

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 6 (Sub-No. 489X)**

**BNSF Railway Company – Abandonment Exemption –  
in Kane County, Illinois**

**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 Kane County, Illinois. The rail line proposed for abandonment extends 0.43 miles between Milepost 3.57 and Milepost 4.0 in North Aurora (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA).

The Line was originally part of a 3.62-mile rail line between Milepost 3.53 and Milepost 7.15. In 1977, the rail line segment between Milepost 7.15 and Milepost 4.0 was abandoned, and in 2007<sup>1</sup>, an additional rail line segment between Milepost 3.57 and Milepost 3.53 was abandoned to accommodate expansion of Highway 88. What remained after salvaging the abandoned right-of-way on each end of the line was a 0.43- mile segment that was no longer connected to the national rail system. Additionally, the segment of track that is the subject of this abandonment was inadvertently salvaged during the 2007 salvage operations. If the notice becomes effective, no salvage work will take place because the line has been salvaged and no materials remain. The railroad will also be able to dispose of the right-of-way.

**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>2</sup>

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<sup>1</sup> AB 6 (Sub-No. 447X)

<sup>2</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. 489X).

The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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

According to BNSF, no local traffic has moved over the line since 1988 and all overhead traffic was rerouted years ago. 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. According to BNSF, any salvageable materials were inadvertently removed during the adjacent 2007 abandonment in AB 6 (Sub-No. 447X). In this case, no recoverable assets remain, therefore, no impacts associated with salvage and disposal activities would occur.

BNSF states that the Line does not cross and is not immediately adjacent to any waterway. BNSF does not contemplate any salvage activities; therefore, no sedimentation, erosion of the soil, dredging, or use of fill is anticipated. BNSF also states that no debris has been or would be discarded along the right-of-way and that 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.

The Corps submitted comment to OEA in this proceeding that the proposed activity may qualify for authorization under its Regional Permit Program, however, that the applicant had not submitted sufficient information for a determination. The Corps stated that the applicant should submit the following additional information in order to complete its notification of the Corps, including, but not limited to, any regional permit(s) to be used for the activity; the area, in acres, of waters of the U.S. to be impacted; a delineation of waters of the U.S. including wetlands, located at the project site, complete with photographs and a map illustrating where each photo was taken; a soil erosion and sediment control plan; a determination of the presence or absence of any State threatened or endangered species according to the Illinois Department of Natural Resources; and a discussion of measures taken to avoid and minimize impacts to aquatic resources on the project site. In light of BNSF's notification that track materials previously within the Line's right-of-way were already salvaged, and the proposed abandonment contemplates no physical alteration of any topography, natural resources, or manmade structures within the right-of-way, OEA believes that if abandonment authority is granted, there would be no impacts to waters of the U. S.

According to BNSF, the Line is in a highly-urbanized area, just north of Highway 88, in North Aurora. BNSF states that the Line adjoins other former BNSF right-of-way that had been previously abandoned rail line.

The Illinois Coastal Management Program (ICMP) submitted comment that the Line falls outside of ICMP's jurisdiction and does not require a Federal Consistency Determination pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq. and the Board's environmental regulations at 49 CFR 1105.9.

The National Geodetic Survey (NGS) submitted comment that two geodetic survey marks may be located in the project area: DK3235 and MK0018. After further consultation with NGS, OEA determined that these marks lie outside of this abandonment's project area, therefore, would not be affected by salvage activities associated with this rail line segment.

OEA initiated consultation with the U.S. Fish and Wildlife Service (USFWS) and determined that two threatened or endangered species may be present in the project area: the eastern prairie fringed orchid and the northern long-eared bat. Neither of these has critical habitat that lies within the project area. The proposed abandonment does not involve felling trees or disturbing any wetland areas, therefore, OEA determines there will be no effect to these species, and notes that no further review under Section 7 of the Endangered Species Act is required.

OEA believes that because no salvage is contemplated, there will be no air emissions or noise associated with salvage operations that would result in significant impact to the human environment.

Based on all information available to date, OEA does not believe that the proposed transaction 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 Corps for any review and comment.

## **HISTORIC REVIEW**

BNSF served the Historic Report on the Illinois 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 historic report and the determination provided by the SHPO.

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 concur with the determination of the SHPO 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.<sup>3</sup> 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: Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; and the Prairie Band of Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas). Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

### **CONDITIONS**

We recommend that the no environmental or historic 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 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, 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

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<sup>3</sup> Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited July 21, 2015).

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. 489X) 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: July 31, 2015.

**Comment due date: August 14, 2015.**

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

Attachment