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SERVICE DATE - MARCH 17, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No. 44X)

SOO LINE RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN ST. LOUIS COUNTY, MN

Decided: March 12, 1999

Soo Line Railroad Company (Soo) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately 1.18+/-mile portion of the West Duluth Line between milepost 464.25+/- and milepost 465.43+/- in West Duluth, St. Louis County, MN. Notice of the exemption was served and published in the Federal Register on December 24, 1998 (63 FR 71340-41). The exemption became effective on January 23, 1999.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 31, 1998. In the EA, SEA concluded that the right-of-way may be suitable for other public use following abandonment of this proceeding.

By decision served January 21, 1999, the proceeding was reopened at the request of SEA and the exemption was made subject to the condition that prior to salvage activities Soo consult with the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources to address possible impacts from salvage operations.

Also on January 21, 1999, the Minnesota Department of Transportation (Mn/Dot) late-filed¹ a request for a 180-day public use condition under 49 U.S.C. 10905. See Rail Abandonments--Use of Rights-of-Way As Trails, 2 I.C.C.2d 591, 609 (1986).² Mn/Dot states that it is considering the acquisition of the rail corridor for alternative transportation and transmission usages. Mn/Dot states that it needs the full 180-day period allowed to study alternative transportation usages, obtain right-of-way appraisals, and negotiate with Soo.

Mn/Dot's submission meets the requirements for a public use condition prescribed at 49 CFR 1152.28(a)(2) by specifying: (i) the condition sought; (ii) the public importance of the

¹ The December 24 notice provided that requests for public use conditions must be filed by January 13, 1999.

² Under 49 U.S.C. 10905, the Board may prohibit the disposal of rail properties that are proposed for abandonment and are suitable for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment.

condition; (iii) the period of time for which the condition would be effective; and (iv) justification for the imposition of the period of time requested. Accordingly, the requested 180-day public use condition will be imposed.

A public use condition is not imposed for the benefit of any one potential purchaser, but rather to provide an opportunity for any interested person to acquire the right-of-way that has been found suitable for public purposes.

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 notice of exemption published in the Federal Register on December 24, 1998, exempting the abandonment of the line described above, is subject to the condition that Soo shall keep intact all of the right-of-way underlying the track, including bridges, trestles, culverts and tunnels (but not track or track materials), for a period of 180 days from the January 23, 1999 effective date (until July 22, 1999), to enable any State or local government agency, or other interested person to negotiate the acquisition of the line for public use.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary