

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 266X)

UNION PACIFIC RAILROAD COMPANY–
ABANDONMENT EXEMPTION–IN MARICOPA COUNTY, AZ

Decided: October 14, 2009

By decision served on September 15, 2008 (September 2008 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Union Pacific Railroad Company (UP) of a 2.91-mile line of railroad known as the Litchfield Industrial Lead, extending from milepost 889.34 (Litchfield Junction) to milepost 892.25 (Litchfield Park) in Maricopa County, AZ, subject to public use, environmental, and standard employee protective conditions.

The September 2008 decision imposed two environmental conditions that had been recommended by the Board's Section of Environmental Analysis (SEA) in an Environmental Assessment (EA) served on July 25, 2008. One of the environmental conditions required 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 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, 16 U.S.C. 470f (NHPA). SEA also recommended that UP be required to report back to SEA regarding any consultations with the Arizona State Parks, State Historic Preservation Officer (SHPO) and the public, and that UP be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the section 106 process had been completed and the Board had removed this condition. In this decision, the Board is removing the historic preservation condition.

In a Post EA dated October 5, 2009, SEA advises that, by letter dated September 14, 2009, Mr. William Collins, Deputy SHPO, Arizona State Parks, states that his office has reviewed this project and is satisfied with the evaluation of the proposed abandonment and has no suggestions for changes. The SHPO also concurs with UP's position that no historic properties will be affected by this abandonment.

SEA states that, pursuant to the section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultation with the SHPO and the public, it has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the

National Register. Therefore, SEA recommends that the section 106 historic preservation condition imposed in the September 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 September 2008 decision is removed. The other environmental condition remains in effect.
3. This decision is effective on its date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary