

RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission
On the date of March 20, 2008
On the motion of Commissioner
Duly seconded by Commissioner

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT A
PROPOSITION 116 APPLICATION FOR \$500,000 TO COMPLETE RIGHT-OF-WAY
WORK FOR ACQUISITION OF THE SANTA CRUZ BRANCH RAIL LINE FOR
CORRIDOR PRESERVATION AND TO MAKE IMPROVEMENTS TO THE RAIL LINE

WHEREAS, under the Clean Air and Transportation Improvement Act of 1990 (Proposition 116) the Santa Cruz County Regional Transportation Commission is eligible to receive up to \$11 million dollars for passenger rail projects in Santa Cruz County; and

WHEREAS, in 1999, the Regional Transportation Commission approved acquiring the Santa Cruz Branch Rail for future transportation purposes as part of its final decision on the *Major Transportation Investment Study of the Watsonville-Santa Cruz-UCSC Corridor*; and

WHEREAS, in 2001 through SB 465, the Regional Transportation Commission established itself as a Rail/Trail Authority to acquire and oversee railroad rights-of-way in Santa Cruz County; and

WHEREAS, the Santa Cruz Branch Rail Line Acquisition Project is included in the *2005 Regional Transportation Plan* as a project constrained in the Action Element; and

WHEREAS, the Regional Transportation Commission has been negotiating with Union Pacific Railroad to acquire the Santa Cruz Branch Rail Line; and

WHEREAS, the Regional Transportation Commission has approved drafting a Proposition 116 application to acquire the Santa Cruz Branch Rail Line for corridor preservation;

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

1. The Executive Director is authorized to submit a Uniform Transit Application for \$500,000 in Proposition 116 funds for right-of-way work connected with acquisition of the Santa Cruz Branch Rail Line right-of-way and for rail line improvements, and to enter into any necessary agreements, including amendments to agreements, to obtain and use these Proposition 116 funds.
2. SCCRTC has the financial and institutional ability to implement the project and is empowered to let a contract, sue or be sued

by another entity or persons and has other responsibilities as provided pursuant to its authority under Government Code Sections 67940 and 67941.

3. When completed, the project will be available to the general public, and its primary purpose will be to benefit the public and does not exclusively benefit a private entity or individual.
4. The matching funds required for this project are available and committed to this project, and SCCRTC has the authority to expend the funds.
5. If the project exceeds the state funds available, SCCRTC shall use other funds to backfill the cost increases to complete the project.
6. SCCRTC will comply with the California Transportation Commission's (CTC) Hazardous Waste Identification and Clean-Up Policy for Rail Rights-of-Way, as applicable, and take the following actions:
 - a. Fully investigate the absence/presence of hazardous wastes on the project's right-of-way.
 - b. Take reasonable steps to assure full due diligence, clean-up of the site, as appropriate and indemnify the State of California's future clean-up liability or damages, as well as not seeking state funds for clean-up, damage, or liability costs associated with hazardous waste.
7. SCCRTC will comply with the CTC's Timely Use of Funds Policies.
8. No other capital funds previously programmed, planned, or approved for rail purposes will be used for other than rail purposes.
9. The project does not have unnecessary enhancements and is not an elaborate alternative.
10. No new or increased development fees, taxes, exactions, or permit fees will be included in the operating budget for the project, or for the purpose of matching Proposition 116 grants.
11. SCCRTC will comply with the Proposition 116 accessibility requirements for the disabled and for providing access to bicyclists.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ABSENT: COMMISSIONERS

Tony Campos, Chair

ATTEST:

George Dondero, Secretary

APPROVE AS TO FORM:

County Counsel

Distribution: RTC Fiscal
California Transportation Commission
Caltrans Division of Mass Transit
Coastal Conservancy