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SERVICE DATE – LATE RELEASE AUGUST 26, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 401X)

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

Decided: August 26, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon a 1.88-mile line of railroad, extending from milepost 67.38 to milepost 1.45, near Des Moines, in Polk County, IA. Notice of the exemption was served and published in the Federal Register on July 16, 2004 (69 FR 42803-04). The exemption became effective on August 17, 2004.

By decision served on August 16, 2004 (August 2004 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that BNSF shall: (1) contact the Iowa Department of Natural Resources, Conservation and Recreation Division, to discuss additional studies and/or possible mitigation measures to be implemented if rare species or significant natural communities are found during salvage activities; (2) consult with the Iowa Department of Natural Resources, Water Quality Bureau prior to commencement of any salvage activities on the line regarding possible permitting requirements; and (3) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. By decision served on July 21, 2005, BNSF's request to extend the deadline for filing its notice of consummation until December 31, 2005, was granted.

Based on all of the available information including comments received from the Advisory Council on Historic Preservation, SEA has confirmed its initial finding determining that no historic properties would be adversely affected by the proposed abandonment. Therefore, SEA recommends that the section 106 historic preservation condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

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 section 106 historic preservation condition imposed in the August 2004 decision is removed. Conditions 1 and 2 imposed in the August 2004 decision remain in effect.
3. This decision is effective on its date of service.

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

Vernon A. Williams  
Secretary