

EO - 898
(D)

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-33 (Sub-No, 265X)

April 30,2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

NEW COMMENTS WERE RECEIVED

SEA served an Environmental Assessment (EA) for this proceeding on April 11, 2008, for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received two comments after issuance of the EA. A citizen, Mr. G5khan Esirgen, submitted a comment expressing interest in having Union Pacific Railroad Company (UP) transfer ownership of the portion of the line proposed for abandonment to the Los Angeles Metropolitan Transportation Authority in order for that segment to be used for future light rail or commuter train operations, SEA has requested that the Board's Office of Public Assistance, Governmental Affairs, and Compliance contact Mr. Esirgen regarding the subject of public use.

In addition to his support for future public transit use, Mr. Esirgen believes that the rail line (between milepost 485.61 and milepost 486.00) should be preserved because of its historic value. We note that the Board's ability to protect historic properties is very limited. See Implementation of Environmental Laws, 71.C.C.2d at 828-29, With regard to the portion of the line proposed for abandonment, the Board has imposed a temporary condition to prevent alteration or destruction of any historic resources prior to completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. However, the Board cannot deny authority for a railroad to take an action that would otherwise meet the relevant statutory criteria solely on the grounds that it would adversely affect historic resources. Essentially, documentation of the historic resources (taking photographs or preparing a history) before they are altered or removed is the only form of nonconsensual mitigation the Board can require.

As stated in the EA, the portion of the line proposed for discontinuance of trackage rights would not include any salvage operations. In addition, this portion of the line is owned by the Los Angeles Metropolitan Transportation Authority, and the Board can impose historic preservation conditions only to the extent that the particular property is owned by the railroad seeking abandonment,

The National Geodetic Survey also submitted a comment stating that no geodetic survey markers are located in the area of the proposed project. Accordingly, no mitigation regarding

geodetic station markers is recommended.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the following condition previously recommended in the EA should be imposed upon any decision granting abandonment authority:

1. Union Pacific Railroad Company (UP) shall retain its interest in the portion of the line between milepost 485.61 and milepost 485.69 and shall 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 National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP shall report back to the Board's Section of Environmental Analysis regarding any consultations with the State Historic Preservation Office and the public. UP may 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,

If the above condition is imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT: Christa Dean 245-0299

Surface Transportation Board

Documenting Correspondence Record

#EI-7187

E-Philh&0<>^JWn^o«Inf<>m»atlOfi		, \$iattw:ih»*r0ees\$	
" Required Fields		Recorded by ChrstaDean on 04/23/2008	
'Docket*:	AB 33 265 X	Affiliation	Self /Individual
*Name of Sender- Group-	GOkhan Esirgen	Letter Type:	E-filmg
Attention Of:	Christa Dean	NEPAType:	Post EA Comment
*Date Received;	04/24/2008	In Public Docket?	• Yes ' No
Date of Letter'	04/23/2008	Phone Number:	3105924936
Group's Address,	3380 VintonAve Apt 108	Email Address:	esirgen@usc.edu
Group's City:	Los Angeles	Group's Zip Code:	90034-3755-
Group's State:	CA		

Submitter's Comments

For the section between mileposts 485.61 and 485.69 to be abandoned, the railroad must transfer ownership to the Los Angeles County Metropolitan Transportation Authority. In this way this section could be used in the future for light-rail or commuter-train operations.

Also both the abandoned (485.61 to 485.69) and discontinued (485,69 to 486.00) sections should be preserved and not be built on because of historical value as well as future public transit use.

STB's Comments

Large Attachments

An attachment has not been added.

E1-7)88

5



Simon Monroe
<Simon.Monro8@noaa.gov>

04/17/2008 09:33 AM

To CWSAYLOR@up.com

cc National Society of Professional Surveyors
<Dawn.James@acsm.net>, Surface Transportation Board
<sea@stb dot.gov>, Marti Ikehara

bcc

Subject [Fwd; NGS Response, STB Docket AB-33 (SUB NO 265X)

Thank you for sharing your railroad abandonment environmental-report for Santa Monica, Los Angeles County, CALIFORNIA.

Approximately 00 geodetic survey marks may be located in the area described,

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are described on the attached file. Additional advice is provided at

<http://geodcsy-noaa.gov/marks/railroads/>

jDistIPID... |H V|Vert_Source Approx.l&pprox.. jStab Designation

|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

No Stations Found.