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SERVICE DATE – JUNE 4, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-857 (Sub-No. 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC—ABANDONMENT EXEMPTION—  
IN WELD COUNTY, CO

Decided: June 3, 2008

Great Western Railway of Colorado, LLC (GWRC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its Welty Branch, a 6.2-mile line of railroad, extending between milepost 0.0, at Johnstown, and milepost 6.2, near Welty, in Weld County, CO. Notice of the exemption was served and published in the Federal Register on May 6, 2008 (73 FR 25095). The exemption was scheduled to become effective on June 5, 2008, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by May 16, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 9, 2008. In the EA, SEA states that GWRC served its historic report on the Colorado State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO submitted comments stating that the Line is more than 50 years old and was determined eligible for inclusion in the National Register of Historic Places (National Register) in 1989. The SHPO also stated that there are numerous railroad-related structures along the route, including signposts, signals, and trestles. Accordingly, SEA recommends that GWRC be required to 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 (generally, 50 years old or older) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

SEA has indicated that it conducted a search of the Native American Consultation Database (Database) at <http://www.nps.gov/nacd/> to identify federally recognized tribes that may have an interest in the project area. The Database indicated that the following tribes may have an interest in the proposed abandonment: the Arapaho Tribe of the Wind River Reservation, Wyoming; the Cheyenne-Arapaho Tribes of Oklahoma; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana. SEA stated that it would send a copy of the EA to these tribes for their review and comment.

Comments to the EA were due by May 23, 2008. No comments were filed. Accordingly, the historic preservation condition recommended by SEA in the EA will be imposed.

As conditioned, 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 of the abandonment of the line described above is subject to the condition that GWRC shall 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 (generally, 50 years old or older) until the section 106 process of the NHPA, has been completed. GWRC shall report back to the SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and shall not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary