

AGENDA: December 3, 2020

TO: Regional Transportation Commission

FROM: Sarah Christensen P.E.

RE: Highway 1 41st Avenue to Soquel Drive Auxiliary Lanes and Bus on Shoulder Project Amendment with the contract with the County of Santa Cruz for Right of Way, and Agreement with County Parks & Recreation for Environmental Mitigation

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission (RTC):

1. Approve the attached resolution (Attachment 1) authorizing an amendment to the contract with the County of Santa Cruz for right of way for the Highway 1 Auxiliary Lanes and Bus on Shoulder Project between 41st Avenue to Soquel Drive interchanges which includes a new bicycle/pedestrian overcrossing at Chanticleer Avenue.
 2. Approve the attached resolution (Attachment 2) authorizing the Executive Director to negotiate and enter into a Cooperative Agreement with the County of Santa Cruz for off-site mitigation plantings and riparian habitat at Anna Jean Cummings County Park.
 3. Approve the amendment to the Measure D 5-year Program of Projects for Highway Corridors (Attachment 3).
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BACKGROUND

In 2018, the RTC entered into a Cooperative Agreement with Caltrans outlining the roles and responsibilities for the final design and right of way components of the Highway 1 Auxiliary Lanes and Bus on Shoulder improvements between the Soquel Avenue/Drive and 41st Avenue interchanges, which includes the bicycle and pedestrian overcrossing at Chanticleer Avenue (Project), with the RTC as the implementing agency and Caltrans responsible for oversight. Subsequently, the RTC entered into a contract with the County of Santa Cruz for right of way support services for the Project with compensation not to exceed \$50,000. The right of way needs for the project are for the new bicycle and pedestrian bridge at Chanticleer Avenue which will be owned by the County of Santa Cruz, therefore it made sense for the County to acquire the right of way because they will own the underlying property for the bridge outside of the Caltrans right of way.

In July of 2020 RTC submitted grant applications to the California Transportation Commission (CTC) to fund a package of projects included in the Watsonville-Santa Cruz Multimodal Corridor Program. The grant programs included cycle 2 of the Senate Bill 1 (SB1) Solutions to Congested Corridors Program (SCCP) and Local Partnership Program (LPP). The CTC staff recommendations for award of cycle 2 funds were released on November 16, 2020, which included \$92.8M of SCCP funds and \$14.4M of LPP contingency funds for the Watsonville-Santa Cruz Multimodal Corridor Program. The CTC is scheduled to adopt the final programs at their meeting on December 2-3, 2020. If staff recommendations are adopted by the CTC, it would fully fund construction of the Project.

DISCUSSION

The final design and right of way components of the Project are nearing completion. The 100% PS&E package was submitted to Caltrans in July of 2020. The RTC and Caltrans are working toward wrapping up the plans and specifications for the project to reach the Ready to List (RTL) milestone. Other items needed for the Project to reach the RTL milestone include the Right of Way Certification, Environmental Certification, Construction Cooperative Agreement, and Freeway Agreement. The County of Santa Cruz is currently reviewing the final Freeway Agreement between the County and Caltrans, which is on target to be executed in December of 2020.

Caltrans is currently drafting the Construction Cooperative Agreement, with Caltrans as the implementing agency for construction of the Project. The Construction Cooperative Agreement includes funding information that will be finalized once the California Transportation Commission (CTC) adopts the programs for SB1 funds on December 2-3, 2020. Staff will return to the Commission with a recommendation for the Construction Cooperative Agreement at a future meeting.

An additional \$570,000 of Measure D is needed to fully fund the right of way component of the project, which includes right of way support, capital, environmental mitigation obligations, and RTC project management through [fiscal year \(2025FY\) 24/25](#).

Cooperative Agreement with the County for Right of Way

The right of way needs for this project include partial acquisitions for the construction of the bicycle and pedestrian overcrossing at Chanticleer Avenue. The County of Santa Cruz completed appraisals of the proposed Temporary Construction Easement (TCE) and permanent easements at five properties.

County has performed the right of way support services to-date and performed due diligence meeting with the affected property owners together with RTC staff. County completed the draft appraisals and performed independent review of the appraisals to verify and validate the draft appraisals. The right-of-way capital budget is \$596,310. The County has requested this amendment, so that they can directly make offers. Staff recommends amending the contract with the County of Santa Cruz (19R0235) to add \$596,310 of compensation to cover the right of way acquisition costs according to the below estimated breakdown:

Real Property Services (support) Costs	\$ 50,000
Right of Way Acquisition (capital) Costs	\$ 596,310
Total (support + capital) costs	\$ 646,310

Staff recommends the RTC approve the attached resolution (Attachment 1) authorizing the Executive Director to negotiate and execute an amendment to the contract with the County of Santa Cruz (19R0235) for \$596,310 for a total not to exceed value of \$646,310, for right of way support services and acquisitions subject to final negotiations and approval by legal counsel as to form. The draft amendment to the contract is included as Attachment 4.

Environmental Mitigation

The project is expected to impact 71 trees of various species, which will require mitigation in accordance with permit requirements. RTC staff worked with the County of Santa Cruz Department of Parks, Open Space, and Cultural Services (County Parks) staff to prepare a conceptual planting plan. County Parks developed a plan for off-site mitigation plantings at Anna Jean Cummings County Park in Soquel. The concept plan includes planting of 255 trees, 75% of which must be Coastal Live Oak (CLO), including maintenance of the trees over 5 years by County Parks staff and volunteers as proposed in the permit applications.

The RTC submitted permit applications to the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW) in early August of 2020, which included the off-site mitigation plan. On August 24, 2020 the RTC received a response from the RWQCB that the application was deemed complete, and final review and approval of the application is underway. On November 18, 2020 the RTC received a letter from CDFW indicating the application was complete and will issue the Lake and Streambed Alteration Agreement serving as the 1602 permit within 60 days. Final permits are anticipated to be received in early 2021. Off-site mitigation is funded from the right-of-way component of the project.

In order to implement the off-site mitigation, **staff recommends the RTC approve the attached Resolution (Attachment 2) authorizing the Executive Director to negotiate and enter into an agreement with the County of Santa Cruz for a total value not to exceed \$529,083 with a term through December 31, ~~2025~~ 2027 for environmental mitigation subject to final negotiations and approval by legal counsel as to form.** The draft agreement, concept plan, and cost estimate for the off-site mitigation is included as Attachment 5. The off-site mitigation will be funded by STIP right of way funds (environmental mitigation is part of the right of way component of the project) and Measure D funds and is estimated to be spread over the 5-year maintenance period. The proposed amendment to the 5 year plan for Highway Corridors includes \$570,000 of Measure D between FY 21/22 and FY 24/25 to fully fund this agreement as well as RTC project management costs over the 5 years.

FISCAL IMPACT

The right of way support and capital components of the Project are funded by the State Transportation Improvement Program (STIP). The RTC received the \$750,000 STIP allocation from the CTC in 2019 for the right of way component of the project. The FY 20/21 budget includes \$720,000 STIP funds, with \$700,000 of which remaining to fund the right of way costs which includes a portion of the environmental mitigation planting costs. The remaining environmental mitigation planting will be funded by Measure D, which requires a 5 year plan amendment to fund the remaining agreement value over 5 years. The Measure D Cash Flow Model shows sufficient capacity in the Measure D Highway Category to fund the proposed agreement. Remaining capacity (STIP right of way funds) exist in this fiscal year's budget to fund this agreement through June of 2021.

SUMMARY

RTC recommends approving an amendment to the contract with the County of Santa Cruz for the right of way component of the Project. Staff recommends entering into an agreement with the County of Santa Cruz to implement required off-site mitigation plantings and maintenance at Anna Jean Cummings County Park.

ATTACHMENTS

1. Resolution – Amendment to the County Cooperative Agreement for the Right of Way component of the Project
2. Resolution – Cooperative Agreement with the County of Santa Cruz for off-site mitigation plantings and maintenance
3. Measure D 5 Year Program of Projects – Highway Corridors
4. Draft Cooperative Agreement Amendment for Right of Way
5. Draft Cooperative Agreement for Mitigation

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RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission
on the date of December 3, 2020
on the motion of Commissioner
duly seconded by Commissioner

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN
AGREEMENT WITH THE COUNTY OF SANTA CRUZ FOR OFFSITE MITIGATION REQUIRED
FOR THE HIGHWAY 1 AUXILIARY LANES AND BUS ON SHOULDER PROJECT BETWEEN 41ST
AVENUE/SOQUEL DRIVE

WHEREAS, Highway 1 is the most heavily traveled highway in Santa Cruz County, is often congested and has safety concerns;

WHEREAS, Highway 1 serves as the backbone for the movement of people and goods through the majority of the urban area in Santa Cruz County, providing access to schools, commercial, residential, and recreational destinations;

WHEREAS, the Measure D expenditure plan approved by voters of Santa Cruz County in 2016 included auxiliary lanes between Bay Avenue/Porter Street and State Park Drive;

WHEREAS, in 2018 the RTC entered into a Cooperative Agreement with Caltrans for the final design and right of way components of the project, with the RTC as the implementing agency and Caltrans responsible for oversight; and

WHEREAS, the RTC as the implementing agency for final design and right of way for the project prepared and submitted environmental permit applications to the regulatory agencies which included a conceptual plan for required mitigation plantings;

WHEREAS, in order to implement off-site mitigation an agreement with the County of Santa Cruz is required to fund the plantings and maintenance over a 5-year period;

THEREFORE, BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION THAT:

1. The Executive Director is authorized to negotiate and enter into an agreement with the County of Santa Cruz for off-site mitigation with a value not to exceed \$529,083 and a term through December 31, ~~2025~~2027, subject to final negotiations and approval by legal counsel as to form.
2. The Measure D 5 year Plan for Highway Corridors is hereby amended, as shown in Exhibit 1.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Bruce McPherson, Chair

ATTEST:

Guy Preston, Secretary

Distribution: RTC Fiscal, RTC Project Manager, and Consultant Project Manager

Exhibit 1: Measure D 5 Year Program of Projects – Highway Corridors

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**EXHIBIT 1
COUNTY OF SANTA CRUZ – DEPARTMENT OF PUBLIC WORKS
LABOR, EQUIPMENT, AND OVERHEAD RATES FISCAL YEAR 2020-21**

Labor Rates:

<u>Position</u>	<u>Hourly Rate</u>
Chief Real Property Agent	106.47
Senior Real Property Agent	108.80
Real Property Agent	76.00
Senior Civil Engineer (County Surveyor)	147.31
Civil Engineer	109.67

Equipment Rates:

<u>Type</u>	<u>Hourly Rate</u>
2016 Nissan Leaf	5.70

Overhead Rates:

<u>Dept/Section</u>	<u>Overhead Rate</u>
Department Overhead Rate	12.50%
Administration - Real Property	20.00%
Transportation – Planning/Traffic & Survey	27.98%