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SERVICE DATE - DECEMBER 15, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 153X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, IA

Decided: December 12, 2000

By decision and notice of interim trail use or abandonment served September 1, 2000, Union Pacific Railroad Company (UP) was granted 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 Oskaloosa Subdivision, extending between milepost 312.1 near Eddyville and milepost 322.9 near Maxon, a distance of 10.8 miles in Monroe County, IA.¹ UP was also exempted from the offer of financial assistance requirements of 49 U.S.C. 10904 and the public use requirements of 49 U.S.C. 10905 for the northern segment of the line between milepost 312.1 and milepost 315.1. The exemption became effective: (1) with respect to the line segment between mileposts 312.1 and 315.1 on September 1, 2000, and (2) with respect to that portion of the line between mileposts 315.1 and 322.9 on October 1, 2000.

By letter filed October 17, 2000, The Department of the Army, Rock Island District, Corps of Engineers (Corps), informed the Board's Section of Environmental Analysis (SEA) that, during salvage activities, any proposed placement of fill or dredged material into waters of the United States (including wetlands) requires authorization by the Department of the Army. The Corps also indicated that the Des Moines River is a navigable waterway and that salvage activities should not result in an obstruction to navigation. Therefore, SEA recommends that an additional condition be imposed requiring UP to consult with the Corps, Rock Island District,

¹ The exemption was made subject to standard employee protective conditions and to the conditions that UP shall: (1) consult with the U.S. Department of the Interior, Fish and Wildlife Service, prior to engaging in any salvage activities; (2) during salvage operations, (a) avoid possible conversion of wetlands, (b) make sure that highly erodible land is covered under an acceptable conservation plan, and (c) contact John Freiden, District Conservationist with the Natural Resources Conservation Service; (3) notify the National Geodetic Survey 90 days prior to any salvage activities in order to plan for the relocation of any geodetic station markers that may be affected by the proposed abandonment; (4) leave intact all of the right-of-way between milepost 315.1 and milepost 322.9, including bridges, trestles, culverts and tunnels (but not track and track materials), for a period of 180 days from the effective date of the September 1 decision and notice, to enable any State or local government agency or other interested person to negotiate the acquisition of the line for public use; and (5) comply with the terms and conditions for implementing interim trail use/rail banking as set forth in the September 1 decision and notice.

prior to salvage activities to determine whether any permits are necessary. The recommended condition will be imposed.

As conditioned, 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 exemption of the abandonment of the line described above is subject to the condition that UP, prior to engaging in any salvage activities, consult with the U.S. Army Corps of Engineers, Rock Island District, to determine if permits are necessary.
3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary