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SERVICE DATE – OCTOBER 20, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 54X)

SOO LINE RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN
RAMSEY AND BENSON COUNTIES, ND

Decided: October 18, 2005

The Soo Line Railroad Company (Soo Line) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 28.35 +/--mile line of railroad between milepost 446.0 +/- in Devils Lake, Ramsey County, ND, and milepost 474.35 +/- in Harlow, Benson County, ND. Notice of the exemption was served and published in the Federal Register on October 22, 2004 (69 FR 62117-18). The exemption became effective on November 23, 2004. In the October 22, 2004 notice, the Board stated that, if consummation has not been effected by Soo Line's filing of a notice of consummation by October 22, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. By facsimile received on October 7, 2005, and letter filed on October 13, 2005, Soo Line has submitted a request for an extension of time for filing its notice of consummation until October 22, 2006. Soo Line states that the extension is needed primarily due to increasing inundation of portions of the line to be abandoned from the flooding of Devils Lake, which has caused the delay of salvage and track removal. Soo Line has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. The extension request will therefore be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ By decision served on November 22, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to six environmental conditions. One of the conditions that was imposed required Soo Line to retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. By decision served on February 10, 2005, the section 106 historic preservation condition was removed. The other five environmental conditions remain in effect.

It is ordered:

1. Soo Line's request for an extension of time to file a notice of consummation is granted.
2. The authority to abandon must be exercised, and the notice of consummation of the abandonment must be filed, on or before October 22, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary