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OEA

SERVICE DATE – APRIL 20, 2012

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-6 (Sub No. 479X)

**BNSF Railway Company — Abandonment Exemption —
in Page and Fremont Counties, Iowa**

BACKGROUND

On February 21, 2012, BNSF Railway Company (BNSF) filed a verified petition under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 to permit it to abandon approximately 5.95 miles of rail line between milepost 20.05 in Shenandoah, and milepost 26.0 in Farragut, in Page and Fremont Counties, IA. (Line). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

If the abandonment is approved, BNSF states that it intends to convert a section of the Line located between milepost 20.05 and milepost 21.90 to industry track and sell it to Green Plains Shenandoah, LLC (GPS), the only customer on the Line. GPS would then use the industry track to stage trains. BNSF indicates that GPS supports the proposed abandonment.

According to BNSF, there has been no overhead traffic for many years and no local traffic since 2007. BNSF also notes that the City of Farragut, IA, has expressed an interest in railbanking the remainder of the Line located within its city limits.

DESCRIPTION OF THE RAIL LINE

The topography surrounding the Line is generally level, passing through suburban residential areas on the southwestern and northeastern ends of the Line while the area in-between is rural farmland. The width of the right-of-way is approximately 100 feet wide in the rural areas and 200 feet wide in the station grounds and traverses United States Postal Service Zip Codes 51601, 51602, 51603, and 51639.

The Line contains 6 bridges that are 50 years old or older. BNSF states that 5 of bridges are of an open deck timber trestle design while the remaining bridge is of rail stringer design (consisting of a deck bridge with a steel longitudinal beam supporting the deck). Should the Surface Transportation Board (Board) approve this abandonment, BNSF states that it would leave the 6 bridges in place if the Line is railbanked and only salvage the section of the Line between milepost 21.90 and milepost 26.0. As noted above, BNSF intends to sell a portion of the Line from milepost 20.05 to milepost 21.90 to GPS to be used as industry track.

BNSF states that Line does not contain federally granted rights-of-way and opines that the Line does not appear suitable for alternative public use other than as a recreational trail.

The Iowa Natural Heritage Foundation requests that the Board issue a Public Use Condition as well as a Certificate or Notice of Interim Trail Use (NITU) on behalf of the Page and Fremont County Conservation Boards, the City of Farragut and the Southwest Nature Trails, Inc. In response, BNSF states that it does not object to the issuance of a NITU for the section of the Line located between milepost 21.90 and milepost 26.0.

ENVIRONMENTAL REVIEW

BNSF submitted an Environmental Report that concludes that the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's 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.

Diversion of Traffic

As noted above, the Line has been out of service for several years. Consequently, no rail-to-truck diversions would occur. Therefore, OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Furthermore, because no local rail traffic has moved over the Line since 2007, there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

Salvage Activities

If the Board should approve the proposed abandonment, BNSF states that it would salvage the portion of the Line located between milepost 21.90 and milepost 26.0 as follows:

All remaining track structures would be removed from the existing railbed. The contours of the existing railbed along with all existing drainage systems would remain intact. Once the track structures have been removed, the BNSF salvage contractor would smooth the railbed. The ties would be separated into 3 groups as follows: 1) good quality ties that would be reused in rail service, 2) landscape-quality ties that would be re-sold to lumber dealers, and 3) scrap ties. Scrap ties would be loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 6 (Sub No. 479X).

No ballast or culverts would be removed so as not to alter the prevailing waterflows. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and place no fill or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Last, all road crossings would be removed and remediated, then repaved with gravel, asphalt or concrete as required by the governing authority. Any signals would also be dismantled and removed. BNSF notes that the Line contains the following at-grade crossings, all of which would be removed and remediated as indicated above:

- a single closed pedestrian at-grade crossing,
- 8 private at-grade crossings (3 active and 5 closed), and
- 7 public at-grade crossings (1 active and 6 closed).

BNSF explains that its salvage work is always performed by experienced rail material salvagers. Each salvage contract includes detailed information regarding any environment or historical conditions imposed by the Board. Completed work is independently inspected by a BNSF roadmaster or employee of equal rank to ensure compliance with BNSF standards of quality and all contractual obligations, including Board-imposed conditions, if applicable.

The City of Farragut states that if the Line is converted into trails use there would be no inconsistencies with its land use plans. The Page County Engineer has no comment.

BNSF does not believe that the proposed abandonment would impact any prime agricultural land. The Line is not located within a designated coastal zone.

The Army Corps of Engineers, Rock Island District (Corps), states that the abandonment, as proposed, would not require a Department of Army Section 404 permit. This decision is based on the information submitted by BNSF stating that no discharge of dredged or fill material would occur in waters of the United States, including wetlands. Additionally, the Corps notes that no water flows in the area would be disrupted and that all culverts, ballast, and the right-of-way would remain intact.

BNSF states that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

According to BNSF, it does not believe that the proposed abandonment would adversely affect endangered or threatened species or areas designated as critical habitat. The Line would not affect any wildlife sanctuaries or refuges, or any National or State parks or forests.

In an email dated March 14, 2012, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that there are approximately 3 geodetic survey markers located in the area of the proposed abandonment. Therefore, OEA will recommend that BNSF consult with the

NGS prior to the commencement of any salvage activities to allow for relocation of any affected survey markers.

Based on all information available to date, and if the Board imposes the recommended mitigation, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, BNSF states that the right-of-way varies from between 100 and 200 feet wide and includes 6 bridges that are 50 years old or older.

Iowa railroads date back to the late 1840s. By the 1860s, Iowa had roughly 655 miles of track in operation. That number grew to 2,683 miles of track 1870. The miles of track continued to grow until 1915, when the numbers of rail miles peaked at 10,500. The first railroad to cross the Mississippi was the Mississippi & Missouri in 1956.

The Chicago, Burlington and Quincy Railroad Company (which later became the BNSF Railway Co.) completed its rail line across Iowa in 1878.

The company now known as the BNSF Railway Co. began operating in Iowa on Sept. 22, 1995, following the merger of the Burlington Northern and Atchison, Topeka, and Santa Fe railroads. BNSF is owned by its holding company Burlington Northern Santa Fe Corporation which is headquartered in Fort Worth, Texas.²

BNSF served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Iowa Department of Cultural Affairs, State Historical Society (SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ The SHPO, in a letter dated January 23, 2012, states that the proposed abandonment, including the 6 bridges, does not meet any of the eligibility criteria for listing on the National Register of Historic Places (NRHP). The SHPO also states that it has no comments whether the proposed abandonment would adversely impact archaeological properties that may be eligible for listing in the NRHP.

To determine whether the proposed abandonment would adversely impact any archaeological properties, BNSF contacted the University of Iowa, Office of the State Archaeologist (OSA). In a letter dated February 8, 2012, the OSA states that no archaeological

² Historical information courtesy of Iowa Department of Transportation's Web site at <http://www.iowadot.gov/iowarail/history/history.htm>.

³ Guidance regarding the Board's historic preservation review process is available on the Board's Web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

sites exist within or near the proposed project area. However, 3 sites are known to exist within one mile of the right-of-way.

Based on available information, both the SHPO and the OSA have submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) and that no archaeological resources would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's Web site at www.stb.dot.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ The database indicated that the following 8 tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment:

1. Iowa Tribe of Kansas and Nebraska
2. Iowa Tribe of Oklahoma
3. Omaha Tribe of Nebraska
4. Otoe-Missouria Tribe of Indians, Oklahoma
5. Sac and Fox Nation of Missouri in Kansas and Nebraska
6. Sac and Fox Nation, Oklahoma
7. Sac and Fox Tribe of the Mississippi in Iowa
8. Santee Sioux Nation, Nebraska

Accordingly, OEA is sending a copy of this EA to the above-listed 8 tribes for review and comment.

CONDITIONS

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

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited April 16, 2012).

BNSF Railway Company shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

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

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

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 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 Troy Brady, who prepared this Environmental Assessment. Environmental

comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 6 (Sub No. 479X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: April 20, 2012.

Comment due date: May 20, 2012.

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

Attachment