

#E1-1944
RJ



March 6, 2006

Writer's Direct Line: (408) 321-7556
Writer's Facsimile: (408) 321-7547

Victoria Rutson, Chief
Section of Environmental Analysis
U.S. Surface Transportation Board
1925 K Street Northwest
Washington, D.C. 20423-0001

Re: Santa Clara Valley Transportation Authority
STB Docket No. AB-980X - Abandonment Exemption
Mitigation of safety hazards prior to abandonment
Contact with California Public Utilities Commission

Dear Ms. Rutson:

On December 16, 2005, the Surface Transportation Board (STB) issued a decision that conditionally approved an abandonment exemption for Petitioner, Santa Clara Valley Transportation Authority (SCVTA). On page three of that decision, SCVTA was requested to consult with the California Public Utilities Commission (CPUC) regarding its concerns over possible safety hazards from abandoned rail lines and other equipment. The results of that consultation were to be reported in writing to STB's Section of Environmental Analysis (SEA). That is the purpose of this letter.

On January 20, 2006 a conference call was held between staff of the CPUC Rail Safety Division (Kevin Boles and Kevin Schumacher) and an SCVTA rail consultant (Don Dali of Rail Technology, Inc.). The purpose of this conference was to discuss the CPUC's concerns addressed in their letter of October 6, 2005 letter to SEA, regarding possible safety hazards related to abandonment of portions of the Milpitas Line. The portions of the Milpitas Line that have been abandoned by both the former owner (Union Pacific Railroad) and the current owner (SCVTA) are located in the California Counties of Alameda and Santa Clara. The CPUC representatives listed above have assigned responsibilities for these counties.

At the start of the conference, the CPUC representatives requested an explanation of VTA's plans for use of the abandoned rail corridor. It was explained to the CPUC that the Milpitas Line was purchased from the Union Pacific Railroad by VTA for the purpose of constructing a BART¹ extension from the City of Fremont into the Cities of San Jose and Santa Clara. The BART extension project is presently in a preliminary development stage and not yet fully funded or sanctioned. However, in an effort to advance the

¹ "BART" refers to the Bay Area Rapid Transit System, a third-rail rapid transit system now serving Oakland, San Francisco and other Bay Area cities.

Chief, STB Section of Environment Analysis

March 6, 2006

Page 2

proposed project and clear the corridor for eventual use for public transit, VTA had requested and received a common carrier abandonment exemption from the STB.

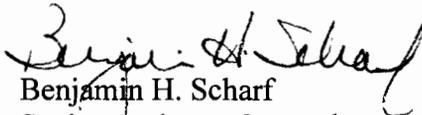
In terms of physical management of the corridor, VTA is not planning to remove existing track, signals and warning devices from the right-of-way and the street crossings within the abandonment area² until a decision is made regarding continuation of the BART extension project. In the event the BART project is not funded in the near future, the existing tracks, signals and crossing warning devices can be used for an alternate mode of rail passenger service such as commuter rail or light rail. Accordingly, it would be inefficient and costly to remove these transit facilities at this point in time.

Following UPRR's abandonment of its common carrier obligation over these segments of the Milpitas Line, gate arms at the road crossings were removed and track barricades erected to establish the ends and extents of the remaining Milpitas Line operating track. It should also be noted that all of the street crossings in the abandoned track areas are equipped with concrete crossing panels in very good condition. Enclosed are twelve photographs indicating the current condition of these crossings - showing concrete crossing panels and removal of automatic gate arms at each crossing.

With this information in mind, the CPUC representatives indicated that their concerns for public safety at these (currently abandoned) crossings would be satisfied with installation of "Track Out of Service" signs and removal of ancillary signage warning of train operations. VTA agrees with these recommendations and will change the signage as soon as possible, before consummation of the abandonment.

In view of the foregoing activities, SCVTA believes it has adequately consulted with CPUC and accommodated its concerns about safety hazards in the abandoned track areas. Accordingly, SCVTA believes it has satisfied this condition of the STB decision of December 16, 2005. Please call if you have any questions or wish further discussion.

Very truly yours,


Benjamin H. Scharf
Senior Assistant Counsel

encls.

cc: Kevin Boles, CPUC; Kevin Schumacher, CPUC
Don Dali, Railtek, Inc.; Alex Menedez, Esq., McLeod, Watkinson & Miller

² There are twelve grade crossings within this abandonment area: Paseo Padre (MP 2.60; DOT #833878G); Washington Blvd (MP 3.20; DOT #833879N); Julian St. (MP 16.50; DOT #833829K); McKee Rd. (MP 16.52; DOT #833830E); E. St. James St. (MP 16.70; DOT #833832T); E. Santa Clara St. (MP 16.90; DOT #833835N); Shortridge Av. (MP 17.00; DOT #833836V); San Fernando St. (MP 17.05; DOT #833837C); Whitton Av. (MP 17.10; DOT #833838J); San Antonio St. (MP 17.20; DOT #833839R); East 24th St. (MP 17.40; DOT #833840K); East 23th St. (MP 17.45; DOT #833841S).

Original copies of photographs submitted in color. Please contact the Section of Environmental Analysis to view a color copy.

