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NOVATO DROPS LAWSUIT

PRESS RELEASE - October 28, 2008 –Ukiah – The North Coast Railroad Authority (NCRA) today announced that the city of Novato has agreed to drop the lawsuit it filed against the rail authority last September. NCRA’s Cloverdale Chairman, Allan Hemphill, said the settlement agreement, approved by the NCRA and the Novato City Council on Monday, enables NCRA to immediately begin repairing bridges and trackbed along a 62 mile stretch of the Northwestern Pacific (NWP) line from Lombard to Windsor.

“This settlement establishes an equitable balance between the region’s desire to restore train service and Novato’s desire to minimize impacts,” said Hemphill.

Under the agreement, which must be ratified by Marin Superior Court Judge James R. Ritchie, NCRA will be limited to the operation of 6 freight trains per week during daylight hours until improvements to reduce noise and promote safety are complete.

Specifically, NCRA must install Federal Railroad Administration (FRA) – certified “Quiet Zones” at 13 locations within Novato where public roads cross the tracks. The improvements to the crossing gates and signage will permit trains to travel through the crossings without sounding the train horn. Additionally, NCRA has agreed to install welded rail to further mitigate noise, fencing to discourage trespassing, landscaping to minimize glare from train lights, and purchase state-of-the-art locomotives to reduce greenhouse gas emissions.

“We want to be good neighbors, good corporate citizens, and work collaboratively with local governments every step of the way,” said Hemphill.

Until the mitigations stipulated in the lawsuit settlement are complete, NCRA cannot increase the level of service beyond 3 roundtrips per week. The cost of the mitigation measures is estimated to be around \$1 million. The settlement also requires NCRA to pay Novato’s legal costs of \$325,000.

NCRA plans to release its environmental report evaluating train operations from Willits to the national rail interchange (Lombard) in early November. The report anticipates a maximum of 3 roundtrips per day by the second year of operations.

“With this Settlement, we will repair the first 62 miles, initiate limited service while the required mitigation is underway, and hopefully reach the level of service called for in the EIR after Novato certifies that the mitigation requirements have been satisfied,” Hemphill said.

Under the Settlement agreement, NCRA has until December 31, 2011 to complete the “Quiet Zones”, fencing, and landscaping within the Novato City limits.

Hemphill said the NCRA hopes to complete repairs on the first 62 miles in 4-6 months and begin limited freight service this spring.

The North Coast Railroad Authority (NCRA) was formed in 1989 by the California Legislature under the North Coast Railroad Authority Act, Government Code Section 93000, et seq. The mission of the North Coast Railroad Authority is to provide a unified & revitalized rail infrastructure meeting the freight and passenger needs of the region; a first class service working in partnership with others to build and sustain the economy of the region.
