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SERVICE DATE - JANUARY 21, 2003

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub-No. 402X)

**The Burlington Northern and Santa Fe Railway Company - Abandonment Exemption - in
King County, WA**

BACKGROUND

In this proceeding, The Burlington Northern and Santa Fe Railway Company (BNSF) has 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 its line of railroad lying between Station 258 + 07 and Station 267 + 00, a distance of 0.17 miles, in Seattle, King County, Washington. A map depicting the rail line in relationship to the area served is appended to the report. 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.

DESCRIPTION OF THE LINE

According to BNSF, the Seattle, Lake Shore and Eastern Railway Company acquired the right of way in 1887. The Seattle, Lake Shore and Eastern Railway Company was a predecessor to the Northern Pacific Railway Company, which merged in 1970 with the Great Northern Railway Company and the Chicago Burlington and Quincy Railroad Company to become the Burlington Northern Railroad Company. In 1995, the Burlington Northern Railroad Company merged with the Atchison Topeka and Santa Fe Railway Company to become BNSF.

No local traffic has moved over the line proposed for abandonment for at least two years and any overhead traffic on the line can be rerouted over other lines. The Seattle, Washington Trackage is 100 feet wide and is located within the city of Seattle. The trackage parallels the south side of the Lake Washington ship canal. Between the line and the canal are marine related businesses. The area south of the line is generally hilly and includes various uses. There are no bridges or railroad structures that are 50 years or older in the immediate area of the abandonment. The right-of-way may be suitable for use for other public purposes such as a trail. The right-of-way is identified as a planned trail in the City of Seattle's adopted Comprehensive Plan and Transportation Strategic Plan, and is essential for the completion of the City of Seattle's bikeway system. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad or railbanking purposes. The line does not contain federally granted rights-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 and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The State of Washington, Office of Community Development, Office of Archaeology and Historic Preservation (WA SHPO) has indicated that, in their opinion, the proposed abandonment will have no effect upon cultural properties included in the National and State Registers of Historic Places and the Washington State Archaeological and Historic Sites Inventories. Thus, based on the information available at the time of their review, no historic properties are affected.

The line proposed for abandonment may be located within a designated coastal zone. The applicant submitted an inquiry on December 2, 2002, to the State of Washington Department of Ecology to confirm whether the project is consistent with Washington's Coastal Zone Management Program. Because SEA suspects that the proposed abandonment could have potential Coastal Zone Management ramifications, SEA has contacted the State of Washington Department of Ecology. The State of Washington Department of Ecology has not yet completed the assessment of how the proposed project would affect land or water uses within the State's coastal zone.

The State of Washington Department of Fish and Wildlife has identified the Great Blue Heron as a sensitive species that may have breeding occurrences in the vicinity of the line proposed for abandonment. The United States Department of the Interior, Western Washington Fish and Wildlife Office in Lacey, Washington has indicated that there is one Bald Eagle (*Haliaeetus Leucocephalus*) nesting territory located in the vicinity of the proposed project at T25N R4E S7. Nesting activities occur from January 1 through August 15. Wintering Bald Eagles may occur in the vicinity of the proposed project. Wintering activities occur from October 31 through March 31. In addition, Bull Trout (*Salvelinus confluentus*) occur in the vicinity of the proposed project. Accordingly, we will recommend a consultation condition requiring that BNSF contact the United States Department of the Interior, Fish and Wildlife Service prior to commencement of any salvage activities on this project to evaluate potential impacts to these species.

CONDITIONS

We recommend that the following environmental condition, addressing the environmental concern discussed above, be placed on any decision granting abandonment authority.

Prior to any salvage activities, BNSF shall consult with the United States Department of the Interior, Western Washington Fish and Wildlife Office to evaluate potential impacts to the Bald Eagle and the Bull Trout which may occur in the vicinity of the line proposed for abandonment.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude 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

If abandonment and salvage of the rail line does take place, 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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 the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL 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 Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-6 (Sub No. 402X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: January 21, 2003.

Comment due date: **February 5, 2003 (15 days)**.

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

Vernon A. Williams
Secretary

Attachment

