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SEA

SERVICE DATE – OCTOBER 27, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

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

BNSF Railway Company – Abandonment Exemption –
in Pierce County, WA

BACKGROUND

In this proceeding, the BNSF Railway Company (BNSF) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a portion of railroad in Tacoma, Pierce County, Washington. The line extends from Milepost 0.59 to Milepost 2.15, a distance of 1.56 miles. BNSF certifies that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment. BNSF indicates that the proposed abandonment does not contain any Federally granted rights-of-way.

According to BNSF, the segment of rail line to be abandoned is located in a highly commercialized area of downtown Tacoma, with portions running parallel to Sound Transit's commuter line right-of-way and Interstate 785 near the Port of Tacoma. BNSF states that there are five active public grade crossings, two pedestrian crossings, one public overpass and one private overpass within the area of the proposed abandonment. BNSF indicates that there are no railroad structures 50 years or older located in the area of the proposed abandonment, but that a section of line travels through the Union Depot Warehouse Historic District between South 17th and South 21st Streets. The rail line traverses U.S. Postal Service Zip Code 98402. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

BNSF 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, 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 CFR 1105.7(b)].¹ The

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-6 (Sub-No. 469X).

Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding. BNSF states that no salvage activities are contemplated as part of the abandonment. However, because BNSF would have the option of conducting salvage activities if the abandonment is approved, SEA has examined the effects of salvage activities on the human and natural environment.

Diversion of Traffic

BNSF states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Following abandonment, BNSF states that no salvage activities are contemplated as part of the abandonment. Instead, BNSF proposes to retain the portion of line from 0.59 to Milepost 1.11 to access its main line and drainage facilities, and to accommodate telecom and fiber optic lines in the area. BNSF would sell or donate the line between Milepost 1.11 and 1.95, and sell the remaining portion of the line to be abandoned, from Milepost 1.95 to 2.15, to Sound Transit for its commuter rail operations. However, as previously stated, BNSF would have the option of conducting salvage activities if the abandonment is approved.

SEA 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.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that there are no geodetic station markers located within the area of the proposed abandonment. Therefore, SEA has concluded that no further consultation with NGS is necessary.

The Pierce County Department of Planning and Land Services deferred its comments to the City of Tacoma Planning Commission, citing that the City has planning authority to determine if the proposed abandonment is consistent with existing land use plans.

The City of Tacoma, Community and Economic Development Department, commented that the proposed abandonment is consistent with its comprehensive plan in that it envisions that the rail line to be abandoned, which traverses the Union Station Conservation District in Downtown Tacoma, would be converted to a multi-use trail/park. The City further commented that such a change in land use would enhance its bicycle and pedestrian system and provide connections to the University of Washington at Tacoma, the downtown Brewery District, and the City's nonmotorized Water Ditch Trail at South Tacoma. The City is therefore in support of the proposed abandonment. In viewing the City's comprehensive plan on its web site and comparing the map on page T-19 entitled *Transportation Element Figure 2* with BNSF's map of the proposed abandonment, it appears that the City's envisioned trail would include the entire rail line proposed for abandonment. Since BNSF has indicated that following abandonment, it intends to retain 0.52 miles of the rail line for its own use, sell or donate approximately 0.84 miles of line, and sell approximately 0.2 miles of the rail line to Sound Transit, SEA has noted that there could be a conflict between the proposed abandonment and the City's comprehensive plan. SEA is therefore recommending a condition that would require BNSF to consult with the City of Tacoma prior to salvage, or consummation of the abandonment if salvage does not occur, 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 to report the results of the discussions back to SEA in writing.

BNSF indicates that the proposed abandonment is located within a designated coastal zone and further states that it has submitted an environmental report to the Washington State Department of Ecology, Shoreland and Coastal Zone Management Program (WDE S&CZMP), but to date, has not received a response. SEA is therefore recommending a condition that would require BNSF to consult with the WDE S&CZMP prior to salvage, or consummation of the abandonment if salvage does not occur, to determine whether state coastal management consistency certification is required.

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) commented that the proposed abandonment is entirely within an urban area and that there would be no impact on prime agricultural soils or important farmland. Therefore, SEA has determined that no further consultation with NRCS is necessary.

The U.S. Department of Interior, Bureau of Land Management (BLM), Wenatchee Field Office, commented that it has no lands or interests in the area of the proposed abandonment. Therefore, SEA has concluded that no further consultation with BLM is necessary.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the Rivers Trails Pacific West Region, the Washington State Department of Ecology, the Washington State Department of Fish and Wildlife, the Washington State Department of Natural Resources, the Washington Utilities and Transportation Commission, the U.S. Fish and Wildlife Service, the

U.S. Army Corps of Engineers; the U.S. Environmental Protection Agency; and the U.S. Fish and Wildlife Service.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Washington Department of Archaeology and Historic Preservation (DAHP or State Historic Preservation Office (SHPO)) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments in response to the historic report stating that it concurs with the area of potential effect (APE or project right-of-way), but that the information provided by BNSF regarding historic properties along the line is insufficient to formulate an opinion on whether any of the resources are eligible for listing on the National Register of Historic Places (National Register). The SHPO recommends that the affected rail line be evaluated as a cultural resource by a professional meeting the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* and that the railroad line, at a minimum, be surveyed to DAHP's standards. However, because BNSF has indicated that salvage would not occur and both the rail line and the rail corridor would remain intact following abandonment, SEA has determined that there would be no historic properties affected by this undertaking. SEA has added the SHPO to the service list for this proceeding and will carefully consider any comments it receives from the SHPO in the Post EA.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely 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.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that the following six Federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the project area: the Yakima Nation, the Confederated Tribes of Colville Reservation, the Cowlitz Indian Tribe, the Muckleshoot Tribal Council, the Nisqually Indian Tribe, and the Puyallup Tribal Council. SEA has added the tribes to the service list for this proceeding and will ensure that they receive a copy of this EA for their review.

CONDITIONS

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

1. Prior to beginning any salvage activities, or consummation of the abandonment if salvage does not occur, the BNSF Railway Company (BNSF) shall consult with the City of Tacoma, Community and Economic Development Department, 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. BNSF shall report the results of the discussions with the City back to the Section of Environmental Analysis (SEA) in writing.
2. Prior to beginning any salvage activities, or consummation of the abandonment if salvage does not occur, BNSF shall consult with the Washington State Department of Ecology, Shoreland and Coastal Zone Management Program to determine whether state coastal management consistency certification is required. If consistency certification is required, BNSF shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board's Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 *et seq.* and the Board's environmental regulations at 49 CFR 1105.9.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed and if the recommended condition is imposed, abandonment of the line will 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 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 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 469X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: October 27, 2009.

Comment due date: November 12, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment