

**BACKGROUND - PART 2**

**CURRENT CORRIDOR  
USE CONDITIONS**

## CURRENT CORRIDOR USE CONDITIONS

### Overview

The County owns 18.5 miles of right-of-way between the Alameda County line in San Ramon and Mayette Avenue in Concord. In general, the right-of-way varies in width from 30 to 100 feet. The Iron Horse Trail and the remainder of the former Southern Pacific Right-of-Way is currently jointly managed by the County Public Works Department, the East Bay Regional Park District and the Contra Costa County Redevelopment Agency. This chapter describes existing and committed uses of the Iron Horse Corridor by a variety of entities.

### Inventory of Existing Easements, Committed Uses, License Agreements & Leases

The former Southern Pacific right-of-way has been used as a corridor for public utilities, pipelines, transportation facilities, and recreation. This is the basis of the joint use policy of the County. This section presents an inventory of existing uses of the corridor. Many of these uses were in place at the time that the County acquired the right-of-way. Others have been added under the County's stewardship.

Generally, the arrangements under which utilities and other users occupy the corridor are of three types: **easements**, **license agreements**, and **leases**. An easement is a right of use over the property of another. It is a form of permanent ownership, which is normally acquired for a fee. A license agreement allows for interim use and provides immunity from liability for trespass normally in consideration of payment of a fee. It is a privilege which



cannot be passed on to others and can be terminated at will. A lease is an agreement between a property owner and a tenant for the use of a property for a fixed term in consideration of payment of a fee, usually on a monthly basis.

## **Easements**

### **Santa Fe Pacific Pipelines**

Santa Fe Pacific Pipelines has been granted a perpetual 10-foot wide easement along the entire length of the corridor from the Alameda County line to the northerly terminus of County ownership north of Monument Boulevard in Concord. Santa Fe Pacific operates a 10-inch high pressure pipeline within this easement which delivers petroleum products from the refineries in Martinez to the San Jose airport. This easement existed at the time that the County acquired the right-of-way.

### **Contra Costa Water District**

In 1977, the Contra Costa Water District acquired an easement in the right-of-way between Monument Boulevard and Walden Road. The District has installed two pipeline segments in the right-of-way, between Monument Boulevard and Lisa Lane, and between Treat Boulevard and Walden Road.

### **Central Contra Costa Sanitary District**

The Central Contra Costa Sanitary District maintains several pipeline segments within the right-of-way, one between Monument Boulevard and Civic Drive, and another between San Ramon Valley Boulevard in Danville and Greenbrook Drive. Shortly after the County's acquisition of the right-of-way began, the County granted perpetual non-exclusive easements and right-of-way to the Central Contra Costa Sanitary District in December 1985 for sanitary sewer pipelines. The easements include both surface access easements, generally 21 feet in width, and subsurface facility easements.

### **East Bay Municipal Utility District**

The East Bay Municipal Utility District acquired a non-exclusive surface access easement and a subsurface facility easement from the County in September 1988 for the purpose of

constructing, operating and maintaining a water transmission line and associated facilities. The surface easement is 36 feet in width and extends from San Ramon Valley Boulevard to Sycamore Valley Road in Danville. In February 1994, the Board of Supervisors granted a 15-foot wide easement to EBMUD across the right-of-way in the vicinity of Leilani Lane in Alamo for the construction of an 8-inch water service pipeline.

### **City of Walnut Creek**

In December 1991, the City of Walnut Creek acquired a perpetual easement from the County for the construction, operation and maintenance of the South Broadway extension within the former Southern Pacific right-of-way, between Newell Avenue and Rudgear Road. The easement also provided for the construction of drainage facilities, sound walls and a segment of the Iron Horse Trail. The easement overlaps with other easements, including those of the County Flood Control District and the Central Contra Costa Sanitary District.

### **Street Crossings and Drainage Easements**

Easements have also been conveyed to the cities, County or state for some 45 road crossings of the right-of-way. These easements were all conveyed prior to the acquisition of the right-of-way by the County. In addition, numerous storm drainage and sanitary sewer easements also enter or cross the right-of-way.

### **License Agreements**

#### **East Bay Municipal Utility District**

In addition to its easements, EBMUD also holds a license agreement which it acquired from the Southern Pacific Railroad in 1959 for a 24-inch pipeline between Mt. Diablo Boulevard in Walnut Creek and Stone Valley Road. This agreement passed on to the County when it acquired the right-of-way. The agreement expired in May 1999 and was extended pending negotiations for a long-term agreement. EBMUD is currently (as of June 2000) planning to construct an additional 69-inch pipeline within the corridor. It is likely that there will be one easement to contain both the existing 24-inch and the proposed 69-inch pipelines. EBMUD and the County will begin negotiations on the easement once the Environmental Impact Report for EBMUD's proposed 69-inch pipeline project is approved.

### **East Bay Regional Park District**

The East Bay Regional Park District was first granted a license agreement at no cost for the construction and operation of the Iron Horse Trail on October 14, 1986, shortly after the County's acquisition of the right-of-way. The license agreement has since been amended three times, extending the limits of the trail.

### **GST Telecom, Inc.**

The Counties of Alameda and Contra Costa jointly awarded license agreements to GST Telecom, Inc. in February 1996 for the installation of conduits, cables, wires and associated appliances for the provision of digital fiber optic communication services. Fiber optic cables are a new technology for high quality transmission of voice, data, and video communications. The fiber optic cables are part of GST's East Bay network. The two Counties cooperated in the development of this project, and are sharing in revenues generated by the system. These funds are used in part to cover maintenance and management costs of the corridor.

### **Leases**

#### **Hook and Fischer**

When the Redevelopment Agency acquired the right-of-way in the Hookston station area, a number of private businesses were occupying the site. In consideration of its acquisition in 1985, the County Redevelopment Agency allowed the continued occupancy of this area and approved a lease agreement for a period of ten years. In May 1996, this agreement was renewed on a month-to-month basis.

#### **Helix and Associates**

The portion of the right-of-way south of Hookston Road in Pleasant Hill is leased by the County Redevelopment Agency to Helix and Associates.

#### **Bay Area Rapid Transit District**

The right-of-way in the area of the Pleasant Hill BART Station, between Treat Boulevard and Coggins Drive is leased by BART for temporary parking, using grant funds provided

by Caltrans and the Federal Highway Administration to mitigate the effects of the reconstruction of the I-680/SR24 interchange and associated widening of I-680 through Pleasant Hill. The intent was to induce more commuters to take BART and avoid driving through the construction area. With the completion of the I-680/SR24 project, the lease for the temporary parking will expire. The County Redevelopment Agency is currently working with an advisory committee to plan for the conversion of the temporary parking lots to a greenspace. The East Bay Regional Park District is expected to construct the Iron Horse Trail through this area at that time.

### **Private Leases**

In addition to the license fees from utilities, the County has entered into several lease agreements with private parties. The most significant of these agreements is the Keys Condominium Lease, which was in effect at the time the County acquired the right-of-way. Under the terms of this lease, the Keys make use of a strip of the right-of-way that runs the length of their frontage and is approximately 35 feet wide in return for a monthly payment and regular maintenance of the area.

### **Provision of Future Transit**

The County acquired the right-of-way along the corridor chiefly through the use of state grants from the California Transportation Commission. Pursuant to the conditions of these state grants, the County has commissioned a number of feasibility studies for the development of transit in the corridor. County policy and the state grants dictate that any development of the right-of-way shall preserve the opportunity to provide a transit system in the corridor in the future.

