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SERVICE DATE – NOVEMBER 16, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-812X

STOCKTON TERMINAL AND EASTERN RAILROAD–ABANDONMENT EXEMPTION–
IN SAN JOAQUIN COUNTY, CA

Decided: November 12, 2004

Stockton Terminal and Eastern Railroad (STE) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon approximately 3,600 feet of rail line extending from the west edge of North Duncan Road to the end of the line near North Wall Road, in Linden, San Joaquin County, CA. Notice of the exemption was served and published in the Federal Register on October 18, 2004 (69 FR 61435). The exemption is scheduled to become effective on November 17, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on October 22, 2004. In the EA, SEA notes that the U.S. Army Corps of Engineers, Sacramento District (USACE), had not responded to STE's environmental reports. Therefore, SEA recommends that, prior to any salvage activities, STE be required to consult with USACE to determine if permits are required under section 404 of the Clean Water Act (33 U.S.C. 1344). Also, SEA states that the California Office of Historic Preservation (SHPO) has not yet completed its assessment of the potential impact of the proposed project on historic resources. Therefore, SEA recommends that STE retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line that are 50 years old and older until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Comments to the EA were due by November 8, 2004. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

As conditioned, this decision 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 STE shall: (1) consult with USACE to determine if permits are required under section 404 of the Clean Water Act (33 U.S.C. 1344); and (2) retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line that are 50 years old and older until completion of the section 106 process of the NHPA.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary