

30538

SERVICE DATE - OCTOBER 22, 1999

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

AB-6 (SUB-NO.386X)

The Burlington Northern and Santa Fe Railway Company --  
ABANDONMENT EXEMPTION -- IN Valley City, Barnes County, ND.

**BACKGROUND**

In this proceeding, the Burlington Northern Santa Fe 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 service of 7.86 miles of railroad line between railroad milepost 69.05, and railroad milepost 61.19, near Valley City, in Barnes County, ND, which traverses through United States Postal Code 58072, in Valley City, ND. 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 line extends through the Sheyenne River Valley and beyond a rural/agriculture region outside the city limits of Valley City. The line was embargoed in 1997 due to poor track condition. There has been no service issued since that time.

**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 Barnes County Board of Commissioners, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U. S. Department of Interior, National Geodetic Survey, North Dakota Department of Transportation, North Dakota Public Service Commission, North Dakota Historical Society, North Dakota Game and Fish, North Dakota Health Division of Water, U.S. Department of Agriculture, City of Valley City, National Geodetic Survey, and the North Dakota Parks and Recreation.

#### **CONDITIONS**

The North Dakota Department of Health, Environmental Health Section, has expressed concern regarding the environmental impact during salvage activities. Therefore, we recommend, that BNSF consult with North Dakota Department of Health, Environmental Health Section, and comply with state construction and environmental disturbance requirements.

#### **CONCLUSIONS**

Based on the information provided from all sources to date, and subject to the recommended condition(s), 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, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-57 (Sub No. 48x) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1554.

Date made available to the public: October 22, 1999.  
**Comment due date: November 21, 1999.**

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

Vernon A. Williams  
Secretary

ATTACHMENT

MAP NEEDS TO BE SCANNED.