

SURFACE TRANSPORTATION BOARD

DECISION

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

SOO LINE RAILROAD COMPANY D/B/A CANADIAN PACIFIC RAILWAY
COMPANY—ABANDONMENT EXEMPTION—
IN HENNEPIN COUNTY, MN

Decided: October 15, 2009

Soo Line Railroad Company d/b/a Canadian Pacific Railway Company (CPR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1710 +/- foot line of railroad between milepost 3.79 +/- (east of Girard) and milepost 4.09 +/- (west of Colfax), in Hennepin County, MN. Notice of the exemption was served and published in the Federal Register on September 16, 2009 (74 FR 47638). The exemption is scheduled to become effective on October 16, 2009.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on September 21, 2009. In the EA, SEA states that CPR served its historic report on the Minnesota Historic Society (the State Historic Preservation Office or SHPO) as required by 49 CFR 1105.8. In the report, CPR states that there are no structures on the line. SEA notes that site photographs provided in the report indicates this to be the case. However, the SHPO has not yet submitted comments in response to the historic report, and, therefore, SEA has not been able to consider the SHPO's opinion before determining if the line meets the criteria for eligibility for inclusion in the National Register of Historic Places (National Register). Accordingly, SEA recommends that CPR be required 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 (the Area of Potential Effect) that are eligible for listing or listed in the National Register until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SEA also recommends that CPR be required to report back to SEA regarding the results of any consultations with the SHPO and the public and that CPR not be allowed to consummate the abandonment 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.

Comments to the EA were due by October 5, 2009. No comments were received by the due date. Accordingly, the environmental condition recommended by SEA in the 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 exemption for abandonment of the line described above is subject to the condition that, prior to commencement of any salvage activities, CPR shall: (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 project right-of-way (the Area of Potential Effect) that are eligible for listing or are listed in the National Register until the section 106 process of the NHPA 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 any salvage related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary