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SERVICE DATE – APRIL 27, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 338X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN SALT LAKE COUNTY, UTAH

Decided: April 26, 2022

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a 0.5-mile portion of a rail line known as the SLC Passenger Line, from milepost 743.7 to milepost 744.2 in Salt Lake City, Salt Lake County, Utah (the Line). Notice of the exemption was served and published in the Federal Register on March 29, 2022 (87 Fed. Reg. 18,056). The exemption is scheduled to become effective on April 28, 2022.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on April 1, 2022, recommending that one condition be imposed on any decision granting abandonment authority. OEA stated that UP served its environmental and historic report on the Utah State Historical Society (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 UP 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 served its Final Environmental Assessment (Final EA) on April 22, 2022. The Final EA notes that no new comments were received, and OEA therefore continues to recommend that the Section 106 condition recommended in the Draft EA be imposed.

Accordingly, based on OEA's recommendation, the condition proposed in the Final EA will be imposed.

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 March 29, 2022, exempting the abandonment of the Line described above is subject to the following condition:¹
 - (a) UP 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. UP shall report back to OEA regarding any consultations with the SHPO, any other Section 106 consulting parties that have been identified, and the public. UP 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.
3. This decision is effective on its service date.

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

¹ 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.