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SERVICE DATE - OCTOBER 17, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 392X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY—
ABANDONMENT EXEMPTION—IN FLATHEAD COUNTY, MT

Decided: October 10, 2002

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.60-mile line of railroad between milepost 1227.58 and milepost 1231.18, in Kalispell, Flathead County, MT (line). Notice of the exemption was served and published in the Federal Register (67 FR 13209) on March 21, 2002.

The exemption was scheduled to become effective on April 20, 2002, but by decision served on April 18, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that BNSF retain its interest in the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.¹ On August 19, 2002, SEA received from the Montana State Historic Preservation Officer a stamped indication that the proposed abandonment will have no effect on historic properties. Because this completes the section 106 process, SEA recommends that the historic preservation condition imposed in the April 18, 2002 decision be removed. The condition will accordingly be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The April 18, 2002 decision also made the abandonment of the line subject to the condition that BNSF notify the National Geodetic Survey 90 days prior to salvage activities in order to plan for relocation of any geodetic station markers discovered on the line. In addition, by decision served on May 3, 2002, the Board imposed a public use condition under 49 U.S.C. 10905 that is scheduled to expire on October 17, 2002.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served April 18, 2002 is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary