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SERVICE DATE - MARCH 17, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-439 (Sub-No. 5X)

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

Decided: March 16, 2000

Dallas Area Rapid Transit (DART) and Union Pacific Railroad Company (UP) (collectively, applicants) filed a notice of exemption under 49 CFR 1152.50 for DART to abandon and UP to discontinue service over approximately 1.585 miles of rail line from milepost 213.024 at Malcolm X Boulevard to milepost 211.439 near Fletcher Street, just west of the switch to the Age of Steam Museum in the City and County of Dallas, TX. Notice of the exemption was served and published in the Federal Register on February 17, 2000 (65 FR 8232). The exemption is scheduled to become effective on March 18, 2000.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on February 22, 2000. In the EA, SEA indicates that the U.S. Army Corps of Engineers (the Corps) has not completed its review of the proposed abandonment. Therefore, SEA recommends that a condition be imposed requiring DART to consult with the Corps prior to salvage operations to determine if the proposed project is consistent with applicable Federal, State and local water quality standards, and if permits are required under section 404 of the Clean Water Act.

SEA also indicates that the National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy this marker to plan for its relocation. Therefore, SEA recommends that a condition be imposed requiring DART to consult with NGS at least 90 days prior to disturbing or destroying any geodetic marker in order to plan for its relocation.

The conditions will be imposed as recommended by SEA.

On March 7, 2000, Southwest Railroad Historical Society d/b/a Age of Steam Railroad Museum (Museum) filed a comment requesting a technical correction to the milepost designations and calling into question applicants' 2-year out-of-service certification contained in the abandonment notice of exemption. By facsimile received on March 15, 2000, applicants filed a reply to the comment. This matter will be addressed in a subsequent Board decision. To permit full evaluation of this issue, before the exemption takes effect, the effective date of the exemption will be extended to April 7, 2000.

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 conditions that DART shall: (a) consult with the Corps prior to salvage operations to determine if the proposed project is consistent with applicable Federal, State and local water quality standards, and if permits are required under section 404 of the Clean Water Act; and (b) consult with NGS at least 90 days prior to disturbing or destroying any geodetic marker in order to plan for its relocation.
3. The effective date of the notice of exemption published in the Federal Register on February 17, 2000 (65 FR 8232), is extended to April 7, 2000.
4. This decision is effective on its service date.

By the Board, Beryl Gordon, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary