

SERVICE DATE – JUNE 24, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 314 (Sub-No. 9X)

CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN BLACK HAWK COUNTY, IOWA

Decided: June 24, 2022

Chicago Central & Pacific Railroad Company (CCP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.08-mile segment of rail line, totaling approximately 419 feet, situated from approximately 100 feet east of the CCP crossing with 11th Street at the location of the point of switch turnout through and including 51 feet of track in the 11th Street crossing and continuing west approximately 268 feet to the end of the line, in Waterloo, Black Hawk County, Iowa (the Line). Notice of the exemption was served and published in the Federal Register on May 27, 2022 (87 Fed. Reg. 32,222). The exemption is scheduled to become effective on June 26, 2022.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on June 3, 2022, recommending that one condition be imposed on any decision granting abandonment authority. In the Draft EA, OEA stated that CCP served its environmental and historic report on the Iowa State Historic Preservation Office (State Historic Preservation Office, or SHPO) pursuant to 49 C.F.R. § 1105.8(c). The Draft EA noted that the SHPO responded to CCP on April 4, 2022, that the proposed abandonment presented no archaeological concerns but also that the environmental and historic report could not be considered a formal submission for the purposes of Section 106 review and consultation. OEA concluded in the Draft EA that the proposed abandonment would have no effect on historic properties listed in, or eligible for listing in, the National Register of Historic Places (National Register); however, to give the SHPO sufficient time to comment on that determination, OEA recommended imposing a condition requiring CCP to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effects) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, has been completed and the Board has removed the condition.

OEA served its Final Environmental Assessment (Final EA) on June 23, 2022. The Final EA notes that no new comments were received, and OEA therefore continues to recommend that the Section 106 condition recommended in the Draft EA be imposed.

Accordingly, based on OEA's recommendation, the condition proposed in the Final EA will be imposed.

This decision, and 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 27, 2022, exempting the abandonment of the Line described above is subject to the following condition:¹

(a) CCP shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effects) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed. CCP shall report back to OEA regarding any consultations with the SHPO and the public. CCP shall not file its consummation notice or initiate any abandonment-related salvage activities (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition set forth in the Final EA is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.