

Attachment B

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FORT ORD REGIONAL TRAIL AND GREENWAY PROJECT DETAILED DISCUSSION

The proposed Fort Ord Regional Trail and Greenway (FORTAG) Project is an approximate 28-mile, continuous 12-foot-wide paved bicycle and pedestrian trail with 2-foot-wide unpaved shoulders with an open-space buffer on each side. This trail will connect the Monterey Peninsula cities via the existing Monterey Bay Coastal Trail to the California State Monterey Bay University campus through the Former Fort Ord open space area.

On November 14, 2017, the Board of Supervisors approved a Memorandum of Understanding designating the Transportation Agency of Monterey County (TAMC) as the lead agency for the FORTAG Project's environmental review. This action allowed TAMC to evaluate impacts of a project located on County lands, but it did not approve a project on County lands.

As Lead Agency, TAMC released a Notice of Preparation for the Draft Environmental Impact Report (EIR) on June 13, 2019. The Draft EIR, which included discussion on the proposed Master Agreement, was released for public review on November 7, 2019. On March 25, 2020, the TAMC Board of Directors certified the Final EIR for the FORTAG Project, adopted its Mitigation Monitoring and Reporting Plan (MMRP), and approved the proposed Master Agreement regarding the Final EIR and execution of the FORTAG Project within the multiple jurisdictions. The Final EIR, including appendices, is available on the TAMC's website: <https://www.tamcmonterey.org/measure-x/programs-projects/fort-ord-regional-trail-greenway/>.

While seven (7) segments were evaluated in the EIR, this multijurisdictional trail is expected to be implemented in small incremental phases as funding is secured for design and construction. The development, construction, operation, and maintenance of the trail is proposed to be managed under the proposed Master Agreement to be executed among and between TAMC and the jurisdictions within whose boundaries the trail is located.

This proposed Master Agreement commits TAMC and each jurisdiction through which the trail runs to cooperate in the execution of the trail in their respective areas. The proposed Master Agreement would also commit TAMC to securing the funds for design and construction in addition to taking the lead on these tasks. By approving the proposed Master Agreement, participating jurisdictions (excluding TAMC) commit to implementing the mitigation measures adopted by the MMRP and being responsible for the ownership, maintenance, and operation of the portion of trail within their jurisdiction once built. In other words, it is expected that the jurisdiction where the trail is located will have ongoing maintenance and liability responsibility (cost), including the cost for implementing mitigation measures. Each underlying jurisdiction must also certify that it has reviewed and considered the information contained in the environmental document certified by TAMC.

TAMC envisions when funding is secured for a particular segment of the trail within a jurisdiction, the Master Agreement would allow TAMC and the participating jurisdiction to enter into a Supplemental Agreement which details the execution of design and construction of the project as well as compliance with the covenants (e.g., mitigation measures, development, construction, operation, maintenance) of the Master Agreement for that particular trail segment.

Staff is analyzing the FORTAG Project alignment to calculate the number of miles of trail within the unincorporated area of Monterey County and distinguished between miles of trail located on parcels without restriction and miles on parcels designated as habitat management and open space. The results of this analysis are not available as of the writing this report and will be presented to the Board of Supervisors. In initial meetings with trail proponents, staff expressed that trail alignment should not impact the ability to develop land where the County anticipates development in the unincorporated areas. Depending on direction from the Board, staff could specifically address trail and greenway alignment on County-owned lands.

The first Supplemental Agreement is proposed for Phase 1 of the Canyon Del Rey/State Route 218 segment, a segment that traverses properties within the Cities of Del Rey Oaks and Seaside, upon approval of an \$11 million California Transportation Commission (CTC) grant. TAMC has advised that it must submit a grant allocation request, with the certified Final EIR as well as the *Master Agreement approved by all agencies* before June 24, 2020, or lose the \$11 million in grant funding for Phase 1. Staff has requested verification from TAMC that the eligibility for Phase 1 CTC grant funds requires that the Master Agreement, and all its terms, be in place for the FORTAG Project to remain eligible for funding.

County staff has identified several policy issues and potential institutional hurdles to resolve as part of the evaluation of the Project, including but not limited to:

- Coordination and compatibility with future development and proposed roadway projects.
- Determination of the entity to own, manage, maintain, and assume responsibility and liability for public safety on the proposed trail and corridor (e.g., each underlying jurisdiction, a new entity, TAMC).
- Determination of standards and costs for long-term maintenance, identification of a responsible entity, and identification of a sustainable long-term funding source.
- Establishment of right-of-way needs (e.g., width), dedication mechanism (e.g., land transfer, easement), and processing acquisition of rights-of-way in accordance with the 2001 Implementation Agreement between FORA and the County.
- Identification of existing easements/agreements on County properties for utilities (e.g., PG&E gas and electric easements, conservation/habitat easements).
- CEQA Review.