

Napa Valley Vine Trail

Presentation to Napa County Board of Supervisors

BACKGROUND

The Napa Valley Vine Trail (Vine Trail) is a proposed 47-mile multi-use paved trail which will extend from the City of Calistoga to the Vallejo Ferry Terminal. The Vine Trail route incorporates several existing paved pathways in the cities of Calistoga, Napa, American Canyon, Vallejo and the Town of Yountville. When complete, it will involve land controlled by twelve separate public agencies, including the County of Napa.

Feasibility Study

The concept of a multi-use trail connecting all the communities of Napa Valley was initially evaluated by the Napa County Transportation & Planning Agency (NCTPA) in the Napa Greenway Feasibility Study in 2008. The study considered three basic corridors along the length of the valley, referred to respectively as the West Side, Mid-Valley, and East Side. The length of the valley was divided into ten segments, and within each segment the three corridors were evaluated in relation to the following criteria:

- Right-of-way
- Agricultural impacts
- Aesthetics
- User safety
- Residential impacts
- Usage
- Functionality
- Cost/feasibility
- Environmental impacts

The evaluation was very general at the time, but was sufficient to enable planners and stakeholder agencies to consider the relative merits of each of the corridors. At that time, the "West Side" corridor was identified, and roughly defined as following State Route 29, as the preferred alignment for further, more-detailed analysis going forward. The results of this study were also useful in determining relative priorities for implementing the various segments of the facility.

Vine Trail Coalition

In 2008, a grassroots non-profit organization was formed to advocate for the development of the Vine Trail. The stated vision of the Napa Valley Vine Trail Coalition (NVVTC) is to build a walking/biking trail system to connect the entire Napa Valley – physically, artistically and culturally. The goal is to design, fund, construct and maintain this 47-mile level, paved, family-friendly, pet-friendly multi-use trail extending from Calistoga to Vallejo. Throughout the process, the coalition has been guided by these principles:

- The process will be open and inclusive
- No vineyard land will be taken out of production
- All easements, use agreements, etc. will be voluntary
- Provisions will be made for ongoing maintenance and upkeep

- The result will be as beautiful as our Napa Valley

The NVVTC is led by a Board of Directors that represent numerous facets of the community. The following organizations or community interest sectors have representatives on the Board:

- Napa Valley Vintners
- Land Trust of Napa County
- Napa Valley Grapegrowers
- Napa County Farm Bureau
- Winegrowers of Napa County
- Napa County Transportation & Planning Agency (NCTPA)
- NCTPA Technical Advisory Committee
- NCTPA Active Transportation Advisory Committee
- Napa County Regional Park & Open Space District (NCRPOSD)
- California Department of Fish & Game
- Napa county law enforcement
- California Department of Transportation
- City of Vallejo/Solano County
- Napa County Planning Commission
- Napa Valley College
- Visit Napa Valley
- Napa Valley Chambers of Commerce
- North Bay Association of Realtors
- Napa County Hispanic Chamber of Commerce
- Calistoga Vitality Group
- Cycling businesses of Napa Valley
- Sierra Club
- Sustainable Napa County
- Friends of the Napa River
- Napa County Bicycle Coalition
- Health, wellness and medical organizations
- Youth development and safety education organizations
- Runners of Napa Valley
- Rotary Clubs of Napa Valley
- Arts Council Napa Valley

In addition, six community members hold "at-large" positions on the Board, without representing specific constituencies as the others do.

Based on the principles noted above, the NVVTC has focused its efforts on developing the Vine Trail alignment along existing transportation corridors, and working only with willing landowners.

Vine Trail Route

Following the preparation of the Feasibility Study, the next step toward implementation and definition of the Vine Trail route was the development of the Countywide Bicycle Plan. In 2012, NCTPA prepared an update of its Countywide Bicycle Plan which included recommended improvements to the bicycle system in each of the cities and town in Napa County, as well as the unincorporated area. A significant feature of the plan was the inclusion of the Vine Trail (following the "West Side" alignment as recommended in the Greenway Study) among the recommended improvements. Following completion

of the plan by NCTPA, each of the local agencies, including the County, adopted the relevant portions of the Countywide Plan as its local bicycle plan. The County adopted the plan in June, 2012, with Resolution No. 2012-98.

The designation of ten segments for evaluation in the Greenway Study has been carried forward as useful in describing and planning for the implementation of the Vine Trail. The segments are named, and generally correspond to the extents of, the viticultural appellations of the Napa Valley, as listed in Table 1.

Table 1. List of Vine Trail Segment Designations

Segment Name	From	To	Status
Calistoga*	SR 29/Silverado Trail, Calistoga	Bale Lane	Planning/ grant application
St Helena	Bale Lane	Zinfandel Lane	
Rutherford*	Zinfandel Lane	N. end Oakville	
Oakville*	N. end Oakville	N. end Yountville	
Yountville	N. end Yountville	S. end Yountville	Complete
Oak Knoll*	S. end Yountville	Redwood Road	In construction
City of Napa	Redwood Road	SR 29/Napa River "Butler Bridge"	Portions complete; portion in construction
Vista Carneros*	SR 29/Napa River "Butler Bridge"	Green Island Road	Portions complete
American Canyon	Green Island Road	Solano County Line	Portions complete
Vallejo	Solano County Line	Vallejo Ferry Terminal	Planning/ grant application

* These segments include length in the unincorporated area.

A brief discussion of the alignment in each section, along with a detailed map, follows.

Calistoga. The alignment of the Calistoga Segment is shown in Figure 1.

Figure 1. Calistoga Segment



The Vine Trail will connect with the Oat Hill Mine Trail at its trailhead, at the intersection of SR 29/Silverado Trail. It then follows SR 29 (Lincoln Avenue) into Calistoga, turns south along an extension of Fair Way, then crosses through City-owned property to Washington Street. An existing multiuse path will be incorporated into the Vine Trail, connecting the end of Washington Street with Dunawear Lane.

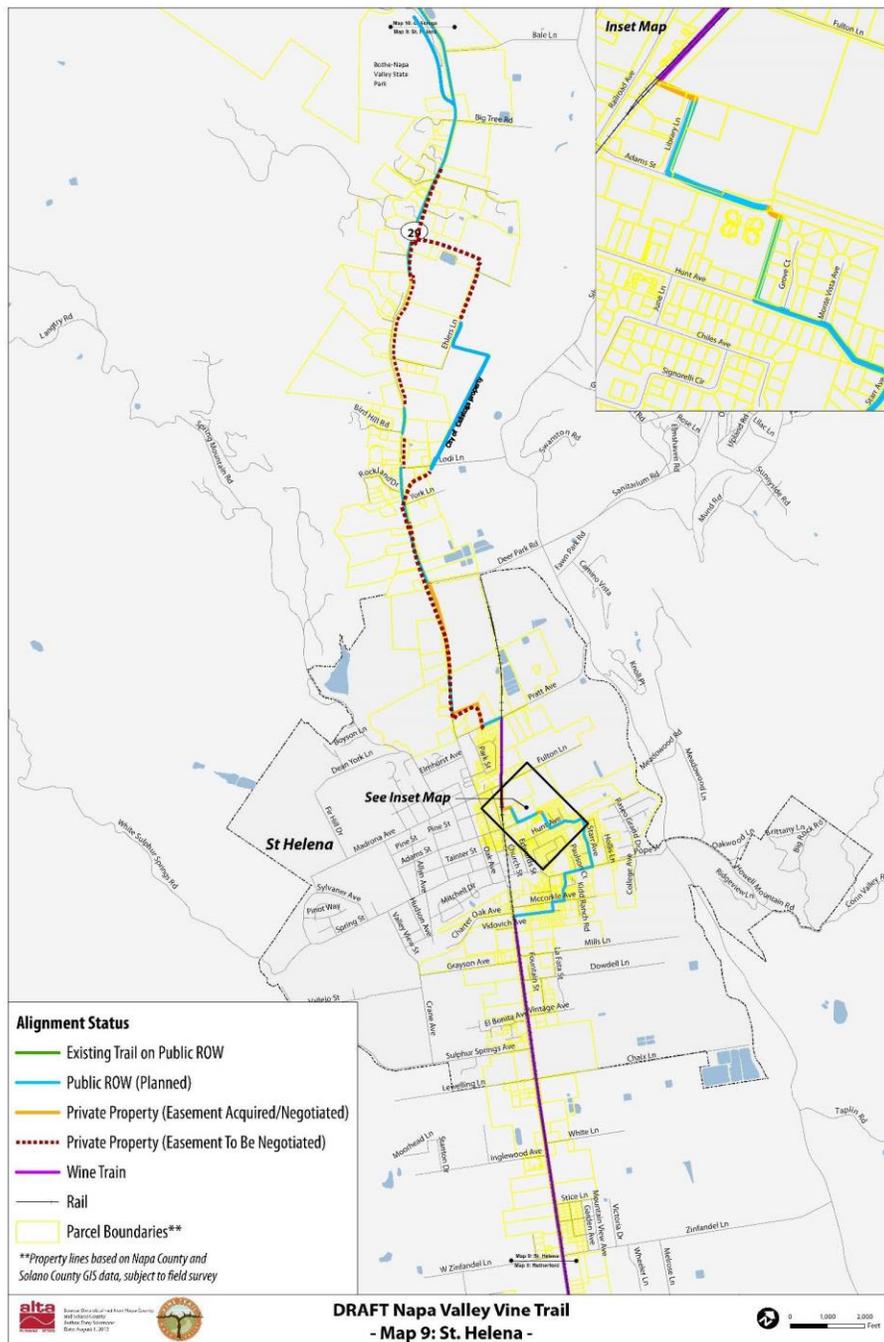
The Vine Trail will then follow Dunaweal Lane west to SR 29/128. At the request of the property owner at the southeast corner of this intersection, it is proposed to have the route detour through the Twomey Cellars property on existing vineyard roads, rather than cross in front of the tasting room entrance. The trail then continues south along SR 29/128 to just north of Larkmead Lane, at which point it will cross SR 29/128 and enter Bothe' Napa State Park.

The County has been working together with the City of Calistoga and the NVVTC in preparation of a "Project Initiation Document" (PID) for Caltrans' review of the alignment in this section. Discussions with Caltrans during this process have indicated that they will support the construction of the Vine Trail within their right-of-way, through an encroachment permit, but they will not take on responsibility for maintaining it. Thus it is assumed that stretches of the trail within Caltrans' right-of-way will need to be included in the overall plan for maintenance, discussed further below.

Within the State Park, the Vine Trail is proposed to use the one-mile existing low-volume park access road which parallels SR 29/128. The Trail will exit the park at the California Department of Forestry fire station and cross the highway, continuing along the east side until it reaches a point south of Big Tree Lane.

St Helena. The alignment of the St. Helena Segment is shown in Figure 2.

Figure 2. St. Helena Segment



Beginning at Big Tree Lane, constraints such as geology and wetlands, as well as limited public right-of-way, limit the number of route options available. This is the most-constrained segment of the trail alignment, and is the subject of much recent discussion because the NVVTC is actively working to finalize the route in order to utilize grant funding for construction of this section.

The NVVTC has met with several of the property owners in the corridor between Big Tree Lane and Lodi Lane and have explored alternative routes. Although some property owners are not willing to provide any additional easements for the development of the Vine Trail, others have expressed a willingness to grant easements, in most cases at no cost to the project. These options include bringing the path into close proximity to active vineyards (where the owners are willing participants), as well as using a low-volume County road (Ehlers Lane) and a length of old railroad right-of-way now owned by the City of Calistoga. Issues with the potential agricultural interface in this area are discussed later in this report.

Within St. Helena, the Vine Trail will be mainly aligned on low volume City streets between Pratt Avenue and Charter Oak Avenue. South of there to the southern city limit, the Vine Trail is planned to parallel the Napa Valley Wine Train.

Rutherford – Oakville. The alignment of the Rutherford Segment is shown in Figure 3; the Oakville Segment is shown in Figure 4.

Figure 3. Rutherford Segment

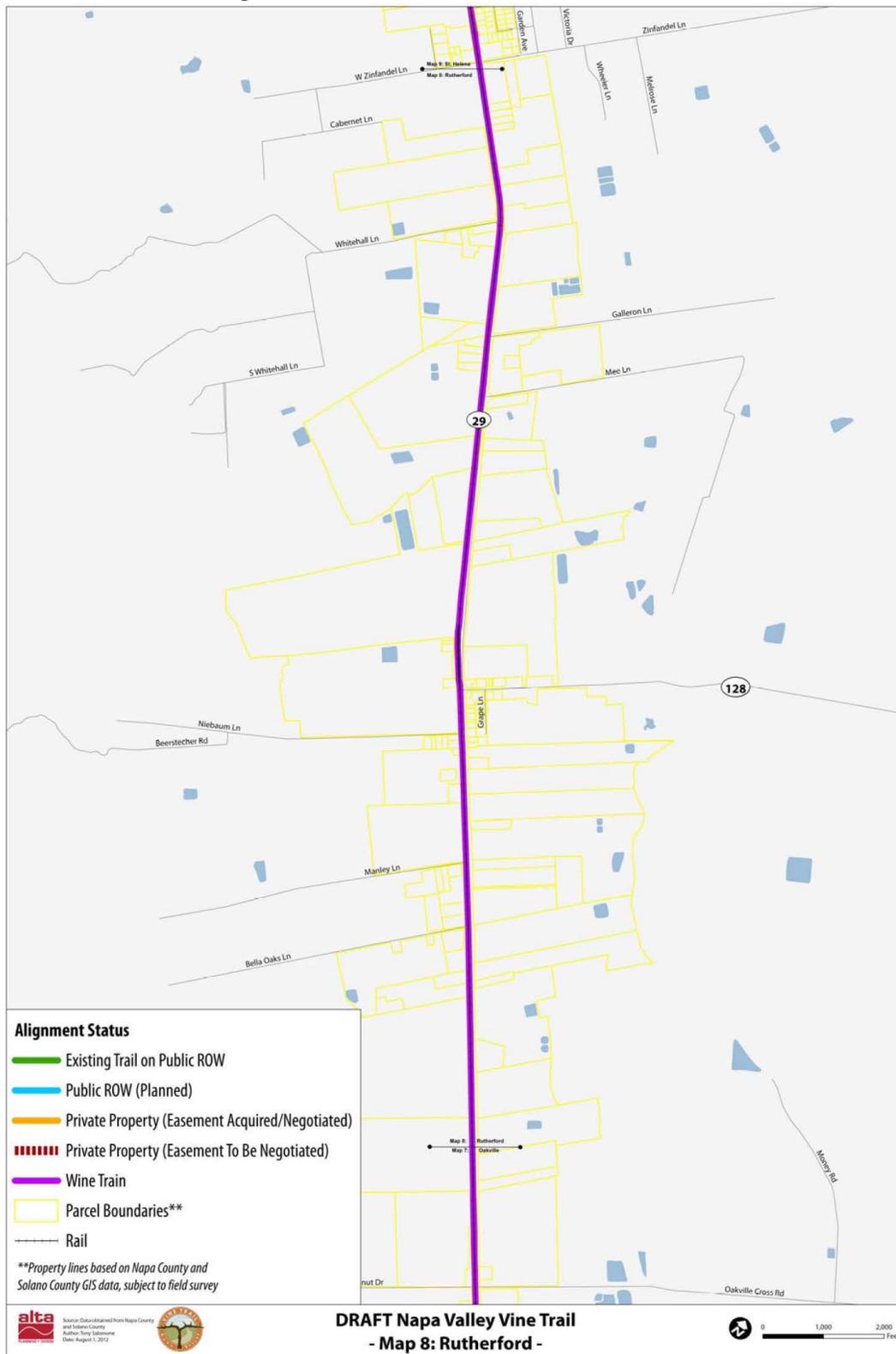
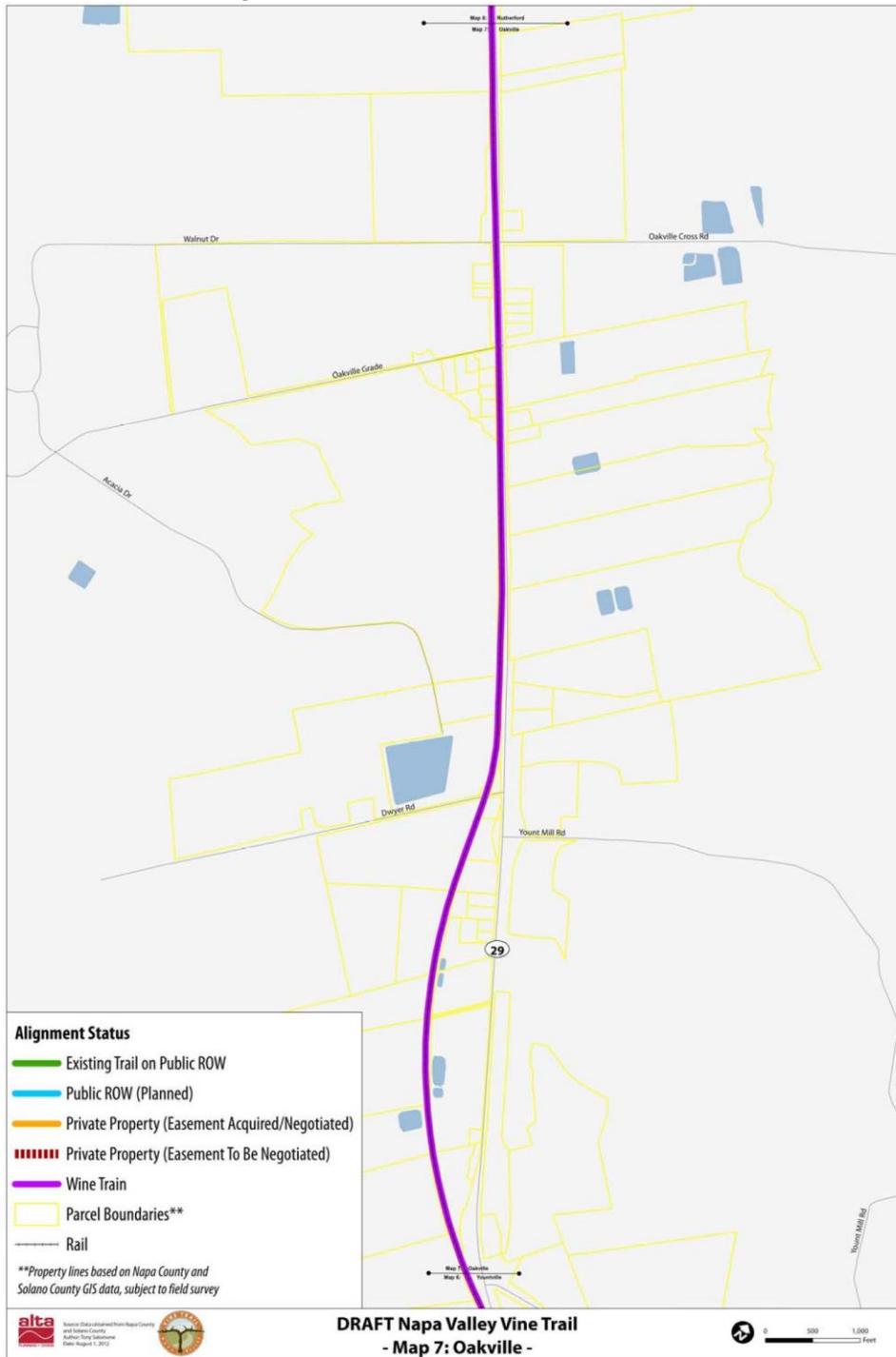


Figure 4. Oakville Segment



It is envisioned that the Vine Trail will follow the alignment of the Napa Valley Wine Train for much of the corridor between St Helena and Yountville. NVVTC is currently in discussions with the owner of the Wine Train, but there is no information available to report publicly yet. While these discussions are in progress, no other alignment options are being explored in these sections.

Yountville (Complete). The alignment of the Yountville Segment is shown in Figure 5.

Figure 5. Yountville Segment



The first section of the Vine Trail that was constructed entirely under the "Vine Trail" brand was a one-mile stretch through the Town of Yountville. Constructed with funds from the American Recovery and Reinvestment Act (ARRA) in 2009, it reaches from Madison Street to California Drive, alongside SR 29 in Caltrans' right-of-way.

Oak Knoll. The alignment of the Oak Knoll Segment is shown in Figure 6.

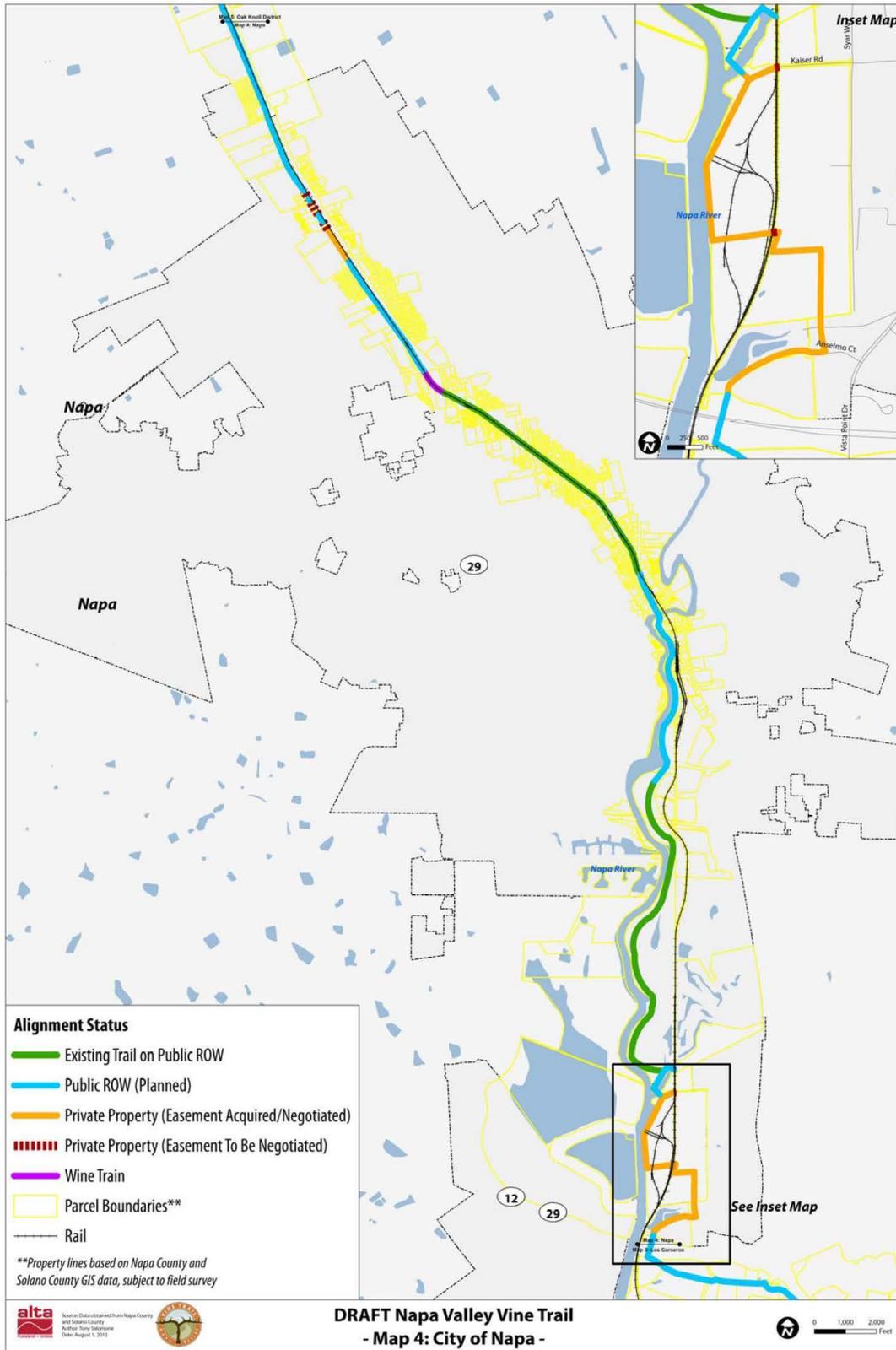
Figure 6. Oak Knoll Segment



The section from California Drive in Yountville to Redwood Road in Napa has just begun construction. It will follow Solano Avenue on its east side, in the space between this “frontage road” and SR 29. Construction is funded with a combination of grants and local contributions from the County of Napa and the City of Napa, and approximately \$2 million in donations from the NVVTC. It is expected to be complete in early 2016.

City of Napa. The alignment of the City of Napa Segment is shown in Figure 7.

Figure 7. City of Napa Segment



The city's Crosstown Commuter Trail will be incorporated into the Vine Trail alignment, connecting Redwood Road with Soscol Avenue at Vallejo Street. From there, NVVTC is currently working on finalizing the alignment, roughly along Soscol, from Vallejo to 3rd Street. From 3rd Street, the City of Napa has agreed to construct the path along the Napa River to Hartle Court. There it will connect with a new bridge under contract to be built this year across Tulocay Creek. The new bridge connects with the existing Napa River Trail/Bay Trail continuing south from Hartle Court to Napa Valley College (NVC) and the City's Kennedy Park.

Continuing south from Kennedy Park, the trail will follow the Napa River, passing through the Syar and Napa Pipe properties to connect with the recently-completed path constructed by NCRPOSD under SR 29 at the Butler Bridge.

Once the current construction projects between Yountville and Kennedy Park are completed, the Vine Trail will have a continuous 12.5 mile non-motorized transportation corridor serving 21 schools (including NVC) and over 18,000 students.

Vista Carneros. The alignment of the Vista Carneros Segment is shown in Figure 8.

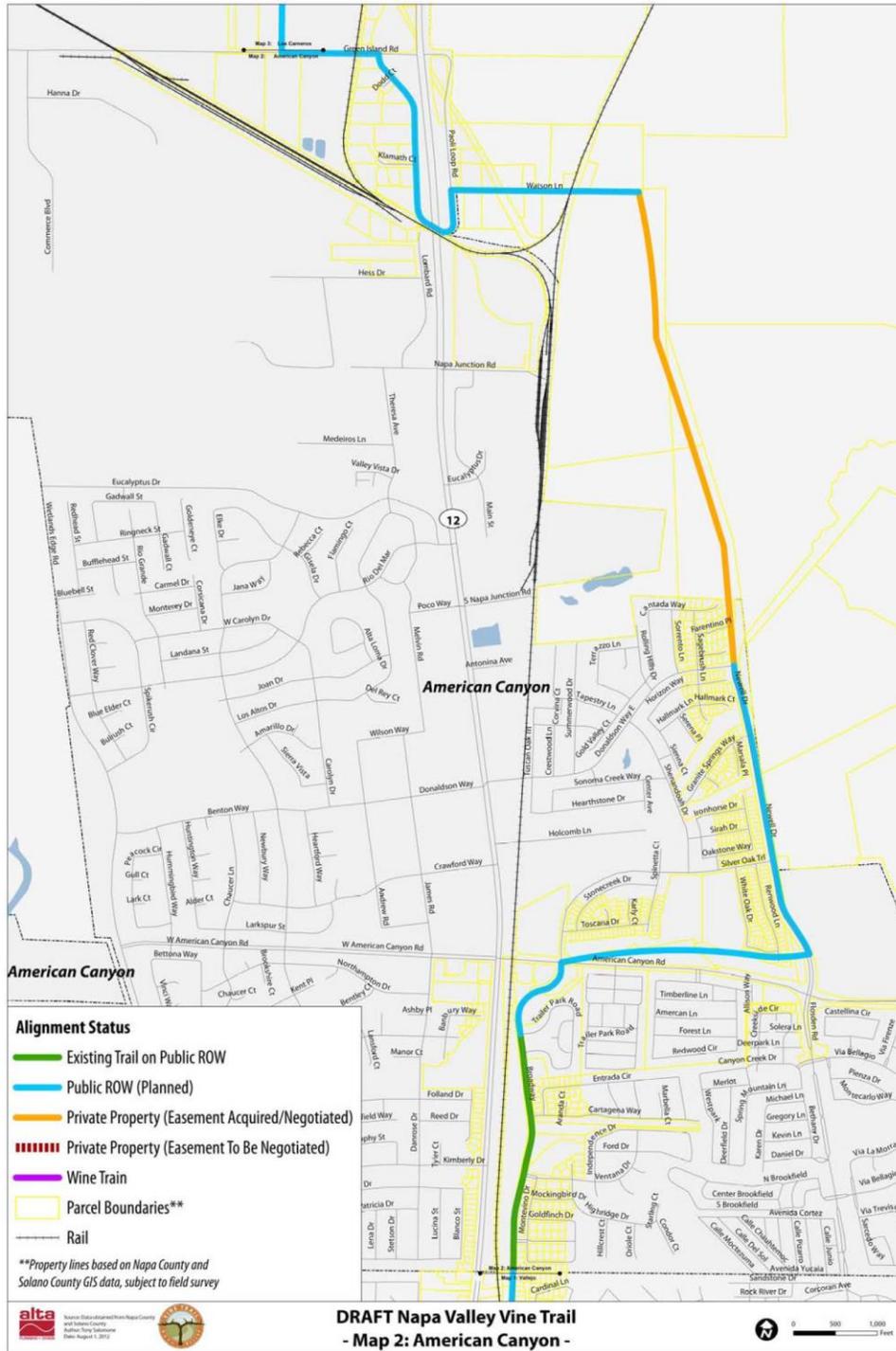
Figure 8. Vista Carneros Segment



The Vine Trail will follow Solscol Ferry Road and Devlin Road through the Airport Industrial Area, all the way to Green Island Road. Construction of a quarter-mile segment was included in the 2014 construction of Devlin Road Segment C, and is included in the design for Segment E, the next portion to be constructed. It will be necessary to retrofit existing sidewalks along completed sections of Devlin Road by widening them to accommodate the 10-foot width required for a multi-use trail.

American Canyon. The alignment of the American Canyon Segment is shown in Figure 9.

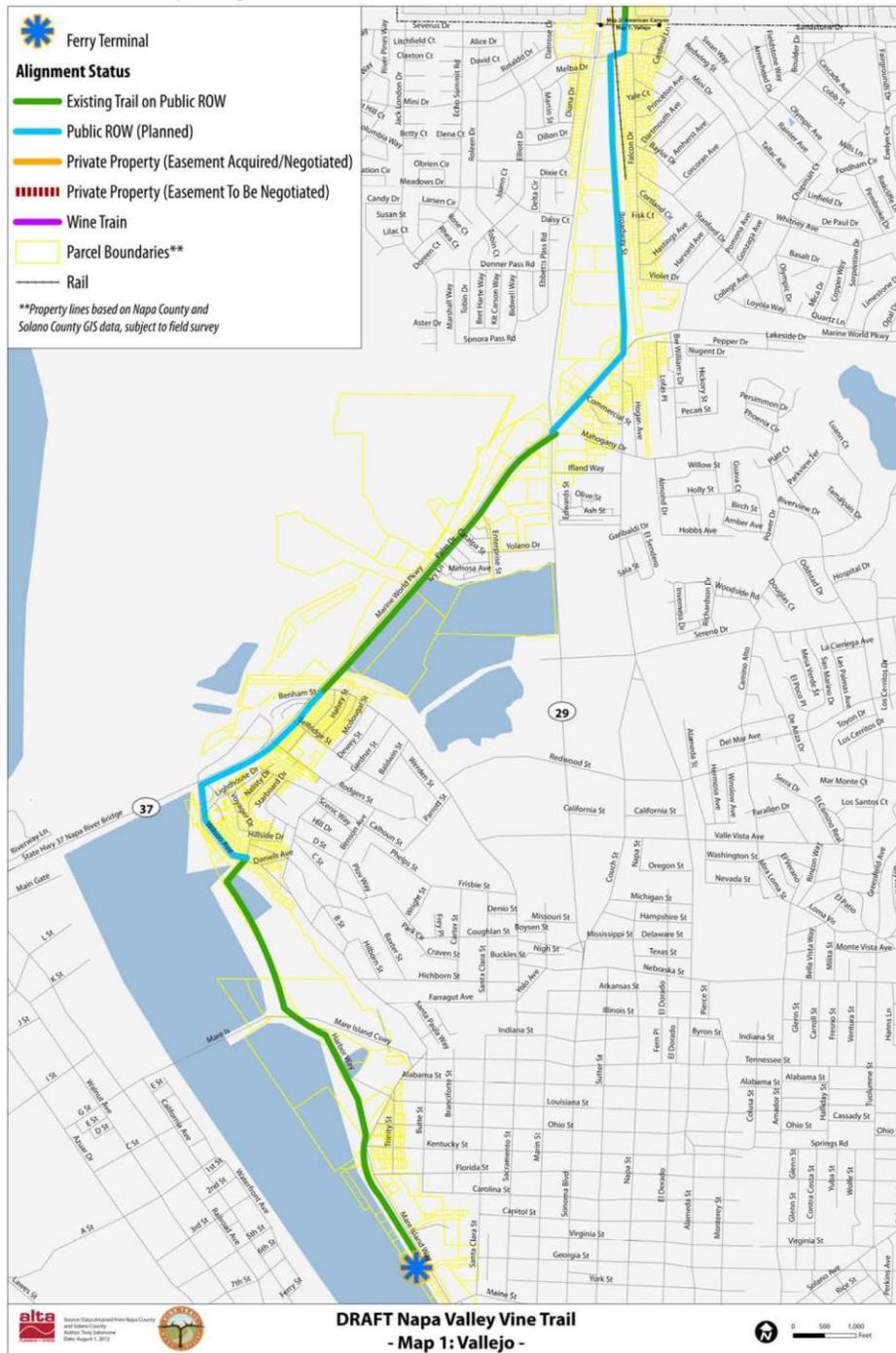
Figure 9. American Canyon Segment



The path will continue south from Green Island Road through the Paoli Loop to connect with Watson Lane and the planned Watson Ranch/American Canyon Town Center development. From there it will continue south on Newell Road to American Canyon Road, follow the flood channel west to Broadway, and continue down Broadway to Mini Drive through Veterans' Park to the southern city limits.

Vallejo. The alignment of the Vallejo Segment is shown in Figure 10.

Figure 10. Vallejo Segment



The path will continue down Broadway, crossing under Highway 37 and connecting to Lewis Brown Drive. It will then continue west on Lewis Brown Drive and cross Highway 29 to connect with the existing bike path that runs along the south side of Highway 37 to Sacramento Street. It will then cross over SR 37 at Sacramento Street and continue along Wilson Avenue to Mare Island Way and on to the Vallejo Ferry Terminal, a multi-modal transportation hub connecting the North Bay with the rest of the Bay Area.

CONSTRUCTION COSTS AND FUNDING

The Oak Knoll Segment of the Vine Trail has recently begun construction, as noted above. The 6 miles of trail construction will cost approximately \$9 million, based on the results of competitive bidding as just conducted. This cost of \$1.5 million per mile is very high due to a number of factors, including the construction of three bridges, modification of the existing bridge over Dry Creek to add width for the path, extending the culvert at Wine Country Avenue to make room for the path, addition of traffic signals at two intersections, and the modification of signals at one intersection. Additionally, there were several other factors in the Oak Knoll segment that increased the cost beyond that of standard multiuse trail construction, including:

- Right of Way acquisition costs
- Required curb and gutter in the urban areas adjacent to the path
- Adding curb and gutter required over 60 custom drainage structures
- Large tree removals
- Relocation/shift of Solano Avenue in Yountville to accommodate the Park and Ride Lot, the path itself and Solano Avenue within the corridor
- Substantial amount (over one mile) of retaining wall needed due to limited corridor width to accommodate Solano Avenue and the path without encroaching into Wine Train right of way
- Installing retaining wall also requires railing or fencing on top of the wall for safety purposes
- Substantial cost for raising, lowering and moving utility boxes and other appurtenances within the alignment due to it being a vital corridor for many utility providers
- Several miles of irrigation for trail landscaping

Public Works staff from the County, the City of Napa and the Town of Yountville reviewed the plans prior to the advertisement for bids, and concur on the scope of work involved in this construction project. Staff from these agencies are working together with NVVTC and NCTPA to identify any potential "value engineering" opportunities to reduce the overall cost of the project.

For planning purposes, the NVVTC is assuming an average cost of \$1 million per mile, to construct a paved path on an alignment where no improvements already exist, although certainly some segments will cost more and some will cost less. For example, the Calistoga Segment will have one large bridge and one small bridge/culvert, along with a HAWK signal (specialized pedestrian crossing signal) and a fair amount of retaining wall and/or sound barrier wall, resulting in a cost of \$1.1-1.2 million per mile. Table 2 presents a listing of the estimated cost to complete the remaining sections of the Vine Trail.

Table 2. Estimated Cost of Remaining Vine Trail Construction

Section	Total Length	Length left to build	Estimated remaining cost
Calistoga*	5.66	3.72	\$3,720,000
St Helena	7	7	7,000,000
Rutherford*	3.4	3.4	3,400,000
Oakville*	2.53	2.53	2,530,000
Yountville	2.88	2	2,000,000
Oak Knoll*	5.5	5.5	5,500,000
City of Napa	6.79	2.98	2,980,000
Vista Carneros*	4.33	4.08	4,080,000
American Canyon	4.31	3.77	3,770,000
Vallejo	4.5	2.1	2,100,000
TOTALS	46.90	37.08	\$37,080,000

* These segments include length in the unincorporated area.

The total cost of the Vine Trail, including the sections already built or under construction, is nearly \$50 million. The NVVTC has been raising funds for the construction and ongoing maintenance of the trail. Their plan has been to contribute 25% of total construction costs through their philanthropic efforts in the community. Thus, their contribution would be approximately \$12.5 million to the total cost of Vine Trail construction. The remaining \$24.5 million would come through local agencies' contributions, either directly or through their application for grant funding. To date the NVVTC has received pledges or donations of approximately \$8.5 million of their \$12.5 million goal.

Grant Funding – Calistoga-St. Helena Segment

The NVVTC pledged \$3 million of that in support of two Active Transportation Program (ATP) grant applications which were submitted in the current cycle: Calistoga to St Helena (submitted by NCTPA) and Vallejo (submitted by Solano Transportation Authority) segments of the Trail. For the portion of ATP funding which is distributed at the regional level by MTC, the Calistoga segment project (total estimated cost \$9.2 million) was selected for full funding. The application materials indicate the following local contributions as match for the \$6.1 million grant:

- \$100,000 from the Bay Area Ridge Trail in FY 2017-18
- \$150,000 from the City of Calistoga in FY 2017-18
- \$350,000 from the County of Napa in FY 2018-19
- \$150,000 from the City of St. Helena in FY 2018-19

There has been no commitment on the part of staff or elected officials to the funding amount noted for the County, and County staff is not aware of the status of the commitments shown for the two cities.

Grant Funding – General

As noted earlier, both the Yountville Section and the Oak Knoll Section were constructed using grant funding. However, the world of grant funding is driven by federal and state political processes in developing the multimodal transportation funding bills, so future grant programs are not necessarily comparable to those used in these past projects. Certain recent grant programs have drawn a distinction between facilities for "recreation" use vs. those for "transportation" use (e.g., daily commute trips by walking or bicycling). Since the Vine Trail is a facility which serves both purposes, this may either help or hurt its chances in future grant applications, depending on the perspective of the reviewing agencies' staff.

Different grant sources have different local match requirements, but most typical is federal funding with its distinct 88.53% federal/11.47% local funding split. If we were to assume that the agencies' \$24.5 million "share" were to come from federal funding over time, that would result in the need to provide approximately \$2.8 million in local funding. Without grant funding, of course, the funding obligation for local agencies is significantly greater. It is unlikely that any segments of the Vine Trail will be built without grant funding of some sort, so it will probably result in an ongoing cycle of submitting applications each grant cycle until the local projects rise to the top of the statewide or regional list.

OPERATIONS AND MAINTENANCE

The Vine Trail, once completed, will pass through several jurisdictions, in a wide variety of settings from very rural to relatively urban. Along with the construction of the trail itself, the overall vision for the facility includes the installation of uniquely-designed (Vine Trail "branded") rest stop shelters, and the installation of public art and educational/interpretative signage at several locations.

There will be a range of operational tasks, depending on the setting, to include:

- Routine Maintenance
 - Inspections
 - Sweeping
 - Trash pickup and removal
 - Graffiti removal
 - Vegetation management
- "As Needed" Maintenance
 - Sign repair/replacement
 - Pavement markings placement/maintenance
 - Lighting
 - Cleaning benches, drinking fountains, signs, shelters, gates
 - Traffic signals
 - Bridges and culverts
 - Curation of art, educational signs and landscaping
- Major Maintenance
 - Pavement rehabilitation/reconstruction

In December, 2014, at the request of NCTPA, the NVVTC produced a White Paper on Trail Maintenance and circulated that report to all the affected jurisdictions. The report (Attachment "B") discusses conditions and upgrades to existing sections of trail being incorporated into the Vine Trail alignment, as well as annual costs for basic maintenance. This report was reviewed at the NCTPA Technical Advisory Committee on December 2, 2014 and a follow-up meeting, the "Maintenance Summit," was held in May with representatives of cities, the County and State Parks.

NVVTC's analysis of operation and maintenance costs included similar facilities in local agencies, the Bay Area region, and nationally. Local data included the City of Napa and the Town of Yountville. Regional examples came from trail facilities in Marin, Sonoma, Alameda and Contra Costa counties. There is wide variation in how the various agencies track and allocate their costs, and in the type of services provided, so the figures for different facilities are somewhat difficult to compare. For example, some agencies provide parking areas, restrooms and mini parks. Some use contracted labor and/or alternatives such as inmate crews, conservation corps or volunteers. And all had different ways they allocated their overhead costs to the figures provided.

A sample of the cost figures for various agencies is provided in Table 3.

Table 3. Average Annual Trail Maintenance Costs

Jurisdiction	Facility	Cost/mile of trail
City of Napa	Crosstown Trail + others	\$21,830
Town of Yountville	Vine Trail	\$27,316
Larkspur, Corte Madera, Marin County	Marin North-South Bikeway	\$11,928
Sonoma County Regional Parks	Joe Rodota West County Trail	\$6,642
East Bay Regional Parks	Iron Horse Trail	\$25,000

Based on these figures and others, NVVTC evaluated the type of maintenance provided and the operational scheme used in each example, and concluded that a figure of approximately \$12,000/mile/year (today's dollars) is appropriate to plan for maintenance. (Thus, when complete, the 47-mile trail can be expected to cost \$564,000/year to operate and maintain.) If a higher average cost is used, \$25,000/mile/year would add up to \$1,175,000/year total.

Local agencies will need to work together to develop a common vision for the ongoing operation and maintenance of the Vine Trail, and from that to formulate specific policies regarding the types of services and level of effort to be provided. This is discussed further, below.

As noted above, the NVVTC has not only been raising funds for the construction of the trail, but what is a unique model is establishing an endowment to support the ongoing maintenance of the trail. It is akin to a developer constructing a road for the County and then contributing to its maintenance. The NVVTC has committed to contribute up to 50% of total maintenance costs through their philanthropic efforts in the community, based on a per-mile cost of \$12,000/year. The remaining 50% of maintenance and operation costs would come through local agencies' contributions.

To that end, the NVVTC has established a Maintenance Endowment Fund. \$500,000 was set aside in their budget to fund the NVVTC commitments to the first 12.5 miles. The NVVTC is planning to ultimately contribute \$7.5 million to this Endowment. The NVVTC has already used the yield off the Endowment to reimburse the Town of Yountville for a portion of their 2015 trail maintenance expenses.

ISSUES TO BE CONSIDERED

There are numerous issues surrounding the development and operation of the Vine Trail which are currently the subject of discussions among stakeholders. These issues are summarized here to facilitate the Board of Supervisors' discussion, and possible direction to staff, in each area:

General Plan/Zoning consistency

Of particular concern for the County of Napa is the ability to develop the Vine Trail within the parameters of its General Plan and zoning requirements. Much of the length of the facility, north of Napa, is designated Agricultural Resource (AR) in the General Plan's Land Use Map, and is located in the Agricultural Preserve (AP) zoning district.

Recreational uses, as the Vine Trail would be classified, are not a permitted use in the AP district. If a private party such as a non-profit or another local agency (such as NCTPA or the Parks District) were to propose to construct the Vine Trail in these areas, it would potentially need a Measure P vote of the people to enable this to take place because local agencies are not exempt from County zoning.

However, it is well-established law that the County is exempt from its zoning regulations. Therefore, it has been determined that if the County is the lead agency in constructing the trail in these areas in easements benefitting the County, it does not legally have to comply with its own zoning codes, but in all cases would need to comply with the General Plan.

It is the County's responsibility to determine whether proposed land use development approvals are consistent with the general plan. A determination regarding such consistency is a legislative decision and will not be set aside by a court unless the county has acted arbitrarily, capriciously, or without evidentiary support, or has failed to follow proper procedures, such as failing to give notice as required by law. (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th, 656, 668.) A court will defer to a city's [county's] interpretation of its own general plan and factual findings unless "based on the evidence before [the] city council [or board], a reasonable person could not have reached the same conclusion." (*No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 243.) As to consistency, a given project need not be in perfect conformity with each and every general plan policy. It need only be in agreement or harmony with the general plan. To be "consistent," the project must be "compatible with the objectives, policies, general land uses, and programs specified in" the applicable plan. (*Sequoyah Hills Homowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 717-18.)

County Counsel has prepared an analysis of how the project is consistent with the General Plan, which is attached to this staff report (Attachment "C"). Additionally, in 2009 the NVVTC reviewed this proposal for the County to construct the Vine Trail in this manner with the key agricultural industry groups in the County (Napa Valley Vintners, Napa Valley Grapegrowers, Napa Valley Winegrowers, Napa County Farm Bureau and Napa County Land Trust) and received support for this approach as long as the Vine Trail was aligned substantially along existing transportation corridors and all easements from private landowners were obtained voluntarily.

As noted above, as more-detailed discussions with landowners from Big Tree Road to Deer Park Road have occurred, a route supported by voluntarily-granted easements through this area can be accomplished, but would deviate from existing transportation corridors on four or five properties. The NVVTC has reached out to the agricultural industry groups to further discuss the issue; in these discussions, the Grapegrowers and Vintners have supported the revised alignment, with some stipulations, while the Farm Bureau has thus far opposed the route deviation.

Compatibility with agricultural activity

One substantial concern being raised as NVVTC develops the specific alignment in the Calistoga section, is how will the operation of a public multi-use trail be compatible with agricultural activities (such as pesticide spraying or farm vehicle operations) on adjacent lands?

Both the previous and current Agricultural Commissioners were and continue to be engaged in conversations with various stakeholders (NVVTC, industry groups, landowners, etc.) since the inception of the Vine Trail. Both commissioners have voiced support consistent with the conditional support expressed by the agricultural industry groups (e.g., trail will follow existing transportation corridors).

The Vine Trail has the potential to affect various programmatic responsibilities and functions performed by the Agricultural Commissioner's Office, as outlined in their report (Attachment "D"). The issues vary in significance, including those that might be of a general nature like ag/trail interface issues or interactions between landowners and their land, trail users, and county personnel. Other issues are more significant and relate to the safety and protection of all parties, agriculture and the environment. These concerns have been discussed with trail planners and there is agreement that efforts will be made to mitigate these issues.

It is envisioned that easement documents, as they are developed with property owners, will spell out the necessary parameters of the strategies which will accomplish these outcomes. Such parameters might include defining the area and/or method of spraying, or the days/hours spraying could occur (and whether the trail would need to be closed at those times).

The County has worked together with NVVTC, the Farm Bureau, Vintners, Grapegrowers, Napa Bike, Visit Napa Valley, NCTPA and NCRPOSD to develop a program known as Ag Respect, intended to help educate the public about proper respect for agricultural land and its operations. The program is designed to be more general than just potential Vine Trail/ag land interfaces, and in fact the County has posted signs from this program on a few roads where there has been concern about the interaction of motorists and surrounding agricultural land. Staff believes an expansion of this program is appropriate for the Trail, and could help to limit negative interactions between users and property owners.

Exposure to liability

A companion concern as the potential trail alignment diverges from existing transportation corridors, is the potential exposure to liability, both for government agencies and for the adjoining private property owners who provide easements on their private property for the trail. People will get hurt using the Vine Trail. How do we balance the rights of recreational users with local government and landowners who allow use of their land? The intent of two statutes enacted more than 50 years ago was to encourage landowners to allow public use of their property for recreational purposes.

Civil Code Section 846 – the Recreational Use Statute makes private landowners immune from liability for injuries suffered by people who enter their land free of charge for recreational purposes. Under Government Code Section 831.4, a complementary but totally separate and more focused law, public entities are protected from lawsuits filed by citizens injured using public roads and trails for recreational purposes. This law also protects private property owners who deed public easements to municipalities for those same recreational purposes.

California courts have interpreted these laws broadly to now encompass paved trails and roads, even sidewalks and paths including hiking, walking, biking and skating, etc., or used for providing access to another recreational area.

There are three exceptions to Civil Code section 846:

1. There is no immunity from liability if "landowners willfully or maliciously fail to guard or warn against a dangerous condition, use structure or activity" on the land. Failure to protect or warn of a known dangerous condition may impose liability. Signage usually suffices as a warning.
2. If the landowner is paid for granting permission to enter the property for recreational activity, the immunity does not apply.
3. The immunity does not apply where the injured person was expressly invited onto the land by the owner.

These statutes would make it appropriate for the entity that will be operating and maintaining the Vine Trail to indemnify the private property owners deeding a trail easement for public use. The liability exposure and statutory immunities are not absolute, and could shift away from the government entities and private property owners in situations where the recreational use is disrupted or compromised for other purposes (i.e. use of the trail for agricultural use).

Organizational structure for ongoing operation of Trail

County staff has been participating in discussions with the numerous agencies that have jurisdiction over portions of the alignment of the Vine Trail, to consider how to approach the operation and maintenance of the facility as more sections are completed. If each agency just operates and maintains the portion within its jurisdiction, it is possible the Vine Trail would be subject to a wide range of operational policies and standards of care. Topics to be addressed, and standardized as appropriate, include:

- Hours of operation
- Enhanced facilities such as trash receptacles and/or restrooms
- Regulations on pets
- Art installations
- Common signage and road crossing treatments
- Law enforcement/trail user security
- Coordinated efforts to maintain the trail in a consistent manner
- Procedures for other parties to obtain encroachment permits (such as for utility work, or for side connections between the Trail and residential areas or local businesses)

In addition to deciding these operational policies, there is need to identify the approach to, and funding for, ongoing maintenance activities such as those described above. Although it is early in the progress of the multi-agency discussions, there is movement toward identifying an entity to take over operation and maintenance of the entire Vine Trail, with funding contributions provided by all the agencies, as opposed to having each jurisdiction separately manage the facility within its boundaries. Such an entity could be a new organization formed through a Joint Powers Agreement (JPA), or could consist of delegating this authority to an existing organization (i.e., NCTPA or NCRPOSD) and modifying its powers to enable this activity. This approach has been seriously discussed within County staff and is strongly recommended for the Board's consideration.

Cost-sharing formula for capital and maintenance costs

There is no master financing plan indicating that NVVTC has a specific financial expectation on the part of the County or the other local agencies. In the past, the County contributed \$130,000 toward the construction of the Oak Knoll segment, in the form of early consultant studies and staff in-kind contributions, and \$35,000 toward Caltrans' preliminary review of the alignment of the Calistoga

segment. These were not based on any formula, but rather were determined by what was available within the County's Roads Budget at the time the requests were made.

Various possibilities exist for how the responsibility for local contribution to the construction might be divided among the local agencies. For example, Measure T revenues will be distributed based on a formula which was developed using a combination of population, length of roads, value of maintenance needs, and "return to source" (value of sales tax collected in each jurisdiction). Gas tax revenues are distributed based on population, vehicle registration and length of roads.

Both residents and visitors will make use of the Vine Trail, and this should be considered in combination with population in any distribution formula. To attempt to represent the magnitude of tourism activity in each jurisdiction, the number of lodging units in each jurisdiction has been presented.

Table 4 presents some figures regarding the relative proportions of population, length of trail and lodging units per jurisdiction.

Table 4. Proportions of Population, Length of Trail, and Lodging Units by Jurisdiction

Jurisdiction	Population (%)	Length of Trail (%)	Lodging Units (%)
American Canyon	8%	11%	5%
Calistoga	2%	3%	12%
Napa	30%	16%	41%
St. Helena	2%	8%	3%
Yountville	1%	6%	8%
Vallejo	46%	10%	15%
Unincorporated Napa County	10%	45%	15%

There is some question regarding whether Vallejo should be considered part of the funding conversation for the Vine Trail. Although its total population is larger than any of the other jurisdictions listed, very little of that population is within close proximity to the trail alignment. Additionally, the City's long history of financial challenges calls into question whether it can reasonably be expected to contribute local funding. Table 5 shows the relative proportions of these figures without Vallejo included.

Table 5. Population, Length of Trail, Lodging Units (without Vallejo)

Jurisdiction	Population (%)	Length of Trail (%)	Lodging Units (%)
American Canyon	14%	13%	6%
Calistoga	4%	5%	15%
Napa	56%	18%	49%
St. Helena	4%	9%	4%
Yountville	2%	7%	9%
Unincorporated Napa County	19%	49%	17%

It can readily be seen that the question of Vallejo's involvement in funding the Vine Trail has potentially significant ramifications.

Based on the funding concepts put forward by the NVVTC, there could be substantial financial contributions expected of the County, and all other local agencies, for both construction and maintenance of the Vine Trail. None of this (construction or maintenance) is currently budgeted, and as the Board knows, the Road Fund is currently \$3.5M in debt to the General Fund. A positive cash balance is not expected until Fiscal Year 18-19 and as such the Road Fund, as currently budgeted, will not be in a position to contribute these funds in the foreseeable future.

If these costs are apportioned purely based on the length of the facility within each jurisdiction, it might look equitable on the surface but in reality would not be. The alignment of the Vine Trail in the unincorporated area of Napa County represents approximately 45% of the total length of the trail, but the population of the unincorporated area is only about ten percent of the total population of the communities served. Staff has prepared a proposal for the Board's discussion that would allocate these costs on a formula weighted 60% on population, 40% on mileage, which is presented in Table 6.

Table 6. Potential Cost-Sharing Distribution

FORMULA			
Population factor	60%		
Mileage factor		40%	
Jurisdiction	Population %	Mileage %	Formula
American Canyon	8%	11%	9%
Calistoga	2%	4%	3%
Napa	30%	16%	25%
St Helena	2%	8%	5%
Yountville	1%	6%	3%
<i>Vallejo</i>	46%	10%	31%
Unincorporated Napa County	10%	45%	24%
Total	100%	100%	100%

The resulting allocation of costs is approximately similar to the proportion of the allocation of revenues as negotiated during the preparation of Measure T.

As noted above, there is some question regarding whether Vallejo should be considered part of the funding conversation for the Vine Trail. Table 7 shows the potential cost-sharing figures without Vallejo included.

Table 7. Potential Cost-Sharing Distribution (without Vallejo)

FORMULA			
Population factor	60%		
Mileage factor		40%	
Jurisdiction	Population %	Mileage %	Formula
American Canyon	14%	13%	14%
Calistoga	4%	5%	4%
Napa	56%	18%	41%
St Helena	4%	9%	6%
Yountville	2%	7%	4%
Unincorporated Napa County	19%	49%	31%
Total	100%	100%	100%

If the figures shown in this table were applied to the NVVTC's estimates (today's dollars) of capital and maintenance costs as noted above, the County's share would be as follows.

- Capital construction match funding:
 - \$672,000 with Vallejo included
 - \$868,000 without Vallejo
- Operation and maintenance costs (figures for \$12,000/mile/year and \$25,000/mile/year):
 - \$135,000-282,000 with Vallejo included
 - \$175,000-364,000 without Vallejo

It is important to note that these would be new funding proposals, requiring new County commitments of general fund dollars giving priority to this project over other County needs; or the reallocation of existing funding, diminishing existing services.

CONCLUSION

Staff is seeking direction from the Board regarding the issues outlined here, to guide them in ongoing discussions with other stakeholders in Vine Trail development.

ATTACHMENTS

Napa Valley Vine Trail Coalition:	Maintenance "White Paper" (Attachment B)
County Counsel:	General Plan Consistency Analysis (Attachment C)
Ag Commissioner's Office:	Pesticide Use, Pest Exclusion and Pest Management Issues (Attachment D)