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SEA

SERVICE DATE - OCTOBER 22, 2004

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-812X**

**Stockton Terminal and Eastern Railroad—Abandonment Exemption—  
in San Joaquin County, CA**

**BACKGROUND**

In this proceeding, Stockton Terminal and Eastern Railroad (STE) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon an approximately .68-mile rail line in Linden, San Joaquin County, California. The line extends from the west edge of North Duncan Road to the end of the line near North Wall Road.<sup>1</sup> A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, STE will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to the railroad, the line was constructed by STE in 1908. The right-of-way is approximately 50-feet wide and is located in an area used for agricultural and residential purposes. STE states that there are no bridges on the line.

STE states that the line has not been operated since 1989. Upon abandonment, STE intends to remove and sell the track materials.

**ENVIRONMENTAL REVIEW**

STE 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. The applicant served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. SEA has reviewed and investigated the record in this proceeding.

Because traffic has not moved over the subject rail line for approximately 15 years, the proposed abandonment would not be expected to impact the development, use and transportation

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<sup>1</sup> According to STE, the rail line is not identified by milepost numbers.

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. Army Corps of Engineers, Sacramento District (USACE), had not responded to the reports at the time this document was prepared. However, the railroad has not proposed the discharge of dredged or fill material in waters of the United States, including wetlands. Although it is not likely that a USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would be required, we recommend that STE consult with Paul Maniccia (at 916-557-5250) at the USACE prior to commencement of any salvage activities.

According to STE, the line is located near agricultural land that is used for growing walnuts and fruits, but the line itself is not located on or adjacent to agricultural land. Accordingly, removal of track materials on the line should not affect prime agricultural land. Nevertheless, the U.S. Soil Conservation Service has been added to the service list.

In an October 15, 2004 phone call with SEA, the California Coastal Commission stated that San Joaquin County is outside of the California coastal zone. In addition, STE states that the line will not affect any wildlife sanctuaries or refuges, National or state parks, or forests.

According to STE, the property would not be appropriate for alternative public use, because STE only has an easement for railroad purposes over the rail line. Upon authorization to abandon the line, STE states that the owner of the right-of-way, San Joaquin County (County), plans to use the land to improve street access to schools located near North Duncan Road and East Front Street in Linden.<sup>2</sup> According to STE, the County supports the proposed abandonment, which the railroad asserts would have a positive effect on public health and safety.

## **HISTORIC REVIEW**

STE submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the California Office of Historic Preservation (the State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). Based on an October 18, 2004 phone call with Ms. Kimberly Leeds at the SHPO, as well as a database search of the National Register Information System,<sup>3</sup> there do not appear to be any historic properties listed in or eligible for inclusion in the National Register of Historic Places in Linden. However, the SHPO has not completed its review of the proposed abandonment. Pending completion of the SHPO's review, we will recommend a condition to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

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<sup>2</sup> Linden High School is located at 18527 E. Front Street, in Linden.

<sup>3</sup> See National Register Information System at <http://www.nr.nps.gov>.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Because the California Office of Historic Preservation has not completed its review of the proposed abandonment, we recommend that the railroad retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. The railroad shall consult with Paul Maniccia (at 916-557-6704) at the U.S. Army Corps of Engineers, Sacramento District, prior to commencement of any salvage activities to determine if permits are required under Section 404 of the Clean Water Act (33 U.S.C. 1344).

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 Christa Dean, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-812X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at [deanc@stb.dot.gov](mailto:deanc@stb.dot.gov).

Date made available to the public: October 22, 2004.

**Comment due date: November 8, 2004.**

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

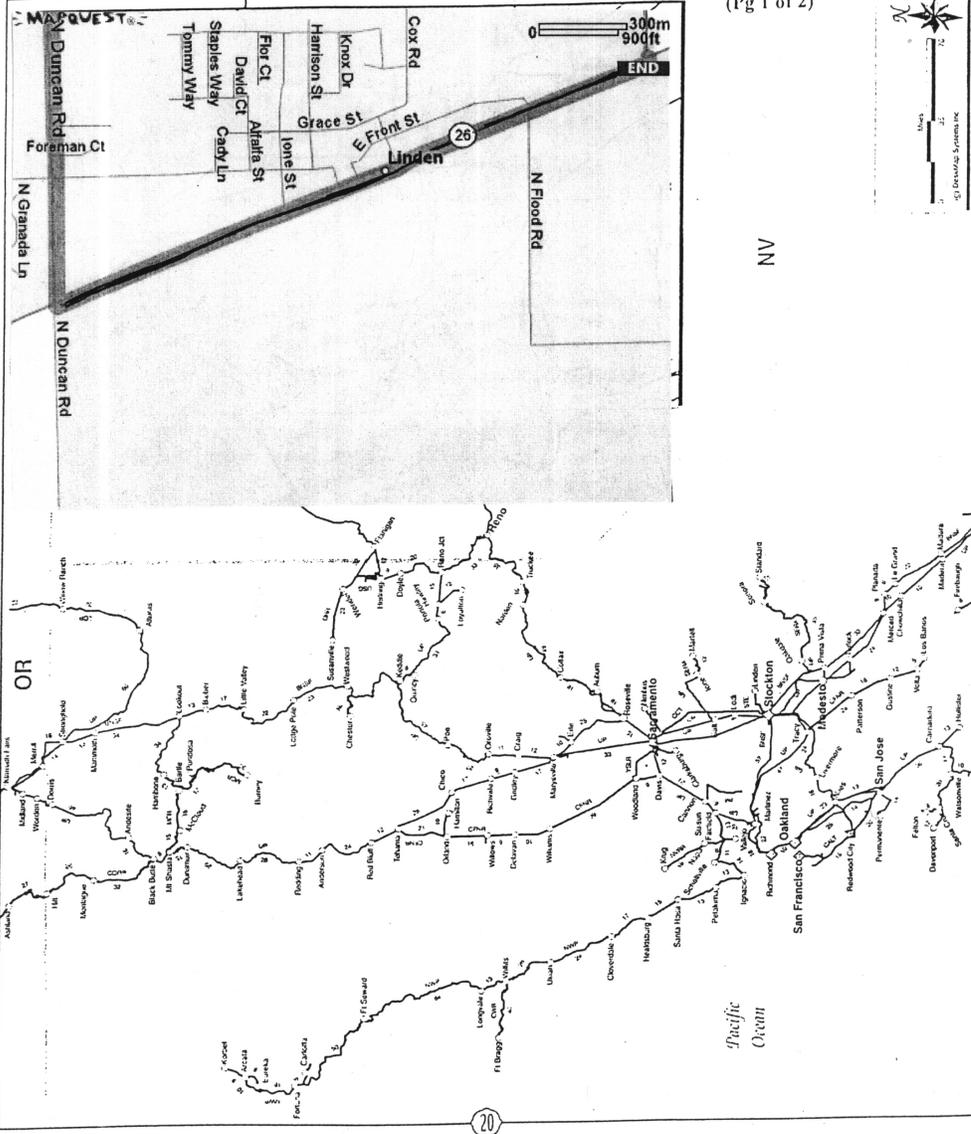
Vernon A. Williams  
Secretary

Attachment

AB-812X  
ID-35122

CALIFORNIA • Sacramento, Stockton

Appendix 1  
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