



RESOLUTION 2011-02

SUPPORTING RAILBANKING THE NCRA CORRIDOR FROM WILLITS TO FAIRHAVEN

WHEREAS, the North Coast Railroad Authority (NCRA) owns that certain segment of railroad north of Mile Post Marker 139.5 north of Willits, hereinafter referred to as the "Eel River Division";

WHEREAS, the NCRA has not been able to conduct operations on the Eel River Division since February 8, 1998 when an El Nino storm rendered operations impossible, and also the Federal Railroad Administration (FRA) Emergency Order No. 21 was subsequently issued prohibiting freight operations until certain corrective actions are taken;

WHEREAS, the Eel River Division remains under the jurisdiction of the Surface Transportation Board (STB) and NCRA retains residual liability for common carrier service upon the Eel River Division;

WHEREAS, it is apparent that the NCRA lacks the financing, or the prospect of financing, to restore the Eel River Division to freight service, and the NCRA does not foresee the availability of public financing within ten (10) to twenty (20) years to restore the Eel River Division to freight service;

WHEREAS, the right-of-way was approved for abandonment in the 1980's and after sale of the railroad to a private vendor who went bankrupt, the public had to re-buy the right-of-way at great expense, and whereas a lack of railroad operation threatens the legal status of current public easements that cross private lands;

WHEREAS, the NCRA issued a Request for Proposals for an operator to operate upon the Eel River Division, but no prospective operator, including NWP Co., was willing to commit to conducting freight operations thereon;

WHEREAS, several citizens groups and some government agencies have advocated for the establishment of interim trails on sections of the right of way within the Eel River Division;

WHEREAS, there is authority to establish interim trail use and railbanking under Section 8 of the national Trails System Act, 16 U.S.C. Section 1247(d) and 49 C.F.R. Section 1152.29 (hereinafter the "Act");

WHEREAS, the NCRA is considering inviting railbanking proposals to convert sections of the Eel River Division to interim trail use from any responsible private non-profit or governmental entity with the financial resources either on its own, or through grants and entitlements, to fund the process;

WHEREAS, any railbanking proposal should address adequate protection of private property adjacent to the right-of-way of the Eel River Division;

WHEREAS, conversion of sections of the Eel River Division right-of-way to interim trail use and the necessary watershed restoration, especially in the Eel River Canyon, offer the best opportunity for job creation and economic development related to use of the Eel River Division right-of-way;

WHEREAS, the watershed restoration and interim trail conversion are likely to require extensive local private sector contracting services and purchase of rock supplies from adjacent landowners creating living wage jobs;

THEREFORE IT BE RESOLVED THAT the City of Trinidad supports the full and immediate study of railbanking and its potential benefits to our community.

PASSED AND ADOPTED by the Trinidad City Council at its regular meeting held on the 8th day of June, 2011.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:	Morgan, Bhardwaj, Fulkerson, Davies
Noes:	None
Absent:	Miller
Abstain:	None

Attest:

Gabriel Adams
Trinidad City Clerk

Kathy Bhardwaj
Mayor