From: Bud Colligan <broadway@broadway.com>
Date: January 21, 2018 at 7:54:56 PM PST
To: City <felipec.hernandez@cityofwatsonville.org>, "Oscar Rios (oscar.rios@cityofwatsonville.org)" <oscar.rios@cityofwatsonville.org>,
jimmy.dutra@cityofwatsonville.org, Lowell Hurst <lowell.hurst@cityofwatsonville.org>, Trina Coffman <trinacgo@gmail.com>, nancy.billech@cityofwatsonville.org,
rebecca.garcia@cityofwatsonville.org
Cc: Charles Montoya <charles.montoya@cityofwatsonville.org>, Huffaker Matt <matt.huffaker@cityofwatsonville.org>
Subject: Propane plant in Watsonville?

Dear Council Members,

As many of you are aware, Progressive Rail has made a proposal to operate freight and tourist trains on the Santa Cruz Branch Line. At the RTC's meeting on Thursday, the Commissioners voted 8 - 3 to enter negotiations with Progressive. One part of Progressive's proposal is to establish a "propane distribution facility" in Watsonville with its partner Lansing Trading (https://www.moodys.com/research/Moodys-downgrades-Lansing-CFR-to-B2-and-revises-outlook-to--PR_353696). The problem with this plan is that it could be permitted without involvement of the City of Watsonville, as has happened in many other communities in the U.S. I strongly urge you to read this article, written by Isaiah Thompson, New England Center for Investigative Reporting: Loopholes in national railroad policy take communities by surprise.

Key quotes from the article include:

As one resident put it, "You mean we have no rights?"

Around the country, in towns as small as Grafton and as large as Philadelphia and Chicago, communities are beginning to ask the same question as the domestic energy boom makes the expansion of railway infrastructure — to host trains carrying crude oil, propane and ethanol — a profitable venture indeed.

After more than a dozen serious explosions, fires and spills around the county, those trains have become notorious. But an investigation by the New England Center for Investigative Reporting and Al Jazeera America suggests a critical part of the energy-by-rail picture has largely escaped national attention: The rail industry is exploiting historic exemptions from state and local laws to build often-massive transfer and processing stations free from virtually any permit requirements and without regard for basic laws protecting the communities in which they are based.

Railroads are exploiting a large, surprising loophole in federal regulatory law, critics say, and they are doing so with the backing of an obscure federal agency, the Surface Transportation Board, which has been quietly creating what some call a "regulation-free zone" and asserting a jurisdiction over railroads that trumps health and safety laws.

The result is a "regulatory hole you could drive a train through," says Ginny Sinkey Kremer, an attorney who represents the town of Grafton in its legal battles against the transloading facility and the STB.

As a county we have voted against fracking and oppose offshore drilling for oil, but the proposed rail operator is planning a propane distribution facility in Watsonville with hundreds of rail cars and subsequently trucks negotiating streets around the city with highly flammable and toxic gas? And the city has no power to approve or regulate this type of development? I suggest we take a serious look at these possibilities before it's too late.

Best regards,

Bud
Hi Rebecca,

Thank you for voicing concern. Yes, Trina (cc’d) has taken over Oscar’s seat, Greg Caput (cc’d) represents District 4, and Zach Friend (cc’d) represents District 2 on the RTC. I am also cc’ing George Dondero and Luis Mendez from the RTC.

- **Silvia Morales** (cc’d) helped to raise community awareness about the environmental justice concerns related to a proposed Pajaro power plant in 2002
- **Patricia Popple** (cc’d) has been fighting Progressive Rail and the frac sand industry in Chippewa Falls, WI for a decade
- **Pamela Steinhagen** (cc’d) has been fighting Progressive Rail’s extensive rail car storage in residential neighborhoods in Lakeville, MN for nearly a decade.

(Patricia and Pamela can both share first-hand stories about Progressive Rail’s business practices.)

Patricia, Pamela, and Silvia—Rebecca and Trina both serve on the Watsonville City Council. Lowell Hurst (cc’d) is Mayor of Watsonville.

Federal railroad preemption allows companies doing business with rail operators to circumvent local zoning and environmental laws and can lead to unwanted fossil fuel developments and other negative activity that can take communities by surprise.

It’s clear that Progressive Rail knows how to make money and some people will benefit financially from a relationship with them. Unfortunately, based on what is happening in the Midwest, there is a high likelihood that while **some people benefit others will suffer**. For example, Progressive Rail’s frac sand business in Wisconsin has created jobs and wealth for a few. It has also caused people to get sick from silica dust and diesel fumes.

At yesterday’s RTC meeting, Commissioner Bottorff (cc’d) reported that some RTC commissioners had visited some of the communities where Progressive Rail operates in the Midwest. They met with Progressive Rail executives, elected officials, and economic development officials but they **did not** interview community members or the advocacy groups that are working in defense of public health, safety, and the environment.

Please note that contrary to Progressive Rail Chair/CEO Craig McKenzie’s statement in the attached PGR Letter to the Watsonville City Council, Greenway’s concern is larger than the proposed propane distribution terminal in Watsonville. We are concerned about Progressive Rail’s track record in other communities and the motives they may have for establishing railroad operations in Santa Cruz County.

**Have Watsonville community members had a chance to learn about Progressive Rail and the vulnerabilities railroad preemption creates?**

All research to date indicates that Progressive Rail may try to profit in our county through fossil fuel-related business:

- They are not in the tourist train business or the passenger train business
- They have extraordinary connections with the fossil industry
- They have helped to expand the frac sand industry in Wisconsin
• They understand the railroad preemption loophole that has led to unwanted fossil fuel-related activity in other communities (See attached Progressive Rail community contact and news stories document and PGR letter to the Watsonville City Council

In addition to other concerns surrounding this company, the Ow family is concerned about how propane and other fossil fuel development may harm their potential to develop the Manabe-Ow business park in a way that will bring local employment opportunities and have a positive impact on economic vitality.

Progressive Rail’s union track record is also problematic: https://advocate.stpaulunions.org/2013/01/15/workers-stand-up-to-union-busting-at-lakeville-rail-company/

If you have time to meet, I would be happy to share more of what we have learned about Progressive Rail and railroad preemption.

Thank you for protecting the future well-being of your community.

Gail McNulty
Executive Director
Santa Cruz County Greenway

On Thu, Apr 5, 2018 at 7:20 PM, Rebecca Garcia <rebecca.garcia@cityofwatsonville.org> wrote:

I have voiced my concern of Watsonville voice not being heard in the negotiations with Progressive Rail. I was assured that we have a representative on the RTC and staff has continuous meetings with RTC staff.

Rebecca

From: Contact Request Form [mailto:admin@sccrtc.org]
Sent: Friday, April 06, 2018 5:14 PM
To: info@sccrtc.org
Subject: New submission from Contact Form

This Contact Request Form has been submitted by a member of the public to http://sccrtc.org/contact-us/.

Name
David Montgomery

Email

Your Message
Please do not rush forward and force the train on our taxpayers and community! The thought of our county operating a train is ludicrous. The project is way too expensive and would drain millions of dollars annually to operate. Let’s put this to the voters!!!

From: [mailto:____________________] On Behalf Of david van brink
Sent: Wednesday, April 11, 2018 8:32 PM
To: info@sccrtc.org
Subject: I support Progressive Rail

Hi, I’m David, 30 year resident and homeowner on the West Side, near the rail corridor.

I’m happy to trust SCCRTC’s expert and professional judgement in hiring a rail operator, whether it is Progressive Rail or another.

If you try hard, you can find anecdotal complaints about just about any company, especially one involved with any form of land use. Heck, I heard I’m not supposed to use Facebook any more! “Those who are fear mongering with mentions of “oh no, big oil!” perhaps have ulterior motives. One suspects they’ll dredge up (inconsequential) dirt on any partner involved in this project.
Thank you --- David Van Brink

From: Catherine Marino [mailto:]
Sent: Wednesday, April 11, 2018 9:36 PM
To: info@sccrtc.org
Subject: I support Progressive Rail

Dear SCCRTC Commissioners,

I want you to know that I support Progressive Rail as our new Rail operator, should the SCCRTC come to a contract agreement with Progressive that you feel is satisfactory.

I also would like to thank you for your diligence and attention to this important step in preserving transportation options for our County. I attended the SCCRTC meeting on April 5th, 2018, and I was very impressed by the questions and concerns that the Commissioners had for the scheduled presenters and for the public commenters.

Sincerely,
Catherine Marino

From: rayrauch [mailto:]
Sent: Wednesday, April 11, 2018 9:51 PM
To: info@sccrtc.org
Subject: Yes to Rail

Rail and trail together are a bonus! Need an operator to keep trains rolling!

From: Contact Request Form [mailto:admin@sccrtc.org]
Sent: Wednesday, April 11, 2018 11:21 PM
To: info@sccrtc.org
Subject: New submission from Contact Form

This Contact Request Form has been submitted by a member of the public to http://sccrtc.org/contact-us/.

Name
Janie Soito

Email

Subject
Support Common Carrier

Your Message
I hope that your discussions with Progressive Rail have been productive and that the commission is close to reaching an agreement with them to be the common carrier. My concerns are that without the repairs of the washout at MP 5.1 and other slip outs along the line, it may be difficult for Progressive to be successful in providing service to our community. I encourage the RTC to move forward regarding repairs to the SCBL so that Progressive will be able to provide a full range of services for the community as soon as possible when the agreement is reached.

Thank you all for your diligence in serving the community on this important matter.

From: Barry Scott [mailto:]
Sent: Thursday, April 12, 2018 11:47 AM
To: Sccrtc Info
Subject: Please vote to approve the contract for rail operations with Progressive Rail

Dear Commissioners,

Rail transit opponents have been very busy trying to scare the public and commissioners about Progressive Rail.
I have full confidence in RTC staff that concerns raised by rail opponents will be addressed and that any contract negotiated will protect county residents from the negative impacts that have been suggested by opponents.

We need for our line to remain active while we carefully study our transportation options. Having a partner operate freight and seasonal passenger rail service in the interim keeps our line is good working order and we cannot afford further delays.

Please approve contracts with Progressive Rail for service as recommended by staff.

Many thanks,
Barry Scott

From: Grace Voss [mailto:]
Sent: Friday, April 13, 2018 6:47 AM
To: info@sccrtc.org
Subject: public support for rail with trail story

Dear RTC Commissioners,

Last Sunday, April 8th, I personally gave out flyers on ‘transit with trail’ promoting the April 17 discussion on same which is sponsored by the local sierra club chapter...I want to share with you the fact that I had almost universal positive response from each person I gave a flyer to...people were receptive to the idea of keeping the train tracks while building the trail...only one person the entire time refused a flyer due to negative feelings regarding the project (a few tourists also said they did not need flyers)...it was a positive experience for me to hear feedback for this project from the public...just thought you might like to know what people said!

grace voss

On Apr 13, 2018, at 5:27 PM, Gail McNulty <mailto: wrote:

Dear Commissioners, Council Members, and Staff,

While we commend you for slowing down the negotiation process and sending a team on a due diligence trip to the Midwest, we fear you continue to overlook the true threat the county may be facing by opening our corridor to expanded freight commerce with Progressive Rail.

Progressive Rail’s proposal includes many clues that their true goal in coming to Santa Cruz County is to capitalize on their existing experience and customer base to further their freight business in any way possible. I suggest rereading it with careful attention to how early and how often freight is mentioned in comparison to excursion trains.

Have you read these and other stories about Progressive Rail’s ongoing efforts in other communities?
1. An April 6, 2018 news story and the attached public comments describe opposition to Progressive Rail’s petition to close a road in Eagle Point, WI:
http://www.leadertelegram.com/News/Front-Page/2018/04/06/lt-div-class-libPageBodyLinebreak-qt-
Objections-raised-to-closing-road-for-trains-Lt-div-qt.html
2. This 2014 story from Chippewa Falls, WI has quotes from Progressive Rail owner Dave Fellon describing how his company has expanded business and track infrastructure to accommodate, encourage, and profit from the thriving frac sand industry:
landscape-new/article_d7acbd14-0a0f-11e4-8b6c-0019bb2963f4.html

Our county is known for our ongoing efforts to protect our scenic coast. You have all played important roles in this admirable history. Please continue to make prudent decisions to protect our future.

Also, please consider moving Thursday’s meeting to a location that would be more convenient to the Watsonville community since they are the first community that will be impacted by your impending decision.

Thank you,
Gail McNulty
Executive Director
Santa Cruz County Greenway

From: Brian Peoples [mailto: [REDACTED] ]
Sent: Saturday, April 14, 2018 6:04 AM
To: Sccrtc Info
Subject: Fw: Trail Now Newsletter

Please include the attached email in the upcoming RTC agenda for Thursday, April 19th.

Brian

----- Forwarded Message -----
From: Trail Now [REDACTED] >
To: " [REDACTED] "<brian_peoples>
Sent: Saturday, April 14, 2018 06:01:16 AM PDT
Subject: Trail Now Newsletter

TRAIN EXCURSIONS PLAN FROM WATSONVILLE TO DAVENTPORT

PROGRESSIVE RAIL PROPOSAL FOR EXCURSION TRAINS FROM WATSONVILLE TO DAVENTPORT
Contract agreement with Progressive Rail will being finalized on Thursday, April 19, 2018 9:00 am, City of Scotts Valley Council Chambers (One Civic Center Drive Scotts Valley).
Progressive Rail is proposing to have exclusive rights to operate tourist trains from Watsonville to Davenport. Santa Cruz Coastal Corridor was purchased by taxpayers for transportation solutions, not for a private company to use for tourist trains. Please attend or send emails to info@sccrtc.org asking that no contract be awarded for excursion trains from Watsonville to Davenport.

DAY vs. HOUR?
Many people mistakenly believe a train is more efficient than a highway. The SMART train in Sonoma / Marin is a good example of how it only moves a fraction of people compared to a highway lane. SMART train = 2,000 people per DAY One Highway lane = 2,000 people per HOUR
A train in Santa Cruz makes no sense and that is why the Unified Corridor Investment Study (UCS) has already eliminated the train scenario traveling down the middle of Highway 1.

WILL TRAIL DESIGNED FOR TRANSPORTATION REDUCE HIGHWAY 1 TRAFFIC CONGESTION?
We say "YES!" Caltrans chart illustrates (below) the southbound traffic flow on Highway 1 at State Park Drive from March 25th to April 1st, 2018, with a mean of 3,200 vehicles per hour during peak hours. The average number of passengers per car (including the driver) is approximately 1.4, so the number of people flowing pass State Park Drive during peak commute hours is 4,500. Also included is southbound traffic flow on Highway 1 at 41st Ave for the same time period, with a mean of 2,500 vehicles per hour during peak hours giving us a flow of approximately 3,500.

Designed as a transportation trail, we predict an average of 5,200 people a day (or 2,600 people per direction) would use the Santa Cruz Coastal Trail to go to work, school, commuting or other utilitarian related activities. This would result in over 200-250 vehicles per hour removed from the Highway 1 traffic.
during peak commute hours. Removing 7-10% of vehicles from highway during peak hours will improve traffic flow. Opening the trail NOW is needed to help locals use alternative to cars and allow people who have to drive, have a more efficient commute.
By 2020, self-driving cars will be available and by 2040, 95% of new cars will be self-driving.

A Columbia University study showed that autonomous vehicles could increase highway capacity by over 250% by reducing the space between cars and making the roadways more efficient. By 2020, self-driving cars will be available and by 2040, 95% of new cars will be self-driving. Spending millions on a trail designed for a future train is wasting taxpayer funds. [http://fortune.com/2017/09/13/gm-cruise-self-driving-driverless-autonomous-cars/](http://fortune.com/2017/09/13/gm-cruise-self-driving-driverless-autonomous-cars/)

**Donations?**

Please think about donating to help support our efforts: [http://www.trailnow.org/donate](http://www.trailnow.org/donate)
-----Original Message-----
From: Dan Benvenuti [mailto:]
Sent: Saturday, April 14, 2018 6:32 AM
To: info@sccrtc.org
Subject: No no no to train

Has the past not thought you people anything? The dinner train went no where, the Christmas train went no where, proposed freight train went no where and guess what the excursion train will go no where. STOP trying to avoid the inevitable and the TRAIL NOW! You should all be ashamed of yourself for continuing to totally ignoring the majority of the citizens who reside here.

-----Original Message-----
From: Dan Benvenuti [mailto:]
Sent: Saturday, April 14, 2018 6:20 AM
To: info@sccrtc.org
Subject: No excursion train

What are you people thinking? I cannot believe you would even consider overlooking the thousands of residents of this area desire for a trail to have a tourist train instead! This is a total insult the the residents of this area! Further more if any "Tourist" want to see the area they can get on a non polluting bike and take the trail. Please STOP this waste on time trying to justify an updated train of any type and build the TRAIL NOW.

-----Original Message-----
From: Kristin Tosello [mailto:]
Sent: Saturday, April 14, 2018 7:46 AM
To: info@sccrtc.org
Subject: No Progressive Rail

Dear Committee,

Do you hear us? We are the people of your community telling you we do NOT want a train running through our town. Especially not a tourist train, which will not help our transportation crisis at all. Please, pull the tracks and let us begin to use this alternative to get through town NOW!

Sincerely,

Kristin

From: Daniel Spero [mailto:]
Sent: Saturday, April 14, 2018 7:49 AM
To: info@sccrtc.org
Subject: no tourist train

Use the old rail corridor to build a high quality bike lane. Let’s get people commuting on their bikes by making a safe easy to use route. Pull up the tracks and make a great bike commute trail! Do it now!

‘(++)' Dan Spero

-----Original Message-----
From: Rosemarie [mailto:]
Sent: Saturday, April 14, 2018 8:02 AM
To: info@sccrtc.org
Subject: Progressive Rail

I would like to voice my objections to have a public trail exclusively used by a private railroad company. Eventually if not now company will look for public funds to subsidize it as the ridership

Sent from my iPhone

-----Original Message-----
From: Rosemarie [mailto:]
Sent: Saturday, April 14, 2018 8:06 AM
To: info@sccrtc.org
Subject: Progressive rail
This is a continuation of the email I sent it inadvertently. Train from Watsonville to Davenport would not carry enough passengers to make it financially feasible. In those cases usually companies look to public funds. Please do not OK this proposal. I am a resident of Santa Cruz and look forward to a bike walking trail in the corridor.

Sincerely Rosemarie Peoples

From: Cara [mailto:]
Sent: Saturday, April 14, 2018 8:05 AM
To: Regional Transportation Commission
Subject: rail partner

I just learned that we have evidently reached an agreement with Progressive. I’m pleased. Thank you for all your work on this. I was at the public meeting where Progressive introduced itself, and I thought they’d be a good fit for our railroad. Some concerns were raised, and from what I hear, have been worked out.

Again, thank you for all your work.

Caroline Lamb

-----Original Message-----
From: Joe Morici [mailto:]
Sent: Saturday, April 14, 2018 8:09 AM
To: info@sccrtc.org
Subject: Please no progressive rail

To The RTC

Please do not approve excursion trains on the rail corridor. I have been a resident of Aptos since 1990, my family home was built in 1960 in the Rio flats area. I do not want trains running through the neighborhood. Rest assured whatever elected official will not have my vote in the next election that supports the progressive train debacle.

Regards,
Joe Morici

From: Susan Reddington [mailto:]
Sent: Saturday, April 14, 2018 8:46 AM
To: info@sccrtc.org
Subject: Excursion train from Watsonville to davenport

Please, please do not sign a contract for a tourist train from Watsonville to Davenport!!!!!!!!! Trains are loud and to use all that fuel for a tourist train is appalling.

Susan Reddington

From: Liz [mailto:]
Sent: Saturday, April 14, 2018 8:57 AM
Cc: info@sccrtc.org
Subject: No contract for Train Use

As a taxpayer and a resident of Santa Cruz County for 15+ years I am urging you not to award a contract for excursion trains to any company - from Watsonville to Davenport.

We need to pull the tracks and install a bike and walking path tomorrow. An excursion train does not solve our issues with congestion on Hwy 1 nor does it help locals navigate the county easily to enjoy our town.

To use those tracks a 10 foot wall needs to be installed which would cut off our residents from beach access and make it easier for transients to use the tracks as a ‘bum highway’. We have already seen an increase in this lately.
Please DO NOT award any contract for excursion trains!

Best,

Liz Ruggles

From: Contact Request Form [mailto:admin@sccrtc.org]  
Sent: Saturday, April 14, 2018 9:19 AM  
To: info@sccrtc.org  
Subject: New submission from Contact Form

This Contact Request Form has been submitted by a member of the public to http://sccrtc.org/contact-us/.

Name  
Linda Rosewood

Email  
***********

Subject  
thanks for the rail excursions

Your Message
thank you for making progress on the contract with Progressive and their excursion trains. Once people of the county see how beautiful and useful their rail line is, they will value this precious resource. The sooner we get people using the rail line the better.

Thanks again, Linda

-----Original Message-----
From: Randall Nacamuli [mailto:***********]  
Sent: Saturday, April 14, 2018 9:20 AM  
To: info@sccrtc.org  
Subject: Tourist Rail

I strongly object to the potential contract with Progressive Rail. The Santa Cruz Coastal Corridor was purchased by taxpayers for transportation and recreational solutions, not for a private company to use for tourist trains.

Sincerely,
Randall P. Nacamuli, MD

-----Original Message-----
From: Jean Mahoney [mailto:***********]  
Sent: Saturday, April 14, 2018 9:44 AM  
To: info@sccrtc.org  
Subject: no contract for excursion trains

There should be no contract awarded for excursion trains from Watsonville to Davenport. This is a misuse of funds.
Jean Mahoney

-----Original Message-----
From: Mary Reynolds [mailto:***********]  
Sent: Saturday, April 14, 2018 9:45 AM  
To: info@sccrtc.org  
Subject: Train Plans for Davenport to Watsonville Holiday Train

I understand that Progressive Rail is proposing to have exclusive rights to operate tourist trains from Watsonville to Davenport. Santa Cruz Coastal Corridor was purchased by taxpayers for transportation solutions, not for a private company to use for tourist trains. This should at least be decided by a vote of the people who paid for it. I do not even know who “Progressive Rail” is and I certainly haven’t given them my permission to run a holiday train. I am also a Westside Santa Cruz resident and feel that we should have some say over when and how often these trains will be going by our neighborhoods. I thought that we are trying to create a bike path that will serve as a safe corridor to travel into and across town. How does this Holiday train interfere with this plan?
From: Bill Gray
Sent: Saturday, April 14, 2018 3:23 PM
To: info@scrcrtc.org
Subject: Please, stop the insanity

The idea of an excursion train is just nuts, if not illegal. The use of public funding to Progressive for this kind of frivolousness would be funny, if it was not such a flagrant abuse of public authority. Time to talk to the attorneys.
Bill Gray

-----Original Message-----
From: Michael Bryant
Sent: Saturday, April 14, 2018 6:09 PM
To: info@scrcrtc.org
Subject: Progressive Rail

Please do not sign a contact with Progressive Rail. The tax payers of Santa Cruz County deserve a better option. Please consider Greenway's trail only option. Drive down Sumner Ave in Aptos to see how many of my neighbors agree with me with their Greenway lawn signs. Our elected politicians should respect the wishes of the tax paying voters.

Thank you,

Michael Bryant

From: David D Criswell
Sent: Saturday, April 14, 2018 9:20 PM
To: info@scrcrtc.org
Subject: No Tourist Trains

To whom it may concern:
NO TOURIST TRAINS!
The costal rail track should be pulled and there should be a trail like in Monterey County and dozens and dozens of communities across the country. Thousands of miles of track have been converted to trail! Amazing trails! Commuter rail won't be utilized and tourist rail doesn't benefit the members of our community. ENOUGH WITH THE TRAINS!!!

Progressive Rail is proposing to have exclusive rights to operate tourist trains from Watsonville to Davenport. Santa Cruz Coastal Corridor was purchased by taxpayers for transportation solutions, not for a private company to use for tourist trains. I'm asking that no contract be awarded for excursion trains from Watsonville to Davenport or anywhere in between!

David D Criswell

From: Catherine Marino
Sent: Saturday, April 14, 2018 10:40 PM
To: info@scrcrtc.org
Subject: New Rail Partner, Thanks!

Dear SCCRTC commissioners,
Thank you for finding a new rail partner for our Railway! It’s so encouraging to me to see how patiently you have woven your way through this task. I have much confidence in your decision making processes, and I applaud you for preserving the valuable resource that our rail corridor can be for our future transportation needs.
Sincerely,
Catherine Marino

From: Schwartz Susan
Sent: Saturday, April 14, 2018 11:29 PM
To: info@scrcrtc.org
Subject: Please no excursion trains from Watsonville to Davenport
Hello,
I cannot see tourists trains being in the best long term interest of our community. I would much prefer a trail only, such as the Ironhorse Trail in the San Francisco East Bay, which is lovely, environmentally sound, helps move transportation in a better direction, and is a wonderful link between the cities. I urge you all to make the short drive to take a look at how it serves the many communities it runs through.

Here is a link, if you haven’t seen it before.
https://en.wikipedia.org/wiki/Iron_Horse_Regional_Trail

Thank you for your consideration.

Sincerely,
Susan H. Schwartz

-----Original Message-----
From: steven mendivil [mailto:]
Sent: Sunday, April 15, 2018 10:15 AM
To: info@sccrtc.org
Subject: Progressive Rail No

I am writing to voice my opposition to any plans to allow a private company or tourist train to use the tracks that have been purchased as a solution to transportation. I’m strongly in favor of utilizing these tracks as a bike and pedestrian pathways, not for tourist trains that provide no relief for transportation issue in our county

Please consider other options besides allowing commercial purposes to take over the tracks and corridor

Thank you for your consideration

My best regards

Steve Mendivil

From: Maggie Renner Hellmann & Lou Renner [mailto:]
Sent: Sunday, April 15, 2018 9:35 PM
To: info@sccrtc.org
Subject: No Train Please!

Please, do not award any contract for excursion trains from Watsonville to Davenport.

The resident tax payers who paid for this area will not benefit from ANY train here. It will only cause noise pollution and traffic congestion in our communities.

Please give us the Trail ONLY solution that will benefit our communities, Thank You.

The idea that a train would ever be useful for locals is unrealistic — whether commuting, or short shopping/entertainment jaunts.

A trail-only path would be used by more people than a train ever could — and it would beautified our county, not uglify it, add noise, add risk in the *neighborhoods* from downtown thru Seabright, Live Oak, Capitola, Aptos...

Sincerely,
Margaret Hellmann

From: Gregg Medaglia [mailto:]
Sent: Monday, April 16, 2018 12:12 AM
To: info@sccrtc.org
Subject: Excursion Trains

To whom it may concern,
I'm writing to express my opinion that there should be no excursion trains taking over the old rail line in Santa Cruz County.

We need to convert the train route into a bike and walking trail now. I just rode my ebike on it today and it would be so useful if you could actually use it via ebike for a transportation route. I could make it from Aptos to Downtown SC in 30 min no problem.

Thank you,

Gregg

From: Follow your heart [mailto:info@sccrtc.org]
Sent: Monday, April 16, 2018 1:16 PM
To: info@sccrtc.org
Subject: Please vote NO on Progressive Rail

Dear RTC,

I am writing to express my strong reservations about giving Progressive Rail exclusive rights to operate tourist trains on the Santa Cruz Coastal Corridor. This corridor was purchased by taxpayers for transportation solutions, not for a private company to use it for diesel tourist trains - which we already have with Big Trees Railroad.

Our county is in a transportation crisis. The Santa Cruz Coastal Corridor should be used as soon as possible for active transportation solutions that will help relieve traffic congestion on Hiway 1, Soquel/Freedom and surface streets, not for tourist trains.

My understanding from the February, 2018 RTC meeting at the City of Santa Cruz Council chambers was that the approved motion by Commissioner Schiffon was that no contract would be signed until the Unified Corridor Study was completed and approved by the RTC Board in late 2018. I urge you to wait until the UCS is complete before turning this invaluable community resource over to yet another mid-west railroad corporation with close ties to the fossil fuel industry. Progressive has a history of storing oil and gas cars on tracks in counties in other states.

I have read that the UCS consultants are recommending the idea of rubber-wheeled transit vehicles along the Santa Cruz Coastal Corridor - which I support. It is extremely dis-heartening that the "trail with transit" groups want to stop widening of Highway 1 to Larkin Valley Road. I support widening Hwy 1 with the goal of keeping big, heavy transit vehicles on the highway corridor, not through our neighborhoods.

Thank you for considering my letter.

Dean Morrow
Sent: Monday, April 16, 2018 3:39 PM  
To: 'info@sccrtc.org'  
Subject: Rail service for Santa Cruz County

Dear Commissioners:

Big Creek Lumber Company currently receives several car loads of rail freight on a monthly basis at our lumber and building materials supply yard on W Beach Street in Watsonville, California. Rail service directly to our yard spur is critical to our business success. I have recently learned that this service could be ceased if a successor carrier is not promptly found to replace the outgoing carrier. We urge the commission to select a viable carrier without delay so as to maintain this important service without interruption into the Watsonville/W Beach Street area.

Sincerely, Janet M. Webb

Janet McCrory Webb | President  
Big Creek Lumber | 3564 Highway One | Davenport, CA 95017  
831-457-5023 direct | www.big-creek.com

From: Richard Kojak [mailto:]  
Sent: Monday, April 16, 2018 4:18 PM  
To: info@sccrtc.org  
Cc: Mountain Propane Service Inc.; William Kojak; Matt Ragsdale  
Subject: Rail Service in Santa Cruz County

Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue  
Santa Cruz, CA 95060

e-mail: info@sccrtc.org

Dear Commissioners,

As a local business owner currently engaged in the construction of a bulk propane facility in Watsonville I would like to request that you accept the recommendation from RTC staff to sign a contract with Progressive Rail as it is presented as soon as possible in order to prevent interruption of important freight service to existing rail customers and reduce uncertainty for those customers intending to utilize rail service in the near future. In my opinion rail service is an important and currently underutilized asset to our community. Moving freight by rail is currently the greenest and safest mode of ground transportation currently available and if developed in a thoughtful way improves the security of our county’s food and energy supply.

Thank You

Richard Kojak  
CEO  
Mountain Propane Service Company inc.

This Contact Request Form has been submitted by a member of the public to http://sccrtc.org/contact-us/.

Name:  
   Dan Denevan Denevan  

Email:  
   [email]
Subject
rail contract

Your Message
If a rail contract is signed, does that prevent Trail Only from happening?

-----Original Message-----
From: [Names Listed Below]
Sent: Monday, April 16, 2018 8:44 PM
To: info@sccrtc.org
Subject: Please say "NO" to Progressive Rail

Dear Commissioners and Staff,

Please say "NO" to Progressive Rail.

Beyond the potential Watsonville propane facility and a small amount of existing freight, we don't know what Progressive Rail plans to ship. However, based on their business model in other communities we can surmise that they will move as many trains as possible which could cause new delays on surface streets.

Signing a deal with a new rail operator could prevent us from ever having a continuous trail on the corridor.

Thank you for your ongoing efforts to protect our corridor and our coast. Please also protect Measure D's promise to "Get Everyone Moving" in our county by keeping our options open and not signing with Progressive Rail.

Sincerely,

Christopher Jaspers
Kim Jaspers
Melissa Edwards
Michael Moore
Richard Byrd
Danielle Duarte
Guy Chanda
Marina Ramon
Ellen Martinez
Leslie Altman
Craig Altman
Royce Fincher

Gary Sultana
Cindy Plumb
Liza McHugh
Lisa Barrera
Brett Graessle
Matt Ryan
Mike Caroselli
Bill Gray
Panagos Pateras
Nathan Knight
Ahna Backstrom
Erick Levy

Michael Sullivan
William Lippert
Ken Shelden
David Hunt
Heather Stiles
Ann Whitlock
Joe Martinez
Michael Cabak
Mike Alperin
Richard Byrd
Suzanne Helfman

From: Anderson Shepard [mailto:AndersonShepard@gmail.com]
Sent: Tuesday, April 17, 2018 11:32 AM
To: info@sccrtc.org
Subject: Please do not allow Progressive Rail to operate in our town

Dear RTC Commissioners and Staff,

By signing a contract and allowing Progressive Rail to operate on the corridor, you are blatantly disregarding what the public wants and allowing a company with fossil fuel ties and suspect intentions into our currently clean and quiet neighborhoods. I've been to the meetings and heard the statements from both the Progressive Rail folks and from community members. The vast majority of public comment is AGAINST this new contract. Please listen to us!

No matter what side of the "rail vs trail" debate one might be on, what we all want is to have the corridor utilized for transportation of people (not tourists or freight) as soon as possible. Signing a new contract and allowing these folks to run a tourist train through the corridor will do nothing but further delay our joint efforts to transform the corridor into something that the community wants and needs.
Please, please, please, DO NOT sign this contract. The UCS is nearly complete, and from there we as a community can make true progress without "Progressive" getting in our way.

Sincerely,

Anderson Shepard

--- Original Message ---

From: Elke Riesterer [mailto:]
Sent: Tuesday, April 17, 2018 12:11 PM
To: info@sccrtc.org
Subject: No contract.....

I oppose contract for excursion trains!!! It will not be of benefit to the community.

Best

E. R.

--- Original Message ---

From: Gail McNulty [mailto:]
Sent: Tuesday, April 17, 2018 12:12 PM
To: John Leopold; Zach Friend; Greg Caput; Ryan Coonerty; Bruce McPherson; Sandy Brown; Mike Rotkin; Jacques Bertrand; Randy Johnson; Cynthia Chase; Ed Bottoff; Tim Gubbins; Santa Cruz Regional Transportation Commission; patrick.mulhearn@co.santa-cruz.ca.us; virginia.johnson@co.santa-cruz.ca.us; George Donderso; Luis Mendez; Lowell.Hurst@cityofwatsonville.org; Trina Coffman-Gomez; Rebecca Garcia; Felipe.Hernandez@cityofwatsonville.org; jimmy.dutra@cityofwatsonville.org
Cc: Pamela Jo Steinhagen
Subject: Letter from a community member in Lakeville, MN

Dear Commissioners, Council Members, and Staff,

Pam Steinhagen (cc’ed) runs a daycare that backs up to the train tracks in Lakeville, MN. She has been a vocal community advocate speaking out about safety concerns caused by “out of use” cars that Progressive Rail has been storing for 9+ years just outside residents’ backyards.

Ms. Steinhagen asked me to share this letter with you and invites you to contact her at lakehawks6@msn.com or (952) 469-4631 if you would like to hear more about her and her neighbors’ experience working with Progressive Rail.

Thank you for your continuing due diligence to ensure that our county moves forward in a safe and prudent manner.

Gail McNulty

--- Original Message ---

Dear Santa Cruz County,

I am writing to you from Lakeville, MN. Our city had the opportunity to turn a rail corridor into a greenway many years ago. If only we had gone that route we would be enjoying the corridor rather than policing it. You can Google my name and Progressive Rail and read many stories about how this company operates in our community which happens to be their hometown.

Progressive Rail has been storing rail cars on that rail that could have been a marvelous greenway for almost a decade now. It started with ethanol tankers many years ago. We had to question the hazardous material to get them moved out and magically the city invested in a fire vehicle that could deal with ethanol fires. Since then, we have had open rail cars that PR would not close, secure, or lock shut (which we police each summer as they have brought crime, drugs, partying etc.) and lower open-top rail cars that hold water and are a breeding ground for mosquitoes (which we have addressed by spraying each summer).

The tracks themselves are in poor condition. The cars are stored on a main thoroughfare through the heart of our city with offensive graffiti on them more often than not. Progressive Rail moves them without warning, sometimes right when the nearby middle school lets out, knowing full well that kids climb under the trains to get home. When moving trains, they have blocked the entrance to our neighborhood
repeatedly, sometimes for more than 45 minutes. We are a one-way-in and one-way-out division of homes.

Kids run across the tops of these trains, sunbath on them near the lake, party in them, take senior photos etc. It is a disaster waiting to happen. "No Trespassing" signs are not enough to prevent this type of activity when rail cars sit for months behind our homes. Some of the open cars have no ladders on the inside for escape in case someone falls inside.

We have gone to the city, police, newspapers, media, our representatives, and Facebook to make noise. That seems to be the only way to get their attention. When we directly address owner Dave Fellon and others at Progressive Rail they are not friendly and tell us to watch our children more carefully, that they have a right to park these cars despite the safety risk and general blight on this community.

And there are railroad trolls who are out there to say gross things to all that disagree with PR practices. It literally looks like a graveyard for rail cars when they are all lined up on the tracks. If we as community members stored some of the trashy cars they do, we would be cited. Dave Fellon has said from the beginning that he will move the cars out as soon as the economy improves, well it’s been over nine years and we still have parked rail cars in our backyards.

The laws governing these rail companies are from the 1800’s and have not been updated to protect residential communities that have grown up around them. The city has no jurisdiction because railroad operators are federally protected and are virtually above the law. The rail companies make large contributions to political parties to keep this circle intact. We have had to look up regulations we see something off in an effort to hold them accountable.

Be very careful of what kind of business you enter into with Progressive Rail. Once everything is signed on the dotted line with them, they will do whatever, they want whenever they want with no regard for the community they claim to be a great neighbor too!

This is just my two cents from the Midwest, but please do your homework listen to people who have had to deal with Progressive Rail first hand to be sure you understand how they do business. Make no mistake Progressive Rail’s only priority is to make a profit and your community is at risk. They have little regard for community safety and fighting a railroad is an uphill battle!

Sincerely,

Pam Steinhagen
Lakeville, MN

READ MORE ABOUT PROGRESSIVE RAIL’S OPERATIONS IN LAKEVILLE, MN:


From: Gail McNulty [mailto:
Sent: Tuesday, April 17, 2018 1:35 PM
To: John Leopold; Zach Friend; Greg Caput; Ryan Coonerty; Bruce McPherson; Sandy Brown; Mike Rotkin; Jacques Bertrand; Randy Johnson; Cynthia Chase; Ed Botton; Tim Gubbins; Santa Cruz Regional Transportation Commision; patrick.mulhearn@co.santa-cruz.ca.us; virginia.johnson@co.santa-cruz.ca.us;
George Dondero; Luis Mendez; lowell.hurst@cityofwatsonville.org; Trina Coffman-Gomez; Rebecca Garcia; Felipe.Hernandez@cityofwatsonville.org; jimmy.dutra@cityofwatsonville.org
Cc: Patricia J. Popple
Subject: Letter from a community member in Chippewa Falls, WI

Dear Commissioners, Council Members, and Staff,

Patricia Popple (cc’d), a retired school teacher and administrator, has been involved in resisting the active advancement of frac sand mining, processing, and trans-loading in the Chippewa Valley of Wisconsin and beyond for nearly a decade.

She has witnessed safety, health, traffic, and the environmental concerns stemming from Progressive Rail’s efforts to move growing volumes of frac sand in and around her community.

Ms. Popple asked me to share this letter with you and invites you to contact her at sunnyday5@charter.net or (715) 723-6398 if you would like to hear more about her and her neighbors’ experience working with Progressive Rail.

Thank you for your continuing due diligence to ensure that we keep our transportation options open while the UCIS is ongoing while continuing our proud history of environmental protection.

Gail McNulty

Dear Santa Cruz County,

I understand you are looking for alternatives to gridlock traffic. However, before you sign with Progressive Rail please consider the traffic delays and potential safety, health, environmental, and quality of life concerns that may result from expanding freight rail industry in your county. You should also note, that Progressive Rail understands how to use federal preemption to expand their rail territory and increase their profits.

Progressive Rail has played a role in expanding the frac sand industry in Chippewa Falls, WI. I have been actively working to protect community safety, health, and the environment as a result of this industry for nearly a decade.

Most recently, they have petitioned to close Town Road 95 in the Town of Eagle Point, WI—a road locals have used for decades upon decades if not a century or more—to expand their business by laying train tracks that would allow them to assemble 80- to 100-unit trains. Unit trains, which often consist of 140 cars or more, are long trains that carry a single commodity. The longer the train, the greater the profit to the rail operator.

Town Road 95 is used for local travel; the delivery of local services and goods from local businesses; an alternative route for medical, safety, and emergency vehicles when other roads are blocked off to vehicular traffic; and a local route for biking and walking. It also provides entry to agricultural lands and residences in the area.

The rail industry is inhibiting residents' ability to travel freely in their own county. I have witnessed crossing gates down with no train passing through and long lines of vehicles waiting to cross. Train delays can cause residents to arrive late to school, medical appointments, or work. Engine failure can cause delays lasting several hours followed by a train that moves unexpectedly jeopardizing the safety and welfare of the people who frequent those crossings.

In addition to inhibiting local travel and emergency vehicle access, using this corridor to assemble unit trains will result in extreme noise as 80-100 cars are staged or uncoupled and harmful diesel particulates will be released as cars are moved.

Local property values will decline and residents may need to deal with drainage of chemicals including creosote and other contaminants from railroad ties into nearby groundwater. Rail cars carrying frac sand also leak particulates and respirable crystalline silica dust which is carcinogenic and can be dispersed into the air as cars pass over piles of silica left by previous cars.

In the past, Progressive has run uncovered trains piled high with silica dust that spilled all over tracks and escaped into the air and surrounding areas and then refused to clean up the resulting mess. They have
been known for idling engines throughout the day and night in residential areas. A dramatic increase in freight train traffic is harming many people’s quality of life and the silica dust and diesel fumes may be damaging people’s health.

Safety is already a very large concern in several areas where there are crossings and the lack of adequate safety lights, warnings, and appropriate signage. Other community members have testified to witnessing emergency vehicles delayed by unit train assembly.

When the spurs are no longer needed by Progressive or when the industry they serve has taken a slump, will the road be restored and put back into use? Will the closure of the road allow for an even larger rail yard expansion? One more encroachment will just lead to another and our county needs no more encroachments in the area of heavy industry!

At the moment, some people are grateful for jobs and a few are profiting along with Progressive Rail and those who are leading the sand mining operations. However, I’ll bet we will all miss our beautiful landscape when the oil and gas fracking industries decline and the jobs disappear.

I hope you learn from what is happening in the Chippewa Valley and think twice about inviting Progressive Rail to build their business in your beautiful bay area.

Sincerely,

Patricia Popple
Chippewa Falls, WI

READ MORE ABOUT PROGRESSIVE RAIL’S OPERATIONS IN CHIPPEWA FALLS, WI:


From: Ashley Winn [mailto:**********]
Sent: Tuesday, April 17, 2018 3:06 PM
To: 'John Leopold'; 'Zach Friend'; 'Greg Caput'; 'Ryan Coonerty'; 'Bruce McPherson'; 'Sandy Brown'; 'Mike Rotkin'; 'Jacques Bertrand'; 'Randy Johnson'; 'Cynthia Chase'; 'Ed Bottorff'; 'Tim Gubbins'; 'Santa Cruz Regional Transportation Commission'; patrick.mulhearn@co.santa-cruz.ca.us; virginia.johnson@co.santa-cruz.ca.us; 'George Dondero'; 'Luis Mendez'; lowell.hurst@cityofwatsonville.org; 'Trina Coffman-Gomez'; 'Rebecca Garcia'; Felipe.Hernandez@cityofwatsonville.org; jimmy.dutra@cityofwatsonville.org
Subject: Objections to proceeding with the Progressive Rail Proposal until full legal compliance with Public Records Act Request

Dear Commissioners and RTC:

Some of you may know that I made a Public Records Act request to the RTC on January 16, 2018 after the announcement of the Progressive Rail proposal and the staff’s preference therefor. What many of you may not know is that my request was ignored by the RTC staff. On February 5, 2018, I sent the request again by certified mail. That request was also ignored. On February 28, 2018, I had a San Francisco attorney who specializes in PRA litigation send another letter to the RTC pointing out the legal obligations of the RTC under the law. On March 1, 2018, an attorney with County Counsel’s office responded and indicated the documents would be produced in early April. On April 2nd, I inquired when they would be produced and he responded: “The RTC anticipates a rolling production over the next month to 7 weeks due to the volume of your Requests”.

I find that the RTC appears to be delaying the production. They have produced a limited amount of electronic documents so far and those produced indicate a somewhat cozy relationship between the RTC staff and Progressive Rail. Indeed it appears that the RTC staff was advising Progressive Rail on how to write to the Watsonville City Council in response to community objections to the potential federal preemption of local control of certain issues; an odd form of advocacy by the RTC staff in that it appears they are helping an outside interest with local lobbying of elected leaders. Regardless of how you view the staff’s conduct related to this matter, I would assume all of you believe in open government and transparency.

I object to the approval of the contract before a minimum of 4 weeks after the RTC completes its production of public records related to the request for proposal, Progressive Rail, Iowa Pacific and related issues. The reason for this objection is transparency about the issue before commissioners are asked to rubber stamp any contract negotiated by the RTC staff. Notice that the RTC refused initially to acknowledge my PRA request and only responded when I had an outside public records act specialist contact the RTC. I am not prone to paranoia, but I believe the RTC is “slow walking compliance” to avoid sunshine and open transparency on this whole bid and contract process. I would think the Commissioners themselves would be concerned with how unhappy a large number of constituents are with the rail-trail proposal. To the extent the RTC forces this proposal onto the public, do you think the public will ever support a tax for a train? The RTC’s adversarial relationship with opponents of the rail trail leaves a bad taste in many people’s mouths. In short, I would ask that you delay any approval process until the staff has fully produced records responsive to the records request, which is obviously intended to shed sunshine on the public process.

Thank you.

Ashley Winn
Ashley M. Winn
Law Office of Ashley M. Winn
This communication may contain confidential or legally privileged information and is intended only for the use of the individual or entity named above. If you are not the intended recipient you are hereby notified that any dissemination, distribution, copying or other use of this communication or any information contained herein is strictly prohibited. If you have received this communication in error please destroy all copies and notify us immediately by calling collect (831) 684-2300.
As the rail corridor is being leased to a for-profit company that has no benefit to the county, the least citizens could expect is some return on the investment. Investment being leased to a private party should gain a minimum of 5% return on investments after expenses. This is $1,118,244 per year as a lease/rental fee plus upkeep. Clearly this has not happened.

It is understood that the previous rail operator contract with Iowa Pacific was to satisfy conditions of Prop. 116 funding. However, the UP/RTC purchase condition has passed. In addition, such a contract encourages "deadbeats" to sign with no risk - a possibility that became a reality with Iowa Pacific.

At this point, the county needs to look towards long-term financial sustainability with respect to the rail corridor. If the RTC signs a rail-use contract with a rail operator with anything less than guaranteed payment of $1.1M/yr (payable monthly), one could easily view this as the RTC committing a negligent act of its fiduciary duty to the citizens of Santa Cruz County.

Please do not sign any contract that does not accomplish this minimum level of return.

Sincerely
Carey Pico
Note: the STB does not allow rail operators to casually abandon freight service. It is believed that rail freight service in Watsonville has continued under the contract via subcontracting to Union Pacific and that there is no urgent need to find a freight operator. Please correct me if I'm wrong.

From: Matt Ragsdale [mailto: ]
Sent: Tuesday, April 17, 2018 3:22 PM
To: info@scrcrtc.org; Richard Kojak; william kojak
Subject: In regards to future rail service in Santa Cruz County.

Dear Commissioners,

As the director of operations for a local energy company, I would love to see the rail remain for future use as a transit system for all manner of people and cargo. I see no reason to remove such a valuable resource when there are other plans already in place.

I am also a life long resident of Santa Cruz county, whom is currently residing on Sandalwood Dr in Aptos. The existing railroad tracks run parallel to my street and are a road's width from my front door. These tracks have been unused for some time, and my family and i enjoy them as a corridor between downtown Aptos, Capitola and the beaches in our area. As such, we would love to see this area reinvigorated by the installation of a trail to be used for the purpose of recreation and transit.

I believe, after reviewing both the study commissioned by Greenway, The initial findings of the UCS and the plan outlining the rail and trail project, that Phase 1 of the agreement with PGR should go ahead. I believe that rail is a wonderful resource we cannot afford to lose and we do not know what the future holds.

Please consider me a supporter of the Rail and Trail Project going forward.

Thank You
Matthew Ragsdale

From: Jardine, Lee [mailto: ]
Sent: Tuesday, April 17, 2018 3:44 PM
To: info@scrcrtc.org
Subject: Operating Agreement with Progressive Rail

Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz, CA 95060
e-mail: info@scrcrtc.org

Dear Commissioners,
Please accept recommendations from RTC staff to sign a contract with Progressive Rail as it is presented, without delay, so existing freight customers can be serviced and that we can again be serviced by this valuable asset in the future.

Regards,

Lee Jardine
Area Manager
San Lorenzo Lumber and Home Centers
235 River Street
Santa Cruz, CA 95060
831-420-3557

From: Jack Carroll [mailto:]
Sent: Tuesday, April 17, 2018 4:53 PM
To: info@sccrtc.org
Subject: Please say "NO" to Progressive Rail

Dear Commissioners and Staff,

Please say "NO" to Progressive Rail.

Beyond the potential Watsonville propane facility and a small amount of existing freight, we don't know what Progressive Rail plans to ship. However, based on their business model in other communities we can surmise that they will move as many freight trains as possible which could cause new delays on surface streets.

The campaign for Measure D promised to reduce street traffic throughout the county. At the last RTC meeting, I learned this is no longer the plan. Very few people voted to tax themselves just to facilitate freight trains through our residential neighborhoods. I know I didn't. A giant credibility gap with the RTC is building.

A commitment of a Half Billion Dollars needs community buy-in and each passing day is producing more opposition to your spending plan. Please protect Measure D's promise to "Get Everyone Moving" in our county by keeping our options open and not signing with Progressive Rail.

Sincerely,

Jack Carroll

-----Original Message-----
From: Buzz & Jennie Anderson [mailto:]
Sent: Tuesday, April 17, 2018 7:48 PM
To: info@sccrtc.org
Subject: Progressive Rail

Dear RTC of Santa Cruz,

Please, please, please do not sign a contract with Progressive Rail. We, the citizens of Santa Cruz County would be better served by returning the 11 million dollars for purchase of the rail line so we can control our own future. Because of pre-emption laws where railroads can make decisions not reviewed by local cities and counties we could expose our people to a myriad of outcomes that could be detrimental to everyone's health, and not be able to do anything to contradict those decisions. Progressive Rail does nothing to help solve our transportation problems. They will just tie up the corridor for more than a decade. It would be unwise of the RTC to partner with this company. We need to control our own destiny! Please, please, move in another direction. The people of this county are counting on you.

Sincerely,

Frank Anderson
From: Jean Brocklebank [mailto:Jean@broadband.com]
Sent: Tuesday, April 17, 2018 8:15 PM
To: info@sccrtc.org
Subject: Please say "NO" to Progressive Rail

Dear Commissioners and Staff,

I want to make sure that the following letter from a resident of Lakeville MN has been read by all of you and that you intend to ask Progressive Rail to answer the charges against it included in the letter.

Of course, Pam Steinhagen, who wrote the letter will not being able to be questioned by you, nor be able to counter anything the PR representative may say. Still, I think you all owe us, the residents of Santa Cruz County, the effort to look into Ms. Steinhagen's complaints before going forward with a contract with PR. A phone call to her might even be in order.

Sincerely,
Jean Brocklebank
[letter previously forwarded by Gayle McNulty above]

-----Original Message-----
From: Leonard Foreman [mailto:Leonard@foreman.com]
Sent: Tuesday, April 17, 2018 9:12 PM
To: info@sccrtc.org
Subject: I support Greenway

Dear Commissioners,

I support Santa Cruz County Greenway's plan for the rail corridor and their healthy, forward-thinking vision for our overall county transportation outlook.

Please help to ensure Greenway's alternative plan is given fair consideration in the Unified Corridor Study. Our county needs realistic, affordable alternatives to gridlock not a fantasy train with invisible riders.

Thank you,
Leonard Foreman

From: ron benson [mailto:RonBenson@broadband.com]
Sent: Tuesday, April 17, 2018 9:20 PM
To: info@sccrtc.org
Subject: tourist train

Hello,

Please do not approve the tourist train, as I understand the proposed vendor wants exclusive rights. The rail was bought by the county for the county population's transportation.

This is a decision that must be put off until we know what else can be done.

This rush may restrict the rail for future uses.

Thank you,
Dr. Ron Benson
From: Robert Stephens [mailto:]
Sent: Tuesday, April 17, 2018 11:58 PM
To: info@sccrtc.org
Subject: Rail Banking & April 19 RTC Meeting

Dear RTC Commissioners:

Our community is in agreement about the rail corridor: we want a trail and we want to preserve the corridor for a possible future transportation option. What we disagree on is the best way forward to achieve these goals. Your staff, with the current plan, want to build a very expensive and broken trail next to the old tracks, spend money to repair old train infrastructure, sign up a train operator, who will run mainly tourist trains and wait until a train or something makes sense. Many others and I want to see the corridor rail banked, and a simple trail built that can be used now.

I think we all can also agree that a train will not happen for ten years, if ever. So in the long run it is much wiser to check in with the Prop 116 commission and see if their money needs to be returned or not. If it must be returned, let’s repay the money and rail bank the corridor, rather than spend too much money fixing up a rail line, building a terrible trail, and contracting with a rail operator, hoping someday a train will work. The original purchase cost is really nothing compared to repairing one aging train trestle.

Please don’t lock our county into any long-term contract with a rail operator until you know where you are going. The last operator, which staff recommended, could only make money by parking empty oil tanker rail cars next to the Watsonville sloughs and they went broke trying this. Did this help with our local transportation issues? Progressive’s path to making money is through tourist trains, which actually will make traffic worse. Does this help with local transportation issues, and do you really think this is viable? The only possible reason for signing up with a rail operator (besides freight in Watsonville) is to serve as a placeholder for the ‘someday train’, something that every RTC study shows won’t work in our community. Enough with placeholders, it is time to actually do something for transportation in our county.

The path forward is rail banking the corridor. This leaves the corridor open for buses, bikes, pedestrians and a train, if it makes sense someday in the future. Rail banking does work, contrary to what your staff tells you. Here is a link to a few corridors which have been rail banked with trails that now have trains running back on them, [http://www.americantrails.org/resources/railtrails/rerail04.html](http://www.americantrails.org/resources/railtrails/rerail04.html)

Are you open to seeing what other communities have done with their rail corridor? We have an opportunity to hear and learn from Kirkland, Washington’s experience with rail banking. Why not listen?

The corridor has not helped with traffic since it was purchased; and it is now starting to cost a lot of money. Let our community start using our corridor and benefiting from its purchase. To really work, the corridor or “backbone” will need all the “feeder spines” into it built. An example of this would be a connector between the new skateboard park at McGregor in Capitola, which would provide a safe route for young kids to get to the park. These routes to the corridor will cost a lot of money and are totally necessary if we are going to have safe routes for people to get around. Let’s work on this instead of repairing old train infrastructure or building the current expensive and environmentally destructive RTC trail.

Of utmost importance is your search for a new director: someone who has an open mind, a vision for the evolving future of transportation, and a sincere interest and documented history of working with community members to problem solve. There are many options open to us besides chasing the dream of a train. As almost all of us drive cars, let’s work on fixing the roads and freeways so they can function better. Make METRO actually useful and used. And consider active transportation as a viable option.

Now is a great time to change course and move forward with bold action: rail bank the corridor and let our community start using the corridor.

Sincerely,

Robert Stephens
-----Original Message-----
From: Will Mayall [mailto:]
Sent: Wednesday, April 18, 2018 8:12 AM
To: Cory Caletti
Subject: Do not sign with Progressive Rail

Dear RTC staff and Commissioners,

Please do not sign an agreement with Progressive Rail to become the rail operator. Let Iowa Pacific continue to provide the minimal freight service to the county.

Progressive Rail is an aggressive rail operator. It is a poor member of the communities in which it operates. The evidence is easy to find.

Progressive Rail has acknowledged the use of preemption by railroad operators to ignore the wishes of communities. The power of railroad operators is unlike any other.

It is an extraordinary and unnecessary risk to sign a contract with Progressive Rail. Doing so would provide strong evidence that the RTC staff is out of touch with our community.

Yours,

Will Mayall

From: Heather Paul [mailto:]
Sent: Wednesday, April 18, 2018 9:04 AM
To: info@sccrtc.org
Subject: Progressive Rail is not in our best interest

Dear Commissioners and Staff,

Please do not consider a deal with Progressive Rail. I live near the tracks and do not want tanks of propane transported past my house on a regular basis. The tracks are too close to the ocean, runoff creeks and houses. The choice to contract with Progressive Rail is in no way serving our community. I would be at the meeting if I could, but when you look out at the crowd that is opposed, imagine a family of four standing there, looking at you to do the right thing.

Sincerely,
Heather Braga, Paul Braga, Ryan Braga and Liam Braga

From: paula quinn [mailto:]
Sent: Wednesday, April 18, 2018 9:34 AM
To: info@sccrtc.org
Subject: Progressive Rail

I am writing to request the commissioners of our regional transportation committee respect their own process and defer contractual commitments until the information they have commissioned becomes available.

Signing a railroad contract now seems prejudicial, and may indeed interfere with other recommendations that may be made by the UCS
Robert Quinn
From: Manu Koenig [mailto:______________________]
Sent: Wednesday, April 18, 2018 10:17 AM
To: info@sccrtc.org
Subject: Vote NO on Progressive Rail

Dear Commissioners,

Progressive Rail represents a huge risk to Santa Cruz County: a blast zone in Watsonville, the potential of federal pre-emption laws exercised at any point along the corridor, a diminishment of our natural beauty and tranquility for the sake of cheap fuel and industrial transportation.

Tourism is the economic driver of our county. Let’s follow in the footsteps of the New York Highline and the Atlanta Beltline. Atlanta has seen an 8:1 return on investment with an expected $10-20 billion in economic development from its Beltline project: https://www.youtube.com/watch?v=5q1FO8pi6ak&feature=youtu.be

On the other hand, let’s avoid the fate of Lakeville, MN where they have put trains before people: https://sccgreenway.org/news/2018/4/15/words-of-warning-from-progressive-rails-hometown?utm_source=Santa+Cruz+County+Greenway&utm_campaign=d34cc9fc71-EMAIL_CAMPAIGN_2018_01_17&utm_medium=email&utm_term=0_40e12da381-d34cc9fc71-58966559

We can create new transportation options, grow the economy and preserve history without signing an operating agreement with Progressive Rail. There is no obligation to sign a new short-line operator agreement because Iowa Pacific still occupies that role. I urge a NO vote.

Thank You,
Manu Koenig

From: William Menchine [mailto:______________________]
Sent: Wednesday, April 18, 2018 10:24 AM
To: info@sccrtc.org
Subject: Don’t sign with Progressive Rail!

Dear Commissioners,

I ask that you postpone from signing any contracts or commitment to Progressive Rail or any other rail operator until after the UCIS process is completed.

The rush to secure a rail operator in advance of having all of the corridor options reviewed is inappropriate and undermines the commission’s credibility.

There are many projects and scenarios that continue to remain under evaluated or simply ignored as the UCIS process moves forward.

It is imperative that the Commissioners direct Staff to expand the scope of projects being evaluated for the UCIS to include the development of Dedicated Transit Lanes and Bus Rapid Transit in the Highway 1 corridor.

Studying a BRT system that has priority in the freeway corridor is a viable option to passenger rail. Failure to study this option would be a serious omission in the UCIS.

Thank you for your service and commitment.
Will Menchine

From: Glenn SaltzMD [mailto:______________________]
Sent: Wednesday, April 18, 2018 11:03 AM
To: info@sccrtc.org
Subject: Please say "NO" to Progressive Rail—a matter of health

Dear Commissioners and Staff,

Please say "NO" to Progressive Rail. There are many reasons for great caution; a health perspective is one. "Above all do no harm," is the medical model.

There are known risks associated with air particulate inhalation whether from traditional diesel or diesel/hybrid exhaust. There is exhaustive literature on pulmonary conditions such as childhood and adult asthma, bronchitis, and Chronic Obstructive Pulmonary Disease (COPD) and literature on adverse cardiopulmonary effects of these toxins. There is higher need for hospitalization and higher overall mortality...
associated with diesel particulate inhalation. There are newer findings such as the potential for increased incidence of ALS (Amyotrophic Lateral Sclerosis) resulting from diesel fume exposure. In RTC’s closed door negotiations with Progressive Rail, is there a guarantee of ZERO use of diesel fuel and 100% all electric fleet? This has not been Progressive Rail’s history elsewhere.

There are possible risks such as unintentional collision between and moving trains and pedestrians, bicycles and automobiles, spillage or combustion of contents of freight. There are risks of contamination to the groundwater and neighbors related to hazardous spills. Beyond the potential Watsonville propane facility and a small amount of existing freight, we don’t know what Progressive Rail plans to ship. We can surmise that they will solicit new freight business for their profit and move as many trains as possible which could cause new delays on surface streets.

The health benefits of a of getting adults and children outdoors for healthy physical activity are well known.

Thank you for your ongoing efforts to protect our corridor and our coast. Wait for the results of the UCS. Please don't surrender our unique beautiful and quiet coastal resource for cash and cargo to a carrier not familiar with Santa Cruz County.

Please also protect Measure D’s promise to “Get Everyone Moving” in our county by keeping our options open and not signing with Progressive Rail.

Sincerely,
Glenn Saltz M.D.

From: Nadene Thorne  
Sent: Wednesday, April 18, 2018 11:10 AM  
To: Sccrtc Info; john.leopold@co.santa-cruz.ca.us; bruce.mcpherson@co.santa-cruz.ca.us; zach.friend@co.santa-cruz.ca.us; cchase@cityofsantacruz.com; Ryan Coonerty; greg.caput@co.santa-cruz.ca.us; jbertrand@ci.capitola.ca.us; sbrown@cityofsantacruz.com; ebottorff167@yahoo.com; openup@cats.ucsc.edu; trina.coffman@cityofwatsonville.org; nancy.bilicich@cityofwatsonville.org; rebecca.garcia@cityofwatsonville.org; jimmy.dutra@cityofwatsonville.org; lowell.hurst@cityofwatsonville.org; felipe.hernandez@cityofwatsonville.org  
Subject: Agenda Report for RTC Transportation Workshop 4/19/18

18 April 2018

Mayor Lowell Hurst,
Watsonville City Councilmembers: Dr. Nancy Bilicich, Trina Coffman-Gomez, Rebecca Garcia, Jimmy Dutra, Felipe Hernandez
Santa Cruz County Regional Transportation Commission

While I have queried the RTC Commissioners, I have not yet heard or read where it has been verified that there is a legal requirement for the commission to ensure a continuous operating rail service provider since Iowa Pacific indicated that they would not continue service. Nonetheless, the commission has seen fit to advertise for a replacement, even though it is unclear, to me, exactly what they might be contracting for, given that they must wait for the results of the Unified Corridor Investment Study this winter. In the meantime, however, I have been following the conversation about the disposition of the county rail corridor, and while I’m sure you have as well, I find I am concerned about the thoroughness and thoughtfulness of the RTC’s staff evaluations of Progressive Rail.

At the last public RTC meeting on April 5th when the commissioners who made the "due diligence" trip back east to review the Progressive Rail operations were queried about whether they had spoken to any citizens in the communities in which Progressive functions, they admitted that they had not. Given that there are reports of several disputes that have arisen between Progressive and their operating areas such as those noted below, it would have seemed "diligent" to have investigated these matters while the commissioners were there.

Most recently, the RTC staff issued a report on their evaluation of Progressive Rail. The memo included in the agenda packet for the 4/19/18 Transportation Policy Workshop raises other concerns for me.
1) It misstates the assertion of Commissioner Bottorff that they did not speak with any citizens in the communities they visited, writing that they "...met with ...various members of communities where PGR currently provides service." Any member of the public who did not attend the RTC meeting of the 5th would be misled about what their “due diligence” consisted of.

2) With regard to the Santa Cruz County concerns raised, it is unclear from the memo how Iowa Pacific "simply continues to pile debt to the RTC..." by continuing to store cars on our rail line and yet "[they] could leave at any moment...and the RTC has the responsibility to ensure that local businesses who depend on rail service continue to get the service that they need." How is it that the RTC is powerless to manage the closure of this overdue and unfulfilled contract with Iowa Pacific and/or Union Pacific? What debt is increasing? How can they move forward in negotiating and authorizing Progressive Rail service, with the Iowa Pacific/Union Pacific contract apparently unresolved? Is this situation the result of federal railroad pre-emption, and if so, shouldn't this be taken as a warning for any further rail service?

3) It appears that the RTC staff has misinterpreted a community concern with regard to Progressive Rail’s ties to the petroleum industry. Plainly, replacing trucking of gasoline to local service stations will not fall within the purview of a rail operator. Rather, since Progressive’s expertise is in handling oil industry supplies and materials (notably frac sand), and there are in fact oilfield operations just outside our county, in addition to the prospects of offshore drilling, the federal pre-emption statutes could readily be used to justify such freight activity. Since two rail freight operators have not managed to be profitable enough to remain in business in Watsonville, it does not require much imagination to suppose that a company that newly invests in an outpost on the opposite side of the country might be looking for additional sources of income in an industry with which they have expertise, but which may not be compatible with the goals and attitudes of our county.

4) Further, even the folks adamantly supporting a train in the rail corridor speak repeatedly of their vision for a quiet, non-polluting electric and/or battery-driven train. Nowhere in Progressive’s proposal do they suggest or consider supplying an electric engine: diesel-electric does not mean powered by electricity, it means powered by diesel, which, next to coal, is the most dangerous and polluting hydrocarbon.

Finally, the report contains the following remark: "If the RTC decides to keep the tracks in place and pursue potential passenger rail service (consistent with existing policy)... With the Unifre Corridor Investment Study ongoing, I confess I’m flummoxed by what “existing policy” this is.

Thank you for your consideration of these concerns in your evaluation of Progressive Rail’s prospect for Santa Cruz County.

Nadene Thorne


From: Gail McNulty [mailto:gmclnult@myemail.uscal.edu]
Sent: Wednesday, April 18, 2018 11:53 AM
To: General Info
Subject:

Dear Commissioners and Staff:

I hope you had a chance to read the letters from Patricia Popple in WI and Pamela Steinhagen in MN. The experiences they describe highlight the importance of a slow and careful due diligence process during rail operator negotiations.

At the April 5th RTC meeting, Commissioner Bottorff reported that some RTC commissioners had visited some of the communities where Progressive Rail operates in the Midwest. They met with Progressive Rail executives, elected officials, and economic development officials but they did not interview community members or the advocacy groups that are working in defense of public health, safety, and the environment.
I am attaching a copy of the memo Greenway submitted on February 27, 2018, requesting careful due diligence in regard the Progressive Rail negotiations and the vulnerabilities that federal railroad preemption can create. We have yet to receive a response to these concerns.

You should be aware that there is a great deal of confusion in the public eye and it seems within the commission itself surrounding some key issues affecting these negotiations. Moving forward with a contract prior to resolving these questions would not be prudent:

1. **Legal Obligation:** If Union Pacific holds the common carrier operating rights and obligations to the corridor, to what extent is the Santa Cruz County Regional Transportation Commission (SCCRTC) obligated to intervene if Iowa Pacific chooses to default on their contract?
2. **Preemption:** Is it possible for the SCCRTC to draft a contract that cannot be preempted by a federal Surface Transportation Board (STB) ruling?
3. **Proposition 116 Funds:** Commissioner Rotkin stated in an April 13th email message: "All of us recognize that the excursion business is only about meeting our legal requirements to run some passenger rail service so we don’t have to pay the State back for the 11 million dollars of Prop 116 money."

Does Roaring Camp's current use of the Boardwalk rail line fulfill the passenger rail requirement?

When was the last time the commission contacted the CTC for an update on compliance and/or possible repayment?

Has the SCCRTC asked to see if the CTC would reconsider an active transportation-centered use of the corridor now that Caltrans is actively embracing active transportation as a key component in state transportation planning?

4. **Railbanking:** To move forward with either of the nonrail options currently being considered in the UCIS, the SCCRTC would need a clarified understanding of railbanking and which, if any, easements along the line could come into question. Has this been explored by an SCCRTC agent?

Gail McNulty

---

From: Gail McNulty [mailto:Gail.McNulty@...]
Sent: Wednesday, April 18, 2018 12:00 PM
To: General Info
Subject: Questions for tomorrow's meeting

Dear Commissioners and Staff:

I am attaching a copy of the memo Greenway submitted on February 27, 2018, requesting careful due diligence in regard the Progressive Rail negotiations and the vulnerabilities that federal railroad preemption can create. We have yet to receive a response to these concerns.

You should be aware that there is a great deal of confusion in the public eye and it seems within the commission itself surrounding two key issues affecting these negotiations. Moving forward with a contract prior to resolving these questions would not be prudent:

1. **Legal Obligation:** If Union Pacific holds the common carrier operating rights and obligations to the corridor, to what extent is the Santa Cruz County Regional Transportation Commission (SCCRTC) obligated to intervene if Iowa Pacific chooses to default on their contract?

2. **Preemption:** Is it possible for the SCCRTC to draft a contract that cannot be preempted by a federal Surface Transportation Board (STB) ruling?

Thank you for proceeding carefully in the negotiation process.

Gail McNulty
Executive Director
Santa Cruz County Greenway
CONTACTS

Lakeville, MN (Progressive Rail's hometown)
Pam Steinhagen, lakehawks6@msn.com, 952-469-4631
Pam runs a daycare that backs up to the train tracks. She has been a vocal community advocate speaking out against Progressive Rail about with safety concerns over "out of use" cars being stored for 7+ years just outside residents' backyards. The cars have recently been moved due to a highway widening project that prevents access to the tracks.

Chippewa Falls, Wisconsin, home to a large frac sand mining industry. Progressive Rail drives much of this industry. Patricia J. Popple, 715-723-6398 home, 715-382-6300 cell, sunnyday5@charter.net
Pat is a retired school teacher and administrator who has been advocating against the frac sand industry for over a decade:

"Residents of 22 counties in WI have been fighting the frac sand industries including mining, processing and trans-load and the industry's destructive practices for close to a decade.

Progressive is not easy to work with. In the past, they have run uncovered trains piled high with silica dust that spills all over tracks and escapes into the air and surrounding areas and refuse to clean up the mess. They have been known for idling engines throughout the day and night in residential areas. A dramatic increase in freight train traffic is harming many people's quality of life and the silica dust and diesel fumes may be damaging people's health."

ADDITIONAL LEADS

1. Contact Lakeville Police Dept. to ask for a record of Progressive Rail related complaints/crimes.
2. Contact city leaders in each Progressive community to find out about interactions with Progressive Rail

NEWS STORIES FROM COMMUNITIES WHERE PROGRESSIVE RAIL OPERATES:

Lakeville, MN (Progressive Rail's hometown)
Lakeville was considering railbanking and putting in a greenway before Progressive moved into town. The City may have records about this.

Concerns include:
- Railcar storage divided neighborhood for 7+ years
- West Nile caused by standing water in open rail cars
- Middle schoolers crawling under and climbing over trains to get to and from school
- Unannounced use of herbicides along rail lines


Chippewa Falls, Wisconsin,
Home to a large frac sand mining industry. Progressive Rail drives much of this industry.

Concerns include:
- Silica dust moved in open cars
- Diesel trains idle all night long
- The combination of dust and fumes have caused people to get sick and even sell their homes
- Much more freight traffic than the community had anticipated or seen in years prior to Progressive Rail taking over operations.

As rail moves frac sand across Wisconsin landscape, new conflicts emerge
TAYLOR CHASE Wisconsin Center for Investigative Journalism, Jul 13, 2014
Wisconsin’s boom in production of sand used for hydraulic fracturing has fueled a large increase in rail traffic moving the commodity to other states, causing conflicts and raising safety concerns.

Plase estimates that Progressive Rail, a short line which runs from Chippewa Falls about 40 miles north to Cameron, has increased from one train a week to two or three a day — which would be about 15 to 20 times more traffic. A representative from the rail line declined to provide exact numbers but did confirm the growth was due in part to frac sand.

Quality-of-life concerns
Not everyone is happy about the blossoming relationship between the frac sand industry and railroad companies. Since the increase in rail traffic, residents have expressed concerns regarding noise, safety and traffic disruption.


Eagle Point, WI—Progressive Rail threatening to use pre-emption close a popular local road

Concerns include:
- The community does not want to lose the popular road Progressive is threatening to close.


Here is the link to the Public Service Commission website that has all the testimony on this case:
http://apps.psc.wi.gov/vs2015/ERF/ERFhome.aspx
The number to enter in the Quick Single Document Search is: 9145-RX-114.
Northfield, MN—Progressive Rail, Ethanol Distribution Terminal

Concerns include:
- Progressive rail implied that they could build an ethanol plant whether the community wanted it or not.

"Progressive Rail President Dave Fellon told the town board this spring that if the ethanol plant isn’t built, a rail company could pursue industrial use of the land without local approval. Bridgewater is currently considering this ‘reality’.”

Cannon Falls, MN

Ross, Jenna. Star Tribune, 17 Oct. 2015,

Bloomer, Wisconsin

Alderson Meinen had contacted Progressive Rail regarding train traffic and blockages. They said that not much can be done at this time. Brian Schneider from WRR Environmental Services Co. was also present to talk about their use of the rail. The council’s main concern is the length of time the crossings are being shut down. Mayor Summerfield would like them to leave at least 2 of the crossing open at a time. Tony Rubenzer feels that the problem is the crossing arms that come down when they are moving the cars over and no train is at the intersections. Alderperson Meinen said that Dave Fellon from Progressive Rail said that nothing can be done concerning that because they are controlled by the amount of weight on the track. Mr. Schneider, WRR will speak to Progressive Rail concerning these matters.

ENVIRONMENTAL VIOLATIONS AND CONCERNS

2011: the Minnesota Pollution Control Agency fined them 75K for safety and environmental violations:
http://archives.ecmpublishers.com/2011/05/19/update-progressive-rail-fined-for-environmental-violations/

Primary source, MPCA: 02/25/2011 Progressive Rail Inc Lakeville Water Quality STIP $75,000.00 contact Tanya Maurice 651-757-2555, Sam Brungardt, 651-757-2249 for more info. https://www.pca.state.mn.us/sites/default/files/gp2-11.pdf

2011: The Wisconsin DOJ fined them for not following laws when building an extension for a rail line for frack sands

The primary source for Wisconsin 2011 violation:

The Wisconsin article also mentions violations for hazardous spills in 2005 and 2008 but the wisc DOJ doesn't have the 2005 and 2008 stuff online any longer
Sent Electronically and by Mail

January 29, 2018

Mr. Felipe Hernandez
Mr. Oscar Rios
Mr. Lowell Hurst
Mr. Jimmy Dutra
Ms. Rebecca Garcia
Ms. Trina Coffman-Gomez
Dr. Nancy Bilicich
City of Watsonville
275 Main Street, Suite 400 (Fourth Floor)
Watsonville, California 95076

Dear Members of the Watsonville City Council:

As you are aware, Progressive Rail Incorporated has been selected to begin negotiations with the Santa Cruz County Regional Transportation Commission to operate the Santa Cruz Branch Line. As we stated in our presentation to SCCRTC, Progressive Rail works with local governments and businesses and sees itself as an integral part of the communities in which it operates.

It has come to our attention that Mr. Bud Colligan as an activist leader for Greenway has sent correspondence to the Watsonville City Council implying that we intend to force a propane distribution facility in Watsonville. That assertion is untrue and I question Mr. Colligan’s motivation since he attended the above-mentioned presentation and in the follow-up dialogue since the meeting I have stressed the point that we do not operate in such a manner.

While it is true that other railroads have in the past availed themselves of the federal preemption rules to circumvent local ordinances, we believe in working closely with local communities and have constructed all of our other facilities in compliance with local rules and regulations. For example, we are currently constructing a propane distribution facility in Lakeville, Minnesota, which is a suburb of Minneapolis. In that case we readily spent hundreds of thousands of dollars to comply with all city ordinances and permit requirements.
Our presentation included the idea of a propane distribution facility in Watsonville because one of our current customers has expressed interest in locating a facility there. The facility would consist of one or two storage tanks and a manifold with piping in a secured area. The rail cars supplying a Watsonville terminal would likely average a few per week. For information, practically every major metropolitan area in the US has a propane distribution facility of some type, including Los Angeles, San Diego, Sacramento, and San Francisco.

Mr. Colligan and the Greenway organization are attempting to sensationalize the risks of propane when in fact propane is simply a liquified petroleum gas or LPG that is commonly sold in small portable containers for use in barbeque grills. Propane is clean-burning and is interchangeable with other petroleum-based motor fuels such as gasoline or natural gas. Like these other fuels, propane is regulated by federal and state safety standards. Any time these fuels can be supplied by rail, motorists will benefit with fewer hazardous material trucks sharing town roads and interstate highways.

While Mr. Colligan is exclaiming that LPG is a threat to Santa Cruz County and should be avoided, he appears to be ignorant of the gasoline trucks already on the local roads. Indeed, there are 18 gasoline stations within three miles of Mr. Colligan’s oceanside home in Santa Cruz and on an almost daily basis there are transport trucks traversing Santa Cruz city streets carrying gasoline that is 33% more combustible or explosive than propane. Yet I see no evidence of Mr. Colligan protesting the construction or the supplying of these gasoline stations that are literally in his neighborhood and surrounding areas.

Different than Greenway’s virtual lobby organization of self-interest, Progressive Rail plans to open offices, have rail and warehouse operations with meaningful employment, promote economic development in Santa Cruz county, increase the tax base, re-introduce the long-forgotten rail benefits to the agriculture industry, and embrace an open and transparent relationship with all earnest stakeholders.

We encourage you not to fall prey to any scaremongering by local groups that are pushing their own interests at the expense of others, and instead communicate directly with us or through SCCRTC about potential projects to improve freight service in Watsonville and bring more jobs to the area.

We are happy to meet with the City Council of Watsonville as well as the departments of economic development and community development about our ideas and whether they are good for your city. We look forward to working with you in the future.

Sincerely,

[Signature]

Copy to: Mr. Dave Fellon, Progressive Rail
Mr. Jim Thornton, Progressive Rail
Mr. George Dondero, SCCRTC
Mr. Luis Pavel Mendez, SCCRTC
February 27, 2018

Dear Santa Cruz County RTC Commissioners and Staff:

Santa Cruz County Greenway is concerned that the RTC staff is moving unusually quickly and quietly with the current rail operator proposal and negotiation process. Given the unique and extraordinary value of our coastal corridor and the risk to its future, this is not prudent.

Basic research about Progressive Rail, the rail operator currently negotiating with RTC to operate freight on the Watsonville section of the corridor, turns up disturbing info:

1. Progressive Rail, a Midwest freight rail operator with no background in tourist trains, submitted a 60-page "tourist train" proposal that included a single, burned bullet point about their plans to construct a propane distribution terminal in Watsonville.

2. Progressive Rail has strong ties to the oil and gas industry. Chair/CEO, Craig McKenzie has a 29-year career as an oil and gas executive. At least four of six on Progressive Rail’s leadership team, including Craig McKenzie, sat on the board of Dakota Plains Holdings, a company connected to the 2013 Lac-Mégantic rail disaster that later declared bankruptcy. Craig McKenzie was CEO of Dakota Plains Holdings when the 2013 disaster happened.

3. Progressive Rail has a history of using and threatening to use railroad preemption to establish, maintain, and expand operations that have created safety, health, traffic, and environmental concerns in Lakeville, MN; Chippewa Falls, WI; Eagle Point, WI; and other communities where they operate.

WHY DOES PROGRESSIVE RAIL REALLY WANT TO COME TO SANTA CRUZ COUNTY?

"If you happen to be a short line that's in and around and operating near one of these shale formations, the money that you are making is unprecedented."
—Rich Simmons, President of the American Short Line and Regional Railroad Association

The U.S. oil and gas industry is booming like never before. The Federal Government is working to encourage off-shore drilling and new drilling sites on public land. There is a growing demand to ship dangerous Bakken Crude by rail and the oil and gas industry is exploiting historic railroad "preemption" law to circumvent local zoning and environmental regulations in communities across the U.S.. In light of these national trends and our local situation, the RTC staff should exhibit extraordinary caution before signing a contract with a new rail operator.

RAILROAD PREEMPTION LEAVES COMMUNITIES VULNERABLE

Preemption is a federal process used by railroad operators to control a rail corridor and sidestep the wishes of local communities. Preemption is adjudicated by the federal Surface Transportation Board (STB).
The following excerpt from a September 2015 report by the New England Center for Investigative Reporting shows how one community fell prey to railroad preemption. Let’s hope the RTC can protect Santa Cruz County from the vulnerabilities railroad preemption creates.

In December 2012, Delli Priscolli finally unveiled his plans to more than 100 Grafton, MA residents at a meeting in the municipal gym. The railroad yard, he announced, was to become a propane transfer or “transloading” facility, meaning that propane would be brought there by rail and unloaded onto tanker trucks to be distributed. With four 120-foot long, 80,000-gallon storage tanks to be filled by up to 2,000 train tank cars a year, it would be the biggest rail propane facility in Massachusetts.

Residents were dumbfounded: The location was in the middle of a residential neighborhood, less than 2,000 feet from an elementary school and atop the town’s water supply. But, aside from an application to the state’s fire marshal (still unapproved), the railroad’s owner had not requested nor obtained, town officials say, any local construction permits, environmental assessments, zoning variances — or permission.

And as residents would learn, it was the railroad’s position that it didn’t have to: Being a railroad, the Grafton & Upton was exempt from any state or local law that interfered with its business, a legal doctrine known as preemption.

As one resident put it, “You mean we have no rights?”

Around the country, in towns as small as Grafton and as large as Philadelphia and Chicago, communities are beginning to ask the same question as the domestic energy boom makes the expansion of railway infrastructure — to host trains carrying crude oil, propane and ethanol — a profitable venture indeed.

Railroads are exploiting a large, surprising loophole in federal regulatory law critics say, and they are doing so with the backing of an obscure federal agency, the Surface Transportation Board (STB), which has been quietly creating what some call a “regulation-free zone” and asserting a jurisdiction over railroads that trumps health and safety laws.

The result is a “regulatory hole you could drive a train through,” says Ginny Sinkel Kremer, an attorney who represents the town of Grafton in its legal battles against the transloading facility and the STB.

Read the full NECIR story.

WHY DO WE NEED TO CHOOSE A NEW RAIL OPERATOR NOW?

Perhaps the biggest question is: Should the RTC even choose a new rail operator now when the Unified Corridor Study (UCS) to be completed in December 2018 may determine that a non-rail option is the best use of the corridor?

We are fortunate that the RTC had the foresight to purchase the corridor from Union Pacific. Now that our current rail operator, Iowa Pacific, has asked to pull out of their contract prior to 2021, we are free to move forward with the best plan for the corridor in 2019. Let’s not risk losing our options by choosing an inappropriate rail operator.
Please slow down and proceed with caution. We are depending on you to protect our corridor, our coast, and our residents.

Thank you,

Gail McNulty
Executive Director
Santa Cruz County Greenway
REFERENCES


“Unified Corridor Study.” Santa Cruz County Regional Transportation Commission, sccrtc.org/projects/multi-modal/unified-corridor-study/.

info@sccgreenway.org • www.sccgreenway.org • (831) 824-4563 • 849 Almar Avenue • Suite 247 • Santa Cruz, CA 95060
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz, CA 95060

e-mail: info@sccrtc.org

Dear Commissioners,

Agron Bioenergy is a biodiesel producer based in Watsonville. Our business model requires heavy use of rail to transport refined liquid raw materials from Wall Lake, Iowa to the Agron Plant in Watsonville, CA. Agron uses those materials to produce low carbon fuels that have been shown to provide part of sustainable transport policy for California. Our business cannot exist without an uninterrupted rail service.

We therefore urge you to accept the RTC staff recommendation that progressive Rail take over the rail to our plant without delay, enabling a smooth transition to a new operator and to provide surety of service in the coming months.

Signed

Bradley D. Wilson
President, WIE-Agron Bioenergy, LLC dba, Agron Bioenergy
712-664-2173 or 515-370-3486