



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Council direction on Central California Traction Company
Tracks in Lodi Avenue

MEETING DATE: July 21, 1993

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council authority for the City Attorney to initiate action including (if necessary) litigation to eject Central California Traction Company railroad tracks from East Lodi Avenue.

BACKGROUND INFORMATION: This matter involves the railroad tracks owned by Central California Traction Company (CCTC) on East Lodi Avenue. The Railroad originally operated the line under a franchise granted by the County of San Joaquin in 1905 (Ordinance No. 314). When Lodi incorporated the following year, it became successor to the franchise which had a 50-year term. Although minor spurs to the line were approved in the intervening years, the original 50-year term was apparently never extended and expired in 1955.

Since then, CCTC has operated the Lodi Avenue line at the sufferance of the City. Recent events now indicate that it may no longer be in the City's best interests to allow that use to continue.

Under the original franchise, the Railroad is responsible for maintaining not only the tracks and area between the tracks, but the pavement for 2 feet on either side. In recent years, the City on several occasions has notified the Railroad of our concerns over the condition of the tracks, but nothing was done. City plans to do major restoration work on East Lodi Avenue have been held up by the Railroad's unwillingness to cooperate.

The matter came to a head in 1991 when a motorcyclist sued the City and CCTC, alleging that he was seriously injured when his front wheel struck a hole or depression along the tracks. The Railroad has steadfastly refused to accept the City's tender of defense in the lawsuit or to acknowledge any responsibility for maintenance of the tracks, although the original franchise requires them to do so.

In late 1991, the City Council directed staff to meet with the Railroad for the purpose of either getting the tracks brought up to a safe condition or, if that was not possible, to have the tracks removed. It took several months just to

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THOMAS A. PETERSON
City Manager



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determine which Railroad staff people we should be dealing with. The problem is complicated by the fact that CCTC is owned and managed jointly by Southern Pacific, Union Pacific, and Santa Fe Railroads. Many times, we would discover that the person we thought was authorized to speak for the parent companies was transferred, or had simply been removed from authority over the matter. In the case of CCTC, company manager Marty Melish, with whom we originally dealt, died in late 1992.

Periodic reorganizations of the Railroads' structures have also resulted in frustrating delays and left the City searching for someone with the Railroads who has authority to act. Although a series of meetings occurred with various Railroad representatives, it appears that we are no closer today to resolving the maintenance problems or the litigation issues than we were 1-1/2 years ago. CCTC has said repeatedly that it cannot afford to do major rehabilitation of the tracks. The litigation with the motorcyclist is also continuing, with the City paying its own legal costs which the Railroad should be carrying.

In May 1992, the City Council (as then constituted), authorized filing an action in ejectment, pending negotiations with CCTC. The chief reason no litigation has yet been commenced was concern that removal of the CCTC tracks in Lodi Avenue would deprive Pacific Coast Producers of rail transportation. However, Pacific Coast has now indicated its shipping needs can be met by alternative means.

With that concern satisfied, it is now requested that the Council affirm the earlier authorization to commence action to force removal of the Lodi Avenue tracks. Representatives of Pacific Coast Producers, CCTC, and Southern Pacific have been advised that this matter will be before the City Council at its July 21, 1993 meeting.

FUNDING: Unknown.

Respectfully submitted,



Bob McNatt
City Attorney

BM/vc

cc: Jack L. Ronsko, Public Works Director
Richard C. Prima, Assistant City Engineer

CCTCCC/TXTA.01V



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Supplemental Information on Lodi Avenue/Central California Traction Company

MEETING DATE: July 21, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council review the request of the Central California Traction Company (CCT) to remove the switch and one track in Lodi Avenue westerly from Stockton Street and direct City staff on our participation in the project.

BACKGROUND INFORMATION: The CCT contacted and met with the Assistant City Engineer on Friday, July 16, to propose that the switch and one track located in Lodi Avenue westerly from Stockton Street be removed. This occurred after notification of tonight's agenda item concerning possible legal action. This track, shown on the attached exhibit, provides the interconnection between the CCT and the Southern Pacific Railroad (SPRR) in Lodi. The main traffic on this portion of track is roughly five to ten cars per month for General Mills. The CCT is working with SPRR to have this traffic switched in Stockton. They say they are prepared to do the work immediately when that arrangement is made. CCT wants to eliminate this liability as soon as possible. This would directly benefit Lodi residents. This removal would leave the track in Lodi Avenue from Cherokee Lane to the line running down the west side of Main Street. This line serves the Pacific Coast Producers cannery south of Tokay Street and M & R Packing on Main Street. As part of this work, the CCT is willing to rebuild the portion of the remaining Lodi Avenue track between Stockton Street and Main Street. They have asked that the City participate in the repaving work.

In Public Works staff's opinion, the advantages of this track removal outweigh the disadvantage of losing the CCT/SPRR interconnection. The switch, with its multiple tracks and gaps and its steel control lever box located in the road, is probably the most hazardous portion of the tracks in Lodi Avenue. The track removal will mean one less set of tracks that curve across the street. Plus, the rebuilding of the remaining portion west of Stockton Street will help reduce the hazard of the remaining curved section. At this point, the CCT has not offered to rebuild the tracks east of Stockton Street.

The City plans to repair Lodi Avenue and correct drainage problems at Lodi Avenue and Main Street. These plans have been put on hold until the disposition of the CCT track is determined.

Staff sees three basic options dealing with this request. The City Attorney feels the City should pursue legal action to have all the CCT tracks in Lodi Avenue removed. Should the Council wish to pursue that course of action, only the first

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THOMAS A. PETERSON
City Manager



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option is appropriate. Options 2 and 3 assume CCT tracks will remain in Lodi Avenue for the foreseeable future.

1. Permit CCT to do all the track work and paving on their own.

This option will require more negotiation with the CCT as they may not be in a position to pay for complete replacement of the track to be abandoned with the street structural section. Past practice has been that when track is removed, the City has participated in the cost. One could argue that CCT's responsibility is to replace what was there when the track was originally installed, which, in this case, was probably just dirt.

2. Work with CCT on the track work and do the street and drainage repair later.

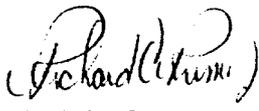
As a temporary measure, the tracks to be abandoned could be paved over and the permanent repair done when the entire street is done. This has been commonly done in Lodi. (We still have some streets with buried tracks.) The City could do this work and bill the CCT. We would pay for the permanent replacement as part of the street repair project. Disadvantages include probable higher cost and more public inconvenience due to two operations.

3. Do all the work west of Stockton Street at one time.

Under this option, the City would need a contractor to grind, repair and overlay the entire street in conjunction with the CCT work between Main Street and Stockton Street. Due to the time constraints involved, we could not prepare formal plans, specifications and bidding documents. Staff would propose to negotiate with contractors presently working in Lodi to obtain competitive prices although some of the work would need to be done on a time-and-material basis.

As of this writing, staff is still investigating the cost and feasibility of Options 2 and 3. While we can postpone a formal decision until the meeting of August 4, we would like some Council discussion and direction in order to more efficiently focus our efforts on this matter.

FUNDING: To be determined.


for Jack L. Ronsko
Public Works Director

Prepared by Richard C. Prima, Jr., Assistant City Engineer
Attachment
cc: Central California Traction Company



CITY OF LODI

PUBLIC WORKS DEPARTMENT

C.C.T. TRACKS

VICINITY MAP

