

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 298X)

**Union Pacific Railroad Company – Abandonment Exemption –
In Freeborn County, Minn.**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon a line of rail located in Freeborn County, Minnesota. The Hartland Subdivision (the line) extends from Milepost 119.65 at Curtis, the point of connection with the Albert Lee Subdivision, to the end of the UP ownership at Milepost 107.0 near Hartland, a distance of 12.65 miles. UP certifies that no rail cars have used the line for at least 2 years and there is no overhead traffic to be rerouted.¹ Following abandonment of the rail line, UP indicates that the closest rail service would be provided near the south end of the line on the Albert Lea Subdivision at the town of Albert Lea, Minnesota. UP indicates that Canadian Pacific Railway and Canadian National Railway provide service within the area as well. UP states that other transportation modes include Minnesota Route 13, Interstate 35, and Interstate 90.

According to UP, the rail line proposed for abandonment was constructed in 1878 by the Minneapolis & St. Louis Railroad. UP indicates that its ownership of the line is mostly non-reversionary and that approximately 6 parcels totaling approximately 12.3 acres were acquired by an Act of Congress dated July 30, 1877. UP indicates that these parcels may have restrictions on the title that could affect the transfer or use of the land for other than railroad purposes. UP will make any relevant documentation in its possession concerning its ownership available to those requesting it. Following abandonment, UP believes that the right-of-way may be suitable for other public purposes including energy transmission, recreation, or conservation. UP believes that the right-of-way would not be suitable for use as a road or highway because the area is already well served. A majority of the rail line consists of 100-pound jointed rail installed in 1940 and 1942 and the right-of-way is generally 100 feet wide. The rail line travels through residential and rural areas and traverses Zip Codes 56007 and 56042. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

¹ By decision served on June 2, 2009 in Docket AB 337 (Sub-No. 6X), the Board authorized the Dakota, Minnesota & Eastern Railroad to discontinue its trackage rights over the line proposed for abandonment.

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 C.F.R. § 1105.7(b)].² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, UP states that no local traffic has moved over the line for at least 2 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. UP has not provided a copy of its salvage procedure, therefore OEA is not certain if there would be any ground disturbance associated with salvage activities. However, OEA has included the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers in the service list for this proceeding so that they may comment on this EA.

OEA 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. The proposed abandonment should not affect public safety because there has been no traffic on the rail line for at least 2 years.

Freeborn County commented that it has an interest in providing recreational trail opportunities and has recently filed a formal request for public use and interim trails use for the entire right-of-way proposed for abandonment.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that there are 21 geodetic markers in the area of the proposed abandonment. Therefore, OEA is

² The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 298X).

recommending a condition that requires UP to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Army Corps of Engineers (USACE), Rock Island District, commented that the proposed abandonment is not located within its regulatory boundaries or jurisdiction. However, USACE noted that it has forwarded information on the proposed abandonment to its St. Paul District for possible comment. OEA has not heard back from the St. Paul District but has included said office in the service list for this proceeding and will include any comments it receives in the Final EA.

Based on all information available to date, OEA 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, OEA is providing a copy of this EA to the following agencies for review and comment: U.S. Fish and Wildlife Service; U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; the National Geodetic Survey; National Park Service; Minnesota Environmental Protection Agency; Minnesota Department of Transportation; and the Freeborn County Commissioners.

HISTORIC REVIEW

UP served the historic report on the Minnesota Historic Society (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 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.

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.³ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: the Flandreau Santee Sioux; the Lower Sioux Indian Community Council; the Prairie Island Indian Community; the Santee Sioux Nation; the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation; the Spirit Lake

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited June 10, 2011).

Tribal Council; and the Upper Sioux Community of Minnesota. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITION

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

1. The Union Pacific Railroad Company shall consult with the U.S. Department of Commerce, National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation 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 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

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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 298X) 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 27, 2011.

Comment due date: July 13, 2011.

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

Attachment