

SBCAG STAFF REPORT

SUBJECT: Highway 101: Montecito (Segment 4D)

MEETING DATE: November 19, 2020

AGENDA ITEM: 16

STAFF CONTACT: Fred Luna

RECOMMENDATION:

Adopt Resolution 20-22 authorizing the Executive Director to execute purchase agreements with the property owners to compensate for noise attenuation related being in the proximity of Highway 101, and to record noise easements in Caltrans' name in accordance with Caltrans cooperative agreement 05-0347. Total compensation for these agreements in aggregate shall not exceed \$200,000. Final agreements to be reviewed and approved by legal counsel.

DISCUSSION:

Staff is seeking approval of Resolution 20-22 which will authorize the Executive Director to execute agreements with property owners for obtaining a noise easement which is required as a result of the 2014 Highway 101 Environmental Impact Report (EIR) prepared by Caltrans.

In accordance with cooperative agreement 05-0347 with Caltrans, SBCAG is responsible for the Plans, Specifications & Estimate (PS&E) and Right of Way (ROW) phases of Segment 4D and consequently responsible for this ROW and other activities. Action presented today for the SBCAG board is to have staff and its agents make an offer of compensation to property owners who have been identified as a "severe" receptor for noise generated from being in the proximity of Highway 101. Staff has worked with Caltrans to develop a justification for compensation for each of the property owners based on allowances prescribed in the Caltrans Traffic Noise Analysis Protocol dated May 2011 and escalated to a current year.

The above recommended actions are not a "Project" under the California Environmental Quality (CEQA) Act under CEQA Guidelines section 15378.

ATTACHMENT:

A. Resolution 20-22

ATTACHMENT A
RESOLUTION OF THE
SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

AUTHORIZE THE EXECUTIVE DIRECTOR OF SBCAG TO EXECUTE PURCHASE AGREEMENTS AND TO RECORD NOISE EASEMENTS IN ACCORDANCE WITH CALTRANS COOPERATIVE AGREEMENT 05-0347 PURSUANT TO FUNDING SBCAG HAS APPROPRIATED FOR THE HWY 101 PROJECT, SEGMENT 4D.

RESOLUTION NO. 20-22

WHEREAS, the Santa Barbara Association of Governments (SBCAG) is the designated Local Transportation Authority (LTA) for Santa Barbara County and thus administers all funds collected as a result of the passage of the "Road Repair, Traffic Relief and Transportation Safety Measure for Santa Barbara County" Transportation Investment Plan (Measure A);

WHEREAS, included in Measure A Investment Plan is a project called "Highway 101 Widening Carpinteria to Santa Barbara;"

WHEREAS, on March 16, 2017, the SBCAG Board approved implementation recommendations for Highway 101 including integration of the Highway 101 HOV Project with the Highway 101 rehabilitation improvements, collectively referred to as the Highway 101: Carpinteria to Santa Barbara Project (HWY 101 PROJECT). The HWY 101 PROJECT has been divided into five Segments 4A through 4E for implementation purposes;

WHEREAS, on August 17, 2017, the SBCAG Board approved a Memorandum of Understanding (MOU) with the California Department of Transportation (CALTRANS) for work to be done on the HWY 101 PROJECT and identified the need for the execution of future Cooperative Agreements to define roles, responsibilities and funding including CALTRANS' role to provide oversight for segments of Phase 4 of the HWY 101 PROJECT;

WHEREAS, in February 2019, the SBCAG Board approved Cooperative Agreement 05-0347 with CALTRANS defining SBCAG's lead role and financial contributions in implementing the plans, specifications and estimate (PS&E) and right of way (ROW) phases of the Highway 101: Carpinteria to Santa Barbara Project, specifically Highway 101: Montecito (HWY 101 4D) and Highway 101: Santa Barbara (HWY 101 4E);

WHEREAS, in February 2019, the SBCAG Board approved resolution 19-05 that acknowledged SBCAG had appropriated Measure A funding for use to offset anticipated expenditures in implementing PS&E and ROW phases of the HWY 101 4D AND HWY 101 4E;

WHEREAS, on May 16, 2019, the SBCAG Board approved Amendment No. 1 to Cooperative Agreement 05-0347 Amendment No. 1 to the Cooperative Agreement 05-0347 with CALTRANS for the PS&E and ROW phases of the HWY 101 4D and HWY 101 4E to correct a clerical error in the funding name;

WHEREAS, SBCAG has identified the need to acquire -permanent noise easements from property owners through the approval of Purchase Agreements (AGREEMENTS) and record Noise Easements (EASEMENTS) which are necessary to fulfill the requirement in the CALTRANS Environmental Impact Report (EIR) and pursuant as the ROW Implementing Agency under Caltrans Cooperative Agreements 05-0347;

WHEREAS, SBCAG has worked with CALTRANS to identify a compensation level for each of the property owners based on allowances prescribed in the CALTRANS Traffic Noise Analysis Protocol dated May 2011 and which has been escalated to the last full completed year;

WHEREAS, the HWY 101 4D and HWY 101 4E is currently in design and is fully funded through the PS&E and RW phases by MEASURE A funds;

WHEREAS, to prevent delays in acquisition of the noise easements, the SBCAG Board wishes to delegate authority to the SBCAG Executive Director to execute AGREEMENTS and EASEMENTS;

WHEREAS, to retain adequate safeguards the SBCAG Board wishes to restrict the SBCAG Executive Director's authority to approve and execute AGREEMENTS to the period of November 19, 2020 through June 30, 2022 unless otherwise ordered by the Board;

WHEREAS, to retain adequate safeguards the SBCAG Board wishes to restrict the SBCAG Executive Director's authority to approve and execute AGREEMENTS to those specifically authorized under this resolution related to HWY 101 4D, though individually AGREEMENTS may not exceed \$100,000 and must be based on individual valuation of each easement; such amount must be appropriated by the Board under the OWP prior to execution unless otherwise ordered by the Board;

WHEREAS, SBCAG has appropriated Measure A funding for use to offset anticipated compensation for AGREEMENTS for HWY 101 4D;

WHEREAS, to retain adequate safeguards the SBCAG Board wishes to ensure that prior to execution of each AGREEMENT and EASEMENT each will be reviewed and approved as to form by legal counsel; and

WHEREAS, the Executive Director shall annually submit executed AGREEMENTS to the SBCAG Board to be received and filed as part of the OWP.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the SBCAG Board authorizes the Executive Director of SBCAG to execute each AGREEMENT as required pursuant to Caltrans Cooperative Agreement 05-0347 for the HWY 101 4D and to comply with the EIR;

BE IT FURTHER RESOLVED THAT the SBCAG Executive Director's authority to approve and execute each AGREEMENT for the HWY 101 4D is for the period of November 19, 2020 through June 30, 2022 unless otherwise ordered by the Board;

BE IT FURTHER RESOLVED THAT the SBCAG Executive Director's authority to approve and execute AGREEMENTS for the HWY 101 4D and HWY 101 4E must be based on allowances prescribed in the CALTRANS Traffic Noise Analysis Protocol dated May 2011 and escalated to a current year, and, no single AGREEMENT shall exceed \$100,000 and must be based on individual valuation of each easement; such amount(s) must be appropriated by the Board under the OWP prior to execution unless otherwise ordered by the Board;

BE IT FURTHER RESOLVED THAT prior to the SBCAG Executive Director's execution of each AGREEMENT for the HWY 101 4D and HWY 101 4E it will be reviewed and approved as to form by legal counsel; and

BE IT FURTHER RESOLVED THAT the Executive Director shall annually submit executed AGREEMENTS for the HWY 101 4D to the SBCAG Board to be received and filed as part of the OWP.

PASSED AND ADOPTED this 19th day of November 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Marjie Kirn
Executive Director

Gregg Hart, Chair
Santa Barbara County
Association of Governments

APPROVED AS TO FORM:
Michael C. Ghizzoni
County Counsel



Deputy County Counsel