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SERVICE DATE - JULY 2, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-101 (Sub-No. 16X)

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY — ABANDONMENT
EXEMPTION — IN ST. LOUIS COUNTY, MN

Decided: June 28, 2002

On July 19, 2001, Duluth, Missabe and Iron Range Railway Company (DM&IR) filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 1.3-mile line of railroad, extending from milepost 14.8 to milepost 16.1, in the city of Hibbing, St. Louis County, MN. By decision served on November 6, 2001 (November 6 decision), the petition for exemption was granted subject to certain conditions, including the condition that DM&IR retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f).

The Minnesota Historical Society has informed the Board's Section of Environmental Analysis (SEA) that no historical properties eligible for or listed in the National Register of Historic Places would be affected by the abandonment. Therefore, SEA recommends that the historic preservation condition imposed in the November 6 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

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.

¹ The November 6 decision also imposed the employee protective conditions in Oregon Short Line R. Co. — Abandonment — Goshen, 360 I.C.C. 91 (1979), and conditions that required DM&IR to notify the National Geodetic Survey at least 90 days prior to salvage activities in order to plan the potential relocation of a geodetic station marker and consult with the Minnesota Pollution Control Agency regarding possible effects on water quality from the salvage operation. Those conditions remain in effect. A public use condition has expired.

2. Upon reconsideration, the section 106 historic preservation condition imposed in the November 6 decision is removed.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary