

EO-1606
DZW



Question Regarding a Rail line Abandonment
Diana Wood to: Doug.Jones

02/08/2011 02:12 PM

Mr. Jones:

I'm working with Union Pacific (UP) on a 0.2-mile rail line abandonment in Polk County Iowa. UP filed its application with the Board in February 2010, and I prepared an environmental assessment shortly thereafter (based on agency scoping and information provided by UP). We did not hear back from a number of agencies during the 15-day comment period, so imposed a number of conditions, including a Section 106 condition (see page 4 of the attached EA) that required UP to further consult with your office.

Last Friday, UP sent a letter to the Board signifying that it received concurrence from your office and that the Section 106 process had been completed. The letter concluded that there were no "no outstanding Section 106 issues." My question is whether your concurrence is based on a "no adverse effect" finding or a "no historic properties affected" finding. I believe it would be the latter, given that the railroad has indicated there are no structures on the line that are 50 years old or older, but, do not want to make the wrong assumption when writing up my recommendation to the Board to remove the Section 106 condition. Could you please let me know as soon as possible, as I know the railroad would like to complete the abandonment process soon.

Thanks so much!

Diana



EA.pdf mapattachment#40576.pdf UP ltr and SHPO's Concurrence 2-11.pdf

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Surface Transportation Board
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Mack H. Shumate, Jr. Senior General Attorney, Law Department

February 4, 2011

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

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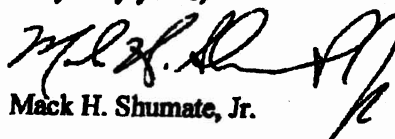
SATISFACTION SECTION 106 CONDITION

RE: Exempt Discontinuance of Service over the Ankeny Industrial Lead from Milepost 10.50 in Ankeny to Milepost 10.70 in Ankeny, a distance of .20 miles in Polk County, Iowa; STB Docket AB-33 (Sub-No. 279X)

Dear Ms. Brown:

Attached hereto as Exhibit A is the response from the Iowa State Historic Preservation Office indicating that there are no outstanding issues under Section 106 of the National Historic Preservation Act with regard to the above-referenced abandonment. Union Pacific respectfully requests that the Board acknowledge satisfaction of the Section 106 condition and issue a decision to that effect.

Very truly yours,


Mack H. Shumate, Jr.

Attachment

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EXHIBIT A

MAR 09 2010
090977095



March 4, 2010

State Historical Society of Iowa

C/O Jerome Thompson

600 East Locust

Des Moines, IA 50319-0290

RE: Exempt Discontinuance of Service over the Ankeny Industrial Lead from Milepost 10.50 in Ankeny to Milepost 10.70 in Ankeny, a distance of .20 miles in Polk County, Iowa; STB Docket AB-33 (Sub-No. 279X)

Dear Mr. Jerome Thompson:

In a letter dated September 14, 2009, Union Pacific Railroad Company ("Union Pacific") notified your office of its planned abandonment of a portion of the Ankeny Industrial Lead (the "Line") in Polk County, Iowa under STB Docket No. AB-33 (Sub-No. 279X). In that there are no structures on the Line fifty (50) years old or older, Union Pacific did not send a subsequent letter with photographs of any bridges or other structures on the Line.

The abandonment exemption was filed February 18, 2010. Even though there are no qualifying historic structures on the Line, the Surface Transportation Board ("STB") desires verification that your office sees no outstanding issues under Section 106 of the National Historic Preservation Act. Accordingly, if you concur that there are no outstanding Section 106 issues regarding the Line, please verify by signing and dating the duplicate original of this letter and return same to me in the enclosed self-addressed envelope, or if you prefer, you may respond via email to cgraham@up.com with a signed version of the letter in PDF format.

Thank you for your assistance in this matter. If you have any questions, please call me at 402/544-1643.

Sincerely,

A handwritten signature in cursive script, appearing to read "Colleen Graham".

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1500, Omaha, NE 68179-1500
fx (402) 501-0127



State Historical Society of Iowa
600 East Locust
Des Moines, IA 50319-0290

No Outstanding Section 106 Issues:

By: Jonathan W. Jones
Title: REVIEW COMPLIANCE PROGRAM MANAGER, SHD, SHST
Dated: 4/6/2010

Law Department

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