

From: [Assenza, Adam](#)
To: calshpo.ohp@parks.ca.gov
Cc: [Tabachnick, Alan](#)
Subject: 106 STB Point Richmond Rail Abandonment (ER-22-802) Finding of No Adverse Effect
Date: Friday, December 1, 2023 4:41:00 PM
Attachments: [ER-22-802 Finding of No Adverse Effect.pdf](#)

Hello,

Please find attached STB's determination of No Adverse Effect in the above-referenced undertaking. We think this may need to be directed to Michael McGuirt, as we have been in communication with Aubrie Morlet. We look forward to your response.

Regards, and thank you in advance for your time,

Adam Assenza

Environmental Protection Specialist (he/him)
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
P: 202-245-0301



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 1, 2023

Cultural Resources Program Supervisor
Architectural Review and Environmental Compliance Unit
California Office of Historic Preservation
1725 23rd St. Ste 100
Sacramento CA 95816

Re: Docket No. AB 6 (Sub-No. 501X), BNSF Railway Company — Abandonment
Exemption — In Contra Costa County, Cal.; SHPO ID ER-22-802 Finding of No
Adverse Effect

BNSF Railway Company (BNSF) filed for authority from the Surface Transportation Board (Board) to abandon a line of railroad in Contra Costa County, California. The rail line proposed for abandonment, known as Line Segment 7258, extends approximately 0.79 miles from milepost 1190.9 to milepost 1191.69 near Point Richmond (the Line).

A Brief History of the Rail Operations Along and Adjacent to the Line

According to BNSF, in approximately 1900, BNSF's predecessor, the Atchison, Topeka, and Santa Fe Railway (ATSF), constructed the Ferry Point terminal to facilitate ferry docking to transfer passengers and freight to other locations around the San Francisco Bay. ATSF's passenger ferry service to San Francisco was discontinued in 1933. ATSF's car ferry freight service was discontinued in 1984, after a fire caused extensive damage to the barge slip at Richmond, forcing ATSF to embargo the barge line. In 1985, the Board's predecessor agency, the Interstate Commerce Commission ("ICC"), authorized ATSF to abandon its 10.4-mile all-water barge route, extending from milepost 1191.69 near Point Richmond, across the San Francisco Bay, to milepost 1202.09 at San Francisco, in Contra Costa and San Francisco Counties, California.¹

In 1991, the East Bay Regional Park District (the District), via a condemnation request by ATSF, condemned ATSF's property between milepost 1191 and milepost 1191.69. ATSF retained an easement to continue service to remaining Ferry Point customers. Service to the remaining Ferry Point customers ended in the mid-1990's, and a concrete barrier was placed on

¹ *The Atchison, Topeka & Santa Fe Ry. Co.—Abandonment—in Contra Costa & San Francisco Cntys., CA, AB 52 (Sub-No. 33) (ICC served Sep. 9, 1985).*

the track at milepost 1190.9. According to BNSF, there has been no local or overhead traffic on the Line since at least 1999.

Overview of the Federal Undertaking Before the Board

BNSF is now seeking to abandon approximately 0.79 miles of rail line between milepost 1190.9 and milepost 1191.69. Following abandonment, BNSF intends to (1) convey a 485-foot section of right-of-way between milepost 1190.9 and milepost 1191 to the District, and (2) release an easement that BNSF holds over a remaining portion of the Line. The Line includes the Ferry Point Pier and adjacent rail corridor with some intact sections of track. The proposed abandonment would allow BNSF to extinguish its remaining property rights related to the Line and would allow the District to acquire the land underlying the Line for incorporation into the Miller/Knox Regional Shoreline park. BNSF has indicated that it does not intend to salvage the Line. Once consummated (that is, once the authority granted by the Board to abandon the Line is exercised by BNSF), the Line would leave the Board's jurisdiction.

The Board's Office of Environmental Analysis (OEA) issued a Draft Environmental Assessment (Draft EA) on April 24, 2023. Because OEA had not yet completed its Section 106 historic review at the time the Draft EA was issued, OEA recommended that the Board condition any decision granting abandonment authority and require BNSF to (a) 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 (the Area of Potential Effects or APE) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed; (b) report back to OEA regarding any consultations with State Historic Preservation Officer and the public; and (c) not file 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. The Board imposed the Section 106 historic preservation condition recommended in the Final EA in its April 27, 2023 decision granting BNSF authority to abandon the Line.

Determination of No Adverse Effect to Historic Properties

The APE includes a linear historic district (Ferry Point Pier Historic District) as well as two individual resources that also contribute to the historic district described below:

- The Ferry Point Pier Historic District, determined eligible for listing in the National Register under Criteria A and C (2022);
- The Ferry Point Pier, determined to be individually eligible (1995) as well as a contributing resource within the historic district; and
- The Santa Fe Railroad, determined to be individually eligible as well as a contributing resource within the historic district (2022).

These resources were previously surveyed and determined to be historic properties by the U.S. Army Corps of Engineers (COE) (COE Determination December 16, 2022, cited in SHPO to COE Letter dated January 20, 2023).

As noted above, BNSF has stated that it does not intend to conduct any salvage or ground disturbing activities in connection with the abandonment, and thus there would be no changes to any of the historic properties present or to their setting. Therefore, OEA has determined that the proposed abandonment would have No Adverse Effect to historic properties. OEA requests your office's concurrence with this determination, which applies to the entire length of the Line (.79 miles), so that OEA can complete the Section 106 process and the Board can lift the Section 106 historic preservation condition.

OEA will follow up with you in the coming days to answer any additional questions you may have. In the meantime, please feel free to contact Adam Assenza of my staff at adam.assenza@stb.gov or 202-245-0301.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" and last name "Gosselin" clearly distinguishable.

Danielle Gosselin
Director
Office of Environmental Analysis