

33158

SERVICE DATE - DECEMBER 3, 2002

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 196X)

Union Pacific Railroad Company - Abandonment Exemption - in Los Angeles County, CA

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP or railroad) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon the Lakewood Industrial Lead in Los Angeles County in California (CA). The portion of rail line proposed for abandonment spans 0.85 mile from Milepost 16.50 near Cover Street in Lakewood, CA to Milepost 17.35 to the end of the line south of Wardlow Street in Long Beach, CA. A map depicting the rail line in relationship to the area served is appended to this report. If the notice becomes effective, UP would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way (ROW).

DESCRIPTION OF THE LINE

The rail line is located in Los Angeles County in southern California. According to UP, there has been no originating, terminating, or overhead rail traffic on the subject line for the past 2 years. Land use in the vicinity of the ROW is mostly commercial and industrial. The Long Beach Municipal Airport is located to the east-southeast of the rail line. The total width of the ROW is approximately 80 feet and the ROW is encumbered with easements for several large underground petroleum pipelines. The subject rail line was originally constructed in 1891 by the Los Angeles Terminal Railway.

UP stated that there are no structures on the ROW that are 50 years of age or older.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served these reports 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)]. We have reviewed and investigated the record in this proceeding.

Because of the urbanized nature of the land uses in the vicinity of the rail line, prime agricultural land would not be expected to be present.

Noise emissions associated with rail removal and salvage operations would be temporary and would not be expected to have significant impacts on adjacent land uses.

Because traffic has not moved on the subject rail line for the past 2 years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Fish and Wildlife Service reviewed the proposed abandonment and concluded that the project would not impact any Federally listed or proposed endangered or threatened species or critical habitats, wildlife sanctuaries or refuges.

UP stated that it has no knowledge of any hazardous waste sites or sites of hazardous material spills that would be affected by the proposed abandonment.

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) reviewed the proposed abandonment and identified a number of general concerns related to potential hazardous wastes/materials contamination from current or historic activities on and in the vicinity of the ROW. We, therefore, recommend several conditions to address these concerns.

The California Department of Parks and Recreation, Office of Historic Preservation (CA State Historic Preservation Office or SHPO) has not completed its assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. The railroad shall consult with the California Environmental Protection Agency, Department of Toxic Substances Control regarding any environmental investigations that are required by applicable Federal and state hazardous wastes/materials regulations before abandonment activities can be initiated. The railroad shall report to the Board the results of consultations conducted under this condition.
2. If the railroad encounters previously unknown hazardous wastes/materials or soil or groundwater contamination during abandonment activities, the applicant shall cease abandonment activities and immediately consult with the California Environmental Protection

Agency, Department of Toxic Substances Control regarding remediation activities that are required by applicable Federal and state hazardous wastes/materials regulations. The railroad shall report to the Board the results of any consultations conducted under this condition.

3. If abandonment activities require soil excavation, the railroad shall consult with the California Environmental Protection Agency, Department of Toxic Substances Control regarding any soil sampling requirements and soil disposal restrictions that are imposed by applicable Federal and state hazardous wastes/materials regulations. The railroad shall report to the Board the results of any consultations conducted under this condition.
4. If abandonment activities require the demolition of any building structure, the railroad shall consult with the California Environmental Protection Agency, Department of Toxic Substances Control regarding any lead-based paint and asbestos-containing materials sampling and disposal requirements that are imposed by applicable Federal and state hazardous wastes/materials regulations. The railroad shall report to the Board the results of any consultations conducted under this condition.
5. The railroad shall retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line would 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

If abandonment and salvage of the rail line does take place, the ROW 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs 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 202-565-1592 or mail inquiries to the Surface Transportation Board, 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, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-33 (Sub-No. 196X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: December 3, 2002.

Comment due date: **December 17, 2002**

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

Vernon A. Williams
Secretary

Attachment

ID-33158

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