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SERVICE DATE – MAY 12, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 237X)

UNION PACIFIC RAILROAD COMPANY AND SALT LAKE CITY CORPORATION–
ABANDONMENT EXEMPTION–IN SALT LAKE CITY, UT

Decided: May 11, 2009

By joint petition filed on February 13, 2006, Union Pacific Railroad Company (UP) and Salt Lake City Corporation (City) sought an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 for UP to abandon a 2.2-mile line of railroad, extending from milepost 780.1 west of Redwood Road to milepost 782.32 near 4th West Street, in Salt Lake City, UT (line). Notice of the filing was served and published in the Federal Register on March 3, 2006 (71 FR 11017).

By decision served on June 2, 2006 (June 2006 decision), the Board granted UP's exemption request, subject to employee protective conditions and conditions that: (1) UP consult with the U.S. Environmental Protection Agency and Utah Department of Environmental Quality, prior to commencement of any salvage activities, and comply with the National Pollutant Discharge Elimination System of the Clean Water Act requirements; (2) UP consult with the U.S. Army Corps of Engineers (Corps), prior to commencement of any salvage activities, regarding its requirements for salvage activities in and around major bodies of water and, if applicable, comply with the requirements of the Corps; (3) UP and the City retain their interest in, and take no steps to alter, the historic integrity of all sites, buildings, and structures within the right-of-way that are eligible for listing or are listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act (NHPA), 16 U.S.C. 470(f), has been completed (condition 3); and (4) UP and the City report to the Board's Section of Environmental Analysis (SEA) any consultations with the Utah Department of Community and Culture (SHPO) and any other party consulted in the section 106 process (condition 4). Additionally, at the request of the City and UP, the proposed abandonment was conditioned upon the substantial completion of the reconfiguration of UP's main line tracks at Grant Tower (Grant Tower Project), pursuant to an agreement between the City and UP signed on April 7, 2004.¹

In a letter to SEA dated December 12, 2008, the Advisory Council on Historic Preservation (ACHP) acknowledged receipt of the Memorandum of Agreement (MOA) that was

¹ The Grant Tower Project would increase the capacity of UP lines through Grant Tower, allowing UP to reroute the current traffic over the line through Grant Tower and, thereby, alleviate UP's need for the line.

negotiated between the SHPO, UP, and SEA to comply with the section 106 process.² ACHP stated that the filing of the MOA and execution of its terms completed the requirements of section 106 and ACHP's regulations. In a letter dated April 2, 2009, the SHPO informed SEA that it had received documentation meeting the stipulations outlined in the MOA and that the section 106 responsibilities for the abandonment of the line had been fulfilled. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation conditions (conditions 3 and 4 above) be removed. Accordingly, this proceeding will be reopened and the previously imposed historic preservation conditions will be removed.

This action 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, conditions 3 and 4 imposed in the June 2006 decision are removed.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary

² A MOA demonstrates that the Board has taken into account the effects of the abandonment on historic resources in satisfaction of the requirements under the NHPA.