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SERVICE DATE - NOVEMBER 6, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 143X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN WRIGHT, FRANKLIN AND CERRO GORDO COUNTIES, IA

Decided: November 1, 2000

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 12.38-mile line of railroad over the Thornton Industrial Lead (formerly known as the Fort Dodge Branch) from milepost 17.14 near Thornton to milepost 29.52 near Belmond, in Wright, Franklin and Cerro Gordo Counties, IA. Notice of the exemption was served and published in the Federal Register on January 12, 2000 (65 FR 1947-48).

By decision and notice of interim trail use (NITU) served on February 10, 2000, the proceeding was reopened and the exemption was made subject to the conditions that UP shall: (a) coordinate with the U.S. Department of the Interior, Fish and Wildlife Service (FWS), Rock Island Field Office, to determine whether surveys of vegetation types in the area of salvage operations are needed and to conduct any such surveys during an appropriate time of the year (FWS consultation condition); and (b) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (historic preservation condition).¹

In a letter filed October 16, 2000, UP states that, in a telephone conversation between HDR Engineering, Inc., and FWS regarding the necessity of a survey for endangered plant species, it has been concluded that the plant surveys will not be required. UP also attaches a UP letter dated September 22, 2000, stating its understanding that plant surveys would not be required, and bearing a stamp indicating that FWS has no objection. As a result of this submission, the Board's Section of Environmental Analysis recommends that the FWS consultation condition be removed.

¹ The NITU, issued under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d), provided a 180-day period for Iowa Trails Council and Wright County Conservation Board, a county government agency, to negotiate an interim trail use/rail banking agreement with UP for the right-of-way in this proceeding. The NITU negotiation period was subsequently extended to February 5, 2001, by decision served August 1, 2000.

Accordingly, this proceeding will be reopened and the FWS consultation condition will be removed. The historic preservation condition remains in effect.

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, the FWS consultation condition imposed in the February 10, 2000 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