

**Planning Agreement**

**by and among**

**Orange County Transportation Authority,  
California Department of Transportation,  
California Department of Fish and Game, and  
United States Fish and Wildlife Service**

**for the**

**Orange County Transportation Authority/  
California Department of Transportation  
Natural Community Conservation Plan/  
Habitat Conservation Plan (NCCP/HCP)**

**October 2009**

TABLE OF CONTENTS

1.0 Definitions..... 1

2.0 Background ..... 2

    2.1 Natural Community Conservation Planning Act..... 2

    2.2 Purposes of NCCP Planning Agreement..... 3

    2.3 Compliance with CESA and FESA ..... 3

    2.4 Section 7 of FESA ..... 4

    2.5 Concurrent Planning for Wetlands and Waters of the United States ..... 4

    2.6 Assurances..... 4

        2.6.1 Regulatory Assurances Under FESA ..... 4

        2.6.2 Regulatory Assurances Under the NCCP Act ..... 5

3.0 Planning Goals ..... 5

4.0 Planning Area and Plan Participants ..... 5

    4.1 Geographic Scope..... 6

    4.2 Orange County Transportation Authority ..... 6

    4.3 California Department of Transportation ..... 6

    4.4 California Department of Fish and Game ..... 7

    4.5 United States Fish and Wildlife Service..... 7

5.0 Preliminary Conservation Objectives..... 7

    5.1 Conservation Elements ..... 8

        5.1.1 Ecosystems, Natural Communities, and Covered Species List ..... 8

        5.1.2 Conservation Areas and Viable Habitat Linkages ..... 8

        5.1.3 Project Design ..... 8

6.0 Preparing the NCCP/HCP ..... 8

    6.1 Best Available Scientific Information ..... 9

    6.2 Data Collection..... 9

    6.3 Independent Scientific Input..... 9

    6.4 Public Participation ..... 10

        6.4.1 Steering Committee ..... 11

        6.4.2 Outreach ..... 11

        6.4.3 Availability of Public Review Drafts ..... 11

        6.4.4 Public Hearings ..... 11

        6.4.5 Public Review and Comment Period Prior to Adoption ..... 12

    6.5 Covered Activities ..... 12

    6.6 Interim Project Processing ..... 14

        6.6.1 Reportable Interim Projects ..... 14

        6.6.2 Notification Process ..... 15

        6.6.3 Wildlife Agency Review ..... 15

        6.6.4 Coordinating Interim Process with Plan Preparation ..... 15

    6.7 Protection of Habitat and other Resources During Planning Process .. 15

        6.7.1 Conservation Actions ..... 15

        6.7.2 Mitigation Lands..... 16

    6.8 Implementing Agreement..... 16

7.0 Commitment of Resources ..... 16

    7.1 Funding..... 16

        7.1.1 CDFG Assistance with Funding and CDFG Costs..... 16

- 7.1.2 USFWS Assistance with Funding ..... 17
- 7.1.3 Expertise of Wildlife Agencies..... 17
- 8.0 Miscellaneous Provisions ..... 17
  - 8.1 Public Officials Not to Benefit..... 17
  - 8.2 Statutory Authority ..... 17
  - 8.3 Multiple Originals ..... 17
  - 8.4 Effective Date..... 17
  - 8.5 Duration ..... 17
  - 8.6 Amendments..... 18
  - 8.7 Termination and Withdrawal ..... 18
    - 8.7.1 Funding..... 18
  - 8.8 No Precedence ..... 18

Exhibits

- Exhibit A .....20
- Exhibit B .....22
- Exhibit C .....23

**Orange County Transportation Authority Habitat Conservation Plan  
(HCP)/Natural Community Conservation Plan (NCCP)  
Planning Agreement**

This Planning Agreement regarding the planning and preparation of the Orange County Transportation Authority Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP) is entered into as of the Effective Date by and among the Orange County Transportation Authority (OCTA), the California Department of Transportation (Caltrans), the California Department of Fish and Game (CDFG), and the United States Fish and Wildlife Service (USFWS). These entities are referred to collectively as "Parties" and each individually as a "Party." CDFG and USFWS are referred to collectively as "Wildlife Agencies."

## 1.0 Definitions

Terms used in this Planning Agreement that are defined in the Natural Community Conservation Planning Act (NCCPA) have the meanings set forth in Fish and Game Code section 2805. The following terms as used in this Planning Agreement will have the meanings set forth below.

- 1.1 "CEQA" means the California Environmental Quality Act, Public Resources Code, section 21000, *et seq.*
- 1.2 "CESA" means the California Endangered Species Act, California Fish and Game Code, section 2050 *et seq.*
- 1.3 "Covered Activities" means the activities that will be addressed in the Plan and for which OCTA and Caltrans will seek an NCCP permit pursuant to Fish and Game Code, section 2835 and an incidental take permit pursuant to section 10 of FESA.
- 1.4 "Covered Species" means those species, both listed and non-listed, conserved and managed under an approved Plan that may be authorized for take under state and federal laws.
- 1.5 "Effective Date" means the date on which this Planning Agreement has been executed by the Parties.
- 1.6 "FESA" means the Federal Endangered Species Act, 16 United States Code section 1530, *et seq.*
- 1.7 "Habitat Conservation Plan" or "HCP" means a conservation Plan prepared pursuant to section 10(a)(1)(B) of the FESA.

- 1.8 "Implementing Agreement" or "IA" means the agreement required pursuant to Fish and Game Code section 2820, subdivision (b) and authorized under 16 U.S.C. section 1539 (a)(2)(B) which defines the terms for implementing the Plan.
- 1.9 "Incidental take permit" or "ITP" means a permit issued under section 10 of the FESA to private parties undertaking otherwise lawful projects that might result in the take of an endangered or threatened species.
- 1.10 "Listed Species" means those species designated as candidate, threatened or endangered pursuant to CESA and/or listed as threatened or endangered under the FESA.
- 1.11 "Natural Community Conservation Plan" or "NCCP" means a conservation Plan created pursuant to Fish and Game Code, section 2801, *et seq.*
- 1.12 "NCCP Act" means the Natural Community Conservation Planning Act, Fish and Game Code section 2800 *et seq.*
- 1.13 "NEPA" means the National Environmental Policy Act, 42 United States Code section 4321 *et seq.*
- 1.14 "Party" means an entity that is a signatory to this Planning Agreement. Such entities may be referred to individually as "Party" or collectively as "Parties."
- 1.15 "Planning Area" means the geographic area proposed to be addressed in the NCCP/HCP as described in Section 4.1 and shown in Exhibit A.
- 1.16 "Renewed Measure M" means the Orange County Renewed Measure M Transportation Ordinance and Investment Plan. See Exhibit C.
- 1.17 "Section 7" means 16 United States Code section 1536.
- 1.18 "Section 10" means 16 United States Code section 1539.

## 2.0 Background

### 2.1 Natural Community Conservation Planning Act

The NCCPA was enacted to encourage broad-based planning to provide for effective protection and conservation of the state's wildlife resources while continuing to allow appropriate development and growth. The purpose of the NCCP is to provide for the conservation of biological diversity by protecting biological communities at the ecosystem and landscape scale. Conservation of biological diversity includes protecting sensitive and more common species, natural communities, and the ecological processes necessary to sustain the

ecosystem over time. An NCCP identifies and provides for the measures necessary to conserve and manage natural biological diversity within the Planning Area, while allowing compatible and appropriate economic development, growth, and other human uses.

## **2.2 Purposes of NCCP Planning Agreement**

The purposes of NCCP Planning Agreement are to:

- Define the Parties' goals and obligations with regard to development of a Plan;
- Define the geographic scope of the conservation Planning Area;
- Identify a preliminary list of natural communities and species expected to be found in those communities, that are intended to be the initial focus of the Plan;
- Identify preliminary conservation objectives for the Planning Area;
- Establish a process for the inclusion of independent scientific input into the planning process;
- Ensure coordination among the Wildlife Agencies;
- Establish a process to review interim development within the Planning Area that will help achieve the preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long term conservation measures; and
- Ensure public participation and outreach throughout the planning process.
- Establish a process to ensure funding of the mitigation measures identified in the NCCP/HCP are consistent with Renewed Measure M.

## **2.3 Compliance with CESA and FESA**

The Planning Area contains valuable biological resources, including native species of fish and wildlife and their habitat. Among the species within the Planning Area are certain species that are protected, or may be protected in the future, under CESA or the FESA. The Parties intend for the Plan to satisfy the requirements for an HCP under section 10(a)(1)(B) of FESA, and an NCCP under the NCCPA, to serve as the basis for take authorizations under both Acts.

The NCCPA provides that after the approval of an NCCP, CDFG may permit the taking of any identified species, listed or non-listed, whose conservation and management is provided for in the NCCP. Take of state-listed species may be authorized pursuant to CESA during development of the Plan. After approval of the Plan, state authorized take may be provided pursuant to the NCCPA.

FESA provides that after the approval of an HCP, USFWS may permit the taking of wildlife species covered in the HCP, provided that the HCP meets the requirements of section 10(a)(2)(A) and (B) of FESA. Take authorization for federally listed wildlife species covered in the HCP is effective upon approval of the HCP and issuance of an incidental take permit (ITP). Take authorization for

non-listed wildlife species covered in the HCP becomes effective if and when the species is listed pursuant to FESA. Incidental take of listed plant species is generally not prohibited under FESA and cannot be authorized under Section 10(a)(1)(B). However, certain plant species are included on the list of Covered Species proposed for coverage under the NCCP/HCP and are intended to be included on the list of Covered Species on the federal incidental take permit in recognition of the conservation benefits that will be provided for those species under the NCCP/HCP. Take authorization during Plan preparation for wildlife species listed pursuant to FESA, subject to compliance with applicable statutory and regulatory requirements, will be provided pursuant to individual permits issued pursuant to section 10(a)(1)(B), or consultations under section 7 of FESA.

#### **2.4 Section 7 of FESA**

To the extent allowed under existing federal law and regulations, the Parties intend that the measures adopted to meet the regulatory standards that govern approval of the NCCP/HCP under the ESA by USFWS, will, upon approval of the NCCP/HCP and issuance of an ITP by USFWS, be the same or consistent with the measures to be incorporated into biological opinions associated with future section 7 consultations between USFWS and a federal action agency regarding Covered Activities that may adversely affect listed Covered Species or critical habitat but are not likely to jeopardize the continued existence of such species or result in the destruction or adverse modification of the designated critical habitat of such species.

#### **2.5 Concurrent Planning for Wetlands and Waters of the United States**

OCTA and Caltrans intend to address impacts to wetlands and waters of the United States and changes to the bed, bank or channel of rivers, streams and lakes resulting from Covered Activities. Based on the NCCP/HCP, OCTA and Caltrans may seek future programmatic permits under the Clean Water Act and/or Fish and Game Code section 1600 *et seq.* as necessary for Covered Activities. The Parties agree to work together to explore the feasibility of undertaking concurrent but separate planning regarding these permits. Such programmatic permits or other forms of authorization are not necessary, however, for approval of the NCCP/HCP or for issuance of take permits.

#### **2.6 Assurances**

##### **2.6.1 Regulatory Assurances Under FESA**

Pursuant to 50 C.F.R. §§ 17.22(b)(5) and 17.32(b)(5) and upon approval of the HCP and issuance of an incidental take permit for Covered Activities, USFWS will extend regulatory assurances to OCTA and Caltrans that the USFWS will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for Covered Species, without the consent of OCTA and Caltrans.

### 2.6.2 Regulatory Assurances Under the NCCP Act

If the OCTA and Caltrans NCCP/HCP meets the criteria for issuance of an NCCP permit under section 2835 of the Fish and Game Code, CDFG will approve the NCCP and provide assurances consistent with its statutory authority upon issuance of the NCCP permit. Under section 2820(f) of the Fish and Game Code, CDFG may provide assurances for Plan participants commensurate with the level of long-term conservation and associated implementation measures provided in the Plan. In order to ensure that regulatory assurances are legally binding, such provisions will be included in an Implementing Agreement.

## 3.0 Planning Goals

The planning goals for the OCTA and Caltrans NCCP/HCP include the following:

- Provide for the conservation and management of Covered Species within the Planning Area;
- Preserve, restore and enhance aquatic, riparian and terrestrial natural communities and ecosystems that support Covered Species within the Planning Area;
- Implement Covered Activities in a manner that complies with applicable state and federal fish and wildlife protection laws, including CESA and the FESA;
- Provide a basis for permits necessary to lawfully take Covered Species;
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements of FESA, NCCPA, CEQA, and NEPA regarding the impacts of Covered Activities on the Covered Species within the Planning Area;
- Provide an accounting process that will document the net environmental benefits from the NCCP/HCP in exchange for streamlined and timely approval of permits for the Renewed Measure M freeway program;
- Provide a less costly, more efficient project review process that results in greater conservation values than project-by-project, species-by-species review; and,
- Provide clear expectations and regulatory predictability for the entities carrying out covered activities within the Planning Area.

## 4.0 Planning Area and Plan Participants

As part of this planning process, OCTA and Caltrans have committed to undertake a collaborative, comprehensive approach to protecting the Planning Area's ecologically significant resources, including candidate, threatened and endangered species and their habitats, and open space, and to ensure that the

Covered Activities comply with applicable federal and state laws. The permittees will be OCTA, as a sponsor of the Renewed Measure M freeway project, and Caltrans, as the owner and operator of the state highway system. The Renewed Measure M Transportation Investment Plan (attachment to Ordinance [Exhibit C]) outlined the planning goals. The Transportation Investment Plan states that OCTA will fund 13 freeway improvement projects, and (subject to a Master Agreement) includes an innovative environmental mitigation program (funded with a minimum of 5% of freeway program funds) to provide for comprehensive mitigation of environmental impacts of freeway improvements. It further elaborates that the higher-value environmental benefits will be provided in exchange for streamlined project approvals for the freeway program as a whole. OCTA will be responsible for funding and implementing the environmental mitigation program. OCTA and Caltrans intend to implement the Plan to conserve biological resources while undertaking public infrastructure projects.

#### **4.1 Geographic Scope**

The Planning Area includes all of Orange County (Exhibit A). This Plan is meant to complement existing Orange County planning efforts of the Central Coastal NCCP/HCP and the Southern Orange County HCP. Because large blocks of unprotected land occur outside these planning areas (e.g., Northeast Orange County, and south coast cities including San Juan Capistrano, that are affected by future Renewed Measure M projects) this Plan will complement existing conservation planning in Orange County by preserving significant wildlands not yet protected under these regional plans.

Regardless of the scope of the Planning Area, nothing in this Planning Agreement shall be construed to limit the consideration of the acquisition of adjacent areas outside of Orange County that are appropriate for preserve design purposes provided OCTA and Caltrans meet their conservation and mitigation objectives within the Planning Area and the adjacent lands complement the reserve design.

#### **4.2 Orange County Transportation Authority**

OCTA, the local sponsor of the Plan, is a multi-modal transportation agency formed in 1991 to serve Orange County through the consolidation of seven transportation agencies. Capital improvements to various freeways within the county are included as part of the Renewed Measure M sales tax initiative.

#### **4.3 California Department of Transportation**

Caltrans, also a Plan sponsor, is the owner and operator of the state highway system. Caltrans is the lead agency under CEQA and NEPA (pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [SAFETEA-LU] federal transportation bill Sections 6004 and 6005), for environmental compliance of each individual freeway project. Caltrans will be an active partner in the development of the NCCP/HCP.

#### 4.4 California Department of Fish and Game

CDFG is the agency of the State of California authorized to act as trustee for the state's wildlife. CDFG is authorized to approve NCCPs pursuant to the NCCPA, administer and enforce CESA, NCCPA, and other provisions of the Fish and Game Code, and enter into agreements with federal and local governments and other entities for the conservation of species and habitats pursuant to CESA and the NCCPA .

#### 4.5 United States Fish and Wildlife Service

The USFWS is an agency of the United States Department of the Interior authorized by Congress to administer and enforce the ESA with respect to terrestrial wildlife, non-anadromous fish species, insects and plants, and to enter into agreements with states, local governments, and other entities to conserve threatened, endangered, and other species of concern. The NCCPA and this Planning Agreement require coordination with USFWS with respect to the FESA.

### 5.0 Preliminary Conservation Objectives

The preliminary conservation objectives the Parties intend to achieve through the NCCP/HCP are to:

- Provide for the protection of species, natural communities, and ecosystems on a landscape level;
- Protect threatened, endangered or other special status plant and animal species;
- Identify and designate biologically sensitive habitat areas;
- Reduce the need to list additional species;
- Set forth species specific goals and objectives;
- Set forth specific habitat-based goals and objectives expressed in terms of amount, quality, and connectivity of habitat;
- Provide meaningful comprehensive mitigation for impacts to Covered Species and the natural communities and ecosystems that support the Covered Species;
- Provide for habitat connectivity to ensure reserves maintain their biological functions and values;
- Preserve and provide for the protection and recovery of Covered Species and associated natural communities and ecosystems that occur within the Planning Area;
- Preserve the diversity of fish, wildlife, plant and natural communities in the Planning Area through the preservation and/or restoration of habitat; and,
- Implement an adaptive management and monitoring program to respond to changing ecological conditions.
- Avoid, minimize and/or mitigate the take of Covered Species, and in the case of FESA, the loss of Covered plant species.

## 5.1 Conservation Elements

### 5.1.1 Ecosystems, Natural Communities, and Covered Species List

The NCCP/HCP will employ a strategy that focuses on the conservation of ecosystems, natural communities, and ecological processes in the Planning Area. In addition, the NCCP/HCP will establish species-specific minimization, mitigation, conservation and management measures where appropriate.

Natural communities that are likely to be addressed by the NCCP/HCP include, but are not limited to: California Walnut Woodland, Canyon Live Oak Ravine Forest, Riversidian Alluvial Fan Scrub, Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Mixed Riparian Forest, Southern Willow Scrub, and Valley Needlegrass Grassland.

Species that are known or reasonably expected to be found in the Planning Area and are intended to be covered by the NCCP/HCP include, but are not limited to: Braunton's Milk Vetch, Coulter's Matilija Poppy, Intermediate Mariposa Lily, Many Stemmed Dudleya, Southern Tarplant, Southern Pacific Pond Turtle, San Diego Coast Horned Lizard, Orange Throated Whiptail Lizard, Red Diamond Rattlesnake, Coastal Cactus Wren, Coastal California Gnatcatcher, Coastal Rufous-Crowned Sparrow, Southwestern Willow Flycatcher, Least Bell's Vireo, Arroyo Chub, Santa Ana Sucker, Bobcat, Mountain Lion, Pallid Bat, Small-Footed Myotis Bat, Long-Eared Myotis Bat, and Yuma Myotis Bat (Exhibit B). Issuance of state and federal take authorizations for any specific Covered Species will require an individual determination by the applicable Wildlife Agency that the NCCP/HCP meets applicable state or federal permit issuance requirements.

### 5.1.2 Conservation Areas and Viable Habitat Linkages

The NCCP/HCP will protect, enhance, or restore habitat and provide or enhance habitat linkages throughout the Planning Area. It will also identify where linkages between the conservation areas and important habitat areas outside the Planning Area should occur. The NCCP/HCP conservation area will include a range of environmental gradients and ecological functions, and will address edge effects, appropriate principles of ecosystem management, ecosystem restoration, and population biology.

### 5.1.3 Project Design

The Plan will ensure that projects will be appropriately designed to avoid, minimize, and/or mitigate on-site and off-site impacts to Covered Species and their habitats.

## 6.0 Preparing the NCCP/HCP

The Parties intend that this Planning Agreement will fulfill the NCCPA requirements pertaining to planning agreements and will establish a mutually

agreeable process for preparing the Plan that fulfills the requirements of the NCCPA and FESA. The process used to develop the Plan will incorporate independent scientific input and analysis, and include extensive public participation with ample opportunity for comment from the general public as well as advice solicited by the OCTA and Caltrans from key groups of stakeholders as described below.

### **6.1 Best Available Scientific Information**

The NCCP/HCP will be based on the best available scientific information, including, but not limited to:

- Principles of conservation biology, community ecology, landscape ecology, individual species ecology, and other appropriate scientific data and information, knowledge and thought;
- Thorough information about all natural communities and proposed Covered Species within the Planning Area; and
- Advice from well-qualified, independent scientists.

### **6.2 Data Collection**

The Parties agree that information regarding the subjects briefly described below in Section 6.3 is important for preparation of the NCCP/HCP. The Parties therefore agree that data collection for preparation of the NCCP/HCP should be prioritized to develop more complete information on these subjects. Preference should be given to collecting data essential to address conservation requirements of natural communities and proposed Covered Species. The science advisory process and analysis of existing information may reveal data gaps currently not known that are necessary for the full and accurate development of the NCCP/HCP. Data needed for preparation of the NCCP/HCP may not be known at this time nor identified herein. Therefore, the Parties anticipate that data collection priorities may be adjusted from time to time during the planning process. All data collected for the preparation and implementation of the NCCP/HCP will be made available to the Wildlife Agencies in hard and digital formats, as requested.

### **6.3 Independent Scientific Input**

The Parties intend to include independent scientific input and analysis to assist in the non-federal parties in preparation of the Plan. For that purpose, independent scientists representing a broad range of disciplines, including conservation biology and locally-relevant ecological knowledge, will, at a minimum:

- recommend scientifically sound conservation strategies for species and natural communities proposed to be covered by the Plan;
- recommend a set of reserve design principles that address the needs of species, landscapes, ecosystems, and ecological processes in the planning area proposed to be addressed by the Plan;
- recommend management principles and conservation goals that can be used in developing a framework for the monitoring and adaptive management component of the Plan; and

- identify data gaps and uncertainties so that risk factors can be evaluated.

The independent scientists may be asked to provide additional feedback on key issues during preparation of the Plan, and may prepare reports regarding specific scientific issues throughout the process, as deemed necessary by the non-federal Parties.

Design and implementation of the science advisory process must be done in a coordinated fashion and with the mutual agreement of the non-federal Parties. The non-federal Parties will establish funding and payment procedures. The independent science advisory process will include the development of a detailed scope of work, use of a professional facilitator, input from technical experts, and production of a report by the scientists. In addition, the non-federal Parties will make the report available for use by all participants and the public during the planning process.

#### **6.4 Public Participation**

The Parties will ensure that preparation of the NCCP/HCP is an open and transparent process with an emphasis on obtaining input from a balanced variety of public and private interests. The planning process will provide for thorough public review and comment. It is the intent of the sponsor of the Plan, OCTA, to conduct negotiations with applicable agencies in an open and transparent forum. The planning process will utilize the Mitigation and Resource Protection Program Oversight Committee (Environmental Oversight Committee [EOC]) and the public outreach plan established under Renewed Measure M, as well as publication of notices and draft documents to provide opportunities for thorough public participation. The EOC is a Committee established by the OCTA Board of Directors to make recommendations on the Renewed Measure M process as it relates to this effort. The EOC meetings and actions taken are conducted publicly and are subject to the Brown Act. The monthly EOC meetings serve to: encourage public participation, obtain planning information, present planning strategies, and obtain public feedback. EOC members are comprised of representatives from the Wildlife Agencies, Caltrans, and environmental community.

In addition to the monthly meetings, OCTA has compiled a database of environmental groups, non-profits, developers, local agencies and jurisdictions, in order to request their feedback on the planning process and to explore conservation opportunities with these stakeholders.

As part of this effort to engage and encourage public participation, OCTA distributed a letter package in December 2008 to a list of 800 local governments, landowners, property managers, conservation organizations, and community groups to inform the public on the purpose of the mitigation program and build the inventory of potential conservation sites. As a result, OCTA collected

additional property information on more than 50 Orange County properties, with approximately 58,000 acres being evaluated for acquisition and restoration.

In April 2009, the public was invited to present their property proposals before the EOC at a public workshop. The invitation letter was sent to the same 800 stakeholders. A total of 24 proposals were presented to the EOC during the public workshop and at EOC meetings.

OCTA staff will engage and obtain approvals (as appropriate) from the EOC, Transportation 2020 (T2020) Committee, and the Board of Directors regarding issues that are germane to the development of the NCCP/HCP processes.

#### **6.4.1 Steering Committee**

The EOC will serve as the Steering Committee for the NCCP/HCP. Scientific and conservation planning staff from the Wildlife Agencies will work with the EOC to provide technical expertise and share information during development and implementation of the Plan.

#### **6.4.2 Outreach**

OCTA and Caltrans, in concert with the EOC, will provide access to information for persons interested in the Plan. The non-federal Parties expect and intend that public outreach regarding preparation of the Plan will be conducted largely by and through the EOC meetings. In addition, OCTA and Caltrans will continue to hold public meetings to present key decisions regarding the preparation of the Plan to allow the public the opportunity to comment on and inquire about the decisions. Other outreach efforts will include those discussed under Section 6.4.

#### **6.4.3 Availability of Public Review Drafts**

OCTA and Caltrans will designate and make available for public review in a reasonable and timely manner "public review drafts" of pertinent planning documents including, but not limited to, plans, memoranda of understanding, maps, conservation guidelines, and species coverage lists. Such documents will be made available by OCTA and Caltrans at least ten working days prior to any public meetings/hearings addressing these documents. In addition, OCTA and Caltrans will make available all reports and formal memoranda prepared by the EOC. This obligation will not apply to all documents drafted during preparation of the Plan. However, OCTA and Caltrans will periodically designate various pertinent documents drafted during preparation of the Plan as "public review drafts", and will make these documents available to the public. OCTA's website ([www.octa.net](http://www.octa.net)) will be one of the principal means of making documents available for public review, in addition to more traditional means such as distribution and display of hard copies.

#### **6.4.4 Public Hearings**

Public hearings regarding development of the NCCP/HCP will be planned and conducted in a manner that satisfies the requirements of CEQA, NEPA, and any other applicable state or federal laws.

**6.4.5 Public Review and Comment Period Prior to Adoption**

OCTA and Caltrans will make the proposed draft NCCP/HCP and Implementing Agreement available for public review and comment a minimum of 60 days before adoption. The draft NCCP/HCP and Implementing Agreement will be distributed with the draft Environmental Impact Report (EIR) prepared for the NCCP pursuant to CEQA and the draft NCCP/HCP and Implementing Agreement will be distributed with the draft Environmental Impact Statement (EIS) prepared for the HCP pursuant to NEPA and ESA.

**6.5 Covered Activities**

With regard to CESA, Covered Activities under the Plan are those activities that may result in authorized take of Covered Species. With regard to FESA, Covered Activities are those activities that may result in authorized take of Covered animal species or the loss of Covered plant species that will be addressed in the Plan. Covered Activities are limited to those transportation infrastructure projects over which the OCTA and Caltrans have control or authority. The Parties intend that take authorizations resulting from approval of the plan will allow Covered Activities in the Planning Area to be carried out in compliance with NCCPA and FESA.

Anticipated Covered Activities currently consist of thirteen freeway improvement projects:

- 1) **Project A: I-5 Improvements between SR-55 and SR-57**  
Reduce freeway congestion through improvements at the SR-55/I-5 interchange area between the Fourth Street Newport Boulevard ramps on I-5, and between Fourth Street and Edinger Avenue on SR-55. Also, add capacity on I-5 between SR-55 and SR-57 to relieve congestion at the "Orange Crush."
- 2) **Project B: I-5 Improvements from SR-55 to El Toro "Y"**  
Build new lanes and improve the interchanges in the area between SR-55 and the SR-133 (near the El Toro "Y"). The project will also make improvements at local interchanges, such as Jamboree Road.
- 3) **Project C: I-5 Improvements south of the El Toro "Y"**  
Add new lanes to I-5 from the vicinity of the El Toro Interchange in Lake Forest to the vicinity of SR-73 in Mission Viejo. Also add new lanes on I-5 between Coast Highway and Avenida Pico interchanges to reduce freeway congestion in San Clemente.
- 4) **Project D: I-5 Local Interchange Upgrades**  
Update and improve key I-5 interchanges such as Avenida Pico, Ortega Highway, Avery Parkway La Paz Road, El Toro Road, and others to relieve street congestion around older interchanges and on ramps.

- 5) **Project E: SR-22 Access Improvements**  
Construct interchange improvements at Euclid Street, Brookhurst Street and Harbor Boulevard to reduce freeway and local street congestion.
- 6) **Project F: SR-55 Improvements (between SR-22 and I-405)**  
Add new lanes to SR-55 between SR-22 and I-405, generally within existing right-of-way, including merging lanes between interchanges to smooth traffic flow. This project also provides for freeway operational improvements for the portion of SR-55 between SR-91 and SR-22.
- 7) **Project G: SR-57 Improvements**  
Build a new northbound lane between Orangewood Avenue and Lambert Road. Other projects include improvements to the Lambert interchange and the addition of a northbound truck-climbing lane between Lambert and the county line.
- 8) **Project H: SR-91 Improvements from I-5 to SR-57**  
Add capacity in the westbound direction and provide operational improvements at on and off ramps to the SR-91 between I-5 and SR-57.
- 9) **Project I: SR-91 Improvements from SR-57 to SR-55 Interchange Area**  
Improve the SR-91/SR-55 to SR-91/SR-57 interchange complex, including nearby local interchanges such as Tustin Avenue and Lakeview, as well as adding freeway capacity between SR-55 and SR-57.
- 10) **Project J: SR-91 Improvements from SR-55 to Orange/Riverside County Line**  
This project adds capacity on SR-91 beginning at SR-55 to the Orange/ Riverside County Line. This will be done in coordination with the Riverside County Transportation Commission's (RCTC) plans to improve the SR-91 freeway into Riverside County. The first priority will be to improve the segment of SR-91 east of SR-241. The goal is to provide up to four new lanes of capacity between SR-241 and Riverside County Line by making best available use of freeway property, adding reversible lanes, building elevated sections and improving connections to SR-241. This project also includes improvements to the segment of SR-91 between SR-241 and SR-55. The concept is to generally add one new lane in each direction and improve the interchanges.

- 11) **Project K: I-405 Improvements between I-605 freeway in Los Alamitos area and SR-55**  
 Add new lanes to I-405 between I-605 and SR-55. The project will make best use of available freeway property, update interchanges and widen various local overcrossings according to city and regional plans. The improvements will be coordinated with other planned I-405 improvements in the I-405/SR-22/I-605 interchange area to the north and I-405/SR-73 improvements to the south.
  
- 12) **Project L: I-405 Improvements between SR-55 and I-5**  
 Add new lanes to the freeway from SR-55 to the I-5. The project will also improve chokepoints at interchanges and add merging lanes near on/off ramps such as Lake Forest Drive, Irvine Center Drive and SR-133 to improve the overall freeway operations in the I-405/I-5 El Toro "Y" area.
  
- 13) **Project M: I-605 Freeway Access Improvements**  
 Improve freeway access at I-605/Katella Avenue serving the communities of Los Alamitos and Cypress. The project will be coordinated with other planned improvements along SR-22 and I-405. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities. This improvement will connect to interchange improvements at I-405 and SR-22 as well as new freeway lanes between I-405 and I-605.

## **6.6 Interim Project Processing**

The Parties recognize that before the Wildlife Agencies determine whether to approve the NCCP/HCP, certain projects and activities may be proposed within the Planning Area. The Parties agree to the following interim project process to: (1) ensure that development, construction, and other projects or activities approved or initiated in the Planning Area before completion of the NCCP/HCP are consistent with the preliminary conservation objectives (Section 5) and do not compromise successful completion and implementation of the NCCP/HCP; (2) facilitate FESA/CESA/CEQA/NEPA compliance for interim projects that require it; and (3) ensure that processing of interim projects is not unduly delayed during preparation of the NCCP/HCP.

### **6.6.1 Reportable Interim Projects**

OCTA and Caltrans will notify the Wildlife Agencies pursuant to Section 6.6.2 about proposed projects or activities requiring discretionary approvals from OCTA and Caltrans that have the potential to adversely impact proposed Covered Species and natural communities ("Reportable Interim Project") within the Planning Area. These are Renewed Measure M freeway projects that either have an approved environmental document or have environmental documents underway that will precede the approval of the NCCP/HCP. The individual environmental documents for these Renewed Measure M freeway projects will

acknowledge the goals of the NCCP/HCP, which are to conserve, restore, and manage natural communities and Covered Species, and to mitigate the impacts of the freeway projects. OCTA will reimburse Caltrans for mitigation measures committed to as part of ongoing and approved project level environmental documents. OCTA will have the discretion to determine how the funds it provides to Caltrans will be used towards future NCCP/HCP projects and/or mitigation effort.

#### **6.6.2 Notification Process**

If OCTA/Caltrans proposes to undertake or approve a Reportable Interim Project, OCTA/Caltrans will notify the Wildlife Agencies of the project prior to the time, or as soon as possible after, the project application is deemed complete.

OCTA/Caltrans will notify the particular individuals designated by the Wildlife Agencies to be notified of Reportable Interim Projects, and will provide these designated individuals with (1) a map at a scale of approximately 1:24,000 and with local agencies and reference features clearly identified; (2) a description of the project along with the land cover types present on the project site based on the most current land cover data available to the Local Agency; and (3) any other biological information available to OCTA/Caltrans about the project area.

#### **6.6.3 Wildlife Agency Review**

The Wildlife Agencies will use reasonable efforts to review Reportable Interim Projects in a timely manner, and provide comments within the legally prescribed comment periods. The Wildlife Agencies will recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat values. Any take of listed or candidate species arising out of a reportable interim project must be authorized pursuant to applicable state and federal law. OCTA or Caltrans will provide written response to the Wildlife Agencies' comments prior to approval of an interim project. OCTA and Caltrans will work with Wildlife Agencies to come to mutual agreement on outstanding Wildlife Agencies concerns.

#### **6.6.4 Coordinating Interim Process with Plan Preparation**

Representatives of the Parties will meet as needed to discuss Reportable Interim Projects and to coordinate development of the Plan. Independent scientific input will be considered during interim project review.

### **6.7 Protection of Habitat and other Resources During Planning Process**

#### **6.7.1 Conservation Actions**

OCTA, in cooperation with Caltrans, may elect to acquire and preserve, enhance, or restore habitat in the Planning Area that will support native species of fish, wildlife, or natural communities proposed to be covered by the NCCP/HCP prior to approval of the NCCP/HCP. OCTA and Caltrans will consult with the Wildlife Agencies regarding potential lands to be protected. The Wildlife Agencies agree to credit such resources as appropriate, towards the habitat protection,

enhancement and restoration requirements of the NCCP/HCP provided that these resources support covered species and natural communities and are appropriately conserved, restored, or enhanced and managed. Resources that will be credited to OCTA and Caltrans will be determined and agreed upon by the Parties prior to the acquisition of particular habitat parcels.

### **6.7.2 Mitigation Lands**

Lands, or portions of lands, acquired or otherwise protected solely to mitigate the impacts of specific projects, actions, or activities approved prior to Plan approval will only be considered as mitigation for those projects, actions or activities. Such lands will be considered during the Plan analysis, but will not count toward future mitigation obligations of the Plan.

### **6.8 Implementing Agreement**

The NCCPA requires that any NCCP approved by CDFG include an Implementing Agreement that contains provisions for:

- Conditions of species coverage;
- The long-term protection of habitat reserves and/or other conservation measures;
- Implementation of mitigation and conservation measures;
- Ensuring that adequate funding to implement the NCCP/HCP will be provided through the Renewed Measure M environmental mitigation program;
- Terms for suspension or revocation of the permits;
- Procedures for amendment of the NCCP/HCP, Implementing Agreement, and take authorizations;
- Implementation of monitoring and adaptive management;
- Oversight of the NCCP/HCP's effectiveness and funding; and
- Reporting frequency and general content.

## **7.0 Commitment of Resources**

### **7.1 Funding**

Funding for the planning effort will be provided through Renewed Measure M revenues. OCTA or Caltrans will also seek grant support under the federal FESA (e.g., Section 6 Non-Traditional HCP Planning Assistance grant) and the NCCP Local Assistance Grants program or other state grants. Additionally, to ensure CDFG participation in this NCCP/HCP, OCTA will provide CDFG with funding to support one staff position to assist with the planning effort (see Section 7.2).

#### **7.1.1 CDFG Assistance with Funding and CDFG Costs**

CDFG agrees to cooperate with the other Parties in identifying and securing, where appropriate and available, federal and state funds earmarked for natural community conservation planning. CDFG shall be compensated in an amount

not to exceed \$300,000 for the actual costs incurred in participating in the preparation and implementation of the Plan upon execution of a separate cooperative agreement through February 28, 2011. These costs shall include compensation for consultation with Parties pursuant to this Planning Agreement, providing and compiling wildlife and habitat data, reviewing and approving the final Plan and other activities necessary to the preparation and implementation of the Plan.

**7.1.2 USFWS Assistance with Funding**

USFWS agrees to cooperate with the other Parties in identifying and securing, where appropriate, federal and state funds earmarked for habitat conservation planning purposes. Potential federal funding sources may include: the USFWS' Cooperative Endangered Species Conservation Fund, Land and Water Conservation Fund, and land acquisition grants or loans through other federal agencies such as the Environmental Protection Agency, the Army Corps of Engineers, or the Departments of Agriculture or Transportation.

**7.1.3 Expertise of Wildlife Agencies**

Subject to funding and staffing constraints, the Wildlife Agencies agree to provide technical and scientific information, analyses and advice to assist OCTA and Caltrans with the timely and efficient development of the Plan.

**8.0 Miscellaneous Provisions**

**8.1 Public Officials Not to Benefit**

No member of or delegate to Congress will be entitled to any share or part of this Planning Agreement, or to any benefit that may arise from it.

**8.2 Statutory Authority**

The Parties will not construe this Planning Agreement to require any Party to act beyond, or inconsistent with, its statutory authority.

**8.3 Multiple Originals**

This Planning Agreement may be executed by the Parties in multiple originals, each of which will be deemed an official original copy.

**8.4 Effective Date**

The Effective Date of this Planning Agreement will be the date on which it is fully executed by the Parties.

**8.5 Duration**

This Planning Agreement will be in effect until the Wildlife Agencies determine whether to approve the NCCP/HCP and issue take authorizations, but shall not be in effect for more than 48 months following the Effective Date, unless extended by amendment. The Parties intend to initiate and complete the NCCP/HCP process as well as the necessary NEPA/CEQA environmental compliance document within a 24-month period from the Effective Date, subject

to Wildlife Agency funding and resource limitations. This Planning Agreement may be terminated pursuant to Section 8.7 below.

### **8.6 Amendments**

This Planning Agreement can be amended only by written agreement of all Parties.

### **8.7 Termination and Withdrawal**

Subject to the requirement in Section 8.7.1 of the Planning Agreement, any party may withdraw from this Planning Agreement upon 30 days' written notice to the other Parties. The Planning Agreement will remain in effect as to all non-withdrawing Parties unless the remaining Parties determine that the withdrawal requires termination of the Planning Agreement. This Planning Agreement can be terminated only by written agreement of all Parties. Any properties acquired or restoration projects carried out by OCTA and Caltrans, and allowed by the Wildlife Agencies under Section 6.7.1, prior to termination or withdrawal from this Planning Agreement would remain available to OCTA or Caltrans to offset the potential impacts of OCTA or Caltrans projects.

#### **8.7.1 Funding**

Implementation of this Planning Agreement by the USFWS is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this Planning Agreement is intended or shall be construed by the Parties to require the obligation, appropriation, or expenditure of money from the U.S. Treasury. The Parties acknowledge that USFWS will not be required under this Planning Agreement to expend any federal agency's appropriated funds unless and until an authorized official of that agency affirmatively acts to commit such expenditures as evidenced in writing.

In the event that federal or state funds have been provided to assist with NCCP/HCP preparation or implementation, any Party withdrawing from this Planning Agreement shall return to the granting agency unspent funds awarded to that Party prior to withdrawal. A withdrawing Party shall also provide the remaining Parties with a complete accounting of the use of any federal or State funds it received regardless of whether unspent funds remain at the time of withdrawal. In the event of termination of this Planning Agreement, all Parties who received funds shall return any unspent funds to the grantor prior to termination.

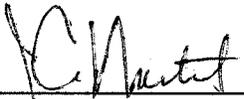
### **8.8 No Precedence**

This Planning Agreement is not intended, and shall not be construed, to modify any existing or subsequently amended law, rule, regulation, or other legal authority, or requirements established thereunder.

The Parties' execution of this Planning Agreement and participation in the development of the NCCP/HCP is voluntary. The Parties recognize that participation in this Planning Agreement or in the NCCP/HCP planning process

does not constitute, expressly or implicitly, an authorization by any of the Wildlife Agencies to take any species listed under CESA or the FESA or endorsement by the Wildlife Agencies of the Covered Activities or of the adequacy of the future NCCP/HCP under federal and state law.

**UNITED STATES FISH AND WILDLIFE SERVICE**

By:   
Jim A. Bartel  
Field Supervisor, Carlsbad Fish and Wildlife Office

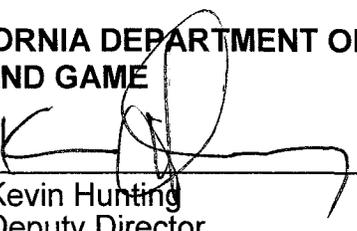
Date: November 16, 2009

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

By:   
Will Kempton  
Chief Executive Officer

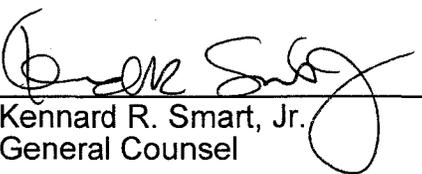
Date: 1-21-10

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

By:   
Kevin Hunting  
Deputy Director

Date: ~~11-26-09~~ 11-26-09

**APPROVED AS TO FORM:**

By:   
Kennard R. Smart, Jr.  
General Counsel

Date: OCTOBER 21, 2009

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

By:   
Cindy Quon  
D12 District Director

Date: 11-10-2009

**APPROVAL RECOMMENDED:**

By:   
Kia Mortazavi  
Executive Director, Development

Date: 1-19-10

**APPROVED AS TO FORM AND CONTENT:**

By:   
Glenn Mueller  
Assistant Chief Counsel

Date: 11-5-2009



Exhibit A NCCP/HCP Planning Area Map



**EXHIBIT B  
Renewed Measure M Freeway Projects Covered Species**

*Coding: Federal (F), State(S), Endangered (E), Threatened (T), Candidate (C), California Native Plant Society Inventory (CNPS), Species of Special Concern (SSC), California Fully Protected Species (FP), Fish and Game Code (FGC)*

<b>AMPHIBIANS &amp; REPTILES</b>		
<b>Common Name</b>	<b>Latin Name</b>	<b>Coding</b>
Southwestern Pond Turtle	<i>Clemmys marmorata</i>	SSC
San Diego Coast Horned Lizard	<i>Phrynosoma coronatum blainvillii</i>	SSC
Orange Throated Whiptail Lizard	<i>Cnemidophorus hyperythrus beldingi</i>	SSC
Red Diamond Rattlesnake	<i>Crotalus exsul</i>	SSC
<b>BIRDS</b>		
<b>Common Name</b>	<b>Latin Name</b>	<b>Coding</b>
Coastal Cactus Wren	<i>Campylorhynchus brunneicapillus cousei</i>	SSC
Coastal California Gnatcatcher	<i>Poliophtila californica californica</i>	FT/SSC
Coastal Rufous-Crowned Sparrow	<i>Aimophila ruficeps</i>	SSC
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	FE/SE
Least Bell's Vireo	<i>Vireo bellii pusillus</i>	FE/SE
<b>FISH</b>		
<b>Common Name</b>	<b>Latin Name</b>	<b>Coding</b>
Arroyo Chub	<i>Gila orcuttii</i>	SSC
Santa Ana Sucker	<i>Catostomus santaanae</i>	FT
<b>MAMMALS</b>		
<b>Common Name</b>	<b>Latin Name</b>	<b>Coding</b>
Bobcat	<i>Lynx rufus</i>	FGC
Mountain Lion	<i>Felis concolor</i>	FGC
Pallid bat	<i>Antrozous pallidus</i>	SSC
Small-footed myotis	<i>Myotis cilioabrum</i>	SSC
Long-eared myotis	<i>Myotis evotis</i>	SSC
Yuma myotis	<i>Myotis ymanensis</i>	SSC
<b>PLANTS</b>		
<b>Common Name</b>	<b>Latin Name</b>	<b>Coding</b>
Braunton's Milk-Vetch	<i>Astragalus brauntonii</i>	FE
Coulter's Matilija Poppy	<i>Romneya coulteri</i>	CNPS 4.2
Intermediate Mariposa Lily	<i>Calochortus weedii var. intermedius</i>	CNPS 1B.2
Many Stemmed Dudleya	<i>Dudleya multicaulis</i>	CNPS 1B
Southern Tarplant	<i>Centromadia parryi ssp. Australis</i>	CNPS 1B.1

**Exhibit C Orange County Renewed Measure M  
Transportation Ordinance and Investment Plan**

# **RENEWED MEASURE M**

## **Transportation Investment Plan**



ORANGE COUNTY LOCAL TRANSPORTATION AUTHORITY  
550 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584

(714) 560-5066  
[www.octa.net](http://www.octa.net)

## Table of Contents

<b>Introduction</b> .....	<b>2</b>
<b>Overview</b> .....	<b>3</b>
<b>Freeway Projects</b>	
Overview .....	5
Orange County Freeway Projects Map .....	6
I-5 Santa Ana Freeway Interchange Improvements .....	7
I-5 Santa Ana/San Diego Freeway Improvements .....	8
SR-22 Garden Grove Freeway Access Improvements .....	9
SR-55 Costa Mesa Freeway Improvements .....	9
SR-57 Orange Freeway Improvements .....	10
SR-91 Riverside Freeway Improvements .....	11
I-405 San Diego Freeway Improvements .....	13
I-605 Freeway Access Improvements.....	15
All Freeway Service Patrol .....	15
<b>Streets &amp; Roads Projects</b>	
Overview .....	16
Orange County Streets and Roads Projects Map .....	17
Regional Capacity Program .....	18
Regional Traffic Signal Synchronization Program .....	19
Local Fair Share Program .....	20
<b>Transit Projects</b>	
Overview .....	21
Orange County Transit Projects Map.....	22
High Frequency Metrolink Service .....	23
Transit Extensions to Metrolink .....	23
Metrolink Gateways .....	24
Expand Mobility Choices for Seniors and Persons with Disabilities.....	24
Community Based Transit/Circulators .....	25
Safe Transit Stops .....	25
<b>Environmental Cleanup</b>	
Overview .....	26
Project Description .....	27
<b>Taxpayer Safeguards and Audits</b>	
Overview .....	28
Description .....	29
<b>Measure M Investment Summary</b> .....	<b>31</b>



## Introduction

### **Measure M Promises Fulfilled**

On November 6, 1990, Orange County voters approved Measure M, a half-cent local transportation sales tax for twenty years. All of the major projects promised to and approved by the voters are underway or complete. Funds that go to cities and the County of Orange to maintain and improve local street and roads, along with transit fare reductions for seniors and persons with disabilities, will continue until Measure M ends in 2011. The promises made in Measure M have been fulfilled.

### **Continued Investment Needed**

Orange County continues to grow. By the year 2030, Orange County's population will increase by 24 percent from 2.9 million in 2000 to 3.6 million in 2030; jobs will increase by 27 percent; and travel on our roads and highways by 39 percent. Without continued investment average morning rush hour speeds on Orange County freeways will fall by 31 percent and on major streets by 32 percent.

Responding to this continued growth and broad support for investment in Orange County's transportation system, the Orange County Transportation Authority considered the transportation projects and programs that would be possible if Measure M were renewed. The Authority, together with the 34 cities of Orange County, the Orange County Board of Supervisors and thousands of Orange County citizens, participated during the last eighteen months in developing a Transportation Investment Plan for consideration by the voters.

### **A Plan for New Transportation Investments**

The Plan that follows is a result of those efforts. It reflects the varied interests and priorities inherent in the diverse communities of Orange County. It includes continued investment to expand and

improve Orange County's freeway system; commitment to maintaining and improving the network of streets and roads in every community; an expansion of Metrolink rail service through the core of Orange County with future extensions to connect with nearby communities and regional rail systems; more transit service for seniors and disabled persons; and funds to clean up runoff from roads that leads to beach closures.

### **Strong Safeguards**

These commitments are underscored by a set of strong taxpayer safeguards to ensure that promises made in the Plan are kept. They include an annual independent audit and report to the taxpayers; ongoing monitoring and review of spending by an independent Taxpayer Oversight Committee; requirement for full public review and update of the Plan every ten years; voter approval for any major changes to the Plan; strong penalties for any misuse of funds and a strict limit of no more than one percent for administrative expenses.

### **No Increase in Taxes**

The traffic improvements detailed in this plan do not require an increase in taxes. Renewal of the existing Measure M one-half cent transportation sales tax will enable all of the projects and programs to be implemented. And by using good planning and sensible financing, projects that are ready to go could begin as early as 2007.

### **Renewing Measure M**

The projects and programs that follow constitute the Transportation Investment Plan for the renewal of the Measure M transportation sales tax approved by Orange County voters in November of 1990. These improvements are necessary to address current and future transportation needs in Orange County and reflect the best efforts to achieve consensus among varied interests and communities throughout the County.





## Overview

The Renewed Measure M Transportation Investment Plan is a 30-year, \$11.8 billion program designed to reduce traffic congestion, strengthen our economy and improve our quality of life by upgrading key freeways, fixing major freeway interchanges, maintaining streets and roads, synchronizing traffic signals countywide, building a visionary rail transit system, and protecting our environment from the oily street runoff that pollutes Orange County beaches. The Transportation Investment Plan is focused solely on improving the transportation system and includes tough taxpayer safeguards, including a Taxpayer Oversight Committee, required annual audits, and regular, public reports on project progress.

The Renewed Measure M Transportation Investment Plan must be reviewed annually, in public session, and every ten years a detailed review of the Plan must take place. If changing circumstances require the voter-approved plan to be changed, those changes must be taken to the voters for approval.

### **Freeways**

Relieving congestion on the Riverside/Artesia Freeway (SR-91) is the centerpiece of the freeway program, and will include new lanes, new interchanges, and new bridges. Other major projects will make substantial improvements on Interstate 5 (I-5) in southern Orange County and the San Diego Freeway (I-405) in western Orange County. The notorious Orange Crush—the intersection of the I-5, the Garden Grove Freeway (SR-22) and the Orange Freeway (SR-57) near Angel Stadium—will be improved and upgraded. Under the Plan, major traffic chokepoints on almost every Orange County freeway will be remedied. Improving Orange County freeways will be the greatest investment in the Renewed Measure M program: Forty-three percent of net revenues, or \$4.871 billion, will be invested in new freeway construction.

### **Streets and Roads**

More than 6,500 lane miles of aging streets and roads will need repair, rejuvenation and improvement. City streets and county roads need to be maintained regularly and potholes have to be filled quickly. Thirty-two percent of net revenue from the Renewed Measure M Transportation Investment Plan, or \$3.625 billion, will be devoted to fixing potholes, improving intersections, synchronizing traffic signals countywide, and making the existing countywide network of streets and roads safer and more efficient.





### **Public Transit**

As Orange County continues to grow, building a visionary rail transportation system that is safe, clean and convenient, uses and preserves existing rights-of-way, and, over time, provides high-speed connections both inside and outside of Orange County, is a long term goal. Twenty-five percent of the net revenue from Renewed Measure M, or \$2.83 billion, will be dedicated to transit programs countywide. About twenty percent, or \$2.24 billion, will be dedicated to creating a new countywide high capacity transit system anchored on the existing, successful Metrolink and Amtrak rail line, and about five percent, or \$591 million, will be used to enhance senior transportation programs and provide targeted, safe localized bus service.

### **Environmental Cleanup**

Every day, more than 70 million gallons of oily pollution, litter, and dirty contaminants wash off streets, roads, and freeways and pour onto Orange County waterways and beaches. When it rains, the transportation-generated beach and ocean pollution increases tenfold. Under the plan, two percent of the gross Renewed Measure M Transportation Investment Plan, or \$237 million, will be dedicated to protecting Orange County beaches from this transportation-generated pollution (sometimes called "urban runoff") while improving ocean water quality.

### **Taxpayer Safeguards and Audits**

When new transportation dollars are approved, they should go for transportation and transportation purposes alone. No bait-and-switch. No using transportation dollars for other purposes. The original Measure M went solely for transportation purposes. The Renewed Measure M must be just as airtight. One percent of the gross Measure M

program, or \$118.6 million over 30 years, will pay for annual, independent audits, taxpayer safeguards, an independent Taxpayer Oversight Committee assigned to watchdog government spending, and a full, public disclosure of all Renewed Measure M expenditures. A detailed review of the program must be conducted every ten years and, if needed, major changes in the investment plan must be brought before Orange County voters for approval. Taxpayers will receive an annual report detailing the Renewed Measure M expenditures. Additionally, as required by law, an estimated one and a half percent of the sales taxes generated, or \$178 million over 30 years, must be paid to the California State Board of Equalization for collecting the one-half cent sales tax that funds the Renewed Measure M Transportation Investment Plan.

In this pamphlet, every specific project, program, and safeguard included in the Renewed Measure M Transportation Investment Plan is explained. Similar details will be provided to every Orange County voter if the measure is placed on the ballot.





## Freeway Projects Overview

Every day, traffic backs up somewhere on the Orange County freeway system. And, every day, freeway traffic seems to get a little worse.

In the past decade, Orange County has made major strides in re-building our aging freeway system. But there is still an enormous amount of work that needs to be done to make the freeway system work well. You see the need for improvement every time you drive on an Orange County freeway.

Forty-three percent of net revenues from the Renewed Measure M Transportation Investment Plan is dedicated to improving Orange County freeways, the largest portion of the 30-year transportation plan.

### **SR-91 is the Centerpiece**

Making the troubled Riverside/Artesia Freeway (SR-91) work again is the centerpiece of the Renewed Measure M Freeway program. The fix on the SR-91 will require new lanes, new bridges, new overpasses, and, in the Santa Ana Canyon portion of the freeway, a diversion of drivers to the Foothill Corridor (SR-241) so the rest of the Orange County freeway system can work more effectively.

And there's more to the freeway program than the fix of SR-91 — much more. More than \$1 billion is earmarked for Interstate 5 in South County. More than \$800 million is slated to upgrade the San Diego Freeway (I-405) between Irvine and the Los Angeles County line. Another significant investment is planned on the congested Costa Mesa Freeway (SR-55). And needed projects designed to relieve traffic chokepoints are planned for almost every Orange County freeway.

To make any freeway system work, bottlenecks at interchanges also have to be fixed. The notorious Orange Crush Interchange — where the Santa Ana Freeway (I-5) meets the Orange Freeway (SR-57) and

the Garden Grove Freeway (SR-22) in a traffic tangle near Angel Stadium — is in need of a major face lift. And the intersection of Interstate 5 and the Costa Mesa Freeway (SR-55) is also slated for major repair.

### **Pays Big Dividends**

Local investment in freeways also pays big dividends in the search for other needed freeway dollars. Because of state and federal matching rules, Orange County's local investment in freeway projects acts as a magnet for state and federal transportation dollars — pulling more freeway construction dollars into the county and allowing more traffic-reducing freeway projects to be built sooner.

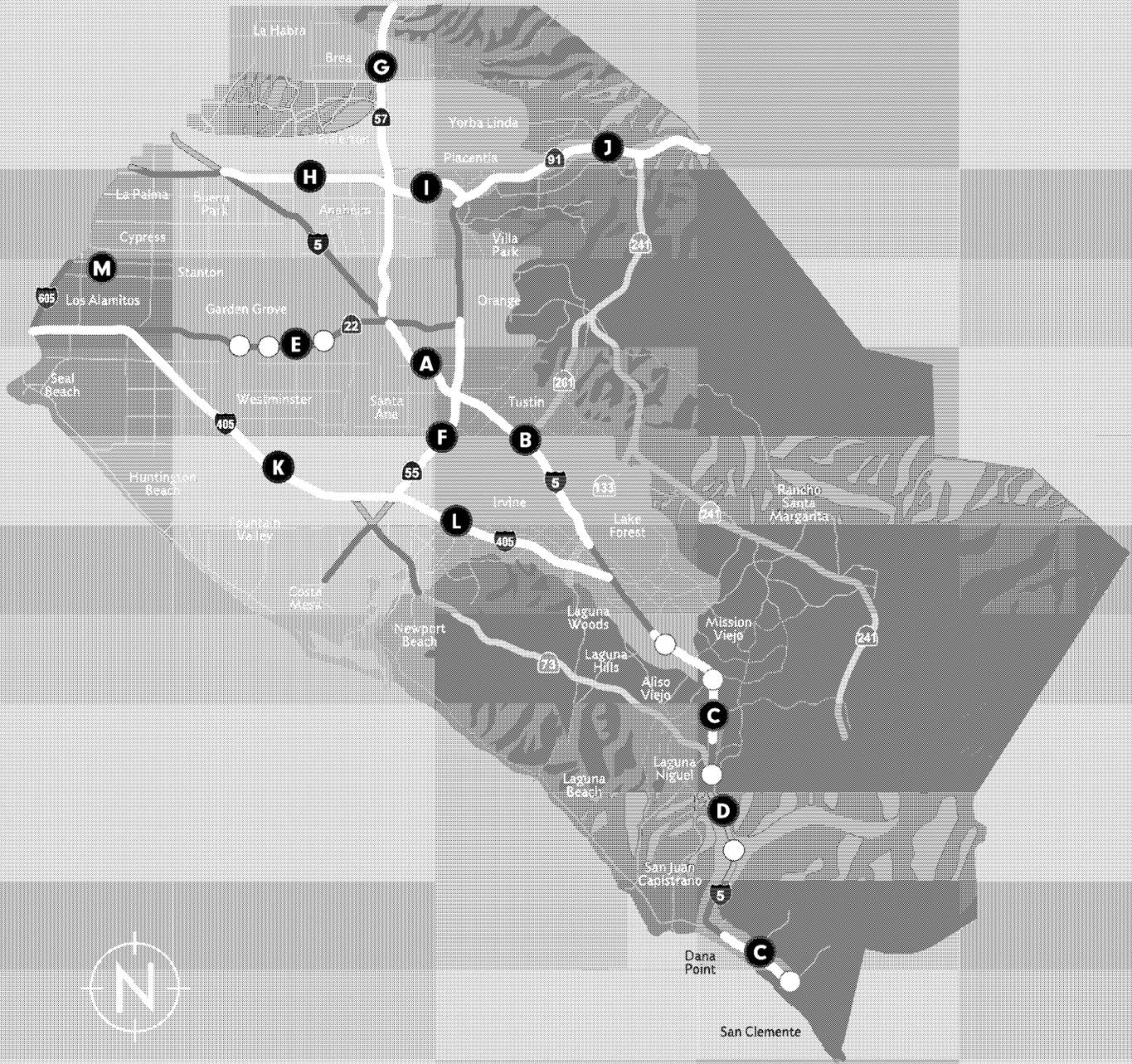
### **Innovative Environmental Mitigation**

A minimum of \$243.5 million will be available, subject to a Master Agreement, to provide for comprehensive, rather than piecemeal, mitigation of the environmental impacts of freeway improvements. Using a proactive, innovative approach, the Master Agreement negotiated between the Orange County Local Transportation Authority and state and federal resource agencies will provide higher-value environmental benefits such as habitat protection, wildlife corridors and resource preservation in exchange for streamlined project approvals for the freeway program as a whole.

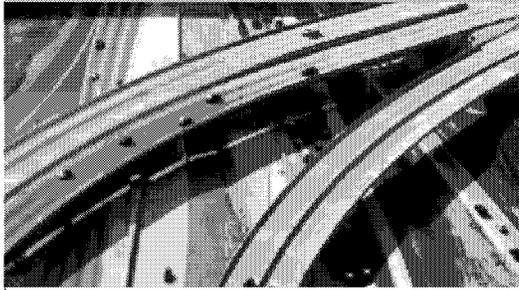
Freeway projects will also be planned, designed and constructed with consideration for their aesthetic, historic and environmental impacts on nearby properties and communities using such elements as parkway style designs, locally native landscaping, sound reduction and aesthetic treatments that complement the surroundings.



# Orange County Freeway Projects



<b>A</b>	<b>B</b> Santa Ana Freeway (I-5)	page 7	<b>H</b>	<b>I</b> Riverside Freeway (SR-91)	page 11
<b>C</b>	Santa Ana Freeway/San Diego Freeway (I-5)	page 8	<b>J</b>	Riverside Freeway (SR-91)	page 12
<b>D</b>	Santa Ana Freeway/San Diego Freeway (I-5)	page 8	<b>K</b>	<b>L</b> San Diego Freeway (I-405)	page 13-14
<b>E</b>	Garden Grove Freeway (SR-22)	page 9	<b>M</b>	Freeway Access Improvements (I-605)	page 15
<b>F</b>	Costa Mesa Freeway (SR-55)	page 9		(not mapped)	
<b>G</b>	Orange Freeway (SR-57)	page 10	<b>N</b>	Freeway Service Patrol (not mapped)	page 15



## Freeway Projects

### Santa Ana Freeway (I-5) Interchange Improvements

#### Project A

##### Santa Ana Freeway (I-5) Improvements between Costa Mesa Freeway (SR-55) and "Orange Crush" Area (SR-57)

###### Description:

Reduce freeway congestion through improvements at the SR-55/I-5 interchange area between the Fourth Street and Newport Boulevard ramps on I-5, and between Fourth Street and Edinger Avenue on SR-55. Also, add capacity on I-5 between SR-55 and SR-57 to relieve congestion at the "Orange Crush". The project will generally be constructed within the existing right-of-way. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

The project will increase freeway capacity and reduce congestion. The current daily traffic volume on this segment of the I-5 between SR-55 and SR-57 is about 389,000. The demand is expected to grow by more than 19 percent by 2030, bringing the daily usage to 464,000 vehicles per day. Regional plans also include additional improvements on I-5 from the "Orange Crush" to SR-91 using federal and state funds.

###### Cost:

The estimated cost to improve this section of the I-5 is \$470.0 million.



#### Project B

##### Santa Ana Freeway (I-5) Improvements from the Costa Mesa Freeway (SR-55) to El Toro "Y" Area

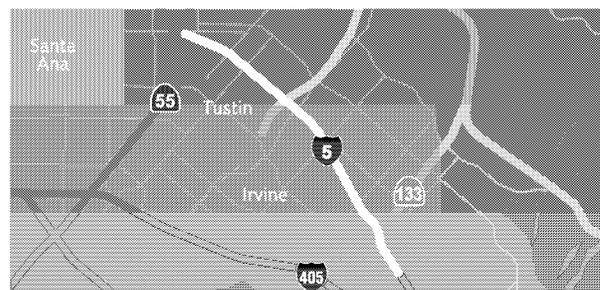
###### Description:

Build new lanes and improve the interchanges in the area between SR-55 and the SR-133 (near the El Toro "Y"). This segment of I-5 is the major route serving activity areas in the cities of Irvine, Tustin, Santa Ana and north Orange County. The project will also make improvements at local interchanges, such as Jamboree Road. The project will generally be constructed within the existing right-of-way. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

The project will increase freeway capacity and reduce congestion. The current traffic volume on this segment of I-5 is about 356,000 vehicles per day and is expected to increase by nearly 24 percent, bringing it up to 440,000 vehicles per day. In addition to the projects described above, regional plans include additional improvements to this freeway at local interchanges, such as Culver Drive, using federal and state funds.

###### Cost:

The estimated cost to improve this section of I-5 is \$300.2 million.



## Freeway Projects

### Santa Ana Freeway/San Diego Freeway (I-5)

#### Project **C**

##### San Diego Freeway (I-5) Improvements South of the El Toro "Y"

###### Description:

Add new lanes to I-5 from the vicinity of the El Toro Interchange in Lake Forest to the vicinity of SR-73 in Mission Viejo. Also add new lanes on I-5 between Coast Highway and Avenida Pico interchanges to reduce freeway congestion in San Clemente. The project will also make major improvements at local interchanges as listed in Project D. The project will generally be constructed within the existing right-of-way. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

The project will increase freeway capacity and reduce congestion. Current traffic volume on I-5 near the El Toro "Y" is about 342,000 vehicles per day. This volume will increase in the future by 35 percent, bringing it up to 460,000 vehicles per day. Regional plans also include construction of a new freeway access point between Crown Valley Parkway and Avery Parkway as well as new off ramps at Stonehill Drive using federal and state funds.

###### Cost:

The estimated cost to improve these segments of I-5 is \$627.0 million.



#### Project **D**

##### Santa Ana Freeway / San Diego Freeway (I-5) Local Interchange Upgrades

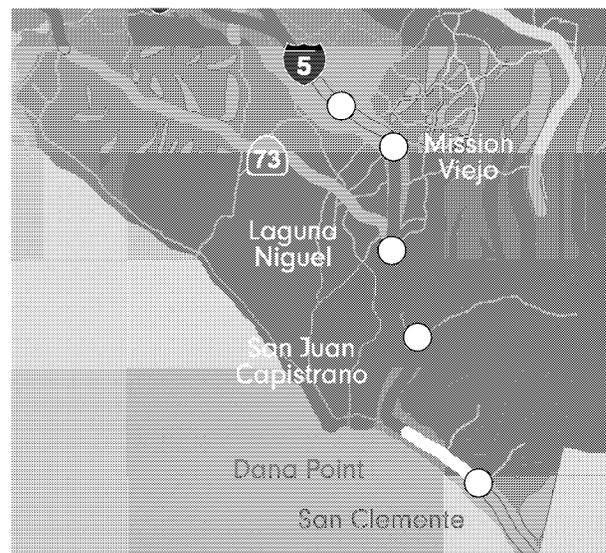
###### Description:

Update and improve key I-5 interchanges such as Avenida Pico, Ortega Highway, Avery Parkway, La Paz Road, El Toro Road, and others to relieve street congestion around older interchanges and on ramps. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

In addition to the project described above, regional plans also include improvements to the local interchanges at Camino Capistrano, Oso Parkway, Alicia Parkway and Barranca Parkway using federal and state funds.

###### Cost:

The estimated cost for the I-5 local interchange upgrades is \$258.0 million.





## Freeway Projects

Garden Grove Freeway (SR-22)

Costa Mesa Freeway (SR-55)

### Project E

#### Garden Grove Freeway (SR-22)

##### Access Improvements

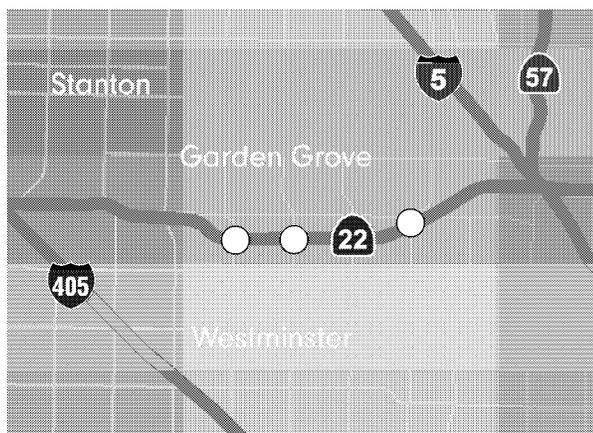
##### Description:

Construct interchange improvements at Euclid Street, Brookhurst Street and Harbor Boulevard to reduce freeway and street congestion near these interchanges. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

Regional plans also include the construction of new freeway-to-freeway carpool ramps to the SR-22/I-405 interchange, and improvements to the local interchange at Magnolia Avenue using federal and state funds.

##### Cost:

The estimated cost to improve the SR-22 interchanges is \$120.0 million.



### Project F

#### Costa Mesa Freeway (SR-55) Improvements

##### Description:

Add new lanes to SR-55 between Garden Grove Freeway (SR-22) and the San Diego Freeway (I-405), generally within existing right-of-way, including merging lanes between interchanges to smooth traffic flow. This project also provides for freeway operational improvements for the portion of SR-55 between SR-91 and SR-22. The project will generally be constructed within the existing right-of-way. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

The project will increase freeway capacity and reduce congestion. This freeway carries about 295,000 vehicles on a daily basis. This volume is expected to increase by nearly 13 percent, bringing it up to 332,000 vehicles per day in the future. In addition to the projects described above, regional plans also include a new street overcrossing and carpool ramps at Alton Avenue using federal and state funds.

##### Cost:

The estimated cost for these SR-55 improvements is \$366.0 million.



## Freeway Projects

### Orange Freeway (SR-57)

#### Project

#### Orange Freeway (SR-57) Improvements

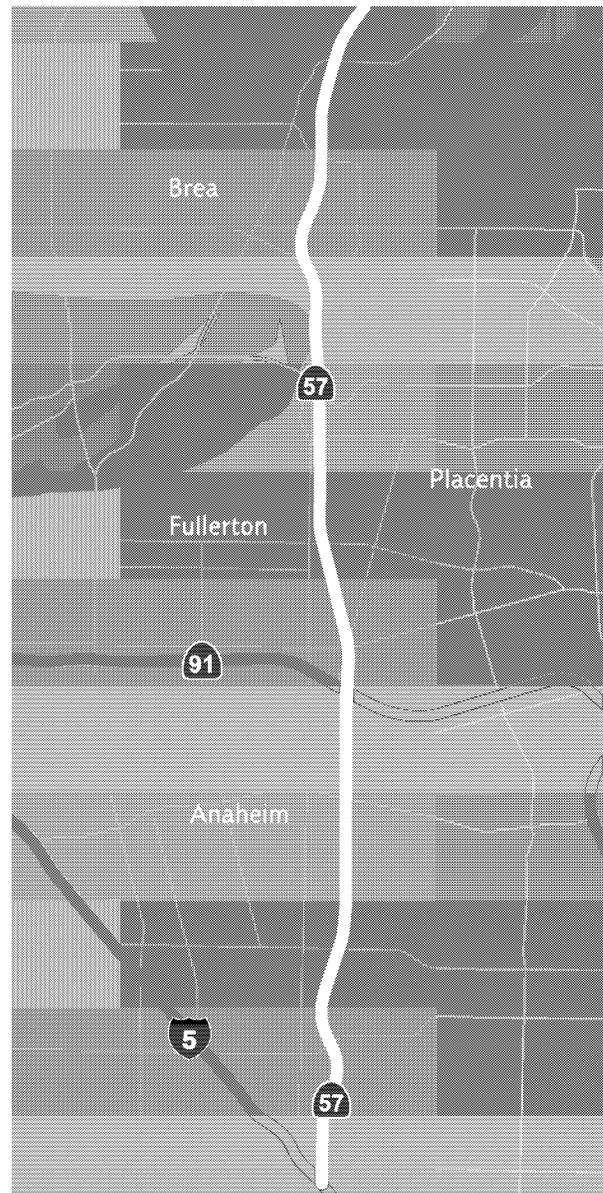
##### Description:

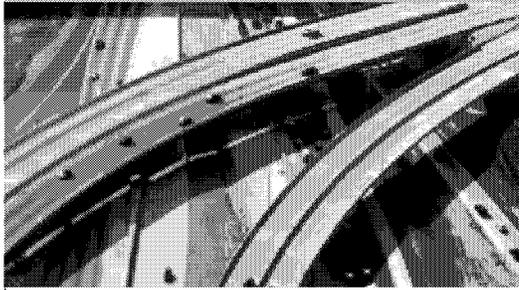
Build a new northbound lane between Orangewood Avenue and Lambert Road. Other projects include improvements to the Lambert interchange and the addition of a northbound truck climbing lane between Lambert and Tonner Canyon Road. The improvements will be designed and coordinated specifically to reduce congestion at SR-57/SR-91 interchange. These improvements will be made generally within existing right-of-way. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

The project will increase freeway capacity and reduce congestion. The daily traffic volume on this freeway is about 315,000 vehicles. By 2030, this volume will increase by 15 percent, bringing it up to 363,000 vehicles per day. In addition to the project described above, regional plans include new carpool ramps at Cerritos Avenue using federal and state funds.

##### Cost:

The estimated cost to implement SR-57 improvements is \$258.7 million.





## Freeway Projects

### Riverside Freeway (SR-91)

#### Project H

##### Riverside Freeway (SR-91) Improvements from the Santa Ana Freeway (I-5) to the Orange Freeway (SR-57)

###### Description:

Add capacity in the westbound direction and provide operational improvements at on and off ramps to the SR-91 between I-5 and the Orange Freeway (SR-57), generally within existing right-of-way, to smooth traffic flow and relieve the SR-57/SR-91 interchange. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

The current daily freeway volume along this segment of SR-91 is about 256,000. By 2030, this volume is expected to increase by nearly 13 percent, bringing it up to 289,900 vehicles per day.

###### Cost:

The estimated cost for improvements in this segment of SR-91 is \$140.0 million.



#### Project I

##### Riverside Freeway (SR-91) Improvements from Orange Freeway (SR-57) to the Costa Mesa Freeway (SR-55) Interchange Area

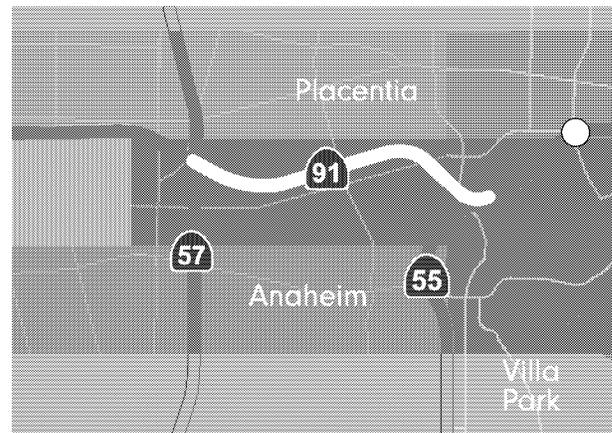
###### Description:

Improve the SR-91/SR-55 to SR-91/SR-57 interchange complex, including nearby local interchanges such as Tustin Avenue and Lakeview, as well as adding freeway capacity between SR-55 and SR-57. The project will generally be constructed within the existing right-of-way. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

Current freeway volume on this segment of the SR-91 is about 245,000 vehicles per day. This vehicular demand is expected to increase by 22 percent, bringing it up to 300,000 vehicles per day in the future.

###### Cost:

The estimated cost for these improvements to the SR-91 is \$416.5 million.



## Freeway Projects

### Riverside Freeway (SR-91)

#### Project **J**

#### Riverside Freeway (SR-91) Improvements from Costa Mesa Freeway (SR-55) to the Orange/ Riverside County Line

##### Description:

This project adds capacity on SR-91 beginning at SR-55 and extending to I-15 in Riverside County.

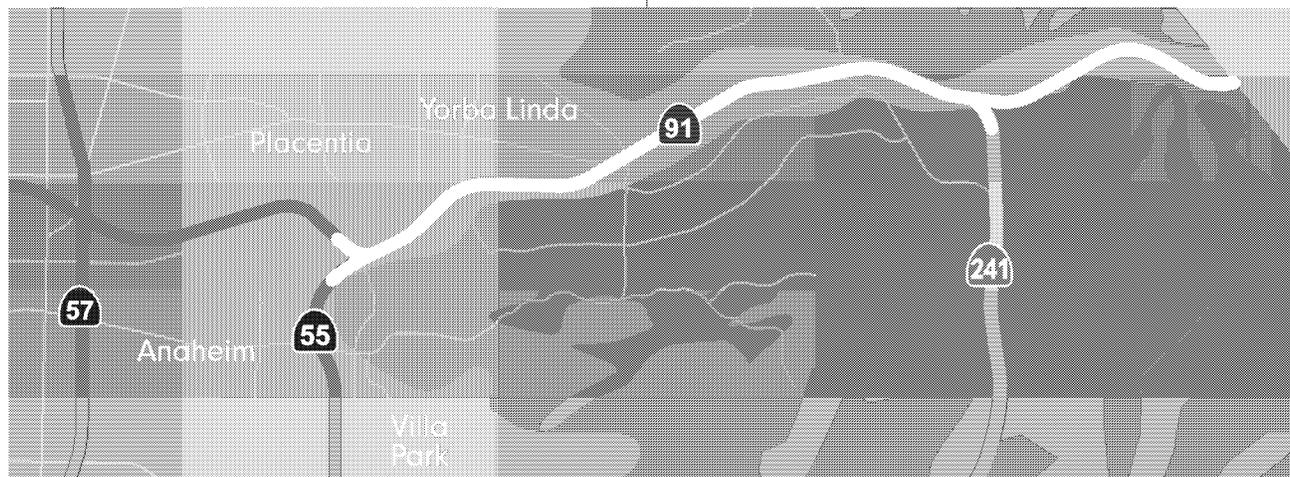
The first priority will be to improve the segment of SR-91 east of SR-241. The goal is to provide up to four new lanes of capacity between SR-241 and Riverside County Line by making best use of available freeway property, adding reversible lanes, building elevated sections and improving connections to SR-241. These projects would be constructed in conjunction with similar coordinated improvements in Riverside County extending to I-15 and provide a continuous set of improvements between SR-241 and I-15. The portion of improvements in Riverside County will be paid for from other sources. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

This project also includes improvements to the segment of SR-91 between SR-241 and SR-55. The concept is to generally add one new lane in each direction and improve the interchanges.

Today, this freeway carries about 314,000 vehicles every day. This volume is expected to increase by 36 percent, bringing it up to 426,000 vehicles by 2030.

##### Cost:

The estimated cost for these improvements to the SR-91 is \$925.0 million.



## Freeway Projects

### San Diego Freeway (I-405)

#### Project **K**

#### **San Diego Freeway (I-405) Improvements between the I-605 Freeway in Los Alamitos area and Costa Mesa Freeway (SR-55)**

##### **Description:**

Add new lanes to the San Diego Freeway between I-605 and SR-55, generally within the existing right-of-way. The project will make best use of available freeway property, update interchanges and widen all local overcrossings according to city and regional master plans. The improvements will be coordinated with other planned I-405 improvements in the I-405/SR-22/I-605 interchange area to the north and I-405/SR-73 improvements to the south. The improvements will adhere to recommendations of the Interstate 405 Major Investment Study

(as adopted by the Orange County Transportation Authority Board of Directors on October 14, 2005) and will be developed in cooperation with local jurisdictions and affected communities.

Today, I-405 carries about 430,000 vehicles daily. The volume is expected to increase by nearly 23 percent, bringing it up to 528,000 vehicles daily by 2030. The project will increase freeway capacity and reduce congestion. Near-term regional plans also include the improvements to the I-405/SR-73 interchange as well as a new carpool interchange at Bear Street using federal and state funds.

##### **Cost:**

The estimated cost for these improvements to the I-405 is \$500.0 million.



## Freeway Projects

### San Diego Freeway (I-405)

#### Project **L**

#### San Diego Freeway (I-405) Improvements between Costa Mesa Freeway (SR-55) and Santa Ana Freeway (I-5)

##### Description:

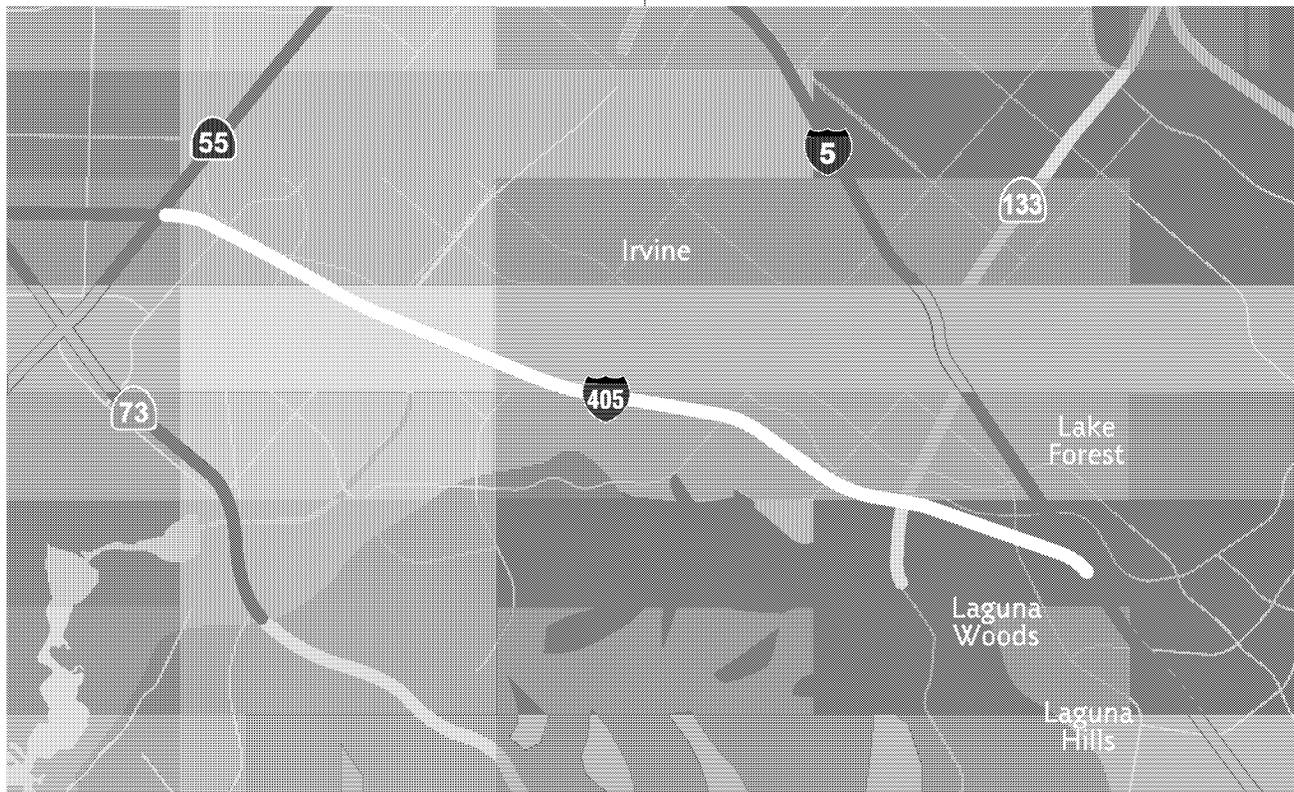
Add new lanes to the freeway from SR-55 to the I-5. The project will also improve chokepoints at interchanges and add merging lanes near on/off ramps such as Lake Forest Drive, Irvine Center Drive and SR-133 to improve the overall freeway operations in the I-405/I-5 El Toro "Y" area. The projects will generally be constructed within the existing right-of-way. Specific improvements will be

subject to approved plans developed in cooperation with local jurisdictions and affected communities.

This segment of the freeway carries 354,000 vehicles a day. This number will increase by nearly 13 percent, bringing it up to 401,000 vehicles per day by 2030. The project will increase freeway capacity and reduce congestion. In addition to the projects described above, regional plans include a new carpool interchange at Von Karman Avenue using federal and state funds.

##### Cost:

The estimated cost for these improvements to the I-405 is \$319.7 million.





## Freeways Projects

### I-605 Freeway Access Improvements Freeway Service Patrol

#### Project **M**

##### I-605 Freeway Access Improvements

###### Description:

Improve freeway access and arterial connection to I-605 serving the communities of Los Alamitos and Cypress. The project will be coordinated with other planned improvements along SR-22 and I-405. Specific improvements will be subject to approved plans developed in cooperation with local jurisdictions and affected communities.

Regional plans also include the addition of new freeway-to-freeway carpool ramps to the I-405/I-605 interchange using federal and state funds. This improvement will connect to interchange improvements at I-405 and SR-22 as well as new freeway lanes between I-405 and I-605.

###### Cost:

The estimated cost to make these I-605 interchange improvements is \$20.0 million.

#### Project **N**

##### Freeway Service Patrol

###### Description:

The Freeway Service Patrol (FSP) provides competitively bid, privately contracted tow truck service for motorists with disabled vehicles on the freeway system. This service helps stranded motorists and quickly clears disabled vehicles out of the freeway lanes to minimize congestion caused by vehicles blocking traffic and passing motorists rubbernecking.

Currently Freeway Service Patrol is available on Orange County freeways Monday through Friday during peak commuting hours. This project would assure that this basic level of service could be continued through 2041. As demand and congestion levels increase, this project would also permit service hours to be extended throughout the day and into the weekend.

###### Cost:

The estimated cost to support the Freeway Service Patrol Program for thirty years beyond 2011 is \$150.0 million.





## Streets and Roads Projects Overview

Orange County has more than 6,500 lane miles of aging streets and roads, many of which are in need of repair, rejuvenation and improvement. Intersections need to be widened, traffic lights need to be synchronized, and potholes need to be filled. And, in many cases, to make Orange County's transportation system work smoothly, we need to add additional lanes to existing streets.

Thirty-two percent of net revenues from the Renewed Measure M Transportation Investment Plan is dedicated to maintaining streets, fixing potholes, improving intersections and widening city streets and county roads.

### **Making the System Work**

Making the existing system of streets and roads work better—by identifying spot intersection improvements, filling potholes, repaving worn-out streets—is the basis of making a countywide transportation system work. That basis has to be the first priority. But to operate a successful, countywide system of streets and roads, we need more: street widenings and traffic signals synchronized countywide. And there's more. Pedestrian safety near local schools needs to be improved. Traffic flow must be smoothed. Street repairs must be made sooner. And, perhaps most importantly, cities and the county must work together—collaboratively—to find simple, low-cost traffic solutions.

Renewed Measure M provides financial incentives for traffic improvements that cross city and county lines, providing a seamless, county-wide transportation system that's friendly to regional commuters and fair to local residents.

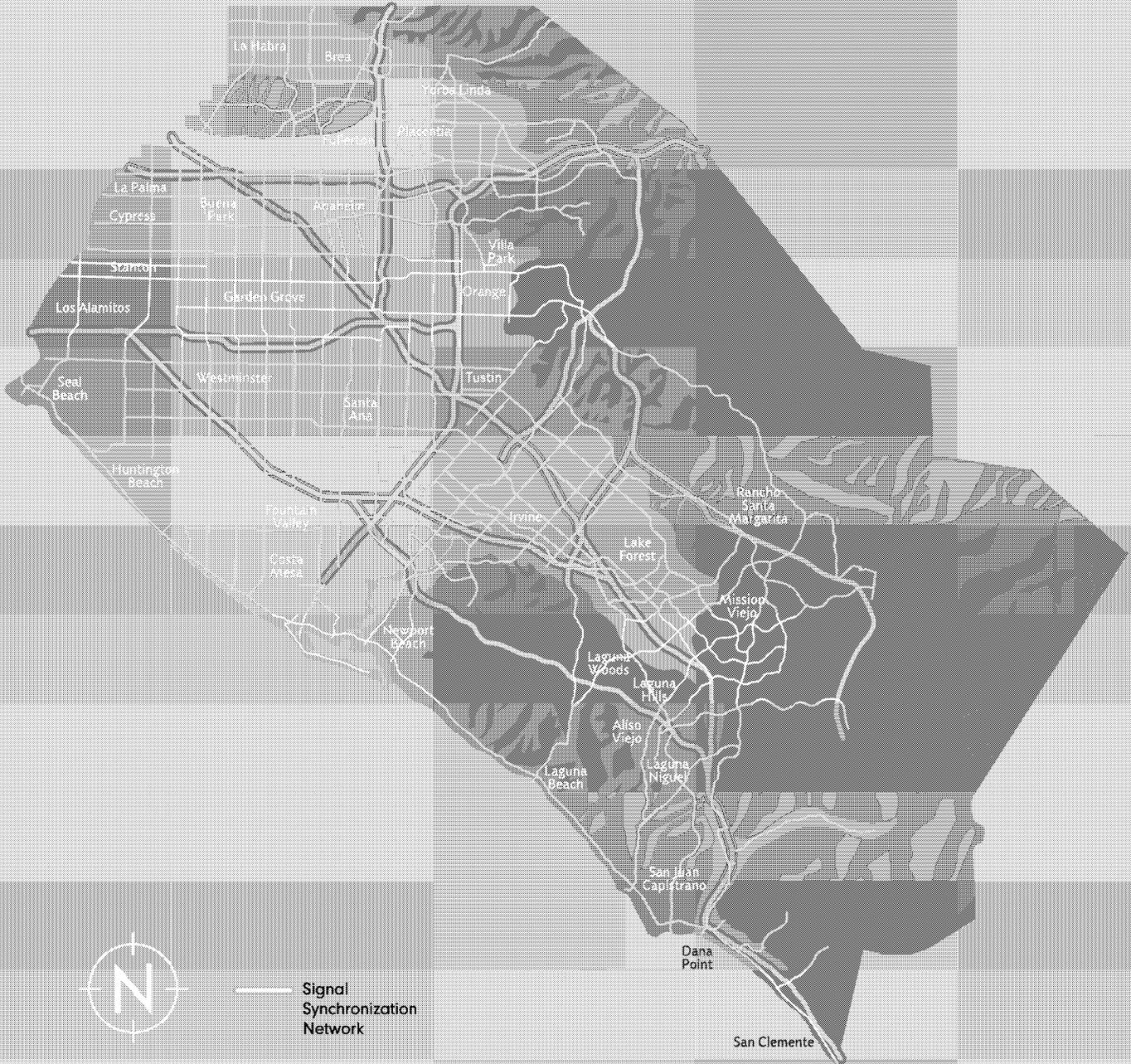
### **Better Cooperation**

To place a higher priority on cooperative, collaborative regional decision-making, Renewed Measure M creates incentives that encourage traffic lights to be coordinated across jurisdictional lines, major street improvements to be better coordinated on a regional basis, and street repair programs to be a high priority countywide. To receive Measure M funding, cities and the county have to cooperate.

The Streets and Roads program in Renewed Measure M involves shared responsibilities—local cities and the county set their local priorities within a competitive, regional framework that rewards cooperation, honors best practices, and encourages government agencies to work together.



# Orange County Streets and Roads Projects



**R** **Regional Capacity Program**  
 (not mapped)  
 Nearly 1,000 miles of new lanes

page 18

**L** **Local Fair Share Program**  
 (not mapped)  
 Street maintenance and improvements

page 20

**P** **Regional Traffic Signal Synchronization Program** page 19  
 (see grid above)  
 Over 750 miles of roadway  
 Over 2,000 coordinated signals



## Streets and Roads Projects

### Regional Capacity Program

#### Project

#### Regional Capacity Program

##### Description:

This program, in combination with local matching funds, provides a funding source to complete the Orange County Master Plan of Arterial Highways (MPAH). The program also provides for intersection improvements and other projects to help improve street operations and reduce congestion. The program allocates funds through a competitive process and targets projects that help traffic the most by considering factors such as degree of congestion relief, cost effectiveness, project readiness, etc.

Local jurisdictions must provide a dollar-for-dollar match to qualify for funding, but can be rewarded with lower match requirements if they give priority to other key objectives, such as better road maintenance and regional signal synchronization.

Roughly 1,000 miles of new street lanes remain to be completed, mostly in the form of widening existing streets to their ultimate planned width. Completion of the system will result in a more even traffic flow and efficient system.

Another element of this program is funding for construction of railroad over or underpass grade separations where high volume streets are impacted by freight trains along the Burlington Northern Santa Fe railroad in northern Orange County.

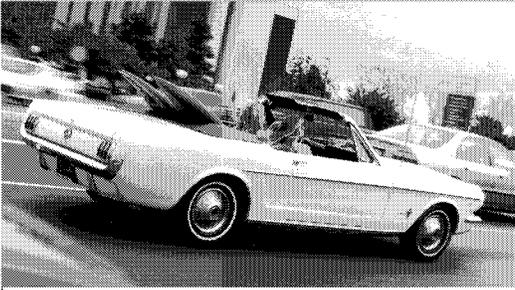
##### Cost:

The estimated cost for these street improvement projects is \$1,132.8 million.



## Streets and Roads Projects

### Regional Traffic Signal Synchronization Program



#### Project **P**

#### Regional Traffic Signal Synchronization Program

##### Description:

This program targets over 2,000 signalized intersections across the County for coordinated operation. The goal is to improve the flow of traffic by developing and implementing regional signal coordination programs that cross jurisdictional boundaries.

Most traffic signal synchronization programs today are limited to segments of roads or individual cities and agencies. For example, signals at intersections of freeways with arterial streets are controlled by Caltrans, while nearby signals at local street intersections are under the control of cities. This results in the street system operating at less than maximum efficiency. When completed, this project can increase the capacity of the street grid and reduce the delay by over six million hours annually.

To ensure that this program is successful, cities, the County of Orange and Caltrans will be required to work together and prepare a common traffic signal synchronization plan and the necessary governance and legal arrangements before receiving funds. In addition, cities will be required to provide 20 percent of the costs. Once in place, the program will provide funding for ongoing maintenance and operation of the synchronization plan. Local jurisdictions will be required to publicly report on the performance of their signal synchronization efforts at least every three years. Signal equipment to give emergency vehicles priority at intersections will be an eligible expense for projects implemented as part of this program.

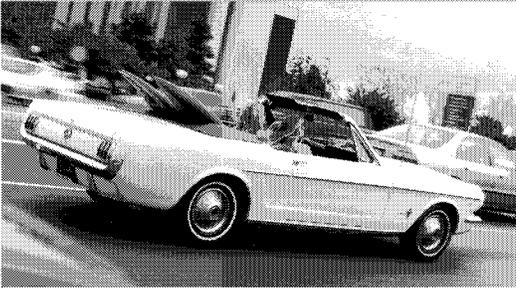
##### Cost:

The estimated cost of developing and maintaining a regional traffic signal synchronization program for Orange County is \$453.1 million.



## Streets and Roads Projects

### Local Fair Share Program



#### Project

#### Local Fair Share Program

##### Description:

This element of the program will provide flexible funding to help cities and the County of Orange keep up with the rising cost of repairing the aging street system. In addition, cities can use these funds for other local transportation needs such as residential street projects, traffic and pedestrian safety near schools, signal priority for emergency vehicles, etc.

This program is intended to augment, rather than replace, existing transportation expenditures and therefore cities must meet the following requirements to receive the funds.

1. Continue to invest General Fund monies (or other local discretionary monies) for transportation and annually increase this commitment to keep pace with inflation.
2. Agree to use Measure M funds for transportation purposes only, subject to full repayment and a loss of funding eligibility for five years for any misuse.
3. Agree to separate accounting for Measure M funds and annual reporting on actual Measure M expenditures.
4. Develop and maintain a Pavement Management Program to ensure timely street maintenance and submit regular public reports on the condition of streets.
5. Annually submit a six-year Capital Improvement Program and commit to spend Measure M funds within three years of receipt.
6. Agree to assess traffic impacts of new development and require that new development pay a fair share of any necessary transportation improvements.
7. Agree to plan, build and operate major streets consistent with the countywide Master Plan of Arterial Highways to ensure efficient traffic flow across city boundaries.
8. Participate in Traffic Forums with neighboring jurisdictions to facilitate the implementation and maintenance of traffic signal synchronization programs and projects. This requires cities to balance local traffic policies with neighboring cities—for selected streets—to promote more efficient traffic circulation overall.
9. Agree to consider land use planning strategies that are transit-friendly, support alternative transportation modes including bike and pedestrian access and reduce reliance on the automobile.

The funds under this program are distributed to cities and the County of Orange by formula once the cities have fulfilled the above requirements. The formula will account for population, street mileage and amount of sales tax collected in each jurisdiction.

##### Cost:

The estimated cost for this program for thirty years is \$2,039.1 million.





## Transit Overview

Building streets, roads and freeways helps fix today's traffic problems. Building a visionary transit system that is safe, clean and convenient focuses on Orange County's transportation future.

Twenty-five percent of net revenues from the Renewed Measure M Transportation Investment Plan is allocated towards building and improving rail and bus transportation in Orange County. Approximately twenty percent of the Renewed Measure M funds is allocated to developing a creative countywide transit program and five percent of the revenues will be used to enhance programs for senior citizens and for targeted, localized bus service. All transit expenditures must be consistent with the safeguards and audit provisions of the Plan.

### **A New Transit Vision**

The key element of the Renewed Measure M transit program is improving the 100-year old Santa Fe rail line, known today as the Los Angeles/San Diego (LOSSAN) rail corridor, through the heart of the county. Then, by using this well-established, operational commuter rail system as a platform for future growth, existing rail stations will be developed into regional transportation hubs that can serve as regional transportation gateways or the centerpiece of local transportation services. A series of new, well-coordinated, flexible transportation systems, each one customized to the unique transportation vision the station serves, will be developed. Creativity and good financial sense will be encouraged. Partnerships will be promoted. Transportation solutions for each transportation hub can range from monorails to local mini-bus systems to new technologies. Fresh thinking will be rewarded.

The new, localized transit programs will bring competition to local transportation planning, creating a marketplace of transportation ideas where the best ideas emerge and compete for funding. The plan is to encourage civic entrepreneurship and stimulate private involvement and investment.

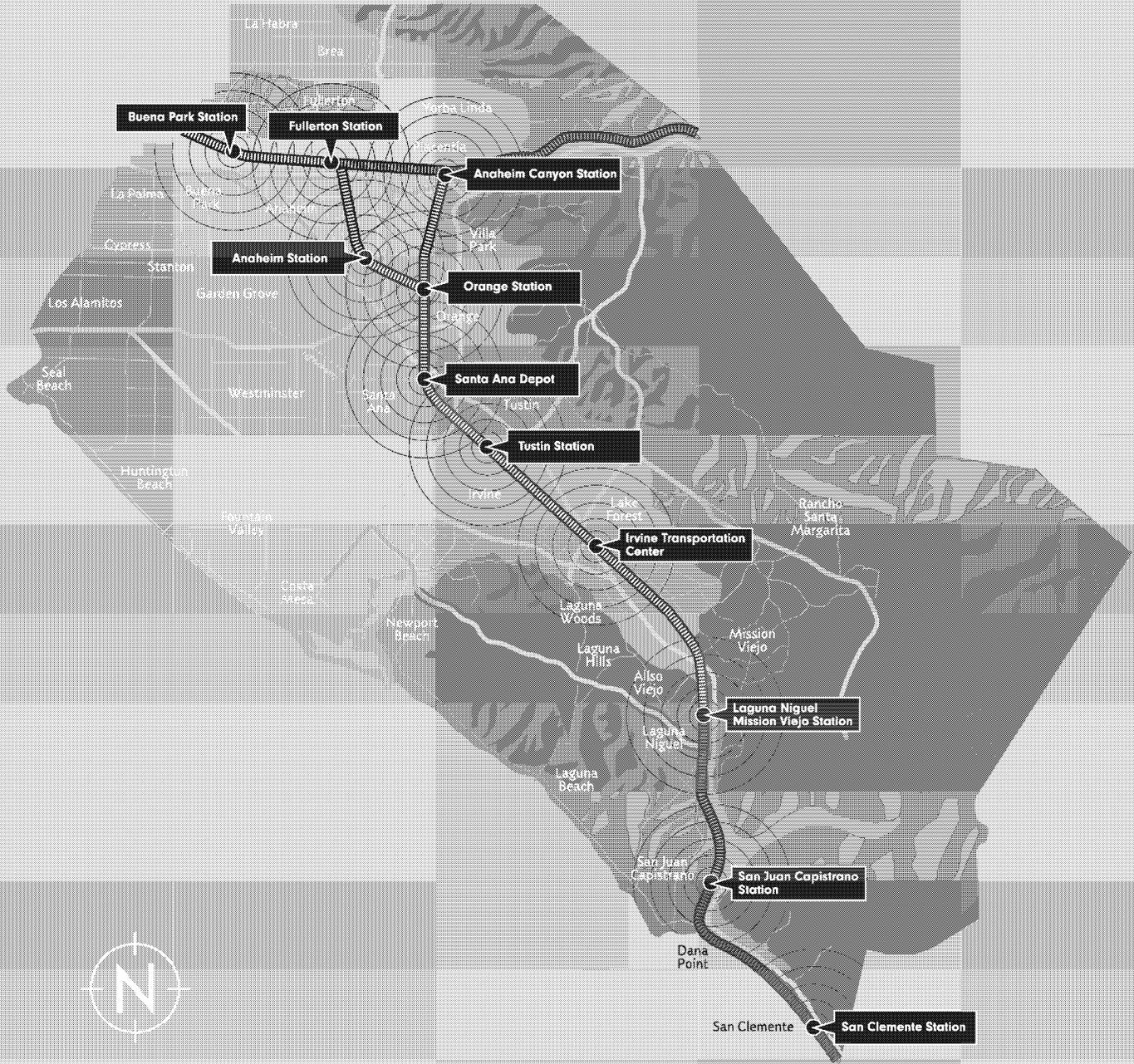
### **Transit Investment Criteria**

The guiding principles for all transit investments are value, safety, convenience and reliability. Each local transit vision will be evaluated against clear criteria, such as congestion relief, cost-effectiveness, readiness, connectivity, and a sound operating plan.

In terms of bus services, more specialized transit services, including improved van services and reduced fares for senior citizens and people with disabilities, will be provided. Safety at key bus stops will be improved. And a network of community-based, mini-bus services will be developed in areas outside of the central county rail corridor.



# Orange County Transit Projects



- R** High Frequency Metrolink Service ( ——— = existing rail line/stations) page 23
- S** Transit Extensions to Metrolink ( ● ) page 23
- T** Metrolink Gateways (not mapped) page 24
- U** Expand Mobility Choices for Seniors and Persons with Disabilities (countywide; not mapped) page 24
- V** Community Based Transit/Circulators (countywide; not mapped) page 25
- W** Safe Transit Stops (countywide; not mapped) page 25



## Transit Projects

### High Frequency Metrolink Service Transit Extensions to Metrolink

#### Project **R**

##### High Frequency Metrolink Service

###### Description:

This project will increase rail services within the county and provide frequent Metrolink service north of Fullerton to Los Angeles. The project will provide for track improvements, more trains, and other related needs to accommodate the expanded service.

This project is designed to build on the successes of Metrolink and complement service expansion made possible by the current Measure M. The service will include upgraded stations and added parking capacity; safety improvements and quiet zones along the tracks; and frequent shuttle service and other means, to move arriving passengers to nearby destinations.

The project also includes funding for improving grade crossings and constructing over or underpasses at high volume arterial streets that cross the Metrolink tracks.

###### Cost:

The estimated cost of capital and operations is \$1,014.1 million.

#### Project **S**

##### Transit Extensions to Metrolink

###### Description:

Frequent service in the Metrolink corridor provides a high capacity transit system linking communities within the central core of Orange County. This project will establish a competitive program for local jurisdictions to broaden the reach of the rail system to other activity centers and communities. Proposals for extensions must be developed and supported by local jurisdictions and will be evaluated against well-defined and well-known criteria as follows:

- Traffic congestion relief
- Project readiness, with priority given to projects that can be implemented within the first five years of the Plan
- Local funding commitments and the availability of right-of-way
- Proven ability to attract other financial partners, both public and private
- Cost-effectiveness
- Proximity to jobs and population centers
- Regional as well as local benefits
- Ease and simplicity of connections
- Compatible, approved land uses
- Safe and modern technology
- A sound, long-term operating plan

This project shall not be used to fund transit routes that are not directly connected to or that would be redundant to the core rail service on the Metrolink corridor. The emphasis shall be on expanding access to the core rail system and on establishing connections to communities and major activity centers that are not immediately adjacent to the Metrolink corridor. It is intended that multiple transit projects be funded through





## Transit Projects

### Metrolink Gateways

#### Expand Mobility Choices for Seniors and Persons with Disabilities

a competitive process and no single project may be awarded all of the funds under this program.

These connections may include a variety of transit technologies such as conventional bus, bus rapid transit or high capacity rail transit systems as long as they can be fully integrated and provide seamless transition for the users.

**Cost:**

The estimated cost to implement this program over thirty years is \$1,000.0 million.

### Project **T**

#### Convert Metrolink Station(s) to Regional Gateways that Connect Orange County with High-Speed Rail Systems

**Description:**

This program will provide the local improvements that are necessary to connect planned future high-speed rail systems to stations on the Orange County Metrolink route.

The State of California is currently planning a high-speed rail system linking northern and southern California. One line is planned to terminate in Orange County. In addition, several magnetic levitation (MAGLEV) systems that would connect Orange County to Los Angeles and San Bernardino Counties, including a link from Anaheim to Ontario airport, are also being planned or proposed by other agencies.

**Cost:**

The estimated Measure M share of the cost for these regional centers and connections is \$226.6 million.

### Project **U**

#### Expand Mobility Choices for Seniors and Persons with Disabilities

**Description:**

This project will provide services and programs to meet the growing transportation needs of seniors and persons with disabilities as follows:

- One percent of net revenues will stabilize fares and provide fare discounts for bus services, specialized ACCESS services and future rail services
- One percent of net revenues will be available to continue and expand local community van service for seniors through the existing Senior Mobility Program
- One percent will supplement existing countywide senior non-emergency medical transportation services

Over the next 30 years, the population age 65 and over is projected to increase by 93 percent. Demand for transit and specialized transportation services for seniors and persons with disabilities is expected to increase proportionately.

**Cost:**

The estimated cost to provide these programs over 30 years is \$339.8 million.





## Transit Projects

### Community Based Transit/Circulators Safe Transit Stops

#### Project **V**

##### Community Based Transit/Circulators

###### Description:

This project will establish a competitive program for local jurisdictions to develop local bus transit services such as community based circulators, shuttles and bus trolleys that complement regional bus and rail services, and meet needs in areas not adequately served by regional transit. Projects will need to meet performance criteria for ridership, connection to bus and rail services, and financial viability to be considered for funding. All projects must be competitively bid, and they cannot duplicate or compete with existing transit services.

###### Cost:

The estimated cost of this project is \$226.5 million.

#### Project **W**

##### Safe Transit Stops

###### Description:

This project provides for passenger amenities at 100 busiest transit stops across the County. The stops will be designed to ease transfer between bus lines and provide passenger amenities such as improved shelters, lighting, current information on bus and train timetables and arrival times, and transit ticket vending machines.

###### Cost:

The estimated cost of this project is \$25.0 million.





## Environmental Cleanup Overview

Every day, more than 70 million gallons of oily pollution, litter, and dirty contamination washes off streets, roads and freeways and pours onto Orange County waterways and beaches. When it rains, the transportation-generated pollution increases tenfold, contributing to the increasing number of beach closures and environmental hazards along the Orange County coast.

Prior to allocation of funds for freeway, street and transit projects, two percent of gross revenues from the Renewed Measure M Transportation Investment Plan is set aside to protect Orange County beaches from transportation-generated pollution (sometimes called “urban runoff”) and improving ocean water quality.

### **Countywide Competitive Program**

Measure M Environmental Cleanup funds will be used on a countywide, competitive basis to meet federal Clean Water Act standards for controlling transportation-generated pollution by funding nationally recognized Best Management Practices, such as catch basins with state-of-the-art biofiltration systems; or special roadside landscaping systems called bioswales that filter oil runoff from streets, roads and freeways.

The environmental cleanup program is designed to supplement, not supplant, existing transportation-related water quality programs. This clean-up program must improve, and not replace, existing pollution reduction efforts by cities, the county, and special districts. Funds will be awarded to the highest priority programs that improve water quality, keep our beaches and streets clean, and reduce transportation-generated pollution along Orange County’s scenic coastline.



## Environmental Cleanup

### Project **X**

#### Environmental Cleanup

##### Description:

Implement street and highway related water quality improvement programs and projects that will assist Orange County cities, the County of Orange and special districts to meet federal Clean Water Act standards for urban runoff.

The Environmental Cleanup monies may be used for water quality improvements related to both existing and new transportation infrastructure, including capital and operations improvements such as:

- Catch basin screens, filters and inserts
- Roadside bioswales and biofiltration channels
- Wetlands protection and restoration
- Continuous Deflective Separation (CDS) units
- Maintenance of catch basins and bioswales
- Other street-related “Best Management Practices” for capturing and treating urban runoff

This program is intended to augment, not replace existing transportation related water quality expenditures and to emphasize high-impact capital improvements over local operations and maintenance costs. In addition, all new freeway, street and transit capital projects will include water quality mitigation as part of project scope and cost.

The Environmental Cleanup program is subject to the following requirements:

- Development of a comprehensive countywide capital improvement program for transportation related water quality improvements
- A competitive grant process to award funds to the highest priority, most cost-effective projects
- A matching requirement to leverage other federal, state and local funds for water quality improvements
- A maintenance of effort requirement to ensure that funds augment, not replace existing water quality programs
- Annual reporting on actual expenditures and an assessment of the water quality benefits provided
- A strict limit on administrative costs and a requirement to spend funds within three years of receipt
- Penalties for misuse of any of the Environmental Cleanup funds

##### Cost:

The estimated cost for the Environmental Cleanup program is \$237.2 million. In addition it is estimated that new freeway, road and transit projects funded by the Renewed Measure M Transportation Investment Plan will include more than \$165 million for mitigating water quality impacts.





## Taxpayer Safeguards and Audits Overview

When new transportation dollars are approved, they should go for transportation and transportation alone. No bait-and-switch. No using transportation dollars for other purposes. The original Measure M went solely for transportation. The Renewed Measure M will be just as airtight.

And there will be no hidden costs in the program.

Prior to allocation of funds for freeway, street and transit projects, one percent of gross revenues from the Renewed Measure M Transportation Investment Plans is set aside for audits, safeguards, and taxpayer protection. By state law, one and one half percent of the gross sales taxes generated by Measure M must be paid to the California State Board of Equalization for collecting the countywide one-half percent sales tax that funds the Transportation Investment Program.

### Special Trust Fund

To guarantee transportation dollars are used for transportation purposes, all funds must be kept in a special trust fund. An independent, outside audit of this fund will protect against cheaters who try to use the transportation funds for purposes other than specified transportation uses. A severe punishment will disqualify any agency that cheats from receiving Measure M funds for a five-year period.

The annual audits, and annual reports detailing project progress, will be sent to Orange County taxpayers every year and will be reviewed in public session by a special Taxpayer Oversight Committee that can raise fiscal issues, ask tough questions, and must independently certify, on an annual basis, that transportation dollars have been spent strictly according to the Renewed Measure M Investment Plan.

### Back to the Voters

Of course, over the next 30 years, things will change. Minor adjustments can be made by a 2/3 vote of the Taxpayer Oversight Committee and a 2/3 vote of the Orange County Local Transportation Authority Board of Directors. Major changes must be taken back to voters for authorization. And, every ten years, and more frequently if necessary, the Orange County Local Transportation Authority must conduct a thorough examination of the Renewed Measure M Investment Plan and determine if major changes should be submitted to the voters.

There are other important taxpayer safeguards, all designed to insure the integrity of the voter-authorized plans. But each is focused on one goal: guaranteeing that new transportation dollars are devoted to solving Orange County's traffic problems and that no transportation dollars are diverted to anything else.



## Taxpayer Safeguards and Audits

### Description:

Implement and maintain strict taxpayer safeguards to ensure that the Renewed Measure M Transportation Investment Plan is delivered as promised. Restrict administrative costs to one percent (1%) of total tax revenues and state collection of the tax as prescribed in state law [currently one-and-one-half (1.5%) percent].

Administration of the Transportation Investment Plan and all spending is subject to the following specific safeguards and requirements:

### Oversight

- All spending is subject to an annual independent audit
- Spending decisions must be annually reviewed and certified by an independent Taxpayer Oversight Committee
- An annual report on spending and progress in implementing the Plan must be submitted to taxpayers

### Integrity of the Plan

- No changes to the Plan can be made without review and approval by 2/3 vote of the Taxpayer Oversight Committee
- Major changes to the Plan such as deleting a project or shifting projects among major spending categories (Freeways, Streets & Roads, Transit, Environmental Cleanup) must be ratified by a majority of voters
- The Plan must be subject at least every ten years to public review and assessment of progress in delivery, public support and changed circumstances. Any significant proposed changes to the Plan must be approved by the Taxpayer Oversight Committee and ratified by a majority of voters.

### Fund Accounting

- All tax revenues and interest earned must be deposited and maintained in a separate trust fund. Local jurisdictions that receive allocations must also maintain them in a separate fund.
- All entities receiving tax funds must report annually on expenditures and progress in implementing projects
- At any time, at its discretion, the Taxpayer Oversight Committee may conduct independent reviews or audits of the spending of tax funds
- The elected Auditor/Controller of Orange County must annually certify that spending is in accordance with the Plan

### Spending Requirements

- Local jurisdictions receiving funds must abide by specific eligibility and spending requirements detailed in the Streets & Roads and Environmental Cleanup components of the Plan
- Funds must be used only for transportation purposes described in the Plan. The penalty for misspending is full repayment and loss of funding eligibility for a period of five years.
- No funds may be used to replace private developer funding committed to any project or improvement
- Funds shall augment, not replace existing funds
- Every effort shall be made to maximize matching state and federal transportation dollars





## Taxpayer Safeguards and Audits

### **Taxpayer Oversight Committee**

- The committee shall consist of eleven members—two members from each of the five Board of Supervisor's districts, who shall not be elected or appointed officials—along with the elected Auditor/Controller of Orange County
- Members shall be recruited and screened for expertise and experience by the Orange County Grand Jurors Association. Members shall be selected from the qualified pool by lottery.
- The committee shall be provided with sufficient resources to conduct independent reviews and audits of spending and implementation of the Plan

### **Collecting the Tax**

- The State Board of Equalization shall be paid one-and-one-half (1.5) percent of gross revenues each fiscal year for its services in collecting sales tax revenue as prescribed in Section 7273 of the State's Revenue and Taxation Code

### **Cost:**

The estimated cost for Safeguards and Audits over thirty years is \$296.6 million.





## Measure M Investment Summary

LOCATION		PROJECTS	COSTS 2005 estimates in millions	
<b>Freeway Projects (in millions)</b>			<b>\$4,871.1</b>	
I-5	Santa Ana Freeway Interchange Improvements	A	\$470.0	
I-5	Santa Ana/San Diego Freeway Improvements	B C D	1,185.2	
SR-22	Garden Grove Freeway Access Improvements	E	120.0	
SR-55	Costa Mesa Freeway Improvements	F	366.0	
SR-57	Orange Freeway Improvements	G	258.7	
SR-91	Riverside Freeway Improvements	H I J	1,481.5	
I-405	San Diego Freeway Improvements	K L	819.7	
I-605	Freeway Access Improvements	M	20.0	
All	Freeway Service Patrol	N	150.0	
<b>Streets &amp; Roads Projects (in millions)</b>			<b>\$3,625.0</b>	
	Regional Capacity Program	O	\$1,132.8	
	Regional Traffic Signal Synchronization Program	P	453.1	
	Local Fair Share Program	Q	2,039.1	
<b>Transit Projects (in millions)</b>			<b>\$2,832.0</b>	
	High Frequency Metrolink Service	R	\$1,014.1	
	Transit Extensions to Metrolink	S	1,000.0	
	Metrolink Gateways	T	226.6	
	Expand Mobility Choices for Seniors and Persons with Disabilities	U	339.8	
	Community Based Transit/Circulators	V	226.5	
	Safe Transit Stops	W	25.0	
<b>Environmental Cleanup (in millions)</b>			<b>\$237.2</b>	
	Clean Up Highway and Street Runoff that Pollutes Beaches	X	\$237.2	
<b>Taxpayer Safeguards and Audits (in millions)</b>			<b>\$296.6</b>	
	Collect Sales Taxes (State charges required by law)		\$178.0	
	Oversight and Annual Audits		118.6	
<b>Total (2005 dollars in millions)</b>			<b>\$11,861.9</b>	