

38446
DO

SERVICE DATE – LATE RELEASE OCTOBER 24, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 254X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN
RIVERSIDE COUNTY, CA

Decided: October 24, 2007

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.31-mile line of railroad known as the Riverside Industrial Lead, extending from milepost 545.83 near Third Street to milepost 546.14 near Sixth Street, in Riverside County, CA. Notice of the exemption was served and published in the Federal Register on September 27, 2007 (72 FR 13140). The exemption is scheduled to become effective on October 27, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on October 2, 2007. In the EA, SEA noted that the California State Historic Preservation Office (SHPO) had not submitted its comments to SEA or UP regarding potential impacts of the proposed abandonment on properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). Accordingly, SEA has recommended that UP be required to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, objects or districts within the right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SEA also has recommended that UP be required to report back to SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and that UP not be allowed to file its consummation notice or initiate 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.

No comments to the EA were received by the October 17, 2007 due date. Accordingly, the condition recommended by SEA will be imposed. Based on SEA's recommendation, 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 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, objects or districts within the right-of-way that are eligible for listing or are listed in the National Register (generally, 50 years old or older) until the section 106 process of the NHPA has been completed, report back to SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and not file its consummation notice or initiate 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.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary