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SEA

SERVICE DATE - OCTOBER 2, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 254X)

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

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Riverside County, CA. The line extends approximately 0.31 miles from milepost 545.83 near Third Street and milepost 546.14 near Sixth Street in the City of Riverside, CA (the Line). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to UP, the Line was originally constructed in 1889 by the Southern California Motor Road. The right-of-way is 60 feet wide and is surrounded by an industrial area with associated buildings and yards. The topography is level. UP states that the Line is not suitable for other public purposes, including roads or highways, as the area is already served by Interstates 15 and 215, and the Riverside Freeway. UP also does not believe that the Line is appropriate for a recreational trail due to its short length and location in an industrial area.

According to UP, there are currently no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

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. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by

the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

UP states that the Line contains no Federally granted right-of-way and that none of the adjacent property is reversionary. UP indicates that the proposed salvage activities will have no detrimental effects on public health and safety. UP also states that there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of bridges or other structures that may be present on the rail right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The National Geodetic Survey indicates that no geodetic station markers have been identified that may be affected by the proposed abandonment.

The U.S. Army Corps of Engineers (Corps), Los Angeles District, has provided written notice to UP stating that permits under Section 404 of the Clean Water Act are not required. However, the Corps recommended that UP contact the California Regional Water Quality Control Board regarding its requirements. UP followed up with a letter to the agency but has not received a response.

The Riverside County Commissioners Office has been contacted regarding land use conflicts or concerns, but has not provided comments regarding potential land use issues.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Neither SEA nor UP have received comments from the U.S. Fish and Wildlife Service; the U.S. Environmental Protection Agency; the U.S. Natural Resources Conservation Service; the California Regional Water Quality Control Board, or the California Coastal Commission regarding the proposed abandonment. Accordingly, copies of the EA will be provided to these and other local and state agencies for their review and comment.

HISTORIC REVIEW

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the California State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has not submitted comments to SEA or UP regarding

¹ The railroad's environmental and historic reports are available for viewing on the Board's Website at <http://www.stb.dot.gov> by conducting a search for AB-33 (Sub-No. 254X) within "Filings" under "E-Library."

potential impacts of the proposed abandonment on properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). Subsequently, SEA is recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all National Register eligible or listed historic properties including sites, buildings, structures, or districts within the project right-of-way (the Area of Potential Effect) until completion of the Section 106 process.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized Tribes that may have ancestral connections to the project area. The database listed the following Tribes: the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California; the Cabazon Band of Mission Indians, California; the Cahuilla Band of Mission Indians of the Cahuilla Reservation, California; the Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; the Fort McDowell Yavapai Nation, Arizona; the Ione Band of Miwok Indians of California; the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California; the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; the Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; the Ramona Band or Village of Cahuilla Mission Indians of California; the Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California; the Soboba Band of Luiseno Indians, California; the Torres Martinez Desert Cahuilla Indians, California; and the Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona. SEA is sending a copy of this EA to these Tribes for their review and comment.

CONDITION

SEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

The Union Pacific Railroad Company (UP) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, objects or districts within the right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. UP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is 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

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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 254X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: October 2, 2007

Comment due date: October 17, 2007

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

Vernon A. Williams
Secretary

Attachment