



MENDOCINO
COUNCIL OF GOVERNMENTS

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October 29, 2018

To: MCOG Board of Directors
From: Janet Orth, Deputy Director / CFO
Subject: Information Packet of November 5, 2018 Meeting - No Action Required

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The following items are attached.

1. Senate Bill 1029, McGuire. North Coast Railroad Authority – Text of the final bill as signed into law by the Governor on September 29, 2018.
2. MCOG Technical Advisory Committee (TAC) – Meeting minutes of May 23 and August 22, 2018.

Senate Bill No. 1029

CHAPTER 934

An act to amend Sections 93000, 93010, 93020, and 93021 of, to add and repeal Section 13978.9 of, to repeal Sections 93001, 93002, 93023, and 93024 of, and to repeal and add Sections 93003 and 93022 of, the Government Code, and to amend Section 105095 of the Public Utilities Code, relating to transportation, and making an appropriation therefor.

[Approved by Governor September 29, 2018. Filed with
Secretary of State September 29, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1029, McGuire. North Coast Railroad Authority.

(1) Existing law creates the North Coast Railroad Authority with various powers and duties relating to rail service in the north coast area of the state, including the authorization to acquire, own, operate, and lease real and personal property reasonably related to the operation and maintenance of railroads.

This bill would require the Transportation Agency, in consultation with the Natural Resources Agency, upon the appropriation of moneys by the Legislature for these purposes, to conduct an assessment of the North Coast Railroad Authority to provide information necessary to determine the most appropriate way to dissolve the authority and dispense with its assets and liabilities, and to report on the assessment to the Legislature before July 1, 2020. The bill would authorize those agencies to request the Department of General Services, the Department of Finance, or any department within their agencies, or contract with other entities, to perform the work the agencies deem necessary to carry out the assessment. The bill would require the Transportation Agency to prioritize the assessment of the southern portion of the rail corridor, and would authorize the Transportation Agency to separately report information related to the potential transfer of the southern portion of the rail corridor to the Sonoma-Marin Area Rail Transit District.

This bill would repeal and revise various provisions relating to the authority. The bill would authorize the authority to acquire, own, operate, and lease real and personal property reasonably related to, instead, the furtherance of certain purposes, the planned transfer of all of its assets, and its dissolution. The bill would require the authority to cooperate with the assessment conducted by the Transportation Agency and Natural Resources Agency, and to provide access to all authority records, files, documents, accounts, reports, correspondence, and financial affairs to the agencies, and any entity conducting the assessment for the agencies.

Existing law creates, within the Counties of Sonoma and Marin, the Sonoma-Marín Area Rail Transit District with specified duties and powers. Existing law requires the district to work with specified authorities to achieve a safe, efficient, and compatible system of passenger and freight rail service, and authorizes the district, among other things, to provide a rail transit system for the transportation of passengers and their incidental baggage by rail.

This bill would authorize the district to also provide a rail transit system for the provision of freight service by rail.

Existing law creates the Public Transportation Account as a trust fund. Existing law requires revenues in the account to be used solely for mass transportation and transportation planning purposes, as specified.

This bill would appropriate \$4,000,000 to the Transportation Agency from the Public Transportation Account for rail improvements on the corridor owned by the district and the authority. The bill would allocate those moneys to the district for the acquisition of freight rights and equipment from the Northwestern Pacific Railroad Company to ensure efficient provision of goods movement requirements in the corridor in the context of growing passenger service, and authorizes the transfer of those moneys to the district, as specified.

(2) Because this bill would impose new requirements on local entities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the North Coast Railroad Authority's railroad tracks, rights-of-way, and other properties provide an opportunity to create a Great Redwood Trail for hiking, biking, and riding, that may be in the public and economic best interests of the north coast.

SEC. 2. Section 13978.9 is added to the Government Code, to read:

13978.9. (a) Upon the appropriation of moneys by the Legislature for these purposes, the Transportation Agency, in consultation with the Natural Resources Agency, shall conduct an assessment of the North Coast Railroad Authority to provide information necessary to determine the most appropriate way to dissolve the North Coast Railroad Authority and dispense with its assets and liabilities. The Transportation Agency shall report to the Legislature before July 1, 2020, on its findings and recommendations from

the assessment. The report shall include, but not be limited to, all of the following:

(1) An assessment of the North Coast Railroad Authority's debts, liabilities, contractual obligations, and litigation.

(2) An assessment of the North Coast Railroad Authority's assets, including property, rights-of-way, easements, and equipment.

(3) An assessment of the North Coast Railroad Authority's freight contractor lease, including the contractor's assets and liabilities to the extent that information is available.

(4) A preliminary assessment of the viability of constructing a trail on the entirety of, or a portion of, the property, rights-of-way, or easements owned by the North Coast Railroad Authority, and recommendations relating to the possible construction of a trail, including both of the following:

(A) Options for railbanking and the governance structure or ownership structure for a new or successor entity that is necessary to railbank property, rights-of-way, and easements along the rail corridor.

(B) A preliminary assessment of which portions of the terrain along the rail corridor may be suitable for a trail.

(5) An assessment of the options for transferring the southern portion of the rail corridor to the Sonoma-Marin Area Rail Transit District and recommendations on the specific assets and liabilities that could be transferred, including rights or abilities to operate freight rail.

(b) The Transportation Agency and the Natural Resources Agency may request the Department of General Services, the Department of Finance, or any department within their agencies, or contract with other entities, to perform the work the agencies deem necessary to carry out the duties described in this section. Any work done by the Department of General Services, the Department of Finance, or any department within the agencies pursuant to such a request may be conducted using the power and authority of the requested department.

(c) The Transportation Agency shall prioritize the assessment of the southern portion of the rail corridor and may separately report information related to the potential transfer of the southern portion of the rail corridor to the Sonoma-Marin Area Rail Transit District. It is the intent of the Legislature that information and recommendations regarding the potential transfer of the southern portion of the rail corridor to the Sonoma-Marin Area Rail Transit District be provided as expeditiously as possible and not be delayed due to the potential complexity of assessing the northern portion of the rail corridor.

(d) (1) A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795.

(2) Pursuant to Section 10231.5, this section is repealed on January 1, 2024.

SEC. 3. Section 93000 of the Government Code is amended to read:

93000. This title shall be known and may be cited as the North Coast Railroad Authority Closure and Transition to Trails Act.

SEC. 4. Section 93001 of the Government Code is repealed.

SEC. 5. Section 93002 of the Government Code is repealed.

SEC. 6. Section 93003 of the Government Code is repealed.

SEC. 7. Section 93003 is added to the Government Code, to read:

93003. The Legislature finds and declares that it is in the public interest to dissolve the authority, and to transfer its rights-of-way to other entities for the purpose of potentially developing a trail that could include railbanking and continuing freight where it was operational on January 1, 2018.

SEC. 8. Section 93010 of the Government Code is amended to read:

93010. (a) The authority is hereby created, having a service area comprised of the Counties of Humboldt, Mendocino, Sonoma, and Trinity.

(b) The County of Marin may elect to join the authority and, if that election is made, the authority is expanded to include that county.

SEC. 9. Section 93020 of the Government Code is amended to read:

93020. (a) The authority has all of the following powers:

(1) To acquire, own, operate, and lease real and personal property reasonably related to the furtherance of the purposes of this title, the planned transfer of all of its assets, and its dissolution. Any sale, easement, or lease entered into by the authority after August 1, 2018, shall be approved by the California Transportation Commission.

(2) To operate railroads along the rights-of-way where they were in operation on January 1, 2018.

(3) To accept grants or loans from state or federal agencies.

(4) To employ an executive officer, other staff, and consultants deemed appropriate for support of the activities of the authority, to further the purposes of this title.

(b) The authority shall do all of the following:

(1) In coordination with state agencies, immediately begin planning for the transfer of all of the authority's assets and liabilities and for the dissolution of the authority.

(2) Cooperate with its freight contractor to continue freight operations along the rights-of-way where they were in operation on January 1, 2018.

(3) Cooperate with, and provide information upon request to, the Transportation Agency, Natural Resources Agency, or other state or local agencies or contractors working at the direction of the Transportation Agency or Natural Resources Agency.

(4) Cooperate fully with the assessment conducted pursuant to Section 13978.9.

SEC. 10. Section 93021 of the Government Code is amended to read:

93021. The authority may acquire, own, lease, and operate railroad lines and equipment, including, but not limited to, real and personal property, tracks, rights-of-way, equipment, and facilities, to further the purposes of this title.

SEC. 11. Section 93022 of the Government Code is repealed.

SEC. 12. Section 93022 is added to the Government Code, to read:

93022. The authority shall cooperate with the assessment conducted by the Transportation Agency and Natural Resources Agency pursuant to Section 13978.9, and shall provide access to all authority records, files,

documents, accounts, reports, correspondence, and financial affairs to the agencies, and any entity conducting the assessment for the agencies, pursuant to Section 13978.9.

SEC. 13. Section 93023 of the Government Code is repealed.

SEC. 14. Section 93024 of the Government Code is repealed.

SEC. 15. Section 105095 of the Public Utilities Code is amended to read:

105095. The district may provide a rail transit system for the transportation of passengers and their incidental baggage by rail and provision of freight service by rail.

SEC. 16. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 17. The sum of four million dollars (\$4,000,000) is hereby appropriated to the State Transportation Agency from the Public Transportation Account for rail improvements on the corridor owned by the Sonoma-Marín Area Rail Transit District and the North Coast Railroad Authority. These moneys shall be allocated to the Sonoma-Marín Area Rail Transit District for the acquisition of freight rights and equipment from the Northwestern Pacific Railroad Company to ensure efficient provision of goods movement requirements in the corridor in the context of growing passenger service. Following a signed baseline agreement between the State Transportation Agency and the Sonoma-Marín Area Rail Transit District that articulates deliverables, the anticipated expenditure schedule, and reporting requirements, the Secretary of Transportation may transfer these moneys to the Sonoma-Marín Area Rail Transit District pursuant to the provisions of the baseline agreement. These moneys shall not be transferred to the Sonoma-Marín Area Rail Transit District for the acquisition of freight rights and equipment from the Northwestern Pacific Railroad Company unless the terms and conditions of the baseline agreement have been approved by both the Secretary of Transportation and the Director of Finance. If these moneys are not transferred to the Sonoma-Marín Area Rail Transit District within two years of the chaptering of this act, these moneys shall be returned to the Public Transportation Account.

MINUTES

MENDOCINO COUNCIL OF GOVERNMENTS TECHNICAL ADVISORY COMMITTEE

May 23, 2018
MCOG Conference Room

Members Present

Tasha Ahlstrand, Caltrans
Dusty Duley, City of Willits
Tim Eriksen (for Rick Seanor), City of Ukiah
Alicia Meier, County DOT
Tom Varga, City of Fort Bragg
Jacob King, MTA (*arrived at 10:20 a.m.*)

Others Present

Kirsten Thuresson, Caltrans
Tom Feliz, 3DR – *via teleconference*

Staff Present

Phil Dow, MCOG Administration
Nephele Barrett, MCOG Planning
Lisa Davey-Bates, MCOG Planning
Loretta Ellard, MCOG Planning

Members Absent

Mitch Stogner, NCRA (*Non-Voting*)
Barbara Moed, AQMD
Jesse Davis, County DPBS
Richard Shoemaker, City of Point Arena

1. **Call to Order/Introductions** – Phil announced that due to health issues, he will not be continuing with MCOG duties, and existing staff will assume his duties. His contract with MCOG goes until October 2019.

He called the meeting to order at 10:04 a.m., and self-introductions were made.

2. **Public Expression** – None.

3. **Input from Native American Tribal Governments' Representatives** – This is a standing agenda item to allow input from tribal representatives. There were no tribal representatives present.

4. **Approval of 4/18/18 Minutes** – Motion by Tim Eriksen, seconded by Alicia Meier, and carried unanimously (*5 ayes – Ahlstrand Duley, Eriksen, Meier, Varga*), to approve the minutes of 4/18/18, as submitted.

Loretta advised that agenda item #5 (remote presentation on aerial drones) is timed to begin at 10:15 a.m., so the following items were moved ahead on the agenda.

8. **SB 1 – Road Repair & Accountability Act of 2017** – Loretta noted a recent press release from the California Transportation Commission advising that the CTC approved funding at their May 16 meeting for three competitive programs under SB 1: Local Partnership Program; Solutions for Congested Corridors Program; and Trade Corridors Enhancement Program. Also

under SB 1, the ATP Cycle 4 Guidelines were adopted on May 16 and the “call for projects” was opened, with an application deadline of 7/31/18.

9. Staff Reports

9a. Regional Housing Needs Assessment (RHNA) – Update – Nephela reported that the RHNA Methodology Committee will be meeting today to agree on a draft allocation that will be presented to MCOG in August, to divide the allocation among the County and cities, over an eight year planning period. She said the draft allocation is similar to what was used in 2008, and advised that an appeal letter has been submitted to State Housing and Community Development (HCD) appealing the high number received (*3,845, compared to 250 last update cycle*). It is unknown whether the appeal will be successful, so the committee will move forward with the numbers they have. The Final RHNA Plan is due in August.

Phil reported that CALCOG staff said they were unaware that Lake and Mendocino counties had to conduct RHNA processes, and would need to pay higher dues. He informed them that the planning agencies have nothing to do with the subject, but end up doing the process by default since they have the needed board representation.

Jacob King arrived at approx. 10:20 a.m.

5. Remote Presentation on Aerial Drones – Tom Feliz, 3DR - Loretta advised that, in follow-up to interest shown at the April TAC meeting, Tom Feliz (3DR) is present today via video-conference to provide a remote web presentation on aerial drones, via a “zoom web” meeting.

Tom proceeded to deliver a short video presentation on the various benefits of using drone technology for aerial surveys. He illustrated how using drones to survey and capture data on projects such as bridge replacements is more efficient and accurate than traditional methods. He referenced a special report from AASHTO (American and State Highway Transportation Officials) which reported that a growing number of State DOTs are using drones to improve safety and collect data faster and better.

A brief discussion ensued with Tom responding to questions. He welcomed members to contact him for more information. The TAC thanked him for the informational presentation.

6. Presentation on North State Street Interchange Project – Kirsten Thuresson, Advance Planning Project Engineer, Caltrans, distributed and reviewed a PowerPoint presentation on the 2018 Project Initiation Report (PIR) for the “North State Street – Northbound Onramp Improvement project”. She reviewed the Purpose and Need Statement “to improve safety and operations of the northbound onramp” and gave an overview of alignment Alternative 1 (\$14.2 million), Alternative 2 (\$9.6 million), Alternative 3 (\$10.7 million), and Alternative 4 (\$17.8 million), as well as a “no build” alternative.

A brief discussion ensued with Kirsten responding to questions. She advised that Alternative 1 is shown as the “most expensive, affordable alternative” (programmable alternative). The PA&ED (Project Approval & Environmental Document) phase will include further analysis of all

alternatives to determine the “preferred alternative”. Next steps are to complete the PIR and compete for funding (SB 1 Trade Corridor/STIP).

The TAC thanked Kirsten for the presentation.

7. FY 2018/19 Final Overall Work Program - Loretta reviewed her staff report, and advised that the proposed Final Work Program includes the projects recommended by the TAC in the Draft, as well as several carryover projects. She advised that staff responded to Caltrans’ comments on the Draft, which were minor, and she summarized final revisions. As proposed, the Final FY 2018/19 Overall Work Program totals \$1,221,126.

Motion by Tom Varga, seconded by Tasha Ahlstrand, and carried unanimously (6 ayes – Ahlstrand Duley, Eriksen, King, Meier, Varga), to recommend to MCOG approval of the FY 2018/19 Overall Work Program.

9b. Active Transportation Program (ATP) Cycle 4 – Applications due 7/31/18 – The upcoming ATP Cycle 4 deadline was noted. Dusty advised that the City of Willits has been awarded a technical assistance grant and will be receiving help from the Local Government Commission in preparing their rail trail ATP grant application.

Dusty noted legislation in progress (SB 1029 McGuire) which would create the new Great Railroad Trail Agency and (eventually) construct a trail along the railroad from north of Willits into Humboldt County. MCOG staff is monitoring this legislation, which also calls for the abolishment of the North Coast Railroad Authority (NCRA) and assignment of the railroad right of way south of Willits to the Sonoma Marin Area Rapid Transit (SMART) Board.

9c. Highway Safety Improvement Program (HSIP) Cycle 9 - Applications due 8/31/18 – This upcoming deadline was noted.

10. Miscellaneous

10a. Next Meeting – 6/20/18 (*if needed*).

Better Utilizing Investments to Leverage Development (BUILD) - Alicia advised that webinars are available regarding BUILD if members are interested.

Pedestrian Facilities Needs Study – Loretta advised that the Point Arena/South Coast workshop for this study will be held on June 19 in Point Arena.

11. Adjournment – 11:33 a.m.

Respectfully Submitted,

Loretta Ellard
Deputy Planner

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Approved 9/19/18

MINUTES

MENDOCINO COUNCIL OF GOVERNMENTS TECHNICAL ADVISORY COMMITTEE

August 22, 2018
MCOG Conference Room

Members Present

Tasha Ahlstrand, Caltrans
Dusty Duley, City of Willits
Rick Seanor, City of Ukiah
Alicia Meier, County DOT
Jacob King, MTA
Richard Shoemaker, City of Point Arena
Chantell O'Neal (*for Tom Varga, City of Fort Bragg*)

Staff Present

Nephele Barrett, MCOG Administration
James Sookne, MCOG Planning
Loretta Ellard, MCOG Planning

Members Absent

Mitch Stogner, NCRA (*Non-Voting*)
Barbara Moed, AQMD
Jesse Davis, County DPBS

1. **Call to Order/Introductions** – Nephele called the meeting to order at 11:03 a.m. and self-introductions were made.
2. **Public Expression** – None.
3. **Input from Native American Tribal Governments' Representatives** – This is a standing agenda item to allow input from tribal representatives. There were no tribal representatives present.
4. **Approval of 5/23/18 Minutes** – Motion by Alicia Meier, seconded by Rick Seanor, and carried unanimously (7 ayes), to approve the minutes of 5/23/18, as submitted.
5. **FY 2017/18 Overall Work Program – Fourth Quarter/Year End Report** – Loretta reviewed the fourth quarter report, summarizing progress of all work elements and noting projects carried over to FY 2018/19. Brief discussion ensued.
6. **FY 2018/19 Overall Work Program**
 - 6a. **Report re First Amendment** – Loretta reported that the first amendment to FY 2018/19 OWP was approved by the MCOG Board on August 20. She explained the sole purpose of this minor amendment was to add a carryover project for the City of Ukiah (W.E. 5 Update Speed Zone Reports) from FY 2017/18. A total of \$6,833 in carryover LTF (Local Transportation Funds) was programmed, increasing the total FY 2018/19 OWP from \$1,221,126 to \$1,227,959.
 - 6b. **Proposed Second Amendment** – Loretta explained that a second amendment is needed to adjust carryover balances on several work elements, now that final invoices have been paid for FY 2017/18. She distributed and reviewed financial summary sheets showing proposed

adjustments of carryover balances in Work Elements 9, 13, 21 and 22. She noted that this amendment does not include any adjustments to RPA carryover funds, as that will be covered in a future amendment after State certification of RPA carryover balances.

As proposed, the FY 2018/19 OWP will be revised from \$1,227,959 to \$1,293,155, an increase of \$65,196 (from existing carryover funds).

Motion by Rick Seanor, seconded by Alicia Meier, and carried unanimously (7 ayes), to recommend to MCOG approval of the Second Amendment to FY 2018/19 Overall Work Program.

6c. Work Element 14 – Training – Loretta reviewed previous training workshops/road shows sponsored by MCOG over the past several years, and requested TAC input on topics of interest for future workshops, to be sponsored by MCOG’s Training work element.

A brief discussion ensued, and there was a *consensus* of interest in the following three topics: Traffic Control/Flagging; Chip Seal, and Project Management. Loretta advised that she will follow up with local agency staff regarding these options and requesting estimates of numbers of attendees.

Tasha announced a training opportunity “Bicycle Transportation: An Introduction to Planning and Design” to be held January 23, 2019 in Eureka, provided by the Active Transportation Resource Center (ATRC) in collaboration with Caltrans.

7. Caltrans’ Sustainable Transportation Planning & Adaptation Planning Grants – FY 2019/20 Regional Project Ideas – Loretta advised that applications are due November 2 for the next round of Caltrans planning grants and staff is seeking input on regional project ideas.

Nephele discussed the need for emergency evacuation planning for vulnerable communities, inland and coastal, and said MCOG would be willing to be a grant partner, but likely not the most appropriate applicant. Comments included the need for the County and Sheriff to be involved/invested for this to be a meaningful project, as well as local agencies for neighborhood planning. She advised that MCOG staff has recently met with Brooktrails CSD staff and offered to explore grant possibilities, and Brooktrails CSD sent a letter of interest to the County Executive Office requesting exploration of grant options.

Nephele advised that a pilot project to conduct a Road Safety Study is underway in Humboldt County, and she recently learned that future HSIP cycles may require that candidate projects be included in such a study. She asked if there was interest in applying for a grant to conduct a local Road Safety Study, and the *consensus* was that it’s not a priority at this time, as local agencies have no plans to apply for HSIP funding in the near future.

Loretta brought up the issue of SB 743 implementation regarding new CEQA requirements that will be going into effect January 2020. She noted that “rulemaking” is apparently still in process (was supposed to be completed in June 2018) so details are unknown, but it is expected that local “thresholds of significance” will need to be established. She said additional information is

available on Fehr & Peers' website. After a brief discussion, there was a *consensus* of interest in bringing this back to the next TAC meeting for continued discussion on whether or not to apply for a planning grant.

Tasha advised that Caltrans District 1 will not be holding a district grant workshop this cycle, but there will be statewide and tribal workshops.

8. SB 1 – Road Repair & Accountability Act of 2017 – Nephele gave a brief update on SB 1 programs. She advised that Point Arena was recently awarded funding (Local Partnership Program) for the Port Road project, and she noted the August 29 deadline for agencies to submit information for their third year of LPP funding. She reported that local agencies may advance SB 1 Local Streets & Roads projects with other funding sources and get reimbursed.

Nephele noted that Prop. 6 (repeal of SB 1) is on the November ballot, and although staff cannot campaign against it, MCOG can provide information for members to take back to their board/councils. She said it was suggested at regional meetings that the term “gas tax” be used (rather than SB 1) when discussing Prop. 6, as that is more understandable. Members reported that the Ukiah City Council, MTA Board, and MCOG Board have officially opposed Prop. 6.

9. Staff Reports

9a. 2018 Regional Housing Needs Plan – Nephele reported that MCOG adopted the Regional Housing Needs Plan on August 20, with the recommended numbers. The Plan is available on MCOG's website and will be submitted to Housing and Community Development (HCD). Local agencies' Housing Elements will be due by August of next year.

10. Miscellaneous – (1) City of Ukiah - Rick reported that the City has an asphalt concrete overlay project in the works for projects on South Orchard and North State Street, funded with two cycles of SB 1 money; (2) County DOT - Alicia reported that the County is doing its first project using cold in place recycle materials.

10a. Next Meeting – Sept. 19, 2019.

11. Adjournment – 12:20 p.m.

Respectfully Submitted,

Loretta Ellard
Deputy Planner

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