

Karl Morell & Associates  
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Washington, DC 20005  
(202) 595-9045  
karlm@karlmorell.com



July 8, 2015

BY HAND DELIVERY

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

238780

ENTERED  
Office of Proceedings  
July 8, 2015  
Part of  
Public Record

Re: Docket No. AB 6 (Sub-No. 489X), BNSF Railway Company --  
Abandonment Exemption -- In Kane County, Illinois

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R. § 1152.50. Also attached is a check covering the \$3,800 filing fee.

If you have any questions, please call me.

Sincerely,

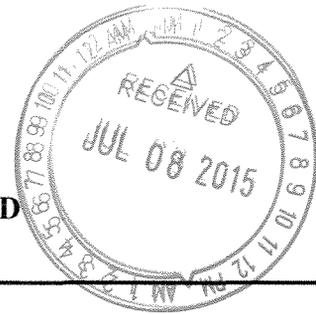
Karl Morell

Enclosures

FEE RECEIVED  
June 8, 2015  
SURFACE  
TRANSPORTATION BOARD

FILED  
June 8, 2015  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD



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BNSF RAILWAY COMPANY )  
ABANDONMENT EXEMPTION )  
IN KANE COUNTY, ILLINOIS )

DOCKET NO. AB 6  
(SUB-NO. 489X)

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NOTICE OF EXEMPTION

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**BNSF RAILWAY COMPANY**  
2650 Lou Menk Drive  
P.O. Box 96157  
Fort Worth, TX 76161-0057

**Tyler White**  
Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-2687

**Karl Morell**  
Karl Morell & Associates  
655 Fifteenth Street, NW,  
Suite 225  
Washington, D.C. 20005  
(202) 595-9045

Dated: July 8, 2015

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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<b>BNSF RAILWAY COMPANY</b>	)	
<b>ABANDONMENT EXEMPTION</b>	)	<b>DOCKET NO. AB 6</b>
<b>IN KANE COUNTY, ILLINOIS</b>	)	<b>(SUB-NO. 489X)</b>

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**NOTICE OF EXEMPTION**

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BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 0.43 miles of rail line located between milepost 3.57 and milepost 4.0, in North Aurora, within Kane County, Illinois (the "Line"). The are no stations located on the Line.

**1. *Proposed consummation date.***

The proposed consummation date is 50 days after the date of filing of this Notice of Exemption.

**2. *Certification required by 49 C.F.R. § 1152.50(b).***

The required certification is attached hereto as **Exhibit A**.

**3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).***

**(a) *General.***

(1) ***Exact name of applicant.***

BNSF Railway Company

(2) ***Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) ***Relief sought.***

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 0.43 miles of rail line located between milepost 3.57 and milepost 4.0, in North Aurora, within Kane County, Illinois. There has been no local or overhead freight rail traffic on the Line since prior to 1988.

In 1977, Line Segment 64 between milepost 7.15 and milepost 4.00 was abandoned. In 2007, an additional abandonment between milepost 3.57 and milepost 3.53 was completed to accommodate the expansion of Highway 88. *See* STB Docket No. AB-6 (Sub-No. 447), *BNSF Railway Company – Abandonment Exemption – In Kane County, IL*, served November 21, 2006. These two abandonments left an island between milepost 4.00 and milepost 3.57.

It appears that the Line was inadvertently salvaged as part of the 2007 salvage operations to accommodate the Highway project. Accordingly, there will be no additional salvage operations as a

result of this abandonment. BNSF is seeking abandonment authority to clean up an inadvertent error and to enable BNSF to sell a parcel of land along the Line to the Village of North Aurora.

(4) ***Map.***

A map of the Line is attached as **Exhibit B**.

(7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Karl Morell  
Karl Morell & Associates  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

(8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses U.S. ZIP code: 60542.

(e) ***Rural and community impact.***

(4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.***

The Line traverses a suburban area with more than adequate road and highway networks; therefore, there is little or no likelihood that the rail corridor is needed for transit purposes.

4. ***The level of labor protection.***

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

**5. Certification.**

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

**6. Environmental Report.**

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) was submitted to the Board on May 26, 2015. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

**7. Historic Report.**

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on May 26, 2015.

Respectfully submitted,

**Tyler White**  
Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828



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**Karl Morell**  
Karl Morell & Associates  
655 Fifteenth Street N.W.  
Suite 225  
Washington, D.C. 20005  
(202) 595-9045

Dated: July 8, 2015

**EXHIBIT A**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

**STATE OF TEXAS** )  
 ) **ss.**  
**TARRANT COUNTY** )

I, John Sims, being duly sworn depose and state that I am Manager, Network Studies for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between milepost 3.57 and milepost 4.0, in North Aurora, within Kane County, Illinois (the "Line") since prior to 1988. Also, no overhead traffic has been handled on the Line since prior to 1988. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

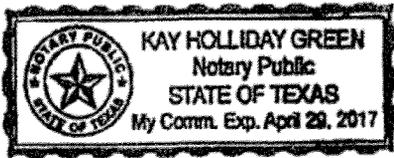
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.

*John Sims*

John Sims  
Manager, Network Studies

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of July \_\_, 2015.

My Commission Expires: 04.29.2017



*Kay Holliday Green*  
Notary Public

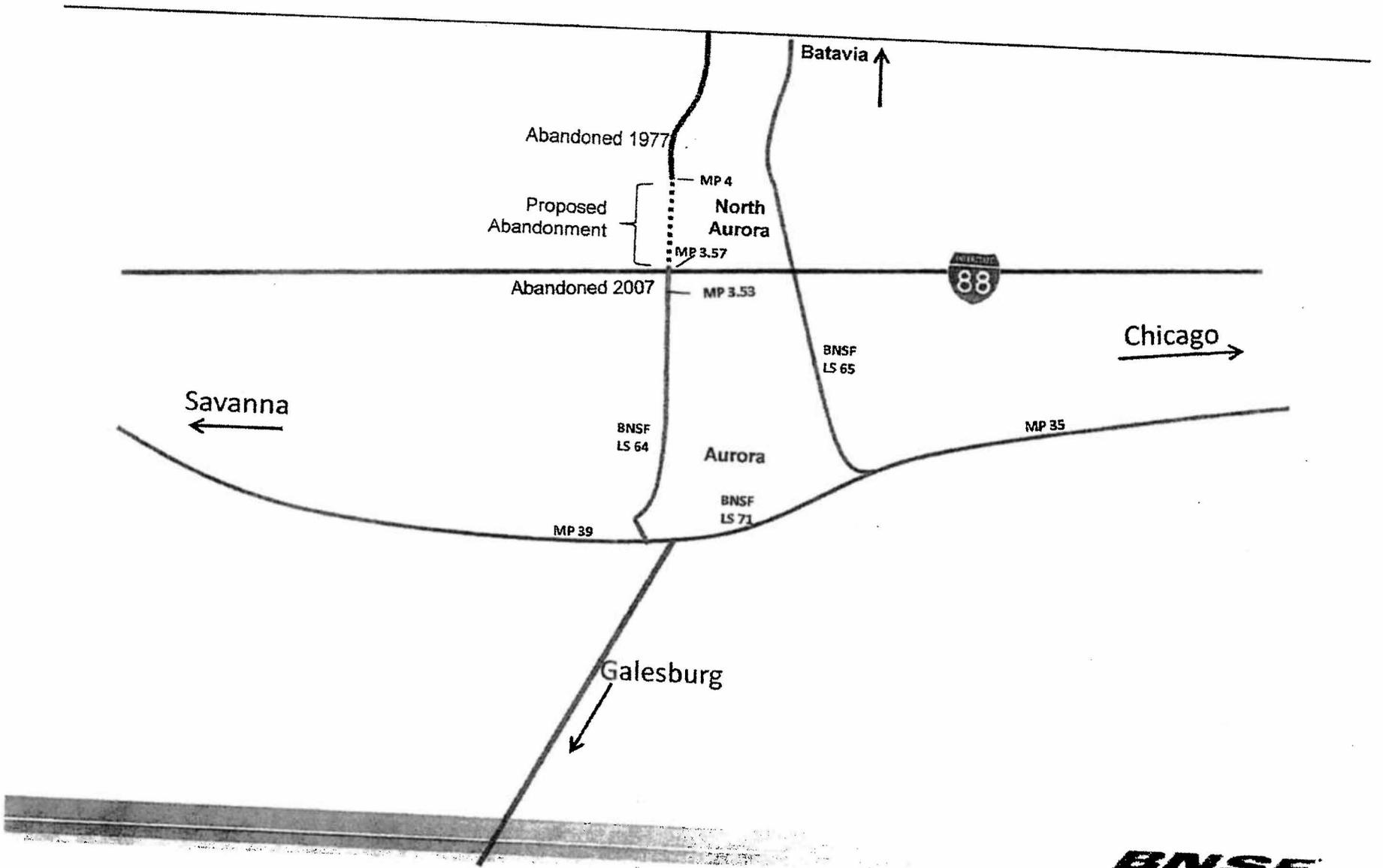
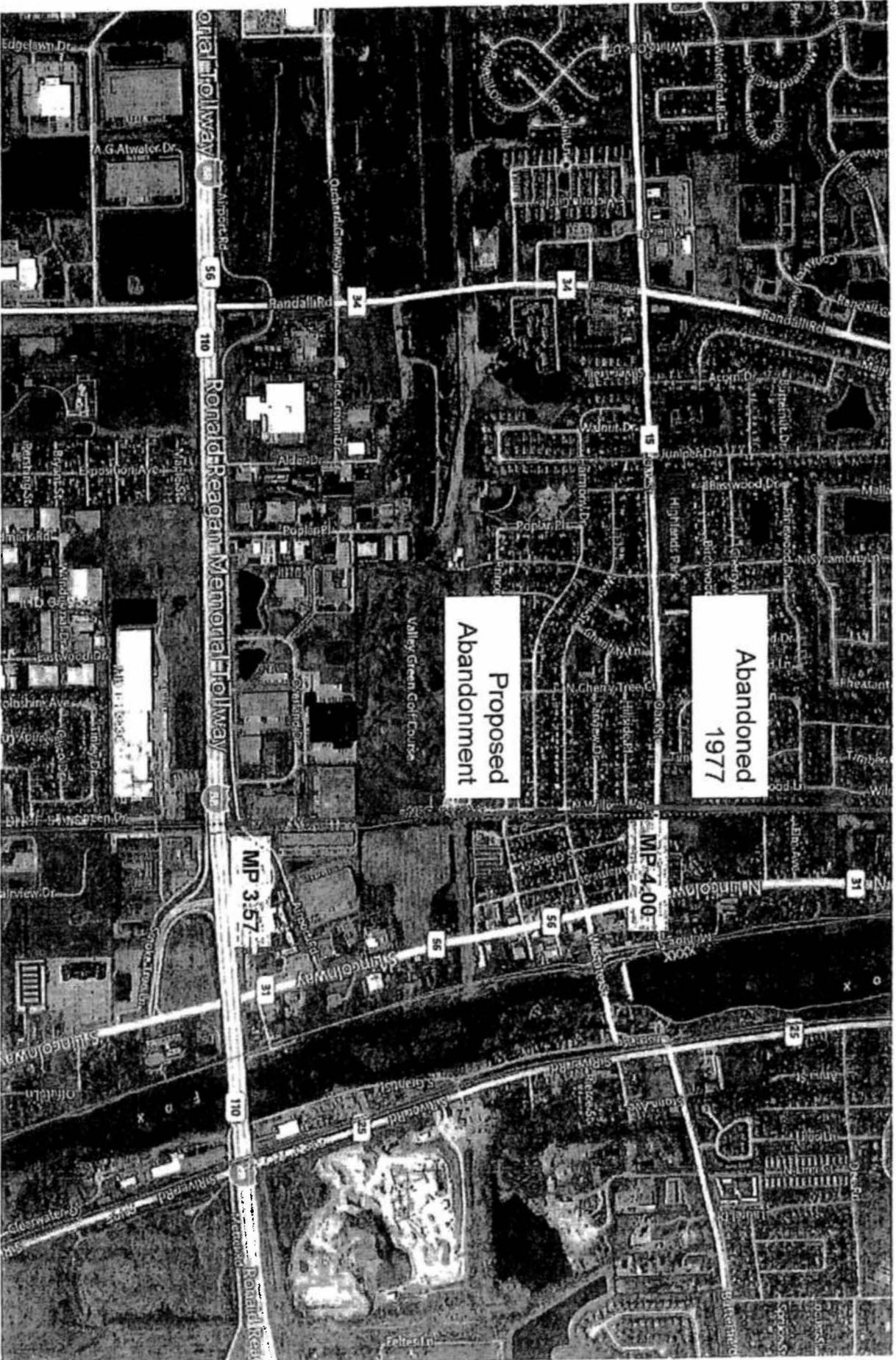


EXHIBIT B

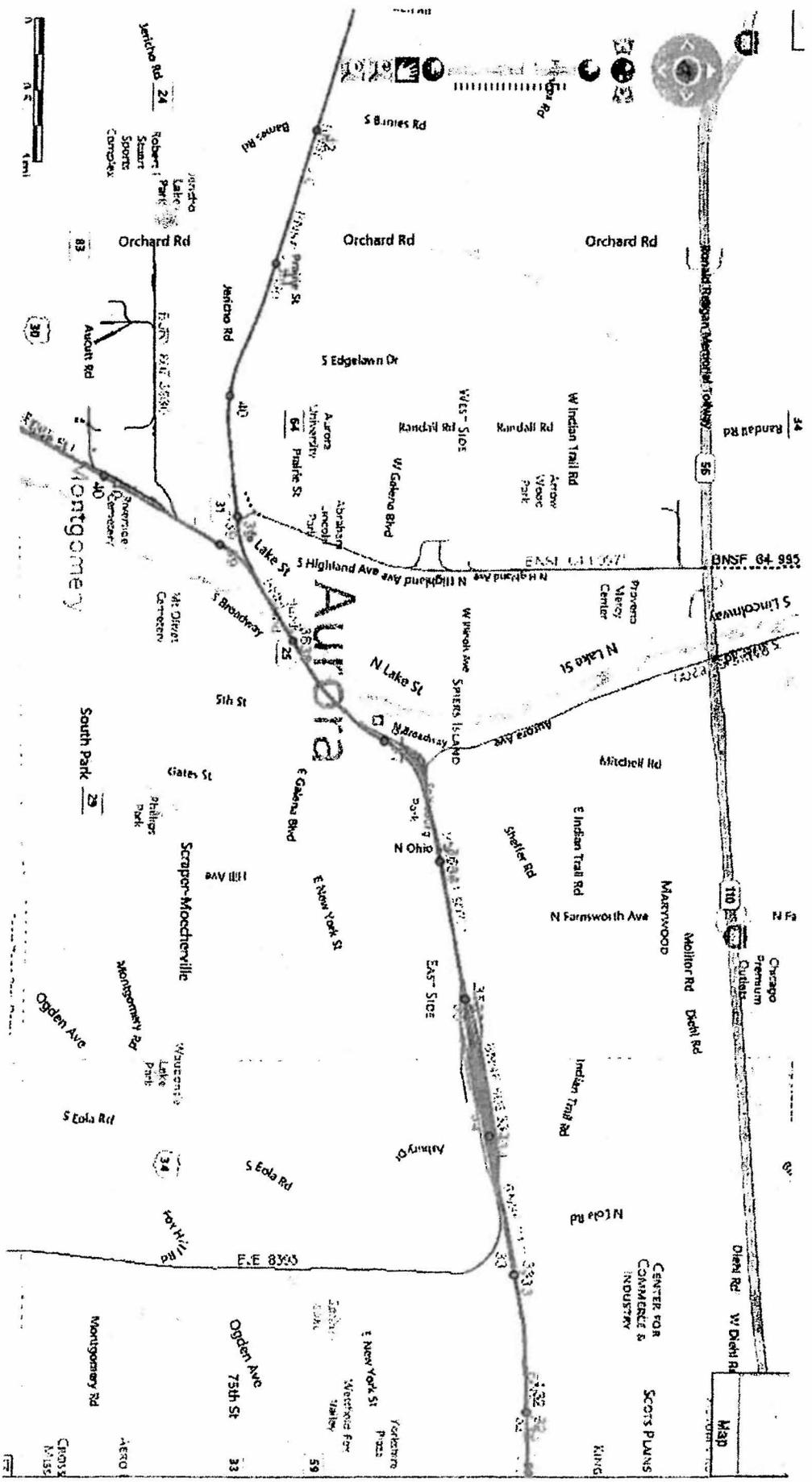


Abandoned  
1977

Proposed  
Abandonment

MP 3.57

MP 4.00



8/19/2014



**EXHIBIT C**

**CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 489X) was mailed via first class mail on June 5, 2015, to the following parties:

**State Public Service Commission**

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

**Military Traffic Management Command**

MTMCCTEA  
ATTN: SDTE-SE  
Railroads for National Defense  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

**National Park Service**

U.S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Division  
1849 C Street, NW  
Washington, DC 20240-0001

Mr. Michael Reynolds, Regional Dir.  
Midwest Region  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

**U.S. Department of Agriculture**

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Yates Building  
201 14<sup>th</sup> Street, SW  
Washington, DC 20250

Dated: July 8, 2015



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Karl Morell

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 489X) was published on June 9, 2015, in the Kane County Chronicle, a newspaper of general circulation in Kane County, Illinois as required by 49 C.F.R. § 1105.12.

Dated: July 8, 2015

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

Karl Morell

**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 489X) the transmittal letter required by 49 C.F.R § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on May 26, 2015.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on May 26, 2015 to the following agencies:

Ms. Victoria Rutson  
Chief, Office of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

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U.S. Department of the Interior  
Bureau of Land Management  
Northeastern States Field Office  
626 E. Wisconsin Ave., Suite 200  
Milwaukee, Wisconsin 53202-4617

Village of North Aurora  
Village Hall  
25 East State Street  
North Aurora, Illinois 60542

Kane County  
Planning & Special Projects  
719 Batavia Avenue  
Geneva, Illinois 60134

The National Geodetic Survey  
Department of Commerce/NOAA  
SSMC3  
Station 9356  
1315 East West Highway  
Silver Spring, MD 20910

Illinois Coastal Management Program  
160 N. LaSalle St., Suite S-700  
Chicago, Illinois 60601

US EPA Region 5  
Ralph Metcalfe Federal Building  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

U.S. Fish and Wildlife Service  
Chicago Ecological Service Field Office  
1250 South Grove Avenue, Suite 103  
Barrington, Illinois 60010-5010

Mss. Patty Trap, Acting Regional Director  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

Mr. James Rospopo, District Conservationist  
USDA – Natural Resources Conservation Service  
2315 Dean Street, Suite 100  
ST. Charles, Illinois 60175

Ms. Anne E. Haaker  
Deputy State Historic Preservation Officer  
Illinois Historic Preservation Agency  
1 Old State Capitol Plaza  
Springfield, IL 62701-1512

Mr. Keith L. Wozniak, Chief, West Section  
ATTN: Regulatory Branch  
Department of the Army  
Chicago District, Corps of Engineers  
231 South La Salle Street  
Chicago, IL 60604-1437

Illinois Department of Transportation  
2300 South Dirksen Parkway  
Springfield, IL 62764

Dated: July 8, 2015

  
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Karl Morell