

SERVICE DATE – SEPTEMBER 16, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 102X)

UNION PACIFIC RAILROAD COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN BANNOCK AND BINGHAM COUNTIES, IDAHO

Decided: September 16, 2025

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon and discontinue service over an approximately 21.49-mile line of railroad known as the Fort Hall-Gay Line (Gay Branch) extending from milepost 0.03, near Fort Hall, to the end of the line at milepost 21.52, near Gay, in Bannock and Bingham Counties, Idaho. Notice of the exemption was served and published in the Federal Register on October 9, 1996 (61 Fed. Reg. 52,995). The exemption became effective on November 8, 1996.

By decision served on November 7, 1996, the Board imposed a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (formerly 16 U.S.C. § 470f), which requires UP to (a) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way until the Section 106 process of the NHPA has been completed; (b) consult with the Shoshone-Bannock Tribe prior to salvaging the right-of-way; and (c) consult with the Idaho Department of Transportation prior to salvage of a bridge located at milepost 80.77 on the Gay Branch.

On May 5, 2025, UP filed a request asking the Board to waive its no-partial-consummation policy and allow UP to file a notice of consummation of abandonment of the portion of the Gay Branch that extends from milepost 1.42 to milepost 1.47, a distance of 0.05 miles. (UP Request for Partial Consummation of Aban. 2.) According to UP, following the Board's November 7, 1996 decision, it discontinued operations over the Gay Branch on November 8, 1996, but did not complete the Section 106 process and therefore has not consummated the abandonment of the line. (*Id.* at 3.) UP states that in 2024, the Idaho Transportation Department (ITD) approached UP about removing the railroad bridge on the Gay Branch passing over I-15. (*Id.*) UP explains that consummating the abandonment of the 0.05-mile segment would facilitate removal of this railroad bridge as part of an ITD project to address safety, mobility, and capacity concerns on I-15. (*Id.* at 2.)¹ Thus, UP asserts that, in order to

¹ In its request, UP states that the Board's decision imposing the Section 106 condition described the location of the bridge as milepost 80.77. According to UP, however,

facilitate ITD's highway improvement project, good cause exists to waive the Board's no-partial-consummation of abandonment policy. (*Id.* at 4-5); see also Consummation of Rail Line Abans. That Are Subject to Hist. Pres. and Other Envt'l Conditions, EP 678, slip op. at 3-4 (STB served Apr. 23, 2008) (noting that, while a railroad should not file a notice of consummation for property subject to the Board's jurisdiction until the historic review process is completed and the associated Section 106 condition is removed, in some cases there can be an overriding need for partial consummation).

On August 19, 2025, the Board's Office of Environmental Analysis (OEA) served a Supplemental Final Environmental Assessment. OEA states that, on June 24, 2025, it submitted a letter to the Idaho State Historic Preservation Office (SHPO) requesting concurrence with OEA's determination that the proposed abandonment, including removal of the railroad bridge, would have no adverse effect on historic properties. According to OEA, by letter dated August 1, 2025, the SHPO concurred with OEA's conclusion. OEA also states that, by telephone on August 14, 2025, the Shoshone-Bannock Tribe confirmed that they have no issues or concerns with the no adverse effect determination for the entire rail line. As a result, OEA concludes that the proposed abandonment would have no adverse effect on historic properties listed, or eligible for listing, in the National Register of Historic Places and recommends that the Board remove the Section 106 historic preservation condition imposed in the November 7, 1996 decision.

Based on OEA's recommendation, this proceeding will be reopened, and the previously imposed Section 106 historic preservation condition will be removed. In light of the removal of the condition, which was a regulatory barrier to consummation,² UP's request to consummate abandonment of only the 0.05-mile segment is likely moot.³

milepost 80.77 refers to mileposts on I-15, and not to mileposts along the Gay Branch. (*Id.* at 3 n.1.)

² Under 49 C.F.R. § 1152.29(e)(2), if a notice of consummation of abandonment is not filed within 60 days of the satisfaction, expiration, or removal of the last legal or regulatory barrier to consummation, whichever is later, the abandonment authority automatically expires. However, a railroad may request an extension of the consummation deadline, provided good cause is shown and the request is filed sufficiently in advance of the deadline to allow for timely processing.

³ Because the Board is hereby removing the Section 106 condition, UP may file a notice of consummation for the entirety of the Gay Branch in lieu of the partial consummation sought for the 0.05-mile segment alone. Nevertheless, should UP wish to proceed with its request for partial consummation, it is reminded that, "so long as there is a common carrier obligation attached to a particular segment of track, the Board will not allow that segment to become isolated from the rail system as a result of the abandonment of the adjoining segment." Cent. Or. & Pac. R.R.—Aban. & Discontinuance of Serv.—in Coos, Douglas, & Lane Cntys., Or., AB 515 (Sub-No. 2), slip op. at 12 (STB served Oct. 31, 2008).

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 November 7, 1996 decision is removed.
3. This decision is effective on its date of service.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.