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SERVICE DATE - LATE RELEASE OCTOBER 23, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 235X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
CALHOUN AND WEBSTER COUNTIES, IA

Decided: October 23, 2009

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon the Roelyn Industrial Lead from milepost 5.28 near Roelyn to milepost 8.05 near Somers, a distance of 2.77 miles in Calhoun and Webster Counties, IA. Notice of the exemption was served and published in the Federal Register on May 23, 2008 (73 FR 30186-87). The exemption was scheduled to become effective on June 25, 2008.

By decision served on June 24, 2008, the Board reopened the proceeding and imposed the following environmental conditions recommended by the Board's Section of Environmental Analysis (SEA): (1) prior to conducting salvage activities, UP shall consult with the Calhoun County Board of Supervisors to address its concerns regarding potential impacts that may occur during salvage activities to the following drainage Districts located under the right-of-way of the line proposed for abandonment: (i) Drainage District No. 75 located in Section 35 of Greenfield Township (35-88-31); (ii) Drainage District No. 97 located in Section 35 of Greenfield Township (35-88-31); (iii) Joint Drainage District No. 95 Calhoun & No. 70 Webster located in Section 36 of Greenfield Township (36-88-31); and (iv) Joint Drainage District No. 31 Calhoun & No. 16 Webster Open Ditch located in Sections 2 & 3 of Cedar Township (2&3-87-31); (2) UP shall consult with the Calhoun and Webster County Conservation Boards regarding the potential impact on agricultural drainage systems along and through the railroad grade to determine the need to conduct an inventory of native plants within the project area prior to the onset of salvage activities; (3) if salvage activities include bridge removal, UP shall (a) remove all fill material to an upland, non-wetland site; (b) remove all pilings to at least one foot below streambed elevations; (c) seed all disturbed areas with native grasses; and (d) take measures to ensure that sediments are not introduced into waters of the United States; and (4)(a) UP shall 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 eligible for listing or listed in the National Register of Historic Places until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f), and (b) report back to SEA regarding the results of any consultations with the Iowa State Historic Preservation Office (SHPO).

SEA notes that, by letter dated September 15, 2009, UP requested that condition (4), the historic preservation condition, be removed, and in support it submitted a letter from the SHPO confirming that there are no historical sites or structures that would be affected by the proposed abandonment. Therefore, SEA recommends that condition 4 be removed. Based on SEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.<sup>1</sup>

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, condition 4, the section 106 historic preservation condition, imposed in the June 24, 2008 decision is removed.
3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary

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<sup>1</sup> Conditions (1) through (3) remain in effect.