

Public Law 100-693
100th Congress

An Act

To declare that certain lands in the State of California which form a part of the right-of-way granted by the United States to the Central Pacific Railway Company have been abandoned, and for other purposes.

Nov. 18, 1988
[H.R. 4039]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Southern Pacific Transportation Company is the successor grantee of the real property described in section 3;

(2) through a petition to the Interstate Commerce Commission to be allowed to cease using such property for the provision of railroad services, through the removal of tracks, and through other actions, the Southern Pacific Transportation Company has taken steps to abandon and relinquish the real property described in section 3;

(3) the County of Alameda (a political subdivision of the State of California wherein the real property described in section 3 is situated) has acted to include such property within its County System of Highways; and

(4) use for public purposes of lands granted for railroad rights-of-way, including use of such land for highway, communications, and other public purposes as well as for public recreational trails or other recreational purposes, is in the national interest.

SEC. 2. DECLARATION OF ABANDONMENT, ETC.

(a) **ABANDONMENT OF RIGHT-OF-WAY.**—The Congress hereby declares that the Southern Pacific Transportation Company has abandoned the real property described in section 3.

(b) **UNITED STATES INTEREST.**—(1) Except as otherwise provided in this Act, any and all right, title, or interest of the United States in the real property described in section 3 shall be retained and managed by the Secretary of the Interior for use as a public recreational trail or for other recreational purposes, as well as for such other uses as the Secretary may determine to be appropriate pursuant to applicable law, so long as such uses do not preclude trail use.

(2) Paragraph (1) of this subsection shall not apply to any portion of the real property described in section 3 embraced in a public highway in a manner meeting the requirements of the Act of March 8, 1922 (43 U.S.C. 912).

(3) Section 4 of this Act shall apply to all the real property described in section 3, regardless of whether any portion of such property may be covered by paragraph (2) of this subsection.

(c) **LIMITATIONS.**—(1) Nothing in this Act shall be construed as expanding or diminishing any right, title, or interest of any party other than the United States in the real property described in

section 3 which under applicable law vested in any such party on or before the date of enactment of this Act.

(2) Nothing in this Act shall be construed as requiring or permitting the acquisition by the United States of any right, title, or interest in the real property described in section 3 greater than any such right, title, or interest of the United States in such real property as of the date of enactment of this Act.

SEC. 3. DESCRIPTION OF PROPERTY.

(a) **IN GENERAL.**—The property referred to in sections 1, 2, and 4 is certain real property situated in the County of Alameda, State of California, forming a part of the right-of-way granted by the United States to the Central Pacific Railway Company in the Act entitled “An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and Other Purposes”, approved July 1, 1862 (12 Stat. 489).

(b) **SPECIFIC DESCRIPTION.**—The real property referred to in subsection (a) involves certain real property situated in the unincorporated townships of Murray, Pleasanton, and Washington, and in the incorporated area of the cities of Union City and Fremont, and is more particularly described as follows:

(1) **PARCEL 1.**—A strip of land, 400 feet in width, acquired by the Central Pacific Railway Company by an Act of Congress dated July 1, 1862 (as shown on the map entitled “C.P.R.Y. Co. Oakland to Sacramento Main Line Via Niles and Tracy Map of Real Estate and Right of Way Properties through Alameda, County, California” dated 1914, in Alameda County Road Department Files numbered A 77-32, A 77-33, and A 77-34), lying equally 200 feet on each side of the center line more particularly described in that certain Quitclaim Deed from the Southern Pacific Transportation Company, a Delaware corporation, to the County of Alameda, dated March 15, 1985, and recorded April 23, 1985, as Series No. 85-077990, Official Records of Alameda County, California.

(2) **PARCEL 2.**—Those strips of land varying in width acquired by the Central Pacific Railroad Company by an Act of Congress, dated July 1, 1862 (as shown on the map entitled “C.P.R.Y. Co. Oakland to Sacramento Main Line Via Niles and Tracy Map of Real Estate and Right of Way Properties through Alameda County, California” dated 1914, in Alameda County Road Department Files numbered A 77-26, A 77-27, and A 77-28), the center line of said strips of land being more particularly described in that certain Quitclaim Deed from the Southern Pacific Transportation Company, a Delaware corporation, to the County of Alameda, dated March 15, 1985, and recorded April 23, 1985, as Series No. 85-077991, Official Records of Alameda County, California.

(3) **PARCEL 3.**—Those strips of land varying in width acquired by—

(A) the Central Pacific Railroad Company under the Act referred to in subsection (a) (as shown on the map entitled “C.P.R.Y. Co. Oakland to Sacramento Main Line Via Niles and Tracy Map of Real Estate and Right of Way Properties through Alameda, County, California” dated 1914, in Alameda County Road Department Files numbered A 77-26, A 77-27, and A 77-28);

(B) the Western Pacific Railroad Company by Order and Declaration dated June 22, 1868, concerning the Report of Commissioners in the matter of the Western Pacific Railroad Company against Matthew W. Dixon, et al., in the District Court of the Third Judicial District in and for the County of Alameda, State of California, a certified copy of the Order recorded September 7, 1869, in Book 43 of Deeds at page 262, Records of Alameda County, California; and

(C) the Western Pacific Railroad Company by deed dated April 18, 1870, from Jonas G. Clark, recorded June 14, 1870, in Book 55 of Deeds at page 342, Records of Alameda County.

SEC. 4. RESERVATION AND RESTRICTIONS.

(a) **RESERVATION.**—Any and all rights of the United States in and to all oil, coal, and other minerals in the real property described in section 3 shall be retained by and reserved to the United States, together with the right to prospect for, mine, and remove such oil, coal, and other minerals under applicable law.

Petroleum and
petroleum
products.
Coal.
Minerals and
mining.
Highways.

(b) **RESTRICTIONS.**—Any portion of the real property described in section 3 embraced in a public highway in a manner meeting the requirements of the Act of March 8, 1922 (43 U.S.C. 912), shall be used only for such purposes (including but not limited to public recreational purposes) as may be authorized under laws of the State of California applicable to property forming part of such public highway. In the event that any portion of such real property should be used for any other purpose, or in the event that an attempt should be made to transfer ownership of any portion of such real property to any party other than the State of California or a political subdivision thereof, there shall revert to and be vested in the United States all the right, title, and interest in such real property which the United States possessed on the date of enactment of this Act.

SEC. 5. MOUNTAIN WARFARE TRAINING CENTER.

Unless otherwise provided by law, the lands within the Toiyabe National Forest, in California, which have been used for purposes of the United States Marine Corps Mountain Corps Mountain Warfare Training Center, shall be retained as part of such National Forest. The Secretary of Agriculture shall continue to make such lands available to the United States Marine Corps for purposes of such training center, subject to such restrictions as the Secretary of Agriculture finds appropriate to protect the natural, environmental,

Armed Forces.
National Forest
System.

Recreation. aesthetic, scientific, cultural, and other resources and values of such lands. So far as possible, consistent with use of such lands by the United States Marine Corps for purposes of the Mountain Warfare Training Center, the affected lands shall be open to public recreation and other uses.

Approved November 18, 1988.

LEGISLATIVE HISTORY—H.R. 4039:

HOUSE REPORTS: No. 100-941 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 134 (1988):
Sept. 20, considered and passed House.
Oct. 21, considered and passed Senate.

