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SERVICE DATE - JUNE 12, 1998

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-402(SUB-NO. 5X)

**FOX VALLEY & WESTERN LTD.
ABANDONMENT PETITION
IN KEWAUNEE COUNTY, WISCONSIN**

BACKGROUND

In this proceeding, Fox Valley & Western Ltd. (FVW), a subsidiary of the Wisconsin Central Transportation Corporation, has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line between Milepost 18.9 in Luxemburg and Milepost 35.6 at the end of the line in Kewaunee, a distance of 16.7 miles in Kewaunee County, Wisconsin. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

In its application, FVW states that the only shipper on the line, Kewaunee Co-op, does not contest the proposed abandonment and is making arrangements to relocate to another rail line segment.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes 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. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

FVW and the Wisconsin Department of Natural Resources (WDNR) have executed a Consent Order to remediate the Kewaunee Marsh arsenic contamination site. The stipulations of the Consent

Order are on-going and FVW states that it will coordinate with WDNR to determine whether FVW is responsible for remediation at other contamination sites nearby. According to WDNR, FVW's commitment to leave the ballast undisturbed during salvage, in addition to the stipulations of the Consent Order, is sufficient mitigation at this time. WDNR states that if the ballast is ever removed from the right-of-way, sampling will be required to define the degree and extent of any contamination and remediation will be required if necessary.

The National Geodetic Survey (NGS) has informed us that 3 geodetic station markers may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities that may affect the markers in order to plan for their relocation. NGS also sent a copy of the list and location of the markers to FVW. We will recommend NGS's request as a condition to any abandonment authority.

CONDITIONS

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

The National Geodetic Survey (NGS) has identified 3 geodetic station markers that may be affected by the proposed abandonment. Therefore, FVW shall notify NGS at least 90 days prior to any salvage activities that may disturb or destroy these markers to that plans can be made for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended conditions, we conclude that, as currently proposed, 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 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, 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, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB- 402 (Sub No. 5X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Dana White at (202) 565-1552.

Date made available to the public: June 12, 1998.

Comment due date: July 10, 1998. (30 Days)

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

PLEASE SCAN MAP