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SERVICE DATE – NOVEMBER 1, 2022

SURFACE TRANSPORTATION BOARD

DECISION

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

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN COOK COUNTY,
ILL.

Decided: November 1, 2022

BNSF Railway Company (BNSF) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 0.43 miles of the Sangamon Street Line beginning north of West 16th Street (Engineering Station 185+77) to Cullerton Street (Engineering Station 163+50) in Cook County, Ill. (the Line). Notice of the exemption was served and published in the Federal Register October 3, 2022 (87 Fed. Reg. 59,860). The exemption is scheduled to become effective on November 2, 2022.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on October 7, 2022, recommending that one condition be imposed on any decision granting abandonment authority. In the Draft EA, OEA stated that BNSF served its environmental and historic report on the State Historical Society of Illinois (the State Historic Preservation Office, or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The Draft EA noted that the SHPO identified one historic property, the Pilsen Historic District, within the Area of Potential Effects (APE) of the proposed abandonment that is listed on the National Register of Historic Places (National Register). OEA concluded in the Draft EA that the proposed abandonment would have no effect on historic properties listed in, or eligible for listing in, the National Register; however, to give the SHPO sufficient time to comment on that determination, OEA recommended imposing a condition requiring BNSF 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 project right-of-way (the APE) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, has been completed and the Board has removed the condition.

OEA served its Final Environmental Assessment (Final EA) on October 28, 2022. The Final EA notes that BNSF submitted a letter from the SHPO concurring with OEA's finding that the proposed abandonment will not adversely affect historic properties within the APE. As a result, OEA no longer recommends that the Section 106 condition recommended in the Draft EA be imposed. Therefore, OEA is not recommending that any conditions be imposed in this proceeding. Accordingly, a finding of no significant impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. 1011.7(a)(2)(ix).

It is ordered:

1. Abandonment of the Line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.
2. If consummation has not been effected by BNSF's filing of a notice of consummation by October 3, 3023, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.