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OEA

SERVICE DATE – FEBRUARY 25, 2011

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 297X)

**Union Pacific Railroad Company – Abandonment Exemption –
In Lafayette County, Mo.**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon a line of rail located in Lafayette County, Mo. The Lexington Industrial Lead (the line) extends from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a distance of 2.91 miles. UP certifies that no rail cars have used the line for at least 2 years and there is no overhead traffic to be rerouted. Following abandonment of the rail line, UP indicates that the Lexington area would continue to receive freight service from UP's River Subdivision. In addition, UP states that the area is well served by other modes of transportation including U.S. 24, Missouri Highway 13, Interstate 70, and barge service on the Missouri River.

According to UP, the rail line proposed for abandonment was constructed in 1873 by the Wyandotte, Kansas City and Northwestern Railroad. The rail line was originally constructed as a narrow gauge line, but was widened to standard gauge in 1883. It currently contains 75-pound jointed rail from 1911. UP indicates that a majority of the right-of-way proposed for abandonment is reversionary and believes that none of the rail line contains federally granted right-of-way. UP does not believe the rail line right-of-way would be suitable for use as a transportation or utility corridor because the area is already adequately served. Rather, UP believes that the real property portion of the right-of-way¹ would be suitable for conservation use. The rail line travels through industrial and residential areas along the south side of Lexington and traverses Zip Code 64067. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

UP 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. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by

¹ This would not include any reversionary property.

the Surface Transportation Board's (Board) environmental rules (49 C.F.R. § 1105.7(b)).² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, UP states that no local traffic has moved over the line for at least 2 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 the construction of new access points to the right-of-way. UP has not provided a copy of its salvage procedure, therefore OEA is not certain if there would be any ground disturbance associated with salvage activities. However, OEA has included the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers in the service list for this proceeding so that they may comment on this EA.

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. The proposed abandonment should not affect public safety because there has been no traffic on the rail line for at least 2 years.

The City of Lexington filed a public use request and an interim trails use with the Board. The City believes that the rail right-of-way would be suitable for use as a greenway to serve both wildlife and recreation. The City states that a trail would not only link a historic civil war battle site, but would also support grain operations and a future industrial park in the area. The City strongly supports the proposed abandonment because its use as a greenway corridor is consistent with its vision for the area.

The Missouri Department of Transportation (MoDOT) commented that the railroad track within the area of the proposed abandonment is outdated and in need of replacement. MoDOT believes that the railroad is not likely to update its track anytime soon and therefore supports the proposed abandonment, particularly the City of Lexington's public use and trails use requests.

² 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 33 (Sub-No. 297X).

To ensure safety, MoDOT indicates that UP should be required to remove all rail appurtenances (warning devices, lights, paved road surfaces associated with grade crossings, and the bell system at crossing number 442627G) within the area of the proposed abandonment, particularly in the areas associated with at-grade crossings. MoDOT believes that motorists would easily be confused if these devices are only partially removed, and that such a removal would put the public at certain risk. Accordingly, OEA will recommend a condition that requires UP to consult with MoDOT regarding salvaging and abandonment procedures prior to commencement of any salvage activities.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that there is 1 geodetic marker in the area of the proposed abandonment. Therefore, OEA is recommending a condition that requires WKRL to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy this geodetic station marker.

The State of Missouri, Office of Administration commented that it reviewed the proposed abandonment in cooperation with other state and local agencies, and does not have any comments. OEA has therefore determined that no further consultation with this agency is necessary.

The Missouri Natural Resources Conservation Service (NRCS) commented that the proposed rail line abandonment would have no significant impact on any prime agricultural land. OEA has therefore determined that no further consultation with this agency is necessary.

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 the following agencies for review and comment: U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; the National Geodetic Survey; National Park Service; Missouri Department of Natural Resources; Missouri Department of Transportation; and the City of Lexington.

HISTORIC REVIEW

UP served the historic report on the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 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.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project.³ The database indicated that there were no Federally recognized tribes with interests in the area. Therefore, OEA has determined that no further consultation is necessary.

CONDITIONS

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

1. The Union Pacific Railroad Company (UP) railroad shall consult with the Missouri Department of Transportation regarding salvaging and abandonment procedures prior to commencement of any salvage activities.
2. UP shall consult with the U.S. Department of Commerce, 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.

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.

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited January 25, 2011).

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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 297X) 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.

Date made available to the public: February 25, 2011.

Comment due date: March 14, 2011.

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

Attachment