

30698  
DO

SERVICE DATE - LATE RELEASE DECEMBER 17, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 46X)

SOO LINE RAILROAD COMPANY--ABANDONMENT EXEMPTION--IN ST. PAUL,  
RAMSEY COUNTY, MN

Decided: December 17, 1999

By decision served on April 20, 1999, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Soo Line Railroad Company, doing business as Canadian Pacific Railway (Soo), of a .90±-mile line of railroad known as the St. Paul Terminal Trackage, extending from milepost 17.29± (southeast of Jackson Street) to the end of the line at milepost 18.19± (near I-35E North), in Ramsey County, MN, subject to an environmental condition and standard employee protective conditions. The exemption was scheduled to become effective on May 20, 1999, but a timely offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27 was filed on April 30, 1999. The effective date of the exemption authorizing the abandonment by Soo was postponed in order to permit the OFA process under 49 U.S.C. 10904 and 49 CFR 1152.27 to proceed.

On May 4, 1999, the Tri-Area Block Club filed a request for a public use condition, under 49 U.S.C. 10905, to negotiate with Soo for acquisition of the right-of-way in order to create an environmental learning preserve in conjunction with nearby state and county trails and/or to establish soccer fields for local youth. By decision served on May 17, 1999 (May 17 decision), the request for issuance of a public use condition was held in abeyance pending completion of the OFA process. By decision served on September 20, 1999 (September 20 decision), the OFA process was terminated and a 90-day public use condition was imposed.<sup>1</sup>

By requests filed on December 13, 1999, and on December 16, 1999, the City of St. Paul and Tri-Area Block Club (collectively referred to as Tri-Area), seek a 90-day extension of the public use condition to provide time for further negotiations for acquisition of the subject right-of-way.<sup>2</sup>

As previously stated in the May 17 and September 20 decisions, under 49 U.S.C. 10905, the

---

<sup>1</sup> The decision also vacated the May 5 decision and, as conditioned, made the prior abandonment authorization effective on September 20, 1999.

<sup>2</sup> The September 20 decision included language stating that, because section 10905 permits a maximum of 180 days from the effective date of the exemption for a public use condition, an extension of 90 additional days could be requested if a resolution was not reached in the initial 90-day period.

Board may prohibit the disposal of rail properties that are proposed to be abandoned and are suitable for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment. Tri-Area has demonstrated a need for the additional 90 days to negotiate acquisition of the right-of-way for public use. Accordingly, the public use condition under 49 U.S.C. 10905 will be extended for an additional 90 days to March 18, 2000.<sup>3</sup>

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. The requests to extend the public use condition under 49 U.S.C. 10905 are granted.
2. The public use condition is extended for an additional 90 days until March 18, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

---

<sup>3</sup> The previously imposed public condition in the September 20 decision requiring that Soo keep intact the right-of-way underlying the track, including bridges, trestles, culverts, and tunnels (but not track and track materials) thus remains in effect until March 18, 2000, to enable any State or local government agency, or other interested person to negotiate the acquisition of the line for public use.