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SEA

SERVICE DATE – NOVEMBER 24, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 447X)

BNSF Railway Company – Abandonment Exemption – in Kane County, IL

BACKGROUND

In this proceeding, the BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C.10903 in connection with the abandonment of a line of railroad in Kane County, Illinois. The rail line proposed for abandonment extends 0.04 miles from milepost 3.53 to milepost 3.57 near Nifa, Illinois (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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to BNSF, no local traffic has moved over the Line for at least two 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 cause 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, crossings or other structures that may be present on the rail right-of-way, and regrading of the right-of-way.

In this instance, BNSF states that it plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to BNSF, salvage activities would begin with the removal of rails and metal parts of the track structure. Thereafter, wooden ties would be removed and separated into second hand ties, landscape quality ties, and scrap ties; any scrap ties would be disposed of at an appropriate site. Culverts and rail embankments located along the Line would remain intact to maintain the existing water conveyance within the right-of-way.

According to BNSF, the Line is located in a flat urban area between the cities of North Aurora and Aurora. The Line right-of-way is 100 feet wide. BNSF states that the Line consists primarily of one bridge that crosses over Interstate 88 (I-88). During its proposed salvage operations, BNSF states that it would dismantle the bridge following removal of the tracks and ties.

BNSF indicates that its proposed salvage activities would not cause sedimentation or erosion of the soil, as BNSF does not anticipate any dredging or use of fill when removing the track material. In the event that fill material would be removed, BNSF states that its salvage contractors are required to ensure that no fill material is placed in water bodies, including inland waterways. BNSF notes that no debris would be discarded along the right-of-way and any work along the right-of-way would be completed in a manner to prevent or control spills from fuels, lubricants or any other pollutant materials. BNSF states that there are no known hazardous waste sites on the right-of-way.

Kane County provided comments to BNSF indicating that the proposed abandonment is consistent with local or regional land use plans. In its comments, the County stated that it did not know of any specific public use for the Line, but that the abandonment is needed in order to widen I-88 and complete associated ramp work along Illinois Route 31 as currently proposed by the Illinois State Toll Highway Authority.

The U.S. Fish and Wildlife Service (USFWS) submitted comments to BNSF stating that the proposed abandonment would not affect Federally listed threatened or endangered species under its jurisdiction and currently protected by the Endangered Species Act. At the request of USFWS, BNSF also contacted the Illinois Department of Natural Resources (IDNR) regarding any state listed threatened or endangered species within its jurisdiction. IDNR completed a search of the Illinois Natural Heritage Database which indicated no endangered or threatened species or Illinois Natural Preserves within the area of the proposed abandonment.

The U.S. Environmental Protection Agency (USEPA), Region 5, provided comments to BNSF stating that it has no objections to the proposed abandonment. However, in its comments,

USEPA indicated that the Illinois Environmental Protection Agency (IEPA) has delegation authority from USEPA Region 5 regarding the issuance of permits under Section 402 of the Clean Water Act and should be contacted regarding any potential requirements under its jurisdiction. BNSF subsequently contacted IEPA which stated that the proposed abandonment would not require permits pursuant to Section 402 of the Clean Water Act and/or the National Pollution Discharge Elimination System.

The U.S. Army Corps of Engineer (Corps) has indicated to BNSF that the proposed project is not anticipated to impact waters of the U.S. under Corps jurisdiction and may qualify for a Letter of No Objection (LONO). However, the Corps stated that in order to qualify for a LONO, BNSF must first provide the Corps with a Wetland Delineation Report. SEA is therefore recommending that BNSF consult with the Corps prior to the onset of salvage operations to ensure that any Corps requirements are met.

BNSF contacted Kane County regarding potential impacts of the proposed abandonment to isolated wetlands that could be covered under the Kane County Stormwater Ordinance. Kane County Water Resources Division researched the property and did not identify isolated wetlands and indicated that the proposed abandonment should not affect any 100-year flood plains.

The Natural Resources Conservation Service provided comments to BNSF stating that the proposed project would have no effect on prime agricultural lands.

Comments submitted to BNSF by the National Park Service and Bureau of Land Management indicate that the project area does not include Federal lands administered by either agency.

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.

Based on all information available to date, SEA does not believe that salvage activities associated with the proposed abandonment would cause significant environmental impacts. SEA is providing a copy of this EA to the City of Aurora, Kane County and the following agencies for review and comment: IEPA; IDNR; USFWS; Corps; and USEPA.

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 Illinois Historic Preservation Agency or SHPO pursuant to 49 CFR 1105.8(c). The SHPO submitted comments to BNSF in response to the historic report stating that, based on the information provided, no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) are located within the right-of-way (the Area of Potential Effect) of the proposed abandonment. The SHPO

further stated that it has no objections to the undertaking proceeding as planned.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800, we have determined, in consultation with the SHPO, that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register within the APE. 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 will be made available to the public through issuance of a Federal Register notice and posting on the Board's web site at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> regarding any Federally recognized tribes that may have ancestral connections to the project area; no tribes were identified.

CONDITION

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

Prior to commencement of any salvage activities, the BNSF Railway Company shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 447X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: November 24, 2006.

Comment due date: December 11, 2006.

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

Vernon A. Williams
Secretary

Attachment