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SEA

SERVICE DATE – NOVEMBER 13, 2006

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-6 (Sub-No. 453X)**

**BNSF Railway Company – Abandonment Exemption –  
In King County, WA**

**BACKGROUND**

In this proceeding, 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 King County, Washington. The rail line (the Line) proposed for abandonment extends 0.65 miles from milepost 10.60 to milepost 11.25 in Bellevue, a suburb of Seattle. The Line traverses United States Postal Zip Code 98005 and the right-of-way width is generally 100 feet. The area surrounding the proposed abandonment is urban, consisting of residential and commercial land uses, schools, parkland, waterways, and major transportation corridors. The Line is located to the east of Mercer Slough, a 320-acre wetland park and educational center that drains directly into the East Channel of Lake Washington, and west of I-405, a 30-mile loop highway that passes through Bellevue and Renton, and extends north to Lynnwood and south to Tukwila. BNSF indicates that the Line may be suitable for alternative public use, possibly that of a multi-modal transportation corridor. If the notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA).

**DESCRIPTION OF THE LINE**

The Line was acquired by the former Northern Pacific Railway (NP) between 1903 and 1905. In 1970, NP merged with other railroads to become part of the Burlington Northern Railroad (BN). In 1995, BN merged with the Atchison Topeka & Santa Fe Railroad to form the Burlington Northern & Santa Fe Railway Company and in 2005, the railroad became BNSF. The railroad indicates that there are two structures on the Line that would be removed if abandonment authority is granted: a 370-foot long, 24-foot high thirty-five year old three-span concrete overhead bridge, and an associated undercrossing. Both structures are less than 50 years old.

## **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)].<sup>1</sup> 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 and all overhead traffic will 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. BNSF indicates that disturbance to adjacent waterways would be kept to a minimum during the salvage process. The railroad states that the rails and metal parts of the track structure would be removed first, followed by wooden ties. Bridges, crossings and other structures would be removed last, and culverts would remain in place in order to maintain the prevailing waterflows along the Line. BNSF further indicates that concrete abutments and piers would be left intact, and that contractors would not be allowed to place fills or other material into waterbodies, including the adjacent inland waterway/wetland. As stated previously, BNSF intends to remove the bridge and undercrossing, both of which were constructed around 1971.

The City of Bellevue commented that the proposed abandonment is consistent with its policy and regional vision for the larger BNSF corridor. The City of Bellevue further commented that it is participating in a regional planning process with the Puget Sound Regional Council to identify a preferred public use for the entire 42-mile length of the BNSF railroad corridor in east King County and south Snohomish County, between Renton and Snohomish. Among other things, the regional plan will be evaluating three options for the corridor: a regional

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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-6 (Sub-No. 453X).

trail option; a trail plus freight rail (includes dinner train) option; and a trail plus upgraded freight option. The City of Bellevue further states that the corridor serves as a potential significant north-south link between the city and the regional trail network.

On the other hand, the City of Renton commented that it strongly supports retaining an active railroad line in the area because the Line provides daily service for the Spirit of Washington Dinner Train and the Boeing Renton Plant, which receives airplane parts from the Boeing Company. Further, the City of Renton commented that the Washington State Department of Transportation and the I-405 Executive Committee are assessing capacity needs and infrastructure improvement options in the area. Chief among these is the need to increase the passenger and freight carrying capacity of the I-405 corridor. The City of Renton is therefore recommending that the service needs of the area be adequately addressed before other options, such as abandonment of the rail line, are carried forward.

The Spirit of Washington Dinner Train commented that they have been operating dinner trains over the Line for the past 14 years, yet are in support of the proposed abandonment because it would support the public interest served by the eventual widening of I-405. SEA is providing a copy of this EA to the City of Bellevue, the City of Renton, the Washington State Department of Transportation, and the Spirit of Washington Dinner Train for their review and comment.

The Natural Resources Conservation Service commented that the proposed abandonment would have no effect on prime agricultural farmlands.

BNSF contacted the U.S. Environmental Protection Agency (USEPA) and the Washington State Department of Ecology Northwest Regional Office (WDOE) to determine if the proposed abandonment would likely result in impacts to water quality under Section 402 of the Clean Water Act. USEPA commented that as long as the proposed action did not result in any land disturbance and subsequent discharge of pollutants, as is the case with rail banking, then a permit under the National Pollutant Discharge Elimination System (NPDES) program would not be required. However, if the action requires land disturbance of more than one acre of land, as is the case with many clearing, grading and excavating activities, a permit would be required. USEPA further indicates that in Washington State, the NPDES program is administered through the WDOE.

WDOE commented that an NPDES permit is required for all soil disturbing activities of one or more acres. This would include, but not be limited to, grading, stump removal, and demolition. WDOE further commented that the railroad did not provide enough information on acreages of impact; therefore, they would need more detailed information to make an appropriate determination. SEA is therefore recommending a condition that BNSF further consult with WDOE prior to commencement of salvage activities to ensure that the provisions of the NPDES program have been fulfilled.

BNSF contacted the U.S. Fish and Wildlife Service (USFWS) and the Washington State Department of Fish and Wildlife (WDFW) to determine if the proposed abandonment and salvage would have adverse impacts on Federal or state listed endangered or threatened species. The USFWS recommended that the railroad obtain a species list from its website, and further recommended contacting the WDFW's Priority Habitat and Species Program and the Washington Department of Natural Resources (WDNR) for listed species occurrences. BNSF searched USFWS's website for the western region of Washington and found five endangered animals, two endangered plants, 11 threatened animals, four threatened plants, four designated critical habitat species, one proposed critical habitat species, seven candidate animals, one candidate plant, 41 animal species of concern, and 24 plant species of concern. BNSF consulted further with USFWS and USFWS recommended further coordination.

WDFW reviewed its databases (Priority Habitats and Species and Salmonscape) and determined that the habitat in neighboring Mercer Slough was ideal for the breeding, roosting, and foraging of Bald eagles. In addition, WDFW indicated that Chinook salmon use Mercer Slough for migrating and rearing. Given that the proposed abandonment is separated from direct contact with Mercer Slough by a secondary roadway and partially by I-405, WDFW believes that sediment from salvage activities could impact water quality for the Chinook salmon and salvage/demolition activities could disturb Bald eagle breeding and nesting habitat. As such, WDFW recommends that salvage and demolition activities be restricted between January 1<sup>st</sup> and August 15<sup>th</sup> in order to fully protect the Bald eagle and other bird species during the breeding season. WDFW further recommends contacting the National Marine Fisheries Service (NMFS) to determine appropriate mitigation measures for the Chinook salmon. SEA is therefore recommending a condition that BNSF further consult with the USFWS and the WDFW prior to commencement of salvage activities to ensure that the provisions of the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act, and Section 7 of the Endangered Species Act have been fulfilled. SEA is also recommending that BNSF consult with NMFS prior to commencement of salvage activities to determine if the proposed abandonment would have any adverse impacts on the Chinook salmon and its habitat.

BNSF contacted the National Park Service (NPS) to determine if the proposed abandonment would pass through any national parks. The NPS responded that the proposed abandonment would not impact any park service units, therefore, no further action is required.

BNSF has indicated that they had a telephone conversation with the U.S. Army Corps of Engineers (ACOE) to determine if the proposed abandonment would require a permit under Section 404 of the Clean Water Act, and to determine if the proposed abandonment would impact wetlands and waters of the U.S. According to the railroad, the ACOE indicated that they had no specific information on designated wetlands within the area. SEA is therefore recommending a condition that BNSF obtain written confirmation from the USACE regarding permit requirements for bridge salvage and demolition work.

BNSF does not indicate whether they contacted the WDOE to determine if the proposed abandonment would be subject to the consistency requirements of the Coastal Zone Management

Act (CZMA). The area of the proposed abandonment drains into Lake Washington, and eventually the coastal waters of the Puget Sound. SEA is therefore recommending that BNSF consult with the Washington State Coastal Zone Management Program prior to commencement of salvage activities to determine whether state coastal management consistency certification is required. If consistency certification is required, the railroad shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then 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.

The National Geodetic Survey commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, no further action is required.

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.

## **HISTORIC REVIEW**

BNSF served the historic report on the Washington State Department of Archaeology and Historic Preservation (State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO commented that their Geographic Information System database indicates no known historical or archaeological resources within the area of the proposed abandonment. However, citing the lack of more comprehensive information, the SHPO is requesting that the applicant conduct a more detailed analysis of the area of potential effect (APE). Specifically, the SHPO is requesting more information on the railroad infrastructure, such as the bridge and undercrossing. The SHPO also indicates that they have developed a set of cultural resource reporting guidelines that should be followed. This document can be viewed on their website. Since the SHPO has not completed its evaluation of the potential impact of this project on historic resources, SEA recommends that a condition be imposed requiring BNSF to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470 (f). BNSF shall report to SEA the results of any consultations with the SHPO.

SEA conducted a search of the National Park Service's Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that the Yakima Nation, the Confederated Tribes of the Colville Reservation, the Muckleshoot Tribal Council, and the Snoqualmie Tribal Organization may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribes receive a copy of this EA for its review and comment.

## **CONDITIONS**

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

1. To ensure appropriate consideration of the National Pollution Discharge Elimination System (NPDES) requirements, the BNSF Railway Company (BNSF) shall consult with Washington Department of Ecology (WDOE) prior to commencement of any salvage activities and shall comply with the reasonable NPDES requirements.
2. Prior to commencement of any salvage activities, BNSF shall consult with the U.S. Fish and Wildlife Service (USFWS) and the Washington State Department of Fish and Wildlife (WDFW) to assess potential impacts to the Bald eagle or other Federally or state listed threatened or endangered species, and identify any appropriate mitigation measures that may be warranted. The railroad shall report the results of the USFWS and WDFW consultations to the Board's Section of Environmental Analysis (SEA) in writing prior to the onset of salvage operations.
3. Prior to commencement of any salvage activities, BNSF shall consult with the U.S. National Marine Fisheries Service (NMFS) to assess potential impacts to the Chinook salmon and identify any appropriate mitigation measures that may be warranted. BNSF shall report the results of the NMFS consultations to SEA in writing prior to the onset of salvage operations.
4. Prior to commencement of any salvage activities, BNSF shall consult with the US Army Corps of Engineers (ACOE) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the ACOE.
5. Prior to beginning any salvage activities, BNSF shall consult with WDOE to determine whether state coastal management consistency certification is required. If consistency certification is required, the railroad shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then 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.
6. The Washington State Department of Archaeology and Historic Preservation (State Historic Preservation Office or SHPO) has not completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process has been completed.

## 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 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 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](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 453X) 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) 565-1552, fax at (202) 565-9000, or e-mail at woodd@stb.dot.gov.

Date made available to the public: November 13, 2006.

**Comment due date: November 29, 2006.**

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

Vernon A. Williams  
Secretary

Attachment