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305281

ENTERED
Office of Proceedings
September 13, 2022
Part of
Public Record

September 13, 2022

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

**Re: STB Docket No. AB 6 (Sub-No. 500X), BNSF Railway Company—
Abandonment Exemption—In Cook County, Ill.**

Dear Ms. Brown:

Enclosed for e-filing is BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50. The filing fee of \$4,400 was paid using Pay.gov.

Please contact me with any questions.

FILED

Respectfully submitted,

**September 13, 2022
SURFACE
TRANSPORTATION BOARD**

A handwritten signature in black ink that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure

FEE RECEIVED

**September 13, 2022
SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (SUB-NO. 500X)

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

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

Jacob Godard
Senior General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131-2828

Peter W. Denton
Sally Mordi
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

Attorneys for BNSF Railway Company

Dated: September 13, 2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (SUB-NO. 500X)

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

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

BNSF Railway Company (“BNSF”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 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, Illinois (the “Line”).

Proposed Consummation Date

The proposed consummation date is 50 days after the date of filing this Notice of Exemption.

Certification Required by 49 C.F.R. § 1152.50(b)

The required certification is attached as **Exhibit 1**.

Information Required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).

(a) General

(1) Exact name of applicant

BNSF Railway Company

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 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, Illinois.

In 2013, the Surface Transportation Board granted BNSF authority to abandon approximately 1.1 miles of rail line in Cook County, Illinois, which included the Line and additional line segments.¹ *BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 1, 2013). The Board issued a Notice of Interim Trail Use (“NITU”) in that proceeding. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Apr. 4, 2013). *See also BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Feb. 27, 2014) (vacating the NITU for a portion of the line). BNSF consummated the abandonment for certain line segments. The table below lists the line segments that were the subject of the 2013 proceeding and the current regulatory status of each segment.

¹ Specifically, BNSF proposed to abandon the following line segments: (1) approximately 0.50 miles of track (described as the Sangamon Street Line) from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track (described as the Lumber Street Line) from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois.

AB 6 (Sub No. 487X)
Regulatory Status of the Line Segments

Line Segment	Current Regulatory Status
Between Station 186+79 and Station 185+77	BNSF consummated the abandonment on February 15, 2022. ²
Between Station 185+77 and Station 163+50	BNSF did not consummate the abandonment. The NITU and abandonment authority have expired.³
Between Station 157+65 and Station 197+81	BNSF consummated the abandonment on October 23, 2014. ⁴

As shown in the table, BNSF did not consummate the abandonment for the subject Line (between Station 185+77 and Station 163+50). The NITU and abandonment authority for the Line have expired. Thus, BNSF is now seeking renewed authority to abandon the Line.

There has been no local or overhead freight rail traffic on the Line for over 19 years. Therefore, there will be no change to any freight service provided on the Line.

(4) Map

Maps of the Line are attached as **Exhibit 2**.

(7) Name, title and address of representative of applicant to whom correspondence should be sent

Peter W. Denton
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
pdenton@steptoe.com
(202) 429-3000

² See Consummation Notice, AB 6 (Sub-No. 487X) (filed Feb. 15, 2022).

³ The NITU for this line segment was extended through September 4, 2019. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 11, 2019).

⁴ See Consummation Notice, AB 6 (Sub-No. 487X) (filed Oct. 27, 2014).

- (8) **List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses**

The Line traverses ZIP code 60608.

(e) **Rural and community impact**

- (4) **Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.**

The Line traverses downtown city streets in Chicago, IL, with more than adequate road and highway networks: therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. Most of the right-of-way is reversionary.

Labor Level of Protection

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Certification

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(l) and 1105.12 are attached as **Exhibit 3**.

Environmental Report

The Environmental Report containing information required by 49 C.F.R. § 1105.7 is attached as **Exhibit 5**. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as **Exhibit 4**.

Historic Report

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached as **Exhibit 5**. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as **Exhibit 4**.

Respectfully submitted,



Jacob Godard
Senior General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-3451

Peter W. Denton
pdenton@steptoe.com
Sally Mordi
smordi@steptoe.com
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

Attorneys for BNSF Railway Company

Dated: September 13, 2022

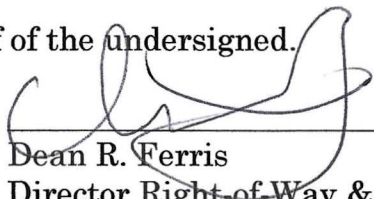
**EXHIBIT 1
TO THE NOTICE OF EXEMPTION**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE
MEETS CRITERIA OF 49 C.F.R. § 1152.50(b)**

I, Dean R. Ferris, state that I am Director of Right-of-Way & Real Estate Management for BNSF Railway Company ("BNSF"), and verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to make this verification.

I hereby certify that no local traffic has moved over the 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, Illinois (the "Line") for at least two years and that there is no overhead traffic on the Line. I further certify that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

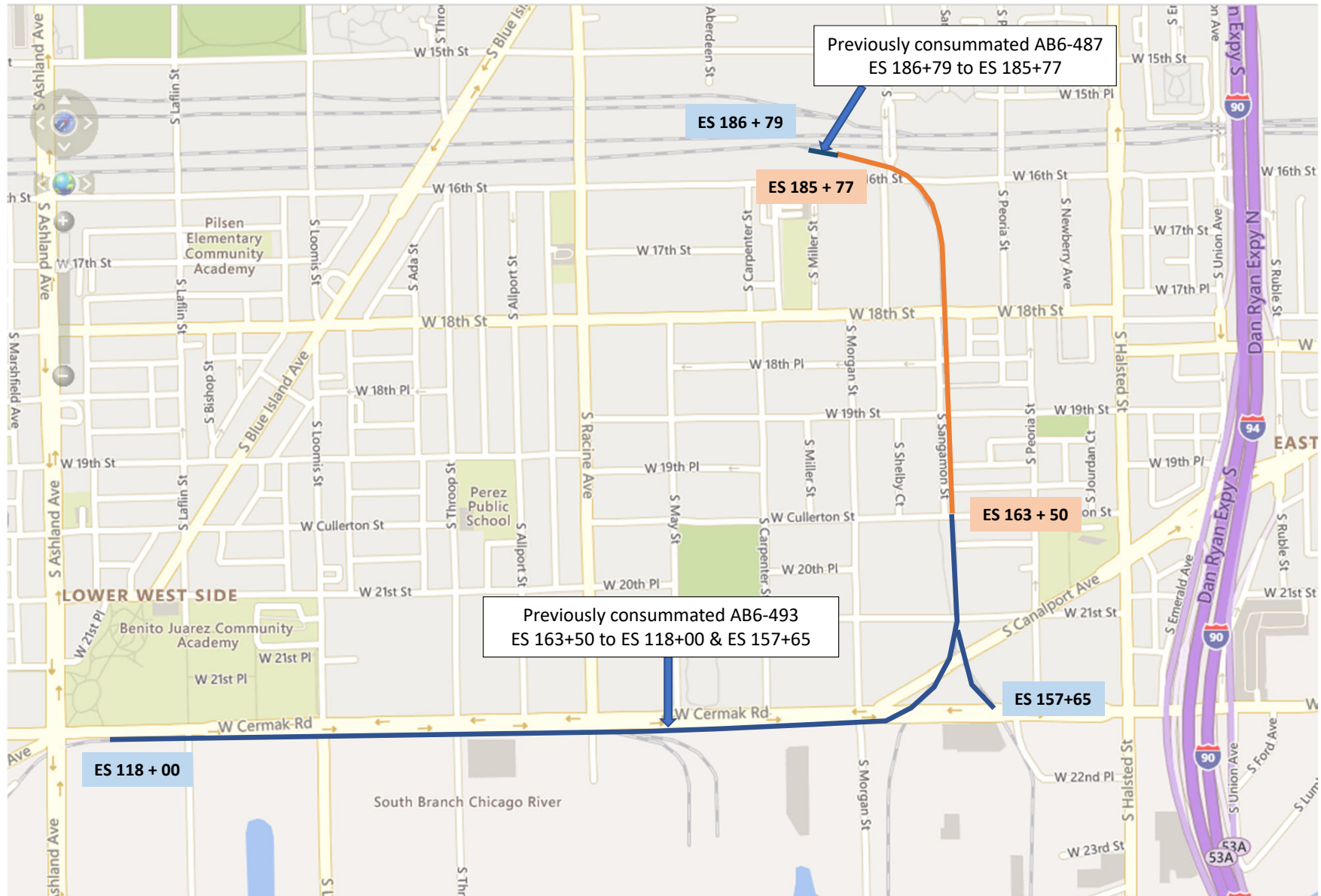
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



Dean R. Ferris
Director Right-of-Way & Real Estate
Management, BNSF Railway

Dated: 9/2/2022

EXHIBIT 2
TO THE NOTICE OF EXEMPTION
MAPS



Aerial Map of Track Abandonment Area

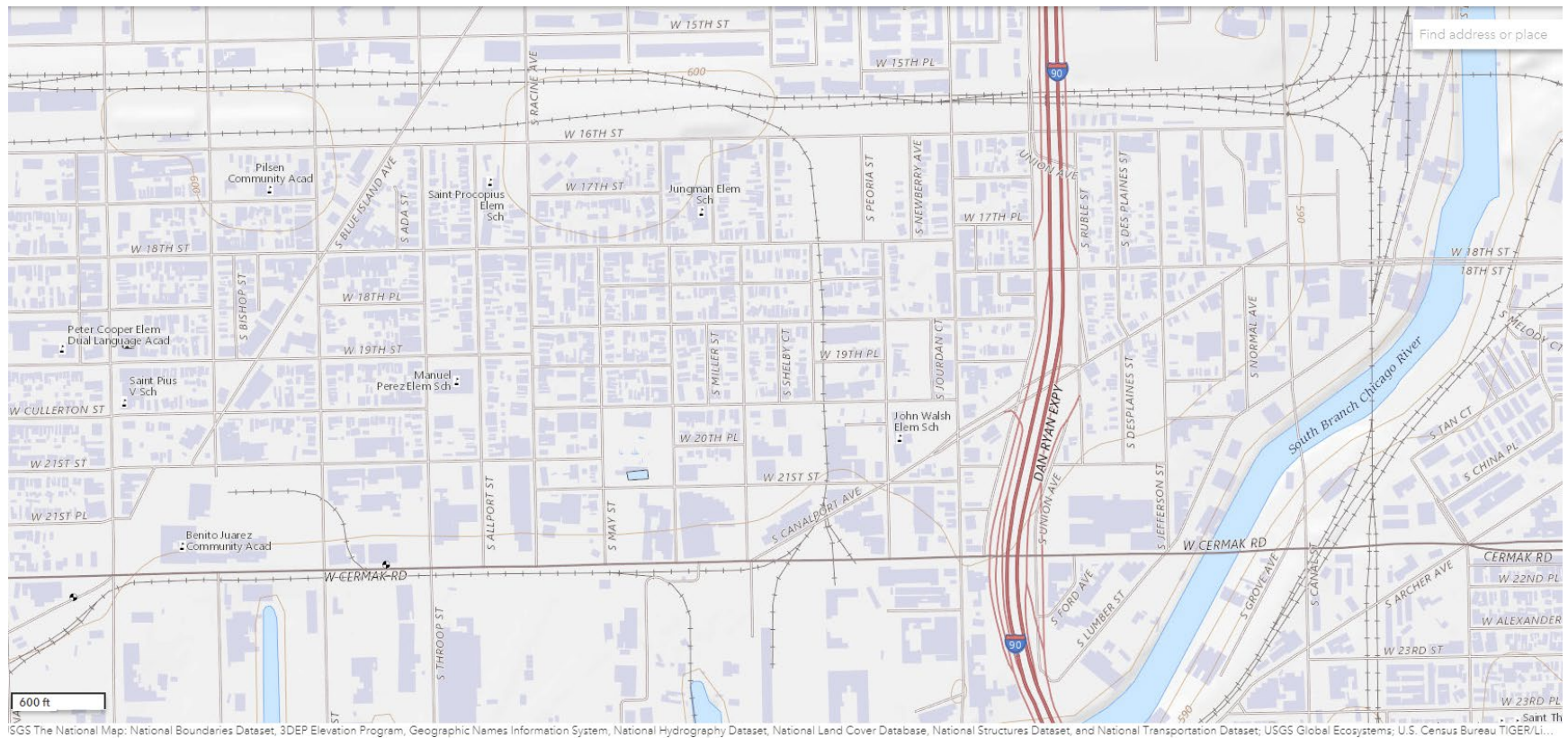


EXHIBIT 3
TO THE NOTICE OF EXEMPTION

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(l), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 500X) was mailed via first class mail on August 30, 2022 to the following parties:

State Public Service Commission

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Military Traffic Management Command

U.S. Department of Defense
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
1 Soldier Way
Bldg 1900W
Scott AFB, IL 62225

National Park Service

National Park Service
Conservation and Outdoor Recreation Division Office
1849 C Street NW
Washington, DC 20240

National Park Service
Midwest Regional Office
601 Riverfront Dr.
Omaha, NE 68102

U.S. Department of Agriculture

Randy Moore
Chief of the Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

Dated: September 13, 2022

Sally Mordi

Sally Mordi

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 500X) was published on September 1, 2022, in *The Chicago Sun-Times*, a newspaper of general circulation in Cook County, Illinois, as required by 49 C.F.R. § 1105.12.

Dated: September 13, 2022

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi

STEPTOE & JOHNSON LLP
BNSF Railway Co

ADORDERNUMBER: 0001148277-01

PO NUMBER: BNSF Railway Co

AMOUNT: 900.00

NO OF AFFIDAVITS: 1

Notice of Intent To Abandon Rail Service

BNSF Railway Company gives notice that on or after September 8, 2022, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of 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), which traverses through United States Postal Service ZIP Code 60608 in Cook County, Illinois. The proceeding will be docketed as No. AB 6 (Sub-No. 500X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, DC [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Sally Mordt, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC 20036; phone: (202) 429-6287.
9/1/2022 #1148277

Chicago Sun-Times

Certificate of Publication

State of Illinois - County of Cook

Chicago Sun-Times, does hereby certify it has published the attached advertisements in the following secular newspapers. All newspapers meet Illinois Compiled Statute requirements for publication of Notices per Chapter 715 ILCS 5/0.01 et seq. R.S. 1874, P728 Sec 1, EFF. July 1, 1874. Amended by Laws 1959, P1494, EFF. July 17, 1959. Formerly Ill. Rev. Stat. 1991, CH100, PI.

Note: Notice appeared in the following checked positions.

PUBLICATION DATE(S): 09/01/2022

Chicago Sun-Times

IN WITNESS WHEREOF, the undersigned, being duly authorized,
has caused this Certificate to be signed

By



Robin Munoz

Manager | Recruitment & Legals

This 1st Day of September 2022 A.D.

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

**EXHIBIT 4
TO THE NOTICE OF EXEMPTION**

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that, pursuant to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8, the transmittal letter required by 49 C.F.R. § 1105.11 and copies of the Combined Environmental and Historic Report in Docket No. AB 6 (Sub-No. 500X) were sent via first class mail or electronically on August 19, 2022 to the following parties:

Chicago Department of Planning and Development 121 N. LaSalle St. 10th Floor Chicago, IL 60602	Cook County Department of Planning and Development 69 West Washington St. Chicago, IL 60602
Cook County Board of Commissioners 118 N. Clark St. Chicago, IL 60602	NRCS Illinois State Office 2118 W. Park Court Champaign, IL 61821
U.S. Fish and Wildlife Service Midwest Region 5600 American Blvd. West Suite 990 Bloomington, MN 55437-1458	Bureau of Land Management Northeastern States District 626 E. Wisconsin Ave., Suite 200 Milwaukee, WI 53202-4617
National Park Service Midwest Regional Office 601 Riverfront Dr. Omaha, NE 68102	US EPA Region 5 77 W. Jackson Blvd. Chicago, IL 60604
Illinois Environmental Protection Agency 1021 North Grand Ave. East P.O. Box 19276 Springfield, IL 62794-9276	U.S. Army Corps of Engineers Chicago District 231 S. LaSalle St. Suite 1500 Chicago, IL. 60604
Carey Mayer Division Manager & Deputy State Historic Preservation Officer Illinois State Historic Preservation Office Old State Capitol Building, 2nd Floor One Old State Capitol Plaza Springfield, Illinois 62701	Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #9340 1315 East-West Highway Silver Spring, MD 20910-3282
Illinois Department of Natural Resources Coastal Management Program Office 160 N. LaSalle Street, Suite S-703 Chicago, IL 60601	

Dated: September 13, 2022

Sally Mordi

Sally Mordi

EXHIBIT 5
TO THE NOTICE OF EXEMPTION
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (SUB-NO. 500X)

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

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

- (1) **Proposed action and alternatives.** *Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

BNSF Railway Company (“BNSF”) proposes 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, Illinois (the “Line”). Maps of the proposed area are attached as **Exhibit A.**

In 2013, the Surface Transportation Board (“STB” or “Board”) granted BNSF authority to abandon approximately 1.1 miles of rail line in Cook County, Illinois, which included the Line and additional line segments.¹ *BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 1, 2013). The Board issued a Notice of Interim Trail Use (“NITU”) in that proceeding. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB

¹ Specifically, BNSF proposed to abandon the following line segments: (1) approximately 0.50 miles of track (described as the Sangamon Street Line) from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track (described as the Lumber Street Line) from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois.

6 (Sub-No. 487X) (STB served Apr. 4, 2013). *See also BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Feb. 27, 2014) (vacating the NITU for a portion of the line). BNSF consummated the abandonment for certain line segments. The table below lists the line segments that were the subject of the 2013 proceeding and the current regulatory status of each segment.

AB 6 (Sub No. 487X)
Regulatory Status of the Line Segments

Line Segment	Current Regulatory Status
Between Station 186+79 and Station 185+77	BNSF consummated the abandonment on February 15, 2022. ²
Between Station 185+77 and Station 163+50	BNSF did not consummate the abandonment. The NITU and abandonment authority have expired.³
Between Station 157+65 and Station 197+81	BNSF consummated the abandonment on October 23, 2014. ⁴

As shown in the table, BNSF did not consummate the abandonment for the subject Line (between Station 185+77 and Station 163+50). The NITU and abandonment authority for the Line have expired. Thus, BNSF is now seeking renewed authority to abandon the Line.

Information on BNSF’s salvage process as it relates to this project is provided below:

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

² See Consummation Notice, AB 6 (Sub-No. 487X) (filed Feb. 15, 2022).

³ The NITU for this line segment was extended through September 4, 2019. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 11, 2019).

⁴ See Consummation Notice, AB 6 (Sub-No. 487X) (filed Oct. 27, 2014).

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an Environmental Protection Agency-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis (“OEA”) and imposed by the STB in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

There has been no local or overhead freight rail traffic on the Line for over 19 years. Therefore, there will be no change to any freight service provided on the Line. The only alternative to the proposed action would be to not abandon the Line.

- (2) **Transportation system.** *Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

No passenger or freight traffic will be diverted to other transportation systems as a result of the proposed abandonment. There has been no local or overhead freight rail traffic on the Line for over 19 years.

- (3) **Land use.**

- (i) *Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

The proposed abandonment is consistent with existing land use plans. On May 18, 2022, BNSF sent letters to the Chicago Department of Planning and Development, the Cook County Department of Planning and Development, and the Cook County Board of Commissioners regarding the proposed abandonment.

On June 2, 2022, we received an e-mail from counsel for the City of Chicago, requesting clarification regarding the proposed abandonment and the prior abandonment proceeding in Docket No. AB 6 (Sub-No. 487X). A copy of the letter to the Chicago Department of Planning and Development and our e-mail correspondence with the City's counsel are attached as **Exhibit B**.

Additionally, on June 15, 2022, we received a response from the Cook County Department of Planning and Development, stating that the proposed abandonment is consistent with the County's goals for trail development and the County is supportive of this action.

As of the date of this Environmental Report, we have not received a reply from the Cook County Board of Commissioners.

Copies of the letter to the Cook County Department of Planning and Development and the response, and the letter to the Cook County Board of Commissioners are attached as **Exhibit C**.

- (ii) *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

The proposed abandonment will have no adverse effect on prime agricultural land. On May 18, 2022, BNSF sent a letter to the Illinois State Office of the U.S. Department of Agriculture's Natural Resources Conservation Service ("NRCS") regarding the proposed abandonment. As of the date of this Environmental Report, we have not received a reply from NRCS. A copy of the letter to NRCS is attached as **Exhibit D**.

- (iii) *If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.*

The proposed abandonment will not affect land or water uses within a designated coastal zone. On May 18, 2022, BNSF sent a letter to the Illinois Coastal Management Program Office ("CMP") regarding the proposed abandonment. As of the date of this Environmental Report, we have not received a reply from CMP. A copy of the letter to CMP is attached as **Exhibit E**.⁵

- (iv) *If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.*

The right-of-way may be suitable for alternative public use. On May 18, 2022, BNSF sent letters to the Chicago Department of Planning and Development, the Cook County Department of Planning and Development, and the Cook County Board of Commissioners regarding the proposed abandonment.

On June 2, 2022, we received an e-mail from counsel for the City of Chicago, requesting clarification regarding the proposed abandonment and the prior abandonment proceeding in Docket No. AB 6 (Sub-No. 487X). A copy of the letter to

⁵ In the 2013 abandonment proceeding, BNSF received a response from the Illinois Department of Natural Resources, Office of Water Resources, submitted as Exhibit F to BNSF's Environmental and Historic Reports, stating that the agency had determined that only a portion of the Lumber Street Line falls within the boundaries of the Illinois CMP and that this portion was consistent with the enforceable policies of the CMP.

the Chicago Department of Planning and Development and our e-mail correspondence with the City's counsel are attached as **Exhibit B**.

Additionally, on June 15, 2022, we received a response from the Cook County Department of Planning and Development, stating that the proposed abandonment is consistent with the County's goals for trail development and the County is supportive of this action.

As of the date of this Environmental Report, we have not received a reply from the Cook County Board of Commissioners.

Copies of the letter to the Cook County Department of Planning and Development and the response, and the letter to the Cook County Board of Commissioners are attached as **Exhibit C**.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.*

The proposed abandonment will have no effect on transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.*

The proposed abandonment will have no effect on the movement or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

The proposed abandonment will not result in an increase or decrease in overall energy efficiency because there has been no local or overhead freight rail traffic on the Line for over 19 years.

(iv) *If the proposed action will cause diversions from rail to motor carriage of more than:*

(A) *1,000 rail carloads a year; or*

(B) *An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

The proposed abandonment will not cause diversions from rail to motor carriage.

(5) Air.

(i) *If the proposed action will result in either:*

(A) *An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*

(B) *An increase in rail yard activity of at least 100 percent (measured by carload activity), or*

(C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

The proposed abandonment will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in item (5)(i)(A), (B), or (C).

(ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

(A) *An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

(B) *An increase in rail yard activity of at least 20 percent (measured by carload activity), or*

(C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are*

within the parameters established by the State Implementation Plan.

The proposed abandonment will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in item (5)(ii)(A), (B), or (C).

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. *If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:*

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

None of the thresholds identified in item (5)(i) will be surpassed as a result of the proposed abandonment. Thus, this provision is not applicable.

(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

The proposed abandonment will not have an adverse effect on public health and safety. All at-grade crossings on the Line have been closed.

On May 18, 2022, BNSF sent letters to the Chicago Department of Planning and Development, the Cook County Department of Planning and Development, and the Cook County Board of Commissioners regarding the proposed abandonment.

On June 2, 2022, we received an e-mail from counsel for the City of Chicago, requesting clarification regarding the proposed abandonment and the prior abandonment proceeding in Docket No. AB 6 (Sub-No. 487X). A copy of the letter to the Chicago Department of Planning and Development and our e-mail correspondence with the City's counsel are attached as **Exhibit B**.

Additionally, on June 15, 2022, we received a response from the Cook County Department of Planning and Development, stating that the proposed abandonment is consistent with the County's goals for trail development and the County is supportive of this action.

As of the date of this Environmental Report, we have not received a reply from the Cook County Board of Commissioners.

Copies of the letter to the Cook County Department of Planning and Development and the response, and the letter to the Cook County Board of Commissioners are attached as **Exhibit C**.

- (ii) *If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

The proposed abandonment will not affect the transportation of hazardous materials.

- (iii) *If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological resources.

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

The proposed abandonment will not have an adverse effect on endangered or threatened species or areas designated as a critical habitat. On May 18, 2022, BNSF sent a letter to the U.S. Fish and Wildlife Service (“USFWS”) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received a reply from USFWS. A copy of the letter to USFWS is attached as **Exhibit F**.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

No wildlife sanctuaries or refuges, National or State parks or forests will be affected by the proposed abandonment. On May 18, 2022, BNSF sent letters to the Bureau of Land Management (“BLM”) and the National Park Service (“NPS”) regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters to BLM and NPS are attached as **Exhibit G**.

(9) Water.

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

The proposed abandonment is consistent with applicable water quality standards. On May 18, 2022, BNSF sent letters to the Illinois Department of Natural Resources, Office of Water Resources (“OWR”) and Region 5 of the U.S. Environmental Protection Agency (“U.S. EPA”) regarding the proposed

abandonment. On May 28, 2022, BNSF received a response from OWR stating that OWR does not have jurisdiction over the questions posed in our letter and recommending that we contact the Illinois Environmental Protection Agency (“Illinois EPA”).

On June 1, 2022, BNSF sent a letter to Illinois EPA regarding the proposed abandonment. As of the date of this Environmental Report, we have not received replies from U.S. EPA or Illinois EPA.

Copies of the letters to OWR, U.S. EPA, and Illinois EPA, and the response from OWR, are attached as **Exhibit H**.

- (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

The proposed abandonment will not require any permits under Section 404 of the Clean Water Act, and no designated wetlands or 100-year flood plains will be adversely affected. On May 18, 2022, BNSF sent a letter to the Chicago District of the U.S. Army Corps of Engineers (“USACE”) regarding the proposed abandonment. On June 2, 2022, we received an e-mail from USACE stating that our request has been assigned a file number. A copy of the letter to USACE and the e-mail from USACE are attached as **Exhibit I**.

- (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)*

The proposed abandonment will not require permits under Section 402 of the Clean Water Act. On May 18, 2022, BNSF sent letters to OWR and Region 5 of U.S. EPA regarding the proposed abandonment. On May 28, 2022, BNSF received a response from OWR stating that OWR does not have jurisdiction over the questions posed in our letter and recommending that we contact Illinois EPA.

On June 1, 2022, BNSF sent a letter to Illinois EPA regarding the proposed abandonment. As of the date of this Environmental Report, we have not received replies from U.S. EPA or Illinois EPA.

Copies of the letters to OWR, U.S. EPA, and Illinois EPA, and the response from OWR, are attached as **Exhibit H**.

(10) Proposed Mitigation. *Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

Because no adverse environmental impacts will result from the proposed abandonment, no mitigation is necessary. BNSF will consult, as required, with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with any mitigation actions required by the Board.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

§ 1105.7(e)(1) **Proposed action and alternatives.** *Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

BNSF proposes 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, Illinois. Maps of the proposed area are attached as **Exhibit A**.

In 2013, the Board granted BNSF authority to abandon approximately 1.1 miles of rail line in Cook County, Illinois, which included the Line and additional line segments.⁶ *BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 1, 2013). The Board issued a NITU in that proceeding. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Apr. 4, 2013). *See also BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Feb. 27, 2014) (vacating the NITU for a portion of the line). BNSF consummated the abandonment for certain line segments. The table below lists the line segments that were the subject of the 2013 proceeding and the current regulatory status of each segment.

⁶ Specifically, BNSF proposed to abandon the following line segments: (1) approximately 0.50 miles of track (described as the Sangamon Street Line) from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track (described as the Lumber Street Line) from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois.

AB 6 (Sub No. 487X)
Regulatory Status of the Line Segments

Line Segment	Current Regulatory Status
Between Station 186+79 and Station 185+77	BNSF consummated the abandonment on February 15, 2022. ⁷
Between Station 185+77 and Station 163+50	BNSF did not consummate the abandonment. The NITU and abandonment authority have expired.⁸
Between Station 157+65 and Station 197+81	BNSF consummated the abandonment on October 23, 2014. ⁹

As shown in the table, BNSF did not consummate the abandonment for the subject Line (between Station 185+77 and Station 163+50). The NITU and abandonment authority for the Line have expired. Thus, BNSF is now seeking renewed authority to abandon the Line.

Information on BNSF's salvage process as it relates to this project is provided below:

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3)

⁷ See Consummation Notice, AB 6 (Sub-No. 487X) (filed Feb. 15, 2022).

⁸ The NITU for this line segment was extended through September 4, 2019. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 11, 2019).

⁹ See Consummation Notice, AB 6 (Sub-No. 487X) (filed Oct. 27, 2014).

scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an Environmental Protection Agency-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the OEA and imposed by the STB in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

There has been no local or overhead freight rail traffic on the Line for over 19 years. Therefore, there will be no change to any freight service provided on the Line. The only alternative to the proposed action would be to not abandon the Line.

- (1) *A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.*

The required topographic map is attached to this Historic Report as **Exhibit A.**

- (2) *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.*

The Line extends approximately 0.43 miles in Cook County, Illinois, beginning north of West 16th Street (Engineering Station 185+77) to Cullerton Street (Engineering Station 163+50). The right-of-way varies in width from 25 to 200 feet.

- (3) *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.*

There is one bridge on the Line at Station 181+43.¹⁰ The bridge is 108' long, 16' high. Photographs of the bridge are provided in **Exhibit J**.

- (4) *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.*

The bridge was constructed in 1908.

- (5) *A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.*

On February 12, 1849, the Aurora Branch Railroad Company was incorporated. On June 22, 1852, the name was changed to Chicago and Aurora Railroad Company. On February 14, 1855, the name was changed to The Chicago, Burlington and Quincy Railroad Company. On July 9, 1856, consolidation of The Chicago, Burlington and Quincy Railroad Company and the Central Military Tract Railroad Company formed The Chicago, Burlington and Quincy Rail Road Company. On June 24, 1864, consolidation of The Chicago, Burlington and Quincy Rail Road Company and the Peoria & Burlington Rail Road Company formed Chicago, Burlington & Quincy Railroad Company, also known as the "Burlington Route" ("CB&Q"). In 1901, Great Northern Railway Company and Northern Pacific

¹⁰ In the 2013 abandonment proceeding, BNSF stated that there was one bridge on the line at Station 186+79. BNSF intended to include the bridge in that abandonment proceeding. However, BNSF recently determined that the correct location of the bridge is Station 181+43.

Railway Company jointly acquired control of CB&Q. On March 2, 1970, CB&Q merged into the Great Northern Pacific and Burlington Lines, Inc., pursuant to an Agreement of Merger dated as of January 26, 1961. A Certificate of Amendment of Certificate of Incorporation of Great Northern Pacific and Burlington Lines, Inc., dated February 12, 1970, was filed in the office of the Secretary of State of Delaware on March 2, 1970, and the name of the company changed to Burlington Northern Inc. (“BNI”). BNI 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, which name was changed to BNSF Railway Company in 2005.

In 2013, the Board granted BNSF authority to abandon approximately 1.1 miles of rail line in Cook County, Illinois, which included the Line and additional line segments.¹¹ *BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 1, 2013). The Board issued a NITU in that proceeding. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Apr. 4, 2013). *See also BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Feb. 27, 2014) (vacating the NITU for a portion of the line). BNSF consummated the abandonment for certain line segments. The table below lists the line segments that were the subject of the 2013 proceeding and the current regulatory status of each segment.

¹¹ Specifically, BNSF proposed to abandon the following line segments: (1) approximately 0.50 miles of track (described as the Sangamon Street Line) from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track (described as the Lumber Street Line) from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois.

AB 6 (Sub No. 487X)
Regulatory Status of the Line Segments

Line Segment	Current Regulatory Status
Between Station 186+79 and Station 185+77	BNSF consummated the abandonment on February 15, 2022. ¹²
Between Station 185+77 and Station 163+50	BNSF did not consummate the abandonment. The NITU and abandonment authority have expired. ¹³
Between Station 157+65 and Station 197+81	BNSF consummated the abandonment on October 23, 2014. ¹⁴

As shown in the table, BNSF did not consummate the abandonment for the subject Line (between Station 185+77 and Station 163+50). The NITU and abandonment authority for the Line have expired. Thus, BNSF is now seeking renewed authority to abandon the Line.

There has been no local or overhead freight rail traffic on the Line for over 19 years. Therefore, there will be no change to any carrier operations on the Line.

- (6) *A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

Documents in BNSF's possession concerning this proposed abandonment may include alignment maps showing the right-of-way and/or station maps. These documents can be supplied upon request, if they are available.

- (7) *An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions*

¹² See Consummation Notice, AB 6 (Sub-No. 487X) (filed Feb. 15, 2022).

¹³ The NITU for this line segment was extended through September 4, 2019. *See BNSF Ry. Co.—Abandonment Exemption—in Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 11, 2019).

¹⁴ See Consummation Notice, AB 6 (Sub-No. 487X) (filed Oct. 27, 2014).

(including any consultations with the State Historic Preservation Office, local historical societies or universities).

On May 18, 2022, BNSF sent letters to the Illinois State Historic Preservation Office (“SHPO”) and the Communications and Outreach Branch, NOAA, N/NGS12, National Geodetic Survey, SSMC3 #9340 (“National Geodetic Survey”) regarding the proposed abandonment.

On May 27, 2022, we received an e-mail from the SHPO, instructing us to re-submit the letter electronically. On June 1, 2022, BNSF re-submitted the letter electronically, and we received an automatic reply, stating that the SHPO response for this project will be found online at the SHPO Correspondence Tracking System at <https://dnr2.illinois.gov/cts/>. A copy of the letter to the SHPO, our e-mail correspondence with the SHPO, and the project information webpage from the SHPO Correspondence Tracking System are attached as **Exhibit K**.

As of the date of this Historic Report, we have not received a reply from the National Geodetic Survey. A copy of the letter to the National Geodetic Survey is attached as **Exhibit L**.

- (8) *A description (based on readily available information in the railroad’s possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

The Line was disturbed during original construction by cuts and fill, and any archaeological resources that may have been located in the proposed area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archeological recovery of resources.

- (9) *Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously*

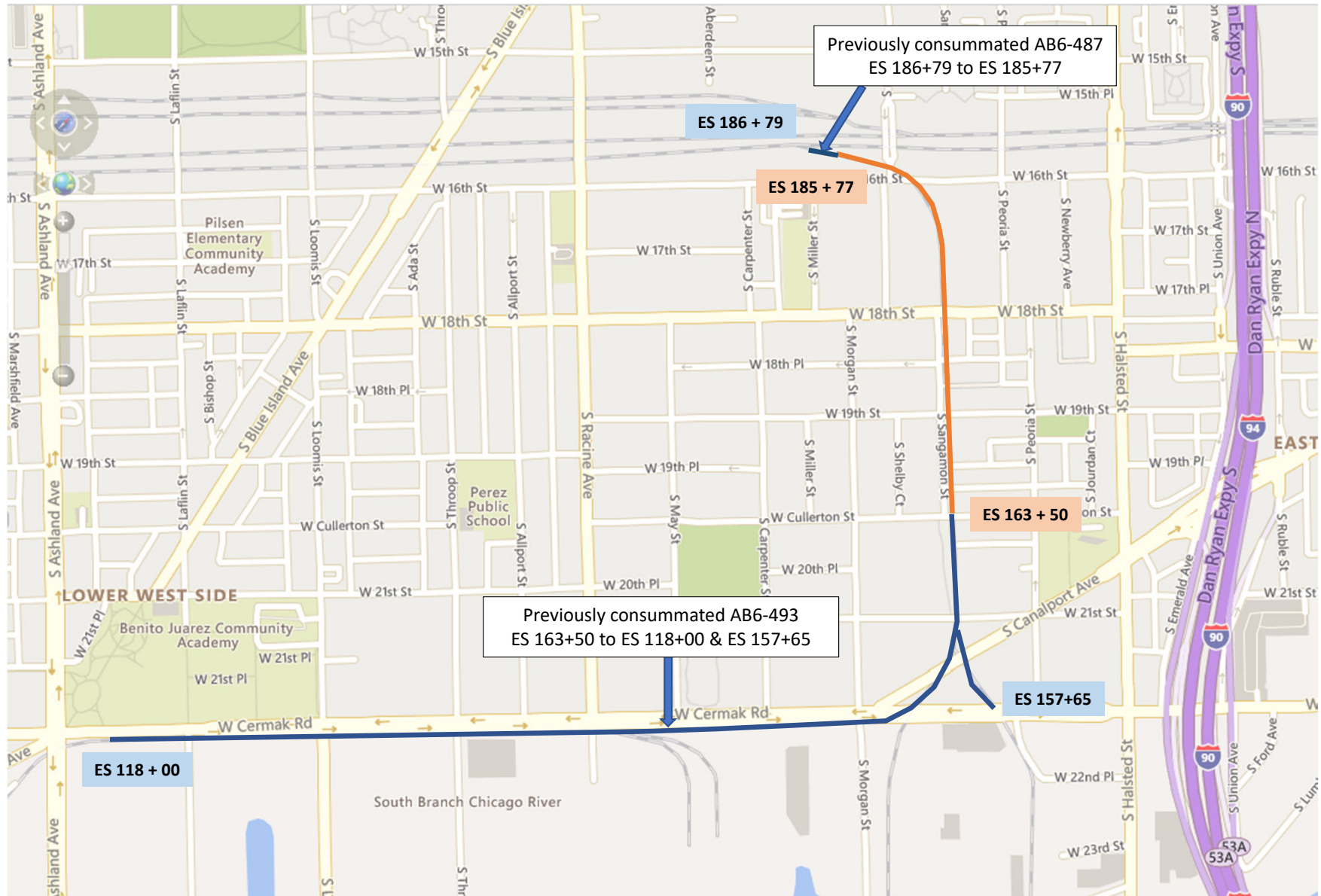
discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

If any additional information is requested, BNSF will promptly supply the necessary information.

EXHIBIT A

Maps of the proposed action:¹⁵

¹⁵ In the 2013 abandonment proceeding, the map BNSF submitted included a slightly inaccurate location of Station 186+79. This has been corrected in the map attached hereto as Exhibit A.



Aerial Map of Track Abandonment Area

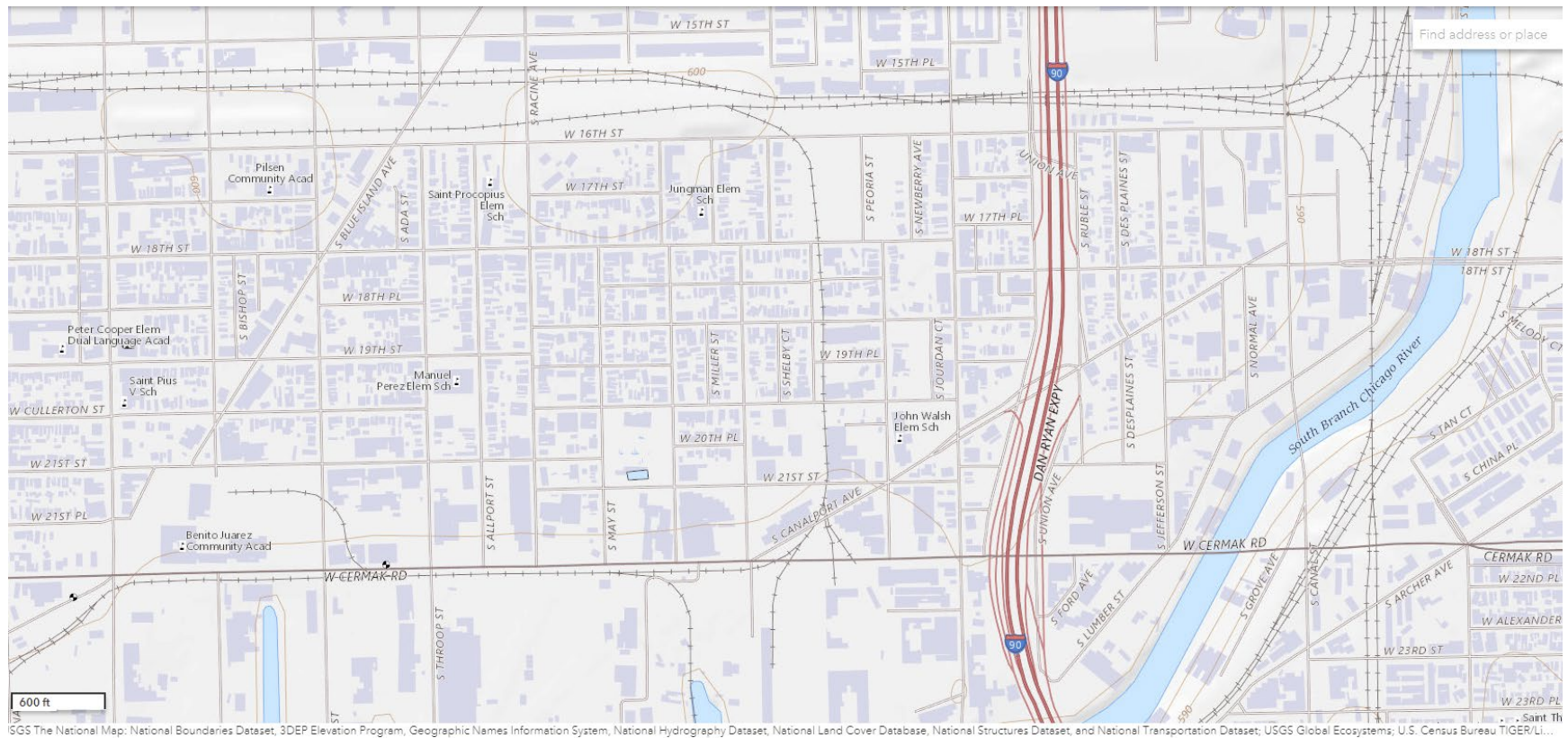


EXHIBIT B

Letter sent to the Chicago Department of Planning and Development and
e-mail correspondence with the City's counsel:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 18, 2022

Chicago Department of Planning and Development
121 N. LaSalle St.
10th Floor
Chicago, IL 60602

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed action is consistent with existing land use plans. If applicable, please describe any inconsistencies.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

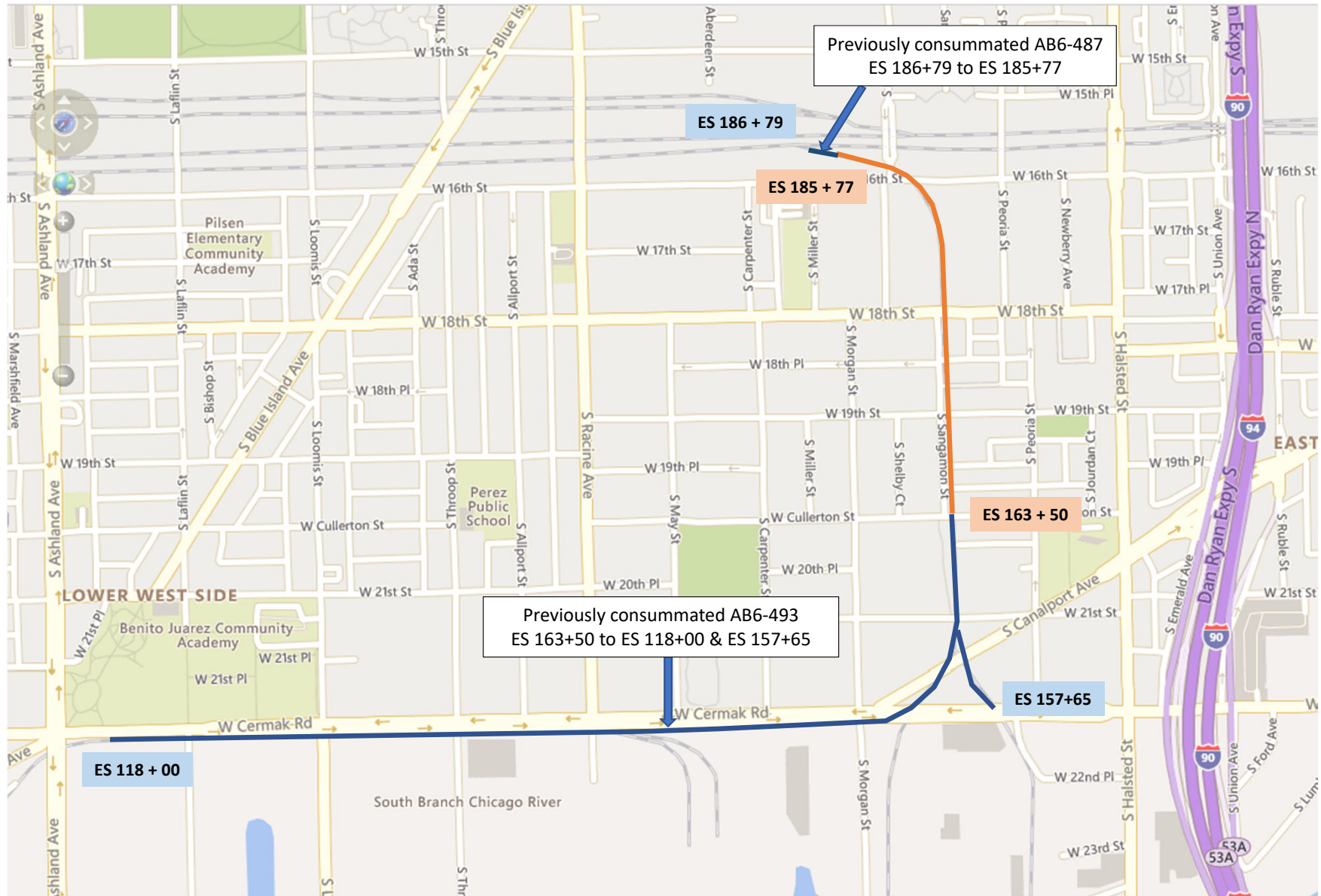
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Mordi, Sally

From: John McDonough <John.McDonough3@cityofchicago.org>
Sent: Monday, June 13, 2022 3:37 PM
To: Mordi, Sally
Cc: Nelson Chueng; Will Holland; Denton, Peter; Jeffrey J Sriver; Keith Privett
Subject: Re: Sangamon line abandonment

I missed those references. Thanks again.

John D. McDonough
Assistant Corporation Counsel

City of Chicago Law Department
Room 600 City Hall
121 N. La Salle Street
Chicago, Illinois 60602
(312) 744-8973
john.mcdonough3@cityofchicago.org

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From: Mordi, Sally <smordi@Steptoe.com>
Sent: Monday, June 13, 2022 2:27 PM
To: John McDonough <John.McDonough3@cityofchicago.org>
Cc: Nelson Chueng <Nelson.Chueng@cityofchicago.org>; Will Holland <Will.Holland@cityofchicago.org>; Denton, Peter <pdenton@Steptoe.com>; Jeffrey J Sriver <Jeffrey.Sriver@cityofchicago.org>; Keith Privett <Keith.Privett@cityofchicago.org>
Subject: RE: Sangamon line abandonment

[Warning: External email]

John,

Attached is a copy of our May 18, 2022 letter, which includes a map of the line.

Regards,
Sally

Sally Mordi
Associate
smordi@Steptoe.com
+1 202 429 6287 direct | +1 202 429 3902 fax

Steptoe

Step toe & Johnson LLP
1330 Connecticut Avenue, NW | Washington, DC 20036
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From: John McDonough <John.McDonough3@cityofchicago.org>
Sent: Monday, June 13, 2022 12:48 PM
To: Mordi, Sally <smordi@Step toe.com>
Cc: Nelson Chueng <Nelson.Chueng@cityofchicago.org>; Will Holland <Will.Holland@cityofchicago.org>; Denton, Peter <pdenton@Step toe.com>; Jeffrey J Sriver <Jeffrey.Sriver@cityofchicago.org>; Keith Privett <Keith.Privett@cityofchicago.org>
Subject: Re: Sangamon line abandonment

Thank you for your explanation, Sally. That's helpful.

Would you have a map or exhibit to share with use that would allow us to understand where these Engineering Stations are located?

Thanks again.

John

John D. McDonough
Assistant Corporation Counsel

City of Chicago Law Department
Room 600 City Hall
121 N. La Salle Street
Chicago, Illinois 60602
(312) 744-8973
john.mcdonough3@cityofchicago.org

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From: Mordi, Sally <smordi@Step toe.com>
Sent: Monday, June 13, 2022 10:08 AM
To: John McDonough <John.McDonough3@cityofchicago.org>
Cc: Nelson Chueng <Nelson.Chueng@cityofchicago.org>; Will Holland <Will.Holland@cityofchicago.org>; Lisa Misher <Lisa.Misher@cityofchicago.org>; Denton, Peter <pdenton@Step toe.com>
Subject: RE: Sangamon line abandonment

[Warning: External email]

John,

Thank you for reaching out. As stated in our May 18, 2022 letter, BNSF Railway Company (BNSF) is seeking Surface Transportation Board (STB) authority 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).

As you noted, there was a prior STB abandonment proceeding involving the Sangamon Street Line (Docket No. AB 6 (Sub-No. 487X)). In that proceeding, the subject line was initially described as consisting of two line segments: 1) between Station 186+79 and Station 163+50 (described as the Sangamon Street Line); and 2) between Station 157+65 and Station 197+81 (described as the Lumber Street Line). *BNSF Ry. Co.—Abandonment Exemption—In Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Mar. 1, 2013).

The Board initially issued a notice of interim trail use (NITU) covering both line segments, but later vacated the NITU for the portion of the line between Station 186+79 and Station 185+77. *BNSF Ry. Co.—Abandonment Exemption—In Cook County, Ill.*, AB 6 (Sub-No. 487X) (STB served Feb. 27, 2014).

On October 23, 2014, BNSF consummated the abandonment of the rail line between Station 157+65 and Station 197+81. On February 15, 2022, BNSF consummated the abandonment of the rail line between Station 186+79 and Station 185+77. These two consummation notices are attached.

BNSF did not consummate the abandonment of the rail line between Station 185+77 and Station 163+50. The NITU and abandonment authority have lapsed. Thus, BNSF is now seeking renewed authority to abandon this line segment.

Please let us know if you have any questions.

Regards,
Sally

Sally Mordi

Associate

smordi@steptoe.com

+1 202 429 6287 direct | +1 202 429 3902 fax

Steptoe

Steptoe & Johnson LLP

1330 Connecticut Avenue, NW | Washington, DC 20036

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From: John McDonough <John.McDonough3@cityofchicago.org>

Sent: Thursday, June 2, 2022 4:01 PM

To: Mordi, Sally <smordi@steptoe.com>

Cc: Nelson Chueng <Nelson.Chueng@cityofchicago.org>; Will Holland <Will.Holland@cityofchicago.org>; Lisa Misher <Lisa.Misher@cityofchicago.org>

Subject: Sangamon line abandonment

Hello Ms. Mordi,

I was forwarded your May 18 2022 letter to the City of Chicago's Department of Planning and Development regarding the abandonment of the rail line know as the Sangamon Street Line.

For several years, I have been representing the City of Chicago in its attempt to acquire from BNSF the Sangamon Street Line along with other adjacent line segments. In May of 2021, we reached an agreement for transfer of the Sangamon Street Line and a portion of the connecting Cermak Road Line, as set forth in the attached email from BNSF's Director of Corporate Real Estate, Blaine Bilderback.

We are a bit surprised by your letter that implies that BNSF will initiate a new abandonment filing when we believed the Sangamon Street Line had already been fully abandoned by the proceeding identified by **STB Docket No. AB 6 (Sub-No. 487X)**. That proceeding appeared to have concluded this past February with the BNSF's filing, through attorney Karl Morell, of a Notice of Consummation. For your reference, I'm attaching a copy of the Notice.

Would you have time for a call to try to sort this out? Please let me know what day and time is convenient for you either tomorrow or early next week.

Thanks

John

John D. McDonough
Assistant Corporation Counsel

City of Chicago Law Department
Room 600 City Hall
121 N. La Salle Street
Chicago, Illinois 60602
(312) 744-8973
john.mcdonough3@cityofchicago.org

This email, and any attachments thereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email (or the person responsible for delivering it to the intended recipient), you are hereby notified that any dissemination, distribution, printing or copying of this email, or any attachment thereto, is strictly prohibited. If you have received this email in error, please respond to the individual sending the message, and permanently delete the original and any copy of any email and printout thereof.

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail (or the person responsible for delivering this document to the intended recipient), you are hereby notified that any dissemination, distribution, printing or copying of this e-mail, and any attachment thereto, is strictly prohibited. If you have received this e-mail in error, please respond to the individual sending the message, and permanently delete the original and any copy of any e-mail and printout thereof.

EXHIBIT C

Letter sent to the Cook County Department of Planning and Development
and the response, and letter sent to the Cook County Board of Commissioners:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 18, 2022

Cook County
Department of Planning and Development
69 West Washington St.
Chicago, IL 60602

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed action is consistent with existing land use plans. If applicable, please describe any inconsistencies.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

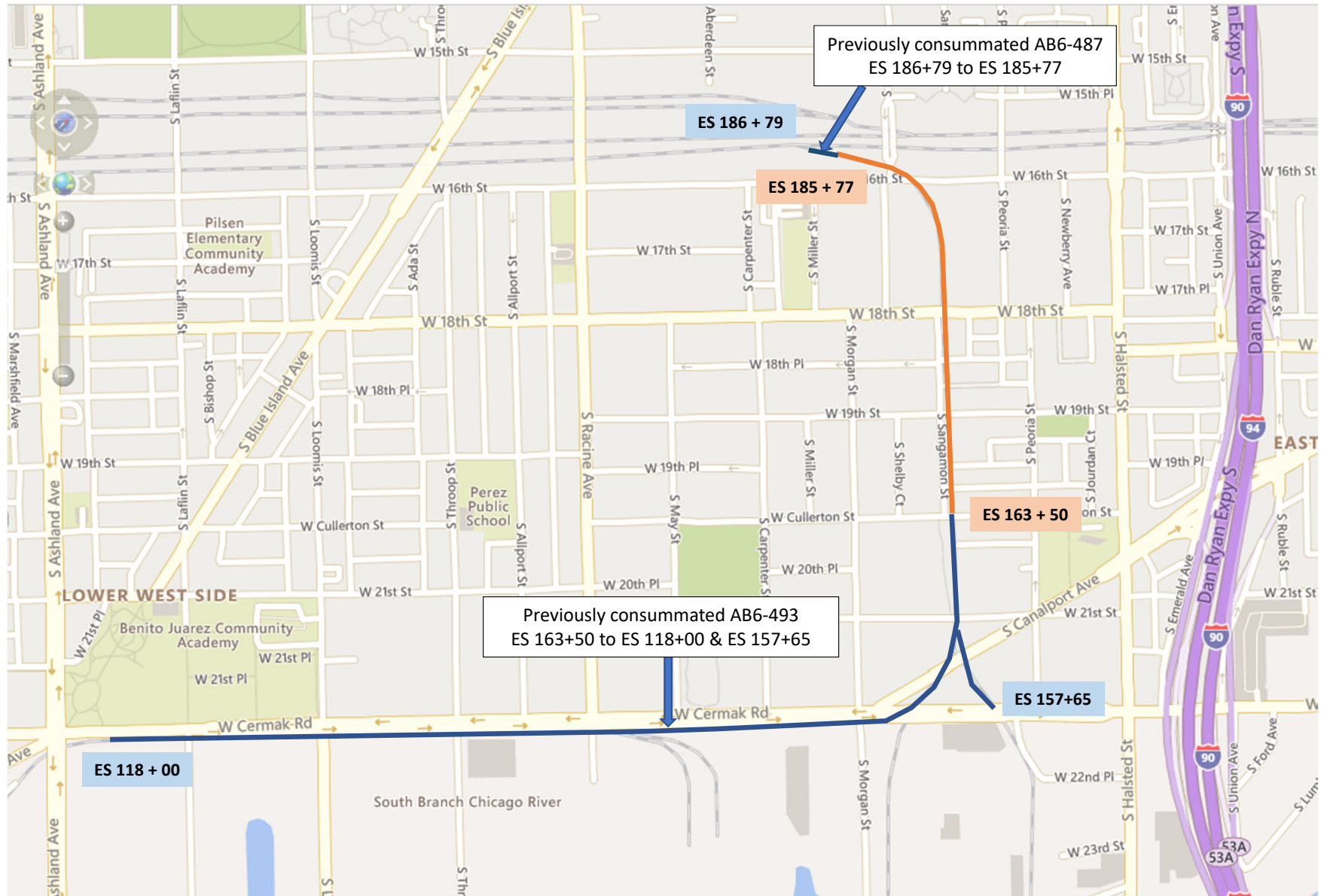
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Mordi, Sally

From: Lawrence Brozek (Real Estate) <Lawrence.Brozek@cookcountyil.gov>
Sent: Wednesday, June 15, 2022 9:28 AM
To: Mordi, Sally
Cc: Jessica Caffrey (Real Estate); KATHLEEN MCKEE (States Attorney); Jesse Elam (DOTH); Tara Orbon (DOTH); Norma Perez (Real Estate)
Subject: BNSF County of Cook response

Follow Up Flag: Follow up
Flag Status: Flagged

Sally

The STB docket No. AB 6, BNSF railway company abandonment of .43 miles of the Sangamon Street Line beginning north of west 16th Steet (Engineering Station 185+77) to Cullerton Street (Engineering Station 163+50) in Cook County, Illinois is consistent with the County goals for trail development. The County of Cook is supportive of this action.

Please call me if you would like to discuss this matter further.



Lawrence H. Brozek, AIA
Development Manager
Cook County Bureau of Asset Management
Department of Real Estate Management
69 W. Washington, Suite 3100
Direct: 312-603-2435
Cell: 339-5317

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 18, 2022

Cook County Board of Commissioners
118 N. Clark St.
Chicago, IL 60602

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed action is consistent with existing land use plans. If applicable, please describe any inconsistencies.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are

required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

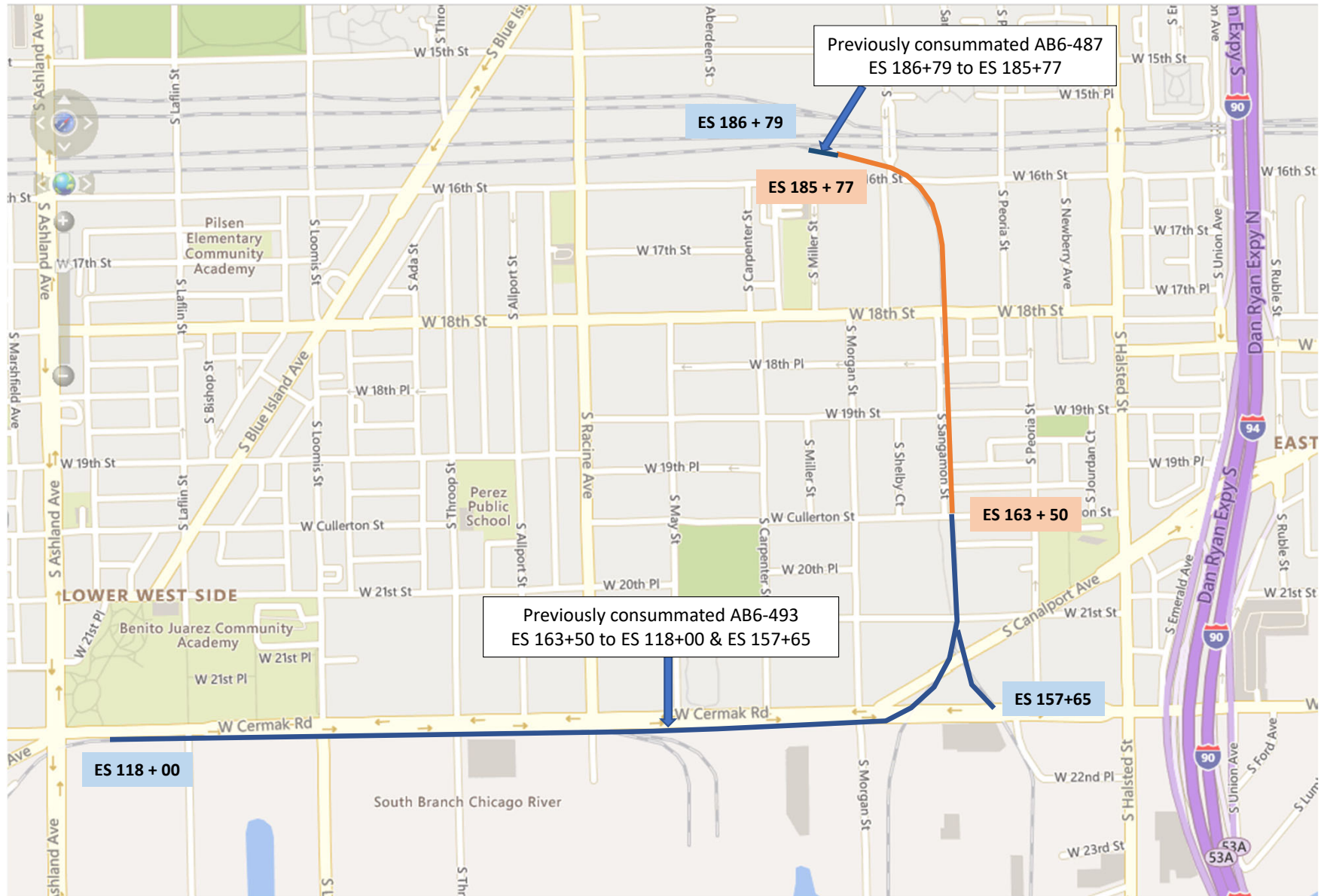


EXHIBIT D

Letter sent to the Illinois State Office of the U.S. Department of Agriculture's
Natural Resources Conservation Service:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

May 18, 2022

NRCS Illinois State Office
2118 W. Park Court
Champaign, IL 61821

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed abandonment will have any effect on prime agricultural lands.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the

placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

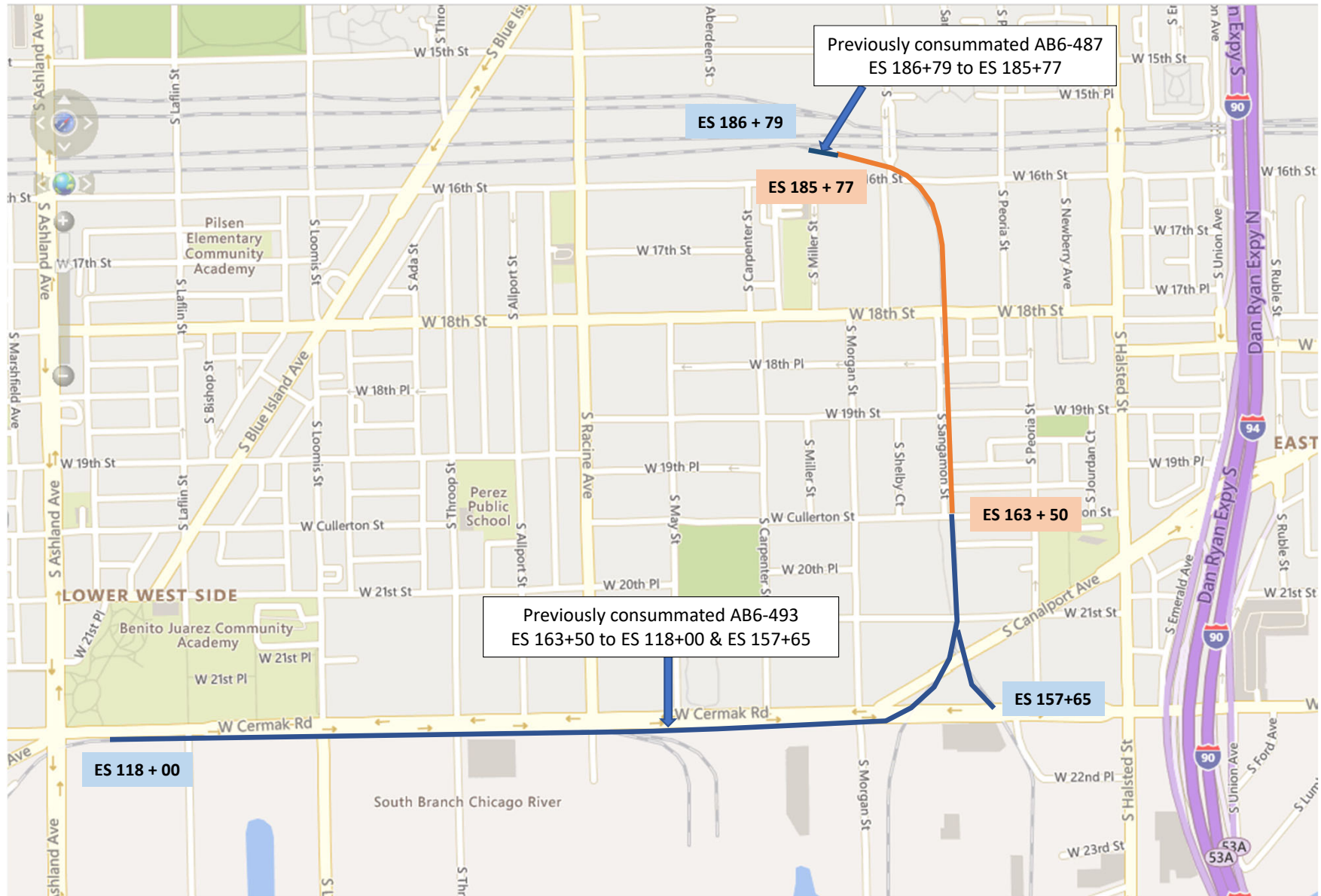


EXHIBIT E

Letter sent to the Illinois Coastal Management Program Office:

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoec.com

May 18, 2022

Illinois Department of Natural Resources
Coastal Management Program Office
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining whether the line is within Illinois’s coastal zone. If it is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in Illinois’s coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

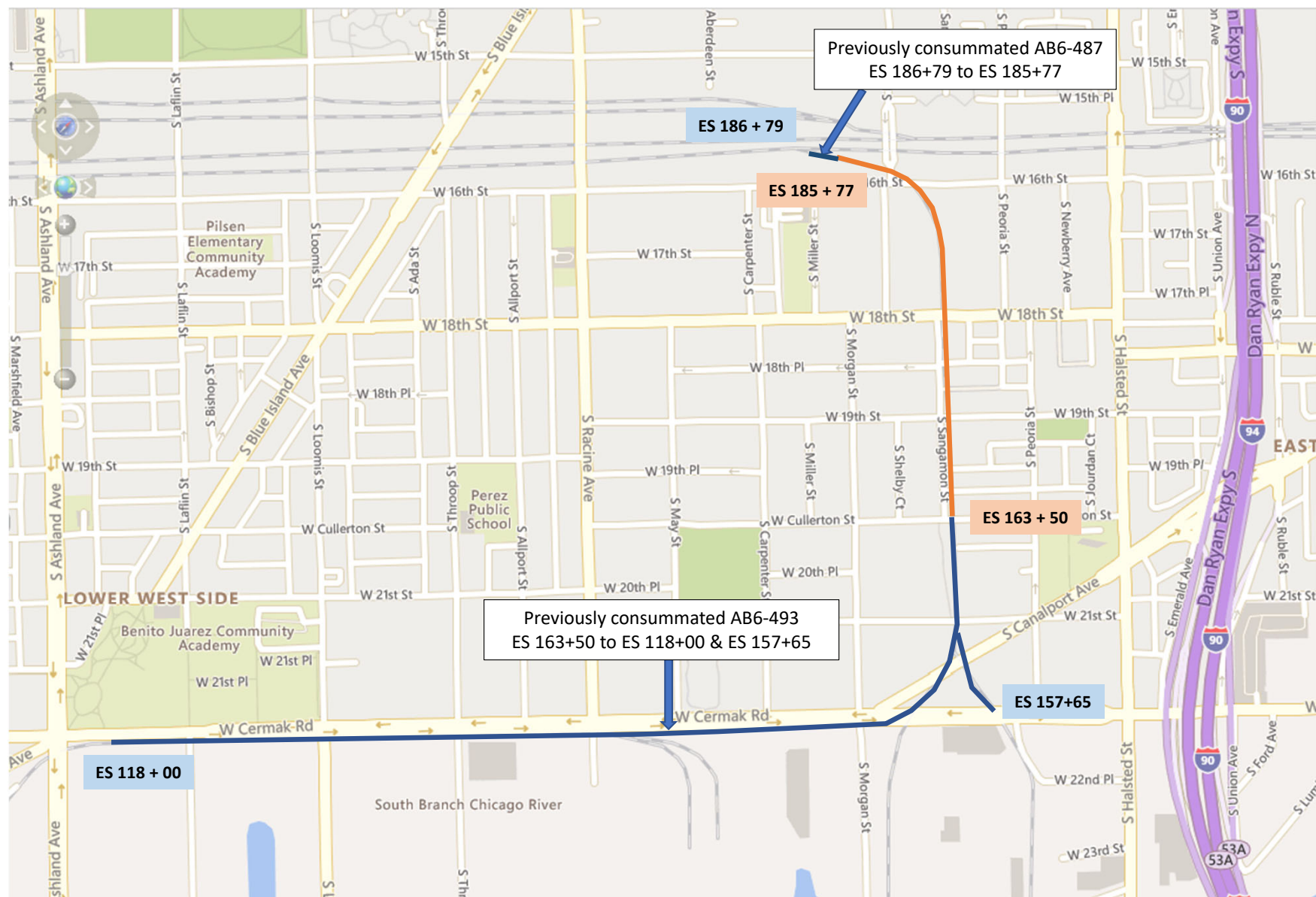


EXHIBIT F

Letter sent to the U.S. Fish and Wildlife Service:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

May 18, 2022

U.S. Fish and Wildlife Service
Midwest Region
5600 American Blvd. West Suite 990
Bloomington, MN 55437-1458

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and (2) if so, what effects the proposed abandonment may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

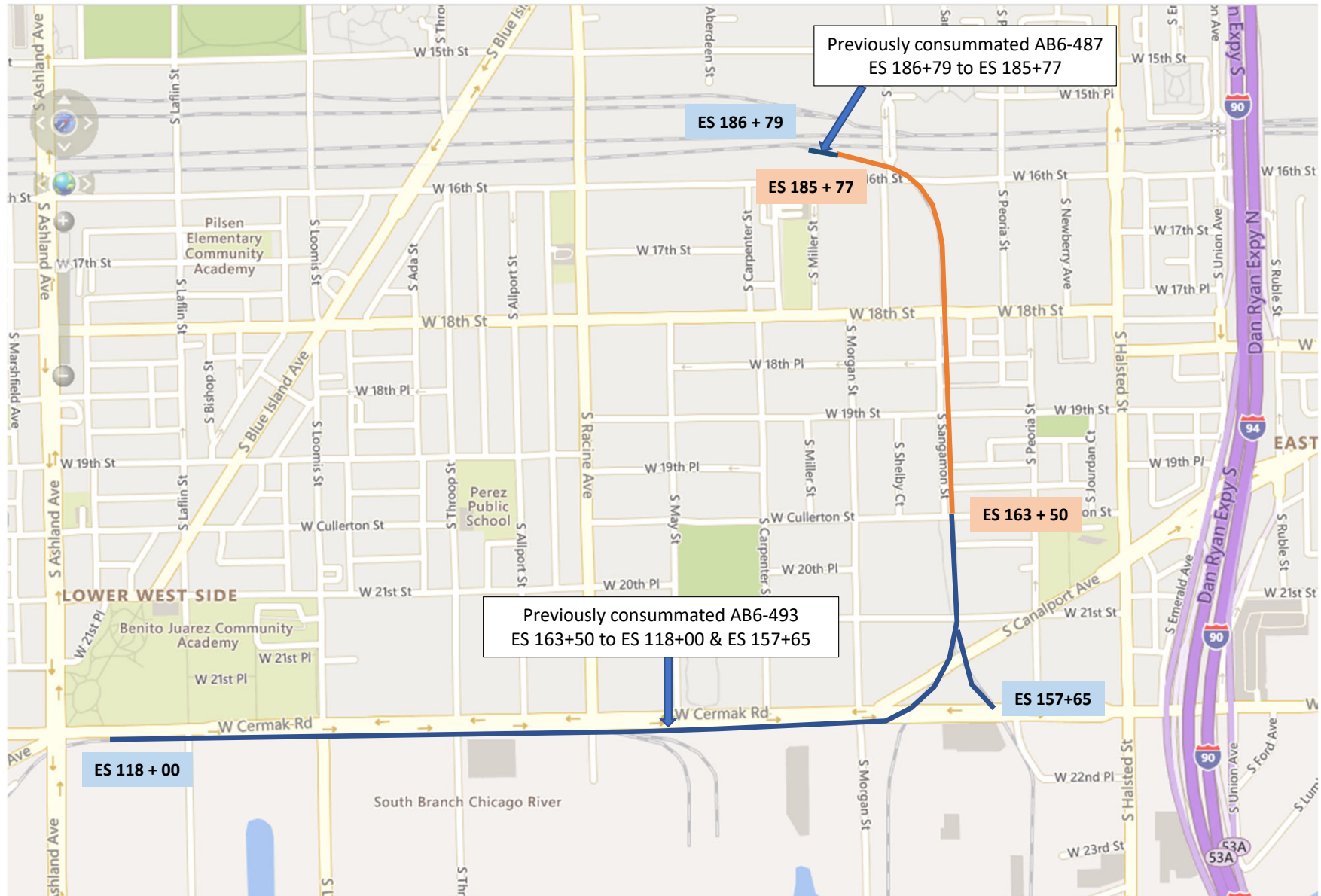


EXHIBIT G

Letters sent to the Bureau of Land Management and the National Park

Service:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

May 18, 2022

Bureau of Land Management
Northeastern States District
626 E. Wisconsin Ave., Suite 200
Milwaukee, WI 53202-4617

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

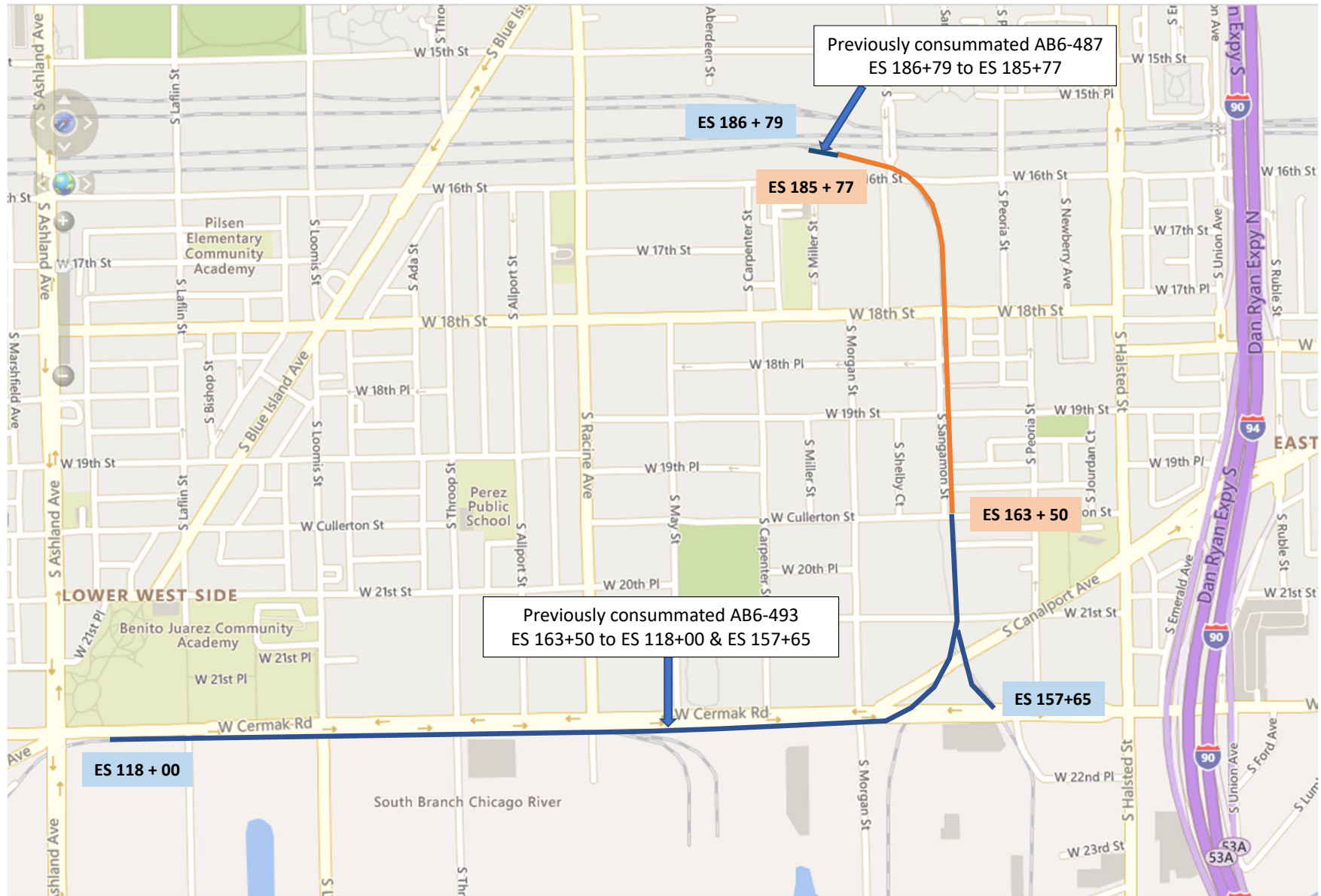
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 18, 2022

National Park Service
Midwest Regional Office
601 Riverfront Dr.
Omaha, NE 68102

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected; and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

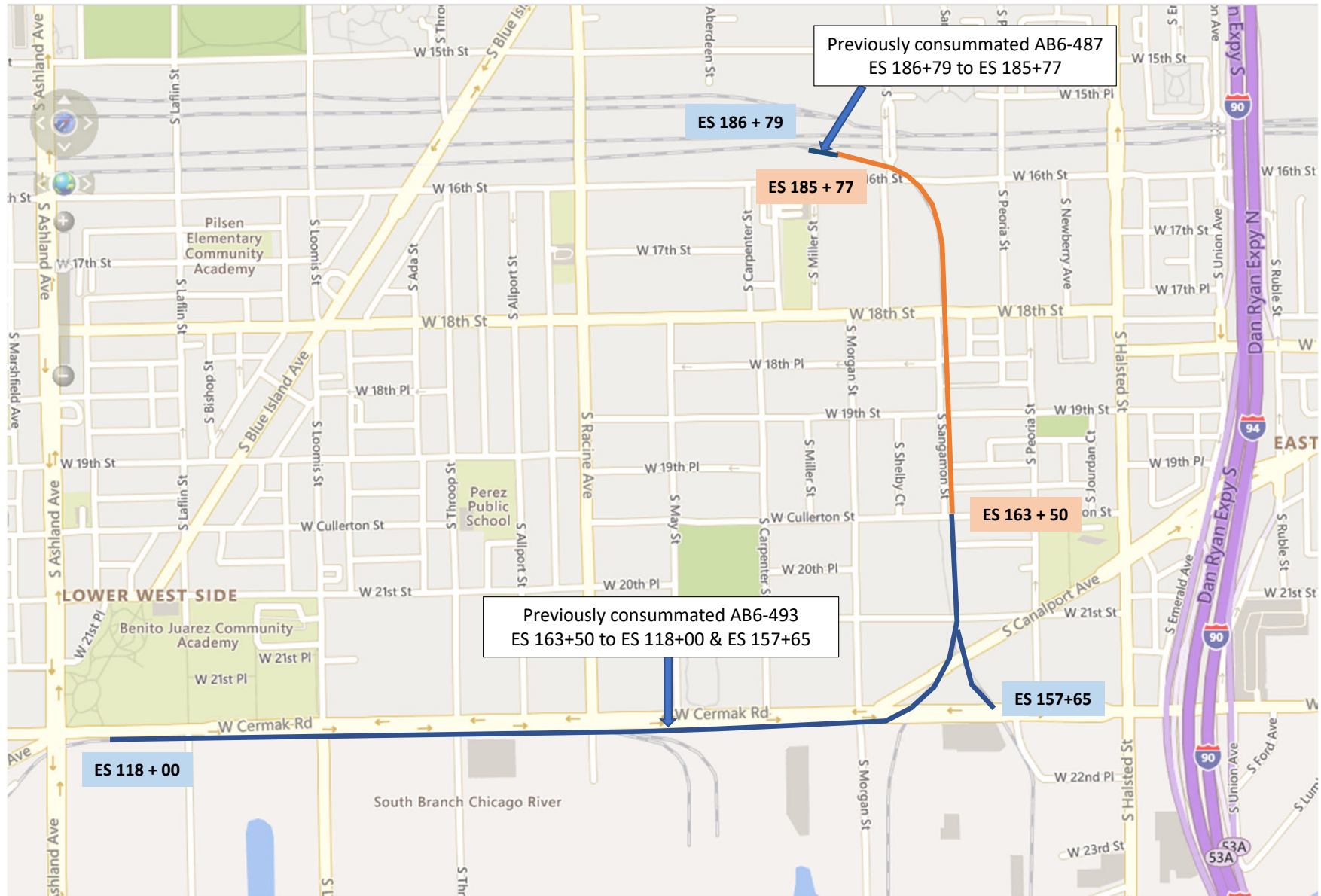


EXHIBIT H

Letter sent to the Illinois Office of Water Resources and the response, and letters sent to the U.S. Environmental Protection Agency and the Illinois Environmental Protection Agency:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 18, 2022

Illinois Department of Natural Resources
Office of Water Resources
160 N. LaSalle St, Suite S-700
Chicago, Illinois 60601

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies; and
- (2) whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

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and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

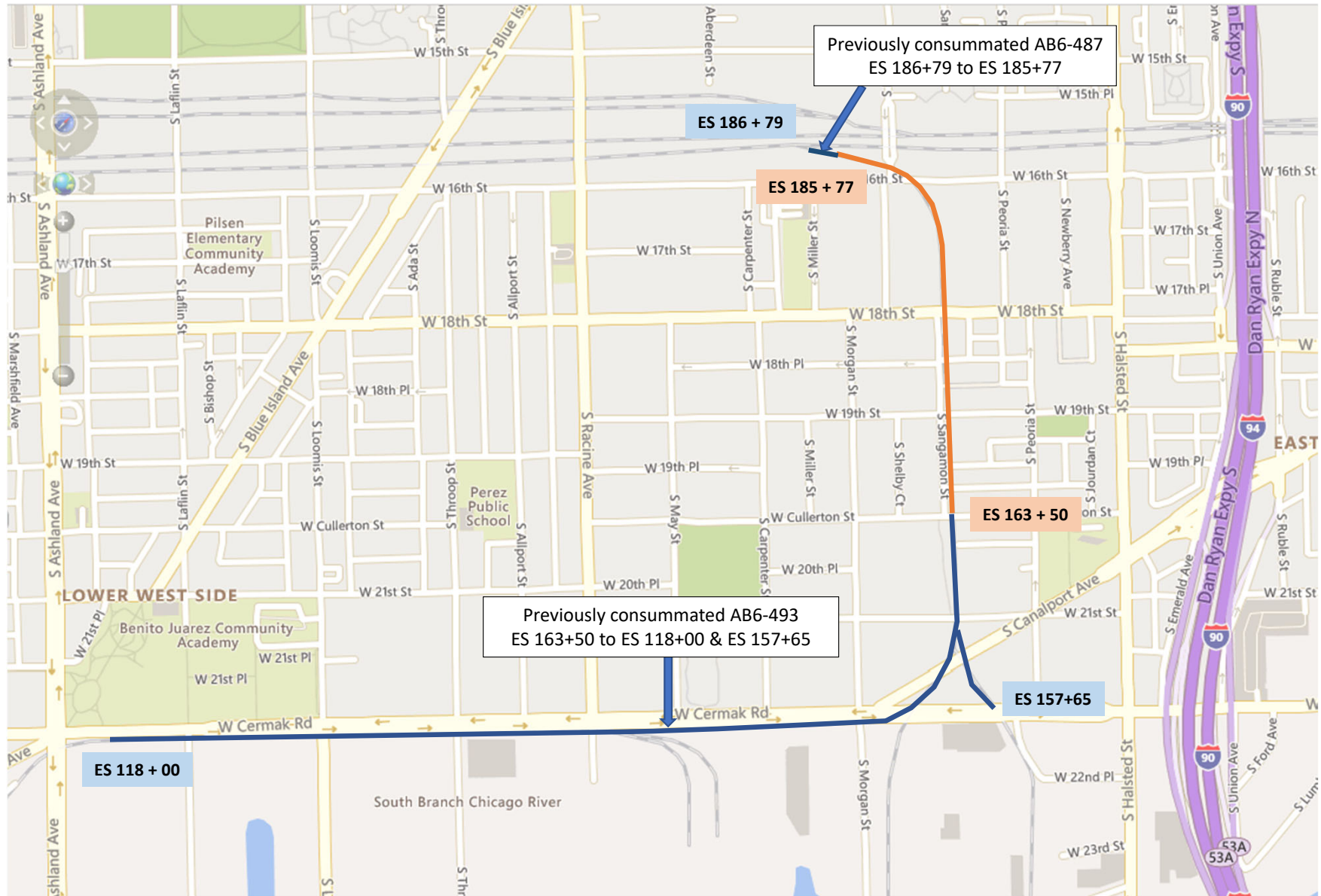
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Mordi, Sally

From: Kessen, James <James.Kessen@illinois.gov>
Sent: Saturday, May 28, 2022 1:02 PM
To: Mordi, Sally
Subject: STB Docket No. AB6 (Sub-No. 500X) BNSF Railway Co.
Attachments: SMordi_Letter_18May2022.pdf

Ms. Mordi,

The Illinois Department of Natural Resources, Office of Water Resources (Department) received the attached letter regarding "STB Docket No. AB6 (Sub-No. 500X) BNSF Railway Company – Abandonment Exemption -in Cook County Ill" dated May 18, 2022. The letter requests direction related to local, state, and federal water quality standards and permit requirements related to the NPDES program and Section 402 of the Clean Water Act. The Department does not have regulatory authority related to the questions posed in your letter. We recommend that you contact the Illinois Environmental Protection Agency (IEPA). The IEPA will be able to provide further guidance as well as recommendations regarding other local, state and federal entities that should be contacted.

Thank you.

James F. Kessen, P.E.
Lake Michigan Management Section
IDNR/OWR
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601
(312) 793-0990
(312) 793-5968 fax
James.Kessen@illinois.gov

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Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoelaw.com

May 18, 2022

US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies; and
- (2) whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping

and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

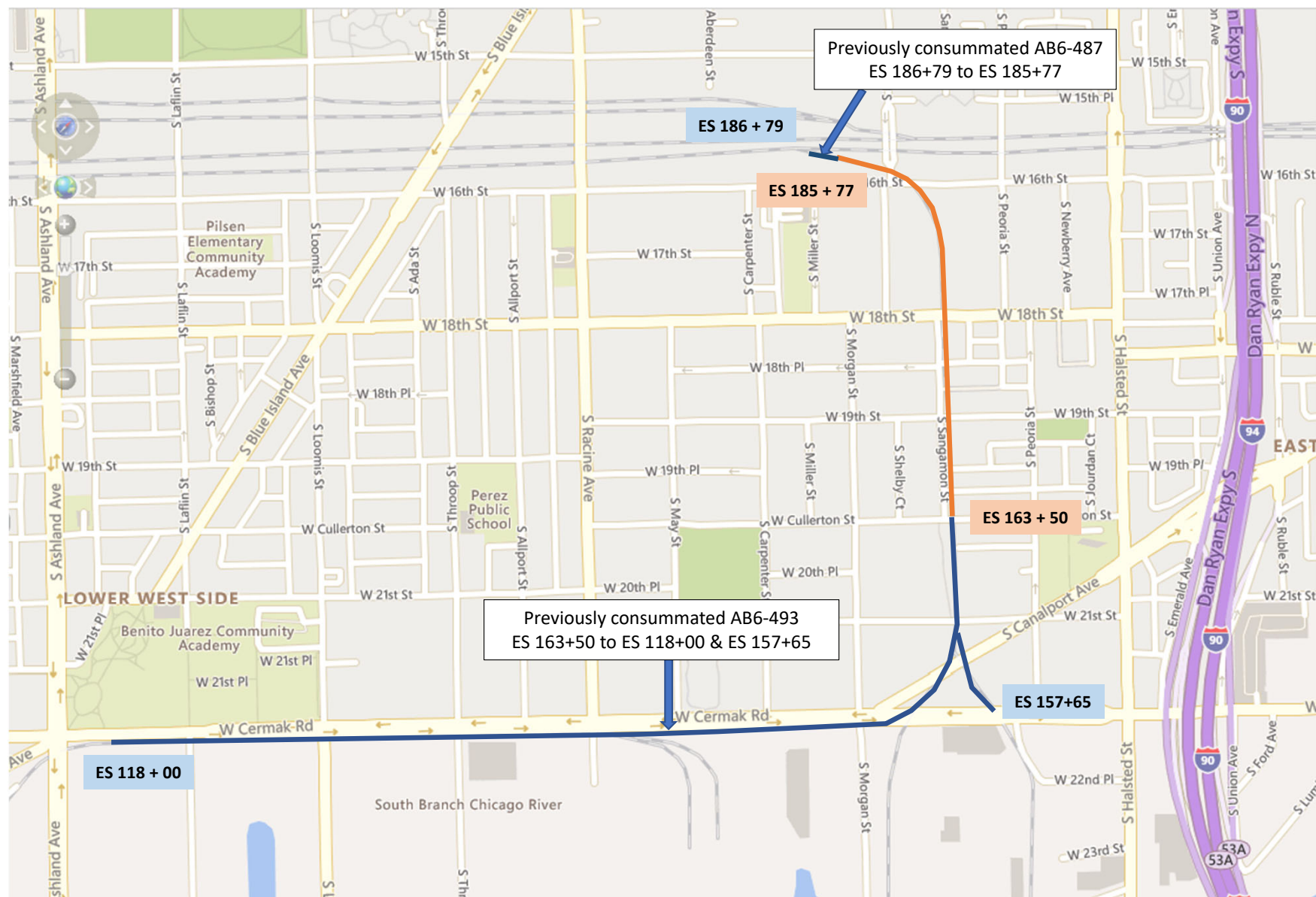
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

June 1, 2022

Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

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- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies; and
- (2) whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

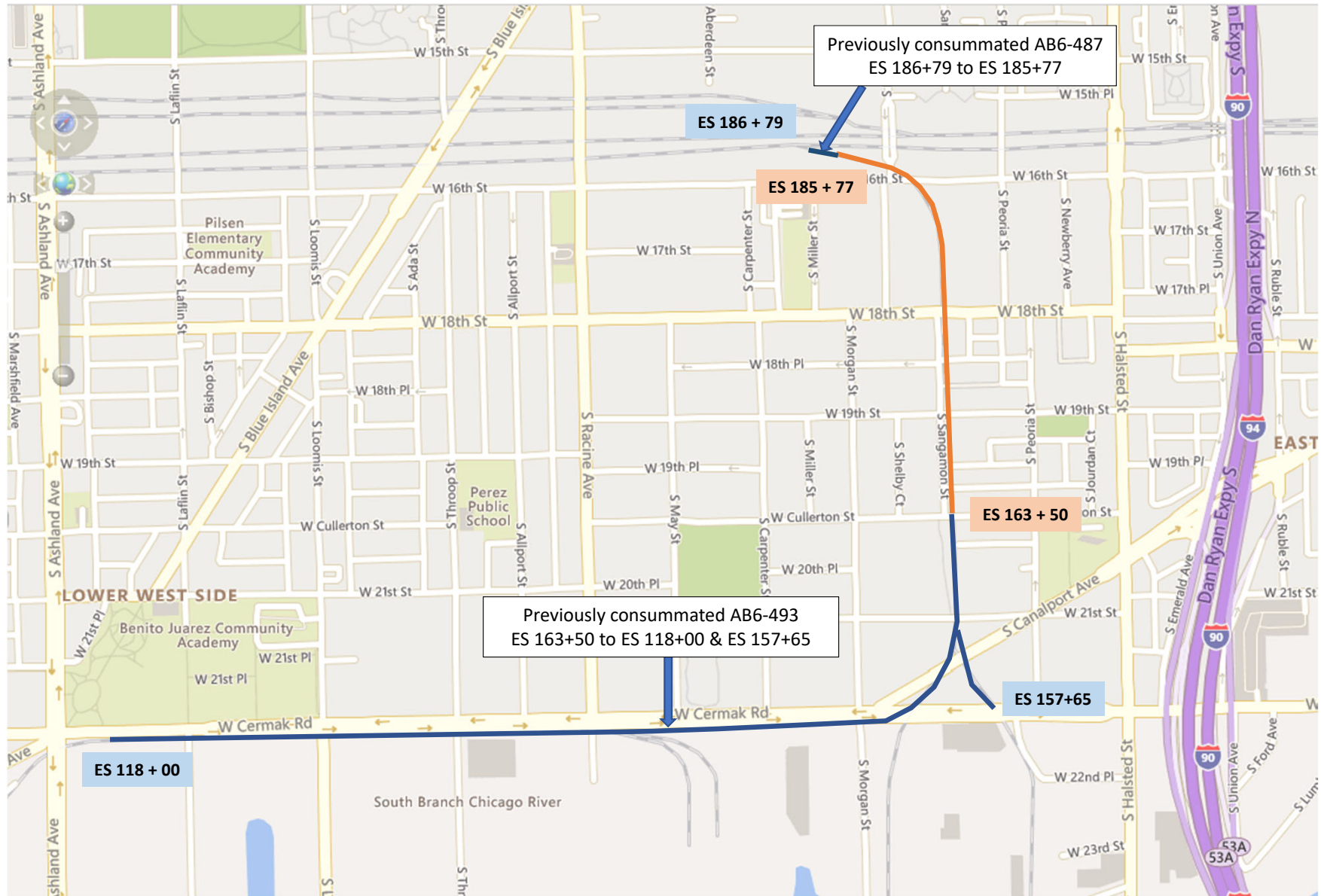


EXHIBIT I

Letter sent to the Chicago District of the U.S. Army Corps of Engineers and
e-mail from the U.S. Army Corps of Engineers:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 18, 2022

U.S. Army Corps of Engineers
Chicago District
231 S. LaSalle St.
Suite 1500
Chicago, IL. 60604

Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected; and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

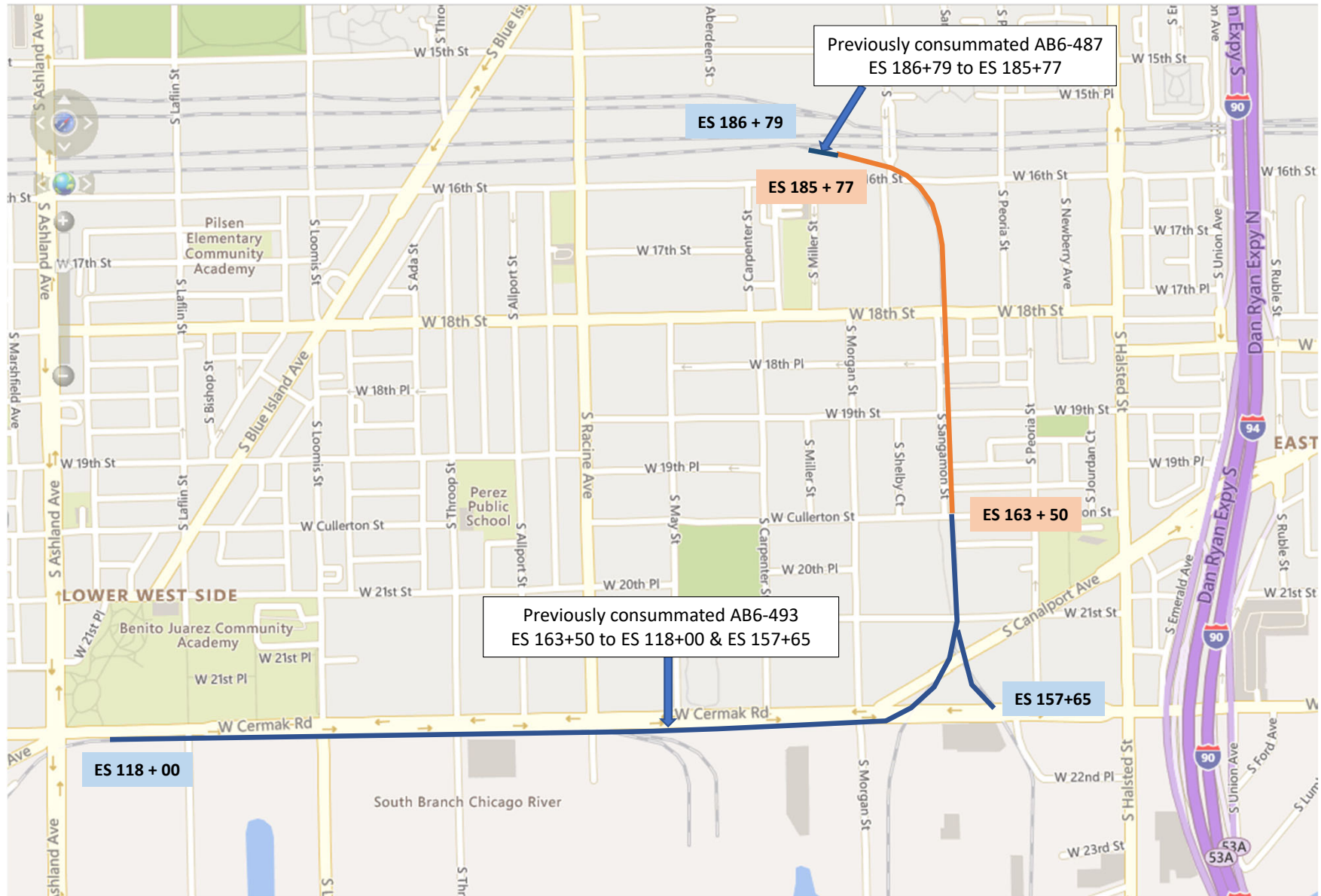
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Mordi, Sally

From: Chicago Requests <ChicagoRequests@usace.army.mil>
Sent: Thursday, June 2, 2022 2:51 PM
To: Mordi, Sally
Cc: Smalley, Colin C CIV USARMY CELRC (USA)
Subject: LRC-2022-356 - Pre-App - Cook - BNSF Sangamon Street Line Abandonment

We have received your request and assigned it to file number LRC-2022-356, please reference this number in all future correspondence with our office. If additional information is requested during the review of your submittal, please email all documents directly to Colin Smalley, who has been assigned as your project manager.

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
231 South LaSalle Street, Suite 1500
Chicago, Illinois 60604

Regulatory Branch
General Line: (312) 846-5530
www.lrc.usace.army.mil/reg

EXHIBIT J

Photographs of the bridge:





EXHIBIT K

Letter sent to the Illinois SHPO, e-mail correspondence with the SHPO, and project information webpage from the SHPO Correspondence Tracking System:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 18, 2022

Carey Mayer
Division Manager & Deputy State Historic Preservation Officer
Illinois State Historic Preservation Office
Old State Capitol Building, 2nd Floor
One Old State Capitol Plaza
Springfield, Illinois 62701

***Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment
Exemption—in Cook County, Ill.***

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket 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, Illinois.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4); and (2) whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF’s salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties and one bridge; however, the railroad right of way, ballast and culverts will remain in place.

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Please provide your comments to me at the address above by June 18, 2022. You may contact me by email or telephone with any questions or concerns.

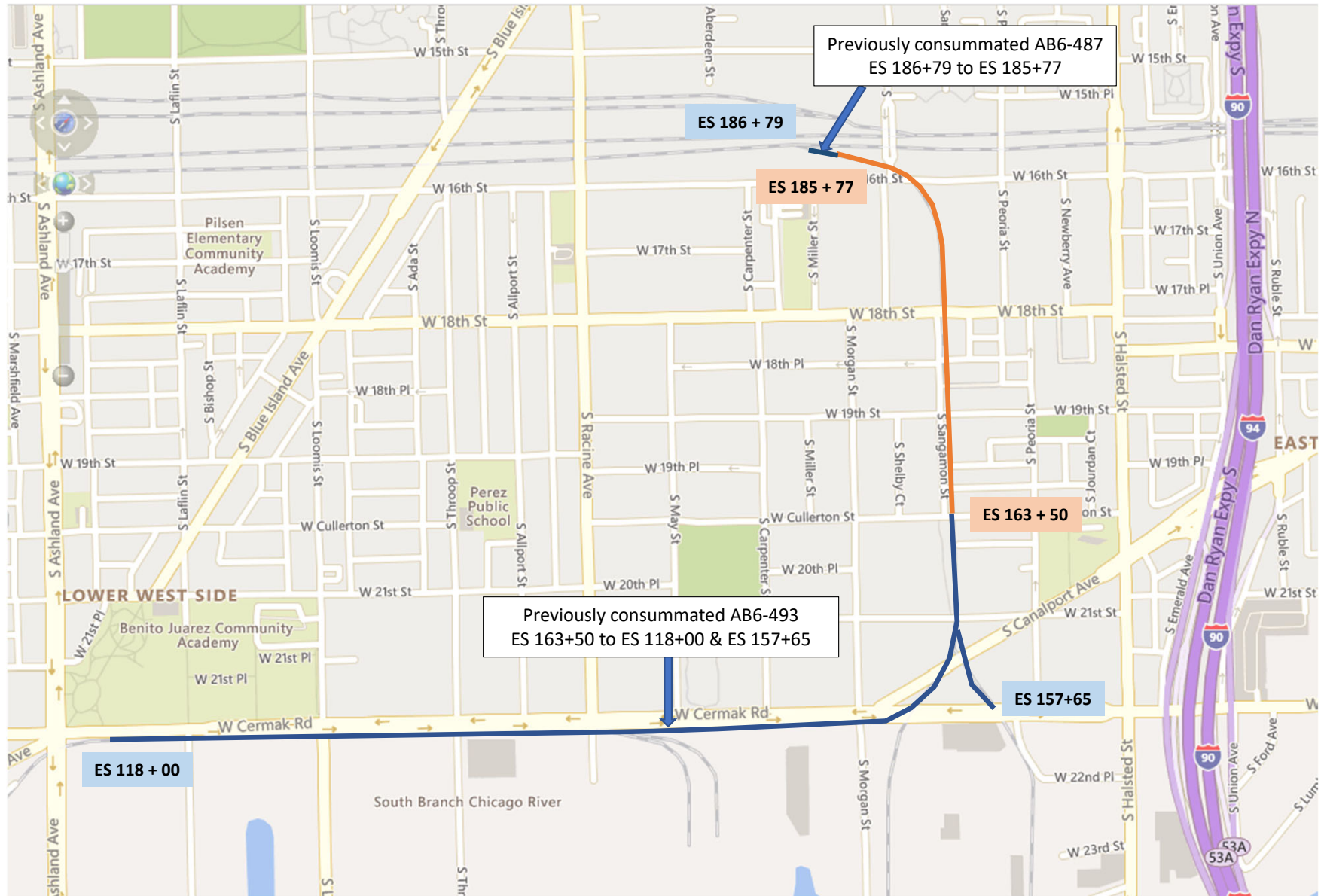
Thank you in advance for your time and contribution.

Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated



Mordi, Sally

From: Mordi, Sally
Sent: Wednesday, June 1, 2022 2:36 PM
To: 'SHPO.Review@illinois.gov'
Cc: Denton, Peter; 'LaDonna.Young@Illinois.gov'
Subject: RE: SHPO submittal for STB Docket No. AB 6 (Sub-NO. 500X), BNSF Railway Company
Attachments: AB_6_500X_BNSF Letter to SHPO.pdf

Good afternoon,

Please find attached a letter submitted on behalf of BNSF Railway Company.

Regards,

Sally Mordi

Associate

smordi@Steptoe.com

+1 202 429 6287 direct | +1 202 429 3902 fax

Steptoe

Steptoe & Johnson LLP

1330 Connecticut Avenue, NW | Washington, DC 20036

www.step toe.com

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From: Young, LaDonna <LaDonna.Young@Illinois.gov>
Sent: Friday, May 27, 2022 5:27 PM
To: Mordi, Sally <smordi@Steptoe.com>
Subject: SHPO submittal for STB Docket No. AB 6 (Sub-NO. 500X), BNSF Railway Company

Sally,

Effective February 1, 2022 our office is only accepting digital submittals. Please resubmit to SHPO.Review@illinois.gov email address.

Here is a link with the information and instructions:

<https://www2.illinois.gov/dnrhistoric/Preserve/Pages/resource-protection-submittal.aspx>.

LaDonna Young

Illinois State Historic Preservation Office

Illinois Department of Natural Resources

1 Old State Capitol Plaza

Springfield, IL 62701

Please contact me through email at: LaDonna.Young@illinois.gov

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communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Mordi, Sally

From: DNR.SHPO.Review <SHPO.Review@Illinois.gov>
Sent: Wednesday, June 1, 2022 2:38 PM
To: Mordi, Sally
Subject: Automatic reply: SHPO submittal for STB Docket No. AB 6 (Sub-NO. 500X), BNSF Railway Company

Thank you for your submittal to the Illinois State Historic Preservation Office (SHPO). The SHPO response for this project will be found at the SHPO Correspondence Tracking System (CTS) at <https://dnr2.illinois.gov/cts/> to read, download, and/or print our comments (allow 30 days for a SHPO response). SHPO comments for all items linked to your password from 2018 to present are located here.

If you do not already have a password to access comments at the link (or if you have forgotten), email SHPO.Review@Illinois.gov and type “**PASSWORD REQUEST**” in the subject line.

To access comments prior to 2018, please email SHPO.Review@Illinois.gov.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

External Link

[Back to list](#) || [Logout \(Default.aspx\)](#)

Project Details

Project Information			
Project ID	015060122	Title	Railroad Abandonment of Sangamon Street Line, BNSF Railway Company
County	CK	General Location	Chicago
Law	Federal	Ownership	Unknown
Received Date	6/1/2022	Completion Date	
Acres	0	Surveyed By	
Structural Sites	1	Archeological Sites	0
Comments	Digital		

List of Properties

HARGIS Ref. Number	Property Type	Address	City	State	Site Number	STR	Determination Of Eligibility
	Structural	Between W. 16th St. (Engineering Station 185+77) and Cullerton St. (Engineering Station 163+50)	Chicago				undetermined
223400	Structural	Pilsen Historic District (listed on the NRHP)	Chicago				undetermined

Project Status History

Status	Remarks	Date
ARCH Review Completed	by Bryjka	6/9/2022
Project being reviewed by architectural staff		6/7/2022
Application Received		6/1/2022

List of IN Correspondence

Correspondence Name	Received Date	Remarks	Archaeology Survey ID
No In Correspondence Found			

List of OUT Correspondence

Correspondence Name	Date	Correspondence
No OUT Correspondence Found		

SHPO - Correspondence Tracking System

EXHIBIT L

Letter sent to the Communications and Outreach Branch, NOAA, N/NGS12,
National Geodetic Survey, SSMC3 #9340:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

May 18, 2022

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

***Re: STB Docket No. AB 6 (Sub-No. 500X); BNSF Railway Company—Abandonment
Exemption—in Cook County, Ill.***

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We are advising you of the proposed abandonment so that you may assist us in determining whether or not any geodetic survey marks may be located in the area described.

For your reference, we have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

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Sincerely,



Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

