



CITY OF LODI

AGENDA TITLE: Lodi Avenue Improvements - California Traction Company Involvement

MEETING DATE: May 20, 1992

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Discussion and appropriate direction.

BACKGROUND INFORMATION: The City's Street Capital Improvement Program has identified the need for improvements on Lodi Avenue, from Main Street to Cherokee Lane, for a number of years. The budget estimate of \$275,000 includes an asphalt concrete overlay with fabric. pavement edge grinding and installation of handicap ramps. Not included, although needed, are drainage improvements at the intersection of Lodi Avenue and Main Street. This will be evaluated and an additional appropriation requested before the project is designed. Staff has also studied the signalized intersections for possible addition of left-turn lanes/phases, which is discussed later in this report.

The major stumbling block in the project has been the presence of the Central California Traction Company (CCT) tracks which run the entire length of the project. These tracks have settled in many places and unless they are straightened and raised. the overlay project is not possible.

These tracks were installed in the existing road in the early 1900's under the terms of a county franchise. That franchise was for a 50-year term. Since the city was incorporated, there have been a number of City Council approvals of modifications to the tracks. such as a 1931 ordinance (No. 185) approving a spur between Main and Stockton streets. This ordinance had no term and requires the CCT to maintain the tracks to the City's approval. Other modifications, such as a 1957 agreement regarding some track abandonment. acknowledged the county franchise but made no mention of extending the 50-year 1905 franchise.

The Lodi Avenue tracks provide rail service to the packing houses and cannery located south of Lodi Avenue along Main Street. The cannery is by far the largest user and although rail service is available from Southern Pacific, they prefer CCT due to better rates and quality of service. The CCT also provides the only rail service to Lodi's industrial area east of Highway 99.

City staff and CCT representatives, including their three owners, met in September 1988 to review the condition of the street and discuss the project. The railroad felt the condition of their tracks was not hazardous and were not interested in a joint project. The question of the franchise was discussed and the railroad was to check its records. They have not produced any documents indicating the franchise had been extended.

APPROVED

THOMAS A. PETERSON
City Manager

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The project and problems with the tracks were reviewed with the City Council at its shirtsleeve meeting on October 29, 1991. Staff was directed to continue discussions with the CCT. On December 6, 1991, City staff met with California Public Utilities Commission staff and representatives from the CCT and their owners. The railroad agreed work was needed and asked that the City pay for the paving. We indicated that would probably be OK with the Council if the work was done in a timely manner in conjunction with the street project as was done on Lockeford Street with the SPRR a few years ago. The railroad agreed to prepare an estimate for rehabilitating the tracks.

On February 18, 1992, the CCT provided the City with their estimate of \$218,000 to replace the ties, ballast and rails from Cherokee Lane to Stockton Street. They would be able to do the work this summer if the City agreed to pay the \$218,000. If not, they need approval from their owners which they have not yet received. The estimate assumed the work would be done along with a City project and no paving or traffic control by the CCT would be needed. It also assumed the tracks west of Stockton Street could be reset to grade without major replacement since the ties in that area are relatively new. The estimate included a fabric under the ballast and wood ties. City staff estimates that for an additional \$10,000, concrete ties, which provide longer life, could be used between Cherokee Lane and Stockton Street. Replacing the track west of Stockton Street could add an additional \$110,000 due to the switch that is located west of Stockton Street.

Related Issues

Lodi Avenue/SPRR Underpass - This project is eligible for Measure K funding and, in the preliminary Strategic Plan, has a fairly high ranking. However, lack of project readiness and matching funding will reduce its chances for Measure K funding early in the program. The presence of the CCT tracks complicates the project and adds to the cost.

Future of CCT - The CCT main line, which runs from Stockton to Sacramento, is being considered by Sacramento County and San Joaquin County as a possible future transit rail corridor. This possibility was discussed in the 1991 freight rail consolidation study between Stockton and Sacramento. However, this is a very long-term, "future" project. In the near term, the CCT is not planning any long-term improvements. They have difficulty obtaining funding from their parent companies for any capital improvements.

Future of SPRR Kentucky House Branch - This branch, which runs easterly from the SPRR main line along Lockeford Street, is not active and has been submitted to the Interstate Commerce Commission for abandonment. City and railroad staff discussed using this track in place of the line in Lodi Avenue (see Exhibit A). The CCT noted two major problems with this:

- 1) The high cost of a new switch at the CCT/SPRR crossing, and

- 2) The ongoing scheduling and cost problems in sharing the main line SP tracks through downtown Lodi. The SPRR has indicated this line would need substantial upgrading to be placed back into regular service.

Options

Unfortunately, the City's options in proceeding with the street project are rather limited if we wish to do the work this year. We would pay the CCT to do the work or seek a court order forcing them to make the repairs by a certain date, say August 1. If they fail to comply, the City would do the work and attempt to obtain repayment through the courts. However, there is no guarantee that going through the courts will result in the street being fixed this year. Staff certainly does not recommend that the City just pay them for the work. Such payment was not required under the terms of the expired franchise and it would be an expensive precedent.

Longer term options include continuing negotiations with CCT to repair the tracks or to relocate to the SPRR Kentucky House Branch. If the Council wishes to pursue the relocation, we should plan on hiring a consultant who specializes in railroad matters to objectively evaluate the alternatives, costs and benefits. (Street funds, i.e., Gas Tax, would be used to fund this study.) Another long-term option would be to simply order the removal of the tracks. This would force the railroads to take the City to court to defend their position or to negotiate a relocation.

Unfortunately, this could also mean the demise of CCT as their owners may decide it is cheaper to disband the railroad and provide some of their service through the individual owners, which, in Lodi, would be Southern Pacific Railroad.

Recommendations

Staff has no magic solution to the Lodi Avenue problem. We recommend that the City Council direct the CCT to repair the tracks from Cherokee Lane to Main Street and offer to participate by providing paving and traffic control in conjunction with the street rehabilitation project in August 1992. The City Attorney should be directed to plan appropriate legal action should the railroad not comply. This will likely mean the project will not occur until 1993.

For the long term, we recommend:

- 1) That if the Council wishes the relationship with the CCT railroad to continue, then a new franchise agreement be entered into between the City and the CCT, clearly spelling out the obligations involved.
- 2) That the City send a letter to the railroads and appropriate agencies requesting that the CCT right-of-way and SP Kentucky House Branch right-of-way be preserved for future City and/or State transportation use.

- 3) That the City Council decide on whether or not the City should proceed with preliminary engineering on the Lodi Avenue underpass.

FUNDING: None at this time.



Jack L. Ronsko
Public Works Director

Prepared by Richard C. Prima, Jr.. Assistant City Engineer

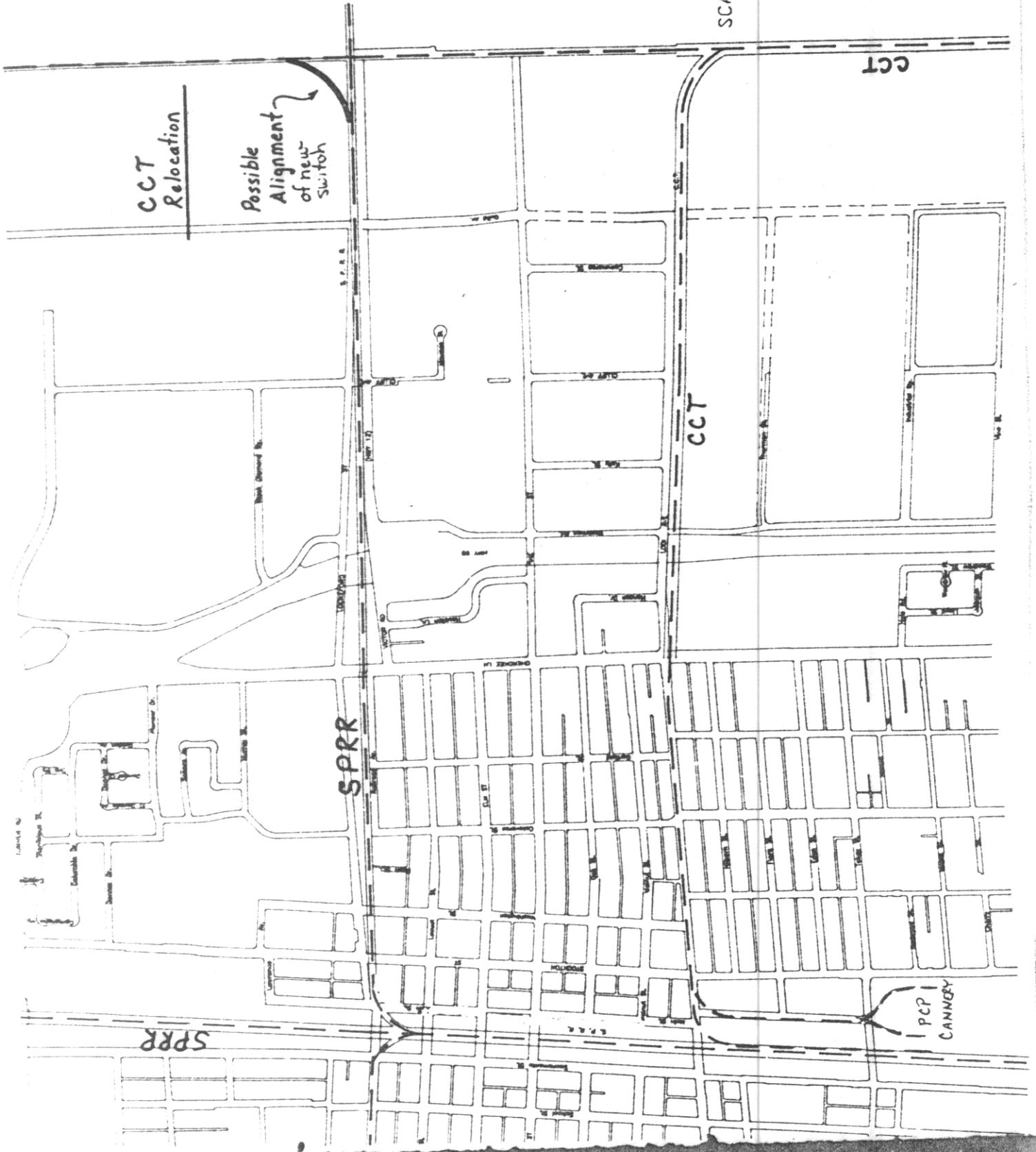
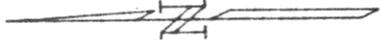
JLR/RCP/lm

Attachment

cc: Assistant City Engineer
Senior Civil Engineer
Street Superintendent
Marty Melish, CCT
Howard Menking, CCT
SPRR. Stockton (Harry Ballance)
SPRR. San Francisco (Ken Dixon)
SPRR, Sacramento (Joe Ivanusich)
Union Pacific, Stockton (Trent Allen)
AT & SF, Fresno (Darold Swallow)
California Public Utilities Commission, Autar Chiina
Pacific Coast Producers, Dennis Tanaka
M & R Packing

Exhibit A

SCALE: 1"=1000'



CITY COUNCIL

JAMES W. PINKERTON, Mayor
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Mayor Pro Tempore
DAVID M. HINCHMAN
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May 8, 1992

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

See memo dated 5/11/92

SUBJECT: Lodi Avenue Improvements - California Traction Company
Involvement

Enclosed is a copy of background information on an item that will be discussed at the City Council meeting on Wednesday, May 20, 1992, at 7:30 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street. You are welcome to attend.

If you wish to communicate with the City Council, please contact Alice Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item, please call Richard Prima or me at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓