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SERVICE DATE - APRIL 16, 2001

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: April 10, 2001

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights 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, 2000,¹ 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 such surveys during an appropriate time of the year; 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.

On March 26, 2001, the Board's Section of Environmental Analysis (SEA) received a letter from UP requesting that the historic preservation condition be removed. In support of its request, UP attached a letter, which included an indication by the State Historical Society of Iowa that there are no properties listed in or eligible for inclusion in the National Register of Historic Places located in the proposed project area. Therefore, SEA recommends that the historic preservation condition imposed in the February 10, 2000 decision be removed.²

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 negotiating period was subsequently extended to August 4, 2001, by decisions served August 1, 2000, and February 2, 2001.

² The FWS condition imposed in the February 10 decision was removed by decision served November 6, 2000.

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

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 section 106 historic preservation condition imposed in the decision served February 10, 2000, 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