

30939

SERVICE DATE - APRIL 21, 2000

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**NO. AB-33 (SUB-NO. 145X)**

**UNION PACIFIC RAILROAD COMPANY --ABANDONMENT EXEMPTION--  
IN STANISLAUS COUNTY, CA**

**BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UPRR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line known as the Tidewater Subdivision, from milepost 26.43 near McHenry, to milepost 32.05, in Modesto, a distance of 5.62 miles in Stanislaus County, California. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

No rail traffic has originated or terminated on the line for at least two years. There are two bridges 50 years old or older on the line. The line includes 7,000 feet of trackage which runs down the center of 9<sup>th</sup> Street (13 city blocks) in the City of Modesto (the City). There are no shippers on the line.

The City supports UPRR's proposed abandonment as part of an agreement between the City and the railroad to reroute trains to another UPRR line and eliminate the trackage in the downtown area. In addition to eliminating conflicts between train and automobile traffic traveling in parallel along 9<sup>th</sup> Street, the abandonment would eliminate 15 at-grade rail-highway crossings with side streets intersecting both 9<sup>th</sup> Street and the rail line. Another 16 grade crossings would be eliminated from the portion of the line extending northward to milepost 26.43.

**ENVIRONMENTAL REVIEW**

The railroad has 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. The railroad has served the environmental

report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have verified the record in this proceeding. Responses to the railroad's request for comments thus far have indicated the need for two conditions, as set forth below.

### **Conditions**

The U.S. Department of Commerce, National Geodetic Survey, has indicated that eight geodetic station markers may be affected by the proposed abandonment and therefore require a protective condition. Also, the California has requested that UPRR prepare a "Preliminary Endangerment Assessment," which will assist the Department in determining whether hazardous substances posing a threat to human health or the environment exist at the site. We therefore recommend that the following conditions be placed on any decision granting abandonment authority:

- 1. If salvage operations are expected to destroy or disturb the geodetic station markers shown on the list appended, the railroad shall notify the U.S. Department of Commerce, National Geodetic Survey at least ninety days prior to commencement of such operations.**
- 2. Prior to commencement of salvage operations, UPRR shall consult with the California Department of Toxic Substances Control and comply with Department's request to complete a "Preliminary Endangerment Assessment" covering the line to be abandoned.**

### **CONCLUSIONS**

Based on the information provided from all sources to date and subject to the recommended conditions, we conclude that, as currently proposed, 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**

If abandonment and salvage of the rail line take place, the railroad states that the northern portion of the right-of-way may

be suitable for recreational trail use, and the southern portion is suitable for the public purposes desired by the City of Modesto. 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. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

#### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment. **Please refer to Docket No. Ab-33 (Sub.-No.145X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr.McNulty at(202) 565-1539.

Date made available to the public: April 21, 2000.

**Comment due date: May 8, 2000.**

By the Board, Elaine K. Kaiser, Chief, Section of Environment Analysis.

Vernon A. Williams  
Secretary



map to be scanned