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SERVICE DATE - MARCH 26, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 407X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY  
COMPANY—ABANDONMENT EXEMPTION— IN SEATTLE, KING COUNTY, WA

Decided: March 23, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon a line of railroad between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, King County, WA, a distance of 336 feet. Notice of the exemption was served and published in the Federal Register on February 25, 2004 (69 FR 8737-38). The exemption is scheduled to become effective on March 26, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 1, 2004. In the EA, SEA recommended that the following conditions be imposed on any decision granting abandonment authority. SEA stated in the EA that the U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office (FWS), lists 10 threatened or endangered species that are known to exist in King County. Therefore, SEA recommended that a condition be imposed requiring BNSF to consult with FWS to evaluate the potential impacts to threatened or endangered species that are known to exist in the area of the proposed abandonment before beginning any salvage activities. SEA also indicated in the EA that the Washington Department of Fish and Wildlife (WDFW) submitted comments stating that any abandoned rail ties or other creosote-treated wood products should be removed from the area. In response to WDFW's concerns, SEA recommended that BNSF consult with the WDFW concerning the removal and disposal of those products.

Comments to the EA were due by March 15, 2004. BNSF advised SEA by letter dated February 26, 2004, that the WDFW no longer has any concerns regarding the impacts to threatened and endangered species in the area proposed for abandonment. Based on BNSF's letter that the proposed abandonment would not affect endangered species, SEA now recommends that the condition it previously recommended concerning the removal of rail ties or other creosote-treated wood products need not be imposed. No other comments on SEA's recommendations were filed by the due date. Accordingly, only the environmental condition requiring BNSF to consult with FWS, recommended by SEA in the EA, will be imposed.

As conditioned, this decision 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 line described above is subject to the conditions that BNSF shall consult with FWS to evaluate the potential impact to threatened or endangered species that are known to exist in the area of the proposed abandonment before beginning any salvage activities.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary