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SERVICE DATE – JANUARY 19, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 343X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN HARRIS
COUNTY, TEX.

Decided: January 15, 2021

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon rail service over an approximately 1.24-mile portion of the Houston Navigation Lead, from milepost 0.98 to milepost 1.31 and from milepost 1.71 to milepost 2.62, in Harris County, Tex. (the Line). Notice of the exemption was served and published in the Federal Register on September 10, 2020 (85 Fed. Reg. 55,924). The exemption became effective on October 10, 2020.

By decision served on October 9, 2020, the proceeding was reopened and the Board imposed a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, recommended by the Board’s Office of Environmental Analysis (OEA).¹

In a Supplemental Final Environmental Assessment (Supplemental Final EA) served on December 21, 2020, OEA states that on December 4, 2020, UP submitted a comment from the Texas Historical Commission (State Historic Preservation Office or SHPO) concurring with UP’s environmental and historic report, which found that no historic properties are present or would be affected by the proposed abandonment. The SHPO also stated that if historic properties are discovered or unanticipated effects on historic properties are found during abandonment-related salvage, work should cease in the immediate area but could continue where no historic properties are present.

In the Supplemental Final EA, OEA concludes that, because the Line follows existing paved roadways for a majority of the right-of-way and the urban landscape is likely already disturbed, the potential for the presence of significant historic properties in the immediate area of the proposed abandonment is very low. Therefore, OEA does not recommend an additional condition pertaining to unanticipated discoveries. OEA concludes that the Board has satisfied its responsibilities under Section 106 and recommends that the Board remove the Section 106 condition.

¹ That decision also imposed a Coastal Zone Management Act condition, which remains in effect.

Accordingly, based on OEA's recommendation, this proceeding will be reopened and the previously imposed Section 106 condition will be removed.

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 Section 106 historic preservation condition imposed in the October 9, 2020 decision is removed
3. This decision is effective on its date of service.

By the Board, Allison C. Davis, Director, Office of Proceedings.