# AGENDA STAFF REPORT

**Control:** 26001850

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| **MEETING DATE:** | 11/17/2026 |
| **LEGAL ENTITY TAKING ACTION:** | Orange County Flood Control District |
| **BOARD OF SUPERVISORS DISTRICT(S):** | District 5 |
| **SUBMITTING AGENCY/DEPARTMENT:** | OC Public Works |
| **DEPARTMENT CONTACT PERSON(S):** | Justin Golliher, 949-344-3112<br>Jeff Ernst, 714-227-9564 |

**SUBJECT:** Approve Amendment to Cooperative Agreement for San Juan Creek Bridge

| CEO CONCUR | COUNTY COUNSEL REVIEW | CLERK OF THE BOARD |
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| Concur | Approve agreement to form | DISCUSSION<br>3 Votes Board Majority |

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| **Budgeted:** Yes | **Current Year Cost:** $1,924,000 | **Annual Cost:** N/A |
| **Staffing Impact:** No | | **Sole Source:** N/A |
| **Current Fiscal Year Revenue:** N/A | **Funding Source:** Fund 401: 100% | **County Audit in Last 3 years:** No |
| **Levine Act Review Completed?** N/A | | |

**Prior Board Action:** 6/23/2026 #84, 8/26/2025 #24

**RECOMMENDED ACTION(S):**

Approve Amendment No. 2 to the Cooperative Agreement with the Southern California Regional Rail Authority for the San Juan Creek Bridge Replacement Project to increase the not-to-exceed amount by $1,924,000, for a cumulative total amount not to exceed $4,724,000, effective upon execution of all necessary signatures until project completion.

**SUMMARY:**

Approval of Amendment No. 2 to the Cooperative Agreement for the San Juan Creek Bridge Replacement Project will provide additional funding necessary to complete planned sheet pile channel wall improvements based on updated contractor pricing, revised construction sequencing and changed field conditions encountered during construction.

**BACKGROUND INFORMATION:**

The existing San Juan Creek Bridge (Bridge), built in 1917, is located in the City of San Juan Capistrano near the Camino Capistrano exit of Interstate 5. The Bridge is operated and maintained by the Southern California Regional Rail Authority (Authority) and is used by Metrolink, Amtrak and BNSF trains.

The San Juan Creek Bridge Replacement Project (Project) will replace the existing single-track bridge with a new single-track bridge to improve safety and reduce maintenance needs by increasing the load rating and

foundation depths. The new bridge is being constructed adjacent to the existing structure to maintain rail service during construction. The Project is a joint effort between the Authority and the Orange County Transportation Authority (OCTA).

In 2011, the Orange County Flood Control District (District) completed channel improvements to San Juan Creek immediately upstream and downstream of the Bridge. The improvements included installation of sheet pile walls intended to become the future channel walls. Sheet pile walls were not installed on the Authority's property at that time because the work was deferred to a future project phase.

On May 5, 2017, the Authority, as lead agency under CEQA for replacement of the Bridge on the Orange County Line, found the Project to be statutorily exempt pursuant to Public Resources Code Section 21080(b)(10) and CEQA Guidelines Section 15275(a).

On August 26, 2025, the Board of Supervisors (Board) approved Cooperative Agreement MA-080-25011369 (Agreement) between the District and the Authority in an amount not to exceed $2 million. The Agreement provides for design and construction of sheet pile channel walls that tie into the District's 2011 channel improvements to enhance rail safety and reduce flood risk.

On June 23, 2026, the Board approved Amendment No. 1 to increase the Agreement by $800,000, from $2 million to $2.8 million, based on an updated cost estimate reflecting increased material and construction costs associated with procurement and installation of the sheet pile walls. The cost estimate supporting Amendment No. 1 was prepared before the sheet pile design was completed and before contractor pricing specific to the District's work was available. The estimate relied on unit prices developed through negotiations for similar work and assumed that the District's work would occur concurrently with Authority work, allowing certain project costs to be shared.

The District's work was issued for construction by the Authority on August 3, 2026. Following completion of the design, the contractor provided pricing and a proposed construction schedule for the District's work. The pricing and construction schedule indicated that the District's work would not occur entirely concurrently with Authority work as previously anticipated, reducing opportunities to share certain construction and Project support costs.

The contractor's updated proposal divided the District's sheet pile work between the Northeast and Northwest quadrants. Because the proposed cost combined with expenditures incurred to date exceeded the existing Agreement authorization, only the Northeast quadrant was initially authorized to allow critical in-channel work to proceed within environmental permit timeframes. The remaining Northwest quadrant work is anticipated to be performed from the top of the levee during the 2026 winter season to avoid extending the Project's completion date. This revised construction schedule results in additional construction constraints, weather-related impacts, specialized means and methods, railroad protection and project support and coordination requirements that were not captured in the Authority’s previous cost estimate.

After construction commenced on the Northeast quadrant on August 18, 2026, the contractor encountered unforeseen buried obstructions within District right-of-way. Despite prior realignment of the sheet pile wall to avoid obstructions encountered in an adjacent segment, additional obstructions were encountered within the District's segment. The changed field conditions required additional construction measures, design review, coordination, project administration, record documentation and construction support.

The updated cost forecast also includes allowances for potential time-related overhead costs associated with schedule impacts resulting from changed field conditions and modifications to the sheet pile work. The Authority is evaluating contractor entitlement and associated costs, and inclusion of these allowances in the cost forecast does not constitute acceptance of contractor entitlement or final pricing. The revised construction sequencing also requires additional design and construction support, project and construction management, agency coordination, flagging and railroad protection. Because portions of the District's work will no longer occur concurrently with Authority work, certain railroad protection and support costs can no longer be shared, and coverage will be required for a longer duration, additional shifts and weekend work.

OC Public Works recommends the Board approve Amendment No. 2 to the Agreement with the Authority to increase the not-to-exceed amount by $1.924 million, for a cumulative total amount not to exceed $4.724 million. The Authority's updated estimate consists of $3,024,200 in construction costs, $1,347,600 in project support and overhead costs and $352,200 in project contingency to complete the District's sheet pile work based on updated contractor pricing, revised construction sequencing, changed field conditions and associated project support and overhead costs. Detailed cost information is included in Attachment B - Cost Escalation Memo.

**Compliance with CEQA:** This action was previously found by the Authority to be statutorily exempt from CEQA pursuant to Public Resources Code Section 21080(b)(10) and CEQA Guidelines Section 15275(a). No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the Authority found it to be statutorily exempt has become known; therefore, no further environmental review is required. This action remains consistent with the Authority's determination that the Project is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080(b)(10) and CEQA Guidelines Section 15275(a), which exempt certain mass transit projects from CEQA review.

**FINANCIAL IMPACT:**
Appropriations for Amendment No. 2 are included in Fund 401, OC Flood - Capital Projects, FY 2026-27 Budget.

The Authority will provide statements against the deposited amounts, and upon completion of the Project, any remaining balance will be returned to the District.

The Agreement includes a clause permitting mutual termination by the Authority or the District, provided the termination is in writing. The Authority may also suspend or terminate the Agreement upon 30 days' written notice if funding is unavailable or restricted. In that event, the District is responsible only for actual costs incurred through the termination date.

**STAFFING IMPACT:**
N/A

**REVIEWING AGENCIES/DEPARTMENTS:**
N/A

**ATTACHMENTS:**

Attachment A - Amendment No. 2 to Cooperative Agreement MA-080-25011369 with Southern California Regional Rail Authority
Attachment B - Documentation of Project Cost Escalation-Memo