



October 29, 2018

Mr. Gordon Thompson  
General Director Track Western Region  
Union Pacific Railroad  
10031 Foothills Boulevard  
Roseville, CA 95747

Dear Mr. Thomson,

We are writing to request remediation by Union Pacific Railroad of the ongoing and increasingly serious threat to public safety caused by the instability of the Railroad's retaining wall and adjacent hill slope on the North Fork of the Feather River near Tobin, California. For the past two years we have observed continuing erosion of the embankment behind the retaining wall. This erosion threatens the stability of the retaining wall and the railroad bed. Failure of this section of Union Pacific's rail system would impact public safety, the ecosystem on the North Fork Feather River, and the water supply for much of California.

## **Background**

On August 27<sup>th</sup>, 2016, boaters paddling the North Fork Feather River during a recreational flow release notified members of American Whitewater's staff of the failing retaining wall near Tobin. It was clear that the wall had cracked and that most of the material that was once behind the wall had washed into the river (Image 1). An image from Google Street View, dated June 2012, shows the intact retaining wall (Image 2). Once American Whitewater became aware of the condition of the retaining wall, its representative immediately notified the Plumas National Forest, California Department of Fish and Wildlife, California State Water Resources Control Board, the Central Valley Regional Water Quality Control Board, and Plumas County.

As documented in Union Pacific's October 11, 2016 geotechnical report from Shannon & Wilson, Inc., "the risk of long-term failure of the north wall segment is relatively high." This report makes the finding that "failure of the wall segments would likely occur during a period of heavy precipitation and flooding," and states that "[e]xtended periods of precipitation that saturate the embankment fill are likely to increase the risk of failure."

These findings were proven true when the upstream side of the embankment behind the wall failed in December 2016 (Image 3) and when the entire railroad bed was washed away during storms in January of 2017 (Image 4).

## **Request for immediate and comprehensive remediation**

The subsequent repair of the hill slope by Union Pacific has done little to stop the uphill bank from eroding past the damaged retaining wall. We are deeply concerned by what we observe as the ongoing deterioration of the stability and the integrity of the retaining wall. Even in the short time since the Shannon & Wilson report, photographs reveal significant erosion of the embankment in the vicinity of the retaining wall (Images 5 and 6). Immediate remediation of the retaining wall and adjacent area is necessary to prevent a partial or total collapse of the retaining wall and the threat to public safety that would be associated with such an event.

When Western Pacific built the railroad line through the North Fork Feather River Canyon in 1909, it determined that this unstable hill slope required the construction of this retaining wall. The geology has not changed, nor has the need for an intact retaining wall. Further makeshift repair will not prevent collapse. Dumping rocks into the eroded crevice of the retaining wall will not provide additional stability and may in fact increase the likelihood of failure.

The section of the river where the retaining wall is located is regularly used for recreational boating. A collapse could permanently degrade one of the most popular whitewater boating runs in California, and could result in injury or death. In addition, the failure of the embankment could reach the track above, potentially leading to a derailment resulting in the loss of life and spillage of toxic material into the river.

The North Fork Feather River is the largest tributary to Oroville Reservoir. Water from Oroville Reservoir contributes to the State Water Project's delivery of water for the irrigation of 755,000 acres in the southern San Joaquin Valley and for a portion of the municipal water supply for approximately 25 million people. Additionally, water from the Feather River is critical for the health of the Sacramento-San Joaquin Bay-Delta estuary.

Union Pacific's willful failure to prevent the eventual collapse of the retaining wall exposes the company to significant liability in the event of injury or environmental harm. The company has a duty to adequately maintain its facilities in a manner that does not threaten public health and safety. We strongly urge Union Pacific to take immediate action to remediate its retaining wall and the adjacent hillside near Tobin, California.

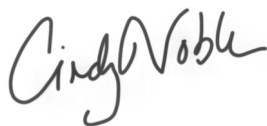
Sincerely,



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**Image 1: August 27th, 2016. Union Pacific, State and Federal Agencies notified of wall failure.**





**Image 2: June 2012, Retaining wall pre-failure.**



**Image 2: December 5, 2016. View of first failure.**





**Image 4: January 12th 2017. Complete washout of the railbed.**



**Figure 3: August, 2017.**





**Figure 6 ; September, 2018.**