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SERVICE DATE – AUGUST 7, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 175X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN
HAMILTON COUNTY, IA

Decided: August 6, 2007

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon its Ellsworth Industrial Lead, a 3.2-mile line of railroad, between milepost 0.0, near Jewell, and milepost 3.2, at Ellsworth, in Hamilton County, IA. Notice of the exemption was served on March 29, 2006, and published in the Federal Register on April 4, 2006 (71 FR 16855-56). The exemption became effective on April 28, 2006.

By decision served on April 28, 2006 (April 2006 decision), the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that UP shall: (1) in the event the proposed project involves the removal of bridges, remove all fill material to an upland, non-wetland site; remove all pilings to at least 1 foot below streambed elevations; seed all disturbed areas with native grasses; and take measures to ensure that sediments are not introduced into waters of the United States (Condition 1); and (2) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are 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. 470f, and report back to SEA regarding any consultation with the Iowa State Historic Preservation Office (SHPO) or any other party consulted during the section 106 process.

On July 17, 2007, UP submitted findings from the 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.

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 April 2006 decision is removed. Condition 1, imposed in the April 2006 decision, remains 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