

May 3, 2016

TO: Board of Supervisors

FROM: Vickie Sanders, Parks Manager

RE: Sacramento Placerville Transportation Corridor Segmentation Plan

History/JPA formation-Provided by John Segredell, SPTC JPA CEO

The Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA, or 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. The JPA is governed by a five-member Board of Directors. Each member agency appoints one elected official to the Board and the Board members appoint a member at large (currently a member of the Rancho Cordova City Council).

From the time of its creation in October 1991, to the close of escrow in September 1996, the JPA's focus was on acquisition of the 53-mile SPTC Corridor right-of-way from the Southern Pacific Transportation Company. The SPTC Corridor extends from approximately 65<sup>th</sup> Street in the city of Sacramento, through the city of Folsom and a small segment in Sacramento County, and through El Dorado County to Apex, near Placerville.

In the months leading up to 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.

Over the next 10 years, from 1996 to 2006, there was no significant transportation activity in the outer portion of the corridor (Folsom through El Dorado County), except for some ad-hoc rail use and little known trail usage. At that time, the focus was getting Light Rail extended to the City of Folsom.

In 2006/2007, there was interest in developing transportation uses in the outer portion of the corridor. Two public Workshops were held in spring 2007 to solicit public input for uses of the

corridor; one held in Placerville and one in Folsom. The workshops were well attended with many interests expressed for usage, including bike, pedestrian, rail and equestrian.

After consideration of the proposed alternative uses, the JPA Board concluded that developing excursion rail was the only viable opportunity at that time because:

- There would be no costs to the JPA or its Member Agencies
- It was determined excursion rail operations and related uses were exempt from CEQA

It should be noted that the JPA Board was, and continues to be, emphatic that any transportation usage must be able to co-exist with other transportation uses, especially between the development of excursion rail services and the development of trails in the corridor.

In 2008 the JPA issued an RFP for Excursion Rail Services in Folsom, Sacramento County and El Dorado County. Two proposals were received and Folsom, El Dorado & Sacramento Historical Railroad Association (FEDSHRA), and later Placerville & Sacramento Valley Rail Road (P&SVRR) as the operator, was selected as most responsive.

After much discussion, debate, offers, counter-offers and compromise offers among the JPA and its member agencies, and particularly between the JPA and El Dorado County, the JPA Board approved a License Agreement for Excursion Rail with P&SVRR in November 2012. The License Agreement is for a 5-year term and only provides services in Folsom and Sacramento County.

#### El Dorado County's rights under the RUFA- Provided by John Segredell, SPTC JPA CEO

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- Provided by John Segredell, SPTC JPA CEO

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. The main points are:

- The Placerville Branch was assembled in the 1850s and predates the Act of 1875, and this decision does not apply.
- 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.

#### Previous Board Actions and Recommendations

Attachment B is a compiled history 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 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.

The following is a report on the status of the direction that was given above.

- 1) a) Segment 1-Several things have happened in this segment. The SPTC JPA has 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 El Dorado County). 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. One important factor in this segment is that 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 28<sup>th</sup>. 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 28<sup>th</sup>. These actions are confusing for the trail advocates. The Board took several actions directing no rail use in this segment but the action following was in conflict.
  - b) Segment 2-The El Dorado Western Railroad program 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. Brush clearing has been done in this section by the California Conservation Corp's and volunteers.
  - c) Segment 3-A Class 1 bike path exists from Missouri Flat Road to Los Tramos covering 9.72 miles. Transportation will be completing another mile of Class 1 bike path from Los Tramos to Halcon in 2017.
- 2) In the September 27, 2011, Legistar Item 11-0892 V2, staff reported to the board that the SPTC JPA denied the request to remove any rail.

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 fulfill the mitigation measures in the EIR, a Cultural, Biological and Wetland study needs to be completed. The funding for these studies has been included in the budget this year and staff is 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 Counsel on the ordinance which is ready for the first reading.
- 4) Staff was involved with the Feasibility Study. The study included no project or environmental, therefore there is no action to be taken from the study.

*From the actions above staff is working toward a 26 mile natural trail corridor for biking, hiking and equestrian use. Of those 26 miles, 8 miles include excursion rail use. Construction of the Class I Bike Path will continue where it is feasible and as funding is secured.*

#### Trail Name

What is the correct name, SPTC or El Dorado Trail? 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.

*Staff Recommendation: The 26 miles of rail corridor and trail where the tracks remain and is owned by the SPTC JPA be called the SPTC. The Class I Bike Path from Missouri Flat Road to Los Tramos be called the El Dorado Trail.*

*Park and Recreation Commission Recommendation: A motion was made by Commissioner Payne, seconded by Commissioner Arenz that the rail corridor be identified as the SPTC and the natural trail and Class I trail be identified as the El Dorado Trail.*

#### 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.

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

*Park and Recreation Commission Recommendation: A motion was made by Commissioner Morgan, seconded by Commissioner Arenz that signage will be provided by each group as required.*

#### 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. The County would like to provide the maintenance on the corridor located in El Dorado County. The rail operator should be allowed to inspect the infrastructure of the tracks for the preservation of the rails.

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

*Staff Recommendation: Request that the SPTC JPA contract with El Dorado County for weed abatement services 10' from center line of tracks on each side of the tracks in El Dorado County.*

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

*Parks and Recreation Commission Recommendation: A motion by Commissioner Payne, seconded by Commissioner Arenz that we request that the SPTC JPA approve a contract with El Dorado County for weed abatement.*

### 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 multi-use 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 bike path can be constructed along the side of the tracks as the tracks cannot be removed.

*Staff Recommendation: 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 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.*

#### Prior Board Action:

*On March 28, 2011, the Board took the action of directing no excursion rail use on the lower segment.*

#### Option 1:

*If the Board decides to continue with rail use on the lower section, the corridor needs to be divided into four 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 provided by the El Dorado Western Railroad Program on the tracks only, twice a year.*

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

*Segment 4-Missouri Flat Road east as Class I Bike Path.*

*Segment 1 signage will be a requirement of PSVRR. No maintenance will be done to bring the tracks to Class I Federal Railroad Administration (FRA) certification. There will be no large locomotive on this section. Once a month pancake runs would be recommended as well as runs*

*that would benefit the community of Latrobe. Runs will be approved by the County Museum Administrator in coordination with the Parks and Recreation Commission.*

*Parks and Recreation Commission Recommendation: A motion was made by Commissioner Arenz, seconded by Commissioner Morgan that the options as listed in the staff report be adopted with the addition of Segment 4-Missouri Flat east, trails only, striking the words twice a year in Segment 2 for maintenance.*

#### Community Development Agency/Transportation Division

On August 25, 2015 (Legistar item 15-0911), Community Development Agency/Transportation Division (CDA) had an item on the board to consider removal of 1.42 miles of track for trail development. The Board voted unanimously to direct staff to:

- 1) Conduct a complete analysis of all options for the El Dorado Trail - Missouri Flat Road corridor and return to the Board with those options; and
- 2) Consult with homeowners adjacent to the El Dorado Trail - Missouri Flat Road corridor regarding the impact of these options.

#### Update

*The CDA made a request to the SPTC JPA in December 2015, regarding removal of tracks and the JPA voted to have no tracks removed. The CDA is moving forward with a Class I Bike Path on the side of the tracks.*

#### 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. The following is an accounting on the El Dorado Trail project expenses:

#### El Dorado Trail Projects

Jacquier to Parkway	\$ 1,668,894
Parkway to Los Tramos	\$ 835,100
Missouri Flat Road Forni Road	\$ 2,309,500
Los Tramos to Halcon (Currently under Construction)	\$ 750,000
Culvert Replacement	\$ 30,000
Pedestrian Overcrossing Grant	\$ 498,000
Class 1 Bike Path Grant 2.5 miles	<u>\$ 745,000</u>
Total	\$ 6,836,494

### Summary Recommendations

- The corridor with rail is identified as the SPTC
- Signage will be provided by each group as required
- Request the SPTC JPA contract with The County of El Dorado for weed abatement services
- Confirm prior Board action of allowing no excursion rail on the lower segment or approve the designated uses identified in Option 1.