

SERVICE DATE – MAY 30, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 501X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN CONTRA COSTA COUNTY, CAL.

Decided: May 30, 2024

BNSF Railway Company (BNSF) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 0.79 miles of rail line known as Line Segment 7258 between approximately milepost 1190.9 and approximately milepost 1191.69 in Contra Costa County, Cal. Notice of the exemption was served and published in the Federal Register on March 29, 2023 (88 Fed. Reg. 18,630). The exemption became effective on April 28, 2023.

By decision served April 27, 2023, the Board imposed three conditions recommended by the Board’s Office of Environmental Analysis (OEA). These included two conditions that prevented BNSF from filing its consummation notice or beginning salvage activities prior to their removal by the Board: (1) a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (Section 106 condition); and (2) a coastal zone condition pursuant to the Coastal Zone Management Act (CZMA), 16 U.S.C. §§ 1451-1465 (coastal zone condition).¹

In a Supplemental Final Environmental Assessment served on April 18, 2024, OEA states that on August 17, 2023, it received a letter from the San Francisco Bay Conservation and Development Commission (BCDC) stating that no consistency review is required for the proposed abandonment. Accordingly, OEA determined that the agency’s responsibilities under the CZMA are satisfied and recommends that the Board remove the coastal zone condition. OEA further states that on April 15, 2024, it received a letter from California State Historic Preservation Office (SHPO) stating that a determination of “no historic properties affected” would be appropriate for the proposed abandonment. As a result, OEA concludes that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places and recommends that the Board remove the Section 106 condition.

¹ The third condition required giving 90 days’ notice to the National Geodetic Survey before beginning abandonment-related salvage activities.

Consistent with OEA's recommendation, this proceeding will be reopened, and the previously imposed coastal zone condition and Section 106 condition will be removed. The previously imposed notice condition remains unchanged.

This decision, and the proposed abandonment if implemented as conditioned, 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 coastal zone condition and Section 106 condition imposed in the April 27, 2023 decision are removed.
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.