

Wyatt, Rosie

From: melani.c@roaringcamp.com
Sent: Wednesday, April 16, 2025 1:44 PM
To: City Council
Subject: [PDF] Comment for Special City Council Meeting 4.17.25
Attachments: Capitola City Council 4.17.25.pdf

Thank you for receiving our comments.

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April 16, 2025

City Council
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

**Re: Agenda Item 3, April 17, 2025: Park Avenue Alignment for Coastal Rail Trail
Segments 10 and 11**

Dear Honorable Council,

Prior to your consideration of the materials provided for your meeting of April 17 on the Park Avenue Alignment of the Coastal Rail Trail, we wanted to provide our thoughts on the issues addressed in the staff report, in particular the concept of "adverse abandonment."

As you know, Roaring Camp, through its subsidiary, the Santa Cruz, Big Trees and Pacific Railway, operates passenger rail service between Felton and the Santa Cruz Boardwalk, utilizing a portion of the Santa Cruz Branch Line (Line). It also assists the freight operator of the Line, Progressive, with freight operations in the segment of the Line that is currently open for service in the Watsonville area. Roaring Camp has a particular interest in the preservation of rail service on the Line, as it represents the only connection between Roaring Camp and the national rail system and is therefore essential to the long-term ability of its business to function. As a rail operator, Roaring Camp is also interested in facilitating the operation of passenger rail service on the Line and fully supports regional efforts to obtain funding and implement such service.

We understand the challenging situation that your Council has been put in due to the passage of Measure L. This measure, which is of uncertain legal validity (see City Attorney's Impartial Analysis of Measure L) places the Council in the uncomfortable position of potentially blocking an important regional project that seeks to construct a desired coastal trail while preserving the community's ability to implement rail transit service in the future. The City is being asked to confirm its preferred alignment of the trail along Park Avenue. The City has been presented with a very workable alternative that minimizes impacts to existing trees and provides needed traffic and safety improvements. As part of the consideration of the Park Avenue alignment, we understand that the City is also considering the long-term future of the Capitola Trestle. One option under consideration is the potential removal of the rails and the installation of a deck for train use. This would effectively prevent the use of the bridge for rail service and would likely forestall the use of the line for future rail service. The report does not clearly note that the City

does not own the bridge and would not have the legal right to make any such changes to it. The Santa Cruz Branch Line, including the Capitola Trestle, is owned by the Santa Cruz County Regional Transportation Commission and is licensed to a private freight rail operator, Progressive.

The staff report, on pages 8 and 9, discusses the prospect of "railbanking" a status that can be imposed under a federal regulatory process that considers abandonment of the rail line. We have frequently stated our objections to railbanking, which, in this context would likely foreclose the prospect of future passenger rail service on the line. Railbanking is only available as part of the federal Surface Transportation Board's consideration of an application to abandon (remove from federal regulatory jurisdiction) a rail line. As the freight rail operator, Progressive would be the party that would normally seek abandonment of the line, which removes the line from federal jurisdictional control. Progressive, however, currently has no intention of filing for abandonment. Therefore, an abandonment could only be pursued by means of an unusual "adverse abandonment" proceeding, brought by a third party to force the abandonment. It is extremely unlikely that such an action would be approved simply to control the use of a single bridge, as it would not only sever the line from Santa Cruz, but would impair the utility of the entire branch line in the future. Therefore, the entire line (at least from Capitola north) would need to be abandoned. And such an action is unlikely to succeed when it is in direct conflict with the clear preference of the county, as shown by the results of Measure D in June of 2022.

Perhaps more importantly, abandonment of the line may create significant practical and legal obstacles to the renewal of rail service on the line in the future. Nationally, although almost 25,000 miles of track have been railbanked, only one eight-mile segment has been returned to service. Any action that substantially impairs future prospects for rail service should only be considered as part of a comprehensive regional process that considers the full implications of such an action. Before embarking on such a course, the City should very carefully consider not only whether such an approach will provide the desired benefits sought, but also the permanent damage such an action would have on prospects to renew service on the line. And given the clear mandate provided by the electorate in 2022, such an action by the City would be in stark contrast to the clear preference of the County as a whole.

We appreciate the opportunity to provide our thoughts to the Council and ask that you reject consideration of any action to seek to abandon the rail line.

Sincerely,

Melani Clark
CEO, Roaring Camp