

SURFACE TRANSPORTATION BOARD

DECISION

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

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN PIERCE COUNTY,  
WA

Decided: November 20, 2009

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 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, WA. Notice of the exemption was served and published in the Federal Register on October 22, 2009 (74 FR 54620-21). The exemption is scheduled to become effective on November 21, 2009.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on October 27, 2009. In the EA, SEA states that the City of Tacoma, Community and Economic Development Department (City) 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, therefore, supports 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, SEA states that 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. Therefore, SEA is recommending a condition requiring BNSF to consult with the City 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.

SEA also states in the EA that 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. Therefore, SEA

recommends a condition requiring BNSF to: (1) 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; and (2) if such a certification is required, BNSF shall be prohibited from performing any salvage activities until it obtains consistency certification and notifies SEA, 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.

Comments to the EA were due by November 12, 2009. No comments were received by the due date. Accordingly, the conditions recommended by SEA in the EA will be imposed.

As conditioned, 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 exemption of the abandonment of the rail line described above, and covered by the notice served and published in the Federal Register on October 22, 2009, is 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 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 with the City back to SEA in writing; and (2) (a) consult with the WDE S&CZMP to determine whether state coastal management consistency certification is required; (b) if consistency 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 CFR 1105.9.
3. This decision is effective on its service date.

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