

REGIONAL TRANSPORTATION COMMISSION

Transportation Policy Workshop

MINUTES

Thursday, August 19, 2004

9:00 am

SCCRTC Conference Room

Santa Cruz, CA 95060

Members Present: Jan Beautz Ellen Pirie
 Scott Kennedy Randy Johnson
 Marcela Tavantzis (Alt.) Dennis Norton
 Emily Reilly Edenilson Quintanilla (Alt.)
 Pat Spence Mark Stone
 Mardi Wormhoudt Rich Krumholz (ex-officio) (Alt.)
 Richard De La Paz

Staff Present: Linda Wilshusen Pat Dellin
 Tegan Speiser Karena Pushnik
 Kim Shultz Luis Mendez
 Gini Pineda Rachel Moriconi

1. Introductions

Introductions were made. Scott Steinwert and Mary Bean of Public Affairs Management indicated they were present via speaker phone.

2. Oral Communications

Ken Kannegaard thanked the Commission for including RMC in the negotiation process for the acquisition of the Santa Cruz Branch Line. Staff noted that RMC is not directly involved in the Closed Session negotiations, but will be consulted as negotiations progress.

Marilyn O'Rourke asked about the business plan for the recreational rail and expressed her continuing distrust of the Commission. She stated her opinion that the business plan is not subject to attorney-client privilege and that the Brown Act exclusion for real estate negotiations does not apply to the negotiations for the recreational rail acquisition negotiations.

Commissioner Beautz said that the Commission would consider whether to release the business plan today in closed session.

3. Additions/Deletions to the Agenda

Executive Director Linda Wilshusen referred to the modified resolution for Item 9 and an information item regarding Transportation Agency for Monterey County removing its sales tax measure from the November ballot. Commissioner Norton handed out a picture of the light rail vehicles being used for the Athens Olympics.

OPEN SESSION

CONSENT AGENDA (Wormhoudt/Pirie)

4. Accepted Minutes of the June 17, 2004 TPW Meeting
5. Accepted Information Item on City of Santa Cruz Project Funding Trades (missing page 5-1 added)

REGULAR AGENDA

6. Response to Comments Received on Draft Environmental Impact Report for Recreational Rail Project and Recommended Contract Amendments

Senior Planner Karena Pushnik gave the staff report stating that the next step is to compile the final Environmental Impact Report which will include the draft EIR and the response to comments. She noted that given the quantity and level of detail of the comments, the budget for the consultants is not adequate and recommended that the Commission approve adding \$18,000 in already-allocated Proposition 116 funds to the existing contract with Public Affairs Management to address these issues. In addition, due to legal actions threatened against the Commission, it may be necessary for legal review of the response to comments and draft Final EIR. She said that staff recommended adding \$15,000 to the existing contract with Miller, Owen & Trost for the legal review. Ms. Wilshusen added that the RTC's FY04-05 budget would need to be amended consistent with these actions.

Ms. Pushnik said that the Commission may want additional technical analyses regarding traffic, air quality and noise in response to comments on these issues and that the estimated cost was an additional \$23,000. She said that unless substantive technical analyses are required, the completed EIR should be ready for the Commission's October meeting and a public hearing scheduled for October 7.

Commissioner Pirie said that a noise analysis should be conducted using the actual rail car proposed for the project and asked how it could be done without running the car along the line.

Scott Steinwert, PAM, explained that there was a lot of information available from both the manufacturer and the operators of the proposed rail car which is used for the analysis.

Commission Alternate Tavantzis said she had concerns about having the firm involved in the project negotiations doing the legal review of the responses to comments. She

suggested legal review that was independent of other contracts that would be managed by the Commission.

Commissioners discussed the pros and cons of extending the contract with Miller, Owen & Trost to provide legal review. It was noted that the Commission would be contracting for the service, not Public Affairs Management who prepared the document, and that Miller, Owen & Trost (MOT) could subcontract to a law firm that would report directly to the Commission.

Kirk Trost, MOT, said that he wanted to be responsive to the Commission's needs and suggested bringing in the firm of Remy, Thomas, Moose & Manley, LLP to advise the Commission directly.

Commissioner Wormhoudt said Jim Moose had an excellent reputation and moved to approve the staff recommendation to add \$15,000 in already-allocated Proposition 16 funds to the existing contract with Miller, Owen & Trost for legal review of the response to comments and draft Final Environmental Impact Report with the addition that Miller, Owen & Trost would ask the firm to provide the legal review and report directly to the Commission. Commissioner Wormhoudt included in her motion the necessary budget amendment. Commissioner Kennedy seconded and the motion (Resolution 06-05) passed unanimously.

Commissioners discussed the first part of the staff recommendation noting that if legal counsel says additional technical analysis is needed the Commission can authorize the expenditure at that time.

Commissioner Kennedy moved to approve the staff recommendation to add \$18,000 in already-allocated Proposition 116 funds to the existing contract with Public Affairs Management to complete the response to comments and Final EIR for Recreational Rail Service between Capitola and Aptos, and to amend the FY04-05 RTC budget accordingly, with the understanding that more money might be needed. Commissioner Norton seconded.

Commissioners discussed bringing a rail car for a live demonstration, noting that the idea had been hampered previously due to cost and timing considerations as well as the lack of right-of-entry to the Union Pacific track.

Commissioner Spence asked if the traffic study will show the impact on the Metro lots.

Commissioner Kennedy said that if the Commission were interested in a rail car demonstration staff should come back with information on how to implement it.

Commissioner Johnson called the question and the motion (Resolution 07-05) passed unanimously.

Commissioners continued to discuss the impact on parking in the municipal lots. Commissioner Norton said that Capitola has conducted several studies and reports a 13%

vacancy rate. He said that New Brighton State Park has data on occupancy rates also. Commissioner Reilly noted that if questions about traffic and ridership assumptions have been raised, they will be addressed in the responses.

Executive Director Linda Wilshusen said that staff will provide existing parking occupancy information to the consultants.

It was decided by consensus that staff will bring information about presenting a rail car demonstration back to the Commission.

7. Status Report on the 2004 State Transportation Improvement Program (STIP)

Senior Planner Rachel Moriconi summarized the California Transportation Commission's action on the 2004 State Transportation Improvement Program (STIP), noting that the adopted STIP differs from the Regional Transportation Improvement Program (RTIP) for nine projects. The biggest difference is that the CTC did not reinstate STIP funding for the MetroBase which was deprogrammed due to state "use it or lose it" provisions.

Ms. Moriconi also reported that the California Transportation Commission (CTC) has said it may not be able to allocate (release) FY04-05 STIP funds to projects, due to the continuing state budget crisis. Ms. Moriconi said that STIP funding had become unreliable and that the CTC held a special meeting on August 18th with regional planning directors from around the state. As discussed at the August Regional Transportation Commission meeting, the STIP does not match the projects listed in the Regional Transportation Improvement Program (RTIP), which will have to be amended.

Ms. Moriconi added that the Interagency Technical Advisory Committee (ITAC) would discuss different mechanisms for project sponsors to keep projects moving forward at its meeting this afternoon and make recommendations to the RTC. A primary concern will be funding the MetroBase. The RTC will need to consider RTIP amendments after a public hearing.

Executive Director Linda Wilshusen reported on the CTC special meeting saying that regarding state priorities, the transportation crisis was not considered as urgent as cuts to health care and education. Ms. Wilshusen stressed the importance of public awareness and the effects the lack of transportation projects will be on jobs and the economy.

Jeff Le Blanc read a letter saying that the Commission had failed to meet its primary responsibilities to the community by failing to support the Santa Cruz Metro.

8. Status Report on Highway 1 Projects

Regarding the Highway 1 Widening/HOV Lane Project, Senior Planner Kim Shultz said that a presentation on the *Draft Public Information Summary Report* will be made by Public Affairs Management at the September Regional Transportation Commission meeting and that staff will post the summary report on the Commission website.

Commissioner Beautz asked that the full report be posted on the website and not just the summary.

Mr. Shultz mentioned the summary of the Caltrans traffic analysis, which showed travel times and speed for build and no-build scenarios.

Bill Comfort asked questions regarding the difference between delay time and travel time. Mr. Comfort asked that that delay times in a build versus no-build scenario be included. He also asked if a study on the delay times on parallel arterials could be done.

Senior Planner Shultz reported that new design-build legislation excludes transit districts. Commissioner Reilly asked if the Metro should continue to be a part of the Joint Powers Authority (JPA).

Commissioner Pirie noted that the decision belonged to the Highway Construction Authority and Commissioner Beautz added that the Metro still had an interest in the widening because the extra lane is intended to benefit buses as well as carpools and emergency vehicles.

9. Public Information Program for Local Transportation Sales Tax Measure Expenditure Plan

Senior Planner Tegan Speiser gave the staff report outlining a proposed workplan and budget for a public information program for the sales tax measure appearing as Measure J on the November ballot. For the \$55,000 budget, staff recommended one direct mail fact sheet to all households, inserts and display ads in local newspapers and speaking engagements.

In answer to a question posed by Commissioner Wormhoudt, Ms. Speiser clarified that the workplan and budget are specifically for a public information effort from the Commission regarding the Expenditure Plan and the November ballot, and is independent of any effort put forth by the Highway Construction Authority (HCA).

Commissioner Beautz asked why a mailing would be sent to non-voters. Ms. Speiser responded that it was less expensive to mail to all households since there were often more than one voter per household.

Executive Director Wilshusen said that the Commission is not campaigning for the passage of the sales tax measure but is providing information regarding the measure to the public, who will be affected even if they do not vote. Commissioner Johnson noted that this approach kept the Commission in a neutral position on the measure.

Commissioner Beautz suggested sending a mailing to all voting households and asked why the mailing would also be sent to businesses.

Senior Planner Speiser noted that all residents will pay the sales tax and that businesses will collect the tax and have to reflect the increase in the cost of their products. She added that business owners who are not residents in the county should know about the issue.

Commissioners discussed whether the same design should be used for both the mailing and the fact sheet that would be inserted in local publications.

Eileen Goodwin, Apex Strategies, stated her support for two pieces. Director Wilshusen noted designing more than one piece was more costly and that using the same piece more than once reinforced the information.

Commissioners discussed costs, the format and content of the proposed public information materials and methods of distribution. Commissioner Pirie suggested adding the *Valley Post* to the list of publications that would receive inserts.

Commission Alternate Quintanilla noted that the staff recommendations included designating two Commissioners to review and approve the printed materials. He suggested that Commissioner Beautz should be one of them and volunteered to be one also. Commissioner Pirie also volunteered.

Commissioner Pirie moved and Commissioner Beautz seconded to approve the staff recommendations to:

1. Review and approve the proposed public information workplan and budget for the Local Transportation Sales Tax Expenditure Plan ;
2. Direct staff to develop materials and implement the public information program approved by the Commission for the Local Transportation Sales Tax Measure Expenditure Plan;
3. Designate commissioners to review and approve printed public information materials before distribution;
4. Direct staff to have county counsel review printed information materials prior to distribution; and,
5. Approve a resolution authorizing the expenditure of up to \$55,000 for the public information effort for the Local Transportation Sales Tax Measure Expenditure Plan

with the addition that three Commissioners would serve on the committee to review and approve printed public information, and that there was some flexibility in the implementation of the direction.

The motion (Resolution 08-05) passed unanimously.

CLOSED SESSION

10. Conference with Real Property Negotiator for Acquisition of the Santa Cruz Branch Rail Line Property: Santa Cruz Branch Rail Line from Watsonville Junction to Davenport
 - Agency Negotiator: Kirk Trost, Miller, Owen & Trost
 - Negotiation Parties: SCCRTC, Union Pacific

- Under Negotiation: All terms
11. Conference with Real Property Negotiator for Lease of the Santa Cruz Branch Rail Line Property: Santa Cruz Branch Rail Line from Watsonville Junction to Davenport
- Agency Negotiator: Kirk Trost, Miller, Owen & Trost
 - Negotiation Parties: SCCRTC, Sierra Railroad, Santa Cruz Big Trees and Pacific Railway Company and Other Potential Short Line Railroad Operators
 - Under Negotiation: All terms

OPEN SESSION

12. Next Meetings / Adjournment

The next Transportation Policy Workshop will be held Thursday, September 16, 2004 at 9:00 a.m. **at the Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz, CA.**

The next regular Commission Meeting will be held Thursday, September 2, 2004 at 9:00 a.m. at the Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz, CA.

Respectfully submitted,

Gini Pineda, Staff

ATTENDEES

Bob Yount
Donna Ziel
Paul Elerick
Eileen Goodwin
Jeff Le Blanc
Les White
Heather Boerner
Jim Conklin
Ken Kannegaard
Bill Comfort
Kirk Trost
Marilyn O'Rourke
Spike Alper

MASTF/MAC
Commission Alternate
CFST
Apex Strategies

SCMTD
Santa Cruz Sentinel
Business Council
RMC Pacific Materials

Miller, Owen & Trost