



MEMO

To: NCRA Board of Directors
From: Mitch Stogner
Date: November 18, 2009
Subject: Agenda Item F.2 – Adoption of Resolution 2009-09

As I have advised in staff reports to the Board, NCRA staff and SMART staff have been working collaboratively on a plan to designate SMART as the lead agency for approximately \$10.85 million in ISTEAs funding.

The attached Resolution seeks Board authority to continue these discussions on a project that would benefit both agencies in the shared corridor from HWY 37 (Ignacio) to Cloverdale.

Once the respective Staffs agree to a specific project scope, we will seek Board approval of a defined project and a joint Memorandum-of-Understanding outlining each agency's responsibilities with respect to project implementation.

Staff Recommendation: Adopt Resolution 2009-09 authorizing NCRA staff to work jointly with SMART to obtain ISTEAs funding.

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RESOLUTION
of the
BOARD OF DIRECTORS
of
NORTH COAST RAILROAD AUTHORITY

IN THE MATTER OF:

A Resolution Authorizing NCRA to Work
Jointly with SMART to Obtain ISTEAE Funding
and Delegate the Executive Director Authority
to Take Necessary Acts.

Resolution No. 2009-09

WHEREAS, the Congress of the United States set aside funding for the construction of innovative intermodal transportation projects in the Intermodal Surface Transportation Efficiency Act of 1991 (“ISTEA”); and

WHEREAS, ISTEAE authorized certain priority intermodal transportation projects to be funded through the Highway Trust Fund, including a project to purchase right-of-way and develop a transportation corridor in existing rail right-of-way from Larkspur to Korbel, and Novato to Lombard (the “Project”); and

WHEREAS, the available amount of funding appropriated for the Project is \$10.85 million; and

WHEREAS, the North Coast Railroad Authority (“NCRA”) is the currently recognized Lead Agency for administering these funds but has not yet been approved by the Federal Highway Administration for receipt of the funds; and

WHEREAS, the Sonoma-Marin Area Rail Transit District (“SMART”) and NCRA have agreed to work together to seek the transfer of Lead Agency status for the funds from NCRA to SMART for the benefit of the shared rail corridor;

1 NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
2 NORTH COAST RAILROAD AUTHORITY as follows:

- 3 1. The NCRA Board hereby finds that it is in the best interests of NCRA to work
4 jointly with SMART to seek the ISTE A funding for the Project.
- 5 2. Any ISTE A funding received by SMART will be used for Project
6 improvements that advance the SMART commuter rail project and the NCRA
7 Russian River Division Freight Rail Project, including but not limited to such
8 improvements as track upgrades, crossings, and quiet zones.
- 9 3. Authority is hereby delegated to the Executive Director to work cooperatively
10 with all appropriate public entities in order to transfer Lead Agency
11 designation from NCRA to SMART, and to carry out all acts and execute all
12 documents, in a form approved by legal counsel, that are necessary to
13 implement the purpose of this resolution.

14 Introduced and adopted this 18th day of November, 2009 at a regular meeting of the
15 Board of Directors of North Coast Railroad Authority by the following vote:

16 AYES:
17 NOES:
18 ABSENT:

19 ALLAN HEMPHILL
20 Chairman of the Board

21 ATTEST:
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24 MITCH STOGNER, Secretary

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