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SEA

SERVICE DATE – JANUARY 11, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-1007X

Colorado Springs and Eastern Railroad Company – Abandonment Exemption – in El Paso County, CO

BACKGROUND

In this proceeding, The Colorado Springs & Eastern Railroad Company (CS&E) has filed for abandonment pursuant to 49 C.F.R. 1152.50. The rail line (line) extends approximately 3.3 miles from Milepost 602.70 to Milepost 599.40 in Colorado Springs, El Paso County, Colorado. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If this notice becomes effective, CS&E will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

CS&E 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. CS&E served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Description of Rail Line

The line consists of two isolated segments¹ bounded by a combination of residential subdivisions and mixed use residential and commercial areas. The line crosses Sand Creek at the eastern end.² The line right-of-way averages 80 feet in width on either side of the center line, but ranges between 30 and 250 feet in width.

1 SEA has determined through telephone conversations with the railroad that the two segments are separated by a mall.

2 According to the railroad, a bridge once crossed Sand Creek but was removed two years ago for safety reasons.

Following abandonment of the line, CS&E intends to sell the rail right-of way to the City of Colorado Springs. CS&E states that, for some time, the City has been leasing land adjacent to the rail line for use as a recreational trail through a series of agreements with CS&E. The City has already installed a concrete hike/bike trail adjacent to the portion of the rail line west of Powers Boulevard and intends to convert the entire line for use as a “linear park” following the proposed abandonment.

According to CS&E, no service has moved over the rail line for over twenty years and no overhead traffic would be rerouted as a result of the abandonment. 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

Rail line salvage and disposal activities 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.

According to CS&E the proposed abandonment would have no significant effect on public health or safety.

The National Park Service has stated that it has no comment regarding the proposed abandonment.

The Natural Resources Conservation Service (NRCS) submitted comments stating that there are no areas of prime farmland along the right-of-way of the proposed abandonment.

No response has been received from the U.S. Fish and Wildlife Service (USFWS) regarding the potential for the proposed abandonment to affect Federally listed endangered and threatened species.

The U.S. Army Corps of Engineers (USACE) has not commented on the environmental report. However, impacts to wetlands and water resources under the jurisdiction of the USACE are not anticipated because the railroad does not intend to conduct any salvaging activities within streambeds or wetlands, or perform activities that could cause sedimentation.

CS&E has stated that any noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Neither SEA nor CSE have received comments

from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, or the U.S. Army Corps of Engineers regarding the proposed abandonment. Consequently, copies of the EA will be provided to these Federal agencies and appropriate local and state agencies for their review and comment.

HISTORIC REVIEW

CS&E submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].³ CS&E served the report on the Colorado Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c) and Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f. In a November 28, 2007 letter to CS&E, the SHPO stated that the right-of-way of the proposed abandonment (the Area of Potential Affect) may be eligible for listing in the National Register of Historic Places (National Register) and requested that CS&E complete its Management Data Form and Linear Component Resource Form (with photographs of the line) prior to concluding its review.

Accordingly, we recommend a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register until the Section 106 process has been completed.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. No tribes were identified.

CONDITION

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

The Colorado Springs & Eastern Railroad Company (CS&E) 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 area 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. CS&E shall report back to the Section of Environmental Analysis regarding any consultations with the State Historic Preservation Office and the public. CS&E may not file its consummation notice or initiate 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.

³ The combined environmental and historic report for this proceeding can be viewed online by conducting a "Full Text Search" using the Docket Number for this proceeding, Docket No. AB-1007X), at <http://www.stb.dot.gov> under E-library/Filings.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, the abandonment of the line would 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 (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.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to the Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. 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 STB Docket No. AB-1007X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at 202-245-0293, fax at 202-245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: January 11, 2008.

Comment due date: **January 28, 2008.**

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

Anne K. Quinlan
Acting Secretary

Attachment