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SERVICE DATE - NOVEMBER 24, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 49X)

SOO LINE RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN MACINTOSH COUNTY, ND

Decided: November 19, 1999

Soo Line Railroad Company (Soo) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 19.0+/-mile portion of its line of railroad known as the Pollack Line between milepost 342.0+/-near Wishek and milepost 361.0+-at the end of the track near Ashley, in MacIntosh County, ND. Notice of the exemption was served and published in the Federal Register on October 27, 1999 (64 FR 57927). The exemption is scheduled to become effective on November 26, 1999.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 1, 1999. In the EA, SEA states that the National Geodetic Survey (NGS) has identified 11 geodetic station markers that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy these markers to plan for their relocation. Therefore, SEA recommends that a condition be imposed requiring Soo to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

SEA also states that the North Dakota Department of Health (NDDH) requests that Soo take necessary precautions to avoid spills of any materials which would have an adverse effect on ground water quality and to avoid fugitive dust emissions. Additionally, NDDH has expressed concerns regarding waste management, noise, and the possibility that contamination sites might be uncovered during salvage operations. Therefore, SEA recommends that conditions be imposed requiring Soo to: (1) employ best management practices to minimize fugitive dust emissions, spills of any material into waterways and wetlands, and noise having adverse effects on persons living near the site of salvage operations; (2) dispose of all solid waste materials in accordance with the State of North Dakota's solid and hazardous waste rules; (3) consult with the NDDH if salvage operations result in the discovery of fuel contamination; and (4) revegetate disturbed areas as soon as possible after completion of salvage operations.

The conditions will be imposed as recommended. 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 line described above is subject to the conditions that Soo shall: (a) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers identified; (b) employ best management practices to minimize fugitive dust emissions, spills of any material into waterways and wetlands, and noise having adverse effects on persons living near the site of salvage operations; (c) dispose of all solid waste materials in accordance with the State of North Dakota solid and hazardous waste rules; (d) consult with the NDDH if salvage operations result in the discovery of fuel contamination; and (e) revegetate disturbed areas as soon as possible after completion of salvage operations.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary