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SERVICE DATE - JUNE 7, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 393X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION —IN NELSON
AND EDDY COUNTIES, ND

Decided: June 5, 2002

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon and discontinue service over a 6.00-mile line of railroad between milepost 92.00 in Tolna and milepost 98.00 in Hamar, in Nelson and Eddy Counties, ND. Notice of the exemption was served and published in the Federal Register on May 9, 2000 (67 FR 31400). The exemption is scheduled to become effective on June 8, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 14, 2002. In the EA, SEA stated that the North Dakota Department of Health (NDDH) had expressed concerns regarding the proposed abandonment. Therefore, to address the concerns of NDDH, SEA recommended the imposition of a condition requiring BNSF to consult with the NDDH prior to salvage activities. Following receipt of comments on the EA (due May 29, 2002), SEA has renewed this recommendation.

Additionally, based upon comments on the EA, SEA states that the National Geodetic Survey (NGS) has advised that there are six geodetic station markers that may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for the relocation of these markers. Therefore, SEA recommends that a condition be imposed requiring BNSF to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

The recommended conditions will be imposed. As conditioned, this action 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 exemption of the abandonment of the rail line described above is subject to the conditions that BNSF: (1) consult with the NDDH prior to salvage activities; and (2) consult with the NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary