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SERVICE DATE – LATE RELEASE FEBRUARY 10, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 54X)

SOO LINE RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN
RAMSEY AND BENSON COUNTIES, ND

Decided: February 10, 2005

The Soo Line Railroad Company (Soo Line) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 28.35 +/- mile line of railroad between milepost 446.0 +/- in Devils Lake, Ramsey County, ND, and milepost 474.35 +/- in Harlow, Benson County, ND. Notice of the exemption was served and published in the Federal Register on October 22, 2004 (69 FR 62117-18). The exemption became effective on November 23, 2004.

By decision served on November 22, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that Soo Line retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.¹ This historic condition was imposed because the North Dakota Historic Preservation Officer (SHPO) had requested that Soo Line prepare a Class I Cultural Resources Inventory of the Area of Potential Effect and submit it to its office for consultation.

On January 18, 2005, Soo Line submitted comments from the SHPO stating that it found the report to be acceptable and agreeing that there are no historic properties listed in or eligible for inclusion in the National Register of Historic Places that would be affected by the proposed abandonment. Therefore, based on the SHPO's comments, SEA recommends that the section 106 preservation condition imposed in the November 22, 2004 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

¹ The November 22 decision also imposed five other environmental conditions.

This decision 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 November 22, 2004 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary