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SERVICE DATE – JULY 21, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 285X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–
IN YAKIMA COUNTY, WASH.

Decided: July 20, 2010

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F–Exempt Abandonments to abandon a 1.45-mile line of railroad, on the Yakima Industrial Lead, from milepost 57.30 to milepost 58.75 near Grandview, in Yakima County, Wash. Notice of the exemption was served and published in the Federal Register on June 22, 2010 (75 FR 35,513-14). The exemption is scheduled to become effective on July 22, 2010.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 25, 2010. In the EA, SEA states that the U.S. Army Corps of Engineers' Seattle District (Corps) has advised that there may be streams, rivers, or irrigation ditches in the area of the proposed abandonment that are tributaries to the Yakima River. Accordingly, SEA recommends a condition requiring UP to consult with the Corps prior to the commencement of any salvage activities regarding potential impacts to waters of the United States, including wetlands, and comply with the reasonable requirements of the Corps.

SEA also states in the EA that it received comments from the Washington Department of Archaeology & Historic Preservation (State Historic Preservation Office or SHPO). SHPO advised SEA that a professional cultural resources survey should be completed for the project area. Accordingly, SEA recommends a condition that UP retain its interest in, and take no steps to alter, the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 16 § U.S.C. 470f (NHPA), has been completed.

Comments to the EA were due by July 12, 2010. No comments to the EA were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA 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 line described above is subject to the conditions that: (1) UP consult with the Corps prior to the commencement of any salvage activities regarding potential impacts to waters of the United States, including wetlands, and comply with the reasonable requirements of the Corps; and (2) (a) UP retain its interest in, and take no steps to alter, the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or are listed in the National Register until the Section 106 process of NHPA has been completed, (b) report back to SEA regarding any consultations with SHPO and the public, and (c) UP 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 date of service.

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