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SERVICE DATE - MAY 4, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-439 (Sub-No. 3X)

DALLAS RAPID TRANSIT--ABANDONMENT EXEMPTION--
IN DALLAS, TX

Decided: April 29, 1999

Dallas Rapid Transit (DART) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 6.99-mile line of railroad between milepost D-762.26 in the vicinity of Mockingbird Lane and milepost D-755.27 in the vicinity of the Kansas City Southern Railway Company bridge overpass, in Dallas County, TX. Notice of the exemption was served and published in the Federal Register on December 15, 1997 (62 FR 65732-33).

By decision served January 13, 1998, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that DART retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA now indicates that the Advisory Council on Historic Preservation, on February 10, 1999, signed and accepted the Memorandum of Agreement (MOA) developed to mitigate the adverse effects of this proceeding on historic properties. SEA states that the acceptance of the MOA completes the section 106 process and recommends removal of the historic preservation condition. Therefore, SEA recommends that the historic preservation condition imposed in the January 13, 1998 decision be removed.¹

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

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

It is ordered:

¹ The January 13, 1998 decision also contained a second condition that required DART to consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying the eight geodetic station markers identified on the line. That condition remains in effect.

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1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served January 13, 1998, is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary