



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Flood Control  
**Department No.:** 054  
**For Agenda Of:** January 13, 2015  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Directors, Flood Control and Water Conservation District

**FROM:** Department Scott D. McGolpin, Public Works Director, 568-3010  
Director(s)  
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

**SUBJECT:** **Union Pacific Railroad Company Reimbursement Agreements, Las Vegas/San Pedro Creeks Capacity Improvement Project, Second Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence** Yes

As to form: Risk Management

**Recommended Actions:**

- A. Approve and authorize the Chair to execute the Reimbursement Agreement with the Union Pacific Railroad Company for the Las Vegas Creek Bridge Replacement Project as part of the Las Vegas/San Pedro Creeks Capacity Improvement Project for the period of January 6, 2015 through October 1, 2015 in an estimated amount of \$1,192,352;
- B. Approve and authorize the Chair to execute the Reimbursement Agreements with the Union Pacific Railroad Company – San Pedro Creek Bridge Replacement Project as part of the Las Vegas/San Pedro Creeks Capacity Improvement Project for the period of January 6, 2015 through October 1, 2015 in an estimated amount of \$1,279,792;
- C. Authorize the Public Works Director or designee to approve any time extensions to the Reimbursement Agreements with Union Pacific Railroad Company to account for any delays in the project; and
- D. Determine, pursuant to 14 CCR 15162, that a Mitigated Negative Declaration (MND) was adopted for the Las Vegas-San Pedro Creeks Capacity Improvement Project on October 4, 2011 and Addendums 1 and 2 to the MND were approved on April 10, 2012 and August 19, 2014 respectively that no substantial changes are proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has been received with respect to the project or the

mitigation measures, and therefore no subsequent Environmental Impact Report (EIR) or Negative Declaration is required for the approval of the recommended actions. Related environmental documents can be found:

<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=1878938&GUID=785DE1B4-80DF-451E-9A44-126AB887E10A>

### **Summary Text:**

On May 7, 2013, the Board of Directors of the County Flood Control District (District) received a report on the status of the Las Vegas/San Pedro Creeks Capacity Improvement Project. At that time, the Board authorized and directed the Public Works Director to negotiate a Reimbursement Agreement with the Union Pacific Railroad Company (UPRR) for the construction of the enlarged railroad bridges over Las Vegas and San Pedro Creeks and directed staff to return to the Board for approval and execution of the Reimbursement Agreements. A similar agreement was executed with UPRR for construction of the bypass culvert element of the Lower Mission Creek Flood Control Project.

The District and Caltrans are the lead funding agencies in delivering the project to reduce a regional recurrent flooding problem in the Goleta area. The project consists of several major elements:

- Element A is the replacement of the U.S. 101 culverts on Las Vegas and San Pedro Creeks with bridges. This element also includes extension of these improvements under Calle Real on San Pedro Creek. This work is funded by Caltrans and construction is underway with completion scheduled for early 2016.
- Element B is the reconstruction of the UPRR bridges over San Pedro and Las Vegas Creeks. This element also removes a vertical drop fish passage barrier at the San Pedro Creek UPRR bridge. This work is funded by the District. UPRR is anticipating that they will construct in the Spring/Summer 2015 time frame.
- Element C includes channel conform grading improvements upstream and downstream of the San Pedro Creek UPRR bridge and downstream of the Las Vegas Creek UPRR bridge. Element C also includes the construction of a floodwall located downstream of the San Pedro Creek UPRR bridge. This work is funded and construction will be administered by the District. This work will occur in the Summer/Fall 2015 time frame.
- Other elements of the project include the "Transition Structure" and the removal of the Caltrans interim grading improvements. Both items are components of elements A and B. The timing of these work items will be coordinated with Caltrans and related to the timing of all the other Project elements. It is anticipated that this work will occur in the Summer 2016 time frame. Cost-sharing of this work with Caltrans is subject to negotiation.

A vicinity map and the location of each element are shown on Exhibit A.

Other project related items will also be brought to the Board in the future. A Cooperative Agreement with Caltrans will address the sharing of the engineering and processing costs associated with obtaining

a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The CLOMR will allow the FEMA 100 year flood maps to be amended to reflect changes to the floodplain as a result of the Project.

The District will be bidding and administering the construction of the “Conform Grading, Floodwall, Transition Structure”, and possibly the removal of the interim Caltrans grading improvements. Staff will bring recommendations to the Board in the future regarding approving plans and specifications, authorizing bidding, and awarding and accepting the construction contract.

Project landscaping and irrigation are not included in the “Conform Grading and Floodwall” construction contract and the cost of this work is anticipated to allow for a separate, negotiated contract in conformance with the California Public Contract Code.

On January 14, 2014, the Board authorized the District to proceed with right-of-way negotiations. Easements will be brought back in the future to the Board for acceptance.

The Las Vegas/San Pedro Creeks Capacity Improvement Project has been included in the County’s Capital Improvement Program since 2000. Coordination between the multiple agencies, completion of California Environmental Quality Act (CEQA), and ultimately Caltrans funding have driven the project schedule. The project could not move forward with construction of the UPRR bridges until these Reimbursement Agreements with UPRR were executed.

**Background:**

Serious flooding in the Goleta area occurred in 1995 and again several times since on Las Vegas and San Pedro Creeks above U.S. 101. This flooding was a result of the culverts at Calle Real and U.S. 101 being overwhelmed and flood waters backing up into the adjacent residential areas. In addition to the flooded homes and businesses, U.S. 101 has been closed several times due to flooding. U.S. 101 is a critical transportation facility for the County, especially during flood emergencies, for moving equipment, material, and general emergency response.

As a result, the District led a multi-agency coordinated effort to address the issue. The agencies involved include the County Flood Control District, City of Santa Barbara, City of Goleta, Caltrans, UPRR, and several permitting agencies. As a part of the effort, the District was the lead agency for initiation and completion of CEQA for all elements of the project. On October 4, 2011, your Board certified MND #11-NGD-0000-00008 for the project and on April 10, 2012 and August 19, 2014; Addendums to the MND were approved. Concurrently, Caltrans was the lead agency for National Environmental Policy Act (NEPA) and secured funding for the work to replace the culverts under U.S. 101 which are currently under construction.

Final design of the UPRR replacement railroad bridges has been completed and District staff has secured the regulatory permits needed for the work.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund			
State			
Federal			
Fees			
South Coast FZ	\$ 2,472,144.00		
Total	\$ 2,472,144.00	\$ -	\$ -

**Narrative:**

This project has been ongoing and has been included in budget for the past several years. Costs for the construction of the UPRR bridges were included in the adopted FY 14-15 budget in the Water Resources Division in the Public Works Department as shown on page D-226 in the budget book. The costs of the bridges used in the agreements are estimates only. The District is responsible for reimbursing UPRR for the actual construction costs of replacing the bridges as provided for in the agreements. No General Fund monies will be utilized with this project.

The project is also included in the County's Capital Improvement Program on page D-142.

**Key Contract Risks:**

N/A

**Special Instructions:**

Direct the Clerk of the Board to send an original of each Reimbursement Agreement and a copy of the minute order to the Flood Control District office, Attn: Christina Lopez.

**Attachments:**

Exhibit A – map of project elements

UPRR Reimbursement Agreement - Las Vegas Creek Bridge Replacement Project

UPRR Reimbursement Agreement - San Pedro Creek Bridge Replacement Project

**Authored by:**

Jonathan Frye, Civil Engineering Manager, 568-3444.

## EXHIBIT A

