



BACA FLOAT
COALITION, INC

Newsletter

SPECIAL POINTS OF IN- TEREST:

- Santa Gertrudis Update
- Santa Gertrudis Lane Legal Fund
- Palo Parado Update
- What has the BFC been up to?
- Meetings
- Treasurer Report



LONG AWAITED DECISION GIVES GREEN LIGHT ON SANTA GERTRUDIS LAWSUIT

The Baca Float Coalition, Inc. has hired a top-rated law firm to prepare the necessary documents and file an action to reopen and keep Santa Gertrudis Lane available for use by all residents on the east side of the Santa Cruz River.

As soon as we raise enough money, our attorneys will file against both the Union Pacific Railroad and the property owners on Santa Gertrudis Lane, including the Santa Gertrudis Lane Road Assoc. LLC. Our attorneys advise that we have a very strong case against the residents and their LLC and we have a strong case against the railroad. It is now time to start fund raising in earnest. We need to raise the necessary funds to start and finish this action for

a final court-ordered resolution regarding access across Santa Gertrudis Lane. We need a minimum of \$26,000 above what has already been raised to aggressively pursue and complete a court ordered resolution.

WHAT ARE THE BENEFITS?

Some members may be wondering what the benefits of reopening Santa Gertrudis Lane are.

Well, anyone that had 10 to 20 miles or 15-20 minutes added to their commute each way could tell you.

Or, the resident that had to be airlifted out because the ambulance felt it would take too long to go down to the bridge. That resident ended up having to pay for that ride.

Speak with some of the merchants in Tumacacori and Tubac that saw their customer base decline and business decrease.

What about the easements and right-of-ways that were granted to residents and property owners of the former Baca Float No. 3.

The Benefits Are:

1. Reduced travel costs and time
2. Increased access to I-19
3. Improved emergency services
4. Increased property values
5. Increased business for local merchants
6. Re-established vested property rights

As you can see there are benefits to reopening the Lane, both tangible and intangible. By joining the Baca Float Coalition you are telling the community you want the benefits listed above. You can help reopen the Lane by volunteering to help our campaign for the Legal Fund.

The Baca Float Coalition is going
to Court!

We need your help to make
Santa Gertrudis Lane our road
again.

Volunteer now to help raise the
money!

Watch for bulletins!

We in America do not have government by the majority. We have government by the majority who participate.

~Thomas Jefferson~

SANTA GERTRUDIS UPDATE

A BRIEF HISTORY: Santa Gertrudis Lane has been used as a documented river crossing for over three hundred years. Spanish soldiers and others crossed the river there at the narrow part at the southern boundary of the Tumacacori Mission. In 1899 when Santa Cruz County split off from Pima County, this crossing was referred to as a county road. The newly elected Board of Supervisors in 1900 referred to the crossing as a county road, requested a survey & mapping, and discussed road maintenance. In 1920 the Board of Supervisors established the width of all county roads as "30' on either side of the center line". Santa Gertrudis Lane was among the list of county roads required to meet these easement requirements. In 1936 the Pendleton easement was prescribed in the legal and recorded deeds of sale to E. T. Strong and H. J. Mallery, giving both the location and identifying those persons covered by the deeded easement. Those of us who reside in Baca Float No. 3 (the northeast corner of Rio Rico, Tubac Foothills, Morning Star Ranch and Salero Ranch) are inheritors of this easement. It is a condition of our property ownership. During 1969 the residents of Santa Gertrudis Lane petitioned the county to accept the Lane into the county road system. Circa 1980 the county designated Santa Gertrudis Lane a primitive road. Primitive Road signs were in evidence until 1998. Since 1970, the Union Pacific Railroad has listed the Santa Gertrudis Lane crossing as "public at grade" on its

inventory to the U.S. Dept. of Transportation. This brief history outlines both a legal and prescriptive right to cross Santa Gertrudis Lane over an unbroken three hundred year period.

CURRENT STATUS: Santa Gertrudis Lane is currently closed and gated. Late 2007, the Santa Gertrudis Lane Road Maintenance Assoc., LLC, (residents of the Lane) approached the Union Pacific Railroad and asked them to close this public road. This is a breach of a contract arrived at in the November, 2002 settlement, when Santa Gertrudis Lane LLC had closed the Lane and at which time they agreed to stand down from their opposition to public use in the future. We now know from verbal comments of railroad officials and testimony before the Arizona Corporation Commission, that the railroad was approached by the lane resident's representative to close Santa Gertrudis Lane. This is a violation of the 2002 Gentlemen's agreement. This is the reason for the Baca Float Coalition, Inc.'s decision to pursue a legal remedy. We cannot afford to revisit this issue every four or five years. Our legal right to cross Santa Gertrudis Lane must be resolved. In the fall of 2008, BFC Board Members Ken Hallock and Kathi Campana met with lane residents in an attempt to resolve their concerns and open the gate for all residents, to no avail.

SANTA GERTRUDIS LANE LEGAL FUND

The Santa Gertrudis Lane Legal Fund will be seeking significant contributions from members, residents, businesses, and developers.

Now that the decision has been made to go to court to ensure our legal right to use the Lane, the BFC is mounting a campaign to make sure there is enough money to get the job done!

Watch for announcements and materials to see how much the BFC will need from contributors. All stakeholders will need to make an investment to make the pay-off a possibility!

Start thinking about how much it would mean to you—how much you would save - if the Lane is open !

\$30,000

FUND RAISING VOLUNTEERS NEEDED

To reach the SGL Legal Fund goals as fast as possible, one of the functions of the Santa Gertrudis Lane Committee is to develop a fund raising strategy and coordinate activities.

If you have fund raising experience or would like to volunteer, please contact Ken Hallock or Roy Ferrell at bacafloat-coalition@yahoo.com.

\$4,915

RIO RICO RESIDENTS THAT USE SANTA GERTRUDIS LANE WILL SAVE APPROXIMATELY:
\$514.80 PER MONTH* IN TRAVEL EXPENSES WHEN THE LANE IS REOPENED!

(NOTE: IF YOU USE PALO PARADO THE COST IS **\$257.40** PER MONTH)

* ACCORDING TO IRS MILEAGE REINBURSEMENT FIGURES

SANTA GERTRUDIS LANE COMMITTEE NEEDS YOUR HELP

The Committee is in search of anyone that has used Santa Gertrudis Lane for 10 years or more. Even if you have not been here ten years but know someone who has, please have them contact Ken Hallock at 520-398-2952 or by email at bacafloatcoalition@yahoo.com.

We need your help finding folks!

BFC BUSINESS

MEMBERSHIP RENEWALS

The Baca Float Coalition annual membership renewal has started. Some of you have already received a renewal notice for July. In the coming months members will be receiving a notice of renewal by e-mail or by snail mail for those who do not have computer access. We will be including an application for renewal. We hope that each of you living or owning property northeast of the Santa Cruz River including Morning Star Ranch, Rio Rico, Salero Ranch and Tubac Foothill Ranch will continue to support the Baca Float Coalition. We ask that you encourage your friends and neighbors to renew or join as well.

REVIEW OF BACA FLOAT COALITION FINANCIAL RECORDS

On July 15, 2009, three members selected and approved by the Board of Directors have reviewed Baca Float coalition finances. The review period covered July 1, 2008 through June 30, 2009. The committee reviewed the membership account, legal fund, and petty cash fund. The review committee did not find any discrepancies or exceptions and all Baca Float records were in order.


Baca Float Coalition, Inc.
2008-2009 Financial Review Statement

On July 15, 2009, Coalition members Amy Adams, Frank Boutchyard and Kim Etherington conducted an internal review of the financial records of the Baca Float Coalition, Inc. The review included all financial transactions from July 1, 2008 through June 30, 2009.

Three accounts were reviewed: (1) Baca Float Coalition, Inc, (2) Santa Gertrudis Lane Legal Fund, and (3) Petty Cash. Treasurer Ron Campana provided bank statements, deposit slips, receipts, expense reports, petty cash and account registers.

The committee verified that all items of income and expense were documented. No discrepancies or exceptions were noted. The committee acknowledged that the financial records have been kept in excellent order.

Signed by:


Amy Adams


Frank Boutchyard


Kim Etherington

*Determine that the thing can and shall be done, and then we shall find the way.
Abraham Lincoln*

~~NEW WEBSITE~~

We have tried to include content that will be useful to our members who want to stay informed regarding our effort on Palo Parado Road and Santa Gertrudis Lane and visitors who want to find out more about the Baca Float Coalition.

Thanks to Kim Etherington who designed the website.

Let us know what you think of the new website.

Baca Float Coalition, Inc.
official website launched on
June 19, 2009.

See our new website at:
www.bacafloatcoalition.org

PALO PARADO ROAD ~ IT'S NOT A DONE DEAL

More than 17 months after Union Pacific Railroad announced their intentions to close the Palo Parado Road crossing not much has changed when looking at and using the crossing.

Some things have been visible when using Palo Parado Road. There has been some road grading and maintenance work completed by Collins Excavating earlier this year and speed limit signs were put up by a couple of members of the Baca Float Coalition. In addition there was an effort to raise funds to help support continued road maintenance work, but that effort was not very successful, only three individuals contributed a total of \$225.00 to the Baca Float Coalition Road Maintenance Fund. Baca Float Coalition Board of Directors voted to contribute \$500.00 to Collins Excavating for his effort to keep the road in a useable condition.

Santa Cruz County responded to the County's insurance carrier over their concerns of liability with public use of the Palo Parado Road crossing. The County Public Works Department placed signs east of the railroad crossing along Caballero Court to help mitigate those concerns.

Some things that have been done at the County level and through the efforts of county staff have been very helpful in making the Palo Parado Road project more compatible with receiving funding through state and federal agencies. Santa Cruz County submitted the Palo Parado Road project to the South Eastern Arizona Governments Organization (SEAGO) Transportation Improvement Projects (TIP) for fiscal year 2010. The Palo Parado Road project has been included in the Arizona Department of Transportation's (ADOT) State Transportation Improvement Projects (STIP). Both of these designations have been an important step in the funding process for the county.

Everyone should know that Santa Cruz County has qualified for the ADOT 130 funds for railroad approved safety signals at the crossing when the upgrade or full project moves forward.

The engineering firm CPE Consultants is conducting the environmental review of the bridge site to obtain the needed 404 Permit from the U.S. Army Corps of Engineers to enter and do work in and around the Santa Cruz River channel. The proposed bridge across the Santa Cruz River has been lengthened to 880 feet from the proposed 440 feet in the Design Concept Report (DCR). A longer bridge will have less impact to the riverbanks. CPE Consultants has narrowed the scope of the impact to the riverbanks and may be able to qualify for a Nationwide Permit, which shortens the time to receive the permit from 2 years to 6 months. This work has been ongoing at the direction of the County Manager.

Santa Cruz County applied to ADOT to classify Palo Parado Road as a rural major collector. The Federal Highway Administration (FHWA) received and approved the application, whereby Palo Parado Road now has been functionally classified as a rural major collector. This classification helps the project through the funding appropriations process.

County Manager, Greg Lucero, recommended and the Santa Cruz county Board of Supervisors approve the hiring of a lobbying firm to help with finding funding for the Palo Parado Road and Chula Vista wash projects. Both of these projects will not be able to be completed without federal government assistance. Through that effort, Congressman Raul Grijalva has submitted in his 2010 appropriation a request in the amount of \$1,000,000 through the Transportation, Housing & Urban Development, and Related Agencies for the Palo Parado crossing project.

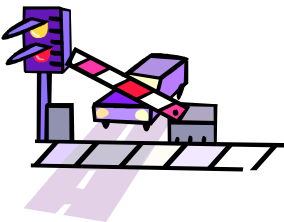
Today we know that Congressman Grijalva's \$1,000,000 appropriation request did not make the cut and was not included in the Transportation, Housing & Urban Development, and Related Agencies Bill.

Congressman Grijalva has deemed the Palo Parado project a "High-priority Project" and requested \$7,280,000 to help fund the complete road and bridge project. This request does not go into the regular appropriations process and will be submitted through the surface transportation bill being crafted by the Committee on Transportation. However, the Congressman said that many of the funding requests would not be approved.

Congresswoman Gabrielle Giffords has requested \$2,000,000 to help fund the construction of the Palo Parado Road project through the surface transportation bill; she recognized that the Palo Parado Road project is essential for the residents living east of Pendleton Road.

County Manager, Greg Lucero said the most current cost estimate for the Palo Parado Road and bridge is about \$9.1 million and the county must come up with a 20% match or about \$1.8 million, if the county is successful and receives federal funding through the Transportation Reauthorization Act. The county's flood control district does not have the funds to cover that amount, however, it does have the money to cover debt service. He recommended and the Board of Supervisors voted to authorize the county to apply for financial help from the Greater Arizona Development Authority (GADA) for an amount not to exceed \$6 million to cover the match for Palo Parado Project and Chula Vista Flood Control Project.

In addition, Santa Cruz County and Union Pacific Railroad have agreed to delay the upgrade work that had been planned for later this summer. The reason being, if the County is successful and receives the federal funding requested for the road and bridge the entire project would be completed. If the county does not receive the federal funding, they will move ahead with the construction of the railroad crossing upgrade this year.



PALO PARADO

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We are now hearing that some differences on the size of the funding bill have surfaced between the Committee on Transportation and the Obama Administration, so there may be a reduction in the amount of money allocated in the final bill that will be voted on later this year. This change may impact Santa Cruz County's funding chances in the current round of funding allocations. If this occurs, the allocation request will be re-submitted for funding in next years bill.

There are many challenges ahead before any success can be claimed. The Palo Parado Road Project is not a sure thing as many of our friends, and neighbors may believe. The county will know sometime late this year if the federal funding requested by Congressman Grijalva and Congresswoman Giffords will be approved.

**~~ FOR SAFETY AND ROADWAY STABILITY ~~
PLEASE SLOW DOWN TO 15 MPH ON
PALO PARADO**

WHAT HAS THE BACA FLOAT COALITION BEEN DOING?

Members of Baca Float Coalition Board of Directors have reached out to many organizations within Santa Cruz County and have solicited and received letters of support for the Palo Parado Road & Bridge. We have encouraged these organizations to send letters to our County Supervisors and Congressional Representatives voicing their support for an all-weather road and bridge at Palo Parado. We have received letters of support from the following organizations:

- Tubac Fire District
- Tubac Chamber of Commerce
- Santa Cruz Valley Citizens Council
- Santa Cruz Valley Unified School District #35
- Santa Cruz County Superintendent of Schools
- Santa Cruz County Board of Realtors
- Rio Rico Chamber of Commerce
- Rio Rico Community Association known as Residents of Rio Rico
- Nogales – Santa Cruz County Chamber of Commerce
- Greater Nogales Santa Cruz County Port Authority

We attend the weekly Board of Supervisor meetings to make sure the Palo Parado Road issue remains in their view. We regularly meet and talk to Supervisors and County Staff about the issues related to the Palo Parado Road project. We have established open lines of communication with county staff in the spirit of co-operation.

In addition, County Manager, Greg Lucero, has asked Baca Float Coalition to obtain additional letters of support for the federal funding. He also informed us that Congressman Grijalva requested a letter from the Baca Float Coalition asking for support. We have sent letters to our Congressional Representatives explaining the importance of the Palo Parado Road crossing and thanking them for their efforts and support.

We have encouraged our members to write letters and send e-mails to our Supervisors and Congressional Representatives asking for their support for the Palo Parado Road project. We encourage our members to send messages thanking our elected representatives for their efforts and support.

Many of our members have participated in membership drives and volunteered to hand out information and answer questions about the Baca Float Coalition. Members have donated time and money for signs thanking Collins Excavating for the grading work done on Palo Parado Road and signs suggesting a slower speed on Palo Parado Road. Members have handed out flyers asking for donations to help maintain Palo Parado Road. One of our members designed and published the Baca Float Coalition website at no cost to BFC. Another member has designed and compiled our professional looking newsletter.

We are all hopeful that the efforts by BFC members, the work and effort by County Staff and support of our County Supervisors will pay off and result in an all-weather road and bridge at Palo Parado Road which will have benefits far beyond the Baca Float No. 3.



**B A C A F L O A T
C O A L I T I O N , I N C**

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RIO RICO, AZ 85648-4467
E-mail: bacafloatcoalition@yahoo.com

The BACA FLOAT COALITION, INC is committed to keeping the crossings over the Santa Cruz River, which provide access to Northeast Rio Rico, open and available to the residents and businesses that depend on them.

The larger our membership, the greater our influence on the county, and the more representative we are of those we serve. It is essential that we expand our membership to as many of our residents as possible. You are invited to join the Baca Float Coalition, INC and lend your voice to our efforts.

~~~~ Ground Breaking for New Fire Station ~~~~

In May, Tubac Fire broke ground for Station No. 3 located at 333 Camino Josephine. This station will serve much of northeast Rio Rico, Tubac Foothills, Salero Ranch, and Morningstar. The project is expected to be completed within 10-12 months. For those that have not been by the station recently, the progress is phenomenal. Matter of fact, Station No. 3 is coming in under budget and ahead of schedule according to Louis Chaboya, Project Manager.

The land was donated by Avatar and the majority of the work is being performed by local contractors. Funds for this station and future station No. 4 are being paid for by the November 2008 \$15 million bond issue approved by 53% of the voters.

Having a fire station located east of the river does not lessen the importance of the access issues surrounding Palo Parado and Santa Gertrudis Lane. The fire department still needs to be able to transport emergencies out of the area rapidly and bring equipment in. Both river crossing could mean the difference between life and death in an emergency.

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BACA FLOAT COALITION MEETING SCHEDULE**

To find out when the next Baca Float Coalition Board of Directors meeting is, call:
Kathi Campana at 520-313-4291

TREASURER REPORT: 7/29/09

Wells Fargo Bank-balance on 07/29/09	4,122.88
BFC deposits between 06/21/09 & 07/29/09 (Membership)	<u>200.00</u>
Balance:	\$4,322.88

Organization/Operating Expenses

No expenses this report	Total Expense:	\$000.00
	Total Operating expenses:	-000.00
	Bank Balance:	4,322.88
	Petty Cash Fund Balance:	<u>53.50</u>
	Net Balance:	\$4,376.38

Commerce Bank – Santa Gertrudis Lane Legal Fund balance on 07/25/09	5,247.84
SGLLF deposits between 06/21/09 & 07/29/09	<u>100.00</u>
Balance:	\$5,347.84

Legal Fund Expenses

07/10/2009 HSP Law Offices – Legal Work	\$432.50	
	Total Legal expenses:	<u>-0,432.50</u>
	Net Balance:	\$4,915.34

Any member interested in having more information or viewing additional records regarding the Baca Float Coalition, INC accounts can contact the treasurer and make an appointment.

For questions regarding the Treasurer Report, please contact Ron Campana, Treasurer, at 520-313-4153