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OEA

SERVICE DATE – APRIL 18, 2024

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 501X)

**BNSF Railway Company – Abandonment Exemption –
In Contra Costa County, Cal.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() NO NEW COMMENTS WERE RECEIVED

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On March 9, 2023, BNSF Railway Company (BNSF) filed a verified notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking authority to abandon approximately 0.79 miles of rail line between milepost 1190.9 and milepost 1191.69 near Point Richmond in Contra Costa County, California (the Line). By decision served April 27, 2023, the Board imposed two conditions that prevent BNSF from filing its consummation notice or beginning salvage activities prior to their removal by the Board: (1) a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (Section 106 condition) and (2) a coastal zone condition pursuant to the Coastal Zone Management Act (CZMA), 16 U.S.C. §§ 1451 – 1465 (coastal zone condition).

The Section 106 condition requires 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 Area of Potential Effect that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the NHPA has been completed; (b) report back to the Office of Environmental Analysis (OEA) regarding any consultations with the California State Historic Preservation Office (SHPO) 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 coastal zone condition requires BNSF to: (a) consult with the California Coastal Commission and obtain state coastal management consistency certification, if necessary and (b) not file its consummation notice or initiate any salvage activities related to abandonment

(including removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed this condition.

Comments

On August 17, 2023, OEA received a letter from the San Francisco Bay Conservation and Development Commission (BCDC) stating that no consistency review is required for the proposed abandonment. Accordingly, the Board has satisfied its responsibilities under the CZMA, and OEA is recommending that the Board remove the coastal zone condition.

On April 15, 2024, OEA received a letter from SHPO stating that a determination of “no historic properties affected” would be appropriate for the proposed abandonment. Accordingly, pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified in 36 C.F.R. § 800.11(e), consists of BNSF’s historic report, all relevant correspondence, and the EA (Draft, Final, and Supplemental Final), which have been provided to the SHPO and made available to the public through posting on the Board’s website at www.stb.gov.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition and the coastal zone condition imposed in its April 27, 2023 decision.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.