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SERVICE DATE – LATE RELEASE NOVEMBER 20, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 324X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN HARRIS AND CHAMBERS COUNTIES, TEX.

Decided: November 20, 2018

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 2.23-mile portion of the U.S. Steel Industrial Lead between milepost 2.4 in Baytown and milepost 4.63 at the east side of Cedar Bayou, in Harris and Chambers Counties, Tex. (the Line). Abandonment of the Line would entail the removal of a vertical lift span bridge over Cedar Bayou (Cedar Bayou Bridge). Notice of the exemption was served and published in the Federal Register on March 29, 2017 (82 Fed. Reg. 15,549). The exemption became effective on April 28, 2017.

By decision served on April 27, 2017, the Board imposed several conditions, including a condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, that requires UP to (1) retain its interest in and take no steps to alter the historic integrity of the Cedar Bayou Bridge (a vertical lift span bridge over Cedar Bayou) until the historic preservation process under Section 106 has been completed; (2) consult with Texas Historical Commission (the State Historic Preservation Officer or SHPO), OEA, and other consulting parties to resolve the adverse effect to the Cedar Bayou Bridge; (3) inform OEA in writing of all consultation with the SHPO regarding the Cedar Bayou Bridge; and (4) not file its consummation notice or remove or dispose of the Cedar Bayou Bridge until the Section 106 process has been completed and the Board has removed the condition.

In a Supplemental Final Environmental Analysis dated November 8, 2018, OEA notified the Board that OEA, the SHPO, UP, and other Section 106 consulting parties executed a Memorandum of Agreement (MOA) to resolve the adverse effect to the Cedar Bayou Bridge. OEA states that the submission of this MOA to the Advisory Council on Historic Preservation completes the Board's compliance responsibilities under Section 106 of NHPA. For this reason, OEA recommends removing the historic preservation condition imposed in the April 27, 2017 decision.

Accordingly, based on OEA's recommendation, this proceeding will be reopened and the previously imposed historic preservation condition will be removed. The other conditions imposed in the April 27, 2017 decision remain in effect.

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 April 27, 2017 decision is removed.
3. This decision is effective on its service date.

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