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SERVICE DATE – JANUARY 12, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-281 (Sub-No. 1X)

TEXAS NORTH WESTERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN MOORE, HUTCHINSON AND HANSFORD COUNTIES, TX

Decided: January 11, 2005

Texas North Western Railway Company (TXNW) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 21.9-mile line of railroad known as the Capps Spur located in Moore, Hutchinson, and Hansford Counties, TX. The line extends from milepost 20.0 at Capps, TX, through milepost 29.9 at Morse, Junction, TX, to the end of the track at milepost 34.0 in Morse, TX (14.0 miles), and from milepost 29.9 at Morse Junction to the end of the track at milepost 37.8 in Pringle, TX (7.9 miles). Notice of the exemption was served and published in the Federal Register on December 14, 2004 (69 FR 74567-68). The exemption is scheduled to become effective on January 13, 2005.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 17, 2004. In the EA, SEA stated that the National Geodetic Survey (NGS) had advised that 16 geodetic station markers have been identified that may be affected by the proposed abandonment. Therefore, SEA recommended that TXNW be required to provide NGS with 90 days' notice prior to salvage activities to plan for the relocation of the markers.

Comments to the EA were submitted by TXNW on January 4, 2005. TXNW has questioned the formulation of the condition recommended by SEA in the EA. Consequently, SEA has consulted with NGS to confirm that, under the condition, NGS staff and not the railroad is responsible for physically finding the geodetic station markers and relocating them if necessary. Under the condition, upon receipt of abandonment authority, the railroad only must inform NGS 90 days beforehand of any activities that potentially could harm the markers, and could satisfy this condition by notification prior to conducting salvage operations. Accordingly, SEA modified its recommended condition to require TXNW to provide NGS with 90 days' notice prior to conducting salvage activities to plan for the possible relocation by NGS of the 16 geodetic station markers identified that may be affected by the proposed abandonment. Accordingly, the condition recommended by SEA will be imposed.

The condition as now recommended by SEA 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 TXNW provide NGS with 90 days' notice prior to conducting salvage activities to plan for the possible relocation by NGS of the 16 geodetic station markers identified that may be affected by the proposed abandonment.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary