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SERVICE DATE – JULY 5, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 391 (Sub No. 11X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN CASS COUNTY, N.D.

Decided: July 5, 2022

Red River Valley & Western Railroad Company (RRVW) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 2.29-mile rail line extending from milepost 9.36 to milepost 11.65 (at Horace, N.D.) in Cass County, N.D. Notice of the exemption was served and published in the Federal Register on May 10, 2022 (87 Fed. Reg. 28,097). The exemption became effective on June 9, 2022.

By decision served June 8, 2022, the Board imposed two conditions recommended by the Board's Office of Environmental Analysis (OEA): (1) a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108; and (2) a condition requiring RRVW to consult with the North Dakota Public Service Commission (PSC) before beginning any abandonment-related salvage activities.

In a Supplemental Final Environmental Assessment served on June 14, 2022, OEA states that RRVW submitted a letter from the North Dakota State Historical Society dated June 6, 2022, confirming that no historic properties would be affected by the proposed abandonment. Accordingly, OEA concludes that the Board has satisfied its responsibilities under Section 106 of the NHPA and recommends that the Section 106 historic preservation condition be removed.

Consistent with OEA's recommendation, this proceeding will be reopened and the previously imposed Section 106 historic preservation condition will be removed. The previously imposed PSC consultation condition remains unchanged.

This action 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 Section 106 historic preservation condition imposed in the June 8, 2022 decision is removed.

3. This decision is effective on its date of service.

By the Board, Mai T. Dinh, Director, Office of Proceedings.