

DECISION ID# 21150

SERVICE DATE- DECEMBER 24, 1996

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO, AB-397 (SUB-NO, 5 X)

**TULARE VALLEY RAILROAD COMPANY - ABANDONMENT -
IN TULARE AND KERN COUNTIES, CA**

BACKGROUND

in this proceeding, the Tulare Valley Railroad Company (Tulare) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between Lindsay and Ducor, a distance of approximately 24.4 miles in Tulare and Kern Counties, CA. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption 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

The line is located in a primarily flat open agricultural valley and irrigated by a system of canals fed by the Sacramento and San Joaquin Rivers. When Tulare acquired the line in 1992 from Lindsay to Ducor, it also obtained track ' age rights over the continuation of the line from Ducor to Famoso owned by the San Joaquin Valley Railroad (SJVR) and a distance of approximately 20 miles. In addition to abandoning the portion of the line that it owns from Lindsay to Ducor, Tulare also plans to discontinue its trackage rights over the SJVR portion of the line from Ducor to Famoso. SJVR will continue to provide rail service over its line from Ducor to Famoso.

The only shipper on the Tulare-owned portion of the line from Lindsay to Ducor is Canella Chemical located at Ultra near the Ducor end of the line. Tulare estimates that Canella Chemical ships about an average of 47 carloads of chemicals annually. These chemicals include Ammonium, Nitrate solutions, Ammonium Sulfate, Calcium Ammonium Nitrate, pesticides and other hazardous materials and solutions. In consultation with Tulare, Tulare notes that Canella Chemical also presently ships outbound

I Formerly the Interstate Commerce Commission (ICC). The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and transferred certain functions and proceedings to the Surface Transportation Board.

chemicals by truck. In order for Canella Chemical to continue to employ rail transportation, the company would need to move inbound and outbound chemicals by truck to another rail head. The nearest alternative rail head, for example, would be at Ducor, a distance of approximately 2 miles via state highway 65. Based on the current average of 47 rail carloads per year, we estimate that an additional 211 trucks per year (4.5 trucks per rail car) transporting Canella Chemical chemicals to an alternative rail head could be added to area highways.

ENVIRONMENTAL REVIEW

The railroad has 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. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. 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 the U.S. Fish and Wildlife Service (US FWS). According to the US FWS Field Office in Sacramento, CA there may be several endangered species or critical habitats that could be affected by the proposed abandonment.

CONDITIONS

The US FWS Field Office in Sacramento, CA has not yet completed its Section 7 review. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until completion of the Section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

Further, the US Department of Commerce, National Oceanic and Atmospheric Administration, National Geodetic Survey (NGS) has informed us that there are 75 geodetic station markers that may be affected by the proposed abandonment. A list of those markers has been made available to Tulare. NGS requests that Tulare give at least 90 days' notification to NGS if any of these markers will be disturbed so that NGS can plan for their relocation. Therefore, we recommend that a condition be placed on any decision granting abandonment authority requiring Tulare Valley Railroad Company to give at least 90 days' notification to the US Department of Commerce, National Oceanic and Atmospheric Administration, National Geodetic Survey if any of the 75 geodetic station markers located along the line will be disturbed by the proposed abandonment.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the

recommended condition, 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 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 Assistance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA directly at (202) 927-6184, or mail inquiries to Surface Transportation Board, office of Public Assistance, Room 4412, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an original and two copies to Vernon A. Williams, Office of the Secretary, Surface Transportation Board, Room 2221, 12th and Constitution Avenue, NW, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. Please refer to Docket No. AB-397 (Sub No. SX) in all correspondence addressed to the Board. If you

have questions regarding this environmental assessment, you should contact Dana White at (202) 927-6213.

Date made available to the public: December 24, 1996.\

Comment due date: January 24, 1997, (30 Days)

By the Board, Elaine K. Kaiser, Chief, Section of
Environmental Analysis.

Vernon A. Williams
Secretary

(SEAL)

Attachment