

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 33 (Sub-No. 296X)**

**Union Pacific Railroad Company - Abandonment Exemption –  
in Riverside and San Bernardino Counties, Cal.**

**BACKGROUND**

On March 3, 2011, Union Pacific Railroad Company (UP), filed a petition under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 to abandon 2 rail line segments, totaling 5.0 miles, of the Riverside Industrial Lead in Riverside and San Bernardino Counties, CA. The northern segment begins at milepost 540.15, near Colton, and ends at milepost 543.88, near Riverside (North Segment), a distance of 3.73 miles.<sup>1</sup> The southern segment begins at milepost 544.56 and extends to the end of the line at milepost 545.83 (South Segment), a distance of 1.27 miles in Riverside County (both segments are referred to collectively as the Line). UP is not seeking to abandon a small portion (.68 miles) in the middle of the Riverside Industrial Lead. This .68 mile segment, known as the “Remaining Segment,” connects the North and South Segments (between milepost 543.88 to milepost 544.46). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to UP, there has been no local rail traffic over the North or South Segments of the Line for at least 2 years. However, there are 2 shippers on the Remaining Segment whose rail traffic currently moves as overhead traffic on the North Segment of the Line. If the abandonment is approved, rail service would be protected through a contractual arrangement with BNSF Railway Company (BNSF) providing haulage over a proposed new rail connection, discussed below.

**DESCRIPTION OF THE RAIL LINE**

The Line is located in southwestern California and passes through the cities of Colton, Grand Terrace, Highgrove, and Riverside. The Line crosses the Santa Ana River between the cities of Colton and Grand Terrace. The terrain is generally level to gently sloping. According to UP, most of the land adjacent to the Line has been developed and is urban in nature. Land use

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<sup>1</sup> 2.27 miles of the North Segment are located in San Bernardino County and 1.46 miles are located in Riverside County.

along the right-of-way is varied, and includes residential, public, commercial, industrial, and vacant land. UP states that most of the land use includes some type of industrial operation.

The width of the right-of-way varies from between 15 feet to 150 feet. A portion of the Line is incorporated within a public street. UP also notes that the Line does not contain any federally granted rights-of-way and traverses United States Postal Service Zip Codes 92324, 92313, 92507, and 92506.

If the Board should approve this proposed abandonment, UP would salvage the track materials and bridges, but would leave the ballast and any culverts in place.

### **ENVIRONMENTAL REVIEW**

As stated above, no local traffic has moved over the Line for at least 2 years. UP states that it has filed a petition, instead of a notice, for abandonment because the relocation of the overhead traffic from the North Segment could not occur until the construction of a proposed new rail line connecting a rail line owned by the Riverside County Transportation Commission (RCTC) and the Remaining Segment has been completed. The proposed new rail connection would complete the alternate route for movement of the overhead traffic and would allow rail service to continue to the 2 shippers located on the Remaining Segment. UP does not anticipate any new rail customers locating along the Line.

UP states that one of the primary reasons for the abandonment is that Interstate 215 is being widened. This widening would require replacing the existing railroad bridge with a longer railroad bridge at a cost of \$12.4 million, a cost that UP feels is not justified based on the existing level of rail traffic. UP supports the alternative for rerouting the overhead traffic via the new rail connection discussed above.

According to UP, given the widening of Interstate 215 and the cost of replacing the existing railroad bridge, there is no reasonable alternative to the abandonment.

UP submitted an Environmental Report that concludes that the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules (49 C.F.R. § 1105.7(b)).<sup>2</sup>

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<sup>2</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 296X).

The Board's Office of Environmental Analysis (OEA)<sup>3</sup> has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

If the Board should approve the rail abandonment, the closest available UP rail service would be located at the north end of the Line at Colton, CA, or between the North and South Segments of the Line at Riverside, CA. As noted above, there are 2 customers on the Remaining Segment of the Line, Sigma Stretch (Sigma) and Lehigh Cement Company (Lehigh). According to UP, the combined carload traffic of Sigma and Lehigh during 2009 and 2010 was approximately 2.25 carloads daily. UP has also submitted verified statements outlining its discussions with representatives of Sigma and Lehigh. UP has also attached correspondence indicating that Sigma does not object to the proposed abandonment. To date, no response has been received from Lehigh expressing either support or opposition to the proposed abandonment. UP states that it would continue to provide service to Sigma and Lehigh over the Remaining Segment with BNSF providing rail service via a haulage agreement and trackage rights, over a proposed new rail connection that would be constructed between the Remaining Segment and a line of railroad owned by the RCTC. UP would remain the primary railroad obligated to serve the Remaining Segment.

According to UP, the proposed abandonment would not result in any adverse effect to existing customers. There would be no increase in rail traffic, rail yard activity, or truck traffic. UP also states that abandonment of the Line would have no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

UP also notes, that because of the industrial nature of the area and because the area would see continued railroad operations, the Line is not a likely consideration for trails use nor suitable for the conservation of energy production.

### ***Salvage Activities***

If the Board should approve the proposed abandonment, UP would salvage the track materials and sell the salvaged components for reuse, rerolling or as scrap. If approved, UP states that salvage would occur as follows:

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<sup>3</sup> OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next, the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and, (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by UP's contractor to an EPA-approved disposal site or to a cogeneration plant.

Culverts and right-of-way grading would remain intact so as not to alter the prevailing water flows along the Line. Ballast would typically be left in place, but might be removed if it is of exceptional quality and suitable for resale or would make the right-of-way more suitable for a planned future use. Bridges would be removed unless they are included in a trail transaction or otherwise acquired. UP's salvage contractors would be required to limit their activities to the width of the right-of-way and to not place fills or other material in water bodies, including inland waterways. When the salvage process has been completed, waterflows in the area would not have been disrupted. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by governing authority. Any railroad signals would also dismantled and removed.

UP's salvage work for abandonments is always performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work would be independently inspected by a UP roadmaster (or equal representative) to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

### ***Comments***

The San Bernardino Associated Governments (SANBAG) has submitted a letter stating it fully supports the proposed abandonment given that RCTC has agreed to construct a new rail connection creating an alternative rail transportation route ensuring that all shippers would receive continued service. SANBAG also supports the proposed abandonment because it would allow for a widening of Interstate 215. Last, SANBAG notes that the abandonment would increase safety with the closure of 8 at-grade crossings.

RCTC also states that it fully supports UP's proposed abandonment. According to RCTC, the abandonment would result in significant benefits for Riverside and San Bernardino Counties and would result in no adverse effect to shippers. Moreover, RCTC states that it has agreed to the following actions to ensure continued service to shippers:

- To construct a new rail connection for the intersection between UP's Riverside Industrial Lead and Metrolink's San Jacinto branch line in the vicinity of Marlborough Avenue.
- RCTC has agreed to allow overhead trackage rights to UP over Metrolink's San Jacinto branch line from the BNSF mainline switch near Highgrove, CA, to the new rail connection identified above.

UP and BNSF have also agreed to the following actions to ensure continued service to shippers:

- UP and BNSF have agreed that BNSF would switch shippers on UP's Riverside Industrial Lead on behalf of UP.
- UP has agreed to provide BNSF trackage rights from the new rail connection to shippers located on UP's Riverside Industrial Lead.

OEA notes that both SANBAG and RCTC both identify 5 shippers that are currently receiving service over the Line, while UP states that there are only 2 shippers. OEA confirmed with UP, via telephone on April 25, 2011, that Lehigh also does business as CEMEX, while Sigma also does business as Alpha Industries and Omega Plastics. This accounts for the discrepancy between the number of shippers identified by UP, SANBAG and RCTC.

According to UP, there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

The Natural Resources Conservation Service (NRCS) has not responded to UP's environmental report. OEA has provided a copy of this EA to NRCS for review and comment.

The U.S. Fish and Wildlife Service (USFWS) has not responded to the proposed abandonment. OEA has provided a copy of this EA to USFWS for review and comment.

A search conducted by OEA finds that the proposed abandonment is not located near any wildlife sanctuaries or refuges, or any National or State parks or forests and would therefore not result in any adverse impacts.

UP believes that the proposed abandonment is consistent with applicable Federal, State and local water quality standards and would not require a permit under Section 402 of the Clean Water Act.

The U.S. Army Corps of Engineers (Corps) has submitted a letter stating that the proposed abandonment may require a permit. On April 25, 2011, UP confirmed, via telephone, that it has consulted with the Corps regarding bridge removal. UP states that the Corps concurs that only removal of the bridge crossing the Santa Ana River may warrant a permit but would depend upon the method of removal. Therefore, OEA will recommend a condition requiring UP

to consult with the Corps prior to commencement of any salvage activities regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.

In an email dated November 4, 2010, the U.S. Department of Commerce, National Geodetic Survey (NGS) identified 2 geodetic survey markers that may be disturbed by the proposed abandonment. Therefore, OEA will recommend that UP consult with the NGS prior to the commencement of any salvage activities.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. OEA has provided a copy of this EA to the NRCS and USFWS for review and comment.

**HISTORIC REVIEW**

In its Historic Report, UP states that right-of-way varies from between 15 feet to 150 feet wide and includes no federally granted rights of way. There are a total of 4 bridges on the Line, 3 of which are thought to be 50 years old or older. The bridges are described below:

<b>Milepost Location</b>	<b>Bridge Type</b>	<b>Bridge Length (feet)</b>	<b>Date of Construction</b>
540.24	25 Span timber pile trestle 13 Pre-stressed concrete boxes 9 Span timber pile trestle	893.56	1980
541.5	4 Span through plate girder	258	1959
541.63	1 Timber stringers	23.17	1895
541.79	1 Rail top	10	1908

UP states that the bridge crossing Interstate 215, and located at milepost 541.5, qualifies for review by the California Office of Historic Preservation (SHPO). As discussed above, if this abandonment were not approved, this bridge would be replaced to accommodate the expansion of Interstate 215.

As a result of the land disturbance during original construction and maintenance of the Line, UP believes that any archaeological resources that may have been located in the area of the proposed abandonment would have been affected at that time.

According to UP, the Line was originally constructed in 1889 by the Southern California Motor Road (SCMR). The SCMR was acquired by the Southern Pacific Railroad Company in 1898 and converted to standard gauge. The Line is currently constructed with second-hand 133 pound welded rail installed in 2004.

UP served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the California Office of Historic Preservation (SHPO) pursuant to 49 C.F.R. § 1105.8(c). OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring UP to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>4</sup> The database indicated that there are 11 federally-recognized tribes, may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the following 11 federally-recognized tribes for review and comment:

1. Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
2. Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
3. Fort McDowell Yavapai Nation, Arizona
4. Fort Mojave Indian Tribe of Arizona, California & Nevada
5. Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
6. Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
7. Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
8. Paiute Indian Tribe of Utah
9. San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California
10. Twenty-Nine Palms Band of Mission Indians of California
11. Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona

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<sup>4</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited April 24, 2011).

## **CONDITIONS**

We recommend that the following 3 conditions be imposed on any decision granting abandonment authority:

- 1. Union Pacific Railroad Company, prior to commencement of any salvage activities, shall consult with the United States Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.**
- 2. Union Pacific Railroad Company shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.**
- 3. Union Pacific Railroad Company shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. Union Pacific Railway Company shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the SHPO and the public. Union Pacific Railway Company may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, that abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 296X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [Troy.Brady@stb.dot.gov](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: May 2, 2011.

**Comment due date: June 2, 2011.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment