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OEA

SERVICE DATE – SEPTEMBER 9, 2022

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

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

Chicago Central & Pacific Railroad Company – Abandonment Exemption – Black Hawk County, Iowa.

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

On May 9, 2021, the Chicago Central & Pacific Railroad Company (CCP) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking authority to abandon a line of railroad extending approximately .08 miles from approximately 100 feet east of the CCP crossing with 11th Street, through and including the 11th Street Crossing, and continuing west for approximately 268 feet (the Line), in Waterloo, Black Hawk County. By decision served on June 24, 2022, the Board imposed a historic preservation condition for the entire Line, pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108. The Board imposed the Section 106 condition to give the State Historic Preservation Office (SHPO) additional time to review, and if appropriate, concur with the Office of Environmental Analysis' (OEA) determination of no effect to historic properties.

The Section 106 condition requires CCP to: (a) 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 (National Register) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed; (b) report back to OEA regarding any consultations with the SHPO and the public; and (c) not file a consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

On August 29, 2022, OEA received an email from CCP which included a letter from the SHPO, dated May 3, 2022. The letter from SHPO concurred with the Iowa Department of Transportation's (IDOT) determination of No Historic Properties Affected. Because the SHPO has determined that the proposed abandonment would have no effect on historic properties listed

in or eligible for listing in the National Register, OEA is recommending that the Board remove the Section 106 preservation condition.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition imposed in its June 24, 2022 decision.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.