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SERVICE DATE - JANUARY 9, 1998  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

NO. AB-493 (SUB-NO.3X)

TRACK TECH, INC.  
ABANDONMENT AND DISCONTINUANCE BETWEEN  
HAMAR AND WARWICK, NORTH DAKOTA  
IN EDDY COUNTY, NORTH DAKOTA  
PETITION FOR EXEMPTION

### BACKGROUND

In this proceeding, Track Tech, Inc. has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between milepost 98.00 near Hamar, North Dakota and milepost 103.92 near Warwick, North Dakota, a distance of 5.92 miles all within Eddy County, North Dakota. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### DESCRIPTION OF THE LINE

The right-of-way is generally less than 100 feet wide. It is located entirely within Eddy County, North Dakota, which has a population of approximately 2,951. The line was sold by the Burlington Northern Railroad Company to Track Tech, Inc. on or about November 27, 1996. Track Tech, Inc. has operated no trains over the line since it acquired the line. There are no shippers located on the line. No local or overhead traffic has moved over the line for at least three years. Abandonment of the line would permit avoidance of the expense of maintaining the rail line and some of the property may be made available and used for other public purposes.

## **ENVIRONMENTAL REVIEW**

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the USDA Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, the State Historical Society of North Dakota, and the North Dakota Department of Health, Environmental Health Section.

## **CONDITIONS**

The North Dakota Department of Health states that the environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. In order to avoid any adverse impacts, the North Dakota Department of Health recommends that care be taken during construction activity near any water of the state to minimize adverse effects on state waters and has listed several requirements for minimizing or preventing any environmental degradation to a waterway as a result of construction activities at a site. **Therefore, we recommend that a condition be imposed requiring the railroad to consult with the North Dakota Department of Health, Environmental Health Section prior to salvaging the right-of-way.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, **and subject to the recommended condition,** we conclude that, as

currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423-0001, to the attention of Scott Decker, who prepared this environmental assessment. **Please refer to Docket No. AB-493**

**(Sub No.3X)** in all correspondence addressed to the Board. If you have questions regarding this environmental assessment, you should contact Scott Decker at (202) 565-1531.

Date made available to the public: **January 6, 1998.**

**Comment due date: February 5, 1998.**

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

SCAN MAP