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OEA

SERVICE DATE – MARCH 11, 2013

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 6 (Sub-No. 487X)**

**BNSF Railway Company – Abandonment Exemption –  
in Cook County, Ill.**

**BACKGROUND**

In this proceeding, BNSF Railway Company (BNSF) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Cook County, Illinois. The rail line proposed for abandonment extends approximately 0.50 miles between Station 186+79 and Station 163+50, and approximately 0.60 miles between Station 157+65 and Station 197+81, for a total of approximately 1.10 miles in Chicago (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

BNSF submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

According to BNSF, no local or overhead traffic has moved over the Line for over ten years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 6 (Sub-No. 487X).

## *Salvage Activities*

If abandonment authority is granted in this proceeding, BNSF states that it would salvage rail and ties along the Line, but would not remove or alter culverts, ballast, or the underlying roadbed. Road crossings and signals would be removed and remediated as required by local governing authorities. Salvage would be conducted within the right-of-way using specialized machinery and in accordance with best practices to prevent any disruption to waterways in the project area. The proposed abandonment would result in the removal of one bridge, located at Station 186+79.

The U.S. Natural Resource Conservation Service submitted comments stating that, because the proposed abandonment would be confined to an existing urban rail corridor, the project would not have an impact on prime or important farmlands. Accordingly, no mitigation regarding the conservation of agricultural land is recommended.

The Illinois Department of Natural Resources (IDNR), Office of Water Resources submitted comments stating that only a portion of the Line is located within the boundaries of the Illinois Coastal Management Program (ICMP), and that the proposed abandonment is consistent with the enforceable policies of the ICMP. Accordingly, no mitigation regarding coastal zone management is recommended.

BNSF requested comments from the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency regarding the potential impacts of the proposed action on water resources, but have received no responses to date. In its review of available geospatial data, OEA has concluded that the Line does not cross and is not immediately adjacent to any wetlands.<sup>2</sup> The Line does not cross any waterways and is not located within a 100-year floodplain.<sup>3</sup> OEA believes that the abandonment as proposed would not result in the discharge of dredge or fill material into the waterways or wetlands of the United States; erosion or sedimentation affecting waterways; or any other negative impact to water quality. Accordingly, permitting under Sections 402 and 404 of the Clean Water Act (33 U.S.C. § 1342 and 33 U.S.C. § 1344) would not be required.

The U.S. Fish and Wildlife Service (USFWS) submitted comments requesting that BNSF consult the agency's online database and make a determination as to whether the proposed abandonment would potentially affect any federally-listed threatened or endangered species. BNSF subsequently reviewed the available information and determined that the proposed abandonment would have no effect on any federally-listed species, their habitats, or any proposed or designated critical habitat.

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<sup>2</sup> U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/> (last visited March 7, 2013).

<sup>3</sup> Federal Emergency Management Agency, Mapping Information Platform, <https://hazards.fema.gov/femaportal/wps/portal> (last visited March 7, 2013).

In its review of available geospatial data, OEA has determined that the proposed abandonment is not located in an area designated as critical habitat.<sup>4</sup> OEA also conducted a search of the USFWS Environmental Conservation Online System in order to identify any federally listed endangered or threatened species that may be present in the vicinity of the Line.<sup>5</sup> The table below shows the protected species known or thought to occur in the county in which the proposed abandonment is located.

Protected Species in Cook County, Illinois			
Group	Common Name	Scientific Name	Status
Birds	Piping Plover	<i>Charadrius melodus</i>	Endangered
Reptiles	Eastern Massasauga (Rattlesnake)	<i>Sistrurus catnatus</i>	Candidate
Insects	Hine's Emerald Dragonfly	<i>Somatochlora hineana</i>	Endangered
Flowering Plants	Mead's Milkweed	<i>Asclepias meadii</i>	Threatened
	Leafy Prairie Clover	<i>Dalea foliosa</i>	Endangered
	Prairie Bush-Clover	<i>Lespedeza leptostachya</i>	Threatened
	Eastern Prairie Fringed Orchid	<i>Plantanthera leucophaea</i>	Threatened

Among the listed species, Hine's emerald dragonfly, the eastern massasauga, and the eastern prairie fringed orchid are typically confined to wetland and woodland habitats that are not present in the project area. The piping plover, a beach-dwelling bird, is also unlikely to be affected by the proposed abandonment. The prairie bush clover, the leafy-prairie clover, and Mead's milkweed are prairie species that are generally not found in highly urbanized areas such as that in which the Line is located. Therefore, OEA concurs with BNSF's determination of no effect to federally-listed threatened or endangered species. Accordingly, no mitigation regarding protected species is recommended.

BNSF has requested comments from the National Park Service (NPS) regarding the potential impact of the proposed abandonment on wildlife sanctuaries or refuges, parks, or other protected areas, but has received no response to date. In its review of available geospatial data, OEA has concluded that the proposed abandonment is not located in or adjacent to any local or national park; wildlife sanctuary or refuge; or other protected area. Accordingly, no mitigation regarding protected areas is recommended.

The National Geodetic Survey (NGS) has not submitted comments regarding the potential impact of the proposed abandonment on any geodetic survey markers that may be

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<sup>4</sup> U.S. Fish and Wildlife Service, Critical Habitat Portal, <http://criticalhabitat.fws.gov/crithab> (last visited March 7, 2013).

<sup>5</sup> U.S. Fish and Wildlife Service, Environmental Conservation Online System, <http://ecos.fws.gov/ecos/indexPublic.do> (last visited March 7, 2013).

present in the project area. Accordingly, OEA is recommending a condition requiring BNSF to consult with NGS prior to beginning salvage activities.

BNSF states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA review has confirmed that there are no listed Superfund sites in the vicinity of the Line.<sup>6</sup> Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts.

## **HISTORIC REVIEW**

The Line proposed for abandonment is composed of two segments, the “Sangmon Street Line,” which extends approximately 0.50 miles from Station 186+79 near Western Avenue Yard at 16<sup>th</sup> Street to Station 163+50 near Cullerton Street, and the “Lumber Street Line,” which extends approximately 0.60 miles from Station 157+65 at Cermak Road to Station 197+80 at the end of the line on Lumber Street, in Chicago, Cook County, Illinois. There is one bridge on the Line, located at Station 186+79 where the Line crosses 16<sup>th</sup> Street near the northern terminus of the “Sangmon Street Line.” According to BNSF, the bridge is 108 feet long and 16 feet high and was constructed in 1908.

BNSF served the Historic Report on the Illinois Historic Preservation Agency (State Historic Preservation Officer or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO submitted comments stating that sections of the Line are located within the Pilsen Historic District, an area which is listed in the National Register of Historic Places (National Register). The SHPO also states that the abandonment as proposed would not affect any historic properties and that it therefore has no objection to the proposed project. OEA has reviewed the available information and concurs with the SHPO’s comments.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad’s Historic Report, all relevant correspondence, and this EA,

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<sup>6</sup> Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited March 7, 2013).

which have been provided to the SHPO and made available to the public through posting on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>7</sup> The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Citizen Potawatomi Nation in Oklahoma;
- Forest County Potawatomi Community in Wisconsin;
- Hannahville Indian Community in Michigan; and
- Prairie Band of Potawatomi Nation in Kansas.

Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

### **CONDITIONS**

We recommend that the following condition be imposed on any decision granting abandonment authority:

- 1. BNSF Railway Company (BNSF) shall consult with the National Geodetic Survey (NGS) prior to beginning salvage activities. If NGS identifies geodetic station markers that may be affected by the proposed abandonment, BNSF shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.**

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

### **PUBLIC USE**

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<sup>7</sup> National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited March 7, 2013).

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 6 (Sub-No. 487X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at [waylandj@stb.dot.gov](mailto:waylandj@stb.dot.gov).

Date made available to the public: March 11, 2013

**Comment due date: March 26, 2013**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis