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SERVICE DATE – LATE RELEASE DECEMBER 29, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 234X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN WASHINGTON COUNTY, MN

Decided: December 28, 2006

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.81-mile line of railroad known as the Stillwater Industrial Lead, extending from milepost 4.69 to milepost 5.50 near Stillwater in Washington County, MN. Notice of the exemption was served and published in the Federal Register on December 4, 2006 (71 FR 70450). The exemption is scheduled to become effective on January 3, 2007.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding on December 8, 2006. In the EA, SEA states that the National Geodetic Survey (NGS) has advised that it has identified five geodetic survey markers that may be located in the area of the proposed abandonment. If the markers will be disturbed by abandonment activities, NGS requests a 90-day advance notice to plan for their relocation. Accordingly, SEA recommends that UP be required to notify NGS at least 90 days prior to beginning salvage activities in order to plan for possible relocation by NGS of the five geodetic station markers.

SEA also states that, at the time the EA was prepared, the Minnesota State Historic Preservation Office (SHPO) had not completed its review of the proposed abandonment. Therefore, SEA recommends that UP be required to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (generally, 50 years old or older) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), 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 December 26, 2006 due date. Therefore, the environmental conditions recommended by SEA in the EA will be imposed.

As conditioned, 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 exemption of the abandonment of the line described above, is subject to the conditions that UP shall: (1) prior to beginning any salvage activities, notify the NGS at least 90 days in order to plan for possible relocation by NGS of the geodetic station markers; and (2) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (generally, 50 years old or older) until completion of the section 106 process of the NHPA, 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 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, Joseph M. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary