



Midpeninsula Regional
Open Space District

PROCUREMENT AGENDA ITEM

R-25-77
Meeting 25-16
June 11, 2025

AGENDA ITEM 5

AGENDA ITEM

Contract Amendment with AECOM for additional environmental consulting services to prepare the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project for construction and receipt of mitigation credits

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to execute a contract amendment with AECOM in the amount of \$268,620 for additional environmental consulting services related to a Biological Assessment and other technical documents, the California Environmental Quality Act/National Environmental Policy Act, and a Mitigation Credit Agreement for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project, for a new contract amount, including base contract and contingency, not-to-exceed \$2,273,205.
2. Authorize \$85,000 in allowances for specific potential actions, if required, as described in the report, bringing the total project allowances to \$580,110. The proposed contract amendment, including proposed allowances, would bring the total not-to-exceed contract amount, including base contract, contingency, and allowances to \$2,853,315.

DISCUSSION

Midpeninsula Regional Open Space District (District), in cooperation with the California Department of Transportation (Caltrans) and the Santa Clara Valley Transportation Authority (VTA), proposes the construction of a wildlife undercrossing and a separate regional multi-use trail overcrossing of Highway 17 near Lexington Reservoir, south of the Town of Los Gatos in Santa Clara County. Together, the Highway 17 Wildlife Crossing (MAA20-001) and Regional Trail Crossing (MAA20-002) Projects (collectively the Highway 17 Project or Project) were one of the highest ranked priority actions during the District's 40-Year Vision Plan process in 2014.

On May 27, 2020, the District Board of Directors (Board) authorized a contract with AECOM to complete preliminary engineering designs and environmental review for the Highway 17 Project (R-20-53) for a total contract amount, including the base contract, allowances and contingency not-to-exceed \$1,580,000. A contract amendment was authorized on August 21, 2021, to respond to changes in Caltrans' federal accessibility requirements for trails within the state right-of-way, and guidance for the use of federal funding for the Project that necessitated additional analysis of the Project under the National Environmental Policy Act (NEPA). The 2021 contract amendment increased the not-to-exceed amount, including base contract, contingency, and allowances to \$2,499,700.

On August 28, 2024, the Board adopted an Initial Study with Mitigated Negative Declaration/ Environmental Assessment (IS-MND/EA) for the Project, in accordance with the California Environmental Quality Act (CEQA). Caltrans subsequently approved a Finding of No Significant Impact on September 26, 2024, in accordance with NEPA. The Project is currently in the Caltrans Plans, Specifications & Estimates (PS&E) phase of work. The Santa Clara Valley Transportation Authority (VTA) is the project lead during the PS&E phase, which includes detailed design and preparation of contract documents for soliciting a Request for Bids to pursue construction.

This new contract amendment with AECOM includes the following additional scope of work and is necessary for the District to support VTA's work in preparing the project for both construction and the receipt of mitigation credits.

Contract Amendment Scope of Work

Mitigation Credit Agreement

Mitigation Credit Agreements (MCA) are developed under an approved Regional Conservation Investment Strategy (RCIS) in collaboration with the California Department of Fish and Wildlife (CDFW) to create mitigation credits for conservation or habitat enhancement actions identified in a RCIS. MCA credits generated from the Project may be used as compensatory mitigation for impacts under CEQA, the California Endangered Species Act and the CDFW Lake and Streambed Alteration Program. Credits may also be eligible to offset mitigation requirements from other regulatory agencies. This will allow the District to mitigate project impacts with elements that are already part of the Project's primary goals instead of having to purchase credits or fund additional mitigation work that may not be as effective in supporting habitat connectivity. MCA credits are also saleable and transferrable and could result in an opportunity to bring additional external funding to the Project or revenue for the District.

The scope refinements in the proposed contract amendment will respond to CDFW's Wildlife Connectivity Advance Mitigation Guidelines (Guidelines), which were recently released in September 2024. The Guidelines include a greater level of detail about the MCA development process than was available at the time of the original contract and first amendment. The new CDFW requirements necessitate additional work to complete the MCA application package and obtain CDFW approval of the MCA.

Biological Assessment and Other Technical Studies

A United States Fish and Wildlife Service (USFWS) Biological Assessment (BA) was initiated during the Project Approval and Environmental Review (PA&ED) phase for California red-legged frog. Due to the status of a proposed federal listing of the northwestern pond turtle, the completion of the BA was deferred to the PS&E phase. The contract amendment will fund completion of the BA, which is needed to obtain a Biological Opinion from USFWS, which in turn is needed to obtain other resource agency permits.

Additionally, if the PS&E project design affects areas not addressed in existing technical reports, Caltrans is anticipated to require revised technical studies or addenda to be prepared in accordance with Caltrans procedures. The contract amendment includes funding for potential updates required by Caltrans to the Natural Environmental Study, Jurisdictional Delineation, Visual Impact Assessment, and/or Cultural Reports.

NEPA/CEQA Re-Validation and Updates to the Environmental Commitment Record

As detailed engineering work progresses during the PS&E phase, the Project may be subject to certain design changes. Caltrans will require “Re-Validation” of a project’s environmental document to address changes in project design, right-of-way needs/acreages, and/or environmental setting, impacts, and commitments that affect the original findings of the environmental document. The Caltrans’ Re-Validation process and associated documentation is administrative and independent of the CEQA statute and therefore would not require re-circulation of the environmental document or public noticing. At this time, no additional CEQA review or a separate CEQA Addendum to the Final IS-MND/EA is anticipated.

In addition, Caltrans will require any new requirements for the Project that are identified through the approval of regulatory permits to be incorporated into the Environmental Commitment Record (ECR). The ECR is a document that ensures environmental measures identified in the Final IS-MND/EA are executed at the appropriate times. An update to the ECR, if pertinent, is required by Caltrans prior to the construction bidding process.

Contract Allowances for Potential Additional Work

In the District’s experience working with Caltrans, it is recognized that additional tasks may be required by Caltrans; however, definitive direction is not always provided in advance. Contract allowances provide the flexibility to perform tasks without affecting the Project schedule – e.g., returning to the Board for consideration of additional contract amendments - to maintain project momentum. Allowances in the initial contract, first amendment, and this proposed amendment are earmarked for specific potential tasks. To date, \$392,130 in contract allowances have been used to complete topographic mapping, geotechnical and biological field studies, a paleontological evaluation, supplemental document reviews, and additional engineering and project management services. Allowances included in this contract amendment in the amount of \$85,000 would address the following specific additional tasks should they be required:

- Paleontological Mitigation Plan Update
- Additional document reviews beyond those included in the scope
- Preconstruction and construction environmental support
- Additional project management and team meetings

The proposed contract amendment, including proposed allowances, would bring the total not-to-exceed contract amount, including base contract, contingency, and allowances to \$2,853,315, which is approximately 8% of the total estimated Project cost of \$37.5M.

BUDGET / FISCAL IMPACT

The current fiscal year budget contains:

- ☐ sufficient funds.
- ☐ insufficient funds; the next quarterly budget update will include a reallocation of unspent funds from other project budgets to cover for this expenditure.
- ☐ insufficient funds; approval of this item requires a fiscal year budget augmentation.
- ☒ future fiscal year budgets will include additional funds to complete the contracted work.

Measure AA

- ☐ No, this contract is not part of a Measure AA project.
- ☒ Yes, this contract is part of a Measure AA project.

The following table outlines the Measure AA Portfolio #20 allocation, costs-to-date, projected life-to-date project expenditures and projected portfolio balance remaining.

Measure AA Portfolio #20	
Portfolio Allocation:	\$13,966,000
Grant Income (through FY28):	8,075,000
Fund 40 Allocation:	23,150,000
Total Portfolio Allocation:	\$45,191,000
20-001 Wildlife Corridor: Highway 17 Crossing	(21,424,218)
20-002 Bay Area Ridge Trail: Highway 17 Crossing	(22,103,236)
20-003 Edwards Property Acquisition	(1,247,500)
20-004 El Sereno Loop Trail	(389,013)
Total Projected Expenditures (life of project):	(\$45,163,967)
Portfolio Balance Remaining (proposed):	\$27,033

Note: Estimates are from the FY26-FY28 Budget & Action Plan, which is going to the board for approval at this same meeting on June 11, 2025.

PRIOR BOARD ACTION SUPPORTING THE PROJECT

- February 24, 2016: Award of contract to Trail People to proceed with the conceptual design and feasibility study ([R-16-18](#), [meeting minutes](#))
- August 24, 2016: Caltrans cooperative agreement for the Project Initiation Document phase ([R-16-105](#), [meeting minutes](#))
- October 12, 2016: Contract Amendment with Trail People for additional Caltrans analysis ([R-16-126](#), [meeting minutes](#))
- November 9, 2016: Resolution and approval of a Caltrans cooperative agreement ([R-16-147](#), [meeting minutes](#))
- June 27, 2018: Advancement of eight alternatives to the Caltrans PSR-PDS phase and approval of a contract amendment with Trail People ([R-18-66](#), [meeting minutes](#))
- October 24, 2018: FYI noticing the Board of an upcoming public meeting for feedback on crossing alternatives ([FYI memo](#), [meeting minutes](#))
- February 13, 2019: FYI Final Revised Alternatives Report ([FYI memo](#), [meeting minutes](#))
- September 17, 2019: Planning & Natural Resources Committee, Crossing alternatives, Caltrans Project Study Report, environmental review, public outreach and funding ([R-19-124](#), [meeting minutes](#))
- October 23, 2019: Approval of the Caltrans PSR-PDS document and Cooperative Agreement to begin the PA&ED phase ([R-19-136](#), [meeting minutes](#))

- May 27, 2020: Award of Contract to AECOM for the PA&ED phase, CEQA/NEPA ([R-20-53](#), [meeting minutes](#))
- December 9, 2020: Application for Grant Funding from the Wildlife Conservation Board ([R-20-144](#), [meeting minutes](#))
- August 25, 2021: Contract Amendment with AECOM ([R-21-113](#), [meeting minutes](#))
- February 9, 2022: FYI Highway 17 Wildlife and Regional Trail Crossings Project Status Update ([FYI memo](#), [meeting meetings](#))
- May 25, 2022: FYI Highway 17 Crossings Design Aesthetics ([FYI Memo](#), [meeting minutes](#))
- September 13, 2022: Legislative, Funding, and Public Affairs Committee, Guiding Principles for the Design Enhancements of the Highway 17 Crossings ([R-22-91](#), [meeting minutes](#))
- October 26, 2022: Guiding Principles for Highway 17 Crossings Design Enhancements ([R-22-118](#), [meeting minutes](#))
- May 24, 2023: Highway 17 Wildlife and Trail Crossings Cooperative Agreement with the Santa Clara Valley Transportation Authority ([R-23-56](#), [meeting minutes](#))
- October 25, 2023: Highway 17 Wildlife and Trail Crossings Funding Exchange Agreement with the Metropolitan Transportation Commission and Santa Clara Valley Transportation Authority ([R-23-126](#), [meeting minutes](#))
- May 22, 2024: Selection of a Preferred Overcrossing Alternative for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project ([R-24-62](#), [meeting minutes](#))
- August 28, 2024: Adoption of the Initial Study with Mitigated Negative Declaration/Environmental Assessment for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project ([R-24-104](#), [meeting minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

The Board adopted an Initial Study with Mitigated Negative Declaration/Environmental Assessment (IS-MND/EA) for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project (SCH #2024020745) on August 28, 2024 (Resolution No. 24-25).

NEXT STEPS

Pending Board approval, the General Manager will execute the contract amendment with AECOM for continued work on the development of an MCA and additional environmental services during the PS&E phase of the Project. The current overall Highway 17 Project schedule is as follows:

Milestone	Tentative Timeline
Final Design (PS&E)	Fall 2026
Construction Bidding	Winter 2026
Construction (funding dependent)	Spring 2027 – Spring 2029

Attachment(s)

1. Project Location Map

Responsible Department Head:

Jane Mark, Planning

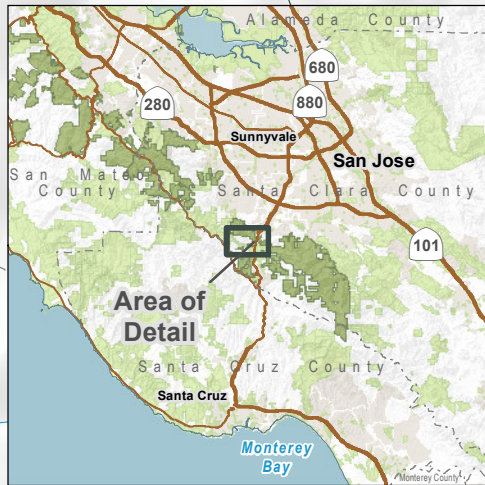
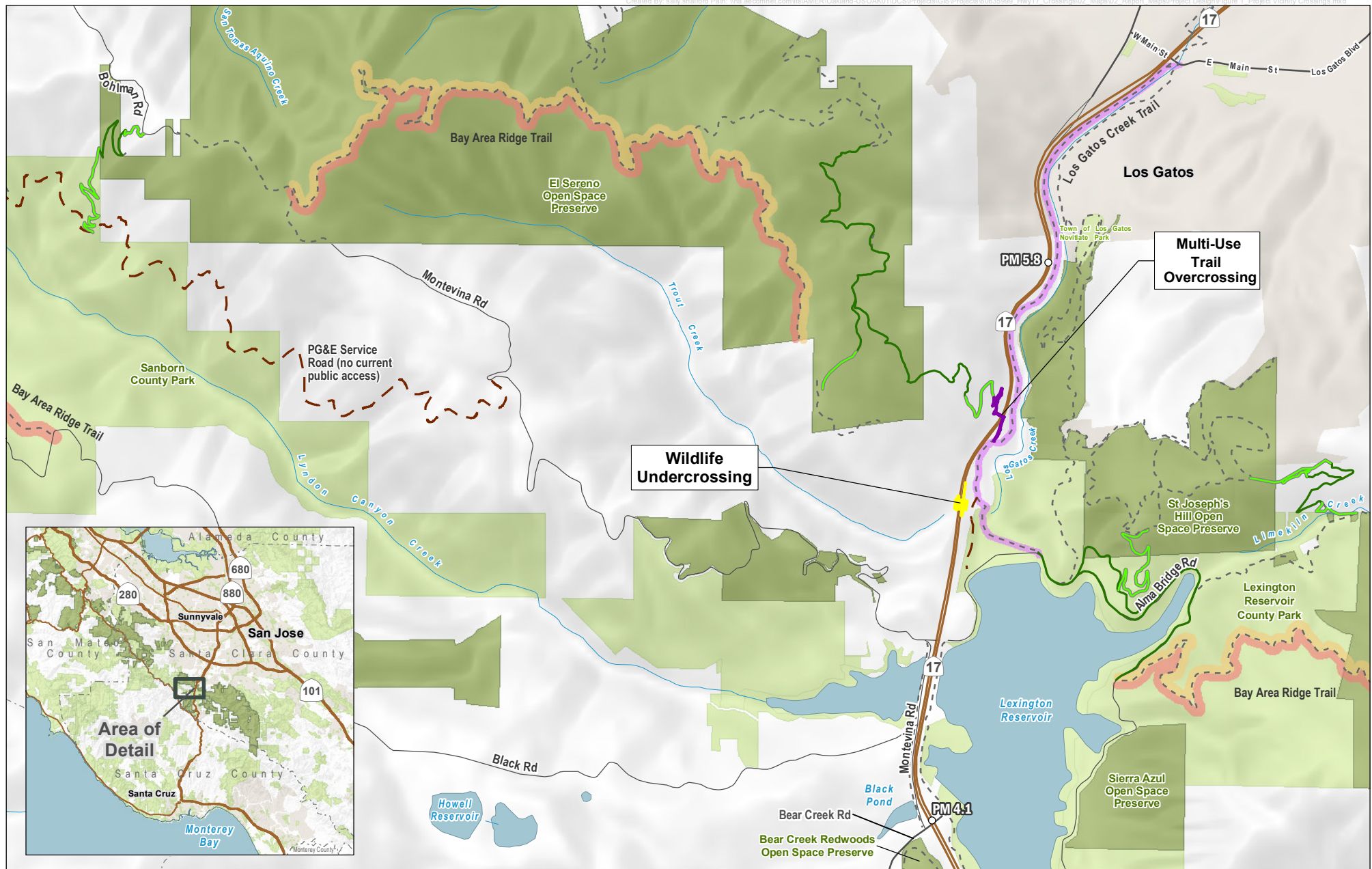
Kirk Lenington, Natural Resources

Prepared by:

Jared Hart, Senior Planner, Planning

Contact person:

Jared Hart, Senior Planner, Planning



Highway 17 Crossings Project Vicinity

- Project Post Mile
- River/Stream
- Midpen Open Space
- Other Protected Land
- Proposed Crossings**
- Multi-Use Trail Overcrossing
- Wildlife Undercrossing

- Trails**
- Proposed Trail
- Existing Trail, Proposed Improvements
- Existing Road, No Current Public Access
- Existing Road or Trail

- Bay Area Ridge Trail
- Bay Area Ridge Trail & Juan Bautista de Anza Trail
- Los Gatos Creek Trail

Note: Not all proposed trails will be built

Midpeninsula Regional
Open Space District
(Midpen)
5/13/2025

