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SERVICE DATE – AUGUST 19, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-397 (Sub-No. 7X)

TULARE VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
TULARE COUNTY, CA

Decided: August 14, 2009

Tulare Valley Railroad Company (TVR), a Class III railroad, filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 5.9-mile line of railroad between milepost 71+2969.2 at or near Ducor and milepost 66.0 at or near Ultra, in Tulare County, CA. Notice of the exemption was served and published in the Federal Register on July 21, 2009 (74 FR 35904). The exemption is scheduled to become effective on August 20, 2009.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on July 24, 2009. In the EA, SEA stated that TVR submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the California State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). SEA indicated that the historic report stated that the line includes a 48-foot culvert at milepost 70.4 stamped with the date 1934 and a wooden trestle bridge at milepost 67.8 constructed in 1924. SEA indicated that it is currently in consultation with the SHPO regarding the potential eligibility of these resources for listing on the National Register of Historic Places (National Register). Accordingly, SEA recommended a condition requiring TVR 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 until completion of the section 106 process.

Comments to the EA were due by August 7, 2009. SEA received a comment from the National Geodetic Survey (NGS) indicating that the right of way for the proposed abandonment contains approximately nine geodetic station markers. Consequently, SEA recommends a condition that TVR shall consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers. Accordingly, the environmental condition recommended by SEA in the EA and this additional condition will be imposed.

Based on SEA's recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that TVR shall: (1) (a) 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 has been completed; (b) report back to SEA regarding any consultations with the SHPO and any other section 106 consulting parties that have been identified and the public; and (c) 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; and (2) consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary