

33209

**SERVICE DATE - JANUARY 21, 2003**  
**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

## **ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-33(Sub-No. 198X)**

**Union Pacific Railroad Company–Abandonment**  
**Exemption–in Alameda County, CA**

### **BACKGROUND**

In the above entitled proceeding, the Union Pacific Railroad Company (UP) filed a petition for exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon and discontinue service over a 1.40-mile line of railroad, known as the Ninth Street Electric Industrial Lead, from milepost 0.00 (south of Powell Street) in Emeryville to milepost 1.40 at the end of the line (north of Heinz Avenue) in Berkeley, Alameda County, CA. If the petition 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**

UP states that the Line is urban primarily in the street of flat topography. The Line had once been used for inter-urban passenger service and in recent years, was used to serve certain industries in Emeryville and Berkeley, CA.

UP states that the last active shipper on the Line during the last 2 years was Minnesota Corn Processors, formerly Liquid Sugars which ceased utilizing rail service and closed its location on the Line in September 2001. The shipper has since relocated off the Line.

### **ENVIRONMENTAL REVIEW**

UP 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. BNSF 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)].

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: Alameda County Supervisors; California Coastal Commission; California Department of Parks and Recreation, Office of Historic Preservation;

California Environmental Protection Agency; California Transportation Department; City of Berkeley; City of Emeryville; MTMCTEA; Shirley Dean, Mayor; John Flores, City Manager; National Geodetic Survey; National Park Service; the Office of Planning and Research; Public Utilities Commission of the State of California; U.S. Army Corps of Engineers; U.S. Department of Agriculture; Environmental Protection Agency, Region 9; U.S. Fish & Wildlife Service, Region 1; and the U.S. Natural Resources Conservation Service;

### **CONDITIONS**

We recommend that no environmental conditions be placed on any decision granting abandonment authority.

### **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 this case, 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 not 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 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. However, 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, 1925 K St., N.W., 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 Surface Transportation Board, Washington, DC 20423, to the attention of Ann E. Newman, who prepared this environmental assessment. **Please refer to STB Docket No. AB-33 (Sub-No. 198X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1657, fax at (202) 565-9002, or e-mail at Ann.Newman@STB.dot.gov.

Date made available to the public: January 21, 2003.

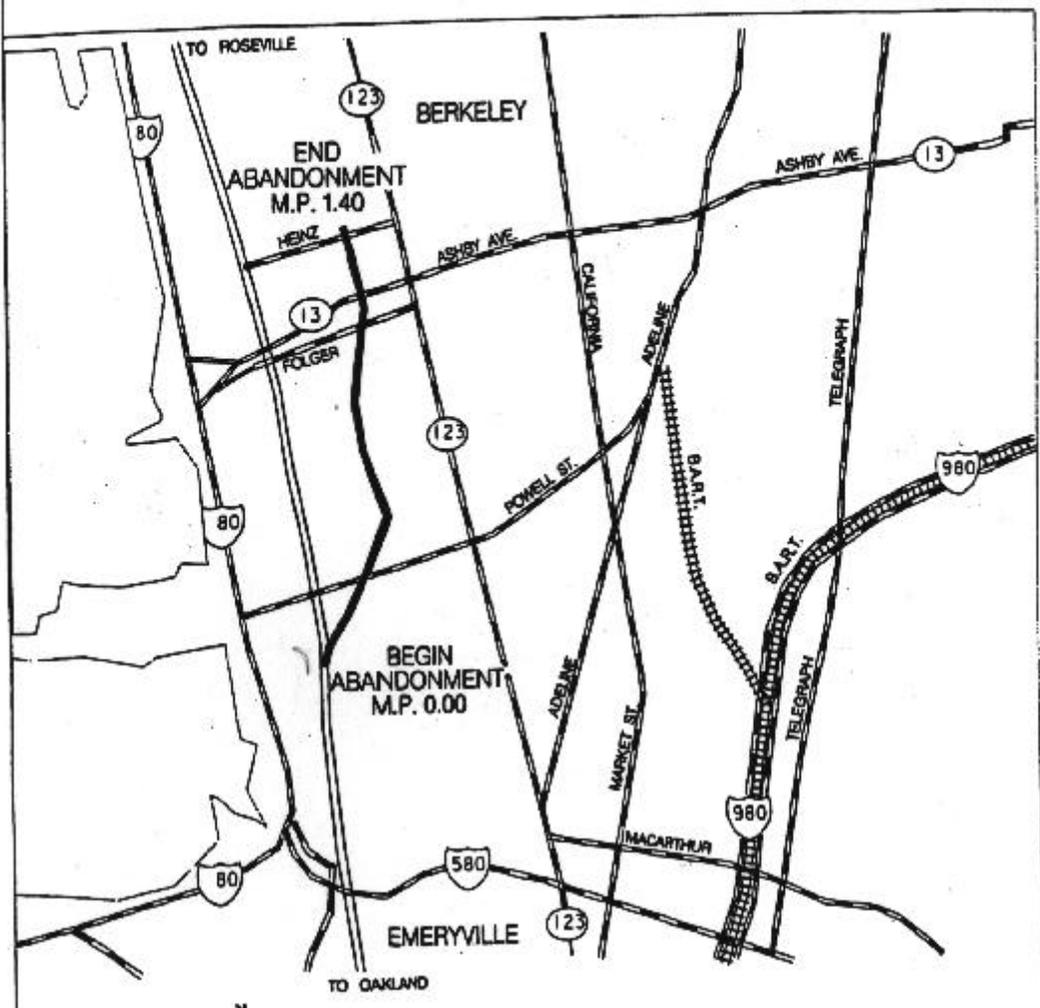
**Comment due date: February 20, 2003.**

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

Vernon A. Williams  
Secretary

Attachment

LD-33209



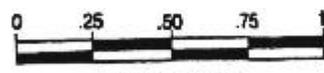
Ninth St. Electric Industrial Lead  
 M.P. 0.00 TO M.P. 1.4  
 A TOTAL OF 1.40 MILES  
 IN ALAMEDA COUNTY, CALIFORNIA

UNION PACIFIC RAILROAD CO.  
 NINTH ST. ELECTRIC INDUSTRIAL LEAD

LEGEND

-  RR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  50+ YEAR OLD STRUCTURES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

NO 50+ YEAR OLD STRUCTURES



SCALE IN MILES