

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1007X

COLORADO SPRINGS & EASTERN RAILROAD COMPANY—
ABANDONMENT EXEMPTION—IN EL PASO COUNTY, CO

Decided: February 7, 2008

Colorado Springs & Eastern Railroad Company (CS&E) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.3-mile line of railroad between milepost 602.70 and milepost 599.40, in Colorado Springs, El Paso County, CO. Notice of the exemption was served and published in the Federal Register on January 7, 2008 (73 FR 1262-63). The exemption was scheduled to become effective on February 6, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on January 11, 2008. In the EA, SEA noted that the Colorado Historic Preservation Office (SHPO) had identified the right-of-way of the proposed abandonment as potentially eligible for listing in the National Register of Historic Places (National Register) and requested that CS&E complete its Management Data Form and Linear Component Resource Form (with photographs of the line). Therefore, SEA recommended a condition that CS&E: (1) 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 right-of-way until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed; (2) report back to SEA regarding any consultations with the SHPO and the public; and (3) not file its consummation notice or initiate 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.

Comments to the EA were due by January 28, 2008. Two comments were received. By letter dated January 8, 2008, Christopher Brewer of the El Paso County Surveyor's Office expressed concern regarding the need to assemble critical land data records about the proposed abandonment. Mr. Brewer requested that CS&E provide his office with all right-of-way maps, land schedules, and engineering records related to the proposed abandonment. Therefore, in a Post Environmental Assessment (Post EA), SEA now recommends the addition of the following condition: CS&E shall consult with the El Paso County Surveyor's Office, Christopher Brewer at (719) 520-7201, regarding any critical land data that may be in the possession of CS&E for land within the right-of-way of the proposed abandonment, including right-of-way maps, land schedules, engineering records and related data.

The second comment was a January 29, 2008 letter from the SHPO indicating that the abandonment, as proposed, would have no adverse effect on the historic CS&E Line. SEA agrees with this assessment and recommends that historic preservation condition recommended in the EA not be imposed.

The environmental condition recommended by SEA in the Post EA will be imposed. 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 notice served and published in the Federal Register on January 7, 2008, exempting the abandonment of the line described above is subject to the condition that CS&E shall consult with the El Paso County Surveyor's Office, Christopher Brewer at (719) 520-7201, regarding any critical land data that may be in the possession of CS&E for land within the right-of-way of the proposed abandonment, including right-of-way maps, land schedules, engineering records and related data.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary