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SEA

SERVICE DATE – JULY 24, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-397 (Sub-No. 7X)

**Tulare Valley Railroad Company – Abandonment Exemption – in
Tulare County, CA**

BACKGROUND

In this proceeding, the Tulare Valley Railroad Company (TVR) 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 a line of railroad in Tulare County, CA. The line extends approximately 5.9 miles from milepost 71+2969.2 at or near Ducor to milepost 66.0 at or near Ultra (the Line). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

TVR provided no opinion regarding whether the Line is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or recreation. Satellite maps of the area indicate that the Line is located in a flat rural farming area.

TVR states there are currently no shippers on the Line, and no commodities have originated or terminated on the Line for over two years.¹ Accordingly, the proposed abandonment and salvage of the right-of-way 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.

ENVIRONMENTAL REVIEW

TVR 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. TVR served the environmental report on a number of appropriate Federal, state, and local agencies as required by

¹ The Board authorized discontinuance of the Line on April 17, 2009.

the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].² The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

TVR indicates that the proposed salvage activities will have no detrimental effects on public health and safety. TVR also states that there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

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. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The United States Natural Resources Conservation Service provided written notice to TVR indicating that it has no concerns with the proposed abandonment.

The California Coastal Commission indicated to TVR by letter dated May 12, 2009, that it also has no concerns regarding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. However, no comments have been received from the U.S. Army Corps of Engineers, the U.S Environmental Protection Agency, the California Environmental Protection Agency or the U.S Fish and Wildlife Service regarding the proposed abandonment. Accordingly, copies of this EA will be provided to these and other Federal, local and state agencies for review and comment.

HISTORIC REVIEW

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). The historic report states 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 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).

² The railroad's environmental and historic reports are available for viewing on the Board's Website at <http://www.stb.dot.gov> by conducting a search for AB-397 (Sub-No. 7X) within "Filings" under "E-Library."

Accordingly, we are recommending a condition requiring the railroad 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.

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 listed the following tribes: the Fort McDermitt Tribe; the Fallon Paiute Shoshone; the Pyramid Lake Paiute Tribal Council; the Reno-Sparks Indian Colony; the Tule River Reservation; the Walker River Paiute Tribe; and the Yerington Paiute Tribe. Copies of this EA will be distributed to the above tribes for review and comment.

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>.

CONDITION

SEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

Tulare Valley Railroad Company (TVR) 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. TVR shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties that have been identified and the public. TVR 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, SEA concludes that, as currently proposed, and if the recommended condition is imposed, 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 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) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

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-397 (Sub-No. 7X) 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: July 24, 2009.

Comment due date: August 7, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment