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SERVICE DATE – JULY 22, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 287X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN SAN
MATEO COUNTY, CAL.

Decided: July 16, 2010

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. pt. 1152 Subpart F—Exempt Abandonments to abandon a 0.57-mile line of railroad, on the South San Francisco Industrial Lead, from milepost 12.29 to milepost 12.86 in South San Francisco, in San Mateo County, Cal. Notice of the exemption was served and published in the Federal Register on June 23, 2010 (75 Fed. Reg. 35,873-74). The exemption is scheduled to become effective on July 23, 2010.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 28, 2010. In the EA, SEA states that UP submitted a historic report to the California State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). However, at the time the EA was served, the SHPO had not yet commented on the historic report, and SEA has not been able to consider the SHPO's opinion in determining whether the rail line contains properties that may be potentially eligible for listing on the National Register of Historic Places (National Register). Therefore, SEA recommends a condition 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 right-of-way (the Area of Potential Effect) 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. § 470f, has been completed. UP shall report back to SEA regarding any consultations with the SHPO, any other Section 106 consulting parties that have been identified, and the public. UP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of track and ties) until the Section 106 process has been completed and the Board has removed this condition.

Comments to the EA were due by July 13, 2010. No comments were received. Accordingly, the conditions recommended by SEA in the EA will be imposed.

As conditioned, 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 exemption of the abandonment of the rail line described above and covered by the notice served and published in the Federal Register on June 23, 2010, is subject to the condition that UP shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the right-of-way (the Area of Potential Effect) that are eligible for listing or are listed in the National Register until the Section 106 process has been completed, report back to SEA regarding any consultations with the SHPO, any other Section 106 consulting parties that have been identified, and the public, and be prohibited from filing its consummation notice or initiating salvage activities related to the abandonment (including the 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.