



# CITY OF POMONA COUNCIL REPORT

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May 7, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Meg McWade, Public Works Director

Subject: **Adoption of a Resolution Approving the Transfer of Deed at Humane Way Bridge Crossing to the Union Pacific Railroad (UPRR) in Furtherance of UPRR's Rail Diversion Program Which Will Close the Temple Avenue and Pomona Boulevard Railroad Crossings at Valley Boulevard**

## OVERVIEW

**Recommendations** – That the City Council adopt a Resolution (Attachment 1) to authorize the City Manager to sign a deed transferring certain rights-of-way at the Humane Way bridge crossing, to the Union Pacific Railroad, for purposes of operation and maintenance of their facilities.

**Fiscal Impact** – The City will receive a nominal fee of \$10 for the Transfer of Deed.

**Previous Council Action** – None.

**Environmental Impact** – Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action is categorically exempt under Section 15312 of the California Public Resources Code.

## EXECUTIVE SUMMARY

With City Council approval for transferring certain rights-of-way at the Humane Way Bridge to the Union Pacific Railroad, the UPRR rail diversion project can be completed and Union Pacific Railroad can close the Temple Avenue and Pomona Boulevard railroad crossings along Valley Boulevard. In particular, the closing of the Temple Avenue railroad crossing will help reduce current vehicle delays. As a note, while the crossings will be closed to daily train traffic, UPRR reserves the right to utilize the tracks and crossings on an as-needed basis.

## DISCUSSION

Union Pacific Railroad (UPRR)'s Alhambra Subdivision crosses Temple Avenue, adjacent to the California State University – Pomona (Cal Poly Pomona) campus, at Valley Boulevard, as well as at Pomona Boulevard. Currently, vehicle delays at Valley and Temple are significant. In 1999, the crossing was identified as a good candidate for grade separation. However, full grade separation became problematic and an alternative was considered to simply realign the Alhambra Subdivision to parallel UPRR's LA Subdivision just west of this crossing, all the way to Hamilton Boulevard in Pomona. Design of the Temple Avenue train diversion project began in 2001 by the Alameda Corridor East Construction Authority (ACE) and construction of the first phase was completed in June 2009. The ACE project consisted of the diversion of the UPRR's Alhambra Subdivision to join the UPRR Los Angeles Subdivision in Pomona to eliminate grade crossings at both Pomona Boulevard and Temple Avenue. The diversion required a track across Cal Poly Pomona's agricultural property and the addition of two-and-a-half miles of a third track along the Los Angeles Subdivision as shown in the following map (with a larger depiction included as Attachment 2.)



In mid-2005, after construction had already begun, UPRR required that a fourth track, along the Los Angeles Subdivision right-of-way, be added. The design of the fourth track was completed and construction was initiated in April 2010. During construction of the fourth track, a segment of a reinforced concrete box (RCB), owned by the Los Angeles County Flood Control District (LACFCD), was identified as needing replacement. ACE has awarded a contract for this work, scheduled for completion by this summer. When the RCB modifications are complete, UPRR will complete rail installations, signal modifications, and begin rail operations along these lines. This will mean abandoning the portion of the Alhambra Subdivision from west of Temple Avenue to Hamilton Boulevard.

As the plans for this final phase of work were being completed, UPRR realized that a portion of the newly installed track, underneath the Humane Way bridge, actually resides in a roadway easement that was previously granted at no cost to the City of Pomona. When the Humane Way bridge over UPRR's right-of-way was constructed, despite the fact that only an aerial easement was granted by UPRR, the bridge was constructed with a slope and column encroachment within UPRR's right-of-way. In 1973, the City of Pomona was deeded at no cost a strip of land 35 feet in width from their 100-foot wide right-of-way to the City of Pomona so the bridge slope and columns were no longer in UPRR's right-of-way. As part of the rail diversion project, a retaining wall and track have been laid in this strip of land. In order for UPRR to operate and maintain this rail diversion track, and thus close the Temple Avenue crossing, they request that the City of Pomona to grant back to UPRR those portions of that strip that are now occupied by UPRR's track. This deed of approximately 489 square feet of property will allow UPRR to legally operate on the track allowing trains to be diverted from the at-grade Temple Avenue crossing. The following map shows an aerial view of the approximate location of the affected property (the land to be deeded back to UPRR is under the highlighted Humane Way bridge along the railroad tracks):



City Staff has been working with ACE staff and UPRR representatives on correcting this right-of-way matter, and the organizations agree that execution of the attached deed from the City of Pomona to UPRR is the best solution. The ability for the City to widen Humane Way Bridge is preserved through this process. Staff is recommending approval so that the rail diversion project can be completed and UPRR can close the Temple Avenue and Pomona Boulevard crossings along Valley Boulevard.

Attachments: 1. Resolution w/ EXHIBIT 1 as Grant Deed, EXHIBITS A and B as Legal Descriptions and Map  
2. Location Map Rail Diversion

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