

TO: Regional Transportation Commission
FROM: Pat Dellin, Acting Executive Director
RE: Recreational Rail Revised Draft Environmental Impact Report

RECOMMENDATIONS:

Staff recommends that the Regional Transportation Commission take the following actions relative to the Recreational Rail Revised Draft Environmental Impact Report (DEIR):

1. Approve the description of the Business Plan Alternative for inclusion as an alternative in the Revised DEIR;
 2. Approve the process for notifying each agency, person and organization that submitted comments on the prior DEIR, and send each entity a copy of the Revised DEIR;
 3. Approve the proposed schedule the Revised DEIR and schedule a public hearing for Thursday, March 17, 2005 at 7:00 pm; and
 4. Accept an oral report on conducting a demonstration train event.
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BACKGROUND

In May 2003, the RTC approved a plan to develop an application for the \$11 million in Proposition 116 funds available exclusively to Santa Cruz County, including an operating plan for recreational rail service between Capitola and Aptos with an extension to Seascapes, and to initiate environmental impact assessments for the Recreational Rail service. An environmental consulting firm, Public Affairs Management, was hired to assist with development of the environmental analysis reports.

In May of 2004, the RTC released a Draft Environmental Impact Report (DEIR) for Recreational Rail between Capitola and Aptos with an extension to Seascapes. An evening hearing was held in June to hear public comments, and comments on the DEIR were due in July 2004. A Draft Business Plan for acquisition of the Santa Cruz Branch Rail Line was released in August 2004, after the close of the DEIR comment period.

On December 2, 2004, the Regional Transportation Commission approved a plan to revise the Draft Environmental Impact Report (DEIR) for Recreational Rail service between Capitola and Aptos with an Extension to Seascapes. The purpose of preparing a Revised DEIR for the Recreational Rail project is to include the Business Plan alternative that was made available after the initial DEIR was circulated and to indicate that if a Quiet Zone is not established, there may be a potentially significant noise impact.

DISCUSSION

Included in the approved actions from the December 2004 meeting was a request to return to the RTC in January with a detailed definition of the Business Plan alternative and delineation of a process for comments on the Revised DEIR. In addition, the RTC requested staff and the consultants to propose a schedule for the Revised DEIR, Final EIR and public hearings. Under the rail line acquisition item on the December 2004 RTC meeting, the Commission also directed staff to return with information on a demonstration train.

Definition of the Business Plan Alternative

The Santa Cruz Branch Line Business Plan, released in August 2004, outlines the following scenario for a minimum recreational rail service pattern which would allow the same crews to operate both passenger and freight service:

- 4 round trips per day, timed for maximum recreational use
- Two 3-hour service windows (11 am to 2 pm and 4 to 7 pm)
- Service in peak recreational days in the summer (Friday through Monday, or a 48-day season)
- Transportation hours totaling 336 hours
- Six stations with the option of constructing them in phases over time

The above scenario is the proposed new alternative to be included in the Revised DEIR.

The Business Plan scenario was developed taking into account the maximum reliable operating speeds given the current condition and classification of the tracks (Class 1, 15 miles per hour), and the consolidated operating scenario for freight and recreational rail services. The Business Plan further assumes that recreational rail ridership would be consolidated into the four round trips that will accommodate 50% of the conservative ridership assumptions included in the base alternative (9 round trips with 10,000 to 25,000 annual passengers). The Santa Cruz Big Trees recreational rail ridership of 30,000 riders over a 105-day season with only 2 round trips is referenced as an example.

Comments on the Previous Draft EIR

The consultants will review all comments made on the previous DEIR and will address substantive environmental comments in the Revised DEIR. According to Section 15088.5(f)(1) of the Guidelines for implementing the California Environmental Quality Act (CEQA), when an entire revised draft EIR is revised and re-circulated, the lead agency can include a statement in the text of the revised Draft EIR or in an accompanying notice document or cover letter a statement to the effect that, although comments on the original DEIR are part of the administrative record for a proposed project, the lead agency need not respond to such comments specifically but may require interested persons to submit any new or additional comments they might have with respect to the revised document. This option undoubtedly reflects the assumption, which we believe will be accurate here, that the Revised DEIR has been prepared in such a way as to take the prior comments into account in modifying former text and analysis.

The Revised DEIR will also include the results of the additional technical studies authorized by the RTC for additional noise analysis and a health risk assessment for air quality.

A fair proportion of the previously submitted comments relate to information contained in the Business Plan, which was released after the close of the comment period on the previous DEIR. Non-environmental comments about topics covered in the Business Plan will reference that document.

As discussed at the December 2004 RTC meeting, each of the 66 agencies, people and organizations who commented on the prior DEIR will receive a notice explaining that the DEIR had been revised and is available for public review. The notice will include the dates of the 60-day public comment period and the date for the public meeting. Staff recommends that each of these parties also receive a copy of the Revised DEIR. A draft of this notification letter is attached (Attachment 1).

The notice encourages people to review the Revised DEIR since it was prepared in light of the comments received on the previous DEIR and includes new technical information that addresses the substantive comments received. Contrary to what is minimally allowed under the CEQA Guidelines, commentors will be given the option of resubmitting their initial comments.

Schedule

The Commission has stated that it would like to complete the environmental assessment of the recreational rail service prior to completing acquisition of the Santa Cruz Branch Rail Line. The environmental assessment of the service is not required for the Proposition 116 application or by state or federal law.

The September 2005 deadline for acquisition of the rail line, coupled with the RTC's action at the December 2004 meeting to extend the comment period from 45-days to 60-days, results in a constrained timeline for the Revised DEIR. Release of the Revised DEIR would occur at the February meeting. The deadline for comments would be April 4, 2005, after the 60-day comment period. The consultants have indicated that they can meet this optimistic schedule for the Revised DEIR.

Without knowing the scope and content of comments on the Revised DEIR, but assuming that the majority of issues raised in comments on the previous DEIR will now be covered in the Revised DEIR, it is anticipated that the Final EIR (FEIR) will be ready to be certified in June, with an August fall back date should there be a large volume of comments. The RTC is not required to hold a public hearing on the DEIR, but is required to have one for the FEIR. The RTC may opt to hold a public hearing on the DEIR prior to the close of the comment period. If so, staff recommends that an evening meeting be scheduled the same day as the March Transportation Policy Workshop meeting date (March 17, 2005) in a location with Community TV access. Staff has tentatively scheduled the County Board of Supervisors Chambers for this public hearing.

The Commission also has the option of performing the Revised DEIR at a later date, close to the time that recreational rail service would be developed. The RTC could choose to set up implementation for up to ten years after the Proposition 116 funds are approved, e.g. by 2014. Staff does not recommend this option because the Commission had previously decided to move forward with the EIR at this time.

Therefore, the proposed schedule is:

February 3, 2005	Release of Revised DEIR at RTC Meeting
March 17, 2005	Public Hearing on DEIR at the County Government Center (701 Ocean St)
April 4, 2005	Deadline for Accepting Comments on Revised DEIR
June 2, 2005	RTC to Certify Final EIR (FEIR)

Demonstration Train

The RTC considered visual simulations and demonstration trains to provide the community with an enhanced understanding of potential visual/aesthetic impacts of the project. In February 2004 the RTC approved \$5,250 to make arrangements for a rail diesel demonstration car if it could run on the same corridor proposed for recreational rail service. In April 2004, staff reported that the timing with other uses of the vehicle could not be worked out and the RTC decided not to approve funding for the computerized visual simulations.

At the December 2004 meeting, Commissioners again expressed interest in whether a demonstration train was feasible. Staff is investigating the possibility of a demonstration train and will report orally at the January RTC meeting or provide a written report at the February Commission meeting.

SUMMARY

Per direction by the Regional Transportation Commission a Revised Draft Environmental Impact Report will be prepared for Recreational Rail service between Capitola and Aptos with an extension the Seascapes. This staff report outlines a process for notifying commentors on the previous Draft EIR, a detailed description of the Business Plan alternative to be included in the Revised Draft EIR, a schedule for completion of the environmental process and information about a demonstration train.

Attachment 1: Draft Notice to Previous Recreational Rail Draft EIR Commentors

Prepared by: Karena Pushnik, Senior Transportation Planner

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