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SERVICE DATE - NOVEMBER 24, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-857X

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

Decided: November 20, 2003

Great Western Railway of Colorado, LLC (GWRC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its Eaton Subdivision located between milepost 30.8 near Windsor, and milepost 42.5 near Eaton, totaling approximately 11.7 miles, in Weld County, CO. Notice of the exemption was served and published in the Federal Register on November 10, 2003 (68 FR 63846-47). The exemption is scheduled to become effective on December 10, 2003.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding which was served on November 14, 2003. In the EA, SEA states that the National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Accordingly, SEA recommends that a condition be imposed requiring GWRC to notify NGS 90 days prior to any salvage activities in order to plan for the markers' relocation.

SEA also states that the Colorado Historical Society, Office of Archaeology and Historic Preservation (SHPO) has indicated that abandonment of the line and removal of the trackage will have no adverse effect on the rail line, provided that the following measures are taken: (1) the grade of the railroad bed should not be changed during the track removal process; (2) the four bridges on the line and the five rail sidings at Bruce, Severance, Hurrich, Tuber, and Gates must be photographed prior to track removal, using black and white film, with a set of prints forwarded to the SHPO's office; and (3) if, in the future, the bridge superstructures or railroad embankments are to be altered/demolished, GWRC should consult with the SHPO's office. Accordingly, SEA states that, pending resolution of the issues raised by SHPO, a condition be imposed requiring GWRC to retain its interest in and take no steps to alter the historic integrity of the property until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. Accordingly, the conditions recommended by SEA will be imposed.

As conditioned, this decision 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 exemption of the abandonment of the line described above is subject to the conditions that GWRC shall: (1) notify NGS 90 days prior to any salvage activities in order to plan for the relocation of the two geodetic markers identified by NGS that may be affected by the proposed abandonment; and (2) retain its interest in and take no steps to alter the historic integrity of the property until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary