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VIA UPS OVERNIGHT MAIL

October 10, 2005

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 428X);
BNSF Railway Company Abandonment between French, New Mexico
and York Canyon, New Mexico**

Dear Ms. Rutson:

Please reference STB decision served June 24, 2005, in the above-referenced docket. Specifically, I am referring to Condition #7, where it states, "BNSF Railway Company shall retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f." The proceeding is currently being held in abeyance, but we anticipate it will be reinstated soon.

In an effort to resolve the potential Section 106 condition, BNSF contacted Mr. John Murphey (505-827-3990) with the New Mexico Historic Preservation Division (NM SHPO) and discussed the historical significance of this line. Mr. Murphey identified nine masonry culverts that were built from 1910-1921 on the part of the roadbed from Milepost 0 to approximately Milepost 18. BNSF mentioned to Mr. Murphey that this line is being negotiated for a possible post-abandonment sale to a third party who may keep the culverts in place. Due to the uncertainty of the culverts staying intact, BNSF in consultation with Mr. Murphey have discussed a possible memorandum of agreement requiring, as an advance condition that any salvage of the right of way and/or culverts thereon, require advance consultation with the NM SHPO for determination of suitable mitigation. In the event BNSF assigns or conveys its interests in the subject rail line to any other party, BNSF would require the condition be assigned and assumed by the acquiring party and the condition would be imposed upon the conveyance, and such condition would run with the land until satisfied.

Per John Murphey's request, BNSF is in the process of drafting a memorandum of agreement to address the concerns stated above. BNSF will circulate the draft to NM SHPO and STB for comment in the near future.

If you have any questions, please contact me at (817) 352-2354.

Sincerely,

A handwritten signature in black ink that reads "Sarah Bailiff" followed by a stylized flourish or initials.

Sarah W. Bailiff

SWB/js
Enclosures

cc: Rini Ghosh, STB
John Murphey (NM SHPO)
Jerry Johnson
Blaine Bilderback