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PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 6, 2005

Victoria Rutson
Section of Environmental Analysis
Surface Transportation Board
1925 K St., N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson,

SUBJECT: STB Docket No. AB-980X

We recently received notice of a petition by Santa Clara Valley Transportation Authority (SCVTA) for exemption from the provisions of 49 U.S.C. 10903. SCVTA proposes to abandon all common carrier obligations over a 1.19 mile line (Industrial line) in Santa Clara County and a 2.88-mile line (Milpitas line) in Fremont, Alameda County.

It is unclear at this stage what the schedule would be for SCVTA to remove rail and ties from the right-of-way. We believe this is an important environmental consideration when abandoning the line. In particular, we request that the Surface Transportation Board require, as a condition for the exemption, that the rail and ties be removed both along the right-of-way and at all highway-rail crossings along the lines within 2 years of granting the exemption.

Tracks left in the roadway and not maintained cause a multitude of concerns, foremost among them being traffic and pedestrian safety hazards:

1. Track left in the roadway and sidewalk portion have caused feet, bicycle wheels, and wheelchairs to get caught in the flangeway causing damage or injury to the equipment and person.
2. Rails and ties have been known to break and create a sharp obstacle protruding above the roadway grade which can cause damage to equipment and person. After a period of time, railroad ties rot, ballast becomes foul, which in turn causes depression and/or potholes in the roadway areas and is a hazard to motorists.
3. Vehicles, particularly buses and those carrying hazardous materials, under Section 22452 of the California Vehicle Code may be cited by law enforcement for failure to stop at railroad track in the roadway. However, if vehicles do stop at the track unnecessarily it creates a potential for vehicle-vehicle rear-end collisions. The most effective way to remedy this situation is removal of the track in the roadway.
4. Local agencies should not be left financially accountable for removal or maintenance of the crossings. Considerable funding appears to be available for acquisition of rail right of way, rerouting of the track, and construction of grade separation structures in the area. Priority must also be given to cleaning up the abandoned rail right-of-way and crossings.

5. The Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD), Section 8A.04, includes the following requirement:

"When a highway-rail grade crossing is eliminated, the traffic control devices for the crossing shall be removed."

This section also includes the following "Guidance", meaning that deviations are allowed only if engineering judgment or an engineering study indicates the deviation to be appropriate.

"Where a railroad is eliminated at a highway-rail grade crossing, the tracks should be removed or paved over."

We recommend that the 'TRACKS OUT OF SERVICE' (MUTCD R8-9) sign be posted at the crossing until the tracks are removed from the roadway, and that both the track and warning devices be removed within 2 years subsequent to abandonment.

Please include discussion on this topic in the environmental analysis as part of this proceeding. In general, we recommend that timely removal of track at highway-rail crossings be established a condition for most abandonments.

I can be contacted with any questions or concerns on this topic at (415)703-1208.

Sincerely,



Kevin Schumacher

Utilities Engineer
Rail Crossings Engineering Section
California Public Utilities Commission

cc: Rini Ghosh, STB
Ann Jamison, SCVTA
Patrick Kerr, UPRR
Len Hardy, BART
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