

**NORTH COAST RAILROAD AUTHORITY (NCRA)
BOARD OF DIRECTORS REGULAR BOARD MEETING**

Wednesday, July 11, 2007 ~ **3:00 p.m.**
Conference Call – Various Locations

Approved Minutes

Public Participation Locations:

NCRA Office: 419 Talmage Road, Suite M, Ukiah, Ca 95482

The following Directors will be placing calls from remote locations within the NCRA service area:

Director Leland: 3501 Civic Center Drive, Ste. 329, San Rafael, Ca

Director Arnold: 3501 Civic Center Drive, Ste. 329, San Rafael, Ca

Director Simonson: 23225 Live Oak Road, Willits, Ca

Director Woolley: 1100 K Street, Suite 101, Sacramento, Ca

Director Ollivier: 1970 Ollivier Road, McKinleyville, Ca

A. CALL TO ORDER

Chairman Hemphill called the meeting to order at 3:06 p.m.

B. ROLL CALL

Directors Present: *Simonson, Ollivier, Woolley, Ziedrich, Arnold, Leland, and Chairman Hemphill*

Directors Absent: *Kelley*

Also Present: *Executive Director Mitch Stogner, Legal Counsel Christopher Neary, Recording Secretary Heather Lindsteadt*

C. AGENDA APPROVAL

Upon Motion by Director Simonson, seconded by Director Ziedrich, and carried unanimously (5-0 Leland, Arnold, Kelly absent) the agenda was approved.

D. MATTERS FROM THE BOARD

Director Woolley updated the Board on SB 861. He said that he and Mitch Stogner were in Sacramento at the Assembly Appropriations Committee on July 11 and that SB 861 was placed on suspense.

Director Arnold said any bill with an impact to the state budget that is over the amount of \$150,000 is placed on Suspense until the state budget is signed.

Director Woolley said that Assemblymember Huffman has some questions that believed can be answered by NCRA.

Executive Director Stogner said that he met with Assemblymember Huffman after the hearing and was able to hear Mr. Huffman's concerns. Mr. Huffman agreed to keep the lines of communication open prior to further consideration of SB 861 in the Assembly Appropriations Committee.

With respect to NCRA Board Appointments, Director Woolley said the Humboldt County Board of Supervisors reappointed himself and Director Ollivier to a two year term to the NCRA Board of Directors, which covers the period July 2007 – July 2009.

E. CONSENT CALENDAR

1. Approval of Financial Statements – June 2007

Upon motion by Director Ziedrich, seconded by Director Simonson, carried unanimously (8-0 by roll call) Consent Calendar item E.1 was approved.

F. PUBLIC COMMENT

No Public Comment

G. CONDUCT OF BUSINESS

1. Consideration and Possible Action Regarding Approval of Signal Repair Contract

Executive Director Stogner updated the Board on the recent CTC allocations for Signal Repairs along the NWP line from Lombard to Windsor. He said that the Board approved a time extension in June for the due date of the proposals. He said that on June 18th one bid was received from Mass Electric Co for repair and replacement of 29 at-grade crossing warning systems. The bid price was \$5,986,860.00

He said that HNTB, ARC, and NCRA received the bid and reviewed it carefully to check for completeness and accuracy, and conducted a cost/price comparison determination for a fair and reasonable bid. It was determined that bid item # 7, Stone Tree Lane in Blackpoint be removed from the bid for a total bid price of \$5,818,640.00.

Director Arnold asked about the status of the Stone Tree Lane crossing and also asked if it would be repaired at some point in the future. Dave Anderson, NCRA Engineer, said that the crossing would be included in the next bid for the second set of signal repairs.

Director Leland asked if NCRA or SMART were considered owners of the new signals once the repairs were complete. .

NCRA Legal Counsel said that the improvements, once made, would be owned by SMART. He said that NCRA is improving property that NCRA has an easement over. He also said that NCRA and SMART have an Operating Agreement which requires that any repair plans and specifications be submitted to SMART so that they are able to give comments and that SMART has approved the plans prior to the implementation of the repairs.

Dave Anderson said that the contractor will have to apply for an encroachment permit through SMART, and also provide insurance to NCRA and SMART.

Director Leland asked if NCRA or SMART was responsible for the maintenance of the right-of-way. Legal Counsel said that until SMART is operating, NCRA is responsible for the maintenance.

Director Simonson asked if the signal repairs would extend from Napa and move north. He said that it is important to have sequential crossing repairs so that the Operator will have the ability to move trains. Dave Anderson said that the contractor will submit a work schedule and that he thinks they will do the repairs by item, rather than in sequential order, but that he is unsure because he has not received the work schedule and said that this signal contract is for repairs from Lombard to Santa Rosa, and the next signal repair contract will go to Windsor.

Director Ziedrich asked what the projected date of completion was. Dave Anderson said that April 22, 2008 is the projected date of completion.

John Williams, NWP Co. said that he has reviewed Mass Electric's bid and supports award of contract to Mass Electric Co.

Upon Motion by Director Simonson, seconded by Director Ziedrich, and carried unanimously by roll (8-0, Kelley absent) the proposal from Mass Electric Co. for repair and replacement of 28 signals, after excluding bid item # 7, Stone Tree Lane in Blackpoint, for an amount not to exceed \$5,818,640.00, was approved.

2. Consideration and Possible Action Regarding Approval of Notice to Proceed for Signal Repair Contract

Upon Motion by Director Ziedrich, seconded by Director Simonson, and carried unanimously by roll (8-0, Kelley absent), the issuance of the Notice to Proceed to Mass Electric Co. for Railroad Grade Crossing Warning System Repair and Replacement for the total contract price of \$5,818,640.00 was approved.

H. STAFF REPORTS

1. Executive Director – Mitch Stogner

Executive Director Stogner said that on July 26 the CTC meeting is in Glendale. He said that NCRA will be requesting an allocation for bridge repair work and structures, and roadbed repairs. He said that the application is for \$13.5 million and that this is the last TCRP allocation for the Lombard to Windsor project.

He updated the Board on SB 861 (Wiggins) and said that he and John Woolley were in Sacramento July 11 and that the bill went on Suspense. He said that he had an opportunity to meet with Assemblymember Huffman after the hearing and that he will try to schedule a follow-up meeting with him at a later date.

Director Woolley said that CalTrans sent a letter to the Appropriations Committee that was in opposition to SB 861. He said that it is important to schedule a meeting with Caltrans to discuss the importance of SB 861.

Executive Director Stogner the bills have to be out of Fiscal Committee by August 31 and that there is an Appropriation Committee hearing prior to that. He also said that he will work with Chairman Hemphill and the Board to set up a meeting with CalTrans Director, Will Kempton to express the need for SB 861.

Director Woolley said that it is important for legislators and the Governor to understand that SB 861 is imperative for proper stewardship of the NCRA owned right-of-way.

Executive Director Stogner summarized the process for the July 19th Community Meeting that will be hosted by the City of Novato, and the subsequent Scoping Session on July 31.

Executive Director Stogner asked if the FRA should attend the Scoping Session on July 31, or the Community Meeting on July 19.

Director Arnold said that she would reschedule the FRA and PUC for the July 31 Scoping Meeting rather than have them attend the July 19 Community Meeting.

Chairman Hemphill said that he hopes the community meeting is productive and a good use of the public's time and energy. Director Leland said that it is an information sharing meeting and that the meeting will be very structured. Director Leland also said that a presentation by NCRA would be helpful. Chairman Hemphill said that the NCRA will be presenting a clear mission statement to help the public understand NCRA's goals and objectives.

Director Arnold asked if NCRA will make a presentation at the July 31 meeting. Legal Counsel Neary said that, yes, NCRA would make a presentation and accept comments from the public.

2. Project Manager – Dave Anderson

Dave Anderson said that the 2nd signal contract is under review by SMART. He said that HNTB is arranging a meeting with NWP Co. to discuss the Bridge Repair Contract and that it will be going out for review in two weeks.

Mr. Anderson said that two contracts will be let for the Schellville repairs. He said that one contract for the dewatering will be issued in two weeks. And said the second contract will be for repair of the roadbed.

Mr. Anderson said that additional information requested by the California Coastal Commission in regard to the King Salmon repairs has been submitted, and that he is hopeful that approval will be received within thirty days. He also said that all the other agencies have signed off on the project.

Mr. Anderson said that Mike Strider is preparing a MEMO in regards to the repayment of the Haystack Landing Bridge loan. He also said that Mr. Strider is recommending to Lillian Hames, Executive Director of SMART, that SMART forgive the \$170,000 loan to NCRA since repairs completed by NCRA, on SMART premises, far exceed the loan amount.

Mr. Anderson said that Christopher Neary, Angel Lucero, and Mitch Stogner, met with Steve Butler for final review of the NOP and that changes have been made and the NOP will be issued soon. Angel Lucero, said that the NOP had been mailed and that the document can be emailed to interested parties.

3. Legal Counsel - Chris Neary

No report

I. CLOSED SESSION

J. ANNOUNCEMENT OUT OF CLOSED SESSION

The Board did not convene into closed session.

K. ANNOUNCEMENT OF NEXT MEETING

August 8, 2007 – 11:00 a.m.
Willits City Council Chambers
111 E. Commercial Street, Willits
Mendocino County

L. ADJOURNMENT

Chairman Hemphill adjourned the meeting at 3:50 p.m.