

Santa Cruz County Regional Transportation Commission (SCCRTC)

## **Transportation Policy Workshop**

### **MINUTES**

**Thursday August 21, 2008**

**9:00 a.m.**

**SCCRTC Conference Room**

1523 Pacific Avenue, Santa Cruz

Called to order at 9:02 by Commissioner Randy Johnson, Chair

1. Introductions

Self Introductions were made

Members Present: Marcela Tavantzis, Pat Spence, Ellen Pirie, Kirby Nicol, Mark Stone, Randy Johnson, Neal Coornerty, Tony Campos, Dene Bustichi, Ed Porter, Jan Beautz

Members Absent: Antonio Rivas

Staff Present: Luis Mendez, George Dondero, Yesenia Parra, Karena Purshnik, Kim Shultz, Erich Fredrich, Tegan Speiser

2. Review of Items to be Discussed in Closed Session

Commissioner Randy Johnson stated that Acquisition of the Santa Cruz Branch Rail Line would be discussed in closed session.

3. Oral and Written Communication Regarding Closed Session

Cliff Walters congratulated the Commission on the progress for the purchase of the Branch Rail line. He stated that although significant work has been accomplished a lot more work lays

ahead. He stated that this is the appropriate time to do all the negotiations with Union Pacific and urged the Commission to do its due diligence work to hire the appropriate freight service consultant.

### **Closed Session**

Commission adjourned to close session at 9:05

4. Conference with Real Property Negotiator Pursuant to Government Code 54956.8 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:	Price and Terms

### **Reconvene to Open Session**

Commission reconvened to open session at 9:47

5. Report on Closed Session-None
6. Oral Communications

**Jack Nelson** congratulated the Commission for progress on the purchase of the Santa Cruz Branch Rail Line. He shared that Minneapolis received funding to add 45 miles of bike way to the Greenway Bike Trail.

Executive Director George Dondero reported that talking points on the State Budget were sent to Commissioners to be used as a guide when contacting their legislators. He also reported that the Governor released a compromise proposal which leaves the prop 42 funds in tact. However, the budget is not finalized.

7. Additions/Deletions to the Agenda- None

### **Consent Agenda**

(Pirie, Tavantzis unanimous)

8. Accepted FY 2008 Section 5310 Scores (Resolution)

## Regular Agenda

### 9. Senate Bill 375 Amendments and Consideration of Changing RTC Position

Executive Director George Dondero reported that SB375 was amended on Monday, August 18 with very few changes to address the RTC concerns. Staff sent a letter to Assembly member Ana Caballero stating the RTC's continued concerns. He also reported that Senator Steinberg did not agree on the request to extend the time line on tax measure projects and that the SB375 regulations would take effect in 2009.

No action was taken at this point

### 10. Santa Cruz Branch Rail Line Acquisition Project Status Report

Deputy Director Luis Mendez presented the staff report noting that the timeline shows completion of the rail line acquisition in December 2008. He said that as due diligence work items are made public the website address where they can be found will be added to the matrix. He reported that staff and consultants are interviewing freight service consultants and will make a hiring recommendation to the RTC.

Commissioners discussed the timeline and asked that some detail be added including Caltrans review and purchase of liability insurance.

Commissioners discussed concerns with the terms and conditions of the Coastal Conservancy loan and asked that staff provide a copy of the agreement in a staff report for next month's meeting.

Commissioners also discussed whether the RFP for shortline freight service requires some revision to clarify that the RTC is not pursuing passenger rail service.

**Bill Comfort** asked that the Commission think about where the Brach Rail line falls on the priority list of transportation projects and about the limited funds available and if these funds are sufficient to repay the Coastal Conservancy loan. He requested that Executive Director George Dondero reply to his letter of May 1<sup>st</sup> regarding public release of information on this project and that the Commission allow a 60 day review period on documents that are released to the public. Mr. Comfort also asked whether the

negative declaration for this project is really adequate. Mr. Comfort added that the acquisition of the rail line is an attractive nuisance due to liability concerns. He requested that staff provide the cost of the liability insurance and clarify the legal responsibility the Commission will have related to accidents that may occur on the tracks.

Executive Director George Dondero stated that Mr. Comfort's letter of May 1<sup>st</sup> raised issues that required review by legal counsel and that a response letter will soon be mailed to him.

Commissioner Bustichi responded to Mr. Comfort stating that the Commission agrees that it is important to release information to the public as soon as possible to allow for adequate review. He stated that some information is not legally available for release because it is proprietary. Commissioner Campos added that the RTC is not trying to hide anything, will work to provide as much information to the public as possible and that it is important to work together as a team and not adversaries.

**Cliff Walters** stated that the Commission's freight rail service consultant should review all issues relating to the provision of freight service and not just the shortline RFP.

**Marilyn O'Rourke** asked a list of questions including what contingency plan is in place, if any, for funding to cover such things as accidents and earthquakes; if the RFP would require that the shortline operator accept the contract for a set amount of time to avoid having a track without an operator; what maintenance is required and who is responsible for the maintenance if the track was characterized as a Class 1 track; when the environmental review for a trail would begin; and the meaning of "practicable" with relation to the release of information to the public. She also urged the commissioners to prohibit the transportation of hazardous materials and stated that she prefers a 60-day public review period for information relating to this project.

**Gerardo Montesino** stated that the RTC is purchasing a fixer upper at a great price and that improvements need to be made and considered.

Commissioners asked staff to prepare the responses to the public questions asked today and present them at a future commission

meeting. Staff reminded the commission that some question may not be able to legally be addressed due to negotiations still underway with Union Pacific and the need to still complete some due diligence work.

11. Next Meetings / Adjournment – 10:31 am

The next SCCRTC meeting is scheduled for Thursday, September 4, 2008 at 9:00 a.m. at the Santa Cruz County Board of Supervisor Chambers, 701 Ocean St., Santa Cruz, CA

The next Transportation Policy Workshop is scheduled for Thursday, September 18, 2008 at 9:00 a.m. at the SCCRTC Offices, 1523 Pacific Avenue, Santa Cruz, CA

The next Transportation Policy Workshop is scheduled for Thursday, August 21, 2008 at 9:00 a.m. at the SCCRTC Offices, 1523 Pacific Avenue, Santa Cruz, CA

Respectfully submitted,

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Yesenia Parra, Staff

**ATTENDEES**

Jack Nelson	Community Member
Cliff Walters	Sierra Ry
Donna Ziel	
Catherine Patterson Valdez	Community Bridges/LiftLine
Bonnie Morr	UTU
Edwardo Montesino	UTU
Bill Comfort	
Marilyn O'Rourke	