

SERVICE DATE – JUNE 17, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 183 (Sub-No. 5X)

UNION RAILROAD COMPANY, LLC—ABANDONMENT EXEMPTION
—IN THE CITY OF MCKEESPORT, ALLEGHENY COUNTY, PA.

Decided: June 17, 2021

On May 3, 2021, Union Railroad Company, LLC (URR), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 5.4 miles of switching and terminal trackage known as the MCR Track in the City of McKeesport in Allegheny County, Pa. (the Line).¹ Notice of the exemption was served and published in the Federal Register on May 21, 2021 (86 Fed. Reg. 27,666). The exemption is scheduled to become effective on June 20, 2021.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on May 28, 2021, recommending that one condition be imposed on any decision granting abandonment authority. OEA stated that URR served the historic report on the Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c) and noted that because the SHPO had not yet commented, OEA had not been able to consider the SHPO's opinion in determining the impact of the proposed abandonment on historic resources. Accordingly, OEA recommended a condition requiring the railroad to 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 (National Register) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), has been completed and the Board has removed the condition.

OEA issued its Final Environmental Assessment (Final EA) on June 17, 2021, noting that no comments to the Draft EA were received and recommending again that the one previously recommended condition be imposed. Accordingly, based on OEA's recommendation, the historic preservation condition proposed in the Final EA will be imposed.

¹ URR states that the Line, which does not have mileposts, is generally bounded on the north by the Monongahela River; on the east by the McKeesport/North Versailles Township line; on the south by Lysle Blvd., 5th Avenue, Bowman Avenue, and/or East Pittsburgh McKeesport Road; and on the west by the Youghioghenny River.

This decision, and 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 notice served and published in the Federal Register on May 21, 2021, exempting the abandonment of the Line described above is subject to the condition that URR shall 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 Area of Potential Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. URR shall report back to OEA regarding any consultations with the SHPO, any other Section 106 consulting parties that have been identified, and the public. URR shall not file its consummation notice or initiate any salvage activities related to the abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.²
3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

² If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition set forth in the Final EA is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.