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ENTERED
Office of Proceedings
June 25, 2019
Part of
Public Record

June 25, 2019

VIA E-FILING

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

**Re: STB Docket No. AB 6 (Sub-No. 499X), BNSF Railway Company—
Abandonment Exemption—In Los Angeles County, California**

Dear Ms. Brown:

Enclosed for e-filing is BNSF Railway Company's Notice of Exemption under
49 C.F.R. § 1152.50. The filing fee of \$4,200 was paid using Pay.gov.

Please contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure

FILED
June 25, 2019
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
June 25, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (Sub-No. 499X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN LOS ANGELES COUNTY, CALIFORNIA

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

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

Jill Rugema
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131-2828

Peter W. Denton
Sally Mordi
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

*Attorneys for BNSF Railway
Company*

Dated: June 25, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (Sub-No. 499X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN LOS ANGELES COUNTY, CALIFORNIA

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

BNSF Railway Company (“BNSF”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California (the “Line”).

(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 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

The Line is part of a group of rail lines acquired by Los Angeles County Transportation Commission (“LACTC”), a predecessor of the Los Angeles County Metropolitan Transportation Authority (“LACMTA”). *See* Finance Docket No. 32172, *Los Angeles County Transportation Commission – Acquisition Exemption – The Atchison, Topeka and Santa Fe Railway Company* (not printed), served December 2, 1992. In that transaction, the Atchison, Topeka and Santa Fe Railway Company (“ATSF”) retained the exclusive binding, permanent easement to continue providing freight common carrier service over the Line. Subsequently, the Board’s predecessor, the Interstate Commerce Commission (“ICC”), found that the commuter service restrictions on ATSF’s freight service in the shared use agreement were so extensive as to substantially impair the effect of the permanent easement. Consequently, LACTC’s successor, the LACMTA, was deemed to be a railroad subject to the jurisdiction of the ICC. *Orange County Transp. – Exempt. –Atchison, T. & SF. Ry. Co.*, 10

I.C.C.2d 78 (1994). LACMTA and a number of other county transportation agencies sought and obtained a blanket exemption from 49 U.S.C. Subtitle IV for their ownership and operation over the rail lines they had acquired from ATSF. *See* STB Finance Docket No. 32173, *et al.*, *Orange County Transportation Authority, Riverside County Transportation Commission, San Bernardino Transit Development Board, North San Diego County Transit Development Board – Acquisition Exemption – The Atchison, Topeka and Santa Fe Railway Company* (not printed), served March 12, 1997. Consequently, LACMTA's abandonment of its operations over the Line has already been exempted by the Board. BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon its freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California. There has been no traffic on the Line since approximately 2009. In addition, there is no overhead traffic on the Line. Therefore, there will be no change to any freight service provided on the Line.

(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**

Peter Denton
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
pdenton@steptoe.com
(202) 429-3000

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

The Line traverses ZIP codes 90001, 90003, 90011, 90037, 90043, 90044, 90047, 90058, 90062, and 90255.

(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 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 physical assets of the Line are owned by LACMTA.

LACMTA desires to construct the Rail to Rail Active

Transportation Corridor Project – Segment A (the “Project”). The

Project will consist of on- and off-street bicycle and

pedestrian/multi-purpose paths within existing street and

railroad rights-of-way. The western portion of the Project,

approximately 0.5 miles, will be within public street rights-of-

way. The remaining 5.9 miles of the Project will be located

within the Harbor Subdivision right-of-way. The Project will require BNSF to abandon the Line. Consequently, the Line is not available for public purposes other than the Project.

(4) Labor Level of 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)(l) and 1105.12 are attached as Exhibit C.

(6) Environmental Report

The Environmental Report containing information required by 49 C.F.R. § 1105.7 was submitted to the Board on June 5, 2019. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as Exhibit D.

(7) Historic Report

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on June 5, 2019. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as Exhibit D.

Respectfully submitted,



Jill Rugema
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-3451

Peter W. Denton
pdenton@steptoe.com
Sally Mordi
smordi@steptoe.com
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

*Attorneys for BNSF Railway
Company*

Dated: June 25, 2019

EXHIBIT A

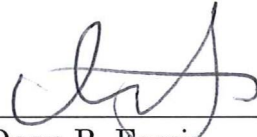
**VERIFICATION AND CERTIFICATION THAT RAIL LINE
MEETS CRITERIA OF 49 C.F.R. § 1152.50(b)**

STATE OF TEXAS	)	
	)	
TARRANT COUNTY	)	ss.

I, Dean R. Ferris, being duly sworn depose and state that I am the Director ROW & Real Estate Management 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 moved over the approximately 5.93 miles of track on the Harbor Subdivision between approximately milepost 2.1 and approximately milepost 7.95 in Los Angeles County, California (the "Line") proposed for abandonment since approximately 2009 and that there is no overhead traffic on the Line. I further certify that 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 Board or any U.S. District Court or has been decided in favor of the 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.



Dean R. Ferris
Director ROW & Real Estate Management

SUBSCRIBED AND SWORN TO before me this 21st day of June, 2019.

My Commission Expires: July 25, 2021



Notary Public

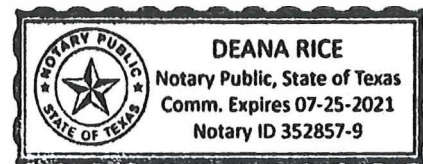


EXHIBIT B

MAPS

Proposed Abandonment Limits
From MP 7.95 (just west of S 11th Ave)
To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 2.10

LS 7604
MP 7.95

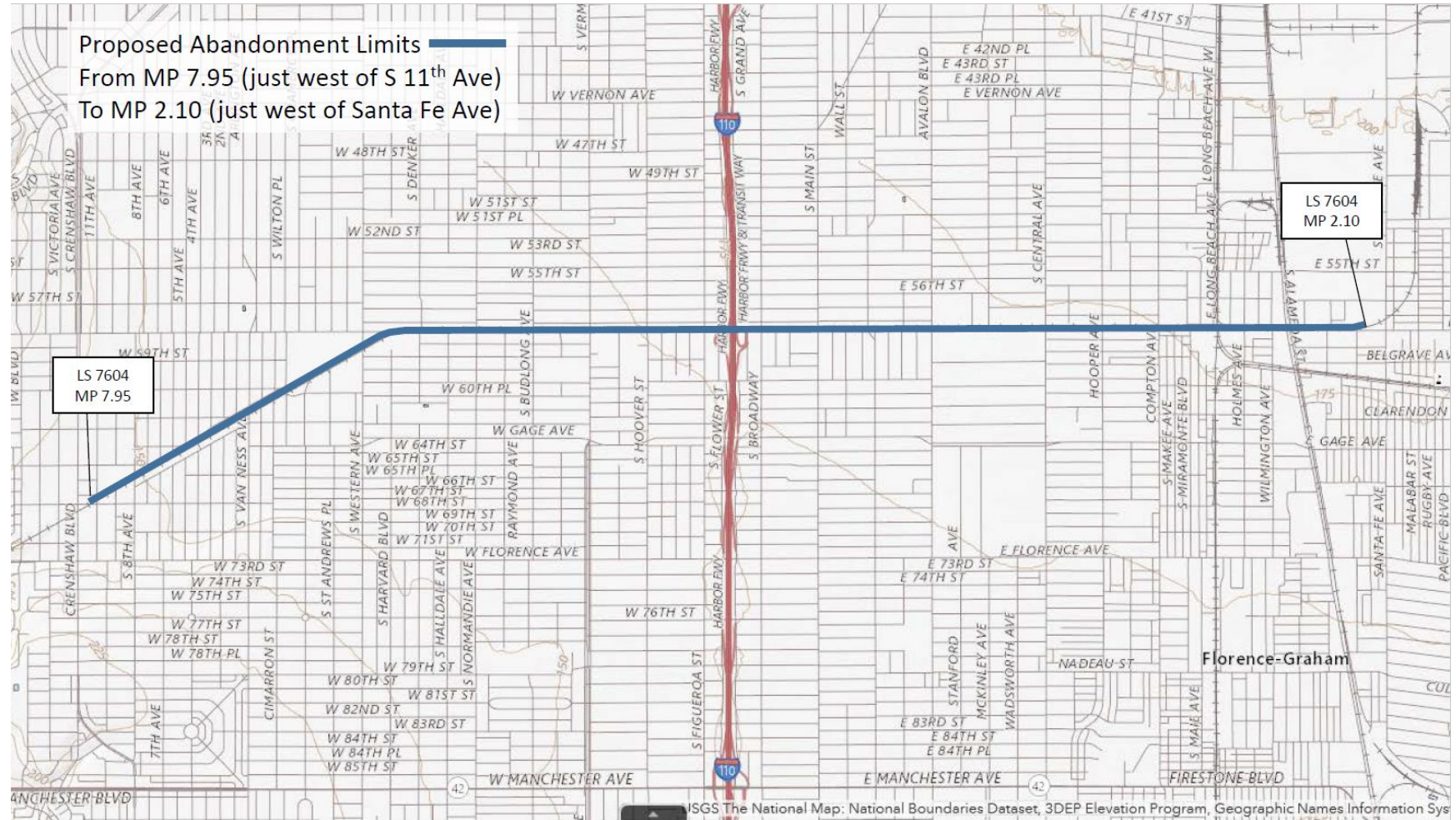




EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(l), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 499X) was mailed via first class mail on June 14, 2019, to the following parties:

State Public Service Commission

California Public Utilities Commission
Los Angeles Office
320 West 4th Street, Ste. 500
Los Angeles, CA 90013

Military Traffic Management Command

U.S. Department of Defense
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
1 Soldier Way
Bldg 1900W
Scott AFB, IL 62225

National Park Service

National Park Service
Conservation and Outdoor Recreation Division Office
1849 C Street NW
Washington, DC 20240

Stan Austin, Regional Director
National Park Service
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

U.S. Department of Agriculture

Vicki Christiansen
Chief of the Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

Dated: June 25, 2019

Sally Mordi

Sally Mordi

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 499X) was published on June 14, 2019, in the Daily Breeze, a newspaper of general circulation in Los Angeles County, California, as required by 49 C.F.R. § 1105.12.

Dated: June 25, 2019

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi

Daily Breeze

400 Continental Blvd, Suite 600
El Segundo, CA 90245
310-543-6635
Fax: 310-316-6827

5258616

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

FILE NO. DB 6-61

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Los Angeles

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of THE DAILY BREEZE, a newspaper of general circulation, printed and published in the City of Torrance*, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of June 10, 1974, Case Number SWC7146. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

06/14/2019

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Torrance, California
On this 14th day of June, 2019.

Pauline Fernandez

Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington.

(Space below for use of County Clerk Only)

Legal No. **0011281911**

DB 6-61

Notice of Intent To Abandon Rail Service

BNSF Railway Company ("BNSF") gives notice that on or after June 25, 2019, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between railroad milepost 2.10 and milepost 7.95, which traverses through United States Postal Service ZIP Codes 90001, 90003, 90011, 90037, 90043, 90044, 90047, 90058, 90062, and 90255 in Los Angeles County, California. The proceeding will be docketed as No. AB 6 (Sub-No. 499X).

The Board's Office of Environmental Analysis (OEA) 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 Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0291.

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 Proceedings, Washington, DC [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Sally Mordi, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC 20036; phone: (202) 429-6287.

Pub Quote HOLD!

EXHIBIT D

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that, pursuant to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8, the transmittal letter required by 49 C.F.R. § 1105.11 and copies of the Combined Environmental and Historic Report in Docket No. AB 6 (Sub-No. 499X) were sent via first class mail on June 5, 2019 to the following parties:

Amy J. Bodek, Director Department of Regional Planning County of Los Angeles 1390 Hall of Records 320 West Temple St. Los Angeles, CA 90012	City of Los Angeles Planning Commission 200 North Spring St. Los Angeles, CA 90012
Board of Supervisors County of Los Angeles Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012	Carlos Suarez State Conservationist Richard E. Lyng USDA Service Center 430 G St., #4164 Davis, CA 95616-4164
Jonathan Snyder, Division Chief U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008	U.S. Department of the Interior Bureau of Land Management California State Office 2800 Cottage Way, Suite W1623 Sacramento, CA 95825
Stan Austin, Regional Director National Park Service Pacific West Region 333 Bush Street, Suite 500 San Francisco, CA 94104-2828	California Department of Water Resources P.O. Box 942836 Sacramento, CA 94236-0001
US EPA Pacific Southwest, Region 9 75 Hawthorne St. San Francisco, CA 94105	U.S. Army Corps of Engineers Los Angeles District 915 Wilshire Blvd., Suite 1101 Los Angeles, CA 90017

Julianne Polanco, State Historic Preservation Officer California State Parks Office of Historic Preservation 1725 23rd Street, Suite 100 Sacramento, CA 95816	Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #9340 1315 East-West Highway Silver Spring, MD 20910-3282
California State Clearinghouse Office of Planning and Research P.O. Box 3044 Sacramento, CA 95812-3044	California Environmental Protection Agency 1001 I Street P.O. Box 2815 Sacramento, CA 95812-2815

Dated: June 25, 2019



Sally Mordi