

RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission  
on the date of December 2, 2004  
on the motion of Commissioner  
duly seconded by Commissioner

A RESOLUTION AUTHORIZING AMENDMENTS TO EXISTING CONTRACTS WITH PUBLIC AFFAIRS MANAGEMENT AND MILLER OWEN & TROST TO PREPARE A REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR RECREATIONAL RAIL SERVICE BETWEEN CAPITOLA AND APTOS WITH AN EXTENSION TO SEASCAPE

WHEREAS, Public Affairs Management (PAM) originally had a contract with the Regional Transportation Commission (RTC) for \$85,000 to prepare an Environmental Impact Report (EIR) for Recreational Rail between Capitola and Aptos;

WHEREAS, the PAM contract was amended to add an additional \$18,000 because the extent and quantity of comments was beyond that initially projected in the contract;

WHEREAS, an additional \$7,000 was added in a second contract amendment with PAM for additional technical analyses for noise and air quality;

WHEREAS, the RTC retained Jim Moose from Remy, Thomas, Moose and Manley via its existing contract with Miller, Owen & Trost for \$15,000 to review the comments and provide legal advice to the RTC due to the threat of litigation on the EIR;

WHEREAS, the draft *Business Plan* was released on August 26, three months after the release of the draft EIR for the Recreational Rail project;

WHEREAS, the information released in the draft Business Plan indicates that the project description included in the Draft EIR proposes a service level which is more than twice what is feasible per track speeds allowed by the Federal Railroad Administration track classifications reviewed in the *Business Plan*;

WHEREAS, a new project alternative reflecting the suggested operations plan outlined in the draft *Business Plan* should now be included in the Recreational Rail EIR;

WHEREAS, the California Environmental Quality Act requires that a Revised DEIR be released if any information is substantially different from the original draft EIR;

THEREFORE, BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION:

1. The Executive Director is hereby authorized to amend the contract with Public Affairs Management for the Recreational Rail Environmental Impact Report to add \$30,000 to prepare a Revised DEIR, for a total contract amount not to exceed \$140,000;
2. The Executive Director is hereby authorized to amend the contract with Miller Owen & Trost to add \$20,000 for legal review of the Revised DEIR by Jim Moose of Remy, Thomas, Moose & Manley; and

3. The SCCRTC FY04-05 Budget is hereby amended to be consistent with this action, with funds to be allocated from RTC reserves.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ABSENT: COMMISSIONERS

ATTEST:

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Jan Beautz, Chair

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Linda Wilshusen, Secretary

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Distribution: PAM, Jim Moose, MOT, RTC Fiscal