



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

NORTH COAST RAILROAD AUTHORITY (NCRA) REGULAR BOARD MEETING

Wednesday, April 14, 2010~ **1:00 p.m.**
Corte Madera Best Western Terrace Suite
56 Madera Boulevard
Corte Madera
Marin County

Approved Minutes
Approved 05/12/10

A. CALL TO ORDER

Chairman Hemphill called the meeting to order at 1:05 p.m.

B. ROLL CALL

Directors Present: Kelley, Clendenen, Wolter, Wagenet (arrives 1:17), Atkins, MacDonald, Meyers, Colfax, Chairman Hemphill

C. AGENDA APPROVAL

Closed Session and Item E.2 were removed from the Agenda. Motion to approve agenda made by Director Meyers, seconded by Director Kelley carried unanimously.

D. PUBLIC COMMENT

Ray Cooke and Eve Cooke – Mill Valley residents. Mrs. Cooke read a letter from the Native American Heritage Commission dated October 30, 1991 and corresponding Resolution No. 2-91 adopted by the Native American Heritage Commission on July 26, 1991 which endorses construction of a Memorial to the Pomo Indians of Northern Sonoma County .

Jerry Peters – Former Novato Chamber of Commerce President urged NCRA to continue the repair efforts and thanked the Board for its ongoing dedication to resume freight service.

Mike Pechner – Mr. Pechner thanked NCRA staff, Chairman Hemphill and John Williams for their contributions toward getting the NWP line operational. He said that Mr. Williams should be commended for his concerted effort to restore rail service on the NWP line.

E. CONDUCT OF BUSINESS

1. Discussion and Possible Action Regarding Agreement to Complete Reopening Project (Lombard to Windsor)

Executive Director Stogner updated the Board on the Reopening Project between Lombard to Windsor, and the proposed Agreement between NWP Co. and NCRA to provide \$1.112 million to complete final punch list repairs.

Director Meyers presented a “redline” version of the proposed Agreement that outlined his requested changes.

Public Comment

Roger Graeber – suggested that the Board consider recommendations made by NCRA Legal Counsel Neary.

Mike Pechner – thanked the Board and said that the NWP lease agreement does not need to be renegotiated.

Nadananda – asked if funding had already transferred between NWP Co. and NCRA. She also expressed concern that work NCRA was doing could possibly be removed by SMART.

Arnie Riebli – expressed concern that the repair of the NWP line was taking too long. He said that the agricultural community continues to lose over \$1 mil. per year, every year the rail line is not in service. He urged the Board to continue its efforts to repair the line and get trains running.

John Williams - requested that the Board not make the changes requested by Director Meyers.

Loretta Ellard – asked if NCRA would have a separate agreement that would outline the direct and indirect costs NWP Co. would be charging, and if NCRA’s policies and procedures would be followed.

Upon Motion by Director MacDonald seconded by Director Wagenet the Agreement, as presented by staff, to Complete Reopening Project (Lombard to Windsor) was approved with the following changes: **AYES: 7, NOES, Meyers, ABSENT: Kelley, ABSTAIN: 0**

- a.) Removal of Exhibit “B” and corresponding Exhibit “B” references throughout document;
- b.) Minor verbiage changes and non substantive changes throughout document;
- c.) Clarification that the default provision is defined as only applicable to the FRA disallowed amounts and not a default of the entire agreement.

2. Discussion and Possible Action Regarding Ukiah Depot Standstill Agreement with Weston Solutions Inc.

Item removed from Agenda

F. DISCUSSION ITEMS (no action necessary)

1. NCRA/SMART Joint Use of \$10.75 mil. ISTEA Funds Update

Executive Director Stogner updated the Board on recent activity regarding a possible agreement between SMART and NCRA for joint use of ISTEA funds.

There was a brief discussion about possible uses of ISTEA funds and other agencies that may act as Lead Agency for the funds.

Public Comment

Mike Pechner said that the San Diego Metropolitan Transit Authority (MTA) recently rehabilitated a 22 mile section of its line which is also an active Santa Fe freight line. He said that freight trains ran at night while the track was repaired during the day.

Leishara Ward encouraged NCRA to find a use for the ISTEA funds and said that there is a possibility that the funds could be rescinded if not utilized soon.

G. CONSENT CALENDAR

1. Approval of Minutes - Regular Board Meeting – March 10, 2010
2. Acceptance of Sonoma County Financial Statements – March 2010
3. Acceptance of NCRA Financial Statements – March 2010
4. Approval of Warrants Issued - March 2010
5. Approval of Cal Card Statement – March 2010

Upon Motion by Director Wagenet seconded by Director Atkins Consent Calendar items 1 through 5 were approved. **AYES:** 8, **NOES:** 0, **ABSENT:** 1- Wolter, **ABSTAIN:** 0

H. STAFF REPORT

Executive Director Stogner updated the Board on the following issues:

1. Status of November 5, 2009 Russian River Division EIR
2. SMART/NCRA Revised Operating Agreement
3. April 7/8 CTC Meeting Update
4. Novato Consent Decree

I. OPERATOR REPORT

1. NWP Co. – John Williams

Mr. Williams introduced NWP Co. consultant Leslie D. H. Riehl. Mr. Williams also reported that he recently issued a Request for Qualifications and Availability (RFQ&A) seeking qualified contractors to undertake the final trackwork and re-anchoring work along the NWP rail line. He said that Summit Signal is currently repairing the signals on 3 moveable bridges so that the bridges are FRA compliant. He also said that he has a crew working from Lombard to Windsor repairing minor issues along the line, and he updated the Board on vegetation removal. He reported that Mr. Frank Lovio is consulting NWP Co. on the repair efforts.

J. LEGAL COUNSEL REPORT

1. C.J.Neary – No report

K. MATTERS FROM THE BOARD

Director Meyers asked about the status of the agreement with Epic Land Solutions, HNTB Contract and the Noble Lease Agreement. He also requested that the issue of possible renegotiation of the lease agreement with NWP Co. be agenzized, and requested a summary of litigation matters. He also asked when staff estimates trains will be operating. Director Meyers also asked if staff thought that any meetings would be cancelled over the next few months.

Director Wagenet asked if staff had a projection for when the EIR would be considered by the Board.

Chairman Hemphill said that he would be attending a meeting with the California Building and Construction Trades Council in Sacramento as well as the North Coast Transportation Infrastructure forum hosted by the Humboldt Harbor District.

L. CLOSED SESSION

Closed Session was removed from the agenda.

M. ANNOUNCEMENT OUT OF CLOSED SESSION

No announcement – Closed Session was removed from the agenda.

N. ANNOUCNEMENT OF NEXT MEETING

May 12, 2010 – 10:30 a.m.
Ukiah Valley Conference Center
200 South School Street
Ukiah – Mendocino County

O. ADJOURNMENT

Chairman Hemphill adjourned the meeting at 4:03 p.m.