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SERVICE DATE – OCTOBER 30, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 458X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
LOGAN COUNTY, CO

Decided: October 29, 2007

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 0.44 miles of rail line, extending between milepost 229.66 and milepost 230.10, near Sterling, Logan County, CO. Notice of the exemption was served and published in the Federal Register on October 1, 2007 (72 FR 55857). The exemption is scheduled to become effective on October 31, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on October 5, 2007. In the EA, SEA noted that BNSF had submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Colorado State Historic Preservation Office (CO SHPO) pursuant to 49 CFR 1105.8(c). Based on available information, CO SHPO has submitted comments requesting that the line be surveyed in order to determine whether there are any railroad-related structures and objects along the right-of-way that may be affected by the proposed abandonment. Accordingly, SEA recommends that a condition be imposed requiring BNSF to (1) 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 listed in the National Register of Historic Places (National Register), until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed; and (2) report back to SEA regarding any consultations with CO SHPO, Tribal Historic Preservation Office (if on tribal lands), any other section 106 consulting parties that have been identified and the public. Also, pursuant to the condition, BNSF may 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.

Comments to the EA were due by October 22, 2007. No comments were received. Accordingly, the condition recommended by SEA in the EA will be imposed. Based on SEA's recommendation, the proposed abandonment, if implemented as conditioned, 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 October 1, 2007, exempting the abandonment of the line described above is subject to the condition that BNSF shall 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 listed in the National Register until the section 106 process of the NHPA has been completed. BNSF shall report back to SEA regarding any consultations with CO SHPO, Tribal Historic Preservation Office (if on tribal lands), any other section 106 consulting parties that have been identified and the public. BNSF may 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.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary