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SERVICE DATE - FEBRUARY 5, 1999

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

February 3, 1999

NO. AB-33 (SUB-NO. 130X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN POCAHONTAS, BUENA VISTA AND CLAY COUNTIES, IA

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) 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, known as the Royal Branch, located between milepost 477.10 near Laurens, and the end of the line at milepost 502.35 near Royal, a distance of 25.25 miles in Pocahontas, Buena Vista and Clay Counties, Iowa. 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

There is one shipper on the line, and the railroad states that rail service will be provided to this shipper on another line of UP. Shipments on the line to be abandoned have consisted of corn, soybeans and fertilizer. The railroad anticipates that the right-of-way will be conveyed for use as a trail. There are seven bridges on the line which are 50 years old or older.

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 verified the record in this proceeding.

Responses to the railroad's request for comments thus far have indicated the need for two mitigation conditions, set forth below.

CONDITIONS

The State Historical Society of Iowa has not completed its review of the proposed abandonment. The U.S. Fish and Wildlife Service (USFWS) has requested the railroad to contact the Rock Island Field Office prior to abandonment because of the possibility that two threatened species, the bald eagle and the western prairie fringed orchid may be present in the area. We therefore recommend that the following two conditions be placed on any decision granting abandonment authority:

1. Union Pacific shall consult with the U.S. Fish and Wildlife Service, Rock Island Field Office, prior to commencement of salvage operations on the line.
2. Union Pacific shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

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

The UP states that the right-of-way will probably be converted to trail use, and that existing transportation and public utility facilities appear adequate to serve the area's limited population. The UP therefore believes that the right-of-way would not be suitable for other public use. If a public use request is made, such 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) 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 Harold McNulty, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 130X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr. McNulty at (202) 565-1539.

Date made available to the public: February 5, 1999.

Comment due date: March 8, 1999.

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

Vernon A. Williams
Secretary

PLEASE SCAN MAP