



**MEMO**

**To:** NCRA Board of Directors  
**From:** Mitch Stogner  
**Date:** February 11, 2009  
**Subject:** **Agenda Item E. 4 - Discussion and Possible Approval of Letter Reaffirming NCRA Adoption of City of Healdsburg's Beautification Lease (Foss Creek Trail) and Associated Amendment No.1**

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Attached is a proposed letter for your consideration to be sent to the Healdsburg City Council. As per the recommendation of the Property Committee on February 4, the letter establishes that the NCRA is aware that the City of Healdsburg has an approved lease with NCRA to construct the Foss Creek Pathway/Trail and related improvements including fencing and lighting. The letter also suggests that the City seek feedback from the CPUC regarding safety, offers a reminder that the lease is subject to renewal in 2023, and points out that NCRA would consider approving a permanent easement encompassing the entire Foss Creek Pathway/Trail at some future date prior to the expiration of the current Beatification Lease.



**North Coast Railroad Authority**  
419 Talmage Road, Suite M  
Ukiah, CA 95482

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February 11, 2009

Healdsburg City Council  
401 Grove Street  
Healdsburg, CA 95448

Dear Councilmembers:

Recently your consultants presented plans to NCRA for the Foss Creek Bike/Pedestrian Path, Segment 5 from Norton Slough to Grant Street. NCRA staff referred this matter to the NCRA Board due to potential policy issues, primarily because the NCRA Board has circulated draft Trail Guidelines for comment.

After review of this matter by its Property Committee, the NCRA Board of Directors concludes that the application for approval of Foss Creek Trail Segment 5 would not be subject to NCRA's Draft Trail Guidelines because Healdsburg holds a valid lease with NCRA, and the NCRA Board already approved the Foss Creek Trail concept, including the segment from North Street to Norton Slough, at its August 2006 Board meeting.

Therefore, the NCRA staff will process the application for construction of Segment 5 of the trail without the need for further Board of Directors' approval. While certain engineering matters will have to be addressed, we are informed by our staff that these issues are nearly settled and that an encroachment permit will shortly issue.

At the time that Lease Amendment No. 1 was signed in 1998, the NCRA did not know the extent of the public investment intended to be expended in improving the trail. Also, the voters last Fall approved the SMART Commuter rail project which will utilize an easement over the NCRA Right-of-Way, from Healdsburg to Cloverdale, which may place a demand for double tracking. While this is not relevant to Healdsburg's plans to move forward with the improvements upon the strength of a leasehold interest, it may be relevant when NCRA considers renewal of the Beautification Lease and Amendment No. 1 in July 2023.

Recognizing that a permanent commitment by the NCRA may be desirable to Healdsburg, the NCRA is willing to expend staff time to explore the conversion of the lease to a permanent easement. This discussion would require consultation by the NCRA with its Operator and consultation with SMART. While the potential need for future double tracking may present a daunting challenge, the NCRA would be willing to explore the concept of a permanent easement with the City of Healdsburg.

During consideration of this matter by the NCRA Property Committee, comments were received as to safety issues arising by reason of projected train speeds both by NCRA's operator and SMART transit operations. We are mindful that railroad operations in close proximity to trails successfully co-exist elsewhere. Keeping this in mind, the NCRA Board of Directors recommends that Healdsburg request the early guidance of the Operations Division of the Public Utilities Commission (PUC) over the course of

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Phone: (707) 463-3280

Fax: (707) 463-3282

[ncra.mstogner@sbcglobal.net](mailto:ncra.mstogner@sbcglobal.net)

entire Foss Creek Trail as to any potential regulatory conditions which might be imposed. In the event any regulatory issues arise, the NCRA commits to working with Healdsburg to address any safety concerns that might be raised by the PUC.

I hope this letter clarifies NCRA's position with respect to your current lease and to the proposed improvements and use of the Foss Creek Trail. Please feel free to contact me or NCRA's Executive Director, Mitch Stogner, if you have any questions or concerns.

Sincerely,

Allan Hemphill, Chairman  
North Coast Railroad Authority