Santa Cruz County Regional Transportation Commission

AGENDA
Thursday, August 7, 2014
9:00 a.m.

NOTE LOCATION THIS MONTH
Scotts Valley City Council Chambers
1 Civic Center Drive
Scotts Valley, CA

NOTE
See the last page for details about access for people with disabilities and meeting broadcasts.

En Español
Para información sobre servicios de traducción al español, diríjase a la última página.

AGENDAS ONLINE
To receive email notification when the RTC meeting agenda packet is posted on our website, please call (831) 460-3200 or email info@sccrtc.org to subscribe.

COMMISSION MEMBERSHIP

Caltrans (ex-officio)    Tim Gubbins
City of Capitola        Dennis Norton
City of Santa Cruz      Don Lane
City of Scotts Valley   Randy Johnson
City of Watsonville     Eduardo Montesino
County of Santa Cruz    Greg Caput
County of Santa Cruz    Neal Coonerty
County of Santa Cruz    Zach Friend
County of Santa Cruz    John Leopold
County of Santa Cruz    Bruce McPherson
Santa Cruz Metropolitan Transit District    Dene Bustichi
Santa Cruz Metropolitan Transit District    Daniel Dodge
Santa Cruz Metropolitan Transit District    Lynn Robinson

The majority of the Commission constitutes a quorum for the transaction of business.
1. Roll call

2. Oral communications

   Any member of the public may address the Commission for a period not to exceed three minutes on
   any item within the jurisdiction of the Commission that is not already on the agenda. The
   Commission will listen to all communication, but in compliance with State law, may not take action
   on items that are not on the agenda.

   Speakers are requested to sign the sign-in sheet so that their names can be accurately recorded in
   the minutes of the meeting.

3. Additions or deletions to consent and regular agendas

   **CONSENT AGENDA**

   All items appearing on the consent agenda are considered to be minor or non-controversial and
   will be acted upon in one motion if no member of the RTC or public wishes an item be removed and
   discussed on the regular agenda. Members of the Commission may raise questions, seek
   clarification or add directions to Consent Agenda items without removing the item from the
   Consent Agenda as long as no other Commissioner objects to the change.

   **MINUTES**

   4. Approve draft minutes of the June 5, 2014 Regional Transportation
      Commission meeting

   5. Approve draft minutes of the June 26, 2014 Transportation Policy Workshop
      special meeting

   6. Accept draft minutes of the June 10, 2014 Elderly and Disabled Transportation
      Advisory Committee meeting

   7. Accept draft minutes of the June 12, 2014 Budget & Administration/Personnel
      (B&A/P) Committee meeting

   **POLICY ITEMS**

   No consent items

   **PROJECTS and PLANNING ITEMS**

   8. Approve extension to provide 2014 Train to Christmas Town long term license
      language

   **BUDGET AND EXPENDITURES ITEMS**

   9. Accept status report on Transportation Development Act (TDA) revenues
ADMINISTRATION ITEMS

10. Approve workers’ compensation insurance for unpaid interns and volunteers (Resolution)

11. Approve out of state travel for Executive Director

INFORMATION/OTHER ITEMS

12. Accept information on Cross-Kirkland Corridor Interim Trail

13. Accept monthly meeting schedule

14. Accept correspondence log

15. Accept letters from RTC committees and staff to other agencies
   a. Letter from RTC staff to Caltrans regarding the Initial Study for the Route 1/9 Intersection Improvement Project
   b. Letter from RTC staff to County of Santa Cruz Planning Department regarding the draft Santa Cruz County Economic Vitality Strategy

16. Accept miscellaneous written comments from the public on RTC projects and transportation issues

17. Accept information items - *none*

REGULAR AGENDA

18. Commissioner reports – oral reports

19. Director’s report – oral report (*George Dondero, Executive Director*)

20. Caltrans report and consider action items
   a. District Director’s report
   b. Construction projects update

21. Scotts Valley Department of Public Works presentation

22. Travel Time and Travel Time Reliability for Highway 1 (*Ginger Dykaar, Transportation Planner*)
   a. Staff report
23. Passenger Rail Study: Update
(Rachel Moriconi and Karena Pushnik, Senior Transportation Planners)
   a. Staff report

24. Santa Cruz Branch Rail Line Right-of-Way Lease, License and Right of Entry Policy
(Luis Pavel Mendez, Deputy Director)
   a. Staff report
   b. Draft policies for leases, licenses, and rights of entry
   c. Santa Cruz Branch Rail Line revenue leases
   d. Lease analysis summary of October 2009

25. Rules of Conduct for Regional Transportation Commission Meetings
(Luis Pavel Mendez, Deputy Director)
   a. Staff report

26. Review of items to be discussed in closed session

   CLOSED SESSION

27. Conference with legal counsel—anticipated litigation. Significant Exposure to
    Litigation to be considered for two cases pursuant to Government Code Section
    54956.9 (d)(2).

   OPEN SESSION

28. Report on closed session

29. Adjourn to special meeting of the Service Authority for Freeway Emergencies
   No agenda items this month

30. Next meetings

   The next RTC meeting is scheduled for Thursday, September 4, 2014 at 9:00 a.m. at the County Board of Supervisors Chambers, 701 Ocean Street, 5th Floor, Santa Cruz, CA.

   The next meeting of the Transportation Policy Workshop is scheduled for Thursday, September 18, 2014 at 9:00 a.m. at the RTC Offices, 1523 Pacific Avenue, Santa Cruz, CA.
**HOW TO REACH US**

Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue, Santa Cruz, CA 95060  
phone: (831) 460-3200 / fax (831) 460-3215

Watsonville Office  
275 Main Street, Suite 450, Watsonville, CA 95076  
(831) 768-8012  
email: info@sccrtc.org / website: www.sccrtc.org

**COMMENTS FROM THE PUBLIC**

Written comments for items on this agenda that are received at the RTC office in Santa Cruz by noon on the day before this meeting will be distributed to Commissioners at the meeting.

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**Broadcasts**: Many of the meetings are broadcast live. Meetings are cablecast by Community Television of Santa Cruz. Community TV’s channels and schedule can be found online ([www.communitytv.org](http://www.communitytv.org)) or by calling (831) 425-8848.

**Agenda packets**: Complete agenda packets are available at the RTC office, on the RTC website ([www.sccrtc.org](http://www.sccrtc.org)), and at the following public libraries:

- Aptos Library  
- Branciforte Library  
- Santa Cruz Downtown Library  
- Garfield Park Library  
- Live Oak Library  
- Watsonville Main Library  
- Boulder Creek Library  
- Capitola Library  
- Felton Library  
- La Selva Beach Library  
- Scotts Valley Library

For information regarding library locations and hours, please check online at [www.santacruzpl.org](http://www.santacruzpl.org) or [www.watsonville.lib.ca.us](http://www.watsonville.lib.ca.us).

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**HOW TO REQUEST**

**ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES**

The Santa Cruz County Regional Transportation Commission does not discriminate on the basis of disability and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. This meeting location is an accessible facility. If you wish to attend this meeting and require special assistance in order to participate, please contact RTC
staff at 460-3200 (CRS 800/735-2929) at least three working days in advance of this meeting to make arrangements. People with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those person affected, Please attend the meeting smoke and scent-free.

❖ **SERVICIOS DE TRADUCCIÓN/ TRANSLATION SERVICES**

Si gusta estar presente o participar en esta junta de la Comisión Regional de Transporte del Condado de Santa Cruz y necesita información o servicios de traducción al español por favor llame por lo menos con tres días laborables de anticipo al (831) 460-3200 para hacer los arreglos necesarios. (Spanish language translation is available on an as needed basis.) Please make advance arrangements (at least three days in advance) by calling (831) 460-3200.
1. Roll call

The meeting was called to order at 9:04 a.m.

Members present:
Aileen Loe (ex-officio) Don Lane
Randy Johnson Eduardo Montesino
Greg Caput Neal Coonerty
Zach Friend Bruce McPherson
Daniel Dodge Lynn Robinson

Staff present:
George Dondero Luis Mendez
Jason Laning Yesenia Parra
Rachel Moriconi Daniel Nikuna

2. Oral communications

Brian Peoples, Aptos resident, said that technology companies in silicon valley use express bus service, and train travel is not as prevalent there. He also said that train travel in Europe is not as common as many believe.

3. Additions or deletions to consent and regular agendas

Add-on pages were distributed for Item 21.

Commissioner Caput asked to discuss Item 21 from the May 1st RTC meeting, and agreed to discuss the matter at a later time.
CONSENT AGENDA

Commissioner Dodge moved and Commissioner Lane seconded the consent agenda. The motion passed unanimously, with Commissioners Lane, Johnson, Montesino, Caput, Coonerty, Friend, McPherson, Dodge, and Robinson voting “aye.”

MINUTES

4. Approved draft minutes of the May 1, 2014 Regional Transportation Commission meeting

5. Approved draft minutes of the May 15, 2014 Transportation Policy Workshop meeting

6. Accepted draft minutes for the April 7, 2014 Bicycle Committee meeting

POLICY ITEMS

No consent items

PROJECTS and PLANNING ITEMS

7. Accepted 2014 Regional Transportation Improvement Program (RTIP) document (as amended through May 1, 2014 RTC meeting) (document enclosed separately for Commissioners and available on RTC website)

BUDGET AND EXPENDITURES ITEMS

8. Accepted status report on Transportation Development Act (TDA) revenues

ADMINISTRATION ITEMS

9. Approved reappointments of members to the Elderly and Disabled Transportation Advisory Committee

10. Approved temporary extension of RTC current lease

INFORMATION/OTHER ITEMS

11. Accepted monthly meeting schedule

12. Accepted correspondence log

13. Accepted letters from RTC committees and staff to other agencies

   a. Letter to Caltrans, Division of Local Assistance, MS-1 in support for the City of Watsonville’s ATP “Rail Trail Walker Street” Project.
b. Letter to Caltrans, Division of Local Assistance, MS-1 in support for the City of Scotts Valley’s ATP grant funding application.

14. Accepted miscellaneous written comments from the public on RTC projects and transportation issues

15. Accepted information items
   b. Caltrans California Freight Mobility Plan Public Meetings
   c. Active Transportation Program applications submitted by agencies in Santa Cruz County

REGULAR AGENDA

16. Commissioner reports – oral reports
   None

17. Director’s report – oral report
   Executive Director George Dondero reminded Commissioners to save the date for the Steam Train event on July 11th. He said that an RTC board retreat has been scheduled for August 21, and will be facilitated by Gary Merrill. He presented a certificate of appreciation to Deputy Director Luis Mendez for 20 years of service to the RTC. Commissioners expressed appreciation for Deputy Director Mendez’s service to the Commission.

18. Caltrans report and consider action items
   Chair Montesino congratulated Caltrans for its work on Highway 1 in Aptos.

   Aileen Loe, Caltrans District 5, congratulated the RTC for being awarded two planning grants, one in partnership with Caltrans and one in partnership with AMBAG. She said that in recent national rankings, California ranked as the 9th most bike-friendly state. She also distributed a handout for the California Freight Mobility Program.

19. Transportation Development Act (TDA) Fiscal Years 2010-2012 Triennial Performance Audits
   Deputy Director Luis Mendez presented his report and introduced Derek Wong.
Derek Wong, PMC, presented an overview of the TDA FY2010-12 Triennial Performance Audit.

Commissioners discussed: the details of what is needed for METRO’s reporting requirement to the RTC; who is allowed to vote on TDA claims; the criteria used to analyze the efficiency of the RTC’s Commute Solutions program, and a request for qualitative analysis; the number of names in the Commute Solutions contact database; and the budget for the Commute Solutions program.

**Brian Peoples,** Aptos resident, asked if the performance audit included research into whether all public comments received by staff were distributed to Commissioners. He claimed that some comments were missing from the handout for Item 21.

Deputy Director Luis Mendez explained that consistent with RTC policy all comments received before noon on the day before the meeting were distributed as a handout to Commissioners at the meeting.

Commissioner Robinson moved and Commissioner Coonerty seconded to:

1. Accept the fiscal year (FY) 2009-10 to 2011-12 triennial performance audit reports of the RTC and the Santa Cruz County operators;

2. Direct staff to work with the Budget and Administration/Personnel (B&A/P) Committee and the Elderly and Disabled Transportation Advisory Committee (E&D TAC) to develop responses to the recommendations in the RTC triennial performance audit; and

3. Request that the Santa Cruz Metropolitan Transit District (Santa Cruz METRO), Community Bridges and the Volunteer Center provide responses to the recommendations in the triennial performance audit of the Santa Cruz County operators.

The motion passed unanimously, with Commissioners Lane, Johnson, Montesino, Caput, Coonerty, Friend, McPherson, Dodge, and Robinson voting “aye.”

20. **State and federal legislative updates**

   Senior Transportation Planner Rachel Moriconi presented her report.

   Commissioners discussed possible redirection of vehicle weight fees, the possibility of changing to a mileage-based vehicle fee, and Assembly Bill 2199.

21. **2014 Train to Christmas Town operating plan and license**

   Deputy Director Luis Mendez presented his report.
Commissioners discussed: the parking location; whether the agreement has the flexibility to be modified or canceled at a later date; the rationale for approving a multi-year deal; the amount of revenue the Commission receives for the operation; communications with businesses in the local area regarding the train operation; pricing for the train operation; the anticipated ridership numbers; and the possibility of granting only a two-year license instead of staff’s recommendation.

**Brian Peoples**, Aptos resident, said he supports granting a two-year contract. He said that Iowa Pacific has not reached ridership requirements, and asked the Commission to follow the example of Kirkland, Washington, where tracks were removed in order to build a trail in their place. He said the RTC should ask the CTC if it would have to return $11 million if it removed the tracks.

**Maria Esther Rodriguez**, City of Watsonville Department of Public Works, said that a letter was sent to the Commission explaining that their Lee Road trail project will begin construction in the same area as the previous year’s boarding area for the Train to Christmas Town operation.

**Rosemary Sarka**, Roaring Camp/Big Trees Railroad, said that Roaring Camp has been very supportive of the RTC’s purchase of the rail line, and that they can coexist nicely with Iowa Pacific. She said they plan to work together on July 11th for a steam engine demonstration run.

**Lowell Hurst**, Watsonville City Councilmember, said that the Train to Christmas Town operation brings joy, jobs, economic opportunities, and a chance to view the Watsonville slough environment.

Commissioner Coonerty moved, and Commissioner Dodge seconded to:

1. Approve the passenger rail service operating plan (Attachment 1) for Train to Christmas Town operations out of Watsonville through 2015;

2. Approve a passenger service license for Santa Cruz & Monterey Bay Railway (SC&MB) Railway to operate Train to Christmas Town from milepost 2.1 to milepost 8.6 on the Santa Cruz Branch Rail Line through the 2015 holiday season; and

3. Direct RTC staff to return to the August 7, 2014 RTC meeting with a passenger rail service operating plan through 2021 with a more defined oversight function for the RTC.

The motion passed unanimously, with Commissioners Lane, Johnson, Montesino, Caput, Coonerty, Friend, McPherson, Dodge, and Robinson voting “ayes.”

22. Adjourn to special meeting of the Service Authority for Freeway Emergencies
No agenda items this month

23. Next meetings – The meeting adjourned at 10:48 a.m.

The next RTC meeting is scheduled for Thursday, August 7, 2014 at 9:00 a.m. at the Scotts Valley City Council Chambers, 1 Civic Center Drive, Scotts Valley, CA.

A special meeting of the Transportation Policy Workshop meeting is scheduled for Thursday, June 26, 2014 at 9:00 a.m. at the RTC Offices, 1523 Pacific Avenue, Santa Cruz, CA.

Respectfully submitted,

Jason Laning, Staff

Attendees:

Brian Peoples Aptos resident
Derek Wong PMC
Maria Esther Rodriguez City of Watsonville Department of Public Works
Rosemary Sarka Roaring Camp/Big Trees Railroad
Lowell Hurst Watsonville City Councilmember
Minutes

Thursday, June 26, 2014

SCCRTC Conference Room
1523 Pacific Ave
Santa Cruz, CA

1. Introductions

Chair Leopold called the meeting to order at 9:00 a.m.

Members present:
Aileen Loe (ex-officio)  Dennis Norton
Don Lane  Randy Johnson
Eduardo Montesino  Greg Caput
Andy Schiffrin (alt.)  Patrick Mulhearn (alt.)
John Leopold  Bruce McPherson
Dene Bustichi  Lynn Robinson

Staff present:
George Dondero  Luis Mendez
Jason Laning  Yesenia Parra
Grace Blakeslee  Karena Pushnik
Ginger Dykaar  Cory Caletti
Rachel Moriconi  Brianna Goodman

2. Oral communications

Jack Nelson, Campaign for Sensible Transportation, said that he wrote an editorial that was recently published in the Santa Cruz Sentinel in support of Citizens Climate Lobby’s proposal for a carbon tax in order to address climate-change problems.

Senior Transportation Planner Rachel Moriconi said that at yesterday’s California Transportation Commission (CTC) meeting the CTC approved allocation for the construction phase of Nelson Road, an extension request for the City of Capitola’s Park Avenue sidewalk gap-filling project, and an extension request from the City of Santa Cruz for the Murray Street bridge retrofit project.
Hans Phillips, local businessperson, said that the RTC should look at the challenges from past budgets before passing a new budget.

Paul McGrath, Ridespring, presented a petition with 104 signatures asking for an independent investigation of the RTC’s carpool incentive program, and presented a handout regarding the program.

Commissioners discussed the appropriateness of having security present at the meeting.

Arbor, Santa Cruz resident, said that RTC Commissioners should be arrested, that Paul McGrath’s methods worked well at Cabrillo College, and that the RTC should be investigated.

Doug Erickson, Santa Cruz New Tech Meet Up, said that programs should have measurable results.

3. Additions or deletions to consent and regular agendas

Handouts were distributed for Items 7, 9, and 11. Executive Director George Dondero said that staff recommends pulling Item 4 from the consent agenda and moving it to the end of the meeting. Chair Leopold said that Item 4 would become Item 15.1.

Commissioner Johnson asked to pull Item 5 from the consent agenda and move it to the regular agenda. Item 5 was moved to the regular agenda to become Item 11.1.

CONSENT AGENDA

Commissioner Montesino moved and Commission Alternate Schiffrin seconded the consent agenda. The motion passed unanimously, with Commissioners Norton, Lane, Johnson, Montesino, Caput, Schiffrin, Mulhearn, Leopold, McPherson, Bustichi, and Robinson voting “aye.”

4. Approve Highway 1 Auxiliary Lanes Project Budget and Legal Counsel (Resolution) – moved to Regular Agenda Item 15.1

5. Approve recommendation to direct staff to propose design standards to guide implementation of the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan – moved to Regular Agenda Item 11.1

6. Approved Easement Exchange with the La Selva Beach Improvement Association

REGULAR AGENDA
Commission Alternate Schiffrin requested that Item 8 be postponed to a later meeting. Chair Leopold said it would be decided later if it seemed there wouldn’t be enough time.

Commissioner Johnson moved and Commissioner Bustichi seconded to postpone consideration of Item 7 to a later meeting. The motion failed to pass, with Commissioners Norton, Bustichi, Caput, Mulhearn and Johnson voting “aye,” and Commissioners Schiffrin, McPherson, Montesino, Lane, Robinson, and Leopold voting “no.”

7. **9:15 a.m. Public Hearing – Adoption of the 2014 Santa Cruz County Regional Transportation Plan (RTP) and Corresponding Environmental Documents**

Executive Director George Dondero introduced the 2014 Regional Transportation Plan (RTP). Transportation Planner Ginger Dykaar presented her report on the 2014 RTP. Transportation Planner Grace Blakeslee presented her report on the Environmental Impact Report (EIR).

Commissioners discussed: whether the RTC needed to certify the EIR; that the a carpool incentive program is not included in the RTP; whether cities and other local jurisdictions need to adopt the EIR; the need to consider economic vitality and transit interconnectivity in the RTP; the need for more pages devoted to transit in the next RTP; and data from Santa Cruz METRO that would be helpful for the next RTP.

**Jack Nelson**, Campaign for Sensible Transportation, thanked the Commission for receiving public input during the RTP process, and said he is happy that it addresses sustainability. He said he is disappointed that there isn’t a clear conclusion that sustainability will be adequately addressed.

**Paul McGrath**, Ridespring, said that the RTC’s carpooling incentive program, shutdown his program, Ridespring. He said that the public needs to understand why the carpool incentive program failed before it can support the current RTP. He invited the RTC to cohost a public event with him in order to discuss the issue.

Commission Alternate Mulhearn left the meeting.

**Brian Peoples**, Aptos resident, said there is a data gap regarding train service. He claimed that Les White said that the RTC’s pursuit of rail service will negatively impact Santa Cruz METRO’s ability to develop express bus service.

Commissioners discussed: the timeline for adopting the RTP; the consequences of not adopting the RTP; that the RTP reflects the will of the majority of Commissioners; that bus rapid transit may not be possible without HOV lanes; that the Highway 1 HOV lane project would not be possible at this time even if
the entire RTP were devoted to it; the viability of passenger rail service; and the need to simplify transportation planning.

Commissioner Alternate Schiffrin moved and Commissioner Montesino seconded to approve the resolution adopting the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program as required by CEQA Guidelines and adopt the 2014 Santa Cruz County Regional Transportation Plan.

The motion passed (Resolution 33-14 and Resolution 34-14), with Commissioners Norton, Schiffrin, McPherson, Montesino, Caput, Lane, Robinson, and Leopold voting “aye” and Commissioners Johnson and Bustichi voting “no."

8. Travel Time and Travel Time Reliability for Highway 1 - moved to next meeting

Commissioner Alternate Schiffrin moved and Commissioner Montesino seconded to postpone Item 8 to the next meeting. The motion passed unanimously, with Commissioners Norton, Lane, Johnson, Montesino, Caput, Schiffrin, Leopold, McPherson, Bustichi, and Robinson voting “aye.”


Senior Transportation Planner Rachel Moriconi presented her report regarding the goals and evaluation framework for the passenger rail study.

Senior Transportation Planner Karena Pushnik presented her report regarding stations and service scenarios, and the public outreach plan for the passenger rail study.

Commissioners discussed: consulting with and getting peer review from other agencies that have done similar rail studies; the importance of including safety as a main feature of the study; the possibility of studying alternative forms of transportation and new rail technologies along the rail right-of-way; the need to study noise and parking demand around potential stations; impact on bus ridership; funding sources; potential for tourist ridership; connecting with METRO transit service; the need to support economic opportunities; the possibility of a 17th street station; the number of areas where the rail trail will have to disconnect from the rail right-of-way due to passenger rail service; and the possibility of needing additional track.

Brian Peoples, Aptos resident, said that a baseline alternative analysis is needed. He said the likelihood of putting in duplicate trestles in Aptos and Capitola is low, and that rail service would increase costs for widening Highway 1.

Marilyn O’Rourke, Aptos resident, asked if the viability of the tracks would be studied. She said that if the tracks are updated, then the possibility for transporting hazardous materials would become a concern. She requested that
her homeowner group be included in any passenger rail study group or task force.

**Jack Nelson**, Campaign for Sensible Transportation, said that alternative transportation options should be included in the passenger rail study, including a possible trolley bus along the rail corridor that could run on an asphalt roadway next to the rail tracks.

10. **State Budget Update**

Due to limited time, Senior Transportation Planner Rachel Moriconi said that her report was included in the packet and she would be available to answer any questions.

11. **Rail Motorcar Excursion on Santa Cruz Branch Rail Line**

Deputy Director Luis Pavel Mendez presented his report.

Commissioner McPherson left the meeting.

Commissioner Norton moved and Commissioner Montesino seconded to approve a rail motorcar excursion on the Santa Cruz Branch Rail Line for July 19, 2014 organized by the North American Railcar Operators Association (NARCOA) with the Santa Cruz & Monterey Bay (SC&MB) Railway for a fee of $500.00.

The motion passed unanimously, with Commissioners Norton, Lane, Johnson, Montesino, Caput, Schiffrin, Leopold, Bustichi, and Robinson voting “aye.”

11.1 **Recommendation to direct staff to propose design standards to guide implementation of the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan – moved from consent agenda**

Commission Alternate Schiffrin moved and Commissioner Norton seconded to direct staff to return to the Commission by June 2015 with proposed design standards to guide implementation of the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan.

The motion passed unanimously, with Commissioners Norton, Lane, Johnson, Montesino, Caput, Schiffrin, Leopold, Bustichi, and Robinson voting “aye.”

Commissioner McPherson returned to the meeting.

12. **Review of items to be discussed in closed session**

Chair Leopold said that issues related to anticipated litigation would be discussed in closed session.

Commissioners adjourned to closed session at 11:25 a.m.
CLOSED SESSION

13. Conference with legal counsel—anticipated litigation. Significant Exposure to Litigation to be considered for two cases pursuant to Government Code Section 54956.9 (d)(2).

14. Conference with legal counsel—anticipated litigation. Significant Exposure to Litigation to be considered for one case pursuant to Government Code Section 54956.9 (d)(2).

OPEN SESSION

15. Report on closed session

Commissioners reconvened to open session at 11:50 a.m. and there was no closed session report.

15.1 Approve Highway 1 Auxiliary Lanes Project Budget and Legal Counsel – moved from consent agenda

Deputy Director Luis Pavel Mendez presented his report.

Commissioner Lane moved and Commissioner Schiffrin seconded to:

1. Amend the fiscal year (FY) 2014-15 budget for the Highway 1 Auxiliary Lanes Project as shown on Exhibit A of Attachment 1; and

2. Authorize the Executive Director to retain C. Patrick Stoll (Attachment 2) as RTC legal counsel for potential litigation in connection with the Highway 1 Soquel to Morrissey Auxiliary Lanes project.

The motion passed (Resolution 35-15), with Commissioners Norton, Lane, Montesino, Caput, Schiffrin, Leopold, McPherson, Bustichi, and Robinson voting “aye,” and Commissioner Johnson voting “no.”

16. Meeting adjourned at 11:55 a.m. Next meetings

The next SCCRTC meeting is scheduled for Thursday, August 7, 2014 at 9:00 a.m. at the Scotts Valley City Council Chambers, 1 Civic Center Drive, Scotts Valley, CA.

The next meeting of the Transportation Policy Workshop is scheduled for Thursday, September 18, 2014 at 9:00 am at the SCCRTC Offices, 1523 Pacific Avenue, Santa Cruz, CA.
Respectfully submitted,

Jason Laning, Staff

Attendees:

Brooke Miller County Counsel
Jack Nelson Campaign for Sensible Transportation
Ryan Birdseye Rincon Consulting
Arbor Santa Cruz resident
Doug Erickson Santa Cruz New Tech Meet UP
Hans Phillips Local resident
Paul McGrath RideSpring
Alex Clifford Santa Cruz METRO
Maury Twomey AMBAG
Brian Peoples Aptos resident
Marilyn O’Rourke Aptos resident
1. **Call to Order** at 1:42 pm

2. **Introductions**

   **Members Present:**
   - Hal Anjo, Potential Bus Rider
   - Kirk Ance, CTSA Lift Line
   - Lisa Berkowitz, CTSA
   - Debbi Brooks, Soc. Serv. Provider-Persons of Limited Means
   - John Daugherty, Metro Transit
   - Veronica Elsea, 3rd District
   - Sally French, Soc. Serv. Provider-Disabled (HOPE)
   - Clay Kempf, Social Service Provider
   - Michael Molesky, Social Service Provider

   **Alternates Present:**
   - April Warnock, Metro ParaCruz

   **Excused Absences:**
   - Debbi Brooks, Soc. Serv. Provider-Persons of Limited Means
   - Sharon Barbour, 5th District
   - Patti Lou Shevlin, 1st District

   **Others Present:**
   - Grace Blakeslee
   - Cathy Judd
   - Karena Pushnik

3. **Oral Communications**

   The following information was discussed or announced:
   - Recognition of Open Streets Capitola event
   - Upcoming Metro meeting/agenda and Short Range Transit Plan
   - RTC awarded Caltrans Transit Planning Grant for User Oriented Transit Travel Planning under the Commute Solutions program
   - Steam Train and Passenger Rail Study
   - Senior Center Without Walls brochure

4. **Additions or deletions to consent and regular agenda**

   No Item #9 on the June E&D TAC agenda
CONSENT AGENDA

Action: The motion (Daugherty/Berkowitz) - - to approve the consent agenda as amended - - carries.


Nays: None

Abstain: None

5. Approved minutes from April 8, 2014 meeting
   - Amend draft minutes, Item #1: Introductions, from April 8, 2014 meeting; from Mike Molesky to Michael Molesky.

6. Received Transportation Development Act (TDA) Revenues Report as of May 2014

7. Received RTC Highlights through May 2014

8. Approved recommendation of Norm Hagen for District 4 Member

9. This item deleted

10. Information items

   a. Seniors Without Walls
   b. Monterey Bay Scenic Sanctuary Trail Awards: American Planning Association and California Parks & Greenways

11. Received Agency Updates

    a. Volunteer Center
       - 3rd Quarter TDA Report
    
    b. Community Bridges (Consolidated Transportation Services Agency)
       - 2nd Quarter TDA Report
    
    c. Santa Cruz Metropolitan Transit District (Metro)
       - February 2014 ParaCruz Report
       - March 2014 Accessible Services Report
       - Consideration of Issuing a Formal Request for Proposals Supplemental ParaCruz Services
       - Past Metro Reports
    
    d. Santa Cruz County Regional Transportation Commission
    
    e. Private Operators

REGULAR AGENDA

12. Approve August Meeting Date Change to August 5, 2014

Action: The motion (Anjo/Elsea) to approve the date change for the August 2014 E&D TAC meeting from August 12 to August 5 -- carries.
Ayes: Kirk Ance, Debbi Brooks, Sally French, Lisa Berkowitz, Clay Kempf, Hal Anjo, John Daugherty, Michael Molesky, Veronica Elsea
Nays: None
Abstain: None

13. Receive List of Active Transportation Plan Grants Submitted

   a. Letter supporting Scotts Valley Application for Active Transportation Program funding

Grace Blakeslee, RTC Transportation Planner, provided an overview of the Active Transportation Plan Grants submitted to Caltrans. Caltrans will notify award winners in August and Ms. Blakeslee will seek input regarding project ideas from members at the April 2014 E&D TAC meeting.

14. Review Transportation Development Act Triennial Performance Audit

Grace Blakeslee, RTC Planner, discussed the Triennial Performance Audit review for the Regional Transportation Commission, METRO, Community Bridges, and the Volunteer Center. E&D TAC discussed Triennial Performance Audit recommendation to, “enhance recruitment efforts to fill vacant position on the Elderly & Disabled Transportation Advisory Committee.” The Committee discussed recruitment and outreach strategies. Ms. Blakeslee will investigate provisions for transportation assistance to meetings for members, contact agencies representing seniors and disabled individuals and prepare and distribute outreach materials. The Committee discussed the importance of measuring the return on investment for transit services. The return on investment measure can capture the costs to the community of not providing service, such as additional health care cost, and loss of productivity.

Action: The motion (Elsea/Daugherty) to send a letter to the RTC regarding the Triennial Performance Audit to 1) recommend new committee member recruitment strategies, and; 2) request inclusion of E&D TAC’s role in covering pedestrian issues in Triennial Performance Audit discussion, and 3) recommend that all transit providers include a measure of the value of investment.-- carries.

Ayes: Lisa Berkowitz, Hal Anjo, Clay Kempf
Nays: Michael Molesky
Abstain: Debbie Brooks, John Daugherty, Veronica Elsea, Clay Kempf, Sally French, Kirk Ance

Action: The motion (Elsea/Anjo) to reconsider the last motion and remove Item 3, -- carries.

Ayes: Sally French, Lisa Berkowitz, John Daugherty, Debbi Brooks, Hal Anjo, Veronica Elsea, Michael Molesky
Nays: Clay Kempf
Abstain: Kirk Ance

Action: The motion (Kempf/Elsea) to include in the letter to RTC regarding the Triennial Performance Audit an acknowledgement that only CTSA is being asked to report on return on investment performance measures, that such measures have value not just for the CTSA, but also for all providers of specialized transportation, and recognize that it is important, but challenging to develop return on investment performance measures, quantitative or qualitative.-- carries.
15. Receive Pedestrian Safety Work Group Update
   
   a. Review Pedestrian Motorist Brochure

   Veronica Elsea, Chair for the Pedestrian Safety Work Group, provided a committee overview stating that the brochure for Motorists and Pedestrians is in the final stages and should be ready in August. Ms. Elsea said that the brochure will be translated into Spanish. The next meeting of the Pedestrian Safety Work Group will be held on Monday, June 30, at 1:30 pm in the RTC conference room.

16. Receive Calendar of E&D TAC Items

17. Adjourn 4:03 pm

Respectfully submitted, Cathy Judd, RTC Staff
MINUTES
Thursday, June 12, 2014
3:00 pm
RTC Office
1523 Pacific Ave., Santa Cruz

The meeting was called to order by Committee Chair Schiffrin at 3:06 pm

Members Present
Commissioner Alternate Andy Schiffrin Commissioner Alternate Patrick Mulhearn
Commissioner John Leopold Commissioner Alternate Tony Gregorio
Commissioner Eduardo Montesino Commissioner Alternate Virginia Johnson

RTC Staff
George Dondero Karena Pushnik
Luis Mendez Daniel Nikuna
Yesenia Parra

1. Introductions-Self introductions were made

2. Additions or changes to consent and regular agenda-none

3. Oral communications- Karena Pushnick, Senior Transportation Planner reminded Commissioner’s about the Steam Train event scheduled for Friday, July 11th. She noted that a car has been reserved for RTC Commissioners and guest. Tickets should be reserved by calling the RTC office. The cost for tickets is $10.00. 2 tickets for each Commissioner and their alternates have been reserved.

CONSENT AGENDA

4. Approved minutes of the February 13, 2014 meeting
5. Accepted third quarter FY13-14 warrants and credit card reports

6. Accepted TDA report

REGULAR AGENDA

7. Rules of Conduct for the Regional Transportation Commission Meetings

Deputy Director Luis Mendez presented the staff report. Commissioners discussed the difference between Roberts Rules of Order and Rosenberg’s Rules of Order.

Commissioner Leopold moved and Commissioner Montesino seconded to approve the use of Rosenberg’s Rules of Order to conduct RTC and committee meetings. Motion passed with Leopold, Montesino, Mulhearn, Schiffrin and Johnson voting “aye” and Gregorio voting “nay.”

8. Santa Cruz Branch Rail Line Right-of-Way Lease and Use Policy

Deputy Director Luis Mendez presented the staff report.

Commissioners discussed the Colliers Pinkard’s market lease analysis; the fact that most of the current leases are under market value and the need to discuss lease agreements with State Parks.

Commissioner Leopold moved and Commissioner Montesino seconded to recommend that the RTC approve the Policies for Leases, Licenses and Rights of Entry for the Santa Cruz Branch Rail Line Right-of-Way once staff has given the County of Santa Cruz’s Real Estate Property Department a second opportunity to review the draft policies with the propose change to the lease review period.

Motion passed unanimously with Commissioners: Montesino, Leopold, Mulhearn, Schiffrin, Johnson and Gregorio voting “aye.”

9. Adjournment- meeting was adjourned at 3:50 pm.

The next Budget and Administration/Personnel Committee meeting is scheduled for Thursday, September 11, 2014 at 3:00 p.m. in the RTC conference room, 1523 Pacific Ave, Santa Cruz, CA

Respectfully submitted by,

Yessenia Parra, Staff
AGENDA: August 7, 2014

TO: Regional Transportation Commission (RTC)

FROM: Luis Pavel Mendez, Deputy Director

RE: Train to Christmas Town Long Term License Language

RECOMMENDATIONS

Staff recommends that the Santa Cruz County Regional Transportation Commission (RTC) direct staff to return to the RTC in two months with potential language regarding a long-term Train to Christmas Town license that allows the RTC to reconsider that license.

BACKGROUND

At its June 5, 2014 meeting, the RTC approved a license and operating plan through the end of 2015 for the Santa Cruz & Monterey Bay Railway Train to Christmas Town operations out of the City of Watsonville. The RTC also directed staff to return to the August 7, 2014 RTC meeting with language that would allow the RTC to reconsider Train to Christmas Town operations, if a long term license were provided.

DISCUSSION

RTC staff has had some communications with Santa Cruz & Monterey Bay Railway representatives regarding language that would permit a long-term license for Train to Christmas Town and would allow the RTC to reconsider the license before expiring. More time is needed to fully develop the language and make a recommendation to the RTC. Therefore, RTC staff recommends that the RTC direct staff to return to the RTC in two months with potential language regarding a long-term Train to Christmas Town license that allows the RTC to reconsider that license.

SUMMARY

The RTC directed staff to return to the August 7, 2014 RTC meeting with language that would allow the RTC to reconsider Train to Christmas Town operations, if a long term license were provided. While there has been communication with Santa Cruz & Monterey Bay Railway regarding such language, more time is needed to fully develop the language and make a recommendation to the RTC.
### SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
### TDA REVENUE REPORT
### FY 2013-2014

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TO: Regional Transportation Commission
FROM: Yesenia Parra, Administrative Services Officer
RE: Workers’ Compensation Insurance for Unpaid Interns/Volunteers

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission (RTC) approve the attached resolution to extend workers’ compensation coverage to RTC unpaid interns and volunteers.

BACKGROUND

When the RTC became an autonomous agency, the Commission approved participating in the workers’ compensation insurance program joint powers authority (JPA) through the Special Districts Risk Management Association (SDRMA).

DISCUSSION

SDRMA has implemented a new requirement for workers’ compensation insurance for unpaid interns and volunteers. The RTC must approve a resolution declaring that the unpaid interns and/or volunteers are deemed to be employees of the RTC for purposes of workers’ compensation insurance. The RTC occasionally offers unpaid internship opportunities to students interested in transportation planning. Therefore, staff recommends that the RTC approve a resolution (Attachment 1) to include unpaid interns and volunteers performing approved RTC work under our current SDRMA workers’ compensation insurance.

SUMMARY

The RTC currently participates in the workers’ compensation insurance program JPA through SDRMA. SDRMA requires passing a resolution to include unpaid interns and volunteers in the RTC workers compensation insurance. The RTC occasionally offers opportunities for unpaid internships to students interested in transportation planning. Staff recommends that the RTC approve a resolution (Attachment 1) to include unpaid interns and volunteers performing approved RTC work under our current SDRMA workers’ compensation insurance.

Attachments:
Attachment 1: SDRMA Resolution
RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission
on the date of August 7, 2014
on the motion of Commissioner
duly seconded by Commissioner

A RESOLUTION OF THE SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION (RTC) OF
DECLARING THAT VOLUNTEERS, WORK-STUDY, AND
INTERNS SHALL BE DEEMED TO BE EMPLOYEES OF
THE RTC FOR THE PURPOSE OF PROVIDING
WORKERS’ COMPENSATION COVERAGE FOR SAID
VOLUNTEERS, WORK-STUDY, AND INTERNS WHILE
PROVIDING THEIR SERVICES.

WHEREAS, the Santa Cruz County Regional Transportation Commission (RTC)
utilizes the services of unpaid volunteers, work-study, and interns in positions for a
number of its projects; and

WHEREAS, Section 3363.5 of the California Labor Code provides that a person who
performs voluntary service without pay for a public agency as designated and
authorized by the governing body of the agency or its designee, shall, upon
adoption of a resolution by the governing body of the agency so declaring, be
deemed to be an employee of the agency for the purpose of Division 4 of said Labor
Code while performing such services; and

WHEREAS, Section 3363.5 of the Labor Code defines “voluntary service without
pay” to include those services performed by any person who receives no
remuneration other than meals, transportation, lodging, or reimbursement for
incidental expenses; and

WHEREAS, the RTC wishes to extend workers’ compensation coverage as provided
by state law to those persons providing voluntary services without pay, work-study,
and intern services to the RTC.

NOW, THEREFORE, BE IT RESOLVED, that persons who perform voluntary
service without pay, work-study, and interns be deemed to be employees of the
Santa Cruz County Regional transportation Commission for the purpose of workers’
compensation coverage as provided in Division 4 of the Labor Code while
performing such service. However, said volunteer, work-study, or intern will not be
considered an employee of the RTC for any purpose other than for such workers’
compensation coverage, nor grant nor enlarge upon any other right, duty, or
responsibility of a volunteer, work-study, and intern, nor allow said volunteer,
work-study or intern to claim any other benefits or rights given to paid employees
of the RTC.
AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSTAIN: COMMISSIONERS
ABSENT: COMMISSIONERS

___________________________
John Leopold, Chair

ATTEST:

___________________________
George Dondero, Secretary

Distribution: Project Sponsors
RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission (RTC) approve out of state travel for the Executive Director and one staff member to attend the Transportation Research Board (TRB) 2015 annual meeting in Washington DC and for the Executive Director and one staff member to attend the Rail~Volution conference in Minneapolis, Minnesota.

BACKGROUND

The Transportation Research Board (TRB) was established in 1920 as the National Advisory Board on Highway Research to provide a mechanism for the exchange of information and research results about highway technology. Now the TRB’s mission is to promote innovation and progress in transportation through research. In an objective and interdisciplinary setting, TRB facilitates the sharing of information on transportation practice and policy by researchers and practitioners; stimulates research and offers research management services that promote technical excellence; provides expert advice on transportation policy and programs; and disseminates research results broadly and encourages their implementation. The organization accomplishes its mission through standing committees, publications, and an annual meeting.

Rail~Volution started in 1989 as a series of outreach and advocacy events geared towards developing advocates for Portland's MAX Light Rail System. In 1995, Rail~Volution became a national conference. In the year 2000, Rail~Volution developed into a 501(c)(3) non-profit charitable organization dedicated to the engagement of thoughtful discussion about building liveable communities with transit.

DISCUSSION

The TRB annual meetings take place in Washington DC in January. The 94th annual meeting will be held on January 11-15, 2015 and it is expected to attract over 12,000 transportation professionals from around the world. The annual meeting will
include more than 4,500 presentations in nearly 800 sessions and 130 specialty workshops.

Traditionally the Executive Director attends the TRB annual meeting and occasionally the Executive Director is joined by other RTC staff. The Executive Director currently sits on the TRB Transportation and Sustainability Committee, which meets during the Annual Meeting. When attending the TRB annual meeting, the Executive Director takes the opportunity to meet with Santa Cruz County’s federal legislative delegation to learn first-hand of the challenges and opportunities for transportation in Washington DC and to communicate the RTC’s concerns and priorities directly.

The cost for the Executive Director and one staff person to travel to Washington DC, participate in the TRB annual conference and meet with Santa Cruz County’s legislative delegation is estimated to be about $6,000. There are sufficient funds in the RTC’s “transportation/travel/education” budget line of the approved 2014-15 RTC budget to cover this cost. Therefore, staff recommends that the RTC approve out of state travel for the Executive Director and one staff member to attend the Transportation Research Board (TRB) 2015 annual conference in Washington DC.

Through its adoption of the 2014 Regional Transportation Plan and Metropolitan Transportation Plan, the RTC has been working to ensure that the plans are more sustainable. In addition, the RTC is implementing a planning grant to study feasibility of meeting the community’s transportation needs using passenger rail in coordination with existing transit services and other travel modes. To enhance these planning efforts, staff can benefit from research and applications being done in other areas for applicability to Santa Cruz County. Rail~Volution with more than 80 workshops, networking events, charrettes and toolbox sessions offers a great opportunity for RTC staff to develop the necessary knowledge, tools and resources to ensure a quality passenger rail planning effort.

Attachment 1 provides some information on the September 2014 Rail~Volution conference which will be held in Minneapolis, Minnesota. The cost per staff person to attend the conference will be about $2,600 including registration, hotel and airfare. There are sufficient funds in the RTC’s travel, training and education budget for two staff members to attend this conference. Staff recommends that the Regional Transportation Commission (RTC) approve out of state travel to the Rail~Volution conference for the Executive Director and one staff member.

SUMMARY

The Transportation Research Board (TRB) holds an annual meeting to promote innovation and progress in transportation research. Typically, the Executive Director attends the TRB annual meeting in Washington DC and meets with the Santa Cruz County’s federal legislative delegation. There are sufficient funds in the RTC budget to cover the estimated cost and staff recommends that the RTC approve out-of-
state travel for the Executive Director and one staff person to attend the TRB annual meeting in January 2015.

Rail~Volution is a national conference dedicated to building livable communities with transit. The 2014 conference will be held in Minneapolis, Minnesota. Knowledge, tools and resources gained from attending the conference will be useful for the RTC’s effort to better plan a transportation system that could include passenger rail service. Staff recommends that the Regional Transportation Commission (RTC) approve out of state travel to the Rail~Volution conference for the Executive Director and one staff member.

Attachments:
1. Excerpt from the 2014 Rail~Volution conference brochure
Welcome to the Twin Cities, the nexus of business + education + arts + culture + entertainment + nature! See how we're transforming ourselves by building out a multimodal transit infrastructure enhanced by sustainable development.

Experience our diversity – of people, neighborhoods, historic and cultural attractions, dining and entertainment.

Ride on our bike trails. Walk along our lakes and rivers. Enjoy the autumn beauty of Minnesota. We'll see you in September at Rail-Volution 2014!

SUE HAIGH, Chair
Twin Cities Metropolitan Council

PETER MCLAUGHLIN, Chair
Counties Transit Improvement Board

CHARLIE ZELLE, Commissioner
MN Department of Transportation

4 days | 1200 people workshops
80 ... dedicated to making places better.

MINNEAPOLIS + ST. PAUL

This year Rail-Volution travels to the transit-rich Twin Cities. Join us as we explore this region of contrasts: Nature + Culture. Ingenuity + Traditions. Investment + Connections.

Practical lessons + pathbreaking solutions. Come together with citizen activists, developers, nonprofit and business leaders, planners, local and national elected officials, community advocates and transit operators and government leaders. Put complex ideas into context in mobile workshops and facilitated discussions. Share knowledge. Work across disciplines. Create new partnerships and strengthen existing ones.

See how transit is transforming the Twin Cities. The METRO Green Line opens in June, linking historic Union Depot with the modern Target Field Station. More than $2.8 billion in private development has already been generated along the route. From historic river neighborhoods to ethnic communities, the region's 3 million people connect to jobs, to friends, to organizations with transit. Integrated systems and connections to light rail, commuter rail and BRT; an expansive bus system; and the region's Nice Ride bike share program – all work together to make the Twin Cities better.

Fun, energizing exchanges + creative problem-solving, grounded in best practices.

Share your insights. Expand your network. Refine your ideas.

Variety and quality are key to Rail~Volution’s rich curriculum. More than 80 workshops address a vast range of topics, project scales, disciplines, partnership models and modes: streetcars, high-speed rail, bus rapid transit, pedestrians, bikes, streets, light rail, multimodal. What works? What doesn’t? Before, during and after sessions, you’ll share real experiences, debate controversial ideas and build enduring networks.

Established expert or new professional, there’s something to challenge you. Relevance. Diversity. Reality. Mix and match sessions to fit your passion and perspective.

THE FUNDAMENTALS Core workshops on building livable communities with transit. A must for first-time attendees and everyone who wants to strengthen their knowledge about concepts that form and guide the livability movement.

FURTHER INVESTIGATION In-depth workshops that go far beyond the basics. Delve deep into urgent topics, such as job creation, equitable development, performance measures, communications and collaboration – even some challenges we haven’t yet imagined.

ADVANCED EXPLORATION Select sessions designed to push the envelope of even the most advanced practitioners. Dig deeper into the nuances of specific issues and advance your knowledge in practical, yet forward-looking ways.

Rail~Volution’s workshops are carefully designed to explore an exceptional range of topics and disciplines around transit and livability.

Planning into the Future Beyond the station box
- Responding to changing demographics
- Reclaiming land for better opportunities
- Sustainability
- Equity
- Small and midsize cities
- Emerging issues from transit CEOs and public officials

Financial Tools Equitable TOD
- Economic game changers
- Value-capture
- MAP-21

Partnerships Developing successful regional approaches
- Influencing advocacy
- Diverse planning partnerships
- Cross-sector leadership models
- State-of-the-art P3s

Land Use Tactics Defining mode within corridors
- Parking innovations
- Complete streets
- Infill and refill
- Suburbs

TOD Integrating modes
- Last mile
- Bike sharing
- Jobs TOD
- Evolution of TOD projects

Equitable Development Affordable housing
- Community engagement
- Corridor-wide strategy
- Funder collaboration

Communication and New Technology Online tools and transit apps
- Technology and social equity
- Blogging

Health and Transit Active transportation
- Connectivity

Advocacy and Communities Social media advocacy
- Cutting-edge advocacy
- Regional collaboration

Rail~Volution 101
Monday, September 22, 10:00 am – 12:00 pm

How can we make a place better? What are the fundamental principles of building livable communities with transit? What have we learned across disciplines in the public, private, nonprofit and philanthropic sectors? How can transit-oriented design be a catalyst for positive solutions, as well as energy and environmental challenges? How do green design, reduced trips and energy usage, and smaller carbon footprints come into play? How can we promote long-term sustainable economic growth in our neighborhoods? Hear the voices of experience from Rail~Volution’s first two decades. What’s changed? What’s happening? What’s ahead?
TO: Regional Transportation Commission (RTC)  
FROM: Luis Pavel Mendez, Deputy Director  
RE: Cross-Kirkland Corridor Interim Trail

RECOMMENDATIONS

This item is for information purposes only.

BACKGROUND

The Regional Transportation Commission (RTC) has been hearing about a trail on a rail corridor Kirkland, WA. RTC staff has also received some questions about this trail and its relevance to the RTC’s efforts in Santa Cruz County.

DISCUSSION

The Cross-Kirkland Corridor (CKC) is a 5.75-mile section of the East Side Rail Corridor (Attachment 1) extending for about 22 miles from the City of Renton in the south to unincorporated Snohomish County to the north in Washington state. Within the corridor there is an additional spur track of about 7 miles from Woodinville to Redmond for a total of about 29 to 30 miles. The other segments of the East Side Rail Corridor are owned by the Port of Seattle, King County, Redmond and Sound Transit.

On the Cross Kirkland Corridor (5.75 miles), the City of Kirkland is undertaking the construction of an interim trail. To do this the City of Kirkland entered into a rail infrastructure salvage contract which netted the City of Kirkland $89,902.62 in revenue or $15,583.06 per mile (Attachment 2). The City of Kirkland also entered into an interim trail construction contract at a cost of $2,099,175.00 or $365,073.91 per mile (Attachment 3).

The various owners of the East Side Rail Corridor are working together on plans to establish high capacity transit on the corridor. Because the intent is to use the corridor for high capacity transit, the 5.75-mile trail in Kirkland will be an interim trail. It was determined that the existing rail infrastructure within the City of Kirkland would not be useable for potential future high capacity transit; therefore, it was also determined to be okay to salvage the existing rail infrastructure. In addition, there is no freight rail service on the rail segment within the City of Kirkland. In the future, brand new infrastructure for high
capacity transit will be constructed. When that happens, portions of the interim trail will need to be removed and reconstructed, which means that there will be some “throw-away” costs. When the interim trail is removed from the existing bridges to accommodate the future high capacity transit, new bridges may need to be constructed to accommodate a continuous trail.

The total cost for planning, engineering and construction of the 5.75-mile Cross-Kirkland Salvage/Interim Trail project is currently estimated at $4,141,400 (Attachment 3). The costs are being covered by a variety of funding sources including a permanent property tax parks levy approved in 2012 which raises $2.35 million per year beginning in 2013. $500,000 of the 5.75-mile interim trail construction costs will be paid by revenues from the parks property tax levy. Revenues from the parks property tax levy will also be used to maintain the 5.75-mile interim trail.


**SUMMARY**

The Cross-Kirkland Corridor is 5.75 miles of the 30-mile East Side Rail Corridor in Washington. The corridor was purchased by a variety of agencies who are working together to implement a variety of uses including high capacity transit. Because the existing track infrastructure would not be used for future high capacity transit, the City of Kirkland removed the track and will build an interim trail on its portion of the corridor. A property tax levy approved in 2012 includes funds for construction and maintenance of this interim trail. Some sections of the interim trail will need to be removed and reconstructed to implement high capacity transit.

**Attachments:**
1. East Side Rail Corridor Ownership Map
2. Cross-Kirkland Corridor Rail Removal – April 2014
3. Cross-Kirkland Corridor Interim Trail – May 2014
MEMORANDUM

To: Kurt Triplett, City Manager

From: Dave Snider, P.E., Capital Projects Manager
Pam Bissonnette, Interim Public Works Director

Date: April 3, 2014

Subject: Cross Kirkland Corridor Rail Removal -- Accept Work

RECOMMENDATION:

It is recommended that City Council accepts the work on the Cross Kirkland Corridor (CKC) Rail Removal Project, as performed by A&K Railroad Materials Inc. (A&K), Salt Lake City, UT, and establishes the statutory lien period.

BACKGROUND DISCUSSION:

At their August 7, 2012 meeting, the City Council authorized the removal of the rail along the CKC. The Project included the removal of all rail spikes, plates, steel rails, and wood cross-ties along the Corridor. The rail removal contract also provided for the final grading of the former rail-bed ballast (i.e., rock) material in order to make the Corridor a usable trail ahead of the installation of a more universally accessible interim trail consisting of a smaller gravel material more commonly used for trail construction for users of all abilities. The rail removal work did not include any excavation or earth moving and, as a result, the rail removal contractor did no rail removal or repaving work on the nine existing street crossing locations along the Corridor. The removal of rails and other rail material, together with concrete and pavement work at the existing road crossings, will be performed as a part of the Interim Trail Project, as the contractor selected to perform that work will be better equipped to accomplish those types of activities.

The work required for the removal of the steel rail, the miscellaneous materials and railroad cross-ties was originally estimated to cost less than the current market value for the salvaged material. As a result, and in order to begin rail removal in as timely a manner as possible, City Council pre-authorized the City Manager to sign a public work construction contract for the removal of the existing rails at their regular meeting of March 5, 2013, with the following provisions:
The City received bids from more than one contractor deemed responsive and responsible for performing the specified work, and
- The total cost to the City from the lowest responsive and responsible bid was less than $50,000, or if the City was to receive a net credit for the work.

The Rail Removal project was first advertised on February 25 with five bids received on March 15, 2013. With a responsive bid that resulted in a net credit to the City, the City Manager signed a construction contract with A&K on April 26, 2013, in the amount of $473,419 with a listed salvage value of $579,979 at that time. The resultant estimated net credit to the City was $106,560. Subsequently, due to third-party legal challenges, the construction contract was suspended with an agreement reached between the City and A&K dated May 2, 2013, that the contract would be reinstated when those legal challenges were resolved.

On August 1, 2013, the City received a favorable ruling from the Surface Transportation Board indicating that the removal of the CKC rails and other infrastructure was allowable. Staff immediately notified A&K that the contract suspension was lifted; A&K was directed to initiate work as soon as practical. The City issued a renewed Notice-to-Proceed on August 9 and the contractor began work August 22, 2013.

The contractor completed the work within the updated (post-challenge) schedule and was very responsive to requests by staff to accelerate work in order to accommodate a previously scheduled October 27 Community Walk along the Corridor. All contract work was completed at a cost of $451,463 with a total construction cost savings of nearly $22,000, with those funds being retained within the Project to support on-going work efforts related to the overall Corridor and the Interim Trail.

While much of the existing railroad signal equipment was re-purposed to other rail operators in Washington, through coordination with the Washington Utilities and Transportation Commission, the rails, ties, and other rail metal materials were able to be successfully marketed by the contractor resulting in a final gross credit to the city of $541,366. This credit is reduced from the amount originally estimated due to price changes in the surplus steel market that occurred while the original contract was suspended, as was negotiated through a change order with the contractor during the time of the work suspension. The final surplus/salvage credit offsets the total cost of the removal ($451,463), resulting in a net credit to the City of $89,903 (Attachment A).

Staff recommends including the addition of this credit amount within the overall CKC Project budget through the on-going 2014 – 2018 Capital Improvement Program Update in order to support ongoing design and future construction activities along the Corridor.

Attachment A: Payment Accounting Summary/Agreement
PAYMENT ACCOUNTING  
CNM-0024  
CROSS-KIRKLAND CORRIDOR RAIL SALVAGE  
JOB #: 20-12-PW

<table>
<thead>
<tr>
<th>#</th>
<th>Item</th>
<th>Amount</th>
<th>NOTE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Original Contract Bid</td>
<td>$473,419.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Total Amount Earned (Work)</td>
<td>$446,463.38</td>
<td>Work Performed</td>
</tr>
<tr>
<td>3</td>
<td>Change order #1 (Work Adj.)</td>
<td>$5,000.00</td>
<td>Adj. for Delay – Legal Challenge</td>
</tr>
<tr>
<td>4</td>
<td>Total Amount Earned (Work)</td>
<td>$451,463.38</td>
<td>#2 plus #3</td>
</tr>
<tr>
<td>7</td>
<td>Original Rail Salvage Value</td>
<td>$579,979.00</td>
<td>At Bid opening</td>
</tr>
<tr>
<td>8</td>
<td>Change order #1 (Salvage)</td>
<td>($38,613.00)</td>
<td>Adj. for Delay – Legal Challenge</td>
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<tr>
<td>9</td>
<td>Total Adj. Rail Salvage Value (Salvage Adj.)</td>
<td>$541,366.00</td>
<td>#7 minus #8</td>
</tr>
</tbody>
</table>

**Net Credit to the City (from A&K)**  
$89,902.62  
# 9 minus #4
MEMORANDUM

To: Kurt Triplett, City Manager

From: Dave Snider, P.E., Capital Projects Manager
Marilynne Beard, Interim Public Works Director

Date: May 22, 2014

Subject: Cross-Kirkland Corridor Interim Trail - Award Contract

RECOMMENDATION:

It is recommended that City Council award the contract for construction of the Cross-Kirkland Corridor (CKC) Interim Trail to Rodarte Construction, Inc., of Auburn, WA, in the amount of $2,099,175.00.

BACKGROUND DISCUSSION:

The current development strategy for the CKC, as approved by Council, is two-phased. The initial phase was the rail removal together with the design and construction of an interim trail to allow broad public use of the CKC. The second phase is for the completion of the CKC Master Plan to determine the ultimate vision and development of the Corridor for both trail and transit. This memo is for the award of a construction contract for the Interim Trail. Implementation of the Master Plan will follow the Plan’s adoption as funding allows.

The removal of the rails, together with the construction of an Interim Trail and the completion of the Master Plan, will support the City Council’s goals of Balanced Transportation, Sustainable Infrastructure and Parks Open Space & Recreational Services. The development of the CKC will: 1) serve transportation needs of Kirkland, 2) provide active use of the corridor in the near future, and 3) facilitate maintenance of the corridor. These actions also help meet the Goals of the City’s Active Transportation Plan, specifically Goal G1 which calls for development of the Cross Kirkland Corridor.

At their regular meeting of April 15, 2014, City Council accepted the work on the Rail Removal contract and approved an overall project budget increase due to the receipt of the salvage value from the rail materials that were removed and marketed for re-use by the Rail Removal contractor. The currently approved total budget for the Rail Removal and the Interim Trail work is $4,141,400 with $1,970,000 in State funds, $1,071,000 in Federal dollars and $1,100,400 in City matching funds including the added revenue from the salvage operation (Attachment A).
With an engineer’s estimate of $2,183,945 for construction of the Interim Trail Project, the first advertisement occurred on May 1 for a three week bid period with a Supplemental Bidder Responsibility Criteria added to the contract documents. Bids were opened on May 20, 2014. A total of 5 bids were received with Rodarte Construction Inc. being the lowest responsive bidder, as shown below:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodarte Const. Inc.</td>
<td>$2,099,175.00</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$2,183,945.00</td>
</tr>
<tr>
<td>Road Construction Northwest</td>
<td>$2,370,005.50</td>
</tr>
<tr>
<td>Santana Trucking &amp; Excavating</td>
<td>$2,386,906.00</td>
</tr>
<tr>
<td>Award Construction Inc.</td>
<td>$2,457,081.00</td>
</tr>
<tr>
<td>SRV Construction Inc.</td>
<td>$2,917,343.50</td>
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</tbody>
</table>

With a City Council award of the construction contract at the June 3 meeting, staff will begin the pre-construction public outreach process by notifying adjacent property owners (within 500 feet of the corridor) with post cards describing the upcoming work. Project information, along with a regularly updated construction schedule and corresponding map (similar to what was used with rail removal), will also be posted on the City’s web site. The Neighborhood and CKC List Serv subscribers will receive regular updates on the progress of construction and alerts about trail closures and pedestrian detours. The existing CKC Facebook site will be used as well as the City’s twitter account to reach more residents. The June City Update will also have construction information and direct people to social media sites for information.

Since the Project includes a significant amount of sidewalk and ramp reconstruction, staff did include specific contract language related to signage for sidewalk closures and the requirement to provide clearly delineated detour routes for pedestrians. The construction management and inspection team will ensure the contractor maintains safe travel routes for pedestrians at all times.

The contract documents provide for a 100 working day schedule which puts the anticipated completion date near the first of December 2014.

**Sound Transit and the Interim Trail**

As the City Manager highlighted briefly in the April and May Council meetings, a dispute arose between Kirkland and Sound Transit regarding the Interim Trail. Kirkland asked for Sound Transit’s review of the Interim Trail project as part of the collaborative partnership the two entities have over issues on the Eastside Rail Corridor and the Cross Kirkland Corridor.

Sound Transit’s responses to the review request were unexpectedly formal and detailed. While Sound Transit did “approve” the City moving forward with the Interim Trail, in the opinion of City staff, the Sound Transit responses impacted Kirkland’s ownership rights and potentially created financial risk to the City if the City proceeded with the Interim Trail. The City of Kirkland received two letters from Sound Transit. The first was dated April 3, 2014 and contained a “Notice of Planned Easement Area” and the second was dated April 4, 2014 and
contained formal comments regarding the City’s planned interim trail on the CKC. The two letters are included as Attachments B and C, respectively.

Particular concern over financial liability is raised in the “Approval Conditions” of the April 4 letter where Sound Transit states “to the extent that the Trail location is inconsistent with the location of a future HCT project, the trail must be relocated” and also “The proposed Trail will need to be relocated off the bridges and underpasses as necessary to accommodate HCT.”

Kirkland never intended for the Interim Trail to remain if Sound Transit implements HCT in the CKC. However the letter used the terms “must” and “will” relocate as conditions of approval for the Interim Trail which created the potential financial requirement that Kirkland relocate the Trail. The City Manager and City Attorney therefore felt it necessary to provide a detailed response letter to Sound Transit that made it clear the City was not accepting that financial liability and also rejecting the conditions included in Sound Transit’s letter. The City Manager’s May 13 letter to Sound Transit is included as Attachment D.

In several discussions with Sound Transit staff over this period, Sound Transit has assured Kirkland, both verbally and through email that Sound Transit did not in any way intend to create financial liability for the City. Sound Transit staff have also indicated that while they do not agree with Kirkland on several of the issues in our response letter, Sound Transit intends to formally clarify that there is no expectation from Sound Transit that Kirkland will have to move the Interim Trail at Kirkland’s expense. This may happen either through another letter or from testimony at the June 3rd City Council meeting.

Based on Kirkland’s communications with Sound Transit, the City Manager and the City Attorney now believe there is no potential financial risk to the City in proceeding with awarding the bid and completing construction on the Interim Trail. The other issues identified in Sound Transit’s letters will be part of future discussions between the two organizations and don’t preclude the City Council from accepting the bid and proceeding with the project.

Attachment A – Project Budget Report
Attachment B – Ilgenfritz letter to Triplett
Attachment C – Ilgenfritz letter to Page
Attachment D – Triplett letter to Ilgenfritz
CROSS-KIRKLAND CORRIDOR SALVAGE/INTERIM TRAIL
NM-0024

Project Budget Report

FUNDING SOURCES

ENGINEERING
CONSTRUCTION
RAIL REMOVAL
CONTINGENCY
FUNDING - STATE
FUNDING-FEDERAL
FUNDING-LOCAL

$1,970,000
$1,071,000
$1,100,400

$1,272,000
$2,157,100
$500,000
$232,300

$1,273,000
$2,099,175
$451,483
$317,762

$4,141,400

Interim Trail Construction Contract

Rail Removal work accepted by Council 4-15-14

ACCEPT WORK
(winter 2015)

AWARD CONTRACT
(this memo)

APPROVED BUDGET
(2014-2018 CIP Update, PRS 4/14)
April 3, 2014

Kurt Triplett, City Manager
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

RE: Eastside Rail Corridor: Notice of ST Planned Easement Area

Dear Kurt:

As you know, Sound Transit is in the process of preparing a Supplemental Environmental Impact Statement in connection with the update of the Sound Transit Regional Transit Long Range Plan adopted July, 2005. This constitutes a formal environmental review process and a planning process for possible high capacity transit facilities such as rails, paving and stations within the Eastside Rail Corridor located in the City of Kirkland. Accordingly, pursuant to Paragraph 7B(1) of Sound Transit’s High Capacity Transportation Easement (Woodinville Subdivision), we are notifying you that the Eastside Rail Corridor located within the City of Kirkland is within a Sound Transit Planned Easement Area.

Please contact me at (206) 398-5239 if you have questions about this.

Sincerely,

Ric Ilgenfritz
Executive Director
Department of Planning, Environment, and Project Development

cc: Oskar Rey, Assistant City Attorney
April 4, 2014

Kari Page, Neighborhood Outreach Coordinator
City of Kirkland
City Manager’s Office
Public Works Department
123 5th Avenue
Kirkland, WA 98033

RE: Interim Trail

Dear Ms. Page:

Sound Transit has reviewed Kirkland’s interim trail (the “Trail” or “proposed Trail”) proposed to be constructed within Sound Transit’s High Capacity Transportation Easement (the “Easement”) area. Specifically, we reviewed the “90% Review Submittal, City of Kirkland, CIP NO. CNM-0024, Cross Kirkland Corridor Interim Trail, October 2013”. Based on our review, we approve the implementation of the proposed Trail, with conditions that are detailed in this letter.

ST Review—Summary. The area of the Easement affected by the proposed Trail is within a “Planned Easement Area” as defined in Section 7B(1) of the Easement (See letter dated April 3, 2014). Accordingly, we conducted our review and prepared our comments pursuant to Sections 8 and 9 of the Easement. In addition, we considered the terms and conditions of the Public Multipurpose Easement dated December 18, 2009, King County recording number 20091218001538 (the “Multipurpose Easement”), which are incorporated by reference into the Easement in Section 5B of the Easement and are applicable to this review.

We first determined that the proposed Trail is a “Major Improvement” as defined in Section 9A of the Easement, and that if the trail were to remain within the existing railbed, it likely would not be “reasonably practicable” for Sound Transit to implement high capacity transportation facilities (“HCT”) within the corridor. There are numerous reasons why this is the case, primarily related to the sloping land outside of the existing railbed and also the locations of King County’s regional sewer pipe in the area where the Trail is proposed. The sewer line crosses over to the east and west side of the existing railbed numerous times. Locating HCT on the existing railbed would have minimal impact on the sewer line because the railbed has sufficient protections for the weight and impact of freight travel. If HCT were located on one side or the other of the existing railbed, it would likely...
involve greater protection efforts and possibly require relocation of the sewer line. In addition, because a rail transit project is inflexible with regard to grade changes (it requires small incremental grade changes), the sloping topography outside of the rail bed poses significant challenges for the location of rail transit. The infrastructure required to create the necessary grade stability — if possible at all—could also affect the County sewer line, requiring additional protections and relocations.

Given the likely impracticalities of constructing HCT outside of the existing railbed, it is a condition of ST’s approval of the Trail proposal, that the Trail relocate if its location is in conflict with a future HCT project. This condition is consistent with Section 9A of the Easement, which contemplates that some Major Improvements, such as a Trail, may pose such challenges to the construction of HCT that the transportation facilities should not be obligated to share space with them, nor should ST be obliged to relocate them. It also is consistent with the provisions of the Multipurpose Easement, Section 2.2, which contemplates that a trail use will relocate in the event of a conflict with a future transportation use. Note, however, that consistent with the Multipurpose Easement, and our prior correspondence with you, in the event of such future conflicts between the Trail location and HCT, Sound Transit will work with Kirkland to identify an appropriate area to relocate the trail. It appears that the corridor is sufficiently wide that Kirkland will be able to substantially rebuild it within the corridor.

Using the criteria for reviewing a proposal to be located with a Planned Easement area, Sound Transit also specifically considered the factors in paragraph 9B(2) of the Easement. Under these criteria, we note that for safety reasons, some of proposed at-grade trail access points and junctions will not be permitted to remain if HCT is built at-grade on the railbed.

Finally, given that Sound Transit has acquired its Easement in order to develop portions of the corridor for transportation purposes such as a transit or rail facility, we wish to confirm that by developing the proposed Trail Kirkland does not intend to create, and upon request will inform relevant government agencies that Kirkland does not believe that the proposed Trail will create a recreational trail, public park, recreation area, or wildlife and waterfowl refuge within the meaning of 23 USC 138 and 49 USC 1653(f). Sound Transit’s future use of its Easement area for any transportation purposes, regardless of the actual use or the use to which Kirkland has put, or is putting, the Easement area, will not be considered to be the use of a resource protected by Section 4(f), as defined in 23 USC 138 and 49 USC 1653(f) and the regulations issued thereunder.

**Approval Conditions:**

1. To the extent the Trail location is inconsistent with the location of a future HCT project, the Trail must be relocated. The corridor appears to have sufficient width for the Trail to be relocated within the corridor.

2. In some areas the corridor crosses existing roads on bridges or through underpasses. The proposed Trail will need to relocate off the bridges and underpasses as necessary to accommodate HCT.
3. The Trail proposal includes many at-grade trail access points and junctions. For safety reasons, some or all of the at-grade trail access points and junctions included within the Trail project may need to be permanently removed when HCT is implemented.

4. Upon request, Kirkland will inform relevant government agencies that Kirkland does not believe that the proposed Trail will create a recreational trail, public park, recreation area, or wildlife and waterfowl refuge within the meaning of 23 USC 138 and 49 USC 1653(f).

Referenced Documents:

1. 90% Review Submittal, City of Kirkland, CIP NO. CNM-0024, Cross Kirkland Corridor Interim Trail, October 2013;
2. High Capacity Transportation Easement Agreement (Woodinville Subdivision Rail Corridor), King County recording number 20120411001174;
3. Public Multipurpose Easement dated December 18, 2009, King County recording number 20091218001538; and
4. Letter dated April 3, 2014 from Ric Ilgenfritz to Kurt Triplett

Sincerely,

Ric Ilgenfritz
Executive Director
Department of Planning, Environment, and Project Development

cc: Kurt Triplett, Kirkland City Manager
    Oskar Rey, Assistant City Attorney
    Nanci Clark, Sound Transit Property Management
    Jennifer Belk, Sound Transit Deputy General Counsel
May 13, 2014

Ric Ilgenfritz
Executive Director, Department of Planning, Environment and Project Development
Central Puget Sound Regional Transit Authority
401 South Jackson Street
Seattle, WA 98104-2826

Re: Response to Notice of Planned Easement Area and Interim Trail Comments

Dear Mr. Ilgenfritz:

This letter is in response to: (1) Sound Transit’s April 3, 2014 Notice of Planned Easement Area; and (2) Sound Transit’s April 4, 2014 comment letter regarding the City’s planned interim trail on the Cross Kirkland Corridor (“CKC”). The CKC is the portion of the Eastside Rail Corridor (“ERC”) purchased by the City of Kirkland (“City”) from the Port of Seattle in April 2012. The contents of Sound Transit’s communications were unexpected and impact Kirkland’s legal rights on the CKC and create potential financial liability for the City if Kirkland proceeds with the Interim Trail.

Particular concern over financial liability is raised in the “Approval Conditions” of the April 4 letter where Sound Transit states “to the extent that the Trail location is inconsistent with the location of a future HCT project, the trail must be relocated” and also “The proposed Trail will need to be relocated off the bridges and underpasses as necessary to accommodate HCT.”

Kirkland does not intend for the Interim Trail to remain if Sound Transit implements HCT in the CKC. However the letter uses the terms “must” and “will” relocate as conditions of approval for the Interim Trail which potentially creates the financial requirement that Kirkland relocate the Trail. Kirkland cannot accept that financial liability and must reject the conditions included in Sound Transit’s letter.

In subsequent discussions over the past few weeks with you and Sound Transit staff, you made clear that it was not the intention of Sound Transit to create any financial liability. The City of Kirkland appreciates that was not the intent and is looking forward to formal clarification of this point from Sound Transit. We also appreciate the collaborative and candid discussions that have transpired between Kirkland and Sound Transit over Kirkland’s concerns with other aspects of the two letters. Kirkland had hoped that Sound Transit could consider suspending or amending the letters but in our
subsequent conversation you indicated that Sound Transit felt that the letters correctly outlined the merits of the issues from Sound Transit’s perspective.

Therefore, Kirkland feels it is necessary to formally articulate the City’s position on the issues that we have been expressing in our discussions since we received the Sound Transit letters. The purpose of this response is to communicate Kirkland’s concerns and positions.

A. The CKC does not currently meet the Criteria of a “Planned Easement Area.”

Please be advised that the City rejects Sound Transit’s designation of the CKC as a “Planned Easement Area” at this time. The City has reviewed the current Sound Transit Long Range Plan, which Sound Transit adopted in 2005. The current Long Range Plan Map makes no mention of the ERC or the CKC. It shows “potential rail extensions” through Kirkland with the caveat that “the lines on the Long Range Plan map show general travel corridors and not specific streets or alignments.” In addition, there are no funded Sound Transit projects involving the CKC between now and 2023. Accordingly, the CKC is not a Planned Easement Area under Sound Transit’s current long range plan.

The City understands that Sound Transit is in the process of considering updates to its Long Range Plan. As part of environmental review, Sound Transit is considering a “No Action Alternative” (in which the current Long Range Plan is not updated or modified) and an “Action Alternative” (in which Sound Transit would make modifications and updates to the current Long Range Plan).

The City also understands that if Sound Transit chooses the “Action Alternative,” then use of the CKC as part of Sound Transit’s High Capacity Transit (HCT) System might become part of Sound Transit’s Long Term Plan. As part of its planning process and environmental review, Sound Transit may decide to plan for extending high capacity transit service through Kirkland, utilizing the ERC, the I-405 Corridor or some other currently unspecified route. To be clear, the City of Kirkland supports HCT along the CKC and has sent Sound Transit a letter indicating that support. However, we have been told by Sound Transit staff that HCT cannot be guaranteed and that the determination of HCT through Kirkland remains to be seen until Sound Transit adopts updates to its current Long Range Plan.

The Sound Transit High Capacity Transportation Easement Agreement (“Easement”) provides that: “To initiate development of High Capacity Transit Facilities, Sound Transit shall notify the [City] in writing (“Notice of Planned Easement Area”) that it is evaluating or planning the placement of one or more High Capacity Transit Facilities within a Planned Easement Area.” (Easement, Section 7B(1)). Sound Transit’s current Long Range Plan does not even mention the CKC or the ERC. At present, Sound Transit is considering updates to its Long Range Plan that may or may not include the CKC or the ERC. That is not the same as “evaluating or planning the placement of one or more High Capacity Transit Facilities” on the CKC. It is our understanding from Sound Transit staff that the Sound Transit Board will be evaluating action in December of 2014 to
amend the Long Range Plan to possibly include the CKC. Until that action occurs and development of the CKC is an adopted option under the Long Range Plan, designation of the CKC as a Planned Easement Area is premature.

B. The Easement does not provide for Retroactive Designations.

The City also objects to the designation of the CKC as a “Planned Easement Area” after receipt of the City’s request for Sound Transit’s review of its Interim Trail design. The City has been planning the Interim Trail for several years. Detailed planning began in earnest when State Senator Andy Hill (LD 45) informed Kirkland in April of 2012 that he had secured $2 million in state funding for the Interim Trail to spur economic development. On April 23, 2012 Governor Inslee signed the 2012 Capital Budget/Jobs Now Act (ESB 5127) which included the appropriation to the City of Kirkland of $2 Million for the Cross Kirkland Corridor through the Department of Commerce’s Main Street Improvement Grants. On May 10, 2012 the City of Kirkland was notified by the Washington State Public Works Board of being awarded a state grant in the 2012 Capital Budget, with the Public Works Board assigned to administer the grant funds. Further, in 2012 the PSRC and the State have awarded the City of Kirkland an additional $1.5 million in grants specifically for development of the interim trail.

Kirkland has kept Sound Transit informed of the Interim Trail. In addition to several staff meetings between Sound Transit and Kirkland staff over this time frame, the Kirkland City Manager and Mayor made presentations to the Eastside Rail Corridor Advisory Committee (RAC) that included information on the Interim Trail on three separate occasions. These occurred on February 20, 2013, April 4, 2013 and February 12, 2014. Sound Transit RAC Board members and staff were in attendance at each presentation and not once indicated that Sound Transit was about to designate the CKC as a Planned Easement Area or that Sound Transit considered the Interim Trail a major project that could impact a Planned Easement Area.

On February 6, 2014, the City voluntarily requested Sound Transit’s comments on the Interim Trail design pursuant to the Easement.

The City was attempting to be inclusive and proactive by submitting the Interim Trail plans to Sound Transit. Under the Easement, “[a]n Other Improvement that is a Minor Improvement may also, in the discretion of the [City], be submitted to Sound Transit for review and comment.” Easement, Section 9B(1)(i). The City believes the Interim Trail is a Minor Improvement and the decision to submit its Interim Trail plans to Sound Transit was such a discretionary act.

The City is troubled by the fact that after all of the communication between the City and Sound Transit with respect to the Interim Trail, Sound Transit purported to issue a Notice of Planned Easement Area at the same time it provided comments on the Interim Trail. When the City sought comments from Sound Transit pursuant to Section 9(b)(1) of the Easement in February, there was no such designation. Designating a Planned Easement Area after a request for comments raises significant fairness and policy concerns. Whether a portion of the ERC is a Planned Easement Area should be based
on Sound Transit’s planning process, not on whether there is a request by the City for review of “Other Improvements” under the Easement.

C. The Proposed Interim Trail is not a “Major Improvement.”

The City also rejects Sound Transit’s assertion that the proposed Interim Trail constitutes a “Major Improvement” under the Easement that, according to Sound Transit’s letter makes it not “reasonably practicable” for Sound Transit to implement high capacity transportation facilities (“HCT”) within the corridor.” The Interim Trail is an interim facility which will be constructed simply by placing and compacting gravel over the existing rail bed. Construction of the Interim Trail will not adversely affect the suitability of the rail bed for future high capacity transit use. It simply creates a smoother surface for pedestrian and non-motorized vehicles in the interim. Sound Transit’s letter would therefore imply the rail bed itself makes it not “reasonably practicable” for Sound Transit to locate HCT within the Corridor since it exists today even if Kirkland takes no action. This is nonsensical since Sound Transit is currently implementing HCT in the Bellevue portion of the Eastside Rail Corridor with the same rail bed.

It may be that construction of a permanent, paved trail on the CKC constitutes a Major Improvement under Section 9A of the Easement, but the Interim Trail does not. The impact of the CKC Master Plan paved trail on HCT is an issue the parties can negotiate in the future when and if the City proposes permanent trail improvements.

D. Easement Conditions should be treated as comments.

Under the Easement Section 9B(1), the conditions set forth in your April 4, 2014 letter should therefore be treated as comments and that is how the City intends to evaluate them. City staff will continue to work with Sound Transit staff to address its concerns about the Interim Trail. However, for the reasons previously stated, the City objects to Sound Transit’s assertion that it is entitled to place conditions on the development of the Interim Trail. We believe any potential Sound Transit conditions are more appropriately directed to Kirkland’s CKC Master Plan which would be a major improvement to the CKC.

The City also objects to condition 4 of your April 4, 2014 letter. In constructing an Interim Trail, the City is carrying out the provisions of the federal Rails to Trails Act (16 U.S.C. 1247) and preserving the railbanked status of the CKC. This is important for all parties with an interest in the ERC.

23 U.S.C. 138 and 49 U.S.C. 303 provide for the preservation of parks and recreational areas in connection with federal transportation projects. At this point, the City is unwilling to prospectively take a legal position on the applicability of this federal legislation to the CKC. Such a request is beyond the scope of the Easement and the Interim Trail improvements proposed by the City.
We hope this response has clarified Kirkland’s position on Sound Transit’s letters. Kirkland is committed to resolve these issues in a positive manner through further conversation. Kirkland also looks forward to receiving clarification that Sound Transit does not intend to create financial liability for Kirkland nor require relocation of the Interim Trail by Kirkland if HCT is implemented along the corridor.

Please let me know if you have any questions.

Sincerely,

Kurt Triplett
City Manager

cc: Pam Bissonnette, Interim Public Works Director
    Kari Page, Neighborhood Outreach Coordinator
    Oskar Rey, Assistant City Attorney
    Jennifer Belk, Sound Transit Deputy General Counsel
Santa Cruz County Regional Transportation Commission
THREE MONTH MEETING SCHEDULE
August 2014 Through October 2014

All meetings are subject to cancellation when there are no action items to be considered by the board or committee
Please visit our website for meeting agendas and locations www.sccrtc.org/meetings/

<table>
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<tr>
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Commission Offices-1523 Pacific Ave- Santa Cruz, CA
RTC Watsonville Offices-275 Main St Ste 450-Watsonville, CA
Board of Supervisors Chambers/CAO/RDA Conference room-701 Ocean St-5th floor-Santa Cruz, CA
City of Capitola-Council Chambers-420 Capitola Ave-Capitola, CA
City of Santa Cruz-Council Chambers-809 Center St-Santa Cruz, CA
City of Scotts Valley-Council Chamber-1 Civic Center Dr-Scotts Valley, CA
City of Watsonville-Council Chambers-275 Main St Ste 400-Watsonville, CA

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### August 7, 2014

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July 3, 2014

Matt Fowler, Senior Environmental Planner
Environmental Central Coast Branch
California Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401

Dear Mr. Fowler:

The Santa Cruz County Regional Transportation Commission (RTC) staff has reviewed the initial study for the Route 1/9 Intersection Improvement Project. The Route 1/9 Intersection Improvement Project is an important traffic operations and congestion relief project. The traffic analysis included in the initial study appropriately documents the proposed project's ability to reduce delay and serve a greater percentage of vehicle demand. With over 80,000 vehicles traveling through the intersection each day, including Santa Cruz Metropolitan Transit District (METRO) buses accessing the METRO operations and maintenance facilities, as well as pedestrians and bicyclists, the Highway 1/9 Intersection Improvement Project is a regionally significant project and compliments the series of completed and planned Highway 1 investments lead by RTC and Caltrans.

The Highway 1/9 Intersection Improvement advances the recently adopted 2014 Regional Transportation Plan goals of improving mobility by increasing the efficiency of the existing transportation system. At a time of scarce transportation resources, intersection projects, like the proposed Highway 1/9 Intersection Improvement, are important for improving transportation in Santa Cruz County.

In recognition of the project benefits to the regional transportation system, the RTC has programmed $1.39 million in State Transportation Improvement Program (STIP) funds to the Route 1/9 Intersection Improvement Project. The RTC staff appreciates Caltrans' and the City of Santa Cruz's efforts to implement these improvements and encourages Caltrans and the City of Santa Cruz to continue taking the steps required to expedite construction of the project. The RTC staff recognizes the strong funding commitment of the City of Santa Cruz to this project, having funded
100% of the pre-construction phases of work from local sources and committing significant additional local funds for construction.

RTC staff would like to compliment the City of Santa Cruz for investing over $5 million to improve pedestrian and bicycle access in the project vicinity which resulted in a separate bicycle and pedestrian facility which parallels the River Street/Route 9 east/west route and a dedicated bicycle and pedestrian bridge providing access over the San Lorenzo River. This approach is consistent with the concepts included in the Monterey Bay Area Complete Streets Guidebook which identify separated or buffered facilities for bicyclists and pedestrians as desired in locations with high traffic volumes. The proposed multi-purpose path identified in Figure 2-4 of the Initial Study as a future project will provide yet another opportunity for pedestrians and bicyclists. RTC encourages the City of Santa Cruz to take steps to implement this proposed multi-purpose path as funding becomes available and to provide design details to the RTC’s Bicycle Advisory Committee for review prior to final design.

RTC staff encourages the City of Santa Cruz and Caltrans to work with the RTC’s Commute Solutions Program before and during the proposed project’s construction to provide information to the community about carpooling, vanpooling, transit, and bicycling as a strategy for mitigating traffic impacts during the construction period.

Finally, RTC staff requests that the City of Santa Cruz and the RTC staff discuss opportunities for developing a park and ride lot adjacent to the project location in the future.

Sincerely,

George Dondoro
Executive Director

I:\ENVIREVU\LETTERS\Highway 1_9b.docx
July 3, 2014

Ms. Kathy Previsich, Planning Director
Ms. Barbara Mason, Economic Development Coordinator
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz County, CA 95060

Dear Ms. Previsich and Ms. Mason,

A well designed and maintained transportation network is one of the essential pillars of a vibrant economy. Efficient exchange of goods and services and the ease with which individuals can reach destinations are largely dependent upon the roadways, sidewalks, paths and information available to them. Transportation elements must be integrated into each economic strategy as a basic functional element. Improved access and travel time reliability will positively affect job markets, business delivery markets, freight supply chains and visitor activity, all key economic generators. It is with these connections in mind that we request that you consider the below comments from Santa Cruz County Regional Transportation Commission (RTC) staff regarding the role of transportation policy in advancing the goals of the Santa Cruz County Economic Vitality Strategy (EVS).

Transportation and Land Use
• Land use is an undeniable factor in influencing the architecture of the transportation system. However, street design is often an underutilized yet effective tool for promoting complementary land uses. Cities, such as Lancaster, which have coordinated economic development and transportation priorities by designing pedestrian scaled environments recorded $125M in private investment and a 26% increase in sales tax. To better consider existing and future land uses, identify what is needed to create convenient and comfortable experiences for consumers, and help create attractive, walkable destinations, RTC staff recommends that the EVS incorporate an action under Strategy 6.11 to utilize the Monterey Bay Area Complete Streets Guidebook checklist when designing new transportation infrastructure projects and rehabilitation of existing roadways.

• Providing the right amount of parking, not too many spaces and not too few spaces, is an important tool for encouraging economic development. Parking...
policy can trigger new investments, support community goals, such as leaving land open for public uses or economic generators, and encourage urban densities and mixed use development. Parking is also one of the primary places where land use and transportation policy connect. RTC staff recommends that the EVS consider the use of shared parking strategies such as:
- “park once districts” to address consumer parking;
- shared parking districts which can focus on consumer and employer needs, with coordinated transportation demand strategies;
- unbundling the price of parking from new development;
- removing parking minimums;
- support in-lieu parking fees; and,
- support carsharing and bikesharing programs.

Transportation Costs
- As described in the recently adopted 2014 Santa Cruz County Regional Transportation Plan (RTP), reducing household transportation costs can increase investments in the local economy. If the transportation projects in the 2014 RTP are implemented, each household will save $335 dollars per year. The predicted saving comes from fewer fuel expenditures as a result of less solo driving when transportation and land use investments are well coordinated. When reinvested locally, this can provide an increase of over $13 million dollars/year invested in Santa Cruz County. RTC staff requests that the EVS recognize the role of household transportation costs in the EVS discussion of housing availability by including a policy that encourages new and more compact housing to be developed: along existing transportation corridors including, but not limited to, Highway 1, Soquel Avenue and the Santa Cruz County Branch Rail Line; along existing and future high quality transit corridors, such as Freedom Boulevard; and, near employment centers.

- It is now common for homebuyers to consider the combined cost of housing and transportation when considering a move. Because Santa Cruz County has a well-known high cost of housing, the cost of transportation is and will be a key factor when considering the affordability of living and working in the County. Many younger people prefer not to carry the cost of owning a vehicle, and seek cities and neighborhoods that offer a variety of mobility options and place a high value on walkability. RTC staff recommends the EVS include strategies that directly support a variety of modes including pedestrian, bicycle, bus and rail transit.

- The cost of providing paratransit service averages between $22-$47 dollars per passenger. The cost of per passenger of fixed route transit (bus) is $6.5 dollars. The Americans With Disabilities Act includes an unfunded mandate for transit
districts to provide paratransit for those physically unable to use fixed route service. As the boomers age, this economic challenge will increase. As part of the discussion of availability of housing, RTC staff recommends the EVS include strategies that enable less reliance on paratransit such as locating senior housing along fixed transit routes and near transit stops. Complementary transportation policies should also be included which address the pedestrian needs of seniors and disabled individuals near housing and transit stops including, but not limited to, audible walk signals, shorten street and driveways crossing distances, and non-obstructed pathways. Refer to the Monterey Bay Area Complete Streets Guidebook and consultation with the RTC’s Elderly and Disabled Transportation Advisory Committee for more information about specific design treatments that affect the mobility of seniors and disabled individuals.

- Encouraging the clustering of employers is another strategy for better utilization of the existing transportation network by increasing opportunities for carpooling and vanpooling. The RTC Commute Solutions Program currently provides ridematching services to over 1,800 employees traveling to and from Santa Cruz County. One of the biggest challenges for interested carpoolers is connecting with other commuters traveling to nearby locations. The potential for arranging a regular and convenient carpool or vanpool increases when business are located in close proximity. **RTC staff recommends that the EVS recognize the benefits of clustering employees as a way to serve the greatest number of individuals with the existing transportation infrastructure.**

**Transportation Investments**

- Implementation of the 2014 RTP would invest $2.7 billion in transportation in Santa Cruz County. This has direct benefits, such as new construction jobs as well as indirect benefits, such as the demand for services and supplies to support construction project. **RTC staff appreciates that the EVS Strategy 5.2 recognizes the importance of coordinated efforts between public and private partners to implement transportation improvements identified in the 2014 RTP.**

- The 2014 RTP balances funding for improvements across all modes. However, there is a large gap in funding between available resources and what is needed to achieve the Plan’s goals. For example, Santa Cruz County’s Pavement Condition Index is rated as poor and existing revenues cover less than half of the $33 million needed annually to maintain the local roadway network. Without new revenues above and beyond those identified in the plan, congestion on Highway 1 will persist, although travel time reliability will improve. Although the quality of bicycle and pedestrian facilities is improved with the plan’s implementation, it still falls short of regional targets. Additional resources that
could be applied to congestion relief, improving travel times and choices, rehabilitation of local roadways, and improvements to the quality of pedestrian and bicycle infrastructure would support economic vitality. The RTC staff welcomes the county’s participation in identifying transportation funding priorities and opportunities for generating new and reliable transportation revenues.

- In recognition of the desire for more fiber optic connections in the region to support economic vitality, RTC staff recommends that the EVS include a "dig once" strategy with provisions to allow for a variety of public and private partnerships. Public and private partnership should take into consideration the economic benefits of better broadband service and the cost savings achieved from coordination of fiber optic and conduit installation and transportation improvements. A reliable and locally controlled source of transportation funding would enable the RTC to better coordinate the timing and location of improvements that facilitate investment in broadband service.

**Visitors**

- Visitor traffic is often a complaint of Santa Cruz County residents. However, it is also a sign of strong demand for destinations and services. RTC staff recommends that the EVS introduce cost-effective strategies that support connecting visitors to and between destinations. This may include identification of park and ride or bike facilities coordinated with complementary seasonal transit service to visitor destinations, dedicated transit access or transit priority during events and seasons, direct transit service from San Jose Airport to Santa Cruz, and providing visitors with real time information about parking, and traffic conditions using a 511 Traveler Information System.

- RTC staff recommends that the EVS recognize the Monterey Bay Sanctuary Scenic Trail as a future visitor destination. EVS related strategies should include support and/or incentivize visitor serving business to be located near to the Monterey Bay Scenic Sanctuary Trail where possible, and support for intermodal facilities, such as park and ride lot or bus transit station, along the Trail to allow visitor access. As proven in other jurisdictions where new multiuse paths are built, the boon to tourism and the local economy has been tremendous. Sections of the Monterey Bay Sanctuary Scenic Trail that may play an important role in promoting tourism include the section in the southern portion of the county nearby to farms with farm stands, sections in the north part of the county connecting the City of Santa Cruz and Davenport, and sections in mid-county that link to the harbor and boardwalk area. Similar to the Monterey Bay Sanctuary Scenic Trail, implementation of a San Lorenzo Valley River Trail, a paved multiuse path for bicyclists and pedestrians, would provide connectivity from Boulder Creek to Santa Cruz. Development of this multi-use
path could eventually address some transportation needs between mountain communities and draw visitors to lodging opportunities and destinations in the San Lorenzo Valley.

**EVS Training**

- The EVS does a good job of identifying the many partners required to achieve its goals. An essential element of effective partnerships is clear communication of roles and responsibilities. It is the role of the EVS to work with each department to identify steps for advancing EVS goals within existing systems. **RTC recommends that the EVS Action 1.2.2 include providing training to each respective department staff about activities related to economic development within their purview.** For instance, a general understanding of the EVS by departments is important, but a strong grasp of the specific actions required by each department (transportation, water, land use, and public safety) ranging from policy to implementation will go further towards implementing the EVS.

Thank you for considering RTC staff’s comments on the Santa Cruz County EVS. We look forward to future opportunities to partner with the county in support of economic vitality.

Sincerely,

George Dondero  
Executive Director

cc: Santa Cruz Chamber of Commerce
From: William Menchine [mailto:menchine@cruzio.com]
Sent: Wednesday, June 04, 2014 1:16 PM
To: info@scrrtc.org
Subject: Delay extension of "Train to Christmas Town" agreement

Dear RTC Staff and Commissioners,

I am writing to express my concern regarding the decision to extend or renew the contract with Iowa Pacific (Santa Cruz & Monterey Bay) railway through 2021.

It is clear and has been acknowledged by the RTC, that the economic viability of profitable freight service ended with the closing of the CEMEX plant. It is less clear if the existing operations by Iowa Pacific and the “Train to Christmas Town” has met ridership targets or resulted in financial gains or losses for the RTC.

What is known for sure is that the costs associated with constructing a bicycle and pedestrian path are now estimated to run many times higher than originally anticipated by the RTC. This is due to the fact that the current plan of “Rail with Trail” requires the construction of separate and parallel bridges at nearly all of system’s existing bridges and trestles.

Estimates for the new bridges are running at upwards of $100M and could take 20 years or more to build. This new financial reality should have been the wakeup call for the RTC to step back and reevaluate all of the options. To the best of my knowledge, RTC staff has not sufficiently analyzed and reported back to the commission or the public on possible options or alternate development plans for the MBSST or service on the Santa Cruz Branch Line railroad.

One option that has been available from the beginning has been to “Rail Bank” the line and to modify the existing bridges for the multi-use path. This option, while eliminating rail service does allow for the repurposing of the bridges at a fraction of the cost of constructing new bike/pedestrian bridges.

Further, the elimination of rails, fences and buffer zones would allow the multiuse path to meet or exceed current best practices of a 10 foot minimum path width which would result in improve safety and greatly enhance the user experience.

A wider path would allow for future transportation options by supporting a new class of electric assisted human powered vehicles that could well dwarf the ridership numbers of any currently proposed “passenger rail service”.

There is a convergence of advance engineering and design, lightweight materials, improved power density in batteries and developments in autonomous electronic guidance and control that should cause the RTC rethink its commitment to a space constrained, heavy rail system.

Other communities that have chosen to do “Rail with Trail” systems have started out with an economically viable, bi-directional railroad. In our case the conversion of the rail corridor and existing bridge infrastructure to a bicycle and pedestrian GREENWAY is potentially our system’s most valuable asset. A well designed and properly constructed multi-use GREENWAY could result in significant public health benefits, reductions in GHG emissions and further our County’s goals for environmental sustainability.

For this reason a serious evaluation of the transportation potential of a county-wide GREENWAY should be done as part of the RTC’s study of “passenger rail service”.

We are in a race with global climate change. We can’t wait another generation to make it possible for children and parents to access local schools under their own power. We have to make smart and efficient decisions that leap frog current or antiquated technologies.

The RTC should not commit to extending operating agreements or licenses through 2021 before evaluating all of the options. Please delay the vote or reduce the contract to a yearly renewal. Task staff with fully exploring options that have been “off the table” and to start thinking outside of the box.
We don't have the time or the resources to screw this up. It would be a giant step backwards to lock the community into a future of heavy rail infrastructure with inherent and systemic constraints that could reduce or compromise future alternative transportation options.

The $100M that would otherwise be spent on separate bridges would go a long way to build out bicycle and pedestrian infrastructure that is needed all over the County in order to realize the goals of Complete Streets. This is the “Last Mile” of any multimodal commute or transit trip and critical to developing future BRT or PRT systems.

It is time for the RTC to show some leadership and guidance in developing the full potential of the SC Branch Line corridor. It may well be that the winning environmental and economic solution for the SC Branch Line does not involve rails at all.

Respectfully,

William Menchine

Dear Mr. Menchine,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,

Cathy Judd, Administrative Assistant
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060
Main Office 831.460.3200 | Watsonville 831.768.8012

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-----Original Message-----
From: Michael Bryant [mailto:michaeljamesbryant@sbcglobal.net]
Sent: Wednesday, June 04, 2014 1:16 PM
To: info@sccrtc.org
Cc: justinabryant@sbcglobal.net
Subject: Item #21 Train to Christmas Town

Dear Committee,

I am not in favor of renewing a lease to operate a train to Christmas Town from Watsonville to south of Manresa. If the lease is going to be renewed, I would like to see the rights released for any track north of Manresa. I strongly believe that the best use for the tracks is a pedestrian/bike trail from Watsonville to Santa Cruz. I would like to see the trail in by 2016.

Thank you,

Michael Bryant
513 Sumner Ave
Aptos, CA 95003

Dear Mr. Bryant,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,

Cathy Judd, Administrative Assistant

Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060

Main Office 831.460.3200 | Watsonville 831.768.8012

Follow our social networks for the latest RTC news
Dear Commissioners

As an Aptos resident I walk across the rail line at Seascape every day. It saddens me to see this swath of land fall further into disrepair, with stretches covered in litter and graffiti. Meanwhile I venture to Monterey or Los Gatos to enjoy their pedestrian/cycling trails. Such a trail would be a recreational and transportation boon to our community. I have followed the discourse regarding the Christmas train, and possible passenger rail service, but I remain disappointed that we have not heard a viable plan that will serve our community.

I would request the commission serve our community and utilize this wonderful asset by addressing two questions:
1. Can our community realistically afford and support passenger rail service along this line? Is fixed rail service the future in Santa Cruz?
2. How can this great asset (the rail line) best be used to improve the quality of life in our community? And, while we sort out the first question, how do we begin to get public access to enjoy the trail?

I look forward to our commission managing this public asset in a way that improves the quality of life in Santa Cruz County, and until there is a solid case for the massive investment to run a train, let’s use the trail now.

Sincerely, Robert Quinn

Dear Mr. Quinn,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,
From: Claudia Schlachter [mailto:claudiaschlachter@gmail.com]
Sent: Wednesday, June 04, 2014 2:34 PM
To: info@sccrtc.org
Subject: The Santa Cruz "Train To Christmas Town"

I would like to add my heart felt support to the continuation of the Train To Christmas Town. I can't imagine the holidays without this wonderful event for residents and visitors. Please count me as one of the many supporters of continuing this event well into the future!!

Claudia Schlachter
4251 Starboard Ct.
Soquel CA 95073

Dear Ms. Schlachter,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,

Cathy Judd, Administrative Assistant
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060
Main Office 831.460.3200 | Watsonville 831.768.8012

Follow our social networks for the latest RTC news
From: Annette von Oopen [mailto:avonoeopen@gmail.com]
Sent: Wednesday, June 04, 2014 4:51 PM
To: info@scrtc.org
Subject: comment on item # 21 Train to Christmas Town lease

To all responsible persons, who care about the residents of Aptos and Monterey Bay,

I am a mother of 3 children, living in Aptos and hope so much that the bike/pedestrian trail from Manresa to Wilder Ranch will happen soon.

There is not one logical reason not to go for it.

Here are only some of the many reasons to do it:

**Infrastructure:** 365 day use versus ?? days use. This trail would be used daily by residents and by tourists

It would also connect residential areas with Aptos village, Capitola or Santa Cruz

**Environment:** the trail will attract people to bike instead of sight seeing in the car and would help get more traffic off Highway 1

**Health:** obesity in young age is a huge problem in our country. Offering space to exercise in a beautiful environment will attract many families with children and will make biking for us much safer.

Over all the idea of connecting all cities in Monterey Bay with a bike/pedestrial trial would be simply awesome and could be an example for a thoughtful city planning.

Let's set new standards here in Santa Cruz County and go as first step for the Manresa to Wilder Ranch Bike/Pedestrian Trial.

Thank you, and I trust in your responsibility,

with friendly regards,

Annette von Oopen

---

Dear Ms. von Oopen,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,

______________________________
Cathy Judd, Administrative Assistant
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060
Main Office 831.460.3200 | Watsonville 831.768.8012
Follow our social networks for the latest RTC news
-----Original Message-----
From: Cybele Candau [mailto:ccandau@yahoo.com]
Sent: Wednesday, June 04, 2014 6:34 PM
To: info@sccrtc.org
Subject: Christmas town

Please please please do not invest in the train for Christmas Town. This community needs a safe pathway for pedestrians and bicyclists. I am a resident in Rio Del Mar on Sumner Ave, where we are constantly battling fast vehicles. We need to make our town more friendly to non-motorized vehicles.

Consider the pleas of the community.
Thank you,
Cybele Candau

Dear Cybele Candau,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,

__________________________

Cathy Judd, Administrative Assistant
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060
Main Office 831.460.3200 | Watsonville 831.768.8012
Follow our social networks for the latest RTC news
-----Original Message-----
From: Michele Claussen Gmail [mailto:michele.claussen@gmail.com]
Sent: Wednesday, June 04, 2014 7:09 PM
To: info@sccrtc.org
Subject: BOO!!! NO X_MAS TRAIN!!

To Whom it May Concern,

The ridiculously short-sighted "Train to Nowhere" is such a bad idea for many reasons:

1) It was incredibly expensive and a very poor value for the slow, and boring experience, that was a direct quote from my kids, who were very disappointed in the experience, as were my husband and I after buying 4 tickets.

2) The years of opportunities for a fun, beautiful, and affordable good time with a pedestrian/bike trail makes SO much more sense than a temporary train that is only an option for people with a lot of money, not exactly the population the train will be operating in.

3) You politicians are missing an opportunity to create an environment that would draw so many more to ALL areas of the Monterey Bay by having a bike trail. Think about the Discovery trail along the Sacramento River in Sacramento, and many other communities around the country who have created environmentally friendly options, which allow people of all backgrounds, to get about, and experience the beautiful scenic areas.

4) If even 1 single person had a safe way to commute across the county, and took just one car off of Hwy 1, than it would be an improvement over the hellish traffic we have to drive in everyday.

Please powers that be, do the right thing!

Thank you,

Michele Claussen

-----

Dear Ms. Claussen,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,

---------------------------------------------------------------

Cathy Judd, Administrative Assistant
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060
Main Office 831.460.3200 | Watsonville 831.768.8012
Follow our social networks for the latest RTC news
The train to Christmas town should stop at Manresa Beach. This town needs to provide a safe pedestrian use trial for families to walk and bike on with out the treat of being run over by a car. Just this morning walking along Portola Ave. above Capitola, a young girl almost ran me over as she sped by solidly in the bike lane. Please move forward with the path, which is way more critical than a commercial operation, outside of our area, making money on a theme.

Wendy

Wendy L. Cumming
Certified Public Accountant
P.O. Box 1531
Capitola, California 95010-1531
Office (831) 475-5550
WendyC@CummingCPA.com

Dear Ms. Cumming,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Thank you,

Cathy Judd, Administrative Assistant
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060
Main Office 831.460.3200 | Watsonville 831.768.8012

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From: Contact Request Form [mailto:admin@sccrtc.org]
Sent: Friday, June 06, 2014 2:35 PM
To: info@sccrtc.org
Subject: New submission from Contact Form

Name
John Hall

Email
jrhall103@mac.com

Subject
Santa Cruz - San Jose rail service

Your Message

Thank you for your email concerning "Building the Foundation for A Passenger Rail Renaissance: How Global Experience Can Contribute to California’s Creation of a New Model for Rail."

I have looked through various associated reports and I find no discussion of the one route that would have the greatest demand -- Santa Cruz - San Jose. Are there any plans for such a route? What might be done to encourage such a development?

Hello John –
Thank you for contacting us about passenger rail service over-the-hill to the Bay Area.

In the 1990s an analysis of reinstating over-the-hill passenger rail was completed and the results indicated that the costs were prohibitive at this time, due mainly to reversion of much of the right of way to private property and the condition of the tunnels.

There are a number of passenger rail initiatives on the horizon, some with stops in Pajaro, which is just over the Santa Cruz and Monterey County line, but would serve Santa Cruz County.

- Coast Daylight – This would be a new service between southern and northern California that would probably run once a day in each direction, be operated by Amtrak and include a stop in Pajaro. This project is still in the planning phase and there are no firm dates for the start of service. For more information, please see the Central Coast Rail Coordinating Council webpage: http://www.slococ.org/cm/Programs_and_Projects/CRCC.html

- Capital Corridor Extension – The Transportation Agency for Monterey County (TAMC) is the lead on pursuing an extension of the Capitol Corridor train service, currently operating between San Jose and Sacramento/Auburn (http://www.capitolcorridor.org/), to Salinas. This service is scheduled to include a stop in Pajaro. This project is in the environmental analysis and funding phase. For more information about TAMC’s rail program, please see their webpage: http://tamcmonterey.org/programs/rail/index.html

The privately operated Santa Cruz & Monterey Bay Railway, a subsidiary of Iowa Pacific Holdings, is currently running freight operations on the Santa Cruz Branch Rail line and operated the Train to Christmastown in 2012 and 2013. They are interested in running dinner trains and other seasonal and/or recreational passenger services. As they are developed, plans for these services will be approved by the Regional Transportation Commission board. For the next 9 months or so, contractors will be replacing the La Selva Bridge and trains will not operate north of this point.

In addition, the Santa Cruz County Regional Transportation Commission (RTC) has recently initiated a feasibility analysis of commuter and intercity passenger rail in Santa Cruz County. Technical experts have been contracted to help us understand what is feasible in the short, medium and long term, how many people would use it, what would it cost and how might we pay for it. You are encouraged to participate in the development of a draft report and community discussion. I’ve added your name the eNews list.

Thank you for your interest.

Karena Pushnik, Senior Planner/Public Information Coordinator
Santa Cruz County Regional Transportation Commission
Santa Cruz Office (main) 831.460.3210 | Watsonville 831.768.8012
1523 Pacific Avenue | Santa Cruz, CA 95060

Follow our social networks for the latest RTC news
Thank you for this update, Karena.

I am of the view that things have changed quite a bit since the 1990s. I'm sure the costs are very high. But the other side of it is that this is something that needs to be done for the long run. Consider Santa Cruz in 50 years: will people then want train service? I'm betting the answer is yes. Highway 17 is already beyond its limits.

It is good to see all the developments looking to the south. Now the task is to connect to the north, so that people can travel by train to Palo Alto, SF, Berkeley, Sacramento, and beyond. You'd have to agree, I hope, that this would be a good thing, on the face of it.

Keep me in the loop,

John
-----Original Message-----
From: Robert Hull [mailto:rhull@rhull.com]
Sent: Sunday, June 15, 2014 7:57 AM
To: info@sccrtc.org
Subject: Comments on Regional Transportation Plan

I reviewed the online copy of the 2014 RTP.

I agree with many of the planned projects. One project that would improve sustainability should be added. Building a commuter rail line between Santa Cruz County and Santa Clara County paralleling CA-17 and using much of the abandoned rail line between Felton and Los Gatos.

My other concern is the priority for projects. CA-1 is a tremendous frustration to commuters. We need to raise the priority of CA-1 projects. This includes the proposed HOV lane.

Thank you,

Robert Hull
Scotts Valley

Dear Mr. Hull,

Thank you for your comments. They will be made available to the Commission for their review.

Please visit the SCCRTC website at www.sccrtc.org for information on the Commission and its activities.

Cathy Judd, Administrative Assistant
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue | Santa Cruz, CA 95060
Main Office 831.460.3200 | Watsonville 831.768.8012
Follow our social networks for the latest RTC news
From: John Kevin Rothwell [mailto:krothwell33@yahoo.com]  
Sent: Saturday, June 21, 2014 9:26 PM  
To: info@sccrtc.org  
Subject: One of your biggest fans wants to be added to your mailing lists!

Hello Ms Parra,

I am so excited about the upcoming standard gauge steam train trip from Roaring Camp to Wilder Ranch via the Davenport Branch Line, and it's all made possible by you and your awesome organization, the Santa Cruz County Regional Transportation Commission. You all are SO totally my Big Time Heros!

Would you please add me to the mailing lists for the eAgendas, eMedia alerts, and eNews?

Thank you so much!!

Kevin Rothwell

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From: General Info [mailto:info@sccrtc.org]  
Sent: Tuesday, June 24, 2014 11:58 AM  
To: 'John Kevin Rothwell'  
Subject: RE: One of your biggest fans wants to be added to your mailing lists!

We received your request and have added your contact information to our database.

Please be sure to add our email address, info@sccrtc.org, to your address book.

Please visit our website at www.sccrtc.org for more information on all Commission activities.

Thank you,

Santa Cruz County Regional Transportation Commission  
831.460.3200 - Santa Cruz Office (main location)  
831.768.8012 - Watsonville Office  
1523 Pacific Avenue | Santa Cruz, CA 95060

Follow our social networks for the latest RTC news
From: pleasure_point_1@yahoo.com [mailto:pleasure_point_1@yahoo.com]
Sent: Tuesday, July 01, 2014 10:06 PM
To: Regional Transportation Commission
Subject: Re: 2014 SCC RTP Final Plan Adopted

I am so sad that you continue to ignore the EPA's guidance on Green Stormwater Management. The use of permeable surfaces and not using traditional curbs and gutters and stormdrains, will retain the Character of Coastal Live Oak and allow our rain to recharge our groundwater. This will also keep our ocean from being Polluted. These are Coastal Law issues and the plans for this, call for more natural appearance and treatment. Please do not use the old treatment in light of new understanding of environmental consequences. Please preserve the Character of our Special Coastal Communities and our environment. Thank you.
Charles Paulden

Hi Charles,

Thank you for your comments on the 2014 Santa Cruz County Regional Transportation Plan (RTP). In Chapter 8 of the RTP, there is a discussion on the importance of stormwater management for reducing pollution into waterways and replenishing groundwater aquifers. Unfortunately, stormwater management can increase transportation project costs substantially and given the scarcity of funding for transportation, it has been challenging for jurisdictions to implement. We hope to be able to update the Monterey Bay Area Complete Streets Guidebook in the near term and incorporate specific stormwater management design features as a resource for agencies implementing transportation projects in Santa Cruz County.

Your comments will be made available to the Commission for their review.

Thank you,

Ginger

Ginger Dykaar
RTC | 831.460.3213
From: Rich Persoff [mailto:mimulus@charter.net]
Sent: Tuesday, July 01, 2014 6:29 PM
To: info@sccrtc.org
Subject: Passenger Rail Service Study Now Underway

Hello, Karena and Rachel,

What has been budgeted for this effort? Funding Sources? Weren’t extensive potential user studies conducted as part of due diligence in purchasing the rail line? Please send links.

Thank you,

Rich Persoff
Watsonville
Director, Zone 7 Flood Control

Hello Rich Persoff—

Thank you for your questions on the passenger rail study. The RTC secured a competitively awarded Transit Planning grant from Caltrans for $250,000 in Federal Transit Administration (FTA) 5304 program funds to evaluate the feasibility and ridership potential for commuter and intercity passenger rail service on the Santa Cruz Branch Line, plus the RTC has budgeted approximately $70,000 in RTC planning funds in FY14/15 for the study. Rail transit experts from the consulting team of Fehr and Peers, LTK, RailPros and Schaevitz Financing are conducting the technical analysis, with RTC staff taking the lead on public outreach. Santa Cruz Metropolitan Transit District, Santa Cruz & Monterey Bay Railway and Caltrans serve as major partners in the study.

Due diligence for acquisition of the rail line focused on the value, condition and environmental assessment of the property. Please see the Due Diligence page of the RTC website for 27 documents required to acquire the rail property.

With the rail line now in public ownership, community interest in expanding transit service, state requirements and local goals to focus projected growth in areas that could be served by transit, and new state and regional rail service now proposed to stop in Pajaro (just south of Watsonville), the objective of conducting this Passenger Rail Study is to help the community determine whether commuter and/or intercity train service is feasible on the Santa Cruz Branch Rail Line. The study will provide current information about potential service scenarios, ridership, capital and operating costs, and funding options. The purpose of acquiring the rail line was to increase transportation options within the most heavily populated part of the county. This feasibility analysis will help provide answers to the community’s rail transit questions.

We encourage you to learn more about the study and provide input at the July 17 Workshop.

-------------------------------------------

Karena Pushnik, Senior Planner/Public Information Coordinator
Santa Cruz County Regional Transportation Commission
Santa Cruz Office (main) 831.460.3200 | Watsonville 831.768.8012
1523 Pacific Avenue | Santa Cruz, CA 95060

Follow our social networks for the latest RTC news
Hello,

Given the recent tragedy on Hwy 17 on Thursday, I (and I'm sure a lot of other people) feel it is time for Chp to issue a ban on big rigs, etc. on Hwy 17 during the weekly commute hours; northbound in the a.m. and southbound in the pm.

This would be a small concession and schedule adjustment for the trucking industry, and if it would prevent even just one accident like this from ever happening again it would be well worth it. It would also alleviate daily un-necessary traffic delays. What would need to take place to make this happen? I plan to contact our local Chp offices as well. Thank you and I look forward to a response.

Aaron Carr
( Santa Cruz mountain resident and daily commuter)

From: Karena Pushnik [mailto:kpushnik@scrtc.org]
Sent: Tuesday, July 22, 2014 2:45 PM
To: aaroncarr67@gmail.com
Cc: Cruz, Susana@DOT; Sadek, Bradley@CHP
Subject: FW: Public safety change on hwy 17

Aaron Carr,

Your email regarding 'banning trucks on Highway 17 during commute hours' was received and, by copy of this email, was forwarded to the State Department of Transportation (Caltrans) which is the owner and operator of state highway system. They may be able to provide you information about state and/or federal requirements and restrictions.

In addition, I am copying the local Chp division.

Thank you.

Karena Pushnik, Senior Planner/Public Information Coordinator
Santa Cruz County Regional Transportation Commission
Santa Cruz Office (main) 831.460.3210 | Watsonville 831.768.8012
1523 Pacific Avenue | Santa Cruz, CA 95060

Follow our social networks for the latest RTC news

From: Cruz, Susana@DOT [mailto:susana.z.cruz@dot.ca.gov]
Sent: Tuesday, July 22, 2014 3:50 PM
To: aaroncarr67@gmail.com
Cc: Sadek, Bradley@CHP; Karena Pushnik
Subject: RE: Public safety change on hwy 17

Good afternoon Aaron Carr,

Thank you for your inquiry. Here is our response (Caltrans):

Thank you for taking the time to write about your desire to have certain types of trucking to be banned using State Highway 17. The California Department of Transportation (Department), as owner/operator of the State Highway System (SHS), has the statutory obligation to provide for the efficient multimodal movement of people and goods on all SHS. Highway 17 serves as the main route for the movement of people and goods between the South Bay Area and the Santa Cruz area. Alternative routes serving these areas are very limited and inefficient. Your proposal to modify Highway 17 operations would entail new laws and regulations to be enacted by the California legislative branch. They would consider any change to the existing laws after an exhaustive consultation with the Department, the California Highway Patrol (CHP), and all the vested stakeholders. Looking at some preliminary traffic and incident data, it is unlikely that the Department would support such a ban when trucks make up very low percentage of Highway 17 traffic and big-rigs are involved in a very low percentage of accidents on Highway 17.

Once again, I appreciate your suggestion and concern about Highway 17 trucking ban. The Department will continue to monitor Highway 17 operations’ efficiency.

Susana Z. Cruz
Public Information Officer/
Portavoz de Relaciones Públicas
805. 549.3138
805.549.3326—fax
Follow us on Facebook
From: Salina Flores [mailto:Salina.Flores@santacruzcounty.us]
Sent: Monday, July 21, 2014 12:43 PM
To: info@sccrtc.org
Subject: Highway 1 Project Question

TO Whom It May Concern:

Good Afternoon. I have a question about the Highway I project and the expansion near my home. I live off of Bay Avenue/Porter St and we don’t have a sound wall on our side of the freeway – we live at 2548 Gary Drive, Soquel, CA 95073. We were told many years ago if they ever did the expansion near this exit, we may get a sound wall installed due to the expansion. My question is are there any plans for an expansion project as part of the Highway 1 proposal or do you know how I can ever go about trying to petition for a sound wall? I have lived in this home for 10 years and the sound of freeway is still very loud - I understand the other side of the bridge which is considered Capitola has a sound wall, so I was never sure why we wouldn’t be entitled to receive one as well?

Thank you for any information you can provide
Salina Flores

From: Kim Shultz [mailto:kshultz@sccrtc.org]
Sent: Tuesday, July 22, 2014 4:36 PM
To: Salina Flores
Subject: Highway 1 Project Question

Hello Salina,

Yes, the construction of a sound wall remains very likely south of the Bay/Porter Interchange as part of a future Highway 1 improvement project. The final determination of whether a sound wall will be built will be included in an environmental impact report (EIR) for the project, most likely a project to build auxiliary lanes on Highway 1 between the Bay/Porter Interchange and Park Avenue. (An auxiliary lane connects the on-ramp of the highway to the next off-ramp thereby extending the weaving and merging area for motorists getting on or off the highway – such as that recently constructed on northbound Highway 1 between Soquel Avenue and Morrissey Boulevard.)

The next Highway 1 improvement project currently proposed by the Regional Transportation Commission (RTC) is to build auxiliary lanes (north and southbound) between 41st Avenue and Soquel Drive Interchanges. The EIR for that project is anticipated in early 2015 with a construction date tentatively scheduled for Spring 2020. According to current thinking, the following project on Highway 1 would be the aforementioned construction of auxiliary lanes on Highway 1 between Bay/Porter and Park Avenue. There is currently no timeframe identified for this subsequent project.

The wall on the opposite side of the highway south of the Capitola Avenue Overcrossing is not a “sound wall” of the type designed to absorb traffic noise to mitigate the impact of road traffic on the highway. I suspect that cinderblock wall was privately constructed to provide privacy to the mobile home park, and may or may not be effective in reducing vehicle noise from the highway.

There is currently no source of funds to build sound walls along existing stretches of highway except as a mitigation to a proposed transportation improvement project. At one time the state did maintain an independent sound wall construction program but those funds were redirected in the early 1990’s to seismic retrofit of the bridges on state and local roadways through-out the state following the Loma Prieta and Northridge earthquakes when significant roadway structures failed to withstand moderate sized earthquakes leading to severe impacts to motorist safety and accessibility.

Please feel free to give me a call or send me a message should you have any questions.

Regards,
Kim Shultz

Kim Shultz, Highway 1 Project Manager/Senior Planner
Regional Transportation Commission
**DISTRICT DIRECTOR’S REPORT**

**Please Submit Maintenance Service Requests at the Following Link:** [http://www.dot.ca.gov/hq/maint/msrsubm](http://www.dot.ca.gov/hq/maint/msrsubm)

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**Caltrans District 5**

District 5 Director
Timothy Gubbins

*Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability.*

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**SUMMER QUARTER - AUGUST 2014**

**News at 5**

**2014 Regional Wildlife Corridor and Habitat Connectivity Plan**

Caltrans District 5 recently released the 2014 Regional Wildlife Corridor and Habitat Connectivity Plan. This report, produced by the University of California, Davis, compiles regional maps from four previous studies on wildlife corridors and landscape connectivity. It also features 240 additional data layers, including planned State Transportation Improvement Program (STIP) and State Highway Operation and Protection Program (SHOPP) projects intersecting regional biological and ecological resources. The report, designed for regional analysis, is soon to be released to the public on the Caltrans District 5 web page at: [http://www.dot.ca.gov/dist05](http://www.dot.ca.gov/dist05/)

**2014 Non-motorized Transportation Pilot Program**

The Federal Highway Administration recently released the 2014 Non-motorized Transportation Pilot Program (NTPP) report. The document measures the outcomes of an $88.5 million federal investment in non-motorized infrastructure and training for four pilot communities, including Marin County, California. The report covers from August 2005 through December 2013. It notes that about 85 million vehicle miles traveled were reduced while pedestrian and bicycling activity increased 23 percent and 48 percent, respectively. More information is available at: [http://www.fhwa.dot.gov/environment/bicycle_pedestrian/ntpp/](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/ntpp/)

**25th Annual California Transportation Foundation Awards**

Caltrans District 5, Caltrans Engineering Services, Golden State Bridge Inc., and Case Pacific Construction received Structure Project of the Year for SR 1 Pitkins Curve Bridge & Rain Rocks Rock Shed.

The Interchange Project of the Year went to Caltrans District 5, Transportation Agency for Monterey County, and DeSilva Gates Construction for SR 1/ Salinas Road Interchange.

More information is available at: [http://transportationfoundation.org/transportation-awards/](http://transportationfoundation.org/transportation-awards/)

**Water Conservation**

As the severe drought continues throughout California, Caltrans urges everyone to conserve water and has implemented the following actions toward that goal:

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Please Submit Maintenance Service Requests at the Following Link: [http://www.dot.ca.gov/hq/maint/msrsubm](http://www.dot.ca.gov/hq/maint/msrsubm)
Conservation continued…

- Evaluated all proposed planting projects for the next two years and delayed, until after the drought, 20 percent of the scheduled work.
- All planting work currently under construction will remain on schedule to avoid negative impacts to the contracting industry.
- Improved the department’s efficient use of water and reduced maintenance costs over the long-term.

Caltrans Director to Lead Western Transportation Association

Caltrans Director Malcolm Dougherty is now president of the Western Association of State Highway and Transportation Officials (WASHTO). This position includes presiding over all WASHTO meetings and serving as the regional representative to the American Association of State Highway and Transportation Officials (AASHTO) Executive Committee. Dougherty has more than 21 years experience with Caltrans and has served as Chief Deputy, Chief Engineer and Fresno District Director. In addition, he has held several management positions in Design, Project Management, Maintenance and Traffic Operations.

Active Transportation Program Grant

Caltrans is in the process of reviewing 770 applications—more than half benefiting disadvantaged communities—received from cities and counties throughout California, totaling nearly $1 billion in project requests. All are competing for a share of $360 million in federal and state funding from the state’s Active Transportation Program, promoting bicycling, walking and a healthier state.

New Caltrans Safety Campaign

Following the success of California’s Slow for the Cone Zone public awareness campaign, Caltrans, California Office of Traffic Safety, and the California Highway Patrol are asking drivers to Be Alert, Our Mom/Dad’s at Work. The campaign features the children of Caltrans’ very own field maintenance employees highlighting the message to stay alert. There are about 77 billboards statewide, two on the central coast. One is located between Paso Robles and San Miguel on US 101 in San Luis Obispo County and the other, on US 101 south of Salinas in Monterey County.

County Spotlight

Caltrans Partnership & Transit Planning Grants

Overall, 69 grants applications were received state wide, totaling over $10 million; and 40 applications were awarded, totaling $5.3 million. Congratulations to the following recipients:

- AMBAG - $174,749
  - Feasibility Study of Downtown Circulator Service
  - Rural Transit Improvement Initiative
- SBtCOG - $55,000
  - Expanding Intelligent Transportation Systems Technology for the 21st Century
- TAMC - $120,000
  - Pacific Grove State Route 68 Corridor Study
- SLOCOG - $150,000
  - Joint San Luis Obispo Regional Transit Authority and City of San Luis Obispo Transit 7-Year Plan
- SBCAG - $90,200
  - Santa Barbara County Online Transit Resource Guide
# Completed Construction Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Location</th>
<th>Description</th>
<th>Construction Timeline</th>
<th>Construction Cost</th>
<th>Funding Source</th>
<th>Implementing Agency</th>
<th>Project Manager (Resident Engineer)</th>
<th>Contractor</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Hwy. 17 Guardrail Upgrade (0L7014)</td>
<td>In Santa Cruz County near Scots Valley at various locations from Santa’s Village Road to the Santa Clara County Line (PM 6.0-12.6)</td>
<td>Upgrade guardrail</td>
<td>Summer 2013-June 27, 2014.</td>
<td>$10 Million</td>
<td>SHOPP</td>
<td>Caltrans</td>
<td>Steve DiGrazia (PD)</td>
<td>Pavex Construction</td>
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# Construction Projects

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<th>Comments</th>
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<tr>
<td>3.</td>
<td>Hwy. 1 Guardrail Upgrade, Concrete Barrier, and improvements (05-0R9104)</td>
<td>Highway 1 from S of South Aptos Underpass to .1 Mi N. of Rt 9 (PM 9.0-17.6)</td>
<td>Upgrade Metal Beam Guard Rail, other improvements</td>
<td>Winter 2013/Winter 2014</td>
<td>$ 2.3 M</td>
<td>SHOPP</td>
<td>Caltrans</td>
<td>Doug Hessing (KB)</td>
<td>RGW Construction Inc., Livermore</td>
</tr>
<tr>
<td>4.</td>
<td>Hwy. 17 Laurel Curve NB Shoulder Widening (1C1804)</td>
<td>In Santa Cruz County near Scots Valley from 0.3 Miles North of Glenwood Cutoff to 0.5 Miles South of Glenwood Drive</td>
<td>Shoulder Widening/Soil Nail Wall</td>
<td>August 2014—Summer 2015</td>
<td>$3 Million</td>
<td>SHOPP</td>
<td>Caltrans</td>
<td>Steve DiGrazia (BR)</td>
<td>Graniterock Company DBA Pavex Construction Division, San Jose, CA</td>
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<tr>
<td>Project</td>
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<td>5. Hwy. 17 Summit Slide Repair (1A7104)</td>
<td>In Santa Cruz County near Scotts Valley at 0.2 mile north of Glenwood Dr. (PM 11.0)</td>
<td>Construct retaining wall with concrete slab &amp; barrier, HMA pave</td>
<td>Spring 2013-Winter 2014</td>
<td>$2 Million</td>
<td>SHOPP</td>
<td>Caltrans</td>
<td>Steve DiGrazia (BR)</td>
<td>Condon-Johnson &amp; Associates Inc., Oakland</td>
<td>Project completed and accepted February 28, 2014. One year of plant establishment will end in December 2014.</td>
</tr>
</tbody>
</table>
AGENDA: August 7, 2014

TO: Regional Transportation Commission
FROM: Ginger Dykaar, Transportation Planner
RE: Travel Time and Travel Time Reliability for Highway 1

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission receive information on travel time and travel time reliability for Highway 1.

BACKGROUND

As part of the 2014 Regional Transportation Plan (RTP), RTC has incorporated performance based planning by defining targets to assess how well the plan, if implemented, achieves goals. By developing targets, progress over time can also be assessed. In the 2014 RTP, target 1Di is to “Improve travel time reliability for vehicle trips.” Travel time reliability is an important measure of transportation service quality as it is an indicator of the variation in travel times from one day to the next. Travelers want to know that if a trip will take a half-hour today, it will also take a half-hour tomorrow, and the next day and so on. Travel time reliability (TTR) matters since being late to work, an appointment, or for a delivery can have substantial repercussions for both travelers and businesses. Literature from the Federal Highway Administration (FHWA) and many academic journals cite travel time reliability between destinations as a more important measure than average travel time because it is challenging for people to try to plan around the unpredictable nature of travel. A common goal of transportation agencies is to reduce travel time variability by striving to keep the time it takes to take a trip as close as possible to the average trip time.

DISCUSSION

The baseline travel time data for Highway 1 travel between Watsonville (at Hwy 129) and Santa Cruz (at Ocean St) was measured from Caltrans detectors along the highway and made available through the Performance Monitoring System (PeMS) database. Highway 1 travel time data in the northbound direction for this segment was analyzed over a one year period (9/1/2012 to 8/31/2013). Figure 1 shows the variability in travel time along Highway 1 from Watsonville to Santa Cruz at 8:00 am on non-holiday weekdays during this year. The travel times are plotted versus the weekday of the year along with the 60 mph travel time, average travel
time and 95% travel time. The 95% travel time is defined as the time where 95% of the trips will be shorter than this time.

In Figure 2, the 60 mph travel time, mean travel time and 95% travel time are plotted versus time of day at 5 minute intervals for Highway 1 northbound from Watsonville to City of Santa Cruz for the same one year period. The travel time reliability measure is based on the 95% travel time. Note that the greater the difference between the average travel time and 95% travel time curves at the peak hour indicates a lesser degree of travel time reliability. This plot shows that at a free flow speed of 60 mph, the travel time along Highway 1 between Hwy 129 and Ocean St is approximately 16 minutes. At the AM peak (averaged over a 5 minute interval), average travel time is about 24 minutes and the 95% travel time is about 31 minutes.
Travel Time on Highway 1

Figure 2 – Travel Time and Travel Time Reliability for Highway 1 Northbound from Watsonville (Hwy 129) to City of Santa Cruz (Ocean St)

Highway 1 travel times in the southbound direction along this same segment (Highway 1 from Ocean St to Hwy 129) was only more recently available in 5 minute intervals for an approximately 6 month timeframe (Figure 3). Data from September 13, 2013 to March 6, 2014 was used to determine average travel time and 95% travel time in the southbound direction. This plot shows that at a free flow speed of 60 mph, the travel time along Highway 1 between Ocean St and Hwy 129 is approximately 16 minutes. At the p.m. peak time (averaged over a 5 minute interval), average travel time is about 24 minutes and the 95% travel time is approximately 30 minutes.
Travel time and travel time reliability projections for 2035 based on implementing the projects in the 2014 Regional Transportation Plan were determined using the AMBAG regional travel demand model. The 2035 average travel times and 95% travel times are projected to increase for Hwy 1, 17 and the urban arterials relative to 2010. Figure 4 compares the travel time and 95% travel time for Hwy 1 AM northbound travel for the baseline, 2035 Project and 2035 No Project. The average travel time for 2035 project is only slightly greater than the 2012 baseline average travel time although the increase in the 95% travel time is greater. Similarly, Figure 5 compares the baseline, 2035 Project and 2035 No Project for travel time and 95% travel time for Hwy 1 southbound PM peak (15 minute average) travel times. The average travel time for 2035 Project increases only slightly with a greater increase in the 95% travel time. Although average and 95% travel times for 2035 project are slightly greater than the current baseline, they are less than a no project alternative.
Figure 4 – Travel Time and Travel Time Reliability for Highway 1 Northbound at AM peak (15 minute average) from Watsonville (Hwy 129) to City of Santa Cruz (Ocean St) including 2035 Project and No Project projections.

Figure 5 – Travel Time and Travel Time Reliability for Highway 1 Southbound at PM peak (15 minute average) from City of Santa Cruz (Ocean St) to Watsonville (Hwy 129) including 2035 Project and No Project projections.

When comparing vehicle miles traveled (VMT) in 2035 to 2010, even though the per capita VMT is projected to decrease from 2010 to 2035 by approximately 7%, the growth in population will increase the total VMT by approximately 9% in 2035 compared to a low in total VMT in 2010 (Figure 6). But total VMT in 2035
compared to 2005 - the same base year as used for the GHG emission target - is approximately 2% lower (Figure 6). Even with an increase in population of about 19% over 2005 and with very little capacity increasing projects in our county, by locating jobs and housing closer together and shifting some trips to alternative modes such as transit, carpool, bike, and walk, the congestion relative to 2005 is not projected to get worse. In addition, by putting transportation system efficiencies into place to make traffic flow improvements such as aux lane projects on Hwy 1, intersection improvements (e.g. by adding left turn lanes, improved signal synchronization, roundabouts), congestion may be reduced even further.

![Figure 6– Daily Vehicle Miles Traveled – Per Capita and Total versus Time](image)

**Figure 6– Daily Vehicle Miles Traveled – Per Capita and Total versus Time**

**Summary**

Baseline travel time and travel time reliability data for Highway 1 is available from Caltrans detectors along the highway through the Performance Measurement System (PeMs). Data is aggregated to determine travel times for highway segments between Watsonville and Santa Cruz in both northbound and southbound directions. The 2035 projections for mean travel time and 95% travel times will increase for Hwy 1, 17 and the urban arterials and thus decrease travel time reliability. Despite decreases in per capita VMT, the increase in population will cause the total VMT to increase by 9% in 2035 compared to a low in total VMT in 2010. Although travel times for 2035 project are slightly greater than the current baseline, they are less than a no project alternative.
RECOMMENDATION

This item is for information.

BACKGROUND

The Regional Transportation Commission (RTC) received a transit planning grant from California Department of Transportation (Caltrans) to evaluate the feasibility of passenger rail service on the Santa Cruz Branch Rail Line. In May 2014, the RTC awarded a contract to Fehr and Peers to conduct the study. The study will include technical analysis of service scenarios with ridership projections, capital and operating cost estimates, evaluation of benefits, connectivity to other bus and rail service in the region and, if found feasible in the short and/or long term, recommendations for service implementation and funding.

As noted in the Regional Transportation Plan (RTP), there are a broad range of transportation challenges in Santa Cruz County. These include traffic congestion, access to jobs and services, safety, system preservation, greenhouse gas emissions and energy consumption, among others. Roadways between Santa Cruz and Watsonville are often at capacity, with buses also stuck in traffic during peak travel periods. The rail corridor has the potential to:

1. improve access to jobs and housing;
2. reduce travel times;
3. reduce fuel consumption and greenhouse gas emissions;
4. expand travel options within Santa Cruz County and to other areas of the region and state; and
5. advance multiple other local, regional, state, and federal transportation goals.

If passenger rail service is found to be feasible, recommendations on station locations and train passing sidings will assist local entities in ensuring coordination of land use, transit, trail, and freight plans along the corridor.
DISCUSSION

At the June 26, 2014 Transportation Policy Workshop (TPW), the RTC provided input on the goals and objectives, evaluation framework, station locations and service scenarios for the passenger rail study. Staff and the consultants amended the materials and released them for public input through three main channels.

Survey

An online survey was developed to obtain public input on the following:

1. passenger rail service in Santa Cruz County in general;
2. specifics of potential use by the public;
3. stations and service scenarios;
4. goals about transportation choices, sustainability and cost effectiveness;
5. train use preferences and considerations; and
6. demographics.

The survey was developed by Brianna Goodman, a master’s degree candidate at the University of California (UC) at Davis and RTC intern. The survey was reviewed and tested by academic advisors at UC Davis. Outreach for the survey included the RTC’s Rail eNews group, community groups, facebook, media, paid ads and other outreach mechanisms. In addition to the online version of the survey, an abbreviated paper version in English and Spanish was distributed at local community gatherings such as farmers markets, transit centers and the flea market. At the time of this writing, over 1,250 people have participated in the survey. The survey closed at midnight on August 3rd.

Workshop/Open House

In addition to the survey, a community meeting with the consultants was held in Live Oak Senior Center on July 17th. An enthusiastic crowd of more than 100 people attended this summer workshop. The format included an overview of why the RTC is conducting the Passenger Rail Study, information about potential rail service and vehicle types, and activity centers for attendees to provide input. As noted at the meeting and in the chart below, this is the information-gathering phase of the study.

Technical Stakeholder and Rail Peer Review

Meetings are scheduled for the second and third weeks in August with two study review groups. They will be reviewing the consultant’s recommended 3 to 5 train service scenarios to undergo detailed ridership and cost analysis, as well as the final goals and evaluation framework.

The Technical Stakeholders are comprised of representatives from local jurisdiction planning, public works and/or economic development departments; UCSC and Cabrillo College; business, tourism and transit. The rail peers are comprised of
planning, operation and funding representatives from agencies that are currently planning or operating passenger rail service. These entities will assist the RTC by providing real world review of the materials developed by the consultants.

**Next Steps**

Following the technical stakeholder and rail peer review meetings, the consultants will refine the materials and are scheduled to present their recommendations to the RTC at the September 4th meeting. The RTC will be asked to approve the recommendations regarding the 3 to 5 train service scenarios to undergo detailed ridership and cost analysis, the final goals, and evaluation framework.

**SUMMARY**

The RTC is developing a Santa Cruz County passenger rail study to assess if passenger rail transit service could be feasible on the Santa Cruz Branch Rail Line. This staff report provides an update about the survey, community workshop and review of the train service scenarios to undergo ridership and costing analysis by the technical stakeholders and rail peer groups, and next steps.
TO: Regional Transportation Commission (RTC)

FROM: Luis Pavel Mendez, Deputy Director

RE: Santa Cruz Branch Rail Line Right-of-Way Lease, License and Right of Entry Policy

RECOMMENDATIONS

The Budget and Administration/Personnel (B&A/P) Committee and staff recommend that the Regional Transportation Commission (RTC) approve the attached (Attachment 1) draft Policies for Leases, Licenses and Rights of Entry for the Santa Cruz Branch Rail Line Right-of-Way.

BACKGROUND

In October of 2012, the Regional Transportation Commission (RTC) acquired the Santa Cruz Branch Rail Line (Branch Line). With this acquisition, the RTC inherited all of the corresponding real estate rights, property improvements, encumbrances, responsibilities and leases. In December 2012, the RTC authorized the Executive Director to manage the Branch Line property with the limitation that any new agreements or changes to agreements exceeding $10,000 per year are to presented to the RTC for consideration.

On June 12, 2014, RTC staff presented to the Budget and Administration (B&A/P) Committee draft policies for leases, licenses and rights of entry for the Santa Cruz Branch Rail Line. The B&A/P Committee made some changes and recommended approval by the RTC.

DISCUSSION

With the purchase of the rail line, the RTC inherited 14 leases generating about $60,000 in revenue per year (Attachment 2). About $30,000 of the revenue is used to pay for liability insurance associated with ownership of an operating rail line. The remainder is used for vegetation control, graffiti removal, and general clean up of the rail line, in addition to the services of the Santa Cruz County Real Property Division to help address rail line property use requests. The current lease revenues are insufficient to address all of the clean up and graffiti abatement needs on the rail line. Additional, lease revenue would allow the RTC to do more clean up. A lease analysis completed in 2009 by Gary Anglemyer of
Colliers Pinkard concluded that the majority of the leases are significantly below market rates (Attachment 3).

Staff has been managing requests for use of the Branch Line right-of-way (ROW) consistent with authorization by the RTC to the Executive Director and RTC direction to employ the services of the Santa Cruz County Real Property Division. The work with the Santa Cruz County Real Property Division, the 2009 lease analysis by Colliers Pinkard and research allowed RTC staff to prepare draft policies for leases, licenses and rights of entry for the Santa Cruz Branch Rail Line ROW (Attachment 1). Santa Cruz County Real Estate Division staff reviewed the draft policies and provided comments and suggestions which were incorporated. At its June 12, 2014 meeting, the B&A/P Committee reviewed the policies, made changes and recommended approval. These policies should allow the RTC to:

- Fulfill its purposes in purchasing the Branch Line ROW;
- Meet all laws, regulations and requirements applicable to the RTC’s ownership of the Branch Line ROW;
- Protect the interests of the RTC and the public;
- Increase revenues to help ensure that the Branch Line ROW is a good and sound community asset; and
- Allow uses of the property that are useful to the community and do not interfere with or unduly burden the transportation uses, the RTC or the rail service operator.

The B&A/P Committee and staff recommend that the RTC approve the attached (Attachment 1) draft Policies for Leases, Licenses and Rights of Entry for the Santa Cruz Branch Rail Line Right-of-Way and provide.

**SUMMARY**

With the purchase of the Branch Line ROW, the RTC inherited a number of leases that are significantly below market rates. The RTC authorized the Executive Director to manage the property and stipulated that agreements representing more $10,000 per year be presented to the RTC for consideration. Staff developed draft policies for leases, licenses and rights of entry for the Branch Line (Attachment 1). The B&A/P Committee and staff recommend that these draft policies be approved.

**Attachments:**
1. Draft Policies for Leases, Licenses and Rights of Entry
2. Santa Cruz Branch Rail Line Revenue Leases
3. Lease Analysis Summary of October 2009
ATTACHMENT 1

DRAFT
Policies for Leases, Licenses and Rights of Entry for the Santa Cruz Branch Rail Line Right-of-Way

Background

Purpose for Purchase of Branch Line

The Regional Transportation Commission (RTC) purchased the Santa Cruz Branch Rail Line (Branch Line) right-of-way (ROW) to:

- preserve it as a transportation corridor;
- continue existing freight and recreational rail service;
- facilitate increased freight and recreational rail service;
- explore passenger rail service options;
- construct a bicycle and pedestrian trail alongside the track where feasible; and
- maximize its use as a transportation corridor.

Funding for Purchase of Branch Line

The purchase of the Branch Line right-of-way was facilitated by funding from Proposition 116 of 1990, which provided Santa Cruz County with $11 million to use for “rail projects within Santa Cruz County which facilitate recreational, commuter, intercity and intercounty travel.” The California Transportation Commission (CTC) developed policies and requirements for projects funded with Proposition 116 funds. The CTC imposed certain conditions on its approval of Proposition 116 funds for purchase of the Branch Line right-of-way. The Proposition 116 funds were provided through a master funding agreement and a program supplement agreement with the State of California and administered by Caltrans.

Rail Service Operations for Branch Line

The Santa Cruz & Monterey Bay (SC&MB) Railway was selected by the RTC as the shortline freight and recreational rail operator for the Brach Line. SC&MB Railway owns an easement on the Branch Line for freight purposes. The Surface Transportation Board (STB) designated SC&MB Railway as the common carrier for freight service on the Branch Line. The RTC entered into an administration, coordination and license (AC&L) agreement with SC&MB Railway outlining the responsibilities of SC&MB Railway as the operator and providing the SC&MB Railway with a license to operate recreational passenger rail service on a portion of the Branch Line. The RTC has also provided additional licenses to SC&MB Railway to operate recreational passenger rail service on another portion of the
Branch Line. There are a number of operating agreements for the rail line including crossing agreements and a trackage rights agreement with Santa Cruz Big Trees and Pacific Railway. Rail operations on the Branch Line are governed and inspected by the Federal Railroad Administration (FRA) and the California Public Utilities Commission (CPUC) to help ensure safety.

RTC Planning Documents Affecting Branch Line

The RTC adopts every 4 or 5 years a regional transportation plan with projects on the Branch Line. The RTC also completed a master plan and environmental document for the Monterey Bay Sanctuary Scenic Trail Network, which includes as its spine a trail on the Branch Line right-of-way alongside the operating track. In addition, the RTC has initiated a passenger rail service feasibility study for the rail line.

Policies for Leases, Licenses and Rights of Entry of the Rail Line ROW

The RTC currently manages several long term leases of the Branch Line for various uses including parking, storage, and related uses. A lease analysis completed in 2009 concluded that most of the existing leases that were assumed by the RTC at the time of the purchase are significantly below market rate and in need of an update. The RTC has also recently received requests for updates to existing leases and additional long term leases on the Branch Line. The RTC also regularly receives requests for temporary use of the Branch Line, primarily for construction staging, utility crossings, and road construction projects that impact or cross the Branch Line. The RTC manages these requests by granting temporary rights of entry for use of its property consistent with authorization given to the Executive Director by the RTC Board in December 2012 for agreements affecting the Branch Line that are no more than $10,000 per year.

The following policies shall apply to all leases, licenses and rights of entry managed and issued by the RTC:

1. Leases, licenses and rights of entry for the Santa Cruz Branch Rail Line right-of-way shall be consistent with:

   a. The RTC’s purpose for purchasing the right-of-way;
   b. Funding requirements of Proposition 116, the California Transportation Commission, and agreements with the State;
   c. Rail service operations and safety requirements of the STB, the FRA, the CPUC, agreements with SC&MB Railway, licenses and other agreements and arrangements affecting railroad operations;
   d. The RTC’s Regional Transportation Plan for Santa Cruz County;
   e. The RTC master plan for the Monterey Bay Sanctuary Scenic Trail Network;
   f. Plans developed by the RTC for passenger rail service on the Branch Line; and
g. All applicable federal, state and local laws and regulations.

2. To ensure that there is no gift of public funds, new and updated leases shall be at market rate defined as:

The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby:

a. Lessee and lessor are typically motivated;
b. Both parties are well informed or well advised, and acting in what they consider their best interests;
c. A reasonable time is allowed for exposure in the open market;
d. The rent payment is made in terms of cash in U.S. dollars, and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and
e. The rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction.

3. The RTC shall use closed sessions consistent with the Brown Act to direct its lease negotiators regarding updated and new leases.

4. Leases (new and updated), licenses and rights of entry exceeding $10,000 per year shall be presented to the RTC for consideration in public session and the Executive Director is authorized to approve others.

5. There shall be a public review period of lease terms and conditions of at least 21 days prior to approval of a lease or lease update to give all responsible persons the opportunity to make credible and responsible offers with better lease terms and conditions to the RTC.

6. Leases shall include terms for escalation of rental rates consistent with market conditions.

7. Every five years, the RTC shall review existing leases to ensure that the rent is at market rates and for any leases found to be below market rates, the RTC shall work to update them to market rates.

8. Leases shall include a termination clause to ensure that leases will not unduly impact the development of transportation projects on the Branch Line right-of-way. Licenses and rights of entry that could potentially impact
planned transportation projects on the Branch Line right-of-way due to length of term, purpose, etc. shall also include a termination clause.

9. Licenses and rights of entry shall include fees to the RTC and the rail service operator as applicable to reimburse the RTC and rail service operator for their cost to provide such right of entry in addition to a determined or negotiated market rate for the right of use provided by the license or right of entry.

10. Any lease or right of entry that also crosses or otherwise impacts the rail service operator’s easement or operations shall require review and acknowledgement by the rail operator.

11. If the license or right of entry will provide a service to the RTC benefiting its ownership, management, maintenance, improvement or operation of the Branch Line right-of-way, fees may be reduced or waived by the RTC.

12. Leases and rights of entry shall include appropriate indemnification to the RTC and the rail service operator as applicable.

13. Rights of entry shall include appropriate insurance requirements to protect the interests of the RTC and the rail service operator as applicable.

14. Leases and rights of entry shall include prohibition against any alteration of RTC property except as approved by the corresponding lease or right of entry.

15. Rights of entry shall include a requirement for notification of the rail service operator prior to entering the property as authorized.

16. Revenues from leases and rights of entry shall be used to cover costs of the RTC to negotiate, produce and implement such leases, licenses and rights of entry and for costs associated with the RTC’s responsibility to manage, maintain, operate and improve the Branch Line as established in the funding agreements with the State.

17. Any encroachments onto the Branch Line shall be resolved by removal of the encroachment or conversion of the encroachment to a long term lease or right of entry.
### Santa Cruz Branch Rail Line Revenue Leases

<table>
<thead>
<tr>
<th>Lease</th>
<th>Location</th>
<th>Area in Sq. Ft.</th>
<th>2013 Rent Total Sq. Ft.</th>
<th>2014 Rent Total Sq. Ft.</th>
<th>Escalation</th>
<th>Purpose</th>
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<tr>
<td>1 Alice Washington</td>
<td>Capitola D/K</td>
<td></td>
<td>$1.00</td>
<td>$1.00</td>
<td>None</td>
<td>beautification</td>
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<tr>
<td>2 Aptos Station Development</td>
<td>Aptos</td>
<td>2,700</td>
<td>$169.39</td>
<td>$171.95</td>
<td>CPI</td>
<td>landscaping</td>
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<td>3 City of Capitola</td>
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<td>$503.66</td>
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<td>parking</td>
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<td>4 City of Santa Cruz</td>
<td>Santa Cruz</td>
<td>62,726</td>
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<td>$34,808.75</td>
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<td>storage</td>
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<td>5 Inns by the Sea, Inc.</td>
<td>Capitola</td>
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<td>$8,005.16</td>
<td>$8,325.37</td>
<td>CPI</td>
<td>parking</td>
</tr>
<tr>
<td>6 John Nellany and Vernon Piumarta</td>
<td>North of Scaroni Rd</td>
<td>14,740</td>
<td>$3,383.01</td>
<td>$3,432.06</td>
<td>CPI</td>
<td>storage and hobby</td>
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<td>7 Mondo Brothers</td>
<td>Santa Cruz</td>
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<td>$2,883.46</td>
<td>$2,927.10</td>
<td>CPI</td>
<td>storage</td>
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<tr>
<td>8 R.J. Fambrini</td>
<td>West of Santa Cruz</td>
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<td>CPI</td>
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<td>10 Soquel Creek Properties</td>
<td>Capitola</td>
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<td>$6,000.00</td>
<td>Market rate by lessor</td>
<td>parking</td>
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<td>11 Trifid Properties (Lawrene Kovalenko)</td>
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<td>12 University Business Park LLC</td>
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<td>3%/yr</td>
<td>fence and parking</td>
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<td>13 Lewis Deasy</td>
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<td>14 Jim Castellanos</td>
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<td>$100.00</td>
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<td>lawn, garden, beautification &amp; parking</td>
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<td></td>
<td>$59,043.98</td>
<td>$60,051.28</td>
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</tr>
</tbody>
</table>
October 20, 2009

Santa Cruz County
Regional Transportation Commission c/o
Madeline Miller, Esq.
Associate Attorney
Miller, Owen & Trost
428 J Street, Suite 400
Sacramento, California 95814

Re: Lease Analysis of the Santa Cruz Branch Rail Line

Dear Ms. Miller:

In accordance with your request, we have conducted the required investigation, gathered the necessary data, and made certain analyses that have enabled us to analyze and estimate the market rental values of future leasing opportunities of those properties that are presently leased, as well as properties within the Santa Cruz Branch Rail Line right-of-way that have no leases.

Market Rent is defined as the most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby:

1. Lessee and lessor are typically motivated.
2. Both parties are well informed or well advised, and acting in what they consider their best interests.
3. A reasonable time is allowed for exposure in the open market
4. The rent payment is made in terms of cash in U.S. dollars, and is expressed as an amount per time period consistent with the payment schedule of the lease contract.
5. The rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction.

The subject property is any of the leased properties or any other property within the overall corridor. The “corridor” is defined as all of the property located within the right-of-way between Watsonville Junction in Monterey County and Davenport, Santa Cruz County as shown in the
Based on our analysis, the subject property is currently generating $61,314 of lease income per annum from the existing leases. After reviewing the leases, they are all structured on an absolute triple net basis whereby the tenant pays for any related real estate operating expenses and the landlord is responsible for management and accounting fees. We also found that all of the leases are structured with short term cancellation clauses and that none of them preclude other corridor uses. The existing contractual rent is substantially below market rental levels. The owner is based in Omaha Nebraska and they as well as their predecessor, Southern Pacific, have been in and out of negotiations regarding the sale of the property since the mid 1990s. Consequently, we believe that they have not made much effort with regards to maximizing the property’s rental value. Thus, most of the leases are well below market levels.

Based on discussions with a Transportation Agency for Monterey County, they had a similar experience. There annual rental income increased from approximately $40,000 to $218,007 as of July 15, 2009. This is a 455% increase from their acquisition in September 2003. Our analysis indicates potential aggregate market rent of $273,759 per annum for the existing leases or an increase of 346%. This amount is $212,445 greater than the existing contractual rental income.

The average lease rate for the Monterey line is $0.32 per square foot per annum. Omitting the one agricultural lease, which skews the numbers to the low side, the average lease rate for the non agricultural leases is $1.03 per square foot per annum. We estimate an overall market rent of $0.66 per square foot per annum. Please note that six of the twenty leases are for agricultural or rural residential values and sixteen are for commercial or multi-family uses. A summary of this analysis is presented in Table 2. The rent comparables provided in the Addenda of this report illustrate how low the existing rent is for the subject property.

In addition, we identified additional future leasing opportunities along the corridor that would not interfere with other corridor uses. Based on our analysis, the subject property may potentially generate an additional $296,204 of lease income per annum. This amounts to potential income of $0.13 per square foot per annum. This amount is much lower than the Monterey leases but the potential lease income in Santa Cruz involves a large amount of agricultural land. Omitting the potential agricultural rental income leaves a potential commercial rental income of $0.59 per square foot per annum. This amount is in line with the estimated market rent of the existing leases, which included agricultural land, but the potential “new” lease income was discounted heavily to induce a lease. It is important to note that this commercial only lease amount is well below the average commercial rent in Monterey.

As with all real estate rental income, vacancies occur. Illustratively, an industrial tenant may have a need for the land but if they move, the new tenant may not need the land. The existing
leases have already exhibited a need for the land and should have higher rental income attainment. The owner will be in a less advantageous negotiating position with the new leases and given the limited marketability with one possible tenant in most cases, would have to discount the lease rate further or let the land remain vacant or idle. The estimated leases are based on deeply discounted rates that should be low enough to induce a rental agreement but all situations will vary. Vacancy could fluctuate based on the need of the adjoining property owner and willingness of the owner to discount the rents for higher occupancy or rental attainment.

We have no empirical evidence to support a vacancy rate but feel that it would be substantial. As a point estimate, we apply a 50% vacancy allowance to the above estimated potential income to arrive at a potential effective income of $148,102. The prospective leases are all structured on an absolute triple net basis whereby the tenant pays for any related real estate operating expenses and the landlord is only responsible for management and accounting fees. A summary of this analysis is presented in Table 3.

Thank you for the opportunity to be of service, and please let us know if we can be of any further assistance regarding this matter.

Respectfully submitted,

COLLIERS PINKARD

Gary R. Anglemyer, MAI
Senior Appraiser
RECOMMENDATIONS

The Budget and Administration/Personnel (B&A/P) Committee and staff recommend that the Regional Transportation Commission (RTC) adopt Rosenberg’s Rules of Order (Attachment 1) for the conduct of meetings of the RTC and its committees.

BACKGROUND

At its April 3, 2014 meeting, the Regional Transportation Commission (RTC) approved a significant update to its rules and regulations. At that meeting, the RTC also directed staff to investigate simpler options to Robert’s Rules of Order for the conduct of meetings. On June 12, 2014, staff presented Rosenberg’s Rules of Order to the RTC’s Budget and Administration/Personnel (B&A/P) Committee. The B&A/P Committee considered these rules of order and recommends their use for the RTC and its committees.

DISCUSSION

The two most popular sets of standard rules for conducting meetings are Robert’s Rules of Order and the Sturgis Standard Code of Parliamentary Procedure. These are designed as detailed and comprehensive sets of parliamentary procedure that cover a variety of complex parliamentary situations that are beyond what would typically happen at meetings of the RTC and its committees. However, both of these rules of conduct for meetings cover the needs of the RTC and rules for parliamentary situations that would not arise at the RTC would just not apply.

Dave Rosenberg, a Superior Court Judge in Yolo County, developed Rosenberg’s Rules of Order (Attachment 1) as a simpler alternative that would be appropriate for public agencies. A variety of public agencies have adopted these rules of order due to their simplicity and compactness. The entirety of the rules is contained in six pages of Attachment 1.
RTC staff discussed with legal counsel the three options for rules of conduct for meetings of the RTC. According to legal counsel any of the three options would cover the needs of the RTC and its committees. Therefore, the B&A/P Committee and staff recommend that the RTC adopt Rosenberg’s Rules of Order (Attachment 1) for the conduct of meetings of the RTC and its committees.

Judge David Rosenberg has prepared an instructional video on Rosenberg’s Rules of Order. The video is about 50 minutes in length and is available at the California Institute for Local Government website at [http://www.ca-ilg.org/document/parliamentary-procedure-simplified](http://www.ca-ilg.org/document/parliamentary-procedure-simplified).

**SUMMARY**

At its April 3, 2014 meeting, the RTC approved a significant update to its rules and regulations and directed staff to investigate simpler options to Robert’s Rules of Order for conducting meetings. Staff presented Rosenberg’s Rules of Order to the B&A/P Committee on June 12, 2014. The B&A/P Committee and staff recommend that the RTC adopt Rosenberg’s Rules of Order for the RTC and its committees.

**Attachments:**

MISSION AND CORE BELIEFS
To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION
To be recognized and respected as the leading advocate for the common interests of California’s cities.

About the League of California Cities
Established in 1898, the League of California Cities is a member organization that represents California’s incorporated cities. The League strives to protect the local authority and autonomy of city government and help California’s cities effectively serve their residents. In addition to advocating on cities’ behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR
Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.
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**Introduction**

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert’s Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert’s Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg’s Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg’s Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg’s Rules* in lieu of *Robert’s Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.

3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.

4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

**Establishing a Quorum**

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

**The Role of the Chair**

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. The chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

**The Basic Format for an Agenda Item Discussion**

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body’s agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:
First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:
1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General
Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move …”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:
1. Inviting the members of the body to make a motion, for example, “A motion at this time would be in order.”
2. Suggesting a motion to the members of the body, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. Making the motion. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions
There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body
There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the chair would then move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if amended, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate
The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.
Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes
In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes
The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in
California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.” Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?
Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.
**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

**Special Notes About Public Input**

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.