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**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**

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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

November 1, 2006



**FILED**

NOV - 1 2006

**SURFACE  
TRANSPORTATION BOARD**

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

**Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—  
Abandonment Exemption – in Kane County, IL**

Dear Secretary Williams:

Enclosed please find an original and 10 copies of the Verified Notice of Exemption under 49 C.F.R. 1152.50 for filing with the Board in the above-referenced matter.

Also enclosed is a check in the amount of \$3,100.00 for the filing fee.

Very truly yours,

*Sidney L. Strickland, Jr.*  
Sidney L. Strickland, Jr.  
Attorney for BNSF Railway Company

**ENTERED  
Office of Proceedings**

**NOV - 1 2006**

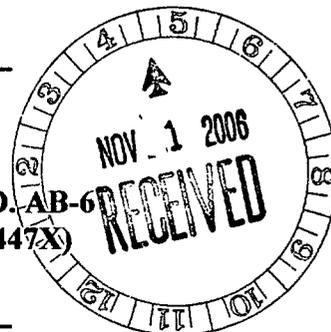
**Part of  
Public Record**

**FILED RECEIVED  
NOV - 1 2006  
SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN KANE COUNTY, IL

DOCKET NO. AB-6  
(SUB. NO. 447X)



VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1152.50

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

ENTERED  
Office of Proceedings  
NOV - 1 2006  
Part of  
Public Record

By: SIDNEY L. STRICKLAND, JR  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W.,  
Suite 101  
Washington, DC 20007  
(202) 338-1325

Attorneys for BNSF Railway Company

FILED  
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TRANSPORTATION BOARD

DATE FILED: November 1, 2006

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TRANSPORTATION BOARD

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN KANE COUNTY, IL**

**DOCKET NO. AB-6  
(SUB. NO. 447X)**

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**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1152.50**

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BNSF RAILWAY COMPANY (BNSF) (“Applicant”) files this Verified Notice of Exemption under 49 C.F.R. 1152 Subpart F- Exempt Abandonments (49 C.F.R. 1152.50) for BNSF to abandon a rail line that extends between Milepost 3.53 and Milepost 3.57, at Nifa in Kane County, Illinois (the “Line”), a total distance of 0.04 miles.

The Line is depicted in a map that is attached to this Notice as Appendix 1.

**Responses to 49 C.F.R. § 1152.50(d)(2):**

I. *Proposed consummation date for the abandonment.*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of November 1, 2006, which is December 21, 2006.

II. *Certification required in 49 C.F.R. § 1152.50(b)*

The required certification is attached hereto as Appendix 2.

III. *Information required by 49 C.F.R. § 1152.22(a)(1-4), (7) and (8) and (e)(4).*

(a) General

- (1) Exact name of Applicant.  
BNSF Railway Company (BNSF).
- (2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*  
Applicant is a common carrier by railroad subject to 49 U.S.C.  
Subtitle IV, Chapter 105.
- (3) *Relief sought (abandonment of line or discontinuance of service).*  
BNSF seeks to use the class exemption from Surface  
Transportation Board approval authorizing the abandonment of the  
Kane County Line specified above.
- (4) *Detailed map of the subject line.*  
See Appendix 1.
- (7) *Name, title and address of representative of applicant to whom  
correspondence should be sent:*  
  
Sidney L. Strickland, Jr.  
Sidney Strickland And  
Associates, PLLC  
3050 K Street, N.W.  
Suite 101  
Washington, DC 20007  
(202) 338-1325  
  
Attorney for BNSF
- (8) *List of all United States Postal Service ZIP Codes that the line  
traverses.*  
  
The Line traverses United States Postal Service Zip Code  
60542.
- (e)(4) *Statement of whether the properties proposed to be abandoned are  
suitable for other public purposes, including roads or 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 properties of the proposed abandonment appear to be appropriate for other public purposes. Based on information in our possession, there are no federally granted rights-of-way within the corridor. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. *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 set forth in *Oregon Short Line RR Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

V. *Certification that Applicants have complied with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11.*

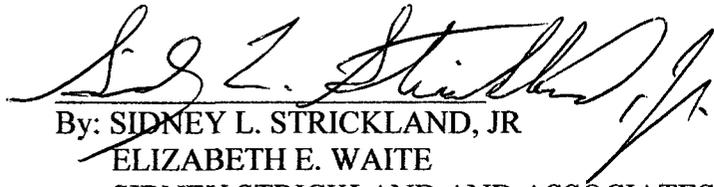
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

VI. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

Respectfully submitted,

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



By: SIDNEY L. STRICKLAND, JR  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W.,  
Suite 101  
Washington, DC 20007  
(202) 338-1325

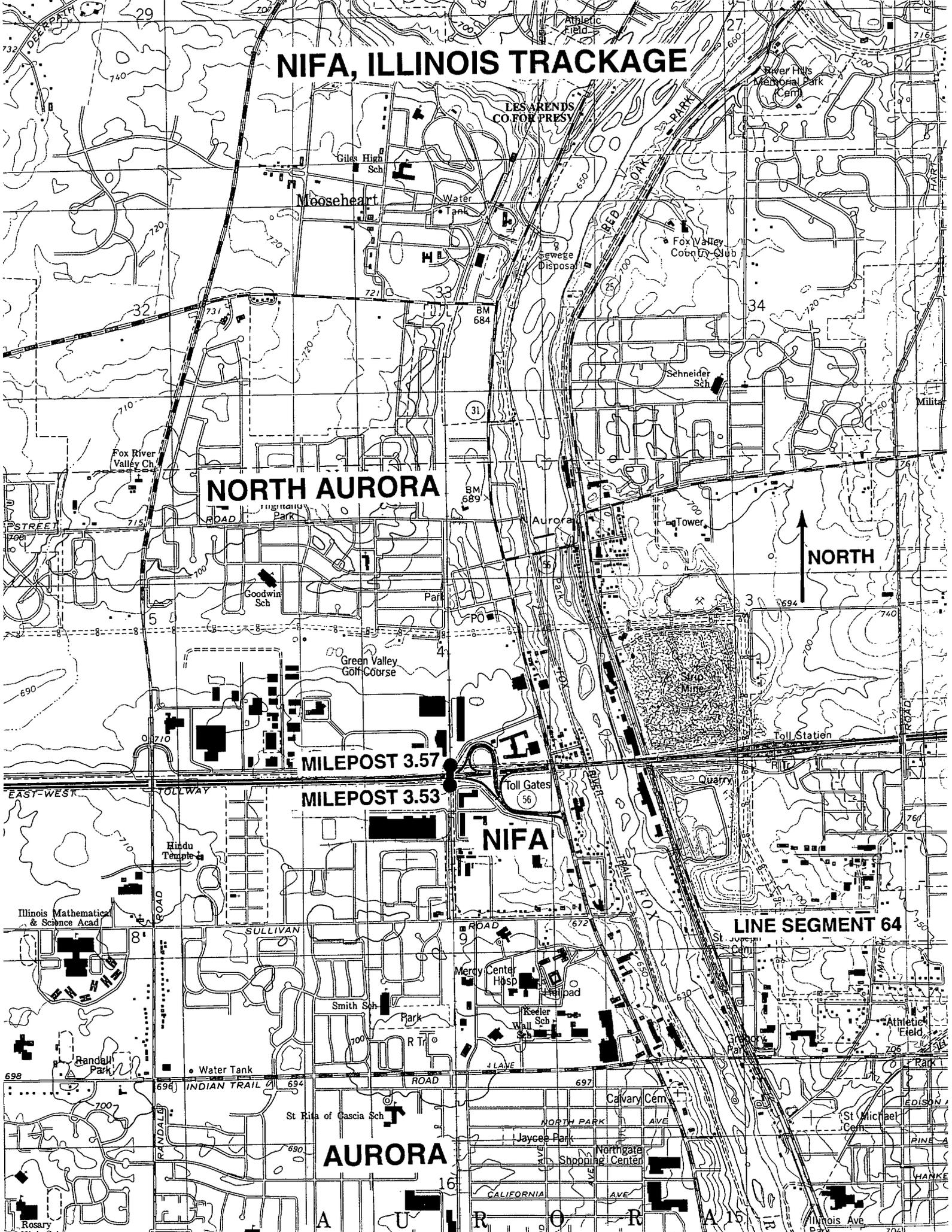
Attorneys for BNSF Railway Company

DATE FILED: November 1, 2006

## **APPENDIX 1**

### ***Detailed Map of the Line***

# NIFA, ILLINOIS TRACKAGE



**NORTH AURORA**

**MILEPOST 3.57**

**MILEPOST 3.53**

**NIFA**

**LINE SEGMENT 64**

**AURORA**

A U R O R A

## **APPENDIX 2**

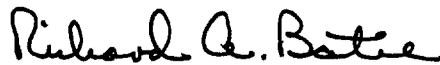
***Certification Required in 49 C.F.R. § 1152.50(b)***

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

I, Richard A. Batie, being duly sworn depose and state that, as Manager, Network Development in the Network Development department of the BNSF Railway Company ("BNSF"), 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.

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 447X), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, there is no overhead traffic handled on the Line to be rerouted. 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



Richard A. Batie  
Manager, Network Development

Subscribed and sworn to  
before me the 27 day of October, 2006.





## **APPENDIX 3**

***Certifications that Applicant Has Complied with the Notice  
Requirements of 49 C.F.R. 1152.50(d)(1) and 1105.11***

## 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. 447X) was mailed via first class mail on October 20, 2006 to the following parties:

Illinois Commerce Commission  
527 East Capitol Ave.  
Springfield, IL 62701

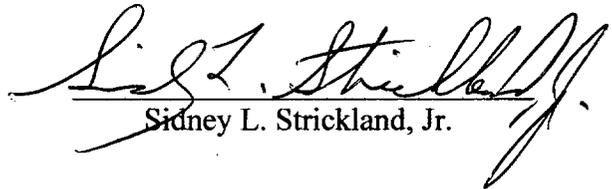
Military Traffic Management Control  
Attn: Railroads for National Defense  
720 Thimble Shoals Boulevard, #130  
Newport News, VA 23606-2574

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

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

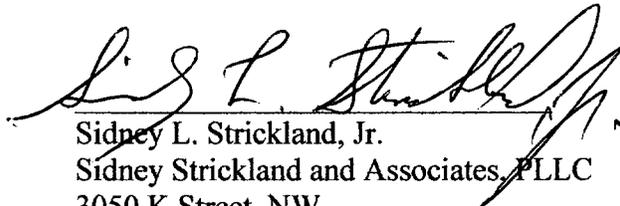
John Schwalbach, Bureau Chief  
Division of Public and Intermodal Transportation  
Bureau of Railroads  
3215 Executive Park Drive  
Springfield, IL 62703

Dated November 1, 2006

  
Sidney L. Strickland, Jr.

**CERTIFICATION OF COMPLIANCE WITH THE NEWSPAPER  
PUBLICATION REQUIREMENTS OF SECTION 49 C.F.R. § 1105.12**

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Kane County, Illinois: *The Courier News*. Publication of the notice was accomplished on October 25, 2006. An Affidavit of Publication and a copy of the publication are attached.



Sidney L. Strickland, Jr.  
Sidney Strickland and Associates, PLLC  
3050 K Street, NW  
Suite 101  
Washington, DC 20007  
Phone: (202) 338-1325  
Fax: (202) 672-5399

# The Courier News

Certificate of Publication in

STATE OF ILLINOIS  
COUNTY OF KANE

FOX VALLEY PUBLICATIONS, DOES HEREBY CERTIFY:

That it is a corporation duly organized and existing under the laws of the State of Illinois; That it is the publisher of The Courier News, a secular daily newspaper published in the City of Elgin, in Kane County, Illinois, and of general circulation in said City, County and State; and in McHenry County and portions of Cook and DuPage Counties, and in cities in Kane County; and that it is a newspaper as defined in "An Act to Revise the Law in Relation to Notices"-Ill. Revised Statutes, Chap. 100, Sections 1, 5 and 10.

That a notice of which the annexed is a true copy has been regularly published in said newspaper . . . . . ONE . . . . . time(s) . . . . . each . . . . . successive . . . . . ; that the first publication of said notice was on the . . . . . 25<sup>th</sup> . . . . . day of October . . . . ., 2006 and the last publication thereof was on the . . . . . 25<sup>th</sup> . . . . . day of . . . . ., 20 . . . . . that the face of type in which each publication of said notice was printed was the same as the body of type used in the classified advertising in the newspaper in which said publication was made;

That said The Courier News has been regularly published in said City, County and State for at least one year prior to the first publication of said notice.

In WITNESS WHEREOF, said Fox Valley Publications, publisher as aforesaid, has executed this Certificate of Publication by its Officer or Agent thereunto duly authorized this . . . . . 25<sup>th</sup> . . . . . day of October . . . . ., 2006.

FOX VALLEY PUBLICATIONS  
BY Bonnie G. Braun  
Natany Public

Printer's Fee \$ 185.40 . . . . . Paid . . . . ., 20 . . . . .

No. . . . . 910 . . . . . Folio . . . . . 285  
Ad # 357995



STB Docket No. AB-6 (Sub. No. 447X)  
NOTICE OF INTENT TO  
ABANDON RAIL SERVICE  
BNSF RAILWAY COMPANY (BNSF) gives notice that on or about November 1, 2006, it intends to file with the Surface Transportation Board (the Board), Washington, DC, 20420, a notice of abandonment under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the abandonment of the 0.04 miles of railroad line between Milepost 3.53 and Milepost 3.57, at Nifa in Kane County, Illinois. The rail line traverses through United States Postal Service Zip Code 60542. The proceeding will be docketed as STB Docket No. AB-6 (Sub. No. 447X).  
The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC, 20423 or by calling that office at 202-565-1546.  
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative at the local office of the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Sidney Strickland, Sidney Strickland and Associates, PLLC, 3050 K Street N.W., Suite 101, Washington, DC, 20007, 5108, (202) 338-1323.

**CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)**

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on October 12, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington D.C. 20423-0001

Anne E. Haaker  
Illinois Historic Preservation Agency  
Preservation Services  
#1 Old State Capitol Plaza  
Springfield, IL 62701-1507

County Board  
Kane County  
Government Center  
719 S. Batavia Ave.  
Building A  
Geneva, IL 60134

Thomas Ryterske  
Natural Resources Conservation Service  
2315 Dean Street, Suite 100  
St. Charles, IL 60175

United States Department of Agriculture  
Natural Resources Conservation Service  
2118 W. Park Court  
Champaign, IL 61821

Gene W. Walsh  
U.S. Army Corps of Engineers  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island, IL 61204-2004

Patrick G. Carroll  
Big River Region  
U.S. Fish and Wildlife Service  
1 Federal Drive  
BHW Federal Building  
Fort Snelling, MN 55111-4056

Marcia Sieckman  
U.S. Bureau of Land Management Eastern States  
Milwaukee Field Office  
626 E. Wisconsin Ave.  
Suite 200  
Milwaukee, WI 53202-4617

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

Peter Swenson  
Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Robert Maydwell  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

Scott Hajek  
Kane County Water Resources Division  
719 Batavia Avenue  
Geneva, IL 60132

Carl Schoedel, P.E.  
Director/County Engineer  
Kane County Division of Transportation  
41W011 Burlington Road  
St. Charles, IL 60175

John D. Rogner  
Fish and Wildlife Service  
Chicago Ecological Services Field Office  
1250 South Grove Avenue, Suite 103  
Barrington, Illinois 60010

Tara Kieninger  
Illinois Natural Heritage Database  
Illinois Department of Natural Resources – ORC  
One Natural Resources Way  
Springfield, IL 62702

Alan Keller, P.E.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

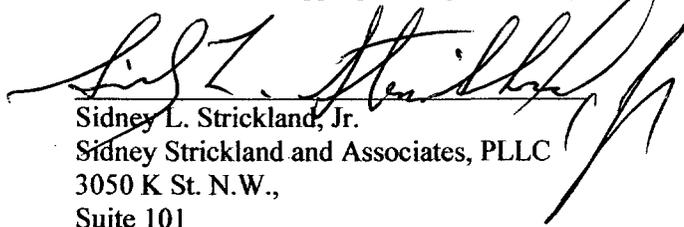
Jaimee W. Hammit, CPSSc  
U.S. Army Corps of Engineers, Chicago District  
111 N. Canal Street, 6th Floor  
Chicago, Illinois 60606-7206

Irvin Dzikowski  
Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

National Oceanic and Atmospheric Administration  
National Geodetic Survey  
1315 East-West Highway  
Silver Springs, MD 20910-3282

Office of the Governor  
State of Illinois  
207 Statehouse  
Springfield, IL 62706

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Sidney L. Strickland, Jr.  
Sidney Strickland and Associates, PLLC  
3050 K St. N.W.,  
Suite 101  
Washington, D.C. 20007

## **APPENDIX 4**

### ***Environmental and Historic Reports***

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN KANE COUNTY, IL**

**DOCKET NO. AB-6  
(SUB. NO. 447X)**

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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**

**By: SIDNEY L. STRICKLAND, JR.  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W.,  
Suite 101  
Washington, DC 20007  
(202) 338-1325**

***Attorneys for BNSF Railway Company***

**DATED: October 12, 2006**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN KANE COUNTY, IL**

**DOCKET NO. AB-6  
(SUB. NO. 447X)**

**ENVIRONMENTAL AND HISTORIC REPORTS  
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF Railway Company (BNSF) (referred to as "Applicant") hereby files Environmental and Historic Reports. These Reports constitute Applicant's assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board (STB), Section of Environmental Analysis (SEA), 1925 K Street, N.W., Suite 500, Washington, DC 20423. There is information in the Applicant's files to indicate that the rail line covered by these Reports does not contain any federally granted rights-of-way. See 49 C.F.R. § 1152.60(d). These Reports have been prepared in conjunction with the prospective filing of a Notice of Exemption for abandonment of the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after these Reports are submitted.

I  
**ENVIRONMENTAL REPORT**  
**(49 C.F.R. 1105.7)**

The following information is submitted to the STB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption seeking authority to abandon 0.04 miles of railroad line between Milepost 3.53 and Milepost 3.57, at Nifa in Kane County, Illinois (the "Line").

**(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 seeks to abandon this line. The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to

limit their activities to the width of the right-of-way. When the salvage process is complete, waterflows in the area should not be disrupted. In this instance, there is one (1) bridge on the right-of-way that will be removed. BNSF is not aware of any other structures on the line. A map of the Line is attached as Exhibit A.

**(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.

The proposed abandonment will have no effect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

**(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.

The proposed abandonment should not be inconsistent with local or regional land use plans. Kane County ("County") indicates it has no concerns or issues with the proposed abandonment. The County adds the abandonment appears to be consistent with local plans, and it is not aware of any specific alternate public uses for the track. Furthermore, the County states the abandonment is necessitated by the widening of interstate 88 and the associated ramp work connecting Illinois Route 31 as currently proposed by the Illinois State Toll Highway Authority. The County also states it supports this widening project and views it as an important public improvement. Finally, the County adds, in regards to local land use plans, the project area is completely surrounded by the Village of North Aurora, and believes the Village is also fully aware of the

proposed railroad abandonment (as well as the proposed I-88 widening) and does not object. See Exhibit B, electronic correspondence from Carl Schoedel, P.E., Director/County Engineer, Kane County Division of Transportation.

Additionally, the Illinois Department of Transportation ("IDOT") indicates it is aware of no shippers on the line, and is aware of no proposed Illinois Department of Transportation (IDOT) projects that would be impacted by the proposed abandonment. See Exhibit C, electronic correspondence from Jeff Harpring, P.E., Rail Safety and Project Engineer, Illinois Department of Transportation.

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

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service ("NRCS") (formerly known as the U.S. Soil Conservation Service) states via phone call from Thomas Ryterske that the proposed abandonment will have no effect on prime farmland. Mr. Ryterske can be reached at Natural Resources Conservation Service, 2315 Dean Street, Suite 100, St. Charles, IL 60175, (630) 584-8240 ext. 3.

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

N/A

(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. § 10906 and explain why.

The right-of-way should be suitable alternative public use. As noted above, Kane County indicates it has no concerns or issues with the proposed

abandonment. The County states the abandonment is necessitated by the widening of interstate 88 and the associated ramp work connecting Illinois Route 31 as currently proposed by the Illinois State Toll Highway Authority. See Exhibit B, electronic correspondence from Carl Schoedel, P.E., Director/County Engineer, Kane County Division of Transportation.

Also, as stated above, the IDOT indicates it is aware of no shippers on the Line, and is aware of no proposed IDOT projects that would be impacted by the proposed abandonment. See Exhibit C, electronic correspondence from Jeff Harpring, P.E., Rail Safety and Project Engineer, Illinois Department of Transportation.

**(4) Energy:**

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

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the line for over two years and there is no overhead traffic to be rerouted.

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

This abandonment will not result in an increase or decrease in overall energy efficiency as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(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.

There will be no diversions of traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

**(5) Air:**

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

(A) An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

(B) An increase in rail yard activity of at least 100% (measured by carload activity), or

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

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10% of the average daily traffic of 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 in 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 action will not result in meeting or exceeding the specified thresholds.

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(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,

N/A

(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 those receptors if the thresholds are surpassed.

N/A

**(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 are no public crossings and no private crossings on the Line. During salvage operations, precautions will be taken as needed to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(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 and accidental release of hazardous materials.

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

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

There is no known hazardous waste site or sites where there have been known hazardous materials 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.

The U.S. Fish and Wildlife Service ("FWS") indicates it has researched its ownerships in the vicinity and has determined it does not own any lands or interests in land in the vicinity of the proposed rail line abandonment, and it has no concerns regarding real estate matters in the abandonment. See Exhibit D, letter from Patrick G. Carroll, Senior Realty Officer, Fish and Wildlife Service.

FWS further indicates there are no federally endangered or threatened

species that occur in the vicinity of the proposed abandonment site. FWS adds that based on the information provided, it does not appear that the project is likely to affect adversely any federally threatened or endangered species or to modify adversely critical habitat of such species. FWS also indicates consultation on this project in accordance with section 7 of the Endangered Species Act of 1973, as amended, is unnecessary. Finally, FWS states its letter only addressed federally listed species; the Illinois Department of Natural Resources should be contacted for information on State-listed species; and any impacts to wetlands or waters of the United States may require a permit from the U.S. Army Corps of Engineers. See Exhibit E, letter from John D. Rogner, Field Supervisor, Fish and Wildlife Service.

Also, as recommended by FWS, BNSF contacted the Illinois Department of Natural Resources ("IDNR"). IDNR indicates that according to the Illinois Natural Heritage Database, no endangered or threatened species, Illinois Natural Areas Inventory (INAI) sites, or Illinois Nature Preserves occur in the specified project area, particularly Township 38 North, Range 8 East, Sections 4 & 9, 3<sup>rd</sup> Principal Meridian. See Exhibit F, electronic correspondence from Tara Kieninger, Illinois Natural Heritage Database, Illinois Department of Natural Resources.

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

The National Park Service ("Service") states: "We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and find there are

none. Accordingly, we have no additional comments at this time.” See Exhibit G, letter from Robert Maydwell, Grants Management Assistant, National Park Service.

The Bureau of Land Management (“BLM”) reviewed the project and indicates: “A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) – (f). Our office does not have information on the location of wildlife refuges, state or national parks, state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information.” See Exhibit H, letter from Marcia Sieckman, Supervisor, Lands and Renewable Resources Team, Bureau of Land Management-Eastern States. As stated above, BNSF contacted the appropriate agencies in preparing this report.

Finally, FWS comments: “We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.” See Exhibit D, letter from Patrick G. Carroll, Senior Realty Officer, Fish and Wildlife Service.

**(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 contacted the Illinois Environmental Protection Agency (“IEPA”). IEPA indicates it has reviewed the proposed abandonment of 0.04 miles of track in Kane County, Illinois, and has determined that no permit is required pursuant to Section 402 of the Clean Water Act and/or the National Pollutant Discharge Elimination System. See Exhibit I, letter from Alan Keller, Manager, Permit Section, Illinois Environmental Protection Agency.

(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.

The proposed abandonment should not require a Section 404 permit. The U.S. Army Corps of Engineers (“CORPS”) indicates that a permit would only be required if BNSF planned to place fill within waters of the U.S. Furthermore, the CORPS indicates the project *may* qualify for a Letter of No Objection (LONO) which is a form of jurisdictional determination (JD). If there are isolated wetlands within the project area, it would not have jurisdiction over impacts to those areas. However, isolated wetlands may be covered under the Kane County Stormwater Ordinance. See Exhibit J, electronic correspondence from Jaimee W. Hammit, Soil Scientist/Regulatory Project Manager, U.S. Army Corps of Engineers, Chicago District. As recommended by the CORPS, BNSF consulted the Kane County Stormwater Ordinance in regards to isolated wetlands. The ordinance works with selected Federal Water programs dealing with NPDES permits,

Section 402 permits, and floodplains. Comments addressed in this report regarding NPDES permits, Section 402 permits, and floodplains should adequately address the issue of isolated wetlands under the Kane County Stormwater Ordinance.

The proposed abandonment should not affect any 100-year flood plains. Kane County researched the property and states: "There will be no change to the 100-year floodplain in the vicinity of the abandonment." See Exhibit K, electronic correspondence from Scott R. Hajek, Sr. Water Resources Engineer, Kane County Water Resources Division.

(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).

A permit under Section 402 of the Clean Water Act should not be required for the proposed action. The U.S. Environmental Protection Agency ("EPA") indicates "For your information, US EPA Region 5 has delegated its authority to issue Section 402 permits to each of its States." See Exhibit L, electronic correspondence from Irvin Dzikowski, US EPA Region 5. As noted above, BNSF contacted the IEPA.

The IEPA indicates it has reviewed the proposed abandonment and has determined that no permit is required pursuant to Section 402 of the Clean Water Act and/or the National Pollutant Discharge Elimination System. See Exhibit I, letter from Alan Keller, Manager, Permit Section, Illinois Environmental Protection Agency.

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

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

The project itself should mitigate the environmental effects of reinstating active rail operations:

## II

### HISTORIC REPORT (49 C.F.R. 1105.8)

Applicants hereby submit the following information required by 49 C.F.R. § 1105.8(d):

- (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 Nifa, Illinois Trackage is approximately 0.04 miles in length and consists of a railroad bridge over US Interstate #88 (a tollway). The tollway is the dividing line between the cities of Aurora and North Aurora, Illinois. In 2000, the population of Aurora was 142, 990 and the population of North Aurora was 10,585. The land in the area is relatively flat and urban in nature. The right of way is 100 feet wide. 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;*

There are no railroad structures on the property that are 50 years old or older.

Photographs of Bridge 3.56, Line Segment 64 are attached as Exhibits M-1—M-2.

Bridge 3.56, Line Segment 64 is a railroad bridge in or near Nifa, IL. This

bridge is 129 feet long and 18 feet high.

- (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;*

Bridge 3.56, Line Segment 64 was built in 1959. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

- (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;*

The right of way was acquired in 1870 by the Ottawa Oswego & Fox River Valley Railroad Company (OO & FVR). The OO & FVR was incorporated in the State of Illinois on August 22, 1852. The OO & FVR assets were acquired by the Chicago Burlington & Quincy Railroad (CB & Q) on June 1, 1899. In 1970, the CBQ merged with other railroads to become part of Burlington Northern Railroad (BN). BN and The Atchison Topeka & Santa Fe Railway merged in 1995 to become the Burlington Northern & Santa Fe Railway Company. In 2005, the Burlington Northern & Santa Fe Railway Company changed its name to BNSF Railway.

- (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. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

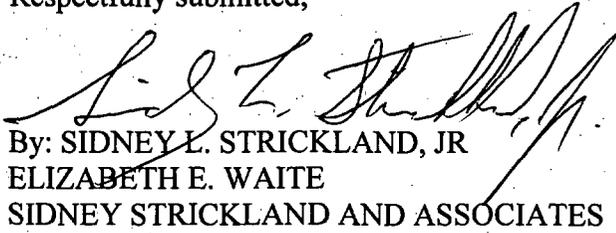
*(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously 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);*

The Illinois Historical Preservation Agency ("IHPA") states: "We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned." See Exhibit M, letter from Anne E. Haaker, Deputy State Historic Preservation Officer, Illinois Historic Preservation Agency.

*(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.*

There are no known prior subsurface ground disturbance or fill, environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,

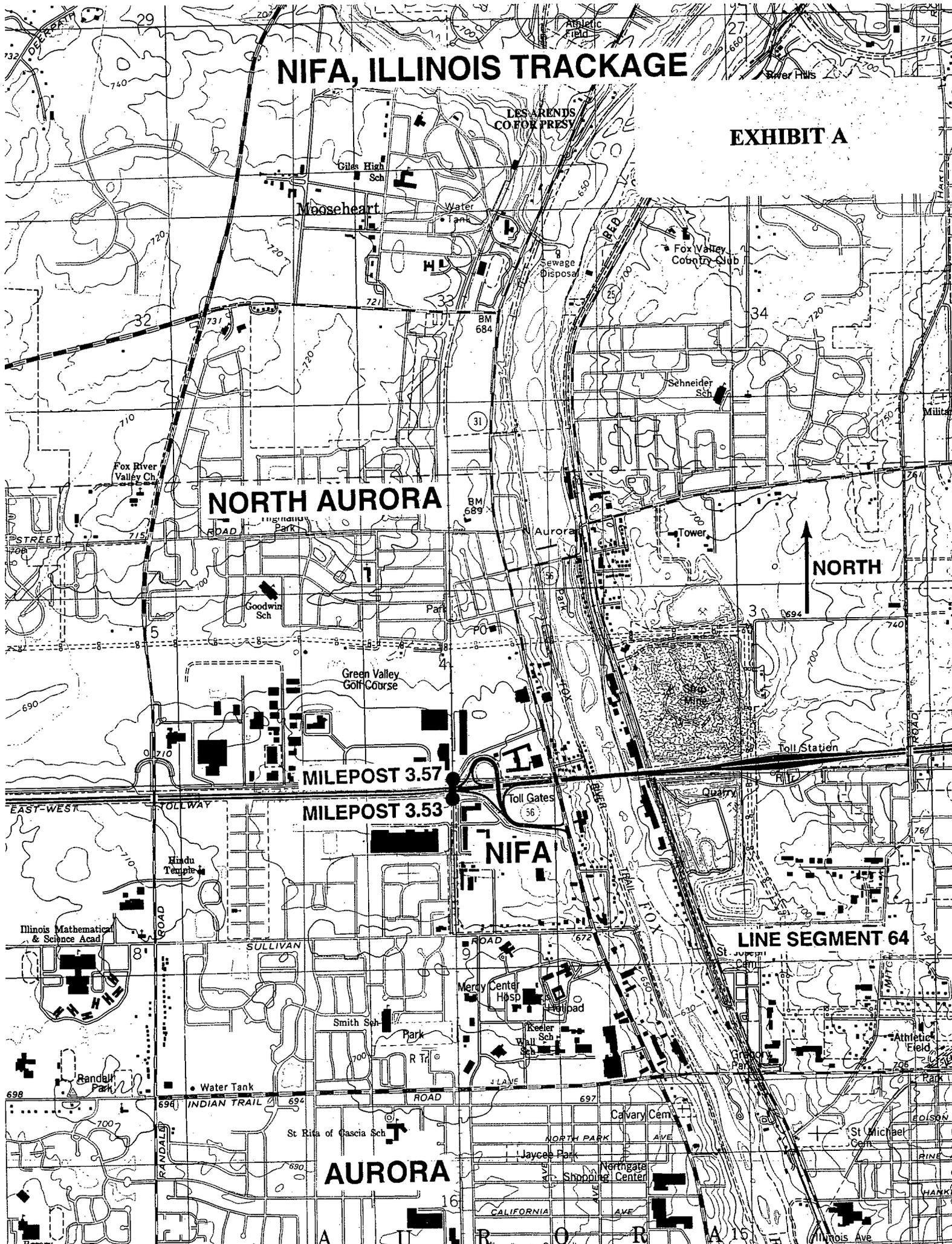


By: SIDNEY L. STRICKLAND, JR  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W., Suite 101  
Washington, DC 20007  
(202) 338-1325  
Attorneys for BNSF Railway Company

DATED: October 12, 2006

# NIFA, ILLINOIS TRACKAGE

EXHIBIT A





Home Compose Address Book Options Logout  
Username: Ian Thomas  
(ian.thomas@stricklandpllc.com)

Inbox (27)

Drafts

Deleted Items

Sent

Move to Deleted Items Go

Message

Delete  Delete permanently

From: "Schoedel, Carl" <schoedelcarl@co.kane.il.us>

To: ian.thomas@stricklandpllc.com

Subject: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company

Date: 17-Aug-06 12:28 PM

Attachments:

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Mr. Thomas -

I am responding to your fax of 8/16/06 addressed to Kane County Board Chairman Karen McConnaughay.

Kane County has no particular concerns or issues with the proposed abandonment described in your letter. It appears consistent with local plans, and we are not aware of any specific alternate public uses for this track. In fact, we believe that the abandonment is required in order to construct an important public improvement (see below).

It is my understanding that this abandonment is necessitated by the widening of Interstate 88 and the associated ramp work connecting to Illinois Route 31 currently proposed by the Illinois State Toll Highway Authority. Kane County supports this widening project. If you need additional information you may contact the Illinois State Toll Highway Authority:

Jeffrey Dailey, P.E.  
Chief Engineer  
Illinois State Toll Highway Authority  
2700 Odgen Avenue  
Downers Grove, IL 60515  
630-241-6800

Regarding local land use plans, this area is completely surrounded by the Village of North Aurora. It is my understanding that the Village is also fully aware of the proposed railroad abandonment (as well as the proposed I-88 widening) and does not object. However, if you need to contact them, I suggest:

Sue McLaughlin  
Village Administrator  
Village of North Aurora  
25 E State Street  
North Aurora, IL 60542  
(630) 897-8228

I hope this information fulfills your request. If you need additional information, my contact information is listed below.

Sincerely,

Carl Schoedel, P.E.  
Director/County Engineer  
Kane County Division of Transportation  
41W011 Burlington Road  
St. Charles, IL 60175  
  
(630) 584-1170  
(630) 584-5265 fax  
schoedelcarl@co.kane.il.us

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Search Inbox	<b>Go</b>
<b>Advanced Search</b>	





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Username: Liz Waite  
(liz.waite@stricklandpllc.com)

Inbox (8)

Drafts

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From: "Harpring, Jeff L" <Jeff.Harpring@illinois.gov>

To: liz.waite@stricklandpllc.com

Subject: STB Docket No. AB-6 ( Sub No. 447X) BNSF Railway Company Abandonment Exemption - Kane County

Date: 28-Jul-06 04:20 PM

Attachments:

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Liz, we received a copy of the June 26, 2006 letter to us indicating that the BNSF Railway Company plans to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon .04 miles of railroad line between milepost 3.53 and 3.57 near Nifa, Kane County. The interests of this department relate to transportation matters, and it is our understanding that there are no shippers on the line. We are not aware of any proposed Illinois Department of Transportation (IDOT) projects that would be impacted by the proposed abandonment, and have no comment at this time.

Please direct all future correspondence relating to railroad abandonment to:

Mr. John Schwalbach, Bureau Chief

Division of Public and Intermodal Transportation

Bureau of Railroads

3215 Executive Park Drive

Springfield, IL 62703

Thanks,

Jeff Harpring, P.E.

Add Folder

Edit Folder

Rail Safety and Project Engineer  
 Bureau of Local Roads and Streets  
 Illinois Department of Transportation  
 2300 South Dirksen Parkway  
 Springfield, Illinois 62764

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-4056

**EXHIBIT D**

IN REPLY REFER TO:

FWS/NWRS-RE - General  
Railroad Abandonments

July 24, 2006

Mr. Sidney L. Strickland, Jr.  
Sidney Strickland and Associates, PLLC  
3050 K Street N.W., Suite 101  
Washington, DC 20007-5108

Dear Mr. Strickland:

Thank you for the opportunity to comment on the proposed abandonment of 0.04 miles of railroad line between Milepost 3.53 and Milepost 3.57 near Nifa in Kane County, Illinois; STB Docket No. AB-6 (Sub No. 447X) BNSF Railway Company.

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Patrick G. Carroll  
Senior Realty Officer  
Division of Realty



**United States Department of the Interior**

FISH AND WILDLIFE SERVICE  
Chicago Ecological Services Field Office  
1250 South Grove Avenue, Suite 103  
Barrington, Illinois 60010  
Phone: (847) 381-2253 Fax: (847) 381-2285

IN REPLY REFER TO:  
FWS/AES-CIFO/6-2052

August 17, 2006

Mr. Patrick G. Carroll  
Sidney Strickland and Associates, PLLC.  
3050 K. Street N.W., Suite 101  
Washington, DC 20007-5108

Dear Mr. Carroll:

This responds to your letter dated July 24, 2006 requesting information on endangered or threatened species on or near the proposed abandonment of 0.04 miles of railroad line between Milepost 3.53 and Milepost 3.57, in or near the City of Nifa, Kane County, Illinois as depicted on the map you enclosed.

In the future, please reference the proposal by township, range, and section number, as this will expedite the process. Please note, we believe the correct legal description for this site is T38N, R8E, Section 9.

Based on the information provided in your submittal and a review of our records, we do not believe that any federally endangered or threatened species occur in the vicinity of the site. Based on the information provided, it does not appear that the project is likely to adversely affect any federally threatened or endangered species or adversely modify critical habitat of such species. This precludes the need for consultation on this project in accordance with section 7 of the Endangered Species Act of 1973, as amended. Should project modifications or new information indicate that endangered or threatened species may be affected, then consultation with the Service should be initiated by the federal action agency.

Please note, this information is valid only for one year or until new information develops that indicates endangered or threatened species may be affected.

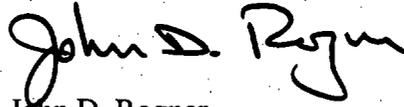
This letter only addresses federally listed species; the Illinois Department of Natural Resources should be contacted for information on State-listed species. Any impacts to wetlands or waters of the United States may require a permit from the U.S. Army Corps of Engineers. This letter does not preclude separate evaluation and comment the U.S. Fish and Wildlife Service on wetland impacts proposed for section 404, Clean Water Act authorization.

Mr. Patrick G. Carroll

2

If you have any questions, please contact Ms. Chivia Horton at 847/381-2253 ext. 216, or Ms. Karla Kramer at 847/381-2253 ext. 230.

Sincerely,

A handwritten signature in black ink that reads "John D. Rogner". The signature is written in a cursive style with a large, prominent "R" at the end.

John D. Rogner  
Field Supervisor

ney Strickland

n: "TARA KIENINGER" <TARA.KIENINGER@illinois.gov>  
 <liz.waite@stricklandpllc.com>  
 t: Wednesday, September 13, 2006 3:27 PM  
 ject: Nifa, IL Abandonment

September 13, 2006

Liz Waite  
 Sidney Strickland and Associates, PLLC  
 3050 K St. N.W., Suite 101  
 Washington, D.C. 20007-5108

Dear Ms. Waite,

I have reviewed the information you provided in your fax dated September 11, 2006 regarding the Nifa, IL Abandonment in Kane County, Illinois. According to the Illinois Natural Heritage Database, no endangered or threatened species, Illinois Natural Areas Inventory (INAI) sites, or Illinois Nature Preserves occur in the specified project area, particularly Township 38 North, Range 8 East, Sections 4 & 9, 3<sup>rd</sup> Principal Meridian.

Please be aware that the Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of significant natural features in Illinois. The Department of Natural Resources can only summarize the existing information known to us at the time of the request. This report should not be regarded as a final statement on the area being considered, nor should it substitute for field surveys required for environmental assessments.

This letter is separate from the Illinois Department of Natural Resources consultation requirement under the Illinois Endangered Species Act (530 ILCS 10/11) and the Illinois Natural Areas Preservation Act (525 ILCS 30/17). For more information on this process, please contact the Illinois Department of Natural Resources, Division of Ecosystems and Environment, at One Natural Resources Way, Springfield, Illinois 62702-1271 or by telephone at (217)785-5500.

**For Future Note:**

Information related to the vicinity of a project site can be elicited from our new EcoCAT (Ecological Compliance Assessment Tool) public website by submitting an 'Information Request' or by initiating the Endangered Species Consultation Process there. Results are instantaneous. EcoCAT can be used to discover if known records of endangered or threatened species, Illinois Natural Areas Inventory (INAI) Sites, dedicated Illinois Nature Preserves, or registered Land & Water Reserves exist

"in the vicinity.  A report will be generated that summarizes sensitive resources in the vicinity.

Go to the IDNR Agency web page: <http://www.dnr.state.il.us>. Look for the EcoCAT icon link on the lower left side and follow instructions on the site. EcoCAT will not provide exact locations for sensitive resources, but it will inform you if any of these resources are in the vicinity of your project site, either within or outside the footprint of the project site that you draw.

Sincerely,

Tara Kieninger  
Illinois Natural Heritage Database  
Illinois Dept of Natural Resources - ORC  
One Natural Resources Way  
Springfield, IL 62702  
(217)782-2685  
[tara.kieninger@illinois.gov](mailto:tara.kieninger@illinois.gov)



# United States Department of the Interior

National Park Service

Midwest Region  
601 Riverfront Drive  
Omaha Nebraska 68102-4226



**EXHIBIT G**

650.2(MWR-P/G)

JUL 28 2006

Mr. Sidney L. Strickland, Jr.  
Sidney Strickland and Associates, PLLC  
3050 K St. N.W., Suite 101  
Washington, D.C. 20007-5108

Dear Mr. Strickland:

This is in response to your June 26, 2006, request that the National Park Service respond to STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company Abandonment Exemption in Kane County, Illinois.

We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and find there are none. Accordingly, we have no additional comments at this time.

You may contact me at 402-661-1546 if you have questions or need more information.

Sincerely,

Robert Maydwell  
Grants Management Assistant  
Partnerships- Grants

United States Department of the Interior



Bureau of Land Management-Eastern States  
Milwaukee Field Office

626 E. Wisconsin Avenue, Suite 200  
Milwaukee, Wisconsin 53202-4617



IN REPLY REFER TO:  
2000(030)

July 10, 2006

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

RE: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company –  
Abandonment Exemption – in Kane County, IL

Dear Mr. Strickland:

This is in response to your letter of June 26, 2006, to our office concerning the proposal by the Burlington Northern and Santa Fe Railway Company (BNSF) to abandon 0.04 miles of railroad line between Milepost 3.53, and Milepost 3.57, near Nifa in Kane County, Illinois.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, state or national parks, state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information. If you require additional information, please contact me at (414) 297-4402.

Sincerely,

Marcia Sieckman  
Supervisor, Lands and Renewable Resources Team



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR    DOUGLAS P. SCOTT, DIRECTOR

## EXHIBIT I

217-782-0610

September 12, 2006

Mr. Sidney Strickland  
Sidney Strickland and Associates, PLLC  
3050K St.-Suite 101  
Washington, DC 20007-5108

Re: STB Docket No. AB-6 (Sub, No. 447X) BNSF Railway Company

Dear Mr. Strickland:

The Agency has completed its review of the proposed abandonment of 0.04 miles of track in Kane County, Illinois, which Permit Section Received on July 3, 2006. Based on that review the Agency has determined that no permit is required pursuant to Section 402 of the Clean Water Act and/or the National Pollutant Discharge Elimination System. Information regarding flood plains can be obtained by going to the web site of the Federal Emergency Management Agency.

Should you have any questions or comments regarding this letter or its contents please contact Jeff Hutton at the above phone number and address.

Sincerely,

  
Alan Keller, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

SAK:JCH:\j\docs\miscdocs\hutton\stormwater letters\Strickland2.doc

CC: Records  
Des Plaines Regional Office



Home Compose Address Book Options Logout  
Username: **Liz Waite**  
(liz.waite@stricklandpllc.com)

**Message**

**Inbox (10)**

**Drafts**

**Deleted Items**

**Sent**

**Scheduled**

Move to Deleted Items

**From:** "Hammit, Jaimee W LRC" <Jaimee.W.Hammit@lrc02.usace.army.mil>

**To:** liz.waite@stricklandpllc.com

**Subject:** BNSF Project/Kane County, IL/LRC-2006-961

**Date:** 26-Jul-06 05:25 PM

**Attachments:**

InLine Text

< Previous | Next > | Close

Hi Liz,

Per our discussion via phone earlier, I received the letter Sidney Strickland sent to our office on July 17, 2006. We assigned the project the number LRC-2006-961. Please reference this number in any future correspondence.

From the description in your letter, it sounds like the project may qualify for what we call a Letter of No Objection (LONO). A LONO is a form of a jurisdictional determination (JD). When we perform a JD, we identify what areas within the project are waters of the U.S. (which includes wetlands) and therefore under our jurisdiction. If there are isolated wetlands within the project area, we would not have jurisdiction over impacts to those areas. However, isolated wetlands may be covered under the Kane County Stormwater Ordinance.

In order for us to identify which areas are waters of the United States, we would need a Wetland Delineation Report for the project area. A list of environmental consultants in the Chicagoland area can be found here:

<http://www.lrc.usace.army.mil/co-r/consult.pdf>

If you actually had your engineering plans ready to go and could show through the Wetland Delineation Report and plans that you will not be placing fill within any of the waters of the U.S. within the project, we could issue a LONO. This letter would say that according to the documentation you have supplied, titled X, dated X, prepared by X, we can see that no fill will be placed within waters of the U.S. and therefore no permit is required.

Of course, if you were to be placing fill within waters of the U.S., you would need a permit.

If you aren't able to produce plans for the project, we could do a JD now (if you sent us the Wetland Delineation

Report). Once you sent in plans with a request for a LONO or a permit, we would then process that under the same number. Please note that there is no time clock for JDs.

Hope this all makes sense.

For now I will print this email and put it in the file. I typically would have written an "incomplete" letter once I got to your project, so if I don't receive anything from you guys before I get to it, I'll put this information in a letter.

Jaimee W. Hammit, CPSSc  
Soil Scientist/Regulatory Project Manager  
U.S. Army Corps of Engineers, Chicago District  
111 N. Canal Street, 6th Floor  
Chicago, Illinois 60606-7206  
(312) 846-5537  
(312) 353-4110 (fax)  
<http://www.lrc.usace.army.mil/co-r/>

"The nation that destroys its soil destroys itself." -Franklin Delano Roosevelt

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**EXHIBIT K**

**Sidney Strickland**

---

**From:** "Hajek, Scott" <hajekscott@co.kane.il.us>  
**To:** <ian.thomas@stricklandpllc.com>  
**Cc:** <sidney.strickland@stricklandpllc.com>  
**Sent:** Thursday, August 17, 2006 10:56 AM  
**Attach:** BNSF Railway Abandonment Firmette.pdf  
**Subject:** STB Docket No. AB-6

Ian,

I apologize for not responding to the letter dated June 26, 2006 any earlier. I did look up this property and there will be no change to the 100-year floodplain in the vicinity of the abandonment.

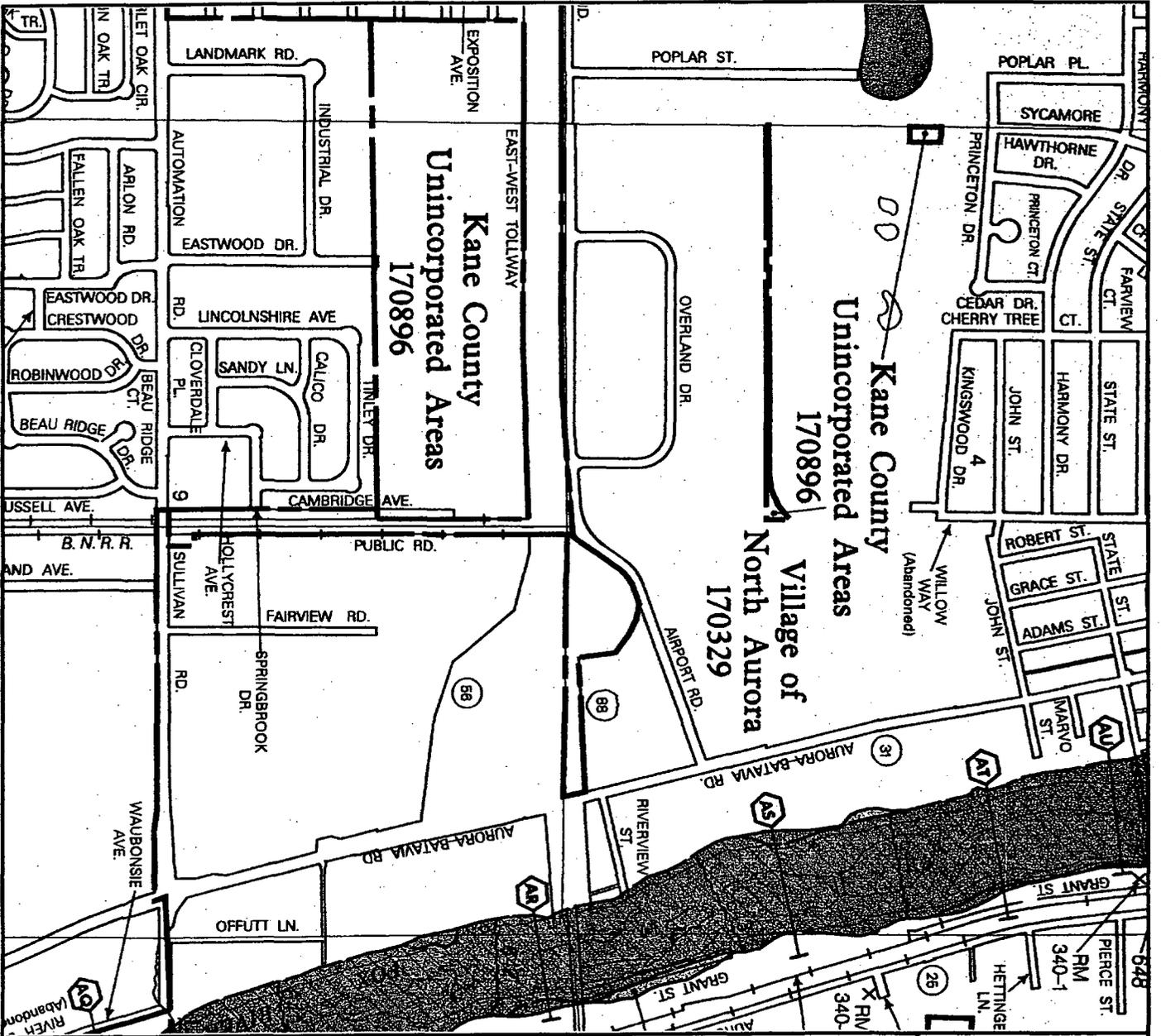
I have attached a portion of the regulatory FEMA FIRM panel for this area.

Please feel free to contact me if you have any additional questions.

Scott

Scott R. Hajek, P.E. CFM  
Sr. Water Resources Engineer  
Kane County Water Resources Division  
719 Batavia Ave.  
Geneva, IL 60132  
630-232-3496 direct  
630-208-3837 FAX  
HajekScott@co.kane.il.us

8/17/2006



**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**KANE COUNTY,**  
**ILLINOIS**  
**AND INCORPORATED AREAS**

**PANEL 340 OF 410**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
KANE COUNTY	170896	0340	1
NORTH AURORA VILLAGE OF	170329	0340	1

**EFFECTIVE DATE:**  
**DECEMBER 20, 2002**

**MAP NUMBER**  
**170896C0340F**

**Federal Emergency Management Agency**

APPROXIMATE SCALE  
0 1000 FEET

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MapIT Version 1.0. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. Further information about National Flood Insurance Program flood hazard maps is available at [www.fema.gov/nifmap](http://www.fema.gov/nifmap).

PDF Create Date: 6/20/2005 (Created at scale and type A)



Home Compose Address Book Options Logout

Username: Liz  
(liz.waite@stri

- Inbox (10)**
- Drafts**
- Deleted Items**
- Sent**
- Scheduled**

### Message

Delete permanently

**From:** [Dzikowski.Irvin@epamail.epa.gov](mailto:Dzikowski.Irvin@epamail.epa.gov)  
**To:** [Liz.Waite@stricklandpllc.com](mailto:Liz.Waite@stricklandpllc.com)  
**Subject:** Section 402 permits  
**Date:** 26-Jul-06 03:10 PM

For your information, USEPA Region 5 has delegated its authority to issue Section 402 permits to each of its States.

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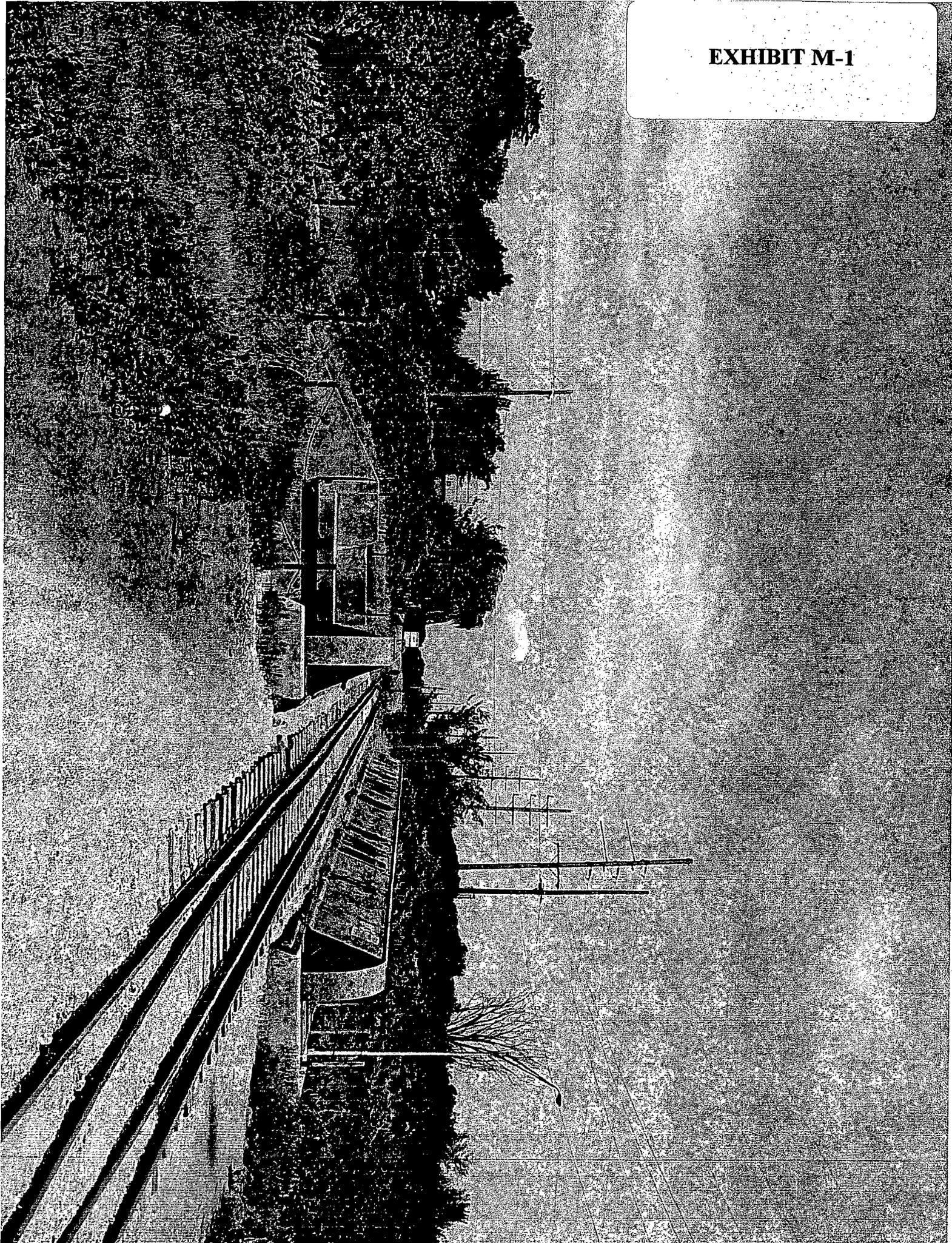


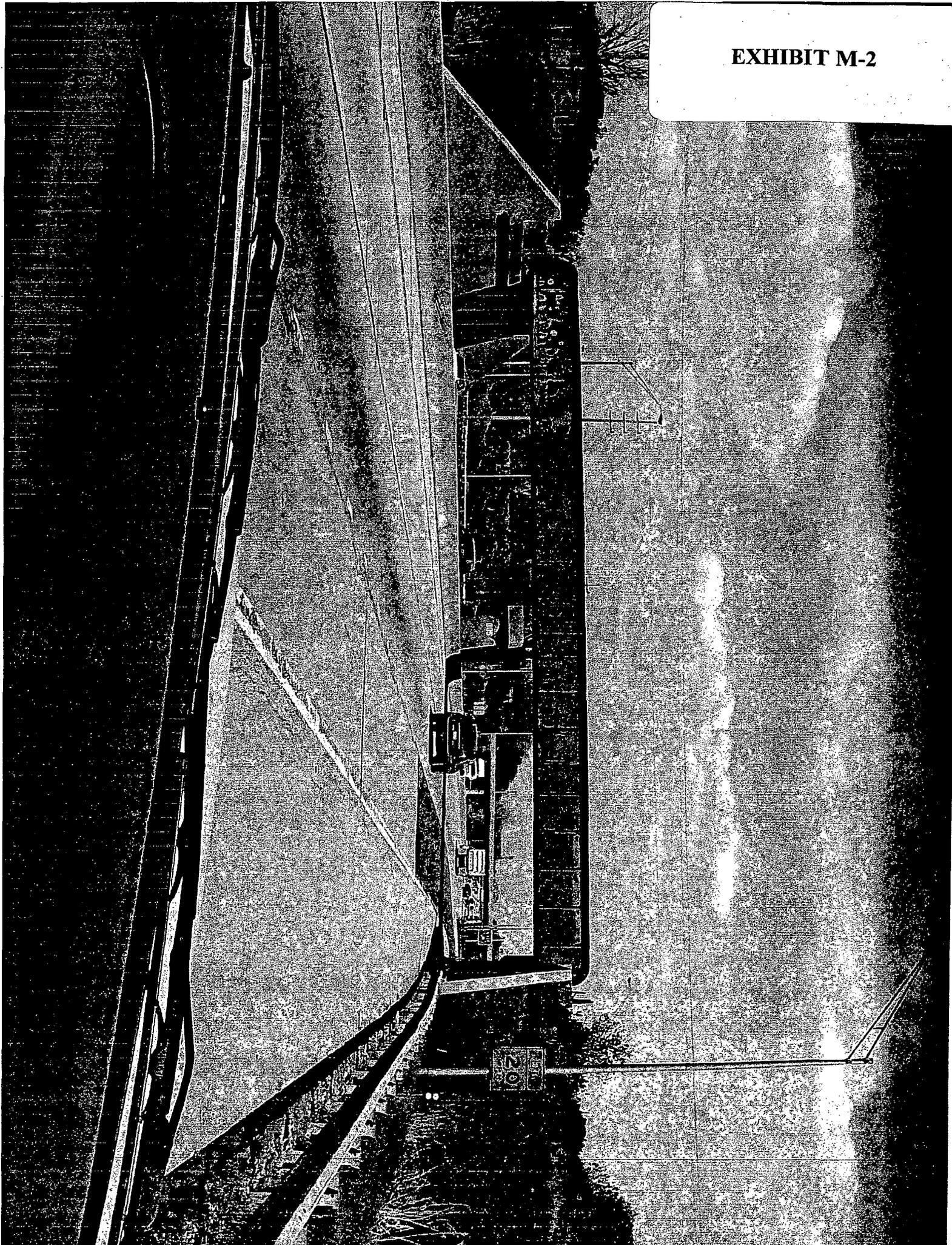
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**EXHIBIT M-1**







**Illinois Historic  
Preservation Agency**

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

Voice (217) 782-4836

Kane County  
Nifa

PLEASE REFER TO: IHPA LOG #023070306

[www.illinois-history.gov](http://www.illinois-history.gov)

Railroad line between Milepost 3.53 and Milepost 3.57  
STB  
BNSF Railway Company

August 21, 2006

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

Dear Sir:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance.

Sincerely,

Anne E. Haaker  
Deputy State Historic  
Preservation Officer

AEH

**CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)**

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on October 12, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington D.C. 20423-0001

Anne E. Haaker  
Illinois Historic Preservation Agency  
Preservation Services  
#1 Old State Capitol Plaza  
Springfield, IL 62701-1507

County Board  
Kane County  
Government Center  
719 S. Batavia Ave.  
Building A  
Geneva, IL 60134

Thomas Rytterske  
Natural Resources Conservation Service  
2315 Dean Street, Suite 100  
St. Charles, IL 60175

United States Department of Agriculture  
Natural Resources Conservation Service  
2118 W. Park Court  
Champaign, IL 61821

Gene W. Walsh  
U.S. Army Corps of Engineers  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island, IL 61204-2004

Patrick G. Carroll  
Big River Region  
U.S. Fish and Wildlife Service  
1 Federal Drive  
BHW Federal Building  
Fort Snelling, MN 55111-4056

Marcia Sieckman  
U.S. Bureau of Land Management Eastern States  
Milwaukee Field Office  
626 E. Wisconsin Ave.  
Suite 200  
Milwaukee, WI 53202-4617

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

Peter Swenson  
Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Robert Maydwell  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

Scott Hajek  
Kane County Water Resources Division  
719 Batavia Avenue  
Geneva, IL 60132

Carl Schoedel, P.E.  
Director/County Engineer  
Kane County Division of Transportation  
41W011 Burlington Road  
St. Charles, IL 60175

John D. Rogner  
Fish and Wildlife Service  
Chicago Ecological Services Field Office  
1250 South Grove Avenue, Suite 103  
Barrington, Illinois 60010

Tara Kieninger  
Illinois Natural Heritage Database  
Illinois Department of Natural Resources – ORC  
One Natural Resources Way  
Springfield, IL 62702

Alan Keller, P.E.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

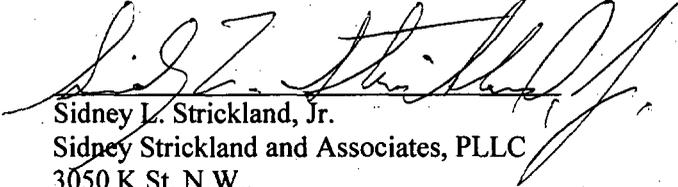
Jaimee W. Hammit, CPSSc  
U.S. Army Corps of Engineers, Chicago District  
111 N. Canal Street, 6th Floor  
Chicago, Illinois 60606-7206

Irvin Dzikowski  
Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

National Oceanic and Atmospheric Administration  
National Geodetic Survey  
1315 East-West Highway  
Silver Springs, MD 20910-3282

Office of the Governor  
State of Illinois  
207 Statehouse  
Springfield, IL 62706

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Sidney L. Strickland, Jr.  
Sidney Strickland and Associates, PLLC  
3050 K St. N.W.,  
Suite 101  
Washington, D.C. 20007

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-338-1325  
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

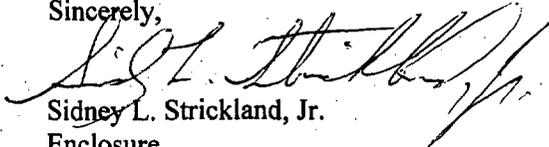
Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington D.C. 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Ms. Rutson:

On or about November 1, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.04 miles of railroad line between Milepost 3.53 and Milepost 3.57, at Nifa in Kane County, Illinois (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure  
SLS/ew

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WASHINGTON, DC 20007-5108  
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October 12, 2006

Anne E. Haaker  
Illinois Historic Preservation Agency  
Preservation Services  
#1 Old State Capitol Plaza  
Springfield, IL 62701-1507

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Ms. Haaker:

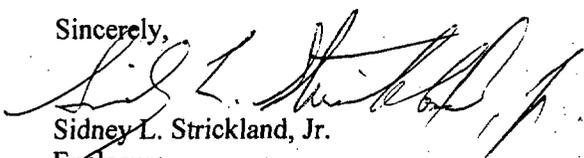
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Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/eew

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**3050 K ST. N.W., SUITE 101**  
**WASHINGTON, DC 20007-5108**  
**TELEPHONE: 202-338-1325**  
**FAX: 202-672-5399**

SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

County Board  
Kane County  
Government Center  
719 S. Batavia Ave.  
Building A  
Geneva, IL 60134

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Sirs and Madams:

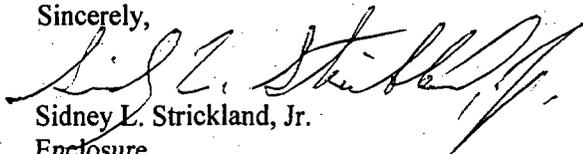
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Sidney L. Strickland, Jr.

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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

United States Department of Agriculture  
Natural Resources Conservation Service  
2118 W. Park Court  
Champaign, IL 61821

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Sir or Madam:

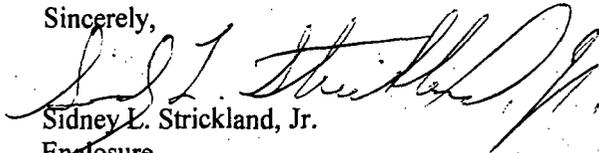
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Sidney L. Strickland, Jr.

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[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

Gene W. Walsh  
U.S. Army Corps of Engineers  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island, IL 61204-2004

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment Exemption – in Kane County, IL***

Dear Mr. Walsh:

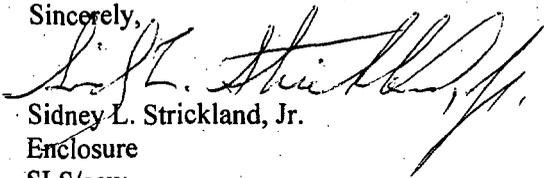
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Sincerely,

  
Sidney L. Strickland, Jr.

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WASHINGTON, DC 20007-5108  
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

Patrick G. Carroll  
Big River Region  
U.S. Fish and Wildlife Service  
1 Federal Drive  
BHW Federal Building  
Fort Snelling, MN 55111-4056

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Mr. Carroll:

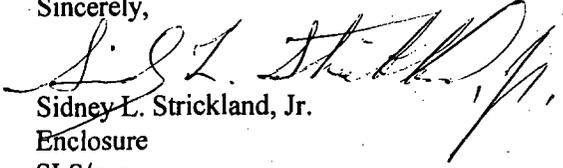
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Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/eew

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3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-338-1325  
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

Marcia Sieckman  
U.S. Bureau of Land Management Eastern States  
Milwaukee Field Office  
626 E. Wisconsin Ave.  
Suite 200  
Milwaukee, WI 53202-4617

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Ms. Sieckman:

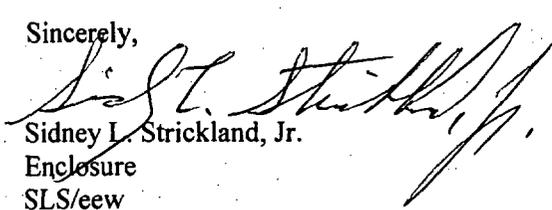
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Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/ew

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WASHINGTON, DC 20007-5108  
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Mr. Harpring:

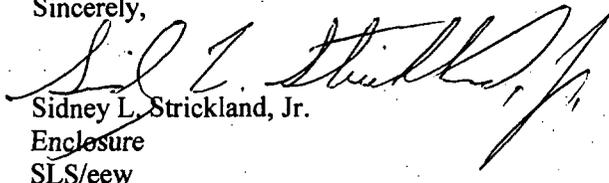
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Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.  
Enclosure  
SLS/eew

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-338-1325  
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

Peter Swenson  
Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Mr. Swenson:

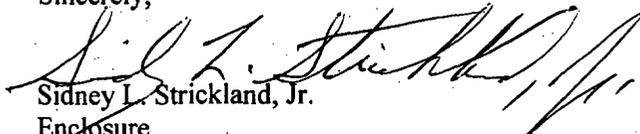
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

Robert Maydwell  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment Exemption – in Kane County, IL***

Dear Mr. Maydwell:

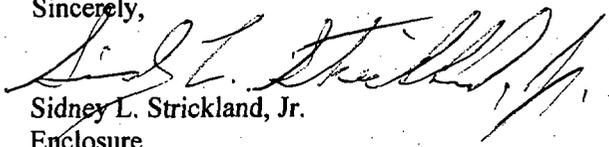
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

Scott Hajek  
Kane County Water Resources Division  
719 Batavia Avenue  
Geneva, IL 60132

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment Exemption – in Kane County, IL***

Dear Mr. Hajek:

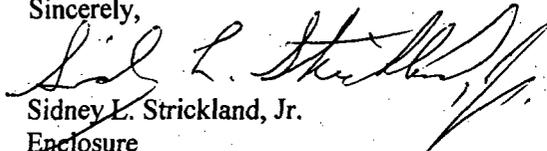
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October 12, 2006

Carl Schoedel, P.E.  
Director/County Engineer  
Kane County Division of Transportation  
41W011 Burlington Road  
St. Charles, IL 60175

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Mr. Schoedel:

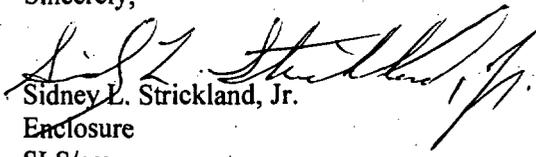
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

John D. Rogner  
Fish and Wildlife Service  
Chicago Ecological Services Field Office  
1250 South Grove Avenue, Suite 103  
Barrington, Illinois 60010

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Mr. Rogner:

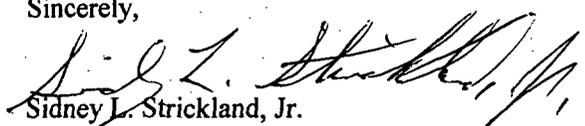
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

October 12, 2006

Tara Kieninger  
Illinois Natural Heritage Database  
Illinois Department of Natural Resources – ORC  
One Natural Resources Way  
Springfield, IL 62702

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment Exemption – in Kane County, IL***

Dear Ms. Kieninger:

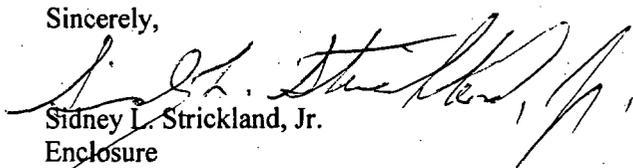
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October 12, 2006

Alan Keller, P.E.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
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Dear Mr. Keller:

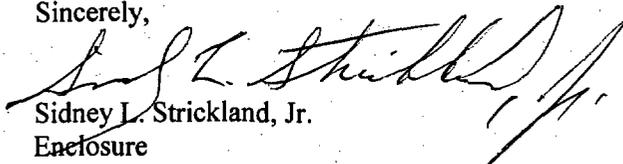
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October 12, 2006

Jaimee W. Hammit, CPSSc  
U.S. Army Corps of Engineers, Chicago District  
111 N. Canal Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60606-7206

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Ms. Hammit:

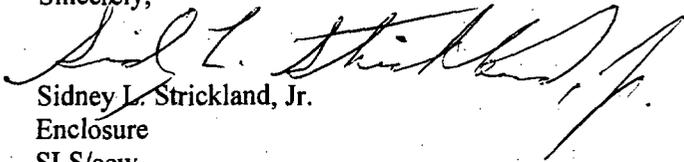
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October 12, 2006

Irvin Dzikowski  
Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
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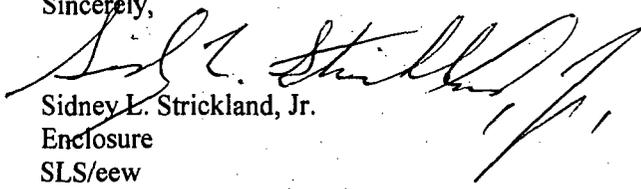
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October 12, 2006

National Oceanic and Atmospheric Administration  
National Geodetic Survey  
1315 East-West Highway  
Silver Springs, MD 20910-3282

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
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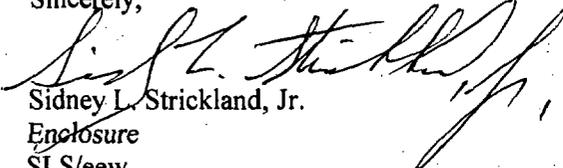
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October 12, 2006

Office of the Governor  
State of Illinois  
207 Statehouse  
Springfield, IL 62706

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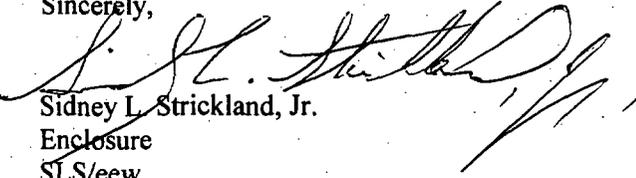
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Thomas Ryterske  
Natural Resources Conservation Service  
2315 Dean Street, Suite 100  
St. Charles, IL 60175

***Re: STB Docket No. AB-6 (Sub. No. 447X) BNSF Railway Company—Abandonment  
Exemption – in Kane County, IL***

Dear Mr. Ryterske:

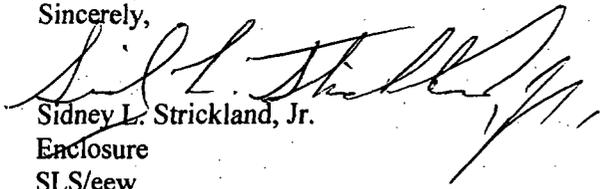
On or about November 1, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.04 miles of railroad line between Milepost 3.53 and Milepost 3.57, at Nifa in Kane County, Illinois (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB’s independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-6 (Sub. No. 447X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/eew