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SERVICE DATE - SEPTEMBER 15, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 47X)

SOO LINE RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN HENNEPIN COUNTY, MN

Decided: September 14, 1999

Soo Line Railroad Company (Soo) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately .10-mile line of its railroad known as the Minneapolis Terminal Line between milepost 4.09+/-near the western edge of Colfax Avenue North to milepost 4.19+/-near the western edge of Aldrich Avenue North, Minneapolis, Hennepin County, MN. Notice of the exemption was served and published in the Federal Register on September 18, 1998 (63 FR 49953-54). The September 18, 1998 notice stated that if "consummation has not been effected by Soo's filing a notice of consummation by September 18, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire." Under 49 CFR 1152.29(e)(2), however, a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

On August 30, 1999, Soo filed a request to extend for one year (until September 18, 2000), the time to consummate the abandonment and to file its notice of consummation. Soo explains that, at the time the abandonment proceedings were commenced, it had been negotiating with a nearby landowner for the potential sale of the right-of-way. Soo also states that, on March 1, 1999, a one-time lessee of a portion of the land, known as Phoenix Venture IX, filed a complaint with the Minnesota Department of Transportation (MnDot) seeking to exercise rights under Minn. Stat. 222.631-222.633, a statute that purports to allow entities that had been leasing railroad right-of-way a right of first refusal when the railroad abandons the line. Soo further states that, on March 24, 1999, it filed a reply to the complaint and requested that it be dismissed, arguing that the State of Minnesota lacked jurisdiction over the railroad line abandonment and had no authority to direct the sale of railroad property that was the subject of a pending abandonment before the Board. Soo maintains that an extension of the 1-year consummation period is necessary because the pending proceedings before the MnDot will not be concluded by the September 18, 1999 date established by the Board as the date for consummation in this case.

Because of the pending proceeding before the MnDot, Soo has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request for a 1-year extension of time will be granted.

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

It is ordered:

1. Soo's request for a 1-year extension of time to exercise the abandonment authority and file a notice of consummation is granted.
2. The authority to abandon is scheduled to expire on September 18, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary