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SERVICE DATE – AUGUST 15, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 225X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN CERRO
GORDO COUNTY, IA

Decided: August 14, 2007

By decision and notice of interim trail use or abandonment (NITU) served on June 1, 2005, 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 Thornton Industrial Lead, from milepost 2.0 near Flint, IA, to milepost 17.14 near Thornton, IA, a distance of 15.14 miles, in Cerro Gordo County, IA. The exemption was granted subject to environmental and standard employee protective conditions. Also, in response to a request by Iowa Trails Council (Iowa Trails), the Board issued a NITU to permit Iowa Trails to negotiate with UP for acquisition of the line for use as a trail under the National Trails System Act, 16 U.S.C. 1247(d), for a 180-day period. The trail use negotiation period was subsequently extended in a number of decisions. By letter filed October 5, 2006, Iowa Trails informed the Board that it had purchased the UP right-of-way for conversion to a trail.

The conditions imposed in the June 1 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 June 1 decision remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the June 1, 2005 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