

TO: Regional Transportation Commission
FROM: Karena Pushnik, Senior Transportation Planner
RE: Recreational Rail Draft Environmental Impact Report

RECOMMENDATION

Staff recommends that the Regional Transportation Commission:

1. Release the Draft Environmental Impact Report (EIR) for Recreational Rail service between Capitola and Aptos with an extension to Seascap for a 45-day review period with comments due by noon July 6;
 2. Hold a noticed evening public hearing, if desired, to receive comments on the draft EIR on June 17 starting at 6:00 pm; and
 3. Return to the August Regional Transportation Commission meeting if it appears a contract budget amendment is needed to respond to comments and complete the Final EIR.
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BACKGROUND

In 1999, the Santa Cruz County Regional Transportation Commission (RTC) reaffirmed its intention to pursue acquisition of the Santa Cruz Branch Rail Line currently owned by Union Pacific, consistent with its *Major Transportation Investment Study* of the Watsonville – Santa Cruz – UCSC corridor. In 2000, the RTC programmed \$10 million in State Transportation Improvement Program (STIP) funds for the Santa Cruz Branch Rail Line ROW acquisition. In 2003, Congressman Sam Farr secured a \$1.5 million federal appropriation for the project. Also in May 2003, following an evening public hearing, the RTC agreed to develop an application for Proposition 116 funds with an operating plan for recreational rail service between Capitola and Aptos with a possible extension to Seascap in order to qualify for \$11 million in Proposition 116 funds available exclusively to Santa Cruz County, and to initiate an EIR for the recreational rail service consistent with RTC policy.

In August 2003, the RTC entered into an \$85,000 contract with Public Affairs Management (PAM) to produce the EIR for the proposed recreational rail project. In October 2003, the RTC released an Initial Study for the EIR for a 30-day scoping period in accordance with the California Environmental Quality Act (CEQA). In November 2003, a publicized scoping meeting was held in Aptos. At the December, 2003 RTC meeting, Commissioners received copies of all comments on the Initial Study and approved three alternatives to be included in the analysis. In March of this year, the RTC held a public meeting and agreed to complete the EIR for future recreational rail service.

DISCUSSION

Enclosed separately for Commissioners is the draft Environmental Impact Report (DEIR) for recreational rail between Capitola and Aptos with an extension to Seascapes (Attachment 1). The DEIR will also be posted on the RTC web site, sent to libraries and will be available for review at the RTC offices. Included in the document are chapters outlining the project description; environmental setting, impacts, and mitigation; air quality; hazardous/toxic substances; noise; transportation/ circulation; other environmental topics; and alternatives. Also included in the DEIR is a discussion of potential cumulative effects of projects anticipated through the year 2020, including projects in the 2001 Regional Transportation Plan and known projects such as the Aptos Village Plan.

The DEIR concludes that with the implementation of mitigation as recommended, all potential project-related impacts identified would be reduced to a less-than-significant level. No significant and unavoidable impacts would result from the project as proposed.

The analysis in the Initial Study determined that, with mitigation, the proposed project would not have the potential to result in a significant impact in the following areas: aesthetics, agricultural resources, biological resources, cultural resources, geology/soils, hydrology/water resources, land use/planning, mineral resources, population/housing, public services, and recreation and utilities/service systems.

Alternatives

CEQA requires that an EIR include reasonable alternatives to the proposed project in order to assess whether any alternatives would result in fewer significant impacts while allowing the basic objectives of the project to be met. At the December 2003 RTC meeting, the Commission approved the following alternatives: 1.) No Project - as required by CEQA; 2.) Compressed Natural Gas/Alternative Fuel – alternatives fuels could include water-diesel-emulsified, biodiesel, ethanol-diesel-emulsified, Fisher-Tropsch and/or others resulting in reduced environmental impacts; and 3.) Less Frequent Service - running every 2 hours rather than every hour for a total of five round trips per day during peak tourist season in the spring, summer and fall.

According to the analysis, Alternative 2 would be considered the environmentally superior alternative among the alternatives evaluated and would achieve the project objectives.

Aesthetic Resources

At the December 2003 meeting, the RTC approved an expansion of the scope of the aesthetic impact assessment to either bring a Budd Rail Car demonstration to Santa Cruz County or to develop visual simulations of the proposed rail vehicle at a couple of points along the route.

At the February 2003 meeting, a resolution was approved to expend up to \$5,250, to seek sponsorships and contributions, conduct promotional activities and make all necessary arrangements for a Budd Rail Car demonstration train, contingent upon the demo train running on the Capitola to Aptos corridor. As reported at the April 2003 meeting, bringing a demonstration train to Santa Cruz County was not feasible before the DEIR was complete for three reasons: Oregon Department of Transportation's Budd Rail Car was only available in the non-summer months, Union Pacific did not grant rights and access for a demonstration train and additional funds would have been required, necessitating unavailable staff time to seek sponsors and conduct promotional activities. Also at the April meeting, the RTC did not approve the additional funds to develop visual simulations.

Hazardous Materials Assessment

The initial study stated that "the results of the Phase I and Phase II site assessments and recommended mitigation will be reported in the EIR." The Phase I information was included in the DEIR, however the RTC was unable to secure a right of entry agreement from Union Pacific to conduct the soil samples and other studies for the Phase II Environmental Site Assessment. Therefore, this more detailed information was not included in the DEIR as anticipated. Union Pacific has stated that it will allow entry when there is a tentative negotiated purchase price.

Timing

With RTC approval, the DEIR will be sent to appropriate agencies, the Association for Monterey Bay Area Governments (AMBAG) and the state clearinghouse, and will also be registered with the County Clerk of the Board. According to CEQA, there is a 45-day required public review period, which indicates that comments will be due July 6 if the document is sent out the day after the Transportation Policy Workshop as expected. Depending on the extent of public comment, the final EIR, including the response to comments, may be ready for release at the September meeting or policy workshop.

Public Input

The RTC may want to schedule a public hearing to receive oral as well as written comments from the public on the DEIR. If that is desired, an additional meeting can be scheduled for the evening of Thursday June 17 at 6:00 p.m. The County Board of Supervisors chambers is available and has been tentatively reserved for this evening. The Board Chambers provides live televised public access to the meeting. The main auditorium of Cabrillo College is not available on this date.

RTC staff will place media notices and will also send notices to those on the RTC mailing lists who have expressed interested in the Recreational Rail project. Both the media and mailing list notices will explain how to access the DEIR, note where the public hearing will be held (if desired), and when the comment period will end.

Due to the high level of interest in this project and the requirement that a written response is prepared for each substantive comment received on the environmental document, there may be a need to augment the consultant contract. Per the original scope of work, the consultants have allocated \$9,280 or approximately 110 hours to respond to comments. Should it appear that a contract amendment is necessary; staff will prepare a request to expend additional funds for the August Regional Transportation Commission meeting. Staff will provide an update at the August meeting about the final number of comments and next steps.

SUMMARY

The Draft Environmental Impact Report (DEIR) for Recreational Rail Service between Capitola and Aptos with an Extension to Seascap is ready for public release. With RTC approval of release, the DEIR will be sent to public agencies and the state clearinghouse. A notice with information about how to access the DEIR will be sent to those individuals who have expressed interest in the project. Should the RTC desire, a public hearing will be scheduled to receive oral input on the third Thursday evening in June.

Attachment 1: Draft Environmental Impact Report for Recreational Rail Service between Capitola and Aptos with an Extension to Seascap (Enclosed separately for Commissioners, on the SCCRTC web site (www.sccrtc.org) and at local libraries

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