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SEA

SERVICE DATE – NOVEMBER 21, 2008

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub-No. 263X)**

**Union Pacific Railroad Company – Abandonment Exemption – in Cook County, IL**

**BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP or railroad) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a line of railroad in Cook County, Illinois (IL). The rail line proposed for abandonment extends approximately 3.7 miles between Milepost 5.8 near Wilson Avenue and Milepost 9.5 near Touhy Avenue (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, UP would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line is located in an urban area near Chicago, IL. The right-of-way is mostly 100 feet wide, but ranges from less than 100 feet to as much as 150 feet wide. Chicago Northern Railway originally constructed the portion of the Line from Milepost 5.8 to approximately Milepost 7.1 in 1903. The Junction Railway Company originally constructed the portion of the Line north of Milepost 7.1 in 1889. According to the railroad, the Line contains five bridges that are 50 years of age or older. The bridges are of either plate-girder or reinforced-concrete-slab construction. Four of the bridges were reconstructed in 1928, and the fifth in 1934.

The railroad has provided a verified statement indicating that no local or overhead traffic has moved on the Line for at least two years. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes. UP is not aware of any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way.

**ENVIRONMENTAL REVIEW**

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad 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 CFR 1105.7(b)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

Because there is no rail traffic on the Line, 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.

### ***Salvage Activities***

Rail line salvaging activities can include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

After reviewing mapping available on the Illinois Coastal Zone Management Program website (<http://dnr.state.il.us/owr/CMP/boundaries.htm>), SEA concludes that the Line is located outside the Illinois coastal zone.

The U.S. Fish and Wildlife Service, Natural Resources Conservation Service, and U.S. Environmental Protection Agency have not submitted comments on the railroad's environmental report. Although land use near the line is largely urban, the line does appear to cross the North Branch of the Chicago River and associated stream valley park facilities. Accordingly, SEA has provided a copy of this EA to each of these agencies for review and comment.

The U.S. Army Corps of Engineers – Chicago District (USACE) has not submitted comments on the railroad's environmental report. Because the Line appears to cross the North Branch of the Chicago River, SEA recommends a condition that would require UP to consult with USACE regarding proposed salvaging activities and potential permitting requirements under Section 404 of the Clean Water Act (33 U.S.C. 1344). A copy of this EA has been provided to the USACE.

The National Geodetic Survey reviewed the proposed abandonment and identified no survey markers that would be affected.

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<sup>1</sup> The railroad's 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-33 (Sub-No. 263X).

## **HISTORIC REVIEW**

The railroad submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Illinois Historic Preservation Agency (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In a July 15, 2008 reply, the SHPO stated that the proposed abandonment should have no effect on historic properties and had no objection to the undertaking (SHPO Project No. IHPA Log #031063008).

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at [www.cast.uark.edu/other/nps/nacd/](http://www.cast.uark.edu/other/nps/nacd/) to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the following four tribes as having connections to Cook County:

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

A copy of this EA has been provided to all four tribes for review and comment.

## **CONDITIONS**

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Union Pacific Railroad Company shall consult with the U.S. Army Corps of Engineers – Chicago District regarding potential permitting requirements under Section 404 of the Clean Water Act (33 U.S.C. 1344).

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition were 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 and no salvage activities), 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 should not be affected.

### **PUBLIC USE**

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 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. 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 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA 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, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-33 (Sub-No. 263X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at [naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov).

Date made available to the public: November 21, 2008.

**Comment due date: December 8, 2008.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan  
Acting Secretary

Attachment