



Midpeninsula Regional  
Open Space District

R-16-126  
Meeting 16-26  
October 12, 2016

## AGENDA ITEM 4

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Contract Amendment for Highway 17 Wildlife Passage Structures and Bay Area Ridge Trail Crossing to Prepare a Project Initiation Document.

### GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to amend a contract with TrailPeople, located in Benicia, California, adding \$138,200, plus a 30% contingency in the amount of \$41,460 to be reserved to meet additional analyses if requested by Caltrans, for a total not-to-exceed amount of \$299,660, to prepare the Caltrans Project Initiation Document required to advance the Highway 17 Wildlife Passage Structures and Bay Area Ridge Trail Crossing Project (Project) through the next phase.

### SUMMARY

TrailPeople was originally retained by the Midpeninsula Regional Open Space District (District) to complete a Feasibility Study for the Project through Board Authorization on February 24, 2016 (R-16-18). TrailPeople has successfully completed the Project Preliminary Alternatives Report for the project. In addition, the District has entered into a Cooperative Agreement with Caltrans to provide oversight of a consultant-prepared Project Initiation Document (PID). Working with Caltrans on major projects is fundamentally different from many other District projects in that each successive step in the process requires its own cooperative agreement and funding with Caltrans. The next phase of the Project is to complete, with consultant assistance, the Caltrans Project Initiation Document (PID), which is the preliminary project description document required for a project that impacts a state highway under the jurisdiction of Caltrans. The TrailPeople's contract to complete the PID is for a not-to-exceed amount of \$299,660 and is expected to be completed within 12 months.

### MEASURE AA

A 5-year Measure AA Project List was approved by the Board at their October 29, 2014 meeting and includes Project #20 South Bay Foothills: Wildlife Passage and Ridge Trail Improvements. This proposed agreement serves the goals of Projects #20-1 and #20-2 by addressing restoration in the conceptual design and feasibility study of the Highway 17 Wildlife and Bay Area Ridge Trail crossing(s) through preliminary scoping, design, CEQA, and permitting analysis.

### DISCUSSION

In February of 2016, the District and its consultant team, TrailPeople began reviewing background data and information to prepare project alternatives to improve wildlife access and

connect the Bay Area Ridge Trail across Highway 17. TrailPeople prepared concept level designs for four different project locations to improve connections for wildlife and recreational users across Highway 17 in the area between Los Gatos and Lexington Hills.

A Preliminary Alternatives Report (Report) was completed and presented to the Board on July 27, 2016 (R-16-84). In the Report, TrailPeople incorporated stakeholder comments and identified construction opportunities and constraints for four project alternatives. They also presented the Report at a public meeting to gauge public support for each of the alternatives. To aid the District in selecting preferred alternatives, TrailPeople has prepared an evaluation summary and cost estimates for each of the conceptual alternatives.

On August 24, 2016 (R-16-105) the District's Board of Directors authorized the District to enter into a Cooperative Agreement with Caltrans to provide oversight of a consultant prepared PID. Staff had requested a scope and cost estimate from TrailPeople for completing the Caltrans PID phase of the project. The original estimate from TrailPeople exceeded the amount estimated by staff and budgeted for this fiscal year. However, TrailPeople was able to reduce their proposed cost by \$82,946 from their original proposal through the selection of a different civil engineering firm.

Due to TrailPeople's ability to seek solutions and reduce costs, the General Manager recommends amending the contract with TrailPeople instead of re-bidding this portion of the project. TrailPeople's knowledge of the project to date and knowledge of stakeholder concerns would not be equaled by an entirely new team without incurring additional costs. This contract amendment will allow TrailPeople to complete the PID using much of the information from the Preliminary Alternatives Report and to include all four project alternatives as well as a "no project" alternative (per Caltrans standards). The timeline for completion of the PID phase is no more than 12 months from contract amendment authorization.

The Caltrans PID process requires preliminary analyses of many project components, including geotechnical, hydrologic, environmental, biological, and traffic. Preliminary discussions with Caltrans regarding the exact scope for the PID indicated that the scope for this phase of the project might be focused and constrained to help keep costs contained. However, because the exact scope for completing the PID per Caltrans standards is not yet known and contains a higher than usual amount of uncertainty, TrailPeople, with staff verification, have estimated 30% in contingency funds could be necessary to provide funding for unanticipated tasks required by Caltrans to complete the PID as a part of this contract amendment. The total amount requested under the current proposal (including contingency) is \$179,660. While the contingency percentage is high, the actual dollar amount of \$41,460 is small given the project magnitude and complexity. Contingency funds will only be used to meet additional analyses requested by Caltrans, which may include: a formal traffic study (estimated at \$5,000 to \$20,000), a scenic resources evaluation (\$6,000), or significant changes to the alternatives or their design due to Caltrans oversight (up to \$30,000).

## **FISCAL IMPACT**

The District's FY 2017 Budget and Action Plan includes \$295,300 for the Highway 17 Wildlife Passage Structures and Bay Area Ridge Trail Crossing project (MAA 20-001), with the Natural Resource's Department budget accounting for \$270,300 of the total project budget.

Based on conversations with Caltrans, expenditures for oversight activities are anticipated to be less than the approved Agreement amount. Therefore, staff anticipates that there is sufficient funding available in the FY 2017 budget for the first year of the multi-year contract with TrailPeople. As work progresses, staff will monitor expenditures, and will request a budget adjustment to complete the work tasks in this contract, if necessary.

	<b>FY 2017</b>	<b>FY 2018</b>
<b>MAA 20-001 Natural Resources Budget</b>	<b>\$270,300</b>	
Spent to Date (as of 9/30/16):	\$8,551	
Caltrans Cooperative Agreement:	\$41,250	\$123,750
*TrailPeople Contract:	\$177,397	\$44,915
<b>Budget Remaining:</b>	<b>\$43,102</b>	

\*\$77,348 expensed in FY 2016

The contract with TrailPeople is a multi-year contract, and will extend into FY 2018. The proposed FY 2018 budget will include additional funds for the remaining scope of services associated with this multi-year contract.

The following table is provided to outline the Measure AA Portfolio budget, costs to date, and the fiscal implications related to the Highway 17 Wildlife Passage Structures & Bay Area Ridge Trail Crossing project:

<b>MAA 20 Portfolio Appropriation</b>	<b>\$13,966,000</b>
Life-to-Date Spent:	\$98,989
FY 2017 Highway 17 Wildlife Passage Structures & Bay Area Ridge Trail Crossing Project:	\$295,300
<b>Balance Remaining (Proposed):</b>	<b>\$13,571,711</b>

## BOARD COMMITTEE REVIEW

The Preliminary Alternatives Report and conceptual designs for the four project alternatives was presented to the full Board on July 27, 2016. A Planning and Natural Resources (PNR) Committee and public open house was held on August 2, 2016 to present more in depth information for each of the alternatives and receive public feedback on the project.

## PUBLIC NOTICE

Public notice was provided as required by the Brown Act. No additional notice is required. However, notification, including this report, will also be sent to the Highway 17 interested parties list, important stakeholders, and project partners. A notification mailing was sent on October 7, 2016.

## CEQA COMPLIANCE

Completion of a Caltrans PID is not a project subject to the California Environmental Quality Act because it will not result in a direct or reasonably foreseeable indirect physical change in the environment [CEQA Guidelines Section 15060(c)(2)]. Once preferred alternatives are formally

selected, project implementation will be subject to CEQA. The next phase of the project will include preparation of a CEQA document to implement the preferred alternatives.

## **NEXT STEPS**

If the contract amendment is approved, TrailPeople will begin working with Caltrans and the District to develop a communications plan and to prepare the PID. Formal adoption of the preferred alternatives by the Board and Caltrans programming will occur at the conclusion of the PID phase. The next phase of the project will be Environmental Review and Permitting, which may be undertaken by the District using a competitively selected consultant, by Caltrans directly, or using a combination of the two. The decision for which entity will lead the next phase will be made during the PID phase through an additional co-operative agreement for the next phase of the project that will be brought before the Board for approval.

Because this contract amendment will begin the Caltrans project process, a summary of the steps is provided below. It is also worth noting that Caltrans requires a Cooperative Agreement for each phase, which are as follows:

1. Project Initiation (PID)
2. Environmental Review and Permitting
3. Plans, Specifications, and Estimate
4. Construction

Additional agreements may also be needed both with the District or other agencies to formalize right-of-way or utility issues and/or patrol and maintenance agreements.

Public and agency comments received for each of the alternatives will be reviewed at the October 18, 2016 PNR Committee meeting. At this meeting, the PNR Committee will have the opportunity select and recommend preferred alternatives. These alternatives will remain the “tentatively preferred” alternatives unless new information is uncovered during the Caltrans PID phase. At the completion of the PID, they will be brought before the full Board for formal adoption. If any major deviations are proposed, staff will return to the PNR Committee before advancing to the full Board for formal adoption. The PID preferred alternatives will successfully move into the next Caltrans phase of the project (Environmental Review and Permitting). At that phase, the project will be more narrowly defined and the required tasks will have a much higher degree of certainty. Future consultant work will be contracted through a new competitive process at that time.

Responsible Department Head:  
Kirk Lenington, Natural Resources

Prepared by:  
Julie Andersen, Resource Management Specialist III, Natural Resources Department