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SERVICE DATE – DECEMBER 20, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 447X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN
KANE COUNTY, IL

Decided: December 19, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.04-mile line of railroad that extends between milepost 3.53 and milepost 3.57, at Nifa, in Kane County, IL. Notice of the exemption was served and published in the Federal Register on November 21, 2006 (71 FR 67425). The exemption is scheduled to become effective on December 21, 2006.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 24, 2006. In the EA, SEA states that the U.S. Army Corps of Engineer (Corps) has indicated to BNSF that the proposed project is not anticipated to impact waters of the United States under Corps jurisdiction and may qualify for a Letter of No Objection (LONO). However, the Corps stated that, in order to qualify for a LONO, BNSF must first provide the Corps with a Wetland Delineation Report. Therefore, SEA recommends that, prior to commencement of any salvage activities, BNSF consult with the Corps regarding potential impacts to waters of the United States, including wetlands, and comply with the reasonable requirements of the Corps.

No comments to the EA were received by the December 11, 2006 due date. Accordingly, the condition recommended by SEA in the EA will be imposed. Based on SEA’s recommendation, the proposed abandonment, if implemented as conditioned, 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 exemption of the abandonment of the rail line described above is subject to the condition that, prior to commencement of any salvage activities, BNSF shall consult with the Corps regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary