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SERVICE DATE – JULY 7, 2009

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 278X)

**Union Pacific Railroad Company
–Abandonment Exemption–
In San Joaquin and Stanislaus Counties, CA**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a portion of railroad in San Joaquin and Stanislaus Counties, California. The line, known as the McHenry Industrial Lead, extends from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry, a distance of 5.18 miles. UP certifies that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment. UP indicates that following abandonment, local rail service will continue to be provided nearby by UP, BNSF Railway Company, and Empire Traction Company. UP also states that the McHenry area is well served by local roads and California Route 99, a north-south highway approximately five miles west of McHenry. According to UP, the line contains a limited amount of reversionary property and to the best of its knowledge, does not contain any federally granted right-of-way. UP indicates that the area has a limited population base that would not support other transportation systems, such as roads and trails. Therefore, following abandonment, UP believes that the best use for the right-of-way would be to sell it to adjacent property owners.

The rail line was constructed in 1912 by the Tidewater Southern Railway. UP indicates that the rail consists of a combination of 100, 112, and 115-pound jointed rail, and 115 and 119-pound welded rail that was installed between 1971 and 1992. The rail line primarily travels through agricultural areas intermixed with light residential and industrial. UP states that the surrounding landscape is relatively level and the right-of-way is generally 50 to 60 feet wide. The rail line traverses U.S. Postal Service Zip Codes 95320 and 95356. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes the quality of the human environment would 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.

Diversion of Traffic

UP states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the 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. Following abandonment, UP intends to salvage the rail, ties and track material.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that there are no geodetic station markers located within the area of the proposed abandonment. Therefore, SEA has concluded that no further consultation with NGS is necessary.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the San Joaquin County Supervisor; the Stanislaus County Supervisor; the California Coastal Commission; the California Department of Parks and Recreation; the California Environmental Protection Agency; the California Office of Planning and Research; the California Public Utilities Commission; the U.S. Army Corps of Engineers; the U.S. Department of Agriculture, Forest Service, the U.S. Department of Agriculture, Natural Resources Conservation Service; the U.S.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-33 (Sub-No. 278X).

Environmental Protection Agency; the U.S. Fish and Wildlife Service; and the National Park Service.

HISTORIC REVIEW

According to UP, there are four bridges on the line that are 50 years or older. UP states that one of the bridges was built in 1912 and three were constructed in 1942. UP believes that there are no structures eligible for inclusion on the National Register of Historic Places. UP also believes that there are no archeological resources or other railroad related historic properties in the area of the proposed abandonment.

UP served the historic report on the California Department of Parks and Recreation (State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). SEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect).

CONDITION

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. The Union Pacific Railroad Company (UP) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places 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 (SEA) regarding any consultations with the State Historic Preservation Office and the public. 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 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, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

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 Diana Wood, who prepared this Environmental Assessment. 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. 278X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov

Date made available to the public: July 7, 2009.

Comment due date: July 22, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment