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OEA

SERVICE DATE—SEPTEMBER 27, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 341X)

**NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
POLK COUNTY, IOWA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon a total of .60 miles of non-contiguous rail line between mileposts SD 336.8 and SD 337.1 (East Segment), and between mileposts SD 339.3 and SD 339.6 (West Segment) in Polk County, Iowa (collectively, the Line). A map depicting the Line in relationship to the area served is appended to this EA. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to NSR, the East and West Segments are separated by an approximately 2.2-mile interconnecting line segment extending between milepost SD 337.1 and SD 339.3. NSR states that it will retain this segment, which connects with other NSR-operated rail lines and continues to be of strategic value to NSR. The right-of-way width for the Line is primarily 50 feet along the main track centerline, and the line passes through urban areas. The proposed abandonment is being undertaken at the request of the City of Des Moines to facilitate urban improvement projects, including the City's Southeast Connector roadway project.

ENVIRONMENTAL REVIEW

NSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR 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

¹ The railroad's 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-290 (Sub-No. 341X).

Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to NSR, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. 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 Natural Resources Conservation Service commented that the proposed abandonment would have no impact on any prime, statewide or local important farmland.

The United States Fish and Wildlife Service submitted comments stating that it has no objection to the proposed abandonment.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that the proposed abandonment does not require a Department of Army Section 404 permit. The Corps also advised that this determination is valid for five years from the date of its comment letter.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, no further consultation with NGS is necessary.

The Iowa Department of Natural Resources (IDNR) submitted comments listing a number of issue areas that may be of concern during salvage operations. Specifically, IDNR noted that various contaminated sites are present in the project area and that permits and/or additional reviews may be required regarding air pollutants, open burning, fugitive dust and opacity (visible emissions). OEA is therefore recommending a condition that requires NSR to consult with IDNR to determine what, if any, permits are needed prior to salvage, and to comply with their reasonable requirements if applicable.

The Iowa Department of Natural Resources, Conservation and Recreation Division (IDNR CRD) submitted comments stating that no site-specific records of rare species or

significant natural communities would be impacted by the proposed abandonment. IDNR CRD also indicated that a Sovereign Lands Construction Permit pursuant to Chapter 461A of the Iowa Code would be required if construction extends below the ordinary high water line of the Des Moines River. Accordingly, OEA is recommending a condition that requires NSR to consult with IDNR CRD prior to salvage to determine if a Sovereign Lands Construction Permit would be required and if applicable, to comply with its reasonable requirements.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to IDNR and IDNR CRD for review and comment.

HISTORIC REVIEW

NSR served the historic report on the Iowa State Historic Preservation Officers (SHPO), pursuant to 49 C.F.R. § 1105.8(c). SHPO submitted comments stating that the far west end of the West Segment is located within the Civic Center Historic District which is listed on the National Register of Historic Places. However, SHPO also indicated that it understands that no ground disturbing activities are proposed beyond the area that has already been previously affected by the construction and maintenance of the Line and that it would be able to concur that the proposed abandonment would not adversely affect the Civic Center Historic District as long as modifications to the present line corridor are contained within the area that has been previously disturbed. SHPO encouraged NSR to contact the Office of the State Archaeologist at the University of Iowa to get an archeological site background check conducted for the entire Line. OEA has reviewed the available information and concurs with the SHPO's comments.

Accordingly, 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 website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://grants.cr.nps.gov/nacd/index.cfm> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Flandreau Santee Sioux Tribe of South Dakota, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Lower Sioux Indian Community in the State of Minnesota, Prairie Island Indian Community in the State of Minnesota, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sac and Fox Nation, Oklahoma, Sac and Fox Tribe of the Mississippi in Iowa, Santee Sioux Nation, Nebraska

and Upper Sioux Community, Minnesota. Accordingly, OEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

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

1. Norfolk Southern Railway Company shall consult with the Iowa Department of Natural Resources to determine what, if any, permits are needed prior to salvage, and to comply with their reasonable requirements if applicable.
2. Norfolk Southern Railway Company shall consult with the Iowa Department of Natural Resources, Conservation and Recreation Division prior to salvage to determine if a Sovereign Lands Construction Permit would be required and if applicable, to comply with its reasonable requirements.

CONCLUSIONS

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

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

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 341X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: September 27, 2013.

Comment due date: October 11, 2013.

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

Attachment