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SERVICE DATE – MAY 1, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 437X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN
POLK COUNTY, IA

Decided: April 28, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.89-mile line of railroad that extends between Station 0+00 and Station 47+00 near Glake, in Polk County, IA. Notice of the exemption was served and published in the Federal Register on April 5, 2006 (71 FR 17160). The exemption is scheduled to become effective on May 5, 2006.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 10, 2006. In the EA, SEA states that the State of Iowa Department of Natural Resources (IDNR) has indicated that, if more than one acre of land would be disturbed during salvage activities, a storm general permit #2 would be needed. Therefore, SEA recommends that BNSF consult with IDNR prior to any salvage activities to determine if a storm general permit #2 would be needed.

SEA also states that the United States Army Corps of Engineers (USACE) has stated that the project as proposed “does not require a USACE 404 permit.” USACE has noted that, should the project involve the extraction of any bridges, BNSF would be required to remove all materials to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. Additionally, USACE has stated that BNSF is required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during the project. Therefore, SEA recommends that BNSF consult with USACE to determine the appropriate procedures for seeding all disturbed areas with native grasses, and to insure that sediments are not introduced into waters of the United States during salvage activities.

Finally, SEA states that the Iowa State Historic Preservation Office (SHPO) has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, SEA recommends that BNSF be required to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (National Register) (generally, 50 years old or older), until completion of the section 106 process of the

National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SEA also recommends that BNSF be required to report back to SEA regarding the results of any consultation with the SHPO and any other section 106 consulting parties, and that BNSF not be allowed to consummate the abandonment or initiate any salvage activities related to abandonment until the Board removes this condition.

Comments to the EA were due by April 25, 2006. No comments were received by the due date. Accordingly, the conditions recommended by SEA in the EA will be imposed.

As conditioned, 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 exemption of the abandonment of the rail line described above is subject to the conditions that BNSF shall: (1) consult with IDNR prior to any salvage activities to determine if a storm general permit #2 would be needed; (2) consult with USACE to determine the appropriate procedures for seeding all disturbed areas with native grasses, and to insure that sediments are not introduced into waters of the United States during salvage activities; and (3) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register (generally, 50 years old or older), until completion of the section 106 process of the NHPA, report back to SEA regarding the results of any consultations with the SHPO and any other section 106 consulting parties, and not consummate the abandonment or initiate any salvage activities related to abandonment until the Board removes this condition.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary