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OEA

SERVICE DATE – DECEMBER 14, 2015

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 331 (Sub-No. 2X)

**The Bi-State Development Agency of the Missouri-Illinois Metropolitan District –
Abandonment Exemption – in the City of St. Louis, Mo.**

BACKGROUND

In this proceeding, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District d/b/a Metro (Metro) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in the City of St. Louis, Missouri. The rail line proposed for abandonment extends 1.43 miles from milepost 1.8 to milepost 3.23 in St. Louis (the Line). 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.

Metro states that it seeks abandonment authority to construct an additional MetroLink light rail station to serve the Cortex technology district. Metro states that it has fee title to the entire right-of-way underlying the Line, and that no part of the right-of-way was federally granted. According to Metro, an 8.14 mile segment of the right-of-way upon which MetroLink operates was acquired by Metro from the Wabash Railroad Company and the Norfolk and Western Railway Company pursuant to the Notice of Exemption filed June 6, 1989.¹ Pursuant to this authorization by the Board's predecessor, the Interstate Commerce Commission ("ICC"), Metro assumed the obligations of a common carrier on the acquired right-of-way. ICC subsequently authorized discontinuance of a 6.71-mile portion of the right-of-way in 1990, and the remaining 1.43 miles of right-of-way in 2010. Metro still has common carrier obligations for the Line.

ENVIRONMENTAL REVIEW

Metro submitted an Environmental Report that concludes that 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. Metro served the Environmental Report on a number of appropriate federal, state, and local agencies as required

¹ FD 31425. Metro Acquisition and Operation Exemption--Norfolk and Western Railway Company and Wabash Railroad Company

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

According to Metro, no local traffic has moved over the line for at least two years and all overhead traffic was rerouted years ago. Accordingly, the proposed abandonment would not adversely impact the development, use, or transportation of energy resources, recyclable commodities, or ozone-depleting materials, nor 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. In Metro's filing, it stated that if abandonment is approved, it will salvage track, ties, and other track materials, but leave any berms, bridges, trestles, culverts, and structures undisturbed.

Metro states that the Line does not cross and is not immediately adjacent to any waterway. Metro plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to Metro, the right-of-way is generally 25 feet wide, widening to 50 feet between Sarah and Boyle Avenues, and the Line is located in a rapidly growing technology research development district. The area includes multiple medical facilities, including Barnes Jewish and Children's Hospitals and St. Louis College of Pharmacy, as well as a new IKEA store. The Line was an industrial spur adjacent to the now MetroLink light rail public transit line. The Line parallels Interstate 64 along the South and Forest Park Parkway along the North.

Several agencies consulted replied with comment that no environmental impacts to resources within their jurisdiction would be likely. The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that listed species, proposed species, candidate species, and designated/proposed critical habitat are not likely to be impacted by the proposed action. Additionally, USFWS commented that with respect to wetlands and other important fish and wildlife habitat, it appears that the proposed action will not significantly impact these resources. The U.S. Army Corps of Engineers (Corps) concluded that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required. The National Geodetic Survey replied that no geodetic station marks are located in the area of the proposed abandonment.

² The 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 331 (Sub-No. 2X).

The Missouri Department of Natural Resources (MODNR) submitted comments that salvage activities included in the proposed abandonment do not appear to present an environmental concern. However, MODNR notes that potential groundwater contamination of the right-of-way from two nearby Brownfield/Voluntary Cleanup Program sites should be considered post-abandonment, specifically the potential for vapor intrusion. Post-abandonment construction activities are beyond the jurisdiction of the Board, and therefore, the scope of this EA.³

U.S. Environmental Protection Agency (EPA) recommended that OEA include several pieces of information in its NEPA documentation: what measures Metro will employ to prevent incidental spills, control erosion, limit damage to plants, and manage construction debris; any soil sample data that may indicate historic spills or contamination in the right-of-way; and measures taken for treatment or removal of invasive plant species. According to Metro, the most recent soil sampling in the right-of-way took place more than ten years ago and indicated no contamination of soils or groundwater; therefore, OEA does not believe including this sampling in this EA is necessary. According to Metro, salvage activities would not cause sedimentation or erosion of the soil, and Metro does not anticipate any dredging or use of fill when removing the track material. Metro states that no debris would be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials. OEA recommends that any decision granting abandonment authority include a condition that prior to conducting any salvage activities, Metro shall consult with EPA Region 7 to address its concerns regarding the treatment of invasive plant species that may be identified in the project area.

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.

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: MODNR and EPA.

HISTORIC REVIEW

Metro served the Historic Report on the Missouri State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 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). OEA has reviewed the report and the information provided by the SHPO, and we concur with the

³ Iowa Southern R. Co. – Exemption – Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990)

SHPO's comments. OEA also received comment from the City of St. Louis Planning & Urban Design Agency stating its position that, as the Signal House would not be affected and would continue to be used by Metro, the abandonment's impact on the historic rail line is not considered to be a major impact in terms of the National Historic Preservation Act or an adverse effect in terms of Section 106 of the Historic Preservation Act.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be adversely affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. 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 through posting on the Board's website at www.stb.dot.gov.

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.⁴ The database indicated that the Peoria Tribe of Indians of Oklahoma, a federally-recognized tribe, may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to this tribe for review and comment.

CONDITIONS

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

- 1. Prior to conducting any salvage activities, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District shall consult with the Environmental Protection Agency Region 7 to address its concerns regarding the treatment of invasive plant species that may be identified in the project area.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA 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.

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited November 24, 2015).

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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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 Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 331 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.dot.gov.

Date made available to the public: December 14, 2015.

Comment due date: December 29, 2015.

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

Attachment