Election Code Section 9111 Report Regarding the Santa Cruz County Greenway Initiative

Prepared for:

County of Santa Cruz Board of Supervisors

Prepared by:

County of Santa Cruz Community Development & Infrastructure Department

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Election Code Section 9111 Report Regarding the Santa Cruz County Greenway Initiative

Executive Summary

On February 1, 2022, the Santa Cruz County Board of Supervisors requested a report on the Santa Cruz County Greenway Initiative ("Greenway Initiative" or "Initiative") be prepared pursuant to Elections Code section 9111. The statute requires the report to address specific questions about the expected effects and impacts of the Initiative, to be produced within 30 days of the request. This report has been prepared in response to the Board of Supervisors request. The report addresses the potential fiscal impact of the initiative, impact on the County's General Plan, consistency with current planning and zoning, impacts on land uses, infrastructure funding, and the community's ability to attract business investment, as well as other topics, and has been prepared to meet the requirements of Elections Code section 9111.

The report includes background information about the County's General Plan, the Initiative, and a description of the concept of railbanking, as created by the federal government as part of the National Trails System Act Amendments of 1983. Because of the complex and inter-related nature of the topics addressed by this report, the report should be considered in its entirety, and therefore a summary of the individual sections analyzing potential effects and impacts of the Greenway Initiative is not included in this section. The full text of the analysis is found in the body of this report.

Background

On June 28, 2021, the proponents of the "Santa Cruz County Greenway Initiative" ("Greenway Initiative" or "Initiative") filed a notice of intention to circulate a petition to amend certain policies and language in the County's General Plan related to usage of the Santa Cruz Branch Line (SCBRL) rail corridor for interim multi-use trail purposes while retaining the possibility of future rail through "railbanking." On December 14, 2021, the Greenway Initiative petition was submitted to the County Clerk/Registrar of Voter's office for an examination of 16,125 signatures gathered. On January 31, 2022, after completing the process outlined in Elections Code section 9114, the County Clerk determined the number of signatures on the Initiative petition to be sufficient.

On February 1, 2022, the Board of Supervisors directed County staff to provide a report on the Initiative, as provided for in Elections Code section 9111. This report has been prepared to meet the requirements of Elections Code section 9111 and includes analysis of the following issues:

1) The Initiative's fiscal impact;

2) The Initiative's effect on the internal consistency of the County's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on County actions under Government Code section 65008 and Chapters 4.2 and 4.3 of Division 1 of Title 7 of the Government Code;

3) The Initiative's effect on the use of land, the impact on the availability and location of housing, and the ability of the County to meet its regional housing needs;

4) The Initiative's impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space, including whether the measure would be likely to result in increased infrastructure costs or savings;

5) The Initiative's impact on the community's ability to attract and retain business and employment;

6) The Initiative's impact on the uses of vacant parcels of land;

7) The Initiative's impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization; and

8) As requested by the Board of Supervisors, the Initiative's impact on the Sustainable Santa Cruz County Plan and the pending Sustainability Policy and Regulatory Update of the County General Plan and County Code.

Analysis

A. Purposes of the General Plan

The General Plan is the County's basic planning document that provides the blueprint for development in the community. It addresses all aspects of development, including housing, traffic, natural resources, open space, safety, land uses, and public facilities in individual chapters, or "elements." The General Plan is the County's "constitution" for purposes of future development, and all land use approvals must be consistent with the General Plan. To that point, a land use action such as a zoning ordinance, tentative map, or development agreement is invalid if it is not consistent with the General Plan. State law governing the creation and implementation of General Plans is found at Government Code section 65300 et seq.

The County's General Plan must contain a comprehensive, long-term plan for the physical development of the unincorporated area. It must contain a statement of development policies and include diagrams and text setting forth objectives, principles, standards, and plan proposals designed to implement the stated policies. Overall, the General Plan adoption process serves to identify the community's land use and development policies, provides a basis for decision making and development approvals, and provides residents, developers, and decision makers with a clear set of rules that guides development in the community.

The General Plan contains seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. The element that is proposed to be amended by the Greenway Initiative is the Circulation Element. The purpose of the Circulation Element is to identify the general location and extent of existing and proposed major thoroughfares, transportation routes, and related public utilities and facilities. The Circulation Element must correlate and be internally consistent with the other elements of the General Plan, such as the Land Use Element. Specific components addressed in the Circulation Element may include public transit, bicycle facilities, parking, truck routes, sewage transport and treatment, electric and gas transmission lines, drainage facilities, and waterways. Jurisdictions are accorded great flexibility in designing the General Plan's structure, as long as it meets the minimum legal requirements for content and format.

B. Summary of the Greenway Initiative

The Greenway Initiative seeks to amend the Circulation Element of the County's 1994 General Plan to promote the development of an interim multi-purpose trail ("the Greenway") within the SCBRL corridor, which would require approval of a process called railbanking. "Greenway" is defined in the Initiative as a trail for "commuting, active transportation, and recreation by pedestrians, bicycles, wheelchairs, e-bikes, skateboards, and personal e-mobility that includes two lanes of wheeled traffic on a paved path, a divider, and a separate walkway for pedestrians, with a shoulder on both sides." The Initiative addresses the area extending from the San Lorenzo River in the City of Santa Cruz on the north to Lee Road in the City of Watsonville on the south[1]. This corridor is currently owned by the Santa Cruz County Regional Transportation Commission (SCCRTC), which has studied the use of the corridor as a transit facility and completed the Monterey Bay Sanctuary Scenic Trail Master Plan (MBSST) for developing the Coastal Rail Trail next to the existing rail line (also known as "rail with trail"). The SCCRTC's stated long-term goals for the corridor per the MBSST and Transit Corridor Alternatives Analysis and Regional Network Integration Study (TCAA/RNIS) are to build the trail next to the rail line and develop transit service on the rail line. The Initiative proposes the development of an interim multi-purpose trail on the rail line that would require the removal of the railroad tracks. The Initiative also proposes the preservation of future rail use through railbanking. Under this scenario, removal of the interim trail, development of rail transit, and reconstruction of the trail next to the rail line could be implemented by the SCCRTC as a future option through the flexibility provided by railbanking, a process discussed in more detail below.

The Initiative would amend several sections of the Circulation Element of the County's General Plan/LCP[2], including the Transportation System Goals stated in the plan, introductory language, Objective 3.7 (Rail Facilities), associated policies 3.7.1 through 3.7.7, and associated implementation programs. The Initiative would amend language in policy 3.17.3 affecting commodities movement and associated implementation programs. The Initiative would also modify implementation programs regarding recreational system development. These amendments reduce or eliminate rail-supportive language and replace it with language to support planning for a Greenway within the rail corridor. The overall impact is to remove language that plans for the Corridor to be used for rail and recreational and active transportation purposes and replace it with language designed to plan for the Corridor to be used as a multi-purpose trail. See Attachment A for the - text of the Greenway Initiative.

Within the geographic limits of the Greenway Initiative (Lee Road to the San Lorenzo River bridge) there are four segments of the Coastal Rail Trail currently under development as three separate projects. Segment 9 is being led by the City of Santa Cruz, which is combined with improvements for Segment 8, and is located outside of the defined Greenway limits. The County of Santa Cruz is the lead on Segments 10 and 11, and SCCRTC/Caltrans is the lead on Segment 12, which is combined with the Highway 1 State Park to Freedom project. All three projects are preparing Environmental Impact Reports (EIRs) and associated preliminary engineering and

[1] It is important to note as an initial matter that the County's General Plan functions only in the unincorporated area, which does not stretch all the way to the San Lorenzo River to the north. Accordingly, regardless of how the Initiative defines the Greenway, the ballot measure would have no impact on that portion of the Greenway between the San Lorenzo River and the Santa Cruz Small Craft Harbor (the Santa Cruz City boundary). Nor would the Initiative address any portion of the Greenway that falls within the City of Capitola.

[2] Certain portions of the General Plan implement the County's Local Coastal Program or "LCP," including portions of the General Plan addressed in the Initiative.

technical studies. The EIRs for the three projects will analyze the proposed project of the trail next to the rail line (also known as "rail with trail"). In addition, the proposed projects include an optional first phase of removing all or a portion of the railroad tracks and building an interim trail on the railroad track alignment. However, the Segments 9 through 12 descriptions for an interim trail are different from the Greenway definition. The Segments 9 through 12 interim trail is defined as a 12-16 foot wide trail (inclusive of shoulders) with mixed pedestrian and wheeled traffic. The Greenway Initiative does not specify a width, instead it refers to the trail as including two lanes of wheeled traffic on a paved path, a divider, and a separate walkway for pedestrians. The Initiative encourages development of the full multi-lane Greenway where feasible; however, it also supports reduced Greenway widths where necessary to accommodate physical barriers, minimize environmental impacts, or avoid the need for new infrastructure, like major retaining walls, in order to reduce costs and expedite implementation. While the Initiative proposes an interim trail with anticipation of a future combined rail and trail system, there is no time frame given or definition of "interim" within the Initiative on when that future system might occur or how long the "interim" use would remain in place.

The removal of the existing railroad tracks is required to construct both the trail described in the Greenway Initiative and the proposed Segments 9 through 12 interim trail as an optional first phase. Removal of railroad tracks on a federally regulated freight line requires that the line be railbanked. Thus, the Greenway and the optional first phase interim trail both require railbanking of the SCBRL in order to be feasible. Railbanking is a complex process that requires approval of the Surface Transportation Board (STB), the federal agency with regulatory jurisdiction over the interstate freight railroad network. A brief summary is provided below. A full discussion of railbanking on the SCBRL was provided during the September 2, 2021, and February 3, 2022, SCCRTC meetings.[3]

The SCBRL is a 32-mile long federally regulated freight railroad between Davenport and Watsonville. SCCRTC purchased the SCBRL land and assets from Union Pacific in 2012 but did not purchase the freight easement. Since the SCCRTC's purchase of the SCBRL, the freight easement has been held by the contracted freight operator on the line. SCCRTC is currently contracted with Saint Paul and Pacific Railroad (SPPR). Therefore, use of the SCBRL right-of-way is shared between the SCCRTC as the landowner and SPPR as the holder of the freight easement.

Railbanking is a legal mechanism created by the federal government as part of the National Trails System Act Amendments of 1983 that allows for the preservation of a railroad right-of-way where a railroad might otherwise be fully abandoned. Railbanking is a voluntary process governed by the STB in which a railroad operator and a trail agency agree to enter into a legal agreement to use a freight railroad corridor as a trail (or other interim use, including passenger rail transit) until an unspecified future time when the railroad returns to freight service. Railbanking preserves the integrity of the continuous railroad right-of-way for the future re-activation of freight service and prevents any easements from reverting to the underlying property owner. Preserving easements would facilitate SCCRTC's preservation of the continuous 32-mile corridor. Construction of an interim trail on the existing railroad track alignment, a trail next to the railroad track alignment (trail with rail), passenger rail transit, or a combination of uses would all be allowable should the SCBRL be railbanked.

[3] A full discussion of railbanking and preservation of the SCBRL was provided during the September 2, 2021, and February 3, 2022, meetings of the SCCRTC. A copy of those staff reports (Attachment B) can be accessed here:
September 2, 2021 (see Item #20): https://sccrtc.org/wp-content/uploads/2021/08/2021-09-02-RTC-agenda-packet.pdf
February 3, 2022 (see Item #22): https://sccrtc.org/wp-content/uploads/2022/01/2022-02-03-RTC-agenda-packet.pdf.

Railbanking the SCBRL would defer costly repairs to accommodate freight rail service until such time that freight service is reactivated.

Although railbanking defines a process through which any interim trail on the existing railbed could be constructed, it is unknown if railbanking will be feasible. The SCCRTC does not have complete control over the process. For railbanking to occur, a Notice of Abandonment would need to be filed with the STB. The holder of the freight easement is the entity that would typically file the Notice of Abandonment. Although the holder of the freight easement, SPPR, provided a notice of intent to abandon the line, they have not moved forward, due to potential objections. Railbanking would be more feasible and simplified if affected parties could reach a mutual agreement. If not, SCCRTC could file with the STB to attempt to force abandonment. If the Corridor is unable to be railbanked, any interim trail that requires the removal of the railroad tracks would be infeasible. As a federal process that involves the STB, the freight operator, and SCCRTC, the determination as to whether or not the corridor can be railbanked is outside of the County's jurisdiction or ability to control.

C. Analysis of Elections Code Section 9111 Report Factors

Following is an analysis of the specific report factors laid out in Elections Code section 9111. In setting context for the following discussion, it is important to note that the Initiative does not contemplate a matter that is easily analyzed under the Elections Code section 9111 criteria, because it focuses on changes to long-term planning documents that do not mandate action on the part of the SCCRTC, which is a government agency separate and distinct from the County.

(1) The Initiative's fiscal impact.

As the Initiative concerns a change to the County's General Plan, which is a long-term planning document that itself does not directly control development within the Corridor, there is no immediate fiscal impact associated with the Initiative. If the SCCRTC takes action to develop the Corridor in a manner consistent with the wording of the Initiative – that is, to remove the existing tracks and construct an interim trail on the railroad track alignment while preserving the ability to have future rail through railbanking – there will be fiscal impacts associated with building an interim trail on the railroad track alignment vs. building a trail next to the railroad track alignment (trail with rail).

In some locations, the SCBRL corridor is challenged by steep topography, creek and roadway crossings, and narrow right-of-way. In these locations, development of the trail next to the railroad track alignment requires construction of structures and engineering solutions such as retaining walls, trail bridges, and the relocation of existing railroad tracks in some areas. Reducing or preventing the need for the construction of structures and other engineering solutions by locating a trail on the railroad track alignment reduces the short-term cost to build a trail on the SCBRL. The lower interim cost could facilitate the funding and construction of more trail segments in the short-term, assuming the corridor can be railbanked. However, the overall long-term costs would be higher because a trail constructed on the railroad track alignment would need to be removed, the rail line re-constructed, and a new trail built next to the rail line if the line is restored for future rail use. Since the timeframe that an interim trail would be in place is unknown, the full fiscal impacts of providing an interim trail sooner, and deferring and adding costs for a potential reconstruction of the corridor in the future, is not able to be determined at this time.

Current estimates of the cost for the SCCRTC to repair the SCBRL for freight service are $48.7 to 63.7 million[4], which includes costs associated with needed repairs of four bridge crossings. This cost exceeds present and foreseeable SCCRTC budget capacity. At a minimum, railbanking the SCBRL would defer the cost of maintaining the SCBRL for freight rail purposes, which is an unfunded burden on the SCCRTC.

Although passenger rail transit is not funded or planned for the SCBRL at this time, it is possible that the construction of an interim trail on the railroad track alignment would postpone implementation of passenger rail transit on the SCBRL. This in turn would defer the costs of building passenger rail transit until a later, undetermined time.

(2) The Initiative's effect on the internal consistency of the county's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(a) Consistency with General and Specific Plans: The Circulation Element of the County's General Plan/LCP contains policies that would be amended by the Initiative. County staff has reviewed remaining chapters ("elements") of the General Plan/LCP to determine whether the changes contemplated by the Initiative would create internal inconsistencies in those elements. Additional policies regarding rail appear in the Land Use Element; the Parks, Recreation, and Public Facilities Element; and the Noise Element. The Land Use Element contains two policies related to rail services. Policy 2.1.6 requires consideration of adequate public services in general, including rail, when defining residential densities. Other factors listed include proximity to shopping, proximity to other transportation types, parcel size, school capacity, and sewer, water and roads. Policy 2.17.1 lists proximity to rail transportation as one of several factors in locating districts appropriate for commercial and light industrial land uses. Proximity to major streets, services, and compatibility with other uses are also listed as considerations. Because there are a diversity of factors that must be balanced when considering residential density and the location of service commercial/light industrial uses, it cannot be stated that the Initiative definitively introduces a conflict into this element of the General Plan, as there is no expectation within the policy that rail will be a determining factor in either case.

The Initiative would not create inconsistency with the Parks, Recreation and Public Facilities Element, which contains a program to direct staff to acquire abandoned rail right-of-way for trail purposes when available. The Initiative as written would also not be inconsistent with the Noise Element, which discusses rail noise as a source of noise in the community and contains Policy 9.6.3, which in turn requires acknowledgment on parcel deeds to make property owners adjacent to rail aware of the potential for future train noise. Lastly, the Initiative would not be inconsistent with the Housing Element, Chapter 4 of the General Plan.

The County does not have any Specific Plans that would be inconsistent with the Initiative.

[4] Costs for repairing the SCBRL for freight service were provided during the February 3, 2022, meeting of the SCCRTC. A copy of that staff report (Attachment B) can be accessed here:
February 3, 2022 (see Item #22): https://sccrtc.org/wp-content/uploads/2022/01/2022-02-03-RTC-agenda-packet.pdf.

(b) Consistency with Planning and Zoning: The Santa Cruz County Code (SCCC) contains few references to rail transportation. SCCC Chapter 13.10 (Zoning Ordinance) acknowledges both a need for proximity to rail and adequate loading space for certain heavy commercial uses and industrial districts, as well as the need to control impacts related to train traffic. Chapter 13.15, Noise Planning, requires acknowledgment on parcel deeds to make property owners adjacent to rail aware of the potential for future train noise and vibration. The Initiative would not be inconsistent with these chapters of the SCCC.

The amendments do not propose changes to General Plan land use designations or zoning.

(c) Limitations on County Actions Related to Housing: The Initiative is unlikely to be a significant factor in the County's ability to comply with housing law and to approve housing developments, including equitable/affordable housing access, residentially zoned land, streamlined review, and use of density bonuses, as specified in Section 65008 of the Government Code, or Chapters 4.2 and 4.3 of Division 1 of Title 7 of the Government Code. It is noted that Government Code subsection 65913.4 implements permit streamlining in part by restricting the imposition of parking standards for certain housing developments approved under this section of the Government Code when the housing is located within ½ mile of a major transit stop. Similarly, Chapter 4.3 implements density bonus law by allowing concessions from the imposition of development standards related to parking and density if the housing is located within the same radius of a major transit stop. A "major transit stop" as provided in these sections of law, may be defined by a rail transit station. To the extent construction of the Greenway would reduce the opportunity for a development to be located in proximity to a rail stop, it would reduce the ability of developments to make use of this particular aspect of permit streamlining and density bonus law. However, bus lines meeting certain criteria may also qualify as high-quality transit for the purposes of this statute, and there are other statutes that reduce parking requirements for qualifying housing developments, particularly when affordable units are included in the development.

Another possible intersection of the presence of rail and the ability to create affordable housing is that some competitive funding sources favor developments with access to existing passenger rail systems. However, this applies to currently operating rail systems, and as there is not currently passenger rail on the Corridor, this aspect of such funding is precluded at this time.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.

As the Initiative does not change land use designations or zoning, the Initiative has limited regulatory impact on the use of land in the County's jurisdiction; however, if the SCCRTC constructs a trail and does not pursue rail activities in the Corridor, the land within the Corridor will likely be used for active transportation to a much larger extent than it is currently being used. For instance, it is anticipated that County pedestrians, cyclists, and users of multi-modal transportation options will use the trail for exercise, recreation, and transportation purposes and that access points to the trail will see an increase in traffic associated with people entering and exiting the trail. However, it is unclear whether, and to

what extent, such use would promote or result in enhanced development in the areas nearby but outside of the Corridor.

There is no indication that the General Plan amendments proposed in the Greenway Initiative would decrease capacity for housing or housing opportunities, beyond the factors discussed above under Question 2. The presence or absence of freight and passenger rail has not been identified as a significant factor in whether sites are suitable or available for housing development. Therefore, it is unlikely that the Initiative would significantly impact the County's ability to meet its current 5th Cycle Regional Housing Needs Allocation (RHNA) (2014-2023), or the 6th Cycle RHNA, which will be in effect beginning mid-2023.

(4) The Initiative's impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

Transportation funding in the region is a consolidated effort. In some cases funding for one mode of travel can and does affect the funding of other modes of travel. The lower cost of constructing an interim trail on the railroad track alignment relative to constructing a trail next to the railroad track alignment would likely result in the accelerated delivery of some trail segments in an interim state, assuming the corridor can be railbanked. Transportation funding, however, does not directly affect other community services such as schools, parks, and open space. While transportation development is a critical component to the success of other community services, such as schools, parks, and open space, there is no direct funding tie.

Development of a trail within the SCBRL corridor, whether configured as an interim trail built on the railroad track alignment or as a trail next to the existing railroad track alignment, would provide greater public access to County parks. However, as with all park and trail facilities, maintenance is required during the life of the facility. While the corridor is owned by SCCRTC, management and maintenance of trail segments may be assigned to local agencies in the future via a Memorandum of Understanding or other legal instrument that establishes roles and responsibilities among various agencies. A wider trail as described in the Initiative may require proportionately greater maintenance due to increased trail area and capacity; however, an interim trail on the railroad track alignment will have less infrastructure, such as retaining walls and bridges and will likely be less expensive to maintain than a trail next to the railroad track alignment.

(5) The Initiative's impact on the community's ability to attract and retain business and employment.

Because the Initiative does not actually compel development to take place, the Initiative itself likely has a limited impact in attracting or retaining business and employment. County staff is not aware of any detailed analysis that assesses how an interim trail in the Corridor, as opposed to a combination trail with rail facility, would impact the community's ability to retain business and employment should the SCCRTC choose one over the other anytime in the near future. In general terms, both an interim trail facility and trail with rail facility are likely to be perceived as amenities and as assets providing transportation alternatives for employee commutes. The type and magnitude of this effect would vary with the type of business and proximity to the corridor.

Freight service is currently not available on the section of the corridor that is the subject of the Greenway Initiative and there is a lack of identified funding to make improvements and repairs needed to support such service in the future. The availability of freight service is therefore not considered a factor in the community's ability to attract and retain business and employment.

(6) The Initiative's impact on the uses of vacant parcels of land.

The Initiative amends text in the General Plan, a planning document, to delete rail-supportive language and insert references to support planning for a Greenway within the rail corridor. The overall impact is to remove language that plans for the Corridor to be used for rail, recreational and active transportation purposes and replace it with language designed to plan for the Corridor to be used as a multi-purpose trail. These amendments do not change existing General Plan land use designations or zoning on any particular property and do not modify the existing process by which individual parcels could be considered for redesignation or rezoning in the future.

Many commercial, residential, and mixed-use developments that might be built on currently vacant parcels would realize a general benefit from the amenity of either an interim trail or a trail with rail configuration that could serve employees, patrons, and residents. Determining which of these two uses of the corridor would yield more potential benefit is speculative, since it is not possible to know the type and scale of development that will occur on specific vacant parcels, particularly since mixed use allows a residential component to occur on commercially zoned parcels.

(7) The Initiative's impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

Most land uses are likely to realize a benefit from either the interim trail or a trail with rail configuration. Both options promote new modes of transportation, recreation and health benefits. It is likely that a trail with rail configuration would have additional benefits related to the reduction of traffic congestion, as travelers would have an additional mode of transportation (rail). The Final EIR for the Monterey Bay Sanctuary Scenic Trail (2013) estimates that a trail constructed in the Corridor could reduce traffic on parallel roadways by approximately 5,000 vehicle trips per day, or two to three percent of total vehicle travel. However, as noted above, access points to the trail will see an increase in traffic associated with people entering and exiting the trail. Noise-sensitive land uses and recreational users of open space may experience impacts from a trail with rail configuration if rail is ever activated on the corridor. As noted above, businesses are likely to realize a benefit from either or both configurations.

(8) The Initiative's impact on the Sustainable Santa Cruz County Plan and the Sustainability Policy and Regulatory Update:

On February 1, 2022, the Board of Supervisors requested that this report also analyze the Initiative's effect on the Sustainable Santa Cruz County Plan (SSCC) as well as the upcoming Sustainability Policy and Regulatory Update of the County General Plan and County Code (Sustainability Update).

(a) Sustainable Santa Cruz County Plan

The SSCC acknowledges the trail with rail as a part of the future land use and transportation pattern, providing both transportation and recreation choices as well as contributing toward public health and the vitality of industries that may use the rail line. The SSCC also envisions the trail as an integrated facility connecting to other existing and planned trails throughout the Soquel/Live Oak urban area. The trail with rail provides a spine through the urban area connecting focus areas within the USL. While the SSCC does not envision the Greenway concept for the Corridor as an interim facility, the inclusion of railbanking for future trail with rail in the Initiative would be consistent with the SSCC.

(b) Sustainability Policy and Regulatory Update to the General Plan/LCP and County Code

The Sustainability Policy and Regulatory Update to the County General Plan/LCP and County Code (Sustainability Update) will provide the first comprehensive update of the County General Plan/LCP in over 25 years. Based on the vision of the SSCC and the concepts of sustainable communities, this project includes a complete revision of the existing Circulation Element, replacing this chapter with a new Access + Mobility Element, which focuses on connections between land use and providing a street network that accommodates all modes of transportation. As currently written, the Draft Access + Mobility Element continues to acknowledge and support the SCCRTC's vision for a rail and trail and does not include provisions for an interim multi-use trail. The Draft Element was released for public review at the end of February, and adoption would not occur until after the June 7, 2022, General Election. If the Initiative is passed, the new Access + Mobility Element would need to be revised to reinstate existing portions of the current General Plan and the revised text as contained in the proposed Initiative, with a focus on the planning for the Greenway, the interim trail, and rail banking for possible rail use in the future.

Attachments

A: Santa Cruz County Greenway Initiative, full text

B. Staff reports to the SCCRTC, meetings September 2, 2021, and February 3, 2022

Attachment A

SANTA CRUZ COUNTY GREENWAY INITIATIVE

The People of the County of Santa Cruz hereby ordain and enact as follows:

Section 1. Title.

This measure shall be known and may be cited as the Santa Cruz County Greenway Initiative ("Initiative").

Section 2. Findings and Declarations.

The People of the County of Santa Cruz ("County") find and declare as follows:

1. The Santa Cruz Branch Line Corridor ("Corridor") represents a substantial asset for the County, but despite multiple studies costing millions of dollars conducted over decades to study its use as a commuter rail corridor, it is still not being utilized for commuter service.

2. The Initiative supports a plan for interim use of most of the Corridor as a high-quality, multi-use trail ("Greenway"). The Greenway would allow for commuting, active transportation, and recreation while preserving the option for future rail use through railbanking, a federal program that allows an existing rail corridor to be used as a trail and leaves certain infrastructure, including bridges and trestles, for potential future rail use.

3. Interim development of the Greenway will provide safe routes to schools and work, connect neighborhoods, and reduce traffic congestion.

4. Numerous examples from other communities nationwide show the popularity and wisdom of public investments in pedestrian and bike-friendly infrastructure.

5. There are existing funds available through Measure D, the sales tax dedicated to transportation passed by the voters in 2016, for development of the Greenway.

Section 3. Purpose and Intent.

In enacting this Initiative, the people of the County do hereby declare it is their purpose and intent to amend the County General Plan and Local Coastal Program to support the following policies:

1. Support the development and interim use of the Corridor between the San Lorenzo Bridge in the City of Santa Cruz and Lee Road in the City of Watsonville as a high-quality, multi-use Greenway for commuting, active transportation, and recreation for people to walk, run, bike and use personal mobility devices.

2. Prioritize interim use of existing trestles and railbed for the Greenway, while preserving future rail options through railbanking.

3. Preserve the use of a portion of the Corridor for existing freight service in Watsonville, existing Santa Cruz Big Trees & Pacific Railway recreational service, and a future Watsonville/Pajaro Junction station.

Section 4. General Plan and Local Coastal Program ("LCP") Amendments.

This Initiative hereby amends the Circulation Element of the General Plan and Local Coastal Program (hereinafter "General Plan") of the County. Text to be inserted in the General Plan is indicated in ***bold/italics*** type, and text to be deleted is indicated in ~~strikethrough~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative.

Amend pages 3-13 to 3-14, as follows:

Objective 3.7 Rail Facilities *and Greenway Planning*

To encourage and support the transformation of a portion of the Santa Cruz Branch Line Corridor ("Corridor") for interim use as a high-quality, multi-use Greenway, while preserving future rail options through railbanking. As used in this General Plan, "Greenway" shall mean a trail between the San Lorenzo Bridge in the City of Santa Cruz and Lee Road in the City of Watsonville for commuting, active transportation, and recreation by pedestrians, bicycles, wheelchairs, e-bikes, skateboards, and personal e-mobility that includes two lanes of wheeled traffic on a paved path, a divider, and a separate walkway for pedestrians, with a shoulder on both sides. To preserve and protect ~~the Santa Cruz and Monterey Bay Railway (owned by RTC) and~~ the Santa Cruz Big Trees & Pacific Railway rail corridors for current seasonal recreational travel~~, for availability to carry freight, for possible future passenger rail transportation~~, and ***other transportation purposes. To encourage*** ~~for possible~~ future connectivity to intra-County rail facilities including AMTRAK and High Speed Passenger Rail, ***using the Greenway, Metro bus service, and other transit options.*** ~~for recreational and other transportation purposes~~.

Policies

3.7.1 ~~Rail Ridership Potential~~ *Compatible Development*

(LCP) Ensure that new development adjacent to rail lines ***or the Greenway*** is compatible with the General Plan and LCP Land Use Plan ~~objective~~ ***Objective 3.7*** ~~to preserve and protect existing railroad right of way and existing rail facilities for current seasonal recreational travel, for availability to carry freight, for possible future passenger rail service within the County, and for possible future passenger rail transportation for intra County commuter use~~.

3.7.2 Noise Protection

(LCP) Require the design of new development near existing rail lines to minimize the impact of existing and potential rail system noise and to provide appropriate setbacks for new development.

3.7.3 *Greenway* ~~Rail Trail~~ Planning ~~– Santa Cruz/Watsonville~~

Support development of the RTC-owned ***Corridor, including existing trestles and railbed,*** ~~rail corridor~~ for ***use as the Greenway. While development of the full multi-lane Greenway is encouraged where feasible, support reduced Greenway widths where necessary to accommodate physical barriers, minimize environmental impacts, or avoid the need for new infrastructure, like major retaining walls, in order to reduce costs and expedite implementation.*** ~~passenger transit, recreational, and goods movement; as well as.~~ ***Support development of the Greenway as part of*** the Monterey Bay Sanctuary Scenic Trail ***and in County plans.*** ~~as a bicycle/pedestrian trail, with improvements to move forward as they are determined by the RTC to be feasible, fundable, and deemed to meet current or future transportation needs~~.

3.7.4 Rail Planning – Watsonville/Pajaro Junction

Support a station at Watsonville/Pajaro junction to be used by inter-region Amtrak (Pacific Coast and San Francisco Bay Area – Monterey County), future High Speed Passenger Rail, and other future commuter trains. Support extension of ***bicycle and pedestrian access,*** Metro bus service and private bus service to station.

3.7.5 Rail *and Greenway* Corridor Safety

Require any future development adjacent to or near the railroad right-of-way (ROW) ***or the Greenway*** to be planned with ~~the~~ ***public*** safety ~~of the rail corridor~~ in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. ***Where rail use exists, mitigation*** ~~Mitigation~~ measures to consider include, but are not limited to, planning for and incorporating grade separations for major thoroughfares as feasible, improvements to existing at-grade crossings to accommodate increases in traffic volumes, and continuous vandal-resistant fencing or other appropriate barriers to limit the access of pedestrians and-trespassers onto the railroad ROW.

3.7.6 Rail Services – Felton to Santa Cruz

Support enhanced rail service from Felton to Santa Cruz, including station development at the Santa Cruz Beach Boardwalk.

3.7.7 Rail Planning – Around the Hill

Support passenger rail service between the San Francisco Bay Area ~~and Santa Cruz via Gilroy~~ and Watsonville/Pajaro to serve recreational and inter-regional travel.

Programs

a. ***Encourage and support RTC and other agencies to study and develop the Greenway and to include the Greenway in planning documents, including regional transportation plans and plans for the Monterey Bay Sanctuary Scenic Trail.*** ~~Identify land use policies which will support future passenger rail use and prepare recommendations for General Plan and LCP Land Use Plan amendments at such time passenger rail use is approved and funded. (Responsibility: Planning Department, Regional Transportation Commission, Board of Supervisors)~~

~~b. Participate in planning and consider funding for fixed guideway/rail service in the Santa Cruz/Watsonville corridor. (Responsibility: Planning Department, Public Works, Regional Transportation Commission, SCMTD, Board of Supervisors)~~

~~c. If initiated by the RTC or other agencies, participate in a Santa Cruz to Los Gatos rail study and an around the hill recreational and commuter or passenger rail service study. (Responsibility: Planning Department, Public Works, Regional Transportation Commission)~~

Section 5. Conforming Amendments.
In light of the amendments set forth above in Section 4 of this Initiative, the General Plan is hereby further amended as set forth below in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in ***bold/italics*** type, and text to be deleted is indicated in ~~strikethrough~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. The language in the following amendments may be further amended without a vote of the people in the course of future updates and revisions to the General Plan, provided that any such amendments do not conflict with provisions of Section 4 of this Initiative.

Amend the fourth paragraph on Page 3-3, under the heading "SUMMARY OF THE ELEMENT," as follows:

The Goals and Strategy section provides an overall framework for the Circulation Element and coordinates policies for different modes. It includes goals regarding Balanced Transportation, Transportation Financing, and Minimizing Impacts.

The Transportation System Management (TSM) section is the cornerstone of the Circulation Element and Transportation Planning in general. TSM addresses the need to make more efficient use of the existing transportation system both through low cost, "fine tuning" improvements and through efforts to promote alternatives to driving alone, especially during the peak periods. The TSM section relates to different modes of travel and includes application of a trip reduction ordinance. Throughout the element, the provision of transit, pedestrian, and bicycle facilities is stressed.

The Parking section discusses the provision of adequate, convenient parking facilities, but also addresses the role of parking management in discouraging unnecessary auto use. It also encourages parking supply which is more efficiently utilized and located to minimize costs and environmental impacts.

The Transit section provides policies and programs that cover development of the transit system, promoting transit, ***and*** increasing mobility and ***active transportation*** ~~rail service development~~. Increased transit services are called for, including specialized services and facilities for low-mobility groups such as disabled persons and the elderly. Transit is to be encouraged through bus passes, carpool programs, and subscription bus services to large employers and tourist activity areas. The Rail ***and Greenway Planning*** portion of the element describes ~~passenger~~ rail lines on the Santa Cruz-Watsonville corridor and ~~connections to Santa Clara and Monterey Counties~~ ***the potential use of the Santa Cruz Branch Line Corridor for the Greenway, as defined in Objective 3.7***.

The Bicycle/Pedestrian section includes policies and programs regarding the promotion of bicycle use, bicycle safety, and pedestrian facilities. Bicycle facilities, including pathways and secure parking, are required as part of new development. A yearly development program for the County Bikeway System, as well as education, registration, and bikeway maintenance programs, are proposed.

The Streets and Highways section includes policies and programs covering the road system, capacity, Level of Service (LOS), neighborhood traffic control, signage, safety, recreation access, and minimizing impacts. Local, collector, and arterial streets are defined and standards are set for access and interior circulation. A set of roadway improvements are recommended, with additional details to be supplied by the Live Oak and Pajaro Valley Community Plans. A formal Level of Service policy is suggested to limit congestion and require mitigating improvements by development projects. The concentration of commercial uses, and development of mixed uses and neighborhood facilities are encouraged.

The Commodities Movement section includes policies and programs calling for standards and requirements for truck use and access.

A final Implementation section discusses staging of improvements, funding and responsibilities, and plan revision processes.

Separate illustrations in the Circulation Element are provided for the Aptos, Soquel, Live Oak, Carbonera/Felton, and Pajaro Valley areas. These indicate current and planned functional street classifications, major roadway improvements, major transit facility locations, and existing and planned bikeways.

Local Coastal Program (LCP) Land Use Plan policies and programs related to shoreline access are included. Specific LCP Land Use Plan policies and programs are noted by the initials LCP.

Amend page 3-4, under the heading "GOALS AND STRATEGIES," as follows:

TRANSPORTATION SYSTEM GOALS

The following are goals for improving the transportation system. These relate to the objectives,
policies and programs listed later in the element.

- **Transportation System:** Provide a convenient, safe, and economical transportation system for the movement of people and goods, promoting the wise use of resources, particularly energy and clean air, and the health and comfort of residents.
- **Mode Choice:** Provide the public with choice in transportation modes on a well-integrated system.
- **Limit Increase in Auto Use:** Limit the increase in auto usage to minimize adverse impacts. Increase transit ridership, carpooling, vanpooling, walking and bicycling, etc.
- **Efficiency:** Provide for more efficient use of existing transportation facilities.
- **Regional Goals:** ***Coordinate the development*** ~~Meet the requirements~~ of regional plans, such as the Congestion Management Program, Air Quality Management Plan and Regional Transportation Plan***, to promote consistency with the County General Plan/LCP policies***. Integrate planning for transportation, land use, and air quality goals.
- **Parking:** Manage parking supply to provide reasonably convenient parking for groups such as shoppers, and visitors who are most sensitive to the parking supply levels, while encouraging alternatives to solo commuting and limiting impacts on neighborhoods.
- **Access:** Provide for the special transportation needs of the elderly and disabled.
- **Bikeway System:** Develop and implement a comprehensive bikeway system that promotes bicycle travel as a viable transportation mode and meets the recreation and travel needs of the citizens of Santa Cruz County. ***Encourage and support development of the Greenway and protected bike paths.***
- **Safety:** Reduce the number and severity of bicycle accidents.
- **Finance:** Plan a system within the County's ability to finance and operate, distributing the costs of transportation system improvements equitably among Santa Cruz County and neighboring jurisdictions.
- **Aesthetics:** Minimize impacts on visual, historic, and archaeological resources.
- **Coordination:** Coordinate transportation improvements in area plans with the General Plan and LCP Land Use Plan and regional transportation plans.

Amend page 3-20 under the heading "Programs" for "RECREATION SYSTEM DEVELOPMENT", as follows:

3-20 a. ~~Consider the~~ ***Support development of the Greenway*** ~~Southern Pacific right of way~~ for bicycle, ***pedestrian,*** equestrian ***(where feasible),*** and other modes of ***active transportation.*** ~~travel consistent with freight service operations and planning for passenger rail. (Responsibility: Planning Department, County Parks)~~

b. In development of the Trails Master Plan, County Parks shall develop guidelines for the safe use of "mountain bikes", and identify suitable areas for their use while reducing the potential for conflicts with other trail users. Design these trails to connect with other on road trails. (Responsibility: County Parks)

(LCP) c. Update the County Code to allow for bicycle rental concessions in conjunction with established park-and-ride beach shuttle parking services as part of ongoing County transportation programs. (Responsibility: Planning Department)

d. Request the State of California and the County of Santa Clara to provide a safe bicycle route between the town of Los Gatos and Santa Cruz County and the Sanborn Park Youth Hostel location and Santa Cruz County. (Responsibility: Transportation Commission, Planning Department)

e. In accordance with regional bikeway funding programs (Senate Bills 244 and 821, etc.), grant priority to those projects which improve bicycle access to employment centers, educational facilities, and commercial developments with secondary priority given to recreational areas and users. (Responsibility: Public Works, Transportation Commission, Planning Department)

(LCP) f. Pursue additional state and federal funding for the Bikeway System, including funding to initiate a program to pay for placement of bicycle parking facilities by public and private agencies. (Responsibility: Public Works, Board of

Supervisors)

Amend Policy 3.17.3 for Objective 3.17 "Commodities Movement", on page 3-51, as follows:

3.17.3 ~~**Rail/Air**~~ ***Efficient Commodity Movement***

Encourage commercial, industrial, and agricultural developments to utilize ~~rail and/or air cargo for~~ ***efficient*** commodity movement.

Amend the "Programs" for Objective 3.17 "Commodities Movement", on page 3-52, as follows:

Programs

a. Institute a system of truck routes which limit truck traffic on collectors and local streets and in recreational areas to delivery and utility service trucks as much as possible. (Responsibility: Public Works, Board of Supervisors)

b. ***Where rail use exists, continue*** ~~Continue~~ the program to upgrade railroad crossings.(Responsibility: Public Works)

c. ***Where rail use exists,*** ~~Protect~~ ***protect*** railroad rights-of-way from the intrusion of parked vehicles. (Responsibility: Public Works)

d. ***Where rail use exists,*** ~~Protect~~ ***protect*** railroad rights-of-way by identifying the need for and developing Public Utilities Commission approved pedestrian crossings. (Responsibility: Public Works)

e. Support the continued operation of cargo service at the Watsonville Airport. (Responsibility: Board of Supervisors)

f. Adopt as part of regular updates of the General Plan and LCP Land Use Plan, land use policies and programs which:

- Increase the potential for movement of goods by rail ***in Watsonville***.
- Encourage the use of air freight.
- Provide for major shipping activities along arterial.
- ~~Require use of rail for the movement of goods to the maximum extent possible~~.

(Responsibility: Planning Department, Planning Commission, Board of Supervisors)

~~g. Continue and expand the use of discretionary permit conditions regulating the amount of bulk commodities such as sand, gravel, cement and lumber that must be shipped by rail. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)~~

~~h. Require commercial facilities located near existing rail to retain access for rail shipping facilities.~~

~~(Responsibility: Planning Department, Public Works, Planning Commission, Board of Supervisors)~~

Amend Policy 3.20.1 for Objective 3.20 "Plan Revision", on page 3-56, as follows:

3.20.1 Respond to New Regional Plans

Review and update the Circulation Element to be generally consistent with any major updates of key regional plans such as the Regional Transportation Plan or the Monterey Bay Unified Air Pollution Control District Air Quality Management Plan ***where in conformance with General Plan/LCP objectives***.

Section 6. Implementation.

A. The date that the notice of intention to circulate this Initiative measure was submitted to the County's elections official is referenced herein as the "submittal date." The General Plan in effect on the submittal date and the General Plan as amended by this Initiative comprise an integrated, internally consistent, and compatible statements of policies for the County. In order to ensure that nothing in this Initiative measure would prevent the County General Plan from being an integrated, internally consistent, and compatible statement of the policies of the County, as required by state law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

B. The Board of Supervisors is hereby authorized and directed to amend the General Plan and, to the extent they are affected by this Initiative, all specific plans, zoning ordinances, zoning maps, Local Coastal Program policies, and any other ordinances and policies, as soon as possible and in the manner and time required by any applicable state law, to implement this Initiative, and to ensure consistency between the policies adopted in this Initiative and other elements of the foregoing laws and policies. The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of any amendments to the Local Coastal Program necessary to implement this Initiative.

C. In the event the California Coastal Commission requests or proposes modifications to the provisions found in Section 4 or Section 5 of the Initiative prior to or as part of certification of any Local Coastal Program amendments included therein, the Board of Supervisors is permitted to adopt such modifications without a vote of the People provided that the Board finds that the modifications further the purpose and intent of the Initiative as set forth in Section 3.

D. The General Plan may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan, provided that the provisions of Section 4 of this Initiative shall remain in the General Plan, unless earlier repealed or amended by vote of the people of the County.

Section 7. Liberal Construction.

The provisions of this Initiative shall be liberally construed to effectuate its purposes. Nothing herein shall be construed to make illegal any lawful use being made of any land in compliance with all required permits in force before the effective date of this Initiative.

Section 8. Conflicting Law.

If this Initiative measure and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this measure receives more votes than the other measure, this measure alone shall become valid, binding, and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this measure shall control, and all other provisions of this measure shall become valid, binding, and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 9. Severability.

If any portion of this Initiative is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this Initiative shall remain in full force and effect. Each section, subsection, sentence, phrase, part, or portion of this Initiative would have been adopted and passed irrespective of the fact that any one or more sections, subsections, sentences, phrases, parts of portions be declared invalid or unconstitutional.

Section 10. Amendment.

Except as otherwise provided herein, this Initiative may be amended only by a vote of the People at a County election.

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Attachment B

The RTC staff reports may be accessed at the following links:

September 2, 2021 (see Item #20): https://sccrtc.org/wp-content/uploads/2021/08/2021-09-02-RTC-agenda-packet.pdf

February 3, 2022 (see Item #22): https://sccrtc.org/wp-content/uploads/2022/01/2022-02-03-RTC-agenda-packet.pdf