

SERVICE DATE – OCTOBER 7, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 500X)

**BNSF Railway Company—
Abandonment Exemption—In Cook County, Ill.**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF), filed a notice of exemption with the Surface Transportation Board (Board) seeking exemption under 49 U.S.C. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of an approximately 0.43-mile segment of a rail line known as the “Sangamon Street Line” in Cook County, Illinois (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA).

The Line is part of a rail line that was previously proposed for abandonment in Docket No. AB 6 (Sub-No. 487X). In that proceeding, BNSF sought to abandon several segments of rail line, including the Line, with a total combined length of approximately 1.1 miles. By decision dated April 4, 2013, the Board authorized the abandonment subject to a Notice of Interim Trail Use (NITU). By decision dated February 27, 2014, the Board vacated the NITU for the rail segments other than the Line and BNSF subsequently abandoned those segments.¹ The trail use negotiating period for the Line was extended several times, but the NITU and abandonment authority for the Line have since expired. Therefore, Board authorization is required before BNSF can abandon the Line.

DESCRIPTION OF THE LINE

This rail line has a long history. It started as part of the Aurora Railroad Company in 1849 and has been the subject of several acquisitions and mergers throughout the years. BNSF

¹ BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill., AB 6 (Sub-No. 487X) (STB served Mar. 1, 2013). The Board issued a Notice of Interim Trail Use (“NITU”) in that proceeding. See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill., AB 6 (Sub-No. 487X) (STB served Apr. 4, 2013). See also BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill., AB 6 (Sub-No. 487X) (STB served Feb. 27, 2014) (vacating the NITU for a portion of the line). BNSF consummated the abandonment for certain line segments.

has owned the line since 2005.

The Line traverses the downtown city streets in Chicago, Cook County, Illinois, in ZIP code 60608, and extends approximately 0.43 miles beginning north of West 16th Street (Engineering Station 185+77) to Cullerton Street (Engineering Station 163+50). The right-of-way varies in width from 25 to 200 feet. There is one bridge on the Line at Station 181+43.10 that would be removed. The concrete bridge was constructed in 1908 and is 108 feet long and 16 feet high. Aerial digital images show that the topography in the area through which the Line passes is relatively flat and highly urbanized.

ENVIRONMENTAL REVIEW

BNSF submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including abandonment-related salvage activities. BNSF provided the E&H Report to appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)]² implementing the National Environmental Policy Act (NEPA). The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding. Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts.

Diversion of Traffic

No impacts on the transportation of freight are anticipated. BNSF states there has been no passenger or freight rail traffic on the Line for over 19 years. Therefore, there will be no change to any freight service provided on the Line. The proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

Salvage Activities

Salvage and disposal of a rail line would consist of removing the rail, ties, and one concrete bridge. The contour of the existing roadbed would remain as is, and existing drainage systems would remain intact. The proposed abandonment would not result in the closure of at-grade roadway/rail crossings because all such crossing on the Line have already been closed.

² The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "6" "500" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on September 13, 2022.

When the rail and track material is removed, the contractor would retain the existing level roadbed surface. No ballast would be removed, and no soil disturbance would occur. Following abandonment, the Line's rail and related track material would be salvaged.

Salvage activities would be independently inspected by qualified BNSF personnel to ensure compliance with BNSF standards of quality and all contractual obligations, including Board-imposed conditions, if applicable.

Land Use

BNSF believes that the proposed abandonment is consistent with and would promote existing land use plans. On May 18, 2022, BNSF sent letters to the Chicago Department of Planning and Development, the Cook County Department of Planning and Development, and the Cook County Board of Commissioners regarding the proposed abandonment. To date, BNSF has not received a reply from the Cook County Board of Commissioners. On June 15, 2022, BNSF received a response from the Cook County Department of Planning and Development, stating that the proposed abandonment is consistent with the County's goals for trail development and the County is supportive of this action.

The proposed abandonment is located in urban terrain and would have no adverse effect on prime agricultural land. On May 18, 2022, BNSF sent a letter to the Illinois State Office of the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) regarding the proposed abandonment. To date, BNSF has not received a reply from NRCS.

Hazardous Materials/Spills and Safety

BNSF stated the proposed abandonment would have no detrimental effects on public health and safety. There are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. Further, because BNSF does not intend to disturb a subgrade or subgrade structures, the abandonment-related salvage activities would not have the potential to encounter residual hazardous materials, if any, present in the soil.

Biological Resources

BNSF stated the proposed abandonment would not have an adverse effect on endangered or threatened species or areas designated as critical habitat. The Chicago Ecological Services Field Office of the U.S. Fish and Wildlife Service (USFWS) sent OEA a species list dated October 3, 2022 that was generated from the USFWS' Information for Planning and Consultation system. Eight endangered, threatened, and candidate species were identified by the field office, including the northern long-eared bat (*Myotis septentrionalis*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), eastern massasauga (*Sistrurus catenatus*), Hine's emerald dragonfly (*Somatochlora hineana*), monarch butterfly (*Danaus plexippus*), eastern prairie fringed orchid (*Platanthera leucophaea*) and the lafy prairie-clover

(*Dalea foliosa*). Additionally, sixteen migratory bird species were identified.³

OEA has determined that these federally protected species would not be affected by the proposed abandonment because none of the species would nest/hibernate or find food sources within the railroad right-of-way, which extends along the urban terrain of Chicago. Therefore, pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. §§ 1531-1544, OEA has determined that the proposed abandonment would have No Effect on any federally listed threatened or endangered species. OEA is providing USFWS Chicago Ecological Services Field Office a copy of this Draft EA for review.

BNSF notified the National Park Service (NPS) of the proposed abandonment by letter dated August 19, 2022 requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary E&H Report. NPS had not provided comments at the time this Draft EA was prepared. Because the Line does not cross any wildlife sanctuaries or refuges, National or State parks or forests, OEA believes that no such area would be affected by the proposed abandonment.

Water Resources

The Line is not located within a designated coastal zone.⁴ Therefore, OEA concludes that the proposed abandonment would not affect coastal resources. On May 18, 2022, BNSF sent a letter to the Illinois Coastal Management Program Office (CMP) regarding the proposed abandonment. To date, BNSF has not received a reply from CMP.

The Line does not appear to cross any waterways or wetlands. Therefore, OEA believes that abandonment-related salvage activities would not require a permit under Section 404 of the Clean Water Act, and that no waterways, wetlands, or 100-year flood plains would be affected. On May 18, 2022, BNSF sent a letter to the Chicago District of the U.S. Army Corps of Engineers (the Corps) regarding the proposed abandonment. To date, the Corps has not provided comments on the potential impact on the proposed abandonment on water resources under its jurisdiction. OEA is providing the Corps a copy of this Draft EA for review.

Air Quality and Noise

OEA believes that any air emissions associated with the limited salvage activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to salvage operations would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

³ U.S. Fish and Wildlife Service, Information for Planning and Consultation Tool, <https://ecos.fws.gov> (last accessed October 4, 2022), Project Code: 2023-0000478.

⁴ Illinois Department of Natural Resources, Coastal Management Program Boundaries, <https://www2.illinois.gov/dnr/cmp/Pages/boundaries.aspx> (last accessed October 6, 2022).

OEA is providing a copy of this Draft EA to all parties on the Service List, and the following resource agencies: Regional EPA; the U.S. FWS Chicago Ecological Services Field Office, and the U.S Corps of Engineers Illinois Regulatory Branch.

HISTORIC REVIEW

Based on research by BNSF, the Line was originally constructed as part of the Aurora Branch Railway, which was incorporated in 1849. After a series of name changes and consolidations, the Line eventually became part of the Burlington Northern and Santa Fe Railway Company, which changed its name to BNSF Railway Company in 2005.

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 State Historical Society of Illinois (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁵ The SHPO identified one historic property, the Pilsen Historic District (District), within the Area of Potential Effects (APE) of the proposed abandonment that is listed on the National Register of Historic Places (National Register). The District is listed on the National Register under National Register Criterion A for local historic significance in the categories of ethnic heritage, industry, and social history and under Criterion C for local significance in the category of architecture.⁶ Based on the available information, there are no other historic properties within the APE aside from the District that are listed on or eligible for listing on the National Register.

As part of the previous abandonment proceeding in Docket No. AB 6 (Sub-No. 487X), OEA found in 2013 that abandonment and salvage of the Line would not affect any historic properties listed in or eligible for listing on the National Register, including the District, and the SHPO concurred with that finding.⁷ OEA is not aware of any changes to the District or the Line that have occurred since 2013 that would change OEA's conclusion. Although the Line passes

⁵ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overviewing historic preservation at <https://stb.gov/resources/environmental/historic-preservation-overview>.

⁶ U.S. Department of the Interior, National Park Service. National Register of Historic Places Registration Form for the Pilsen Historic District. <https://catalog.archives.gov/id/28892615> (last visited October 5, 2022).

⁷ Surface Transportation Board, Office of Environmental Analysis, Draft Environmental Assessment in Docket No. AB 6 (Sub-No. 487X), <https://dcms-external.s3.amazonaws.com/MPD/62491/427FBC1D572AAB2985257B2B004D1316/42953.pdf>

through the District, the Line does was not included in the District when established and does not contribute to the District's historic associations or historic architectural qualities. Therefore, OEA finds that the proposed abandonment would have No Adverse Effect on historic properties listed on or eligible for listing on the National Register within the APE. In order to provide the SHPO with sufficient time to review and consider OEA's finding, OEA is recommending that the Board impose a condition requiring the railroad 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 rail right-of-way (the APE) eligible for listing or listed in the National Register until completion of the Section 106 process. If the SHPO does not object to OEA's finding pursuant to 36 C.F.R. § 800.5(c)(1), then OEA will recommend that the Board remove the Section 106 condition. Guidance regarding the Board's historic preservation review process is available on the Board's website at [www. https://www.stb.gov/resources/environmental/historic-preservation-overview](http://www.stb.gov/resources/environmental/historic-preservation-overview).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁸ The database indicated that there are eight 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.

Accordingly, OEA is providing a copy of this Draft EA for review and comment to the following tribes: Citizen Potawatomi Nation of Oklahoma, Forest County Potawatomi Community of Wisconsin, Hannahville Indian Community of Michigan, Kickapoo Tribe of Oklahoma, Little Traverse Bay Bands of Odawa Indians of Michigan, Menominee Indian Tribe of Wisconsin, Miami Tribe of Oklahoma, and Prairie Band of Potawatomi Nation.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:⁹

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 Effects) that are potentially eligible for listing or listed in the National Register of Historic Places until the Section

⁸ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed October 3, 2022).

⁹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 were to be reached for the Line (or a portion thereof), compliance with this condition would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. BNSF shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Officer, Tribal Historic Preservation Officer (if on tribal lands), and any other Section 106 consulting parties that have been identified. 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 condition is imposed, 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 Board's Federal Register notice of the proposed abandonment.

The Federal Register notice is also issued as a Board decision and is available on the Board's website.¹⁰

TRAIL USE

A request for a NITU is due to the Board, with a copy to the railroad, within 10 days of publication of 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).

The Federal Register notice is also issued as a Board decision and is available on the

¹⁰ Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "6" "500" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

Board's website.¹¹

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

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Ms. Andrea Poole, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 6 Sub-No. 500X. If you have any questions, please contact Andrea Poole by email at Andrea.Poole@stb.gov or by phone at 202-245-0305.

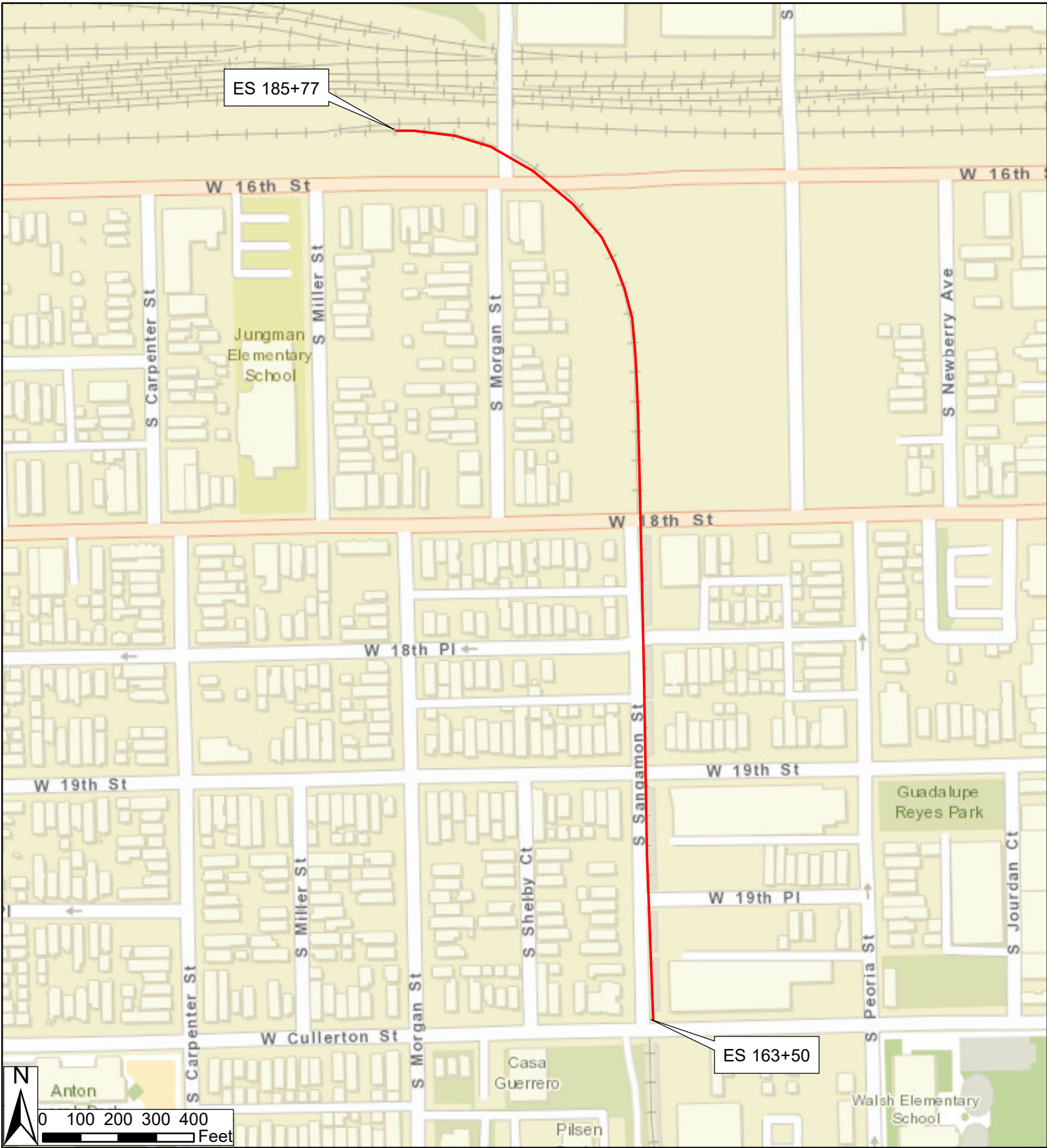
Date made available to the public: October 7, 2022.

Comment due date: October 24, 2022.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

¹¹ Id.

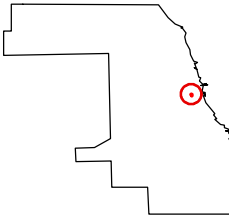


Docket No. AB 6 (Sub-No. 500X)
BNSF Railway Company
Abandonment Exemption
Cook County, Ill.

Legend

 the Line

Note: Maps produced by the STB's
Office of Environmental Analysis
are based on information
provided by the applicant and are
for reference purposes only.



Cook County



Illinois