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OEA

SERVICE DATE – SEPTEMBER 30, 2011

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 6 (Sub-No. 475X)**

**BNSF Railway Company – Abandonment Exemption –  
in Boulder County, Colo.**

**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 Boulder County, Colorado. The rail line proposed for abandonment extends 1.37 miles from milepost 20.80 to milepost 22.17 at Lafayette (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). 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.

**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 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.

According to BNSF, no local rail traffic has been handled on the Line in over six years. The line is stub-ended and, therefore, does not handle overhead traffic. There are no stations located on the Line. The Line traverses predominantly suburban/urban areas. The average width of the right-of-way is generally 100 feet, 50 feet on each side of the centerline of the Line. The width of the right-of-way decreases on some segments to 50 feet. BNSF states that there are two private at-grade crossings and three public at-grade crossings on the Line. There are no bridges or other railroad structures on the Line. According to BNSF, there is little likelihood that the rail corridor would be needed for transit purposes, but it may be suitable for recreational trails. Based on information in BNSF's possession, the Line does not contain federally granted rights-

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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. 475X).

of-way. BNSF indicates that some of the property underlying the right-of-way is reversionary, which could affect the transfer of the property for other than rail or rail-banking purposes.

### ***Diversion of Traffic***

According to BNSF, no rail traffic has moved over the Line in over six 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.

### ***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 states that salvage activities related to the proposed abandonment would include the removal of the rails and ties, but the railroad right-of-way, ballast and culverts would remain in place. There are no bridges on the Line. BNSF salvage work for abandonments is performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board in its final decision. Completed work is independently inspected by BNSF to ensure compliance with BNSF standards of quality and all contractual obligations, including any Board imposed conditions.

BNSF salvage contractors would use specialized machinery placed on the railroad right-of-way in the salvage process. The culverts, ballast and right-of-way would remain intact so as not to alter the prevailing water flows along the Line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fill or other material in water bodies, including inland waterways. When the salvage process is complete, water flows in the area should not be disrupted. Road crossings would be removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals would also be dismantled and removed.

The City of Lafayette has indicated that the proposed abandonment is consistent with existing land use patterns and aligns with its Comprehensive Plans. According to BNSF, the City of Lafayette wishes to railbank the line for continuation of an existing trail.

The Boulder County Land Use Department has indicated that the proposed abandonment is consistent with both the City of Lafayette's and Boulder County's comprehensive plans, as well as the county's intergovernmental agreement with the City of Lafayette regarding the boundaries of the Municipal Influence Area for planning and annexation purposes.

BNSF does not believe that the proposed abandonment would have an adverse effect on prime agricultural land. BNSF states that there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

The National Geodetic Survey has advised OEA that no geodetic station markers have been identified that may be affected by the proposed abandonment.

The U.S. Fish and Wildlife Service, Mountain-Prairie Region has determined that the proposed abandonment would not be likely to adversely affect endangered or threatened species or areas designated as critical habitat. BNSF indicates that the proposed abandonment would not affect any wildlife sanctuaries or refuges, or any National or State parks or forests. The National Park Service, Intermountain Region has determined that no parks would be affected by the proposed abandonment, and therefore has no comments.

BNSF believes that the proposed abandonment is consistent with applicable federal, state and local water quality standards and would not require any permits under Section 402 of the Clean Water Act. BNSF states that the proposed abandonment would not affect designated wetlands or 100-year flood plains. The proposed abandonment is not located within a designated coastal zone.

The U.S. Department of the Army Corps of Engineers, Omaha District (Corps) has indicated that, based on the information provided, no Corps permits would be required for the proposed abandonment and related salvage activities.

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

## **HISTORIC REVIEW**

BNSF submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Colorado Historical Society, State Historic Preservation Office (SHPO) pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that BNSF's Lafayette Bypass (BL.373.6) was determined to be eligible for listing on the National Register of Historic Places (National Register) in 1990. SHPO has indicated, however, that removing the existing tracks without altering the existing bed, grade, or orientation is an undertaking that would have no adverse effect on this historic resource. BNSF states that salvage activities related to the proposed abandonment would include the removal of the rails and ties, but the railroad right-of-way, ballast and culverts would remain in place. The City of Lafayette has indicated to BNSF that it wishes to railbank the line for continuation of an existing trail.

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 the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment listed in or eligible for inclusion in the National Register. 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 <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.<sup>2</sup> The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment: Arapaho Tribe of the Wind River Reservation in Wyoming, Cheyenne-Arapaho Tribes of Oklahoma, and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation in Montana. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

### **CONDITIONS**

We recommend that no environmental conditions be imposed on any decision granting abandonment authority.

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the line would 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 4-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.

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited September 14, 2011).

## **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 original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, 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. 475X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: September 30, 2011.

**Comment due date: October 14, 2011.**

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

Attachment