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SERVICE DATE – DECEMBER 11, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 211X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN ALAMEDA COUNTY, CA

Decided: December 10, 2003

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 5.38-mile line of railroad in the Milpitas Subdivision from milepost 0.00 near Clark Drive at Niles Junction to milepost 5.38 near Washington Boulevard, in or near Fremont, Alameda County, CA. Notice of the exemption was served and published in the Federal Register on November 12, 2003 (68 FR 64190-91). The exemption is scheduled to become effective on December 12, 2003.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 17, 2003. In the EA, SEA notes that the National Geodetic Survey (NGS) has identified 19 geodetic station makers that may be affected by the proposed abandonment. Therefore, SEA recommends that UP provide NGS with at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy any geodetic station markers so that plans can be made for their relocation. Also, SEA states that the San Francisco Bay Conservation and Development Commission (SBCDC) has not completed its review of the proposed abandonment.¹ Therefore, SEA recommends that UP consult with SBCDC prior to beginning any salvage activities to determine whether California State Coastal Management consistency certification is required, and, if so, that UP be prohibited from performing any salvage activities until it obtains certification. Upon receiving the certification, SEA requests notification from UP.

Comments to the EA were due by December 2, 2003. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ SBCDC is the agency responsible for reviewing the proposed abandonment pursuant to the Coastal Zone Management Act.

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 UP shall: (1) provide NGS with at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy any geodetic station markers so that plans can be made for their relocation; (2) consult with SBCDC prior to beginning any salvage activities to determine whether California State Coastal Management consistency certification is required. If consistency certification is required, UP shall be prohibited from performing any salvage activities until it obtains consistency certification. Upon receiving certification, UP shall then notify SEA.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary