

RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission  
on the date of August 4, 2005  
on the motion of Commissioner  
duly seconded by Commissioner

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE  
CONTRACT WITH MILLER, OWEN & TROST FOR SANTA CRUZ BRANCH RAIL  
LINE ACQUISITION SERVICES TO ADD \$170,000 FOR CONTINUED SANTA  
CRUZ BRANCH RAIL LINE ACQUISITION SERVICES

WHEREAS, the Santa Cruz County Regional Transportation  
Commission entered into a \$262,000 contract with Miller, Owen and  
Trost on March 20, 2001 and last amended the contract on February  
17, 2005 to provide necessary services in connection with  
acquisition of the Union Pacific Santa Cruz Branch Rail Line  
right-of-way;

WHEREAS earmarked federal funds are available from a \$1.5  
million federal appropriation for acquisition of the Santa Cruz  
Branch Rail Line;

WHEREAS the Right of Way Acquisition requires a number of  
reports and there have been a number of other unanticipated tasks  
in connection with the Santa Cruz Branch Rail Line acquisition;  
and

WHEREAS, negotiations with Union Pacific are expected to  
continue for several more months;

WHEREAS, at its April 7, 2005 meeting, the RTC approved the  
Rail Acquisition Project Financial Plan; and

WHEREAS, at its June 2, 2005 meeting, the RTC amended the  
Fiscal Year 04/05 budget consistent with the approved financial  
plan;

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

1. The Executive Director is authorized to:
  - a. Amend the contract with Miller, Owen and Trost to add  
\$170,000 in allocated earmarked federal funds for  
continued services in connection with acquisition of the  
Santa Cruz Branch Rail Line;
  - b. Amend the contract with Miller, Owen and Trost to  
increase the billing rates for the 2005 calendar year for  
Kevin Sheys and Traci Spears under the subconsultant  
Kirkpatrick and Lockhart to \$540/hr and \$335/hr

respectively;

- c. Amend the contract with Miller, Owen and Trost to approve billing rates for the 2004 calendar year for Kevin Sheys and Traci Spears of \$450/hr and \$300/hr respectively;
- d. Revise the language in Exhibit B of the contract with Miller, Owen and Trost to read as follows:

"The following cost estimates for each task listed in the scope of work are based on the CONTRACTOR's experience with similar railroad right-of-way acquisitions. The actual costs per task may vary. Every effort shall be made to keep costs to a minimum. It is possible that some tasks will cost less than estimated and some tasks will cost more than estimated. The COMMISSION staff shall periodically analyze the actual expenditures by task and the Executive Director shall make adjustments to this schedule, if necessary."

- e. Extend the term of the contract and negotiate and execute future amendments to the agreement provided that the amendments are within the scope of the agreement and consistent with the approved SCCRTC budget.

- 2. The Fiscal Year 05/06 budget is hereby amended by transferring unspent funds from the Fiscal Year 04/05 Rail/Trail Authority budget to the Fiscal Year 05/06 budget.

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSTAIN: COMMISSIONERS  
ABSENT: COMMISSIONERS

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Randy Johnson, Vice-Chair

ATTEST:

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Pat Dellin, Secretary

Distribution: Auditor-Controller  
SCCRTC Fiscal  
Contractor

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