

Gautho, Julia

From: Matt Farrell <mattfarrell922@gmail.com>
Sent: Wednesday, October 25, 2023 12:49 PM
To: City Council; Keiser, Marguax; Brooks, Yvette; Clarke, Joe; Brown, Kristen; Pedersen, Alexander
Subject: Letter in Support of Item 9a. Proposed Bike and Pedestrian Improvements
Attachments: Letter of Support for Item 9a Bike and Pedestrian Recommendations 10242023.docx

Mayor Keiser and councilmembers,

Attached is a word document version of our support letter for pedestrian and bicycle improvements in Capitola Village.

Matt Farrell
Chair, FORT



October 24, 2023

To: Mayor Keiser and the Capitola City Council

Subject: Support for Bike and Pedestrian Improvements in Capitola Village

Santa Cruz County Friends of the Rail and Trail (FORT) wants to thank city and county staff for all the work they have done on this project, which will improve bicycle and pedestrian access and safety into and through Capitola Village.

We urge Council to support the following changes:

- Revising the width of the existing bike and vehicular lanes for an approximately 350-foot-long portion of Cliff Drive, from the end of the Coastal Rail Trail to where the sidewalk begins on the coastal side of Cliff Drive, to allow demarcation of a separate 4-foot-wide pedestrian path on the coastal side adjacent to the Class II bike lane;
- Re-painting the existing white striping and adding green pavement painting to the existing Class II bike lanes through the Capitola Village; and
- Installing white sharrow markings with green backgrounds along the Class II bike routes where bicycles and vehicles share the lane through the Capitola Village.

We are supportive of city staff's interest in additional ADA improvements in Capitola Village and in a sidewalk on Cliff Drive. It is also our understanding that these elements were not included in the original project scope and would be hard to fund in the current budget. For this reason, we support the city applying for collaborating with the RTC on a future grant for this work.

Besides providing a much safer route for bicyclists to and through the Capitola Village, these changes will also improve pedestrian safety on Cliff Drive. Along with these benefits, these measures will provide a connection to the Rail Trail.

The staff report's attached RTC fact sheet on a proposed interim trail over the trestle bridge clearly addresses the extensive process and challenges presented by an interim trail. The long-term vision has always been for a continuous trail with a new rail bridge. At the conclusion of the Unified Corridor Investment Study, the Regional Transportation Commission unanimously affirmed its commitment to leave the railroad infrastructure in place, maintain freight rail service, and institute high-capacity public transit service.

Finally, given the overwhelming defeat of Measure D, there is strong evidence that our community supports this path; and wants to continue to preserve the opportunity for rail on the branch line.

Matt Farrell
Board Chair, FORT

Gautho, Julia

From: Jean Brocklebank <jeanbean@baymoon.com>
Sent: Wednesday, October 25, 2023 12:41 PM
To: City Council
Subject: [PDF] Agenda item 9.A. Coastal Rail Trail Segments 10 and 11
Attachments: B & G - Castle Ultimate 2.pdf; B & G - Castle Ultimate 1.pdf; Surf and Sand encroachment.pdf; Trade Winds encroachment.pdf

Dear Mayor Keiser and Council Members ~

I am writing about serious concerns regarding **impacts to residents** of at least two of three mobilehome parks in the City of Capitola, for your consideration as you provide direction to staff on a comment letter on the Draft EIR for Segments 10 & 11 of the Rail Trail.

The **impacts** would be a result of **relocation of the homes**, as proposed by the County of Santa Cruz (the CEQA lead agency, in coordination with the City of Capitola and the RTC).

There are five manufactured home parks in Segments 10 & 11, in which homeowners may be ultimately impacted if the Proposed Project (12' wide Ultimate Trail), as described in the EIR, is built. Three of these parks are in the City of Capitola. There are a variety of park property owners.

An **Optional First Phase** of the Proposed Project (16' wide interim trail down the center of the corridor) would eliminate these impacts. There is also a stand-alone Alternative 1 (16' Trail Only down the center of the corridor). Either the Optional First Phase (Part 1) or Alternative 1 would eliminate the relocation impacts to both residents and park owners in Capitola.

With one possible exception (Tradewinds, which is parcelized), the RTC communicates with the park property owner regarding relocation. However, it is very much the residents (home owners who rent the space from the property owner), who will bear the brunt of any relocation requirements.

The DEIR does not name the mobilehome parks. It discusses them generically. However, diagrams in the EIR Appendix make it very clear which parks and which homeowners will be affected if the Ultimate Trail is approved and built.

How relocation will be accomplished in mobile home parks is covered on p. 646 (3.15.9 Population and Housing) Threshold B (my bold emphasis):

"There may be existing structures that encroach into the RTC-- owned ROW that conflict with the trail. These unauthorized encroachments will be resolved by the RTC per their Encroachment Policy, regardless of the Project, as part of a separate process prior to trail construction in this area. As part of this process, property owner options include but are not limited to **physically moving the mobile homes several feet** outside the RTC-- owned rail corridor ROW and within the same mobile home park; if adequate space is not available to physically move an individual mobile home, **property owners could modify or replace the mobile home with a slightly smaller structure that fits within respective lot in the mobile home park or elsewhere on the owner's property, or they could move the mobile home to another nearby mobile home park that has space to accommodate it.** Because the encroachments are unauthorized, residents would not be considered "displacees" as defined by

the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. However, the RTC would implement avoidance and minimization measure in accordance with their Encroachment Policy to reduce impacts to property owners and residents.

"In summary, the Project would **not result in the displacement of substantial numbers** of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the impact would be less than significant (Threshold B). No mitigation is required."

After observing installation of manufactured homes in various parks for over 30 years, beside the enormous cost, I think it would easily take 6 months per home to relocate it inside a park or replace it with a smaller home. All utilities are underground, so there would have to be gas, electric and water built in a new trench and the double wides would have to be broken into two units and recombined. Interior and exterior seams would have to be finished. Earthquake bracing would have to be re-installed. Meanwhile, the home owners would have to have someplace to live while all of this takes place.

To my knowledge, the RTC has not looked within parks to determine whether or not there are any opportunities for creating new spaces on which to relocate homes that currently encroach into the R-O-W.

I have attached the diagrams of the following City of Capitola parks to help you see the potential relocation problems associated with the Ultimate Trail configuration.

Castle Mobile Estates (owned & operated by non-profit Millennium Housing Corp.)

- This park is in Segment 10.
- In this part of Segment 10, with the Ultimate Trail, tracks are going to be moved south, coming within what looks like about 5' feet or less of several homes along the corridor.
- Castle Mobile Estates has about 5 homes that are currently encroaching (at the 38th Ave. end of Segment 10). One is very problematic in terms of "encroachment" but would be okay.
- If either the Optional First Phase of the Ultimate Trail or Alternative 1 (16' wide Trail Only) is built down the center of the corridor, there should be no dislocation of homes in Castle Mobile Estates.

Surf and Sand (investor-owned)

- This park is in Segment 10.
- This park appears to have only one encroachment difficulty; that is, an out building (storage shed?) that could easily be moved out of the ROW.

- If either the Optional First Phase of the Ultimate Trail or Alternative 1 (16' wide Trail Only) is built down the center of the corridor, there should be no dislocation of homes in Surf & Sand.

Tradewinds Park (resident-owned and parcelized)

- This park is in Segment 10.
- There is one encroachment. However, it appears that even with the Ultimate Trail configuration the corridor at this point is wide enough that the tracks can be moved inland (with trail moved to the coastal side) without relocation of that home.
- If either the Optional First Phase of the Ultimate Trail or Alternative 1 (16' wide Trail Only) is built down the center of the corridor, there should be no dislocation of homes in Tradewinds Park.

I first alerted some residents of Castle Mobile Estates in April of 2021, as well as Blue & Gold Star MHP, sharing my concerns after learning about the R-O-W situation and also addressing concerns to the RTC and County staff.

I think the County, as lead agency in this project, has a responsibility to contact all potentially impacted **homeowners** in the five parks of Segments 10 & 11, since it is they who will bear the brunt of relocation. Each home in the City of Capitola has a unique mailing address. Otherwise, with the exception of parcelized Tradewinds Park, it will only be the park property owner who learns of this situation.

I also recommend a timely meeting with these homeowners (**before** the DEIR comment period deadline), sponsored by the County, RTC and City of Capitola -- to take their questions and provide answers about what is proposed for their homes. They have a right to be so informed, just like residents who live within 300' of a regular development project have that right.

My personal recommendation is to support the Optional First Phase of the Proposed Ultimate 12' Trail, since it would guarantee that no affordable housing in Segments 10 & 11 will be impacted by disruption and relocation. Additionally, a 16' wide trail over the Capitola Trestle, included in the Optional First Phase, will solve the problem associated with diverting users of the multi-use trail onto the streets of Capitola.

Sincerely,

Jean Brocklebank

34+ year resident of a mobilehome park in the unincorporated County
19+ year member of the Mobile and Manufactured Home Commission

9.A. Coastal Rail Trail Segments 10 and 11 – Provide direction to staff on a comment letter on the Environmental Impact Report and Consolidated Coastal Permit Request for the Coastal Rail Trail Segments 10 and 11.

DIG ALERT
DIAL TOLL FREE



AT LEAST 2 DAYS
BEFORE YOU DIG

MATCHLINE, SEE SHEET CP-1.08

KEYMAP



REPLACE EXISTING
60' CMP PER CO SHEETS

REPLACE EXISTING
42' KOP PER CO SHEETS

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
STREET FURNISHINGS AND EQUIPMENT	
1-01	CONCRETE TRACK PANEL
1-02	SEPARATION FENCING
1-03	PROPOSED SIGN
1-05	TRASH RECEPTACLES
1-09	FLEXIBLE BOLLARD
1-10	GUARDRAIL SYSTEM
1-11	PROPOSED SIDEWALK UNDER DRAIN
PEDESTRIAN AND TRAFFIC CONTROL	
2-01	2' WIDE CURB
2-02	8" WIDE CURB
2-03	6" CURB AND GUTTER
2-04	CURB RAMP
2-05	DETECTABLE WARNING SURFACE
2-06	HMA PAVEMENT (TRAIL)
2-08	CONCRETE SIDEWALK
2-09	CONTINENTAL CROSSWALK STRIPING
2-10	CROSSBIKE MARKINGS
2-12	PROPOSED AT-GRADE CROSSING
STRUCTURAL	
3-01	RETAINING WALL. SEE WP SHEETS
3-02	VIADUCT
3-03	ABUTMENT
3-04	BRIDGE
UTILITIES	
4-02	PROPOSED LIGHT
4-03	NEW LIGHT FIXTURE ON EXISTING POLE
4-04	RELOCATED RAIL EQUIPMENT
4-05	SOLAR LED W11-15 CROSSING SIGN
4-07	FUTURE PHASE RAIL DROP ARM
4-08	PROPOSED RAIL REALIGNMENT

LEGEND

SYMBOL	DESCRIPTION
---	SCRTC RIGHT OF WAY
- - -	CITY LIMITS
---	EXISTING FENCE
---	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
---	RETAINING WALL
●	PROPOSED LIGHTS
■	CONCRETE PAVEMENT
■	HMA PAVEMENT (TRAIL)
■	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
■	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK



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REVISIONS	



**COUNTY OF
SANTACRUZ**
DEPARTMENT OF PUBLIC WORKS
701 Ocean Street, Room 410
Santa Cruz, CA 95060

RAIL TRAIL SEGMENTS 10 & 11
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)
CONSTRUCTION KEYNOTE PLANS

REFERE
FIELD BO
DRAWING
CP-0193

10/24/18, 10/25/18, 11/1/18, 11/15/18, 11/22/18, 12/11/18, 12/18/18, 1/15/19, 1/22/19, 2/12/19, 2/19/19, 3/12/19, 3/19/19, 4/12/19, 4/19/19, 5/12/19, 5/19/19, 6/12/19, 6/19/19, 7/12/19, 7/19/19, 8/12/19, 8/19/19, 9/12/19, 9/19/19, 10/12/19, 10/19/19, 11/12/19, 11/19/19, 12/12/19, 12/19/19, 1/12/20, 1/19/20, 2/12/20, 2/19/20, 3/12/20, 3/19/20, 4/12/20, 4/19/20, 5/12/20, 5/19/20, 6/12/20, 6/19/20, 7/12/20, 7/19/20, 8/12/20, 8/19/20, 9/12/20, 9/19/20, 10/12/20, 10/19/20, 11/12/20, 11/19/20, 12/12/20, 12/19/20, 1/12/21, 1/19/21, 2/12/21, 2/19/21, 3/12/21, 3/19/21, 4/12/21, 4/19/21, 5/12/21, 5/19/21, 6/12/21, 6/19/21, 7/12/21, 7/19/21, 8/12/21, 8/19/21, 9/12/21, 9/19/21, 10/12/21, 10/19/21, 11/12/21, 11/19/21, 12/12/21, 12/19/21, 1/12/22, 1/19/22, 2/12/22, 2/19/22, 3/12/22, 3/19/22, 4/12/22, 4/19/22, 5/12/22, 5/19/22, 6/12/22, 6/19/22, 7/12/22, 7/19/22, 8/12/22, 8/19/22, 9/12/22, 9/19/22, 10/12/22, 10/19/22, 11/12/22, 11/19/22, 12/12/22, 12/19/22, 1/12/23, 1/19/23, 2/12/23, 2/19/23, 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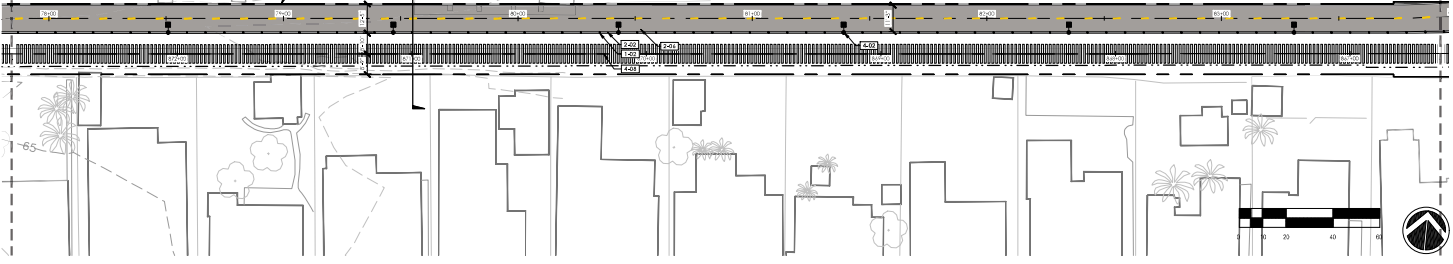
DIG ALERT
CALL TOLL FREE
811
AT LEAST 2 DAYS
BEFORE YOU DIG



JADE STREET PARK

MATCHLINE, SEE SHEET CP-1.12

MATCHLINE, SEE SHEET CP-1.14

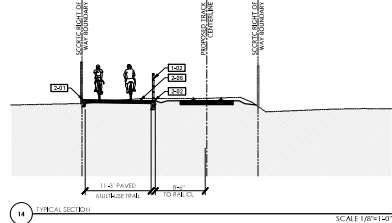


REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-08	CONCRETE SIDEWALK
1-02	SEPARATION FENCING	2-09	CONTINENTAL CROSSWALK STRIPING
1-03	PROPOSED SIGN	2-10	CROSSBIE MARKINGS
1-04	TRASH RECEPTACLES	2-11	PROPOSED A-GRADE CROSSING
1-05	FLEXIBLE BOLLARD	2-12	STRUCTURAL
1-06	GUARDRAIL SYSTEM	2-13	RETAINING WALL, SEE WP SHEETS
1-07	PROPOSED SIDEWALK UNDER DRAIN	2-14	VIADUCT
1-08	PEDESTRIAN AND TRAFFIC CONTROL	2-15	ABUTMENT
2-01	6" WIDE CURB	2-16	BRIDGE
2-02	8" WIDE CURB	2-17	PROPOSED LIGHT
2-03	6" CURB AND CUTTER	4-01	NEW LIGHT FIXTURE ON EXISTING POLE
2-04	CURB RAMP	4-02	RELOCATED RAIL EQUIPMENT
2-05	DETECTABLE WARNING SURFACE	4-03	SOLAR LED W11-S CROSSING SIGN
2-06	HMA PAVEMENT (TRAIL)	4-04	FUTURE PHASE RAIL DROP ARM
		4-05	PROPOSED RAIL ALIGNMENT

LEGEND

SYMBOL	DESCRIPTION
---	SCOTIC RIGHT OF WAY
---	CITY LIMITS
---	EXISTING FENCE
---	FENCE OR GUARDRAIL ON CURB, RAIL, VIADUCT OR BRIDGE
---	RETAINING WALL
---	PROPOSED LIGHTS
---	CONCRETE PAVEMENT
---	HMA PAVEMENT (TRAIL)
---	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
---	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK



REVISIONS

NO.	DESCRIPTION



COUNTY OF
SANTACRUZ
DEPARTMENT OF PUBLIC WORKS
701 Ocean Street, Room 410
Santa Cruz, CA 95060

RAIL TRAIL SEGMENTS 10 & 11
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)
CONSTRUCTION KEYNOTE PLANS

REFERENCES	DATE	SCALE
FIELD BOOK	02/10/2023	AS SHOWN
DRAWN: KS		CP-1.13
DESIGN: KS/MS		VAULT NO.
CHECKED: MS		

DIG ALERT
 CALL TOLL FREE
811
 AT LEAST 2 DAYS
 BEFORE YOU DIG

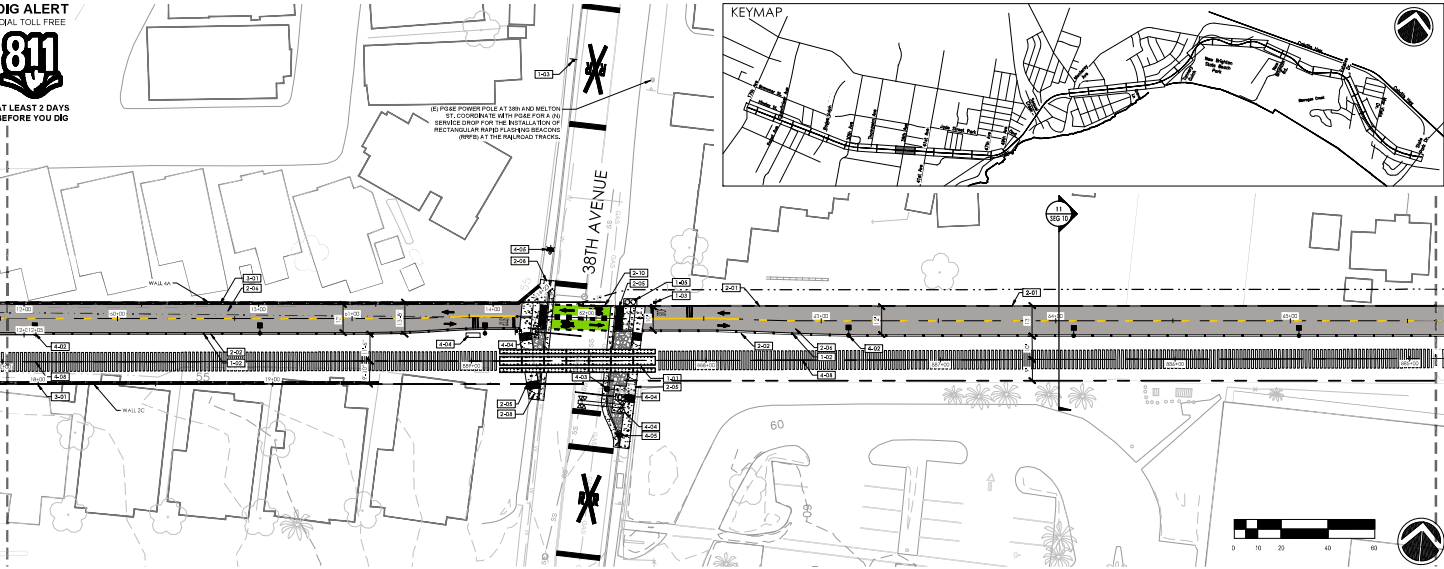
SEE POWER POLE AT 500 AND NELSON ST. COORDINATE WITH PASADENA IN SERVICE DROP FOR THE INSTALLATION OF RECTANGULAR RAPID FLOWING BEACONS (REFER TO THE MARKING TRUCKS)

KEYMAP

38TH AVENUE

MATCHLINE, SEE SHEET CP-1.09

MATCHLINE, SEE SHEET CP-1.11

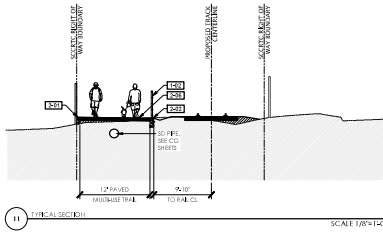


REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-08	CONCRETE SIDEWALK
1-02	SEPARATION FENCING	2-09	CONTINENTAL CROSSWALK STRIPING
1-03	PROPOSED SIGN	2-10	CROSSWALK MARKINGS
1-04	TRASH RECEPTACLES	2-11	PROPOSED A-GRADE CROSSING
1-05	FLEXIBLE BOLLARD	2-12	STRUCTURAL RETAINING WALL SEE WP SHEETS
1-06	GUARDRAIL SYSTEM	2-13	VIADUCT
1-07	PROPOSED SIDEWALK UNDER DRAIN	2-14	ABUTMENT
1-08	PEDESTRIAN AND TRAFFIC CONTROL	2-15	BRIDGE
1-09	8" WIDE CURB	2-16	PROPOSED LIGHT
1-10	6" CURB AND CUTTER	2-17	NEW LIGHT FIXTURE ON EXISTING POLE
1-11	CURB RAMP	2-18	RELOCATED RAIL EQUIPMENT
1-12	DETECTABLE WARNING SURFACE	2-19	SOLAR LED W11-S CROSSING SIGN
1-13	HMA PAVEMENT (TRAIL)	2-20	FUTURE PHASE RAIL DROP ARM
		2-21	PROPOSED RAIL REALIGNMENT

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	SCHEMATIC RIGHT OF WAY
(Symbol)	CITY LIMITS
(Symbol)	EXISTING FENCE
(Symbol)	FENCE OR GUARDRAIL ON CURB, RAIL, VIADUCT OR BRIDGE
(Symbol)	RETAINING WALL
(Symbol)	PROPOSED BENCH
(Symbol)	CONCRETE PAVEMENT
(Symbol)	HMA PAVEMENT (TRAIL)
(Symbol)	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
(Symbol)	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK



REVISIONS

NO.	DESCRIPTION

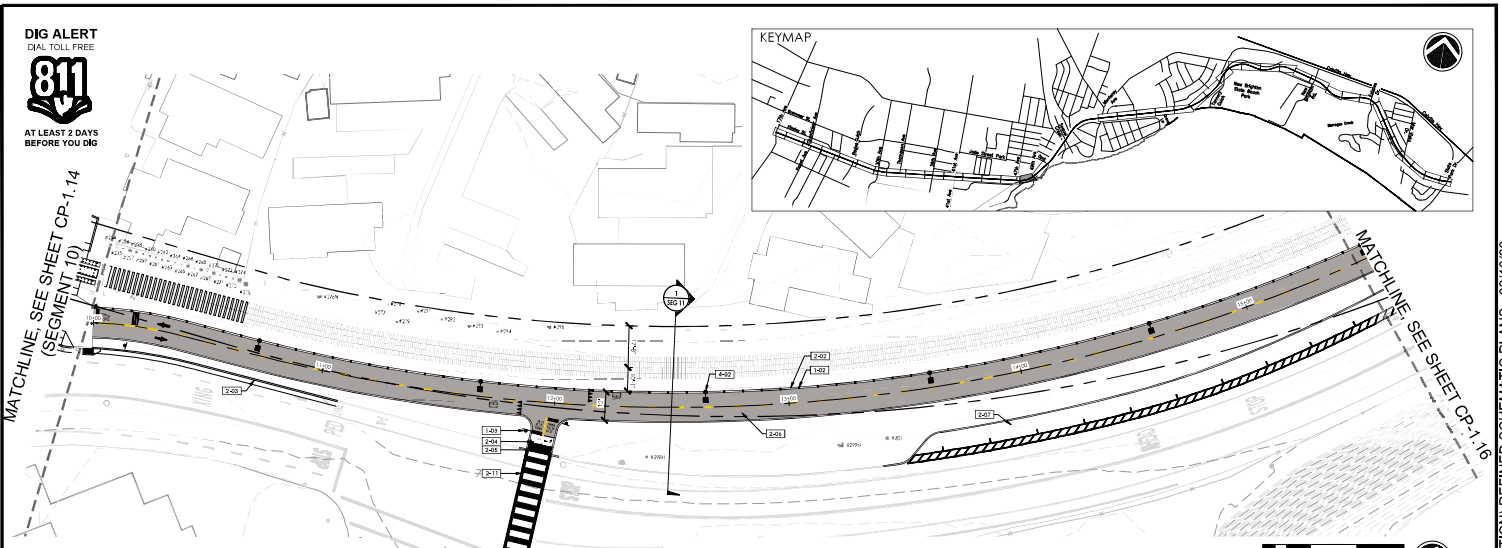


COUNTY OF
SANTACRUZ
 DEPARTMENT OF PUBLIC WORKS
 701 Ocean Street, Room 410
 Santa Cruz, CA 95060

RAIL TRAIL SEGMENTS 10 & 11
 TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)
 CONSTRUCTION KEYNOTE PLANS

REFERENCES	DATE	SCALE
FIELD BOOK	02/10/2023	AS SHOWN
DRAWN: KS		CP-1.10
DESIGN: KS/MS		Vault No.
CHECKED: MS		

DIG ALERT
 CAL TOLL FREE
811
 AT LEAST 2 DAYS
 BEFORE YOU DIG

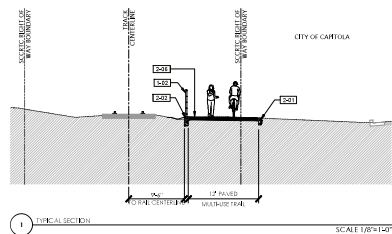


REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
1-01	CONCRETE TOCK PANEL
1-02	SEPARATION FENCING
1-03	PROPOSED SIGN
1-04	RELOCATED PAY STATION
1-05	TRASH RECEPTACLES
1-06	BENCH
1-07	CROSSWALK BARRIER
1-08	BIKE RACKS
1-09	FLEXIBLE BOLLARD
1-10	GUARDRAIL SYSTEM
2-01	6" WIDE CURB
2-02	8" WIDE CURB
2-03	4" CURB AND GUTTER
2-04	CURB RAMP
2-05	DETECTABLE WARNING SURFACE
2-06	HMA PAVEMENT (TRAIL)
3-07	HMA PAVEMENT (ROAD)
3-08	CONCRETE SIDEWALK
3-09	CONTINGENTIAL CROSSWALK STRIPING
3-10	CROSSBIE MARKINGS
3-11	LADDER CROSSWALK STRIPING
3-12	PROPOSED AT-GRADE CROSSING
3-13	PROPOSED STAIRS
3-14	TRAIL CHICANE
3-01	RETAINING WALL - SEE WP SHEETS
3-02	VIADUCT
3-03	ABUTMENT
3-04	BRIDGE
4-01	FP FIXING RAIL EQUIPMENT
4-02	PROPOSED LIGHT
4-03	NEW LIGHT FIXTURE ON EXISTING POLE
4-04	SOLAR LED W/L-3 CROSSING SIGN

LEGEND

SYMBOL	DESCRIPTION
[Symbol]	SCENERY HEIGHT OF WAY
[Symbol]	CITY LIMBS
[Symbol]	EXISTING FENCE
[Symbol]	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
[Symbol]	RETAINING WALL - SEE WP SHEETS
[Symbol]	PROPOSED LIGHTS
[Symbol]	CONCRETE PAVEMENT
[Symbol]	HMA PAVEMENT (TRAIL)
[Symbol]	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
[Symbol]	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
[Symbol]	DECOMPOSED GRANITE
[Symbol]	DECORATIVE PAVERS



TYPICAL SECTION SCALE 1/8" = 1'-0"

REVISIONS

NO.	DESCRIPTION



COUNTY OF
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 DEPARTMENT OF PUBLIC WORKS
 701 Ocean Street, Room 410
 Santa Cruz, CA 95060

RAIL TRAIL SEGMENTS 10 & 11
 TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)
 CONSTRUCTION KEYNOTE PLANS

REFERENCES	DATE	SCALE
FIELD BOOK	02/10/2023	AS SHOWN
DRAWN: KS		CP-1.15
DESIGN: KS/MS		VAULT NO.
CHECKED: MS		

TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23

Gautho, Julia

From: Ben Vernazza <ben@benvcpa.com>
Sent: Wednesday, October 25, 2023 2:07 PM
To: City Council
Cc: Gautho, Julia
Subject: [PDF] PRESENTATION CITY COUNCIL Oct 26, 2023
Attachments: Capitola Oct presentation.pdf

"Segment 9 ultimate trail is UNSAFE and DANGEROUS."

Please add to materials for meeting.

Ben

J. Ben Vernazza CPA/PFS TEP emeritus
Managing Director
THE INSTITUTE FOR PORTFOLIO DIVERSIFICATION
benv@cpa.com
Aptos, CA 95003
+1-831-688-6000



PRESENTATION CAPITOLA CITY COUNCIL

(October 26, 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) setbacks within fixed objects (i.e., fence posts, walls) and **are not considered part of the traveled way. Because the Ultimate path is primarily contained between fences or walls, the path width, or “traveled way,” (of these Segments) are mostly 8 feet wide.**

The Interim trail is 20 ft wide and includes a 2 ft shoulder on each side and has a **traveled way of 16 ft. The other advantage is the ability to separate bikes and pedestrians with their own to and from lanes!**

Johanna Lighthill, of Seacliff, has studied Segment 9 in detail. It includes additional SAFETY deficiencies. She spent hours and hours on Segment 9 and currently is studying the details of Seg 10 and 11.

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.

Note: This is not a legal opinion. It is a lay person (me) researching the laws.

CAPITOLA – CULTURAL CENTER OF MID-COUNTY

We live in Aptos and Capitola is the nearest city and one only has to look at your quarterly RECREATION brochure to see Capitola is the mid-county cultural center. More than half of the events are for “kids” and COMING SOON: Capitola City Council recently joined forces with County Park Friends to build THE JADE STREET 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. Also, we must evaluate a proposal by some to have fast moving trains travelling right next to this upcoming *Jade St. Universally Accessible Park Playground*.

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

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

P.S. As they say in Australia: “GOOD ON YA” CAPITOLA!

October 26.2023 Presentation to the Capitola City Council