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SERVICE DATE – JANUARY 5, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 497X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN BENTON COUNTY,
MINN.

Decided: January 4, 2018

BNSF Railway Company (BNSF) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 1.75-mile line of railroad located between milepost 0.0 and milepost 1.75 in Benton County, Minn. (the Line). Notice of the exemption was served and published in the Federal Register on December 8, 2017 (82 Fed. Reg. 58,045). The exemption is scheduled to become effective on January 9, 2018.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) on December 15, 2017, recommending that one condition be imposed on any decision granting abandonment authority. OEA noted that BNSF served a historic report on the Minnesota Historical Society (Minnesota State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). In a reply to the report, the SHPO commented that additional information was needed to complete its review of the proposed abandonment. OEA, therefore, recommended that BNSF be required to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), has been completed. OEA also recommended that BNSF be required to report back to OEA regarding any consultations with the SHPO and the public, and that BNSF not be permitted to file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

OEA issued its final EA on January 2, 2018, noting that no comments to the EA were received by the December 29, 2017 due date and recommending again that the one previously recommended condition be imposed. Accordingly, based on OEA's recommendation, the one condition proposed in the EA and final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on December 8, 2017, exempting the abandonment of the Line described above, is subject to the condition that BNSF shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. BNSF shall report back to OEA regarding any consultations with the SHPO and the public and shall not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.