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SERVICE DATE - NOVEMBER 7, 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: November 7, 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. Notice of the exemption was served and published in the Federal Register on May 27, 2022 (87 Fed. Reg. 32,222). The exemption became effective on June 26, 2022.

By decision served June 24, 2022, the Board imposed one condition recommended by the Board's Office of Environmental Analysis (OEA), 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 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 (NHPA), 54 U.S.C. § 306108, has been completed and the Board has removed the condition.

In a Supplemental Final Environmental Assessment served on September 9, 2022, OEA states that on August 29, 2002, OEA received correspondence from CCP that included a letter from the State Historic Preservation Office (SHPO) concurring with the Iowa Department of Transportation's determination that the proposed abandonment would have no effect on historic properties listed in or eligible for listing in the National Register. Therefore, and pursuant to its consultation with the SHPO and the public, OEA recommends that the Board remove the Section 106 historic preservation condition.

Consistent with OEA's recommendation, this proceeding will be reopened and the previously imposed Section 106 historic preservation condition will be removed.

This action 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 Section 106 historic preservation condition imposed in the June 24, 2022 decision is removed.
3. This decision is effective on its service date.

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