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SERVICE DATE - LATE RELEASE JULY 8, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-307 (Sub-No. 3X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.—ABANDONMENT
EXEMPTION—IN ALBANY COUNTY, WY

Decided: July 8, 1999

By decision served September 16, 1996, the Board granted the petition for exemption of the Wyoming and Colorado Railroad Company, Inc. (WYCO). WYCO sought an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon 66.16 miles of its Coalmont Branch in Albany County, Wyoming, from milepost 67.7 at the Colorado state line to milepost 1.31 near Laramie.

The Board's decision was subject to various conditions including historic preservation conditions. As pertinent here, Condition 2 requires WYCO 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. Condition 2 further requires that WYCO give the National Geodetic Survey (NGS) at least 90 days advance notice of any activities that may disturb or destroy any of the 76 identified geodetic station markers. Finally, Condition 2 requires that WYCO consult with the Department of Agriculture, Forest Service (DOA), prior to conducting salvage activities. Condition 3 provides that "subject to the conditions set forth above" (emphasis added), WYCO may salvage track and track materials "after the effective date of this decision and notice."

On July 1, 1999, our Office of Compliance and Enforcement (OCE) was informed by both the DOA and the Wyoming State Historic Preservation Office (SHPO) that salvage activity appears to be taking place on the above-mentioned railroad line, in violation of the conditions imposed in the Board's September 1996 decision. Our OCE contacted the carrier and was informed that, although the salvaging process has been initiated, the carrier has also been consulting with DOA and the SHPO.

We appreciate WYCO's actions in initiating contact with DOA and the SHPO once it became aware of their concerns. However, our order permitting the abandonment required that the consultation process be undertaken before any salvage operations could begin. Therefore, we are ordering WYCO to discontinue all salvage operations until the section 106 process has been completed and until the carrier has completed the consultation process with DOA, as required by our abandonment order.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. WYCO is ordered to discontinue conducting or causing to be conducted any further salvage activity on this line until such time as the conditions imposed in our decision served September 16, 1996, have been fully complied with.

2. This decision is effective on the date of service.

By the Board, Chairman Linda J. Morgan.

Vernon A. Williams
Secretary