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SERVICE DATE – APRIL 7, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 464X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN KING COUNTY, WA

Decided: April 6, 2009

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 5.60-mile rail line between milepost 5.00, at Kennydale, and milepost 10.60, at Wilburton, in King County, WA. On September 26, 2008, notice of the exemption was served and published in the Federal Register (73 FR 55898-99). The exemption became effective on October 28, 2008.

By decision served on October 27, 2008 (October 2008 decision), 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 requiring BNSF 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 proposed abandonment's right-of-way that are eligible for listing or are listed in the National Register of Historic Places (National Register) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), had been completed, to report back to SEA regarding any consultations with The Washington Department of History and Archaeology (SHPO) and any other section 106 consulting parties, and to refrain from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of tracks and ties) until completion of the section 106 process and removal of this condition.¹

SEA states that, following consultation with the SHPO, it has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. Therefore, SEA recommends that the section 106 historic preservation condition imposed in the October 2008 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

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

¹ The other environmental conditions imposed in the October 2008 decision remain in effect, but are self-executing and are not a barrier to consummation by BNSF of this abandonment.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the October 2008 decision is removed.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary