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SERVICE DATE – MARCH 18, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 190X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN DUNN  
COUNTY, WI

Decided: March 17, 2003

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2-mile line of railroad, known as the Menomonie Industrial Lead, extending from milepost 0.90 near Stout Oak Street to milepost 2.90 near 12th Avenue West, in Dunn County, WI. Notice of the exemption was served and published in the Federal Register on January 10, 2003 (68 FR 1510-11). The exemption became effective on February 9, 2003.

By decision served on February 7, 2003 (February 7 decision), the proceeding was reopened and, based upon the recommendation of the Board's Section of Environmental Analysis (SEA), the exemption was made subject to two conditions requiring that: (1) UP shall consult with the Wisconsin Department of Transportation prior to salvage operations; and (2) UP shall retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). In the February 7 decision, a notice of interim trail use was also issued authorizing a 180-day period for the City of Menomonie, acting through the Wisconsin Department of Transportation, to negotiate an interim trail use/rail banking agreement with UP for the right-of-way in this proceeding.

By letter filed on February 27, 2003, UP requests that the historic preservation condition imposed on the entire line be modified to limit the condition to the two bridges, D-3 and D-5, located at mileposts 2.12 and 2.38, respectively. In support of its request, UP attaches a copy of a letter dated July 9, 2002, from the Wisconsin Historical Society to UP, stating that the two bridges on the line could be eligible for inclusion in the National Register of Historic Places. Based upon SEA's further review, SEA recommends that the section 106 historic preservation condition imposed in the February 7 decision be modified as follows: UP shall retain its interest in and take no steps to alter the historic integrity of bridge D-3 at milepost 2.12 and bridge D-5 at milepost 2.38 until completion of the section 106 process of the NHPA. Consistent with SEA's recommendation, the proceeding will be reopened and the section 106 condition will be modified as requested.

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 condition imposed in the February 7 decision is modified as follows: UP shall retain its interest in and take no steps to alter the historic integrity of bridge D-3 at milepost 2.12 and bridge D-5 at milepost 2.38 until completion of the section 106 process of the NHPA.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary