

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 486X)

**BNSF Railway Company – Abandonment Exemption –
in Fulton County, Ill.**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon a line of rail located in Fulton County, Illinois. The line extends from milepost 52.2 in Farmington to milepost 66.7 in Dunfermline, a distance of 14.5 miles. The proposed abandonment traverses Zip Codes 61524 and 61531. 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 Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

BNSF certifies that no local or overhead traffic has moved over the line for more than 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.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 6 (Sub-No. 486X).

Salvage Activities

The rail line travels through rural areas and the right-of-way is generally 70 to 100 feet wide. If abandonment authority is granted, BNSF plans to salvage the rails, ties, bridges (milepost 52.81 and milepost 52.86), spikes, plates, railroad-related utilities and signaling devices. BNSF would not remove the ballast and culverts so as not to alter or impede the prevailing water flows. BNSF's salvage process typically involves unbolting track materials; removing the rails and related steel using specialized machinery placed on the railroad right-of-way; removing the wooden ties from the ballast with a tool designed for minimum disruption of the ground material; and sorting the ties to determine future uses. BNSF indicates that any scrap ties would be loaded into railcars and shipped to an EPA-approved disposal site. All salvage activities would be conducted using the right-of-way and existing public and private roads for access; no new access roads are planned.

BNSF indicates that the proposed abandonment would result in the removal of track materials at several roads that are currently crossed by the rail line: one active private railroad overpass; two active public railroad overpasses; 15 private at-grade crossings (nine active and six closed); 24 public at-grade crossings (20 active and four closed); and two bridges, one at Milepost 52.81 and the other at Milepost 52.86. BNSF notes that all road crossings would be closed and resurfaced in accordance with the requirements of the local governing authority. Accordingly, the proposed abandonment would not adversely impact public safety.

BNSF contacted the City of Dunfermline, the City of Farmington, and Fulton County Office of Planning and Zoning, to determine if the proposed abandonment would be consistent with existing land use plans. BNSF has not received any responses but believes the right-of-way would be suitable for use as a recreational trail. BNSF indicates that some of the property underlying the right-of-way is reversionary and would be affected by a property transfer involving uses other than rail or rail banking. BNSF notes that it would retain the two bridges at milepost 52.81 and milepost 52.86 if the line is rail banked.²

BNSF states that there are no known hazardous waste sites or sites where there have been known hazardous waste spills on the right-of-way.

BNSF does not believe that the proposed abandonment would result in any adverse impacts to endangered or threatened species or areas designated as a critical habitat. Furthermore, BNSF is not aware of any wildlife sanctuaries or refuges, national or state parks or forests that would be adversely affected.

The Natural Resources Conservation Service submitted a letter stating that the proposed abandonment would have no impact on prime agricultural land because the proposed abandonment is confined to an existing rail corridor. Accordingly, no mitigation regarding prime agricultural land is recommended.

² By letter dated January 23, 2013, the Canton Park District in Canton, Illinois submitted a letter to the Board requesting a public use condition and an interim trail use condition.

The Illinois Department of Natural Resources submitted a comment stating that the proposed abandonment is located outside the boundaries of the Illinois Coastal Management Plan and would not affect any coastal resources. Accordingly, no mitigation regarding state coastal management consistency certification is necessary.

The U.S. Army Corps of Engineers (Corps) submitted a letter stating that the proposed abandonment as described would not result in the discharge of dredge or fill material into waterways or wetlands of the United States and therefore would not require a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344).

Based on all information available to date, OEA does not believe that abandonment 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 Illinois Historic Preservation Agency (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The report indicated that the line proposed for abandonment contains two bridges that are 50 years or older as described below.

1. Milepost 52.81 – 55 feet long, 20 feet high, thru plate girder, built in 1912
2. Milepost 52.86 – 100 feet long, 13 feet high, stone arch, built in 1860

By letter dated October 26, 2012 (IHPA Log 009101512), the SHPO indicated that it provided an eligibility and effect determination in November 2005 and included a copy and sample preservation covenant as part of its review on the proposed abandonment. The SHPO's 2005 determination concluded that the bridge at milepost 52.86 was eligible for listing on the National Register of Historic Places (National Register) and that the proposed abandonment would have no adverse effect on this bridge providing certain stipulations were set forth in a preservation covenant. Because the SHPO's 2005 opinion makes no reference to any other structures on the line, OEA is unclear as to the eligibility of other potential historic resources on the line and the effect that the proposed abandonment and salvage operations would have on such resources, including the bridge at milepost 52.81. If abandonment authority is granted, BNSF has indicated that it would remove both bridges on the line, and in a January 17, 2013 telephone conversation with OEA, BNSF stated that no preservation covenant (either existing or proposed) is in place. BNSF has stated that it would retain the two bridges only if a public use agreement is reached.

Due to the potential presence of historic resources, as noted above, OEA is recommending a condition that requires BNSF to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at

<http://www.stb.dot.gov/stb/environment/preservation.html>. Specifically, OEA recommends that the SHPO provide an opinion on the potential eligibility, as well as an effect determination, of all historic resources on the line in the APE of the proposed abandonment.

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.³ The database indicated that there are five federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. The tribes are: the Citizen Potawatomi Nation of Oklahoma; the Forest County Potawatomi Community of Wisconsin; the Hannahville Indian Community of Michigan; the Peoria Tribe of Indians of Oklahoma; and the Prairie Band of Potawatomi Nation of Kansas. OEA has included the tribes in the service list for the proposed abandonment so that they may receive a copy of the EA.

CONDITION

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

1. BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office and the public. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed 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 mitigation 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.

³ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited January 24, 2013).

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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Diana Wood, 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. 486X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: January 29, 2013.

Comment due date: February 13, 2013.

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

Attachment