

35975  
DO

SERVICE DATE – JULY 1, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-792X

RAILROAD SWITCHING SERVICE OF MISSOURI, INC.–ABANDONMENT  
EXEMPTION–IN ST. LOUIS COUNTY, MO

Decided: June 30, 2005

By decision and notice of interim trail use or abandonment served on May 2, 2005 (May 2005 decision), Railroad Switching Service of Missouri, Inc. (RSSM) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon its entire line of railroad extending 1.89 miles from a point of connection with Norfolk Southern Railway Company at or near Broad Street (milepost 0) to the end of the line at the publishing facility of the St. Louis Post-Dispatch located at 900 North Tucker Boulevard (milepost 1.89), in St. Louis County, MO. In the May 2005 decision, a 180-day period was authorized for The Trust for Public Land (TPL) to negotiate an agreement with RSSM for interim trail use/rail banking.<sup>1</sup> The exemption was also made subject to historic and environmental conditions.

One of the conditions imposed in the May 2005 decision addressed the concerns expressed by the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO), concerning a steel girder bridge crossing over Interstate Highway 70 that may be eligible for listing on the National Register of Historic Places (National Register). The condition required RSSM to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

In a letter dated April 20, 2005, the SHPO informed SEA that it has reviewed the additional information provided by RSSM concerning the proposed sale of the right-of-way, including the bridge that crosses Interstate Highway 70, and determined that the proposed abandonment will have no adverse effect on the National Register eligible bridge if the rail line is sold to TPL for use as a recreational trail. Therefore, according to SEA, if the rail line is sold to TPL, the Board's responsibilities in accordance with 36 CFR 800.4(d) under section 106 will be fulfilled. But if the rail line is not sold, SEA indicates that the section 106 imposed in the May 2005 decision should remain in effect.

---

<sup>1</sup> The Board also imposed a 90-day public use condition, which is scheduled to expire on August 30, 2005.

Based on the SHPO's determination, SEA recommends that the section 106 historic preservation condition imposed in the May 2005 decision be modified to read as follows: If the sale of the rail line to TPL, including the steel girder bridge that crosses Interstate Highway 70, does not occur, RSSM shall retain its interest in and take no steps to alter the historic integrity of the aforementioned steel girder bridge until completion of the section 106 process of the NHPA.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 condition previously imposed in the May 2005 decision is modified to read: If the sale of the rail line to TPL, including the steel girder bridge that crosses Interstate Highway 70, does not occur, RSSM shall retain its interest in and take no steps to alter the historic integrity of the aforementioned steel girder bridge until completion of the section 106 process of the NHPA.
3. All other provisions and environmental conditions imposed in the May 2005 decision in this proceeding will remain in effect.
4. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary