

41127
DO

SERVICE DATE – OCTOBER 19, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 469X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN PIERCE COUNTY,
WASH.

Decided: October 18, 2010

BNSF Railway Company (BNSF) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 1.56-mile line of railroad between milepost 0.59 and milepost 2.15, in Tacoma, Pierce County, Wash. Notice of the exemption was served and published in the Federal Register on October 22, 2009 (74 Fed. Reg. 54,620-21). The exemption became effective on November 21, 2009.

The Board's Section of Environmental Analysis (SEA)¹ served an environmental assessment (EA) in this proceeding on October 27, 2009. By decision served on November 20, 2009, the proceeding was reopened at the request of SEA and the exemption was made subject to the conditions that BNSF shall, prior to beginning any salvage activities, or consummation of the abandonment if salvage does not occur: (1)(a) consult with the City of Tacoma, Community and Economic Development Department (City) to determine if the proposed abandonment is consistent with the City's proposed multi-use trail/park in the Union Station Conservation District as envisioned in its comprehensive plan, and (b) report the results of the discussions back to SEA in writing; and (2)(a) consult with the Washington State Department of Ecology, Shoreland and Coastal Zone Management Program (WDE S&CZMP) to determine whether state coastal management consistency certification is required; (b) if such a certification is required, be prohibited from performing any salvage activities until it obtains consistency certification; and (c) notify SEA, pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1451 et seq. and the Board's environmental regulations at 49 C.F.R. § 1105.9. By decision served on September 3, 2010, the coastal zone condition was removed.

OEA was notified by BNSF that the City was consulted and that the proposed abandonment is consistent with its comprehensive plan for trail development. Therefore, OEA has determined that the condition requiring consultation with the City has been completed and recommends that the condition be removed. Accordingly, the proceeding will be reopened and the previously imposed condition requiring consultation with the City will be removed.

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

¹ As of September 1, 2010, SEA is now the Office of Environmental Analysis (OEA).

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the condition that BNSF shall, prior to beginning any salvage activities, or consummation of the abandonment if salvage does not occur: (a) consult with the City of Tacoma, Community and Economic Development Department (City) to determine if the proposed abandonment is consistent with the City's proposed multi-use trail/park in the Union Station Conservation District as envisioned in its comprehensive plan, and (b) report the results of the discussions back to SEA in writing, is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.