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SERVICE DATE – AUGUST 23, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 483X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN LOS ANGELES,  
CAL.

Decided: August 22, 2012

This decision reopens the proceeding and determines that a Finding of No Significant Impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

BNSF Railway Company (BNSF) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon its freight rail operating easement over a 5.3-mile line of railroad owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA) between milepost 7.95 (just north of West 67th Street curblin) and milepost 13.25 (just south of the existing Metro Green Line structure), in the City of Los Angeles, Los Angeles County, Cal. (the line). Notice of the exemption was served and published in the Federal Register on July 25, 2012 (77 Fed. Reg. 43,656). The exemption is scheduled to become effective on August 24, 2012.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) on July 30, 2012. In the EA, OEA recommended that one condition be imposed on any decision granting abandonment authority. That recommended condition would require BNSF (or any holder of a successor interest in the rail property) to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or are listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. §470f, has been completed. The condition also would require BNSF to report to OEA regarding any consultations with the California Department of Parks, Office of Historic Preservation (the State Historic Preservation Office or SHPO) and the public and would prohibit BNSF from filing a consummation notice until the Section 106 process has been completed and the Board has removed this condition.

Comments to the EA were due on August 13, 2012. By letter filed on July 31, 2012, BNSF submitted a letter dated July 25, 2012, from the SHPO stating that the proposed abandonment would have no effect on historic properties. On August 16, 2012, OEA issued a

Final EA stating that, pursuant to correspondence received from the SHPO, OEA no longer recommends that a Section 106 condition be placed on any decision granting abandonment authority. Therefore, the Section 106 condition previously recommended will not be imposed.

There are no remaining environmental or historic preservation issues that have been raised by any party or identified by OEA. Therefore, a Finding of No Significant Impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

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. Abandonment of the involved rail line will have no significant effect on the quality of the human environment or the conservation of energy resources or on historic resources.
3. This decision is effective on its date of service.

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