

RESOLUTION NO. 2017-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK APPROVING THE RAILROAD QUIET ZONE AND ACCESSIBILITY PROJECT AND RELATED ACTIONS

WHEREAS, the City is partnering with Sonoma County and the City of Cotati in a regional pursuit of quiet zones; and

WHEREAS, On March 14, 2017, Sonoma County sent out the Notice of Intent (NOI) to pursue a regional quiet zone with the City of Rohnert Park and the City of Cotati; and

WHEREAS, SMART will make a funding contribution of \$50,000 per crossing to assist local agencies with the costs of installing the infrastructure required to establish railroad quiet zones by entering into a reimbursement agreement with a local agency; and

WHEREAS, the City has been awarded a Community Development Block Grant to remove accessibility barriers associated with the Laguna Bike and Pedestrian Bridge Approach that has a comparable timeline as the SSM installation; and

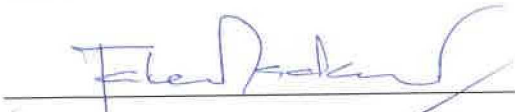
WHEREAS, staff has carefully reviewed the work associated with the railroad quiet zone improvements and the accessibility upgrade project for compatibility and recommends combining the projects into one new Capital Improvement Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park as follows:

1. The Railroad Quiet Zone and Accessibility Project is hereby established in the City's 2016-17 Capital Improvement Program with a total budget of three hundred thirty-seven thousand four hundred fourteen dollars (\$347,414).
2. The City Manager is authorized and directed to execute the "Funding Reimbursement Agreement" attached hereto as Exhibit A and incorporated herein by reference, subject to final approval as to form by the City Attorney and City Manager.
3. The Finance Director is authorized and directed to make the budget adjustments and appropriations necessary for the project with funding from the following sources
 - a. \$228,531 from the City's Gas Tax Fund
 - b. \$100,000 from reimbursements from SMART in accordance with the Funding Reimbursement Agreement between SMART and the City
 - c. \$18,883 from Community Development Block Grant funds previously award to the City for the Laguna Bridge Improvement.


DULY AND REGULARLY ADOPTED this 9th day of May, 2017.

CITY OF ROHNERT PARK



Jake Mackenzie, Mayor

ATTEST:



Caitlin Saldanha, Deputy City Clerk

AHANOTU: Aye BELFORTE: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

FUNDING REIMBURSEMENT AGREEMENT

SONOMA-MARIN AREA RAIL TRANSIT DISTRICT AND CITY OF ROHNERT PARK

THIS REIMBURSEMENT AGREEMENT ("Agreement") is entered into as of _____, 2017, by and between the **SONOMA-MARIN AREA RAIL TRANSIT DISTRICT** (SMART), a public entity duly established under the laws of California (District), and the **CITY OF ROHNERT PARK** (City).

Recitals

A. The SMART rail corridor, historically known as the Northwestern Pacific Railroad (NWP), generally parallels Highway 101 running north-south in Sonoma and Marin Counties. The corridor is owned by the District from Milepost (MP) 68.22 in Healdsburg southward to MP 11.4 in Corte Madera.

B. District is obligated to operate and maintain the rail corridor in accordance with applicable California Public Utilities Commission (CPUC) and Federal Railroad Administration (FRA) laws and regulations.

C. District has completed California Environmental Quality Act (CEQA) review and is proceeding with design and construction of passenger rail service and accompanying multi use path along an approximately 70-mile existing rail corridor extending from Cloverdale in Sonoma County, California, to a location near the ferry terminal in Larkspur, Marin County, California (the "SMART Rail and Pathway Project").

D. The City intends to establish a quiet zone in accordance with the Federal Train Horn Rule (49 CFR Part 222) within its jurisdiction.

E. In order to qualify for a quiet zone, the City has determined that it needs to improve the roadway medians so that they qualify for Quiet Zone Supplemental Safety Measures (SSMs) at the Southwest Boulevard (MP 46.8) and Rohnert Park Expressway (MP 47.4) grade crossings (City Project).

E. The list of improvements is documented in Exhibit A that is incorporated and included as part of this Agreement.

F. The District established in its quiet zone policy that it would make crossings quiet zone ready or provide up to \$50,000 per crossing to a municipality that intends to establish quiet zones in its jurisdiction.

G. Since SMART did not make any improvements to either of the above referenced crossings, it is willing to reimburse the City for actual costs to upgrade the roadway medians not to exceed \$100,000 for improvements to both the Southwest Boulevard and Rohnert Park Expressway grade crossings medians.

H. In consideration for the funding of the above improvements the City agrees to enter into the Construction and Maintenance Agreement that is incorporated and included as part of this Agreement (Exhibit B).

Exhibit A to Resolution

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, City and District agree as follows:

1. RECITALS

- A. The above recitals are true and correct and are hereby incorporated in and expressly form a part of this Agreement.

2. COORDINATION

- A. City shall coordinate the work with District's Chief Engineer or his designee, Contact information for the parties' respective representatives is set forth below:

District	City
Bill Gamlen	Vanessa Garrett
Chief Engineer Sonoma Marin Area Rail Transit (SMART) 5401 Old Redwood Highway, Suite 200 Petaluma, California 94954	Civil Engineer City of Rohnert Park 130 Avram Avenue Rohnert Park, California 94928
Phone: 707.794.3330	Phone: 707-588-2251
Fax: 707.794.3037	Fax: 707-794-9242
Email: bgamlen@sonomamarintrain.org	Email: vgarrett@rpcity.org

4. CITY'S RESPONSIBILITIES

City shall be responsible for all aspects of project implementation, including but not limited to: planning, engineering, permitting, resolving utility conflicts, contracting or self-performing the construction activities, managing all aspects of the project, coordinating with others, and any and all other tasks that may be required to successfully complete the project.

The City shall be responsible for maintaining the roadway improvements that make up the City's Project, as well as other quiet zone improvements at other locations that are within the City roadway jurisdiction.

5. DISTRICT'S RESPONSIBILITIES

The District's role in this project is limited to funding only. The District shall reimburse City in accordance with Section 6 below for the project. In no way does the District's commitment to reimburse the City for the project make the District responsible for any aspect of the City's quiet zone implementation process.

6. **REIMBURSEMENT PROCEDURES**

Within 30 days of receipt of the City's invoice, the District shall reimburse the City for actual costs associated with the implementation of the City's Project. The City shall document actual costs by including billings and invoices to demonstrate actual costs. The total reimbursement amount from District to the City under this Agreement shall not exceed the total estimated costs set forth in Exhibit A.

7. **ADDITIONAL REQUIREMENTS**

A. **Amendments to Agreement**

This Agreement may be amended only by the mutual written consent of both parties.

B. **Notice**

Unless otherwise requested by a party, all notices, demands, requests, consents or other communications which may be or are required to be given by either party to the other shall be in writing and shall be deemed effective upon service. Notices shall be deemed to have been properly given when served on the party to whom the same is to be given by hand delivery or by deposit in the United States mail addressed to the party as follows:

District: Bill Gamlen, P.E.
Chief Engineer
Sonoma-Marin Area Rail Transit District
5401 Old Redwood Highway
Petaluma, CA 94954

City: Director of Public Works
City of Rohnert Park
130 Avram Avenue
Rohnert Park, California 94928

When a notice is given by a generally recognized overnight courier service, the notice, invoice or payment shall be deemed received on the next business day. When a notice or payment is sent via United States Mail, it shall be deemed received seventy-two (72) hours after deposit in the United States Mail, registered or certified, return receipt requested, with the postage thereon fully prepaid. In all other instances, notices, and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

C. **Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of California.

Exhibit A to Resolution

D. Entire Agreement

This instrument and Exhibits contains the entire agreement between the parties, and no statement, promise, or inducement made by either party or agents of the parties that is not contained in this written contract shall be valid or binding; and this contract may not be enlarged, modified, or altered except in writing signed by the parties.

E. Authority of City

The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of City.

F. No Waiver of Breach

The waiver by any of the Parties of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

G. Time of Essence

Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the District and the County have executed this Agreement as of the date first above written.

CITY OF ROHNERT PARK:

SONOMA-MARIN AREA RAIL TRANSIT
DISTRICT

By: _____

Darrin Jenkins
City Manager
City of Rohnert Park

Authorized by City Council Resolution 2017-__, adopted on
April 11, 2017

By: _____

Farhad Mansourian
General Manager
SMART

Exhibit A to Resolution

ATTEST:

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM FOR DISTRICT:

By: _____

City Attorney

By: _____

Thomas Lyons, SMART Counsel

DRAFT

Exhibit A to Resolution

EXHIBIT A

DESCRIPTION	UM	UC	QTY	COST
Southwest Boulevard Median Improvements	LS	\$ 50,000.00	1	\$ 50,000.00
Rohnert Park Expressway Median Improvements	LS	\$ 50,000.00	1	\$ 50,000.00
TOTAL				\$ 100,000.00

DRAFT