

California Department of Transportation

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May 13, 2021

NCRA Abandonment Exemption
Application AB 1305X to the
Surface Transportation Board

Mr. Charles H. Montange
Law Offices of Charles H. Montange
426 NW 162nd St.
Seattle, WA 98177

Dear Mr. Montange:

Thank you for giving us the opportunity to review the North Coast Railroad Authority (NCRA)'s Environmental Report and Historical Report (ER/HR) to the Surface Transportation Board (STB) in support of NCRA's application to abandon and railbank 168.71 total miles of railroad from Willits, California to Eureka, California and including three spur lines: the Korblex, the Samoa, and the Carlotta branches.

In general, the California Department of Transportation (Caltrans) is in support of the proposed action to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use. Specific to NCRA, the State has enacted the Great Redwood Trail Act of 2018 (SB 1029), which seeks to dissolve NCRA for the purposes of railbanking the lines and establishing a trail. It is our understanding that the administrative action of allowing abandonment and railbanking of the rail line and does not address the re-development of the line to a walking/hiking trail.

According to 49 USC Section 10903(d), a rail carrier providing transportation subject to the jurisdiction of the Board under this part may abandon any part of its railroad lines only if the Board finds that the present or future public convenience and necessity require or permit the abandonment or discontinuance. In making the finding, the Board shall consider whether the abandonment or discontinuance will have a serious, adverse impact on rural and community development.

The railroad intersects US Route 101 and other State Routes (SR 36, SR 162, SR 211, and SR 299) within the corridor proposed for abandonment and railbanking. Caltrans has an interest in reducing potential liabilities at the rail crossing sites. Where adequate grade-separated crossings exist, we support railbanking and the re-use or redevelopment of NCRA's holdings. The following comments address Caltrans' remaining concerns with respect to the abandonment's potential to have an

adverse impact on future trail development within portions of the corridor that either intersect with, overlap, or are located directly adjacent to State highway right-of-way.

Environmental Report

Transportation System: Freight has not traveled by rail along the US Route 101 corridor in northern California for more than 20 years. The bulk of the region's freight is currently served by heavy-duty trucks, largely via State highways. Demand for goods movement is not anticipated to require rail transport within the foreseeable future.

Safety: Section 7(iii), of the NCRA Abandonment and Railbanking Report, does not adequately account for the hazardous materials that are present. The focus of the ER is on current or former remediated hazardous waste sites, structures, rail equipment or debris present within the corridor. However, the hazard from ballast and ties is likely the greatest mitigation impact that will be encountered. The ties are likely treated with creosote, PCPs (pentachlorophenol) or other PAHs (polycyclic aromatic hydrocarbons) that create human health and environmental hazards.

The remaining hazardous waste poses the greatest impact to Caltrans if abandoned within State right-of-way. Estimated cost per mile for cleanup ranges from \$191,300 per mile (unhindered access and disposal permitted in a non-hazardous waste landfill), to \$956,500 per mile (inaccessible and disposal in a non-hazardous waste landfill). We request that the liability not be transferred to Caltrans for any known hazardous materials as a result of the abandonment process.

Lack of maintenance for railroad crossings on State highways has previously resulted in a safety liability for the motoring public. It is unknown exactly how many at-grade rail crossings still exist on State routes in the District, however, abandonment of the railroads assets within State right of way will become a liability for the State.

Other Resources: While there are expected to be environmental impacts associated with wetlands, riparian areas and for other natural resources, these impacts can be addressed with future proposals to redevelop segments of the corridor with trails.

Historic Report

The Historic Report (HR) provides a base level inventory of historic resources within the corridor but falls short of meeting State standards for assessing cultural resources. As a basis for ensuring consistency with other regulatory requirements (other than railbanking and abandonment) and as a pre-requisite for any development of the NCRA line, the HR would need to address potential impacts and effects to the identified historic resources. Assessments will need to be completed by qualified personnel (Secretary of Interior Standards -SOIS) including consultation with the

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following entities: The State Historic Preservation Office (SHPO)/ California Historical Information Center, local historical groups, and Tribes. While there are expected to be impacts historic and cultural resources as a part of re-development, these impacts can be addressed with future proposals to redevelop segments of the corridor with trails.

It seems likely that (California) SB 1029 may largely shift the responsibilities of environmental mitigation and remediation to the inheritor agency or the parties seeking to re-develop the rail corridor. We request that the administrative record accurately reflect the known liabilities and limitations within NCRA's right of way with the potential to shift fiscal and legal liability to the California Department of Transportation. We further request that any remedies available to prevent the transfer of liabilities to Caltrans be pursued.

Please contact me with questions or for further assistance with the content of this letter at (707) 684-6879, or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

Jesse Robertson

JESSE ROBERTSON
Transportation Planning
Caltrans District 1

c: Mitch Stogner, Manager, North Coast Railroad Authority
Office of Environmental Analysis (OEA), Surface Transportation Board