



Surface Transportation Board

Washington, D.C. 20423-0001

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Office of Proceedings

Meeting under Section 5, STB Reauthorization Act January 4, 2021

September 1, 2020

Part of
Public Record

Present: Members Begeman, Oberman, and Fuchs
Staff Stephanie Borges, Bill Brennan, Rachel Campbell, Alan Cassiday,
Allison Davis, Ellen Erichsen, Amanda Gorski, Ted Hunt, Craig Keats,
Stephanie Kuykendall, Lisa Novins, Valerie Quinn, John Rackson, Julie
Waddell, Elizabeth Webster, Scott Zimmerman

Topic: Docket No. FD 36412, Trustees of Joint Drainage District Nos. 6 and 56 –
Petition for Declaratory Order

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed STB Members on a Petition for Declaratory Order filed on June 19, 2020 by the Boards of Supervisors of Floyd County and Cerro Gordo County, Iowa, acting as Trustees of Joint Drainage District Nos. 6 and 56 (JDD). The petition seeks a determination that JDD's proposed installation of a culvert under Iowa Northern Railway Company's rail line embankment is not preempted under 49 U.S.C. § 10501(b).

Staff and STB Members discussed the following issues:

1. The facts and background of JDD's petition, including the proposed installation of the culvert, and previous proceedings in state court.
2. The parties' arguments regarding issues raised in the petition.
3. STB and court precedent addressing similar issues.