

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 314 (Sub-No. 5X)

**Chicago Central and Pacific Railroad Company – Abandonment Exemption –
in North Riverside, Cook County, Ill.**

BACKGROUND

In this proceeding, Chicago Central and Pacific Railroad Company (CCP) 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 Cook County, Illinois. The rail line proposed for abandonment extends approximately 1.59 miles from milepost 11.88 in North Riverside to milepost 13.47 in Forest Park (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

CCP 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, including salvage and disposition of the right-of-way. CCP 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)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CCP, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. A review of satellite imagery of the area confirms that large sections of the Line are overgrown or in disrepair, and have clearly been unused for some time. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-

¹ The 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 314 (Sub-No. 5X).

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. If abandonment authority is granted in this proceeding, CCP has stated that they intend to remove only rails and ties, and would leave the underlying road bed intact; no bridges or other structures are present. Salvage activities would be conducted using existing public and private road crossings and the existing right-of-way.

CCP states, and OEA review has confirmed, that the Line does not cross and is not immediately adjacent to any waterway. OEA review of geospatial data from the Federal Emergency Management Agency confirms that the proposed project is not located in either a Special Flood Hazard Area (100-year floodplain) or a regulatory floodway.²

CCP further states that the track does not lie in a designated Coastal Zone Management Area. OEA review confirms that the proposed project area is outside the Coastal Zone boundaries established by the Illinois Coastal Zone Management Program. Accordingly, no mitigation regarding state coastal management consistency certification is necessary.

CCP has requested comments from the Army Corps of Engineers (Corps), but has received no response to date. CCP does not intend to remove or appreciably alter the contour of the roadbed underlying the rail line, and disturbed areas would be limited to the right-of-way wherever possible. The railroad also has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. Accordingly, OEA concurs with CCP that the abandonment as proposed does not require a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344).

CCP states that there are no known hazardous waste sites on or adjacent to the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is necessary.

The Illinois Department of Natural Resources submitted comments stating that the proposed abandonment would have no effects on endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, or state parks or forests.

The Illinois Department of Transportation (IDOT) submitted comments stating that the area of the proposed abandonment is not listed under the National Wetland Inventory or Illinois Natural Area Inventory; is not located in a Nature Preserve; and has no record of any threatened or endangered species.

² FEMA Mapping Information Platform, <https://hazards.fema.gov/femportal/wps/portal> (last visited July 27, 2012).

The proposed abandonment would result in the closing of two at-grade crossings, including the removal of one at-grade crossing located at Cermack Road (DOT #289825H). IDOT has required that CCP patch the affected roadway and return crossing materials for crossing improvement at another location. Accordingly, OEA will recommend a condition stipulating that CCP shall comply with the requirements of IDOT regarding the removal of this crossing should abandonment authority be granted.

In its comments, the National Geodetic Survey has stated that there are no geodetic survey markers located in the project area. Accordingly, no geodetic survey markers would be affected by the proposed abandonment.

CCP states that the proposed abandonment would be consistent with existing local land use plans.

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. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: U.S. Army Corps of Engineers.

HISTORIC REVIEW

CCP 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 historic properties. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

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 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.

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 the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Citizen Potawatomi Nation in Oklahoma;
- Forest County Potawatomi Community in Wisconsin;
- Hannahville Indian Community in Michigan; and
- Prairie Band of Potawatomi Nation in Kansas.

Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

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

- 1. Chicago Central and Pacific Railroad Company shall comply with the requirements of the Illinois Department of Transportation regarding the removal of the at-grade crossing located at Cermack Road (DOT #289825H). The railroad shall be responsible for patching the roadway and will return any salvaged crossing material and automatic warning devices to IDOT as requested.**

CONCLUSIONS

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

³ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited July 26, 2012).

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 an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, 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 314 (Sub-No. 5X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: August 17, 2012

Comment due date: September 3, 2012

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