

21274
DO

Service Date- December 6, 1996

SURFACE TRANSPORTATION BOARD

DECISION

S.B. Docket No. AB-33 (Sub-No. 100X)

UNION PACIFIC RAILROAD COMPANY--DISCONTINUANCE OF
SERVICE--IN WASHINGTON COUNTY, ID

Decided: December 3, 1996

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Services to abandon a 0.50 mile portion of the New Meadows Branch from milepost 0.50 to the end of the line at milepost 1.00, near Weiser, in Washington County, ID. Notice of the exemption was served and published in the Federal Register on July 29, 1996 (61 FR 39512). The exemption was scheduled to become effective on August 28, 1996. By decision and notice of interim trail use or abandonment (NITU) served on September 18, 1996, the proceeding was reopened establishing a 180-day period for the City of Weiser, ID (City), to negotiate an interim trail use/rail banking agreement with UP for the 0.50-mile line. The NITU expires on February 24, 1997.¹

The Board's Section of Environmental Analysis (SEA) issued an environmental Analysis (EA), which was served on August 21, 1996. In the F-A, based on information provided from all sources to that date, SEA concluded that the proposed abandonment of the line will not significantly affect the quality of the human environment and that the environmental impact statement process is unnecessary. Therefore, a Finding of No Significant Impact under 49 CFR 1105.10(g) was made pursuant to 49 CFR 1011.8(c)(10), in a decision served on October 4, 1996.

On November 15, 1996, UP informed the Board that a letter from the Idaho State Archaeologist and Deputy State Historic Preservation Officer (SHPO), dated June 11, 1996, was inadvertently omitted from its combined environmental and historic report filed in the referenced abandonment. The SHPO's letter indicated that numerous archaeological sites have been identified in the Weiser area, and the SHPO requested identification and a survey of the right-of-way for potential archaeological resources prior to abandonment or removal of tracks. As a result, SF-A now recommends imposition of a condition requiring that UP shall consult with the SHPO in conjunction with the identification and survey process pursuant to the requirements of the National Historic Preservation Act, 16 U.S.C. 470 f, and that UP shall inform SEA when the process has been completed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The September 18 decision also imposed a 180-day public use condition requiring UP to leave the right-of-way intact, including bridges culverts, bridges, and similar structures (but not tracks, and signal equipment for a period of 180 days from the August 28, 1996 effective date of the exemption to permit the City and any other state or local governmental agency, or other interested person, to negotiate for acquisition of the line for public use.

S.B. Docket No. AB-33 (Sub-No. **100X**)

It is ordered:

1. This proceeding is reopened.
2. The decision served on the October 4, 1996, is vacated and the abandonment of the line described above is subject to the condition that, prior to abandonment or removal of tracks, UP shall consult with the SHPO in conjunction with the identification and survey process and inform SF.A when the process has been completed.
3. The decision is effective on the service date.

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

Vernon A. Williams
Secretary