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SERVICE DATE – LATE RELEASE FEBRUARY 16, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 300X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
POTTAWATTAMIE COUNTY, IOWA

Docket No. AB 414 (Sub-No. 6X)

IOWA INTERSTATE RAILROAD, LTD.—DISCONTINUANCE OF SERVICE  
EXEMPTION—IN POTTAWATTAMIE COUNTY, IOWA

Decided: February 15, 2012

This decision reopens the proceeding to remove the previously imposed Section 106 historic preservation condition.

By decision served on January 20, 2012, the Board, under 49 U.S.C. § 10502, exempted Union Pacific Railroad Company (UP) and Iowa Interstate Railroad, Ltd. (IAIS) (collectively, petitioners) from the prior approval requirements of 49 U.S.C. § 10903 to permit: (1) UP to abandon and IAIS to discontinue service over UP's railroad line, known as the Chicago and Great Western Industrial Lead, between milepost 503.6 and milepost 504.05, a distance of approximately 0.45 miles, in Council Bluffs, Pottawattamie County, Iowa (the UP line); (2) UP to abandon and IAIS to discontinue service over UP's connecting track from UP milepost 503.85 on the UP line to the end point at IAIS milepost 486.8, a distance of 400 feet (the UP connecting track); (3) IAIS to discontinue its trackage rights over the UP line and the UP connecting track; and (4) UP to discontinue its overhead trackage rights over that portion of IAIS's mainline from IAIS milepost 486.8 to IAIS milepost 488.0, a distance of 1.2 miles. The Board granted the exemption subject to a historic preservation condition and standard employee protective conditions. The exemption is scheduled to become effective on February 19, 2012.

The historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f), required petitioners to: (1) retain their interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (Area of Potential Effects) that are eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the NHPA; (2) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the State Historical Society of Iowa (SHPO) and the public; and (3) not file their consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

By letter filed on January 24, 2012, UP requests that the Section 106 historic preservation condition be removed. UP attaches to its letter a copy of a letter dated January 23, 2012, from the SHPO stating that the UP line and connecting track does not meet any of the eligibility criteria for listing on the National Register. Therefore, based on the information provided, OEA recommends that the Section 106 historic preservation condition be removed. Accordingly, the proceeding will be reopened and the previously imposed Section 106 historic preservation condition will be removed.

This decision 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 January 20 decision is removed.
3. This decision is effective on its date of service.

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