

AGENDA: September 16, 2004

TO: Regional Transportation Commission - Transportation Policy Workshop

FROM: Karena Pushnik, Senior Transportation Planner

RE: Recreational Rail Environmental Impact Report Amendment to Contract for Additional Technical Studies

RECOMMENDATION

Staff recommends that the Regional Transportation Commission:

Approve a resolution (Attachment 1) adding \$7,000 in already-allocated Proposition 116 funds to the existing contract with Public Affairs Management for the additional technical analyses needed to complete the response to comments and Final EIR for Recreational Rail Service between Capitola and Aptos based on the letter from consultants Public Affairs Management (Attachment 2).

BACKGROUND

At the August 19 Transportation Policy Workshop, the RTC discussed the approach for the Final Environmental Impact Report (FEIR) for Recreational Rail Service between Capitola and Aptos. The Final Environmental Impact Report (FEIR) will consist of the DEIR plus the response to comments. The Commission approved \$15,000 for legal review of the environmental document, comments and responses in light of correspondence received from attorneys on behalf of residents indicating that legal actions have already been initiated and expressing a threat of litigation on the EIR. The RTC approved retaining Jim Moose from the legal firm Remy, Thomas, Moose and Manley.

Because the volume and extent of comments were more than projected in the original contract, the RTC approved \$18,000 to augment the contract for Public Affairs Management and subconsultants to respond to comments on the draft EIR. The RTC also agreed that if legal counsel deemed that more technical analysis was needed, staff would return with a request to increase funds, along with an outline of the cost/schedule implications.

DISCUSSION

Two teleconferences were held with the environmental and legal consultants. Based on these discussions, Public Affairs Management has submitted a letter outlining additional recommended technical analysis (Attachment 2).

Noise: Sound readings were performed at three sites in the corridor. Comments indicate that residents desire additional noise readings. Based on discussions with legal counsel, the consultants indicate that additional noise measurements can be taken along the corridor and noise measurements can be taken of the actual Budd Rail Cars in operation in Oregon. Cost = **\$4,500**.

Air Quality: Estimated emissions for the Budd Rail Car do not exceed the Monterey Bay Unified Air Pollution Control District standards and the preferred alternative identified in the Draft EIR is a Compressed Natural Gas or alternative fuel vehicle. Comments indicate that there is still concern about the health affects of diesel service and the letter from the Monterey Bay Unified Air Pollution Control District indicates that their staff should help determine whether a diesel risk assessment is needed. Based on discussions with the consultants and air district staff, a screening level analysis is recommended primarily to calculate diesel emissions during idle times at stations and the ends of the line, and to identify sensitive receptors. Cost = \$2,500

The total cost for both recommended technical analyses is \$7,000. **Staff recommends that the Commission approve a resolution to expend up to \$7,000 for these additional noise and air quality analyses (Attachment 1).**

Schedule

If the additional substantive technical analyses are approved, it will delay the FEIR and make it impossible to meet the schedule to have the Final EIR ready for the October 7 RTC meeting. Release of the FEIR would most likely be in the timeframe of the November RTC or TWP meetings.

SUMMARY

As approved at the last Policy Workshop, legal analysis of the Draft Environmental Impact Report, comments and response to comments has begun. Initial review indicates that additional technical analyses are warranted for noise and air quality. The RTC is requested to approve a resolution to expend \$7,000 for these efforts.

Attachment 1: Resolution to amend the contract with Public Affairs Management adding \$7,000

Attachment 2: Letter from Public Affairs Management regarding a budget amendment for the FEIR