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OEA

SERVICE DATE – NOVEMBER 18, 2011

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

**STB Docket No. AB 33 (Sub-No. 277X), Union Pacific Railroad Company –
Abandonment Exemption – In Lafourche Parish, LA**

And

**STB Docket No. AB 318 (Sub-No. 7X), Louisiana & Delta Railroad, Inc. –
Discontinuance Exemption – In Lafourche Parish, LA**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) and the Louisiana & Delta Railroad Company (LDRR) (collectively, applicants) jointly filed for a verified notice of exemption under 49 C.F.R. 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon and LDRR to discontinue service of a 12.5-mile line of railroad known as the Lockport Branch (“the Line”) in Lafourche Parish, Louisiana. The Line extends between milepost 1.7, near Raceland, and milepost 14.2, near Jay. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notices become effective, UP would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The applicants 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. The applicants 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.

Diversion of Traffic

The Line is located in a mixed residential, industrial, commercial and agricultural setting. The topography is flat. The Line right-of-way is generally 50 feet wide and includes two bridges more than 50 years old.

¹ 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 318 (Sub-No. 7X) and AB 33 (Sub-No. 277X).

The applicants state that no local traffic has moved over the Line for at least 2 years and there is no overhead traffic that would need 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 cause 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 applicants state that UP intends to salvage rail, ties and track material but does not plan on disturbing the rail bed or sub grade during salvage. The applicants do not think that the Line is suitable for other public purposes, including use as a recreational trail.

The Louisiana Office of Coastal Management has indicated that the proposed abandonment would have no effect on coastal zone resources within its jurisdiction and that federal consistency review is therefore not needed.

The U.S. Fish and Wildlife Service (FWS) has stated that the proposed action would not affect threatened or endangered species under its jurisdiction.

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.

To date, no comments have been received from the U.S. Army Corps of Engineers, the National Geodetic Survey, the National Resource Conservation Service, or the U.S. Environmental Protection Agency.

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

HISTORIC REVIEW

The applicants sent a Historic Report to the Louisiana Division of Historic Preservation (SHPO), pursuant to 49 C.F.R. § 1105.8(c). In the Historic Report, the applicants reported that the Line right-of-way (also the Area of Potential Effect) contains no National Register of Historic Places eligible or listed historic properties pursuant to Section 106 of the National Historic Preservation Act. In its response, the SHPO agreed and stated that the proposed abandonment would have no effect on historic properties. Subsequently, OEA recommends a finding of “no historic properties affected” pursuant to 36 C.F.R. § 800.4(d)(1).

OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral connections to the project area.² The database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: Caddo Nation of Oklahoma; Chitimacha Tribe of Louisiana; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; and the Tunica-Biloxi Indian Tribe of Louisiana. Accordingly, OEA is sending a copy of this EA to the above tribes for review and comment.

CONDITIONS

We recommend that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, 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).

² Native American Consultation Database, <http://home.nps.gov/nacd> (last visited October 26, 2011).

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 an **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, 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 318 (Sub-No. 7X) and Docket No. AB 33 (Sub-No. 277X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: November 18, 2011.

Comment due date: December 19, 2011.

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

Attachment