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SERVICE DATE – AUGUST 15, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 200X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN  
FRANKLIN AND BUTLER COUNTIES, IA

Decided: August 14, 2007

Union Pacific Railroad Company (UP) filed a petition of exemption under 49 U.S.C. 10502 to abandon the eastern portion of its Bristow Subdivision, extending between milepost 318.36 near Hampton and milepost 294.75 near Allison, a distance of 23.61 miles, in Franklin and Butler Counties, IA. Notice of the exemption was served and published in the Federal Register on June 27, 2003 (68 FR 38421). The exemption became effective on October 27, 2003.

By decision served on September 26, 2003 (September 2003 decision), the Board granted the exemption, subject to the conditions that UP shall: (1) retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; (2) notify the National Geodetic Survey 90 days prior to salvage activities in order to plan for the potential relocation of geodetic station markers (Condition 2); (3) leave intact all of the right-of-way, including bridges, trestles, culverts, and tunnels (but not track and track materials, except ballast), for a period of 180 days from the effective date of the September 2003 decision and notice, to enable any state or local government agency or other interested person to negotiate the acquisition of the line for public use;<sup>1</sup> and (4) comply with the terms and conditions for implementing interim trail use/rail banking set forth in the September 2003 decision (Condition 4).<sup>2</sup>

On July 17, 2007, UP submitted findings from the State Historical Society of Iowa (SHPO), dated July 3, 2007, that the SHPO had no outstanding section 106 issues regarding the abandonment. On July 18, 2007, SEA contacted the SHPO by phone to confirm its opinion regarding the potential effects on historical properties, and the SHPO stated that the proposed abandonment would have no effect on historic properties. Therefore, SEA recommends that the section 106 historic preservation condition be removed.

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<sup>1</sup> The public use condition imposed in the September 2003 decision has expired.

<sup>2</sup> The Board has granted several extensions of the notice of interim trail use (NITU) negotiating period. The most recent request was granted in a decision served on March 30, 2007, that extended the NITU negotiating period until September 6, 2007.

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

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 historic preservation condition imposed in the September 2003 decision is removed. Conditions 2 and 4, imposed in the September 2003 decision, remain in effect.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary