

ORIGINAL

Decision No. 88729 APR 18 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF OAKLAND, a municipal corporation, acting by and through its Board of Port Commissioners, and HOWARD TERMINAL RAILWAY, a California corporation, for authorization to transfer railroad located within the City of Oakland.

Application No. 57860
(Filed February 9, 1978)

O P I N I O N

In compliance with Section 851 of the Public Utilities Code, Howard Terminal Railway, a California corporation, applicant herein, requests authority to sell and transfer the whole of its rail operations to the Port of Oakland.

The agreed cash consideration for all property and rights of applicant and of its parent corporation, Howard Terminal, is \$3,288,813, payable at the close of escrow.

Applicant is presently operating as a switching railroad serving the property owned by Howard Terminal. Applicant has direct interchange with The Western Railroad Company and Southern Pacific Transportation Company. It also serves Santa Fe through Southern Pacific Transportation Company's tracks.

The City of Oakland, acting by and through its Board of Port Commissioners, is engaged in the development, management, and control of marine terminals.

On September 1, 1976, the Port of Oakland adopted a "Port of Oakland Market Street Terminal Plan for Redevelopment". An Environmental Impact Report was prepared and certified as complete by the Port of Oakland as the lead agency. A copy thereby was filed with the instant application. As a necessary step in the implementation of the Master Plan the Port of Oakland desires to acquire the real and personal property owned by applicant and its parent corporation.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

O R D E R

IT IS ORDERED that after the effective date hereof and pursuant to the provisions of Section 851 of the California Public Utilities Code, Howard Terminal Railway may sell and transfer to the Port of Oakland the properties described in Exhibit E attached to the application according to the terms set forth therein.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 18th day of 1 APRIL, 1978.

Robert Bateman
President
William Lyman, Jr.
Vernon L. Stenger

Clarence D. Gravelle
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.