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SERVICE DATE – JUNE 24, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 235X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
CALHOUN AND WEBSTER COUNTIES, IA

Decided: June 23, 2008

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon the Roelyn Industrial Lead from milepost 5.28 near Roelyn to milepost 8.05 near Somers, a distance of 2.77 miles in Calhoun and Webster Counties, IA. Notice of the exemption was served and published in the Federal Register on May 23, 2008 (73 FR 30186-87). The exemption is scheduled to become effective on June 25, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 30, 2008. In the EA, SEA recommends four conditions. First, SEA notes that the Calhoun County Board of Supervisors (CCBS) has indicated to UP that the railroad right-of-way crosses over the following drainage districts that could be impacted during any salvage operations: (1) Drainage District No. 75 located in Section 35 of Greenfield Township (35-88-32); (2) Drainage District No. 97 located in Section 35 of Greenfield Township (35-88-31); (3) Joint Drainage District No. 95 Calhoun & No. 70 Webster located in Section 36 of Greenfield Township (36-88-31); and (4) Joint Drainage District No. 31 Calhoun & No. 16 Webster Open Ditch located in Sections 2 & 3 of Cedar Township (2&3-87-31). CCBS also requests that UP remove bridge pilings associated with No. 16 Webster Open Ditch and advises that any expenses associated with the repair of any of the above ditches that may occur during renovation of the rail line would be charged to UP or other parties that may take ownership of the line following abandonment. SEA recommends that a condition be imposed to ensure that the concerns of CCBS are appropriately addressed.

Second, SEA notes that the U.S. Department of Agriculture, National Resources Conservation Service (NRCS), provided comments to UP regarding the potential impact of the proposed abandonment on agricultural drainage systems along and through the railroad grade. NRCS states that activities associated with the proposed abandonment could impact remnant grasses and forbs important to Iowa's history within these areas, and suggested that the Calhoun and Webster County Conservation Boards be requested to conduct an inventory of native plants within the project area prior to the onset of salvage activities. Therefore, SEA recommends a condition requiring UP to consult with the Calhoun and Webster County Conservation Boards regarding the above prior to conducting salvage operations on the line.

Third, SEA further notes that the U.S. Army Corps of Engineers (Corps) has stated to UP that the proposed abandonment will not require a permit under Section 404 of the Clean Water Act. However, in the event that bridges are to be removed, Corps states that fill material will need to be moved to upland, non-wetland sites and bridge pilings must be removed to at least one foot below streambed elevations. Additionally, any disturbed areas need to be reseeded with native grasses and be subject to appropriate mitigation measures to prevent sedimentation of materials in the waters of the United States. Accordingly, SEA recommends a condition requiring UP to comply with the above stated actions in the event that bridges are to be removed.

Finally, SEA states that UP served its historic report on the Iowa State Historic Preservation Office (SHPO) as required by 49 CFR 1105.8. SEA also states that the SHPO has not yet submitted comments in response to the historic report. Therefore, SEC recommends a condition requiring UP to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or 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 (NHPA).

Comments to the EA were due by June 16, 2008. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

Based on SEA's recommendation, the proposed abandonment, if implemented as conditioned, 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 notice served and published in the Federal Register on May 23, 2008, exempting the abandonment of the line described above, is subject to the conditions that UP shall: (1) prior to conducting salvage activities, consult with CCBS to address its concerns regarding potential impacts that may occur during salvage activities to the following drainage Districts located under the right-of-way of the line proposed for abandonment: (i) Drainage District No. 75 located in Section 35 of Greenfield Township (35-88-31); (ii) Drainage District No. 97 located in Section 35 of Greenfield Township (35-88-31); (iii) Joint Drainage District No. 95 Calhoun & No. 70 Webster located in Section 36 of Greenfield Township (36-88-31); and (iv) Joint Drainage District No. 31 Calhoun & No. 16 Webster Open Ditch located in Sections 2 & 3 of Cedar Township (2&3-87-31); (2) consult with The Calhoun and Webster County Conservation Boards regarding the potential impact on agricultural drainage systems along and through the railroad grade to determine the need to conduct an inventory of native plants within the project area prior to the onset of salvage activities; (3) if salvage activities include bridge removal, (a) remove all fill material to an upland, non-wetland site; (b) remove all pilings to at least one foot below streambed elevations; (c) seed all disturbed areas with native grasses; and (d) take measures to ensure that sediments are not introduced into waters of the United States; and (4)(a) retain its interest in and take no

steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the section 106 process of the NHPA, and (b) report back to SEA regarding the results of any consultations with the SHPO.

3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary