



Legislation Details (With Board Report)

File #: 20-323 **Name:** a. Consider the proposed Master Agreement for the Fort Ord Regional Trail and Greenway (FORTAG) Project between and among the Transportation Agency for Monterey County; the County of Monterey; the Cities of Seaside, Marina, Monterey, and Del Rey Oaks;

Type: General Agenda Item **Status:** Scheduled AM

File created: 4/23/2020 **In control:** Board of Supervisors

On agenda: 5/12/2020 **Final action:**

Title: a. Consider the proposed Master Agreement for the Fort Ord Regional Trail and Greenway (FORTAG) Project between and among the Transportation Agency for Monterey County; the County of Monterey; the Cities of Seaside, Marina, Monterey, and Del Rey Oaks; California State University Monterey Bay; University of California Santa Cruz; and Monterey Peninsula Regional Park District; and
b. Provide direction to staff regarding the FORTAG Project: 1) the proposed Master Agreement; 2) the proposed Project alignment; 3) retaining ownership and maintenance responsibilities for the portion of the Project within the unincorporated area of the County; and 4) any other matters related to the proposed Project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A-Proposed FORTAG Master Agreement, 3. Attachment B-FORTAG Detail Discussion, 4. MS PowerPoint Presentation (Post Meeting- Uploaded Material: Presented at the hearing)

Date	Ver.	Action By	Action	Result
5/12/2020	1	Board of Supervisors		

a. Consider the proposed Master Agreement for the Fort Ord Regional Trail and Greenway (FORTAG) Project between and among the Transportation Agency for Monterey County; the County of Monterey; the Cities of Seaside, Marina, Monterey, and Del Rey Oaks; California State University Monterey Bay; University of California Santa Cruz; and Monterey Peninsula Regional Park District; and
b. Provide direction to staff regarding the FORTAG Project: 1) the proposed Master Agreement; 2) the proposed Project alignment; 3) retaining ownership and maintenance responsibilities for the portion of the Project within the unincorporated area of the County; and 4) any other matters related to the proposed Project.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Consider the proposed Master Agreement for the Fort Ord Regional Trail and Greenway (FORTAG) Project between and among the Transportation Agency for Monterey County; the County of Monterey; the Cities of Seaside, Marina, Monterey, and Del Rey Oaks; California State University Monterey Bay; University of California Santa Cruz; and Monterey Peninsula Regional Park District; and
b. Provide direction to staff regarding the FORTAG Project: 1) the proposed Master Agreement; 2) the proposed Project alignment; 3) retaining ownership and maintenance responsibilities for the portion of the Project within the unincorporated area of County; and 4) any other matters related to the proposed Project.

SUMMARY:

On March 25, 2020, the Transportation Agency of Monterey County (TAMC) Board of Directors certified the

Final Environmental Impact Report (EIR) for the Fort Ord Regional Trail and Greenway (FORTAG) Project, adopted its Mitigation Monitoring and Reporting Plan (MMRP) and approved the proposed Master Agreement (Attachment A) between and among the associated agencies regarding the Final EIR and execution of the FORTAG Project within their respective jurisdictions.

TAMC's Board of Directors also approved and distributed the Master Agreement to the parties for their consideration and approval. TAMC requests that all responsible agencies, including the County, enter into the proposed Master Agreement to facilitate next steps toward the planning, design, funding, and implementation of the FORTAG Project. Specifically, TAMC advised that all responsible agencies must approve the Project before June 24, 2020, for it to be eligible to receive funding through the California Transportation Commission (CTC) for Phase 1 of the Canyon Del Rey/State Route 218 segment. This CTC grant would provide \$11 million for a segment that traverses properties within the Cities of Del Rey Oaks and Seaside.

The proposed Master Agreement is being amended to address items raised by the City of Seaside. In addition, County staff (County Counsel) has discussed items relative to the agreement language with TAMC's counsel. County staff has also 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 right-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.

Additionally, Staff is analyzing the FORTAG Project alignment to calculate the number of miles of trail within the unincorporated area of Monterey County and distinguish between miles of trail located on parcels without restriction and miles of trail on parcels designated as habitat management and open space. Staff will present the results of its analysis to the Board of Supervisors today.

DISCUSSION:

See detailed discussion - Attachment B.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has conducted a preliminary review of the Master Agreement as to form.

On March 25, 2020, the TAMC Board of Directors approved the proposed Master Agreement and distributed it to the parties for their consideration and recommended approval. Other parties to the Master Agreement include: the Cities of Seaside, Marina, Monterey, and Del Rey Oaks; California State University Monterey Bay; University of California Santa Cruz; and Monterey Peninsula Regional Park District.

FINANCING:

The design, environmental review, and if approved, permitting, right-of-way acquisition, and construction of

the approximately 28-mile proposed FORTAG Project will be funded primarily through the voter-approved sales tax Measure X, and supplemented by any state or federal grant awards secured. Measure X included construction costs as part of the regional (TAMC) portion. While local Measure X funds can be used for maintenance, their use would deduct from much-needed funding for County roads.

As the proposed Project moves forward, staff time will be needed from various County departments for coordination with project partners, review and processing of the design, environmental analysis, permitting, acquisition of rights-of-way and easements, and ultimately, construction. County staff time to consider the proposed Master Agreement and prepare this report is funded through RMA FY 2019-20 Adopted Budget (001-3000). No additional costs are anticipated this fiscal year.

Presently, costs for long-term management and maintenance of FORTAG are unknown. Staff will work with TAMC and other project partners to determine costs and identify options for funding for long-term management and maintenance of the proposed FORTAG trail system that do not further impact local agencies.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action is consistent with the Board of Supervisor’s Strategic Initiatives for Infrastructure, Economic Development and Health and Human Services to plan and develop a physical infrastructure that improves the health and quality of life for County residents and supports economic development results.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services

Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Attachment A-Proposed FORTAG Master Agreement

Attachment B-FORTAG Project Detailed Discussion

(Attachments are on file with the Clerk of the Board)