

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-409 (Sub-No. 5X)

**Los Angeles County Metropolitan Transportation Authority
- Abandonment Exemption - In Los Angeles County, CA**

BACKGROUND

In this proceeding, the Los Angeles County Metropolitan Transportation Authority (LACMTA) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of an approximately .31-mile rail line in Los Angeles County, California. The line extends between milepost 485.69 and milepost 486.00. If the notice becomes effective, LACMTA will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

On March 19, 2008, Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to discontinue trackage rights over the same line segment that LACMTA now seeks to abandon.¹ Pursuant to special abandonment procedures set forth in a 1997 Board Decision,² LACMTA has adopted and submitted the Environmental and Historic Reports that UP prepared for the above-described discontinuance of trackage rights proceeding. The Environmental Report was served on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].³ In addition, at the request of the Board's Section of Environmental Analysis (SEA), LACMTA sent supplementary information regarding its proposed abandonment of the line to the appropriate Federal, state, and local agencies. SEA has reviewed and investigated the record in this proceeding.

¹ See Union Pacific Railroad Company – Abandonment and Discontinuance of Trackage Rights Exemption – In Los Angeles County, STB Docket No. AB-33 (Sub-No. 265X).

² See Los Angeles Co. Transp. Comm'n – A. T. and S. F. Ry. Co., STB Finance Docket No. 32172, et al., slip op. (STB served on March 12, 1997).

³ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-33 (Sub-No. 265X).

Diversion of Traffic

The line has not generated any traffic for at least two years and any overhead traffic on the line can be rerouted over other lines. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

The rail line is located in an industrial area of Los Angeles, where the topography is level, and the right-of-way is approximately 30 feet wide. The line does not cross any waterways, and there are no bridges associated with this proposed project. LACMTA does not believe that the line is suitable for recreational use or public use because of its limited length and location in an industrial area.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The line is part of a planned passenger transit network, and LACMTA plans to use the right-of-way to support construction activities and future rail transit operations. In the event that abandonment authority is granted, LACMTA states that it will remove existing rails, perform rough grading, and install asphalt within the right-of-way. LACMTA intends to use the line for: a staging area for the storage of track and signal material, as well as construction office trailers; parking for construction equipment used to build additional tracks, signals, and buildings; construction of a traction power substation; and employee parking.⁴

The line is not located within the California coastal zone. Accordingly, state coastal management consistency certification is not required.

Based on all information available to date, SEA does not believe that the proposed abandonment would cause significant environmental impacts.

⁴ It is well settled that in conducting environmental review in abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. Iowa Southern R. Co.-Exemption-Abandonment, 5 I.C.C.2d 496, 501(1989), *aff'd*, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990). Accordingly, SEA does not recommend environmental conditions regarding the post-abandonment use of the right-of-way.

HISTORIC REVIEW

The line was originally constructed by the Los Angeles and Independence Railway in 1875. The California Department of Parks and Recreation's Office of Historic Preservation (State Historic Preservation Office or SHPO) reviewed the Historic Report prepared by UP, and in a letter dated May 15, 2008, the SHPO submitted comments stating that no historic properties would be affected. In a June 16, 2008 phone call with a staff member at the SHPO, SEA confirmed that the SHPO's review and letter included the portion of the line that LACMTA seeks to abandon. Accordingly, pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database identified no Federally-recognized tribes in Los Angeles County.

CONDITIONS

SEA recommends that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

As stated above, LACMTA does not believe that the line is suitable for public use because of its limited length and location in an industrial area. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice for exemption in the Federal Register.

Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-409 (Sub-No. 5X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: June 23, 2008.

Comment due date: July 8, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment