

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1090X

CITY OF ALAMEDA d/b/a ALAMEDA BELT LINE RAILROAD—ABANDONMENT  
EXEMPTION—IN ALAMEDA COUNTY, CAL.

Decided: June 14, 2012

The City of Alameda d/b/a Alameda Belt Line Railroad (ABL) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 2.61 miles of rail line between milepost 0.0 near the intersection of Clement Avenue and Broadway and milepost 2.61 near Constitution Way, in the City of Alameda, Alameda County, Cal. (the Line). Notice of the exemption was served and published in the Federal Register on May 17, 2012 (77 Fed. Reg. 29,456-57). The exemption is scheduled to become effective on June 16, 2012.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on May 22, 2012. In the EA, OEA states that it has been advised by the National Geodetic Survey (NGS) that 14 geodetic station markers have been identified that could be affected by the proposed abandonment. OEA recommends that a condition be imposed requiring ABL to consult with, and notify, the NGS at least 90 days prior to the beginning of salvage activities that could disturb or destroy any geodetic station markers.

Further, OEA states that the proposed abandonment appears to be located within the California Coastal Zone and that it may be subject to a Federal Consistency review under the Coastal Zone Management Act (CZM). OEA notes that rail abandonments are not on the "List of Federal Licenses and Permits Subject to Certification for Consistency," as published by the California Coastal Commission (CCC). Pending clarification on this issue, OEA recommends that a condition be imposed requiring ABL to retain its interest in and take no steps to alter the Line until any applicable Federal Consistency review requirements are satisfied. OEA also recommends that ABL be directed to report to OEA any consultations with the Federal Consistency Unit of the CCC and that ABL refrain from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the CZM consistency certification is obtained, if applicable, and the Board has removed the condition.

Finally, OEA states that the removal or replacement of track from those portions of the Line within 100 feet of the Alameda Harbor and Tidal Canal, according to ABL, would require review and approval by the San Francisco Bay Conservation and Development Commission (SFBCDC) and that ABL has stated its intent to obtain any necessary approvals from the

SFBCDC. Noting that it has provided CCC and SFBCDC with copies of the EA for review and comment, OEA recommends that a condition be imposed requiring that ABL consult with, and obtain any necessary approvals from, the SFBCDC prior to beginning any salvage activities.

Comments to the EA were due June 5, 2012. One comment was received. In that comment, ABL clarified that the SFBCDC, rather than the CCC, has jurisdiction over coastal resources within Alameda and restated its commitment to obtain any necessary approvals from the SFBCDC. Asserting that compliance with the CZM is fully secured by OEA's recommended condition three, ABL states that there is no need for the second condition proposed in the EA. Based on ABL's comment, OEA recommends that the first and third conditions be imposed and the second condition be deleted.<sup>1</sup>

Accordingly, the first and third conditions recommended by OEA in the EA will be imposed. Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, 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 notice served and published in the Federal Register on May 17, 2012, exempting the abandonment of the Line is subject to the conditions that ABL shall: (1) consult with, and notify, the NGS at least 90 days prior to the beginning of salvage activities that could disturb or destroy any geodetic survey markers; and (2) consult with, and obtain any necessary approvals from, the SFBCDC prior to beginning any salvage activities.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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<sup>1</sup> ABL also states that Alameda has filed for a trail use condition for a portion of the Line. Alameda's request for waiver of the filing fee for the trail use request is currently under review.