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SERVICE DATE – DECEMBER 17, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 265X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT AND DISCONTINUANCE
OF TRackage RIGHTS EXEMPTION—IN LOS ANGELES COUNTY, CA

Decided: December 16, 2008

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon the Santa Monica Industrial Lead from milepost 485.61 to milepost 485.69 and to discontinue trackage rights from milepost 485.69 to milepost 486.00,¹ a total distance of 0.39 miles in the City of Los Angeles, Los Angeles County, CA. Notice of the exemption was served and published in the Federal Register on April 8, 2008 (73 FR 19136-37). The exemption became effective on May 8, 2008.

By decision served on May 7, 2008, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to an environmental condition.² The condition required UP to retain its interest in the portion of the line between milepost 485.61 and milepost 485.69 and to take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP was also directed to report back to SEA regarding any consultations with the State Historic Preservation Office and the public, and not to file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

In a letter dated May 15, 2008, the California Department of Parks and Recreation's Office of Historic Preservation, stated that, based on the available information, the proposed abandonment would have no effect on historic properties. Therefore, based on the information

¹ The portion of the line over which UP proposes to discontinue trackage rights was sold by UP's predecessor, Southern Pacific Transportation Company, to the Los Angeles Metropolitan Transportation Authority (Metro) in 1990.

² In a separate decision served on May 7, 2008, The Board rejected a notice of intent to file an offer of financial assistance by James Riffin. On May 28, 2008, Riffin filed a petition to revoke UP's exemption, to which UP replied on June 2, 2008. Those filings will be addressed in a separate decision.

provided, SEA recommends that the section 106 historic preservation condition imposed in the May 7, 2008 decision be removed.

Accordingly, based on SEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the May 7, 2008 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary