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SERVICE DATE – JULY 5, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 283X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN IRON
COUNTY, UTAH

Decided: July 5, 2013

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments for UP to abandon the Cedar City Subdivision from milepost 30.80 to the end of the line at milepost 31.83 in Cedar City, a total distance of 1.03 miles in Iron County, Utah (the Line). Notice of the exemption was served and published in the Federal Register on June 6, 2013 (78 Fed. Reg. 34,160). The exemption is scheduled to become effective on July 6, 2013.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on June 11, 2013. In the EA, OEA states that it appears that the Line is not eligible for listing in the National Register of Historic Places (National Register). However, OEA states that it has not heard from the Utah State Historical Society, Department of Community and Culture (SHPO) regarding its determination of significance and therefore has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing in the National Register. Accordingly, OEA recommends that a condition be imposed requiring UP to 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 Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed, and prohibiting UP from filing its consummation notice or initiating 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.

Comments to the EA were due on June 25, 2013. None were received. Therefore, based on OEA's recommendation, the condition proposed in the EA will be imposed.

This decision, and the proposed abandonment, if implemented as conditioned, 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 exemption of the abandonment of the Line described above is subject to the condition that UP 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 Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP may 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.

3. This decision is effective on its service date.

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