

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 296X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
RIVERSIDE AND SAN BERNARDINO COUNTIES, CAL.

Decided: August 9, 2013

On March 3, 2011, Union Pacific Railroad Company (UP) filed a petition seeking an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to abandon two segments, totaling 5.0 miles, of the Riverside Industrial Lead in Riverside and San Bernardino Counties, Cal. The northern segment begins at milepost 540.15 near Colton and ends at milepost 543.88 near Riverside (North Segment), a distance of 3.73 miles, of which 2.27 miles are in San Bernardino County and 1.46 miles are in Riverside County. The southern segment begins at milepost 544.56 and extends to the end of the line at milepost 545.83 (South Segment), a distance of 1.27 miles in Riverside County (both segments are collectively referred to as the Line).¹ Notice of the exemption was served and published in the Federal Register on March 23, 2011 (76 Fed. Reg. 16,474).

By decision served on June 21, 2011, the Board granted the requested abandonment exemption, subject to various conditions. These conditions included, among others, an historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f (Section 106 condition).² Subsequently, in a decision served on February 1,

¹ UP did not seek to abandon the portion of the Riverside Industrial Lead between the North Segment and the South Segment (between mileposts 543.88 and 544.56, a distance of 0.68 miles) (the Remaining Segment) because there are two active shippers on the Remaining Segment whose rail shipments traverse the North Segment as overhead traffic. As such, UP proposed and implemented a plan to preserve its ability to carry out its common carrier obligation to serve shippers located on the Remaining Segment following abandonment of the North and South Segments.

² The Section 106 condition requires UP to (a) 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 has been completed, (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the California Office of Historic Preservation (SHPO) and the public, and (c) refrain from filing its consummation notice or initiating any salvage activities related to

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2013, the Board reopened this proceeding and, among other things, modified the Section 106 condition to exclude the bridge on the Line that crosses highway I-215 at milepost 541.5.

By letter dated July 2, 2013, the SHPO states that, upon review of additional information provided by UP (i.e., Department of Parks and Recreation Forms 523a and 523b), it concurs that the proposed abandonment would not adversely affect historic properties. Based on the SHPO's concurrence, OEA has developed a supplemental final EA dated July 26, 2013, recommending that the Section 106 condition, as modified by the February 1, 2013 decision, be removed. Accordingly, the proceeding will be reopened and the previously imposed Section 106 condition will be removed as recommended by OEA.

This action will not significantly affect 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 June 21, 2011 decision, as modified by the February 1, 2013 decision, is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.