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SEA

SERVICE DATE – OCTOBER 3, 2008

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-6 (Sub-No. 464X)**

**BNSF Railway Company -- Abandonment Exemption – in  
King County, WA**

**BACKGROUND**

In this proceeding, BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for BNSF to abandon a 5.60 mile rail line located between milepost 5.00 at Kennydale and milepost 10.60 at Wilburton in King County, Washington. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

Built in 1891, the line was originally part of the Lake Washington Beltline of Northern Pacific Railroad Company (NP) that extended from a junction in Renton to a junction in Woodinville. Its early operations included transporting coal and iron from mines located in the hills east of the Puget Sound to newly constructed industrial plants in Kirkland. The eastern shore of Lake Washington was also home to lumber and coal tar milling operations. In 1970, NP merged with Great Northern Railway Company, Pacific Coast Railroad Company and Chicago, Burlington & Quincy Railroad Company to become Burlington Northern Inc., which changed its name to Burlington Northern Railroad Company (BNRR) in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, whose name changed to BNSF Railway Company in January 2005.

The line is generally 100 feet wide. The line extends in a northerly direction, closely following the shoreline of Lake Washington until it reaches the north end of Lake Washington Boulevard Southeast where it heads northeasterly. Milepost 10.60 is at the southern edge of the southbound Interstate 405 tunnel. Terrain to the west of the line is relatively level; terrain to the east of the line begins to rise and is slightly more hilly. The track is lined primarily by residential neighborhoods, predominantly high-end lake front communities. BNSF states that there are seven public at-grade crossings, one pedestrian at-grade crossing, and five public railroad over-crossings on the Line. Bridges are located at milepost 6.1 (over May Creek), milepost 9.1 (over Coal Creek, east of Newport Shores), and milepost 9.2 (over Lake

Washington Boulevard, east of Newport Shores). There are no Federally granted rights-of-way involved.

BNSF states that there has been no local freight traffic on the line for more than two year and all overhead traffic has been re-routed to other lines. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

## **ENVIRONMENTAL REVIEW**

BNSF 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. BNSF 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 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, and dismantling of bridges or other structures that may be present on the rail 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.

BNSF indicates that it does not intend to salvage the rail line in this case. BNSF is closely coordinating the abandonment of the line with the Port of Seattle (Port) and King County as part of a multi-transaction arrangement between the parties. The Port intends to purchase the line from BNSF with track and structures intact. Possible future uses include trail use and commuter rail service. To the best of BNSF's knowledge, the Port intends to allow King County to railbank the line, and the Port will determine the line's ultimate use after seeking input from the public. BNSF is seeking an exemption from the Offer of Financial Assistance (OFA) process so the Port and King County can execute their plans for the line.

BNSF states that there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way in the project area. The Quendall Terminals superfund site is in the vicinity of the right-of-way at approximately milepost 7.00. That site is currently under remediation by Altino Porperities and J.H. Baxter & Company and being overseen by the U.S. Environmental Protection Agency.

The U.S. Environmental Protection Agency (EPA), Region 10, has indicated that no permits would be required for the proposed action under the Clean Water Act (CWA) unless railroad salvage activities occur. EPA states that if salvage activities involve more than one acre of land, permits may be required under the CWA National Pollutant Discharge Elimination System (NPDES) to prevent or minimize the discharge of pollutants in storm water runoff from the disturbed areas to waters of the United States. Should salvage activities occur, EPA recommends that BNSF contact the Washington Department of Ecology (WDE), to which the NPDES program has been delegated, to determine whether NPDES permits would be required. Although BNSF has indicated that it has no plans to salvage the rail line (should the Board grant abandonment authority), SEA will recommend a condition requiring that BNSF consult with

WDE should BNSF's plans change and it decides to salvage the rail line. This consultation must occur prior to the initiation of any salvage activities.

The U.S. Army Corps of Engineers (Corps) has indicated that there are wetlands and floodplains along the project corridor, and it is incumbent upon BNSF to determine whether those resources would be impacted by the proposed abandonment. Corps permits could be required under Section 10 of the River and Harbors Act and possibly Section 404 of the Clean Water Act. Accordingly, SEA will recommend that BNSF consult the Corps prior to conducting any salvage activities to address Corps permitting requirements.

The Washington Department of Ecology, Federal Permit Unit, Shorelands and Environmental Assistance Program states that the project area is located within a designated coastal zone, but indicates that activities associated with the proposed abandonment would not require a coastal zone management review at this time.

The Natural Resources Conservation Service has indicated that, because the proposed abandonment would be limited to the railroad right-of-way and no lands outside of the right-of-way would be impacted, the proposed abandonment would have no effect on any prime agricultural or other important farmlands.

The Washington Department of Fish and Wildlife has determined that effects on endangered or threatened species or areas designated as critical habitat would not be expected as a result of the proposed action.

According to BNSF, there are no known wildlife sanctuaries or refuges located within the proposed project impact area. The National Park Service has indicated that there are no National Parks within the proposed project impact area.

## **HISTORIC REVIEW**

BNSF conducted a survey of the line to identify historic properties located within the right-of-way of the proposed abandonment in August 2007. The survey indicates that the entire rail segment is eligible for listing in the National Register of Historic Places (National Register) with the bridges located at milepost 6.1, milepost 9.1, and milepost 9.2 as contributing elements.

These findings were submitted by BNSF in an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the historic report on the Washington Department of History and Archaeology (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA). The SHPO provided its assessment of the above information and was in general agreement with the findings included in the historic report.

Based on its review of all the available information, SEA has determined that the entire line segment subject to the proposed abandonment is eligible for listing in the National Register. SEA is therefore recommending a condition requiring that BNSF take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed

in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA has identified three Federally recognized tribes that may have an interest in the undertaking. The tribes are the Confederated Tribes and Bands of the Yakama Nation; the Confederated Tribes of the Colville Reservation; the Snoqualmie Tribe and the Muckleshoot Indian Tribe of the Muckleshoot Reservation. These tribes will be added to the service list for this proceeding and will be receive a copy of this EA for their comment.

## **CONDITIONS**

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. BNSF Railway Company shall consult with the Washington Department of Ecology prior to conducting any salvage activities along the line regarding possible impacts of abandonment activities on wetlands located along the line and to ensure compliance with National Pollution Discharge Elimination System permitting requirements.
2. BNSF Railway Company shall consult with the U.S. Army Corps of Engineers (Corps) prior to conducting any salvage activities along the line regarding possible impacts of abandonment activities to water bodies and wetlands and to ensure compliance with Corps permitting requirements.
3. BNSF Railway Company 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 Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF Railway Company shall report back to the Section of Environmental Analysis regarding any consultations with the Washington State Historic Preservation Officer and the public. BNSF Railway Company 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, SEA concludes that, as currently proposed, 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 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **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 for 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 CFR 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 EA, 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 EA. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. Please refer to Docket No. AB-6 (Sub-No. 464X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, 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](mailto:blodgettk@stb.dot.gov).

Date made available to the public: **October 3, 2008.**

Comment due date: **October 20, 2008.**

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

Anne K. Quinlan  
Acting Secretary

Attachment