

38844
SEA

SERVICE DATE – APRIL 18, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-398 (Sub-No. 7X)

**San Joaquin Valley Railroad Company – Abandonment Exemption –
in Tulare County, CA**

BACKGROUND

In this proceeding, San Joaquin Valley Railroad Company (SJVR) filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 for SJVR to abandon an approximately 30.57 mile line of railroad in Tulare County, California. The rail line extends between Milepost 268.60 in Strathmore and Milepost 299.17 in Jovista. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition is granted, SJVR would be able to salvage track, ties and other railroad appurtenances.

DESCRIPTION OF THE LINE

According to SJVR, attempts to build the San Francisco and San Joaquin Valley Railroad (SFSJVR), the railroad that is today the SJVR, began in earnest in 1893 in order to create competition for the predecessor of the Southern Pacific Transportation Company (SPT) in the San Joaquin Valley. After several failed attempts at obtaining funding, the construction was funded in 1895 and the line was built between 1895 and 1898. The SFSJVR was eventually acquired by SPT, and then was transferred to SJVR in 1992.

Based on information in SJVR's possession, the line does not contain Federally granted right-of-way. The right-of-way is generally 100 feet wide, with some variance in towns and villages. Other than Porterville, the land adjoining the line is mainly rural in character. The line begins at Milepost 268.60, at an elevation of 400 feet, in Strathmore and runs to the south parallel to California Highway 65. At Milepost 269.47 the line crosses the Friant Kern Canal, and continues southward to the west of Lewis Hill and Scenic Heights. The line continues south parallel and west of California Highway 65 and crosses the Tule River at Milepost 275.31 and California Highway 38 at Milepost 275.76. In Ponca the line crosses California Highway 65 and runs to the west of and parallel to that road as it runs toward the southwest. The line then turns due south and crosses Deer Creek at Milepost 280.83 and passes through Terra Bella and Ducor. Bearing southwest, the line crosses California Highway 65 and then the White River at Milepost 289.06. The line runs through Vestal and into Richgrove, where it turns due west, once again crossing the Friant Kern Canal just before entering Jovista. Passing through Jovista, the line

turns due south where it ends south of Bassett Avenue at Milepost 299.17, at an elevation of about 385 feet.

According to SJVR, thirteen bridges of varying construction types and age are located on the line. SJVR believes that the bridges are not unusual or noteworthy for inclusion on the National Register of Historic Places. In SJVR's opinion, there are no archeological resources or other railroad related historic properties in the project area. SJVR does not plan to alter, remove or dispose of any of the bridges that are on the line.

ENVIRONMENTAL REVIEW

SJVR submitted an environmental report that concludes 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. SJVR 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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

The Visalia City Council (VCC) passed a resolution on November 19, 2007, opposing SJVR's proposed abandonment. VCC indicates that the rail corridor is a significant regional resource and its loss would be irretrievable. VCC states that the absence of rail service would adversely affect businesses in the region, forcing them to move goods by truck and adversely affecting regional air quality. In addition, VCC states that increased truck traffic would place additional traffic on local roads resulting in increased traffic congestion and long term roadway maintenance costs.

The Tulare County Economic Development Corporation, the Tulare County Association of Governments, and the Tulare County Board of Supervisors (jointly referred to as "Tulare County") protest SJVR's application for authority to abandon the line. Tulare County wants to maintain rail service as a means of reducing truck traffic and maintaining air quality while accommodating essential future economic development to address its very serious unemployment and poverty problems.

SJVR states that it is seeking to abandon the line because the traffic does not justify the costs of operating and maintaining the line. In 2006, three shippers used the line: Tri K Truss (Milepost 275.2), Sierra Forest Products (Milepost 281.9), and Britz Fertilizer (Milepost 287.1). According to SJVR, no shipments have moved over the line since October 2006. In 2006, the shippers generated 32 carloads on the line. 52 carloads were generated by shippers on the line in 2005 and 81 carloads were generated by shippers on the line in 2004. SJVR indicates that the shippers have stopped doing business that requires the shipment of goods by rail, found alternative modes of transportation, or relocated. SJVR notes that truck transportation is

available as an alternative because the line runs parallel to California Highway 65 for almost its entire length.

As noted above, SJVR states that 32 carloads were moved on the line during the base year (calendar year 2006). Using a rail-to-truck conversion factor of four trucks per railcar (the conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities), SEA calculates that if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 128 new trucks per year (256 truck trips assuming an empty backhaul). This increase in truck traffic would not exceed the Board's thresholds of an increase of more than ten percent of the average daily traffic (ADT) or 50 vehicles a day on any affected road segment. See 49 CFR 1105.7(e)(5)(C).

Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

Upon receipt of abandonment authority, SJVR indicates that it would salvage the track and materials from the line. The real estate is owned by the Union Pacific Railroad Company (UP), as successor in interest to the SPT. UP would determine how to dispose of the real estate.

Abandonment of the line would result in the removal of the rail, crossties and possibly the upper layer of ballast. SJVR does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures. The operations and maintenance of the line would cease. Removal of the line would result in the elimination of 40 public road crossings and 16 private crossings.

Upon receiving abandonment authority, removal of material would be accomplished by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. SJVR does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris would be transported away from the line and would not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

SJVR does not believe that there is any prime agricultural land that would be affected by the proposed abandonment. SJVR is unaware of any wildlife sanctuaries or refuges or National/State parks or forests that would be adversely affected by the proposed abandonment. SJVR does not believe that the proposed action would be likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

SJVR does not believe that any permits under Section 404 of the Clean Water Act would be required for the proposed abandonment, or that any designated wetlands or 100-year flood plains would be affected by the proposed abandonment. The line does not pass through a designated coastal zone.

The California Public Utilities Commission (PUC) submitted comments requesting that the Board require, as a condition for the exemption, that the rail and ties be removed along the right-of-way and at all highway-rail crossings along the lines within two years of granting the abandonment exemption. PUC also requests that a “tracks out of service” sign be posted at crossings until the tracks are removed from the roadways, and that warning devices also be removed along with the tracks within two years of granting the abandonment exemption. According to PUC, tracks left in the roadway and not maintained cause traffic and pedestrian safety hazards. PUC adds that hazards include feet, bicycle wheels, and wheelchairs getting caught in the flange way, causing damage or injury to the equipment and person; broken rails and ties creating a protruding sharp obstacle above the roadway grade; rotten railroad ties and foul ballast causing depressions and potholes in the roadway areas; and vehicles (such as buses and those carrying hazardous materials) stopping unnecessarily at grade crossings, as required by California law, creating the potential for vehicular collisions. PUC also states that local agencies should not be left financially accountable for removal or maintenance of the crossings. PUC cites the Federal Highway Administration’s Manual on Uniform Traffic Control Devices as stating that elimination of a highway-rail grade crossing should include track being removed or paved over. In order to address PUC’s concerns, we are recommending a condition requiring that SJVR consult with PUC prior to consummation of the abandonment.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, and if the mitigation recommended in this EA is imposed, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

SJVR served the historic report on the California Office of Historic Preservation (SHPO), pursuant to 49 CFR 1105.8(c). SEA 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 the railroad 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>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area and identified the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Reno-Sparks Indian Colony, Tule River Indian Tribe of the Tule River Reservation, Walker River Paiute Tribe of the Walker River Reservation, and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch as tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect) of the proposed abandonment. Accordingly, SEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

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

1. San Joaquin Valley Railroad Company (SJVR) 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. SJVR shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office, any other Section 106 consulting parties that have been identified, and the public. SJVR 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.
2. Prior to conducting any salvage activities along this rail line, San Joaquin Valley Railroad Company shall consult with the California Public Utilities Commission (PUC) regarding PUC's concerns that abandoned track could cause safety hazards on roadways.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, 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 four-part showing for imposition of a public use condition (49 CFR 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-398 (Sub-No. 7X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental

contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: April 18, 2008.

Comment due date: May 19, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment