AGENDA
Thursday, June 14, 2018
9:00 a.m.

NOTE LOCATION THIS MONTH
Watsonville City Council Chambers
275 Main Street, Suite 450
Watsonville, CA

NOTE
See the last page for details about access for people with disabilities, translation services, and meeting broadcasts.

En Español
Para información sobre servicios de traducción al español, diríjase a la última página.

AGENDAS ONLINE
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COMMISSION MEMBERSHIP
Caltrans (ex-officio)                    Richard Rosales
City of Capitola                        Jacques Bertrand
City of Santa Cruz                      Sandy Brown
City of Scotts Valley                   Randy Johnson
City of Watsonville                     Trina Coffman-Gomez
County of Santa Cruz                    Greg Caput
County of Santa Cruz                    Ryan Coonerty
County of Santa Cruz                    Zach Friend
County of Santa Cruz                    John Leopold
County of Santa Cruz                    Bruce McPherson
Santa Cruz Metropolitan Transit District Ed Bottorff
Santa Cruz Metropolitan Transit District Cynthia Chase
Santa Cruz Metropolitan Transit District Mike Rotkin

The majority of the Commission constitutes a quorum for the transaction of business.
1. Roll call

2. Oral communications

Any member of the public may address the Commission on any item within the jurisdiction of the Commission that is not already on the agenda. The Commission will listen to all communication, but in compliance with State law, may not take action on items that are not on the agenda.

Speakers are requested to sign the sign-in sheet and state their name clearly so that their names can be accurately recorded in the minutes of the meeting.

3. Additions or deletions to consent and regular agendas

**CONSENT AGENDA**

All items appearing on the consent agenda are considered to be minor or non-controversial and will be acted upon in one motion if no member of the RTC or public wishes an item be removed and discussed on the regular agenda. Members of the Commission may raise questions, seek clarification or add directions to consent agenda items without removing the item from the consent agenda as long as no other Commissioner objects to the change.

**MINUTES**

4. Approve draft minutes of the April 19, 2018 Transportation Policy Workshop meeting

5. Approve draft minutes of the May 3, 2018 Regional Transportation Commission meeting

6. Approve draft minutes of the May 17, 2018 Transportation Policy Workshop meeting

7. Accept draft minutes of the May 17, 2018 Interagency Technical Advisory Committee meeting

**POLICY ITEMS**

No consent items

**PROJECTS and PLANNING ITEMS**

8. Approve the Fiscal Year (FY) 2018-19 Work Program

**BUDGET AND EXPENDITURES ITEMS**

9. Accept status report on Transportation Development Act (TDA) revenues

10. Accept status report on Measure D revenues and distribution

11. Adopt 2018 Regional Surface Transportation Program Exchange (RSTPX) Program (**Resolution**)
12. Approve Safe on 17 – California Highway Patrol Extra Enforcement Funding and Agreements *(Resolution)*

**ADMINISTRATION ITEMS**

*No consent items*

**INFORMATION/OTHER ITEMS**

13. Accept monthly meeting schedule

14. Accept correspondence log

15. Accept letters from RTC committees and staff to other agencies - *none*

16. Accept miscellaneous written comments from the public on RTC projects and transportation issues - *none*

17. Accept information items
   
   a. May 31, 2018 press release from Santa Cruz Metropolitan Transit District, “Santa Cruz METRO rolls out new buses and vans funded through Measure D and SB-1”

**REGULAR AGENDA**

18. Commissioner reports – oral reports

19. Director’s Report – oral report

20. Caltrans report
   
   a. District Director’s report
   b. Santa Cruz County project updates

21. **9:30 a.m. PUBLIC HEARING:** Adoption of Measure D Five-Year Programs of Projects for Regional Projects and Community Bridges/Lift Line *(Rachel Moriconi, Transportation Planner)*
   
   a. Staff report
   b. Resolution adopting Measure D 5-year programs of projects
   c. Summary of Measure D Regional Categories

22. Santa Cruz Branch Rail Line Short Line Operator Agreement *(Luis Mendez, Deputy Director)*
   
   a. Staff report
   b. Negotiated Administration, Coordination and License agreement
   c. Communication regarding RTC obligation for freight services
   d. Comments from the public on agreement with Progressive Rail
   *(Cory Caletti and Grace Blakeslee, Senior Transportation Planners)*
   
   a. Staff report

24. Adoption of the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program as required by CEQA Guidelines and adoption of the 2040 Santa Cruz County Regional Transportation Plan (RTP)
   *(Ginger Dykaar and Grace Blakeslee, Senior Transportation Planners)*
   
   a. Staff report
   c. 2040 MTP/SCS and RTPs EIR Resolution
   d. 2040 RTP Resolution

25. Review items to be discussed in closed session

   **CLOSED SESSION**

26. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code 54957.6

   Commission Negotiators: John Leopold, Yesenia Parra, CPS HR Consulting Unrepresented Employee: Executive Director

27. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code 54957.6

   Commission Negotiators: Yesenia Parra, Lozano Smith, Attorney at Law Bargaining Units: RTC Association of Middle Management (RAMM) and Community of RTC Employees (CORE)

   **OPEN SESSION**

28. Report on closed session

29. Next meetings

   There will be no meetings in July.

   The next RTC meeting is scheduled for Thursday, August 2, 2018 at 9:00 a.m. at the Watsonville City Council Chambers, 275 Main Street, Watsonville, CA.
The next Transportation Policy Workshop meeting is scheduled for Thursday, August 16, 2018 at 9:00 a.m. at the Watsonville City Council Chambers, 275 Main Street, Watsonville, CA

**HOW TO REACH US**

Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue, Santa Cruz, CA 95060  
phone: (831) 460-3200 / fax: (831) 460-3215

Watsonville Office  
275 Main Street, Suite 450, Watsonville. CA 95076  
phone: (831) 460-3205  
email: info@sccrtc.org / website: www.sccrtc.org

**COMMENTS FROM THE PUBLIC**

Written comments for items on this agenda that are received at the RTC office in Santa Cruz by noon on the day before this meeting will be distributed to Commissioners at the meeting.

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Si gusta estar presente o participar en esta junta de la Comisión Regional de Transporte del Condado de Santa Cruz y necesita información o servicios de traducción al español por favor llame por lo menos con tres días laborables de anticipo al (831) 460-3200 para hacer los arreglos necesarios. (Spanish language translation is available on an as needed basis.) Please make advance arrangements (at least three days in advance) by calling (831) 460-3200.

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**AVISO A BENEFICIARIOS SOBRE EL TITULO VI**

La RTC condue sus programas y otorga sus servicios sin considerar raza, color u origen nacional de acuerdo al Acta Sobre los Derechos Civiles. Cualquier persona que cree haber sido ofendida por la RTC bajo el Titulo VI puede entregar queja con la RTC comunicándose al (831) 460-3212 o 1523 Pacific Avenue, Santa Cruz, CA 95060 o en línea al www.sccrtc.org. También se puede quejar directamente con la Administración Federal de Transporte en la Oficina de Derechos Civiles, A tención: Coordinador del Programa Titulo VI, East Building, 5th Floor-TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590.
1. Roll call

The meeting was called to order at 9:02 a.m.

Members present:

Ed Bottorff  
Jacques Bertrand  
Sandy Brown  
Greg Caput  
Cynthia Chase  
Randy Johnson

John Leopold  
Bruce McPherson  
Patrick Mulhearn (alternate)  
Mike Rotkin  
Andy Schiffirn (alternate)

Staff present:

George Dondero  
Luis Pavel Mendez  
Yesenia Parra  
Sarah Christensen

Cory Caletti  
Shannon Munz  
Fernanda Dias Pini

2. Additions or deletions to consent and regular agendas

Handouts were distributed for Item 3.

CONSENT AGENDA

No consent items
REGULAR AGENDA

3. Operating Agreement with Progressive Rail

George Dondero, Executive Director, presented the staff report highlighting the extensive due diligence in vetting Progressive Rail (PGR) and the phased approach to the operating agreement being negotiated. Executive Director Dondero also introduced Dave Fellon, PGR Owner and President, who presented on PGR’s philosophy, vision and goals for their potential operation on the Santa Cruz Branch Rail Line.

Commissioners Discussed: appreciation for PGR’s attendance and presentation; graffiti abatement; train noise; car storage; impact of rail service on local traffic congestion and greenhouse gasses; PGR’s plan for energy projects in the region; excursion and passenger rail services; PGR’s community involvement and development; warehouse availability and freight customers in Watsonville; how PGR would address public comments, concerns, and inputs; potential fares for passenger trains; PGR’s experience working with transit systems; the phased nature of the proposed agreement with PGR and the negotiations process; waiting for completion of the Unified Corridor Study (UCS) before deciding on a rail operator; whether the RTC or Iowa Pacific is liable for meeting freight service obligations; whether a 60-day public review period is feasible; RTC’s rail service obligations under funding agreements; RTC’s existing policy to pursue passenger rail service on the rail line and staff’s work to implement the Commission’s adopted policy; that RTC staff would change focus if the Commission adopts a different policy on rail; and that the UCS with reconsideration of that policy is the result of a compromise to ensure the passage of Measure D.

The chair opened the item to public comments.

Brian Peoples, Trail Now, inquired whether PGR would agree to a contract to only operate freight south of Lee Road and stated that any changes made to the corridor north of Lee Road should be dedicated to alleviating traffic congestion on Highway 1.

Ashley Winn, La Selva Beach resident, said that he has not received documents that he requested via a public records request which he would like to see before the Commission reaches a decision on this matter. Mr. Winn urged the Commission to allow for a 60-day public review period before the Commission makes a decision on the rail operator.

Julie Jobin, City of Scotts Valley resident, asked if it is necessary to have freight on the Santa Cruz Branch Rail Line (SCBRL).

Cathy Marino, Santa Cruz County resident, stated that it is important to preserve the rail corridor, that rail is the least expensive transit option, and that the corridor can accommodate both a rail and a trail.
Jennie Anderson, Live Oak resident, inquired how the gridlock resulting from a slow train going through the county several times a day would be addressed.

Rob Quinn, Santa Cruz County resident, discussed the safety hazards faced by bicyclists. Mr. Quinn inquired if a contract with PGR would preclude the RTC from examining other uses of the corridor, why the Commission is not waiting for the completion of the Unified Corridor Study (UCS) before making this decision, and if the negotiations with PGR are compliant with the California Environmental Quality Act (CEQA).

Commissioner Brown joined the meeting.

Jessica Evans, City of Santa Cruz resident, stated her enthusiasm for construction of Segment 7 of the Monterey Bay Sanctuary Scenic Trail (MBSST) network and urged the Commission to move forward with the contract with PGR to preserve the rail line, to fulfill contractual obligations, and to use the rail corridor for mass transit. Ms. Evans also stated that PGR might not be the partner for passenger rail, and suggested a light-rail option.

James Eggleston, La Selva Beach resident, stated that a tourist train will not benefit the community and will not assist in reducing congestion. Mr. Eggleston urged the Commission to stop negotiations with PGR until the UCS is completed.

Jack Carroll, Soquel resident, stated that the Commission should wait until the UCS is completed before deciding on an operator. Mr. Carroll asked if the freight service would be subordinate to passenger service; if there would be a required minimum level of passenger service to be provided; and if the rail operator would be allowed to abandon passenger service while retaining a license for freight service.

Brett Garrett, Campaign for Sustainable Transportation (CST), asked that sustainability be prioritized; ensuring that the rail operator would not bring fossil fuels to the county; noted that he and the CST put together a list of 20 questions for the RTC and would like responses.

Andrea Miller, Seacliff resident, spoke on cyclist safety issues and stated that PGR is specialized on freight and not passenger services.

Josh Stevens, Santa Cruz County resident, inquired how refrigerated cars would be powered, and if there is an estimate on how freight trains would lead to a reduction in truck traffic on the road.

David Van Brink, City of Santa Cruz resident, stated that he trusts the RTC to perform due diligence and select appropriate partners for its business, operational needs and obligations.
Manu Koenig, City of Santa Cruz resident and Greenway, asked for quantification of economic benefit to the area from PGR; whether a propane distribution facility in Watsonville would include a blast zone; and how rail operations would impact residential and commercial development. Mr. Koenig stated that the Greenway legal counsel advised that the rail operating agreement process with PGR is currently out of compliance with CEQA.

Gail McNulty, Greenway, asked how increased freight business throughout the county would impact the region, questioned PGR’s motivation for doing business in the county; and whether PGR would bring fossil fuels to the county.

Silvia Morales, City of Watsonville resident, spoke on the prohibitive traffic on Highway 1 and asked for greater inclusion of Watsonville residents.

Mark Mesiti-Miller, Friends of the Rail and Trail, stated that the Commission has an obligation to provide rail service and that several businesses in Watsonville are reliant on freight rail services. Mr. Mesiti-Miller inquired how much revenue and how many jobs would be generated by PGR’s operations; what would be the skill-level and pay range for the jobs created; and if PGR’s operations would require any public subsidy.

Progressive Rail’s response to public questions: the proposed agreement is for PGR to operate the whole line, as a package; trains can be scheduled to create harmony between freight and passenger service; PGR will introduce passenger service as they grow in the region; refrigerated cars are powered with diesel; every one freight rail car replaces four trucks on the road; described how PGR’s operations stimulated economic development in Lakeville, MN and used that as an example for the amount and types of jobs that PGR would bring to the area; a propane facility in Watsonville would have to follow local regulations; and PGR operations and developments would defer to Watsonville zoning regulations.

RTC responses to public questions: the rail contract is a two part agreement that takes the RTC up to the decision point after the UCS is completed, and depending on the Commission’s decision for the dispensation for the future of the rail corridor, it allows for uses other than rail of the corridor; the proposed agreement with PGR does not commit the RTC to using PGR as the operator for transit service; Proposition (Prop.) 116 funding agreement commits the RTC to providing a form of passenger rail service, for which excursion services provides an interim solution that was accepted by the California Transportation Commission (CTC) until the UCS is completed and the use of the rail corridor is decided; CTC demanded that the RTC provide freight service as part of the funding agreement (as long as it is required by the Surface Transportation Board (STB); the trains proposed for this line would be relatively short and would not cause long delays at train crossings; the RTC could have served as its own operator but the Commission decided against that possibility in 2010 when it was negotiating with Union Pacific and
conducting due diligence.

RTC Counsel responses:
- The RTC is cognizant of the California Environmental Quality Act (CEQA) issues and received the correspondence requesting information regarding CEQA compliance for the operating agreement with Progressive Rail (PGR) – it understandably relies on a lot of assumptions, since the agreement is not currently public, it will be made public before the Commission makes a decision. The timeframes allow for appropriate CEQA review, a response will be provided to the letter.
- Federal regulations actually do apply to both the common carrier and the owner of the rail line, and are both responsible for track maintenance and compliance with federal regulations. So, to the extent that the RTC’s contractor is not doing their job, the RTC is liable under federal law, including penalties. Under the Proposition (Prop.) 116 funding resolution for the purchase of the line, the RTC committed, and is responsible as a condition of that funding, to both provide freight and to initiate passenger services on that rail line. That funding resolution is CTC resolution PA.IO.06.
- There is a remedy in the event that the RTC decides to discontinue rail service under that resolution, a non-rail option of the rail corridor is not precluded by Prop. 116 and the CTC resolution, it would require payment to the state and additional work. The current RTC resolution and what this Commission has taken action to do, is to implement the requirements of that CTC resolution and that includes both freight and passenger service.
- Preemption is established by federal law but as PGR mentioned, local land use authorities do retain a substantial amount of authority, including authority under CEQA to regulate uses that effect things beside actual operation of rail service. Preemption has a limited scope, the contract is not preempted, RTC’s ability, as the owner, to control the scope of operations is not preempted, and effects of operations that are beyond the operations of the rail are not preempted. There is a substantial amount of control that stays with the RTC and the local land use authorities.

4. Oral Communications

**Buzz Anderson**, Live Oak resident, asked for the rail plan to be halted and for the Greenway plan to be adopted. Mr. Anderson supports rail banking and stated that the MBSST is fiscally and environmentally costly, and that the Greenway plan would solve many of the transportation problems faced by the this community.

**Josh Stevens**, Santa Cruz County resident, asked the RTC to prioritize bus services and to focus on improving public transit, and to replace Iowa Pacific.

**Brett Garrett**, CST, noted that there are many valid options for the future of the rail corridor; that both excellent transit and trails can be provided; and suggested that the solution is to look at elevated rapid transit, such as the
gondola system implemented in La Paz, Bolivia. Mr. Garrett stated that the UCS is incomplete because it is not evaluating aboveground transit options.

Manu Koenig, City of Santa Cruz resident and Greenway, reported that there are 8,859 signers of the Greenway petition; described stories from residents who signed the petition. Mr. Koenig inquired about the proposed location for park and ride lots; how collisions with the trains would be prevented; and how the train would discourage people from using their cars.

Jessica Evans, Santa Cruz County resident, stated that individual transportation in any form contributes to congestion and endangers bicyclists. Public transportation does not generate profit and it should be subsidized by tax-payers, and inquired whether there are plans for improving the bicycle lane on Bay Street near Bay View School.

Gail McNulty, Greenway, asked for socially equitable, sustainable, feasible decisions to be made regarding the rail corridor that will be right for Santa Cruz County. Ms. McNulty stated that Measure D passed because voters desired transportation solutions.

5. Review of items to be discussed in closed session

Commissioners adjourned to closed session at 11:27 a.m.

CLOSED SESSION

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8

7. CONFERENCE WITH LABOR NEGOTIATIONS pursuant to Government Code 54957.6

8. PUBLIC EMPLOYMENT: EXECUTIVE DIRECTOR AND FISCAL OFFICER pursuant to section 54957 of the Government Code

9. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code

CLOSED SESSION

10. Report on closed session

Nothing to report.
Meeting adjourned at 12:40 p.m. Next meetings:

The next RTC meeting is scheduled for Thursday, May 3, 2018 at 9:00 a.m. at the Capitola City Council Chambers, 420 Capitola Avenue, Capitola, CA.

The next Transportation Policy Workshop meeting is scheduled for Thursday, May 17, 2018 at 9:00 a.m. at the RTC Offices, 1523 Pacific Avenue, Santa Cruz, CA.

Respectfully submitted,

Fernanda Dias Pini, Staff

Attendees:

Andrea Miller         Seacliff Resident
Ashley Winn          Santa Cruz County Resident
Bobbi Burns          Greenway
Brett Garrett        Campaign for Sustainable Transportation
Buzz Anderson        Greenway
Cathy Marino         Santa Cruz County Resident
Cliff Walters        Roaring Camp
David Van Brink      City of Santa Cruz Resident
Gail McNulty         Greenway
Gine Johnson         Santa Cruz County Resident
Howard Cohen         Santa Cruz County Resident
Jack Carroll         Soquel Resident
James Eggleston      Santa Cruz County Resident
Jennie Harris-Anderson Greenway
Jessica Evans        Santa Cruz County Resident
Josh Stevens         Santa Cruz County Resident
Julie Jobin          City of Scotts Valley Resident
Justin Meek          City of Watsonville, Planning Division
Kevin Hill           Santa Cruz County Resident
M.T. Ragsdar         Santa Cruz County Resident
Manu Koenig          City of Santa Cruz Resident/ Greenway
Mark Mesiti-Miller   Friends of the Rail and Trail/ SC Chamber of Commerce
Mary B. Blessing     City of Scotts Valley Resident
Murray Fontes        Watsonville
Nadene Thorne        Santa Cruz County Resident
Richard Kojak        MPS
Rob Quinn            Santa Cruz County Resident/ Greenway
Silvia Morales       Santa Cruz County Resident
Tom Haid             City of Santa Cruz Resident
William Kejak        Santa Cruz County Resident
1. Roll call

The meeting was called to order at 9:03 a.m.

Members present:

Jacques Bertrand
Ed Bottorff
Sandy Brown
Greg Caput
Trina Coffman-Gomez
Randy Johnson
John Leopold
Aileen Loe (ex-officio)
Bruce McPherson
Patrick Mulhern (alt.)
Mike Rotkin
Andy Schiffrin (alt.)

Staff present:

George Dondero
Luis Mendez
Yesenia Parra
Rachel Moriconi
Cory Caletti
Grace Blakeslee
Sarah Christensen
Shannon Munz
Fernanda Dias Pini

2. Oral communications

**Gail McNulty**, Santa Cruz County resident, stated that she advocates for realistic and meaningful changes to the transportation. Ms. McNulty expressed disappointment that the local political machine is steered by those not affected by gridlock and unafraid of train because they know it will never happen.

**Josh Stevens**, Santa Cruz County resident, commended the RTC on recent transportation improvements and for announcements of new grants to modernize the bus fleet. Mr. Stevens asked the Commission to move forward with the rail operator agreement.
3. Additions or deletions to consent and regular agendas

Replacement page for Item 10 and Handouts for Items 22, 23, 25, and 27.

CONSENT AGENDA

Commissioners discussed: the importance of identification of Senate Bill (SB) 1 and Measure D-funded projects throughout the county; staff work with all jurisdictions to make a coordinated effort to promote these projects; a list of SB1 and Measure D funded projects to be made available; and appreciation for signage showing project funding sources.

Commissioner Rotkin moved and Commissioner Alternate Schiffrin seconded the motion to accept the consent agenda. The motion passed unanimously with Commissioners Bertrand, Bottorff, Brown, Caput, Coffman-Gomez, Johnson, Leopold, McPherson, Rotkin, and Commissioner Alternates Mulhearn and Schiffrin voting “aye.”

MINUTES

4. Accepted draft minutes of the March 15, 2018 Interagency Technical Advisory Committee meeting

5. Approved draft minutes of the April 5, 2018 Regional Transportation Commission meeting

6. Accepted draft minutes of the April 9, 2018 Bicycle Advisory Committee meeting

7. Accepted draft minutes of the April 10, 2018 Elderly and Disabled Transportation Advisory Committee meeting

POLICY ITEMS

No consent items

PROJECTS and PLANNING ITEMS

No consent items

BUDGET AND EXPENDITURES ITEMS

8. Accepted status report on Transportation Development Act (TDA) revenues

9. Accepted status report on Measure D revenues and distribution
10. Approved Fiscal Year (FY) 2018-19 Transportation Development Act (TDA) claims for Volunteer Center, Community Bridges, and Santa Cruz Metropolitan Transit District (METRO) (Resolutions 221-18, 23-18, and 24-18)

11. Approved Fiscal Year (FY) 2018-19 Transportation Development Act (TDA) claims for the Community Traffic Safety Coalition, the Ride ‘n’ Stride Program, and the Bike to Work Program (Resolutions 25-18 and 26-18)

12. Accepted Fiscal Year (FY) 2016-17 Fiscal Audit for the SCCRTC

ADMINISTRATION ITEMS

13. Accepted staff recommendations for the appointments of a delegate and a representative to the California Association of Councils of Governments (CalCOG) and the Coast Rail Coordinating Council (CRCC)

INFORMATION/OTHER ITEMS

14. Accepted monthly meeting schedule

15. Accepted correspondence log

16. Accepted letters from RTC committees and staff to other agencies – none

17. Accepted miscellaneous written comments from the public on RTC projects and transportation issues

18. Accepted information items


   b. Skoutelas, Paul, “A major victory on which to build”, Passenger Transport, April 6, 2018

   c. “FTA approves $22.5 million grant to SMART for commuter-rail extension”, www.progressiverailroading.com, April 10, 2018

REGULAR AGENDA

19. Commissioner reports – oral reports

   There were no Commissioner reports.

20. Director’s report – oral report

   George Dondero, Executive Director, reported on the implementation and
upcoming ribbon cutting ceremony of the City of Santa Cruz bike share program. Mr. Dondero also reported on the April 19, 2018 California Association of Councils of Government (CALCOG) meeting, noting that it mostly focused on legislation and that the Air Resources Board is working on setting new guidelines for transportation agencies to comply with state mandates to reduce greenhouse gas emissions.

Mr. Dondero stated that Susan Branson, California Transportation Commission (CTC) Executive Director, will be meeting in June with project sponsors to discuss lessons learned from the first round of funding from Senate Bill (SB) 1. He said that CTC staff is recommending $1 million from the competitive SB 1 partnership program for the City of Scotts Valley’s Glennwood active transportation project, which consists of roadway rehabilitation, class 2 bicycle lanes, and the construction of a 5-mile trail on the Glennwood preserve. The project is funded by Scotts Valley’s share of Measure D funds and $130,000 from the Surface Transportation Block Grant (STBG) funds provided by the RTC in December 2017. Mr. Dondero also noted that local jurisdictions adopted project lists showing which projects will be funded from the Fiscal Year (FY) 2018-19 SB 1 Road Maintenance Rehabilitation Account (RMRA).

Mr. Dondero discussed the California Integrated Travel Conference, which he attended from May 1-2, 2018. The conference was focused on engendering an open discussion of how to facilitate a process for statewide journey planning and payment, with an aim to make travel simpler and more cost-effective.

Mr. Dondero also announced that the RTC is sponsoring a speaker series designed to help Commissioners and the community gain a deeper understanding of transportation issues. The first speaker of the series is Jarrett Walker, who will give a presentation at the May 17, 2018 Transportation Policy Workshop and lead an extensive workshop on May 16, on how he approaches transit planning and how to apply those principles in the county.

Commissioners discussed: RTC position in favor of SB 1 and Proposition (Prop.) 69; that signage should be displayed on projects sites showing that they are funded by SB 1.

21. Caltrans report

Aileen Loe, District 5 Deputy Director, reported that the District 5 worker memorial was held on May 3, 2018 and that Caltrans continues to ask drivers to be mindful of construction zones.

Ms. Loe shared that District 5 will receive significant funding from the California Transportation Agency (CalSTA) for transit and rail projects. Ms. Loe also reported on: the restriping of over 1,000 lane miles on Highway 101, which is a $4.9 million project funded by SB 1 that will increase visibility and safety; the Highway 152 American with Disabilities Act (ADA) project is now slated to have a 2018-19 construction year and that contract plans should be
ready for advertising in June 2018.

Josh Stevens, Santa Cruz County resident, commended Caltrans on the recent improvements made to Highway 236.

22. **9:30 am PUBLIC HEARING**: 2018 Unmet Paratransit and Transit Needs

Grace Blakeslee, Transportation Planner, presented the staff report. The RTC solicits regular input from the public on unmet transit and paratransit needs to provide a useful tool to assess and prioritize needs in the county.

Commissioners discussed: Policy requiring paratransit service to only be provided within a quarter of a mile of one of Santa Cruz Metropolitan Transit District’s (METRO) fixed routes; 2017 METRO cuts to routes due to fiscal constraints; federal guidelines that limit paratransit fees; making a list of SB 1 funded projects to promote public awareness; that the Elderly and Disabled Committee creates and vets the unmet needs list; that METRO is the agency that can address these unmet needs; the need to wait until the November 2018 election to see if SB 1 will be repealed prior to committing SB1 funding.

The public hearing opened at 9:40 a.m.

Walter Hoover, La Selva Beach resident, stated that he was a frequent user of the bus line that went to and from La Selva Beach, and since that service has been cut, he has been forced to use taxis, which is much more expensive.

Carol Childers, Meals on Wheels of Santa Cruz County, noted that the bus routes available to disabled and senior citizens, especially along Highway 9, are improperly lit and do not offer expedient service to its users. Ms. Childers stated that a client often needs 3 hours of travel time when using the bus to make it to her doctor appointments.

Jonathan Flint, CAMphill Communities California, stated that paratransit service is an integral part of services from licensed residential care and supported living for adults with intellectual and developmental disabilities. He noted that around 70% of the individuals supported by CAMphill Communities utilize Paracruz at least once a week, and asked Commissioners to consider the long wait time windows given to paratransit users and the implications it has on their lives. Mr. Flint also stated support for the rail and trail noting that clear, direct, and predictable signage are crucial factors for ensuring greater independence and safety for users with intellectual and developmental disabilities.

Josh Stevens, Santa Cruz County resident, stated that unmet needs and slow circulation times on the bus system should take funding precedence over Wi-Fi expansion on buses.

Commissioner Rotkin moved and Commissioner McPherson seconded the
motion to approve the staff recommendations to:
1. Adopt the *2018 Unmet Paratransit and Transit Needs*, with revisions as appropriate; and
2. Consider unmet paratransit and transit needs as funding becomes available

With the addition that the testimony received by the RTC be formally submitted to Santa Cruz METRO.

The motion passed unanimously with Commissioners Bertrand, Bottorff, Brown, Caput, Coffman-Gomez, Johnson, Leopold, McPherson, Rotkin, and Commissioner Alternates Mulhearn and Schiffrin voting “aye.”

23. **Highway 17 Wildlife Crossing: Measure D Project Update and Funding Agreements**

Rachel Moriconi, Senior Transportation Planner, presented the staff report and introduced California Department of Transportation’s (Caltrans) staff, Aaron Henkle, Project Manager, Nancy Siepel, Mitigation and Wildlife Connectivity Specialist, and Morgan Robertson, Biologist, who updated the Commission on the project’s cost, schedule, scope, and coordination.

Commissioners discussed: project timeline; that Caltrans will cover the design cost; conservation easement and its effects on landowners; if it is a site for opportunistic predation; potential uses other than wildlife crossing; complexities of transportation projects; other wildlife tunnels in the Caltrans system; appreciation for the Land Trust of Santa Cruz County for all the work done for this project; and if the bidding process timeline can be consolidated.

**Steven Slade,** Land Trust of Santa Cruz County, thanked the RTC for its work and partnership in this endeavor and stated that he would like to see this project completed as quickly as possible.

Commissioner Alternate Schiffrin moved and Commissioner Rotkin seconded the motion to approve the staff recommendations to:
1. Receive an update from Caltrans on the Measure D-funded Highway 17 Wildlife Crossing; and
2. Approve the resolution authorizing the Executive Director to negotiate and enter into necessary agreements with Caltrans and the Land Trust of Santa Cruz County for funding construction of the project.

The motion passed unanimously with Commissioners Bertrand, Bottorff, Brown, Caput, Coffman-Gomez, Johnson, Leopold, McPherson, Rotkin, and Commissioner Alternates Mulhearn and Schiffrin voting “aye.”
24. Measure D: Community Bridges/ Lift Line Five-Year Plan

Grace Blakeslee, Transportation Planner, gave an update on how Community Bridges/Lift Line plans to spend Measure D funds within the next five years.

Kirk Ance, Lift Line Program Director, discussed Measure D-funded projects that Community Bridges implemented this fiscal year; outreach efforts to promote Community Bridges and increase client base; efforts to build an operational facility; acquisition of electric vehicles, and installation of a charging station in the Community Bridges Watsonville maintenance facility which will also be available to the public.

Commissioners congratulated Community Bridges in acquiring electric vehicles and a charging station installation. Commissioners discussed: how units of service are calculated; commended the service provided by Lift Line and how it complements the service provided by METRO; if Lift Line is involved with the 211 program; appreciation for efforts made to help pass Measure D, how Community Bridges/Lift Line is an identifiable service resulting from the measure and for Measure D bus signage.

Commissioner McPherson moved and Commissioner Coffman-Gomez seconded the motion to approve the staff recommendations to:

1. Review and provide input on the draft “5-Year Programs of Projects” for Community Bridges, serving as the Consolidated Transportation Services Agency, for the direct allocation of Measure D funds under the Transit for Seniors and People with Disabilities category, and;
2. Schedule a public hearing for June 14, 2018 to consider public input on the Measure D Five-Year Plan under the Transit and Seniors and People with Disabilities category.

The motion passed unanimously with Commissioners Bertrand, Bottorff, Brown, Caput, Coffman-Gomez, Leopold, McPherson, Johnson, Rotkin, and Commissioner Alternates Mulhearn and Schiffrin voted “aye.”

25. Measure D: Five-Year plans for Regional Projects

Rachel Moriconi, Senior Transportation Planner, presented the staff report asking for input on the Fiscal Year (FY) 2018-19 – 2022-23 five-year programs of projects for regional investment categories.

Commissioners discussed: The feasibility of adding a hawk light pedestrian crossing on Highway 1 in Davenport; $10 million funding for Highway 9 and preliminary discussions on the draft report on May 7 – 9, 2018; improvements needed in San Lorenzo Valley; Highway 1 auxiliary lanes project; progress report discussing action to address Highway 1 issues; update on Measure D Oversight Committee; funding for preliminary design for Segment 10 and a need to remain focused on the trail construction; that a project cannot be accepted until its Environmental Impact Report (EIR) is approved.
Gail McNulty, Greenway, inquired about the design documents for Segment 10, and recommended the following: rail track and infrastructure projects should wait until completion of the Unified Corridor Study (UCS); no funding for retaining walls for the active transportation project; right-of-way research and surveying should be prioritized; any preliminary work done prior to the completion of the UCS must include non-rail options; funding towards annual corridor encroachment and maintenance should not be included in the active transportation line-item; and for the RTC to consider collaborating with Cruzio or utilities to assist with conduit installation.

26. Review of items to be discussed in closed session

Luis Mendez, Deputy Director, announced that Item 27 would not be discussed in closed session and reviewed the remaining items.

Commissioners discussed: Public release of the draft rail operator agreement.

Gail McNulty, Greenway, stated that Greenway filed a public records request, that staff has responded slowly to it, and the information received shows communications between RTC staff and Progressive Rail (PRG) prior to the December 2017 release of the request for proposals (RFP) for a rail operator. Ms. McNulty stated that PRG wants to bring industrial development to the region, which will impact the possibility for either passenger rail or a trail on the corridor and she asked the Commission to think carefully about PRG before entering into an agreement with them.

Commissioners adjourned to closed session at 11:13 a.m.

CLOSED SESSION

27. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code 54956.8

Property: Santa Cruz Branch Rail Line
Agency Negotiators: George Dondero and Luis Pavel Mendez
Negotiating Parties: SCCRTC and Progressive Rail
Under Negotiation: Price and Terms

28. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code 54957.6

Commission Negotiators: Lozano Smith and Yesenia Parra
Bargaining Units: Mid-Management Unit (RAMM) and Community of RTC Employees (CORE)

Commissioner Caput left at 11:36 a.m.
OPEN SESSION

The Commission reconvened in public session at 1:06 p.m.

29. Report on closed session

Nothing reported.

30. Next Meetings

The next RTC meeting is scheduled for Thursday, June 14, 2018 at 9:00 a.m. at the Watsonville City Council Chambers, 275 Main St., Ste. 450, Watsonville, CA.

The next Transportation Policy Workshop meeting is scheduled for Thursday, May 17, 2018 at 9:00 a.m. at the City of Santa Cruz Council Chambers, 809 Center Street, Santa Cruz, CA.

Meeting adjourned at 1:06 p.m.

Respectfully submitted,

Fernanda Dias Pini, Staff

Attendees:

Carol Childers  Meals on Wheels of Santa Cruz County
Gail McNulty  Greenway
Jonathan Flint  Camphill Communities California
Josh Stevens  Santa Cruz County Resident
Steven Slade  Land Trust of Santa Cruz
Walter Hoover  La Selva Beach Resident
1. Introductions

The meeting was called to order at 9:07 a.m.

Members present:
Jacques Bertrand
Ed Bottorff
Sandy Brown
Greg Caput
Trina Coffman-Gomez
Cynthia Chase
Randy Johnson
Virginia Johnson (alt.)
John Leopold
Mike Rotkin
Andy Schiifrin (alt.)

Staff present:
George Dondero
Yesenia Parra
Cory Caletti
Sarah Christensen
Grace Blakeslee
Shannon Munz
Anais Schenck
Fernanda Dias Pini

2. Oral communications

Jack Nelson, Campaign of Sustainable Transportation (CST), spoke on climate change and the pressing need to address it. He stated that Commissioners should consider climate issues when making transportation policy.

Michael Saint, Campaign for Sensible Transportatin (CST), supports the plan for a transit and rail corridor. He stated that the RTC should place a greater focus on climate change when deliberating transportation issues and that there needs to be a greater emphasis to reduce greenhouse gas emissions, He recommends that the RTC appropriate more funding for the Santa Cruz Metropolitan Transit District (METRO).
Ryan Sarnataro, Live Oak resident, stated that there should be a public review period between the time the Unified Corridor Study (UCS) is delivered to the Commission for deliberation and when the Commission votes on it. He noted that a document should be released to show how much the County is required to pay for repairs and upgrades to the corridor, and to ensure that the contract restricts Progressive Rail (PGR) from ignoring local regulations.

Brian Peoples, Trail Now, stated his disappointment in RTC staff lobbying the California Transportation Commission (CTC) to have a train on the rail corridor.

Barry Scott, Aptos resident, discussed the May 11, 2018, Santa Cruz Chamber of Commerce Sonoma-Marin Rail Area Rail Transit (SMART) trip and the positive economic impacts of the train. Mr. Scott encourages the Commissioners to enter into an agreement with PRG.

Rick Longinotti, CST, invited Commissioners to the Zero New University of California Santa Cruz (UCSC) Traffic event, and promoted a petition asking METRO to provide free bus passes to downtown Santa Cruz workers.

William Menchine, Santa Cruz County resident, encouraged Commissioners to consider an evaluation and analysis of Bus Rapid Transit (BRT) on the corridor, as well as the addition of dedicated transit lanes as a mass transit alternative to rail transit. Mr. Menchine asked that BRT be evaluated as part of the UCS.

Corrine McFarland, Santa Cruz County resident, is concerned that the rail service operator agreement will be only beneficial to PRG.

Barbara Roettger, Santa Cruz County resident, opposes the agreement with PGR and stated that she believes most County residents are opposed to freight service and car storage on the North Coast. Ms. Roettger is concerned about rail companies overriding local and state regulations, and stated that all resources should be allocated into modernizing and incentivizing ridership of the bus system.

Gail McNulty, Greenway, stated that County residents agree that the corridor should provide an alternative to Highway 1; that the PGR contract will jeopardize this vision, and freight rail might impede all other options. Ms. McNulty also noted her concern regarding storing empty and residual cars on the tracks.

Jessica Evans, City of Santa Cruz resident, encourages the Commission to further communicate to the public the difference between the right-of-way property that the RTC purchased and the freight easement, which is not owned by the RTC. Ms. Evans noted language in the Surface Transportation Board’s permission for the RTC to purchase the rail right-of-way. The STB states that the RTC can be the owner if it is not the operator and that is only possible if the freight easement is retained by the common carrier freight operator.
3. Additions or deletions to consent and regular agendas

No additions or deletions to the regular agenda.

**CONSENT AGENDA**

*There was no consent agenda*

**REGULAR AGENDA**

4. Planning Transit for a Prosperous Santa Cruz County Presentation and Workshop with Jarrett Walker  
*(George Dondero, Executive Director)*

George Dondero, Executive Director, gave the staff report and presented Jarrett Walker, international consultant in public transportation planning and policy, and author of *Human Transit: How Clearer Thinking about Public Transit Can Enrich Our Communities and Our Lives*, the first speaker in the Innovators in Transportation Speaker Series.

Mr. Walker conducted an interactive workshop for the Commission entitled “Planning Transit for a Prosperous Santa Cruz County”.

*Commissioner Johnson left the meeting.*

Commissioners discussed: ridership vs. coverage and economic fluctuations; transit marketing; Santa Cruz Metropolitan Transit District’s (METRO) solution to the bus coverage vs. ridership dilemma; minimal frequency for buses in urban areas/ standard for transit service; incremental game-changing choices in transit; alternate designs to encourage driver behavior; reconfigure services to meet needs; funding limitations; housing and transportation planning; the cost of freedom and the purpose of travel; autonomous vehicles; effects of the physical placement of the University of California Santa Cruz in the county; other communities where voters passed a tax increase measure specifically for transit funding.

Jarrett Walker’s responses to Commissioners questions: The best marketing is clear and compelling information; basic quality and quantity of service gets the biggest payoff; tolerable waiting time is related to the length of trip; purpose of ridership has to be determined between increased ridership or coverage; policy for coverage standard; make choices in geometrical or mathematical choices; next game-changer in transit is pricing; pricing for single-occupancy travel; give people a choice between paying in time and paying in money; other cities trying to expand transit are avoiding sales taxes due to its regressive nature; funding is about going where the money is – land, road pricing, and parking pricing; biggest funding/ tax issues: progressive or regressive, if it incentivizes helpful behavior, and if it is reliable; autonomous vehicles are an end-state vision, which are dependent on many variables to be
in place, and that it will still also be impacted by induced demand; that transit succeeds by serving you while serving other people; and that many other communities across the country have adopted tax measures to provide funding for transportation needs.

**Brian Peoples**, Trail Now, stated that he considers the light rail station in San Jose to be a terrible investment because it sits vacant most of the time, and that there needs to be more discussion about the utilization of space. Mr. Peoples cited the 2012 Columbia University Study which stated that automated vehicles would increase efficiency by allowing passengers to work while commuting and because automated cars would allow for optimized efficiency.

**Rick Longinotti**, CTS, asked about the factors that contribute to the success of communities that are expanding their bus services as most other cities in the US seem to be experiencing a decrease in transit ridership.

**Michael Saint**, CST, appreciates the RTC for hosting the Innovators in Transportation Series and stated that he would have liked these presentations a couple of years ago. Mr. Saint supports the options to curtail the dominance of automobile usage, but opposes the plan, specification, and estimate (PS&E) for the Highway 1 auxiliary lanes, and he also suggested that the RTC look at the Aptos choke point.

**Gail McNulty**, Greenway, believes it is important to put greater emphasis on the current bus transit system. Ms. McNulty discussed ideas from the presentation and how they apply to local issues, specifically gridlock on Highway 1. She discussed the benefits of active transportation, and asked what incremental changes can be made to the current transportation infrastructure to provide solutions in the more immediate future.

**Ryan Sarnataro**, Live Oak resident, stated that riding a bicycle around the county is dangerous. He also asked how do you rate the ability for people to become secure in different modes of transportation, how do you measure that throughput?

**Barry Scott**, Aptos resident, thanked the RTC for the Innovators in Transportation Series and stated that a simple starter service on the rail line would transform the county’s network of opportunity, noting that METRO service can work with rail in a symbiotic manner.

**Stanley Sokolow**, Santa Cruz County resident, asked if an elite transportation service for a more expensive fare would make sense; if it purported to move people faster. Mr. Sokolow stated that it does not make sense to offer parking permits at a lower cost rather than to offer monthly bus pass to downtown employees, and suggested that the RTC regulate parking fees as a way to discourage driving.
**Jack Nelson**, CST, discussed using carbon pricing, similar to the measure adopted by Vancouver, British Columbia, as a way to discourage people from driving.

**Barbara Ruettger**, Santa Cruz County resident, discussed the environmental benefits of public and active transportation; that a train would not alleviate congestion on the Aptos choke point; that more buses should be used for commuters along Highway 1, and that she supports increasing parking fees.

5. Unconditional Commitment Letter per the Ralph M. Brown Act
*(T. Brooke Miller, RTC Legal Counsel)*

T. Brooke Miller, RTC Legal Counsel presented the staff report recommending that the RTC approve and authorize the Chair to execute the unconditional commitment letter per the Ralph M. Brown Act.

Commissioners discussed: That RTC and staff followed the legal process; staff consulted with rail companies prior to the release of the RFP to obtain an understanding of interest in taking over for Iowa Pacific; that the RTC went through an open process and review period of the submitted RFPs; that it is RTC policy to maintain the rail line with freight service to the extent that it is possible; and the need for closed sessions when negotiating real estate.

**Brian Peoples**, Trail Now, stated that autonomous cars are the future. He noted that he supported Measure D and is disappointed in the RTC leadership for having preliminary meetings with PGR prior to releasing the RFP.

**Gail McNulty**, Greenway, stated that negotiations for a rail operator were rushed and that it was not a fair playing field when the RFP was released. Ms. McNulty stated that the options for uses of the corridor need to be protected, that signing an agreement with PGR will not allow for it; that the RTC has not given enough consideration to alternative uses of the corridor, and that it should be careful when deciding on a rail operator.

Commissioner Rotkin moved and Commissioner Leopold seconded the motion to approve RTC legal counsel and staff recommendation that the Regional Transportation Commission (RTC) approve and authorize the Chair to execute the attached unconditional commitment letter (Attachment 1) per the Ralph M. Brown Act.

The motion carried unanimously with Commissioners Bertrand, Bottorff, Brown, Caput, Coffman-Gomez, Leopold, Rotkin, and Commissioner Alternates V. Johnson and Schiffrin voting ‘aye.’
6. Highway 1 41st/Soquel Auxiliary Lanes Project Delivery Options
(Sarah Christensen, Senior Transportation Engineer)

Sarah Christensen, Senior Transportation Engineer, presented the staff report.

Commissioners discussed: construction liability settlement for previous projects; impacts on employment opportunities; cost savings; the roles of Caltrans, RTC, and the federal government on the design process; previous work history with Caltrans; if a consultant would provide the most expeditious design process; requested that RTC staff present a detailed proposal of the costs of the Commission carrying out the entire program as opposed to working with Caltrans; that federal funding is not needed for the design; timeframe schedule was also negotiated with Caltrans.

Rick Longinotti, CTS, cautioned the Commission about funding projects which do not have a legally valid Environmental Impact Report (EIR) and stated that the RTC might have to explain to a judge why alternatives to the corridor where explored by the UCS but not on the EIR.

Jack Nelson, CST, stated that this project is based on the assumption that the Highway 1 EIR will be approved, which is not necessarily the case. Mr. Nelson also stated that the draft EIR did not address the issue of induced demand; questioned whether the final EIR will address important questions related to the problem, and stated that there was no study session to look at public concerns relating to the draft EIR.

Brian Peoples, Trail Now, supports widening Highway 1 and is hopeful the Commission will be more consistently accountable. Mr. Peoples stated that the Commission has a poor track record of delivering EIRs on time and that he would like to believe that this project will be different.

Gail McNulty, Greenway, stated that she is hopeful that improvements are made to Highway 1 to address congestion; that the RTC is moving towards the best solutions for the entire county, and that it is not closing doors to alternative uses of the corridor.

Commissioners discussed: Release timeline of the final EIR and how it is different from previous estimates; CEQA process and the need for the final EIR to be certified; that work should be staged accordingly to the release of the final EIR; the CEQA process; that democratic processes take time.

Commissioner Rotkin moved and Commissioner Bertrand seconded the motion to:

1. Approve being the implementing agency for the Plan, Specifications, and Estimate (PS&E) phase (otherwise known as the design phase) for the Highway 1 41st/Soquel Auxiliary Lanes Project with Caltrans responsible for oversight and a portion of the design package; and
2. Authorize the Executive Director to enter into negotiations with Caltrans for a cooperative agreement outlining the responsibilities of the RTC and Caltrans District 5 for the PS&E phase of the 41st/Soquel Auxiliary Lane Project.

The motion carried unanimously with Commissioners Bertrand, Bottorff, Brown, Caput, Coffman-Gomez, Chase, Leopold, Rotkin, and Commissioner Alternates V. Johnson and Schiffrin voting ‘aye.’

CLOSED SESSION

No closed session items

Meeting adjourned at 12:02 p.m. Next meetings

The next TPW meeting is scheduled for Thursday, August 16, 2018 at 9:00 a.m. at the Watsonville City Council Chambers, 275 Main Street, Watsonville, CA.

The next RTC meeting is scheduled for Thursday, June 14, 2018 at 9:00 a.m. at the Watsonville City Council Chambers, 275 Main Street, Watsonville, CA.

Respectfully submitted,

Fernanda Dias Pini, Staff

Attendees:
Jessica Evans Santa Cruz County Resident
Maxwell Evans Santa Cruz County Resident
Thomas Hiltner Santa Cruz Metropolitan District
Rick Longinotti Campaign for Sustainable Transportation
Corrine McFarland Santa Cruz County Resident
Gail McNulty Greenway
Will Menchine Santa Cruz County Resident
Brian Peoples Trail Now
Pete Rasmussen Santa Cruz Metropolitan District
Barbara Ruettger Santa Cruz County Resident
Michael Saint Campaign for Sustainable Transportation
Ryan Sarnataro Santa Cruz County Resident
Barry Scott Coastal Rail Santa Cruz
Stanley Sokolow Campaign for Sustainable Transportation
David Van Brink Santa Cruz County Resident
1. **Call to Order:** Chair Fontes called the meeting to order.

2. **Introductions:** Self introductions were made.

3. **Oral Communications:** Anais Schenk reminded members that an Active Transportation Program (ATP) grant workshop will be held at the RTC office on May 24. Cory Caletti announced that Anais Schenk is now staffing the RTC’s Bicycle Committee. Anais reported that the RTC is recruiting members for the Bicycle Committee, especially from South County.

4. **Additions, deletions, or changes to consent and regular agendas:** None.

**CONSENT AGENDA**

The Committee unanimously approved a motion (Schneiter/Canin) approving the consent agenda, with all members present voting "yes".

5. **Approved Minutes of the March 15, 2018 ITAC meeting.**

**REGULAR AGENDA**

6. **Status of ongoing transportation projects, program, studies and planning documents**

   **Ecology Action:** Piet Canin reported that Ecology Action completed the 31st annual Spring Bike Week with seven bike activities including bike to work and school day. The month kicked
off with an online Bike Month Challenge with eight local employers. Work began on the recently awarded Caltrans Planning grant for a Scotts Valley Active Transportation Plan. Ecology Action hired Amelia Conlen to lead three Caltrans Planning grants for the production of active transportation plans for the County of Santa Cruz, Watsonville, Scotts Valley, Marina and Seaside. Ecology Action and Community Traffic Safety Coalition (CTSC) are available to partner with agencies on ATP grant applications. Ecology Action did an electric vehicle and e-bike event with the City of Santa Cruz in May.

RTC: Anais Schenk reported that the RTC may apply for funds for a program that would support employers in providing commute benefits and assistance to employees. Sarah Christensen reported that there are eight storm damage repair projects on the rail corridor, construction for the railing repair over Highway 1 is planned for this summer, and grade crossing replacement at the Laurel/Chestnut intersected is expected in late summer. Structure inspections and load ratings on the entire branch line are planned. Cory Caletti reported that the RTC expects to release the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for the North Coast section of the Rail Trail this summer. FHWA is the lead for NEPA and design of the project.

County of Santa Cruz: Steve Wiesner reported that the County continues to address storm damage and is using SB1 gas tax funds to repair roadways and leverage federal and state funds from FEMA. The County is working with California State Association of Counties (CSAC) and the County Engineers Association of California (CEAC) to educate about the importance of SB1. He shared a map of County SB1-funded projects. Agencies are working to create a countywide SB1 map. The County’s Measure D-SB1 funded roadway repairs projects are expected to begin construction in June. He noted that if SB1 is repealed it will set back the County by a decade. Full depth recycle project on Granite Creek Road and some of Branciforte is expected to begin construction in July. Storm damage repairs have been completed on Soquel Drive and Valencia Road in Aptos. The County’s signalized intersection project at Trout Gulch/Soquel Drive is almost completed, with minor signal adjustments ongoing. Three storm damage projects are under construction on Bear Creek Road. Several new sink holes have recently been discovered, with more anticipated due to storms and aging infrastructure. Currently these repairs are unfunded. 10 bridge replacement projects are under design, with construction on the Redwood Road Bridge off Browns Valley in Corralitos expected to begin this summer. HSIP-funded guardrail and striping projects are also going to construction this summer. The County also plans to partner with Ecology Action to seek a grant for a countywide Active Transportation Plan that includes mapping existing bicycle and pedestrian facilities and prioritizing future projects. New public works director, Matt Machado, will begin in June. Also plan to seek an AB2766 grant for an adaptive signal system.

Capitola: Kailash Mozumder the new Public Works Project Manager for the City of Capitola provided updates on several projects. Working on a small section of the Rail Trail crossing Monterey Avenue, geotech studies expected later this year. Slurry seal project going out to bid this summer on several local roads. The city plans to use SB1 funds to repave major arterials next year. Engineering work is underway for sidewalks on 38th Avenue, with construction expected Fall 2018. Engineering contract awarded for the Park Avenue Storm Damage Repair, with construction expected Spring 2019. Park Avenue Sidewalks – Engineering underway, construction expected Spring 2019. The city plans to submit an AB2766 grant application for an adaptive signal system on 41st Ave.
Santa Cruz: Chris Schneiter reported that the Highway Safety Improvement Program (HSIP) funded Bay/King Left-Turns and Streetlights project and the Bay Street Sidewalk project between Escalona and King St are going out to bid. The city will also be repaving Cedar St. downtown, in combination with CDBG-funded sidewalks and ramps. It includes pulling up some of the concrete. The San Lorenzo River (SLR) Trestle Walkway Widening (part of Trail Segment 8) Initial Study/Mitigation Negative Declaration (IS/MND) 30 day review period starts May 18. The design is 90% complete. Phase 1 of the Segment 7 Rail Trail project (Natural Bridges to California Ave) will be out to bid in June, with construction expected to begin late summer. The Phase 2 Initial Study/Mitigated Negative Declaration (IS/MND) is expected to be released for review once federal agencies complete their review. Upper Park Road storm damage repair construction will begin at the end of May. Several other storm damage repair projects are also going out to bid. Claire Fliesler reported that the new bike share program has launched in Santa Cruz, with a ribbon cutting event on May 22. The city has begun work on its Caltrans’ funded adaptation plan. City of Santa Cruz plans to apply for Active Transportation Program (ATP) funds for three projects: construction of Segments 8/9 of the Rail Trail, Westside Safe Routes to School (SRTS) and Gap Closure project, and Market Street Bike/Ped improvements to fill in gaps. The City may be applying for HSIP for pedestrian crossing or auto-safety projects, and may seek an AB2766 grant for a replacement downtown trolley. Chris Schneiter is getting honored by City Council for his APWA person-of-the-year award.

AMBAG: Paul Hierling updated the group that the AMBAG Board is scheduled to approve the Metropolitan Transportation Plan (MTP)/Sustainable Communities Strategy (SCS) and associated Environmental Impact Report (EIR) at its June 13 meeting. AMBAG will be going to Request for Proposals (RFP) for the Central Coast Highway 1 Climate Resiliency Study near Moss Landing. He reported that TMC received a Transit and Intercity Rail Capital Program (TIRCP) grant for Gilroy to Salinas rail service, with the service expected to be active in 2020 if there are no unexpected delays.

Caltrans: Kelly McCleandon made announcements about the federal BUILD program (formerly TIGER), including upcoming webinars, with applications due July 19; ATP Cycle 4 call for projects was released, with Caltrans workshops at the RTC offices and in Monterey on May 24 and a headquarters webinar on May 21. He urged agencies to work with Caltrans staff early if any projects are proposed on the state highway system. He said that Caltrans is looking at incorporating bicycle and pedestrian projects along Highway 9 into SHOPP projects. Caltrans is soliciting members to participate in the statewide bicycle and walk technical advisory committee. District 5 is going to prepare district-wide bicycle and pedestrian plan. U.S. Bike Route designation along the coast is also being evaluated, with Caltrans to coordinate with local agencies. He also reported that Caltrans is updating its 3-year workplan for Project Initiation Documents (PID) for projects that local agencies plan to implement on the state highway system. The California Transportation Plan 2050 planning effort has kicked off and is in the early stages of development. The California Freight Mobility Plan is also being updated, which will include prioritization of infrastructure improvements.

Watsonville: Due to time constraints, Watsonville staff did not provide updates at the meeting. Murray Fontes subsequently provided the following updates after the meeting - Construction is underway on Airport Blvd from Freedom to City limits. At its May 17, 2018 meeting, the California Transportation Commission (CTC) allocated State Transportation Improvement Program (STIP) funds for construction phases of Airport Blvd Westgate/Larkin Valley to Hanger and Green Valley Rd from
Struve Slough to Freedom Blvd projects, as well as allocating Active Transportation Program (ATP) funds for Lincoln St. Safety Improvements design and non-infrastructure work. A kickoff meeting is being held on May 29 for the Caltrans Planning Grant - Complete Streets to Schools plan. Public outreach being done for the Caltrans Planning Grant-funded Downtown Complete Streets Plan. The Lee Rd Trail project from the Rail Trail to Harkins Slough Rd as awarded a Coastal Conservancy grant for design and environmental review. Rail Trail Lee Rd & Walker St – Completed survey, geotech, and environmental studies, with construction delayed 16 months.

7. **Measure D: Five-Year Programs of Projects for Regional Projects**

Sarah Christensen presented the draft 5-Year programs of projects for the Highway Corridors, Rail Corridor, San Lorenzo Valley-Highway 9 Corridor, and Highway 17 Wildlife Crossing. Cory Caletti presented the plan for Measure D funds allocated to the Active Transportation/Rail-Trail category. Chris Schneiter requested additional funds for maintenance due to monitoring and vegetation management required. The city is also considering requesting Measure D funds for other highway projects. The committee also discussed bonding options for local projects. Steve Wiesner appreciated RTC staff for reaching out for input on the 5-year plans.

8. **State Funding Updates**

Sarah Christensen reported that the RTC has decided to be the implementing agency for the design phase of the Highway 1 41st Avenue/Soquel Auxiliary Lanes project. The RTC evaluated a range of implementation options, with the goal of expediting project delivery and increase the ability to leverage Measure D funds to compete for other grants.

9. **Santa Cruz Branch Rail Line Preventative Maintenance Program**

Sarah Christensen reported on the RTC’s preventative maintenance program. She noted that while the RTC conducts regular inspections, the RTC also urges the community and local jurisdictions to report areas in need of maintenance via the RTC’s main phone line and info@sccrtc.org email. She also reported that any entity or individual that has access needs on the rail line, that a right-of-entry agreement is needed each time. She also reported that encroachment/utility agreements can take several months to process and are needed for any work going in or across the corridor. Sarah is also the point person for utility crossing agreements and encroachment requests. George Dondero emphasized that RTC staff wants to work with agencies to address needs as quickly as possible and welcomed suggestions on the process. Sarah also introduced RTC staff Tommy Travers who is working on rail corridor.

10. **Santa Cruz County Bicycle Signage Project**

Anais Schenk reported that design work, based on input from local agencies, has been completed. Installation of the signs is expected to begin later this year.

11. **SB743 Transportation Impact Analysis Implementation Updates**

Claire Fliesler reported that a working group has been formed to discuss local implementation options for SB743. Local agencies are reviewing SB743 requirements and VMT-standards implemented in other areas. The group will consider if region-wide or city-by-city standards are more appropriate. She urged agencies to actively participate. George Dondero reported
that agencies statewide are requesting pragmatism from the California Air Resources Board on implementation of SB743.

12. **Next meeting:** The next ITAC meeting is scheduled for June 21, 2018. Murray Fontes suggested that SB1 be discussed at the next meeting.

**The meeting adjourned at 3:15 p.m.**

*Minutes prepared by: Rachel Moriconi, RTC Planner*

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AGENDA: June 14, 2018

TO: Regional Transportation Commission (RTC)
FROM: Luis Pavel Mendez, Deputy Director
RE: Fiscal Year (FY) 2018-19 Work Program

RECOMMENDATIONS

Staff recommends that the Santa Cruz County Regional Transportation Commission (RTC) approve the attached draft final fiscal year (FY) 2018-19 RTC work program (Attachment 1).

BACKGROUND

Each year the RTC works with Caltrans to prepare a work program for the following fiscal year based on the budget approved by the RTC as well as state and federal requirements. The work program is required for RTC to receive federal and state transportation planning funds and must include the work necessary to meet federal and state transportation planning requirements. The RTC’s work program also includes all of the other work that the RTC performs. The work program provides summary information on the work that the RTC will perform with the state and federal planning funds as well as a summary schedule and work products.

DISCUSSION

RTC staff prepared a draft FY 2018-19 work program for the RTC and submitted it to Caltrans for review. The draft final included as Attachment 1 has incorporated Caltrans comments and suggestions. As in past years, the FY 2018-19 RTC work program (Attachment 1) addresses state-mandated responsibilities and RTC priorities including:

- Completion and implementation of the 2040 Regional Transportation Plan and 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (SCS) in cooperation and coordination with AMBAG, neighboring regional transportation planning agencies, Caltrans and local jurisdictions;
- Production and implementation of the various required state and federal funding documents;
- Completion of the Highway 1 Investment Program tiered environmental documents and production of the environmental documents for the Highway 1 Mar Vista Bicycle and Pedestrian overcrossing and other Highway 1 projects environmental documents;
- Implementation of the federal transportation law, Fixing America’s Surface Transportation (FAST) Act;
- Management, operation and planning for the Santa Cruz Branch Rail Line;
• Implementation of the new Measure D ½-cent transactions and use tax for transportation;
• Continued work with project sponsors and funding agencies on securing funds for high priority projects for all modes of transportation;
• Implementation of the Monterey Bay Sanctuary Scenic Trail (MBSST) Network master plan;
• Monitor and participate in local, state and federal efforts to address global warming and sustainability;
• Continued services to Santa Cruz area travelers through the Cruz511, SAFE callbox, Safe on 17 and Freeway Service Patrol programs, including coordination with partner agencies to ensure the best possible service.

Staff recommends that the Santa Cruz County Regional Transportation Commission (RTC) approve the attached draft final FY2018-19 RTC work program (Attachment 1).

SUMMARY

The RTC must prepare a work program to receive state and federal transportation planning funds. The attached draft final FY 2018-19 RTC work program includes state-mandated responsibilities and RTC priorities. The draft FY 2018-19 work program has been reviewed by Caltrans and their comments and suggestions have been incorporated. Staff recommends that the RTC approve the draft final FY 2018-19 RTC work program (Attachment 1).

Attachments:
  1. Draft Final FY 2018-19 Work Program
Santa Cruz County Regional Transportation Commission

FISCAL YEAR 2018 - 2019
DRAFT WORK PROGRAM

Final Draft June 14, 2018
Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>A. Work Element 101 – Overall Work Program</td>
<td>3</td>
</tr>
<tr>
<td>B. Work Element 102 – Transportation Development Act Administration</td>
<td>5</td>
</tr>
<tr>
<td>C. Work Element 112 – Transportation Plans Coordination and Interagency Liaison</td>
<td>7</td>
</tr>
<tr>
<td>D. Work Element 113 – Public Participation Program</td>
<td>10</td>
</tr>
<tr>
<td>E. Work Element 177 – Freeway Service Patrol</td>
<td>11</td>
</tr>
<tr>
<td>F. Work Element 178 – Service Authority for Freeway Emergencies</td>
<td>13</td>
</tr>
<tr>
<td>G. Work Element 179 – Transportation Demand Management: Cruz511/Rideshare</td>
<td>15</td>
</tr>
<tr>
<td>H. Work Element 260 – Sustainable Transportation Prioritization Plan</td>
<td>17</td>
</tr>
<tr>
<td>I. Work Element 609 – Highway 9/SLV Corridor Transportation Plan</td>
<td>18</td>
</tr>
<tr>
<td>J. Work Element 611a – Unified Corridor Investment Study – Phase II</td>
<td>19</td>
</tr>
<tr>
<td>K. Work Element 614 – Bicycle and Pedestrian Planning</td>
<td>20</td>
</tr>
<tr>
<td>L. Work Element 615 – Bicycle and Pedestrian Projects and Programs</td>
<td>22</td>
</tr>
<tr>
<td>M. Work Element 621 – Elderly and Disabled and Americans with Disabilities Act</td>
<td>24</td>
</tr>
<tr>
<td>N. Work Element 622 – Transportation Planning for the Region</td>
<td>26</td>
</tr>
<tr>
<td>O. Work Element 641 – Transportation Improvement Program</td>
<td>28</td>
</tr>
<tr>
<td>P. Work Element 682 – Rail/Trail Authority</td>
<td>31</td>
</tr>
<tr>
<td>Q. Work Element 683 – Highway and Roadway Planning</td>
<td>33</td>
</tr>
<tr>
<td>R. Work element 684 – Highway 1 Corridor Investment Program</td>
<td>35</td>
</tr>
<tr>
<td>S. Work Element 801 – Measure D Implementation</td>
<td>37</td>
</tr>
<tr>
<td>T. Fiscal Year 2017-18 SCCRTC Work Program Funding Summary</td>
<td>38</td>
</tr>
</tbody>
</table>
INTRODUCTION

Santa Cruz County is the second smallest of California’s 58 counties with 445 square miles of land area. Santa Cruz County is on the coast 65 miles south of San Francisco, 35 miles north of Monterey, and 35 miles southwest of Silicon Valley. The California Department of Finance estimates the population of Santa Cruz County for 2016 at 276,603 and is estimated to increase to nearly 310,000 (12%) by 2040. The largest population (136,193) is in the unincorporated area of the county and the remainder in the four incorporated cities of Capitola (10,162), Scotts Valley (12,163), Watsonville (53,015) and Santa Cruz (65,070). About 80% of the population lives in approximately 20% of the area of the county. The population is clustered primarily along the coast between the City of Santa Cruz and Aptos and in Watsonville, Scotts Valley and the San Lorenzo Valley. Seniors aged 70 and over make up about 8.6% of the current population and will make up about 18% of the population in 2040.

Most work trips (77%) are within county boundaries; however, 17% of Santa Cruz County commuters travel to San Francisco Bay Area counties and about 5% to Monterey County. The Santa Cruz Conference and Visitors Council estimates that approximately 3 million people visit Santa Cruz County per year and the great majority during the summer months. Nearly one third of Santa Cruz County residents – notably children, the elderly and disabled, and low income individuals and families who cannot afford a car – do not drive a personal vehicle. The vast majority of Santa Cruz County’s low income and minority populations live in the south eastern part of the County in and around the City of Watsonville and much of their employment is located in and around the City of Santa Cruz.

The demographics, geography, availability of jobs, and desirability of Santa Cruz County as a place to call home and visit significantly impact travel in Santa Cruz County and creates a variety of challenges. With input from partner agencies, the business community and the public, the RTC works to address the travel needs of the community through its planning work, its funding decisions and the projects and programs implemented. With the aid of those partnerships, the RTC crafted a ballot measure, Measure D, that was approved by a super majority of Santa Cruz County voters and will bring in new local revenue for transportation and help implement the goals as described in the 2014 Regional Transportation Plan and Draft 2040 Regional Transportation Plan:

Goal 1: Improve people’s access to jobs, schools, health care and other regular needs in ways that improve health, reduce pollution and retain money in the economy.
Goal 2: Reduce transportation related fatalities and injuries for all transportation modes.
Goal 3: Deliver access and safety improvements cost effectively, within available revenues, equitable and responsive to the needs of all users of the transportation system and beneficially for the natural environment.
The fiscal year (FY) 2018-2019 work program for the Santa Cruz County Regional Transportation Commission (SCCRTC) describes the activities, to help meet those goals, during the fiscal year beginning July 1, 2018 and ending June 30, 2019 and includes the following mandated responsibilities and SCCRTC priorities:

- implementation of the 2040 Regional Transportation Plan and 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy in coordination and cooperation with the Association of Monterey Bay Area Governments (AMBAG), the Transportation Agency for Monterey County (TAMC) the San Benito Council of Governments (SBtCOG), local jurisdictions, Caltrans and other local and regional agencies;
- production and implementation of the various required state and federal funding documents;
- complete the Highway 1 Investment Program tiered environmental documents and environmental documents and design of Highway 1 auxiliary lane and bicycle and pedestrian overcrossing projects;
- management, operation, planning and improvement of the Santa Cruz Branch Rail Line;
- continuation of additional bridge rehabilitation work on the Sana Cruz Branch Rail Line;
- implementation of the master plan for the Monterey Bay Sanctuary Scenic Trail (MBSST) Network;
- continued work to carry out the RTC’s responsibilities to monitor and coordinate with Caltrans and local agencies on timely implementation of state highway and local projects with state or federal funding participation;
- continued work with project sponsors and funding agencies on securing funds for high priority projects for all modes of transportation;
- continued services to Santa Cruz area travelers through the SAFE callbox, Safe on 17 and Freeway Service Patrol programs, including coordination with partner agencies to ensure the best possible service;
- implementation of a the Cruz511 program for Santa Cruz County travelers;
- continuation of the Bike to Work and the Community Traffic Safety Coalition’s bicycle and pedestrian education programs;
- continued maintenance and enhancement of a variety of public information outlets;
- continued development and implementation of systems necessary to ensure that the RTC continues to function efficiently and effectively as an independent government agency;
- monitor and participate in local, state, and federal efforts to address global warming and sustainability;
- implement the new federal transportation law, Fixing America’s Surface Transportation (FAST) Act;
- maximize the transportation benefits of the Road Repair and Accountability Act of 2017 (SB 1);
- implement the new Measure D ½-cent transactions and use tax for transportation; and
- pursuit of any and all funding sources for transportation projects in the region including the development of local funding sources as well as seeking other new sources.

Through the activities listed in this work program, the SCCRTC works to deliver a full range of safe, convenient, reliable and efficient transportation choices for the community.
WORK ELEMENT NUMBER 101

Agency: SCCRTC
Project Manager: Luis Pavel Mendez, Deputy Director
Total Budget: $34,535

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount ($)</th>
<th>Change</th>
<th>Source</th>
<th>Amount ($)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>34,535</td>
<td>0</td>
<td>State RPA</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Services &amp; Supplies</td>
<td>0</td>
<td>0</td>
<td>Local</td>
<td>34,535</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>34,535</strong></td>
<td><strong>0</strong></td>
<td><strong>TOTAL</strong></td>
<td><strong>34,535</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

% Federal: 0%

Project Description

Develop, maintain, and oversee the annual work program and budget to carryout the transportation planning activities of the Santa Cruz County Regional Transportation Commission (SCCRTC) in accordance with federal, state and local requirements and available funding. This includes OWP development, coordination, and meetings with local, regional, state and federal agencies (including AMBAG, Caltrans, FHWA, TAMB and San Benito COG) to ensure that the entire three-county region is meeting federal requirements. Additionally, this work element provides monitoring and review of policy and legislative activities that impact the production, coordination, implementation and requirements of the OWP. Further duties include quarterly reporting to verify progress in implementing the work program.

Project Product(s)

FY 2019-20 Overall Work Program and Budget and amendments; amendments to the FY 2018-19 OWP and Budget; quarterly and annual progress reports.

Federally Eligible Task

Develop and implement annual Overall Work Program and Budget

Proposed Expenditure of Federal Funding (PL/FTA 5303)

Develop, implement and oversee the annual overall work program activities and budget in accordance with federal and state requirements in coordination with Caltrans, AMBAG and other partner agencies; and produce quarterly and annual progress reports.

Previous Accomplishments

Developed and adopted FY 2017-18 OWP and Budget; Processed amendments to the FY 2017-18 OWP and Budget; provided required quarterly and annual progress reports for transportation planning and project activities to SCCRTC, AMBAG, and Caltrans.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverable</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Finalize FY 2017-18 revenues and expenditures</td>
<td>Revenues and expenditures files</td>
<td>8/17/2018</td>
</tr>
<tr>
<td>2</td>
<td>Produce final FY 2017-18 work program quarterly report and provide to Caltrans</td>
<td>Final FY 2017-18 quarterly report</td>
<td>8/17/2018</td>
</tr>
<tr>
<td>3</td>
<td>Prepare and adopt the annual fall FY 2018-19 budget and overall work program amendment</td>
<td>FY 2018-19 amendments and staff reports</td>
<td>11/2/2018</td>
</tr>
<tr>
<td>4</td>
<td>Produce FY 2018-19 quarterly work program reports and provide to Caltrans</td>
<td>FY 2018-19 quarterly work program reports</td>
<td>04/26/2019</td>
</tr>
<tr>
<td></td>
<td>Task Description</td>
<td>Details</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>5</td>
<td>Participate in 2019-20 OWP development and coordination meetings with AMBAG, Caltrans and other agencies in the region</td>
<td>Meetings, agendas and materials</td>
<td>04/30/19</td>
</tr>
<tr>
<td>6</td>
<td>Incorporate comments/suggestions into final draft FY 2019-20 OWP and provide document to AMBAG and Caltrans</td>
<td>Final draft FY 2019-20 OWP</td>
<td>04/30/19</td>
</tr>
<tr>
<td>7</td>
<td>Prepare and present final FY 2019-20 OWP to SCCRTC board for approval</td>
<td>Final OWP and staff report</td>
<td>05/17/19</td>
</tr>
<tr>
<td>8</td>
<td>Update the Continuing Cooperative Agreement (CCA) with AMBAG consistent with the OWP and submit to AMBAG and Caltrans</td>
<td>Updated CCA &amp; staff report</td>
<td>06/14/19</td>
</tr>
<tr>
<td>9</td>
<td>Prepare other amendments to the FY 2018-19 budget and work program as necessary and submit to AMBAG and Caltrans</td>
<td>Amendments and staff reports</td>
<td>06/28/19</td>
</tr>
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</table>
WORK ELEMENT NUMBER 102  
Transportation Development Act Administration

Agency: SCCRTC  
Project Manager: Luis Pavel Mendez, Deputy Director  
Daniel Nikuna, Fiscal Officer  
Total Budget: $737,500

**ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019**

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>REVENUE</th>
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<tbody>
<tr>
<td>Category</td>
<td>Amount ($)</td>
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<tr>
<td>Personnel</td>
<td>242,000</td>
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<tr>
<td>Services &amp; Supplies</td>
<td>495,500</td>
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<tr>
<td>TOTAL</td>
<td>737,500</td>
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</tbody>
</table>

**Project Description**

SCCRTC as Regional Transportation Planning Agency for Santa Cruz county distributes Transportation Development Act (TDA) Local Transportation Fund (LTF) and State Transit Assistance (STA) funds for planning, transit, bicycle facilities and programs, pedestrian facilities and programs and specialized transportation in accordance with state law and the unmet transit needs process.

**Project Product(s)**

Transportation Development Act and State Transit Assistance Funds apportionments, allocations and claims

Triennial performance audit and corresponding modifications

FY 2017-18 Fiscal Audit

**Other Task (Nonfederal)**

Manage, coordinate and distribute TDA and STA funds

**Previous Accomplishments**

Every three years, SCCRTC contracts for triennial performance audits of the transit operators and itself to ensure that the agencies are meeting the requirements of state TDA law. In FY 2015-16 a triennial performance audit for FYs 2012-13, 2013-14 and 2014-15 was initiated and completed in FY 2016-17. All of the recommendations in the prior triennial performance audit of the RTC were implemented and the RTC is now working to fully implement the recommendations of the most current triennial performance audit. Annually, SCCRTC oversees the fiscal TDA audits for the transit operators in Santa Cruz County and itself. In FY 2017-18 TDA fiscal audits were completed for FY 2016-2017.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverable</th>
<th>Completion Date</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Coordinate review of appropriate TDA claims with advisory committees</td>
<td>Staff reports and resolutions</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Provide staff support to Budget and Administration/ Personnel Committee</td>
<td>Agendas and staff reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Coordinate annual unmet transit needs process, including outreach to traditionally underrepresented communities, and adopt resolution of unmet transit needs finding</td>
<td>Staff reports, presentation, information materials (Spanish), public outreach, meetings and resolution</td>
<td>06/28/19</td>
</tr>
<tr>
<td>4</td>
<td>Maintain records and pay claims for TDA, STA and other trust fund accounts.</td>
<td>Files, invoice processing and payments</td>
<td>06/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Assist transit operators with annual financial audits</td>
<td>Phone calls, emails</td>
<td>06/28/19</td>
</tr>
<tr>
<td>6</td>
<td>Implement recommendations in most recent performance audit</td>
<td>Staff reports and modifications to processes and forms</td>
<td>06/28/19</td>
</tr>
<tr>
<td>#</td>
<td>Task</td>
<td>Documentation</td>
<td>Dates</td>
</tr>
<tr>
<td>----</td>
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</tr>
<tr>
<td>7</td>
<td>Obtain TDA funds estimates from County Auditor Controller</td>
<td>Emails and estimate materials</td>
<td>08/17/18 01/11/19</td>
</tr>
<tr>
<td>8</td>
<td>Monitor TDA revenue receipts, compare to estimates and adjust estimates as necessary</td>
<td>Reports to B&amp;A/P Committee and RTC</td>
<td>06/28/19</td>
</tr>
<tr>
<td>9</td>
<td>Conduct the FY 2017-18 annual fiscal audit and implement suggested changes</td>
<td>Audit report and staff reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td>10</td>
<td>Produce staff assignment lists, performance evaluations and personnel actions</td>
<td>Assignment list, individual staff meetings, evaluation forms</td>
<td>06/28/19</td>
</tr>
<tr>
<td>11</td>
<td>Prepare and submit to Caltrans the FY 2018-19 indirect cost allocation plan</td>
<td>ICAP report and staff report</td>
<td>06/28/19</td>
</tr>
<tr>
<td>12</td>
<td>Produce and distribute annual financial report</td>
<td>Financial report and staff reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td>13</td>
<td>Coordinate, meet, confer and negotiate with labor representatives</td>
<td>Meetings, agenda and information materials</td>
<td>06/28/19</td>
</tr>
<tr>
<td>14</td>
<td>Conduct the FY's 2015-16, 2016-17 and 2017-18 triennial performance audits</td>
<td>Audit reports and staff reports</td>
<td>06/28/19</td>
</tr>
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</table>
WORK ELEMENT NUMBER 112
Transportation Plans Coordination and Interagency Liaison

Agency: SCCRTC  Project Manager: Rachel Moriconi, Senior Transportation Planner  Total Budget: $207,518

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

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<td>State RPA</td>
<td>86,417</td>
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<td>Contractual</td>
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<td>Local</td>
<td>121,101</td>
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<td>TOTAL</td>
<td>207,518</td>
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<td>TOTAL</td>
<td>207,518</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>% Federal</td>
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<td></td>
</tr>
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</table>

Note: No project development nor project implementation tasks included in this work element will be funded by Rural Planning Assistance (RPA) funds.
Note: No RPA funds will be used for the contractual work listed in this work element, which will be paid with local funds only and is for hiring legislation and regulation consultants who assist the RTC in obtaining information and producing reports to fully understand the implications of regulatory and statutory changes to transportation planning and funding and adequately communicate such changes and implications and implement them accordingly.
Lobbying is not part of any work task under this work element.

Project Description
This is an ongoing element concerned with the coordination of regional transportation planning activities consistent with federal and state law to maintain a coordinated approach to transportation planning on a local, regional, state and federal level that addresses all aspects of the transportation system, including safety. This includes coordinated implementation of the federal FAST Act and the State’s Senate Bill 1, the Road Repair and Accountability Act of 2017.

Project Product(s)
Agendas, minutes, reports and presentation materials for Interagency Technical Advisory Committee meetings
Reports and presentation materials for RTC meetings
Agendas, notes and materials for meetings with representatives from local, regional and state entities

Federally Eligible Task
Coordinate the implementation of the FAST Act requirements as it relates to regional transportation planning and monitoring

Proposed Expenditure of Federal Funding
0%

Previous Accomplishments
The SCCRTC worked with AMBAG and TAMC to ensure a coordinated effort for the production of the 2014 RTP/MTP and is currently working with those and other agencies on the production of the 2040 RTP/MTP. The SCCRTC held regular meetings of the Interagency Technical Advisory Committee (ITAC) and SCCRTC staff held meetings with Santa Cruz Metro, AMBAG, TAMC, San Benito COG, VTA, educational institutions, non-profits, local jurisdictions, the Air District, other regional agencies and Caltrans to discuss and implement coordination efforts.

<table>
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<th>Task</th>
<th>Description</th>
<th>Deliverable</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Collect, process and transmit information on funding, plans and related activities to facilitate interagency communication</td>
<td>Phone calls, emails, and information materials</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Participate in, prepare and distribute agendas and staff reports for RTC and committee meetings</td>
<td>Agendas and staff reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Meet quarterly with Caltrans to coordinate planning and programming activities and prepare materials for meetings</td>
<td>Teleconference, Agenda and meeting materials and action items</td>
<td>06/28/19</td>
</tr>
<tr>
<td>#</td>
<td>Task Description</td>
<td>Date</td>
<td></td>
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<tr>
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<td></td>
</tr>
<tr>
<td>4</td>
<td>Coordinate on planning and programming with other agencies throughout the state through participation in the Regional Transportation Planning Agencies group, the Central Coast Coalition and the California Transportation Commission Meeting participation, meeting notes, agendas 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Participate in the MTP/SCS Steering Committee with AMBAG, TAMC, SBCOG, and transit agencies to coordinate Santa Cruz County efforts with those of other transportation planning agencies in the region Agendas, materials, notes, communications and MTP/SCS 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Participate in Santa Cruz METRO board meetings and Santa Cruz METRO/RTC management meetings and communicate with other agencies in the region to help ensure regional transit planning coordination Agendas, materials, notes, communications and coordinated transit plans 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Continue to coordinate with Caltrans, AMBAG and other partner agencies on improved planning for the movement of goods into, out of and through the region, including designation of Critical Urban/Rural Freight Corridors Communications with partner agencies, meetings 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Work with the City of Watsonville, Caltrans Aeronautics and other partner agencies to update the master plan for the Watsonville airport to help ensure efficient access to and from the airport Communications with partner agencies, meetings 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Exchange information concerning transportation planning, and funding with local jurisdictions, Caltrans, AMBAG, Santa Cruz Metro, the Air District, UCSC, and other federal, state and local agencies Meetings, phone calls, emails and information materials 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Prepare reports and materials for the Interagency Technical Advisory Committee (ITAC) to facilitate planning and programming coordination among all of the various transportation partners represented on the Committee - (public works departments, planning departments, transit district, UCSC, Caltrans, AMBAG, Air District) ITAC meetings, agendas and packets 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Monitor and participate in efforts at the federal, state and local level related to reduction of VMT and other transportation planning and programming measures to reduce green house gases (GHG) and address global warming Conference calls, meetings and notes 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Monitor and participate in efforts at the federal, state and local level and with law enforcement agencies to address and improve the safety of the transportation system Conference calls, meetings and notes 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Prepare for and participate in meetings of the AMBAG Board as an ex-officio representative Meetings and notes 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Coordinate with business and community organizations, and task forces, including those who engage traditionally underrepresented communities, on transportation planning, and funding issues Presentations, phone calls, meetings and materials in Spanish 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>With the assistance of consultant services, stay informed on state and federal legislative, regulatory and budgetary changes and proposed changes affecting transportation to more effectively and efficiently coordinate current transportation activities with changing requirements - (consultant and RTC) Consultant reports, Staff reports and information materials 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>With the assistance of consultant services, communicate with legislative officials and others on the effective and efficient coordination of proposed legislative and budgetary changes with current transportation planning activities - (Consultants and RTC) Phone calls, emails, letters and meetings 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Continue to work with Interagency Technical Advisory Committee members and other transportation partners to cooperatively develop and pursue grant opportunities for transportation studies and development of transportation plan components and funding Joint grant applications 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Develop partnerships with local agencies responsible for land use decisions to facilitate coordination of transportation planning with land use, open space, job-housing balance, environmental constraints, and growth management Phone calls, emails, meetings, notes and information materials 06/28/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Monitor and participate in efforts at the state and regional level to effectively implement the requirements of the FAST Act and SB1-The Road Repair and Accountability Act of 2017, including federal rulemaking, guidelines and performance measure requirements.</td>
<td>Phone calls, teleconferences, emails, notes and information materials</td>
<td>06/28/19</td>
</tr>
<tr>
<td>20</td>
<td>Participate in coordination of traveler information including quarterly meetings.</td>
<td>Communications with partner agencies, meetings</td>
<td>06/28/19</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 113
Public Participation Program

Agency: SCCRTC
Project Manager: Shannon Munz, Communications Specialist
Total Budget: $109,544

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount ($)</th>
<th>Change</th>
<th>Source</th>
<th>Amount ($)</th>
<th>Change</th>
</tr>
</thead>
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<td>Local</td>
<td>109,544</td>
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</tr>
<tr>
<td>Services &amp; Supplies</td>
<td>50,000</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>TOTAL</td>
<td>109,544</td>
<td>0</td>
<td>TOTAL</td>
<td>109,544</td>
<td>0</td>
</tr>
<tr>
<td>% Federal</td>
<td></td>
<td></td>
<td>% Federal</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Project Description
This work element includes public participation activities that support the overall public participation program of the SCCRTC but are not attributable to a specific project, program or activity. This includes general maintenance of the RTC website and social media outlets and responding to general inquiries regarding the SCCRTC.

Project Product(s)
Well functioning website and social media outlets and updated general postings, press releases, e-news, SCCRTC meeting highlights, year in review communicating notable accomplishments for the previous year; broadcasts of RTC meetings

Previous Accomplishments
The SCCRTC migrated its overhauled website to more current technology that offers more efficient maintenance and integration with social media outlets.

<table>
<thead>
<tr>
<th>Task</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
</tbody>
</table>

Deliverable
Updated and functioning website
Bilingual print and electronic media
Webpage, postings, agendas, forms and list of complaints and investigations
Teviseded RTC meetings
Translators at meetings
Bilingual print and electronic media and public presentations
Webpage and social media postings, enews

Completion Date
6/28/2019
6/28/2019
6/28/2019
6/28/2019
6/28/2019
6/28/2019
6/28/2019
WORK ELEMENT NUMBER 177  Freeway Service Patrol (FSP)

Agency: SCCRTC  Project Manager: Amy Naranjo, Transportation Planner  Total Budget: $424,983

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount ($)</th>
<th>Change</th>
<th>Source</th>
<th>Amount ($)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>83,000</td>
<td>0</td>
<td>Caltrans</td>
<td>248,975</td>
<td>0</td>
</tr>
<tr>
<td>Services &amp; Supplies</td>
<td>341,983</td>
<td>0</td>
<td>Measure D</td>
<td>175,008</td>
<td>0</td>
</tr>
<tr>
<td>Reserves</td>
<td>0</td>
<td>0</td>
<td>Local</td>
<td>1,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>424,983</strong></td>
<td>0</td>
<td><strong>424,983</strong></td>
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</tr>
</tbody>
</table>

Project Description

SCCRTC Freeway Service Patrol (FSP) operates on Highways 1 and 17 in Santa Cruz County to assist stranded or stalled motorists, and to remove collisions and freeway debris that cause episodic traffic congestion. SCCRTC works closely with Caltrans and California Highway Patrol to implement the program.

Project Product(s)

Freeway Service Patrol towing services, invoices, service contracts, funding agreements, service statistics and reports

Other Task (Nonfederal)

Implement county level Freeway Service Patrol

Previous Accomplishments

In FY 2017-18, SCCRTC participated with other FSP agencies in the state and Caltrans on the development of funding guidelines for additional state FSP funding made available through the passage of SB1-the Road Repair and Accountability Act of 2017. In FY 2016-17, SCCRTC completed a procurement process and established new tow service contracts and worked with other FSP programs throughout the state to increase state funding for FSP. In FY 2015-16 RTC worked with Caltrans to obtain better congestion data for Highway 17 and secure the FSP funding corresponding to Santa Cruz County. In FY 2013-14, SCCRTC worked with Caltrans and the CHP to implement additional FSP service to mitigate congestion associated with a construction project on Highway 17. In 2014, SCCRTC replaced the PDA's used for data collection with mini iPads and updated data collection software to improve data collection efficiency.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Provide supplies as needed, monitor use, evaluate future program needs, and process invoices for payment of service from contractors.</td>
<td>Tow truck service to motorists, invoices, purchase orders, statistics, and reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Conduct quarterly training and informational meetings with Caltrans, CHP and tow operators and partner with TARC for the quarterly trainings</td>
<td>Training sessions, agendas and materials</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Continue to provide tow truck service to motorists through contracts with tow service providers and under supervision of the CHP (RTC, contractor, CHP)</td>
<td>Tow truck service to motorists, contracts for service, logs and invoices</td>
<td>06/28/19</td>
</tr>
<tr>
<td>4</td>
<td>Represent the RTC at statewide oversight committee meetings to demonstrate effectiveness and to maintain and increase state funding for FSP program</td>
<td>Meeting participation, reports, presentations</td>
<td>06/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Improve data collection techniques and enhance data gathering equipment to improve truck tracking and vehicle dispatching capabilities.</td>
<td>Data reports and analysis</td>
<td>06/28/19</td>
</tr>
<tr>
<td>6</td>
<td>Work with other freeway service programs within region to enhance the program's cost-effectiveness</td>
<td>Cost effectiveness analysis</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>Activity</td>
<td>Method</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>7</td>
<td>Prepare Annual Report</td>
<td>Annual report and presentation</td>
<td>06/28/19</td>
</tr>
<tr>
<td>8</td>
<td>Continue to promote the program and increase awareness</td>
<td>Outreach materials in English and Spanish</td>
<td>06/28/19</td>
</tr>
<tr>
<td>9</td>
<td>Continue to implement and monitor the usage and effectiveness of FSP tow truck service in cooperation with CHP and Caltrans</td>
<td>Data reports and analysis</td>
<td>06/28/19</td>
</tr>
<tr>
<td>10</td>
<td>Coordinate FSP with neighboring counties</td>
<td>Phone calls, emails, letters and meetings</td>
<td>06/28/19</td>
</tr>
<tr>
<td>11</td>
<td>Consider revisions to FSP services based on analysis of usage and availability of funding</td>
<td>Analysis and reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td>12</td>
<td>Maintain FSP data collection system and feed the data into the statewide FSP benefit/cost model to better reflect conditions of smaller FSP programs</td>
<td>Data reports and analysis</td>
<td>06/28/19</td>
</tr>
<tr>
<td>13</td>
<td>Investigate and pursue potential new funding sources for FSP programs</td>
<td>Phone calls, emails, letters and meetings</td>
<td>06/28/19</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 178

Service Authority for Freeway Emergencies (SAFE)

Agency: SCCRTC
Project Manager: Amy Naranjo, Transportation Planner
Total Budget: $388,300

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount ($)</th>
<th>Change</th>
<th>Source</th>
<th>Amount ($)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>129,000</td>
<td>0</td>
<td>SAFE Funds</td>
<td>313,300</td>
<td>0</td>
</tr>
<tr>
<td>Services &amp; Supplies</td>
<td>259,300</td>
<td>0</td>
<td>MTC Contribution</td>
<td>50,000</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Measure D</td>
<td>25,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>388,300</strong></td>
<td><strong>0</strong></td>
<td><strong>TOTAL</strong></td>
<td><strong>388,300</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

% Federal: 0%

Project Description

The Santa Cruz County Service Authority for Freeway Emergencies (SAFE) operates the County's highway callbox system and works with the California Highway Patrol and Caltrans on motorist aid and highway safety projects and programs.

Project Product(s)

Service Authority for Freeway Emergencies call box system and extra CHP enforcement to reduce collisions

Other Task (Nonfederal)

Maintain and implement SAFE program and provide extra CHP enforcement

Previous Accomplishments

During FY 1991/92, the first full year of this program, SCCRTC implemented the SAFE Motorist Aid Callbox System in Santa Cruz County. In 1999, SCCRTC SAFE as a partner with the CHP and Caltrans initiated the Safe on 17 program to reduce collisions on Highway 17 with enforcement, engineered improvements and education. The program has successfully helped to reduce collisions by almost 50% over its life time. In FY 2014-15, SCCRTC SAFE completed an analysis of call box usage and as a result will reduce the number of call boxes in the system and upgrade the remaining call boxes. In FY 2015-16 and 2016-17, the RTC worked to reduce the number of cal boxes and upgrade the call box system.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Continue to work with contractors to provide reliable and efficient call box facilities and services</td>
<td>Roadside call box service</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Complete mobility and site improvements as needed</td>
<td>ADA accessible call box sites</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Track DMV collection of SAFE funds to ensure accurate revenue collection</td>
<td>Revenue history</td>
<td>06/28/19</td>
</tr>
<tr>
<td>4</td>
<td>Continue to work with the CalSAFE Committee to coordinate on statewide issues related to Call Box and motorist aid systems</td>
<td>Coordinated and consistent services</td>
<td>06/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Work with other SAFE agencies in the region to solicit new contracts for call box implementation and maintenance services</td>
<td>Maintenance contract</td>
<td>06/28/19</td>
</tr>
<tr>
<td>6</td>
<td>Continue to administer enhanced CHP enforcement as part of the SAFE on 17 Program to reduce collisions and improve the safety of the transportation system</td>
<td>Enforcement data and reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Category</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>7</td>
<td>Continue the funding partnership with Metropolitan Transportation Commission to ensure continuation of the enhanced CHP enforcement on Hwy 17</td>
<td>Funding agreement and invoices</td>
<td>06/28/19</td>
</tr>
<tr>
<td>8</td>
<td>Continue to monitor and track collision and safety issues on Highways 1 and 17</td>
<td>Collision information</td>
<td>06/28/19</td>
</tr>
<tr>
<td>9</td>
<td>Coordinate with Caltrans, the County of Santa Cruz, and emergency services on disaster preparedness and evacuation planning</td>
<td>Communications with partner agencies and disaster and evacuation plans</td>
<td>06/28/19</td>
</tr>
<tr>
<td>10</td>
<td>Produce annual report for the Safe on 17 program and invoice MTC for funds</td>
<td>Annual report</td>
<td>06/28/19</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 179  
Transportation Demand Management: Cruz511/Rideshare & Motorist Information

Agency: SCCRTC  
Project Manager: Anais Schenk, Cruz511 Manager  
Total Budget: $620,900

Amy Naranjo, Transportation Planner

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>REVENUE</th>
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<tr>
<td><strong>Agency</strong></td>
<td><strong>Source</strong></td>
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<td>STBG &amp; RSTPX</td>
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<tr>
<td>Services &amp; Supplies</td>
<td>SAFE Funds</td>
</tr>
<tr>
<td>Reserves</td>
<td>Measure D</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

Project Description
Through Cruz511/Rideshare SCCRTC provides traveler information and direct services to Santa Cruz County area residents, visitors and employers to encourage the use of sustainable transportation modes; increase vehicle occupancy through carpooling, vanpooling and riding the bus; eliminate vehicle trips through telecommuting and compressed work weeks; and implements other Transportation Demand Management (TDM) strategies. The TDM program establishes the strategies that result in more efficient use of available transportation resources. The program promotes sustainable transportation choices and implements programs that result in emission reduction, regional traffic congestion and delay mitigation, and reduction in vehicle trips and vehicle miles travelled. The work is done in coordination with the Transportation Agency for Monterey County, the Council of San Benito County Governments, the Association of Monterey Bay Area Governments, the Metropolitan Transportation commission for the San Francisco Bay Area, the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority.

Project Product(s)
Rideshare/Cruz511 Program

Federally Eligible Task
Promote sustainable transportation modes and choices region-wide through the coordination of incentives, promotional events, campaigns and information dissemination

Previous Accomplishments
Ride matching assistance; program/event promotion; regional coordination of TDM efforts; radio and TV interviews; newspaper articles and press releases; employer and college outreach; website development. In FY 2016-17 the RTC incorporated 511 traveler information services as part of its overall list of services under Cruz511.org that also includes rideshare services and TDM strategies. In FY 2016-17, SCCRTC completed the Cruz511 In Your Neighborhood pilot program to plan, develop and test an individualized marketing and research program for Santa Cruz County that empowers solo-drivers to switch modes. Successful strategies developed through the pilot program will be in incorporated into other efforts.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Update and maintain content and design of websites</td>
<td>Updated Rideshare/Cruz511 Website</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>2</td>
<td>Operate 429-POOL hotline and coordinate regional participation and access to the 511.org online ride matching system. Maintain online database of people interested in a ride match.</td>
<td>Match lists, robust database</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>3</td>
<td>Direct, monitor, and document media communications related to program’s objectives and goals</td>
<td>Media releases, interviews, articles, etc.</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>4</td>
<td>Assist employers in promoting multi-modal travel options and services through transportation fairs and on-site presentations</td>
<td>Scatter maps, presentation materials, list of employers</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>5</td>
<td>Develop and apply a consistent set of evaluation measures for TDM projects and programs</td>
<td>Improved evaluation tools</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>6</td>
<td>Participate in transportation-related air quality and climate change activities including those related to implementing State and Federal Clean Air Acts and other legislation such as AB 32 and SB 375</td>
<td>Promotional materials and handouts</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>7</td>
<td>Promote and facilitate access to existing park and Ride Lots and plan for future P&amp;R facility needs</td>
<td>Improved PNR facilities, signs, and agreements; usage counts</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>8</td>
<td>Develop and maintain information on TDM initiatives in the community</td>
<td>Data on TDM programs</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>9</td>
<td>Research most effective methods and strategies to meet program objectives</td>
<td>Information on other programs</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>10</td>
<td>Coordinate with regional rideshare and transit service providers, promote transit services</td>
<td>Promotional materials and handouts</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>11</td>
<td>Maintain the Cruz511 traveler information component</td>
<td>Website with traveler information regularly maintained</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>12</td>
<td>Participate in periodic meetings of the Transportation and Air Quality Joint Marketing Committee</td>
<td>Agendas, notes and action items</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>13</td>
<td>Participate in tri-county coordination of outreach campaigns - i.e. Rideshare Week</td>
<td>Agendas, notes and action items</td>
<td>6/28/2019</td>
</tr>
<tr>
<td>14</td>
<td>Prepare and conduct community outreach, education, and promotional materials and provide personalized ridematching services</td>
<td>Promotional materials and handouts</td>
<td>6/28/2019</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 260
Sustainable Transportation Prioritization Plan

Agency: SCCRTC
Project Manager: Anais Schenk, Transportation Planner
Total Budget: $95,000

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>REVENUE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount ($)</td>
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<tr>
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<tr>
<td>Contractual</td>
<td>50,000</td>
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<tr>
<td>Materials &amp; supplies</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>95,000</strong></td>
</tr>
</tbody>
</table>

Project Description
The Sustainable Transportation Prioritization Plan for Santa Cruz County will use innovative and effective techniques to engage the community decision-making about sustainable transportation system benefits, solutions for transportation funding needs, land uses and short/long range priorities. The RTC will utilize cutting edge outreach techniques -- including focus groups, infographics, citizen ambassadors, and visualization tools -- to involve, collaborate and engage with a broad cross section of community members to develop a multimodal transportation investment prioritization plan that addresses sustainability, equity, preservation, mobility, and safety in Santa Cruz County. This project includes development of a public engagement toolkit that can be used by Caltrans and other communities.

Project Product(s)
Sustainable Transportation Prioritization Plan and Public Engagement Toolkit

Previous Accomplishments
The RTC has been working for a number of years to better address sustainability through the transportation planning process. The RTC engaged the services of the North American Sustainable Transportation Council (NASTC) to employ their Sustainable Transportation Analysis and Rating System (STARS) to the development of the environmental documents for Highway 1 corridor improvements. The RTC then used NASTC and STARS for the production of the 2014 Regional Transportation Plan. In FY 2016-17, the RTC secured consultants and developed messages, graphics and visualizations for the plan. In FY 2017-18, the RTC deployed owl viewers and online owl viewers for the City of Santa Cruz area to give the community and idea of what specific locations would look like with certain transportation improvements.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Direct, manage and oversee consultant work and payment for their work</td>
<td>Consultant contract amendments, invoices, phone calls, emails and other communications</td>
<td>12/31/18</td>
</tr>
<tr>
<td>2</td>
<td>Work with stakeholders, partners and consultant to develop messages, graphics and visualization for City of Watsonville area in coordination with Watsonville's complete streets plan</td>
<td>messages, infographics and visual simulations including Spanish</td>
<td>07/27/18</td>
</tr>
<tr>
<td>3</td>
<td>Hold stakeholder and focus group meetings and provide presentations to community groups throughout the county</td>
<td>Meeting agendas and notes; presentations and public input</td>
<td>08/30/18</td>
</tr>
<tr>
<td>4</td>
<td>Conduct visualization exercises at community events</td>
<td>List of events, presentations, summary of public input</td>
<td>08/30/18</td>
</tr>
<tr>
<td>5</td>
<td>Develop draft public engagement report and toolkit</td>
<td>Draft report and tooling; presentation to RTC Board</td>
<td>09/28/18</td>
</tr>
<tr>
<td>6</td>
<td>Finalize report and produce sustainable transportation prioritization plan</td>
<td>Final report and sustainable transportation prioritization plan</td>
<td>11/30/18</td>
</tr>
<tr>
<td>7</td>
<td>Coordinate, manage and administer project (RTC)</td>
<td>Agreements, quarterly reports, OWP, agendas, invoices and billing</td>
<td>12/31/18</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 609

Agency: SCCRTC  Project Manager: Rachel Moriconi, Sr. Transportation Planner  Total Budget: $281,450

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

EXPENDITURES

<table>
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<th>Change</th>
<th>Source</th>
<th>Amount ($)</th>
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% Federal 58.83%

Project Description

This work element is to prepare a complete streets plan that identifies, prioritizes and enables implementation of critical and cost effective transportation projects through the State Route 9/ San Lorenzo Valley (SLV) travel corridor, in partnership with Caltrans, the County of Santa Cruz Public Works and Planning Departments, Santa Cruz METRO, residents, businesses, schools, and other stakeholders. Plan focuses on addressing multimodal needs of all users; includes documenting and evaluating current and future multimodal travel patterns and evaluation of a range of options, strategies, specific infrastructure and phasing of safety, asset management, traffic operations, complete streets, goods movement, streetscape, parking, drainage, and mobility projects. Includes extensive public engagement and stakeholder coordination.

Project Product(s)

Final SR9/San Lorenzo Valley Corridor Transportation Plan

Previous Accomplishments

Meetings between the County of Santa Cruz, Caltrans and community members since 2013 accentuated the need for a comprehensive plan. In FY 2016-17, the RTC secured consultants for production of the plan and Santa Cruz County voters passed Measure D, which will provide funding to implement projects that result from this plan. In FY 2017-18, the RTC initiated the project with partner agencies and together with those partners and consultants completed the Phase 1 report and conducted public outreach to produce a draft plan.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Corridor Plan Development: includes review of prior studies and planning efforts, defining goals, objectives and evaluation criteria with the community, corridor travel analysis and needs assessment, evaluation of investment options, and preparation of plan document.</td>
<td>Needs assessment, project evaluation and corridor plan.</td>
<td>11/30/18</td>
</tr>
<tr>
<td>2</td>
<td>Public Engagement: development of public participation plan, ongoing outreach, public meetings</td>
<td>List of stakeholders, meeting agendas, minutes and notes, presentation materials</td>
<td>10/26/18</td>
</tr>
<tr>
<td>3</td>
<td>Coordinate and manage project (RTC)</td>
<td>Agreements, Quarterly reports, OWP, agendas, invoices and billing</td>
<td>12/31/18</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 611a  
Unified Corridor Investment Study - Phase II

Agency: SCCRTC  
Project Manager: Grace Blakeslee, Sr. Transportation Planner  
Ginger Dykaar, Sr. Transportation Planner  
Total Budget: $390,863

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
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Project Description

This work element is to identify transportation investments that optimize usage of three parallel transportation corridors in Santa Cruz County: Highway 1, Soquel Avenue/Drive and the Santa Cruz Branch Rail Line, while advancing sustainability targets. Highway 1 and Soquel Avenue/Drive are two of the most heavily traveled and congested roadways in Santa Cruz County. Recent acquisition of the rail line provides a unique opportunity to create a corridor investment plan that best utilizes these facilities. A "Unified Corridor Investment Study" will identify the transportation investments that optimize usage of the Highway 1, Soquel Ave/Dr and rail line corridor while advancing STARS sustainability targets developed for Santa Cruz County. A scenario analysis will assess how well the sustainability targets are advanced for each scenario. The modeling tools that were developed in Phase 1 will allow for use of sophisticated methods to analyze transportation investments that advance the sustainable transportation goals of our region.

Project Product(s)

Unified Corridor Investment Study - Phase II

Previous Accomplishments

Phase I of this project developed the modeling tools to perform the Phase II work. A subregional travel demand model for Santa Cruz County, a transit model and a bike model are tools that have been developed and will be used for Phase II of this project. In FY 2016-17 after passage of Measure D, the RTC expanded the scope of and added funding to the UCIS Phase II to include the entire Santa Cruz Branch Rail Line to address the analysis of the rail line outlined in Measure D. In FY 2017-18, the RTC held public workshops and stakeholder meetings and solicited public input thorough an online survey. The RTC also completed the Step 1 analysis of the scenarios and selected scenarios for the Step 2 analysis.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Oversee consultant work and manage consultant contract to produce the UCIS Phase II</td>
<td>Reports, invoices</td>
<td>02/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Stakeholder and Public Participation - Outreach to public, stakeholders, RTC Committees and RTC for input at key project junctures.</td>
<td>Workshop notices, meeting agendas, news releases, eNews, and staff reports</td>
<td>02/28/19</td>
</tr>
<tr>
<td></td>
<td>Develop and analyze Step 1 and Step 2 scenarios and present to stakeholders, public and RTC, and develop preferred scenario</td>
<td>List of scenarios, analysis, reports, presentations, Corridor goals, policies and performance measures, list of data needs, results of mode split &quot;what if&quot; analysis, project list recommended for analysis, scenario themes, performance dashboard, recommended list of transportation investments</td>
<td>11/01/18</td>
</tr>
<tr>
<td>3</td>
<td>Identify Transportation Improvements for Highway 1, Soquel and Rail Corridor - This task includes defining performance measures, data needs, data collection, list of projects, scenario development and technical analysis.</td>
<td>Administrative draft of Unified Corridors Investment Study, Draft document, Final Report</td>
<td>06/30/18</td>
</tr>
<tr>
<td>4</td>
<td>Summary Report of Phase II of Unified Corridors Investment Study - Develop administrative draft, draft and final reports</td>
<td>Invoice packages, Quarterly Reports, Grant Closeout Letter/Invoice</td>
<td>02/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Grant Administration - This task includes invoicing, reporting and closeout of grant contract.</td>
<td></td>
<td>02/28/19</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 614  Bicycle and Pedestrian Planning

Agency:  SCCRTC  Project Manager:  Anais Schenk, Transportation Planner  Total Budget:  $252,936
Grace Blakeslee, Senior Transportation Planner

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE:  FY 2018-2019

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>REVENUE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category</strong></td>
<td><strong>Amount ($)</strong></td>
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<tr>
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<td><strong>TOTAL</strong></td>
<td>252,936</td>
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</table>

% Federal  0%

Project Description

The objective of this program is to ensure the development of a regional pedestrian and bicycle infrastructure as an integral part of the overall transportation system for the Santa Cruz County and the AMBAG region. This helps to ensure a better integrated and connected transportation system across modes and helps to ensure a safer transportation system for non-motorists. This work element includes working with cities and the county to develop, update and implement bicycle and pedestrian plans and active transportation plans and integrate active transportation planning in all transportation planning efforts, including project plans, corridor plans and studies, specific area plans, general plans, the regional transportation plan and the metropolitan transportation plan. Work with the Transportation Agency for Monterey County and AMBAG to ensure that the local active transportation planning efforts are the components that lead to a more robust and integrated active transportation infrastructure for the entire AMBAG region.

Project Product(s)

Bicycle Advisory Committee meetings and materials, updated bicycle plans and active transportation plans, coordinated and safer multimodal transportation system

Federally Eligible Tasks

Planning for a better developed and safer bicycle and pedestrian transportation network that is integrated with other modes and coordinated across the AMBAG region  0%

Previous Accomplishments

In FY 2015-16 and 2017-18, the SCCRTC and the Bicycle Advisory Committee reviewed and provided input into the Metro Station redesign plans, the 2040 Regional Transportation Plan, AMBAG's 2040 Metropolitan Transportation Plan and Sustainable Communities Strategy, green lane treatments, bicycle and mode split counts, Transportation Development Act claims, the RTC's Unified Corridor Investment Study, state and federal legislative programs, the Chanticleer Bike/Ped overcrossing, as well as design plans for the City of Santa Cruz and City of Watsonville rail trail projects. Through ad-hoc committees, the Committee examined and made recommendations on improvements for gap closures or other safety measures throughout the county, as well as assisting with bicycle safety observations conducted by the Health Services Agency.

Step  Description  Deliverables  Completion Date

1  Coordinate and provide staff support for SCCRTC's Bicycle Committee including the production of agendas, staff reports and minutes for six meetings per year.  Agendas, agenda packets, meetings and minutes  06/17/2019

08/13/2018
10/15/2018
12/10/2018
02/11/2019
04/15/2019

<table>
<thead>
<tr>
<th>Work with the City of Santa Cruz, the University of California at Santa Cruz (UCSC) and other local jurisdictions to modify and update their bicycle transportation plans into Active Transportation Plans ensuring that federal and state requirements are met and that bicycle facilities are coordinated with other modes and facilities throughout the region.</th>
<th>Active Transportation Plans for Santa Cruz and UCSC and other local jurisdictions</th>
<th>06/28/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engage the public in the bicycle and transportation planning efforts including the Watsonville community through coordination with Jovenes Sanos, County of Santa Cruz Health Services Agency and other community groups.</td>
<td>Meetings, presentations, and information materials in English and Spanish</td>
<td>06/28/19</td>
</tr>
<tr>
<td>Work with the local jurisdiction on implementation of their plans and policies to ensure that bicycle and pedestrian travel is adequately integrated and coordinated with other modes and across the region and with overall development to ensure a better integrated and safer multimodal transportation system and employment of a complete streets approach as required by AB 1358.</td>
<td>Bicycle transportation network consistent with approved general plans and bicycle plans</td>
<td>06/28/19</td>
</tr>
<tr>
<td>Continue working with AMBAG in its efforts to improve the regional travel demand model to include a bicycle and active transportation component</td>
<td>Bicycle counts and mode split data</td>
<td>06/28/19</td>
</tr>
<tr>
<td>Coordinate with and participate in Caltrans active transportation planning efforts and improvements that support the production of the California State bicycle and Pedestrian Plan, Toward and Active California, including participation in development of the District 5 Bicycle and Pedestrian Plan</td>
<td>Phone calls, emails, meetings, analysis of bicycle use data</td>
<td>06/28/19</td>
</tr>
<tr>
<td>Coordinate with local, regional, state and federal agencies on bicycle and pedestrian planning and funding efforts</td>
<td>Agendas, materials, communications and active, bike and ped transportation plans</td>
<td>06/28/19</td>
</tr>
<tr>
<td>Work with the County of Santa Cruz, Caltrans, local community groups, businesses and the public on planning for improved bicycle and pedestrian access and facilities in the San Lorenzo Valley that is coordinated with the regional bicycle and pedestrian infrastructure and other transportation modes</td>
<td>Phone calls, emails, meetings and information materials</td>
<td>06/28/19</td>
</tr>
<tr>
<td>Work with the County of Santa Cruz, Caltrans and community groups on bicycle safety improvements including green bike lane treatments at select freeway interchanges throughout the county</td>
<td>Phone calls, emails and meetings</td>
<td>06/28/19</td>
</tr>
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</table>
## Work Element Number 615

**Bicycle and Pedestrian Projects and Programs**

**Agency:** SCCRTC  
**Project Manager:** Cory Caletti, Bicycle Coordinator  
**Anais Schenk, Transportation Planner**  
**Total Budget:** $3,731,785

### Estimated Expenditure and Anticipated Revenue: FY 2018-2019

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% Federal: 0%

### Project Description

The objective of this program is to encourage a safer bicycle and pedestrian transportation network through the funding, support and implementation of bicycle and pedestrian safety and education programs and projects working in partnership with the Community Traffic Safety Coalitions, Bike to Work, partner agencies, the local jurisdictions, the business community and the community at large. This work element also implements the master plan for the Monterey Bay Sanctuary Scenic Trail network and the countywide bike signage plan.

### Project Product(s)

- Improved awareness and expanded bicycle and pedestrian transportation alternatives.

### Federally Eligible Tasks

- Coordinate and advance bicycle and pedestrian projects and programs in Santa Cruz County

### Proposed Expenditure of Federal Funding (PL/FTA 5303)

- 0%

### Previous Accomplishments

In 2016 and 2017, the RTC continued implementation of the award-winning Monterey Bay Sanctuary Scenic Trail Network (and Coastal Rail Trail spine) as defined in the adopted Master Plan and secured federal, state and private grant funds for about 10 miles of trail segments. In 2016, Santa Cruz County voters passed measure D, which provides close to $100 million over 30 years for implementation of the MBSSST Network Master Plan. In 2015, the RTC completed a bike route signage plan, sought and received Active Transportation Program funding to implement the plan. In FY 2017-18 the RTC completed the design phase of the bike route signage plan.

### Task Description and Deliverables

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Continue financial support of the Bike to Work/School program, and the Community Traffic Safety Coalition (CTSC) - (Consultants and RTC)</td>
<td>Bike week 2017; Work Plan implementation</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Continue funding and promoting the bilingual bicycle and pedestrian safety education program (Ride N’ Stride) at schools - (Consultant and RTC)</td>
<td>Approved allocations; trainings</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Investigate methods to reduce vehicle travel by expanding and enhancing bicycle and pedestrian travel</td>
<td>Expanded bike and ped facilities</td>
<td>06/28/19</td>
</tr>
<tr>
<td>4</td>
<td>Continue to compile and update digitized bikeway information to be provided to the public as a roadway layer through the County’s GIS webpage</td>
<td>Digitized map information</td>
<td>06/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Continue outreach and administration of Bicycle Hazard and Pedestrian Access Reports to identify network deficiencies</td>
<td>Compiled reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>Continue working with the Pedestrian Safety Task Force to implement the findings of the report &quot;Improving Safety and Accessibility of Sidewalks in Santa Cruz County&quot;</td>
<td>Improvements to sidewalks</td>
<td>06/28/19</td>
</tr>
<tr>
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</tr>
<tr>
<td></td>
<td>Implement a Bicycle Route Signage system through coordination with local jurisdictions, bicycle advocates and community members. Review planned routes and coordinate with stakeholders.</td>
<td>Bike route signage plan</td>
<td>06/28/19</td>
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<tr>
<td></td>
<td>Implement the Monterey Bay Sanctuary Scenic Trail Network (and Coastal Rail Trail spine) project as defined in the adopted Master Plan; continue to apply for funding for additional rail trail segment implementation, coordinate with local jurisdictions and execute contracts, and develop overall guidelines and policies.</td>
<td>Funding, implementation plans, guidelines and policies</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>Continue updating and distributing the Santa Cruz County Bikeways Map</td>
<td>Updated bikeways map</td>
<td>06/28/19</td>
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WORK ELEMENT NUMBER 621  Elderly & Disabled & Americans with Disabilities Act

Agency: SCCRTC  Project Manager: Grace Blakeslee, Sr. Transportation Planner  Total Budget: $64,158

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

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% Federal  0%

Project Description
To plan and coordinate the delivery of transportation services to the elderly and persons with disabilities, and to achieve economies of scale among human service and transportation agencies. Additionally, this work element identifies the transportation needs of traditionally underserved groups (elderly, persons with disabilities, persons of color, and low-income) and assesses the adequacy of the transportation system to meet those needs.

Project Product(s)
Agenda packets and minutes of the Elderly and Disabled Transportation Advisory Committee
Inclusion of transportation needs of elderly and disabled into transportation planning and programming efforts and documents

Federally Eligible Task
Proposed Expenditure of Federal Funding (PL/FTA 5303)
Administer and conduct Elderly and Disabled Transportation Advisory Committee meetings
0%

Previous Accomplishments
SCCRTC works with AMBAG and other regional and local partner agencies to update the Coordinated Public Transit Human Services Transportation Plan. The Committee established the Pedestrian Safety Work Group to better address accessible pedestrian planning. SCCRTC holds E&D Transportation Advisory Committee meetings regularly to coordinate with public transit operators and social service providers. The RTC continues to work to implement the planning efforts of the report titled “Safe Paths of Travel: Projects, Results and Continuing Efforts” funded by an Environmental Justice Planning grant through Caltrans. In FY 2015-16, the Committee, RTC and staff successfully conducted an extensive effort to maintain Committee positions filled. In FY 2016-17, the Committee completed a safety brochure on what pedestrians and bicyclists want each other to know.

Step | Description                                                                 | Deliverables                                      | Completion Date |
-----|-----------------------------------------------------------------------------|---------------------------------------------------|-----------------|
1    | Provide staff support to the E&D Transportation Advisory Committee         | Agenda, agenda packet and minutes                  | 06/28/19        |
2    | Implement the accessible pedestrian planning program through the Pedestrian Safety Work Group (subcommittee) | Annual report summarizing activities               | 06/28/19        |
3    | Continue to coordinate with local public, private, and non-profit entities involved in providing specialized transportation, including Community Bridges, the Volunteer Center, SCMTD and its Metro Advisory Committee (MAC) to ensure that all planning documents incorporate the needs of the elderly, disabled and low income communities. | Phone calls, meetings, reports and presentations   | 06/28/19        |
<table>
<thead>
<tr>
<th></th>
<th>Task</th>
<th>Deliverables</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Work with the E&amp;D Transportation Advisory Committee to conduct outreach to the elderly, disabled and low income communities in the region on transportation needs to be included in RTP, MTP, RTIP and FTIP.</td>
<td>Public meetings, outreach materials, reports and presentations</td>
<td>06/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Update the Guide for Specialized Transportation and provide other public information materials on transportation planning and programming for specialized transportation</td>
<td>Updated public information materials</td>
<td>06/28/19</td>
</tr>
<tr>
<td>6</td>
<td>Review project plans to ensure consistency with Regional Transportation Plan policies for improved access to elderly and disabled individuals.</td>
<td>Project summaries and comments</td>
<td>06/28/19</td>
</tr>
<tr>
<td>7</td>
<td>Update the Coordinated Public Transit Human Service Transportation Plan</td>
<td>Updated plan</td>
<td>06/28/19</td>
</tr>
<tr>
<td>8</td>
<td>Work to ensure that transportation planning and programming at all levels in the region consider and incorporate the needs of the elderly, disabled and low income communities</td>
<td>Improved planning and programming documents</td>
<td>06/28/19</td>
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</table>
**WORK ELEMENT NUMBER 622**

**Transportation Planning for the Region**

**Agency:** SCCRTC  
**Project Manager:** Ginger Dykaar, Senior Transportation Planner  
**Total Budget:** $252,291  
Grace Blakeslee, Senior Transportation Planner

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<td><strong>TOTAL</strong></td>
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</table>

| % Federal   | 0%         |

**Project Description**

The focus of this work element is implementation of the existing transportation plans for the region - the 2040 Regional Transportation Plan (RTP) for Santa Cruz County and the 2040 Metropolitan Transportation Plan (MTP)/Sustainable Communities Strategy. This work element also includes modifications, updates and amendments that may be necessary to the existing plans and coordination with local and regional agencies to begin the production of the next set of transportation plans with possibly a 2045 horizon year. Additionally, rules regarding regional transportation planning established by the federal transportation acts, will continue to be implemented. This work element also includes working with local jurisdictions to ensure that regional transportation policies and projects are included in local jurisdiction planning activities. Staff will also continue work on incorporating sustainability into all transportation planning documents and activities for the region.

**Project Product(s)**

Completion and implementation of the 2040 RTP and 2040 MTP/SCS

Initiate updates to the 2040 RTP and 20140 MTP/SCS to produce the 2045 RTP and 2045 MTP/SCS

**Federally Eligible Task**

Proposed Expenditure of Federal Funding (PL/FTA 5303)

Update the Metropolitan Transportation Plan (MTP) to produce a 2045 MTP  

0%

**Previous Accomplishments**

SCCRTC worked with AMBAG and regional partners to complete the 2035 MTP/SCS and the 2014 RTP, which includes sustainability considerations and significant outreach to the community. In FY's 2015-16, 2016-17 and 2017-18 RTC worked with AMBAG and other agencies to develop the 2040 RTP and 2040 MTP/SCS including environmental review, project lists, funding projections, and sustainability analysis for the plans.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverable</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Work with other entities in the region on long-range transportation planning activities within the region, including timelines, public participation efforts, updated project costs and revenue estimates, environmental documentation, and other efforts that may produce economies of scale in the production of the 2045 RTP and 2045 MTP/SCS</td>
<td>Components of RTP and MTP/SCS</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Work with AMBAG, local jurisdictions, the public and other entities in the region to advance the goals, policies, and targets of the 2040 RTP and 2040 MTP/SCS including safety improvements and greenhouse gas emission reductions. Monitor performance of SCC to advance sustainability targets where feasible given limited data availability.</td>
<td>Performance monitoring where feasible.</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Implement a comprehensive public participation and outreach program for implementation of the 2040 MTP/SCS and 2040 RTP that may include public events, public meetings, printed materials, website information, public surveying, bilingual outreach, Facebook posts, email distributions, media releases, radio, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Continue to participate in Caltrans system planning activities including the California Transportation Plan, Strategic Highway Safety Plan, California Freight Mobility Plan, Interregional Transportation Strategic Plan, District 5 System Management Plan, Transportation Concept Reports, and Ramp Metering Development Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Continue to work with AMBAG, Caltrans and local agencies to implement the RTP’s and MTP’s projects, policies, sustainability and safety goals through the various planning and capital improvement programming actions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Working with local jurisdictions, AMBAG, and other partner agencies, identify and document transportation projects and programs required to meet regional and interregional goals, policies and targets including mobility, access, safety, maintenance, and greenhouse gas emission reductions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Study potential new transportation revenue sources to decrease the funding shortfalls and help to implement the projects in the MTP and RTP, including vehicle registration fees and countywide development impact fee programs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Work with Caltrans and AMBAG on implementing regional planning and transportation safety requirements enacted through the federal transportation acts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Apply the Sustainable Transportation Analysis and Rating System (STARS) process to the implementation and updates of the MTP and RTP to ensure a more sustainable transportation planning process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Ensure consistency between the MTP and RTP with other transportation planning documents in the region such as general plans, active transportation plans, climate action plans, etc. to ensure that all other planning documents that include transportation are consistent with the MTP.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Ensure that projects proposed for federal, state or local funding are consistent with the MTP and RTP.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 06/28/19 |
| Planned materials that may include email distributions, website updates, Facebook posts, surveys, media releases, including outreach to Spanish speaking population. |
| 06/28/19 |
| Programming documents that reflect MTP and RTP policies, goals and priorities. |
| 06/28/19 |
| Phone calls, emails, meetings, outreach materials. |
| 06/28/19 |
| Analysis of revenue source options. |
| 06/28/19 |
| Planning documents consistent with federal requirements. |
| 06/28/19 |
| STARS analysis of MTP and RTP. |
| 06/28/19 |
| Planning documents consistent with MTP and RTP. |
| 06/28/19 |
| Programming documents consistent with MTP and RTP. |
| 06/28/19 |
| Regional and state planning documents coordinated with local plans. |
WORK ELEMENT NUMBER 641  
Transportation Improvement Programs (TIP)

Agency: SCCRTC  
Project Manager: Rachel Moriconi, Senior Transportation Planner  
Total Budget: $285,487

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount ($)</th>
<th>Change</th>
<th>Source</th>
<th>Amount ($)</th>
<th>Change</th>
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<tr>
<td>Contractual</td>
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<td>STIP</td>
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<td></td>
<td></td>
<td>Local</td>
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<td>TOTAL</td>
<td>285,487</td>
<td>0</td>
<td>TOTAL</td>
<td>285,487</td>
<td>0</td>
</tr>
</tbody>
</table>

% Federal 0%

Note: Contractual work under this work element is paid for by local funds and is for assistance with the analysis of programming criteria or potential development of funding sources.

Project Description

Administer and monitor federal aid funding programs whose projects are included in the federal transportation improvement program, including programs identified in FAST Act such as the Surface Transportation Block Grant Program (formerly RSTP) and Transportation Alternatives Program (TAP), Highway Safety Improvement Program (HSIP), National Highway Performance Program (NHPP), and Federal Lands Access Program; as well as the State Transportation Improvement Program (STIP) and other funding programs identified in Senate Bill 1 including the Local Partnership Program (LPP,) Active Transportation Program (ATP) and Solutions for Congested Corridors Program (SCCP.) This includes the production, maintenance and amendments of programming documents required for federally funded and regionally significant projects. The work also includes assisting project sponsors with compliance of requirements to receive the funds and deliver the federally funded and regionally significant projects. This work element also includes leveraging federal funds to secure any required match and funding from other sources to deliver as many regionally significant transportation projects as possible. Produce and implement the Regional Transportation Improvement Program (RTIP) to secure State Transportation Improvement Program (STIP) funds for federally funded and regionally significant projects to ensure delivery of as many regionally significant projects as possible that are included in the Metropolitan Transportation Plan (MTP) and the Metropolitan Transportation Improvement Program (MTIP). Work with regional and state partners on appropriate implementation of the federal transportation act. FAST Act. in California and the Road Repair and Accountability Act of 2017 (SB 1.)

Project Product(s)

FY 2016/17 to FY 2019/20 Metropolitan Transportation Improvement Program (MTIP) updates and amendments

Funding applications and decisions for Surface Transportation Block Grant Program funds and other funding sources

Amendments to the 2018 Regional Transportation Improvement Program and State Transportation Improvement Program

Initiate preparation of the 2020 Regional Transportation Improvement Program and State Transportation Improvement Program

Federally Eligible Task

Production and maintenance of the MTIP and other programming documents to secure funding and delivery of federally funded and regionally significant projects.

Implementation, administration and monitoring of federal aid funding programs

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Prepare, amend and maintain the Regional Transportation Improvement Program (RTIP) to ensure full funding and delivery of projects in the MTP/SCS and MTIP</td>
<td>Initial materials and timeline</td>
<td>06/28/19</td>
</tr>
</tbody>
</table>
Prepare application and programming documents for Surface Transportation Block Grant Program (aka RSTP) and State Transportation Improvement Program (STIP) funds

Solicit and receive project applications for the Surface Transportation Block Grant Program (aka RSTP) and State Transportation Improvement Program (STIP)

Review and evaluate project proposals for the RTIP including their potential to improve safety of the transportation system; produce draft programming recommendations and program funds

Work with AMBAG to prepare amendments to the MTIP and any supporting programming documents such as the RTIP and STIP as needed

Coordinate with AMBAG, Caltrans and other entities as needed on all Federal Transportation Improvement Program (FTIP) amendments and amendments of other programming documents such as the Regional Transportation Improvement Program and the State Transportation Improvement Program (STIP) that impact the FTIP

Conduct planning and project activities (including corridor studies, project initiation documents and other transportation planning studies) to identify and develop candidate projects for the Federal Transportation Improvement Program (FTIP) and Regional Transportation Improvement Program (RTIP)

Monitor the state and federal transportation budgets and work with Caltrans and the California Transportation Commission on obtaining funding for federally funded and regionally significant projects included in the FTIP, STIP, RTIP, and MTP/RTP

Monitor federal actions with regard to federal transportation act reauthorization, implementation, extensions and appropriations to ensure full funding and delivery of projects in the MTP and MTIP

Program funds for projects through federal and state funding programs that provide funding for regionally significant projects included in the MTIP such as the State Transportation Improvement Program (STIP) and the Surface Transportation Block Grant Program (aka RSTP)

Monitor the implementation of STBG, STIP, HSIP, TAP, NHPP, HBIP, Earmark, and other federally-funded projects, with an emphasis on project delivery, timely use of funds and compliance with all Federal and state laws and California Transportation Commission guidelines to ensure delivery of federally funded and regionally significant projects

Streamline delivery of qualifying and approved regionally significant projects, exchange federal RSTP/STBG funds for State funds through the State’s STP Exchange program

Assist local agencies in filing and monitoring funding allocation requests

Work with AMBAG and Caltrans to monitor both major and minor state highway projects and to fulfill project monitoring and project delivery responsibilities

Work with AMBAG, counterpart regional agencies, Caltrans and the California Transportation Commission (CTC) on the development of implementation policies and procedures for federal and state funding programs, including those under SB 1.

Prepare state and federally-mandated information and reports for AMBAG, Caltrans, FHWA, and the CTC

Monitor development of performance measures as part of FAST Act implementation to maximize efficiency of implementation of the MTP and MTIP

Implement a comprehensive public participation and outreach program for production of the various programming documents and funding decisions that includes public workshops, public meetings, printed materials, web site information, public surveying, segments of the Transportation Cafe television program, bilingual outreach, social media, media releases, radio, etc.

State and federal transportation budget information materials and reports

Materials and reports, teleconferences phone calls

Transportation improvement program documents

Communications with project sponsors

Reports, resolutions, and agreements

Allocation requests

Communications with partner agencies

Improved funding procedures

Reports

Reports, communications with state and federal agencies

Outreach materials including materials in Spanish and to traditionally underrepresented communities
<table>
<thead>
<tr>
<th>No</th>
<th>Task</th>
<th>Contact Person</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Investigate and evaluate the feasibility of a county wide development impact fee for regional transportation projects</td>
<td>Communications with partner agencies</td>
<td>06/28/19</td>
</tr>
<tr>
<td>20</td>
<td>Work with local agencies, regional agencies, Caltrans and the California Transportation Commission to ensure full compliance with requirements of SB 1 funding sources and maximize the Santa Cruz County benefits from SB 1 funding</td>
<td>Communications with partner agencies</td>
<td>06/28/19</td>
</tr>
</tbody>
</table>
WORK ELEMENT NUMBER 682  
Rail/Trail Authority (SCCRTC)

Agency: SCCRTC  
Project Manager: Luis Pavel Mendez, Deputy Director  
Total Budget: $2,658,332

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

<table>
<thead>
<tr>
<th>Category</th>
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<td>#REF!</td>
<td>RSTPX</td>
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<td>Services &amp; Supplies</td>
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<td>1,727,832</td>
<td>Local</td>
<td>175,000</td>
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<td>Contingency</td>
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<td>Reserves</td>
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<td>TOTAL</td>
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<td>TOTAL</td>
<td>2,658,332</td>
<td>0</td>
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</tbody>
</table>

Project Description
This work element involves management and development of the Santa Cruz Branch Rail Line right-of-way and planning for improved future uses. The Regional Transportation Commission, through partnership with a rail service operator has instituted seasonal recreational passenger rail service and will consider other recreational service possibilities. The possibility of potential bicycle and pedestrian paths using the right-of-way adjacent to the rail line is shown within the bicycle pedestrian projects work element.

Project Product(s)
SCCRTC meeting materials; Implementation plans for recreational rail service; agreements with operators; leases

Other Task (nonfederal)
Ownership and management of Santa Cruz Branch Rail Line right-of-way and infrastructure and its operation

Previous Accomplishments
In FY 2012-13, the SCCRTC completed the purchase of the Santa Cruz Branch Rail Line from Union Pacific and selected Santa Cruz & Monterey Bay Railway (a company of Iowa Pacific Holdings) to operate freight and recreational passenger service. Working with SCCRTC and the community, SC&MB Railway operates tourist train service for the Christmas holiday and provides freight service. In FY 2014-15, the RTC completed rehabilitation work on four bridges, including reconstruction of the La Selva Beach trestle. In FY 2016-17, a supermajority of Santa Cruz County voters approved Measure D, which will provide funding for preservation of the rail infrastructure. In FY 2017-18, the RTC worked with the Federal Emergency Management Agency (FEMA) to initiate repairs for damage sustained during the 2016-17 winter storms. In FY 2017-18, the RTC also worked to secure a new rail service operator for the Santa Cruz Branch Rail Line and implement a preventative maintenance program.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Establish contracts and systems to effectively, efficiently and reliably operate the freight service, maintain the rail line and manage the ownership of the property</td>
<td>Service contracts, leases, property management policies</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Investigate lease possibilities, update old leases and secure new leases</td>
<td>Updated leases</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Coordinate operation of the Santa Cruz Branch Rail Line, including current and future uses, with operators, shippers, partner agencies and local jurisdictions</td>
<td>Operation agreements</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>Activity</td>
<td>Priority Area</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>4</td>
<td>Work with rail service operators on the development of additional recreational rail service throughout the entire rail line</td>
<td>Rail service plan and implementation</td>
<td>06/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Seek planning grants funds for the production of feasibility studies and implementation plans for various types of passenger and transit service on the Santa Cruz Branch Rail Line; work done with grants from successful applications may be done under separate work elements.</td>
<td>Grant applications</td>
<td>06/28/19</td>
</tr>
<tr>
<td>6</td>
<td>Guide consultant and contractor work on the rehabilitation of structures and repair and maintenance of railroad infrastructure of the Santa Cruz Branch Rail Line in cooperation with the rail operator and local jurisdictions</td>
<td>Meetings, agendas, minutes, phone calls</td>
<td>06/28/19</td>
</tr>
<tr>
<td>7</td>
<td>Seek funding for other necessary improvements to the Santa Cruz Branch Rail Line in cooperation with the rail operator and other regional partners</td>
<td>Funding applications and requests</td>
<td>06/28/19</td>
</tr>
<tr>
<td>8</td>
<td>Review and participate in the production of the State Rail Plan and regional rail service efforts that could benefit Santa Cruz County travelers</td>
<td>Plan production materials and State Rail Plan</td>
<td>06/28/19</td>
</tr>
<tr>
<td>9</td>
<td>Continue to work with the Transportation Agency for Monterey County, the Coast Rail Coordinating Council, Caltrain, AMTRAK and Caltrans Division of Rail to support the establishment of a rail station at the Pajaro station for any new or expanded rail passenger service on the coast mainline</td>
<td>Meetings, phone calls, email, reports, presentations</td>
<td>06/28/19</td>
</tr>
</tbody>
</table>
**Project Description**

This work element is for the planning work necessary to maintain and improve the roadway and highway system for efficient movement of people and goods. The work includes participation and coordination with Caltrans on the State Highway Operations and Protection Program, Project Initiation Documents, and any other planning documents and efforts to improve the operation and safety of the state highway system. The work also includes participation with local jurisdictions and other partner agencies in their planning efforts to maintain and improve the operation and safety of the highway and roadway system and intersections of the system. This element also includes working with Caltrans, AMBAG and other regional agencies on the effective movement of goods into, out of and through Santa Cruz County.

**Project Product(s)**

SR 1 Transportation Concept Report, Highway 17 Wildlife corridor planning, coordinated State Highway Operations and Protection Program (SHOPP),
Improved operation, safety and mobility on the region's highway and roadway system

**Federally Eligible Task**

Work with Caltrans and local jurisdictions and other entities on planning for improved roadways and highways

**Proposed Expenditure of Federal Funding (PL/FTA 5303)**

0%

**Previous Accomplishments**

Working with Caltrans and other local an regional partners, the Highway 17 Access Management Plan was completed and presented by Caltrans to the community and the RTC. A transportation concept report for State Route 1 was also completed.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Work with Caltrans and local agencies on the development of the State Highway Operation and Protection Program (SHOPP) to ensure that well in advance of its drafting the regional and interregional safety and mobility needs of the Santa Cruz County highway system are considered for inclusion in the draft document. This includes coordination with Caltrans and the Interagency Technical Advisory Committee at meetings and other communications means.</td>
<td>Communications with partner agencies and information materials, coordinated SHOPP</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Work with partner agencies on preparation and update of a regional road assessments to establish roadway funding needs and priorities for inclusion in programming documents.</td>
<td>Regional roads assessment and updates</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Prepare public information materials in English and Spanish regarding highway and roadway needs and priorities and to communicate to decision makers and the public the need for funding these priorities.</td>
<td>Public information materials, reports and presentations</td>
<td>06/28/19</td>
</tr>
<tr>
<td>4</td>
<td>Work with Caltrans, the CHP and other transportation partners through the Traffic Operation Systems (TOS) Oversight Committee and Safe on 17 Task Force to identify safety, mobility and operations needs, priorities and improvements for inclusion in planning and programming documents.</td>
<td>Communications with partner agencies and meetings</td>
<td>06/28/19</td>
</tr>
<tr>
<td>Work with Caltrans and other partners to implement the State Route 17 Access Management Plan and communicated to the public the efforts and progress of implementation.</td>
<td>Inclusion of State Route 17 Access Management Plan elements in funding efforts, public outreach materials</td>
<td>06/28/19</td>
<td></td>
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<tr>
<td>---</td>
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</tr>
<tr>
<td>Work with Caltrans, resource agencies and local partners to produce a plan, which identifies strategies that preserve and enhance this critical transportation link while preserving and enhancing the critical habitat in the region.</td>
<td>Meetings, communications, Feasibility Study, Modeling, and concept report</td>
<td>06/28/19</td>
<td></td>
</tr>
<tr>
<td>In cooperation with Caltrans and other regional partners, review and participate in the production in corridor studies to help ensure consistency with the Regional Transportation Plan</td>
<td>Meeting materials, communications and Concept Reports for state highways</td>
<td>06/28/19</td>
<td></td>
</tr>
<tr>
<td>Work with Caltrans, the County of Santa Cruz, and the public to identify priorities for the Highway 9 Corridor</td>
<td>Meeting materials, communications and documentation of multimodal needs on SR9</td>
<td>06/28/19</td>
<td></td>
</tr>
<tr>
<td>Work with METRO and other local and regional agencies to conduct a study to identify opportunities to operate transit service on freeway shoulders.</td>
<td>Meeting materials, communications, and report of Transit on Shoulders in Santa Cruz County</td>
<td>06/28/19</td>
<td></td>
</tr>
<tr>
<td>Review and participate in planning efforts associated with the California Transportation Plan, California Freight Mobility Plan, the Caltrans District 5 System Management Plan, Transportation Concept Reports, Ramp Metering Development Plan and Central Coast Coalition products.</td>
<td>Meetings, communications, reports and coordinated state and regional plans</td>
<td>06/28/19</td>
<td></td>
</tr>
<tr>
<td>Work with Caltrans and local agencies to develop and implement strategies of the Strategic Highway Safety Plan (SHSP) appropriate to Santa Cruz County and investigate the possibility of developing a dedicated transportation safety plan for</td>
<td>Safety strategies, communications and reports</td>
<td>06/28/19</td>
<td></td>
</tr>
<tr>
<td>Work with Caltrans, the Land Trust of Santa Cruz County and other transportation partners to develop plans for improved motorist safety and wildlife protection along Highway 17.</td>
<td>Meeting materials and communications with partner agencies.</td>
<td>06/28/19</td>
<td></td>
</tr>
<tr>
<td>Work with Caltrans, local and regional agencies to ensure that requirements of SB 1 for highway and roadway planning and improvement are fully met and well coordinated</td>
<td>Meeting materials and communications with partner agencies.</td>
<td>06/28/19</td>
<td></td>
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</table>
WORK ELEMENT NUMBER 684
Highway 1 Corridor Investment Program (SCCRTC)

Agency: SCCRTC  Project Manager: Sarah Christensen, Senior Transportation Engineer  Total Budget: $5,111,437

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019

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<tr>
<th>EXPENDITURES</th>
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</tr>
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<td></td>
<td>5,111,437</td>
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<tr>
<td>TOTAL</td>
<td>5,111,437</td>
</tr>
</tbody>
</table>

| % Federal | 0% |

Project Description
SCCRTC is responsible for tasks including the implementation of the Project Approval/Environmental Documents (PA/ED) phase for the Highway 1 Corridor Investment Program, which includes HOV Lanes and bicycle and pedestrian crossings. Through this investment program the SCCRTC will produce a tiered environmental document with project level environmental review for auxiliary lanes between 41st Avenue and Soquel Drive and a bicycle and pedestrian overcrossing at Chanticleer. The remainder of the corridor will be analyzed at a programmatic level to assist with future investments on sections of the corridor. The RTC will also produce environmental review and design for a bicycle and pedestrian over crossing at Mar Vista and auxilliary lanes in other segments of the freeway.

Project Product(s)
Tiered environmental documents for the Highway 1 Corridor Investment Program and a project level analysis for the Highway 1 41st-Soquel Auxiliary Lanes project, and preliminary design/environmental analysis for the Mar Vista Pedestrian/Bicycle Crossing of Highway 1 and other auxilliary lane segments.

Other Task
Project Approval/Environmental Documents (PA/ED) for the Highway 1 Corridor Investment Program and the Highway 1 41st-Soquel Auxiliary Lanes project

Previous Accomplishments
In FY 2015-16, the RTC released the draft tiered environmental documents for the Highway 1 Corridor Investment Program and the 41st Avenue to Soquel Drive auxiliay lanes. In FY 2016-17 and FY 17-18, the project team worked to update technical studies and prepare responses to more than 900 comments. In FY 2016-17, the RTC secured consultant services to initiate the preliminary design and environmental documents for the Highway 1 Mar Vista bicycle and pedestrian overcrossing. In addition, in FY 2016-17, a supermajority of Santa Cruz County voters approved Measure D, which will provide funding for highway projects.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Guide the consultant work, in cooperation with the Project Development Team, Caltrans, local, and regional agencies on the completion of the tiered environmental documents for the Highway 1 Corridor Investment Program and the 41st to Soquel auxiliary lanes and continue work on preliminary design and environmental analysis on the Mar Vista Pedestrian/Bicycle Crossing of Highway 1.</td>
<td>Meetings, agendas, minutes</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Guide the consultant work in cooperation with project partners to complete the preliminary design and environmental analysis on the Mar Vista Pedestrian/Bicycle Crossing of Highway 1.</td>
<td>Technical studies, preliminary design &amp; environmental document</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Document Type</td>
<td>Date</td>
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<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>3</td>
<td>Participate in the Project Development Team (PDT) oversight</td>
<td>Communication with team members</td>
<td>06/28/19</td>
</tr>
<tr>
<td>4</td>
<td>Coordinate with Caltrans and the consultant team to meet all funding and</td>
<td>Reports, invoices</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>project reporting requirements and ensure designs and environmental</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>documents meet state requirements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Release requests for proposals and select consultants for various environmental review and design work activities</td>
<td>Public meetings, outreach materials in English and Spanish</td>
<td>06/28/19</td>
</tr>
<tr>
<td>6</td>
<td>Initiate environmental design work for the Tier 2 project - Highway 1</td>
<td>RFP's, consultant contracts</td>
<td>06/28/19</td>
</tr>
<tr>
<td></td>
<td>41st Avenue to Soquel Drive auxiliary lanes and bicycle and pedestrian</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>overcrossing</td>
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**WORK ELEMENT NUMBER 801 Measure D Implementation**

**Agency:** SCCRTC  
**Project Manager:** Rachel Moriconi, Senior Transportation Planner  
**Total Budget:** $20,105,705  
**Luis Pavel Mendez, Deputy Director**

**ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2018-2019**

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<th>Source</th>
<th>Amount ($)</th>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>20,105,705</strong></td>
<td><strong>0</strong></td>
<td><strong>TOTAL</strong></td>
<td><strong>20,105,705</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

**Project Description**

SCCRTC is responsible for implementing the local voter approved Measure D. This includes receiving funds from the 1/2-cent transactions and use tax and distributing those funds to the cities, the county, SC Metro and Community Bridges. The RTC will also program some of the Measure D funds to projects and be responsible to ensure that those projects get delivered in accordance with Measure D. The RTC will also establish an oversight community and fully account for the funds in accordance with the voter approved measure.

**Project Product(s)**

Agreements with local agencies and project sponsors, annual reports, audit reports, 5 year implementation plans and updates, 30-year implementation plan and updates

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Receive funds from State BOE, distribute the funds to local agencies and projects in accordance with Measure D and RTC policies and decisions</td>
<td>Payments received and issued</td>
<td>06/28/19</td>
</tr>
<tr>
<td>2</td>
<td>Produce estimates of overall funding available and the formula distributions to each category of projects and implementing entity</td>
<td>Fund estimates</td>
<td>06/28/19</td>
</tr>
<tr>
<td>3</td>
<td>Secure and manage consultant services to analyze funds receipts and produce reports and audit the use of the funds</td>
<td>Requests for proposals, contracts</td>
<td>06/28/19</td>
</tr>
<tr>
<td>4</td>
<td>Produce and implement outreach plan to inform voters on the use Measure D funds</td>
<td>Public outreach plan, including Spanish outreach</td>
<td>06/28/19</td>
</tr>
<tr>
<td>5</td>
<td>Produce, maintain and update agreements with local agencies for funding allocations</td>
<td>Funding agreements</td>
<td>06/28/19</td>
</tr>
<tr>
<td>6</td>
<td>Produce and publish annual reports and audit reports per Measure D</td>
<td>Reports</td>
<td>06/28/19</td>
</tr>
<tr>
<td>7</td>
<td>Prepare and update 5-year and 30-year implementation plans consistent with the approved Measure D and the approved Expenditure Plan included in the measure</td>
<td>Implementation plans</td>
<td>06/28/19</td>
</tr>
<tr>
<td>8</td>
<td>Establish policies and guidelines and update them as necessary to ensure sound implementation of Measure D</td>
<td>Guidelines and policies</td>
<td>06/28/19</td>
</tr>
<tr>
<td>9</td>
<td>Establish, staff and maintain citizens oversight committee in accordance with Measure D</td>
<td>Oversight committee, agendas, minutes</td>
<td>06/28/19</td>
</tr>
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</table>
## Fiscal Year 2018-19 SCCRTC Work Program Funding Summary

<table>
<thead>
<tr>
<th>RPA</th>
<th>STIP</th>
<th>FTA Sec 5304</th>
<th>Local</th>
<th>Caltrans FSP</th>
<th>RTC SAFE</th>
<th>MTC SAFE</th>
<th>Active Transportation</th>
<th>Measure D</th>
<th>STBG</th>
<th>RSTPX</th>
<th>TOTAL</th>
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<td>WE101</td>
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<td>WE102</td>
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<td>109,544</td>
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<tr>
<td>WE177</td>
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<td>175,008</td>
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<td>313,300</td>
<td>50,000</td>
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<td>388,300</td>
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<td>50,000</td>
<td>438,900</td>
<td>60,000</td>
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<tr>
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<td></td>
<td>95,000</td>
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<tr>
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<td>390,863</td>
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<td>252,936</td>
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<tr>
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<td>154,000</td>
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<td>3,089,250</td>
<td>208,535</td>
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<td>3,731,785</td>
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<td>64,158</td>
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<td>252,291</td>
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<td>285,487</td>
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<tr>
<td>WE682</td>
<td></td>
<td></td>
<td>237,768</td>
<td></td>
<td></td>
<td></td>
<td>1,860,500</td>
<td>560,064</td>
<td></td>
<td></td>
<td>2,658,332</td>
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<td>22,316</td>
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<td>85,297</td>
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<td>WE684</td>
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<td></td>
<td>80,000</td>
<td>1,750,000</td>
<td>1,031,437</td>
<td></td>
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<td></td>
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<td>5,111,437</td>
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<tr>
<td>WE801</td>
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<td></td>
<td>20,105,705</td>
<td></td>
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<td>20,105,705</td>
</tr>
</tbody>
</table>

**TOTAL**  
341,666 | 2,425,000 | 90,000 | 2,037,602 | 248,975 | 385,300 | 50,000 | 280,000 | 25,802,063 | 2,188,900 | 1,860,036 | 35,709,542
|   | WE 101 | WE 102 | WE 112 | WE 113 | WE 177 | WE 178 | WE 260 | WE 609 | WE 611 | WE 614 | WE 615 | WE 621 | WE 622 | WE 641 | WE 682 | WE 683 | WE 684 | WE 801 |
| 1 | Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency. | X | X | X | X | X | X | X | X | X | X |
| 2 | Increase the safety of the transportation system for motorized and non-motorized users. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 3 | Increase the security of the transportation system for motorized and non-motorized users. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 4 | Increase the accessibility and mobility of people and for freight. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 5 | Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 6 | Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 7 | Promote efficient system management and operation. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 8 | Emphasize the preservation of the existing transportation system. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 9 | Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater and reduce or mitigate stormwater impacts of surface transportation. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 10 | Enhance travel and tourism. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |

Note: This table indicates which work program elements contribute to the overall goal of the particular federal MAP-21/FAST Act planning factors.
## SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
### TDA REVENUE REPORT
#### FY 2017-2018

<table>
<thead>
<tr>
<th>MONTH</th>
<th>FY16 - 17 ACTUAL REVENUE</th>
<th>FY17 - 18 ESTIMATE REVENUE</th>
<th>FY17 - 18 ACTUAL REVENUE</th>
<th>DIFFERENCE</th>
<th>DIFFERENCE AS % OF PROJECTION</th>
<th>CUMULATIVE % OF ACTUAL TO PROJECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>JULY</td>
<td>629,500</td>
<td>637,054</td>
<td>583,500</td>
<td>-53,554</td>
<td>-8.41%</td>
<td>91.59%</td>
</tr>
<tr>
<td>AUGUST</td>
<td>839,400</td>
<td>849,473</td>
<td>778,000</td>
<td>-71,473</td>
<td>-8.41%</td>
<td>91.59%</td>
</tr>
<tr>
<td>SEPTEMBER</td>
<td>872,266</td>
<td>882,733</td>
<td>1,146,538</td>
<td>263,805</td>
<td>29.89%</td>
<td>105.86%</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>657,500</td>
<td>665,390</td>
<td>665,500</td>
<td>110</td>
<td>0.02%</td>
<td>104.58%</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>876,700</td>
<td>887,220</td>
<td>887,300</td>
<td>80</td>
<td>0.01%</td>
<td>103.54%</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>813,479</td>
<td>823,241</td>
<td>959,017</td>
<td>135,776</td>
<td>16.49%</td>
<td>105.79%</td>
</tr>
<tr>
<td>JANUARY</td>
<td>632,900</td>
<td>646,849</td>
<td>655,100</td>
<td>8,251</td>
<td>1.28%</td>
<td>105.25%</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>843,800</td>
<td>862,431</td>
<td>873,500</td>
<td>11,069</td>
<td>1.28%</td>
<td>104.70%</td>
</tr>
<tr>
<td>MARCH</td>
<td>911,051</td>
<td>781,837</td>
<td>855,723</td>
<td>73,886</td>
<td>9.45%</td>
<td>105.23%</td>
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<tr>
<td>APRIL</td>
<td>626,200</td>
<td>572,496</td>
<td>564,300</td>
<td>-8,196</td>
<td>-1.43%</td>
<td>104.73%</td>
</tr>
<tr>
<td>MAY</td>
<td>834,900</td>
<td>763,397</td>
<td>854,103</td>
<td>90,706</td>
<td>11.88%</td>
<td>105.38%</td>
</tr>
<tr>
<td>JUNE</td>
<td>563,619</td>
<td>814,337</td>
<td></td>
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<tr>
<td>TOTAL</td>
<td>9,101,315</td>
<td>9,186,458</td>
<td>8,822,581</td>
<td>450,460</td>
<td>4.90%</td>
<td>96%</td>
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</table>

**Note:**

I:\FISCAL\TDA\MonthlyReceipts\FY2018\[FY2018 TDA Receipts.xlsx]FY2017
## SCCRTC

**TRANSPORTATION TAX REGIONAL TRANSPORTATION FUND (TTTRF) - MEASURE D**

**SUMMARY OF REVENUE ALLOCATION BY MONTH**

**FY2018 ENDING JUNE 30, 2018**

### Key/Object

<table>
<thead>
<tr>
<th>Key/Object</th>
<th>Rate</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>O/H Adjust*</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross</td>
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<td>1,146,700.00</td>
<td>1,529,000.00</td>
<td>2,455,209.00</td>
<td>2,313,000.00</td>
<td>1,642,200.00</td>
<td>2,262,704.32</td>
<td>0.00</td>
<td>1,311,200.00</td>
<td>1,748,300.00</td>
<td>2,254,880.53</td>
<td>1,261,700.00</td>
<td>2,047,592.15</td>
<td>19,291,367.28</td>
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</tr>
<tr>
<td>BOE Fees</td>
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<td>729000/4018</td>
<td>128000/4018</td>
<td>2455390.20</td>
<td>2313700.00</td>
<td>1642200.00</td>
<td>2262704.32</td>
<td>0.00</td>
<td>1311200.00</td>
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<td>2254880.53</td>
<td>1261700.00</td>
<td>2047592.15</td>
<td>19,291,367.28</td>
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<tr>
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<td>1,146,700.00</td>
<td>1,529,000.00</td>
<td>2,440,807.20</td>
<td>2,313,000.00</td>
<td>1,642,200.00</td>
<td>2,262,184.32</td>
<td>0.00</td>
<td>1,311,200.00</td>
<td>1,748,300.00</td>
<td>2,204,360.53</td>
<td>1,261,700.00</td>
<td>1,990,612.15</td>
<td>19,082,337.28</td>
<td></td>
</tr>
</tbody>
</table>

### Administration & Implementation - 729000/3233

<table>
<thead>
<tr>
<th>Administration &amp; Salaries &amp; Benefits</th>
<th>1%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
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</table>

### Rail Corridor - Community Bridges - 4%

<table>
<thead>
<tr>
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<th>4%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail Corridor - Community Bridges</td>
<td>333,333.33</td>
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</table>

### Transit/Paratransit - 729000/1231

<table>
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<tr>
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<th>20%</th>
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<tbody>
<tr>
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<td>213,672.52</td>
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### Services & Supplies

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<tr>
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<th>100%</th>
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</thead>
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<tr>
<td>Services &amp; Supplies</td>
<td>46,960.42</td>
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### Summary: Net

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<thead>
<tr>
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<tbody>
<tr>
<td>Summary: Net</td>
<td>1,529,000.00</td>
</tr>
<tr>
<td>Summary: Net</td>
<td>2,440,807.20</td>
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<td>2,262,184.32</td>
</tr>
<tr>
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<tr>
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<td>1,261,700.00</td>
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<tr>
<td>Summary: Net</td>
<td>1,990,612.15</td>
</tr>
<tr>
<td>Summary: Net</td>
<td>19,082,337.28</td>
</tr>
</tbody>
</table>

### Effect of adjusting the overhead (O/H) rate from the estimated 10% to the Caltrans accepted rate of 92%

| Effect of adjusting the overhead (O/H) rate from the estimated 10% to the Caltrans accepted rate of 92% | 19,082,827.28 |

---

*Note: Key/Object rates are listed in July, August, September, October, November, December, O/H Adjust, January, February, March, April, May, June, and Total columns.*
AGENDA:  June 14, 2018

TO:  Regional Transportation Commission (RTC)

FROM:  Rachel Moriconi, Senior Transportation Planner

RE:  Regional Transportation Improvement Program (RTIP) and Budget Amendments

RECOMMENDATION

Staff recommends that the Regional Transportation Commission (RTC) adopt a resolution (Attachment 1) amending the Regional Transportation Improvement Program (RTIP) and RTC budget to:

1. Exchange federal Surface Transportation funds (STBG/RSTP) for state Regional Surface Transportation Program Exchange (RSTPX) funds for previously programmed projects to be implemented in FY18/19, as shown in Attachment 2; and

2. Shift funds between previously programmed projects, as requested by the County of Santa Cruz (Attachment 3).

BACKGROUND

The Regional Transportation Commission (RTC), as the state-designated Regional Transportation Planning Agency (RTPA) for Santa Cruz County, is responsible for selecting projects to receive certain state and federal funds. The Regional Transportation Improvement Program (RTIP) for Santa Cruz County lists transportation projects which have been selected by the RTC to receive those funds. The RTIP is typically adopted every two years. Interim amendments are made as needed.

State law allows smaller regions, including the RTC, to exchange their annual share of federal Surface Transportation Block Grant Program/Regional Surface Transportation Program (STBG/RSTP) funds for state funds. Projects that have already been programmed by the RTC to receive RSTP funds are eligible to request an exchange of these federal funds for the more flexible RSTPX funds. State Exchange funds are subject to fewer requirements and therefore can be useful for expediting project delivery and reducing the cost to implement projects. Upon receipt of requests from local project sponsors, the RTC obligates the funds to specific projects through its annual budget, with projects that will initiate STBG-funded phases of the project within the next twelve months receiving priority.
DISCUSSION

Each year approximately $3 million in state RSTPX is made available to exchange for federal funds previously programmed to projects by the RTC. Notably, Caltrans allocates an additional $225,000 of the region’s annual apportionment of RSTPX funds directly to the County of Santa Cruz for road projects, consistent with an agreement established in the early 1990’s.

RSTPX for Previously Programmed Projects
Staff and project sponsors recommend that the Regional Transportation Commission allocate RSTP Exchange funds for the projects listed in Attachment 2. These projects were previously programmed by the RTC to receive federal Surface Transportation Block Grant Program/Regional Surface Transportation Program (STBG/RSTP) funds and are scheduled for implementation in FY18/19. Consistent with the Commission’s Rules and Regulations, after the Commission approves exchanges, project sponsors can invoice the Commission for the funds within six months of starting their project or upon completion of the project.

Shifting funds between County of Santa Cruz Projects
Due to the high bid environment, the County of Santa Cruz Department of Public Works has requested to shift funds that the RTC previously approved for Summit Road Chip Seal ($87,000), East Cliff Drive Cape Seal ($147,000), and Branciforte Drive Chip Seal ($384,000) to the County’s 2018 Roadway Recycle and Overlay project on Granite Creek Road and Branciforte Drive. The RTC originally approved funding for these projects between 2013-2017. The funds for Summit Road are the balance of funds that were not needed for that project. If the RTC does not approve this request, the County will need to scale back its 2018 Roadway Recycle and Overlay project and is at risk of losing $476,000 in Senate Bill 1 Local Partnership Program funds that were approved by the RTC in December 2017 and allocated by the California Transportation Commission (CTC) in May 2018.

RTIP and Budget Amendments
Staff recommend that the RTC adopt the attached resolution (Attachment 1) amending the Regional Transportation Improvement Program (RTIP) and FY2018/19 RTC Budget (Exhibit A to Attachment 1) to exchanging federal Surface Transportation Block Grant Program (STBG) funds for state RSTPX funds and shift previously approved funds between County of Santa Cruz projects, as shown in Attachments 2 and 3.

The FY18/19 budget amendment also includes new exchange funds anticipated from Caltrans and updated estimates of RSTPX funds carried over from prior years for projects that have not been completed or fully invoiced. Most of the RSTP Exchange funds included in the budget are carried over from prior fiscal years. Projects previously approved for STBG funds that will begin RTC-funded work after June 2019 will be considered for exchange in future RTC budget amendments. The unappropriated balance of RSTPX funds shown in the budget amendment will be
available to those projects once they are ready for implementation.

**SUMMARY**

Caltrans allows the RTC to exchange the region’s share of federal STBG/RSTP funds for state RSTPX funds each year. Staff and project sponsors recommend that the RTC amend the *Regional Transportation Improvement Program* (RTIP) and RTC’s budget to exchange federal funds for state RSTPX for several previously programmed projects that will be implemented in fiscal year 2018/19. Staff further recommends shifting previously approved funds between projects, as requested by the County of Santa Cruz.

Attachments:

1. Resolution
   a. Budget Amendment
2. Projects Recommended to Receive RSTP Exchange Funds
3. County of Santa Cruz Letter requesting to shift funds between projects
RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission
on the date of June 14, 2018
on the motion of Commissioner
duly seconded by Commissioner

A RESOLUTION AMENDING THE
2018 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM
FOR SANTA CRUZ COUNTY AND FISCAL YEAR 2018-19 RTC BUDGET TO EXCHANGE
FEDERAL FUNDS FOR STATE REGIONAL SURFACE TRANSPORTATION PROGRAM
EXCHANGE (RSTPX) FUNDS FOR PREVIOUSLY PROGRAMMED PROJECTS AND
SHIFT PREVIOUSLY APPROVED FUNDS BETWEEN PROJECTS

WHEREAS, the Santa Cruz County Regional Transportation Commission (RTC)
is responsible for programming and monitoring the use of various state and federal
transportation funding sources in the Regional Transportation Improvement
Program, consistent with the Santa Cruz County Regional Transportation Plan
(RTP), state law and guidelines, and in consultation and cooperation with local
project sponsors, Caltrans District 5, and RTC advisory committees;

WHEREAS, the Santa Cruz County Regional Transportation Commission has
entered into an agreement with Caltrans to exchange the region’s share of federal
Surface Transportation Block Grant Program/Regional Surface Transportation
Program (STBG/RSTP) funds for state funds (Regional Surface Transportation
Program Exchange (RSTPX));

WHEREAS, the Santa Cruz County Regional Transportation Commission is
responsible for allocating state exchange funds (RSTPX) received from Caltrans to
previously approved projects;

WHEREAS, the Santa Cruz County Regional Transportation Commission adopts
and periodically amends a budget and work program for each fiscal year to guide its
expenses and work and to account for RSTPX funds; and

WHEREAS, the County of Santa Cruz has requested to shift previously
approved funds between projects;

THEREFORE, BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL
TRANSPORTATION COMMISSION:

1. The 2018 Regional Transportation Improvement Program for Santa Cruz
County is hereby amended to shift funds previously approved for the
following projects to the 2018 Full Depth Recycle and Overlay project on
Granite Creek Road and Branciforte Drive (CO79B), as requested by the
County of Santa Cruz:
   • $147,000 from East Cliff Drive Cape Seal (CO 66)
   • $87,101.77 cost savings from Summit Road Chip Seal (CO 78)
   • $384,000 from Branciforte Drive Chip Seal (CO 82)
2. The Fiscal Year 2018-19 Budget for the Santa Cruz County Regional Transportation Commission (RTC) and the 2018 Regional Transportation Improvement Program (RTIP) are hereby amended to exchange previously programmed federal funds for state RSTP Exchange (RSTPX) funds and to shift funds between County of Santa Cruz projects, as shown in Exhibit A.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ABSENT: COMMISSIONERS

__________________________________
John Leopold, Chair

ATTEST:

_______________________________
George Dondero, Secretary

Exhibit A: FY18/19 Budget Amendment

Distribution: RTC Fiscal and Programming

s:\resoluti\2018\res0618\rtipamendjune2018-res.doc
## RSTP EXCHANGE PROGRAM: 722000

<table>
<thead>
<tr>
<th>WORK ELEMENT #101</th>
<th>FY18-19 APPROVED</th>
<th>FY18-19 PROPOSED</th>
<th>DIFFERENCE</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>04/05/18</td>
<td>06/14/18</td>
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### REVENUES:

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<tr>
<th></th>
<th>FY18-19 APPROVED</th>
<th>FY18-19 PROPOSED</th>
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<tr>
<td>State RSTP Exchange Funds</td>
<td>3,023,985</td>
<td>3,207,014</td>
<td>183,029</td>
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<tr>
<td>Interest</td>
<td>30,000</td>
<td>30,000</td>
<td>-</td>
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<tr>
<td>RSTP Exchange Funds Budgeted - Carryover</td>
<td>10,914,026</td>
<td>9,295,692</td>
<td>(1,618,334)</td>
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**TOTAL REVENUES**: 13,968,011 12,532,706 (1,435,305)

### EXPENDITURES:

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<thead>
<tr>
<th>City of Capitola</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Clares Street Traffic Calming</td>
<td>100,000</td>
<td>100,000</td>
<td>-</td>
</tr>
<tr>
<td>38th Avenue Rehabilitation</td>
<td>438,000</td>
<td>96,540</td>
<td>(341,460)</td>
</tr>
<tr>
<td>Bay Ave/Capitola Ave Intersection Modification/Roundabout</td>
<td>31,000</td>
<td>31,000</td>
<td>-</td>
</tr>
<tr>
<td>Upper Pacific Cove Parking Lot Pedestrian Trail and Depot Park bus stop</td>
<td>200,000</td>
<td>200,000</td>
<td>-</td>
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<table>
<thead>
<tr>
<th>City of Scotts Valley</th>
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</thead>
<tbody>
<tr>
<td>Mt. Hermon Rd/Scotts Valley Dr/Whispering Pines Dr Intersection Improvement</td>
<td>346,000</td>
<td>-</td>
<td>(346,000)</td>
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<tr>
<td>Glen Canyon Rd/Green Hills Rd/S. Navarra Dr Bike and Roadway Preservation</td>
<td>-</td>
<td>106,000</td>
<td>106,000</td>
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<tr>
<td>Glenwood Drive Rehabilitation and Bicycle Improvement Project</td>
<td>-</td>
<td>310,000</td>
<td>310,000</td>
</tr>
<tr>
<td>Kings Village Road/ Bluebonnet Lane Sidewalk</td>
<td>-</td>
<td>271,000</td>
<td>271,000</td>
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</table>

<table>
<thead>
<tr>
<th>City of Watsonville</th>
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</thead>
<tbody>
<tr>
<td>Freedom Blvd Reconstruction (Broadis to Alta Vista Ave)</td>
<td>900,000</td>
<td>-</td>
<td>(900,000)</td>
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<tr>
<td>Freedom Blvd Plan Line (Green Valley to Buena Vista)</td>
<td>135,000</td>
<td>135,000</td>
<td>-</td>
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<tr>
<td>Airport Boulevard Improvements: Westgate/Larkin to Hanger Way</td>
<td>-</td>
<td>177,000</td>
<td>177,000</td>
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<tr>
<td>Green Valley Road Reconstruction (Struve Slough-Freedom Blvd)</td>
<td>-</td>
<td>306,000</td>
<td>306,000</td>
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</table>

<table>
<thead>
<tr>
<th>County of Santa Cruz</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Aptos Village Plan Improvements</td>
<td>1,340,000</td>
<td>627,231</td>
<td>(712,769)</td>
</tr>
<tr>
<td>Aptos Creek Road Traffic Signal</td>
<td>-</td>
<td>1,900,000</td>
<td>1,900,000</td>
</tr>
<tr>
<td>Branciforte Drive Chip Seal</td>
<td>174,000</td>
<td>-</td>
<td>(174,000)</td>
</tr>
<tr>
<td>East Cliff Dr. Cape Seal (12th to 17th Avenues)</td>
<td>147,000</td>
<td>-</td>
<td>(147,000)</td>
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<tr>
<td>Granite Creek Road Recycle &amp; Overlay</td>
<td>500,000</td>
<td>-</td>
<td>(500,000)</td>
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<tr>
<td>Summit Rd Chip Seal (Soquel-San Jose Rd-Old SC Hwy)</td>
<td>87,102</td>
<td>-</td>
<td>(87,102)</td>
</tr>
</tbody>
</table>

2018 Recycle and Overlay Project | - | 1,500,102 | Funds shifted from other projects & exchange funds approved 12/17

<table>
<thead>
<tr>
<th>Santa Cruz METRO</th>
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<tbody>
<tr>
<td>CNG Bus Replacement</td>
<td>500,000</td>
<td>500,000</td>
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<tr>
<td>RSTP EXCHANGE PROGRAM: 722000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
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<td></td>
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<tr>
<td><strong>FY18-19</strong></td>
<td><strong>FY18-19</strong></td>
<td><strong>DIFFERENCE</strong></td>
<td><strong>NOTE</strong></td>
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<tr>
<td><strong>APPROVED</strong></td>
<td><strong>PROPOSED</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>04/05/18</td>
<td>06/14/18</td>
<td></td>
<td></td>
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<tr>
<td><strong>51</strong> University of California at Santa Cruz (UCSC)</td>
<td>-</td>
<td>700,000</td>
<td>700,000</td>
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<tr>
<td><strong>52</strong> Great Meadow Bike Path Safety Improvements</td>
<td>-</td>
<td>700,000</td>
<td>700,000</td>
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<tr>
<td><strong>53</strong> SCCRTC</td>
<td><strong>54</strong> Ecology Action - Countywide Safe Routes to Schools Education</td>
<td>25,000</td>
<td>25,000</td>
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<tr>
<td><strong>55</strong> Ecology Action - Every Day is Bike to Work Day</td>
<td>-</td>
<td>50,000</td>
<td>50,000</td>
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<tr>
<td><strong>56</strong> MBSST - North Coast Phase 2 Environmental Review (FHWA-CFL)</td>
<td>300,000</td>
<td>300,000</td>
<td>-</td>
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<tr>
<td><strong>57</strong> Freeway Service Patrol</td>
<td>150,000</td>
<td>150,000</td>
<td>-</td>
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<td><strong>58</strong> Park and Ride Lot Program</td>
<td>83,422</td>
<td>83,422</td>
<td>-</td>
</tr>
<tr>
<td><strong>59</strong> Bike Route Signage</td>
<td>60,006</td>
<td>60,006</td>
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<tr>
<td><strong>60</strong> Highway 1 HOV - PA/ED</td>
<td>500,000</td>
<td>500,000</td>
<td>-</td>
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<tr>
<td><strong>61</strong> Highway 1 Bicycle/Ped Overcrossing near Mar Vista</td>
<td>636,679</td>
<td>636,679</td>
<td>-</td>
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<tr>
<td><strong>62</strong> CRUZ511</td>
<td>293,224</td>
<td>262,224</td>
<td>(31,000)</td>
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<tr>
<td><strong>63</strong> Monterey Bay Sanctuary Scenic Trail Network</td>
<td>42,000</td>
<td>42,000</td>
<td>-</td>
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<tr>
<td><strong>TOTAL PROJECT EXPENDITURES</strong></td>
<td>8,411,333</td>
<td>10,782,103</td>
<td>2,370,770</td>
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<tr>
<td><strong>64</strong> Unobligated Funds</td>
<td>5,556,678</td>
<td>1,750,603</td>
<td>(3,806,075)</td>
</tr>
<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>13,968,011</td>
<td>12,532,706</td>
<td>(1,435,305)</td>
</tr>
</tbody>
</table>

**Note:** STBG = Surface Transportation Block Grant Program (STBG)
## Previously Approved Projects Recommended for RSTP Exchange

*Trades federal Surface Transportation Block Grant Program/Regional Surface Transportation Program (STBG/RSTP) for state Regional Surface Transportation Program Exchange (RSTP) funds*

**June 14, 2018**

<table>
<thead>
<tr>
<th>Project #</th>
<th>Project</th>
<th>Date STBG funds originally approved</th>
<th>Schedule</th>
<th>Recommended RSTPX (State)</th>
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<tbody>
<tr>
<td>CO 64c</td>
<td>Aptos Creek Road Traffic Signal, Soquel Dr. Sidewalks &amp; Bike Lanes.</td>
<td>12/7/2017</td>
<td>Summer 2018</td>
<td>$1,900,000</td>
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<tr>
<td>CO 79B</td>
<td>2018 Full Depth Recycle &amp; Overlay Project (additional RSTPX previously approved for other projects also being shifted to this project)</td>
<td>12/7/2017</td>
<td>Summer 2018</td>
<td>$592,000</td>
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<tr>
<td>EA 03</td>
<td>Every Day is Bike to Work Day</td>
<td>12/7/2017</td>
<td>FY18/19</td>
<td>$50,000</td>
</tr>
<tr>
<td>SC 50</td>
<td>Pacific Ave. Sidewalk</td>
<td>12/7/2017</td>
<td>Spring 2019</td>
<td>$250,000</td>
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<tr>
<td>SV 28</td>
<td>Glen Canyon Rd/Green Hills Rd/S. Navarra Dr Bike Corridor and Roadway Preservation</td>
<td>$102K 12/7/2017; $4k 9/1/16</td>
<td>Summer 2018</td>
<td>$106,000</td>
</tr>
<tr>
<td>SV 29</td>
<td>Glenwood Drive Rehabilitation and Bicycle Improvement Project</td>
<td>12/7/2017</td>
<td>Spring 2019</td>
<td>$310,000</td>
</tr>
<tr>
<td>SV 30</td>
<td>Kings Village Road/Bluebonnet Lane Sidewalk</td>
<td>12/7/2017</td>
<td>Summer 2018</td>
<td>$271,000</td>
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<tr>
<td>UCSC 07</td>
<td>Great Meadow Bike Path Safety Improvements</td>
<td>12/7/2017</td>
<td>Enviro-FY18/19; Constr-FY20/21</td>
<td>$700,000</td>
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<tr>
<td>VAR 01a</td>
<td>Santa Cruz County Open Streets</td>
<td>12/7/2017</td>
<td>FY18/19</td>
<td>$40,000</td>
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<td>WAT 40</td>
<td>Airport Boulevard Improvements: Westgate/Larkin to Hanger Way</td>
<td>12/7/2017</td>
<td>Summer 2018</td>
<td>$177,000</td>
</tr>
<tr>
<td>WAT 42</td>
<td>Green Valley Road Reconstruction (Struve Slough-Freedom Blvd)</td>
<td>12/7/2017</td>
<td>Summer 2018</td>
<td>$306,000</td>
</tr>
</tbody>
</table>

**Total Recommended RSTPX allocations 6/14/18** $4,702,000
June 5, 2018

GEORGE DONDERO, EXECUTIVE DIRECTOR
SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
ATTN: 1523 PACIFIC AVE
SANTA CRUZ, CA, 95060

SUBJECT:  2018 FULL DEPTH RECYCLE & OVERLAY PROJECT
REQUEST FOR FUNDING SHIFT

Dear Director Dondero:

The County of Santa Cruz hereby requests amendments to the Regional Transportation Improvement Program (RTIP) and RTC budget to shift previously programmed funds to the County’s 2018 Full Depth Recycle and Overlay project on Granite Creek Road and Branciforte Drive (CO 79B) from the sources shown below.

- East Cliff Drive Cape Seal (CO 66): $147,000 RSTPX
- Summit Road Chip Seal (CO 78): $87,101.77 RSTPX
- Branciforte Drive Chip Seal (CO 82): $384,000 STBG (approved by the RTC 12/7/17)

These funds will supplement $476,000 in Senate Bill 1 Local Partnership Program-formula (LPP-f) and $882,000 in Surface Transportation Block Grant Program/Regional Surface Transportation Program Exchange (STBG/RSTPX) funds previously approved by the RTC for the 2018 Full Depth Recycle & Overlay project, as well as $356,000 in SB-1 RMRA Funds, and $311,878 in County Road funds. As many agencies are experiencing statewide, construction bids came in above the engineers estimate for this project and the County is requesting this fund shift in order to have sufficient funds to construct the project. The County is eager to begin construction of this project and requests that the RTC shift these funds at its June 14, 2018 meeting.

If you have any questions regarding this letter, please contact Casey Carlson at (831) 454-3102.

Yours truly,

MATT MACHADO
Director of Public Works

By: Casey Carlson
Road Operations Engineering Senior Engineer
TO: Regional Transportation Commission/Service Authority for Freeway Emergencies

FROM: Amy Naranjo, Transportation Planner

RE: Safe on 17 – California Highway Patrol Extra Enforcement

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission/Service Authority for Freeway Emergencies (SAFE) approve the attached resolution (Attachment 1) authorizing the Executive Director to:

1. Expend $50,000 per year not to exceed $150,000 over a three-year period (July 1, 2018 to June 30, 2021) for continued extra CHP enforcement on Highway 17 in Santa Cruz County;

2. Allow the Santa Cruz Area CHP to carry-over prior year funding balances for extra CHP enforcement on Highway 17 into future program years; and

3. If the Metropolitan Transportation Commission Service Authority for Freeways and Expressways (MTC SAFE) approves $50,000 per year for a three year period (July 1, 2018 to June 31, 2021) for continued extra CHP enforcement on Highway 17 on the Santa Clara County side, extend the funding agreement with MTC SAFE to continue the Safe on 17 extra CHP enforcement for three years (July 1, 2018 to June 30, 2021).

4. Extend the contract with CHP to continue the Safe on 17 extra CHP enforcement for three years with Santa Cruz CHP and if funding is approved by MTC SAFE, with San Jose CHP (July 1, 2018 to June 30, 2021).

BACKGROUND

In 1998, the California Highway Patrol (CHP) initiated the Safe on 17 Program with the aid of a grant from the California Office of Traffic Safety (OTS). The OTS grant was available from March 1999 to March 2002. During that period, injury collisions were reduced by 34% on Highway 17 through a combination of extra enforcement by the CHP, roadway improvements by Caltrans and a public information campaign.

In 2002, RTC SAFE entered into a three-year cooperative funding agreement with the Metropolitan Transportation Commission Service Authority for Freeways and Expressways (MTC SAFE) and into a contract agreement with the CHP to continue providing extra CHP enforcement services on Highway 17. These agreements were
extended a number of times to continue extra enforcement through June 2018 at the same funding level.

DISCUSSION

The Safe on 17 program is still active today due to the interest of multiple agencies to continue to improve safety on Highway 17. The goal of the Safe on 17 program is to maintain the reduced collision rate achieved on Highway 17 during the OTS grant period. Since 2003, the extra enforcement by the Santa Cruz and San Jose CHP on Highway 17 has been funded by $50,000/year from RTC SAFE and $50,000/year from MTC SAFE. The RTC SAFE funds, generated from a $1 fee on all vehicles registered in Santa Cruz County, are used to fund the extra CHP enforcement on Highway 17 in Santa Cruz County as well as other SAFE programs. The current RTC agreements with CHP and MTC SAFE expire at the end of June 2018.

MTC SAFE staff will be recommending to MTC SAFE at their June Operations Committee meeting to continue funding San Jose CHP for extra enforcement on Hwy 17. If MTC SAFE approves the funding for extra enforcement, the Safe on 17 program could continue as it has been for another three years based on RTC SAFE approval. If MTC SAFE does not approve the funding for extra enforcement for another three years, the extra enforcement on Hwy 17 could still continue on the Santa Cruz County side based on approval by the RTC.

Based on the program’s continued success, staff recommends that the RTC SAFE approve the attached resolution (Attachment 1):

- Authorizing continued funding at an amount of $50,000 per year for the Safe on 17 extra CHP enforcement for three year’s (July 2018- June 2021) up to $150,000, plus the prior year program fund balances; and,

- Authorizing the extension of the funding agreement with MTC SAFE (if funding is approved by MTC SAFE) and the extra enforcement contract with the CHP to ensure Safe on 17 extra CHP enforcement for an additional three years.

SUMMARY

The Safe on 17 funding and contract agreements for CHP extra enforcement on Highway 17 will expire in June 2018. Staff recommends continued funding for the Safe on 17 Program’s extra CHP enforcement on Highway 17.

Attachments:

1. Resolution authorizing continuation of extra CHP enforcement on Highway 17 for three-years
RESOLUTION NO. __________

Adopted by the Santa Cruz County Regional Transportation Commission on the date of June 14, 2018 on the motion of Commissioner __________ duly seconded by Commissioner __________

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXPEND SAFE FUNDS FOR EXTRA CHP ENFORCEMENT ON HIGHWAY 17 BETWEEN JULY 1, 2018 AND JUNE 30, 2021 AND TO AMEND OR ENTER INTO THE NECESSARY AGREEMENTS WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) SAFE AND THE CHP TO ENSURE CONTINUATION OF THE SAFE ON 17 PROGRAM

WHEREAS, the Safe on 17 Program’s goal is to reduce injury and fatal collisions on Highway 17 and has been successful in achieving its goal;

WHEREAS, the CHP extra enforcement is a critical component of the Safe on 17 program;

WHEREAS, in 2012 RTC SAFE extended the contract agreement with MTC SAFE and the contract agreement with CHP to continue to provide extra enforcement on Highway 17;

WHEREAS, the cooperative funding agreement with MTC and the CHP contract agreement for extra enforcement on Highway 17 will expire on June 30, 2018; and,

WHEREAS, there are currently sufficient funds in the RTC SAFE account to provide funding to continue the “Safe on 17” project;

BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION:

1. The Executive Director is hereby authorized to expend up to $150,000, plus the prior year’s program balance, in SAFE funds between July 1, 2018 and June 30, 2021 to provide CHP extra enforcement on Highway 17 and to amend and/or execute the necessary agreements with MTC SAFE and the CHP to ensure continued implementation of the Safe on 17 program.
AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ABSENT: COMMISSIONERS

______________________________
John Leopold, Chair

ATTEST:

____________________________
George Dondero, Secretary

Distribution: MTC SAFE; CHP; Fiscal
### THREE MONTH MEETING SCHEDULE

June 2018 Through August 2018

All meetings are subject to cancellation when there are no action items to be considered by the board or committee. Please visit our website for meeting agendas and locations: [www.sccrtc.org/meetings/](http://www.sccrtc.org/meetings/)

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Meeting Day</th>
<th>Meeting Type</th>
<th>Meeting Time</th>
<th>Meeting Place</th>
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</thead>
<tbody>
<tr>
<td>6/11/18</td>
<td>Monday</td>
<td>Bicycle Advisory Committee</td>
<td>6:00 pm</td>
<td>Commission Offices</td>
</tr>
<tr>
<td>6/12/18</td>
<td>Tuesday</td>
<td>Elderly &amp; Disabled TAC</td>
<td>1:30 pm</td>
<td>Watsonville Community Room</td>
</tr>
<tr>
<td>6/14/18</td>
<td>Thursday</td>
<td>Regional Transportation Commission</td>
<td>9:00 am</td>
<td>Watsonville City Council Chambers</td>
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<tr>
<td>6/21/18</td>
<td>Thursday</td>
<td>Interagency Technical Advisory Committee</td>
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**NO MEETINGS IN JULY**

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<tr>
<td>8/2/18</td>
<td>Thursday</td>
<td>Regional Transportation Commission</td>
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<td>Watsonville City Council Chambers</td>
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<td>8/13/18</td>
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<td>Transportation Policy Workshop</td>
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**RTC Commission Offices – 1523 Pacific Ave. – Santa Cruz, CA**

**Board of Supervisors Chambers/CAO/RDA Conference room – 701 Ocean St-5th floor – Santa Cruz, CA**

**Capitola City Council Chambers – 420 Capitola Ave., Capitola, CA**

**City of Santa Cruz Council Chambers – 809 Center St, Santa Cruz, CA**

**City of Watsonville Community Room – 275 Main St, Watsonville, CA**
<table>
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<tr>
<th>Date Letter Rec'd/Sent</th>
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<td>Mark Lee</td>
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<td>Investigating bus rapid transit in Eugene, Oregon</td>
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*Commissioners* attached letter hand delivered to Anthony Condotti, Attorney for City of Capitola, regarding the Greenway Capitola Corridor petition.
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<td>Joanne Noce</td>
<td>Vice Chair, FORT</td>
<td>Letter to Capitola City Attorney Regarding Notice of Intent to Circulate Petition for &quot;Greenway Capitola City&quot;</td>
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- We do not need or want this Progressive Rail contract!
- I vote bike trail
- We do not need or want this Progressive Rail contract!
- Santa Cruz Branch Rail Line Operating Agreement
- Question: Funding Passenger Rail
- Progressive Rail?
- RTC
- Proposed contract rail service
- Suntan rail line
- Hwy 17 Express Service? Yeah, right.
- Do not sign the current contract with Progressive Rail
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</table>
FOR IMMEDIATE RELEASE

Contact:
Barrow Emerson
Planning and Development Manager
831.420.2537
bemerson@scmtd.com

Santa Cruz METRO rolls out new buses and vans funded through Measure D and SB-1

Efficient, cleaner-running vehicle replace aging equipment

May 31, 2018 — SANTA CRUZ, CA — Santa Cruz METRO today announced it has acquired 18 new vehicles to replace aging vehicles with more efficient and cleaner-running equipment.

Acquisition of the new vehicles is made possible by Measure D, which was approved by Santa Cruz County voters in 2016, and by SB 1, which was approved by the California Legislature and signed into law by Governor Brown in 2017.

"To make progress toward our greenhouse gas reduction goals and ensure reliable service for riders, replacement of older buses is a top priority," said Bruce McPherson, Chair of the METRO Board. "These new vehicles would not be possible without funding from Measure D and SB-1. We are extremely thankful to local voters who passed Measure D, as well as Governor Brown and the state legislature for passing SB-1 at the state level."

The additions to the fleet include three Paul Revere buses, three ParaCruz Cut-Away buses and 12 ParaCruz Vans. The new vehicles help METRO in its ongoing effort to replace obsolete vehicles for both fixed-route and ParaCruz functions, preserving the service METRO provides to the general public, the elderly and the disabled. The vehicles have been incorporated into current routes and services, replacing older vehicles.

Measure D, which is a half-cent sales tax throughout Santa Cruz County, provides approximately $3 million annually for transit and paratransit services. SB-1, also known as the Road Repair and Accountability Act of 2017, generates $5 billion annually statewide, of which approximately $3 million is provided to METRO for operating and infrastructure support.

ABOUT SANTA CRUZ METRO
Established in 1968, Santa Cruz METRO provides public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost-effective, reliable, accessible, safe, clean and courteous transit service. METRO operates 26 year-round routes throughout the county and one additional route when UC-Santa Cruz is in session. Learn more at www.scmtd.com.

###
FACT SHEET: Santa Cruz METRO’s New Buses and Vans

New buses and vans will replace aging vehicles with more efficient and cleaner-running equipment. The new vehicles are made possible by funding provided by Measure D, which was approved by Santa Cruz County voters in 2016, and by SB 1, which was approved by the California Legislature and signed into law by Governor Brown in 2017.

Paul Revere Buses
- METRO acquired 3 new Paul Revere buses
- Cost: $517,750 7-year lease-to-buy program
- Capacity: 40 seated + 20 standing (60 total)
- Life Expectancy: 12 years, 500,000 miles

ParaCruz Cut-Away Vehicles
- METRO acquired 3 new ParaCruz Cut-Away buses
- Model: Ford F550
- Cost: $132,205
- Capacity: 7 mobility devices or 22 ambulatory riders
- Life Expectancy: 5 years, 150,000 miles

ParaCruz Vans
- METRO acquired 12 new vans
- Model: Ford Transit T350
- Cost: $75,000
- Capacity: 3 mobility devices or 1 mobility device + 9 ambulatory riders
- Life Expectancy: 5 years, 150,000 miles
Improving Air Quality Technology Comparison

DIESEL: Standard bus engine for past 70 years; METRO currently has 21 buses with 1998 diesel technology

CLEANER DIESEL: Significant improvements have been made to reduce NOx pollution outputs by diesel engines in the last 20 years; one 1998 diesel bus produces the same NOx/ppm as 23 buses built with 2018 diesel technology

CNG: Introduced in the late 1980s; METRO currently has 80 CNG buses; one 1998 diesel bus produces the same NOx/ppm as 30 CNG buses

ELECTRIC: Electric buses are emission-free; METRO has ordered 6 electric buses; California Air Resources Board is requiring 100% electric fleets by 2040

Measure D Funding

• Comprehensive and inclusive package of transportation improvements
• 1/2-cent, 30-year sales tax passed November 2016 by 2/3 majority of Santa Cruz County voters
• METRO receives approximately $3 million annually in Measure D funds
• Steady, direct source of local funding for transit and paratransit services
• Enables investment in projects that reduce pollution which causes global warming, and maintain mobility and independence for seniors and those with disabilities

SB 1 Funding

• Senate Bill 1, the Road Repair and Accountability Act of 2017, is landmark legislation that generates approximately $5 billion statewide annually for ongoing and new transportation improvements
• SB 1 funding supports reduction of greenhouse gas emissions and provides new transit service
• SB 1 funds provide METRO approximately $3 million in critically needed operating and infrastructure support
District Director’s Report
A quarterly publication for our transportation partners

Storm Damage Recovery Ongoing
Catastrophic winter spurs travel options
Caltrans continues recovery work from major storm damages in January that buried portions of US 101 in Santa Barbara and Ventura counties while also rendering Highways 192, 33 and 150 impassable. Major work includes rebuilding four bridges and repairing two others, and removing heavy boulders and debris from creek beds and culverts. Completion for most bridge construction, estimated at $30 million, is expected in spring 2019. Some highway segments remain closed. Caltrans is accelerating work where possible on all impacted highways.

During the two-week closure of US 101, various transportation options became available for the traveling public. Amtrak’s Pacific Surfliner added rail cars from Northern and Southern California to meet high travel demands. Santa Barbara Airbus featured daily LAX shuttle trips (five-hours duration) via Interstate 5 and Highway 166. Condor Express also offered daily round-trip emergency ferry services between the Santa Barbara and Ventura harbors. The deadly Montecito mudslide—which took the lives of at least 21 people—favored the December 2017 Thomas Fire that destroyed many structures and burned 300,000 nearby acres.

SB 1 Investment Supports Central Coast
The California Transportation Commission (CTC) is recommending $183.8 million for Santa Barbara County Association of Governments’ (SBCAG) US 101 Multimodal Corridor project, which will improve the highway for nearly 16 miles from Ventura County to Santa Barbara. Major work includes completing a High Occupancy Vehicle Lane, filling gaps along the California Coastal Trail, providing peak-hour rail service from Ventura County, enhancing transit services, adding Transportation Demand Management and Intelligent Transportation Systems, and installing new, 40-year highway pavement. The CTC recently adopted both the 2018 State Highway Operation and Protection Program ($18 billion) and the State Transportation Improvement Program ($3.28 billion) for projects covering the next five years. This includes $197 million for improving Highway 46 East, a major east/west trade corridor, in San Luis Obispo County. SB 1, the Road Repair and Accountability Act of 2017, invests $54 billion over the next decade to rebuild streets, freeways and bridges in local communities statewide while funding transit and congested trade/commute corridors. More information: http://rebuildingca.ca.gov/

New Acting District Director
Richard Rosales is now acting District 5 Director. He has 32 years of Caltrans civil engineering experience, including two years as Deputy District Director of Program Project Management; 15 years as a project manager in four of the District’s five counties; and capital delivery, including encroachment permits, construction, design and hydraulics. He holds a Bachelor’s degree in civil engineering from California State University-Cal Poly, Pomona.

Rosales will serve as District Director until Timothy Gubbins returns from San Diego where he is now interim District 11 Director while recruitment is under way to fill that position—formerly held by the new Caltrans Director Laurie Berman before her appointment to Chief Deputy last fall. Rochelle Vierra, PLS, PMP is acting Deputy District 5 Director of Program Project Management. She has 31 years of Caltrans experience, including Project Management Support Unit and Project Resources Chief and Schedule Management (PRSM) Manager, project manager and land surveyor.

Please Submit Maintenance Service Requests at the Following Link: http://www.dot.ca.gov/hq/maint/msrsubmit/
**Freight Mobility Plan**

Caltrans seeks early public input on the 2019 California Freight Mobility Plan. The statewide long-range plan will provide a framework for safe, sustainable, reliable and efficient movement of freight, people and services over the next 20 years. The freight system contributes about $2.2 trillion annually to the economy and growth is expected. Major challenges include addressing congestion and making the network more environmentally and economically sustainable.

Caltrans is developing the plan in partnership with the California State Transportation Agency, California Freight Advisory Committee and multiple stakeholders. Focus group sessions are scheduled statewide April through June 2018 in the South/North Central Valleys, Sacramento, San Diego, Los Angeles, and San Bernadino and the Inland Empire. The plan’s completion is scheduled in December 2019. More information: [http://www.dot.ca.gov/hq/tpp/offices/ogm/](http://www.dot.ca.gov/hq/tpp/offices/ogm/)

**Truck Parking Survey**

The Caltrans is implementing the 2016 California Sustainable Freight Action Plan.

The plan cites truck parking shortages and related issues as top priorities. As such, Caltrans is asking local government agencies and industry representatives to provide input on a 7-question survey now being distributed statewide.

Caltrans will incorporate the survey results, compiled by each District, into its upcoming Statewide Truck Parking Study. The scheduled release date is not yet determined.


**User-Oriented Transit Travel Planning Project**

Santa Cruz County Regional Transportation Commission (SCCRTC) recently completed its joint transit planning grant project with Santa Cruz Metropolitan Transit District. The $150,000 project developed an individualized marketing toolkit to increase transit ridership and decrease solo-driving. The federally funded (FTA 5304) grant project targeted high-activity employment centers and neighborhoods near major transit stops. The successful plan is applicable in Santa Cruz County and statewide. More information: [https://sccrtc.org/](https://sccrtc.org/)

**Halcyon Road Complete Streets Plan**

The City of Arroyo Grande recently completed its Halcyon Road Complete Streets Plan. The $150,000 Caltrans Sustainable Transportation Planning grant project developed a Complete Streets blueprint for the Halcyon Road corridor located within the city limits and San Luis Obispo County. The plan focuses on improving safety, mobility and accessibility for all users. It also included extensive public outreach to help identify and prioritize both deficiencies and needed improvements. More information: [http://halcyoncompletestreets.com/](http://halcyoncompletestreets.com/)

**May is Bike Month**

Caltrans will host a commuter station from 7 to 9 a.m. on Friday, May 18, at the District Office in San Luis Obispo. Refreshments will be provided on a first-come, first-serve basis and free giveaways are subject to availability. The event, one of a dozen planned throughout San Luis Obispo County, supports bicycling and greenhouse gas emission reduction for cleaner air, healthier lifestyles and more sustainable transportation. More information: [https://rideshare.org/program/btwd/](https://rideshare.org/program/btwd/)

**Call for Projects Coming**

Caltrans expects a call for projects for the 2019 Active Transportation Program (ATP) Cycle 4 in May 2018. An estimated $440 million in federal and SB 1 funding is anticipated for this grant round. In 2013, California created the ATP to encourage more walking and bicycling throughout the state. The program supports both infrastructure and education projects to further these goals. The California Transportation Commission is scheduled to adopt the ATP Guidelines and Fund Estimate on May 16, 2018. Applications are due to Caltrans July 31, 2018. More information: [http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-4.html](http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-4.html)
## CONSTRUCTION PROJECTS

<table>
<thead>
<tr>
<th>Project</th>
<th>Location/ Post Mile (PM)</th>
<th>Description</th>
<th>Construction Timeline</th>
<th>Construction Cost</th>
<th>Funding Source</th>
<th>Project Manager (Resident Engineer)</th>
<th>Contractor</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Highway 17 Storm Water Mitigation (0Q600)</td>
<td>Slightly north of the fishhook to Sims Road (PM 0.7-1.4)</td>
<td>Construct multiple storm water mitigation improvements</td>
<td>Winter 2017-Summer 2019</td>
<td>$7.4 million</td>
<td>SHOPP</td>
<td>Doug Hessing (DP)</td>
<td>Graniterock, Watsonville, CA</td>
</tr>
<tr>
<td>2.</td>
<td>Highway 129 Open Grade Overlay and Metal Beam Guardrail Upgrade (1F030)</td>
<td>From just east of Watsonville to School Road (PM 1.8/9.9 &amp; SBt PM 0.0/0.4)</td>
<td>Place open graded friction course and replace, raise, and update the existing metal beam guardrail and end treatments</td>
<td>Fall 2017 - Summer 2018</td>
<td>$5.5 million</td>
<td>SHOPP</td>
<td>Doug Hessing (KB)</td>
<td>Graniterock, Watsonville, CA</td>
</tr>
</tbody>
</table>

## PROJECTS IN DEVELOPMENT

<table>
<thead>
<tr>
<th>Project</th>
<th>Location/ Post Mile (PM)</th>
<th>Description</th>
<th>Construction Timeline</th>
<th>Estimated Construction Cost</th>
<th>Funding Source</th>
<th>Project Manager</th>
<th>Phase</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Highway 1 Pavement Overlay (1C850)</td>
<td>From North Apts underpass to State Route (SR) 9 (PM 10.2-17.5)</td>
<td>Pavement overlay</td>
<td>Spring 2019</td>
<td>$14.9 million</td>
<td>SHOPP</td>
<td>Luis Duazo</td>
<td>Design</td>
</tr>
<tr>
<td>4.</td>
<td>Highway 1/Highway 17 Ramp Safety Improvements (1H060)</td>
<td>From just south of the fishhook to just south of Pasatiempo overcrossing (PM 16.7)</td>
<td>Construct ramp safety improvements</td>
<td>Spring 2020</td>
<td>$5.8 million</td>
<td>SHOPP</td>
<td>Luis Duazo</td>
<td>Design</td>
</tr>
<tr>
<td>Project</td>
<td>Location/Post Mile (PM)</td>
<td>Description</td>
<td>Construction Timeline</td>
<td>Estimated Construction Cost</td>
<td>Funding Source</td>
<td>Project Manager</td>
<td>Phase</td>
<td>Comments</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
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<td>-------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5. Highway 9 San Lorenzo River Bridge and Kings Creek Bridge Replacement (1H470)</td>
<td>Near Boulder Creek, at San Lorenzo River Bridge and at Kings Creek Bridge (PM 13.6/15.5)</td>
<td>Replace Bridges</td>
<td>Spring 2023</td>
<td>$11.9 million</td>
<td>SHOPP</td>
<td>Doug Hessing</td>
<td>PA&amp;ED</td>
<td>Project is on schedule.</td>
</tr>
<tr>
<td>6. Highway 9 Shoulder Widening, Guardrail Upgrades, and Center Rumble Strips (1C650)</td>
<td>In Castle Rock State Park, from 5 miles south of SR 35 to 3.3 miles south of SR 35 (PM 22.1-23.8)</td>
<td>Shoulder widening, guardrail upgrades, and center rumble strips</td>
<td>Spring 2019</td>
<td>$7.7 million</td>
<td>SHOPP</td>
<td>Doug Hessing</td>
<td>PS&amp;E</td>
<td>Scheduled to be ready to list in June 2018.</td>
</tr>
<tr>
<td>8. Highway 129/ Lakeview Road Intersection Improvements (1G990)</td>
<td>Near Watsonville, at Lakeview Road (PM 1.4)</td>
<td>Construct roundabout and improve street lighting</td>
<td>2020</td>
<td>$4.5 million</td>
<td>SHOPP</td>
<td>Luis Duazo</td>
<td>Design</td>
<td>Project is on schedule.</td>
</tr>
<tr>
<td>9. Highway 129/ Carlton Road Intersection Improvements (1F350)</td>
<td>Near Watsonville from slightly west to slightly east of Carlton Road (PM 3.2-3.5)</td>
<td>Realign Carlton Road and construct a new intersection with left-turn channelization</td>
<td>Fall 2018</td>
<td>$2 million</td>
<td>SHOPP</td>
<td>Doug Hessing</td>
<td>Design</td>
<td>Project is on schedule for advertising; bids are scheduled to be opened on June 13.</td>
</tr>
<tr>
<td>10. Highway 152 Americans with Disabilities Act (ADA) (1E020)</td>
<td>Near Watsonville from Wagner Avenue to south of Holohan Road (PM 1.3-R2.0)</td>
<td>Install sidewalks for ADA compliance</td>
<td>Winter 2018/2019</td>
<td>$1.9 million</td>
<td>SHOPP</td>
<td>Mike Lew</td>
<td>Design</td>
<td>Ready to list in June 2018 with contract approval scheduled for November 2018.</td>
</tr>
</tbody>
</table>
TO: Regional Transportation Commission (RTC)  
FROM: Rachel Moriconi, Senior Transportation Planner  
RE: Measure D: Five-Year Programs of Projects for Regional Projects and Community Bridges Lift Line

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission (RTC) hold a public hearing and adopt a resolution to (Attachment 1):

1. Approve the five-year programs of projects for Measure D regional investment categories and projects: Highway Corridors, Active Transportation, Rail Corridor, San Lorenzo Valley-Highway 9 Corridor Improvements and the Highway 17 Wildlife Crossing (Exhibits A through E), and for Community Bridges-Lift Line (Exhibit F).

2. Amend the Fiscal Year (FY) 2018/19 RTC budget to reflect the approved Measure D “5-year programs of projects”; and

3.Authorize the Executive Director to enter into agreements with implementing agencies, as may be necessary, to ensure requirements of the Measure D Ordinance are met for projects allocated funds in the Measure D “5-year programs of projects.”

BACKGROUND

Measure D, the transportation ballot measure passed by more than two-thirds of Santa Cruz County voters on November 8, 2016, provides funding for five categories of projects: neighborhood projects (30% of net measure revenues), highway corridors (25%), transportation for seniors and people with disabilities (20%), active transportation (17%), and the rail corridor (8%).

Each agency receiving Measure D revenues is required to annually develop, update, hold a public hearing on, and adopt a five-year program of projects showing how they plan to use Measure D funds in the upcoming 5 years. Agencies receiving direct formula allocations (cities, the County of Santa Cruz, Santa Cruz Metropolitan Transit District (METRO) and Community Bridges/Lift Line) typically develop their five-year programs of projects as part of their annual budget and/or capital improvement program. Community members provide input on those plans directly to each recipient agency.
The Regional Transportation Commission (RTC) is responsible for developing the five-year program of projects for regional projects, as described below. The first five-year plans for Measure D regional projects were approved by the RTC in June of 2017. The RTC advisory committees and RTC board provided input for the FY18/19-22/23 plans in April and May 2018.

**DISCUSSION**

The proposed FY18/19-22/23 five-year plans for each of the Measure D regional transportation categories reflect updated revenue projections (adopted by the RTC as part of the budget in April 2018), proposed allocations to specific projects and work, updates on the years funds are anticipated to be expended based on current project schedules and costs, and the carryover of unspent revenues from prior years. For some projects and categories, staff proposes to reserve some funds to be allocated in future years, to serve as match for competitive grant programs, or to be used in the event those grants are not secured. The 5-year plans also propose to advance future Measure D funds in order to accelerate delivery of some projects, as described below. The 5-year programs of projects are preliminary plans for years 2-5, and are adjusted annually based on updated project schedule, cost, grant, and revenue information.

Staff recommends that the Regional Transportation Commission hold a public hearing and adopt by resolution (Attachment 1) the Measure D 5-year programs of projects for the regional and RTC oversight projects -- Highway Corridor, Active Transportation/Trail Program, Rail Corridor, San Lorenzo Valley/Highway 9 Corridor, and the Highway 17 Wildlife Crossing, as well as the 5-year program of projects for Community Bridges-Lift Line (Exhibits A-F); amend the FY 2018-19 RTC budget to reflect the approved Measure D programs of projects, and authorize the Executive Director to enter into agreements, as may be necessary, with implementing agencies that may receive Measure D funds from these regional categories.

Community Bridges-Lift Line is the only agency receiving a direct allocation of Measure D fund that is not a public agency. Review and approval of Community Bridges Lift Line Measure D five-year plan is overseen by the Regional Transportation Commission (RTC) and included in the RTC’s public review process.

Attachment 2 provides a summary of the proposed 5-year plans for each regional project/investment category and Community Bridges Lift Line. Any public comments on the five year plans that are received by noon on June 13 will be distributed to the RTC at this meeting. A public hearing has been noticed in local newspapers to begin no earlier than 9:30am.

**Accelerating project delivery**

While "pay-as-you-go" financing is the preferred method of financing Measure D projects, the RTC may determine bonding or other financing is cost-effective to accelerate regional project implementation. Use of bonding, loans between Measure
D categories, or other financing options will depend on project delivery schedules, funding needs, matching fund opportunities, and cash flow estimates. Direct recipients (cities, the County of Santa Cruz, METRO and LiftLine) may not bond against Measure D revenues directly, but could access options such as cooperative fund agreements among agencies receiving Measure D funds, or other means to advance funding for projects as they near construction. As projects near construction, staff will return to the RTC with an analysis of financial options to accelerate specific projects. The five year plans reflect the RTC’s intent to investigate these options, but are not a commitment to bond or otherwise finance projects.

Next Steps
After the close of each fiscal year, agencies must submit an annual report describing actual expenditures, progress made to improve the transportation system, how maintenance of effort requirements have been met to ensure Measure D revenues are supplementing (not supplanting) other revenues, and the degree that Measure D funds were used to secure additional funding from other sources (leveraging other funds). The five-year plans include preliminary updates to FY17/18 for some categories.

Annual fiscal audits will review the annual reports of expenditures to ensure funds were expended consistent with the requirements of the Measure D Ordinance. The annual reports, including the program of projects approved by each agency, will be posted on the RTC’s Measure D website (www.sccrtc.org/move) and reviewed by the new Measure D taxpayer oversight committee.

SUMMARY
Measure D requires recipient agencies to annually prepare and update a five-year program of projects identifying how agencies plan to invest Measure D revenues, consistent with the voter-approved Expenditure Plan. Staff recommends that the RTC hold a public hearing and approve five-year plans for each of the regional transportation categories -- Highway Corridors, Active Transportation, and the Rail Corridor, as well as San Lorenzo Valley Highway 9 Corridor Improvements, the Highway 17 Wildlife Crossing, and Community Bridges Lift Line (Attachment 1 Exhibits A-F).

Attachments:
1. Resolution adopting Measure D 5-year programs of projects
   a. Highway Corridors 5-Year Program of Projects
   b. Monterey Bay Sanctuary Scenic Trail Network (MBSST)/Coastal Rail Trail 5-Year Program of Projects
   c. Rail Corridor 5-Year Program of Projects
   d. San Lorenzo Valley Highway 9 Corridor 5-Year Program of Projects
   e. Highway 17 Wildlife Crossing 5-Year Program of Projects
   f. Community Bridges Lift Line Five-Year Program of Projects
2. Summary of Measure D Regional Categories
RESOLUTION NO.
Adopted by the Santa Cruz County Regional Transportation Commission on the date of June 14, 2018 on the motion of Commissioner duly seconded by Commissioner

A RESOLUTION APPROVING THE FIVE-YEAR PROGRAMS OF PROJECTS FOR REGIONAL MEASURE D PROJECTS AND COMMUNITY BRIDGES/LIFT LINE AND AMENDING THE RTC BUDGET TO REFLECT PLANNED USE OF MEASURE D REVENUES IN FY18/19

WHEREAS, to address immense transportation needs and severe transportation funding shortfalls, Santa Cruz County voters approved Measure D in November 2016 by over a 2/3 majority; and

WHEREAS, Measure D is a ½ cent sales tax for 30 years to fund five transportation improvement categories; and

WHEREAS, all Measure D funding recipients are required to annually develop a five-year program of projects to identify planned expenditures and deliverables, with these plans adjusted annually based on updated revenue and distribution estimates, project schedule and cost information, as well as information on other grants or funds secured for the projects; and

WHEREAS, the RTC is the agency responsible for delivering and distributing funds for regional and other projects in the voter-approved Measure D Expenditure Plan including Highway Corridors, Active Transportation (Coastal Rail Trail), Rail Corridor, San Lorenzo Valley Highway 9 Corridor Improvements, and the Highway 17 Wildlife Crossing; and

WHEREAS, Community Bridges is the agency designated as the Consolidated Transportation Services Agency responsible for receiving four percent (4%) net of revenue from Measure D to deliver paratransit services to seniors and people with disabilities; and

WHEREAS, Community Bridges is not a public agency, the RTC holds a public hearing for the Community Bridges/Lift Line’s Measure D 5-year program of projects; and

WHEREAS, the RTC has prepared plans for projected revenues from FY 2018/19 through FY 2022/23 which are consistent with the Measure D Ordinance and Expenditure Plan;

THEREFORE, BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION THAT:

1. The Five-Year Program of Projects (FY18/19-22/23) for the Measure D regional categories and projects: Highway Corridors, Active Transportation (Coastal Rail Trail), Rail Corridor, San Lorenzo Valley Highway 9 Corridor
Improvements, and the Highway 17 Wildlife Crossing, as shown in Exhibits A through E, are hereby adopted.

2. The Five-Year Program of Projects for the Consolidated Transportation Services Agency (Community Bridges/Lift Line) paratransit services to serve seniors and people with disabilities, as shown in Exhibit F is hereby adopted.

3. The FY18/19 RTC Budget is hereby amended, consistent with the Five-Year Program of Projects to reflect and implement the adopted Measure D 5-year programs of projects;

4. The Executive Director, or his or her designee, is hereby authorized to enter into agreements with agencies implementing components of the five-year program of projects;

5. Staff is directed to expedite deliverables and provide public information to keep the community apprised about their investments.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ABSENT: COMMISSIONERS

_________________________
John Leopold, Chair

ATTEST:

_________________________
George Dondero, Secretary

Exhibits A-E: Five Year Program of Projects for Regional Categories and Projects
Exhibit F: Five Year Program of Projects for Community Bridges Lift Line

Distribution: RTC Fiscal, Community Bridges, Subrecipients

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## Measure D Revenues

### Estimated Annual Measure D Allocations

<table>
<thead>
<tr>
<th>Prior</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,022,242</td>
<td>$4,854,176</td>
<td>$4,917,281</td>
<td>$4,981,205</td>
<td>$5,045,961</td>
<td>$5,111,558</td>
<td></td>
</tr>
</tbody>
</table>

### Planned Use

<table>
<thead>
<tr>
<th>Name/Road/Limits</th>
<th>Description</th>
<th>Prior Years</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway 1: 41st Avenue/Soquel Drive Auxiliary Lanes and Chanticleer Bike/Pedestrian Overcrossing(1)</td>
<td>Freeway operational improvement, rehab roadway and drainage, improve bicycle/pedestrian access over freeway.</td>
<td>$0</td>
<td>$1,500,000</td>
<td>$500,000</td>
<td>$12,000,000</td>
<td><strong>Balance of construction cost if grants not awarded</strong></td>
<td><strong>$14,285,000</strong></td>
<td></td>
</tr>
<tr>
<td>Highway 1: Auxiliary Lanes from State Park Drive to Bay/Porter, and Reconstruction of Capitola Avenue Overcrossing (2)</td>
<td>Freeway operational improvement, rehab roadway and drainage, soundwalls and retaining walls, reconstruct Capitola Ave. overcrossing with sidewalks and bike lane</td>
<td>$0</td>
<td>$2,600,000</td>
<td>$500,000</td>
<td>$500,000</td>
<td>$3,200,000</td>
<td>$4,600,000</td>
<td><strong>$11,400,000</strong></td>
</tr>
<tr>
<td>Highway 1 Bicycle/Pedestrian Overcrossing at Mar Vista Drive (3)</td>
<td>Address restricted bike/ped access by building new overcrossing with lighting, traffic calming, and moderate aesthetic treatments</td>
<td>$0</td>
<td>---</td>
<td>$2,000,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td><strong>$2,000,000</strong></td>
</tr>
<tr>
<td>Cruz 511</td>
<td>Ongoing system &amp; demand management (TDM), includes Cruz511.org traveler information, carpool and other TDM programs</td>
<td>$50,000</td>
<td>$150,000</td>
<td>$150,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td><strong>$950,000</strong></td>
</tr>
<tr>
<td>Safe on 17</td>
<td>Ongoing system management program, involves increased CHP enforcement on Highway 17</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$35,000</td>
<td>$35,000</td>
<td>$35,000</td>
<td><strong>$180,000</strong></td>
</tr>
<tr>
<td>Freeway Service Patrol (4)</td>
<td>Ongoing system management and congestion reducing program. Roving tow trucks removing incidents and obstructions during peak travel periods on Hwy 1 and Hwy 17</td>
<td>$100,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td><strong>$1,350,000</strong></td>
</tr>
</tbody>
</table>

### Notes:

1. Hwy 1 41st/Soquel Aux Lane and Chanticleer B/P Overcrossing: Previously programmed funds used for preliminary and final engineering design and right-of-way phases over the period FY 17/18-through-FY 19/20. Measure D funds for capital construction and construction management activities.
   RTC will seek grants or could decide at future date whether to utilize bond or other financing that may be required in years 4 and 5 to accelerate delivery.

2. Hwy 1 Auxiliary Lanes from State Park Drive to Bay/Porter Project: Measure D funding for preliminary design and environmental documentation [FY 18/19 - FY 20/21] and final engineering and right-of-way acquisition (FY 21/22).

3. Mar Vista Bicycle/Pedestrian Overcrossing: Previously programmed funds used for project development and construction activities.
   Measure D funds ($2M) to supplement construction and construction support activities as needed.

4. Freeway Service Patrol: through the State budget more Caltrans funds may become available reducing the need for Measure D funds.

### Estimated Annual Measure D Expenditures

| Carry over to next fiscal year | $4,847,242 | $5,176,418 | $8,668,699 | $664,904 | $25,865 | **$52,423** |

### Notes:

- **Hwy 1 41st/Soquel Aux Lane and Chanticleer B/P Overcrossing:** Previously programmed funds used for preliminary and final engineering design and right-of-way phases over the period FY 17/18-through-FY 19/20. Measure D funds for capital construction and construction management activities.
- RTC will seek grants or could decide at future date whether to utilize bond or other financing that may be required in years 4 and 5 to accelerate delivery.
- **Hwy 1 Auxiliary Lanes from State Park Drive to Bay/Porter Project:** Measure D funding for preliminary design and environmental documentation (FY 18/19 - FY 20/21) and final engineering and right-of-way acquisition (FY 21/22).
- **Mar Vista Bicycle/Pedestrian Overcrossing:** Previously programmed funds used for project development and construction activities.
- Measure D funds ($2M) to supplement construction and construction support activities as needed.
- **Freeway Service Patrol:** through the State budget more Caltrans funds may become available reducing the need for Measure D funds.
## Category: Active Transportation/MBSST-Rail Trail (17% of Measure D Revenues)

### Measure D Revenues

<table>
<thead>
<tr>
<th>Prior</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
</tr>
</thead>
</table>

### Estimated Annual Measure D Allocations

<table>
<thead>
<tr>
<th>Rail Trail Project/Program</th>
<th>Description</th>
<th>Original Estimate FY17/18</th>
<th>Updated Estimate FY17/18</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Segment 7: Natural Bridges to Wharf, City of Santa Cruz (SC)</td>
<td>Construction of trail. Includes $1.1M to city of SC for construction and funds for RTC oversight and technical assistance</td>
<td>$1,130,000</td>
<td>$100,000</td>
<td>$1,250,000</td>
<td>$40,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,345,000</td>
</tr>
<tr>
<td>2 Seg 8: San Lorenzo River parkway trestle widening, City of Santa Cruz</td>
<td>Widening of existing walkway on the existing railroad bridge over San Lorenzo River near Boardwalk to serve multi-use purposes. $500k to city of SC for construction. Balance for RTC project management and technical assistance/services.</td>
<td>$500,000</td>
<td>$5,000</td>
<td>$505,000</td>
<td>$5,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$515,000</td>
</tr>
<tr>
<td>3 Seg 8/9: San Lorenzo River parkway to 17th AVE., City of SC lead</td>
<td>$2M set aside to serve as match for construction grants. Joint project with County. Balance for RTC project management, oversight, outreach, and technical assistance.</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$40,000</td>
<td>$2,040,000</td>
<td>$40,000</td>
<td>$0</td>
<td>$2,120,000</td>
</tr>
<tr>
<td>4 City of SC trail maintenance and operations</td>
<td>Ongoing maintenance of sections of trail once constructed. Includes restriping, sweeping, vegetation management and periodic repaving.</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$25,000</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$175,000</td>
</tr>
<tr>
<td>5 Segment 18: Lee Rd-Walker, Watsonville</td>
<td>$150k to City of Watsonville for trail construction. Balance for RTC project management and technical assistance/services</td>
<td>$170,000</td>
<td>$20,000</td>
<td>$225,000</td>
<td>$20,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$265,000</td>
</tr>
<tr>
<td>6 City of Watsonville trail maintenance and operations</td>
<td>Ongoing maintenance of sections of trail once constructed. Includes restriping, sweeping, vegetation management and periodic repaving.</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>Postponed</td>
<td>$10,000</td>
<td>$11,000</td>
<td>$11,000</td>
<td>$32,000</td>
</tr>
<tr>
<td>7 North Coast Segment 5</td>
<td>Environmental review and design of north coast section of trail, technical assistance, and project management</td>
<td>$500,000</td>
<td>$380,000</td>
<td>$410,000</td>
<td>$160,000</td>
<td>$160,000</td>
<td>$0</td>
<td>$0</td>
<td>$1,110,000</td>
</tr>
</tbody>
</table>

### 2018 Updates

- **Shift capital funds from FY17/18 to FY18/19, based on updated schedule. Update RTC and technical assistance costs.**
- **Shift funds from FY17/18 to FY18/19, based on updated schedule. Incorporate RTC oversight and technical assistance costs.**
- **Incorporate RTC oversight and technical assistance costs.**
- **City of Santa Cruz requests to increase from $20K to $50k/yr based on required enviro monitoring, plus adds FY22/23 funds.**
- **Shift funds from FY17/18 to FY18/19 based on updated schedule. Incorporate RTC oversight and technical assistance costs.**
- **Add funds for FY22/23 maintenance.**
- **Shift funds to match current schedule and incorporate RTC oversight and technical assistance costs.**
<table>
<thead>
<tr>
<th>Rail Trail Project/Program</th>
<th>Description</th>
<th>Original Estimate FY17/18</th>
<th>Updated Estimate FY17/18</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
<th>2018 Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 North Coast trail maintenance and operations</td>
<td>Ongoing maintenance of sections of trail once constructed. Includes restriping, sweeping, vegetation management and periodic repaving.</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$50,000</td>
<td>$100,000</td>
<td>$125,000</td>
<td>$275,000</td>
<td>Add funds for FY22/23 maintenance. Shift maintenance funds FY20/21 and later years.</td>
<td></td>
</tr>
<tr>
<td>9 North Coast: Reserve to match future grants for unfunded 2 mi.</td>
<td>Funds set aside to service as match when seeking future grant application.</td>
<td>$173,415</td>
<td>---&gt;</td>
<td>---&gt;</td>
<td>---&gt;</td>
<td>$3,690,245</td>
<td>-</td>
<td>-</td>
<td>$3,690,245</td>
<td>Shift funds to FY20/21, based on updated schedule.</td>
</tr>
<tr>
<td>10 Segment 10: Preliminary Analysis of 17th Ave-47th Ave/Jade St. Park</td>
<td>$200k for preliminary design, right of way research/surveys, assessments, and grant writing services. $20k/yr for RTC oversight and technical assistance. Likely a joint County DPW-Capitola project.</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$220,000</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$260,000</td>
<td>NEW: Add funds to begin work on this section in high density area. Includes RTC oversight and technical assistance.</td>
<td></td>
</tr>
<tr>
<td>11 Capitola Trail: City Hall to Monterey Ave</td>
<td>RTC oversight and technical assistance.</td>
<td>$0</td>
<td>$0</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$30,000</td>
<td>NEW: Add funds for oversight and assistance on this section.</td>
</tr>
<tr>
<td>12 Ongoing RTC oversight, coordination, and assistance, including on development of future trail sections.</td>
<td>Surveys, Environmental Health (EHS), attorneys, coordination, response to public comments, and development of future grant applications</td>
<td>$200,000</td>
<td>$100,000</td>
<td>$165,000</td>
<td>$235,000</td>
<td>$260,000</td>
<td>$260,000</td>
<td>$260,000</td>
<td>$1,280,000</td>
<td>Some costs shifted into specific sections of trail. Add funds for ongoing work in FY22/23</td>
</tr>
<tr>
<td>13 Corridor encroachments &amp; maintenance</td>
<td>Ongoing corridor maintenance, including vegetation, tree removal, trash, graffiti, drainage, encroachments, storm damage repairs outside of what is required for railroad operations</td>
<td>$519,250</td>
<td>$519,250</td>
<td>$519,250</td>
<td>$519,250</td>
<td>$519,250</td>
<td>$519,250</td>
<td>$519,250</td>
<td>$3,115,500</td>
<td>Add funds for ongoing work in FY22/23</td>
</tr>
<tr>
<td><strong>Estimated Annual Measure D Expenditures</strong></td>
<td></td>
<td><strong>$3,192,665</strong></td>
<td><strong>$1,124,250</strong></td>
<td><strong>$3,044,250</strong></td>
<td><strong>$1,059,250</strong></td>
<td><strong>$6,999,495</strong></td>
<td><strong>$1,000,250</strong></td>
<td><strong>$985,250</strong></td>
<td><strong>$14,212,745</strong></td>
<td></td>
</tr>
</tbody>
</table>

**RESERVE:** Unappropriated balances to be programmed in future 5-year plans (after 2018) | **$6,141,293** |

---

2018 Update: For all projects capital, project management, oversight, and technical assistance costs were combined.
### Rail Corridor (8% of Measure D Revenues)

<table>
<thead>
<tr>
<th>Name/Road/Limits</th>
<th>Description</th>
<th>Prior Years</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
<th>2018 Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Unified Corridor Investment Study</td>
<td>Analysis of rail corridor usage options</td>
<td>$300,000</td>
<td>$325,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$625,000</td>
<td>Carryover FY17/18 unspent funds to FY18/19.</td>
</tr>
<tr>
<td>2 2017 Storm Damage Repair &amp; Cleanup</td>
<td>Repair and cleanup of damage resulting from the 2017 winter storms including one washout, minor slides and various downed or compromised trees</td>
<td>$150,000</td>
<td>$250,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$400,000</td>
<td>Carryover FY17/18 unspent funds to FY18/19.</td>
</tr>
<tr>
<td>3 Railroad Bridge analysis</td>
<td>Updated engineering analysis of railroad bridges to complete bridge rehabilitation work outlined in engineering analysis completed in 2012</td>
<td>$150,000</td>
<td>$300,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$450,000</td>
<td>Add $100k, carryover unspent FY17/18 funds to FY18/19.</td>
</tr>
<tr>
<td>4 Railroad Bridge Rehabilitation</td>
<td>Rehabilitation of railroad bridges consistent with analysis completed in 2012 and updated analysis proposed for 2018</td>
<td>$1,200,000</td>
<td>$800,000</td>
<td>$250,000</td>
<td></td>
<td></td>
<td></td>
<td>$2,250,000</td>
<td>Carryover unspent FY17/18 funds and respread to reflect current schedule</td>
</tr>
<tr>
<td>5 Track infrastructure and signage maintenance and repairs</td>
<td>On-going maintenance, repair and rehabilitation of railroad track infrastructure and signage</td>
<td>$60,500</td>
<td>$262,587</td>
<td>$164,700</td>
<td>$166,841</td>
<td>$169,010</td>
<td>$171,207</td>
<td>$994,845</td>
<td>Carryover unspent FY17/18 funds and add FY22/23 estimates</td>
</tr>
<tr>
<td>6 Rail Transit or Other Projects Environmental Document</td>
<td>Preparation of environmental documents for projects on rail corridor resulting from the Unified Corridor Study</td>
<td></td>
<td>$0</td>
<td>$750,000</td>
<td>$1,150,000</td>
<td>$1,450,000</td>
<td>$650,000</td>
<td></td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>

**Estimated Annual Measure D Expenditures**

<table>
<thead>
<tr>
<th></th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,607,117</td>
<td>$1,553,336</td>
<td>$1,573,530</td>
<td>$1,593,986</td>
<td>$1,614,707</td>
</tr>
</tbody>
</table>

**Carry over to next fiscal year**

<table>
<thead>
<tr>
<th></th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$946,617</td>
<td>$162,367</td>
<td>$48,341</td>
<td>$44,038</td>
<td>$858,530</td>
</tr>
</tbody>
</table>
DRAFT - June 2018
Measure D: 5-Year Program of Projects (FY18/19-FY22/23)

Category: Neighborhood Projects: San Lorenzo Valley (SLV)/Highway 9 Corridor ($10 million over 30 years)

<table>
<thead>
<tr>
<th>Name/Road/Limits</th>
<th>Description</th>
<th>Prior Years</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
<th>2018 Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>San Lorenzo Valley (SLV) Safe Routes to Schools sidewalk (SR 9: SLVHS entrance south to at least Fall Creek Rd)-Preconstruction &amp; ATP grant match</td>
<td>Bike/Ped Pathway &amp; transit stop</td>
<td>$0</td>
<td>$250,000</td>
<td></td>
<td>$500,000</td>
<td></td>
<td>$750,000</td>
<td>Shift FY17/18 funds to FY18/19. Add funds to match grant requests</td>
</tr>
<tr>
<td>2</td>
<td>Hwy 9/SLV Corridor Plan - Completion of plan</td>
<td>Identify priorities for limited funds</td>
<td>$0</td>
<td>$50,000</td>
<td></td>
<td></td>
<td></td>
<td>$50,000</td>
<td>Additional work needed to reflect public input</td>
</tr>
<tr>
<td>3</td>
<td>Estimated Annual Measure D Expenditures</td>
<td></td>
<td>$0</td>
<td>$300,000</td>
<td>$0</td>
<td>$500,000</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Reserve for priorities in Highway 9/SLV Corridor Plan</td>
<td>Exact projects TBD. Use as match to leverage grants</td>
<td>$347,222</td>
<td>$380,556</td>
<td>$713,889</td>
<td>$547,222</td>
<td>$880,556</td>
<td>$1,213,889</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name/Road/Limits</th>
<th>Description</th>
<th>Prior Years</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Total Measure D</th>
<th>2018 Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>San Lorenzo Valley (SLV) Safe Routes to Schools sidewalk (SR 9: SLVHS entrance south to at least Fall Creek Rd)-Preconstruction &amp; ATP grant match</td>
<td>Bike/Ped Pathway &amp; transit stop</td>
<td>$0</td>
<td>$250,000</td>
<td></td>
<td>$500,000</td>
<td></td>
<td>$750,000</td>
<td>Shift FY17/18 funds to FY18/19. Add funds to match grant requests</td>
</tr>
<tr>
<td>2</td>
<td>Hwy 9/SLV Corridor Plan - Completion of plan</td>
<td>Identify priorities for limited funds</td>
<td>$0</td>
<td>$50,000</td>
<td></td>
<td></td>
<td></td>
<td>$50,000</td>
<td>Additional work needed to reflect public input</td>
</tr>
<tr>
<td>3</td>
<td>Estimated Annual Measure D Expenditures</td>
<td></td>
<td>$0</td>
<td>$300,000</td>
<td>$0</td>
<td>$500,000</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Reserve for priorities in Highway 9/SLV Corridor Plan</td>
<td>Exact projects TBD. Use as match to leverage grants</td>
<td>$347,222</td>
<td>$380,556</td>
<td>$713,889</td>
<td>$547,222</td>
<td>$880,556</td>
<td>$1,213,889</td>
<td></td>
</tr>
</tbody>
</table>
## Category: Highway 17 Wildlife Corridor ($5 million over 30 years)

**Measure D: 5-Year Program of Projects (FY18/19-FY22/23)**

### Estimated Annual Measure D Allocations

<table>
<thead>
<tr>
<th>Prior</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Future</th>
</tr>
</thead>
<tbody>
<tr>
<td>$167,667</td>
<td>$167,667</td>
<td>$167,667</td>
<td>$167,667</td>
<td>$167,667</td>
<td>$167,667</td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>

### Planned Use

<table>
<thead>
<tr>
<th>Name/Road/Limits</th>
<th>Description</th>
<th>Prior Years</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Future Debt Service*</th>
<th>Total Measure D</th>
<th>2018 Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Highway 17 Wildlife Crossing near Laurel Curve</td>
<td>Construct wildlife undercrossing to connect habitat on either side of the highway. Creates a wildlife corridor enabling animals to safely cross the highway.</td>
<td>$0</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$2,015,000</td>
<td>$2,015,000</td>
<td>$925,000</td>
<td>$5,000,000</td>
<td>Include placeholder for financing to advance project delivery. Includes $15,000 per year for RTC staff time associated with oversight, agreements, financing, coordination, and public engagement.</td>
</tr>
</tbody>
</table>

### Estimated Annual Measure D Expenditures

<table>
<thead>
<tr>
<th></th>
<th>Prior</th>
<th>FY18/19</th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
<th>Future</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Annual Measure D Expenses</td>
<td>$0</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$2,015,000</td>
<td>$2,015,000</td>
<td>$925,000</td>
</tr>
<tr>
<td>Carryover Balance - RESERVE for construction</td>
<td>$167,667</td>
<td>$318,333</td>
<td>$470,000</td>
<td>$621,667</td>
<td>($1,226,667)</td>
<td>($3,075,000)</td>
<td></td>
</tr>
</tbody>
</table>

*At a future date, RTC will evaluate financing options to advance delivery, since full $5M committed in Measure D will not be available until end of 30 year measure.

**Total cost includes pre-construction funded through Caltrans SHOPP - $3.1M. Land Trust has committed private funds for some of construction costs. Actual cost will depend on final design, bids and any claims.
## Measure D: 5-Year Plan (FY18/19-FY22/23)

**Agency:** Community Bridges - Lift Line

<table>
<thead>
<tr>
<th>Project name</th>
<th>Description</th>
<th>Cost estimate 18/19</th>
<th>Cost estimate 19/20</th>
<th>Cost estimate 20/21</th>
<th>Cost estimate 21/22</th>
<th>Cost estimate 22/23</th>
<th>Cost estimate 5 year total</th>
<th>Amount of Measure D funds to be used</th>
<th>Schedule (year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver 1</td>
<td>Additional driver to provide expanded hours of paratransit service</td>
<td>$115,000</td>
<td>$119,025</td>
<td>$123,191</td>
<td>$127,503</td>
<td>$131,965</td>
<td>$616,684</td>
<td>$616,684</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Driver 2</td>
<td>Additional driver to provide expanded hours of paratransit service</td>
<td>$115,000</td>
<td>$119,025</td>
<td>$123,191</td>
<td>$127,503</td>
<td>$131,965</td>
<td>$616,684</td>
<td>$616,684</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Driver Trainer</td>
<td>To support safety and service training for paratransit drivers</td>
<td>$66,233</td>
<td>$69,504</td>
<td>$73,080</td>
<td>$77,011</td>
<td>$79,706</td>
<td>$365,535</td>
<td>$365,535</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Admin. Assistant/Dispatcher</td>
<td>To support additional paratransit rides</td>
<td>$57,377</td>
<td>$60,373</td>
<td>$63,661</td>
<td>$67,274</td>
<td>$69,628</td>
<td>$318,313</td>
<td>$318,313</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Outreach/Publicity</td>
<td>Materials and videos to promote paratransit ride availability</td>
<td>$5,848</td>
<td>$5,848</td>
<td>$5,848</td>
<td>$5,848</td>
<td>$6,023</td>
<td>$29,415</td>
<td>$29,415</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Consultants</td>
<td>Facility project management-architects, environ review, design</td>
<td>-</td>
<td>-</td>
<td>$29,000</td>
<td>$30,304</td>
<td>$31,819</td>
<td>$91,123</td>
<td>$91,123</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Operations Facility</td>
<td>Reserve for projected purchase in 2025</td>
<td>$387,210</td>
<td>$382,990</td>
<td>$349,022</td>
<td>$341,912</td>
<td>$336,741</td>
<td>$5,863,838</td>
<td>$1,797,875</td>
<td>2025</td>
</tr>
<tr>
<td>Vehicle Equipment Reserve</td>
<td>Vehicle replacement, 5310 vehicle match funds, equipment e.g. vehicle hoist</td>
<td>$30,000</td>
<td>$30,000</td>
<td>$30,000</td>
<td>$30,000</td>
<td>$30,000</td>
<td>$150,000</td>
<td>$150,000</td>
<td>2018</td>
</tr>
</tbody>
</table>

**Total** | | $776,668 | $786,765 | $796,993 | $807,354 | $817,849 | $8,051,592 | $3,985,629 |

**Note:** Operating costs include driver support (Mechanic, IT Support, Fleet manager, Program Supervisor) salaries and fringes, vehicle operations such as vehicle maintenance and repair, fuel, vehicle insurance, communications expenses, as well as taxes and licenses related to paratransit services. It also includes a prorated allocation of costs such as general liability insurance, staff training and other indirect costs.
Summary Measure D Regional Categories 5-Year Plans

Measure D is a 30 year transportation sales tax approved by voters in 2016. The 5-Year Programs of Projects provide an opportunity for the community to provide input on how recipient agencies plan to utilize Measure D revenues in the near term, consistent with the voter-approved Measure D Expenditure Plan.

Highway Corridors
25% of net Measure D revenues are designated for the Highway Corridors category, which includes Highway 1 auxiliary lanes, bicycle and pedestrian overcrossings, traveler information, transportation demand management (TDM), highway safety and congestion reduction programs. The five year program of projects (Attachment 1, Exhibit A) proposes to use some Measure D funds in the first few years on pre-construction phases of capital projects – including auxiliary lanes from 41st Avenue to Soquel Avenue and State Park Drive to Bay/Porter interchanges and replacement of the Capitola Avenue overcrossing - and ongoing traveler information and safety programs; as well as construction of auxiliary lanes and bicycle/pedestrian crossings. The RTC is working to accelerate environmental review and design of Highway 1 auxiliary lane projects and increase opportunities to secure other state and federal grant funds to supplement Measure D revenues allocated to these projects, including new grant programs which are funded by Senate Bill 1 gas tax revenues. If grants are not available, staff will return to the RTC to consider financing options to construct projects as quickly as possible.

In summary, deliverables for the Highway Corridor category for the next five years include:
- Highway 1 - 41st Ave/Soquel Auxiliary Lanes: Completion of environmental documents by Caltrans, final design, right of way and utility work, then begin construction in 2021.
- Highway 1 – Pedestrian/Bicycle Bridge at Chanticleer: Completion of environmental documents by Caltrans, final design, right of way and utility work, and begin construction in 2021.
- Highway 1 – Pedestrian/Bicycle Bridge at Mar Vista: Begin construction following completion of environmental documents, final design, right of way and utility work.
- Highway 1 – Park Ave/Bay-Porter Auxiliary Lanes: Environmental review, final design, right of way and utility work.
- Highway 1 – State Park Drive/Park Ave Auxiliary Lanes: Environmental review, final design, right of way and utility work.
- Cruz511, Safe on 17, Freeway Service Patrol: Provide ongoing services

Coastal Rail Trail Program
17% of net Measure D revenues are designated for the “Active Transportation” category to fund the Monterey Bay Sanctuary Scenic Trail Network (MBSST), also known as the Coastal Rail Trail. As noted in the Measure D Expenditure Plan, this
funding will be used for bicycle and pedestrian trail construction; maintenance, management and drainage for the rail and trail corridor; and possible installation of conduit for internet and electrical services.

The draft FY18/19-22/23 plan for revenues allocated to the Active Transportation category (Attachment 1 Exhibit B) focuses Measure D funds to trail projects currently under development, ongoing trail development and maintenance of the corridor. **New this year, staff recommends adding $200,000 for preliminary work on Segment 10 from 17th Avenue in Live Oak to 47th Avenue/Jade Street Park in Capitola.** At its April 9, 2018 meeting, the Bicycle Advisory supported the recommendation to allocate funding towards Segment 10, as requested by the County of Santa Cruz and City of Capitola. Funds would go towards preliminary design and right of way research. The draft plan also includes **additional funds for maintenance requested by the City of Santa Cruz. The balance of funds will be held in reserve.** Reserve funds are expected to serve as match to leverage Senate Bill 1 - Active Transportation Program, Congested Corridors, and Local Partnership Program grants. It is anticipated that some of the reserve funds may be used on the North Coast trail.

Measure D funds are also used for work tasks related to trail project implementation and program management, including design, preliminary engineering, environmental permitting, as well as public engagement on projects currently under way and for development of the network as a whole. Specific tasks include coordination with local public works departments, stakeholders, State Parks, rail operators, California Public Utilities Commission, Environmental Health Services, consultants and technical experts; right-of-way surveying, encroachments and property rights certifications; grant applications for future projects and complete funding for current projects; studies related to trail implementation or corridor uses; management of all funding sources and contracts; partnership building; presentations to community organizations; event planning and participation. Program management and technical work anticipated for specific segments has been incorporated into each of those lines.

The Active Transportation Measure D category also provides funds for corridor right-of-way encroachments and maintenance, including items such as vegetation abatement, trash and graffiti removal, drainage, storm damage repairs, etc.

In summary, deliverables for the Active Transportation category for the next five years include:

- **Segment 5 North Coast rail trail:** With the Federal Highway Administration’s Central Federal Lands as the lead agency, funding will provide for construction and maintenance/operation of trail following completion of environmental analysis (per California law), completion of design, management and technical assistance.

- **Segment 7 City of Santa Cruz rail trail (Natural Bridges to Wharf):** With the City of Santa Cruz as the lead agency, complete construction of trail and conduct maintenance/operations activities with supplemental funding. Phase 1 from Natural Bridges to Bay St/California Ave is expected to be under
construction later this summer through Spring 2019. Phase 2 (from California Ave to Pacific Ave/Wharf) is expected to begin construction in early 2019.

- San Lorenzo River Parkway Phase II (Segment 8 bicycle/pedestrian trestle bridge widening): With the City of Santa Cruz as the lead agency, funds will be used to widen the existing walkway for multi-use purposes on the existing railroad bridge. Pending review by the Coastal Commission, the City’s objective is to start and complete construction prior to the 2019 summer tourist season.
- Segment 8/9 City and County of Santa Cruz rail trail (Pacific Ave/Wharf to 17th Ave): Environmental review and design is funded by ATP and Land Trust grants. Measure D funds will be utilized to leverage future grants for construction work.
- Segment 10 in Live Oak (17th to 47th Avenues/Jade Street Park): Preliminary design, right of way research/surveys, assessments, and grant writing services.
- Segment 18 City of Watsonville rail trail (Lee Rd-Walker): With the City of Watsonville as the lead agency, funding will be used for construction of the trail and conduct maintenance/operations activities. Construction is scheduled to begin in 2019.
- Maintenance of rail corridor: Ongoing activity to address vegetation, trash, graffiti, drainage, encroachments, etc.
- Ongoing oversight, technical work, coordination with stakeholders and other applicable entities, responding to public comments and questions, and advancing future trail segments, including pursuing additional grants.

Rail Corridor

8% of net Measure D revenues are designated for the Rail Corridor category for infrastructure preservation and analysis (including environmental and economic analysis) to answer community questions about possible future transit and other transportation uses of the rail corridor. Slight modifications from the plan approved by the RTC in April as part of the FY18/19 budget adoption are included in the new the 5-year plan.

As stated in the Measure D Expenditure Plan, projects under this category include “maintaining and repairing the publicly-owned Santa Cruz Branch Rail Line.” Therefore, the 5-year program of projects includes track maintenance and repairs, storm damage repair and clean up, and bridge analysis and rehabilitation to continue work began in 2012. Measure D does not include funding for any new train or rail service.

In summary, deliverables for the Rail Corridor category for the next five years include:

- Unified Corridor Investment Study: Complete three-route analysis including transportation options on the rail corridor
- Rail Bridges: Updated analysis of bridge conditions and rehabilitation needs to prioritize work; and rehabilitation of bridges based on results of analysis
- Track infrastructure: Conduct ongoing repair, maintenance and improvement, including storm damage repairs
Corridor Use: Complete required environmental documents based on results of the Unified Corridor Study

San Lorenzo Valley (SLV) Highway 9 Corridor Improvements
Measure D includes a total of $10 million for transportation projects along the Highway 9 corridor through San Lorenzo Valley (approximately $333,000 per year over 30 years). The 5-year plan includes $750,000 to serve as a match to a grant application to improve pedestrian access to the SLV school complex, which has consistently been identified as one of the highest priority projects in SLV. The RTC is working with a consultant team, Caltrans, County Public Works and Planning, Santa Cruz Metropolitan Transit District (METRO), and the public to develop a comprehensive plan for the Highway 9 corridor. The corridor plan identifies, evaluates and prioritizes multimodal investments along the corridor. The updated 5-year plan allocates $50,000 in Measure D funds to complete the corridor plan. Additional funds are needed to address comments received on the draft implementation plan. The balance of Measure D revenues are reserved for projects identified in Highway 9/SLV corridor plan. Through development of the plan, hundreds of project ideas, challenge areas and concepts have been identified. The project team is currently working with the community to prioritize approximately 30 projects for implementation in the short, mid and long term. Measure D funds are insufficient to address all of the priority transportation projects and will need to be focused on the very highest priority projects in San Lorenzo Valley and to leverage other funds.

In summary, deliverables for the SLV/Highway 9 project for the next five years include:

- SLV School Complex Access: Funds to serve as match to leverage Active Transportation Program grant funds to construct pathways and other improvements.
- Through the SLV/Highway 9 corridor planning effort (scheduled for completion in 2018), determine near-term and longer term priority investments of Measure D and other funds.

Highway 17 Wildlife Crossing
Measure D includes a total of $5 million for the Highway 17 Wildlife Crossing (approximately $167,000 per year over 30 years). Caltrans and the Land Trust of Santa Cruz County secured over $3 million in State Highway Operation and Protection Program (SHOPP) funds from the California Transportation Commission (CTC) to initiate environmental review and design of a wildlife crossing on Highway 17 near Laurel Curve. The Land Trust has secured right-of-way adjacent to the highway and is raising private funds to complete the project. While Caltrans currently anticipates that pre-construction work will be done and the project ready for construction in FY20/21, Measure D revenues apportioned to the project will not have had time to accumulate to a level sufficient to fully fund the project by FY20/21. RTC staff is investigating financing and other options to accelerate delivery of this project, which may include loans from other entities or other Measure D categories, or bond financing. The update 5-year plan assumes some of the Measure D funds may be needed for debt financing and
ongoing RTC staff time associated with project implementation, coordination and outreach.

Community Bridges Measure D Projects
Twenty percent (20%) of net Measure D revenues are designated for the Transit for Seniors and People with Disabilities category. Four percent (4%) of net Measure D revenues are allocated to the Consolidated Transportation Services Agency (CTSA) for Santa Cruz County for paratransit service. Community Bridges-Lift Line serves as the CTSA for Santa Cruz County. The remaining 16% of net Measure D revenues under the Transit for Seniors and People with Disabilities investment category are allocated to the Santa Cruz Metropolitan Transit District. As noted in the Measure D Expenditure Plan, paratransit services work with social service agencies to increase transportation options for seniors, individuals living with disabilities, and persons with low incomes.

The Measure D five-year funding projection (FY18-FY23) for direct allocation to Community Bridges-Lift Line is estimated to be approximately $3.98 million for the five-year period with an average annual distribution of $797,000. The draft five-year plan (Attachment 1: Exhibit F) distributes the direct allocation as follows:

- 31% for two driver positions to provide door-to-door service for elderly and/or physically or mentally limited and/or ill passengers. Drivers operate the vehicles, keep simple records, and maintain the van in a clean, safe, and orderly condition and perform other related work as required;
- 9% for a new van driver trainer who will supervise van drivers and provide all phases of training for drivers, including preparing van driver trainees for promotion to van driver and ongoing retraining;
- 8% for an administrative assistant and dispatcher to provide administrative support including clerical support, receiving and screening telephone calls, maintaining records, preparing statistics reports, correspondence and coordination of tasks and scheduling when needed to provide support to the van drivers;
- 1% for outreach and publicity to provide materials and videos to promote paratransit ride availability;
- 47% for operations and facility reserve to purchase property and construct an operations facility that will house the entire Lift Line operations in one location or for increases in facility leases, including relocation if needed; and,
- 4% for vehicle and equipment reserve to purchase two new fleet vehicles, including on one 24-passenger replacement bus and one electric vehicle, and replace aging and worn shop improvement or upgrades to the maintenance and operations facility.
RECOMMENDATIONS

Staff recommends that the Santa Cruz County Regional Transportation Commission (RTC) approve the attached Administration, Coordination and License Agreement with Progressive Rail (Attachment 1) for rail operations on the Santa Cruz Branch Rail Line as negotiated over the past five months working with the RTC and its ad-hoc committee and authorize the Executive Director to execute the agreement.

BACKGROUND

In 2012, after more than a decade of active negotiations with Union Pacific (UP), substantial due diligence work, and securing funding from the California Transportation Commission (CTC) with conditions, the Regional Transportation Commission (RTC) selected Iowa Pacific Holdings (IPH) to operate on the Santa Cruz Branch Rail Line and completed purchase of the Santa Cruz Branch Rail Line from UP. Unfortunately, the financial situation for IPH changed significantly over time and IPH became unable to fulfill all the terms of the administration, coordination and license (ACL) agreement. Therefore, the RTC provided IPH with a 30-day notice of default. IPH responded with a letter committing to work with the RTC on transitioning the operation to another operator selected by the RTC.

In December 2017, the RTC released a request for proposals (RFP) for a rail service operator and received five proposals from Trail Now, California Coast Railroad, Railmark, Santa Cruz Big Tress and Pacific Railway and Progressive Rail. After review of the proposals, in January 2018, the RTC selected Progressive Rail to begin negotiations for an operating agreement with the following approved motion:

“select Progressive Rail as the preferred entity potentially to operate rail service on the Santa Cruz Brach Line for purposes of negotiating a draft operating agreement, direct staff to return to the Commission if legally required interim actions are necessary, and finally, authorize the Executive Director to negotiate a draft agreement with Progressive Rail and return to the RTC for consideration of the negotiated agreement with the understanding that the RTC will consider final adoption of the agreement after the Unified Corridor Study is completed and acted upon.”
Over the past five months the RTC has been negotiating an agreement with Progressive Rail, conducting extensive due diligence including a trip to visit several Progressive Rail operations, and receiving public comments on the consideration of Progressive Rail as the next rail service operator on the Santa Cruz Branch Rail Line.

**DISCUSSION**

**Due Diligence**

The Progressive Rail proposal demonstrated the greatest strength to take over the existing operation from Iowa Pacific Holdings, develop the freight business and implement passenger excursion operations. This will ensure that the RTC, as the owner of the rail line, meets its obligations to the California Transportation Commission, Caltrans, the Surface Transportation Board, the Federal Railroad Administration, the California Public Utilities Commission and the local businesses and members of the community who depend on rail service.

The RTC also checked a variety of references for Progressive Rail including Union Pacific, the Federal Railroad Administration (FRA) and the North Carolina Department of Transportation (NCDOT.) NCDOT owns a rail line on which Iowa Pacific Holdings (IPH) was operating. Due to difficulties with IPH, NCDOT removed IPH and installed Progressive Rail. NCDOT reported great satisfaction with the operations and service provided by Progressive Rail as well as their sensitivity to and economic investment in the local community. Union Pacific communicated a very positive relationship with Progressive Rail and the FRA said that they have no complaints or concerns regarding Progressive Rail’s operations anywhere in the country. Other references also expressed positive comments regarding Progressive Rail’s operations. Reference checks were conducted with individuals and organizations that were not on the reference list provided by Progressive Rail.

In addition to evaluating Progressive Rail’s written proposal and checking a variety of references, Commissioner Ed Bottorff and Executive Director George Dondero traveled to the Mid-West and met with Progressive Rail’s (PGR) management team, employees, customers, partners, and various members of communities where PGR currently provides service. Visits were made over three days in March 2018 to three different rail lines owned and operated by PGR in Lakeville, Minnesota; Chippewa Falls, Wisconsin; and Mason City, Iowa.

The due diligence trip confirmed in many ways that Progressive Rail has a capable team with the ability and desire to deliver what they envision for a rail line. Numerous interviews provided a consistent impression of a team of people with energy, integrity and respect for their employees and the communities where they operate. They have a track record of finding ways to serve existing local businesses, developing new ones, and providing services integrated with the rail service. One example is the trans-load facility at the PGR headquarters in Lakeville, Minnesota. Warehouse space is leased to businesses that can save money by taking delivery of materials shipped via rail (as opposed to truck), and can keep these
materials on site until needed by leasing space in the warehouse. Products as diverse as milled hardwood lumber, rolls of corrugated paper, and coils of aluminum were visible during the visit. The trans-load facility is a model that has been duplicated in two other locations, and is planned for Watsonville in 2019.

Operating Agreement

The RTC completed its negotiations on the draft operating agreement (Attachment 1) and released it for public review on May 9, 2018. The agreement is in two phases. Phase one engages Progressive Rail to provide freight service on the south end of the line to existing freight customers in Watsonville. Winter storm damage and a washout near Harkins Slough prevents access to the remainder of the line until repairs are made. RTC is working with engineers, contractors and permitting agencies to make those repairs as soon as possible.

Phase two of the agreement activates after the RTC completes the Unified Corridor Study and makes a decision on future use of the rail line. If the RTC decides to keep the tracks in place and pursue potential passenger rail service (consistent with existing policy) then the agreement remains in place for ten more years and will include the entire length of the rail line. IF the RTC decides to remove the tracks, beyond the Watsonville area, then Progressive Rail has the option to pull out of the agreement.

Questions and Concerns

Since the RTC began considering Progressive Rail as the potential new operator in January 2018, the RTC has received questions and comments from the public. Progressive Rail representatives have been at two RTC public meetings to address questions and comments from the RTC and the public. Progressive Rail representatives will also attend the June 14, 2018 meeting of the RTC. Some of the questions and concerns that have come up include:

1. Does the RTC have an obligation to ensure that there is freight rail service on the rail line?

   RTC Legal Counsel Brooke Miller has provided information to the RTC regarding that question and recently communicated with a member of the public (Ryan Whitelaw) regarding that specific question from a legal perspective. The RTC Legal Counsel communication with Ryan Whitelaw is included as Attachment 2.

   The rail line is a transportation facility that serves local businesses who employ members of the community and who depend on the freight rail service. Therefore, as a responsible owner of this facility, it is incumbent on the RTC to work to ensure that the local community is receiving the service that it needs and that this community asset is being adequately operated and maintained.
2. **There is no urgency to enter into an agreement with a new rail operator so the RTC should not enter into an agreement with PGR until the Unified Corridor Study is completed and the RTC acts on it.**

Unfortunately, Iowa Pacific Holdings (IPH) has become a very unreliable provider of freight rail service due to its financial situation. IPH continue to increase debt to the RTC by continuing to store cars on the rail line (close to 200 cars currently) without paying the RTC (about $80,000 in fees is owed to the RTC) and not addressing maintenance and repair needs on the rail line. Recent communications with the Federal Railroad Administration (FRA) have revealed that a number of track defects identified by the FRA have gone unaddressed for months. The FRA communicated that while these are not defects that warrant an immediate shut down of the rail line, they need to be addressed. The FRA also communicated that penalties may be levied on IPH for other issues. An FRA representative communicated that considering the problems with IPH it is very good that the RTC is working to secure a new operator soon.

Communications with IPH have confirmed that the track has a number of defects and that the track defects over the Pajaro River bridge have prevented them from operating for a number of weeks. IPH states that they have been working to address the issues but have not been able to do so. RTC staff learned that local track contractors are currently quite busy but contractors are also unwilling to extend any credit to IPH due to unpaid invoices. In addition to the track defects, IPH’s locomotive is currently out of compliance with FRA requirements because it has not yet had the most recently required inspection. RTC staff has learned that one local business, Big Creek Lumber, is currently being affected by IPH’s inability to operate. Kevin Busath, Vice President of IPH, communicated that considering the challenges that IPH is facing, it is in the best interest of everyone involved to establish a new operator for the rail line as soon as possible.

The operating agreement negotiated with Progressive Rail (PGR) includes a provision that would make it possible for PGR to leave, if the RTC decides to remove the track after the completion of the unified corridor study.

3. **Progressive Rail has ties to the petroleum industry and will likely use those ties to transport petroleum based fuels through Santa Cruz County to the detriment of the local community and the environment.**

There are no petroleum refineries in Santa Cruz County. There are no locally produced petroleum based fuels and no distribution facilities. As long as that is the case such fuels will need to come to Santa Cruz County by truck, train or pipe. Many trucks now travel throughout the entire county and through the county on state highways and local roads to deliver such fuels. A number of studies have shown that delivering by rail is much safer than delivering by truck for both humans and the environment. In addition, Santa Cruz County has prohibited new oil development in the County and the voters have prohibited any on-shore facilities for off shore oil drilling.
4. **RTC staff was communicating only with Progressive Rail prior to the release of the request for proposals (RFP) for a rail service operator, demonstrating a biased and unfair process.**

Members of the community who have expressed this concern and pointed to email communication between RTC staff and Progressive Rail obtained through a public records request, requested only the communication with Progressive Rail. It is quite common for any companies interested in contracting with the RTC to reach out to RTC staff prior to the issuance of any RFP’s and staff meets with those companies as available.

All of the proposers for rail service had communications with RTC staff prior to the release of the RFP expressing their interest in the Santa Cruz County operations. Railmark submitted a proposal in 2012 and was not selected. Since then Railmark has regularly communicated with RTC staff expressing their continued interest. California Coast Railroad representatives also communicated with RTC staff over at least a couple of years expressing their interest in the rail operations. In March of 2017, RTC staff met with California Coast Railroad representatives, at their request, where they presented their vision for rail operations in Santa Cruz County. Trail Now representatives have also communicated via email, phone conversations and face-to-face meetings their interest in the rail operations. RTC staff also communicates regularly and periodically meets with representatives of Santa Cruz Big Trees and Pacific Railway to discuss their operations, coordination with IPH and any interest in operations on the Santa Cruz Branch Rail Line. Other potential operators who received the RFP but did not propose also expressed interest at different times to RTC staff prior to the release of the RFP.

Other questions and concerns have also been submitted to the RTC. RTC staff is preparing a list of those questions and concerns with responses and will be posted on the RTC website prior to the June 14th RTC meeting.

Staff recommends that the RTC **approve the attached Administration, Coordination and License Agreement with Progressive Rail** (Attachment 1) for rail operations on the Santa Cruz Branch Rail Line as negotiated over the past five months working with the RTC and its ad-hoc committee and authorize the Executive Director to execute the agreement.

If the RTC executes the agreement, the activities listed below will follow:

- Develop and implement a transition plan with Iowa Pacific Holdings which includes transition of freight rail operations easement and rail operating agreements;
- Submit required filings to the Surface Transportation Board (STB) with new operator;
• Submittal of new letters of responsibility showing the selected rail operator as the party responsible for rail operations and railroad infrastructure maintenance and inspections; and
• Begin operations on Branch Line under new operator.

SUMMARY

When the RTC purchased the Santa Cruz Branch Rail Line in 2012, the RTC also selected Iowa Pacific Holdings (IPH) to provide rail service operations on the Branch Line. IPH is no longer meeting its obligations under the agreement with the RTC; therefore, the RTC released a request for proposal and selected Progressive Rail to negotiate a new operating agreement. The RTC completed negotiations on a draft agreement and released it for a 30-day public review period. Staff recommends that the RTC adopt the attached resolution approving an operation agreement with Progressive Rail.

Attachments:
1. Negotiated Administration, Coordination and License agreement
2. Communication regarding RTC obligation for freight rail service
3. Comments from the public on agreement with Progressive Rail
This administration, coordination, and license agreement (the “Agreement”) is dated as of __________, 2018, and is between the Santa Cruz County Regional Transportation Commission (the “Commission”), a public agency created under California law, and Santa Cruz Scenic Railway, a limited liability company (“Railway”).

The Commission purchased the Santa Cruz Branch railroad line (the “Property”) from Union Pacific Railroad Company (“UP”), via an August 20, 2010, Purchase and Sale Agreement (the “Purchase and Sale Agreement”);

UP reserved an easement to conduct common carrier freight railroad operations on and over the Property (the “Freight Easement”), which Freight Easement is set forth in the Quitclaim Deed by which UP, as grantor, quitclaimed all its right, title and interest in and to the Property to the Commission, as grantee;

UP quitclaimed all its right, title, and interest in and to the Freight Easement to a previous operator to act as the sole freight rail operator on the Freight Easement;

For the last few years, a previous operator operated on the Property pursuant to an agreement with the Commission;

The previous operator has agreed to cancel its current administration, coordination and license agreement to operate the Property and to convey the Freight Easement to the Railway;

The Commission has undertaken a study to help determine the best use of the Property by the Commission (the “Study”);

Railway needs a long-term agreement of at least 10 years, covering all facets of railroad operations, to justify its investment of time and money needed to conduct railroad operations; and

Railway and the Commission desire to establish their respective rights and obligations with respect to the Property and the Freight Easement by entering into this Agreement.

The parties therefore agree as follows:

1. Definitions

1.1 The term “Commission” is defined in the introductory paragraphs of this Agreement and includes its directors, officers, employees, agents, parents, subsidiaries, affiliates, commonly controlled entities, and all others acting under its or their authority.

1.2 The term “Coordination Committee” is defined as the committee established by the parties pursuant to Section 11.

1.3 The term “FRA” is defined as the United States Federal Railroad Administration or its regulatory successor.
1.4 The term “Freight Easement” is defined in the introductory paragraphs of this Agreement.

1.5 The term “Freight Easement Property” is defined as the portion of the Property subject to the Freight Easement consisting of any and all real and personal property within 10 feet of the centerline of any track on the Property except where roadways, buildings, or Property boundary lines reduce such distance to less than 10 feet, and except for any retained rights and personal property described herein.

1.6 The term “Freight Service” is defined as any and all common carrier rail freight operations, rights, or obligations as to the Freight Easement Property including freight transportation, switching, temporary rail car storage (subject to the conditions of Section 2.5), transloading freight and dispatching.

1.7 The term “Hazardous Materials” is defined as any substance: (a) that now or in the future is regulated or governed by, requires investigation or remediation under, or is defined as any hazardous waste, hazardous substance, bio-hazard, medical waste, pollutant, or contaminant under any governmental statute, code, ordinance, regulation, rule, or order, or any amendment thereto, including the Hazardous Material Transportation Act 49 U.S.C. § 5101 et seq., the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. § 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., or (b) that is toxic, explosive, corrosive, flammable, radioactive, carcinogenic, dangerous, or otherwise hazardous, including gasoline, diesel, petroleum hydrocarbons, polychlorinated biphenyls (PCBs), asbestos, radon, and urea formaldehyde foam insulation.

1.8 The term “Hazardous Materials Laws” means all present and future governmental statutes, codes, ordinances, regulations, rules, orders, permits, licenses, approvals, authorizations, and other requirements of any kind applicable to Hazardous Materials.

1.9 The terms “include”, “includes”, and “including” are to be read as if they were followed by the phrase “without limitation.”

1.10 The term “Loss” is defined as any loss, damage, claim, demand, action, cause of action, penalty, fine, payment, cost, liability, or expense of whatsoever nature, including court costs and reasonable attorneys’ fees, resulting from or related to: (a) any injury to or death of any person, including officers, agents, and employees of the Commission or Railway; or (b) damage to or loss or destruction of any property, including the Property, any adjacent property, and the roadbed, tracks, equipment, other property of the Commission or Railway, and any property in the Commission’s or Railway’s care or custody.

1.11 The term “Property” is defined as the entire Santa Cruz Branch railroad line right-of-way purchased from UP by the Commission, including all improvements thereto, whether now existing or hereafter constructed.

1.12 The term “PUC” is defined as the California Public Utilities Commission.
1.13 The term “Railroad Facilities” is defined as all tracks and other railroad property and fixtures, including ties, switches, trackbeds, bridges, trestles, retaining walls, culverts, railroad signs, switch mechanisms, signals, grade crossings, active and passive grade crossing warning devices and other appurtenances associated with the trackage described on Exhibit A and located on the Freight Easement Property.

1.14 The term “Railway” is defined in the introductory paragraphs of this Agreement and includes its directors, officers, employees, agents, parents, subsidiaries, affiliates, commonly controlled entities, any other related persons and entities, and all others acting under its or their authority.

1.15 The term “STB” is defined as the United States Surface Transportation Board or its regulatory successor.

1.16 The term “Study” is defined in the introductory paragraphs of this Agreement and refers to the Unified Corridor Investment Study anticipated to be completed by the end of calendar year 2018. For purposes of this Agreement, the Study shall be deemed to be “completed” on the date that it is presented, with a recommendation of Commission staff regarding the use of the Property, to the governing Board of the Commission.

1.17 The term “Transportation Service” is defined as the transportation of passengers by rail, including excursion trains. Transportation Service does not include regularly scheduled mass transit or commuter service.

1.18 The term “UP” is defined in the introductory paragraphs of this Agreement.

2. Commission Grants Rights

2.1. Freight Service (Phase I). Upon the effective date of this Agreement, the Commission grants Railway the exclusive right and obligation to provide Freight Service on the Freight Easement Property. Railway’s rights and obligations to provide Freight Service under this Agreement are limited to those set forth in the Freight Easement or in this Agreement. The authorization to provide Freight Service under this Agreement shall be referred to as "Phase I" of this Agreement. Railway may not, in performing such Freight Service, exceed the maximum speeds authorized by applicable law for the existing track conditions or transport rail cars exceeding the applicable track and bridge weight limits.

2.2. Trackage License. The Commission grants Railway an exclusive license to use, maintain, repair, and operate all of the Railroad Facilities for all Freight Service purposes. Notwithstanding their location on the Freight Easement Property, buildings and other fixtures which are not appurtenances associated with the tracks and related railroad property are not included as part of this license.

2.3. No Material Interference with Freight Service. Notwithstanding the rights retained by the Commission under this Agreement, the exercise of such rights by the Commission may not materially interfere with Railway’s Freight Service rights and obligations under federal law, or rights under the Freight Easement, unless first approved by the STB.
2.4. Transportation Service and Other Third-Party Licenses.

2.4.1. Railway Transportation Service (Phase II). If upon completion of the Study the Commission determines that all of the Freight Easement Property should be used for Transportation Service, the Commission immediately will grant Railway a non-exclusive license to use the Freight Easement Property and Railroad Facilities to provide Transportation Service on the Freight Easement Property; provided that prior to the commencement of operations (a) the Commission has approved in writing a detailed plan from Railway describing such Transportation Service, (b) the Transportation Service will not materially conflict with, and will be subject and subordinate to Freight Service, and (c) Railway has obtained any governmental authorizations required under applicable law for such Transportation Service. Within 12 months of the Commission determining that all of the Freight Easement Property should be used for Transportation Service, Railway will present a detailed plan describing the proposed Transportation Service, including a description of the proposed equipment to be used. The Commission shall have up to one hundred and twenty (120) days to review Railway’s proposed plan, and in no case shall the Commission be required to complete its review of Railway’s plan prior to the latest date it may grant a license to provide Transportation Service pursuant to Section 8.2.4. Failure to act on the proposed plan within such time period will result in the plan being considered approved by the Commission, provided, however, that any requirements of the California Environmental Quality Act applicable to the Transportation Service have been met. Railway agrees to act in good faith to incorporate the Commission’s reasonable requests into its plan. The authorization to provide Transportation Service under this Agreement shall be referred to as "Phase II" of this Agreement.

2.4.1.1. Future Transportation Service. After the effective date of the grant of a license to Railway to provide Transportation Service (Phase II) pursuant to Section 2.4.1, subsequent changes to the plan for Transportation Service approved by the Commission shall be subject to the Commission’s approval. The Commission shall have up to sixty (60) days to review such changes. Failure to act on the proposed amendment to the plan within such time period will result in the plan as amended being considered approved by the Commission provided, however, that any requirements of the California Environmental Quality Act applicable to the Transportation Service have been met. Railway agrees to act in good faith to incorporate the Commission’s reasonable requests into its plan.

2.4.1.2. Third-Party Licenses. The Commission reserves the right to grant additional licenses over the Freight Easement Property and the Railroad Facilities (excluding licenses for temporary rail car storage or repairs on the Railroad Facilities), provided that any such licenses: (a) do not materially conflict with, and are subject and subordinate to, Railway’s right to use, maintain, repair, and operate all of the Railroad
Facilities for all Freight Service purposes, (b) do not materially conflict with, and are subject and subordinate to, any other license granted Railway hereunder, (c) require the licensee to pay its proportionate share of Railway’s prior (incurred within the preceding five years) and current costs (including labor costs, materials costs, equipment costs - using equivalent rental costs as a proxy for capital and maintenance and repair costs - travel, fuel, contract labor, and appropriate overhead) to maintain the portion of the Freight Easement Property and Railroad Facilities used by the licensee, and (d) require the licensee to (i) provide adequate insurance based on the scope and potential risks of operations of the licensee, as determined by the Commission and (ii) indemnify and hold harmless Railway and the Commission as to any Loss arising out of or related to licensee’s operations.

2.4.1.3. After the effective date of the grant of a license to Railway to provide Transportation Service (Phase II) pursuant to Section 2.4.1, any new third-party license for Transportation Service on the Freight Easement Property, other than special events as described in Section 2.4.1.10, will be deemed to materially conflict with Railway’s Transportation Service license. The limiting provisions of this Section 2.4.1.3 are conditioned on the Railway meeting the following conditions:

a. Levels of Service: Railway’s Transportation Service shall carry the following numbers of revenue passengers beginning on the third anniversary of receipt of the license to begin Transportation Service (Phase II):
   I. First Year of Service: 5,000 passengers.
   II. Second Year of Service: 10,000 passengers.
   III. Third Year of Service and Thereafter: 15,000 passengers.

2.4.1.4. If Railway or any third-party licensee (“Tourist Operator”) fails to initiate and continue to operate Transportation Service substantially in accordance with its license and approved plan, then the applicable Tourist Operator’s operations may, at the Commission’s option, lose priority over any other operations, but only to the extent of such failure to operate.

2.4.1.5. If Railway constructs capital improvements to the portion of the Freight Easement Property and Railroad Facilities used by a third party licensee, the Commission shall promptly and reasonably determine (i) (a) the benefit of such improvements to such licensee or (b) the diminution of value to such improvements for Railway, (ii) the apportionment of benefit or loss for such improvements between Railway and such licensee, and (iii) the appropriate amortization period for such improvements (for...
capital improvements the Commission shall make such determination concurrently with its approval of such capital improvements pursuant to Section 6.2). The Commission’s contract with such licensee will (i) require the licensee to pay amounts due within 30 days following receipt of written notice from Railway and (ii) name Railway as a third-party beneficiary with rights of enforcement. As used in this Agreement, the term “capital improvement” means any improvement or repair that is subject to the capital depreciation rules of the Internal Revenue Service.

2.4.1.6. Each third-party licensee’s proportionate share of Railway’s costs shall be calculated in advance by Railway (based on the prior year’s maintenance and repair costs plus any reasonably anticipated extraordinary maintenance and repair costs, and the parties’ relative need or usage during the licensee’s operating season) on a car-mile basis as to the portion of the Freight Easement Property and Railroad Facilities used by such licensee. (As used in this subsection, “repair costs” refers to the cost of repairs that maintain property in good operating condition and not to repairs that are “capital improvements,” which are dealt with in Subsection 2.4.1.5.) Such licensee shall pay its proportionate share of costs monthly in advance during the months of the licensee’s operations. Railway shall at the end of each calendar year reconcile the amounts paid to the actual costs incurred. The Commission’s contract with such licensee will (i) provide that if the actual costs exceed the amount charged to such licensee, such licensee will, within 30 days following receipt of written notice of such reconciliation from Railway pay the additional amount to Railway and (ii) name Railway as a third-party beneficiary with rights of enforcement. If the actual costs are less than the amount charged to such licensee, Railway will within 30 days following such reconciliation refund the balance to such licensee.

2.4.1.7. The Commission or its designee shall have the right to review, obtain, and copy all books, records, computer records, accounts, documentation and any other materials (collectively “Records”) pertaining to Railway’s costs that are subject to apportionment under this section, including any Records in the possession of any subcontractors, for monitoring, auditing, or otherwise verifying said costs. Railway agrees to provide the Commission or its designees with any Records requested for this purpose and shall permit the Commission or its designees access to its premises, upon reasonable notice, during normal business hours, for the purpose of inspecting and copying such Records. Railway further agrees to maintain such Records for a period of three years. The Commission acknowledges and agrees that these Records constitute Railway’s confidential information and shall not be disclosed to any third-party without
Railway’s prior written approval, except as otherwise required by applicable law.

2.4.1.8. The Commission, may elect to require a lower level of liability insurance coverage for the licensee than the level of coverage then required of Railway under Section 9, provided that Railway reasonably concurs with the Commission that the level of operations of a licensee providing a lower level of liability coverage than required of Railway under Section 9 justifies the reduced coverage.

2.4.1.9. Railway will reasonably cooperate with any third party holding rights to use the Property, including, without limitation, any third-party Transportation Service operator seeking to secure the necessary certification or qualification required by applicable law to operate on the Railroad Facilities, provided such cooperation does not require significant unreimbursed expense for Railway.

2.4.1.10. In addition to all other rights of Commission under this Agreement, and notwithstanding anything to the contrary in this Agreement, the Commission reserves the right to use the Freight Easement Property and Railroad Facilities for special events. Such special events shall be subject to the provisions of Sections 2.4.1.5 and 2.4.1.6, provided that such special events will only be deemed to materially conflict with another Transportation Service license if they operate during the same season, and on the same days and times of day, as Railway operations. The Commission will consult with Railway regarding Railway’s willingness and ability to operate such special events.

Nothing in this paragraph shall preclude the Commission and Railway from negotiating arrangements for special events.

2.5. Temporary Rail Car Storage. Subject to the terms and conditions of this Agreement, Railway may undertake temporary rail car storage or repairs related to its own rail operations on the Railroad Facilities consistent with the provisions of Sections 2.5.1 and 2.5.2. For clarification, the staging of rail cars for unloading or loading in connection with transloading activities will not be considered rail car storage hereunder.

2.5.1. Unless otherwise expressly agreed by the Commission in writing, Railway will not (i) store more than 100 rail cars, or (ii) store rail cars in locations other than those marked on Exhibit B (which locations are intended to substantially avoid visibility from Highway 1 and blocking designated public beach access), or (iii) store any rail car for more than two (2) months. Absent the Commission’s prior written consent, which consent may be withheld in the Commission’s sole discretion, Railway may not store railcars that have been used to transport Hazardous Materials unless such railcars are empty or contain only residual amounts of Hazardous Materials.

2.5.2. Railway shall not exercise its right to use the Freight Easement Property or Railroad Facilities for temporary rail car storage or repair in a manner that
materially affects the ability of any third party Transportation Service licensee to access the Railroad Facilities for the purpose of exercising its licensed rights.

2.6. **Investigation.**

2.6.1. Railway hereby acknowledges that (a) it has satisfied itself at the time of this Agreement with respect to the condition of the Freight Easement Property and Railroad Facilities and their suitability for Railway’s intended use; (b) it has made such investigations as it deems necessary with respect to the Freight Easement Property and Railroad Facilities, as they exist at the time of this Agreement, and assumes responsibility therefor as to its occupancy and use thereof; and (c) neither the Commission nor any of the Commission’s agents has made any oral or written representations or warranties with respect to the Freight Easement Property or Railroad Facilities.

2.6.2. In the event that any public use of the Property, or illegal activities by third parties, including trespassing, cause any significant economic or operational problems for Railway, Railway may terminate this Agreement, provided Railway provides at least ninety (90) days’ prior written notice to Commission of the specific problem(s) and cause thereof, cooperates in good faith with Commission throughout such period to resolve such problem(s), and complies with the provisions of Section 8.3.

2.7. **Warranties on Freight Easement Property.** Other than as set forth herein, Railway shall take the Freight Easement Property without any express or implied warranties, including, but not limited to, any warranties of merchantability, fitness for a particular purpose or volume or quality of traffic on the Freight Easement Property, and subject to: (i) encroachments or other existing conditions, (ii) all existing ways, alleys, privileges, rights, appurtenances and servitudes, howsoever created, and (iii) the Commission’s rights hereunder.

2.8. **Release.** Railway, for itself, its successors and assigns, to the maximum extent permitted by law, hereby waives, releases, remises, acquits and forever discharges the Commission, its officers, employees, agents, successors and assigns, from any Loss of Railway in any way arising out of, or connected with, the known or unknown, existing or future physical or environmental condition of the Freight Easement Property and Railroad Facilities (including any Hazardous Materials contamination in, on, under, or adjacent to, the Freight Easement Property, or any clearance constraints on the Freight Easement Property), or any federal, state, or local law, ordinance, rule or regulation applicable thereto.

2.8.1. Railway hereby grants to Commission, on behalf of any insurer providing property, general liability, or automobile liability insurance to either Railway or Commission with respect to the operations of Railway, a waiver of any right to subrogation which any such insurer of Railway may acquire against Commission by virtue of the payment of any loss under such insurance.

2.8.2. If any Loss described in Section 2.8 is caused by a third party under contract
with the Commission, the Commission shall, at its option, (i) pursue any claim it may have against the third-party contractor, or (ii) assign to Railway any such claim, provided that Railway shall not be obligated to pursue such claim. Any amounts recovered as a result of any such claim shall, to the extent they exceed any fees and costs incurred in pursuing such claim, be used to repair or replace any of the following that are damaged or destroyed in connection with the subject Loss:

2.8.2.1. First, Freight Easement Property and Railroad Facilities;

2.8.2.2. Then, railroad equipment.

If Railway commences abandonment proceedings for the subject portion of the Property under Section 8.3, the Commission will not assign any such claim to Railway and neither party will have any further responsibility under this Subsection 2.8.2 as to such claim. If Railway’s abandonment application is withdrawn, or not approved by the STB, the Commission may assign such claim to Railway, as provided above.

2.8.3. The provisions of this Section 2.8 shall survive the termination or expiration of this Agreement.

2.9. The rights granted by the Commission under Sections 2.1-2.5 are subject to all existing licenses, leases, easements, restrictions, conditions, covenants, encumbrances, liens and claims of title that may affect the Property and the word “grant” as used herein shall not be construed as a covenant against the existence of any thereof.

3. Limitation and Subordination of Rights Granted

3.1. Commission’s Use of Property. The foregoing granted rights are subject and subordinate to the Commission’s prior and continuing right to use and maintain the Property for any purpose that is not inconsistent with this Agreement. Without limiting the generality of the foregoing, the Commission may construct, maintain, repair, renew, use, operate, change, modify or relocate public projects of any kind (including but not limited to a trail consistent with the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Final Master Plan), railroad tracks, signals, communication equipment, fiber optics, pipelines, or other facilities upon, along, or across any or all of the Property, all or any of which the Commission may freely do at any time or times without liability to Railway for compensation or damages; provided, however, that the Commission may not materially interfere with Railway’s rights and operations under this Agreement or Railway’s Freight Service rights and obligations under federal law or under the Freight Easement, unless first approved by the STB; and provided, further, that the Commission shall to the extent possible notify Railway as soon as practicable of any such planned or actual interference and provided that the Commission takes all practicable measures to minimize any such interference. Railway shall reasonably cooperate with the Commission in implementing the foregoing uses of the Property. If the Commission or its designee requests Railway’s assistance to transport materials or to perform other transportation or construction
services for public projects, Railway will provide such assistance at rates reasonably to be determined between the parties.

3.2. **Commission’s Inspection Access; Access for Maintenance.** The Commission may, as reasonable and as coordinated in advance with Railway, (i) inspect the Freight Easement Property and the Railroad Facilities, including any facility used in connection with Freight Service or Transportation Service, and (ii) access the Freight Easement Property and Railroad Facilities (including access with Commission or third party rail vehicles) as necessary to maintain areas of the Property outside of the Freight Easement Property that are not otherwise reasonably accessible. The Commission shall defend, indemnify and hold Railway, its officers, directors, employees, and agents, harmless from and against Loss arising from injuries to or death of the Commission’s officers, directors, employees, agents, invitees, and contractors relating to such inspections, regardless of the cause of such injuries, death, or damage and regardless of the negligence of any person, except to the extent caused by the willful misconduct or gross negligence of Railway, its employees, or agents. The Commission shall ensure that any of its officers, directors, employees, agents, invitees, and contractors involved in such inspections are trained in all safety requirements and qualified for any operations related to work conducted on or near railroad operations.

3.3. **Future At-Grade Crossings.** The parties acknowledge that (i) local governments may desire to create future at-grade public crossings of the Freight Easement Property, and (ii) the Aptos Village Plan, dated February 23, 2010, specifically includes a future at-grade roadway crossing of the Freight Easement Property at approximately Milepost 12.55. Railway shall, at no cost or expense to itself, cooperate with the efforts of any applicable local governments to secure PUC approval of such crossings; provided, however, that Railway shall be entitled to raise any reasonable safety concerns related to such crossings. The fees and costs associated with the construction, maintenance, and repair of such crossings shall be set either by agreement between Railway and the applicable local government (which agreement shall become a Railway Agreement under Sections 4.2 and 4.3), or by the PUC pursuant to Public Utilities Code Section 1202, *et seq.*

4. **Assignment of Certain Contracts and Agreements**

4.1. Upon approval of Railway to operate the Freight Easement by the STB, the current operator will assign to Railway, certain agreements concerning the operation of the Railroad Facilities, including all track agreements, grade crossing agreements, and other operating agreements set forth in Exhibit C hereto (all such agreements hereinafter referred to as the “Railway Agreements”), and (ii) to the Commission, all other agreements relating to the Property, including all easements, licenses, and leases (all such agreements hereinafter referred to as the “Commission Agreements”). For any assigned Railway Agreements that grant third-party rights of access to, or use of, the Freight Easement or Railroad Facilities, Railway will instruct the holders of such agreements to name the Commission as an additional insured on their insurance policies.

4.2. Subject to the provisions of Section 2.3, which prohibit material interference with
Railway’s Freight Service rights and obligations under federal law or under the Freight Easement, unless first approved by the STB, any new Railway Agreement granting third-party rights of access to, or use of, the Freight Easement or Railroad Facilities, or contemplating alterations thereto, is subject to the Commission’s prior written consent. Such Railway Agreements will be documented by Railway using forms approved by the Commission, which forms shall, among other things, include provisions indemnifying the Commission and holding it harmless from any Loss in connection with the exercise of rights under such agreements, and the construction, maintenance, or operation, of any facilities constructed in connection with such agreements.

4.3. Railway is not, without the Commission’s prior written consent (subject to the provisions of Section 2.3, which prohibit material interference with Railway’s Freight Service rights and obligations under federal law or under the Freight Easement, unless first approved by the STB), to execute any new Railway Agreements affecting the Freight Easement Property or Railroad Facilities for a term exceeding the term of this Agreement.

4.4. Railway is not, without the Commission’s prior written consent, to terminate or modify any Railway Agreement granting third-party rights of access to, or use of, the Freight Easement or Railroad Facilities, or contemplating alterations thereto.

5. Maintenance and Operation of Railroad Facilities

5.1. Initial Rehabilitation and Repair Projects. During Phase I of this Agreement, the Commission agrees to pay for (or cause payment for) repairs to the Freight Easement Property, including all damaged bridges, overpasses, trestles, culverts, and track, necessary to allow Railroad to operate the Freight Easement to MP 7.0. During Phase II of this Agreement, the Commission will pay for (or cause payment for) repairs from MP 7.0 to MP 31.39 (up to Class 1 track classification) within the next three years following grant of the license to provide Transportation Service, provided that if the Commission fails to make the required repairs from MP 7.0 to MP 31.39 within the three years, the requirements for service provided by Section 2.4.1.3(a) will be extended accordingly. After these repairs are complete the Commission shall have no further obligation to maintain or repair the Freight Easement Property or Railroad Facilities.

5.2. Maintenance of Freight Easement Property and Railroad Facilities

5.2.1. Freight Easement Property and Railroad Facilities. Railway, at its expense, shall keep the Freight Easement Property and Railroad Facilities used by Railway (including occasional use, or use for rail car storage or lay down space) in good repair and in a good and safe condition in conformity with applicable law or any Railway Agreement, and in substantially the same condition provided by the Commission. In the event Railway fails to meet this obligation, the Commission has the right but no obligation to correct or cause the correction of the deficiency, after no less than 10 days’ written notice to Railway (except in an emergency, whereupon no notice is required)
and, if Railway does not correct the deficiency within 10 days, the Commission may bill the Railway and the Railway shall pay the actual cost of the correction within 30 days.

5.2.2. **Weeds, Trash, Drainage and Graffiti.** The parties agree that Railway shall be responsible for: (i) drainage and culvert maintenance and clearance on the entire Property unless a third person or entity is contractually responsible for such maintenance and clearance, and (ii) weed abatement, vegetation management, and trash collection over the Freight Easement Property as required by applicable law and in substantially the same condition provided by the Commission. If the Commission observes a condition that requires maintenance under these requirements or applicable law, Commission will notify Railway through a maintenance request. Railway shall resolve maintenance requests from the Commission within 30 days unless contested in good faith by the Railway. In the event Railway contests a maintenance request from the Commission, the request shall be submitted for resolution to the Coordination Committee pursuant to Section 11 and, if no resolution is met, the dispute may be submitted to mediation pursuant to Section 20. In the event Railway fails to meet an uncontested obligation, the Commission has the right but no obligation to correct or cause the correction of the deficiency, after no less than 10 days’ written notice to Railway (except in an emergency, whereupon no notice is required) and, if Railway does not correct the deficiency within 10 days, the Commission may bill the Railway and the Railway shall pay the actual cost of the correction within 30 days. Railway’s obligation to pay shall be secured by the security provided pursuant to Section 5.2.7. The Commission grants Railway a license to enter all portions of the Property as necessary to perform such maintenance; Railway shall be required to repair any damage caused as the result of Railway’s performance of any such maintenance. Except as required by applicable law, Railway shall not be responsible for the prevention, removal, or abatement of graffiti wheresoever it may occur. Railway shall also not be responsible for drainage maintenance, weed abatement, vegetation management, or trash collection related to any construction by the Commission (except for Railroad Facilities that Railway is entitled to use), or necessitated by the actions of any third party authorized by the Commission to be on the Property, or caused by any actions, omissions, or situations off or outside of the Property, except to the extent caused by Railway.

5.2.3. **Slopes, Trees and Other Conditions outside of Freight Easement Property.** Railway may, at its option, enter portions of the Property outside the Freight Easement Property to maintain or repair slopes, clear fallen trees and branches, or address other conditions, as necessary to ensure the safety and efficiency of Railway’s operations. The Commission grants Railway a license to enter all portions of the Property as necessary to perform such work; Railway shall be required to repair any damage caused as the result of Railway’s performance of any such maintenance. The Commission shall have no liability to Railway for maintenance of portions of the Property outside of the Freight Easement Property and Railway’s exclusive remedies
for damage to the Freight Easement Property or Railroad Facilities shall be limited to those set forth in Sections 5.5.3 and 8.3. However, this section shall not apply to any claims to the extent they result from the negligence or willful misconduct of the Commission or its officers, directors, employees, agents, contractors, or a third party under contract with the Commission, in which case Railway’s exclusive remedies are those set forth in Section 2.8.2, 8.3 and 14.2.

5.2.4. **Scope of Maintenance.** For purposes of this section 5.2, the maintenance and repairs to be performed by Railway include, (a) inspections, testing, track profiling, adjustments, lubricating, welding, re-spiking surfacing, tamping, and any other tasks constituting customary and routine maintenance of track structures; (b) repair, renewal, replacement, or other customary and routine work required to ensure the safety of Railroad Facilities, including compliance with any applicable bridge safety management program regulations that may be promulgated by the Secretary of Transportation pursuant to Public Law 110-432, Section 417, including the regulations set forth in 49 CFR Part 237; (c) weed and brush control and drainage management; and (d) compliance with all mandated reporting. Railway shall not be in default under this Agreement if it does not perform tie replacement programs or upgrades of rail, switches, bridges, or other track material provided that (e) Railway’s failure to perform such replacement programs or upgrades does not violate applicable law or Railway’s specific maintenance obligations under this Agreement, and (f) Railway uses reasonable diligence to seek outside funding sources for such work. The Commission shall have no responsibility to maintain the trackage, structures, or any other Railroad Facilities except as otherwise specifically required herein.

5.2.5. Concurrently with the execution of this Agreement, the required parties shall execute and deliver to the FRA a written notice of the assignment of track inspection and maintenance responsibilities, and bridge safety management responsibilities, to Railway in accordance with 49 CFR § 213.5(c) and 49 CFR § 237.3. The notice of assignment shall attach a copy of this Agreement.

5.2.6. **Limits of Commission Liability.** Notwithstanding the limitations on the Commission’s maintenance responsibilities set forth in Section 5.2, the Commission shall be responsible for the maintenance of any improvement it constructs on any portion of the Property after completion of its obligations under Section 5.1. As used in this subsection, the term “improvement” excludes improvements made to the Railroad Facilities, unless such improvement is made at the request of a third-party, in which case such third-party shall be responsible for the incremental increase in the maintenance cost thereof. Notwithstanding the foregoing, maintenance responsibility for improvements to public crossings shall be governed by the provisions of Section 3.3.
5.2.7. **Security.** Railway shall provide a performance bond or alternative security acceptable to the Commission guaranteeing its financial responsibility for the performance of its obligations to provide maintenance of the Freight Easement Property and Railroad Facilities under Section 5.2 and pay all License Fees due under Section 7, in an amount no less than $160,000, granting the Commission rights as an obligee under the bond or alternative security to cause the performance of these obligations in the event of Railway’s failure to do so, after any applicable notice and cure period under the express terms of this Agreement. The exercise of its rights under the bond or alternative security shall not in any way limit the rights of the Commission to terminate this Agreement or any other rights or remedies hereunder or under applicable law.

5.3. **Ownership of Track Materials.** All track materials installed by Railway as part of the Railroad Facilities shall be of equal or better quality than those track materials existing at the time of execution of this Agreement, or after completion of rehabilitation and repair projects by the Commission, including the projects described in Section 5.1, and shall become the Commission’s property. All materials removed by Railway from the Railroad Facilities and replaced as part of maintenance, repairs, or capital improvements shall, if the decision to remove them was Railway’s, become the property of Railway. Railway shall not, without the prior written approval of Commission, remove track materials or other improvements from the Property unless they are replaced as provided in this section. Railway shall keep a written record of track materials and other improvements removed from, or installed upon, the Property and shall provide an updated copy of the record to the Commission on or before the end of each calendar quarter.

5.4. **Clearing of Obstructions, Derailments, and Wrecks.** Railway shall as soon as practicable clear any obstructions, derailments, and wrecks of railroad equipment on Railroad Facilities.

5.4.1. To the extent that any such obstruction, derailment, or wreck damages the Property, Railway shall as soon as practicable restore the Property to the condition it was in prior to the obstruction, derailment, or wreck.

5.4.2. If Railway fails to comply with the provisions of this section, the Commission may perform the required action and charge Railway the reasonable cost thereof. Notwithstanding the foregoing, the Commission shall not charge Railway for the restoration of any damage caused by any third party to any bridge if in the Commission’s reasonable judgment, such damage does not expose the Commission to potential liability to the FRA, PUC, or any other third party, and either (A) such damage does not obstruct or interfere with any roadway or other property or facility used by the Commission or another third party, or (B) Railway abandons the subject portion of the Property under Section 8.3. In addition, the Commission shall not charge Railway for the restoration of any damage caused by the
Commission’s contractors, or any third party granted access to the Property by specific agreement with the Commission.

5.4.3. Nothing in this section is intended to preclude legal action by Railway or the Commission against any third party causing such obstruction, derailment, or wreck.

5.5. **Responsibility for Repair or Replacement.**

5.5.1. **Damage Caused by Freight Operations.** Except as otherwise set forth in this Agreement, Railway will be responsible to repair or replace any damage to the Freight Easement Property or Railroad Facilities caused by, or related to, Railway’s operations.

5.5.2. **Damage Caused by Commission.** Railway will not be responsible to repair or replace any damage to the Freight Easement Property or Railroad Facilities caused by the Commission, its officers, directors, employees, agents, or contractors.

5.5.3. **Damage Caused by Acts of God or Other Factors beyond Railway’s Control.** If any portion of the Freight Easement Property or the Railroad Facilities are damaged or destroyed by flood, fire, civil disturbance, earthquake, earth movement, storm, sabotage, act of God, terrorism, accident or any other event beyond Railway’s reasonable control, including damage or destruction caused by third parties, even if said damage or destruction originates outside of the Freight Easement Property, then Railway may (but, except to the extent covered by insurance required under this Agreement, shall not be required to) at no cost or expense to the Commission, (a) repair, or cause to be repaired, the damaged or destroyed portion of the Freight Easement Property or Railroad Facilities; or (b) replace, or cause to be replaced, such portion of the Freight Easement Property or the Railroad Facilities. In the event Railway does not elect to repair or replace the damaged or destroyed portion of the Freight Easement Property or Railroad Facilities, Railway shall reasonably cooperate, at its own cost, with the Commission to seek funding and cause the repair or replacement of the damaged or destroyed Railroad Facilities, or otherwise to suspend or abandon Transportation Service or Freight Service over such portion of the Property as the parties mutually agree is necessitated by the damage or destruction.

6. **Construction, Relocation, or Removal of Railroad Facilities**

6.1. **By the Commission.**

6.1.1. The license herein granted is subject to the Commission’s needs and requirements to improve and use the Property. Subject to Railway’s rights under this Agreement, the Commission, at its sole cost and expense, may add to or remove any portion of the Railroad Facilities, or change or relocate them to new locations as reasonably designated by the Commission, whenever, in the
furtherance of the Commission’s needs and requirements, the Commission finds such action to be necessary.

6.1.2. In the course of performing such work, the Commission may not materially reduce, or otherwise materially interfere with, Railway’s rights and operations under this Agreement or Railway’s Freight Service rights and obligations under federal law or rights under the Freight Easement, unless first approved by the STB. The Commission shall to the extent possible notify Railway as soon as practicable of any such planned or actual interference and take all practicable measures to minimize any such interference.

6.1.3. Railway shall in such cases provide the Commission with a fixed-price quote for performing any related work, and the Commission shall have the option of accepting Railway’s quote and having Railway perform the work, performing the work itself, or having another qualified rail contractor perform such work. If the Commission selects a third-party contractor, the contractor shall execute Railway’s Right of Entry Agreement (a copy of which is attached as Exhibit D).

6.1.4. The Commission shall have the right to salvage, stockpile, or otherwise dispose of any Railroad Facilities removed pursuant to this section; provided, however, that if the removed Railroad Facilities are reusable elsewhere on the Freight Easement Property, then Railway shall have the right to so reuse them. Any Railroad Facilities not so reused on the Freight Easement Property shall be disposed of or otherwise removed at the Commission’s expense.

6.1.5. All such work performed, and any installation of Railroad Facilities, shall be in conformance with all applicable laws. If the Commission relocates any portion of the tracks used for Freight Service, the centerline of the Freight Easement Property shall, upon completion of the relocation work, be deemed to have been modified to coincide with the centerline of the realigned tracks.

6.2. By Railway. Railway may, at its cost and expense, modify or improve the Freight Easement Property and Railroad Facilities as needed to accommodate its Freight Service or Transportation Service; provided, however, that Railway first obtains the Commission’s written approval of Railway’s plans for such modifications and improvements. Subject to the provisions of Section 2.3, which prohibit material interference with Railway’s Freight Service rights and obligations under federal law, or rights under the Freight Easement, unless first approved by the STB, Railway’s modification or improvement of the Freight Easement Property and Railroad Facilities will be coordinated with existing or future legal public uses of the Property that the Commission may authorize. Railway may, upon the termination of this Agreement or upon the abandonment of any applicable section of the Freight Easement Property or portion of the Railroad Facilities, remove any modifications or improvements to such Freight Easement Property or Railroad Facilities that were paid for by Railway, that do not constitute any repair or replacement to such Freight Easement Property or Railroad Facilities, and that have not become fixtures to such Freight Easement Property or
Railroad Facilities.

6.3. The Commission understands that Railway requires locations outside of the Freight Easement Property at which to store and maintain equipment and materials necessary for Railway’s Freight Operations including a locomotive pit. The parties agree that Railway may store equipment and materials at the location known as Wrigley’s, located between Swift Street and Natural Bridges Drive at or about Milepost 21.5. The parties agree that Railway will need to identify and construct additional maintenance and storage locations on the Property, which Railway may do as needed, subject to applicable law and the Commission’s prior written consent (subject to the provisions of Section 2.3, which prohibit material interference with Railway’s Freight Service rights and obligations under federal law, unless first approved by the STB).

6.4. The terms, conditions, and stipulations expressed in this Agreement as to the Freight Easement Property and Railroad Facilities shall apply to the Freight Easement Property and Railroad Facilities as they may at any time be expanded, added to, modified, changed, or relocated.

7. **License Fees**

7.1. For consideration of the rights granted under this Agreement, Railway shall pay the Commission the following fees as calculated on a quarterly basis:

7.1.1. **Freight Service**:

7.1.1.1. First 750 carloads per quarter: 3% of Railway’s handling revenue for such carloads.

7.1.1.2. Any additional carloads per quarter: 5% of Railway’s handling revenue for such carloads.

7.1.1.3. Storage: Fifty percent (50%) of Railway’s storage revenue in excess of $2.00 per car per storage day per quarter.

7.1.2. **Temporary Use of Laydown Space**. Railway may from time to time make arrangements with a temporary shipper by rail for the use of otherwise unused laydown space (open space outside of the Freight Easement Property next to railroad track). The parties agree that Railway will need to identify such temporary laydown locations on the Property, which Railway may do as needed, subject to applicable law and the Commission’s prior written consent. Railway shall also notify the Commission of the expected duration of each such use. If subsequently the Commission reasonably objects to any specific use of laydown space by Railway or its shipper, the Commission will make available an alternative laydown location reasonably acceptable to Railway and shipper, and Railway shall as soon as practicable discontinue that use of such laydown space and move to the alternative laydown location. Railway shall, in addition to the license fees set forth above, pay the Commission 20% of all revenue (if any) received by Railway by such shippers for such use of such laydown space.

7.1.3. **Transportation Service**: 3% of passenger ticket revenue on ticket revenue up to
$500,000 per quarter, plus 5% of passenger ticket revenue on ticket revenue over and above $500,000 per quarter.

7.2. Railway shall, within 60 days following the end of each calendar quarter, determine the amounts payable to the Commission arising from the preceding calendar quarter and shall provide the Commission with a statement describing all amounts due the Commission during the quarter. Railway shall also, upon reasonable request from the Commission, make available for inspection and copying all documents and receipts upon which such fees are based.

7.3. Subject to Section 7.4, Railway shall, within 60 days following the end of each calendar quarter, pay the Commission all amounts due the Commission for the prior calendar quarter. Railway's obligation to pay license fees is specifically acknowledged to be secured by the security required under Section 5.2.7.

7.4. The requirement to pay the license fees for Freight Service as set forth in Section 7.1.1 will begin with the first quarter after the first anniversary of Phase I of this Agreement and the requirement to pay the license fees for Transportation Service as set forth in Section 7.1.3 will begin with the first quarter after the first anniversary of Phase II of this Agreement.

8. Term and Termination

8.1. This Agreement shall become effective when fully executed and delivered to the parties in accordance with Section 27.4 and shall continue in full force and effect for a period of 10 years unless otherwise terminated as provided herein.

8.2. Termination:

8.2.1. Default.

8.2.1.1. If Railway does not provide regular Freight Service, without the Commission’s prior written approval, the Commission may forthwith terminate this Agreement by written notice. As used in this Section 8.2.1.1, the term “regular Freight Service” means revenue train operations for Freight Service consisting of a minimum of (i) 50 freight cars during the first full calendar year of service (beginning January 1); (ii) 150 freight cars during the second calendar year of service; (iii) 200 freight cars during the third calendar year of service; and (iv) 250 freight cars during the fourth calendar year of service and thereafter; or

8.2.1.2. If Railway does not provide regular Transportation Service during Phase II, without the Commission’s prior written approval, the Commission may forthwith terminate this Agreement by written notice. As used in this Section 8.2.1.2, the term “regular Transportation Service” means revenue thematic excursion operation, consisting of a minimum of (i) one excursion during the first full calendar year of service after the third anniversary of the receipt of the license to begin Transportation Service (Phase II); (ii)
two excursions during the second calendar year of service after the third anniversary of Phase II; and (iii) five excursions during the third year of service after the third anniversary of Phase II and each year thereafter during the term; provided, that if the Commission fails to make required repairs under Section 5.1 during the first three years of Phase II, the commencement date for “regular Transportation Service” as defined herein shall be extended accordingly. For the avoidance of doubt, the Commission may not terminate this Agreement pursuant to this Section 8.2.1.2 if it has not approved the non-exclusive license to Railway to use the Freight Easement Property and Railroad Facilities to provide Transportation Service on the Freight Easement Property (Phase II).

8.2.1.3. Railway remains in default in its performance of any covenant or agreement contained herein for a period of 30 days after written notice from the Commission to Railway specifying such default, the Commission may, at its option, (i) cure the default and, at its option, invoice Railway for the cost thereof, withhold the cost thereof from any amount otherwise due to Railway, or call any available bond or security for the payment thereof; or (ii) forthwith terminate this Agreement by written notice; provided however, that if such default cannot reasonably be cured within 30 days after such notice, the Commission may not terminate this Agreement provided that Railway begins to cure the default within the 30-day notice period and proceeds diligently to complete such cure.

8.2.2. Upon termination of this Agreement, whether through the expiration of the term or by the Parties as contemplated herein, Railway shall cooperate, at its expense, with the transfer or abandonment of Freight Service by the Commission; provided, that no termination shall be effective unless and until the STB has approved such transfer or abandonment.

8.2.3. The parties acknowledge that initiation of Freight Services by Railway will require Railway to invest substantial funds in anticipation of future revenues from both Phase I (Freight Service) and Phase II (Transportation Service) service. In recognition of Railway’s investment, if after completion of the Study and prior to the grant of a license to provide Transportation Service (Phase II), the Commission determines that the Freight Easement Property should not be used for Freight Service from MP 7.0 to MP 0.0, the Commission will terminate this Agreement and pay Railway $300,000.

8.2.4. The Railway can terminate this Agreement if by one hundred and twenty (120) days after completion of the Study, the Commission has not granted a license pursuant to Section 2.4.1 hereof to provide Phase II Transportation Service over all of the Freight Easement Property.

8.2.5. The Commission also agrees that it shall not terminate this Agreement due to Railway’s failure to use the rights herein granted with respect to any segment of the Freight Easement Property or Railroad Facilities that is necessary to
support any Freight Service over any regularly-used portion of the Freight Easement Property north of any unused segment.

8.3. **Abandonment.** Railway may at any time, in its sole and absolute discretion, immediately and without any liability to the Commission (except as expressly provided herein, including but not limited to Section 8.5): (a) abandon Transportation Service over all or such portion of the Property as Railway deems appropriate, and (b) seek STB approval to abandon Freight Service over all or such portion of the Property as Railway deems appropriate. In the event that Railway seeks to abandon Freight Service, Railway shall provide the Commission with 90 days advance notice of Railway’s intention and shall, at its cost, cooperate with the Commission’s efforts to take upon itself all Freight Service operations relating to the Property, to appoint another person or entity to do so, or to rail bank any portion of the Property as to which Railway intends to abandon Freight Service. Nothing in this Agreement is intended by the parties to limit these rights on the part of Railway and the Commission agrees that it will cooperate with Railway, at Railway’s cost, in Railway’s efforts to so abandon any Transportation Service or Freight Service. No such abandonment, transfer of Freight Service operations, or rail banking, shall be effective unless and until the STB has issued its approval thereof. In addition, this Agreement shall not terminate with respect to all or any portion of the Property unless and until the STB has issued such approval.

8.3.1. Any abandonment proceedings instituted by Railway shall comply with the abandonment provisions set forth in the Freight Easement, including the railbanking/OFA provisions thereof.

8.3.2. To the extent the STB approves abandonment or transfer of Freight Service over all or any part of the Freight Easement Property or Railroad Facilities, this Agreement and any other rights and obligations of Railway to the Commission, shall, at the time of consummation of such abandonment or transfer, terminate with respect to any abandoned or transferred portions of the Freight Easement Property and Railroad Facilities. Upon the effective date of such abandonment, Railway shall (i) assign to the Commission or new operator, as applicable, any Railway Agreements affecting the abandoned or transferred portions of the Freight Easement Property and Railroad Facilities, (ii) quitclaim the abandoned portion of the Freight Easement to the Commission or new operator, as applicable, and (iii) execute any additional documents reasonably necessary to effectuate the purpose and intent of this Agreement.

8.4. Upon the effective date of termination of this Agreement, Railway shall, if so requested by the Commission, (i) assign to the Commission all Railway Agreements, (ii) quitclaim the Freight Easement to the Commission, and (iii) execute any additional documents reasonably necessary to effectuate the purpose and intent of this Agreement.

8.5. LIQUIDATED DAMAGES. The parties each acknowledge that, in the event Railway exercises its right to abandon Freight Service over the entirety of the Freight Easement and the Commission is unable, despite its reasonable efforts, to obtain a new operator to which Freight Service is transferred by the STB, then determining the resulting damages would be impracticable or extremely difficult, because the Commission has undertaken a commitment to operate Freight Service on the Freight Easement Property as a condition
of receipt of funds for purchase of the Property and is incapable of acting as a common carrier itself. Therefore, the parties agree that, in the event Railway exercises its right to abandon Freight Service over the entirety of the Freight Easement and the Commission is unable, despite its reasonable efforts, to obtain a new operator to which Freight Service is transferred by the STB, Railway shall be liable to the Commission in the amount of $300,000 in liquidated damages and not as a penalty. Notwithstanding the foregoing, Railway will not be liable for any liquidated damages in abandoning Freight Service in connection with (i) the expiration of the term of this Agreement, (ii) the termination of this Agreement by the Commission pursuant to Section 8.2.1 or 8.2.3, or (iii) the termination of this Agreement by Railway pursuant to Section 8.2.4. In the event the Railway exercises its right to abandon Freight Service and has paid the amount due to the Commission pursuant to this Section 8.5, Commission shall not be entitled to any further damages of any kind, whether direct, special or consequential.

9. Insurance. Railway and the Commission shall obtain the insurance set forth below, to be kept in force during the life of this Agreement. All insurance policies must be written by a reputable insurance company reasonably acceptable to the Commission, or with a current Best’s Insurance Guide Rating of A- and Class VII or better, and authorized to do business in California. The limits of insurance coverage required under this section shall be increased every five years during the term hereof and any extended term based on any increases or decreases in the Producer Price Index, or any successor index.

9.1. Railway Insurance: Railway shall, provide and procure at its own cost and expense Railroad Liability insurance and Worker’s Compensation insurance (to the extent required by law).

9.1.1. The liability insurance policy providing bodily injury, including death, personal injury and property damage coverage shall have a limit of not less than $25 million each occurrence and an aggregate limit of not less than $50 million. The self-insured retention may not exceed $250,000 (as that value is periodically adjusted by the Consumer Price Index from and after the effective date of this Agreement). Prior to the execution of this Agreement, Railway shall provide the Commission with a certificate of insurance on a standard ACORD form, or other form reasonably acceptable to the Commission, substantiating the required coverages and limits set forth herein. Upon request by the Commission, Railway shall immediately furnish a complete copy of any policy required hereunder, including all endorsements, with said copy certified by the insurance company to be a true and correct copy of the original policy.

9.1.2. The liability insurance policy must include the Commission as an “additional insured” and the property insurance policy shall name the Commission as a loss payee.

9.1.3. Required Provisions: The insurance policy shall contain, or be endorsed to contain, the following provisions:

9.1.3.1. For any claims related to this Agreement, Railway’s insurance coverage shall be primary insurance as respects the Commission, its directors, officers, employees, and agents and any insurance or self-insurance maintained by the Commission, its directors, officers,
employees, or agents, shall be in excess of Railway’s insurance and shall not contribute to it. However, this section shall not apply to any claims that result from the sole negligence or willful misconduct of the Commission or its officers, directors, employees, agents, or invitees; as to any such claim, the Commission’s insurance shall be primary, and any insurance or self-insurance maintained by Railway, its directors, officers, employees, or agents, shall be in excess of Commission’s insurance and shall not contribute to it.

9.1.3.2. Railway shall comply with all reporting or other provisions of the policies, as necessary to maintain coverage required hereunder, including coverage to be provided to the Commission, its directors, officers, employees, or agents. Railway shall notify Commission in writing of any claims submitted relating to the Property under any policy required under this Agreement.

9.1.3.3. Railway’s insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability.

9.1.3.4. Each insurance policy required by this Agreement shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after 30 days’ prior written notice by certified mail, return receipt requested, has been given to the Commission.

9.1.4. Workers’ Compensation insurance shall cover any statutory liability as determined to be applicable by the compensation laws of the State of California with a limit of at least $1 million. The Railway represents and the Commission understands that all railroad workers are subject to the FELA and are not covered by Worker’s Compensation insurance.

9.1.5. The fact that insurance is obtained by Railway or by the Commission on behalf of Railway will not be deemed to release or diminish Railway’s liability, including liability under the indemnity provisions of this Agreement. Damages recoverable by the Commission from Railway or any third party will not be limited by the amount of the required insurance coverage.

9.2. Commission Insurance: The Commission shall, at its own cost and expense, provide and procure such Commercial General Liability (“CGL”) and Workers’ Compensation insurance as it deems necessary to cover its obligations under this Agreement.

10. Notices. All correspondence, notices, and other papers shall be delivered either in person or by certified or registered mail, postage prepaid, to the parties hereto at the following addresses:

If to Railway:

Santa Cruz Scenic Railway, LLC
11. Coordination Committee.

11.1. In order to ensure the safety and efficiency of all operations on the Property, the parties shall establish a Coordination Committee. The Coordination Committee shall be composed of two representatives from each party (and any other persons or entities as the parties may mutually agree) and shall (a) serve as a forum to coordinate the parties’ activities and resolve questions or disputes (but only to the extent the parties’ representatives have been so authorized), and (b) be responsible to make recommendations to the parties. The Coordination Committee shall meet on a regular schedule to be determined by the parties, but may be convened for special meetings by either party upon 10 days’ written notice to the other party. Following each meeting, the Coordination Committee shall deliver written minutes of such meeting to Railway and the Commission.

11.2. Railway shall comply with all reasonable requests of the Commission for representatives of Railway to attend public meetings organized by the Commission to provide non-confidential information about Railway’s operations under this Agreement.

12. Claims and Liens for Labor and Material

12.1. Railway agrees to pay in full for all materials joined or affixed to the Property, to pay in full all persons who perform labor upon the Property, and not to permit or suffer any mechanic’s or materialman’s lien of any kind or nature to be enforced against the Property, as to any work done or materials furnished thereon by Railway or at Railway’s request. Railway shall indemnify, hold harmless and defend Commission (with counsel reasonably acceptable to Commission) against and from any and all liens, claims, demands, costs and expenses of whatsoever nature in any way connected with or growing out of such work done, labor performed, or materials furnished.

13. Property Taxes

13.1. So far as it lawfully may do so, the Commission shall assume, bear, and pay all property and other taxes and assessments of whatsoever nature or kind (whether general, local, or special) levied or assessed upon or against the Property, excepting taxes levied upon and against any Freight Easement Property or Railroad Facilities. Railway shall assume, bear, and pay all property and other taxes and assessments of whatsoever nature or kind (whether general, local, or special) levied or assessed upon or against any Freight Easement Property or Railroad Facilities for which it has a license to operate, including possessor interest taxes under California Revenue and Taxation Code section 107 et seq., unless applicable law otherwise excuses payment of taxes due to the Commission’ s ownership of the Property, the Freight Easement Property, or the Railroad Facilities.
14. **Indemnity**

14.1. Railway shall indemnify, defend and hold harmless the Commission from any Loss which is due to or arises from: (a) Railway’s operation, maintenance, repair, or use of the Freight Easement Property, Railroad Facilities, any appurtenances thereto, or any part thereof; (b) Railway’s provision of Freight Service or Transportation Service; or (c) Railway’s failure to comply with or perform any of the terms and conditions set forth in this Agreement; except to the extent that the Loss is caused by the negligence or willful misconduct of the Commission, its officers, agents, or employees, or a breach of an express material warranty of the Commission. The provisions of this section shall survive the termination or expiration of the term of this Agreement for a period of two years.

14.2. The Commission shall indemnify, defend and hold harmless Railway from any Loss to the extent caused by or arising from the negligence or willful misconduct of the Commission, its officers, agents, employees, and contractors. For purposes of this Section 14.2 only, the term “Loss” is limited to any loss, damage, claim, demand, action, cause of action, penalty, fine, payment, cost, liability, or expense of whatsoever nature, including court costs and reasonable attorneys’ fees, resulting from or related to: (a) any injury to or death of any person, including officers, agents, and employees of the Commission or Railway; or (b) damage to or loss or destruction of Railway’s equipment, rolling stock and any items being transported on behalf of Railway’s customers. Any Loss related to damage to or destruction of the Freight Easement Property or Railroad Facilities is subject to the provisions of Section 2.8. The provisions of this section shall survive the termination or expiration of the term of this Agreement for a period of two years.

14.3. Each party’s obligations to the other under Sections 14.1 and 14.2 respectively are subject to the following conditions: (a) the party seeking indemnification (the “Indemnified Party”) shall, following Indemnified Party’s discovery of a Loss for which Indemnified Party seeks indemnification, or of circumstances that may reasonably result in such a Loss, promptly deliver notice to the other party (the “Indemnifying Party”) describing such Loss or circumstances, (b) the Indemnified Party shall make reasonable efforts to mitigate the effect of such Loss or circumstances, (c) the Indemnified Party shall give the Indemnifying Party the opportunity to control the defense against such Loss, and shall not compromise or settle such Loss without the Indemnifying Party’s prior written consent, and (d) in no event shall either party be liable to the other for consequential, incidental, indirect or punitive damages, even if notified of the possibility of such damages, unless such damages are included in any third-party claim against the Indemnified Party.

15. **Removal of Railway Equipment, Personnel, and Property upon Termination of Agreement.** Prior to, or upon, the termination of this Agreement, Railway shall, at its sole expense, remove its equipment, personnel, and other property from the Freight Easement Property and Railroad Facilities and shall restore, to the Commission’s reasonable satisfaction, such portions of the Freight Easement Property and Railroad Facilities used by Railway to as good a condition as they were after the completion of rehabilitation and repairs by the Commission, including the projects specified in Section 5.1, if completed (or, if the Commission
does not complete rehabilitation and repairs, as good a condition as they were in at the beginning of this Agreement), excepting normal wear and tear. If Railway fails to do the foregoing, the Commission may do such work at the cost and expense of Railway. Railway may not remove any property, including the Railroad Facilities, that is or becomes the property of the Commission under this Agreement.

16. **Hazardous Substances and Wastes**

16.1. Railway shall not be liable or responsible for any Hazardous Materials present on, in, or under the Property, or other problems relating to the Property, prior to the commencement date of its operations on the Freight Easement Property, except to the extent Railway’s activities exacerbate the contamination of any such pre-existing Hazardous Materials.

16.2. Railway shall comply with all applicable laws in its occupancy, operation, and maintenance of the Freight Easement Property and Railroad Facilities. Without first obtaining the Commission’s written permission (which may be withheld in the Commission’s sole reasonable discretion), Railway shall not treat or dispose of Hazardous Materials on the Freight Easement Property or Railroad Facilities. Railway shall not release any Hazardous Materials on or at the Freight Easement Property or Railroad Facilities, including through any drainage or sewer systems. Railway assumes all responsibility for the investigation and cleanup of any such release or exacerbation by Railway and shall indemnify, defend, and hold harmless the Commission and its property, its officers, agents, and employees, for all costs, including reasonable environmental consultant and reasonable attorneys’ fees, and claims resulting from or associated with any such release or exacerbation by Railway. Railway shall assume all responsibility for and shall indemnify, defend, and hold harmless Commission against all costs and claims associated with a release or leak of Hazardous Materials, or exacerbation of pre-existing Hazardous Materials, occurring between the commencement date of its operations on the Freight Easement Property, and the expiration or sooner termination of this Agreement, and related to Railway’s use of the Freight Easement Property and Railroad Facilities, unless such event was caused by the sole negligence or willful misconduct of the Commission, its officers, employees, or agents.

16.3. Railway shall not install any above-ground or underground storage tanks without the Commission’s prior written consent, which consent may be granted or withheld in Commission’s sole and absolute discretion. If such consent is granted, Railway shall obtain any necessary permits, notify the proper authorities, and provide the Commission with copies of any such permits and notifications. Railway shall assume all responsibility for and shall indemnify, defend, and hold harmless the Commission against all costs and claims associated with a release or leak of the contents of any such tank occurring between the commencement date of its operations on the Freight Easement Property, and the expiration or termination of this Agreement, unless such event was caused by the sole negligence or willful misconduct of the Commission, its officers, employees, or agents.

16.4. The Commission understands and acknowledges that the regular operation and maintenance of railroad equipment and tracks involve the storage, use, and release of de
minimus amounts of Hazardous Materials, including petroleum products, creosote, and chromated copper arsenate. The Commission agrees that Railway shall not be liable or responsible for the de minimus release of any such Hazardous Materials, unless (i) such release violates applicable law, or (ii) the Commission is otherwise entitled to defense and indemnity under Section 14.1.

16.5. If Railway knows, or has reasonable cause to believe, that any Hazardous Materials have come to be located under or about the Freight Easement Property or Railroad Facilities, other than as specifically provided herein or as previously consented to in writing by the Commission, Railway shall immediately give the Commission written notice thereof, together with a copy of any statement, report, notice, registration, application, permit, business plan, license, claim, action, or proceeding given to or received from any governmental authority or private party concerning the presence, spill, release, discharge of, or exposure to, such Hazardous Materials.

16.6. This Section 16 shall continue in full force and effect regardless of whether this Agreement is terminated pursuant to any other provision or the Freight Easement Property and Railroad Facilities are abandoned and vacated by Railway.

17. **Trespassers and Dangerous Conditions.** Railway shall not be required to take any action or incur any expense (including posting signage or warnings, providing fencing or other security) as to or against trespassers on the Property, or invitees of the Commission, other than to promptly notify local law enforcement and the Commission concerning any trespassers observed on the Property by Railway personnel. If Railway becomes aware of any dangerous conditions on or about the Property, Railway shall promptly notify the Commission of such conditions.

18. **Waivers.** The failure of either party hereto to enforce any of the provisions of this Agreement, or to enforce any right or option which is herein provided, shall in no way be construed to be a waiver of such provision(s) as to the future, nor in any way to affect the validity of this Agreement or any part hereof, or the right of either party to thereafter enforce each and every such provision and to exercise any such right or option. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach.

19. **Consent.** Unless expressly provided to the contrary elsewhere in this Agreement, whenever the consent, approval, judgment, or determination (collectively, “consent”) of a party is required or permitted under this Agreement, the consenting party shall exercise good faith and reasonable judgment in granting or withholding such consent. No party may unreasonably withhold or delay its consent; except as otherwise expressly provided herein, consent shall be deemed to have been withheld if a party fails to consent to the other party within 30 days of having been given written notice of the other party’s intention to take any action as to which consent is required or permitted.

20. **Non-binding Mediation**

20.1. If at any time a question or controversy shall arise between the parties hereto in connection with this Agreement and upon which the parties cannot agree, such question or controversy shall be submitted to a single mediator within 20 days after written notice by one party to the other party of its desire for mediation. The parties shall in good faith consult to select a mutually acceptable mediator. The mediator so selected shall be
a person with at least one-year of exposure to the concepts of railroad operations and maintenance.

20.2. Upon selection of the mediator, said mediator shall with reasonable diligence determine the questions as disclosed in said notice of demand for mediation and shall give both parties reasonable notice of the time and place of any mediation. Until the completion of mediation, performance under the Agreement shall continue in the manner and form existing prior to the rise of such question.

20.3. The compensation, cost, and expenses of the mediator shall be paid in equal shares by the parties.

21. **Entire Agreement.** This document, and the exhibits attached hereto, constitute the entire agreement between the parties, all oral agreements being merged herein, and supersedes all prior representations, agreements, arrangements, understandings, or undertakings, whether oral or written, between or among the parties relating to the subject matter of this Agreement that are not fully expressed herein.

22. **Modification to Agreement.** The provisions of this Agreement may be modified at any time by agreement of the parties hereto, provided such modification is in writing and signed by all parties to this Agreement. Any agreement made after the date of this Agreement and related to the subject matter contained herein shall be ineffective to modify this Agreement in any respect unless in writing and signed.

23. **No Assignment Absent Consent.** Except as specifically provided in this Agreement, Railway shall not assign this Agreement, in whole or in part, or any rights herein granted, without the Commission’s prior written consent.

24. **Successors and Assigns.** Subject to the provisions of Section 23, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

25. **Venue and Choice of Law**

25.1. Any and all disputes, controversies, or claims arising out of, relating to, or in connection with this Agreement shall be instituted and maintained in a competent court in Santa Cruz County, California, with regard to claims arising under California law, and Santa Clara County, with regard to claims arising under Federal law, and the parties hereby consent to the jurisdiction of any such court and to service of process by any means authorized under California law.

25.2. This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of California, without reference to its conflicts of laws provisions. The prevailing party in any claim or action arising out of or connected with this Agreement shall be entitled to recover all reasonable attorneys’ fees and related costs, in addition to any other relief that may be awarded by any court or other tribunal of competent jurisdiction.
26. **Acts of God and Other Disruptions of Service.** Neither party shall be deemed to be in default of this Agreement if any failure to meet any condition or to perform any obligation or provision hereof is caused by, a result of, or due to, directly or indirectly, forces beyond its control, including, without limitation, acts of God, natural disasters, atmospheric disturbance, earthquake, fire, flood, tornado, typhoon, tide, tsunami, lighting, storms, soil subsidence, landslides, rock slides, volcanic activity, governmental action or inaction, change of law or regulation, nuclear or chemical contamination, pressure waves from devices travelling at supersonic speeds, strikes, boycotts or other labor disturbances, labor shortage, plague, epidemic, quarantine, riots, invasion, demonstrations or other civil disturbances, sabotage, explosions, insurrections, war (declared and undeclared), terrorism, or threats of terrorism; provided, however, that performance shall only be excused for as long as the disruption persists and any delay resulting therefrom.

27. **Miscellaneous**

27.1. In the event that any of the provisions of this Agreement are held by a court or other tribunal of competent jurisdiction to be invalid or unenforceable, the remaining portions hereof shall remain in full force and effect and any invalid or unenforceable provisions shall be enforced to the maximum extent possible so as to effect the intent of the parties and shall be reformed to the extent necessary to make such provisions valid and enforceable. Without limiting the generality of the foregoing, if the requirement in Section 5.2 that Railway comply with applicable bridge safety management program regulations (under Public Law 110-432, Section 417) is held to be a non-delegable duty of the Commission, the Commission may, at its option, (i) undertake this obligation and charge Railway for the cost thereof, or (ii) terminate this Agreement.

27.2. Each party has participated in negotiating and drafting this Agreement so if an ambiguity or a question of intent or interpretation arises, this Agreement is to be construed as if the parties had drafted it jointly, as opposed to being construed against a party because it was responsible for drafting one or more provisions of this Agreement.

27.3. Each party acknowledges that the officer executing this Agreement has the authority to enter into this Agreement on behalf of the party and in so doing is authorized to bind the party on whose behalf he is signing, to the terms and conditions of this Agreement.

27.4. This Agreement may be executed in one or more counterparts and by facsimile signature, each of which shall be deemed an original, but all of which together constitute one and the same instrument.
In witness whereof, the parties hereto have caused this Agreement to be executed as of the date first herein written.

SANTA CRUZ SCENIC RAILWAY, LLC

By: _________________________________

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

By: _________________________________
EXHIBIT A

Map of Railroad Facilities
EXHIBIT B

Permitted Rail Car Storage Locations
EXHIBIT C

Railway Agreements
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EXHIBIT D

Form of Railway Right of Entry Agreement

[To be provided by operator]
RIGHT OF ENTRY AGREEMENT

THIS RIGHT OF ENTRY AGREEMENT (the “Agreement”) is made and entered into as of this ___ day of ________, 20__ by and between __________________ (hereinafter called “Contractor”), and SANTA CRUZ SCENIC RAILWAY, LLC (hereinafter called “Railroad”). Contractor and Railroad are each at times referred to herein as a “Party” and collectively as the “Parties”.

The Parties hereto agree as follows:

Section 1. NOTICE OF COMMENCEMENT OF WORK-FLAGGING

Contractor agrees to notify the Railroad at least 72 hours in advance of Contractor commencing its work. Flagging services by Railroad will be required for any work by Contractor in which any person or equipment will be within 25 feet of any track, or will be near enough to any track that any equipment extension (such as, but not limited to, a crane boom) will reach to within 25 feet of any track. Upon receipt of notice the Railroad will determine and inform Contractor whether Contractor will need to implement any special protective or safety measures. If the Railroad provides any flagging or other services Contractor shall not be relieved of any of its responsibilities or liabilities set forth herein.

Section 2. NO INTERFERENCE WITH RAILROAD’S OPERATION

No work performed by Contractor shall cause any interference with the constant, continuous and uninterrupted use of the tracks, property and facilities of the Railroad its lessees, licensees or others, unless specifically permitted under this Agreement, or specifically authorized in advance by the Railroad. Nothing shall be done or suffered to be done by Contractor at any time that would in any manner impair the safety thereof. When not in use, Contractor’s machinery and materials shall be kept at least 50 feet from the centerline of Railroad’s nearest track, and there shall be no vehicular crossings of Railroad’s tracks except at existing open public crossings.

Section 3. MECHANIC’S LIENS

Contractor shall pay in full all persons who perform labor or provide materials for the work to be performed by Contractor. Contractor shall not create, permit or suffer any mechanic’s or materialmen’s liens of any kind or nature to be created or enforced against any property of the Railroad for any such work performed.

Section 4. COMPLIANCE WITH LAWS

In the progression of work covered by this Agreement, Contractor shall secure any and all necessary permits and shall comply with all applicable federal, state and local laws, regulations and enactments affecting the work. Contractor shall use only such methods as are consistent with safety, both as concerns Contractor, Contractor’s agents and employees, the officers, agents and employees, and property of the Railroad and the public in general. Contractor (without limiting the generality of the foregoing) shall comply with all applicable state and federal occupational safety and health acts and regulations. All Federal Railroad Administration (“FRA”) regulations shall be followed when work is performed on the Railroad’s property. If any failure by Contractor to comply with any such laws, regulations, and enactments, shall result in any fine, penalty, cost or charge being assessed, imposed or charged against the Railroad, Contractor shall reimburse and indemnify the Railroad for any such fine, penalty, cost, or charge, including without limitation attorney’s fees, court costs and expenses. Contractor further agrees in the event of any
such action, upon notice thereof being provided by the Railroad, to defend such action free of cost, charge, or expense to the Railroad.

Section 5. **SAFETY INSTRUCTIONS**

Safety of personnel, property, rail operations and the public is of paramount importance in the progression of the work pursuant to this Agreement. As reinforcement and in furtherance of overall safety measures to be observed by Contractor (and not by way of limitation), the following special safety rules shall be followed:

a). Contractor shall keep the job site free from safety and health hazards and ensure that its employees are competent and adequately trained in all safety and health aspects of the job. Contractor shall have proper first aid supplies available on the job site so that prompt first aid services can be provided to any person that may be injured on the job site. Contractor shall promptly notify the Railroad of any U.S. Occupational Safety and Health Administration ("OSHA") reportable injuries occurring to any person that may arise during the work performed on the job site. Contractor shall have a non-delegable duty to control its employees, while they are on the job site or any other property of the Railroad to be certain they do not use, be under the influence of, or have in their possession any alcoholic beverage, drug, narcotic or other substance that may inhibit the safe performance of work by the employee.

b). The employees of Contractor shall be suitably dressed to perform their duties safely and in a manner that will not interfere with their vision, hearing or free use of their hands or feet. Only waist length shirts with sleeves and trousers that cover the entire leg are to be worn. If flare-legged trousers are worn, the trouser bottoms must be tied to prevent catching. The employees should wear sturdy and protective work boots and at least the following protective equipment:

   (1) Protective headgear that meets American National Standard-Z89.1-latest revision. It is suggested that all hardhats be affixed with Contractor's or subcontractor's company logo or name;

   (2) Eye protection that meets American National Standard for occupational and educational eye and face protection, Z87.1-latest revision. Additional eye protection must be provided to meet specific job situations such as welding, grinding, burning, etc.; and

   (3) Hearing protection which affords enough attenuation to give protection from noise levels that will be occurring on the job site.

c). All heavy equipment provided or leased by Contractor shall be equipped with audible back-up warning devices. If in the opinion of the Railroad Representative any of Contractor’s or any of its subcontractor’s equipment is unsafe for use on the Railroad’s right-of-way, Contractor, at the request of the Railroad Representative, shall remove such equipment from the Railroad’s right-of-way.

Section 6. **INDEMNITY**

a). As used in this Section, “Railroad” includes its owner, its operator and all of their respective officers, agents, and employees; “Loss” includes loss, damage, claims, demands, actions, causes of action, penalties, costs, and expenses of whatsoever nature, including court costs and attorneys’ fees, which may result from: (a) injury to or death of persons whomsoever (including the Railroad’s officers, agents, and employees, Contractor’s officers, agents, and employees, as well as
any other person); and/or (b) damage to or loss or destruction of property whatsoever (including Contractor’s property, damage to the roadbed, tracks, equipment, or other property of the Railroad, or property in its care or custody).

b). As a major inducement and in consideration of the license and permission herein granted, Contractor agrees to indemnify and hold harmless the Railroad from any Loss which is due to or arises from Contractor’s work performed under this Agreement, its breach of the agreement or its failure to observe the health and safety provisions herein, or any activity, omission or negligence arising out of its performance or nonperformance of this Agreement, except to the extent such Loss is caused by Railroad’s gross negligence or willful misconduct.

Section 7. INSURANCE

Contractor shall at all times during its entry, use and occupancy of the right-of-way keep and maintain in full force and effect (a) commercial general liability insurance coverage of $2,000,000 on ISO form CG 00 01, or equivalent, for (i) bodily injury and death, property damage and personal injury; and (ii) contractual liability; (b) business automobile and/or trucker’s liability insurance coverage, including coverage for owned, hired and non-owned automobile liability, on ISO form CA 00 01, or equivalent, with an inclusive limit of not less than $2,000,000 for any one occurrence in respect of the use or operation of motor vehicles owned, leased or controlled by Contractor; and (c) worker’s compensation insurance coverage meeting the statutory requirements of the State of California covering all of Contractor’s employees. This insurance shall name Railroad as an additional insured, and include a waiver of subrogation by insurer as to Railroad. Evidence of such insurance coverage on an ACCORD form has been or will be provided to Railroad prior to or upon entry.

Section 8. RESTORATION OF PROPERTY

In the event the Railroad authorizes Contractor to take down any fence of the Railroad or in any manner move or disturb any of the other property of the Railroad in connection with the work to be performed by Contractor, then in that event Contractor shall, as soon as possible and at Contractor’s sole expense, restore such fence and other property to the same condition as the same were in before such fence was taken down or such other property was moved or disturbed.

Section 9. MISCELLANEOUS

a). Each provision, paragraph, sentence, clause, phrase, and word of this Agreement shall apply to the extent permitted by applicable law and is intended to be severable. If any provision, paragraph, sentence, clause, phrase or word of this lease is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the legality or validity of the remainder of the Agreement.

b). This Agreement shall be governed by and construed in accordance with the laws of the State of California, excluding its conflicts of law principles. Any cause of action ensuing out of the enforcement of these provisions shall be litigated in courts located in Santa Cruz County California.

c). This Agreement may be modified or amended only by means of a written amendment executed by the Parties hereto.

d). This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements, whether written or oral, with
c). This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which, when taken together, shall constitute one agreement. A facsimile or email transmission of a signed copy of this Agreement shall be deemed an original.

f). The waiver by either Party of the breach of any condition, covenant or agreement herein contained to be kept, observed and performed by the other Party shall in no way impair the right of the waiving Party to avail itself of any remedy for any subsequent breach thereof.

The Parties hereto have executed this Agreement in duplicate as the date first herein written.

<table>
<thead>
<tr>
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RTC Obligation for Freight Rail Service on Santa Cruz Branch Rail Line

From: T. Brooke Miller<>  
Sent: Monday, June 04, 2018 1:42 PM  
To: Ryan Whitelaw<>  
Cc: George Dondero<>; Luis Mendez<>  
Subject: RE: Freight Rail - Legal Obligations

Ryan,

Thank you for your points below. Your communication will be provided to the RTC Board. Although you have not requested a response, it seems some clarification is necessary.

To begin with, the RTC Board has not terminated the ACL with Iowa Pacific/SCMB. Rather, consistent with its current adopted policies, the Board opted to accept SCMB's offer (included in the Board's agenda of January 18, 2018, item 20, initiating negotiations with Progressive Rail https://sccrtc.org/wp-content/uploads/2018/01/2018-01-18-rtc-agenda-packet.pdf) to cooperate with the RTC to transition rail operations to a new operator in lieu of termination triggering abandonment.

While the Board is certainly aware that abandonment of rail service on the line is an option (as is obviously the premise underlying consideration of a trail-only option in the UCIS), it seems disingenuous to argue that RTC staff has an obligation to recommend an option that would foreclose all but the trail-only option (including the continuation of freight and passenger rail service) before completion of the UCIS. The proposed operator agreement with Progressive has been specifically crafted to preserve all options (including abandonment of rail service on the line) considered in the UCIS until the Board has had an opportunity to consider the results of the UCIS.

Moreover, contrary to your description below, the communications you reference with CTC staff do not actually support your interpretation of the RTC’s obligations regarding the use of Prop 116 funds. Specifically, CTC staff states in its correspondence “The Commission is committed to working with SCCRTC to find any viable options for a rail project within your county should the currently proposed plan cease.” Additionally, the examples given by CTC staff of the “very viable options” you emphasize below consist of “an alternate operating plan” and “an alternate project that meets the criteria of the legislation.” Prop 116 (at California Public Utilities Code section 99640) authorizes the allocation of funds to the RTC “for the following: (a) Intercity passenger rail projects connecting the City of Santa Cruz with the Watsonville Junction. (b) Other rail projects within Santa Cruz County which facilitate recreational, commuter, intercity and intercounty travel.”

Based on all of the foregoing, it is clear that the Prop 116 funds are required to be used for rail projects. It would be irresponsible for RTC staff (and may border on a violation of my professional obligations) to recommend the RTC Board take an action that is contrary to the express requirements of State law on the basis of an oblique interpretation of correspondence from CTC staff dating from nearly 15 years ago. While the Board has the option to abandon rail service on the line notwithstanding the likely result that it would be required to reimburse the State for “the greater of either the amount allocated or the then present fair market value as determined by STATE”, in accordance with CTC Resolution PA-10-06,
Paragraph 2.2 (quoted in my correspondence to you of Friday’s date), it is my professional obligation to apprise the Board that this is, in fact, the likely result.

Finally, if indeed our interpretation of 49 CFR 213.5 as creating potential liability to the RTC as the owner of the line is an “egregious misinterpretation,” you should be aware that it is that of the Federal Rail Administration, which has communicated to RTC staff on numerous occasions that the RTC may be responsible for maintenance of the line pursuant to that regulation in the event the operator fails to meet its obligations, notwithstanding the attached assignment, pursuant to regulation 213.5. In general, an agency’s interpretation of its own regulations is afforded deference by the courts, and we will accordingly afford the same deference. Should you have legal authority such as published case law or a formal regulatory interpretation by a federal agency demonstrating that the RTC cannot be held responsible for deficiencies in the rail line, we would be more than happy to consider it.

Again, I hope this information is helpful in understanding the recommendations of RTC staff. I would encourage you to direct your comments regarding policy considerations to the RTC Board directly.

T. Brooke Miller
Assistant County Counsel
Office of the County Counsel, County of Santa Cruz
701 Ocean Street, Room 505
Santa Cruz, CA 95060
(831)454-2040 (Phone)
(831)454-2115 (Facsimile)
September 28, 2012

Alvin Settje, Regional Administrator
Federal Railroad Administration
Region 7
801 I Street – Suite 466
Sacramento, CA 95814

Re: Notification of Assignment under 49 CFR §213.5(c) and 49 CFR §237.3

Dear Mr. Settje:

Pursuant to 49 CFR §213.5(c) and 49 CFR §237.3, Santa Cruz County Regional Transportation Commission (“SCCRTC”) and Santa Cruz and Monterey Bay Railway Company (“SCMB”) hereby give notice to the FRA of an assignment of responsibility for track and bridges that are part of the line of railroad described in item (4) below. In accordance with Section 213.5(c) and Section 237.3, the parties state as follows:

(1) The name and address of the current owner are: Union Pacific Railroad Company (“UP”), 1400 Douglas Street, Omaha, NE 68179.

The line is currently leased by UP to Sierra Northern Railway (“Sierra”), 341 Industrial Way, Woodland, CA 95616. The responsibility for track maintenance is currently with Sierra under its lease with UP. SCMB has authority to acquire the lease by assignment from Sierra. *Santa Cruz and Monterey Bay Railway Company—Assignment of Lease Exemption—Union Pacific Railroad Company and Sierra Northern Railway*, STB Docket No. FD 35633 (served August 17, 2012).

The physical assets comprising the line are being sold by UP to SCCRTC, 1523 Pacific Avenue, Santa Cruz, CA 95060, subject to a retained freight service easement. After the acquisition, the retained freight service easement will be assigned by UP to SCMB.

(2) The name and address of the person to whom responsibility for maintenance of the track and bridges will, upon the transfer of the line from UP to SCCRTC, be assigned are: Santa Cruz and Monterey Bay Railway Company, c/o Iowa Pacific Holdings, LLC, 118 South Clinton Street, Suite 400, Chicago, IL 60661.
(3) The exact relationship between the track owner and the assignee will be that of (a) owner and (b) operator / holder of freight service easement, respectively. The Surface Transportation Board ("STB") has acknowledged that its proposed acquisition of the line, subject to the retained freight easement, is not subject to STB jurisdiction. See Santa Cruz County Regional Transportation Commission—Petition For Declaratory Order, STB Docket No. FD 35653 (served September 7, 2012). SCMB has received authority from the STB to operate the line after it is acquired by SCCRTC. Santa Cruz and Monterey Bay Railway Company—Acquisition and Operation Exemption—Union Pacific Railroad Company, STB Docket No. FD 35659 (served August 17, 2012).

SCCRRTC and SCMB have entered into an Administration, Coordination and License Agreement to govern their relationship, including maintenance of the track and bridges, after SCCRTC acquires the line. A copy of the Agreement is attached as Exhibit A hereto.

SCCRRTC and SCMB want the assignment of maintenance responsibilities to be effective upon the transfer of the line from UP to SCCRTC.

(4) The precise identification of the track and bridges are as follows:

Track:
Santa Cruz Branch between Milepost 0.433 (east boundary of Salinas Road) and the end of the line at approximately Milepost 31.39 +/-, being a point measured ten feet (10') south of the beginning point of the switch, which is approximately eight hundred sixty feet (860') north of the northeast edge line of the Highway 1 crossing at Davenport, in Santa Cruz County, California.

Bridges:
See the enclosed table titled “List of Bridges” and dated August 29, 2012.

(5) SCMB will be a Class III carrier. SCMB is a wholly owned subsidiary of Iowa Pacific Holdings, LLC, and Permian Basin Railways (“IPH/PBR”). IHP/PBR currently controls six other Class III carriers. As such, it has substantial experience in maintaining track and bridges. SCMB will operate under the Permian Basins Railroad Bridge Management Program. This program has twice been reviewed by the FRA, first as it was initiated before the opening of the Saratoga and North Creek Railroad (SNC) and later as applied to the Mount Hood Railroad. The names and qualifications of all personnel associated with the Permian Basins Railroad Bridge Management Program are contained therein.

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1 As noted above, SCMB currently has authority to accept an assignment of the current lease between UP and Sierra. Santa Cruz and Monterey Bay Railway Company—Assignment of Lease Exemption—Union Pacific Railroad Company and Sierra Northern Railway, STB Docket No. FD 35633 (served August 17, 2012).
SCMB will inspect and maintain the track according to the requirements of FRA Part 213 as it has done with the other Permian Basins Railroads. Track inspectors and supervisors will be compliant under Part 213.7 of the regulations.

(6) SCMB by its signature below acknowledges the assignment from SCCRTC of maintenance responsibility for purposes of compliance with 49 CFR Part 213, and 49 CFR Part 237.

SCCRTC and SCMB hereby request that the FRA waive the 30 day advance notice requirement set forth in 49 CFR 213.5(c) and 49 CFR 237.3, and allow the assignment to be effective immediately upon consummation of the acquisition by SCCRTC. Because SCMB (through its parent company) is an experienced carrier, and because the transfer of responsibility is agreed to by SCCRTC, a non-carrier, and SCMB, the full 30 day notice should not be required. Waiver of the 30 day advance notice period will permit SCMB to immediately become responsible for the track and bridges, and would allow the acquisition by SCCRTC to close as soon as possible.

Please let us know if you need any additional information.

Respectfully submitted,

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

By: [Signature]
George Dondero
Executive Director

The undersigned hereby acknowledges the assignment to it of responsibility for compliance with 49 CFR Part 213 and 49 CFR Part 237.

SANTA CRUZ AND MONTEREY BAY RAILWAY COMPANY

By: [Signature]
Kevin W. Busath
Vice President-Strategic Planning
Iowa Pacific Holdings, LLC
Dear Brooke,

Thank you very much for taking the time to provide such a thorough response (attached). However, for the reasons stated below, the rational provided as to the RTC’s legal obligations to retain a freight operator along the Santa Cruz Branch Line lack merit.

The response you provided included four points establishing the RTC’s current position. Each of your points are addressed below:

1) SCCRTC commits, via a board resolution, to be responsible for initiating recreational passenger rail service, in accordance with PUC Section 99640.

This is a moot point. The impetus for the proposed agreement with Progressive Rail has been solely based legal obligations associated with freight service; not recreational passenger rail service. RTC staff members are on record making this point. Phase II of the proposed agreement includes provisions for possible passenger rail at a future date, but is contingent on results from the Unified Corridor Investment Study (UCIS). No passenger rail service is included in Phase I of the proposed agreement.

2) SCCRTC commits, via a board resolution, to be responsible for continuing freight rail service

The RTC is in compliance with the above condition as the Santa Cruz and Monterey Bay Railway (SCMB) remains the designated common carrier. As noted in the November 2, 2017 Notice of Default, if SCMB can no longer fulfill their requirements, they can abandon freight service as outlined in Section 8.3 of the Administration, Coordination, and License Agreement (ACL). Per Section 8.3.1 of the ACL, the Railway shall provided a 90 day advance notice of its intent to abandon. At that time, the RTC may:

1. Take upon itself all Freight Service operations relating to the Property;
2. Appoint another entity to do so;
3. Railbank any portion of the Property as to which Railway intends to abandon Freight Service

It is unknown if a 90 day advance notice to abandon has been provided. Additionally, the Commissioners and general public are only being made aware of one option. Specifically, that they are legally compelled to appoint another entity to provide freight service. This is simply not true, and the Commissioners must be made aware of all available options. More concerning is that selection of option 2 (appoint another entity for freight service) came at the recommendation of the existing rail operator (as noted in SCMB response to the Notice of Default).

Relative to the railbanking option (option 3), RTC staff is on record dismissing this option as “theoretical.”
This is misleading and undermines the intent of the ACL along with other RTC documents referencing railbanking as a viable option. The RTC has an obligation to consult with an expert and vet all options outlined in the ACL agreement prior to signing an agreement that could potentially encumber a public asset for 10 years and burden taxpayers with millions of dollars in unwarranted expenditures.

3) The RTC has potential financial liability as the owner of the line in the event that the Federal Railroad Administration (FRA) determines the track does not comply with minimum regulatory requirements or assesses penalties for noncompliance, pursuant to 49 CFR 213.5(d).

This appears to be an egregious misinterpretation of 49 CFR 213.5 that could cost taxpayers millions of dollars. As noted in your response, the RTC itself is not a common carrier. As such, within the context of 49 CFR 213.5, the RTC is not recognized as the owner of the line. Specifically, 49 CFR 213.5(e) reads:

"A common carrier by railroad which is directed by the Surface Transportation Board to provide service over the track of another railroad under 49 U.S.C. 11123 is considered the owner of that track for the purposes of the application of this part during the period the directed service order remains in effect."

Per 49 CFR 213.5(e), the only entity needing to comply with the minimum regulatory requirements would be the designated common carrier; SCMB. In essence, the existing position as stated in your response places an unnecessary financial burden on the RTC (i.e. taxpayers) to make repairs for which they are not legally obligated to make. This is particularly relevant to the proposed agreement with Progressive Rail, which will entail millions of taxpayer dollars to be spent on repairs for which the RTC is not currently obligated.

4) The RTC may be responsible to reimburse the State for Prop 116 funding if the Branch Line ceases to be used for the purposes approved by the California Transportation Commission (CTC).

Relative to this point, I refer you to the October 24, 2003 CTC letter addressing possible failure of planned rail service. You can find a copy of that letter here. In the letter, Kathie Jacobs, Assistant Deputy Director with the CTC states: “The Commission recognizes the fact that the planned rail service could fail; however, I’d like to point out that there are a couple of very viable options available to the SCCRTC that could preclude the repayment of funds.”

The CTC goes on to indicate they are committed to working with the SCCRTC to find any alternative plans should the existing plan cease. This willingness to work with the RTC has been reiterated in subsequent correspondences. Nevertheless, Commissioners and the general public are being led to believe the CTC has taken a hard line position whereby Prop 116 funds would need to be immediately returned should planned rail service fail.

In summary, the RTC has created a manufactured sense of urgency with documented bias to sign the proposed agreement with Progressive Rail, and none of the points provided in your response indicate a near-term necessity to approve such a contract prior to completion of the UCIS--a study meant to determine the best use of the corridor.

Furthermore, there is a clear process outlined in the ACL if the designated common carrier can no longer fulfill its requirements. If the common carrier chooses to abandon freight service, there are three possible options. To date, the general public and Commissioners know of only one option: appoint
another entity to provide freight service. Given the situation at hand, all options must be thoroughly vetted and presented to the Commissioners so they can make an informed decision.

As you are well aware, the rail corridor is a very contentious topic in our community. Moving forward in a methodical, open, and transparent manner is in the best interest for all. There is no need to respond to my email any further. Be it known, I have included local journalists in our correspondence. Thank you again for your time.

Regards,

Ryan J. Whitelaw, MAI
Pacific Appraisers
Commercial | Residential | Consulting
o: 831.607.3800 | c: 831.704.6204 | f: 408.516.5500
www.pacificappraisers.com
June 1, 2018

Ryan J. Whitelaw, MAI
Pacific Appraisers
Via electronic mail only to: ryan@pacificappraisers.com

Re: Your email correspondence of May 31, 2018

Dear Mr. Whitelaw:

This responds on behalf of the Santa Cruz Regional Transportation Commission (“RTC”) to your email of yesterday’s date in which you state:

Several RTC staff members and Commissioners are on record indicating freight service is required per Surface Transportation Board (STB) guidelines and that state transportation requirements demand freight service. However, this is not consistent with documentation provided below.

The following is a petition filed with the STB prior to the purchase of the corridor. The filing explicitly states the RTC is not legally obligated to provide freight service. Please reference the Digest included in Docket No. FD 35653.

Additionally, the California Transportation Commission (CTC) is on record indicating freight service does not comply with Proposition 116 requirements. Please reference highlighted area in the CTC letter here.

At this point, the only entity legally compelled to provide freight service would appear to be the designated common carrier, Santa Cruz and Monterey Bay Railway Company (i.e. Iowa Pacific Holdings Inc.).

As is publicly available on the RTC’s website and was communicated publicly in response to questions by the Commission at its April 19, 2018, Transportation Policy Workshop (and subsequently published in the Santa Cruz Sentinel), the conditions of approval by the California

1 For purposes of this communication and California Rules of Professional Conduct, Rule 2-100, you have confirmed by email of today’s date that “I was previously a board member with Greenway, but resigned from that position in January of this year and am no longer affiliated with the organization. Additionally, I do not represent, nor have I ever represented Greenway in any professional capacity. As such, I do not believe I qualify as a party pursuant to California Rules of Professional Conduct Rule 2.100.”
Transportation Commission ("CTC") of the use of $10,200,000 of Proposition 116 funds for purchase of the Santa Cruz Branch Rail Line require that the RTC commit to be responsible to continue freight rail service and to initiate recreational passenger rail service.

Specifically, CTC Resolution PA-10-06, which was adopted by the CTC Board at its meeting of June 30-July 1, 2010, upon the express prerequisite that the RTC meet the five conditions set forth therein, at Paragraph 2.1, subdivisions (3) and (4), requires that:

1. "SCCRTC commits, via a board resolution, to be responsible for initiating recreational passenger rail service, in accordance with PUC Section 99640"; and

2. "SCCRTC commits, via a board resolution, to be responsible for continuing freight rail service for as long as would be required by the Surface Transportation Board, as provided in 49 USC sections 10901, 10910 and 11347."

CTC Resolution PA-10-06, Paragraph 2.2, further states: "in the case where SCCRTC ceases to utilize the Branch Line for the original purpose as approved by the Commission, SCCRTC commits, via a board resolution, to reimburse the State, the greater of either the amount allocated or the then present fair market value as determined by STATE."

In light of these requirements (in addition to the subsequent commitments made by the RTC Board in accordance therewith) it cannot be reasonably argued that the RTC has not undertaken a legal commitment to continue freight service on the line, or that a decision to abandon rail service on the line would not result in potential financial liability to the RTC.

Below, please find links to the information publicly available on the RTC’s website:


- [https://www.sccrtc.org/wp-content/uploads/2011/04/2010Prop116ApplApprConds.pdf](https://www.sccrtc.org/wp-content/uploads/2011/04/2010Prop116ApplApprConds.pdf) (CTC Resolution PA-10-06, which states "SCCRTC commits, via a board resolution, to be responsible for initiating recreational passenger rail service, in accordance with PUC Section 99640" and "SCCRTC commits, via a board resolution, to be responsible for continuing freight rail service for as long as would be required by the Surface Transportation Board, as provided in 49 USC sections 10901, 10910 and 11347")

While in 2000, CTC staff, in the letter linked to your email, did in fact state that "Neither freight service, nor bicycle and pedestrian facility nor a range of possible future transportation uses’ expressly or inherently complies with Proposition 116’s required establishment of passenger

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rail service in any of its various forms” (expressly noting that, at that time, “the Santa Cruz board debated and opted not to include an operable passenger rail service in its current 20-year plan”), The decision of the CTC Board ten years later to approve the commitment of Proposition 116 funding for acquisition of the line upon the condition that RTC commit to both continue freight rail service and initiate recreational passenger rail service, both supersedes the opinion of staff and moots the question of eligibility of the purchase of the line for Proposition 116 funding.

Finally, although pursuant to the declaratory order issued by the Surface Transportation Board under Docket No. FD 35653, referenced in your email, the RTC is not itself a common carrier with direct obligations to provide service to freight customers under federal law (notwithstanding its obligations to continue freight service on the line under the CTC funding resolution), the RTC does have potential financial liability as the owner of the line in the event that the Federal Railroad Administration determines the track does not comply with minimum regulatory requirements or assesses penalties for noncompliance, pursuant to 49 CFR 213.5(d).³

We hope this provides useful information to supplement your understanding of the RTC’s position.

Very truly yours

DANA McRAE, COUNTY COUNSEL

By

T. Brooke Miller
Assistant County Counsel

cc: Honorable Chair and Commissioners, Santa Cruz Regional Transportation Commission
George Dondero, Executive Director

Greetings Brooke,

As legal counsel to the Regional Transportation Commission (RTC), I would like you to provide insight as to the legal obligations the RTC has in retaining a freight operator along the Santa Cruz Branch Line. Several RTC staff members and Commissioners are on record indicating freight service is required per Surface Transportation Board (STB) guidelines and that state transportation requirements demand freight service. However, this is not consistent with documentation provided below.

The following is a petition filed with the STB prior to the purchase of the corridor. The filing explicitly states the RTC is not legally obligated to provide freight service. Please reference the Digest included in Docket No. FD 35653.

Additionally, the California Transportation Commission (CTC) is on record indicating freight service does not comply with Proposition 116 requirements. Please reference highlighted area in the CTC letter here.

At this point, the only entity legally compelled to provide freight service would appear to be the designated common carrier; Santa Cruz and Monterey Bay Railway Company (i.e. Iowa Pacific Holdings Inc.).

To date, only vague references have been made as to the RTC's legal obligations relative to freight service with no specifics provided. Clarification on this matter is paramount as a decision to sign a long-term agreement with a freight operator is forthcoming, and the Commissioners (along with the public) are being led to believe the RTC is compelled to have a freight operator into perpetuity. Thank you in advance for your time. I look forward to your response.

Regards,

Ryan J. Whitelaw, MAI
Pacific Appraisers
Commercial | Residential | Consulting
o: 831.465.6518 | c: 831.704.6204 | f: 408.516.5500
www.pacificappraisers.com
From: Catherine Marino [mailto:predicat1536@gmail.com]
Sent: Saturday, May 05, 2018 9:37 AM
To: info@sccrtc.org
Subject: Iowa Pacific Tax Lien, Tanker Storage

Dear SCCRTC Commissioners,

I’m writing to express my extreme concern regarding the recent IRS Tax Lien against Iowa Pacific Holding’s Saratoga & North Creek Railway for the amount of 1.3 million dollars for tax years 2013-2015, further implicating Iowa Pacific as unable to meet any responsibility as a rail operator.

At this point, I fear that Iowa Pacific might abandon the 200 rail cars that it has stored in Watsonville, effectively shut down service to the remaining 4 rail customers in Watsonville, and jeopardize the ability of these 4 businesses to continue to operate and keep their employees working.

Is there any way to speed up voting to agree to a contract with Progressive Rail? Can we find a way to force Iowa Pacific to move the stored rail cars to another storage facilitator? If we cannot force Iowa Pacific to remove these 200 rail cars, is there a way that we might be able to force the owners of the stored cars to arrange removal of the stored cars from Watsonville and send them to another storage facilitator?

I feel that we must remove Iowa Pacific immediately, as it is clear that they are unable and unwilling to protect the financial and environmental interests of our county and our citizens. I urge you to convene an emergency session to vote on an agreement with Progressive Rail, and demand that Iowa Pacific remove the stored rail cars so that Progressive can take over as the new Rail Operator and keep our rail customers solvent.

Thank you,

Cathy Marino

From: Becky Bach [mailto:retrout@gmail.com]
Sent: Saturday, May 05, 2018 3:35 PM
To: info@sccrtc.org
Subject: letter to the commission

Hello,

I am a Santa Cruz resident and haven't been following the rail-trail issue very closely, so I don't know if suicide prevention for the train has come up. If not, I'd like to urge you to please take steps to effectively block off the tracks and include hotline signs and take other measures. The Peninsula has fortified its tracks, but only after so many lives have been lost.

Thank you,

Becky Bach

From: Contact Request Form [mailto:admin@sccrtc.org]
Sent: Monday, May 07, 2018 1:10 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
Anne Carr

Email

Subject
Progressive Rail Incorporated

Your Message
I cannot believe that you would ever even consider giving over our rights to the rail line to Progressive Rail Inc. Please do not do this!!!! Why would you do it? It is against all the common sense for environment or safety of the citizens of Watsonville or Santa Cruz County. What we need is a safe corridor for bikes and pedestrians in Watsonville and all of Santa Cruz County. These LPG tank cars moving through our county is not right. No! Don't do it please.
Anne Carr
Watsonville, CA

From: Logan Cartwright e. [mailto:logancartwright@gmail.com]
Sent: Wednesday, May 09, 2018 6:16 PM
To: General Info
Subject: Re: Draft Rail Service Operator Agreement is Now Available

NO train Trail only.

From: John Paulsen [mailto:paulsenstudio@gmail.com]
Sent: Wednesday, May 09, 2018 7:17 PM
To: info@sccrtc.org
Subject: Re: Draft Rail Service Operator Agreement is Now Available

There is no logical, sustainable, useful reason to put trains on the rails at all. If it's a tourist train, the tourism benefits will be minuscule versus the loss of the opportunity to create a world-class walking and biking trail all along the coast, as Monterey has. If it's a commuter train, the ridership will be laughably tiny and the cost can never be justified by this ridership.If it's freight, there is insufficient need for train cars as a shipping mechanism. The combined negatives — wasted money, blight in the neighborhoods up and down the corridor, and the lost opportunity for world-class trail adding to local quality of life and attractiveness to tourists — obviously outweigh any discrete "benefit" that any train operator says they can offer.

There is no reason discernible to me, and I've ever seen a reason given by RTC, that anyone would even propose adding trains to this corridor, if it weren't for some past deals involving existing railroad tracks from another era. Repeat: I've never seen or heard any reason given that adding trains here is a benefit.

Can you explain how any expenditure in upgrading or maintaining the ability to put trains on the tracks can be justified on the basis of need/demand, or on the basis of investment-vs-benefit?

Please be aware I am a proponent of increased investment in public transit. If a train could actually serve the working class in this county, I would support it 100%. It cannot, because the rail corridor has no infrastructure or space to support stations and parking, and we have no single, centralized job center where most people work, and we have no large or dense central bedroom communities along the rail corridor; anyone wishing to travel to work would need to drive or take transit to the train, wait for the train, ride the train to a location not directly adjacent to their workplace, and from there find transit to their various workplaces. It would be expensive and take too long. It
makes far more sense to increase bus routes as buses can take people directly from their neighborhood, directly to their workplaces.

Also be aware, in 20 years all-electric self-driving vehicles will begin to dominate, making trains even more obsolete than they already are.

Signed, a very concerned, and very disappointed citizen of Santa Cruz County.
John Paulsen

-----Original Message-----
From: Ronnie Record [mailto:ronaldrecord@gmail.com]
Sent: Wednesday, May 09, 2018 7:24 PM
To: info@sccrtc.org
Subject: Progressive Rail

Hi,

I’m a longtime Santa Cruz resident and home owner. I saw where you have released a draft agreement for a new rail service operator along the Santa Cruz Branch Rail Line. The operator, Progressive Rail, has a history of malicious legal maneuveros to convert agreements made with municipalities in order to expand their operation into the freight transport of natural gas and other hazardous materials. I cannot believe that we are in negotiation with Progressive Rail. Was there no background study before entering into negotiations? Why was Progressive Rail selected? Are you unaware of their previous activities?

Please reconsider and withdraw this draft. Do not enter into an agreement with Progressive Rail.

Thanks,
Dr. Ronald Joe Record

From: Jim Blain [mailto:jimx@pacbell.net]
Sent: Wednesday, May 09, 2018 8:43 PM
To: info@sccrtc.org
Subject: Draft RTC Report

Thanks for the opportunity to reviews the draft report on the railroad operation. Looks reasonable. My comment is that there should be a future plan to connect the SC 32 mile line with the branch line to Monterey.

Jim Blain

From: Kristin Tosello [mailto:ktosello@yahoo.com]
Sent: Thursday, May 10, 2018 6:53 AM
To: info@sccrtc.org
Subject: No deal

Hi,

I live in Aptos Village and I am against the new proposal for a train. We have a traffic nightmare in Aptos which will get worse as the construction completes and new residents move in (not to mention the new businesses). The last thing we need is a train coming through and stopping all car, pedestrian, and bike access. This is a horrible idea. Anyone with a conscience and who has ever gone through the village would know that.

It’s time you represent the residents and not the tourists!
Hello RTC staff and members.

It has been over a year since we all rallied to pass measure D funding, and I remember a real sense of optimism that our traffic woes in South County were going to be resolved. I am regretfully reporting that the congestion and pot hole situation has never been worse.

Since the withdrawal of Iowa Pacific, I have began to realize that there are no meaningful solutions to the crisis that we are in, at least not in the short term. Now we are negotiating a long term contract with a petroleum freight company, only to save face?

Brian Peoples told me this would happen, that there would never be a commuter train and that Measure D funds would eventually get squandered into the collapsing Pension fund, and I seen no reason to doubt it.

Zach,

We will come forward with a more official response to the proposed agreement with Progressive Rail, but want to point out a specific issue that will impact Aptos Village if RTC continues with the train plans.

We have spoken to CPUC and property owners / leasers about Aptos Village and plans for Parade Ave. Currently, CPUC is requiring that two railroad crossings (Bay View access road, Cement Plant Road) be closed prior to opening Parade Ave to Soquel Drive. According to all parties involved, neither of these railroad crossings will be closed. Cement Plant Road can not be closed because it is the only access to the Adeline neighborhood in Davenport. The access road to Bay View Hotel will not be closed because the property owner does not want to close it and there is no legal requirement.

In addition to the restrictions to closing the existing railroad crossings, according to CPUC when a train passes through Aptos Village, all railroad crossings would go down at once, essentially shutting down all roads in the village while a train passes. Having this occur multiple times a day for a recreational train, movement of rail cars for storage or a passenger train would be a significant impact to our community.

Therefore, it is in the best interest of our local community and Aptos Village that an agreement with Progressive Rail does not include any railroad operations north of Lee Road. As our Aptos representative, you should not approve Progressive Rail agreement that would result in Parade Ave never being opened to Soquel Drive and create a major traffic burden to our community.

Best regards,
From: Josh Stephens [mailto:josh@immortal.events]
Sent: Thursday, May 10, 2018 11:25 AM
To: info
Subject: Re: Draft Rail Service Operator Agreement is Now Available

Nice. I noticed a typo. See the last page, signature line has “county” with two C's.

I like the agreement and the fact that there are clauses that ensure timely payments to the commission from PGR. I wish I had a copy of Iowa Pacific's original agreement to compare how stringent this agreement is versus the old one.

I also am a fan of the fact that the agreement covers up to MP7, although I wish it were extended further, such as to Aptos Village. With all that development happening in the village, how will we be able to handle the extra freight needed to service new businesses?

Thank you for publishing this. Please vote on this contract at the next RTC meeting. It is crucial we get Iowa Pacific out before the STB has to intervene.

Happy Rails With Trails,

Josh Stephens

From: Barrey@BJ.com [mailto:barrey@barreyjewall.com]
Sent: Thursday, May 10, 2018 11:26 PM
To: Info@sccrtc.org
Subject: Vote yes for an agreement with Progressive Rail

Attn: RTC commissioners

Please vote yes for an agreement with Progressive Rail.

Keeping and utilizing the existing rail infrastructure will provide the best value.

Thanks,
Barrey Jewall

From: Paul Nolan [mailto:pkn337@gmail.com]
Sent: Friday, May 11, 2018 12:09 AM
To: info@sccrtc.org
Subject: We want Progressive Rail!

Hi,

I am a high school student and I deeply care about the future of our transportation corridor.

Please vote "yes" and let Progressive Rail operate the branch line.

Thanks,
Paul

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
George Pepper

Email
geomajors@yahoo.com

Subject
Contract with Progressive Rail

Your Message
I am very happy to see a good offer from a legitimate and well-run company. I believe this will work well for both Progressive and our local interests. Please sign the contract.

From: Dan Carrion [mailto:danca@mail.fresnostate.edu]
Sent: Friday, May 11, 2018 9:30 AM
To: Info@sccrtc.org
Subject: Santa Cruz trains

Good Morning,

I would like to ask that you vote yes on the agreement with Progressive Rail to keep the trains running in the Santa Cruz area, specifically Watsonville to Davenport. A trail is nice thing, but a train hauling people and goods is much better. California, and the entire country, has already removed too much rail transport.

There is no more efficient alternative than rail for transporting large amounts of goods and people. Highways fill to capacity very quickly, and require huge amounts of maintenance. They chew up land at alarming rates. Railroads have a much smaller footprint, are not ecologically friendly, and can create many opportunities that go beyond just hauling freight.

Just from a tourism standpoint alone, you could see a huge benefit to the community, should the train offer the option to run from Watsonville through Santa Cruz, (connecting with Roaring Camp), and continue onward to Davenport. A passenger rail trip like this along the coast would rival anything that currently exists anywhere in the United States, and abroad. You could have people coming from around the world to take a leisurely trip in beautiful scenery, enjoying the countryside, and then spending the night in area hotels, eating in area restaurants, shopping in area shops, and providing the community with tax dollars. If there was to exist an option of riding behind steam train, even more people would come.

I live in the Fresno area, and I know that all my friends would be excited to go to Santa Cruz and ride a passenger train up the coast, or down the coast, or both. I doubt any of them would go to walk on a trail. We have plenty of trails here. But, there are very few opportunities to ride a train in such a beautiful setting.

This seems like a no brainer to me. A trail alone will never provide this kind of excitement. But, you could always build a trail to the side of the rail right of way, and have the best of both worlds.

Please vote to support the train.
Dan Carrion
Professor,
Fresno State
From: Michael Parisi [mailto:raideen@gmail.com]
Sent: Friday, May 11, 2018 4:37 PM
To: info@sccrtc.org
Subject: Rail Study completion, please, before any contracts signed.

Hello,

We all want the highest good for everyone, but there are many hands in play looking to influence how the trail will ultimately be used. The only reasonable position anyone can take is facilitating professional and politically neutral parties to evaluate and report, so the public is as informed as possible. I hope you agree, making deals prior to these conclusions is unprofessional and undermines the public’s trust in the process.

Thank you,

Michael Parisi

From: LakevilleMN Residents [mailto:moveyourtrain@outlook.com]
Sent: Friday, May 11, 2018 7:41 PM
To: citycouncil@cityofsantacruz.com; info@sccrtc.org
Subject: Progressive Rail

Dear City of Santa Cruz,

Think long and hard about signing any contract with Progressive Rail. Just trying to help.

https://www.leagle.com/decision/infdco20180321f08

From: Nadene Thorne [mailto:nadenetd@yahoo.com]
Sent: Friday, May 11, 2018 8:52 PM
To: john.leopold@co.santa-cruz.ca.us; bruce.mpherson@co.santa-cruz.ca.us;
cchase@cityofsantacruz.com; greg.caput@co.santa-cruz.ca.us; ebottorff167@yahoo.com;
jbertrand@ci.capitola.ca.us; rlj12@comcast.net; Ryan Coonerty; sbrown@cityofsantacruz.com;
zach.friend@co.santa-cruz.ca.us; openup@cats.ucsc.edu; trina.coffman@cityofwatsonville.org
Cc: Sccrtc Info
Subject: Progressive Draft Contract

Commissioners:

I was shocked and horrified to read the draft proposal for a contract with Progressive Rail. Those of us who are following the disposition of the rail corridor in particular and transportation planning in general in the county cannot but have cause to wonder how you can possibly put forward such a contract as any way benefiting Santa Cruz County or furthering your mandate to promote “transportation choices” that “move people.”

1) What freight - specifically - is proposed for the corridor from Watsonville to Davenport?
2) If freight service is posited to get trucks off Highway 1 and local Streets, have you evaluated the dollar-benefit of this (in addition to the environmental, traffic, and quality of life evaluations) vs. the cost to the community of repairing nearly 30 miles of track?
3) Where’s the track repair money coming from?
4) Are you seriously proposing a contract that would have diesel freight trains running along the corridor through residential neighborhoods, shopping villages, and the beach and boardwalk? And for 10 years?!
5. I am aghast that you would consider allowing the parking of rail cars along the coast between Highway 1 and the shoreline, some of the most scenic property on the coast of California. (Or, for that matter, that you have not been able to resolve the rail car parking situation across the sloughs in Watsonville.)
6. A tourist train? We have the Big Trees Railroad – do we really need more entertainment to draw tourists to Santa Cruz? Most importantly, what does this have to do with promoting transportation solutions?

I appreciate that Progressive will not set up operations in Santa Cruz County for only Watsonville’s small freight operation. So maybe that tells us that we should take a step back and think a bit more broadly about the big picture for the county’s transportation needs, rather than signing over the whole farm to Progressive! This draft proposal is a horror, and should make the thoughtful people of Santa Cruz County wonder about your grasp on what transportation services would genuinely serve us.

Nadene Thorne
Santa Cruz 95060

From: kathy [mailto:ktmae.gg@gmail.com]
Sent: Saturday, May 12, 2018 7:09 PM
To: info@sccrtc.org
Subject: Do not sign the current contract with Progressive Rail

Dear Mr. Medez,

I am writing to respectfully ask that the SCCRTC not sign the current contract with Progressive Rail. This isn't about rail vs. no-rail. I believe this contract is *bad* - whether you want passenger rail service or you don't. Please don't get distracted in the debates around pros and cons of rail!!! This contract could potentially irreversibly damage neighborhoods, the north coast, and it could disable our local community's ability to do anything about it. As a homeowner in the Westside, I have keen interest into the management of this area. There are significant issues that put our community at risk, such as:

1. **Deceptively provides false assurances that the RTC can still do projects on the corridor like the rail trail**
   §3.1 This section describes all of the power that the RTC has to do projects like the rail trail. It sounds very good, and it's not till the end that the cause reminds that these projects must not materially interfere with Railway's rights and operations or freight service rights and obligations. The onerous way that this final text is written could block any of the described projects.
   §6.1.1 This section deceptively implies that the RTC can adjust the railroad as needed for a project such as the rail trail. But the phrase "subject to Railway's rights under this agreement" and §6.1.2 apparently removes that flexibility.

2) **Significant impacts on neighborhoods**
   §5.2.2 This section absolves the railway of any obligation to correct graffiti. Why? This is an almost certain problem that will occur, and it should be their responsibility to prevent and correct this on rail property.
   §6.3 indicates that facilities will be built on the west side of Santa Cruz for train maintenance (just west of Swift by Kelly's Bakery). This removes any ambiguity that the Railway intends to run freight through the west side of Santa Cruz, and furthermore intends to add significant industrial facilities on the west side of Santa Cruz (that would not likely be subject to city planning laws) for maintenance operations. This could have significant noise, visual, odor and other impacts.
   §6.3 This section also implies additional facilities will be built, with no commission oversight if Railway claims the absence of the facility would materially interfere with freight service.
§7.1.2 This gives the Railway the option to create "lay down" areas which they can use to temporarily store shipped materials that are being transferred to/from train. The storage areas would be adjacent to the tracks and could be located in neighborhoods, or anywhere else convenient for the shipper and Railway. It also provides a financial incentive to the RTC to lease additional space for this purpose.

3) Potential significant impact to North Coast
§2.5.1 As written, Railway maintains the right to store 100 rail cars on the North Coast between Davenport and Laguna Rd within the Coast Dairies State Park, alongside the proposed rail trail. Although there is a 2-month time limit for specific cars, there is no overall limit, meaning that rail cars could be present at all times.

Click on these images to see full-size maps of where rail cars would be stored:
Click here to read about this issue in another community.

4) Makes providing passenger rail by a 3rd party nearly impossible
§2.4.1.4 This deceptive section states that even when Railway interests don't take priority over another third-party with a contract to use the corridor, that third-party must still not materially interfere with Railway interests
§2.4.1.3 This section ambiguously defined level of service
§2.4.1.6 The car-mile calculation of proportionate share does not take into consideration frequency of operation. A third party operator with once per week service could be compelled to pay the same fee as an operator with multiple daily trips.
§2.4.1.6 allowing the Railway to determine actual costs is inappropriate as it grants them a biased power to charge a licensee additional amounts

There are numerous other points in this flawed contract that erode influence and control over how this land is used and impact the community. I do hope the contract is NOT signed and that a better solution is found. Our community deserves something much better.

Best Regards,

Kathleen Nix

From: FF [mailto:faithcaresinc@aol.com]
Sent: Saturday, May 12, 2018 8:03 PM
To: info@sccrtc.org
Subject: Deputy Director Luis Mendez

At this time I am very concerned about the “Railway.” At the moment, I am renting a home off of 7th Avenue where there is a railway close to my home. I am considering a home to purchase but the possibilities of this railway would hinder my purchase. Where I live now is very close to the railway. My husband and I both work locally and start very early in the morning. The thought of the sound of the railway throughout the evening and early morning and the delays of crossing the railway will create hardship! We do not want this to happen in our neighborhood! It will create a lot of stress!! I work as a Leasing Consultant at a property just yards away from the railway. When my future prospects ask about the railway, I am happy to inform them it does not operate. They are relieved which enables us to rent our units. If the railway passes close by to our community we will not be able to rent our apartments. I could lose my job when our rentals decrease!

I am very concerned both for my personally and for my livelihood/work well being!

Please don’t let this happen!

Faith Feldman
Greetings Commissioners,

I am very pleased that an agreement has been negotiated with Progressive Rail. Iowa Pacific needs to go and Progressive Rail appears to be a great option to help return our county to active rail service. I am very happy that RTC members took time to carefully consider all aspects of this agreement and even visited the company's headquarters in Minnesota. This shows a determined resolve to ensure the truth of all facts. But please do not let delay this decision any further. I urge you to vote yes to the Progressive Rail agreement and help bring our county into the future.

Sincerely,
Derek R. Whaley

Dear Mr. Mendez,

I am writing to respectfully ask that the SCCRTC not sign the current contract with Progressive Rail. There are significant issues that put our community at risk, such as:

(whichever issues you feel are important).

These issues should concern us regardless of whether or not we support the idea of passenger rail. Please correct these issues before entering into an agreement with Progressive Rail or any other operator.

Sincerely,
Gary Garcia

Dear committee,

As a long term resident of Capitola and Soquel, I am opposed to entering into a contract with a freight train operator. The proposal from Progressive indicates they would be shipping chemicals and natural gas. Our communities do not need to be exposed to the possibility of train accidents and potential hazardous spills or fires. Imagine what a disaster it would be if this occurred on a trestle or the new Aptos crossing.

Once we enter into a contract cities lose all rights to control what trains are carrying. The proposal also gives Progressive the right to cancel the tourist train at any time. Entering into a contract also takes away the option of using this wonderful corridor for modern transportation options such as electric commuter trains. The focus should be on using the corridor for transportation, whether active transportation or new technology options.

This is a terrible idea and should be vetoed unanimously.

Thank you
Della Davis
From: Contact Request Form [mailto:admin@sccrtc.org]
Sent: Sunday, May 13, 2018 7:39 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
Craig Wilson

Email

Subject
Rail Trail

Your Message
I urge the RTC to reconsider its support of the Rail Trail.

Years ago, just after purchase by the RTC, I was excited at the prospect of the Rail Trail, but now that I know more I think it folly.

Much has changed since the RTC acquired the rail. It is now clear the rail will actually be dominated by freight service under the terms of the proposed Progressive contract, which alone merits reconsideration. It has also become apparent that the existing rail and trestle infrastructure is in much worse condition than originally thought, requiring millions of dollars of public money and subsidies for repairs.

The RTC not have to stick by a decision to support a project that no longer resembles the original proposal. Biking and walking is transportation - storing rail cars is not.

Thank you for consideration.

From: Contact Request Form [mailto:admin@sccrtc.org]
Sent: Monday, May 14, 2018 8:14 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
Eva Sherman

Email

Subject
Rail Trail input

Your Message
Greetings - I'm a city of Santa Cruz resident and home owner and avid cyclist and walker/hiker. A pedestrian and bicycle path, I believe, would be the best use of public funds. I do not support a rail line, only a bicycle/pedestrian trail.
Thank You,
Eva
Santa Cruz, CA 95062

From: Deborah Geesey [mailto:kkattahh@sbcglobal.net]
Sent: Monday, May 14, 2018 9:33 AM
To: info@sccrtc.org
Cc: Gordon
Subject: No to progressive railway contract!!

To whom it may concern,

We, as property owners and citizens living near the rail line, are greatly disturbed to hear of the proposal of a contract with Progressive Railway to store and move toxic agricultural chemicals and natural gas train cars along the tracks in our county.

Please please know this contract would invalidate all efforts and plans to create a more tourist and community friendly community with bike and hike trails.

Our quality of life depends on your actions and votes.

You as a team are directing the direction of our futures, and that of your own children’s futures.

Please vote against this toxic and costly contract with Progressive Rail, Inc.

Sincerely,

Gordon and Deborah Geesey

From: Glenda Luening [mailto:glendal@sbcglobal.net]
Sent: Monday, May 14, 2018 10:09 AM
To: info@sccrtc.org
Subject: Say No to Freight Trains

Vote no on the Progressive Rail Contract! Freight has priority over people, so the pipe dream of commuter rail is shit-canned with this contract. Get rid of the rails and build a trail!

In the mean time, what is being done to alleviate University traffic? Where is our Eastern Access?

Glenda Luening

From: Ellen Martinez [mailto:ellen@ellenmartinez.com]
Sent: Monday, May 14, 2018 6:11 PM
To: info@sccrtc.org
Cc: ‘Ellen Martinez’
Subject: Possible Contract with Progressive Rail

Dear Members of the SCCRTC,

I read with dismay the recent article that appeared in the Santa Cruz Sentinel about your possibly awarding a 10-year contract to Progressive Rail of Lakeville, Minnesota to operate the 32-mile Santa Cruz branch line.
There are significant issues associated with the contract that put our community and neighborhoods at great risk, such as:

- The contract provides Progressive Rail the right to store 100 rail cars on the North Coast between Davenport and Laguna Rd within the Coast Dairies State Park, alongside the proposed rail trail. Although there is a 2-month time limit for specific cars, there is no overall limit, meaning that rail cars could be present at all times.
- The contract severely limits local control of the corridor for at least a decade. The contract deceptively provides false assurances that the RTC can still do projects on the corridor, as the contract states that any projects must not interfere with Progressive Rail’s right and operation of freight service and bypasses any outcomes from the United Corridor Investment Study. How can the RTC agree to this contract before the unified corridor study has been completed?
- The contract restricts access to the rail corridor by the community. Since the agreement restricts how the RTC can develop the corridor, current trails would likely become off-limits and lead to long-term loss of access since freight operations would limit the commission’s ability to construct a trail. The heavily used recreational sections of coastal trail north of Wilder Ranch that are on the right-of-way would not be accessible.
- The contract states that excursion trains may come later—carrying 5,000 passengers the first year, 10,000 the second year, and 15,000 the third year. The volume of possible passengers on these excursion trains would severely affect the sanctity of our county and its neighborhoods.

This contract and Progressive Rail is not the answer to Santa Cruz County’s traffic and transportation issues. You have an obligation to listen to our reaction to this contract and represent us. As a taxpayer, registered voter and resident of Santa Cruz County, I ask the RTC to NOT SIGN this contract and move away from any negotiations or discussions with Progressive Rail.

Thank you.

Ellen Martinez

-----Original Message-----
From: Rosalie Bruning [mailto:bruning@mac.com]
Sent: Monday, May 14, 2018 8:07 PM
To: info@sccrtc.org
Subject: Proposed Contract

I am urging you to wait until the EIR and UCS are completed before signing the contract with Progressive Rail. Negotiating behind closed doors and then rushing this ill-conceived project through to profit a few at the expense of the community without going through the EIR process is unconscionable.

From: Woutje Swets [mailto:woutje.swets@gmail.com]
Sent: Monday, May 14, 2018 8:21 PM
To: info@sccrtc.org
Subject: Please, please don't sign the contract with Progressive Rail!

Dear RTC,

Please, please wait for the EIR and UCS to be completed before signing a contract with Progressive Rail. There are too many unknowns, and you do not have enough information to make such a huge commitment!

There is NO the harm in waiting till the EIR and UCS reports come out, but there is HUGE harm if you sign now and it turns out that the EIR and UCS reports determine that a train is not feasible. What then??
We have not heard from you what would be the consequences if the EIR and UCS find that the train is not possible, but meanwhile you would tie to a contract! YOU NEED TO BE UP FRONT ABOUT THE CONSEQUENCES!!!

What is the rush? These are our tax dollars at stake, and we do not earn enough money to cover your "Oops"es.

Please come to your senses. You are scaring me.

Thank you,
Woutje Swets

From: David D Criswell [mailto:ddc67@comcast.net]
Sent: Monday, May 14, 2018 8:40 PM
To: info@sccrtc.org
Subject: Rail Contract

First, I am against any rail on the Coastal Corridor. Today however, I’m asking you to wait for the EIR and UCS to be completed before signing a contract with Progressive Rail.

Thank you,
David D Criswell

-----Original Message-----
From: Dan Benvenuti[mailto:dbt33@hotmail.com]
Sent: Monday, May 14, 2018 9:11 PM
To: info@sccrtc.org
Subject: Contract

No No No
It is beyond rational thinking that any business concern would enter into a total money losing proposition like this. There is no freight business and the small amount of tourist business would not even cover the fuel cost. This is no way in the best interest of the citizens the people you are suppose to represent. These same ideas did not work with last contractor what makes you believe it will work now? Get your heads out of LaLa land forget about rail and get real with a trail.

-----Original Message-----
From: Kelley Filbin [mailto:kelleyfilbin@gmail.com]
Sent: Tuesday, May 15, 2018 5:35 AM
To: info@sccrtc.org
Subject: Please wait!

Dear RTC members,

Please wait until the EIR and Unified Corridor Study are complete before signing a contract with any potential rail operator, including Progressive Rail.

Best and thanks,
Kelley

From: Susan Reddington [mailto:sureddington@gmail.com]
Sent: Tuesday, May 15, 2018 5:49 AM
To: info@sccrtc.org
Subject: Sighing the rail contract

Please do not sign the Rail contract until the EIR for the North Coast Rail Trail and the Unified Corridor Study are complete. You will discover then that the proposed Rail contract, if signed, will proved a disaster for the Santa Cruz/Watsonville area.

Susan Reddington

----Original Message-----
From: Steve Homan [mailto:sdh@cruzio.com]
Sent: Tuesday, May 15, 2018 11:36 AM
To: info@sccrtc.org
CC: Ryan Coonerty; Rachel Dann; Allison Endert; john.leopold; greg.caput@santacruzcounty.us; Zach Friend; bruce mcpherson
Subject: North Coast Railroad Issues

Dear RTC Deputy Director Luis Mendez,

I am writing about two issues of concern regarding providing rail service to the North Coast of Santa Cruz County on existing tracks.

1) With regard to the proposed storage of rail cars on the tracks north of Santa Cruz, why does Santa Cruz County have to endure this continuing visual blight along Highway 1, in a scenic corridor, adjacent to state parks and agricultural fields. The North Coast tracks should not be considered as a linear industrial site for rail car storage.

2) In addition, I am concerned about the often talked about proposal to provide passenger rail service up the North Coast to the town of Davenport.

My concern relates to how the fills over the creeks of the North Coast were initially constructed, well over 100+ years ago. These fills support the tracks, and some are quite tall. They were NOT built to modern geotechnical safety standards.

This is how the fills were created:  First, wooden trestles were built over the creeks. Then, ties and rails were installed at the top. That was not the end of the construction. After that, rail cars full of rocks and earth were rolled over the trestles, and the material was dumped down over and through the wooden trestle supports. Eventually, the trestles were buried under the fill, all the way up to the tracks and ties. The creek discharges to the ocean were routed through culverts or tunnels through the filled-over trestle, or through the rock adjacent to the trestle.

Therefore, it seems very likely that (1) the wooden trestle supports rotted out long ago, and (2) the rock and earth fill from the surface to the level of the rails at the top of the trestles was not placed in accordance with any modern geotechnical engineering principles. Adequate compaction is a question, and so is the nature of the rock and earth fill. Non-engineered fills lasted these many years for use in shipping cement and bringing in fuel, for the cement plant. The level of safety was adequate for that use only. Still, many repairs have been required over the years to keep the tracks usable. Now, they have not been used regularly for about a decade.

The level of safety required for modern passenger train service, with the proposed rail passenger cars perhaps carrying 25 to 150 adults and children or more per train, requires much more information about the amount of compaction and the nature of the fill, in order to make decisions about adequate passenger safety. I believe that the need to shore up or replace these fills could be a major financial stumbling block and expense that might affect the desires for a passenger rail line between Santa Cruz and Davenport. Even just geotechnical testing of these old fills could be very expensive.
Thank you for letting me share my concerns.

Steve Homan

From: Scott Rowe [mailto:srowe333@gmail.com]
Sent: Tuesday, May 15, 2018 12:50 PM
To: info@sccrtc.org
Subject: We do not need or want this Progressive Rail contract!

Dear Commissioners and Staff,

Why would we invite Progressive Rail to profit from our county while risking all other options for our branch line which the RTC wisely purchased to create a third North/South commuting route?

Few, if any county residents would relish the idea of new freight train delays on surface streets, more diesel fumes in our air, or increased truck traffic should Progressive succeed at bringing new transloading customers to our county.

Please protect Measure D's promise to "Get Everyone Moving" by keeping our options open and not signing with Progressive Rail.

Sincerely,

Scott Rowe

From: Deborah Secrest [mailto:secrestdeborah@gmail.com]
Sent: Tuesday, May 15, 2018 1:53 PM
To: info@sccrtc.org
Subject: We do NOT want this progressive rail contract Please vote Trail only!

Dear Commissioners and Staff,

We live right in back of the RR tracks at Jade Street in Capitola. Our manufactured home is barely 8 feet from the tracks. (We live at the Tradewinds Mobile Home Park). Although we realize that trains have been here before us, for many years now there has been no activity on these tracks, except for Christmas 2016 when they briefly ran as the "Polar Express". We would watch the train swaying from side to side as it went by, we were very worried that the tracks were unsafe and that the whole thing could fall over!

We and our neighbors in our Mobile home park, and all over Capitola and Santa Cruz County are very much in favor of the trail only option. We look forward to that day when we can utilize such a fantastic recreational option as a bike/pedestrian trail that would afford so many local people great enjoyment!

The following was a sample e-mail sent to us by Greenway, we concur with their statements, and strongly urge a NO VOTE for any future train activity on these old tracks.

Why would we invite Progressive Rail to profit from our county while risking all other options for our branch line which the RTC wisely purchased to create a third North/South commuting route?

Few, if any county residents would relish the idea of new freight train delays on surface streets, more diesel fumes in our air, or increased truck traffic should Progressive succeed at bringing new transloading customers to our county.

Please protect Measure D's promise to "Get Everyone Moving" by keeping our options open and not signing with Progressive Rail.
Dear Commissioner and Staff,

I have been following the Greenway vs Rail with Trail situation for well over a year. I find it very difficult to understand why the RTC continues to support rail activity on the corridor which was purchased on behalf of the residents of Santa Cruz County. It is painfully obvious a passenger train is NOT a viable option for a county of our population size and therefore it makes much more sense to use the rail corridor for new active modes of transportation which are becoming more and more common and economically viable - just look at the electric scooter adoption in San Francisco, San Jose and Los Angeles in the last few months. Our county is filled with individuals who are active as well as those who are disabled or elderly. All of these individuals could use the Greenway to move throughout the county in a healthy, environmentally friendly and economical fashion. Can you please explain to me why the RTC is about to sign a contract with Progressive Rail which will cost the taxpayers hundreds of millions of dollars if we need to get out of it after the UCIS is complete, will cost taxpayers millions to get the tracks fixed to allow for freight transportation, will do nothing to reduce the commuting challenges on Hwy 1, will cause a tremendous amount of additional traffic congestion in the county at rail crossings, and will greatly limit our options for the corridor?

Sincerely,

Bobbi Burns
Sincerely,

Alex Miller

From: Sandra Baron [mailto:sandybar3@gmail.com]
Sent: Tuesday, May 15, 2018 5:16 PM
To: info@sccrtc.org; Zach Friend
Subject: Comment on Progressive Rail Proposal

To Luis Mendez and Supervisor Zack Friend,

I am writing to you as a biking and driving member of the Santa Cruz County Community. I am reluctantly starting to agree that we can't ignore the possibility of passenger rail and that an electric commuter train could be compatible with a biking and walking trail. Traffic is a problem but recreational opportunities are also very important.

When I look over Progressive Rail's proposal and the agreement with SCCRTC, I am concerned that there is so much emphasis on freight. There is no mention of an electric passenger train, and the examples that they show of their passenger train experience were not commuter trains, but novelty holiday trains.

Freight can be an option, between Watsonville and Salinas perhaps, but only light electric freight should be a component of our coastal trail. Their proposal shows some very industrial developments that they were involved with. Is this what we want for our county? The economics of this will likely depend on tourism and transportation funding, not heavy industry.

Our coastal right-a-way is a stunning world class beauty. It's future is in your hands, please proceed carefully.

Sincerely,

Sandra Baron

From: Ross Foti [mailto:rossfoti@me.com]
Sent: Tuesday, May 15, 2018 5:44 PM
To: info@sccrtc.org
Subject: Progressive Rail

Dear Board of Supervisors, I am writing you in response to reading about the possibility of Progressive Rail optioning the Santa Cruz County Branch Line and turning it into an active freight line. I understand you will be voting on this issue this coming Thursday morning at 9 am. I cannot be physically present at that time and so am tendering this request that as my representatives, you vote against granting Progressive Rail access to our future and control of the Branch Rail.

Granting a fossil-fuel friendly business such as Progressive Rail access to our community's future is unconscionable and out of sync with our community's desire to see more sustainable and positive options for this vital community corridor. Few, if any of your constituents would relish the idea of new freight train delays on surface streets, new diesel in our air, or increased truck traffic should Progressive succeed at bringing new freight rail customers to our county.

As a daily traveler through the Trout Gulch/Soquel intersection, I can attest that the intersection would fare poorly with freight traveling through it, endangering drivers and pedestrians alike. 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,

Ross Foti
Aptos
Dear Commissioners and Staff,

I don’t want a train on the rail line. I want the Greenway plan which would be amazing for our city and county. Please make sure we get this right! Thanks.

Sincerely,

Terry Tiedeman

Dear Commissioners and Staff of RTC,

Please do not entered into a agreement with Progressive Rail that will bring noisy and desiel fuming trains to our beautiful coastal routes and towns! We have lived here for 20 yrs and do not want this in our neighborhoods. This contract would be a bad deal for our community. Progressive wouldn't even be required to maintain a commuter or tourist track if it is not profitable (which it probably won't be ). The only real "progressive" plan for our community is to restore land for pedestrian and low impact, low polluting vehicular traffic. Measure D was not voted for to bring more freight trains into our town.

Sincerely,

David and Nancy Demorest

As an alternative to rail ...

Build the bike path wide in a segment and once a year place a trolley powered by fuel cell or lithium powered or whatever the clean technology of the future ... Then go back to bikes the rest of 364.

The proposed contract with Progressive Rail is Bad!

There are significant issues associated with the contract that put our community and neighborhoods at great risk, such as:
- The contract provides Progressive Rail the right to store 100 rail cars on the North Coast between Davenport and Laguna Rd within the Coast Dairies State Park, alongside the...
proposed rail trail. Although there is a 2-month time limit for specific cars, there is no overall limit, meaning that rail cars could be present at all times.

- The contract severely limits local control of the corridor for at least a decade. The contract deceptively provides false assurances that the RTC can still do projects on the corridor, as the contract states that any projects must not interfere with Progressive Rail’s right and operation of freight service and bypasses any outcomes from the United Corridor Investment Study. How can the RTC agree to this contract before the unified corridor study has been completed?
- The contract restricts access to the rail corridor by the community. Since the agreement restricts how the RTC can develop the corridor, current trails would likely become off-limits and lead to long-term loss of access since freight operations would limit the commission’s ability to construct a trail. The heavily used recreational sections of coastal trail north of Wilder Ranch that are on the right-of-way would not be accessible.
- The contract states that excursion trains may come later—carrying 5,000 passengers the first year, 10,000 the second year, and 15,000 the third year. The volume of possible passengers on these excursion trains would severely affect the sanctity of our county and its neighborhoods.

This contract and Progressive Rail is not the answer to Santa Cruz County’s traffic and transportation issues. You have an obligation to listen to our reaction to this contract and represent us. As a taxpayer, registered voter and resident of Santa Cruz County, I ask the RTC to NOT SIGN this contract and move away from any negotiations or discussions with Progressive Rail.

Regards,

Joe Martinez

-----Original Message-----
From: William Rubel  
Sent: Wednesday, May 16, 2018 9:39 AM  
To: info@sccrtc.org  
Subject: We do not need or want this Progressive Rail contract!

Dear Commissioners and Staff —

I strongly oppose the Progressive Rail contract.

I equally strongly support developing the rail line for biking and walking. I have seen that kind of development in Europe and in the East Coast, for example, at Cape Cod. Optimizing for a bike trail will directly benefit us locals who would use such a convenient bikeway for recreational purposes and it will attract tourists who will benefit the community in the more general way that tourists do.

Freight is not the future of our County.

Thank you,

William Rubel

-----Original Message-----
From: Mike Caroselli  
Sent: Wednesday, May 16, 2018 10:44 AM  
To: john.leopold@co.santa-cruz.ca.us; info@sccrtc.org  
Subject: Progressive Rail, trail

Hello Mr. Leopold and RTC,
As a voting homeowner in Pleasure Point, and a father of two young children, I urge you not to sign a deal with Progressive Rail or any rail operators. I support removing the tracks and creating a dedicated bike/running/walking trail from Davenport to Watsonville. You have a once-in-a-lifetime opportunity to dramatically improve the lives of all Santa Cruz County residents.

A trail (no rail) would:
- Increase opportunity for healthy activities
- Increase safety for bikers and runners
- Increase property values
- Increase tourism revenue (bikers, runners, vacation rentals with bikes would promote the path)
- Increase bike rental revenue
- Increase opportunity to bike to school
- Increase opportunity to bike to work
- Decrease car traffic by creating easy bike option
- Decrease vandalism and crime along train tracks

A rail contract would:
- Increase traffic for residents waiting for train crossings
- Increase noise/air pollution around tracks

I'm sure the rail contract would create substantial revenue for the County, but I would hope the benefit to the community and increased bike travel revenue for local businesses would far outweigh it. After not running freight trains for so many years, the contract with Progressive (or any rail company) is a step backwards.

Santa Cruz is not going to get less crowded. Santa Cruz is not going to get any cheaper to live here. The good weather, beautiful mountains, clean ocean, friendly businesses, and diverse community will continue to bring people here who want to lead a positive, active, and vibrant life. In the future, I believe a transportation solution lies in a BART-like train running on Highway 1. I also think a full scale redo of Highway 17 should happen in our lifetime, hopefully with the BART-like train connection. Silicon Valley will continue to be the economic hub (jobs) and Santa Cruz will continue to be where everyone wants to live (home).

Santa Cruz has east/west traffic. The geologic nature of Santa Cruz - rivers, valleys, and gulches going north/south, the ocean to the south and the mountains to the north - means that there are only a few possible east/west roads. Highway 1, Soquel, Water, Brommer, East Cliff, Murray, Portola, Laurel/Broadway, Capitola Rd. All of these streets have dramatic traffic during commute times (and Friday afternoon influx of tourists). As locals we learn to work around it. A dedicated bike/walk/running path would make travel within Santa Cruz so much easier. From Pleasure Point I could bike to the Boardwalk in 15min. I could bike to Santa Cruz Mountain Brewery in 25min. I could bike to Capitola Beach in 10min. My kids could bike to New Brighton in 10min. We already bike around Pleasure Point - this was one of the reasons we wanted to live and raise our children in this neighborhood - but a bike path would open up and bridge together the rest of Santa Cruz.

I grew up in Manhattan Beach, down in the South Bay of Los Angeles. When the Red Line railroad went away, they took out the tracks and made a 3.5mile running/walking path from Manhattan Beach, through Hermosa Beach and ending in Redondo Beach. The Greenbelt is a beautiful part of the beach cities, and promotes running/walking for residents. In addition to the Greenbelt, there is the Strand on the beach. You can run or bike from Torrance Beach to Venice Beach without crossing streets. I know through personal experience that this promotes the active lifestyle of the South Bay, and creates community. When I lived down there I would run and bike on the Strand all the time. I would see friends and family along the Strand, running, walking dogs, biking, etc. Being active and socially connected are two of the most important attributes of a happy life. That's what makes me so excited for a similar community corridor in Santa Cruz County.
I appreciate your consideration on this matter, as I view this as one of the most important issues in Santa Cruz County, and an opportunity for the wholesale betterment of our community.

Best regards,

Mike Caroselli

From: William Martin [mailto:bamiom@hotmail.com]
Sent: Wednesday, May 16, 2018 11:20 AM
To: info@sccrtc.org
Subject: CONTRACT

PLEASE WAIT FOR THE STUDY BEFORE SIGNING A CONTRACT WITH PROGRESSIVE!

From: Susan Kincaid [mailto:sgkincaid@baymoon.com]
Sent: Wednesday, May 16, 2018 11:25 AM
To: info@sccrtc.org
Subject: Rail/Trail

Please wait for the EIR and UCS to be completed before signing a contract with Progressive Rail. There are still many unanswered questions about Progressive’s ability to follow through on it’s proposal.

Susan Kincaid

-----Original Message-----
From: Natasha Loudermilk [mailto:natashaloudermilk@gmail.com]
Sent: Wednesday, May 16, 2018 12:00 PM
To: info@sccrtc.org
Subject: I vote bike trail

I am in favor of converting the rails into a nature trail. Let’s keep Santa Cruz County Beautiful! I vote against progressive rails.

Thanks
Natasha Loudermilk

From: Listed below
Sent: Tuesday, May 15, 2018 12:50 PM
To: info@sccrtc.org
Subject: We do not need or want this Progressive Rail contract!

Dear Commissioners and Staff,

Why would we invite Progressive Rail to profit from our county while risking all other options for our branch line which the RTC wisely purchased to create a third North/South commuting route?

Few, if any county residents would relish the idea of new freight train delays on surface streets, more diesel fumes in our air, or increased truck traffic should Progressive succeed at bringing new transloading customers to our county.

Please protect Measure D's promise to "Get Everyone Moving" by keeping our options open and not signing with Progressive Rail.

Sincerely,
Dear Commissioners and Staff,

I am hoping you will vote NO to a 10 year contract allowing Progressive Rail to move freight cars and storing rail cars on the corridor of our pristine north coast near Bonny Doon Beach. I have done my best to educate myself on this matter. Originally, I was for the Rail and Trail until I started crunching numbers (we would need to raise taxes) and looking at the actual width and physical limitations of the rail corridor- especially how people who use the trail will be diverted away from most trellises and on to busy streets if a freight train has right of way. I have even missed work a few times to go the the SCCRTC meetings, and when I can’t make them. I make sure to read about them. So what is the rush?

Our METRO bus system has to beg for funding, when we need to incentivize, modernize and prioritize our bus system- like Seattle and Boulder have successfully done. Doing this will give us much more bang for our buck and efficiency in actually moving people than a freight train will ever do.

Measure D included the option to use funds allocated for rail maintenance for other uses. The most progressive thing that the SCCRTC to do would be to rail bank and use Measure D funds to build a world-class safe CONTINUOUS trail that accommodates for people that want to commute fast and people who want to stroll. Rail banking is a relatively ‘new’ Federal law that is specifically there to maintain the Right of Way for future generations to do what they can afford to do with the corridor. There are $40M in the pot. Paying back the $11 million is a perfect use of funds.

At this time in history, we are in a major transportation disruption. Innovation is happening faster that most can imagine and for the people of Santa Cruz County be able to use people power or electric power to move on a bike or a pod or skateboard or a wheel chair will never fall out of step with being environmentally sound, efficient and healthy way to move. 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,

Barbara Roettger
Santa Cruz

From: Sandy Skezas [mailto:yinyang@cruzio.com]
Sent: Thursday, May 17, 2018 10:34 AM
To: info@sccrtc.org
Subject: Progressive Rail?

Dear RTC members—
I have been reading with rapt attention the articles in the Good Times and most recently the Sentinel. I am concerned that the RTC is on a path towards signing with Progressive Rail to the detriment of the Santa Cruz Community. I am particularly concerned that you appear to be moving forward without regard for the Environmental Impact report and the United Corridor studies to be completed.

What is the motivation for moving forward without what appears to be all the facts?

Who is benefiting besides an out of state company with no caring ties to our community?

The deal does not seem to provide much benefit to the community except to postpone the hard choices about rail and trail.

Thank you for helping me understand your thinking.

Sandy Skezas

From: Kathy Ransom [mailto:kathyransom8@gmail.com]
Sent: Thursday, May 17, 2018 12:08 PM
To: info@sccrtc.org
Subject: RTC

Please wait for the EIR and UCS to be completed before signing a contract with Progressive Rail.
Kathy Ransom
Aptos

From: Jerry V Finney [mailto:jer63jan@sbcglobal.net]
Sent: Thursday, May 17, 2018 5:26 PM
To: Zach Friend
Cc: Santa Cruz County Greenway; Sccrtc Info; Trail Now
Subject: Re: Proposed contract rail service

Dear Supervisor Friend,

In the past, we have written to you regarding the value of a bike trail along the Coastal Corridor. Having visited many similar ones throughout the country, we know that it would be a great tourist attraction, as well as a benefit for the citizens of this county. After reading in the Sentinel and the Trail Now Newsletter of the proposed contract with Progressive Rail, we are very concerned. We do not understand why RTC is not waiting for the EIR and Unified Corridor Study before signing a contract with any business - especially one for ten years.

From what we have read, it appears that the primary purpose of this contract will be to allow freight service and the storage of tanker cars along the Corridor. The contract would require that the tax payers of Santa Cruz County initially pay for 2.5 million dollars worth of upgrades to the tracks. Thereafter, the tax payers would have to pay for continued maintenance of the Corridor. The amount of money that Progressive would be paying to RTC is undetermined, as they do not know how much business they will have hauling freight or how many tanker cars would be stored. In any case, it will not be enough to offset the cost to the taxpayers.

The contract states that excursion trains may be run. However, there is no basis given for the estimated number of passenger for these trains. There is no reason to believe that excursion trains would ever be profitable for any company. Everything we have read, states that passenger train service is not economically feasible for this area at this time. Nevertheless, under this contract, freight trains would have precedence over passenger trains.

One wonders if all along , the goal of RTC was not a passenger train service to "relieve" Highway 1 traffic, but rather a plan to accommodate interests in freight and petroleum businesses.
If the voting members of the RTC Board approve this contract, they will cause the Santa Cruz County tax payers to spend an inordinate amount of money to subsidize Progressive Rail and any freight or petroleum business that would use their service. Shame on them if they vote to sign this contract.

Jerry & Jan Finney

From: Whitney Perry [mailto:whitsayshi@gmail.com]
Sent: Thursday, May 17, 2018 6:00 PM
To: info@sccrtc.org
Subject: Suntan rail line

Hello,
My name is Whitney Perry and I live on Davenport Ave in Davenport. I just read through PGRs proposal for their freight and passenger lines. I am horrified at the proposal for tourist lines to Davenport. What can I do to vote No on this project? I can't believe it’s even on the table.
Whitney

From: kathy [mailto:ktmae.gg@gmail.com]
Sent: Monday, May 21, 2018 7:26 AM
To: info@sccrtc.org
Subject: Re: Do not sign the current contract with Progressive Rail

Dear Mr Mendez,

Upon reading more about how we/Santa Cruz got into this mess, I believe the RTC is not legally bound to make a contract-signing decision about rail service at this moment, and I would HIGHLY ENCOURAGE/SUPPORT not engaging on this flawed contract. We do not have the funds for this, and with freight service taking priority, all would be lost on improving any corridor that would alleviate traffic.

Best Regards,

Kathleen Nix

On Sat, May 12, 2018 at 7:09 PM, kathy <ktmae.gg@gmail.com> wrote:

Dear Mr. Medez,

I am writing to respectfully ask that the SCCRTC not sign the current contract with Progressive Rail. This isn't about rail vs. no-rail. I believe this contract is *bad* - whether you want passenger rail service or you don't. Please don't get distracted in the debates around pros and cons of rail!!!

This contract could potentially irreversibly damage neighborhoods, the north coast, and it could disable our local community's ability to do anything about it. As a homeowner in the Westside, I have keen interest into the management of this area. There are significant issues that put our community at risk, such as:

1. Deceptively provides false assurances that the RTC can still do projects on the corridor like the rail trail
   §3.1 This section describes all of the power that the RTC has to do projects like the rail trail. It sounds very good, and it's not till the end that the cause reminds that these projects must not materially interfere with Railway's rights and operations or freight service rights and obligations. The onerous way that this final text is written could block any of the described projects.
   §6.1.1 This section deceptively implies that the RTC can adjust the railroad as needed for a project such as the rail trail. But the phrase "subject to Railway's rights under this agreement" and §6.1.2 apparently removes that flexibility.
2) Significant impacts on neighborhoods
§5.2.2 This section absolves the railway of any obligation to correct graffiti. Why? This is an almost certain problem that will occur, and it should be their responsibility to prevent and correct this on rail property.
§6.3 indicates that facilities will be built on the west side of Santa Cruz for train maintenance (just west of Swift by Kelly's Bakery). This removes any ambiguity that the Railway intends to run freight through the west side of Santa Cruz, and furthermore intends to add significant industrial facilities on the west side of Santa Cruz (that would not likely be subject to city planning laws) for maintenance operations. This could have significant noise, visual, odor and other impacts.
§6.3 This section also implies additional facilities will be built, with no commission oversight if Railway claims the absence of the facility would materially interfere with freight service.
§7.1.2 This gives the Railway the option to create "lay down" areas which they can use to temporarily store shipped materials that are being transferred to/from train. The storage areas would be adjacent to the tracks and could be located in neighborhoods, or anywhere else convenient for the shipper and Railway. It also provides a financial incentive to the RTC to lease additional space for this purpose.

3) Potential significant impact to North Coast
§2.5.1 As written, Railway maintains the right to store 100 rail cars on the North Coast between Davenport and Laguna Rd within the Coast Dairies State Park, alongside the proposed rail trail. Although there is a 2-month time limit for specific cars, there is no overall limit, meaning that rail cars could be present at all times.
Click on these images to see full-size maps of where rail cars would be stored:
Click here to read about this issue in another community.

4) Makes providing passenger rail by a 3rd party nearly impossible
§2.4.1.4 This deceptive section states that even when Railway interests don't take priority over another third-party with a contract to use the corridor, that third-party must still not materially interfere with Railway interests
§2.4.1.3 This section ambiguously defined level of service
§2.4.1.6 The car-mile calculation of proportionate share does not take into consideration frequency of operation. A third party operator with once per week service could be compelled to pay the same fee as an operator with multiple daily trips.
§2.4.1.6 allowing the Railway to determine actual costs is inappropriate as it grants them a biased power to charge a licensee additional amounts

There are numerous other points in this flawed contract that erode influence and control over how this land is used and impact the community. I do hope the contract is NOT signed and that a better solution is found. Our community deserves something much better.

Best Regards,
Kathleen Nix

From: Larry [mailto:lgrant@usgranttechnologies.com]
Sent: Monday, May 21, 2018 8:14 AM
To: info@sccrtc.org
Subject: Progress Rail Contract.....

Dear Sirs: Please wait for the EIR and UCS to be completed before signing a contract with Progressive Rail.
Thank you.
Larry Grant
From: David Steinbruner [mailto:David.Steinbruner@santacruzcounty.us]
Sent: Tuesday, May 22, 2018 10:34 AM
To: info@sccrtc.org
Subject: Progressive Rail.

Please sign up Progressive Rail as our operator as soon as possible.

Then, as soon as practicable thereafter, please start running demo "streetcar" service through downtown Santa Cruz, Intercity trips between Santa Cruz and Aptos (Watsonville) and excursions up to Davenport.

Sincerely,
D. A. Steinbruner,

-----Original Message-----
From: Anne Carr [mailto:skyeranch@me.com]
Sent: Wednesday, May 23, 2018 9:22 AM
To: info@sccrtc.org
Subject: Rail-Trail

To Whom it may concern,

As a Santa Cruz County resident I ask you to vote NO to Progressive Rail. I am in favor of a Greenway trail,
Thank you,
Anne Carr

From: Monica McGuire [mailto:monica.healingcoach@gmail.com]
Sent: Thursday, May 24, 2018 9:12 PM
To: General Info
Subject: Feeling alarm throughout SCC about the Progressive Rail contract possibilities

Dear RTC Board,
  I continue to meet dozens of fellow SCC neighbors who feel shocked and horrified that the RTC is not only strongly considering giving a contract to Progressive Rail, still, but also that the RTC has been barreling ahead to do so despite the huge public resistance.

In my understanding, giving any rail contract is a huge commitment that changes dramatically the chances for getting a rail and trail OR a trail only FIRST, as the vast majority of Santa Cruz County neighbors desire.

We want a Greenway Trail ASAP
  And we do not want to wait 8-10 years MORE for a bike and pedestrian trail by pushing for simultaneous rail creation
We want OPTIONS for future mass transit as a Greenway trail conversions give us
  And we do not want to be tied to RAIL as our major thrust for future mass transit
We want the inexpensive, quick choice of a bike trail, after 15+ years waiting
  And we do not want to pay hundreds of millions of dollars more
We want our concerns, voices, and our great work to be listened to!
  And we do not want elected officials or appointees who continue to ignore us, their constituents, and neighbors

What does it take to be listened to and responded to? Over 10,000 of us are doing all we can do in the democratic methods we were raised to believe were important, and yet we continue to feel marginalized by the lack of respect for these majority wishes expressed.
Do NOT sign any contract with Progressive Rail without full knowledge that we will ensure you are all held accountable for the extreme damages to our county that you are exposing us to unnecessarily.

Please read this Sentinel article for more of the mounting evidence telling you to slow down and use the PRECAUTIONARY PRINCIPLE by choosing to do what your constituents are democratically asking you to do:
http://www.santacruzsentinel.com/opinion/20180506/the-future-of-rail-remote-control

Thank You,
~Monica McGuire

From: MICHAEL WEATHERFORD [mailto:mkwhome@icloud.com]
Sent: Friday, May 25, 2018 7:56 PM
To: info@sccrtc.org
Subject: Support of Greenway Santa Cruz

Support of Greenway Santa Cruz

Supervisor Friend - I am a 20 year resident of Rio del Mar. I have served on the board of the Aptos La Selva Fire District for over 16 years, so I feel I have a pulse on the community, as you do.

I do not think continuing train traffic on the rail corridor is a good use of the county’s time, resources or interest. I have seen the studies that show how much a one-way ticket might be if a train was to operate between Watsonville and Santa Cruz, and it simply doesn’t make sense. Please do not extend a lease to Progressive Rail. The county leaders need to focus on relieving road congestion, and a train is not going to solve it.

I think the RTC should focus efforts on increasing bus ridership. You and I both see busses going through the area, and in some cases they are well utilized, and others (like in Rio flats) they run nearly empty. I think we can do better by having bus lanes on the freeway, controlled stoplights on Soquel, and more express busses at major exits.

The railway should be used as proposed by SCCGreenway as a trail for bikes and walking.

By the way, thanks for opposing the Nissan dealership in Soquel. Even though it passed, I think you see the vision that the existing residents and businesses do not want a project like that. It is too bad that the Nissan dealer is not paying 100% for the stop light @ Robertson. Please do not hesitate to call me if you have questions.

Mike Weatherford

From: Julie Montgomery [mailto:julijim@pacbell.net]
Sent: Sunday, May 27, 2018 9:52 AM
To: info@sccrtc.org
Subject: Progressive Rail contract

Dear RTC,

I would like to voice my support of entering into a contract with Progressive in order to preserve the Santa Cruz Branch Line right of way for future passenger rail service. I strongly encourage the RTC to be completely transparent on how this contract is different than the previous contract and to dispel the notion that adopting this contract eliminates any future passenger rail. Please clearly explain the reason we need to allow freight service in the short term to get passenger service in the long term. Please also explain the risk to the right of way for both rail and trail if this contract is rejected.
Regards,
Julie Montgomery

From: Karin Grobe [mailto:kgrobe@wormdoctor.org]
Sent: Sunday, May 27, 2018 12:12 PM
To: info@sccrtc.org
Subject: Progressive Rail

Don’t sign a contract with Progressive Rail. It’s a bad deal for the region. I prefer the Greenway solution.
Karin Grobe

From: Tim Brattan [mailto:timbrattan@gmail.com]
Sent: Wednesday, May 30, 2018 2:15 PM
To: info@sccrtc.org
Subject: Contract with Progressive a BIG mistake

Dear Mr. Mendez,
I am writing to urge the SCCRTC to NOT sign the current contract with Progressive Rail. Entering into this contract would result in numerous and significant issues that put our community at risk, including:

a) Locking us into a 10-year contract with an aggressive industrial freight operator with a track record of shipping hazardous materials and zero experience in passenger rail;
b) Is irresponsible in that it holds this invaluable county property hostage for 10 years while doing nothing to alleviate traffic congestion, putting real transportation solutions for the corridor at serious risk;
c) Continues to ignore the STB’s original recommendation to rail-bank the corridor due to well documented problems with the rail line width, environmentally sensitive location, and condition; and
e) Flies in the face of empirical data from hundreds of other communities across the country and world that investing in active transportation solutions - e.g. a dedicated, safe, wide, multi-modal and continuous trail through our county - gets residents of all ages and tourists out of their cars and off our roads and Highway 1 - all while improving their health and the health of our community.

These issues should concern all of us - the RTC most of all! - regardless of whether or not we support the idea of passenger rail. Please do not sign a contract with Progressive Rail or any other operator until the Unified Corridor Study has been completed.

Sincerely,
Tim Brattan and Suzi Mahler

From: Carol [mailto:carolonland@hotmail.com]
Sent: Thursday, May 31, 2018 10:13 AM
To: info@sccrtc.org
Subject: Progressive rail contract

Dear Mr. Mendez

I write to request that the SCCRTC, NOT! Sign the current contract with Progressive Rail. There are significant risks to our community with this contract.

1) the potential for areas of our community to become a rail yard, affecting quality of life and home values in our community.

SCCRTC Has only to look at how Progressive Rail has treated their own community. Which HAS become a Rail Yard! Where residents are dealing with; trespassers, graffiti, cars sitting long enough to have stagnant water. Progressive provides NO security and in Lakeville residents are patrolling!

2) Severely limits local control of the corridor.
It won't matter what the community wants. Once in Progressive will do what THEY want. Look again to Lakeville MN, where Progressive has remained UNRESPONSIVE TO LOCAL CONCERNS.

3) How can RTC decide before the outcome of the Unified Corridor Investment Study is done.
4) The contract insufficiently protects RTC.

Federal law pre-empts the field of law dealing with rail companies leaving individual citizens, communities, And the RTC, HELPLESS TO RAILROADS. RTC will not be on equal footing with Progressive.

These issues should be of grave concern to RTC. YOU are also members of this community, please act with care and concern before you go forward. This may be a Pandora’s box which if agreed to cannot be closed.

Sincerely
Carol Reid

From: Tom Shepherd [mailto:Tom.Shepherd@driscolls.com]
Sent: Thursday, May 31, 2018 11:47 AM
To: info@sccrtc.org; john.leopold@co.santa-cruz.ca.us; ebottorff167@yahoo.com; zach.friend@co.santa-cruz.ca.us; ryan.coonerty@santacruzcounty.us; greg.caput@co.santa-cruz.ca.us; bruce.mcpherson@co.santa-cruz.ca.us; jbertrand@ci.capitola.ca.us; sbrown@cityofsantacruz.com; rlj12@comcast.net; trina.coffman@cityofwatsonville.org; cchase@cityofsantacruz.com; openup@cats.ucsc.edu; tim_gubbins@dot.ca.gov; Gine.Johnson@santacruzcounty.us
Cc: Nancy Connelly; Miles Reiter
Subject: Rail Proposal Comments

Good Morning,

I am writing to submit my comments to the Santa Cruz Regional Transportation Commission and their analysis of the rail proposal now under consideration. My perspective is specific to the potential that rail has as an option for produce shipments originating in the county.

Please feel free to contact me if there are any additional questions that I can help answer.

Respectfully,
Tom Shepherd
Vice President of Distribution and Logistics

To: Santa Cruz County Regional Transportation Commission

I am writing to comment on the viability of a local rail line to transport produce from Santa Cruz County to major United States market locations. My name is Tom Shepherd and I work at Driscoll’s as Vice President of Logistics. My responsibilities include oversight of the execution of all fruit distribution and transportation activities within the Driscoll’s of the Americas (DOTA) network. My career resume has included a blend of logistics experiences. I’ve previously worked for a major rail carrier and have been involved in logistics within the local produce industry for over 30 years. Also included is direct experience in rail service design and involvement in organizing the shipments of thousands of produce loads by rail during this period.

Strawberries, raspberries, and blackberries represent the top three valued produce crops in Santa Cruz County. Speed to market and ease of use are two of the top considerations when investigating rail as a feasible option for most produce commodities grown in this area grown – especially berries.

Driscoll’s does ship berries by rail but this volume currently represents a very small percentage when compared to the truck loads that our company seasonally ships from California. There are only a few rail corridors that provide the type of service required for most highly perishable fruit and vegetables originating in this area. Produce shipped by rail from Santa Cruz, San Benito, and Monterey counties is predominantly trucked in trailers to rail facilities in Stockton or Los Angeles to
be loaded onto expedited intermodal trains to Chicago. In 2017, Driscoll's arranged 47 berry shipments for transport by rail. All but one was shipped from Southern California.

Individual site rail spurds and the use of refrigerated box cars is not an option for Driscoll's, for most area produce shippers, or for our customers. Prohibitive factors include service constraints, speed to market, equipment types, size, and access.

There have been studies to develop local intermodal service for produce shipments in the past. However, several challenges remain unsolved. Four of these that are relevant to this discussion are:

1) The Union Pacific main line that runs through both Salinas and Pajaro is not a primary rail corridor. Shippers save multiple days by trucking produce to the larger rail hubs located in Stockton and Los Angeles.

2) Sufficient volumes of rail shipments would need to be developed to establish dedicated expedited trains serving our local counties to reduce transit time. There is no expedited train service now in our Central Coast corridor outside of passenger service provided by Amtrak.

3) Produce is picked, cooled, and shipped throughout the day in our region. Managing this process around the timing of a single train, even if daily, would be insufficient to compete with the flexibility currently inherent with trucking options.

4) The seasonality and variability of produce supplies in our three counties would make a year round intermodal option difficult to sustain. This includes the challenges of establishing an ongoing economic balance of inbound and outbound freight into the area.

In conclusion, it is my opinion that the establishment of a rail option for the highly perishable produce commodities grown in Santa Cruz County does not provide the regional and broader network answers that would result in creating a viable shipping alternative for local companies. Please contact me if I can provide any additional information in support of your efforts.

Respectfully submitted,
Tom Shepherd
Vice President of Distribution and Logistics

From: Brooke Towne
Sent: Friday, June 01, 2018 6:36 AM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson
Subject: Stop Progressive Rail

Please do not enter Santa Cruz into any contracts with Dave Fellon. His business practices are not a good fit for the people who live and work in Santa Cruz.

Thank you,
Brooke

From: Peter Emanuel
Sent: Friday, June 01, 2018 9:49 AM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Progressive Rail

I implore all of you to please not vote to ratify the Progressive Rail contract on June 14th. It is a classic trap of "be careful what you wish for". It is quite tempting to look to private companies to help finance a large project in times of fiscal hardship in our county. However, Progressive appears to be a terrible choice. Looking at their past business enterprises and the current proposal, there is
every reason to believe that this relationship would go terribly wrong and destroy a golden opportunity of opening up the rail corridor to much more worthy uses. Their short track businesses of moving fossil fuels from fracking sites by rail to truck distribution centers points in the Midwest could quite easily be extrapolated to be expanded into our California market using our corridor in a similar way. Just look at the propane distribution contract they have already set up in Watsonville. Furthermore, there seems to be no legal commitment to supporting what the population of our county wants for this corridor. The management of Progressive have already been indicted in the Midwest for security fraud so there is no reason to ever believe their motivation is other than purely self serving and for their own profit. I don't really understand the legal implications RTC is under to find a partner but surely there must be a way to find a relationship that works in the best interests of our citizens. Progressive seems to me to be the worst possible choice and we should vote an emphatic NO before we really regret this.

Sincerely,
Peter Emanuel

From: Amy Smith [mailto:amykates@me.com]
Sent: Saturday, June 02, 2018 7:24 AM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Stop the rail

Do not sign this contract with progressive rail. We do not need a one way rail road. Waste of space. Please stop ruining our beach counties. Between the egregious home prices, lack of rent control, the terrible road infrastructure and new construction planning around here this is becoming fast a terrible place to live.
Signing a ten year contract with progressive rail will add to this misery tremendously.
Stop and think about what is truly best- not for the railroad - but for the people and children that will live here in 5-10 years.
Forward thought.
Empathy.
Strong character to support our environment.

No to progressive rail.
Katherine Smith

From: Bradley Frey [mailto:bfrey831@gmail.com]
Sent: Saturday, June 02, 2018 12:28 PM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Stop the madness

We the people DO NOT want the RTC to proceed with a contract with Progressive Rail.
We need a safe and affordable bike and walking path.
We wants the Greenway plan! Now!

Best Regards,
Brad Frey

From: David McCormic [mailto:mccormic.dave@gmail.com]
Sent: Saturday, June 02, 2018 2:18 PM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez;
Good afternoon,

Please do not enter into a 10 year contract with progressive rail for the Santa Cruz rail corridor. We need to invest in active transportation solutions like the multi use trail not in chasing the dream of rail service, which is simply not economical at this point.

Investing in a trail through the corridor, will be a much more responsible choice for our communities. Signing with Progressive, puts this most sustainable, economical, and immediately beneficial project at least another decade out. All so there can be token rail service for holiday tourism and the storage of oil tankers.

We need a trail now, please abandon this contract with Progressive, who has a track record of social malfeasance and do the right thing.

Thank you,
Dave McCormic
Santa Cruz

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From: Jason Smyth [mailto:jasonsmyth315@gmail.com]
Sent: Saturday, June 02, 2018 11:00 AM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: No on progressive rail

Stop progressive rail!!! These corporations don't care about our county they care about profits. Do the right thing.

Concerned Aptos voter,
Jason Smyth

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From: Matt Paiss [mailto:mpaiss@gmail.com]
Sent: Saturday, June 02, 2018 3:25 PM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Please Do Not Sign Contract for Progressive Rail

I am a SC County resident, homeowner, and business owner. I am writing in opposition to the Progressive Rail contract. The county needs safe wide, walking & biking paths, not cargo rail service.

Please DO NOT SIGN A CONTRACT WITH PROGRESSIVE RAIL and preserve the greenway option.

Respectfully,
Matt Paiss

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From: Harriet Maglin [mailto:hmaglin@hotmail.com]
Sent: Saturday, June 02, 2018 9:56 AM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Progressive Rail Contract
We do not need a freight service or trains parked in our rail corridor. We need a clean, safe biking/walking trail that connects with the current Monterey Scenic Trail. Vote NO on the Progressive contract. It's a bad deal with unforeseen monetary and environmental consequences.

Harriet Maglin

From: Robert Fabbri [mailto:bfabb2@icloud.com]
Sent: Saturday, June 02, 2018 7:01 PM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Progressive Rail

Dear Commissioners,
Please vote “No” on the Progressive Rail proposal. A rail freight carrier is not needed nor wanted in Santa Cruz County. Leave the rail route open for public access.
Thank you,
Bob Fabbri

From: Enda Brennan [mailto:casavivo@aol.com]
Sent: Saturday, June 02, 2018 11:39 PM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Please say no to progressive (not) rail

Dear RTC commissioners. The Vote you take on June 14 will be the most important vote this year, I believe. Even though your staff believes otherwise, it is very clear to me as an attorney who has been in practice for almost 40 years that there is a little if any legal downside to you waiting until after the unified Corridor study is completed before you sign off on a one-sided deal with “progressive” rail. I am sure that every single one of you is environmentally sensitive. I hope you share my concerns about letting a company whose executives have a strong oil and gas background Get in the driver seat of our transportation policy here in Santa Cruz County. I am counting on every single one of you to exercise your independent judgment, listen to literally thousands of your constituents and be willing to overrule the staff recommendation. Thanks again for listening, Enda Brennan

From: Larry Goodman [mailto:agoodcruz@aol.com]
Sent: Sunday, June 03, 2018 6:52 AM
To: info@sccrtc.org
Subject: Just saaay, NO!

Purportedly, Santa Cruz is a Progressive Community ... why would our political Representatives even consider bringing into our community - known pollutants, especially along a pedestrian/bicyclist pathway?

Vote to make our community a clean, Green healthy ocean environment!

Larry Goodman

From: Bruce [mailto:brucealanabt@gmail.com]
Sent: Sunday, June 03, 2018 10:03 AM
To: info@sccrtc.org
Subject: rail contract
Vote No on the contract with Progressive Rail  

From: Sandy Hager [mailto:raideen@gmail.com]  
Sent: Sunday, June 03, 2018 3:04 PM  
To: info@sccrtc.org  
Cc: sandylove500@yahoo.com  
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,  

Sandy Hager  

From: Christopher Lucas [mailto:chrislucas@intoworld.com]  
Sent: Sunday, June 03, 2018 5:26 PM  
To: 'Santa Cruz County RTC'; 'John Leopold'; 'Ed Bottorff'; 'Zach Friend'; 'Ryan Coonerty'; 'Greg Caput'; 'Bruce McPherson'; 'Jacques Bertrand'; 'Sandy Brown'; 'Randy Johnson'; 'Trina Coffman-Gomez'; 'Cynthia Chase'; 'Mike Rotkin'  
Subject: NO to Progressive Rail, YES to GREENWAY!  

To all our Community Leaders,  

Please STOP the insanity of endorsing Progressive Rail in Santa Cruz county!  

Please endorse GREENWAY's vision of a safe, healthy, eco-friendly multi-use recreation path for all to use and enjoy!  

Chris Lucas  

-----Original Message-----  
From: Ken Burnap [mailto:notrevie2000@yahoo.com]  
Sent: Sunday, June 03, 2018 6:21 PM  
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin  
Subject: Progressive tail  

You have got to be kidding??? Seriously considering this company to become involved in a already contentious rail system in Santa Cruz when they have a best a sketchy record is just borderline crazy Vote no!!!  

From: Randa Solick [mailto:rsolick@gmail.com]  
Sent: Sunday, June 03, 2018 8:28 PM  
To: info@sccrtc.org  
Subject: No to Progressive Rail contract!
We don’t need freight instead of commuter rail, and we definitely don’t need to deal with a company that promotes oil and gas transport in its northern dealings. Please be responsive to the publisher and say NO to a contract with that company.

Thank you, Randa Solick

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From: Shelby Frame  
Sent: Monday, June 04, 2018 12:04 AM  
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin  
Subject: Stop progressive rail!

As a resident of Santa Cruz the last thing that we need is heavy freight trains passing through our town. Trains are both dangerous and noisy and reduce the charm of Santa Cruz. We need to stop progressive rail from ruining our community. Freight rail is not going to benefit her families or the quiet community that we have built.

We need to put a bike path instead of a rail system. We need a quiet and Safe way to enable people to travel around town. The bike path will significantly add to the community and help enable people to bring their love where they live.

Please do not let progressive rail ruin our Town.

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From: Taylor Frame  
Sent: Sunday, June 03, 2018 11:53 PM  
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin  
Subject: Don’t Let Freight Trains Ruin our town

As a long time resident and land owner near the proposed tracks, I am against letting freight trains pass through our town. I have small children and I can’t stand the danger and noise it will create.

Please vote to support a bike path instead. We need a safe and eco friendly path that will improve the town, not destroy it with rail traffic. No resident wants heavy rail to roll through our town. Don’t let this happen. You represent us and need to listen to the people.

Taylor Frame

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From: Paul Reid  
Sent: Monday, June 04, 2018 6:46 AM  
To: info@sccrtc.org  
Cc: john.leopold@ca.santa-cruz.ca.us  
Subject: Progressive Rail Contract

To whom it may concern:

For the record, I am opposed to the RTC issuing a contract to Progressive Rail for any rail lines in Santa Cruz county.

Paul J. Reid

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From: Jean Mahoney  
Sent: Monday, June 04, 2018 7:00 AM  
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin  
Subject: Stop progressive rail
Please do not vote to have Progressive Rail on our rail corridor. I do not believe their interests are the best for our residents transportation needs.

Thank you,
Jean Mahoney
Santa Cruz City Schools Teacher

From: Andrea Miller [mailto:831alm@gmail.com]
Sent: Monday, June 04, 2018 9:13 AM
To: info@sccrtc.org
Subject: NO to Progressive Rail

Dear Commissioners,

Clearly, after reading the article in today’s Sentinel, the Monterey Bay Area should say NO to Progressive Rail.

Thank you for keeping us safe from an environmental catastrophe and to KEEPING US MOVING!

Best regards,

Andrea Miller

From: john.leopold@co.santa-cruz.ca.us
Sent: Tuesday, June 05, 2018 10:22 AM
To: john.leopold@co.santa-cruz.ca.us
Cc: George Dondero; Luis Mendez; lowell.hurst@cityofwatsonville.org; trina.coffman@cityofwatsonville.org; jimmypanetta@mail.house.gov
Subject: RTC Operating Agreement With Progressive Rail

Dear Commissioner Leopold,

The current rail operator for the Santa Cruz Branch Rail Line, the Santa Cruz & Monterey Bay Railway (SC&MB), was supposed to be replaced by Progressive Rail on April 1, 2018 as the common carrier. The SC&MB has been in default with their agreement with the RTC for over a year and based on industry reports its parent company, Iowa Pacific, could cease operation at any time.

Due to extreme pressure from groups that want the tracks removed for a recreational trail without adjacent rail, the operating agreement between the RTC and Progressive Rail has been delayed. These groups proclaim there is no need to sign a new agreement with Progressive Rail at this time. Unfortunately certain RTC Commissioners do not understand the RTC's responsibility to see common carrier service is not interrupted.

Due to Iowa Pacific's financial situation they have not been able to maintain the tracks or have track inspections conducted since April 1, 2018, the date they were supposed to hand over operations to Progressive Rail. As of two weeks ago trains are not able to operate over RTC tracks and the Santa Cruz & Monterey Bay Railway has been unable to fulfill its common carrier obligation for rail customers on the Santa Cruz Branch Rail Line.

The customers and their current situations are:

**Big Creek Lumber** – Currently has 10 centerbeam cars of lumber either sitting in UP’s Pajaro yard or inbound that can’t be delivered to Big Creek Lumber.

**Lineage Logistics** – Can’t receive refrigerated cars for shipment of produce to customers.

**Del Mar Foods** – Can’t receive refrigerated cars for shipment of produce to customers.

**Agron** – Can’t receive soybean feedstock for production of biodiesel.
The Watsonville companies that rely on rail service to operate, along with their employees, are in serious jeopardy now due to delays in signing an agreement with Progressive Rail. Not having a responsible and financially sound rail operator to maintain the rail infrastructure puts the entire City of Watsonville at risk.

On June 14, 2018 the RTC Commission will vote on an operating agreement between the RTC and Progressive Rail. RTC staff and their negotiators have worked tirelessly for the best possible agreement for Santa Cruz County. I ask that the operating agreement with Progressive Rail be approved and transfer of common carrier responsibility be fast tracked with the Surface Transportation Board. To do otherwise would put Watsonville businesses, their employees and Watsonville residents at risk.

Sincerely,

Howard Cohen
Aptos, CA Resident

From: Dennis Case [mailto:paintr@arczip.com]
Sent: Monday, June 04, 2018 10:33 AM
To: General Info
Subject: Re: Now on YouTube: SCCRTC's Innovators in Transportation Speaker Series-Talk 1
"Planning for a Prosperous Santa Cruz County" May 16th 2018

Please do not sign a contract with Progressive Rail. Respectfully Submitted, Dennis Case

From: Jim Goularte [mailto:]
Sent: Monday, June 04, 2018 10:55 AM
To: john.leopold@co.santa-cruz.ca.us; ebottorff167@yahoo.com; zach.friend@co.santa-cruz.ca.us; ryan.coonerty@santacruzcounty.us; greg.caput@co.santa-cruz.ca.us; bruce.mcpferson@co.santa-cruz.ca.us; jbertrand@ci.capitola.ca.us; sbrown@cityofsantacruz.com; rlj12@comcast.net; trina.coffman@cityofwatsonville.org; cchase@cityofsantacruz.com; openup@cats.ucsc.edu; info@sccrtc.org
Subject: Progressive Rail

Hi,

As a resident of Aptos, I am very concerned about your potential signing of a contract with Progressive Rail. As our local leaders, you should not endorse a company like Progressive Rail which has a proven history of fraud, safety, health, traffic and environmental concerns.

Please listen to your residents concerns. Your decisions will effect the daily lives and safety of those you represent.

Thank You,

Jim Goularte

From: Eileen Lacey [mailto:]
Sent: Monday, June 04, 2018 12:15 PM
To: openup@cats.ucsc.edu; cchase@cityofsantacruz.com; trina.coffman@cityofwatsonville.org; rlj12@comcast.net; sbrown@cityofsantacruz.com; jbertrand@ci.capitola.ca.us; bruce.mcpferson@co.santa-cruz.ca.us; greg.caput@co.santa-cruz.ca.us; ryan.coonerty@santacruzcounty.us; zach.friend@co.santa-cruz.ca.us; ebottorff167@yahoo.com; john.leopold@co.santa-cruz.ca.us; info@sccrtc.org
Subject: NO on progressive rail

From: richard klevins [mailto:]
Sent: Thursday, May 31, 2018 3:09 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.
The Rail Trail Will Never Get Built, you will spend tens of millions on studies and starts but never get it done. Your budget is $5 Million a mile??
I ride a bike frequently in the county, also in the East U.S. and Europe. We have greatest lack of bike trails and least safe biking of anywhere I ride.
Thank you for adding stripes and green markers around the county.
Most bike trails and rail trails are just compacted earth or gravel, some are paved. All are used.
A bike trail will get tremendous use, we need it now.
Please respond.
Thank you,
Richard Klevins

From: Paloma Richeson [mailto:pricheson51@sccs-stu.net]
Sent: Monday, June 04, 2018 6:40 PM
To: Santa Cruz County RTC; John Leopold; Ed Bottorff; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jacques Bertrand; Sandy Brown; Randy Johnson; Trina Coffman-Gomez; Cynthia Chase; Mike Rotkin
Subject: Vote NO on Progressive Rail

Dear Santa Cruz County RTC and Santa Cruz Council Members,

I strongly request that you vote AGAINST the Progressive Rail option this June 14th. My husband and I bought a house on the corner and Rankin and Seaside two years ago. The railroad is approximately 30 yards outside 3 of our bedroom windows and our backyard fence. We have 4 teenagers and a grandmother who live on the property. Three individuals in our family have asthma. This immediate neighborhood also holds a pre-school and two families with children under 5 years old. Our story could be repeated multiple times up and down the railway.

This is all to say that supporting a freight line that would very likely hold harmful materials, not to mention the additional excessive dust and dirt from normal rail line functioning, could cause potential health problems to the families near by. Why turn the expensive and hip lower Westside into a Superfund site?? I would not want to sit outside for a beer and nice dinner at the Santa Cruz Brewery, the West End Tap Room or Humble Sea while a large, noisy, and polluting freight train stopped my conversation and left a layer of soot on my consumables. What happened to the health promoting aspects of the Trail that the RTC was promoting last year at the town meeting I attended at the Live Oak Elementary? How can you share a health promoting trail line with a toxic freight train? Does the Progressive Rail contract eliminate the Trail all together?

I am well aware of the controversy between a Rail and Trail and Trail Only option for this rail line. As a neighbor to the tracks, I prefer Trail Only. However, I would be more open to a commuter line supported by green technology, before I would ever vote for a freight line. I know the RTC used Equity as one of its tagline messages for the Rail-Trai. Progressive Rail does nothing to promote Equity in our community.

Please, consider deeply the long term health and lifestyle impacts of granting the Progressive Rail contract. This is NOT the project to pursue. Find another rail project that will support the People of Santa Cruz and promote Equity, help reduce the impact of traffic, and will use Green Technology.

Thank you for your Consideration,
Primavera Hernandez, MPH
Del Mar Foods is a Frozen Fruit & Vegetable Processor that will celebrate its 60th year of uninterrupted operations in 2019, at our same location in Watsonville. Yesterday, I signed 428 weekly payroll checks.

Many of our customers are located east of the Mississippi River which makes Rail Car service very attractive. Each year we ship millions of pounds of product via Rail Cars.

For the last 18 months (until they pulled up stakes and left town) I had been hounding Iowa Pacific to move the tankers that abut our property. They block our shipping access from the Spur that we have on site, as well as create a most unwanted harborage for pests and people.

I appreciate those groups and individuals that are weighing in for a utopian solution, but "let's not let the perfect be the enemy of the good." If Progressive Rail is committed to moving these miserable tankers to a bone yard somewhere, upgrading the tracks and trail, and restoring line service, everyone should declare this a victory.

Thank you for your consideration, and please let me know if I can be of any service in this process.

Sincerely,--
PJ Mecozzi
President
April 18, 2018

Dear Commissioners,

Please accept recommendations from RTC staff to sign a contract with Progressive Rail as it is presented, so existing freight customers can be serviced and that the region can continue to use this valuable corridor, with the potential to expand its use in the future. It is imperative that an agreement between the RTC and a new rail operator is in place before the current rail operator is forced to abandon service. Signing an agreement with Progressive Rail will allow rail service to continue uninterrupted for rail customers in Watsonville, while the Unified Corridor Study is completed and Thank you for considering my request.

Thanks,

Felipe Hernandez
Watsonville City Councilmember
June 6, 2018
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz CA 95060
by U.S. mail and by email, to info@sccrtc.org

Subject: Public Review Draft Agreement, RTC with Progressive Rail, for rail freight and rail transportation operations

Dear RTC Commissioners and RTC staff:
The Sierra Club supports, in general terms, the continuation of rail freight service on the Santa Cruz Branch Line. The National Sierra Club's transportation policy statement finds the following: "Freight railroads, especially electrified, are preferred over highway or air freight to save energy and land, and cut noise and pollutant emissions."

That noted, we see the following opportunities to bring the public review draft Agreement into better alignment with existing local land use policies and expectations for environmentally sound practices:

1. Vegetation management and weed control as discussed in section 5.2.2 should be clarified to require best non-toxic management practices to restrict use of pesticides or other toxic substances. We would also like to see some stated commitment in the subsequent section 5.2.3 to control harms to or removals of adjacent mature trees. We note that the tracks go through areas that are highly valued for their biodiversity. We request that Progressive Rail and Commission adopt a environmental protection protocol to assure that any projects such as pruning/vegetation, construction, developments adhere to local, State and Federal environment policies and laws, i.e. bird breeding/nesting season.

2. While we recognize the draft contract excludes the responsibility of Progressive Rail to build fencing, should that be amended, we recommend the contract be modified to include the following intent: Should the
Railway desire to construct any new fencing within the FEP or any other part of the rail corridor property, the fencing shall be located and/or designed to avoid adverse impact on existing wildlife corridors. Furthermore, fencing outside the FEP may only be installed with the prior written consent of the Commission.

3. Increased use of the rail may create challenges for wildlife crossing. We recommend conducting a biological survey to determine areas of frequent wildlife crossing. Track areas of concern will need to include wildlife crossing adaptations.

4. Rail car storage placed on the rail line does not belong in the high-value scenic viewshed of the North Coast including in the Coast Dairies and Sand Hill Bluff (adjoining Wilder Ranch) vicinities. Nor does rail car storage appear compatible with the planned route of the Monterey Bay Scenic Sanctuary Trail. The intended linear siting of rail car storage to generally reduce views of the storage locations just from autos traveling Highway 1 does not resolve the broader viewshed concern. The portion of the contract allowing this North Coast rail car storage should be deleted. All proposed locations for storing rail cars, if any, are subject to prior review and written approval by the Commission.

5. We see section 6.3 of the contract as being vague and subject to disputed interpretations as to whether there will be a defined, functioning limit on what Progressive Rail might choose to do or build on the rail corridor Property, including on the Property but outside the Freight Easement Property. Of special concern is the statement,

"The parties agree that Railway will need to identify and construct additional maintenance and storage locations on the Property, which Railway may do as needed, subject to applicable law and the Commission’s prior written consent (subject to the provisions of Section 2.3, which prohibit material interference with Railway’s Freight Service rights and obligations under federal law, unless first approved by the STB)."

Might an out-of-state business person later assert this to mean Progressive Rail may build a warehousing storage facility wheresoever it chooses on the rail Property, describing it as one of its freight service operating rights under federal law? Once the contract language is adopted, would the RTC have an uncompromised right to say no to something like a locally incongruent new storage facility of some kind? We don’t see that made clear, nor is it spelled out that the RTC shall make its own approval decisions in consultation with and fully compatible with local land use policies of adjoining local jurisdictions.
6. Language needs to be included to prevent transportation or storage of toxic or hazardous freight, including storage of propane on the Branch Line. If the contract is approved without such restrictions, does the county have adequate emergency measures in place in case of toxic or hazardous material spillage or propane fire on the rail line?

7. While passenger rail service is not included in the draft contract, we regard a decade without any progress on passenger service as a long delay. Accordingly, the Sierra Cub requests that you consider negotiating with Progressive Rail to undertake upgrading the line to Class 4 continuously welded rail within the time span of the contract.

Thank you for considering and responding to these recommendations. We hope to see their incorporation in the final contract agreement.

Sincerely,

Gillian

Gillian Greensite, Chair
Sierra Club, Santa Cruz County Group
TO: Regional Transportation Commission

FROM: Cory Caletti and Grace Blakeslee, Senior Transportation Planners

RE: North Coast Rail Trail – Project Update and Schedule for Release of Draft Environmental Impact Report (EIR)

__________________________________________________________________

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission (RTC):

1. Accept an update on North Coast Rail Trail project implementation, and

2. Accept anticipated schedule for release of Draft Environmental Impact Report (EIR) with a 45-day public review period and public meetings.

__________________________________________________________________

BACKGROUND

The 7.5-mile North Coast Rail Trail project (Project) is being implemented through a Federal Lands Access Program (FLAP) grant by the Federal Highway Administration’s (FHWA) Central Federal Lands (CFL) Department. The 5.4-mile section from Wilder Ranch to Panther/Yellowbank Beach received full funding through the FLAP grant, the California Coastal Conservancy and the Land Trust of Santa Cruz County. The 2.1-mile section from Panther/Yellowbank Beach to Davenport and parking lots in Davenport and at Panther/Yellowbank Beach are additionally funded through the Land Trust and the RTC for design, environmental clearance and permitting stages; construction funding is yet to be secured. Per a signed agreement with FHWA, federal funds must be obligated by December 2020.

The RTC directed staff to engage an environmental consultant to prepare an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA), to evaluate Project impacts and inform decision-making. The RTC also directed that an economic analysis be conducted in parallel with the EIR. The Final EIR and an economic analysis, to be completed as part of the Unified Corridor Investment Study, are all scheduled to be brought before the Commission by the end of this calendar year. CFL has suspended design work and federal environmental clearance on the project until the RTC selects a preferred project through the EIR process.
DISCUSSION

Notice of Preparation

The North Coast Rail Trail EIR was formally initiated with release of the Notice of Preparation (NOP) on September 13, 2017, and its submission to the State Clearinghouse in compliance with CEQA for distribution to state agencies. Additionally, a copy of the NOP was sent to 183 federal, state, and local agency representatives; 145 members of various organizations; and 1,190 individual members of the public who have expressed interest in RTC projects in the past. The NOP was also posted on the RTC website. The 30-day NOP review period was from September 13, 2017 to October 16, 2017.

Public scoping meetings were held on September 27, 2017 at Pacific Elementary School in Davenport, and September 28, 2017, at the Santa Cruz Police Station Community Room in Santa Cruz. Approximately 85 people attended the scoping meetings, based on sign-in sheets provided at the meetings. The scoping meetings provided another opportunity for attendees to comment on environmental issues of concern and the alternatives that should be discussed in the EIR.

In response to the NOP and public scoping meeting, the RTC received written comments from nine agencies and 132 members of organizations and the public. Comments received included requests for evaluation of a “third” alternative (Farmers’ Alternative) that would remove the rail and locate the trail on top of the tracks north of Scaroni Road, and would locate the trail along Highway 1 (instead of the rail corridor) south of Scaroni Road before returning to the rail corridor just north of Wilder Ranch. This alternative was requested by farmers, their legal representative, as well as other members of the community. Subsequently, RTC staff notified the farmers’ legal representative that this additional proposed alternative would be included among the alternatives considered, and it is being evaluated in the EIR in accordance with CEQA requirements for an alternatives analysis. Additionally, the EIR is evaluating a “trail only” alternative as described in the NOP, an inland side alternative as previously considered by RTC, and the no-project alternative as required by CEQA.

EIR Scope and Content

The scope and content of the EIR is guided by the requirements set forth in the CEQA Guidelines and input gathered during the NOP and scoping process identified above. Although the EIR will not be formally “tiering” from the Monterey Bay Scenic Sanctuary Trail (MBSST) Network Master Plan EIR, it will make use of relevant information contained in the Master Plan EIR, including applicable mitigation measures.

This EIR will identify potentially significant environmental impacts, including project-specific and cumulative effects of the project. In addition, the EIR will identify potentially feasible mitigation measures, where possible, that would avoid, minimize, or reduce significant adverse environmental effects.
The North Coast Rail Trail environmental review includes an analysis of the Proposed Project and Project alternatives, as described below. Note that some details may be further refined as we complete the Draft EIR for publication.

Proposed Project: The multi-use trail would be located on the coastal side of the existing railroad tracks, except for a short portion on the south end where the trail would utilize the existing sidetracks and Wilder Ranch maintenance road. The Project would also include parking improvements with trail connections at three locations along the alignment, including Davenport Beach, Bonny Doon Beach, and Panther/Yellowbank Beach.

The typical trail cross section would be 20 feet wide, including: 12-foot-wide paved path with striping to separate northbound and southbound, 6-foot-wide unpaved shoulder on the coastal side of the paved path, and 2-foot-wide unpaved shoulder on the inland side of the paved path.

The Proposed Project does not include rail service or improvements to the railroad tracks, but does include retention of the tracks for consistency with the policies set forth in the adopted MBSST Network Master Plan, including Policy 1.2.4, “Develop trails in such a way so that future rail transit services along the corridor are not precluded”, as well as other RTC agreements and contractual obligations.

Alternative 1: Trail Only - The railroad tracks and ties would be removed, and the multi-use trail would be located on the rail bed. At the southern end, this alternative may include a spur route from the trail to the Wilder Ranch parking lot and Wilder Ranch. This alternative includes the same parking improvements and access paths to the trail, as the Proposed Project.

The typical trail cross section would be 14-feet wide, including: 10-foot-wide paved path, 4-foot-wide unpaved shoulder on the coastal side of the paved path, and no shoulder on the inland side of the paved path. The typical section is narrower than the Proposed Project to remain predominantly on the existing rail bed, which would reduce some environmental impacts, and entirely within the current right-of-way limits. This alternative is analyzed at a level of detail equal to that of the Proposed Project.

Alternative 2: Inland Side - The trail would be located on the inland side of the tracks in the southern portion of the alignment, between Scaroni Road and Wilder Ranch. The northern portion, from Davenport to Scaroni Road, would be on the coastal side of the tracks along the same alignment as the Proposed Project. The trail would not be located on the inland side in the northern portion because it would require a large amount of earthwork and retaining walls to provide adequate trail width, which would increase environmental impacts. This alternative includes the same parking lot improvements and access paths to the trail, as the Proposed Project.
The typical trail cross section would be 20-feet wide, including: 12-foot wide paved path, 6-foot-wide unpaved shoulder on the coastal side, and 2-foot wide unpaved shoulder on the inland side. This alternative is analyzed with enough detail to provide a meaningful comparison to the Proposed Project, but a lesser level of detail as allowed by CEQA than the analysis of the Proposed Project and Alternative 1.

**Alternative 3: Farmers’ Alternative** - The trail would be located outside the rail corridor and along the coastal side of Highway 1 in the southern portion of the alignment, between Scaroni Road and Wilder Ranch. The northern portion, from Scaroni Road to Davenport, would be within the rail corridor on the rail bed (tracks removed) along the same alignment as Alternative 1 (Trail Only). This alternative includes the same parking lot improvements and access paths to the trail, as the Proposed Project.

The typical cross section in the northern portion would be same as Alternative 1 (Trail Only). The typical cross section in the southern portion would be approximately 16 feet wide, including: 10-foot-wide paved path, 4-foot-wide unpaved shoulder on the coastal side, and 2-foot-wide paved or unpaved shoulder on the inland side. This alternative is analyzed with enough detail to provide a meaningful comparison to the Proposed Project, but a lesser level of detail as allowed by CEQA than the analysis of the Proposed Project and Alternative 1.

**Alternative 4: No Project** - The North Coast Rail Trail would not be constructed as planned along RTC’s Santa Cruz Branch Line rail corridor between Davenport on the north and Wilder Ranch on the south. There would be no new trail and no parking improvements. The rail corridor would remain “as is”, and the RTC would operate and maintain the rail corridor in accordance with current practice, policy and legal obligations. The No Project scenario does not include improvements to the tracks for use or removal of the tracks. Potential future use of the rail for freight or passenger service is not yet known and cannot be precluded, but is not part of the No Project alternative. The RTC is conducting the Unified Corridor Investment Study to determine transportation improvements along the community’s north/south transportation corridors, including the rail corridor.

**Schedule**

RTC staff anticipates releasing the Draft EIR in late July for a 45-day public review period that will last into early September. Two public meetings are tentatively scheduled for August 14 and 15 in Davenport and the City of Santa Cruz, respectively. RTC staff will send notices to those on the NOP distribution list and those who commented on the NOP, post information on the agency website and in local newspapers, and file notices with the County Clerk and State Clearinghouse as required by CEQA.

Following circulation of the Draft EIR, the environmental team will prepare a Final EIR. The Final EIR will include all comments received on the Draft EIR, responses to those comments, and necessary revisions to the Draft EIR. The Final EIR is
anticipated to be completed by the end of this calendar year. The length of time the RTC staff and its consultant team will require to prepare the Final EIR will in large part be a function of the volume and character of the comments received. It is possible that Final EIR preparation could take longer than currently anticipated.

The RTC will disclose the rationale for agency decision-making through the adoption of findings, addressing the disposition of all significant environmental effects identified in the EIR, and Statements of Overriding Consideration for those impacts determined to be significant and unavoidable.

**Next Steps**

In addition to preparing the EIR and completing the CEQA process, the following additional tasks and actions are required to move forward with the North Coast Rail Trail project: 1) right-of-way certification; 2) completion of project design; 3) federal environmental compliance; and 4) award of construction contract after completion of the bidding process. Funds must be obligated by 2020 in order for the project to continue to construction.

CFL will complete project design and federal environmental clearance once the RTC certifies the EIR and selects a preferred project. The RTC will continue right-of-way certification work and continue to seek grants to complete the funding package needed in order to construct the 2.1-mile section and parking lots, along with the 5.1 miles that are funded in full.

**Summary of Anticipated Schedule**

<table>
<thead>
<tr>
<th>Late July</th>
<th>Release of DEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Late July to early September</td>
<td>45-day DEIR Public Review Period</td>
</tr>
<tr>
<td>August 14(^{th}) and 15(^{th}), 2018</td>
<td>Public Meetings in Davenport and City of Santa Cruz</td>
</tr>
<tr>
<td>December, 2018</td>
<td>Completion and Certification of Final EIR (timing dependent on volume and character of comments received); Selection of Preferred Project</td>
</tr>
<tr>
<td>2018/2019</td>
<td>Right-of-way; Final Design; Securing Additional Funding; Federal Environmental Compliance; Bidding Process</td>
</tr>
<tr>
<td>2020</td>
<td>Award of Construction Contract; Construction</td>
</tr>
</tbody>
</table>

**SUMMARY**

The RTC is conducting an Environmental Impact Report (EIR) for a 7.5-mile rail trail project on the north coast. RTC staff anticipates releasing the Draft EIR for public review in late July with a 45-day public review period that will last into early September. Two public meetings are tentatively scheduled for August 14 and 15, 2018 in Davenport and City of Santa Cruz. RTC staff will send out notifications, post information on the agency website and in local newspapers.
COMMISSIONERS/ALTERNATES: Please bring your copies of the Final Draft 2040 RTP that were provided for April 5, 2018 RTC meeting.

AGENDA: June 14, 2018

TO: Regional Transportation Commission (RTC)

FROM: Ginger Dykaar and Grace Blakeslee, Senior Transportation Planners

RE: Adoption of the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program as required by CEQA Guidelines and adoption of the 2040 Santa Cruz County Regional Transportation Plan (RTP)

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission:

1. Consider the Final Environmental Impact Report for the 2040 Santa Cruz County Regional Transportation Plan; *(The Executive Summary is provided as Attachment 1. The full document is available at http://www.ambag.org/programs-services/planning/metro-transport-plan/2040-MTP-SCS and was provided to Commissioners on a thumb drive.)*;

2. Adopt a resolution (Attachment 2), adopting the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program related to the Environmental Impact Report certified by the Association of Monterey Bay Area Governments, as the lead agency under CEQA, for the 2040 Santa Cruz County Regional Transportation Plan,; and,

3. Adopt a resolution adopting (Attachment 3) the final 2040 Santa Cruz County Regional Transportation Plan.

BACKGROUND

The RTC has prepared the 2040 Santa Cruz County Regional Transportation Plan (RTP). This plan describes the existing transportation system, forecasts the amount of funding anticipated for transportation projects, and identifies transportation programs and projects to advance the regions goals over the next 22 years. Projects identified in the RTP include maintenance of and improvements to local roadways, highways, bicycle and pedestrian facilities, transit service, specialized transportation for seniors and people with disabilities, and transportation demand management programs. The draft 2040 Santa Cruz County Regional Transportation Plan (RTP) was released for public review on December 8, 2017. Comments on the draft RTP were due February 5, 2018. The Commission held a public hearing on the
Final 2040 Regional Transportation Plan & EIR

Draft RTP on January 18, 2018. The RTC reviewed comments received and changes for the final draft RTP on April 5, 2018.

An environmental review of the RTP is required by CEQA. AMBAG is the lead agency for the preparation of the environmental impact report (EIR) as the report combines the environmental review for the three regional transportation plans (Monterey, San Benito and Santa Cruz Counties) together with the environmental review of the AMBAG region Metropolitan Transportation Plan. This report is titled “2040 Metropolitan Transportation Plan/Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito, and Santa Cruz Counties Environmental Impact Report” (2040 MTP/SCS and RTPs EIR). The three regional transportation planning agencies, including RTC, serve as the responsible agencies under CEQA.

DISCUSSION
Environmental Impact Report

The Final Environmental Impact Report (EIR) for the 2040 MTP/SCS and RTPs collectively details the potential environmental impacts of the three RTPs for Santa Cruz, Monterey, and San Benito Counties. As a programmatic document, the 2040 MTP/SCS and RTPs EIR presents a region-wide assessment of the impacts of the proposed 2040 MTP/SCS and evaluates the potential environmental effects of implementing the 2040 RTP, including alternative transportation investment scenarios, and identifies potential mitigation measures. The Executive Summary is provided as Attachment 1. The full document is available at http://www.ambag.org/programs-services/planning/metro-transport-plan/2040-MTP-SCS

The Draft EIR was reviewed by representatives of State and Federal governmental agencies; representatives of special interest groups; representatives of the private business sector; and residents of Santa Cruz County consistent with the region’s public participation plan. The public review period for the Draft EIR for the 2040 MTP/SCS began on December 4, 2017 and concluded on February 5, 2018. A public hearing on the Draft EIR was held in Santa Cruz County on January 30, 2018 in Live Oak, CA.

As the lead agency under CEQA for the 2040 MTP/SCS and RTPs EIR, AMBAG certified the Final EIR for the 2040 MTP/SCS at the June 13, 2018 AMBAG Board Meeting. The Final EIR consists of (1) the Final EIR, (2) all appendices to the final EIR (Appendices A-F), including Appendix F, which consists of comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to significant points raised in the review and consultation process and other information. Prior to approving the 2040 RTP, as a responsible agency under CEQA, the RTC should consider all information pertaining to the EIR, receive the Certified Final Environmental Impact Report and consider adoption of the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program required by CEQA.
Details regarding the potential environmental impacts of the 2040 RTP are available in the Findings and Statement of Overriding Considerations (Attachment 2: Exhibit A). The Statement of Overriding Considerations (Attachment 2: Exhibit A) provides specific reasons why the benefit of a proposed project outweighs the adverse effect including discussion of the social, economic and environmental benefits of the project and why alternatives, although feasible from a technical standpoint, are rejected. In order to mitigate or avoid potential significant impacts, a Mitigation Monitoring and Reporting Program (Attachment 2: Exhibit B) has been developed, which identifies the action required, the monitoring that must occur, and the agency responsible for mitigation activities either during individual environmental review, prior to issuance of a grading permit, during project construction or following construction.

**RTC staff recommends that the RTC receive the certified Final EIR and adopt a CEQA Findings, a Statement of Overriding Considerations, and Mitigation and Monitoring and Reporting Program related to the Environmental Impact Report certified by AMBAG on June 13, 2018 (Attachment 2).**

**Regional Transportation Plan**

The three main components of the RTP are the policy element, the financial element and the action element.

- **The Policy Element** identifies the goals, policies, and targets that guide transportation funding decisions and prioritization.
  - Draft approved by RTC: March, 2016
  - Revised draft approved by RTC: April, 2017
- **The Financial Element** identifies funds available to the region and lists the additional funding needs over the next 22 years.
- **The Action Element** of the RTP identifies specific projects, programs and actions necessary to implement the policy element of the RTP. As required by state and federal law, the project list shows which projects could be funded within the projected funds identified in the draft Financial Element (Constrained) and which would require new revenues above and beyond those anticipated over the next twenty-two years (Unconstrained).
  - Draft complete list of projects approved by RTC: August, 2016
  - Draft financially constrained project list approved by RTC: April, 2017 with revisions approved April, 2018
- **The Final Draft Report** was accepted by the RTC on April 5, 2018. The full document can be found on the RTC website at [https://sccrtc.org/funding-planning/long-range-plans/2040-rtp/2040-plan/](https://sccrtc.org/funding-planning/long-range-plans/2040-rtp/2040-plan/).

Public outreach has occurred throughout the development of the plan to get input on the 2040 RTP. RTC staff sought input from the Regional Transportation Commission (RTC) and RTC committees, project sponsors, partner agencies,
resource agencies, and the public at numerous key milestones in the form of surveys, email notices and public meetings.

**RTC staff recommends that the RTC adopt the 2040 Santa Cruz County Regional Transportation Plan (Attachment 3).**

**Next Steps**
Following Commission action, staff will distribute the adopted RTP to the state, partner agencies, commissioners, and major libraries. If the project is approved by the RTC, a Notice of Determination for approval of the 2040 Regional Transportation Plan will be filed with the Santa Cruz County Clerk within five days of approval and posted for 30 days. The final RTP will be posted on the SCCRTC website. The Final EIR will be posted on AMBAG’s website and linked from the SCCRTC website.

**SUMMARY**

The RTC has prepared the 2040 Santa Cruz County Regional Transportation Plan which identifies long-range funding and transportation needs and priorities for the region. RTC staff recommends that the RTC consider the Final EIR and adopt a CEQA Findings, a Statement of Overriding Considerations, and Mitigation and Monitoring and Reporting Program related to the Environmental Impact Report certified by AMBAG on June 13, 2018 (Attachment 2). Staff recommends that the RTC sign the resolution adopting the 2040 Santa Cruz County Regional Transportation Plan (Attachment 3).

**Attachments:**
2. 2040 MTP/SCS and RTPs EIR Resolution
3. 2040 RTP Resolution
2040 Metropolitan Transportation Plan/
Sustainable Communities Strategy and
Regional Transportation Plans for Monterey,
San Benito and Santa Cruz Counties

Final Environmental Impact Report
SCH#2015121080

prepared by
Association of Monterey Bay Area Governments
24580 Silver Cloud Court
Monterey, California 93940
Contact: Heather Adamson, Director of Planning

prepared with the assistance of
Rincon Consultants, Inc.
437 Figueroa Street, Suite 203
Monterey, California 93940

June 2018
2040 Metropolitan Transportation Plan/
Sustainable Communities Strategy and
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June 2018
This report prepared on 50% recycled paper with 50% post-consumer content.
# Table of Contents

Acronyms and Abbreviations ................................................................................................................................. vii

Executive Summary .................................................................................................................................................. 1
  Project Summary ........................................................................................................................................... 1
  Alternatives .................................................................................................................................................... 1
  Areas of Controversy ................................................................................................................................... 2
  Issues to Resolve .......................................................................................................................................... 2
  Summary of Impacts and Mitigation Measures ........................................................................................... 4

1 Introduction ............................................................................................................................................................ 37
  1.1 Statement of Purpose .............................................................................................................................. 37
  1.2 Project Background ................................................................................................................................ 38
  1.3 Type of Environmental Document ......................................................................................................... 38
    1.3.1 CEQA Streamlining Opportunities .................................................................................................... 40
  1.4 EIR Content and Format ........................................................................................................................ 43
  1.5 CEQA Review Process ............................................................................................................................. 44
  1.6 Lead and Responsible Agencies ........................................................................................................... 45

2 Project Description ............................................................................................................................................. 47
  2.1 Project Objectives ....................................................................................................................................... 47
    General Legislative Requirements ................................................................................................................ 47
    SB 375 Requirements .................................................................................................................................. 48
    MAP-21 ......................................................................................................................................................... 49
    Fixing America’s Surface Transportation Act (Fast Act) ........................................................................ 49
    Planning Final Rule – FAST Act .................................................................................................................. 51
    Metropolitan/Regional Transportation Plans ................................................................................................. 51
  2.2 Project Location .......................................................................................................................................... 53
  2.3 Project Characteristics ............................................................................................................................... 53
    2.3.1 Chapter 1 – Vision ............................................................................................................................ 56
    2.3.2 Chapter 2 – Transportation Investments ........................................................................................ 58
    2.3.3 Chapter 3 – Financial Plan ............................................................................................................... 60
    2.3.4 Chapter 4 – Sustainable Communities Strategy ............................................................................. 61
  2.4 2040 MTP/SCS Transportation Projects ................................................................................................... 63
  2.5 Intended Use of EIR ................................................................................................................................... 73
    2.5.1 Agencies Expected to Use EIR in Decision-making ......................................................................... 73
    2.5.2 Project Permits and Approvals ........................................................................................................ 73
  2.6 Relationship with Other Plans and Programs ............................................................................................ 75

3 Environmental Setting and Impact Analysis Approach .................................................................................. 79
  3.1 Regional Setting ......................................................................................................................................... 79
  3.2 Sub-Region Descriptions .......................................................................................................................... 79
  3.3 Regional Transportation System .............................................................................................................. 80
    3.3.1 Monterey County ............................................................................................................................... 80
# Table of Contents

4.13.2 Impact Analysis ........................................................................................................ 390

4.14 Transportation and Circulation ............................................................................... 397
  4.14.1 Setting .................................................................................................................. 397
  4.14.2 Impact Analysis .................................................................................................... 413

4.15 Tribal Cultural Resources ......................................................................................... 425
  4.15.1 Setting .................................................................................................................. 425
  4.15.2 Impact Analysis .................................................................................................... 427

4.16 Less than Significant Environmental Factors ............................................................ 431

5 MTP Consistency with Other Plans Analysis ................................................................. 443
  5.1 The Blueprint .............................................................................................................. 444
  5.2 Monterey County General Plan/Local Coastal Program ............................................ 445
  5.3 San Benito County General Plan ................................................................................ 446
  5.4 Santa Cruz County General Plan/Local Coastal Plan ................................................ 446
  5.5 Monterey Bay Area Transit Agency Plans ................................................................. 447
    5.5.1 Monterey Salinas Transit Business Plan and Short Range Transit Plan ............ 447
    5.5.2 Santa Cruz METRO Short-Range Transit Plan .................................................. 448
    5.5.3 San Benito County Local Transportation Authority Short- and Long-Range Transit Plan .......................................................... 449
  5.6 Local Agency Formation Commissions .................................................................... 450

6 Other Statutory Considerations ....................................................................................... 453
  6.1 Growth Inducing Impacts ......................................................................................... 453
    6.1.1 Employment, Household and Population Growth .............................................. 453
    6.1.2 Removal of Obstacles to Growth ...................................................................... 454
  6.2 Irreversible Effects ..................................................................................................... 454
  6.3 List of Significant and Unavoidable Impacts .............................................................. 455

7 Alternatives .................................................................................................................... 457
  7.1 Alternatives Development and Screening Process ................................................... 458
  7.2 Alternatives Eliminated from Detailed Consideration ............................................. 459
  7.3 Alternative 1: No Project Alternative ......................................................................... 459
    7.3.1 Description ......................................................................................................... 459
    7.3.2 Impact Analysis .................................................................................................. 459
  7.4 Alternative 2: Livable Communities Alternative ....................................................... 465
    7.4.1 Description ......................................................................................................... 465
    7.4.2 Impact Analysis .................................................................................................. 466
  7.5 Alternative 3: Maintenance Mobility Alternative ...................................................... 471
    7.5.1 Description ......................................................................................................... 471
    7.5.2 Impact Analysis .................................................................................................. 472
  7.6 Environmentally Superior Alternative ..................................................................... 476

8 References and Preparers ............................................................................................... 481
  8.1 References .................................................................................................................. 481
  8.2 List of Preparers .......................................................................................................... 500
Tables

Table 1  NOP Comments and EIR Response .................................................................3
Table 2  Summary of Environmental Impacts, Mitigation Measures and Residual Impacts ....5
Table 3  Forecasted AMBAG Population Growth 2015-2040 .........................................55
Table 4  Population, Households and Employment Projections of Cumulative Impact Analysis Area, 2015-2040 ................................................................. 86
Table 5  2040 MTP/SCS Projects That May Result in Aesthetic/Visual Resource Impacts .... 104
Table 6  Important Agriculture Land Conversion by County 2012-2014 .......................... 114
Table 7  2040 MTP/SCS Projects That May Result in Agriculture and Forestry Impacts .... 125
Table 8  Description of Selected Air Contaminants ...................................................... 132
Table 9  Current Federal and State Ambient Air Quality Standards .............................. 136
Table 10 Emissions Inventory and Forecasts for ROG and NOX ..................................... 147
Table 11 Emissions Inventory and Forecasts for PM10 .................................................. 147
Table 12 Regional Emissions Analysis ................................................................. 154
Table 13 On-Road Mobile Source Diesel Toxics Comparison ........................................ 157
Table 14 Mobile Source Particulate (PM10 + PM2.5) Emissions ...................................... 160
Table 15 MBARD Fugitive Dust Control Measures ..................................................... 161
Table 16 2040 MTP/SCS Projects that May Result in Air Quality Impacts ...................... 162
Table 17 Sensitive Communities Documented within Monterey, San Benito and Santa Cruz Counties ................................................................. 179
Table 18 Federal Designated Critical Habitat within Monterey, San Benito and Santa Cruz Counties ........................................................................ 184
Table 19 Monterey County Historical Resources ...................................................... 211
Table 20 San Benito County Historical Resources ...................................................... 214
Table 21 Santa Cruz County Historical Resources ...................................................... 214
Table 22 MTP Projects that May Result in Cultural Resource Impacts ................. 230
Table 23 2015 Oil and Natural Gas Production by County ........................................ 234
Table 24 2015 Electricity and Natural Gas Consumption by County ............................... 235
Table 25 Fuel Consumption by County ................................................................. 236
Table 26 Daily VMT for the AMBAG Region .............................................................. 236
Table 27 Indirect Energy Consumption Factors ......................................................... 244
Table 28 Direct and Indirect Transportation Energy Use ................................................. 246
Table 29 2040 MTP/SCS Projects that May Result in Geologic Impacts ...................... 267
Table of Contents

Table 30 Existing and Projected Emissions Reported in Climate Action Plan in the AMBAG Region ................................................................. 277
Table 31 Summary of GHG Scenarios .................................................................................................................. 280
Table 32 Regional GHG Emissions ...................................................................................................................... 284
Table 33 Per Capita Carbon Dioxide Emission Comparison: Passenger Vehicles .................................................. 285
Table 34 GHG Emissions Compared to 1990 Levels ............................................................................................... 287
Table 35 2040 MTP/SCS Projects that May Result in Increased Transport of Hazardous Materials ................................................................. 316
Table 36 Major Water Bodies Listed as Impaired .................................................................................................. 321
Table 37 2040 MTP/SCS Projects that May Result in a Flooding Impact ................................................................. 347
Table 38 Noise Abatement Criteria .................................................................................................................... 368
Table 39 Typical Construction Noise Levels (dBA) ........................................................................................... 374
Table 40 Construction Equipment Vibration Levels ............................................................................................ 375
Table 41 Screening Distances for Noise Assessments – Rail Transit Projects ...................................................... 380
Table 42 Screening Distances for Noise Assessments – Bus Transit Projects ...................................................... 380
Table 43 2040 MTP/SCS Projects that May Result in Noise/Vibration Impacts .................................................... 385
Table 44 2015 Population, Housing and Employment for the AMBAG Region .................................................. 388
Table 45 Forecasted AMBAG Population Growth 2015-2040 ............................................................................. 392
Table 46 Highway Descriptions and Congestion Issues ..................................................................................... 398
Table 47 Existing Vehicle Hours of Delay (2015) ............................................................................................... 401
Table 48 Daily Hours of Vehicle Delay ............................................................................................................. 417
Table 49 Total Daily Peak Period CVMT ........................................................................................................ 418
Table 50 Percent of Commuter Trips by Mode Within 30 Minutes - Peak Period .................................................. 418
Table 51 Percent of Jobs Within 0.5 Mile of a High Quality Transit Stop ........................................................... 419
Table 52 General Transit Use Indicators .......................................................................................................... 420
Table 53 Daily Vehicle Miles Travelled ............................................................................................................ 422
Table 54 Impact Comparison of Alternatives .................................................................................................. 479

Figures

Figure 1 Project Location .................................................................................................................................... 54
Figure 2 MTP Projects Monterey County ........................................................................................................ 66
Figure 3 SCS Land Use Monterey County: North .............................................................................................. 67
Figure 4 SCS Land Use Monterey County: South .............................................................................................. 68
Figure 5 MTP Projects San Benito County ...................................................................................................... 69
Association of Monterey Bay Area Governments
2040 Metropolitan Transportation Plan/ Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito and Santa Cruz Counties

Figure 6 SCS Land Use San Benito County ................................................................. 70
Figure 7 MTP Projects Santa Cruz County ............................................................... 71
Figure 8 SCS Land Use Santa Cruz County ............................................................... 72
Figure 9 AMBAG Plan Area Designated Scenic Routes ........................................... 94
Figure 10 Important Farmland in Monterey County .................................................. 115
Figure 11 Important Farmland in San Benito County ............................................... 117
Figure 12 Important Farmland in Santa Cruz County .............................................. 118
Figure 13 NCCAB Air Quality Monitoring Stations (2017) ....................................... 146
Figure 14 Historical NCCAPCD Ozone Exceedances (2016) .................................. 147
Figure 15 Habitat Classifications in Monterey County ............................................. 166
Figure 16 Habitat Classifications in San Benito County .......................................... 167
Figure 17 Habitat Classifications in Santa Cruz County ......................................... 168
Figure 18 National Wetlands Inventory: Monterey County .................................... 174
Figure 19 National Wetlands Inventory: San Benito County .................................. 175
Figure 20 National Wetlands Inventory: Santa Cruz County ................................. 176
Figure 21 Federally Designated Critical Habitat: Monterey County ....................... 181
Figure 22 Federally Designated Critical Habitat: San Benito County ...................... 182
Figure 23 Federally Designated Critical Habitat: Santa Cruz County ..................... 183
Figure 24 2015 U.S. Energy Consumption by Resource ......................................... 234
Figure 25 Monterey County Fault Zones ............................................................... 252
Figure 26 San Benito County Fault Zones ............................................................. 253
Figure 27 Santa Cruz County Fault Zones ............................................................ 254
Figure 28 Monterey County Flood Map ............................................................... 326
Figure 29 San Benito County Flood Map ............................................................ 327
Figure 30 Santa Cruz County Flood Map ........................................................... 328
Figure 31 Plan Area Timber Harvesting Plans .................................................... 432

Appendices
Appendix A Notice of Preparation and NOP Response Letters
Appendix B 2040 MTP/SCS Transportation Project List
Appendix C Performance Metric Data
Appendix D Special Status Species
Appendix E AB 52 Consultation
Appendix F Response to Comments
<table>
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<td>SCS</td>
<td>Sustainable Communities Strategy</td>
</tr>
<tr>
<td>SDC</td>
<td>Seismic Design Criteria</td>
</tr>
<tr>
<td>SF$_6$</td>
<td>sulfur hexafluoride</td>
</tr>
<tr>
<td>SGMA</td>
<td>Sustainable Ground Water Management Act</td>
</tr>
<tr>
<td>SO$_2$</td>
<td>sulfur dioxide</td>
</tr>
<tr>
<td>SO$_x$</td>
<td>sulfur oxide</td>
</tr>
<tr>
<td>SR</td>
<td>State Route</td>
</tr>
<tr>
<td>SRA</td>
<td>Source Receptor Area</td>
</tr>
<tr>
<td>SSC</td>
<td>Species of Special Concern</td>
</tr>
<tr>
<td>STIP</td>
<td>Statewide Transportation Improvement Plan</td>
</tr>
<tr>
<td>SVP</td>
<td>Society of Vertebrate Paleontology</td>
</tr>
<tr>
<td>SWPPP</td>
<td>Storm Water Pollution Prevention Plan</td>
</tr>
<tr>
<td>SWRCB</td>
<td>State Water Resources Control Board</td>
</tr>
<tr>
<td>TAC</td>
<td>toxic air contaminant</td>
</tr>
<tr>
<td>TAMC</td>
<td>Transportation Agency for Monterey County</td>
</tr>
<tr>
<td>TDM</td>
<td>transportation demand management</td>
</tr>
<tr>
<td>TDS</td>
<td>Total Dissolved Solids</td>
</tr>
<tr>
<td>THP</td>
<td>Timber Harvesting Program</td>
</tr>
<tr>
<td>TNM</td>
<td>Federal Highway Traffic Noise Model</td>
</tr>
<tr>
<td>TOD</td>
<td>transportation oriented development</td>
</tr>
<tr>
<td>TPZ</td>
<td>Timber Production Zone</td>
</tr>
<tr>
<td>TSM</td>
<td>Transportation System Management</td>
</tr>
<tr>
<td>U.S. EPA</td>
<td>United States Environmental Protection Agency</td>
</tr>
<tr>
<td>UCSC</td>
<td>University of California Santa Cruz</td>
</tr>
<tr>
<td>Acronym</td>
<td>Definition</td>
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<tr>
<td>USACE</td>
<td>United States Army Corps of Engineers</td>
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<tr>
<td>USC</td>
<td>United States Code</td>
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<tr>
<td>USFS</td>
<td>United States Forest Service</td>
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<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
</tr>
<tr>
<td>USGS</td>
<td>United States Geological Survey</td>
</tr>
<tr>
<td>USL</td>
<td>Urban Services Line</td>
</tr>
<tr>
<td>VAVR</td>
<td>voluntary accelerated vehicle retirement</td>
</tr>
<tr>
<td>VKT</td>
<td>vehicle kilometers traveled</td>
</tr>
<tr>
<td>VMT</td>
<td>vehicle miles traveled</td>
</tr>
<tr>
<td>VOC</td>
<td>Volatile Organic Compounds</td>
</tr>
<tr>
<td>VPD</td>
<td>vehicles per day</td>
</tr>
<tr>
<td>VRV</td>
<td>voluntary repair of vehicles</td>
</tr>
<tr>
<td>WEAP</td>
<td>Worker Environmental Awareness Program</td>
</tr>
<tr>
<td>WMO</td>
<td>World Meteorological Organization</td>
</tr>
<tr>
<td>ZEV</td>
<td>Zero Emissions Vehicle</td>
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</tbody>
</table>
Executive Summary

Project Summary

The 2040 Association of Monterey Bay Area Governments (AMBAG) Draft Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS) is a long-range planning document required by both State and Federal law that is an update of the 2035 AMBAG MTP/SCS. Reference to the 2040 MTP/SCS throughout this Draft EIR Environmental Impact Report (EIR) refers to the Draft 2040 MTP/SCS. It contains a compilation of the projects proposed in the Draft Regional Transportation Plans (RTPs) prepared by the Transportation Agency for Monterey County (TAMC), the Council of San Benito County Governments (SBtCOG) and the Santa Cruz County Regional Transportation Commission (SCCRTC) as the state-designated Regional Transportation Planning Agencies (RTPAs) for Monterey, San Benito and Santa Cruz Counties, respectively. Transportation system improvement projects identified in the 2040 MTP/SCS include: active transportation projects, highway and local roadway projects, transportation demand management (TDM) projects, transit projects and other projects, such as airport operations, wildlife corridor crossing and administration and planning. A full list of transportation projects is provided in Appendix B. A copy of the Draft 2040 MTP/SCS is available for review at AMBAG offices (24580 Silver Cloud Court, Monterey, California, 93940), the TAMC offices (55 Plaza Circle B, Salinas, California 93901), the SBtCOG offices (330 Tres Pinos Road, Suite C7, Hollister, California 95023), the SCCRTC offices (1523 Pacific Avenue, Santa Cruz, California 95060), and on the AMBAG website: http://www.ambag.org/.

AMBAG is also responsible for preparing a Sustainable Communities Strategy (SCS) as part of the MTP, pursuant to the requirements of California Senate Bill 375 as adopted in 2008 (discussed further below). The SCS, included in the 2040 MTP/SCS, sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, is intended to reduce greenhouse gas (GHG) emissions from passenger vehicles and light duty trucks to achieve the regional GHG reduction targets set by the California Air Resources Board (CARB).

Alternatives

This Environmental Impact Report (EIR) examines three alternatives to the proposed 2040 MTP/SCS:

- **Alternative 1: No Project Alternative.** The No Project Alternative is comprised of a land use pattern that reflects existing land use trends and a transportation network comprised of transportation projects that are currently in construction or are funded in the short range Metropolitan Transportation Improvement Program (MTIP).

- **Alternative 2: Livable Communities Alternative.** The Livable Communities Alternative includes a land use pattern that further concentrates forecasted population and employment growth in urban areas with a focus on infill, mixed use and transit oriented development (TOD) in and around commercial corridors. The transportation network under this alternative includes transit investments in addition to other alternative modes of transportation to serve a more concentrated growth pattern. Specifically, active transportation investments such as bicycle...
facilities, sidewalks, traffic calming measures and intersection safety improvements would be prioritized in this alternative. A greater level of investment would be focused on closing transit gaps by expanding local transit, rather than interregional or long distance services.

- **Alternative 3: Maintained Mobility Alternative.** The Maintained Mobility Alternative includes a land use pattern comprised of existing land use plans and a transportation network that includes more transportation projects focused on mobility, rehabilitation and safety. A greater level of investment is focused on local street and road projects combined with investment in long distance transit service such as rail to increase mobility within the region. Operations and maintenance projects are included to improve safety on the region’s local streets and roads and transit system also are given a higher priority.

Each alternative is described in greater detail and analyzed in Section 7.0, *Alternatives*, to determine whether environmental impacts would be similar to, less than, or greater than those of the preferred scenario in the 2040 MTP/SCS (i.e., EIR proposed project).

### Areas of Controversy

Section 15123 of the CEQA Guidelines requires that an EIR identify areas of controversy which are known to the Lead Agency, including issues raised by other agencies and the public. Areas of controversy associated with the proposed Plan are made known through comments received during the Notice of Preparation (NOP) process, as well as input solicited during public scoping meetings and an understanding of the community issues in the study area. Public comments received during the NOP scoping period are summarized in Table 1.

### Issues to Resolve

CEQA Guidelines Section 15123(b)(3) requires that an EIR contain a discussion of issues to be resolved including the choice among alternatives and whether or how to mitigate significant effects. Issues to be resolved include:

- **How to address impacts from the SCS land use scenario that must be mitigated by the local land use authority, given that AMBAG and the RTPAs do not have jurisdiction over land use regulations.**
- **How best to require mitigation measures that can be enacted by implementing agencies in a manner to ensure CEQA streamlining for qualifying projects, per SB 375 and other laws, can occur.**
- **Whether to approve the Draft 2040 MTP/SCS or an alternative.**
## Table 1  NOP Comments and EIR Response

<table>
<thead>
<tr>
<th>Commenter</th>
<th>Comment/Request</th>
<th>How and Where it was Addressed</th>
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</thead>
<tbody>
<tr>
<td><strong>Agency Comments</strong></td>
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<tr>
<td>Ohlone/Costanoan-Esselen Nation (OCEN)</td>
<td>Objects to all excavation in known cultural lands, even when they are described as previously disturbed and of no significant archaeological value. Requests that all sacred burial items be left on burial site or where they are discovered. Requests that all cultural items be returned to OCEN. Requests to be provided with archaeological reports and surveys, including subsurface testing and presence/absence testing. Requests to be included in mitigation and recovery programs, reburial of any ancestral remains, placement of all cultural items, and that a Native American Monitor of OCEN, approved by the OCEN Tribal Council, be used within OCEN aboriginal territory. Requests consultation on projects affecting OCEN aboriginal homelands.</td>
<td>Refer to Sections 4.5, Cultural and Historic Resources and 4.13, Tribal Cultural Resources.</td>
</tr>
<tr>
<td>Monterey Bay Unified Air Pollution Control District (MBUAPCD, now the Monterey Bay Air Resources Board [MBARD])</td>
<td>Encourages construction of roundabouts to reduce congestion as well as criteria and GHG emissions whenever feasible. Funding is available through the District’s AB 2766 program. Encourages signal coordination systems that respond to real-time traffic conditions and thereby reduce congestion as well as criteria pollutants and GHGs. Funding is available through the District’s AB 2766 program. Encourages the replacement of fossil fueled vehicles with either plug-in electric (PEV) or fuel cell vehicles to support the Governor’s Executive Order B-16-2012 to put 1.5 million zero-emission vehicles in the fleet by 2025. Encourages municipalities and project developers to support the implementation of electric vehicle charging infrastructure. The Monterey Bay PEV Readiness Plan should be consulted as a guide to the installation and permitting processes for EV charging infrastructure. Encourages cities and counties to adopt Climate Action Plans (CAP) that help achieve the 2035 (5 percent) regional target established for our area under SB 375. Also, develop a model CAP for jurisdictions. Consistency with the applicable CAP alleviates the need for lead agencies to adopt quantitative GHG thresholds for their areas of jurisdiction. Supports land use policies that improve jobs/housing balance so people work in the community where they live rather than traveling great distances. Requests prioritization of reducing congestion and toxic emissions along congested highway corridors which are bordered by high density residential</td>
<td>The comments primarily pertain to the project list included in the 2040 MTP/SCS and not the program-level analysis of environmental effects of the 2040 MTP/SCS. Many of these suggestions, including electric vehicle infrastructure, are accounted for in the analysis (see Modeling Methodology and Off-Model Adjustments in Appendix F). Refer to Section 4.2, Air Quality and Health Impacts/Risks and 4.8, Greenhouse Gas Emissions/Climate Change, for an analysis of air quality and GHG related impacts of the proposed 2040 MTP/SCS. A discussion of regional and local Climate Action Plans, and consistency or conflicts of the 2040 MTP/SCS with these plans is provided in Section 4.8, Greenhouse Gas Emissions/Climate Change. The 2040 MTP/SCS is designed to maintain and foster the balance between jobs and housing within the AMBAG region and provides a strategy to allocate growth in such a way as to achieve a more balanced jobs/housing ratio and to optimize transportation investments that support those land uses. Section 4.14, Transportation and Circulation, provides an analysis of traffic impacts based on the strategy of a more</td>
</tr>
</tbody>
</table>
Commenter | Comment/Request | How and Where it was Addressed
--- | --- | ---
developments and discourages development adjacent to congested highways. Highlights AMBAG’s Commute Alternatives Program, which serves to reduce VMT, congestion and GHG emission from motor vehicles thereby helping to achieve the goals of SB 375 and the SCS. | balanced job to housing ratio. Section 4.2, Air Quality and Health Impacts/Risks, evaluates the potential health risks associated with toxic air emissions.

Public Comments

Dana Bagshaw | Requested consideration of impacts from the environment on the project. Specifically, the EIR needs to evaluate impacts such as rising sea levels on fixed rail trains in the flood zone. | Impacts from the environment on the project are identified as appropriate throughout Section 4.0 based on Appendix G to the State CEQA Guidelines. Refer to Section 4.8, Greenhouse Gas Emissions/Climate Change, for a discussion of climate change adaptation impacts and Section 4.10, Hydrology and Water Quality, for a discussion of flooding-related impacts.

Summary of Impacts and Mitigation Measures

Table 2 includes a brief description of the identified environmental impacts, proposed mitigation measures and the level of significance after mitigation. Specific 2040 MTP/SCS projects that may contribute to the impacts described below are listed in the tables at the end of individual impact sections (4.1 through 4.14).

This document is a Program EIR. Section 15168(a) of the CEQA Guidelines states that:

A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

As a programmatic document, this EIR presents a regional assessment of the impacts of the proposed 2040 MTP/SCS and the RTPs prepared by the Monterey, San Benito and Santa Cruz Regional Transportation Planning Agencies (RTPAs). Analysis of site-specific impacts of individual projects is not the intended use of a program EIR. Many specific projects are not currently defined to the level that would allow for such an analysis. Individual project specific environmental analysis of each project will be undertaken as necessary by the appropriate implementing agency prior to each project being considered for approval. This program EIR serves as a first-tier environmental document under CEQA supporting second-tier environmental documents for:

- Transportation projects developed during the engineering design process; and
- Land use and development projects, including residential or mixed use projects and transit priority projects consistent with the SCS.

This EIR evaluates impacts against existing conditions, which are generally conditions existing at the time of the release of the NOP (December 2015). It was determined that a comparison to current,
existing baseline conditions would provide the most relevant information for the public, responsible agencies, and AMBAG decision-makers. For some issue areas, this EIR also includes consideration of impacts against a forecast future baseline condition in addition to the current, existing (2015) baseline conditions, controlling for impacts caused by population growth and other factors that would occur whether or not the 2040 MTP/SCS or the RTPs prepared by the Monterey, San Benito and Santa Cruz RTPAs are adopted. This future baseline analysis is provided for informational purposes only. For certain issue areas (including air quality, greenhouse gas emissions/climate change, energy, noise and transportation/circulation), impacts would occur as a result of background population growth, urbanization and volume of average daily traffic increases in the region that would occur by 2040, with or without implementation of the 2040 MTP/SCS. Thus, for these issue areas, a comparison to a future 2040 baseline is provided for informational purposes. However, all impact determinations are based on a comparison to existing 2015 baseline conditions.

Mitigation identified in this EIR, as listed in Table 2, shall be implemented by the Transportation Agency for Monterey County (TAMC), San Benito County Council of Governments (SBtCOG) and Santa Cruz County Regional Transportation Commission (SCCRTC) for transportation projects under their jurisdiction. Transportation project implementing agencies can and should implement these measures. For land use projects implementing the 2040 MTP/SCS, cities and counties in the AMBAG region can and should implement these measures, where relevant. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

Table 2  Summary of Environmental Impacts, Mitigation Measures and Residual Impacts

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aesthetics/Visual Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact AES-1. Proposed transportation improvement projects and land use projects envisioned by the 2040 MTP/SCS may affect public views of scenic vistas and along designated scenic corridors, including state scenic highways. This would be a significant and unavoidable impact.</td>
<td>AES-1(a) Discouragement of Architectural Features that Block Scenic Views. Implementing agencies shall design projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development. Setbacks and acoustical design of adjacent structures shall be preferentially used as mitigation for potential noise impacts arising from increased traffic volumes associated with adjacent land development. The use of sound walls, or any other architectural features that could block views from the scenic highways or other view corridors, shall be discouraged to the extent possible. Where use of sound walls is found to be necessary, walls shall incorporate offsets, accents and landscaping to prevent monotony. In addition, sound walls shall be complementary in color and texture to surrounding natural features. AES-1(b) Tree Protection and Replacement. New roadways and extensions and widenings of existing roadways shall avoid the removal of existing mature trees to the extent possible. The implementing agency of a particular 2040 MTP/SCS project shall replace any trees lost at a minimum 2:1 basis and incorporate them into the landscaping design for the roadway when feasible. The implementing agency also shall ensure the continued vitality of replaced trees through periodic maintenance.</td>
<td>Significant and unavoidable</td>
</tr>
</tbody>
</table>
## Impact AES-2. Proposed transportation improvement projects and land use projects envisioned by the 2040 MTP/SCS may substantially degrade existing visual character in the AMBAG region. This would be a significant and unavoidable impact.

### AES-2 Design Measures for Visual Compatibility

The implementing agency shall require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include:

- Siting or designing projects to minimize their intrusion into important viewsheds;
- Avoiding large cuts and fills when the visual environment (natural or urban) would be substantially disrupted;
- Ensuring that re-contouring provides a smooth and gradual transition between modified landforms and existing grade;
- Developing transportation systems to be compatible with the surrounding environments (e.g., colors and materials of construction material; scale of improvements);
- Protecting or replacing trees in the project area;
- Designing and installing landscaping to add natural elements and visual interest to soften hard edges, as well as to restore natural features along corridors where possible after widening, interchange modifications, re-alignment, or construction of ancillary facilities. The implementing agency shall provide a performance security equal to the value of the landscaping/irrigation installation to ensure compliance with landscaping plans; and
- Designing new structures to be compatible in scale, mass, character and architecture with existing structures.

## Impact AES-3.

Transportation projects envisioned in the 2040 MTP/SCS would result in increased lighting from security lighting, landscape and structure lighting and lights on vehicles. Land use projects envisioned in the 2040 MTP/SCS would also introduce new or intensified sources of lighting. This lighting may adversely affect views in the area and would be a significant but mitigable impact.

### AES-3(a) Roadway Lighting

Roadway lighting shall be minimized to the extent possible, consistent with safety and security objectives and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of hoods, low intensity lighting and using as few lights as necessary to achieve the goals of the project.

### AES-3(b) Lighting Design Measures

As part of planning, design and engineering for projects, implementing agencies shall ensure that projects proposed near light-sensitive uses avoid substantial spillover lighting. Potential design measures include, but are not limited to, the following:

- Lighting shall consist of cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light into adjacent properties and undeveloped open space. Fixtures that project light upward or horizontally shall not be used.
- Lighting shall be directed away from habitat and open space areas adjacent to the project site.
- Light mountings shall be downcast and the height of the poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light onto adjacent private properties and undeveloped open space. Light poles will be 20 feet high or shorter. Luminary mountings shall have non-glare finishes.
- Exterior lighting features shall be directed downward and shielded in order to confine light to the boundaries of the subject project. Where more intense lighting is necessary for safety purposes, the design shall include landscaping to block light from sensitive land uses, such as residences.

### AES-3(c) Glare Reduction Measures

Implementing agencies shall minimize and control glare from transportation and infill development projects near glare-sensitive uses through the adoption of project design features such as:

- Planting trees along transportation corridors to reduce glare from the sun;
- Creating tree wells in existing sidewalks;
- Adding trees in new curb extensions and traffic circles;
- Adding trees to public parks and greenways;
- Landscaping off-street parking areas, loading areas and service areas;
- Limiting the use of reflective materials, such as metal;
- Using non-reflective material, such as paint, vegetative screening, matte finish
### Impact | Mitigation Measure(s) | Significance After Mitigation
--- | --- | ---
|  | coatings and masonry;  |  |
|  | Screening parking areas by using vegetation or trees;  |  |
|  | Using low-reflective glass; and  |  |
|  | Complying with applicable general plan policies or local controls related to glare  |  |
|  | Tree species planted to comply with this measure shall provide substantial shade cover when mature. Utilities shall be installed underground along these routes wherever feasible to allow trees to grow and provide shade without need for severe pruning.  |  |

### Agriculture and Forestry Resources

**Impact AG-1.** Proposed transportation improvements and land use projects envisioned by the 2040 MTP/SCS could result in the conversion of Important Farmland to nonagricultural use, or conflict with existing zoning for agriculture, or a Williamson Act contract. This would be a significant and unavoidable impact.

**AG-1 Impact Avoidance and Minimization.** Implementing agencies shall implement measures, where feasible based on project- and site-specific considerations that include, but are not limited to those identified below.

- Require project relocation or corridor realignment, where feasible, to avoid Important Farmland, agriculturally-zoned land and/or Williamson Act contract;
- Compensatory mitigation at a minimum 1:1 (impacted:replaced) acreage ratio with Important Farmland of equivalent or better quality;
- Require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of Important Farmland; and/or
- Institute new protection of farmland in the project area or elsewhere through the use of long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.).

### Air Quality

**Impact AQ-1.** Since the 2040 MTP/SCS would not conflict with the regional population forecast, and would reduce emissions of ozone precursors below 2015 baseline levels, it would not conflict with or obstruct implementation of the AQMP. Therefore, impacts would be less than significant.

**None required.**

**Less than significant**

**Impact AQ-2.** Construction activities associated with transportation projects under the 2040 MTP/SCS, as well as the land use projects envisioned by the 2040 MTP/SCS, would create fugitive dust and ozone precursor emissions and could violate air quality standards.

**AQ-Z(a) Application of MBARD Feasible Mitigation Measures.** For all projects, the implementing agency shall incorporate the most recent MBARD feasible mitigation measures and/or technologies for reducing inhalable particles based on analysis of individual sites and project circumstances. Current MBARD feasible mitigation measures include the following. Additional and/or modified measures may be adopted by MBARD prior to implementation of individual projects under the 2040 MTP/SCS. The most current list of feasible mitigation measures at the time of project implementation shall be used.

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure.
- Prohibits all grading activities during periods of high wind (over 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut
contribute substantially to existing or projected air quality violations, or result in a cumulatively considerable net increases in PM$_{10}$ or ozone precursor emissions. This impact would be significant and unavoidable.

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
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<tr>
<td></td>
<td>and fill operations and hydro seed area.</td>
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<td></td>
<td>▪ Haul trucks shall maintain at least 2’0” of freeboard.</td>
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<td></td>
<td>▪ Cover all trucks hauling dirt, sand, or loose materials.</td>
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<td></td>
<td>▪ Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.</td>
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<td></td>
<td>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</td>
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<td></td>
<td>▪ Cover inactive storage piles.</td>
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<td></td>
<td>▪ Install wheel washers at the entrance to construction sites for all exiting trucks.</td>
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<td>▪ Pave all roads on construction sites.</td>
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<td>▪ Sweep streets if visible soil material is carried out from the construction site.</td>
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<td>▪ Limit the area under construction at any one time.</td>
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<td></td>
<td>▪ Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District shall be visible to ensure compliance with Rule 402 (Nuisance).</td>
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<tr>
<td>AQ-2(b) Diesel Equipment Emissions Standards.</td>
<td>The implementing agency shall ensure, to the maximum extent feasible, that diesel construction equipment meeting CARB Tier 4 emission standards for off-road heavy-duty diesel engines is used. If use of Tier 4 equipment is not feasible, diesel construction equipment meeting Tier 3 (or if infeasible, Tier 2) emission standards shall be used. These measures shall be noted on all construction plans and the implementing agency shall perform periodic site inspections.</td>
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<tr>
<td>AQ-2(c) Electric Construction Equipment.</td>
<td>The implementing agency shall ensure that to the extent possible, construction equipment utilizes electricity from power poles rather than temporary diesel power generators and/or gasoline power generators.</td>
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Impact AQ-3. Implementation of the 2040 MTP/SCS would reduce ozone precursors compared to 2015 existing conditions. However, implementation of the 2040 MTP/SCS would increase PM$_{10}$ emissions compared to 2015 existing conditions, which could contribute substantially to a projected air quality violation. Long-term operational impacts related to PM$_{10}$ emissions would be significant and unavoidable.

AQ-3 Project-Level PM$_{10}$ Emissions Reduction. Implementing agencies shall evaluate PM$_{10}$ emissions as part of project-specific CEQA review and discretionary approval decisions for land use projects in the NCCAB. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce PM$_{10}$ emissions below MBARD standards to the extent feasible. PM$_{10}$ emissions reduction measures may include:

- Require new residential and commercial construction to apply dust suppressants, including water and non-toxic surfactants, and to comply with the maximum feasible dust and emissions control measures recommended by MBARD, to reduce particulate matter emissions from construction areas.
- Require new construction projects to use the newest available (Tier 3 or better) construction equipment, which generate lower emissions of diesel particulate matter when operating.
- Require new development to contribute mitigation fees to the MBARD Carl Moyer grant incentive programs that provide funding for regional PM10-reduction measures, including replacement of diesel engines in buses and other vehicles that reduce emissions of diesel particulate matter in the District.

Significant and unavoidable
Impact AQ-4. Implementation of the 2040 MTP/SCS would not result in a significant regional increase in toxic air emissions or odorous compounds when compared to 2015 existing conditions. However, future growth and development facilitated by the 2040 MTP/SCS land use scenario could expose sensitive receptors to substantial hazardous air pollutant concentrations and objectionable odors. Impacts would be significant and unavoidable.

AQ-4 Health Risk Reduction Measures. Transportation implementing agencies shall implement the following measures:

- During project-specific design and CEQA review, the potential localized particulate (PM$_{10}$ and PM$_{2.5}$) impacts and their health risks shall be evaluated for the project using procedures and guidelines consistent with U.S. EPA 2015’s Transportation Conformity Guidance for Quantitative Hot-Spot Analyses in PM$_{2.5}$ and PM$_{10}$ Nonattainment and Maintenance Areas. If required based on the project-level hotspot analysis, project-specific mitigation shall be added to the project design concept or scope to ensure that local particulate (PM$_{10}$ and PM$_{2.5}$) emissions would not reach a concentration at any location that would cause estimated cancer risk to exceed the 2015 Office of Environmental Health Hazard Assessment (OEHHA) threshold of 10 in one million. Per the U.S. EPA guidance (2015), potential mitigation measures to be considered may include but shall not be limited to: providing a retrofit program for older higher emitting vehicles, anti-idling requirements or policies, controlling fugitive dust, routing traffic away from populated zones and replacing older buses with cleaner buses. These measures can and should be implemented to reduce localized particulate impacts as needed.

- Retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and OEHHA requirements to determine the exposure of nearby residents to TAC concentrations.

- If impacts result in increased risks to sensitive receptors above significance thresholds, plant trees and/or vegetation suited to trapping TACs and/or sound walls between sensitive receptors and the pollution source. This measure would trap TACs emitted from pollution sources such as highways, reducing the amount of TACs to which residents and other sensitive populations would be exposed.

In addition, consistent with the general guidance contained in CARB’s Air Quality and Land Use Handbook (April 2005) and Technical Advisory on Strategies to Reduce Air pollution Exposure Near High-Volume Roadways (April 2017), for land use projects, appropriate and feasible measures shall be incorporated into project building design for residential, school and other sensitive uses located within 500 feet, or other distance as determined by the lead agency, of freeways, heavily travelled arterials, railways and other sources of diesel particulate matter, including roadways experiencing significant vehicle delays (CARB 2005). The appropriate measures shall include one or more of the following methods, as determined by a qualified professional, as applicable. The implementing agency shall incorporate health risk reduction measures based on analysis of individual sites and project circumstances. These measures may include:

- Avoid siting new sensitive land uses within 500 feet of a freeway or railway.

- Require development projects for new sensitive land uses to be designed to minimize exposure to roadway-related pollutants to the maximum extent feasible through inclusion of design components including air filtration and physical barriers.

- Do not locate sensitive receptors near the entry and exit points of a distribution center.

- Locate structures and outdoor living areas for sensitive uses as far as possible from the source of emissions. As feasible, locate doors, outdoor living areas and air intake vents primarily on the side of the building away from the freeway or other pollution source. As feasible, incorporate dense, tiered vegetation that regains foliage year-round and has a long life span between the pollution source and the project.

- Maintain a 50-foot buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year).

- Install, operate and maintain in good working order a central heating and
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<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
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<td>AQ-5.</td>
<td>None required.</td>
<td>Less than significant</td>
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Re-entrained dust has the potential to increase airborne PM_{10} and PM_{2.5} levels in Monterey, San Benito and Santa Cruz Counties. The increase in growth expected through the 2040 MTP/SCS planning horizon would result in additional vehicle miles traveled compared to baseline conditions, which would add to the particulate emissions levels in the area. However, total re-entrained dust levels would be lower with implementation of the 2040 MTP/SCS than 2015 existing conditions. Implementation of MBARD control measures would further reduce such emissions. Therefore, impacts would be less than significant.

ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the MERV 13. The HV system should include the following features:

- Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters should be used. Ongoing maintenance should occur.
- Retain a qualified HV consultant or Home Energy Rating Systems (HERS) rater during the design phase of the project to locate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources.
- Maintain positive pressure within the building.
- Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
- Achieve a performance standard of at least 4 air exchanges per hour of recirculation. Achieve a performance standard of 0.25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.
- Require project owners to provide a disclosure statement to occupants and buyers summarizing technical studies that reflect health concerns about exposure to highway exhaust emissions.
- Implement feasible attenuation measures needed to reduce potential air quality impacts to sensitive receptors such as air filtration systems.
Significant and unavoidable

### Impact B-1

Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may have substantial adverse impacts on special status plant and animal species, either directly or through habitat modifications. Impacts would be significant and unavoidable.

#### Mitigation Measure(s)

**B-1(a) Biological Resources Screening and Assessment.** On a project-by-project basis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment to document the existing biological resources within the project footprint plus a buffer and to determine the potential impacts to those resources. The biological resources assessment shall evaluate the potential for impacts to all biological resources including, but not limited to: special status species, nesting birds, wildlife movement, sensitive plant communities, critical habitat, Essential Fish Habitat, and other resources judged to be sensitive by local, state and/or federal agencies. Depending on the results of the biological resources assessment, design alterations, further technical studies (i.e. protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state and federal agencies may be required. The following mitigation measures [B-1(b) through B-1(j)] shall be incorporated only as applicable into the biological resources assessment for projects where specific resources are present or may be present and impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the biological resources assessment where suitable habitat is present. The results of the biological resources screening and assessment shall be provided to the implementing agency for review and approval.

**B-1(b) Special Status Plant Species Surveys.** If completion of the project-specific biological resources assessment determines that special status plant species have potential to occur on-site, surveys for special status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the target species identified in the project-specific biological resources assessment. All plant surveys shall be conducted by a qualified biologist approved by the implementing agency no more than two years prior to project implementation (annual grassland habitats may require yearly surveys). All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph or topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency for review. If special status plant species are identified, mitigation measure B-1(c) shall apply.

**B-1(c) Special Status Plant Species Avoidance, Minimization and Mitigation.** If state- or federally listed and/or CRPR 1 and 2 species are found during special status plant surveys [pursuant to mitigation measure B-1(b)], then the project shall be re-designed to avoid impacting these plant species to the maximum extent feasible. If CRPR 3 and 4 species are found, the biologist shall evaluate to determine if they meet criteria to be considered special status, and if so, the same process as identified for CRPR 1 and 2 species shall apply.

If special status plants species cannot be avoided and would be impacted by a project implemented under the 2040 MTP/SCS, all impacts shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to implementing agency overseeing the project for approval.

**B-1(d) Endangered/Threatened Species Habitat Assessment and Protocol Surveys.** Specific habitat assessment and survey protocol surveys are established for several federally and/or state endangered or threatened animal species. If the results of the biological resources assessment determine that suitable habitat may be present for any such species, protocol habitat assessments/surveys shall be completed in accordance with CDFW and/or USFWS/NMFS protocols prior to issuance of any
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<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
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construction permits/project approvals.

Alternatively, in lieu of conducting protocol surveys, the implementing agency may choose to assume presence within the project footprint and proceed with development of appropriate avoidance measures, consultation and permitting, as applicable.

If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure B-1(e) shall apply.

**B-1(e) Endangered/Threatened Animal Species Avoidance and Compensatory Mitigation.** If habitat is occupied or presumed occupied by federal and/or state listed species and would be impacted by the project, the implementing agency shall re-design the project in coordination with a qualified biologist to avoid impacting occupied/presumed occupied habitat to the maximum extent feasible. If occupied or presumed occupied habitat cannot be avoided, the implementing agency shall provide the total acreages for habitat that would be impacted prior to the issuance of construction permits/approvals. The implementing agency shall purchase credits at a USFWS, NMFS and/or CDFW approved conservation bank if available for the affected species and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts to federal and/or state listed species habitat.

Compensatory mitigation shall be provided at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for permanent impacts. Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable. Temporary impact areas shall be restored to pre-project conditions.

If on and/or off site mitigation sites are identified the implementing agency shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts to federal and/or state listed species. The HMMMP shall identify long term site management needs, routine monitoring techniques, techniques and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. The HMMMP shall be submitted to the agency overseeing the project for approval.

**B-1(f) Endangered/Threatened Species Avoidance and Compensatory Mitigation.** The following measures shall be applied to aquatic and terrestrial species, where appropriate. Implementing agencies shall select from these measures as appropriate depending on site conditions, the species with potential for occurrence, and the results of the biological resources screening and assessment (measure B-1[a]).

- Pre-construction surveys for federal and/or state listed species with potential to occur shall be conducted where suitable habitat is present by a qualified biologist not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of federal and/or state listed species is found within the survey area, the appropriate measures in the BO or Habitat Conservation Plan (HCP)/Incidental Take Permit (ITP) issued by the USFWS/NMFS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) shall be implemented; or if such guidance is not in place for the activity, the qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. The results of the pre-construction surveys shall be submitted to the implementing agency for review and approval prior to start of construction.

- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have **highly visible orange construction Environmental Sensitive Area** fencing installed.
Executive Summary

Impact | Mitigation Measure(s) | Significance After Mitigation
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between said area and the limits of disturbance.

- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed during the dry season, typically between April 1 and October 31, to avoid impacts to sensitive aquatic species.
- All projects occurring within or adjacent to sensitive habitats that may support federally and/or state endangered/threatened species shall have a qualified biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of the CDFW and/or USFWS/NMFS or as outlined in project permits, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are being fully implemented.
- No endangered/threatened species shall be captured and relocated without authorization from the CDFW and/or USFWS/NMFS.
- If pumps are used for dewatering activities, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.
- If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. At that point a qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. Alternatively, the appropriate measures shall be implemented in accordance with the BO or HCP/ITP issued by the USFWS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) and work can then continue as guided by those documents and the agencies as appropriate.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel other than equipment necessary to conduct approved dewatering activities required for project construction.
- All equipment operating within streambeds (restricted to conditions in which water is not present) shall be in good condition and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.
- At the end of each work day, excavations shall be secured with cover or a ramp shall be provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

**B-1(g) Non-Listed Special Status Animal Species Avoidance and Minimization.**

Depending on the species identified in the BRA, the following measures shall be selected from among the following to reduce the potential for impacts to non-listed special status animal species:

- Pre-construction clearance surveys shall be conducted within 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 100-foot buffer, and shall identify all special status animal species that may occur on-site. All non-listed special status species shall be relocated from the site either through direct capture or through passive exclusion. A report of the pre-construction survey shall be submitted to the implementing agency for their review and approval prior to the start of construction.
- A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal, to recover special status animal species.
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<td>unserthed by construction activities.</td>
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<td>▪ Upon completion of the project, a qualified biologist shall prepare a final compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted within 30 days of completion of the project.</td>
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<td>▪ If special status bat species may be present and impacted by the project, within 30 days of the start of construction a qualified biologist shall conduct presence/absence surveys for special status bats, in consultation with the CDFW, where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. If active bat roosts or colonies are present, the biologist shall evaluate the type of roost to determine the next step.</td>
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<td>□ If a maternity colony is present, all construction activities shall be postponed within a 250-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed or as recommended by CDFW through consultation. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.</td>
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<td>□ If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), alternative roosts, such as bat boxes if appropriate for the species, shall be designed and installed near the project site. The number and size of alternative roosts installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW.</td>
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<td>□ If other active roosts are located, exclusion devices such as valves, sheeting or flap-style one-way devices that allow bats to exit but not re-enter roosts discourage bats from occupying the site.</td>
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**B-1(h) Preconstruction Surveys for Nesting Birds.** For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the CFGC, the Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act shall be conducted by a qualified biologist no more than 30 days prior to vegetation removal activities.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of bald and golden eagles, shall cover all areas within of the disturbance footprint plus a one-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For bald or golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS and CDFW. The size of the buffer may be influenced by the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing and duration of the expected disturbance. The buffer shall be established between February 1 and August 31; however, buffers may be relaxed earlier than August 31 if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged and the nest is no longer in use.

A report of these preconstruction nesting bird surveys and nest monitoring (if applicable) shall be submitted to the implementing agency for review and approval prior to the start of construction.

**B-1(i) Worker Environmental Awareness Program (WEAP).** Prior to initiation of
construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.

### Impact B-2.

Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may result in substantial adverse impacts on sensitive habitats, including federally protected wetlands. This impact would be significant and unavoidable.

#### Mitigation Measure(s)

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<th>Impact</th>
<th>Mitigation Measure(s)</th>
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<td>B-2(a) Jurisdictional Delineation.</td>
<td>If the results of measure B-1(a) indicates projects implemented under the 2040 MTP/SCS occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, RWQCB and/or CCC, a qualified biologist shall complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a jurisdictional delineation report that shall be submitted to the implementing agency, USACE, RWQCB, CDFW and/or CCC, as appropriate, for review and approval, and the project shall be designed to minimize impacts to jurisdictional areas to the maximum extent feasible. The delineation shall serve as the basis to identify jurisdictional areas to be protected during construction, through implementation of the avoidance and minimization identified in measure B-2(f).</td>
<td>Significant and unavoidable</td>
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<tr>
<td>B-2(b) Wetlands, Drainages and Riparian Habitat Restoration.</td>
<td>Impacts to jurisdictional drainages, wetlands and riparian habitat shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist, and shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan shall be developed by a qualified biologist and submitted to the agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank.</td>
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<td>B-2(c) Landscaping Plan.</td>
<td>If landscaping is proposed for a specific project, a qualified biologist/landscape architect shall prepare a landscape plan for that project. This plan shall indicate the locations and species of plants to be installed. Drought tolerant, locally native plant species shall be used. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Inventory shall not be permitted. Species selected for planting shall be regionally appropriate native species that are known to occur in the adjacent native habitat types.</td>
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<td>B-2(d) Sensitive Vegetation Community Avoidance and Mitigation.</td>
<td>If the results of measure B-1(a) indicates projects implemented under the 2040 MTP/SCS would impact sensitive vegetation communities, impacts to sensitive communities shall be avoided through final project design modifications. If the implementing agency determines that sensitive communities cannot be avoided, impacts shall be mitigated on-site or offsite at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist. Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be developed by a qualified biologist and submitted to the agency overseeing the project for approval.</td>
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<td>B-2(e) Invasive Weed Prevention and Management Program.</td>
<td>Prior to start of construction for each project that occurs within or adjacent to native habitats, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species. The plan shall be submitted to the implementing agency for review and approval. A list of target species shall be included, along with measures for early detection and</td>
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### Prior to Start of Construction

- A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.

### Invasive Weed Prevention and Management Program

- Prior to start of construction for each project that occurs within or adjacent to native habitats, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species. The plan shall be submitted to the implementing agency for review and approval. A list of target species shall be included, along with measures for early detection and control.
The plan, which shall be implemented by the implementing agency, shall also include, but not be limited to, the following measures to prevent the introduction of invasive weed species:

- During construction, the project shall make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species.
- To minimize colonization of disturbed areas and the spread of invasive species, the contractor shall: stockpile topsoil and redeposit the stockpiled soil after construction, or transport the topsoil to a permitted landfill for disposal.
- The erosion control/restoration plans for the project must emphasize the use of sensitive species that are expected to occur in the area and that are considered suitable for use at the project site.
- All erosion control materials, including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
- Exotic and invasive plant species shall be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project.
- All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

B-2(f) Wetlands, Drainages and Riparian Habitat Best Management Practices During Construction. The following best management practices shall be required for development within or adjacent to wetlands, drainages, or riparian habitat:

- Access routes, staging and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and ancillary construction areas outside of jurisdictional areas.
- To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.
- Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year, or as otherwise directed by the regulatory agencies.
- During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- All project-generated debris, building materials and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
- Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering wetlands, drainages or riparian habitat.
- All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.
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| **Impact B-3.** Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may substantially interfere with wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery. This impact would be significant and unavoidable. | **B-3(a) Project Design for Wildlife Connectivity.** All projects including long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement by incorporating design features such as:  
- A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals;  
- A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; and  
- If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement, or the fence may be installed with the bottom at least 16 inches above the ground level.  
- If fencing or other project components must be designed in such a manner that wildlife passage would not be permitted, wildlife crossing structures shall be incorporated into the project design as appropriate.  
- Lighting installed as part of any project shall be designed to be minimally disruptive to wildlife (see mitigation measure AES-3(a) Roadway Lighting for lighting requirements).  
**B-3(b) Maintain Connectivity in Drainages.** No permanent structures shall be placed within any drainage or river that would impede wildlife movement (i.e., no hardened caps or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage).  
In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded passage through the area once the work has been complete.  
If water is to be diverted around work sites, a diversion plan shall be submitted to AMBAG, RTPA and/or local jurisdiction for review and approval prior to issuance of project construction permits/approvals. The diversion shall be designed in a way as to not impede movement while the diversion is in place.  
**B-3(c) Construction Best Management Practices to Minimize Disruption to Wildlife.** The following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans in order to minimize temporary disruption of wildlife, which could hinder wildlife movement:  
- Designation of a 20 mile per hour speed limit in all construction areas.  
- **Whenever feasible,** daily construction work schedules shall be limited to daylight hours only.  
- Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition.  
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.  
- No pets are permitted on project site during construction. | Significant and unavoidable |
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<td>Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy. This impact would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<td>Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.</td>
<td>None required.</td>
<td>No impact</td>
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## Cultural and Historical Resources

**Impact CR-1.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known or unknown historical resources as defined in CEQA Guidelines Section 15064.5. Impacts to historical resources would be significant and unavoidable.

**CR-1 Historical Resources Impact Minimization.** Prior to individual project permit issuance, the implementing agency of a 2040 MTP/SCS project involving earth disturbance or construction of permanent above ground structures or roadways shall prepare a map defining the Area of Potential Effects (APE). This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known historical resources are located within the impact zone. If a structure greater than 45 years in age is within the identified APE, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with CEQA Guidelines section 15064.5(b). Study recommendations shall be implemented, which may include, but would not be limited to, the following:

- Realign or redesign projects to avoid impacts on known historic resources where possible.
- If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.
Final Environmental Impact Report

### Impact CR-2. Archaeological Resources Impact Minimization

Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown archaeological resources as defined in CEQA Guidelines Section 15064.5. Impacts to archaeological resources would be significant and unavoidable.

**Mitigation Measure(s):**
- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

**Significance After Mitigation:** Significant and unavoidable

**Before construction activities,** implementing agencies shall retain a qualified archaeologist to conduct a record search at the Northwest Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, implementing agencies shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Implementing agencies shall follow recommendations identified in the survey, which may include, but would not be limited to: subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, or avoidance of sites and preservation in place. Recommended mitigation measures will be consistent with CEQA Guidelines Section 15126.4(b)(3) recommendations.

In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.

Implementing agencies shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

### Impact CR-3. Paleontological Resources Impact Minimization

Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown paleontological resources as defined in CEQA Guidelines Section 15064.5. Impacts to paleontological resources would be significant and unavoidable.

**Mitigation Measure(s):**
- Paleontological Mitigation and Monitoring Program. A qualified paleontologist shall prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity. This program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration (i.e., in what locations and at what depths paleontological monitoring shall be required), salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.

**Significance After Mitigation:** Significant and unavoidable.


<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
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<tr>
<td>Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of ground disturbance activity greater than two feet below existing grade, construction personnel shall be informed on the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.</td>
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<tr>
<td>Paleontological Monitoring. Ground disturbing activity with the potential to disturbed geologic units with high paleontological sensitivity shall be monitored on a full-time basis by a qualified paleontological monitor. Should no fossils be observed during the first 50 percent of such excavations, paleontological monitoring could be reduced to weekly spot-checking under the discretion of the qualified paleontologist. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources.</td>
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<tr>
<td>Salvage of Fossils. If fossils are discovered, the implementing agency shall be notified immediately, and the qualified paleontologist (or paleontological monitor) shall recover them. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</td>
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<td>Preparation and Curation of Recovered Fossils. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data and maps.</td>
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<tr>
<td>Final Paleontological Mitigation and Monitoring Report. Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils and the scientific significance of those fossils, and where fossils were curated.</td>
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**Impact CR-4.**
Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could result in damage to or destruction of human burials. Impacts to human burials would be less than significant.

None required.  
Less than significant.
Executive Summary

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<th>Impact</th>
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<tr>
<td>Energy</td>
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<tr>
<td><strong>Impact E-1.</strong> Future transportation improvement projects and implementation of the land use scenario envisioned by the 2040 MTP/SCS would increase demand for energy beyond existing conditions. However, the 2040 MTP/SCS would not result in inefficient, unnecessary, or wasteful direct or indirect consumption of energy, and would be consistent with applicable federal, state, and local energy conservation policies. As such, this impact would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact E-2.</strong> Implementation of the 2040 MTP/SCS would generate energy demand that may require construction of new energy facilities or the expansion of such facilities. Impacts would be significant and unavoidable.</td>
<td><strong>E-2(a) Mitigate Impacts of New or Expanded Energy Facilities.</strong> During the planning, design and project-level CEQA review process, apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce environmental impacts associated with, but not limited to: air quality, noise, traffic, biological resources, cultural resources, GHG emissions, hydrology and water quality and others that apply to specific construction or expansion of natural gas and electric facilities projects.</td>
<td><strong>E-2(b) Develop Energy Demand Calculations and Reduce Energy Demand.</strong> During the planning, design and project-level CEQA review process for individual development projects, develop electricity and natural gas demand calculations for any project anticipated to require substantial energy consumption. Implementing agencies shall implement design and mitigation measures that reduce energy consumption and promote the use of on-site renewable energy. This may include, but would not be limited to: installing energy-reducing shading mechanisms for windows, porches, patios, etc.; installing energy-reducing day lighting systems (e.g., skylights); use of low-energy interior and street lighting; and/or installation of solar photovoltaic (PV) panels or other on-site renewable energy that generates a minimum of 30 percent of the project’s total energy demand.</td>
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### Geology and Soils

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<tr>
<td><strong>Impact GEO-1.</strong> Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2040 MTP/SCS could be subject to seismic hazards, including fault rupture, ground-shaking, liquefaction and landslides, that could expose people or structures to substantial adverse effects. Impacts would be significant but mitigable.</td>
<td><strong>GEO-1 Geotechnical Design.</strong> If a 2040 MTP/SCS project is located in a zone of high potential ground-shaking intensity, implementing agencies can and should complete a site specific geotechnical report conducted by a qualified geotechnical expert. Any investigations shall comply with the California Geological Survey’s Guidelines for Evaluating and Mitigating Seismic Hazards in California and projects shall comply with the recommendations stated in the geotechnical analysis (California Geological Survey 2008). Recommendations may include, but are not limited to, the following: fill placement and compaction, isolated and continuous footing, site specific pipe bedding and site specific seismic design criteria.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact GEO-2.</strong> Grading associated with transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could cause soil erosion and loss of top soil. However, compliance with applicable regulations would ensure that impacts would remain less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact GEO-3.</strong> Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could be located on potentially unstable soils or in areas of lateral spreading, subsidence, or high liquefaction potential. Impacts would be significant but mitigable.</td>
<td><strong>GEO-3(a) Geotechnical Analysis.</strong> If a 2040 MTP/SCS project is located in an area of moderate to high liquefaction, lateral spreading, and/or subsidence potential or in underground areas located in an area of high groundwater potential, the RTPAs shall ensure and sponsor agencies can and should ensure that these structures are designed based upon site specific geology, soils, and earthquake engineering studies conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible design measures include, but would not be limited to: deep foundations, removal of liquefiable materials, and dewatering.</td>
<td>Less than significant</td>
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<td><strong>GEO-3(b) Hillside Stability Evaluation.</strong> If a 2040 MTP/SCS project requires cut slopes over 20 feet in height or is located in areas of bedded or jointed bedrock, the implementing agency shall ensure that hillside stability evaluations and/or specific slope stabilization studies are conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible stabilization methods include buttresses, retaining walls and soldier piles. In addition, to sustain a functional long-term transportation system along the coast, the strategies identified in Caltrans’ 2004 Big Sur Coast Highway Management Plan shall be implemented where appropriate and when feasible. Applicable Big Sur Coast Highway Management Plan measures may include, but are not limited to:</td>
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22
### Executive Summary

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<td>Impact</td>
<td>GEO-3(c) Site Specific Geotechnical Evaluation. If a 2040 MTP/SCS project is located in an area of highly expansive soils, the RTPAs shall and sponsors agencies can and should ensure that a site-specific geotechnical investigation is conducted. The investigation shall identify hazardous conditions and recommend appropriate design factors to minimize hazards. Such measures could include concrete slabs on grade with increased steel reinforcement, removal of highly expansive material and replacement with non-expansive import fill material, or chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.</td>
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| Greenhouse Gas Emissions/Climate Change | GHG-1 Construction GHG Reduction Measures. The implementing agency shall incorporate the most recent GHG reduction measures and/or technologies for reducing diesel particulate and NOx emissions measures for off-road construction vehicles during construction. The measures shall be noted on all construction plans and the implementing agency shall perform periodic site inspections. Current GHG-reducing measures include the following:  
- Use of diesel construction equipment meeting CARB’s Tier 4 certified engines wherever feasible for or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation. Where the use of Tier 4 engines is not feasible, Tier 3 certified engines shall be used; where Tier 3 engines are not feasible, Tier 2 certified engines shall be used;  
- Use of on-road heavy-duty trucks that meet the CARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;  
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five minute idling limit;  
- Use of electric powered equipment in place of diesel powered equipment when feasible;  
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and  
- Use of alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, in place of diesel powered equipment for 15 percent of the fleet; and Use of materials sources from local suppliers; and  
- Recycling of at least 50 percent of construction waste materials. | Less than significant |
| Impact | None required. | Less than significant |

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Final Environmental Impact Report 23
Impact GHG-3.
Implementation of the 2040 MTP/SCS would not Conflict with regional SB 375 per capita passenger vehicle CO₂ emission reduction targets. Impacts would be less than significant.

Impact GHG-4.
Implementation of the 2040 MTP/SCS would not interfere with climate action plans for the Cities of Monterey, Capitola, Santa Cruz, Gonzales and Watsonville, as well as Monterey County and Santa Cruz County. However, the 2040 MTP/SCS would conflict with the state’s ability to achieve the AB 32, SB 32 and EO-S-3-05 GHG reduction goals. Impacts would be significant and unavoidable.

Impact GHG-5.
Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2040 MTP/SCS could be subject to coastal flooding and sea level rise. Impacts would be significant and unavoidable.

GHG-4 Project-Level Energy Consumption and Water Use Reduction.
Implementing agencies shall evaluate energy consumption and water use as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce energy consumption and water use below local standards, or, in the absence of local standards, below MBARD-recommended standards. Examples of energy- and water-saving measures include:
- Require new residential and commercial construction to install solar energy systems or be solar-ready.
- Require new residential and commercial development to install low-flow water fixtures.
- Require new residential and commercial development to install water-efficient drought-tolerant landscaping, including the use of compost and mulch.
- Require new development to exceed the applicable Title 24 energy-efficiency requirements.

GHG-5 Sea Level Rise Adaptation.
For projects located within a potential sea level rise inundation area, the implementing agency shall incorporate appropriate adaptation strategies to minimize hazards associated with sea level rise, such that project structures and other critical facilities would be located outside of an identified sea level rise inundation area. Appropriate adaptation strategies will depend on project- and site-specific considerations, including proximity to the coastline, elevation and type of structure or facility proposed. Adaptation strategies may include, but would not be limited to:

Mitigation Measures W-4(a) and W-4(b) from As described in Section 4.10, Hydrology and Water Quality, existing federal, state and local programs and ordinances would require flood prevention measures in new development, including requiring structures to be elevated above the 100-year flood zone and tsunami inundation zones, which would partially reduce impacts, as they would require structures to be elevated one foot above the 100-year flood zone and 10 feet above the ground elevation in areas subject to tsunami. Because sea level rise inundation areas are geographically similar to coastal flood and tsunami hazard areas, these regulations measures would serve to minimize impacts to some extent.

In addition, for all transportation projects under their jurisdiction, TAMC and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects located within a potential sea level rise inundation area. Coastal cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

For projects located within a potential sea level rise inundation area, the implementation agency shall incorporate appropriate adaptation strategies to minimize hazards associated with sea level rise, such that project structures and other critical facilities would be located outside of an identified sea level rise inundation area. Appropriate adaptation strategies will depend on project- and site-specific considerations, including proximity to the coastline, elevation and type of structure or facility proposed. Adaptation strategies may include, but would not be limited to:
### Impact Mitigation Measure(s)

- Project redesign to place structures and critical facilities outside of the potential sea level rise inundation area;
- Structural measures including drainage improvements, raising road surfaces or first floor elevations above the expected sea level rise inundation level, or strengthening structures to improve resiliency;
- Designing facilities to withstand periodic inundation and continue to function (i.e., waterproofing);
- Building a new levee or raising the elevation of an existing levee to protect the proposed building or structure, or construct engineered shoreline protection structures such as revetment and bulkheads; and/or
- Replenishment of sand from off-site locations to preserve beaches that are subject to erosion and land loss from rising sea levels (beach nourishment).

### Hazards and Hazardous Materials

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<tr>
<th>Impact HAZ-1</th>
<th>None required.</th>
<th>Less than significant</th>
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<tr>
<td>Proposed transportation improvement projects and land use projects included in the 2040 MTP/SCS would facilitate the routine transport, use, or disposal of hazardous material, and may result in reasonably foreseeable upset and accident conditions. Mandatory compliance with existing regulations and programs would minimize the risk associated with these activities or accident conditions. Thus, hazards to the public or environment would be less than significant.</td>
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<tr>
<th>Impact HAZ-2</th>
<th>None required.</th>
<th>Less than significant</th>
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<tr>
<td>Proposed transportation improvement projects and land use projects included in the 2040 MTP/SCS would facilitate hazardous emissions or handling of acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. Existing regulations and programs would reduce the risk to</td>
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<td>Impact</td>
<td>Mitigation Measure(s)</td>
<td>Significance After Mitigation</td>
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<tr>
<td><strong>Impact HAZ-3.</strong> The 2040 MTP/SCS includes land use projects and transportation projects that could occur on previously unknown hazardous material sites or sites on the list compiled by Government Code Section 65962.5. Thus, construction of these projects could create a hazard to the public or environment. Impacts would be significant but mitigable.</td>
<td><strong>HAZ-3 Site Remediation.</strong> If an individual project included in the 2040 MTP/SCS is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the implementing agency shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials’ E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented. Examples of typical recommendations provided in Phase I/II ESAs include removal of contaminated soil in accordance with a soil management plan approved by the local environmental health department; covering stockpiles of contaminated soil to prevent fugitive dust emissions; capturing groundwater encountered during construction in a holding tank for additional testing and characterization and disposal based on its characterization; and development of a health and safety plan for construction workers.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact HAZ-4.</strong> Transportation improvement projects and land use development included in the proposed 2040 MTP/SCS may be located near a public use airport or private airstrip. Existing regulations and regulatory oversight would reduce the inherent hazard of development near airports to safe levels, and impacts would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact HAZ-5.</strong> Land use development and transportation projects included in the 2040 MTP/SCS could interfere with existing emergency and evacuation. However, required regular updates to emergency response and evacuation plans would account for development and projects. Impacts related to interference or impairment of an adopted emergency</td>
<td>None required.</td>
<td>Less than significant</td>
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Executive Summary

Impact | Mitigation Measure(s) | Significance After Mitigation
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response plan or emergency evacuation plan would be less than significant.

**Impact HAZ-6.** The 2040 MTP/SCS includes land development and transportation projects within areas of moderate, high, and very high fire hazard. Infill development emphasized in the 2040 MTP/SCS and existing regulations and programs would reduce the vulnerability of people and structures to wildland fire. However, the risk of loss, injury or death from wildland fire would be possible given the fire hazard across much of the AMBAG region. Impacts would be significant and unavoidable.

HAZ-6 Wildland Fire Risk Reduction. If an individual project included in the 2040 MTP/SCS is located within the wildland-urban interface or areas favorable for wildland fires such that project-specific CEQA analysis finds a significant risk of loss, injury or death from fire, the implementing agency shall require appropriate mitigation to reduce the risk. Examples of mitigation to reduce risk of loss, injury or death from wildlife include, but are not limited to:

- Avoid introducing new or expanded development such as residential subdivisions, schools and hospitals into fire-prone, fire-controlled ecologies (e.g., indigenous Monterey pine forest, Santa Cruz sand hills/knobcone pine forest, coastal maritime chaparral).
- Require adherence to the local hazards mitigation plan, as well as the local general plan policies and programs aimed at reducing the risk of wildland fires through land use compatibility, training, sustainable development, brush management, and public outreach, and service standards for fire departments.
- Encourage the use of fire-resistant vegetation native to the AMBAG region and/or the local microclimate of the project site, and discourage the use of fire-prone species especially non-native, invasive species such as pampas grass or giant reed.
- Require a fire safety plan be submitted to and approved by the local fire protection agency. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. The local fire protection agency may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase of the project.
- Prohibit certain project construction activities with potential to ignite wildland fires during red-flag warnings issued by the National Weather Service for the project site location. Example activities that should be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.
- Require fire extinguishers to be onsite during construction of projects. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.

**Hydrology and Water Quality**

**Impact W-1.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could result in substantial eroded sediments and contaminants in runoff, as well as changes in drainage patterns that could degrade surface and ground water quality. However, compliance with federal, state,
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<tr>
<td><strong>Impact W-2.</strong> Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS would increase water demand in the AMBAG region. This demand may potentially require new or expanded water supplies, entitlements, or facilities. Impacts would be significant and unavoidable.</td>
<td><strong>W-2(a) Construction Dust Suppression.</strong> The RTPAs shall and sponsor agencies can and should ensure that all 2040 MTP/SCS projects, where feasible, reclaimed and/or desalinated water is used for dust suppression during construction activities. This measure shall be noted on construction plans and shall be spot checked by the local jurisdiction.</td>
<td>Significant and unavoidable</td>
</tr>
<tr>
<td><strong>Impact W-3.</strong> Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS would incrementally increase stormwater flows in the AMBAG region. Impacts would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact W-4.</strong> Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040</td>
<td>None required.</td>
<td>Less than significant</td>
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</table>
MTP/SCS could be subject to flood hazards, dam failure, or tsunami. However, pursuant to compliance with existing regulations, the 2040 MTP/SCS would not expose people or structures to a significant risk of loss, injury, or death associated with these hazards. Impacts would be less than significant.

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<tr>
<td><strong>Land Use</strong></td>
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<tr>
<td><strong>Impact LU-1.</strong> Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS would not physically divide an established community. This is impact would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact LU-2.</strong> The 2040 MTP/SCS may not be consistent with every applicable adopted State and local land use policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects. This impact would be significant and unavoidable.</td>
<td>None available.</td>
<td>Significant and unavoidable</td>
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### Impact Mitigation Measure(s) Significance After Mitigation

**Noise**

**Impact N-1.** Construction activities associated with transportation projects and land use projects under the 2040 MTP/SCS would create temporary noise and vibration level increases in discrete locations throughout the AMBAG region. Impacts would be significant and unavoidable.

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<td><strong>N-1(a) Measures to Ensure Compliance with Local Construction Noise and Vibration Regulations.</strong> Implementing agencies of 2040 MTP/SCS projects shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites, appropriate measures shall be implemented to ensure compliance with local ordinance requirements relating to construction noise and vibration. Specific techniques may include, but are not limited to: restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.</td>
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<td><strong>N-1(b) Pile Driving.</strong> For any project within 800 feet of sensitive receptors that requires pilings, the implementing agencies shall require caisson drilling or sonic pile driving as opposed to impact pile driving, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.</td>
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<tr>
<td><strong>N-1(c) Construction Equipment Noise and Vibration Control.</strong> Implementing agencies of 2040 MTP/SCS projects shall ensure that equipment and trucks used for project construction utilize the best available noise and vibration control techniques, including mufflers, intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds.</td>
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<td><strong>N-1(d) Impact Equipment Noise Control.</strong> Implementing agencies of 2040 MTP/SCS projects shall ensure that impact equipment (e.g., jack hammers, pavement breakers and rock drills) used for project construction be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.</td>
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<td><strong>N-1(e) Construction Activity Timing Restrictions.</strong> The following timing restrictions shall apply to MTP/SCS project construction activities located within 2,500 feet of a dwelling unit, except where timing restrictions are already established in local codes or policies. Construction activities shall be limited to:</td>
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<td>Monday through Friday: 7 a.m. to 6 p.m.</td>
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<td>Saturday: 9 a.m. to 5 p.m.</td>
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<td><strong>N-1(f) Placement of Stationary Noise and Vibration Sources.</strong> Implementing agencies of 2040 MTP/SCS projects shall locate stationary noise and vibration sources as far from sensitive receptors as feasible. Stationary noise sources that must be located near existing receptors will be adequately muffled.</td>
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<td><strong>N-1(g) Physical Impacts Due to Vibration.</strong> Implementing agencies of 2040 MTP/SCS projects utilizing heavy construction equipment shall estimate vibration levels generated by construction activities and use the Caltrans vibration damage potential threshold criteria to screen for potential damage to buildings located on or off-site. If construction equipment would generate vibration levels exceeding the threshold criteria, a structural engineer or other appropriate professional shall be retained to ensure vibration levels do not exceed the thresholds during project construction. The structural engineer shall perform the following tasks, at minimum:</td>
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<td>Review the project’s demolition and construction plans</td>
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<td>Survey the project site and vulnerable buildings, including geological testing, if necessary</td>
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<td>Prepare and submit a report to the lead agency or other appropriate party containing the following, at minimum:</td>
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<td>Any information obtained from the surveys identified above</td>
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<td>Any modifications to the estimated vibration thresholds based on building designs</td>
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### Impact N-2.

Implementation of the 2040 MTP/SCS would potentially expose existing and future sensitive receptors to significant mobile source noise levels. Impacts would be significant and unavoidable.

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<tr>
<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
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<td></td>
<td>conditions, soil conditions, and planned demolition and construction methods to ensure that vibration levels would remain below levels potentially damaging to vulnerable buildings</td>
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<td></td>
<td>Specific mitigation measures to be applied during construction to ensure vibration thresholds (or Caltrans guidelines, in lieu of specific limits) are not exceeded, including modeling to demonstrate the ability of mitigation measures to reduce vibration levels below set limits</td>
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<td>A monitoring plan to be implemented during demolition and construction that includes post-demolition and post-construction surveys of the vulnerable building(s) and documentation demonstrating that the mitigation measures identified in the report have been applied</td>
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<td>Examples of mitigation that may be applied during demolition or construction include:</td>
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<td>Prohibiting of certain types of construction equipment</td>
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<td>Specifying lower-impact methods for demolition and construction, such as sawing concrete during demolition</td>
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<td>Phasing operations to avoid simultaneous vibration sources</td>
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<td>Installing vibration measure devices to guide decision-making</td>
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<td>The implementing agency shall be responsible for implementing all the mitigation measures recommended in the report as detailed in the report’s monitoring plan.</td>
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#### N-2 Noise Assessment and Control for Mobile and Point Sources.

Sponsor agencies of 2040 MTP/SCS projects shall complete detailed noise assessments using applicable guidelines (e.g., FTA Transit Noise and Vibration Impact Assessment for rail and bus projects and the Caltrans Traffic Noise Analysis Protocol) for roadway projects that may impact noise sensitive receptors. The implementing agency shall ensure that a noise survey is conducted that, at minimum:

- Determines existing and projected noise levels
- Determines the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards
- Identifies potential alternate alignments that allow greater distance from, or greater buffering of, noise-sensitive areas
- If warranted, recommends methods for mitigating noise impacts, including:
  - Appropriate setbacks
  - Sound attenuating building design, including retrofit of existing structures with sound attenuating building materials
  - Use of sound barriers (earthen berms, sound walls, or some combination of the two)

Where new or expanded roadways, rail, or transit projects are found to expose receptors to noise exceeding normally acceptable levels, the implementing agency shall implement techniques as recommended in the project-specific noise assessment. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) shall be considered. Long expanses of walls or fences shall be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements shall be used, including solid fences, walls, and landscaped berms.
### Impact N-3. The proposed 2040 MTP/SCS land use scenario would encourage infill development near transit and other transportation facilities, which may place sensitive receptors in areas with unacceptable noise levels. Impacts would be significant and unavoidable.

**N-3 Noise Mitigation for Land Uses.** If a 2040 MTP/SCS land use project is located in an area with exterior ambient noise levels above local noise standards, the implementing agency shall ensure that a noise study is conducted to determine the existing exterior noise levels in the vicinity of the project. If the project would be impacted by ambient noise levels, feasible attenuation measures shall be used to reduce operational noise to meet acceptable standards. In addition, noise insulation techniques shall be utilized to reduce indoor noise levels to thresholds set inapplicable State and/or local standards. Such measures may include, but are not limited to: dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads. The noise study and determination of appropriate mitigation measures shall be completed during the project’s individual environmental review.

### Impact N-4. The proposed 2040 MTP/SCS would result in new truck, bus, and train traffic that could expose sensitive receptors and fragile buildings to excessive vibration levels. Impacts would be significant and unavoidable.

**N-4 Vibration Mitigation for Transportation Projects.** Implementing agencies of 2040 MTP/SCS projects shall comply with all applicable local vibration and groundborne noise standards, or in the absence of such local standards, comply with guidance provided by the FTA in Transit Noise and Vibration Impact Assessment (FTA 2006) to assess impacts to buildings and sensitive receptors and reduce vibration and groundborne noise. FTA recommended thresholds shall be used except in areas where local standards for groundborne noise and vibration have been established. Methods that can be implemented to reduce vibration and groundborne noise impacts include, but are not limited to:

- **Rail Traffic**
  - Maximizing the distance between tracks and sensitive uses
  - Conducting rail grinding on a regular basis to keep tracks smooth
  - Conducting wheel truing to re-contour wheels to provide a smooth running surface and removing wheel flats
  - Providing special track support systems such as floating slabs, resiliently supported ties, high-resilience fasteners, and ballast mats;
  - Implementing operational changes such as limiting train speed and reducing nighttime operations.

- **Bus and Truck Traffic**
  - Constructing of noise barriers
  - Use noise reducing tires and wheel construction on bus wheels
  - Use vehicle skirts (i.e., a partial enclosure around each wheel with absorptive treatment) on freight vehicle wheels

### Population and Housing

**Impact PH-1.** The proposed 2040 MTP/SCS would result in substantial population growth in the AMBAG region. This impact is significant and unavoidable.

Mitigation of the 2040 MTP/SCS impacts on population growth would be infeasible. A moratorium on building permits, for example, would restrict housing and business development, which would cause potential residents or companies to be located outside of major population centers within the AMBAG region. However, a regionwide moratorium would be difficult to implement, if not completely infeasible, for economic, political, and legal reasons, especially over an extended period of time. Additionally, a moratorium would cause potential residents to reside in neighboring regions and commute into the region, which would increase GHG emissions and counter sustainability goals included in the 2040 MTP/SCS. A regionwide restriction on public services and utilities would also serve to limit population growth, but would be difficult, if not completely infeasible, to implement for the reasons described above.

Additionally, failing to accommodate the forecasted population growth would be inconsistent with a fundamental objective of the 2040 MTP/SCS. Moreover, Government Code Section 65080(b)(2)(B)(ii) requires that the MTP/SCS must house all the population of the region, including all economic segments of the population, over the course of the planning horizon of the MTP/SCS. The MTP/SCS itself does
Executive Summary

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<tr>
<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
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<tr>
<td>Impact PH-2. Land use development included in the 2040 MTP/SCS would temporarily displace existing housing and people as individual housing development sites are redeveloped. However, this displacement would be temporary and would be offset by a significant net increase in housing units by 2040. Impacts would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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**Transportation and Circulation**

**Impact T-1.** Daily hours of vehicle delay and total peak period CVMT in the AMBAG region would increase between baseline 2015 conditions and 2040 conditions with implementation of the 2040 MTP/SCS. The percent of commuter trips that are 30 minutes or less would decrease in single- and high occupancy vehicles, but would increase for transit trips. Impacts would be significant and unavoidable.

The 2040 MTP/SCS already includes policies, alternative transportation projects, and transportation demand management projects, which would encourage the use of transportation modes other than passenger vehicles. Nonetheless, the daily hours of vehicle delay, total peak period CVMT, and the percentage of commuter work trips exceeding 30 minutes in passenger vehicles would still increase in 2040 compared to the existing 2015 conditions. No feasible additional mitigation measures have been identified that would further reduce these metrics. Refer to Section 7, Alternatives, for a discussion of 2040 MTP/SCS alternatives that examine land use and transportation scenarios that incorporate different assumptions regarding the combinations of future land uses and transportation system improvements.

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<tr>
<td>Impact T-2. The 2040 MTP/SCS would increase the percent of jobs within 0.5 mile of a high quality transit stop compared to existing 2015 conditions. This would be a beneficial impact.</td>
<td>None required.</td>
<td>Beneficial</td>
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not control local land use decisions. A building moratorium would impede the ability of local jurisdictions to construct a sufficient housing supply for the forecasted population growth. As a result, no mitigation measures to reduce this impact to less-than-significant levels are feasible.
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<td><strong>Impact T-3.</strong> The 2040 MTP/SCS includes transit projects that would improve and expand transit services in the region. The 2040 MTP/SCS would increase the percentage of jobs within proximity to transit stops and the percent of transit trips less than 30 minutes during peak period. Thus, the 2040 MTP/SCS would not substantially disrupt transit service and impacts would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact T-4.</strong> The 2040 MTP/SCS would improve conditions for bicycle and pedestrian travel in the AMBAG region, and bicycle and pedestrian facilities would not be substantially disrupted. Impacts would be less than significant.</td>
<td>None required.</td>
<td>Less than significant</td>
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<tr>
<td><strong>Impact T-5.</strong> Daily VMT would increase between the baseline 2015 conditions and 2040 conditions. Thus, impacts from implementation of the 2040 MTP/SCS would be significant and unavoidable.</td>
<td><strong>T-5 Project-Level VMT Analysis and Reduction.</strong> Transportation project sponsor agencies shall evaluate transportation projects that involve increasing roadway capacity for their potential to increase VMT. Where project-level increases are found to be potentially significant, implementing agencies shall identify and implement measures that reduce VMT Examples of measures that reduce the VMT associated with increases in roadway capacity include tolling new lanes to encourage carpools and fund transit improvements; converting existing general purpose lanes to high occupancy vehicle lanes; and implementing or funding off-site travel demand management. Implementing agencies shall evaluate VMT as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce VMT include infill development, mixed use and transit oriented development, complete street programs, reduced parking requirements, and providing alternative transportation facilities, such as bike lanes and transit stops.</td>
<td>Significant and unavoidable</td>
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Tribal Cultural Resources

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<th>Impact TCR-1</th>
<th>Mitigation Measure(s)</th>
<th>Significance After Mitigation</th>
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| Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS have the potential to impact tribal cultural resources. Impacts would be less than significant with mitigation incorporated. | **TCR-1 Tribal Cultural Resources Impact Minimization.** Implementing agencies shall comply with AB 52, which may require formal tribal consultation. If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, they shall implement mitigation measures identified in the consultation process required under PRC Section 21080.3.2, or shall implement the following measures where feasible to avoid or minimize the project-specific significant adverse impacts:  
  - Avoidance and preservation of the resources in place, including, but not limited to: planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.  
  - Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:  
    - Protecting the cultural character and integrity of the resource  
    - Protecting the traditional use of the resource  
    - Protecting the confidentiality of the resource.  
  - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.  
  - Native American monitoring by the appropriate tribe for all projects in areas identified as sensitive for potential tribal cultural resources and/or in the vicinity (within 100 feet) of known tribal cultural resources.  
  - If potential tribal cultural resources are encountered during ground-disturbing activities; work in the immediate area must halt and the appropriate tribal representative(s), the implementing agency, and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) must be contacted immediately to evaluate the find and determine the proper course of action. | Less than significant |
RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission
on the date of June 14, 2018
don the motion of Commissioner
duly seconded by Commissioner

A RESOLUTION TO ADOPT CEQA FINDINGS, A STATEMENT OF OVERRIDING
CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM
RELATED TO THE ENVIRONMENTAL IMPACT REPORT CERTIFIED BY THE
ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS FOR THE 2040 SANTA CRUZ
COUNTY REGIONAL TRANSPORTATION PLAN

WHEREAS, the Santa Cruz County Regional Transportation Commission is the state-
designated Regional Transportation Planning Agency (RTPA) for Santa Cruz County; and

WHEREAS, California Government Code Section 65080 (c) requires that each RTPA
adopt and submit an updated Regional Transportation Plan to the California Transportation
Commission and the Department of Transportation every five years in non-urban regions; and

WHEREAS, the Santa Cruz County Regional Transportation Plan has been prepared in
accordance with California Transportation Commission 2010 Regional Transportation Plan
Guidelines, pursuant to Government Code, Section 14522; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Res.
Code, §21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.), the
Association of Monterey Bay Area Governments (AMBAG) is the lead agency for the 2040
Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and Regional
Transportation Plan for Monterey, San Benito and Santa Cruz County Environmental Impact
Report (EIR), which incorporates the 2040 Santa Cruz County Regional Transportation Plan; and

WHEREAS, AMBAG has overseen, in coordination with the Santa Cruz County Regional
Transportation Commission, the Transportation Agency for Monterey County and San Benito
County Council of Governments the preparation of the EIR for each County’s Regional
Transportation Plans; and

WHEREAS, AMBAG was designated the Santa Cruz County Regional Transportation Plan
EIR lead agency by Santa Cruz County Regional Transportation Commission; and

WHEREAS, AMBAG has prepared and certified the Program EIR (SCH# 2013061052) for
the 2040 MTP/SCS, which incorporates the 2040 Santa Cruz County Regional Transportation
Plan, in compliance with CEQA; and

WHEREAS, the Final EIR consists of: (1) the Final EIR volume, which is a complete
revision of the Draft EIR; and (2) all appendices to the Final EIR, including Appendix F, which
consists of comments received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to significant environmental issues raised in the review and consultation process and other information; and

WHEREAS, CEQA Findings have been prepared in compliance with Public Resources Code §§21081 and CEQA Guidelines Section §15091 for every significant impact of the 2040 Santa Cruz County Regional Transportation Plan identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding (attached hereto as Exhibit A); and

WHEREAS, the 2040 Santa Cruz County Regional Transportation Plan will have significant unavoidable impacts that cannot be avoided or substantially lessened, and a Statement of Overriding Considerations has been prepared in compliance with Public Resources Code §21081 and CEQA Guidelines §15093 (attached hereto as Exhibit A), which concludes that specific economic, legal, social, technological, and other benefits of the 2040 Santa Cruz County Regional Transportation Plan outweigh the significant and unavoidable impacts identified in the EIR; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in compliance with Public Resources Code § 21081.6 and CEQA Guidelines §15097 (attached hereto as Exhibit B) to ensure implementation of the mitigation measures identified in the Final EIR; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, prior to taking action on the Project, the Santa Cruz County Regional Transportation Commission has considered all of the information in the EIR administrative record pertaining to the 2040 Santa Cruz County Regional Transportation Plan, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings;

NOW BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION:

1. The Santa Cruz County Regional Transportation Commission accepts that the Final EIR consists of: (1) the Final EIR (2) all appendices to the Final EIR (Appendices A-F), including Appendix F, which consists of comments and recommendations received on the Draft EIR, a list of persons, organizations, and public agencies commenting on the Draft EIR, responses to significant environmental points raised in the review and consultation process, and other information;

2. The Santa Cruz County Regional Transportation Commission makes and adopts the Findings required by Public Resources Code §§21081 and 21081.5 and CEQA Guidelines §15091 and 15096(h), which are attached hereto and included in Exhibit A and incorporated fully by this reference;
3. The Santa Cruz County Regional Transportation Commission adopts the Statement of Overriding Considerations as required by Public Resources Code §21081, and CEQA Guidelines §15093 and 15096(h), which is attached hereto and included in Exhibit A and incorporated fully by this reference; and,

4. The Santa Cruz County Regional Transportation Commission adopts the Mitigation Monitoring and Reporting Program as required by Public Resources Code §21081.6 and CEQA Guidelines §15097, which is attached hereto as Exhibit B and incorporated fully by this reference.

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSTAIN: COMMISSIONERS
ABSENT: COMMISSIONERS

John Leopold, Chair
ATTEST:

George Dondero, Secretary

Exhibit A: CEQA Findings, Statement of Overriding Consideration, Exhibit B: Mitigation Monitoring and Reporting Program

Distribution: Santa Cruz County Clerk of the Board
RTC Planner
AMBAG

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CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM

I. INTRODUCTION TO CEQA FINDINGS

These Findings of Fact are made pursuant to the California Environmental Quality Act (Pub. Res. Code §21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, §15000 et seq.) by the Board of Directors of Association of Monterey Bay Area Governments (AMBAG), as the lead agency for the 2040 Metropolitan Transportation Plan and Sustainable Communities Strategy (“2040 MTP/SCS,” or the “Project”). These Findings of Fact pertain to the Final Environmental Impact Report (“EIR”) SCH #2015121080.

A. PROJECT DESCRIPTION SUMMARY

The proposed Project by the Association of Monterey Bay Area Governments (AMBAG) is the Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS), which is a long-range planning document required by both State and Federal law and is an update of the 2035 AMBAG MTP/SCS. It contains a compilation of Regional Transportation Plans (RTPs) for Monterey, San Benito and Santa Cruz Counties and is used to achieve a coordinated and balanced regional transportation system. The plan is organized into seven chapters, plus an executive summary, as follows: Chapter 1—Vision, Chapter 2—Transportation Investments, Chapter 3—Financial Plan, Chapter 4—Sustainable Communities Strategy, Chapter 5—Performance Measures, Chapter 6—Public Participation, Chapter 7—Glossary. Of the seven chapters of the 2040 MTP/SCS, Chapters 1, 2, 3 and 4 are those with the potential to create physical changes to the environment.

AMBAG has prepared the Sustainable Communities Strategy (SCS) as part of the MTP, pursuant to the requirements of California Senate Bill 375 as adopted in 2008. The SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, reduces greenhouse gas (GHG) emissions from passenger vehicles and light duty trucks to achieve the regional GHG reduction targets set by the California Air Resources Board (CARB).

The 2040 MTP/SCS is based on a preferred land use scenario that consists of an intensified land use distribution approach that concentrates the forecasted population and employment growth in urban areas. The transportation network includes additional highway, local street improvements, active transportation and transit investments to serve a more concentrated urban growth pattern. Transportation system improvement projects identified in the 2040 MTP/SCS include: highway/roadway projects; bus rapid transit and rail projects; active transportation (bicycle and pedestrian projects); transportation demand management, transportation system management and intelligent transportation system (ITS) projects; and aviation projects.

The 2040 MTP/SCS would be implemented with several other existing AMBAG programs designed to reduce adverse impacts to transportation resources, air quality, greenhouse gas (GHG) emissions and energy. These are described in Section 2.6 of the Final EIR, and include the Regional Vanpool Program, the AMBAG Energy Watch Program, Electric Vehicle Infrastructure Master Plan for the Monterey Bay Area, Complete Streets Planning and Design Guidelines, Rideshare, Bike to School Day and Bike to Work Day Program, Safe Route to Schools Program, Regional Ecological Framework Project, Zero Emission Electric Motorcycle Pilot Project, Freeway Service Patrol and Motorist Assistance Program and Seniors and Accessible Transportation Services.
B. TYPE OF EIR

The 2040 MTP/SCS EIR is a Program EIR. A Program EIR is prepared for a series of actions that can be characterized as one project. An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and “program wide mitigation measures” at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. (CEQA Guidelines §15168(b)(4).) The Program EIR can serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews can focus on project-specific impacts and mitigation measures, and need not repeat the broad analyses contained in the Program EIR. As discussed by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the...program, leaving project-specific details to subsequent EIRs when specific projects are considered.” (In re Bay Delta (2008) 43 Cal. 4th 1143, 1174).

C. PROCEDURAL COMPLIANCE WITH CEQA

AMBAG published a Draft EIR on December 4, 2017, and a Final EIR on May 23, 2018, in compliance with CEQA requirements. AMBAG prepared the Draft and Final EIRs in accordance with CEQA and the CEQA Guidelines. As allowed for in CEQA Guidelines §15084(d)(2), AMBAG retained a consultant to assist with the preparation of the environmental documents. AMBAG, acting as lead agency, has directed, reviewed and edited as necessary all material prepared by the consultant, and such material reflects AMBAG’s independent judgment. In general, the preparation of the EIR included the following key steps and public notification efforts:

A 40-day scoping process began with AMBAG’s issuance of the Notice of Preparation (NOP) of an EIR on December 21, 2015. The NOP was filed with the State Clearinghouse on December 21, 2015, which started a 40-day comment period that ended January 29, 2016. AMBAG noticed and held three EIR scoping meetings during the 40-day comment period to receive perspective and input from agencies, organizations and individuals on the scope and content of the environmental information to be addressed in the EIR. EIR scoping meetings was held on January 11, 2016 in Hollister, January 27, 2016 in Aptos and January 28, 2016, in Salinas.

AMBAG issued the Draft EIR on December 4, 2017. The Notice of Availability for the Draft EIR was published in local newspapers (listed below) and distributed to a variety of government agencies, organizations and interested parties, including: local jurisdictions, tribal governments, state and federal agencies, resource agencies, water districts and boards, transportation agencies, community groups and organizations, business organizations, chambers of commerce, universities and school districts, senior/aging organizations, interested parties and members of the public. The Draft EIR was also posted on AMBAG’s website and available for review at the AMBAG Office.

Notice of Availability Published in Local Papers

- Hollister Free Press – December 8, 2017
- Monterey Herald – December 6, 2017
- Santa Cruz Sentinel – December 6, 2017
- San Jose Mercury News – December 6, 2017
- Merced Sun-Star – December 5, 2017
- Fresno Bee – December 5, 2017
- Hanford Sentinel – December 7, 2017
- Bakersfield Californian – December 5, 2017
- San Luis Obispo Tribune – December 7, 2017
- Benito Link – December 1, 2017
The Notice of Completion for the Draft EIR was filed with the State Clearinghouse on December 4, 2017. The Draft EIR was available for a 64-day public review period starting December 4, 2017. AMBAG hosted open houses and public hearings on the Draft EIR and Draft 2040 MTP/SCS on January 11, 2018 in Hollister, January 22, 2018 in Gonzales, January 24, 2018 in Seaside and January 30, 2018 in Santa Cruz.

Following close of the public review period, AMBAG revised the Draft EIR in response to comments received during the public review period and provided written responses addressing all significant environmental issues raised. Revisions made to the Draft EIR are shown throughout the Final EIR in strikethrough and underline text.

AMBAG published the Final EIR on May 23, 2018. AMBAG provided written responses to all public agencies that commented on the Draft EIR on May 24, 2018, which is at least 10 days prior to certifying the EIR. The AMBAG Board of Directors held a public hearing on June 13, 2018, to consider certification of the Final EIR and approval of the Project.

D. INCORPORATION OF FINAL EIR BY REFERENCE

The Final EIR is hereby incorporated by reference into these Findings of Fact. The Final EIR consists of: (1) the Final EIR volume, which is a complete revision of the Draft EIR; and (2) all appendices to the Final EIR, including Appendix F which contains comments on the Draft EIR; a list of persons, organizations and public agencies commenting of the Draft EIR; and AMBAG’s responses to significant environmental issued raised in Draft EIR comments.

E. REQUIREMENTS FOR CEQA FINDINGS

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the Project’s underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410; California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957.))

AMBAG has made one or more of these specific written findings regarding each significant impact associated with the 2040 MTP/SCS. Those findings are presented below, along with a presentation of facts in support of the findings. The AMBAG Board of Directors certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the
environmental issues identified and discussed. These findings are based on evidence contained in the totality of the administrative record before the AMBAG Board of Directors, including but not limited to the Final EIR “supporting evidence” cited herein.
II. LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which AMBAG’s Findings of Fact are based are located at 24580 Silver Cloud Court, Monterey, California. The custodian of these documents is Heather Adamson. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and 14 Cal. Code Regs. § 15091(e).

For purposes of CEQA and these Findings of Fact, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by AMBAG and in conjunction with the Project.
- The Draft and Final EIRs, including appendices and technical studies included or referenced in the Draft and Final EIRs.
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR.
- All comments and correspondence submitted to AMBAG with respect to the Project.
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project.
- All Findings and resolutions adopted by AMBAG decision makers in connection with the Project and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by Rincon and Mintier Harnish, consultants to AMBAG.
- All reports, memoranda, documentation, data output files relating to the land use and transportation modeling for the Project.
- All documents and information submitted to AMBAG by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Project, up through the date the AMBAG Board of Directors approved the Project.
- Minutes and/or verbatim transcripts of all information sessions, public meetings and public hearings held by AMBAG, in connection with the Project.
- Any documentary or other evidence submitted to AMBAG at such information sessions, public meetings and public hearings.
- Matters of common knowledge to AMBAG, including, but not limited to federal, state and local laws and regulations.
- Any documents expressly cited in these Findings of Fact, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code § 21167.6(e).
III. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Nevertheless, for the sake of completeness, the AMBAG Board of Directors hereby finds that the following environmental impacts of the 2040 MTP/SCS either have no impact or are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines § 15126.4(a)(3)).

Section 4.16 of the EIR explains why certain impacts were not found to be significant and therefore were not discussed in detail in the EIR, pursuant to CEQA Guidelines Section 15128. In addition, the findings below are for impacts that were considered in detail in the EIR, but are less than significant. These findings are based on the detailed discussions of impacts in Chapter 4 of the EIR.

A. AIR QUALITY AND HEALTH IMPACTS/RISKS

1. Impact AQ-1. Since the 2040 MTP/SCS would not conflict with the regional population forecast, and would reduce emissions of ozone precursors below 2015 baseline levels, it would not conflict with or obstruct implementation of the AQMP. Therefore, impacts would be less than significant.

   a. Mitigation – No mitigation is required.

   b. Findings and Rationale – The 2040 MTP/SCS would not conflict with or obstruct implementation of the Monterey Bay Air Resources District’s (MBARD) AQMD and impacts would be less than significant.

   c. Supportive Evidence - Please refer to page 150 of the Final EIR.

2. Impact AQ-5. Re-entrained dust has the potential to increase airborne PM$_{10}$ and PM$_{2.5}$ levels in Monterey, San Benito and Santa Cruz Counties. The increase in growth expected through the 2040 MTP/SCS planning horizon would result in additional vehicle miles traveled compared to baseline conditions, which would add to the particulate emissions levels in the area. However, total re-entrained dust levels would be lower with implementation of the 2040 MTP/SCS than 2015 existing conditions. Implementation of MBARD control measures would further reduce such emissions. Therefore, impacts would be less than significant.

   a. Mitigation – No mitigation is required.

   b. Findings and Rationale – With implementation of planned MBARD control measures to reduce emissions of PM$_{10}$ and PM$_{2.5}$, impacts would be less than significant.

   c. Supportive Evidence - Please refer to pages 160 through 162 of the Final EIR.

B. BIOLOGICAL RESOURCES

1. Impact B-4. Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy. This impact would be less than significant.

   a. Mitigation – No mitigation is required.
b. **Findings and Rationale** – Projects included in the 2040 MTP/SCS would impact biological resources but must comply with city and county development requirements, including compliance with local policies, ordinances and applicable permitting procedures related to protection biological resources. Impacts would be less than significant.

c. **Supportive Evidence** - Please refer to page 206 of the Final EIR.

### C. CULTURAL RESOURCES

1. **Impact CR-4.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could result in damage to or destruction of human burials. Impacts to human burials would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – Impacts would be less than significant with mandatory compliance with existing State regulations and laws pertaining to human burials and remains.

   c. **Supportive Evidence** – Please refer to page 229 of the Final EIR.

### D. ENERGY

1. **Impact E-1.** Future transportation improvement projects and implementation of the land use scenario envisioned by the 2040 MTP/SCS would increase demand for energy beyond existing conditions. However, the 2040 MTP/SCS would not result in inefficient, unnecessary, or wasteful direct or indirect consumption of energy and implementation, and would be consistent with applicable federal, state and local energy conservation policies. As such, this impact would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – The 2040 MTP/SCS would be generally consistent with plans and policies pertaining to energy conservation, and impacts would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 245 through 248 of the Final EIR.

### E. GEOLOGY AND SOILS

1. **Impact GEO-2.** Grading associated with transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could cause soil erosion and loss of top soil. However, compliance with applicable regulations would ensure that impacts would remain less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – Compliance with existing regulations and programs would prevent substantial erosion, and impacts would be less than significant.

   c. **Supportive Evidence** - Please refer to pages 262 through 263 of the Final EIR.
F. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE

1. Impact GHG-2. Implementation of the 2040 MTP/SCS would not result in a significant increase in total GHG emissions from mobile and land use sources compared to 2015 baseline conditions. Impacts would be less than significant.
   a. Mitigation – No mitigation is required.
   b. Findings and Rationale – The 2040 MTP/SCS would result in decreased operational regional greenhouse gas (GHG) emissions compared to 2015 baseline conditions in 2040. Therefore, impacts would be less than significant.
   c. Supporting Evidence – Please refer to page 284 of the Final EIR.

2. Impact GHG-3. Implementation of the 2040 MTP/SCS would not conflict with regional SB 375 per capita passenger vehicle CO$_2$ emission reduction targets. Impacts would be less than significant.
   a. Mitigation – No mitigation is required.
   b. Findings and Rationale – Implementation of the 2040 MTP/SCS would achieve the region’s Senate Bill (SB) 375 emissions reduction targets. Therefore, impacts would be less than significant.
   c. Supporting Evidence – Please refer to pages 285 through 286 of the Final EIR.

G. HAZARDS AND HAZARDOUS MATERIALS

1. Impact HAZ-1. Proposed transportation improvement projects and land use projects included in the 2040 MTP/SCS would facilitate the routine transport, use, or disposal of hazardous material, and may result in reasonably foreseeable upset and accident conditions. Mandatory compliance with existing regulations and programs would minimize the risk associated with these activities or accident conditions. Thus, hazards to the public or environment would be less than significant.
   a. Mitigation – No mitigation is required.
   b. Findings and Rationale – Mandatory compliance with existing regulations and programs would minimize the risk associated with these the routine transport, use and disposal of hazardous materials, as well as accident conditions related to these materials. Impacts would be less than significant.
   c. Supporting Evidence – Please refer to pages 306 through 309 of the Final EIR.

2. Impact HAZ-2. Proposed transportation improvement projects and land use projects included in the 2040 MTP/SCS would facilitate hazardous emissions or handling of acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. Existing regulations and programs would reduce the risk to schools to acceptable levels. Impacts would be less than significant.
   a. Mitigation – No mitigation is required.
b. **Findings and Rationale** – Mandatory compliance with existing regulations and laws would minimize the potential impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or potential future school. Impacts would be less than significant.

c. **Supporting Evidence** – Please refer to pages 309 through 310 of the Final EIR.

3. **Impact HAZ-4.** Transportation improvement projects and land use development included in the proposed 2040 MTP/SCS may be located near a public use airport or private airstrip. Existing regulations and regulatory oversight would reduce the inherent hazard of development near airports to safe levels, and impacts would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – Compliance with existing federal, state and local regulations and oversight in place that would effectively reduce the inherent hazard associated with development near airports to an acceptable and safe level. Impacts would be less than significant.

   c. **Supporting Evidence** – Please refer to page 312 of the Final EIR.

4. **Impact HAZ-5.** Land use development and transportation projects included in the 2040 MTP/SCS could interfere with existing emergency and evacuation. However, required regular updates to emergency response and evacuation plans would account for development and projects. Impacts related to interference or impairment of an adopted emergency response plan or emergency evacuation plan would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – Required regular updates to emergency response and evacuation plans would account for development and projects included in the 2040 MTP/SCS, and transportation projects have the potential to improve circulation, including during emergency response. Impacts would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 312 through 313 of the Final EIR.

**H. HYDROLOGY AND WATER QUALITY**

1. **Impact W-1.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could result in substantial eroded sediments and contaminants in runoff, as well as changes in drainage patterns and increased wastewater effluent discharges that could degrade surface and ground water quality. However, compliance with federal, state and local regulations would prevent violations of permit requirements, substantial erosion and siltation and substantial degradation of water quality. Impacts would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – Construction of projects included in the 2040 MTP/SCS would be required to comply with the federal Clean Water Act, which requires that coverage under a
National Pollutant Discharge Elimination System (NPDES) stormwater permit be obtained for
construction. Mandatory implementation of the SWPPP would prevent substantial erosion or
pollutants from degrading water quality or violating wastewater discharge requirements during
project construction. Mandatory compliance with existing stormwater regulations and permit
programs would prevent discharge of pollutants from operation of projects. Impacts would be
less than significant.

c. **Supporting Evidence** – Please refer to pages 338 through 340 of the Final EIR.

2. **Impact W-3.** Implementation of proposed transportation improvements and future projects included
in the land use scenario envisioned in the 2040 MTP/SCS would incrementally increase stormwater
flows in the AMBAG region. Impacts would be less than significant.

a. **Mitigation** – No mitigation is required.

b. **Findings and Rationale** – The transportation and land use projects included in the 2040 MTP/SCS
would be designed to comply with existing State and local jurisdiction requirements, included
applicable municipal code sections related to stormwater runoff and drainages, such as curb and
gutter design, and would build drainage infrastructure to control and accommodate the increase
in stormwater flows. Land use projects under the 2040 MTP/SCS would require drainage control
post-construction measures required under the NPDES MS4 permit and would include
implementation of low-impact development drainage control features. Thus, existing regulations
provide adequate preventative measures to limit or avoid substantial runoff during project
construction and operation. Based on compliance with these existing regulations, impacts would
be less than significant.

c. **Supporting Evidence** – Please refer to page 343 of the Final EIR.

3. **Impact W-4.** Implementation of proposed transportation improvements and future projects included
in the land use scenario envisioned in the 2040 MTP/SCS could be subject to flood hazards, dam
failure, or tsunami. However, compliance with existing regulations, the 2040 MTP/SCS would not
expose people or structures to a significant risk of loss, injury, or death associated with these
hazards. Impacts would be less than significant.

a. **Mitigation** – No mitigation is required.

b. **Findings and Rationale** – Compliance with existing regulations and programs would prevent
placement of structures within 100-year floodplain that could redirect flood flows, would prevent
development in 100-year floodplains and would prevent significant risks of loss, injury or death
resulting from flooding or inundation. Impacts would be less than significant.

c. **Supporting Evidence** – Please refer to pages 344 through 346 of the Final EIR.

I. **LAND USE**

1. **Impact LU-1.** Implementation of proposed transportation improvements and the land use scenario
envisioned by the 2040 MTP/SCS would not physically divide an established community. This impact
would be less than significant.

a. **Mitigation** – No mitigation is required.
b. **Findings and Rationale** – The transportation projects included in the 2040 MTP/SCS generally include improvements to existing roads and transportation facilities, rather than new roads or rail lines through existing or established communities. The land use scenario envisioned in the 2040 MTP/SCS encourages infill development in existing communities, rather than new communities in rural areas where new roads would be required. Therefore, the 2040 MTP/SCS would not physically divide established communities, and impacts would be less than significant.

c. **Supportive Evidence** – Please refer to pages 357 through 358 of the Final EIR.

**J. POPULATION AND HOUSING**

1. **Impact PH-2.** Land use development included in the 2040 MTP/SCS would temporarily displace existing housing and people as individual housing development sites are redeveloped. However, this displacement would be temporary and would be offset by a significant net increase in housing units by 2040. Impacts would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – Land use development included in the 2040 MTP/SCS would temporarily displace existing housing and people as individual housing development sites are redeveloped. However, in the long term, the 2040 MTP/SCS would result in a net increase in housing units in the AMBAG region. Impacts would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 394 through 395 of the Final EIR.

**K. TRANSPORTATION AND CIRCULATION**

1. **Impact T-3.** The 2040 MTP/SCS includes transit projects that would improve and expand transit services in the region. The 2040 MTP/SCS would increase the percentage of jobs within proximity to transit stops and the percent of transit trips less than 30 minutes during peak period. Thus, the 2040 MTP/SCS would not substantially disrupt transit service and impacts would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – The 2040 MTP/SCS would result in performance improvements in the transit system. Thus, impacts would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 419 through 420 of the Final EIR.

2. **Impact T-4.** The 2040 MTP/SCS would improve conditions for bicycle and pedestrian travel in the AMBAG region, and bicycle and pedestrian facilities would not be substantially disrupted. Impacts would be less than significant.

   a. **Mitigation** – No mitigation is required.

   b. **Findings and Rationale** – The 2040 MTP/SCS would result in additional and improved facilities to accommodate pedestrian and bicycle travel modes, and would not substantially disrupt bicycle and pedestrian facilities. Impacts would be less than significant.
c. Supporting Evidence – Please refer to page 421 of the Final EIR.
IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The AMBAG Board of Directors hereby finds that the following mitigation measures identified in the EIR which will avoid or substantially lessen the following environmental impacts reducing them to a less than significant level, have been required in or incorporated into the Project. These findings are based on the discussion of impacts in the detailed impact analyses in Chapter 4 of the EIR, as well as relevant responses to comments in the Final EIR. The findings below are for impacts where implementation of the Project may result in the following significant environmental impacts that will be reduced to less-than-significant levels following mitigation:

A. AESTHETICS

1. Impact AES-3. Transportation projects envisioned in the 2040 MTP/SCS would result in increased lighting from security lighting, landscape and structure lighting and lights on vehicles. Land use projects envisioned in the 2040 MTP/SCS would also introduce new or intensified sources of lighting. Lighting and glare may adversely affect daytime and nighttime views in the area and this would be a significant but mitigable impact.

   a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures for transportation projects that would result in light and glare impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

   AES-3(a) Roadway Lighting. Roadway lighting shall be minimized to the extent possible, consistent with safety and security objectives and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of hoods, low intensity lighting and using as few lights as necessary to achieve the goals of the project.

   AES-3(b) Lighting Design Measures. As part of planning, design and engineering for projects, implementing agencies shall ensure that projects proposed near light-sensitive uses avoid substantial spillover lighting. Potential design measures include, but are not limited to, the following:

   - Lighting shall consist of cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light into adjacent properties and undeveloped open space. Fixtures that project light upward or horizontally shall not be used.
   - Lighting shall be directed away from habitat and open space areas adjacent to the project site.
   - Light mountings shall be downcast and the height of the poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light onto adjacent private properties and
undevolved open space. Light poles will be 20 feet high or shorter. Luminary mountings shall have non-glare finishes.

- Exterior lighting features shall be directed downward and shielded in order to confine light to the boundaries of the subject project. Where more intense lighting is necessary for safety purposes, the design shall include landscaping to block light from sensitive land uses, such as residences.

**AES-3(c) Glare Reduction Measures.** Implementing agencies shall minimize and control glare from transportation and infill development projects near glare-sensitive uses through the adoption of project design features such as:

- Planting trees along transportation corridors to reduce glare from the sun;
- Creating tree wells in existing sidewalks;
- Adding trees in new curb extensions and traffic circles;
- Adding trees to public parks and greenways;
- Landscaping off-street parking areas, loading areas and service areas;
- Limiting the use of reflective materials, such as metal;
- Using non-reflective material, such as paint, vegetative screening, matte finish coatings and masonry;
- Screening parking areas by using vegetation or trees;
- Using low-reflective glass; and
- Complying with applicable general plan policies or local controls related to glare

Tree species planted to comply with this measure shall provide substantial shade cover when mature. Utilities shall be installed underground along these routes wherever feasible to allow trees to grow and provide shade without need for severe pruning.

**b. Findings and Rationale** – Mitigation Measures AES-3(a)-(c) would minimize roadway lighting, limit the use of reflective building materials and the potential spillage of light both upward and onto adjacent properties from exterior lighting fixtures and minimize light and glare. As a result, in areas lacking existing dark sky ordinances or similar lighting regulations, or where such regulations are insufficient, the implementation of the identified mitigation measures would reduce impacts related to light and glare to a less-than-significant level. The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them.

**c. Supportive Evidence** – Please refer to pages 101 through 103 of the Final EIR.

**B. GEOLOGY AND SOILS**

1. **Impact GEO-1.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2040 MTP/SCS could be subject to seismic hazards, including fault rupture, ground-shaking, liquefaction and landslides that could expose people or structures to substantial adverse effects. Impacts would be significant but mitigable.
a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for applicable transportation projects that could expose people or structures to substantial adverse effects due to seismic hazards. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GEO-1 Geotechnical Design.** If a 2040 MTP/SCS project is located in a zone of high potential ground-shaking intensity, implementing agencies can and should complete a site specific geotechnical report conducted by a qualified geotechnical expert. Any investigations shall comply with the California Geological Survey’s Guidelines for Evaluating and Mitigating Seismic Hazards in California and projects shall comply with the recommendations stated in the geotechnical analysis (California Geological Survey 2008). Recommendations may include, but are not limited to, the following: fill placement and compaction, isolated and continuous footing, site specific pipe bedding and site specific seismic design criteria.

b. **Findings and Rationale** – Mitigation Measure GEO-1 would reduce impacts to a less than significant level because site-specific geotechnical engineering would be required consistent with existing regulations to ensure that proposed facilities and structures would be designed in such a way that seismic hazards, including fault rupture, ground-shaking, liquefaction and landslides, would not expose people or structures to substantial adverse effects. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them.

c. **Supportive Evidence** – Please refer to pages 261 through 262 of the Final EIR.

2. **Impact GEO-3.** Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS could be located on potentially unstable or expansive soils or in areas of lateral spreading, subsidence, or high liquefaction potential. Impacts would be significant but mitigable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that could be located on unstable soils or in areas of high liquefaction potential. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GEO-3(a) Geotechnical Analysis.** If a 2040 MTP/SCS project is located in an area of moderate to high liquefaction, lateral spreading and/or subsidence potential or in underground areas located in an area of high groundwater potential,
the RTPAs shall ensure and sponsor agencies can and should ensure that these structures are designed based upon site specific geology, soils and earthquake engineering studies conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible design measures include, but would not be limited to: deep foundations, removal of liquefiable materials and dewatering.

GEO-3(b) **Hillside Stability Evaluation.** If a 2040 MTP/SCS project requires cut slopes over 20 feet in height or is located in areas of bedded or jointed bedrock, the implementing agency shall ensure that hillside stability evaluations and/or specific slope stabilization studies are conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible stabilization methods include buttresses, retaining walls and soldier piles. In addition, to sustain a functional long-term transportation system along the coast, the strategies identified in Caltrans’ 2004 *Big Sur Coast Highway Management Plan* shall be implemented where appropriate and when feasible. Applicable *Big Sur Coast Highway Management Plan* measures may include, but are not limited to: adaptation to the fluid landform; separation of the highway from the moving landform; and, temporary or permanent rockfall catchments.

GEO-3(c) **Site Specific Geotechnical Evaluation.** If a 2040 MTP/SCS project is located in an area of highly expansive soils, the RTPAs shall and sponsors agencies can and should ensure that a site-specific geotechnical investigation is conducted. The investigation shall identify hazardous conditions and recommend appropriate design factors to minimize hazards. Such measures could include concrete slabs on grade with increased steel reinforcement, removal of highly expansive material and replacement with non-expansive import fill material, or chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.

b. **Findings and Rationale** – Mitigation Measures GEO-3(a)-(c) would reduce impacts to a less than significant level because individual projects would require geotechnical analysis when located on potentially unstable or expansive soils or in areas of geologic hazards. Site specific geotechnical evaluations and hillside stability evaluations would identify feasible measures to address site specific issues related to unstable soils and geologic hazards and reduce soils and geologic hazards impacts to less than significant levels. The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them.

c. **Supportive Evidence** – Please refer to pages 263 through 265 of the Final EIR.

**C. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE**

1. **Impact GHG-1.** Construction of the transportation improvement projects and development within future land use projects envisioned by the 2040 MTP/SCS would generate temporary short-term GHG emissions that may have a significant effect. Impacts would be significant but mitigable.
a. **Mitigation** – For all transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects generating construction GHG emissions. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GHG-1 Construction GHG Reduction Measures.** The implementing agency shall incorporate the most recent GHG reduction measures and/or technologies for reducing diesel particulate and NOX emissions measures for off-road construction vehicles during construction. The measures shall be noted on all construction plans and the implementing agency shall perform periodic site inspections. Current GHG-reducing measures include the following:

- Use of diesel construction equipment meeting CARB’s Tier 4 certified engines wherever feasible for off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation. Where the use of Tier 4 engines is not feasible, Tier 3 certified engines shall be used; and where Tier 3 engines are not feasible, Tier 2 certified engines shall be used;
- Use of on-road heavy-duty trucks that meet the CARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five minute idling limit;
- Use of electric powered equipment in place of diesel powered equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- Use of alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, in place of diesel powered equipment for 15 percent of the fleet; and Use of materials sources from local suppliers; and
- Recycling of at least 50 percent of construction waste materials.

b. **Findings and Rationale** – Mitigation Measure GHG-1 would reduce construction GHG emissions from individual projects to the maximum extent feasible. Because construction activities generally result in annual GHGs emissions that represent a small proportion of total annual GHG emissions, and implementation of the 2040 MTP/SCS would result in a net reduction in GHG emissions in 2040 when compared to as compared to the 2015 baseline, GHG impacts associated with construction activity would be less than significant following mitigation. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it.

c. **Supportive Evidence** – Please refer to pages 282 through 283 of the Final EIR.
D. HAZARDS AND HAZARDOUS MATERIALS

1. Impact HAZ-3. The 2040 MTP/SCS includes land use projects and transportation projects that could occur on previously unknown hazardous material sites or sites on the list compiled by Government Code Section 65962.5. Thus, construction of these projects could create a significant hazard to the public or environment. Impacts would be significant but mitigable.

   a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in hazardous materials impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

      HAZ-3 Site Remediation. If an individual project included in the 2040 MTP/SCS is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the implementing agency shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials’ E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented. Examples of typical recommendations provided in Phase I/II ESAs include removal of contaminated soil in accordance with a soil management plan approved by the local environmental health department; covering stockpiles of contaminated soil to prevent fugitive dust emissions; capturing groundwater encountered during construction in a holding tank for additional testing and characterization and disposal based on its characterization; and development of a health and safety plan for construction workers.

   b. Findings and Rationale – Mitigation Measure HAZ-3 would reduce impacts to less than significant because project sites with hazardous material contamination that are previously unknown or that are included on the list compiled by the Government Code Section 65962.5 would be identified prior to commencement of project construction. Additionally, prior to commencement of construction, measures to remediate contamination, such as containment and disposal of contaminated soil pursuant to federal and state regulations would be required. These measures would prevent significant hazards to the public or the environment. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it.

   c. Supportive Evidence – Please refer to pages 310 through 312 of the Final EIR.
E. TRIBAL CULTURAL RESOURCES

1. Impact TCR-1. Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS have the potential to cause substantial adverse changes in the significance of tribal cultural resources. Impacts would be significant but mitigable.

   a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to tribal cultural resources. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

      TCR-1 Tribal Cultural Resources Impact Minimization. Implementing agencies shall comply with AB 52, which may require formal tribal consultation. If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, they shall implement mitigation measures identified in the consultation process required under PRC Section 21080.3.2, or shall implement the following measures where feasible to avoid or minimize the project-specific significant adverse impacts:

      • Avoidance and preservation of the resources in place, including, but not limited to: planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

      • Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
        o Protecting the cultural character and integrity of the resource
        o Protecting the traditional use of the resource
        o Protecting the confidentiality of the resource

      • Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

      • Native American monitoring by the appropriate tribe for all projects in areas identified as sensitive for potential tribal cultural resources and/or in the vicinity (within 100 feet) of known tribal cultural resources.

      • If potential tribal cultural resources are encountered during ground-disturbing activities; work in the immediate area must halt and the appropriate tribal representative(s), the implementing agency, and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) must be contacted immediately to evaluate the find and determine the proper course of action.
b. **Findings and Rationale** – Mitigation Measure TCR-1 would require AB 52 compliance and would result in necessary mitigation cause substantial adverse changes in the significance of tribal cultural resources. These measures would protect the resource’s character, traditional use and confidentiality. Impacts to tribal cultural resources would be reduced to a less than significant level. The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it.

c. **Supportive Evidence** – Please refer to pages 428 through 429 of the Final EIR.
V. FINDINGS FOR IMPACTS THAT ARE SIGNIFICANT AND UNAVOIDABLE

The AMBAG Board of Directors hereby finds that the following mitigation measures identified in the EIR that will lessen the following significant environmental impacts, but not to a less than significant level, have been required in or incorporated into the Project. These findings are based on the discussion of impacts in the detailed impact analyses in Chapter 4 of the EIR as well as relevant responses to comments in the Final EIR. The findings below are for impacts where implementation of the Project may result in the following significant, unavoidable environmental impacts:

A. AESTHETICS

1. Impact AES-1. Proposed transportation improvement projects and land use projects envisioned by the 2040 MTP/SCS may affect public views of scenic vistas or substantially damage scenic resources along designated scenic corridors, including state scenic highways. This would be a significant and unavoidable impact.

a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would potentially degrade scenic vistas or scenic resources within a state scenic highway. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

   AES-1(a) Discouragement of Architectural Features that Block Scenic Views. Implementing agencies shall design projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development. Setbacks and acoustical design of adjacent structures shall be preferentially used as mitigation for potential noise impacts arising from increased traffic volumes associated with adjacent land development. The use of sound walls, or any other architectural features that could block views from the scenic highways or other view corridors, shall be discouraged to the extent possible. Where use of sound walls is found to be necessary, walls shall incorporate offsets, accents and landscaping to prevent monotony. In addition, sound walls shall be complementary in color and texture to surrounding natural features.

   AES-1(b) Tree Protection and Replacement. New roadways and extensions and widenings of existing roadways shall avoid the removal of existing mature trees to the extent possible. The implementing agency of a particular 2040 MTP/SCS project shall replace any trees lost at a minimum 2:1 basis and incorporate them into the landscaping design for the roadway when feasible. The implementing agency also shall ensure the continued vitality of replaced trees through periodic maintenance.

b. Findings and Rationale – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible
agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Although Mitigation Measure AES-1(a) and (b) would lessen impacts related to scenic vistas and state-designated scenic highway corridors and scenic resources, individual transportation infrastructure projects as well as land use development included in the 2040 MTP/SCS could still result in obstructions to panoramic views and views of important landscape features or landforms (mountains, oceans, rivers, bas, or important man-made structures) as seen from public viewing areas. Given the extent of planned land use development and the potential for site-specific visual obstructions from future land use and transportation projects, impacts related to the obstruction of scenic vistas from public viewing areas and impacts to state-designated scenic highway corridors and scenic resources would be significant and unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or Project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 97 through 99 of the Final EIR.

2. **Impact AES-2.** Proposed transportation improvement projects and land use projects envisioned by the 2040 MTP/SCS may substantially degrade existing visual character in the AMBAG region. This would be a significant and unavoidable impact.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure developed for the 2040 MTP/SCS program where applicable for transportation projects that would substantially degrade visual character. Cities and counties in the AMBAG region can and should implement this measure, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AES-2 Design Measures for Visual Compatibility.** The implementing agency shall require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include:

- Siting or designing projects to minimize their intrusion into important viewsheds;
- Avoiding large cuts and fills when the visual environment (natural or urban) would be substantially disrupted;
- Ensuring that re-contouring provides a smooth and gradual transition between modified landforms and existing grade;
- Developing transportation systems to be compatible with the surrounding environments (e.g., colors and materials of construction material; scale of improvements);
- Protecting or replacing trees in the project area;
- Designing and installing landscaping to add natural elements and visual interest to soften hard edges, as well as to restore natural
features along corridors where possible after widening, interchange modifications, re-alignment, or construction of ancillary facilities. The implementing agency shall provide a performance security equal to the value of the landscaping/irrigation installation to ensure compliance with landscaping plans; and

- Designing new structures to be compatible in scale, mass, character and architecture with existing structures.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure AES-2 would reduce project-specific impacts to the extent feasible, but the incremental alteration of current rural or semi-rural character to a more suburban environment is considered a significant and unavoidable impact. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 99 through 101 of the Final EIR.

B. **AGRICULTURE AND FORESTRY RESOURCES**

1. **Impact AG-1.** Proposed transportation improvements and land use projects envisioned by the 2040 MTP/SCS could directly or indirectly result in the conversion of Important Farmland to nonagricultural use, or conflict with existing zoning for agriculture, or a Williamson Act contract. This would be a significant and unavoidable impact.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would result in impacts to Important Farmland. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

<table>
<thead>
<tr>
<th>AG-1</th>
<th><strong>Impact Avoidance and Minimization.</strong> Implementing agencies shall implement measures, where feasible based on project-and site-specific considerations that include, but are not limited to those identified below.</th>
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<td>• Require project relocation or corridor realignment, where feasible, to avoid Important Farmland, agriculturally-zoned land and/or land under Williamson Act contract;</td>
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<td></td>
<td>• Compensatory mitigation at a minimum 1:1 (impacted: replaced) acreage ratio with Important Farmland of equivalent or better quality;</td>
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• Require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of Important Farmland; and/or
• Institute new protection of farmland in the project area or elsewhere through the use of long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.).

b. Findings and Rationale – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure AG-1 would require avoidance or compensation for Important Farmland impacted by specific projects included in the 2040 MTP/SCS, thereby reducing the impact of conversion of Important Farmland to non-agriculture use and conflicts with agricultural zoning and Williamson Act contracts. However, is unlikely that all Important Farmland could be avoided, or that compensation would completely prevent the loss of Important Farmland. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 122 through 124 of the Final EIR.

C. AIR QUALITY AND HEALTH IMPACTS/RISKS

1. Impact AQ-2. Construction activities associated with transportation projects under the 2040 MTP/SCS, as well as the land use projects envisioned by the 2040 MTP/SCS, would create fugitive dust and ozone precursor emissions and could violate air quality standards, contribute substantially to existing or projected air quality violations, or result in a cumulatively considerable net increases in PM$_{10}$ or ozone precursor emissions. This impact would be significant and unavoidable.

a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in fugitive dust and ozone precursor emissions. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

AQ-2(a) Application of MBARD Feasible Mitigation Measures. For all projects, the implementing agency shall incorporate the most recent MBARD feasible mitigation measures and/or technologies for reducing inhalable particles based on analysis of individual sites and project circumstances. Current MBARD feasible mitigation measures include the following. Additional and/or modified measures may be adopted by MBARD prior to
implementation of individual projects under the 2040 MTP/SCS. The most current list of feasible mitigation measures at the time of project implementation shall be used.

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.
- Haul trucks shall maintain at least 2’0” of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads on construction sites.
- Sweep streets if visible soil material is carried out from the construction site.
- Limit the area under construction at any one time.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District shall be visible to ensure compliance with Rule 402 (Nuisance).

**AQ-2(b) Diesel Equipment Emissions Standards.** The implementing agency shall ensure, to the maximum extent feasible, that diesel construction equipment meeting CARB Tier 4 emission standards for off-road heavy-duty diesel engines is used. If use of Tier 4 equipment is not feasible, diesel construction equipment meeting Tier 3 (or if infeasible, Tier 2) emission standards shall be used. These measures shall be noted on all construction plans and the implementing agency shall perform periodic site inspections.

**AQ-2(c) Electric Construction Equipment.** The implementing agency shall ensure that to the extent possible, construction equipment utilizes electricity from power poles rather than temporary diesel power generators and/or gasoline power generators.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Implementation of Mitigation Measures AQ-2(a)-(c) would reduce emissions related to short-term construction emissions from individual projects and thus reduce the severity of
impacts. However, because individual project circumstances will vary and these measures may not be feasible for individual projects, implementation of these measures would not guarantee that the impact would be reduced to less than significant. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 151 through 153 of the Final EIR.

2. **Impact AQ-3.** Implementation of the 2040 MTP/SCS would reduce ozone precursors compared to 2015 existing conditions. However, implementation of the 2040 MTP/SCS would increase PM$_{10}$ emissions compared to 2015 existing conditions, which could contribute substantially to a projected air quality violation. Long-term operational impacts related to PM$_{10}$ emissions would be significant and unavoidable.

a. **Mitigation** – For land use projects under their jurisdiction, the cities and counties in the AMBAG region can and should implement the following measures to reduce PM$_{10}$ emissions, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AQ-3 Project-Level PM$_{10}$ Emissions Reduction.** Implementing agencies shall evaluate PM$_{10}$ emissions as part of project-specific CEQA review and discretionary approval decisions for land use projects in the NCCAB. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce PM$_{10}$ emissions below MBARD standards to the extent feasible. PM$_{10}$ emissions reduction measures may include:

- Require new residential and commercial construction to apply dust suppressants, including water and non-toxic surfactants, and to comply with the maximum feasible dust and emissions control measures recommended by MBARD, to reduce particulate matter emissions from construction areas.

- Require new construction projects to use the newest available (Tier 3 or better) construction equipment, which generate lower emissions of diesel particulate matter when operating.

- Require new development to contribute mitigation fees to the MBARD Carl Moyer grant incentive programs that provide funding for regional PM$_{10}$-reduction measures, including replacement of diesel engines in buses and other vehicles that reduce emissions of diesel particulate matter in the District.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation
Implementation of Mitigation Measure AQ-3 would reduce PM$_{10}$ emissions related to land use projects and thus reduce the severity of impacts. However, implementation of project-level daily PM$_{10}$-reducing measures may not be feasible and cannot be guaranteed on a project-by-project basis. Additionally, it is unlikely that an increase in daily PM$_{10}$ emissions above existing conditions could be fully avoided in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 153 through 156 of the Final EIR.

3. **Impact AQ-4.** Implementation of the 2040 MTP/SCS would not result in a significant regional increase in toxic air emissions or odorous compounds when compared to 2015 existing conditions. However, future growth and development facilitated by the 2040 MTP/SCS land use scenario could expose sensitive receptors to substantial hazardous air pollutant concentrations and objectionable odors. Impacts would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**AQ-4 Health Risk Reduction Measures.** Transportation implementing agencies shall implement the following measures:

- During project-specific design and CEQA review, the potential localized particulate (PM$_{10}$ and PM$_{2.5}$) impacts and their health risks of shall be evaluated for the project using procedures and guidelines consistent with U.S. EPA 2015’s Transportation Conformity Guidance for Quantitative Hot-Spot Analyses in PM$_{2.5}$ and PM$_{10}$ Nonattainment and Maintenance Areas. If required based on the project-level hotspot analysis, project-specific mitigation shall be added to the project design concept or scope to ensure that local particulate (PM$_{10}$ and PM$_{2.5}$) emissions would not reach a concentration at any location that would cause estimated cancer risk to exceed the 2015 Office of Environmental Health Hazard Assessment (OEHHA) threshold of 10 in one million. Per the U.S. EPA guidance (2015), potential mitigation measures to be considered may include but shall not be limited to: providing a retrofit program for older higher emitting vehicles, anti-idling requirements or policies, controlling fugitive dust, routing traffic away from populated zones, and replacing older buses with cleaner buses. These measures can and
should be implemented to reduce localized particulate impacts as needed.

- Retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and OEHHA requirements to determine the exposure of nearby residents to TAC concentrations.

- If impacts result in increased risks to sensitive receptors above significance thresholds, plant trees and/or vegetation suited to trapping TACs and/or sound walls between sensitive receptors and the pollution source. This measure would trap TACs emitted from pollution sources such as highways, reducing the amount of TACs to which residents and other sensitive populations would be exposed.

In addition, consistent with the general guidance contained in CARB’s Air Quality and Land Use Handbook (April 2005) and Technical Advisory on Strategies to Reduce Air pollution Exposure Near High-Volume Roadways (April 2017), for land use projects, appropriate and feasible measures shall be incorporated into project building design for residential, school and other sensitive uses located within 500 feet, or other distance as determined by the lead agency, of freeways, heavily travelled arterials, railways and other sources of diesel particulate matter, including roadways experiencing significant vehicle delays (CARB 2005). The appropriate measures shall include one or more of the following methods, as determined by a qualified professional, as applicable. The implementing agency shall incorporate health risk reduction measures based on analysis of individual sites and project circumstances. These measures may include:

- Avoid siting new sensitive land uses within 500 feet of a freeway or railway.

- Require development projects for new sensitive land uses to be designed to minimize exposure to roadway-related pollutants to the maximum extent feasible through inclusion of design components including air filtration and physical barriers.

- Do not locate sensitive receptors near the entry and exit points of a distribution center.

- Locate structures and outdoor living areas for sensitive uses as far as possible from the source of emissions. As feasible, locate doors, outdoor living areas and air intake vents primarily on the side of the building away from the freeway or other pollution source. As feasible, incorporate dense, tiered vegetation that regains foliage year-round and has a long life span between the pollution source and the project.

- Maintain a 50-foot buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year).

- Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the MERV 13. The HV system should include the following features: Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from
entering the building. Either HEPA filters or ASHRAE 85% supply filters should be used. Ongoing maintenance should occur.

- Retain a qualified HV consultant or Home Energy Rating Systems (HERS) rater during the design phase of the project to locate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources.
- Maintain positive pressure within the building.
- Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
- Achieve a performance standard of at least 4 air exchanges per hour of recirculation. Achieve a performance standard of 0.25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.
- Require project owners to provide a disclosure statement to occupants and buyers summarizing technical studies that reflect health concerns about exposure to highway exhaust emissions.
- Implement feasible attenuation measures needed to reduce potential air quality impacts to sensitive receptors such as air filtration systems.

b. Findings and Rationale – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Although implementation of Mitigation Measure AQ-4 would reduce health risks, individual receptors may still be exposed to substantial hazardous air pollutant concentrations that would have significant health risk effects. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 156 through 160 of the Final EIR.

D. BIOLOGICAL RESOURCES

1. Impact B-1. Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may have substantial adverse impacts on special status plant and animal species, either directly or through habitat modifications. Impacts would be significant and unavoidable.

a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects identified in Appendix B. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.
**B-1(a) Biological Resources Screening and Assessment.** On a project-by-project basis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment to document the existing biological resources within the project footprint plus a buffer and to determine the potential impacts to those resources. The biological resources assessment shall evaluate the potential for impacts to all biological resources including, but not limited to: special status species, nesting birds, wildlife movement, sensitive plant communities, critical habitat, Essential Fish Habitat, and other resources judged to be sensitive by local, state and/or federal agencies. Depending on the results of the biological resources assessment, design alterations, further technical studies (i.e. protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state and federal agencies may be required. The following mitigation measures [B-1(b) through B-1(j)] shall be incorporated only as applicable into the biological resources assessment for projects where specific resources are present or may be present and impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the biological resources assessment where suitable habitat is present. The results of the biological resources screening and assessment shall be provided to the implementing agency for review and approval.

**B-1(b) Special Status Plant Species Surveys.** If completion of the project-specific biological resources assessment determines that special status plant species have potential to occur on-site, surveys for special status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the target species identified in the project-specific biological resources assessment. All plant surveys shall be conducted by a qualified biologist approved by the implementing agency no more than one years prior to project implementation (annual grassland habitats may require yearly surveys). All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph or topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency for review. If special status plant species are identified, mitigation measure B-1(c) shall apply.

**B-1(c) Special Status Plant Species Avoidance, Minimization and Mitigation.** If state- or federally listed and/or CRPR 1 and 2 species are found during special status plant surveys [pursuant to mitigation measure B-1(b)], then the project shall be re-designed to avoid impacting these plant species to the maximum extent feasible. If CRPR 3 and 4 species are found, the biologist
shall evaluate to determine if they meet criteria to be considered special status, and if so, the same process as identified for CRPR 1 and 2 species shall apply.

If special status plants species cannot be avoided and would be impacted by a project implemented under the 2040 MTP/SCS, all impacts shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to implementing agency overseeing the project for approval.

**B-1(d) Endangered/Threatened Animal Species Habitat Assessment and Protocol Surveys.** Specific habitat assessment and survey protocol surveys are established for several federally and/or state endangered or threatened animal species. If the results of the biological resources assessment determine that suitable habitat may be present for any such species, protocol habitat assessments/surveys shall be completed in accordance with CDFW and/or USFWS/NMFS protocols prior to issuance of any construction permits/project approvals.

Alternatively, in lieu of conducting protocol surveys, the implementing agency may choose to assume presence within the project footprint and proceed with development of appropriate avoidance measures, consultation and permitting, as applicable.

If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure B-1(e) shall apply.

**B-1(e) Endangered/Threatened Animal Species Avoidance and Compensatory Mitigation.** If habitat is occupied or presumed occupied by federal and/or state listed species and would be impacted by the project, the implementing agency shall re-design the project in coordination with a qualified biologist to avoid impacting occupied/presumed occupied habitat to the maximum extent feasible. If occupied or presumed occupied habitat cannot be avoided, the implementing agency shall provide the total acreages for habitat that would be impacted prior to the issuance of construction permits/approvals. The implementing agency shall purchase credits at a USFWS, NMFS and/or CDFW approved conservation bank if available for the affected species and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts to federal and/or state listed species habitat.

Compensatory mitigation shall be provided at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for permanent impacts. Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable. Temporary impact areas shall be restored to pre-project conditions.
If on and/or off site mitigation sites are identified the implementing agency shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts to federal and/or state listed species. The HMMP shall identify long term site management needs, routine monitoring techniques, techniques and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. The HMMP shall be submitted to the agency overseeing the project for approval.

B-1(f)  
**Endangered/Threatened Species Avoidance and Minimization During Construction.** The following measures shall be applied to aquatic and terrestrial species, where appropriate. Implementing agencies shall select from these measures as appropriate depending on site conditions, the species with potential for occurrence and the results of the biological resources screening and assessment (measure B-1[a]).

- Pre-construction surveys for federal and/or state listed species with potential to occur shall be conducted where suitable habitat is present by a qualified biologist not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of federal and/or state listed species is found within the survey area, the appropriate measures in the BO or Habitat Conservation Plan (HCP)/Incidental Take Permit (ITP) issued by the USFWS/NMFS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) shall be implemented; or if such guidance is not in place for the activity, the qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. The results of the pre-construction surveys shall be submitted to the implementing agency for review and approval prior to start of construction.

- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction Environmental Sensitive Area fencing installed between said area and the limits of disturbance.

- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed during the dry season, typically between April 1 and October 31, to avoid impacts to sensitive aquatic species.

- All projects occurring within or adjacent to sensitive habitats that may support federally and/or state endangered/threatened species shall have a qualified biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of
the CDFW and/or USFWS/NMFS or as outlined in project permits, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are begin fully implemented.

- No endangered/threatened species shall be captured and relocated without authorization from the CDFW and/or USFWS/NMFS.
- If pumps are used for dewatering activities, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.
- If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. At that point, a qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. Alternatively, the appropriate measures shall be implemented in accordance with the BO or HCP/ITP issued by the USFWS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) and work can then continue as guided by those documents and the agencies as appropriate.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel other than equipment necessary to conduct approved dewatering activities required for project construction.
- All equipment operating within streambeds (restricted to conditions in which water is not present) shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.
- At the end of each work day, excavations shall be secured with cover or a ramp shall be provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

**B-1(g) Non-Listed Special Status Animal Species Avoidance and Minimization.** Depending on the species identified in the BRA, the following measures shall be selected from among the following to reduce the potential for impacts to non-listed special status animal species:

- Pre-construction clearance surveys shall be conducted within 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 100-foot buffer and shall identify all special status animal species that may occur on-site. All non-listed special status species shall be relocated from the site either through
direct capture or through passive exclusion. A report of the pre-construction survey shall be submitted to the implementing agency for their review and approval prior to the start of construction.

- A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal, to recover special status animal species unearthed by construction activities.
- Upon completion of the project, a qualified biologist shall prepare a final compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted within 30 days of completion of the project.
- If special status bat species may be present and impacted by the project, within 30 days of the start of construction a qualified biologist shall conduct presence/absence surveys for special status bats, in consultation with the CDFW, where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices and other areas where bats may roost. If active bat roosts or colonies are present, the biologist shall evaluate the type of roost to determine the next step.
  - If a maternity colony is present, all construction activities shall be postponed within a 250-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed or as recommended by CDFW through consultation. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.
  - If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), alternative roosts, such as bat boxes if appropriate for the species, shall be designed and installed near the project site. The number and size of alternative roosts installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW.
  - If other active roosts are located, exclusion devices such as valves, sheeting or flap-style one-way devices that allow bats to exit but not re-enter roosts discourage bats from occupying the site.

**B-1(h) Preconstruction Surveys for Nesting Birds.** For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the CFGC, the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act shall be conducted by a qualified biologist no more than 30 days prior to vegetation removal activities.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of bald and golden eagles, shall cover all areas within of the disturbance footprint plus a one-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.
If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For bald or golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS and CDFW. The size of the buffer may be influenced by the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing and duration of the expected disturbance. The buffer shall be established between February 1 and August 31; however, buffers may be relaxed earlier than August 31 if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged and the nest is no longer in use.

A report of these preconstruction nesting bird surveys and nest monitoring (if applicable) shall be submitted to the implementing agency for review and approval prior to the start of construction.

**B-1(i) Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Compliance with Mitigation Measure B-1(a)-(i) would reduce impacts to special status species and their habitat to less than significant levels because the mitigation measures require pre-project surveys and biological monitoring, focused biological surveys, avoidance or minimization of project-related disturbance or loss of special-status species, compensation for disturbed or loss of special status species habitat and coordination with permitting agencies, as required prior to project implementation. Although compliance with federal and state statutes
would be sufficient to prevent significant impacts to certain special status species and their habitats, these statutes would not protect other sensitive plant and wildlife species such as federal ESA candidate species, plant species determined to be rare by the CNPS or wildlife species classified as California Species of Special Concern. Also, these mitigation measures may not be feasible for individual projects to implement. Therefore, it cannot be guaranteed that all future project-level impacts to special status species can be mitigated to a less than significant level for all species, and impacts would remain significant. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or Project alternatives identified in the EIR infeasible. Since no feasible mitigation measures or Project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 191 through 199 of the Final EIR.

2. Impact B-2. Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may result in substantial adverse impacts on natural communities and federally protected wetlands. This impact would be significant and unavoidable.

a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

B-2(a) Jurisdictional Delineation and Impact Avoidance. If the results of measure B-1(a) indicates projects implemented under the 2040 MTP/SCS occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, RWQCB and/or CCC, a qualified biologist shall complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a jurisdictional delineation report that shall be submitted to the implementing agency, USACE, RWQCB, CDFW and/or CCC, as appropriate, for review and approval, and the project shall be designed to minimize impacts to jurisdictional areas to the maximum extent feasible. The delineation shall serve as the basis to identify jurisdictional areas to be protected during construction, through implementation of the avoidance and minimization identified in measure B-2(f).

B-2(b) Wetlands, Drainages and Riparian Habitat Restoration. Impacts to jurisdictional drainages, wetlands and riparian habitat shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist, and shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan shall be developed by a qualified biologist and submittal to the agency overseeing the project for
approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank.

**B-2(c) Landscaping Plan.** If landscaping is proposed for a specific project, a qualified biologist/landscape architect shall prepare a landscape plan for that project. This plan shall indicate the locations and species of plants to be installed. Drought tolerant, locally native plant species shall be used. Noxious, invasive and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List and/or California Invasive Plant Council Inventory shall not be permitted. Species selected for planting shall be regionally appropriate native species that are known to occur in the adjacent native habitat types.

**B-2(d) Sensitive Vegetation Community Avoidance and Mitigation.** If the results of measure B-1(a) indicates projects implemented under the 2040 MTP/SCS would impact sensitive vegetation communities, impacts to sensitive communities shall be avoided through final project design modifications.

If the implementing agency determines that sensitive communities cannot be avoided, impacts shall be mitigated on-site or offsite at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist. Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be developed by a qualified biologist and submitted to the agency overseeing the project for approval.

**B-2(e) Invasive Weed Prevention and Management Program.** Prior to start of construction for each project that occurs within or adjacent to native habitats, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species. The plan shall be submitted to the implementing agency for review and approval. A list of target species shall be included, along with measures for early detection and eradication.

The plan, which shall be implemented by the implementing agency, shall also include, but not be limited to, the following measures to prevent the introduction of invasive weed species:

- During construction, the project shall make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species.

- To minimize colonization of disturbed areas and the spread of invasive species, the contractor shall: stockpile topsoil and redeposit the stockpiled soil after construction, or transport the topsoil to a permitted landfill for disposal.

- The erosion control/ restoration plans for the project must emphasize the use of sensitive species that are expected to occur in the area and that are considered suitable for use at the project site.
• All erosion control materials, including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
• Exotic and invasive plant species shall be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project.
• All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

B-2(f) Wetlands, Drainages and Riparian Habitat Best Management Practices During Construction. The following best management practices shall be required for development within or adjacent to wetlands, drainages, or riparian habitat:

• Access routes, staging and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and ancillary construction areas outside of jurisdictional areas.
• To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.
• Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year, or as otherwise directed by the regulatory agencies.
• During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
• All project-generated debris, building materials and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
• Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering wetlands, drainages or riparian habitat.
• All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.
b. **Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Mitigation Measures B-2(a)-(f) would reduce impacts to sensitive communities and wetlands because the mitigation requires focused biological surveys, best management practices for avoidance or minimization of impacts, compensation for disturbed or loss of sensitive communities and wetlands and coordination with permitting agencies, as required prior to project implementation. However, not all sensitive habitats are protected by federal or state statutes. Also, these mitigation measures may not be feasible for individual projects to implement. Therefore, it cannot be guaranteed that all future project-level impacts can be mitigated to a less than significant level for all sensitive habitats and impacts would remain significant. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 199 through 203 of the Final EIR.

3. **Impact B-3.** Implementation of transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS may substantially interfere with wildlife movement, including fish migration and/or impede the use of a native wildlife nursery. This impact would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**B-3(a) Project Design for Wildlife Connectivity.** All projects including long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement by incorporating design features such as:

- A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals;
- A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; and
- If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement, or the
• A fence may be installed with the bottom at least 16 inches above the ground level.
• If fencing or other project components must be designed in such a manner that wildlife passage would not be permitted, wildlife crossing structures shall be incorporated into the project design as appropriate.
• Lighting installed as part of any project shall be designed to be minimally disruptive to wildlife (see mitigation measure AES-3(a) Roadway Lighting for lighting requirements).

**B-3(b) Maintain Connectivity in Drainages.** No permanent structures shall be placed within any drainage or river that would impede wildlife movement (i.e., no hardened caps or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage).

In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded passage through the area once the work has been complete.

If water is to be diverted around work sites, a diversion plan shall be submitted to AMBAG, RTPA and/or local jurisdiction for review and approval prior to issuance of project construction permits/approvals. The diversion shall be designed in a way as to not impede movement while the diversion is in place.

**B-3(c) Construction Best Management Practices to Minimize Disruption to Wildlife.** The following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans in order to minimize temporary disruption of wildlife, which could hinder wildlife movement:
• Designation of a 20 mile per hour speed limit in all construction areas.
• Whenever feasible, construction work schedules shall be limited to daylight hours only.
• Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition.
• All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.
• No pets are permitted on project site during construction.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Mitigation Measures B-3(a)-(c) would reduce impacts to wildlife movement by requiring projects to be designed in a way that maintains connectivity. In addition, projects located within habitat for fish species would be required to design and ensure projects do not impede passage.
by these species as part of conditions of issuance of a Streambed Alteration Agreement or take authorization. However, it cannot be guaranteed that movement of terrestrial species will not be impeded at the regional scale due to the large scale of the 2040 MTP/SCS and these mitigation measures may not be feasible for individual projects to implement. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. Therefore, impacts would remain significant. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 203 through 205 of the Final EIR.

E. **CULTURAL RESOURCES**

1. **Impact CR-1.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown historical resources as defined in CEQA Guidelines Section 15064.5. Impacts to historical resources would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to historic resources. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

CR-1 **Historical Resources Impact Minimization.** Prior to individual project permit issuance, the implementing agency of a 2040 MTP/SCS project involving earth disturbance or construction of permanent above ground structures or roadways shall prepare a map defining the Area of Potential Effects (APE). This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known historical resources are located within the impact zone. If a structure greater than 45 years in age is within the identified APE, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with CEQA Guidelines section 15064.5(b). Study recommendations shall be implemented, which may include, but would not be limited to, the following:

- Realign or redesign projects to avoid impacts on known historic resources where possible.
- If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for
alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings.

- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. While implementation of Mitigation Measure CR-1 would reduce impacts to the extent feasible, specific mitigation measures may not be feasible for some projects, and some project-specific impacts may be unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 223 through 225 of the Final EIR.

2. **Impact CR-2.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown significant archaeological resources as defined in CEQA Guidelines Section 15064.5. Impacts to archaeological resources would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to archaeological resources. Cities and counties in the AMBAG region can and should implement this measure where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**CR-2 Archaeological Resources Impact Minimization.** Before construction activities, implementing agencies shall retain a qualified archaeologist to conduct a record search at the Northwest Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, implementing agencies shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Implementing agencies shall follow recommendations identified in the survey, which may include, but would not be limited to: subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, or avoidance of sites and
preservation in place. Recommended mitigation measures will be consistent with CEQA Guidelines Section 15126.4(b)(3) recommendations.

In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.

Implementing agencies shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. While implementation of Mitigation Measure CR-2 would reduce impacts to the extent feasible, specific mitigation measures may not be feasible for some projects, and some project-specific impacts may be unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 225 through 227 of the Final EIR.

2. **Impact CR-3.** Implementation of proposed transportation improvements and the land use scenario envisioned by the 2040 MTP/SCS could cause a substantial adverse change in or disturb known and unknown paleontological resources as defined in CEQA Guidelines Section 15064.5. Impacts to paleontological resources would be significant and unavoidable.
a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to paleontological resources. Cities and counties in the AMBAG region can and should implement this measure where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**CR-3 Paleontological Resources Impact Minimization.** The implementing agency of a 2040 MTP/SCS project involving ground disturbing activities (including grading, trenching, foundation work and other excavations) shall retain a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for Qualified Professional Paleontologist (SVP 2010), to conduct a Paleontological Resources Assessment (PRA). The PRA shall determine the age and paleontological sensitivity of geologic formations underlying the proposed disturbance area, consistent with SVP Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP 2010) guidelines for categorizing paleontological sensitivity of geologic units within a project area. If underlying formations are found to have a high potential (sensitivity) for paleontological resources, the following measures shall apply:

- **Paleontological Mitigation and Monitoring Program.** A qualified paleontologist shall prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity. This program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration (i.e., in what locations and at what depths paleontological monitoring shall be required), salvage and preparation of fossils, the final mitigation and monitoring report and paleontological staff qualifications.

- **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of ground disturbance activity greater than two feet below existing grade, construction personnel shall be informed on the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.

- **Paleontological Monitoring.** Ground disturbing activity with the potential to disturbed geologic units with high paleontological sensitivity shall be monitored on a full-time basis by a qualified paleontological monitor. Should no fossils be observed during the first 50 percent of such excavations, paleontological monitoring could be reduced to weekly spot-checking under the discretion of the qualified paleontologist. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources.

- **Salvage of Fossils.** If fossils are discovered, the implementing agency shall be notified immediately, and the qualified paleontologist (or
paleontological monitor) shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

- **Preparation and Curation of Recovered Fossils.** Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data and maps.

- **Final Paleontological Mitigation and Monitoring Report.** Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure CR-3 would reduce impacts to paleontological resources by requiring a Paleontological Resources Assessment for projects under the 2040 MTP/SCS that may impact sensitive paleontological resources. While implementation of Mitigation Measure CR-3 would reduce impacts to the extent feasible, specific mitigation measures may not be feasible for some projects, and some project-specific impacts may be unavoidable. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 227 through 229 of the Final EIR.

F. **ENERGY**

1. **Impact E-2.** Implementation of the 2040 MTP/SCS would generate energy demand that may require construction of new energy facilities or the expansion of such facilities, the construction of which could cause significant environmental effects. Impacts would be significant and unavoidable.

   a. **Mitigation** – Pacific Gas & Electric and local jurisdictions involved in Monterey Bay Community Power with responsibility for the construction or approval of new energy facilities or the expansion of existing facilities to adequately meet projected capacity needs can and should
implement Mitigation Measure E-2(a). In addition, cities and counties should implement Mitigation Measure E-2(b). Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**E-2(a)**  
**Mitigate Impacts of New or Expanded Energy Facilities.** During the planning, design and project-level CEQA review process, apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce environmental impacts associated with, but not limited to: air quality, noise, traffic, biological resources, cultural resources, GHG emissions, hydrology and water quality and others that apply to specific construction or expansion of natural gas and electric facilities projects.

**E-2(b)**  
**Develop Energy Demand Calculations and Reduce Energy Demand.** During the planning, design and project-level CEQA review process for individual development projects, develop electricity and natural gas demand calculations for any project anticipated to require substantial energy consumption. Implementing agencies shall implement design and mitigation measures that reduce energy consumption and promote the use of on-site renewable energy. This may include, but would not be limited to: installing energy-reducing shading mechanisms for windows, porches, patios, etc.; installing energy-reducing day lighting systems (e.g., skylights); use of low-energy interior and street lighting; and/or installation of solar photovoltaic (PV) panels or other on-site renewable energy that generates a minimum of 30 percent of the project’s total energy demand.

**b. Findings and Rationale** – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the Pacific Gas & Electric and local jurisdictions involved in Monterey Bay Community Power with responsibility for the construction or approval of new energy facilities or the expansion of existing facilities to adequately meet projected capacity, which can and should adopt Mitigation Measure E-2(a). In addition, cities and counties can and should implement Mitigation Measure E-2(b). Implementation of Mitigation Measures E-2(a) and (b) would reduce impacts associated with the construction of natural gas and electricity facilities by mitigating the impacts of new or expanded energy facilities and reducing energy demand. However, specific mitigation measures may not be feasible for some projects, and it cannot be guaranteed that all future project-level impacts can be mitigated to a less than significant level. The AMBAG Board of Directors finds that no other mitigation measures are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 248 through 250 of the Final EIR.
G. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE

1. **Impact GHG-4.** Implementation of the 2040 MTP/SCS would conflict with the state’s ability to achieve the AB 32, SB 32 and EO-S-3-05 GHG emission reduction goals. Impacts would be significant and unavoidable.

   a. **Mitigation** – Cities and counties in the AMBAG region can and should implement Mitigation Measure E-2(b) and the following measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

   GHG-4 **Project-Level Energy Consumption and Water Use Reduction.** Implementing agencies shall evaluate energy consumption and water use as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce energy consumption and water use below local standards, or, in the absence of local standards, below MBARD-recommended standards. Examples of energy- and water-saving measures include:

   - Require new residential and commercial construction to install solar energy systems or be solar-ready
   - Require new residential and commercial development to install low-flow water fixtures
   - Require new residential and commercial development to install water-efficient drought-tolerant landscaping, including the use of compost and mulch
   - Require new development to exceed the applicable Title 24 energy-efficiency requirements

   b. **Findings and Rationale** – The AMBAG Board of Directors finds this mitigation measure is within the responsibility and jurisdiction of cities and counties, which can and should adopt it. Implementation of Mitigation Measures E-2(b) and GHG-4 would reduce GHG emissions from land use projects by reducing energy and water demand. However, implementation of project-level GHG-reducing measures may not be feasible and cannot be guaranteed on a project-by-project basis. Additionally, it is unlikely that an increase in annual GHG emissions above existing conditions could be avoided in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

   c. **Supportive Evidence** – Please refer to pages 286 through 289 of the Final EIR.

2. **Impact GHG-5.** Implementation of proposed transportation improvements and future projects facilitated by the land use scenario envisioned in the 2040 MTP/SCS could be subject to coastal flooding and sea level rise. Impacts would be significant and unavoidable.
a. **Mitigation** – For all transportation projects under their jurisdiction, TAMC and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects located within a potential sea level rise inundation area. Coastal cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GHG-5 Sea Level Rise Adaptation.** For projects located within a potential sea level rise inundation area, the implementing agency shall incorporate appropriate adaptation strategies to minimize hazards associated with sea level rise, such that project structures and other critical facilities would be located outside of an identified sea level rise inundation area. Appropriate adaptation strategies will depend on project- and site-specific considerations, including proximity to the coastline, elevation and type of structure or facility proposed. Adaptation strategies may include, but would not be limited to:

- Project redesign to place structures and critical facilities outside of the potential sea level rise inundation area;
- Structural measures including drainage improvements, raising road surfaces or first floor elevations above the expected sea level rise inundation level, or strengthening structures to improve resiliency;
- Designing facilities to withstand periodic inundation and continue to function (i.e., waterproofing);
- Building a new levee or raising the elevation of an existing levee to protect the proposed building or structure, or construct engineered shoreline protection structures such as revetment and bulkheads; and/or
- Replenishment of sand from off-site locations to preserve beaches that are subject to erosion and land loss from rising sea levels (beach nourishment).

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure GHG-5 would reduce the impacts of sea level rise for some projects requiring appropriate adaptation strategies to minimize hazards associated with sea level rise, such that project structures and other critical facilities would be located outside of an identified sea level rise inundation area. However, specific mitigation measures may not be feasible to implement for all projects. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
c. Supportive Evidence – Please refer to pages 289 through 290 of the Final EIR.

H. HAZARDS AND HAZARDOUS MATERIALS

1. Impact HAZ-6. The 2040 MTP/SCS includes land development and transportation projects within areas of moderate, high and very high fire hazard. Infill development emphasized in the 2040 MTP/SCS and existing regulations and programs would reduce the vulnerability of people and structures to wildland fire. However, not all projects and development included in the 2040 MTP/SCS would be infill projects in urbanized areas, and some projects would inevitably be located in areas at risk of wildland fires. Loss, injury or death from wildland fire would be possible given the fire hazard across much of the AMBAG region. Impacts would be significant and unavoidable.

a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts related to wildland fire. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

HAZ-6 Wildland Fire Risk Reduction. If an individual project included in the 2040 MTP/SCS is located within the wildland-urban interface or areas favorable for wildland fires such that project-specific CEQA analysis finds a significant risk of loss, injury or death from fire, the implementing agency shall require appropriate mitigation to reduce the risk. Examples of mitigation to reduce risk of loss, injury or death from wildlife include, but are not limited to:

- Avoid introducing new or expanded development such as residential subdivisions, schools and hospitals into fire-prone, fire-controlled ecologies (e.g., indigenous Monterey pine forest, Santa Cruz sand hills/knobcone pine forest, coastal maritime chaparral).
- Require adherence to the local hazards mitigation plan, as well as the local general plan policies and programs aimed at reducing the risk of wildland fires through land use compatibility, training, sustainable development, brush management, public outreach and service standards for fire departments.
- Encourage the use of fire-resistant vegetation native to the AMBAG region and/or the local microclimate of the project site, and discourage the use of fire-prone species especially non-native, invasive species such as pampas grass or giant reed.
- Require a fire safety plan be submitted to and approved by the local fire protection agency. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. The local fire protection agency may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase of the project.
- Prohibit certain project construction activities with potential to ignite wildland fires during red-flag warnings issued by the National Weather Service for the project site location. Example activities that
should be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.

- Require fire extinguishers to be onsite during construction of projects. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.

b. Findings and Rationale – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. Implementation of Mitigation Measure HAZ-6 would reduce the risk of loss of structures and transportation infrastructure and the risk of injury or death due to wildland fire. This measure would avoid introducing development into fire-prone areas and make structures more fire resistant and less vulnerable to loss in the event of a wildland fire. This measure would also reduce the potential for construction of the 2040 MTP/SCS projects to inadvertently ignite a wildland fire. However, it is not possible to entirely prevent wildland fires or fully protect people and structures from the risks of wildland fires, despite implementation of mitigation. The AMBAG Board of Directors finds that no other mitigation measures are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 313 through 315 of the Final EIR.

I. HYDROLOGY AND WATER QUALITY

1. Impact W-2. Implementation of proposed transportation improvements and future projects included in the land use scenario envisioned in the 2040 MTP/SCS would increase water demand in the AMBAG region. This demand may require new or expanded water supplies, entitlements, or facilities. Impacts would be significant and unavoidable.

a. Mitigation – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that have water supply impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

   W-2(a) Construction Dust Suppression Water Supply. The RTPAs shall and sponsor agencies can and should ensure that all 2040 MTP/SCS projects, where feasible, reclaimed and/or desalinated water is used for dust suppression during construction activities. This measure shall be noted on construction plans and shall be spot checked by the local jurisdiction.

   W-2(b) Landscape Watering. In jurisdictions that do not already have an appropriate local regulatory program related to landscape watering, 2040 MTP/SCS
projects that would include landscaping shall be designed with drought
tolerant plants and drip irrigation. When feasible, native plant species shall
be used. In addition, landscaping associated with proposed improvements
shall be maintained using reclaimed and/or desalinated water when feasible.

W-2(c) Porous Pavement. In jurisdictions that do not already have an appropriate
local regulatory program related to porous pavement, the sponsor of a 2040
MTP/SCS project that involves streetscaping, parking, transit and land use
improvements shall ensure that porous pavement materials are utilized,
where feasible, to allow for groundwater percolation.

W-2(d) Water Infrastructure Improvements. The sponsor of 2040 MTP/SCS projects
that would require potable water service shall coordinate with water supply
system operators to ensure that the existing water supply systems have the
capacity to handle the increase. If the current infrastructure servicing the
project site is found to be inadequate, infrastructure improvements for the
appropriate public service or utility should be provided by the implementing
agency.

W-2(e) Bioswale Installation. The sponsor of a 2040 MTP/SCS project, such as new
roads or roadway extensions, that would substantially increase impervious
surfaces shall ensure that bioswales are installed, where feasible, to facilitate
groundwater recharge using stormwater runoff from the project site while
improving water quality if not already required by the appropriate
jurisdictions local regulatory programs.

b. Findings and Rationale – The AMBAG Board of Directors finds that these mitigation measures are
partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies
will adopt them, and partially within the responsibility and jurisdiction of transportation project
sponsors and, for land use projects, cities and counties, which can and should adopt them. These
mitigation measures would reduce project water demand and facilitate construction of water supply
improvements when necessary to meet future demand. The land use scenario envisioned by the
2040 MTP/SCS along with 2040 MTP/SCS projects are water intensive and may result in the need
for additional water supply, even with the implementation of mitigation measures listed above,
some of which may not be feasible for some projects to implement. Given this, and the overdraft
conditions of area groundwater basins and other regional water supply concerns, impacts would
remain significant and unavoidable. The AMBAG Board of Directors finds that no other mitigation
measures or alternatives are feasible that would reduce this impact to less than significant levels. The
AMBAG Board of Directors finds that specific economic, legal, social, technological, or other
considerations, including provision of employment opportunities for highly trained workers, make
certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation
measures or project alternatives have been found to reduce the impact to a less than significant level,
this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 340 through 342 of the Final EIR.

J. LAND USE

1. Impact LU-2. Because the 2040 MTP/SCS would result in significant and unavoidable impacts to
several environmental issue areas, the 2040 MTP/SCS may not be consistent with every applicable
adopted State and local land use policy or regulation adopted for the purpose of avoiding or mitigating environmental effects. This impact would be significant and unavoidable.

a. **Mitigation** – Mitigation measures are provided for applicable resources throughout Chapter 4 of the EIR to reduce impacts. No other mitigation measures are feasible that would reduce this impact to less than significant levels.

b. **Findings and Rationale** – Mitigation measures are provided for applicable resources throughout Chapter 4 of the EIR to reduce impacts. Because project circumstances vary, these mitigation measures may not be feasible for individual projects to implement. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 358 through 360 of the Final EIR.

K. **NOISE**

1. **Impact N-1.** Construction activities associated with transportation projects and land use projects under the 2040 MTP/SCS would create temporary substantial noise and vibration level increases in discrete locations throughout the AMBAG region. Noise levels could exceed standards in local General Plans or noise ordinances. Impacts would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in construction noise impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

   **N-1(a) Measures to Ensure Compliance with Local Construction Noise and Vibration Regulations.** Implementing agencies of 2040 MTP/SCS projects shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites, appropriate measures shall be implemented to ensure compliance with local ordinance requirements relating to construction noise and vibration. Specific techniques may include, but are not limited to: restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.

   **N-1(b) Pile Driving.** For any project within 800 feet of sensitive receptors that requires pilings, the implementing agencies shall require caisson drilling or sonic pile driving as opposed to impact pile driving, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.
N-1(c) **Construction Equipment Noise and Vibration Control.** Implementing agencies of 2040 MTP/SCS projects shall ensure that equipment and trucks used for project construction utilize the best available noise and vibration control techniques, including mufflers, intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds.

N-1(d) **Impact Equipment Noise Control.** Implementing agencies of 2040 MTP/SCS projects shall ensure that impact equipment (e.g., jack hammers, pavement breakers and rock drills) used for project construction be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.

N-1(e) **Construction Activity Timing Restrictions.** The following timing restrictions shall apply to MTP/SCS project construction activities located within 2,500 feet of a dwelling unit, except where timing restrictions are already established in local codes or policies. Construction activities shall be limited to:
- Monday through Friday: 7 a.m. to 6 p.m.
- Saturday: 9 a.m. to 5 p.m.

N-1(f) **Placement of Stationary Noise and Vibration Sources.** Implementing agencies of 2040 MTP/SCS projects shall locate stationary noise and vibration sources as far from sensitive receptors as feasible. Stationary noise sources that must be located near existing receptors will be adequately muffled.

N-1(g) **Physical Impacts Due to Vibration.** Implementing agencies of 2040 MTP/SCS projects utilizing heavy construction equipment shall estimate vibration levels generated by construction activities and use the Caltrans vibration damage potential threshold criteria to screen for potential damage to buildings located on or off-site. If construction equipment would generate vibration levels exceeding the threshold criteria, a structural engineer or other appropriate professional shall be retained to ensure vibration levels do not exceed the thresholds during project construction. The structural engineer shall perform the following tasks, at minimum:
- Review the project’s demolition and construction plans
- Survey the project site and vulnerable buildings, including geological testing, if necessary
- Prepare and submit a report to the lead agency or other appropriate party containing the following, at minimum:
- Any information obtained from the surveys identified above
- Any modifications to the estimated vibration thresholds based on building conditions, soil conditions and planned demolition and
construction methods to ensure that vibration levels would remain below levels potentially damaging to vulnerable buildings

- Specific mitigation measures to be applied during construction to ensure vibration thresholds (or Caltrans guidelines, in lieu of specific limits) are not exceeded, including modeling to demonstrate the ability of mitigation measures to reduce vibration levels below set limits
- A monitoring plan to be implemented during demolition and construction that includes post-demolition and post-construction surveys of the vulnerable building(s) and documentation demonstrating that the mitigation measures identified in the report have been applied

Examples of mitigation that may be applied during demolition or construction include:

- Prohibiting of certain types of construction equipment
- Specifying lower-impact methods for demolition and construction, such as sawing concrete during demolition
- Phasing operations to avoid simultaneous vibration sources
- Installing vibration measure devices to guide decision-making

The implementing agency shall be responsible for implementing all the mitigation measures recommended in the report as detailed in the report’s monitoring plan.

b. Findings and Rationale – The AMBAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt them, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt them. Implementation of Mitigation Measures N-1(a)-(g) would reduce impacts from construction noise, through promoting compliance with local regulations, controlling specific noise and vibration sources, restricting construction activity timing, and requiring vibration studies and mitigation measures. However, because project circumstances vary, specific mitigation measures may not be feasible for some projects and construction noise may not be reduced below applicable thresholds for all projects included in the 2040 MTP/SCS. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 373 through 378 of the Final EIR.

2. Impact N-2. Implementation of the 2040 MTP/SCS would potentially expose existing and future sensitive receptors to significant mobile source noise levels. Noise levels could exceed standards in local General Plans or noise ordinances. Impacts would be significant and unavoidable.
a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure developed for the 2040 MTP/SCS program where applicable for transportation projects that result in significant mobile source noise levels. Project-specific environmental documents may adjust this mitigation measure as necessary to respond to site-specific conditions.

**N-2 Noise Assessment and Control for Mobile and Point Sources.** Sponsor agencies of 2040 MTP/SCS projects shall complete detailed noise assessments using applicable guidelines (e.g., FTA Transit Noise and Vibration Impact Assessment for rail and bus projects and the Caltrans Traffic Noise Analysis Protocol) for roadway projects that may impact noise sensitive receptors. The implementing agency shall ensure that a noise survey is conducted that, at minimum:

- Determines existing and projected noise levels
- Determines the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards
- Identifies potential alternate alignments that allow greater distance from, or greater buffering of, noise-sensitive areas
- If warranted, recommends methods for mitigating noise impacts, including:
  - Appropriate setbacks
  - Sound attenuating building design, including retrofit of existing structures with sound attenuating building materials
  - Use of sound barriers (earthen berms, sound walls, or some combination of the two)

Where new or expanded roadways, rail, or transit projects are found to expose receptors to noise exceeding normally acceptable levels, the implementing agency shall implement techniques as recommended in the project-specific noise assessment. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) shall be considered. Long expanses of walls or fences shall be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements shall be used, including solid fences, walls and landscaped berms.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors, which can and should adopt it. This mitigation measure would reduce mobile source noise impacts through requiring detailed noise assessments and mitigation measures for transportation projects consistent with applicable agency guidelines. Because project circumstances vary, specific mitigation measures may not be feasible for some projects, and mobile source noise from buildout of the 2040 MTP/SCS could continue to impact nearby noise sensitive receptors and exceed acceptable standards even with implementation of Mitigation Measure N-2. The AMBAG Board of Directors finds that no other
mitigation measures are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 378 through 382 of the Final EIR.

3. **Impact N-3.** The proposed 2040 MTP/SCS land use scenario would encourage infill development near transit and other transportation facilities, which may place sensitive receptors in areas with unacceptable noise levels. Noise levels could exceed standards in local General Plans or noise ordinances. Impacts would be significant and unavoidable.

a. **Mitigation** – Cities and counties in the AMBAG region can and should implement the following measures, where relevant to land use projects implementing the 2040 MTP/SCS. The mitigation measure outlined below does not apply to transportation projects. Project-specific environmental documents may adjust this mitigation measure as necessary to respond to site-specific conditions.

   **N-3 Noise Mitigation for Land Uses.** If a 2040 MTP/SCS land use project is located in an area with exterior ambient noise levels above local noise standards, the implementing agency shall ensure that a noise study is conducted to determine the existing exterior noise levels in the vicinity of the project. If the project would be impacted by ambient noise levels, feasible attenuation measures shall be used to reduce operational noise to meet acceptable standards. In addition, noise insulation techniques shall be utilized to reduce indoor noise levels to thresholds set inapplicable State and/or local standards. Such measures may include, but are not limited to: dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads. The noise study and determination of appropriate mitigation measures shall be completed during the project’s individual environmental review.

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is within the responsibility and jurisdiction of the cities and counties in the AMBAG region, which can and should adopt it. This measure would reduce noise impacts through requiring noise studies and feasible mitigation measures for land use projects. Because project circumstances vary, specific mitigation measures may not be feasible for some projects, and transportation noise from buildout of the 2040 MTP/SCS could continue to impact nearby noise sensitive receptors and exceed acceptable standards even with implementation of Mitigation Measure N-3. The AMBAG Board of Directors finds that other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence** – Please refer to pages 382 through 383 of the Final EIR.
4. **Impact N-4.** The proposed 2040 MTP/SCS would result in new truck, bus and train traffic that could expose sensitive receptors and fragile buildings to excessive vibration levels. Impacts would be significant and unavoidable.

a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that could generate excessive vibration impacts. These measures can and should also be implemented for future infill projects near transit pursuant to the 2040 MTP/SCS that would result in vibration impacts. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**N-4 Vibration Mitigation for Transportation Projects.** Implementing agencies of 2040 MTP/SCS projects shall comply with all applicable local vibration and groundborne noise standards, or in the absence of such local standards, comply with guidance provided by the FTA in Transit Noise and Vibration Impact Assessment (FTA 2006) to assess impacts to buildings and sensitive receptors and reduce vibration and groundborne noise. FTA recommended thresholds shall be used except in areas where local standards for groundborne noise and vibration have been established. Methods that can be implemented to reduce vibration and groundborne noise impacts include, but are not limited to:

- **Rail Traffic**
  - Maximizing the distance between tracks and sensitive uses
  - Conducting rail grinding on a regular basis to keep tracks smooth
  - Conducting wheel truing to re-contour wheels to provide a smooth running surface and removing wheel flats
  - Providing special track support systems such as floating slabs, resiliently supported ties, high-resilience fasteners and ballast mats;
  - Implementing operational changes such as limiting train speed and reducing nighttime operations.

- **Bus and Truck Traffic**
  - Constructing of noise barriers
  - Use noise reducing tires and wheel construction on bus wheels
  - Use vehicle skirts (i.e., a partial enclosure around each wheel with absorptive treatment) on freight vehicle wheels

b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and counties, which can and should adopt it. This measure would reduce vibration impacts through requiring vibration impact assessments and feasible mitigation measures for transportation projects. Because project circumstances vary, specific mitigation measures may not be feasible for some projects, and transportation vibration could exceed acceptable standards even with implementation of Mitigation Measure N-4. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers,
make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 383 through 384 of the Final EIR.

L. POPULATION AND HOUSING

1. Impact PH-1. The 2040 MTP/SCS would result in substantial population growth in the AMBAG region. This impact is significant and unavoidable.

a. Mitigation – No mitigation measures are feasible that would reduce this impact to less than significant levels.

b. Findings and Rationale – Population growth in the AMBAG region would occur regardless of the potential implementation of the 2040 MTP/SCS. The AMBAG Board of Directors finds that no mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. Supportive Evidence – Please refer to pages 391 through 394 of the Final EIR.

M. TRANSPORTATION AND CIRCULATION

1. Impact T-1. Daily hours of vehicle delay and total peak period CVMT in the AMBAG region would increase between baseline 2015 conditions and 2040 conditions with implementation of the 2040 MTP/SCS. The percent of commuter trips that are 30 minutes or less would decrease in single- and high occupancy vehicles, but would increase for transit trips. Impacts would be significant and unavoidable.

a. Mitigation – No mitigation measures are feasible that would reduce this impact to less than significant levels.

b. Findings and Rationale – The 2040 MTP/SCS already includes policies, alternative transportation projects and transportation demand management projects, which would encourage the use of transportation modes other than passenger vehicles. Nonetheless, the daily hours of vehicle delay, total peak period CVMT and the percentage of commuter work trips exceeding 30 minutes in passenger vehicles would still increase in 2040 compared to the existing 2015 conditions. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. Therefore, this impact would remain significant and unavoidable. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
c. **Supportive Evidence** – Please refer to pages 417 through 419 of the Final EIR.

2. **Impact T-5.** Daily VMT would increase between the baseline 2015 conditions and 2040 conditions. Thus, impacts from implementation of the 2040 MTP/SCS would be significant and unavoidable.

   a. **Mitigation** – For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would increase the capacity of a roadway. For land use projects under their jurisdiction, the cities and counties in the AMBAG region can and should implement the following mitigation measure. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

      **T-5 Project-Level VMT Analysis and Reduction.** Transportation project sponsor agencies shall evaluate transportation projects that involve increasing roadway capacity for their potential to increase VMT. Where project-level increases are found to be potentially significant, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce the VMT associated with increases in roadway capacity include tolling new lanes to encourage carpools and fund transit improvements; converting existing general purpose lanes to high occupancy vehicle lanes; and implementing or funding off-site travel demand management.

      Implementing agencies shall evaluate VMT as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce VMT include infill development, mixed use and transit oriented development, complete street programs, reduced parking requirements and providing alternative transportation facilities, such as bike lanes and transit stops.

   b. **Findings and Rationale** – The AMBAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of the RTPAs which as CEQA responsible agencies will adopt it, and partially within the responsibility and jurisdiction of cities and counties in the AMBAG region, which can and should adopt it. Impacts would be reduced with implementation of Mitigation Measure T-1 because less VMT would be added to the AMBAG region. However, the implementation of project-level VMT-reducing measures – such as reduced VMT from projects that increase roadway capacity, mixed uses and transit oriented development (TOD) –may not be feasible and cannot be guaranteed on a project-by-project basis. Additionally, it is highly unlikely that an increase in daily VMT above existing conditions could be avoided in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
c. **Supportive Evidence** – Please refer to pages 421 through 423 of the Final EIR.
VI. FINDINGS REGARDING ALTERNATIVES

A. LEGAL REQUIREMENTS FOR ALTERNATIVES

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen [his] significant environmental effects of such projects.” “Feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social and technological factors” (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative promotes the Project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410; California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957.)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision makers. When CEQA findings are made after EIR certification, the lead agency decision making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (See California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957.)

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. (See Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515.) Nevertheless, Section 7.0 of the Project EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the Project’s significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). In all cases, the consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project; and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological, or other considerations that make the alternative infeasible. (Pub. Res. Code §§21002, 21002.1; CEQA Guidelines §15092.)

The proposed 2040 MTP/SCS alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen certain Project impacts, or because they were required under CEQA Guidelines (e.g., the No Project alternative). The Project and alternatives are described in more detail in the 2040 MTP/SCS Final EIR and Appendices thereto.

The three alternatives considered for the proposed 2040 MTP/SCS are: Alternative 1, the “No Project” Alternative, which is comprised of a land use pattern that reflects existing land use trends and a transportation network comprised of transportation projects that are currently in construction or are funded in the short range Metropolitan Transportation Improvement Program (MTIP); Alternative 2: Livable Communities Alternative, which includes a land use pattern that further concentrates forecasted population and employment growth in urban areas with a focus on infill, mixed use and transit oriented development in
and around commercial corridors; and Alternative 3: Maintained Mobility Alternative, which includes a land use pattern comprised of existing land use plans and a transportation network that includes more transportation projects focused on mobility, rehabilitation and safety. Alternative 2 was determined to be environmentally superior to the proposed 2040 MTP/SCS. However, all of the alternatives are rejected for the reasons stated below in Section VI.C.

B. PROJECT OBJECTIVES

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). The primary objective of the 2040 MTP/SCS is to comply with applicable regulatory requirements, including California Transportation Commission Guidelines and SB 375 regional GHG reduction targets. AMBAG’s specific objectives for the 2040 MTP/SCS are to additionally ensure that the transportation system planned for the AMBAG region accomplishes the following:

- Serves regional goals, objectives, policies and plans.
- Responds to community and regional transportation needs.
- Promotes energy efficient, environmentally sound modes of travel and facilities and services.
- Promotes equity and efficiency in the distribution of transportation projects and services.

C. FINDINGS ON ALTERNATIVES

1. No Project Alternative

   a. Description – The No Project Alternative is comprised of a land use pattern that reflects existing land use trends. In other words, this alternative assumes that current sub-regional growth trends would continue, but it updates the total growth to be consistent with the updated AMBAG 2018 Regional Growth Forecast. Rather than focusing on coordinating transportation projects that serve infill and transit oriented development, the transportation network would be comprised of committed transportation projects that are currently in construction or are funded in the short range Metropolitan Transportation Improvement Program (MTIP). Please refer to page 459 of the Final EIR.

   b. Findings and Rationale – The No Project Alternative would result in a less dense development pattern compared to the 2040 MTP/SCS, with this alternative continuing existing land use trends. Because of the increased land development outside of existing urbanized areas, the No Project Alternative would result in more ground disturbance than the 2040 MTP/SCS. Consequently, compared to the 2040 MTP/SCS, the No Project Alternative would have greater overall impacts to agricultural resources, biological resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use, transportation and circulation and tribal cultural resources. It would have lower impacts on air quality and health risks, and population and housing, but would not reduce these impacts to a less than significant level. Please refer to pages 459 through 465 of the Final EIR.

   The AMBAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the No Project Alternative infeasible and rejects this alternative for the following reasons. The No Project Alternative is legally infeasible because it would not meet federal and state legal requirements for RTPs, and would not meet the SB 375 requirement for preparation of an SCS. Also, it would not reduce any of the Project’s significant impacts to less than...
significant levels, and would not meet basic objectives of the proposed 2040 MTP/SCS listed in Section VI.B.

2. **Livable Communities Alternative**

   a. **Description** – The Liveable Communities Alternative includes a land use pattern that further concentrates forecasted population and employment growth in urban areas with a focus on mixed use and infill development along and adjacent to existing commercial corridors. Unlike the Project, under this alternative the density and intensity of infill development along commercial corridors would be increased regardless of the presence of high quality transit. The transportation network in this alternative includes additional transit investments in alternative modes intended to serve shorter, local trips given the more concentrated growth pattern. Specifically, active transportation investments such as bicycle facilities, sidewalks, traffic calming measures and intersection safety improvements would be prioritized. Under this alternative, investment would be focused on closing transit gaps by enhancing local transit bus service rather than interregional or long distance services. In addition, active transportation projects such as bicycle facilities, trails and pedestrian improvements are programmed throughout the region under this alternative. Please refer to pages 465 through 466 of the Final EIR.

   b. **Findings and Rationale** – The Liveable Communities Alternative is the environmentally superior alternative, assuming all environmental issue areas are weighted equally (please refer to pages 476 to 471 of the Final EIR). Under this alternative, land use patterns would further concentrate forecasted population and employment growth in urban areas with a focus on infill, mixed use and TOD in and around commercial corridors. This alternative is considered environmentally superior to the Project primarily because overall impacts to the following resources would be less: agricultural resources, biological resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, land use and transportation and circulation. However, this alternative would not reduce any of these impacts to less than significant levels. Please refer to pages 466 through 471 of the Final EIR.

The Liveable Communities Alternative would meet the objectives of the Project, including: complying with applicable regulatory requirements; serving regional goals, objectives, policies and plans; and responding to community and regional transportation needs. In addition, because the Liveable Communities Alternative would increase investments in alternative and active transportation modes, it would promote energy efficient, environmentally sound modes of travel to a greater extent than the Project. The AMBAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the Livable Communities Alternative infeasible and rejects this alternative for the following reasons. This alternative is legally infeasible because AMBAG does not have land use authority and cannot require local agencies to make the changes to their General Plans and land use regulations that are required for this alternative to be implemented. Also, the land use changes required to implement this alternative may not be acceptable to local jurisdictions as to their development goals and objectives, making this alternative infeasible because it is undesirable from a policy standpoint. Also, the Livable Communities Alternative would not reduce any of the Project’s significant impacts to less than significant levels.
3. Maintained Mobility Alternative

a. Description – The Maintained Mobility Alternative incorporates the AMBAG 2018 Regional Growth Forecast and includes a more traditional suburban land use pattern compared to the land development envisioned in the 2040 MTP/SCS. The suburban development included under this alternative is less concentrated in urbanized areas or within proximity to transit services, but instead allows for development of open or vacant parcels or parcels with very little existing development on the site, often outside of but near urbanized areas. The Maintained Mobility Alternative also includes a transportation network that consists of more traditional roadway and transit enhancements/projects focused on mobility and safety. More emphasis is given to operations, maintenance projects and long distance transit service options to increase mobility within the region, including new rail service. This alternative also includes many operations and maintenance projects that are intended to improve safety on the region’s local streets and roads. Please refer to page 471 of the Final EIR.

b. Findings and Rationale – The Maintained Mobility Alternative would result in a less dense development pattern than the Project. Because of the increased land development outside of existing urbanized areas, this alternative would result in more ground disturbance than the Project, and greater overall impacts to aesthetics/visual resources, agricultural resources, air quality, biological resources, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and tribal cultural resources. It would have lower impacts on population and housing, but would not reduce these impacts to a less than significant level. The total overall impact of the Maintained Mobility Alternative would be greater than the Project. Please refer to pages 472 through 476 of the Final EIR.

The Maintained Mobility Alternative would meet project objectives, but not to the extent of the 2040 MTP/SCS. It would include transportation investments and would adopt an SCS, thus meeting the fundamental objective of complying with applicable regulatory requirements. However, because development would be less focused on infill and TOD areas, and because fewer transportation improvements focused on alternative and active modes would be provided, it would not promote energy efficient, environmentally sound modes of travel, nor promote efficiency in the distribution of transportation projects and services, to the same extent as the 2040 MTP/SCS.

The AMBAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the Maintained Mobility Alternative infeasible and rejects this alternative for the following reasons. This alternative would result in greater overall impacts compared to the Project, including GHG and land use impacts, which are major issue areas intended to be addressed by the 2040 MTP/SCS. Also, it would not reduce any of the Project’s significant impacts to less than significant levels. Finally, this alternative would not meet the project objectives to the same extent as the project, making this alternative infeasible because it is undesirable from a policy standpoint.
VII. FINDINGS REGARDING MITIGATION MEASURES AND ALTERNATIVES PROPOSED IN DRAFT EIR COMMENTS.

Some comments on the Draft EIR suggested additional mitigation measures and/or alternatives to the Project. In response to Draft EIR comments, some mitigation measures were revised, including Mitigation Measures GEO-3(b), GHG-1, HAZ-6 and T-5.

However, where the suggestions requested minor modifications or variations in adequate mitigation measures or alternatives or components of alternatives analyzed in the Draft EIR, or requested mitigation measures or alternatives that were too vague or speculative to be addressed, these requests were declined as unnecessary. Similarly, suggestions that were specific to individual transportation improvement projects included in the 2040 MTP/SCS were declined because the EIR is a programmatic-level analysis of the 2040 MTP/SCS in its entirety, and individual projects would undergo separate future environmental review. The AMBAG Board of Directors adopts and incorporates by reference the specific reasons for declining such measures or alternatives contained in the responses to comments in the Final EIR as one ground for rejecting these measures. The responses to comments are provided as Appendix F to the Final EIR.

Additionally, certain alternatives suggested in comments could reduce impacts, but implementation of these mitigation measures and alternatives would be infeasible. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the following Project alternatives identified in the Final EIR, for the reasons explained below.

A. SUGGESTED PROJECT ALTERNATIVES

1. Campaign for Sensible Transportation: Comment 7.11

This comment states that alternatives to the Project that would conform with the State’s ability to achieve the AB 32, SB 32 and EO-S-3-05 GHG reduction goals should be considered. The comment also suggests an alternative that would eliminate highway widening projects in Santa Cruz County and Monterey County.

Findings and Rationale – The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative(s) to the Project suggested above. It is not possible for AMBAG to develop a feasible alternative to the proposed 2040 MTP/SCS that would achieve the GHG reductions goals of AB 32, SB 32 and EO-S-3-05. See Final EIR Response 7.11 for a detailed explanation of this finding, which is summarized below.

As shown in Table 32 on page 282 of the Draft EIR, the majority of GHG emissions in the AMBAG region in 2040, regardless of the potential implementation of the 2040 MTP/SCS, would be from emissions related to land development and growth. AMBAG has no authority to adopt local land use General Plans or land use regulations, or approve local land use projects that would further reduce GHG emissions. SB 375 specifically provides that nothing in SB 375 supersedes the land use authority of cities and counties, and that cities and counties are not required to change their land use plans and policies, including general plans, to be consistent with MTP/RTP or SCS (Government Code §65080(b)(2)(K)). Local governments are the main agencies responsible for mitigation of the impacts of land use plans and projects that implement the SCS, and AMBAG has no concurrent authority to mitigate the impacts of land use plans and projects, including GHG emissions impacts, as described on page 81 of the Draft EIR.
Regarding mobile source GHG emissions created by increased VMT, it is highly unlikely that any feasible alternative could avoid an increase in VMT above existing conditions in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. See Section V.M of these Findings of Fact. Therefore, it is highly unlikely that any feasible alternative could avoid an increase in mobile source GHG emissions above existing conditions in 2040. Implementation of an MTP/SCS alternative that substantially reduces mobile source GHG emissions is also considered infeasible because such an alternative would likely require major changes in land use policies, parking policies, transit funding, road pricing, and vehicle fuels and technology that are beyond AMBAG’s ability to implement. See CARB’s 2017 Scoping Plan (page 76).

Regarding an alternative that would eliminate highway widening projects in Santa Cruz County and Monterey County, the GHG emissions in 2040 are a combination of land use emissions (55%), and on-road emissions (45%). Because this suggested alternative would not reduce land use emissions, and only minimally reduce on-road emissions, significant impacts related to conflicts with the State’s ability to achieve GHG reductions goals of AB 32, SB 32 and EO-S-3-05 would not be avoided. In addition, the suggested alternative is not required by CEQA because it presents an alternative to individual components of the MTP/SCS, rather than to the proposed MTP/SCS as a whole. An EIR is not required to consider alternatives to individual project components, but instead should consider alternatives to the project as a whole. See California Oak Foundation v. Regents of University of California (2010) 188 Cal.App.4th 227, 276-277.

2. **Brett Garrett: Comment 9.1**

This comment suggests an alternative based on Personal Rapid Transit in the region’s larger cities, and where practical, connecting cities. This comment defines Personal Rapid Transit as podcars that provide on-demand service on dedicated guideways, typically elevated above traffic.

**Findings and Rationale** – The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative to the Project suggested above. An EIR must discuss alternatives to a project in its entirety but is not required to discuss alternatives to each particular component of a project (see California Oak Foundation v. Regents of University of California (2010) 188 Cal.App.4th 227, 276-277). Therefore, an alternative to the 2040 MTP/SCS that would address only highway transportation with replacement of vehicle travel for Personal Rapid Transit is not required by CEQA.

Also, Personal Rapid Transit is not considered a feasible alternative to the Project due to its low capacity. Personal Rapid Transit is more suited for small geographic areas with limited ridership, such as airport and campus transportation venues where a limited amount of guideway and number of stops/stations is required. However, cities such as Santa Cruz and Monterey are substantially larger than airports and college campuses and would require substantial amounts of guideway and stops for access to all neighborhoods and areas of the cities. The amount of Personal Rapid Transit guideway that would be required for access to the various areas of the cities in the AMBAG region, especially larger cities as the comment suggests, would not be feasible to implement.

3. **Jack Nelson: Comment 10.3**

This comment suggests an alternative transportation plan that would work to transform transportation systems and resulting land uses to a more sustainable system.
Findings and Rationale – The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative to the Project suggested above. An alternative transportation plan that would phase out vehicle and highway transportation for more sustainable modes of transportation, such as bicycles, would not be feasible because AMBAG does not have the legal authority to restrict or prevent vehicle travel in the region. Also, see Section VII.a1 of these Findings of Fact for an explanation as to why an MTP/SCS alternative that would achieve deep regional reductions in GHG emissions consistent with State GHG reduction goals is infeasible for AMBAG to implement.
VIII. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT EIR AND REVISIONS TO THE FINAL EIR

Findings and Rationale – Appendix F of the Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(b). The Final EIR also incorporates information obtained and produced after the Draft EIR was completed, including additions, clarifications and modifications. The AMBAG Board of Directors has reviewed and considered the Final EIR and all of this information.

The AMBAG Board of Directors finds that responses to comments made on the Draft EIR and revisions to the Final EIR merely clarify, amplify or make insignificant modifications to the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b). Revisions made to the Draft EIR are shown throughout the Final EIR in strikethrough and underline text.
IX. FINDINGS ON CUMULATIVE IMPACTS

A. INTRODUCTION

Chapter 4 of the EIR includes an analysis of direct, indirect and cumulative impacts of the proposed Project, as required by CEQA. Cumulative impacts are specifically addressed in the last section (d) of each resource topic analysis in Final EIR Sections 4.1 through 4.15.

The EIR is a Program EIR that analyzes the effects of cumulative buildout of the 2040 MTP/SCS and the RTPs prepared by the Monterey, San Benito and Santa Cruz RTPAs. The proposed 2040 MTP/SCS includes reasonably foreseeable probable future transportation and land use projects through 2040, and the Final EIR analyzes the cumulative impacts of these projects. The cumulative effects of reasonably foreseeable probable future transportation system improvements and land use projects in the region are included in the analysis of the proposed Project’s impacts. However, the cumulative effects analysis in the Final EIR also considers the Project’s impacts in combination with impacts from implementation of projected development for jurisdictions adjoining the AMBAG region.

In Chapter 4, thresholds of significance for cumulative impacts are the same as those for direct, Project-specific impacts, as authorized by CEQA case law. (See Save Cuyama Valley v. County of Santa Barbara (2013) 213 Cal.App.4th 1059.) When Project-specific impacts are judged to be significant, they also by definition are considered “cumulatively considerable” incremental contributions to significant cumulative impacts. (See CEQA Guidelines Section 15130(a).) Mitigation measures adopted for Project-specific impacts in Sections IV and V of these Findings of Fact also are feasible measures for mitigating the proposed Project’s incremental contribution to significant cumulative effects. (See CEQA Guidelines Section 15130(b)(5).)

B. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT’S INCREMENTAL CONTRIBUTION HAS BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS

For the following impacts, the AMBAG Board of Directors hereby finds that in Section IV of these Findings of Fact, mitigation measures have been identified in the EIR that will avoid or substantially lessen the proposed Project’s incremental contribution to the following significant cumulative impacts to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows:

- Impact AES-3; Mitigation Measures AES-3(a)-(c)
- Impact GEO-1; Mitigation Measure GEO-1
- Impact GEO-3; Mitigation Measures GEO-3(a)-(c)
- Impact GHG-1; Mitigation Measure GHG-1
- Impact HAZ-3; Mitigation Measure HAZ-3
- Impact TCR-1; Mitigation Measure TCR1

C. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT’S INCREMENTAL CONTRIBUTION HAS NOT BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS

For the following impacts, the AMBAG Board of Directors hereby finds that in Section V of these Findings of Fact, mitigation measures have been identified in the EIR that will reduce the proposed Project’s incremental contribution to the following significant cumulative impacts, but not to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation measures that will reduce them, but not to a less than significant level are as follows:

- Impact AES-1; Mitigation Measures AES-1(a)-(b)
• Impact AES-2; Mitigation Measure AES-2
• Impact AG-1; Mitigation Measure AG-1
• Impact AQ-2; Mitigation Measures AQ-2(a)-(c)
• Impact AQ-3; Mitigation Measure AQ-3
• Impact AQ-4; Mitigation Measure AQ-4
• Impact B-1; Mitigation Measures B-1(a)-(l)
• Impact B-2; Mitigation Measures B-2(a)-(f)
• Impact B-3; Mitigation Measures B-3(a)-(c)
• Impact CR-1; Mitigation Measure CR-1
• Impact CR-2; Mitigation Measure CR-2
• Impact CR-3; Mitigation Measure CR-3
• Impact E-2; Mitigation Measures E-2(a)-(b)
• Impact GHG-4; Mitigation Measure GHG-4
• Impact GHG-5; Mitigation Measure GHG-5
• Impact HAZ-6; Mitigation Measure HAZ-6
• Impact W-2; Mitigation Measures W-2(a)-(e)
• Impact LU-2; All Mitigation Measures Throughout EIR
• Impact N-1; Mitigation Measures N-1(a)-(g)
• Impact N-2; Mitigation Measure N-2
• Impact N-3; Mitigation Measure N-3
• Impact N-4; Mitigation Measure N-4
• Impact PH-1; No Feasible Mitigation Measures
• Impact T-1; No Feasible Mitigation Measures
• Impact T-5; Mitigation Measure T-5
X. STATEMENT OF OVERRIDING CONSIDERATIONS

The AMBAG Board adopts and makes this statement of overriding considerations concerning the Project’s unavoidable significant impacts to explain why the Project’s benefits override and outweigh its unavoidable impacts.

The Environmental Impact Report (EIR) has identified and discussed significant effects that may occur as a result of the Project. As set forth in these CEQA Findings, AMBAG has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project and has made specific findings on each of the Project’s significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, many of the Project’s effects can be mitigated to a level of less than significant. However, even with implementation of all feasible mitigation, the Project will result in significant and unavoidable impacts as follows:

1. Implementation of the 2040 MTP/SCS would alter views of scenic vistas or substantially damage scenic resources along designated scenic corridors, including state scenic highways. (Impact AES-1)
2. Implementation of the 2040 MTP/SCS substantially degrade existing visual character in the AMBAG region. (Impact AES-2)
3. Implementation of the 2040 MTP/SCS could directly or indirectly convert Important Farmland to non-agricultural uses or conflict with agricultural zoning or Williamson Act contracts. (Impact AG-1)
4. Implementation of the 2040 MTP/SCS would create dust and ozone precursor emissions and violate air quality standards, contribute substantially to existing or projected air quality violations, or result in a cumulatively considerable net increases in PM$_{10}$ or ozone precursor emissions. (Impact AQ-2)
5. Implementation of the 2040 MTP/SCS would increase PM$_{10}$ emissions in the region, which could contribute substantially to a projected air quality violation. (Impact AQ-3)
6. Implementation of the 2040 MTP/SCS land use scenario could expose sensitive receptors to substantial hazardous air pollutant concentrations and objectionable odors. (Impact AQ-4)
7. Implementation of the 2040 MTP/SCS could adversely impact special-status plant and animal species, either directly or through habitat modifications. (Impact B-1)
8. Implementation of the 2040 MTP/SCS could adversely impact natural communities and federally protected wetlands. (Impact B-2)
9. Implementation of the 2040 MTP/SCS could impede wildlife movement, including fish migration and/or impede the use of a native wildlife nursery. (Impact B-3)
10. Implementation of the 2040 MTP/SCS would cause a substantial adverse change in or disturb known and unknown historical resources. (Impact CR-1)
11. Implementation of the 2040 MTP/SCS would cause a substantial adverse change in or disturb known and unknown archaeological resources. (Impact CR-2)
12. Implementation of the 2040 MTP/SCS would cause a substantial adverse change in or disturb known and unknown paleontological resources. (Impact CR-3)
13. Implementation of the 2040 MTP/SCS would generate energy demand that may require construction of new energy facilities or the expansion of such facilities, the construction of which could cause significant environmental effects. (Impact E-2)
14. Implementation of the 2040 MTP/SCS would conflict with the State’s ability to achieve the AB 32, SB 32 and EO-S-3-05 GHG emission reduction goals. (Impact GHG-4)
15. Implementation of the 2040 MTP/SCS could subject transportation improvements or the land use scenario envisioned in the 2040 MTP/SCS to coastal flooding and sea level rise. (Impact GHG-5)
16. Implementation of the 2040 MTP/SCS would locate transportation improvements and projects within...
areas at risk of wildland fire. (Impact HAZ-6)

17. Implementation of the 2040 MTP/SCS would increase water demand, which may require new or expanded water supplies, entitlements, or facilities. (Impact W-2)

18. Because the 2040 MTP/SCS would result in significant and unavoidable impacts to several environmental issue areas, implementation of the 2040 MTP/SCS would not be consistent with every applicable adopted State and local land use policy or regulation adopted for the purpose of avoiding or mitigating environmental effects. (Impact LU-2)

19. Implementation of the 2040 MTP/SCS would create temporary substantial noise and vibration level increases in discrete locations throughout the AMBAG region. Noise levels could exceed standards in local General Plans or noise ordinances. (Impact N-1)

20. Implementation of the 2040 MTP/SCS would potentially expose existing and future sensitive receptors to significant mobile source noise levels. Noise levels could exceed standards in local General Plans or noise ordinances. (Impact N-2)

21. Implementation of the 2040 MTP/SCS could place sensitive receptors in areas near transit and transportation facilities where noise levels may be unacceptable. Noise levels could exceed standards in local General Plans or noise ordinances. (Impact N-3)

22. Implementation of the 2040 MTP/SCS could expose sensitive receptors and fragile buildings to excessive vibration levels. (Impact N-4)

23. Implementation of the 2040 MTP/SCS could result in substantial population growth in the AMBAG region. (Impact PH-1)

24. Implementation of the 2040 MTP/SCS would result in increased daily hours of vehicle delay, total peak period congested vehicle miles travelled and percentage of commuter trips exceeding 30 minutes in 2040. (Impact T-1)

25. Implementation of the 2040 MTP/SCS would increase daily vehicle miles travelled between the baseline 2015 conditions and 2040 conditions. (Impact T-5)

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the Project to the extent feasible, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the Board hereby finds that the following legal, economic, social and environmental benefits of the Project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact:

a. The implementation of 2040 MTP/SCS transportation projects will provide for a comprehensive transportation system of facilities and services that meets the public’s need for the movement of people and goods and that is consistent with the social, economic and environmental goals and policies of the region. (See Final EIR Section 2.0.)

b. The project will improve transportation mobility and accessibility in the region compared to no project conditions. (See Final EIR Section 2.0 and Impact T-1.)

c. The project will improve air quality by reducing emissions of ozone precursors compared to 2015 baseline and future no project conditions. (See Impact AQ-1.)

d. The SCS will contribute to a reduction in per capita greenhouse gas (GHG) emissions from passenger vehicles and light trucks, helping the Monterey Bay region achieve the regional GHG reduction targets set by the California Air Resources Board (CARB). (See Impact GHG-3.)

e. The Project will promote consistency between the California Transportation Plan 2040, the 2040 MTP/SCS, county-level regional transportation plan and other plans developed by cities, counties, districts, Native American tribal governments and state and federal agencies in responding to Statewide and interregional transportation issues and needs. (See Final EIR Section 5.0.)
f. The construction of transportation projects will result in both short-term and long-term economic benefits to the Monterey Bay area and its residents. Transportation projects will indirectly provide for a number of jobs relating to construction and maintenance. The 2040 MTP/SCS program includes $9.9 billion of transportation investments in the region (see 2040 MTP/SCS Table 3-1) which will result in direct and indirect employment benefits.
The AMBAG Board of Directors finds that a Mitigation Monitoring and Reporting Program (MMRP) for the 2040 MTP/SCS has been prepared for the project and has been adopted concurrently with these Findings of Fact (Public Resources Code, § 21081.6(a)(1)).

CEQA requires that an agency adopt a Mitigation Monitoring or Reporting Program (MMRP) prior to approving a project that includes mitigation measures. The MMRP for the Project has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines.

The purpose of the MMRP is to ensure the adopted mitigation measures adopted in the Findings of Fact for 2040 MTP/SCS are implemented, in accordance with CEQA requirements. The Findings of Fact adopt feasible mitigation measures to reduce the significant environmental impacts of the 2040 MTP/SCS. The mitigation measures adopted in the 2040 MTP/SCS EIR Findings are listed in Sections IV and V of these Findings of Fact.
2040 Metropolitan Transportation Plan/
Sustainable Communities Strategy and
Regional Transportation Plans for Monterey,
San Benito and Santa Cruz Counties

Mitigation Monitoring and Reporting Program
SCH#2015121080

prepared by

Association of Monterey Bay Area Governments
24580 Silver Cloud Court
Monterey, California 93940
Contact: Heather Adamson, Director of Planning

prepared with the assistance of

Rincon Consultants, Inc.
437 Figueroa Street, Suite 203
Monterey, California 93940

June 2018
2040 Metropolitan Transportation Plan/ Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito and Santa Cruz Counties

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June 2018
This report prepared on 50% recycled paper with 50% post-consumer content.
Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that an agency adopt a Mitigation Monitoring or Reporting Program (MMRP) prior to approving a project that includes mitigation measures to reduce or avoid significant effects on the environment. This document is the MMRP for the 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and Regional Transportation Plans (RTPs) for Monterey, San Benito and Santa Cruz Counties. This MMRP has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines.

This MMRP lists in tabular format the mitigation measures for each issue area identified in the Final EIR for the 2040 MTP/SCS and RTPs (SCH #2015121080) and proposed for adoption in the CEQA Findings of Fact. This MMRP is designed to ensure adopted mitigation measures are implemented. For each mitigation measure specifications are made herein that identify the action required and the monitoring that must occur.

AMBAG, TAMC, SBtCOG and SCCRTC have lead agency status; and therefore, authority to enforce mitigation measures for projects for which they have discretionary authority. However, AMBAG, TAMC, SBtCOG and SCCRTC do not have authority to require recommended mitigation measures be implemented by other implementing agencies (e.g., Caltrans, counties, cities, transit agencies, etc.) that will be lead agencies for future transportation and land use development projects.

Implementing agencies or project sponsors considering approval of future projects under the 2040 MTP/SCS and RTPs for Monterey, San Benito and Santa Cruz Counties would utilize the EIR as a basis in determining mitigation measures for subsequent activities. Implementing agencies or project sponsors may be one of the following agencies:

- California Department of Transportation (Caltrans)
- Association of Monterey Bay Area Governments (AMBAG)
- Council of San Benito County Governments (SBtCOG)
- Santa Cruz County Regional Transportation Commission (SCCRTC)
- Transportation Agency for Monterey County (TAMC)
- Monterey County and its incorporated cities:
  - Carmel-by-the-Sea
  - Del Rey Oaks
  - Gonzales
  - Greenfield
  - King City
  - Marina
  - Monterey
  - Pacific Grove
  - Salinas
  - Sand City
  - Seaside
  - Soledad
San Benito County and its incorporated cities:
  - Hollister
  - San Juan Bautista

Santa Cruz County and its incorporated cities:
  - Capitola
  - Santa Cruz
  - Scotts Valley
  - Watsonville

The Final EIR mitigation measures are programmatic first-tier mitigation that will be implemented by AMBAG and the Regional Transportation Planning Agencies (RTPAs), which consists of SBtCOG, SCCRTC and TAMC. Additionally, the mitigation measures can and should be implemented by other implementing and project sponsor agencies, listed above, during future project-specific design and second-tier environmental review. When the RTPAs are the direct source of funding for transportation network improvement projects, RTPAs will require as a grant condition the implementation of those 2040 MTP/SCS mitigation measures that are applicable to, and feasible for, the project type being funded. The implementing agency or project sponsor agency for each future project will be responsible for assuring the project-specific mitigation measures it adopts are enforceable and will be responsible for monitoring those mitigation measures.

AMBAG will designate a staff person to serve as Coordinator for overall implementation and administration of the MMRP, and its application to future projects. The Coordinator will prepare an annual progress report on mitigation measure implementation.
### Mitigation Measures

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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<tbody>
<tr>
<td><strong>Aesthetics/Visual Resources</strong></td>
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<tr>
<td>For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would potentially degrade scenic vistas or scenic resources within a state scenic highway. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.</td>
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<tr>
<td><strong>AES-1 (a) Discouragement of Architectural Features that Block Scenic Views:</strong></td>
<td>Confirm that architectural plans and building plans satisfy the design standards, components and materials listed in the mitigation measure. Confirm structures and walls are constructed consistent with plans.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td>Implementing agencies shall design projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development. Setbacks and acoustical design of adjacent structures shall be preferentially used as mitigation for potential noise impacts arising from increased traffic volumes associated with adjacent land development. Where use of sound walls, or any other architectural features that could block views from the scenic highways or other view corridors, shall be discouraged to the extent possible. Where use of sound walls is found to be necessary, walls shall incorporate offsets, accents and landscaping to prevent monotony. In addition, sound walls shall be complementary in color and texture to surrounding natural features.</td>
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<td><strong>Implementing Agencies</strong></td>
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<tr>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
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<tr>
<td><strong>AES-1(b) Tree Protection and Replacement.</strong> New roadways and extensions and widenings of existing roadways shall avoid the removal of existing mature trees to the extent possible. The implementing agency of a particular 2040 MTP/SCS project shall replace any trees lost at a minimum 2:1 basis and incorporate them into the landscaping design for the roadway when feasible. The implementing agency also shall ensure the continued vitality of replaced trees through periodic maintenance.</td>
<td>Grading and site plans shall avoid the removal of existing mature trees to the extent possible. Place conditions of approval on project to require tree replacement at a minimum 2:1 ratio. Maintain replacement trees to ensure their success.</td>
<td>During project permitting and environmental review for roadway extensions and widening projects.</td>
<td>Monitor survivability of replacement trees periodically following construction.</td>
<td>Implementing agencies/project sponsor.</td>
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<td><strong>Implementing Agencies</strong></td>
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</tbody>
</table>
Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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AES-2 Design Measure for Visual Compatibility. The implementing agency shall require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include:

- Siting or designing projects to minimize their intrusion into important viewsheds;
- Avoiding large cuts and fills when the visual environment (natural or urban) would be substantially disrupted;
- Ensuring that re-contouring provides a smooth and gradual transition between modified landforms and existing grade;
- Developing transportation systems to be compatible with the surrounding environments (e.g., colors and materials of construction material; scale of improvements);
- Protecting or replacing trees in the project area;
- Designing and installing landscaping to add natural elements and visual interest to soften hard edges, as well as to restore natural features along corridors where possible after widening, interchange modifications, realignment, or construction of ancillary facilities. The implementing agency shall provide a performance security equal to the value of the landscaping/irrigation installation to ensure compliance with landscaping plans; and
- Designing new structures to be compatible in scale, mass, character and architecture with existing structures.

Implementing Agencies
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

Ensure grading plans and landscape plans avoid large cut and fills, provide re-contouring, replace trees and restore vegetation cover. Confirm that architectural plans and building plans incorporate design compatible with surrounding existing structures.

During project permitting and environmental review.

Once.

Implementing agencies/project sponsor.
For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures for transportation projects that would result in light and glare impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

### AES-3(a) Roadway Lighting
Roadway lighting shall be minimized to the extent possible, consistent with safety and security objectives and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of hoods, low intensity lighting and using as few lights as necessary to achieve the goals of the project.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies.

<table>
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<tr>
<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
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</thead>
<tbody>
<tr>
<td>Confirm that site plans satisfy the lighting requirements listed in the mitigation measure. Confirm lights are installed as described and shown on site plans.</td>
<td>During project permitting and environmental review.</td>
<td>Once during plan review. Once at completion of construction.</td>
<td>Implementing agencies/project sponsor.</td>
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</table>

### AES-3(b) Lighting Design Measures
As part of planning, design and engineering for projects, implementing agencies shall ensure that projects proposed near light-sensitive uses avoid substantial spillover lighting. Potential design measures include, but are not limited to, the following:

- Lighting shall consist of cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light into adjacent properties and undeveloped open space. Fixtures that project light upward or horizontally shall not be used.
- Lighting shall be directed away from habitat and open space areas adjacent to the project site.
- Light mountings shall be downcast and the height of the poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light onto adjacent private properties and undeveloped open space. Light poles will be 20 feet high or shorter. Luminary mountings shall have non-glare finishes.
- Exterior lighting features shall be directed downward and shielded in order to confine light to the boundaries of the subject project. Where more intense lighting is necessary for safety purposes, the design shall include landscaping to block light from sensitive land uses, such as residences.

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<tr>
<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
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<tbody>
<tr>
<td>Confirm that development and building plans satisfy the lighting requirements listed in the mitigation measure. Confirm lights are installed as described and shown on plans.</td>
<td>During project permitting and environmental review.</td>
<td>Once during plan review. Once at completion of construction.</td>
<td>Implementing agencies/project sponsor.</td>
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</table>
AES-3(c) Glare Reduction Measures. Implementing agencies shall minimize and control glare from transportation and infill development projects near glare-sensitive uses through the adoption of project design features such as:

- Planting trees along transportation corridors to reduce glare from the sun;
- Creating tree wells in existing sidewalks;
- Adding trees in new curb extensions and traffic circles;
- Adding trees to public parks and greenways;
- Landscaping off-street parking areas, loading areas and service areas;
- Limiting the use of reflective materials, such as metal;
- Using non-reflective material, such as paint, vegetative screening, matte finish coatings and masonry;
- Screening parking areas by using vegetation or trees;
- Using low-reflective glass; and
- Complying with applicable general plan policies or local controls related to glare.

Tree species planted to comply with this measure shall provide substantial shade cover when mature. Utilities shall be installed underground along these routes wherever feasible to allow trees to grow and provide shade without need for severe pruning.

Implementing Agencies
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

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<tr>
<th>Mitigation Measures</th>
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<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
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<tbody>
<tr>
<td>Confirm that development and building plans satisfy the glare reduction requirements listed in the mitigation measure. Confirm measures are installed as described and shown on plans.</td>
<td>During project permitting and environmental review.</td>
<td>Once during plan review. Once at completion of construction.</td>
<td>Implementing agencies/project sponsor.</td>
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</table>

Agriculture and Forestry Resources

For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would result in impacts to Important Farmland. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.
<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
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</thead>
<tbody>
<tr>
<td>AG-1 Impact Avoidance and Minimization. Implementing agencies shall implement</td>
<td>Require project relocation or corridor realignment, where feasible, to avoid</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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<td>measures, where feasible based on project-and site-specific considerations that</td>
<td>Important Farmland, agriculturally-zoned land and/or land under Williamson Act</td>
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<td>include, but are not limited to those identified below.</td>
<td>contract;</td>
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<tr>
<td>• Require project relocation or corridor realignment, where feasible, to avoid</td>
<td>Compensatory mitigation at a minimum 1:1 (impacted:replaced) acreage ratio with</td>
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<td>Important Farmland, agriculturally-zoned land and/or land under Williamson Act</td>
<td>Important Farmland of equivalent or better quality;</td>
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<td>contract;</td>
<td>Require acquisition of conservation easements on land at least equal in quality</td>
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<td>• Instituting new protection of farmland in the project area or elsewhere through</td>
<td>and size as mitigation for the loss of Important Farmland; and/or</td>
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<td>the use of long-term restrictions on use, such as 20-year Farmland Security Zone</td>
<td>Require acquisition of conservation easements. Institute new protection of</td>
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<td>contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act</td>
<td>farmland</td>
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<td>contracts (Government Code Section 51200 et seq.).</td>
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<td>Implementing Agencies</td>
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<td>Implementing agencies for transportation projects include RTPAs and transportation</td>
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<td>project sponsor agencies.</td>
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<td>Implementing agencies for land use projects include cities and counties.</td>
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<td><strong>Air Quality and Health Impacts/Risks</strong></td>
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<td>For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC</td>
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<td>shall implement, and transportation project sponsor agencies can and should</td>
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<td>implement, the following mitigation measures developed for the 2040 MTP/SCS</td>
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<td>program where applicable for transportation projects that result in fugitive dust</td>
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<td>and ozone precursor emissions. Cities and counties in the AMBAG region can and</td>
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<td>should implement these measures, where relevant to land use projects implementing</td>
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<td>the 2040 MTP/SCS. Project-specific environmental documents may adjust these</td>
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<td>mitigation measures as necessary to respond to site-specific conditions.</td>
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<td>AQ-2(a) Application of MBARD Feasible Mitigation Measures. For all projects, the</td>
<td>Construction plans shall show MBARD’s standard dust control measures;</td>
<td>During project permitting and environmental review.</td>
<td>Once during plan review; periodically during construction</td>
<td>Implementing agencies/project sponsor.</td>
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<td>implementing agency shall incorporate the most recent MBARD feasible mitigation</td>
<td>implementing agency shall ensure implementation.</td>
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<td>measures and/or technologies for reducing inhalable particles based on analysis of</td>
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<td>individual sites and project circumstances. Current MBARD feasible mitigation</td>
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<td>measures include the following. Additional and/or modified measures may be</td>
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<td>adopted by MBARD prior to implementation of individual projects under the 2040</td>
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<tr>
<td>MTP/SCS. The most</td>
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</table>
current list of feasible mitigation measures at the time of project implementation shall be used.

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.
- Haul trucks shall maintain at least 2’0” of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads on construction sites.
- Sweep streets if visible soil material is carried out from the construction site.
- Limit the area under construction at any one time.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District shall be visible to ensure compliance with Rule 402 (Nuisance).

### Implementing Agencies
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.
### Mitigation Measures

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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</thead>
<tbody>
<tr>
<td><strong>AQ-2(b) Diesel Equipment Emissions Standards.</strong> The implementing agency shall</td>
<td>Construction plans shall ensure that the construction equipment is subject to</td>
<td>During project permitting and environmental review. Prior issuance of grading permits;</td>
<td>Once during project plan review; periodically during construction</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td>ensure, to the maximum extent feasible, that diesel construction equipment</td>
<td>the CARB Regulation for In-use Off-road Diesel Vehicles and, if feasible,</td>
<td>periodically during construction</td>
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<tr>
<td>meeting CARB Tier 4 emission standards for off-road heavy-duty diesel engines is</td>
<td>construction equipment meets Tier 4 standards; or at least Tier 2 standards; and</td>
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<td>used. If use of Tier 4 equipment is not feasible, diesel construction equipment</td>
<td>perform periodic site inspections.</td>
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<td>meeting Tier 3 (or if infeasible, Tier 2) emission standards shall be used. These</td>
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<td>measures shall be noted on all construction plans and the implementing agency shall</td>
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<td>perform periodic site inspections.</td>
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<td><strong>Implementing Agencies</strong></td>
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<tr>
<td>Implementing agencies for transportation projects include RTPAs and transportation</td>
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<td>project sponsor agencies.</td>
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<tr>
<td>Implementing agencies for land use projects include cities and counties.</td>
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<tr>
<td><strong>AQ-2(c) Electric Construction Equipment.</strong> The implementing agency shall ensure</td>
<td>Construction plans shall ensure that electricity from power poles is used to</td>
<td>During project permitting and environmental review. Prior issuance of grading permits;</td>
<td>Once during project plan review; periodically during construction</td>
<td>Implementing agencies/project sponsor.</td>
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<td>that to the extent possible, construction equipment utilizes electricity from</td>
<td>the extent possible.</td>
<td>periodically during construction</td>
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<td>power poles rather than temporary diesel power generators and/or gasoline power</td>
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<td>generators.</td>
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<td><strong>Implementing Agencies</strong></td>
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<td>Implementing agencies for transportation projects include RTPAs and transportation</td>
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<td>project sponsor agencies.</td>
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<tr>
<td>Implementing agencies for land use projects include cities and counties.</td>
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<tr>
<td>**For land use projects under their jurisdiction, the cities and counties in the</td>
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<tr>
<td>AMBAG region can and should implement the following measures to reduce PM$_{10}$</td>
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<td>emissions, where relevant to land use projects implementing the 2040 MTP/SCS. Project-</td>
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<td>specific environmental documents may adjust these mitigation measures as necessary</td>
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<td>to respond to site-specific conditions.</td>
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<tr>
<td><strong>AQ-3 Project-Level PM$_{10}$ Emissions Reduction.</strong> Implementing agencies shall</td>
<td>Evaluate PM$_{10}$ emissions and ensure reduction of emissions below MBARD</td>
<td>During project permitting and environmental review; periodically during construction.</td>
<td>Once during project-level environmental review; periodically during construction</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td>evaluate PM$_{10}$ emissions as part of project-specific CEQA review and</td>
<td>standards by reduction measures listed in this mitigation measure or other</td>
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<td>discretionary approval decisions for land use projects in the NCCAB. Where</td>
<td>measures of equivalent effectiveness.</td>
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<td>project-level significant impacts are identified, implementing agencies shall</td>
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<tr>
<td>identify and implement measures that reduce PM$_{10}$ emissions below MBARD</td>
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<td>standards to the extent feasible. PM$_{10}$ emissions reduction measures may</td>
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<td>include:</td>
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<td>- Require new residential and commercial construction to apply dust suppressants,</td>
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<td>including water and non-toxic surfactants, and to comply with the maximum feasible</td>
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</table>
Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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- Dust and emissions control measures recommended by MBARD, to reduce particulate matter emissions from construction areas.
  - Require new construction projects to use the newest available (Tier 3 or better) construction equipment, which generate lower emissions of diesel particulate matter when operating.
  - Require new development to contribute mitigation fees to the MBARD Carl Moyer grant incentive programs that provide funding for regional PM10-reduction measures, including replacement of diesel engines in buses and other vehicles that reduce emissions of diesel particulate matter in the District.

Implementing Agencies
Implementing agencies for land use projects include cities and counties.

For transportation projects under their jurisdiction, TMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

<table>
<thead>
<tr>
<th>AQ-4 Health Risk Reduction Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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</thead>
<tbody>
<tr>
<td>Transportation implementing agencies shall implement the following measures:</td>
<td>Conduct project-level hot spot analysis. Ensure a project-level HRA is prepared by a qualified air quality consultant. Ensure project-level environmental review and site plans incorporate the measures to reduce particulate impacts, as listed in this mitigation measure.</td>
<td>During project permitting and environmental review; during construction as applicable.</td>
<td>Once during project-level environmental review; periodically during construction; following construction.</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td>- During project-specific design and CEQA review, the potential localized particulate (PM10 and PM2.5) impacts and their health risks of shall be evaluated for the project using procedures and guidelines consistent with U.S. EPA 2015’s <em>Transportation Conformity Guidance for Quantitative Hot-Spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas</em>. If required based on the project-level hotspot analysis, project-specific mitigation shall be added to the project design concept or scope to ensure that local particulate (PM10 and PM2.5) emissions would not reach a concentration at any location that would cause estimated cancer risk to exceed the 2015 Office of Environmental Health Hazard Assessment (OEHHA) threshold of 10 in one million. Per the U.S. EPA guidance (2015), potential mitigation</td>
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<td>Mitigation Measures</td>
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<td>measures to be considered may include but shall not be limited to: providing a retrofit program for older higher emitting vehicles, anti-idling requirements or policies, controlling fugitive dust, routing traffic away from populated zones and replacing older buses with cleaner buses. These measures can and should be implemented to reduce localized particulate impacts as needed. ▪ Retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and OEHHA requirements to determine the exposure of nearby residents to TAC concentrations. ▪ If impacts result in increased risks to sensitive receptors above significance thresholds, Plant trees and/or vegetation suited to trapping TACs and/or sound walls between sensitive receptors and the pollution source. This measure would trap TACs emitted from pollution sources such as highways, reducing the amount of TACs to which residents and other sensitive populations would be exposed. In addition, consistent with the general guidance contained in CARB’s Air Quality and Land Use Handbook (April 2005) and Technical Advisory on Strategies to Reduce Air pollution Exposure Near High-Volume Roadways (April 2017), for land use projects, appropriate and feasible measures shall be incorporated into project building design for residential, school and other sensitive uses located within 500 feet, or other distance as determined by the lead agency, of freeways, heavily travelled arterials, railways and other sources of diesel particulate matter, including roadways experiencing significant vehicle delays (CARB 2005). The appropriate measures shall include one or more of the following methods, as determined by a qualified professional, as applicable. The implementing agency shall incorporate health risk reduction measures based on analysis of individual sites and project circumstances. These measures may include: ▪ Avoid siting new sensitive land uses within 500 feet of a freeway or railway. ▪ Require development projects for new sensitive land uses</td>
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<td>Mitigation Measures</td>
<td>Action Required</td>
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<td>to be designed to minimize exposure to roadway-related pollutants to the maximum extent feasible through inclusion of design components including air filtration and physical barriers.</td>
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<td>Do not locate sensitive receptors near the entry and exit points of a distribution center.</td>
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<tr>
<td>Locate structures and outdoor living areas for sensitive uses as far as possible from the source of emissions. As feasible, locate doors, outdoor living areas and air intake vents primarily on the side of the building away from the freeway or other pollution source. As feasible, incorporate dense, tiered vegetation that regains foliage year-round and has a long life span between the pollution source and the project.</td>
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<td>Maintain a 50-foot buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year).</td>
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<td>Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the MERV 13. The HV system should include the following features: Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters should be used. Ongoing maintenance should occur.</td>
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<td>Retain a qualified HV consultant or Home Energy Rating Systems (HERS) rater during the design phase of the project to locate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources.</td>
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<td>Maintain positive pressure within the building.</td>
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<td>Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.</td>
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<td>Achieve a performance standard of at least 4 air exchanges per hour of recirculation. Achieve a performance standard of 0.25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.</td>
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<td>Require project owners to provide a disclosure statement</td>
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## Mitigation Measures

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<th>Mitigation Measure</th>
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<th>Implementation Timing</th>
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<tr>
<td>to occupants and buyers summarizing technical studies that reflect health concerns about exposure to highway exhaust emissions.</td>
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<td>- Implement feasible attenuation measures needed to reduce potential air quality impacts to sensitive receptors such as air filtration systems.</td>
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### Implementing Agencies

Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

### Biological Resources

For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects identified in Appendix B. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

#### B-1(a) Biological Resources Screening and Assessment

On a project-by-project basis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment to document the existing biological resources within the project footprint plus a buffer and to determine the potential impacts to those resources. The biological resources assessment shall evaluate the potential for impacts to all biological resources including, but not limited to: special status species, nesting birds, wildlife movement, sensitive plant communities, critical habitat, Essential Fish Habitat and other resources judged to be sensitive by local, state and/or federal agencies. Depending on the results of the biological resources assessment, design alterations, further technical studies (i.e. protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state and federal agencies may be required. The screening to determine whether the project has any potential impact to biological resources and incorporate measures listed in this mitigation measure if impacts are found.

Ensure screening during project permitting and environmental review.

Implementing agencies/project sponsor.
### Mitigation Measures

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<td>following mitigation measures [B-1(b) through B-1(j)] shall be incorporated only as applicable into the biological resources assessment for projects where specific resources are present or may be present and impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the biological resources assessment where suitable habitat is present. The results of the biological resources screening and assessment shall be provided to the implementing agency for review and approval. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties. <strong>B-1(b) Special Status Plant Species Surveys.</strong> If completion of the project-specific biological resources assessment determines that special status plant species have potential to occur on-site, surveys for special status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the target species identified in the project-specific biological resources assessment. All plant surveys shall be conducted by a qualified biologist approved by the implementing agency no more than one years prior to project implementation (annual grassland habitats may require yearly surveys). All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph or topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency for review. If special status plant species are identified, mitigation measure B-1(c) shall apply. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies.</td>
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<td>If applicable, surveys for special status plants shall be completed. Ensure a report of the survey is provided. During project permitting and environmental review; prior to construction but no earlier than one year before construction commences. Once.</td>
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<td>Implementing agencies/project sponsor.</td>
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<tr>
<td>Implementing agencies for land use projects include cities and counties.</td>
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<td><strong>B-1(c) Special Status Plant Species Avoidance, Minimization and Mitigation.</strong></td>
<td>If applicable, project shall be redesigned to avoid impacting these plant species to the maximum extent feasible. If avoidance is not possible, mitigation shall be required pursuant to a restoration plan that must be developed for the project.</td>
<td>During project permitting and environmental review; prior to issuance of construction permits and approvals.</td>
<td>Once.</td>
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<td><strong>Implementing Agencies</strong></td>
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<tr>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
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<td><strong>B-1(d) Endangered/ Threatened Animal Species Habitat Assessment and Protocol Surveys.</strong></td>
<td>If applicable, protocol habitat assessments/surveys shall be completed in accordance with protocols.</td>
<td>During project permitting and environmental review; prior to commencement of project construction.</td>
<td>Once.</td>
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**Mitigation Measures**

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<tr>
<td>If applicable, project plans shall include project-specific mitigation measures to avoid and minimize impacts to habitat for endangered or threatened species. If avoidance is not possible, credits shall be purchased according to the mitigation measure, and a qualified biologist must provide a HMMP.</td>
<td>During project permitting and environmental review; prior to issuance of construction permits and approvals.</td>
<td>In accordance with project HMMP, as applicable.</td>
<td>Implementing agencies/project sponsor.</td>
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**Implementing Agencies**

Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

**B-1 (e) Endangered/Threatened Animal Avoidance and Compensatory Mitigation.** If habitat is occupied or presumed occupied by federal and/or state listed species and would be impacted by the project, the implementing agency shall re-design the project in coordination with a qualified biologist to avoid impacting occupied/presumed occupied habitat to the maximum extent feasible. If occupied or presumed occupied habitat cannot be avoided, the implementing agency shall provide the total acreages for habitat that would be impacted prior to the issuance of construction permits/approvals. The implementing agency shall purchase credits at a USFWS, NMFS and/or CDFW approved conservation bank if available for the affected species and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts to federal and/or state listed species habitat.

Compensatory mitigation shall be provided at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for permanent impacts. Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable. Temporary impact areas shall be restored to pre-project conditions.

If on and/or off site mitigation sites are identified the implementing agency shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts.
<table>
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<tr>
<th>Mitigation Measures</th>
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<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
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<tr>
<td>to federal and/or state listed species. The HMMP shall identify long term site management needs, routine monitoring techniques, techniques and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. The HMMP shall be submitted to the agency overseeing the project for approval.</td>
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<tr>
<td>Implementing Agencies</td>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
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<tr>
<td>B-1(f) Endangered/Threatened Species Avoidance and Compensatory Mitigation. The following measures shall be applied to aquatic and terrestrial species, where appropriate. Implementing agencies shall select from these measures as appropriate depending on site conditions, the species with potential for occurrence, and the results of the biological resources screening and assessment (measure B-1[a]).</td>
<td>If applicable, project plans shall include project-specific mitigation measures to avoid and minimize impacts to endangered or threatened species.</td>
<td>During project permitting and environmental review; prior to and ongoing through project construction.</td>
<td>Periodically through construction.</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td>- Pre-construction surveys for federal and/or state listed species with potential to occur shall be conducted where suitable habitat is present by a qualified biologist not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of federal and/or state listed species is found within the survey area, the appropriate measures in the BO or Habitat Conservation Plan (HCP)/Incidental Take Permit (ITP) issued by the USFWS/NMFS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) shall be implemented; or if such guidance is not in place for the activity, the qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. The results of the pre-construction surveys shall be submitted to the implementing agency for review and</td>
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Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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approval prior to start of construction.
- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction Environmental Sensitive Area fencing installed between said area and the limits of disturbance.
- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed during the dry season, typically between April 1 and October 31, to avoid impacts to sensitive aquatic species.
- All projects occurring within or adjacent to sensitive habitats that may support federally and/or state endangered/threatened species shall have a qualified biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of the CDFW and/or USFWS/NMFS or as outlined in project permits, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are begin fully implemented.
- No endangered/threatened species shall be captured and relocated without authorization from the CDFW and/or USFWS/NMFS.
- If pumps are used for dewatering activities, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.
- If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. At that point a qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS,
<table>
<thead>
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<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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<td>NMFS and/or CDFW. Alternatively, the appropriate measures shall be implemented in</td>
<td>If applicable, project plans shall include project-specific mitigation measures to reduce</td>
<td>During project permitting and environmental review; prior to, during and after project construction.</td>
<td>During all initial ground disturbance, as applicable.</td>
<td>Implementing agencies/project sponsor.</td>
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<td>accordance with the BO or HCP/ITP issued by the USFWS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) and work can then continue as guided by those documents and the agencies as appropriate.</td>
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<td>All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.</td>
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<td>No equipment shall be permitted to enter wetted portions of any affected drainage channel other than equipment necessary to conduct approved dewatering activities required for project construction.</td>
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<td>All equipment operating within streambeds (restricted to conditions in which water is not present) shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.</td>
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<td>At the end of each work day, excavations shall be secured with cover or a ramp shall be provided to prevent wildlife entrapment.</td>
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<td>All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.</td>
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<td>Implementing Agencies</td>
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<tr>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
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<tr>
<td><strong>B-1(g) Non-Listed Special Status Animal Species Avoidance and Minimization.</strong> Depending on the species identified in the BRA, the following measures shall be selected from among the following to reduce the potential for impacts to</td>
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Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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non-listed special status animal species:
  • Pre-construction clearance surveys shall be conducted within 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 100-foot buffer and shall identify all special status animal species that may occur on-site. All non-listed special status species shall be relocated from the site either through direct capture or through passive exclusion. A report of the pre-construction survey shall be submitted to the implementing agency for their review and approval prior to the start of construction.
  • A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal, to recover special status animal species unearthed by construction activities.
  • Upon completion of the project, a qualified biologist shall prepare a final compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted within 30 days of completion of the project.
  • If special status bat species may be present and impacted by the project, within 30 days of the start of construction a qualified biologist shall conduct presence/absence surveys for special status bats, in consultation with the CDFW, where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices and other areas where bats may roost. If active bat roosts or colonies are present, the biologist shall evaluate the type of roost to determine the next step.
    o If a maternity colony is present, all construction activities shall be postponed within a 250-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed or as recommended by CDFW through consultation. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.

impacts to non-listed special status species.
If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), alternative roosts, such as bat boxes if appropriate for the species, shall be designed and installed near the project site. The number and size of alternative roosts installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW.

If other active roosts are located, exclusion devices such as valves, sheeting or flap-style one-way devices that allow bats to exit but not re-enter roosts discourage bats from occupying the site.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

### B-1(h) Preconstruction Surveys for Nesting Birds
For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the CFGC, the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act shall be conducted by a qualified biologist no more than 30 days prior to vegetation removal activities.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of bald and golden eagles, shall cover all areas within of the disturbance footprint plus a one-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, if applicable, a survey for nesting birds shall be completed; if necessary, a buffer shall be created.

During project permitting and environmental review; prior to construction activities; during construction activities if required. Once prior to construction; as needed during construction activities.

Implementing agencies/project sponsor.
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<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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<tr>
<td>unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails. For bald or golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS and CDFW. The size of the buffer may be influenced by the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing and duration of the expected disturbance. The buffer shall be established between February 1 and August 31; however, buffers may be relaxed earlier than August 31 if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged and the nest is no longer in use. A report of these preconstruction nesting bird surveys and nest monitoring (if applicable) shall be submitted to the implementing agency for review and approval prior to the start of construction. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>If applicable, construction personnel shall attend WEAP training.</td>
<td>During project permitting and environmental review.</td>
<td>Once prior to construction.</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td><strong>B-1(j) Worker Environmental Awareness Program.</strong> Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers and other personnel involved with construction of the project. All</td>
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employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

<table>
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<th>Mitigation Measures</th>
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<th>Responsible Agency or Party</th>
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<tr>
<td>B-2(a) Jurisdictional Delineation. If the results of measure B-1(a) indicates</td>
<td>If applicable, ajurisdictional delineation shall be completed and submitted to</td>
<td>During project permitting and</td>
<td>Once.</td>
<td>Implementing</td>
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<td>projects implemented under the 2040 MTP/SCS occur within or adjacent to wetland,</td>
<td>the applicable agencies listed in this mitigation measure.</td>
<td>environmental review.</td>
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<td>Agencies/project</td>
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<td>drainages, riparian habitats, or other areas that may fall under the jurisdiction</td>
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<td>of the CDFW, USACE, RWQCB and/or CCC, a qualified biologist shall complete a</td>
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<td>jurisdictional delineation shall determine the extent of the jurisdiction for each</td>
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<td>of these agencies and shall be conducted in accordance with the requirement set</td>
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<td>forth by each agency. The result shall be a jurisdictional delineation report</td>
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<td>that shall be submitted to the implementing agency, USACE, RWQCB, CDFW and/or CCC,</td>
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<td>as appropriate, for review and approval, and the project shall be designed to</td>
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<td>minimize impacts to jurisdictional areas to the maximum extent feasible. The</td>
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<td>delineation shall serve as the basis to identify jurisdictional areas to be</td>
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<td>protected during construction, through implementation of the avoidance and</td>
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<td>minimization identified in measure B-2(f).</td>
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<td><strong>Implementing Agencies</strong></td>
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<td>Implementing agencies for transportation projects include RTPAs and transportation</td>
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<td>project sponsor agencies. Implementing agencies for land use projects include</td>
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<td>cities and counties.</td>
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<tr>
<td>B-2(b) Wetlands, Drainages and Riparian Habitat Restoration. Impacts to</td>
<td>If applicable, project plans shall mitigate impacts to jurisdictional wetlands</td>
<td>During project permitting and</td>
<td>Once.</td>
<td>Implementing</td>
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<td>jurisdictional drainages, wetlands and riparian habitat shall be mitigated at an</td>
<td>and riparian habitats at a ratio</td>
<td>environmental review.</td>
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<td>Agencies/project</td>
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<td>appropriate ratio to fully offset project impacts, as determined by a</td>
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<td>sponsor.</td>
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Mitigation Monitoring and Reporting Program
Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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Qualified biologist, and shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan shall be developed by a qualified biologist and submittal to the agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank. **Implementing Agencies** Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

**B-2(c) Landscaping Plan.** If landscaping is proposed for a specific project, a qualified biologist/landscape architect shall prepare a landscape plan for that project. This plan shall indicate the locations and species of plants to be installed. Drought tolerant, locally native plant species shall be used. Noxious, invasive and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List and/or California Invasive Plant Council Inventory shall not be permitted. Species selected for planting shall be regionally appropriate native species that are known to occur in the adjacent native habitat types. **Implementing Agencies** Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

If applicable, a landscaping plan shall be prepared and include all requirements; species shall be similar to those in adjacent native habitats. During project permitting and environmental review. Once. Implementing agencies/project sponsor.

**B-2(d) Sensitive Vegetation Community Avoidance and Mitigation.** If the results of measure B-1(a) indicates projects implemented under the 2040 MTP/SCS would impact sensitive vegetation communities, impacts to sensitive communities shall be avoided through final project design modifications. If the implementing agency determines that sensitive communities cannot be avoided, impacts shall be mitigated on-site or offsite at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist. If applicable, project plans shall include final project design modifications shall be developed to avoid impacts to sensitive vegetation communities. If avoidance is not possible, impacts shall be mitigated at a ratio determined by a qualified biologist, and a During project permitting and environmental review. Once following construction and then, when applicable, in accordance with the Restoration Plan. Implementing agencies/project sponsor.
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<th>Mitigation Measures</th>
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<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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<td>Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be developed by a qualified biologist and submitted to the agency overseeing the project for approval. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>qualified biologist must provide a Restoration Plan.</td>
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<td><strong>B-2(e) Invasive Weed Prevention and Management Program.</strong> Prior to start of construction for each project that occurs within or adjacent to native habitats, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species. The plan shall be submitted to the implementing agency for review and approval. A list of target species shall be included, along with measures for early detection and eradication. The plan, which shall be implemented by the implementing agency, shall also include, but not be limited to, the following measures to prevent the introduction of invasive weed species:</td>
<td>If applicable, an Invasive Weed Prevention and Management Program shall be developed.</td>
<td>During project permitting and environmental review; prior to construction activities; during construction activities.</td>
<td>Once prior to construction; ongoing during construction.</td>
<td>Implementing agencies/project sponsor.</td>
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### Mitigation Measures

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<td>species seed.</td>
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<tr>
<td>- Exotic and invasive plant species shall be excluded from any erosion control</td>
<td>If applicable, ensure project plans incorporate the best management practices</td>
<td>During project permitting and environmental review; prior to construction activities;</td>
<td>Once prior to construction; ongoing</td>
<td>Implementing agencies/project</td>
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<td>seed mixes and/or landscaping plant palettes associated with the proposed project.</td>
<td>listed in this mitigation measure.</td>
<td>during construction activities.</td>
<td>during construction.</td>
<td>sponsor</td>
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<td>- All disturbed areas shall be hydroseeded with a mix of locally native species</td>
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<td>upon completion of work in those areas. In areas where construction is ongoing,</td>
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<td>hydroseeding shall occur where no construction activities have occurred within six</td>
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<td>(6) weeks since ground disturbing activities ceased. If exotic species invade these</td>
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<td>areas prior to hydroseeding, weed removal shall occur in consultation with a</td>
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<td>qualified biologist and in accordance with the restoration plan.</td>
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### Implementing Agencies

Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

### B-2(f) Wetlands, Drainages and Riparian Habitat Best Management Practices During Construction.

The following best management practices shall be required for development within or adjacent to wetlands, drainages, or riparian habitat:

- Access routes, staging and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and ancillary construction areas outside of jurisdictional areas.

- To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.

- Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year, or as otherwise directed by the regulatory agencies.

- During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at

If applicable, ensure project plans incorporate the best management practices listed in this mitigation measure. During project permitting and environmental review; prior to construction activities; during construction activities. Once prior to construction; ongoing during construction. Implementing agencies/project sponsor.
### Mitigation Measures

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<td>- All project-generated debris, building materials and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.</td>
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<td>- Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering wetlands, drainages or riparian habitat.</td>
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<td>- All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.</td>
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#### Implementing Agencies

Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

For transportation projects under their jurisdiction, TMC, SBTCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation measures for applicable transportation projects. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

#### B-3(a) Project Design for Wildlife Connectivity

All projects including long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement by incorporating

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<th>Project plans for projects with fencing and lighting shall be designed to minimize impacts to wildlife.</th>
<th>During project permitting and environmental review.</th>
<th>Once.</th>
<th>Implementing agencies/project sponsor.</th>
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Project plans for projects with fencing and lighting shall be designed to minimize impacts to wildlife. During project permitting and environmental review.

Once. Implementing agencies/project sponsor.
Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
---|---|---|---|---

**design features such as:**
- A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals;
- A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; and
- If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement, or the fence may be installed with the bottom at least 16 inches above the ground level.
- If fencing or other project components must be designed in such a manner that wildlife passage would not be permitted, wildlife crossing structures shall be incorporated into the project design as appropriate.
- Lighting installed as part of any project shall be designed to be minimally disruptive to wildlife (see mitigation measure AES-3(a) Roadway Lighting for lighting requirements).

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

**B-3(b) Maintain Connectivity in Drainages.** No permanent structures shall be placed within any drainage or river that would impede wildlife movement (i.e., no hardened caps or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage).
In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded

Ensure construction plans and building plans avoid placement of permanent structures in drainages or rivers such that wildlife movement would be impeded.
Ensure temporary impacts to stream channels are restored.
If applicable, ensure a diversion plan is provided
During project permitting and environmental review.
Once.
Implementing agencies/project sponsor.
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<th>Mitigation Measures</th>
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<td>passage through the area once the work has been complete. If water is to be diverted around work sites, a diversion plan shall be submitted to AMBAG, RTPA and/or local jurisdiction for review and approval prior to issuance of project construction permits/approvals. The diversion shall be designed in a way as to not impede movement while the diversion is in place. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>for the project.</td>
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<tr>
<td><strong>B-3(c) Construction Best Management Practices to Minimize Disruption to Wildlife.</strong> The following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans in order to minimize temporary disruption of wildlife, which could hinder wildlife movement: • Designation of a 20 mile per hour speed limit in all construction areas. • Whenever feasible, construction work schedules shall be limited to daylight hours only. • Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition. • All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week. • No pets are permitted on project site during construction. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>Construction plans shall incorporate best management practices to minimize disruption to wildlife. During project permitting and environmental review; prior to issuance of grading and construction permits.</td>
<td>Periodically during construction</td>
<td>Implementing agencies/project sponsor, and onsite construction manager.</td>
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Mitigation Monitoring and Reporting Program
For transportation projects under their jurisdiction, TAMC SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to historic resources. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**CR-1 Historical Resources Impact Minimization.** Prior to individual project permit issuance, the implementing agency of a 2040 MTP/SCS project involving earth disturbance or construction of permanent above ground structures or roadways shall prepare a map defining the Area of Potential Effects (APE). This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known historical resources are located within the impact zone. If a structure greater than 45 years in age is within the identified APE, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with CEQA Guidelines section 15064.5(b). Study recommendations shall be implemented, which may include, but would not be limited to, the following:

- Realign or redesign projects to avoid impacts on known historic resources where possible.
- If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings.
- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures

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<th>Mitigation Measures</th>
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<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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<tr>
<td>Cultural and Historic Resources</td>
<td>Project plans shall include required components to limit impacts to cultural resources.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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that protect historic resources. |  |  |  |  
**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies.
Implementing agencies for land use projects include cities and counties.

For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to archaeological resources. Cities and counties in the AMBAG region can and should implement this measure where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**CR-2 Archeological Resources Impact Minimization.** Before construction activities, implementing agencies shall retain a qualified archaeologist to conduct a record search at the Northwest Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, implementing agencies shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Implementing agencies shall follow recommendations identified in the survey, which may include, but would not be limited to: subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, or avoidance of sites and preservation in place. Recommended mitigation measures will be consistent with CEQA Guidelines Section 15126.4(b)(3) recommendations.
In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the

Ensure a record search is completed.
If applicable, ensure archaeological surveys are conducted. Implement recommendations identified in the survey.
Project construction plans shall include required components to stop work if archaeological resources are uncovered.
Place conditions of approval on project to ensure that work is halted if resources are uncovered until the procedures described in this mitigation measure have been completed.

During project permitting and environmental review; prior to construction activities; during construction activities.
Ongoing throughout construction.
Implementing agencies/project sponsor.
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<th>Mitigation Measures</th>
<th>Action Required</th>
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<tr>
<td>archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area. Implementing agencies shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties. For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to paleontological resources. Cities and counties in the AMBAG region can and should implement this measure where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.</td>
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**CR-3 Paleontological Resources Impact Minimization.** The implementing agency of a 2040 MTP/SCS project involving ground disturbing activities (including grading, trenching, foundation work and other excavations) shall retain a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for Qualified Professional Paleontologist (SVP 2010), to conduct a Paleontological Resources Assessment (PRA). The PRA shall determine the age and paleontological sensitivity of geologic formations underlying the proposed area. Qualified paleontologist shall conduct a PRA meeting the requirements of this mitigation measure. If applicable, place conditions of approval on the project to require implementation of the measures to avoid and mitigate impacts. Qualification paleontologist shall conduct a PRA during project permitting and environmental review. Qualification paleontologist shall conduct a PRA once during individual environmental review; monitor as needed during construction. Implementing agencies/project sponsor. |
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<tr>
<th>Mitigation Measures</th>
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<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
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<td>disturbance area, consistent with SVP Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP 2010) guidelines for categorizing paleontological sensitivity of geologic units within a project area. If underlying formations are found to have a high potential (sensitivity) for paleontological resources, the following measures shall apply:</td>
<td>minimize impacts in areas found to have a high sensitivity for paleontological resources, as described in this mitigation measure.</td>
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<td>▪ <strong>Paleontological Mitigation and Monitoring Program.</strong> A qualified paleontologist shall prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity. This program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration (i.e., in what locations and at what depths paleontological monitoring shall be required), salvage and preparation of fossils, the final mitigation and monitoring report and paleontological staff qualifications.</td>
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<td>▪ <strong>Paleontological Worker Environmental Awareness Program (WEAP).</strong> Prior to the start of ground disturbance activity greater than two feet below existing grade, construction personnel shall be informed on the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.</td>
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<td>▪ <strong>Paleontological Monitoring.</strong> Ground disturbing activity with the potential to disturbed geologic units with high paleontological sensitivity shall be monitored on a full-time basis by a qualified paleontological monitor. Should no fossils be observed during the first 50 percent of such excavations, paleontological monitoring could be reduced to weekly spot-checking under the discretion of the qualified paleontologist. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources.</td>
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<td>▪ <strong>Salvage of Fossils.</strong> If fossils are discovered, the implementing agency shall be notified immediately, and the qualified paleontologist (or paleontological monitor)</td>
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### Mitigation Measures

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<td>shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</td>
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<td><strong>Preparation and Curation of Recovered Fossils.</strong> Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data and maps.</td>
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<td><strong>Final Paleontological Mitigation and Monitoring Report.</strong> Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils and the scientific significance of those fossils and where fossils were curated.</td>
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### Implementing Agencies

Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

### Energy

Pacific Gas & Electric and local jurisdictions involved in Monterey Bay Community Power with responsibility for the construction or approval of new energy facilities or the expansion of existing facilities to adequately meet projected capacity needs can and should implement Mitigation Measure E-2(a). In addition, cities and counties should implement Mitigation Measure E-2(b). Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

<table>
<thead>
<tr>
<th>E-2(a) Mitigate Impacts of New or Expanded Energy Facilities.</th>
<th>Action Required</th>
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<th>Responsible Agency or Party</th>
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<tbody>
<tr>
<td>During the planning, design and project-level CEQA review process, apply necessary mitigation measures to avoid or reduce significant environmental impacts</td>
<td>Ensure incorporation of mitigation measures into project-level planning, design, and when</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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Mitigation Monitoring and Reporting Program

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<th>Mitigation Measures</th>
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<td>associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce environmental impacts associated with, but not limited to: air quality, noise, traffic, biological resources, cultural resources, GHG emissions, hydrology and water quality and others that apply to specific construction or expansion of natural gas and electric facilities projects.</td>
<td>applicable environmental review, to avoid or reduce significant environmental impacts associated with the construction or expansion of energy facilities.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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</table>

**E-2 (b) Develop Energy Demand Calculations and Reduce Energy Demand.** During the planning, design and project-level CEQA review process for individual development projects, develop electricity and natural gas demand calculations for any project anticipated to require substantial energy consumption. Implementing agencies shall implement design and mitigation measures that reduce energy consumption and promote the use of on-site renewable energy. This may include, but would not be limited to: installing energy-reducing shading mechanisms for windows, porches, patios, etc.; installing energy-reducing daylighting systems (e.g., skylights); use of low-energy interior and street lighting; and/or installation of solar photovoltaic (PV) panels or other on-site renewable energy that generates a minimum of 30 percent of the project’s total energy demand.

**Implementing Agencies**
Implementing agencies for energy projects include PG&E and local jurisdictions involved in Monterey Bay Community Power with responsibility for the construction or approval of new energy facilities or the expansion of existing facilities. Implementing agencies for land use projects include cities and counties.
Geology and Soils

For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for applicable transportation projects that could expose people or structures to substantial adverse effects due to seismic hazards. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

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<tr>
<td>GEO-1 Geotechnical Design.</td>
<td>Place conditions of approval on the project, when applicable, to ensure that a specific investigation and appropriate design factors are implemented.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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<td>If a 2040 MTP/SCS project is located in a zone of high potential ground-shaking intensity, implementing agencies can and should complete a site specific geotechnical report conducted by a qualified geotechnical expert. Any investigations shall comply with the California Geological Survey’s Guidelines for Evaluating and Mitigating Seismic Hazards in California and projects shall comply with the recommendations stated in the geotechnical analysis (California Geological Survey 2008). Recommendations may include, but are not limited to the following: fill placement and compaction, isolated and continuous footing, site specific pipe bedding and site specific seismic design criteria.</td>
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Implementing Agencies
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that could be located on unstable soils or in areas of high liquefaction potential. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

<p>| GEO-3a) Geotechnical Analysis. | Place conditions of approval on the project, when applicable, to ensure structures are designed based upon site specific geology, soils, and earthquake engineering studies. | During project permitting and environmental review. | Once. | Implementing agencies/project sponsor. |
| If a 2040 MTP/SCS project is located in an area of moderate to high liquefaction, lateral spreading and/or subsidence potential or in underground areas located in an area of high groundwater potential, the RTPAs shall ensure and sponsor agencies can and should ensure that these structures are designed based upon site specific geology, soils and earthquake engineering studies conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible design measures include, but would not be limited to: deep foundations, removal of liquefiable materials and | | | | |</p>
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<td>dewatering.</td>
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<td><strong>Implementing Agencies</strong></td>
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<tr>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
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<td><strong>GEO-3(b) Hillside Stability Evaluation.</strong> If a 2040 MTP/SCS project requires cut slopes over 20 feet in height or is located in areas of bedded or jointed bedrock, the implementing agency shall ensure that hillside stability evaluations and/or specific slope stabilization studies are conducted by a qualified geotechnical expert. Projects shall follow the recommendations of these studies. Possible stabilization methods include buttresses, retaining walls and soldier piles. In addition, to sustain a functional long-term transportation system along the coast, the strategies identified in Caltrans’ 2004 Big Sur Coast Highway Management Plan shall be implemented where appropriate and when feasible. Applicable Big Sur Coast Highway Management Plan measures may include, but are not limited to: adaptation to the fluid landform; separation of the highway from the moving landform; and, temporary or permanent rockfall catchments. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>Place conditions of approval on the project, when applicable, to ensure that Hillside Stability Evaluations and/or specific slope stabilization studies are conducted, and applicable strategies from the Big Sur Coast Highway Management Plan are implemented.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td><strong>GEO-3(c) Site Specific Geotechnical Evaluation.</strong> If a 2040 MTP/SCS project is located in an area of highly expansive soils, the RTPAs shall and sponsors agencies can and should ensure that a site-specific geotechnical investigation is conducted. The investigation shall identify hazardous conditions and recommend appropriate design factors to minimize hazards. Such measures could include concrete slabs on grade with increased steel reinforcement, removal of highly expansive material and replacement with non-expansive import fill material, or chemical treatment with hydrated lime to reduce the expansion characteristics of the soil.</td>
<td>Place conditions of approval on the project, when applicable, to ensure that site-specific geotechnical investigation is conducted.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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### Mitigation Measures

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<th>Soil Mitigation Measures</th>
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**Implementing Agencies**

Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

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### Greenhouse Gas Emissions/Climate Change

For all transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects generating construction GHG emissions. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GHG-1 Construction GHG Reduction Measures.** The implementing agency shall incorporate the most recent GHG reduction measures and/or technologies for reducing diesel particulate and NOx emissions measures for off-road construction vehicles during construction. The measures shall be noted on all construction plans and the implementing agency shall perform periodic site inspections. Current GHG-reducing measures include the following:

- Use of diesel construction equipment meeting CARB’s Tier 4 certified engines wherever feasible for off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation. Where the use of Tier 4 engines is not feasible, Tier 3 certified engines shall be used; where Tier 3 engines are not feasible, Tier 2 certified engines shall be used;
- Use of on-road heavy-duty trucks that meet the CARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five minute idling limit;
- Use of electric powered equipment in place of diesel powered equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and

| Construction plans shall ensure that construction equipment is subject to the CARB Regulation for In-Use Off-Road Diesel Vehicles and, if feasible, construction equipment meets Tier 4 standards; or at least Tier 2 standards; and perform periodic site inspections. | During project permitting and environmental review. | Once during project plan review; periodically during construction. | Implementing agencies/project sponsor. |
Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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- Use of alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, in place of diesel powered equipment for 15 percent of the fleet; and Use of materials sources from local suppliers; and
- Recycling of at least 50 percent of construction waste materials.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

Cities and counties in the AMBAG region can and should implement Mitigation Measure E-2(b) and the following measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GHG-4 Project-Level Energy Consumption and Water Use Reduction.** Implementing agencies shall evaluate energy consumption and water use as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce energy consumption and water use below local standards, or, in the absence of local standards, below MBARD-recommended standards. Examples of energy- and water-saving measures include:
- Require new residential and commercial construction to install solar energy systems or be solar-ready
- Require new residential and commercial development to install low-flow water fixtures
- Require new residential and commercial development to install water-efficient drought-tolerant landscaping, including the use of compost and mulch
- Require new development to exceed the applicable Title 24 energy-efficiency requirements

Implementing agencies for land use projects include cities and counties.

| | Evaluate energy consumption and water use and incorporate mitigation measures as needed to specifications described in measure. Place conditions of approval on the project requiring energy- and water-saving measures. | During project permitting and environmental review. | Once during project-level environmental review and discretionary approval decisions for land use projects; once prior to occupancy permit. | Implementing agencies/project sponsor. |
Mitigation measures are developed for the 2040 MTP/SCS program where applicable for transportation projects located within a potential sea level rise inundation area. Coastal cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**GHG-5 Sea Level Rise Adaptation.** For projects located within a potential sea level rise inundation area, the implementing agency shall incorporate appropriate adaptation strategies to minimize hazards associated with sea level rise, such that project structures and other critical facilities would be located outside of an identified sea level rise inundation area. Appropriate adaptation strategies will depend on project- and site-specific considerations, including proximity to the coastline, elevation and type of structure or facility proposed. Adaptation strategies may include, but would not be limited to:

- Project redesign to place structures and critical facilities outside of the potential sea level rise inundation area;
- Structural measures including drainage improvements, raising road surfaces or first floor elevations above the expected sea level rise inundation level, or strengthening structures to improve resiliency;
- Designing facilities to withstand periodic inundation and continue to function (i.e., waterproofing);
- Building a new levee or raising the elevation of an existing levee to protect the proposed building or structure, or construct engineered shoreline protection structures such as revetment and bulkheads; and/or
- Replenishment of sand from off-site locations to preserve beaches that are subject to erosion and land loss from rising sea levels (beach nourishment).

**Implementing Agencies**
Implementing agencies for transportation projects include TAMC, SCCRTC and transportation project sponsor agencies. Implementing agencies for land use projects include coastal cities and counties.

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<th>Mitigation Measures</th>
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<tr>
<td>For all transportation projects under their jurisdiction, TAMC and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects located within a potential sea level rise inundation area. Coastal cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.</td>
<td>Place conditions of approvals on project, where applicable, requiring measures for sea level rise adaptation.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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<td>Mitigation Measures</td>
<td>Action Required</td>
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<td>Hazards and Hazardous Materials</td>
<td>For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in hazardous materials impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.</td>
<td>Where applicable, prepare a Phase I ESA meeting the specifications of this mitigation measure. Place conditions of approval on project requiring incorporation of recommendations of the Phase I ESA, and if applicable, Phase II ESA.</td>
<td>Once prior to issuing grading or demolitions permits; periodically during construction.</td>
<td>Implementing agencies/project sponsor.</td>
</tr>
<tr>
<td>HAZ-3 Site Remediation</td>
<td>If an individual project included in the 2040 MTP/SCS is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the implementing agency shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials’ E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall hazardous building materials survey work that shall be done. Examples of typical recommendations provided in Phase I/II ESAs include removal of contaminated soil in accordance with a soil management plan approved by the local environmental health department; covering stockpiles of contaminated soil to prevent fugitive dust emissions; capturing groundwater encountered during construction in a holding tank for additional testing and characterization and disposal based on its characterization; and development of a health and safety plan for construction workers.</td>
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<tr>
<td>Implementing Agencies</td>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
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HAZ-6 Wildland Fire Risk Reduction. If an individual project included in the 2040 MTP/SCS is located within the wildland-urban interface or areas favorable for wildland fires such that project-specific CEQA analysis finds a significant risk of loss, injury or death from fire, the implementing agency shall require appropriate mitigation to reduce the risk. Examples of mitigation to reduce risk of loss, injury or death from wildlife include, but are not limited to:

- Avoid introducing new or expanded development such as residential subdivisions, schools and hospitals into fire-prone, fire-controlled ecologies (e.g., indigenous Monterey pine forest, Santa Cruz sand hills/knobscone pine forest, coastal maritime chaparral).
- Require adherence to the local hazards mitigation plan, as well as the local general plan policies and programs aimed at reducing the risk of wildland fires through land use compatibility, training, sustainable development, brush management, public outreach and service standards for fire departments.
- Encourage the use of fire-resistant vegetation native to the AMBAG region and/or the local microclimate of the project site, and discourage the use of fire-prone species especially non-native, invasive species such as pampas grass or giant reed.
- Require a fire safety plan be submitted to and approved by the local fire protection agency. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. The local fire protection agency may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase of the project.
- Prohibit certain project construction activities with potential to ignite wildland fires during red-flag warnings issued by the National Weather Service for the project site location. Example activities that should be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.
- Require fire extinguishers to be onsite during construction.

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<tr>
<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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</thead>
<tbody>
<tr>
<td>HAZ-6 Wildland Fire Risk Reduction</td>
<td>Where applicable, place conditions of approval on project requiring incorporation of recommendations to reduce the potential for fires specified in this mitigation measure, or other measures at least equally effective.</td>
<td>During project permitting and environmental review.</td>
<td>Once during project-level environmental review; periodically during construction.</td>
<td>Implementing agencies/project sponsor.</td>
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### Mitigation Measures

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<th>Mitigation Measures</th>
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<tr>
<td>- Construction personnel shall receive training on how to use a fire extinguisher.</td>
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<td><strong>Implementing Agencies</strong></td>
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<tr>
<td>Implementing agencies for land use projects include cities and counties.</td>
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### Hydrology and Water Quality

For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that have water supply impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**W-2(a) Construction Dust Suppression Water Supply.** The RTPAs shall and sponsor agencies can and should ensure that all 2040 MTP/SCS projects, where feasible, reclaimed and/or desalinated water is used for dust suppression during construction activities. This measure shall be noted on construction plans and shall be spot checked by the local jurisdiction.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies.

- Where economically feasible, reclaimed and/or desalinated water shall be used for dust suppression during construction activities.
- This measure shall be noted on construction plans.
- Once prior to issuance of construction permit; periodically during construction.

**W-2(b) Landscape Watering.** In jurisdictions that do not already have an appropriate local regulatory program related to landscape watering, 2040 MTP/SCS projects that would include landscaping shall be designed with drought tolerant plants and drip irrigation. When feasible, native plant species shall be used. In addition, landscaping associated with proposed improvements shall be maintained using reclaimed and/or desalinated water when feasible.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies.

- Low water use landscaping (i.e., drought tolerant plants and drip irrigation) shall be installed.
- During project permitting and environmental review.
- Once

**Implementing agencies/project sponsor.**
### Mitigation Measures

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<th>Mitigation Measures</th>
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<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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<tbody>
<tr>
<td>W-2(c) Porous Pavement. In jurisdictions that do not already have an appropriate local regulatory program related to porous pavement, the sponsor of a 2040 MTP/SCS project that involves streetscaping, parking, transit and land use improvements shall ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>Use porous pavement materials where feasible.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
</tr>
<tr>
<td>W-2(d) Water Infrastructure Improvements. The sponsor of 2040 MTP/SCS projects that would require potable water service shall coordinate with water supply system operators to ensure that the existing water supply systems have the capacity to handle the increase. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility should be provided by the implementing agency. <strong>Implementing Agencies</strong> Implementing agencies include cities and counties for land use projects.</td>
<td>Provide infrastructure improvements for the appropriate public service or utility as needed.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
</tr>
<tr>
<td>W-2(e) Bioswales Installation. The sponsor of a 2040 MTP/SCS project, such as new roads or roadway extensions, that would substantially increase impervious surfaces shall ensure that bioswales are installed, where feasible, to facilitate groundwater recharge using stormwater runoff from the project site while improving water quality if not already required by the appropriate jurisdictions local regulatory programs. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>Use bioswales to facilitate groundwater recharge where feasible.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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Mitigation Monitoring and Reporting Program

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<th>Mitigation Measures</th>
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<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
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<tr>
<td>Noise</td>
<td>For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that result in construction noise impacts. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.</td>
<td>Ensure consistency with local noise ordinance requirements relating to construction for sensitive uses.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
</tr>
<tr>
<td><strong>N-1(a) Measures to Ensure Compliance with Local Construction Noise and Vibration Regulations.</strong></td>
<td>Implementing agencies of 2040 MTP/SCS projects shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites, appropriate measures shall be implemented to ensure compliance with local ordinance requirements relating to construction noise and vibration. Specific techniques may include, but are not limited to: restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.</td>
<td>Place conditions of approval on project to require the use of pile driving techniques when applicable and feasible.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
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<tr>
<td><strong>Implementing Agencies</strong></td>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
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<tr>
<td><strong>N-1(b) Pile Driving.</strong> For any project within 800 feet of sensitive receptors that requires pilings, the implementing agencies shall require caisson drilling or sonic pile driving as opposed to impact pile driving, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.</td>
<td>Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>Ensure that equipment and trucks used for project construction utilize the best available noise and vibration control techniques, including mufflers, intake silencers,</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
</tr>
<tr>
<td><strong>N-1(c) Construction Equipment Noise and Vibration Control.</strong> Implementing agencies of 2040 MTP/SCS projects shall ensure that equipment and trucks used for project construction utilize the best available noise and vibration control techniques, including mufflers, intake silencers,</td>
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<td>Mitigation Measures</td>
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<td>Ducts, engine enclosures and acoustically attenuating shields or shrouds.</td>
<td>Control techniques.</td>
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<td><strong>Implementing Agencies</strong></td>
<td>Implementing agencies for transportation</td>
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<td>projects include RTPAs and transportation project sponsor agencies.</td>
<td>agencies include cities and counties.</td>
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<tr>
<td>N-1(d) Impact Equipment Noise Control. Implementing agencies of 2040 MTP/SCS</td>
<td>Ensure that equipment is hydraulically or</td>
<td>During project permitting and environmental review.</td>
<td>Periodically throughout construction.</td>
<td>Implementing agencies/project sponsor.</td>
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<td>projects shall ensure that impact equipment (e.g., jack hammers, pavement</td>
<td>electrically powered; that an exhaust</td>
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<td>breakers and rock drills) used for project construction be hydraulically or</td>
<td>muffler is used; that external jackets on</td>
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<td>electrically powered wherever feasible to avoid noise associated with compressed</td>
<td>impact equipment is used; or quieter</td>
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<td>air exhaust from pneumatically powered tools. Where use of pneumatically powered</td>
<td>procedures are used, when feasible and</td>
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<td>tools is unavoidable, use of an exhaust muffler on the compressed air exhaust</td>
<td>applicable.</td>
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<td>can lower noise levels from the exhaust by up to about 10 dBA. When feasible,</td>
<td>Implementing agencies/project sponsor.</td>
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<td>external jackets on the impact equipment can achieve a reduction of 5 dBA.</td>
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<td>Whenever feasible, use quieter procedures, such as drilling rather than impact</td>
<td>Implementing agencies for land use projects</td>
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<tr>
<td>equipment operation.</td>
<td>include cities and counties.</td>
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<tr>
<td>N-1(e) Construction Activity Timing Restrictions. The following timing restrictions</td>
<td>When applicable, ensure compliance with</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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<tr>
<td>shall apply to MTP/SCS project construction activities located within 2,500 feet</td>
<td>timing restrictions for project construction</td>
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<td>of a dwelling unit, except where timing restrictions are already established in</td>
<td>activities located within 2,500 feet of a</td>
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<td>local codes or policies.</td>
<td>dwelling unit, as described in this</td>
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<td>Construction activities shall be limited to:</td>
<td>mitigation measure.</td>
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<td>• Monday through Friday: 7 a.m. to 6 p.m.</td>
<td>Implementing agencies for land use projects</td>
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<td>• Saturday: 9 a.m. to 5 p.m.</td>
<td>include cities and counties.</td>
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<td>Mitigation Measures</td>
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<td>Monitoring Frequency</td>
<td>Responsible Agency or Party</td>
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<tr>
<td><strong>N-1(f) Placement of Stationary Noise and Vibration Sources.</strong> Implementing agencies of 2040 MTP/SCS projects shall locate stationary noise and vibration sources as far from sensitive receptors as feasible. Stationary noise sources that must be located near existing receptors will be adequately muffled. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>Ensure that stationary noise sources are located away from sensitive receptors or muffled.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
</tr>
<tr>
<td><strong>N-1(g) Physical Impacts Due to Vibration.</strong> Implementing agencies of 2040 MTP/SCS projects utilizing heavy construction equipment shall estimate vibration levels generated by construction activities and use the Caltrans vibration damage potential threshold criteria to screen for potential damage to buildings located on or off-site. If construction equipment would generate vibration levels exceeding the threshold criteria, a structural engineer or other appropriate professional shall be retained to ensure vibration levels do not exceed the thresholds during project construction. The structural engineer shall perform the following tasks, at minimum:</td>
<td>Assess potential vibration levels of project construction equipment and evaluate the potential for structural damage using the Caltrans criteria. When applicable, retain a structural engineer to conduct the tasks specified in this mitigation measure.</td>
<td>During project permitting and environmental review.</td>
<td>Once during project-level environmental review; periodic monitoring during construction.</td>
<td>Implementing agencies/project sponsor.</td>
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</table>

- Review the project’s demolition and construction plans
- Survey the project site and vulnerable buildings, including geological testing, if necessary
- Prepare and submit a report to the lead agency or other appropriate party containing the following, at minimum:
  - Any information obtained from the surveys identified above
  - Any modifications to the estimated vibration thresholds based on building conditions, soil conditions and planned demolition and construction methods to ensure that vibration levels would remain below levels potentially damaging to vulnerable buildings
- Specific mitigation measures to be applied during construction to ensure vibration thresholds (or Caltrans guidelines, in lieu of specific limits) are not exceeded, including modeling to demonstrate the ability of
mitigation measures to reduce vibration levels below set limits
- A monitoring plan to be implemented during demolition and construction that includes post-demolition and post-construction surveys of the vulnerable building(s) and documentation demonstrating that the mitigation measures identified in the report have been applied

Examples of mitigation that may be applied during demolition or construction include:
- Prohibiting of certain types of construction equipment
- Specifying lower-impact methods for demolition and construction, such as sawing concrete during demolition
- Phasing operations to avoid simultaneous vibration sources
- Installing vibration measure devices to guide decision-making

The implementing agency shall be responsible for implementing all the mitigation measures recommended in the report as detailed in the report’s monitoring plan.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure developed for the 2040 MTP/SCS program where applicable for transportation projects that result in significant mobile source noise levels. Project-specific environmental documents may adjust this mitigation measure as necessary to respond to site-specific conditions.

**N-2 Noise Assessment and Control for Mobile and Point Sources.** Sponsor agencies of 2040 MTP/SCS projects shall complete detailed noise assessments using applicable guidelines (e.g., FTA Transit Noise and Vibration Impact Assessment for rail and bus projects and the Caltrans Traffic Noise Analysis Protocol) for roadway projects that may impact noise sensitive receptors. The implementing agency shall ensure that a noise survey is conducted that, at minimum:
- Determines existing and projected noise levels

A noise survey shall be completed to determine the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards. Development plans shall consider various sound attenuation techniques during project permitting and environmental review. Once.

Implementing agencies/project sponsor.
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<tr>
<td>Determines the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards</td>
<td>where new or expanded roadways, rail, or transit projects are found to expose receptors to noise exceeding normally acceptable levels; applicable agency shall assess and determine appropriate noise attenuation barriers on a case-by-case basis.</td>
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<td>Identifies potential alternate alignments that allow greater distance from, or greater buffering of, noise-sensitive areas</td>
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<td>If warranted, recommends methods for mitigating noise impacts, including:</td>
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<td>Appropriate setbacks</td>
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<td>Sound attenuating building design, including retrofit of existing structures with sound attenuating building materials</td>
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<td>Use of sound barriers (earthen berms, sound walls, or some combination of the two)</td>
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Where new or expanded roadways, rail, or transit projects are found to expose receptors to noise exceeding normally acceptable levels, the implementing agency shall implement techniques as recommended in the project-specific noise assessment. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) shall be considered. Long expanses of walls or fences shall be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements shall be used, including solid fences, walls and landscaped berms.

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies.

Cities and counties in the AMBAG region can and should implement the following measures, where relevant to land use projects implementing the 2040 MTP/SCS. The mitigation measure outlined below does not apply to transportation projects. Project-specific environmental documents may adjust this mitigation measure as necessary to respond to site-specific conditions.
### N-3 Noise Mitigation for Land Uses

If a 2040 MTP/SCS land use project is located in an area with exterior ambient noise levels above local noise standards, the implementing agency shall ensure that a noise study is conducted to determine the existing exterior noise levels in the vicinity of the project. If the project would be impacted by ambient noise levels, feasible attenuation measures shall be used to reduce operational noise to meet acceptable standards. In addition, noise insulation techniques shall be utilized to reduce indoor noise levels to thresholds set inapplicable State and/or local standards. Such measures may include, but are not limited to: dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads. The noise study and determination of appropriate mitigation measures shall be completed during the project’s individual environmental review.

#### Implementing Agencies
Implementing agencies for land use projects include cities and counties.

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<tbody>
<tr>
<td>N-3 Noise Mitigation for Land Uses</td>
<td>When applicable, conduct a noise study to determine feasible attenuation measures needed to reduce noise impacts to a level below local standards.</td>
<td>During project permitting and environmental review.</td>
<td>Once.</td>
<td>Implementing agencies/project sponsor.</td>
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</table>

For transportation projects under their jurisdiction, TAMC, SBCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that could generate excessive vibration impacts. These measures can and should also be implemented for future infill projects near transit pursuant to the 2040 MTP/SCS that would result in vibration impacts. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

### N-4 Vibration Mitigation for Transportation Projects

Implementing agencies of 2040 MTP/SCS projects shall comply with all applicable local vibration and groundborne noise standards, or in the absence of such local standards, comply with guidance provided by the FTA in Transit Noise and Vibration Impact Assessment (FTA 2006) to assess impacts to buildings and sensitive receptors and reduce vibration and groundborne noise. FTA recommended thresholds shall be used except in areas where local standards for groundborne noise and vibration have been established. Methods that can be implemented to reduce vibration and groundborne noise impacts include, but are not limited to:

- Rail Traffic

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<th>Monitoring Frequency</th>
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<tbody>
<tr>
<td>N-4 Vibration Mitigation for Transportation Projects</td>
<td>Comply with all applicable local and/or FTA vibration and groundborne noise standards</td>
<td>During project permitting and environmental review.</td>
<td>Ongoing during project operation.</td>
<td>Implementing agencies/project sponsor.</td>
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</table>
Mitigation Measures | Action Required | Implementation Timing | Monitoring Frequency | Responsible Agency or Party
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- Maximizing the distance between tracks and sensitive uses
- Conducting rail grinding on a regular basis to keep tracks smooth
- Conducting wheel truing to re-contour wheels to provide a smooth running surface and removing wheel flats
- Providing special track support systems such as floating slabs, resiliently supported ties, high-resilience fasteners and ballast mats;
- Implementing operational changes such as limiting train speed and reducing nighttime operations.
- Bus and Truck Traffic
- Constructing of noise barriers
- Using noise reducing tires and wheel construction on bus wheels
- Using vehicle skirts (i.e., a partial enclosure around each wheel with absorptive treatment) on freight vehicle wheels

**Implementing Agencies**

Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.

**Transportation and Circulation**

For transportation projects under their jurisdiction, TAMC, SBTCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would increase the capacity of a roadway. For land use projects under their jurisdiction, the cities and counties in the AMBAG region can and should implement the following mitigation measure. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**T-5 Project-Level VMT Analysis and Reduction.**

Transportation project sponsor agencies shall evaluate transportation projects that involve increasing roadway capacity for their potential to increase VMT. Where project-level increases are found to be potentially significant, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce the VMT associated with increases in roadway capacity include tolling new lanes to encourage carpools and fund transit improvements; converting existing general purpose lanes to high-occupancy-vehicle lanes; and implementing or funding off-site travel demand.

Evaluate the potential for projects to increase VMT. Where project-level significant impacts are identified, develop and implement mitigation measures to reduce VMT.

During project permitting and environmental review.

Once.

Implementing agencies/project sponsor.
<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Action Required</th>
<th>Implementation Timing</th>
<th>Monitoring Frequency</th>
<th>Responsible Agency or Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementing agencies shall evaluate VMT as part of project-specific CEQA review and discretionary approval decisions for land use projects. Where project-level significant impacts are identified, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce VMT include infill development, mixed use and transit oriented development, complete street programs, reduced parking requirements, and providing alternative transportation facilities, such as bike lanes and transit stops. <strong>Implementing Agencies</strong> Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.</td>
<td>Ensure compliance with AB 52; and when applicable, implement measures identified in this mitigation measure.</td>
<td>During project permitting and environmental review. Additional measures listed should be implemented prior to and during construction.</td>
<td>Ongoing throughout project construction.</td>
<td>Implementing agencies/project sponsor.</td>
</tr>
</tbody>
</table>

**Tribal Cultural Resources**

For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall, and transportation project sponsor agencies can and should, implement the following mitigation developed for the 2040 MTP/SCS program where applicable for transportation projects that result in impacts to tribal cultural resources. Cities and counties in the AMBAG region can and should implement these measures, where relevant to land use projects implementing the 2040 MTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**TCR-1 Tribal Cultural Resources Impact Minimization.** Implementing agencies shall comply with AB 52, which may require formal tribal consultation. If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, they shall implement mitigation measures identified in the consultation process required under PRC Section 21080.3.2, or shall implement the following measures where feasible to avoid or minimize the project-specific significant adverse impacts:

- Avoidance and preservation of the resources in place, including, but not limited to: planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity
<table>
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</thead>
</table>
| taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:  
  ▪ Protecting the cultural character and integrity of the resource  
  ▪ Protecting the traditional use of the resource  
  ▪ Protecting the confidentiality of the resource  
  ▪ Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.  
  ▪ Native American monitoring by the appropriate tribe for all projects in areas identified as sensitive for potential tribal cultural resources and/or in the vicinity (within 100 feet) of known tribal cultural resources  
  ▪ If potential tribal cultural resources are encountered during ground-disturbing activities; work in the immediate area must halt and the appropriate tribal representative(s), the implementing agency, and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find and determine the proper course of action. |                |                       |                      |                           |

**Implementing Agencies**
Implementing agencies for transportation projects include RTPAs and transportation project sponsor agencies. Implementing agencies for land use projects include cities and counties.
RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission
on the date of June 14, 2018
on the motion of Commissioner
duly seconded by Commissioner

A RESOLUTION ADOPTING THE 2040 SANTA CRUZ COUNTY REGIONAL TRANSPORTATION PLAN

WHEREAS, the Santa Cruz County Regional Transportation Commission (RTC) is the state-designated Regional Transportation Planning Agency (RTPA) for Santa Cruz County; and

WHEREAS, California Government Code Section 65080 (c) requires that each RTPA adopt and submit an updated Regional Transportation Plan to the California Transportation Commission and the Department of Transportation every five years in non-urban regions; and

WHEREAS, the Commission has prepared a 2040 Santa Cruz County Regional Transportation Plan which describes goals and policies, financial projections, and programs and projects to be prioritized by the Commission, local jurisdictions, and local, state and regional agencies through 2040; and

WHEREAS, the Regional Transportation Plan was prepared through the conduct of a continuing, comprehensive and coordinated transportation planning process in conformance with all applicable state and federal requirements; and

WHEREAS, the Regional Transportation Plan has been prepared in accordance with California Transportation Commission 2010 Regional Transportation Plan Guidelines, pursuant to Government Code, Section 14522; and

WHEREAS, the required consultation with other agencies was conducted and adequate opportunity for public review and comment was provided, in accordance with state and federal law and consistent with the region’s public participation plan, including, but not limited to wide circulation and review by RTC advisory committees representing project sponsors and transportation stakeholders; representatives of State and Federal governmental agencies; representatives of special interest groups; representatives of the private business sector; and residents of Santa Cruz County; and

WHEREAS, a public hearing was conducted on January 18, 2018 to hear and consider comments on the 2040 Santa Cruz County Regional Transportation Plan; and

WHEREAS, the Regional Transportation Plans for Santa Cruz, San Benito and Monterey Counties are compiled within the 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy prepared by the Association of Monterey Bay Area Governments; and

WHEREAS, the environmental impacts of the 2040 Santa Cruz County Regional Transportation Plan are analyzed as part of the 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito and Santa Cruz County EIR,
prepared by AMBAG as the lead agency and reviewed by RTC as responsible agency, with RTC making appropriate findings;

WHEREAS, the North Central Coast Air Basin, within which Santa Cruz County is located, meets Federal Criteria Pollutant Ambient Air Quality Standards, is in Attainment Status for these standards, and is therefore exempt from a Clean Air Act conformity analysis.

WHEREAS, the nature of the action being taken would not, in and of itself, directly cause any environmental impacts, since the action of adopting the RTP alone does not alone enable programs and projects to proceed;

NOW BE IT RESOLVED BY THE SANTACRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION:

1. The 2040 Santa Cruz County Regional Transportation Plan is hereby adopted following certification of the Final EIR by the Association of Monterey Bay Area Governments and the adoption of the Final EIR Findings, Statement of Overriding Consideration, and Mitigation Monitoring Reporting Program by the Santa Cruz County Regional Transportation Commission.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ABSENT: COMMISSIONERS

______________________________
John Leopold, CHAIR

ATTEST:

______________________________
George Dondero, SECRETARY

Distribution: AMBAG, Caltrans, CTC, SCMTD, Cities, County, FHWA