



## Del Rio Trail: Project Comments

March 21, 2019

*The following written comments regarding the Del Rio Trail project and the review of the project pursuant to the California Environmental Quality Act (CEQA) were received after the close of public comment period for the Draft EIR. The City, as the CEQA lead agency, is not required to respond to issues raised in the comments. The comments are part of the project administrative record, and will be provided to the decision-making body for consideration.*

Date	Commenter
2/19/2019	John Moore
3/7/2019	Terry and Melinda Ravisplata
3/7/2019	Patty Ostrander
3/8/2019	Soluri Meserve (correspondence to Caltrans)
3/13/2019	Alla Nagy
3/13/2019	Michael Nagy

## Tom Buford

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**From:** John Moore <jkmoore6891@sbcglobal.net>  
**Sent:** Tuesday, February 19, 2019 11:12 AM  
**To:** Tom Buford  
**Subject:** Draft Final FEIR

John K. Moore

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Sacramento CA 95820

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[jkmoore6891@sbcglobal.net](mailto:jkmoore6891@sbcglobal.net)

Mr. Buford:

A few comments on the just-released Draft Final EIR for the Del Rio Trail Project.

I am quite certain that my comment is not included in Appendix L. My comment was submitted by e-mail and USPS before the deadline, receipt acknowledged. Whether my comment was included in the analysis is uncertain. Not an important omission, but I am wondering if any other comments were also omitted.

### Defects in the .pdf file

There are defects in the .pdf file which significantly decrease its readability and usefulness:

The drop-down Table of Contents lists only many blank pages, obviously useless information. The drop-down Table of Contents is overlaid on the displayed pages.

The list of Technical Studies in Appendix K refers the reader to the "City website". A search for "Del Rio Trail" yields a very large number of documents. Locating any Technical Study in this list is essentially impossible. Suggestion: create a document containing links to all the Technical Studies, post this document on the Del Rio Trail website, and refer to this document in Appendix K.

Page numbers for the Appendices are not listed.

A more detailed Table of Contents of the Introduction would be helpful.

### Comment on the Contents of the FEIR

Including a Project Description in the Introduction (one of my comments, in fact) is very helpful. The design decisions are stated; including more details about the constraints affecting design decisions, for example between Florin Road and Pocket/Meadowview, would be very desirable.

March 7, 2019

Tom Buford, Manager of Environmental Planning Services  
City of Sacramento Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

RE: Del Rio Trail Project

Dear Mr. Buford:

These are our comments on the Final EIR prepared for the Del Rio Trail Project (Project). We, the undersigned, have worked as environmental consultants focusing on the preparation of EIRs under the California Environmental Quality Act (CEQA) for over three decades.<sup>1</sup> As Deputy Director of the Office of Planning and Research during the late 1990s, Antero Rivasplata helped draft three updates to the State CEQA Guidelines. Currently, in addition to working as a CEQA consultant, he presents classes on CEQA through UC Davis and UC Los Angeles Extensions.

In general, the FEIR is inadequate in several aspects. While it now contains an expanded project description, the lack of such a description in the Draft EIR argues for recirculation of this document prior to finalization. CEQA Guidelines Section 15088.5(a) provides that:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043).

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1. This comment letter represents the personal opinions of the authors and does not represent the opinions of their respective employers.

In particular, the removal and construction of berms along substantial portions of the trail from the Sacramento River bicycle trail to Sutterville Road and from Del Rio Road to Fruitridge Road has not been previously disclosed. The air quality and noise impacts of removal and construction of berms in close proximity to existing homes have not been analyzed and disclosed.

Recirculation would offer reviewers an opportunity to review the project and its analysis as a whole, as well as offer the City the opportunity to clean up the analyses and figures so that they match the full project description. We assert that the current FEIR requires recirculation on the basis of subsections (2) and (4) listed above. After reviewing the FEIR, the project, as proposed and described therein, still contains essential flaws that should disqualify it from approval as presented. Our comments are in order of appearance of the particular subject in the FEIR.

## Project Description

CEQA requires there to be a “project” for analysis. Examining a range of alternatives is a concept under the National Environmental Policy Act (NEPA) and does not substitute for analysis of a project and alternatives to the project as required under CEQA. (*Washoe Meadows Community v. Department of Parks and Recreation* [2017] 17 Cal.App.5<sup>th</sup> 277). The absence of a complete project description at the Draft EIR phase resulted in a document that was fundamentally inadequate for purposes of public disclosure and meets the requirement for recirculation described above. The proposed 12-foot width with 3-foot shoulders (see the comments under Alternatives for the inconsistent use of this width) cannot be accommodated on the existing railway berms along portions of the project site. The revised project description includes a new cantilevered addition to the railroad bridge crossing Riverside Boulevard and substantial new fill required north of Sutterville Road and between Del Rio Road and Fruitridge Road, where the existing rail roadbed is too narrow to accommodate the proposed paved trail and unpaved shoulders. The impacts of constructing the bridge and additional berm width are not considered in the impact analysis. The construction activities and related machinery listed in the project description do not appear to match the extent of construction associated with either the bridge or these berms. Earthmovers, truck trips necessary to deliver fill to the sites, tampers necessary to stabilizing the new berm, and equipment necessary to install retaining walls, if necessary, are not represented in the project description. This is a major project component that has not previously been disclosed nor has it been fully analyzed.

The project description now includes previously missing detail regarding traffic controls at crossings of the multi-use trail with city streets. The EIR fails to analyze the effect on peak hour congestion of new traffic lights at Sutterville Road. Sutterville Road currently experiences back-ups at its Land Park/Del Rio Road intersection during morning and evening peak hours. The proposed new traffic light at Sutterville Road will exacerbate this condition by adding a new impediment to flow approximately 1 block west of the Sutterville – Land Park Drive/Del Rio Road intersection. In addition, construction of the cantilevered bridge over Riverside Boulevard and the traffic conflicts involved with that work has not been discussed. The lack of these project components in the DEIR precluded “meaningful public review and comment.”

## Visual/ Aesthetics Impact

The City's response does not fully address the concerns that we expressed in our comments on the DEIR. This analysis, as represented in the *Visual Impact Analysis*, fails to account for extensive existing public use of the Del Rio rail corridor by walkers, joggers, and occasional cyclists between South Land Park Drive and Fruitridge Road. In effect, the corridor is currently a public walkway providing public views of a parklike recreational corridor. The impact on public and private views are worthy of consideration (*Ocean View Estates Homeowners Assoc., Inc. v. Montecito Water District* (2004) 116 Cal.App.4<sup>th</sup> 396).

Impact AES-3 mischaracterizes changes to this segment's visual quality as “moderately low.” The existing landscaping is an obvious, high quality scenic resource. Rather than “shielding residential views,” this provides a quiet, landscaped corridor with wildland elements that are missing in this otherwise suburban residential neighborhood. The scenic value is enjoyed by existing users of the corridor. Removing large, mature trees and other landscaping from the corridor result in a substantial adverse change its aesthetic value. Contrary to the conclusion in Impact AES-3 (less than significant with mitigation), the impact of removing mature trees within this corridor in order to accommodate the multi-use trail will be significant for years until the proposed replacement trees reach maturity.

The EIR provides no specific accounting of the trees to be removed as part of the project, other than that hundreds of trees will be taken out. No diagram or plan is provided that illustrates the location of these trees along the trail and in the context of existing visual character. As a result, it is impossible to determine that the removal of these trees would not have a significant effect. Certainly, removal of 220 trees, including 161 important enough to otherwise warrant protection under city code, is a substantial change from existing conditions. State CEQA Guidelines Section 15382 defines a “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area.” The loss of trees should be considered significant. Given the lack of information in the EIR, the public cannot know the extent to which the existing recreational corridor between South Land Park Avenue and Fruitridge Road will be affected. Measuring an 18-foot width from the existing tracks within this corridor indicates that much of the existing landscaping and trees along the west side of the tracks, where the multi-use trail is proposed would be within the construction envelope.

Removing trees and other landscaping for the trail would substantially change the existing conditions. The aesthetic “intactness and unity” of the corridor would not “remain the same” nor “potentially benefit” from the Project, as claimed on page 12 of the analysis. The significant impact resulting from removal of landscaping and especially trees along the corridor should be disclosed in the DEIR. Neither Impact AES-1 nor Impact AES-3 make this disclosure. Contrary to the statement in Impact AES-3, there are not “high levels of litter, debris, and miscellaneous objects” scattered along the portion of the trail corridor that we are familiar with between Sutterville Road and 35<sup>th</sup> Street.

Following is a photo of the trail, looking directly north of its intersection with Del Rio Road.



Mitigation measure AES-1 is vague and open-ended. It would not prevent the removal of the 220 trees mentioned in Impact AES-3. The measure does not contain a description of the referenced “replacement plan” (including performance standards and measures of effectiveness) other than that it would require 700 trees to be planted. There is no assurance that such a plan would provide any mitigation at all. The replacement plan appears to be improperly deferred mitigation, as disallowed by CEQA case law.<sup>2</sup> Deferring the “exact number of trees and locations” to final design is insufficiently detailed to ensure that the mitigation will be effective. In any case, the mitigation cannot avoid an impact for the 20 years until the replacement trees mature. Clearly, measure AES-1 does not mitigate this impact.

Similarly, mitigation measures AES-3 and AES-4 are inadequate, open-ended measures that constitute improperly deferred mitigation. They lack two of the three components of adequate measures described in CEQA Guidelines Section 15126.4 (i.e., “(2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially

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2. For examples: *Preserve Wild Santee v. City of Santee* [2012] 210 Cal.App.4<sup>th</sup> 260, *Communities for a Better Environment v. City of Richmond* [2010] 184 Cal.App.4<sup>th</sup> 70, *San Joaquin Raptor Rescue Center v. County of Merced* [2007] 149 Cal.App.4<sup>th</sup> 645, and others.

incorporated in the mitigation measure”). The measures contain no performance standards, nor do they identify actions to achieve the performance standards.

Here is another photo of the corridor, looking north from Del Rio Road. This illustrates the scenic value of the existing trail. The tape measures 16 feet from edge of rails.



## Air Quality

The revised project description now discloses that a cantilevered bridge and extensive berms will need to be built to support the proposed trail in areas where the existing rail bridge and berm are too narrow. This includes the portion between I-5 and Sutterville Road and the portion north of Fruitridge Road to some distance south of the existing chainlink fence south of Del Rio Road. Berm heights may exceed 15 feet between Sutterville Road and Riverside Avenue, and near the junction with Fruitridge Road.

Trail construction north of Sutterville Road would be quite extensive, even without considering the cantilever addition to the railroad bridge. The existing railroad embankment is approximately 8 feet from the centerline of the railroad tracks to its western edge (the picture below illustrates 8 feet from centerline). The bicycle trail is to be 16 feet from the centerline of the existing track and 16 feet in width (including 2 foot unpaved shoulders). This would require approximately 16 feet of additional embankment width. The total width of new fill after installation would be approximately 56 feet to the toe of the new embankment (“the trail would be supported by a 2:1 embankment that would extend approximately 40 feet from the trail’s outer edge” - Final EIR, Section 1.3, Project Description).



The air quality analysis does not disclose the impacts on air quality of constructing the bridge and berms (See Table 5. It contains no entry for bridge or berm construction, nor do those activities clearly fall within the listed phases). The undisclosed impacts include the effect of diesel particulates emitted by heavy equipment on nearby residents and at the child care facility adjoining Fruitridge Road, as well as whether emissions of criteria pollutants will exceed air district standards. The effects on the health of nearby residents are not disclosed in any manner in Impact AIR-4, nor is it clear that the impact would be less than significant with mitigation. Absent an accounting of emissions from the extensive construction now described, the EIR cannot conclude that Mitigation Measures AIR-1 and AIR-2 will be sufficient to avoid a significant effect.

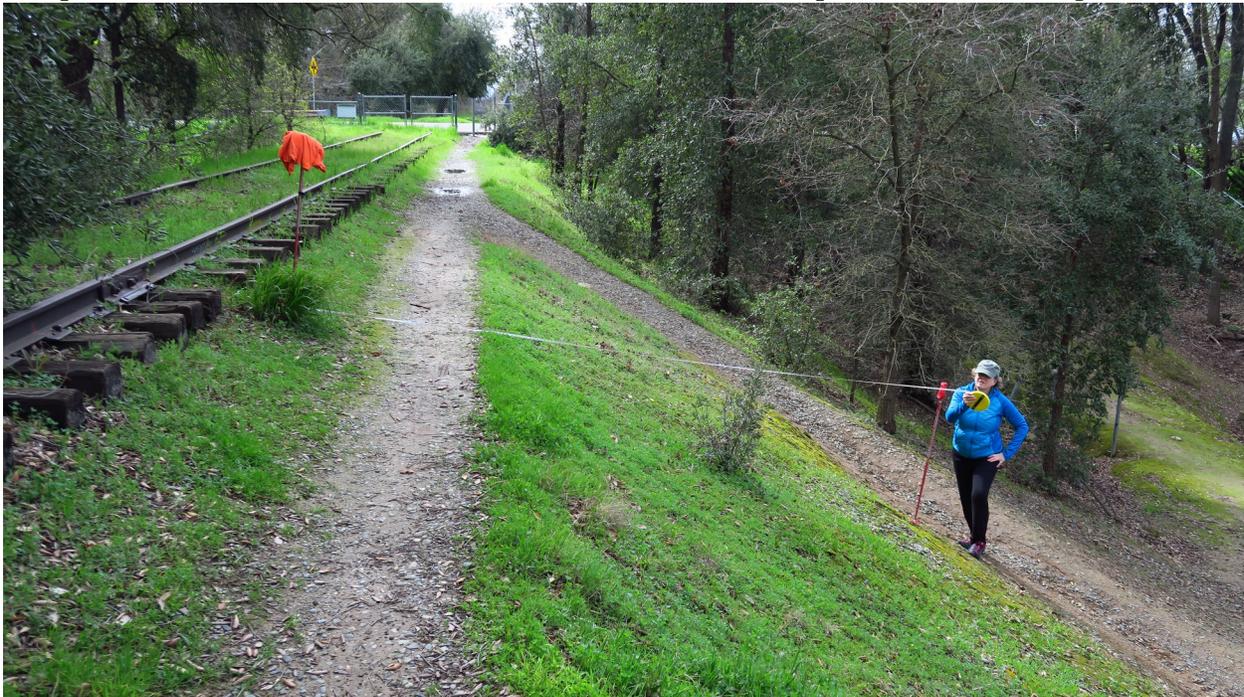
### Greenhouse Gas Analysis

The City's response does not fully address the concerns that we expressed in our comments on the DEIR. The greenhouse gas (GHG) emissions analysis is fatally flawed by its reliance on the methodology of a 29% emissions reduction relative to business as usual. That approach relies on the Air Resources Board's 2014 Scoping Plan in a manner that was disallowed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4<sup>th</sup> 204. Further, the conclusion that the project would have no net GHG emissions because of vehicle traffic offsets resulting from an increase in bicycle commuting is not supported by any analysis in the EIR. There is no evidentiary support for the EIR's conclusion that there would be an offset of construction emissions. Note that GHGs are not like criteria air pollutants which disperse rapidly in that GHG emissions on average linger in the atmosphere for 100 years. Therefore, GHG emissions from construction are essentially the same as operational emissions.

## Noise

The construction noise from installation of the cantilever bridge and the berms along the railroad tracks has not been disclosed in the EIR. Impacts NOS-1 and NOS-4 fail to take into consideration construction noise generated by the bridge and berm construction described above. The EIR underestimates the amount of construction and the type of heavy equipment necessary. For example, the existing railroad berm north of Sutterville Road is approximately 20 feet high and lacks sufficient room on either side of the tracks to install the proposed trail and dirt shoulders. Widening the berm would require 20 feet of fill and the associated truck trips to deliver the fill, bulldozers and tampers to construct the berm, and other machinery necessary to install retaining structures if needed. The existing berm directly adjoins residences to the west and a school and zoo to the east. These would be adversely affected by construction noise.

The picture illustrates a 16 foot wide trail, with shoulders, at a spot north of Fruitridge Road.



## Transportation and Traffic

The City's response does not fully address the concerns that we expressed in our comments on the DEIR. EIR Impact TRANS-2 does not take into account backups during peak hours at the Sutterville Road/Land Park Drive intersection. A new traffic signal at the proposed trail crossing at Sutterville Road will exacerbate peak hour backups on Sutterville and Land Park due to its proximity to the existing traffic signal at the five-way intersection. It also fails to account for the truck trips necessary to deliver the substantial soil to widen the berms between I-5 and Sutterville Road and from Del Rio Road to Fruitridge Road. Deliveries of soil will increase truck traffic on

adjoining local streets that currently have no truck traffic. This will lead to conflicts with existing vehicular traffic.

EIR Impact TRANS-4 fails to fully disclose the hazards to bicyclists and pedestrians and disclose risks at the intersections of the at-grade Class 1 bike path with Sutterville Road, South Land Park Drive, Del Rio Road, and Fruitridge Road. All of these are currently uncontrolled intersection crossings that would be potentially unsafe for trail users. The EIR concludes, without analysis, that new traffic controls added to the project description would fully avoid these risks. This lack of analysis fails to disclose how these measures would reduce the risk to cyclists and pedestrians. Lack of analysis of project components and their efficacy in mitigating impacts was found inadequate in *Lotus v. Department of Transportation* (2014) 223 Cal.App.5<sup>th</sup> 645.

We believe that failure to identify potential impacts and to fully mitigate the risk to bicyclists and pedestrians is a fatal flaw to the project. The project should not be approved without knowing that the specific requirements for vehicle traffic control added to the project description after circulation of the DEIR will be effective.

**Sutterville Road.** Sutterville Road traffic, particularly that approaching from I-5, typically moves at 40 miles per hour or more. This does not provide sufficient time for cyclists or pedestrians to cross the road whenever cars are in view. In combination with traffic approaching from the east coming out of the traffic signal at Land Park Drive, crossing can be substantially delayed. We have often had to wait for a minute or more for a safe break to cross this road on foot or jogging. Cyclists would be similarly delayed. If cyclists choose not to delay or misjudge the speed of oncoming cars, then they will be at substantial risk of collision. A traffic signal is needed here.

The following photo, looking west along Sutterville Road from its intersection with the trail, illustrates the problem.



**South Land Park Drive.** Views are limited of traffic approaching from the south along South Land Park Drive when crossing the street from south to north. Similar to Sutterville Road, there is little time to cross the street when a car is seen approaching from the south. If cyclists choose not to delay or misjudge the speed of oncoming cars, then they will be at substantial risk of collision. A Rectangular Rapid Flashing Beacon (RRFB) would be totally inadequate to reduce risk of collision due to the poor visibility. A traffic signal is needed here. The EIR contains no analysis of the effectiveness of an RRFB, as opposed to a traffic signal.

The following photo of the view west from the corridor's intersection illustrates the problem. Note that South Land Park Drive curves and dips substantially to the west of the intersection, further obscuring oncoming traffic.



**Del Rio Road.** Del Rio Road makes an acute turn as it crosses the Del Rio Trail alignment. As a result, vehicle drivers would have a very limited amount of time to see bicyclists on the trail and to stop accordingly. The proposed realignment and stop signs may be sufficient to avoid risk.

**Fruitridge Road.** Sight lines at the intersection with Fruitridge Road are extremely limited for cyclists travelling north. Eastbound traffic coming from the signal at Fruitridge and South Land Park Drive is typically moving at approximately 40 mph and, because of a curve in the road just west of the intersection with the proposed bike trail, oncoming cars are visible for only a few seconds before reaching the intersection with the tracks. A traffic signal is needed here.

The following photo, looking west from the south side of the corridor's intersection, illustrates the problem. Note that visibility is limited due to the curve in Fruitridge Road and change in elevation as it approaches the intersection from the west.



## Alternatives

The City's response does not fully address the concerns that we expressed in our comments on the DEIR. An EIR must consider “a range of reasonable alternatives to the Project” (State CEQA Guidelines Section 15126.6[a]). The DEIR fails to do so. First, it improperly disposes of potentially feasible alternatives as infeasible. Second, it fails to include at least one additional alternative that would both meet the Project’s objectives and substantially reduce its impacts.

The Draft EIR concludes that *Alternative 1 – Reduce Tree Removal* is infeasible without providing any analysis or explanation for that conclusion other than it would have a greater impact on the train tracks than the project. There is no documentation why this alternative would not be feasible.<sup>3</sup> Indeed, a narrower trail profile could still meet all project objectives. And, a reduction in tree removal could be accomplished by eliminating the adjoining proposed two-foot shoulders. This alternative could avoid or lessen both aesthetic and construction impacts. An alternative is not infeasible simply because it would have impacts of its own. The State CEQA Guidelines recognize that alternatives will have impacts of their own (Section 15126.6[d] “...If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.”).

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3. State CEQA Guidelines Section 15364 states: “‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

*Alternative 2 – No Walking Path* is now part of the project. As a result, the EIR now has a narrower range of alternatives. Note, however, that the trail width described in the project description and Alternative 2 (12 feet of paving with 3 foot shoulders south of Sutterville Road [wider in some parts], and 12-16 feet of paving with 2-3 foot shoulders, respectively) do not match the width described as the project in Response 14K (12 feet of paving with 2 foot shoulders). This is both misleading and, due the difference in the necessary berm construction south of Del Rio Road would have a greater impact.

We suggest that there is at least two additional alternative that should be considered in the EIR. These alternatives meet most or all project objectives because they would provide for a Class 1 bicycle path and retain the railroad track in place.

**Additional Alternative: narrower bicycle path pavement width.** Caltrans' Highway Design Manual, Chapter 1000 Bicycle Transportation Design, Section 1003.1(1) states that minimum paved travelway width of a two-way Class 1 "shall be 8 feet." In order to avoid impacts on adjoining landscaping that can adversely affect aesthetics and, where large trees would otherwise be removed affecting Swainson's hawk nesting, an alternative 8-foot-wide travelway must be considered. This would reduce the impact of the proposed 16-foot wide paved bicycle trail and shoulders. This 25 percent reduction in width would not impede use of the trail for cyclists, but would avoid the extensive removal of landscaping.

**Additional Alternative: connect existing trails on the Sacramento River levee.** This alternative would consist of building the connection between the existing multi-use trails in Greenhaven and north of the Little Pocket. It would involve no new berm or bridge construction and, because there is already a gravelled road atop the levee, very little new construction impacts. In addition, this alternative would have no road crossings, thereby completely avoiding the risk of traffic conflict. It meets both the first and third of the project purposes described in the project description. In addition, this alternative is consistent with the City's Bicycle Master Plan, being identified there as an "off-street bike facility."

Finally, regarding the "environmentally superior alternative," the City's response does not fully address the concerns that we expressed in our comments on the DEIR. The Project is not an alternative and therefore cannot be the environmentally superior alternative under CEQA. Renaming the project the "Build Alternative" substitutes NEPA terminology for CEQA, but does not correct this flaw. This is clear in the State CEQA Guidelines' separation of *Project Description* (Section 15124) from the *Consideration And Discussion Of Alternatives To The Proposed Project* (Section 15126.6). Declaring the Project to be the environmentally superior alternative misrepresents the purpose of alternative analysis and falsely represents the Project as superior. In reality, the Project would not be superior to the No Build alternative, nor would it be superior to any of the other alternatives listed above because of its extensive impact on aesthetics and berm widening. To describe the project as the environmentally superior alternative is misleading to the public.

In conclusion, we believe for the reasons described above the EIR must be revised to add new analyses and recirculated before action may be taken on this project. Thank you for the opportunity to review and comment on the FEIR.

Sincerely,

Antero and Melinda Rivasplata  
4900 Alta Drive  
Sacramento, CA 95822

## Tom Buford

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**From:** Patty Ostrander <patricia.ostrander1@gmail.com>  
**Sent:** Thursday, March 7, 2019 10:09 PM  
**To:** Tom Buford  
**Subject:** Del rio trail

I am writing to express concern over news of continued discussion of the possibility of running a tourist train through South Land Park neighborhood. I own property that borders the tracks. Not only would train traffic be noisy and polluting, it would necessitate removal of substantial oak trees that have grown for probably 60 years if not more. In this time of climate change, the idea of running a polluting steam train producing greenhouse gas and removing trees in the process that are necessary to eliminate that gas is completely counter to the California's goal to reduce emissions and do our part to slow global warming. It is criminal to consider removal of even one of these majestic remarkable trees in favor of trains that would do little more than provide a mere transient joy ride. I compel the city to end discussion of train rides through our neighborhood and instead consider the health of our planet and our citizens who would be better served with access to walking trails than sitting as a sedentary passenger on a train polluting the environment and their lungs! Sincerely, Patty Ostrander, 1400 27th ave

Sent from my iPad



tel: 916.455.7300 - fax: 916.244.7300  
510 8th Street - Sacramento, CA 95814

**RECEIVED**

March 8, 2019

**MAR 11 2019**

**SENT BY US MAIL AND EMAIL (suzanne melim@dot.ca.gov)**

Ms. Suzanne Melim, Chief  
Office of Environmental Planning  
California Department of Transportation, District 3  
703 B Street  
Marysville, CA 95901

**REC'D MAR 11**

**RE: Comments on Del Rio Trail Compliance with Federal Requirements Implemented by Caltrans**

Dear Ms. Melim:

Thank you for your coordination with the Sacramento Rail Preservation Group ("Rail Group") regarding the role of Caltrans in the review of the Del Rio Trail ("project") being proposed by the City of Sacramento. The Rail Group supports the creation of a bicycle path that shares the right-of-way with the Walnut Grove Branch Line ("WGBL") of the Sacramento Southern Railroad. The project as proposed, however, would impermissibly utilize federal funds to damage California State Parks and a federally recognized historic resource site eligible for listing on the National Register. While the Rail Group is pleased that the City recently abandoned the separate walking path initially proposed in the Draft Environmental Impact Report ("DEIR"), the City still has not adequately addressed the project's impacts on cultural resources in the recently released Final Environmental Impact Report ("FEIR").<sup>1</sup>

Caltrans is obligated to ensure that Federal-Aid Highway Funds that flow through the department comply with applicable federal statutes and regulation. Whenever there is uncertainty or doubt between state and federal law and regulation or the actions of a local public agency, Caltrans must defer to federal law and ensure it is being followed. As the project would be funded with an Active Transportation Program grant, the project must comply with the National Environmental Policy Act ("NEPA"). The California Department of Transportation ("Caltrans") is the lead agency under NEPA. (See FEIR,

<sup>1</sup> The FEIR includes the full text of the DEIR with certain modifications, which are not shown in track changes format. The DEIR, however, includes different appendices than the FEIR. This letter primarily refers to the FEIR unless it is necessary to cite to an appendix contained only in the DEIR.

Suzanne Melim, Chief  
Caltrans, District 3  
March 8, 2019  
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pp. iv, 261, citing 23 U.S.C. §§ 326 and 327.) Caltrans is also exercising authority to implement the National Historic Preservation Act (“NHPA”) under the January 2014 First Amended Programmatic among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the NHPA (“2014 PA”).

This letter identifies several major concerns that should inform Caltrans’ review of the project under NEPA, NHPA and any other applicable laws, including:

- The project would violate the Department of Transportation Act’s prohibition of constructing transportation projects on historic sites and parks.
- A complete Section 4(f) Evaluation of the project must be undertaken because the project does not have a de minimis impact to Section 4(f) property, which is a California State Park, and a National Historic Resource amidst and alongside a National Wildlife Refuge, all of which are unique to Sacramento.
- Caltrans’ October 3, 2018 finding of “No Adverse Effect with Standard Conditions” is not supported by evidence in the record and does not comply with the 2014 PA or section 106 of the NHPA.<sup>2</sup>
- Application of a Categorical Exclusion from NEPA under 23 C.F.R. section 771.117, subdivision (c)(3) is improper. The project must be subject to full environmental review under NEPA.
- The city does not have the requisite property interests to carry out the project and has not conducted the necessary research and disclosures regarding the property interests that the project requires.

Prior comment letters by the Rail Group, the Old Sacramento Historical Preservation Foundation, and other members of the public detail the project’s potentially significant environmental impacts. (See Exhibit 1, Rail Group Comment Letter, and Exhibit 2, Selected Notice of Preparation and Draft Environmental Impact Report Comment Letters.) Also attached is a report by JRP Historical Consulting critiquing the City of Sacramento’s (“City”) inadequate analysis of impacts to the WGBL as a historic resource. (See Exhibit 3, JRP Report.) These comments and materials are relevant to project review by Caltrans under NEPA and other applicable laws. In particular, these materials make clear that the City’s approach to analysis and mitigation of historic

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<sup>2</sup> The Finding of No Adverse Effect with Standard Conditions - Secretary of the Interior’s Standards for the Treatment of Historic Properties, is included in the DEIR as Appendix J.2, and referred to here as the “Section 106 Report.”

Suzanne Melim, Chief  
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impacts is woefully inadequate and does not comply with minimum federal standards that Caltrans is obligated to implement.

### **Background on Sacramento Southern Railroad/Walnut Grove Branch Line**

The historic Sacramento Southern Railroad, Walnut Grove Branch Line is a historical resource listed in the California Register of Historical Resources based on its formal determination of eligibility under Criteria A and C of the National Register of Historic Places with a finding and period of significance of 1908 to 1934. (See Exhibit 4, 1992 USACE Final Report, and Exhibit 5, 1991 USACE Evaluation.) The identified boundaries of this linear historical resource as the entire 24.5 miles of the WGBL. The northern portion of the WGBL/Sacramento Southern Railroad is a heritage railroad owned by the California State Railroad Museum, which is federally licensed to, and does operate, educational interpretive excursion trains for the public. These trains currently run from the museum property located in Old Sacramento south along the east bank of the Sacramento River levee to the Sacramento Zoo at Sutterville Road.

California Department of Parks and Recreation (“State Parks”), with the support of hundreds of volunteer docents and others, has also developed plans to eventually operate an educational interpretive excursion train on the southern segment of the WGBL, south of the proposed project area, from Meadowview to the Delta agricultural heritage town of Hood, with a bus line extension to Walnut Grove. This excursion train was analyzed in a certified 1991 Environmental Impact Report and also described in the May 2, 2014 State Parks General Plan and Environmental Impact Report. In order to operate the State Parks planned future Delta excursion train, it is necessary to use the portion of the WGBL in the project area to occasionally transit rolling stock, including trains and maintenance equipment, to the station to be located in Meadowview. The project, as proposed, would interfere with these plans by removing and encasing WGBL rails in concrete, changing existing rail grading, removing a railroad berm and removing and replacing a historic wooden train trestle with a biking/walking bridge. As explained below, these changes would negatively impact the historic WGBL in violation of federal and other requirements that Caltrans is required to implement.

### **Caltrans Lead Agency Responsibilities under NEPA**

Lead agencies must “integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values[.]” (40 C.F.R. § 1501.2.) Lead agencies are responsible for applying a “systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making

Suzanne Melim, Chief  
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which may have an impact on man's environment. (40 C.F.R. §§ 1501.2, subd. (a), 1507.2.) Scoping under NEPA is "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." (40 C.F.R. § 1501.7.) What is defined as significant for purposes of NEPA is a function of context and intensity. (40 C.F.R. § 1508.27.) Context means the "significance of an action . . . [to] society as a whole . . . the affected region, the affected interests, and the locality." (40 C.F.R. § 1508.27, subd. (a).) "Significance varies with the setting of the proposed action." (*Ibid.*) Intensity of impacts are evaluated in part based on the "[u]nique characteristics of the geographic area such as . . . historic or cultural resources[.]" (40 C.F.R. § 1508.27, subd. (b)(3).) As Caltrans engages in the planning process for the project, it must carry out these NEPA obligations.

### **The City's Evaluation Relies on an Inaccurate Area of Potential Effects**

The City's evaluation of the project's impacts on the WGBL is contained in the Historic Property Survey Report ("HPSR"). (See FEIR, App. H, CSO Concurrence Letter.) The HPSR's Section 106 consultation and the Section 106 Report provided the foundation for the City's conclusion that the project would have no significant historic resource impacts. (See FEIR, p. xxxii, 143-156.) Agencies must begin Section 106 review by defining the area of potential effects ("APE"). (*Monumental Task Comm., Inc. v. Foxx* (E.D.La. 2016) 157 F.Supp.3d 573, 591.) An APE is "the geographic area . . . within which an undertaking may directly or indirectly cause alterations in the *character or use* of historic properties . . ." (36 C.F.R. § 800.16, subd. (d) (emphasis added).) After designating an APE, agencies must then identify historical sites within that area, consider whether the project would affect the historical sites found, and then determine whether those impacts are adverse. (36 C.F.R. §§ 800.4-5; *Coalition of Concerned Citizens v. Fed. Transit Admin. of United States DOT* (10th Cir. 2016) 843 F.3d 886, 906; *Diné Citizens Against Ruining Our Env't v. Jewell* (D.N.M. 2018) 312 F.Supp.3d 1031, 1100.) The limits of an APE may be defined differently depending on the type of effects. (36 C.F.R. § 800.16, subd. (d).)

A historic site under the NHPA—the WGBL—is located in the geographic area within which the project may directly or indirectly cause alterations in the *character or use* of historic properties (the APE). Under the NHPA, historic properties includes any district, site, building, structure, or object on or eligible for listing on the National Register for Historic Places. (54 U.S.C. § 300308.) The WGBL, encompasses approximately 500 acres along a 24.5 mile corridor, and determined to be eligible for listing in the National Register of Historic Places by the United States Army Corps of Engineers ("USACE") in 1992. (See Exhibit 4, 1992 USACE Final Report, pdf p. 5 [C-102613]; see also Exhibit 5, 1991 USACE Evaluation, pp. 1-10.) "The Branch Line

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Railroad begins at the terminus of I Street at Front Street in the City of Sacramento and continues south and west 24.5 miles to the north end of Walnut Grove, California, just south of the Delta Cross Channel. It is contained entirely in Sacramento County and is depicted by the United States Geological Survey on five topographic quadrangles (7.5 minute series, see attached). The route averages 16 feet in width.” (Exhibit 4, 1992 USACE Final Report, pdf p. 19 [C-102627]; see also pdf p. 4 [C-102612].)

The HPSR prepared by the City’s consultants starts with a faulty premise by using an improperly defined APE for the project that is contrary to the prior assessment of the 24.5 mile long WGBL resource (referred to in the FEIR as the project area limit, (“PAL”)). The HPSR incorrectly defines the APE for the project’s historic resource impacts as only 103 acres, including “the approximately 4.8-mile length of the Walnut Grove Branch Line of the Southern Pacific Railroad” and “all track removal, right of way acquisition areas, trail paving, street crossings, landscaping.” (HPSR, p. 2.) However, the project’s impacts on the WGBL’s integrity extend beyond the 4.8 mile long project area to the entire WGBL.

Limiting the APE to only the section of WGBL track that runs concurrent with the proposed trail is contrary to the NHPA. Specifically, the entire WGBL is a historic site, not just the tracks in the immediate vicinity of the project. The WGBL is a “24.5-mile-long corridor” that “[a]s a whole . . . retains a remarkable degree of integrity of location, setting, design, workmanship and feeling” and “conveys a strong sense of time and place, evoking the rural feel and agricultural focus of the alignment during the 1910s and 1920s.” (Exhibit 4, 1992 USACE Final Report, pdf p. 4 [C-102612].) The WGBL is a linear property that is the sum of its parts, where direct impacts in one section will create indirect cumulative impacts along the entire line. It would be ludicrous for an APE to only include one wall of an impacted historic building, and yet, the HPSR does the equivalent by excluding the rest of the WGBL.

Limiting the APE for the project’s impacts on this historic resource to the 4.8 mile section of the WGBL is arbitrary and capricious. Negative impacts on one segment of a historic site affect the entirety of this documented historic site, and the APE should be consistent with documentation prepared for the WGBL.

### **Granting Federal Funding to the Project Would Destroy a Park and a Historic Resource in Violation of Section 303 of Title 49 of the United States Code**

The seminal United States Supreme Court decision *Citizens to Preserve Overton Park, Inc. v. Volpe* (1971) 401 U.S. 402 (*Overton Park*) interpreted what was formerly section 4(f) of the Department of Transportation Act and section 138 of the Federal-Aid

Highway Act.<sup>3</sup> There, according to the Supreme Court, these statutes provide “clear and specific directives.” (*Overton Park, supra*, 401 U.S. at 411.) As explained in *Overton Park, supra*, 401 U.S. at 411, federal transportation funding may not be used for projects on public lands, parks or historic sites unless there is no prudent and feasible alternative to using that land, and the project includes all possible measures to minimize harm to those public lands. (49 U.S.C. § 303, subd. (c).) “This language is a plain and explicit bar to the use of federal funds for construction” on such lands and “only the most unusual situations are exempted.” (*Overton Park, supra*, 401 U.S. at 411.) For the “no prudent and feasible alternative” exception to apply, there must be a finding “that as a matter of sound engineering it would not be feasible to build” the project “along any other route.” (*Ibid.*) Such a consideration “admits of little administrative discretion.” (*Ibid.*)

Here, the project would occur on a historic site, in direct violation of Section 4(f). A historic site for purposes of Section 4(f) is any “site of national, State, or local significance . . . as determined by the Federal, State, or local officials having jurisdiction” over the site. (49 U.S.C. § 303, subd. (c); see also 54 U.S.C. § 300308.) As discussed above, USACE found in 1992 that the entirety of the WGBL was eligible for listing in the National Register of Historic Places. (See Exhibit 4, 1992 USACE Final Report, pdf p. 5 [C-102613]; see also Exhibit 5, 1991 USACE Evaluation, pp. 1-10.) As a historic site, the WGBL “encompasses approximately 500 acres along a 24.5-mile-long corridor on the east side of the Sacramento River” made up of “intact rails and ties . . . wooden trestles and concrete overpasses.” (Exhibit 4, 1992 USACE Final Report, pdf p. 4 [C-102612].) “As a whole . . . the route retains a remarkable degree of integrity of location, setting, design, workmanship and feeling . . .” (*Ibid.*) The WGBL has historic significance beyond its own tracks, as it had “direct influence on the development of agriculture, canning operations, and packing endeavors in the Delta, and . . . in the founding of the National Register-listed town of Locke . . .” (*Id.* at pdf p. 5, C-102613.) The City’s agricultural relationship to the Delta propelled the expansion of the extraordinary diversity of the population base of Sacramento. The WGBL “route embodies distinctive characteristics of the methods employed in dredging and levee construction . . . adding to its significance . . .” (*Ibid.*) “The combination of urban and rural countryside, as viewed from the existing elevated grade . . . result[s] in a high degree of integrity . . . that embodies a strong sense of time and place during the peak years (1908-1934) of railroad operation and the Delta agricultural boom.” (*Ibid.*)

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<sup>3</sup> These provisions are now codified in 49 U.S.C. § 303 and 23 U.S.C. § 138 respectively. This letter refers to the combined requirements as “Section 4(f).”

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State Parks owns the property containing the northern and southern segments of the WGBL. (See Section 106 Report, p. 150; see also Exhibit 6, State Parks Letter to City of Sacramento, January 3, 2019 [describing some of State Parks' property interests].) As alluded to in State Parks' January 3, 2019, comment letter, State Parks would need to take action as a responsible agency under CEQA in order to convey any of the property interests that the City would need to implement the project. State Parks, furthermore, "anticipates" that the project "will be compatible" with an "efficient transportation and recreation trail that protects the historic railway corridor." At such time as any decisions are made by State Parks about the project, additional public involvement would occur to inform those decisions. In 2014 when the Old Sacramento General Plan and EIR were approved, the State Parks Commission determined that no further action would be taken in relation to the portion of the WGBL owned by Sacramento Regional Transit ("Regional Transit") that is now within the City's proposed project area without further public State Commission hearings.

Southern Pacific Railroad conveyed the middle section of the WGBL to Regional Transit in 1984. (See Exhibit 9, 1984 Grant Deed; see also Exhibit 7, 1988 ROW Agreement, p. 1.) State Parks has worked to retain a legal right of way interest in the property to facilitate the extension of the existing Old Sacramento excursion line south to Hood. (See Exhibit 8, State Parks Letter to Regional Transit, February 28, 1996; Exhibit 7, 1988 ROW Agreement, pp. 1-2; see also Exhibit 1, Rail Group Comment Letter, pp. 6, 11-12.) In addition, the successor in interest to Southern Pacific (Union Pacific) still retains a right of way for the WGBL Railroad. (See Exhibit 9, 1984 Grant Deed, pdf p. 19; Exhibit 7, 1988 ROW Agreement; see also Exhibit 12, Example 2002 Covenant Disclosing Excursion Train.)

The track has been refurbished between Old Sacramento and Sutterville Road, and is currently used for steam train excursions operated by the State Railroad Museum. Future plans call for improving the track and extending the excursions south alongside the Stone Lake National Wildlife Refuge to Hood. Landowners along the WGBL were required to acknowledge the existence of this "Future Excursion Train" when they purchased their property. (See Exhibit 12, Example Easement Disclosure.)

For purposes of Section 4(f) analysis, subdivision (c), the entire 24.5 mile WGBL is a historic site. (See Section 106 Report, p. 20; see also Exhibit 4, 1992 USACE Final Report, pdf. pp. 3 [C-102612], 19-20 [C-102627 to C-102628]; Exhibit 5, 1991 USACE Evaluation, pp. 1-10.) The project would also occur directly on and is attempting to sever publicly-owned park lands that include a 110-year-old railroad Line and route in direct violation of Section 4(f). State Parks owns parcels at key northern segments of the

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project area (see FEIR, Figure 3, pp. 2, 3) as well as a key southern segment of the project area from I-5 to the water tower (see FEIR, Figure 3, p. 10). (Exhibit 6, State Parks Letter to City of Sacramento, January 3, 2019.) The City misidentifies the owner of two key parcels in the project area. (FEIR, p. 264.)

As a historic resource, the 24.5-mile-long WGBL is entitled to protection from adverse effects such as physical destruction, alteration, removal of property, change in character, and diminished integrity. (36 C.F.R. § 800.5, subd. (a) [Section 106 assessment of adverse effects].) An historic property's integrity encompasses its location, design, setting, materials, workmanship, feeling, and association with past events, persons, and style. (36 C.F.R. § 60.4.) Of particular relevance to the WGBL, historic resources that "embody the distinctive characteristics of a type, period, or method of construction . . . or that represent a significant distinguishable entity whose components may lack individual distinction." (36 C.F.R. § 60.4, subd. (c).)

The proposed project includes removal of track in four locations, encasement of tracks with concrete in four locations, trestle removal, and grade changes along the WGBL (FEIR, pp. 2-3), which is an historic site (see 36 C.F.R. § 800.5, subd. (a)(2)(i)-(iii)). These impacts would severely impact the integrity of the WGBL, diminishing its location setting, workmanship and its association with its historic past. (36 C.F.R. § 60.4.) Under Section 4(f), such park use is only allowed where there is no feasible and prudent alternative, and the project includes all possible measures to reduce the harm. (49 U.S.C. § 303, subd. (c)(1)-(2).) The project fails both prongs.

First, feasible alternatives are available, namely an alternative project wherein the bike path and rail share the right-of-way without modification or destruction of the WGBL. (See Exhibit 1, Rail Group Comment Letter, pp. 18-19.) Whether there is a feasible or prudent alternative is not a question of "wide-ranging balancing of competing interests." (*Overton Park, supra*, 401 U.S. at 411.) Consideration of factors such as "the cost of other routes [or] safety considerations" is not proper. (*Ibid.*) "[T]he very existence of the statutes indicates that protection of parkland was to be given paramount importance." (*Id.* at 412-413.) "If the statutes are to have any meaning" a project which destroys a historic site cannot be approved unless "alternative routes present unique problems." (*Id.* at 413.) Feasible alternatives certainly are available, and neither the City of Sacramento ("City") nor Caltrans have identified any "unique problems" demonstrating otherwise. (See Exhibit 1, Rail Group Comment Letter, pp. 2, 4, 5, 18-20.) As a result of the damage it would do to the WGBL Railroad, the Rail Group's expert has identified that the project does not meet the SOI Standards of Rehabilitation, has the potential to cause a substantial adverse change by materially impairing the

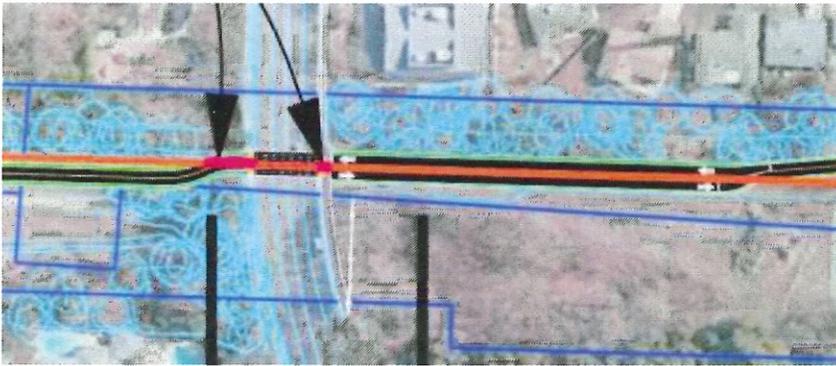
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historical resource, and includes insufficient mitigation or conditions to minimize potential impacts to the historical resource (Exhibit 3, JRP Report, pp. 6-7.)

The diagrams below demonstrate that the project could be constructed with alternative approaches to crossings that do not require track removal or encasement with pavement, or other damage to the WGBL resource.<sup>4</sup> As seen below, for the street crossings, one possible approach is to re-align the trail to cross the tracks perpendicularly. Alternatives to berm and trestle removal are also available.

1. **Crossing at Fruitridge Road (see FEIR, Figure 3, p. 5):**

**Alignment Proposed by Project:**



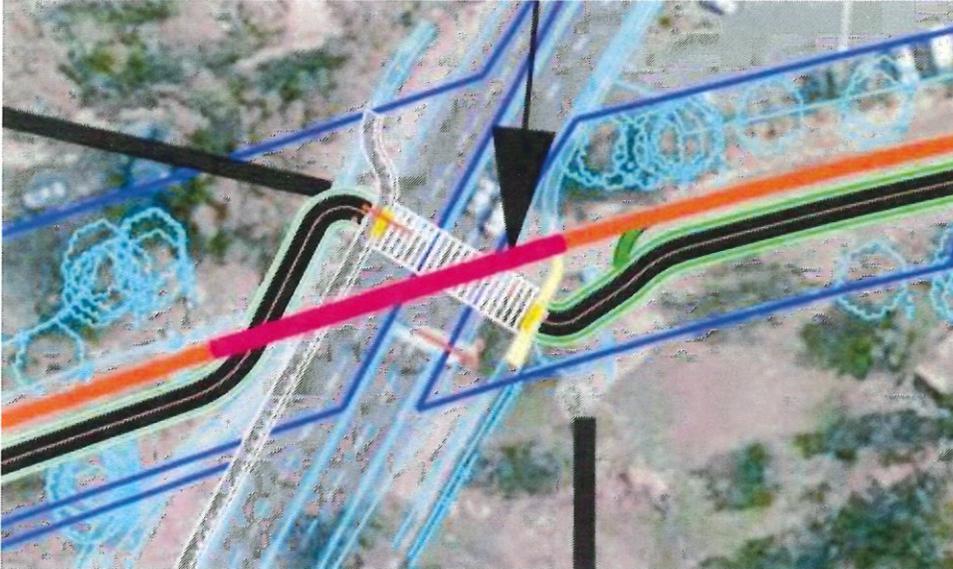
**Alternative Alignment:**



<sup>4</sup> The black represents the proposed trail alignment, the orange represents the WGBL, the pink represents the rail sections proposed to be removed or encased in concrete, and the yellow represents alternative alignments that would not impact the WGBL Railroad.

2. Crossing at Sutterville Road (see FEIR, Figure 3, p. 3):

**Alignment Proposed by Project:**



**Alternative Alignment 1:**

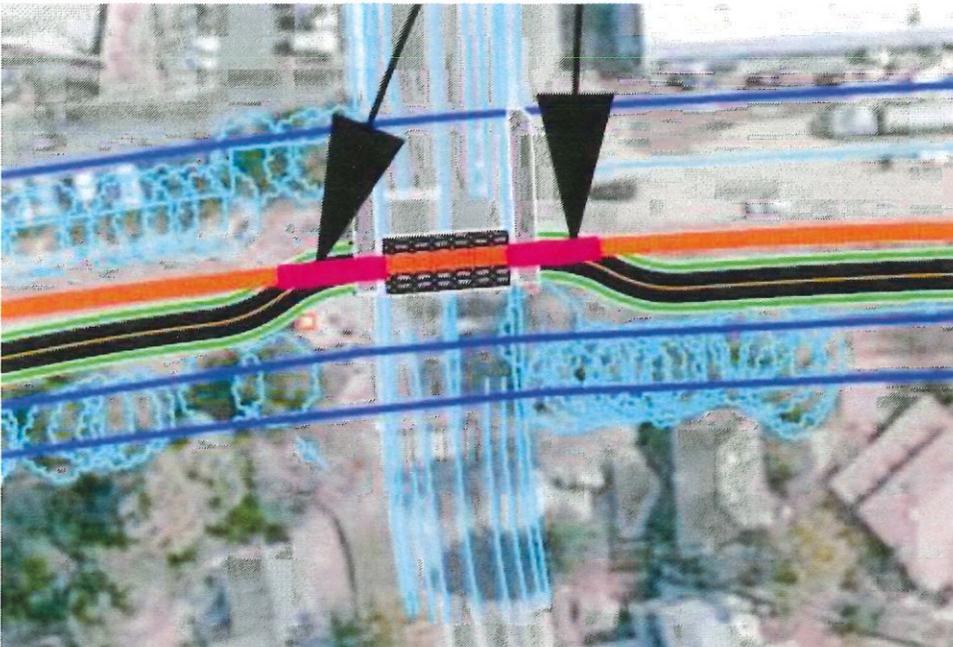


**Alternative Alignment 2:**

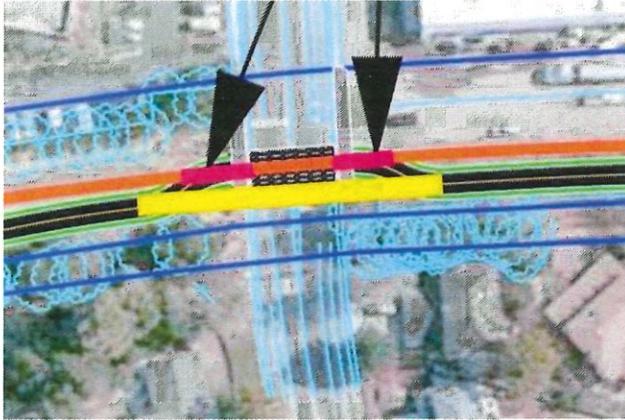


**3. Crossing at South Land Park Drive (see FEIR, Figure 3, p. 3):**

**Alignment Proposed by Project:**



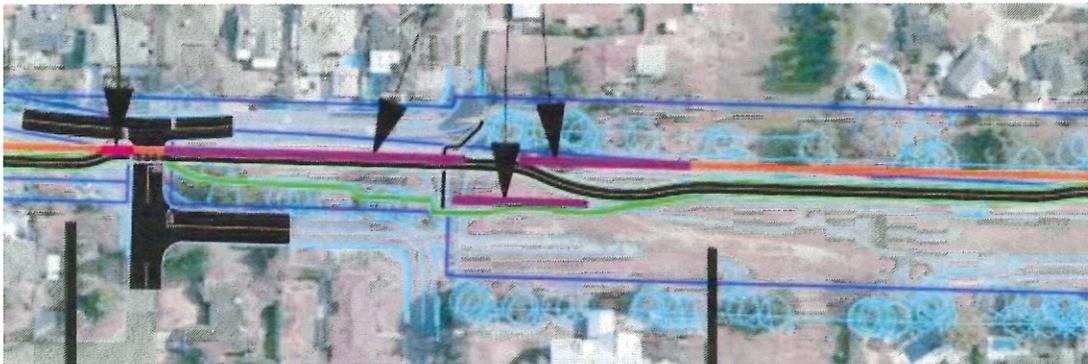
**Alternative Alignment:**



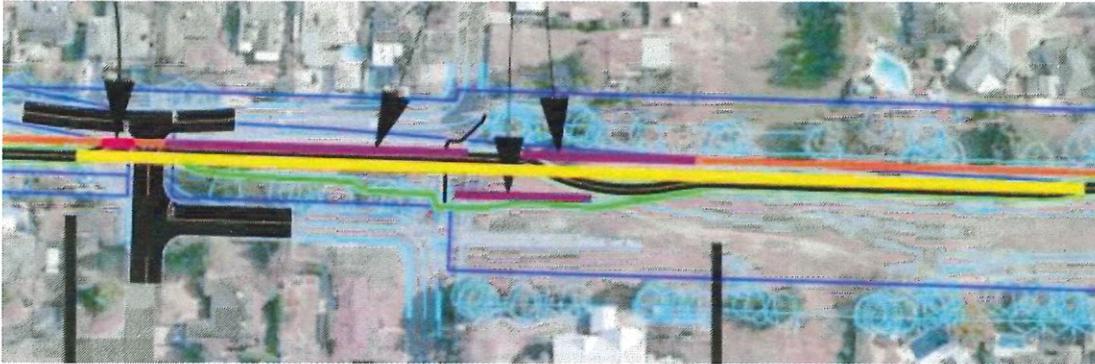
**4. Crossing at Del Rio Road (FEIR, Figure 3, p. 4):**

For the Del Rio Road crossing, the City proposes to remove the rail and an existing berm beneath the rail for a sizeable distance. The City proposes to move the rails just south of the crossing where rails were taken out years ago to install a pipe. The City claims removal of the berm is necessary to provide ADA-compliant access to the trail. However, the City can provide ADA-compliant access without removing the berm, though it could be more expensive. Since the City would save the cost of removing and moving the rails, and the cost of removing the berm, it is unclear whether it would actually be more expensive to leave the tracks and berm as-is, and simply install ADA-compliant access to the berm.

**Alignment Proposed by Project:**



**Alternative Alignment:**



**5. Crossing at Charlie Jensen Park (FEIR, Figure 3, p. 7):**

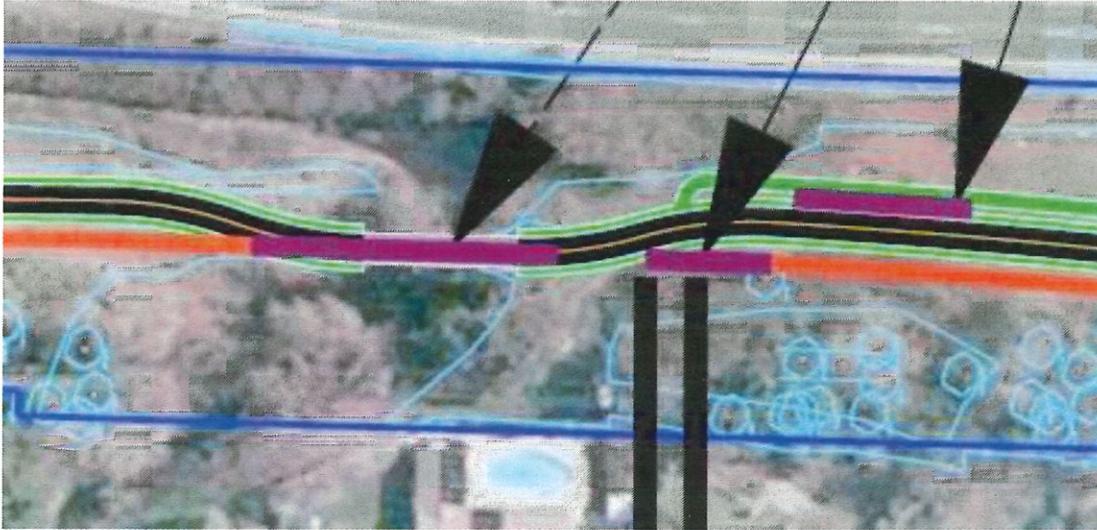
In the case of the historical bridge south of Charlie Jensen Park, the City proposes to divert the proposed path to the existing location of the bridge because it's the shortest distance across the creek (which is dry in the summer). However, there's no reason the City cannot keep the trail along its planned course and make a longer bridge, thereby retaining the historic trestle structure for future repair and reuse.

**Current Condition of WGBL at Crossing:**

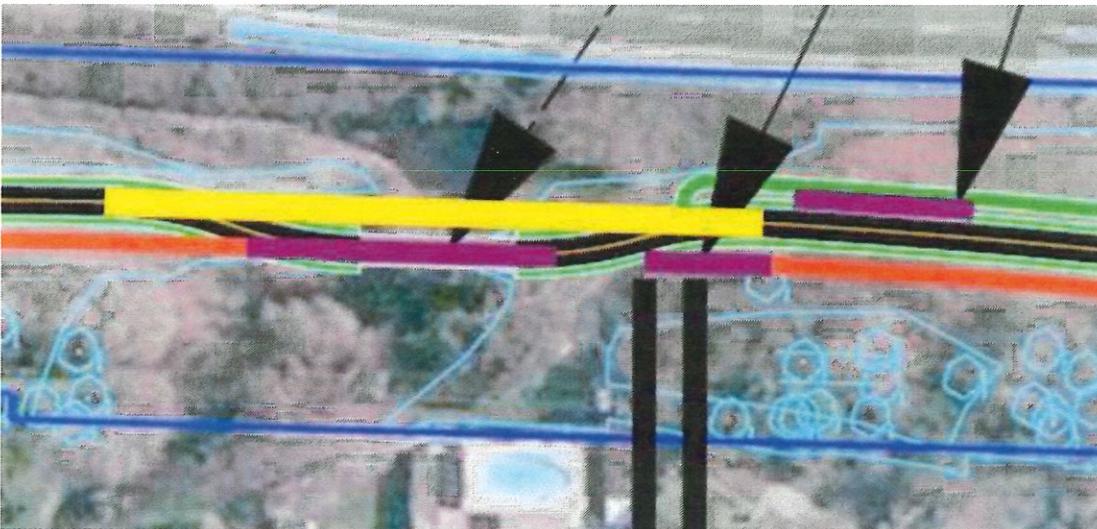


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**Alignment Proposed by Project:**



**Alternative Alignment 1:**



**Alternative Alignment 2:**



This alternative would route the Del Rio Trail to the East side of Park Village street. The Sacramento Southern Railroad main line is seen to the left, the creek is to the right.

The crossing examples and the readily available alternatives shown above highlight the City's current failure to adequately avoid impacts to the WGBL. For example, under the proposed alignment, the City would bury the WGBL tracks in concrete wherever the bike path would cross the tracks at an angle. (See FEIR, p. 150; see also FEIR, Figure 3, pp. 3-5.) Instead, perpendicular alignments would allow the bike bath to cross over tracks without removing or damaging the WGBL, or the path can avoid crossing the tracks entirely. Similarly, if the City already plans to construct a new "pedestrian actuated traffic signal" at the Sutterville Road crossing (FEIR, p. 2), then there is no reason to run the trail over the tracks as well. Another example of avoidable harm to the WGBL is the berm flattening at Del Rio Road (see FEIR, p. 118; see also FEIR, Figure 3, p. 4), and the bridge demolition near Charles Jensen Park (see FEIR, p. 118; see also FEIR, Figure 3, p. 7). These measures are not necessary and alternative routes are feasible, as shown above.

The City has not explained why alternate trail alignments such as those displayed above are "as a matter of sound engineering" not feasible to build. (See *Overton Park*, *supra*, 401 U.S. at 411.) Any other considerations proffered by the City, such as safety (see FEIR, pp. 149-150), traffic delay, or costs, cannot be legally factored into this decision. (*Ibid.*) No evidence or analysis in the FEIR or the Section 106 Report demonstrates that alternative to destroying sections of the WGBL are not prudent or

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feasible. Therefore, approval of the proposed project would violate *Overton Park* and Section 4(f).

Second, the project does not include all possible measures to reduce harm to the WGBL. (See Exhibit 1, Rail Group Comment Letter, pp. 12-13.) Clearly, not “every possible effort has been made to ‘minimize harm’” to the WGBL. (*Coalition for Responsible Reg'l Dev. v. Coleman* (4th Cir. 1977) 555 F.2d 398, 402.) The requirement to include all possible measures to reduce harm is met by a “simple balancing test totaling harm caused by each alternative route” and selecting whichever does the least harm. (*Druid Hills Civic Assoc. v. Federal Highway Admin.* (11th Cir. 1985) 772 F.2d 700, 716.) “The only relevant factor in making a determination . . . is the quantum of harm to the park or historic site caused by the alternative.” (*Ibid.*) Here, alternative routes have not been analyzed by the City, and the project as proposed has not been planned in a manner to minimize harm. The project FEIR does not justify the chosen route, nor substantiate the need to remove tracks. (See Exhibit 1, Rail Group Comment Letter, pp. 12-13.) Since the sections of track that would be removed for the project are adjacent to already affected WGBL tracks, the project would “diminish[] the integrity of those sections further.” (Exhibit 3, JRP Report, p. 3.)

The project, as currently planned, violates the Section 4(f) prohibition of transportation projects on a historic site. Given available project alternatives and alternative route choices, Caltrans cannot approve the project. Substantial alterations must be made in order to meet the criteria of 49 U.S.C. section 303, subdivision (c)(1)-(2.)

### **Caltrans Should Not Issue a Categorical Exclusion Due to Unusual Circumstances**

A Categorical Exclusion will generally apply to a project that does not individually or cumulatively have a significant effect on the human environment, and which is found by the relevant Federal agency to not require an environmental assessment or an environmental impact statement. (40 C.F.R. § 1508.4.) FHWA regulations, Categorical Exclusions are appropriate only when a project meets the definition under 40 C.F.R. section 1508.2, and do not involve significant environmental impacts. (23 C.F.R. § 771.117, subd (a).) More specifically, these are projects that “do not induce significant impacts to planned growth or land use for that area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts, do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.” (*Ibid.*)

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FHWA regulations also provide an extensive list of actions that may meet Categorical Exclusion criteria. (23 C.F.R. § 771.117, subd (c).) While this project includes construction of bicycle and pedestrian path, FHWA regulations prohibit reliance on an exclusion from NEPA in “unusual circumstances.” In that instance, the applicant and FHWA must “conduct appropriate environmental studies to determine if the [Categorical Exemption] classification is proper.” (23 C.F.R. 771.117, subd. (b).) Such unusual circumstances include significant environmental impacts, substantial controversy on environmental grounds, significant impacts on properties protected by Section 4(f) or Section 106, or inconsistencies with other applicable environmental laws. (*Ibid.*)

Here, the project does not meet the FHWA definition of a project subject to a Categorical Exclusion, and unusual circumstances warrant further environmental studies. The project would have significant environmental impacts, impacts to planned land use, impacts on recreational and historic resources, and impacts on property protected by both Section 4(f) and Section 106. Moreover, as demonstrated by the attached letters, the project is subject to substantial controversy. (See, e.g., Exhibits 1, Rail Group Comment Letter, and 2, Selected Notice of Preparation and Draft Environmental Impact Report Comment Letters.)

The project would permanently sever the historic 24.5 mile long WGBL Railroad, and interfere with the ability of State Parks to eventually connect and extend the currently active excursion line originating in Old Sacramento to the southern portions of the WGBL. According to JRP Historical Consulting, the City did “not sufficiently account for removal of historic fabric, introduction of new visual elements, and changes in use of” the WGBL as harmful impacts to a historic site. (Exhibit 3, JRP Report, p. 3.) “The project, as proposed, would cause physical destruction to a portion of the WGBL, result in alterations that are not in conformance with [Federal] Standards, change the property’s use and physical features that contribute to its significance, introduce visual elements that diminish its historic significance, and may result in neglect of the historic railroad.” (*Ibid.*)

Beyond historic site impacts, the destruction of the WGBL would cause other impacts requiring preparation of an EIS. For example, the Project would have significant impacts on a planned land use, as the use of the WGBL as part of an excursion train line is contemplated in the 2014 Old Sacramento General Plan and Final Environmental Impact Report (“2014 General Plan and FEIR”), as well as the 1991 Final Environmental Impact Report for the Extension of the Steam Excursion Train from Old Sacramento to Hood (“1991 FEIR”). (See Exhibit 1, Rail Group Comment Letter, pp. 6, 11-12.)

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The project's impacts on the WGBL would also cause significant impacts to recreational and historic resources. The entire WGBL is a historic resource under the California Environmental Quality Act ("CEQA"). (See *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 906 [a resource listed on the California Register of Historical Resources "must in all cases be granted status as [an] historical resource[]" for purposes of CEQA].) The project would demolish and substantially alter the physical characteristics of the WGBL that convey its historical significance. The 4.8 mile segment of WGBL within the project footprint is not severable from the entire WGBL for purposes of analyzing project impacts under NEPA. (See Exhibit 1, Rail Group Comment Letter, pp. 7-8.)

By impairing the use of the WGBL as an excursion line, the project significantly impacts a recreational resource as well. (See Exhibit 1, Rail Group Comment Letter, pp. 13-14.) State Parks has planned an excursion train that would use the WGBL to educate the public on Delta "Farm to Fork Agriculture," "host wildlife viewing, and other themed excursions, with food service opportunities including brunch or dinner." (2014 General Plan and FEIR, p. 4-22.) The City is incorrect in claiming that the decision not to include the middle segment of the WGBL (from Sutterville Road to Pocket Road/Meadowview Road) in the OSSP General Plan indicated that State Parks had no plans for this segment. (See FEIR, pdf pp. 732, 765.) The exclusion of this segment from the OSSP General Plan was instead an acknowledgment by State Parks that the property was primarily owned by Regional Transit and that additional planning and review would be necessary prior to moving forward with the planned excursion train to Hood.

Many of the project's other environmental impacts have not been properly disclosed or evaluated, such as impacts to aesthetics, biological resources, hazards, air quality, transportation, agriculture, and cumulative impacts. (Exhibit 1, Rail Group Comment Letter, pp. 13-18.) Each of these potentially significant impacts alone warrant further environmental review under NEPA by Caltrans.

Damage to the WGBL by the project would fundamentally undermine the aesthetic character of the project area. The WGBL is a historic resource, which contributes to the surrounding area's aesthetic character. Removing portions of the WGBL, encasing tracks with concrete, and changing grade crossings would impact the aesthetic quality of the area. (Exhibit 1, Rail Group Comment Letter, p. 13.)

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### **The Cultural Studies Office Approval of the Finding of No Significant Effect with Standard Conditions Violates the 2014 Programmatic Agreement**

Pursuant to the 2014 PA, Caltrans may make a finding of No Adverse Effect with Standard Conditions (“FNAE-SC”) when such conditions comply with Attachment 5 to the 2014 PA. (EIR, p. 154.) Caltrans must apply the “Criteria of Adverse Effects” as defined in 36 C.F.R. section 800.5 to a project in order to make a FNAE-SC. (Section 106 Report, p. 38; 2015 PA, p. 6.) Under Attachment 5 to the 2014 PA, the Secretary of the Interior’s (“SOI”) Standards for the Treatment of Historic Properties can constitute a standard condition for Section 106 evaluation. (2014 PA, Attachment 5, p. 2.) The SOI Standards for Treatment include the Standards for Rehabilitation. (Section 106 Report, p. 2.)

If the Caltrans District makes a FNAE-SC, it must submit the findings to the Cultural Studies Office (“CSO”) for approval. (*Ibid.*) On October 22, 2018, the CSO reviewed the findings of the Historic Property Survey Report (“HPSR”) and found no objection to the FNAE-SC. (See EIR, App. H.) The CSO’s approval of the FNAE-SC violated the 2014 PA because the analysis in the Section 106 Report misapplied the Criteria of Adverse Effect. The Section 106 evaluation prepared for Caltrans ignores the project’s permanent impacts and diminution of the significance of the WGBL. (See Exhibit 1, Rail Group Comment Letter, pp. 10, 12; see also Exhibit 3, JRP Report.)

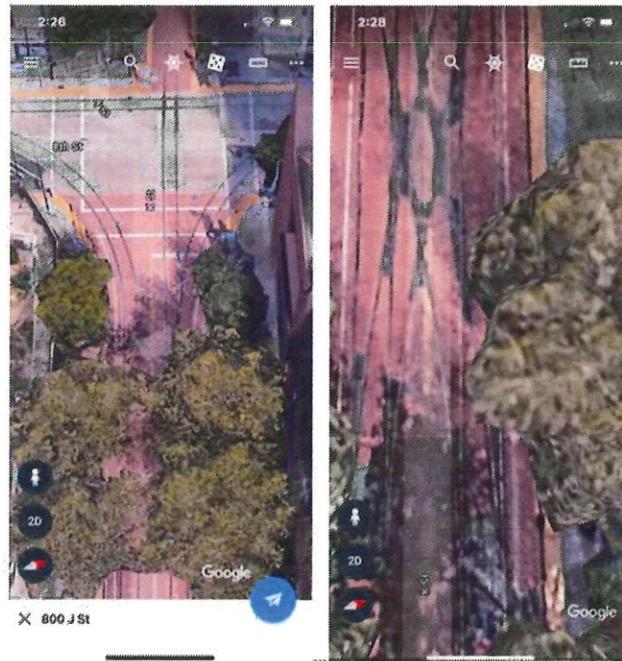
The project would permanently destroy portions of the WGBL Railroad and impair the existing approval and extension of the 36 year old California State Parks Sacramento Southern Railroad interpretive educational excursion line. “The impact of track removal is downplayed and not analyzed for its contribution to diminishing the historical resource’s overall integrity of design, materials, and workmanship.” (Exhibit 3, JRP Report, p. 3.) Under Section 106 analysis, a historic property “shall be used for its historic purpose,” a requirement ignored in the Caltrans Section 106 Report. (Section 106 Report, p. 39 [only analyzing the WGBL’s historic characteristics but not uses]; see also 36 C.F.R. § 68.3, subd. (a)(1) [SOI Standards for the Treatment of Historic Properties].) Beyond explicit reference in the SOI Standards for the Treatment of Historic Properties, the continued viability of the WGBL as a working railroad is intertwined with its historic integrity. The aspects of the railroad that embody its integrity—location, design, setting, materials, workmanship—are all necessary for the WGBL to function as a railroad. Without usable tracks, the “line” or route integrity is substantially diminished. Moreover, as a railroad segment, the section of the WGBL in the project area “represent[s] a significant and distinguishable entity whose components may lack individual distinction[.]” (36 C.F.R. § 60.4, subd. (c).) In other words, the significance of the WGBL is derived from the entirety of the railroad and what it

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represents as the Delta Farm to Fork connection that populated Sacramento city with more than a dozen diverse Asian and European-agrarian based nationalities.

Caltrans' Section 106 Report entirely failed to account for the project's inconsistency with State Parks' planned future use of the WGBL for an excursion train. The Section 106 Report fails to discuss either the 2014 Old Sacramento GP and FEIR or the 1991 FEIR, and ignores the discussion of future use of the WGBL Railroad in the 1992 USACE Report. This represents a significant omission in the required analysis. The use of the WGBL for an excursion train continues to be a part of State Parks' future plans and is protected in a covenant recorded on properties abutting the Line. (See 2014 OSSP General Plan and FEIR, p. 4-22; Exhibit 7, 1988 ROW Agreement; Exhibit 12, Example 2002 Covenant Disclosing Excursion Train.) The Section 106 Report omits or excludes this City Council documented land use fact, or to analyze how the project would impact those plans.

Further, "removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." (Section 106 Report, p. 40.) There has been no effort to avoid the removal of tracks, and the reasons given to justify removal are unsubstantiated. (Section 106 Report, pp. 40-42.) There are hundreds of railroad crossings throughout the city, more so around City Hall than anywhere else in the form of the light "rail" routes.



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**Dropped Pin**  
38°34'51"N 121°29'45"W - 25.7 ft

Measure



No evidence suggests that the WGBL crossings are any more unsafe than other rail crossings that occur throughout the City. Yet the City claims that removal of tracks is necessary in the project area due to safety. (FEIR, pp. 2-4, 118, 149.) As discussed above, alternative path alignments that would not require track removal or encasement are feasible, and the City has presented no evidence to the contrary. Moreover, the City has presented no evidence as to why the WGBL tracks would be any less safe than other tracks that occur throughout the City.

Even where the project would modify but not remove WGBL tracks, the Section 106 analysis is incorrect. Concrete encasement of tracks “would severely change the use of those tracks and . . . would not only contribute to the project diminishing the historical resource’s integrity of design, materials, workmanship, but also not be in conformance with the SOI Standards of Rehabilitation[.]” (Exhibit 3, JRP Report, pp. 3-4.)

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Obstructing important elements of the integrity of the WGBL that convey importance is not a minimal change under the SOI Standards of Rehabilitation. (Exhibit 3, JRP Report, p. 4.)

Given that the project would have an adverse effect under 36 C.F.R. section 800.5, and that the project fails to adequately adhere to the SOI Standards for Rehabilitation, the CSO approval of the Section 106 Report violated the 2014 PA and the NHPA.

### **The Project Should Be Subject to a Full Section 4(f) Evaluation**

The FEIR refers to a “Section 4(f) De Minimis Finding” in Appendix K. This document, however, has not been made publicly available. Even if the project was modified to meet the exception requirements under 49 U.S.C. section 303, subdivisions (c)(1)-(2), Caltrans must complete a Section 4(f) Evaluation for the project because a de minimis finding is not supported. According to FHWA Guidelines, a de minimis Section 4(f) determination for a historical site is only appropriate if there is a Section 106 FNAE-SC that is consistent with the 36 C.F.R., part 800, Protection of Historic Properties. (23 C.F.R., §§ 774.5, subd. (b)(1), 774.17.)

While the Section 106 Report concludes the project would have no adverse effect, the analysis is incomplete and inadequate, as explained above. (See Exhibit 1, Rail Group Comment Letter, pp. 10, 12; see also Exhibit 3, JRP Report.) As discussed above, the analysis in the HPSR did not properly apply the Criteria for Adverse Effects and the project does not meet the SOI Standards of Rehabilitation. (Exhibit 3, JRP Report, pp. 2-3.) Given that the Section 106 Report ignores the project’s negative impacts on the integrity of WGBL as an historic resource, it does not provide an adequate basis for a de minimis Section 4(f) determination.

As discussed above, the project would also occur on publicly-owned park land, as State Parks owns both northern and southern sections of the project-area. (Exhibit 6, State Parks Letter to City of Sacramento, January 3, 2019; see also FEIR, p. 234.) In order to make a de minimis determination for public land, Caltrans would need to determine that the project would “not adversely affect the activities, features and attributes of the park” and receive concurrence from officials who have jurisdiction over the park. (49 U.S.C., § 303, subd. (d)(3).) As the project would prevent the use of WGBL for a future excursion train, it would “adversely affect the activities, features, and attributes” of the WGBL as a park.

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### **The City Does Not Have the Requisite Property Interests to Carry out the Project**

The City has failed to conduct necessary research and disclosures regarding the property interests that would be required to carry out the project. As acknowledged in the FEIR, the City does not own several of the parcels upon which the project is proposed to be carried out. (FEIR, pp. 234-235.) The failure to address the property needs of the project will affect the availability of grant funds to pay for project costs, as well as the overall feasibility of the project.

In order to receive FHWA funds, a project typically must be Ready to List (“RTL”). A RTL certification indicates “that all applicable design, Right of Way, environmental, regulatory, and statutory conditions have been addressed . . . .” (Construction Contract Development Guide, Section 2.2.1 (“CCDG”).) Thus, achieving RTL status includes acquiring all necessary property interests to carry out the project. (CCDG, Section 1.3.) RTL status for projects with railroad involvement require special considerations, and “[p]reparation of railroad agreements takes considerable time.” (CCDG, Section 6.11.) Acquisition of real property from a railroad must be done in accordance to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as well as applicable FHWA procedures. (23 C.F.R. § 646.216, subd. (c).) Additionally, RTL status is contingent on meeting the requirements of 23 C.F.R. section 635.309, which sets out requirements for authorization of construction bid advertisements. (CCDG, Section 1.3.1.)

The City has not demonstrated that it can achieve RTL status. The City does not yet own or have other requisite property rights to construct the project. Numerous parcels listed in the FEIR are owned by other parties. (FEIR, pp. 234-235.) The City also has misidentified ownership of parcels in the project area, including, but not limited to parcel 017-0010-049 (“parcel 49”) and parcel 017-0020-018 (“parcel 18”). (FEIR, p. 234.) The City is listed as the owner parcel 49 in the FEIR, however, according to a deed executed in December 1985, Southern Pacific Transportation Company granted the State of California ownership of parcel 49. (See Exhibit 10, Parcel 49 Deed, p. 1.) Southern Pacific in turn is mistakenly identified as the sole owner of parcel 18. (FEIR, p. 234.) According to Sacramento County title information, however, parcel 18 is also owned by State Parks. (See Exhibit 11, Parcel 18 Ownership Information, p. 3.)

Relatedly, the City has failed to identify that Union Pacific, Southern Pacific’s successor in interest, retains a right of way (“ROW”) for the train tracks along the WGBL, including the project area. This is reflected in the “easement and right-of-way for railroad purposes on and over” the property shown in the deed when Southern Pacific granted certain property within the 4.8 mile project area to Sacramento Regional Transit.

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(See Exhibit 9, 1984 Grant Deed, recorded p. 839; see also Exhibit 7, 1988 ROW Agreement.) The damage to the WGBL Railroad that would occur under the project would interfere with the maintenance of an easement and right-of-way for railroad purposes and the City has no support for the statements in the FEIR that the WGBL Railroad has been “legally abandoned.” (FEIR, pdf pp. 870, 874, 879, 883, 887, 891, 895, 898, 904.)

Given that the City has failed to properly identify the property and does not own or control more than 98 percent of the property required to construct the project, it has not met the requirements for RTL certification. The City cannot demonstrate “all right-of-way clearance, utility, and railroad work has been completed or that all necessary arrangements have been made for [the project] to be undertaken and completed as required for proper coordination with the physical construction schedules.” (23 C.F.R. § 635.309.) Nor does it appear likely that the City will be able to do so in the foreseeable future. Additional property and right of way research and disclosure is necessary before this project may proceed further.

\* \* \*

As currently planned, the project would violate multiple federal requirements for which Caltrans is responsible. The Rail Group requests that Caltrans carefully consider all of the project’s potentially significant impacts, fully review the project, and reanalyze the project’s impacts to historic resources under section 106 of the NHPA. This analysis will indicate that the project cannot rely on a Categorical Exclusion from NEPA and that a complete 4(f) Evaluation is required. In the alternative, should the City revise the project to remove actions that would damage the historic WGBL Railroad, federal NEPA and historic resource requirements may be more readily streamlined. The Rail Group continues to support a version of this project that provides a recreational bike trail, while sharing and respecting the unique national, state, and local cultural and historic value of the entire 24.5-mile-long Walnut Grove Branch Line Railroad.

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Thank you for considering these comments and please feel free to contact my office with any questions.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By:   
Osha R. Meserve

ORM/mre

cc: City of Sacramento, Tom Buford (tbuford@cityofsacramento.org)

Attachments:

Exhibit 1 – Sacramento Rail Preservation Action Group, Draft Environmental Impact Report Comment Letter, January 14, 2019

Exhibit 2 – Selected Notice of Preparation and Draft Environmental Impact Report Comment Letters

Exhibit 3 – JRP Historical Consulting, LLC, Peer review of historical resources compliance documentation for the Del Rio Trail Project, March 4, 2019

Exhibit 4 – United States Army Corps of Engineers, Walnut Grove Branch Railroad National Register Nomination, Sacramento County, California, Final Report, August 19, 1992

Exhibit 5 – United States Army Corps of Engineers, National Register of Historic Places Significance Evaluation of Walnut Grove Branch Line Railroad, Sacramento County, California, April 30, 1991

Exhibit 6 – California Department of Parks and Recreation, Letter to City of Sacramento, January 3, 2019

Exhibit 7 – Sacramento Regional Transit District and State of California Agreement for Walnut Grove Branch Line Right-of-Way, April 25, 1988

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Exhibit 8 – California Department of Parks and Recreation, Letter to Sacramento Regional Transit District, February 28, 1996

Exhibit 9 – Southern Pacific Transportation Company, Grant Deed to Sacramento Regional Transit District, July 17, 1984

Exhibit 10 – Parcel 017-0010-049 Deed

Exhibit 11 – Parcel 017-0020-018 Ownership Information

Exhibit 12 – Example 2002 Covenant Disclosing Excursion Train

# **EXHIBIT 1**



tel: 916.455.7300 • fax: 916.244.7300  
510 8th Street • Sacramento, CA 95814

January 14, 2019

**SENT VIA EMAIL** (tbuford@cityofsacramento.org)

Tom Buford, Principal Planner  
City of Sacramento Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

**RE: Comments on Del Rio Trail Project Draft EIR**

Dear Mr. Buford:

These comments on the Draft Environmental Impact Report (“DEIR”) for the Del Rio Trail (“project”) are submitted on behalf of the Sacramento Rail Preservation Action Group (“Rail Group”) and its members. The Rail Group supports the creation of a pedestrian and bicycle trail that shares the existing Walnut Grove Branch Line (“WGBL”)/Sacramento Southern Railroad right-of-way. The WGBL Railroad extends approximately 33 miles in a generally southerly direction from Old Sacramento to the town of Isleton in the Sacramento River Delta. As the U.S. Army Corps of Engineers (“USACE”) found in 1991, the

route still retains a remarkable degree of integrity of location, setting, design, workmanship and feeling. After its abandonment by Southern Pacific in 1978 it was bought by the State, who retained the rails, ties, trestles and other features in place with little or no change. As a result, the system is intact along most of its length, with the exception of road crossings.

(USACE, National Register of Historic Places Significance Evaluation of Walnut Grove Branch Line Railroad (1991), p. 13.)<sup>1</sup> As a result, the WGBL was found eligible for listing in the National Register of Historic Places under criteria (a) and (c) at the local

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<sup>1</sup> The National Register of Historic Places Significance Evaluation of Walnut Grove Branch Line Railroad (1991) was previously provided to the City with comments letter on the Notice of Preparation. (See DEIR, App. C, PDF pp. 57-61, 66.)

level of significance. (*Ibid*; see also USACE, Walnut Grove Branch Railroad National Register Nomination Final Report (1992), pp. 4-15.)<sup>2</sup>

As currently proposed, the Del Rio Trail would permanently remove large portions of the historic WGBL Railroad, rather than accommodating a shared rails with trails right of way. The project would cover several miles of the track with concrete and decomposed granite or other unidentified materials, as well as permanently alter the grade in some locations. These actions would interfere with the long-planned extension of the existing excursion service by California State Parks and the California State Railroad Museum along the Sacramento Southern Railroad; this planned extension requires use of the existing tracks in the Del Rio right of way to move equipment intermittently to the excursion train depot at the Pocket/Meadowview Road intersection from which excursion trains could depart to Hood/the Delta.

The project's proposed changes to the WGBL Railroad would permanently sever the WGBL and interfere with the ability of California State Parks to eventually connect and extend its active excursion line that commences in Old Sacramento to southern portions of the WGBL. The DEIR fails to adequately analyze and mitigate the environmental impacts of the project, including the permanent destruction of large portions of the WGBL tracks. As a result of its deficiencies, a new EIR must be prepared by the City and circulated for public review.

## **I. OVERVIEW OF COMMENTS ON DEIR**

The following bullet points summarize several key Rail Group comments on the DEIR, which are described in more detail below:

- The geographic scope of the analysis in the DEIR is improperly truncated. The WGBL Railroad extends approximately 33 miles in a generally southerly direction from Old Sacramento to the town of Isleton in the Sacramento River Delta. The project would sever the connectivity of the entire line, not just in the project area identified in the DEIR; the effect of the project on the entire WGBL must be considered.

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<sup>2</sup> The USACE Walnut Grove Branch National Register Nomination Final Report (1992) was previously provided to the City with one or more comment letters on the Notice of Preparation. (See DEIR, App. C, PDF pp. 57-61, 66.)

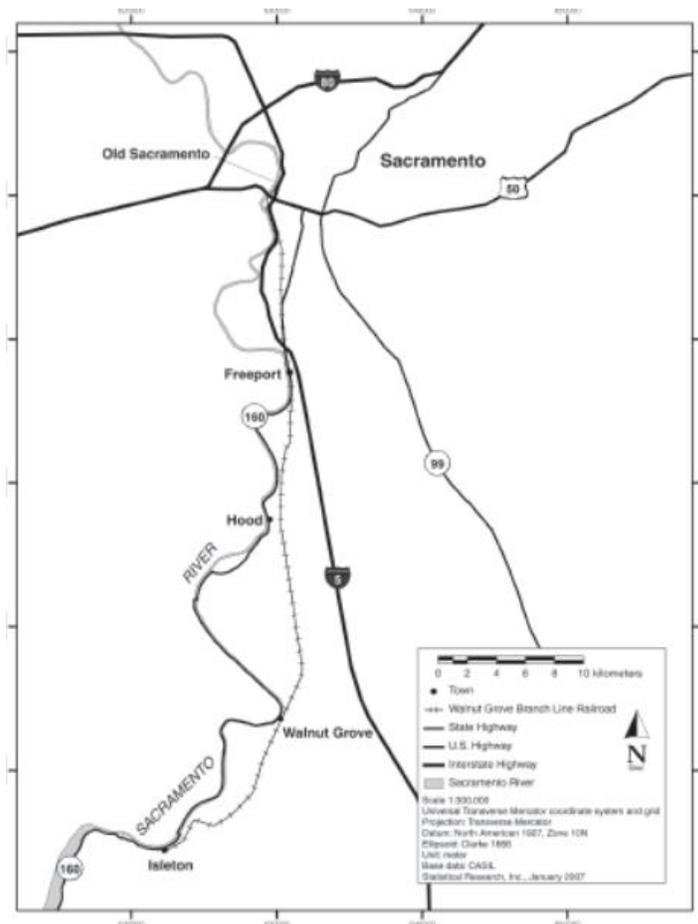


Figure 1. Location of the WGBLRR.

- The DEIR fails to include adequate information regarding the cultural and historic setting for the project. Current uses of the Sacramento Southern Railway are not recognized, such as the California State Railroad Museum’s excursion train on part of the historic Southern Pacific Walnut Grove branch line, running primarily north–south along the east bank of the Sacramento River. Moreover, the DEIR ignores numerous planning and review documents regarding the Sacramento region’s rich rail resources and history.
- The DEIR fails to consider the project’s effects on the previously planned and analyzed expansion of the current excursion train service contemplated in the 2014 Old Sacramento General Plan and EIR, between Old Sacramento and Miller Park to the Sacramento Zoo.
- The DEIR fails to consider the project’s effects on the planned addition of a second excursion train line within State Park-owned right-of-way from the Pocket-Meadowview area to the historic Delta town of Hood.
- The DEIR fails to recognize other associated impacts that would result from severance of the WGBL, such as impacts on aesthetic, recreational, biological and

agricultural resources, as well impacts on hazards, air quality and transportation, along with resulting negative economic consequences.

- The DEIR’s significance threshold for cultural and historic impacts improperly focuses on federal standards to the exclusion of other applicable standards under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq. [“CEQA”]).
- The DEIR improperly concludes that the project’s impacts on historical resources are less than significant after mitigation, and fails to include adequate mitigation to lessen the impact to a less than significant level.
- Due to the DEIR’s erroneous conclusion that the project would not have significant impact on historical resources, the DEIR fails to examine alternatives that would lessen the significance of the project’s impact on historic resources.
- The DEIR’s conclusion that destruction of the historic tracks is necessary in various locations for safety reasons are not supported.

## **II. DETAILED COMMENTS ON DEIR**

### **A. The Project Description Is Incomplete**

The Rail Group believes that the project description has unnecessarily foreclosed alternative approaches to the project that would reduce or avoid significant environmental impacts. The inclusion of the unpaved walking trail and the removal or repurposing of existing rail roads are not necessary elements to meet the stated project objectives to “complete the planned connection between the Sacramento River Parkway and the Freeport Shores Bikeway,” “[c]onnect logical origins and destinations proximate to the trail alignment by improving pedestrian and bicycle access” and “[p]rovide an American’s with Disabilities Act (ADA)-compliant, active transportation connection to adjacent communities[.]” (DEIR, p. i.)

The DEIR does not substantiate the need for the proposed walking trail separate from the Class I multi-use trail, nor why removal of the track is necessary for “safety” or ADA compliance. (See DEIR, pp. i, 143, 293.) The Class I multi-use trail specifically allows for pedestrian use in its design with unpaved shoulders flanking both sides of the bike trail. (See DEIR, pp. i, xxiv, 1, 293.) The highly successful American River Bike Trail in the County of Sacramento demonstrates that a Class I trail can sufficiently serve both bicycles and pedestrians. Other projects across the state also demonstrate a Class I, ADA-accessible trail along an active railroad is feasible. (See Exhibit 1, 2010 Arcata Rails with Trail Project Initial Study and Mitigated Negative Declaration (“Rails with Trail MND”), pp. 1 [project involved “Class I, ADA accessible” multi-use trail], 6 [project objectives include “full consideration of existing and future highway and rail uses”].) The DEIR also does not address the safety concerns raised by directing

pedestrians to walk on a train track, which is a dangerous practice and should not be encouraged.

Moreover, removal of WGBL rail for purported safety reasons is not supported in the DEIR. As described on pages 8 and 20 of the California State Railroad Museum Foundation's ("CSRMF") January 3, 2019 DEIR comment letter, rubber inserts can be placed to preserve future use of the rails while also facilitating easier crossing. The claim that removal is necessary to meet ADA requirements is also not supported in the DEIR. According to the same CSRMF January 3, 2019 letter, a consultant demonstrated that ADA compliance could be achieved without removing rails or lowering the grade of the railway path. (CSRMF, January 3, 2019 Comment Letter, p. 5.)

The DEIR fails to include adequate detail regarding the plan to place decomposed granite or other fill on top of the WGBL tracks as a means to create a separate walking trail from the proposed bike path. The DEIR does not disclose the total mileage of planned filling of tracks or describe where the materials will be obtained, though the figures indicate that about half of the 4. mile project segment would be filled. (See DEIR, Figures 3, pages 1-10 [Preserve Train Tracks Within Walking Path].) Without such information, it is impossible to analyze the environmental effects of this project component.

The project's objectives and purposes can be achieved while avoiding the potentially significant impacts discussed in this and other comment letters. The DEIR is incomplete without describing rails-with-trails ("RWT") as a possible satisfactory solution. California has hundreds of miles of successful RWT; internationally, the world has thousands of miles of RWT. Published studies show that RWT are safe and the best way of combining trails with active rail operations.

## **B. Land Use Analysis Is Inadequate**

The DEIR Land Use and Planning section is deficient for failing to disclose all applicable land use plans and failing to analyze all the project's land use inconsistencies. The DEIR does not disclose the existence of numerous land use planning documents that pertain to the area that would be impacted by the project, including: the 1991 Final EIR for the Extension of the Steam Excursion Train from Old Sacramento to Hood ("1991 FEIR"), the 2014 Old Sacramento General Plan and the Final EIR ("2014 General Plan and FEIR")<sup>3</sup> or the California State Railroad Museum Strategic Plan 2017-2022 ("2017

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<sup>3</sup> The 2014 Old Sacramento General Plan and Final EIR was provided was previously provided to the City with one or more comment letters on the Notice of Preparation. (See DEIR, App. C, PDF p. 66.)

Strategic Plan”).<sup>4</sup> Each of these documents are relevant because they account for future use of the WGBL as part of the excursion train line from Old Sacramento to Hood. (See Exhibit 2, 1991 FEIR, p. 1 [“The principal objective of the proposed project is to allow . . . public steam excursion train trips that would go between Old Sacramento and the Hood/Freeport area[.]”]; 2014 General Plan and FEIR, pp. 1 [resolution overriding potentially significant impacts arising from excursion line “between Pocket/Meadowview Station and Hood”], 4-20 to 4-22 [excursion line “would host wildlife viewing and other themed excursions, with food service opportunities”], 5-i [addressing noise impacts from “operating excursion line #2”]; 2017 Strategic Plan, p. 81 [affirming “the desirability of the Zoo and Hood extensions, their value . . . business implications, and how they should be prioritized”].) These land use documents must be disclosed and analyzed in the DEIR.

The DEIR fails to recognize that the project has the “[p]otential to conflict with applicable land use plan[s], polic[ies] or regulation[s.]” (DEIR, p. 209.) The DEIR selectively addresses Sacramento 2035 General Plan policies and goals, while ignoring applicable historical and cultural resource policies. For example, Sacramento General Plan Policy HCR 2.1.12 requires the promotion of contextual features related to historic resources, and HCR 2.1.15 requires the City only consider demolition of historic resources as a last resort. (2035 General Plan, Historic and Cultural Resources, p. 2-139.) The project is inconsistent with both policies because it would remove portions of the WGBL and alter the Railroad’s contextual features. These potentially significant conflicts must be disclosed, evaluated and mitigated in the DEIR.

### **C. The Project’s Cultural Resources Impacts are Significant**

#### ***1. DEIR Impermissibly Truncates Description of Cultural Resources Environmental Setting and Geographic Scope***

An EIR must describe “the physical environmental conditions in the vicinity of the project . . . from both a local and regional perspective.” (Cal. Code Regs., tit. 14 [“CEQA Guidelines”], §15125, subd. (a).) An EIR should place special emphasis on impacted resources that are rare or unique to the region. (CEQA Guidelines, § 15125, subd. (c).)

The DEIR fails to provide adequate information for the project’s cultural and historic setting, and impermissibly limiting the scope of the project impact analysis. The core flaw with the DEIR is the failure to include and consider the entirety of the WGBL,

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<sup>4</sup> An excerpt of the California State Railroad Museum Strategic Plan 2017-2022 was provided was previously provided to the City with one or more comments letter on the Notice of Preparation. (See DEIR, App. C, PDF p. 66.)

which extends well beyond the “Project Area Limits” (“PAL”) identified in the DEIR. (DEIR, p. 113.) From this failure, numerous technical and legal issues arise which undermine the DEIR’s purpose as an informational document. (CEQA Guidelines, § 15125, subd. (c) [knowledge of the project setting is “critical to the assessment of environmental impacts”].)

The PAL purports to be “the area of direct and indirect effects[.]” (DEIR, p. 113.) The DEIR recognizes that the 4.8-mile section of WGBL in the project area is only a “portion of the larger resource.” (DEIR, p. 138.) Yet, the PAL ignores the entirety of the project’s impacts on the entire length of the WGBL. By limiting project-level analysis of impacts to the WGBL to the “immediate project vicinity, the DEIR’s analysis is improperly truncated.

The entire WGBL is an historic resource under CEQA. (See *League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 906 [a resource listed on the California Register of Historical Resources “must in all cases be granted status as [an] historical resource[.]” for purposes of CEQA] (*League for Protection*)). The DEIR’s environmental setting must account for a “local and regional perspective” and not myopically limit the extent of review. (CEQA Guidelines, § 15125, subd. (a).) As a rail line, the WGBL is a linear feature not unlike a stream. Impacting or severing one portion of such a resource necessarily would cause impacts farther down the line. Yet the DEIR treats the 4.8-mile section identified in the PAL as a severable unit. This treatment is impermissible, and directly contradicts the DEIR’s description of the geographic scope of cultural resources in its analysis of cumulative cultural impacts. (DEIR, p. 308.) The DEIR must include and analyze the entire, presently intact WGBL in its PAL in order to facilitate adequate environmental review and mitigation of impacts to this cultural resource. (CEQA Guidelines, §15125, subd. (c).)

The DEIR inappropriately refers to the WGBL as “abandoned” (DEIR, p. 143) or relies on previous damage done to the railroad to justify further alterations (DEIR, p. 141, 147). The existing damage to the WGBL without the project was characterized as follows in 2017 by the city’s own consultant:

The recorded segment still retains sufficient integrity of setting, design, workmanship, feeling, and association. While the integrity of materials and location have been somewhat impacted by alterations such as improvements at intersections and slight changes to the alignment following the completion of I-5, respectively, these changes comprise a small percentage of the segment, and the overall segment retains sufficient physical integrity to convey its significance.

(DEIR, Appendix J.2, Attachment C: Determinations of Eligibility, p. 2 of 14.) The alteration and removal of WGBL rails contemplated by the project would be a significant change from the above described conditions.

Despite detailed comments and information provided to the City in the Notice of Preparation stage, the DEIR fails to recognize the current level of interest in Old Sacramento and our region's rail-related history and future. The California State Railroad Museum receives over 300,000 visitors every year and is listed as a Travelocity 5-Star attraction in the Sacramento area. The Sacramento Southern Railroad routinely has over 20,000 riders in the Spring and Summer. The Polar Express Christmas trains have another 24,000 riders, with tickets that sell out in less than a week. (See Exhibit 3, CSRM Train Rides.) There is also a large community of volunteer rail enthusiasts, with over 500 volunteers, that are committed to helping keep Sacramento's rail history alive for generations of residents and visitors.

## ***2. The DEIR Contains a Flawed Impact Analysis for Cultural and Historical Resources***

CEQA provides a detailed process for evaluating the significance of impacts to historical resources. CEQA Guidelines section 15064.5 subdivision (a) describes what constitutes a historic resource, and the DEIR correctly recognizes the WGBL as an historical resource. (DEIR, p. 137.) Section 15064.5 subdivision (b) in turn describes what constitutes a substantial adverse change to a historical resource. A substantial adverse change to a historical resource means "demolition, destruction, relocation, or alteration such that the significance" of the resource would be impaired. (CEQA Guidelines, § 15064.5, subd. (b)(1); *League for Protection, supra*, 52 Cal.App.4th at 909.) More specifically, the significance of an historical resource is impaired when a project "demolishes or materially alters . . . those physical characteristics . . . that convey its historical significance to justify its eligibility for inclusion in the California Register of Historical Resources[.]" (CEQA Guidelines, § 15064.5, subd. (b)(2)(C).) Last, subdivision (b)(3) provides that if a project would cause significant impacts to a historical resource, implementing the Department of Interior guidelines would generally result in mitigation to a less than significant level.

While the DEIR references the CEQA Guidelines section 15064.5 definition of a significant impact to evaluate Impact CUL-1 (DEIR, p. 142), the required analysis is not included in the DEIR. The DEIR instead cites and applies federal regulations for the definition of adverse effect on a historical resource. (DEIR, pp. 142-147.) First, this approach ignores CEQA Guidelines section 15064.5, which provides the threshold for evaluating significant impacts to historic resources. The DEIR does not explain the connection between CEQA Guidelines section 15064.5 and the federal regulations

applied in the DEIR. Second, the DEIR's analysis is largely inconsistent with 36 Code of Federal Regulations part 800.5, which are the Department of Interior's guidelines cited in CEQA Guidelines section 15054.5, subdivision (b)(3).) While it is true that consistency with these guidelines may mitigate significant impacts, the DEIR does not demonstrate any such consistency, as discussed further below. Moreover, several factual flaws in the DEIR's project impact analysis for CUL-1 further undermine the DEIR's conclusions.

The Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Standards for Rehabilitation may be implemented to mitigate a project "to a level of less than a significant impact on the historical resource." (CEQA Guidelines, § 15064.5, subd. (b)(3).) This directive from the CEQA Guidelines does not suggest use of the federal guidelines as a *de facto* framework for analysis, but as a potential means of mitigating a potentially significant impact. The DEIR's application of the federal guidelines is a tacit admission that the project would indeed significantly impact the WGBL as an historic resource. The DEIR's analysis under the Rehabilitation Standards, found in 36 Code of Federal Regulations part 68.3 and referenced by CEQA Guidelines section 15064.5, is unavailing and does not demonstrate that the project's significant impacts would be mitigated.

Section 15064.5, subdivision (b) defines a significant impact to a historical resource as demolition, destruction, relocation or alteration of the characteristics that make the resource eligible for the applicable historic listing. Similarly, 36 Code of Federal Regulations part 800.5, subdivision (a)(1) defines an adverse effect as direct or indirect alteration of the characteristic that qualify a resource for the National Register. The characteristics include location, design, setting, materials, workmanship, feeling and association. (36 C.F.R., § 800.5, subd. (a)(1).) Examples of adverse effects include damage to even "part of the [resource]," "[a]lteration . . . not consistent" with federal standards, a "[c]hange of the character of the [resource's] use or of physical features[.]" (36 C.F.R. § 800.5(a)(2).) The DEIR itself identifies the WGBL's "[l]ocation and track alignment . . . [e]levated embankment . . . [s]tandard gauge rails . . . [w]ood ties . . . [and] agricultural setting" as the features that qualify it for the National Register. (DEIR, p. 139.) The project would demolish and alter these qualifying characteristics in a significant and adverse manner. Furthermore, the project would destroy the WGBL's defining historic use, as a rail line "artery" that connects Sacramento with the Delta.

The DEIR claims that the project would only "include[] limited removal" of WGBL railroad track, while large sections of the track will be "converted" by infilling the existing track with decomposed granite ("DG") or encased in concrete. (DEIR, p. 143, 145.) These changes from the project both constitute significant impacts under CEQA and federal standards. Clearly, removal of segments of the rail line equates to destruction of the resource, even if only "2 percent" would be removed. (DEIR, p. 144.)

However, such a characterization ignores the nature of the WGBL as a historical resource. As a railroad, the WGBL is a linear resource and the destruction of any one segment prevents current or future uses. As discussed below, there are multiple planned uses for the WGBL, and destroying any segment of the WGBL rail would prevent implementation of those uses.

Beyond the actual removal of WGBL segments, so called conversion or “repurposing” of the tracks is equally damaging. (DEIR, p. 143.) The conclusion in DEIR Appendix J.2, page 46, is unsupported that: “The conversion of portions of track into a walking path using DG, or a similar material, is a reversible, non-permanent change that will not damage the integrity of the existing historic fabric.” No evidence in the DEIR or its appendices supports a determination that DG infill is “reversible.” (DEIR, p. 144.) Converting the WGBL into a walking trail, even if the steel rails remain, is tantamount to material impairment and equivalent to removal. Moreover, preventing any future use of a historic railroad clearly violates Rehabilitation Standard 1, which requires preservation of a property’s historic purpose. (36 C.F.R. § 68.3(b)(1); DEIR, p. 144.)

The project similarly fails the other applicable Rehabilitation Standards. The project does not avoid “the removal of historic materials or alteration of features . . . that characterize” the WGBL. (36 C.F.R. § 68.3(b)(2).) Both the removal of tracks and the filling of tracks would foreclose the historical use of the WGBL, while also undermining the historical feeling and association. The project’s plan to “add conjectural features” by converting what appears to be about half of the WGBL that traverses the project area into a walking trail, thereby damaging the WGBL as a “physical record of its time, place, and use.” (36 C.F.R. § 68.3(b)(3); DEIR, p. 145.) While some small segments of the WGBL railway were previously altered and/or damaged, the DEIR’s characterization of the project’s contemplated removal and damage to segments “not further diminishing[ing] the existing level of integrity” is unsupported. (DEIR, p. 147.)

Overall, by failing to apply the CEQA Guidelines section 15064.5 threshold of significance, and misapplying the federal Rehabilitation Standards, the DEIR violates CEQA.<sup>5</sup> The removal and alteration of the WGBL significantly impairs the railroad’s historical character and functionality, and conflicts with the appropriate Rehabilitation Standards, meaning that the significant impacts are not mitigated under CEQA Guidelines section 15064.5, subdivision (b)(3).

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<sup>5</sup> The City and other agencies also have failed to adhere to the requirements of the National Environmental Policy Act (42 U.S.C., §§ 4321 et seq. [“NEPA”]).

**3. *The Project Would Interfere with Planned and Approved Excursion Train Service on the WGBL***

Foreclosing future uses of the WGBL is one example of an impact ignored by the DEIR's improperly limited environmental setting and geographic scope. The DEIR fails to disclose that the project would foreclose use of the WGBL for additional excursion lines, and that such future uses were explicitly planned in previously approved planning and environmental documents. The 2014 Old Sacramento General Plan, the accompanying Final EIR, and the California State Parks and Recreation Commission resolution adopting the General Plan all contemplate use of the WGBL on portions of the existing Sacramento Southern Railway. Specifically, the 2014 General Plan and FEIR contemplated an excursion line between Pocket/Meadowview Station and Hood. (See 2014 General Plan and FEIR, pp. 1 [resolution], 4-20 to 4-22 [excursion line "would host wildlife viewing and other themed excursions, with food service opportunities"], p. 5-i [addressing noise impacts from "operating excursion line #2"].)

Previously, in 1991, an EIR was prepared and certified for a Steam Excursion Train from Old Sacramento to Hood:

The principal objective of the proposed project is to allow the Museum to offer public steam excursion train trips that would go between Old Sacramento and the Hood/Freeport area, a total distance of approximately 17 miles each way. In contrast to the Miller Park run, which uses approximately 2.8 miles of the WGB Line, service to Hood would provide an opportunity for visitors to take a longer trip (about two hours) on a steam train from the historic urban setting of Old Sacramento south along the river into the natural/agricultural rural landscape at the edge of the Delta. This run will both increase the recreational opportunities available in Old Sacramento and offer a means of interpreting railroad history that compliments the State Railroad Museum.

(Exhibit 2, 1991 FEIR, p. 1.) The Steam Excursion train includes an excursion train service from Old Sacramento to Hood on the existing WGBL right of way. (Exhibit 2, 1991 FEIR, p. 2.)

The current excursion line is also discussed in the 2014 Old Sacramento General Plan, which uses the northern portion of the WGBL that runs north-south along the east bank of the Sacramento River between Old Sacramento and Sutterville Road. (2014 General Plan and FEIR, p. 2-59.) The Old Sacramento General Plan also specifically includes an extension of the excursion line from a Pocket/Meadowview station to Hood. (2014 General Plan and FEIR, p. 4-22.) This extension "would host wildlife viewing and

other themed excursions, with food service opportunities including brunch or dinner. Train Line #2 could be timed to offer river boat interface, with potential service at Freeport and/or Hood.” (*Ibid.*) The current California State Railroad Museum Strategic Plan 2017-2022, also includes the eventual extension of the excursion line from Pocket/Meadowview to Hood. (2017 Strategic Plan, p. 81.)

The Project would prevent any of these contemplated future uses by removing or “repurposing” what appears to be most of the WGBL within the inappropriately defined project area to serve as a walking trail. Impacts on these planned culturally-rich activities must be disclosed and analyzed in the Cultural Resources analysis and other affected resource areas.

#### **4. *Proposed Action Plan Does Not Mitigate Damage to WGBL***

As a result of the DEIR’s failure to consider the removal and repurposing of the WGBL Railroad or the prevention of future use of the WGBL as potentially significant impacts, the cultural impact mitigation measures are also inadequate. The Action Plan, which the DEIR alleges provides mitigation for Impact CUL-1, contains the same flaws as the DEIR. In particular, the Action Plan considers the portion of the WGBL in the project area as severable from the entirety of the WGBL Railroad. (See DEIR, Appendix J.2, Attachment D, Action Plan, p. 8.)

The Action Plan does nothing to address project impacts that would prevent the future use of WGBL an excursion line. Further, the Action Plan fails to include any measures to mitigate the project’s removal or repurposing of WGBL tracks. The DEIR and the Action Plan both falsely claim that the relocation and reuse of removed track as a mitigation measure would “reduce net loss” of rail. (See DEIR, pp. 144-145; Appendix J.2, Action Plan, p. 13.) This assertion ignores the practical reality that it is not the raw amount of railroad track that matters, but the ability to actually use the WGBL as a functioning Railroad. Relocation of some removed tracks does not mitigate the impacts the project would cause by severing the integrity of the Railroad in other locations.

The Action Plan, like the DEIR, does not substantiate the need for track removal at all. Neither vague references to safety nor ADA-compliance justify removal of the tracks, and other less impactful options are available to address those issues. (CSRMF, January 3, 2019 Comment Letter, pp. 5, 8, 20.) The Action Plan also fails to adequately explain how filling in the WGBL tracks to create a walkway on top of the existing tracks is permissible under the applicable rehabilitation standards. While the tracks would retain the same height and alignment (DEIR, Appendix J.2, Action Plan, p. 17), the proposed conversion of the tracks to a walking trail precludes future use of WGBL as a part of the excursion line, and no plans or procedures are provided for removal of the

imported fill material that would be necessary to rehabilitate the WGBL to pre-project conditions. The Action Plan also does not substantiate the claim that such a conversion is a “non-permanent, reversible alteration” to the WGBL. (*Ibid.*) Without a plan and funding to remove the fill, these changes to the WGBL must be considered permanent.

The various monitoring and treatments contained in the Action Plan do not actually mitigate the impacts to cultural resources because the DEIR ignores the WGBL as a railway in current use and with planned expanded future uses. The proposed removal and filling of WGBL tracks would destroy the integrity and utility of the WGBL Railroad, and the DEIR fails to include any mitigation to address these impacts. Impacts on this cultural and historic resource therefore remain significant.

#### **D. The Project May Have Potentially Significant Aesthetic Impacts**

“Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence for a fair argument. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928, 931.) “[T]he opinions of area residents, if based on direct observation, may be relevant as to aesthetic impact and may constitute substantial evidence in support of a fair argument; no special expertise is required on this topic.” (*Id.* at 937.) The concerns and observations regarding the “overall degradation of the existing visual character of the [project] site” can constitute substantial evidence sufficient to raise a fair argument of aesthetic impacts. (*Ibid.*)

Here, the Rail Group and other commenters (See January 3, 2019 Letter from Paul Helman) have concerns that the Project’s changes to the WGBL will negatively impact the surrounding area. The DEIR predictably downplays the railroads place on the project’s aesthetic setting, dismissing the WGBL as “an abandoned railway corridor[.]” (DEIR, p. 17.) However, as an historical resource, the WGBL contributes to and is an important part of the project area’s aesthetic and historical quality. Removing portions of the railroad and filling miles of WGBL tracks with decomposed granite or other materials would “[s]ubstantially damage scenic resources” and “degrade the existing visual character” of the project area. (DEIR, p. 23.) The aesthetic impacts from the project’s damage to the WGBL must be disclosed and evaluated.

#### **E. The Project May Have Potentially Significant Recreational Impacts**

As discussed above, the WGBL has been planned to be used to support an excursion line from Freeport to Hood under the 2014 Old Sacramento General Plan, the 1991 Steam Excursion Train FEIR, and the California State Railroad Museum’s 2017 Strategic Plan. This foreseeable future use is not disclosed in the environmental setting

for recreational resources. Further, the project's impacts on the WGBL as a recreational resource are not disclosed or analyzed.

The removal and infill of the WGBL railroad tracks would result in "permanent displacement of [an] existing recreational facilities[.]" (DEIR, p. 249 [Impact REC-4].) Removing and making unusable segments of the WGBL would prevent any future recreational use of the railroad, such as "wildlife viewing and other themed excursions, with food service opportunities[.]" (2014 General Plan and FEIR, p. 4-22.) This potentially significant impact on the recreational values of WGBL must also be disclosed and evaluated.

#### **F. The Project May Have Significant Impacts on Biological Resources**

The DEIR indicates that 17 Valley elderberry shrubs were identified in the project's biological study area. DEIR Figure 15 shows that the Elderberry shrubs are within 100 feet of the proposed work areas. The DEIR incorrectly assumes that it is not necessary to conduct consultation with the Fish and Wildlife Service ("FWS") on Valley elderberry longhorn beetle due to the upland location of the identified shrubs. (DEIR, p. 102.) Yet, according to the FWS, "Complete avoidance (i.e., no adverse effects) may be assumed when a 100-foot (or wider) buffer is established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level."<sup>6</sup>

The DEIR also fails to adequately assess the loss of habitat associated with cutting of 59 trees and other vegetation removal for the project. (DEIR, p. 105.) While an alternative with fewer tree removals was preliminarily considered, it was summarily rejected from further consideration.

#### **G. The Project's Hazards Impacts Are Inadequately Disclosed**

The Phase I Environmental Site Assessment identifies that heavy metals may be present in the embankments and ballast, and that pesticides may have been used for weed control. (DEIR, Appendix J.3, p. 21.) Toxic chemicals are found in both the soils and water, which could injure workers and nearby sensitive receptors from soil vapor during excavation. (DEIR, Appendix J.3.) The potential risks from heavy metal and pesticide impacts identified in the Phase I necessitate preparation of a Phase II Environmental Site

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<sup>6</sup> Conservation Guidelines for the Valley Elderberry Longhorn Beetle, 1999, p. 3, available at: [https://www.fws.gov/cno/es/Recovery\\_Permitting/insects/valley\\_elderberry\\_longhorn\\_bettle/ValleyElderberryLonghornBeetle\\_ConservationGuidelines\\_19990709.pdf](https://www.fws.gov/cno/es/Recovery_Permitting/insects/valley_elderberry_longhorn_bettle/ValleyElderberryLonghornBeetle_ConservationGuidelines_19990709.pdf).

Assessment to identify the nature and extent of the identified exposure risks. The DEIR is incomplete without this supporting data; the DEIR's Hazards analysis fails to identify or mitigate for these hazards.

In addition, soil vapor, even in shallow trenches, can concentrate and affect workers and nearby sensitive receptors. Given that the project site is immediately adjacent to documented sources of soil vapor (DEIR, Appendix J.3, p. 21), these conditions must be sampled prior to any excavation. In addition, risks from diesel particulate matter during construction should be modeled, given the adjacency of the project to sensitive receptors.

#### **H. The DEIR Fails to Disclose the Project's Air Quality Impacts**

The project includes construction activities in soils containing fine particulates as well as potential heavy metals and pesticide residues. (DEIR, Appendix J.3, p. 21.) The Air Quality analysis fails to analyze potential impacts of these hazards on sensitive receptors and workers. With respect to sensitive receptors, the DEIR appears to use an unduly limited definition of sensitive receptor. The DEIR states that "The nearest sensitive receptors in the vicinity of the Project site are residences approximately 30 feet from the trail throughout the 4.8-mile corridor" (DEIR, p. 44); and "[t]he nearest sensitive receptors in the vicinity of the Project site who could be affected by odors are residences, schools, and daycares approximately 30 feet from the proposed Project area" (DEIR, p. 45.) The DEIR does not appear to contain a complete listing of all types of sensitive receptors. (See, e.g., DEIR, p. 177.)

Appendix D of the DEIR includes an incomplete Road Construction Emissions Model summary table. No additional supporting materials, such as assumptions, and standard inputs, was included in the DEIR. The table values identify that no material would be imported or exported by the project; yet the project contemplates construction along an almost 5 mile right of way, including the importation of large quantities of fill material (DEIR, pp. 143, 145, 308). (DEIR, Appendix D.) The source of this material, the distance necessary to transport it to the project site, and return vehicle trips are not accounted for in the emissions calculations or transportation impacts analysis. Depending on the source of these construction materials, identified as possibly decomposed granite, could come from sources with serpentinite (or other harmful particles).

The Road Construction Emissions Model table in DEIR Appendix D also incorrectly indicates that there will be zero vehicle miles traveled for materials and equipment transport. As a result of these oversights, the full extent of truck traffic trips

and resulting air emissions were not calculated for the project, and project air emissions are underestimated.

### **I. The Project Has Unidentified Transportation Impacts**

The DEIR fails to disclose that the project, through track destruction and filling with decomposed granite, would render the WGBL Railroad unusable. The WGBL is an existing transportation corridor that supports a train excursion service that is slated for expansion in plans prepared by California State Parks. The DEIR must analyze the impacts of the project on this transportation corridor.

The DEIR also fails to disclose the volume of trucks that would be required to construct the project, including delivery of large volumes of decomposed granite and other fill materials to build the separate walking trail. Despite miles of contemplated fill to be placed in the Railway, the DEIR's Road Construction Emissions Model unreasonably assumes that *no materials would be imported or exported* to construct the project. (See, e.g., DEIR, Appendix D.) This assumption is directly contradicted by project information in the DEIR. (DEIR, pp. 153, 145, 308.) Traffic impacts from these truck trips, and their resulting transportation impacts are not properly disclosed or mitigated.

### **J. The DEIR Fails to Discuss the Project's Impacts on Agricultural Resources**

The DEIR incorrectly fails to include any analysis of impacts on agricultural resources. (DEIR, p. 7.) In particular, the WGBL was the connection between growers in the Delta and produce markets. "The railroad served as a vital link between upper delta farms and distant markets until the mid-1930s." And "[b]y the early 1970s, trains ran three or four times a week during most of the year, primarily carrying pears, farm machinery, and chlorine. (Steam Train to Sacramento, Walnut Grove Branch Line Acquisition Feasibility Study, 1980, p. 19.)<sup>7</sup>

That history is still alive today in the Farm to Fork movement; the City of Sacramento painted "Farm to Fork Capitol" on its water tower in Freeport in 2017.

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<sup>7</sup> Steam Train to Sacramento, Walnut Grove Branch Line Acquisition Feasibility Study, 1980, was previously provided to the City with one or more comment letters on the Notice of Preparation. (See DEIR, App. C, PDF p. 66.)



The City is surrounded by 1.5 million acres of farmland, making it the largest agricultural producer in the nation, according to the Sacramento Visitors Bureau. “No major city in America is more centrally located amid such a vast range of high-quality farms, ranches and vineyards,” and the city has more than 40 farmers market and farmers can grow 365 days per year.<sup>8</sup> Each September, Sacramento hosts the Farm to Fork Festival, which includes a Farm to Fork Train excursion on the WGBL. (See Exhibit 3, California State Rail Museum, Train Rides.) Attracting more than 80,000 people in 2018, the Festival helps to showcase the incredible food and agriculture of Northern California. The event also offers a full day of music, with live concerts almost every hour.<sup>9</sup>

The project would undermine the region’s farm to fork movement and sever a physical and historical connection between Sacramento and the Delta. Particularly in the cumulative context, these impacts on the region’s agricultural heritage and economy are potentially significant should have been considered.

#### **K. The DEIR’s Cumulative Impact Analysis Is Deficient**

An EIR must evaluate a project’s cumulative impacts if the project’s incremental effects “in connection with the effects of past . . . current . . . and . . . probable future projects.” (CEQA Guidelines, §15065, subd. (a)(3); *Banning Ranch Conservancy v. City*

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<sup>8</sup> See <https://www.farmtofork.com/>.

<sup>9</sup> See <https://www.farmtofork.com/events/farmtoforkfestival/>.

*of Newport Beach* (2012) 211 Cal.App.4th 1209, 1228.) The purpose of cumulative impact analysis is to ensure a project is not considered in a vacuum. (*Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.)

As discussed above, two separate approved projects and the California State Railroad Museum contemplate the use of the WGBL for an excursion line from Sacramento into the Delta. (See Exhibit 2, 1991 FEIR; 2014 General Plan and FEIR; 2017 Strategic Plan.) The DEIR fails to list these related projects in its cumulative impact analysis. (DEIR, pp. 300-304.) An EIR must consider all sources of related impacts. (CEQA Guidelines, § 15130, subd. (a)(1); *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th, 889, 907.) The DEIR's failure to consider these documents does not change the fact that this project would prevent the future implementation of the WGBL as an excursion line from Meadowview to Hood. The project, in combination with the related projects described in the 1991 Steam Excursion Train, 2014 Old Sacramento General Plan, and the 2017 California State Railroad Museum Strategic Plan must be analyzed in the DEIR's cumulative impact analysis.

#### **L. The DEIR Fails to Consider Alternatives That Would Lessen Significant Impacts to the WGBL**

The discussion of project alternatives is “the core of an EIR.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; see *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 937.) A discussion of project alternatives is required even if a project's impacts would be avoided or reduced by mitigation measures. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 403; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.3d 692, 732 (*Kings County*).) An EIR must describe a reasonable range of alternatives that could feasibly attain a project's basic objectives. (CEQA Guidelines, § 15126, subd. (d); *Kings County, supra*, 221 Cal.3d at 733.) “An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR, which is to enable the reviewing agency to make an informed decision and to make the decisionmaker's reasoning accessible to the public, thereby protecting informed self-government.” (*Kings County, supra*, 221 Cal.3d at 733, quoting *Laurel Heights Assn. v. Regents of University of California, supra*, 47 Cal.3d at 403.)

The DEIR Alternatives analysis states that two alternatives were considered, but rejected, Alternative 1—Reduced Tree Removal and Alternative 2—No Walking Path. (DEIR, pp. 272, 293.) The DEIR summarily rejects these alternatives from further consideration “because they failed to meet most of the basic Project objectives, were determined to be infeasible, and/or would not avoid or substantially lessen significant

environmental impacts.” (DEIR, p. 272.) Thus, the only alternatives considered in the DEIR in detail were the proposed project and the No Build Alternative.

The Preservation Society and other commenters on the Notice of Preparation requested analysis of an alternative without a separate walking trail. (See, e.g., July 9, 2018 and January 3, California State Railroad Museum Foundation letters.) The DEIR preliminarily considered, and then rejected Alternative 2—No Walking Path. According to the DEIR:

This alternative would ultimately result in the same amount of track removal as the proposed Project (approximately 2 percent) even without the proposed walking path. This alternative was rejected for further consideration and analysis because it would not avoid or substantially lessen significant environmental impacts. This alternative would ultimately result in the same amount of track removal as the proposed Project (approximately 2 percent) even without the proposed walking path. This alternative was rejected for further consideration and analysis because it would not avoid or substantially lessen significant environmental impacts.

(DEIR, p. 293.) The analysis of this alternative is incorrect and unsupported.

As discussed above, “converting” or “repurposing the Railway by filling in the tracks with decomposed granite or other materials would alter the character and prevent future uses of the Railway for planned excursion trains. Thus, it is incorrect for the DEIR to conclude that Alternative 2 would have the same impact on Cultural Resources as the proposed Project. Alternative 2 would not include filling in the tracks with decomposed granite or other materials, thus resulting in fewer miles of track removal/damage than the project. Due to the DEIR’s erroneous conclusion that the project would not have a significant impact on historical resources, the DEIR fails to examine alternatives that would lessen the significance of impacts on historical resources.

The DEIR is incorrect that Alternative 2—No Walking Path would result in the same amount of track removal as the proposed Project. The DEIR wrongly assumes that the filling of track with DG does not destroy the track for use by trains.

Where other Project constraints make it necessary for the walking path to overlap with the existing track, sections of the track will be converted to a walking trail by infilling the area between the metal rails with a traversable surface such as decomposed granite (DG).

(See DEIR, p. 151; see also DEIR, pp. 143, 145, 308.) The claim that Alternative 2 would have similar impacts as the proposed project is false. Alternative 2 would have a significantly less harmful impact on the WGBL as a cultural resource because there would be less overall alteration and destruction of the WGBL Railroad.

Other existing projects demonstrate that a separate walkway removed from the Class I trail is not necessary, and that such a trail project can coexist with adjacent active railroads. For instance, the American River Parkway does not include an additional walkway, and the shoulders are sufficient for pedestrian use. The Arcata Rail with Trail Connectivity Project also runs a Class I trail parallel to active railroads. (See Exhibit 1, Rails with Trails MND, pp. 1-5.)

Moreover, the claims that safety and ADA compliance dictate the removal of some segments of the WGBL is not supported in the DEIR. As past commenters have pointed out, rubber flange fillers can be used to allow both future rail use and bike crossing. (See CSRMF, January 3, 2019 Comment Letter, pp. 8, 20.) ADA compliance is possible without removing rail as well. (See CSRMF, January 3, 2019 Comment Letter, p. 5.)

Feasible alternatives that would avoid significant impacts to the WGBL have not been properly considered. The DEIR does not substantiate the claim that Alternative 2 is not feasible, and evidence to the contrary has been introduced by the public. The alternatives analysis fails to provide a fact-based comparison between the proposed project and Alternative 2. (CEQA Guidelines, § 15126.6, subd. (d); see *Kings County*, *supra*, 221 Cal.3d at 733.)

### **III. CONCLUSION**

The defects discussed herein (and in other comment letters) render the DEIR inadequate as an informational document. The Rail Group requests that the City revisit the project with proper respect for and accommodation of our region's rich rail history and future that is embodied in the Walnut Grove Branch Line Railroad. Doing so, in conjunction with conducting a complete analysis of the environmental effects of the

Tom Buford, City of Sacramento  
January 14, 2019  
Page 21 of 21

project as required by CEQA and NEPA, would lead to a trail with rail project worthy of adoption. Thank you for considering these comments and please feel free to contact my office with any questions.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By: 

ORM/mre

**Exhibits** (Available Via Dropbox at:  
<https://www.dropbox.com/sh/60zfjhz24r2g4gk/AAAWfaqvU0gj8p9b-kILo-tra?dl=0.>)

Exhibit 1, 2010 Arcata Rails with Trail Project Initial Study and Mitigated Negative Declaration

Exhibit 2, 1991 Final EIR for the Extension of the Steam Excursion Train from Old Sacramento to Hood

Exhibit 3, California State Rail Museum, Train Rides

cc: Sacramento Rail Preservation Action Group

# **EXHIBIT 2**

**Kathryn (Kati) White**  
9449 Appalachian Drive Sacramento, CA 95827  
(916) 804-3991  
Katiw1010@comcast.net

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July 1, 2018

Mr. Tom Buford, Manager  
Environmental Planning Service  
City of Sacramento, Community Devel. Dept.  
300 Richards Blvd, 3<sup>rd</sup> floor  
Sacramento, ca. 95811

Re: Del Rio Trail Notice (NOP) of an Environment Impact Report (EIR)

Dear Mr. Buford:

I support the efforts of the California State Railroad Museum Foundation to preserve the rails of the Sacramento Southern Railroad along the proposed Del Rio Trail in Sacramento. This historical route of the Sacramento Southern and the rails are a vital part of Sacramento's heritage. These assets are too valuable to lose simply because of a vocal minority want to forever foreclose the possibility that nothing will ever run on those rails again.

There are several issues that should be considered and included in the NOP for the pending EIR for the Del Rio Trail initiative:

- The trail should NOT be between the existing rails. This is too dangerous
- The Sac Southern/Walnut Grove Branch line ran for over 30 years serving 3 million riders. If, eventually this could be reactivated in could serve even more people.
- Having combined use of the Trail for bikes and pedestrians as well as the railroad would greatly ensure safety for all who use it.
- Sales tax and revenues generated for the city by tourists who come from all over the world as return of the attraction of rail operations provide promotion to our local culture.
- The Sac Southern is closely regulated by the Federal Railway Admission and as such must maintain the regimen of a Class 3 railroad. The amount of trains traveling in certain neighborhoods is practically nil and to deny the use for a majority simply to satisfy some emotional groups seems counterproductive.
- With the limited use of the Corridor planned for the future, only a few train movements per month are anticipated and any operation is years in the future.

I hope these points will be considered in making your decisions on the Del Rio Trail and hence the beneficial outcome for many will be realized.

Sincerely,

Kati White  
Docent/Sacramento Southern Railroad



Art Fluter &lt;sacrailactiongroup@gmail.com&gt;

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**California State Railroad Museum - Railroad Right Of Way**

1 message

**Charles Boley** <dickboley@gmail.com>

Fri, Jul 6, 2018 at 5:30 PM

To: tbuford@cityofsacramento.org

Cc: Lukenbill Gregg &lt;glukenbill@gmail.com&gt;, Fluter Art &lt;sacrailactiongroup@gmail.com&gt;

I am a long time docent at the museum. I believe Sacramento, State Parks and other vested parties should do everything they can to preserve and expand the right of way. The reason is simple "MONEY." An example of the value of this right of way is in Skagway, Alaska with the White Pass Railroad. It is being sold to Carnival Inc for 296 million dollars (verifiable by Googling it). This is not a misprint. In addition, with support from various civic agencies this railway could be a super asset and treasure for Sacramento and the surrounding communities. Charles R. "Dick" Boley

Sent from my iPhone



CALIFORNIA STATE  
RAILROAD MUSEUM  
FOUNDATION

Honoring the past. Inspiring the future.

COMMUNITY DEVELOPMENT  
DEPARTMENT

JUL 6 2018

RECEIVED

July 9, 2018

Via E-Mail ([tbuford@cityofsacramento.org](mailto:tbuford@cityofsacramento.org)) and Hand Delivery

Tom Buford, Manager, Environmental Planning Services  
City of Sacramento, Community Development Department  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95811

Re: Del Rio Trail EIR: Appropriate Scope of Analysis

Dear Mr. Buford:

Please accept these comments in response to the Notice of Preparation of an Environmental Impact Report for the Del Rio Trail Project (K15165100), June 8, 2018. We provide these comments on behalf of the California State Railroad Museum Foundation (the "Foundation") as to the appropriate scope of analysis for the EIR.

THE COMMENTER'S INTEREST

The California State Railroad Museum Foundation (CSRMF) is an official cooperating association with California State Parks and a 501(c)(3) organization. CSRMF provides funding for ongoing support of numerous programs at the California State Railroad Museum in Old Sacramento, Railtown 1897 State Historic Park in Jamestown, and the future Railroad Technology Museum.

With almost 12,000 members, the Foundation's mission is to generate revenue and awareness on behalf of its destinations, while supporting the preservation, interpretation and promotion of our railroad heritage. As your project team knows from meetings with us on December 8, 2017, and April 4, 2018, the Foundation strives to protect the heritage of the Sacramento Southern Railroad, also known as the Walnut Grove Branch Line. Indeed, in our December meeting with the project team, a Dokken Engineering representative acknowledged that the Foundation is among the "stewards of the resource," referring to the Walnut Grove Branch Line and its status as a historical resource under state and federal law.

The Del Rio Trail will utilize Sacramento Southern's right-of-way. As the project team has conceded, and as ample documentation proves, a bike trail and preservation of the rails are not contradictory. However, the Foundation's goal is not just preservation of the rails, but to prevent the city from altering the rails in ways that would preclude all future use of any kind or nature.

We fear that the city is allowing the South Land Park Neighborhood Association to hijack the trail-planning process. The president of that association has admitted its plan to eliminate the possibility that the rails could be utilized in the future.

111 I Street  
Sacramento, CA 95814-2265  
[www.csrmf.org](http://www.csrmf.org)

That result would benefit a handful of residents who bought homes with full knowledge that their homes abutted the Del Rio corridor, even though other association members and numerous city residents have voiced support for retention of the rails. We do not believe an effort to prevent potential future use is a proper purpose under the California Environmental Quality Act or the National Environmental Policy Act.

Keeping a historical building but gutting it and boarding it up is not historical preservation. To fully honor the history of the Sacramento Southern, the city must preserve the rails as a viable route that could support future use. We fear that, once lost, the rails will never return no matter how badly our community may need them and no matter how they might support our economy or the environment. However, please do not lose sight of the fact that the Foundation also wholeheartedly supports the Del Rio Trail for making the most beneficial use of the right-of-way. We resent that SLPNA promotes the false argument that the community faces a choice between rails and a trail. They are both compatible.

#### CONSIDER A NO-WALKING-TRAIL ALTERNATIVE

As the project team has conceded, preservation of the rails does not conflict with a bike trail. In fact, the 1994 EIR for Regional Transit's consideration of a transit route along the Del Rio corridor acknowledged that the right-of-way would accommodate both a light-rail train and parallel excursion train tracks. Therefore, any argument that the Del Rio corridor could not accommodate both a bike trail and rails defies common sense and the evidence.

The project team has also conceded that the walking trail will not be compliant with requirements of the Americans with Disabilities Act, so the city will be unable to prohibit walkers from using the bike trail. That concession creates a dilemma for the city. 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 walking trail is also a costly redundancy. The project team plans to construct a bike trail with the usual two-foot shoulders of decomposed granite to accommodate walkers and runners—an obvious necessity if the city cannot prohibit walkers from using the bike trail. Thus, the walking trail adds to costs of the trail project and could delay its completion if the city must phase the construction as funding becomes available. Even if the city could obtain full funding from the Sacramento Area Council of Governments to complete the dual-trail project, the funding award would divert some measure of funds from other projects that are far more worthy than a superfluous and unnecessary walking trail.

The project team claims a need for the walking trail because of complaints about walker-bicyclist conflicts. However, we believe the city has yet to consider an ordinance—like a county ordinance that governs the American River Bike Trail—requiring runners and walkers to use the shoulders on the left side of the trail and imposing a speed limit on bicyclists. The lack of an ordinance means that the city makes no real efforts, such as signage, to reduce potential conflicts among users. At a minimum, the city should test alternatives such as regulation before spending funds on a walking trail that is unlikely to address the concerns raised by the project team.

The last version of plans presented to us by the project team show that only the walking trail impinges on the historical rails. Given the questionable benefits of the walking trail, the city's plans would be less objectionable and more cost effective by opting for a single bike trail without a separate walking trail. The result would be a plan that requires far less alteration of the historical resource. Therefore, we ask that the EIR fully address the no-walking-trail alternative.

#### CONSIDER ABANDONMENT OF THE DEL RIO ROAD CROSSING

According to the project team, as reflected in maps and explained in our April 4 meeting, the city proposes to remove 169 feet of rails at the Del Rio Road crossing and to remove the former levee at this location to bring both sides of the crossing to grade level. To accomplish its goal of preserving more than 98% of the rails, the project team proposes to move the rails to a section where rails were removed and not replaced during a sewer pipe installation some years ago.

The purported purpose of the rail removal and alteration is to make the Del Rio Road crossing safer. However, the city can accomplish even more without undue hardship by simply abandoning the Del Rio Road crossing of the rails. Better alternatives for north-south vehicle passage exist on South Land Park Drive and Freeport Boulevard. The current and proposed Del Rio Road intersection funnels vehicles onto neighborhood streets that do not seem to be intended as thoroughfares. The alternative routes are obviously intended as thoroughfares.

The abandonment of the Del Rio Road crossing creates an addition benefit for the Del Rio Trail: elimination of a road crossing. The result will be a safer trail for all users, and a more cost-efficient trail plan. Therefore, we ask that the EIR fully address the prospect of abandoning the Del Rio Road crossing of the rails.

#### THE CITY SHOULD CONSIDER ALL RELEVANT DOCUMENTS

Thanks to the efforts of members and supporters, the Foundation has gathered a number of documents that are relevant to the city's current plan and the feasibility of future rail uses. We believe the project team must incorporate these documents into its consideration of impacts and alternatives:

1. Agreement, State of California and Southern Pacific Transportation Company for the replacement of the "Land Park Underpass," April 18, 1972
2. Feasibility Study, "Steam Train to Sacramento," January 1980
3. "Regional Transit Issue Paper" and attachments, March 3, 1988
4. "Draft Environmental Impact Report for the Extension of the Steam Excursion Train[,] Old Sacramento to Hood," June 1989
5. "National Register of Historic Places[;] Significance Evaluation of Walnut Grove Branch Line Railroad, Sacramento, California," April 30, 1991
6. "Final Environmental Impact Report[;] Extension of the Steam Excursion Train, Walnut Grove Branch Line," September 1991
7. "Walnut Grove Branch Railroad[;] National Register Nomination[;] Sacramento County, California," August 19, 1992
8. "Alternatives Analysis[;] Draft Environmental Impact Statement[;] Draft Environmental Impact Report," Sacramento Regional Transit, rec'd September 23, 1994
9. Letter, W. Gray, California State Railroad Museum, to P. Robinson, Sacramento Regional Transit District, February 28, 1996
10. "Historic American Engineering Record No. CA-357," January 2007
11. Letter, P. Robins, Sacramento Regional Transit District, to S. Hill, State of California Department of Recreation, October 12, 2001
12. E-mail String, R. Baxter, B Sinclair, D. Wrightsman re "R Street Bridge/Land Park Bridge Agreements," April 17, 2008 to October 7, 2008
13. " 'Land Park Bridge and 'R' Street Bridge Easement Exchange and 'Operation and Maintenance Agreement,'" June 23, 2008
14. "Old Sacramento State Historic Park[;] General Plan Final Environmental Impact Report," December 2013
15. "Old Sacramento State Historic Park[;] General Plan Mitigation Monitoring and Reporting Plan," December 2013
16. "Old Sacramento State Historic Park[;] General Plan Final Environmental Impact Report," June 2014
17. "City of Sacramento's application for the Sacramento Area Council of Government's (SACOG's) 2015 Regional Bicycle & Pedestrian Funding Program and the Regional Active Transportation Program for the Del Rio Trail," May 28, 2015
18. Transmittal Letter re above, J. Way, City of Sacramento, to L. Symons, V. Cacciatore, SACOG, June 19, 2015
19. Letter, C. Marcell to F. Harris, City of Sacramento, June 17, 2016
20. Letter, J. Gothan, City of Sacramento, to C. Marcell, March 8, 2017
21. "California State Railroad Museum'[;] Strategic Plan 2017-2022," approved June 13, 2017
22. Letter, C. Marcell to J. Gothan, January 19, 2018

23. "2290-Overall Exhibit" (map of planned Del Rio walking and biking trails), presented at meeting with C. Marcell and J. Houpt, April 4, 2018
24. Letter, C. Marcell to J. Gothan, May 9, 2018
25. Draft Letter, C. Butcher, Thomas Law Group, to J. Matsui-Drury and C. Anderson, undated

If you lack any of the documents listed above, we will be happy to forward copies.

\* \* \* \*

By this letter, we ask that you keep the Foundation informed at all stages of development in the process of drafting the Del Rio Trail EIR. We have concerns that the city is not keeping the Foundation informed even as it keeps other stakeholders in the loop. We trust you will correct this inequity as the city proceeds in its planning of the Del Rio Trail.

As we have explained repeatedly, the Foundation's effort to preserve the rails is not a referendum on an excursion train or any other potential use for the rails. The South Land Park Neighborhood Association has vilified the Foundation for seeking rail preservation and has repeatedly misrepresented our position. We hope the city will educate the public and inform its constituents that the future use of the rails will require new or amended general plans or specific plans, and an environmental review, all requiring public notice and hearings. Preservation of the rails is not "the camel's nose under the tent," as SLPNA is promoting.

We trust that the project team and the city council understand the need to protect our heritage as a farm-to-fork city. The Sacramento Southern Railroad was the highly successful rail-based effort to bring Delta crops to the country. The loss of this heritage in any respect will be a blow to historic preservation.

Sincerely,



Cheryl Marcell  
President and CEO

cc: Jesse Gothan, City of Sacramento  
Sacramento City Councilmembers  
Old Sacramento Committee, CSRMF

# GREGG LUKENBILL

July 9, 2018

Tom Buford, Manager, Environmental Planning Services  
City of Sacramento, Community Development Department  
300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811

Re: Del Rio Trial EIR: 1) Defective Notice of Preparation; 2) Inadequately Defined EIR Scope; 3) Erroneous Project Description; 4) Inadequate, Negligent, or City Directed Staff & Consultant Preparation intentionally omitting decades of State and Federal Environmental Documents from the City Planning Process required by CEQA and NEPA

Dear Mr. Buford:

Let me begin by saying that I am writing this letter as an individual, and NOT as a Board Member of the Sacramento Historical Society or the California State Railroad Museum Foundation, both on which I serve.

I am providing herewith my comments, as well as providing historic related, site specific government documents of Regional Transit, the Sacramento Area Council of Governments (SACOG), and California state and federal environmental related documents omitted by the State and City of Sacramento from the last 4 years of government meetings, in numerous public hearings leading up this Notice of Preparation of a California Environmental Impact Report. The sustained actions of the City of Sacramento omission of thousands of pages of the public record, particularly 3 national Army Corps of Engineers federal studies clearly demonstrates the incompetence, negligence, or the far more likely prejudged, City of Sacramento process omitting these documents, and renaming the longstanding right of way of the 112 year old, globally unique, nationally registered Walnut Grove Branch Line thoroughfare the Del Rio Trail.

As a native who remembers our agricultural renown, I can personally attest to the fact that this Delta to Farm to Fork Train thoroughfare provided the core job employment of thousands of grandparents of current residents of our Sacramento region.

This City Project Description itself is intentionally deceptive and defective due to an inadequate prior public process and description for the last 3 years, emanating and inclusive of the prior, legally defective, 2014 Old Sacramento General Plan EIR. The City of Sacramento is fully aware the "abandoned railway corridor" as specifically cited and physically described, is not abandoned, but in fact is "active". It is false to label it abandoned, unless you are referencing the same 112 year old rail line right of way whose very existence was omitted in the public record from 2012 to the present time by the state, City, RT, and SACOG.

Attached on a flash drive, as items 2 & 3 are two respective videos of the California State Railroad Museum, and the docents of the California State Parks Sacramento Southern Railway that demonstrate the personal volunteer passion that has sustained these train operations for nearly 40 years, thereby actually inspiring the 1989 Parks application of extending the existing State approved operation of the Sacramento Southern Railway from Old Sacramento to Hood. That 1991 approved EIR is still valid, and actually recently built the train from Old Sacramento to Sutterville Road by many of the same docents referenced above.

The operating Sacramento Southern Railway, and the 400+ volunteer of California State Parks docents, many of whom have lived their lives loving and giving their time to Sacramento for more than 35 years, are included on the flash drive videos. These Sacramentan's donate tens of thousands of hours annually presenting Sacramento's globally unique, Sacramento transcontinental railroad role, in the Museum, (our second largest tourist attraction in annual Sacramento visitors), and operating the Sacramento Southern Railway southbound. Moreover, in a

longstanding public/partnership the California State Railroad Museum Foundation has spent more than a million dollars a year extending, maintaining and operating this historic route at no cost to the taxpayers in support of the docents.

Much like the loss of Edmonds Field, the Alhambra Theater, the 1982 Council vote chasing Intel from this city, and stopping the Kings from being moved to Sacramento onto the very same private property in the City, this City is now poised to rise up once again to create nothing out of a historic moment, by killing the train, destroying city jobs, and global Sacramento historic tourism for our future generations.

I would appreciate it if you would include the attached documents for the public record and review in this process.

The following related documents are hereby enclosed on a flash drive in reference the foregoing, to be included in the public record.

- 1) 1980 Jerry Brown Steam Train To Sacramento (paper also)
- 2) Sacramento Southern Aerial Video (flash drive only)
- 3) Sacramento Southern video of the docent volunteer construction of the route (flash drive only)
- 4) 1989 Walnut Grove Branch Line EIR HISTORIC ROUTE (paper also)
- 5) 1991 - 9-26 Final Specific Excursion Train EIR Approval PDF (paper also)
- 6) 1989 Draft EIR for Steam Train Extension to Hood - Merged & compressed (paper also)
- 7) RT-CA Agreement 4-11-88 for ROW Sac Southern (paper also)
- 8) 1991-4-30 Army Corps National Historic Resource Determination
- 9) 1991-11-25 Regional Transit Survey of 4.5 Mile 11-25 Excursion Train Shared Use Right of Way
- 10) 1992-8-19 Army Corps Walnut Grove Railroad National Register Nomination
- 11) 1994 - Sac RT - South Sacramento Corridor Transit Improv EIR (includes excursion train) (flash drive only)
- 12) 1996-2-28 CSRM to Reg Transit - Proposed lease of South Sac ROW
- 13) 2007 National Historic American Engineering Record Registration
- 14) 2014 June Final Old Sacramento EIR (flash drive only)
- 15) SACOG 5-28 - 2015 Original Application del\_rio\_trail\_application (flash drive only)
- 16) CA PARKS-CSRM-FOUNDATION JOINT MASTER PLAN Document as Approved June 13 2017 (flash drive only)

Cordially,

  
Gregg Lukenbill

Note from the City of Sacramento:

The supporting documents provided by Mr. Lukenbill were not attached to this Draft EIR due to file size; however, they are available for public review. Please contact Mr. Tom Buford, Manager of Environmental Planning Services at (916) 808-7931 or [tbuford@cityofsacramento.org](mailto:tbuford@cityofsacramento.org) if you wish to obtain copies of these documents.

July 6, 2018

Mr. Tom Buford, Manager, Environmental Planning Services  
City of Sacramento, Community Development Department  
300 Richards Blvd, 3rd Floor  
Sacramento, CA 95811

Re: Del Rio Trail Notice of Preparation (NOP) of an Environmental Impact Report (EIR)

Dear Mr. Buford,

I have lived in Sacramento since 1981. Since that time, I have mainly worked for the City of Sacramento, starting around 1985 as an Administrative Assistant in the Police Department and retiring as the City's Web Manager in 2011. I currently meet some of my personal obligations for community service as a volunteer at the California State Railroad Museum, an internationally known museum that generates income for the City of Sacramento and for the region. As I am sure that you know, the museum runs an excursion train south from Old Sacramento. This historic rail line eventually reached Isleton and was very significant in serving the farming communities in the Sacramento Delta region.

Putting this rail line back into service again would be an additional educational and recreational draw for both local residents and out of town visitors and would also provide economic benefits to our City.

The eventual return of this rail line to service is jeopardized by the current configuration of the Del Rio Trail project. This project will permanently remove the historic rail connection between Sacramento and the still important historic Delta farming region it once served, resulting in this potential historic attraction to the Sacramento region being lost, conceivably forever. This isn't necessary or desirable.

I strongly support the return of future train operations on this historic rail line and I oppose any changes at any point to this rail line that precludes the eventual return of the line to operation.

Some concepts that should be considered the in Del Rio Trail project include:

1. The historic contributions of railroads to the history and development of Sacramento and the region need to be acknowledged and demonstrated. Sacramento was built by, and then grew and prospered due to the railroad's presence here. The nation's first transcontinental railroad started here, right next to where the excursion trains leave Old Sacramento.

2. A multi-use capability of this transportation corridor is safe and possible. The combined use for bike enthusiasts, hikers and train operation is feasible and desirable. The width of the railroad right-of-way is fully capable of accommodating these compatible uses. There is no physical reason that it can't be done.

3. Future rail operations will have minimal impacts on the area because any concerns can be mitigated.

4. And last, but not least, keeping **ALL** of this historic rail line in a multi-use configuration would be a noteworthy attraction for Sacramento and has significant potential for improved sales and tax revenues.

Sincerely,

Bill Taylor  
4920 Harte Way  
Sacramento, CA 95822

CC: Councilmember Jay Schenirer  
Council District 5



Art Fluter &lt;sacrailactiongroup@gmail.com&gt;

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**There are several bad items in the DEIR.**

1 message

**Adam** <a19a@att.net>

Sat, Dec 29, 2018 at 10:21 PM

To: tbuford@cityofsacramento.org

Cc: SacRailActionGroup@gmail.com

**Adam Aleman**

P.O. Box 277265

Sacramento, CA 95827-7265

[a19a@att.net](mailto:a19a@att.net)

(916) 804-5723

**Mr. Tom Buford**

Manager, Environmental Planning Services

City of Sacramento

Community Development Department

300 Richards Blvd, 3rd Floor

Sacramento, CA 95811

**Mr. Buford:**

I am concerned that the Draft EIR (DEIR) for the proposed Del Rio Trail (DRT) is incomplete, inaccurate, and is clearly anti-rail.

The DEIR does not address the damage the DRT will do to the integrity of the historic Walnut Grove Branch Line (WGBL). This historic artifact belongs to the people of California and the DRT will prevent it from ever operating again. Further, much of the WGBL will be removed or buried.

The DEIR is incomplete without describing rails-with-trails (RWT) as a possible satisfactory solution. California has hundreds of miles of successful RWT; internationally, the world has thousands of miles of RWT. Published studies show that RWT are safe and the best way of combining trails with active rail operations. The next EIR must evaluate a RWT solution and show how it is the most viable solution for the DRT. The RWT solution will provide a win for everyone. The trail is extended and connected to other trails. The SSRR operating franchise is preserved and can continue south. City maintenance requirements are reduced by the SSRR provided maintenance. Longer excursion rides mean more visitors to the City, who are spending more. The reputation of the City as a tourist destination is enhanced.

The DEIR is incomplete with no description of the Sacramento Southern Railroad (SSRR) and the adverse effects of pulling the rails. We must have a means of moving equipment from Old Town in the north to Meadowview in the south. From Meadowview, excursion trains can run further to Hood.

The DEIR is incomplete is that it does not state how the City will reconnect our northern rails with our southern rails. If the rails are pulled, the city must make us whole again with an equivalent rail connection.

The DEIR is incomplete without a description of the CSRM and SSRR mission, which is to preserve past and present railroad culture. Part of this mission is to defend the SSRR's operating franchise and historical route for potential future use south to Hood.

The DIER is incomplete as it does not describe the potential financial losses that will accrue to the CSRM/SSRR. The CSRM/SSRR is a world class tourist attraction with over 300,000 visitors annually from every part of the world. It is the primary tourist anchor for Old Town. Damage to reputation of the

CSRM/SSRR could result in adverse effects to the Old Town tourist economy and City parking and tax revenues.

The DEIR is inaccurate in that many of the supposed rail issues are either not true or are overstated. Each issue must be accurately stated. Possible mitigation measures must also be fully described.

The City's anti-rail biases are clear in the DEIR. Correct these biases in the next version of the EIR. Include the value of a fully intact WGBL. Include the mitigation value of a rails-with-trails solution.

Clearly the SSRR Needs to be supported by the City, County and the State of California!

Sincerely,  
Adam Aleman

cc: [SacRailActionGroup@Gmail.com](mailto:SacRailActionGroup@Gmail.com)

# GREGG LUKENBILL

1081 38<sup>TH</sup> Street  
Sacramento, CA 95816

January 14, 2019

Tom Buford, Manager, Environmental Planning Services  
City of Sacramento, Community Development Department  
300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811

Re: Del Rio Trail Draft EIR: 1) Truncated EIR Scope; 2) Erroneous Project Descriptions 3) City failure to proceed in the manner prescribed by law

This Draft Sacramento City environmental impact report (“DEIR”) as proposed, has been developed by the City to forcibly eliminate public participation, having decided many matters before those affected (Sacramento citizens) have even heard about sinister City actions leaving the public no option, as a ‘fait accompli’, but to accept City staffs wholly fabricated, unsupported covert staff decisions without public scrutiny. Donald Trump and Vladimir Putin would both be proud to own this DEIR by Sacramento City staff, a product wholly made and executed with a base line document structure of alternative unsupported facts. The Swamp moves west!

This DEIR bisects and destroys a National Historical Resource, severs and destroys the Sacramento Southern Railroad, Polar Express, School Children Educational Trains, and tramples the Old Sacramento State Historical Park from the Railroad Museum to the Stone Lake National Wildlife Refuge and Nationally Historic Locke, all in Sacramento County. How does City staff accomplish this? It simply omits these resources altogether from the historic or current environment, and the public record required of a DEIR. The 39 years of Sacramento Southern Railroad operations, which moved 82,000 passengers in 2018, and California State Parks published Railroad Museum operational plans of the Sacramento Southern Railroad are never mentioned in the DEIR. The Old Sacramento State Historic Park (OSSHP) approved General Plan, six blocks from City Hall, is omitted from the report. The thrice recognized National Historic Resource Walnut Grove Branch Line, our Farm to Fork Cultural Historic relationship that reclaimed 1,200 square miles (12 times the size of the City) of the Sacramento County Delta from salt water to lush farm land, creating tens of thousands of cannery jobs for generations of Sacramento families, is not only omitted, it is obliterated. But it only gets better.

City staff proudly includes a last second August, 2018 City submittal, and October 22<sup>nd</sup>, 2018 EIR surprise from Cal Trans wherein, without a single public hearing, environmental staff decisions have been made on a City and Cal Trans federal submittal, without public scrutiny or input, titled:

“FINDING OF NO ADVERSE EFFECT WITH STANDARD CONDITIONS - SECRETARY OF THE INTERIOR’S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES”

**40CFR §1500.1(b) “NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.**

The NEPA related CSO document conclusions are in direct violation of 40 CFR §1500.1(b) & 1500.2. On page 1 Section 1.2 of the DEIR, the City of Sacramento announces that the City itself is serving as the environmental experts and scientists for the DEIR, literally moving the fox into the hen house. Then they announce that they covertly filed documents with Cal Trans in August, 3 months in advance of publishing the DEIR (in which the

application is not included) to achieve a 291 page NEPA determination by the CSO without public scrutiny, or even access to the application. And the Finding of No Adverse Effect with Standard Conditions (DEIR, App. J.2) by GPA of Los Angeles is riddled with omissions, errors, and truncated and false statements that are just now seeing public scrutiny. Made as instructed by the City.

The DEIR and Appendix J.2 does not even accurately quote 36 CFR 60.4 omitting the entire preamble, **“The quality of significance in American history, architecture, archaeology and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association,”** and truncates **(a) “That are associated with events that have made a significant contribution to the broad pattern of our history”**. The City hires a Los Angeles consultant to trash our globally unique Farm to Fork wholly Sacramento City and County Delta history, proudly proclaiming it a victory in the DEIR.

This is but the tip of the City misrepresentations to the State, and Federal government, in what might be construed as the continuation of a City effort in cooperation with SACOG and RT to get federal money with a scheme and a filing that misrepresents the facts, solicits funding with false filings, and which if done intentionally actually crosses over to criminal, rather than civil law. One wonders what Donald Trump would think about think about this administrative management by the City.

There is another minor problem; NEPA 1500.1(b) requires **“public scrutiny essential to implementing NEPA”**, in defining the “Purpose. The City application prepared for Cal Trans and granted by the CSO did not adequately engage the public. The City cannot make its own rules.

And of course, see other omitted EIR facts and documents in the City’s alternate universe. The “nugget” taken away from this interesting City attempt to defraud the citizens of Sacramento of transparent information, is the clever use of the LA consultant GPA invented word “segment” for the National Historical Resource, a filing which does not meet the most basis standards of CEQA or NEPA. The GPA defined only the Del Rio Trail parcel in the filing, the use of which does not comply with the basis CEQA definition of environment

## CA PUBLIC RESOURCES CODES -

### § 21060.5 Environment

“Environment” means the physical conditions which exist **within the area which will be affected by a proposed project, including land**, air, water, minerals, flora, fauna, noise, **objects of historic or aesthetic significance**.

### § 15125. Environmental Setting.

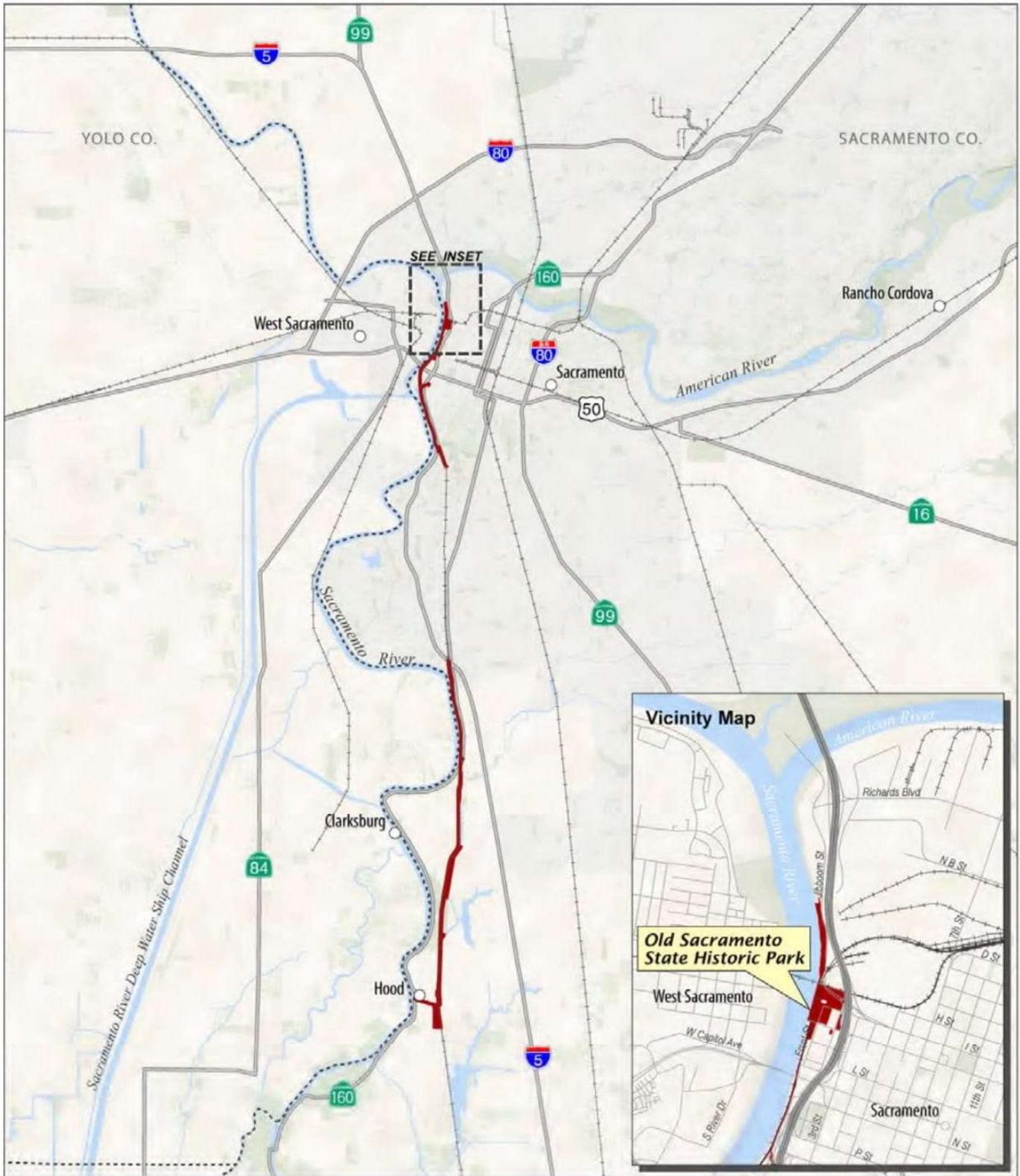
(a) An EIR must include a description of the physical environmental conditions **in the vicinity of the project, as they exist at the time the notice of preparation is published**, or if no notice of preparation is published, at the time environmental analysis is commenced, **from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant**

On the next two pages are two maps omitted by the City in the DEIR.

The first is from the Old Sacramento State Historic Park (“OSSHP”) Planning Area General Plan, contained in the Final OSSHP EIR and General Plan, which is an egregious intentional omission.

The second is the Walnut Grove Branch Line map included or referenced in all 3 federal Army Corps of Engineers studies provided digitally to the city, none of which were included in the DEIR.

# Exhibit 1-1: Old Sacramento State Historic Park Planning Area



## LEGEND

- Cities
- County Line
- Roads
- Railroads
- Hydrologic Features
- Planning Area

**AECOM**



Base Map: CaSIL  
X 08110141.04 045 04/14

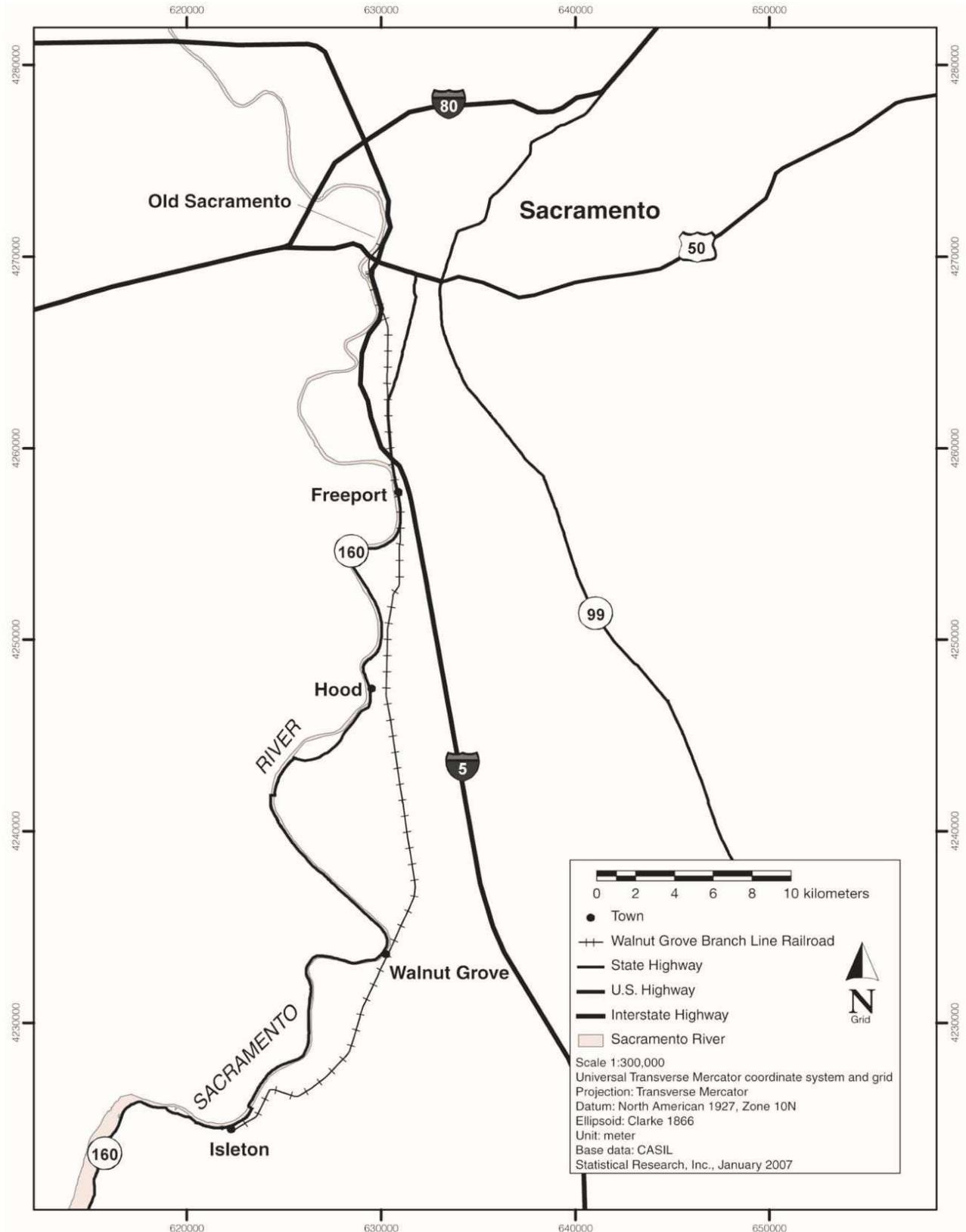


Figure 1. Location of the WGBLRR.

This map is used as the base line in three Army Corps of Engineers published documents in 1991, 1992 and 2007, all studies provided digitally to the city on July 9, 2018 in association with the NOP, and requested that the city publish them along with the EIR. They did not do so, which in my opinion diminishes public accessibility to historical information concerning the destruction of a Sacramento recognized National Historical Resource.

The Caltrans Section 106PA filed in theoretical compliance with Section 106 of the National Preservation Act is based on information that is not in compliance with either federal or state environmental laws in terms of the proposed project, and a myriad of historical documents that continue to be withheld from the this public NEPA and CEQA EIR process.

The alternative facts presented by City planning staff to the public in the Del Rio Trail Draft Environmental Impact Report (EIR) are a MAI ("made as instructed") city work product devoid of factual environmental information with a clearly malicious purpose.

This intensely focused city effort would be comical, were the intended results not so tragic and permanent for all Sacramento city, county and regional residents, as well as future generations.

The clear and obvious primary purpose of this carefully designed, fraudulently constructed environmental document, prepared under the direct supervision of city planning staff, is to circumvent and elude federal, state, county and city environmental law while permanently severing a nationally recognized state and federal historical Sacramento artery; the Sacramento Southern Railroad Walnut Grove Branch Line.

As the City administration truncates and falsifies the Del Rio Trail public record with millions of dollars of local, state and federal funds, in support of their political agenda, the victims of this directed City administrative malfeasance are the citizens of the City and County of Sacramento, and the surrounding region.

The base line environmental conditions of the entire report are obviously misrepresented by the City omitting legally required reference documents and manipulating what is presented so as to destroy a treasured nationally recognized historical resource, in a manner that it tantamount to fraud.

The mismanagement and blatant disregard of the published historical record within this Del Rio Trail EIR already makes it clear that the primary purpose of this draft EIR document is to sever, and forever destroy, a unique, nationally recognized California State Parks, County and City of Sacramento historical resource, by recklessly failing to proceed in the CEQA and NEPA manner prescribed by law through a distorted public record and countless misrepresentations of the facts.

On page XXV under Anticipated Construction Equipment, the DEIR leaves out the 8' wide vibrating roller compactor necessary for earth fill levee expansion west of Parcel 49 from the I-5 bridge to Sutterville Road. The ground vibrations will impact the homes along Darnell Way. I am speaking from the experience of 4 million square feet of commercial constructed buildings, and thousands of acres of road and parking lot construction including all the major streets of North Natomas which were built privately and sold to the city through an Acquisition Assessment District. The City is seriously understating the impacts and the costs associated with the I-% bicycle bridge, and the wholly destructive berm concept behind the homes along Darnell Way. Here again, the City is misrepresenting the environmental impact facts and doing a serious and irresponsible disservice to the public, particularly to the homeowners along Darnell Way.

The Introduction 1.1 on page1 is False. The DEIR is clearly not in compliance with either CEQA or NEPA. The statement "complete description" is also false with massive omissions.

On page 2 section 1.3 the DEIR's manipulative administrative omissions of this document creates more impacts than it avoids and does not attempt to avoid or mitigate its destructive intentions clearly evidencing the City failure to proceed in the manner prescribed by law. It is false to say that the City prepared this EIR in accordance with CEQA Guidelines section 15000 et seq.

The entire 1.7 Scope discussed on page 7 of the DEIR results in false findings, conclusions and impact determinations that effectively defrauds the public from a legitimate objective legally compliant effort on the part of the City of Sacramento. This effort is a waste of taxpayers' money and will not stand any test of reasonableness.

**On page xxvi the City has not stated all of the Areas of Controversy. The following are also Areas of Controversy:**

- 1) I have provided digital support documentation which the city has intentionally withheld from the public. Due to the fact that the City is improperly representing and analyzing the Del Rio Trail as a "segment", both at the CSO, as well as under NEPA and CEQA **§ 21060.5 Environment and § 15125. Environmental Setting** as previously stated, I am again requesting the digital historical record be completed and made available to the public in the final EIR submitted on July 9<sup>th</sup>.

- 2) Another obvious area of controversy is the City's ethical track record to serve as the lead responsible Environmental Consultant. The City does not have the scientific capacity or environmental expertise required by 40 CFR §1500.1(b) to make scientific and environmental decisions. GPA states they work for Dokken, Dokken states they are the City's scribe. The City has clearly failed up to proceed in the manner prescribed by law by the preparation of this document.

**40 CFR §1500.1 Purpose.**

(a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101.

**(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.** Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

- 3) The factual record of omissions to this DEIR are legally inexcusable starting with State Parks Sacramento Southern Railroad, and the OSSHP plan on both ends of the GPA "segmented" National Historical Resource route which would become 3 discontinuous arteries under the project.
- 4) The correct application of § 21060.5 Environment and § 15125. Environmental Setting to the thrice recognized **totality** of the thrice recognized National Historical Resource Walnut Grove Branch Line as the Cultural Historical Agriculture Farm to Fork Artery of Sacramento History that it actually is that had and still has a massive historical impact on Sacramento.
- 5) The Public Outreach throughout this project and for the Finding of No Adverse Effect with Standard Conditions DEIR Finding Determination attachment (DEIR, App. J.2) has been intentionally fraudulently managed by the City. The City does not state that it is severing the contiguous rails at Sutterville Road, and attempts to deceive the CSRM, State Parks, and the public of which this DEIR is the primary evidentiary document of this City's fraudulent behavior,
- 6) At no point does the city honestly state that its primary objective is to sever the rails at Sutterville Road, terminating State Parks rail access to the southern 21 miles of California State Parks 39 year old plan, and to own up to the honest and transparent economic and cultural impact financial responsibility for doing so, instead of whatever brand of Trump or Putin administration this dishonest use of CEQA and NEPA in the DEIR actually is.
- 7) The Land Use application and handling of this DEIR is false and skews the public, political, technical and legal analysis
- 8) The treatment of the Cultural Historical Record is a repudiation of our historical identity that needs to be amended

Similarly, on the same page xxv1, the "ISSUES TO BE RESOLVED" in this DEIR is incomplete, not in legal compliance, and does not circumscribe the identification of issues to be resolved as inferred.

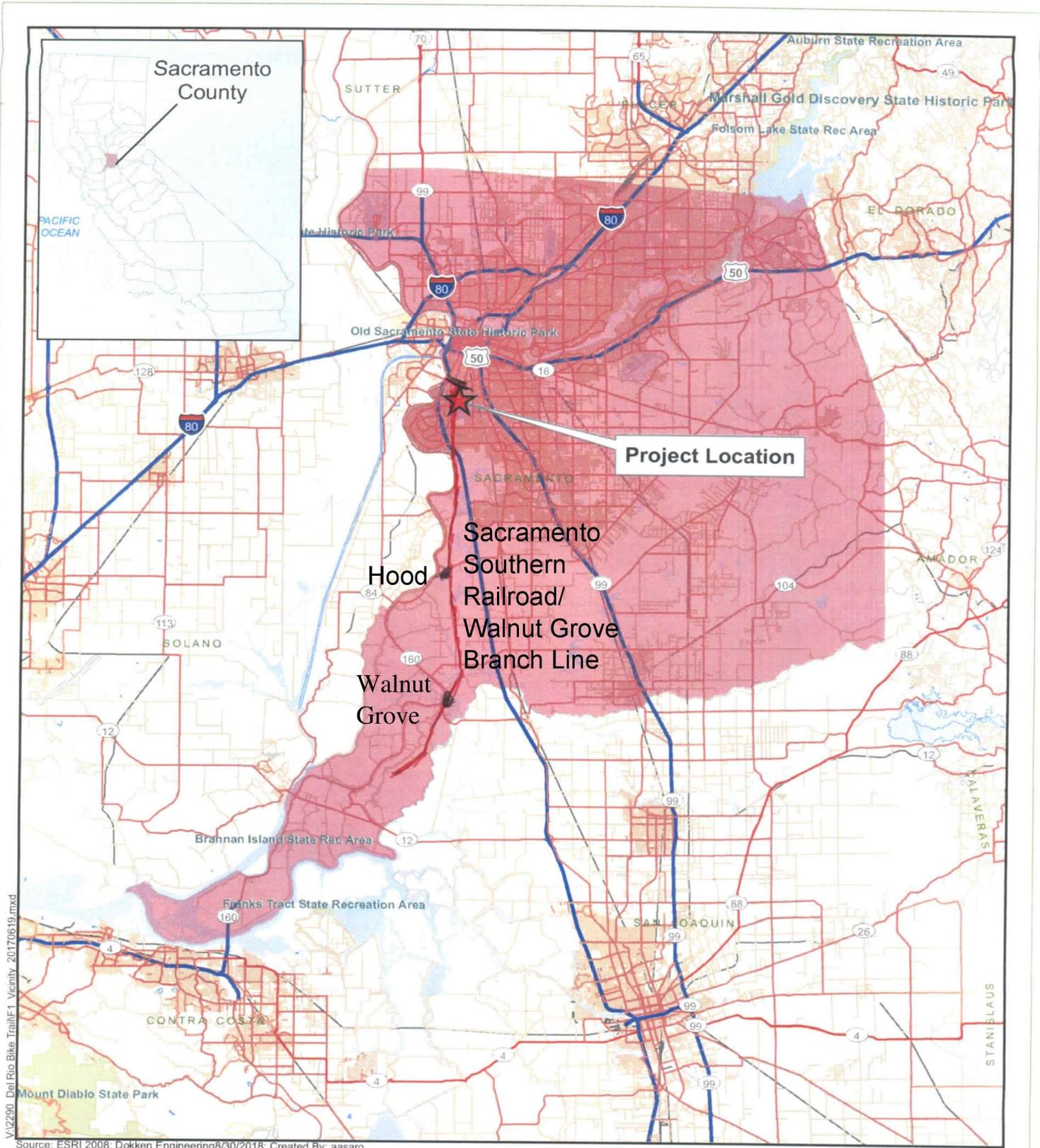
On page xxx regarding the Historical Resources, I believe that the City obtained CSO "FINDING OF NO ADVERSE EFFECT WITH STANDARD CONDITIONS - SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES" regarding NEPA was inappropriately obtained with a truncated (36 CFR 60.4) definition, a misrepresented land use, boundaries, area of impact, NEPA and CEQA descriptions and the segmenting of a whole cultural "Line" artery, route,, thoroughfare, national historical resource.

The physical boundaries of the 1991 Significance Determination are contained in the 1992 Army Corps of Engineers National Register Nomination filing as follows:

**Verbal Boundary Description:**

The Branch Line Railroad begins at the terminus of I Street at Front Street in the City of Sacramento and continues south and west 24.5 miles to the north end of Walnut Grove, California, just south of the Delta Cross Channel. It is contained entirely in Sacramento County and is depicted by the United States Geological Survey on five topographic quadrangles (7.5 minute series, see attached). The route averages 16 feet in width.

The Walnut Grove Branch Line Map depicted on the City DEIR project vicinity map is on the next page.



**FIGURE 1**  
**Project Vicinity**  
 ATPL-5002(189)  
 Del Rio Trail Project  
 City of Sacramento, Sacramento County, California

**Del Rio Trail proposed severing of 21 miles of contiguous impacted Sacramento Southern Railroad Walnut Grove Branch Line depicted on DEIR page ii project Vicinity Map per § 15125 as stated in TOC page xxxii.**

## Continuing the 1991 Army Corps Significance Finding in the 1992 National Registration Nomination

### **Boundary Justification:**

The property boundaries are based on land purchases made by the Sacramento Southern Railroad Company in 1905 and historic alignment maps and include the historic location of the main line. The elevated levee is still evident traversing the landscape for the majority of the 24.5-mile corridor. The boundaries include the entire length and width of that portion of the railroad constructed between 1908 and 1912, with the exception of 0.5 miles of route within the town of Walnut Grove. This section of levee, rails, and ties was removed and subdivided around 1988, and therefore is not included in the property boundaries. Given the construction methods and the importance of the line to the economic development of the Delta, the Walnut Grove Branch Line Railroad appears eligible to the National Register of Historic Places

### **§ 15125. Environmental Setting.**

- (b) An EIR must include a description of the physical environmental conditions **in the vicinity of the project, as they exist at the time the notice of preparation is published**, or if no notice of preparation is published, at the time environmental analysis is commenced, **from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant**

### **The Summary and Conclusions Page of the 1991 Resource Significance Determination states:**

**“Given the construction methods and the importance of the line to the economic development of the Delta, the Walnut Grove Branch Line Railroad appears eligible to the National Register of Historic Places**

How do you “segment” a National Historical Resource with registered Boundary Descriptions and Boundary Justification contiguously mapped.

The following California State Parks & Railroad Museum Published Mission Statement and strategy must be integrated into the planned and encompassed as impacted by the project as proposed.

The following is the published State Parks Mission Statement

: “The California State Railroad Museum preserves and interprets the artifacts and culture of Western railroads and railroading for present and future generations. We use iconic collections, innovative and immersive exhibits, engaging, interpretation and programs, and memorable event to create enjoyable experiences, empower learning and inspire appreciation for a diverse audience about the role and impact of the railroad and mobility in California, the West, and the Nation.

California State Parks Strategy K – Sacramento Southern Railroad (“SSRR) Value and Integration – Integrating the SSRR and unlocking its value as a key CSRM program

- Goal 11.1: As a key CSRM program, SSRR unlocks its potential and is fully integrated with the museum’s mission, its programmatic, interpretive and exhibit needs, and public value delivery.
- Goal 11.2: There is organizational clarity about the desirability of the Zoo and Hood extensions, their value to CSRM, business implications, and how they should be prioritized and addressed

Herewith AGAIN is the attachments list included in my July 9<sup>th</sup> EIR comment submittal letter to the City.

“The following related documents are hereby enclosed on a flash drive in reference the foregoing, to be included in the public record.”

- 1) 1980-Jerry Brown Steam Train To Sacramento (digital and paper)
- 2) Sacramento Southern Aerial Video (flash drive only) (flash drive only)
- 3) Sacramento Southern video of the docent volunteer construction of the route (flash drive only)
- 4) Walnut Grove Branch Line EIR Historic Route (digital and paper)
- 5) 1991 - 9-26 Final Specific Excursion Train EIR Approval (digital and paper)
- 6) 1989 Draft EIR for Steam Train Extension to Hood - Merged & compressed (digital and paper)
- 7) RT-CA Agreement 4-11-88 for ROW Sac Southern

- 8) 1991-4-30 Army Corps National Historic Resource Determination (digital and paper)
- 9) 1991 4.5 mile - 035-0010-053 Regional Transit (RT) Title Report and Recorded Survey Document
- 10) 1992-8-19 Army Corps Walnut Grove Railroad National Register Nomination (digital and paper)
- 11) 1994 - Sac RT - South Sacramento Corridor Transit Improv EIR (includes excursion train) (flash drive only)
- 12) 1996-2-28 CSRM to Reg Transit - Proposed lease of South Sac ROW (digital and paper)
- 13) 2007 National Historic American Engineering Record (HAER) Registration (digital and paper)
- 14) 2014 June Final Old Sacramento State Historic Park EIR and General Plan (flash drive only)
- 15) SACOG 5-28 - 2015 Original Application Del Rio Trail application (flash drive only)
- 16) CA PARKS-CSRM-FOUNDATION JOINT Strategic MASTER PLAN Document As Approved June 13 2017 (flash drive only)

Finally attached hereto are a Board Resolution and Memorandum regarding the Sacramento Historical Society position regard the Del Rio Trail

## **SCHS Board Final Minutes March 13, 2018 @ 6:30PM**

**11) Consider a proposal for the Sacramento County Historical Society to publicly oppose the City of Sacramento's removal of the Sacramento Southern rails south of Sutterville Road to Pocket Rd. The Board unanimously approved the Sac Southern resolution attached hereto as page 3.**

### **SCHS Board Resolution**

**Resolved: That the Sacramento County Historical Society opposes the City's plan to approve the Del Rio Trail by Mitigated Negative Declaration unless the City retains the historical rails of the Walnut Grove Branch Line; or, if planners intend to remove any rails, the Society demands: (a) that the City solicit and accept adequate public input, including input from all stakeholders; (b) that the City create and circulate a draft Environmental Impact Report under CEQA and a draft Environmental Impact Statement under NEPA; and, (c) that the City proceed with plans for removing any rails only after finalizing an adequate EIR and EIS, incorporating consideration of all public comment and a suitable study of alternatives to removal.**

**RATIONALE FOR A MOTION OF THE SACRAMENTO COUNTY HISTORICAL SOCIETY BOARD TO  
OPPOSE THE REMOVAL OF HISTORICAL RAILS FROM THE  
WALNUT GROVE BRANCH LINE / DEL RIO TRAIL**

1. Southern Pacific Railroad constructed the Walnut Grove Branch Line, also known as the Sacramento Southern Railroad, with completion to Freeport in 1906, to Walnut Grove in 1912, and to Isleton in 1929. The line brought agricultural products to Sacramento for distribution throughout the country, serving as Sacramento's first farm-to-fork rail line.
2. The California State Historic Preservation Office determined in 1991 that the Walnut Grove Branch Line is a historical resource under state and federal law, eligible for the National Register of Historic Places;
3. Southern Pacific discontinued service on the Walnut Grove Branch Line in 1978 and thereafter sold off the right-of-way. Sacramento Regional Transit (RT) purchased the right-of-way from Sutterville Road to Pocket Road to for possible development as a light-rail line. The California Department of Parks and Recreation bought the remainder of the right-of-way to Hood for development as an excursion railroad.
4. In 1994, RT decided to forego the use of the corridor as a light-rail line. More recently, RT agreed to transfer RT's right-of-way to the City of Sacramento ("City") for development as a multi-use trail to be known as the Del Rio Trail.
5. Planning for the Del Rio Trail appears to have been done largely during private meetings with a neighborhood association, some of whose members oppose any future use of the rails. The City did not provide notice to or seek input from important stakeholders such as the California State Historic Preservation Office, California Department of Parks and Recreation, the California State Railroad Museum Foundation, or the Sacramento County Historical Society.
6. The City proposes a costly plan to remove the rails, and to develop two separate trails, one for walking (which may not be compliant with Americans With Disabilities Act requirements) and a bicycle trail. However, the bicycle trail will also incorporate decomposed granite shoulders that multi-use trails, including the American River Bike Trail, incorporate to accommodate walkers and runners.
7. The redundant two-trail concept may be a disingenuous justification to remove the historical rails of the Walnut Grove Branch Line along much of the Del Rio Trail by claiming insufficient space to accommodate both the rails and the dual trails. The plan adds to the overall cost and potentially delays completion of the trail.
8. The City has sought both state and federal funding for the development of the Del Rio Trail. The City claims that plans for the Del Rio Trail are exempt from a full environmental review under the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"), despite the apparent requirement for a full environmental review as a condition to removal of historical resources.
9. The City proposes to approve plans for the Del Rio Trail in a Mitigated Negative Declaration, claiming categorical exemptions under CEQA and categorical exclusions under NEPA. The proposal exposes the City to litigation for using abridged procedures that do not seek sufficient public input and do not fully consider alternatives to removal of the historical rails.

**Therefore, the Sacramento County Historical Society Board should consider the following motion for a Board resolution for public circulation:**

**Resolved: That the Sacramento County Historical Society opposes the City's plan to approve the Del Rio Trail by Mitigated Negative Declaration unless the City retains the historical rails of the Walnut Grove Branch Line; or, if planners intend to remove any rails, the Society demands: (a) that the City solicit and accept adequate public input, including input from all stakeholders; (b) that the City create and circulate a draft Environmental Impact Report under CEQA and a draft Environmental Impact Statement under NEPA; and, (c) that the City proceed with plans for removing any rails only after finalizing an adequate EIR and EIS, incorporating consideration of all public comment and a suitable study of alternatives to removal.**

Comment 39: Eric Baugher (December 31, 2018)

From: Eric Baugher [REDACTED]  
Date: Mon, Dec 31, 2018 at 6:18 AM  
Subject: Del Rio Trail, comment on DEIR  
To: Meagan Luevano <[meagan@lucycompanypr.com](mailto:meagan@lucycompanypr.com)>

I was very disappointed with the FOE portion of the draft EIR

The claim is that the proposed trail will have "No Adverse Effect" on the historic property. But the FOE does not correctly identify all the the historically significant features and defining characteristics of the historic property. This is the root of the weakness of the argument.

There is a long list I can think of historic characteristics, including defining characteristics myself, but I think it prudent not to mention all of them in this little note. Hopefully when this goes to court as it is almost certain to do the Sacramento Southern Railroad can point out more historically significant features to its hearts content by me pointing out absence of significant characteristics out now.

In my opinion the proposed trail will have a huge effect on the "Design Integrity" of the historic property. The Sacramento Southern Railroad is a linear property, and destroying just a small section of it would destroy its design integrity in a non-reversible manner.

The DEIR sounds like it has been written by someone who does not know the first thing about railroading, and hence does not even understand what the delta railroad treasure they want to destroy is.

For example the report says that the railroad has "Standard gauge rails". It also says it has "Gravel". The third is wooden ties. So they got one feature correct out of the three they name, but the first two as any railroader knows are incorrect.

Worst of all is the proposal to bulldoze the levee in two different places making it impossible to ever operate a train again in two different places. They also want to tear down a beautiful historic trestle that I went to inspect for myself. It does not seem to have much burn damage at all. This despite the fact that the levees are specifically mentioned as an important feature that qualified the railroad for the historic register to begin with. So the FOE violates even its own stated rubric.

Also I think I should mention that Jesse Gothern has publicly threatened to report public commenters to the police.

In conclusion, I guess that the good people of South Land Park have so much money and political power that I guess that they think they can do what ever they want. If they have their way it will break my heart.

I don't really know why I bothered to comment. I don't want you people to think that I am so stupid that I don't realize that nobody cares what I think.

Eric Baugher

Response 39:

Thank you for your comment. Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch

Comment 40: Michael Greer (January 2, 2019)

**Tom Buford**

---

**From:** Michael Greer <ig[REDACTED]m>  
**Sent:** Wednesday, January 2, 2019 4:21 PM  
**To:** Tom Buford  
**Cc:** Art Fluter  
**Subject:** Sacramento Rail Presentation

rail

Michael L. Greer  
[REDACTED]

Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd, 3rd Floor  
Sacramento, CA 95811

Mr. Buford:

As a life long resident of the Sacramento area, a railroad historian and a 27 year docent at the California Railroad Museum, I am gravely concerned that the Draft EIR (DEIR) for the proposed Del Rio Trail (DRT) is incomplete, inaccurate, and is clearly anti-rail.

**A** The DEIR does not address the damage the DRT will do to the integrity of the historic Walnut Grove Branch Line (WGBL). This historic artifact belongs to the people of California and the DRT will prevent it from ever operating again. Further, much of the WGBL will be removed or buried.

**B** The DEIR is incomplete without describing rails-with-trails (RWT) as a possible satisfactory solution. California has hundreds of miles of successful RWT; internationally, the world has thousands of miles of RWT. Published studies show that RWT are safe and the best way of combining trails with active rail operations. The next EIR must evaluate a RWT solution and show how it is the most viable solution for the DRT. The RWT solution will provide a win for everyone. The trail is extended and connected to other trails. The SSRR operating franchise is preserved and can continue south. City maintenance requirements are reduced by the SSRR provided maintenance. Longer excursion rides mean more visitors to the City, who are spending more. The reputation of the City as a tourist destination is enhanced.

The DEIR is incomplete with no description of the Sacramento Southern Railroad (SSRR) and the adverse effects of pulling the rails. We must have a means of moving equipment from Old Town in the north to Meadowview in the south. From Meadowview, excursion trains can run further to Hood.

**C** The DEIR is incomplete in that it does not state how the City will reconnect our northern rails with our southern

rails. If the rails are pulled, the city must make us whole again with an equivalent rail connection.

The DEIR is incomplete without a description of the CSRSM and SSRR mission, which is to preserve past and present railroad culture. Part of this mission is to defend the SSRR's operating franchise and historical route for potential future use south to Hood.

D

The DIER is incomplete as it does not describe the potential financial losses that will accrue to the CSRSM/SSRR. The CSRSM/SSRR is a world class tourist attraction with over 300,000 visitors annually from every part of the world. It is the primary tourist anchor for Old Town. Damage to reputation of the CSRSM/SSRR could result in adverse effects to the Old Town tourist economy and City parking and tax revenues.

The DEIR is inaccurate in that many of the supposed rail issues are either not true or are overstated. Each issue must be accurately stated. Possible mitigation measures must also be fully described.

The City's anti-rail biases are clear in the DEIR. This incorrect and deceptive document must be corrected in the next version of the EIR. Include the value of a fully intact WGBL. Include the necessary mitigation value of a rails-with-trails solution.

Please know that removing the rails and road bed will deprive many persons in the future from experiencing this historic road and the natural beauty these rails will provide long after we are gone.

Sincerely,

Michael L. Greer

#### Response 40A:

The proposed Build Alternative has been developed to minimize impacts to the historic railroad to the greatest extent feasible. Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch Line of the Southern Pacific Railroad through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties. This determination was made pursuant to 36 CFR 800.5(c) and Section 106 Programmatic Agreement Stipulation X.B(1) between the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and The California Department Of Transportation.

#### Response 40B:

Throughout the preliminary planning process, the City of Sacramento has considered numerous design alternatives for the proposed Build Alternative. These alternatives were identified through extensive public outreach with the local community and stakeholders (see EIR Section 1.8). Ultimately the project description for the Build Alternative in the EIR incorporates changes proposed by public comments to minimize impacts to the historic railroad whenever feasible. However, the City of Sacramento does not currently plan for an excursion train to operate in the project area, so a Rail-only or Rail-with-Trail option is not considered a practical alternative.



January 3, 2019

*Via E-Mail ([tbuford@cityofsacramento.org](mailto:tbuford@cityofsacramento.org)) and Hand Delivery*

Tom Buford, Manager of Environmental Planning Services  
City of Sacramento Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

Re: Comments to the Draft Environmental Impact Report for the Del Rio Trail Project

Dear Mr. Buford:

Please accept these comments from the California State Railroad Museum Foundation (the "Foundation") in response to the November 2018 Draft Environmental Impact Report for the Del Rio Trail Project ("Draft EIR").

#### THE FOUNDATION'S INTEREST

The Foundation is an official cooperating association with California State Parks and a 501(c)(3) organization. The Foundation provides funding for ongoing support of numerous programs at the California State Railroad Museum in Old Sacramento, Railtown 1897 State Historic Park in Jamestown, and the future use of historic facilities in the Railyards as an adjunct to the museum.

With almost 12,000 members, the Foundation's mission is to generate revenue and awareness on behalf of its destinations, while supporting the preservation, interpretation, and promotion of our railroad heritage. As the Del Rio Trail project team knows from meetings with us on December 8, 2017, and April 4, 2018, the Foundation strives to protect the heritage of the Sacramento Southern Railroad, also known as the Walnut Grove Branch Line. Indeed, in our December 2017 meeting with the project team, a Dokken Engineering representative acknowledged that the Foundation is among the "stewards of the resource," referring to the Walnut Grove Branch Line and its status as a historical resource under state and federal law.

The Del Rio Trail will utilize Sacramento Southern's right-of-way. As the project team has conceded, and as ample documentation proves, a bike trail and preservation of the rails are not contradictory. However, the Foundation's goal is not just preservation of the rails, but to prevent the city from altering the rails in ways that would preclude all future use of any kind or nature.

State Parks has long considered a future excursion train from a new station on Pocket Road to the town of Hood on existing rails. The loss of the connection along the Del Rio Trail will be devastating to this plan. A future excursion train will need a cost-effective means to move rolling stock, as needed, to and from shops in Old Sacramento. Contrary to the fears of those who oppose any possible use of the rails through South Land Park, the slow movement of rolling

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Sacramento, CA 95814  
[www.csrnf.org](http://www.csrnf.org)

stock would be infrequent, and the use of clean-diesel or even electric vehicles would limit or eliminate exhaust, reduce noise and vibration, and ease any safety concerns.

A

However, the city has allowed the South Land Park Neighborhood Association to hijack the trail-planning process. The Del Rio Trail Adopted Policy Position, approved by the South Land Park Neighborhood Association (“SLPNA”) board on November 2, 2016, makes no secret of SLPNA’s intent to use the trail as the means to prevent any future use of the rails. (See first attachment). Documentation shows the project team’s close cooperation and coordination with SLPNA to further its strategy while giving only lip service to other stakeholders, including the Foundation.

B

SLPNA’s plan would benefit a handful of residents who bought homes with full knowledge that their homes abutted the Del Rio corridor, even though other South Land Park residents and numerous city residents support retention of the rails. We do not believe an effort to prevent potential future use is a proper purpose under the California Environmental Quality Act (“CEQA”) or the National Environmental Policy Act (“NEPA”).

Please do not lose sight of the fact that the Foundation wholeheartedly supports the Del Rio Trail as a multi-use trail for making the most beneficial use of the right-of-way. We resent that SLPNA promotes the false argument that the community faces a choice between rails and a trail. They are both compatible.

#### THE FOUNDATION’S CONCERNS

##### A. The Draft EIR Does Not Adequately Consider A No-Walking-Trail Alternative.

C

As described in the Draft EIR, the Del Rio Trail Project envisions a dual-trail design, with a paved trail for bicycles and a gravel trail for walkers. The project team defends this unprecedented proposal as a means to limit bicycle-pedestrian conflicts. But, as noted below, the proposal cannot achieve this goal. Of greater concern, the Draft EIR proposes to use the space between the rails as the walking trail for much of the trail’s extent, altering the historical resource and insinuating to trail users that walking between rails is a safe and accepted norm.

D

In our response to the city’s Notice of Preparation, the Foundation asked the city to consider an alternative to its proposal for separate walking and biking trails (see Letter of July 9, 2018, Cheryl Marcell to Tom Buford). As we noted in that letter, the project team has conceded that preservation of the rails does not conflict with the paved, multi-use trail. In fact, the 1994 EIR for Regional Transit’s consideration of a transit route along the Del Rio corridor acknowledged that the right-of-way would accommodate both a light-rail train and parallel excursion train tracks. Therefore, any argument that the Del Rio corridor could not accommodate both a paved trail and rails defies common sense and the evidence.

E

The project team has also conceded that the walking trail will not be compliant with requirements of the Americans with Disabilities Act, so the city will be unable to prohibit walkers from using the bike trail. That concession creates a dilemma for the city. 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 because the walking trail is not ADA compliant. (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 walking trail is also a costly redundancy. The project team plans to construct a paved trail with the usual two-foot shoulders of decomposed granite to accommodate walkers and runners – an obvious necessity if the city cannot prohibit walkers from using the bike trail. Thus, the walking trail adds to costs of the trail project and will delay its completion since the city did not obtain full funding from the Sacramento Area Council of Governments to complete the dual-trail project.

F

As noted above, the project team claims a need for the walking trail because of complaints about walker-bicyclist conflicts. However, we believe the city has yet to consider alternatives, such as an ordinance – like a county ordinance that governs the American River Bike Trail – requiring runners and walkers to use the shoulders on the left side of the trail and imposing a speed limit on bicyclists. The lack of an ordinance means that the city makes no real efforts, such as signage and enforcement, to reduce potential conflicts among users.

G

Despite these considerations, the Draft EIR notes that the no-walking-path alternative “would ultimately result in the same amount of track removal as the Project (approximately 2 percent) even without the proposed walking path” (Draft EIR at 293). However, CEQA and NEPA require consideration of plans that *alter* the historical resource, as well as those that remove any of the historical resource. The Draft EIR is inadequate for its failure to consider the alteration of the historical resource, and for the failure to consider that pouring a “traversable surface such as decomposed granite” between the rails will hasten degradation of the historical structure, including the ties and the ballast.

At a minimum, the city should have considered alternatives such as regulation before proposing to spend funds on a walking trail that is unlikely to address the concerns raised by the project team (not to mention that the creation of a walking trail between rails encourages the unsafe practice of walking between rails elsewhere). Given the questionable benefits of the walking trail, the city’s plans would be less objectionable and more cost effective by opting for a single, paved, multi-use trail without a separate walking trail. The result would be a plan that avoids alteration of the historical resource to create a redundant and ineffective walking trail. The Draft EIR is inadequate for its failure to fully and fairly discuss an alternative that omits the walking trail.

B. The Draft EIR Incorrectly Concludes That The Project As Mitigated Reduces Impacts To The Historical Walnut Grove Branch Line To A Less Than Significant Level.

The Draft EIR concludes that, without mitigation, the Project will result in a potentially significant historical resource impact. Mitigation Measure CR-1 is proposed to reduce the impact to a less than significant level. There are several flaws with the Draft EIR’s post-mitigation significance conclusion.

H

First, the Project proposes pouring a “traversable surface such as decomposed granite” between the rails. The Draft EIR fails to acknowledge or analyze whether placing a traversable surface between the tracks will hasten degradation of the historical structure, including the ties and the ballast. Without such analysis, the Draft EIR fails as an informational document and fails to support the conclusion that the Project as mitigated will reduce the Project’s significant historical resource impact to a less than significant level.

I

Second, as the Draft EIR acknowledges, “[t]o avoid adverse effect . . . the work must comply with the Secretary of the Interior’s Standards for Treatment of Historic Properties.” (Draft EIR at 144.) The Draft EIR suggests the Project will be implemented to comply with the Secretary of Interior’s Rehabilitation Standards. However, the first such standard requires that the “new use . . . require[] minimal change to the defining characteristics of the building and its site and environment.” One of the critical historical characteristics of the Walnut Grove Branch Line is its ability to be used for operation of rail.

As the Project substantially reduces the potential ability for the tracks to be used for its historical purpose in the future, the impact is necessarily significant pursuant to the Rehabilitation Standards. Indeed, the Secretary of Interior defines rehabilitation “as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.” (Secretary of Interior Standards, p. 2 (emphasis added).) As the Project renders use of the Walnut Grove Branch Line for its historical purpose impossible (or, at least, financially infeasible), the Project – by definition – is not a compatible use and does not constitute a rehabilitation project.

J

Third, Mitigation Measure CR-1 constitutes impermissibly deferred mitigation pursuant to CEQA and is inadequate to reduce the Project’s significant historical impact to a less-than-significant level. CR-1 merely requires that the City implement the Caltrans approved Action Plan during each state of undertaking the Project. The Action Plan, in turn, requires that the City “[p]reserv[e] tracks in place where they exist when feasible.” While the mitigation measure purports to limit impacts to the tracks based on feasibility, the Draft EIR includes no meaningful analysis of why it is infeasible to preserve portions of the tracks that the Project proposes to destroy or relocate. Thus, the Draft EIR fails as an informational document as it does not support the implicit conclusion that the tracks proposed to be removed could not feasibly be retained.

The Findings of No Adverse Effect include inconsistent bare conclusions regarding why some tracks are not feasible to retain, suggesting in one place that removal is “proposed only where necessary for safety . . . or where the skew of the existing track against the alignment of the proposed multi-use trail will cause a safety hazard” and in another where necessary to meet “ADA requirements.” (See, e.g., Findings of No Adverse Effect, pp. 5, 40.) To avoid improperly deferring a determination concerning the feasibility of retaining tracks impacted by the Project, the Draft EIR must include a discussion and supporting evidence concerning the feasibility of preserving impacted tracks.

K

Evidence in the record demonstrates that the City could feasibly avoid most if not all impacts to the historical resource. As one example, the EIR states that “[a]t the intersection of 27th Avenue/Normandy Lane/Del Rio Road, the existing embankment and ramps do not meet current ADA requirements and must be lowered accordingly.” (Draft EIR at 146.) However, in an e-mail to the SLPNA in February 2017, a consultant argued: “Lowering the grade of the path alignment would provide ADA compliant access with the least impact to the adjacent streets. If the overall desire is to keep the path at its current grade, access would have to be provided with ADA compliant ramps, landings, and (likely) retaining walls.” (See second attachment.)

Implicitly, the consultant concedes that the city can provide ADA-compliant access without removing the rails or the “current grade.” Thus, it appears alternatives to destroying the existing embankment was not rejected due to the lack of a feasible alternative but, presumably, because the alternatives may be more expensive. While – via a statement of overriding considerations – a lead agency may conclude that an alternative with reduced environmental impacts is infeasible, it may not implicitly reach that conclusion as part of the basis for concluding an impact is less than significant after mitigation.

L

Fourth, to the extent alleged safety concerns are part of the basis for the current design of the Project, the Draft EIR fails to acknowledge that the design of the Project creates safety concerns. Specifically, as noted above, encouraging pedestrians to walk on trails between railroad tracks can encourage the unsafe practice of walking between rails elsewhere. Furthermore, also as noted above, the decomposed granite proposed between the tracks threatens significant degradation of the tracks covered by the material (an impact that is not acknowledged in the Draft EIR). Instead, the Findings of No Adverse Effect states that use of such materials constitutes a “reversible alteration.”

This conclusion not only ignores the before-mentioned physical damage to the tracks, but also ignores that dangers of encouraging the public to walk on these tracks while suggesting that the trail could be removed to allow for future use of the historical railway. If the risk of walking adjacent to a bike trail (as is common throughout the region) is considered against the risk of encouraging pedestrians to walk between a rails (a highly uncommon and dangerous activity), there is no question that the dual trail proposal is not only substantially more expensive to complete but is significantly less safe than a single multi-use trail.

M

The Draft EIR and available evidence illustrates that, even after implementation of Mitigation Measure CR-1, the Project will significantly impact the environment by altering the historic resource as to its physical integrity. (See, e.g., *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1187 [stating that placing a fence on top of an historic wall “will significantly impact the environment by altering the historic resource, both as to its physical integrity and its aesthetic appeal from the neighboring streets”].)

To comply with CEQA, the Draft EIR must be revised to acknowledge that the Project, as proposed, will result in a significant and unavoidable historic resource impact. Such disclosure is necessary to ensure both the public and the City Council understand the true consequences of the Project and that the City Council takes the necessary step of considering whether any justifiable overriding considerations support moving forward with the Project, as proposed, notwithstanding

its significant historic resource impacts. The Foundation strongly believes that, if the City Council properly considers this question, the Council will conclude that overriding considerations do not justify approving significant impacts to the historical Walnut Grove Branch Line, particularly where a more cost effective multi-use trail could be approved as an alternative to the proposed Project.

C. The Draft EIR Does Not Consider An Alternative To The Removal Of Historical Resources At Del Rio Road.

N

In the Foundation's response to the Notice of Preparation, we also proposed that the city consider abandonment of the Del Rio Road crossing of the tracks and trail at Del Rio Road. According to the project team, as reflected in maps and explained in our April 4 meeting, the city proposed to remove 169 feet of rails at the Del Rio Road crossing and to remove the former levee at this location to bring both sides of the crossing to grade level. To accomplish its goal of preserving more than 98% of the rails, the project team proposes to move the rails to a section where rails were removed and not replaced during a sewer pipe installation some years ago (though the missing section is less than 169 feet).

O

As explained to us in our prior meetings, the purported purpose of the rail removal and alteration was to make the Del Rio Road crossing safer. As we noted, however, the city can accomplish even more without undue hardship by simply abandoning the Del Rio Road crossing of the rails. Better alternatives for north-south vehicle passage exist on South Land Park Drive and Freeport Boulevard. The current and proposed Del Rio Road intersection funnels westbound vehicles onto neighborhood streets that were not intended as thoroughfares. In fact, crossing the tracks from east to west funnels traffic into neighborhood streets with no sidewalks, and where motorists often encounter pedestrians and bicycling families in the roadway. Making the intersection at Del Rio Road and 27th Avenue seem "safer" (as now planned) will only encourage faster speeds and greater threats to pedestrians and bicyclists using Del Rio Road west of the trail. The alternative routes are obviously thoroughfares and do not raise these safety concerns.

The abandonment of the Del Rio Road crossing creates an additional benefit for the Del Rio Trail: elimination of a road crossing. The result will be a safer trail for all users, and a more cost-efficient trail plan. Therefore, we asked that any EIR fully address the prospect of abandoning the Del Rio Road crossing of the rails and the trail.

P

Interestingly, however, the Draft EIR does not appear to tout the safety of the intersection as the reason for removing rails and eliminating a section of the historical levee. Now, the project team alleges: "At the intersection of 27th Avenue/Normandy Lane/Del Rio Road, the existing embankment and ramps do not meet current ADA requirements and must be lowered accordingly." (Draft EIR at 146.) In an e-mail to the SLPNA in February 2017, a consultant argued: "Lowering the grade of the path alignment would provide ADA compliant access with the least impact to the adjacent streets. If the overall desire is to keep the path at its current grade, access would have to be provided with ADA compliant ramps, landings, and (likely) retaining walls." (See second attachment.)

Q

Implicitly, the consultant concedes that the city can provide ADA-compliant access without removing the rails or the “current grade.” Since the city no longer seems to argue the need for a safer intersection, we presume that the city rejects this alternative because of cost – despite the city’s eagerness to spend funds on a redundant and ineffective walking trail. The consultant also concedes that the plan is to provide “the least impact to adjacent streets,” even though the focus should be on the impact to the historical resource.

R

Moreover, the Draft EIR correctly notes that certain features qualify the route and rails for inclusion on the National Register of Historic Places, and the “Most Significant” features are the “Location and track alignment” and the “Elevated embankment (intermittent).” Yet, the city proposes to remove the elevated embankment within the urban area where trail users can view and appreciate this feature, all to avoid impact to roads while creating maximum and irreversible impacts to the historical rails. The Draft EIR makes no effort to explain how the removal this significant feature does not result in a significant and unavoidable historical resource impact. The Draft EIR is inadequate for its failure to consider these issues or to analyze the issues in the manner prescribed by law.

D. The Draft EIR Makes Only Conclusory Claims About The Need To Remove Rails Or Encase Them In Concrete For Alleged Safety Reasons.

S

The Foundation has urged the project team to preserve the potential for future use of the rails, rather than altering the tracks in ways that will make future use difficult or impossible. But we have also stressed that future use will be subject to city approval and the full environmental process. We are asking the city to avoid decisions now that will preclude future consideration for use of the rails.

T

The protection of future use is more consistent with federal guidelines for a finding of no adverse effect. As the Draft EIR instructs, “[t]o avoid adverse effect . . . , the work must comply with the Secretary of the Interior’s Standards for the Treatment of Historical Properties.” This includes the standard that “[a] property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.” (Draft EIR at 144.) (In fact, even a cursory analysis of the rehabilitation standards strongly supports the Foundation’s position that the Draft EIR simply ignores federal standards to make a finding the city’s plans have no adverse effect on the historical rails and route. (See Draft EIR at 142-45.))

The Draft EIR summarizes plans for removal and alteration of rails:

Track removal is limited to the following areas:

- North of Z’Berg park, where the skew of the existing track against the proposed bike path creates a safety hazard
- Roadway approaches, where the skew of the existing track against the proposed bike path creates a safety hazard
- At the intersection of Sutterville Road, to increase safety at the crossing. In addition to increasing safety, track removal at this location will

facilitate other Project goals and safety features, including reducing the intersection length and improving the visibility of new signals. A wooden trestle bridge that was partially burned in an accidental fire and is now unsafe.

Track will be retained in place and encased in concrete at the following locations:

- South Land Park Drive
- Del Rio Road
- 35th Avenue
- 43rd Avenue

Track will be salvaged and reused in adjacent areas to the following locations:

- The vicinity of the 27th Avenue/Normandy Lane/Del Rio Road intersection
- Across the waterway south of Charlie Jensen Park

U

(Draft EIR at 145.) The Draft EIR provides far too little information to justify most of the proposed impacts, and fails to consider alternatives that would limit impact to the historical rails and the integrity of the route.

V

The Draft EIR proposes to remove rails “where the skew of the existing track against the proposed bike path creates a safety hazard.” We understand from our meetings that the project team wants to remove rails where the bike path does not cross the rails perpendicularly. (See third attachment.) However, we find no analysis why the city did not consider perpendicular crossings rather than “skewed” crossings, why the project team considered the alternative of avoiding a crossing altogether, or why the project team did not consider a perpendicular crossing at another location where a perpendicular crossing was feasible. Therefore, the Draft EIR’s analysis is inadequate.

Moreover, the city can keep the tracks in place with “flangeways” to preserve future use of the rails, and use rubber inserts to make the crossing easier for bicycles to cross. The city has already made use of these devices at the southern end of the proposed Del Rio Trail. The Sacramento River Bike Trail crosses the rails at the Freeport Regional Water Intake Facility along Freeport Boulevard to give trail users access to the Bill Conlin Youth Sports Complex. (See fourth attachment.) Similarly, the city can do the same at all road crossings to avoid the damage caused by encasing rails in concrete.

W

We have already addressed the removal of rails at the Del Rio Road crossing. The Draft EIR also proposes the removal of rails “south of Charlie Jensen Park” and the removal of a “wooden trestle bridge that was partially burned in an accidental fire.” These appear to address the same location. The proposal leaves us perplexed why the project team believes it is necessary to remove the historical trestle and rails, divert the trail to the area where the trestle has been removed, rather than simply continuing the trail in a straight line and construct a new bridge at that point, avoiding any need to remove the trestle and rails. (See fifth attachment.)

From what we can tell, the Draft EIR includes little to no discussion or evidence to support these conclusions. Therefore, the Draft EIR is again inadequate and fails to address these issues in the manner prescribed by law.

\* \* \* \*

The Foundation appreciates this opportunity to provide comments on the Draft EIR. We recognize that, with the hundreds of pages comprising the Draft EIR and its attachments (not to mention the thousands of pages in the references), we might have missed documents that are relevant to our concerns. We would be happy to meet with the project team again to discuss ways to assuage our concerns, or to discuss any compromises that address our concerns and those of other stakeholders.

If you need any additional information about our concerns, please do not hesitate to contact us.

Sincerely,



Cheryl Marcell  
President & CEO

Atts.

# **ATTACHMENT 1**

**DEL RIO TRAIL**  
**ADOPTED POLICY POSITION**  
South Land Park Neighborhood Association

**Policy and Background on Del Rio Trail Proposal**  
**Adopted by SLPNA Board Nov. 2, 2016**

**Background:** The South Land Park Neighborhood Association (SLPNA) is a nonprofit organization representing an area of over 13,000 residents in the southwest section of the City of Sacramento. SLPNA works closely with local, state, and federal officials, residents, business owners, schools, and nonprofits to protect and improve the neighborhood. In 2013 and 2014, SLPNA spearheaded an effort to oppose the State Parks General Plan & EIR for Old Sacramento. This General Plan called for the operation of tourist trains on an abandoned rail corridor owned by Regional Transit, that cuts through South Land Park residential neighborhoods. After significant public pressure, the State Parks General Plan was amended to remove the neighborhood rail corridor. Since 2014, SLPNA has led a movement to actively promote the SACOG/City of Sacramento plan to build a multi-use trail on the four-mile long right of way.

**Opposition to Rail Traffic:** The South Land Park community spoke very clearly in 2014 that residents adamantly oppose any train traffic in our quiet residential area. Hundreds of petitions were signed by residents, and hundreds of people showed up to oppose the plan at community meetings and State Parks and Recreation Commission hearings. In January 2014, then-Senator Darrell Steinberg requested that the Commission delay their vote on the General Plan and EIR, and confer with residents in South Land Park, who were completely blindsided by the Parks proposal to run trains on the corridor. This 4-mile strip of land had become a cherished community greenbelt in the 40 years since it was abandoned by the railroad. The tourist train issue motivated neighbors to quickly organize: block captains were established; volunteers knocked on doors to inform the public of the train plan; flyers were distributed; and elected officials were swamped with calls and emails from concerned citizens.

After several months of community meetings, press stories, and pressure on local and state officials, State Parks removed the neighborhood rail proposal from their Old Sacramento General Plan. Within days of the Commission amending their General Plan, SLPNA immediately formed a trail committee, and began advocating for the Del Rio Trail, which was already part of Sacramento's bicycle master plan. The City worked with SLPNA to host a neighborhood forum on the trail plan, and surveyed 2700 residents as to their desire for the property. Schools, residents, and businesses throughout the neighborhood were surveyed: 83% of respondents support the trail concept.

**SLPNA has the following stances related to the abandoned railroad right-of-way:**

1. SLPNA strongly opposes any trail plans that would allow any train traffic on the abandoned rail corridor south of South Land Park Drive (near Sprouts/LaBou). SLPNA believes that State Parks and the Railroad Museum may propose a "trail

with rail” concept at some point. This would evoke significant community opposition.

2. SLPNA strongly supports the development of the Del Rio Trail. The key benefits will be providing area residents with a safe walking and biking route to schools, parks, shopping and other amenities.
3. Ideally, the trail should be a serene neighborhood amenity and not a “bike highway” of speeding cyclists (i.e., the trail design should ensure safety for walkers, joggers, dog walkers, and nature explorers, in addition to accommodating bicycle traffic).
4. The corridor should feature parklets, community gardens, winding routes, natural settings, incorporate native plantings where possible, plus benches. The trail should preserve large trees and foliage whenever possible. 1354 Palomar Circle urban garden should be included as part of the trail design.
5. The City and its consultants are encouraged to consult with UC Davis Landscape Architecture department, which has offered its students to work on trail design for class credit.
6. Dog walking or a dog park should be included where feasible, since portions of the corridor are already used as a dog walking area.
7. The Sutterville Preschool should be consulted by the City and its consultants, due to the school’s ongoing issues with traffic on Fruitridge at Gilgum.
8. Landscaping and natural plantings, benches and park-like settings should be included at the major intersection of Florin and Freeport Blvd.
9. An “adopt a trail” program should be launched that includes support from nearby businesses, schools, and neighborhood associations. This program would include trail cleanup days, design ideas, donations for adding amenities and maintaining the corridor. Naming opportunities should be considered for trail sections, benches and other features, to offset building/maintenance costs.
10. The East Land Park Subdivision should be closely consulted, since the corridor directly impacts homes in this subdivision. It is unclear if residents on this street prefer the trail on the east median, the street, or on the rail corridor.
11. Residents living nearest to the corridor should be invited to provide input on trail design and access points.
12. Public safety and residential privacy must be high priorities in trail design.
13. Adequate environmental analysis should be conducted prior to construction. Such analysis should take into consideration impact of removing the creosote-soaked rail ties and metal rails (i.e., is it better to leave rails untouched or covered with soil to avoid ejecting toxins into the air?). Toxic herbicides should be avoided where possible to reduce residential and pet exposure.
14. Public art should be considered for installation along the corridor.

***The above policy was adopted by unanimous vote of the SLPNA Board of Directors on Nov. 2, 2016.***

# **ATTACHMENT 2**

**From:** [Charles Hughes](#)  
**To:** "Chuck Hughes"  
**Subject:** FW: Del Rio Trail - Configuration at Del Rio  
**Date:** Thursday, February 09, 2017 8:11:46 PM  
**Attachments:** [Del Rio Rd Realignment Options.pdf](#)  
[a3be5538e3047cfadd143238db3aa07f11.png](#)

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Trail Committee and Interested People,

I received a couple of comments/questions regarding the height of the Trail Right-of-Way (ROW) in the area of the Del Rio Road Crossing, and proposed grade changes. I asked the engineer for a little more clarification on that point and her response is below for those who are interested.

Thanks,  
Chuck Hughes

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**From:** Pamela Dalcin-Walling [<mailto:pdwalling@dokkenengineering.com>]  
**Sent:** Thursday, February 09, 2017 6:03 PM  
**To:** Charles Hughes; 'Brian Ebbert'  
**Cc:** 'Judith Matsui-Drury'; Ryan Neves; Meagan Luevano ([meagan@crockercrocker.com](mailto:meagan@crockercrocker.com))  
**Subject:** RE: Del Rio Trail - Configuration at Del Rio

Hi Charles- Your interpretation is correct...the area between Del Rio Road and 27<sup>th</sup> Avenue south of Normandy Lane along the path alignment is proposed to be lowered to more closely match the grades of the adjacent roadways – in both options. The reason for the proposed lowering of the grade is to provide ADA compliant accessibility to the path. The current access provided near the bend along 27<sup>th</sup> Avenue and Del Rio Road (pictured attached) is not ADA compliant and cannot be replicated due to state/federal requirements. Lowering the grade of the path alignment would provide ADA compliant access with the least impact to the adjacent streets. If the overall desire is to keep the path at its current grade, access would have to be provided with ADA compliant ramps, landings, and (likely) retaining walls. In that scenario, only Option 1 would be feasible.

I hope that this helps paint a more complete picture. Let me know if you have any additional questions!

**Pamela Dalcin-Walling, P.E.**

Project Manager

916.858.0642 (Office)

██████████ (Cell)

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**From:** Charles Hughes [<mailto:cchughes>]  
**Sent:** Wednesday, February 8, 2017 9:39 PM  
**To:** Pamela Dalcin-Walling; 'Brian Ebbert'  
**Cc:** 'Judith Matsui-Drury'; Ryan Neves; 'Lucy Eidam Crocker'  
**Subject:** RE: Del Rio Trail - Configuration at Del Rio

Hi Pamela,

I've had a couple people comment on the height of the existing ROW in that area. When I read your comment below that "we are proposing to lower the existing alignment" that sounded to me like the plan was to lower the ROW to approximately the same grade as the streets on either side, regardless of alternative. But perhaps I was assuming too much. Can you give a little more detail about the proposed grade change for the ROW and whether it differs by alternative?

I expect we will get some comments. I've had 3 responses in 24 hrs. so far and I've encouraged people to share the alternatives and opportunity to comment with their neighbors near this intersection.

Thanks,  
Chuck Hughes

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**From:** Pamela Dalcin-Walling [<mailto:pdwalling@dokkenengineering.com>]

**Sent:** Tuesday, February 07, 2017 6:57 PM

**To:** Brian Ebbert ([b.ebbert@](mailto:b.ebbert@)); Charles Hughes ([cchughes@](mailto:cchughes@))

**Cc:** Judith Matsui-Drury; Ryan Neves; Lucy Eidam Crocker

**Subject:** Del Rio Trail - Configuration at Del Rio

Hi Brian/Charles- We had our project kickoff meeting with the City today and put together a game plan for moving forward with the Project Approval/Environmental Document phase of the project (very exciting!). As part of this planning effort, we identified a location where we would really like to get some advance feedback from the immediate neighborhood and wondered if you could help in this regard?

The location in question is where the trail crosses Del Rio Road. In the existing condition, the existing trail/tracks cross Del Rio Road at a three-way intersection that has uncontrolled turn movements and sight distance issues as well as ADA access restrictions. To solve these issues and establish a safe crossing, we are proposing to lower the existing alignment and reconfigure the roadway connectivity. We have come up with a couple of alternatives that include reconfiguring Del Rio Road into a T-intersection with Normandy Lane and extending Normandy Lane to a three-way stop controlled intersection with 27th Avenue (Option 1) OR shifting the Del Rio Boulevard intersection 300 feet to the south and creating a three-way, stop-controlled intersection with 27<sup>th</sup> Avenue (Option 2). Schematic exhibits of these options are shown in the attached PDF.

In terms of achieving our technical objectives (safety, sight distance, ADA compliance), both options work. So it really becomes a question of, which option is most desirable to those who will be driving it? Would the Trail Committee be able to pose these options to those in that neighborhood to see which one is more favorable?

Please let us know your thoughts. Thank you!

**Pamela Dalcin-Walling, P.E.**  
**Project Manager**

***Dokken Engineering***

110 Blue Ravine Road, Suite 200

Folsom, CA 95630

916.858.0642 (Office)

██████████ (Cell)

# **ATTACHMENT 3**



# **ATTACHMENT 4**



# **ATTACHMENT 5**



Comment 36: Arthur Fluter

**Tom Buford**

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**From:** Arthur Fluter [REDACTED]  
**Sent:** Thursday, January 3, 2019 12:13 PM  
**To:** Tom Buford  
**Subject:** Personal Comments on the Del Rio Trail DEIR and Its Economic Defects  
**Attachments:** 2015-0700, Sacramento Placerville Transportation Corridor Alternative Analysis, 55 pgs.pdf; 2012-0300, Adirondack Scenic Railroad, Regional Economic Analysis, 25 pgs.pdf; Del Rio Trail DEIR Letter to Buford, Economic Benefits, 2019-0103.pdf

**From:**  
Arthur Fluter  
[REDACTED]

**To:**  
Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd, 3rd Floor  
Sacramento, CA 95811

Via Email To: [tbuford@cityofsacramento.org](mailto:tbuford@cityofsacramento.org)

Re: The Del Rio Trail Draft EIR (DEIR) is missing an economic analysis on the benefits of allowing excursion service on the tracks in the former RT Corridor

Mr. Buford:

A

The DEIR is deficient in that it did not address the:

- Actual economic benefits the CSRM and the SSRR currently provide to the City and the region.
- The potential economic opportunities and benefits an expanded SSRR excursion train service to the south and ultimately to Hood would provide to the City and the region.

The City of Sacramento is irresponsible and clearly anti-rail in ignoring these benefits. The actions of the City are even more suspect compared to the pro-rail actions of multiple cities across the US and here in California. These areas are actively attracting heritage railroads, and rightfully seeing them as economic engines to help develop their area.

**Benefits of the Current Operation of the CSRM and the SSRR**

The next version of the EIR must address the economic benefits that the combination of the California State Railroad Museum (CSRM) and the Sacramento Southern Railroad (SSRR) provide to the City and the region.

Sacramento started as a rail centric town in the 1860s. That process continued and expanded when the CSRM was created in the 1970s. It continued when volunteers established the operational SSRR in the 1980s. It is going to continue with the renovation of the SP Shops in the Rail Yards.

- "How many tourists come to Sacramento for railroad culture?"

The CSRSM has over 300,000 visitors every year. It has the ONLY Travelocity 5-Star attraction in the Sacramento area. The SSRR routinely has over 20,000 riders in the Spring and Summer. The Polar Express Christmas trains have another 24,000 riders. The Polar Express tickets sell out in less than a week. All of those riders come to Sacramento for the trains, and they buy parking, food, gas, and souvenirs. They stay in hotels. Enchanted by the ambiance of Sacramento and Old Town, many extend their visit to other attractions, and spend the night in local hotels.

- How many tourists will come to Sacramento to ride a bike path?

- How many will come from out of town?

- How much money will then spend?

- Some estimates put trail use as over 60% locals, and only 40% from out of town.

**B**

#### **The Del Rio Trail EIR is Culturally, Fiducially, and Economically Wrong**

The approach the City is taking with the Del Rio Trail is both culturally and fiducially wrong and misguided.

From a cultural point of view, the City plans to wantonly destroy a piece of California cultural history; a history that literally created Sacramento. This history is owned by all Californian's, but is going to be destroyed for the pleasure of a few rich and powerful Sacramento residents.

From a fiduciary point of view, the City's approach to the Del Rio Trail is even more puzzling. The "pull-the-rails" approach dismisses, and then destroys for all time the economic opportunities a longer distance Sacramento Southern Railroad would provide to Sacramento-area businesses and citizens.

- "Trail conversion cannot easily or inexpensively be reverted back to rail use if the benefits do not materialize, and would be a near-irreversible decision within any person's lifetime."

**C**

This "pull-the-rails" (or "no trains—ever" or "bury-the-rails-for-all-time") approach by the City is even more puzzling and suspect compared to cities and regions across the U.S. that are actively investing in attracting, funding, and helping excursion railroads to become the center magnetic attraction for a tourist destination.

- "An operating excursion railroad becomes the "anchor store" for a regional "mall" tourist attractions.

- Once the "railroad anchor store" is in place, it becomes a magnetic force that first attracts tourists. These then attract businesses to supply the needs of those tourists."

**D**

#### **The City of Sacramento is Missing an Economic Benefits Engine**

The City of Sacramento is behind the times in appreciating the economic potential of expanded SSRR excursion trains. For a local example, go no further than the Sacramento Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA). It was formed to provide for the acquisition and preservation of the Southern Pacific Transportation Company's (SP's) Placerville Branch railroad, and to provide reciprocal use agreements for transportation and transportation preservation uses as may be desired by the SPTC-JPA's Member agencies. The SPTC-JPA is a public entity originally formed in 1991 with the goal to purchase 53 miles of the Placerville Branch right of way from Southern Pacific (SP).

- "A \$210,000 study commissioned by El Dorado County in 2015 showed that excursion trains and a paved trail combined could generate up to \$12.6 million in net economic benefit every year with up to 50,000 train passengers versus only \$300K of annual economic benefit from 20,000 combined rail/trail users with motorcar-only excursions and a natural trail."

- Somehow, the City of Sacramento has missed this key concept and wants to deny these potential economic benefits to its businesses and citizens and tourists. Forever.

Think about it. The SSRR running on WGBL tracks as far as Hood, over 30 miles of train travel. There could be dinner trains, wine trains. Trains to take rafters and bikers and walkers up and down the river. But the City wants to kill forever this next phase in our development with the rail-less Del Rio Trail.

“The Del Rio Trail right-of-way along the former RT corridor is the four-mile access line that allows the SSRR’s northern tracks to connect with the southern tracks to the south starting at Meadowview. “

#### **Benefits from other Heritage and Excursion Railroads in the U.S.**

A cost/benefit analysis should be done by the City to determine how continuing the SSRR south to Hood would benefit all the stakeholders.

Railroads helped invent modern tourism. Railroads populated the great National Parks with guests. Today, the heritage of these railroads provides a different kind of engine, delivering visitors and tourism revenue to those communities wise enough to mine the totality of the railway heritage tourist experience.

Because the DEIR and the City HAVE NOT done this analysis, below are cost/benefit examples from several excursion and heritage railroads around the country. The City should use these examples to formulate research to determine the true benefits of the SSRR/WGBL.

#### **The Takeaways from Heritage Railroad Case Histories**

After reviewing the activities of heritage and excursion railroads and the cities they are located in, the following key points and conclusions should be noted by the City of Sacramento in the next EIR.

#### **Our vision**

- We believe in the power of our communities to use the treasures of their past to secure a better future.

**E**

#### **Unique historical assets create unique tourist destinations**

- Capitalizing on heritage and catalyzing its development potential through reinforcing its geographic and psychological connectivity in this way is consistent with the policies of Pennsylvania’s Department of Conservation and Natural Resources and Department of Community and Economic Development to create destinations by utilizing unique historic assets.

**F**

#### **Rails attract tourists and revenue**

The railroad provides an aesthetic and cultural context for new business growth.

- Through telling our local story through an engaging and unique experience, we build a reputation that businesses can build on.

- The railroad is the “anchor store” for the “mall” of regional attractions. The “mall” then fills with other tourist services. The unique collection of attractions and services attracts tourists for a unique sense of place for family-oriented activities and experiences.

- Tourist railroads are the armature of connecting—literally and figuratively—the assets of a region such that the sum is greater than the individual parts. Capitalizing on the train’s ability to be a memory-making device, the railroad becomes the anchor attraction to the benefit of other attractions and businesses.

- Heritage tourist railroads are well-proven as regional economic drivers. These projects, funded with state, local and private monies, have been able to give back to the community tenfold and have been self sustaining and successful once up and operating.

- Heritage and excursion railroads create million of dollars in economic benefit for their communities and surroundings.

- A heritage railroad is a sustainable source of revenue.

- Economic impacts are not limited to estimates of visitors and what they may spend, but also determined by the very real – and historically proven – business expenditures that keep the operation going.

**G****Rail excursions**

- A train excursion is a point of interest, and it can result in additional visitors and revenue.
- The basic attraction of a train ride is more time-related than distance-related, and can best be compared to the time factor allowed for a similar family-based activity.

**Excursion trains benefit distant destinations**

- Increased rail travel distance allows creation of additional excursions and services such as bike train, or raft and kayak train. Trains that stop in distant attractions such as historic towns generate revenue for those locations.

**Rail tourists are affluent tourists**

- Rail tourists are well educated, with most holding advanced degrees. "Education level is the single most significant factor that influences cultural and heritage participation and travel.
- Rail tourists are older, peaking between the ages of 45 and 65, when people are at the height of their careers, earning power, and discretionary income.
- Rail tourists are generous in spending, averaging \$62 more per day than other visitors. And they spend on a more diverse array of goods and services.
- Rail tourists are more likely to stay overnight in hotels and bed-and-breakfasts.
- Rail tourists are more inclined to stay longer than the average traveler.
- Rail tourists are more likely to visit a diversity of sites, cities, and regions than the average traveler.
- Rail tourists, and tourists in general, are in search of high-quality services, authentic experiences, and easy-to-do, accessible quality travel that combines education and entertainment.
- Rail tourists are influenced by women. Women typically plan family vacations and group trips, and also control more personal discretionary income.

**Rail tourists are from out-of-town**

- Typically, railroad visitors are over 60% from out of town, while trail users are predominately local people.

**Special Event Trains**

- People want to see special-event trains, a special-event experience that involve a train.
- Special event trains are most often those that sell out. The SSRR Polar Express sells out 24,000 tickets in less than a week.
- A combination of routine excursions with big time special events such as Polar Express provides full operation with operating funds.
- Local celebrations can increase the benefit return to local community.
- Regular passenger excursions with special event train excursions appear to be the key to a successful heritage railroad.
- The two biggest special event trains are the Day Out With Thomas and the Polar Express.

**Use of Volunteers**

- Significant additional benefits for excursion trains are accrued when the number of operating volunteers increases.
- Volunteers reduce or eliminate costs associated with payroll.
- The CSRM and SSRR use over 500 trained docents and train operators.
- Knowledgeable trained volunteers provide increased value for the public.
- Routine right-of-way maintenance can be accomplished by volunteers, even working with vintage (old) equipment.
- Routine operational crews can be staffed with well trained volunteers.

- All of the SSRR operational staff and crews are trained volunteers.
- Volunteers contribute to local economy by purchasing food, gas, and in some cases,

H

#### **Rail-only, or trail-only, or rail-with-trail**

- The future is unknown. The future needs for a rail corridor are unknown.
- A rails-with-trail solution protects that future.
- Trail conversion cannot easily or inexpensively be reverted back to rail use if the benefits do not materialize, and would be a near-irreversible decision within any person's lifetime.

#### **Partnerships Benefit All Stakeholders**

- Partnerships between rail and other transportation modes such as bikes and walkers benefits all stakeholders.

#### **Sacramento Rail is a world class attraction**

- The SSRR railroad is a world class attraction. A trail-only solution is a local attraction. No one will travel here just to ride the Del Rio Trail.
- The economic impacts of any choice can be legitimately compared between alternatives, but in the end analysis, would best be encouraged to those that operate without necessarily excluding the other by default.

Sincerely,

Arthur L. Fluter

#### **Attachments:**

- This letter, formatted as a PDF with a listing of selected heritage/excursion railway development across the US
- Example of economic benefit analysis done for the Adirondack Scenic Railroad in 2013.
- The 2015 Sacramento Placerville Transportation Corridor Alternative Analysis.

**ADIRONDACK SCENIC RAILROAD**  
**North Country**  
**Regional Economic Impact Analysis**  
**2011 Operating Season**  
**including Utica-Lake Placid Projections**



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*Endorsed by:*

*Saranac Lake Area Chamber of Commerce, Tupper Lake Chamber of Commerce &  
Adirondack North Country Association*

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**March 2012**

Due to the size of the file, the entirety of this document is not included. The full document can be found at [www.adirondackrr.com/adkrr/wp-content/uploads/2016/03/economicImpact-3.pdf](http://www.adirondackrr.com/adkrr/wp-content/uploads/2016/03/economicImpact-3.pdf).



## SACRAMENTO PLACERVILLE TRANSPORTATION CORRIDOR ALTERNATIVES ANALYSIS



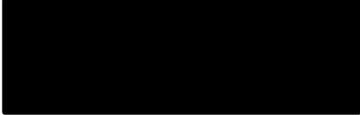
Made possible by a Federal Highway  
Administration Partnership Planning Grant

Due to the size of the file, the entirety of this document is not included. The full document can be found at

<https://static1.squarespace.com/static/5a94975445776eaf7fe13f6/t/5aa1c5d1ec212dd5d7e5ae62/1520551440170/SPTC+Study.pdf>.

Comment 41: Paul Ashley Helman (January 3, 2019)

Paul Ashley Helman



January 3, 2019

Tom Buford  
Principal Planner City of Sacramento Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
email to: tbuford@cityofsacramento.org

Re: Comments on the Draft EIR for the Del Rio Trail Project (K15165100)

Dear Mr. Buford,

Please find below my comments on the Draft EIR for the Del Rio Trail Project. I have carefully reviewed the Areas of Controversy and general topics contained in the DEIR. Comments will focus on the adequacy and completeness of the Del Rio Trail DEIR dated November 2018. The comments will center on the potential impacts, the level of severity, the mitigation measures being proposed and project alternatives being considered.

The summary of **Potential Impact and Proposed Mitigations**, pages xxvii-xxxi is in error as several statements concerning various listed impacts are understated. This comment record will detail those errors and correctly state the impacts. From these correctly stated impacts this comment record will propose improved and enhanced mitigation measures.

A

One significant issue with the potential impacts and proposed mitigations is due to the limited alternatives considered. One important alternative mentioned extremely early in the public comment process was not considered and must now be included for the DEIR to be complete. The DEIR reports that at the public meeting held April 22, 2015, attendees stated a preference for a "Rails with Trails" project. The alternatives considered in this DEIR do not contemplate a "Rails with Trails" project. This is a major omission and needs to be remedied before the DEIR becomes final.

In reviewing the "Effects determined to be Significantly important" the following impacts and mitigations are detailed to show inadequacy and incompleteness.

**Summary of Inadequacies and Incompleteness in Effects determined to be Significantly important**

Comments contained in this letter will show that the findings associated with these **Impacts** are inadequate and incomplete and incorrect which result in inadequate mitigations.

Potential Impacts	Impact Studied	Necessary or potential finding
Aesthetics and Visual Resources	AES-3	Significant Unmitigated Impact
Cultural Resources	CUL-1	Significant Unmitigated Impact
Hazards and Hazardous Materials	HAZ-2	Further studies needed to determine

Land Use and Planning	LAND-2	Less than Significant with Mitigation Incorporated
Population and Housing	Incomplete as not fully studied	Less than Significant with Mitigation Incorporated
Recreation	REC-4	Less than Significant with Mitigation Incorporated

**B** Aesthetics and Visual Resources:

The “Level of Significance” ascribed to **Impact AES-3** is understated and inadequately compares the effects of the proposed Project to the environmental setting. **Impact AES-3** is defined as the potential to substantially degrade the existing visual character or quality of the site and its surroundings.

This impact was found to be “Less than Significant with Mitigation Incorporated”

This finding is inadequate since the total significance of the project was not fully studied in the aspect of “Viewers and Viewer Response”. The significant changes to the roadway crossings proposed by the project will be visible and noticed by Roadway Users (and other viewers not identified, such as pedestrians and tourists). The “Visual Impact” of these changes, the removal of functional track at crossings and repurposing of track to pedestrian walkway, will be negative and must be found as a “**Significant Unmitigated Impact**”.

The “**Significant Unmitigated Impact**” is supported by reviewing one goal of the City of Sacramento (2035) General Plan 2015, found in the Regulatory Framework, Local, of section 2.1.

The goal to review is Goal LU 2.4 City of Distinctive and Memorable Places. This goal includes two policies:

Policy LU 2.4.1 Unique Sense of Place. The City shall promote quality site, architectural and landscape designs that incorporate those qualities and characteristics that make the City of Sacramento desirable and memorable, including walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.

Policy LU 2.4.2 Responsiveness to Context. The City shall promote building designs that respect and respond to the local context, including use of local materials, responsiveness to the City of Sacramento’s climate, and in consideration of the cultural and historic context of the City’s neighborhoods and centers.

**C** The finding of “**Significant Unmitigated Impact**” comes from a review of these two policies. The removal of functional track at crossings and repurposing of track to pedestrian walkway does not support the policy of Sacramento having a Unique Sense of Place and is a violation of Policy LU 2.4.1. Sacramento is well known for its agricultural and railroading history. The DEIR fully explains the memorable and historical history of the Walnut Grove branch railroad line. Removal of any aspect of this historic local and regional resource is negative to having a unique sense of place and is significant. The Walnut Grove branch was an integral part of bringing Sacramento Delta agricultural products to shipping points thus allowing for the economic success of delta farm families. The Walnut Grove branch is a part of Sacramento region neighborhoods and represents a unique context to demonstrate Sacramento’s history. Removal of track, as detailed in the DEIR is

thus a violation of Policy LU 2.4.2. The project, as described, does not promote a design that responds to the full local context.

The proposed mitigation is inadequate since it does not provide any aesthetic solution for the removal of track at crossings and the visual impact therein.

There are two other aesthetic aspects of the Project that are inadequately analyzed and must be further studied before the DEIR is finalized.

D

The notion that the track needs to be removed at pedestrian and bicycle intersections for safety purposes belies the current number of Sacramento Rapid Transit District and Union Pacific Railroad bicycle and pedestrian crossings in the Sacramento area. The statements regarding improved safety by removing rail at intersections is contradicted by the safe use of Sacramento Rapid Transit district and Union Pacific Railroad crossings every day and almost every hour in Sacramento. It has been well demonstrated that with proper design and installation pedestrians and cyclist can safely cross railroad tracks.

E

Lastly it is fully against common sense to propose a pedestrian trail between the two rails of a railroad track. One need only remember the admonition given by one's parents when sent out to play, "Have a good time but don't play around Railroad tracks". Proposing a pedestrian trail to be used by youth that is between two rails goes against the parental wisdom of many generations.

The DEIR states that the required mitigation is AES 1, AES 3 and AES 4. These are inadequate as they deal with trees and landscaping and do not address the issues that make this impact significant.

F

Proposed mitigation for AES-3 is to upgrade pedestrian and bicycle intersections to current or better than current standards to improve safety. A further mitigation is a Project redesign to eliminate any trail that is between two rails.

#### Cultural Resources and Tribal Cultural Resources:

The "Level of Significance" ascribed to **Impact CUL-1** is understated and inadequately compares the effects of the proposed Project to the environmental setting. **Impact CUL-1** is defined as the potential to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

According to 36 CFR 800.5(a)(1), an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

This impact was found to be "Less than Significant with Mitigation Incorporated".

G

This finding is inadequate and significantly incomplete since the documentation supplied in the DEIR does not show how this impact was determined, the finding clearly does not understand the established criteria and lastly does not definitively state who actually provided the "Finding of No Adverse Effect" which is the basis of the Less than Significant with Mitigation Incorporated.

The Project may not affect any characteristic that qualifies this Walnut Grove branch for inclusion in the NRHP. The DEIR fully describes the aspects of the Walnut Grove branch that qualify it for inclusion in the NRHP. The Project may not alter any characteristic of the Walnut Grove branch that diminishes the integrity of the rail line's **feeling** or **association** per the above statement quoting 36 CFR 800.5(a)(1).

The characteristic of **Feeling** is explained as the physical integrity of the resource that helps it to convey a sense of time and place and evokes the feeling of an early twentieth-century railroad segment.

The DEIR finding of *Less than Significant* is inadequate since it misjudges the feeling of an early twentieth-century railroad that does not have in place rails at crossings. Looking at a historic rail line that has no rails in road crossings would create an incomplete sense of time and place and a feeling of "something is wrong here". This would cause the viewer to wonder "How did this work?" and then figure that the integrity of the rail line was affected. The rails cannot be removed per this required NRHP characteristic.

The characteristic of **Association** is explained as the feeling of association is intact, as the resource retains sufficient physical integrity to convey its associative significance under Criterion A and Criterion C.

The DEIR finding of *Less than Significant* is inadequate since it misjudges the intactness of the feeling of association of an early twentieth-century railroad that does not have in place rails at crossings. Removal of rails at crossings will not convey a sufficient enough physical integrity to satisfy Criterion A where the property has made a major contribution to American History. The Walnut Grove branch was historic and made major contributions by being the transportation conduit to the agriculturally rich and diverse Sacramento Delta region. Generations of Americans benefited from the agricultural output of this region which supported not only the supply of food to the entire country but was the economic mainstay of many delta families and farms.

Viewing the Walnut Grove branch without rails at street crossings would cause an incomplete association as little or no aspect of the historic resource would be visible. There would be no association and this is a violation of this criteria.

These two impacts of the Project on the Walnut Grove branch point to the incompleteness of the DEIR and the inadequacies of the analysis. The finding of *Less than Significant* is incorrect.

The DEIR, page 150, states, that "The CSO concurred on October 23, 2018 that a Finding of No Adverse Effect with Standard Conditions through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties would be appropriate. See Appendix G for the CSO concurrence letter "(CSO being the Cultural Studies Office of the California Department of Transportation, Caltrans).

Appendix G is a disturbing set of 3 e-mails:

The first e-mail is a query about what is the status of the CSO review as it was then due.

The second e-mail is from the CSO and states the CSO has finished the review and has *no objection* to the Finding of No Adverse Effect with Standard Conditions- SOIS for the Del Rio Trail Project.

The third e-mail says see below for *CSO approval* of the NAE-SC-SOIS finding.

H

This set of e-mails is disturbing because of the change in language and meaning stated in the DEIR versus the CSO letter. The CSO is merely stating it has *no objection* to the finding. This indicates the finding was done *by others*, they reviewed it and found *nothing to object to*. The DEIR inadequately twists this to a different meaning and states this as CSO approval. Finding nothing to object to is not the same as an approval of something of this importance. This is an inadequate statement and cannot be used to construe approval. Thus, this finding is inadequate for this reason alone.

The DEIR states the Secretary of the Interior's Standards for the Treatment of Historic Properties applies to this type of Project. It is not stated in the DEIR as to why this project is subject to this standard and is a reason to label this DEIR as incomplete.

In reviewing the application of these standards to this project several inadequacies are evident.

**Standard # 1 states:** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The Project violates this standard because of the significant change at pedestrian and bicycle interchanges and grade crossings by the removal of rail. The DEIR is inadequate in that it does not include an alternative to using the Walnut Grove branch line that matches its historic purpose. It is also incomplete in stating the need to improve safety by removing the rail. It has been mentioned before and will be repeated here, there are a significant number of examples in the Sacramento region where pedestrian and bicycle crossing a rail is done safely on an on-going basis. The DEIR is incomplete since no solution of safe crossing, as done everywhere else in Sacramento, is presented that keep the historic rails in place.

**Standard # 2 states:** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

I

The DEIR is inadequate in that rail is removed and not preserved per this standard. The standard clearly states that removal of historic materials shall be avoided. The reason given for track removal, safety reasons, is incomplete in that, as stated above, a large number of railroad tracks in the Sacramento area are crossed safely 1000's of times a day by pedestrians and bicycles. The finding is incomplete in that no design solution is proposed to fully retain the historic rail of the Walnut Grove branch track

**Standard #3 states:** Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

J

The Project violates this standard in that the space between the rails and above the wooden ties will be filled with a walking track. The fill and track are not historic and will create a false sense of historical development. It will appear to the public that walking on tracks is acceptable. The standard clearly states that adding conjectural features shall not be undertaken.

**Standard # 9 states:** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

K

The Project violates this standard two ways. First it destroys historic material in the removal of rail at crossings and the crossings are an integral part of the Walnut Grove branch line. It is unclear how the rail and associated hardware will be removed with no destruction of material. Additionally, the fill between the rails and on the ties will hasten the deterioration of the historic property due to water retention. The standard clearly states that new additions and exterior alterations shall not destroy historic materials.

The Project contemplates compliance with Rehabilitation Standards via the "Action Plan" shown as Table 10 on page 148. This plan is inadequate and incomplete for several reasons. First, this is simply an engineering-construction action plan that shows the progression of work. Though a good conceptual project execution strategy it does not address the inadequacies of the project the plan is intended to build. The plan suggests further plans will be made and reviewed. However, the review will be against the inadequate and incomplete findings contained in this DEIR. This action plan cannot be accepted until the Project's inadequacy and incompleteness is addressed.

Due to the above discussion of inadequacy and incompleteness the DEIR finding of "Less than Significant with Mitigation Incorporated" needs to be changed to "**Significant Unmitigated Impact**". Adherence to the given standards as criteria are simply not met with removal of rails and safety can be met, as it is all over Sacramento, by application of applicable design standards.

L

The stated Mitigation Required, CR-1, is basically to follow the Action Plan of Table 10. Since this plan is in itself inadequate and incomplete, so is mitigation CR-1. The proposed mitigation to meet the relevant standards for Cultural impacts is to leave the rail in place, adopt an alternative for "Rails and Trails" plus utilize modern and readily available design standards for pedestrian and bicycle rail crossings.

#### **Hazards and Hazardous Materials:**

The "Level of Significance" ascribed to **Impact HAZ-2** is understated and inadequately compares the effects of the proposed Project to the environmental setting. **Impact HAZ-2** is defined as the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

This impact was found to be "Less than Significant with Mitigation Incorporated"

This finding is inadequate and incomplete since soil sample B2-05 was reported to have an elevated Arsenic level of 21 mg/kg. Sample B2-05 is 62% higher than the next highest sample, B8-05

showing 13 mg/kg. B2-05 is also 10 times higher than the lowest reported Arsenic concentration of 2.1 mg/kg at sample B4-05. It is also noteworthy that ballast sample B2a shows an Arsenic level 46% higher than the next highest ballast test. This indicates a concentration of Arsenic at test location 2 that must be further studied before any mitigation is agreed upon.

There is no reason to believe that a testing plan testing a sample every half mile found the absolute highest concentration of any one chemical. However, this type of testing plan can be used to determine where further testing should be conducted. This level of Arsenic in one sample is indicative of heavier concentrations near this test site and further tests must be done to determine if Arsenic is higher, or not, just 10 feet away or 50 feet or some other statistically calculated distance. Once this further testing determines the extent (or not) of this material the proposed mitigation may need to be heavily modified to continue with the finding of Less than Significant with Mitigation Incorporated.

GEOCON, the consultant conducting the Hazardous Material Study stated this in their Conclusions and Recommendations:

“The reported arsenic concentrations are within the range of naturally occurring concentrations with the exception of arsenic in the soil sample from location B2 which was slightly elevated at a concentration of 21 mg/kg. Outlier concentrations are not uncommon and do not necessarily suggest a contaminant impact. However, a regulatory agency could request further assessment of soil in this area.”

M

Mitigation HAZ-1 is inadequate and incomplete in that it addresses only materials brought onto the construction site not hazardous materials found on or in the construction area. Based on the necessary resample this mitigation may need to be heavily modified to contain elevated levels of Arsenic and any other material found to be elevated through the follow up soil sampling.

#### Land Use and Planning

The “Level of Significance” ascribed to **Impact LAND-2** is understated and inadequately compares the effects of the proposed Project to the environmental setting. **Impact LAND-2** is defined as the potential to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

This impact was found to be “No Impact”.

The City of Sacramento 2035 General Master Plan, Goal LU 9.1 Open Space, Parks, and Recreation is intended to protect open space for its recreational, agricultural, safety, and environmental value and provide adequate parks and open space areas throughout the city. The Old Sacramento State Historic Park Master plan includes property that is included in the Project boundaries and scope. This property is currently used by a unit of the Old Sacramento State Historic Park for recreational purposes that help explain and interpret the historic nature of the railroad background of the Project. The effects of the Project on the recreational and historic programs must be studied and any impacts mitigated.

This finding is inadequate since the effects of this project on the California State Parks Master Plan for Old Sacramento State Historic Park were not studied. This is a master plan adopted by the State, currently in use and must be fully incorporated into the Project. This has not been done and must be for **Impact LAND-2** to be considered complete.

N

Potential impacts on elements of the Old Sacramento State Historic Park Master Plan could potentially create a finding of “Less than Significant with Mitigation Incorporated”. Only through the necessary future study will any impacts be determined and mitigations proposed. Until then **Impact LAND-2** is inadequate and incomplete.

### Population and Housing

This DEIR section contained the following portion of the City of Sacramento 2035 General Plan and though not necessarily directly connected to Population and Housing it was included in the DEIR. As such it will be commented on here as all findings in this section, **Impacts POP-1** to **POP-3** were found as “No Impact”.

The City of Sacramento 2035 General Plan states:

**Goal ED 1.1** Maintain a supportive business climate that increases the City’s ability to retain and expand existing businesses and attract businesses

**Policy ED 1.1.2 City Image.** The City shall continue to promote Sacramento among its citizens and the wider business community as a livable community and an excellent place to do business.

These aspects of the General Plan were not studied and potential impacts not assessed. Thus, the entire analysis of Population and Housing is inadequate and incomplete.

O

City Image is important and Policy ED 1.1.2 indicates the City will promote Sacramento as a livable community. The Project did not include as an alternative the “Rails with Trails” option. This alternative would appeal to a segment of the citizens of Sacramento. It would also indicate to the business community of how Sacramento supports the preservation of the full history of major Sacramento businesses. A livable community is a community that supports all interests, abilities, desires and needs. A livable community wants and needs parks, recreation, volunteer outlets and educational support venues. A Rails with Trails alternative would show that Sacramento wants a livable community that supports and meets the needs of its citizens which in turn, shows current and future business that Sacramento is **THE** place to remain or locate to.

The findings of Population and Housing is inadequate and incomplete without a study of how the Project effects City Image.

### Recreation

The “Level of Significance” ascribed to **Impact REC-4** is understated and inadequately compares the effects of the proposed Project to the environmental setting. **Impact REC-4** is defined as the potential to result in permanent displacement of existing recreational facilities or substantial permanent decrease in access to existing recreational facilities or opportunities.

This impact was found to be "No Impact".

P

This finding is inadequate since the effects of this project on current recreational activities conducted by a unit of the Old Sacramento State Historic Park were not studied. Significant potential interference at the Northern end of the Project with existing recreational operations that depend on existing facilities could have a negative impact and must be mitigated.

Further study of Impact REC-4 could result in a finding of Less than Significant with Mitigation Incorporated.

Impact REC-4 is incomplete and inadequate.

Sincerely,

Paul A. Helman  
Sacramento, CA

Response 41A:

The proposed project would construct and operate a 4.8-mile Class I multi-use path. An excursion rail is not a project component; therefore, analysis of a rail project is not included within the EIR impact analysis. The trail project is not associated with any future excursion train, as the project's purpose and need is to advance and complete the planned bike path connection between the Sacramento River Parkway and the Freeport Shores Bikeway in accordance with the City of Sacramento Bikeway Master Plan. The EIR did not include a potential trail/excursion rail

Comment 42: Steven Szalay (January 3, 2019)

Sent Via Email: [tbuford@cityofsacramento.org](mailto:tbuford@cityofsacramento.org)

Tom Buford, Principal Planner

January 3, 2019

City of Sacramento Community Development Department

300 Richards Boulevard, Third Floor, Sacramento, California 95811

Re: Comments on Del Rio Trail Project Draft EIR

Dear Mr. Buford:

I am submitting these comments on the Draft Environmental Impact Report (DEIR) for the proposed Del Rio Trail. I wholeheartedly support the creation of a pedestrian and bicycle trail that shares the existing Walnut Grove Branch Line Railroad rail right-of-way.

As currently proposed, the Del Rio Trail Project would permanently remove several segments of the historic Walnut Grove Branch Line railroad tracks, rather than accommodating a shared use right of way. This action would permanently sever the ability to eventually connect and potentially extend the active excursion line starting in Old Sacramento to southern portions of the Walnut Grove Branch line. The DEIR fails to adequately analyze and mitigate the serious impacts of such an action.

My initial comments on the DEIR follow:

- A** ♦ The DEIR fails to consider the effect of the project on the previously planned expansion of the current excursion train service contemplated in the DPR Old Sacramento EIR between Old Sacramento and Miller Park to the Sacramento Zoo area, as well as the potential addition of a second train line to Hood.
- B** ♦ The DEIR fails to include adequate information regarding the cultural and historic setting for the project including the California State Railroad Museum's excursion train on part of the Southern Pacific Walnut Grove Branch Line. Also, many planning and review documents regarding the Sacramento region's rich rail history and resources are improperly ignored.
- C** ♦ The DEIR fails to recognize other associated impacts that would result from severance of the Walnut Grove Branch line, such as impacts of visual, agricultural and recreational resources.
- D** ♦ The DEIR improperly concludes that the project's impacts on historical resources are less than significant after mitigation, and fails to include adequate mitigation to lessen the impact to a less than significant level.
- E** ♦ Due to the DEIR's erroneous conclusion that the project would not have significant impact on historical resources, the DEIR fails to adequately examine alternatives that would lessen the significance of this impact.
- F** ♦ The DEIR's statements that destruction of the historic tracks is necessary in several locations for safety reasons is not adequately supported.

These and other defects make the DEIR inadequate. I am requesting that the City take another, more objective, look at the project in light of the increased respect for and accommodation of our region's high quality railroad history and future, embodied in the Walnut Grove Branch Line. Obviously, this

Comment 45: Julie Avery (January 7, 2019)

**Tom Buford**

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**From:** Avery, Julie - [REDACTED]  
**Sent:** Monday, January 7, 2019 5:27 PM  
**To:** Tom Buford  
**Cc:** SacRailActionGroup@Gmail.com  
**Subject:** Support Statement re. Sacramento Southern

[REDACTED]

Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Re: Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

Mr. Buford:

First - I am a retired curator of rural life and culture from Michigan State University who has worked utilizing arts and culture — museums as a tool for region and community building, economic development and tourism. As a visitor to the Sacramento area I am interested and impressed with the work and engagement that the Sacramento Southern is accomplishing in their community and surrounding area. I totally support this issue:

The Del Rio Trail DEIR is wrong and incomplete. It must be rewritten. The DEIR damages a known historical artifact, and totally misses internationally used rail/trail solutions. Finally, the DEIR also does not document the potential Sacramento economic development that would be provided by a longer world class heritage excursion railroad.

The DEIR is defective due to the following issues:

A

The impact and damage to the historic Sacramento Southern Railroad/Walnut Grove Branch Line (SSRR/WGBL) is not accurately described. The SSRR/WGBL qualified for inclusion in the National Register of Historic Places and must be protected. The SSRR/WGBL belongs to all Californians. The DEIR destroys this unique artifact at the behest of a few residents.

B

The DEIR does not detail the damage that will be done to the SSRRs future operating franchise. This franchise allows us to eventually run trains further south, eventually to Hood. Severing the rails along the former RT corridor eliminates the possibility forever of recovering rolling stock to the railyards and the former SP Shops.

C

The DEIR clearly has an anti-rail bias in that a known solution of rails-with-trails is available, is safe, and is used in hundreds of miles of rail/trail across the U.S. and around the world. Multiple survey, design, and analysis documents, some created by the USDOT, are available, yet none were cited or referenced in the DEIR.

D

The DEIR does a significant economic disservice to the people of Sacramento and to the citizens of California and none of this economic analysis appears in the DEIR. By severing the north and south portion of the SSRR rails, the DEIR destroys the tourism potential of expanded heritage rail excursions. Already, the Museum brings in over 300,000 annual visitors, and the SSRR 20,000 summer riders and another 25,000 holiday riders. An expanded and longer excursion service would increase area visitors and their spending on local amenities and supplies. The DEIR must document how other cities are investing in heritage railroads and excursion services and using this to drive economic development in their area and explain why Sacramento is turning its back on this approach.

E

The DEIR design also spends too much money on unnecessary and wasteful designs for separate walking, biking, and running paths when a simple asphalt path with a running trail adjacent would meet all needs. For example, use the simple SSRR rail-with-trail approach in the Baths area near the I-5 bridge. This approach would also speed construction of the trail portion. Economically, the rail-with-trail would be cheaper, faster, and accommodate all types of pedestrians.

Sincerely,

Julie A. Avery, Ph.D.  
Curator Emeriti - Rural Life and Culture

cc: Sacramento Rail Preservation Action Group, [SacRailActionGroup@Gmail.com](mailto:SacRailActionGroup@Gmail.com)

#### Response 45A:

Thank you for your comment. The City's discloses all potential impacts to the legally abandoned and segmented rail within the proposed project area (see Section 2.4 of the EIR). Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch Line of the Southern Pacific Railroad through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties. This determination was made pursuant to 36 CFR 800.5(c) and Section 106 Programmatic Agreement Stipulation X.B(1) between the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and The California Department Of Transportation.

#### Response 45B:

The City acknowledges that there was an approved Final EIR for the Extension of the Steam Excursion Train from Old Sacramento to Hood (1991); however, the approved Old Sacramento State Historic Park General Plan and FEIR (June 2014, SCH: 20100092068) is the current planning document for planned uses of the historic rail corridor. The latter document identifies an extension of the existing excursion train from Old Sacramento to the Sacramento Zoo (at Sutterville Road) as well as a new excursion train line which could run from the Pocket Road/Meadowview Road neighborhood to the town of Hood. The plan and 2014 FEIR specifically exclude the segment of the planned extension of the excursion rail between Sutterville Road and Pocket Road/Meadowview Road (Chapter 4, Page 4-21). As a result, the City of Sacramento has determined that the proposed multi-use trail would not interfere with the approved land use within that segment of the corridor or the planned extension of the excursion rail.

Comment 54: Stephen E. Drew (January 7, 2019)

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**From:** Stephen & Beverly Drew [REDACTED]  
**Sent:** Monday, January 7, 2019 6:04 PM  
**To:** Tom Buford  
**Subject:** Fw: Del Rio Trail Draft EIR

----- Forwarded Message -----

**From:** Stephen & Beverly Drew [REDACTED]  
**To:** tbufore@cityofsacramento.org <tbufore@cityofsacramento.org>  
**Cc:** sacrailactiongroup@gmail.com <sacrailactiongroup@gmail.com>  
**Sent:** Monday, January 7, 2019 06:00:52 PM PST  
**Subject:** Del Rio Trail Draft EIR

Mr. Tom Buford:

The purpose of this e-mail is to object strongly to the Del Rio Trail Draft EIR.

The document overlooks obvious rail-trail solutions. It negates the significant impact of the California State Railroad Museum and its excursion railroad program. It ignores the value of the Sacramento Southern-Walnut Grove Branch Line corridor and the importance of maintaining this more than century-old rail transportation line.

The Sacramento Southern Railroad brings the California State Railroad Museum to life. After looking at static restored locomotives and cars, Museum visitors have the unique opportunity in Old Sacramento to step aboard a live steam train for a ride along the Sacramento River. The late 1970s vision first articulated by William Penn Mott, Jr. was to go one way by steam train and the other by paddle-wheeler along the river with the two meeting at Hood. The Museum has worked tirelessly to maintain this corridor with the vision of one-day making this plan a reality. Taking the heart out of the branch line will destroy this opportunity forever.

The Museum has a significant visitor and financial impact on Sacramento and the local area which needs to be recognized. The California State Railroad Museum is a world-class museum which attracts more than 300,000 visitors plus 45,000 who ride the trains on an annual basis. The Museum needs the trackage so that the equipment "can stretch its legs" and so that visitors will have a full experience during their visit.

I encourage you to re-visit this issue and to give the California State Railroad Museum and its vital rail passenger program every consideration. To do any less would significantly undermine the future of this very significant Sacramento resource.

Sincerely,

Stephen E. Drew  
[REDACTED]

Response 54:

Thank you for your comment. The proposed project would construct and operate a 4.8-mile Class I multi-use path. An excursion rail is not a project component; therefore, analysis of a rail project is not included within the DEIR impact analysis. The trail project is not associated with any future excursion train, as the project's purpose and need is to advance and complete the planned bike path

Comment 50: Ralph Orlandella (January 7, 2019):

**Tom Buford**

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**From:** Ralph Orlandella [REDACTED]  
**Sent:** Monday, January 7, 2019 5:21 PM  
**To:** Tom Buford  
**Subject:** Del Rio Trail Anti Rail Bias

Ralph Orlandella  
[REDACTED]

Via Email To: [TBuford@CityOfSacramento.Org](mailto:TBuford@CityOfSacramento.Org)

Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Re: Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

Mr. Buford:

The Del Rio Trail DEIR is wrong and incomplete. It must be rewritten. The DEIR damages a known historical artifact, and totally misses internationally used rail/trail solutions. Finally, the DEIR also does not document the potential Sacramento economic development that would be provided by a longer world class heritage excursion railroad.

The DEIR is defective due to the following issues:

A

The impact and damage to the historic Sacramento Southern Railroad/Walnut Grove Branch Line (SSRR/WGBL) is not accurately described. The SSRR/WGBL qualified for inclusion in the National Register of Historic Places and must be protected. The SSRR/WGBL belongs to all Californians. The DEIR destroys this unique artifact at the behest of a few residents.

B

The DEIR does not detail the damage that will be done to the SSRRs future operating franchise. This franchise allows us to eventually run trains further south, eventually to Hood. Severing the rails along the former RT corridor eliminates the possibility forever of recovering rolling stock to the railyards and the former SP Shops.

C

The DEIR clearly has an anti-rail bias in that a known solution of rails-with-trails is available, is safe, and is used in hundreds of miles of rail/trail across the U.S. and around the world. Multiple survey, design, and analysis documents, some created by the USDOT, are available, yet none were cited or referenced in the DEIR.

D

The DEIR does a significant economic disservice to the people of Sacramento and to the citizens of California and none of this economic analysis appears in the DEIR. By severing the north and south portion of the SSRR rails, the DEIR destroys the tourism potential of expanded heritage rail excursions. Already, the Museum brings in over 300,000 annual visitors, and the SSRR 20,000 summer riders and another 25,000 holiday riders. An expanded and longer excursion service would increase area visitors and their spending on local amenities and supplies. The DEIR must document how other cities are investing in heritage railroads and excursion services and using this to drive economic development in their area and explain why Sacramento is turning its back on this approach.

E

The DEIR design also spends too much money on unnecessary and wasteful designs for separate walking, biking, and running paths when a simple asphalt path with a running trail adjacent would meet all needs. For example, use the simple SSRR rail-with-trail approach in the Baths area near the I-5 bridge. This approach would also speed construction of the trail portion. Economically, the rail-with-trail would be cheaper, faster, and accommodate all types of pedestrians.

Sincerely,  
Ralph Orlandella

Sent from my iPad

#### Response 50A:

Thank you for your comment. The City's discloses all potential impacts to the legally abandoned and segmented rail within the proposed project area (see Section 2.4 of the EIR). Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch Line of the Southern Pacific Railroad through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties. This determination was made pursuant to 36 CFR 800.5(c) and Section 106 Programmatic Agreement Stipulation X.B(1) between the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and The California Department Of Transportation.

Comment 53: Ryan Adam (January 8, 2019)

**Tom Buford**

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**From:** turbohydramatic [REDACTED]  
**Sent:** Tuesday, January 8, 2019 7:03 PM  
**To:** Tom Buford  
**Cc:** SacRailActionGroup@Gmail.com  
**Subject:** Re: Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

Via Email To: TBuford@CityOfSacramento.Org

Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Mr. Buford:

The Del Rio Trail DEIR is wrong and incomplete. It must be rewritten. The DEIR damages a known historical artifact, and totally misses internationally used rail/trail solutions. Finally, the DEIR also does not document the potential Sacramento economic development that would be provided by a longer world class heritage excursion railroad.

The DEIR is defective due to the following issues:

- A** The impact and damage to the historic Sacramento Southern Railroad/Walnut Grove Branch Line (SSRR/WGBL) is not accurately described. The SSRR/WGBL qualified for inclusion in the National Register of Historic Places and must be protected. The SSRR/WGBL belongs to all Californians. The DEIR destroys this unique artifact at the behest of a few residents.
- B** The DEIR does not detail the damage that will be done to the SSRRs future operating franchise. This franchise allows us to eventually run trains further south, eventually to Hood. Severing the rails along the former RT corridor eliminates the possibility forever of recovering rolling stock to the railyards and the former SP Shops.
- C** The DEIR is clearly has an anti-rail bias in that a known solution of rails-with-trails is available, is safe, and is used in hundreds of miles of rail/trail across the U.S. and around the world. Multiple survey, design, and analysis documents, some created by the USDOT, are available, yet none were cited or referenced in the DEIR.
- D** The DEIR does a significant economic disservice to the people of Sacramento and to the citizens of California and none of this economic analysis appears in the DEIR. By severing the north and south portion of the SSRR rails, the DEIR destroys the tourism potential of expanded heritage rail excursions. Already, the Museum brings in over 300,000 annual visitors, and the SSRR 20,000 summer riders and another 25,000 holiday riders. An expanded and longer excursion service would increase area visitors and their spending on local amenities and supplies. The DEIR must document how other cities are investing in heritage railroads and excursion services and using this to drive economic development in their area and explain why Sacramento is turning its back on this approach.
- E** The DEIR design also spends too much money on unnecessary and wasteful designs for separate walking, biking, and running paths when a simple asphalt path with a running trail adjacent would meet all needs. For example, use the simple SSRR rail-with-trail approach in the Baths area near the I-5 bridge. This approach would also speed construction of the trail portion. Economically, the rail-with-trail would be cheaper, faster, and accommodate all types of pedestrians.

Sincerely,

Ryan Adam  
Folsom, CA

Response 53A:

Thank you for your comment. The City's discloses all potential impacts to the legally abandoned and segmented rail within the proposed project area (see Section 2.4 of the EIR). Due to the limited

Comment 48: Mario D. Allen (January 8, 2019)

**Tom Buford**

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**From:** Mario Allen [REDACTED]  
**Sent:** Tuesday, January 8, 2019 6:37 PM  
**To:** Tom Buford  
**Subject:** Del Rio Trail Draft EIR (DEIR) (K15165100)

1/8/2019



Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Re: Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

Mr. Buford:

The Del Rio Trail DEIR is wrong and incomplete. It must be rewritten. The DEIR damages a known historical artifact, and totally misses internationally used rail/trail solutions. Finally, the DEIR also does not document the potential Sacramento economic development that would be provided by a longer world class heritage excursion railroad.

The DEIR is defective due to the following issues:

- A** The impact and damage to the historic Sacramento Southern Railroad/Walnut Grove Branch Line (SSRR/WGBL) is not accurately described. The SSRR/WGBL qualified for inclusion in the National Register of Historic Places and must be protected. The SSRR/WGBL belongs to all Californians. The DEIR destroys this unique artifact at the behest of a few residents.
- B** The DEIR does not detail the damage that will be done to the SSRRs future operating franchise. This franchise allows us to eventually run trains further south, eventually to Hood. Severing the rails along the former RT corridor eliminates the possibility forever of recovering rolling stock to the railyards and the former SP Shops.
- C** The DEIR is clearly has an anti-rail bias in that a known solution of rails-with-trails is available, is safe, and is used in hundreds of miles of rail/trail across the U.S. and around the world. Multiple survey, design, and analysis documents, some created by the USDOT, are available, yet none were cited or referenced in the DEIR.

D

The DEIR does a significant economic disservice to the people of Sacramento and to the citizens of California and none of this economic analysis appears in the DEIR. By severing the north and south portion of the SSRR rails, the DEIR destroys the tourism potential of expanded heritage rail excursions. Already, the Museum brings in over 300,000 annual visitors, and the SSRR 20,000 summer riders and another 25,000 holiday riders. An expanded and longer excursion service would increase area visitors and their spending on local amenities and supplies. The DEIR must document how other cities are investing in heritage railroads and excursion services and using this to drive economic development in their area and explain why Sacramento is turning its back on this approach.

E

The DEIR design also spends too much money on unnecessary and wasteful designs for separate walking, biking, and running paths when a simple asphalt path with a running trail adjacent would meet all needs. For example, use the simple SSRR rail-with-trail approach in the Baths area near the I-5 bridge. This approach would also speed construction of the trail portion. Economically, the rail-with-trail would be cheaper, faster, and accommodate all types of pedestrians.

Sincerely,

Mario Allen

Response 48A:

Thank you for your comment. The City's discloses all potential impacts to the legally abandoned and segmented rail within the proposed project area (see Section 2.4 of the EIR). Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch Line of the Southern Pacific Railroad through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties. This determination was made pursuant to 36 CFR 800.5(c) and Section 106 Programmatic Agreement Stipulation X.B(1) between the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and The California Department Of Transportation.

Response 47B:

The City acknowledges that there was an approved Final EIR for the Extension of the Steam Excursion Train from Old Sacramento to Hood (1991); however, the approved Old Sacramento State Historic Park General Plan and FEIR (June 2014, SCH: 20100092068) is the current planning document for planned uses of the historic rail corridor. The latter document identifies an extension

Comment 52: Ron Butts (January 8, 2019)

**Tom Buford**

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**From:** Ron Butts [REDACTED]  
**Sent:** Tuesday, January 8, 2019 10:36 AM  
**To:** Tom Buford  
**Cc:** SacRailActionGroup@Gmail.com  
**Subject:** Del Rio Trail Draft EIR (DEIR) (K15165100)

Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Re: Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

Mr. Buford:

The Del Rio Trail DEIR is wrong and incomplete. It must be rewritten. The DEIR damages a known historical artifact, and totally misses internationally used rail/trail solutions. Finally, the DEIR also does not document the potential Sacramento economic development that would be provided by a longer world class heritage excursion railroad.

The DEIR is defective due to the following issues:

- A The impact and damage to the historic Sacramento Southern Railroad/Walnut Grove Branch Line (SSRR/WGBL) is not accurately described. The SSRR/WGBL qualified for inclusion in the National Register of Historic Places and must be protected. The SSRR/WGBL belongs to all Californians. The DEIR destroys this unique artifact at the behest of a few residents.
  
- B The DEIR does not detail the damage that will be done to the SSRRs future operating franchise. This franchise allows us to eventually run trains further south, eventually to Hood. Severing the rails along the former RT corridor eliminates the possibility forever of recovering rolling stock to the railyards and the former SP Shops.

C

The DEIR is clearly has an anti-rail bias in that a known solution of rails-with-trails is available, is safe, and is used in hundreds of miles of rail/trail across the U.S. and around the world. Multiple survey, design, and analysis documents, some created by the USDOT, are available, yet none were cited or referenced in the DEIR. I would suggest taking the time to read the America's Rails-with-Trails Report (<https://www.railstotrails.org/resource-library/resources/americas-rails-with-trails/>).

D

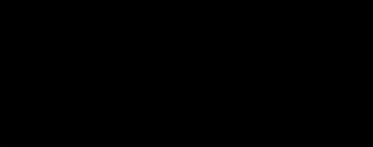
The DEIR does a significant economic disservice to the people of Sacramento and to the citizens of California and none of this economic analysis appears in the DEIR. By severing the north and south portion of the SSRR rails, the DEIR destroys the tourism potential of expanded heritage rail excursions. Already, the Museum brings in over 300,000 annual visitors, and the SSRR 20,000 summer riders and another 25,000 holiday riders. An expanded and longer excursion service would increase area visitors and their spending on local amenities and supplies. The DEIR must document how other cities are investing in heritage railroads and excursion services and using this to drive economic development in their area and explain why Sacramento is turning its back on this approach.

E

The DEIR design also spends too much money on unnecessary and wasteful designs for separate walking, biking, and running paths when a simple asphalt path with a running trail adjacent would meet all needs. For example, use the simple SSRR rail-with-trail approach in the Baths area near the I-5 bridge. This approach would also speed construction of the trail portion. Economically, the rail-with-trail would be cheaper, faster, and accommodate all types of pedestrians.

I strongly urge that the DEIR be revisited and amended to fix the deficiencies that currently exist in the report.

Sincerely,  
Ron Butts



Response 52A:

Thank you for your comment. The City's discloses all potential impacts to the legally abandoned and segmented rail within the proposed project area (see Section 2.4 of the EIR). Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch Line of the Southern Pacific Railroad through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties. This determination

Comment 49: Paul Murray (January 8, 2019)

**Tom Buford**

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**From:** Paul Murray [REDACTED]  
**Sent:** Tuesday, January 8, 2019 8:10 PM  
**To:** Tom Buford  
**Subject:** Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

Via Email To:

Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Mr. Buford:

I am a resident of the city of Sacramento writing in opposition to the Del Rio Trail Draft EIR (DEIR) (K15165100) and offer the following for your consideration:

The DEIR damages a nationally-recognized historical artifact and totally misses internationally used rail/trail solutions. The DEIR also does not document the potential Sacramento economic development which result with the operation of a longer world-class heritage excursion railroad.

The DEIR is defective due to the following issues:

- A** The impact and damage to the historic Sacramento Southern Railroad/Walnut Grove Branch Line (SSRR/WGBL) is not accurately described. The SSRR/WGBL qualified for inclusion in the National Register of Historic Places and must be protected. The SSRR/WGBL belongs to all Californians. The DEIR destroys this unique artifact at the behest of a few residents.
- B** The DEIR does not detail the damage that will be done to the Sacramento Southern Railroad's future operating franchise. This franchise allows the railroad to eventually run trains further south, eventually to Hood. Severing the rails along the former rapid transit corridor eliminates the possibility forever of recovering rolling stock to the railyards and the former Southern Pacific Shops.
- C** The DEIR clearly has an anti-rail bias in that a known solution of rails-with-trails is available, safe and has been used in hundreds of miles of rail/trail across the U.S. and around the world. Multiple survey, design, and analysis documents, some created by the USDOT, are available, yet none were cited or referenced in the DEIR.
- D** The DEIR does a significant economic disservice to the people of Sacramento and to the citizens of California. None of this economic analysis appears in the DEIR. By severing the north and south portion of the Sacramento Southern's rails, the DEIR destroys the tourism potential of expanded heritage rail excursions. Already, the California State Railroad Museum brings in over 300,000 annual visitors, the Sacramento Southern 20,000 summer riders and another 25,000 riders between Thanksgiving and Christmas holidays.. An expanded and longer excursion service would increase income for local tourism-related business, primarily hotel and restaurant spending. The DEIR must

document how other cities are investing in heritage railroads and excursion services and using this to drive economic development in their area and explain why Sacramento is turning its back on this approach.

E

The DEIR design also spends too much money on unnecessary and wasteful designs for separate walking, biking, and running paths when a simple asphalt path with a running trail adjacent to the existing Sacramento Southern rail line such as currently exists between Old Sacramento State Historic Park and Sacramento's Miller Park would meet all needs. This approach would also speed construction of the trail portion. Economically, the rail-with-trail would be cheaper, while servicing the needs of rail, pedestrian and bicycle traffic.

The Del Rio Trail DEIR must be rewritten as it is, in my view and that of others who wish to see Sacramento grow and prosper as a world-class travel destination, wrong and incomplete in its present form.

Sincerely,

Paul Murray



Sent from [Mail](#) for Windows 10

Response 49A:

Thank you for your comment. The City's discloses all potential impacts to the legally abandoned and segmented rail within the proposed project area (see Section 2.4 of the EIR). Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch Line of the Southern Pacific Railroad through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties. This determination was made pursuant to 36 CFR 800.5(c) and Section 106 Programmatic Agreement Stipulation

Comment 46: Kim Harrington (January 9, 2019)

**Tom Buford**

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**From:** Kim Harrington - [REDACTED]  
**Sent:** Wednesday, January 9, 2019 12:17 PM  
**To:** Tom Buford  
**Cc:** Sacramento Rail Preservation Action Group - SPRAG  
**Subject:** Del Rio Trail (DRT)

[REDACTED] (address)

**Via Email To:**  
tbuford@cityofsacramento.org

**Mr. Tom Buford**  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd, 3rd Floor  
Sacramento, CA 95811

**Mr. Buford:**

A

I am concerned that the Draft EIR (DEIR) for the proposed Del Rio Trail (DRT) is incomplete, inaccurate, and is clearly anti-rail.

B

The DEIR does not address the damage the DRT will do to the integrity of the historic Walnut Grove Branch Line (WGBL). This historic artifact belongs to the people of California and the DRT will prevent it from ever operating again. Further, much of the WGBL will be removed or buried.

C

The DEIR is incomplete without describing rails-with-trails (RWT) as a possible satisfactory solution. California has hundreds of miles of successful RWT; internationally, the world has thousands of miles of RWT. Published studies show that RWT are safe and the best way of combining trails with active rail operations. The next EIR must evaluate a RWT solution and show how it is the most viable solution for the DRT. The RWT solution will provide a win for everyone. The trail is extended and connected to other trails. The SSRR operating franchise is preserved and can continue south. City maintenance requirements are reduced by the SSRR provided maintenance. Longer excursion rides mean more visitors to the City, who are spending more. The reputation of the City as a tourist destination is enhanced.

The DEIR is incomplete with no description of the Sacramento Southern Railroad (SSRR) and the adverse effects of pulling the rails. We must have a means of moving equipment from Old Town in the north to Meadowview in the south. From Meadowview, excursion trains can run further to Hood.

The DEIR is incomplete is that it does not state how the City will reconnect our northern rails with our southern rails. If the rails are pulled, the city must make us whole again with an equivalent rail

connection.

The DEIR is incomplete without a description of the CSR/M and SSRR mission, which is to preserve past and present railroad culture. Part of this mission is to defend the SSRR's operating franchise and historical route for potential future use south to Hood.

The DEIR is incomplete as it does not describe the potential financial losses that will accrue to the CSR/M/SSRR. The CSR/M/SSRR is a world class tourist attraction with over 300,000 visitors annually from every part of the world. It is the primary tourist anchor for Old Town. Damage to reputation of the CSR/M/SSRR could result in adverse effects to the Old Town tourist economy and City parking and tax revenues.

The DEIR is inaccurate in that many of the supposed rail issues are either not true or are overstated. Each issue must be accurately stated. Possible mitigation measures must also be fully described.

The City's anti-rail biases are clear in the DEIR. Correct these biases in the next version of the EIR. Include the value of a fully intact WGBL. Include the mitigation value of a rails-with-trails solution.

Sincerely,  
[Kim Harrington]

cc: SacRailActionGroup@Gmail.com

Kim Harrington  
Kim Harrington Photography  
khphoto@sbcglobal.net  
510.653.6554 Office

Response 46A:

Thank you for your comment. The City is dedicated to public outreach and ongoing public communications with all interested stakeholders including the South Land Park Neighborhood Association (SLPNA), Land Park Community Association (LPCA), California State Parks, Sacramento Regional Transit, and the Railroad Foundation. Following award of the ATP Cycle 2 Grant in 2015, the City designed a public outreach program to share information and obtain

Comment 51: Richard Paselk (January 9, 2018)

**Tom Buford**

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**From:** Richard A Paselk <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:24 AM  
**To:** Tom Buford  
**Subject:** Re: Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

From;  
Richard A. Paselk

[Your Email Here, Optional but recommended]

Via Email To: TBuford@CityOfSacramento.Org

Mr. Tom Buford  
Manager, Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Re: Defects and Anti-Rail Bias in the Del Rio Trail Draft EIR (DEIR) (K15165100)

Mr. Buford:

As a new Docent ant the California State Railroad Museum I have become concerned about the irreversible damage that will be done to future excursion railroad possibilities in the current Del Rio Trail Draft EIR. As I have become aware the Museum is an internationally renowned attraction for Sacramento. Each week I talk to visitors from around the state, the nation and around the World.

In the past few weeks alone I have met visitors from China, Japan, Korea, Australia, New Zealand, a variety of European countries and from around the USA and California. I am convinced that enhanced excursion rides would only enhance our attractiveness and value to Sacramento and the surrounding areas.

As noted below there are significant issues with the current Draft EIR. Please consider carefully their current and future impacts on both Sacramento and its surroundings. In this year of the 150th anniversary of the completion of the Transcontinental Railroad, one of the World's great technological accomplishments, to which Sacramento was a key player, it would be particularly sad to lose this historic link.

The Del Rio Trail DEIR is wrong and incomplete. It must be rewritten. The DEIR damages a known historical artifact, and totally misses internationally used rail/trail solutions. Finally, the DEIR also does not document the potential Sacramento economic development that would be provided by a longer world class heritage excursion railroad.

The DEIR is defective due to the following issues:

- A** The impact and damage to the historic Sacramento Southern Railroad/Walnut Grove Branch Line (SSRR/WGBL) is not accurately described. The SSRR/WGBL qualified for inclusion in the National Register of Historic Places and must be protected. The SSRR/WGBL belongs to all Californians. The DEIR destroys this unique artifact at the behest of a few residents.
- B** The DEIR does not detail the damage that will be done to the SSRRs future operating franchise. This franchise allows us to eventually run trains further south, eventually to Hood. Severing the rails along the former RT corridor eliminates the possibility forever of recovering rolling stock to the railyards and the former SP Shops.

C

The DEIR is clearly has an anti-rail bias in that a known solution of rails-with-trails is available, is safe, and is used in hundreds of miles of rail/trail across the U.S. and around the world. Multiple survey, design, and analysis documents, some created by the USDOT, are available, yet none were cited or referenced in the DEIR.

D

The DEIR does a significant economic disservice to the people of Sacramento and to the citizens of California and none of this economic analysis appears in the DEIR. By severing the north and south portion of the SSRR rails, the DEIR destroys the tourism potential of expanded heritage rail excursions. Already, the Museum brings in over 300,000 annual visitors, and the SSRR 20,000 summer riders and another 25,000 holiday riders. An expanded and longer excursion service would increase area visitors and their spending on local amenities and supplies. The DEIR must document how other cities are investing in heritage railroads and excursion services and using this to drive economic development in their area and explain why Sacramento is turning its back on this approach.

E

The DEIR design also spends too much money on unnecessary and wasteful designs for separate walking, biking, and running paths when a simple asphalt path with a running trail adjacent would meet all needs. For example, use the simple SSRR rail-with-trail approach in the Baths area near the I-5 bridge. This approach would also speed construction of the trail portion. Economically, the rail-with-trail would be cheaper, faster, and accommodate all types of pedestrians.

Sincerely,

Rich Paselk

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Richard A. Paselk, Ph.D.

Curator and Webmaster

Robert A. Paselk Scientific Instrument Museum

Humboldt State University Library

<http://humboldt.edu/scimus/>

Curator Emeritus and Exhibits Webmaster

HSU Natural History Museum

<http://www.humboldt.edu/natmus/>

Mail:

Response 51A:

Thank you for your comment. The City's discloses all potential impacts to the legally abandoned and segmented rail within the proposed project area (see Section 2.4 of the EIR). Due to the limited impacts to the railroad, in which track removal will only constitute approximately 2 percent of the total remaining historic fabric where necessitated for safety reasons and will otherwise be avoided, the project was determined to have a Finding of No Adverse Effect with Standard Conditions for impacts to the Walnut Grove Branch Line of the Southern Pacific Railroad through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties. This determination was made pursuant to 36 CFR 800.5(c) and Section 106 Programmatic Agreement Stipulation

Comment 47: Lynne Sawyer (January 7, 2019)

**Tom Buford**

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**From:** Mom [REDACTED]  
**Sent:** Monday, January 7, 2019 5:08 PM  
**To:** Tom Buford  
**Cc:** SacRailActionGroup@Gmail.com  
**Subject:** Please protect the SSRR/WGBL

Hello,

My name is Lynne Sawyer and I am a public school teacher. I am writing to you to encourage you to do whatever it takes to protect the Sacramento Southern Railroad/Walnut Grove Branch Line, part of the National Register of Historic Places.

I am sure you know as well as I do, that many many students from all over the State of California have enjoyed taking a historic ride on the Sacramento Southern Railroad, and that doing is the best part of learning. It is far more helpful to experience something than to read or talk about it. Our local history is extremely important to the rest of the State, and this is a way that you can help thousands of students learn and appreciate the history of the area in which we live, including from Old Sacramento to the Sacramento Delta.

Please don't allow a small number of people to keep the rest of thousands of Californians from enjoying this treasure.

There are so many parts of history that we have lost and many people have taken the time to preserve the area of Old Sacramento and I am so grateful for that. Please join them in protecting this historical rail line.

Thank you,  
Lynne Sawyer

Response 47:

Thank you for your comment. The City of Sacramento does recognize the current level of interest in Old Sacramento, rail-related history, and its importance to the community. The City of Sacramento developed the Old Sacramento State Historic Park General Plan and 2014 FEIR to guide the development, ongoing management, and public use of the Old Sacramento State Historic Park for the next 20 years or beyond. This Plan includes opportunities to expand historic rail usage through future projects and expand opportunities for the community and tourists to experience and learn about Sacramento's rich railroad history.

In addition, through the development of the Del Rio Trail project, the City coordinated with the California State Railroad Foundation, addressing their concerns regarding track removal by reducing track impacts from 50% to 2% of the track in the project area.

# **EXHIBIT 3**



2850 Spafford Street, Davis, CA 95618 | 530-757-2521 | [www.jrphistorical.com](http://www.jrphistorical.com)

## MEMORANDUM

March 4, 2019

TO: Osha Meserve, Soluri Meserve

FROM: Christopher McMorris and Cheryl Brookshear, JRP Historical Consulting, LLC

RE: Peer review of historical resources compliance documentation for the Del Rio Trail Project, City of Sacramento, California

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At your request, JRP Historical Consulting, LLC (JRP) prepared this expert peer review of the historic built environment data and analysis in the Draft Environmental Impact Report (DEIR) and Final Environmental Impact Report (FEIR) cultural resources sections of the Del Rio Trail Project in the City of Sacramento, California. The DEIR and FEIR were prepared for project compliance under the California Environmental Quality Act (CEQA). The cultural resources sections of the DEIR and FEIR include analysis regarding impacts to the historic Sacramento Southern Railway, Walnut Grove Branch Line (WGBL) railroad, which is considered a historical resource under CEQA because it is listed in the California Register of Historical Resources based on its formal determination of eligibility under Criteria A and C of the National Register of Historic Places with a period of significance of 1908 to 1934. The boundaries of the historical resource consist of the 24.5 miles identified along its original route.

JRP undertook a general review of the historical resources documentation prepared for the Del Rio Trail Project and did not conduct research, except as cited herein, nor any fieldwork for preparation of this memorandum. This peer review has been limited to examining relevant sections of the DEIR, FEIR, and the historical resources technical report appended to the DEIR as Appendix J.2, and certain associated documents cited herein. JRP has not been previously involved with this project, except for participation on a team that submitted a proposal for, and did not win, the environmental compliance documentation. JRP has also not participated in any of the public outreach efforts.

The historic resources compliance documentation presented in the DEIR and FEIR cultural resources sections are largely derived from the historical resources technical report, which is the Finding of No Adverse Effect with Standard Conditions, Secretary of Interior's Standards (FNAE-SC-SOIS) that qualified architectural historians at GPA Consulting prepared. The FNAE-SC-SOIS was prepared for project compliance with Section 106 of the National Historic Preservation Act and its implementing regulation in Title 36 Code of Federal Regulations Part 800 (36 CFR 800). Section 106 compliance was required because of federal funding and Caltrans' involvement with this project. The FNAE-SC-SOIS was prepared because the WGBL is a historic property under Section 106, and the report included previous historic resources documentation of the WGBL. The general review presented herein focuses on the historical resources technical report because the DEIR / FEIR Project Impact Analysis follows the FNAE-SC-SOIS.

The DEIR was released to the public in November 2018 and the FEIR was made public in February 2019. The FEIR includes a change to the project to remove the separate walking trail and infilling the area between and around the WGBL's tracks with a traversable surface such as decomposed granite. The project presented in the FEIR still includes removal of track in four locations, encasement of track in four locations, and removal of a railroad berm and a railroad bridge.

### General Review

JRP concludes herein that although it may be possible for the Del Rio Trail Project to conform with the SOI Standards of Rehabilitation, the project as analyzed in the FNAE-SC-SOIS and DEIR / FEIR does not meet those standards. The project, as proposed, would diminish the historical resource's integrity of design, materials, and workmanship to a greater degree than acknowledged, and the conditions proposed to minimize potential impacts to the historical resource are insufficient to preserve the WGBL's historic character.

### *Methodology of Analysis*

An initial issue in the cultural resources section of the DEIR / FEIR is that instead of providing an assessment of project impacts using the stated methodology for analysis that would be in compliance with CEQA Guidelines Section 15064.5, the analysis presented is taken directly from the FNAE-SC-SOIS, which is solely focused on addressing standards in 36 CFR 800. The project impact analysis for Impact CUL-1 in the cultural resources section of the DEIR does not specifically address whether the project would materially impair the WGBL such that it would cause a substantial adverse change in the historical resource and be a potential significant impact on the environment. While substantially similar, 36 CFR 800 and CEQA Guidelines Section 15064.5 are separate regulations operating from different jurisdictions. The former stems from federal law and the requirements for the assessment of adverse effects are clearly delineated. While relevant, the indicated examples of adverse effect in 36 CFR 800.5 do not exist in CEQA.

A substantial adverse change under CEQA Guidelines Section 15064.5(b) is defined as "physical, demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." The two regulations do agree that a project avoids adversely affecting a historic property / historical resource if it conforms with the Secretary of Interior's Standards for the Treatment of Historic Properties (SOI Standards), which includes the treatment of Rehabilitation under which the Del Rio Project was assessed. Examination of the project *vis-à-vis* the SOI Standards for Rehabilitation is the core of the analysis presented in the FNAE-SC-SOIS and the DEIR / FEIR cultural resources section.

The inadequacy of the DEIR / FEIR Project Impacts Analysis of Impact CUL-1 may have been the result of a qualified architectural historian not being involved with the preparation of this section. Instead, an archaeologist from Dokken Engineering is indicated as the preparer of this section.

### *Conformance with the SOI Standards of Rehabilitation and Impacts Analysis*

As noted, it may be possible for the Del Rio Trail Project to conform with the SOI Standards of Rehabilitation, but the project as analyzed in the FNAE-SC-SOIS does not meet those standards. This is particularly the case if the images from Attachments F and G of the report were used to justify conformance. (The images in those attachments include areas that do not show the tracks, ties, and ballast and instead these features of the historical resource appear to be removed from much of the project design.) To avoid causing a substantial adverse change that would materially impair the WGBL as a historical resource, the project should change its approach to work with the railroad line more like a functioning / potentially functioning railroad than as an abandoned structure that would be rehabilitated to an extent that only preserves elements of the historical resource's aesthetic qualities.

To meet the SOI Standards, further efforts would be needed to retain the historic character of the WGBL, preserve its potential use as a railroad, add new features in such a way as to reduce destruction of historic material, and install new construction in a way that preserves the historical resource. The analysis regarding project compliance with the SOI Standards of Rehabilitation does not sufficiently account for removal of historic fabric, introduction of new visual elements, and changes in use of the historical resource. The project, as proposed, would cause physical destruction to a segment of the 24.5 mile WGBL, result in alterations that are not in conformance with the SOI Standards, change the property's use and physical features that contribute to its significance, introduce visual elements that diminish its historic significance, and may result in neglect of the historic railroad.

The analysis does not adequately address the way in which the project would diminish the historical resource's integrity of design, materials, and workmanship as presented in Section 4.2 of the FNAE-SC-SOIS. This section acknowledges that the WGBL retains sufficient integrity of design and materials because a "preponderance of steel rails and wood ties are sufficient to convey the resource's historic function and aesthetic," and a "majority of the segment (affected by the project) retains steel rails, wood ties, and gravel ballast, as it would have during the period of significance." Furthermore, Section 4.2 notes that details such as individual bolts help illustrate integrity of workmanship.

The combined project elements of track removal, encasement of tracks concrete, and installing new landscaping along the tracks are not taken into account as a combined set of effects on the overall historical resource.

- The proposed track removal would expand sections of the WGBL within the project's Area of Potential Effects (APE) (also referred to as a Project Area Limits, or PAL) that have already been affected, thus diminishing the integrity of those sections further. The impact of track removal is downplayed and not analyzed for its contribution to diminishing the historical resource's overall integrity of design, materials, and workmanship. If this were a building, the proposed track removal at locations near where tracks were previously removed would be like replacing windows that have already been replaced, but doing so with even bigger replacement windows requiring removal of more historic fabric and further altering the property's design.
- It is unclear how the concrete encasement of track would be accomplished. It appears that only the tops of the steel rails are proposed to be visible within the concrete, rather than accomplishing this safety effort through methods that are used at sidewalks or bike paths at functioning railroad crossings in other locations in Sacramento. Full encasement of tracks in

concrete would severely change the use of those tracks and would not be readily reversible. This would not only contribute to the project diminishing the historical resource's integrity of design, materials, workmanship, but also not be in conformance with the SOI Standards of Rehabilitation that guides projects to minimally change the use of a historic building or structure for a new use.

The tracks, ties, and ballast are very important in conveying the WGBL's significance. The 1992 NRHP nomination discussed the tracks as part of the assessment of historic integrity. The nomination also notes that 17 miles of the 24.5-mile route retain track, with seven miles of track missing south of Hood.

Other related guidance and examples support the idea that tracks (along with ties and ballast) are important to conveying a railroad's historic significance. The January 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation regarding Compliance with Section 106 of the National Historic Preservation Act* (Section 106 PA) Attachment 4 states that railroad grades converted to other uses can be exempt from evaluation, as identified by a professionally qualified architectural historian. This exemption indicates that tracks are an integral portion of a railroad's integrity. Evaluations of other significant railroads also indicate that inclusion of track is an important part of integrity.

Railroads in California that are NRHP and/or CRHR eligible include many that have tracks and are operational. All but one of the following historic railroads includes operational rail or functional track:

- Laws Narrow Gauge Railroad, Bishop to Laws, Inyo County (operational)
- Niles Canyon line, Alameda County (operational, track removed in 1980s but restored for a majority of the length)
- Sacramento Northern Railway, Western Railroad Museum, Solano County (operational) and Woodland, Yolo County (operational)
- Angels Flight, Los Angeles (relocated and reconstructed)
- California Western Railroad (operational, popularly known as the Skunk Train), Mendocino County,
- Northwestern Pacific Railroad, Sonoma and Humboldt Counties (only operational in Sonoma county, operation to the north has been spotty due to frequent track damage)
- Mount Lowe Railway, Los Angeles (right of way only - rails scrapped prior to World War II).<sup>1</sup>

The presence of track in most of these historic railroads emphasizes the importance of the functional elements such as tracks, ties, and ballast to the ability of these resources to convey their significance. The former Sacramento Northern Railway, for example, has historic significance, but only portions retain track (with some maintained by the Western Railroad Museum in Solano County and a small section on

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<sup>1</sup> National Park Service, National Register of Historic Places, Digital Archive on NPGallery, "NP Gallery Digital Asset Search," <https://npgallery.nps.gov/nrhp> Accessed January 2019; California Office of Historic Preservation, Historic Property Data File Yolo County, April 5, 2012; California Office of Historic Preservation, Historic Property Data File Mendocino County, February 5, 2009.

a trestle east of Woodland in Yolo County) and have been found eligible for listing. All other segments have been found to not be eligible because they lack sufficient historic integrity. The Mount Lowe Railway, the only railroad listed above that does not retain operational track, is largely noted for the promotion of outdoor recreation and the incredible views that the railway made available.

Despite part of WGBL being out of service when it was evaluated for historic significance in 1991-1992, the majority of utilitarian features of the overall historical resource were intact, and the existence of intact rails was cited as contributing to the integrity of the railroad. Sections of the track, notably that south of Locke, that had not been retained, were eliminated from the eligible resource. This supports consideration of the WGBL's utility as a working (or potentially working) railroad within the impacts analysis in the DEIR / FEIR. Historical use is also an important consideration in conformance with the SOIS Standards for Rehabilitation, which states that properties should retain their historic use or be given a new use that requires "minimal change to the defining characteristics" of the property. The FNAE-SC-SOIS assumes that this section of the WGBL's reuse as a bike / pedestrian corridor meets this standard, and the current and historic use of the WGBL as a rail corridor is generally overlooked. New uses of the corridor should avoid changes to the railroad's features, including rails, ties, and ballast, that identify it as a railroad, thus avoiding impacts to the integrity of this 24.5 mile historical resource.

In addition, the analysis states that the project would not cause neglect that could cause deterioration of the WGBL. However, there is no indication about how the extant features of the historical resource would be maintained, and the analysis does not examine how the proposed landscaping planted along the tracks would physically impact the structure. It is possible that the wood ties, for example, would deteriorate more rapidly than they would have otherwise as a result of the proposed landscaping. The analysis says that the landscaping would not disturb the historic fabric, but this assertion is unsubstantiated.

Furthermore, the FNAE-SC-SOIS (and the DEIR / FEIR cultural resources section) does not provide analysis about how the changes to the 4.5 mile stretch in the APE of the middle of the WGBL affects the overall 24.5 mile long historical resource. Such analysis should have been included. An analogy of the presented analysis if this were a building would be like examining the alteration of historic character, introduction of new visual elements, and potential neglect of twenty percent of a historic building instead of the entire building. In addition, the change to the hypothetical building would also be a very different use that would in essence no longer permit similar inhabitation of that building in the future.

#### *Conditions Proposed / Mitigation Measures*

The conditions proposed in the FNAE-SC-SOIS and the SOIS Action Plan provide for review by qualified architectural historian to assess whether project designs would conform with the SOI Standards for Rehabilitation. This is in compliance with Caltrans' procedures and can be the basis for reasonable mitigation under CEQA. It is unclear, however, how much input a consulting architectural historian and Caltrans Professional Qualified Staff may have to change the project design so that it would better meet the SOI Standards. The conditions proposed to address Impact CUL-1 stem from analysis that does not sufficiently address potential impacts to the WGBL, as a historical resource, and the proposed conditions are limited. The participants in the development of conditions do not include additional potentially relevant individuals or groups who could conduct review and provide additional input about how the

project would meet the SOI Standards for Rehabilitation as its design is completed and constructed. Therefore, as currently presented, the DEIR's conditions proposed do not mitigate the project to a level that is less than significant. It seems possible that through an on-going process, changes to the project could be made that would reduce impacts to the WGBL's historic integrity and improve the project's conformance with the SOI Standards for Rehabilitation. This may be accomplished, for example, by reducing the areas where tracks, ties, and ballast are covered or altered, installing safety crossings at the tracks that are compatible with a functioning railroad, and further reducing track removal. There could also be considerations for ways to reduce or avoid removal of other elements of the railroad, such as the embankment at 27<sup>th</sup> Avenue / Normandy Lane / Del Rio Road and the wooden trestle bridge south of Charlie Jespen Park.

There could also be some mitigation to further document, in detail, the segment of the WGBL within the APE. This could be prepared to Historic American Engineering Record (HAER) standards and supplement the previous HAER report prepared for another section of WGBL. This documentation would be provided to appropriate repositories such as the Center for Sacramento History and the Sacramento Room of the Sacramento Public Library.

#### *Other issues in the FNAE-SC-SOIS*

- Preservation Sacramento should have been contacted: P.O. Box 162140, Sacramento, CA 95816, [preservation.sacramento@gmail.com](mailto:preservation.sacramento@gmail.com). This is the local, and active, preservation organization in Sacramento.
- Attachment F, Figure 1, Image 6. This shows new signage placed across the tracks. This kind of signage is not in the project description, nor is there analysis regarding this type of effect to the historical resource. Such signage has the potential to contribute to overall diminishment of the WGBL's historic integrity.
- The Update DPR 523 does not include information on the dates of when the tracks were built. This detail could be helpful in the assessment of impacts to the track, ties, and ballast in the APE. A previously prepared DPR 523 form provided in Attachment C shows a date stamp of 1922 on a segment of the railroad outside the APE, which fits within the WGBL's period of significance of 1908 to 1934. It seems likely that much of the track in the APE may date to the period of significance, as the end of service on this railroad in 1978 was only 44 years after the period of significance.

#### *Other issues in the DEIR*

- Section 4.5 does not provide adequate analysis regarding cumulative impacts to the entire length of the WGBL, as a historical resource. Cumulative analysis would address impacts to the historical resource of previous projects and projects in the foreseeable future in combination with the current project to the entire resource.

#### Conclusion

In this peer review, JRP concludes that:

- It may be possible for the Del Rio Trail Project to conform with the SOI Standards of Rehabilitation, but the project as analyzed in the DEIR / FEIR does not meet those standards.
- The project, as proposed, would diminish the historical resource's (i.e., the WGBL) integrity of design, materials, and workmanship to a greater degree than acknowledged, thus potentially causing a substantial adverse change by materially impairing the historical resource.
- Conditions proposed to minimize potential impacts to the historical resource are insufficient to preserve the WGBL's historic character. Additional conditions or mitigation measures should be required to minimize potential impacts to the historical resource to better preserve its historic character and retain more of the historic WGBL railroad's integrity of design, materials, and workmanship.

# Christopher D. McMorris

JRP Partner / Architectural Historian



## Summary

Mr. McMorris specializes in conducting historic resource studies for compliance with Section 106 of the National Historic Preservation Act and the California Environmental Quality Act, as well as other historic preservation projects. With over 20 years of experience, he serves as a lead historian, principal investigator, and project manager on projects for federal, state, and local government, as well as for engineering/environmental consulting firms. Many projects involve survey and evaluation of historic resources under the criteria for the National Register of Historic Places and the California Register of Historical Resources, along with analysis of effects projects may have on historic properties and measures to mitigate those effects. He has also served as adjunct faculty and guest lecturer at California State University, Sacramento's Public History Program, and has conducted multiple historic resources compliance training seminars.

## Selected Project Experience

*County Road 98 Bike and Safety Improvement Phase II Project: Historical Resource Evaluation Report, Yolo County, California, 2019–In Progress. Prepared with Gallaway Enterprises for Yolo County Planning, Public Works and Environmental Services, and Caltrans District 3.*

*I-880 Interchange Improvements (Winton Avenue/A Street) Project: Historical Resources Evaluation Report, Interstate 880 Alameda County, California, 2019–In Progress. Prepared with Kimley Horn Associates for Alameda County Transportation Commission, Caltrans District 4.*

*State Route 140 Ferguson Fire Damages DO: Historical Resource Evaluation, Mariposa County, California, 2019–In Progress. Prepared for Caltrans District 10.*

*Waldo Road Bridge Replacement Project: Finding of Adverse Effects with Standard Conditions, Secretary of Interiors Standards, Yuba County, California, 2019–In Progress. Prepared for Gallaway Enterprises, Yuba County, and Caltrans District 3.*

*B. F. Sisk Dam Corrective Action Study: Historic Resources Inventory and Evaluation Report, Merced County, California, 2018–In Progress. Prepared with Pacific Legacy for Bureau of Reclamation, and California Department of Water Resources.*

*Byron Highway/Byer Road Safety Improvements Project: Historical Evaluation Report, Contra Costa County, California, 2018–In Progress. Prepared for Area West Environmental, Inc., Contra Costa County, and Caltrans District 4.*

*Calero Dam Seismic Retrofit Project: Historic American Engineering Record and Historic American Building Survey reports, Santa Clara County, California, 2018–In Progress. Prepared for HDR Engineering, Inc. and Santa Clara Valley Water District.*

*Camp Mather Cottages No. 1 and No. 3 Replacement Project: Historic Resources Evaluation, Tuolumne County, California, 2018–In Progress. Prepared with AECOM for San Francisco Public Utilities Commission.*

*Carlotta Curve Correction Project: Historic Context for Timberlands of the Van Duzen River, Humboldt County, California, 2018. Prepared with Pacific Legacy for Caltrans District 1.*

*Chico Water Tanks: Historic American Engineering Record report, 2018–In Progress. Prepared for Chico Heritage Association.*

## Office Location

Davis, CA

## Education

M.S. Historic Preservation,  
Columbia University,  
New York, 1998

B.A. History and B.A. Music,  
University of Rochester,  
New York, 1991

## Certifications

Meets SOI Professional  
Qualification Standards  
under History and  
Architectural History

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*Froom Ranch / El Villagio Specific Plan: Historic Context for Lima / Pereira-Garcia Dairy Property, 2018. Prepared for Condor Country Consulting, Inc.*

*Hangtown Creek Bridge Replacment Historic Resources Evaluation Report, 2018–In Progress. Prepared for Drake Haglan & Associates, City of Placerville, and Caltrans District 3.*

*Historic Masonry Wall Collapse Emergency Repair Project Historic Resources Evaluation Report and Historic Property Survey Report, 2018–In Progress. Prepared with Pacific Legacy for Caltrans District 3.*

*Incline Road Bridge over Moss Canyon (40C0064) Bridge Replacement Project, Mariposa County, California, 2018. Prepared with Area West Environmental, Inc., and Quincy Engineering, Inc. for Mariposa County, and Caltrans.*

*Klamath River Bridge Replacement Project: Historic American Engineering Record, Siskiyou County, California, 2018–In Progress. Prepared for Pacific Legacy and Caltrans District 2.*

*Maxwell Creek Bridge on Dogtown Road (Bridge No. 40C0038) Replacement Project Historical Resources Evaluation Report, 2018–In Progress. Prepared for Quincy Engineering for Mariposa County and Caltrans District 10.*

*Maxwell Creek Bridge on Dogtown Road (Bridge No. 40C0039) Replacment Project, 2018–In Progress. Prepared for Quincy Engineering for Mariposa County and Caltrans District 10.*

*Memorandum of Agreement for the Replacment of Rumsey Bridge over Cache Creek, 2018. Prepared for Stantec Consutling Services, Inc. for County of Yolo Public Works and Caltrans.*

*Moccasin Emergency Repairs, March 2018 Storm Event Recovery Project: Finding of Effect, Moccasin, Tuolumne County, California, 2018. Prepared for AECOM, San Francisco Public Utilities Commission and San Francisco Planning Department.*

*Moccasin Reservoir Fencing Project: Memorandum, Tuolumne County, California, 2018–In Progress. Prepared for AECOM, San Francisco Public Utilities Commission and San Francisco Planning Department.*

*Moody Creek Bridge Rehabilitation Project Historic Resources Evaluation Report, 2018. Prepared for Drake Haglan & Associates, City of Shasta Lake and Caltrans District 2.*

*Nevada 49 Widening Project: Historical Resources Evaluation Report and Historic Property Survey Report, Grass Valley, Nevada County, California, 2018–In Progress. Prepared with Pacific Legacy for Caltrans District 3.*

*Old La Honda Road Bridge Project: Historical Resources Evaluation Report, Woodside, San Mateo County, 2018–In Progress. Prepared for Area West Environmental, Inc., Town of Woodside, and Caltrans District 4.*

*Placer 49 Safety Improvements Project: Historical Resources Evaluation Report, Auburn, Placer County, California, 2018. Prepared with Pacific Legacy for Caltrans District 3.*

*Placerville Drive Bicycle and Pedestrian Facilities Project Historic Resources Evaluation Report, 2018–In Progress. Prepared for Drake Haglan & Associates, City of Placerville, and Caltrans District 3.*

*San Francisco Historic Resources Supplemental Information for 1657 Rollins Rd, Burlingame, 2018. Prepared for AECOM, San Francisco Public Utilities Commission and San Francisco Planning Department.*

*Stockton Channel Viaduct Rehabilitation Project I-5 Stockton, San Joaquin County, California, 2018–In Progress. Prepared for Far Western Anthropological Research Group, Inc. and Caltrans District 10.*

*Stockton High School Auditorium: Historic Resources Technical Report, Stockton, San Joaquin County, California, 2018. Prepared for Base Camp Environmental, Inc., and Stockton Unified School District.*

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*West Los Angeles Court Building: Historical Resources Survey, Los Angeles, California, 2018. Prepared for MIG Corporation, and Judicial Council of California.*

*White Cloud / Omega / Lowell Hill Curve Improvement Project, Nevada County, California, 2018–In Progress. Prepared for Pacific Legacy and Caltrans District 3.*

*Arcata Plaza McKinley Statue Removal Project: Historical Resources Report, Arcata, Humboldt County, California, 2018. Prepared for City of Arcata.*

*Implementation of Secretary of the Interior's Standards Action Plan for the Rehabilitation of Jacoby Creek Bridge, 2018. Prepared for Humboldt County and Caltrans District 1.*

*US Air Force Lincoln Receiver Site, Beale Air Force Base: Historic American Building Survey (HABS), Placer County, California, 2018. Prepared for Nomlaki Technologies.*

*Humboldt Bay Trail South: Historical Resources Evaluation Report and Historic Property Survey Report, Humboldt County, California, 2017–2018. Prepared for Humboldt County Public Works and Caltrans District 1.*

*Lincoln Bridge Multi-Modal Improvement Project: Historic Resources Evaluation Report and Historic Property Survey Report, City and County of Los Angeles, California, 2017–In Progress. Prepared with BonTerra Psomas for City of Los Angeles, and Caltrans District 7.*

*Yolo County Branch Library Project: Historical Resource Mitigation Analysis and Identification Report, Yolo County, California, 2017–2018. Prepared with MIG for Yolo County.*

*1300 Columbus Avenue: Historic Resource Evaluation, San Francisco, California, 2017–2018. Prepared for CFW 55 Owner, LLC.*

*1990 Newcomb Avenue: Historic Resource Evaluation, San Francisco, California, 2017–2018. Prepared for AECOM and San Francisco Public Utilities commission.*

*42nd Avenue/High Street Access Improvements Project: Historical Resources Evaluation Report, Oakland, Alameda County, California, 2017–2018. Prepared for Garcia and Associates, City of Oakland, and Caltrans District 4.*

*ADA Project: Historical Resources Evaluation Report, State Route 174, Grass Valley, Nevada County, California, 2017–2018. Prepared with Pacific Legacy, Inc. for Caltrans District 3.*

*Block 7295 Easement Sewer and Trestle Demolition Project: Historic Resource Evaluation, San Francisco, California, 2017–2018. Prepared for AECOM.*

*Bridgeport Covered Bridge Rehabilitation Project, Nevada County, California, 2017–2018. Prepared for Far Western Anthropological Research Group, Inc. and California Department of Parks and Recreation.*

*California Army National Guard Readiness Centers: Cold War Era Historic Resource Evaluation, 2017–2018. Prepared for California Military Department.*

*Cotta Road Bridge Replacement Project: DPR 523 Form, San Joaquin County, California, 2017–2018. Prepared with Stantec for Caltrans District 10.*

*Deschutes Road Widening Project-Phase I: Finding of No Adverse Effect without Standard Conditions, Shasta County, California, 2017–2018. Prepared for NSR, Shasta County, and Caltrans District 2.*

*Good Fred Roadway Rehabilitation Project, Historical Resources Evaluation Report and Historic Property Survey Report, Lassen County, California, 2017–2018. Prepared for Pacific Legacy, Inc. and Caltrans District 2.*

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*I-80/Gilman Street Interchange Improvement Project: Historical Resources Evaluation Report, Berkeley, Alameda County, California, 2017–2018. Prepared with Garcia and Associates for Alameda County Transportation Authority and Caltrans District 4.*

*San Pablo Dam Road Sidewalk Project: Historical Resources Evaluation Report and Historic Property Survey Report, Appian Way to Clark Road, Contra Costa County, California, 2017–2018. Prepared with Far Western Anthropological Research Group, Inc. for Area West, Contra Costa County, and Caltrans District 4.*

*1850 Bryant Street: Archival Research for Archaeological Monitoring Plan, San Francisco, California, 2017. Prepared for Far Western Anthropological Research Group, Inc. and San Francisco Planning Department.*

*1950 Mission Street Project: Historic Resource Evaluation, San Francisco, California, 2017. Prepared for Garcia and Associates.*

*333 12th Street Property History, San Francisco, California, 2017. Prepared for Far Western Anthropological Research Group and San Francisco Planning Department.*

*955 Post Street Project: Historic Resource Evaluation, San Francisco, California, 2017. Prepared for Garcia and Associates and San Francisco Planning Department.*

*Bieber to Adin 3R Project, Historical Resources Evaluation Report and Historic Property Survey Report, Lassen and Modoc Counties, California, 2017. Prepared for Pacific Legacy, Inc. and Caltrans District 2.*

*Crows Landing Road and Grayson Road Traffic Signalization Project: Historical Resources Evaluation Report, Stanislaus County, California, 2017. Prepared for Stanislaus County Public Works, and Caltrans District 10 under subcontract with Davis-King and Associates.*

*Hetch Hetchy Road and Cherry Lake Road Guard Rail Improvement Project: Historic Resources Evaluation, Tuolumne County, California, 2017. Prepared for AECOM.*

*Intake Switchyard Slope Hazard Mitigation Project: Historic Resources Evaluation, Tuolumne County, California, 2017. Prepared for San Francisco Public Utilities Commission.*

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*Reeds Creek Road Bridge: APE Development and Historic Context, Near Red Bluff, Tehama County, California, 2007. Prepared with Far Western Anthropological Research Group, Inc. for County of Tehama and Caltrans District 2.*

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*Hog Barn, University of California, Davis: Historic American Buildings Survey and Video Documentation, Davis, Yolo County, California, 2002–2003. Prepared for University of California, Davis.*

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*Jellys Ferry Road Bridge Project (8C0043): Historic Architectural Survey Report, Tehama County, California, 2001–2002. Prepared for Hughes Environmental Consultants.*

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*Davis-Dixon Bikeway from County Bridge 23C0191 to Vaughn Road on Old Davis Road, Tremont Road and Runge Road: Historic Architectural Survey Report, Solano County, California, 2001. Prepared for Solano County Transportation Department.*

*Hayfork Nine Mile Bridge (5C0067) Hyampom Road: Evaluation, Trinity County, California, 2001. Prepared for North State Resources, Inc. on behalf of Trinity County.*

*Nicholas Carriger Estate: Part Two Tax Credit Certification and Nomination to the National Register of Historic Places, City and County of Sonoma, California, 2001. Prepared for Geoffrey and Donna Barton.*

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*Tahoe Cedar Lodge Complex: Historic Property Survey and Evaluation, Tahoma, Lake Tahoe Basin, California, 2001. Prepared for Capps Homes, Inc.*

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*National Register of Historic Places Evaluation of Cold War Era Buildings and Structures at the Survival, Evasion, Resistance and Escape Camp, Warner Springs, San Diego County, California, 2000. Prepared for Southwest Division, Naval Facilities Engineering Command (NAVFACENGCOM), San Diego.*

*World War II and Cold War-Era Buildings and Structures at the Marine Corps Recruit Depot: National Register of Historic Places Inventory and Evaluation, San Diego, California, 2000. Prepared for US Army Corps of Engineers, Sacramento District and MCRD Public Works Branch.*

*Historic Architectural Survey Report and Finding of Effect for the Doyle Drive Replacement Project, San Francisco, California, 1999–2005. Prepared for Parsons Brinckerhoff.*

*Grade Separations within the Alameda Corridor-East Project: Historic Architectural Survey Report, Los Angeles County, California, 1999–2001. Prepared for DeLeuw Cather Inc.*

*Nomination to the National Register of Historic Places, Virginia Hotel, Santa Barbara, California, 1999. Prepared for Urban Financial Services Group.*

*Detailed Inventory and Conditions Assessment of Twenty-seven Buildings in the Marine Corp Recruit Depot, San Diego Historic District, San Diego County, California, 1998–1999. Prepared for Office of Public Works MCRD and US Army Corps of Engineers, Sacramento District.*

*Inventory and Evaluation of Several Buildings on the University of California Davis Main Campus, Including the Hog Barn, Veterinary Medicine Buildings, Briggs Reservoir Remains and Walker Hall, 1998–1999. Prepared for University of California, Davis.*

*National Register Evaluation of the Tahoe Fish Hatchery, Tahoe City, California, 1998–1999. Prepared for Architects & Engineers Office, University of California Davis.*

*Inventory and Evaluation Projects for US Marine Corps in California (Camp Pendleton, MGACC Twentynine Palms, Marine Corps Recruit Depot), 1997–2000. Prepared with Foster Wheeler Environmental Corporation for US Marine Corps.*

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*Statewide Department of Defense Inventory of Cultural Resources Projects and Thematic Context Statement, 1997–2000. Prepared with Foster-Wheeler Environmental for Department of Defense and US Army Corps of Engineers, Sacramento District.*

*Historic Resource Evaluation of the Old Moccasin Powerhouse, Tuolumne County, California, 1997–1998. Prepared for San Francisco Public Utilities Commission (SFPUC), Hetch Hetchy Water and Power.*

*Inventory and Evaluation of National Register of Historic Places Eligibility for Buildings and Structures at Engineering Field Activity (EFA) West, Naval Facilities Engineering Command, San Bruno, California, 1997–1998. Prepared for EFA West.*

*Marine Corps Recruit Depot: Amendment to National Register of Historic Places Historic District, San Diego, California, 1990-1991/2005–2007. Prepared for Facilities Division, MCRD San Diego.*

# Cheryl Brookshear

## Architectural Historian



### Summary

Since joining JRP in 2006, Ms. Brookshear has led and conducted a variety of cultural resources projects including inventory and evaluations, Findings of Effects, Condition Reports, Protection Plans and Cultural Resource Management Plans. Ms. Brookshear has contributed to cultural resources management projects in many roles from field recordation of historic to site-specific research, to writing of historical context material for Section 106 and CEQA compliance documents. Her work at JRP has included preparation of agricultural, industrial, and residential histories for a variety of property types for projects that have also included engineering features such as power generation facilities and water control structures. In her previous experience, Ms. Brookshear conducted research in various government and public records as part of a documentation project for the Hearststone Historic House Museum, Appleton, Wisconsin, as well as developing interpretation programs to bring the results of research to the public.

### Selected Project Experience

*Berkeley Hills Tunnel, Historic Evaluation, Alameda County, California, 2018–In Progress. Prepared for Parsons Transportation Group and Bay Area Rapid Transit.*

*Incline Road Bridge over Moss Canyon (40C0064) Bridge Replacement Project, Mariposa County, California, 2018–In Progress. Prepared with Area West Environmental, Inc., and Quincy Engineering, Inc. for Mariposa County, and Caltrans.*

*Nevada 49 Widening Project: Historical Resources Evaluation Report and Historic Property Survey Report, Grass Valley, Nevada County, California, 2018–In Progress. Prepared with Pacific Legacy for Caltrans District 3.*

*Placer 49 Safety Improvements Project: Historical Resources Evaluation Report, Auburn, Placer County, California, 2018–In Progress. Prepared with Pacific Legacy for Caltrans District 3.*

*Travis AFB Historic Districts Updates, and Evaluation of Building in the Q Area and ADC Alert Readiness Area, 2018–In Progress. Prepared for Far Western Anthropological Research Group, Inc. for the US Air Force.*

*West Los Angeles Court Building: Historical Resources Survey, Los Angeles, California, 2018–In Progress. Prepared for MIG Corporation, and Judicial Council of California.*

*Lincoln Bridge Multi-Modal Improvement Project: Historical Resources Evaluation Report and Historic Property Survey Report, City and County of Los Angeles, California, 2017–In Progress. Prepared with BonTerra Psomas for City of Los Angeles, and Caltrans District 7.*

*Yolo County Branch Library Project: Historical Resource Mitigation Analysis and Identification Report, Yolo County, California, 2017–2018. Prepared with MIG for Yolo County.*

*ADA Project: Historical Resources Evaluation Report, State Route 174, Grass Valley, Nevada County, California, 2017–2018. Prepared with Pacific Legacy, Inc. for Caltrans District 3.*

*Bakersfield Postwar Subdivisions: Narrative Description and Contextual History for Section 106 Mitigation, Kern County, California, 2017–2018. Prepared with Parsons Transportation Group, Inc. for City of Bakersfield, and Caltrans.*

*Good Fred Roadway Rehabilitation Project, Historical Resources Evaluation Report and Historic Property Survey Report, Lassen County, California, 2017–2018. Prepared for Pacific Legacy, Inc. and Caltrans District 2.*

### Office Location

Davis, CA

### Education

M.S. Historic Preservation,  
University of  
Pennsylvania,  
Philadelphia, 2000

B.A. History, Marquette  
University, Milwaukee,  
Wisconsin, 1994

### Certifications

Meets Secretary of the Interior  
Professional Qualification  
Standards under History  
and Architectural History

### Affiliations

Chairperson, Woodland  
Historic Preservation  
Commission  
Member, Society for the  
History of Technology

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*I-80/Gilman Street Interchange Improvement Project: Historical Resources Evaluation Report, Berkeley, Alameda County, California, 2017–2018. Prepared with Garcia and Associates for Alameda County Transportation Authority and Caltrans District 4.*

*San Pablo Dam Road Sidewalk Project: Historical Resources Evaluation Report and Historic Property Survey Report, Appian Way to Clark Road, Contra Costa County, California, 2017–2018. Prepared with Far Western Anthropological Research Group, Inc. for Area West, Contra Costa County, and Caltrans District 4.*

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*Sperry Avenue - Del Puerto Avenue Intersection Improvements Historic Resources Evaluation Report and Historic Property Survey Report, Patterson, Stanislaus County, California, 2016–2017. Prepared with Davis - King & Associates for City of Patterson and Caltrans District 10.*

*PG&E Emeryville Laboratory and Central Warehouse CEQA Compliance Technical Memo, Emeryville, Alameda County California., 2016. Prepared for Stantec for Pacific Gas & Electric Company.*

*Hanks Exchange Road Bridge Replacement Project: Historical Resources Evaluation Report with Archaeological Component, El Dorado County, California, 2015–2018. Prepared for El Dorado County and Caltrans District 3.*

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*Bakersfield F Street Alternative, California High Speed Rail Program: Inventory and Evaluation, Kern County, California, 2015–2017. Prepared for .*

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*AC Transit East Bay Bus Rapid Transit Project: Third Addendum Historic Properties Inventory and Evaluation, and Finding of Effect, Alameda County, California, 2013–2014. Prepared for Kimley-Horn & Associates.*

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*Downtown / Riverfront Streetcar: Historic Resources Inventory and Evaluation, Sacramento and Yolo counties, California, 2007–2008. Prepared for URS Corporation, City of Sacramento and City of West Sacramento.*

*Highway 101 Auxiliary Lanes, Mountain View: Historical Resources Evaluation Report, Santa Clara County, California, 2007–2008. Prepared with Far Western Anthropological Research Group, Inc. for Caltrans District 5.*

*Interstate-580 West bound, High-Occupancy Vehicle (HOV) Lanes: Inventory of Historic Architectural Resources, Livermore area Alameda County, California, 2007–2008. Prepared for Circlepoint and Caltrans District 4.*

*Las Gallinas Chlorine Contact Basin and Clear Well Project: Historic Resources Inventory and Evaluation Report, City and County of Marin County, California, 2007–2008. Prepared for URS Corporation.*

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*Jack McNamara Field Terminal: Historical Resources Inventory and Evaluation Report, Crescent City, Del Norte County, California, 2007. Prepared for URS Corporation and Crescent City.*

*Reeds Creek Road Bridge: APE Development and Historic Context, Near Red Bluff, Tehama County, California, 2007. Prepared with Far Western Anthropological Research Group, Inc. for County of Tehama and Caltrans District 2.*

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*Highgrove Steam Turbine Power Plant and Linear Corridor: Inventory and Evaluation, Riverside County, California, 2006–2008. Prepared for CH2M Hill.*

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*Old Town Cordelia Improvement Project: Historical Resources Evaluation Report, Historic Property Survey Report, and Finding of Effect, Cordelia, Solano County, California, 2006–2008. Prepared with Far Western Anthropological Research Group, Inc. for County of Solano and Caltrans District 4.*

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*Bullard Energy Center: Historic Resources Inventory and Evaluation Report, City and County of Fresno, California, 2006–2007. Prepared for URS Corporation.*

*Contra Costa Canal Intake Segment: Historic American Engineering Record, Contra Costa County, North of Oakley, California, 2006–2007. Prepared with Far Western Anthropological Research Group, Inc. for Contra Costa Water District.*

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*Silicon Valley Rapid Transit Corridor, Bay Area Rapid Transit (BART) Extension Project Alternatives: Addendum to Technical Memorandum to Historical Resources Evaluation Report including effects analysis and proposed mitigation measures, Santa Clara County, California, 2006–2007. Prepared for Circlepoint.*

*State Route 246 Improvement Project: Historical Resources Evaluation Report, Santa Barbara County, California, 2006–2007. Prepared with Far Western Anthropological Research Group, Inc. for Caltrans District 5.*

*Delta Risk Management Strategy Phase 1/Levee Repair DWR, 2006. Prepared for URS Corporation.*

*South Bay Power Plant: Inventory and Evaluation, Chula Vista, San Diego County, California, 2006. Prepared for CH2M Hill.*

*Turlock Irrigation District, Proposed Transmission Lines near Hughson: Inventory and Evaluation, Stanislaus County, California, 2006. Prepared for Point Environmental / Turlock Irrigation District.*

*Atwater-Merced Expressway Project: Historic Resources Inventory and Evaluation, Merced County, California, 2005–2007. Prepared with Far Western Anthropological Research Group, Inc. for Merced County Association of Governments.*

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*Edwards Air Force Base: Historic buildings and structures inventory and evaluation, and Historic American Building Survey documentation of NRHP eligible buildings, Kern County, California, 2004–2010. Prepared for Tetra Tech, Inc.*

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# **EXHIBIT 4**

724.026  
(1)

**WALNUT GROVE BRANCH RAILROAD  
NATIONAL REGISTER NOMINATION  
SACRAMENTO COUNTY, CALIFORNIA**

**FINAL REPORT**

*For*

**U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, California 95814**

*By*

**PAR ENVIRONMENTAL SERVICES, INC.  
2116 T Street  
P.O. Box 160756  
Sacramento, California 95816-0756**

**August 19, 1992**

United States Department of the Interior  
National Park Service

NATIONAL REGISTER OF HISTORIC PLACES  
REGISTRATION FORM

1. Name of Property

historic name: Walnut Grove Branch Line Railroad

other name/site number: Sacramento Southern Railroad

2. Location

street & number: \_\_\_\_\_

not for publication: \_\_\_\_\_

city/town: Sacramento to Walnut Grove

vicinity: x

state: CA county: Sacramento

code: 067

zip code: 95814

3. Classification

Ownership of Property: Public-State/Private

Category of Property: Structure

Number of Resources within Property:

Contributing

Noncontributing

\_\_\_\_\_

\_\_\_\_\_ buildings

1

\_\_\_\_\_ sites

1

\_\_\_\_\_ structures

\_\_\_\_\_ objects

\_\_\_\_\_ Total

Number of contributing resources previously listed in the National Register: 0

Name of related multiple property listing: N/A



6. Function or Use

Historic: TRANSPORTATION Sub: rail-related  
Current : TRANSPORTATION Sub: rail-related  
NOT IN USE

7. Description

Architectural Classification: N/A

Other Description: \_\_\_\_\_

Materials: foundation EARTH/WOOD roof \_\_\_\_\_  
walls \_\_\_\_\_ other WOOD/EARTH/METAL/STEEL/CONCRETE

Describe present and historic physical appearance. X See continuation sheet.

The Walnut Grove Branch Line Railroad encompasses approximately 500 acres along a 24.5-mile-long corridor on the east side of the Sacramento River in Sacramento County, California. The property comprises 24.5 miles of railroad grade (17 miles with intact rails and ties), wooden trestles and concrete overpasses. The grade and wooden trestles were constructed between 1908 and 1912 and were innovative at the time due to the use of dredgers to construct the railroad on a levee of fill. The route extends from Sacramento City to Walnut Grove, passing through agricultural fields and orchards. Today the majority of the levee and features remain intact and are reminiscent of the 1920s era of the railroad. Changes to the alignment are evident in Sacramento where Interstate 5 caused the realignment of a short segment of the route. As a whole, however, the route retains a remarkable degree of integrity of location, setting, design, workmanship and feeling and is intact along most of its length, with the exceptions of paved road crossings. The route conveys a strong sense of time and place, evoking the rural feel and agricultural focus of the alignment during the 1910s and 1920s that has remained uncompromised through the decades.

8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties: \_\_\_\_\_.

Applicable National Register Criteria: A, C

Criteria Considerations (Exceptions) : \_\_\_\_\_

Areas of Significance: TRANSPORTATION  
ENGINEERING  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Period(s) of Significance: 1908 - 1934

Significant Dates : N/A

Significant Person(s): N/A  
\_\_\_\_\_

Cultural Affiliation: \_\_\_\_\_

Architect/Builder: Hood, Wilhelm  
\_\_\_\_\_  
\_\_\_\_\_

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above.  
X See continuation sheet.

The Walnut Grove Branch Line Railroad was constructed between 1908 and 1912 specifically to link the agricultural communities of the upper Sacramento River Delta with Sacramento and distant markets. It played a vital and crucial role in the subsequent agricultural boom in the region, as well as in the development of numerous towns. The railroad is significant at a local level under criterion a for its direct influence on the development of agriculture, canning operations, and packing endeavors in the Delta, and for the role it played in the founding of the National Register-listed town of Locke, as well as Hood and Freeport. The railroad allowed direct shipping from the farms to distant markets, thus directly affecting the economic development of the Delta. The use of massive dredging equipment in construction of the line and its placement on an elevated levee, while not completely unique, represents an innovative technological and engineering feat for its time. As such, the route embodies distinctive characteristics of the methods employed in dredging and levee construction during a short time frame, adding to its significance under criterion c. The combination of urban and rural countryside, as viewed from the existing elevated grade, has changed little since the route construction, resulting in a high degree of integrity present along the route, one that embodies a strong sense of time and place during the peak years (1908-1934) of railroad operation and the Delta agricultural boom. In 1934 the railroad terminated all passenger service and reduced the number of freight trains operating on the line per day, thus ending the period of significance.

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9. Major Bibliographical References

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See continuation sheet.

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested.
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_

Primary Location of Additional Data:

- State historic preservation office
- Other state agency (Railroad Museum, State Archives)
- Federal agency
- Local government
- University
- Other -- Specify Repository: Southern Pacific Transportation Company

=====

10. Geographical Data

=====

Acreage of Property: 500

UTM References: Zone Easting Northing      Zone Easting Northing

A	10	630245	4271580	B	10	629430	4269920
C	10	630350	4266360	D	10	630900	4252880

See continuation sheet.

Verbal Boundary Description:  See continuation sheet.

Boundary Justification:  See continuation sheet.

=====

11. Form Prepared By

=====

Name/Title: Mary L. Maniery

Organization: PAR ENVIRONMENTAL SERVICES INC. Date: January 27, 1992

Street & Number: PO Box 160756 Telephone: 916/739-8356

City or Town: Sacramento State: CA ZIP: 95816

United States Department of the Interior  
National Park Service

NATIONAL REGISTER OF HISTORIC PLACES  
CONTINUATION SHEET

Section number 7 (Walnut Grove Branch Line Railroad) Page 1

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DESCRIPTION

The Walnut Grove Branch Line Railroad extends 24.5 miles from old Sacramento to Walnut Grove. Generally, the line parallels the Sacramento River and State Highway 160 and averages 16 feet in width. The property encompasses about 500 acres of land.

The trackage primarily is situated on an extensive levee and embankment works extending from I Street in Sacramento to just north of Walnut Grove. Between Miller Park and Freeport the line follows the Sacramento River levee. The railroad levee south of Sacramento also serves as the western embankment for the Beach and Stone Lakes flood retardation basin. It returns to the river at Walnut Grove.

Changes to the alignment are evident in Sacramento where Interstate 5 caused the realignment of a short (0.5 mile) segment of the route (depicted in purple on the USGS quadrangle, see attached). As a whole, however, the route retains a remarkable degree of integrity of location. It begins adjacent to the Central Pacific Passenger Station in Sacramento at Front and I streets and continues south, passing along the east bank of the Sacramento River. South of Miller Park the line is elevated and parallels the Sacramento River on the west and Interstate 5 on the east for about 1.5 miles. It then passes over Interstate 5 and continues through the Florin Road Shopping Center and Meadowview Road at grade level. South of Meadowview Road it once again is located on the river levee for about 2.0 miles before turning inland. The line continues inland on a 15- to 20-foot-high levee and passes a series of small lakes, marshes and ponds, paralleling Willow Slough for approximately four miles to the community of Hood and then paralleling Snodgrass Slough for several miles extending north of Locke.

The railroad line runs through commercial and residential development in Sacramento. Beyond the city limits the route traverses extensive areas of fruit orchards and grain fields. Lengthy wooden trestles are found along the line and once dominated the approach to the Snodgrass Slough swing-span bridge. The Snodgrass Slough bridge and associated trestles were removed between 1984 and 1988. Small wooden trestle overcrossings, however, are still present along the route.

Generally, the route consists of a single track elevated on the levee. The levee averages 12 feet in height and is about 16 feet wide. The track uses a variety of rails, ranging from 75 to 113 pound rails; the heavier rails are used at road crossings. The rail is on 8-inch by 13-inch plates. Ties vary from six inches by eight inches by eight feet long to seven inches by nine inches by eight feet long. Today, tracks and rails are present on the grade from Sacramento to 1,000 feet south of Hood Junction, a distance

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Section number 7 (Walnut Grove Branch Line Railroad) Page 2  
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of about 17 miles. The remainder of the grade between Hood and Walnut Grove is visible on the levee, although tracks are only visible at road crossings (e.g., Twin Cities Road), where they have been paved over. Crossing gates and working mechanisms were removed when the route was abandoned in the 1970s (International Engineering Company 1979), particularly between Post Miles 87 and 95, where the line travels through the City of Sacramento. These changes have not affected the overall integrity of the route, however, or of its overcrossings.

As of 1979, there were 11 bridge structures between Sacramento and Walnut Grove. The railroad bridge structures were of four types: reinforced concrete; composite-concrete and structural steel; timber pile trestles; and moveable metal structures. The reinforced concrete bridge, located at Post Mile (PM) 91.97, crosses Interstate 5 and was constructed in the mid-1970s as part of the freeway work. The composite concrete and structural steel bridge was constructed in 1951 and crosses over the Delta Cross Channel just south of Locke at Post Mile 112.88 (International Engineering Company 1979). These two bridges are not considered elements of the original design of the railroad but do not detract from the overall integrity of the property. The moveable metal structure included a turn bridge at Snodgrass Slough. This latter structure was removed between 1984 and 1988.

The majority of the bridge structures on the line are trestles with six driven wooden piles per bent and timber or concrete abutments. These bridges are open or ballast deck trestle structures and cross overflow drainage systems and roads. They range from 65 to 110 feet in length (average length is 75 feet) and are 16 to 20 feet in height. Some of the bridges have walkways for pedestrian traffic and repair work (International Engineering Company 1979; Southern Pacific Transportation Company 1960).

The original wooden overcrossings located within the City of Sacramento at Sutterville Road, 35th Avenue, and Blair Avenue were replaced with a culvert and filled, or lowered to grade between 1960 and 1968. The Riverside Boulevard overcrossing was removed as part of the Interstate 5 construction project in the early 1970s. Since 1980 a few of these overcrossings (e.g., at PM 113.46 in Walnut Grove) have been removed, although the trestle supports and levee abutments remain in place. Six structures north of Locke, however, remain intact and are representative samples of the original trestle work along the line. These are located at Post Mile 95 (one trestle), between Post Miles 99.0 and 99.6 (four trestles), and near Post Mile 108 (one trestle).

Originally spur tracks extended east and west from the main railroad to access warehouses and agriculturally oriented communities within the Delta. These elevated spur routes led to warehouses, sheds, or loading platforms within private ranches. While the packing sheds, platforms, and stations were dismantled beginning in the 1930s, the spur grades are still evident,

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Section number 7 (Walnut Grove Branch Line Railroad) Page 3  
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contributing to the overall fabric of the structure. Eight spur grades, ranging in length from 200 feet to nearly one-quarter of a mile, are depicted on the USGS quadrangles (see attached).

The massive levee and embankment works along the length of the railroad is a prominent feature between Sacramento and Walnut Grove. In 1929 the route was extended south of Walnut Grove to Vorman's Landing, crossing over Georgiana Slough, and was again extended in 1943. This later work resulted in a termination of the line at Isleton, eight miles south of Walnut Grove. This segment (from Walnut Grove to Isleton) was compromised by flooding during the 1970s. The bridge at Georgiana Slough and the majority of the grade south of a point just north of the town of Walnut Grove are no longer present or do not retain integrity. Therefore, this section of line is not included as a part of the historic property.

The view from the route has changed little since it first opened for business. It retains its rural feel, passing through orchards and grain fields throughout the majority of its length. The landscape along that portion of the route that parallels the Sacramento River and Snodgrass Slough is included in a wildlife refuge and has not been developed or altered since the railroad was built. The rural feel of the countryside increases the integrity of the route's setting and reflects the agricultural focus of the original function of the route.

After its abandonment by Southern Pacific in 1978 the majority of the alignment was purchased by the State of California. The State retained the rails, ties, trestles and other features in place with little or no change. As a result, the system is intact along most of its length to Hood, with the exception of the paved road crossings. A two mile portion of the route, extending from Front and I streets in Sacramento to Miller Park, has been restored and is used seasonally by the State Department of Parks and Recreation as a steam train excursion route.

Today, the route retains the physical feel of the 1910s and 1920s agricultural boom period and retains integrity of location, design, setting, workmanship, and feeling. Six wooden trestles and two overcrossings remain in place, as does most of the original elevated main grade and spur lines. The location of the line, with the exception of a 0.5 mile segment within Sacramento city limits, remains unaltered. The original appearance of the main line, its layout and scale are intact. While road crossings, warning signals, and the Snodgrass Slough Bridge were removed after 1975, the overall route design retains integrity.

The route initially traversed residential and commercial areas in Sacramento before entering the rural upper Delta region. South of Meadowview Road, the agricultural setting of the line remains unchanged. The alignment passes through pear orchards, grain fields, and parallels

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Section number 7 (Walnut Grove Branch Line Railroad) Page 4  
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Snodgrass Slough (a wildlife refuge), landscapes that retain the sense of time and place that was evident during the period of significance. Workmanship that went into the construction of the levee system that elevates the railroad is evident today with little change. In addition, the trestles and sections of track, although maintained through the years, retain a high degree of integrity of workmanship. The feeling of the alignment today, particularly south of the City of Sacramento in the rural countryside, is evocative of the 1920s agricultural boom of the Delta, when the railroad played a vital role in the development of the local economy. Visually, there is a strong sense of time and place associated with the alignment that has remained uncompromised through the ensuing decades since the period of significance.

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Section number 8 (Walnut Grove Branch Line Railroad) Page 1  
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HISTORICAL CONTEXT

Reclamation projects in the Sacramento River Delta between Sacramento and Rio Vista began on Grand Island in 1852 and rapidly spread throughout the Delta. Massive levee building efforts were undertaken in the late 1860s by Chinese laborers hired by local farmers. Once the levee system was in place massive land reclamation ventures were started (Costello and Maniery 1988:3; Maniery and Costello 1986:38).

By 1900 the Delta region was renowned throughout the United States for its asparagus and other produce. The first of the spring asparagus crop grown by Alexander Brown near Walnut Grove, for example, was shipped to the Waldorf-Astoria Hotel in New York each year (Maniery 1990:n.p.). Other crops, such as sugar beets, potatoes and fruits, were also grown in the Delta, increasing its importance as a major agricultural region in the State.

During the early development of agriculture in the Delta, produce and supplies were shipped by steamers and barges. Warehouses and wharves were present in every town along the river to access the shipping route. In 1903 the Southern Pacific Railroad Company, recognizing an opportunity for profit, organized the Sacramento Southern Railroad Company (SSRR) in San Francisco. The company was controlled by the Southern Pacific Railroad Company through ownership of the outstanding stock. The project Chief Engineer was Wilhelm Hood; E. E. Calvin served as President, William F. Herrin was Vice President, and G. L. King was Secretary (SSRR Company 1909). The fifth owner of the railroad was C. H. Redington. By 1905, the SSRR began to buy up land between Sacramento and Walnut Grove for the sole purpose of constructing a railroad branch line to service the agricultural communities of the Delta (California, State of 1980). The railroad was constructed to compete with river traffic at a time when the era of great railroad expansion in the West was drawing to a close.

The Sacramento Southern Railroad was planned to provide service from Sacramento to Stockton, with a branch line extending from Walnut Grove to Antioch. Initially, the branch was to join the main line of either the Southern Pacific or Atchison, Topeka and Santa Fe. When these plans fell through, it became a branch line feeder of the Southern Pacific system instead, with management maintained through the Sacramento Southern subsidiary company (California, State of 1980:19).

Construction began on the route in 1908. The initial phase of construction, consisting of about eight miles of line extending from I and Front Streets in Sacramento to Freeport, was completed in June of 1909 for a cost of about \$1,000,000 (SSRR Co. 1909:15, 1910:15). The section from Freeport to Walnut Grove was finished by March, 1912, at a cost of nearly 2.5 million dollars (SSRR Co. 1912:36). Except for an extension south to Vorman's Landing on the Mokelumne River in 1929, the Branch Line remained

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Section number 8 (Walnut Grove Branch Line Railroad) Page 2  
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unchanged until it was extended south to Isleton in 1943 (California, State of 1980:19; Southern Pacific Transportation Company n.d.).

While other railroads in the region, such as the Sacramento Northern and the route west from Stockton, were elevated on levees at certain sections, the Branch Line railroad was unique in that the majority of its length was elevated. The elevated grade afforded protection against flooding, a major concern in the reclaimed areas of the Delta. Numerous dredgers, operating out of Antioch, Rio Vista, Stockton and Sacramento, were used during the construction to cut through the sloughs for bridges and to dredge material from the river, and Willow, Morrison, and Snodgrass Sloughs for use in levee construction. A few of the big dredgers involved in the project included the "Antioch," "Big V," Dredger #5, "Yolo," "Argyle," "Mt. Diablo" and "Neptune." In addition to the dredgers, an on-site cement plant was established at Snodgrass Slough early in 1911 to provide a continual supply of cement for pier work and construction of the turn bridge at that location (California, State of n.d.). Cobbles and rocks were transported by truck from the dredge fields near Folsom, California, and were used to support the wooden trestles near Snodgrass Slough (Southern Pacific Transportation Company 1960).

In conjunction with the building of the levee was the construction of spur lines to service packing sheds and farm communities, passenger stations and platforms. Within the City of Sacramento, spur lines led to oil refineries situated near the tracks. Station accommodations were also built for railroad repair crews and workers. Hood Junction, for example, had a cook house, bunkhouse, section house, privy, sheds, stock corral and loading pen, as well as a loading platform (Southern Pacific Transportation Company n.d.). Other stations were developed at Bath, Del Rio, Freeport, Mofuba, Locke and Walnut Grove. Passengers were boarded at all of the stations, although Walnut Grove Depot was the largest along the line.

The primary purpose of the Branch Line was to transport agricultural produce from numerous packing houses along the line to Sacramento and points beyond. This was in competition with the Santa Fe Company, whose boat, the "Francis," stopped at canneries and packing sheds in the Delta and delivered produce to Antioch via the river, where it was then shipped by rail. The Branch Line railroad eliminated the need for the riverboat shipping, saving money and time for the local farmers (California, State of 1980:19).

When the line was completed to Walnut Grove in 1912, it resulted in immediate changes in the region. As part of the initial construction, Southern Pacific built spur lines to various packing houses and canneries in the Delta. At several locations, such as Locke, the Company also constructed packing houses to encourage use of the rails for shipping

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(Leung 1984:28). The Delta towns of Hood (named for chief engineer Wilhelm Hood) and Freeport were established by the railroad as stations and developed into thriving agriculturally-oriented towns. The Chinese-American town of Locke (a National Register-listed District) developed in direct response to the Southern Pacific packing shed and spur line. According to Leung (1984:28), once the shed and spur was completed three Chinese entrepreneurs realized that most laborers working at the shed would be Chinese. In light of this, they constructed their businesses (boarding house, restaurant) near the shed to attract the laborers. In 1925 Southern Pacific enlarged the packing shed in Locke in direct response to the opening of several canneries in the area, resulting in a population boom. (Southern Pacific still retains ownership of this shed, but it is not included in this nomination due to its location off the main grade and its lack of integrity). In the late 1920s, the three initial businesses had grown into an established Chinese-American community that peaked at over 1,500 residents (Leung 1984:28).

While the railroad's first objective was to transport agricultural produce from the Delta to Sacramento, it also served as a vital link between the communities in the upper Delta region and distant markets. Mail was brought in by railroad, as were supplies and cargo. The services provided by Southern Pacific are remembered fondly by local Asian residents in the Delta. For example, Tommy King, a Locke resident, recalled that his father would pick up slot machines, shipped cargo freight from Chicago, at the depot in Walnut Grove (King 1987:110). Other residents recalled that mail was delivered by train to Locke, Hood, and Freeport on a regular basis (Lai 1987:80).

The Branch Line Railroad served as more than a freight train. Soon after its completion a passenger service was initiated. This service was provided to stations along the route by conventional trains and self-propelled gasoline rail cars (California, State of 1980:19). As one Locke resident recalled, "There used to be a train right in back [of Locke] and it would take you to Sacramento or wherever you wanted to go in that direction. If you wanted to go to San Francisco you could pick up the freight ship." (Yow 1987:47). The railroad, then, was essential to the towns along the line, providing the only reliable overland passenger and freight connection between the Delta and Sacramento.

Throughout the 1920s the Delta continued to prosper and development was rapid, aided by the transportation provided by the Branch Line Railroad. The development of the refrigerator car allowed pears from the upper Delta and other produce to remain fresh during shipping, and increased the popularity of the railroad for transporting goods. Delta produce continued to find its way to the East Coast where consumer demand was great. Typically, four freight trains and four passenger trains served the Delta area per day during the 1920s (Hall 1922).

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Section number 8 (Walnut Grove Branch Line Railroad) Page 4  
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The decline of the Branch Line started in 1930, when the effects of the Great Depression began to hit the Delta region. In that year several Delta canneries were forced to close. By 1932 another cannery at Isleton closed (Leung 1984). In 1934 the passenger service provided by the Branch Line was halted, signalling the beginning of the end of the railroad. Freight service continued, although it also began to decline due to the Depression and automobile and truck competition. In addition to the ending of the passenger service, routine track maintenance was deferred due to lack of funds (California, State of 1980:19-20) and several stations were dismantled and the land sold between 1939 and 1947 (Southern Pacific Transportation Company n.d.).

The cycle of decreased use of the line continued after World War II. General Maintenance Office records indicate that spur lines, buildings, platforms and trestles were gradually retired from service after 1945, due to deterioration or lack of use (Southern Pacific Transportation Company n.d.). Only one spur line, used to access the Stillwater Orchard Company, was constructed after 1940. In comparison, several miles of spur track were dismantled south of Hood, although the elevated levees remained in place. By the early 1970s trains ran only three or four times per week during the year, and less than 200 carloads of goods were transported annually (California, State of 1980:19).

The demise of the line under Southern Pacific ownership began in 1972, when a break in the levee at Isleton resulted in a massive flood that caused extensive damage between the Georgiana Slough Bridge and Isleton, a distance of about 2.3 miles. Soon after the flood, Southern Pacific filed an application with the United States Interstate Commerce Commission (ICC) to abandon 17.5 miles of track between Isleton and Hood Junction. Permission was granted on April 1, 1977. Authorization was given on March 8, 1978 to abandon an additional 13.8 miles of line between Hood Junction and Miller Park in Sacramento (Gray 1977).

The last Southern Pacific train on the branch line was operated on October 10, 1978. This run consisted of empty freight cars that had been in storage south of Hood. Soon after this run, all automatic grade crossing signals south of Miller Park were removed and some railroad crossings were paved over. The remainder of the line, however, including right-of-way, tracks between Sacramento and Walnut Grove, and undercrossings, were kept intact pursuant to purchase by the State of California (California, State of 1980:20; Gray 1977).

As of 1992 the California Department of Parks and Recreation owns the route and track between Old Sacramento and South Land Park Drive. The Sacramento Regional Transit District has ownership between South Land Drive and the Pocket area, and the State once again holds title to the land from the Pocket area to Hood, as well as a small track of land by Locke. The track has been refurbished between Old Sacramento and Miller Park and is

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Section number 8 (Walnut Grove Branch Line Railroad) Page 5  
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currently used for steam train excursions operated by the State Railroad Museum. Future plans call for improving the track to Hood and extending the excursions south through the Delta.

PROPERTY OWNERS

State of California - the Resources Agency  
Department of Parks and Recreation  
California State Railroad Museum  
P.O. Box 2390  
Sacramento, CA 95814

California, State of  
Department of General Services  
Office of Real Estate and Design Services  
400 R. Street 5th Floor  
Sacramento, CA 95814

Citizens Realty Development  
12441 Ventura Court  
Studio City, CA 91604

Correa, Walter E., and L. Bellmeda  
32338 S. River Road  
Clarksburg, CA 95612

John McCormack Co  
P. O. Box 527  
Walnut Grove, CA 95690

Komoorian, Arika  
8491 River Road  
Sacramento, CA 95832

Lodi Gun Club  
P. O. Box 1120  
Lodi, CA 95241

Reclamation District #813  
Tom Herzog  
12300 Herzog Road  
Cortland, CA 95615

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Sacramento, City of  
Department of Real Estate  
927 10th Street Room 200  
Sacramento, CA 95814

Sacramento, County of  
Real Estate Division  
1007 7th Street 7th Floor  
Sacramento, CA 95814

Sacramento Housing Authority  
Tech Services Division  
P. O. Box 1834  
Sacramento CA 95809

Sacramento Redevelopment Agency  
630 I Street  
Sacramento, CA 95814

Sacramento Regional Sanitation District  
8521 Laguna Station Road  
Elk Grove, CA 95624

Sacramento Regional Transit District  
Attn: Celia Scott  
P.O. Box 2110  
Sacramento, CA 95812-2110

South Sacramento Preservation Council  
P. O. Box 43  
Hood, CA 95639

Southern Pacific Transportation Company  
Real Estate Department  
1 Market Plaza  
San Francisco, CA 94105

Western Pacific Railroad  
c/o Union Pacific Railroad  
Contracts and Real Estate Department  
1416 Dodge Street  
Omaha, NB 68179

Wilson, Darrell, M. Chilies, and R. Daniel  
P. O. Box 248  
Walnut Grove, CA 95690

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Section number 9 (Walnut Grove Branch Line Railroad) Page 1

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National Park Service

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CONTINUATION SHEET

Section number 9 (Walnut Grove Branch Line Railroad) Page 2  
=====

Maniery, Mary L.

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Maniery, Mary L., and Julia G. Costello

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Sacramento Southern Railroad Company

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1912 Annual Report of Sacramento Southern R.R. Co. to the Board of Railroad Commissioners of the State of California. On file, California State Archives, Sacramento.

Southern Pacific Transportation Company

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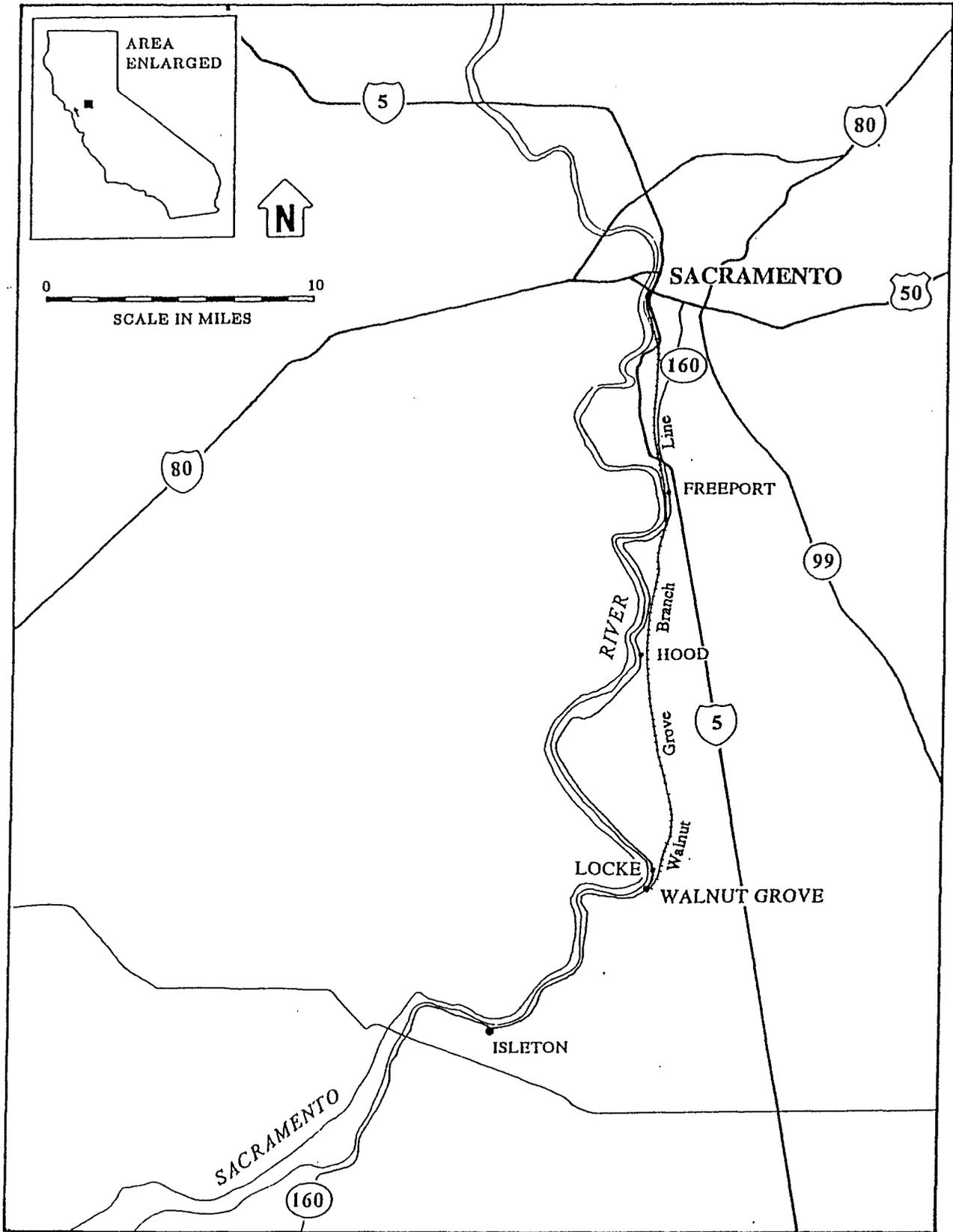
UTM REFERENCES:	Zone	Easting	Northing
E	10	630620	4252410
F	10	631730	4236750
G	10	630460	4233830

Verbal Boundary Description:

The Branch Line Railroad begins at the terminus of I Street at Front Street in the City of Sacramento and continues south and west 24.5 miles to the north end of Walnut Grove, California, just south of the Delta Cross Channel. It is contained entirely in Sacramento County and is depicted by the United States Geological Survey on five topographic quadrangles (7.5 minute series, see attached). The route averages 16 feet in width.

Boundary Justification:

The property boundaries are based on land purchases made by the Sacramento Southern Railroad Company in 1905 and historic alignment maps and include the historic location of the main line. The elevated levee is still evident traversing the landscape for the majority of the 24.5-mile corridor. The boundaries include the entire length and width of that portion of the railroad constructed between 1908 and 1912, with the exception of 0.5 miles of route within the town of Walnut Grove. This section of levee, rails, and ties was removed and subdivided around 1988, and therefore is not included in the property boundaries.



Location of Walnut Grove Branch Line Railroad

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PHOTOGRAPHS - WALNUT GROVE BRANCH LINE RAILROAD

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Photo No.	Description
1	Walnut Grove Branch Line Railroad Sacramento County, California William Shapiro March 27, 1991 Negative on file: US Army Corps of Engineers Sacramento District Office 650 Capitol Mall Sacramento, CA View north of beginning of Railroad at I and Front Streets, Sacramento
2	Walnut Grove Branch Line Railroad Sacramento County, California William Shapiro March 27, 1991 Negative on file: US Army Corps of Engineers Sacramento District Office 650 Capitol Mall Sacramento, CA View south of main line (on right) and spur (on left) at Q and Front Streets, Sacramento
3	Walnut Grove Branch Line Railroad Sacramento County, California William Shapiro March 27, 1991 Negative on file: US Army Corps of Engineers Sacramento District Office 650 Capitol Mall Sacramento, CA View northwest of 1970s concrete bridge spanning Interstate 5 in Sacramento

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PHOTOGRAPHS - WALNUT GROVE BRANCH LINE RAILROAD

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Sacramento County, California  
William Shapiro  
March 27, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View southeast of elevated railroad grade with Sutterville Road at left, Sacramento
- 5 Walnut Grove Branch Line Railroad  
Sacramento County, California  
William Shapiro  
March 27, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View northwest of typical paved road crossing
- 6 Walnut Grove Branch Line Railroad  
Sacramento County, California  
Keith Syda  
December 24, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View southwest of wooden trestle at Post Mile 99.10 south of Freeport
- 7 Walnut Grove Branch Line Railroad  
Sacramento County, California  
Keith Syda  
December 24, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View north of trestle overcrossing at Post Mile 99.16; note orchards

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PHOTOGRAPHS - WALNUT GROVE BRANCH LINE RAILROAD

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- 8 Walnut Grove Branch Line Railroad  
Sacramento County, California  
Keith Syda  
December 24, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View south of trestle crossing with slough at left and orchard on right at Post Mile 99.24.
- 9 Walnut Grove Branch Line Railroad  
Sacramento County, California  
Keith Syda  
December 24, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View west of wooden trestle (in background) with wooden bridge over slough in foreground. Trestle is at Post Mile 99.56
- 10 Walnut Grove Branch Line Railroad  
Sacramento County, California  
Keith Syda  
December 24, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View north of intact railroad grade just north of Hood-Franklin Road with slough on right and farmland on left
- 11 Walnut Grove Branch Line Railroad  
Sacramento County, California  
Keith Syda  
December 24, 1991  
Negative on file:  
US Army Corps of Engineers  
Sacramento District Office  
650 Capitol Mall  
Sacramento, CA  
View south of spur off main grade at north end of Freeport taken from main grade

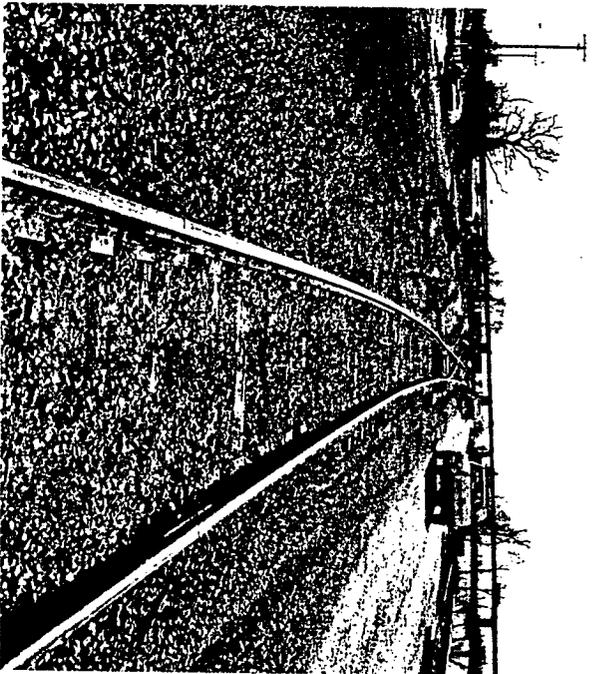
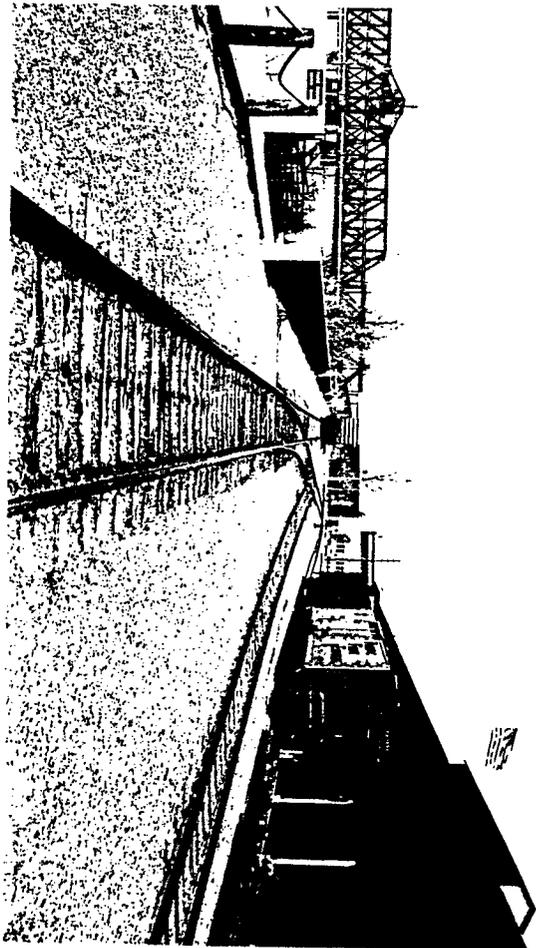
United States Department of the Interior  
National Park Service

NATIONAL REGISTER OF HISTORIC PLACES  
CONTINUATION SHEET

PHOTOGRAPHS - WALNUT GROVE BRANCH LINE RAILROAD

Page 4

- 12                    Walnut Grove Branch Line Railroad  
                      Sacramento County, California  
                      William Shapiro  
                      March 27, 1991  
                      Negative on file:  
                          US Army Corps of Engineers  
                          Sacramento District Office  
                          650 Capitol Mall  
                          Sacramento, CA  
                      View southeast down main railroad grade at Hood Junction with  
                      elevated spur from Hood joining main spur on right

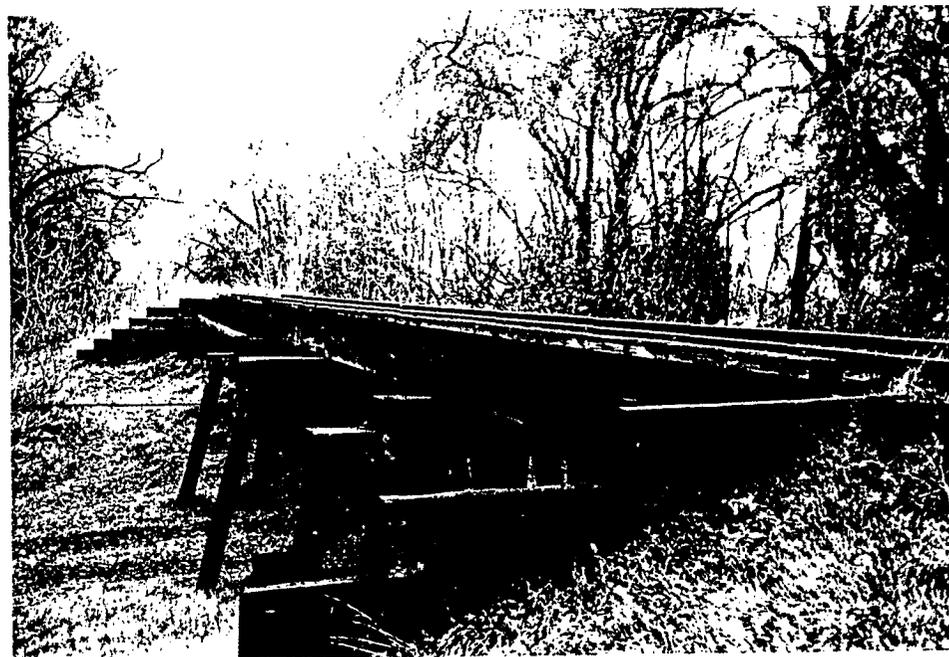


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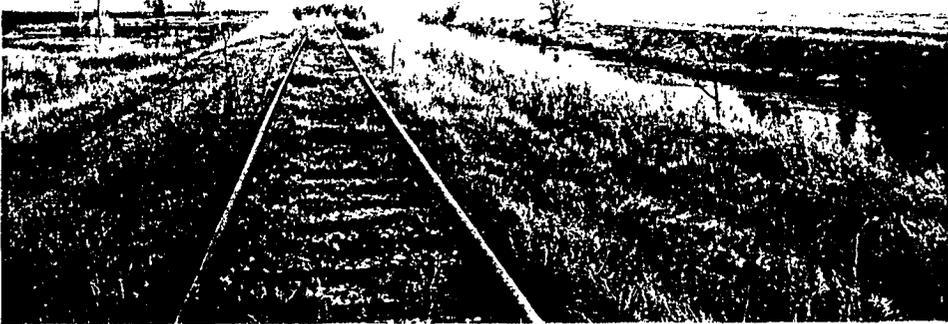
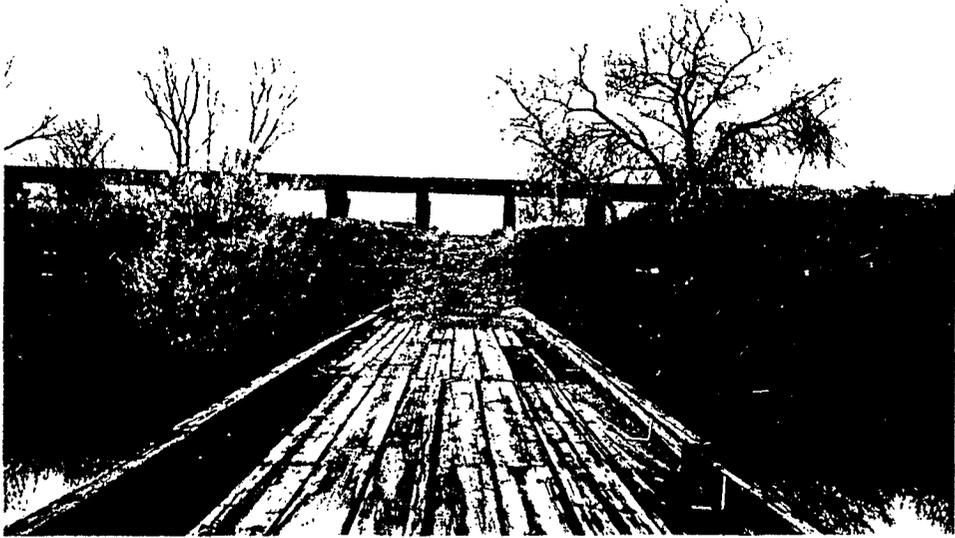
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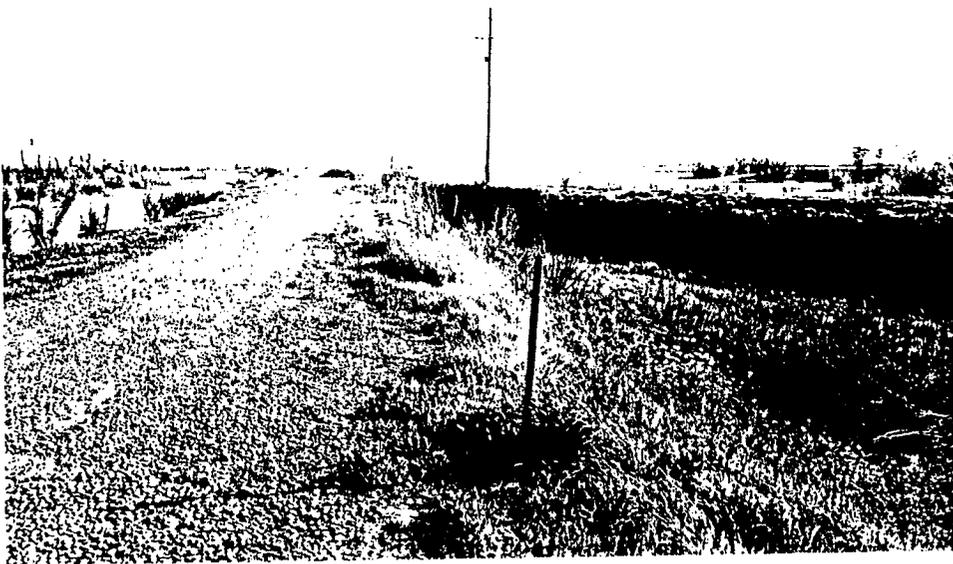


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# **EXHIBIT 5**

91-50 Courtland  
91-50 Courtland

**NATIONAL REGISTER OF HISTORIC PLACES  
SIGNIFICANCE EVALUATION OF WALNUT GROVE  
BRANCH LINE RAILROAD,  
SACRAMENTO COUNTY, CALIFORNIA**

*For*

**U.S. Army Corps of Engineers  
650 Capitol Mall  
Sacramento, California 95814**

*By*

**Mary L. Maniery, M.A.**

*Submitted By*

**PAR ENVIRONMENTAL SERVICES, INC.  
P.O. Box 160756  
Sacramento, California 95816**

*April 30, 1991*

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# INTRODUCTION

## Purpose and Need

Following the 1986 floods in the Sacramento River drainage area, several sections of the Sacramento levee system, totalling approximately 34 miles, were found to be weakened from the high water levels and in need of repair. Five areas were included in the study, divided into five phases of construction. The current project is concerned with the Sacramento Urban Area Levee Reconstruction project, Phase I of the planned construction. Within this project are three separate areas requiring stabilization. This includes approximately 12 miles in the South Sacramento vicinity, 18 miles in the Natomas region and six miles in West Sacramento (Figure 1 [US Army Corps of Engineers 1990:1]). The current project is focused on the South Sacramento levee work only.

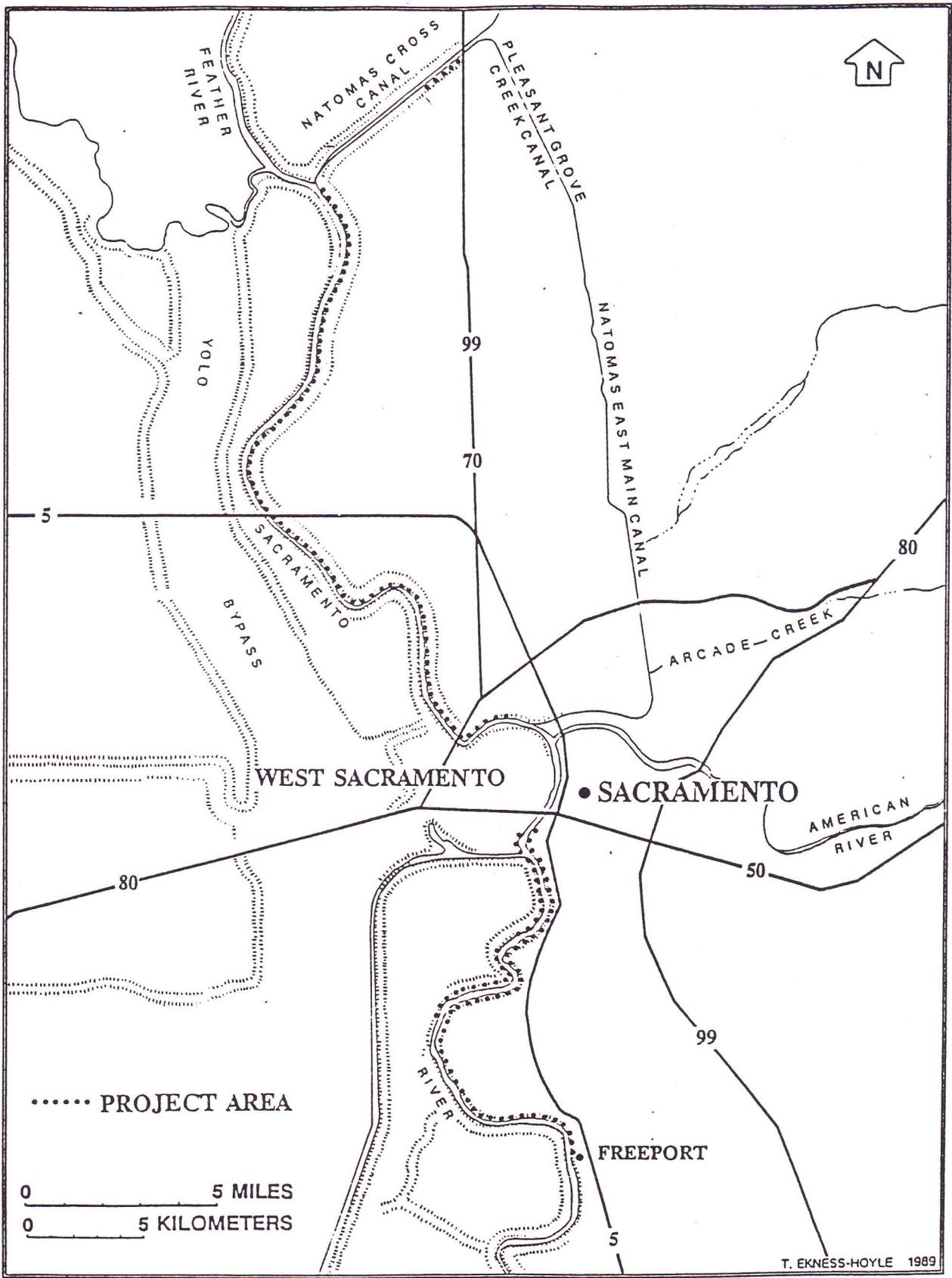
Due to the developed residential and commercial property present along the levee, conventional construction methods used to stabilize levees are not practical in this area. Instead, levees will be stabilized by placing a slurry cutoff wall (an impermeable barrier) vertically down their center lines. The barrier will be 25 to 30 feet deep and at least one foot wide (US Army Corps of Engineers 1990:3).

In compliance with the National Historic Preservation Act of 1966, as amended (16 USC 470), implementing regulations 36 CFR 800, the Archaeological and Historic Preservation Act of 1974 (16 USC 469), ER 1105-2-100, and other authorities, the Corps is required to identify and evaluate cultural properties that may be affected by an undertaking. One historic property, the Walnut Grove Branch Line of the Southern Pacific Railroad, is partially located on top of the river levee. Levee stabilization work will affect this historic structure.

In light of these requirements, the Corps contracted with PAR ENVIRONMENTAL SERVICES, INC. (PAR) to conduct appropriate archival and historical research on the Walnut Grove Branch Line Railroad. The purpose of the research was to evaluate the historic significance of the railroad in terms of National Register of Historic Places (National Register) criteria as outlined in National Register bulletin #15, How to Apply the National Register Criteria for Evaluation (National Park Service 1984).

## Description

The Walnut Grove Branch Line Railroad extends 33.1 miles from old Sacramento to Isleton (Figure 2). Generally, the line parallels the Sacramento River and State Highway 160. Right-of-way widths vary from 20 to 400 feet and encompass approximately 825 acres of land.



T. EKNESS-HOYLE 1989

Figure 1. Project Vicinity Map - Levee Stabilization Areas

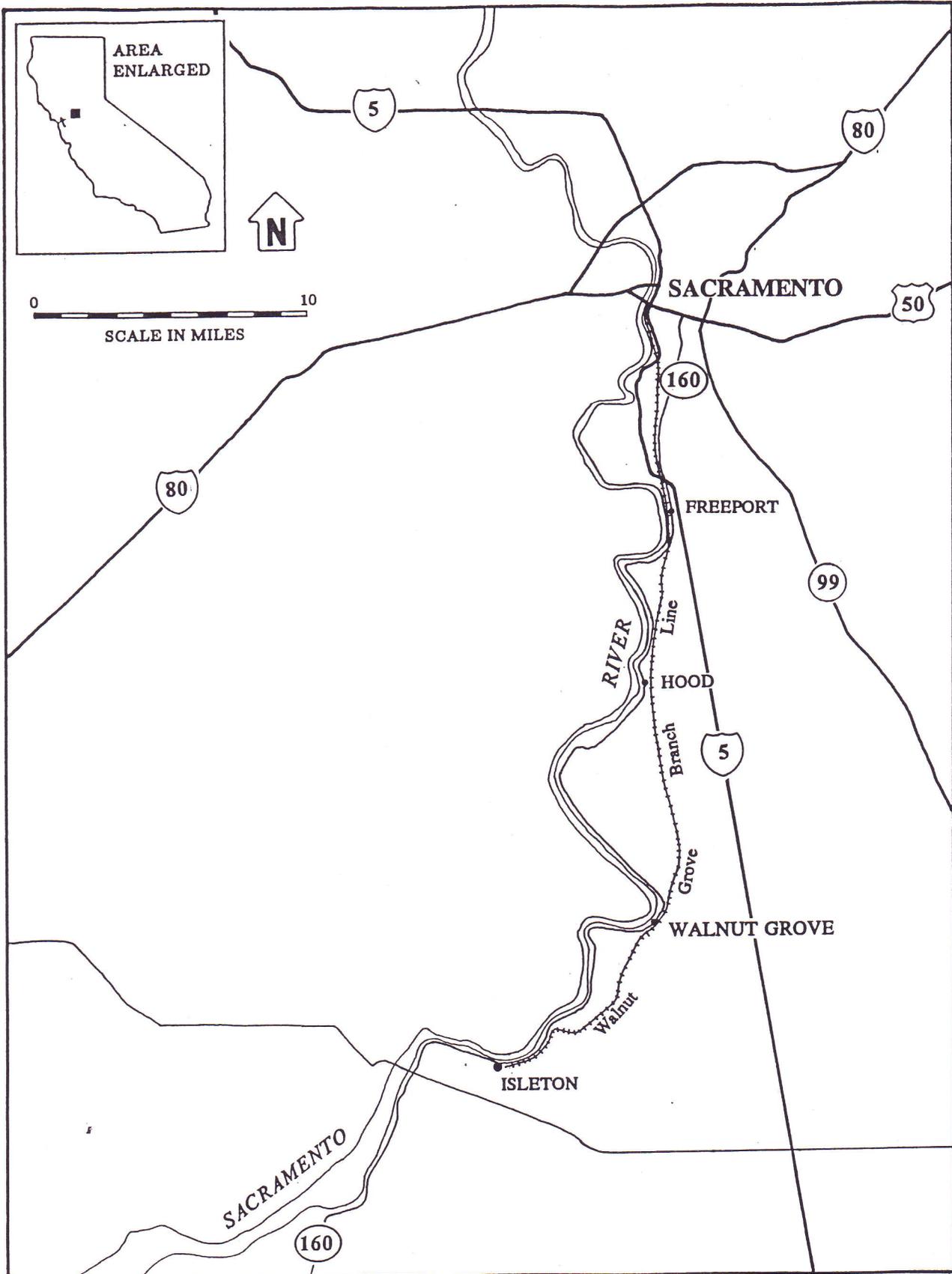


Figure 2. Location of Walnut Grove Branch Line Railroad

The trackage is situated on an extensive levee and embankment works from R Street in Sacramento to Walnut Grove. Between Miller Park and Freeport the line follows the Sacramento River levee. The railroad levee south of Sacramento serves as the western embankment for the Beach and Stone Lakes flood retardation basin. It returns to the river at Walnut Grove and continues south to Isleton (Appendices A and B).

The railroad line runs through commercial and residential development in Sacramento. Beyond the city limits the route traverses extensive areas of stone fruit orchards and grain fields. Lengthy wooden trestles are found along the line and dominate the approach to the Snodgrass Slough swing-span bridge.

Generally, the route consists of a single track elevated on the levee. The track uses a variety of rails, ranging from 75 to 113 pound rails; the heavier rails are used at road crossings. The rail is on 8-inch by 13-inch plates. Ties vary from six inches by eight inches by eight feet long to seven inches by nine inches by eight feet long (Figure 3). Some of the road crossings have been removed and some have been paved over. In addition, crossing gates and working mechanisms have been removed (International Engineering Company 1979).

As of 1979, there were 12 bridge structures between Sacramento and Isleton, including a turn bridge at Snodgrass Slough and a Sherzer Lift Span Bridge at Georgiana Slough. The railroad bridge structures are of four types: reinforced concrete; composite-concrete and structural steel; timber pile trestles; and moveable metal structures. The reinforced concrete bridge, located at Post Mile (PM) 91.97, crosses Interstate 5 and was constructed in the mid-1970s as part of the freeway work. The composite concrete and structural steel bridge was constructed after 1960 and is just north of the town of Locke (International Engineering Company 1979). These two bridges are not considered contributors to the overall design of the railroad.

The majority of the bridge structures on the line are trestles with six driven wooden piles per bent and timber or concrete abutments. These bridges are open or ballast deck trestle structures and cross overflow drainage systems, access roads, and major sloughs. Some of the bridges have walkways for pedestrian traffic and repair work (International Engineering Company 1979). Since 1980 a few of these bridges (e.g., at PM 113.46 in Walnut Grove) have been removed. The structures north of Locke, however, remain intact.

## METHODS

In order to accurately assess the significance of the railroad line, it is necessary to establish its historical context and current condition. Therefore, PAR's work focused on archival and historical research, coordination, and a field investigation of the property. Primary data

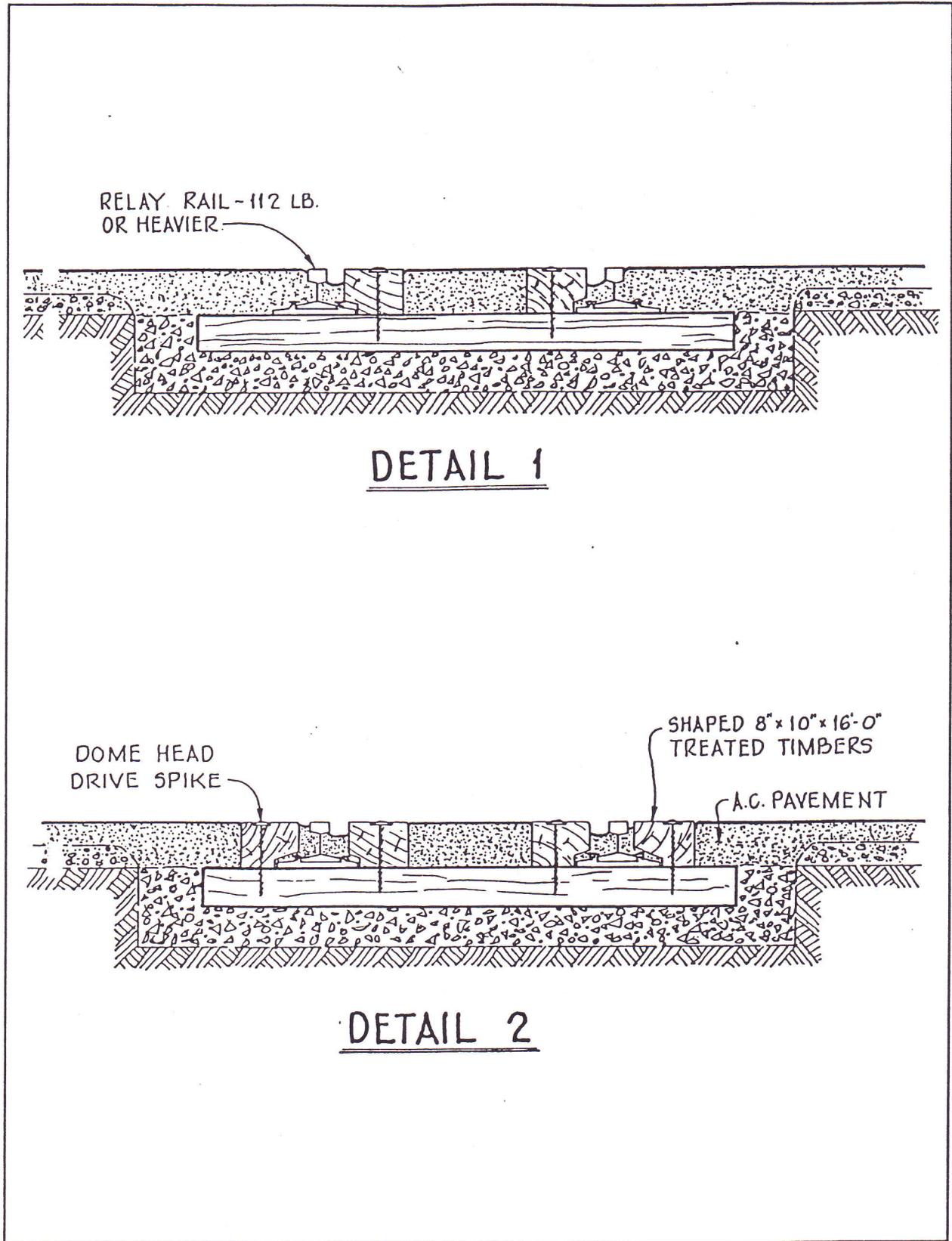


Figure 3. Typical Section of Railroad Tracks

pertaining to the railroad are housed at the State of California Railroad Museum in Sacramento. Records examined at this repository included construction photographs, General Maintenance Orders (GMO), general histories of Southern Pacific Railroad, and Southern Pacific Transportation Company bridge inspection reports. Appropriate maps (i.e., route and valuation maps) were also examined. Comparative data was provided by Ms. Ellen Schwartz, Museum librarian.

Mr. Walter P. Gray, III, Museum archivist, was interviewed concerning the railroad history and other information. Mr. Gray provided access to correspondence files detailing acquisition of portions of the line by the State during the 1970s for use by the steam engine excursions. In addition, a variety of environmental reports prepared by the State to document impacts caused by the Branch Line acquisition were also provided by Mr. Gray.

Additional research was conducted at the California State Library, California Room. PAR contacted Ms. Doreen Clement at the State Office of Historic Preservation for information concerning the evaluation of linear features.

Field inspections of the line were conducted on March 27 and 30, 1991. This inspection consisted of driving along the route, where possible, and photographing representative portions of the property. Examinations of historic railroad stations at Baths, Del Rio, Hood, Freeport, Locke, and Walnut Grove were also made. Trestles, typical railroad crossings at City intersections and recent alterations to the line were photographed in detail and examined to determine potential losses of integrity.

## RESULTS

### Historical Context

Reclamation projects in the Sacramento River Delta between Sacramento and Rio Vista began on Grand Island in 1852 and rapidly spread throughout the Delta. Massive levee building efforts were undertaken in the late 1860s by Chinese laborers hired by local farmers. Once the levee system was in place the Chinese were employed in land reclamation ventures (Costello and Maniery 1988:3; Maniery and Costello 1986:38).

By 1900 the Delta region was renowned throughout the United States for its asparagus and other produce. The first of the spring asparagus crop grown by Alex Brown near Walnut Grove, for example, was shipped to the Waldorf-Astoria hotel in New York each year (Maniery 1990). Other crops, such as sugar beets, potatoes and fruits, were also grown in the Delta, increasing its importance as a major agricultural region in the State.

During the early development of agriculture in the Delta, produce and supplies were shipped by steamers and barges. Warehouses and wharfs were present in every town along the river to access the shipping route. By 1905 the Southern Pacific Transportation Company, recognizing an opportunity for profit, began to buy up land between Sacramento and Walnut Grove for the sole purpose of constructing a railroad branch line to service the agricultural communities of the Delta (California, State of 1980). The railroad was constructed to compete with river traffic at a time when the era of great railroad expansion in the West was drawing to a close.

The Sacramento Southern Railroad was planned to provide service from Sacramento to Stockton, with a branch line extending from Walnut Grove to Antioch. Initially, the branch was to join the main line of either the Southern Pacific or Atchison, Topeka and Santa Fe. When these plans fell through it, became a branch line feeder of the Southern Pacific system instead, with management maintained through the Sacramento Southern subsidiary company (California, State of 1980:19).

Construction began on the route in 1908. The initial phase of construction, extending from I and Front Streets in Sacramento to Freeport, was completed in June of 1909. The section from Freeport to Walnut Grove was finished by March, 1912. Except for an extension to Vorman's Landing on the Mokelumne River in 1929, the Branch Line remained unchanged until it was extended south to Isleton following World War II (California, State of 1980:19).

While other railroads in the region, such as the Sacramento Northern and the route west from Stockton, were elevated on levees at certain sections, the Branch Line railroad was somewhat unique in that the majority of its length was elevated. Numerous dredgers operating out of Antioch, Rio Vista, Stockton and Sacramento were used during the construction to cut through the sloughs for bridges and to dredge material from the river for use in levee construction. A few of the big dredgers involved in the project included the "Antioch," "Big V," "Dredger #5," "Yolo," "Argyle," "Mt. Diablo" and "Neptune." In addition to the dredgers, an on-site cement plant was established at Snodgrass Slough early in 1911 to provide a continual supply of cement for pier work and construction of the turn bridge at that location (California, State of n.d.).

In conjunction with the levee construction was the construction of spur lines to service packing sheds and farm communities, passenger stations and platforms. Station accommodations were also built for railroad repair crews and workers. Hood Junction, for example, had a cook house, bunkhouse, section house, privy, sheds, stock corral and loading pen, as well as a loading platform (Southern Pacific n.d.). Other stations were developed at Bath, Del Rio, Freeport, Mofuba, Locke and Walnut Grove.

The primary purpose of the Branch Line was to transport agricultural produce from numerous packing houses along the line to Sacramento and points beyond. This was in competition with the Santa Fe Company, whose boat, the Francis, stopped at canneries and packing sheds in the Delta and delivered produce to Antioch via the river, where it was then

shipped by rail. The Branch Line railroad eliminated the need for the riverboat shipping, saving money and time for the local farmers (California, State of 1980:19).

When the line was completed to Walnut Grove in 1912, it resulted in immediate changes in the region. As part of the initial construction, Southern Pacific built spur lines to various packing houses and canneries in the Delta. At several locations, such as Locke, the Company also constructed packing houses to encourage use of the rails for shipping (Leung 1984:28). The Chinese-American town of Locke developed as a direct response to the Southern Pacific packing shed and spur line. According to Leung (1984:28), once the shed and spur was completed three Chinese entrepreneurs realized that most laborers working at the shed would be Chinese. In light of this, they constructed their businesses (boarding house, restaurant) near the shed to attract the laborers. In 1915 a fire at nearby Walnut Grove resulted in a number of Chinese relocating to Locke and establishing a town.

In 1925 Southern Pacific enlarged the packing shed in Locke in direct response to the opening of several canneries in the area. This new development by the railroad caused Locke to grow even more rapidly. In the late 1920s, the three initial businesses had grown into an established Chinese-American community that peaked at over 1,500 residents (Leung 1984:28).

While the railroad's first objective was to transport agricultural produce from the Delta to Sacramento, it also served as a vital link between the communities in the upper Delta region and distant markets. Mail was brought in by railroad, as were supplies and cargo. The services provided by Southern Pacific is remembered fondly by local Asian residents in the Delta. For example, Tommy King, a Locke resident, recalled that his father would pick up slot machines, shipped cargo freight from Chicago, at the depot in Walnut Grove (King 1987:110). Other residents recalled that mail was delivered by train right to Locke on a regular basis (Lai 1987:80).

The Branch Line railroad served as more than a freight train. Soon after its completion a passenger service was initiated. This service was provided to stations along the route by conventional trains and self-propelled gasoline rail cars (California, State of 1980:19). As one Locke resident recalled, "There used to be a train right in back [of Locke] and it would take you to Sacramento or wherever you wanted to go in that direction. If you wanted to go to San Francisco you could pick up the freight ship." (Yow 1987:47). The railroad, then, was essential to the towns along the line, providing the only reliable overland passenger and freight connection between the Delta and Sacramento.

Throughout the 1920s the Delta continued to prosper and development was rapid, aided by the transportation provided by the Branch Line railroad. The development of the refrigerator car allowed pears from the upper Delta and other produce to remain fresh during shipping, and Delta products continued to find its way to the East Coast where consumer demand was great.

The decline of the Branch Line began in 1930, when the Great Depression began to hit the Delta region. In that year several Delta canneries were forced to close. By 1932 another

cannery at Isleton closed (Leung 1984). In 1934 the passenger service provided by the Branch Line was halted, signalling the beginning of the end of the railroad. Freight service continued, although it also began to decline due to the Depression and automobile and truck competition. In addition to the ending of the passenger service, routine track maintenance was deferred due to lack of funds (California, State of 1980:19-20).

The cycle of decreased use of the line continued after World War II. GMO records indicate that spur lines, buildings, platforms and trestles were gradually retired from service after 1945, due to deterioration or lack of use. Only one spur line, used to access the Stillwater Orchard Company, was constructed after 1940. In comparison, several miles of spur track were dismantled south of Hood. By the early 1970s trains ran only three or four times per week during the year, and less than 200 carloads of goods were transported annually (California, State of 1980:19).

The demise of the line under Southern Pacific ownership began in 1972, when a break in the levee at Isleton resulted in a massive flood that caused extensive damage between the Georgiana Slough Bridge and Isleton, a distance of about 2.3 miles. Soon after the flood, Southern Pacific filed an application with the United States Interstate Commerce Commission (ICC) to abandon 17.5 miles of track between Isleton and Hood Junction. Permission was granted on April 1, 1977. Authorization was given on March 8, 1978 to abandon an additional 13.8 miles of line between Hood Junction and Miller Park in Sacramento (Gray 1977).

The last Southern Pacific train on the branch line was operated on October 10, 1978. This run consisted of empty freight cars that had been in storage south of Hood. Soon after this run, all automatic grade crossing signals south of Miller Park were removed and some railroad crossings were paved over. The remainder of the line, however, including right-of-way, tracks between Sacramento and Walnut Grove, and undercrossings, were kept intact pursuant to purchase by the State of California (California, State of 1980:20; Gray 1977).

Today, the State Department of Parks and Recreation owns the right-of-way and track between Old Sacramento and South Land Park Drive. Regional Transit has ownership between South Land Drive and the Pocket area, and the State once again holds the land from the Pocket to Hood. The track has been refurbished between Old Sacramento and Miller Park and is currently used for steam train excursions operated by the State Railroad Museum. Future plans call for improving the track to Hood and extending the excursions south through the Delta.

## STATEMENT OF SIGNIFICANCE

Cultural resource significance is evaluated in terms of a resource's eligibility for listing in the National Register of Historic Places (36 CFR 60.4 [48 R 46306]) as outlined below.

The quality of significance in American history, architecture, archaeology and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and;

- (a) That are associated with events that have made a significant contribution to the broad pattern of our history; or
- (b) That are associated with the lives of persons significant in our past; or
- (c) That embody the distinct characteristics of a type, period, method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or;
- (d) That have yielded, or may be likely to yield, information important in prehistory or history.

Sites younger than 50 years, unless of exceptional importance, are not eligible for the National Register.

An integral part of assessing cultural resource significance, aside from applying the above criteria, is the physical integrity of the resource. Prior to evaluating a resource's potential for listing in the National Register, it is important to understand the subtleties of the seven kinds of integrity mentioned above. To summarize a National Park Service (NPS) bulletin, entitled How to Apply the National Register Criteria for Evaluation (1984:30-32), the types of integrity are defined as:

- Location is the place where the historic property was constructed or the place where the historic event occurred;
- Design is the combination of elements that create the form, plan, space, structure, and style of a property;
- Setting is the physical environment of a historic property;

- Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
- Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
- Feeling is a property's expression of the aesthetic or historic sense of a particular period of time; and
- Association is the direct link between an important historic event or person and a historic property.

Integrity is based on significance: why, where and when a property is important. Only after significance is fully established is the issue of integrity addressed. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant. A resource must have at least two types of integrity and meet one of the four criteria listed above in order to qualify for the National Register.

As pointed out by NPS (1984) it is essential to define the type of historic property being investigated, its historic context or theme, period of significance, and criteria of importance before studying the physical integrity of a property. In light of this, the following statement of significance is offered for the Walnut Grove Branch Line Railroad.

The Walnut Grove Branch Line is a vivid reminder of the social, economic and political importance of railroads to the development of California. The Branch Line was begun in 1909 to compete with river traffic at the close of the era of great railroad expansion in the West. This coincided with the end of Southern Pacific's political dominance in California and the beginning of the modern railroad era (California, State of 1980:20).

The Branch Line was constructed to capture a specific market in the Delta and to draw business away from the river steamers. The construction of the line through the Delta was directly responsible for the increased agricultural boom in the region and the rapid spread of canneries, packing facilities and diversity of crops. In addition, the initial development of the future town site of Locke by Chinese Americans was directly related to Southern Pacific activities along the Branch Line railroad. The railroad provided the only transportation for both commercial freight and passengers between Sacramento and the upper Delta.

The construction of the railroad on an elevated levee using material dredged from the Sacramento River and sloughs, although not one-of-a-kind, was somewhat unique in 1909. While the rails, ties, and other material have been replaced through routine maintenance, the majority of the levee and features remain intact and are reminiscence of the 1920s-era of the railroad.

In light of the above, the period of significance for the railroad line extends from initial construction in 1909 to the beginning of its long decline in importance in 1934, when passenger service was halted. The railroad is significant at a local level under criterion a for its direct influence on the development of agriculture, canning operations, and packing endeavors in the Delta, as well as for the role it played in the founding of the National Register-listed town of Locke. The use of massive dredging equipment in construction of the line and its placement on an elevated levee, while not completely unique, represents a somewhat innovative technological and engineering feat for its time. As such, the route embodies distinctive characteristics of the methods employed in dredging and levee construction during a short time frame, adding to its significance under criterion c.

Having established the significance of the railroad and its period of importance, the next step is to assess the integrity of the property.

Location. Generally, the railroad alignment is in its original location as laid out before 1910. A one-half-mile segment of the railroad was realigned in 1974 in response to the construction of Interstate 5. The section between Isleton and Walnut Grove, with the exception of the bridge crossing Georgiana Slough, has been removed. The levee and trestle undercrossings have been removed in Walnut Grove but are intact between Old Sacramento and just south of Locke. This section of the route is evident and the grade is present on top of the levees.

Design. The design of a property includes its proportion, scale, technology, and ornamentation, among other qualities. The original appearance of the main railroad line, its layout, and scale are intact. Road crossings and warning signals were removed after 1975. Spur lines, station buildings and platforms and some trestles have been removed, somewhat changing the overall design of the route. However, this change is not considered significant.

Setting. The recent commercial and residential development within the South Sacramento city limits, near Pocket Road and Greenhaven, have altered the setting of the route to some degree. However, the route initially traversed residential and commercial areas in Sacramento before entering the rural upper Delta region. South of Pocket Road the rural, agricultural setting of the line remains unchanged. The alignment passes through pear orchards, vegetable and grain fields from north of Freeport to south of Locke, retaining the sense of time and place that was evident during the period of significance.

Materials. The initial materials (rails, ties) used during the 1909 to 1912 construction period have been largely replaced during routine maintenance. A few of the wooden open deck trestles remain intact, as do the drawbridges over Snodgrass and Georgiana sloughs. Generally, however, replacement of many of the rails, ties, plates, and crossings has resulted in an overall loss in integrity of materials.

Workmanship. Workmanship that went into the construction of the levee system that elevates the railroad is evident today with little change. In addition, the drawbridges, trestles, and some sections of track also retain a high degree of integrity of workmanship.

Feeling and Association. The feeling of the alignment today, particularly south of Sacramento in the rural countryside, is evocative of the 1920s agricultural boom in the Delta, when the railroad played a vital role in the development of the local economy. Visually, there is a strong sense of time and place associated with the alignment that has remained uncompromised through the ensuing decades since the period of significance. The railroad does not retain integrity of association.

## SUMMARY AND CONCLUSIONS

The Walnut Grove Branch Line Railroad was constructed between 1909 and 1912 specifically to link the agricultural communities of the upper Sacramento River Delta with Sacramento and distant markets. It played a vital and crucial role in the subsequent agricultural boom in the region, as well as in the development of the town of Locke. Its construction on an elevated levee using dredging equipment was not a common technique used in railroad technology of the time, adding to its importance.

Changes to the alignment are evident south of Locke and in Sacramento where Interstate 5 caused the realignment of a short segment of the route. As a whole, however, the route retains a remarkable degree of integrity of location, setting, design, workmanship and feeling. After its abandonment by Southern Pacific in 1978 it was bought by the State, who retained the rails, ties, trestles and other features in place with little or no change. As a result, the system is intact along most of its length, with the exception of road crossings.

Given the construction methods and the importance of the line to the economic development of the Delta, the Walnut Grove Branch Line Railroad appears eligible to the National Register of Historic Places under criteria a and c at the local level of significance.

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# **EXHIBIT 6**



State of California • Natural Resources Agency

DEPARTMENT OF PARKS AND RECREATION

P.O. Box 942896 • Sacramento, CA 94296-0001

Edmund G. Brown Jr., Governor

Lisa Ann L. Mangat, Director

January 3, 2019

The Honorable Darrell Steinberg  
Mayor, City of Sacramento  
City Hall  
915 I Street, 5<sup>th</sup> Floor  
Sacramento, CA 95814

Re: City of Sacramento - Del Rio Trail Project

Dear Mayor Steinberg:

Thank you to you and your staff for the considerable work that you have put into the proposed Del Rio Trail project (Project) in the City of Sacramento (City). I would also like to thank you for considering the protection and preservation of the rails and historic railway corridor in the most recent Draft Environmental Impact Report for the Project.

The Project proposes to construct approximately 4.8 miles of Class 1 multi-use trail along the railway corridor west of Freeport Boulevard from south of Meadowview Road/Pocket Road to the Sacramento River Parkway north of Sutterville Road.

The Department of Parks and Recreation (DPR) holds the right-of-way on portions of property including the railway right-of-way just south of South Land Park Drive north to just before the I-5 railroad bridge and the railway right-of-way adjacent to Freeport Blvd south of I-5 considered as part of the Project. DPR has an established process regarding real property permits and easements and will be reaching out to City staff after the EIR is certified. DPR anticipates that the goals of the City and DPR with regard to the Project will be compatible, including the development of a safe and efficient transportation and recreation trail that protects the historic railway corridor.

Again, thank you for your continued partnership on this important project. We look forward to future discussions with the City regarding the Project after the EIR is certified.

Sincerely,

Lisa Ann L. Mangat  
Director

Cc: Tom Buford, Principal Planner, City of Sacramento Community Development  
Department  
John Fraser, District Superintendent, Capital District, CA Department of Parks  
and Recreation

# **EXHIBIT 7**

Corporate  
88-812

AGREEMENT FOR WALNUT GROVE BRANCH LINE  
RIGHT-OF-WAY (MEADOWVIEW CORRIDOR)

THIS AGREEMENT is made and entered into this 25th day of April, 1988, between the SACRAMENTO REGIONAL TRANSIT DISTRICT, a public corporation, herein referred to as "RT," and the STATE OF CALIFORNIA, herein referred to as "STATE."

RECITALS

WHEREAS, in 1984, RT purchased approximately three miles of right-of-way, which was formerly the Walnut Grove Branch of the Southern Pacific Railroad extending southerly from a point 1,000 feet south of Sutterville Road for about three miles to its intersection with the Interstate 5 freeway, referred to as the "Meadowview Corridor"; and

WHEREAS, this right-of-way varies in width generally from a minimum of 45 feet to a maximum of 120 feet; and

WHEREAS, RT purchased this property with the intention of developing a light rail transit line between Downtown Sacramento and South Sacramento; and

WHEREAS, the minimum width required for the light rail transit system is 28 feet for double tracking and 40 feet at light rail stations; and

WHEREAS, STATE owns or has acquired an interest in the former railroad right-of-way between Old Town Sacramento to a point 1,000 feet south of Sutterville Road; and

WHEREAS, STATE, by its Department of Parks and Recreation, currently operates a steam train along a portion of its existing right-of-way; and

WHEREAS, STATE intends to purchase the abandoned Southern Pacific Railroad right-of-way between its intersection with the I-5 freeway near Meadowview Road south to the town of Hood; and

WHEREAS, funds appropriated by Chapter 135 Statutes of 1987, item 3790-301-722(18), for the purchase of said abandoned right-of-way shall not be available for such purpose until the STATE has entered into an agreement with RT for use of the Meadowview Corridor; and

WHEREAS, RT and STATE desire and intend to enter into a lease agreement whereby STATE could operate its steam train service within RT's Meadowview Corridor until RT decides to either construct its light rail facility or sell its right-of-way; and

WHEREAS, STATE is currently preparing an environmental impact report to analyze the impacts of operating a steam train along RT's Meadowview Corridor; and

WHEREAS, if RT decides to construct a light rail system within its Meadowview Corridor, RT and STATE agree to enter into an agreement to grant reciprocal easements to facilitate joint use of their respective rights-of-way.

**WITNESSETH**

**1. MUTUAL AGREEMENT**

In consideration of the mutual covenants and promises hereinafter set forth, the parties hereto agree to comply with the following terms and conditions.

**2. TERM**

This Agreement will remain in effect until execution of a sales agreement or a reciprocal easement agreement, whichever occurs first, unless it is amended or terminated sooner in accordance with the provisions of Articles 5 and 6.

**3. LEASE CONDITIONS**

Within one year from the effective date hereof or after certification of the environmental impact report, whichever occurs later, RT and STATE mutually agree to enter into a lease agreement for lease by STATE of RT's Meadowview right-of-way, encompassing, at a minimum, the following provisions. Both parties agree to exercise such efforts as are reasonably required to produce an executed lease agreement within the one-year period.

(a) The lease term shall extend for a term of 99 years or until RT decides either to sell or develop its Meadowview Corridor, whichever occurs first. If RT decides to sell, the lease term shall extend until the end of the STATE's right of first refusal period in accordance with paragraph (f) below. If RT decides to develop its Meadowview Corridor, the term shall extend until the granting of reciprocal easements in accordance with the provisions of Article 4.

(b) RT shall allow STATE to use the existing railroad track and related facilities which exist within RT's right-of-way, subject to the provision that STATE agrees to assume sole responsibility for any improvements required to facilitate its use of such right-of-way for steam train operation. Any improvements erected on said property by STATE shall, upon

completion, become a part of the realty and title to said improvements shall vest in RT, subject to this Agreement except that STATE may, at its option, remove any or all such improvements at the end of the term hereof, or upon termination of this Agreement, provided it gives RT notice promptly that it desires to do so. Any such removal by STATE or at its option shall be completed by STATE within ninety (90) days after the termination of this Agreement (except that if longer than 90 days is required for actual removal, such removal may still be made provided it has been commenced promptly and is carried on with due diligence).

Upon removal, title to the material so removed shall vest in STATE. Any removal authorized thereunder shall be made without damage to adjacent improvements and, if adjacent improvements are damaged, STATE shall reimburse RT to the extent it may legally do so.

- (c) STATE shall assume sole responsibility for mitigating environmental impacts created by its steam train operation.
- (d) STATE agrees to assume sole liability and to indemnify RT to the extent it may legally do so for any claims or causes of action arising in whole or in part from STATE's design, construction, operation and maintenance of its steam train operation and right-of-way maintenance responsibilities as set forth in paragraph (e) below, except claims or causes of action arising from the concurrent or sole negligence of RT, its officers, agents and employees.
- (e) In consideration of STATE's agreement to maintain a portion of RT's right-of-way of approximately 45 feet in width, and payment of a reasonable administrative fee for monitoring the terms of the lease of not to exceed \$1,000 per year, RT agrees to lease a portion of its right-of-way of approximately 20 feet in width for the entire length of its right-of-way. Such maintenance shall include, at a minimum, weed abatement and trash removal.
- (f) In the event that RT decides not to develop a light rail transit system within its Meadowview Corridor right-of-way, RT agrees to give STATE right of first refusal to purchase the subject 20-foot width for the entire length of RT's right-of-way at the appraised fair market value at the time of purchase. The parties agree that the appraisal value will not include severance damages. Upon receipt of RT's notice of its intent to sell said right-of-way, STATE shall have three years to exercise its right of first refusal.

#### **4. OPTION TO PURCHASE RECIPROCAL EASEMENTS**

In the event that RT decides to construct a light rail transit system within its Meadowview Corridor, RT and STATE agree to enter into an easement agreement whereby RT would grant STATE and

STATE would grant RT reciprocal easements at no cost over their respective rights-of-way, subject to the following minimum conditions:

- (a) The width of the respective easements will vary from a minimum of 14 feet to a maximum of 40 feet.
- (b) The cost of any additional land required to accommodate the easements shall be borne by the party seeking the easement.
- (c) Neither RT nor STATE will be required to grant an easement over any portion of their rights-of-way which, based on engineering feasibility studies, is required to be retained for their respective railroad operations. Where it is deemed infeasible to grant a ground easement, the parties agree to grant an airspace easement.
- (d) No easement shall be granted until environmental, design, engineering and other related studies have been conducted to determine the feasibility of operating both a light rail transit system and a steam train system within the same right-of-way. STATE agrees to cooperate in the development of such studies and to financially contribute towards the costs of such studies, to the extent it may legally do so, as they relate to examination of the steam train facilities and operational needs.

5. MODIFICATIONS

No waiver, modification, alteration or termination of this Agreement shall be valid unless made in writing and signed by the authorized parties thereof.

6. TERMINATION

Should either party fail to substantially perform its obligations under this Agreement, the other party shall thereupon have the right to terminate the Agreement by giving written notice and specifying the effective date of such termination. The foregoing notwithstanding, neither party waives the right to recover damages against the other for breach of the Agreement.

7. NOTICES

Modification or termination of this Agreement pursuant to the provisions set forth above, and any other communications required during administration of this Agreement, shall be given in the following manner:

TO RT: Chief Legal Counsel  
Sacramento Regional Transit District  
P O Box 2110  
Sacramento CA 95812-2110

# **EXHIBIT 8**

## DEPARTMENT OF PARKS AND RECREATION

CALIFORNIA STATE RAILROAD MUSEUM

111 I STREET

SACRAMENTO, CA 95814-2265

(916) 445-7387 FAX (916) 327-5655

February 28, 1996



Pilka Robinson  
General Manager  
Sacramento Regional Transit District  
P. O. Box 2110  
Sacramento, California 95816

Dear Ms. Robinson:

The California Department of Parks and Recreation, acting on behalf of the California State Railroad Museum, proposes to enter into a lease with Regional Transit for use of the Meadowview Corridor.

Based on our discussion with RT staff, the lease would incorporate the following terms. RT would lease the Meadowview right-of-way to State Parks for a renewable period of five (5) years. The subject property would include all of the property owned by RT in the corridor between Sutterville Road and the I-5 overcrossing south of Meadowview Road. The lease could be cancelled by either party with ninety (90) days written notice. State Parks would be prohibited from assigning the lease or subleasing all or any portion of the property. In consultation with State Parks, RT would continue to administer all other leases and licenses for uses within the right-of-way. RT would provide maps and descriptions to State Parks identifying all existing leases, licenses and easements within the corridor.

During the term of the lease, State Parks would be responsible for maintenance of the entire property, including weed abatement, trash removal, fence repair, etc.

State Parks would be permitted to perform track rehabilitation, with RT having the opportunity to review and approve any improvement plans. State Parks would undertake any improvements in the right-of-way at its own risk, and with the understanding that if future development of light rail or other public uses within the right-of-way required relocation of existing track, State Parks would not be entitled to compensation for the improvements. Title to the right-of-way and any existing improvements will remain with RT. Title to improvements constructed on the premises by State Parks during the term of the lease, if they remain on the property after expiration or termination of the lease, would revert to RT.

We understand that RT may impose insurance requirements and require that State Parks indemnify RT against all liability and claims arising out of its use of the property. As in past agreements with RT and the City of Sacramento, we anticipate that the statements of self-insurance attested to by all parties will provide sufficient indemnification for those involved.

Pilka Robinson  
February 28, 1996

Page two

The long-term interest of State Parks in the Meadowview Corridor is to upgrade the tracks for operation of steam passenger trains between Old Sacramento and the vicinity of Hood. During the term of the lease, it is our intent to pursue all alternatives with RT for fee-title acquisition and ownership of the property by State Parks.

If this proposal is acceptable, and the terms outlined here are agreeable, we can ask our State Parks Northern Service Center to proceed with drafting a lease for RT's review.

If you have specific questions or desire clarifications on any of the issues surrounding this proposed lease, please contact myself or Senior Curator Stephen Drew at (916) 445-7387.

Sincerely,

Original signed by  
Walter P. Gray III

Walter P. Gray III  
Director  
California State Railroad Museum

cc: Mark Gilbert, RT  
John Segerdell, RT  
Ronald L. Brean, DPR  
Stephen E. Drew, CSRM  
Catherine A. Taylor, CSRMF

# **EXHIBIT 9**

AND WHEN RECORDED MAIL TO

Sacramento Regional Transit District  
P.O. Box 2110  
Sacramento, CA 95810

ATTN: John T. Kretelson

MAIL TAX STATEMENTS TO

same as above

WESTERN TITLE INSURANCE COMPANY  
4298430 PCP

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NO  
FEE  
B

135140

OFFICIAL RECORDS

1984 AUG -2 PM 10:19

Jorge S. ...  
COUNTY CLERK - SACRAMENTO

91 08 -2 1 821

1000  
0200AP#017-020-31, 32, 33, 04, 08,  
017-010-39; 031-010-02, 06, 07,  
08, 09, 10**Grant Deed**

SOUTHERN PACIFIC TRANSPORTATION COMPANY, a Delaware corporation, Grantor,  
hereby, GRANTS to SACRAMENTO REGIONAL TRANSIT DISTRICT,  
a public corporation, Grantee,

that certain real property situated in the County of Sacramento, State of California,  
and more particularly described in Exhibit "A" attached and hereby made a part hereof, including  
all trackage and appurtenances existing thereon.

Grantor excepts from the property hereby conveyed that portion thereof lying below a depth  
of 500 feet, measured vertically from the contour of the surface of said property; however, Grantor,  
or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or  
through the surface of said property or any part thereof lying between said surface and 500 feet  
below said surface.

This grant is made subject to easements, covenants, conditions, reservations and restrictions of  
record.

IN WITNESS WHEREOF Grantor has caused these presents to be executed this 17th  
day of July, 1984

SOUTHERN PACIFIC TRANSPORTATION COMPANY

By: [Signature]  
(Title) Vice President, Real EstateAttest: [Signature]  
Assistant SecretaryApproved as to form  
by General Counsel  
March 1 1984

STATE OF CALIFORNIA  
City and County of San Francisco

On the 17th day of July in the year One Thousand Nine Hundred and Eighty FOUR  
before me, CATHERINE G. GULBRONSON, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared

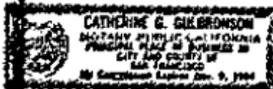
Her Metal Print

B. A. Sutfin, Vice President-Real Estate

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who  
executed the within instrument as president (or secretary) or on behalf of the Corporation therein  
named and acknowledged to me that the Corporation executed it

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my  
office in the City and County of San Francisco, the day and year in this certificate first above  
written.

*Catherine Gulbronson*  
Notary Public in and for the City and County of San Francisco, State of California.



Corporation

My Commission Expires November 9, 1984

400x  
PAGE  
84-08-2-0822

2.84  
7-11-89  
Rev. 3-22-86  
P. 2-78

EXHIBIT "A"

Those parcels of land situated in the east half of Section 2, the northeast quarter of Section 11, Township 7 North, Range 4 East, M.D.M., the east half of Sections 23, 26 and 35, Township 8 North, Range 4 East, M D.M., City of Sacramento, County of Sacramento, State of California, described as follows:

Parcel 1:

Beginning at the intersection of the southerly line of 35th Avenue with the westerly line of land described in deed dated December 12, 1905 from Rancho Del Rio Land and Development Company to Sacramento Southern Railroad Company recorded January 8, 1906 in Book 233, Page 166, Deed Records of said County, being the northeast corner of Lot 213 as shown on a plat entitled "South Land Park Hills, Unit No. 3, recorded in Book 36 of Maps, Map No. 18 in the Recorder's Office of said County; thence South 87°09'25" East, along said southerly line of 35th Avenue, 85.05 feet to a point distant 25 feet easterly, measured at right angles from the center line of main track (Walnut Grove Branch) of Southern Pacific Transportation Company; thence southerly, parallel to and concentric with said center line, along the following sixteen (16) courses: (1) South 0°54'06" West 118.71 feet, (2) south-westerly along a curve concave westerly having a radius of 2889.78 feet and a chord of South 3°49'31" West 294.70 feet, (3) South 6°44'56" West 99.83 feet, (4) along a curve concave easterly having a radius of 2839.78 feet and a chord of South 3°49'31" West 289.68

feet, (5) South  $0^{\circ}54'06''$  West 859.18 feet, (6) along a curve concave westerly having a radius of 1171.21 feet and a chord of South  $7^{\circ}48'06''$  West 281.41 feet, (7) South  $14^{\circ}42'06''$  West 99.86 feet, (8) along a curve concave easterly having a radius of 1121.21 feet and a chord of South  $7^{\circ}48'06''$  West 269.40 feet, (9) South  $0^{\circ}54'06''$  West 1729.10 feet, (10) along a curve concave easterly having a radius of 1121.21 feet and a chord of South  $5^{\circ}59'54''$  East 269.40 feet, (11) South  $12^{\circ}53'54''$  East 99.92 feet, (12) along a curve concave westerly having a radius of 1171.21 feet and a chord of South  $5^{\circ}59'54''$  East 281.41 feet, (13) South  $0^{\circ}54'06''$  West 1368.58 feet, (14) along a curve concave easterly having a radius of 2839.78 feet and a chord of South  $2^{\circ}01'19''$  East 289.68 feet, (15) South  $4^{\circ}56'44''$  East 100.00 feet, (16) along a curve concave westerly having a radius of 2889.78 feet and a chord of South  $2^{\circ}47'07''$  East 217.85 feet to the southerly line of land described in said deed dated December 12, 1905; thence South  $82^{\circ}09'09''$  West, along last said southerly line, 84.96 feet to the southwest corner of land described in said deed dated December 12, 1905, being the southeast corner of Lot 861 of "South Land Park Hills, Unit No. 8" as shown on a plat thereof recorded in Book 42 of Maps, Map No. 34 in said Recorder's Office; thence northerly, along the westerly line of land of Southern Pacific Transportation Company being coincident with the easterly line of last said "Unit No. 8" and "South Land Park Hills, Unit No. 10-A", as shown on plat recorded in Book 79 of Maps, Map No. 22 and "South Land Park Hills, Unit No. 5", as shown on plat recorded in Book 37 of Maps, Map No. 9, both in records of said County, and said "South Land Park Hill, Unit No. 3, the following five (5) courses: (1) North  $0^{\circ}54'06''$

East 2005.93 feet, (2) North 89°05'42" West 90.00 feet, (3) North 0°54'06"  
 East 3000.40 feet, (4) South 89°05'42" East 90.00 feet, (5) North 0°54'06"  
 East 1671.89 feet to the point of beginning.

Parcel 2:

Beginning at the northeast corner of land described in deed dated June 5, 1905 from Lizzie Fritchard to Sacramento Southern Railroad Company recorded August 9, 1905 in Book 226, Page 259, Deed Records of said County; thence South 0°54'06" West, along the easterly line of said land and the southerly prolongation thereof being coincident with the wasterly line of Freeport Boulevard and the northerly prolongation thereof, 4742.47 feet; thence southerly, along a curve concave easterly having a radius of 5679.68 feet and a chord of South 2°54'42" East 755.47 feet; thence South 6°43'30" East, along the easterly lines of lands described in deed dated June 16, 1905 from C. J. Schreiner to Sacramento Southern Railroad Company recorded August 9, 1905 in Book 224, Page 265 and in deed dated May 10, 1905 from A. F. Williams, et ux to Sacramento Southern Railroad Company recorded July 7, 1905 in Book 226, Page 174, Deed Records of said County, 2495.68 feet to the southeast corner of land described in said deed dated May 10, 1905; thence South 89°18'50" West, along the southerly line of last said land, 120.66 feet to a point in the easterly line of land described in deed dated February 18, 1957 from Central Pacific Railway Company, et al., to County of Sacramento; thence North 6°43'30" West, along last said easterly line, 2483.00 feet; thence northerly, continuing along last said easterly line and the easterly line of land described in deed dated March 31, 1948 from Central Pacific Railway Company, et al., to Thomas R. Haig, et al., the easterly line of that certain 12.104 acre

parcel of land described in deed dated July 31, 1948 from Central Pacific Railway Company, et al., to Thomas R. Haig, et al., being coincident with the westerly line of land described in said deed dated June 5, 1905 and in said deed dated June 16, 1905, along a curve concave easterly having a radius of 5799.68 feet and a chord of North 20°54'42" West 771.43 feet; thence North 00°54'06" East continuing along the easterly line of land described in said deed dated July 31, 1948, a distance of 4725.64 feet; thence North 89°18'42" East, 10.00 feet; thence North 82°09'09" East 111.25 feet to the point of beginning.

Parcel 3:

Beginning at the northeast corner of land described in deed dated May 4, 1905 from John Klotz to Sacramento Southern Railroad Company recorded July 7, 1905 in Book 226, Page 173, Deed Records of said County; thence South 6°43'10" East, along the easterly line of last said land being coincident with the westerly line of Freeport Boulevard, 1949.71 feet to the northeast corner of land described in easement deed (for Interstate Highway #5) dated December 11, 1972 from Southern Pacific Transportation Company to State of California; thence North 47°29'02" West along the northeasterly line of last said land, 229.72 feet to westerly line of land described in said deed dated May 4, 1905; thence North 6°43'10" West, along last said westerly line being coincident with the easterly line of that certain land designated "Klotz 21.235 Acres" as shown on Record of Survey recorded in Book 33 of Surveys, Page 32, Records of said County, 424.27 feet to the most southerly line of the 8.224 acres

of land described in deed dated February 18, 1957 from Central Pacific Railway Company, et al., to County of Sacramento; thence North 83°16'50" East, along last said line, 30.00 feet; thence North 60°43'10" West, along the easterly line of last said land, 1364.13 feet to the northerly line of land described in said deed dated May 4, 1905; thence North 89°18'50" East, along last said line, 120.66 feet to the point of beginning.

Parcel 4:

Beginning at the southerly corner of that certain 1872 square foot parcel of land described in deed dated January 25, 1907 from Cora D. Cavanaugh, Executrix to Sacramento Southern Railroad Company recorded February 25, 1907 in Deed Book 235, Page 389, Records of said County; thence North 62°14'35" West, along the southwesterly line of last said land and the southwesterly line of land described in deed dated December 22, 1905 from A. Koch, et ux to Southern Pacific Company recorded March 24, 1906 in Deed Book 234, Page 393, Records of said County, 442.71 feet; thence northwesterly along a curve concave northeasterly having a radius of 20.00 feet and a chord of North 26°19'23" West 23.47 feet to the southeasterly line of Riverside Boulevard; thence northerly, along last said line on a curve concave westerly having a radius of 4040.00 feet and a chord of North 7°36'31" East 280.17 feet; thence southeasterly, along a curve concave southwesterly having a radius of 1120.51 feet and a chord of South 38°02'49" East 68.41 feet; thence North 5°27'50" East 38.32 feet to a point hereinafter referred to as "Point A"; thence continuing North 5°27'50" East 36.27 feet; thence northwesterly along a curve concave southwesterly having a radius of 1171.51 feet and a chord of North

39°50'47" West 33.80 feet; thence North 42°26'15" West 31.65 feet to said southeasterly line of Riverside Boulevard; thence northerly along last said line, on a curve concave westerly having a radius of 4040.00 feet and a chord of North 3°09'50" East 206.58 feet; thence northeasterly along a curve concave southeasterly having a radius of 20.00 feet and a chord of North 46°24'35" East 28.14 feet; thence South 88°52'47" East 19.59 feet; thence easterly along a curve concave southerly having a radius of 30.00 feet and a chord of South 54°20'18" East 34.02 feet to the easterly line of the 4.523 acre parcel of land described in said deed dated January 25, 1907, last said line being coincident with the southwesterly line of "Land Park Tract, Unit No. 4" as shown on plat recorded in Book 21 of Maps, Map No. 25, Records of said County; thence South 19°44'00" East, along last said line and the southeasterly prolongation thereof, 828.73 feet to the point of beginning.

EXCEPTING THEREFROM a strip of land, 100 feet wide, lying 50 feet each side of the center line described as follows:

Beginning at "Point A" hereinabove mentioned; thence southeasterly along a curve concave southwesterly having a radius of 1146.01 feet and a chord of South 28°54'48" East 359.16 feet; thence South 19°53'53" East 128.98 feet to the southwesterly line of above described land, said southwesterly line having a bearing and distance of "North 62°14'30" West 442.71 feet".

The side lines of said strip of land, 100 feet wide, to terminate southerly in said southwesterly line and northerly the southerly prolongation of a line having a bearing and distance of "North 5°27'50" East

38.32 feet" and the northerly prolongation of a line having a bearing and distance of "North 5°27'50" East 36.27 feet".

Parcel 5:

All of the land described in deed dated August 11, 1938 from Richfield Oil Corporation to Central Pacific Railway Company recorded September 10, 1938 in Book 699, Page 236, Official Records of said County, described therein as follows;

"BEGINNING at a point on the easterly line of the G. Edwards property which line is the center of the old Sacramento Drainage Canal and divides the properties of that certain parcel formerly owned by F. Lachenmeyer (now owned by Richfield Oil Company by virtue of above mentioned deed) and G. Edwards and from which point of beginning the South East corner of the North East one quarter of said Section 23, Township 8 North, Range 4 East, bears South 27°38'43" East a distance of 2968.65 feet; thence South 25°53' West, along said Easterly line of G. Edwards property, a distance of 141.73 feet to a fence; thence along said fence line South 61°23' East a distance of 282.95 feet to a point on the Westerly right of way line of the Central Pacific Railway Company's operated line from Sacramento to Isleton; thence, following said Westerly right of way line Northerly on the arc of a curve concave to the left having a radius of 2814.82 feet, the chord of which arc bears North 14°52'13" West 207.38 feet, to a point in the Southerly line of the Sutterville Road; thence North 59°00'43" West along said road line, a distance of 147.84 feet to a point in the said

Easterly line of the G. Edwards property; thence, following said Easterly line, South 25°53' West, a distance of 15.02 feet to the point of beginning."

Parcel 6:

Beginning at the southerly corner of that certain 7606 square foot parcel of land described in deed dated October 27, 1946 from Central Pacific Railway Company, et al., to Gustaf C. Blomberg, et al., said corner being in the southeasterly line of land described in deed dated July 13, 1906 from D. Rocca, et ux to Sacramento Southern Railroad Company, recorded August 11, 1907 in Deed Book 248, Page 7, Records of said County; thence North 0°54'06" East along the easterly line of Southern Pacific Transportation Company's land being the west line of said 7606 square foot parcel of land and the northerly prolongation thereof, 1387.33 feet; thence North 89°05'54" West 75.00 feet to the easterly line of that certain 3.584 acres of land described in deed dated November 24, 1952 from Central Pacific Railway Company, et al., to City of Sacramento; thence southerly, along last said line the following three (3) courses: (1) South 0°54'06" West 659.31 feet, (2) South 6°36'44" West 50.25 feet, (3) South 0°54'06" West 1210.14 feet to the said southeasterly line of land described in deed dated July 13, 1906; thence North 9°27'06" East, along last said line, 538.10 feet to the point of beginning.

Parcel 7:

Beginning at the northeast corner of Lot 213 as shown on a plat of "Southland Park Hills, Unit No. 3" recorded in Book 36 of Maps, Map No.

18. Records of said County, said corner being in the westerly line of land described in deed dated December 12, 1905 from Rancho Del Rio Land and Development Company to Sacramento Southern Railroad Company, recorded January 8, 1906 in Deed Book 233, Page 166, Records of said County; thence North  $0^{\circ}54'06''$  East, along said westerly line, 62.00 feet; thence North  $79^{\circ}04'38.5''$  West, along the southerly line of land described in deed dated June 21, 1906 from L. A. Burke, et vir to Sacramento Southern Railroad Company, recorded August 23, 1906 in Deed Book 247, Page 17, Records of said County, 86.40 feet; thence North  $0^{\circ}54'06''$  East, along the westerly line of last said land, 912.15 feet; thence South  $89^{\circ}05'54''$  East, along the most southerly line of said 3.584 acres of land described in said deed dated November 24, 1952, a distance of 35.00 feet; thence northerly along the easterly line of last said land, the following three (3) courses: (1) North  $0^{\circ}54'06''$  East 1299.39 feet, (2) North  $15^{\circ}02'31''$  East 327.47 feet, (3) North  $9^{\circ}27'06''$  East 538.10 feet; thence South  $0^{\circ}54'06''$  West, along the easterly line of land described in deed dated May 1, 1905 from R. A. Ragwill, et ux to Sacramento Southern Railroad Company, recorded July 7, 1905 in Deed Book 226, Page 175, Records of said County, 532.12 feet to the northerly line of land described in deed dated August 30, 1906 from F. A. Burke, et al., to Sacramento Southern Railroad Company, recorded September 8, 1906 in Deed Book 248, Page 25, Records of said County; thence South  $89^{\circ}05'54''$  East, along last said line, 10.00 feet; thence South  $0^{\circ}54'06''$  West, along the easterly line of last said land and the easterly line of land described in deed dated May 1, 1905 from F. A. Burke, et ux to Sacramento Southern Railroad Company, recorded in Deed Book 226,

Page 177, Records of said County, 2564.51 feet to the southeast corner of last said land; thence South  $79^{\circ}04'38.5''$  East, along the northerly line of land described in deed dated September 11, 1906 from Rancho Del Rio Land and Development Company to Sacramento Southern Railroad Company, recorded in Deed Book 250, Page 118, Records of said County, 84.22 feet; thence South  $0^{\circ}54'06''$  West 33.43 feet to a point in the southerly line of 35th Avenue; thence North  $87^{\circ}09'26''$  West, along last said southerly line, 202.97 feet to the point of Beginning.

CERTIFICATE CONSENTING TO CONVEYANCE  
TO SACRAMENTO REGIONAL TRANSIT DISTRICT

THIS IS TO CERTIFY that the interest in real property conveyed by the Deed or Grant dated July 17, 1984 from Southern Pacific <sup>TRANSPORTATION</sup> ~~COAST~~ Company to Sacramento Regional Transit District, a Public Corporation, is hereby accepted by the undersigned officer on behalf of the Sacramento Regional Transit District Board of Directors pursuant to authority conferred by Resolution of said Board adopted on July 23, 1984, and Grantee consents to recordation hereof by its duly authorized officer.

DATE: July  
August 31, 1984

SACRAMENTO REGIONAL TRANSIT DISTRICT

By: [Signature]  
John T. Ketelsen, Chief Legal Counsel

STATE OF CALIFORNIA  
COUNTY OF Sacramento

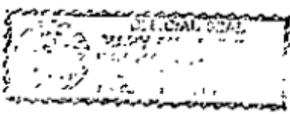
On this 31st day of July in the year 1984, before me MARY ANN NEWMAN, a Notary Public, State of California, duly commissioned and sworn, personally appeared JOHN T. KETELSEN,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person is whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the Sacramento County of Sacramento on the date set forth above in this certificate

Mary Ann Newman  
Notary Public, State of California

My commission expires 12/3/85



This document is only a general form which may be proper for use in certain instances or for one use only. It is intended to give an indication of the subject matter of the document. The publisher does not make any warranty, express or implied, as to the legal validity of any instrument or the accuracy of these forms in any specific transaction.

RESOLUTION NO. 84-214

Adopted by the Board of Directors of the Sacramento Regional Transit District on the date of :

July 23, 1984

APPROVING CERTIFICATE OF ACCEPTANCE  
FOR MEADOWVIEW PROPERTY AND  
AUTHORIZING STAFF TO EXECUTE  
OTHER SETTLEMENT DOCUMENTS

WHEREAS, on the 14th day of June, 1982, this Board of Directors adopted Resolution No. 82-983 declaring that public interest and necessity require the acquisition by plaintiff of the herein described property; and

WHEREAS, on June 28, 1982, Sacramento Regional Transit District filed a lawsuit in the Superior Court of the County of Sacramento, State of California, amounting in eminent domain, Case No. J04562; and

WHEREAS, the said property is a corridor of a former railroad right-of-way in the City of Sacramento, California, which extends from a point 1,000 feet south of Sutterville Road for three miles south to a point where right-of-way intersects with Interstate 5; and

WHEREAS, this Board has conditionally approved the acquisition of certain real property in Sacramento, California, for the purchase price of \$2,825,000; and

WHEREAS, the sellers of the above-referenced property have agreed to the aforementioned price of \$2,825,000; and

WHEREAS, the above-referenced sale includes existing railroad trackage where it now exists; and

WHEREAS, this Board desires to settle said lawsuit by authorizing the Chief Legal Counsel and General Manager to execute the Release and Dismissal forms in settlement of the above-referenced case; and

WHEREAS, in accordance with California Government Code, § 27281, this Board desires to approve a Certificate of Acceptance to be recorded with the Deed to the abovementioned property upon the close of escrow.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Chief Legal Counsel be hereby authorized and directed to execute the Certificate of Acceptance in accordance with Government Code, § 27281 for the real property described in Exhibit "A" or a successor to Exhibit "A" which has more thoroughly been verified by Chief Legal Counsel and consulting engineers.

THAT, the Chief Legal Counsel and General Manager are hereby authorized and directed to execute any and all Releases, Discharges and Dismissal forms necessary to settle and dismiss the eminent domain lawsuit now on file in Superior Court, County of Sacramento, Complaint in Eminent Domain No. 304562.

THAT, a certified copy of this Resolution accompany the Certificate of Acceptance for purposes of recording with a title company to close escrow if such an account is deemed desirable by the Chief Legal Counsel and to record with the Court or County Recorder's Office as necessary to accomplish the dismissal of the aforesaid lawsuit and convey title to Sacramento Regional Transit District of the subject property.

THAT, the General Manager and Chief Legal Counsel are hereby authorized to do all things necessary on behalf of the Sacramento Regional Transit District to bring to a close the acquisition of the subject corridor at an acquisition cost of \$3,825,000.

  
BERTHA GAFFNEY GORMAN, Chairwoman

A T T E S T:

DAVID A. BOGGS

By:   
Mary Ann Newman, Assistant  
Secretary

All the certain real property situate in the City of Sacramento, State of California, described as follows:

All the portion of Sections 25 and 36, Township 8 North, Range 4 East, M.D.B. & M., described as follows:

Beginning at a point located on the Southerly right of way line of 35th Avenue, said point being the Northeast corner of Lot 213 as said lot is shown on that certain plat entitled "South Land Park Hills, Unit No. 3", the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 36 of Maps, Map No. 18; thence from said point of beginning along said right of way line South  $87^{\circ} 09' 26''$  East 85.05 feet; thence leaving said right of way line running parallel to and 25.00 feet Easterly of the Southern Pacific Railroad Tracks the following sixteen (16) courses and distances: (1) South  $00^{\circ} 54' 06''$  West 118.71 feet, (2) curving to the right on an arc of 2889.78 feet radius, said arc being subtended by a chord bearing South  $03^{\circ} 49' 31''$  West 294.78 feet, (3) South  $06^{\circ} 44' 56''$  West 99.83 feet, (4) curving to the left on an arc of 2839.78 feet radius, said arc being subtended by a chord bearing South  $03^{\circ} 49' 31''$  West 289.68 feet, (5) South  $00^{\circ} 54' 06''$  West 869.18 feet, (6) curving to the right on an arc of 1171.21 feet radius, said arc being subtended by a chord bearing South  $07^{\circ} 48' 06''$  West 281.41 feet, (7) South  $14^{\circ} 42' 06''$  West 99.85 feet, (8) curving to the left on an arc of 1121.21 feet radius, said arc being subtended by a chord bearing South  $07^{\circ} 48' 06''$  West 269.40 feet, (9) South  $00^{\circ} 54' 06''$  West 1729.10 feet, (10) curving to the left on an arc of 1121.21 feet radius, said arc being subtended by a chord bearing South  $05^{\circ} 59' 54''$  East 269.40 feet, (11) South  $12^{\circ} 53' 54''$  East 99.92 feet, (12) curving to the right on an arc of 1171.21 feet radius, said arc being subtended by a chord bearing South  $05^{\circ} 59' 54''$  East 231.41 feet, (13) South  $00^{\circ} 54' 06''$  West 1368.58 feet, (14) curving to the left on an arc of 2839.78 feet radius, said arc being subtended by a chord bearing South  $02^{\circ} 01' 19''$  East 289.58 feet, (15) South  $04^{\circ} 56' 44''$  East 100.00 feet and (16) curving to the right on an arc of 2889.78 feet radius, said arc being subtended by a chord bearing South  $02^{\circ} 47' 07''$  East 217.85 feet; thence South  $82^{\circ} 09' 09''$  West 84.96 feet to the Southeast corner of Lot 861 as said lot is shown on that certain map entitled "South Land Park Hills, Unit No. 3" the official plat of which is recorded in the office of said Recorder in Book 43 of Maps, Map No. 34; thence along the Easterly boundaries of said South Land Park Hills, Unit No. 8, "South Land Park Hills, Unit No. 10-A", recorded in the office of said Recorder in Book 29 of Maps, Map No. 22, "South Land Park Hills, Unit No. 5", recorded in the office of said Recorder in Book 37 of Maps, Map No. 9, and said South Land Park Hills, Unit No. 3 the following five (5) courses and distances: (1) North  $00^{\circ} 54' 06''$  East 2005.93 feet, (2) North  $85^{\circ} 05' 42''$  West 90.00 feet, (3) North  $00^{\circ} 54' 06''$  East 3000.42 feet, (4) South  $09^{\circ} 05' 42''$  East 90.00 feet and (5) North  $02^{\circ} 54' 05''$  East 1671.59 feet to the point of beginning, containing E. 874 acs., more or less.

of 08-2 036

DESCRIPTION OF SOUTHERN PACIFIC RAILROAD  
MEADOWVIEW ROAD TO BE ACQUIRED BY RAILROAD TRANSIT

All the certain real property situate in the City of Sacramento, State of California, described as follows:

All that portion of Section 2, Township 7 North, Range 4 East, M.D.B. & M., and Section 35, Township 8 North, Range 4 East, M.D.B. & M., described as follows:

Beginning at a point located on the Easterly boundary of "South Land Park Hills, Unit No. 28", the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 72 of Maps, Map No. 28, from which the Southeast corner of Lot 166 of said "South Land Park Hills, Unit No. 78" bears North  $00^{\circ} 54' 06''$  East 47.75 feet; thence along the Easterly boundaries and the production of the Easterly boundaries of said "South Land Park Hills, Unit No. 28", "South Land Park Hills, Unit No. 22", recorded in the office of the Recorder of said County in Book 54 of Maps, Map No. 3, and "Land Park Village", recorded in the office of said Recorder in Book 126 of Maps, Map No. 10, North  $00^{\circ} 54' 05''$  East 4725.64 feet; thence North  $89^{\circ} 18' 42''$  East 10.00 feet; thence North  $82^{\circ} 09' 09''$  East 111.25 feet to a point located on the Westerly right of way line of Freeport Boulevard; thence along said Westerly right of way line the following three (3) courses and distances: (1) South  $00^{\circ} 54' 05''$  West 4742.47 feet; (2) curving to the left on an arc of 5679.68 feet radius, said arc being subtended by a chord bearing South  $02^{\circ} 54' 42''$  East 755.47 feet and (3) South  $06^{\circ} 43' 30''$  East 2458.38 feet; thence curving to the right on an arc of 30.00 feet radius, said arc being subtended by a chord bearing South  $41^{\circ} 17' 35''$  West 44.60 feet to a point located on the Northerly right of way line of Meadowview Road; thence along said Northerly right of way line South  $89^{\circ} 28' 41''$  West 87.33 feet; thence leaving said Northerly right of way line, running parallel to and 100.00 feet distant Easterly from the Easterly boundary of "Rio Park" recorded in the office of said Recorder in Book 25 of Maps, Map No. 11, parallel to and 85.00 feet distant Easterly from the Easterly boundary of "South Land Park Hills, Unit No. 71" recorded in the office of said Recorder in Book 87 of Maps, Map No. 2, and along the Easterly boundary and the production of the Easterly boundary of said "Land Park Hills, Unit No. 28", the following two (2) courses and distances: (1) North  $06^{\circ} 43' 30''$  West 2458.65 feet and (2) curving to the right on an arc of 5799.68 feet radius, said arc being subtended by a chord bearing North  $02^{\circ} 54' 42''$  West 771.43 feet to the point of beginning, containing 21.572 acres, more or less.

DESCRIPTION OF SOUTHERN PACIFIC RAILROAD  
 PROPERTY INTERESTS  
 ALIEN STATE FILED BE ACQUIRED BY SIGNAL TRANSIT

All that certain real property situate in the City of Sacramento,  
 State of California, described as follows:

All that portion of Section 11, Township 7 North, Range 4 East,  
 M.D.B. & M., described as follows:

Beginning at a point located on the Easterly boundary of  
 that certain tract of land designated "KLOTZ 21.235 Ac." as  
 shown on that certain Record of Survey entitled "Portion of  
 Section 11, T. 7 N., R. 4 E., M.D.B. & M.," recorded in the  
 office of the Recorder of Sacramento County in Book 33 of  
 Surveys at Page 32, from which the Northeast corner of said  
 tract of land bears South  $83^{\circ} 16' 50''$  West 55.00 feet and  
 North  $06^{\circ} 43' 10''$  West 1352.95 feet; thence from said point of  
 beginning, leaving said Easterly boundary North  $83^{\circ} 16' 50''$   
 East 30.00 feet; thence North  $06^{\circ} 43' 10''$  West 1343.98 feet to  
 a point located on the Southerly right of way line of  
 Meadowview Road; thence along said right of way line North  
 $89^{\circ} 18' 50''$  East 89.17 feet; thence leaving said right of way  
 line, curving to the right on an arc of 35.00 feet radius,  
 said arc being subtended by a chord bearing South  $48^{\circ} 42' 10''$   
 East 46.82 feet to a point located on the Westerly right of  
 way line of Freeport Boulevard; thence along said right of  
 way line South  $06^{\circ} 43' 10''$  East 1898.06 feet; thence leaving  
 said right of way line North  $47^{\circ} 29' 02''$  West 229.72 feet to a  
 point located on said Easterly boundary of the "KLOTZ" tract;  
 thence along said Easterly boundary North  $06^{\circ} 43' 10''$  West  
 424.27 feet to the point of beginning, containing 5.441  
 acres, more or less.

THE SPINK CORPORATION  
 CHECKED: DATE

TYPING  
 INITIALS *CW* *1/15/22*

All that certain real property situate in the City of Sacramento, State of California, described as follows:

All that portion of Section 14, Township 8 North, Range 4 East, M.D.B. & M., described as follows:

Beginning at a point located on the Southwesterly boundary line of "Land Park Tract No. 4", the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 21 of Maps, Map No. 25, from which point the most Southerly corner of lot 51 of said "Land Park Tract No. 4" bears South 62° 14' 30" East 218.40 feet; thence along the Northwesterly boundary and the production of the Northwesterly boundary of "Land Park West" the official plat of which is recorded in Book 24 of Maps, Map No. 8, North 02° 16' 30" West 442.71; thence curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing North 26° 19' 23" West 23.47 feet to a point located on the Southeastery right of way line of Riverside Boulevard; thence along said right of way line curving to the left on an arc of 4015.00 feet radius, said arc being subtended by a chord bearing North 07° 36' 31" East 280.17 feet; thence leaving said right of way line curving to the right on an arc of 1129.51 feet radius, said arc being subtended by a chord bearing South 38° 02' 49" East 68.41 feet; thence North 05° 27' 50" East 38.32 feet to a point hereinafter referred to as "Point A," thence continuing North 05° 27' 50" East 38.27 feet; thence curving to the left on an arc of 1171.51 feet radius, said arc being subtended by a chord bearing North 33° 50' 47" West 33.80 feet; thence North 42° 25' 15" West 71.65 feet to a point located on said Southeastery right of way line of Riverside Boulevard; thence along said right of way line curving to the left on an arc of 4020.00 feet radius, said arc being subtended by a chord bearing North 03° 09' 50" East 266.58 feet; thence leaving said right of way line curving to the right on an arc of 20.00 feet radius, said arc being subtended by a chord bearing North 46° 24' 35" East 28.14 feet; thence South 88° 52' 47" East 19.59 feet; thence curving to the right on an arc of 30.00 feet radius, said arc being subtended by a chord bearing South 54° 20' 18" East 34.02 feet to a point located on said Southeastery boundary line of "Land Park Tract, Unit No. 4", thence along said boundary line and the projection thereof South 16° 24' 00" East 828.72 feet to the point of beginning, containing 3.238 acres, more or less.

RESERVING THEREFROM:

An easement and right-of-way for railroad purposes on, over and across that certain real property described as follows:

A strip of land one hundred (100) feet in width, measured at right angles and/or radially the centerline of which is described as follows:

Beginning at hereinabove described "Point B"; thence from said point of beginning curving to the right on an arc of 1145.01 feet, said arc being subtended by a chord bearing South 26° 54' 45" East 359.16 feet; thence South 19° 53' East 128.98 feet to a point located on the Southwesterly boundary line of the above described property.

DESCRIPTION OF PROPERTY SOUTH  
OF SUTTERVILLE ROAD

All that certain real property located in Section 23, Township 8 North, Range 5 East, M.

D.B. & M., described as follows:

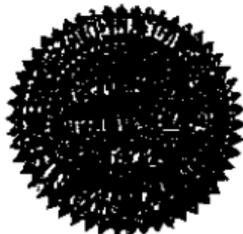
beginning at a point on the Easterly line of the G. Edwards property which line is the center of the old Sacramento drainage canal and divides the properties of that certain parcel formerly owned by F. Lachenmeyer and G. Edwards and from which point of beginning the Southeast corner of the Northeast one-quarter of said Section 23, Township 8 North, Range 4 East, bears South 27° 38' 43" East a distance of 2968.65 feet; thence South 25° 53' West along said Easterly line of G. Edwards property a distance of 141.73 feet to a fence; thence along said fence line South 61° 23' East 319.40 feet; thence North 41° 04' 30" East 59.00 feet to a point located on the Westerly line of that certain Lease recorded in Book 74-03-06 of Official Records at Page 195; thence along said Westerly line curving to the left on an arc of 2889.42 feet radius, said arc being subtended by a chord bearing North 14° 09' 51" West 120.28 feet to a point located on the Southerly right of way line of Sutterville Road; thence along said Southerly right of way line North 59° 00' 43" West 258.13 feet to a point in the said Easterly line of the G. Edwards property; thence, following said Easterly line, South 25° 53' West a distance of 15.02 feet to the point of beginning, containing 1.066 acres, more or less.

CERTIFICATE

The undersigned, duly qualified Assistant Secretary to the Board of Directors of the Sacramento Regional Transit District certifies that the foregoing document is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Board of Directors of the Sacramento Regional Transit District, held on the 23rd day of July, 1984.

DATE: July 24, 1984

Mary Ann Newman  
MARY ANN NEWMAN  
Assistant Secretary



# **EXHIBIT 10**

Recording Requested by and  
When Recorded Mail To:

DEC 30 8 00 AM 1968

State of California  
Department of General Services  
Office of Real Estate Services  
650 Howe Avenue, Suite "C"  
Sacramento, CA 95825-4699

*J. J. Smith & Sons*  
SACRAMENTO COUNTY  
CLERK-RECORDER

NO  
FEE  
M

DEPT. OF GENERAL SERVICES 7551, 7554, 7555, 7557

Space above this line for Recorder's use only

DEED

222789

Southern Pacific Transportation Company, a Delaware corporation, Grantor, hereby grants to the State of California, Grantee, Parcels 2, 3, 4, 5, 6, 7A, 7B, 8A, 8B, 9, 10, 11, 12, 21, 22 and 23, situated in the County of Sacramento, State of California, and more particularly described in Exhibit A, attached and made a part hereof,

Excepting therefrom all minerals and mineral rights, interests, and royalties, including, without limiting the generality thereof, all oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, title to which shall remain in Grantor, its successors and assigns; provided, however, that Grantor, its successors and assigns shall not have the right for any purpose whatsoever to enter upon, into or through the surface or that portion of said property lying above 500 feet for the purpose of exercising said accepted and reserved rights,

Together with all of its right, title and interest in Parcels 1, 7C, 12, 13, 16, 19, 20, 24 and 25, situated in the County of Sacramento, State of California, and more particularly described in Exhibit A,

Excepting as to Parcel 12 that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property; however, Grantor or its successors and assigns shall not have the right for any purpose whatsoever to enter upon, into or through the surface of said property or any part thereof lying between said surface and 500 feet below said surface,

Excepting and reserving as to Parcel 24 to Grantor, its successors and assigns, forever, the title and exclusive right to all of the mineral and minerals ores of every kind and character now known to exist or hereafter discovered upon, within or underlying said land below 500 feet under the surface, or that may be produced therefrom, including, without limiting the generality of the foregoing, all petroleum, oil, natural gas and other hydrocarbon substances and products derived therefrom, together with the exclusive and perpetual right thereto, without,

however, the right to use or penetrate the surface of, or to enter upon, said land within 500 feet of the surface thereof, to excavate or remove the same.

The Grant herein is subject to easements, covenants, conditions, reservations, and restrictions of record.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed on this 12<sup>th</sup> day of December, 1985.

SOUTHERN PACIFIC TRANSPORTATION COMPANY, a Delaware corporation

By: [Signature]  
Title: Vice President-Real Estate

ATTEST: [Signature]  
ASSISTANT Secretary

STATE OF CALIFORNIA )  
City and County of San Francisco )

On this 12<sup>th</sup> day of December in the year One Thousand Nine Hundred and Eighty Five  
before me JAMES W. WATT a Notary Public in and for the City and County of San Francisco, State of California, personally appeared

\_\_\_\_\_  
Notary Public

S. A. Sutton

personally known to me for proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as president and secretary or on behalf of the Corporation therein named and acknowledged to me that the Corporation executed it

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written

Corporation

My Commission Expires July 31, 1987

James W. Watt  
Notary Public in and for the City and County of San Francisco, State of California.

## EXHIBIT "A"

Those certain parcels or strips of land situated in the County of Sacramento, State of California, described as follows

Parcel No. 1

The 13 foot wide strip of land described "Second" in deed dated July 26, 1911 from Friend & Terry Lumber Company to Sacramento Southern Railroad Company, et al., recorded July 31, 1911, in Book 334 of Deeds, Page 461, Records of said County, and more particularly described as follows

A right of way for the purpose of constructing, maintaining and operating a railroad operated by steam, electricity, or other lawful motive power, with the necessary appendages and appurtenances over and across a strip or tract of land 13 feet in width, and lying between the easterly boundary line of the right of way of that certain 16 foot wide strip of land described "First" in said deed dated July 28, 1911, and a line drawn parallel thereto and 13 feet distant at right angles easterly therefrom, and extending from the northerly to the southerly boundary line of said land of said Friend & Terry Lumber Company.

Parcel No. 2.

All the land described in deed dated December 24, 1907, from Sacramento Electric Gas and Railway Company to Sacramento Southern Railroad Company, recorded January 10, 1908, in Book 265 of Deeds, Page 152, Records of said County,.

Parcel No. 3:

All the land described as "Parcel No. 1" and "Parcel No. 2" in deed dated March 6, 1964, from The Western Pacific Railroad Company to Southern Pacific Company, recorded July 2, 1964, in Book 5602 of Official Records, Page 678,

Records of said County, and more particularly described therein as follows.

"PARCEL NO 1

Beginning at a point on the westerly production of the center line of U Street in said City of Sacramento, distant thereon North 71°14' West, 800.90 feet, from the intersection of said center line with the west line of Front Street, said point of beginning being the northwesterly corner of that certain parcel of land conveyed by The Western Pacific Railroad Company to Pacific Gas and Electric Company by deed recorded December 26, 1962, in Book 4574 of Official Records of Sacramento County, page 231; thence from said point of beginning along the westerly line of said parcel of land so conveyed the following courses and distances: South 34°43'40" West, a distance of 83.27 feet; South 43°11'30" West, a distance of 82.58 feet; South 40°37'30" West, a distance of 64.19 feet; South 49°14'30" West, a distance of 479.56 feet; and South 40°35'40" West, a distance of 3.50 feet, more or less, to a point on the southerly line of the land conveyed to The Western Pacific Railroad Company by C.W. Cox, et al, by deed recorded September 25, 1952, in Volume 2287, Official Records of Sacramento County, page 183, said point being on the northerly line of that certain parcel of land described in the deed from C. W. Cox, et al, to Sacramento Northern Railway by deed recorded September 25, 1952, in Volume 2287 of Official Records of Sacramento County, page 186; thence North 71°19'40" West along said northerly line, a distance of 138.02 feet; thence leaving said northerly line North 45°16' East, a distance of 220.00 feet; thence North 48°28' East, a distance of 385.00 feet, thence North 43°30'30" East, a distance of 112.35 feet, to a point on said westerly production of the center line of U Street, thence South 71°14' East, a distance of 124.10 feet, to the point of beginning.

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containing an area of 2.1 acres, more or less.

Parcel No. 2

All of the land bounded by the westerly production of the northerly and southerly line of Parcel No. 1 above-described, the westerly line of said Parcel No. 1 and the center line of the Sacramento River.

Containing an area of 10.0 acres, more or less \*

EXCEPTING therefrom the title and exclusive right to all of the minerals and mineral ones of every kind and character now known to exist or hereafter discovered upon, within or underlying said land below a depth of 500 feet or that may be produced therefrom, including, without limiting the generality of the foregoing, all petroleum, oil, natural gas and other hydrocarbon substances and products derived therefrom, together with the exclusive and perpetual right thereto, without, however, the right to use or penetrate the surface of, or to enter upon, said land within 500 feet of the surface thereof, to extricate or remove the same, as excepted and reserved in said deed dated March 6, 1964.

Parcel No. 4:

All the land described in deed dated February 28, 1906, from W. F. Knox to Sacramento Southern Railroad Company, recorded February 28, 1906, in Book 233 of Deeds, Page 278, Records of said County.

Parcel No. 5:

All the land described in deed dated April 7, 1906, from F. A. Miller, to Sacramento Southern Railroad Company, recorded April 9, 1906, in Book 233 of Deeds, Page 374, Records of said County.

Parcel No. 6:

All the land described in deed dated March 20, 1906, from Southern Pacific

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Company to Sacramento Southern Railroad Company, recorded Ma, 19, 1905, in Book 241 of Deeds, Page 18, Records of said County, and more particularly described therein as follows.

"A tract of land lying on each side of the center line of the Sacramento Southern Railroad as the same is located and marked by stakes which were set in the ground in the year 1905, commencing at a point in the center line of X Street, or X Street produced westerly, between White Street and Commercial Street, where said center line of said railroad intersects the same; said point being also known as Engineers Station E 33 + 94.6 of said last mentioned center line; thence easterly along said center line of X Street, or of X Street produced westerly, fifty (50) feet; thence on a two degree curve to the left and parallel with said center line of said railroad to the center line of Y Street, or Y Street produced westerly; thence westerly along said center line of Y Street, or Y Street produced westerly, to the westerly line of the land of the party of the first part; thence northerly along said westerly line to the center of X Street, or of X Street produced westerly; thence easterly along said last mentioned line to the point of beginning. It being intended hereby to convey to the party of the second part all of the land of the party of the first part lying west of said located center line of said railroad and within fifty (50) feet east thereof, in Block Number Twenty (20) of Brannans Addition to the City of Sacramento, and in any and all streets which may be adjacent thereto."

Excepting from the herein above described Parcel No. 6, that certain 0.108 acre parcel of land, described in deed dated November 28, 1961, from Southern Pacific Company to Tidewater Oil Company, recorded December 29, 1961, in Book 4367 of Official Records, Page 103, Records of said County.

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Also excepting from the herein above described Parcel No. 6, that portion of land included within that certain 1.785 acre parcel of land described in deed dated July 25, 1906, from Central Pacific Railway Company, et al. to Tidewater Associated Oil Company, recorded July 14, 1941, in Book 899 of Official Records, Page 7, Records of said County.

Parcel No. 7A

11 the land described in deed dated October 19, 1905, from Mary and Jovete Pierce to Sacramento Southern Railroad Company, recorded November 14, 1905, in Book 233 of Deeds, Page 35, Records of said County, and more particularly described therein as follows.

A tract or strip of land seventy feet wide lying fifty (50) feet wide on the east side and twenty feet wide on the west side of the located line of the Sacramento Southern Railroad Company's proposed railroad where the same is located through the lands of first party and marked by stakes set in the ground in the year of our Lord 1905 and more particularly described as follows, to wit:

Commencing for the same where the center line of said proposed railroad intersects with the center line of "Y" Street City of Sacramento boundary at Survey Station 38+19 thence running parallel with said center line fifty feet distant on the east side and twenty feet distant on the west side of said center line to the boundary line between Mrs. W. F. Miller and first party hereto at Survey Station 41+35 containing an area of one half acre more or less."

Excepting from the herein above described Parcel No. 7A, that portion of and included within that certain 2.000 acre parcel of land described in deed dated December 7, 1951, from Central Pacific Railway Company, et al. to City of Sacramento, recorded January 25, 1952, in Book 2166 of Official Records, Page 197, Records of said County.

Parcel No. 7B.

All the land described in deed dated April 9, 1906, from Mary Pierce et al. to Southern Pacific Company, recorded July 12, 1906, in Volume 240 of Deeds, Page 327, Records of said County.

Parcel No. 7C:

Beginning at the point of intersection of a line that is concentric with and distant 102 feet easterly, measured radially from the original located center line of Southern Pacific Transportation Company's main track (Walnut Grove Branch) with the center line of Broadway Street (formerly "Y" Street) and its westerly prolongation; thence westerly along last said line, 12.5 feet to the northeasterly corner of that certain 40 foot wide strip of land described in deed dated April 9, 1906, from Mary Pierce, et al. to Southern Pacific Company, recorded July 12, 1906, in Book 240 of Deeds, Page 327, Records of said County; thence southerly along the easterly line of said 40 foot wide strip of land, that is concentric with and distant 90 feet easterly, measured radially from said center line of Company's main track, 210 feet to a point; thence easterly along a radial line drawn from last said point 12 feet; thence northerly, in a direct line, 207 feet to the Point of Beginning.

Parcel No. 8A:

All the land described in deed dated October 31, 1907, from F. A. Miller, et al. to Sacramento Southern Railroad Company, recorded March 27, 1908, in Book 270 of Deeds, Page 74, Records of said County.

Parcel No. 8B:

All the land described in deed dated October 31, 1907, from F. A. Miller, et al. to Sacramento Southern Railroad Company, recorded March 27, 1908, in Book 270 of Deeds, Page 75, Records of said County.

Parcel No. 9

All the land described in deed dated February 5, 1907, from Isabella M. Cowell, et al. to Sacramento Southern Railroad Company, recorded September 25, 1907, in Book 461 of Deeds, Page 116, Records of said County.

Parcel No. 10

All the land described in deed dated November 11, 1905, from E. T. Berkley to Sacramento Southern Railroad Company, recorded December 14, 1905, in Volume 403 of Deeds, Page 105, Records of said County, and more particularly described therein as follows:

"A tract or strip of land seventy (70) feet wide lying fifty (50) feet on the east side and twenty (20) feet wide on the west side of the located line of the Sacramento Southern Railroad Company's proposed railroad where the same is located through the lands of first parties hereto and marked by stakes set in the ground in the year of our Lord 1905 and more particularly described as follows to wit:

Commencing for the same where the center line of said proposed railroad intersects with the property line dividing the lands of first party hereto from the lands of Cowell Lumber and Cement Company at survey station 58+59.1; thence running parallel with said center line fifty feet distant on the east side and twenty (20) feet distant on the west side to the southern boundary line dividing the lands of first party hereto from land of G. Wilson at survey station 72+81.5 containing an area of two and twenty nine hundredths (2.29) acres more or less."

Excepting from the herein above described Parcel No. 10, that portion that lies south of a line drawn at right angles through Engineer's Station 69+50.

Parcel No. 11

All the land described as "Parcel 2, 3, 4 and 5" in deed dated October 28, 1911, from State of California to Southern Pacific Transportation Company, recorded September 28, 1911, in Book 710926, Page 673, Official Records of said County.

Parcel No. 12:

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That certain easement for railroad, transportation and communication purposes as reserved in deed dated October 6, 1981 from Southern Pacific Transportation Company to Carson Development Company, Inc., recorded November 23, 1981, in Book 811123 of Official Records, Page 405, Records of said County, lying upon and along that portion of the real property described in said deed included within a strip of land, 50.00 feet in width, lying equally 25.0 feet on each side of the center line of Southern Pacific Transportation Company's main track (Walnut Grove Branch).

Parcel No. 13:

All the land described in deed dated October 28, 1970, from State of California to Southern Pacific Transportation Company, recorded September 28, 1971, in Book 710928, Page 691, Records of said County, and more particularly described therein as follows:

"BEGINNING at a point on the Westerly line of Second Street in the City of Sacramento that bears N. 39°27'54" W. 47.19 feet from the intersection of the centerlines of "R" and Second Streets of the City of Sacramento, said point of beginning also being 192.62 feet Easterly, measured radially from the base line at Engineer's Station "B<sub>1</sub>" 523+63.81 of the Department of Public Works' Survey on Road 03-Sac-5 from Post Mile 22.0 to Post Mile 34.7; THENCE from said point of beginning N. 71°33'53" W. 15.89 feet; thence along a curve to the right with a radius of 399.66 feet, through an angle of 66°45'35", an arc distance of 465.67 feet; thence along a compound curve to the right with a radius of 473.43 feet, through an angle of 15°32'55", an arc distance of 124.48 feet, thence from a tangent that bears S. 18°49'16" W. along a curve to the left with a radius of 2499.33 feet through an angle of 04°05'30", an arc distance of 178.48 feet; thence from a tangent that bears S. 09°47'04" E. along a curve to the left

with a radius of 600.66 feet, through an arc in (F1) 46'40", an arc distance of 474.84 feet, thence S. 71°33'40" E. 15.84 feet to a point in the westerly line of said Second Street, thence along said westerly line S. 10°20'57" E. 81.00 feet to the point of beginning, containing 77,991 square feet, more or less.

E (SEPT. 17th) the herein above described Parcel to all oil, oil and gas, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the real property hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said property or any other real property, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, and to gas wells, tunnels and shafts into, through or across the subsurface of the real property hereinabove described, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, rerunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the real property hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said property, as excepted and reserved in the deed from the Western Pacific Railroad Company, a California corporation, to the State of California, dated March 3, 1911, recorded May 7, 1969, in Book 690807 of Official Records, page 170.

Parcel c. 16

That certain 10 foot wide strip of land described "Third" in deed dated July 28, 1911, from Friend & Terry Lumber Company to Sacramento Southern Lumber Company, et al., recorded July 31, 1911, in Book 534 of Deeds, Page 11, Records of said County, and more particularly described as follows:

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05 12 30 05 60

A right of way for the purpose of constructing, maintaining and operating a railroad operated by steam, electricity, or other lawful motive power, with the necessary appendages and appurtenances over and across a strip or tract of land 10 feet in width, and lying between the easterly boundary line of the right of way of the 13 foot wide strip of land described "Second" in said deed dated July 28, 1911, and a line drawn parallel thereto and 16 feet distant at right angles easterly therefrom and extending from the northerly to the southerly boundary line of said land of said Friend & Terry Lumber company.

Parcel to. 16.

All that portion of Lot E of Wright & Kibbrough Industrial Tract, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 3, 1927, in Book 19 of Maps, Map No. 17, lying between the southeasterly end of Parcel 1 and the northwesterly end of Parcel 2 described in the deed from Southern Pacific Transportation Company, a Delaware Corporation, to the State of California, dated March 4, 1970, recorded September 26, 1971, in Book 710928 of Official Records, Page 667, Records of said County.

Parcel No. 19:

That certain 0.789 acre parcel of land as shown on the Record of Survey "Plat of Survey of Cowell Property 'Mcoulton Home Place'," filed in the Office of the County Recorder's of said County, on January 11, 1927, in Book 3 of Surveys, Map No. 4.

Excepting from the herein above described Parcel No. 19, that certain 0.24 acre parcel of land described in deed dated February 5, 1907, from Isabella M. Cowell, et al. to Sacramento Southern Railroad Company, recorded September 25, 1907, in Book 261 of Deeds, Page 216, Records of said County.

Parcel No. 20

That portion of the 80 foot wide strip of land described in deed dated July 17, 1896, from Southern Pacific Company to Sacramento Southern Railroad Company, recorded August 17, 1906, in Book 241 of Deeds, Page 256, Records of said County, lying northerly of and coincident to the westerly prolongation of the southerly line of "F" Street.

Parcel No. 21

A strip of land, 140 feet wide, lying 80 feet westerly of and 80 feet eastern of the following described center line

beginning at the point of intersection of the southwesterly line and its southeasterly prolongation of that certain 5.71 acre parcel of land described in deed dated December 22, 1905 from Antor Lock, et ux. to Southern Pacific Company, recorded March 24, 1906, in Volume 244 of Deeds, Page 393, Records of said County, with the original located centerline of Southern Pacific Transportation Company's main track (Kainut Grove Branch), said point being at Railroad Engineer Station E. 133+35.6, thence southeasterly along said located center line following the course and curvature thereof, 1593.4 feet to a point in the northeasterly line of that certain public highway (now Sutterville Road) connecting Riverside Road with the public highway known as and called the Freeport Road, as described in deed dated January 25, 1907 from Cora B. Cavanaugh (Executrix) to Sacramento Southern Railroad Company, recorded February 25, 1907, in Book 235 of Probate Deeds, Page 329, Records of said County, last said point being at Railroad Engineer Station E. 149+29.5.

The ends lines of the herein above described 140 foot wide strip of land terminate in said southwesterly line and its southeasterly prolongation of said 5.71 acre parcel of land, and said northeasterly line

Excepting from the herein above described Parcel No. 21, that certain 0.547 acre parcel of land described as "Parcel No. 1" in deed dated November 24, 1952, from Central Pacific Railway Company, et al. to City of Sacramento recorded February 16, 1953, in Book 2362 of Official Records, Page 70, Records of said County.

Also excepting from the herein above described Parcel No. 21, those certain parcels of land described as "Parcel No. 12 and 13" in deed dated September 19, 1984 from Southern Pacific Transportation Company to the City of Sacramento, recorded September 26, 1984, in Book 240926, Page 1273, Official Records of said County.

Parcel No. 22:

All the land described in that Final Order and Judgment of Condemnation dated January 4, 1908, between Cora B. Cavanaugh (Executrix), et al., Defendant and Sacramento Southern Railroad Company, Plaintiff, recorded January 8, 1908, in Book 229 of Deeds, Page 352, Records of said County.

Parcel No. 23:

A strip of land, 100 feet wide, lying equally 50 feet on each side of the following described center line:

Beginning at the point of intersection of the southwesterly line of that certain public highway (now Sutterville Road) connecting the public highways known as and called Riverside Road and Freeport Road as described in deed dated November 19, 1906, from Fred Lachemmer to Sacramento Southern Railroad Company, recorded January 16, 1907, in Book 248 of Deeds, Page 253, Records of said County, with the original located center line of Southern Pacific Transportation Company's main track (Walnut Grove Branch), said point being at Railroad Engineer Station E. 149+93.9; thence southerly along said located center line following the curvature and course thereof, 2554.2 feet to a point in the

northerly line of that certain parcel of land described in deed dated July 13, 1903, from Thomas Pocco, et ux. to Sacramento Southern Railroad Company, recorded August 11, 1906, in Book 248 of Deeds, Page 7, Records of said County, that said line being at Railroad Engineer Station E. 120+54.5.

The same lines of the herein above described 100 foot wide strip of land demarcates the said southwesterly and northerly lines.

Excepting from the herein above described Parcel No. 23, that certain parcel of land described as "Parcel 6" in deed dated July 17, 1984, from Southern Pacific Transportation Company to Sacramento Regional Transit District, recorded August 2, 1984, in Book 84 08-2, Page 821, Official Records of said County.

Also excepting from the herein above described Parcel No. 23, that certain parcel of land described as "Parcel No. 2" in deed dated November 24, 1952, from Central Pacific Railway Company, et al. to City of Sacramento, recorded February 16, 1953, in Book 2362 of Official Records, Page 78, Records of said County.

Also excepting from the herein above described Parcel No. 23, that portion of land, described as follows.

Beginning at the point of intersection of the southwesterly line of that certain public highway, (now Sutterville Road) connecting the public highways known as and called Riverside Road and Freeport Road as described in deed dated November 9, 1905, from Fred Lachemeyer to Sacramento Southern Railroad company, recorded January 19, 1907, in Book 248 of Deeds, Page 253, Records of said County, with a line that is concentric and parallel with and distant 25 feet easterly, measured radially and at right angles from the original located center line of Southern Pacific Transportation Company's main track (Walnut Grove Branch), thence southeasterly along said southwesterly line, 35 feet to the easterly line of the herein above described 100 foot wide strip of land, thence

southerly, along said easterly line following the curvature and course thereof, 1100 feet to a point distant 50 feet easterly, measured at right angles from said center line of Company's main track, at Railroad Engineer Station 116+82.4, thence westerly, at right angles from said easterly line, 25 feet to said concentric and parallel line; thence northerly along last said line, following the course and curvature thereof, 1155 feet to the Point of Beginning.

Parcel No. 24:

A strip of land, 20 feet wide, lying equally 10 feet on each side of the following described line:

Beginning at a point on the north line of "Parcel A" as described in deed dated August 15, 1972, from Southern Pacific Transportation Company to State of California, from which the northwest corner thereof bears north 71°32'52" west 69.76 feet; thence from said point of beginning, south 19°37'18" west 3.10 feet; thence along a curve to the left with a radius of 591.05 feet and a central angle of 9°24'46", an arc distance of 97.10 feet; thence south 10°12'32" west, 63.22 feet; thence along a curve to the right with a radius of 1146.01 feet, through a central angle of 04°51'45", an arc distance of 97.26 feet, thence south 15°04'17" west 169.87 feet to a point herein after referred to as point "A"; thence continuing south 15°04'17" west 1270.87 feet; thence along a curve to the right with a radius of 1147.45 feet, through a central angle of 03°26'55" an arc distance of 69.05 feet; thence south 18°31'12" west 129.70 feet, thence along a curve to the left with a radius of 955.04 feet, through a central angle of 10°21'00" an arc distance of 172.52 feet; thence south 08°10'12" west 44.51 feet more or less, to a point on the centerline of Capitol Mall from which the southwest corner of aforementioned "Parcel A" bears the following three courses: (1) north 71°27'41" west, 85.38 feet, (2) north 00°47'44" east, 7.44 feet, and (3) north 21°17'28" East 57.98 feet.

to contain thereon all that portion lying within the boundaries of Capitol

and a strip of land 25 feet wide, lying 10 feet northerly of and 5 feet easterly of the following described line

begin at a point on the north line of above described "Parcel A" from which the northwest corner thereof bears north 71°32'52" west 281.29 feet, thence from said point of beginning westerly along a non-tangent curve, concave to the south, from which a radial line bears north 26°24'37" west, with a radius of 328.49 feet, through a central angle of 10°24'21" an arc distance of 65.30 feet, thence south 63°09'02" west 116.06 feet, thence along a curve to the left with a radius of 392.45 feet, through a central angle of 31°43'10", an arc distance of 211.62 feet, thence south 21°25'52" west 20.48 feet, thence along a curve to the left with a radius of 581.75 feet, through a central angle of 6°21'34", an arc distance of 64.57 feet to point "A" in the herein above described 20 foot wide strip of land; thence south 15°04'17" west 10.00 feet.

The side lines of the herein above described 25 foot wide strip of land are to be lengthened or shortened so as to terminate on the northerly line of said "Parcel A" and on the easterly line of the herein above described 20 foot wide strip of land.

Parcel No. 25:

is the land of Southern Pacific Transportation Company included within that certain 2.073 acre parcel of land, described in the Decree Quietting Title entered October 19, 1933, in Action No. 42485, Decree No. 28251, in the Superior Court of the State of California, in and for the County of Sacramento, and that Harry L. Huston, as Executor of the last will and Testament of Ella L. Weston, deceased, Plaintiff, vs. William C. Weston, et al, Defendants, a certain record, of which was recorded October 21, 1933, in Book 450 of Official Records, Page 46

Reserving unto Grantor, together with the right to dedicate to others, that portion of land in the herein above described Parcel No. 6, an easement for oil pipeline purposes, along, upon, across and under a strip of land, 10 feet wide, lying equally 5 feet on each side of the existing center line of Southern Pacific Pipelines Inc.'s ten inch diameter oil pipeline.

Also reserving unto Grantor, together with the right to dedicate to others, that portion of land in the herein above described Parcel Nos. 6, 7A, and 7B, an easement for oil pipeline purposes, along, upon, across and under a strip of land, 10 feet wide, lying equally 5 feet on each side of the existing center line of Southern Pacific Pipelines Inc.'s ten inch diameter oil pipeline.

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## CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed dated December 12, 1985, from Southern Pacific Transportation Company to the State of California, is hereby accepted by the undersigned officer on behalf of the State Public Works Board pursuant to authority conferred by resolution of said Board duly adopted and the grantee consents to the recordation thereof by its duly authorized officer

State of California  
State Public Works Board

By *L. Campbell*  
Assistant Administrative  
Secretary

Dated Dec 14 1985

APPROVED  
DEPARTMENT OF GENERAL SERVICES

By *[Signature]*  
Director by Chief Land Agent

AP#002-0010-025,  
006-0241-010,  
009-0012-009, 017, 015, 020, 029,034, 050  
009-0020-002,  
009-0030-036,  
009-0270-027,  
012-0010-033, 036  
017-0010-049,  
017-0020-011

# **EXHIBIT 11**



# PROPERTY PROFILE

FRUITRIDGE RD , SACRAMENTO, CA 95822-

SACRAMENTO COUNTY

## OWNERSHIP INFORMATION

<b>Parcel Number</b>	017-0020-014	<b>Census Zone</b>	R-1-EA
<b>Owner Name</b>	CITY OF SACRAMENTO	<b>Block</b>	
<b>Site Address</b>	FRUITRIDGE RD	<b>Tract</b>	
<b>City/State/Zip</b>	SACRAMENTO, CA 95822-	<b>Lot</b>	
<b>Mail Address</b>	915 I ST	<b>Map Ref</b>	
<b>City/State/Zip</b>	SACRAMENTO, CA 95814-2619		
<b>Legal Descr</b>	POR SEC 26, T8N, R4E, M.D.B.& M. DES AS: BEG AT A PT LOC N00%5.		
<b>Subdivision</b>			

## PROPERTY CHARACTERISTIC

<b>County Use Descr</b>	VACANT	<b>Square Feet</b>	0	<b>Fireplaces</b>	
<b>Gen Use Descr</b>	Vacant Land (General)	<b>Lot Size</b>	120,225SF/2.76AC	<b>Pool</b>	
<b>Year Built</b>		<b>Basement</b>		<b>Heat</b>	
<b>Rooms</b>	0	<b>Type Construction</b>		<b>Cool</b>	
<b>Bed/Bath</b>	0/0.00	<b>Roof Cover</b>		<b>Garage Type</b>	
<b>Units</b>	0			<b>Gar # of Car</b>	0
<b>Stories</b>				<b>Sewer</b>	
<b>View</b>					

## SALE INFORMATION

<b>Document #</b>		<b>Sale Date</b>	04/12/2000	<b>Prev Date</b>	
<b>Buyer</b>	CITY OF SACRAMENTO,	<b>Sale Amt</b>	\$ 0	<b>Prev Amount</b>	\$ 0
<b>Seller</b>	SACRAMENTO REGIONAL TRAN			<b>Cost per SqFt</b>	\$ 0
<b>Title Company</b>					

## ASSESSMENT/TAX

<b>Assessed Value</b>	\$ 0	<b>Tax Exempt</b>	None	<b>Tax Amount</b>	\$ 99.34
<b>Land Value</b>	\$ 0	<b>Tax Rate Area</b>	3-007	<b>Tax Delinquent</b>	N
<b>Improvement</b>	\$ 0	<b>Tax Year</b>	2017		
<b>% Improvement</b>	0				



# PROPERTY PROFILE

27TH AVE , SACRAMENTO, CA 95822-

SACRAMENTO COUNTY

## OWNERSHIP INFORMATION

<b>Parcel Number</b>	017-0020-015	<b>Census Zone</b>	R-1-EA
<b>Owner Name</b>	SACRAMENTO REGIONAL TRANSIT DISTRICT	<b>Block</b>	
<b>Site Address</b>	27TH AVE	<b>Tract</b>	
<b>City/State/Zip</b>	SACRAMENTO, CA 95822-	<b>Lot</b>	
<b>Mail Address</b>	PO BOX 2110	<b>Map Ref</b>	
<b>City/State/Zip</b>	SACRAMENTO, CA 95812-2110		
<b>Legal Descr</b>	SBE 872-34-28E-25 EXC POR DESC AS BEG AT SE COR SD SBE PCL; TH		
<b>Subdivision</b>			

## PROPERTY CHARACTERISTIC

<b>County Use Descr</b>	VACANT RES (2-5 AC SITE)	<b>Square Feet</b>	0	<b>Fireplaces</b>	
<b>Gen Use Descr</b>	Residential-Vacant Land	<b>Lot Size</b>	147,232SF/3.38AC	<b>Pool</b>	
<b>Year Built</b>		<b>Basement</b>		<b>Heat</b>	
<b>Rooms</b>	0	<b>Type Construction</b>		<b>Cool</b>	
<b>Bed/Bath</b>	0/0.00	<b>Roof Cover</b>		<b>Garage Type</b>	
<b>Units</b>	0			<b>Gar # of Car</b>	0
<b>Stories</b>				<b>Sewer</b>	
<b>View</b>					

## SALE INFORMATION

<b>Document #</b>		<b>Sale Date</b>	08/02/1984	<b>Prev Date</b>	
<b>Buyer</b>	,	<b>Sale Amt</b>	\$ 0	<b>Prev Amount</b>	\$ 0
<b>Seller</b>	,			<b>Cost per SqFt</b>	\$ 0
<b>Title Company</b>					

## ASSESSMENT/TAX

<b>Assessed Value</b>	\$ 0	<b>Tax Exempt</b>	None	<b>Tax Amount</b>	\$ 0.00
<b>Land Value</b>	\$ 0	<b>Tax Rate Area</b>	3-007	<b>Tax Delinquent</b>	
<b>Improvement</b>	\$ 0	<b>Tax Year</b>			
<b>% Improvement</b>	0				



# PROPERTY PROFILE

S LAND PARK DR , SACRAMENTO, CA 95822-

SACRAMENTO COUNTY

## OWNERSHIP INFORMATION

<b>Parcel Number</b>	017-0020-018	<b>Census Zone</b>	R-2
<b>Owner Name</b>	SOUTHERN PACIFIC TRANSPORTATION; PARKS & RECREATION	<b>Block</b>	
<b>Site Address</b>	S LAND PARK DR	<b>Tract</b>	
<b>City/State/Zip</b>	SACRAMENTO, CA 95822-	<b>Lot</b>	
<b>Mail Address</b>	1416 9TH ST	<b>Map Ref</b>	
<b>City/State/Zip</b>	SACRAMENTO, CA 95814-5511		
<b>Legal Descr</b>	SBE 872-34-27W-19 EXC ALL THAT POR DESC AS BE AT THE PT OF IN'		
<b>Subdivision</b>			

## PROPERTY CHARACTERISTIC

<b>County Use Descr</b>	OFFICE	<b>Square Feet</b>	0	<b>Fireplaces</b>	
<b>Gen Use Descr</b>	Office Bldg (General)	<b>Lot Size</b>	105,850SF/2.43AC	<b>Pool</b>	
<b>Year Built</b>		<b>Basement</b>		<b>Heat</b>	
<b>Rooms</b>	0	<b>Type Construction</b>		<b>Cool</b>	
<b>Bed/Bath</b>	0/0.00	<b>Roof Cover</b>		<b>Garage Type</b>	
<b>Units</b>	0			<b>Gar # of Car</b>	0
<b>Stories</b>				<b>Sewer</b>	
<b>View</b>					

## SALE INFORMATION

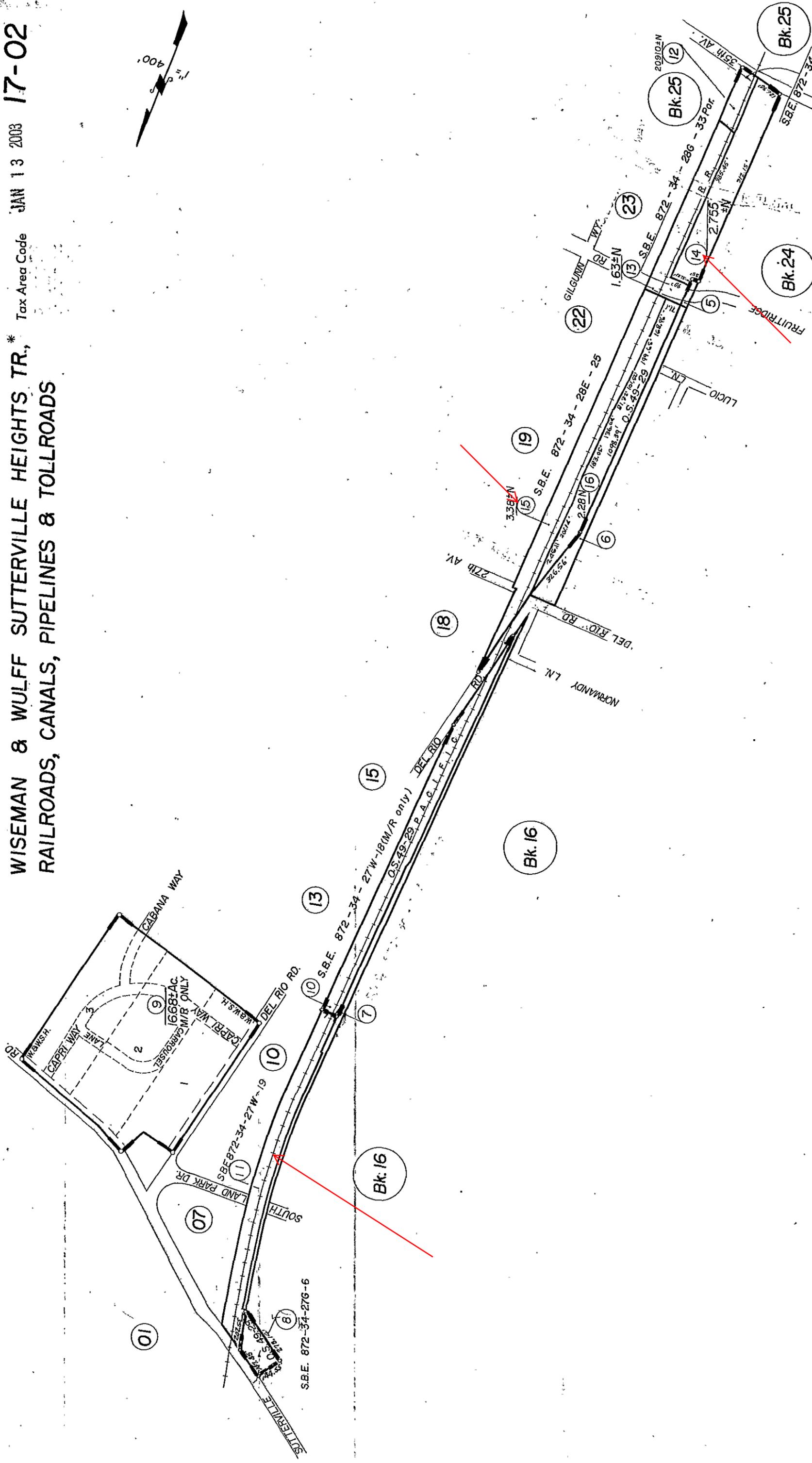
<b>Document #</b>		<b>Sale Date</b>	12/30/1985	<b>Prev Date</b>	
<b>Buyer</b>	,	<b>Sale Amt</b>	\$ 0	<b>Prev Amount</b>	\$ 0
<b>Seller</b>	,			<b>Cost per SqFt</b>	\$ 0
<b>Title Company</b>					

## ASSESSMENT/TAX

<b>Assessed Value</b>	\$ 0	<b>Tax Exempt</b>	None	<b>Tax Amount</b>	\$ 0.00
<b>Land Value</b>	\$ 0	<b>Tax Rate Area</b>	3-007	<b>Tax Delinquent</b>	
<b>Improvement</b>	\$ 0	<b>Tax Year</b>			
<b>% Improvement</b>	0				

WISEMAN & WULFF SUTTERVILLE HEIGHTS TR.,\* Tax Area Code JAN 13 2003 17-02

RAILROADS, CANALS, PIPELINES & TOLLROADS



CITY OF SACRAMENTO  
 Assessor's Map Bk. 17-Pg.02  
 County of Sacramento, Calif.

\* Surface rights shown on pages 7, 8 & 10 as South Land' Park Estates  
 NOTE—Assessor's Block Numbers Shown in Ellipses.  
 Assessor's Parcel Numbers Shown in Circles.

O.S. Bk. 49, Pg. 29 (11-25-91)

# **EXHIBIT 12**

Recorded for the Benefit  
Of the City of Sacramento  
Gov.Code 6103

When Recorded Return To:

City Clerk  
915 I Street, Room 304  
Sacramento, CA 95814



Sacramento County Recording  
Mark Norris, Clerk/Recorder  
BOOK **20021009** PAGE **1082**

Wednesday, OCT 09, 2002 11:52:44 AM  
Ttl Pd \$0.00 Nbr-0001506717

DLE/07/1-5

This Space For Recorder's Use

**Agreement for Disclosure of Information Related to Real Property**

This Agreement for Disclosure of Information is entered into on the date set forth below by and between Tim Lewis Construction, Inc., a California Corporation (hereafter referred to as the "Subdivider"), and the City of Sacramento (hereafter referred to as the "City").

Recitals

- A. Subdivider is the owner of the real property described in Exhibit A, attached hereto, which property is proposed for development as East Land Park Village, City Planning No. P98093 (hereinafter referred to as the "Subdivision").
- B. Condition C9 for approval of the Tentative Map for the Subdivision (hereinafter the "Tentative Map"), requires that Subdivider record a disclosure of certain information related to the Subdivision, by providing as follows:

***The developer/subdivider shall record a Disclosure Agreement prior to recording the Final Map which provides for the following disclosures:***

- a. ***That a 72-inch diameter sewer interceptor and three-inch diameter high pressure oxygen pipeline are located in the SRCSD easement;***
- b. ***The presence of the following: Executive Airport, Sewer Main, Oxygen Line, Drainage Ditch, and Future Excursion Train, and BIKE TRAIL;***
- c. ***That no structure shall be allowed on Lots A and B without written approval by Sacramento Regional County Sanitation District and the Planning Division;***
- d. ***Individual dwelling units shall be subject to the City of Sacramento's Design Review Board staff approval prior to the issuance of a building permit. If models are provided, the plans for the model homes shall be reviewed and approved by the Design Review Coordinator prior to the issuance of building permits. The South Land Park Neighborhood Association shall be included in the review of the design of the individual dwellings and/or models; and***
- e. ***Development of the subject property shall be limited to single family residences. Duplex and half-plex units are not permitted.***

CITY MANAGER  
AGREEMENT NO. 2002-701

Disclosure(s)

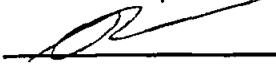
NOW, THEREFORE, the parties agree that recording of the following disclosures concerning the Subdivision shall satisfy the Tentative Map condition(s) set forth above:

1. That a 72-inch diameter sewer interceptor and three-inch diameter high pressure oxygen pipeline are located in the SRCSD easement;
2. The presence of the following: Executive Airport, Sewer Main, Oxygen Line, Drainage Ditch, and Future Excursion Train, and BIKE TRAIL;
3. That no structure shall be allowed on Lots A and B without written approval by Sacramento Regional County Sanitation District and the Planning Division;
4. Individual dwelling units shall be subject to the City of Sacramento's Design Review Board staff approval prior to the issuance of a building permit. If models are provided, the plans for the model homes shall be reviewed and approved by the Design Review Coordinator prior to the issuance of building permits. The South Land Park Neighborhood Association shall be included in the review of the design of the individual dwellings and/or models; and
5. Development of the subject property shall be limited to single family residences. Duplex and half-plex units are not permitted.

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**SUBDIVIDER**

Tim Lewis Construction, Inc.,  
A California Corporation

By: 

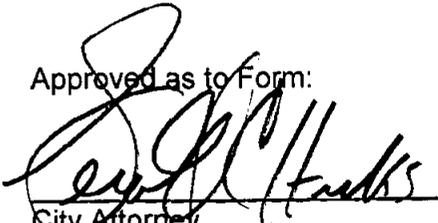
Print Name: Jay Timothy Lewis

Title: President

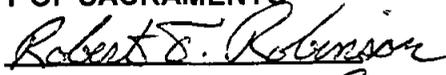
Date: 7-10-02

*Attach Notary Certification*

Approved as to Form:

  
City Attorney

**CITY OF SACRAMENTO**

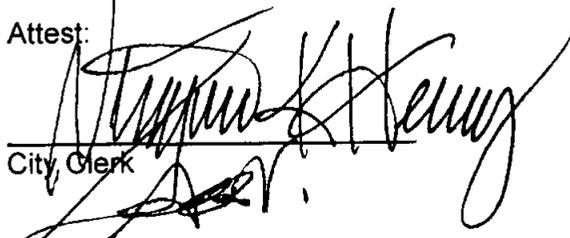
By: 

Print Name: ROBERT T. ROBINSON

Title: SUPERVISING SURVEYOR

FOR THE DIRECTOR OF PUBLIC WORKS.

Attest:

  
City Clerk

CITY MANAGER  
AGREEMENT NO. 2002-701

**LEGAL DESCRIPTION**

LOTS 1 THROUGH 90, FINAL MAP OF "EAST LAND PARK VILLAGE", RECORDED IN BOOK 304 OF MAPS, MAP NO. 9, OFFICIAL RECORDS OF SACRAMENTO COUNTY.

**CITY MANAGER** 2002-701  
**AGREEMENT NO.** \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT**

State of California  
 County of Sacramento

On 7-11-02 before me, Deborah Pfeifer  
Date Name, Title of officer

personally appeared J. Timothy Lewis  
Name(s) of Signer(s)

Personally known to me  
 OR

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Deborah Pfeifer  
 Signature of notary

**OPTIONAL**

*The data below is not required by law, however it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.*

**SIGNATURE AUTHORITY OF SIGNER:**

- INDIVIDUAL
- CORPORATE OFFICER(S)

Title(s)

- PARTNER
  - LIMITED
  - GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**NAME(S) OF PERSON(S) OR ENTITY(IES) SIGNER IS REPRESENTING:**

**DESCRIPTION OF ATTACHED DOCUMENT**

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE:

CITY MANAGER  
 AGREEMENT NO. 2002-701

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Sacramento } ss.

On September 18, 2002, before me, CAROLYN E. HOOVER, NOTARY PUBLIC,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared ROBERT T. ROBINSON  
Name(s) of Signer(s)

personally known to me  
 ~~proved to me on the basis of satisfactory evidence~~

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Carolyn E. Hoover  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Agreement for Disclosure of Information Related to Real Property between Jim Lewis Construction, Inc and the City of Sacramento, relating to property proposed for development at East Shore Park Valley  
Document Date: July 10, 2002 Number of Pages: 5 including 2 notaries

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

- Signer's Name: ROBERT T. ROBINSON
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: SUPERVISING SURVEYOR FOR THE DIRECTOR OF PUBLIC WORKS

Signer Is Representing: CITY OF SACRAMENTO



**DRAFT ENVIRONMENTAL  
IMPACT REPORT  
COMMENT CARD**

**Public Information Meeting  
Thursday, December 6, 2018**

**THE  
DEL RIO TRAIL  
PROJECT**

The period for public review and comment is  
November 5, 2018 through January 3, 2019.

City of  
**SACRAMENTO**  
Department of Public Works

Name: Alla Nagy

Address (Optional): DARNEL Resident and homeowner

Telephone (Optional): we oppose this project for many reasons, the main ones being our safety, our

Organization (Optional): privacy and the cost. ① The safety of my family and our neighbors is in jeopardy.

person would want their home and entire back yard in plain sight of every single passerby  
Comment: we have 3 small children and already encounter questionable individuals behind our  
use on the tracks (we have had damage to our property caused by these individuals) how much more  
equivalent of an event that would be if the trail was there for everybody? we are not  
repected w/ our neighbors who might use the trail, its the homeless and those seeking trouble who  
se a threat to my family. ② Privacy is something that is every homeowners' right on  
our own property, literally our whole backyard would be in view... where we spend our  
spare time and where our children play. How can that be taken away from us w/ absolute  
no regard for our needs and concerns? ③ Cost of this another concern and reason for  
position. How does it make sense to spend millions on this trail when there is an existing trail on  
Heppille Road? Taxpayers who are paying for this should be better involved and our opinions should  
be better regarded. However, if you do not care for our safety and privacy, would you grant us a few  
posts that would help protect us? ① A cyclone fence along trail for Darnel residents for our  
privacy and protection. ② better lighting than what we see nearby. ③ adequate patrol the train  
at bridge crossing riverside already has an issue w/ graffiti/drugs/transients... not something  
we can't control. We are not asking for anything more than what we see nearby. ④ adequate patrol the train  
is pleasant or safe to encounter on a walk w/ my children.

we hope you consider the families being directly impacted by this.

**DRAFT ENVIRONMENTAL  
IMPACT REPORT  
COMMENT CARD**

**Public Information Meeting  
Thursday, December 6, 2018**

**THE  
DEL RIO TRAIL  
PROJECT**

The period for public review and comment is  
November 5, 2018 through January 3, 2019.

City of  
**SACRAMENTO**  
Department of Public Works

Name: Michael Nagy

Address (Optional): Daniel Resident

Telephone (Optional): \_\_\_\_\_

and homeowner

Organization (Optional): \_\_\_\_\_

Comment: we oppose this project for many reasons. The main ones being our safety, our privacy and the cost. The safety of my family and all our neighbors is in jeopardy. No person would want their home and entire backyard in plain sight of every single passerby. We have 3 small children and already encounter questionable individuals walking along the tracks behind our house, how much more frequent of an event that would be if the trail was there for EVERYBODY! We are not concerned w/ our neighbor

no might use the trail, its the homeless and those seeking trouble who pose a threat to my family. Privacy is something that every homeowner right on their own property! How can that be taken away from us w/ absolutely no regard for our needs and concerns? Cost - how does it make sense to spend millions on this train when a trail already exists on the valley rd? Taxpayers who are paying for this should be better involved and our opinions should be better regarded. If you do not care for our safety and privacy we would like to make a few requests: 1) cyclone fence along trail + Daniel Resident's 2) better lighting than trails nearby - 3) adequate patrol. the train track bridge crossing riverside already has an issue w/ graffiti/dregs/transients -- not something I need my kids encountering on walks. Thank you and we hope you consider the families being impacted by this.