

41152  
OEA

SERVICE DATE – OCTOBER 26, 2010

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 33 (Sub-No. 289X)**

**Union Pacific Railroad Company – Abandonment Exemption –  
in Pulaski County, Ark.**

**BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP) 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 portion of a rail line, known as the Camp Robinson Spur, in Pulaski County, Arkansas. The rail line proposed for abandonment extends approximately 4.04 miles from milepost 345.64 near Levy, to milepost 349.68 near Camp Robinson (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.

**DESCRIPTION OF THE LINE**

According to UP, the Missouri Pacific Railroad constructed the Line to Camp Pike (later renamed Camp Joseph T. Robinson) in 1917. The track currently consists of a mixture of 75 and 85 pound jointed and welded rail. The Line crosses under Interstate 40 and proceeds northeastward through a relatively level residential and commercial area. It then curves westward and enters a forested and hilly area before terminating at a row of warehouses at Camp Robinson.

**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)].<sup>1</sup>

---

<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 289X).

The Board's Office of Environmental Analysis (OEA)<sup>2</sup> has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to UP, no local traffic has moved over the Line for at least 2 years, and there is no overhead traffic to 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. OEA notes that UP is also currently seeking to abandon a .32-mile portion of rail line, known as the Junction Bridge Line, in Pulaski County. That segment is the subject of a separate environmental review, but the cumulative environmental impacts of that proposed abandonment and the abandonment of the Line assessed in this EA are set forth below.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that it has authorized the proposed abandonment under the Department of Army Nationwide Permit (NWP) process. Specifically, the proposed abandonment is authorized by four (4) NWPs, provided that certain conditions are met. One of these conditions requires that UP submit compliance certification within 30 days of completion of the project. Accordingly, we recommend that UP consult with the Corps regarding the required NWP conditions and comply with the Corps' reasonable requirements.

The National Geodetic Survey (NGS) identified one geodetic station marker in the area of the proposed abandonment. Accordingly, OEA recommends a condition that requires UP to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy the geodetic station marker.

The U.S. Environmental Protection Agency's Region 6 Office (USEPA) has not submitted comments regarding the proposed abandonment. Accordingly, OEA will provide a copy of this EA to USEPA for its review and comment.

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

---

<sup>2</sup> OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

list for this proceeding, OEA is providing a copy of this EA to the Corps and USEPA for their review and comment.

## **HISTORIC REVIEW**

UP served the Historic Report on the Arkansas Historic Preservation Program (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment.

Accordingly, 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 the proposed abandonment would not 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 through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the Osage Tribe, Oklahoma and the Quapaw Tribe of Indians, Oklahoma, may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment. Accordingly, OEA is sending a copy of this EA to these tribes for their review and comment.

## **CUMULATIVE IMPACTS**

As noted above, UP filed a notice of exemption with the Board seeking to abandon another portion of rail line in Pulaski County; a .32-mile segment of rail line, known as the Junction Bridge Line, between milepost 343.65 to the end of the line at milepost 343.97 in North Little Rock.<sup>3</sup> This segment of rail line is approximately 2 miles away from the Line assessed in this EA.

The regulations of the Council on Environmental Quality implementing the National Environmental Policy Act (NEPA) at 42 U.S.C. §§ 4321-43, define a cumulative impact as “the impact on the environment, which results from the incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.” (40 C.F.R. § 1508.7). This ensures that the range of

---

<sup>3</sup> Materials filed in that proceeding can be viewed on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 33 (Sub-No. 290X).

actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

OEA received comments similar to those described above for the proposed abandonment of the .32-mile segment in North Little Rock. The potential impacts raised in these comments have been addressed and mitigation has been recommended in the EA prepared for that abandonment. Therefore, OEA concludes that the proposed abandonment of this .32-mile portion of the Junction Bridge Line would have no adverse cumulative impacts on the environment.

## **CONDITIONS**

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

1. Prior to commencement of any salvage activities, Union Pacific Railroad Company shall consult with the U.S. Army Corps of Engineers (Corps) regarding the required NWP conditions and shall comply with the Corps' reasonable requirements.
2. Union Pacific Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could 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 conditions are 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 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 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 289X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at [danielle.gosselin@stb.dot.gov](mailto:danielle.gosselin@stb.dot.gov).

Date made available to the public: October 26, 2010.

**Comment due date: November 9, 2010.**

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

Attachment