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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. 463X)

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

BACKGROUND

In this proceeding, the BNSF Railway Company (BNSF) has 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 7.30 mile rail line located between milepost 0.00 and milepost 7.30 in Redman, King County, Washington (the Line). 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 would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line was originally constructed in 1888 by the Seattle Lake Shore & Eastern Railway Company and is part of a 63.3-mile segment that once extended from Seattle southeast through Redman and Fall City. The Line begins in a light industrial area that becomes rural before intersecting with Redmond's State Route 5120 Bike Path. A bridge over the Sammamish River is located at milepost 6.2. The Line is generally 100 feet wide.

BNSF states that there has been no local freight traffic on the Line for more than two years other than the Spirit of Washington dinner train which ran between milepost 0.00 and milepost 1.86 until early 2008. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

Based on information in the possession of BNSF, the Line does not contain any Federally granted rights-of-way.

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, 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 states that it does not intend to salvage the Line in this case.

Following abandonment, BNSF states that it would sell the real and personal property associated with the Line to the Port of Seattle (Port). BNSF is working in negotiations with the Port and King County as part of a multi-transaction arrangement between the parties. Possible future uses include trail use and commuter rail service. According to BNSF, the Port will determine the Line's ultimate use after seeking input from the public.

BNSF contacted the Metropolitan King County Council regarding its potential interest in the proposed abandonment. They have not provided a response.

The U.S. Environmental Protection Agency (EPA), Region 10, has provided comments to BNSF regarding the proposed action. EPA states no that permits would be required under the Clean Water Act (CWA) unless railroad salvage activities occur. Further, 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 occur, EPA recommends that BNSF contact the Washington Department of Ecology (WDE), to which the NPDES program has been delegated, to confirm whether or not an acre of more of land could be disturbed as a result of the proposed abandonment. SEA therefore recommends a condition stating that BNSF shall consult with WDE prior to the initiation of salvage operations following abandonment of the Line.

The U.S. Army Corps of Engineers (Corps) has indicated that BNSF should establish the extent of floodplains and wetlands in the project area and determine if any such resources would be impacted by the proposed abandonment. According to Jim Green, Project Manager of the Corps, the project area contains wetlands and floodplains along the entire corridor and includes a crossing over the Sammamish River, a navigable waterway subject to Corps permitting requirements. SEA therefore recommends that BNSF consult with Corps to address the above issues prior to conducting any salvage operations following abandonment of the Line.

The WDE, Federal Permit Unit, Shorelands and Environmental Assistance Program, provided comments to BNSF stating that the project area is located within a designated coastal zone. However, the agency has indicated 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 to BNSF that the area of the proposed abandonment contains no prime farm lands.

The Washington Department of Fish and Wildlife provided comments to BNSF stating that the proposed abandonment would not affect endangered or threatened species or areas designated as critical habitat.

By letter dated January 22, 2008, the National Park Service stated that the area of the proposed abandonment contains no national parks.

HISTORIC REVIEW

BNSF completed historic surveys to identify historic properties that may be located within the right-of-way of the proposed abandonment. The surveys were completed in two parts. The results of the surveys indicated that the Line is eligible for listing in the National Register of Historic Places (National Register) and that the bridge located at milepost 6.2 is an individually eligible historic property.

BNSF included its findings 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). By letter, the SHPO replied to BNSF in response to the historic report in which it noted that the bridge at milepost 6.2 was almost entirely reconstructed following a 1980 arson investigation. Thus, SEA finds that the bridge no longer retains qualities that could make it eligible for listing under the National Register criteria.

As the Line itself may be eligible, SEA recommends a condition for BNSF to 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 in Washington 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 pursuant.

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 (SEA) 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, and if the recommended conditions are imposed, 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 Catherine Glidden who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. Please refer to Docket No. AB-6 (Sub-No. 463X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@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