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SERVICE DATE – JULY 21, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 281X)

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

Decided: July 20, 2010

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152 subpart F—Exempt Abandonments to abandon a 1.15-mile line of railroad, on the Brea Chemical Industrial Lead, from milepost 507.5 to milepost 508.65 near the City of Brea, in Orange County, Cal. Notice of the exemption was served and published in the Federal Register on April 21, 2010 (75 Fed. Reg. 20,874).

By decision served on May 20, 2010 (May 2010 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that UP shall: (1) consult with National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; (2) prior to commencement of any salvage activities, (a) consult with the California Coastal Commission (CCC) to determine whether state coastal management consistency certification is required, (b) if the consistency certification is required, notify SEA pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1451 *et seq.*, and the Board's environmental regulations at 49 C.F.R. § 1105.9, and be prohibited from performing any salvage activities until it obtains consistency certification; and (3) (a) 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 listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed, (b) report back to SEA regarding any consultations with the California Department of Parks and Recreation, Office of Historic Preservation (SHPO), any other Section 106 consulting parties that have been identified, and the public, and (c) not file its consummation notice or initiate 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.

By letter filed on June 18, 2010, UP requests removal of the Section 106 historic preservation condition imposed in the May 20, 2010 decision. UP attaches to its letter correspondence dated June 14, 2010, from the SHPO wherein the SHPO indicates that there are no historic properties present in the area of potential effect. Therefore, based on the information provided, SEA recommends that the Section 106 historic preservation condition imposed in the

May 2010 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

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, the Section 106 historic preservation condition imposed in the May 2010 decision is removed.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

¹ The other 2 conditions imposed in the May 2010 decision remain in effect, but are self-executing and are not a barrier to UP's consummation of this abandonment.