



Measure L

April 17, 2025

Measure L



- 2018 citizen initiative.
- Passed with 52.13% of the vote.
- Codified at Capitola Municipal Code Chapter 8.72.

Municipal Code Chapter 8.72

GREENWAY CAPITOLA CORRIDOR



8.72.010 Purpose.

It is the purpose of this chapter to improve safety and reduce traffic by keeping the Monterey Bay Sanctuary Scenic Trail (Trail) in the Santa Cruz Branch Line Rail Corridor (Corridor) within the city of Capitola while protecting the Capitola Trestle (Trestle). (Ord. 1026 § 1 (part), 2018)

8.72.040 Implementation

- A. The City of Capitola, through its constitute departments, shall take all steps necessary to preserve and utilize the Corridor and Trestle for active transportation and recreation
- B. No City of Capitola department, agency or employee shall expend any funds or resources related to the construction, reconstruction, operation, maintenance, financing, marketing, or signage for a detour of the Trail onto Capitola streets or sidewalks

Role of City Attorney



- Advises on the law.
- Advises on various options, including legal risks and potential benefits.
- Supports Council's decision.
- Decision and direction are always up to the Council.

Prior Council Direction



- 2018 Council: directed City Attorney to file pre-election challenge to Measure L.
- 2022 Council: determined the decisions before it at the time were consistent with Measure L, and that the Measure was unconstitutionally vague.

City's Pre-Election Challenge



- In 2018, City filed a challenge to Measure L, seeking an injunction preventing Measure L from being placed on the ballot.
- City alleged that Measure L was invalid because it:
 - Called for administrative rather than legislative action;
 - Conflicts with City's General Plan;
 - Interferes with the Council's fiscal discretion; and
 - Is void for vagueness.

City's Pre-Election Challenge



- Court did not permit the pre-election challenge, but did not rule on the merits of Measure L. In its Ruling and Judgment, the Court did not rule on the parties' substantive arguments at all.
- "The Petition is denied in its entirety because, as explained more thoroughly in the Ruling, the claims asserted in the Petition are not appropriate for pre-election review." (Judgment, 9/11/18.)
- "Pursuant to [guidelines and instructions from the Supreme Court, and in light of both (1) the 'rushed atmosphere' created by the shortened time for hearing this petition, and (2) conflicts in the interpretation of the Initiative...this court finds that it is preferable to exercise caution by deferring a judicial resolution of Petitioner's challenge until after the election, when the court will have the benefit of 'full, unhurried briefing, oral argument, and deliberation.'" (Tentative Ruling, issued 8/20/18, adopted 9/11/18.)

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Interpretation Option 1



- RTC/County may build a trail in the corridor within City of Capitola
- RTC/County can not build a trail on City property or right of way
- Until a contiguous trail is built in Capitola, City can no longer maintain or improve bike or pedestrian facilities on streets or sidewalks that could be used to connect segments of trail

Implications

- RTC/County can not construct any improvements through Village, or on the Park Ave right of way.
- Many future street, sidewalk, infrastructure maintenance/improvement projects could not be built on routes that allow trail users to detour off corridor

Interpretation Option 2



- RTC/County may build a trail in the corridor within City of Capitola
- RTC/County cannot build a trail on City property or right of way
- City can construct and maintain its streets, sidewalks and bike paths as City Council sees fit, provided City does not affirmatively promote a detour of the trail

Implications

- RTC/County can not construct any improvements through Village
- City can not approve Park Ave alignment.
- City can use City funding or apply for grant funding to make bike and ped safety improvements on city streets the City Council determines necessary

Interpretation Option 3



Same as Option 2 plus:

Section 8.72.040 requires City to “take all steps necessary to preserve and utilize the Corridor and Trestle for active transportation and recreation.”

Only way Trestle may be used for anything other than rail is for federal Surface Transportation Board (STB) to approve either a railbanking agreement or adverse abandonment of tracks over Trestle, or construction of new bridge that accommodates both rail and trail.

“All steps necessary” thus means City must pursue railbanking or adverse abandonment of tracks on Trestle.

Implications

- RTC/County may build a trail in corridor within City of Capitola
- Unlikely either railbanking or adverse abandonment could be accomplished within timeline for current County ATP grant, therefore Park Ave alignment and Village improvements would not be completed at this time
- Would require City hire rail legal counsel

Overview Railbanking and Adverse Abandonment



Railbanking

- Formal process to preserve a rail corridor for future use by converting it to trail
 - Public agency maintains railway corridor as trail/park
 - Rail operator retains ownership and future rights to reactivate rail service
- Requires agreement between rail owner and public agency
 - Agreement must be approved by STB
- Timeline and cost depend on negotiations and STB review

Adverse Abandonment

- “Adverse abandonment” when a non-owner (e.g., a public agency) initiates decommissioning of railway
- Requires City application and EIR
- Public comment period: 45 days
- Timing varies by project complexity - 110 days – 5+ years
- Costs: Depends on project complexity and opposition

Interpretation Option 4



- RTC/County cannot now, or in the future, build a “detour” of trail onto City street or sidewalks
- City can allow RTC/County to build on Park Ave right of way, as it is not a City street or sidewalk, and would be physically separated from City street by a buffer of at least 3’
- Improvements through Village are not a “detour,” they are the mapped route of trail.

Implications

- Park Ave alignment can be approved
- Planned improvements for Village can be approved

Summary



Option	Park Ave Realignment	RTC Village Improvements	City ability to maintain/improve streets and sidewalks	Notes
1	No	No	No	City's legal argument in 2018
2	No	No	Yes	Proponent's legal argument in 2018
3	No	No	Yes	Requires outside counsel and filing with STB
4	Yes	Yes	Yes	