

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
AND
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

MINUTES

**Thursday,
June 17, 2004
7:00 p.m.**

**Board of Supervisors Chambers
701 Ocean Street
Santa Cruz CA 95060**

1. Roll Call

Members Present: Jan Beautz Emily Reilly
 Tony Campos Mike Rotkin (Alt.)
 Scott Kennedy Andy Schiffrin (Alt.)
 Dennis Norton Pat Spence
 Ellen Pirie Mark Stone

Staff Present Pat Dellin Kim Shultz
 Karena Pushnik Rachel Moriconi
 Gini Pineda Tegan Speiser
 Grace Blakeslee

2. Oral Communications

Marilyn O'Rourke asked where the Business Plan was for the Recreational Rail, saying that according to the minutes from the May 20th Transportation Policy Workshop meeting, SCCRTC legal consultant Kirk Trost had said the plan would be discussed in Closed Session that day.

Chair Beautz said that the Commission has not seen the Business Plan and that Mr. Trost gave information in Closed Session about the procedure for discussing the Business Plan but did not discuss the plan itself.

Ms. O'Rourke continued to ask if the plan had been discussed, saying that if it had been discussed the Commission would be in violation of the Brown Act.

County Counsel Rahn Garcia interjected that Commissioners were not allowed to answer questions posed during Oral Communications.

Commissioner Beautz acknowledged that the question was deserving of a response and asked Mr. Garcia to provide a written response to Ms. O'Rourke as soon as possible.

Richard Crocker said that people need to know about the Business Plan and criticized staff for inadequate reports to the Commission. He said it was appalling that no mention of a bike and pedestrian path had been mentioned in the Draft Environmental Impact Report (DEIR). Commissioner Beautz advised him that comments regarding the DEIR would be heard during the Public Hearing.

3. Additions or Deletions to Agenda

Deputy Director Pat Dellin mentioned handouts that had been provided to the Commissioners.

In answer to a request from Commission Alternate Schiffrin, County Council Rahn Garcia clarified that the purpose of the Public Hearing was to consider the DEIR and gather comments.

4. 7:00 PM Public Hearing on the Draft Environmental Impact Report for the Recreational Rail Project

Senior Planner Karena Pushnik gave a brief overview of the history of the project. She mentioned that an Environmental Impact Report (EIR) was not required for passenger rail services on rail lines currently in use, but that an EIR was being prepared in accordance with Regional Transportation Commission policy. Ms. Pushnik introduced Scott Steinwert, Public Affairs Management, who made a PowerPoint presentation.

Mr. Steinwert said that the Initial Study results, released in October 2003, identified four areas where significant effects could potentially occur: air quality, hazards and hazardous materials, noise, and transportation and circulation.

Mr. Steinwert addressed each of the areas and the criteria used to determine if significant impacts existed. He identified areas of significant impact and listed mitigation measures that could be implemented, even in scenarios when impacts were found to be less than significant. Mr. Steinwert concluded that of the alternatives studied, the environmentally superior alternative that would achieve the project objectives would be to use compressed natural gas/alternative fuel coupled with the establishment of a community quiet zone in which the use of train horns could be discontinued.

Commissioner Spence asked if the finding that the project

would result in a 1.2 seconds per minute of peak hour delay was 1.2 seconds per automobile.

Scott Steinwert responded that it takes a car an average of 22.3 seconds to navigate the intersection of Monterey and Park Avenues in Capitola during the peak hour of 5 pm and that the train would add an average of 1.2 seconds per car to this time.

Chair Beautz opened the Public Hearing and set a five minute time limit per speaker. The following is a word-by-word transcription of public comments for the EIR public hearing. (prepared by Liberty Transcription & Services)

R. CROCKER:

Richard Crocker again, interesting report. I was talking about the feasibility of this project and I think this previous speaker really addresses the seriousness of the financial impact. We can talk about all the environmental issues and the noise and the air pollution and so forth, but the financial feasibility is what I think is really a serious consideration for the commission to look at. We've talked about sidewalks that need to be replaced. We've got crosswalk blockings; we've got sound attenuation for windows, how many homes are going to be impacted? We could be talking millions of dollars for this project to mitigate all these issues of concerns that have been addressed by this report tonight. So, I would further challenge the commission to study this in their financial feasibility for this project. I think it is just a poorly planned project and it's going to be financially unfeasible. In my own logic, I can't understand for the life of me why somebody's going to drive over the hill, park their car somewhere in Capitola or Aptos and pack their family in and pay \$9.00 a head and travel out somewhere with their beach chairs and walk a half mile down to the beach. It defies logic. I challenge each of you to consider that. Maybe I'm slow, but I don't understand this one point, two second per minute or per hour or whatever it is and Miss Spencer tried to address the question and I see serious traffic delays at some of these major intersections and this one point, two second defies logic and I don't understand it. I would like a further clarification on that.

J. BEAUTZ:

This is the opportunity, so when you're finished, I'm going to ask the consultant to try to answer what you want.

R. CROCKER:

Okay, maybe after I'm done, he can clarify it. I would like to have a better understanding. I'm slow to understand what he's talking about this one point, two second delay. The

other thing I started to address earlier was the representation of a bike path to go along with a rail and this whole project's been promoted as a "rail trail" which sounds very glamorous and I totally support a bike path. I think it's a wonderful idea to have a bike path alongside, going up and down the rail. But the draft environmental impact report makes no mention of a studies for a bike path and I think it's somewhat disingenuous that this transportation commission hasn't really put forth any studies with consultants to look at the bike path and study the feasibility of a bike path and I saw one number like 30 million dollars to put a bike path in. There's no mention in the report and if I'm looking as an outsider, I'm saying, "Is this just a carrot they've thrown out there to the public to make them think they're going to get a bike path?"

It doesn't sound like they're serious about a bike path. So, I'd like to raise that as a question. There are plenty of other speakers tonight, but I think the two things that I really want to address is the bike path that was represented to the public and many of the newspapers, but no mention of it in the draft environmental impact report and the financial feasibility as Mr. Rourke addressed earlier. I think the commission owes it to the public to let us know what this is going to cost before we move ahead. I'd sure hate to see the business plan presented after the draft environmental impact is approved for the final E.I.R. Thank you.

J. BEAUTZ:

If I could ask, could you explain the one point? I don't know that I understand it either.

S. STEINWERT:

Let's take an example; Monterey and Park Avenue, everyone knows that intersection. Right now during the peak hour, five o'clock in the evening, it takes on average, a car to get through that intersection 22.3 seconds from the time you arrive, you sit there at the light, to get through it takes 22.3 seconds. When the train's added to the mix, it will take you 23.5 seconds to make that same trip through the intersection at 5 o'clock.

J. BEAUTZ:

Okay, is there another speaker that wanted to speak on this?

R. JONES:

I'm Robert Jones from Aptos with the SCCARRED Organization. I appreciate the opportunity to say a few words here. I've read the E.I.R. a couple of times, did some background research on that and I might say in my professional career, I both reviewed as well as contributed to the writing of environmental impact statements which is the federal

equivalent to what's going on here. So, I kind of know what that process is. I really find that this E.I.R. is both incomplete in scope and it's inadequate in the areas that have studied. Now, I'm going to reserve my detailed comments about it for my written response before the 21st of next month, but let me say that this E.I.R. has all the hallmarks of the commissioning agency coming to the conclusion and then the contractor delivering on that conclusion. E.I.R.'s are not the pristine, hands-off, absolutely neutral kinds of things, but they are sometimes touted to be and that all depends on just what the ground rules are for constructing those, but this one smells fishy to me. The draft environmental impact report identifies, as you've seen here, lots of potentially significant impact topics and then it continues to suggest a whole host of mitigation measures and most of those mitigation measures are very costly. What wasn't mentioned in this was that one of those is putting in double-paned windows in all the homes that are adjacent to the corridor. That's their idea of the fix and I think that's a partial fix at best. So, I fully expect that this elusive business plan, whatever surfaces, it better damn well include the costs of all these expensive mitigation items. This commission needs to reaffirm it's commitment to implementing all of the mitigation measures that eventually get recommended in the final environmental impact report. I think anything short of that demonstrates that this E.I.R. is a worthless document and that the R.T.C. has no regard for the environmental effects of its actions. Thanks for your time.

J. BEAUTZ:

When is the last day for the written comments so people can be clear about that?

K. PUSHNIK:

The written comments are due by July 21st. The consultant will take six weeks to review those comments and we're expecting a final E.I.R. somewhere in the October time frame.

J. BEAUTZ:

Okay and these comments can be emailed, faxed, hand delivered?

K. PUSHNIK:

Emailed, faxed, we'll take a transcription of the comments received today, verbatim and those will be included in the final environmental impact report.

J. BEAUTZ:

As well as the written?

K. PUSHNIK:
Correct.

N. MCELWEE:

I'm Neal McElwee. I'm from Aptos; I also represent the Santa Cruz Coalition Against Recreational Rail, otherwise known as SCCARRED, website www.sccarred.org. I have some general questions and I have some specific questions. I will, however, put most of the specific questions in writing and submit them before the 21st. But a couple of questions that come to mind after listening to Scott, under Hazardous and Toxic Substances Criterion 8, exposure to wild land fire, it says, "The likelihood of sparks would be minimal." My question is, how is that exactly determined because the train runs right behind my house and I often go out and watch it and I see sparks all the time being generated from the wheels. With respect to some the sound attenuation measures, particularly the suggestion that's in the E.I.R. double paned windows, I also echo Robert Jones comments, who pays? I'm not as a resident going to be paying because you guys cause me to have to have double pane windows. That's not right, that's not fair. I don't think any resident who's within the sound rules of whatever's established should have to pay for double paned windows. But that's not the important point. This train's going to be running during the daytime, when people are outdoors. Does this commission, via its recommended sound attenuation, expect neighbors, residents, and everybody else to go in the house and stay in the house with the closed windows during the daytime when this trolley is expected run? That's ludicrous, absolutely ludicrous. Under transportation and circulation Criterion 1, it was measured at State Park Drive and Hillcrest. I'd like to ask also for a measurement at Trout Gulch and Soquel. Hundreds and hundreds and hundreds of cars come down Trout Gulch everyday to go to work, to get onto Soquel, to get onto either Rio Del Mar or the freeway or State Park and the freeway and I'd like to make sure that there's going to be some sort of traffic and transportation measurement done there and then I'd like to see whatever the preemptive traffic safety measures are going to be in that case because that is an intersection that is fraught with risk. Scott also points out in Transportation and Circulation Criterion 4, the maximum speeds of 25 miles an hour could result in a hazardous conditions at rail crossings. He said and I quote, "Pedestrian activity would be a problem." If pedestrian activity at the crossings would be a problem, how does this commission plan to make a trail along the tracks, where it's far more narrow than the crossings? If it's going to be a danger to pedestrians at crossings, it certainly is a multiplied danger to pedestrians along the right-of-way itself. Under

Transportation and Circulation Criterion 6, "The project would provide an alternative to driving for tourists already in the area." My question relates back to the business plan issue. Has this commission researched tourists that are already in this area, done formal and legitimate market research surveys amongst tourists to determine the price elasticity of a \$9.00 fare? If it's going to appeal to tourists who are "already in the area" and you don't plan to have this thing drop tourists from out of the area, because actually tourists from out of the area would contribute to traffic congestion as they're trying to get to the stations, would they not? If you are not going to draw tourists from out of the area, then you must survey the tourists you plan to have attracted to ride this thing to find out if \$9.00 is a fare they live with. I doubt it. I can't see why anybody with a family of three or four would pay that kind of money. Under the alternative study for alternative fuel, compressed natural gas and alternative fuel, where will the cost of the retrofit to the Budd cars come from? Who pays for that? And one last thing, can I ask how many of you commissioners tonight rode a bus to get here? Can I see a show of hands please? Okay, none. Can I ask how many of you rode a bike to get here? One? Can I ask how many of you carpooled to get here? None. Can I ask how many of you drove cars to get here with one person in the car? How many drove in to get here?

UNKNOWN:

I had two people in the car.

N. MCELWEE:

Okay, may I presume that the rest of you walked here? Is that safe to assume or are you just not answering the question? The reason I'm asking this question is I want..

J. BEAUTZ:

I'm letting you ask the question, but this isn't where people have to respond, so go ahead.

N. MCELWEE:

I'm answering the question. I want to know just how many of you are committed to the existing alternative methods that are in this county, including the metro, which is under-funded and out of money. Thank you.

J. BEAUTZ:

Anyone else?

D. WRIGHT:

Good evening, my name's Dave Wright. I live in Aptos and even though CEQA was real clear that E.I.R.'s are not required in the case of an active rail right-of-way, this

R.T.C. took the initiative to actually do one anyway and I think they're to be commended for that. The information's helpful to all of us. We're also pleased that you are moving forward with the Phase II evaluation. I know that's going to be important. I know there are a lot of questions around that, so thank you for both of those things. We're not surprised that the E.I.R. is as positive as it is common sense tells you when you see Roaring Camp running a tourist train from the beach to the redwoods, day after day carrying tourists that this is a potentially viable business. It has been for them for hundreds of years and there are literally hundreds of others that will say the same thing. Some of them have come in here and one of the things I want to urge you all to do is to stop taking the opinions of those of us in this room who frankly know nothing about the tourist train business. Bring in some experts who do. We've had to drag in some guys from Roaring Camp and Sierra Railroad and so forth and they've been happy to do that, but frankly, I think you should get a broader audience of individuals who knowledgeable about this business to give you some information. Secondly, one thing we do agree on is we would like to see more rail trail planning in your forward-looking documents as well. The E.I.R. doesn't cover it, I don't think Phase II covers it much, and I don't think any of your committees are handling it right now, so we would like to see more investigation of what the rail trail would actually look like. We've provided a lot of information from engineers showing that it is wide enough and C.D. Miller has certified that only 2% of the corridor is too narrow, but we feel as though planning on your side for the rail trail could be better also. Three random points; first off, I want to let you know that Aptos Village Merchants overwhelming support this idea and we'll give you evidence of that soon, but as you can imagine, businesses in Aptos Village are looking forward to seeing visitors brought from Capitola all day, all summer long. In fact, it's hard to find one down there that does not support the 116 Proposal. We'll give you more information on that soon. Secondly, I want to let you know that the Santa Cruz Cycling Club has made the very first endorsement of their entire history for using 116. So, over two-hundred mid-county cyclists have now come on board and said, "We really want you to approve this." There seems to me to be an overwhelming movement of various individuals from business owners to cyclists, to environmentalists and politicians who are continuing to urge you on this and on my last comment; is that once again, leaving the highway tax as the only option to pay for the rail trail, we believe is a bad way to go. Any mention of killing the rail trail in exchange for the highway does not generate support in the community. We want to urge you guys to try and take a very positive view on getting this project approved. Thank you for your time.

J. BEAUTZ:

Here is my question which I've asked before, but you've talked about this engineering report. You've mentioned this 2% and yet, our studies we've had said it was 40%, our M.T.I.S., but have you gotten from him these engineering documents because I've asked for them before and...

D. WRIGHT:

I have shown them here in front of you and in fact, technically you do. They're on that CD that I gave you. C.D. Miller did the measurements and the reason we say 2% is only 2% of the corridor is less than 30 feet. 30 feet is considered to be the minimum when you measure from the middle of the tracks to a spot where you're about 5 feet out from the farthest rail, you get something like 9 feet. Do that on each side, you've got 18 and then you 8 feet for the trail.

J. BEAUTZ:

I don't particularly want to debate the issue as much as I'd like to get the information because I keep hearing you talk about it, I've asked for it...

D. WRIGHT:

Your staff has it.

J. BEAUTZ:

So, you have it?

D. WRIGHT:

It's on a CD, I'm happy to send it to you again. In fact, I dropped off CD's several months ago, March 4th; I distributed CD's to the entire R.T.C. It's on that CD as well and it's on our website; Santa Cruz Trail.org. So, C.D. Miller's name is on it and you can look at these maps yourself actually and add it up. It's not that hard, map for map is on the website. You can go through and see the distance.

J. BEAUTZ:

Yes, I would just like to be able to have it.

D. WRIGHT:

The question you might want to ask is, is 30 feet the actually minimum? That's really the question and the Alta Study will show you that's probably the best number.

J. BEAUTZ:

I'd just like to be able to see it. So, we do have it, is that what you're saying?

PAT D.

We'll get copies for you at the next meeting.

M. DALBEY:

I'm Mike Dalbey from Santa Cruz and I got really excited about this quiet zone idea when I started looking into it. If the commission had set out to pick the perfect place on the 32 mile rail corridor to establish passenger rail service and establish a quiet zone, they picked exactly the perfect place because all of the at-grade crossings in that section, except for one, already have automatic gates that come down and that's the most important criterion for establishing a quiet zone. The one grade crossing that lacks automatic gates is State Park Drive. When the guy behind me said something about the gates come down at State Park Drive, I think that's an error. That's the one grade crossing that's right in the middle of the proposed segment that doesn't have an automatic gate and so, I think it would be a great idea for you guys to look into this irregardless of the 116 Project, even if it's only the freight train now and whatever trains come in the future, I think, would be something well worth while for the people who live along there. The other thing I'd like to say is why didn't they buy me double paned windows when they widened Mission Street. My wife had to talk me into it and I was astounded at how much it mitigated the noise, but they were expensive.

J. BEAUTZ:

Is there anyone else who wanted to comment?

E. THRIFT:

My name is Ed Thrift from Capitola and I would like to say that I'm a biker and I'm a hiker and I'd love to see a trail. The train thing's another matter, but I'd love to see a hiking trail and a biking trail and in reading the E.I.R., I didn't see anything there and I was a little confused because being a local, I read the papers and I thought in the papers, I was going to see something about a bike path and when I actually read the E.I.R., I couldn't find it. So, I'm just plain confused. Either the media is getting bogus information or I'm not reading properly or something, but it's confusing to me when there is so much hype about a biking trail, at least I thought there was and then nothing in the E.I.R., so I know you don't want to answer, but somehow I'd like to understand that.

J. BEAUTZ:

No, the project that we did the E.I.R. on is strictly the rail component, the Aptos to Capitola rail component and there's no real plan or anything- I mean, there's the long term plan of doing a path along the right-of-way, but that is not a part of what's funded as part of this project and it's not a part of what's being looked environmentally on

part of this project. So, it is not in there. It's not that you don't understand it, it's just not here.

E. THRIFT:

Okay, now I understand it. My second thing is I did send you a letter. I just wanted to make sure you got it. It was dated June 15th and it went to you. Do you all have a copy, just so it's in the records so you've got it and at some point, you'll make a written response to it? Did the staff get that letter? Ed Thrift? Okay. I'm not going to go through the letter and bore you, but I did take a fair amount of time putting the letter together. It's important to me and I do assume you would answer that. Okay, couple of other quick things; in my business I deal with public transportation and a whole lot of the public transportation that I'm involved in loses money. I think you know that, it's nothing new to you. I agree with one of the other speakers, it would be nice to get some people who make money on something like this advising you. If this is what's going to happen, then it would be nice to make sure that it's not going to lose money. I don't think we need to add something more to the county that already loses money; that means we all get to pay more. So, I assume that's something that you're going to address. I know overall, you say in the future you'd look at a bike path which would be wonderful, and living in Capitola and looking at the trestle, I just wonder how a bike path and a train would ever work. Maybe it would, I just think it would be a hard thing to actually fit on there. So, that's what I have to say and if you could answer my letter, I'd appreciate it.

J. BEAUTZ:

Thank you.

S. RENNER:

Good evening. I'm Sue Renner from Santa Cruz. I read the E.I.R. once through and I can't even begin to describe the insufficiencies and omissions even in the five minute extended period, so I think that really what I want to say and I mentioned this also at the March 4th public hearing is that; in my belief is that while some people may feel that \$85,000 is a lot of money for an E.I.R., it's very, very little and you can hardly begin to do anything thoroughly with that amount of money and the evidence is in this report. I would ask that when you look at it and I'm going to look at it again, I'll submit my written comments by the end of the allotted time, but I'm looking at how things are measured and when they're measured and how it relates to the actual time period and the actual train that is being proposed to run. Just as a really simple example, the 1.5 second delay that came up a little earlier was something that was derived from traffic at a time that does not

reflect the heavy traffic that goes through Capitola and goes through our area in the summertime, which is when this train would run. So, it's not an apples and apples comparison. That's just one very, very small example. People have also been talking about double paned windows and I can tell that I have replaced all my windows in my home with double paned windows, not because of a noise factor, but because we wanted to conserve energy and it does very little. I haven't noticed any effect at all when the freight train goes by. That wasn't our main concern. I don't have an issue with the freight train that goes by. Obviously I knew that when we purchased the home, but you add a lot more traffic on there and with the noise considerations that have come up and that have been talked about, double paned windows—it's mind-boggling to me that that would even be suggested as a possible solution to anything. So, as I say, I'm planning to submit my written comments and hopefully other people will look at this very carefully and objectively. I know that's kind of hard to do because it's a charged issue and people have very strong opinions, but in my opinion, the document is just a sham.

J. BEAUTZ:

Anyone else?

R. WALTHART:

My name is Richard Walthart; I'm a private citizen speaking for myself. My wife and I own a condo across Park Avenue from the railroad tracks in Capitola. I have a couple questions. On the consultant's report as far as noise, page 9, it says the future project, the future L.E.Q. where the project is estimated to be a significant problem—it's more of the F.T.A.'s plus 10 decibel impact limit—my question is there were some mitigations mentioned for noise, sound attenuation and I know double paned windows seems to be a hot issue, I don't have a problem with those. My only question is would those mitigations be applied to the average noise level issue, in addition to the whistle sounding and bell ringing at the crossings? On the extended report here, it's a little confusing as to whether or not that would happen. The quiet zone might help the whistle soundings and the train crossing bells, but I don't know if it would help the average noise level. Second question: would it be feasible to run this thing less than 25 miles an hour cruising speed? That might be a thing to look at. If it was, you could solve some of these issues I think, at least noise as concerned. That's all, thank you.

M. O'ROURKE:

My name is Marilyn O'Rourke. I also intend to provide extensive written comments in response to the draft E.I.R., but this evening I wanted to address two other issues. One

is, I have sent correspondence to members of this commission and to the staff repeatedly, commenting on the segmentation of this project. I cited, in fact, a staff report dated March 4th, 2004 which lays out three separate segments of this project and under CEQA, they very clearly say that an environmental impact report should be on the totality of the project and the confusion that you heard tonight by some people is rampant in this community where the average person thinks that what we're talking about is a rail trail, getting rid of the rail and having a trail or a rail trail for pedestrian and bike path. That's the general consensus of what's going on and that comes from somewhere. So, this document states three different projects and we're talking about- you did a neg-dec [sic] on the first one, now you've got this one that you're trying to get through and then there's a third one coming. So, my point which I would like an official response to is to why you have chosen to segment this project the way you have and pass E.I.R.'s or considering an E.I.R. or negative declaration on each of them rather than taking them as a total whole? I think that's a serious legal error on your part. The other issue is, we were told very clearly, repeatedly by staff and by the commission, that the Phase II Environmental Side Assessment would be done prior to the completion of the draft E.I.R. and would be part of the draft E.I.R. where we could comment on it. Now this draft E.I.R. has been segmented. Never thought you could do that, but this has been done, so that we don't have the Phase II side assessment which deals with hazardous materials to comment on as we're commenting on the draft E.I.R. So, I don't know how you intend to handle that when that comes out; whether that's gonna be a sub- E.I.R. or what that's going to be, but the public certainly has a right to comment on that as well and I'd like to have some assurance or some knowledge as to how you're going to handle that. The other thing I would like to just comment on is I am curious as to how the negotiations are continuing with the railroad when you don't know what the hazardous materials issue is. For anybody who's been involved in toxic clean-up or hazardous materials clean-up, you know that that could be just prohibitively expensive. So, in addition to all these mitigation measures that were discussed today and that people are concerned about, I'm very concerned about the county purchasing a right-of-way without knowing what they're buying and what the hazardous materials issue is. This is a railroad that has been in existence for a hundred years and I'm certain that every spill that occurred was not reported to any agency or the public and someone looked and said, "Oh, there may be some here and there," I'd like to see some sort of site assessment that's done every so many feet to find out whether there really are hazardous materials there and how the clean-up's going to take place so that the county

doesn't saddle itself with an expensive bill sometime.
Thank you.

J. BEAUTZ:

I'm going to go through and ask some of these more general questions to be at one time, rather than after each person. I'd like to make one clarification. This is not the county that would be purchasing this. It's the rail authority, it's this commission acting under a different entity, and it's not the County of Santa Cruz, which is important for me to indicate to people because this is a different group of people than the County Board of Supervisors. I think you're asking a good question, but the question would actually go to the commission as opposed to the county because it's a commission acting as rail authority that would ultimately own and be responsible for it. Is there anyone else that had questions or comments?

K. KANNEGAARD:

Good evening ladies and gentleman. My name is Ken Kannegaard. I work for RMC Pacific Materials. We're the cement plant in Davenport. There are a couple things that have come to light as I review the E.I.R. that I'd like to bring to your attention this evening. First of all, I'd like to tell Mr. Steinwert how much I appreciate the efforts on preparing the E.I.R. I've been involved in a few of them before and I know it's a lot of work. I think there is a slight error in your effort and that is that perhaps you do know or don't know, but should the rail trail authority purchase the right-of-way, UP has indicated that they would not provide service on that rail. This puts us in a bit of a predicament and some things that you need to take into consideration; first of all, by purchasing the right-of-way to have the trolley, you're going to have to purchase 32 miles of rail, including the rail that goes out to Davenport. I think that your E.I.R. should include all aspects of that length of rail, including the maintenance and the condition of the tresses, the toxic waste clean-up, all of these things need to be taken into consideration and I'm sure that the business plan would do that when you guys sit down and talk about that. The rail trail authority will also be responsible for the costs associated with the construction, operation and maintenance of this rail. So, right now that's being handled by Union Pacific. Union Pacific has delayed upgrading and maintenance on the rail in the anticipation that they'll be able to sell the rail, therefore they've cut back on their budget for maintenance on the existing rail. We need to have you recognize that the rail trail authority and the county needs to acknowledge that the freight will continue to be in service to Davenport and I've been told again and again that it will be and I do believe that, Pat. But taking that into consideration, if

their freight is unable to compete with transportation, that is if the cost of moving freight from the Davenport Plant to Watsonville where Union Pacific will pick it up and where they drop off products that are sent to the plant, the only choice we would have would be to move that freight by rail or by truck and you can understand the considerable amount of impact that would have on our streets and highways. That needs to be taken into account in your E.I.R. And last but not least, I would like you to consider in this process in involving the cement plant in the negotiations that will involve second haulers in preparation of this rail purchase. I hope I'm not getting up and out of the content of tonight's E.I.R. It's just that I think it's a bit incomplete and by taking these things into consideration, you'll find you might want to reconsider. Thank you very much.

J. BEAUTZ:

Thank you.

L. HUYPH:

Hi, I'm Libby Huych and I live in Aptos, 5 miles away from the railroad. A couple of miscellaneous comments just from past speakers; I was hoping maybe the commission could simulate a run of this trolley idea in Capitola during the summer now—during traffic hour—just to see what this will entail because once those crossing bars come down and once the horns go off, I think it might be a little different story. I've also previously addressed the deception of this rec-rail as a bike trail, especially on the bike trail petitions because I would have signed that petition too, but the petition should be for a rec-rail, not a bike trail. I have read all the E.I.R. and I think that having read all the mitigations for significant impact areas, I have complete confidence that this commission can afford all of the mitigations. Money is obviously no object here and the commission has made it very clear to the people that a light rail system is indeed the goal here, even if it costs \$50 to \$60 per person subsidy. Your priorities are very clear; metro service is out while rec-rail service is in. I also feel that Prop 116 funds should not be allowed for this tourist train. The rec-rail project violates the following C.T.C.'s requirement to not duplicate existing service and the proposed service does duplicate the bus route for 54 and 55. Also, Prop 116 encourages less crowding on streets, but this tourist train will increase, not decrease traffic congestion. And some of the mitigation requires traffic signalization which apparently is in a future budget, but I didn't see it listed anywhere. In fact, the list of the costs for all the mitigation procedures has not been investigated and I couldn't find it and the lack of a business plan at this point and time reinforces the fact

that this commission has little regard for what this project would cost us taxpayers. By the way, when will the business plan be ready? I also think this project will encourage law suits already with the recent metro's bus service cuts to the handicapped. I believe that encourages a law suit right there and I also know of a friend who had her house burglarized over in the Seascape area which was due to a vagrant that had hopped the line and so I do feel that that will increase if you do encourage this tourist train idea. Also, if you get around to the idea of eminent domain for a bike trail, I think that will be another area for lawsuits and as we have witnessed from the settlements in the Pajaro Flood Case and in the City of Santa Cruz Mobile Park, I think that these settlements can also really cripple your budgets. So, I feel that the solution is very obvious and that this commission should not pursue the tourist train. Thank you.

J. BEAUTZ:

Is there anyone else that wanted to comment?

C. PAULDEN:

I'm Charles Paulden. I'm here to speak for the tens of thousands of people that are represented by the empty seats, many people in mid-county that want this. No environmental impact report was needed for this. It's an historic use. It's called for in our general plan to acquire this. This is your (inaudible) duty to get this for us. What the previous speaker said is true. We ought to be using this as every other county around us is doing, for a light rail corridor. This is the cheapest corridor that we could get. Ellen Pirie tells us that she wants to get this corridor with money for the gorilla that we're not speaking about in our living room right now, the freeway tax. If we're going to buy this anyway with money, why not take 11 million dollars tax free and get it now? And if we have to repay this 11 million dollars later, hey, pay it. I'm really tired of hearing this Capitola, Aptos, Santa Cruz bashing from all these people that think that this is really an ugly place to be. Maybe nobody's been away from here for a while. This is one of the most beautiful places in the world. I'm not sure why these people moved here along this rail corridor and didn't realize that this was called for in our general plan, we fought to get this train put in. Hines had to put this in with Speckles because Watsonville didn't want us to have this train. Now again, Watsonville's going to have Pajaro, but Santa Cruz is not going to be able to link up to the whole train system that goes up the whole coast. We could take the train from Santa Cruz to San Diego, to Mexico or up to Seattle. I don't get it. If this environment impact report isn't good enough, how is the freeway environmental impact report going to go by? Are you

going to pay for double-paneing all the people's houses? I don't think so, maybe. This is a wonderful corridor. Our county basically developed along this corridor. There are trailer parks, there's low income housing, there's senior housing, there's high-density development—the new one on State Park that you just passed. The Board of Supervisors just passed that high-density development right there; right there were people can walk and use it. I don't know if you think the price of gas is going down or if gas or oil is magically being regenerated from the earth, but most scientists don't. Most scientists also believe in global warming. Some people don't think that's true, but I guess that's a sort of a cultural break. I know, as growing up in California and as a fifth generation, my family walked here. We've been here a long time. We were really happy when the train came in. Maybe growing up in California and having the best educational system at the time, we have a slightly different world view than people who have moved to this state and have come into position of powers and don't believe in an environment ethic. I'm not sure. This would also be good, Jan, for Pleasure Point. Right here, we have Jack O'Neill's, we two bike shops on either side of that rail corridor, we have the spa right there, we have multiple surf shops, it would be a wonderful thing for our community and I think this trolley—why are we only doing a trolley? Because that's the only thing you'll let them have, Jan. Why doesn't this go up from the Boardwalk on? Why are you doing this? Why don't you let us have good transportation? Why don't you plan for the future? Why don't you learn from the past? I don't understand it and most people don't. So, I wish you would recall the past and think about the future and make this happen and accept this environmental impact report and quit trying to link it and hold it hostage for your foolish freeway tax when especially, that freeway is poorly designed. We can't get over 41st, there's no clover leafs. We can't get down to Live Oak. Thank you.

J. BEAUTZ:

Thank you. Is there anyone else?

Commission Chair Beautz closed the Public Hearing.

Commissioner Beautz asked about the Phase II site assessment report concerning hazardous and toxic substances. Scott Steinwert said it is on hold until right-of-entry has been granted by Union Pacific.

Commissioner Pirie said she was confused how there could be a mitigation plan if there has been no site inspection.

Mr. Steinwert said there had been a Phase I inspection done from public streets and that the initial study didn't

indicate there was too much contamination and that typically hydrocarbon and diesel contamination is found, which can be mitigated, and is not an insurmountable object.

Commission Alternate Schiffrin said that under CEQA it is not necessary to have all the mitigations defined when doing an EIR, and that what was important was to make a commitment to apply the mitigations. He said that when the Phase II report is completed mitigations will be adopted and that this approach is common and legally allowable. Mr. Schiffrin noted that, oftentimes, public works projects have similar circumstances, such as drainage situations.

Commissioner Beutz said that Commissioners can submit comments and that she wants their questions to be part of the record.

Commissioner Kennedy said that the environmental impacts directly influence the acquisition negotiations, but that the Commission has stated publicly that it is not going to purchase it without prior knowledge of these conditions.

Commissioner Beutz asked that Scott Steinwert explain the mitigations process and what mitigations would work if people are outdoors.

Mr. Steinwert said that mitigations, if approved, would become the responsibility of the rail authority to implement, pay for and monitor. He said that installing double paned windows is one approach but that mitigation for sound attenuation may be different for each house, adding that some places could be helped with fences or landscaping.

Mr. Steinwert said that the project increases the overall noise levels from between 45-50 decibels at a distance of 25 feet from the tracks to 49 decibels which is well below the 60 decibels standard set forth by local noise ordinances.

Commissioner Beutz asked if the average noise levels include the horn blasts or just noise in general.

Mr. Steinwert referred to the Noise Criterion 5: Temporary or Periodic Increase in Ambient Noise and described the mitigation measures suggested, including a community quiet zone which can reduce the use of train horns at crossings.

Commissioners discussed the mitigating effect of reducing the train speed to less than 25 mph, who would enforce the speed limit and if control mechanisms could be installed on the trains to regulate speed.

Commissioner Norton asked if the 60 decibel noise level was

measured from 25 feet from the edge of the track or from the middle of the track.

Mr. Steinwert confirmed that it was from the edge of the track.

Commissioner Norton asked if an environmental review on the whole corridor was taking place.

Senior Planner Luis Mendez said that one was done on the entire 32 miles of right-of-way under negotiation for acquisition in April 2002, which was a Negative Declaration under CEQA requirements. He said a Phase II site assessment to take soil samples is waiting for right-of-entry approval.

Commission Alternate Rotkin said that under CEQA guidelines a project is considered to be segmented when it is known that there are several parts to a project but the environmental review is not performed on the entire project. He said since there is no commitment to a trail there is no segmentation issue and that the project could go forward even if a trail was never built.

County Counsel Rahn Garcia said that environmental review is not required when the projects are not dependent on each other and reiterated that an EIR for this project is not required in the first place.

Commissioner Beautz asked if adding platforms would trigger the need for an EIR or some sort of environmental review.

Commission Alternate Schiffrin said there should be a written response regarding segmentation because it is not simply that there is no commitment to the trail project, but also what the Commission knows now about a potential future project is speculative, so it may be appropriate to put it off.

Commissioner Beautz said that segmentation is an issue, especially since there is so much talk about securing Proposition 116 funds so that eventually a bike trail could be built. Ms. Beautz agreed for the need for the need for a written response regarding segmentation and asked Mr. Steinwert if it was within his scope of work and if not then a response from an attorney would be necessary.

Commissioner Beautz said to include RMC Materials in the acquisition negotiations may not be an EIR issue, but is something for the Commission to look into.

Commissioner Spence noted inconsistencies between previous documents relating to the project and the EIR. She referred

to a letter from Mike Galizio, Caltrans, specifying that the DEIR should include information on the proposed service schedule and estimated ridership at each facility. Ms. Spence said the letter also noted that park and ride lots should be considered at each of the platforms. She added that several other points had been made in the letter including that the DEIR should include a discussion of trip reduction measures.

Commissioner Beautz asked Scott Steinwert to address all the issues in the letter from Caltrans.

Mr. Steinwert said the letter from Caltrans was included in the comments used to shape the EIR analysis and that he could go through and say why an item was or was not included in the DEIR.

Commissioner Spence said that Mr. Galizio's letter also mentioned congestion problems at local cross streets and grade crossings. She referred to a letter from Kevin Boles of the Public Utilities Commission that identified crossings that needed to be analyzed and asked Mr. Steinwert where these issues were addressed in the DEIR.

Commissioner Spence referred to issues raised in the Initial Study including measurement of cumulative effects and asked if not analyzing the effects of future projects constituted segmentation.

She asked how people would know a train is coming if a community quiet zone were established and voiced concerns about emergency services for people on the ocean side who could be impacted by traffic at crossings.

Commissioner Spence raised issues regarding alternative fuels and retrofitting Budd cars, saying she wants people to know what Caltrain is doing with its Budd cars.

Commissioner Beautz asked Mr. Steinwert to go back and analyze the crossing at Trout Gulch Road and if more financing would be necessary for that task.

Senior Planner Karena Pushnik said that the consultants were provided with the Aptos Village Plan and that improvements to the Trout Gulch/Soquel Drive crossing were included as mitigations in place.

Commissioner Beautz said that the Aptos Village Plan had not been approved by the Board of Supervisors and was not funded.

Commissioner Pirie said there might be a signal at Trout Gulch but that funding for the signal was unclear and would

probably have to come from developer fees.

Commissioner Beautz reiterated that before improvements in the Aptos Village Plan were counted as mitigations it should be clear that the plan is still in the planning stages.

Commissioner Campos said that the Commission had held three or four meetings on the recreational rail and that people are either for it or against it. He said that the EIR will take form when the deal is made to acquire the right-of-way and that any offer on the property made by the Commission will be subject to conditions. Mr. Campos said that addressing RMC's concerns is very important and that the Commission has already stated it will not subsidize the recreational rail. He said it was necessary to address the impacts on all property owners, but that if property owners don't work together it will be bad for the community as a whole. He advised continuing negotiations with Union Pacific and moving on.

Commissioner Campos moved to adjourn the meeting. Commissioner Norton seconded and the Commission passed the motion enthusiastically.

5. Next Meetings/Adjournment

The meeting adjourned at 9:25 pm.

A special SCCRTC meeting is scheduled for Tuesday, July 27, 2004 at 9:00 a.m. at Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz CA 95060.

The next regular SCCRTC meeting is scheduled for Thursday, August 5, 2004 at 9:00 a.m. at Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz CA 95060.

The next Transportation Policy Workshop is scheduled for Thursday, August 19, 2004 at 9:00 a.m. at the SCCRTC offices, 1523 Pacific Avenue, Santa Cruz, CA 95060.

Respectfully submitted,

Gini Pineda, Staff

ATTENDEES

<u>Name</u>	<u>Representing</u>
Neil McElwee	SCCARRED
Sue Renner	
Ken Kannegaard	RMC
Charles Paulden	
Robert Jones	
Libby Huyck	
David Wright	Friends of the Rail Trail
Mike Dalbey	Friends of the Rail Trail
Marilyn O'Rourke	
Richard Walthart	
Herby Bell	
Laia Plumen	
Ed Thrift, Jr.	
Erik Hellen	
Ashley Smith	
Ross Gibson	