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SERVICE DATE - DECEMBER 30, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-391 (Sub-No. 7X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN MCLEAN , SHERIDAN AND WELLS COUNTIES, ND

Decided: December 27, 1999

Red River Valley & Western Railroad Company (RRVW) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon approximately 56.34 miles of rail line from milepost 29.16 west of Bowdon and to milepost 85.5, at the end of the track, west of Turtle Lake, in McLean, Sheridan and Wells Counties, ND. Notice of the exemption was served and published in the Federal Register on December 2, 1999 (64 FR 67619-20). The exemption is scheduled to become effective on January 1, 2000.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served on December 7, 1999. In the EA, SEA states that, based on information provided by the North Dakota Department of Health (NDDH) (which was set out in a letter from NDDH that was included with RRVW's environmental report), it is recommended that a condition be imposed requiring RRVW to comply with the NDDH's "Construction and Environmental Disturbance Requirements." Therefore, SEA recommends that RRVW comply with NDDH's "Construction and Environmental Disturbance Requirements."

SEA also states that the National Geodetic Survey (NGS) has identified 32 geodetic station markers that may be affected by the abandonment. NGS requests that it be notified 90 days in advance of any activities that would disturb or destroy these markers to plan for their relocation. Therefore, SEA recommends that a condition be imposed requiring RRVW to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

The recommended conditions 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 rail line described above is subject to the conditions that RRVW shall: (a) comply with the NDDH's "Construction and

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Environmental Disturbance Requirements;” and (b) consult with the NGS and provide NGS with 90 days’ notice prior to disturbing or destroying any geodetic station markers.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary