

1 [Union Pacific Railroad track lease for Third St. and Carroll Avenue for the Third Street LRT
2 Project.]

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4 **Resolution authorizing the Director of Transportation to execute a track lease with the**
5 **Union Pacific Railroad (UP) that leases approximately six hundred (600) feet of the**
6 **Union Pacific Railroad's track at Third Street and Carroll Avenue for a term of 25 years,**
7 **rent of \$10 per year, and a one-time administrative fee of \$500 per lease, for a total cost**
8 **of \$750, and requires the City to maintain and repair the track and construct and**
9 **maintain a railroad crossing signal system.**

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11 WHEREAS, The City and County of San Francisco through its Municipal
12 Transportation Agency (Muni) desires to construct a new light rail line along Third Street
13 (Third Street Light Rail Project); and,

14 WHEREAS, As part of the Third Street Light Rail Project new light rail line, Muni
15 desires to construct light rail track across existing freight railroad lead tracks at Third Street
16 and Carroll Avenue; and,

17 WHEREAS, The track crossings will be constructed on railroad tracks that are owned
18 and operated by the Union Pacific Railroad (UP); and,

19 WHEREAS, Muni desires to maintain the track crossings and train control signals with
20 its own forces in order to better control the light rail operation on Third Street; and,

21 WHEREAS, The California Public Utilities Commission must approve the installation of
22 Muni's tracks across UP's tracks and requires evidence that UP agrees to the crossing; and,

23 WHEREAS, The UP has required that the City lease and maintain a portion of its tracks
24 at the intersection as a condition of consent; and,

1 WHEREAS, Muni and UP have negotiated a twenty five year lease that leases
2 approximately six hundred (600) feet of UP track at Third Street and Carroll Avenue to the
3 City for an annual rent of \$10 per year, with a one-time administrative fee of \$500, and
4 requires Muni to maintain the track and construct and maintain the railroad crossing signal
5 system; and,

6 WHEREAS, A copy of the Lease is on file with the Clerk of the Board of Supervisors in
7 File No. 040019, which is hereby declared to be a part of this resolution as if set
8 forth fully herein; and,

9 WHEREAS, The San Francisco Municipal Railway's Short Range Transit Plan Update
10 reflects the currently projected cost requirements for funding Third Street revenue operations,
11 which includes Muni's portion of maintenance and construction obligations under this agreement;
12 and,

13 WHEREAS, The Lease requires Muni to indemnify UP against any harm to UP
14 arising from Muni's construction activity; and,

15 WHEREAS, The Lease requires each party to be responsible for personal injury or
16 property damage to its employees, invitees (e.g. passengers), or its own equipment during the
17 operation of the track crossing unless the other party runs a stop signal, or if a third party
18 obtains punitive damages against the party causing injury or damage or the party acted
19 intentionally or with willful or conscious disregard of the rights and safety of others; now,
20 therefore, be it

21 RESOLVED, That the Board of Supervisors authorize the Director of Transportation to
22 execute a lease with the Union Pacific Railroad that leases approximately six hundred (600)
23 feet of the Union Pacific Railroad's track at Third Street and Carroll Avenue for a term of 25
24 years, rent of \$10 per year, and a one-time administrative fee of \$500 per lease, for a total
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1 cost of \$750, and requires the City to maintain and repair the track and construct and maintain
2 a railroad crossing signal system.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 040019

Date Passed:

Resolution authorizing the Director of Transportation to execute a track lease with the Union Pacific Railroad (UP) that leases approximately six hundred (600) feet of the Union Pacific Railroad's track at Third Street and Carroll Avenue for a term of 25 years, rent of \$10 per year, and a one-time administrative fee of \$500 per lease, for a total cost of \$750, and requires the City to maintain and repair the track and construct and maintain a railroad crossing signal system.

February 10, 2004 Board of Supervisors — ADOPTED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin,
Sandoval

Absent: 2 - Hall, McGoldrick

File No. 040019

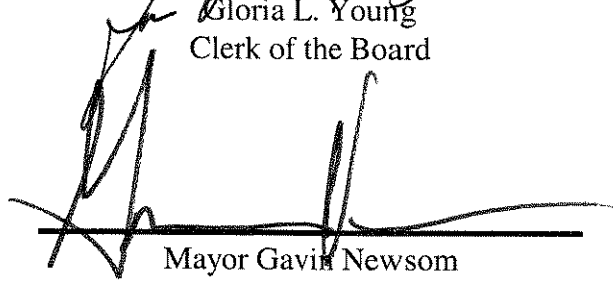
I hereby certify that the foregoing Resolution was ADOPTED on February 10, 2004 by the Board of Supervisors of the City and County of San Francisco.

FEB 12 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom