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SERVICE DATE – SEPTEMBER 20, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 433X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN CLAY AND
NORMAN COUNTIES, MN

Decided: September 19, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CR 1152 Subpart F—Exempt Abandonments to abandon a 5.40-mile line of railroad, between BNSF's milepost 15.60, near Georgetown in Clay County, MN, and milepost 21.00, near Perley in Norman County, MN. Notice of the exemption was served and published in the Federal Register on March 8, 2006 (71 FR 11707). The exemption became effective on April 7, 2006.

By decision served on April 6, 2006, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to seven environmental conditions, including the condition (Condition (7)) that BNSF shall: retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA); report back to SEA regarding any consultation with the Minnesota Historic Society (State Historic Preservation Office or SHPO) and any other section 106 consulting parties; and 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.

By a Memorandum of Agreement, dated August 22, 2006, BNSF, the SHPO, and SEA have come to an agreement to resolve and mitigate adverse effects to historic properties that may be affected by the undertaking. Therefore, SEA recommends that the section 106 historic preservation condition 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 April 6, 2006 decision is removed. Conditions (1) through (6) imposed in that decision remain in effect.
3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary