

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 54X)

SOO LINE RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN  
RAMSEY AND BENSON COUNTIES, ND

Decided: October 27, 2006

The Soo Line Railroad Company (Soo Line) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 28.35 +/--mile line of railroad between milepost 446.0 +/- in Devils Lake, Ramsey County, ND, and milepost 474.35 +/- in Harlow, Benson County, ND. Notice of the exemption was served and published in the Federal Register on October 22, 2004 (69 FR 62117-18). The exemption became effective on November 23, 2004. In the October 22, 2004 notice, the Board stated that, if consummation has not been effected by Soo Line’s filing of a notice of consummation by October 22, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.<sup>1</sup> At the request of Soo Line, the time to file its notice of consummation was extended until October 22, 2006, by decision served on October 20, 2005.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. By letter dated October 17, 2006, Soo Line has submitted a request for an additional 90-day extension of the deadline for filing a notice of consummation until January 20, 2007. Soo Line states that the extension is needed due primarily to fluctuating water levels over and around portions of the line to be abandoned from the flooding of Devils Lake, delaying salvage and track removal. Soo Line has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. The extension request will therefore be granted.

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

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<sup>1</sup> By decision served on November 22, 2004, the proceeding was reopened at the request of the Board’s Section of Environmental Analysis and the exemption was made subject to six environmental conditions. One of the conditions that was imposed required Soo Line to retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. By decision served on February 10, 2005, the section 106 historic preservation condition was removed. The other five environmental conditions remain in effect.

It is ordered:

1. Soo Line's request for an extension of time to file a notice of consummation is granted.
2. The authority to abandon must be exercised, and the notice of consummation of the abandonment must be filed, on or before January 20, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary