

Humboldt County Board of Supervisors

Chairman Madrone,

This letter is to inform the Board that Rail Runners USA has standing regarding the design and development of the Bay Trail South project. The implication of the design set to be approved would negatively impact the operations of a rail bike concession the Board of Supervisors has formally supported. Our rail bike operation also received official support from the City of Eureka, the Harbor District and the Timber Heritage Association who have utilized the trackage in question for many years through an MOU with the NCRA/GRTA.

Should the Board approve the design currently before you it will severely limit and prevent the use of the rail that the board had officially supported. This communication is also to inform the board that considerable expense has been incurred based on the support offered by the Board and the ongoing development of a contract with NCRA/GRTA Legal Counsel Elizabeth Coleman. The contract has not yet been finalized due to the transformation of the NCRA into the GRTA. I was directed by the NCRA to take the matter up with the GRTA board once it changed its name to the GRTA. I have followed that direction at the May 2022 GRTA meeting and expect to resume those negotiations with Ms. Coleman as per meeting minutes.

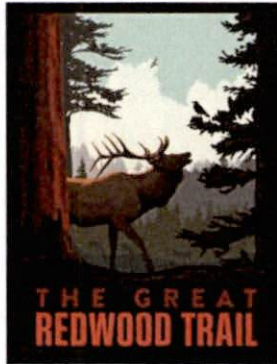
I have received council that I would need to wait until a construction plan is approved before filing a claim for expenses incurred following the above-mentioned support. Obviously, I would not have incurred those expenses without having received such unanimous support. Personally, I would rather solve this issue in an amicable way through modest design changes that would represent the goals of the overall project as outlined in the 2018 initial study rail with trail project description, the legislated assessment stemming from SB10-29, the 2012 agreement developed through stakeholder involvement, etc.

It would be fool hardy for the Board to dismiss the goals developed through community involvement and reflected in the support documents mentioned above. Doing so by approving this design would likely lead to unscheduled and unnecessary delays. Additionally, the BOS has never authorized a change from the 2018 project description of a rail *with* trail design. The design before you without authorization changed that project to eliminate Board supported rail activity and even remove repairable rail that has intended and potential use.

These well documented issues have been brought to the Board previously and to Public Works staff numerous times without being addressed. I encourage you to direct staff to meet with myself and other affected stakeholders to work to make modest design changes to avoid unnecessary problems before approving this flawed design.

Sincerely

Uri Driscoll



**GREAT REDWOOD TRAIL AGENCY
Board of Directors Meeting
Zoom Teleconference**

FINAL MINUTES

Monday, May 23, 2022, at 10:30am

A. CALL TO ORDER

Chair Hart called the meeting to order at 10:32 am.

B. ROLL CALL

Directors Present: Hagele, Bagby, Campbell, Hunerlach, Connolly, Haschak, Mulheren, and Chair Hart.

Directors Absent: Madrone – joined meeting at 11:16 am.

Others Present/Public Attendees: Executive Director – Mitch Stogner, Legal Counsel – Elizabeth Coleman, CA Coastal Conservancy – Karyn Gear, CalSTA – Leishara Ward, Senator McGuire’s Office – Jason Liles, MCOG -Loretta Ellard, Scotia Community Services District – Mike Fogot, Uri Driscoll, Bernie Myers, and Fanny Yang.

C. AGENDA APPROVAL

Upon Motion by Director Hagele, seconded by Director Mulheren the Agenda was approved as presented.

Motion Carried:

AYES: 8- Hagele, Bagby, Hunerlach, Connolly, Campbell, Haschak, Mulheren, and Chair Hart

NOES: 0

ABSTAIN: 0

ABSENT: 1 - Madrone

D. PUBLIC COMMENT – *Please refer to notice at the top of this Agenda.*

No public comment.

E. PRESENTATION – Chair Hart

A plaque was presented to Chair Hagele to express extreme gratitude for outstanding service as Chair of the Board beginning in December 2019.

Chair Hart said how wonderful it was to have Dir. Hagele as Chair and how much she enjoyed the rides to Humboldt County together.

F. CONDUCT OF BUSINESS

1. Discussion and Possible Action Regarding Resolution 2022-04 Authorizing Continued Teleconference Meetings

Upon Motion by Director Haschak, seconded by Director Campbell Resolution 2022-04 Authorizing Continued Teleconference Meetings was adopted and unanimously approved.

Motion Carried:

AYES: 8- Hagele, Bagby, Hunerlach, Connolly, Campbell, Haschak, Mulheren, and Chair Hart

NOES: 0

ABSTAIN: 0

ABSENT: 1- Madrone

2. Discussion and Possible Action Regarding Establishing Time and Place of Regular Board of Directors Meeting

Discussion only. No action taken.

3. Discussion and Possible Action Regarding Approval of Utility Corridor Easement Scotia Community Services District

Upon Motion by Director Campbell, seconded by Director Haschak, Utility Corridor Easement for Scotia Community Services District was approved subject to final review by the Board.

Motion Carried:

AYES: 8- Hagele, Bagby, Hunerlach, Connolly, Campbell, Haschak, Mulheren, and Chair Hart

NOES: 0

ABSTAIN: 0

ABSENT: 1- Madrone

4. Discussion and Possible Action Regarding Amendment to City of Ukiah Lease Agreement to include Mason Street Property – Ukiah, Mendocino County

Chair Hart called for public comment. No public comment was made.

Upon Motion by Director Mulheren, seconded by Director Haschak, Amendment to City of Ukiah Lease Agreement to include Mason Street Property – Ukiah, Mendocino County, was approved upon final board review.

Motion Carried

AYES: 8- Hagele, Bagby, Hunerlach, Connolly, Campbell, Haschak, Mulheren, and Chair Hart

NOES: 0

ABSTAIN: 0

ABSENT: 1- Madrone

5. Discussion and Possible Action Regarding Resolution 2022-02 - Approval of Draft Agency Budget FY 2022-23 and Resolution 2022-03 - Approval of Draft CalSTA Budget FY 2022-23

The Chair called for public comment.

Bernard Myers – Mr. Myers said he had a comment on the procedure because he did not see the packet and asked that in the future the public be provided the background material in advance of the meeting.

Hiedy Torres – Ms. Torres said that she posted the full packet to the GRTA website on Friday afternoon.

Director Mulheren – Ms. Mulheren said that the agency needs to budget for more weed abatement funding and funds for cleanup of homeless encampments.

Mitch Stogner – Mr. Stogner said that the agency budget anticipates \$500,000 from the state in 2022-23, but that is not the maximum the state provides given that the Coastal Conservancy may have funding available for these needs in FY 2022-23.

Director Campbell – Mr. Campbell asked if- when a city is granted an easement-does the easement have language about maintenance?

Mitch Stogner – Mr. Stogner said that typically an easement includes maintenance language.

Chair Hart – Ms. Hart asked that the Coastal Conservancy provide a presentation on how it anticipates covering certain funding needs moving forward.

Upon Motion by Director Haschak, seconded by Director Campbell, Resolution 2022-02- Approving Draft Agency Budget FY 2022-23 and Resolution 2022-03- Approving Draft CalSTA Budget FY 2022-23 were unanimously approved.

Motion Carried

AYES: 9- Hagele, Bagby, Hunerlach, Connolly, Haschak, Mulheren, Madrone, Campbell and Chair Hart.

NOES: 0

ABSTAIN: 0

ABSENT: 0

6. Discussion and Possible Action Regarding Approval of Joint Powers Agreement with Coastal Conservancy Pursuant to SB 69 (2021)

Chair Hart called for Public Comment. No public comment.

Director Hunerlach – Mr. Hunerlach asked if the Coastal Conservancy will be making a presentation about what funding will be included.

Chair Hart – Ms. Hart said that we have had a presentation from the Conservancy in the past and said she has attended a Conservancy Board meeting recently and that she is confident the Conservancy will be an incredible partner.

Kary Gear- Ms. Gear said the Joint Powers Agreement sets the framework for how the Conservancy will support the GRTA. The state has set aside funding for this purpose and the Conservancy is currently working to hire staff. The Conservancy has put out an RFP for a Trail Master Planner and posted for an interim General Manager/Director.

Director Madrone joined the meeting at 11:12 am

Upon Motion by Director Haschak, seconded by Director Campbell, Joint Powers Agreement with Coastal Conservancy Pursuant to SB 69 (2021) was unanimously approved.

Motion Carried

AYES: 9- Hagele, Bagby, Hunerlach, Connolly, Haschak, Mulheren, Madrone, Campbell and Chair Hart.

NOES: 0

ABSTAIN: 0

ABSENT: 0

7. Discussion and Possible Action Regarding Delegation of Authority to the Chair of the Board of Directors to Execute an Agreement with County of Sonoma to continue Payroll and Accounting Services

Upon Motion by Director Madrone, seconded by Director Mulheren, the Chair was given authority to execute an agreement with county of Sonoma to continue payroll and accounting services.

Motion Carried

AYES: 9- Hagele, Bagby, Hunerlach, Connolly, Haschak, Mulheren, Madrone, Campbell and Chair Hart.

NOES: 0

ABSTAIN: 0

ABSENT: 0

G. CONSENT CALENDAR

1. Approval of Minutes – Regular Board Meeting March 14, 2022
2. Approval of Financial Statements – March and April 2022
3. Approval of Warrants Issued – March and April 2022
4. Approval of Cal Card Statement – March and April 2022

Chair Hart called for public comment. No public comment.

Upon Motion by Director Haschak, seconded by Director Hagele, Consent Calendar Items G.1 through G.4 were approved as presented.

AYES: 9- Hagele, Bagby, Hunerlach, Connolly, Haschak, Mulheren, Madrone, Campbell and Chair Hart. **NOES:** 0

NOES: 0
ABSTAIN: 0
ABSENT: 0

H. STAFF REPORT – Mitch Stogner

Mr. Stogner said this could be his last meeting and he wanted to say how fortunate it is that the railroad right of way will be used as a world class trail on the north end- and that freight remains a priority on the south end under SMART's management. He thanked the Board and said he will be officially leaving June 29, 2022.

Director Hagele – Mr. Hagele said he appreciated all the help Mitch provided to him when he joined the Board, and for maintaining and preserving the right-of-way.

Chair Hart- Ms. Hart said that Mitch lead the agency during some of the most difficult and trying times. She said he did an amazing job with an agency with no funding that was in the midst of an incredible transition. She said Mitch guided us to the point we are at today and he did extensive work with the Board, Senator McGuire, Jason Liles, CalSTA, and many other agencies bringing us to this point, and he has done an outstanding job.

Director Madrone – Mr. Madrone said he thinks of Mitch as Mitch Thomas Stogner, and he kept the engine on the tracks. Mitch has been there for me and answered any questions I have posed and has been incredibly responsive.

Leishara Ward – Ms. Ward said having worked with Mitch since 2005, she has a great appreciation for all the work he has done, and she thanked him for keeping this agency together for 19 years.

I. MATTERS FROM THE BOARD

No matters from the Board.

Chair Hart called for public comment.

Uri Driscoll- Mr. Driscoll said he wanted to know more about the recent STB ruling. He said he still has an active proposal with the NCRA and was told to move his proposal to the GRTA. He asked how his proposal would fit in with the GRTA moving forward.

Elizabeth Coleman – Ms. Coleman said she will reach out to Mr. Driscoll concerning his proposal.

The Board adjourned to Closed Session at 11:34 am.

J. CLOSED SESSION

1. **Discussion with Designated Representative Regarding Public Employee Benefits and Compensation for Administrative Assistant Position**
Agency Representative: Caryl Hart, Chair of Board of Directors
(Government Code section 54957.6)
2. **Discussion with Legal Counsel Regarding Pending Litigation:**
Abandonment and Railbanking Filings, Surface Transportation Board Docket Numbers

**AB 1305x; AB 1313
(Government Code section 54956.9 (a), (d)(1))**

K. ANNOUNCEMENT OUT OF CLOSED SESSION

The Board reconvened to Open Session at 12:18 pm.

Elizabeth Coleman-

Regarding agenda item J.1, direction was given to agency representative.

Regarding agenda item J.2, direction was given to counsel.

Chair Hart asked Director Hunerlach to introduce himself and welcomed him to the GRTA board.

Director Hunerlach- Mr. Hunerlach said he has been in the construction industry for over 25 years and is a 13-year local union member with 37,000 members in multiple states. He is also the Secretary/Treasurer of the Humboldt Del Norte Building and Construction Trades which has 800 active apprenticeships in California. He said he is a delegate of the State Building Trades at the Executive level and has direct ties to Sacramento policymakers.

Chair Hart – Ms. Hart said it was great to have Dir Hunerlach on Board and thanked him for his service.

Director Madrone- Mr. Madrone said that Jeff brings a lot to the table and Jeff has been his key contact when help is needed for community projects.

L. ANNOUNCEMENT OF NEXT MEETING

To be determined by the Board. The next meeting will be held by Zoom.

M. ADJOURNMENT

Chair Hart adjourned the meeting at 12:18 pm.

From: Uri Driscoll <humboldthorse@yahoo.com>
Subject: Bay Rail Trail
Date: December 2, 2020 at 10:30:07 AM PST
To: Hank Seemann <hseemann@co.humboldt.ca.us>
Cc: Tom Mattson <tmattson@co.humboldt.ca.us>, "Melissa.Kraemer@coastal.ca.gov" <Melissa.Kraemer@coastal.ca.gov>, "Mettam, Brad R@DOT" <Brad.Mettam@dot.ca.gov>, "Ward, Leishara@DOT" <leishara.ward@dot.ca.gov>
Bcc: Pete Johnston <petej@sonic.net>, Bruce Seivertson <thabruce43@gmail.com>, Ronald A Fritzsche <ronald.fritzsche@humboldt.edu>, "kentsawatzky@hotmail.com" <kentsawatzky@hotmail.com>

Good Morning Hank,

After our scheduled Bay trail meeting back in October I had provided a summary of our discussion which I presume you have concurred with since I did not receive a response with any corrections.

The 60% design that was submitted by the county to the Coastal Commission included examples of design features incompatible with several established policies and determinations. Those include but are not limited to violations of current NCRA rail with trail policy, inconsistencies with the 2012 agreements for rail with trail features, inconsistencies with the county's funding application identifying the project as a rail with trail project and more recently the report and recommendations related to the SB 10-29 legislation recognizing the importance of maintaining the Bay rail corridor as rail with trail infrastructure. As you are aware there are current proposals for future rail use which the 60% design does not allow.

My question to you is who or what governing body specifically directed you to pursue a design that contradicted the above mentioned policies and recommendations or was the 60% design as presented developed without such direction?

I would like to have this question answered at your earliest convenience so I may better formulate my comments on this project.

Thank you

Uri

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 Trails-On-Rail Project Guidelines to provide uniform and consistent standards on NCRA's rights-of-way for the design, construction, safety, operations, and maintenance of Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail 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, Trails-On-Rail 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) Trails-On-Rail projects may be community assets when designed properly, and may benefit the communities where the trails are located. Trails-On-Rail 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 Trails-On-Rail 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) **Trails-On-Rail** – 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 Trails-On-Rail.
- 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

Trails-On-Rail 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 Trails-On-Rail and may be referred to in the development, construction and operation of Trails-On-Rail projects:

- a) "Trails-On-Rails: 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 Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail 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 Trails-on-Rail 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, Trails-On-Rail user groups, public transit agencies, and park and recreation departments. **The Feasibility Study shall include viable alternatives for any Trails-On-Rail 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) Trails-On-Rail 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 Trails-On-Rail project creates an adverse impact at a grade crossing that did not previously exist, the Trails-On-Rail project shall include mitigation as part of the design. The Trails-On-Rail 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) Trails-On-Rail 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) Trails-On-Rail 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 Trails-On-Rail. 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 Trails-On-Rail 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) Trails-On-Rail projects shall be designed such that Trails-On-Rail 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. Trails-On-Rail project design and construction shall meet the requirements of those guidelines.

5. Surface

If the Trails-On-Rail path provides the only access for the Member Agencies and emergency response vehicles, the Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail 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. Trails-On-Rail projects shall be designed to avoid any relocation of the Member Agencies' existing facilities.

- b) After the acceptance of a Trails-On-Rail 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 Trails-On-Rail projects may affect the existing utilities and may require the Trails-On-Rail 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 Trails-On-Rail 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) The height of the fence within 150 feet of at-grade crossings shall be four (4) feet. The height of the fence in the balance of the right-of-way shall be at least six (6) feet.

9. Lighting

Public Agency shall provide lighting for the Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail project construction on the NWP Line right-of-way.
- b) The Trails-On-Rail project and the area located between the Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail, except for authorized emergency and maintenance vehicles including Member Agencies' maintenance vehicles and motorized wheelchairs. Horses and other animals are not permitted, except for guide or service dogs.** Appropriate signage shall be placed at all entrances to the path designating restricted uses not foreseen in the design of the Trails-On-Rail project.
- c) The Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail project, fence, gates, signs, landscaping, and any other improvements that are part of the licensed

Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail 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 Trails-On-Rail 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 Trails-on-Rails 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 Trails-On-Rail, 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 Trails-On-Rail project would enable successful development of a lengthier segment of the Trails-On-Rail project in accordance with these Guidelines.
3. Circumstances where short or minor deviations from the guidelines would produce significant benefits for the Trails-On-Rail 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 Trails-On-Rail 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.

OCT 30 2019



TIMBER HERITAGE ASSOCIATION

P.O. Box 6399, Eureka, California 95502

A Public Benefit 501(c)(3) Nonprofit Corporation

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October 28, 2019

Director Thomas K. Mattson
 Humboldt County Public Works Department
 1106 2nd Street
 Eureka, CA 95501

Dear Mr. Mattson,

On September 5th and 6th the Timber Heritage Association (THA) assisted Humboldt County staff with installing and testing flange fillers on the Eureka slough bridge. Subsequently, THA was asked to provide input for the design phase of the Bay Trail as it pertains to the rail with trail section of the trestle. We appreciate being included and offer the following information.

Our observations noted the flange fillers did provide adequate depression for our heaviest speeder to pass over, but it was slowed considerably by the friction. However, due to the specifications provided, our concern is that lighter weight speeders, as well as the THA hi-rail truck and other maintenance vehicles, may not be able to sustain adequate depression over the course of the 700 + foot span. THA reached that determination because fully laden rail bikes became derailed during the test. Lighter weight speeders and human/gas powered maintenance vehicles are close to the weight of the laden rail bikes. Derailment of any type of rail vehicle is obviously not desirable. THA understands there are other manufactured materials that may be more suited for lighter rail vehicles which can and should be tested.

Additionally, speeder rallies which THA would host are very popular throughout the country and would be of great economic benefit to the community for a variety of reasons. We presume the County would not want to exclude any lighter vehicles from participating in an event by creating a derailment situation by design. Utilizing flange fillers such as those tested in the way proposed would also create considerable difficulty if the flange fillers would become damaged and need to be replaced.

THA has also obtained a small trolley, through the help of the Eureka Lodging Alliance, and a smaller speeder. We are in the process of making both fully operational for possible use on this section of rail including the trestle. Again, these pieces of equipment have the potential to create a positive impact on the local tourist activities. A recent survey presented by a Eureka hired consultant firm noted that family-friendly tourist activities could potentially grow 204% soon. Certainly, THA is a family-friendly nonprofit.

We also point out to the County staff that if rail ties and the rail itself are to be removed and replaced a certified rail specialist would be required to reset the rail to established standards. This is not a job that a typical contractor would be

qualified to perform and would add considerable expense to the project. As discussed with staff, placing wood rail ties on cement or other impermeable material would, in this wet climate, cause excessive and premature decay of the rail ties. While cement and composite rail ties are available, they would also add considerable cost to the project.

THA believes a cantilevered trail option, like the one being successfully used on the San Lorenzo River railroad bridge in Santa Cruz, should be equally considered. The Santa Cruz County Regional Transportation Commission is well on its way to providing a rail with trail from Watsonville to Davenport. The cantilevered option would also allow for future development of the rail for such things as public transit, excursion trains, etc. without impeding trail activity. Another possibility is the use of wood planks as they have done on the historic Riverwalk Trail in Astoria, Oregon. They have left the flangeways open, so the Astoria Riverfront Trolley operates while providing access to runners, walkers, and cyclists.

THA endorses a comparison cost analysis for both the draft proposal that includes flange fillers and disruption of the existing rail trestle along with the cantilevered walk/bike way option that would be separated from but attached to the existing rail trestle. In conclusion, THA recommends consideration of alternative designs that would accommodate a sufficient and broader range of options for the use of the rail as it relates to this trestle.

Sincerely,

A handwritten signature in cursive script that reads "Bruce L. Seivertson".

Bruce L. Seivertson, Ph.D.
Community Outreach Liaison
Timber Heritage Association

Cc: Humboldt County Board of Supervisors, HCOAG, Greg Sparks and Miles Slattery: City of Eureka, NCRA, Larry Oetker: Humboldt Bay Harbor Recreation and Conservation District, Senator Mike McGuire, Representative Jim Woods, Governor Gavin Newsom

Humboldt County
Public Works Director
Tom Mattson
Bay Trail South Trestle Design

October 20, 2019

Dear Mr. Mattson,

The County Public Works invited various members of the Timber Heritage Association (THA) and Uri Driscoll representing Rail Runners Humboldt Bay to assist the County staff in the installation and testing of flange fillers at the Eureka slough bridge. We have been asked to provide input for the design phase of the Bay Trail as it pertains to the rail with trail section of the trestle. We appreciate being included during this stage of design. As observed the flange fillers did provide adequate depression for the heaviest speeder to pass over un-impeded. However, due to the specifications provided by Public Works staff and the test itself, my concern is that lighter weight speeders and peddle rail bikes would not be able to sustain adequate depression over the course of the 700 + foot span. This limitation may also affect THA's high railer and other maintenance of way vehicles. I am able to reach that determination because as tested, fully laden rail bikes became derailed during the test. Lighter weight speeders and human/gas powered maintenance vehicles are close to the weight of the laden rail bikes. Derailment of any type of rail vehicle is obviously not desirable.

I have provided Public Works staff optional manufactured materials that may be more suited for lighter rail vehicles. Further material testing for a variety of rail uses would seem to be in order during this important design phase.

Currently Rail Runners Humboldt Bay has a proposal submitted to the North Coast Rail Authority (NCRA) to permit a concession to provide rail biking to the public. This concept has received unanimous support from the NCRA Board, the County Board of Supervisors, the Harbor District, the THA and the City of Eureka.

It would also be valuable to point out that if rail ties and rail itself are to be removed and replaced a certified rail specialist would be required to reset the rail to established standards. This is not a job that a typical contractor would be qualified to perform and would add considerable expense to the project. As discussed with county staff, placing wood rail ties on cement or other impermeable materials would cause excessive and premature decay of the rail ties. While cement and composite rail ties are available, they would also add considerable cost to the project.

Utilizing flange fillers such as those tested in the way proposed would also create considerable difficulty if the flange fillers became damaged and needed to be replaced. It would also make bicycle and wheel chair use dangerous until the flangeway fillers were replaced.

I would like for Public Works staff to confirm that the cantilevered trail option is indeed being considered equally. This option would also allow for future development options of the rail for such things as public transit, excursion trains, etc. without impeding trail activity. This design has been successfully implemented in Santa Cruz over the San Lorenzo River and reportedly save considerable costs while providing the desired safe pedestrian access.

It would be prudent to consider comparison cost analysis for both the draft proposal that includes a variety of flange fillers and disruption of the existing rail trestle alongside the cantilevered walk/bike way option that would be separated from but attached to the existing rail trestle.

Please include this response to the request for input into administrative record associated with the Bay Trail South project.

Thank you.

Uri Driscoll
Rail Runners Humboldt Bay

Cc. Humboldt County Board of Supervisors, Eureka City Council, Eureka Parks and Recreation, North Coast Rail Authority Board, Timber heritage Association, Humboldt Bay Harbor District, Senator McGuire.