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SERVICE DATE – DECEMBER 9, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-101 (Sub-No. 16X)

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY — ABANDONMENT
EXEMPTION — IN ST. LOUIS COUNTY, MN

Decided: December 5, 2002

In a decision served on November 6, 2001 (November 2001 decision), Duluth, Missabe and Iron Range Railway Company (DM&IR) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 1.3-mile line of railroad, extending from milepost 14.8 to milepost 16.1, in the city of Hibbing, St. Louis County, MN (the line), subject to certain conditions.¹ The November 2001 decision ordered DM&IR to file a notice of consummation with the Board by November 6, 2002, indicating that the abandonment authority had been exercised and the line fully abandoned.

By facsimile received on November 25, 2002, DM&IR, citing a clerical error, acknowledged its failure to timely file a notice of consummation. Accordingly, it now seeks Board acceptance of its notice of consummation, also filed on November 25, 2002, which indicates that the abandonment was consummated as of November 5, 2002.² Under the circumstances, especially since the actual consummation of the abandonment occurred before November 6, 2002, the notice of consummation will be accepted.

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

¹ The conditions were an historic preservation condition that was subsequently removed in a decision served on July 2, 2002, the employee protective conditions in Oregon Short Line R. Co. — Abandonment — Goshen, 360 I.C.C. 91 (1979), two salvage conditions, and a public use condition that has expired.

² According to the notice of consummation, DM&IR discontinued operations and salvaged the track, and there were no outstanding legal or regulatory barriers to consummation.

It is ordered:

1. DM&IR's notice of consummation is accepted.
2. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary