

34194

SERVICE DATE - NOVEMBER 28, 2003

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-416 (Sub-No. 4X)

**SAN BERNARDINO ASSOCIATED GOVERNMENTS-ABANDONMENT EXEMPTION-
SAN BERNADINO COUNTY, CA**

BACKGROUND

San Bernardino Associated Governments (SANDBAG) has filed a notice of exemption under 49 CFR 1152 to abandon any residual common carrier obligation that may remain with respect to the 19.8 mile line segment between milepost 515.70 at the San Bernardino/Los Angeles border, and milepost 535.50 on the former Baldwin Park line of the former Southern Pacific Transportation Company (SP) in the San Bernardino County, California. The line traverses U.S. postal zip codes 91701, 910730, 91739, 91763, 91786, 92335, 92336 and 92376. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.¹

CONTACTS AND PROCEDURES

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 investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included Natural Resources Conservation Service, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S.

¹SANDBAG advises that the track, ties, and the majority of ballast has been removed over the section of the Baldwin Park Branch proposed for abandonment.

Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, and National Geodetic Survey.

ENVIRONMENTAL REVIEW

SANDBAG states that service along the rail line proposed for abandonment was previously discontinued in two separate proceedings. Discontinuance of service over the 4.1 mile section representing the western extent of the Baldwin Park Branch occurred in 1992 (Interstate Commerce Commission (ICC), Docket No. AB-12 [Sub-No. 139X]). The contiguous 15.70 mile section between mileposts 519.80 and 535.50 was discontinued in 1993 (I.C.C. and No. AB-12 [Sub-No. 158X]). The remaining 2.3 miles at the eastern end of the Baldwin Park Branch is currently active, operated by Union Pacific Railroad Company but owned by SANDBAG.

The proposed abandonment should have no effect on regional or local transportation systems and patterns. The section of line proposed for abandonment currently has no rail traffic. No land use conflicts are anticipated. All activities associated with the proposed abandonment would be confined to the rail line right-of-way (ROW) and would not affect adjacent land use or any important farmland along the line. The ROW is not within a designated coastal zone. SANDBAG believes that the ROW is suitable for alternative use as a multi-purpose trail and rail transit corridor.

SANDBAG advises that an environmental investigation was conducted by its independent environmental consultants, Burns and McDonnell, along the ROW. According to SANDBAG, no hazardous materials spills or hazardous materials were identified on the ROW. However, several sites near the ROW required further characterization and/or remediation due to the presence of petroleum hydrocarbons. SANDBAG notes that petroleum hydrocarbons are not considered hazardous. With regard to the proposed abandonment, the California Department of Toxic Substances Control advises that railroad activities may be a potential source of soil contamination and appropriate soil analysis is recommended in the area adjacent to the railroad prior to abandonment. Under these circumstances, we recommend that SANDBAG consult with the California Department of Toxic Substances Control prior to commencing salvage activities.

The U.S. Fish and Wildlife Service states that the proposed abandonment is not likely to result in any adverse effects on endangered or threatened species or area designated as critical habitat. The California Regional Water Quality Control Board (Water Quality Control Board) requests that SANDBAG implement best management practices during salvage activities to avoid discharge of sediments into the streets, storm water conveyance channels, or waterways. We recommend that SANDBAG consult with the Water Quality Control Board prior to commencing salvage activities.

Cultural and Historic Resources

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the State Historic

Preservation Officer (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating the railroad is eligible for listing in National Register of Historic Places. SHPO further advises that there is a high potential for all types of historic and archaeological resources based on sites in and surrounding the railroad. SHPO states that a field survey should be undertaken in the project area. Based on the information and recommendations provided by the SHPO, we recommend that SANDBAG retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

The National Geodetic Survey (NGS) states that two geodetic station markers, EV3384 and EV3656, have been identified in the proposed abandonment area that may be affected by any salvage activities. We recommend that if there are any planned activities which would disturb or destroy these markers, SANDBAG shall notify NGS not less than 90 days in advance of such activities in order to plan for relocation of the markers.

CONDITIONS

SEA recommends that the following conditions be placed on any decision granting abandonment authority:

1. SANDBAG shall consult with the California Department of Toxic Substances Control prior to commencing salvage activities.
2. SANDBAG consult with the Water Quality Control Board prior to commencing salvage activities.
3. SANDBAG shall retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
4. The National Geodetic Survey states that two geodetic station markers, EV3384 and EV3656, have been identified in the proposed abandonment area that may be affected by any salvage activities. If there are any planned activities which would disturb or destroy these markers, SANDBAG shall notify NGS not less than 90 days in advance of such activities in order to plan for relocation of the markers.

CONCLUSIONS

Based on the information provided from all sources to date, 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

Following abandonment and any 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 (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.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Please refer to Docket No. AB 416 (Sub No. 4X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 11/28/03.

Comment due date: 12/15/03.

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

Vernon A. Williams
Secretary

Attachment

