

40989
DO

SERVICE DATE – LATE RELEASE AUGUST 24, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 248X)

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

Decided: August 23, 2010

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a portion of its line of railroad known as the Bondurant Industrial Lead, extending from milepost 225.56 near Berwick to milepost 232.80 near Bondurant, a distance of 7.24 miles, in Polk County, Iowa. Notice of the exemption was served and published in the Federal Register on February 18, 2010 (75 Fed. Reg. 7,302-03). The exemption became effective on March 20, 2010.

The Board's Section of Environmental Analysis (SEA), in an Environmental Assessment (EA) served on February 23, 2010, considered the potential environmental impacts of the proposed abandonment and found that it would not significantly affect the quality of the human environment. By decision served on March 19, 2010 (March 2010 decision), the proceeding was reopened at the request of SEA and the exemption was made subject to the conditions that UP shall: (1) consult with Iowa Department of Natural Resources regarding its permit requirement, and consult with Polk County Conservation Board for its comments regarding the proposed abandonment, prior to beginning any salvage activities; (2) consult with the U.S. Army Corps of Engineers, prior to beginning any salvage activities, regarding possible § 404 requirements; and (3)(a) retain its 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 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; (b) report back to SEA regarding any consultations with the Iowa Historic Preservation Officer (SHPO) and the public; and (c) be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process had been completed and the Board has removed this condition.

SEA states that, on July 21, 2010, UP submitted verification from the SHPO dated April 6, 2010, confirming that the SHPO has no outstanding Section 106 issues with the proposed abandonment. Therefore, based on the information provided, SEA recommends that the Section 106 historic preservation condition imposed in the March 2010 decision 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.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the March 2010 decision is removed.
3. This decision is effective on its service date.

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

¹ The other 2 conditions imposed in the March 2010 decision remain in effect, but are self-executing and are not a barrier to UP's consummation of this abandonment.