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SERVICE DATE – APRIL 29, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 458X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN  
LOGAN COUNTY, CO

Decided: April 28, 2008

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 0.44 miles of rail line, extending between milepost 229.66 and milepost 230.10, near Sterling, Logan County, CO. Notice of the exemption was served and published in the Federal Register on October 1, 2007 (72 FR 55857). The exemption became effective on October 31, 2007.

By decision served on October 30, 2007 (October 2007 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that BNSF retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed. The condition provided also that BNSF shall report to SEA regarding any consultations with Colorado State Historic Preservation Office (CO SHPO), Tribal Historic Preservation Office (if on tribal lands), any other section 106 consulting parties that have been identified, and the public. The October 2007 decision stated that BNSF may not file its consummation notice or initiate any salvage activities related to abandonment until the section 106 process has been completed and the Board has removed this condition.

On March 26, 2008, SEA received a determination from CO SHPO, which concluded that the proposed abandonment would have no effect on significant historic or archaeological resources provided that the grade and bed remain undisturbed at the end of the track salvage operation. In a letter dated March 28, 2008, BNSF advised the Board that it is its general policy to leave the grade and bed undisturbed after salvage and that these instructions will be included as a condition to its salvage contract with any third party contractor. Therefore, SEA recommends that the section 106 historic preservation condition imposed in the October 2007 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision 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 October 2007 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary