

37362
DO

SERVICE DATE – SEPTEMBER 28, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 222X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN OUACHITA COUNTY, AR

Decided: September 27, 2006

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.6-mile line of railroad on the El Dorado Subdivision, extending from milepost 457.0 near Gilcrest to milepost 460.6 near El Dorado Junction, in Ouachita County, AR. Notice of the exemption was served and published in the Federal Register on May 31, 2006 (71 FR 30978-79). The exemption became effective on June 30, 2006.

By decision and notice of interim trail use or abandonment served on June 27, 2006 (June 2006 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to two environmental conditions. One of the conditions required UP to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (generally, 50 years old or older) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, report back to SEA regarding any consultations with the Department of Arkansas Heritage, Arkansas Historic Preservation Program (State Historic Preservation Office or SHPO), and any other section 106 consulting parties, and not file its consummation notice or initiate any salvage activities related to abandonment until the section 106 process has been completed and the Board has removed this condition.¹ The historic condition was imposed because the SHPO had not completed its assessment of the proposed abandonment at the time SEA prepared its environmental assessment.

¹ In addition to interim trail use and environmental conditions, the June 2006 decision also imposed a public use condition. The interim trail use negotiating period and public use conditions are scheduled to expire on December 27, 2006. The public use condition may not be extended. The other environmental condition remains in effect.

On September 7, 2006, UP submitted comments from the SHPO stating that it had determined that the bridge at issue was not eligible for listing on the National Register of Historic Places, and historic properties would not be affected by the proposed abandonment. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the June 2006 decision be removed.

Accordingly, 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 June 2006 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary