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SEA

SERVICE DATE – AUGUST 15, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

**STB DOCKET NO. AB-6 (Sub. No. 429X), BNSF Railway Company --
Abandonment Exemption -- in Ramsey County, MN**

And

**STB DOCKET NO. AB-882 (Sub. No. 1X), Minnesota Commercial Railway
Company -- Discontinuance of Service Exemption -- in Ramsey County, MN**

BACKGROUND

In this proceeding, the BNSF 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 for BNSF to abandon a 0.67 mile rail line in Ramsey County, Minnesota. Minnesota Commercial Railway Company (MNNR) seeks to discontinue its service over the line pursuant to a lease from BNSF. (BNSF and MNNR are here on referred to as “Applicants.”) The line begins at milepost 7.19, at a point 100 feet north of Interstate Highway I-694 in White Bear Township, MN, and ends at milepost 6.52, approximately 50 feet north of Beam Avenue in Maplewood, MN. A map depicting the entire rail line in relationship to the area served is appended to this environmental assessment. If the notice becomes effective, the Applicants 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 the Applicants, the right-of-way for the line proposed for abandonment was initially owned by the Northern Pacific Railway Company and was part of its main line connecting St. Paul, MN and Duluth, MN. MNNR acquired trackage rights over the line in 1990 and leased the line from BNSF in 1998. The Applicants state that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to the Applicants, the line passes through a flat, suburban area and borders a residential complex. The rail line right-of-way is 150 feet wide.

The Applicants have indicated that the rail line is suitable for public use. Following abandonment, the City of Maplewood is planning to convert the line into a recreational trail in conjunction with the realignment of County Road D, which crosses

the rail line at the north end. If abandonment authority is granted, a portion of the rail line would be removed to make way for the road realignment project. BNSF, MNNR, Northern States Power Company, d.b.a., Xcel Energy, the City of Maplewood, Ramsey County and Ramsey County Regional Rail Authority are proposing to enter into an agreement regarding the road realignment project.

Two bridges are located along the line. One bridge is situated where County Road D used to pass under the line. The area under the bridge has been filled in and the bridge is currently unusable. The remaining bridge passes over the rail line at I-694. According to the Applicants, both bridges, along with the track material, will be removed as part of planned salvage operations.¹

Based on information in the possession of the Applicants, the line does not contain any Federally granted rights-of-way.

ENVIRONMENTAL REVIEW

The Applicants 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. The Applicants 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)]. We have reviewed and investigated the record in this proceeding.

The U.S. Environmental Protection Agency (EPA), Region 5, has provided comments to the Applicants regarding the proposed action. EPA's response concerns the location of wetlands in the northwest quadrant of the project area and includes suggested measures to ensure that the wetland areas are protected prior to salvage operations. EPA suggested the following measures be completed: removal of rails within the rail right-of-way or through the use of public and private crossings; placement of silt fencing adjacent to the wetlands to control erosion; reseedling of areas disturbed during salvage operations with native flora such as wetland plants approved by the Natural Resources Conservation Service. SEA is recommending a condition requiring the Applicants to consult with EPA (Kathleen Kowal, (312) 353-5206) to address its concerns prior to conducting salvage operations on the line.

The Minnesota Pollution Control Agency (MPCA), the state agency with jurisdiction over the National Pollution Discharge Elimination System requirements, has provided comments regarding the proposed abandonment. MPCA has concerns that the proposed salvage activities may have possible impacts to streams, rivers, lakes and wetlands from erosion and storm water runoff. MPCA therefore requests that any possible harm to these resources be mitigated by the following activities: mulching, seeding and sodding (without phosphorous containing fertilizers) along surface areas that

¹ According to the Applicants, track material was previously removed along part of the rail line at the southern end.

may be impacted to provide permanent cover and stabilize the soils to prevent erosion; inspection of switching areas to locate potential oil spills; and implementation of a soil erosion control plan. MPCA has also requested information regarding how the railroad ties are going to be removed and where they will be disposed of. To address its concerns, SEA is recommending a condition requiring BNSF and MCRC to consult with MPCA (Sheryl A. Corrigan, 651-292-5332) prior to commencement of any salvage operations on the line.

Tim Fell of the United States Army Corps of Engineers (Corps), St. Paul District, has indicated to SEA that the proposed abandonment would not require a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) as long as proposed abandonment activities are confined to the right-of-way.

According to the United States Department of Agriculture, Natural Resources Conservation Service, the proposed abandonment activities would not affect agricultural lands.

HISTORIC REVIEW

The Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. The Applicants served the report on the Minnesota Historical Society (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA). Based on their review, the SHPO has indicated to SEA that the rail line itself is eligible for listing in the National Register of Historic Places (National Register) and would be adversely affected by the proposed abandonment. We are therefore recommending a condition for the Applicants to 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 until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA has identified three Federally recognized tribes in Minnesota that may have an interest in the undertaking. The tribes are the Lower Sioux Indian Community; the Upper Sioux Community of Minnesota; and the Prairie Island Indian Community. These tribes will be added to the service list for this proceeding and will receive a copy of this EA for their comment pursuant to 36 CFR 800.2(c)(2).

CONDITIONS

We recommend that the following three environmental conditions be placed on any decision granting abandonment authority:

1. To ensure compliance with National Pollution Discharge Elimination System requirements, BNSF Railway Company and Minnesota Commercial Railway Company shall consult with the Minnesota Pollution Control Agency (Sheryl A. Corrigan, 651-292-5332) prior to commencement of any salvage activities regarding possible impacts to water bodies and wetlands; mulching, seeding and

sodding; inspection of switching areas for oil spills; implementation of a soil erosion control plan; and the disposition of railroad ties.

2. BNSF Railway Company and Minnesota Commercial Railway Company shall consult with U.S. Environmental Protection Agency (EPA), Region 5, (Kathleen Kowal, 312-353-5206) regarding: the removal of rails within the rail right-of-way or through the use of public and private crossings; the use of silt fencing along the edge of the wetlands area to control erosion; and the reseeding of disturbed areas with native flora such as wetland plants approved by the Natural Resources Conservation Service.
3. BNSF Railway Company and Minnesota Commercial Railway Company shall retain their 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. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are 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 the petition for 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to 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 Catherine Glidden, 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. 429X) and Docket No. AB-882 (Sub No. 1X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this environmental assessment, 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: August 15, 2005.

Comment due date: **August 30, 2005 (15 days)**.

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

Vernon A. Williams
Secretary

Attachment