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SERVICE DATE – MARCH 23, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-857 (Sub-No. 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC—ABANDONMENT EXEMPTION—
IN WELD COUNTY, CO

Decided: March 23, 2009

Great Western Railway of Colorado, LLC (GWRC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its Welty Branch, a 6.2-mile line of railroad, extending between milepost 0.0, at Johnstown, and milepost 6.2, near Welty, in Weld County, CO. Notice of the exemption was served and published in the Federal Register on May 6, 2008 (73 FR 25095). The exemption became effective on June 5, 2008.

By decision served on June 4, 2008 (June 4 2008 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that GWRC shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register (generally, 50 years old or older) until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed. GWRC shall report back to the SEA regarding any consultations with the Colorado State Historic Preservation Officer (SHPO) and any other section 106 consulting parties, and shall 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.¹

By letter filed on February 20, 2009, GWRC requests removal of the section 106 historic preservation condition imposed in the June 4 2008 decision. GWRC attaches to its letter correspondence dated October 1, 2008, from GWRC's consultant wherein the consultant recommends that the Welty Branch be considered eligible for listing in the National Register but determines that the proposed salvaging and rail banking of the line will have no adverse effect upon the Welty Branch. GWRC also submits correspondence dated December 3, 2008, from the SHPO concurring with the consultant's findings. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the June 4, 2008 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed condition will be removed.

¹ By decision and notice served on July 29, 2008, the proceeding was again reopened and modified to implement interim trail use/rail banking and to impose a public use condition. The public use condition expired on December 2, 2008, and by statute cannot be extended.

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 June 4, 2008 decision is removed.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary