



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Details (With Text)

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Title: Chief Administrative Office, Parks Division, recommending the Board
1) Approve and sign the Excursion License Agreement between Placerville Sacramento Valley Rail Road (P&SVRR) and the Sacramento Placerville Transportation Corridor Joint Powers Authority (SPTC JPA) for the operation of an excursion rail service on a portion of the SPTC, consenting to excursion rail use on limited portions of the SPTC within El Dorado County for some special events only with prior approval by the County; and
2) Acknowledge that any potential capital improvements requested by P&SVRR would require subsequent Board approval. (Est. 10 Min.)

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - PSVRR License Agreement 110817 redline, 2. B - PSVRR Lic Agmt 110817 clean version, 3. C - 06-21-18 PRC Meeting Minutes, 4. D - Blue Route, 5. Public Comment Rcvd 9-17-18 BOS 9-18-18, 6. Public Comment Rcvd 9-13-18, 7. License Agreement for Excursion Rail Operations

Date	Ver.	Action By	Action	Result
9/18/2018	1	Board of Supervisors	Approved	Pass

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FUNDING: N/A

DISCUSSION / BACKGROUND

The Sacramento Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) was formed in October 1991 to provide for the acquisition and preservation of the Southern Pacific Transportation Company's 53-mile Placerville Branch railroad Corridor, and to provide reciprocal use agreements for transportation and transportation preservation uses. The member agencies are the County of El Dorado, the County of Sacramento, the City of Folsom, and the Sacramento Regional Transit District. Each member agency appoints one member to the Board and the Board members appoint a member at large. The SPTC-JPA is funded by each Member agency contributing an equal share towards an annual Operating Budget approved by the SPTC-JPA Board. In September 1996, the SPTC-JPA purchased the right-of-way from the Southern Pacific Transportation Company. The JPA is the legal owner of the Rail Corridor with responsibility to ensure the Corridors continuity, to preserve the

reciprocal rights of member agencies, and to provide a forum to prevent and resolve disputes between the member agencies.

The JPA released a Request for Proposal for Excursion Rail in January 2008 for the operation of an excursion rail service on a 26-mile portion of the Rail Corridor between the "Folsom Wye" (approximately milepost 111) In the City of Folsom, and Shingle Springs Station (approximately milepost 137) in El Dorado County. The RFP required that the excursion rail service be operated without public subsidy and in such a manner as to preserve the excess width of the Rail Corridor for other potential uses, including natural trails, bicycle trails and equestrian trails. On May 12, 2008 the JPA Board selected Placerville and Sacramento Valley Railroad, Inc. (P&SVRR). The License Agreement then went to each member agency for approval.

The El Dorado County Board of Supervisors did not approve excursion rail in El Dorado County, therefore the agreement was approved by the JPA on November 5, 2012 with the segment in El Dorado County removed (Legistar #12-0116 V1).

On May 10, 2016, the Board of Supervisors approved excursion rail use on the sections of the rail corridor from the County Line (Milepost 119.4) to Latrobe Whistle Stop (Milepost 126.4) with specific controls in place regarding the types of excursion rail use and required pre-approval by the County (Legistar #16-0399). Since that time, County staff has developed a program for excursion rail use, including track warrants, access acknowledgements, and co-use. Staff has also been working with all parties on rail with trails. The JPA recently completed a Natural Trail Design and have obtained the required permits to move forward. The Natural Trail is an opportunity for the rail and trails groups to work together on projects. All parties will work with the California Public Utilities Commission (CPUC) on issues such as rail crossing, bridges and sharing the tracks.

The license agreement between the JPA and P&SVRR was set to expire in February 2018. The attached agreement was approved at the JPA's November 6, 2017 meeting. Because the JPA has no authority to allow use of the rail within each of the member jurisdictions, the JPA has requested that the Board approve the agreement and consent to the use of the rail corridor. Use of the rail within El Dorado County will continue to require advance approval, access acknowledgement, and track warrants from the El Dorado County Museum Administrator.

The agreement includes proposed Capital Projects that P&SVRR would like to complete (Exhibit A of the agreement), including constructing a Latrobe Station, upgrading the track and bridges to a Class 1 standardable to support heavy equipment between the County Line and Latrobe mileposts, and installing crossing gates, signs and markings at Latrobe Road crossing. Other changes include a removal of references to heavy rail use, the addition of operating segments and abbreviations, and a list of capital improvements. As stated in the agreement, P&SVRR would be required to obtain El Dorado County Board of Supervisors approval prior to moving forward with any of the listed capital projects within El Dorado County. Any requests for project approval would come back to the Board at a future date. Changes to Exhibit B of the agreement include the removal of operating and maintenance benchmarks and the addition of operating goals for tracking performance measure data, implementing a track maintenance corrective action plan, and providing the JPA with a set of operating rules that the P&SVRR will use over the course of the agreement.

The El Dorado County Parks and Recreation Commission recommended approval of the agreement on November 16, 2017. Following this meeting, P&SVRR raised concerns because their desire was to obtain approval for the operation of excursion rail beyond the County line *without* prior permission

for each event. P&SVRR asked to put the item on hold so they could continue discussions with the County regarding excursion rail access. Following discussion between the JPA Chief Executive Officer, El Dorado County staff and representatives from P&SVRR, staff's recommendation is to continue with prior Board direction, which stops excursion rail at the County line with the exception of some special events with prior approval.

The license agreement was sent to County Counsel on April 16, 2018 with staff concerns and questions. Staff had concerns that there were articles that needed further clarification, such as ownership of maintenance materials, areas of maintenance activities, and other minor clarification issues for all parties. The resultant changes have been presented to P&SVRR and they are in agreement.

On June 21, 2018, the Parks and Recreation Commission reviewed the license agreement a second time with the recommended changes by Counsel. The Commission recommended approving the agreement with the removal of the project to repair Shingle Lime Mine Gap, which was previously listed on the agreement.

The License Agreement has been approved by the County of Sacramento and the City of Folsom. County staff will return on November 5, 2018 to the SPTC JPA with today's action. If the License Agreement is approved by the County of El Dorado the other member agencies will determine if they will sign the agreement with the recommended changes by Counsel.

ALTERNATIVES

The Board could choose to not approve the agreement, and the signature would be left off the agreement. However, because the license is agreed to by the JPA, the P&SVRR would continue to operate within the other jurisdictions pursuant to the terms of the agreement.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Library Museum Program

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no fiscal impact to the County. Separately, the County pays an annual member contribution to the JPA of \$27,500 which covers JPA operations and capital projects (such as the natural trail design and permits), but this funding does not cover P&SVRR projects associated with this agreement.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- Obtain the Chair's signature
- Return documents to Donna Mullens in the Parks Division

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Vickie Sanders 621-7538