OCTA	Construction				
VIS-9**	Design basins so that they appear to be a natural landscape feature, such as a dry streambed or a riparian pool. They shall be shaped in an informal, curvilinear manner.	Design Engineer/	Design/				

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		Resident Engineer	Construction				
VIS-10**	Basin slope grading will incorporate slope rounding, variable gradients, and be similar to the surrounding topography to de-emphasize the edge. If a wall or hard feature is necessary, it shall be worked into the overall design concept.	Design Engineer/ Resident Engineer	Design/ Construction				
VIS-11**	Employ grading design of any ponds or swales, wherever possible, to be sympathetic to the Aesthetic and Landscape Master Plan.	Design Engineer/ Resident Engineer	Design/ Construction				
VIS-12**	Locate maintenance access drives in unobtrusive areas away from local streets. Such drives must consist of inert materials or herbaceous groundcover that is visually compatible with the surrounding landscape.	Design Engineer	Design				
VIS-13**	Design all basins so that chain-link perimeter fencing is not required.	Design Engineer	Design				
VIS-14**	Design all visible concrete structures and surfaces to adhere to the Aesthetic and Landscape Master Plan when developed.	Design Engineer	Design				
VIS-15**	Design rock slope protection to consist of aesthetically pleasing material with a variety of sizes.	Design Engineer	Design				
VIS-16**	Limit the use of bioswales within corridor landscape areas. If they must be used, locate them in nonobtrusive areas and design to appear as natural features.	Design Engineer	Design				
VIS-17**	Caltrans has existing ongoing maintenance programs for the control and removal of graffiti, which would apply to all new and modified structures on public and private property, as appropriate. Key components of those programs are: • Chapter D1, Litter, Debris, and Graffiti (July 2006), in the Caltrans Maintenance Manual (Volume I, January 2011) describes Caltrans maintenance program for the control and removal of graffiti. Key program components applicable to the project features are: - Use of recycled paint for various structures and matching paint used to cover graffiti with the original paint color on the structure. - Use of physical devices, such as rat guards, sign hoods, razor wire, and glare screen patches, to limit access to facilities targeted by taggers. - Replacement of ground-mounted signs with signs that have protective coatings or application of protective coatings to signs.	Design Engineer	Design				
VIS-18**	Provide vine planting on soundwalls and retaining walls where feasible and appropriate. Per Highway Design Manual, Index 902.3(5), vine planting should be included with all sound barrier projects to reduce the potential for graffiti and to soften the appearance of the wall.	Design Engineer	Design/ Construction				
VIS-19**	Protect with temporary fencing the drip line of existing isolated trees identified on plans as to remain.	Design Engineer	Design/ Construction				
VIS-20**	Plant biostrips and bioswales with vegetative cover that includes a combination of low-growing shrubs and groundcover per the NPDES Construction General Permit, A.9 Definitions: 1) Vegetative Cover.	Design Engineer	Design/ Construction				
VIS-21**	Glare shields shall be used wherever possible to reduce lighting impacts, and to redirect light onto the facility and away from adjacent homes and areas of wildlife habitat.	Design Engineer	Design/ Construction				
	CULTURAL RESOURCES						
CUL-1	Work shall be halted in the vicinity of any previously known or unknown buried cultural materials unearthed during construction until a qualified archaeologist can assess the significance of the materials. Any further mitigation measures required will be developed in accordance with the requirements of Caltrans Section 106 PA – Stipulation XV in accordance with 36 CFR 800.13. Any mitigation measures required by the archaeologist will be implemented, including, if necessary, supplemental environmental documentation.	Design Engineer/ Resident Engineer/ Archaeologist	Design/ Construction				
CUL-2	If human remains and associated artifacts are encountered during ground-disturbing activities, then the provisions of Public Law 101-601, Section 5097.98 and .99 of the PRC, and Section 7050 of the Health and Safety Code, will be followed. Any further mitigation measures required shall be developed in accordance with the requirements of 36 CFR 800.13, the post review discovery provision of the regulations implementing Section 106 of the NHPA.	Design Engineer/ Resident Engineer/ Archaeologist	Design/ Construction				
CUL-3	If any buildings and/or structures in the project APE are determined eligible for listing in the NRHP subsequent to finalizing the Final EIR/EIS, then such buildings and/or structures shall not be destroyed or significantly altered as part of construction of this project. Proper coordination shall be undertaken with the entity responsible for such listing.	Design Engineer/ Resident Engineer/ Architectural Historian	Design/ Construction				
CUL-4**	Navy requirement that a qualified Native American and qualified Archaeologist monitor earthmoving activities associated with project construction in the vicinity of the NAVWPNSTA Seal Beach, located along the south of I-405 within the project limits. The areas along the southern I-405 and the northern boundary of the NAVWPNSTA property that require monitoring, will be designated as an Archaeological Monitoring Area (AMA) on the final plans and included in the specifications and estimates for the project. The Native American and Archaeologist will prepare daily monitoring logs and a final report summarizing findings will be submitted to both Caltrans and the Navy following construction completion.	Design Engineer/ Resident Engineer/ Archaeologist	Design/ Construction Post-Construction				

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	HYDROLOGY AND FLOODPLAINS						
HYD-1	Project design elements will include bridge pier alignment paralleling the direction of flow to minimize flow obstruction.	Design Engineer	Design				
HYD-2	Bridges will be designed with sufficient freeboard above the 100-year water surface elevation to prevent the bridge deck from impacting flood flows.	Design Engineer	Design				
HYD-3	Positive drainage will be provided during construction and refrain from diverting flows.	Resident Engineer	Construction				
HYD-4	Recommended BMPs will be implemented.	Resident Engineer	Construction				
HYD-5	In-river construction and post construction shall include erosion control and water quality protection	Resident Engineer	Construction				
HYD-6	A contingency plan shall be developed for unforeseen discovery of underground contaminants.	Resident Engineer	Construction				
HYD-7	Construction activities between October and May (rainy season) shall be limited to those actions that can adequately withstand high flows and entrainment of construction materials.	Resident Engineer	Construction				
HYD-8	Adequate conveyance capacity will be provided at bridge crossings to ensure no net increase in velocity.	Design Engineer/ Resident Engineer	Design/ Construction				
	WATER QUALITY AND STORMWATER RUNOFF						
WQ-1	Conforming to the requirements of the Caltrans Statewide NPDES Storm Water Permit, Order No. 2012-0011-DWQ, NPDES No. CAS000003, adopted by the SWRCB on September 19, 2012, in addition to the BMPs specified in the Caltrans *Storm Water Management Plan* (SWMP) (Caltrans 2003a). The Contractor shall also conform to the requirements of the General NPDES Permit for Construction Activities, Order No. 2009-0009-DWQ, NPDES No. CAS000002 and any subsequent permit in effect at the time of construction	Design Engineer/ Resident Engineer	Design/ Construction				
WQ-2	Preparing and implementing the SWPPP. The SWPPP shall address all State and federal water control requirements and regulations. The SWPPP shall address all construction-related activities, equipment, and materials that have the potential to impact water quality. All Construction Site BMPs will follow the latest edition of the Storm Water Quality Handbooks, Construction Site BMP Manual to control and minimize the impacts of construction-related pollutants. The SWPPP shall include BMPs to control pollutants, sediment from erosion, stormwater runoff, and other construction-related impacts. In addition, the SWPPP shall include implementation of specific stormwater effluent monitoring requirements based on the project's risk level to ensure that the implemented BMPs are effective in preventing the exceedance of any water quality standards. All work will conform to the Construction Site BMP (Category II) requirements specified in the latest edition of the Caltrans SWMP to control and minimize the impacts of construction and construction-related activities, materials, and pollutants on the watershed(s). These include, but are not limited to, temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other nonstormwater BMPs. For a complete list, refer to Section 4.5 of the Caltrans SWMP (2003a).	Design Engineer/ Resident Engineer	Design/ Construction				
WQ-3	Dewatering is anticipated for the proposed project; therefore, this project will fully conform to Order No. R8-2009-0003 NPDES No. CAG998001, *General Waste Discharge Requirements for Discharges to Surface Water which Pose an Insignificant (De Minimus) Threat to Water Quality*, from the Santa Ana RWQCB. Dewatering BMPs will be used to control sediments and pollutants. A laboratory, certified under either the Environmental Laboratory Accreditation Program or the National Environmental Laboratory Accreditation Program, will test and monitor any discharge for compliance with RWQCB requirements.	Design Engineer/ Resident Engineer	Design/ Construction				
WQ-4	Maintenance BMPs – Maintenance BMPs will be adhered to in accordance with Caltrans policies, including routine maintenance work, such as litter pickup, toxics control, street sweeping, drainage, and channel cleaning.	Design Engineer/ Resident Engineer	Design/ Construction				
WQ-5	Design Pollution Prevention BMPs – Permanent soil stabilization systems will be incorporated into project design, such as preservation of existing vegetation, concentrated flow conveyance systems (e.g., drainage ditches, dikes, berms, swales), and slope/surface protection systems that utilize either vegetated or hard surfaces. Identification of Design Pollution Prevention BMPs will occur during final design.	Design Engineer/ Resident Engineer	Design/ Construction				
WQ-6	Treatment BMPs – All Caltrans-approved Treatment BMPs will be implemented to the MEP. Treatment BMPs may include traction sand traps, infiltration devices, detention devices, biofiltration strips/swales, dry weather flow diversion, media filters, multi-chamber treatment trains, wet basins, and gross solids removal devices.	Design Engineer/ Resident Engineer	Design				
	GEOLOGY/SOILS/SEISMIC/TOPOGRAPHY						
GEO-1**	In accordance with standard Caltrans requirements, detailed geotechnical studies shall be conducted during the project's future PS&E phase. If results of these studies find high potential for seismic slope instability or lateral spreading, additional measures will need to be incorporated for new structures associated with the project, including bridges, embankments, and retaining walls. Resulting recommendations from the detailed studies shall be incorporated into the project's final design plans to address seismic safety, liquefaction, and load-bearing concerns present in the project area.	Design Engineer	Design				
GEO-2**	Selection of earth-retaining system types should be based on consideration of foundation-bearing capacity, anticipated settlement and ability of the system to tolerate settlements, overall slope stability, constructability, and cost.	Resident Engineer	Construction				
GEO-3**	Depending on locations, drilled piles (for sign foundations or soundwalls) may extend below the groundwater and will require appropriate construction methods.	Resident Engineer	Construction				

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GEO-4**	Corrosion mitigation for steel and concrete structures should generally follow Caltrans Corrosion Guidelines (2003 or latest). The latest Caltrans Highway Design Manual (Section 855) provides corrosion requirements for roadway structures (e.g., culverts, signs) for a 50-year design life (Caltrans, 2010).	Design Engineer	Design				
GEO-5**	The project engineer shall request a Materials Report in the early stage of PS&E. The report shall include the results of field tests and sampling for corrosion (i.e., pH, sulfate, chloride, and minimum resistivity) for use in recommending culvert materials and concrete mix designs. Sampling and testing shall be performed in accordance with Caltrans Corrosion Guidelines (2003 or latest).	Design Engineer	Design				
GEO-6**	In general, earthwork should be performed in accordance with Sections 6 and 19 of the Caltrans Standard Specifications. The new construction will have to be carefully planned to protect the many existing utilities in the area.	Resident Engineer	Construction				
GEO-7**	Monitoring during construction shall be done by a licensed geologist and engineer to ensure that the construction site was properly characterized by the geotechnical studies and that the project design is in compliance with geotechnical and seismic safety standards and practices included in the final design package.	Resident Engineer	Construction				
	PALEONTOLOGY						
PAL-1**	If auguring or foundation construction will penetrate 5 ft or more into undisturbed sediment, Caltrans shall ensure that a PMP is prepared and adhered to during construction of the portions that are identified as having high paleontological sensitivity. The PMP shall include, but not be limited to, the following instructions: • A qualified principal paleontologist (MS or PhD in paleontology or geology familiar with paleontological procedures and techniques) will be retained to prepare a Paleontological Mitigation Plan (PMP) following the Caltrans Standard Environmental Reference (SER) if auguring or foundation construction will penetrate 5 ft or more into undisturbed sediment. • The paleontologist will be present to consult with construction contractors at pre-grading meetings. • Paleontological monitoring under the direction of the qualified principal paleontologist will be performed for subsurface construction activities involving sensitive geologic formations. • When fossils are discovered, the paleontologist (or paleontological monitor) will recover them. Construction work in these areas will be halted or diverted to allow recovery of fossil remains in a timely manner. • Fossil remains collected during the monitoring and salvage portion of the mitigation program will be prepared and cataloged. • Prepared fossils, along with copies of all pertinent field notes, photos, and maps will then be deposited in a scientific institution with paleontological collections. • A final report will be completed that outlines the results of the mitigation program.	Design Engineer/ Resident Engineer/ Paleontologist	Design/ Pre-Construction/ Construction/ Post-Construction				
	HAZARDOUS MATERIALS						
HAZ-1**	Prior to completion of the Final Design, sampling for ADL shall be conducted by OCTA within unpaved locations adjacent to the existing roadway ROW within the study area if such locations have not been tested.	OCTA	PS&E				
HAZ-2**	Prior to construction, if still present, two 30-gallon open trash bins and two 5 gallon buckets that were dumped in the I-405 northbound shoulder just south of the I-605 interchange shall be removed and properly disposed of by the contractor.	OCTA	Pre-Construction				
HAZ-3**	During the construction phase, the upper 2 ft of soil excavated along the I-405 northbound shoulder from the I-605/I-405 connector to approximately 1,000 ft south of the I-605/I-405 connector shall be set aside and tested for TPH (gasoline and diesel) by the contractor before being disposed of or reused at the site.	OCTA	Construction				
HAZ-4**	If signs of potential impact (e.g., odors, discolored soil, and any hazardous waste) are observed during construction activity, construction shall cease and the California Department of Transportation's Unknown Procedures for Construction shall be followed. If groundwater is encountered during construction activities, or if construction dewatering is necessary, then sampling and analysis of groundwater shall be conducted to identify the appropriate management and disposal of the groundwater.	Resident Engineer	Construction				
	AIR QUALITY						
AQ-1	The construction contractor shall comply with Caltrans Standard Specifications Section 14 (2010). Section 14-9.01specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances. Section 14-9.02 is directed at controlling dust. If dust palliative materials other than water are to be used, material specifications are contained in Section 18.	Design Engineer/ Resident Engineer	Design/ Construction				
AQ-2	The construction contractor shall apply water or dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions. Fugitive emissions generally must meet a "no visible dust" criterion either at the point of emission or at the ROW line, depending on local regulations.	Resident Engineer	Construction				
AQ-3	The construction contractor shall spread soil binder on any unpaved roads used for construction purposes, and all project construction parking areas.	Resident Engineer	Construction				
AQ-4	The construction contractor shall wash off trucks as they leave the ROW, as necessary, to control fugitive dust emissions.	Resident Engineer	Construction				
AQ-5	The construction contractor shall properly tune and maintain construction equipment and vehicles.	Resident Engineer	Construction				
AQ-6	The construction contractor shall use low-sulfur fuel in all construction equipment as provided in CCR Title 17, Section 93114.	Resident Engineer	Construction				

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I-405 Improvement Project from State Route (SR) 73 to Interstate 605 (I-605) in Orange and Los Angeles Counties, California

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AQ-7	The construction contractor shall develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited re-vegetation of disturbed slopes as needed to minimize construction impacts to existing communities.	Resident Engineer	Construction				
AQ-8	The construction contractor shall locate equipment and materials storage sites as far away from residential and park uses as practical. Construction areas shall be kept clean and orderly.	Resident Engineer	Construction				
AQ-9	The construction contractor shall establish environmentally sensitive areas for sensitive air receptors within which construction activities involving extended idling of diesel equipment would be prohibited, to the extent that is feasible.	Resident Engineer	Construction				
AQ-10	The construction contractor shall use track-out reduction measures, such as gravel pads, at project access points to minimize dust and mud deposits on roads affected by construction traffic.	Resident Engineer	Construction				
AQ-11	The construction contractor shall cover all transported loads of soils and wet materials prior to transport, or provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM_{10} and deposition of PM during transportation.	Resident Engineer	Construction				
AQ-12	The construction contractor shall remove dust and mud that are deposited on paved, public roads due to construction activity and traffic to decrease PM.	Resident Engineer	Construction				
AQ-13	The construction contractor shall route and schedule construction traffic to avoid peak travel times as much as possible to reduce congestion and related air quality impacts caused by idling vehicles along local roads.	Resident Engineer	Construction				
AQ-14	The construction contractor shall install mulch or plant vegetation as soon as practical after grading to reduce windblown particulate in the area.	Resident Engineer	Construction				
AQ-15	When hauling material and operating non-earthmoving equipment, the contractor shall prevent spillage, and limit speeds including those of earth moving equipment.	Resident Engineer	Construction				
AQ-16	The contractor shall minimize use, trips, and unnecessary idling of heavy equipment.	Resident Engineer	Construction				
AQ-17	The contractor shall maintain and tune engines per manufacturer's specifications to perform at United States Environmental Protection Agency (USEPA) certification levels, where applicable.	Resident Engineer	Construction				
AQ-18	The contractor shall prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.	Resident Engineer	Construction				
AQ-19	For on-highway vehicles used for this project, contractors are encouraged to meet or exceed the USEPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).	Resident Engineer	Construction				
AQ-20	For non-road vehicles & equipment used for this project, contractors are encouraged to meet or exceed the USEPA Tier 4 exhaust emissions standards for heavy-duty non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).	Resident Engineer	Construction				
AQ-21	Contractors are encouraged to demonstrate and deploy heavy-duty technologies that exceed the latest USEPA emission performance standards for the equipment categories that are relevant for this project (e.g., plug-in hybrid-electric vehicles-PHEVs, battery-electric vehicles BEVs, fuel cell electric vehicles-FCEVs, etc.).	Resident Engineer	Construction				
AQ-22	Contractors shall prepare an inventory of all equipment prior to construction.	Resident Engineer	Construction				
AQ-23	The construction traffic management plan will be followed to maintain traffic flow in order to reduce emissions.	Resident Engineer	Construction				
AQ-24	Caltrans and OCTA will identify where implementation of mitigation measures is rejected based on economic infeasibility.	Resident Engineer	Construction				
AQ-25	The construction contractor shall route and schedule construction traffic to avoid peak travel times as much as possible to reduce congestion and related air quality impacts caused by idling vehicles along local roads.	Resident Engineer	Construction				
AQ-26	The construction contractor shall install mulch or plant vegetation as soon as practical after grading to reduce windblown particulate in the area.	Resident Engineer	Construction				
AQ-27	Encourage the use of lighting systems that are energy efficient, such as LED technology.	Resident Engineer	Construction				
AQ-28	Encourage the use of lighter-colored pavement where feasible.	Resident Engineer	Construction				
AQ-29	Encourage the use of appropriate recycle construction debris to the maximum extent feasible; all of the AC and PCC pavement and concrete structures removed will be grounded up and reused as base. Steel such as MBGR, reinforcing in structures and sign panels to name a few would be recycled by the contractor for their salvage value. The project will also use a great deal of rubberized AC to meet the State's requirement for tire recycling.	Resident Engineer	Construction				
AQ-30	Encourage the use of cement blended with the maximum feasible amount of fly ash or other materials that reduce GHG emissions from cement production.	Resident Engineer	Construction				
	NOISE						
NOI-1	Design and install noise barriers at the locations as recommended in the NADR, as shown for the build alternatives in Appendix N, Sections N2, N3, and N4.	Design Engineer/ Resident Engineer	Design/ Construction				
NOI-2	Sound control shall conform to the provisions in Section 14-8.02, "Noise Control," of the Standard Specifications. According to requirements of this specification, construction noise cannot exceed 86 dBA at 50 ft from the jobsite activities from 9:00 p.m. to 6:00 a.m.	Resident Engineer	Construction				

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NOI-3	All internal combustion engines shall be equipped with the manufacturer-recommended muffler. An internal combustion engine cannot be operated on the jobsite without the appropriate muffler.	Resident Engineer	Construction				
NOI-4	The contractor shall prepare a Noise and Vibration Monitoring and Mitigation Plan by a qualified Acoustical Engineer and submit it for approval. The Plan must outline noise and vibration monitoring procedures at predetermined noise and vibration sensitive sites, as well as historic properties. The Noise and Vibration Monitoring and Mitigation Plan also must include calculated noise and vibration levels for various construction phases and mitigation measures that would be needed to meet the project specifications. The contractor shall not start any construction work or operate any noise-generating construction equipment at the construction site before approval of the Noise and Vibration Monitoring and Mitigation Plan. The Noise and Vibration Monitoring and Mitigation Plan must be updated every three3 months or sooner if there are any changes to the construction activities.	OCTA/ Resident Engineer	Pre-Construction/ Construction				
NOI-5	It is predicted that construction activities that use vibratory compaction rollers and pile drivers could cause some human annoyance impacts. There are cases where it may be necessary to use this type of equipment in close proximity to residential and commercial buildings. The following are procedures that could be used to minimize the potential for human annoyance from construction vibration: • Conduct vibration monitoring during vibration-intensive activities. • Properly maintain all motorized equipment in a state of good repair to limit wear-induced vibration. • Where feasible, avoid the use of impact -type pile driving near residences; instead use drilled piles or the use of a sonic or vibratory pile driver, which cause lower vibration levels (where the geological conditions permit their use). • When there is a possibility of human annoyance from construction activities, such as the operation of vibratory rollers, absent urgent and unexpected circumstances, conduct such activity only during weekday daytime hours when the ambient background noise and vibration is higher and many residents are away from their homes at work. • Develop a phasing plan so that high vibration -generating activities do not occur within the same time period isn close proximity to each other, to the maximum extent practicable. Avoid the use of large vibratory rollers and packers near sensitive areas, when possible, and use smaller equipment with smaller lifts.	OCTA/ Resident Engineer	Construction				
	BIOLOGICAL ENVIRONMENT						
BIO-1	Prior to clearing or construction, highly visible barriers (e.g., orange construction fencing) will be installed around riparian/riverine vegetation adjacent to the project footprint to designate Environmentally Sensitive Areas (ESA) to be preserved. No grading or fill activity of any type will be permitted within these ESAs. In addition, heavy equipment, including motor vehicles, will not be allowed to operate within the ESAs. All construction equipment will be operated in a manner to prevent accidental damage to nearby preserved areas. No structure of any kind, or incidental storage of equipment or supplies, will be allowed within these protected zones. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of fill material in areas where vegetation is immediately adjacent to planned grading activities.	Design Engineer/ OCTA/ Resident Engineer	Design/ Pre-Construction/ Construction				
BIO-2	During Design, Caltrans/OCTA shall consult with the appropriate responsible resource agency (e.g., CDFG, USACE, and RWQCB) to verify delineation results, determine permanent losses and temporary impact areas, and identify compensatory mitigation, as applicable. Prior to undertaking ground-disturbing activities within or immediately adjacent to any aquatic resource areas, OCTA and/or their consultant shall obtain all obligatory discretionary permits/authorizations.	Caltrans Biologist/ Resident Engineer	PA/ED/ Pre-Construction				
BIO-3	Prior to clearing or construction, highly visible barriers (e.g., orange construction fencing) will be installed around jurisdictional areas and designated as Environmentally Sensitive Areas (ESA) to be preserved. ESAs will extend from the end of the permitted area to the edge of the construction footprint (within existing and proposed ROW and also within any temporary construction easements) to preserve all other waters of the U.S./State that are not otherwise permitted in accordance with BIO-3.	Design Engineer/ OCTA / Biologist/ Resident Engineer	Design/ Pre-Construction				
BIO-4	Although no special status plant species were observed during preliminary surveys, pre-construction special status plant surveys will be conducted prior to any ground disturbing activities.	Design Engineer/ OCTA / Biologist/ Resident Engineer	Design/ Construction				
BIO-5	To avoid impacts to nesting birds, any native vegetation removal or tree (i.e., native or exotic) trimming activities will occur outside of the nesting bird season (February 15 through August 31). If vegetation clearing is necessary during the nesting season, a qualified biologist will conduct a preconstruction survey to identify the locations of nests. Should nesting birds be found, an exclusionary buffer will be established by the biologist. This buffer shall be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing will not be conducted within this zone until the biologist determines that the young have fledged or the nest is no longer active.	Design Engineer/ OCTA / Biologist/ Resident Engineer	Design/ Construction				
BIO-6	To ensure that any owls that may occupy the site are not affected by construction activities, preconstruction burrowing owl surveys and potential owl relocation will be required prior to any phase of construction. These preconstruction surveys are also required to comply with the MBTA and the California Fish and Game Code. If any of the preconstruction surveys determine that the species is	OCTA/ Biologist/	Pre-Construction/ Construction				

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	present, one or more of the following measures may be required: (1) avoidance of active nests and surrounding buffer area during construction activities; (2) passive relocation of individual owls; (3) active relocation of individual owls; and (4) preservation of onsite habitat with long-term conservation value for the owl.	Resident Engineer					
BIO-7	To avoid impacts to raptors, all new highway lighting adjacent to NAVWPNSTA Seal Beach shall not contain features that allow for raptor perches, as feasible.	OCTA/ Resident Engineer	Construction				
BIO-8	To avoid impacts to migratory birds at the Seal Beach National Wildlife Refuge, all new highway lighting adjacent to NAVWPNSTA Seal Beach shall be directed down towards the highway itself.	Design Engineer/ OCTA / Biologist/ Resident Engineer	Design/ Construction				
BIO-9	A qualified bat biologist shall conduct a preconstruction bat habitat suitability assessment to determine if the construction area contains potential bat habitat within the project footprint or immediate surroundings, including roosting sites, foraging sites, and/or maternity colonies. The surveys shall include a combination of inspection, sampling, exit counts, and acoustic surveys. The survey shall be completed in June or at a time determined appropriate by a qualified bat biologist prior to construction, because maternity roosts are generally formed in late spring. If occupied or historic roosting sites, foraging sites, and/or maternity colonies are identified during the preconstruction bat habitat suitability assessment, construction activities shall not be initiated at the location until the bats have been excluded from the location, using CDFGCDFW-approved exclusion devices, and the qualified bat biologist certifies the location bat free. All exclusion activities will be coordinated with CDFG CDFW and completed under the supervision of a qualified bat biologist. Once installed, exclusion devices will be maintained throughout the duration of the construction activities or until construction at the location is deemed complete and bat use is again acceptable. If maternity sites are identified during the preconstruction bat habitat suitability assessment, no construction activities at the location containing the maternity roost will be allowed during the maternity season (April 1 through July 30), unless a qualified bat biologist has determined that young have been weaned. If present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then bat exclusion at maternity roost sites shall be completed either as soon as allowed by the qualified bat biologist after the young have been weaned or outside of the maternity season, prior to initiating construction activities or as otherwise approved by the qualified bat biologist in coordination with CDFGW.	Design Engineer/ OCTA / Biologist/ Resident Engineer	Design/ Pre-Construction				
BIO-10	In compliance with EO 13112, weed control will be performed to minimize the importation of nonnative plant material during and after construction. Eradication strategies will be employed should an invasion occur. Measures addressing invasive species abatement and eradication will be included in the project design and contract specifications. These measures may include, but not be limited to: • During design phase, the landscape pallet will be sent and reviewed by the Caltrans biologist. • All construction site BMPs from the SWPPP will be followed. • During construction, all construction equipment will be cleaned of mud or other debris that may contain invasive plants and/or seeds and will be inspected to reduce the potential of spreading noxious weeds before mobilizing to arrive at the site and before leaving the site. This will be included in project provisions. • After construction, affected areas adjacent to native vegetation will be revegetated with plant species native to the southern California region approved by the Caltrans District Biologist. After construction, all revegetated areas will be prohibited from the use of species listed in the Cal-IPC California Invasive Plant Inventory that have a high or moderate rating.	Design Engineer/ OCTA / Biologist/ Resident Engineer	Design/ Construction				

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