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SERVICE DATE – FEBRUARY 23, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 279X)

**Union Pacific Railroad Company –Abandonment Exemption –
in Polk County, IA**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a portion of railroad in Polk County, Iowa. The line, known as the Ankeny Industrial Lead, extends from Milepost 10.5 in Ankeny to Milepost 10.7 also in Ankeny, a distance of 0.2 miles. UP certifies that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment. UP indicates that following abandonment, local rail service would continue to be provided in Ankeny by UP, BNSF Railway Company, Iowa Interstate Railroad, and Norfolk Southern Corporation. UP also states that the area of the proposed abandonment is well served by U.S. Route 69 in Ankeny, Interstate 35 approximately one mile east, and Interstate 80 approximately five miles south. According to UP, the line contains mostly non-reversionary property and to the best of its knowledge, does not contain any federally granted right-of-way. UP indicates that the area proposed for abandonment is not suitable for public purposes, such as roads, highways, other forms of mass transportation, or utility transmission lines because this type of infrastructure is already in place throughout the area. Rather, UP states that it would like to work with property owners adjacent to the right-of-way to facilitate their eventual ownership of the rail right-of-way property.

The rail line was constructed in 1874 by the Des Moines and Minneapolis Railway. UP indicates that the rail line proposed for abandonment consists of a combination of 100-pound jointed rail from 1928 and 112-pound jointed rail from 1978. UP states that the rail line proposed for abandonment travels through residential and commercial areas in the city of Ankeny in a northwesterly direction, roughly between Walnut Street and West 1st Street. According to UP, the surrounding landscape is relatively level and the right-of-way is generally 100 feet wide. The rail line traverses U.S. Postal Service Zip Code 50021. 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 the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

UP states 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 the construction of new access points to the right-of-way. Following abandonment, UP intends to salvage the rail, ties and track material.

SEA 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 U.S. Department of Commerce, National Geodetic Survey (NGS) commented that there are no geodetic station markers located within the area of the proposed abandonment. Therefore, SEA has concluded that no further consultation with NGS is necessary.

The U.S. Department of Interior, Fish and Wildlife Service (USFWS) commented that it does not own or have any interests in land in the vicinity, and therefore does not believe that the proposed abandonment would adversely impact its real estate holdings in the area. However, SEA is not certain whether the proposed abandonment would likely have an adverse effect on endangered or threatened species and areas of critical habitat, and therefore, has included USFWS on the service list for this proceeding so that it may review the EA and determine if comments on this issue are necessary.

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-33 (Sub-No. 279X).

The U.S. Army Corps of Engineers (Corps) commented that a Section 404 permit under the Clean Water Act may be required if salvage activities result in the placement of dredged and/or fill material into wetlands or waters of the United States. The Corps further commented that the Iowa Department of Natural Resources should be contacted to determine if salvage activities would impact floodplain and thus require a permit. SEA is not certain whether salvage of the rail line would impact any of the water resources of concern, and therefore, has included a condition in this EA that requires UP to consult with the Corps prior to initiating salvage activities. SEA has also added the Iowa Department of Natural Resources, Floodplain Protection Program, to the service list for this proceeding so that it may receive a copy of the EA and provide comments, as necessary.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Department of Agriculture, Natural Resources Conservation Service; the U.S. Fish and Wildlife Service; the National Park Service; the Iowa Environmental Protection Agency, the Iowa Department of Natural Resources; the Iowa Department of Economic Development; the Iowa Trails Council; and the Polk County Board of Supervisors.

HISTORIC REVIEW

According to UP, there are no structures in the portion of rail line proposed for abandonment that are 50 years or older. Therefore, UP states that there are no structures eligible for inclusion on the National Register of Historic Places. UP also believes that there are no archeological resources or other railroad related historic properties in the area of the proposed abandonment.

UP served the historic report on the Iowa State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). SEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad 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 project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places 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>.

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, which may have ancestral connections to the project area. The database indicated that there are ten (10) tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect). The tribes are: the Flandreau Santee

Sioux; the Iowa Tribe of Kansas and Nebraska; the Iowa Tribe of Oklahoma; the Lower Sioux Indian Community of Minnesota; the Prairie Island Indian Community; the Sac and Fox Nation of Missouri; the Sac and Fox Nation of Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Santee Sioux Nation; and the Upper Sioux Community of Minnesota. Therefore, SEA has added these tribes to the service list for this proceeding to ensure that they receive a copy of the EA for review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Union Pacific Railroad Company (UP) shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. UP shall 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 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 U.S.C. 470f, has been completed. UP shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office and the public. UP may not file its consummation notice or initiate any salvage activities related to abandonment (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, SEA concludes that, as currently proposed and if the recommended condition 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 four-part showing for imposition of a public use condition (49 CFR 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 CFR 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. 279X) 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 23, 2010.

Comment due date: March 10, 2010.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Attachment