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ENTERED
Office of Proceedings
March 9, 2023
Part of
Public Record

March 9, 2023

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

**Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—
Abandonment Exemption—in Contra Costa County, California**

Dear Ms. Brown:

Enclosed for e-filing is BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50. The filing fee of \$4,600 was paid using Pay.gov.

Please contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure

FILED
March 9, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
March 9, 2023
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (SUB-NO. 501X)

BNSF RAILWAY COMPANY
—ABANDONMENT EXEMPTION—
IN CONTRA COSTA COUNTY, CALIFORNIA

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

Jacob Godard
Senior General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131-2828

Peter W. Denton
Sally Mordi
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

Attorneys for BNSF Railway Company

Dated: March 9, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (SUB-NO. 501X)

BNSF RAILWAY COMPANY
—ABANDONMENT EXEMPTION—
IN CONTRA COSTA COUNTY, CALIFORNIA

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

BNSF Railway Company (“BNSF”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 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, California (the “Line”).

Proposed Consummation Date

The proposed consummation date is 50 days after the date of filing this Notice of Exemption.

Certification Required by 49 C.F.R. § 1152.50(b)

The required certification is attached as **Exhibit 1**.

Information Required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).

(a) General

(1) Exact name of applicant

BNSF Railway Company

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 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, California. There has been no local or overhead traffic on the Line since at least 1999. Therefore, there will be no change to any freight service provided on the Line.

(4) Map

Maps of the Line are attached as **Exhibit 2**.

(7) Name, title and address of representative of applicant to whom correspondence should be sent

Peter W. Denton
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
pdenton@steptoe.com
(202) 429-3000

(8) List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses

The Line traverses ZIP code 94801.

(e) Rural and community impact

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of

**title or the use of property for other than rail purposes,
this shall be disclosed.**

The Line is appropriate for use for other public purposes. The Line is surrounded by the Miller/Knox Regional Shoreline park, operated by the East Bay Regional Park District (the “District”), a regional park special district formed in 1934 pursuant to California state law. Following the abandonment, BNSF intends to (1) convey to the District a 485-foot section of right-of-way between milepost 1190.9 and milepost 1191, and (2) release an easement that BNSF holds over a remaining portion of the Line. These actions will extinguish all remaining property rights that BNSF holds related to the Line and will allow the District to acquire the land underlying the Line for incorporation into the Miller/Knox Regional Shoreline park.

The District adopted the Miller/Knox Regional Shoreline Land Use Plan Amendment in 2019. The amendment recommends removing “the abandoned railroad tracks within District jurisdiction and develop[ing] a section of the San Francisco Bay Trail between Keller Beach and Ferry Point.”¹

Labor Level of Protection

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Certification

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(l) and 1105.12 are attached as **Exhibit 3**.

¹ East Bay Regional Park District, Miller/Knox Regional Shoreline Land Use Plan Amendment at 63 (2019), available at https://www.ebparks.org/sites/default/files/miller_knox_corrected_lupa_3_2019_revised.pdf.

Environmental Report

The Environmental Report containing information required by 49 C.F.R. § 1105.7 is attached as **Exhibit 5**. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as **Exhibit 4**.

Historic Report

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached as **Exhibit 5**. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as **Exhibit 4**.

Respectfully submitted,



Jacob Godard
Senior General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131-2828
(817) 352-3451

Peter W. Denton
pdenton@steptoe.com
Sally Mordi
smordi@steptoe.com
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

Attorneys for BNSF Railway Company

Dated: March 9, 2023

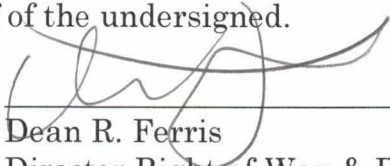
**EXHIBIT 1
TO THE NOTICE OF EXEMPTION**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE
MEETS CRITERIA OF 49 C.F.R. § 1152.50(b)**

I, Dean R. Ferris, state that I am Director of Right-of-Way & Real Estate Management for BNSF Railway Company ("BNSF"), and verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to make this verification.

I hereby certify that no local traffic has moved over the 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, California (the "Line") for at least two years and that there is no overhead traffic on the Line. I further certify that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



Dean R. Ferris
Director Right-of-Way & Real Estate
Management, BNSF Railway

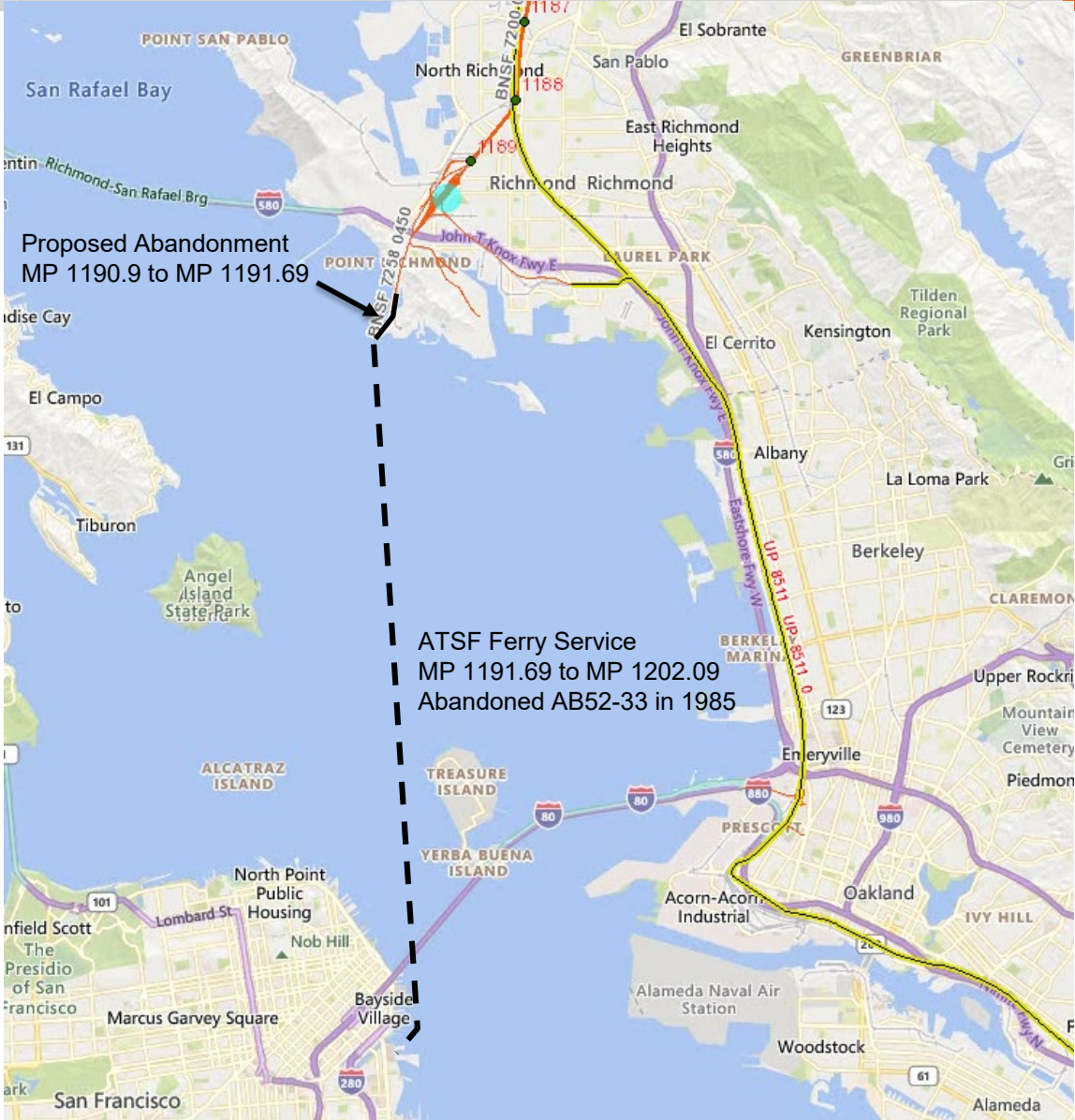
Dated: 3/2/2023

EXHIBIT 2
TO THE NOTICE OF EXEMPTION
MAPS

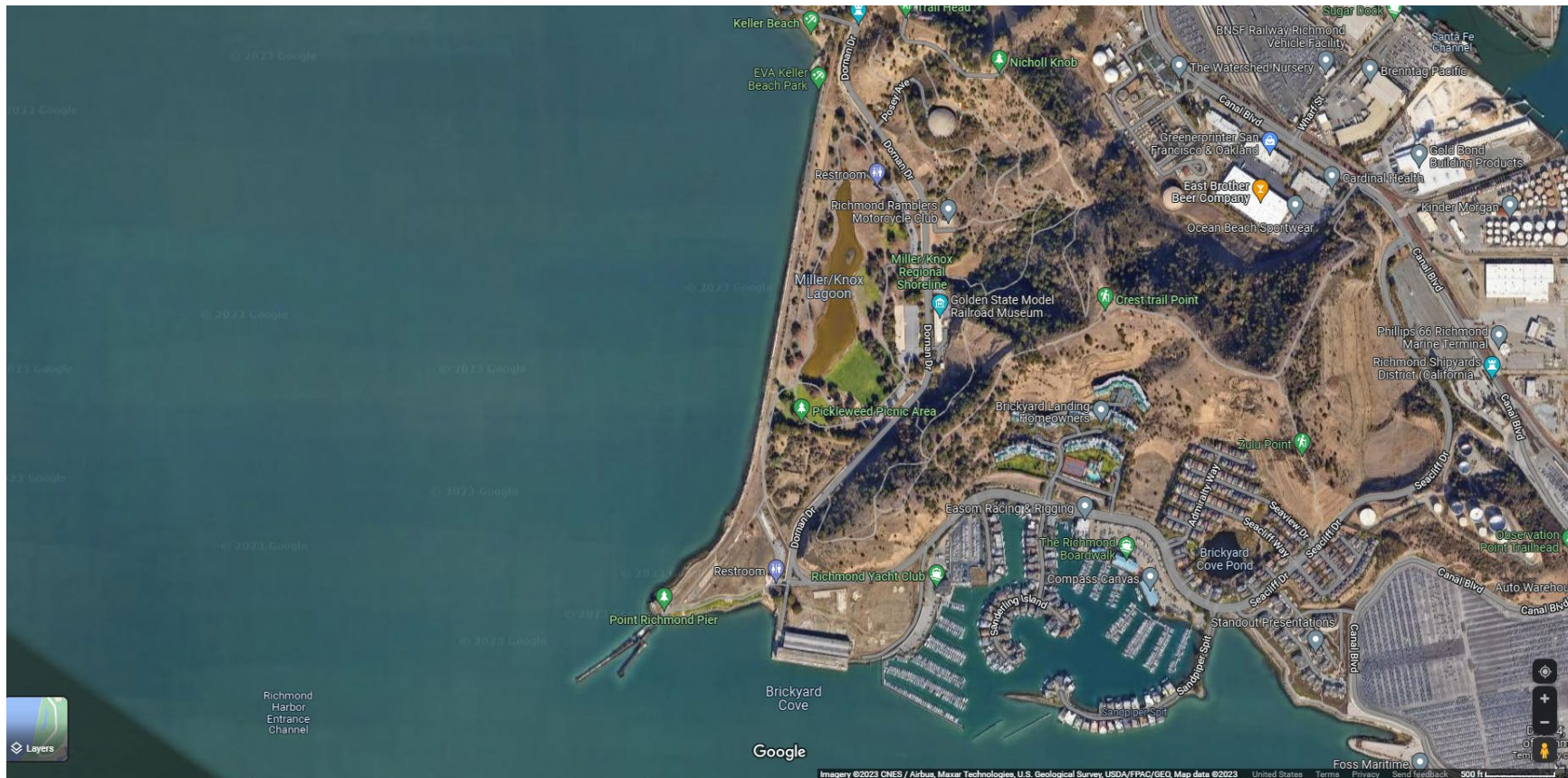
Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map



Aerial Map of Track Abandonment Area



**EXHIBIT 3
TO THE NOTICE OF EXEMPTION**

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(l), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 501X) was mailed via first class mail on February 23, 2023, to the following parties:

State Public Service Commission

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Military Traffic Management Command

U.S. Department of Defense
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
1 Soldier Way
Bldg 1900W
Scott AFB, IL 62225

National Park Service

National Park Service
Conservation and Outdoor Recreation Division Office
1849 C Street NW
Washington, DC 20240

National Park Service
Regions 8, 9, 10, and 12
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

U.S. Department of Agriculture

Randy Moore
Chief of the Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

Dated: March 9, 2023

Sally Mordi

Sally Mordi

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 501X) was published on February 24, 2023, in the *Contra Costa Times*, a newspaper of general circulation in Contra Costa County, California, as required by 49 C.F.R. § 1105.12.

Dated: March 9, 2023

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi

Contra Costa Times

2121 N. California Blvd., Ste. 290
Walnut Creek, CA 94596
925-943-8019

3856436

STEPTOE & JOHNSON LLP
ACCTS PAYABLE
1330 CONNECTICUT AVE. NW
WASHINGTON, DC 20036

PROOF OF PUBLICATION

FILE NO. BNSF Abandon Rail Svs East Bay

Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

02/24/2023

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 24th day of February, 2023.



Signature

Legal No.

0006734787

Notice of Intent To Abandon Rail Service

BNSF Railway Company gives notice that on or after March 5, 2023, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of approximately 0.79 miles of rail line known as Line Segment 7258 between approximately milepost 1190.9 and approximately milepost 1191.69, which traverses through United States Postal Service ZIP Code 94801 in Contra Costa County, California. The proceeding will be docketed as No. AB 6 (Sub-No. 501X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, DC [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Sally Mordi, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC 20036; phone: (202) 429-6287.

CCT 6734787; Feb. 24, 2023

**EXHIBIT 4
TO THE NOTICE OF EXEMPTION**

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that, pursuant to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8, the transmittal letter required by 49 C.F.R. § 1105.11 and copies of the Combined Environmental and Historic Report in Docket No. AB 6 (Sub-No. 501X) were sent via first class mail or electronically on February 13, 2023 to the following parties:

Richmond Planning Division 450 Civic Center Plaza 2nd Floor Richmond, CA 94804	Contra Costa County Planning Commission 30 Muir Road Martinez, CA 94553
Contra Costa County Board of Supervisors District 1 11780 San Pablo Avenue, Suite D El Cerrito, CA 94530	NRCS California State Office 430 G St., # 4164 Davis, CA 95616-4164
U.S. Fish and Wildlife Service Pacific Southwest Region Federal Building 2800 Cottage Way Sacramento, CA 95825	Bureau of Land Management California State Office 2800 Cottage Way Suite W1623 Sacramento, CA 95825
National Park Service Regions 8, 9, 10, and 12 333 Bush Street, Suite 500 San Francisco, CA 94104-2828	State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100
US EPA, Region 9 75 Hawthorne Street San Francisco, CA 94105	U.S. Army Corps of Engineers San Francisco District 450 Golden Gate Ave, 4th Floor San Francisco, CA 94102
Julianne Polanco, State Historic Preservation Officer Office of Historic Preservation 1725 23rd Street, Suite 100 Sacramento, CA 95816	Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #8716 1315 East-West Highway Silver Spring, MD 20910-3282 RRAE@noaa.gov
California Coastal Commission 455 Market Street, Suite 300 San Francisco, CA 94105	California State Clearinghouse Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814

California Environmental Protection Agency 1001 I Street P.O. Box 2815 Sacramento, CA 95812-2815	
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Dated: March 9, 2023

Sally Mordi

Sally Mordi

EXHIBIT 5
TO THE NOTICE OF EXEMPTION

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (SUB-NO. 501X)

BNSF RAILWAY COMPANY
—ABANDONMENT EXEMPTION—
IN CONTRA COSTA COUNTY, CALIFORNIA

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

- (1) **Proposed action and alternatives.** *Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

BNSF Railway Company (“BNSF”) proposes 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, California (the “Line”). Maps of the proposed area are attached as **Exhibit A**.

The Line is surrounded by the Miller/Knox Regional Shoreline park, operated by the East Bay Regional Park District (the “District”), a regional park special district formed in 1934 pursuant to California state law. Following the abandonment, BNSF intends to (1) convey to the District a 485-foot section of right-of-way between milepost 1190.9 and milepost 1191, and (2) release an easement that BNSF holds over a remaining portion of the Line. These actions will extinguish all remaining property rights that BNSF holds related to the Line and will allow the District to acquire the land underlying the Line for incorporation into the Miller/Knox Regional Shoreline park.

The District adopted the Miller/Knox Regional Shoreline Land Use Plan Amendment in 2019. The amendment recommends removing “the abandoned

railroad tracks within District jurisdiction and develop[ing] a section of the San Francisco Bay Trail between Keller Beach and Ferry Point.”¹

BNSF will not be performing any salvage activities in connection with this abandonment. As stated, following the abandonment, BNSF will convey to the District a section of right-of-way. The District will be responsible for any salvage activities in the future.

There has been no local or overhead traffic on the Line since at least 1999. Therefore, there will be no change to any freight service provided on the Line. The only alternative to the proposed action would be to not abandon the Line.

(2) Transportation system. *Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

No passenger or freight traffic will be diverted to other transportation systems as a result of the proposed abandonment. There has been no local or overhead traffic on the Line since at least 1999.

(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment is consistent with existing land use plans. On December 16, 2022, BNSF sent letters to the Richmond Planning Division, the Contra Costa County Planning Commission, and the Contra Costa County Board of Supervisors (District 1) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as **Exhibit B**.

¹ East Bay Regional Park District, Miller/Knox Regional Shoreline Land Use Plan Amendment at 63 (2019), available at https://www.ebparks.org/sites/default/files/miller_knox_corrected_lupa_3_2019_revised.pdf.

- (ii) *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

The proposed abandonment will have no adverse effect on prime agricultural land. On December 16, 2022, BNSF sent a letter to the California State Office of the U.S. Department of Agriculture's Natural Resources Conservation Service ("NRCS") regarding the proposed abandonment.

On January 3, 2023, we received an e-mail from NRCS, stating that the proposed abandonment, as described, will not impact any prime agricultural lands. A copy of the letter to NRCS and the response are attached as **Exhibit C**.

- (iii) *If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.*

BNSF believes that the proposed abandonment will not affect land or water uses within a designated coastal zone. On December 16, 2022, BNSF sent a letter to the California Coastal Commission regarding the proposed abandonment. As of the date of this Environmental Report, we have not received a reply from the California Coastal Commission. A copy of the letter to the California Coastal Commission is attached as **Exhibit D**.

- (iv) *If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.*

The right-of-way may be suitable for alternative public use. Following the abandonment, BNSF intends to (1) convey to the District a 485-foot section of right-of-way between milepost 1190.9 and milepost 1191, and (2) release an easement that BNSF holds over a remaining portion of the Line. These actions will extinguish all remaining property rights that BNSF holds related to the Line and will allow the District to acquire the land underlying the Line for incorporation into the Miller/Knox Regional Shoreline park.

On December 16, 2022, BNSF sent letters to the Richmond Planning Division, the Contra Costa County Planning Commission, and the Contra Costa

County Board of Supervisors (District 1) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as **Exhibit B**.

(4) Energy.

- (i) *Describe the effect of the proposed action on transportation of energy resources.*

The proposed abandonment will have no effect on transportation of energy resources.

- (ii) *Describe the effect of the proposed action on recyclable commodities.*

The proposed abandonment will have no effect on the movement or recovery of recyclable commodities.

- (iii) *State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

The proposed abandonment will not result in an increase or decrease in overall energy efficiency because there has been no local or overhead traffic on the Line since at least 1999.

- (iv) *If the proposed action will cause diversions from rail to motor carriage of more than:*

(A) *1,000 rail carloads a year; or*

(B) *An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

The proposed abandonment will not cause diversions from rail to motor carriage.

(5) Air.

- (i) *If the proposed action will result in either:*

- (A) *An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*
- (B) *An increase in rail yard activity of at least 100 percent (measured by carload activity), or*
- (C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

The proposed abandonment will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in item (5)(i)(A), (B), or (C).

- (ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*
 - (A) *An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*
 - (B) *An increase in rail yard activity of at least 20 percent (measured by carload activity), or*
 - (C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

The proposed abandonment will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in item (5)(ii)(A), (B), or (C).

- (iii) *If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. *If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:*

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

None of the thresholds identified in item (5)(i) will be surpassed as a result of the proposed abandonment. Thus, this provision is not applicable.

(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

The proposed abandonment will not have an adverse effect on public health and safety. There are no grade crossings on the Line.

On December 16, 2022, BNSF sent letters to the Richmond Planning Division, the Contra Costa County Planning Commission, and the Contra Costa County Board of Supervisors (District 1) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as **Exhibit B**.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

The proposed abandonment will not affect the transportation of hazardous materials.

- (iii) *If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological resources.

- (i) *Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

The proposed abandonment will not have an adverse effect on endangered or threatened species or areas designated as a critical habitat. On December 16, 2022, BNSF sent a letter to the U.S. Fish and Wildlife Service (“USFWS”) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received a reply from USFWS. A copy of the letter to USFWS is attached as **Exhibit E**.

- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

No wildlife sanctuaries or refuges, National or State parks or forests will be affected by the proposed abandonment. On December 16, 2022, BNSF sent letters to the Bureau of Land Management (“BLM”) and the National Park Service (“NPS”) regarding the proposed abandonment.

On January 6, 2023, we received an e-mail from BLM, indicating that BLM circulated our letter within the agency.² A copy of the letter to BLM and the e-mail from BLM are attached as **Exhibit F**.

² BLM’s e-mail also indicates that BNSF inquired about mineral rights and includes information regarding mineral rights. BNSF did not inquire about mineral rights. BNSF’s letter to BLM and BLM’s e-mail, including all attachments, are provided in Exhibit F.

As of the date of this Environmental Report, we have not received a reply from NPS. A copy of the letter to NPS is attached as **Exhibit G**.

(9) Water.

- (i) *Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

The proposed abandonment is consistent with applicable water quality standards. On December 16, 2022, BNSF sent letters to the California State Water Resources Control Board and Region 9 of the U.S. Environmental Protection Agency (“U.S. EPA”) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as **Exhibit H**.

- (ii) *Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

The proposed abandonment will not require any permits under Section 404 of the Clean Water Act, and no designated wetlands or 100-year flood plains will be adversely affected. On December 16, 2022, BNSF sent a letter to the San Francisco District of the U.S. Army Corps of Engineers (“USACE”) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received a reply from USACE. A copy of the letter to USACE is attached as **Exhibit I**.

- (iii) *State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)*

The proposed abandonment will not require permits under Section 402 of the Clean Water Act. On December 16, 2022, BNSF sent letters to the California State Water Resources Control Board and Region 9 of U.S. EPA regarding the proposed

abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as **Exhibit H**.

(10) Proposed Mitigation. *Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

Because no adverse environmental impacts will result from the proposed abandonment, no mitigation is necessary. BNSF will consult, as required, with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with any mitigation actions required by the Surface Transportation Board.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

§ 1105.7(e)(1) **Proposed action and alternatives.** *Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

BNSF proposes 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, California. Maps of the proposed area are attached as **Exhibit A**.

The Line is surrounded by the Miller/Knox Regional Shoreline park, operated by the District, a regional park special district formed in 1934 pursuant to California state law. Following the abandonment, BNSF intends to (1) convey to the District a 485-foot section of right-of-way between milepost 1190.9 and milepost 1191, and (2) release an easement that BNSF holds over a remaining portion of the Line. These actions will extinguish all remaining property rights that BNSF holds related to the Line and will allow the District to acquire the land underlying the Line for incorporation into the Miller/Knox Regional Shoreline park.

The District adopted the Miller/Knox Regional Shoreline Land Use Plan Amendment in 2019. The amendment recommends removing “the abandoned railroad tracks within District jurisdiction and develop[ing] a section of the San Francisco Bay Trail between Keller Beach and Ferry Point.”³

BNSF will not be performing any salvage activities in connection with this abandonment. As stated, following the abandonment, BNSF will convey to the District a section of right-of-way. The District will be responsible for any salvage activities in the future.

³ East Bay Regional Park District, Miller/Knox Regional Shoreline Land Use Plan Amendment at 63 (2019), available at https://www.ebparks.org/sites/default/files/miller_knox_corrected_lupa_3_2019_revised.pdf.

There has been no local or overhead traffic on the Line since at least 1999. Therefore, there will be no change to any freight service provided on the Line. The only alternative to the proposed action would be to not abandon the Line.

- (1) *A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.*

The required topographic map is attached to this Historic Report as **Exhibit A.**

- (2) *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.*

The Line extends approximately 0.79 miles in Contra Costa County, California, between approximately milepost 1190.9 and approximately milepost 1191.69. Most of the right-of-way is 30 feet wide. A portion of the right-of-way is 170 feet wide.

- (3) *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.*

As discussed below, there are remains of the Atchison, Topeka and Santa Fe Railway (“ATSF”) ferry terminal extending into the San Francisco Bay.

Photographs of the terminal are provided in **Exhibit J.**

- (4) *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.*

There are remains of the ATSF ferry terminal extending into the San Francisco Bay. This dock, also known as Ferry Point Pier, was built in approximately 1900 and was reconfigured multiple times over the years. The dock was taken out of service following a 1984 fire and has been sitting derelict since that time.

- (5) *A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.*

In approximately 1900, BNSF's predecessor, ATSF, constructed the Ferry Point terminal to facilitate ferry docking to transfer passengers and freight to other locations around the San Francisco Bay. ATSF's passenger ferry service to San Francisco was discontinued in 1933. ATSF's car ferry freight service was discontinued in 1984, after a fire caused extensive damage to the barge slip at Richmond, forcing ATSF to embargo the barge line.

In 1985, the Interstate Commerce Commission ("ICC") authorized ATSF to abandon its 10.4-mile all-water barge route, extending from milepost 1191.69 near Richmond, across the San Francisco Bay, to milepost 1202.09 at San Francisco, in Contra Costa and San Francisco Counties, California. *The Atchison, Topeka & Santa Fe Ry. Co.—Abandonment—in Contra Costa & San Francisco Cntys., CA*, AB 52 (Sub-No. 33) (ICC served Sep. 9, 1985).

In 1991, the District, via a friendly condemnation request by ATSF, condemned ATSF's property between milepost 1191 and milepost 1191.69. ATSF retained an easement to continue service to remaining Ferry Point customers. Service to the remaining Ferry Point customers ended in the mid-1990's, and a concrete barrier was placed on the track at milepost 1190.9.

BNSF is now seeking to abandon approximately 0.79 miles of rail line between approximately milepost 1190.9 and approximately milepost 1191.69. Following the abandonment, BNSF intends to (1) convey to the District a 485-foot section of right-of-way between milepost 1190.9 and milepost 1191, and (2) release an easement that BNSF holds over a remaining portion of the Line. These actions will extinguish all remaining property rights that BNSF holds related to the Line and will allow the District to acquire the land underlying the Line for incorporation into the Miller/Knox Regional Shoreline park.

There has been no local or overhead traffic on the Line since at least 1999. Therefore, there will be no change to any carrier operations on the Line.

- (6) *A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

Documents in BNSF's possession concerning this proposed abandonment may include alignment maps showing the right-of-way and/or station maps. These documents can be supplied upon request, if they are available.

- (7) *An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).*

On December 16, 2022, BNSF sent letters to the California State Historic Preservation Office ("SHPO") and the Communications and Outreach Branch, NOAA, N/NGS12, National Geodetic Survey, SSMC3 #9340 ("National Geodetic Survey") regarding the proposed abandonment. As of the date of this Historic Report, we have not received any replies from these agencies. Copies of the letters are attached as **Exhibit K**.

Ferry Point Pier, located near the project area within the Miller/Knox Regional Shoreline park, meets the criteria for listing on the National Register of Historic Places and is listed on the City of Richmond's Historic Register. The District is planning to remove the derelict pier, subject to permitting by USACE and consultation with the SHPO.

- (8) *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

The Line was disturbed during original construction by cuts and fill, and any archaeological resources that may have been located in the proposed area would have been affected at that time. As discussed above, in 1984, a fire caused extensive

damage to the barge slip. Our records do not indicate any other environmental conditions that might affect the archeological recovery of resources.

- (9) *Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).*

If any additional information is requested, BNSF will promptly supply the necessary information.

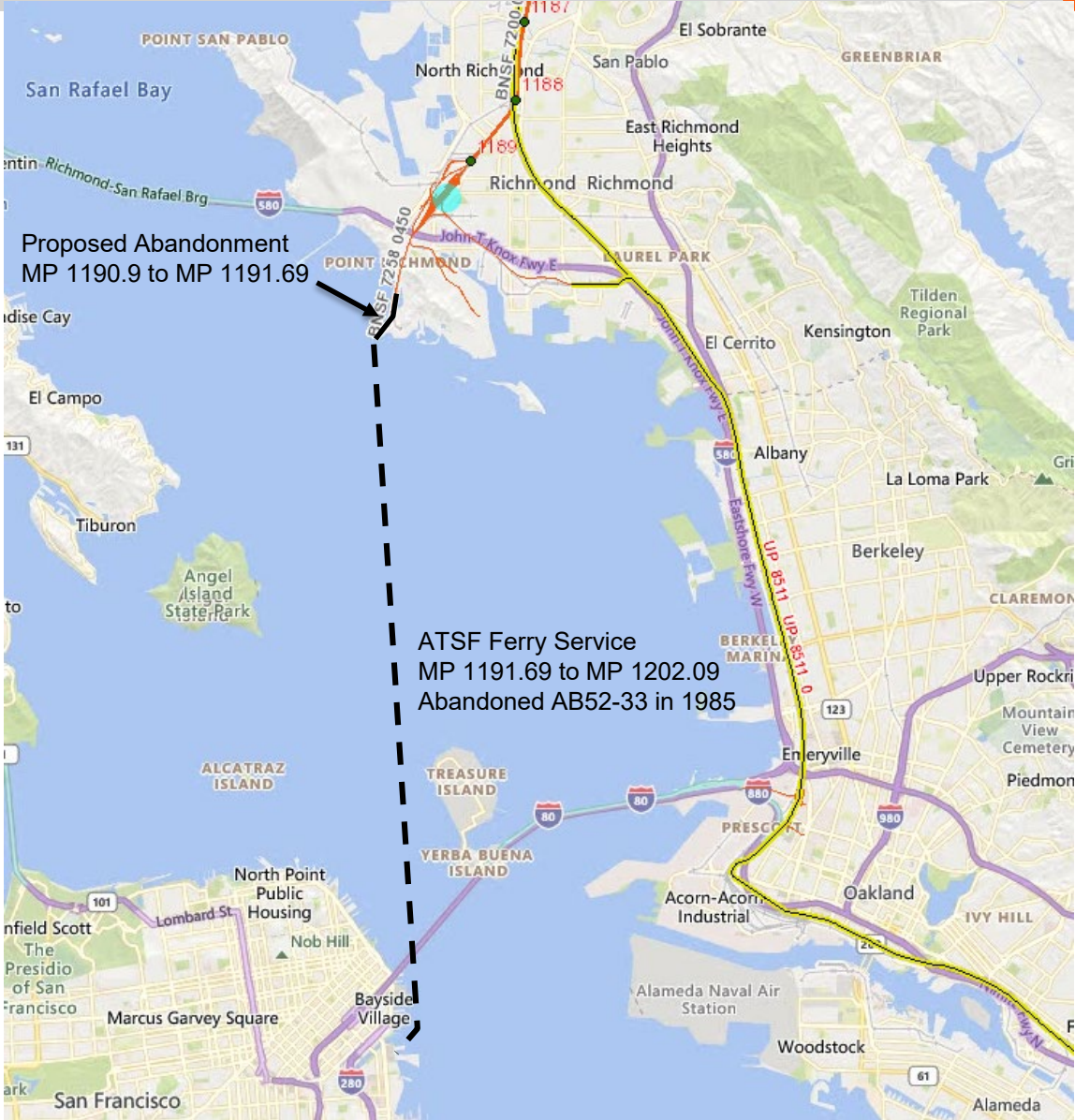
EXHIBIT A

Maps of the proposed action:

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map



Aerial Map of Track Abandonment Area

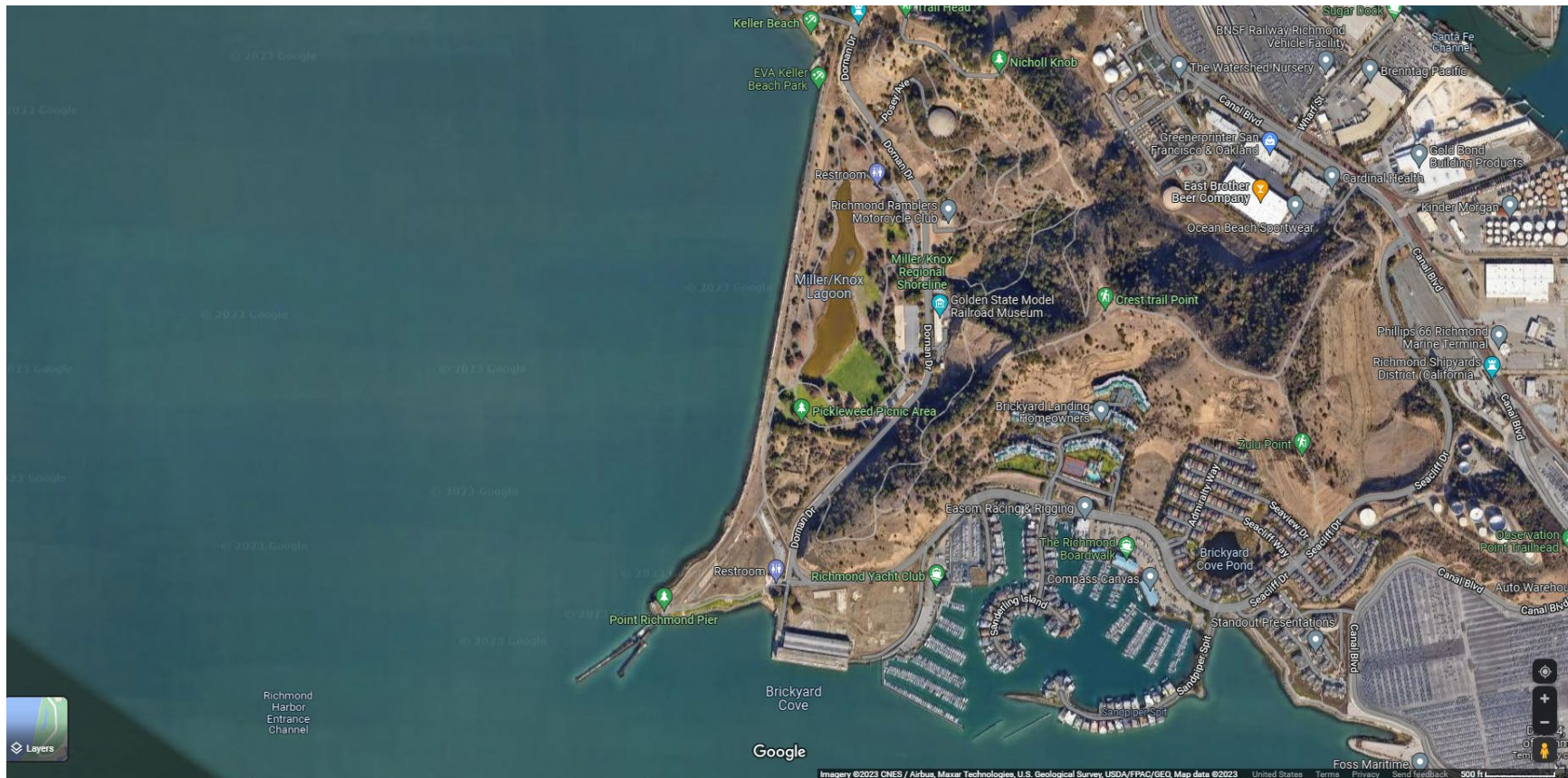


EXHIBIT B

Letters sent to the Richmond Planning Division, the Contra Costa County
Planning Commission, and the Contra Costa County Board of Supervisors
(District 1):

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

Richmond Planning Division
450 Civic Center Plaza
2nd Floor
Richmond, CA 94804

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed action is consistent with existing land use plans. If applicable, please describe any inconsistencies.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are

required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



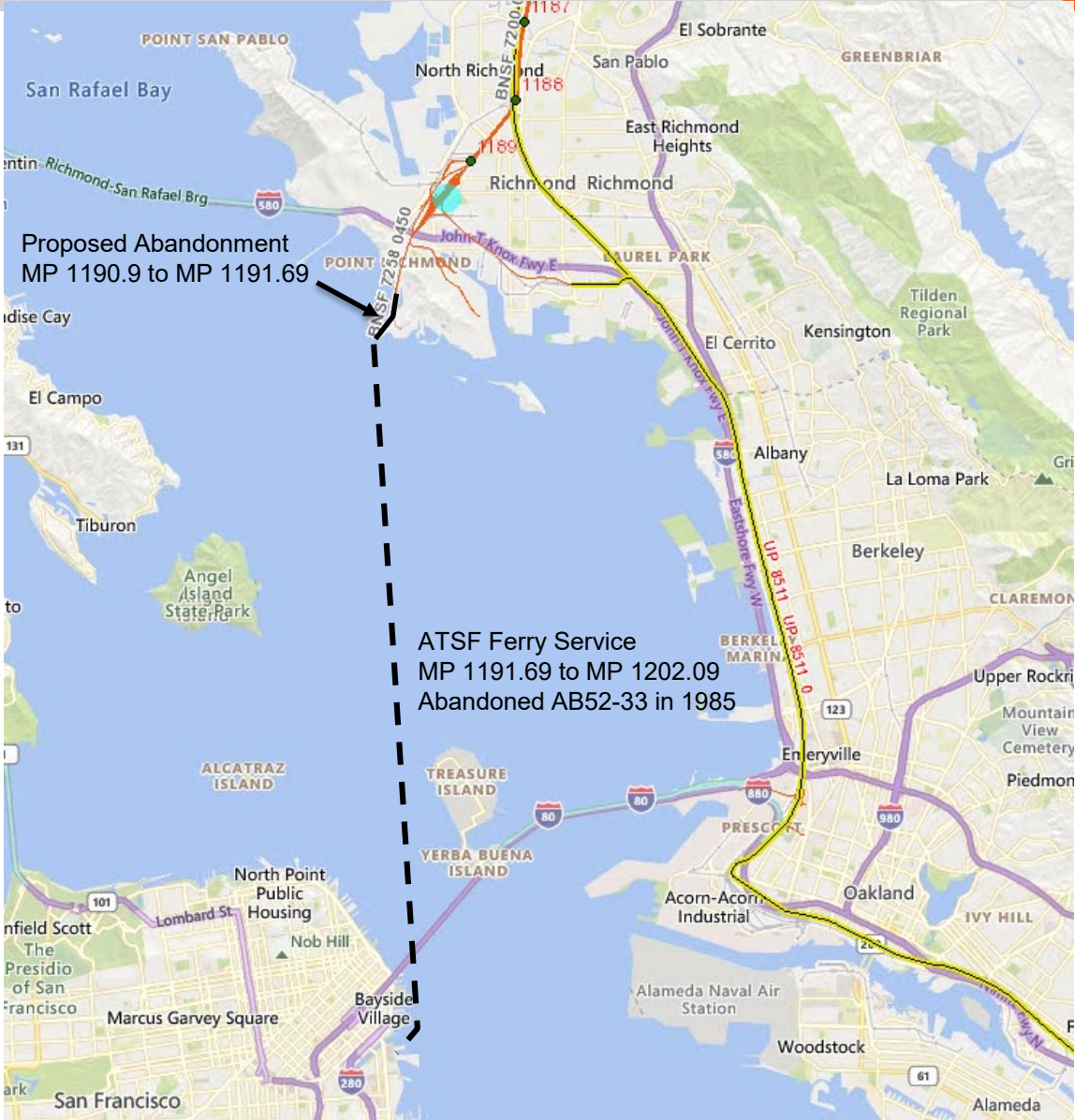
Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map



Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoelaw.com

December 16, 2022

Contra Costa County Planning Commission
30 Muir Road
Martinez, CA 94553

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

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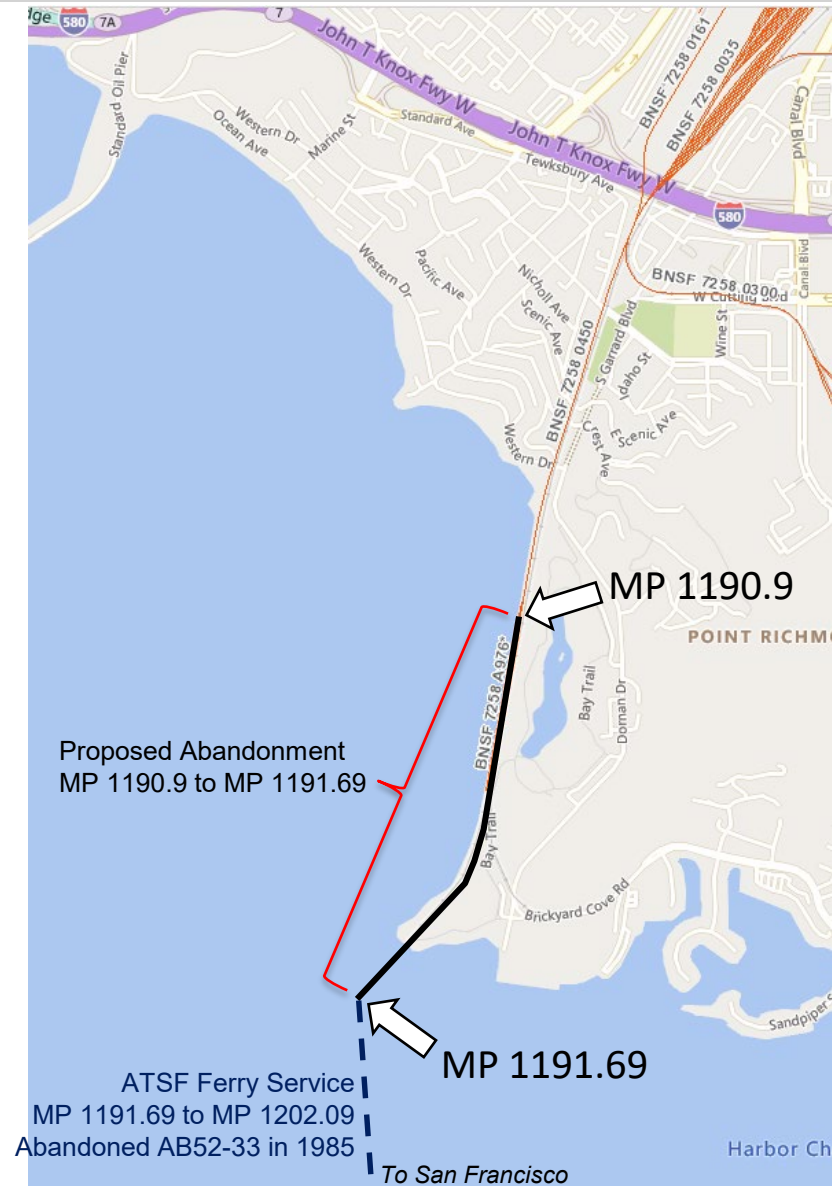
Thank you in advance for your time and contribution.

Sincerely,

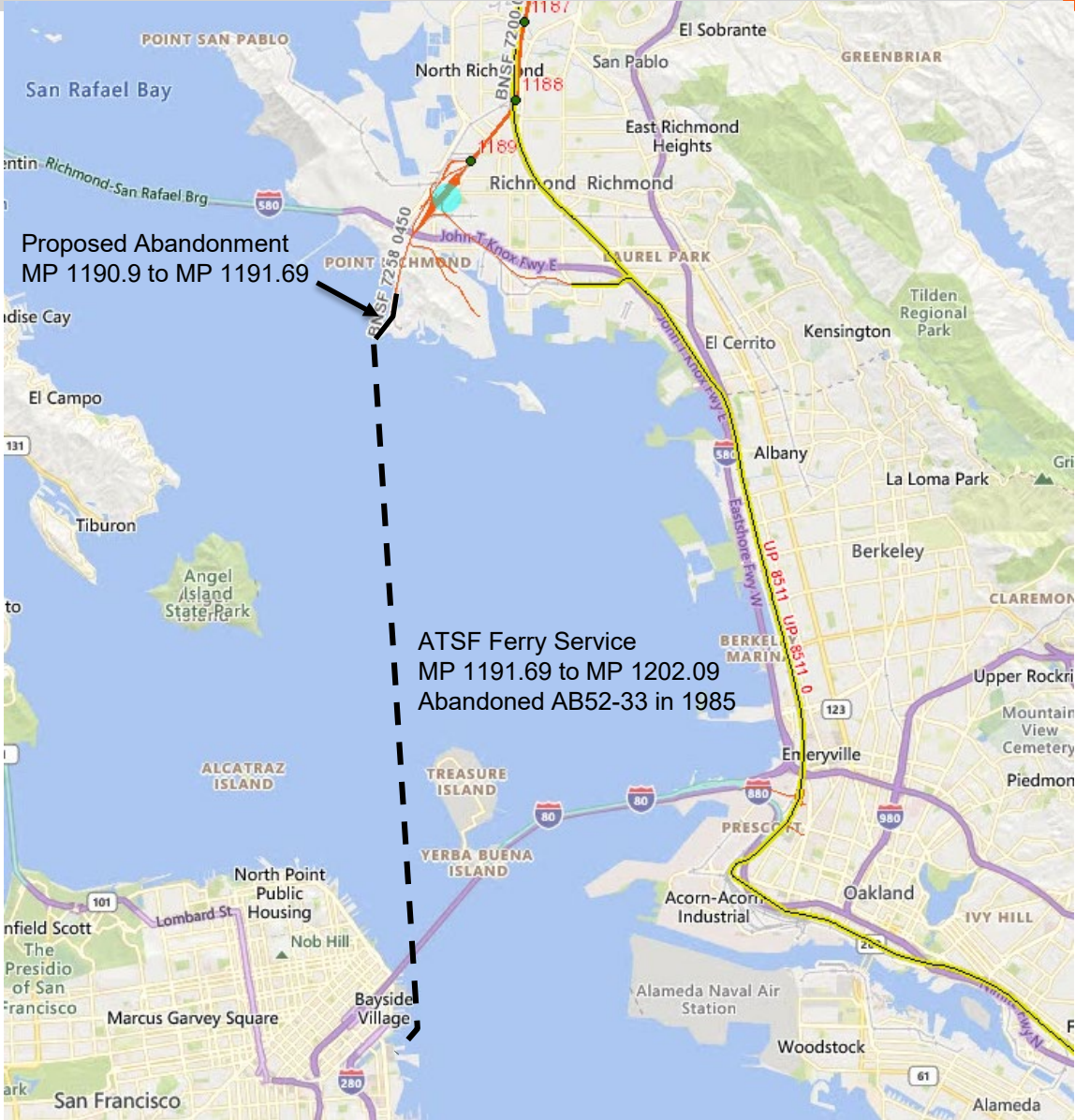


Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Richmond, CA – Abandonment Map



Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

Contra Costa County Board of Supervisors
District 1
11780 San Pablo Avenue, Suite D
El Cerrito, CA 94530

Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment Exemption—in Contra Costa County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

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The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

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Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map

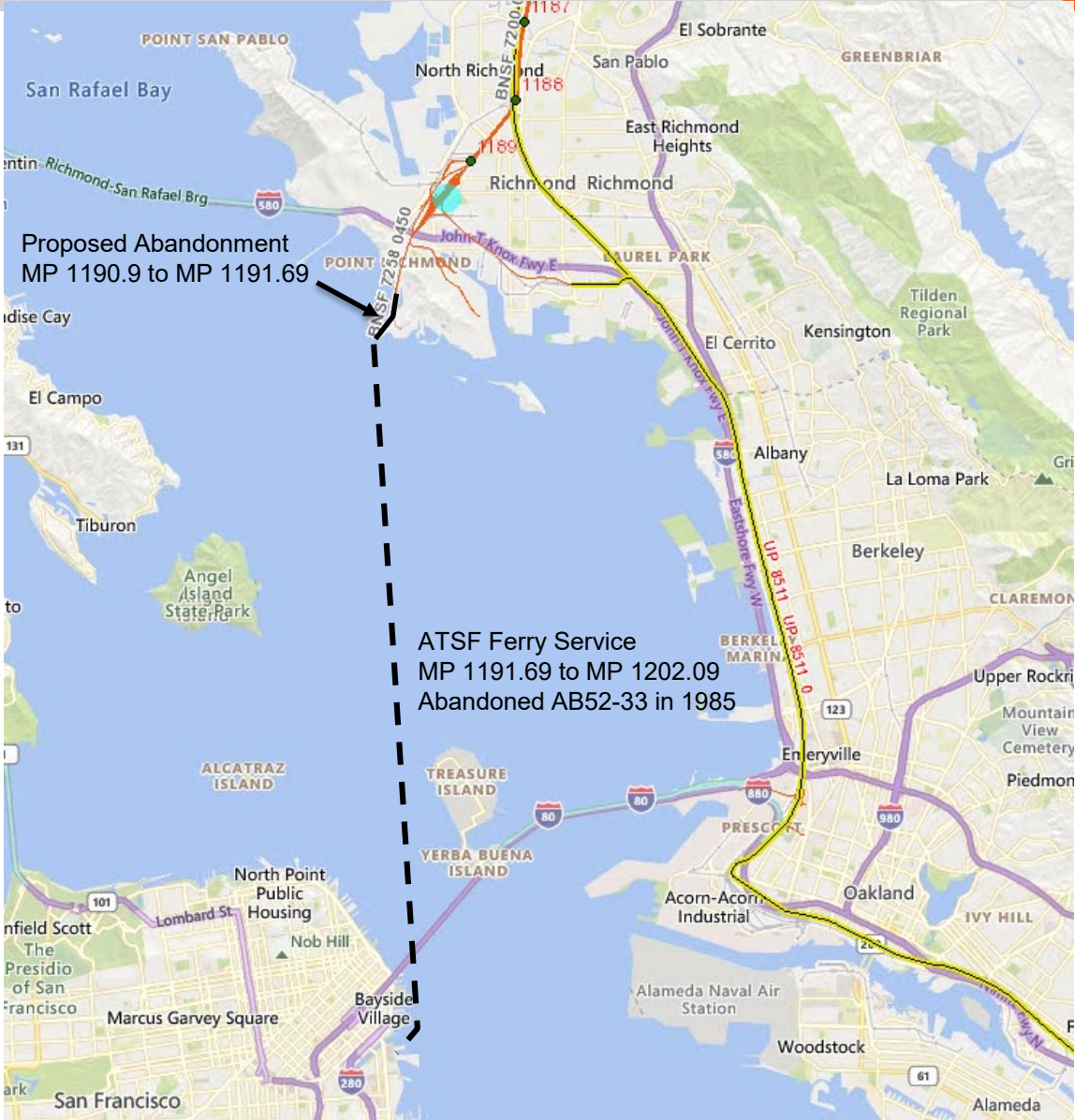


EXHIBIT C

Letter sent to the California State Office of the U.S. Department of
Agriculture's Natural Resources Conservation Service and the response:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

NRCS California State Office
430 G St., # 4164
Davis, CA 95616-4164

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed abandonment will have any effect on prime agricultural lands.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

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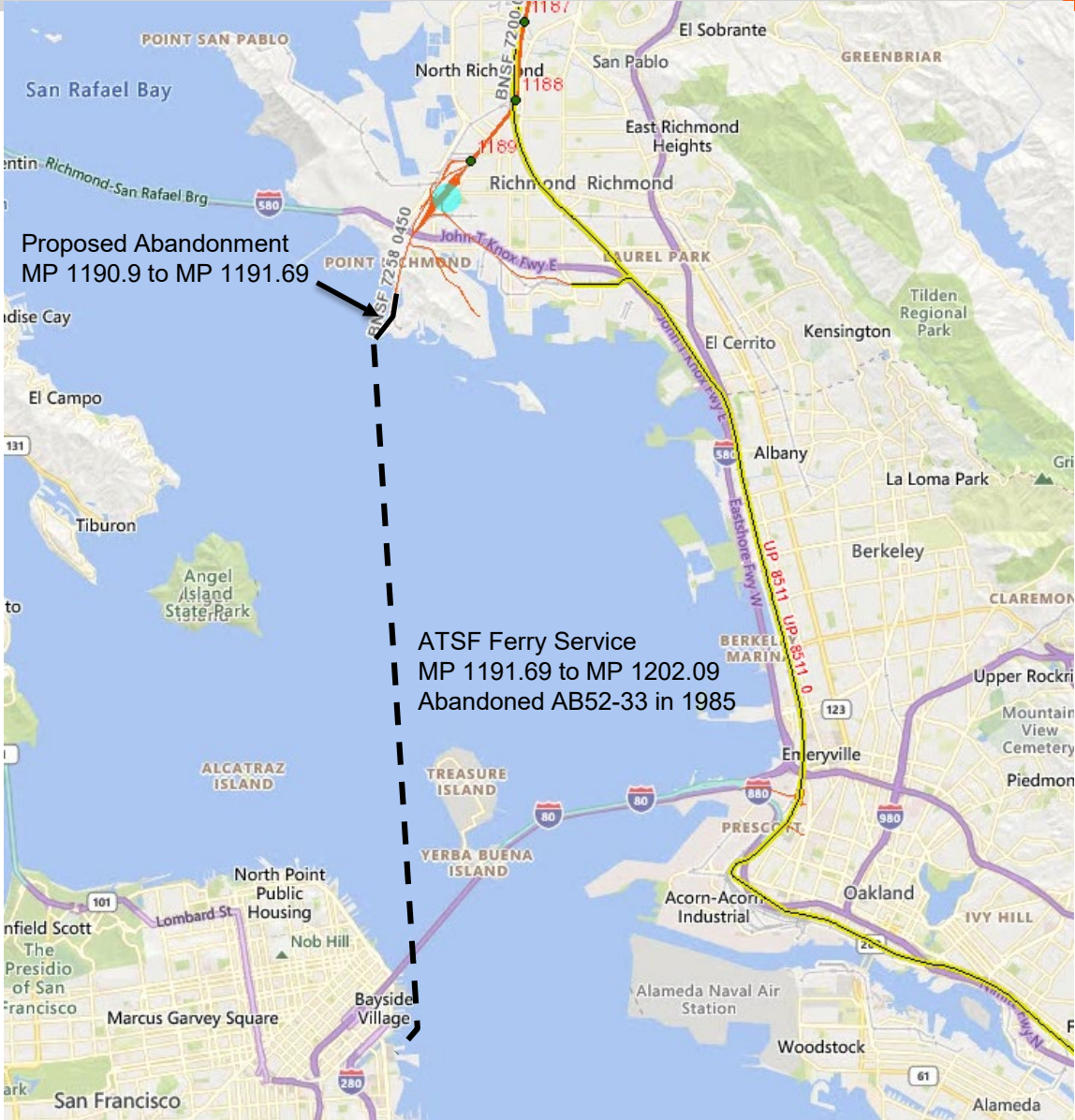
Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map



Mordi, Sally

From: Smith, Philip - NRCS, Salinas, CA <philip.smith@usda.gov>
Sent: Tuesday, January 3, 2023 2:01 PM
To: Mordi, Sally
Cc: Rolfes, Tony - NRCS, Davis, CA
Subject: Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company - Abandonment Exemption Contra Costa County, California
Attachments: Contra Costa Abandonment Exemption.pdf

Dear Sally Mordi:

USDA-NRCS received the attached document with the subject line stated in this email, with your request for comments. The description of activity proposed (abandonment of railway) did not indicate farmland would be converted for this project. Therefore, this project as described in this letter will not impact any prime agricultural lands. The activity as described is not subject to the Farmland Protection Policy Act.

Please contact me if you have any questions.

Thanks you,
Phil Smith

Philip Smith, CPSS
Area Resource Soil Scientist
USDA-Natural Resources Conservation Service
744 La Guardia St., Bldg. A, Salinas, CA 93905-3354
(831) 975-7766 (direct at office)
(559) 367-4048 (work cell)
philip.smith@usda.gov

USDA Natural Resources Conservation Service

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Stephoe
STEPTOE & JOHNSON LLP

7021 2720 0001 5755 9669



1330 Connecticut Avenue, NW
Washington, DC 20036-1795

FIRST CLASS MAIL

**NRCS California State Office
430 G St., # 4164
Davis, CA 95616-4164**

12/27/22

Sally Mordi
202 429 6287
smordi@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



December 16, 2022

NRCS California State Office
430 G St., # 4164
Davis, CA 95616-4164

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

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We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed abandonment will have any effect on prime agricultural lands.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

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Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

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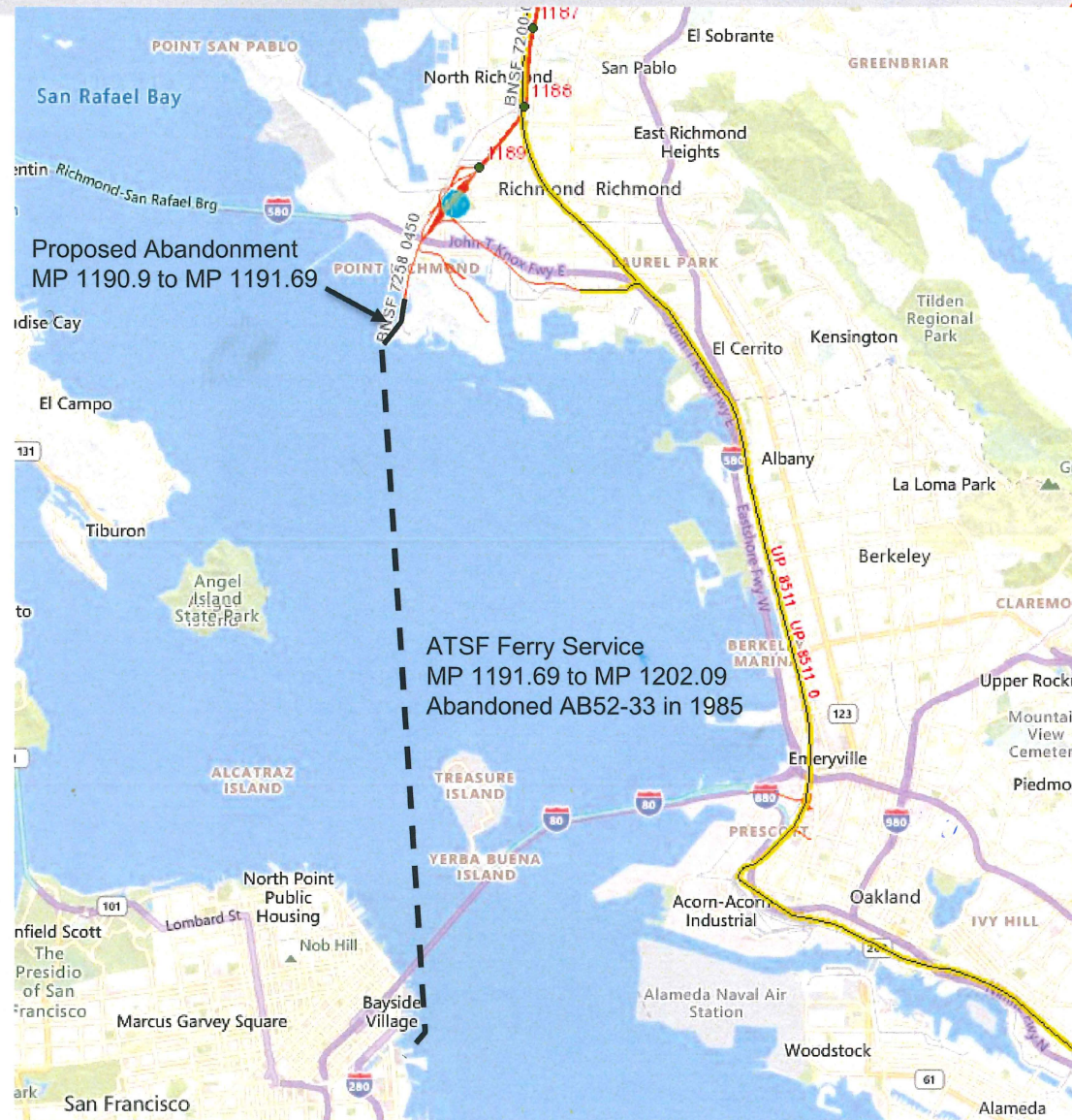
Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map

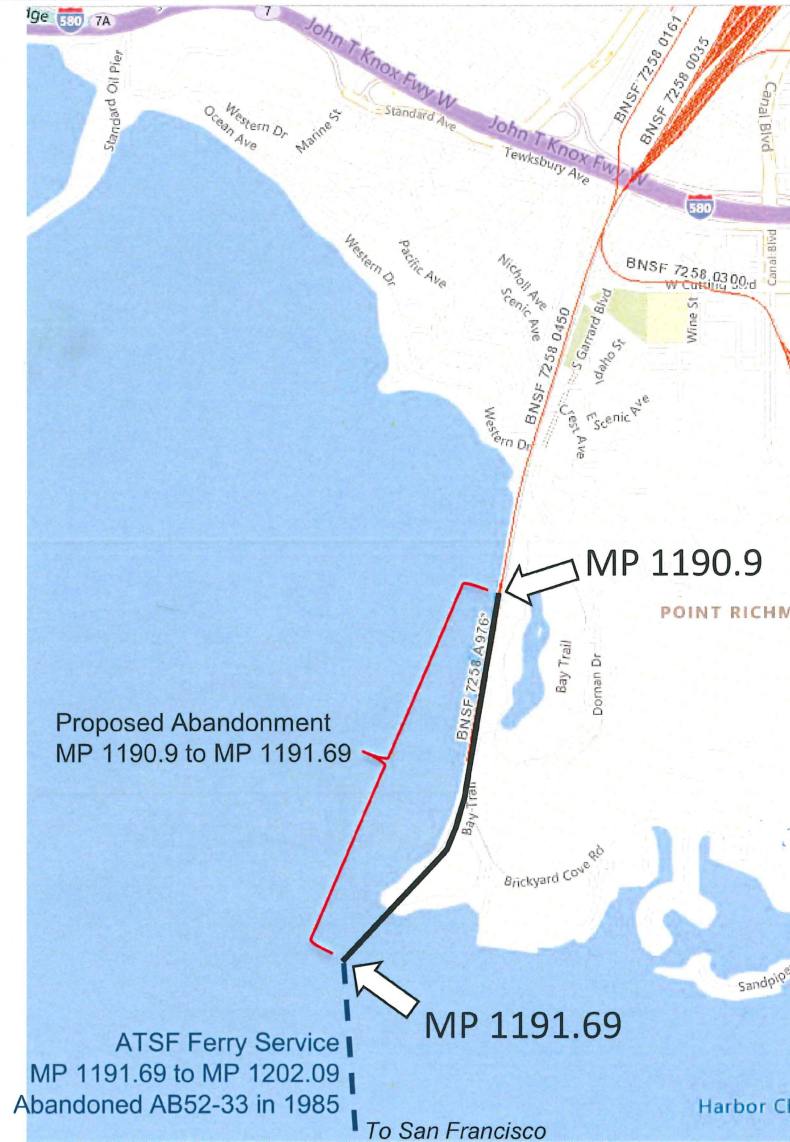


EXHIBIT D

Letter sent to the California Coastal Commission:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

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We are advising you of the proposed abandonment so that you may assist us in determining whether the line is within California’s coastal zone. If it is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in California’s coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

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Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map

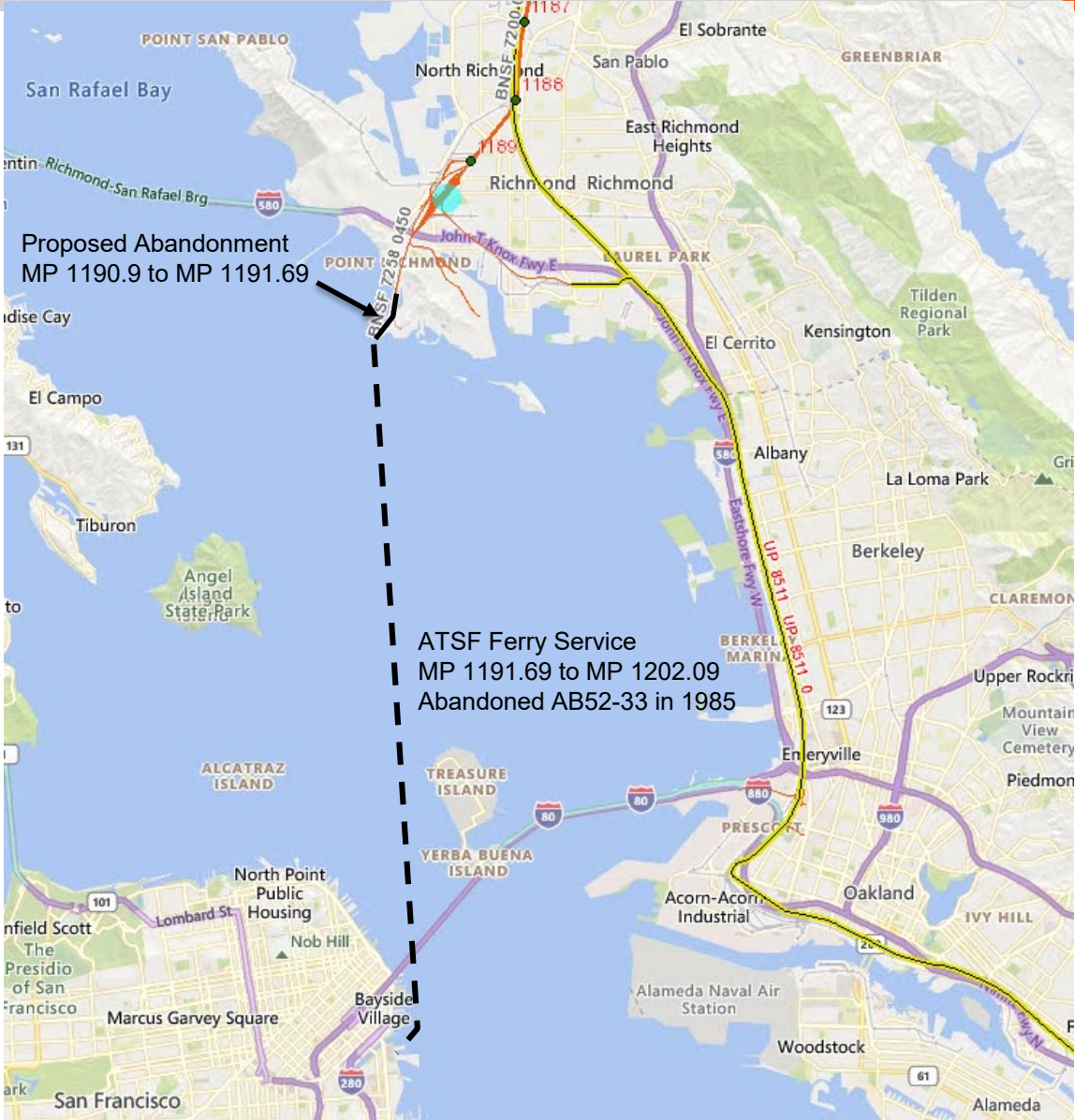


EXHIBIT E

Letter sent to the U.S. Fish and Wildlife Service:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

U.S. Fish and Wildlife Service
Pacific Southwest Region
Federal Building
2800 Cottage Way
Sacramento, CA 95825

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and (2) if so, what effects the proposed abandonment may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

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Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map

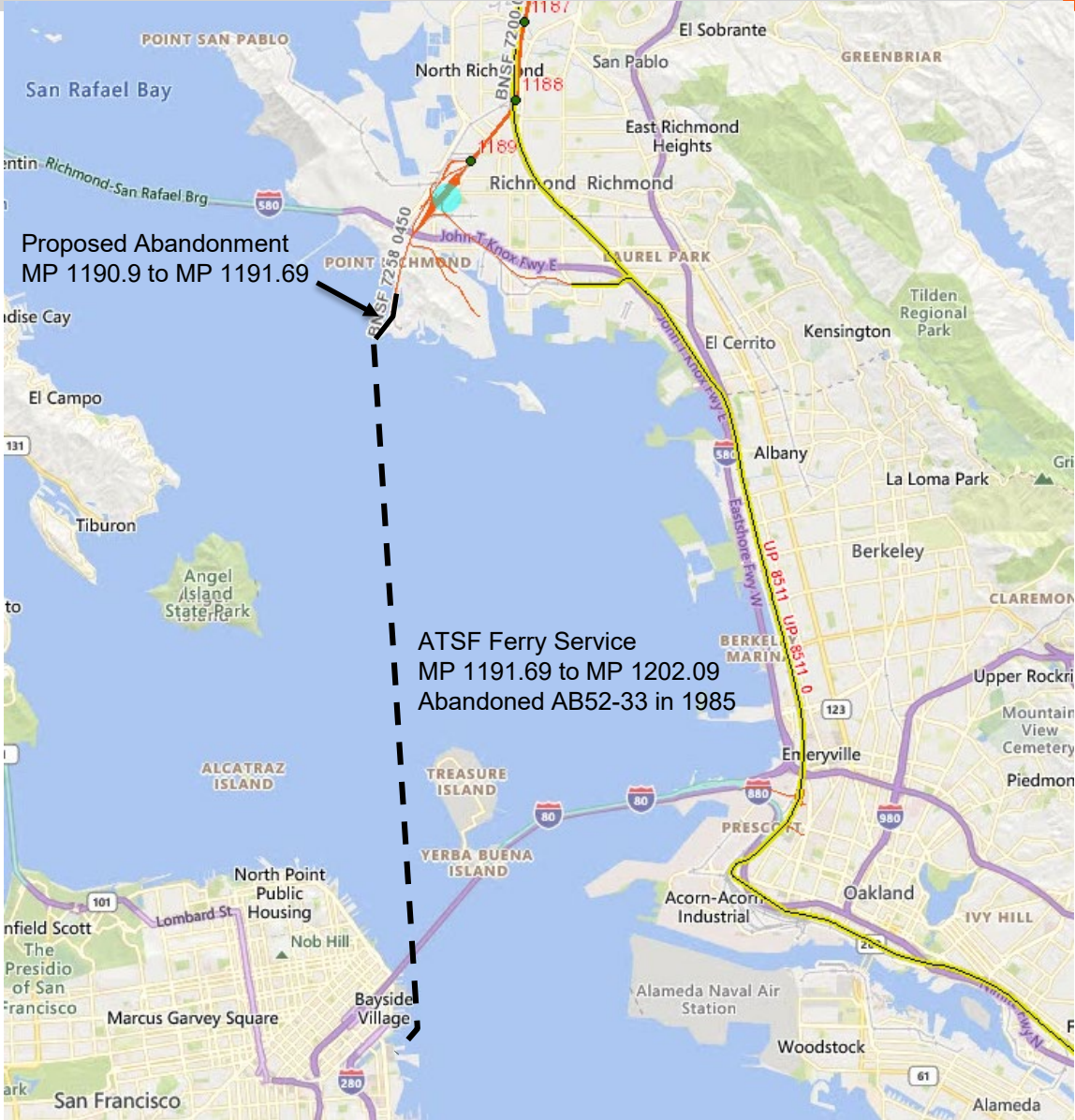


EXHIBIT F

Letter sent to the Bureau of Land Management and the response:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoelaw.com

December 16, 2022

Bureau of Land Management
California State Office
2800 Cottage Way Suite W1623
Sacramento, CA 95825

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
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We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

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Thank you in advance for your time and contribution.

Sincerely,



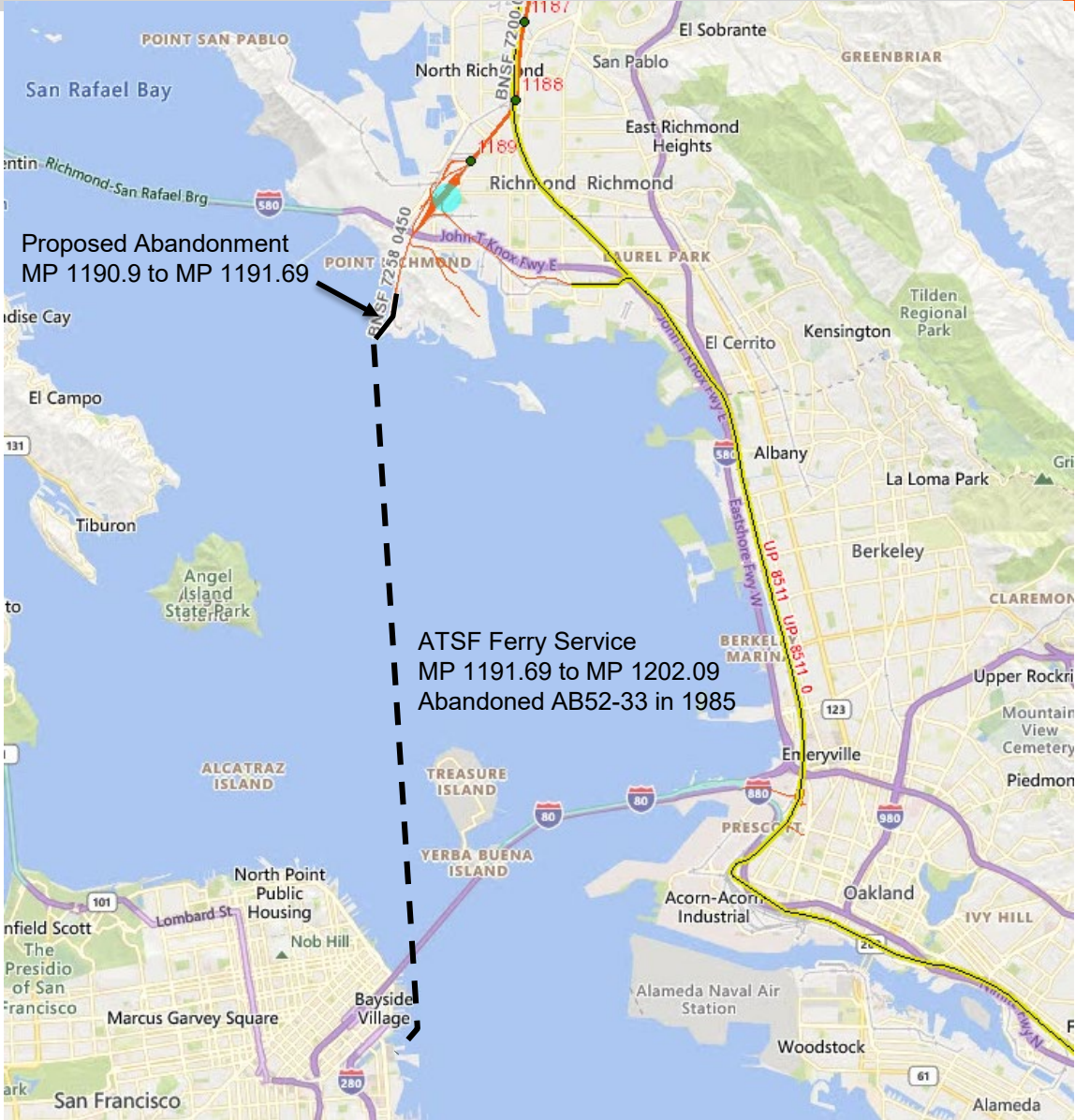
Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map



Mordi, Sally

From: Zbur, Dejan A <dzbur@blm.gov>
Sent: Friday, January 6, 2023 12:15 PM
To: Chi, Danielle K; Montgomery, Karen; Mairs, Alexander A
Cc: Hunting, Viola; Mordi, Sally
Subject: Proposed Railroad Abandonment
Attachments: Proposed Railroad Abandonment Letter.pdf; MTP T.1N R.5W MDM.pdf; 127.29.San Pablo.pdf

Hello,

Danielle, Karen, and Alexander: the California State Office Public Room received this letter in the mail regarding a railway abandonment exemption in Contra Costa County. They are advising us of a proposed railroad abandonment so that we may assist them in determining whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line. Please review the attached document titled "Proposed Railroad Abandonment Letter" and forward it to the appropriate point of contact if necessary.

Sally: In regards to your inquiry about mineral rights, I have attached the Master Title Plat (MTP) for where your proposed abandonment will occur. This area is under land granted by the San Pablo Spanish-Mexican land grant. Since the MTP does not specify the land was a railroad grant or that an 1872 R/W grant was given in the area, it would suggest that most likely mineral rights were granted with the San Pablo land grant. However, it really comes down to when and who gave the authority to build the railroad (the US government, the State of California, etc.). If you provide more information, we might better be able to identify if the company has the mineral rights or if they were retained by the government.

Sincerely,

Dejan Zbur

Dejan Zbur

Contact Representative
Bureau of Land Management
Dept. of the Interior, Regions 8/10
2800 Cottage Way, W-1623
Sacramento, CA 95825
Office: (916) 978-4400
Mobile: (916) 201-8561
E-mail: dzbur@blm.gov

Warning: Confidentiality Notice: This e-mail message, including any attachments, is intended only for the person(s) or entity(ies) to which it is addressed and contains information that may be confidential, legally protected, privacy relevant, proprietary in nature or otherwise protected by law from disclosure. If you received this message in error, you are hereby notified that reading, sharing, copying or distributing this message, or its contents, is prohibited. Please telephone or reply to me immediately and delete all copies of the message.

Sally Mordi
202 429 6287
smordi@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com



December 16, 2022

Bureau of Land Management
California State Office
2800 Cottage Way Suite W1623
Sacramento, CA 95825

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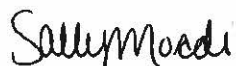
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Thank you in advance for your time and contribution.

Sincerely,



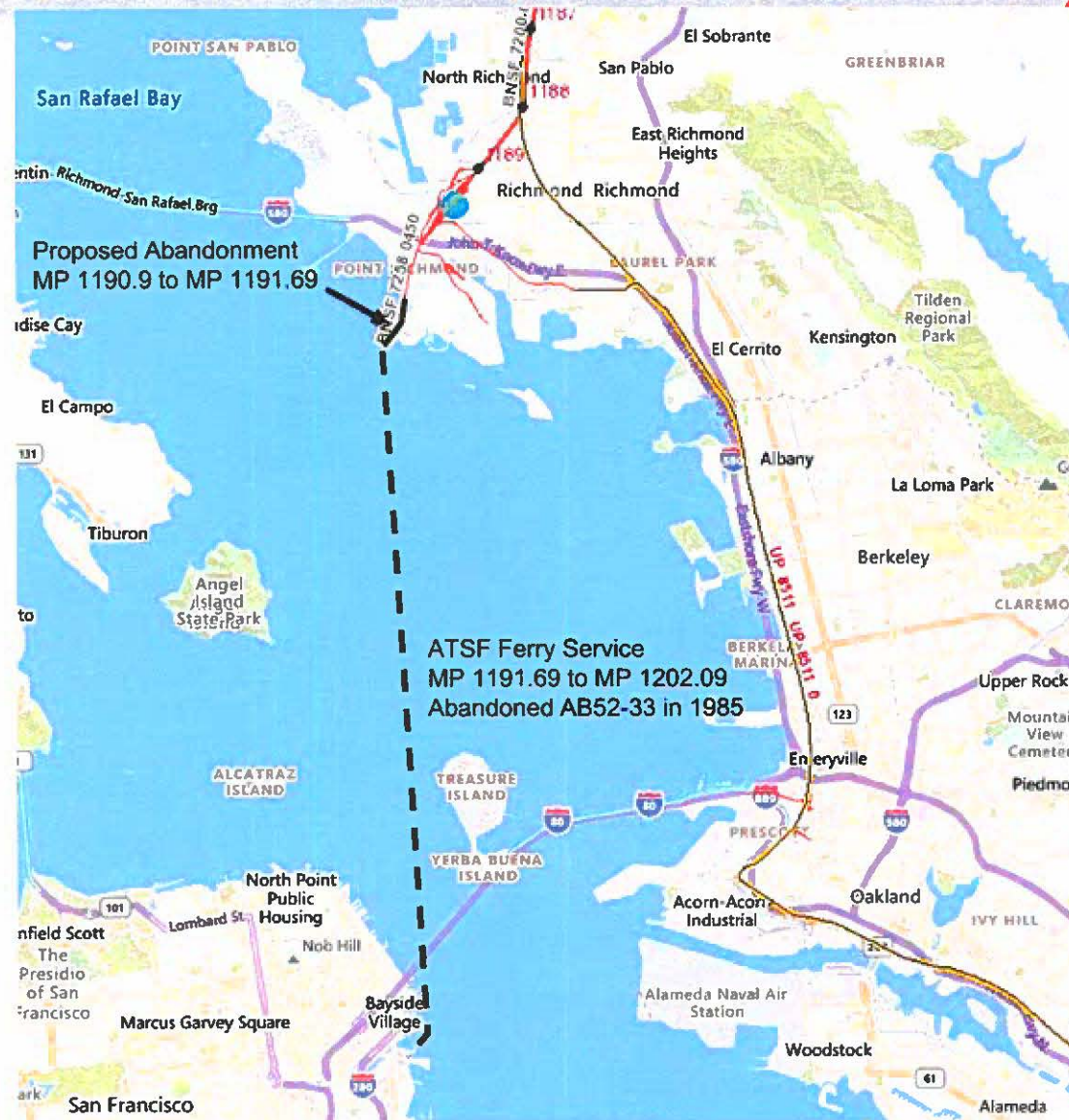
Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map



CLEAR LAKE RA
UKIAH DIST
SEC 15

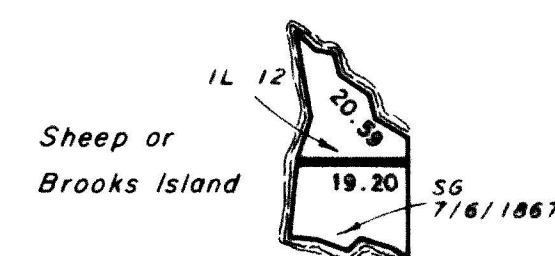
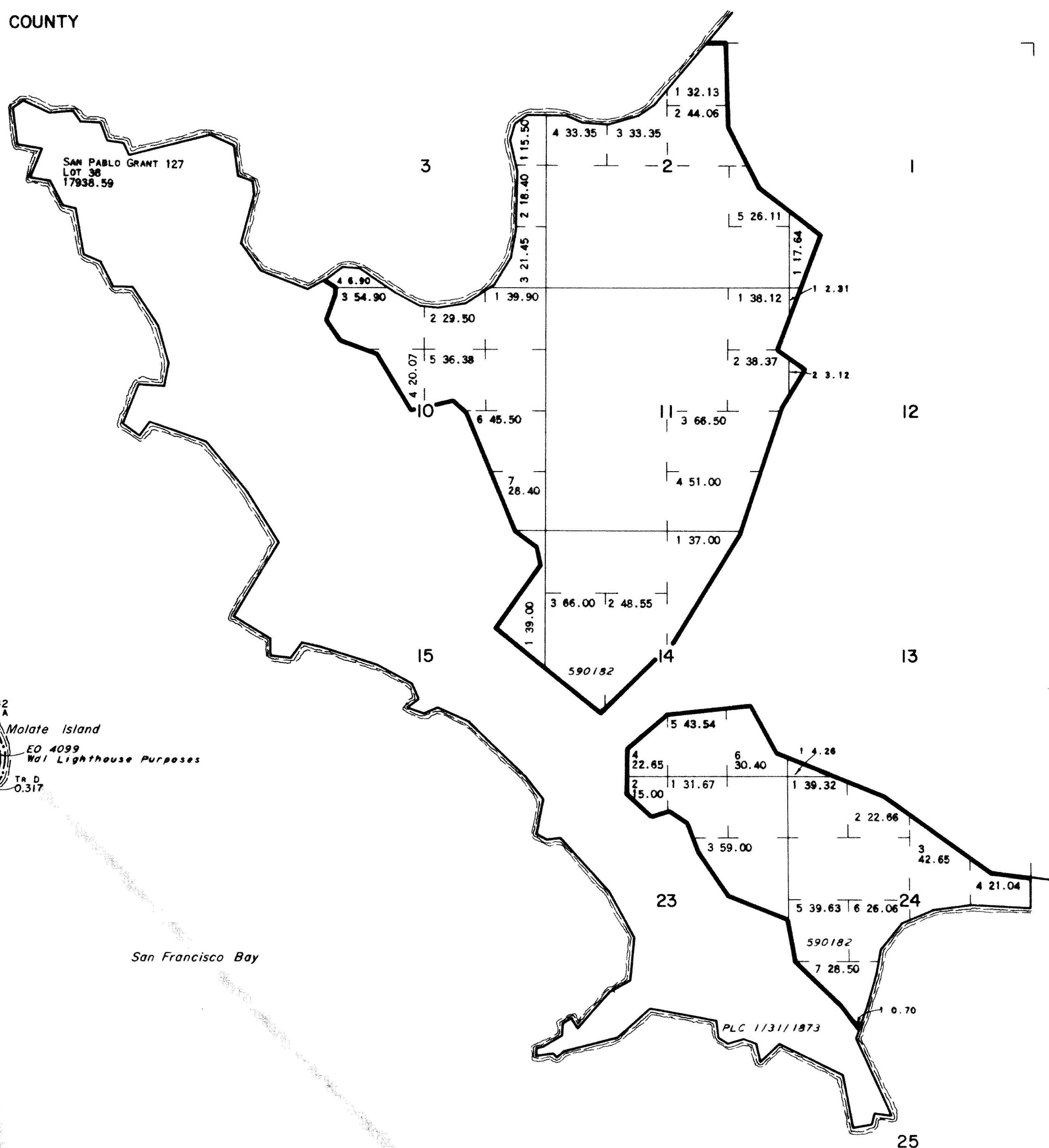
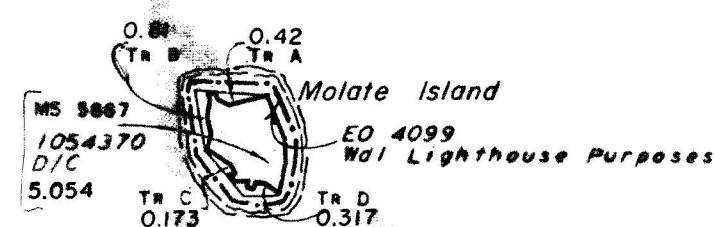
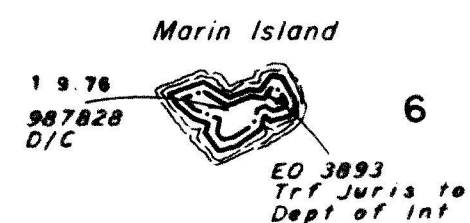
HOLLISTER RA
BAKERSFIELD DIST
SEC 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MARIN COUNTY

CONTRA COSTA COUNTY

MT PLAT



CORTE DE MADERA DEL
PRESIDIO GRANT 42
LOT 37
7845.12

HOLLISTER RA
 BAKERSFIELD DIST SEC 15
 UKIAH DIST SEC 15
 CLEAR LAKE RA

PLC 2/25/1885

IS 6W

SAN FRANCISCO COUNTY

CONTRA COSTA COUNTY 36
ALAMEDA COUNTY

WARNING STATEMENT

WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

[illegible]

EO 4099 Wd I LH Pur Brothers Island & Sisters Island
near Point San Pablo

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
JAN 22 2004	
USE PLATS:	

MD Mar

T I N

R. S W

The United States of America

To all to whom these presents shall come, Greeting:

Whereas it appears from a duly authenticated transcript filed in the General Land Office of the United States that pursuant to the provisions of the Act of Congress approved the third day of March, one thousand eight hundred and fifty-one, entitled "An Act to ascertain and settle the Private Land Claims in the State of California" Joaquin Isidro Castro, Administrator of the estate of Francisco Maria Castro deceased, as claimant ^{on the 9th day of October, 1852} filed his petition with the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of Los Angeles, in which petition he claimed the confirmation of his title to a tract of land known by the name of "San Pablo" situated in the County of Contra Costa and State aforesaid said claim being founded on two Mexican grants to the heirs of Francisco Maria Castro, deceased, the first grant made on the 12th day of June, 1834, by Jose Figueroa, then General of Brigade of the Mexican Republic, Commander General, and the second grant made on the 20th August, 1835, by the aforesaid Jose Figueroa, then Political Chief of the Territory of Upper California.

And Whereas the Board of Commissioners, aforesaid, on the 17th day of April, 1855, pronounced a decree of confirmation in favor of the claimant, which decree or decision having been taken by appeal to the District Court of the United States for the Northern District of California the said District Court, in the cause entitled "The United States vs. Joaquin Isidro Castro,"

rendered its decision as follows, to wit:

It is by the Court hereby, ordered, adjudged and decreed that the said decision be and the same is hereby affirmed, and it is likewise further ordered, adjudged, and decreed that the claim of the said Appellee is a good and valid claim, and the same is hereby confirmed to the extent of four square leagues, a little over.

The land of which confirmation is hereby given is situated in the County of Contra Costa, contains four square leagues a little over, and is bounded as follows, to wit: On the South by the Serrito of San Antonio, On the North by the Cañada del Pinal; On the South West by a high hill (Lomas Alta) and on the West by the Bay of San Pablo. Reference for more certainty being had to the maps in the case referred to in the Depositions on file.

And the Attorney General of the United States having given notice that appeal in this case would not be prosecuted to the Supreme Court of the United States, the aforesaid District Court on the 10th day of March, 1858, ordered, adjudged and decreed that claimant have leave to proceed under the decree of this court heretofore rendered in his favor, as under final decree, whereby the proceedings of Court upon title became final.

And Whereas it further appears that the cause was brought before the aforesaid District Court in the matter of survey and location, whereupon on the 17th day of August, 1864, the following proceedings were had, as follows, to wit:

"The United States vs. Joaquin Ysidro Castro

1268712-2

adversely of F. M. Castro, dec'd. - to 320. - "This cause came on to be heard upon exceptions to the official survey of the land confirmed, which survey is shown by the copy plat filed January 2, 1860; and counsel for the protective parties having been heard and due deliberation had in the premises, it was ordered, adjudged and decreed that the said survey be set aside as erroneous and a new survey be made in accordance with the order of the Court. And it is further ordered, adjudged and decreed that the survey and location of the land confirmed in this cause, made in pursuance of the order of the Court heretofore entered, the field notes of which survey were approved by E. F. Beale then Surveyor General of the United States for the State of California, on the 25th day of May, 1863, is a good and valid survey and location of the land confirmed herein, and that the said survey and location be and the same hereby is approved.

And it is further ordered, adjudged and decreed that the certified copy plat of said survey and location (containing 17,938.50⁵⁰/₁₀₀ acres) filed June 1, 1863, and marked 'Approved August 17th, 1864, Ogden Hoffman M.D. Dist. Judge' be attached to and made part of this decree, for a more full and particular description of the aforementioned thousand nine hundred and thirty-eight ⁵⁰/₁₀₀ acres of land now finally confirmed to the said Joaquin Maidn Castro, administrator of the estate of Francisco Maria Castro, deceased, "which decree or decision having been taken by appeal to the Circuit Court of the United States for the Northern District of California, the said Cir-

1265712-3

court court, 'ordered, adjudged and decreed that the said decree of the said District Court entered on said seventeenth day of August, 1864, be and the same is hereby in all respects affirmed,' whereby the proceedings of Court upon Survey and Location also became final.

And Whereas under the 13th Section of said Act of 3^d March, 1851, and the Supplemental Legislation and in accordance with the proceedings had pursuant to said Act and Supplemental Legislation there has been deposited in the General Land Office a return with a certificate and plat of the Survey of the said claim confirmed as aforesaid, authenticated by the signature of the United States Surveyor General for the State of California, which certificate and plat are in the words and figures as follows, to wit:

"U. S. Surveyor General's Office

"San Francisco, Cal.

"Under and by virtue of the provisions of the 13th Section of the Act of Congress of the third of March, 1851, entitled 'An Act to ascertain and settle the private land claims in the State of California,' and of the 13th Section of the Act of Congress, approved on the 31st of August, 1852, entitled, 'An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes,' and whereas the U. S. District Court for the Northern District of California, renders a decision whereby it recognized and confirmed the title and claim of Joaquin M. Castro to the tract of land desig-

nated as 'San Pablo,' and appeal to the U. S. Supreme Court having been vacated; and the survey of the same having been finally approved by the U. S. Circuit Court for the Northern District of California as appears from the certified copy of the final decree of the said District Court a copy of which is hereto annexed. The said tract of land was surveyed in conformity to the grant thereof and the said decision, and I hereby certify that the accompanying map is a true and accurate plat of the said tract of land, as appears by the field notes of the survey thereof, made by J. La Croix & J. T. Stanton Deputy Surveyors, under the directions of this office, which having been examined and approved remain of record therein.

The said tract is bounded and described as follows:—

Beginning at a post on the edge of the bluff bank of the cove of San Pablo Bay, from which a witness post marked 'W. P. S. P. No. 1,' in a large mound, bears South one chain distant, and from which witness post the North end of the Potrero bears South seventy nine degrees thirty minutes West; the West gable of the Warehouse at Goodale's landing bears North forty degrees, thirty minutes East, about eight chains distant; and the South East corner of a dwelling house bears North sixty two degrees, fifteen minutes East, about eight chains distant.

Thence according to the true Meridian, the variation of the magnetic needle being sixteen degrees East. South thirty ^{thm} degrees, thirty minutes West. Two chains to a post set in

1268712-5

the ground, marked S. P. No 2 Station.

Thence leaving the Bay of San Pablo, South nine degrees East. Thirteen chains to a post marked S. P. No 3 in a mound of earth, Station at the Eastern edge of salt marsh.

Thence along the eastern edge of the marsh, South forty-two degrees, forty-five minutes West. Twenty chains to a post marked S. P. No 4 in mound of earth, Station.

Thence continuing along the Eastern edge of the marsh, South sixty-six degrees, thirty minutes West. Eleven chains and twenty-six links to a post marked S. P. No 5 in a mound of earth, Station one hundred chains west of the corner to sections one, two, thirty-five and thirty-six of Townships One and Two North in Range Four West of the Mount Diablo Meridian.

Thence South thirty minutes West. Twenty seven chains to a post marked S. P. No 6 in a mound of earth, Station.

Thence continuing along the Eastern edge of the marsh, South twenty-nine degrees, thirty minutes East. Twenty-three to a post marked S. P. No 7 in a mound of earth, Station.

Thence South fifty-three degrees thirty minutes East. At six chains San Pablo creek, one chain wide course South West, and Bleckert's landing. At seven chains and thirty links house bears North fifty seven degrees East, three chains distant. Twenty-five chains to a post marked S. P. No 8 in a mound of earth, Station.

Thence continuing along the eastern edge

of the marsh, South twenty-one degrees West. At thirty eight chains Western edge of an old mound, about two chains West of the center of same. Thirty-nine chains to a post marked 'S. P. No 9' in a mound of earth, Station.

Thence South fifty-six degrees East. Ten chains to a post marked 'S. P. No 10' in a mound of earth, Station.

Thence continuing along the eastern edge of the marsh, South thirty degrees West. Thirty-two chains to a post marked 'S. P. No 11' in a mound of earth, Station.

Thence continuing along the Eastern edge of the marsh, South twenty degrees, thirty minutes West. Forty seven chains to a post marked 'S. P. No 12' in a mound of earth, Station.

Thence South thirty-one degrees, forty-five minutes West. Forty chains to a post marked 'S. P. No 13' in a mound of earth, Station.

Thence across the marsh, South, forty-five degrees, thirty minutes West. Thirty-three chains to a post marked 'S. P. No 14' in a mound of earth at edge of Potrero, Station.

Thence along the western edge of the marsh, and the eastern edge of the Potrero, North fifty degrees, forty-five minutes West. At thirty-four chains point of ridge, Forty-three chains to a post marked 'S. P. No 15' in a mound of earth, Station.

Thence North thirty-six degrees, thirty minutes East. Twenty-five chains and fifty links to a post marked 'S. P. No 16' in a mound of earth, Station.

Thence North twelve degrees West. Six

chains and fifty links to a fort marked 'S. P. No 17' in a mound of earth, Station on point of ridge.

Thence North fifty-one degrees, thirty minutes West. Eight chains to a fort marked 'S. P. No 18' in a mound of earth, Station.

Thence North twenty-two degrees, fifteen minutes West. Forty-two chains and fifty links to a fort marked 'S. P. No 19' in mound of earth, Station.

Thence North fifty-eight degrees, thirty minutes West. Five chains to a fort marked 'S. P. No 20' in a mound of earth, Station on point of ridge.

Thence South eighty degrees, fifteen minutes West. Fourteen chains to a fort marked 'S. P. No 21' in a mound of earth, Station.

Thence North twenty-seven degrees, forty five minutes West. Twenty-one chains and fifty links to a fort marked 'S. P. No 22' in a mound of earth, Station.

Thence North twenty-three degrees, thirty minutes West. Thirteen chains to a fort marked 'S. P. No 23' in a mound of earth Station, from which the house of Peter Barr brass North twenty-nine degrees, thirty minutes West, about six chains distant.

Thence North thirty-six degrees, thirty minutes West. Six chains and fifty links to a fort marked 'S. P. No 24' in a mound of earth Station.

Thence North twenty-six degrees East. Two chains and fifty links to a fort marked 'S. P. No 25' in a mound of earth, Station.

1268712-8

Thence North twenty-six degrees, fifteen minutes West. Two chains and fifty links to a post marked 'S. P. No 26,' in a mound of earth Station on the shore of the Bay of San Pablo.

Thence leaving marsh and meandering along the edge of the Patrons, and the Bay of San Pablo, North sixty-three degrees, forty-five minutes West. Four chains to Station.

Thence South seventy-one degrees West. Six chains to Station.

Thence North eighty-three degrees, fifteen minutes West. Eight chains to Station.

Thence North fifty-four degrees, thirty minutes West. Ten chains to Station.

Thence North thirty-nine degrees, thirty minutes West. Eight chains and fifty links to Station.

Thence North fifteen degrees, thirty minutes East. Eighteen chains to Station.

Thence North twenty-four degrees West. Three chains and thirty links to Station.

Thence North seventy-two degrees, thirty minutes West. Two chains to Station.

Thence North six degrees, forty-five minutes West. Ten chains and twenty links to Station.

Thence North sixty-seven degrees West. Seven chains to Station.

Thence South seventy-eight degrees West. Twenty-seven chains to Station.

Thence North seventeen degrees West. Three chains and ninety links to Station.

Thence North eighty degrees West. Six chains to Station.

Thence North twelve degrees West. Four

1268712-9

chains and seventy links to station.

Thence North eighty-one degrees West. Eight chains and fifty links to Station.

Thence North thirty degrees, forty-five minutes West. Three chains and fifty links to Station.

Thence South eighty-six degrees, thirty minutes West. Eight chains to station.

Thence North sixty-four degrees, fifteen minutes West. Nine chains to Station at San Pablo point.

Thence leaving Bay of San Pablo, and meandering along bank of San Francisco Bay South fifty-three degrees, thirty minutes West. Three chains and fifty links to station.

Thence South eleven degrees, thirty minutes East. Seven chains and fifty links to station.

Thence South seventy-six degrees, thirty minutes East. Six chains and fifty links to station.

Thence South eighteen degrees West. Five chains to station.

Thence South eighty degrees, forty-five minutes East. Five chains and eighty-five links to station.

Thence South twenty-one degrees, fifteen minutes East. Eight chains and fifty links to station.

Thence South seventy-two degrees East. Five chains to station.

Thence South fourteen degrees East. Fourteen chains and fifty links to station.

Thence South seventy degrees East. Six

chains to Station.

Thence South twenty-six degrees, forty five minutes East. Nine chains to Station.

Thence North eighty-three degrees East. Four chains and fifty links to Station.

Thence South thirty-five degrees East. Fourteen chains to Station.

Thence South thirteen degrees, thirty minutes East. Seventeen chains to Station.

Thence South twenty-three degrees West, six chains to Station, from which a house bears East, one chain and fifty links distant.

Thence South eighty-nine degrees, forty five minutes West. Eight chains to Station.

Thence South twenty degrees West. Forty chains and seven links to Station.

Thence South forty-one degrees, thirty minutes East, six chains to Station.

Thence North thirty-five degrees, forty five minutes East. Six chains to Station.

Thence South seventy-one degrees, forty five minutes East. Twenty one chains to Station.

Thence South thirty-nine degrees East. At ten chains house of Morse and Boque bears North fifty-three degrees, thirty minutes East, three chains distant. Twenty chains to Station.

Thence South twenty-eight degrees, fifteen minutes East. Nineteen chains to Station.

Thence South twenty-four degrees, forty five minutes West. Twenty-seven chains to Station.

Thence South fifty-five degrees East.

Fifteen chains to Station.

Thence South thirteen degrees West. Four chains to Station.

Thence South twenty-three degrees, thirty minutes East. Eight chains to Station.

Thence North thirty-three degrees, thirty minutes East. Six chains to Station.

Thence South seventy-two degrees, forty five minutes East. Twenty chains to Station.

Thence South sixty-one degrees, thirty minutes East. Fifteen chains to Station.

Thence South eighteen degrees, forty-five minutes East. Two chains to Station.

Thence South forty-one degrees West. Two chains and eighty links to Station.

Thence South eighty degrees East. Two chains to Station.

Thence North sixty-five degrees East. Five chains and twenty links to Station.

Thence South sixty-seven degrees, thirty minutes East. Eight chains to Station.

Thence South forty-seven degrees, thirty minutes East. Twenty-seven chains and fifty links to Station.

Thence South thirty-nine degrees East. Eight chains and fifty links to Station.

Thence South six degrees, thirty minutes West. Four chains and fifty links to Station.

Thence South eighty-one degrees, thirty minutes East. One chain and fifty links to Station.

Thence North eighty-eight degrees, thirty minutes East. Five chains and fifty links to Station.

1268712-12

Thence South seventy-two degrees, thirty minutes East. Four chains to Station.

Thence South forty-one degrees, thirty minutes East. Nineteen chains and eighty links to Station.

Thence South twenty-six degrees, fifteen minutes East. Twenty chains to Station.

Thence South four degrees West. Fifteen chains and fifty links to Station.

Thence South sixty-three degrees, thirty minutes West. Six chains and forty links to Station.

Thence South thirty-eight degrees, fifteen minutes West. Eleven chains and fifty links to Station.

Thence South seventy-six degrees, thirty minutes West. Four chains to Station.

Thence North sixty-four degrees West. Three chains and sixty-eight links to Station.

Thence South seventy-two degrees, forty-five minutes West. One chain and eighty-five links to Station.

Thence South eight degrees West. Three chains to Station.

Thence South forty-five degrees, thirty minutes West. Eight chains and forty links to Station.

Thence South seventy-nine degrees, thirty minutes West. Two chains to Station.

Thence South twenty-two degrees, thirty minutes West. One chain and eighty links to Station.

Thence South twenty-two degrees, thirty minutes East. Seventy links to Station at bluff rocky point.

E 17 51.8 92.1

Thence North seventy-eight degrees East. Five chains to Station.

Thence South sixty-six degrees, fifteen minutes East. Two chains to Station.

Thence North eighty degrees, thirty minutes East. Four chains and eighty links to Station.

Thence North seventy-six degrees, thirty minutes East. Sixteen chains and seventy links to Station.

Thence North forty-five degrees, fifteen minutes East. Fourteen chains and fifty links to Station.

Thence South seventy-six degrees, thirty minutes East. At nine chains house of L. Lurell bears North seventy-five links distant. Forty-one chains and forty-five links to Station.

Thence South seven degrees, fifteen minutes East. Four chains and fifty links to Station.

Thence South twenty-six degrees, thirty minutes East. Two chains and fifty links to Station.

Thence South seventy-nine degrees, thirty minutes East. One chain and eighty links to Station.

Thence North seventy-two degrees East. Four chains and fifty links to Station.

Thence South sixty-nine degrees East. Four chains and fifty links to Station.

Thence South fifteen degrees East. Six chains and fifty links to Station.

Thence North thirty-nine degrees, fifteen minutes East. Five chains to Station.

Thence South sixty-three degrees East. Forty-four chains to Station.

Thence South four degrees, thirty minutes East. Eighteen chains and fifty links to Station.

Thence North seventy-one degrees, thirty minutes East. Seven chains to Station.

Thence North thirty degrees, thirty minutes East. Two chains and fifty links to Station.

Thence South eighty-five degrees East. Six chains to Station.

Thence North twenty-five degrees, thirty minutes East. Twenty-eight chains and fifty links to Station.

Thence North nine degrees East. Four chains to post marked 'S. P. No 27' in a mound of earth Station, at Southern edge of marsh.

Thence leaving the Bay of San Francisco, and meandering along the edge of the marsh and the Patricos, North thirty-three degrees, thirty minutes West. Twelve chains to post marked 'S. P. No 28' in mound of earth, Station at point of ridge.

Thence North forty-seven degrees West. Seventeen chains and eighty links to a post marked 'S. P. No 29' in mound of earth, Station.

Thence North eleven degrees, thirty minutes West. Fifteen chains and fifty links to post marked 'S. P. No 30' in mound of earth, Station.

Thence North sixty-nine degrees West. Eight chains and fifty links house on hill side bears South forty ^{two} degrees, thirty minutes West about five chains distant. Forty chains and twenty-five links to post

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marked 'S. P. N^o 31' in mound of earth, Station from which a tide creek, one hundred and fifty links wide is one chain and fifty links East.

Thence North thirty-four degrees, thirty minutes West. At nine chains bank of tide creek, ^{and} along same. Seventeen chains to a post marked 'S. P. N^o 32' in mound of earth, Station.

Thence North fourteen degrees, forty five minutes West. At four chains and fifty links leaves bank of tide creek. At five chains point of ridge. Seven chains and forty links to a post marked 'S. P. N^o 33' in mound of earth, Station.

Thence North sixty-nine degrees West. Seven chains to a post marked 'S. P. N^o 34' in a mound of earth, Station.

Thence West. Seven chains to a post marked 'S. P. N^o 35' in mound of earth, Station.

Thence North fifty degrees West. Ten chains to a post marked 'S. P. N^o 36' in mound of earth, Station.

Thence North five degrees, thirty minutes East. Sixteen chains and seventeen links to a post marked 'S. P. N^o 37' in a mound of earth, Station at a fence corner North West and South East.

Thence leaving the Patrons and crossing the marsh. North forty-nine degrees, thirty minutes East. Fifteen chains to post marked 'S. P. N^o 38' in a mound of earth, Station on dry land.

Thence along the Eastern margin of the marsh, North eighty-five degrees East. At

Twenty-four chains road, course North fifty-eight degrees East. Twenty-eight chains to a post marked 'S.P. No 39' in mound of earth, Station.

Thence South twenty-nine degrees, thirty minutes East. At three chains road course North East. Seventeen chains to a post marked 'S.P. No 40' in mound of earth, Station.

Thence South sixty-six degrees, fifteen minutes East. Thirty-five chains to a post marked 'S.P. No 41' in mound of earth, Station.

Thence South fifty-four degrees East. Forty-five chains to a post marked 'S.P. No 42' in mound of earth, Station.

Thence South seventy-nine degrees, thirty minutes East. Twenty-three chains to a post marked 'S.P. No 43' in mound of earth, Station.

Thence South sixty degrees, thirty minutes East. At thirteen chains tide creek, fifty links wide, course South thirty degrees West. Eighteen chains to a post marked 'S.P. No 44' in a mound of earth, Station.

Thence South thirty-five degrees, fifteen minutes East. Ten chains and thirty links to post marked 'S.P. No 45' in mound of earth, Station, on bank of tide creek.

Thence South fifty-eight degrees East. Twenty-four chains to post marked 'S.P. No 46' in mound of earth, Station, on shore of the Bay of San Francisco.

Thence South seventy-three degrees East. Twenty-nine chains to Station.

Thence South forty-nine degrees, forty-five minutes East. Three chains to Station.

1268712-17

Thence South seventy-two degrees, thirty minutes East. At two chains lower brass north seventy-five links distant. At three chains wharf extending South, and Lill's landing. Nineteen chains to Station.

Thence North sixty-one degrees East. One chain and fifty links to Station.

Thence South seventy-one degrees, fifteen minutes East. Fifteen chains and fifty links to post marked 'S. P. 47,' Station.

Thence leaving the Bay and meandering along the line of the spring tides, north thirty-eight degrees, fifteen minutes East. Thirty-two chains and fifty links to post marked 'S. P. 48,' Station at the head of a tide slough course South twenty degrees West.

Thence South seven degrees, fifteen minutes West. Six chains to post marked 'S. P. 49' Station.

Thence South eight degrees, fifteen minutes East. Eleven chains to post marked 'S. P. 50,' Station.

Thence South thirty-three degrees East. Twenty-two chains to post marked 'S. P. 51' Station.

Thence South seventy-one degrees, forty-five minutes East. Twenty-seven chains and fifty links to post marked 'S. P. 52,' Station.

Thence South forty-three degrees, thirty minutes West. Eighteen chains and fifty-five links to post marked 'S. P. 53,' Station.

Thence South thirty degrees, forty-five minutes East. Sixteen chains to post marked 'S. P. 54,' Station.

1268712-18

Thence North seventy-six degrees, thirty minutes East. Nine chains to post marked 'S. P. 55' Station.

Thence South thirty-nine degrees, forty-five minutes East. Twenty-three chains and fifty links to post marked 'S. P. 56' Station.

Thence North thirty-one degrees East. Nineteen chains and fifty links to post marked 'S. P. 57' Station.

Thence South sixteen degrees, thirty minutes East. Fourteen chains to post marked 'S. P. 58' Station.

Thence South eighty-one degrees, thirty minutes East. Six chains to post marked 'S. P. 59' Station.

Thence South eight degrees, thirty minutes East. Five chains and thirty links to post marked 'S. P. 60' at the North base of the Cerro of San Antonio, Station, on the Northerly boundary line of the Rancho of 'San Antonio.'

Thence along boundary of Rancho 'San Antonio' North eighty-two degrees East. Thirteen chains to a post marked 'Alameda' 'Contra Costa', and 'S. P. 61' Station on the line between the counties of Alameda and Contra Costa.

Thence meandering up the bed of a small dry stream, called Cerro creek. South fifty-five degrees, thirty minutes East. At two chains and seventy-five links road from Oakland to San Pablo, course North eleven degrees West. Four chains to Station, from which the house of Victor Castro bears North thirty-six degrees East.

1268712-19

Thence South sixty-two degrees East. One chain and ninety links to Station.

Thence North eighty-five degrees East. Two chains to Station.

Thence South eighty degrees, thirty minutes East. One chain and seventy links to Station.

Thence North sixty-nine degrees, thirty minutes East. Two chains and fifty links to Station.

Thence North seventy-seven degrees, fifteen minutes East. Three chains and twenty links to Station, from which the house of Victor Castro bears North sixty-nine degrees West.

Thence North thirty-two degrees, fifteen minutes East. One chain and twenty links to Station.

Thence North seventy-seven degrees East. Four chains to Station.

Thence North fifty-three degrees, thirty minutes East. One chain and eighty links to Station.

Thence North eighty-eight degrees, forty-five minutes East. Three chains and twenty-five links to Station.

Thence North forty-eight degrees East. One chain to Station.

Thence North seventy-five degrees, thirty minutes East. One chain and ten links to Station.

Thence South seventy-five degrees, thirty minutes East. Three chains to Station.

Thence South seventy-eight degrees, thirty minutes East. Six chains and eighty-four links to Station.

Thence South fifty-two degrees, thirty minutes East. One chain and forty links to Station.

Thence North seventy-six degrees, thirty minutes East. Two chains and twenty-four links to Station.

Thence South thirty-two degrees, thirty minutes East. One chain to Station.

Thence South seventy-five degrees, forty five minutes East. One chain and ninety-two links to Station.

Thence North sixty-nine degrees East. One chain and fifty links to Station.

Thence South sixty-nine degrees East. Four chains and ninety-six links to Station.

Thence South sixty-two degrees, thirty minutes East. Four chains and fifty links to Station.

Thence South seventy-six degrees, thirty minutes East. Four chains and fifty six links to Station.

Thence North eighty-three degrees, forty five minutes East. Five chains to Station.

Thence North forty-one degrees, thirty minutes East. Six chains to Station.

Thence South eighty-one degrees, thirty minutes East. Two chains and twenty links to Station.

Thence North fifty-nine degrees, fifteen minutes East. Three chains and fifty links to a post in a mound of earth, Station.

Thence North seventy-one degrees, fifteen minutes East. Three chains to Station, from which a large rock rising in the form of a monument looking to the North, bears South fifty-five degrees forty-five minutes

1268712-21

East, five chains and fifty-five links distant.
Thence North seventy degrees East. Seven
chains to Station.

Thence North thirty-nine degrees, fifteen
minutes East. Two chains and fifty links to
Station.

Thence North seventeen degrees East. Two
chains and twenty-two links to Station and
mouth of cañon.

Thence North seventy-five degrees, thirty
minutes East. Sixteen chains and thirty
two links to Station.

Thence continuing up the middle of cañon,
South eighty-seven degrees East. Two chains
and fifty links to Station.

Thence North fifty degrees East. Eight
chains and fifty links to Station.

Thence North twenty-one degrees, forty-five
minutes West. Eight chains and thirty
links to Station.

Thence North seventy-three degrees, fif-
teen minutes East. Fourteen chains and
fifty links to Station.

Thence North thirty-nine degrees East.
Eight chains and fifty links to Station.

Thence North seventy-one degrees East.
Fourteen chains and forty links to post mark-
ed 'S. A. 9' and 'S. P. No. 62' in mound, on the
summit of the coast range of mountains.
Station, at the North East corner of the
Ranch 'San Antonio,' from which the South
base of cerro of San Antonio bears South
fifty-four degrees, fifteen minutes West; Do-
mingo Peralta's house bears South twenty-two
degrees, thirty minutes West; South East cor-

ner of a small house occupied by a Frenchman bears South seventy-five degrees, fifteen minutes East, about eight chains distant; and the highest point of an isolated volcanic rock bears South sixty-six degrees, fifteen minutes East, four hundred and eighty links distant.

Thence along the crest of the ridge, North twenty-four degrees, fifteen minutes West. Thirty chains to post marked 'S. P. 63' in mound of rocks, Station, on highest point of large ledge of volcanic rocks.

Thence North forty-one degrees, fifteen minutes West. At one hundred and fourteen chains high peak. At one hundred and ninety-five chains descends north-easterly slope of ridge. One hundred and ninety-nine chains and fifty links to post marked 'S. P. 64' in large mound on North East slope, Station from which a Bay tree fourteen inches in diameter bears North, eighty-four degrees, forty-five minutes West, three hundred and fifty-two links distant, a live oak tree fifteen inches in diameter bears North fifty-three degrees East, two hundred and thirteen links distant.

Thence North eighteen degrees East. At twenty-five chains crosses Wild Cat creek, course North West, and ascends. Thirty-eight chains and thirty-one links to Live Oak tree, twenty-eight inches in diameter, marked 'S. P. 65' Station, on Western point of hill.

Thence North four degrees, fifteen minutes West, descending North West slope. At eleven chains and sixty links crosses our course

South West, and ascends. At thirty-nine chains top of high ridge. At sixty-seven chains crosses fence course East and West. At one hundred and eleven chains and fifty links Colonel May's house to right about eight chains distant. At one hundred and fifteen chains and fifty links crosses road course East and West. At one hundred and thirty chains and eighty links left bank of San Pablo creek course West. At one hundred and thirty-two chains and forty links right bank of San Pablo creek. One hundred and thirty-two chains and eighty links to a Buckeye tree, two feet in diameter, marked 'S.P.66' Station, two hundred and eighteen chains and twenty links East of the corner to Townships One and Two North of Range Four and Five West of the Mount Diablo Meridian.

Thence North forty-six degrees, fifteen minutes East. At forty-eight chains and sixty-three links crosses fence, course South East and North West. At seventy chains and fifty links crosses road course North and South. At seventy chains and eighty links crosses run course North. Twenty-four chains and thirteen links to post marked 'S.P.67' in mound, Station on South West slope.

Thence North eighteen degrees West. At eleven chains and ten links crosses run course South West. At thirteen chains and twenty links crosses road course North East. At forty chains crosses South West foot of hill. Forty-five chains to post marked 'S.P.68' on North West slope of hill, Station, from which a Live Oak stump, two feet in diameter

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thence North nineteen degrees, fifteen minutes East, six hundred and eighteen links distant.

Thence North sixty-one degrees West descending. At eight chains and seventy links crosses same course North. At twenty-two chains and seventy links crosses road on ridge course North twenty degrees West. At thirty-two chains crosses rim course North. At forty-four chains crosses North East point of low hill. Fifty-two chains and twenty links to post marked 'S. P. 69' in mound on West side, slope, Station.

Thence South thirty-six degrees, thirty minutes West. At four chains crosses same course North. Forty chains and eighty links to post marked 'S. P. 70' in mound on top of low hill, Station.

Thence across low rolling hills. North fifty-nine degrees West. At one hundred and six chains crosses road from San Pablo to Martinez course North East; a blacksmith shop, on South East side of road, is about four chains to left. Two hundred and nineteen chains to post marked 'S. P. 71' in large mound, on line between Range Four and Five West, in Township Two North, and fourteen chains and eight links South of meander corner on said line at high water mark of the Bay of San Pablo, Station, from which Rausall's house bears South fifty degrees East about twelve chains distant.

Thence North fifty-five degrees, fifteen minutes West. Fifty chains and thirty links to post marked 'S. P. 72' Station, at high water mark on the Bay of San Pablo.

Thence meandering along the line of high

1268712-20

water mark of said Bay, North thirty-nine
degrees, thirty minutes West. Eight chains
and eighty-three links to Station.

Thence North two degrees, thirty minutes
West. Two chains to Station.

Thence North seventy-four degrees, thirty
minutes West. Two chains to Point Conchal
and Station.

Thence South seventy-eight degrees West.
Eight chains and ten links to Station.

Thence South thirty-six degrees West. Three
chains to Station.

Thence South seventeen degrees West. Three
chains to Station.

Thence South forty-five minutes East. Six
chains and fifty links to Station.

Thence South seventeen degrees West. Three
ten chains and fifty links to Station.

Thence South three degrees East. Seven chains
to Station.

Thence South thirteen degrees East. Ten chains
to Station.

Thence South eighteen degrees, thirty minutes
East. Fourteen chains to Station.

Thence South seven degrees, thirty minutes
East. Twenty-seven chains to Station.

Thence South thirty-two degrees, thirty minutes
East. Seven chains to Station.

Thence North forty-six degrees East. Four
chains to Station.

Thence South fifty-seven degrees East. Eleven
chains and fifty links to Station.

Thence South thirty-six degrees, thirty
minutes East. Eleven chains to post marked
'S. P. 75' Station.

Thence leaving the tract, and meandering along the line between the marsh and upland. South forty-three degrees, thirty minutes East. Eleven chains and sixty-five links to post marked 'S. P. 76' at fence, course North fifty-two degrees East, Station.

Thence South thirty-three degrees East. Fifteen chains to post marked 'S. P. 77' Station.

Thence South eighty degrees, fifteen minutes West. Eight chains and twenty links to post marked 'S. P. 78' Station.

Thence South twenty-five degrees East. At fourteen chains and seventy links crosses fence course North eighty degrees East. Nineteen chains to post marked 'S. P. 79' Station at head of tide slough course West.

Thence South forty-eight degrees, forty-five minutes West. Seventeen chains to post marked 'S. P. 80' Station.

Thence South sixty-eight degrees, forty-five minutes West. Seventeen chains and ninety links to post marked 'S. P. 81' at fence course East, Station, on the margin of the Bay.

Thence meandering along the Bay, South twenty-five degrees West. Seventeen chains and eighty-five links to Station.

Thence South forty-two degrees West. Twelve chains to Station.

Thence South twelve degrees thirty minutes West. Twenty chains to Station.

Thence South fifty-three degrees, thirty minutes West. Six chains and fifty links to Station.

Thence South twenty-four degrees, thirty minutes West. Seven chains and fifty links.

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To Station.

Thence South sixty-four degrees West
 Iron chain to the point of beginning. Con-
 taining Seventeen thousand, Nine hundred
 and thirty-eight acres, and fifty-nine hun-
 dredths of an acre, and being designated
 upon the plat of the public surveys as
 Lot numbered Thirty-seven of Township One
 North, Range Four West; Lot numbered Thirty-
 eight of Township One, North, Range
 Five West; Lot numbered Thirty-nine of Town-
 ship Two North, Range Four West; and Lot
 numbered Thirty-eight of Township Two
 North, Range Five West, Mount Diablo Base
 and Meridian.

In witness whereof I have here-
 unto signed my name officia-
 ly, and caused my Seal of office
 to be affixed at San Francisco
 this twentieth day of November
 A. D. 1872.

J. R. Hammond
 U. S. Surveyor General for California

1268712-28

Now Know Ye, That the United States of America in consideration of the promises and pursuant to the provisions of the Act of Congress aforesaid of 3^d March, 1851, and the legislation supplemental thereto Have Given and Granted and by these presents Do Give and Grant unto the said Joaquin M. Castro and to his heirs the tract of land embraced and described in the foregoing survey; but with the stipulation that in virtue of the 15th Section of the said Act neither the confirmation of this said claim nor this patent shall affect the interests of third persons.

To Have and To Hold the said tract with the appurtenances unto the said Joaquin M. Castro and to his heirs and assigns forever, with the stipulation aforesaid.

In Testimony Whereof, Myself, Myself, Grant President of the United States have caused these Letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington this thirty-first day of January. in the year of our Lord one thousand eight hundred and seventy-three and of the Independence of the United States the ninety-seventh.

By the President M. S. Grant

By S. D. Williamson Secretary

C. B. Boynton Recorder of the General Land Office

1268712-27

EXHIBIT G

Letter sent to the National Park Service:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

National Park Service
Regions 8, 9, 10, and 12
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment Exemption—in Contra Costa County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected; and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are

required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map

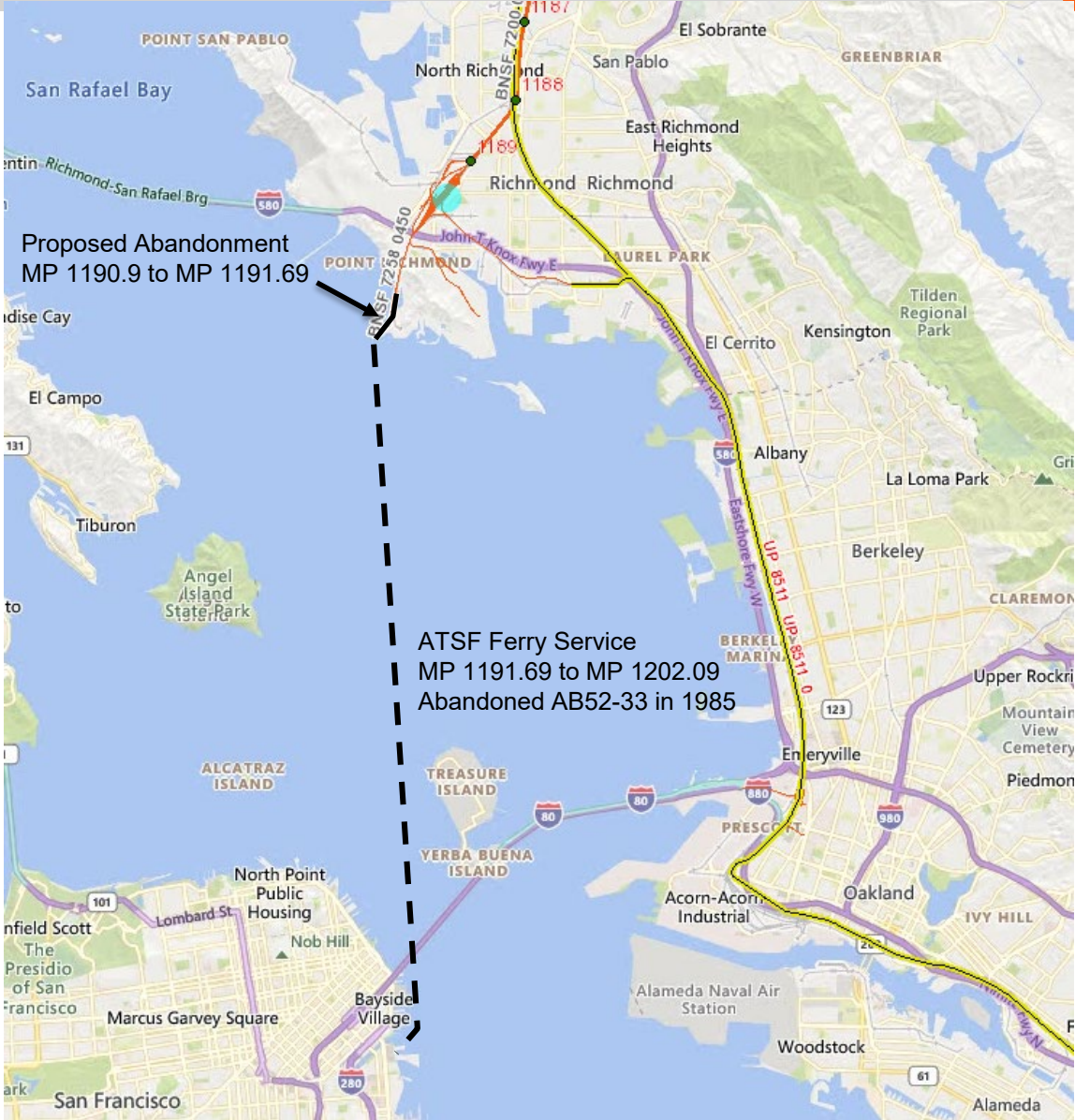


EXHIBIT H

Letters sent to the California State Water Resources Control Board and the
U.S. Environmental Protection Agency:

Sally Mordi
202 429 6287
smordi@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoelaw.com



December 16, 2022

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment Exemption—in Contra Costa County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

We are advising you of the proposed abandonment so that you may assist us in determining:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies; and
- (2) whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

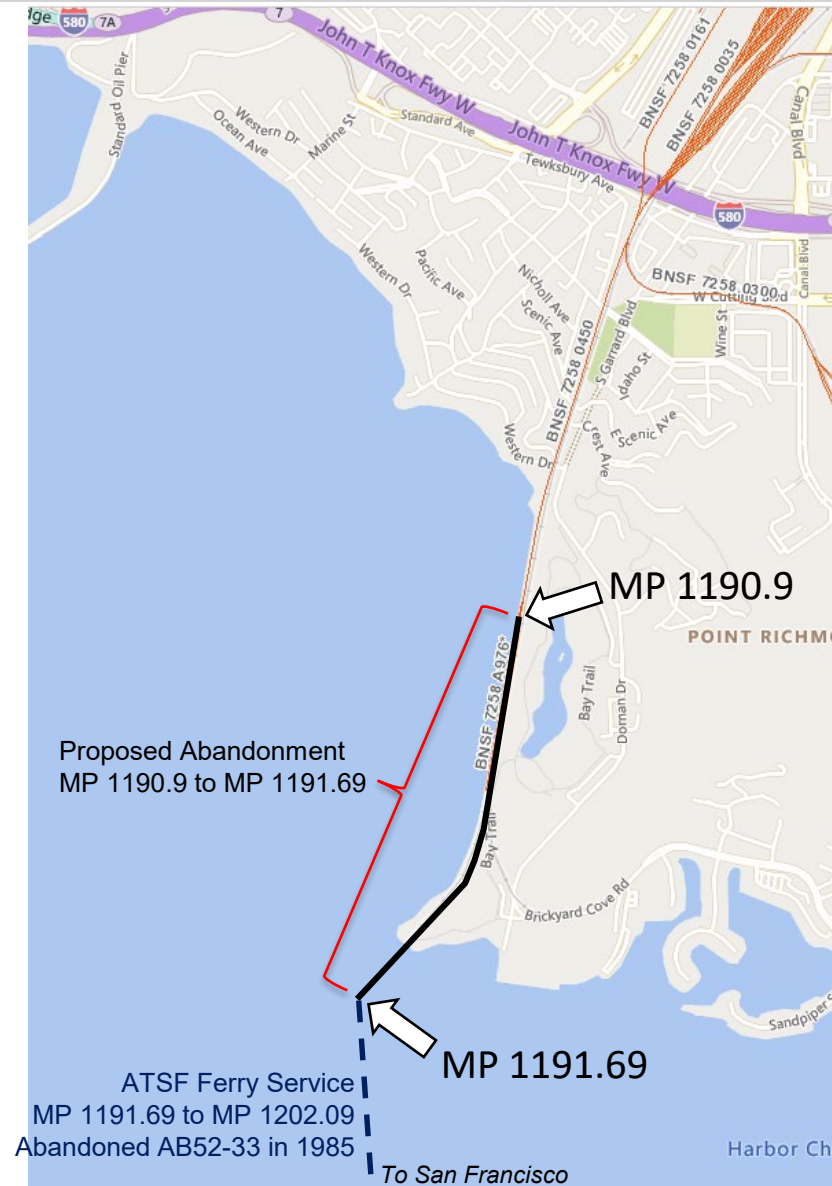
Thank you in advance for your time and contribution.

Sincerely,

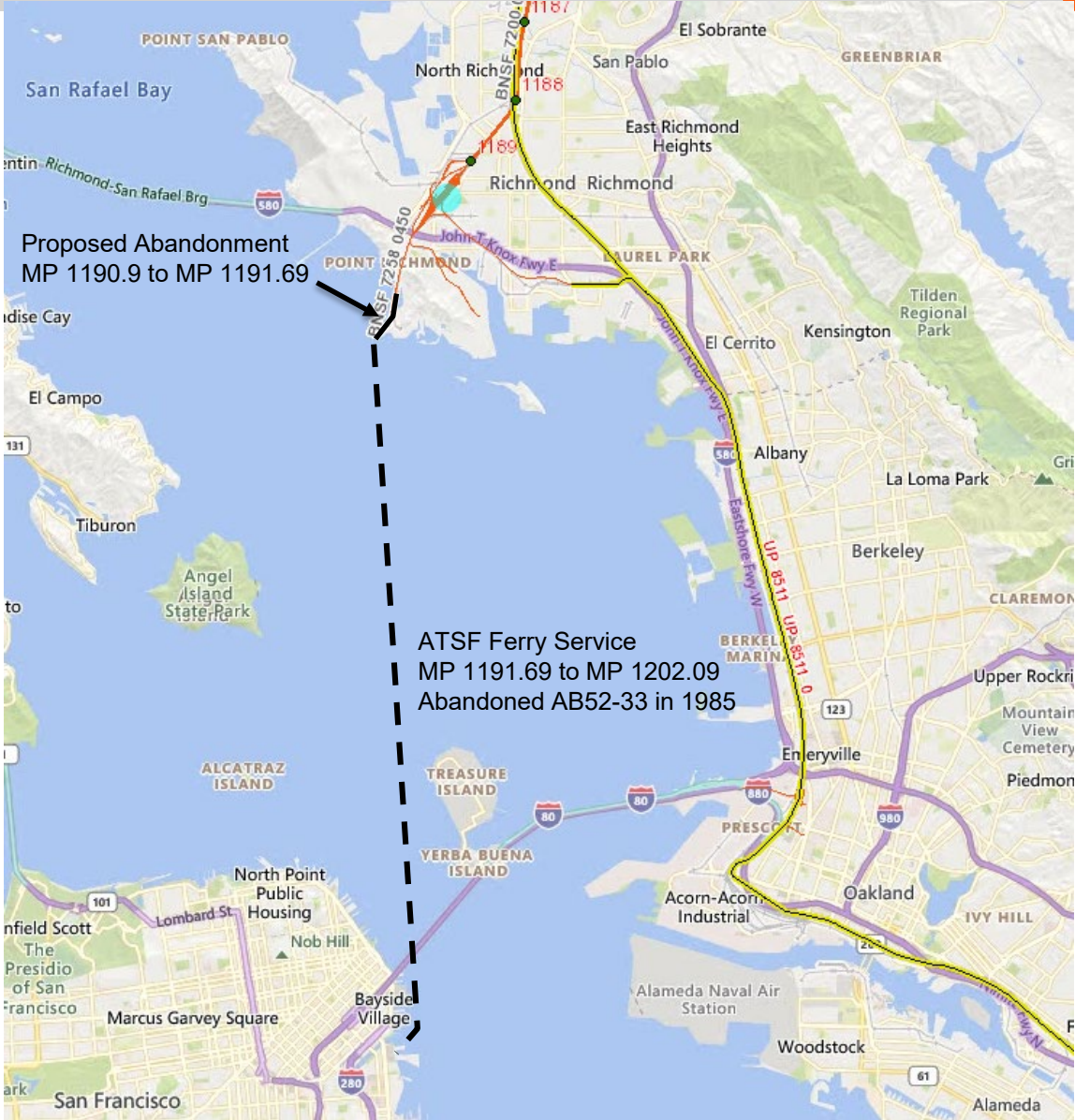


Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Richmond, CA – Abandonment Map



Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

US EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment Exemption—in Contra Costa County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

We are advising you of the proposed abandonment so that you may assist us in determining:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies; and
- (2) whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

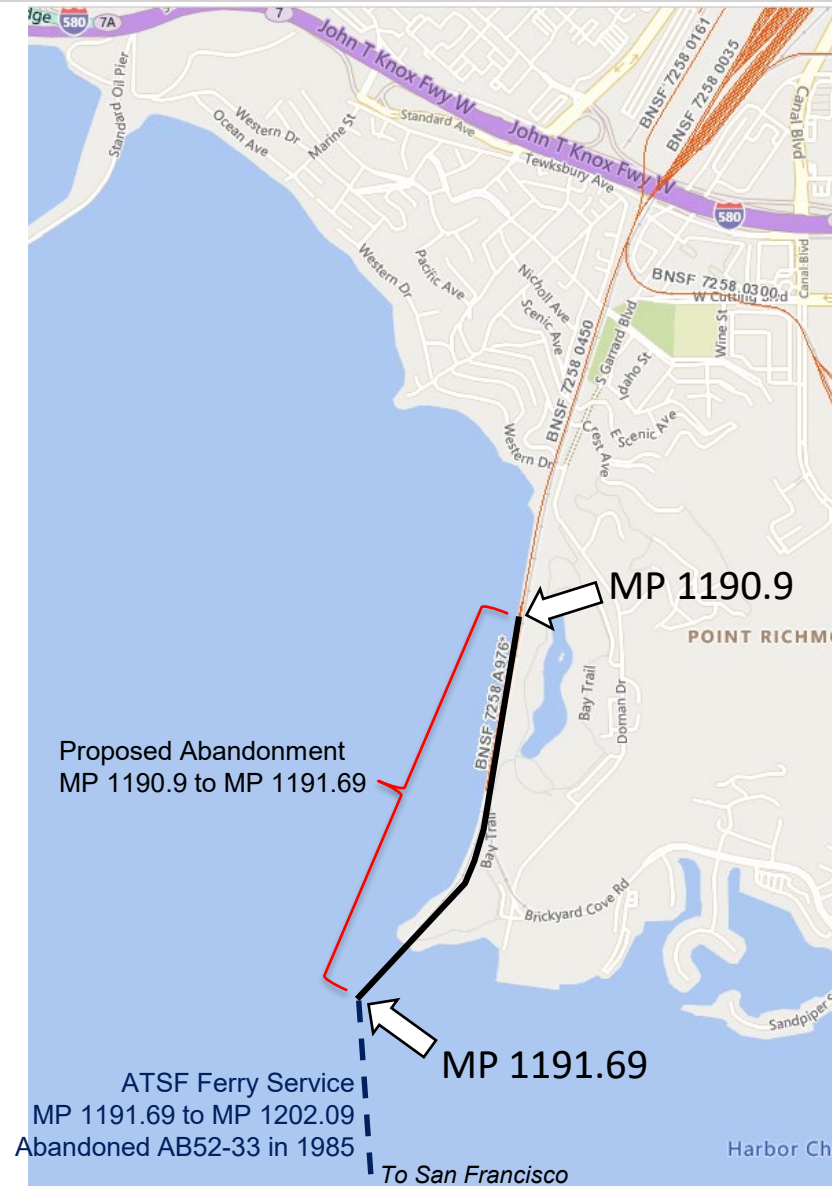
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Richmond, CA – Abandonment Map

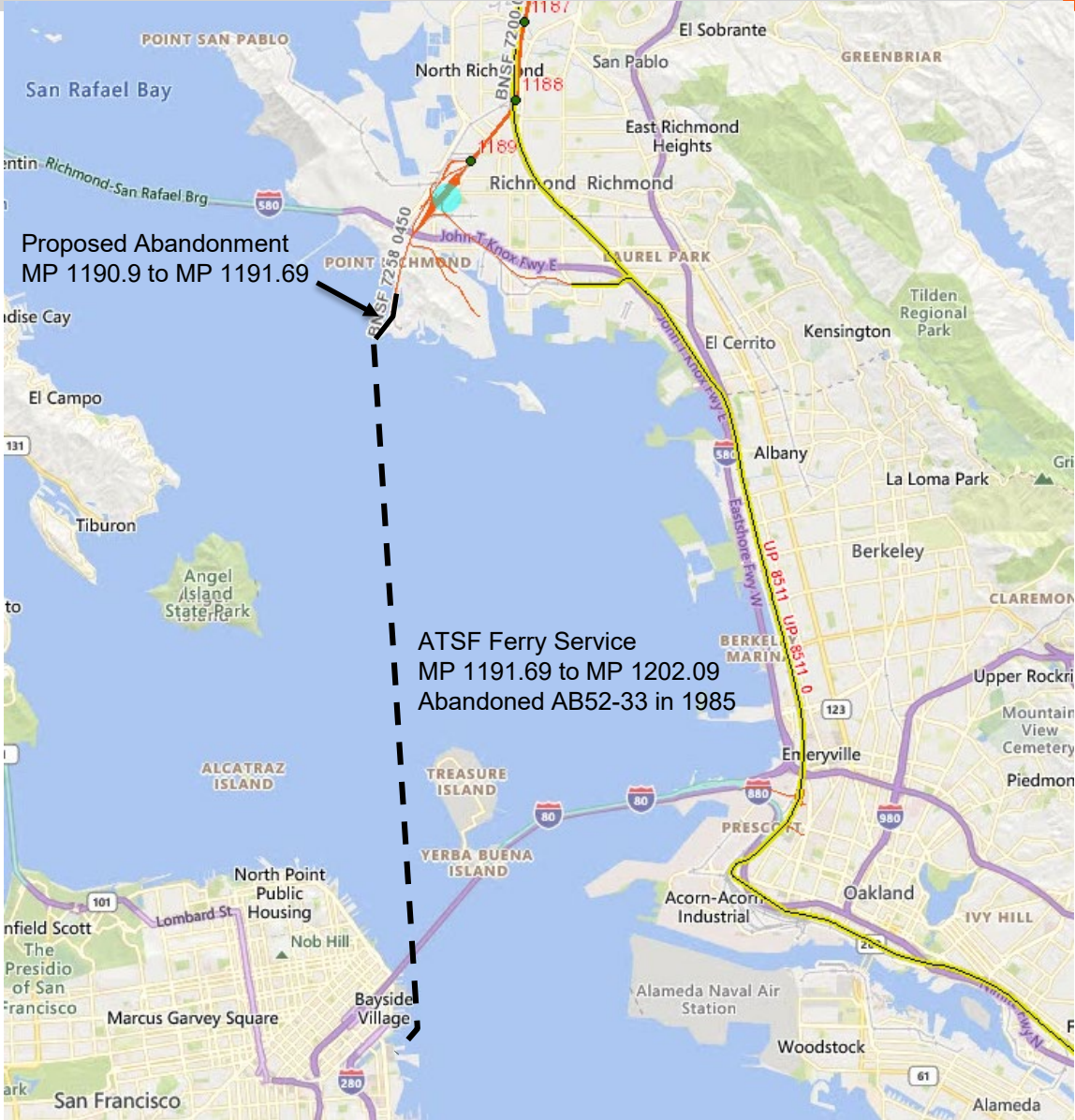


EXHIBIT I

Letter sent to the San Francisco District of the U.S. Army Corps of
Engineers:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

U.S. Army Corps of Engineers
San Francisco District
450 Golden Gate Ave, 4th Floor
San Francisco, CA 94102

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, California.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected; and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map

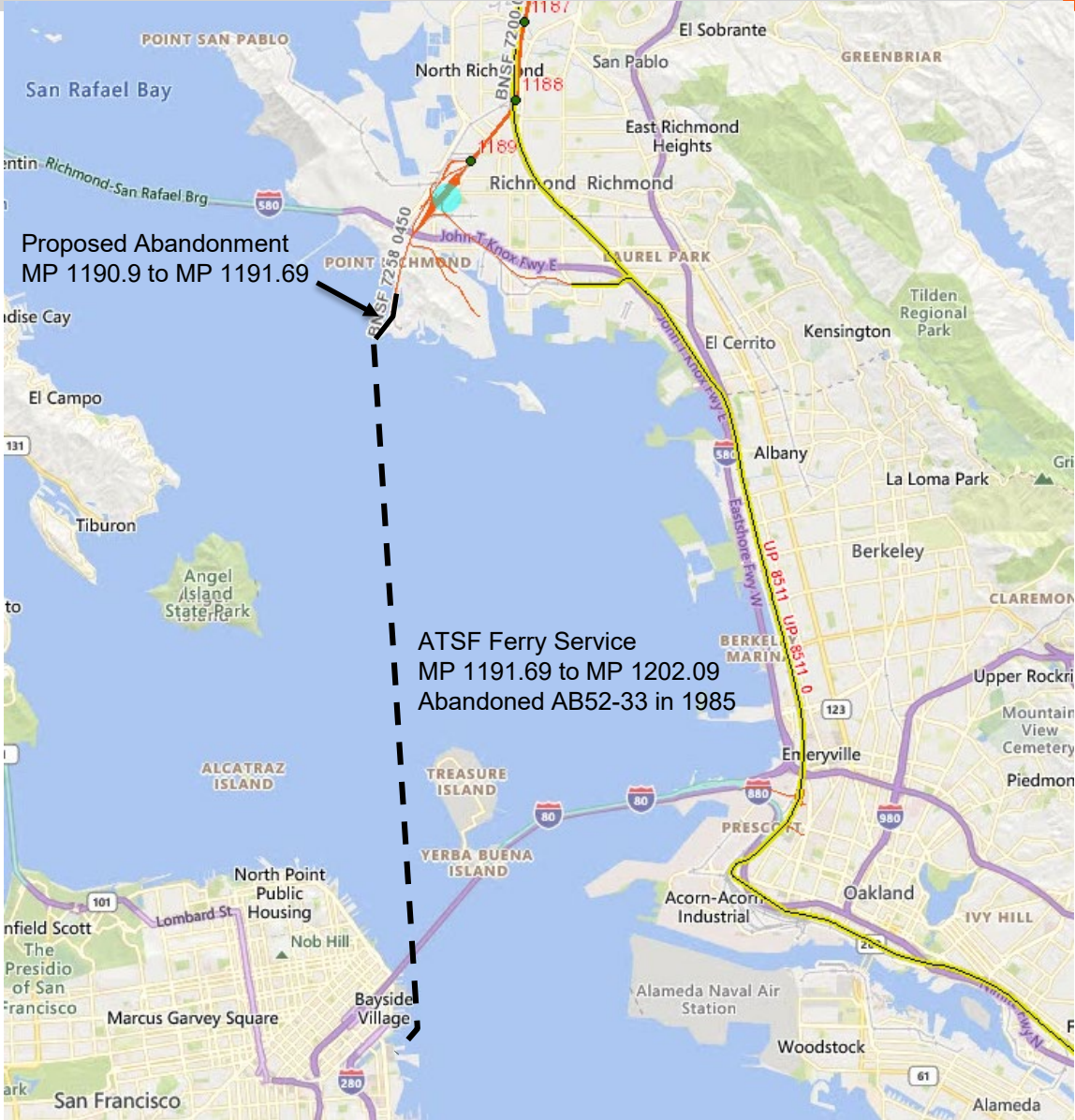


EXHIBIT J

Photographs of the ferry terminal:







EXHIBIT K

Letters sent to the California SHPO and the National Geodetic Survey:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

December 16, 2022

Julianne Polanco, State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

***Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment
Exemption—in Contra Costa County, California***

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We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4); and (2) whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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Please provide your comments to me at the address above by January 16, 2023. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



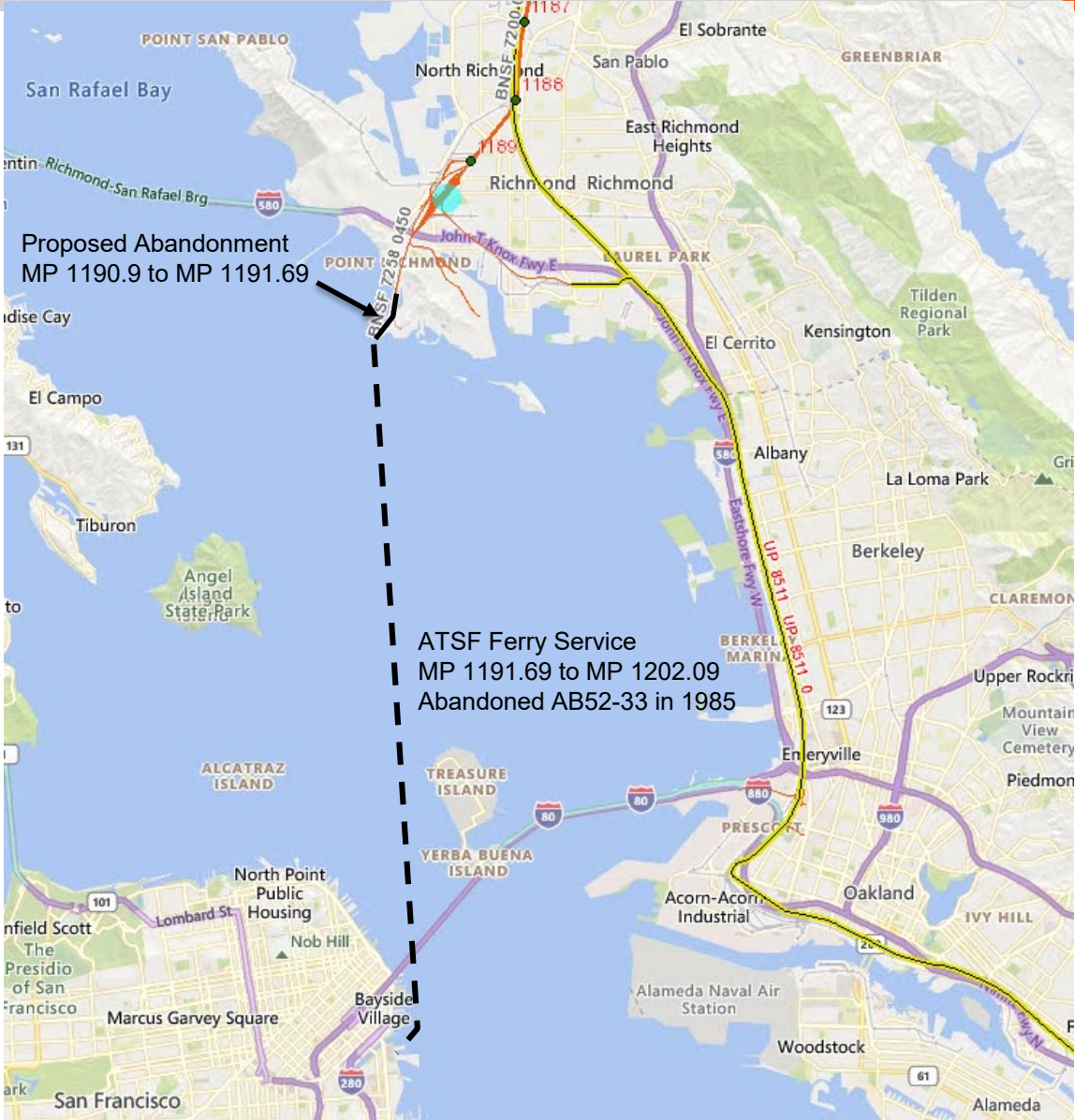
Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map



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202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
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December 16, 2022

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282
RRAE@noaa.gov

Re: STB Docket No. AB 6 (Sub-No. 501X); BNSF Railway Company—Abandonment Exemption—in Contra Costa County, California

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We are advising you of the proposed abandonment so that you may assist us in determining whether or not any geodetic survey marks may be located in the area described.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

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Attorney for BNSF Railway Company

Enclosure as stated

Richmond, CA – Abandonment Map



Richmond, CA – Abandonment Map

