

Monterey Branch Line Notes

In 2002 Union Pacific sold the 16 mile long Monterey Branch Line to the Transportation Agency of Monterey County (TAMC). The track runs from Castroville to Seaside approximately one mile from the Monterey City limits. TAMC did not have funds of their own to purchase the tracks so applied for and received Proposition 116 bond funds from the California Transportation Commission. The bond funds were intended to fund rail projects so therefore the right-of-way purchase was required to have a rail project attached to it. In this instance TAMC proposed to operate intercity passenger trains between San Francisco and Seaside.

At the time of the sale the Monterey Branch Line was in operating condition. Much of it was good for 30 mph operation, had operable grade crossing signals, and was connected to the Coast mainline at Castroville. While the route needed a few million dollars in railroad tie work and the Salinas River Bridge in the long term was going to need repair, the tracks were serviceable.

There was a master agreement that specified a set of conditions that were associated with the Proposition 116 project grant. Among them are these important stipulations:

1. The right-of-way had to be used for the intercity rail project that was applied for.
2. Revenue from property sold off, including easements had to be spent on the Intercity rail project as initially proposed.
3. Lease revenue from non-project activities had to be applied for the grant project. IE, Handcar operation and agricultural leases.
4. If the project was found to be infeasible then the state would need to be reimbursed for the right-of-way property. The state also has the option of taking ownership of the right-of-way property.

In 2007 the project's direction had changed. The rail line had been unmaintained since its purchase five year earlier. Untrimmed vegetation along the tracks had sped up deterioration of the ties. The grade crossings were deactivated and were being paved over, and the Salinas River Bridge structure had not been maintained leading to corrosion deteriorating the structure beyond economical repair. Rather than focusing on incremental improvement of the branch line, TAMC opted for a complete rebuild that made the project economically infeasible.

The decision within TAMC was made to commission a study to look at either going with a light rail project or a busway over the track. Titled "Monterey Peninsula Fixed-Guideway Study" compared developing the right-of-way for rail and busway. The just of the study skewed towards the busway as the best use of the right-of-way.

This is where some serious decision making errors were made. Proposition 116 requires funds to be used for rail or "exclusive public mass transit guideway" projects. There appears misunderstanding on what is an "exclusive public mass transit guideway." Under the federal definition this includes busways. However, in California the term is not used to describe

busways. It was intended for alternative rail projects such as maglev trains, people movers, and monorails. The term caused so much confusion that in 1987 the California Attorney General put out a decision stating that busways are not exclusive public mass transit guideways. They cannot be coupled with Proposition 116 projects and are ineligible for funding. Reviewing the TAMC study seems to confer that the author did not understand this distinction. Footnotes acknowledges that if TAMC decides not to use the busway on the right-of-way they will be required to reimburse the state for the branch line purchase.

In various TAMC communications the agency mentions that they plan to use the Monterey Branch Line for light rail, but there doesn't appear to be a Prop 116 contract modification that indicates this project was submitted or approved by the CTC.

In 2017 TAMC violated the Monterey Branch Line grant contract by using lease money earned for the Branch Line to help pay for the busway project study. The busway is not eligible under proposition 116 projects.

In 2019 TAMC sold a waterline easement to the California American Water Company and allowed for variances against accepted railway engineer practices which could encumber future rail use. It is unknown where the easement payment went to or if it was collected.

During a 2019 meeting TAMC staff including commission Mayor Dave Potter expressed concern when MST revealed they were going to be removing track to accommodate the Surf! Busway. Their concerns were ignored and as proposed the busway will remove approximately 2 miles of railroad track. The right-of-way is not wide enough to accommodate both the railroad and busway.

In 2021 the CTC closed out Proposition 116 program and will not be accepting applications or amendments to previous projects. However, the motion indicates the provisions of the law continue as it has no sunset date.

The Surf! Busway project description was forward to the California Transportation Commission in 2021 for review. Initially, CTC staff told me they found the project acceptable because the report stated the rails would remain in place and the busway was separate from the project. However, this was found to be untruthful because the engineering set of plans forwarded to the California Coastal Commission show approximately 2 miles of track being removed.

During my review of the Coastal submittal available by public records request I discovered that MST left out nearly 2 miles of the route from their California Coastal Commission submittal. They instead submitted the two miles through some of the most sensitive habitat to the City of Marina that does not have jurisdiction over the segment. This portion of the project through former Fort Ord Army Base was not encompassed by Marina's Local Coastal Plan and therefore the City had no jurisdiction over the property. I reported the issue to the California Coastal Commission and they issued an incomplete letter to MST to submit project material for this section of the route.

In January 2024 I opened dialog with the California Transportation Commission concerning issues with the SURF project being uncompliant with the provisions of Proposition 116. On January 11 I met with Kacey Ruggiero and Anj Aulenbacher division directors at the CTC. The points I raised were:

1. TAMC was allowing approximately two miles of railroad to be removed even though documents submitted by TAMC to the CTC indicate that the rail would remain in place.
2. TAMC had ten years to build out the project or the right-of-way would need to be sold at current market rate and the state reimbursed. State could also take ownership of the property.
3. TAMC had misdirected funds that under the contract had to be spent on the proposition 116 intercity rail project and were instead used to fund the busway study.
4. The busway is an illegal use of the right-of-way as purchase contract stipulations specifically prohibit busways. Prop 116 references attorney general decision 87-101 that disallows busways.
5. Contract states project was to be completed within 10 years. Staff told me there was no time limit to complete projects. I did not inquire further, but perhaps this was struck down as an arbitrary not backed by Proposition 116.

CTC management including Deputy Director Kacey Ruggiero met with TAMC management in February to discuss the matter. Following the meeting CTC told me that they need to bring a staff attorney onboard to examine the issue, but in the interim the \$25 million grant their agency approved for the busway will be frozen.

I learned in Mid March 2023 from Marina mayor Delgado that Carl Sedoryk, Director of MST told him that TAMC will not be renewing our Branch Line lease that expires in October because of the impending busway construction.

Todd Clark
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