



The County of El Dorado

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TO: Parks and Recreation Commission

FROM: Vickie Sanders, Parks Manager

RE: Sacramento Placerville Transportation Corridor Segmentation Plan

History/JPA formation

The JPA was formed in October 1991 by its member agencies, which are the County of El Dorado, the County of Sacramento, the City of Folsom, and the Sacramento Regional Transit District.

From the time of its creation in October 1991, through the close of escrow in September 1996, the JPA's focus was on acquisition of the right-of-way and improvements (the "Rail Corridor") from the Southern Pacific Transportation Company. In the months preceding the close of escrow, the JPA's member agencies determined that the JPA should not be dissolved upon acquisition, but should continue to be the legal owner of the Rail Corridor responsible to ensure the Corridor's continuity, to preserve the reciprocal rights of the member agencies, and to provide a forum to prevent and resolve disputes between the member agencies. This action by the member agencies ultimately resulted in the Reciprocal Use and Funding Agreement (RUFA) among the JPA and its member agencies, dated August 6, 1996.

The JPA is governed by a five-member Board of Directors. Each member agency appoints one member to the Board and the Board members appoint a member at large (currently a member of the Rancho Cordova City Council).

El Dorado County's rights under the RUFA

The RUFA governs the JPA's powers and responsibilities with respect to the Rail Corridor and is structured to preserve home rule by each member agency over its allocated portion, including El Dorado County. While the JPA is the legal owner of the Rail Corridor, El Dorado County holds an easement covering its allocated portion of the Rail Corridor that gives it very broad discretion concerning its usage. (RUFA, Section 4.)

The JPA has no power to use or transfer any portion of the Rail Corridor without the prior request or consent of El Dorado County (or other Member) to which that portion has been allocated. (RUFA, Section 7(a).)

Conversely, El Dorado County may request the JPA to permit a third-party to use its allocated portion, or to transfer part of its allocated portion, provided that the use or transfer will not:

- Cause any reversionary rights in the Rail Corridor to vest,
- Otherwise threaten the continuity of any portion of the Rail Corridor,
- Violate the terms of any Notice of Interim Trails Use issued by the Surface Transportation Board (i.e., Rails to Trails Act), or Conflict with the terms of any agreement affecting the subject portion of the Rail Corridor. (RUFA Section 7(a).)

Except for the foregoing restrictions on uses or transfers and the reciprocal usage rights held by other JPA member agencies, El Dorado County has control over the use and disposition of its allocated portion of the Rail Corridor. This is true whether the JPA continues to exist or is dissolved.

Reversionary Rights

The Rails to Trails Act so far has withstood a number of challenges to its effectiveness in preserving rail corridors, and we do not expect any challenges on our corridor. In some cases the courts have required the United States government to compensate adjoining landowners for the property rights they "lost" due to the preservation of rail corridors under the Rails to Trails Act. In our case, the time for filing such claims has long since expired and any attempt to do so would be prevented by the statute of limitations.

Brandt vs United States: There has been some local concern about this case and its impact on the SPTC-JPA corridor. This case deals solely with the issue of whether the land grants to the railroads under the Act of 1875 were grants of limited fee title or were merely easements. The only issue was whether the United States held the reversionary right (as it would, if the Act of 1875 granted a limited fee) or whether Mr. Brandt held the reversionary right as the underlying land owner (as he would, if the Act of 1875 granted only an easement). In this case, the Court determined that the Act of 1875 granted only easements to the railroads and not limited fee title, therefore Brandt held reversionary rights.

As for the Placerville Branch, it is essentially all in fee title and in such a case would remain as the JPA's property. But the main point is, the Placerville Branch was assembled in the 1850s and predates the Act of 1875, and this decision does not apply. Also, the Rails to Trails Act was never invoked in the Brandt case, therefore, this case really has nothing to do with that Rails to Trails Act and the disposition of our corridor.

BOARD ACTIONS AND RECOMMENDATIONS

Attachment B is a spreadsheet of board actions from 2007 to present. There have been many actions taken on this corridor, but there are two pivotal actions taken by the board that I feel are relevant and have gotten us to where we are today.

Legistar Item 10-1169, March 28, 2011, the Board of Supervisors took the following action:

- 1) Adopt the map establishing priority uses as follows:
 - a) Segment 1 – 17.5 mile length from the County line through Latrobe to Mother Lode crossing as a multi-use trail including bike path and equestrian trail;
 - b) Segment 2 – 6 mile length from Mother Lode crossing (mile marker 17.5) through Shingle Springs and El Dorado to Missouri Flat Road to be set aside as a joint multiuse trail for all trail uses, historical railroad and an excursion train;
 - c) Segment 3 – Bike routes to the east of Missouri Flat Road existing Class 1 bike path, bike lanes, and bike route;
- 2) Direct staff to explore the feasibility and legality of removing the tracks in Segment 1 and consider if there are other alternatives to removing the tracks; and
- 3) Direct staff to return with further information on May 17, 2011.

I would like to report on where we are with the direction that was given above.

- 1) a) Segment 1-Several things have happened in this segment. The SPTC JPA have prepared a study and design for 10 miles of natural trail which starts at Iron Point Road in Folsom and ends at the Latrobe Station site (7 Miles in from the El Dorado County line). The environmental document has been completed. The JPA has also submitted a grant which would fund the signage and culverts in the 10 mile segment.

In my opinion, there is one important factor in this segment, on March 28, 2011 the board directed multi-use trail. Subsequent to that meeting the board voted against the excursion rail license agreement with the JPA. Not approving that agreement supported the action of the board on March 28th of no excursion rail in segment 1. But in a separate action, the board approved excursion rail use for the 7 miles on a limited basis which is against the action of March 28th. So in my opinion this is one factor that is confusing for the trail advocates. The board took several actions with no rail use in this segment but then took action which is in conflict.

- b) Segment 2-El Dorado Western has been working on excursion rail in this segment. Transportation has been working on class 1 trail design at Missouri Flat Road to El Dorado Road. Bush clearing has been done in this section by the CCC's and volunteers.

- c) Segment 3-A Class 1 bike path exists from Missouri Flat Road to Los Tramos 9.72 miles. Transportation will be completing another mile of class 1 from Los Tramos to Halcon in 2017.
- 2) September 27, 2011, Legistar Item 11-0892 V2, reported to the board that the SPTC JPA denied the request to remove any rail.
- 3) Staff returned on May 17, 2011 and the item was continued. You can the item on Attachment B.

October 10, 2013, (Legistar Item 13-0606) the Board of Supervisors took the following action:

A motion was made by Supervisor Veerkamp, seconded by Supervisor Nutting, to;

- 1) Formally recognize that the trail is open and direct staff to return to the Board with next steps for a Natural Trail-Hiking/Biking/Equestrian trail from Missouri Flat Road to the Sacramento/El Dorado County line and identify the appropriate CEQA review for the project; and
- 2) Pursue any and every grant available relating to this multi-use, multi-modal corridor; and
- 3) Direct staff to work with District II Supervisor on development of the Ordinance; and
- 4) Direct staff to work with the El Dorado Transportation Commission on the Feasibility Study.

The follow up to this board action is as follows:

- 1) Foothill and Associates provided a Needs Assessment for the corridor. The report concluded that to fulfil the mitigation measures in the EIR, a Cultural, Biological and Wetland studies need to be completed. The funding for these studies has been included in the budget this year and we are working on a contract for services to complete this work.
- 2) Community Development Agency, Transportation Division is currently working on the pedestrian overcrossing over Missouri Flat Road and a Class I bike path from Missouri Flat Road to El Dorado. The JPA has also applied for grant funding for signage and culverts on the 10 mile natural trail at the county line. Staff continues to monitor and apply for grants as applicable to the corridor.
- 3) Staff has been working with County Council on the ordinance and is ready for the first reading.
- 4) Staff was involved with the Feasibility Study. The study is complete and included no project I, therefore there is no action to be taken from the study.

Recommendations: From the actions above we are working toward a 26 mile natural trail corridor for biking, hiking and equestrian use. Of those 26 miles, 8 miles include

excursion rail use. I feel we are almost there for the natural trail. I support construction of the Class 1 Bike Path where it is feasible and as funding is secured.

Trail Name

The question of what is the correct name, SPTC or El Dorado Trail has surfaced multiple times by users.. Historically the county has identified the El Dorado Trail as the Class I Bike Path from Missouri Flat Road East which currently ends at Los Tramos, with an additional mile from Los Tramos to Halcon to be completed in 2017.

The SPTC corridor runs from Missouri Flat Road west to the county line. It differs from the El Dorado Trail because it has the tracks and is owned by the SPTC JPA.

Recommendation: I recommend the name remain the SPTC corridor. The 26 mile of rail corridor is owned by the SPTC JPA and has the tracks in place, which will remain as directed by the JPA.

Signage

Signage needs to be consistent for the corridor. Signage for rail use needs to be installed by the rail groups as per the CPUC.

Recommendation: Staff will continue to install signage as the natural trail is developed. The rail group will continue to install the required signage.

El Dorado County Rail Operator

As I have assumed the duties of the SPTC corridor I have depended on El Dorado Western Railroad (EDWRR) for rail advice and maintenance activities.

Recommendation: Name El Dorado Western Railroad as the rail operator in El Dorado County.

Maintenance

Currently maintenance consisting of weed spraying is done by the Folsom, El Dorado, and Sacramento Historical Railroad Association (FEDSHRR) under contract with the SPTC JPA. EDWRR would like to provide the maintenance on the corridor in El Dorado County. The rail operator should be allowed to inspect the tracks for structural and preservation of the rails.

Trail maintenance is provided by trail volunteers and the Adopt a Trail. The county also provided and assisted in maintenance projects on both rail and trail projects.

Recommendation: Request that the SPTC JPA give El Dorado Western Railroad the contract for weed abatement in El Dorado County, 10' from center line of tracks on each side of the tracks.

Trail volunteers will maintain from the 10' line to the fence line.

Corridor Use

Current Use

Segment 1- Current use in this segment is trail use for 17.5 miles and excursion rail use by P&SVRR for 7 miles from the county line to Latrobe on runs approved by the Board of Supervisors.

Segment 2-This is designated as multi use set aside as a joint multiuse trail for all trail uses, historical railroad and an excursion train meaning excursion rail from Shingle Springs to Missouri Flat Road. The natural trail will be on the side of the tracks. A Class 1 can be constructed along the side of the tracks as the tracks cannot be removed.

Recommendation:

It is staffs opinion that one of the major issues surrounding this corridor is the fear that one group will lose and the other will overtake the corridor. Great progress has been made on the corridor but in my opinion the county needs to identify the vision for the whole corridor since use does change in different segments. This will ease the fears of the various users without eliminating any use permanently.

I recommend no excursion rail use on the lower segment supporting the board action on March 28, 2011.

Option

If the board decides to continue with rail use on the lower section, I recommend that the corridor be divided into three segments.

Segment 1-County line to Latrobe, 7 miles, multi-use including excursion rail

Segment 2-Latrobe to Mother Lode Drive, 11 miles, trails only. Maintenance of the tracks will be proved by EDWRR on the tracks only, twice a year.

Segment 3-Mother Lode Drive to Missouri Flat Road, 8 miles, multi-use including excursion rail

Segment 1 signage will be a requirement of PSVRR. No maintenance will be done to bring the tracks to Class I FRA certification. There will be no large locomotive on this section. Once a month pancake runs would be recommended and only runs that would benefit the community of Latrobe. These runs are outlined in the agenda item request from PSVRR which follows this item.

County Expenditures for Rail and Trail

Rail Expenses:

SPTC JPA has spent zero dollars on rail use.

El Dorado County spent \$20,000 for rail signage and pavement marking for road crossings as required by the CPUC. This was for segment 2-Missouri Flat Road to Shingle Springs.

Trail Expenses:

SPTC JPA has spent \$88,430 for the 10 mile natural trail running from Iron Point in Folsom to Latrobe Road in El Dorado County.

El Dorado County has built numerous Class 1 bike paths in the county, but I am only focusing on the El Dorado Trail expenses. This is an accounting on the El Dorado Trail projects:

El Dorado Trail Projects	
Jacquier to Parkway	\$ 1,668,894.00
Parkway to Los Tramos	\$ 835,100.00
Missouri Flat Road to Forni Road	\$ 2,309,500.00
Los Tramos to Halcon (Currently under Construction)	\$ 750,000.00
Culvert Replacement	\$ 30,000.00
	\$ 5,593,494.00
Pedestrian Overcrossing Grant	\$ 498,000.00
Class 1 Bike Path Grant 2.5 miles	\$ 745,000.00

Summary Recommendations

- The rail corridor is identified as the SPTC corridor
- Signage will be provided by each group as required
- El Dorado Western Railroad is the rail operator in El Dorado County
- Request the SPTC JPA approve contract with El Dorado Western Railroad for weed abatement
- No excursion rail on the lower segment.