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SERVICE DATE - AUGUST 14, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 45X)

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

Decided: August 12, 1998

Soo Line Railroad Company (Soo) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately .62+/-mile line of its railroad on the Farmington Minnesota Line between milepost 143.73+/- to milepost 144.35+/- in Farmington, Dakota County, MN. Notice of the exemption was served and published in the Federal Register on July 17, 1998 (63 FR 38691-92). The exemption is scheduled to become effective on August 16, 1998.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served July 31, 1998, indicating that the right-of-way may be suitable for other public use following abandonment in this proceeding. On August 6, 1998, the Minnesota Department of Transportation (Mn/Dot) filed a request for a 180-day public use condition under 49 U.S.C. 10905. See Rail Abandonments--Use of Rights-of-Way As Trails, 2 I.C.C.2d 591, 609 (1986).<sup>1</sup> Mn/Dot states that it is considering the acquisition of the rail corridor for alternative transportation and transmission usages. Mn/Dot states that it needs the full 180-day period allowed to study alternative transportation usages, obtain right-of-way appraisals, and to negotiate with Soo.

Mn/Dot's submission meets the requirements for a public use condition prescribed at 49 CFR 1152.28(a)(2) by specifying: (i) the condition sought; (ii) the public importance of the condition; (iii) the period of time for which the condition would be effective; and (iv) justification for the imposition of the period of time requested. Accordingly, the requested 180-day public use condition will be imposed.

A public use condition is not imposed for the benefit of any one potential purchaser, but rather to provide an opportunity for any interested person to acquire the right-of-way that has been found suitable for public purposes.

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<sup>1</sup> Under 49 U.S.C. 10905, the Board may prohibit the disposal of rail properties that are proposed for abandonment and are suitable for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment.

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 notice of exemption published in the Federal Register on July 17, 1998, exempting the abandonment of the line described above, is subject to the condition that Soo shall keep intact all of the right-of-way underlying the track, including bridges, trestles, culverts and tunnels (but not track or track materials), for a period of 180 days from the August 16, 1998 effective date (until February 12, 1999), to enable any State or local government agency, or other interested person to negotiate the acquisition of the line for public use.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary