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SERVICE DATE – DECEMBER 13, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 286X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN YAKIMA COUNTY, WASH.

Decided: December 13, 2011

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 0.8-mile railroad line, on the Yakima Industrial Lead, from milepost 62.75 to milepost 63.55 near Midvale, in Yakima County, Wash. Notice of the exemption was served and published in the Federal Register on June 22, 2010 (75 Fed. Reg. 35,514-15). The exemption became effective on July 22, 2010.

On June 25, 2010, the Board's Section of Environmental Analysis (SEA)<sup>1</sup> issued an Environmental Assessment (EA) recommending that the Board impose 2 environmental conditions. In a decision served on July 19, 2010, the recommended conditions were imposed.

One of the environmental conditions, an historic preservation condition, required that UP: (1) retain its interest in and 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 Effects) that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f); (2) report back to SEA regarding any consultations with the State Historic Preservation Office (SHPO) and the public; and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

OEA states that, on November 28, 2011, it filed with the Advisory Council on Historic Preservation an executed Memorandum of Agreement among the Board, the U.S. Bureau of Reclamation, the Washington State Historic Preservation Office, and UP, which resolves any adverse effects to historic properties and completes the Board's compliance responsibilities under Section 106 of the NHPA.

Accordingly, OEA recommends that the Section 106 historic preservation condition imposed in the July 19, 2010 decision be removed. Accordingly, based on OEA's

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<sup>1</sup> As of September 1, 2010, SEA is now the Office of Environmental Analysis (OEA).

recommendation, this proceeding will be reopened, and the previously imposed Section 106 historic preservation condition will be removed.<sup>2</sup>

This action 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 July 19, 2010 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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<sup>2</sup> The other environmental condition remains in effect.