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SERVICE DATE - JULY 20, 2001

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-33 (Sub No. 179X)

**Union Pacific Railroad Company - Abandonment Exemption
In Merced County, CA**

AND

DOCKET NO. AB-458 (Sub No. 0X)

**California Northern Railroad Company - Discontinuance Exemption
In Merced County, CA**

BACKGROUND

In the above entitled proceeding, Union Pacific Railroad Company (UPR) and California Northern Railroad (CNR) (collectively "the applicants") have filed a notice of abandonment exemption and a discontinuance exemption, respectively, under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of service over the Los Banos Branch between milepost 140.07 and milepost 141.17 in Los Banos, California in Merced County, CA. In total, UPR and CNR propose to abandon approximately 1.1 miles of rail line. A map depicting the rail line in relationship to the areas 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.

DESCRIPTION OF THE LINE

According to the applicants, there are no shippers on the line that will be adversely affected by the proposed abandonment. There is one active customer on the line who utilizes a team track within the right-of-way to be abandoned. The customer, Los Banos Foods, Inc., supports the proposed abandonment. The applicants state that Los Banos Foods, Inc., shipped 4 cars of powdered milk in 2000. The purpose of this abandonment is to facilitate a downtown redevelopment project. Local authorities will construct a new team track facility just to the west of the planned abandonment. Los Banos Foods will shift its activity to the new facility and continue rail use there. This abandonment should have no impact on area highways and traffic patterns because there will be no diversion to trucks.

The line proposed for abandonment consists of both branch main right-of-way 100-feet in width and abutting lead track and spur track rights-of-way widening to approximately 270 feet at its widest point. There are approximately 22.3 acres of land in the right-of-way, 18.8 of which are non-reversionary and 3.5 of which are potentially reversionary. The property involved does not include any Federally granted right-of-way. Current plans envision use of the abandoned right-of-way for an entertainment/park complex between 4th and 7th Streets with a trail and greenbelt established along its easterly and westerly projections. Senior citizen housing and retail uses are also being considered on other portions of the abandoned right-of-way.

The right-of-way is level and at grade, extending from 2nd Street to Mercey Springs Road (State Highway No., 165). Land to the south is used generally for commercial and light industrial purposes and the central business district of Los Banos is situated at the west end of the abandonment. Land immediately north is likewise mostly commercial and industrial in character, transitioning intermittently and beyond into residential areas. There are no railroad structures or bridges that are 50 years old or older.

ENVIRONMENTAL REVIEW

The applicants submitted an environmental and historic 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 applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding. We have also consulted with appropriate agencies and individuals to verify the railroad's environmental and historical report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment.

The U.S. Army Corps of Engineers has advised that, based on the information provided, it does not appear that a Department of the Army permit will be needed since the work will not involve the discharge of dredged or fill material into waters of the United States.

The National Geodetic Survey (NGS) has advised that four geodetic station markers have been identified that may be affected by the proposed abandonment.

The California Department of Toxic Substances Control has advised that there are two hazardous substances release sites currently subject to response actions under California's Hazardous Substance Account Act located in Los Banos.

CONDITIONS

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

- 1. The U.S. Department of Commerce, National Geodetic Survey has identified four geodetic station markers that may be affected by the proposed abandonment. Therefore, we recommend that Union Pacific Railroad Company notify NGS 90 days prior to salvage activities in order to plan their relocation.**
- 2. The California Department of Toxic Substances Control has identified two sites in Los Banos on their list of hazardous substances release sites. Therefore, we recommend that Union Pacific Railroad Company contact the California Department of Toxic Substances Control prior to initiation of salvage or disposal activities to avoid any conflict with activities at these sites.**

CONCLUSIONS

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

If abandonment and salvage of the rail line does take place, 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 Surface Transportation 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 Surface Transportation 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 the Surface Transportation Board, Office of Public Services, 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, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 179X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Kenneth Blodgett at (202) 565-1554.**

Date made available to the public: July 20, 2001.

Comment due date: **August 20, 2001 (30 days).**

By the Surface Transportation Board, Victoria J. Rutson, Acting Chief, Section of Environmental Analysis.

Vernon A. Williams

MAP TO BE SCANNED