MINUTE ITEM
This Calendar Item No. C40 was approved as Minute Item No. 40 by the California State Lands Commission by a vote of 3 to 0 at its 6-18-02 meeting.

CALENDAR ITEM
C40

A 20

S 10

PRC 7883

06/18 /02
W 25173
N. Smith

RESCISSION OF AND AUTHORIZATION FOR A GENERAL LEASE- RIGHT OF WAY USE

LESSEE:

Union Pacific Railroad Company
Attn: Mr. Jeff S. Asay
10031 Foothills Boulevard, Suite 200
Roseville, California 95747-7101

AREA, LAND TYPE, AND LOCATION:

Two parcels of sovereign lands in Coyote Creek and Mud Slough, in the cities of Fremont and San Jose, Counties of Alameda and Santa Clara.

AUTHORIZED USE:

Replacement and the continued use of an existing railroad bridge across Coyote Creek and the continued use of an existing railroad bridge across Mud Slough.

LEASE TERM:

49 years, beginning June 1, 2001.

CONSIDERATION:

No monetary consideration pursuant to California Public Utilities Code Section 7553.

SPECIFIC LEASE PROVISIONS:

Liability insurance: Combined single limit coverage of $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. At its meeting of February 27, 1996, the Commission authorized the above uses to Southern Pacific Transportation Company, but the lease was not executed by Southern Pacific. On October 2, 1998, the corporate name of Southern Pacific Transportation Company was changed to Union Pacific Railroad Company. Staff recommends that the authorization by the Commission on February 27, 1996, be rescinded.

3. On August 19, 1999, the San Francisco Bay Conservation and Development Commission (BCDC) granted Permit # 9-99 under its certified program. (Title 14, California Code of Regulations, section 15251(h)).

   Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253(b) have been met for the Commission to use the environmental analysis document, certified by the BCDC, as a Mitigated Negative Declaration equivalent in order to comply with the requirements of the CEQA.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission

EXHIBITS:

A. Location Map
B. Description Plat

PERMIT STREAMLINING ACT DEADLINE:

August 20, 2002

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (SF BCDC PERMIT # 9-99), WAS ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251(h)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN BCDC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. RESCIND THE COMMISSION'S AUTHORIZATION CONTAINED IN CALENDAR ITEM 53, APPROVED AT THE COMMISSION MEETING OF FEBRUARY 27, 1996.

2. AUTHORIZE ISSUANCE TO UNION PACIFIC RAILROAD COMPANY OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING JUNE 1, 2001, FOR A TERM OF 49 YEARS, FOR THE REPLACEMENT AND CONTINUED USE OF AN EXISTNG RAILROAD BRIDGE ACROSS COYOTE CREEK AND THE CONTINUED USE OF AN EXISTING RAILROAD BRIDGE ACROSS MUD SLOUGH, IN ALAMEDA AND SANTA CLARA COUNTIES, ON THE LAND SHOWN ON EXHIBIT B ATTACHED, AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO CALIFORNIA PUBLIC UTILITIES CODE SECTION 7553; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000.

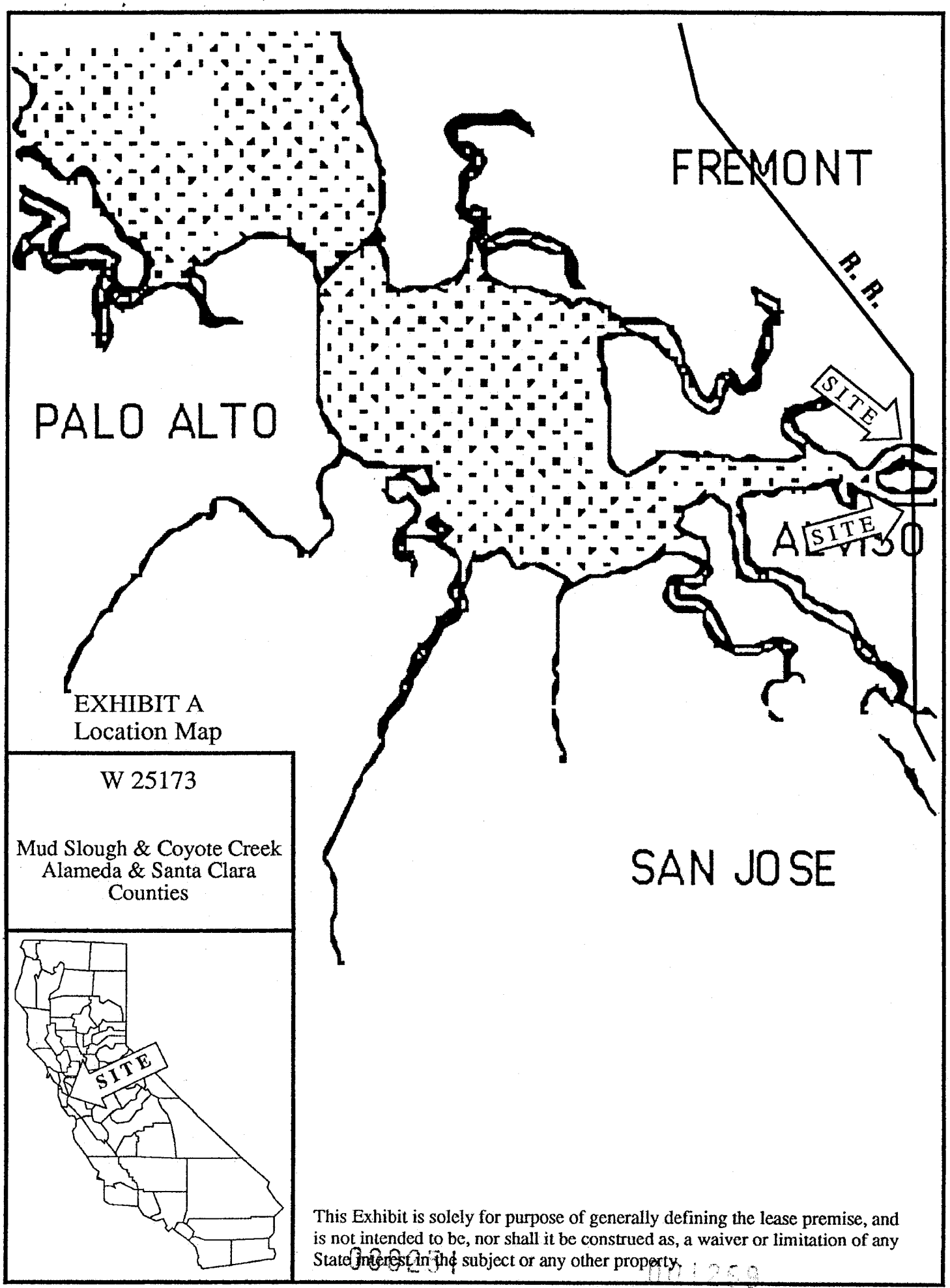

EXHIBIT A
Location Map

W 25173

Mud Slough & Coyote Creek
Alameda & Santa Clara
Counties

This Exhibit is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

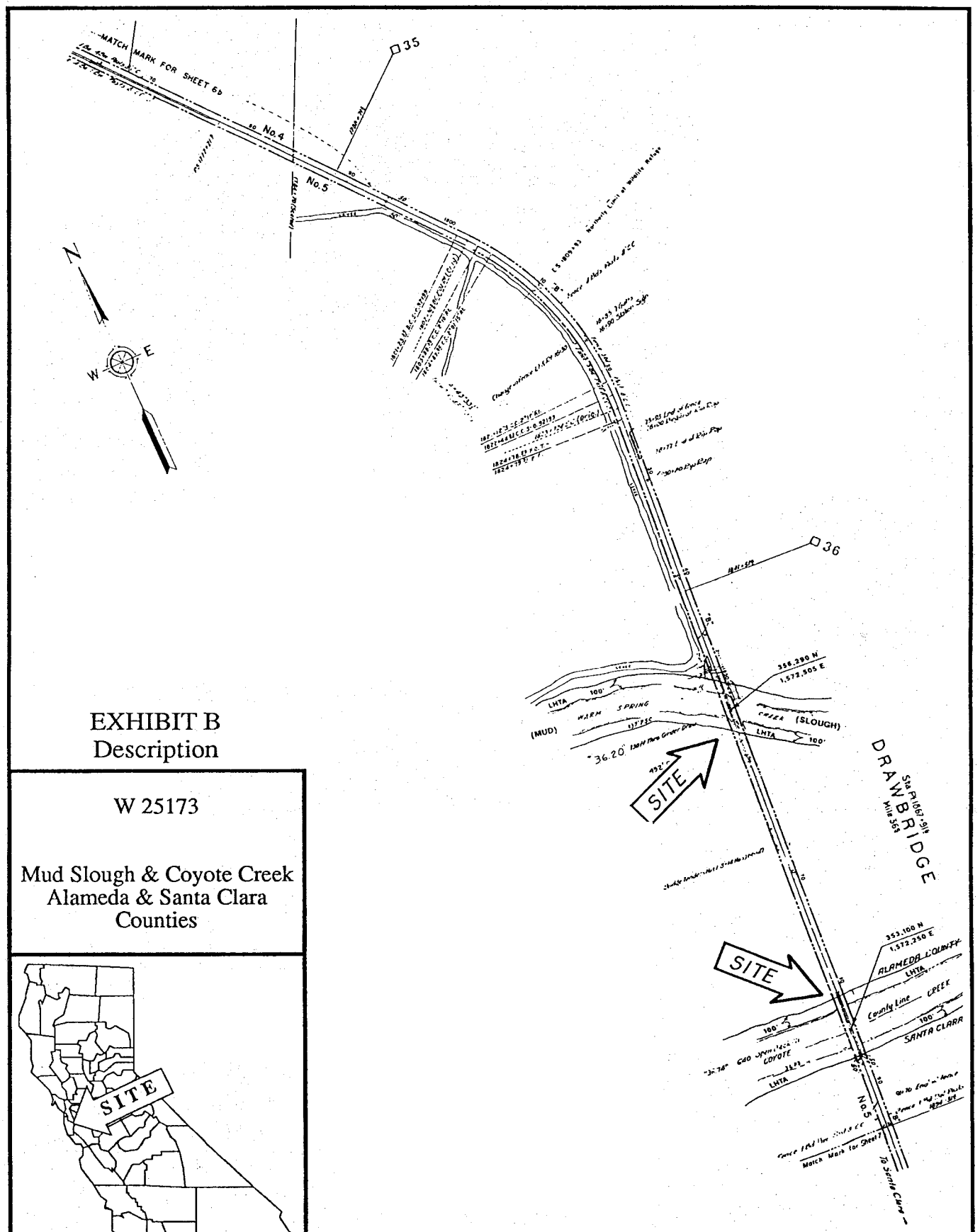

EXHIBIT B
Description

W 25173

Mud Slough & Coyote Creek
Alameda & Santa Clara
Counties

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