

CHARLES H. MONTANGE
ATTORNEY AT LAW
426 NW 162ND STREET
SEATTLE, WASHINGTON 98177

(206) 546-1936
FAX: (206) 546-3739

24 May 2021

For E-Filing

Office of Environmental Analysis
Att: Joshua Wayland
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: North Coast Railroad Authority – Abandonment
Exemption -- in Mendocino, Trinity and Humboldt Counties,
CA, AB 1305X

Response to Caltrans environmental comment filed and dated
13 May 2021

Dear Mr. Wayland:

This letter is submitted on behalf of North Coast Railroad Authority (“NCRA”), the abandonment applicant in this proceeding and a public agency of the State of California, in response to environmental comments dated and filed on behalf of California Department of Transportation (Caltrans) on May 13.

After considering the Caltrans comments and consulting further with Caltrans, NCRA does not believe that the comments call for any additional action in this proceeding.

NCRA understands Caltrans’s concerns to relate to post-abandonment actions, such as a possible trail, on NCRA’s current rail corridor. It is NCRA’s understanding that trail concerns are outside the scope of the Board’s environmental purview in abandonment proceedings. We understand Caltrans to concur, for, as Caltrans states in its May 13 Letter at p. 1, “re-development of the line to a ... trail” is not within the scope of this proceeding.

Caltrans makes reference to consideration of impact on rural and community development for purposes of 49 U.S.C. 10903(d). Since this is a class exemption proceeding under 49 C.F.R. 1152.50, the Board need not make any specific findings. Nonetheless, we understand Caltrans to concur with NCRA that the proposed abandonment of this embargoed line is consistent with rural and community development because, inter alia, as Caltrans states at Letter p.2, “[d]emand for goods movement is not anticipated to require rail transport for the foreseeable future.” Issues relating to trail re-development are outside the scope of the agency’s review.

Caltrans expresses concern about disclosure of environmental liabilities. NCRA understands Caltrans to have three concerns: (a) repair of railroad highway crossings upon abandonment and trail implementation; (b) grade separation of the trail from highways within Caltrans jurisdiction; and (c) Caltrans estimate that the cost to remediate railroad ties may be up to almost \$1,000,000 per mile. NCRA is a public agency of the State, as is Caltrans, so repair of the railroad highway crossings is inevitably a liability of the State. NCRA understands that Caltrans concurs that what public agency pays for crossing repair, as well as the issue of grade separation for particular trail segments, are matters of post-abandonment implementation of a trail (including decisions taken by the California legislature), and thus outside the scope of the STB environmental process. As to ties, NCRA acknowledges that its line has ties. NCRA and Caltrans differ over whether railroad ties will cost a million per mile to remediate, or anything close to that, but NCRA believes that we are in agreement that whatever the cost, NCRA is a public agency of the State of California, that NCRA lacks sufficient funds to undertake remediation at this time, and that the State will address the issue of remediation as part of the interim trail planning and implementation process. Finally, NCRA as a public agency of the State of California acknowledges that it or its successor agency, or any relevant contractor, is legally obligated to dispose of waste ties and debris in a lawful fashion. NCRA understands that Caltrans concurs that this satisfactorily addresses its concerns relating to hazardous waste for purposes of this proceeding.

Caltrans (Letter at 2) expresses concern that the historic report “falls short of meeting State standards for assessing cultural resources.” NCRA understands that this statement applies to post-abandonment implementation of a trail, and that Caltrans agrees that additional historic reviews and assessments dealing with trail impacts can and should be undertaken as part of the trail process, which is beyond the scope of this STB proceeding.

All potentially historic structures on the right of way have had no use and next-to-no maintenance since the 1998 embargo, and will continue to deteriorate until and unless restored pursuant to specific trail plans. As NCRA has previously indicated, NCRA has no plan to remove any depot, bridge, tunnel, or other structure upon abandonment. NCRA has filed a “statement of willingness” to railbank and preserve the entire corridor per 16 U.S.C. 1247(d). Corridor preservation is generally the accepted means to mitigate historic impacts from rail line abandonment. The California legislature is currently considering whether to create a new entity actually to develop the Great Redwood Trail once the line is railbanked, or to charge NCRA with that task. When NCRA or its successor develop trail plans, NCRA expects that those trail plans will be analyzed under California’s Environmental Quality Act (CEQA) and any other relevant laws, and that impacts on historic structures flowing from those plans will be consistent with applicable Secretary of Interior Standards.

NCRA notes that Caltrans coordinated a “State Report” for California State Transportation Agency (CalSTA) entitled “Great Redwood Trail Feasibility, Governance, and Railbanking Report” (2020). As part of that State Report, Caltrans retained consultants and prepared an historic analysis. NCRA sets forth the relevant portion of the Caltrans consultant analysis as Exhibit L to NCRA’s ER/HR. In addition, NCRA retained its own consultant to supply a narrative history and ensure photographs of structures on the line for purposes of STB regulatory requirements in 49 C.F.R. Part 1105. NCRA understands that Caltrans concurs that NCRA should be viewed as having satisfied all relevant historic reporting requirements for purposes of this proceeding.

Caltrans at p. 3 requests that the record accurately reflect known liabilities. As clarified by this letter, NCRA understands that Caltrans is now satisfied concerning liability disclosures, such that any further concerns may be addressed in trail implementation planning. Since NCRA is a public agency of the State and the State currently anticipates railbanking and a trail on NCRA’s property, the State will determine how to allocate (and pay for) liabilities.

In sum, NCRA understands the Caltrans comments to support abandonment and railbanking, and that Caltrans concurs that no additional information is necessary and that its letter should not be read to indicate the need for any post-abandonment conditions.

Thank you for your assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles Montange', written over a horizontal line.

Charles Montange
for North Coast Railroad Authority

cc. Jesse Robertson
Transportation Planning
Caltrans District 1