

**CALENDAR ITEM  
C32**

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S 3

12/05/12  
W 26088  
D. Simpkin

**GENERAL LEASE – PUBLIC AGENCY USE AND SUBLEASE**

**APPLICANT/SUBLESSOR:**

Sonoma-Marín Area Rail Transit District

**SUBLEESSEE:**

North Coast Railroad Authority

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in the Petaluma River, near Black Point, near the city of Novato, Marin and Sonoma Counties

**AUTHORIZED USE:**

LEASE: The continued use, maintenance, and operation of the Black Point Swing Bridge, railroad line, and the replacement of the existing movement equipment with new automated electrical components.

SUBLEASE: Operation of freight rail service across the Black Point Swing Bridge and adjacent railroad line.

**LEASE TERM:**

LEASE: 20 years, beginning December 5, 2012

SUBLEASE: 20 years, beginning December 5, 2012

**CONSIDERATION:**

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On August 8, 2005, the Commission authorized the issuance of a one-year General Lease – Public Agency Use to the Sonoma-Marín Area Rail Transit District (SMART) and the North Coast Railroad Authority (NCRA), for the emergency repair of the fendering and navigational lighting systems and replacement of piles for the existing Black Point Swing Bridge (BPB).

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3. SMART is the owner of the BPB and the connecting railroad line and is now applying for a General Lease – Public Agency Use for the continued use, maintenance, and operation of the BPB and the replacement of the movement equipment with new electrical components.
4. The proposed replacement of the existing movement equipment will allow the bridge to rotate via automation. Currently, rail workers use a boat to access the bridge operator house located on top of the center truss span and manually rotate the bridge. The existing gas-powered engine that currently rotates the bridge will be replaced with electric motors.
5. The BPB is currently used to convey freight by NCRA. NCRA and SMART have an Operating Agreement which allows NCRA to operate within all of SMART's railroad rights-of-way. The Operating Agreement exceeds the term of the new proposed lease. As such, the sublease term will expire with the expiration of the lease to SMART.
6. **Black Point Swing Bridge, Railroad Line and Replacement of the Existing Movement Equipment with New Automated Electrical Components:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. **Issuance of a Sublease:**  
The staff recommends that the Commission find that the subject issuance of a sublease does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon

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the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS OBTAINED:**

San Francisco Bay Conservation and Development Commission  
California Department of Transportation

**EXHIBITS:**

- A. Land Description
- B. Location and Site Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Black Point Swing Bridge, Railroad Line and replacement of the Existing Movement Equipment with New Automated Electrical Components:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**Issuance of a Sublease:**

Find that the subject issuance of a sublease is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use, to the Sonoma-Marín Area Rail Transit District, beginning December 5, 2012, for a term of 20 years, for the continued use, maintenance, and operation of the Black Point Swing Bridge, railroad line and the replacement of the existing movement equipment with new automated electrical components as described in Exhibit A attached and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof;

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consideration is the public benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the best interest of the State.

Authorize a sublease, effective December 5, 2012, of the lease premises between the Sonoma-Marin Area Rail Transit District and the North Coast Railroad Authority for the term of the lease.

**EXHIBIT A**

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**LAND DESCRIPTION**

Two parcels of tide and submerged land situate in the bed of the Petaluma River, lying adjacent to Rancho De Novato, patented April 10, 1866, Marin County and Swamp and Overflowed Survey No. 37A, patented July 30, 1927, Sonoma County, State of California and more particularly described as follows:

**PARCEL ONE**

BEGINNING at the point of intersection of the northwesterly boundary of the North Coast Railroad Authority (formerly Northwestern Pacific Railroad Company) right of way with the easterly end of the Boundary Line Agreement line as said line is described in Book 2495, at page 406, Official Records of Sonoma County; thence along the northwesterly boundary of said right of way North 46° 52' 09" East 500.00 feet, thence South 43° 07' 51" East 150.00 feet; thence South 46° 52' 09" West 2800.00 feet, thence North 43° 07' 51" West 150.00 feet; thence North 46° 52' 09" East 2300.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right and left banks of said river.

**PARCEL TWO**

A circular parcel of land having a one hundred sixty (160) foot radius with the center point at the intersection of the centerline of the North Coast Railroad Authority (formerly Northwestern Pacific Railroad Company) right of way with the center line of the open swing bridge at the swing center truss span.

EXCEPTING THEREFROM any portion of Parcel One that lies within said Parcel Two.

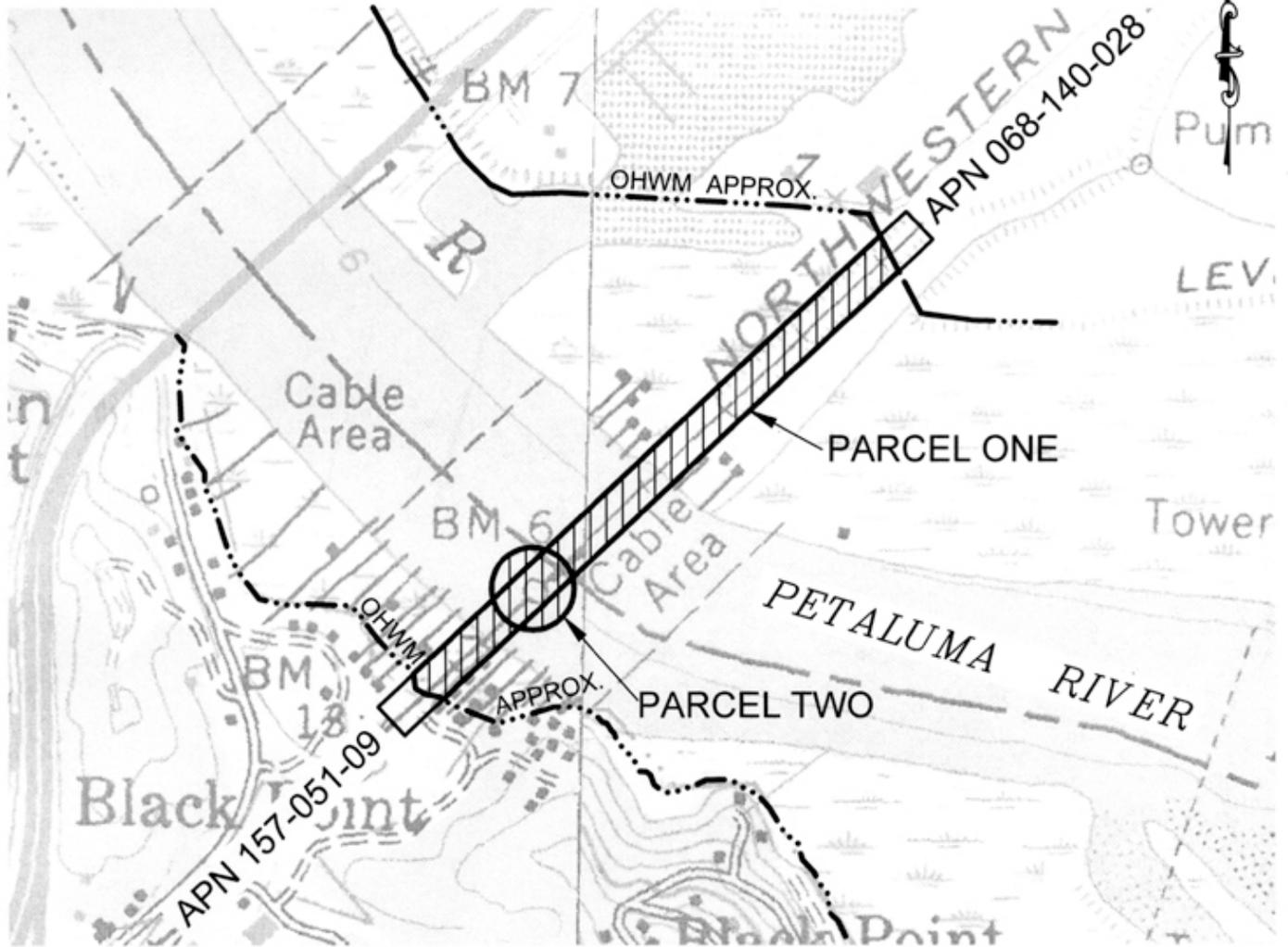
**END OF DESCRIPTION**

Prepared 10/30/12 by the California  
State Lands Commission Boundary Unit



NO SCALE

### SITE



BLACK POINT, PETALUMA RIVER

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property

### Exhibit B

W 26088

SONOMA-MARIN AREA  
TRANSIT DISTRICT  
APN 068-140-028, 157-051-09  
GENERAL LEASE -  
PUBLIC AGENCY USE  
MARIN & SONOMA COUNTY



SITE