

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-33 (Sub-No. 243X)**

**Union Pacific Railroad Company –  
Abandonment Exemption –  
In De Kalb County, IL**

**BACKGROUND AND DESCRIPTION OF RAIL LINE**

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 its line of railroad, the Barber-Green Spur, near De Kalb, in De Kalb County, Illinois. The rail line proposed for abandonment extends from Milepost 23.5 to Milepost 25.8, a distance of 2.3 miles. The line was initially constructed in 1885 by the Northern Illinois Railway. UP states that most of the track structure has been removed, with the exception of approximately one tenth of a mile along the southern terminus. According to UP, approximately 65 percent of the line to be abandoned is reversionary and would therefore have restricted uses as a public road or recreational trail, except if the trail was converted through the interim trail use process. The right-of-way is generally 100 feet wide and the topography is nearly level. Surrounding land uses consist of both residential and industrial and the line traverses Zip Code 60115. UP indicates that following abandonment, it plans to provide rail service through De Kalb County via its Geneva Subdivision main line located immediately south of the line. 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)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> The railroad's 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-33 (Sub-No. 243X).

### *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. As stated previously, UP indicates that much of the track structure has been removed, with only about one tenth of a mile still in place from south of State Street to Milepost 25.8.

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.

According to DeKalb County, portions of the proposed abandonment would be suitable for public purposes. The County is interested in acquiring the property between County Farm Road and Barber Greene Road. Additionally, the DeKalb Park District commented that it is interested in the property as a possible interim trail use and to provide linkage to other park sites in the community.

The City of De Kalb indicates that the right-of-way to be abandoned has been frequently used as a dump for construction and other debris of unknown sources. The City further states that the waste material has never been tested, therefore its constituents are not known. According to a 2004 letter to the City of DeKalb, UP states that it installed barricades to prevent further dumping; however, that effort has been unsuccessful and dumping continues. In the same letter, UP states that it is willing to grant the City permission to access its property to conduct a Phase I Environmental Site Assessment. Such an assessment would determine current site conditions with regard to hazardous waste. The U.S. Environmental Protection Agency (USEPA) commented that it conducted a cursory review of the proposed abandonment, and based on the information provided, did not have any comments. However, USEPA also indicated that it may reconsider its comments should new information be presented. SEA is providing a copy of this EA to USEPA, should USEPA reconsider its comments in light of the illegal dumping occurring on the right-of-way. SEA requests that USEPA send a copy of its comments to SEA for our consideration. If appropriate, SEA will recommend imposition of a condition designed to mitigate any adverse effect.

The City of De Kalb indicates that there has been a long-standing drainage problem within the railroad right-of-way to be abandoned and extending north of the proposed abandonment. According to a July 1, 2005 watershed feasibility study submitted by the City of DeKalb, the drainage problem is due to an inadequate storm drain system that both constricts flow and ponds water along the railroad right-of-way in various locations, causing stagnant conditions and occasional flooding. The study recommends a number of remedies within the area of the proposed abandonment, as well as the section north of the proposed abandonment between two mainline tracks owned by UP and the Old Chicago and Northern Railroad. The recommendations include constructing swales and berms and eliminating a low point across the railroad right-of-way within the area of the proposed abandonment, and lowering the railroad grade and constructing an overflow weir and new culvert to the north of the proposed abandonment. In order to conduct the drainage work, the City of DeKalb is required to secure easements from UP and other property owners. However, according to correspondence between UP and the City of DeKalb, UP has been reluctant to grant permission, citing the impending sale of the line. In a December 28, 2004 letter to the City, UP states that it has no interest in participating in a joint effort to pursue rehabilitation of the area; that any encumbrances associated with a stormwater easement would make the property difficult to sell. The letter further states that the City would be in a better position to secure easements from future owners. SEA has determined that this issue needs to be resolved prior to the initiation of salvage activities, and therefore, has included a consultation condition between UP and the City of DeKalb in this EA.

The U.S. Army Corps of Engineers (Corps) has not commented on the proposed abandonment with regard to wetland impacts. However, the City of DeKalb submitted wetland information prepared on behalf of the City for the anticipated drainage work within the northern portion of the proposed abandonment. Based on the Corps' December 27, 2005 Jurisdictional Determination, none of the lowlying wet areas are within the Corps' jurisdiction. The Corps therefore has determined that a Section 404 permit under the Clean Water Act would not be needed. SEA has not been able to determine if wetlands are present along the southern portion of the proposed abandonment and will therefore provide a copy of this EA to the Corps for its review and comment, and impose any conditions thereof.

According to the U.S. Fish and Wildlife Service (USFWS), it does not own any land or have any interest in land in within the vicinity of the proposed abandonment. SEA will provide a copy of this EA to the USFWS for comment on possible impacts to rare, threatened or endangered species.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the following agencies for review and comment: the National Geodetic Survey, the National Park Service, the USFWS, USEPA, the Natural Resources Conservation Service, the Corps, and the Illinois Department of Transportation.

## **HISTORIC REVIEW**

UP served the historic report on the Illinois Historic Preservation Agency (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the National Park Service's Native American Consultation Database <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that the Citizen Potawatomi Nation, the Forest County Potawatomi Community, the Hannahville Indian Council, the Iowa Tribe of Kansas and Nebraska, the Iowa Tribe of Oklahoma, the Peoria Tribe of Indians of Oklahoma, the Prairie Band of Potawatomi Nation, the Sac and Fox Nation of Missouri, the Sac and Fox Nation of Oklahoma, and the Sac and Fox Tribe of Mississippi in Iowa may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribes receive a copy of this EA for their review and comment.

## **CONDITIONS**

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

1. To ensure appropriate consideration of the City of DeKalb's stormwater management and drainage concerns, the Union Pacific Railroad Company (UP) shall consult with the City of DeKalb prior to commencement of any salvage activities. UP shall report the results of this consultation in writing back to the Board's Section of Environmental Analysis prior to beginning salvage activities.

## **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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 243X) 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: June 22, 2007.

**Comment due date: July 10, 2007.**

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

Vernon A. Williams  
Secretary

Attachment