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SERVICE DATE – MAY 6, 2005

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

**STB DOCKET NO. AB-33 (Sub-No. 251X)
Union Pacific Railroad Company – Abandonment Exemption –
in Dane County, WI**

**STB DOCKET NO. AB-383 (Sub-No. 4X)
Wisconsin & Southern Railroad Company – Discontinuance Exemption –
in Dane County, WI**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP), and Wisconsin & Southern Railroad Company (WSOR), (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon and WSOR to discontinue service over 4.4 miles of rail line in Dane County, Wisconsin. The rail line proposed for abandonment and discontinuance extends from Milepost 85.5 in the City of Madison to Milepost 89.9 in the City of Fitchburg. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, UP 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 the applicants, the line proposed for abandonment, known as Central Soya Line, Harvard Subdivision, was built in the 1800's and was formerly owned and operated by UP's predecessor, the Chicago & North Western Railway. In 1996, WSOR leased the line from UP as part of a "package" of leased lines known as the Reedsburg Cluster. WSOR had one active customer on the line, Amerhart Lumber, which relocated off the line in 2001. There have been no requests for rail service on the line and no freight has moved over the line since that time. The proposed abandonment will have no effect on regional or local transportation systems or patterns and will result in no diversion of traffic to other transportation modes or systems. The only alternative to abandonment would be to forego abandoning the line and to pass the costs of retaining the line to customers located on other parts of its system, which would not be a prudent use of carrier resources.

The line traverses a hilly urban area with varying grades. The right-of-way is 100 feet wide. Applicants believe that the line's right-of-way is suitable for alternative public use, specifically for a recreational trail under the National Trails Act. Applicants are not aware of any restrictions on title to the property or reversionary interests which would affect the transfer of title

or the use of the property for other than rail purposes. To the best of applicant's knowledge, the right-of-way does not consist of any federally granted lands. Applicants have indicated that there are no buildings or structures of any sort on the line other than two bridges, BR1243 and BR1247.

One purpose of the abandonment is the removal of unused portions of track and the removal of road crossings over the heavily traveled Highway 12 in order to facilitate improvements of Highway 12 by the Wisconsin Department of Transportation. Applicants believe that the proposed action will result in improvement to public safety by removing six public and private road crossings on the line.

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 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)]. We have reviewed and investigated the record in this proceeding.

The Wisconsin Department of Administration, Division of Intergovernmental Relations (Wisconsin Coastal Management Program) has waived the right to review the project, stating that it is located outside of the coastal zone and is unlikely to affect coastal uses or resources.

The U.S. Department of the Interior, Fish and Wildlife Service in Fort Snelling, MN, has researched their ownership in the vicinity of the proposed abandonment and has determined that they do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. They do not have any concerns regarding real estate matters in the abandonment.

The National Geodetic Survey has advised us that, as a result of its review, no geodetic station markers have been identified that may be affected by the proposed abandonment.

The U.S. Department of the Army, St. Paul District Corps of Engineers has indicated that the work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers and no Department of the Army permit is required to do this work. No work will be done in a navigable water of the United States, and no dredged or fill material, including that incidental to mechanical land clearing, will be discharged in any water of the United States, including wetlands.

The City of Madison, Office of the Mayor, supports the efforts by the Wisconsin Department of Natural Resources to acquire the abandoned rail corridor for public trail purposes.

The City of Madison does not oppose the abandonment of the subject corridor for freight rail, or removal of the existing track, provided this does not result in loss of the corridor's integrity for public transportation or multi-use path purposes. The City of Madison believes that the subject rail corridor has important potential to accommodate a multi-use public path serving non-motorized transportation and recreation purposes.

The U.S. Environmental Protection Agency (EPA), Region 5, has expressed concerns about the removal and salvage methods to be used by applicants during the proposed abandonment, the final disposition of crossties preserved with creosote, right-of-way access during salvage operations, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, soil erosion and stormwater runoff mitigation practices to be utilized during abandonment activities, revegetation methods, and bridge and culvert maintenance activities following abandonment. Accordingly, we will recommend a consultation condition requiring that applicants contact EPA, Region 5, prior to commencement of any salvage activities on this project.

Applicants state that no in-stream salvage operations will be required. No action known to be inconsistent with Federal, state, and/or local water quality standards is contemplated. Applicants state that they will obtain any permits or applications found to be necessary and will comply with reasonable procedures required by regulatory agencies.

HISTORIC REVIEW

Applicants submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. Applicants served the report on the Wisconsin Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has requested additional information to comply with their new process guidelines and has not yet completed its assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

CONDITIONS

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

1. Applicants shall retain their 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 completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. To address the concerns raised by the U.S. Environmental Protection Agency, Region 5, applicants shall, prior to commencement of any salvage activities on this project, contact the U.S. Environmental Protection Agency, Region 5 (Kathleen Kowal, 312-353-5206), concerning removal and salvage methods, right-of way access, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction

equipment, procedures for the prevention and/or control of spills, stormwater runoff mitigation practices to be utilized during abandonment activities, revegetation methods, and bridge and culvert maintenance activities following abandonment.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL 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 Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 251X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: May 6, 2005.

Comment due date: **May 23, 2005 (15 days)**.

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

Vernon A. Williams
Secretary

Attachment