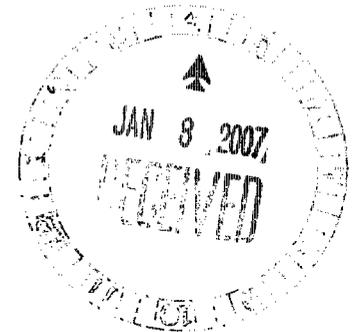


218385

January 8, 2007



**BY HAND**

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

ENTERED  
Office of Proceedings  
JAN - 8 2007  
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Public Record

Re: STB Docket No. AB-391 (Sub-No. 10X), Red River Valley & Western Railroad Company -- Abandonment Exemption -- In Foster and Wells Counties, ND

Dear Secretary Williams:

The Surface Transportation Board (the "Board") previously granted Red River Valley and Western Railroad Company ("RRVW") the authority to abandon approximately 27.76 miles of a rail line located in Foster and Wells Counties, North Dakota (the "Rail Line"). See STB Docket No. AB-391 (Sub-No. 10X), served Dec. 1, 2004. The deadline for RRVW to consummate the abandonment was December 7, 2006. See STB Docket No. AB-391 (Sub-No. 10X), served October 18, 2005. Due to an administrative oversight, RRVW did not file a consummation notice or a request for an extension of time before the December 7, 2006, deadline. RRVW apologizes for the error and respectfully requests that the Board accept the attached notice of consummation for the Rail Line.

The abandonment authority granted for the Rail Line was subject to several conditions that required RRVW to consult with various agencies. See STB Docket No. AB-391 (Sub-No. 10X), served December 1, 2004. RRVW has consulted with all the required agencies. With respect to one of these agencies, the State Historical Society of North Dakota ("SHSND"), RRVW continues to consult with the agency.<sup>1</sup>

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<sup>1</sup> With respect to the other agencies, no further consultation is required at this time, but consultation in the future may be required. For example, based on RRVW's consultation with the Corps, RRVW likely will need a permit if it wishes to remove the bridges from the Rail Line. RRVW previously obtained such a permit, but that permit has expired. Accordingly, RRVW will consult with the Corps with respect to obtaining a new permit, if required, prior to removing any of the bridges on the Rail Line.

Secretary Williams

-2-

January 8, 2007

The SHSND initially recommended that RRVW hire an individual from a SHSND-approved list to obtain certain information and provide certain documentation with respect to the Rail Line. RRVW entered into an agreement with such an individual, but RRVW never received such information or documentation from that individual. RRVW is currently consulting with SHSND to determine whether certain information provided directly by RRVW will be sufficient. RRVW agrees that it will not remove any sites or structures 50 years old or older until the section 106 process of the NHPA is completed.

RRVW believes it has satisfied the conditions for abandonment, as outlined in the Board's December 1, 2004, decision,<sup>2</sup> and requests that the Board accept the attached notice of consummation.<sup>3</sup> During the last month, to RRVW's knowledge, there has been no change in any person's or entity's interest in the Rail Line that would be adversely affected by RRVW's consummation of the abandonment. No local or overhead traffic has moved over the Rail Line since at least October 2002, and to RRVW's knowledge, there are no potential shippers who are interested in rail service over the line. Under these circumstances, the re-filing of an abandonment exemption would be a poor use of the limited resources of both RRVW and the Board.<sup>4</sup>

Very truly yours,



Rose-Michele Nardi

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<sup>2</sup> If a regulatory barrier to consummation remains until RRVW reaches an agreement with SHSND regarding the informational requirements of SHSND, please advise RRVW accordingly.

<sup>3</sup> If the Board accepts this notice of consummation, RRVW promptly will forward a copy to the North Dakota Public Service Commission (or equivalent agency), if required.

<sup>4</sup> The Board, in the past, has accepted late-filed notices of consummation. *See* STB Docket No. AB-101 (Sub-No. 16X), *Duluth, Missabe and Iron Range Railway Company – Abandonment Exemption – In St. Louis County, MN*, December 5, 2002; STB Docket No. AB-318 (Sub-No. 3X), *Louisiana & Delta Railroad, Inc. – Abandonment Exemption – In Terrebonne Parish, LA*, Sept. 1, 1998; STB Docket No. AB-268 (Sub-No. 10X), *Portland Terminal Company – Abandonment Exemption – In Cumberland County, ME*, Oct. 24, 2000; STB Docket No. AB-167 (Sub-No. 1184X), *Consolidated Rail Corporation – Abandonment Exemption – Middlesex County, NJ*, Jan. 12, 2005.

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January 8, 2007



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Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington DC 20423

Re: STB Docket No. AB-391 (Sub-No. 10X), Red River Valley & Western Railroad Company -- Abandonment Exemption -- In Foster and Wells Counties, ND

Dear Secretary Williams:

By a decision served December 1, 2004, in the above-referenced proceeding, Red River Valley & Western Railroad Company ("RRVW") received authority from the Surface Transportation Board, subject to certain conditions, to abandon an approximately 27.76-mile rail line in Foster and Wells Counties, North Dakota. The conditions to the abandonment have been satisfied. This letter is to advise the Board that RRVW is hereby consummating the abandonment of the subject line.

Enclosed for filing in this proceeding are 10 copies of this notice of consummation. Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Rose-Michele Nardi'.

Rose-Michele Nardi

ENTERED  
Office of Proceedings

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