

SERVICE DATE – JULY 6, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1094X

CITY OF LOS ANGELES—ABANDONMENT EXEMPTION—
IN LOS ANGELES COUNTY, CAL.

Decided: July 6, 2021

The City of Los Angeles (the City) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a 2.6-mile portion of a rail line known as the San Pedro Subdivision extending from milepost 4.00 (north of Front Street and east of the Gaffey Street Lead) to the end of the line at milepost 6.60 in Los Angeles County, Cal. (the Line). Notice of the exemption was served and published in the Federal Register on June 7, 2021 (86 Fed. Reg. 30,349). The exemption is scheduled to become effective on July 7, 2021.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on June 11, 2021, recommending that three conditions be imposed on any decision granting abandonment authority.

First, OEA stated that the proposed abandonment is located within the California coastal zone management area. OEA stated that the City requested comments from the California Coastal Commission (CCC) regarding the requirement for coastal management consistency under the Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451-1465, but that CCC had not yet provided comments. Accordingly, OEA recommended that any decision granting abandonment authority include a condition that the City consult with CCC and, if necessary, obtain state coastal management consistency certification. OEA also recommended that the City be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment, including removal of tracks and ties, until it reports the results of such consultations in writing to OEA and the Board has removed this condition.

Second, OEA stated that the National Geodetic Survey (NGS) has indicated that there may be geodetic survey markers in the right-of-way that could be disturbed by the proposed abandonment. Accordingly, OEA recommended a condition requiring the City to notify NGS at least 90 days prior to beginning abandonment-related salvage activities to allow time for any geodetic survey markers that may be present in the right-of-way to be preserved.

Third, OEA stated that the City served the environmental and historic report on the California State Historic Preservation Officer (SHPO), but that the SHPO did not submit an opinion for OEA to consider before determining if the rail line may be eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA recommended a

condition requiring the City 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 that are eligible for listing or are listed in the National Register until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed and the Board has removed the condition.

OEA issued its Final Environmental Assessment (Final EA) on July 2, 2021, indicating that no new comments were received. OEA continues to recommend that the three conditions previously recommended in the Draft EA be imposed. Accordingly, the three conditions recommended by OEA in the Final EA will be imposed.

Exemption Requests. The City has requested that the proposed abandonment be exempted from the offer of financial assistance (OFA) provisions of 49 U.S.C. § 10904 and the public use provisions of 49 U.S.C. § 10905. Formal expressions of intent to file an OFA were due by June 17, 2021, and requests for a public use condition were due by June 28, 2021. None were filed. Therefore, the City's requests will be denied as moot.

This decision, and 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. The notice served and published in the Federal Register on June 7, 2021, exempting the abandonment of the Line described above is subject to the following conditions:¹
 - (a) The City shall consult with CCC and obtain any necessary state coastal management consistency certification, and it shall report the results of these consultations in writing to OEA. The City shall not file its consummation notice or initiate any salvage activities related to abandonment, including removal of tracks and ties, until the Board has removed this condition.
 - (b) The City shall notify NGS at NGS.Infocenter@noaa.gov at least 90 days prior to beginning abandonment-related salvage activities.
 - (c) The City 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 that are eligible for listing or are listed in the National Register until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. The City shall report to OEA any consultations with the SHPO and the public. The City shall not file

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the conditions set forth below is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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.

3. The City's requests for exemption from the provisions of 49 U.S.C. §§ 10904 and 10905 are denied as moot.

4. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.