

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

HEO-2868

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 6 (Sub-No. 486X)

December 8, 2016

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Modify Section 106 Condition

In this proceeding, the BNSF Railway Company (BNSF) filed a notice under 49 C.F.R. § 1152.50 seeking approval authority to abandon a 14.5 line of rail located in Fulton County, Illinois between milepost 52.2, in Farmington, and milepost 66.7, in Dunfermline. Because the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, (NHPA),¹ had not been completed at the time of the Surface Transportation Board's (Board) March 1, 2013 decision, a condition was imposed that requires BNSF to: (a) 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 that are eligible for listing or are listed in the National Register of Historic Places (National Register) until the Section 106 process of the NHPA has been completed; (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Illinois State Historic Preservation Office (SHPO) and the public; and (c) not file a 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 the condition.

In a March 21, 2016 decision, the Board reopened the proceeding to modify the Section 106 condition to exclude, and therefore permit abandonment of, the segment of rail line between milepost 64.65 and milepost 66.7 because OEA determined, and the SHPO concurred, that abandonment of that segment of rail line would have no adverse effect on National Register resources.

¹ The NHPA was recodified in December 2014 to Title 54 and is now known as 54 U.S.C. § 306108.

New Comments On the Abandonment

By letter dated November 30, 2016, BNSF has requested that the Section 106 condition – which includes mileposts 52.2 to 64.65 – be modified to include only the stone arch bridge at milepost 52.86 (as shown in the attached map). This bridge is the only structure on the abandonment line that has been deemed eligible for listing in the National Register and BNSF's letter includes the SHPO's concurrence that the proposed modification would have no adverse effect on National Register resources. BNSF has signified that it is still negotiating a public use agreement with Canton Park District and that the agreement will include preservation language specific to the bridge at milepost 52.86. Accordingly, we have no objection to the proposed modification, as specified below.

Modified Condition

For the reasons stated above, OEA recommends that the Board modify the existing Section 106 condition to remove the abandonment line² from the historic review process between mileposts 52.2 and 64.65 and include only the stone arch bridge segment at milepost 52.86 that is eligible for listing in the National Register, as follows:

1. BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of the stone arch bridge within the project right-of-way (the Area of Potential Effect) at milepost 52.86 that is eligible for listing or listed in the National Register of Historic Places until the Section 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 Office and the public. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) of the stone arch bridge at milepost 52.86 until the Section 106 process has been completed and the Board has removed this condition.

OEA concludes that if the above modified condition is imposed, the proposed action would not significantly affect the quality of the human environment.

Attachment

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² Where an historic condition is needed only for a portion of the rail line or for particular structures on the rail line, the Board may modify the condition to salvage the rest of the line that is not affected by that condition. See Consummation of Rail Line Abandonments That Are Subject To Historic Preservation And Other Environmental Conditions, EP 678 (April 23, 2008).



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November 30, 2016

david.halpin@illinois.gov

David Halpin, Cultural Resources Manager
Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, Illinois 62701

Re: STB Docket No. AB 6 (Sub No. 486X) - BNSF Railway Company - Abandonment
Exemption - in Fulton County, Illinois
Milepost 52.2 in Farmington to Milepost 64.65 in Dunfermline
IHPA Log #009101512

Mr. Halpin,

Thank you for discussing the above referenced abandonment proceeding with me on Tuesday, November 29, 2016. In an October 26, 2012 letter, your office commented that the stone arch bridge at Milepost 52.86 was eligible for listing in the National Register of Historic Places (National Register) and that the proposed abandonment would have no adverse effect on that bridge, providing certain stipulations were set forth in a preservation covenant. The Surface Transportation Board imposed a Section 106 condition over the entire line between Mileposts 52.2 in Farmington and Milepost 64.65 in Dunfermline. Do you concur that *only* the stone arch bridge located at Milepost 52.86 is eligible for listing in the National Register of Historic Places, and abandonment of the rest of the line would have no adverse effect on National Register eligible resources?

If you concur, we would like to ask the Surface Transportation Board to modify the Section 106 condition imposed in the March 21, 2016 decision to include only the stone arch bridge at Milepost 52.86 and remove the rest of the line proposed for abandonment.

Enclosed is a map of the line showing the stone arch bridge at Milepost 52.86 in relation to the rest of the line proposed for abandonment. BNSF and Canton Park District continue to negotiate an interim trail use (NITU) agreement to rail bank the line.

Sincerely,

Emily Thompson
Paralegal

Enclosure as stated

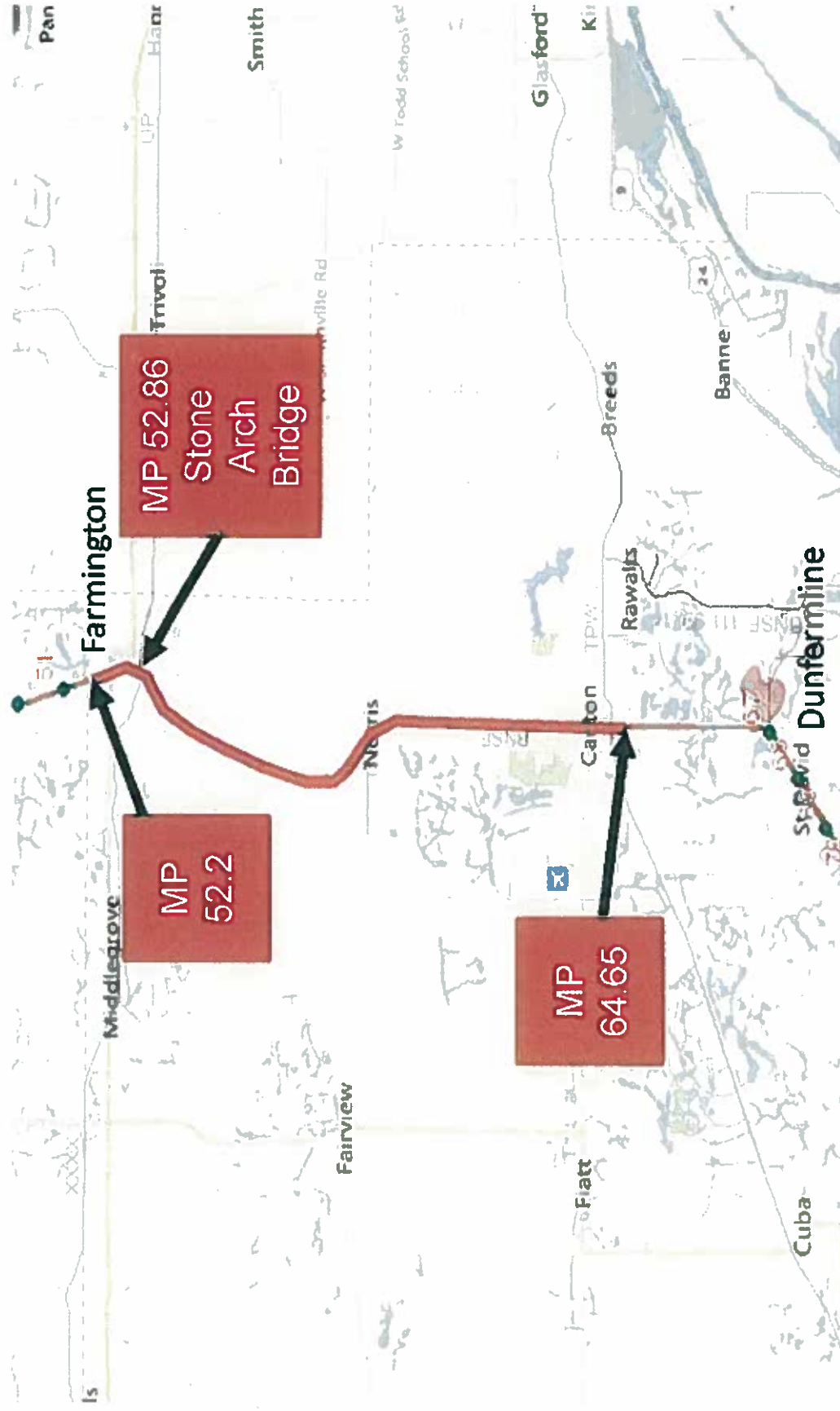
CONCUR

By: D. H. Fe. R. Leibowitz
Deputy State Historic Preservation Officer

Date: 11/30/16

cc: Diana Wood - Surface Transportation Board OEA - Diana.Wood@stb.gov
Karl Morell - Karl Morell & Associates - karlm@karlmorell.com
James Mecone - BNSF - james.mecone@bnsf.com

Farmington to Dunfermline, IL Abandonment



GPS view of bridge

