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SERVICE DATE - DECEMBER 7, 1999

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-391 (SUB-NO. 7X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN MCLEAN, SHERIDAN AND WELLS COUNTIES, ND

BACKGROUND

In this proceeding, the Red River Valley & Western Railroad Company (RRVW) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line from milepost 29.16, west of Bowden, to the end of track at milepost 85.5, west of Turtle Lake, a distance of 56.34 miles in McLean, Sheridan and Wells Counties, North Dakota. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

No rail traffic has originated or terminated on the line since November, 1995. There are approximately 30 public and 15 private highway grade crossings on the line. There are no structures 50 years old or older owned by RRVW. The underlying right-of-way is owned by the Burlington Northern and Santa Fe Railway Company.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have verified the record in this proceeding. Responses to the railroad's request for comments thus far have

indicated the need for two conditions, as set forth below.

CONDITIONS

Based on information provided by the North Dakota Department of Health and by the U.S. Department of Commerce, National Geodetic Survey, **we recommend that the following two conditions be placed on any decision granting abandonment authority:**

- 1. The railroad shall comply with the North Dakota Department of Health's "Construction and Environmental Disturbance Requirements".**
- 2. If salvage operations are expected to destroy or disturb any of the 32 geodetic station markers listed in Appendix A, the railroad shall notify the U.S. Department of Commerce, National Geodetic Survey in not less than ninety days prior to commencement of such operations.**

CONCLUSIONS

Based on the information provided from all sources to date and subject to the recommended conditions, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line do take place, the right-of-way may be appropriate for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it

retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment. **Please refer to Docket No. Ab-391 (Sub.-No.7X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr. McNulty at (202) 565-1539.

Date made available to the public: December 7, 1999.

Comment due date: December 22, 1999.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

PLEASE SCAN THE MAP AND APPENDIX A