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SERVICE DATE - JULY 29, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No 415X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
–ABANDONMENT EXEMPTION–IN CAVALIER COUNTY, ND

Decided: July 27, 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 20.93-mile line of railroad between BNSF milepost 74.07 near Langdon and milepost 95.00 near Hannah, in Cavalier County, ND. Notice of the exemption was served and published in the Federal Register on May 21, 2004 (69 FR 29348). The exemption became effective on June 22, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 28, 2004. Comments on the EA were due and received on June 14, 2004. By decision served June 21, 2004, the proceeding was reopened and the exemption was made subject to five environmental conditions. In a letter comment received July 12, 2004, the North Dakota Department of Health, Environmental Health Section (NDDH), states that, in addition to the Best Management Practices condition it had previously sought, it requests a condition regarding the release of any petroleum products, hazardous materials, or chemicals during abandonment and salvage operations. Based upon this letter comment, SEA recommends that an environmental condition be added to address NDDH's concerns.

Accordingly, the proceeding will be reopened to implement SEA's recommendation as set forth in the ordering paragraphs below.

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 following environmental condition is added: BNSF shall consult with NDDH regarding any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during salvage activities.

3. All other provisions and environmental conditions imposed in the June 21, 2004 decision in this proceeding will remain in effect.

4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary