

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-1036

The City of Chicago, Illinois
– Adverse Abandonment –
Chicago Terminal Railroad in Chicago, IL

BACKGROUND

In this proceeding, the City of Chicago, Illinois (the City) has filed an adverse abandonment application under 49 U.S.C. 10903, requesting that the Surface Transportation Board (Board) authorize the third-party or adverse abandonment of approximately 1.625 miles of rail line (in two segments) operated by Chicago Terminal Railroad (CTM) in Chicago, Cook County, Illinois. The first segment includes a portion of the Kingsbury Branch from its southern terminus at the intersection of Kingsbury, Division, and Halsted Streets, to, but not including, the point at which the Goose Island Branch diverges from the Kingsbury Branch at or near Willow Street, a distance of approximately six city blocks (.75 mile) (the Kingsbury Segment). The second segment includes a portion of the Lakewood Avenue Line between the southwest right-of-way line of Clybourn Avenue and the line's northern terminus at Diversey Parkway, a distance of approximately seven city blocks (.875 mile) (the Lakewood Segment). A map depicting the two segments in relationship to the area served is appended to this Environmental Assessment (EA).

DESCRIPTION OF THE LINE

According to the City, the rail line segments were originally part of a line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Railroad). The rail line was acquired by Soo Line Railroad Company in the early 1980's following Milwaukee Railroad's bankruptcy. CTM acquired the line from Soo Line Railroad Company.

In its application, the City makes a number of statements about the ownership of the rail segments at issue.¹ The City states that CTM has an easement to operate over the Kingsbury and Lakewood Segments for railroad purposes. The easement would be extinguished if the rail line

¹ CTM has filed a motion with the Board to strike two verified statements in the City's application, alleging that they violate various sections of the Board's General Rules for the admissibility of evidence. That motion is currently pending before the Board.

segments were abandoned. According to the City, a CTM predecessor sold the track materials in those segments, effective upon abandonment.

The rail line segments proposed for abandonment are located in a densely populated urban area in the north side of Chicago. The City indicates that the neighborhoods in which both rail line segments are located have changed from industrial to predominantly retail and residential in recent years, and states that rail operations are no longer compatible with existing land uses in the area.

The Kingsbury Segment is located in the middle of Kingsbury Street. According to the City, the railroad tracks in the middle of Kingsbury Street exist because of an easement granted by the City nearly 100 years ago. Kingsbury Street is a public right-of-way traveled by trucks, automobiles, and bicycles. The use of the property adjacent to the Kingsbury Segment is primarily retail. The City states that, with the exception of a single shipment of firewood in 2007, there has been no rail service on the Kingsbury Segment for approximately ten years. The City states that the last shipment was made from Midwest Zinc, which is now the site of a Whole Foods grocery store. The City states that it would save substantial funds if it were not required to remove and replace the trackage in the Kingsbury Segment in conjunction with its reconstruction of Kingsbury Street, which is scheduled to commence in late Spring of 2010. A change of elevation that would result from installation of curbs as part of that reconstruction project would require the City to remove the CTM railroad trackage and then reinstall it following the repaving of Kingsbury Street. Abandonment would allow the trackage to be permanently removed or paved over.

The City indicates that the property adjacent to the Lakewood Segment is primarily residential (townhomes and condos), with some commercial use. The City states that there has been no rail freight service on the Lakewood Segment since Peerless Confection Company (Peerless) went out of business three years ago. The Peerless facilities have been demolished and residential development is slated for that site. Currently, Lakewood Avenue is unusually wide to accommodate the rails that run down its center. The City indicates that recently approved plans to convert both sides of Lakewood Avenue between Diversey Avenue and Schubert Avenue from manufacturing use to residential use call for the narrowing of Lakewood Avenue to help reduce vehicle speeds in the residential area.

ENVIRONMENTAL REVIEW

The City 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. The City served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's 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

The City states that no local or overhead rail traffic has moved over either rail line segment during the past two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-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. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The proposed abandonment would not result in any negative impacts to public health or safety. The abandonment would not impact any prime, unique, or statewide or local important farmland. The abandonment appears to be consistent with existing land use plans.

The proposed abandonment would not result in the transportation of hazardous materials. The City is not aware of any known hazardous waste sites or hazardous materials spills along the right-of-way of either rail line segment.

The City states that the proposed abandonment would eliminate unsafe conditions that exist along both the Kingsbury and the Lakewood Segments. Abandonment of the Lakewood Segment would allow narrowing of the street to a proper width for maximizing pedestrian safety. Bicyclist, pedestrian, and motorist safety would improve with the removal of trackage located in the middle of Kingsbury Street and Lakewood Avenue.

The City indicates that the proposed adverse abandonment would be consistent with applicable Federal, state and local water quality standards and no permits would be required under sections 402 or 404 of the Clean Water Act. The abandonment would not affect any designated wetlands, 100-year flood plains, or land or water uses in a designated coastal zone.

The U.S. Department of the Interior, Fish and Wildlife Service (USFWS) Division of Realty in Fort Snelling, Minnesota has determined that USFWS does not own any lands or interests in land in the vicinity of the proposed rail line abandonment. USFWS does not have any concerns regarding real estate matters in the abandonment. The USFWS's Chicago Ecological Services Field Office in Barrington, Illinois does not believe, based on the information provided, that any Federally endangered or threatened species under its jurisdiction occur in the vicinity of the proposed abandonment. The proposed abandonment would have no effect on listed species, their habitats, or proposed or designated critical habitat. The

abandonment would not affect wildlife sanctuaries or refuges, or National or state parks or forests.

The National Geodetic Survey (NGS) has advised SEA that one geodetic station marker has been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that the City consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning any activities that will disturb or destroy the geodetic station marker.

SEA 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, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

The City submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Illinois Historic Preservation Agency (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). Based on available information, the SHPO has submitted comments stating that no historic properties would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the City'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 <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the Citizen Potawatomi Nation, Forest County Potawatomi Community, Hannahville Indian Community, and the Prairie Band of Potawatomi Nation may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment. Accordingly, SEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

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

The City of Chicago, Illinois (the City) shall consult with the National Geodetic Survey (NGS) prior to beginning any activity that will disturb or destroy any geodetic station markers. If NGS identifies geodetic station markers that may be affected by the proposed abandonment, the City shall notify NGS at least 90 days prior to beginning activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment of the rail line segments 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

Because this is an adverse abandonment proceeding, offers of financial assistance and public use requests are not appropriate and will not be entertained.

TRAILS USE

The Board has not yet had occasion to decide whether the issuance of a certificate of interim trail use in an adverse abandonment would be consistent with the grant of such an application. Accordingly, any request for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by March 18, 2010, and should address that issue.

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 Kenneth Blodgett, 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-1036 in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: **March 5, 2010.**

Comment due date: **April 5, 2010.**

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

Attachment