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SERVICE DATE – JANUARY 22, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-497 (Sub-No. 4X)

MINNESOTA NORTHERN RAILROAD, INC.—ABANDONMENT EXEMPTION—
IN NORMAN COUNTY, MN

Decided: January 21, 2009

By decision served on December 3, 2008 (December 3 decision), the Board granted a petition for exemption filed by Minnesota Northern Railroad, Inc. (MNN), for abandonment of a 19.2-mile portion of its “P Line” subdivision between milepost 21.0, at or near Perley, and milepost 40.2, at the north end of the Marsh River Bridge south of Shelly, in Norman County, MN. The exemption was made subject to public use, historic preservation, environmental, and standard employee protective conditions.

The public use, environmental, and historic preservation conditions imposed in the December 3 decision required that MNN: (1) leave intact all of the right-of-way, including bridges, trestles, culverts, tunnels, and other potential trail-related structures (except track, ties, and signal equipment), for a period of 180 days from the effective date of the December 3 decision, to enable any state or local government agency or any other interested person to negotiate the acquisition of the line for public use; (2) prior to salvage, consult with the Minnesota Department of Agriculture to address its concerns about hazardous waste on the right-of-way; (3) prior to salvage, consult with Minnesota Pollution Control Agency regarding any required permits and comply with any reasonable requirements; (4) notify the U.S. Department of Commerce, National Geodetic Survey at least 90 days prior to beginning salvage activities that will disturb any geodetic station markers; and (5)(a) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (National Register) (generally 50 years or older) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, (b) report back to the Board’s Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office (SHPO) and any other section 106 consulting parties, and (c) be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the section 106 process has been completed and the Board has removed this condition.

SEA states that it has received a letter, dated December 18, 2008, from the SHPO, stating that no properties listed in or eligible for listing in the National Register will be affected by the proposed abandonment. Therefore, based on the information provided, SEA recommends that

the section 106 historic preservation condition be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

This action 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 section 106 historic preservation condition imposed in the December 3, 2008 decision is removed.
3. This decision is effective on its date of service.

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

Anne K. Quinlan
Acting Secretary

¹ The other environmental conditions and the public use and employee protective conditions imposed in the December 3 decision remain in effect.