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OEA

SERVICE DATE – SEPTEMBER 10, 2018

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1268X
Chicago Terminal Railroad – Abandonment Exemption –
in Chicago, Ill.

BACKGROUND

In this proceeding, Chicago Terminal Railroad (CTM) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Chicago, Illinois. The rail line proposed for abandonment, a portion of the Bloomingdale line, extends less than 0.1 mile between North Elston Avenue and the Union Pacific North Avenue Yard (the line). Maps depicting the line in relationship to the area served are appended to this Environmental Assessment (EA). If the notice becomes effective, CTM will be able to salvage track, ties and other railroad appurtenances.

ENVIRONMENTAL REVIEW

CTM submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CTM served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The line was originally owned and operated by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Road). CMC Heartland Partners (CMC) became the corporate successor of the reorganized Milwaukee Road in 1984 following Milwaukee Road's bankruptcy. Soo Line Railroad Company (Soo) acquired the line from the bankruptcy trustee of Milwaukee Road in 1985. CTM acquired an operating easement over the line from Soo in 2006. Soo continues to own the underlying real estate for the line.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1268X.

The line runs east from the Union Pacific Railroad's North Avenue Yard, crosses the dead end of North Belsy Court, and ends at North Elston Avenue. The length of the line is less than 0.1 mile. The width of the right-of-way is approximately 25 feet. The right-of-way is in an urban area that is currently changing from industrial in character to high-tech/research and development, office, and retail/residential use. Based on information in CTM's possession, the line does not contain any federally granted rights-of-way. The right-of-way may be suitable for trail use. The proposed action would result in abandonment of CTM's operating easement. No further rail service would be offered by CTM.

Diversion of Traffic

According to CTM, no local or overhead traffic has moved over the line for at least two years and there are no prospects for future rail traffic. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The proposed abandonment appears to be consistent with regional and local land use plans. There would be no effect on prime agricultural land due to the urban nature of the area. There is no farmland in the vicinity of the line. CTM is not aware of the existence of hazardous materials waste sites or spills in the immediate area of the line.

The National Geodetic Survey (NGS) has advised OEA that no geodetic station markers have been identified that may be affected by the proposed abandonment.

Rail line abandonments are not listed in the Illinois Department of Natural Resources' Illinois Coastal Management Program Plan (ICMP) as an activity that would affect any land or water use or natural resource of the coastal zone. Therefore, no ICMP Federal Consistency Determination would be required for the proposed abandonment.

CTM believes that the proposed abandonment would be consistent with applicable federal, state, and local water quality standards, and that no permits under Sections 402 or 404 of the Clean Water Act would be required for salvage related activities. The proposed abandonment would not affect any designated wetlands or 100-year flood plains.

No wildlife sanctuaries, refuges, National or State parks, or forests would be adversely affected by the proposed abandonment. Based on information that CTM included in its report, OEA obtained an official list of threatened or endangered species that may be in the project area using the U.S. Fish and Wildlife Service (USFWS) online Information for Planning and Consultation (IPaC) tool.² The Northern long-eared bat (*Myotis septentrionalis*), Piping plover (*Charadrius melodus*), Red knot (*Calidris canutus rufa*), Eastern rattlesnake (*Sistrurus catenatus*), Hines emerald dragonfly (*Somatochlora hineana*), Eastern prairie fringed orchid (*Platanthera leucophaea*), Leafy prairie-clover (*Dalea foliosa*), Mead's milkweed (*Asclepias meadii*), and the Prairie bush-clover (*Lespedeza leptostachya*) were identified as federally threatened or endangered protected species potentially present in the project area. According to the IPaC report, there are no designated critical habitats within the project area. Based on the information provided, OEA has determined that the federally threatened or endangered protected species in the project area would not be adversely affected by salvage activities because of the limited scope of the abandonment's salvage activities and the urban nature of the project area. The proposed abandonment would have no adverse effect on areas designated as a critical habitat. OEA is sending a copy of this EA to the USFWS Chicago Ecological Services Office for review and comment.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

CTM submitted Environmental and Historic Reports as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the reports on the Illinois Historic Preservation Agency (Illinois State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ CTM is unaware of any railroad structures that are 50 years old or older on the

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited August 29, 2018).

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

line. Tracks have been removed from a portion of the right-of-way. CTM does not believe that any structures in the area meet the criteria for listing in the National Register of Historic Places (National Register). CTM does not believe that there are archeological resources or other previously unknown historic properties near the line. CTM has no knowledge of any prior subsurface ground disturbance or environmental conditions that might affect the archaeological recovery of resources.

The SHPO has not yet commented and, therefore, OEA has not been able to consider the SHPO's opinion in determining the impact of the proposed abandonment on historic resources. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's tribal directory assessment tool to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ Eight federally-recognized tribes were identified that may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Those tribes are the Citizen Potawatomi Nation of Oklahoma, Forest County Potawatomi Community of Wisconsin, Hannahville Indian Community of Michigan, Kickapoo Tribe of Oklahoma, Little Traverse Bay Bands of Odawa Indians, Menominee Indian Tribe of Wisconsin, Miami Tribe of Oklahoma, and the Prairie Band Potawatomi Nation. OEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

OEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

Chicago Terminal Railroad (CTM) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CTM shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Illinois Historic Preservation Agency (SHPO) and the public. CTM may not file its consummation notice or initiate any salvage activities related to

⁴ U.S. Department of Housing and Urban Development, <http://egis.hud.gov/tdat> (last visited August 29, 2018).

abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental

comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1268X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at Kenneth.Blodgett@stb.gov.

Date made available to the public: September 10, 2018.

Comment due date: September 25, 2018.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment

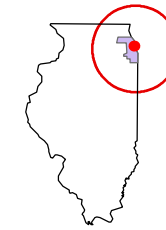


Docket No. AB 1268X
Chicago Terminal Railroad
Abandonment Exemption
Cook County, Illinois
Chicago

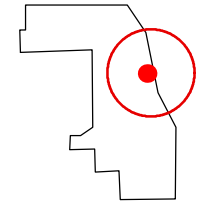
Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the railroad applicant and are for reference purposes only.



Location in State



Location in County

