



DATE: November 8, 2012

TO: Governing Board, Intermodal Container Transfer Facility Joint Powers Authority

FROM: Douglas A. Thiessen, Executive Director

SUBJECT: Increase Reimbursable Work Order Amount with Union Pacific Railroad Company

It is recommended that the ICTF JPA Governing Board approve and execute an amendment to the Reimbursable Work Order (RWO) with Union Pacific Railroad Company (Union Pacific) to increase the maximum reimbursable amount from \$4,000,000 to \$5,000,000.

Union Pacific Railroad Company ("Union Pacific") filed an Application for Development Project Approval (the "Application") for the ICTF Modernization Project. In June 2008, Union Pacific and the ICTF Joint Powers Authority ("JPA") agreed that Union Pacific would reimburse reasonable expenses, up to \$4,000,000 (Four Million Dollars), for preparation of an Environmental Impact Report ("EIR") and related activities, pursuant to the California Environmental Quality Act ("CEQA"). This agreement was detailed in a RWO approved by the JPA Board at its June 22, 2008 meeting. Expenses for the preparation of the EIR are projected to exceed the original RWO amount of \$4,000,000 by approximately \$989,000. Therefore it is recommended that the Board approve and direct the Executive Director to execute an amendment to the RWO to increase the maximum reimbursable amount from \$4,000,000 to \$5,000,000. This increase is anticipated to cover all costs associated with the preparation of the Draft and Final EIR.

It is also recommended that the Board make the following finding:
"The Board finds the activity is administrative activity that will not result in direct or indirect physical changes in the environment, and, as such, is not a "project" as defined by CEQA Guidelines section 15378."

Douglas A. Thiessen
Executive Director