

SERVICE DATE – APRIL 5, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 326X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN ALAMEDA COUNTY, CAL.

Decided: April 4, 2017

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon all of its remaining trackage on Alameda Island in Alameda County, Cal. (the Line). The Line totals approximately 4.3 miles and consists of five rail segments: (1) UP's Alameda Industrial Lead, from milepost 10.0 near Fruitvale to milepost 10.4 near Lincoln Jct. (Alameda Industrial Lead Segment 1); (2) the Alameda Industrial Lead from milepost 16.0 near Mastic Jct. to milepost 18.2 near West Alameda; (3) the former South Pacific Coast Railway mainline from milepost 5.0 at West Alameda to milepost 6.1 at Pacific Jct.; (4) the connection between the Alameda Industrial Lead at milepost 18.0 and South Pacific Coast milepost 5.4 near West Alameda; and (5) track #7, the connection between the Alameda Belt Line near St. Charles Avenue and the Alameda Industrial Lead at its milepost 16.5 near Constitution Way (Track #7). The Line also includes all other UP ancillary, industrial, switching, siding, and spur trackage on Alameda Island. Notice of the exemption was served and published in the Federal Register on June 20, 2016 (81 Fed. Reg. 39,995). The exemption became effective on July 20, 2016.

By decision and notice served on July 19, 2016, the Board imposed four environmental conditions recommended by the Board's Office of Environmental Analysis (OEA); a historic preservation condition under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 30618 (NHPA); an interim trail use/rail banking condition under the National Trails System Act, 16 U.S.C. § 1247(d); and a public use condition. The environmental conditions require UP to: (1) consult with and notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers; (2) (a) consult with the San Francisco Bay Conservation and Development Commission to determine whether state coastal management consistency certification is required, pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.), and (b) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the results of these consultations have been reported, in writing, to OEA and the Board has removed this condition; (3) prior to commencement of any salvage activities, consult with the Army Corps of Engineers (Corps) regarding its requirements and, if applicable, comply with the reasonable requirements of the Corps; and (4) to ensure that the 100-year floodplain is not adversely affected, consult with the Alameda County Public Works Agency prior to commencement of any salvage activities regarding potential impacts to the floodplain and

comply with the reasonable requirements thereof. The historic preservation condition requires UP 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 Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed, (b) report back to OEA regarding any consultations with the California Office of Historic Preservation (State Historic Preservation Office or 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.

In a Supplemental Final EA dated March 6, 2017, OEA states that it received correspondence in response to the conditions imposed in the July 19, 2016 decision. Based on the correspondence, OEA has determined that Conditions 2, 3 and 4, regarding salvage activities, and the Section 106 historic preservation condition have been satisfied. OEA recommends that the Board remove those four conditions. OEA also recommends that the following new environmental condition be imposed on the proposed abandonment to address the SHPO's concerns regarding any discoveries of archaeological resources during salvage activities: (a) in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, UP shall immediately cease all work and notify OEA, the SHPO, and appropriate federally recognized tribes, pursuant to 36 C.F.R. § 800.13(b); and (b) OEA will then consult with the SHPO, UP, appropriate federally recognized tribes, and other consulting parties, if any, to determine whether mitigation measures are necessary.

Consistent with OEA's recommendations, Conditions 2, 3 and 4, regarding salvage activities, and the Section 106 historic preservation condition will be removed and the newly recommended condition will be imposed. The previously imposed environmental condition requiring UP to consult with and notify the NGS regarding salvage activities (Condition 1) remains unchanged and in place.

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. Conditions 2, 3 and 4, regarding salvage activities, and the Section 106 historic preservation condition imposed in the July 19, 2016 decision are removed.
3. In addition to Condition 1 imposed in the July 19, 2016 decision, which remains in effect, UP's abandonment exemption is also subject to a new environmental condition (new

Condition 2) as follows: (2)(a) in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, UP shall immediately cease all work and notify OEA, the SHPO, and appropriate federally recognized tribes, pursuant to 36 C.F.R. § 800.13(b); and (b) OEA will then consult with the SHPO, UP, appropriate federally recognized tribes, and other consulting parties, if any, to determine whether mitigation measures are necessary.

4. This decision is effective on its service date.

By the Board, Rachel D. Director, Office of Proceedings.