

**Additional Public Comments on
Measure D 5-Year Program of Projects and Strategic Implementation Plan (SIP)**

The following additional comments on the Measure D 5-Year Program of Projects and SIP were received as of 9:00 am on November 1.

From: Sara Cordell [REDACTED]

My comments on Measure D Funding:

Keep the rail for passenger service along the corridor from Watsonville to Davenport at least. We need more public transit not less. A trail is also good, though in many places some widening would be much better, as walkers should not need to compete with bicyclists, especially fast-moving electrified bikes.

Thank you,
Sara Cordell
Santa Cruz

Tom Halderman [REDACTED]

Rail Trail Highway feedback

There are a couple of issues regarding the Rail/Trail/Highway propositions currently being discussed by RTC that I would like to comment on.

First, routing the trail through Capitola village on surface streets is a direct contradiction to the purported goal of keeping bikes and pedestrian safer. Find a way to use the tracks and trestle, please.

Second, widening the freeway through Aptos which requires destroying the redwoods in that corridor is short sighted.

Third, in this day and age a centralized system utilizing one or two “corridors” literally from another era (rail being 19th century tech!) seems to me to miss the opportunities that 21st century technology can offer. How about a decentralized system of electric buses of different

sizes that can go to where people live and deliver them to where they need to go. The technology is there and getting better.

To get people out of their cars we need to provide services that provide timely, smart and economically sound service.

Please think outside the current box.

Thanks for considering my suggestions.
Tom Halderman

.....
David Mintz [REDACTED]

Thank you for the opportunity to respond:

The following two are most vital:

- Coastal Rail Trail: Bicycle/pedestrian trail between Davenport and Watsonville.
- San Lorenzo Valley/Highway 9: Improvements at the elementary/middle/high school complex in Felton, sidewalks through downtown Boulder Creek, and other projects identified in the Highway 9/San Lorenzo Valley (SLV) Complete Streets Corridor Plan.

Forget the rail.... Build the bike/hike trail as soon as possible as wide as possible clearing as few trees as possible. Elect bikes and other electric vehicles on a path will be far quicker and far easier and effective t that building a rail system.

But get it going. Build it now. Quickly we need to be in bikes and walking and small electric vehicles.

Make the world a better place

David Mintz

[REDACTED] [Santa Cruz, CA. 95060](#)

originally inhabited by the Uypi people, yet today the Amah Mutsun Tribal Band have graciously accepted stewardship responsibility of the land that we reside on.

.....
Andrea Miller [REDACTED]

Hello,

I live in the Seacliff area of Aptos. I very strongly believe that the 'interim trail' is the way to please most people. With the continued popularity of E-Bikes, I believe the Interim Trail will be the Safest and most economical way for residents to get around the County.

Way back when the 32 mile Rail line was first purchased (2011?) I was thrilled because I hoped it would quickly become a pedestrian/bicycle path. I would have used my bike much more often over the years if I had a SAFE route to get to Aptos Village, Capitola and beyond. Very sadly, it's been stuck in a quagmire of indecision and studies.

Please use the Capitola Trestle for pedestrians and bikes too, the hills are too steep to safely ride down and a bummer to ride up.

Please continue to widen Highway 1! The part that's already done looks GREAT! Thank You! I can't wait for it to be widened all the way through Aptos. I understand a lot of Redwood trees will have to be cut down, I'm already sad about that. However, widening the highway makes the MOST sense!

Thanks for All that you people do!
Best regards,

Andrea Miller
[REDACTED]
Aptos, CA 95003

.....
Brandon Kett [REDACTED]

Dear RTC,

Please consider funding a re-paving of Carlton Road, east of Watsonville between Hwy 152 and Lakeview Road. This stretch of county road is heavily used and is showing dangerous deterioration. This section was last re-paved about 20 years ago. The remaining section of Carlton Road from Lakeview Road to Hwy 129 is in better condition because it was re-paved more recently than the crumbling Hwy 152 to Lakeview stretch.

Thank you for considering this important road repair,

--Brandon Kett, [REDACTED] Watsonville [REDACTED]

cc. Ramon Gomez for Felipe Hernandez

.....
Derek Cholakian [REDACTED]

Hello,

I would like the funds and projects to be prioritized towards completing the Davenport to Watsonville bike paths as soon as possible. I am a regular bike rider from Aptos to Capitola and the harbor. These trips are dangerous as parts of the route require bikes to use the whole lane as there is no bike lane. Additionally the number of bike riders in the county has increased with the proliferation of ebikes. I believe these trails will improve public safety, further increase the number of commuters that bike to work, and be a pleasant place for families and recreation.

Thank you for your consideration.

Respectfully,

Derek Cholakian

[REDACTED]

.....
Brian Peoples

[REDACTED]

RTC,

Two additions we are requesting to the 5-Year Program of Projects are funds to build the Capitola Trestle Trail and construction of a gravel pathway from Watsonville to Santa Cruz Boardwalk as part of the Segments 10 & 11 Optional Interim Trail.

Restoration of the Capitola Trestle as a Trail is needed to preserve this historic structure and allow for the community to begin using it as a transportation resource. RTC Staff has developed preliminary plans for converting the trestle into a trail and it is included in the Environmental Impact Report (EIR) for Segments 10 & 11. RTC needs to include funds to the 5-Year Program of Projects to move forward with the construction of the Capitola Trestle Trail.

Based on the 5-Year Program of Projects, it appears that the Coastal Trail to Watsonville will be delayed for another 20 years. Opening the Coastal Trail from Watsonville to Santa Cruz Boardwalk in a timely manner should be a priority. For all future uses of the Coastal Corridor, the existing rails and ties will need to be removed and it is estimated the recycling value of the rails and ties is \$5M. The EIR for Segments 10 & 11 should include the impact and benefits of removing the rails and ties from Watsonville to Santa Cruz Boardwalk as part of the Optional Interim Trail. **Including railbanking and removal of rails and ties in the EIR will allow for the RTC to include the removal of the rails and ties as part of the Segments 10 & 11 trail construction**, resulting in a temporary gravel pathway from Watsonville to Santa Cruz Boardwalk.

We need to open Santa Cruz Coastal Corridor from Watsonville to Santa Cruz as a transportation resource by 2030!

Brian Peoples

Trail Now

S Barisone [REDACTED]

I support use of Measure D funds for the listed projects. I particularly would like to support the coastal rail trail and rail corridor.

Thank you.

Susan Barisone

Santa Cruz

Sent from my iPhone

.....
Robert Hull [REDACTED]

Please prioritize updating CA 1. My family lives in Scotts Valley. Frequently, we want to patronize businesses in Watsonville, Capitola or along Mission Street in Santa Cruz. However, we say no because traffic is so horrendous. Changes to CA 1 are long overdue.

Thank you,

Robert Hull

Scotts Valley

.....
Ellen Martinez [REDACTED]

Ladies and Gentlemen,

Please use the Measure D funds on HIGH PRIORITY PROJECTS within Santa Cruz County.

Please allocate all available funds on these high priority projects:

- Highway 1: Auxiliary lanes linking on and off ramps and bus-on-shoulder facilities between Soquel Avenue and Freedom Boulevard
- Local road maintenance

Please do NOT spend ANY funds on:

- ANY studies on the Rail Corridor or the Coastal Rail Trail
- Additional bicycle/pedestrian trails on the Rail Corridor

- Highway 17 Wildlife Crossing

Our roads are crumbling. Traffic and congestion continues to increase on our highway and on our surface streets. Over the past 10 years, the RTC has squandered our tax dollars, spending millions of dollars on Rail Corridor studies and piecemeal, substandard trails. Therefore, I respectfully request that the RTC stop all work on the Rail Corridor and stop spending any monies on any Rail Corridor studies.

Focus your time and our tax dollars on high priority projects—and put the rest aside.

Sincerely,
Ellen Martinez
Full-time resident of Aptos for 25 years

.....
Ben Vernazza [REDACTED]

Please Add to 11-02-23 agenda materials. Also, I would like Scott Edes or his representative to comment on CalTrans Class I regulations on bike trails between walls, fences etc when he speaks on item 22. My quotations of Cal Trans regulations are on the last page of my presentation and also below:

* Caltrans Highway Design Manual, Chapter 800: Bicycle Facilities, Section 801.1: Definitions (Page 801-1): "Class I bikeway: A bicycle facility that is physically separated from both motor vehicle traffic and pedestrians by an open space or a barrier.

** Caltrans Highway Design Manual, Chapter 800: Bicycle Facilities, Section 802.2.1: Cross Sections (Page 802-2): "Class I bikeways shall have a minimum paved width of 8 feet. Where bicycles and pedestrians share the same facility, the minimum paved width shall be 10 feet. Shoulders on either side of a Class I bikeway shall be a minimum of 2 feet wide (3 feet wide where feasible) within fixed objects (i.e., fences, posts, walls, etc.)."

Respectively submitted by - - - -
J. Ben Vernazza CPA/PFS TEP emeritus
Aptos CA – [REDACTED]
Resiident since 1967

.....
Joe Martinez [REDACTED]

Commissioners,

Please use the Measure D funds on HIGH PRIORITY PROJECTS within Santa Cruz County.

Please allocate all available funds on these high priority projects:

- Highway 1: Auxiliary lanes linking on and off ramps and bus-on-shoulder facilities between Soquel Avenue and Freedom Boulevard
- Local road maintenance
- Build a cost effective gravel trail between Watsonville and Davenport

Please do NOT spend ANY funds on:

- ANY studies on the Rail Corridor or the Coastal Rail Trail
- Additional bicycle/pedestrian trails on the Rail Corridor
- Highway 17 Wildlife Crossing

Our roads are crumbling. Traffic and congestion continues to increase on our highway and on our surface streets. Over the past 10 years, the RTC has squandered our tax dollars, spending millions of dollars on Rail Corridor studies and piecemeal, substandard trails. Therefore, I respectfully request that the RTC stop all work on the Rail Corridor and stop spending any monies on any Rail Corridor studies.

Focus your time and our tax dollars on high priority projects-and put the rest aside.

Sincerely,

Joe Martinez

Full-time resident of Aptos for 25 years

.....
Mark Johannessen [REDACTED]

Regarding Agenda Item 23 on the SCCRTC's agenda for the 11/2/23 meeting, this item relates to 5 years of programming Measure D funds to various transportation projects through June 2028.

In June 2022 the community was asked in Measure D whether to essentially stop all planning for rail along the Santa Cruz Branch Line, or support the continued planning and implementation of clean, quiet electric rail transit along the Branch Line. 73% of the county said NO to that measure, which in this political environment should be considered to be a mandate.

Staff have proposed a 5-year program that recognizes this mandate to some extent, which requests \$63 million for the rail trail, but only \$19 million specifically for the rail transportation issue.

There is funding in the rail trail funding request which relates to preparation for rail transportation, including corridor maintenance and preliminary engineering. However, the level of the funding requests for items specific to rail transportation does not adequately reflect the urgency of providing real transit solutions along the branch line to its residents, which will not

only help with transportation issues, but housing development along the branch line as supported in the county's housing element now being finalized. In addition, the timeline of this funding realistically pushes implementation of desperately needed transit beyond 5 years, and housing even further out.

In order to expedite rail transit on the Branch Line, funding should be allocated to the rail corridor for steps beyond engineering and environmental analysis and into procurement which may require additional funding.

Mark Johannessen
Aptos, CA

.....
Matt Farrell [REDACTED]

Commissioners,

Please accept the attached letter in support of proposed Measure D funding commitments for the rail and trail

We urge the commission to:

- continue to pursue funding for the environmental review documents for the rail concept study,
- pursue grant funding to complement existing Measure D rail commitments, and
- work with our congressional representatives to expedite FEMA reimbursements so these funds can be re-dedicated to rail maintenance.

Matt Farrell
Board Chair

October 31, 2023

Guy Preston
Executive Director
Santa Cruz County Regional Transportation Commission
1101 Pacific Avenue, Suite 250
Santa Cruz, CA 95060

Re: Support for Item 23. Measure D 5 Year Programs for Regional Projects

Santa Cruz County Friends of the Rail and Trail is a community based organization that has been advocating and organizing for a rail line and trail on the Santa Cruz Branch Line since 2002. We are pleased to see the progress planned for the North Coast Trail (Segment 5), the City of Santa Cruz, Live Oak and Capitola (Segments 8, 9, 10 and 11), and Aptos (Segment 12). This is a watershed year for the rail trail.

We also want to express our support for the progress on the rail concept plan, and the success Commission staff has had in securing grant funding to move this plan forward.

We are very excited to see this work move forward and then move into the environmental review phase. We encourage the Commission to direct staff to pursue additional grant funding to support this work in order to complete this important phase of the Zero Emission Passenger Rail Project. Given the strong support for rail in Santa Cruz County, and the state's record of strong funding support, we believe that Santa Cruz is a strong competitor for future implementation funds.

We also support continued maintenance work on the branch rail line. We encourage the Commission to direct staff to consider using Measure D funds as a match for available grant funding in order to expand and expedite this essential work. Additionally we request that the Commission and staff work with our members of Congress to resolve outstanding FEMA reimbursements so that these funds can be re-invested in rail maintenance.

Matt Farrell
Board Chair

.....
Laurie Emery [REDACTED]

I am disappointed to receive this email at noon on October 30 and have exactly 36 hours to respond.

That said, this plan does not really seem to take into account older residents, people who are just going to drive because of where they live, not take a bus (our closest bus stop is at least 2 miles from here), and can't ride a bike any more. Traffic has gotten so horrible, we don't even go from Watsonville to Santa Cruz these days. Santa Cruz businesses are hurt because of this we are sure, but we are spending more in Watsonville as a result. We are very pleased with all the local road repair and thank whoever is responsible for that. Watsonville has been almost completely repaved. After dealing with potholes for years, we are happy about that and thank you. (It would be great if someone could tackle Smith Roa, btw).

But the Hwy 1 corridor is another story. If we are going to go to Costco these days, we take our business to Seaside. The few times we do go into Santa Cruz, we jump off at Soquel because the traffic is so bad on Hwy 1. We usually work our way home on surface streets. And we never make an appointment during commute hours. It can take an hour to get from our house to downtown Santa Cruz during the commute or on a nice summer day. Longer even to get home. That should be a 25-minute drive without traffic. But we're not going to go sit at a bus stop or likely take a train, let alone ride our bikes (at 70 years old) to get downtown. We just won't go there any more.

So if you want input on what's practical and not a waste of money, give us a little more notice to comment and ask a few more people in our demographic: older, rural residents who used to do most of our business in Santa Cruz but don't anymore because of the traffic.

Thank you,
Laurie & Art Emery
Watsonville, CA
[REDACTED]

.....

Barry Scott [REDACTED]

Dear Commissioners,

Our rail infrastructure must remain useful for generations as a matter of resiliency, disaster recovery, and inclusion as part of the state passenger and freight rail network. The 8% share of 2016 Measure D revenue for rail infrastructure needs to be leveraged to it's greatest capacity to preserve the rail line for all future uses.

Zero Emission Passenger Rail Project:

I encourage the Commission to direct staff to pursue additional grant funding to continue all phases of the Zero Emission Passenger Rail Project. Given the strong support for rail in Santa Cruz County and the state's record of strong funding support, I believe that Santa Cruz is a strong competitor for future implementation funds.

Rail infrastructure maintenance and repair:

I ask the Commission to direct staff to consider using Measure D funds as a match for available grant funding that can be used for rail infrastructure maintenance and repairs.

The Rail Corridor is an essential asset for the Coastal Rail Trail and future passenger rail and freight and may qualify for various state and federal grants.

Please also ask staff to work with our members of Congress to resolve outstanding FEMA reimbursements so that these funds can be re-invested in rail maintenance.

Excerpt from the [SCCRTC2045 Regional Transportation Plan, page 3-15:](#)

"The 2018 California State Rail Plan and the 2020 California Freight Mobility Plan stress the importance of short-line railroads, including the Santa Cruz Branch Rail Line, Santa Maria-Valley Rail, and Monterey Bay Rail Line, and the potential for rail freight to integrate with other freight modes and with passenger rail, lowering energy use and pollution, maintaining global competitiveness, and aiding in developing livable and vibrant communities."

Thank you for advancing work on the Coastal Rail Trail and Zero Emission Passenger Rail Project and working more closely with TAMC on the shared vision for a regional rail network.

--Barry

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Barry Scott
Rio Del Mar

.....
[REDACTED]
Rtc please use funds to repair tracks

Dear RTC,
Please expedite maintenance and repairs to the SANTA CRUZ branch line tracks. It is an essential route in crisis, due to global warming. And the community has just deemed it desirable as a transportation route. It should be prioritized and other funding sought/obtained. To illustrate the audio of a running electric passenger train, at times, please listen to quietness for 18 seconds.
This alone would be pleasant.

Thank you,
Judy Gittelsohn
Watsonville resident and business owner- studio Judy G

Sent from my iPhone

.....
[REDACTED]
Plans to invest voter-approved Measure D revenues

Hello,

I have a single recommendation in terms of how to invest Measure D revenues: Do Not Spend funds on the rail corridor. Transit by rail will never see the light of day in Santa Cruz County. It is way too expensive, and feasibility studies have shown ridership is low. Even with the most

avored option is a short route that does not serve many people in the County. Funds should be spent on other transportation projects, including increased use of buses.

Save money now by diverting funds from the rail project to more cost-effective solutions.

Regards,
Bryan Lovegren
Aptos

.....
Trician Comings [REDACTED]

Measure D Funds Expenditures

Hello,

Such short notice!

My priorities:
Yes for Coastal Rail Trail work.
Yes to Rail transit options analysis and maintenance.
Yes on bicycle-pedestrian bridges.

Highway widening is way down my list. It won't help in the long run!

Thank you,

Trician Comings

.....
Batya Kagan [REDACTED]

Dear Commissioners,

I appreciate the opportunity for input on Measure D expenditures.

I am strongly in support of the measures that support bicycle and pedestrian access or help public transportation. My highest priority would be finishing the rail trail and determining once and for all if a train is feasible. This is very important in terms of our community's reduction in greenhouse gas emissions and justice for making it possible for commuters from Watsonville to be able to get to work without being stuck in an hour commute each way.

IF the bus on shoulder is actually going to reduce bus travel time, then that is also a great use of resources.

Thank you for receiving my input.

Marceya Kagan
Santa Cruz, CA

.....
Tom Falcon [REDACTED]

Measure D spending

To SCCRTC,

As a county we need to continue to fund the auxiliary/bus lanes- bike/pedestrian over crossing on Highway 1 between Santa Cruz and Watsonville. We also need to continue on the rail/trail segments between Watsonville and Davenport. NO rail banking.

Thank you,

Tom Falcon
[REDACTED]
Santa Cruz CA 95060
[REDACTED]

.....
[REDACTED]
Hi RTC,

Please use the Measure D Funding to quickly complete the rail/trail from Davenport to Capitola by 2024.

Also, fund an on-demand service with hybrid vans for those early morning & late night workers for the GO Santa Cruz program.

Thank you
Michael Pisano - Soquel

.....
Steve & Heather Shupe [REDACTED]

I urge a NO Vote on the proposed resolution to adopt the 2023 Measure D Strategic Implementation Plan (SIP) at the November 2, 2023 meeting of the Regional Transportation Commission.

I urge a NO vote on the proposed resolution to adopt Fiscal Years (FY) 2023/2024-2027/2028 Measure D five year programs of projects (5-Year Plans) for regional investment categories and projects at the November 2, 2023 meeting of the Regional Transportation Commission. The proposed SIP fails to address one of the key initiatives of Measure D: the appalling backlog of local road maintenance in our county. This backlog is particularly acute in the rural areas of the county, home to approximately 52% of county residents.

Per the RTC website:

Measure D is a 30-year, ½-cent local sales tax that went into effect in April 2017. It provides reliable local funds to help address some of the highest priority projects in the region and address some of the backlog of local road maintenance.

As presented the SIP and 5-year plans FAIL to address this key initiative, and thus should be rejected until there are substantive plans to address the backlog.

Regards,

--

Heather Shupe

Santa Cruz County Resident

[REDACTED]

.....
jennifer harris-anderson [REDACTED]

Esteemed Commissioners,

My input on the use of Measure D funds are as follows:

1. Maintaining county roads should be the highest priority.
2. The old RR Tracks need to be removed regardless whether there is a future train or not—so REMOVE them and sell the steel and ties.
3. Rail banking the corridor should be enacted.
4. Don't start building the trail next to the existing tracks until the latest train study comes out.
5. Get Coastal Commission approval to move the RR tracks back from the Manresa cliffs before proceeding with any trail.
6. Make sure the multi-use corridor trail is wide enough to meet all safety requirements.
7. Build an interim trail as soon as possible to benefit the public. It can be a simple, easy and less expensive DG trail to start with.
8. Don't waste precious taxpayer money. Be fiduciaries when it comes to public funding of projects.

Thank You,

Frank Anderson

[REDACTED]
Santa Cruz, ca. 95062

.....
Susan Moen Penprase [REDACTED]
Measure D Public Hearing Comments
Trail Planning Committee,

In talking with my Seacliff neighbors these are things we hope to see on the bike trail:

Benches for sitting
Regular police-sheriff patrol to keep homeless people from camping and others from tagging
Litter depositories - trash cans
Native blooming plants
Dog waste bag posts

Thank you for considering our wishes.
Susan Moen Penprase

\\\\RTCSERV2\\Shared\\RTC\\TC2023\\11\\Handouts & Replacement Pages\\Attach5-5YearPlan-Additional-Public Comments-2023-Handout.docx

PRESENTATION CAPITOLA CITY COUNCIL
S.C. COUNTY REGIONAL TRANSPORTATION COMMISSION
(October 26 and November 2, 2023)

SEGMENT 9 ULTIMATE TRAIL IS UNSAFE AND DANGEROUS

The MBSST Master Plan describes the ‘*Ultimate Trail*’ for Seg 9-10-11 as being 12 feet wide. Caltrans, however, explains that Class 1 bikeways must have two 2-foot shoulders (3 feet where feasible) within fixed objects (i.e., fences, posts, walls etc.) and they are not considered part of the “traveled way.” * ** **Since Ultimate Trails are primarily contained between fences/walls, the path widths, the “traveled way,” is 8 ft. wide, and occasionally as low as a narrow 5’ 6” -- both are objectionable**!**

It is clear why this rule exists and even recommends 3 ft shoulders: If most bikes’ wheels went into the 2 ft safety curb a handlebar could hit the concrete or wire wall/fence by only the wheels entering the buffer zone by 6-9 inches (6 inches when a rear view mirror is at the end of the handlebar). That could bounce the bike and rider all around an 8 ft. *shared trail* with dire results!

The *InteremTrail Design* overcomes this stunning SAFETY RISK by creating a 16 ft. “traveled way” which would also allow for separation between bikes and pedestrians (with separate to-from lanes) without any walls or fences – a SAFE Sanctuary Trail as originally planned! RAILBANK – **SAVE LIVES** save Millions!

COMING SOON TO CAPITOLA
JADE PARK UNIVERSALLY ACCESSIBLE PLAYGROUND

A recent Playground Guest Commentary in the Sentinel said: *“Every child deserves a SAFE place to play, laugh with their friends, chase each other on foot or on wheels, giggle as they zoom down a slide and, which also includes play equipment for boys and girls with disabilities .”*

My thoughts: Kids not only need a SAFE place to play but they need a SAFE way to get there and back home. We must be certain that Segment 9-10-11 on the coastal trail is SAFE for them.

Let’s also be concerned about SAFETY for elderly and disabled because this group regularly use the Jade St. Community Center and, in the future, could safely “trail-travel” to Santa Cruz to go to a Warriors Game or Concert etc.

DUTY OF "PUBLIC SAFETY AND NECESSITY" AND AVOIDANCE OF "PUBLIC NUISANCES"

"Public Safety and Necessity" and "Public Nuisance" are legal concepts that have been developed over time through common law and statutory law. They refer to the duty of public employees and public agencies to protect the public from harm and to ensure that public property is used in a safe and responsible manner.

In the context of trails, public agencies have a responsibility to:

- **Design** safe trails.
- **Maintain** trails in a safe condition.
- **Clear** trails of debris and hazards.
- **Enforce** trail regulations.
- **Prevent** crime.
- **Address** public nuisances on trails.

Public agencies may be liable for injuries or damage that occur on trails if they fail to meet their duty of care. This means that they must take reasonable steps to prevent foreseeable accidents. For example, if someone is injured as a result, the agency may be held liable for negligence.

Public agencies may also be liable for public nuisances on trails. A public nuisance is a condition that interferes with the public's health, safety, or welfare. Public agencies have a responsibility to abate public nuisances, which also means to remove an unsafe proposed design.

The width of a trail and the sharing of pedestrians and bikes can also create safety issues. A trail that is too narrow can make it difficult for pedestrians and bikes to pass each other safely. This can lead to collisions, especially if users are traveling at different speeds.

There are a number of ways to address the safety issues associated with trail width and sharing. One option is to widen the trail.

PUBLIC AGENCY NON-FEASANCE - TRAIL DESIGN

Here are some situations of non-feasance regarding trails:

- A public agency fails to design a trail in a safe manner. For example, the agency designs a trail that is too narrow and/or is enclosed.
- A public agency fails to repair a dangerous condition on a trail, such as a pothole or an unsafe bridge.
- A public agency fails to install warning signs at a hazardous location on a trail. For example, the agency fails to post a sign warning of a steep hill or a sharp turn.
- A public agency fails to clear a trail of debris or hazards. For example, the agency fails to remove a fallen tree or a pile of rocks from the trail.

These are just a few examples. There are many other situations in which a public agency could be held liable for non-feasance regarding trail designs. The specific facts of each case will determine whether the agency is liable.

To be liable for non-feasance, the public agency must have a duty to act, it must have failed to act, and its failure to act must have been the proximate cause of the injury or damage. The duty to act can arise from a statute, a regulation, or a common law principle.

If a public agency fails to fulfil its duty to act, it may be liable for any injuries or damage that result. The proximate cause of an injury or damage is the legal cause of the injury or damage. This means that the injury or damage must have been foreseeable and was likely to occur because of the agency's failure to design a plan or to act.

* Caltrans Highway Design Manual, Chapter 800: Bicycle Facilities, Section 801.1: Definitions (Page 801-1): "Class I bikeway: A bicycle facility that is physically separated from both motor vehicle traffic and pedestrians by an open space or a barrier.

** Caltrans Highway Design Manual, Chapter 800: Bicycle Facilities, Section 802.2.1: Cross Sections (Page 802-2): "Class I bikeways shall have a minimum paved width of 8 feet. Where bicycles and pedestrians share the same facility, the minimum paved width shall be 10 feet. Shoulders on either side of a Class I bikeway shall be a minimum of 2 feet wide (3 feet wide where feasible) within fixed objects (i.e., fences, posts, walls, etc.)."

J. Ben Vernazza CPA, PFS TEP(UK) emeritus - resident of Aptos since 1967