

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-980X

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY–ABANDONMENT
EXEMPTION–IN SANTA CLARA AND ALAMEDA COUNTIES, CA

Decided: March 14, 2006

On August 29, 2005, Santa Clara Valley Transportation Authority (SCVTA) filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon its residual common carrier obligation over a 1.19-mile line of railroad, extending from milepost 16.30 to milepost 17.49 in San Jose, Santa Clara County, CA, and a 2.77-mile line of railroad, extending from milepost 2.61 near Paseo Padre Drive to milepost 5.38 near Grimmer Boulevard in and near Fremont, Alameda County, CA. By decision served on December 16, 2005 (December 2005 decision), the petition for exemption was granted subject to certain conditions, including the condition that SCVTA retain its interest in and take no steps to alter the historic integrity of all sites and structures on the rights-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.¹

Pursuant to the provisions of the section 106 process, SEA consulted with the California Office of Historic Preservation (SHPO) regarding the potential impacts from the proposed abandonment to historic properties. By letter received January 30, 2006, SHPO indicates that the proposed abandonment would not affect historic properties. Therefore, because the section 106 process has been completed, SEA recommends that the historic preservation condition imposed in the December 2005 decision be removed. Accordingly, this proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The December 2005 decision also imposed two other conditions that require SCVTA to: (1) notify the National Geodetic Survey (NGS) 90 days prior to beginning salvage activities to plan for the possible relocation of the station markers identified by NGS; and (2) prior to consummation of the abandonment, consult with the California Public Utilities Commission (CPUC) regarding CPUC's concerns that abandoned track could cause safety hazards on roadways, and report the results of those consultations in writing to the Board's Section of Environmental Analysis (SEA). Those conditions remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the December 2005 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary