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SERVICE DATE – JULY 14, 2014

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: July 14, 2014

By decision served on July 5, 2013, 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 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 exemption was subject to standard employee protective conditions and an historic preservation condition.

The imposed historic preservation condition: (1) 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 (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed; and (2) prohibited 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. The condition was imposed to provide the Utah State Historic Preservation Office (SHPO) adequate time to consider and comment on the Board's finding that no historic properties listed in or eligible for listing in the National Register would be affected by the abandonment.

In a Supplemental Environmental Assessment dated June 12, 2014, the Board's Office of Environmental Analysis (OEA) states that UP submitted additional information to OEA in April 2014 regarding the history of the Cedar City Subdivision line and its eligibility for the National Register. OEA states that it conducted additional analysis of the Cedar City Line's history, consulted with the SHPO, and concluded that the Cedar City line is ineligible for the National Register. The SHPO concurred with this finding in a letter dated June 3, 2014.

For the foregoing reasons, OEA recommends that the Section 106 condition imposed in the July 5, 2013 decision be removed. Accordingly, based on OEA's recommendation, this 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. The proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the July 5, 2013 decision in this proceeding is removed.
3. This decision is effective on its service date.

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