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OEA

SERVICE DATE – DECEMBER 3, 2010

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1068X**

**Missouri Central Railroad Company—Abandonment and Discontinuance of Service  
Exemption—in Cass County, Mo.**

**Docket No. AB 1070X**

**Central Midland Railway Company—Discontinuance of Service and Operating Rights  
Exemption—in Cass County, Mo.**

**BACKGROUND**

In this proceeding, Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) (collectively, applicants) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for MCRR to abandon, and for MCRR and CMR to discontinue service over, an approximately 5.6-mile rail line, in Cass County, Missouri.<sup>1</sup> The line extends between milepost 257.283 (near Wingate) and milepost 262.906 (near Pleasant Hill). A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, MCRR will be able to salvage track, ties and other railroad appurtenances and to 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, discontinuance of service and operating rights, 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)).<sup>2</sup> The Board's

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<sup>1</sup> Specifically, MCRR is seeking to discontinue service over the portion of the line between milepost 262.8 and milepost 262.906, and CMR is seeking to discontinue service and operating rights over the portion of the line between milepost 257.283 and milepost 262.8.

<sup>2</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 1068X.

Office of Environmental Analysis (OEA)<sup>3</sup> has reviewed and investigated the record in this proceeding.

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

The applicants state that no local traffic has moved over the line for at least 2 years and there is no overhead traffic on the line. Accordingly, the proposed abandonment and discontinuance of service and operating rights 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***

The right-of-way is generally 100 feet wide<sup>4</sup> and passes through a rural area that includes farmland. Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast 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. As part of the proposed abandonment, MCRR indicates that it plans to remove the rails, ties and other track materials for salvage. However, the railroad does not plan to remove or alter the contour of the road bed underlying the rail line, and structures such as bridges and culverts will remain in place.

The U.S. Fish and Wildlife Service (USFWS) reviewed the proposed project and submitted comments stating that no federally-threatened or federally-endangered species are present in the area of the proposed project. Accordingly, no mitigation regarding threatened or endangered species is recommended.

The Natural Resources Conservation Service (NRCS) has not submitted comments regarding the proposed project. Because portions of land contiguous to the line may be classified as prime agricultural land, we have included NRCS on the service list for this proceeding to ensure that they receive a copy of this EA.

The Missouri Department of Natural Resources (MDNR) provided a number of comments regarding the proposed project. First, MDNR states that the line is located within the Central Plains/Osage/South Grand Ecological Drainage Unit and crosses 2 sub-watersheds,<sup>5</sup>

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<sup>3</sup> OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

<sup>4</sup> In certain areas, the width of the right-of-way ranges from 48 feet to 300 feet.

<sup>5</sup> A subwatershed is a smaller basin within a larger drainage area, where all of the surface water drains to a central point of the larger watershed.

Headwaters Big Creek and Duncan Branch-Big Creek. In addition, Harrisonville City Lake is located approximately 2.8 miles southwest of the line. To address MDNR's concerns regarding water resources and the potential for stormwater and sediment runoff, we recommend that, prior to commencement of any salvage activities on this project, MCRR contact MDNR regarding: removal and salvage methods and stormwater and sediment runoff mitigation practices to be utilized during salvage activities. In addition, MDNR states that if salvage activities would disturb an area greater than 1 acre, a Land Disturbance Permit should be acquired prior to any earthwork. Accordingly, we recommend that, prior to commencement of any salvage activities, MCRR consult with MDNR's Kansas City Regional Office regarding its Land Disturbance Permits and comply with its reasonable requirements.

There are 2 wells located within 0.15 miles of the line and MDNR requests that MCRR contact its Public Drinking Water Branch if the proposed project would impact those wells or if additional wells are discovered during salvage activities. Additionally, while there are no known springs or streams in the area of the proposed project, MDNR states that extra precautions may be necessary if such resources are discovered during salvage activities. Because the railroad does not plan to remove or alter the contour of the road bed underlying the rail line during salvage activities, the proposed project should not affect area wells. In the event that any springs or streams are discovered, we recommend that MDRR immediately cease all work, notify OEA and MDNR's Public Drinking Water Branch of the discovery, and consult with OEA and MDNR to determine whether mitigation is necessary.

Last, MDNR states that palustrine forested wetlands, palustrine emergent wetlands, and palustrine scrub-shrub wetlands potentially exist in the area of the proposed project, near and along Big Creek and its tributaries. MDNR states that any wetlands adjoining the right-of-way should not be disturbed, and if wetlands exist on the right-of-way, care should be taken to avoid or minimize any impacts through alternatives analyses before compensatory mitigation is considered. MDNR also recommends that MCRR contact the U.S. Army Corps of Engineers (Corps) to ensure all regulations are followed regarding potential impacts to water resources. These concerns are addressed below.

As stated above, the bridges and culverts on the line would remain in place, and MCRR does not intend to remove or alter the contour of the roadbed underlying the rail line. Moreover, MCRR has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed project. However, because the line crosses Headwaters Big Creek and Duncan Branch-Big Creek and in response to concerns regarding wetlands, we are recommending that, prior to commencement of any salvage activities, MCRR consult with the Corps' Kansas City District regarding potential impacts to waters of the United States, including wetlands, and, if applicable, comply with the reasonable requirements of the Corps.

The Environmental Report states that there have been 8 reports of hazardous materials releases in the general vicinity of the line, but after investigating each of these reports, MCRR has confirmed that none of the releases occurred on the right-of-way. In addition, the U.S. Environmental Protection Agency's Region 7 Office (USEPA) submitted comments stating that, "no regulatory or remedial activity was found to be within the rail line's alignment that should

influence the abandonment proposal.” Because there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on the right-of-way, OEA has determined that no mitigation is necessary.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to NRCS, MDNR, and the Corps.

## **HISTORIC REVIEW**

MCRR served the Historic Report on MDNR’s State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The line is part of the former Rock Island Line, and there are 4 bridges and 4 culverts on the line that are 50 years old or older. Based on available information, the SHPO has submitted comments stating that the rail corridor, bridges, and culverts are eligible for inclusion in the National Register of Historic Places (National Register).

Accordingly, we are recommending a condition requiring MCRR 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 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 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>6</sup> The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment: Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Omaha Tribe of Nebraska; Osage Tribe, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; and Sac & Fox Tribe of the Mississippi in Iowa. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

## **CONDITIONS**

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

1. To address the Missouri Department of Natural Resources’ (MDNR) concerns regarding water resources and the potential for stormwater and sediment runoff, Missouri Central

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<sup>6</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited November 24, 2010).

Railroad Company shall contact MDNR prior to commencement of any salvage activities on this project regarding: removal and salvage methods and stormwater and sediment runoff mitigation practices to be utilized during salvage activities.

2. If salvage activities would disturb an area greater than 1 acre, Missouri Central Railroad Company shall, prior to commencement of any salvage activities, consult with the Missouri Department of Natural Resources' Kansas City Regional Office regarding its Land Disturbance Permits and comply with its reasonable requirements.
3. In the event that any springs or streams are discovered, Missouri Central Railroad Company shall immediately cease all salvage activities, notify the Board's Office of Environmental Analysis (OEA) and the Missouri Department of Natural Resources' (MDNR) Public Drinking Water Branch of the discovery, and consult with OEA and MDNR to determine whether mitigation is necessary.
4. Prior to commencement of any salvage activities, Missouri Central Railroad Company shall consult with the United States Army Corps of Engineers' Kansas City District (Corps) regarding potential impacts to waters of the United States, including wetlands, and, if applicable, shall comply with the reasonable requirements of the Corps.
5. Missouri Central Railroad Company (MCRR) 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. MCRR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Missouri Department of Natural Resources' State Historic Preservation Office, federally-recognized tribes, or the public. MCRR 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, OEA concludes that, as currently proposed, abandonment of and discontinuance of service and operating rights over 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 and discontinuance of service and operating rights would include denial (and therefore no change in operations), discontinuance of service and operating rights 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**

MDNR has expressed interest in converting the line into a trail. OEA notes that the National Trails System Act (Trails Act)<sup>7</sup> gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad rights-of-way that otherwise would be abandoned.<sup>8</sup> The Trails Act is intended to preserve railroad rights-of-way for future railroad use. Under the Trails Act and the Board's implementing procedures (49 C.F.R. § 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

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 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 **1 original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean, who prepared this Environmental Assessment. Environmental

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<sup>7</sup> 16 U.S.C. § 1247(d).

<sup>8</sup> The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient federal control so as to qualify as a "major federal action" under the National Environmental Policy Act (NEPA). Only major actions by federal agencies require environmental review pursuant to NEPA.

comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1068X 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) 245-0299, fax at (202) 245-0454, or e-mail at [christa.dean@stb.dot.gov](mailto:christa.dean@stb.dot.gov).

Date made available to the public: December 3, 2010.

**Comment due date: December 20, 2010.**

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

Attachment