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SERVICE DATE – LATE RELEASE OCTOBER 6, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 56X)

SOO LINE RAILROAD COMPANY D/B/A CANADIAN PACIFIC RAILWAY  
COMPANY—ABANDONMENT EXEMPTION—  
IN BOTTINEAU, ROLETTE, AND TOWNER COUNTIES, ND

Decided: October 6, 2008

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 an approximately 61-mile line of railroad between milepost 535 +/- (in Kramer) and milepost 474.5 +/- (in Bisbee), in Bottineau, Rolette, and Towner Counties, ND. Notice of the exemption was served and published in the Federal Register on September 5, 2008 (73 FR 51883). The exemption is scheduled to become effective on October 7, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on September 12, 2008, and recommended that conditions be imposed on any decisions granting abandonment authority. In the EA, SEA notes that CPR had contacted the U.S. Army Corps of Engineers (Corps), but that no response has been received from the Corps' St. Paul District Office. Therefore, SEA recommends that, before beginning salvage activities on the line, CPR be required to consult with the Corps' St. Paul District Office regarding the Corps' requirements for salvage activities and, if applicable, to comply with the Corps' reasonable requirements.

SEA states in the EA that the North Dakota Department of Health, Environmental Health Section (Department), has recommended that CPR: (1) follow best management practices to prevent material from entering a storm drainage system or water body; (2) minimize adverse effects on bodies of water as noted in the Department's guidelines "Construction and Environmental Disturbance Requirements"; (3) report to the Department any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, known to have occurred in the past or discovered during abandonment operations; and (4) obtain a storm water runoff discharge permit, if required, during the period of site destabilization. Accordingly, SEA recommends that a condition be imposed requiring CPR to coordinate with the Department to ensure that appropriate measures are implemented during the proposed salvage activities.

Comments to the EA were due by September 26, 2008. No comments were received by the due date. Accordingly, the environmental conditions 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 conditions that CPR shall: (1) consult with the Corps' St. Paul District Office regarding its requirements and, if applicable, comply with the reasonable requirements of the Corps before beginning any salvage activities; and (2) coordinate with the Department to ensure that appropriate measures are implemented during the proposed salvage activities.
3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary