

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Claudia Cappio, Director of Development
DATE: November 6, 2007

RE: Report on a Resolution Rescinding Revocable Permit To Southern Pacific Company (now Union Pacific Rail Road) To Maintain And Operate An Existing Spur Track Upon And Across 23rd Avenue, 29th Avenue, Derby Street, Lancaster Street And Ford Street And Upon And Along Glascock Street Between 29th Avenue And Lancaster Street In The City Of Oakland ("Fruitvale Track") And Directing The City Administrator To File An Action For "Adverse Abandonment" Of The Fruitvale Track With The Department Of Transportation Surface Transportation Board

BACKGROUND

Union Pacific Railroad, formerly Southern Pacific Railroad, has expressed an interest in reactivating their tracks known as the "Fruitvale Track" which follows Fruitvale, Lancaster and Glascock Streets to serve a few businesses that are currently served from the "North" on what is known as the Hanlan Lead which runs along Embarcadero Avenue. Union Pacific was issued a revocable permit to utilize the Fruitvale Track in 1949 by City Council and Port Resolution. The track is no longer on Port land and pursuant to the express terms of the permit, Union Pacific's permit is revocable at the pleasure of the City Council.

City Staff and City Council became aware of Union Pacific's Plan to reactivate the Fruitvale Track at the end of August, 2007 when Union Pacific approached the City to discuss construction permits needed for work on their tracks on Glascock Avenue. Before the necessary permits were applied for or issued, Union Pacific commenced work in the City's right-of-way.

Union Pacific has explained that the reactivation is due to Caltrans's work at the 5th Avenue Overpass and also a tentative settlement agreement with a private property owner along the Hanlan Lead. The City was not engaged in negotiations regarding either of these projects, nor was any environmental impact report or alternative analysis completed for either of these projects. Reactivation of the Fruitvale Track will have impacts on the community that have not yet been evaluated and no mitigations for these impacts have been proposed by Union Pacific or other agencies.

Item: _____
City Council
November 6, 2007

ACTION REQUESTED OF THE CITY COUNCIL

Approve a Resolution rescinding Resolution No. 23515 which granted a revocable permit for use of the spur track between Fruitvale Avenue and 23rd Avenue.

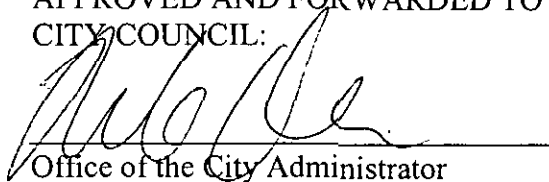
Respectfully submitted,



Claudia Cappio, Director of Development
Community & Economic Development Agency

Prepared by:
Scott Miller, Zoning Manager
Planning and Zoning Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:


Office of the City Administrator