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SERVICE DATE – AUGUST 26, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 497 (Sub-No. 5X)

MINNESOTA NORTHERN RAILROAD, INC.  
–ABANDONMENT EXEMPTION–  
IN ROSEAU COUNTY, MINN.

Decided: August 25, 2010

By decision and notice of interim trail use or abandonment served on January 22, 2010, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by Minnesota Northern Railroad, Inc. (MNN) of a 20.035-mile portion of its Warroad Subdivision between milepost 83.6, located approximately 300 feet west of Roseau County Road 124 (11th Ave, SE) in Roseau, and milepost 103.635, at the end of the line at Warroad, in Roseau County, Minn. The exemption became effective on February 21, 2010, subject to trail use, public use, historic preservation, environmental, and standard employee protective conditions.

The historic preservation condition imposed by the Board required MNN to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470F, report back to the Board's Section of Environmental Analysis (SEA) regarding any consultations with the Minnesota Historical Society Historic Preservation Office (SHPO) and the public, and 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.

By letter dated June 28, 2010, the SHPO states that the rail segment is not eligible for listing in the National Register, and that there are no National Register eligible properties present in the area of potential effect. SEA states that, pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, it has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. Therefore, based on the information provided, SEA recommends that the historic preservation condition imposed in the January 22, 2010

decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.<sup>1</sup>

This action 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 historic preservation condition imposed in the January 22, 2010 decision is removed.
3. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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<sup>1</sup> The other environmental conditions imposed in the January 22, 2010 decision remain in effect, but are self-executing and are not a barrier to consummation by MNN of its abandonment authority. The trail use condition expired on July 21, 2010, and the public use condition expired on August 20, 2010.