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SEA

SERVICE DATE – AUGUST 3, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 284X)
Union Pacific Railroad Company – Abandonment Exemption –
in Kane County, Ill.

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) has filed a petition under 49 U.S.C. §10502 for exemption from the provisions of 49 U.S.C. § 10903 to abandon a line of railroad known as the St. Charles Industrial Lead, between milepost 35.13 and milepost 38.30, a distance of 3.17 miles, near St. Charles, in Kane County, Ill (Line). A map depicting the proposed abandonment in relationship to the area served is appended to this Environmental Assessment (EA). If the petition is approved, UP would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to UP, the Line was originally acquired in 1886 and 1887 by the Minnesota & Northwestern Railroad Company. The right-of-way is approximately 100 feet wide and passes by areas that are highly urban, includes residential units, a golf course, and an airport. The Line does not contain any federally granted rights-of-way and traverses U.S. Postal Service Zip Code 60174.

ENVIRONMENTAL REVIEW

UP has submitted an environmental report that concludes that neither the proposed abandonment nor post-abandonment activities, such as salvage and disposition of the right-of-way, would significantly affect the quality of the human environment. UP 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 Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

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 33 (Sub-No. 284X).

Diversion of Traffic

UP states that it served two freight rail customers on the Line, Cardinal Industries and Stock Building Supply. But UP ceased providing freight service on the Line in February 2009. According to UP, Cardinal Industries has relocated off of the Line and Stock Building Supply appears to have gone out of business.

UP also states that there is no overhead or passenger rail traffic that would be rerouted should the Board approve this proposed abandonment. UP is not aware of any complaints regarding the cessation of rail service. UP states that all industrial and commercial shippers on the Line have relocated their operations off the Line and have no plans to use the Line in the future.

According to UP, there would be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed abandonment. And as such, there would be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

If the abandonment is approved, UP states that it would continue to provide rail service to the St. Charles, Ill., vicinity on a portion of the St. Charles Industrial Lead that is not included as part of the proposed abandonment. Moreover, UP notes that alternative transportation modes exist including: railroad, barge, and lake freight services within the Chicago, Ill., metropolitan area.

UP states that the proposed abandonment would not affect recyclable commodities, transportation of energy resources, or energy consumption.

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.

According to UP, if approved, the abandonment would allow the State of Illinois to avoid an estimated expenditure of \$500,000 to upgrade an at-grade crossing on U.S. Highway 64.

UP states that the right-of-way may be suitable for other public purposes including conservation, energy transmission, or trails use. However, UP believes that the right-of-way is not suitable for roads or highways because the area is adequately served by Route 64, Interstate 355, and Route 31. In letters dated July 9, 2010, the City of St. Charles and its Department of Public Works submitted requests for both a Public Use and a Trails Use condition.

According to UP, it does not believe that the proposed abandonment would result in any adverse effect to existing local land use plans. In a letter dated September 9, 2009, the Kane County Department of Transportation (DOT) states that the abandonment, as proposed, is generally consistent with existing and proposed land use and transportation plans. Furthermore, Kane County DOT adds that it is not aware of any adverse environmental impacts associated with the proposed action.

In a letter dated August 18, 2009, the Natural Resources Conservation Service (NRCS) states that because a majority of the Line passes areas that are primarily commercial and/or residential, the proposed abandonment would not affect prime farmland. However, the NRCS notes that a portion of the Line does pass by several open areas that are farmed as well as passing by the Kane County Leroy Oakes Forest Preserve.

UP states that its records do not indicate any hazardous waste sites or sites where there have been hazardous materials spills on the Line.

In a letter dated September 17, 2009, the U.S. Fish and Wildlife Service states that it does not believe that any federally endangered or threatened species occur in the vicinity of the site.

UP notes that it does not contemplate any action known to be inconsistent with federal, state, and/or local water quality standards. According to UP, it believes that permits under Section 402 of the Clean Water Act would not be required.

SEA 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.

In an e-mail dated August 11, 2009, the U.S. Department of Commerce, National Geodetic Survey (NGS) stated that no geodetic station markers would be disturbed by the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, UP states that right-of-way is approximately 100 feet wide and passes by areas that are highly urban, including residential units, a golf course, and an airport. UP also states that there are three structures on the Line that are 50 years old or older that may be eligible for listing on the National Register of Historic Places. UP does not believe that any of the 3 bridges are eligible for listing in the National Register of Historic Places. UP is not aware of any archaeological resources. If any did exist, they would have been disturbed during construction of the Line.

According to UP, the Line was originally acquired in 1886 and 1887 by the Minnesota & Northwestern Railroad Company.

UP has submitted the 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 (SHPO), pursuant to 49 C.F.R. § 1105.8(c).² In a letter dated September 15, 2009, the SHPO states that based on information provided that no historic properties would be affected. Based on available information, the SHPO has submitted comments stating that the proposed abandonment would not adversely affect National Register of Historic Places (National Register) historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would 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(e), 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 web site at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify federally- recognized tribes, which may have ancestral connections to the project area. The database indicated the following 4 federally- recognized tribes that may have ancestral connections to the project area: (1) Citizen Potawatomi Nation of Oklahoma, (2) Forest County Potawatomi Community of Wisconsin, (3) Hannahville Indian Community of Michigan, and the (4) Prairie Band of Potawatomi Nation of Kansas. SEA will ensure that the tribes receive a copy of this EA for their review and that these three tribes be added to the service list for this proceeding.

Based on the information available to date, SEA does not believe that salvage activities would cause significant impacts to historic or cultural resources.

CONDITIONS

SEA recommends that no conditions be imposed on any decision granting abandonment authority.

² 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>.

CONCLUSIONS

Based on the information provided from all sources to date, SEA 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 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.

UP states that the right-of-way may be suitable for other public purposes, including conservation or for energy transmission. However, UP does not believe that the right-of-way is suitable for roads or highways since the area is served by several public roadways.

In a letters dated July 9, 2010, both the City of St. Charles and its Department of Public Works, submitted requests for both a Public Use and a Trails Use condition.

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).

UP states that the right-of-way may be suitable for trails use.

In a letters dated July 9, 2010, both the City of St. Charles and its Department of Public Works, submitted requests for both a Public Use and a Trails Use condition.

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 Troy Brady, 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 33 Sub-No. 284X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: August 3, 2010.

Comment due date: September 1, 2010.

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

Attachment