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SERVICE DATE - MAY 6, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-812X

STOCKTON TERMINAL AND EASTERN RAILROAD--ABANDONMENT EXEMPTION--
IN SAN JOAQUIN COUNTY, CA

Decided: May 5, 2005

Stockton Terminal and Eastern Railroad (STE) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon approximately 3,600 feet of rail line extending from the west edge of North Duncan Road to the end of the line near North Wall Road, in Linden, San Joaquin County, CA. Notice of the exemption was served and published in the Federal Register on October 18, 2004 (69 FR 61435). The exemption became effective on November 17, 2004.

By decision served November 16, 2004 (November 2004 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that STE shall: (1) consult with the U.S. Army Corps of Engineers, Sacramento District (USACE) to determine if permits are required under section 404 of the Clean Water Act (33 U.S.C. 1344); and (2) retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line that are 50 years old and older until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

In a facsimile dated April 4, 2005, STE informed SEA that STE has consulted with USACE, and that USACE states that the proposed undertaking would not affect any waterway, designated wetlands, or 100-year floodplains, and that a USACE permit under section 404 of the Clean Water Act would not be required. Therefore, SEA recommends that the USACE consultation condition be removed.

In a letter dated March 16, 2005, the California Office of Historic Preservation (SHPO) states that it concurs with SEA's finding that the line proposed for abandonment is not eligible for inclusion in the National Register of Historic Places and that no historic properties would be affected by the proposed abandonment. Therefore, SEA recommends that the section 106 historic preservation condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed USACE consultation condition and the historic preservation condition will be removed.

This decision 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. Upon reconsideration, the USACE consultation condition and the section 106 historic preservation condition imposed in the November 2004 decision are removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary