

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1023 (Sub-No. 1X)

PUGET SOUND & PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN GRAYS HARBOR COUNTY, WASH.

Decided: July 16, 2010

On January 29, 2009, Puget Sound & Pacific Railroad Company (PS&P)¹ filed a petition for exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to abandon an 8,344-foot long rail line that begins just south of where the railroad line crosses U.S. Highway 101 in Hoquiam, and proceeds in a northerly direction to the end of the line, in Grays Harbor County, Wash. The line begins 3,424 feet north of the main track clearance off of the Elma Main and is part of the line known as the Horn Spur.² Pursuant to 49 U.S.C. § 10502(b), the Board served and published in the Federal Register (74 Fed. Reg. 7,638) on February 18, 2009, a notice instituting an exemption proceeding.

The Board's Section of Environmental Analysis (SEA), in an Environmental Assessment (EA) served on March 30, 2009, considered the potential environmental impacts of the proposed abandonment and found that it would not significantly affect the quality of the human environment. In the EA, SEA recommended that PS&P be required to retain its interest in and take no further steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (National Register) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f), report back to SEA regarding any consultations with the Washington State Department of Archaeology and Historic Preservation (State Historic Preservation Office or SHPO) and any other section 106 consulting parties, and be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment until the section 106 process has been completed and the Board has removed this condition. By decision served on May 19, 2009 (May 2009 decision), the Board granted PS&P's petition for abandonment, subject to standard employee protective conditions, and the 4 conditions recommended by SEA in the EA.³

¹ PS&P is a subsidiary of RailAmerica, Inc.

² PS&P states that there are no mileposts on the line.

³ The other 3 conditions imposed in the May 2009 decision remain in effect, but are self-executing and are not a barrier to consummation by PS&P of this abandonment.

According to SEA, correspondence from the SHPO dated June 14, 2010, indicates that the SHPO has determined that the proposed abandonment would have no adverse effect on the properties affected by this undertaking that are eligible for listing or are listed in the National Register. SEA states that the documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of PS&P's historic report, all relevant correspondence, and the EA, which have been made available to the public through posting on the Board's website at <http://www.stb.dot.gov>. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the May 2009 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation 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 May 2009 decision is removed.
3. This decision is effective on its service date.

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