

TO: Regional Transportation Commission
FROM: Linda Wilshusen, Executive Director
RE: Status Report on Related Highway 1 Projects

RECOMMENDATIONS:

Staff recommends that the Regional Transportation Commission accept this updated information regarding design-build legislation and right-of-way services to support the project approval/environmental documentation (PA/ED) phase of the Highway 1 HOV Lane Widening Project.

DISCUSSION

Design Build Legislation

Since preparing the written Status Report on Highway 1 Projects in your agenda packet, staff was notified that Senator McPherson's bill (SB 1793) to authorize design-build authority in select jurisdictions died in Conference Committee over lack of consensus on compromise issues. Staff will continue to advocate for design-build authority for the Highway 1 Widening project in future legislative sessions. Senator McPherson has also been invited to the December RTC meeting to share his perspectives on this past legislative year and strategies for the future as he leaves office and the Santa Cruz area will be split between two Senatorial Districts. Assemblymember John Laird has also been invited to the December meeting.

Highway 1 HOV Lane Widening Project – Project Approval/Environmental Documentation (PA/ED) -- Right of Way Services to Secure Rights of Entry

As reported in the Status Report in your agenda packet, staff requested the assistance of the County's Real Estate Division to secure Rights of Entry on 5 parcels within the highway corridor to conduct subsurface archaeological excavation as proposed in the *Extended Phase 1 Archaeological Report*. The County's Real Estate Division is the only public agency qualified to provide these services consistent with state and federal regulations in Santa Cruz County.

Due to work loads and priorities, the County's Real Estate Division is unable to perform the requested services in the timeframe necessary to maintain the project schedule. Caltrans staff has provided references for a qualified consultant based in Santa Cruz. Chris Metzger, Nolte Associates, has said he could accommodate a real property sub-consultant in the existing contract for the PA/ED phase, without increasing the contract fees, provided costs are minimal and capped.

Accordingly, Nolte staff are checking references and negotiating fees with the intent of sub-contracting for real property services to secure "friendly" rights of entry for the five parcels referenced above through the current contract with Nolte Associates with no increase in the total

contract value. Staff is proceeding on this course of action to maintain the current project schedule which calls for securing rights of entry by mid-September.

In the event that eminent domain authority is necessary, the respective jurisdictions where the parcels are located must first provide authorization to proceed, and the fees associated with this action would increase. Ultimately, staff recommends real property services be directly contracted by the Highway 1 Construction Authority, given the sensitive nature of these activities.

SUMMARY

Senator McPherson's design-build legislation (SB 1793) died in Conference Committee and the regular legislative session for 2004 has adjourned. RTC and Nolte staff are reviewing references of real property consultants for inclusion in the existing contract with Nolte Associates, at no additional cost, to complete the PA/ED phase of the Highway 1 HOV Lane Widening Project.

Prepared by: Kim Shultz

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