

Gautho, Julia

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, February 19, 2025 4:58 PM
To: City Council; Gautho, Julia; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Subject: Special City Council meeting - ANTICIPATED LITIGATION : Potential Measure L Violations Regarding Park Avenue Traffic Calming and Rail Trail Diversion

Dear Members of the Capitola City Council,

I am writing to express serious concerns regarding potential violations of **Measure L**, particularly in relation to the ongoing discussions and actions surrounding the **Park Avenue Traffic Diet** and the **rail trail's alignment**.

As you know, **Measure L** was approved by voters to ensure the **Santa Cruz Branch Rail Line** is preserved for future rail use while allowing for the development of the **Coastal Rail Trail** alongside it. The intent of Measure L is clear: the rail corridor should be used primarily for rail service, with the trail **remaining within the rail right-of-way (ROW)** to preserve continuity and safety for pedestrians and cyclists. Diverting the trail out of the **rail ROW** onto **Park Avenue** constitutes a **violation of Measure L**, as it fundamentally alters the trail's alignment and shifts it away from its designated space.

I understand that **City staff** and the **Santa Cruz County Regional Transportation Commission (RTC)** have been actively engaging in efforts to **calm traffic** and implement **traffic diets** on Park Avenue. However, these efforts, which include moving the **rail trail** onto **Park Avenue's ROW**, could be viewed as a **diversion** of the trail—a move that runs counter to the provisions of Measure L, which clearly stipulates that the trail must remain within the rail corridor.

The **diversion of the trail**, will have long-term implications for the project's goals and for the public's trust in the integrity of the Measure L framework. It will no longer offer the **continuous, safe, and uninterrupted path** originally promised to the community, impacting **both pedestrian safety** and the overall **experience** of the trail. Diversion is in the same ball park as a detour. regardless routing the trail through Capitola will be a fatal decision. As there is no dedicated bike lanes, conflicts with vehicles, and would require removing all parking on Capitola Ave to provide a safe passage..

City of Capitola has an **ADA Transition Plan** and the RTC Option A and B both violate Title II.

Moreover, I would like to bring attention to the ongoing **recall effort** for **Councilmember Pedersen**, who is also on the **RTC Board**. Councilmember Pedersen had to **recuse himself** from voting on the Park Avenue traffic diet due to a **conflict of interest**. This raises serious concerns about the appropriateness of his involvement in decisions related to the rail trail and the broader transportation planning process. The recall effort is a clear signal from the community that the actions of certain council members are not in alignment with the will of the **Capitola citizens**.

Should the council proceed with ignoring the will of the people, this recall effort will likely **gain momentum**, and the citizens of Capitola will continue to take action. It's also important to note that if the council ignores **Measure L** and diverts the trail off the rail corridor, the city could face significant

legal consequences, including a **lawsuit**. There is real potential for violations of **Measure L** to be accounted for, and the city could be held accountable for acting against voter intent.

I respectfully request that the City Council reconsider these efforts and ensure that **Measure L's provisions** are upheld. Specifically, I urge the City to:

1. Reevaluate the alignment of the rail trail and ensure it stays within the designated rail corridor as stipulated in Measure L.
2. Cease any actions or plans that would divert or permanently move the trail out of the rail right-of-way, particularly onto Park Avenue.
3. Seek further legal counsel to ensure compliance with Measure L and avoid any potential violations.

Thank you for your attention to this matter. I trust that the City Council will act in the best interest of the community and honor the intentions of **Measure L**.

Sincerely,

Kevin Maguire

Cliffwood Heights - Capitola