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SERVICE DATE - AUGUST 1, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-391 (Sub-No. 9X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY—ABANDONMENT  
EXEMPTION—IN LAMOURE AND BARNES COUNTIES, ND

Decided: July 26, 2002

Red River Valley & Western Railroad Company (RRVW) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 32.9 miles of rail line from approximately milepost 27.4 in or near Lucca, ND, to the end of the line at approximately milepost 60.3 in or near Marion, ND, in LaMoure and Barnes Counties, ND. Notice of the exemption was served and published in the Federal Register on January 25, 2002 (67 FR 3779). The exemption became effective on February 26, 2002.

By pleading filed July 3, 2002, Sheyenne River Valley National Scenic Byway (SRV), a public interest organization, requests the issuance of a notice of interim trail use (NITU) under the National Trails System Act, 16 U.S.C. 1247(d), and the imposition of a public use condition under 49 U.S.C. 10905, in order to negotiate with RRVW for use of the right-of-way as a recreational trail. SRV's request, which was dated June 25, 2002,<sup>1</sup> indicated that it was being served on RRVW.

On June 5, 2002, RRVW informed the Board that it had consummated abandonment of the 32.9-mile line of railroad on May 28, 2002. Consummation of the abandonment ended the Board's jurisdiction over the line. Therefore, the Board no longer has jurisdiction to impose a NITU or a public use condition.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

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<sup>1</sup> The January 25 notice provided that trail use/trail banking requests had to be filed by February 4, 2002, and that requests for public use conditions had to be filed by February 14, 2002.

It is ordered:

1. The requests for issuance of a notice of interim trail use/rail banking and for issuance of a public use condition are denied.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary