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SERVICE DATE - JUNE 5, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 52X)

SOO LINE RAILROAD COMPANY--ABANDONMENT EXEMPTION--IN
HENNEPIN COUNTY, MN

Decided: June 4, 2002

On June 21, 2001, Soo Line Railroad Company, doing business as Canadian Pacific Railway (the Soo Line), filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 4.7+/-mile line of railroad, the 29th Street Corridor, also known as the "Depression Line," between milepost 428.3+/- (TC&W switch turnout west of France Avenue) and milepost 423.6+/- (near the eastern edge of Cedar Avenue), in Minneapolis, Hennepin County, MN. A notice instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b) was served and published in the Federal Register on July 9, 2001 (66 FR 35827-28).

In a decision served October 9, 2001, the petition for exemption was granted, subject to a public use condition (on a portion of the line),¹ standard labor protective conditions, and the following environmental conditions: (1) the Soo Line shall retain its interest in the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA); and (2) the Soo Line shall notify the National Geodetic Survey 90 days prior to any salvage activities in order to plan for the relocation of any geodetic station markers that may be affected by the proposed abandonment.

The Board's Section of Environmental Analysis (SEA) has forwarded to the Board a copy of a Memorandum of Agreement (MOA) executed by SEA, the Minnesota State Historic Preservation Office, the Soo Line, and the Hennepin County Regional Rail Authority, concerning the section 106 historic preservation condition imposed in this proceeding. SEA indicates that the MOA, which has been signed by all parties, concludes the process implementing the section 106 process of the NHPA. SEA therefore recommends that the condition be removed. On June 3, 2002, the Soo Line also requested removal of the condition based on the MOA. The proceeding will therefore be reopened and the previously imposed historic preservation condition will be removed.²

¹ The public use condition expired on April 7, 2002.

² The NGS condition imposed in the October 9 decision remains in effect.

This action 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 decision served October 9, 2001, 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