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SEA

SERVICE DATE – MARCH 28, 2005

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-771X**

**Mount Vernon Terminal Railway Company L.L.C. – Abandonment Exemption –  
in Skagit County, WA**

**BACKGROUND**

In this proceeding, Mount Vernon Terminal Railway Company L.L.C (MVT) 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 and discontinuance of service of a line of railroad in Skagit County, Washington. The line extends approximately 4,240 feet from milepost 0.369 to milepost 1.172 in the City of Mount Vernon, 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 MVT, the line proposed for abandonment is entirely located within the city limits and streets of the City of Mount Vernon, Washington (City). MVT states that the City is surrounded by agricultural activity and had a population of 27,060 in 2003. The line contains track, ties and related railroad equipment, but no other rail-related structures, such as buildings or bridges. The properties adjacent to the right-of-way are primarily retail buildings.

MVT states that the line is the southern stub end of MVT's lines and has not carried any rail traffic for over two years. The City owns the underlying real estate of the right-of-way. According to MVT, if the proposed abandonment is approved, MVT plans to remove and salvage the tracks and the streets would be paved for full vehicle traffic use.

**ENVIRONMENTAL REVIEW**

MVT 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. MVT served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. SEA has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the line segment within the last 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 result in significant impacts to air quality or the local transportation network.

The City of Mount Vernon has submitted comments stating that it is supportive of the proposed abandonment and that the proposed abandonment is consistent with existing land use policies and regulations. The City stated that the abandonment would not impact the City's only historic property, the Lincoln Theatre, and the proposed abandonment would significantly improve public safety. According to the City, the removal of the railroad tracks would likely result in a decrease in personal injury claims received by the City from pedestrian, bicycle, and motorcycle events. The City also stated that the flow of vehicular traffic would be enhanced with the abandonment of the rail line, which would improve traffic flow and safety.

The Washington Department of Ecology submitted comments stating that Coastal Zone Management review under Washington's Coastal Zone Management Program would not be required for the proposed abandonment.

The U.S. Army Corps of Engineers submitted comments stating that a Department of the Army permit would not be required for the proposed abandonment.

The National Geodetic Survey (NGS) has not yet completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring MVT to consult with NGS prior to beginning salvage activities. If NGS identifies any station markers that may be affected by the proposed abandonment, MVT shall notify NGS 90 days prior to conducting salvage activities to plan for their possible relocation by NGS.

## **HISTORIC REVIEW**

MVT submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Washington Office of Archaeology and Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of MVT's historic report, all relevant

correspondence, and this EA, which have been provided to the SHPO and made available to the public.

## **CONDITIONS**

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

1. **The Mount Vernon Terminal Railway Company L.L.C. (MVT) shall consult with the National Geodetic Survey (NGS) prior to beginning to beginning salvage activities. If NGS identifies any station markers that may be affected by the proposed abandonment, MVT shall notify NGS 90 days prior to conducting salvage activities to plan for their possible relocation by NGS.**

## **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. MVT states that the area adjacent to the right-of-way is already being publicly used as city streets and the abandoned right-of-way may not be suitable for other public purposes.

## **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 (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 Rini Ghosh, 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-771X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Rini Ghosh, the environmental contact for this case, by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at [ghoshr@stb.dot.gov](mailto:ghoshr@stb.dot.gov).

Date made available to the public: March 28, 2005

**Comment due date: April 12, 2005.**

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

Vernon A. Williams  
Secretary

Attachment