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SERVICE DATE – LATE RELEASE MAY 6, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-771X

MOUNT VERNON TERMINAL RAILWAY COMPANY L.L.C.–ABANDONMENT
EXEMPTION–IN SKAGIT COUNTY, WA

Decided: May 6, 2005

Mount Vernon Terminal Railway Company L.L.C. (MVT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon and discontinue service on the southern portion of its line of railroad between milepost 0.369 and milepost 1.172, in the City of Mount Vernon, in Skagit County, WA, a distance of 4,240 feet. Notice of the exemption was served and published in the Federal Register on March 23, 2005 (70 FR 14752-53). The exemption became effective on April 22, 2005.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 28, 2005. In the EA, SEA stated that the U.S. Department of Commerce, National Geodetic Survey (NGS), had not yet completed its review of the proposed abandonment and recommended that a condition be imposed requiring MVT to consult with NGS prior to beginning salvage activities, and, if NGS identified any station markers that may be affected by the proposed abandonment, requiring MVT to notify NGS 90 days prior to conducting salvage activities to plan for the possible relocation of the station markers. In response to the EA, NGS indicated that it had completed its review of the proposed abandonment and that three geodetic station markers had been identified that may be affected by the proposed abandonment.

By decision served on April 21, 2005 (April 2005 decision), the proceeding was reopened at the request of SEA. The NGS condition previously recommended in the EA was changed, and the exemption was made subject to the condition that MVT notify NGS 90 days prior to conducting salvage activities to plan for the possible relocation of the station markers identified on the line.

In a letter dated May 5, 2005, NGS informed SEA that, upon further review, no geodetic station markers had been identified that may be affected by the proposed abandonment. Therefore, SEA recommends that the condition imposed in the April 2005 decision be removed. SEA also notes that, in a letter submitted on April 26, 2005, MVT requested that the Board make a factual finding that the proposed salvage operations would not affect any geodetic station markers. SEA notes that the information provided by NGS renders moot MVT's April 26 request.

Accordingly, the proceeding will be reopened and the previously imposed NGS notification condition will be removed.

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 NGS notification condition imposed in the April 2005 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