

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB 414 (Sub-No. 8X)**

**Iowa Interstate Railroad, Ltd. –  
Abandonment Exemption –  
In Polk, Jasper and Marion Counties, Iowa**

**BACKGROUND**

In this proceeding, the Iowa Interstate Railroad, Ltd. (IAIS) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 10.75 miles of rail line in Polk and Jasper Counties, Iowa, between milepost 145.75 south of Mitchellville, Iowa, to the current end of track at milepost 135.0 southeast of Prairie City, Iowa (the Prairie City Segment). In the same petition, IAIS also seeks to abandon two connecting segments of rail line that were approved for abandonment and salvaged, but for which the railroad did not file the required notices of consummation. These segments extend from milepost 135.0 near Prairie City to milepost 123.50 near Otley, Iowa (the Otley segment), a distance of approximately 11.5 miles in Marion and Jasper Counties, Iowa, and from milepost 123.5 near Otley to milepost 114.80 in Pella, Iowa (the Pella segment), a distance of approximately 8.7 miles in Marion County, Iowa.<sup>1</sup> IAIS also requests that the Pella and Otley segments be exempted from the offer of financial assistance provisions of 49 U.S.C. § 10904 and the public use procedures of 49 U.S.C. § 10905.

IAIS states that it salvaged the Pella segment between 1999 and 2000 and has since disposed of much of the right-of-way, and that a portion of the Pella segment between milepost 117.68 and milepost 114.80 was subject to a sale agreement. With regard to the Otley segment, IAIS states that a Notice of Interim Trail Use or Abandonment was issued and IAIS transferred approximately 5.6 miles of the right-of-way, between milepost 135.0 and milepost 129.4 to Jasper County pursuant to the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d). IAIS states that the remainder of the Otley segment was disposed of piecemeal outside of the Trails Act, and salvage of the track and track materials from the Otley segment was completed in 2002. IAIS states that no rail shipments have been handled on the Prairie City segment since January 2008 and the last rail movements on the now-salvaged Otley and Pella segments

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<sup>1</sup> See Iowa Interstate R.R. Ltd.—Aban. Exemption—in Marion and Jasper Counties, Iowa, AB-414 (Sub-No. 3X) (STB served October 20, 2000) and Iowa Interstate R.R. Ltd.—Aban. Exemption—in Marion County, Iowa, AB-414 (Sub-No. 2X) (STB served August 11, 1998), respectively. However, as stated by IAIS, the abandonments were never consummated.

occurred nearly fifteen years ago. The Prairie City segment was embargoed from January 2009 to April 2012 due to poor track conditions resulting from inclement weather.

IAIS argues that the Board's environmental review of the proposed abandonment should focus on the Prairie City segment only because the Otley and Pella segments have been salvaged. OEA agrees with IAIS based on the following: IAIS does not propose to undertake any further activity on the Otley and Pella line segments; the line segments had prior comprehensive environmental reviews; IAIS believes the consultation conditions imposed on the Pella segment were satisfied; no environmental conditions were imposed on the Otley segment; much of the right-of-way on these two segments has been transferred to a third-party; and no further activity on these two segments would occur as a result of the proposed abandonment.<sup>2</sup> OEA has therefore limited the scope of its environmental review to the abandonment and salvage of the Prairie City segment.<sup>3</sup>

A majority of the rail line proposed for abandonment travels through rural, generally flat, and largely agricultural areas. A small portion passes through the middle of the small town of Prairie City and then parallels State Highway 163 a short distance further to its terminus at milepost 135.0. The rail line right-of-way is generally 100-feet in width and traverses United States Postal Zip Codes 50169, 50228, 50170, 50214, and 50219. IAIS indicates that to the best of its knowledge, the rail line does not contain any federally granted right-of-way. If the petition becomes effective, IAIS would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

## **ENVIRONMENTAL REVIEW**

IAIS 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. IAIS served the environmental report on a number of appropriate federal, state, and local agencies as required

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<sup>2</sup> The Board imposed three environmental consultation conditions in AB-414 (Sub-No. 2X) on the Pella segment and no environmental conditions in AB-414 (Sub-No. 3X) on the Otley segment. The conditions required IAIS to: (1) notify the National Geodetic Survey in advance of salvage in order to relocate approximately five geodetic station markers; (2) consult with the U.S. Fish and Wildlife Service and the Iowa Department of Natural Resources prior to salvage to determine the need for any permits; and (3) consult with the State Historical Society of Iowa if any archaeological, historical, or architectural discoveries were made during salvage. IAIS believes that these conditions were satisfied during salvage of the Pella segment.

<sup>3</sup> For environmental reviews of rail line abandonments, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency. This includes the diversion of traffic to other rail lines or transportation modes and the consequences of removing the track and related structures. Iowa Southern R. Co. – Exemption – Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8<sup>th</sup> Cir. 1990).

by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>4</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

As previously stated, IAIS has indicated that no local traffic has moved over the line for at least two years and no overhead traffic would 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 construction of new access points to the right-of-way. The rail line proposed for abandonment contains one bridge, a 20-foot long single span timber bridge at milepost 137.1. If abandonment authority is granted, IAIS intends to salvage the rail, ties, and track materials, but would leave the one bridge and underlying roadbed intact.

The Iowa Department of Natural Resources (IDNR) submitted two comment letters. IDNR's Conservation and Recreation Division (CRD) commented that it conducted a search of its database for any rare species or significant natural communities that may be present within the area of the proposed abandonment and found no site specific records for such resources, but indicated that it would need to be notified if any such resources are encountered during the salvage process to determine further actions. CRD also notes that approvals from other IDNR offices, such as the Environmental Services Division, may be required prior to salvage operations. In a second agency-wide comment letter, IDNR recommends that best management practices be used during salvage operations, and that the U.S. Army Corps of Engineers (Corps) should be contacted for any potential impacts to waters of the United States and wetlands. To address these concerns, OEA is recommending a condition that would require IAIS to consult with IDNR prior to conducting salvage operations to determine what, if any, approvals/permits are needed prior to initiating the salvage process, and to comply with the reasonable requirements of any required approvals/permits. The Corps has been contacted and its comments are set forth below.

The U.S. Fish and Wildlife Service (USFWS), Rock Island Field Office, commented that it has no objection to the proposed abandonment. OEA has therefore determined that no further consultation with USFWS is necessary.

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<sup>4</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 414 (Sub-No. 8X).

The National Park Service (NPS) commented that the Prairie City government and surrounding communities are interested in using the rail line right-of-way as a recreational trail and alternative transportation system. NPS believes this area would also function as a wildlife corridor and has requested additional information on the project as it becomes available. OEA has therefore included NPS in the service list for this proceeding so that it may receive the EA and comment as necessary.

The U.S. Army Corps of Engineers' (Corps), Rock Island District commented that the proposed abandonment does not require a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) because project activities would not involve the discharge of fill material into waters of the United States. OEA has therefore determined that no further consultation with the Corps is necessary.

The National Geodetic Survey (NGS) commented that approximately six geodetic station markers may be affected by the proposed abandonment. OEA is therefore recommending a condition that would require IAIS to notify NGS at least 90 days before beginning salvage operations that would disturb or destroy these geodetic station markers

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 also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. In addition to the above referenced agencies, OEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency, Region 7; the Natural Resources Conservation Service; the Iowa Department of Transportation; the Iowa Department of Management; the Polk County Administrator; the Polk County Planning and Development Manager; the Jasper County Board of Supervisors; and the Jasper County Administrator for the Planning and Zoning Department.

## **HISTORIC REVIEW**

IAIS submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the State Historical Society of Iowa (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The report indicates that the line proposed for abandonment contains a 20-foot long single span timber bridge that is 50 years old or older. IAIS has no plans to remove or otherwise alter the bridge, should the proposed abandonment be authorized, and does not believe the bridge would be eligible for listing in the National Register of Historic Places (National Register). However, in a March 13, 2014 email, the SHPO commented that it would need more information on the bridge and line segments, as well as the required archaeological site background check before it can continue its review.

Due to the potential presence of historic resources that may be impacted during salvage of the Prairie City segment, OEA is recommending a condition that requires IAIS 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 right-of-way of the Prairie City segment (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.dot.gov/stb/environment/preservation.html>. Specifically, OEA will work with the SHPO to ensure that an opinion on the potential eligibility and an effect determination is made of all historic resources on the line in the APE of the proposed abandonment.

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.<sup>5</sup> The database indicates that there are ten federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Flandreau Santee Sioux Tribe of South Dakota; the Iowa Tribe of Kansas and Nebraska; the Iowa Tribe of Oklahoma; the Lower Sioux Indian Community in the State of Minnesota; the Prairie Island Indian Community in the State of Minnesota; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Santee Sioux Nation, Nebraska; and the Upper Sioux Community, Minnesota. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

## **CONDITIONS**

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

1. The Iowa Interstate Railroad, Ltd. (IAIS) shall consult with the Iowa Department of Natural Resources (IDNR) prior to initiating salvage operations to determine what, if any, approvals or permits may be needed to: protect any rare species or significant natural communities and streams and other flowing waterbodies, and provide best management practices. If approvals or permits are needed, IAIS shall comply with the reasonable requirements of IDNR.
2. IAIS shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
3. IAIS shall retain its interest in and take no steps to alter the historic integrity of all historic properties on the Prairie City segment including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16

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<sup>5</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited June 9, 2014).

U.S.C. 470f, has been completed. IAIS shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office and the public. IAIS may not file its consummation notice or initiate any salvage activities related to abandonment of the Prairie City segment (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 mitigation is 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 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 (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 Assistance, Governmental Affairs, and Compliance, 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 414 (Sub-No. 8X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: July 1, 2014.

**Comment due date: July 31, 2014.**

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

Attachment