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OEA

SERVICE DATE – OCTOBER 22, 2010

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 322X)

**Norfolk Southern Railway Company – Abandonment Exemption –
In Polk County, Iowa**

Docket No. AB 414 (Sub-No. 5X)

**Iowa Interstate Railroad – Discontinuance of Service Exemption –
In Polk County, Iowa**

BACKGROUND

In this proceeding, the Norfolk Southern Railway Company (NSR) and the Iowa Interstate Railroad (IAIS) jointly filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for NSR to abandon and IAIS to discontinue service and operating rights under a lease over a portion of railroad located in Grimes, Polk County, Iowa. The line extends from Milepost DU 353.00 to Milepost DU 354.70, a distance of 1.70 miles. NSR and IAIS certify that no rail cars have used the line for at least two years and that any overhead traffic could be rerouted over other lines as a result of the abandonment or discontinuance of service. NSR indicates that the proposed action is needed to enable the City of Grimes to proceed with a highway paving project across a portion of the right-of-way.

NSR states that the rail line proposed for abandonment began operating in 1882 as the St. Louis, Des Moines and Northern Railway. The rail line was sold at foreclosure in 1889 to Solomon Humphreys and J.F. Granger and then acquired by the Des Moines and Northern Railway in 1889. The rail line consolidated with Northwestern Railway in 1891 to form the Des Moines, Northern & Western Railway Company. After a series of transactions, the rail line was acquired by NSR in the 1990s. The rail line follows land uses that are both urban and rural. The right-of-way is generally 50 feet wide and the rail line traverses U.S. Postal Service Zip Code 50111. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). 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.

ENVIRONMENTAL REVIEW

NSR 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. NSR 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)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NSR 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. Following abandonment and discontinuance of service, NSR intends to salvage the rail, ties and track material but leave the roadbed intact. NSR does not intend to perform any activities that would cause erosion and sedimentation, and dredging or the use of fill material is not anticipated.

OEA believes that any noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment. NSR indicates that the proposed abandonment would result in the closing of 7 at-grade crossings at North 3rd Street, 1st Street, South 2nd Street, south 3rd Street, South 4th Street, South 6th Street, and Northwest 62nd Avenue. Accordingly, OEA believes that these closures will improve public safety.

The U.S. Environmental Protection Agency (EPA), Region 7, commented that it conducted a search of its data base to determine if any of its regulated industrial facilities or remediation sites in the area would have an impact on the proposed abandonment. Based on the search, EPA determined that none of its regulated sites would have an impact on the proposed abandonment. However, EPA did note that the right-of-way proposed for abandonment could contain contaminants from prior railroad practices that, if disturbed during salvage operations, could pose a risk to the environment through possible transport in air, water, or soil media. Such contaminants could include waste oils, wood preservatives, lubricants, and pesticides. EPA is

¹ 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 290 (Sub-No. 322X).

therefore requesting that it be further contacted to determine the need, if any, for remediation. Although NSR has indicated that it does not intend to disturb the underlying roadbed during the salvage process, OEA is including a condition in this EA that requires NSR to consult with EPA to ensure that the issue is resolved prior to initiating the salvage process.

The Iowa Department of Natural Resources (DNR) commented that a stormwater construction permit may be required if the salvage process results in the disturbance of one or more acres of ground. DNR also commented that the salvage process may result in fugitive dust emissions, soil erosion, and the discovery of listed species or rare communities. To control dust and sediment, DNR recommends the use of best management practices during salvage operations, but states that further analysis may be required to determine the presence of listed species or rare communities. Although NSR has indicated that it does not intend to disturb the underlying roadbed or undertake in any in-stream work or use any fill materials during the salvage process, OEA is recommending a condition that requires NSR to consult with DNR prior to initiating salvage operations to ensure that all issue areas have been adequately resolved.

The City of Grimes commented that the proposed abandonment is consistent with existing and proposed land uses. The City would like to use a portion of the right-of-way for redevelopment purposes or public use. It further noted that the businesses previously served by the rail line are no longer active, and if the abandonment is approved, the City believes it could consolidate the vacant parcels of land into larger lots that would allow for redevelopment to the highest and best use.

The U.S. Department of Agriculture, Natural Resources Conservation Service commented that the proposed rail line abandonment is not located in agricultural land, and therefore, does not contain any prime farmland.

The U.S. Department of Interior, Fish and Wildlife Service (USFWS) commented that it does not own any lands or have any interests in land in the vicinity of the proposed abandonment.

The U.S. Department of Commerce, National Geodetic Survey commented there are no geodetic markers in the area of the proposed abandonment.

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: USFWS, EPA, U.S. Army Corps of Engineers; DNR; Iowa Department of Management; Polk County Board of Supervisors; and the City of Grimes.

HISTORIC REVIEW

According to the NSR, there are no bridges or other structures in the portion of rail line proposed for abandonment. NSR also believes that there are no archaeological resources or other railroad related historic properties in the area of the proposed abandonment.

NSR served the historic report on the Iowa State Historical Society (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments that it concurs with NSR's findings that the proposed abandonment and discontinuance of service 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 C.F.R. § 800.5(c) and 36 C.F.R. § 800.8, we have determined that the proposed abandonment would not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 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 any federally recognized tribes that may have ancestral connections to the project.² The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect). The tribes are: the Flandreau Santee Sioux; the Iowa Tribe of Kansas and Nebraska; the Iowa Tribe of Oklahoma; the Lower Sioux Indian Community of Minnesota; the Prairie Island Indian Community; the Sac and Fox Nation of Missouri; the Sac and Fox Nation of Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Santee Sioux Nation; and the Upper Sioux Community of Minnesota. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Norfolk Southern Railway Company (NSR) shall consult with the U.S. Environmental Protection Agency,

² Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited October 14, 2010).

Region 7, to ensure that any concerns regarding potential contamination of the right-of-way are addressed. NSR shall report the results of these consultations in writing to the Board's Office of Environmental Analysis (OEA) prior to the onset of salvage operations.

2. Prior to commencement of any salvage activities, NSR shall consult with the Iowa Department of Natural Resources regarding its listed species or rare communities, stormwater, water quality, and fugitive dust requirements and shall use best management practices during salvage operations..

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 four-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 290 (Sub-No. 322X) 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: October 22, 2010.

Comment due date: November 9, 2010.

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

Attachment