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SERVICE DATE – NOVEMBER 17, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 472X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN STEARNS  
COUNTY, MINN.

Decided: November 17, 2011

By decision and notice of interim trail use or abandonment (NITU) served on May 20, 2011 (May 20 decision), the Board granted to BNSF Railway Company (BNSF) an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to abandon a 7.05-mile line of railroad located between milepost 9.16 at Rockville and milepost 16.21 at Cold Spring, in Stearns County, Minn. (the line). Notice of the exemption was served and published in the Federal Register on February 18, 2011 (76 Fed. Reg. 9,634). The exemption became effective on June 19, 2011.

By letter filed February 24, 2011, the ROCORI Trail Construction Board (RTCB), a joint powers entity created to acquire trail right-of-way and design, construct, and fund a regional trail, asked the Board to impose an interim trail use/rail banking condition as well as a public use condition, citing the suitability of the right-of-way for use as a recreational trail. Accordingly, the May 20 decision included both a NITU and a public use condition.<sup>1</sup>

On October 31, 2011, RTCB filed a request to terminate the NITU. According to RTCB, it plans to purchase the subject line in fee rather than through a rail banking agreement. RTCB further states that termination of the NITU is necessary to facilitate the timely abandonment of the rail corridor, removal of the tracks, and the sale of the subject line RTCB.

The negotiating period under the NITU expired on November 16, 2011. Therefore, it is not necessary to terminate the NITU; accordingly, RTCB's request to do so is denied as moot.

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

It is ordered:

1. RCTB's request to vacate the NITU is denied as moot.

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<sup>1</sup> The May 20 decision also imposed standard employee protective conditions and 1 salvage-related condition.

2. This decision is effective on its date of service.

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