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SERVICE DATE – AUGUST 15, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 213X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
DALLAS COUNTY, IA

Decided: August 14, 2007

By decision and notice of interim trail use or abandonment (NITU) served on October 25, 2004, the Board granted Union Pacific Railroad Company (UP) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad known as the Perry Subdivision, extending from milepost 296.8 near Waukee, IA, to milepost 279.9 (Equation milepost 275.9 = 361.8) near Perry, IA, and from milepost 361.8 to milepost 369.0 near Dawson, IA, a total distance of 28.1 miles, in Dallas County, IA. The exemption was granted subject to public use, environmental, and standard employee protective conditions, and the Board authorized a 180-day period for the Dallas County Conservation Board and the Iowa Natural Heritage Foundation to negotiate an interim trail use/rail banking agreement with UP. The trail use negotiation period was subsequently extended in a number of decisions, with the latest extension scheduled to expire on October 22, 2007.

The conditions imposed in the October 25 decision included a requirement that UP retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470. In a letter dated July 3, 2007, the Iowa State Historic Preservation Officer (SHPO) informed the Board's Section of Environmental Analysis (SEA), that it had no outstanding issues concerning the 106 requirements, and that the proposed abandonment would have no effect on historic properties. Therefore, based on the information provided, SEA recommends that the section 106 condition imposed in this proceeding be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ All other conditions imposed in the October 25 decision remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the October 25, 2004 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary