

SERVICE DATE - MAY 26, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-857X

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

Decided: May 21, 2004

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).

By decision served November 24, 2003 (November 2003 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that GWRC 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.

By letter filed May 10, 2004, the Colorado Historical Society (CO SHPO) indicates that the terms of the "Conditional No Adverse Effect" finding of August 27, 2003, have been met and that the CO SHPO's review process has been completed. Therefore, SEA recommends that the historic preservation condition imposed in the November 2003 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

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.

¹ The November 2003 decision also imposed a condition that GWRC notify the National Geodetic Survey (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. This condition remains in effect.

2. Upon reconsideration, the section 106 historic preservation condition imposed in the November 2003 decision is removed.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary