

34849
DO

SERVICE DATE - JULY 13, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 411X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION—IN LAWRENCE COUNTY, AR

Decided: July 9, 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 and discontinue service over a 4.50-mile line of railroad between milepost 397.78 in Hoxie, and milepost 402.28 in Walport, and the 2.20-mile Walnut Ridge Industrial Spur, a total distance of 6.70 miles in Lawrence County, AR. Notice of the exemption was served and published in the Federal Register on April 26, 2004 (69 FR 22595-96).

By decision served May 24, 2004, the exemption was made subject to the condition that BNSF retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. The Department of Arkansas Heritage (SHPO) has informed SEA that, based on the information provided, it has concluded that no historic properties will be affected by the abandonment. Therefore, SEA recommends that the section 106 condition imposed in the May 24, 2004 decision be removed.¹

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

¹ In that decision, Lawrence County, AR, was authorized to negotiate an interim trail use/rail banking agreement with BNSF, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The negotiation period is scheduled to expire on November 22, 2004. The decision also imposed environmental conditions that required BNSF to: (1) notify the National Geodetic Survey at least 90 days prior to initiation of any salvage activities that may disturb or destroy any geodetic stations markers so that plans can be made for their relocation; and (2) prior to commencement of any salvage activities on the project, contact the Arkansas Department of Environmental Quality concerning possible impacts on water quality and any water quality permitting requirements. Those conditions remain in effect.

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 section 106 historic condition imposed in the May 24, 2004 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary