

NCRA – POLICY & PROCEDURES MANUAL

0907 Trail Projects on the NWP Line Rights-of-Way: Design, Construction, Safety, Operations, and Maintenance Guidelines

0907.1 INTRODUCTION

1. Purpose

- a) The North Coast Railroad Authority (NCRA) Board requested that its staff, in conjunction with the Northwestern Pacific Railroad Company (NWP Co.), NCRA’s contract operator, develop Rails-with-Trails Project Guidelines to provide uniform and consistent standards on NCRA’s rights-of-way for the design, construction, safety, operations, and maintenance of Rails-with-Trails Projects. After draft Guidelines were published in July 2008, hearings were held in Humboldt, Mendocino and Sonoma Counties through December 2008. Numerous public comments were received orally and in writing. The draft was revised and a hearing was held in Ukiah on May 13, 2009 and further comments were received. These Guidelines are intended to provide minimum standards and general requirements for the design, construction, safety, operations, and maintenance of Rails-with-Trails on the NWP Line rights-of-way in a manner that is compatible with the safe operation of NCRA’s owned and used railroad rights-of-way and with the current rail capacity needs and future rail capacity expansions envisioned for those rights-of-way. These Guidelines seek to balance NCRA’s and its contractor operators’ legal mandate to provide safe and efficient current and future freight and passenger transportation to the public with the desire of the public for trails. These Guidelines set out the procedures to be followed by Public Agencies proposing trails, the authority of NCRA in respect thereto, and the obligations of its contract operators.

- b) When a Rails-with-Trails project is considered for joint use in a railroad right-of-way, it shall be considered only in the context of NCRA and its operators’ highest priorities of operating safe and efficient current and future rail freight and passenger services in the NWP transportation corridor. Accordingly, Rails-with-Trails projects will not be approved that adversely affect either NCRA’s or its operators’ ability to provide safe and efficient current or future rail

freight and passenger transportation or that adversely affect NCRA's or its operators' ability to fulfill their contractual obligations to SMART.

- c) Rails-with-Trails projects may be community assets when designed properly, and may benefit the communities where the trails are located. Rails-with-Trails projects may reduce nuisance problems, trespassing, dumping and vandalism; reduce illegal track crossings through channelization of pedestrians and bicyclists to grade-separated or other designated crossings; increase public awareness of the importance of rail freight and passenger service; increase property values; improve access to transit and transit stations; increase community health, safety and aesthetics; and provide alternative transportation options.
- d) NCRA, and its contract operator, NWP Co., are the designated track and easement owners and operators of the NWP Line extending from Lombard to Windsor under the Code of Federal Regulations (CFR), Title 49 "Transportation", Subtitle B "Other Regulations Relating To Transportation", Chapter II "Federal Railroad Administration, Department of Transportation", part 213 "Track Safety Standards", and Section 5 "Responsibility of Compliance" (49 CFR 213.5). In accordance with Part 213, NWP Co., as NCRA's contract operator, is required to meet minimum safety requirements for the operation and maintenance of NCRA's tracks that are part of the general railroad system of transportation. Such minimum safety requirements encompass roadbed, track geometry, track structure, track-related devices and inspection. These Guidelines are intended to be consistent with these requirements.

2. Scope

These Guidelines apply to all NCRA and contract operator owned or used rights-of-way.

3. Definitions

- a) **Public Agency** – the federal government and any agencies, departments or subdivisions thereof; the State of California; and any county, city, city and county district, public authority, joint powers agency, municipal corporation, or any other political subdivision or

public corporation therein, requesting and sponsoring a Rails-with-Trails project.

- b) **Member Agencies** – NCRA, as the property owner, or easement holder, as the case may be, or SMART, as the property owner, or easement holder, as the case may be.
- c) **SMART** – Sonoma-Marín Area Rail Transit District, owner of the NWP Line from Healdsburg to Lombard. NCRA holds a perpetual freight service easement over the SMART Corridor from Healdsburg to Lombard and SMART holds a perpetual passenger service easement over the NCRA Corridor from Healdsburg to Cloverdale.
- d) **Rails-with-Trails** – a marked or established shared use path used by bicyclists, pedestrians, wheelchair users, joggers and other non-motorized users that is located on or directly adjacent to the NWP Line rail corridor.
- e) **Setback** – the distance between the centerline of the nearest railroad track (existing or planned) and the closest edge of the Rails-with-Trails.
- f) **NWP Line** – the entire railroad line and accompanying right-of-way running from Lombard through Healdsburg to Samoa, including all sidings and spurs.

4. Referenced Standards

Rails-with-Trails projects shall also comply with the current editions of the following standards:

- a) The California Department of Transportation’s (Caltrans) “Highway Design Manual”, Chapter 1000, “ Bikeway Planning and Design”.
- b) The U.S. Department of Transportation, Federal Highway Administration “Manual on Uniform Traffic Control Devices (MUTCD)”.
- c) All applicable FRA, CPUC, SMART and NCRA and any contract operator whose standards are consistent with these Guidelines. NCRA shall endeavor to assist any Public Agency or its designated

lead agency during the approval process by providing any necessary material from the NCRA on operations.

5. Other References

The following reports provide additional information on the planning, design, construction, safety, operations, and maintenance of Rails-with-Trails and may be referred to in the development, construction and operation of Rails-with-Trails projects:

- a) “Rails-with-Trails: Lessons Learned”, prepared by U.S. Department of Transportation.
- b) “Guide for Development of Bicycle Facilities”, prepared by the American Association of State Highway & Transportation Officials (AASHTO).
- c) “National Bicycle and Walking Study – Current Planning Guidelines and Design Standards Being Used by State and Local Agencies for Bicycle and Pedestrian Facilities”, prepared by the Federal Highway Administration.

0907.2 REAL ESTATE REQUIREMENTS

1. Existing Facilities

The Public Agency shall design a Rails-with-Trails project in a manner that avoids any displacement of existing main tracks, sidings, spur tracks, leases and licenses located on the NWP right-of-way. If the designated Member Agency agrees that the displacement is unavoidable, then the Public Agency shall coordinate proper disposition, including associated costs to be incurred by the Public Agency, with the Member Agencies and in accordance with the applicable conditions contained in all existing leases and real estate agreements.

2. Proposed Agreement

- a) Public Agency shall obtain a License or Easement Agreement for a Rails-with-Trails project from the designated Member Agency. The License or Easement Agreement will include requirements, terms and conditions related to indemnification, license fees and compensations, assumption of risk and waiver, insurance, tests and inspections,

maintenance and repair, breach, abandonment, reimbursement, construction, relocation, payments, hazardous/toxic materials, compliance with laws, etc. The holder of any License or Easement Agreement shall be regarded as a licensee only (and not as an invitee) who shall be required to explicitly disclaim any past, present or future right, claim to adverse possession, perpetual license or invitation to the property on the NWP Line. The Public Agency shall contact the designated Member Agency to request all information related to the Agreement. The designated Member Agency shall be the sole authority on the fees and compensation due from the Public Agency for the rights granted.

- b) License or Easement Agreement shall also include requirements that provide for the removal and modification of the Rails-with-Trails path in order to permit NCRA and/or its contract operator(s) to meet their obligations to provide both current and future rail freight and passenger service, as determined at the sole discretion of the Member Agencies. At the request of NCRA or its contract operator(s), the Public Agency shall remove, relocate, or modify, at its own expense, a portion or all of the Rails-with-Trails path in order to accommodate additional track or tracks or other railroad related facilities in the NWP Line right-of-way.

3, Permits

Public Agency will obtain and comply with any and all approvals, permits, licenses and other authorizations required by applicable laws, regulations, rules and ordinances for a Rails-with-Trails project within the NWP Line right-of-way.

0907.3 PLANNING

1. Feasibility Study

The Public Agency shall undertake a comprehensive feasibility analysis of the Rails-with-Trails project. The Feasibility Study shall describe the setting, the relationship to local planning documents, need for the project, land ownership, railroad activity present and future, and other information necessary to determine the feasibility. As a part of the Feasibility Study, environmental concerns shall be analyzed pursuant to local, State, and Federal environmental laws. The Public Agency shall, early in the process, involve affected stakeholders including the Member Agencies, SMART, utility companies, law enforcement officials, adjacent landowners, Rails-with-Trails user groups, public transit agencies, and park and

recreation departments. The Feasibility Study shall include viable alternatives for any Rails-with-Trails project that is proposed within the NWP Line right-of-way. The Public Agency is required to identify and evaluate multiple alternative alignments, including at least one that is not on the NWP Line right-of-way.

2. Safety Plan

The Public Agency shall develop a public Safety Plan that includes engineering, maintenance standards, trespassing and crime prevention strategy; appropriate damage-resistant construction materials; landscaping; provide secure access areas, barrier systems, video monitoring; coordinated and responsive patrol service, designating and enforcing rules and regulations; employing crime prevention strategies, such as education, informal signage, incident management; provide fire and police department with map of the system detailing access points, and an implementation schedule.

3.

The Public Agency shall consult with and receive the comments of any contract operator operating by entitlement from a member agency. The Feasibility Study shall separately identify and address every comment made by all such contract operators.

4.

The Public Agency shall, early in its process, consult with Regional Transportation Agencies, the MPO's, CalTrans, and where applicable, the Coastal Commission.

0907.4 DESIGN

1. Submittal

After review and approval of the Feasibility Study and the Safety Plan by the Member Agencies, the Public Agency shall submit two sets of design drawings each to the Member Agencies for review and approval. Any and all changes or modification during the design and construction that affect the NWP Line right-of-way shall also be submitted to the Member Agencies for review and approval.

2. Design Standards

- a) Rails-with-Trails widths, clearances, sight distances, signs, markings, drainage grates, manhole covers etc. will be selected as per Caltrans

“Highway Design Manual”, Chapter 1000, “Bikeway Planning and Design”. MUTCD guidelines will also be referred to in the selection of signs, markings and signals.

- b) If the Rails-with-Trails project creates an adverse impact at a grade crossing that did not previously exist, the Rails-with-Trails project shall include mitigation as part of the design. The Rails-with-Trails design shall acknowledge any future rail and highway improvements; and safety requirements, including but not limited to, turning radii for design vehicles, preemption timing, street profiles and railroad and traffic signals at grade crossings. The Public Agency shall work with the designated Member Agency and regulatory agency to pay for and to not hamper or preclude the installation of such improvements and requirements.

3. Clearances

- a) Rails-with-Trails projects shall be designed along the outer edges of the NWP Line right-of-way adjacent to the property line, to the extent feasible.
- b) Rails-with-Trails projects shall be designed so as to maximize the Setback between the centerline of the nearest existing or future track and the closest edge of the Rails-with-Trails. The Setback clearance shall take into consideration the type, speed and frequency of trains; separation technique, topography; sight distances; and the Member Agencies’ maintenance requirements.
- c) Trail designs should incorporate best practices from the most current safety studies available such as U.S. Department of Transportation, 2002, *Rails with-Trails: Lessons Learned* and the *Rails-with-Trails Report* from the Rails-to-Trails Conservancy (2000). Issues under consideration for each trail proposal within the NWP should include: trail setbacks, barrier treatment, intersection treatment, maintenance plans, and considerations for amenities such as lighting, signage and trailhead access. Final setbacks for proposed trail segments will be reviewed and approved by NCRA on a case-by-case basis based upon the local public agency engineer’s report and safety plan, which shall demonstrate that no significant safety impact will occur, or if it might occur that such impact is identified as an overriding consideration.

- d) It may not be possible to provide the recommended minimum Setbacks at certain locations in the right-of-way. While the NWP Line right-of-way may be sufficiently wide, the tracks may be within a narrow cut or fill section or adjacent to bluffs making placement of a Rails-with-Trails project very difficult. Safety shall not be compromised at such points, and additional barriers, vertical separation or other methods shall be employed.

4. Grade Crossings

- a) Rails-with-Trails projects shall be designed such that Rails-with-Trails users are routed to existing signalized grade crossings. A Public Agency shall obtain approval from the Member Agencies and from the California Public Utilities Commission (CPUC) prior to the construction of any new grade crossing. Public Utilities (PU) Code Sections 1201-1220 require that no public road, highway, or street shall be constructed across the track of any railroad corporation at-grade without having first secured the permission of the Commission.
- b) The Member Agencies have established grade crossing guidelines. These guidelines have requirements for safe construction and maintenance of grade crossings and include Member Agency policy, regulatory responsibility, approval process, design criteria and other important requirements. Rails-with-Trails project design and construction shall meet the requirements of those guidelines.

5. Surface

If the Rails-with-Trails path provides the only access for the Member Agencies and emergency response vehicles, the Rails-with-Trails path surface and bridges shall be designed and constructed to accommodate heavy railroad trucks and equipment. When access for the Member Agencies and emergency response vehicles is available from an existing street, the Rails-with-Trails project shall be designed and constructed with curb ramps and pavement surface to accommodate heavy railroad trucks and equipment at pre-selected access points only. The selection of Rails-with-Trails pavement material and depths of the sub-base, base and pavement shall be determined by the Public Agency based on sound engineering design and judgment.

6. Utilities, Ingress and Egress

- a) Public Agency shall locate the Member Agencies' existing signal and track facilities on their plans during the design phase at Public Agency cost and expense. Rails-with-Trails projects shall be designed to avoid any relocation of the Member Agencies' existing facilities.
- b) After the acceptance of a Rails-with-Trails project plan by the Member Agencies, the Public Agency shall submit and obtain written approval of design drawings from all telecommunications, fiber optic, gas, oil or other companies that have prior use of the NWP Line right-of-way under easement or license agreements. The design and construction of Rails-with-Trails projects may affect the existing utilities and may require the Rails-with-Trails project to be changed to accommodate those utilities.
- c) The Public Agency shall notify the appropriate regional notification center [Underground Service Alert (DIGALERT) at (800)-227-2600], SMART, other railroad companies, and utility companies prior to performing any excavation close to any railroad line, facility, or structure or any underground pipeline, conduit, duct, wire, or other structure.
- d) The Public Agency and/or its contractors will be subject to FRA Regulations regarding Roadway Worker and Bridge Worker Protection and must be trained in and comply with those Regulations while on the NWP Line right-of-way. In addition, the Public Agency and its contractors must file a "Site Specific Work Plan" for each proposed entry to the right-of-way which must be approved in advance by the Member Agency.

7. Landscaping

Landscaping shall meet all requirements specified by the Member Agencies.

8. Fencing

- a) Trail designs and barriers should incorporate best practices from the most current safety studies available such as U.S. Department of Transportation's *Rails with-Trails: Lessons Learned*, report (2002), the *Rails-with-Trails Report* by the Rails to Trails Conservancy (2000), and the *Draft Final Report Bicycle-Pedestrian Path Safety*

Structure prepared for the Sonoma Marin Area Rail Transit Authority (“SMART”) prepared by Alta Planning + Design, Inc. Final fence/barrier designs will be considered by NCRA on a case-by-case basis based upon the local public engineer’s report and safety plan.

- b) A three rail split-rail fence in combination with landscaping which can serve both as a visual and physical barrier between the track and the Rails-with-Trails may be used in a rural or environmentally sensitive areas, if approved by the Member Agencies. Since newly planted landscaping may take a few years to become an effective barrier, suitable temporary measures may be required to be taken until the landscaping has sufficiently matured.
- c) Fence/barrier designs will be reviewed and approved by NCRA on a case-by-case basis based upon all relevant data including the local public agency engineer’s report and safety plan.

9. Lighting

Public Agency shall provide lighting for the Rails-with-Trails if required by local, state or federal guidelines, rules or regulations, or by the Member Agencies.

10. Drainage

- a) Public Agency, at its sole cost and expense, shall provide and maintain suitable facilities for draining the Rails-with-Trails project area and shall not permit storm and irrigation water to flow or collect upon the NWP Line right-of-way. The Public Agency may not have the sole responsibility to correct any existing drainage deficiencies on the NWP Line right-of-way; however, the Public Agency shall not make the conditions any worse than those that existed prior to the Rails-with-Trails project construction on the NWP Line right-of-way.
- b) The Rails-with-Trails project and the area located between the Rails-with-Trails path and the nearest railroad track shall be graded to flow over the curb and onto the street, when the railroad track is at the higher elevation than the surrounding ground and the street. When the railroad track is at a lower elevation than the surrounding ground and the street, a flat bottom swale (ditch) properly sized and flowing towards existing or proposed stormwater facilities, such as inlet, underground pipe, swale, creek, wash or channel, shall be constructed.

- c) Mounding of earth on the NWP Line right-of-way shall be permitted only if it will not adversely affect access, railroad operations or maintenance activities, visibility or drainage on the right-of-way. The Public Agency shall submit drawings showing the existing and proposed contour elevations to the designated Member Agency. The final contour elevations shall be approved by the designated Member Agency in its sole discretion. If allowed, imported soil shall meet the Member Agencies' specifications for clean backfill material.

11. Access

- a) The Member Agencies must be able to readily access, inspect, repair and maintain drainage systems, bridges, tie and track replacement, tunnel and trestle, signal and communications equipments and grade crossing equipments from existing roadways and Rails-with-Trails projects. Utility companies must be able to readily access their facilities for maintenance and operations purposes.
- b) The use of motorized vehicles is prohibited on a Rails-with-Trails, except for authorized emergency and maintenance vehicles including Member Agencies' maintenance vehicles and motorized wheelchairs. Horses and other animals are only permitted upon agreement by the public agency and the Member Agency. Appropriate signage shall be placed at all entrances to the path designating restricted uses not foreseen in the design of the Rails-with-Trails project.
- c) The Rails-with-Trails project shall be subject to and subordinate to the rights of all current and future tenants and licensees of the Member Agencies, including the rights of reasonable access over the Rails-with-Trails project.

0907.5 CONSTRUCTION

- 1. The Public Agency shall comply with all construction rules and regulations that are promulgated, including those contained in the current editions of the following Member Agency documents: (i) Right-of-Entry Agreement and (ii) Applicable Member Agency Engineering Standards.
- 2. The Public Agency shall not allow any parties to cause or permit any hazardous materials to be brought upon, stored, used, generated, or treated on or about the NWP Line right-of-way. The Public Agency shall not bring in or use any imported soils unless testing has occurred.

0907.6 MAINTENANCE

1. The Public Agency shall maintain the Rails-with-Trails project, fence, gates, signs, landscaping, and any other improvements that are part of the licensed Rails-with-Trails project area, in good order and condition to the satisfaction of the Member Agencies, at its own cost and expense.
2. The Public Agency shall notify the designated Member Agency five (5) working days in advance of any construction or maintenance activity that will occur within the NWP Line right-of-way. The Public Agency shall be responsible to reimburse the Member Agencies the actual cost and expense incurred by the Member Agencies for all services and work performed in connection with the Rails-with-Trails project including a computed surcharge representing the Member Agencies' costs for administration and management.
3. The Public Agency shall ensure that warning signs, which explain the importance of staying only on an authorized Rails-with-Trails path, and off railroad property, are prominently displayed and regularly maintained. Member Agencies shall rely on the Public Agency to enforce trespassing and vandalism laws. Public Agency police shall provide patrols, respond as needed, and issue citations and warnings as appropriate.

0907.7 FUNDING

The Member Agencies will not provide any funding for Rails-with-Trails projects on the NWP Line rights-of-way, except to the extent, if any, that their Board might specifically agree in writing to do so.

0907.8 NOTICE

1. For all proposed NCRA projects, NCRA shall provide notice to all public agencies having jurisdiction adjacent to the project, all applicable RTPA's, MPO's, and CalTrans, or any trails advocacy organization requesting specific notice, to avoid the potential for inadvertently precluding future Rails-with-Trails or other transportation projects.
2. As opportunities arise for acquisition of land adjacent to the existing Right-of-Way, NCRA will cooperate with related public agency(ies)

to consider acquisition needs for Rails-on-Trails and other transportation projects.

3. NCRA shall endeavor to post the studies referenced at Paragraphs 0907.4 subsections 3 c) and 8 a) upon its website.
4. All private and public comments upon a proposal shall be available for public inspection and NCRA shall endeavor to post such comments upon the NCRA website.

0907.9 MINOR DEVIATIONS

The Member Agencies may permit minor deviations from these Guidelines. Minor deviations, which would be considered, are as follows:

1. Vertical separation between the tracks and the Rails-with-Trails, which could enhance safety and railroad operations, maintenance and construction issues and activities.
2. Locations where a minor deviation granted for a short segment or segments of the Rails-with-Trails project would enable successful development of a lengthier segment of the Rails-with-Trails project in accordance with these Guidelines.
3. Circumstances where short or minor deviations from the guidelines would produce significant benefits for the Rails-with-Trails project.
4. Other approved measures, which could enhance safety and railroad operations, maintenance and construction issues and activities.

0907.10 MAJOR DEVIATIONS

The Member Agencies may permit major deviations consistent with the overall intent of these Guidelines. Major deviations are those that require the entire Rails-with-Trails project to deviate from the most important safety and rail-related requirements of these Guidelines.

0907.11 SOLE APPROVAL AUTHORITY

NCRA shall have exclusive authority to approve, deny, or approve with conditions, any proposals made by any Public Agency. Upon approval (with or without conditions), upon the Agency's request and at the Agency's expense, NCRA shall assist the Agency in seeking any approvals as may be required from any regulatory

bodies, such as the Cal. PUC, the FRA, CalTrans, etc. NCRA shall also request its contract operators to so assist the Agency, and the contract operators will do so, as and to the extent they deem it appropriate to do so.