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SERVICE DATE – DECEMBER 29, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 228X)

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

Decided: December 27, 2005

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon segments of the Holtville Industrial Lead from milepost 711.90 near El Centro to milepost 703.26 at Holtville, and from milepost 702.72 to milepost 703.46 near Holtville, for a total distance of 9.38 miles, in Imperial County, CA.¹ Notice of the exemption was served and published in the Federal Register on November 30, 2005 (70 FR 71887-88). The exemption is scheduled to become effective on December 30, 2005.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 5, 2005. In the EA, SEA states that the National Geodetic Survey (NGS) has identified 30 geodetic stations markers that may be affected by the proposed abandonment. Therefore, SEA recommends that UP be required to notify NGS at least 90 days prior to conducting salvage activities so that plans can be made for the possible relocation of the station markers.

SEA also states in the EA that the California State Historic Preservation Office (SHPO) has not completed its evaluation of the potential impact of this project on historic properties. Accordingly, SEA recommends that UP be required to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or are listed in the National Register of Historic Places (National Register) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), and that UP be required to report back to SEA regarding the results of any consultations with the SHPO.

SEA further states in the EA that the U.S. Army Corps of Engineers (Corps) has not provided comments as to whether the proposed abandonment will require a permit under section

¹ In 1995, Southern Pacific Transportation Company (SPT) was granted authority to discontinue rail service on the line. See Southern Pacific Transportation Company—Discontinuance of Service Exemption—in Imperial County, CA, Docket No. AB-12 (Sub-No. 157X) (ICC served Nov. 3, 1995). The line became a line of UP on February 1, 1998, when SPT was merged into UP pursuant to the Board's decision in Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996).

404 of the Clean Water Act, 33 U.S.C. 1344. Therefore, SEA recommends that, prior to commencement of salvage activities, UP be required to consult with the Corps to determine whether a permit is required.

Finally, SEA states in the EA that the U.S. Environmental Protection Agency (USEPA) has not provided comments regarding potential contamination of the right-of-way and whether the proposed abandonment will require a stormwater permit under section 402 of the Clean Water Act. Therefore, SEA recommends that, prior to commencement of any salvage activities, UP be required to consult with USEPA to ensure that any concern regarding potential contamination of the right-of-way and the need for a section 402 stormwater permit are addressed.

Comments to the EA were due by December 20, 2005. By letter dated December 20, 2005, the California Public Utilities Commission (CAPUC) provided comments regarding traffic and pedestrian safety hazards that CAPUC believes could result from the proposed abandonment. CAPUC specifically expressed concern regarding the schedule for removal of rails and ties from the right-of-way, and requested that the Board require UP to address impacts that may result from leaving tracks in place, including safety and pedestrian hazards. To address CAPUC's concerns, SEA therefore recommends a condition requiring UP to consult with CAPUC prior to initiating salvage operations on the line.

The environmental conditions recommended by SEA 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 UP: (1) notify NGS at least 90 days prior to conducting salvage activities so that plans can be made for possible relocation of the geodetic station markers identified on the line; (2) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or are listed in the National Register until completion of the section 106 process of the NHPA, and report back to SEA regarding the results of any consultations with the SHPO; (3) consult with the Corps prior to commencement of salvage activities to determine whether a permit under section 404 of the Clean Water Act is required; (4) consult with USEPA prior to commencement of salvage activities to ensure that any concerns regarding potential contamination of the right-of-way and the need for a section 402 stormwater permit are addressed; and (5) consult with CAPUC regarding its concerns prior to initiating salvage operations on the line.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary