

Gautho, Julia

From: Jim MacKenzie <jimmo@cruzio.com>
Sent: Wednesday, February 19, 2025 11:59 AM
To: City Council
Cc: info@sccrtc.org; Robert.Tidmore@santacruzcounty.us
Subject: Possible Spam Rail Trail alignment through Capitola

City of Capitola Mayor Clarke and Councilmembers Jensen, Morgan, Orbach, and Pederson:

As Capitola City Councilmembers, you are undoubtedly already aware of the information I am providing below regarding Rail Trail Segment 11, the trail's alignment through Capitola, and the validity of Measure L. Regardless, I am providing this information as background for my suggestions to you regarding your pending decision to either approve or reject the RTC's two-option proposal for Trail Segment 11's alignment along Park Avenue, rather than physically restricting it to the Santa Cruz Branch Rail Line (SCBRL) corridor.

First, regarding the Rail Trail alignment through the City of Capitola, page 4-51 of the Monterey Bay Sanctuary Scenic Trail (MBSST) Master Plan, released in 2013, states the following in its description of Trail Segment 11, which runs through the City of Capitola (I have bolded some of that text for emphasis):

"The rail right-of-way heading down the coast toward Capitola along Cliff Drive has diagonal parking spaces that encroach from Cliff Drive, on the coastal side of the tracks, and steep sloping grades up to an existing pedestrian overlook adjacent to Prospect Avenue on the inland side of the tracks. This stretch will need retaining walls or to be rerouted with grade changes to accommodate the trail on the inland side of the tracks. The greatest challenge in this segment is the rail trestle crossing of Soquel Creek. The current rail trestle passes through a historic district. There are current discussions about improvements to this bridge trestle due to structural conditions. Coastal trail access through this area will need to continue on existing surface streets and sidewalks to cross Soquel Creek and navigate through Capitola Village. Future plans for the rail trestle replacement should include a new bike/pedestrian facility in the bridge design. This crossing could also consider an iconic bike and pedestrian bridge that will span the five hundred- (500-) foot-long Soquel Creek crossing. This iconic bridge will require intricate design solutions to accommodate the footings and superstructure in the severely limited space below the bridge. The cost for this larger iconic bridge structure has not yet been determined and does not appear in this Master Plan."

On April 9, 2015, the Capitola City Council voted 4 to 1 in favor of adopting the MBSST Master Plan, including the language quoted above.

But in 2018, the passage of a "Greenway Capitola"—funded ballot initiative that applied only to the city of Capitola, "Measure L, Greenway," fundamentally prohibited the routing of a bicycle/pedestrian trail along the streets and sidewalks of Capitola, seemingly negating the language of the 2013 MBSST Master Plan the Capitola City Council had already approved.

The ballot question posed by Measure L was as follows:

"Shall the Capitola Municipal Code be amended to direct Capitola constituent departments to take all steps necessary to preserve and maintain the Capitola segment of the Santa Cruz Regional Transportation Commission's Rail Corridor and Trestle over Soquel Creek for bicyclists, pedestrians and other human powered transportation, and to prohibit expenditures to route bicyclists, pedestrians and other human powered transportation from the rail corridor to Capitola streets and sidewalks?"

It is clear to me that the language and intent of Measure L, which passed by a slim 200-vote margin, was in direct conflict with both the spirit and letter of the 2013 MBSST Master Plan that the City of Capitola had, in good faith, adopted only three years earlier.

It should be noted here that there was no language within Measure L stating that, if approved by voters, it would rescind or reverse the Council's previous adoption of the MBSST Master Plan. It should also be noted that the one Capitola city councilmember opposing approval of the MBSST Master Plan in 2015, Stephanie Harlan, reversed her position and later signed both the Rebuttal to Argument in Favor of Measure L and the Argument Against Measure L in the November 2018 election voter's guide.

Currently, two trail alignment options, designed in accordance with the language and intent of the MBSST Master Plan, for placing the Rail Trail along Park Avenue have been proposed by the Santa Cruz County Regional Transportation Commission (RTC) and Santa Cruz County Planning. Both of these options were presented at the Capitola City Council meeting of February 14, 2025.

According to the RTC, the City of Capitola would incur ZERO expense whether either of these two options are executed; the project is fully funded. In other words, consistent with Measure L, no City of Capitola resources would be required to route the Rail Trail along Park Avenue. Even so, some Capitolans and other county residents cited Measure L as a reason to reject these proposed trail-alignment options. One speaker, citing Measure L, even threatened to take legal action if either of the RTC's proposals were accepted.

But does Measure L preclude the Council from considering RTC's proposals for aligning Rail Trail Segment 11 along Park Avenue?

The Capitola city attorney, in his 2018 impartial analysis of Measure L, provided this legal perspective: "The Rail Corridor and Trestle are owned by the Santa Cruz County Regional Transportation Commission (RTC). In 2013, after a multi-year process with extensive public input, RTC adopted the Monterey Bay Sanctuary Scenic Trail Master Plan (Master Plan), establishing the proposed alignment for the Monterey Bay Sanctuary Scenic Trail Network, including the Coastal Rail Trail and associated spur trails. 'Segment 11' of the Rail Trail would run along the rail right-of-way approximately 3.2 miles down the coast from Jade Street Park to State Park Drive, diverting onto surface streets through Capitola Village to bypass the Trestle. Although contemplated as part of a future project, the Master Plan does not include funding for building the Rail Trail across the Trestle due to cost and existing structural conditions. In 2015, the Capitola City Council adopted the Master Plan, which is contemplated by and consistent with several policies enumerated in Capitola's General Plan, adopted in 2014, the 'Bicycle Transportation Plan,' adopted in 2011 and Local Coastal Plan, adopted in 1981."

In his impartial analysis of Measure L, the city attorney went on to state: "The measure raises a number of legal concerns, including: First, whether it proposes a legislative act, or merely directs administrative or executive actions, which are generally not subject to initiative or referendum; Second, whether the Measure's terms are too vaguely defined and ambiguous to be enforceable; Third, whether its restrictions on expenditure of funds improperly interfere with the City Council's authority over the City's fiscal affairs. For these reasons the measure may be vulnerable to a legal challenge as to its validity."

I encourage the Capitola City Council to move forward as soon as possible to approve one of the two Park Avenue trail alignment options presented by the RTC and County Planning at the council meeting of February 13, 2025. These plans were developed in accordance with recommendations for Trail Segment 11 set forth in the 2013 Monterey Bay Sanctuary Scenic Trail Master Plan, which was adopted by the Capitola City Council on April 9, 2015 — three years prior to the passage of Measure L.

The stated fact that the City of Capitola would need to expend ZERO city resources on the execution of either of these plans seems to be in complete compliance with Measure L's fiscal requirements.

Regarding the first condition of Measure L — restriction of "bicycles, pedestrians, and other human-powered transportation" to the SCBRL corridor and off the streets and sidewalks of Capitola — it would be advisable to consult the city attorney regarding the legality of aligning Trail Segment 11 along Park Avenue, considering both the potential legal invalidity of Measure L and also Measure L's inconsistency with the MBSST Master Plan, which had been approved in both letter and spirit by the Capitola City Council in 2015, three years prior to the passage of Measure L.

I also ask you to consider a potentially major consequence of not approving trail alignment along Park Avenue. The RTC is in no way obligated to comply with Measure L and place a bicycle/pedestrian trail on the Capitola Trestle, which the RTC owns. Without adopting one of the two Park Avenue trail alignment options, the City of Capitola may be physically disconnected from the Rail Trail, forcing any cyclists to use what ever means possible — on the streets or sidewalks, safely or not — to traverse Capitola Village to exit and re-enter the trail. The physical exclusion of the City of Capitola from the otherwise contiguous Monterey Bay Sanctuary Scenic Trail would be a loss to Capitola Village businesses, residents of Capitola, and visitors.

Thank you for your consideration.

Jim MacKenzie
Santa Cruz, California

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MBSST Master Plan:
https://sccrtc.org/wp-content/uploads/2012/10/MBSST-NETWORK-FULL_MASTER_PLAN.pdf

Impartial analysis of Greenway's Measure L (November 2018):
https://www.cityofcapitola.org/sites/default/files/fileattachments/city_administration/page/15591/measure_l_impartial_analysis.pdf

Measure L - Capitola Greenway Initiative, Santa Cruz County Elections Department
<https://votescount.santacruzcountycalifornia.gov/Home/PastElections/November6,2018CaliforniaGeneralElection/Nov18localmeasures/L-CAPgreenway1118.aspx>

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