

Central Services  
Joan Araujo, Director

Engineering Services  
James O'Tousa, Director

Roads & Transportation  
Anitha Balan, Director

Water & Sanitation  
Joseph Pope, Director

Watershed Protection  
Vacant, Director

January 23, 2024

Board of Supervisors  
Ventura County Watershed Protection District  
800 South Victoria Avenue  
Ventura, CA 93009

**Subject: Approval of, and Authorization for the Director of the Ventura County Public Works Agency or Designee to Sign, the Public Highway Underpass Agreement for \$3,000 and the Levee Facility Agreement for \$60,669.18 Between Union Pacific Railroad Company and Ventura County Watershed Protection District to Improve and Maintain the Existing Levee for the Santa Clara River Floodwall/Levee Phase 2 SCR-3 Project, Located Northeast and Southeast of the Intersection of Union Pacific Railroad and North Ventura Road, Mile Post 401.17 on the Santa Barbara Subdivision in the City of Oxnard; Authorization for the Director to Approve Minor Modifications to the Agreements; Ventura County Watershed Protection District Zone 2; Supervisorial District 3 and Bordering Supervisorial District 1.**

**Recommendations:**

1. Approve of, and authorize the Director of Ventura County Public Works Agency (Director) or designee, to execute the Public Highway Underpass Agreement for \$3,000 and the Levee Facility Agreement for \$60,669.18 (collectively, Agreements) between Union Pacific Railroad Company (UPRR), and Ventura County Watershed Protection District (District) to improve and maintain the existing levee for the Santa Clara River Floodwall/Levee Phase 2 SCR-3 Project (Project), located northeast and southeast of the intersection of Union Pacific Railroad and North Ventura Road, Mile Post 401.17 on the Santa Barbara Subdivision in the City of Oxnard.
2. Authorize the Director to approve minor modifications to the Agreements, provided that any such modifications are consistent with the original purposes of the Agreements, do not result in additional costs to the District, and are reviewed and approved as to form by the Ventura County Counsel's Office.



**Fiscal/Mandates Impact:**

Mandatory: No  
 Source of Funding: Watershed Protection District Zone 2  
 Funding Match Required: No  
 Impact on Other Department(s): None

**Summary of Revenue and Total Costs:**

		<u>FY 2023-24</u>		<u>FY 2024-25</u>
Revenue:	\$	0	\$	0
Costs:				
Direct	\$	63,670	\$	0
Indirect – Agency/Dept.	\$	0	\$	0
Indirect – County CAP	\$	0	\$	0
Total Costs	\$	63,670	\$	0
Net District Costs	\$	63,670	\$	0
Recovered Indirect Costs	\$	0	\$	0

**Current Fiscal Year (FY) Budget Projections:**

<b>Current FY 2023-24 Budget Projection for Watershed Protection District Zone 2 - Unit 4224</b>				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$24,380,000	\$26,198,450	\$26,198,450	\$ 0
Revenue	\$9,313,000	\$9,313,000	\$9,313,000	\$ 0
Net Cost	\$15,067,000	\$16,885,450	\$16,885,450	\$ 0

Sufficient appropriations are available in the Watershed Protection District Zone 2 FY2023-24 Adjusted Budget.

**Discussion:**

The District is in the final design phase of the earthen levee with rock revetment and concrete block floodwall system improvements for the Project, as shown on the Vicinity and Location Maps (Exhibits 1 and 2). The proposed District floodwall/levee system will intersect UPRR’s rights-of-way (ROW) on both sides of the tracks at North Ventura Road in the City of Oxnard. This floodwall/levee system will work in conjunction with Oakwood Communities’ proposed earthen and concrete block levee, which also will intersect UPRR’s ROW northeasterly of the tracks at North Ventura Road and connect the levee to State Highway 101. The Project work within the UPRR’s ROW requires the District to obtain construction and operations and maintenance agreements from UPRR. In each



case, the portion of the Project within UPRR's ROW is an earthen embankment overlain by rock riprap.

Two separate UPRR agreements (collectively, Agreements) are being presented to your Board for approval. The first, the Public Highway Underpass Agreement (PHUA) (Exhibit 3), covers UPRR's property for the existing grade separated underpass structure that carries UPRR's locomotives and rail cars over North Ventura Road. The PHUA between the District and UPRR, with a fee of \$3,000.00, would allow the District to use, maintain, and repair the Project at North Ventura Road under and around UPRR's raised trestle for the Project's floodwall/levee construction work.

The Levee Facility Agreement (Exhibit 4) for the Levee Floodwall Embankment Fill (Levee), northeast and southeast of the intersection of the UPRR tracks and North Ventura Road, is required to improve, operate, and maintain the Levee embankment improvements proposed in the Project. Improved levee embankments consisting of new fill and rock riprap revetment is proposed to tie the Levee system into the existing UPRR embankments and bridge abutments. UPRR is requiring a license fee of \$60,669.18 for the long-term operations and maintenance of the new revetted embankments constructed with this Project.

In addition to the license fee, UPRR has also provided an estimate of \$50,000.00 for UPRR's work during the construction of the Project. This is a Material and Force Account (MFA) estimate of work such as inspection services. While the two fees for the Agreements are due and payable to UPRR upon final execution of the Agreements, the MFA estimate will be billed to the District as work is performed. The District will require the selected Contractor for construction of the Project to be responsible for the payment of the MFA. The estimated cost will be included in the construction contract cost which will be approved by the Board when they award the Contract.

The Final Environmental Impact Report was approved by your Board on July 26, 2016, and the Notice of Determination (NOD) was filed the same day.

Temporary construction easements or permits are being sought from Oakwood Communities and the City of Oxnard and will be acquired prior to the start of construction of the Project. All regulatory permits have been obtained by the District.

### **Integration of Strategic Plan Priorities**

The proposed Agreements will further the District's ability to perform construction that results in a repaired and enhanced Santa Clara River floodwall/levee system with access to maintain these facilities. This levee system protects an estimated 3,800 homes, acres of agricultural land, several closed landfills and related facilities, several golf courses and related facilities, the NFL Cowboys training facility, and a hotel. This item contributes to your Board's 2024-2027 strategic priorities to provide reliable infrastructure and sustainability through investing in sustainable infrastructure, improve dependable public resources to serve the needs of our diverse communities, and to preserve the County's



agricultural land and natural environment while ensuring housing availability for all residents.

This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions concerning this item, please contact the Manager of Real Estate Services, George Andrade at (805) 654-2402, or the undersigned at (805) 654-2084.

Sincerely,



Joan Araujo  
Director  
Central Services Department

Attachments:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Location Map
- Exhibit 3 – Public Highway Underpass Agreement
- Exhibit 4 – Levee Facility Agreement

