

38853
SEA

SERVICE DATE – APRIL 28, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-398 (Sub-No. 8X)

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

BACKGROUND

In this proceeding, the 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 to abandon an approximately 9.20-mile line of railroad in Tulare County, California. The rail line extends between Exeter at milepost 259.40 and Strathmore at milepost 268.60. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition is granted, the railroad would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

SJVR submitted an environmental report that concludes the quality of the human environment would 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 Board's environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Description of Rail Line

The rail line begins about 2 miles south of Exeter to a point south of the town of Lindsey. Both towns have populations of 10,000 people or more and the land bordering the line is generally residential in nature. The line right-of-way averages 100 feet in width on either side of the center line with some variances.

According to SJVR, a bridge is located on the line at milepost 216.29. The bridge consists of a three span concrete slab with two abutments, and a deck with intact ballast and rail. Photos of the bridge included in the railroad's environmental report seem to indicate that the bridge is of modern construction.

SJVR states that Lindsey Foods International is currently the only shipper on the line. In 2007, the company shipped 79 carloads of frozen foods along the line (calendar year 2007, or

base year). According to the SJVR, these shipments generated \$32,745 in revenue, significantly less than the overall cost of operating and maintaining the line.

Diversion of Traffic

SEA has calculated the diversion of traffic that would occur from the proposed abandonment. Using a rail-to-truck conversion factor of four trucks per railcar, if all 79 carloads moved on the line in 2007 were diverted to truck traffic, the abandonment would generate an estimated 316 new trucks per year (632 truck trips assuming an empty backhaul). This increase in truck traffic would not exceed the Board's threshold 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.

The Lindsay City Council (LCC) passed a resolution on November 17, 2007, opposing SJVR's proposed abandonment. LCC indicates that the absence of rail service that would result from the abandonment would have an adverse impact on local businesses located along the line. According to LCC, no other rail line services Lindsay Foods International. In its resolution, LCC also notes that the line abuts industrial and mixed-zone properties which would likely attract future industrial developments in need of the line. LCC also has concerns regarding the potential air quality impacts of increased truck traffic that it states would result from the proposed abandonment. As discussed above, the current low level of rail traffic on the line would result in fewer than 650 truck trips annually, below the thresholds for analysis set forth in the Board's environmental rules.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of 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.

According to SJVR, abandonment of this line would result in the removal of the rail, cross-ties and possibly the upper layer of ballast. SJVR does not intend to disturb the substrate and does not intend to remove the concrete bridge. Removal of the line would result in the elimination of 16 public road crossings. There are no private crossings.

SJVR states that upon receiving abandonment authority, removal of any track material and ballast 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. According to the SJVR any future disposition of the land underlying the line would be determined by the line's successor in interest, the Union Pacific Railroad Company.

SJVR indicates that the line right-of-way contains no prime agricultural lands, wildlife sanctuaries, parks or forests that could be affected by the proposed abandonment. In addition, SJVR states that it believes activities associated with the abandonment would not require permits under Section 404 of the Clean Water Act and that no 100-year flood plains would be impacted. The project area is not located in a designated coastal zone.

SJVR states that the proposed abandonment is not likely to impact any threatened or endangered species or critical habitat.

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.

Copies of this EA will be provided to appropriate Federal, state and local agencies for their review and comment.

HISTORIC REVIEW

SJVR submitted a historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].¹ SJVR served the report on the California Office of Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). No response has been provided by the SHPO to either SEA or SJVR regarding the potential of the abandonment to impact any National Register eligible historic properties along the line. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of any National Register eligible or listed historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) 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 <http://home.nps.gov/nacd/> to identify Federally recognized Tribes that may have ancestral connections to the project area. The database identified seven Tribes with a potential interest in the proposed abandonment. The tribes are: the Fort McDermitt Paiute and Shoshone Tribes of

¹ The combined environmental and historic report for this proceeding can be viewed online by conducting a "Full Text Search" using the Docket Number for this proceeding, AB-398 (Sub-No. 8X), at <http://www.stb.dot.gov/filings/all.nsf/ByFilingDate?OpenView>.

the Fort McDermitt Indian Reservation, Nevada and Oregon; the Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; the Reno-Sparks Indian Colony, Nevada; the Tule River Indian Tribe of the Tule River Reservation, California; the Walker River Paiute Tribe of the Walker River Reservation; and the Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada. Copies of this EA will be sent to the above Tribes for their review and comment.

CONDITIONS

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

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.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, provided that the recommended condition is imposed, abandonment of the rail 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 the petition for 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this EA, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-FILING" link. Please refer to **Docket No. AB-398 (Sub-No. 8X)** in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: April 28, 2008.

Comment due date: **May 28, 2008 (30 days)**.

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

Anne K. Quinlan
Acting Secretary

Attachment