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SERVICE DATE - FEBRUARY 1, 2002

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-391 (Sub-No. 9X)

**Red River Valley & Western Railroad Company – Abandonment Exemption – in
LaMoure and Barnes Counties, ND**

BACKGROUND

In this proceeding, Red River Valley & Western Railroad Company (RRVW) 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 LaMoure and Barnes Counties, North Dakota. The line extends 32.9 miles from milepost 27.4 in or near Lucca, North Dakota to milepost 60.3 in or near Marion, North Dakota. A map depicting the rail lines 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 RRVW, there has been no rail traffic on the line for the past two years. The line had previously been used to transport urea and grains. The area of the proposed abandonment is primarily agricultural or ranching land, and RRVW states that the right-of-way ranges from 100 to 400 feet. RRVW describes the towns along the line as “sparsely populated.”

RRVW states that the proposed abandonment would close 58 grade crossings, and that it intends to leave in place “bridges, culverts or other support structures along the right-of-way.”

ENVIRONMENTAL REVIEW

RRVW 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. RRVW 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 National Geodetic Survey has submitted comments stating that the proposed abandonment could affect 20 geodetic station markers.

The U.S. Army Corps of Engineers, North Dakota Regulatory Office (Corps) has submitted comments stating that the abandonment as proposed would not require a Corps' permit, since RRVW states that the grade bed, culverts, and bridges would not be disturbed. However, the Corps also states that Corps authorization may be required should changes be made in the project.

The North Dakota Department of Health, Environmental Health Section (EHS) has submitted comments stating that the minor impacts from the proposed abandonment could be controlled if applicants take measures to ensure that salvage activities have minimal effects on state water sources. EHS also states that RRVW may need to obtain a stormwater permit prior to salvage.

The North Dakota Office of the State Engineer has submitted comments stating that if the culvert crossings are not maintained post abandonment, "they could result in flooding impacts to private property. It may be desirable to remove the culverts and slope the area of the embankment at a 3:1 slope on either side of the culvert location so culvert degradation will not affect adjacent landowners."

CONDITIONS

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

1. The National Geodetic Survey (NGS) has identified 20 geodetic station markers along the rail line and requests 90 days notice to plan relocation of any markers which may be disturbed or destroyed. Therefore, we recommend that the following condition be imposed on any decision granting abandonment authority: **Red River Valley & Western Railroad Company shall consult with NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. The U.S. Army Corps of Engineers, North Dakota Regulatory Office (Corps) has submitted comments stating that the abandonment as proposed would not require a Corps' permit, since Red River Valley & Western Railroad Company states that the grade bed, culverts, and bridges would not be disturbed. However, the Corps also states that Corps authorization may be required should changes be made in the project. Therefore, we recommend that the following condition be imposed on any decision granting abandonment authority: **If any changes are made in the project, Red River Valley & Western Railroad Company shall consult with the Corps prior to salvage to determine whether any Corps permits are required.**
3. The North Dakota Department of Health, Environmental Health Section (EHS) has submitted comments stating that the minor impacts from the proposed abandonment could be controlled if applicants take measures to ensure that salvage activities have minimal effects on state water sources. EHS also states that the applicant may need to obtain a

4. stormwater permit prior to salvage. Therefore, we recommend that the following condition be imposed on any decision granting abandonment authority: **Red River Valley & Western Railroad Company shall consult with EHS prior to salvage to devise appropriate measures to minimize impacts to state water sources and to determine whether a stormwater permit is required.**

5. The North Dakota Office of the State Engineer (OSE) has submitted comments stating that if the culvert crossings are not maintained post abandonment, “they could result in flooding impacts to private property. It may be desirable to remove the culverts and slope the area of the embankment at a 3:1 slope on either side of the culvert location so culvert degradation will not affect adjacent landowners.” Therefore, we recommend that the following condition be imposed on any decision granting abandonment authority: **Red River Valley & Western Railroad Company shall consult with Mr. Dwight Comfort of OSE prior to performing any salvage activities to determine the need to remove culvert crossings.**

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.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-391 (Sub-No. 9X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Recent events involving a principal postal facility within Washington, D.C., may affect for a period of time the receipt of materials mailed to the Board, as well as customer receipt of reply mail sent from the Board. Until the timely delivery of mail has been reestablished, the Section of Environmental Analysis (SEA) requests that individuals filing comments regarding this or other environmental assessments take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact indicated above prior to the close of the comment period and inform them that you have mailed a comment.
2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.
3. Retain a copy of your comment for your records should alternative modes of delivery need be necessary.

SEA is committed to carrying out its duties to the public and regrets any inconvenience these new procedures may cause.

Date made available to the public: **February 1, 2002.**

Comment due date: February 15, 2002.

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

Vernon A. Williams
Secretary

Attachment