

**POLICY FOR
LOCATION OF
COASTAL RAIL TRAIL
WITHIN THE NCTD
RIGHT-OF-WAY**



RESOLUTION 03-06

RESOLUTION NO. 03-06

RESOLUTION OF THE BOARD OF DIRECTORS OF
NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT
BOARD ESTABLISHING A POLICY FOR THE
LOCATION OF COASTAL RAIL TRAIL
WITHIN THE NCTD RIGHT-OF-WAY

WHEREAS, the six coastal cities of Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar and San Diego desire to develop a forty-two mile multi-modal, non-motorized Coastal Rail Trail ("Rail Trail") primarily within the rail right-of-way owned by NCTD and MTDB from the San Luis Rey River in Oceanside to the Santa Fe Depot in San Diego; and

WHEREAS, NCTD is the owner of the rail right-of-way between the Orange County/San Diego boundary and the Del Mar/San Diego city boundary ("Right-of-Way"); and

WHEREAS, NCTD and MTDB signed a Memorandum of Understanding with the six coastal cities for coordinated planning and design of the Rail Trail; and

WHEREAS, NCTD has agreed upon a form of Easement for the location of the Rail Trail on the Right-of-Way; and

WHEREAS, locating the Rail Trail on the Right-of-Way requires the entities to strike a balance between the transportation and recreational benefits of the Rail Trail and the requirements of rail operations, safety and real property utilization; and

WHEREAS, NCTD has caused to be prepared and has reviewed a report entitled *Report to the North San Diego County Transit Development Board Recommending Guidelines for Establishing the Feasible Locations of the Coastal Rail Trail Within the North County Transit District Railroad Right-of-Way* ("IBI Report"), prepared by IBI Group, dated March 20, 2003; and

WHEREAS, the Board of Directors seeks to provide and facilitate the location of the Rail Trail on the Right-of-Way wherever possible with a balance between the transportation and recreational benefits offered by the Rail Trail and the requirements of rail operations, safety and beneficial real property utilization.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the North San Diego County Transit Development Board as follows:

1. The Board of Directors adopts this policy to establish Guidelines for the location of the Rail Trail as follows:


- (a) The Rail Trail should be located as far from the tracks as practicable.

- (b) The Rail Trail should be located outside of the Operating Right-of-Way as described in the IBI Report wherever practicable.
 - (c) The Rail Trail should be located to avoid interference with opportunities for joint use and other beneficial uses of NCTD's property within its Joint Development Zone and its Excess Real Estate as defined in the NCTD Comprehensive Real Estate Policy wherever practicable.
- 2. The location of the Rail Trail shall be the subject of an exhibit attached to the Easement Agreements between individual cities and NCTD which shall be approved by the NCTD Board of Directors.
- 3. The Right-of-Way varies substantially in width, topography, environmentally and in other ways which make the fixed numeric Guidelines difficult to apply. The Board of Directors thus adopts a variance procedure as a part of this Policy to provide for variances from the Guidelines for special circumstances applicable to specific portions of the Right-of-Way. The variance procedure is as follows:
 - (a) For any portion of the proposed Rail Trail which is proposed to be located in a manner which is inconsistent with the Guidelines set forth in this Policy, a variance from the Guidelines may be granted based upon special circumstances. Some special circumstances which would be considered are as follows:
 - Topographic separation between the track and the Rail Trail which mitigates safety and rail operation issues.
 - Circumstances where a minor variance granted for a short segment or short segments of the Rail Trail would enable successful development of a lengthier segment of the Rail Trail in accordance with the Guidelines.
 - Circumstances where short or minor variances from the Guidelines would produce significant benefits for the Rail Trail.
 - Circumstances in which other mitigation measures could be provided to mitigate safety and rail operation issues.
 - (b) Proposals for variances shall be presented to the Executive Director or designee who may grant the variance subject to approval of the Board of Directors. Should the requesting agency be dissatisfied with the determination of the Executive Director or designee, an appeal may be made to the Board of Directors. The appeal will be placed on the agenda of the Board of Directors

within thirty (30) days of receipt. The determination of the Board of Directors will be final.

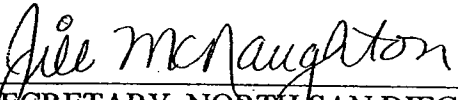
PASSED AND ADOPTED as the regular meeting of the Board of Directors of the North San Diego County Transit Development Board on the 20th day of March, 2003, by the following vote, to wit:

AYES: RITTER, DRUKER, FELLER, GALLO, GOLICH, HARRIS-EBERT, HALL, STOCKS
NOES: NONE
ABSENT: HORN
ABSTAIN: NONE



CHAIR, NORTH SAN DIEGO COUNTY
TRANSIT DEVELOPMENT BOARD

ATTEST:



SECRETARY, NORTH SAN DIEGO
COUNTY TRANSIT DEVELOPMENT
BOARD