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SERVICE DATE – MARCH 30, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1022 (Sub-No. 1X)

ARIZONA & CALIFORNIA RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN SAN BERNARDINO AND RIVERSIDE COUNTIES, CA

Decided: March 29, 2010

Arizona & California Railroad Company (ARZC) filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 49.40-mile rail line between milepost 0.0 at Rice and milepost 49.4 at Ripley, in San Bernardino and Riverside Counties, CA. Notice of the exemption filing was served and published in the Federal Register on April 1, 2009 (74 FR 14862). By decision served June 30, 2009, the Board granted the abandonment. The grant was made subject to certain conditions. These, in pertinent part, included a section 106 historic preservation condition. The condition requires ARZC to:

(1)(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 (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 (the Board's Section of Environmental Analysis (SEA)) regarding any consultations with the California Office of Historic Preservation, Department of Parks and Recreation ((SHPO)) and the public; and (c) 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.

The abandonment exemption was originally scheduled to become effective on July 30, 2009, but effectiveness was delayed until January 14, 2010, when the Board served a decision terminating the offer of financial assistance process in this proceeding.

On February 24, 2010, ARZC filed a letter requesting that the historic preservation condition set forth in the June 30, 2009 decision be removed. ARZC included a letter from the SHPO dated February 4, 2010. In the letter, the SHPO concurs with ARZC that there are "No Historic Properties Affected" by the proposed abandonment and salvage of tracks and materials. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the June 30, 2009 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision 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 June 30, 2009 decision is removed.
3. This decision is effective on its service date.

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