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OEA

SERVICE DATE – AUGUST 24, 2015

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 6 (Sub-No. 490X)**

**BNSF Railway Company – Abandonment Exemption –  
in King County, Washington**

**BACKGROUND**

In this proceeding, BNSF Railway Company (BNSF) filed a notice of exemption under 49 C.F.R. § 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 proposed for abandonment extends 1,100 linear feet between Milepost 4.53 and Engineering Station 258+07 in Seattle (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

BNSF submitted an Environmental Report that concludes that the quality of the human environment will not be significantly affected 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 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> The 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. 490X).

*Summary of OEA findings*

<b>Transportation System</b>	No significant impact.
<b>Land Use</b>	No significant impact.
<b>Energy</b>	No significant impact.
<b>Air</b>	No significant impact.
<b>Noise</b>	No significant impact.
<b>Safety</b>	No significant impact.
<b>Biological Resources</b>	No significant impact.
<b>Water</b>	No significant impact.
<b>Historic Report</b>	No significant impact.

**One Condition  
Recommended**

**Coastal Zone  
Management  
Agency  
Consultation**

*Diversion of Traffic*

According to BNSF, no local traffic has moved over the Line since 1995 and overhead traffic is not possible because the Line is stub-ended. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; adversely affect the 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. BNSF intends to conduct salvage activities from within the right-of-way, without the construction of new access points to the right-of-way. BNSF states that if the proposed abandonment is approved, it will remove the rails and ties, but leave the right-of-way, ballast, and culverts in place.

BNSF states that the Line does not cross and is not immediately adjacent to any waterway. According to BNSF, the Line is in a highly-urbanized area, just northwest of the main business district of Seattle, Washington. BNSF 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 not cause sedimentation or erosion of the soil, and BNSF does not anticipate any dredging or use of fill when removing the track material. BNSF states that no debris would be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutant materials.

According to the U.S. Fish and Wildlife Service (USFWS), there are several threatened species in the project area: the marbled murrelet, streaked horned lark, yellow-billed cuckoo, bull trout, golden paintbrush, and the Canada lynx. One species is proposed for listing as an endangered species: the gray wolf. BNSF states that abandonment activities will not affect the habitats of these species. OEA consulted with USFWS by phone and concluded that abandonment of the Line would have no negative impacts on the habitats of these species.

OEA received comment from the City of Seattle's Department of Planning and Development stating that the proposal appears to be consistent with the City's land use plans. OEA also received comment from the Bureau of Land Management (BLM) stating that no BLM-administered public lands or right-of-way appear to lie within the project area.

The Line is located within a coastal zone, and OEA has not yet received a response from the Washington Department of Ecology, Coastal Zone Management Program regarding this proceeding. Therefore, OEA recommends that any decision granting abandonment authority include a condition that pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*) and the Board's environmental regulations at 49 C.F.R. § 1105.9, BNSF shall consult with the Washington Department of Ecology, State Coastal Zone Management Program to determine whether it must obtain state coastal management consistency certification, and meet any applicable requirements. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed this condition.

OEA 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, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the Washington State Department of Ecology, Coastal Zone Management Program.

## **HISTORIC REVIEW**

BNSF served the Historic Report on the Washington State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's comments.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National

Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area. The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Colville Reservation; and Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

### **CONDITIONS**

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

1. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board's environmental regulations at 49 C.F.R. § 1105.9, BNSF shall consult with the Washington Department of Ecology, State Coastal Zone Management Program to determine whether it must obtain state coastal management consistency certification, and meet any applicable requirements. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes 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 C.F.R. § 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 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, 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 Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [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. 490X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [adam.assenza@stb.dot.gov](mailto:adam.assenza@stb.dot.gov).

Date made available to the public: August 24, 2015.

Comment due date: September 8, 2015.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment