

42400
DO

SERVICE DATE – JUNE 4, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 481X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN WALSH AND
PEMBINA COUNTIES, N.D.

Decided: June 4, 2012

BNSF Railway Company (BNSF) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon 18.12 miles of rail line located between milepost 42.08 at Grafton and milepost 60.20 at Glasston in Walsh and Pembina Counties, N.D. Notice of the exemption was served and published in the Federal Register on May 4, 2012 (77 Fed. Reg. 26,602-03). The exemption is scheduled to become effective on June 5, 2012.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on May 11, 2012. In the EA, OEA states that the U.S. Army Corps of Engineers' St. Paul District (Corps) has not submitted any comments. However, one of the bridges that BNSF plans to remove as part of the proposed abandonment is located at milepost 52.90, which crosses Willow Coulee. OEA recommends that, prior to commencement of any salvage activities, BNSF consult with Corps regarding the project's potential impacts to waters of the United States and, if applicable, comply with the reasonable requirements of the Corps.

OEA states that the North Dakota State Water Commission (SWC) reviewed the proposed project and submitted comments stating that the abandonment would have no effect on any identified floodplains or sole-source aquifers. Nevertheless, SWC expressed concern regarding identified floodway areas and requested that BNSF properly dispose of all waste material associated with the project. To ensure that SWC's concerns are addressed, OEA recommends that BNSF consult with SWC regarding salvaging and abandonment procedures prior to commencement of any salvage activities.

Comments to the EA were due May 29, 2012. No comments were received. Accordingly, the conditions recommended by OEA in the EA will be imposed.

As conditioned, this action 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 notice served and published in the Federal Register on May 4, 2012, exempting the abandonment of the line described above, is subject to the conditions that BNSF shall: (1) prior to commencement of any salvage activities, consult with Corps regarding potential impacts to waters of the United States and, if applicable, comply with the reasonable requirements of Corps; and (2) prior to commencement of any salvage activities, consult with SWC regarding salvaging and abandonment procedures to address SWC's concerns regarding identified floodway areas and the proper disposal of waste material associated with the proposed abandonment.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.