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SEA

SERVICE DATE – OCTOBER 10, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 465X)

**BNSF Railway Company – Petition For Exemption –
in King County, WA**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a petition for exemption under 49 CFR 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 12.55 miles from milepost 11.25 at Wilburton to milepost 23.80 at Woodinville (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 will not be affected significantly as a result of the abandonment or any post-abandonment activities. 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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to BNSF, there are two customers located on the Line, Safeway and Weyerhaeuser. BNSF states that a total of 263 carloads were shipped over the Line in 2005, 244 car loads in 2006, and 220 carloads in 2007. Safeway receives approximately 96 carloads per year. Weyerhaeuser had in recent years shipped 96 carloads a year but its volume has recently declined to approximately 12 per year. Safeway and Weyerhaeuser will use a local transloader, located about 10 miles from their facilities, to transport their products beginning in the early part of the fourth quarter of 2008. BNSF states that Weyerhaeuser and Safeway, the shippers on the Line, are supportive of the proposed abandonment.

During the base year (2007), 220 cars moved on the Line. Using a rail-to-truck conversion factor of four trucks per railcar,¹ SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 880 new trucks per year (1760 truck trips assuming an empty backhaul). This increase in truck traffic would not exceed the Board's thresholds of an increase of more than ten percent of the average daily traffic (ADT) or 50 vehicles a day on any affected road segment. See 49 CFR 1105.7(e)(5)(C).

The Line is stub-ended (accessible from the national rail network at only one point) and no longer capable of handling overhead traffic.

Transportation Impacts

Because the transload facility is approximately 10 miles from the Safeway and Weyerhaeuser facilities and because the additional truck movements would be partially offset by the reduced BNSF train movements, the proposed abandonment would result in only a small increase in the consumption of diesel fuel.

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 re-grading of the right-of-way.

The Line passes through a region that is urban/suburban in nature with much of the right-of-way being lined with trees and shrubs. The Line passes through industrial, commercial, and residential zones, at times running parallel to Interstate 405 or within view of Lake Washington. The Line utilizes underpasses and overpasses to traverse the hilly landscape.

There are no current plans to salvage the Line. BNSF states that they have entered into an agreement with the Port of Seattle (Port) where BNSF will donate to the Port the right-of-way, track, and other property and physical assets located on the portion of the Line between milepost 11.25 and milepost 23.45. Pursuant to a separate agreement, BNSF will sell to the Port the right-of-way, track, and other property and physical assets of the Line between milepost 23.45 and milepost 23.80. In that the Port is considering multiple possibilities for the Line's ultimate use, no salvage activities or track removal will be performed on the Line.

BNSF has also agreed to rail-bank the Line with King County who will serve as the Interim Trail User for federal railbanking purposes. The "BNSF Rail Corridor Preservation Study," a publication in the public domain prepared by Puget Sound Regional Council, supports retaining the corridor.

¹ The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

There are 17 public at-grade crossings, 10 public railroad under-crossings, five railroad over-crossings and eight private at-grade crossings on the Line. As no salvage is planned, all crossing signals and signs would remain in place and operational if abandonment authority is granted.

Given that no salvage would be done, there would be no air emissions or noise associated with the abandonment to impact the surrounding area.

BNSF states that the proposed abandonment is consistent with existing land use plans. BNSF contacted the Metropolitan King County Council concerning the abandonment. To date, no response to the proposed abandonment has been received.

BNSF contacted the Natural Resources Conservation Service (NRCS). NRCS reviewed the area of the proposed abandonment and responded that the proposed abandonment would have no effect on any prime agricultural, or other important farmlands.

According to BNSF, King County is within a designated coastal zone. BNSF contacted the Washington Department of Ecology's Washington Shorelines and Environmental Assistance group. They responded stating that a Coastal Zone Management review is not required for the project as described.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that effects of the proposed abandonment on endangered or threatened species or areas designated as a critical habitat would not be expected.

The National Park Service responded stating that there are no National Park Service Units within the proposed project impact area.

The Washington Department of Ecology, Northwest Regional Office (WDE) responded stating that as nothing will be removed and no construction would occur, no permit under Section 402 of the Clean Water Act is needed.

The U.S. Army Corps of Engineers submitted comments stating that the Line crosses the Sammamish River which is a navigable body. Any work that would affect the river would require a Department of the Army permit under Section 10 of the River and Harbors Act and possibly a Section 404 permit of the Clean Water Act. They also stated that there are wetlands and floodplains along the entire project corridor and that placement of fill materials into wetlands would also require a Section 404 permit. Because no salvage work would be performed, there would be no work in navigable waters or placement of fill materials into wetlands. As such, no Section 10 or Section 404 permits will be required.

The U.S. Environmental Protection Agency submitted comments, stating, "If the proposed actions merely entail the abandonment or railbanking and transfer of the railroad right-of-way, and no discharge of pollutants will occur, EPA agrees that no permits under the Clean

Water Act should be required.” As discussed above, the Port intends to purchase the Line with the track and structures intact.

BNSF contacted the National Geodetic Survey and received an e-mail response. They stated that approximately five geodetic survey marks may be located in the area of the Line. They also state that if the marks will be disturbed or destroyed by the abandonment, BNSF shall consult with them at least 90 days prior to beginning salvage activities. As no salvage would be done, no marks would be disturbed or destroyed.

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

HISTORIC REVIEW

BNSF hired Archaeological Investigations Northwest, Inc. (AINW) to conduct a pedestrian survey of the Line. AINW prepared a Historic Resource Inventory of the abandonment. An original copy of the Inventory with original photographs was served on Washington’s Department of Archaeology and Historic Preservation (SHPO), pursuant to 49 CFR 1105.8(c). Special attention was given to the three bridges on the Line. Other features dating to the historic period were noted and photographed, when observed.

The rail includes three bridges over 50 years old. One bridge, the Wilburton Trestle at Mercer Slough at milepost 11.5, has previously been documented and is listed in the National Register of Historic Places (NRHP). AINW recommends that the railroad is eligible for listing in the NRHP, and that the bridges are considered to be contributing features. In addition, the rails, ties, switches, berms, and alignments are also considered to be contributing features.

To date, no comments have been received from the SHPO. Accordingly, we will recommend that a condition be imposed requiring the railroad to take no steps to alter the historic integrity of all sites and structures on the Line that are eligible for listing in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. In addition to the parties on the Board’s service list for this proceeding, SEA is providing a copy of this EA to the SHPO.

SEA conducted a search of the Tribal Directory Assessment Tool at www.hud.gov/offices/cpd/environment/tribal/index.cfm to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following five Federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: Confederated Tribes and Bands of the Yakama, Confederated Tribes of the Colville Reservation, Muckleshoot Indian Tribe of the Muckleshoot, Port Gamble Indian Community of the Port Gamble, Puyallup Tribe of the Puyallup Reservation, and Snoqualmie Tribe. Accordingly, SEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

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

1. BNSF Railway Company 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 Railway Company shall report back to the Section of Environmental Analysis regarding any consultations with the Washington State Historic Preservation Officer and the public. BNSF Railway Company 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, SEA concludes that, as currently proposed, and if the recommended condition 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.

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 CFR 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 CFR 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 **Alan Cassiday**, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 465X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Alan Cassiday, the environmental contact for this case, by phone at (202) 245-0308, fax at (202) 245-0454, or e-mail at alan.cassiday@stb.dot.gov.

Date made available to the public: October 10, 2008.

Comment due date: October 24, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment