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SERVICE DATE – JANUARY 17, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 437X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN
POLK COUNTY, IA

Decided: January 16, 2007

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.89-mile line of railroad that extends between Station 0+00 and Station 47+00 near Glake, in Polk County, IA. Notice of the exemption was served and published in the Federal Register on April 5, 2006 (71 FR 17160). The exemption became effective on May 5, 2006.

By decision served May 1, 2006 (May 2006 decision), the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA) and the exemption was made subject to three environmental conditions. One of the conditions required BNSF to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (National Register) (generally, 50 years old or older), until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, report back to SEA regarding the results of any consultations with the Iowa State Historic Preservation Office (SHPO) and any other section 106 consulting parties, and not consummate the abandonment or initiate any salvage activities related to abandonment until the Board has removed this condition.

By comment made on December 12, 2006, with concurrence by letter dated December 14, 2006, the SHPO has agreed that no historic properties would be affected by the proposed abandonment. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the May 2006 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

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

¹ The other two conditions imposed in the May 2006 decision remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the May 2006 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary