

38154
DO

SERVICE DATE – JULY 17, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 243X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN DEKALB COUNTY, IL

Decided: July 16, 2007

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2.3-mile portion of its Barber Greene Spur, from milepost 23.5 to milepost 25.8, in DeKalb County, IL. Notice of the exemption was served and published in the Federal Register on June 18, 2007 (72 FR 33560). The exemption is scheduled to become effective on July 18, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 22, 2007. In the EA, SEA states that the City of DeKalb (the City) has indicated that there has been a long-standing drainage problem within the railroad right-of-way to be abandoned and extending north of the proposed abandonment. SEA also states that, according to a watershed feasibility study submitted by the City, the drainage problem is due to an inadequate storm drain system that both constricts flow and ponds water along the railroad right-of-way in various locations, causing stagnant conditions and occasional flooding. Therefore, to ensure appropriate consideration of the City's stormwater management and drainage concerns, SEA recommends that UP be required to consult with the City prior to commencement of any salvage activities, and report the results of this consultation in writing to SEA prior to beginning salvage activities.

SEA has indicated that it conducted a search of the Native American Consultation Database (Database) at <http://www.nps.gov/nacd/> to identify federally recognized tribes that may have an interest in the project area. The Database indicated that the following tribes may have an interest in the proposed abandonment: Citizen Potawatomi Nation, the Forest County Potawatomi Community, the Hannahville Indian Council, the Iowa Tribe of Kansas and Nebraska, the Iowa Tribe of Oklahoma, the Peoria Tribe of Indians of Oklahoma, the Prairie Band of Potawatomi Nation, the Sac and Fox Nation of Missouri, the Sac and Fox Nation of Oklahoma, and the Sac and Fox Tribe of Mississippi in Iowa. SEA stated that it would send a copy of the EA to these tribes for their review and comment.

Based on SEA's recommendation, 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 exemption of the abandonment of the line described above is subject to the condition that UP consult with the City prior to commencement of any salvage activities, and report the results of this consultation in writing to SEA prior to beginning salvage activities.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary