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SEC

SERVICE DATE – OCTOBER 19, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35237

CITY OF DAVENPORT, IA—CONSTRUCTION AND OPERATION EXEMPTION—IN
SCOTT COUNTY, IA

Decided: October 16, 2009

By petition filed on July 21, 2009, the City of Davenport, IA (the City), seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for the City to construct¹ approximately 2.8 miles of rail line, beginning at the Eldridge Line of the Iowa Chicago & Eastern Railroad (IC&E) Blackhawk Road crossing, curving to the west through the City of Eldridge and the Eldridge Industrial Park and commercial development, crossing agricultural land, and terminating at the Research Parkway in the Eastern Iowa Industrial Center.

The petition for exemption raises issues that require consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(b). The issues presented will be addressed in a subsequent decision.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted.
2. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary

¹ By letter filed on September 8, 2009, the City states that it understands that, as the line's owner, it will retain a residual common carrier obligation; that it will contract with IC&E to provide service on the line; and that IC&E will file a separate notice of exemption to operate the line after construction.