Memorandum

To: CHAIR AND COMMISSIONERS **CTC Meeting**: April 16, 2025

From: TANISHA TAYLOR, Executive Director

Reference Number: 4.1, Action

Prepared By: Matthew Yosgott
Deputy Director

Published Date: April 14, 2025

Subject: Finding of Emergency Situation Pursuant to the Bagley-Keene Open Meeting Act

Recommendation:

Staff recommends the California Transportation Commission (Commission) find that an "emergency situation" exists, as defined in the Bagley-Keene Open Meeting Act, due to continued coastal erosion along certain areas of the railroad line in San Clemente that poses an imminent risk to the railroad service, life, and property along these areas. Both the California Coastal Commission and the Orange County Transportation Authority have recognized an emergency in these areas in recent days.

Issue:

The Bagley-Keene Open Meeting Act (Government Code 11121 et. seq.) sets forth requirements for state boards and commissions, including the Commission, to hold public meetings. Under this statute, the Commission typically must provide public notice of a meeting 10 days in advance. However, the Commission may meet on an emergency basis without providing a 10-day public notice "in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities." A majority of Commissioners must, at the beginning of such an emergency meeting, find that an "emergency situation" exists. An "emergency situation" is defined as:

(1) Work stoppage or other activity that severely impairs public health or safety, or both.
(2) Crippling disaster that severely impairs public health or safety, or both.

Since 2021, the operations of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor in the City of San Clemente have been forced to shut down on multiple occasions because of coastal bluff erosion, dry beach loss, revetment loss, and geologic landslide bluff failures. Over the past year, there have been additional landslides, continued hillside instability, and additional beach and railroad embankment erosion that pose imminent risk to the railroad service, life, and property.

The past closures have severed the only rail connection between San Diego County and the rest of the nation, affecting millions of annual passengers and impacting more than $1 billion in annual freight movement. Additionally, the LOSSAN Rail Corridor plays a crucial role in the nation's Strategic Rail Corridor Network by supporting military logistics, freight movement, and passenger transportation, and ensuring connectivity between key military installations and commercial hubs along the west coast.

Further heightening the emergency nature of this ongoing situation are the storms that brought several inches of rain to Orange County in mid-February 2025. These recent atmospheric-river and king tide events mirror those that occurred in the previous three-plus years, which precipitated and are contributing causes to the coastal bluff landslides and coastal ocean intrusion that forced shutdowns of the rail line.

On April 10, 2025, the California Coastal Commission issued Emergency Coastal Development Permit (ECDP) No. G-5-25-0013, determining an emergency exists along certain areas of the railroad line in San Clemente, posing imminent risk to life and property along these areas. Issuance of the emergency permit allows the Orange County Transportation Authority, the owner of right of way, to expedite work to address the increased risk from these ongoing hazards in these areas.

On April 14, 2025, the Orange County Transportation Authority held a meeting and adopted Resolution No. 2025-025, with a required four-fifths vote under Public Contract Code Section 22050, which authorizes its Chief Executive Officer to take any directly related and immediate action required to address the emergency circumstances along specified areas to waive the competitive process for procuring the necessary equipment, services, and supplies for those purposes.

In Reference Item 2.6s.(1), the Orange County Transportation Authority and Caltrans will be requesting the Commission to allocate funds from both the Trade Corridor Enhancement Program and the Transit and Intercity Capital Rail Program for work in the emergency areas specified in Emergency Coastal Development Permit No. G-5-25-0013.

Attachments:

- Attachment A: Emergency Coastal Development Permit No. G-5-25-0013
- Attachment B: Orange County Transportation Authority Staff Report and Resolution for Resolution No. 2025-025

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
301 East Ocean Boulevard, Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

April 10, 2025

Jason Lee
Program Manager, Capital Project Delivery
Orange County Transportation Authority
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584

Re: Emergency Coastal Development Permit Request No. G-5-25-0013

Dear Mr. Lee,

In January 2024, OCTA published a Coastal Rail Resiliency Study – Initial Assessment Technical Memorandum with the goal of developing alternative concepts for maintaining railroad operations within the existing railroad corridor. The Initial Assessment identified four "potential reinforcement areas" which they found may be susceptible to risk from future bluff failures and coastal erosion within the next two years that may result in further shutdown of railroad operations. In August 2024, OCTA submitted CDP applications (i.e., CDP 5-24-0715 for Areas 1 and 2, CDP 5-24-0398 for Area 3, CDP 5-24-0714 for Area 4) with conceptual plans to address ongoing bluff erosion and bluff failures inland of the railroad tracks and erosion of the railroad embankment rock protection on the seaward side of the railroad tracks in these four "potential reinforcement areas." Staff has worked with the applicant for the past year with the goal of completing these applications and helping inform how to address coastal erosion at these sites while addressing Coastal Act requirements. The applicant states that over the past year, however, they have observed additional beach erosion and deterioration of the rock protection of the railroad embankment seaward of the railroad tracks posing imminent risk to the railroad service, life, and property along these four areas. Thus, the submittal of the subject Emergency Coastal Development Permit (ECDP) request aimed to expedite work currently proposed under the previously submitted CDP applications to address increased risk from these ongoing hazards.

We have completed review of your ECDP request received on April 1, 2025 and issued ECDP number G-5-25-0013. In brief, using the area descriptions for priority projects along the railroad line in San Clemente, the ECDP request is for rock rip rap repair and sand placement in Areas 1 & 2; installation of a new catchment wall and reconstruction of the public pedestrian trail in Area 3; and sand placement, reinforcement of some existing sections of rock rip rap, and either a new engineered rock revetment or seawall in Area 4. The following subsections, organized by these areas, outline how we are addressing your request and the rationale for our approach.

Areas 1 & 2 - Commission staff concurs with OCTA's assessment that an emergency exists at Areas 1 and 2. An emergency CDP (No. G-5-25-0013) for the proposed sand and rock placement at these two sites is included herein. In the emergency permit application materials, OCTA provided new information and pictures demonstrating that the

existing rock revetment is damaged and unstable. Our staff agree that the conditions of the revetment along this stretch are inadequate to provide the existing rail with sufficient protection against potential high tides and storms in the coming months. Placement of sand with the addition of supplemental rock should avoid further damage from wave runup as OCTA works to complete CDP Application No. 5-24-0715 (received August 21, 2024). Commission staff see the placement of sand as a necessary component of the proposed work at Areas 1 and 2 that both minimizes risk to the railroad from coastal erosion and minimizes service disruption to rail operations. Placing sand dredged from offshore could be achieved with minimal closure of the railroad as compared to the construction of an engineered armoring structure. This is evident when comparing the construction of the rock placements for Cyprus Shores and the sand placement at the City's main beach by the U.S. Army Corps of Engineers. Our staff are available to assist OCTA staff as it works through the necessary authorizations for the rapid placement of sand with our regulatory partners.

Area 3 – We share OCTA Staff's concerns about the potential for additional landsliding and urgent need to address the risk posed by the landslide episodes of March 2024 and in November 2024 through January 2025 to maintaining essential public rail services. We are also pleased to see reconstruction of an important section of the California Coastal Trail that has been closed for some time as part of OCTA's proposal. As you know, we have been working closely with OCTA staff on this proposal for the past several months, and had agreed upon an expedited regular CDP permitting process of CDP 5-24-0398 received back in May 15, 2024 to authorize the work now proposed by this ECDP at Area 3. CDP 5-24-0398 was deemed incomplete awaiting several key project details that have now been provided under this latest emergency submittal. Therefore, we believe that the most appropriate, efficient and expeditious path to authorize the bulk of the permanent development proposed at Area 3 is to incorporate the additional information you have provided into your current application for this development (CDP Application No. 5-24-0398) and aim to bring it before the Commission at its meeting in May. One of the purposes of an ECDP is to allow for authorization of critical work needed to protect life and property from a sudden unexpected occurrence demanding immediate action faster than normal permitting pathways allow. Thus, in acknowledgment of the present geologic instability of the adjacent bluff and potential unpredictable catastrophic failure, immediate initial site preparatory work such as the proposed Area 3 Action 1: demolition of the remaining portions of the Mariposa Pedestrian Bridge structure and preparatory site grubbing and grading is the minimum necessary development to address the emergency situation and may be approved under the ECDP.

Area 4 – Commission staff requires additional information before it can concur that an emergency, as defined under the Coastal Act, exists at Area 4. In its emergency permit application, OCTA submitted new information suggesting that the existing rail protection at Area 4 could be damaged with a 10-year storm. While the application did not include the details of the modeling that predicted this, the shoreline erosion observed in the past few years has exposed the vegetated berm fronting much of Area 4 to increased wave attack. To fully evaluate the conditions at this site, we request additional information that will help us better understand what recent observations, or information that led to OCTA's change

in approach and decision to seek an emergency permit. If staff does concur that an emergency exists at some point in the future, it is critical that we have a clear proposal on what is being proposed and enough information to assess that the emergency action(s) proposed is the minimum necessary to address the emergency, and to evaluate coastal resource impacts associated with the action(s).Commission staff understands that it is important to move quickly to address vulnerabilities at Area 4 and will continue to work with OCTA staff on evaluating proposed solutions as more information becomes available.

Please read the conditions of the attached ECDP carefully and return the signed ECDP to Coastal staff as soon as possible. The emergency work is not authorized until we receive the signed copy.

We look forward to continuing our coordination to complete the incomplete CDP applications for development in these hotspot areas (CDP Application Nos. 5-24-0715 for Areas 1 and 2; 5-24-0714 for Area 4; 5-24-0398 for Area 3, and 5-21-0866) and contemplate long-term solutions to maintaining public access and protecting coastal resources along this stretch of coastline. If you have any questions or require further clarification, feel free to reach out to our staff.

Sincerely,

DocuSigned by:
Karl Schwing
B9680DD756CA4C4...

Karl Schwing
Deputy Director, South Coast District
Orange County Area

OCTA

April 14, 2025

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Adopt Resolution No. 2025-025 and Authorize the Chief Executive Officer to Take all Necessary Actions to Address the Emergency Need for Railroad Track Stabilization in the Vicinity of Mile Post 203.83 to 204.40 and 206.10 to 206.70 on the Orange Subdivision

Overview

The four reinforcement areas identified in the Coastal Rail Resiliency Study adjacent to the Orange County Transportation Authority-owned railroad right-of-way, in the vicinity of Mile Post 203.83 to 204.40 and 206.10 to 206.70 on the Orange Subdivision, have continued to experience coastal erosion and the hillside continues to move incrementally, posing an imminent threat to the railroad corridor and public safety if immediate necessary actions are not taken to mitigate the threat. Measures must be taken immediately to stabilize the track and maintain passenger and freight rail service.

Recommendations

A. Adopt Resolution No. 2025-025 and authorize the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track stabilization in the vicinity of Mile Post 203.83 to 204.40 and 206.10 to 206.70 on the Orange Subdivision, and to return to the Board of Directors, as required, to report on the status thereof.

B. Authorize the Chief Executive Officer to take any and all necessary actions in regard to agreements with partner public agencies to address the emergency need for railroad track stabilization in the vicinity of Mile Post 203.83 to 204.40 and 206.10 to 206.70 on the Orange Subdivision.

C. Amend the Orange County Transportation Authority's Fiscal Year 2024-25 Budget by $135,000,000, to accommodate the additional budget needed for the Coastal Rail Stabilization Priority Project.

Background

The Orange County Transportation Authority (OCTA) owns the Orange Subdivision railroad right-of-way (ROW) between the Fullerton Junction and the San Diego County Line. This rail corridor is part of the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor that hosts both intercity and commuter passenger and freight rail service. The LOSSAN Rail Corridor is of state and national importance and is also designated as a national defense connector line as part of the Strategic Rail Corridor Network by the Department of Defense.

Since 2021, the operations of the LOSSAN Rail Corridor in the City of San Clemente (San Clemente) have been forced to shut down on multiple occasions because of coastal bluff erosion, dry beach loss, revetment loss, and geologic landslide bluff failures. Over the past year, there have been additional landslides, continued hillside instability, and additional beach and railroad embankment erosion that pose imminent risk to the railroad service, life, and property.

The past closures have severed the only rail connection between San Diego County and the rest of the nation, affecting millions of annual passengers and impacting more than $1 billion in annual freight movement. Additionally, the LOSSAN Rail Corridor plays a crucial role in the nation's Strategic Rail Corridor Network by supporting military logistics, freight movement, and passenger transportation, and ensuring connectivity between key military installations and commercial hubs along the west coast.

OCTA has addressed the ongoing emergencies as they have occurred and has determined that the four reinforcement areas identified in the Coastal Rail Resiliency Study (CRRS) are under imminent threat and require immediate action to prevent loss of property and essential public rail services, as well as for the protection of life and public safety to avoid a catastrophic bluff or shoreline embankment failure. During peak travel periods, a single Amtrak Pacific Surfliner train, which operates on the LOSSAN Rail Corridor, can carry upwards of 900 passengers per trip. The overall LOSSAN Rail Corridor travels through six counties between San Diego and San Luis Obispo. It is the second busiest passenger rail corridor in the United States with 150 daily passenger trains serving 41 stations and carrying eight million passengers annually, and an additional 70 daily freight trains. The Amtrak Pacific Surfliner rail service reduced nearly 45,000 tons of greenhouse gas emissions from its ridership in 2023 alone. This service, plus other passenger rail services along the rail corridor, are included throughout the California Transportation Plan and as a vital component of the State Rail Plan. There is currently $5 billion of capital investments underway along

the corridor which rely on the corridor remaining operational. Additionally, the threatened beachside trail that parallels the railroad ROW below the unstable hillside slopes is traversed by millions of residents and visitors annually.

With each failure of the rail line, costs mount. For the LOSSAN Rail Corridor Agency, which operates the Amtrak Pacific Surfliner on behalf of the State, the closures have resulted in a net loss of $14 million, which includes emergency bus bridges costing up to $100,000 per week. OCTA has spent more than $37 million so far on emergency fixes in the known ancient landslide area. Crucial freight shipments to the regional economy and military logistics have also faced significant delays. The biggest untold cost may be the loss of rail passengers who never return due to the lack of rail service reliability.

Further heightening the emergency nature of this situation are the storms that brought several inches of rain to Orange County in mid-February 2025. These recent atmospheric-river and king tide events mirror those that occurred in the previous three-plus years, which precipitated and are contributing causes to the coastal bluff landslides and coastal ocean intrusion that forced shutdowns of the rail line.

Discussion

As a result of the ongoing imminent threat to the rail line, on March 31, 2025, OCTA submitted an emergency Coastal Development Permit (eCDP) request to the California Coastal Commission, and a Regional General Permit 63 (RGP63) request to the United States Army Corps of Engineers (USACE). The permit requests are to implement emergency measures at the four reinforcement areas identified in the CRRS.

Protective mitigation activities for each reinforcement area will include necessary solutions to alleviate the existing imminent threat to railroad infrastructure and public safety. Below are summary project descriptions for each reinforcement area, including the nature and cause of the emergency and the timing of emergency action work.

Reinforcement Areas 1 and 2 (Mile Post 203.83 to 204.40)

Nature and Cause of the Emergency: The ocean-side railroad embankment in Areas 1 and 2 has faced dry beach loss and rock riprap embankment (riprap) loss due to past storms and continuing erosion. The beach width varies seasonally and is impacted by storms, waves, and king tide events that leave little protection of the rail line by the existing embankment.

The purpose of the emergency action is to repair the existing riprap, which has become degraded by toe erosion, loss of stones from the riprap section, and over-steepened sections that do not meet engineering standards for embankment protection. Failure to take emergency action would risk further damage to railroad infrastructure and impacts to rail passenger service, freight service, national security, and life and safety of the pedestrians, passengers, and crew. It is currently estimated that the riprap repair duration is two months.

Reinforcement Area 3 (Mile Post 204.07 to 204.34)

Nature and Cause of the Emergency: Over the past four years, the rail corridor operations have been adversely affected by the processes of coastal bluff erosion. The steep privately-owned bluffs located above the rail corridor between Mile Post 204.00 and Mile Post 204.50 have both active slope failures and high potential for additional slope failures that would likely impact the rail infrastructure. Recent bluff failures at Mile Post 204.2 (Mariposa Pedestrian Bridge), Mile Post 204.6 (Casa Romantica), and reactivation of an ancient landslide at Mile Post 206.8 (Cyprus Shore) have resulted in forced shutdowns of rail operations. To date, monitoring of the temporary debris catchment walls at the Mariposa Pedestrian Bridge and Casa Romantica has demonstrated their effectiveness in protecting the railroad infrastructure. However, mud and debris have continued to amass behind the 12-foot-high temporary wall at Mariposa Pedestrian Bridge protecting the track. Debris is threatening to spill over at spot locations. Installation of a new upslope catchment wall is necessary to prevent debris from toppling over the existing downslope temporary catchment wall. The new catchment wall, once constructed, will allow for the debris to be cleared and temporary catchment wall to be removed.

In addition, three recent landslides have occurred and have been photo documented (two in March 2024 and one in November 2024 through January 2025) and are included in the attached presentation. These landslides are currently being partially retained by the existing damaged pedestrian trail structure. This is the same situation that occurred in January 2024 at the Mariposa Pedestrian Bridge that led to the eventual dislodgement and collapse of two spans of the pedestrian trail structure, resulting in the ultimate closure of the railroad and coastal trail, and subsequent emergency stabilization projects. These recent landslide movements are expected to progress with the potential of unpredictable catastrophic sudden failures, thus posing an imminent threat to the rail corridor and the public if necessary actions are not taken immediately to mitigate the ongoing threat.

The emergency action for Area 3 is to install a new catchment wall on the inland side of the rail corridor to prevent further rail disruptions and infrastructure damage, which can lead to unsafe conditions for rail passengers, freight and pedestrians on the trail. The proposed catchment wall will require the removal of the full length of the existing Mariposa Pedestrian Bridge, and construction of the new catchment wall with the reestablishment of the pedestrian trail along the length of the wall. The new catchment wall will protect the railroad, existing underground utilities, and restore coastal access with a pedestrian trail. It is currently estimated that the catchment wall construction duration is eight months.

Reinforcement Area 4 (Mile Post 206.00 to 206.10 and Mile Post 206.42 to 206.70)

Nature and Cause of the Emergency: The railroad embankment in Area 4 has faced dry beach loss and riprap loss due to past storms and continuing erosion. The beach width and depth vary seasonally and are also impacted by storms, waves, and king tide events. This has resulted in erosion of the railroad embankment and the fronting dune and has led to waves overtopping onto the railroad track and track bed. Historically, the beach elevation in this area was six to seven feet higher than current conditions.

Based on observation of existing conditions and modeling of storms and beach erosion, failure to take emergency action will risk further damage to railroad infrastructure and impacts to rail passenger service, freight service, national security, and life and safety of the pedestrians, passengers, and crew.

The emergency action for Area 4 is to reinforce the failing railroad embankment with both a section of engineered shore protection structures and to make repairs to existing riprap to avoid rail service disruptions and infrastructure damage that would lead to unsafe conditions for both passengers and freight rail operations. The emergency repair construction of the emergency engineered shoreline protection structure may take up to eight months to construct.

Sand Nourishment

Approximately 540,000 cubic yards of sand will be imported from an offshore sand source and placed in Areas 1, 2, and 4 as soon as a sand source and delivery means becomes available. The sand source needs to be deemed suitable for volume, granularity, and color, and must obtain the necessary environmental clearances and permits. Offshore sand sources are the most feasible given the large quantity of sand needed for this project. Sand nourishment will work together

with the other improvements implemented through emergency actions and provide a first line of protection for the railroad.

OCTA is also supporting San Clemente in identifying additional offshore sand sources closer to San Clemente. Moreover, on March 31, 2025, OCTA released a request for information from firms regarding potential sand transport and delivery solutions, and the best industry practices related to the dredging and placement of sand. OCTA is committed to taking a holistic approach with sand placement as part of the overall solution, and this effort aims to expedite the sand placement process.

The eCDP covers the engineered and sand nourishment components of the project while the RGP63 includes only immediate-action project features related to revetments that are within the USACE's jurisdiction. The sand component will be part of a separate permitting process with the USACE due to required sand source and destination near-shore and off-shore environmental studies, and federal environmental clearance requirements not allowed through the emergency permitting process. Additionally, permits from the California State Lands Commission (CSLC) for work in CSLC jurisdictional areas and from the Regional Water Control Board will be required for certain project components.

Operational Impacts

Work related to the riprap repairs and removal of the existing pedestrian bridge will likely require temporary cessation of passenger rail service. Freight service will likely remain operational at night with minimal disruption. This allows the maximum amount of work to be completed during the planned rail shutdown while trying to minimize the operational impacts to the rail corridor. Once the service resumes after the initial rail shutdown, the remaining work will be completed with railroad flagging protection and minimal impacts to rail services.

Emergency Procurement Approach

Under normal circumstances, OCTA, like most public agencies, is required by the Public Contract Code (PCC) to procure public works projects utilizing a competitive process, which normally includes an invitation for bids and awarding the contract to the lowest responsible, responsive bidder. However, in certain circumstances, the PCC does allow for emergency procurements whereby the requirement for a competitive process is waived and the public agency can authorize the procurement of equipment, services, and supplies to address emergency circumstances without giving notice for bids to let contracts.

Specifically, PCC Section 22050 provides that a public agency can, by a four-fifths vote of its governing body, authorize the procurement of equipment, services, and supplies to address emergency circumstances. Before taking this action, the governing body is required to make findings, based upon substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. The governing body can then delegate authority to order any action required to address the emergency.

Once the governing body has made those findings, the authorized individual, in this case the Chief Executive Officer (CEO), can immediately enter into contracts necessary to address emergency circumstances. The CEO is then required by the statute to report to the governing body, at its next regular meeting, and at every regularly scheduled meeting thereafter, the status of the emergency, and the governing body must determine at each meeting by a four-fifths vote that there is a need to continue the emergency action until such time that the emergency no longer exists.

Due to continual failures of the inland bluff and coastal erosion with continual loss of beach and loss of riprap needed to protect the railroad, immediate action must be taken to protect the railroad infrastructure. Failure to act would risk further damage to railroad infrastructure, impacts to rail passenger service, freight service, national security, and life and safety of the pedestrians, passengers, and crew. The current situation requires diligence without delay that would result from existing policies and procedures for solicitation of bids and entry into contracts. Without undertaking this emergency action, the approval processes that would be followed under the traditional permitting and PCC format could subject these areas to multiple winter and tropical storm seasons that could lead to catastrophic track failures. Moreover, emergency action is necessary for the preservation of railroad infrastructure, protection of OCTA property, and to prevent an immediate termination of a critical passenger and freight rail service.

Funding

On December 2, 2024, the OCTA Board of Directors accepted the Federal Railroad Administration (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program grant ($100 million), the Trade Corridor Enhancement Program grant ($80 million), and the Transit and Intercity Rail Capital Program grant ($125 million). In order to obligate and use the federal CRISI grant, the project would need to complete the National Environmental Policy Act (NEPA) compliance process. In addition, the California State Transportation Agency (CalSTA) and California Transportation

Commission (CTC) require the approved NEPA documentation to confirm the CRISI funds match to the state funds, in order to fully allocate and use the state funds for this project. Without pre-award authority, which also requires NEPA approval, the CRISI grant can only be used for contracts that are awarded and expenditures that follow NEPA approval. Awarding a contract prior to NEPA approval may put the CRISI funds at risk. Given the emergency circumstances, staff is in continued contact with the FRA, CTC, CalSTA, and the California Department of Transportation to identify ways to allocate state funds and obligate federal funds for the project.

Fiscal Impact

An amendment to the OCTA Fiscal Year 2024-25 Budget, Capital Programs Division, Account No. 0018-9084-TR228-0N9, in the amount of $135,000,000, is being requested to accommodate this project to fund all the necessary contracts and agreements.

Summary

Staff recommends adoption of Resolution No. 2025-025 and authorization for the Chief Executive Officer to take whatever actions are necessary to address the emergency need for railroad track stabilization in the vicinity of Mile Post 203.83 to 204.40 and 206.10 to 206.70 on the Orange Subdivision, and to return to the Board of Directors, as required, to report on the status thereof (Attachment B). Staff also recommends amending the Orange County Transportation Authority Fiscal Year 2024-25 Budget to accommodate funding for the project.

Attachments

A. Project Location Map
B. Resolution No. 2025-025

Prepared by:



Jason Lee
Project Manager
(714) 560-5833

Approved by:



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

RESOLUTION NO. 2025-025

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT AN EMERGENCY CONDITION EXISTS AND IMMEDIATE ACTION IS REQUIRED TO PRESERVE THE PROPERTY OF THE AUTHORITY AND PREVENT AN IMMEDIATE TERMINATION OF A CRITICAL AUTHORITY FUNCTION SUCH THAT PROCUREMENT OF EQUIPMENT, SERVICES, AND SUPPLIES FOR THOSE PURPOSES WITHOUT GIVING NOTICE FOR BIDS TO LET CONTRACTS IS REQUIRED

WHEREAS, the Orange County Transportation Authority (OCTA) is the owner of the certain rail right-of-way known as the Orange Subdivision (Rail Right-of-Way) of the Los Angeles-San Diego- San Luis Obispo (LOSSAN) Rail Corridor (Corridor), a portion of which is located in the cities of Dana Point, San Clemente, and San Juan Capistrano.

WHEREAS, the Rail Right-of-Way and the entire rail Corridor represent the only rail connection between San Diego County and Orange and Los Angeles Counties and is of state-wide and national importance; and

WHEREAS, since 2021, the operations of the Rail Right-of-Way and the Corridor have been forced to shut down on multiple occasions because of coastal bluff erosion, dry beach loss, and geologic landslide bluff failures. Over the past year, additional landslides, continued hillside instability, and additional beach and railroad embankment erosion has been observed that poses imminent risk to the railroad service life and property; and

WHEREAS, the past closures have severed the only rail connection between San Diego County and the rest of the nation, affecting millions of annual passengers and impacting more than $1 billion in annual freight movement. Additionally, the Corridor plays a crucial role in the nation's Strategic Rail Corridor Network by supporting military logistics, freight movement, and passenger transportation, ensuring connectivity between key military installations and commercial hubs along the west coast; and

WHEREAS, for each failure of the rail line, costs to interested parties mount. For the LOSSAN Rail Corridor Agency, which OCTA is a member of and managing agency for, closures have resulted in a net loss of $14 million to the Amtrak Pacific Surfliner service, which includes emergency bus bridges costing up to $100,000 per day. In addition, OCTA has spent more than $37 million to date on emergency fixes in the known ancient landslide area. Freight shipments crucial to the regional economy and military logistics have also faced significant delays; and

WHEREAS, OCTA has addressed the ongoing emergencies as they have occurred and through a comprehensive process, four (4) additional areas have been identified that are under imminent threat which require immediate action to prevent loss of property and essential public rail services, as well as for the protection of life and public safety to avoid catastrophic bluff failures and other damage to the Rail Right-of-Way and the Corridor; and

WHEREAS, those four (4) additional areas are defined as Area 1: Mile Post (MP) 203.83 to 203.90, Area 2: MP 204.00 to 204.40, Area 3: MP 204.07 to 204.34, and Area 4: MP 206.00 to 206.70; and

WHEREAS, based on the foregoing, OCTA must take immediate action to develop measures to protect the Rail Right-of-Way and the Corridor; and

WHEREAS, this emergency circumstance will not permit the delay that would result from a competitive solicitation for bids; and

WHEREAS, Public Contract Code Section 22050 authorizes OCTA, in the case of an emergency, to repair or replace a public facility, take any action directly related or required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bid or letting of contracts pursuant to the Public Contract Code; and

WHEREAS, said action requires a four-fifths vote of OCTA's Board of Directors in order to delegate the emergency authority to it Chief Executive Officer; and

NOW, THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of OCTA's Board of Directors under Public Contract Code Section 22050, OCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Findings. OCTA hereby finds, determines and declares each of the following:

(a) The Rail Right-of-Way and the Corridor represent the only rail connection between San Diego County and Orange and Los Angeles Counties and is of state-wide and national importance; and

(b) Additional landslides, continued hillside instability, and additional beach and railroad embankment erosion has been observed that poses imminent risk to the Rail Right-of-Way and the Corridor; and railroad service life and property; and

(c) Past closures due to landslides, continued hillside instability and additional beach and railroad embankment erosion have severed the only rail connection between San Diego County and the rest of the nation, affecting millions of annual passengers and impacting more than $1 billion in annual freight movement; and

(d) The continued landslides, hillside instability, and additional beach and railroad embankment within the Rail Right-of-Way and Corridor constitutes an emergency circumstance that requires immediate action; and

(e) This emergency circumstance will not permit the delay that would result from a competitive solicitation for bids under the Public Contract Code.

Section 3. Acquisition of Necessary Equipment, Services, and Supplies. Pursuant to OCTA set forth in Public Contract Code Section 22050, OCTA's Chief Executive Officer is hereby authorized to take any directly related and immediate action required to address the emergency circumstance detailed herein and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

Section 4. Review of Emergency Circumstance. Pursuant to Public Contract Code Section 22050, OCTA's Board of Directors shall review the circumstance set forth herein and shall terminate said emergency circumstance when the need to continue said action no longer exists.

Section 5. Effective Date. This Resolution No. 2025-025 shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this 14th day of April 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
DOUG CHAFFEE, CHAIR
ORANGE COUNTY TRANSPORTATION AUTHORITY

This RESOLUTION was entered into
at a meeting of the Orange County
Local Transportation Authority held
April 14, 2025, in Orange, California.

ATTEST:

_____
ANDREA WEST
CLERK OF THE BOARD

APPROVED AS TO FORM:

_____
JAMES M. DONICH
GENERAL COUNSEL

CERTIFICATE OF THE CLERK OF THE BOARD OF THE ORANGE COUNTY LOCAL TRANSPORTATION AUTHORITY

I, Andrea West, Clerk of the Board of the Orange County Transportation Authority (OCTA), hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a meeting of the governing board of OCTA duly and regularly held in the City of Orange, California, on April 14, 2025, of which meeting all of the members of OCTA had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office, that said copy is a full, true, and correct copy of the original resolution adopted at said meeting and entered in said minutes, and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

I further certify that an agenda of said meeting was posted at least 72 hours before said meeting at a location in the City of Orange, California, freely accessible to the public and a brief general description of the resolution to be adopted at said meeting appeared on said agenda.

IN WITNESS WHEREOF, I have executed this certificate hereto as of this date, April 14, 2025.

By: _____

Its: ANDREA WEST
CLERK OF THE BOARD