

38385
DO

SERVICE DATE – SEPTEMBER 11, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 249X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT AND DISCONTINUANCE
EXEMPTION—IN PLUMAS AND SIERRA COUNTIES, CA

Decided: September 11, 2007

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances to abandon a .72-mile line of railroad between milepost 11.62 and milepost 12.34 near Loyalton, CA, in conjunction with its discontinuance of service over an 11.07-mile rail line in Plumas and Sierra Counties, CA. The entire line is 11.79 miles and referred to as the Loyalton Industrial Lead. The notice of exemption was served and published in the Federal Register on August 10, 2007 (72 FR 45089-90). The exemption is scheduled to become effective on September 11, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in the proceeding on August 17, 2007. In the EA, SEA notes that it has not been contacted by the California State Historic Preservation Officer (SHPO) and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be eligible for listing on the National Register of Historic Places (National Register). SEA therefore recommends the condition that UP 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 until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f), has been completed. SEA also recommends that UP report back to SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and that UP be required to refrain from initiating any salvage activities related to the 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 August 31, 2007. SEA received comments from Mr. Michael Cassida, a landowner in the area, expressing his support of the abandonment, but opposing imposition of any public use conditions. SEA also received comments expressing support for further abandonments in the area from Mr. Cassida and Mr. Thomas Dotta, another landowner. No other comments were received. Accordingly, the condition recommended by SEA in the EA will be imposed. Based on SEA's recommendations, 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 rail line described above covered by the notice served and published in the Federal Register on August 10, 2007, is subject to the condition that UP shall retain its interest in and take no steps to alter the historic integrity of the sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register until the section 106 process has been completed, and report back to SEA regarding its consultations with the SHPO and any other section 106 consulting party. UP may not file its consummation notice or initiate any salvage activities related to the 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, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary