

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 267X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN COMANCHE COUNTY, OK

Decided: January 12, 2009

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon, and discontinue its lease operation over, a 3.85-mile line of railroad known as the Lawton Industrial Lead, extending from milepost 50.75, near Fort Sill, to milepost 54.60, south of Lawton, in Comanche County, OK. On December 12, 2008, notice of the exemption was served and published in the Federal Register (73 FR 75809). The exemption is scheduled to become effective on January 13, 2009.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 19, 2008. In the EA, SEA recommends one condition. The U.S. Fish and Wildlife Service (USFWS) indicated to SEA that there are four federally listed species that currently occur in Comanche County, and one candidate species that historically occurred. USFWS stated to SEA that it requires more information about the project area and a more comprehensive project description in order to be able to provide additional relevant input. Accordingly, SEA recommends that a condition be imposed upon any decision granting abandonment authority requiring UP, prior to commencement of any salvage activities, to consult with USFWS regarding its concerns about the endangered species that may occur in the area of the proposed abandonment.

Comments to the EA were due on January 2, 2009. No comments were received by the due date. Accordingly, the environmental condition recommended by SEA in the EA will be imposed.

Based on SEA's recommendations, 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, and covered by the notice served and published in the Federal Register on December 12,

2008, is subject to the condition that, prior to commencement of any salvage activities, UP shall consult with USFWS regarding USFWS's concerns about the endangered species that may occur in the area of the proposed abandonment.

3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary