

From: Ben Vernazza
To: Mitch Weiss; "Robert Tidmore"; Sarah Christensen; "Matt Machado"; manu.koenig@santacruzcounty.us; bruce.mcperson@santacruzcounty.us; gine.johnson@santacruzcounty.us; "Zach Friend"; rpquinn@pacbell.net; eduardo.montesino@cityofwatsonville.org; Felipe.hernandez@santacruzcounty.us; Justin.cummings@santacruzcounty.us; Andy.Schiffirin; openup@cats.ucsc.edu; sbrown@cityofsantacruz.com; "Shebreh Kalantari-Johnson"; Yesenia Parra; Shannon Munz; Regional Transportation Commission; vanessa.quiroz@cityofwatsonville.org; rj12@comcast.net; apedersen@ci.capitola.ca.us; thekristenbrown@gmail.com; Riley Gerbrandt
Subject: June 6 agenda Items 36 37 and forward to OVERSIGHT COMMITTEE
Date: Monday, June 3, 2024 6:04:09 PM
Attachments: PLAY BY THE BOOK Final.pdf

JUNE 6 AGENDA ITEMS 36-37 AND FORWARD TO OVERSIGHT COMMITTEE

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Ladies and Gentlemen,

The \$40,.000,000+- estimated cost difference between the Ultimate Trail and the Interim Trail is not allowed by the Ordinance because it is only there for the purpose of allowing room for a TRAIN and this is not permitted by the Ordinance unless amended in accordance with Section 25 of the that Ordinance. Additionally, any legal agreement with Roaring Camp regarding Seg. 9-10- is not permitted by the Ordinance because it is obviously being made for a train on the Ultimate Trail. The only reason for a bond issue is because it is needed to for the Train with an Unsafe Ultimate Trail. The SCCRTC must "Play by the Book!"

See the last and only amendment to the SCCRTC Ordinance in February 2020 and especially page A-5 <https://sccrtc.org/wp-content/uploads/2020/MeasureD-ExpenditurePlan.pdf/>

FROM THE AMENDED ORDINANCE (Expenditure Amounts, Expectations, Rules)

"Active Transportation – 17% Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail) Measure Revenues (17% or approximately \$85 million total) will be allocated for the Monterey Bay Sanctuary Scenic Trail Network, otherwise known as the Coastal Rail Trail, **for people walking and bicycling along the coast in Santa Cruz County. The coastal rail and trail corridor connects Watsonville, Aptos, Capitola, Live Oak, Santa Cruz, and Davenport and links to trails in Monterey County. The trail offers spectacular views of the Monterey Bay, historic trestles, and a flat surface free of automobile traffic. This trail will provide kids, commuters and recreational bicyclists and walkers a safe and enjoyable way to travel. Funds will be used for trail construction, maintenance, operation, management and drainage of the rail and trail corridor and will leverage other state and federal grants for completion of the trail network."**

"Rail Corridor – 8% Infrastructure Preservation and Analysis of Options Eight percent of Measure Revenues (approximately \$40 million total) will be used for **preservation of the Rail Corridor infrastructure** (rail banking?) and analysis of its future potential use to better serve Santa Cruz County residents and visitors. Projects include analysis (including environmental and economic analysis) to answer important community questions about possible future transit and other transportation uses of the corridor through an open, transparent public process; and maintaining and repairing the publicly owned Santa Cruz Branch Rail Line. **The Measure Revenues do not include funding for any new train/rail service. If the Regional**

Transportation Commission determines that the best use of the corridor is an option other than rail transit, funds may be utilized for other transportation improvements along and near the corridor.

FOR MORE INFORMATION SEE THE ATTACHED.

J. Ben Vernazza CPA/PFS TEP emeritus
Aptos CA – Ben@BenVCPA.com

RTC MUST “PLAY BY THE BOOK”
ORDINANCE NO. 2016-01 (A Quick-Check)
 J. Ben Vernazza, Aptos CA

The Santa Cruz County Regional Transportation Commission (RTC) is bound by specific regulations and limitations, even with a unanimous vote. This document provides a concise overview of Santa Cruz County Ordinance No. 2016-01, as amended in 2020, highlighting what the RTC can and cannot do. For a more comprehensive understanding, please refer to the full ordinance at <https://sccrtc.org/funding-planning/measured/> under "Quicklinks."

HERE IS WHAT THE VOTERS SAW ON THEIR BALLOTS Election” Safety, Pothole Repair, Traffic Relief, Transit Improvement Measure. In order to: improve children’s safety around schools; repair potholes; repave streets; improve traffic flow on Highway 1; maintain senior/disabled transit; reduce global warming pollution by providing transportation options like sidewalks, buses, bike lanes, trails; preserve rail options; shall Santa Cruz County voters adopt an ordinance establishing a half-cent sales tax for 30 years, raising approximately \$17 million annually, YES ____ NO ____” (Comment *Rail-Banking)*

Section 8.IMPLEMENTATION B. The Santa Cruz County Regional Transportation Commission, which currently allocates, administers regional transportation projects and programs, in its role as the Authority shall allocate, administer, and oversee the expenditure of all Measure Revenues which are not directly allocated by formula annually to other agencies, consistent with the Expenditure Plan, as it may be amended The implementation Plan may be amended by a majority vote of the Authority; however, amendment of the Implementation Plan shall not serve to amend provisions of the Expenditure Plan.

Section 24 AMENDMENTS. Other amendments to this Ordinance shall require a two-thirds (2/3) vote of the total membership of the Authority. AND Section 25.EXPENDITURE PLAN UPDATES AND AMENDMENTS.

A. This Ordinance and Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues, to account for unexpected revenues, or to take into consideration unforeseen circumstances. Should a project implementing agency determine that a planned project has become undeliverable and unfeasible due to circumstances unforeseen at the time this Ordinance and Expenditure Plan were created, or should a project not require all funds programmed for that project or have excess funding, funding set forth at project termination will be reallocated to another project or program of the same type or otherwise serving the same objectives.

B. The Ordinance and Expenditure Plan may only be amended, if required, by the following process set forth in Section 180207 of the Public Utilities Code: (1) Initiation of amendments by the Authority reciting findings of necessity; (2) Provision of notice and a copy of the amendments provided to the Board of Supervisors and the City Councils in Santa Cruz County; (3) The proposed amendments shall become effective 45 days after notice is given. Amendments shall require a two-thirds (2/3) vote of the total membership of the Authority.

Section 32. TAXPAYER SAFEGUARDS, AUDITS, AND ACCOUNTABILITY. A. Annual Report. B. Annual Audit. C. Independent Oversight Committee. The responsibilities of this Committee include Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance. Reviewing the annual audit and report prepared by an independent auditor [who must report under NOCLAR (Non-Compliance with Laws and Regulations) with a footnote in their report]. .

Exhibit A: Expenditure Plan and Summary of Transportation Investments per cent of funds. 2016 Transportation Improvement Plan - Expenditure Plan as amended 2020.

SUMMARY OF TRANSPORTATION INVESTMENT

ALLOCATIONS:

<i>CITIES AND COUNTIES</i>	<i>30%</i>
<i>HIGHWAY CORRIDORS</i>	<i>25%</i>
<i>METRO & LIFT LINE</i>	<i>20%</i>
<i>MONTEREY BAY SCENIC TRAIL</i>	<i>17%</i>
<i>RAIL CORRIDOR OPTION STUDIES</i>	<i>8%</i>

VERY SIGNIFICANT → INFRASTRUCTURE: *The Measure Revenues do not include funding for any new train/rail service.* *If the Regional Transportation Commission determines that the best use of the corridor is an option other than rail transit, funds may be utilized for other transportation improvements along and near the corridor.*

WHAT THE RTC CANNOT DO BUT MUST DO:

Two critical safety issues must be addressed. First, any modifications near New Brighton Beach must comply with California Coastal Commission regulations. Second, the Coastal Corridor Master Plan mandates a Class 1 bike and pedestrian trail that adheres to accessibility requirements outlined in the Department of Industrial Relations (DIR) guidelines, ensuring ADA compliance.

Based on conversations with the DIR and peak usage data estimated between Santa Cruz and Capitola, a 16-foot or wider trail with separate lanes for bikes

and pedestrians is preferable. Shared trails narrower than 14 feet are unlikely to meet accessibility standards. Therefore, submitting detailed schematics to the DIR's Accommodation Division for review is crucial before seeking approval from the California Transportation Commission.

Failing to comply with these requirements could result in costly modifications, as demonstrated by the Daubert v. National Park Service (Yosemite) case. This court case had a simple ending –“**modify the trail**”. It is imperative that the SCCRTC prioritizes accessibility and safety by following established procedures.

FAILURE TO ACT COULD COST US MILLIONS MORE!

J. Ben Vernazza Aptos CA

From: [Matt Farrell](#)
To: [Regional Transportation Commission](#); thekristenbrown@gmail.com; manu.koenig@santacruzcounty.us; apedersen@ci.capitola.ca.us; [Andrew Schiffrin](#); [Justin Cummings](#); bruce.mcpherson@santacruzcounty.us; [Larry Pageler](#); [Mike Rotkin](#); sbrown@cityofsantacruz.com; [Quiroz-Carter Vanessa](#); [Donna Lind](#); eduardo.montesino@cityofwatsonville.org; [Eduardo Montesino](#); robertpquinn1@gmail.com
Subject: FORT Comment Letter on RTC June 6 Agenda Items 36 and 37
Date: Tuesday, June 4, 2024 6:07:24 PM
Attachments: [RTC Agenda 06062024 Comment Letter Items 36 and 37.docx](#)

Chair Brown and Commissioners,

The attached letter contains FORT's comments on Items 36 and 37 for the Thursday, June 6 RTC agenda.

In summary, FORT supports staff's recommendation for item 36. For item 36, we are not commenting because there is insufficient information for comment, which we have addressed in detail in our letter.

Thank you for the opportunity to comment on these items; and for your service to our community,

Matt Farrell
Board Chair, Santa Cruz County Friends of the Rail and Trail (FORT)
831 331-7496



June 4, 2024

Santa Cruz County Regional Transportation Commission
1101 Pacific Avenue, Suite 250
Santa Cruz, CA 95060

Subject: FORT comments for RTC meeting June 6th, 2024.
Item 36: Support for Staff Recommendation
Item 37: Insufficient information for Comment

Chair Brown and Commissioners,

Santa Cruz County Friends of the Rail & Trail (FORT) is a local, non-profit community organization that advocates for expanding Santa Cruz County's transportation system to include passenger rail service and a 32-mile multi-use trail as detailed in the Monterey Bay Sanctuary Scenic Trail Master Plan. We offer the following comments on this week's RTC agenda. We appreciate the opportunity to comment on Items 36 and 37.

Agenda Item 36:

FORT appreciates staff's continuing efforts to create a roadmap for the use of the 2016 Measure D Active Transportation Category funds. FORT supports the staff recommendation to continue to identify funding opportunities to advance trail segments 13-20. As the county's oldest advocacy group for creation of the trail along the Santa Cruz Branch Rail Line, we look forward to working with commissioners and the public to develop this important project. We have consistently supported all grant applications for trail and rail funding; and appreciate the opportunity to be a partner in these efforts, which have been very successful.

FORT also fully supports near term planning for segment 17B along San Andreas Road rather than 17A through the sloughs. In addition to the benefit of reduced cost, 17B will have reduced impact on sensitive environments, increase neighborhood access to the trail network, and provide safe, paved, active transportation access from Watsonville to nearby beaches. Our support for the 17B alignment assumes that the trail will be a high-quality multimodal trail that is separated from traffic by a barrier, **not** simply a standard bike lane with fresh paint. This trail segment can and must offer and provide the same excellent design quality as all the other Coastal Rail Trail segments.

Finally, we are happy to support identifying near term funding for projects in Watsonville, including the use of discretionary funds, to develop the remainder of segment 18.

Agenda Item 37:

FORT supports a process that allows more informed comments on project team proposals for the zero emission passenger rail transit project. FORT, as an organization, and the public are unable to make any informed comments on this item because insufficient information has been provided in advance of the meeting.

In the future, we request that staff provide detailed, specific project information and meeting materials for public hearings prior to the meeting so that stakeholders and interested parties can engage fully and thoughtfully with the process. In order to understand why a certain choice has been recommended, the background and criteria for that choice need to be described and explained. This way the public hearing process will focus on inclusion, communication, understanding, problem solving and will result in successful project development/definition.

Thank you again for your consideration.

Matt Farrell

Chair, Santa Cruz County Friends of the Rail and Trail (FORT)