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DO

SERVICE DATE - NOVEMBER 26, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-391 (Sub-No. 3X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY--
ABANDONMENT EXEMPTION--IN BENSON COUNTY, ND

Decided: November 24, 1997

The Red River Valley & Western Railroad Company (RRVW) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately 11.94-mile line of railroad from approximately milepost 16.56, approximately one mile west of state highway 30, near Maddock to approximately milepost 28.5 near Esmond, in Benson County, ND. The notice was served and published in the Federal Register on October 29, 1997 (62 FR 56235-36). The exemption is scheduled to become effective on November 28, 1997.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served November 7, 1997. In the EA, SEA states that the U.S. Army Corps of Engineers (Corps) has indicated that the right-of-way is located in an area containing wetlands under its jurisdiction. Therefore, SEA recommends that RRVW consult with the Corps in advance of salvage operations to obtain, if necessary, a permit under 33 CFR 320-330.

SEA also states that, based on information provided by the North Dakota Department of Health (NDDH) (which were set out in a letter from NDDH included with RRVW's environmental report), it is recommended that a condition be imposed requiring RRVW to comply with the NDDH's "Construction and Environmental Disturbance Requirements." Therefore, SEA recommends that RRVW comply with the NDDH's "Construction and Environmental Disturbance Requirements."

This decision 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 exemption served and published in the Federal Register on October 29, 1997, exempting the abandonment of the line described above is modified to the extent necessary to implement interim trail use/rail banking as set forth below, subject to the conditions that RRVW shall: (a) consult with the Corps in advance of salvage operations to obtain, if necessary, a permit under 33 CFR 320-330; and (b) comply with the NDDH's "Construction and Environmental Disturbance Requirements."

STB Docket No. AB-391 (Sub-No. 3X)

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

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