

TO: Transportation Policy Workshop
FROM: Karena Pushnik, Senior Transportation Planner
**RE: Public Hearing on the REVISED Draft Environmental Impact Report for
 Recreational Rail between Capitola and Aptos with an Extension to Seascap**

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission:

1. Hold a public hearing to receive public testimony on the Revised Draft Environmental Impact Report (DEIR) for Recreational Rail between Capitola and Aptos with an extension to Seascap;
2. Accept the estimate of \$35,000 to complete the response to comments and legal review for the Final Environmental Impact Report for use in updating the Financial Plan for the Santa Cruz Branch Line acquisition; and
3. Direct staff to return to a future meeting with a final budget to complete the draft Final Environmental Impact Report once the volume and extent of comments is known.

The Ad Hoc Committee on Proposition 116 Options recommends that the RTC:

4. Direct staff and consultants to prepare the final EIR (FEIR) for the proposed recreational rail service between Capitola and Aptos/Seascap and to return to the RTC with the draft final EIR when there is resolution on the proposed mitigations for noise impacts (the Quiet Zone) and traffic impacts at the Monterey Avenue/Park Avenue intersection.
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BACKGROUND

At a public hearing in May 2003, 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 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. In March 2004, the RTC held a public meeting and agreed to complete the EIR for future recreational rail service. In May 2004 the RTC released the Draft EIR, held a public hearing in June and received comments by July 2004. Based on the comments received including the threat of litigation and the publication of new information contained in the Business Plan, the RTC approved a plan to prepare a Revised DEIR.

At the February 2005 Regional Transportation Commission meeting, the Revised DEIR for the Recreational Rail project was released for a 60-day public comment period ending April 5. The Revised DEIR was posted to the RTC web site in early February and copies were made available at the RTC offices and at local libraries to provide additional public access. In addition, notification about the release of the document was sent to all entities that commented on the previous draft, as well as affected local jurisdictions and the state environmental clearinghouse. Ads for this meeting were placed in five local newspapers.

At their last meeting, the RTC received news that the California Transportation Commission staff indicated that they would support a Proposition 116 application without a rail operating plan. The RTC approved recommendations by the Proposition 116 Ad Hoc Committee regarding suspension of the demonstration train and the development of a Request for Proposals for freight rail operators. The Committee recommended that the RTC consider next steps for the Recreational Rail EIR at this public hearing.

DISCUSSION

Representatives from the consulting firm CirclePoint, formerly Public Affairs Management, will provide a presentation outlining the main components of the Revised DEIR at the public hearing.

The Revised DEIR for Recreational Rail between Capitola and Aptos with an extension to Seascapes includes the project description; environmental setting, impacts, and mitigation measures in chapters addressing air quality, hazardous/toxic substances, noise, transportation/ circulation, alternatives and other environmental topics. For each environmental topic, the Revised DEIR includes discussion about the threshold criteria required to be used. 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 Revised DEIR incorporates responses to all substantive environmental comments submitted on the prior DEIR. Comments received to date on the Revised DEIR are attached ([Attachment 1](#)). Any additional written comments received prior to the public hearing will be distributed to the Commissioners at the meeting.

Changes from the Previous DEIR

As noted at the February 3, 2005 RTC meeting, the most notable change from the previous DEIR is the inclusion of legal review and analysis. Per the RTC's direction, the Commission retained attorney Jim Moose of Remy, Thomas, Moose and Manley to review and augment the DEIR. Based on his analysis, the Revised DEIR takes the conservative approach of specifying the noise impacts caused by the train horns at roadway crossings as potentially significant if a federally-recognized Quiet Zone cannot be established. Although there are preliminary indications that the corridor would meet the Quiet Zone requirements, the mitigation measure (determination of the

Quite Zone) would have to be established by a third party and is beyond the RTC's control. For that reason, the impact has been characterized as a *potentially* significant.

In addition, the cumulative traffic impacts section of the Revised DEIR indicates that with or without the Recreational Rail project, the projected congestion or Level of Service (LOS) at the intersection of Park and Monterey Avenues is classified as "D," which does not meet the City of Capitola's standard of "C" for areas outside the village, which ends just before the intersection in question. The project would contribute a 1.2 second-per-minute delay to this intersection, which is considered a cumulatively considerable impact. To address this impact, two mitigation measures are proposed. Either: 1) the RTC would grant rights to the City to accommodate a new right turn lane and merge area along Park Avenue; or 2) the City of Capitola may determine that there are valid constraints to improving this intersection. Under this scenario, and pursuant to existing City of Capitola policies, LOS D may be considered acceptable, but would require changes to the City Council resolution.

Finally, the previous DEIR had been released before the Draft Business Plan was available. Numerous comments and questions submitted on the previous DEIR were answered by the Draft Business Plan. In addition, the Business Plan specifies that, at this point in time and with projected near term improvements, passenger rail service would be able to run at speeds which would allow 50% of the level of service originally proposed in the *Recreational Rail Preliminary Project Report* and an even lower percentage of train-hours. The definition of service in the *Recreational Rail Preliminary Project Report* was used at the base alternative in the previous DEIR. The Business Plan alternative of four daily round trips over a 48-day season was analyzed and added to the alternatives analyzed in the Revised DEIR. The Revised DEIR has been prepared to support approval by the RTC of either the original version of the project or the Business Plan alternative. Other alternatives in the Revised DEIR are 1.) No Project - as required by CEQA; and 2.) Alternative Fuel – alternatives fuels could include water-diesel-emulsified, biodiesel, ethanol-diesel-emulsified, Compressed Natural Gas, Fisher-Tropsch and/or others resulting in reduced environmental impacts. The alternative described in the previous DEIR of Less Frequent Service – with trains running every 2 hours for a total of five round trips per day during peak tourist season in the spring, summer and fall – was superseded by the Business Plan alternative. According to the analysis, the alternative fuel alternative utilizing the Business Plan schedule would be considered the environmentally superior alternative among the action alternatives evaluated and would achieve the project objectives.

It should be noted that there is a typographical error in the document in the Executive Summary on page I.4, second paragraph, third sentence. It should read "Because the SCCRTC adopted the negative declaration and was **not** subject to litigation challenging its adequacy, that prior document, as a legal matter, is deemed legally sufficient..." This will be corrected in the final document.

Next Steps

The RTC's rail line acquisition activities are occurring concurrently with the Recreational Rail environmental assessment activities. An Ad Hoc Committee on Proposition 116 Options was formed to discuss various passenger rail service options that could be available to the RTC to qualify for the Proposition 116 funds. Based on their discussions and the many steps that may be necessary to implement the proposed noise and traffic mitigations, the FEIR may not be certified for many months. The establishment of a Quiet Zone to mitigate the train horn noise impacts requires coordination with numerous agencies including the Federal Railroad Administration, Public Utilities Commission and local jurisdictions. **For these reasons, the Ad Hoc Proposition 116 Committee recommends that the RTC direct staff and consultants prepare the final EIR (FEIR) for the proposed recreational rail service between Capitola and Aptos/Seascape to return to the RTC with the draft final EIR when there is resolution on the proposed mitigations for noise impacts (the Quiet Zone) and traffic impacts at the Monterey Avenue/Park Avenue intersection.**

Costs

At the December 2004 meeting, the RTC approved a contract amendment for Public Affairs Management, now called CirclePoint, to include the updated analysis and prepare a Revised DEIR. The December packet included information from the consultants stating that a separate scope and budget will be necessary to produce the Final EIR once the volume and complexity of comments received on the Revised DEIR is known. **Staff anticipates that this information will be available at the May Policy Workshop.**

However, an estimate of costs to prepare the FEIR is needed for updating the Santa Cruz Branch Line acquisition financial plan; to be included in the April 7, 2005 RTC meeting packet. Based on costs for the previous DEIR and input from the environmental and legal consultants, Staff has prepared an estimate of these costs. **Staff recommends that an estimate of \$35,000 to prepare the FEIR is used in updating the Santa Cruz Branch Line acquisition financial plan.**

SUMMARY

The RTC invites public input on the Revised Draft Environmental Impact Report (DEIR) for Recreational Rail Service between Capitola and Aptos with an extension to Seascape by holding a televised public hearing at 7:00 pm on March 17 at the County Board of Supervisors Chambers.

Attachment 1: Comments received to date on the Revised DEIR

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