

TAM RESOLUTION NO. 2016-_____

A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN (TAM) FOR THE ALLOCATION OF \$850,000 OF REGIONAL MEASURE 2 (RM2) FUNDS FOR THE NORTH SOUTH GREENWAY GAP CLOSURE PROJECT TO THE SONOMA MARIN AREA RAIL TRANSIT DISTRICT (SMART)

WHEREAS, The Metropolitan Transportation Commission (MTC) re-directed RM2 funding from the Highway 101 Greenbrae Corridor Improvements (Project No. 11.1) to Bicycle and Pedestrian Improvements referred to as the North/South Greenway Gap Closure Project (Project No. 11.5); and

WHEREAS, TAM approved an implementation plan that splits the project into a northern segment and a southern segment in an effort to accelerate project delivery of portions of the project; and

WHEREAS, MTC has allocated \$2.6M of RM2 funds for environmental and preliminary engineering (both northern and southern segment), and allocated \$1.5M for design of the northern segment; and

WHEREAS, As a condition of the allocation MTC required and project partners supported a property title search and boundary survey of SMART right-of-way (R/W) which has been used to define project parameters and constraints within the southern segment; and

WHEREAS, SMART has in good faith considered the use of a portion of their R/W for the purpose of constructing, maintaining, and operating a publically accessible multi-use path within the southern segment; and

WHEREAS, A preliminary path alignment has been established that generally follows the existing railroad tracks and is based in part from the results of the boundary and title search along with the known environmental constraints; and

WHEREAS, SMART has historically granted an opportunity for private parties to lease portions of the R/W and under the proposed alignment some of the leases will be impacted to some degree; and

WHEREAS, SMART and the County have assessed the financial loss of renegotiating or terminating existing land use leases over a twenty-five year period and determined the financial loss to be \$730,000; and

WHEREAS, SMART possesses the R/W that will allow a future extension of passenger rail service from the Larkspur Station south to the area adjacent to the Village Shopping Center in Corte Madera; and

WHEREAS, SMART will require the path be removed from the R/W at the time the southern rail extension is implemented. SMART and the County have determined the cost to remove the path at a future date to be \$120,000; and

WHEREAS, TAM has submitted a request to MTC for an allocation of RM 2 funds to resolve the SMART R/W issues in the amount of \$850,000 to compensate SMART for future loss of lease revenue and for the future cost of removing the multi-use path from SMART R/W.

RESOLVED, That the Transportation Authority of Marin approves the allocations of \$850,000 to SMART to resolve the R/W issues within SMART R/W provided that SMART agrees to enter into a written funding agreement with TAM confirming the following commitments:

1. SMART agrees to authorize the use of a portion of their R/W for the purpose of constructing a multi-use path generally following the footprint of the existing railroad track within the southern segment.
2. SMART agrees to enter into a future Memorandum of Understanding (MOU) authorizing the use of a portion of their R/W for the purpose of maintaining and operating a multi-use path within the southern segment. The MOU must be substantially completed with all parties' conceptual agreement prior to proceeding into final design. Formal Board/Council actions may take place as the design progresses. TAM understands the use of the SMART R/W to operate and maintain the path will be at no cost to SMART.
3. SMART agrees the compensation for future lost lease revenue in the amount of \$730,000 is based on estimated impacts of current likely affected lease areas.
4. TAM recognizes and supports SMART's right to remove the path at a future date when SMART determines this R/W is needed for their operations. SMART agrees the compensation to remove the path in the future in the amount of \$120,000 shall be final and no future demand for additional payment will be made.
5. SMART agrees to submit an invoice for payment to TAM for R/W impacts and future path removal costs. The transfer of funds shall occur at the time SMART notifies lessees to vacate SMART R/W as mutually agreed by parties.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin held on the 27th day of October 2016, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Stephanie Moulton-Peters, Chair
Transportation Authority of Marin

ATTEST:

Dianne Steinhauser
Executive Director