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Date 9:12 am, Mar 28, 2011

ITEM # 2

## RESPONSE TO PROPOSAL TO REMOVE RAIL

Board of Supervisors  
March 28, 2011  
James R. "Jack" Sweeney  
Supervisor District 3

People often make allegations without doing their homework! Politicians often react to such allegations without verification of the alleged facts. However, we are a nation that abides by its rules, laws, and agreements.

If this County determines to change the purpose of the SPRR corridor by removing the rails, it will need to work with its JPA partners to revise the agreements on which the corridor purchase was based. Those agreements are based on a continuing use of the rail throughout the corridor. Some of the more important portions of those agreements are set forth in the EASEMENT AGREEMENT recorded in Book 4834 at page 712 Official Records of the County of El Dorado.

Item 2 of that document cautions in part: "... the parties hereto further acknowledge that some portions of the RAIL CORRIDOR may be subject to reversionary rights ...". This is derived from a warning in the title report that this is not the same type of granting from which most other railroads obtained their right-of-ways. This corridor is unique in that most of its title is conveyed with a preamble that specifies that it is "for railroad use". Therefore, removal of the rails and ties would cause those properties to revert to the adjacent owners.

Item 5 of the EASEMENT AGREEMENT is as follows: "Restrictions on Transfers and Encumbrances . Except as provided in Section 7 of the RECIPROCAL USE AGREEMENT, GRANTEE shall not sell, transfer, convey, alienate, encumber, hypothecate, pledge or otherwise dispose of any interest in the PROPERTY". Therefore, the rails and ties are not the County's to dispose of without the consent of the JPA!

What is intertwined throughout all of the railroad purchase and use documents is the preservation of and use of the rail in place and other uses compatibly placed within the corridor. No one has an exclusive use; the use is multi-purpose!

### **SOME HISTORY**

This County has moved on a steady course to support trail users and rail users since the end of freight service by rail in our County. The first abandonment was by the Michigan California Lumber Company of the Camino, Placerville, and Lake Tahoe Railroad right-of-way in or about 1986. That abandonment was supported by our Board of Supervisors as a way to decrease the burden on Mich-Cal in the hope that it could survive the decline of timber availability caused by the USFS decrease in available timber sales.

Unfortunately, the loss of the Mich-Cal lumber transport business and an already declining fruit transport business caused the Southern Pacific to petition for abandonment of the Placerville Branch.

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Our Board immediately worked to obtain the CPLT R/W as an opportunity to provide trails in the area. On April 25, 1989 we authorized the purchase of the CPLT RR! On September 13, 1989 we consummated an agreement with the City of Placerville for the joint use of The El Dorado Trail!

When SP started their abandonment process, we tried every which way to block that effort. We could not stop SP but obtained the right to purchase the R/W through the Railbanking process. Since I personally carried the effort at obtaining my Board's backing for the purchases and the planning on this effort I can assure all that the SPRR was always deemed a multi use facility.

As a partial success story from the SP R/W purchase we opened the award winning section from Missouri flat Road to Forni Road in 2009.

To date, from Missouri Flat Road to Camino, approximately 10.5 miles of trails, we have spent approximately \$8.1 million on trails! (see attached funding summary)

Therefore people that say we have done nothing for trails are very quick to forget!

If we treated the Rail users the same as the trail users and subtract the SPRR R/W purchase price of \$2.7 million from the amount spent on trails of \$8.1 million, we could spend \$4.2 million on rails and have a fine excursion train up and running. BUT, we tell the rail people that whatever they want they must pay for from their pockets. And if they had not been doing the maintenance that the County has been ignoring, a lot of the roadbed would have been lost.

**On July 17, 2007 per item # 46 (07-1251) A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve, generally, the format of the Request for Proposal with the addition of an opening statement that it is El Dorado County's opinion that the primary usage is for trails with track usage to help to pay for said trails; and to refer this matter to the Sacramento-Placerville Transportation Corridor Joint Powers Authority Board.**

**Yes:** 4 - Dupray, Sweeney, Briggs and Santiago

**Absent:** 1 - Baumann

The basic requirements of that proposal are in the attachment: Sacramento-Placerville Transportation Corridor JPA.pdf.

Following that approval by the County, the JPA has a draft agreement for excursion use in place. It is near to being acceptable by the parties and subsequently submitted to this Board for acceptance. If this Board approves the proposal before us today, what do we do with the proposed agreement?

Removing any more rail from this line would destroy forever a very important part of our history. Let's leave the rails in place and plan for joint use TOGETHER. Thank you all.

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**FINAL PROJECT EXPENDITURES FOR EL DORADO TRAIL  
EXTENSION JACQUIER TO PARKWAY INCLUDING  
HIGHWAY 50 OVERCROSSING**

Constructed by DOT 99/00-00/01			
Location		Funding Source	Amount
El Dorado Trail	Trail Extension Jacquier to Parkway	El Dorado County Transp Comm	\$ 397,238.00
El Dorado Trail	Trail Extension Jacquier to Parkway	Parks and Recreation	\$ 218,470.00
El Dorado Trail	Trail Extension Jacquier to Parkway	State Prop 116	\$ 1,040,686.00
El Dorado Trail	Trail Extension Jacquier to Parkway	Caltrans	\$ 12,500.00
		<b>SUBTOTAL</b>	<b>\$ 1,668,894.00</b>

**FINAL PROJECT EXPENDITURES FOR EL DORADO TRAIL  
EXTENSION PARKWAY TO LOS TRAMPAS**

Constructed by General Services 06/07-07/08			
Location		Funding Source	Amount
El Dorado Trail	Trail Extension Parkway to Los Trampas	ACO Fund Balance	\$ 19,100.00
El Dorado Trail	Trail Extension Parkway to Los Trampas	RZH Grant	\$ 152,000.00
El Dorado Trail	Trail Extension Parkway to Los Trampas	State Prop 40	\$ 280,000.00
El Dorado Trail	Trail Extension Parkway to Los Trampas	State Prop 12	\$ 284,000.00
El Dorado Trail	Trail Extension Parkway to Los Trampas	DMV Grant	\$ 100,000.00
		<b>SUBTOTAL</b>	<b>\$ 835,100.00</b>

El Dorado Trail	Forni Rd to Missouri Flat Rd		\$ 2,309,500.00
El Dorado Trail	Mosquito Rd to Clay Street		\$ 286,578.00
El Dorado Trail	Clay Street to Bedford		\$ 180,000.00
		<b>SUBTOTAL</b>	<b>\$ 2,776,078.00</b>

El Dorado Trail	Purchase of Mich Cal Row		\$ 140,665.00
El Dorado Trail	Purchase of SPRR ROW		\$ 2,700,000.00
		<b>TOTAL OF PURCHASES</b>	<b>\$ 2,840,665.00</b>

TOTAL SPENT TO DATE ON "TRAILS" IN EDC

Jacquier to Parkway	\$ 1,668,894.00
Parkway to Los Trampas	\$ 835,100.00
Forni-Moflat, Mosquito-Clay-Bedford	\$ 2,776,078.00
Construction SubTotal	\$ 5,280,072.00
Aquisition Amounts	\$ 2,840,665.00
<b>TOTAL SPENT</b>	<b>\$ 8,120,737.00</b>