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SERVICE DATE – NOVEMBER 9, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 330 (Sub-No. 4X)

OTTER TAIL VALLEY RAILROAD COMPANY, INC.–ABANDONMENT EXEMPTION–
IN OTTER TAIL COUNTY, MINN.

Decided: November 8, 2010

Otter Tail Valley Railroad Company, Inc. (OTVR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F–Exempt Abandonments to abandon a 0.822-mile line of railroad between milepost 48.422 near Fergus Falls, and milepost 47.60 near Hoot Lake, in Otter Tail County, Minn.¹ Notice of the exemption was served and published in the Federal Register on October 8, 2010 (75 Fed. Reg. 62,445-46). The exemption is scheduled to become effective on November 10, 2010.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on October 15, 2010. In the EA, OEA states that OTVR served the historic report on the Minnesota Historical Society (SHPO) pursuant to 49 C.F.R. § 1105.8(c). OEA states that the SHPO submitted comments raising questions about the track, a bridge, and the right-of-way and asking for current photos. OEA further states that OTVR will provide the SHPO with additional information relating to the proposed salvage of the right-of-way and rail-related structures. Pending the SHPO's review of the information to be provided, OEA recommends a condition requiring OTVR 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 Effects) eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f).

Comments to the EA were due by November 1, 2010, but none were received. Accordingly, the condition recommended by OEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ OTVR states that once abandonment authority has been approved, Otter Tail Power Corporation (OTP), one of its largest shippers, has expressed an interest in purchasing a portion of the right-of-way.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on October 8, 2010, exempting the abandonment of the line described above, is subject to the condition that OTVR shall 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 Effects) that are eligible for listing or listed in the National Register until completion of the Section 106 process of the NHPA, report back to OEA regarding any consultations with the SHPO and the public, and not file its consummation notice 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.

3. This decision is effective on its date of service.

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