

29117
DO

SERVICE DATE - MAY 7, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-391 (Sub-No. 4X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY--
ABANDONMENT EXEMPTION--IN BENSON COUNTY, ND

Decided: May 4, 1998

Red Valley & Western Railroad Company (RRVW) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately 10.55-mile line of railroad from milepost 79.08, approximately 0.6 miles north of Oberon, to milepost 89.63, in Minnewaukan, in Benson County, ND. Notice of the exemption was served and published in the Federal Register on April 9, 1998 (63 FR 17483-84). The exemption is scheduled to become effective on May 9, 1998.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 14, 1998. In the EA, SEA states that the National Geodetic Survey (NGS) has identified five geodetic markers that may be affected by the abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy the five geodetic markers. Therefore, SEA recommends that a condition be imposed requiring RRVW to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

The recommended condition 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 rail line described above is subject to the condition that RRVW consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

STB Docket No. AB-391 (Sub-No. 4X)

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary