



CALIFORNIA STATE
RAILROAD MUSEUM
FOUNDATION

Honoring the past. Inspiring the future.

Via E-Mail and First-Class Mail

January 19, 2018

Jesse Gothan, PE
Supervising Engineer
City of Sacramento, Department of Public Works
915 I Street, Room 200
Sacramento, CA 95814

Dear Mr. Gothan:

Thank you for hosting Chris Butcher, Jim Houpt, and me last month to discuss the City's plans for the Del Rio Trail. On behalf of the Old Sacramento State Park Committee and California State Railroad Museum Foundation Board, I want to express my gratitude for the time you, Bill Sinclair, Pamela Dalcin-Walling, and Namat Hosseinion spent with us. You asked for the Foundation to support the City's presentation to the State Historic Preservation Officer under the National Historical Preservation Act to remove some extent of the railroad tracks from Sutterville Road to Pocket Road. As we promised, this letter will provide our position.

First, let me assure you that our Board fully supports plans for a multi-use trail along the route of the Sacramento Southern Railroad. You may count on our support to make the right-of-way fully accessible to bicyclists, walkers, and runners. But, after study and consideration, and based on what we know at this time, the Board cannot support the removal of any track. The Board does not believe that retention of the existing track is inimical to the design and construction of a single, multi-use trail like other trails throughout the City and its suburban area.

Indeed, I would be remiss if I did not convey the Board's concern with the current state of affairs. We are troubled that the City waited as long as it did to seek input from the "stewards of the resource," to use Namat's term, rather than involving us earlier in the process. At this juncture, it appears that removal of the tracks was intended to be a *fait accompli* before any but a small, vocal, constituency had meaningful input. The removal of the tracks appears to have been prejudged before any real public process, and before the consideration of alternatives to track removal.

Our Board is concerned that the City's plan for separate walking and bicycle trails for much of the railroad right-of-way is an effort to justify removal of the Sacramento Southern tracks. As your group conceded in our meeting, the Sacramento Southern is an undisputed historical resource that has been found to be National-Register eligible. Therefore, the removal of any track should be an appropriately mitigated last resort. The City plans to accommodate both the tracks and a single multi-use trail from the Baths/Land Park rail bridge to the zoo and from Pocket Road to the Freeport Regional Water Authority Intake. That appears to be a concession that accommodating the rails and a single multi-use trail is eminently feasible.

As far as we know, the City has rarely, if ever, proposed dual trails for a major off-road corridor like the Del Rio Trail. The cost of removing the rails and installing separate walking and biking trails will likely be a multiple of the expense to retain the rails and build a single multi-use trail. In fact, the City's design for the bicycle trail appears to mirror the typical multi-use trail used elsewhere. The design includes two-foot-wide shoulders of decomposed granite, usually intended for use by walkers and runners. The addition of a separate walking trail is seemingly redundant and wasteful. Moreover, we reviewed the City's application for funding from SACOG and we did not see any suggestion that the City anticipated anything but a single, multi-use trail.

The decision to remove tracks appears to have been made without consideration of the increased cost to the wider community to satisfy a relative few. While we recognize that the City intends to tap state and federal funds for the trail, so the majority of the cost will not be borne by the local community, the Del Rio Trail will take much longer to complete as the City pursues funding over several years to complete individual sections at a much higher cost per section. The City should be able obtain sufficient funding for a single, multi-use trail in a much shorter time period, serving the needs of bicycle commuting and recreation far more quickly.

As you noted in our meeting, we recognize that a neighborhood group opposes an excursion train along the Del Rio corridor. We believe it's important that everyone understands there is no proposal for an excursion train through this corridor. We assume the City's new plan to retain at least fifty percent of the existing track is an effort to assure excursion-train opponents that a large break in the tracks would provide the guarantee they want. If you are not already aware, you should know that approximately 75 yards of track are missing south of Del Rio Road, where the city installed underground piping years ago. That alone assures that no one can use the rails as a through route for a train or any similar conveyance. Furthermore, when Regional Transit transfers ownership of the right-of-way to the City, the City alone will have control over future uses of the tracks and the corridor. Therefore, preservation of the tracks is not a referendum on an excursion train.

As I said at the outset, the Foundation wants to work with the City toward the completion of a multi-use trail along the Sacramento Southern right-of-way. We will do all we can to assist as long as all parties are sensitive to the need for preserving a historical resource for future generations. However, we also acknowledge that we may not know or appreciate all of the facts and legal issues that drive the City's planning. Therefore, we would be happy to consider any additional information you can provide that figures into the City's plans. We look forward to hearing any additional information that might guide the Board's consideration.

Sincerely,



Cheryl Marcell
President & CEO

Cc: Old Sacramento State Park Committee



CALIFORNIA STATE
RAILROAD MUSEUM
FOUNDATION

Honoring the past. Inspiring the future.

May 9, 2018

Via E-Mail (JGothan@cityofsacramento.org) and First-Class Mail

Jesse Gothan, PE
Supervising Engineer
City of Sacramento, Public Works Department
915 I Street, Suite 2000
Sacramento, CA 95814

Dear Mr. Gothan:

Thank you again for meeting with Jim Houpt and me on April 4 to share the City's updated plans for the Del Rio Trail. We sincerely appreciate the update that the City will preserve or reinstall at least 98.2% of the historical rails. Be aware, however, that our legal counsel still believes that, even with these improvements, the governing law still requires that removal of and alterations to rails mandate an Environmental Impact Report under CEQA and an Environmental Impact Statement under NEPA. Nevertheless, we believe we can reach an agreement that would avert our objections to an MND.

We also want to share that we have met with others whom we consider to be the Foundation's constituents. While we do not control how they might respond to ongoing concerns, we hope that sufficient improvements would dissuade them from challenging the finalized Del Rio Trail plan. As we said previously, we wholeheartedly support the construction of a bike trail along the Sacramento Southern Railroad right-of-way and hope that the City can make progress on the trail in the near term.

Though your project team has made great progress to preserve the rails, the Foundation's Old Sacramento Committee and Board believe the city needs to do more to preserve not just the idea that the Del Rio Trail corridor was once a viable rail line, but also to show that the rail line could potentially be viable again under the right circumstances. Though we do not anticipate that we or anyone else would propose use of the tracks for the foreseeable future, we do not want to foreclose future possibilities which, of course, would be subject to the full political and environmental process.

Therefore, the Foundation proposes the following as mitigation for the removal and alternation of the historical resource, and proposes that each be listed as mitigation measures in the MND:

1. That the City include a provision that the mitigated negative declaration is not intended to preclude future use of the tracks should one emerge.
2. That the city retain the Sutterville Road crossing and retain the Sacramento Southern Railroad's ability and right to use the current rails on state-owned property south of Sutterville Road.
3. Rather than burying rail in concrete on cross streets to show only the rail crown, that the city install flangeways on all streets intersecting the trail to signify potential future use of the track.

4. Rather than removing rails on the bike trail at street intersections where the trail does not cross the rails perpendicularly, that the City re-align the bike trail to create a perpendicular crossing of the tracks and use flangeways to signify potential future use of the tracks (or avoid crossing the trail altogether so no remedial action is necessary).
5. That the City not allow the use of the space between the rails for a walking path to avoid encouraging the unsafe practice of walking on or near rails.
6. That the City not "beautify" the space between the rails by planting wildflowers or other vegetation that could hasten degradation of the ties, rails, or ballast.
7. That the City not oppose voluntary efforts by qualified individuals to maintain and repair the rails.
8. That, in exchange for easements or other grants from the state for use of the right-of-way on state property, the City grant an easement in favor of State Parks for future use and reconstruction of the tracks along the Del Rio Trail (subject to all necessary prerequisites for reconstruction or use, including amendments to the Old Sacramento State Parks General Plan or other general or specific plans, and environmental review supporting reconstruction or use of the rails).

We appreciate that these proposals may require additional explanation. We are ready to discuss them by phone or in person.

Finally, I want to share some feedback we have received from city councilmembers in our meetings with them to discuss our position. We heard views that agree with your suggestion that "opportunity sites" provide the prospect for educating the public about the Sacramento Southern Railroad and its role in Sacramento's rich railroad heritage. The Foundation would be pleased to work with the City on the means to capitalize on this opportunity.

We also discussed the opportunity for the Foundation to write to SACOG in support of funding for the Del Rio Trail. We would be pleased to do so if we reach agreement on mitigation measures for the alteration of the historical rails.

Please do not hesitate to e-mail or call to schedule a meeting or conference call to explain our position further. We look forward to working with you toward the successful implementation of a Del Rio Trail plan that addresses the needs of the neighborhoods, the stakeholders, and the City.

Best Regards,



Cheryl Marcell
President & CEO



South Land Park
Neighborhood Association

WWW.SLPNA.ORG

PO BOX 22903

SACRAMENTO, CA 95822

May 14, 2018

Jesse Gothan
City of Sacramento
Sacramento, CA

Dear Mr. Gothan:

The South Land Park Neighborhood Association (SLPNA) has reviewed two letters sent to the City regarding the Del Rio Trail Project from the California State Railroad Museum Foundation (CSRMF). The first letter was sent on January 19, 2018. The January letter lays out CSRMF's position that none of the remaining railroad (RR) track should be removed, regardless of any other engineering, traffic, or access constraints that may exist along the route, particularly at road crossings or other proposed Trail access points. CSRMF's January letter makes it clear that their position of 100% track preservation of remaining track is a result of their desire for historical resource preservation. CSRMF states in the January letter that the track is missing in one section of the route. SLPNA notes that other sections are paved over or missing at road crossings, and trees grow in the tracks in some places. CSRMF concludes their position in their January letter with:

"Furthermore, when Regional Transit transfers ownership of the right-of-way to the City, the city alone will have control over future uses of the tracks and the corridor. Therefore, preservation of the tracks is not a referendum on an excursion train."

Based on CSRMF's January letter, the City re-designed much of the proposed Trail in order to preserve about 98.2% of the remaining tracks. CSRMF is not satisfied. CSRMF's May 9, 2018 letter explicitly states that the Del Rio Trail should be designed to "show that the rail line could potentially be viable again", even though CSRMF acknowledges that no one, including themselves, is anticipated to propose trains using the tracks for the foreseeable future. CSRMF's changed position is stated in their May 2018 letter:

"Though your project team has made great progress to preserve the rails, the Foundation's Old Sacramento Committee and Board believe the City needs to do more to preserve not just the idea that the Del Rio Trail corridor was once a

viable rail line, but also to show that the rail line could potentially be viable again under the right circumstances. Though we do not anticipate that we or anyone else would propose use of the tracks for the foreseeable future, we do not want to foreclose future possibilities which, of course, would be subject to the full political and environmental process.”

Based on CSRMF’s May letter, it seems that preservation of the tracks is now becoming “a referendum on an excursion train.” It is not, nor should it be, the City’s purpose on a bicycle/pedestrian trail project to “show that the rail line could potentially be viable again under the right circumstances.” There is only one entity that would propose use of the tracks, and that is State Parks, the agency that operates the Old Sacramento Excursion Train. State Parks, the agency that operates the current excursion train subjected the return of trains to the Environmental Impact Report (EIR) for the Old Sacramento State Historic Park General Plan Project (SCH#2010092068) in 2014 that proposed returning train traffic to the entire route. There was substantial community opposition to the return of trains. As a result, State Parks removed the return of trains to the roughly 4.5 mile route of the Del Rio Trail from their project. Further in the May letter, CSRMF asks the City to not only make sacrifices in the Trail design for bicycles and pedestrians, but to install new flangeways for rail traffic.

The City of Sacramento, and the region, has a good east-west bicycle/pedestrian “backbone” in the American River Parkway. The Sacramento River Bike Trail extends that backbone south as far as Scott’s Seafood, but connectivity to neighborhood residential and commercial uses is constrained by I-5. The Del Rio Trail Project not only extends the backbone another roughly 4.5 miles, but greatly increases connectivity because it is embedded within existing neighborhoods. It will further connect to other bicycle/pedestrian that are somewhat isolated, including the trail along the Sacramento River near the water tower, and the new Trail network that will be built as part of the Delta Shores development. **Making design sacrifices for a project that was rejected by the project’s own operator, State Parks, is not good public policy.** What CSRMF is requesting will increase costs while diminishing the utility of the Trail. Their position is that they do not object to the Del Rio Trail, as long as it is turned into a plan to return train traffic, with a bicycle/pedestrian trail put on the side as an afterthought.

SLPNA’s position on this is clear. SLPNA opposes the return of trains south of Sutterville Road, and north of the community of Freeport. SLPNA supports the extension of train traffic to a planned new station at the Sacramento Zoo, just north of Sutterville Road. SLPNA supports the City’s Del Rio Trail Project. We do not want to see the design of a great project in our neighborhood sacrificed in order to supposedly “show that the rail line could potentially be viable again.” CSRMF identifies eight items it wants as “mitigation.” Some of the items appear to actually be construction of operable elements of a railroad track. The items are labeled as “mitigation” in the letter, although it is not clear why mitigation would be necessary if CSRMF’s 100% track retention position were followed. SLPNA’s comments on the eight items are below:

CSRMF Item #1. That the City include a provision that the mitigated negative declaration is not intended to preclude future use of the tracks should one emerge.

SLPNA comment: While SLPNA opposes the return of train traffic, SLPNA has no objection to this statement. Anyone is free in the future to propose any kind of project along the route. The Del Rio Trail Project would not preclude CSRMF, State Parks, or anyone else from proposing a new project that would return trains to the route.

CSRMF Item #2. That the City retain the Sutterville Road crossing and retain the Sacramento Southern Railroad's ability and right to use the current rails on State-owned property south of Sutterville Road.

SLPNA comment: SLPNA has no objection to retaining the Sutterville Road RR crossing in place. We are not aware the City has any control over the "right" of the current excursion train to use rails on the relatively limited area of State-owned property south of Sutterville.

CSRMF Item #3. Rather than burying rail in concrete on cross streets to show only the rail crown, that the City install flangeways on all streets intersecting the trail to signify potentially future use of the track.

SLPNA comment: SLPNA objects to this item because it is requesting that the City build parts of an operable railroad as part of the Del Rio Trail pedestrian/bicycle Project. Again, State Parks recently removed the return of trains to this area from their plans. The baseline conditions at many of the existing street crossings is that the rails are buried under asphalt. This has caused early failure of the asphalt and a clear street maintenance issue for the City.

Further, if flangeways were installed, they would be parallel with bicycle direction of travel, which is dangerous because bike tires can become caught in the flangeways. If flangeways were installed, the Trail crossing of the street could not be in the location of the current tracks buried under asphalt. The Trail crossing would need to be off to the side, which may exacerbate right-of-way (ROW) and grade constraints. If the trail crossing were off to the side anyway, it then makes no sense to then install adjacent flangeways (for a nonexistent train). If, in the unforeseeable future, the return of train traffic is proposed and approved, that would be the appropriate time to design a crossing that would work for trains and go to the expense of building it. CSRMF's request for the Del Rio Trail to install flangeways is an attempt to get the City to begin building an operable railroad as part of a bicycle/pedestrian project. The City should reject it. No mitigation is necessary for tracks that remain buried under the street or currently have only the rail crown exposed because that is the baseline condition.

CSRMF Item #4. Rather than removing rails on the bike trail at street intersections where the trail does not cross the rails perpendicularly, that the City re-align the bike trail to create a perpendicular crossing of the tracks and use flangeways to signify potential future use of the tracks (or avoid crossing the trail altogether so no remedial action is necessary).

SLPNA comment: ROW, grade constraints, and access points require the Trail to cross the remaining tracks at some points along the route. Installing approximately 90-degree turns on either side of the tracks in order to facilitate a perpendicular crossing, and installing flangeways in addition, results in a more expensive construction and a poor design for both bicycle and pedestrian traffic. Again, CSRMF is asking the City to sacrifice design and make the Trail more expensive in order to design around a nonexistent train that was specifically removed from CEQA review by the very agency that operates the train. The City should reject this item. In the unforeseeable event of the return of train traffic, these crossings could be redesigned.

CSRMF Item #5. That the City not allow the use of the space between the rails for a walking path to avoid encouraging the unsafe practice of walking on or near rails.

SLPNA comment: The most recent design moved the pedestrian path into the rails specifically to retain more track. It is our understanding compacted decomposed granite would be placed between the rails and on the sides to facilitate walking. This design was specifically to address concerns in CSRMF's January letter about track preservation, and SLPNA supported it. CSRMF's January letter did not say they wanted the Del Rio Trail to be designed around future train traffic. We do not think pedestrians will have trouble differentiating between preserved tracks converted to a walking path with tracks with active railroad traffic farther north.

It is important to note why the City design separated pedestrian and bicycle paths wherever space allowed. City staff told the project development team that the single most common complaint the City gets on combined bicycle/pedestrian paths has to do with conflicts between bicycles and pedestrians. In order to improve this in the future, it is the City's intent to separate these uses onto separate trails wherever possible, not just on the Del Rio Trail.

CSRMF Item #6. That the City not "beautify" the space between the rails by planting wildflowers or other vegetation that could hasten degradation of the ties, rails, or ballast.

SLPNA comment: This is similar to item #5 and goes to the heart of the issue. CSRMF wants the Del Rio Trail Project designed around future train traffic. The neighborhood and SLPNA opposes train traffic in the area. Regardless of the opposition to trains, the City should not sacrifice good design and Trail amenities for trains that are not likely to run again. We note that in many places vegetation is already covering the tracks as a result of 40 years of abandonment.

CSRMF Item #7. That the City not oppose voluntary efforts by qualified individuals to maintain and repair the rails.

SLPNA comment: The rails have been abandoned since 1978. Regional Transit (RT) purchased the corridor in the 1980's. In those 40 years, neither CSRMF, nor any other qualified individuals to our knowledge, have volunteered to maintain and repair the rails on the RT-owned section. SLPNA would not oppose maintaining the rails consistent with their

preservation as part of a rail-themed Trail corridor. In fact, SLPNA supports a rail-history theme for the Del Rio Trail. However, indefinite maintenance of the rails in a condition suitable for train traffic that CSRMF acknowledges is in the unforeseeable future serves no good purpose. In many areas, native valley oaks have grown in and around the tracks that the neighborhood has come to appreciate. SLPNA would oppose removal of most of these trees merely for the purpose of maintaining tracks for nonexistent trains. The Del Rio Trail Project is being designed to retain as many trees as possible. The Sacramento Tree Foundation has indicated their desire to begin planting valley oaks and California black walnuts in the ROW. SLPNA would welcome CSRMF's volunteer efforts to maintain the 98.2% of the remaining rails that the current design would preserve, if the rails are preserved as part of a historical display and trees are preserved. SLPNA would not welcome removing the trees and maintaining the rails for trains that are not there.

CSRMF Item #8. That, in exchange for easements or other grants from the State for use of the right-of-way on State property, the City grant an easement in favor of State Parks for future use and reconstruction of the tracks along the Del Trio Trail (subject to all necessary prerequisites for reconstruction or use, including amendments to the Old Sacramento State Parks General Plan or other general or specific plans, and environmental review supporting reconstruction or use of the rails).

SLPNA comment: The City should not grant State Parks an easement for the future use of trains because State Parks specifically removed the return of trains from the 2014 Old Sacramento State Parks General Plan. We are not aware that State Parks has even requested an easement.

CSRMF is asking the City to take on additional construction and maintenance costs in order to design and build the Trail to be compatible with train service that is opposed by the neighborhood, not in the foreseeable future by their own acknowledgement, and was specifically removed from consideration by State Parks, the agency that operates the train. The City has done a substantial redesign of the Project to reach 98.2% track retention and SLPNA supports the effort. We think the City may have done all it feasibly can to address CSRMF's concerns.

Making additional design sacrifices for absent trains may conflict with a project description for a safe and efficient bicycle/pedestrian trail that maximizes connectivity with adjacent neighborhoods.

In closing, SLPNA supports the retention of most of the remaining track, development of the Del Rio Trail with a rail-history theme, and inclusion of CSRMF in the planning of that theme and its amenities. SLPNA does not support the co-opting of the Del Rio Trail into a plan for the return of train traffic. The return of train traffic is opposed in writing by State Senator Dr. Richard Pan and Assemblymember Jim Cooper, who represent the neighborhood.

Cordially,

Board of Directors
South Land Park Neighborhood Association

Jim Houpt
5960 S. Land Park Dr., #224
Sacramento, CA 95822

June 6, 2018

Brian Ebbert, President
South Land Park Neighborhood Association
P.O. Box 22903
Sacramento, CA 95822

Re: SLPNA's Board of Directors' Letter to Jesse Gothan; May 14, 2018

Dear Mr. Ebbert:

I am chair of the Old Sacramento Committee of the California State Railroad Museum Foundation. My committee's purview has included responses to the Del Rio Trail project team's plans for the Del Rio Trail. After reviewing your board's letter to Jesse Gothan, I sought my committee's approval to respond to you and your board directly. I hope I can convince you that SLPNA's current strategy is not in the interest of seeing the Del Rio Trail completed in a timely fashion.

SLPNA's May 14 letter to Jesse Gothan gives credence to the adage that "no good deed goes unpunished." Our efforts have been aimed at helping the city overcome bad decisions that put all of us on the horns of a dilemma: a mitigated negative declaration is not the proper process to propose removal or alteration of a historical resource, but compelling the city to complete an EIR and an EIS will add substantial delay and cost to the trail's completion. The Foundation is attempting to help the cause of the Del Rio Trail, not defeat it.

The City's Plan to Issue a Mitigated Negative Declaration
Rather than an EIR and EIS has Placed the City in a Vulnerable Position

Perhaps SLPNA does not appreciate the city's vulnerable plan to approve the Del Rio Trail with only a mitigated negative declaration (MND) – or, perhaps, I don't appreciate the city's position. I would be happy to hear any contrary facts or law, but that doesn't alter the Foundation's position that the city should not so blithely remove or alter the rails, which are unquestionably a historical resource under existing law. While SLPNA quibbles with the historical significance of the Walnut Grove Branch Line – our first and foremost farm-to-fork train – the finding was established more than twenty-five years ago:

During its period of operation (1912–1978), the Walnut Grove Branch Line Railroad provided a vital link between farming communities in the Sacramento River Delta and distant markets. In 1991, the California State Historic Preservation Office determined the Walnut Grove Branch Line Railroad to be eligible for listing in the National Register of Historic Places under Criteria a and c. The railroad's significance lies in its association with the agricultural boom and subsequent development of towns in the delta region. Furthermore, its placement on an extensive levee and embankment works represents a significant engineering feat for its time.

(Historic American Engineering Record, No. CA-357 (submitted on behalf of the U.S. Army Corps of Engineers).)

Perhaps you have not seen a draft letter we have provided in our meetings with city council members that discusses the vulnerability of the city's position. I have attached a copy for your review. We are aware of no principle that would allow the city to remove or alter the historical rails without first drafting, circulating, and seeking public input on an environmental impact report under the California Environmental Quality Act. For any federal funding, the city needs to complete an environmental impact statement under the National Environmental Policy Act.

Of course, conducting an EIR and an EIS will take more money and more time. We suspect that SLPNA and the city hope to put the project on a faster course with the MND. As our president and CEO, Cheryl Marcell, said in her May 9 letter, we came forward with our concerns and we went further. We provided the concerns of others who are displeased that the city has allowed SLPNA to be almost the sole driver of the Del Rio Trail plan. That's a tail wagging the dog to satisfy the concerns of a small but vocal minority in South Land Park to the detriment of many across the city and region who do not want to foreclose the possibility of any future use of the rails.

While we admit we cannot control how others might react to an MND, we asked for input from some of them about what might assuage their concerns. Unfortunately, SLPNA's effort to politicize the issue has also stirred rumblings from some in the environmental community that, as a matter of principle, the city should not be permitted to shortchange the environmental process by using an MND where the law requires an EIR and an EIS.

The City, not the Foundation, Proposed the Construction that SLPNA Now Criticizes,
And the Foundation Offers Minimal Revisions that May Satisfy Critics of the Del Rio Trail Plan

SLPNA seems unaware that the city's plan to retain at least 98.2% of the rails relies on the relocation of rails and various alterations to the rails. As we understood the project team's presentation at our meeting on April 4, the city proposed (among other things) to: (1) remove rails from a new Del Rio Road crossing and move them to fill in the section of missing rails south of Del Rio Road; (2) re-install rails in other areas where rails are missing; (3) remove asphalt from rail crossings of roadways and pour concrete to encapsulate the rails, showing only the crown of the rails (as the city did on the R Street corridor); (4) do the same where the bike trail crosses the rails at a ninety-degree angle; and (5) remove rails where the bike crossing would not be perpendicular to the rails so the rail would not present the risk of a bike tire slipping on the exposed crown of the rail.

So far, the Foundation has not objected to the relocation of rails to improve the Del Rio Road crossing, meaning that even with our recommendations, the rails through South Land Park would still have a lengthy disruption of the rails. No rail traffic could resume without re-installing these rails after necessary passage of or amendments to general or specific plans and adherence to the proper environmental review process. Hence, our position is not a referendum on an excursion train or any other potential use of the rails. (However, based on SLPNA's opposition to our position, I am now considering whether to ask the committee to reconsider the wisdom of agreeing to the relocation of the rails.)

As SLPNA's letter admits, rails are currently buried under asphalt at road crossings, causing "early failure of the asphalt and a clear street maintenance issue for the City." Therefore, the city proposed the removal of the asphalt and the encapsulation of the rails in concrete. The Foundation asked that any such crossing – whether on a road or the bike trail – use a flangeway rather than encapsulation that shows only the rail crown.



I cannot imagine that the cost of incorporating a flangeway rather than encapsulation will add significantly to the cost, if it adds anything. While SLPNA complains about potential risks to bicyclists, SLPNA ignores that bicyclists encounter many such crossings in Sacramento without significant issue. Moreover, the current plan obviously does not call for bicyclists to cross streets where rails cross. If the risk to bicyclists is still a significant issue, the city can lay rubber inserts in the flangeways as it has done at the Sacramento River Bike Trail crossing to the Conlin Sports Complex on Freeport Boulevard.

While SLPNA lambastes the Foundation for allegedly imposing additional cost on the city to complete the trail and accommodate our requests, SLPNA ignores the far greater cost imposed by a wasteful and seemingly unprecedented plan for two separate trails – a bike trail and a walking trail. What SLPNA does not appreciate is that the city's plan for separate trails is problematic. Previously, we felt it unnecessary to address those problems.

With SLPNA's claim that the Foundation is increasing potential cost, we should point out now that the city admits the walking trail will not be ADA compliant. Therefore, the city must allow people to walk on the bike trail. In fact, the bike trail includes the usual decomposed granite shoulders for walkers and runners, making the walking trail an expensive redundancy. The non-ADA-compliant walking trail creates the dilemma that the state's Highway Design Manual and the California Vehicle Code require walkers to use a walking trail when one is provided, but the city will be unable to do so. (See Cal. Hwy. Design Manual, 1003.1(2) (Nov. 20, 2017) ("The CVC requires a pedestrian to use a pedestrian facility when adjacent to a bike path."); Cal. Veh. Code § 21966.)

The relatively minimal cost of the Foundation's proposals – which might prevent challenges to the city's MND – can be more than offset by eliminating a walking trail that will not live up to expectations of separating bicyclists and walkers.

State Parks' Deletion of a Plan in the OSSHP General Plan for Using the Rails Along the Del Rio Trail Was Not a Repudiation of Any Future Use of the Rails

SLPNA insinuates that State Parks approved the removal of rails when it "removed the return of trains to the roughly 4.5 mile route of the Del Rio Trail from" the Old Sacramento State Historic Park General Plan. I do not agree.

As SLPNA knows, State Parks did not propose to use the 4.5 miles of track for an excursion train, but to use the rails only to move rolling stock occasionally to and from a new excursion train station on Pocket Road. After considerable public input, the first version of the "final" OSSHP General Plan retained this plan. A last-minute lobbying campaign by South Land Park residents caused the State Parks and Recreation Commission to excise this provision. But that decision to omit the discussion of rails that State Parks did not own or control was not approval to remove the rails and preclude any

future use of the rails. Even if that were the correct interpretation of the commission's action, every citizen has standing to object to the removal of a historical resource. Whether or not State Parks has any current plan to use the rails is irrelevant.

As SLPNA knows, the Foundation is not proposing an excursion train or any other use of the rails along the Del Rio Trail. We oppose only the removal or alteration of rails that would preclude some future use of the rails, whatever that future use might be. I personally resent SLPNA's untrue suggestion that the Foundation's position presents a choice between "an expensive Government-run tourist train" or "a trail for the Sacramento community," as SLPNA's website alleges. If you knew me, you would know that I am a proponent of trails, and many others on the Foundation board share my support for off-road trails.

* * *

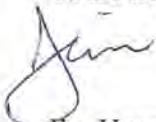
I personally find it interesting that your website links SLPNA's response to Ms. Marcell's May 9 letter, but does not also link to either of Ms. Marcell's letters, which accurately state the Foundation's position. The Foundation has made it clear in both letters to Mr. Gothan that it fully supports the Del Rio Trail – and ample documentation produced years ago fully supports the conclusion that the right-of-way can accommodate both the rails and the trail. If nothing else, SLPNA's letter now verifies that the iterations of the trail plan are an attempt to foreclose the possible future use of the rails without subjecting it to the public process that an EIR and EIS would require.

The Foundation made it clear in Ms. Marcell's January letter that we would be satisfied with the retention of the rails without alteration. The Foundation remains committed to that position. In fact, we may need to insist upon it if SLPNA opposes our requests and the city does not proceed with an EIR and EIS. Presumably, the city will be free to proceed with an MND if the city's plan doesn't remove or alter any of the historical resource.

But allow me to highlight again that the design team, not the Foundation, proposed various changes to the Del Rio Trail plan to retain most of the rail. The Foundation responded with changes that might ameliorate the concerns of many opponents of track removal. The city is now in the position that it can (a) retain the rails without removal or alteration and issue an MND; (b) accept our proposals and hope they convince those opponents not to challenge an MND; (c) proceed with another plan that removes or alter rails and risk a likely successful challenge to the MND; or, (c) begin the more expensive and time-consuming process of drafting an EIR and an EIS, as the city should have done from the start.

SLPNA's overwrought criticism of the Foundation's position does nothing more than encourage opponents of the Del Rio Trail (and proponents of proper planning) to more seriously consider a challenge to an MND. I fear already that SLPNA's shot missed its foot and might have hit a vital organ. I can only hope that SLPNA will reconsider its current strategy and recognize the Foundation's efforts may be the best hope for a timely completion of the Del Rio Trail.

Yours truly,



Jim Houpt



June 9, 2018

Mr. Jim Houpt
5960 South Land Park Dr #224
Sacramento, CA 95822

Dear Mr. Houpt:

Thank you for your letter dated June 6, 2018. SLPNA certainly has a position on the City's Del Rio Trail Project, but we are by no means driving their plan. With that said, I am happy to engage in a thoughtful discussion on the topic that will greatly impact our day-to-day lives here in South Land Park.

I believe that there are many misunderstandings, publications of misinformation, and "talking past one another" as it relates to the trail corridor. Your letter reinforces this notion, because most of the letter (and the draft letter you also attached) focuses on outdated information that the City is preparing an MND for the Project. In fact, the City is doing an EIR, and we are thrilled that this is the case. I am not certain when the EIR process will commence, but we hope it is soon. Since the EIR will address the thrust of your letter, let me take this opportunity to address some of the trail issues so that you better understand how we can be partners in bringing a rail themed trail to Sacramento.

I would like to clarify some misconceptions:

Assumption #1: SLPNA asked for (or demanded) the removal of the rail tracks.

FACT: This is completely FALSE. In fact, SLPNA asked for the rails to be RETAINED, to the extent possible. I can refer you to letters dating back years ago, where we asked the rails to be left in place. The City's 98.2% track retention should put this entire debate to a close. Some preservationists have conveyed to me that this retention plan satisfies their concerns.

Assumption #2: SLPNA is challenging the historical designation of the abandoned tracks.

FACT: Again, a false characterization. We recognize that the Sacramento Southern Railroad was determined to be eligible for nomination to the historic register and SLPNA has never challenged that determination. Our web site specifically states that we recognize the importance of rail history in Sacramento. We support an EIR and anticipate that it will vet this issue more fully and move forward.

As we all know, the designation of an artifact, or building, or other resource as “historic” does not require a return to its original use (an active rail line). Yes, there are many residents who do not believe that the 20th century rails were vastly significant, and some have pointed out that they have no relationship to the Gold Rush history that is the focus of Old Sacramento. But despite these views, we as an organization believe in this opportunity to honor this region’s rail history by turning the corridor into an eco-friendly, active transportation corridor, with historical signage, public art, rail-themed elements, and retention of 98.2% of the tracks.

Assumption #3: SLPNA stirs up the community against rail “preservation.”

FACT: As mentioned earlier, we have supported retention of tracks (to the extent possible, without sacrificing a safe trail design) from day one. Moreover, our association did not oppose the Zoo train station in 2014. As you know, South Land Park is an area that includes over 14,000 residents with strong opposition to rail traffic and strong support for the trail. So we are simply representing our membership, our community, and the 600 people that signed petitions against the trains in 2014, and the 700 people that returned surveys in favor of the trail in 2016.

Yes, there are residents who would prefer to rip out the tracks to let the land revert to its more natural state (pre-1907, valley oak woodland). Some want to bury the tracks, as many people view them as an eyesore and a hazard. There are individuals and groups from several neighborhoods (plus regional and statewide organizations) that may want to take an aggressive stance against reactivating this abandoned rail line. The SLPNA Board, however, has always been the voice of reason and compromise. We were neutral on the Zoo train station. We choose to support the retention of most tracks, over the objections of some residents. And we currently oppose burying the entire line. We simply represent our membership, and we have the full support of our elected representatives at all levels.

Assumption #4: SLPNA wants the City to issue an MND.

FACT: This is totally FALSE and we have never asked for an MND. Moreover, the City does not take direction from us. They do listen to community input, as they should. We support and, in fact, are eager for an EIR. The many communities that are supporting the trail will eagerly engage in the EIR process. The ensuing discussions will juxtapose the “City/RT/SACOG community trail with rail preservation plan” vs. the “tourist train

viability plan.” We welcome this discussion, as the latter plan has already been fully vetted.

Part of the reason SLPNA supports an EIR is very practical in nature. CSRMF Board members are threatening the Project with a lawsuit. It is disingenuous of CSRMF to claim to support the Project, while it sends attorneys letters to the City trying to find legal fault, and its board members privately threaten a lawsuit. CSRMF’s written demands are unrealistic because they focus on returning the tracks to the conditions necessary for an operating train. They do not even focus on historic preservation, demonstrating that for CSRMF the real issue is returning trains.

Assumption #5: The trail project is being “driven” by SLPNA.

FACT: We do not “drive” the City on any project. This is a City project, not SLPNA’s project. We are merely one of many stakeholders. We have been supportive of much of the trail plan, but realize we cannot get everything we want (for instance, we wanted a meandering path along the whole route). The Foundation should realize it got nearly everything it wanted, but then seemed to move the goalposts and now wants to get everything plus more. That is not how a reasonable planning process works. Your objections to us taking a position on this plan, or accusing us of controlling the project, implies that we should not be expressing input on a project that impacts the livability of our community.

Moreover, this bike/ped trail project was on the shelves at SACOG and the City for many years. It was listed as part of the City’s bike Master Plan and SLPNA simply embraced the City’s idea. When the State removed train traffic on the South Land Park corridor, the City moved the trail plan forward. Was SLPNA supportive of this effort? Absolutely.

We are naturally a “stakeholder” for land use decisions on this trail corridor, since we represent much of the area encompassing the project. The State of California is probably considered a “stakeholder” because of the small sliver of rail/trail corridor that the State has partial control of near the Zoo. Some have questioned why the Foundation would be considered stakeholders at all, since, as a cooperating association, the Foundation should be bounded by its parent agency, which already removed the neighborhood train plans from its EIR/General Plan.

As one of many stakeholders, our association is merely one voice in a virtual sea of voices that are strongly opposed to tourist train traffic, and highly supportive of the train-free trail. What train supporters repeatedly fail to realize is that the most fierce opposition in 2014 to train traffic was not from within SLPNA, but from a nearby area which saw hundreds of residents get involved organically. I would guess that they are still well organized and prepared to be active again. Moreover, there are likely several groups that exist (and others that may form) that may want tracks removed, or that have other issues with trains, etc. However, SLPNA currently supports track retention, supports the trail, and once the EIR process starts we will engage accordingly.

Assumption #6: SLPNA doesn't care about historical preservation.

FACT: Anyone who knows our members, our volunteers, and our Board, knows that we are reasonable, logical, educated and responsible citizens. We treasure historical preservation and history. SLPNA has supported efforts by preservation groups in Sacramento numerous times over the years. (For me personally: I am a longtime member of the CA Historical Society, have curated historical collections, produced historical displays at the State Capitol, and have produced books, pamphlets, articles and videos on historical topics. I was one of the lead coordinators of the Legislature's sesquicentennial celebration in 2000. I have professionally archived materials with the State Archives on numerous occasions. I even own railroad memorabilia dating back to 1889. I guess you could say I love everything historical. If this was a case of the Alhambra Theatre being torn down, I'd be lining up in front of the bulldozers. This is why I am happily supporting a 98% preservation plan- can you think of ANY project that has garnered that rate of preservation?)

And our Board respects history: our board and our volunteer corps consist of a large cadre of diverse professionals that respect history, including members that are historical society members and supporters of Sacramento museums and cultural groups.

Assumption # 7: If tourist train traffic were approved, the tracks would simply be a rarely-used maintenance line.

FACT: This notion that the neighborhood section of rails would somehow become an innocuous "maintenance line" is the proverbial camel's nose under the tent. First off, all of the negative unavoidable impacts would also exist for a "maintenance line": ground vibration, damage to home foundations, horn blasts, wheel and brake noise, trackbed clearcutting of valley oaks, loss of privacy, property value losses, traffic impacts at grade crossings, high costs, etc.

But let us put those valid concerns aside, and recognize that a maintenance line is completely unnecessary because another, less impactful, alternative exists: moving rail cars to the Hood line initially by tractor trailer and/or barge. This less impactful solution puts train cars in place on the Hood line and would have minimal cost and minimal opposition. The straw man argument that trains on the Hood line would need access to the shops in Old Sac is utterly preposterous.

It seems like the real reason behind the obsession with returning the tracks to operability is that tourist train supporters' intention is to run tourist trains on the entire line. Someone needs to just admit that. In fact, at a meeting I attended in 2014, in the presence of State Parks senior leadership and the Parks and Recreation Commission Chairman, a train supporter admitted that the ultimate goal was to have tourist-filled trains running through the neighborhoods. He stated that, to mitigate privacy concerns, the tourists would be asked to pull down the blinds in the rail cars when passing by homes. That was an astonishing statement.

SLPNA's opposition to train traffic is concerned with **wheel and brake noise, pollution, grade crossing bell noise, smoke, 110 decibel train horn blasts, ground shaking, privacy loss, high costs, clearcutting of the trees in and adjacent to tracks, property values, damage to foundations, traffic impacts, pedestrian safety, incompatibility with the Airport zone and FAA regulations, and myriad other objections.** Railcar curtains don't mitigate those impacts, and neither would cinderblock walls.

The reactivation of this rail line would not be for the purpose of honoring an historic gold rush railroad, or to honor a section of iconic and transformative transcontinental railroad, but instead to run a revenue-generating dinner train on an abandoned agricultural rail spur. I would be shocked to ever see a decision maker in the State that would decide in favor of a state tourist train project over a community trail that retains 98% of tracks.

I want the Museum to succeed in its mission for the railyards and Old Sac. If the Foundation or its supporters wish to devote resources and energy on fighting a trail project against the wishes of its cooperating agency, so be it.

As it relates to a couple of points in your letter: we disagree on your point that having a separated bike and pedestrian trail where possible is somehow "problematic." Anyone who has traveled any bike trail is aware of the problems of mixing cyclists with pedestrians. It was the City's idea to have a separated pedestrian trail whenever possible, in order to minimize bike/pedestrian conflicts. The City intends to separate bike/pedestrian trails whenever possible in the future.

Your comment about the 2014 decision having nothing to do with this project implies that the true motivation behind the opposition to the trail design is not at all about rail preservation, but solely about reactivating the rail line ("State Parks Deletion of a Plan in the OSSHP General Plan for Using Rails Along the Del Rio Trail Was Not a Repudiation of Any Future Use of Rails.") Simply put, this last minute opposition to the trail appears to have nothing to do with preservation, it appears to be an attempt to operate trains within the neighborhoods.

Lastly, you reference the "last minute lobbying campaign by South Land Park residents" in 2014. But do you know why it was "last minute"? Because planners excluded the community from meetings, and citizens were blindsided. Deceptive public notices were distributed to a small number of residents, with no reference to trains or South Land Park. State Parks refused to even hold one meeting in South Land Park, so hundreds of residents traveled to Old Sac to give comments. Parks staff even admitted that they made a mistake, because during the years long planning process, they supposedly didn't know the difference between Land Park and South Land Park (they had been working with Land Park regarding the Zoo station and impacts to Dooley Field, but did not work with South Land Park.) Once the Commission and Parks staff heard the reasonable concerns raised by residents, they made an educated and informed decision to squash the unnecessary and harmful "maintenance line."

Unlike the State's secretive planning process, the City has been holding numerous public input meetings for the past two years. Plus there have been several public votes by SACOG, the City Council, and Regional Transit. Several months ago, Senator Pan and Assemblymember Cooper issued letters opposing rail traffic. SLPNA has been keeping residents informed as well. The City actually sat down with residents and listened to concerns ranging from public safety to privacy concerns. The Sacramento Police Department provided CPED advice along the corridor. This is exactly what I would call "proper planning." As it relates to the Foundation's input, it appears the focus is all about designing a trail around a nonexistent train, and then occasional references to a mysterious and unplanned future decision on rail traffic. The City's open and transparent approach, and its 98% retention rate is why the train-free trail plan is being embraced by so many people.

If we can spark a dialogue, we could be a strong ally with the Foundation in making the 4.5 mile corridor a tribute to rail history. But if interested parties dig their heels in, or rely on misinformation and bad advice, or rogue groups sprout up, our organizations could be unnecessarily at odds. As you pointed out, the Foundation could change its stance on issues, but realize that others could as well.

On a personal note, I respect your dedication to rail history and preservation, and I hope that we can forge a partnership in transforming the abandoned rail corridor into a bike/ped trail while respecting the legacy of the agricultural trains that ran in the 20th century. SLPNA and the Foundation would be awesome partners in this endeavor.

Cordially,

Brian Ebbert
President, SLPNA