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Washington, DC 20005

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t 202.638.3307  
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January 4, 2013

kmorell@balljanik.com

BY HAND DELIVERY

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

ENTERED  
Office of Proceedings

JAN 04 2013

Part of  
Public Record

Re: Docket No. AB 6 (Sub-No. 486X), BNSF Railway Company --  
Abandonment Exemption -- In Fulton County, Illinois

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of  
Exemption under 49 C.F.R. § 1152.50. Also attached is a check  
covering the \$3,700 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell  
Of Counsel

**FILED**

JAN 04 2013

**SURFACE  
TRANSPORTATION BOARD**

Enclosures

**FEE RECEIVED**

JAN 04 2013

**SURFACE  
TRANSPORTATION BOARD**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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|                                   |   |                        |
|-----------------------------------|---|------------------------|
| <b>BNSF RAILWAY COMPANY</b>       | ) |                        |
| <b>ABANDONMENT EXEMPTION</b>      | ) | <b>DOCKET NO. AB 6</b> |
| <b>IN FULTON COUNTY, ILLINOIS</b> | ) | <b>(SUB-NO. 486X)</b>  |

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**NOTICE OF EXEMPTION**

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ENTERED  
Office of Proceedings

JAN 04 2013

Part of  
Public Record

**FREE RECEIVED**

JAN 04 2013

SURFACE  
**TRANSPORTATION BOARD**

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JAN 04 2013

SURFACE  
**TRANSPORTATION BOARD**

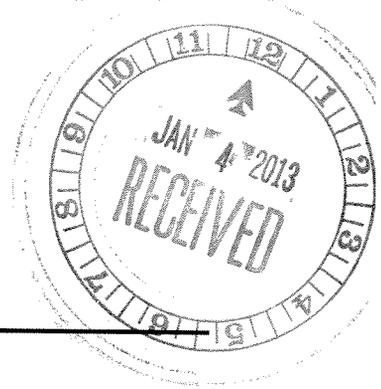
**BNSF RAILWAY COMPANY**  
2650 Lou Menk Drive  
P.O. Box 96157  
Fort Worth, TX 76161-0057

**Tyler White**  
Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-2687

**Karl Morell**  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
(202) 638-3307

Dated: January 4, 2013

BEFORE THE  
SURFACE TRANSPORTATION BOARD



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|   |                                   |
|---|-----------------------------------|
| BNSF RAILWAY COMPANY )<br>ABANDONMENT EXEMPTION )<br>IN FULTON COUNTY, ILLINOIS ) | DOCKET NO. AB 6<br>(SUB-NO. 486X) |
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NOTICE OF EXEMPTION

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BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 14.5 miles of rail line located between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline, Fulton County, Illinois (the "**Line**"). The Line contains the stations of Farmington, Dunfermline, Norris, and Canton.

1. ***Proposed consummation date.***  
The proposed consummation date is 50 days after the date of filing this Notice of Exemption.
  
2. ***Certification required by 49 C.F.R. § 1152.50(b).***  
The required certification is attached hereto as **Exhibit A**.
  
3. ***Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).***
  - (a) ***General.***

(1) ***Exact name of applicant.***

BNSF Railway Company

(2) ***Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) ***Relief sought.***

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 14.5 miles of rail line located between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline, Fulton County, Illinois. There has been no local or overhead freight rail traffic on the Line since 2003.

(4) ***Map.***

A map of the Line is attached as **Exhibit B**.

(7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Karl Morell  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

(8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses U.S. ZIP codes: 61524 and 61531.

(e) ***Rural and community impact.***

(4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including***

*roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.*

The Line traverses predominantly rural areas with more than adequate road and highway networks; therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. The right-of-way between Mileposts 52.2 and 66.7, however, is suitable for recreational trails. Some of the property underlying the right-of-way is reversionary, which would affect the transfer of the property for other than rail or rail-banking purposes.

**4. *The level of labor protection.***

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

**5. *Certification.***

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

6. ***Environmental Report.***

The Environmental Report containing information required by 49 C.F. R. § 1105.7(e) is attached hereto as **Exhibit D**. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

7. ***Historic Report.***

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached hereto as **Exhibit D**.

Respectfully submitted,



**Tyler White**  
Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-2687

**Karl Morell**  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
(202) 638-3307

Dated: January 4, 2013

**EXHIBIT A**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS )  
 )  
 ) ss.  
TARRANT COUNTY )

I, Michael Yuen, being duly sworn depose and state that I am Manager Network Strategy for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline, Fulton County, Illinois ("the **Line**") for at least two years. Also, no overhead traffic has been handled on the Line for at least two years. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

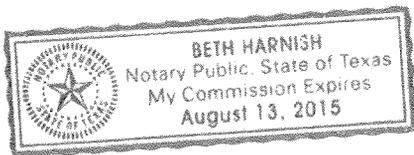
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



\_\_\_\_\_  
Michael Yuen  
Manager Network Strategy

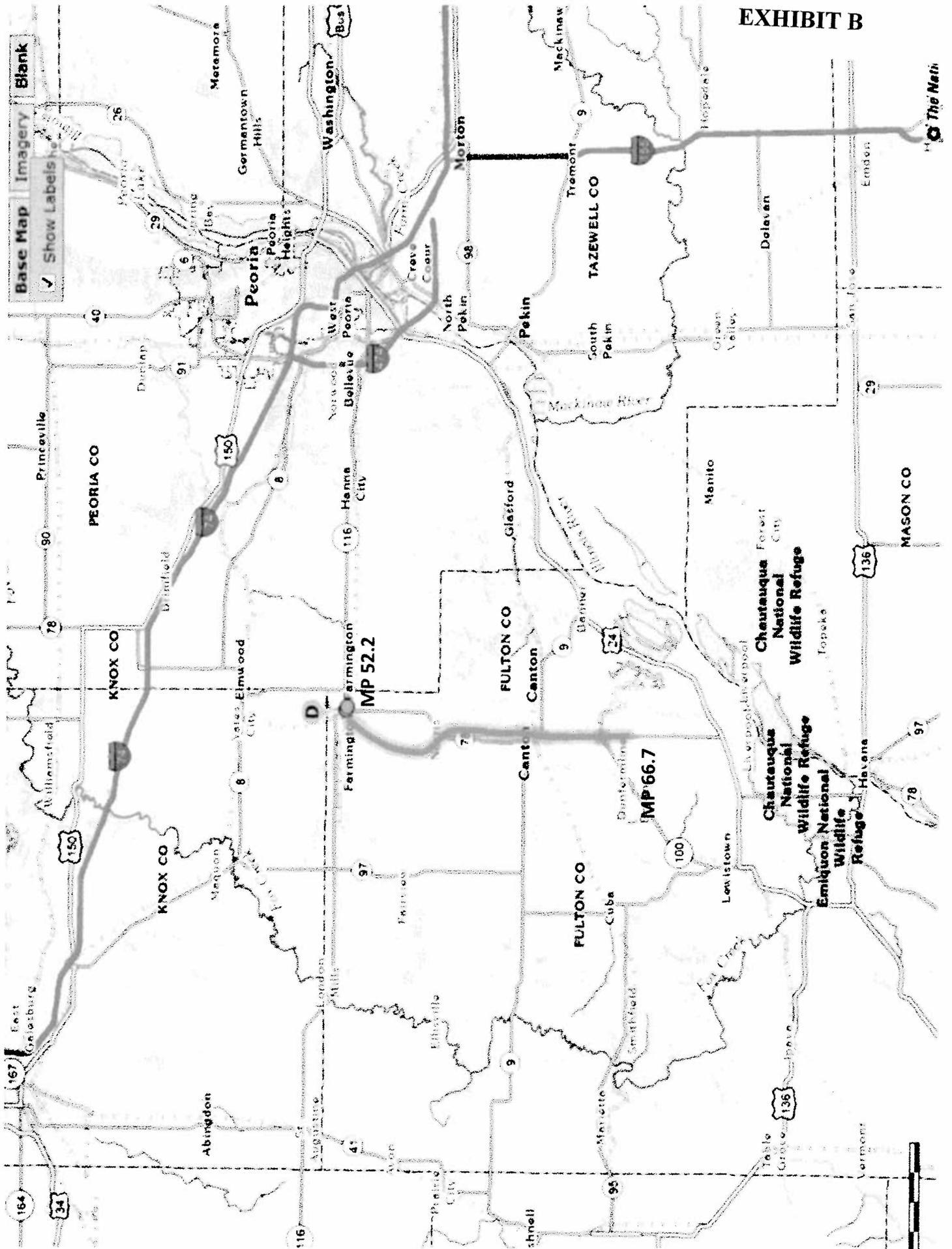
SUBSCRIBED AND SWORN TO before me this third day of January, 2013.

My Commission Expires: \_\_\_\_\_



\_\_\_\_\_  
Notary Public

EXHIBIT B



**EXHIBIT C**

**CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 486X) was mailed via first class mail on December 20, 2012, to the following parties:

**State Public Service Commission**

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

**Military Traffic Management Command**

MTMCTEA  
ATTN: SDTE-SE  
Railroads for National Defense  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

**National Park Service**

U.S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Division  
1849 C Street, NW  
Washington, DC 20240-0001

Mr. Michael Reynolds, Regional Dir.  
Midwest Region  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

**U.S. Department of Agriculture**

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Yates Building  
201 14<sup>th</sup> Street, SW  
Washington, DC 20250

Dated: January 4, 2013



Karl Morell

**CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 486X) was published on December 26, 2012, in the Fulton Democrat, a newspaper of general circulation in Fulton County, Illinois as required by 49 C.F.R. § 1105.12.

Dated: January 4, 2013



Karl Morell

**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 486X) the transmittal letter required by 49 C.F.R § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on November 29, 2012.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on November 29, 2012 to the following agencies:

Ms. Victoria Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

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U.S. Department of the Interior  
Bureau of Land Management  
Northeastern States Field Office  
626 E. Wisconsin Ave., Suite 200  
Milwaukee, Wisconsin 53202-4617

City of Dunfermline  
City Hall  
709 Center Street  
Dunfermline, IL 61524

City of Farmington  
City Hall  
322 E Fort St  
Farmington, IL 61531

Fulton County  
Office of Planning and Zoning  
700 E. Oak Street  
Canton, Illinois 61520

The National Geodetic Survey  
Department of Commerce/NOAA  
SSMC3  
Station 9356  
1315 East West Highway  
Silver Spring, MD 20910

Illinois Office of Water Resources  
160 N. LaSalle St., Suite S-700  
Chicago, Illinois 60601

US EPA Region 5  
Attn: Ken Westlake  
Ralph Metcalfe Federal Building  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

U.S. Fish and Wildlife Service  
Chicago Illinois Field Office  
1250 South Grove, Suite 103  
Barrington, Illinois 60010

Mr. Michael Reynolds, Regional Director  
Midwest Region  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

NRCS Illinois State Office  
2118 W. Park Court  
Champaign, Illinois 61821

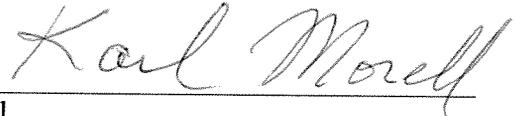
Director and Program Administration  
Illinois Historic Preservation Agency  
Old State-Journal Register Building  
313 South Sixth Street  
Springfield, IL 62701

US Army Corps of Engineers, Rock Island  
ATTN: Regulatory Branch  
Clock Tower Building  
Post Office Box 2004  
Rock Island, Illinois 61204-2004

Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, IL 62764

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

Dated: January 4, 2013



Karl Morell

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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|                              |   |                        |
|------------------------------|---|------------------------|
| <b>BNSF RAILWAY COMPANY</b>  | ) |                        |
| <b>ABANDONMENT EXEMPTION</b> | ) | <b>DOCKET NO. AB 6</b> |
| <b>IN FULTON COUNTY,</b>     | ) | <b>(SUB-NO. 486X)</b>  |
| <b>ILLINOIS</b>              |   |                        |

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**ENVIRONMENTAL AND HISTORIC REPORTS**

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**BNSF RAILWAY COMPANY**  
2650 Lou Menk Drive  
P.O. Box 96157  
Fort Worth, TX 76161-0057

**Tyler White**  
Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828

**Karl Morell**  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
(202) 638-3307

**Service Date:** November 29, 2012

## ENVIRONMENTAL REPORT

(49 C.F.R. § 1105.7)

*(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

BNSF Railway Company ("BNSF") proposes to abandon the 14.5-mile rail line located between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline, in Fulton County, Illinois (the "Line"). A map of the project area is attached as **Exhibit A**.

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of the rails, ties, and bridges. If the Line is railbanked, the bridges will not be removed. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing

waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis (“OEA”) and imposed by the Surface Transportation Board (“STB”) in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no traffic since 2003. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

**(2) Transportation System** *Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

There will be no passenger or freight traffic diverted to other transportation systems as a result of the proposed abandonment. There has been no local or overhead traffic on this line since 2003.

**(3) Land Use**

**(i)** *Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

BNSF believes that the proposed action is consistent with existing land use plans. BNSF contacted the City of Dunfermline - City Hall, City of Farmington – City Hall, and Fulton County – Office of Planning and Zoning. As of the date of this Environmental Report, none of these agencies has responded as to whether the proposed action is consistent with existing land use plans. Copies of the letters are attached as **Exhibit B**.

**(ii)** *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.*

BNSF does not believe that the proposed abandonment will have an adverse effect on prime agriculture land. BNSF sent a letter to the NRCS Illinois State Office. Mr. Ivan N. Dozier, State Conservationist, replied in a letter dated September 24, 2012, stating, “Because the proposed track abandonment would be confined to an existing rail corridor, it will have no impact on prime or important farmlands.” A copy of the letter is attached as **Exhibit C**.

***(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.***

BNSF does not believe the proposed abandonment is located within a designated coastal zone. BNSF sent a letter to the Illinois Office of Water Resources. Mr. James P. Casey, Federal Consistency Coordinator, replied in a letter dated October 18, 2012, stating, "I have reviewed your request and have determined that the proposed work will be outside the boundaries of the Illinois Coastal Management Plan (ICMP) and will not affect any coastal use or resource of the ICMP." A copy of the letter is attached as **Exhibit D**.

***(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.***

The proposed abandonment may be suitable for alternative public use. BNSF contacted the City of Dunfermline - City Hall, City of Farmington – City Hall, and Fulton County – Office of Planning and Zoning.

**(4) Energy**

***(i) Describe the effect of the proposed action on transportation of energy resources.***

The proposed abandonment will have no effect on the transportation of energy resources.

***(ii) Describe the effect of the proposed action on recyclable commodities.***

The proposed abandonment will not adversely affect the movement or recovery of recyclable commodities.

***(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.***

The proposed action will not result in an increase or decrease in overall energy efficiency as there has been no traffic on the line since 2003.

**(iv) If the proposed action will cause diversions from rail to motor carriage of more than:**

**(A) 1,000 rail carloads a year, or**

**(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.**

The proposed abandonment will not result in a diversion of rail to motor carriage.

**(5) Air**

**(i) If the proposed action will result in either:**

**(A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or**

**(B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or**

**(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

**(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:**

**(A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,**

**(B) an increase in rail yard activity of at least 20 percent (measured**

*by carload activity), or*

*(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.*

The proposed action will not result in meeting or exceeding the specified thresholds in (ii) (A), (B) or (C) above.

*(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

The proposed abandonment will not affect the transportation of ozone depleting materials.

**(6) Noise** *If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:*

*(i) an incremental increase in noise levels of three decibels Ldn or more; or*

*(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not applicable.

**(7) Safety**

*(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).*

This abandonment should have no adverse effect on health or public safety.

There is one (1) active private railroad overpass, two (2) active public railroad overpasses, fifteen (15) private at-grade crossings (9 active and 6 closed), and twenty-four (24) public at-grade crossings (20 active and 4 closed) on the Line.

*(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials.*

The abandonment will not result in the transportation of hazardous materials.

*(iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

**(8) Biological Resources**

*(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

BNSF does not believe that the proposed abandonment will have an adverse effect on endangered or threatened species or areas designated as a critical habitat.

BNSF contacted the U.S. Fish and Wildlife Service, Chicago Illinois Field Office,

in reference to this proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit E**.

*(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

BNSF does not believe that any wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Department of the Interior, Bureau of Land Management (Northeastern States Field Office) and the National Park Service, Midwest Region. As of the date of this Environmental Report, neither agency has replied to BNSF's inquiry. Copies of the letters are attached as **Exhibit F**.

**(9) Water**

*(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

BNSF sent a letter to the Illinois Office of Water Resources. Mr. James P. Casey, Federal Consistency Coordinator, replied in a letter dated October 18, 2012, stating, "I have reviewed your request and have determined that the proposed work will be outside the boundaries of the Illinois Coastal Management Plan (ICMP) and will not affect any coastal use or resource of the ICMP." A copy of the letter is attached as **Exhibit D**.

BNSF also contacted the US EPA, Region 5 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit G**.

*(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

BNSF is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. BNSF contacted the Rock Island District of the U.S. Army Corps of Engineers in reference to the proposed abandonment. Ms. Donna M. Jones, P.E., Chief, Enforcement Section, Regulatory Branch, replied in a letter dated October 29, 2012, stating, "We determined the project as proposed does not require a Department of the Army (DA) Section 404 permit." A copy of the letter is attached as **Exhibit H**.

*(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).*

BNSF sent a letter to the Illinois Office of Water Resources. Mr. James P. Casey, Federal Consistency Coordinator, replied in a letter dated October 18, 2012, stating, "I have reviewed your request and have determined that the proposed work will be outside the boundaries of the Illinois Coastal Management Plan (ICMP) and will not affect any coastal use or resource of the ICMP." A copy of the letter is attached as **Exhibit D**.

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**(10) Proposed Mitigation. Describe any actions that are proposed to mitigate**

*adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

## HISTORIC REPORT

(49 C.F.R. § 1105.8)

*(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

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The proposed abandonment will include the removal of the rails, ties, and bridges. If the Line is railbanked, the bridges will not be removed. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis (“OEA”) and imposed by the Surface Transportation Board (“STB”) in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no local traffic since 2003. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

## HISTORIC REPORT

1. *A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.*

The required topographic map is attached to this Report as **Exhibit A**.

2. *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area*

The subject Line extends approximately 14.5 miles between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline, in Fulton County, Illinois. The rural right-of-way is generally 70 to 100 feet wide and 100 to 250 feet wide in station ground (urban) areas. There are no federally granted rights of way involved.

3. *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.*

The following two bridges, 50 years old or older, are located on the Line and may also be removed, unless the Line is railbanked:

- 1) Milepost 52.81 – 55' long, 20' high, thru plate girder, built in 1912
- 2) Milepost 52.86 – 100' long, 13' high, stone arch, built in 1860

See **Exhibit I**, attached photographs.

4. *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.*

The following two bridges, 50 years old or older, are located on the Line and may also be removed, unless the Line is railbanked:

- 1) Milepost 52.81 – 55' long, 20' high, thru plate girder, built in 1912
- 2) Milepost 52.86 – 100' long, 13' high, stone arch, built in 1860

See **Exhibit I**, attached photographs.

5. ***A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.***

On February 11, 1853, originally chartered under the name of Macomb, Vermont and Bath, it changed its name to The Peoria and Hannibal Railroad Company (“PHRR”) on February 24, 1854. On June 1, 1899, PHRR was deeded to Chicago, Burlington & Quincy Railroad Company (“CB&Q”). On June 10, 1896, the Jacksonville and Saint Louis Railway Company (“JSLR”) was incorporated in Illinois. On July 1, 1905, JSLR was deeded to CB&Q. On March 2, 1970, CB&Q merged into the Great Northern Pacific and Burlington Line, Inc., pursuant to an Agreement of Merger dated as of January 26, 1961 (“Burlington Merger Agreement”). A Certificate of Amendment of Certificate of Incorporation of Great Northern Pacific and Burlington Lines, Inc., dated February 12, 1970, was filed in the office of the Secretary of State of Delaware on March 2, 1970, and the name of the company changed to Burlington Northern Inc. (“BNI”). BNI changed its name to Burlington Northern Railroad Company (“BNRR”) in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in 2005.

6. ***A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.***

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. These documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

7. ***An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).***

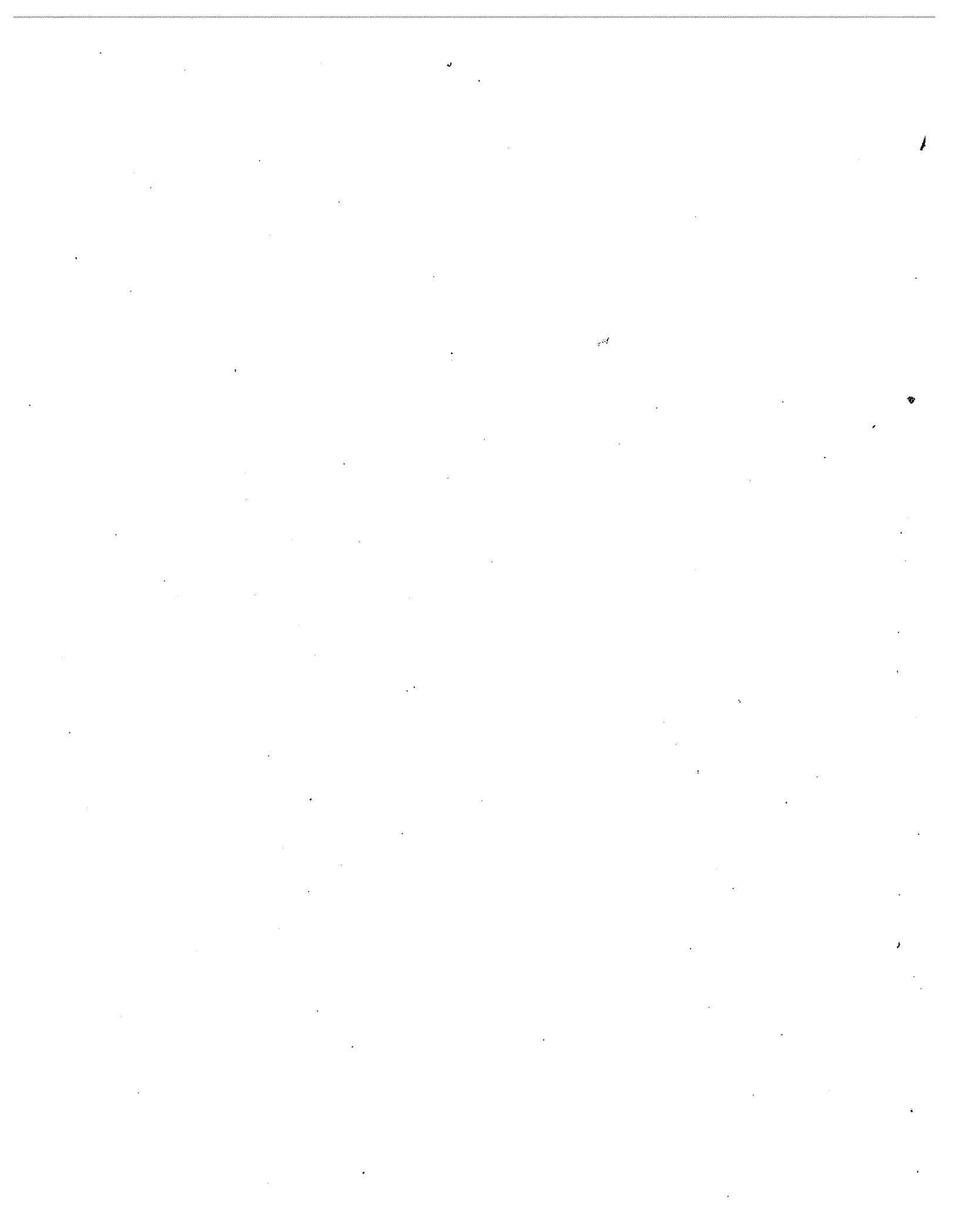
BNSF contacted the Illinois Historic Preservation Agency (“SHPO”) in reference to the proposed abandonment. By letter dated October 26, 2012, Anne E. Haaker, Deputy State Historic Preservation Officer, stated, “On November 8, 2005, this agency determined that the stone arch bridge located at Milepost 52.86 was eligible for listing in the National Register of Historic Places. A copy of the 2005 letter and a sample preservation covenant are included with this correspondence.” The letter is attached as **Exhibit J**.

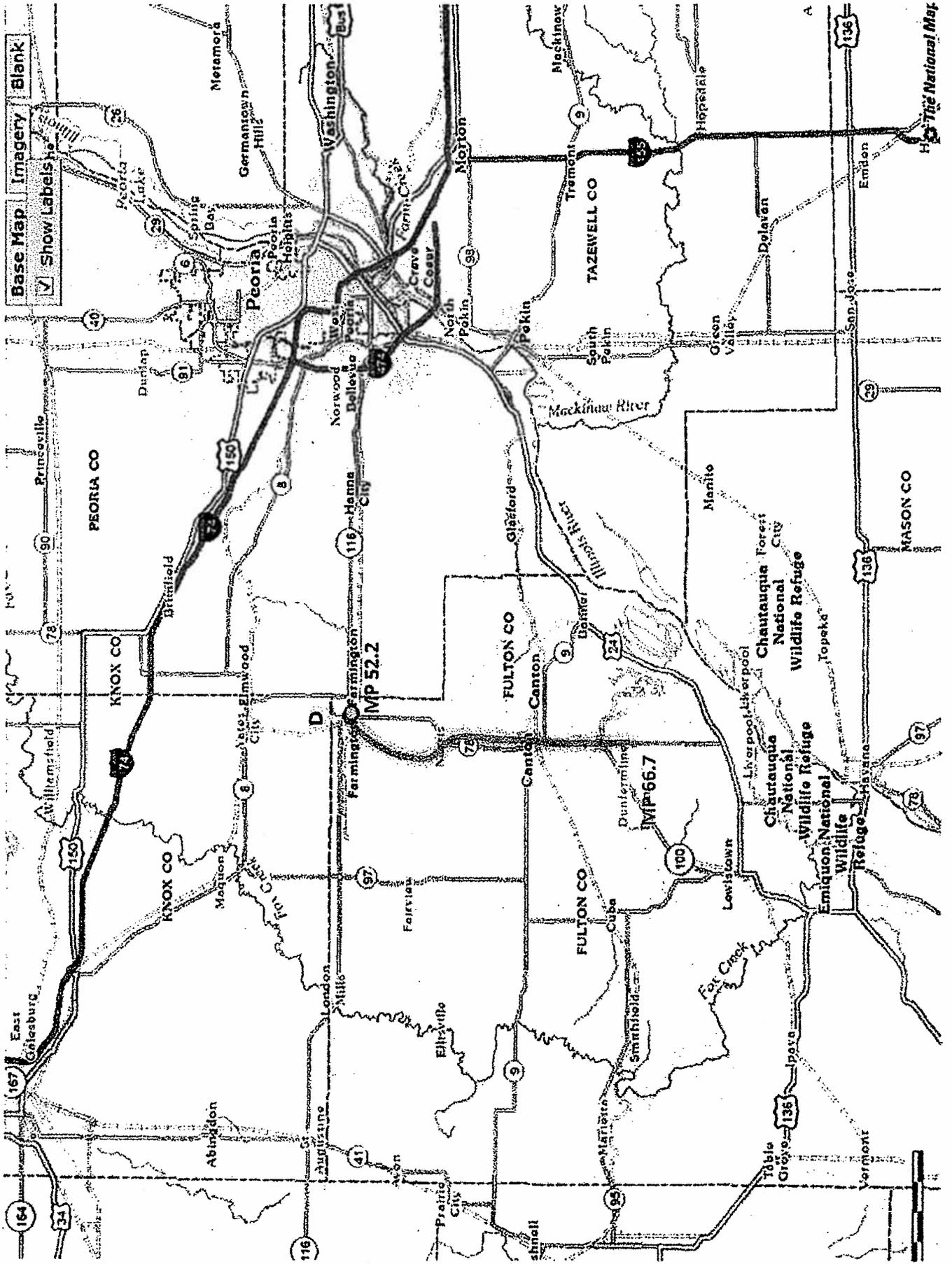
8. ***A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.***

The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

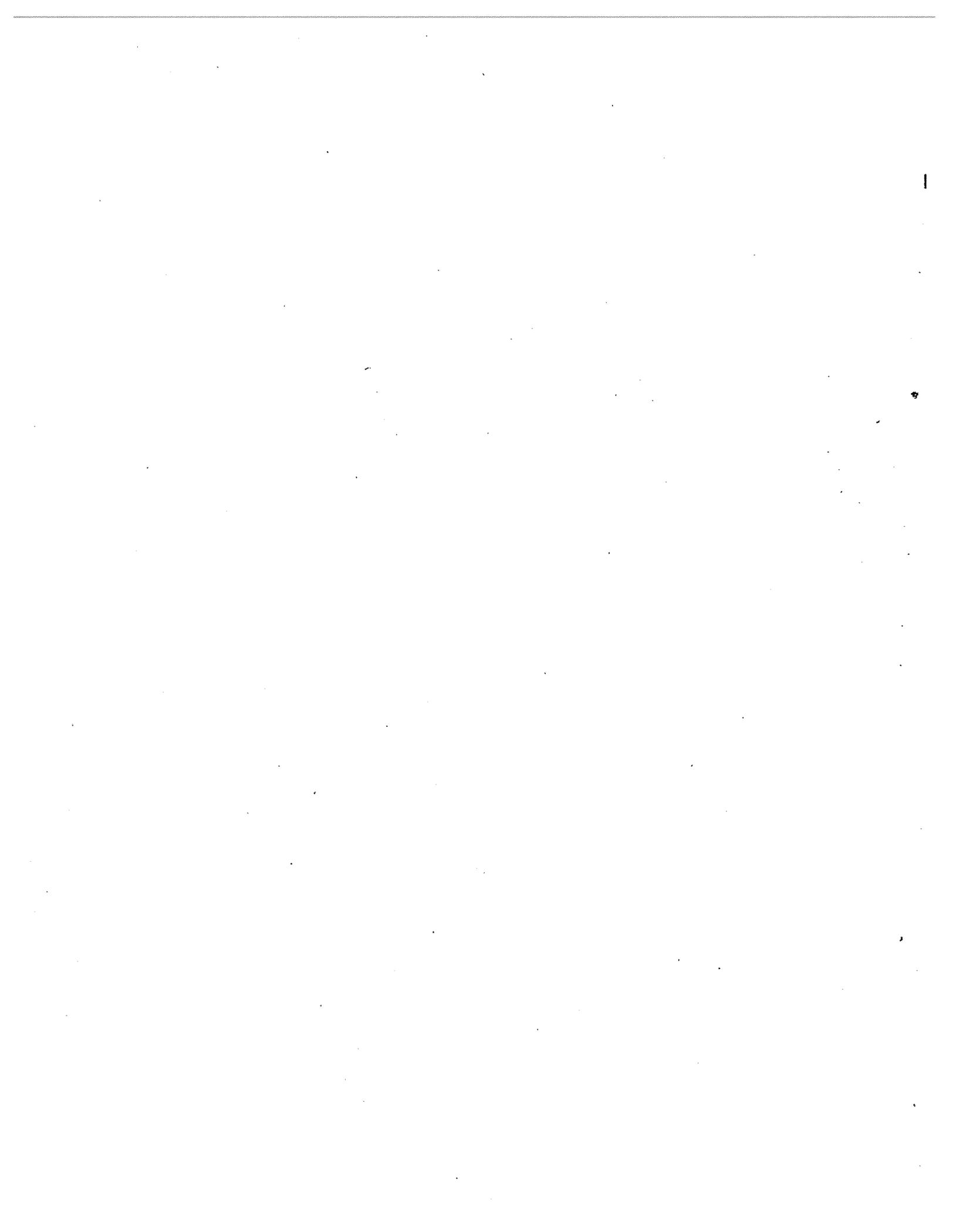
9. ***Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).***

If any additional information is requested, BNSF will promptly supply the necessary information.





The National Map





John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

September 13, 2012

City of Dunfermline  
City Hall  
709 Center Street  
Dunfermline, IL 61524

**Re: STB Docket No. AB 6 (Sub-No. 486X); BNSF Railway Company –  
Abandonment Exemption – In Fulton County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 14.5 miles of rail line in Fulton County, Illinois, between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline.

As part of the environmental report, BNSF is required to contact you to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above, if at all possible, by October 26, 2012. You may contact me by email or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Tyler White – BNSF – [tyler.white2@bnsf.com](mailto:tyler.white2@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Mike Yuen – BNSF – [michael.yuen@bnsf.com](mailto:michael.yuen@bnsf.com)



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Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

September 13, 2012

City of Farmington  
City Hall  
322 E Fort St  
Farmington, IL 61531

**Re: STB Docket No. AB 6 (Sub-No. 486X); BNSF Railway Company –  
Abandonment Exemption – in Fulton County, Illinois**

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Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Mike Yuen – BNSF – [michael.yuen@bnsf.com](mailto:michael.yuen@bnsf.com)



John A. Sims, CP  
Paralegal  
Law Department

**BNSF Railway Company**  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

September 13, 2012

Fulton County  
Office of Planning and Zoning  
700 E. Oak Street  
Canton, Illinois 61520

**Re: STB Docket No. AB 6 (Sub-No. 486X); BNSF Railway Company –  
Abandonment Exemption – in Fulton County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 14.5 miles of rail line in Fulton County, Illinois, between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline.

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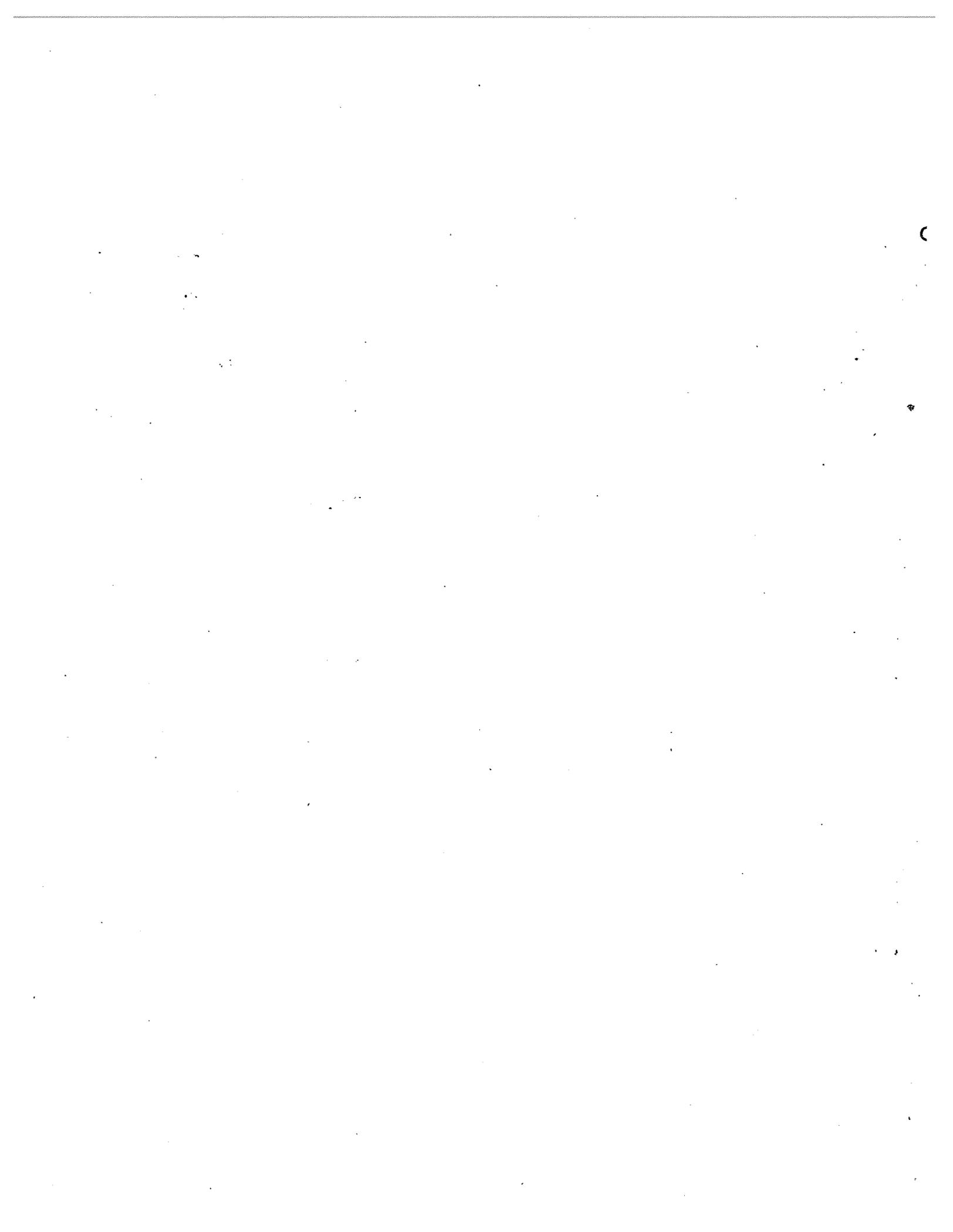
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Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

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Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Mike Yuen – BNSF – [michael.yuen@bnsf.com](mailto:michael.yuen@bnsf.com)



United States Department of Agriculture



Natural Resources Conservation Service  
2118 West Park Court  
Champaign, IL 61821  
Phone: 217/353-6600  
Fax: 217/353-6676

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September 24, 2012

Mr. John A. Sims, Paralegal  
BNSF Railway  
2500 Lou Menk Drive—AOB-3  
Fort Worth TX 76131-2828

RE: STB Docket No. AB 6 (Sub-No. 486X); BNSF Railway Company – Abandonment  
Exemption – in Fulton County, Illinois

Dear Mr. Sims:

We have reviewed the proposed project as requested.

Because the proposed track abandonment would be confined to an existing rail corridor, it will have no impact on prime or important farmlands.

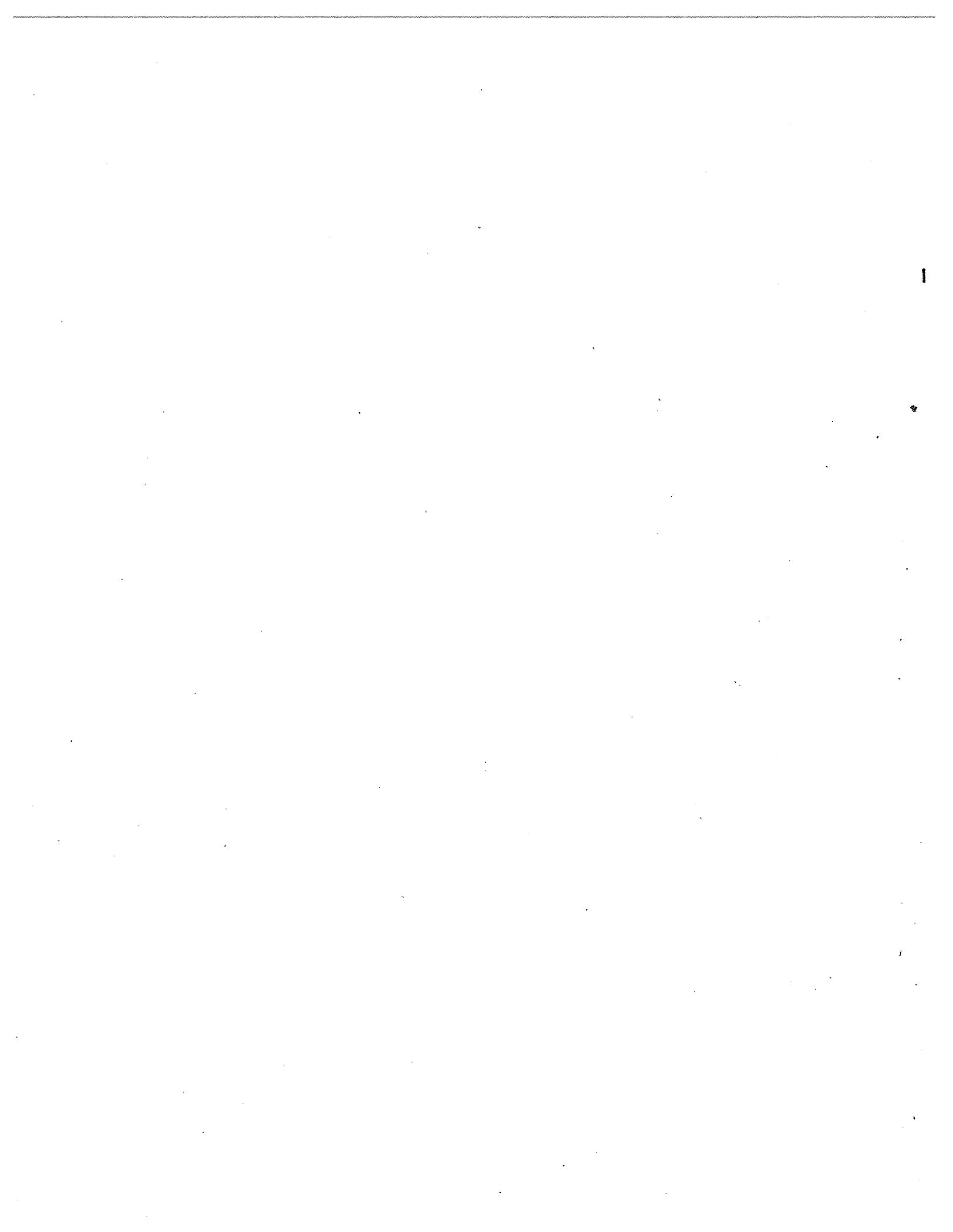
Sincerely,

A handwritten signature in black ink, appearing to read "Ivan N. Dozier", is written over a light blue horizontal line.

IVAN N. DOZIER  
State Conservationist

cc:

Tessa Chadwick, ASTC, USDA-NRCS, 233 South Soangetaha Road, Galesburg, IL 61401  
Kim Smail, District Conservationist, USDA-NRCS, 15381 N. State Hwy 100, Lewiston, IL 61542  
Gary Struben, State Soil Scientist, USDA-NRCS, 2118 W. Park Court, Champaign, IL 61821





# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Pat Quinn, Governor  
Marc Miller, Director

Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle Street, Suite S-703  
Chicago, IL 60601 Phone: 312/793-3123 Fax: 312/793-5968

October 18, 2012

Mr. John A. Sims  
BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, TX 76131-2828

RE: Illinois Coastal Management Plan, Federal Consistency Determination

Dear Mr. Sims:

According to your letter dated September 13, 2012 BNSF Railway proposes to abandon 14.5 miles of rail line in Fulton County, IL between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline and would like a Federal Consistency Determination. I have reviewed your request and have determined that the proposed work will be outside the boundaries of the Illinois Coastal Management Plan (ICMP) and will not affect any coastal use or resource of the ICMP. Therefore, the proposed railroad abandonment is Federally Consistent with the enforceable policies of the Illinois Coastal Management Plan.

If you have any questions, feel free to contact me at (312) 793-5947 or [james.casey@illinois.gov](mailto:james.casey@illinois.gov).

Sincerely,

James P. Casey  
Federal Consistency Coordinator





**John A. Sims, CP**  
Paralegal  
Law Department

**BNSF Railway Company**  
2600 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

September 13, 2012

U.S. Fish and Wildlife Service  
Chicago Illinois Field Office  
1250 South Grove, Suite 103  
Barrington, Illinois 60010

**Re: STB Docket No. AB 6 (Sub-No. 486X); BNSF Railway Company –  
Abandonment Exemption – in Fulton County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 14.5 miles of rail line in Fulton County, Illinois, between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails, ties and bridges; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping, and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by October 26, 2012. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

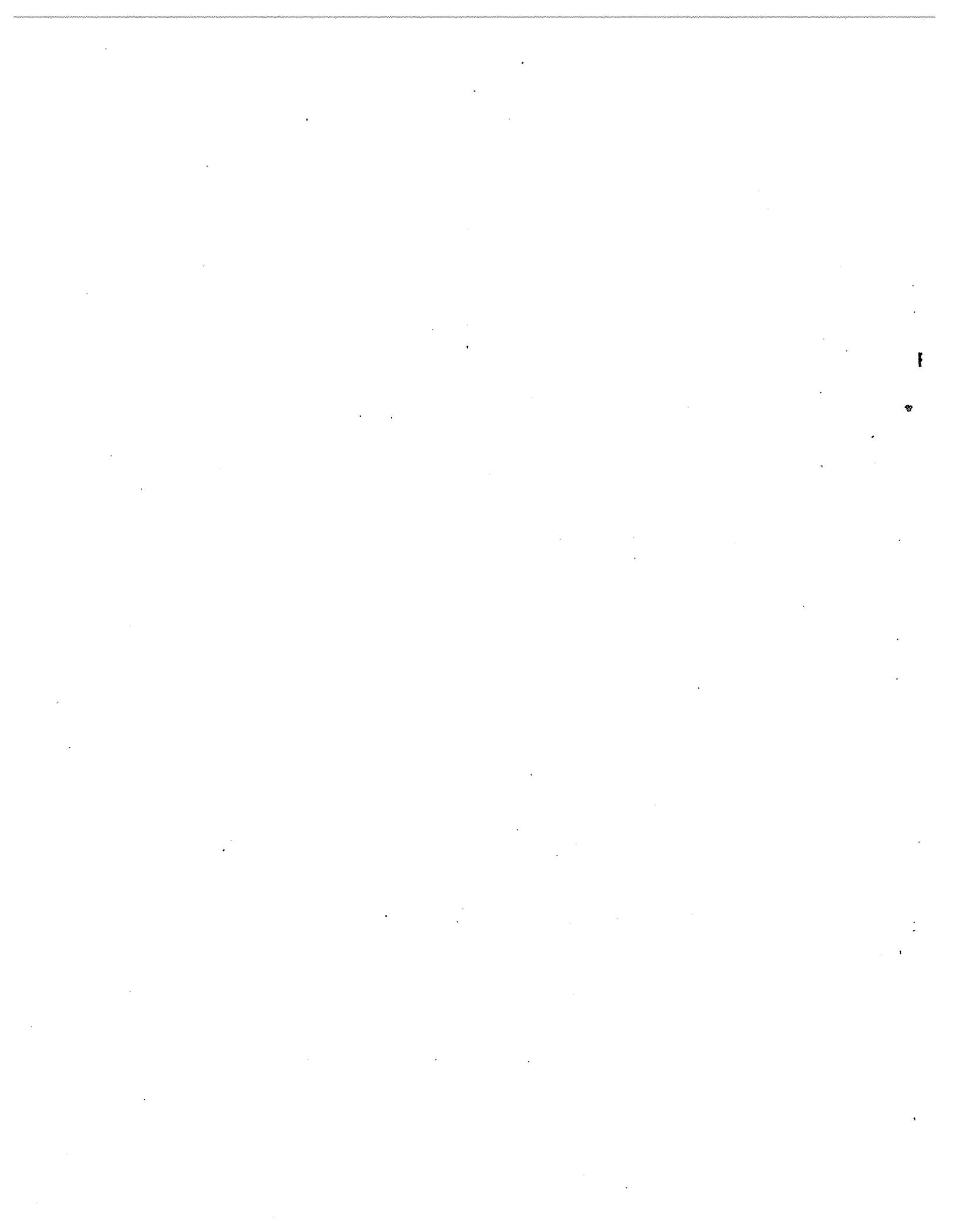
Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

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Mike Yuen – BNSF – [michael.yuen@bnsf.com](mailto:michael.yuen@bnsf.com)





**John A. Sims, CP**  
Paralegal  
Law Department

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2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email – john.sims@bnsf.com

F

September 13, 2012

U.S. Department of the Interior  
Bureau of Land Management  
Northeastern States Field Office  
626 E. Wisconsin Ave., Suite 200  
Milwaukee, Wisconsin 53202-4617

**Re: STB Docket No. AB 6 (Sub-No. 486X); BNSF Railway Company –  
Abandonment Exemption – in Fulton County, Illinois**

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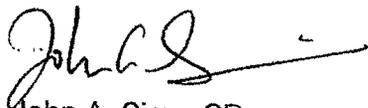
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Please provide your assessment and comments to me at the address above, if at all possible, by October 26, 2012. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

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Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Mike Yuen – BNSF - [michael.yuen@bnsf.com](mailto:michael.yuen@bnsf.com)



John A. Sims, CP  
Paralegal  
Law Department

**BNSF Railway Company**  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

September 13, 2012

Mr. Michael Reynolds, Regional Director  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

**Re: STB Docket No. AB 6 (Sub-No. 486X); BNSF Railway Company –  
Abandonment Exemption – in Fulton County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 14.5 miles of rail line in Fulton County, Illinois, between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any wildlife sanctuaries or National or State parks or forests adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

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Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

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Mike Yuen – BNSF – [michael.yuen@bnsf.com](mailto:michael.yuen@bnsf.com)





John A. Sims, CP  
Paralegal  
Law Department

**BNSF Railway Company**  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email john.sims@bnsf.com

September 13, 2012

US EPA Region 5  
Ralph Metcalfe Federal Building  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

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Abandonment Exemption – in Fulton County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 14.5 miles of rail line in Fulton County, Illinois, between Milepost 52.2 in Farmington and Milepost 66.7 in Dunfermline.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not this action will be consistent with Federal, State or local water quality standards, and 2) whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required for performance of the salvage activity described below. Please note: **BNSF anticipates the proposed abandonment will not disturb more than one (1) acre of land.**

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails, ties and bridges; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by October 26, 2012. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

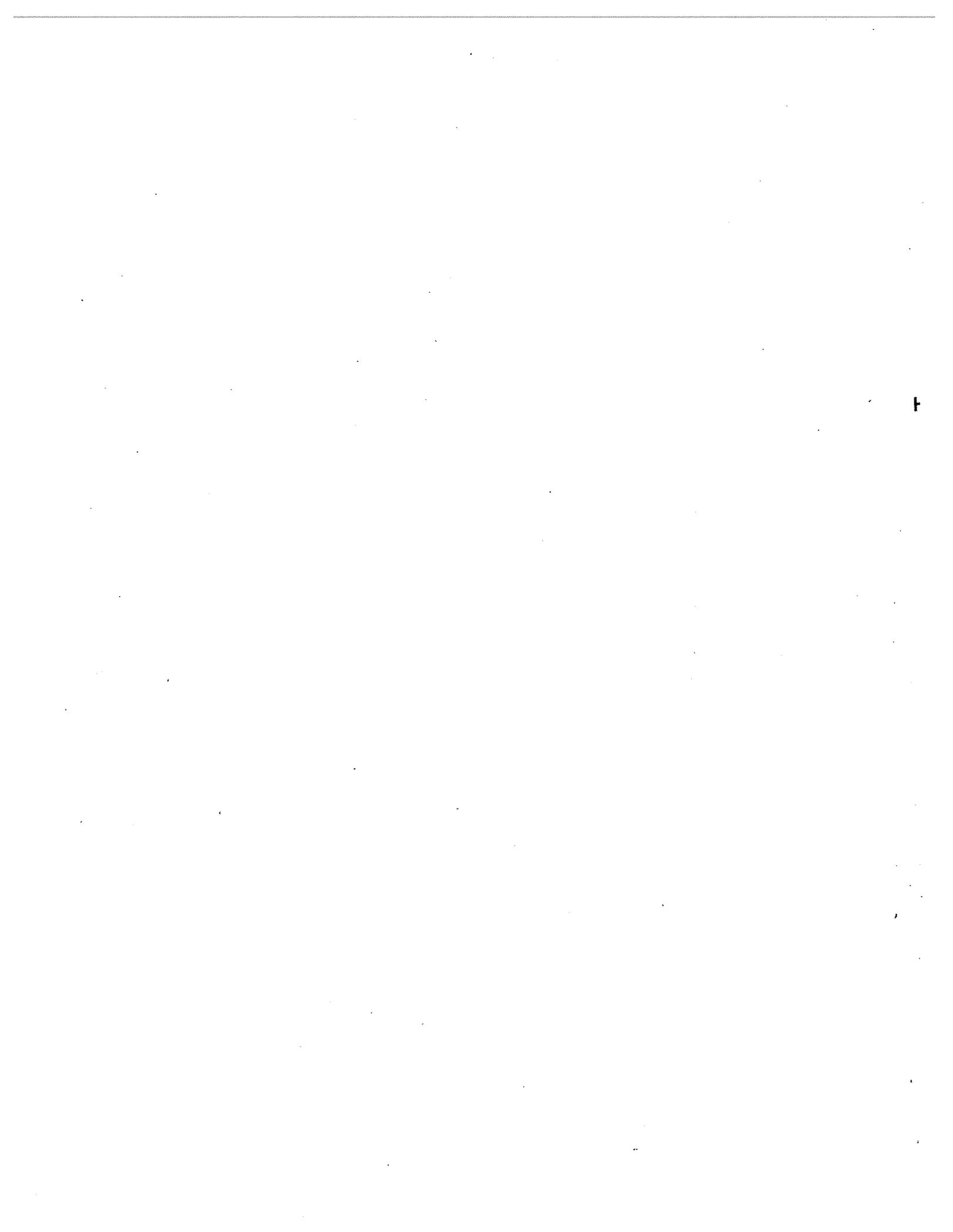
Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Tyler White – BNSF – [tyler.white2@bnsf.com](mailto:tyler.white2@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Mike Yuen – BNSF – [michael.yuen@bnsf.com](mailto:michael.yuen@bnsf.com)





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT  
PO BOX 2004 CLOCK TOWER BUILDING  
ROCK ISLAND, ILLINOIS 61204-2004

October 29, 2012

Operations Division

CEMVR-OD-P-2012-1503

John Sims, CP  
BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828

Dear Mr. Sims:

Our office reviewed the letter received, September 27, 2012, concerning the abandonment of STB Docket No. AB 6 (Sub-No. 486X) to include abandonment of 14.5 miles of rail line between Milepost 52.2 in Farmington, IL and Milepost 66.7 in Dunfermlin, Illinois in Fulton County, Illinois.

We determined the project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Please contact our office if the project plans change and there is a potential for impacts of dredged or fill material into Corps' regulated waters, which will require a Department of the Army 404 permit.

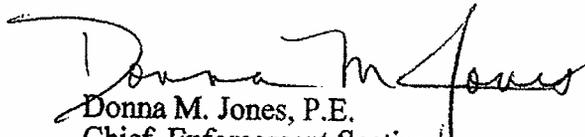
You are advised that this determination for the project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual DA permit will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact our Regulatory Branch by letter, telephone or email to Mrs. Kirsten Brown at 309/794-5104 or [Kirsten.L.Brown@usace.army.mil](mailto:Kirsten.L.Brown@usace.army.mil).

Sincerely,

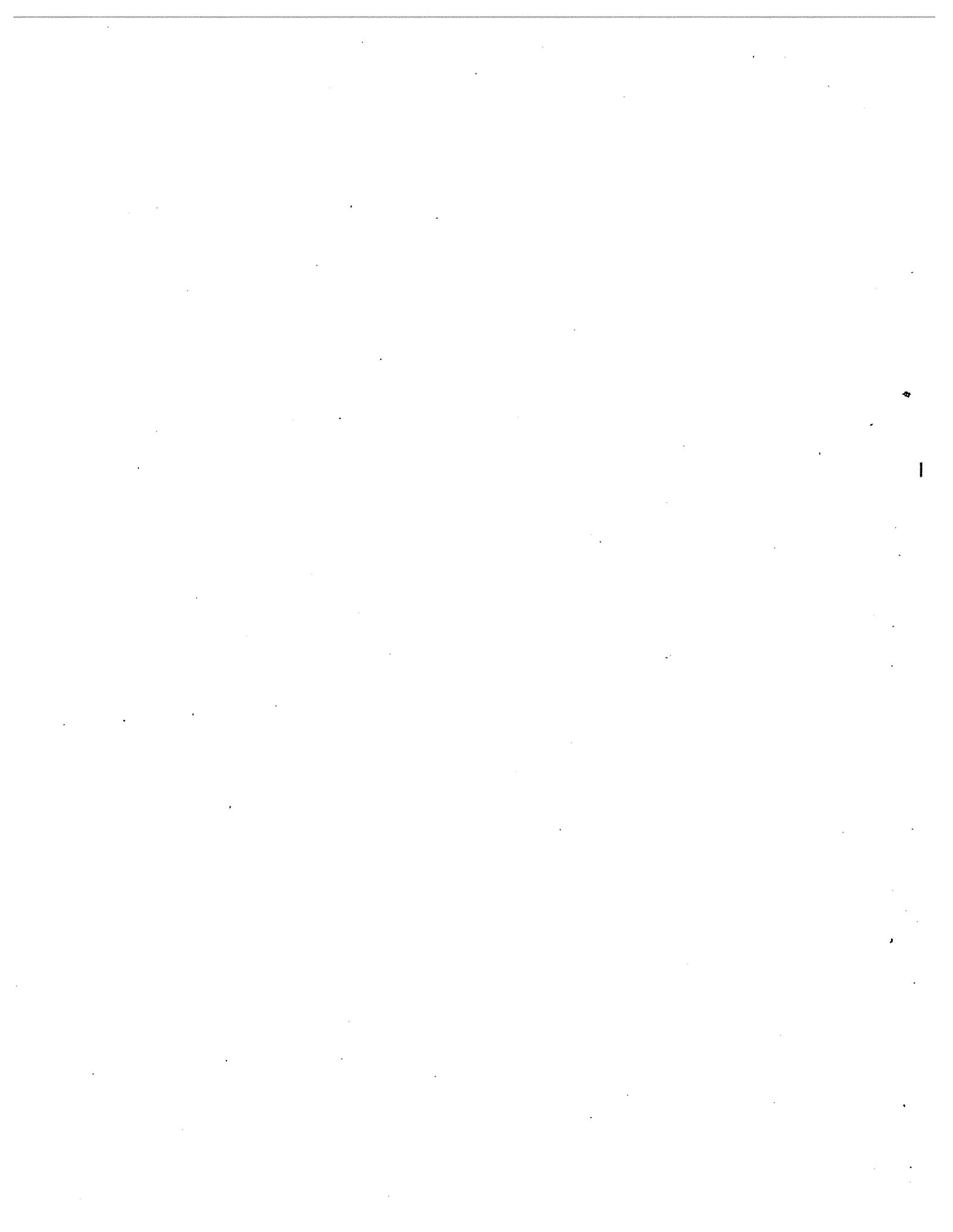
  
Donna M. Jones, P.E.  
Chief, Enforcement Section  
Regulatory Branch

Enclosures

Copies Furnished: (w/o enclosures)

Mr. Mike Diedrichsen, P.E.  
Office of Water Resources  
IL Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62701-1271

Mr. Dan Heacock  
Illinois Environmental Protection Agency  
Watershed Management Section, Permit Sec. 15  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
[Epa.401.bow@illinois.gov](mailto:Epa.401.bow@illinois.gov) (email copy)



**52.81**

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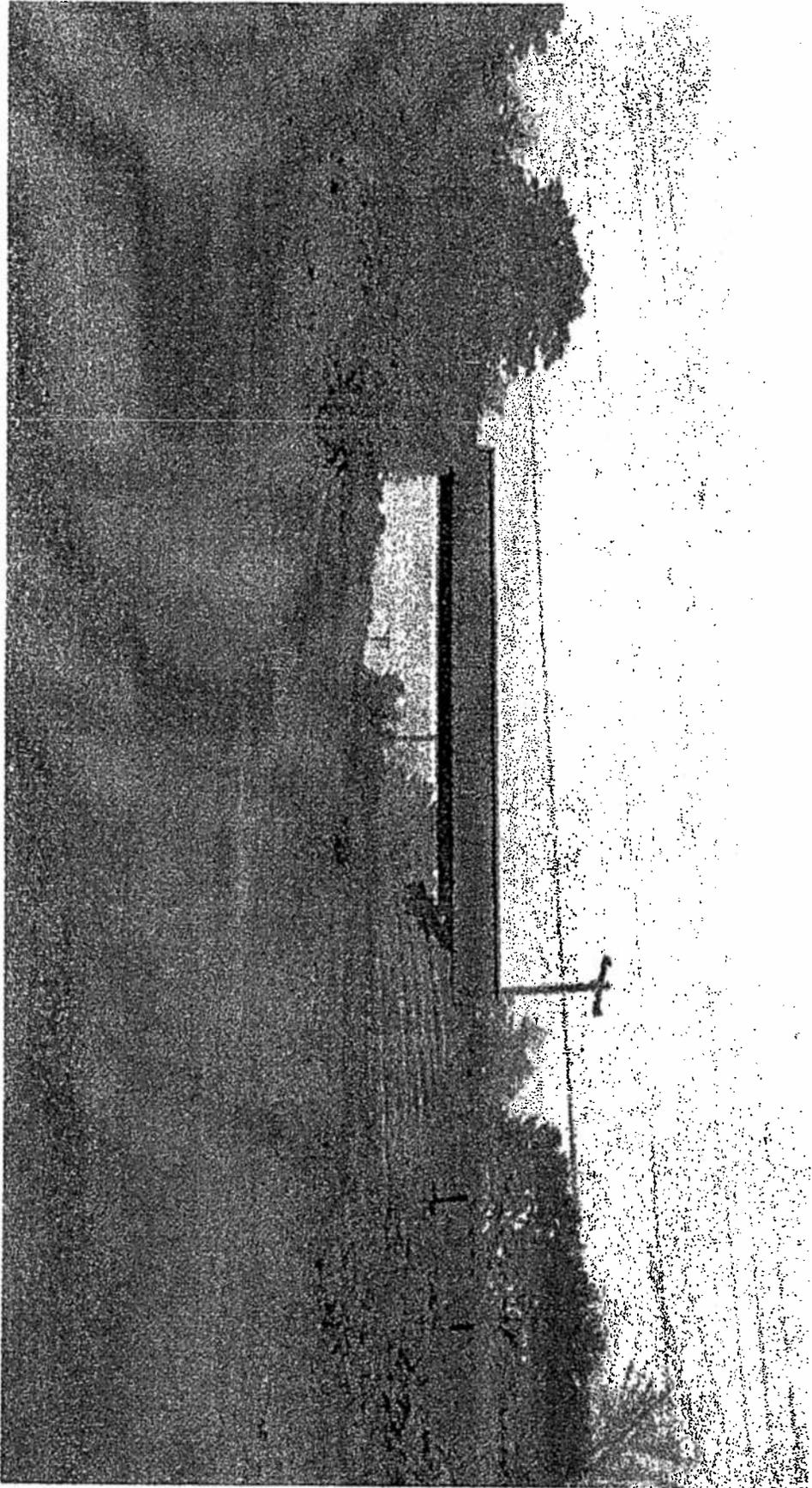


10/12/2012

**BNSF**  
RAILWAY

52.81

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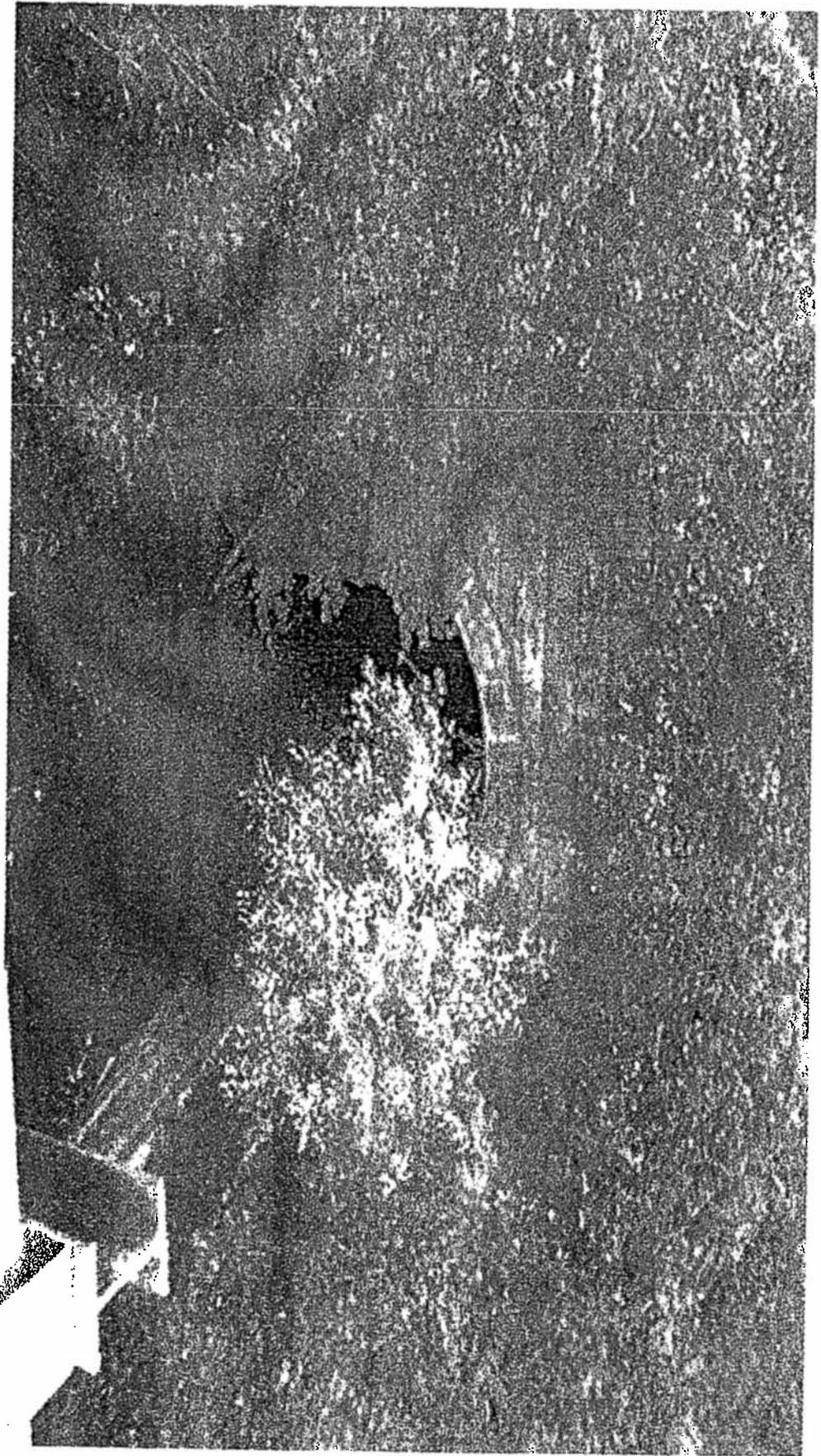


10/12/2012

**BNSF**  
RAILWAY

**52.86**

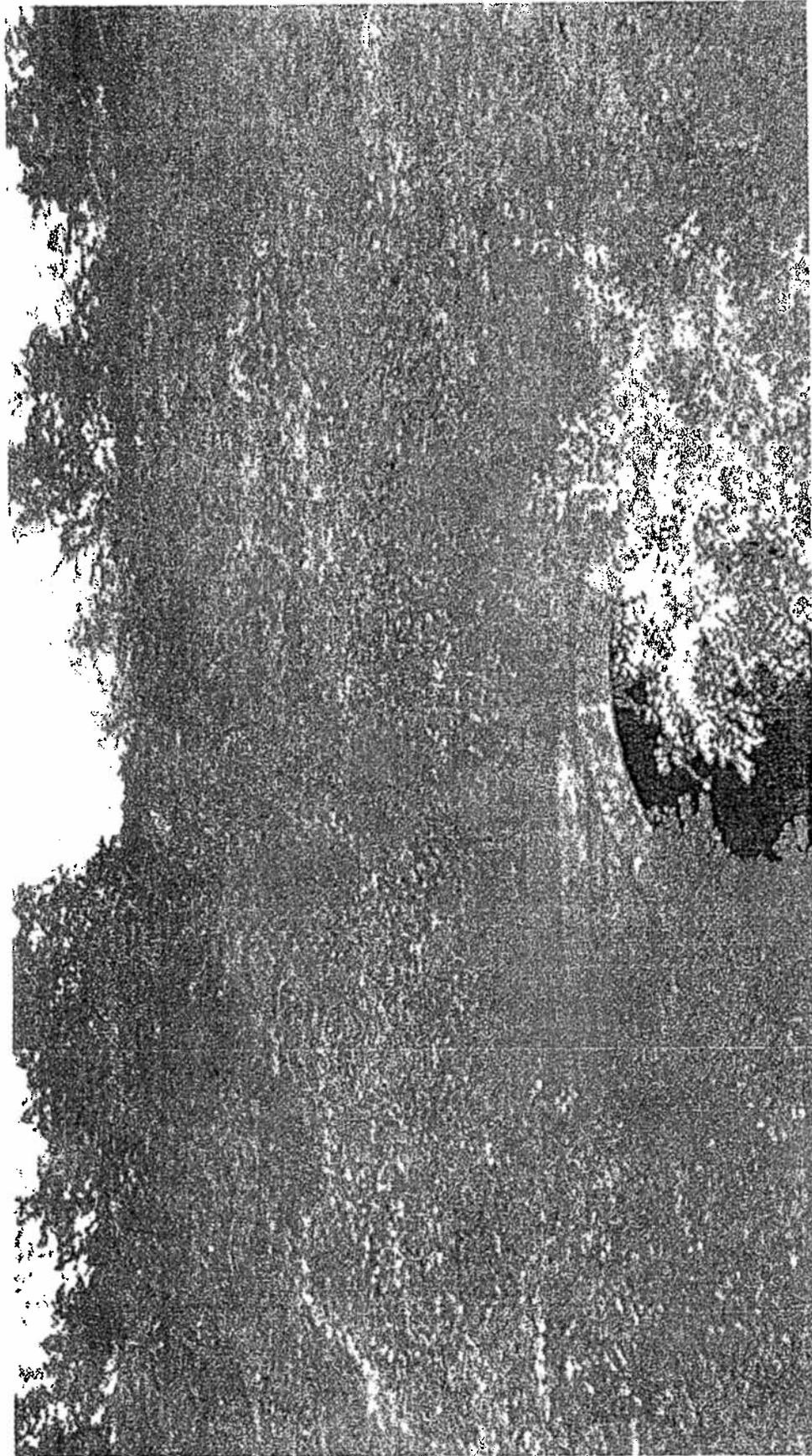
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10/12/2012

**BNSF**  
RAILWAY

52.86



**BNSF**  
RAILWAY





Illinois Historic  
Preservation Agency

FAX (217) 782-8161

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • [www.illinois-history.gov](http://www.illinois-history.gov)

Fulton County  
Farmington to Dunfermline  
Railway Abandonment  
Milepost 52.2 in Farmington to Milepost 66.7 in Dunfermline  
STB-AB 6 (Sub-No. 486X)  
IHPA Log #009101512

October 26, 2012

John Sims  
BNSF Railway Company  
2500 Lou Menk Drive - AOB-3  
Ft. Worth, TX 76131-2828

Dear Mr. Sims:

Thank you for requesting comments from our office concerning the possible effects of the project referenced above on cultural resources. Our comments are required by Section 106 of the National Historic Preservation Act of 1966 (16 USC 470), as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties".

On November 8, 2005, this agency determined that the stone arch bridge located at Milepost 52.86 was eligible for listing in the National Register of Historic Places. A copy of the 2005 letter and a sample preservation covenant are included with this correspondence.

If you have questions, please contact David J. Halpin, Cultural Resources Manager, at 217-785-4998.

Sincerely,

Anne E. Haaker  
Deputy State Historic  
Preservation Officer

enclosure: 11/8/2005 letter



Illinois Historic  
Preservation Agency

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • Teletypewriter Only (217) 524-7128

Voice (217) 782-4836

www.illinois-history.gov

Fulton County  
Farmington

BNSF Railway Company Abandonment Exemption  
Bridge 52.86 - West side of County Route 24, Over Littlers Creek; Section 11,  
T8N/R4E  
STB-AB-6 (Sub No. 431X)  
IHPA Log #011100405

November 8, 2005

Sidney Strickland  
Sidney Strickland and Associates, PLLC  
3050 K St. N.W. Ste. 101  
Washington, DC 20007-5108

Dear Mr. Strickland:

We have reviewed the documentation provided for the referenced project. This property is eligible for listing on the National Register of Historic Places.

In our opinion the project meets the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and we concur in a finding of no adverse effect pursuant to 36 CFR Part 800 to the abandonment of the property provided that the following conditions are met:

A preservation covenant (sample attached) is attached to Bridge 52.86. Our office should be provided with a draft of the covenant for approval and a copy of the recorded document.

Notifying our office of agreement with these conditions and their subsequent implementation constitutes compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

If you have any questions, please contact Cody Wright, Cultural Resource Manager, Illinois Historic Preservation Agency, 1 Old State Capitol Plaza, Springfield, IL 62701, 217/785-3977.

Sincerely,

Anne E. Haaker  
Deputy State Historic  
Preservation Officer

## DRAFT PRESERVATION COVENANT LANGUAGE

In consideration of the conveyance of certain real property, [address of property] in the city of ( ) of the County ( ), State of Illinois and legally defined as (insert legal description):

- (1) The grantee hereby covenants on behalf of itself, its heirs, successors and assigns at all time to restore, maintain and preserve this property in accordance with the recommended approaches of the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic buildings" (National Park Service, 1989) in order to preserve those qualities that make this property eligible for listing on the National Register of Historic Places.
- (2) No construction, alteration or rehabilitation shall be undertaken or permitted to be undertaken that would affect the historic features of the property without consultation with and the express permission of the Illinois Historic Preservation Agency (IHPA) or a fully authorized representative thereof.
- (3) The IHPA shall be permitted at all reasonable times to inspect the property in order to ascertain if the above conditions are being met.
- (4) In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the IHPA may, following reasonable notice to the grantee, institute suit to enjoin said violation or to require the restoration of the property.
- (5) This covenant is binding on the grantee, its heirs, successors and assigns in perpetuity. All stipulations and covenants contained herein shall be inserted by the grantee verbatim or by express reference in any deed or other legal instrument by which the grantee divests itself of any interest in the property or any part thereof.
- (6) The failure of the IHPA to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or use of such right or remedy at any other time.
- (7) This covenant shall be a binding servitude upon the property and shall be deemed to run with the land. Execution of this covenant shall constitute conclusive evidence that the grantee agrees to be bound by the foregoing conditions and restrictions and to perform to obligations herein set forth.
- (8) The IHPA may, for good cause, modify or cancel any or all of the foregoing restrictions upon application of the grantee, its heirs, successors or assigns.

Signatures required