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SEA

SERVICE DATE – MAY 9, 2005

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No 219X)

**Union Pacific Railroad Company–Abandonment Exemption–in Douglas and
Champaign Counties, IL**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Douglas and Champaign Counties, Illinois. The line extends approximately 9.87 miles from milepost 164.87 at Villa Grove to the end of the track at milepost 155.0, near Broadlands. A map depicting the rail line in relationship to the area served is appended to the report. 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 UP, the Chicago, Danville & St. Louis Railroad constructed the line in 1886. The land is predominantly agricultural, the topography of the line is level, and the right-of-way is generally 66 feet wide. UP states that there are no shippers on the line and no commodities have originated or terminated on the line for over two years. In addition, there is no overhead traffic.

The first four miles of the line are laid with 112-pound welded rail, and the balance of the line consists primarily of 100-pound jointed rail. In addition, there are two bridges on the line that are 50 years old or older. One of these bridges was constructed in 1897 and is 102 feet long. The other bridge was constructed in 1948 and is 192 feet long. Upon receiving authority to abandon the line, UP intends to remove the bridges on the line and to salvage the remaining rail, track material, and crossties. UP does not believe that the property is suitable for other public purposes, since 75 percent of the property is reversionary. UP intends to sell the non-reversionary property to adjoining land owners.

ENVIRONMENTAL REVIEW

UP 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. UP served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. The Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the line segment within the last two years. 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.

The United States Army Corps of Engineers (USCOE) had not responded to the railroad's environmental report at the time this document was prepared.¹ Because UP intends to remove bridges during salvaging operations, permits may be required from the USCOE. Accordingly, SEA recommends a consultation condition that requires UP to contact both the USCOE Rock Island District and USCOE Louisville District prior to commencement of any salvage activities regarding USCOE requirements.

The United States Environmental Protection Agency (EPA), Region 5, has expressed concerns regarding the removal and salvage methods to be used by UP during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, and erosion mitigation practices to be utilized during abandonment activities. In order to adequately address these concerns, we will recommend that UP consult with the EPA, Region 5, prior to commencement of any salvage activities on this project.

The EPA also suggested that UP follow these mitigation measures: utilize the right-of-way and existing public and private crossings when removing materials, particularly in areas adjacent to the Jordan Slough;² utilize silt fencing; restore disturbed soil to original grade; and reseed disturbed areas with native species certified by the Illinois Department of Natural Resources. We will recommend a condition requiring UP to comply with these measures.

In addition, the EPA expressed concerns regarding bridge and culvert maintenance. However, because the railroad intends to remove the bridges during salvage activities, we will address the EPA's comments that specifically concern culvert maintenance. The EPA

¹ The railroad inadvertently sent the environmental report to the Chicago District rather than the Rock Island and Louisville Districts.

² The Jordan Slough is a stream in Douglas County.

recommends that maintenance provisions be included in any real estate agreements that facilitate the transfer of properties, since 75 percent of the right-of-way is reversionary. The EPA also recommends culvert maintenance at least once per season to prevent obstructions and floods. The EPA suggests that any obstruction materials be disposed of away from the streambed and any use of equipment in the streambed should be minimized and scheduled to coincide with periods of low or normal flow. Last, the EPA recommends that native flora be used to revegetate around culvert ends to prevent erosion.

It is well settled that in conducting environmental review in abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. See Iowa Southern R.Co.-Exemption-Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. I.C.C., 911 F.2d 1283 (8th Cir. 1990). Moreover, while the Board can impose reasonable conditions on the grant of abandonment authority to address concerns that have been raised regarding the restoration of rail property for non-rail use, the Board will generally not require mitigation for existing conditions or railroad operations. See San Jacinto Rail Limited Construction Exemption and the Burlington Northern and Santa Fe Railway Company Operation Exemption-Build-Out to the Bayport Loop Near Houston, Harris County, TX, STB Finance Docket No. 34079 (STB served May 9, 2003). Accordingly, it would not be appropriate or consistent with Board precedent for SEA to recommend a condition regarding responsibility for future maintenance. However, in order to address the concerns that have been raised, SEA will recommend a consultation condition requiring UP to contact the EPA in order to discuss concerns regarding the condition of culverts and erosion control measures.

The EPA also recommended that UP consult with the Illinois State Historic Preservation Office. We note that any potential impact that the proposed abandonment might have on historic or cultural resources will be addressed by the Board's SEA and the Illinois Historic Preservation Agency pursuant to the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

HISTORIC REVIEW

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Illinois Historic Preservation Agency (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). At the time this environmental assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the NHPA.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, UP shall consult with the United States

Army Corps of Engineers' (USCOE) Rock Island District and Louisville District regarding USCOE requirements.

2. Prior to the commencement of any salvage activities, UP shall contact the United States Environmental Protection Agency (EPA), Region 5, in order to discuss the EPA's concerns regarding: removal and salvage methods to be used by UP, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, culvert maintenance, and erosion mitigation practices to be utilized during abandonment activities.
3. UP shall conduct salvage activities in the following manner: utilize the right-of-way and existing public and private crossings when removing materials, particularly in areas adjacent to the Jordan Slough; utilize silt fencing; restore disturbed soil to original grade; and reseed disturbed areas with native species.
4. UP shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, SEA 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 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 the petition for 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, 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 Christa Dean 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. 219X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

Date made available to the public: May 9, 2005.

Comment due date: May 24, 2005.

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

Vernon A. Williams
Secretary

Attachment