

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1067X

GENERAL RAILWAY CORPORATION D/B/A IOWA NORTHWESTERN RAILROAD –
ABANDONMENT EXEMPTION – IN OSCEOLA AND DICKINSON COUNTIES, IA

Decided: September 23, 2005

On September 14, 2005, General Railway Corporation d/b/a Iowa Northwestern Railroad (IANW) filed a verified notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon 17.05 miles of track between milepost 237.25 (Engineering Station 1593+95) west of Lake Park, IA, and milepost 252.3 (Engineering Station 886+81) west of Braaksma, IA, in Dickinson and Osceola Counties, IA.

IANW states that there has been no local traffic on a portion of the line since it was purchased in 2001, and that there has been no local traffic on the remainder of the line since December 21, 2003. Under 49 CFR 1152.50(b), “[a]n abandonment or discontinuance of service or trackage rights is exempt if the carrier certifies that no local traffic has moved over the line for at least 2 years” Because there has been local traffic on the line during the 2 years prior to the filing of the notice, the line does not meet the 2-year out-of-service requirement and the proposed abandonment does not qualify for the exemption at 49 CFR 1152.50. The notice will therefore be rejected.¹

Moreover, the Board’s Section of Environmental Analysis (SEA) reviewed the notice and finds that it is not in full compliance with the Board’s environmental rules at 49 CFR part 1105.² Specifically, it appears that the Environmental and Historic report was mailed to Federal, state, and local agencies on September 2, 2005. However, under 49 CFR 1105.7(b), that report must be served upon the specified agencies at least 20 days prior to filing the verified notice of exemption with the Board. Additionally, it appears that the report was mailed to several

¹ This action is without prejudice to IANW’s refileing its verified notice after the line becomes eligible for use of the class exemption at 49 CFR 1152.50. As an alternative, IANW could consider filing a petition for exemption as a means of seeking Board authorization for the proposed abandonment. IANW is advised that any refileing should be filed under STB Docket No. AB-1067 (Sub-No. 1X) and include the appropriate filing fee.

² For assistance in complying with the environmental rules, IANW should contact SEA at (202) 565-1539 or write to: Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423-0001.

incorrect addresses and that the Natural Resources Conservation Service (formerly the U.S. Soil Conservation Service) was not included on the railroad's list of served agencies.

The correct addresses are as follows: (1) for the Iowa State Clearinghouse, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, IA 50309; (2) for the State Environmental Protection Agency, Department of Natural Resources, Environmental Protection Division, Wallace State Office Building, 502 East 9th Street, Des Moines, IA 50319-0034; (3) for the U.S. Army Corps of Engineers, Omaha District, 215 N. 17th Street, Omaha, NE 68102-4978; (4) for the National Park Service, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, NE 68102; (5) for the Natural Resources Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309; and (6) for the National Geodetic Survey, 1315 East-West Highway, Silver Spring, MD 20910-3282.

Also, IANW should confirm the milepost designations it has used in this filing. In the notice, IANW indicates that the line runs from milepost 237.25 to milepost 252.3, while in its environmental report and in its attached letter to the Army Corps of Engineers, it indicates that the line runs from milepost 235.25 to milepost 252.3. The use of milepost 235.25 as one endpoint would appear to match the 17.05 described length of the line.

Finally, IANW did not file a certification of publication of a newspaper notice, as required by 49 CFR 1105.12.

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

It is ordered:

1. The verified notice of exemption is rejected.
2. This decision is effective on the service date.

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

Vernon A. Williams
Secretary