

28505

SERVICE DATE - NOVEMBER 7, 1997

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

NO. AB-391 (SUB-NO. 3X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
--ABANDONMENT EXEMPTION-- IN BENSON COUNTY, ND

### BACKGROUND

In this proceeding, the Red River Valley & Western Railroad Company (RRVW) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line from milepost 16.56, near Maddock, to milepost 28.5, near Esmond, a distance of 11.94 miles in Benson County, North Dakota. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

No rail traffic has originated or terminated on the line since 1993, and it is currently under embargo because of poor track conditions.

### ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have verified the record in this proceeding. Responses to the railroad's request for comments thus far have indicated the need for two conditions, as set forth below.

### Conditions

The U.S. Army Corps of Engineers (the Corps) has indicated that the line is in an area containing wetlands subject to the Corps' jurisdiction. Therefore, **we recommend that a condition be**

placed on any decision granting abandonment authority requiring the railroad to consult with the Corps in advance of salvage operations to obtain, if necessary, a permit under 33 C.F.R. 320-330.

Based on information provided by the North Dakota Department of Health, we recommend that a condition be placed on any decision granting abandonment authority requiring the railroad to comply with the North Dakota Department of Health's "Construction and Environmental Disturbance Requirements".

### **CONCLUSIONS**

Based on the information provided from all sources to date and subject to the recommended conditions, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the right-of-way may be appropriate for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other

reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

**ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment. **Please refer to Docket No. Ab-391 (Sub.-No.3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr.McNulty at(202) 565-1539.

Date made available to the public: November 3, 1997.

**Comment due date: November 18, 1997.**

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

MAP TO BE SCANNED