

31453

SERVICE DATE - JANUARY 12, 2001

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-402 (Sub No. 8 X)**

**FOX VALLEY AND WESTERN, LIMITED  
PETITION FOR EXEMPTION FOR ABANDONMENT -  
IN BROWN AND OUTAGAMIE COUNTIES, WI**

**BACKGROUND**

In this proceeding, Fox Valley and Western Limited (FVW) has filed an application seeking authority under 49 U.S.C. 10903 to abandon its rail line segment located from milepost 4.78, at or near Green Bay, WI, to milepost 38.98, at or near New London, WI, a distance of approximately 34.2 miles traversing the Wisconsin counties of Brown and Outagamie. A map depicting the rail line segment in relationship to the area served is appended to the report. If the application is approved, 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**

The rail line proposed for abandonment is located in eastern Wisconsin in Brown and Outagamie Counties, near the City of Green Bay. The area adjacent to the rail line is gently rolling in the east and generally flat at its western end. The lands are lightly wooded with small portions of marsh lands. The lands are utilized for mixed agricultural use. The rail line runs in a east-west direction and is located just east of and parallel to Wisconsin State Highway 54.

During 1998, 350 railcars moved over this rail line, while 313 railcars were moved during 1999, and 82 railcars were moved as of September 28, 2000. FVW states that the significant reduction in rail traffic results from a substantial portion of the grain and fertilizer traffic no longer moves over the rail line. FVW additionally states that it is making arrangements, where necessary, with all remaining shippers, including any overhead rail traffic.

FVW's Environmental and Historical Report (ER) states that there is one building, a rail depot, on the rail line right-of-way located at Black Creek. FVW states that the depot was constructed in 1944 and does not appear to have any significant historical value. The ER has identified four bridges. FVW believes that all bridges and structures are at least 50 years old, but do not have any significant historical value due to their standard-type construction. FVW also does not believe that any significant archaeological finds are located along the right-of-way as significant portions of the right-of-way were disturbed by the actual construction of the rail line.

## **ENVIRONMENTAL REVIEW**

FVW submitted an ER 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. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental and historic effects of the proposed abandonment.

FVW states that the rail line proposed for abandonment does not cross nor is it adjacent to State or National Park lands. However, the rail line does pass through the Oneida Indian Reservation as well as the Mack State Wildlife Area.

Because the rail line proposed for abandonment is partially located on the Oneida Indian Reservation, SEA has consulted with the Oneida Tribal Attorney. The Tribal Attorney indicated that they are opposed to the Wisconsin Department of Natural Resources position of converting the rail corridor, if the abandonment is approved, into trails use.

## **Transportation**

Wisconsin State Highway 54 is classified as a two lane principal arterial and is a key east-west thoroughfare serving the region. In addition to information contained in FVW's ER, SEA also consulted with the Wisconsin Department of Transportation (WI-DOT)<sup>1</sup> regarding average daily traffic (ADT) data and roadway classification.

---

<sup>1</sup>Telephone consultation with Lisa Norquay, District 3, WI-DOT.

## Rail-to-Truck Diversions

SEA's preliminary analysis of 1999 railcar data (base year), indicates that 313 railcars would be diverted to trucks.<sup>2</sup> The proposed abandonment, if approved, would result in 1752.8<sup>3</sup> additional trucks or 3505.6 additional truck trips annually. When the additional trucks are calculated on a per day basis, an estimated 7.3 trucks (14.6 truck trips) per day result during a 240 day year.<sup>4</sup> It is important to note that SEA is assuming an empty backhaul, which means that approximately 15.0 trucks per day will be added to existing traffic on Wisconsin State Highway 54.

In analyzing transportation impacts, SEA used the communities of Green Bay, Black Creek, and New London as benchmarks for comparison because those are areas for which SEA was able to obtain the most current ADT information.

To further analyze the potential impact of the additional truck traffic, SEA calculated the percent increase in new truck traffic, as outlined above. SEA determined that the percent increase in ADT, based on a 240 day year (7.3 new trucks per day in each direction) would result in the following:

Community	ADT	Estimated New Truck Trips	Percent Increase in ADT
Green Bay	12,200 <sup>5</sup>	15.0	0.1
Black Creek	5,000	15.0	0.3
New London	4,000	15.0	0.4

---

<sup>2</sup>SEA notes that using 1999 railcar data is a worst case scenario since only 82 railcars moved over this rail line through September 28, 2000.

<sup>3</sup>SEA used a conversion of 5.6 trucks per railcar - railcars typically haul 100 tons and most trucks haul 18 tons.

<sup>4</sup>240 workdays result when weekends and holidays are subtracted from a 365 day year.

<sup>5</sup>ADT data provided by Lisa Norquay, District 3, WI-DOT. Brown County (Green Bay) ADT data was last updated in 1998 while Outagamie County (Black Creek and New London) ADT data was last updated in 1997.

Based on the results which indicate an increase in ADT of less than one percent, SEA concludes that rail-to-truck diversions resulting from the proposed abandonment, if approved, will not significantly contribute to traffic delay or adversely affect safety.

Finally, FVW states that it would remove all 67, public and private, at-grade crossings located on the line proposed for abandonment. SEA believes that removal of these at-grade crossings would reduce the number of injuries and fatalities that might otherwise occur.

Following abandonment, all shippers would have the alternative of trucking their goods to or from another railhead or to and from the ultimate origin and destination. The impact of this movement on Wisconsin State Highway 54 is not expected to have a significant effect on the traffic patterns because the change in ADT represents less than a one percent increase at any point of entry for the new traffic. SEA therefore concludes that impacts to highway infrastructure and safety on roadways would not be significant.

### **Energy Consumption**

As stated earlier, SEA determined that 1752.8 trucks would be required to move the rail traffic presently handled on the subject line. SEA's analysis indicates that this would result in 113,581.4<sup>5</sup> vehicle miles annually. Assuming that trucks use 4 times the amount of fuel as does a train and that a typical truck averages 6 miles per gallon, the new truck traffic would consume an additional 3,407,443.2 gallons of diesel fuel annually, which is less than 0.6 percent of the approximately 600 million gallons of diesel fuel consumed annually by motor carriers in the State of Wisconsin.<sup>6</sup>

### **Air Quality**

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5)(ii) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrant detailed analysis. The applicable threshold level for an attainment area when assessing air pollution is an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of the rail line, or an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment.

---

<sup>5</sup>SEA determined annual vehicle miles by multiplying 1752.8 new trucks x 64.8 miles (32.4 miles one-way).

<sup>6</sup>U.S. Department of Transportation - 1996 Motor Fuel Volume Taxed - 1996.

Consultation with the WI-DNR- Green Bay Office, indicates that the proposed area is an attainment area. To determine whether the air pollution that would be generated by the estimated new truck diversions, we compared the increase in existing ADT on Wisconsin State Highway 54 with the worst case scenario – 15.0 trucks per day, round-trip, would traverse the entire segment between Green Bay and New London. The results indicate if all of the diverted truck traffic traversed the entire 32.4 miles that there would be an increase in ADT of 0.4 percent on the portion of Wisconsin State Highway 54 that carries the least amount of traffic, as measured near New London. The corresponding impacts to air quality would also be insignificant.

### **Solid and Hazardous Waste**

FVW is presently in the process of remediating a contaminated site located at 213 Railroad Street, Black Creek, WI (formerly Seidl Oil Company). WI-DNR states that all demolition and hazardous waste material generated must be disposed of in accordance with all applicable regulations. The U.S. Environmental Protection Agency, Region 5, and the WI-DNR requests that FVW consult with them regarding development of an appropriate remediation and waste disposal plan.

WI-DOT states that if the rail line is abandoned, the greatest potential for environmental damage would result from the failure of FVW to properly discard of debris generated by salvage activities. WI-DOT request that FVW's salvage activities comply with the WI-DOT's Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures.

### **Cultural and Historic Resources**

The National Geodetic Survey (NGS) has not completed its review of the proposed abandonment.

Additionally, the State Historical Society of Wisconsin has stated that their review did not identify any properties or areas of archeological or historical significance.

### **Biological Resources**

The U.S. Department of Interior (US-DOI) has identified the Bald Eagle, Dwarf Lake Iris, and the Karner Blue Butterfly as federally listed or proposed threatened or endangered species in the project area. However, due to the nature of the proposed activities, the US-DOI has concluded that the listed species will not be adversely affected.

WI-DNR has indicated that salvage activities should not involve any significant environmental issues, but that all removal activities should be conducted in an environmentally sound manner. WI-DNR further states that if native grassland savanna, prairie or wet meadow remnants are encountered that additional surveys of these habitats should be conducted. In the event that rare plants and remnants of prairies are found along the right-of-way, WCL has stated that it will use every caution during salvage of the rail line and that all associated activities will be completed in an environmentally sound manner. WI-DNR further requests that any prairie habitat disturbed be reseeded with WI-DNR certified native prairie seed.

WI-DNR also requests that all salvage activities occurring within the boundaries of the Mack State Wildlife Area be kept to a minimum.

### **Water Resources**

Additionally, the U.S. Army Corps of Engineers has indicated that the bridge crossing the Wolf River on the south side of Shiocton, WI, is considered a navigable water of the United States. A condition of all authorized structures over a navigable water is that the applicant must maintain all structures in good condition and in conformance with the terms of the permit. FVW is not relieved of this requirement through abandonment of the permitted structure. These same requirements would apply if the proposed abandonment includes the bridge crossing over the Wolf River near New London, WI.

The WI-DNR requests that WCL prepare a track salvage work plan (Work Plan) that addresses potential impact to water quality and wetlands. WCL should prepare this Work Plan in accordance with the WI-DOT's Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures.

WI-DNR states that, with regard to wetlands, if future use of the right-of-way is not for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established and all existing bridges and culverts must be removed and the embankments re-graded and permanently stabilized. Any work in the wetlands may require local, state, and/or U.S. Corps of Engineers permits.

WI-DNR has also expressed concern regarding storm and surface-water discharge due to salvage activity. WI-DNR requests that FVW prepare an erosion control plan prior to initiation of any salvage activities.

## Native American Consultation

SEA has consulted with the Oneida Tribal Attorney<sup>7</sup> and discussed potential areas of conflict. The Tribe has stated that they are opposed to the rail line, if the abandonment is approved, conversion to Rails to Trails designation.

## CONDITIONS

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

1. **The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, we recommend, that Fox Valley and Western Limited consult with the NGS prior to undertaking salvage operations. If salvage operations are expected to destroy or disturb any geodetic station markers the railroad shall notify the NGS in not less than ninety days prior to commencement of such operations.**
2. **The U.S. Environmental Protection Agency (EPA), Region 5, has not completed its review of the proposed abandonment. Therefore, we recommend, that Fox Valley and Western Limited consult with EPA Region 5 regarding the identification and remediation of all hazardous waste disposal/discharge sites and secure all necessary permits prior to initiation of remediation and disposal activities.**
3. **The U.S. Army Corps of Engineers (COE) has completed its review of the proposed abandonment and determined that if the structures crossing Wolf River are no longer maintained in compliance with permit that a modification must be obtained. Therefore, we recommend, that Fox Valley and Western Limited consult with the COE prior to initiation salvage or disposal activities of the rail line to determine if the proposed abandonment is consistent with applicable Federal, state, and local water quality standards, and if permits are required under Section 404 of the Clean Water Act.**
4. **A. The Wisconsin Department of Natural Resources (WI-DNR) requests that Fox Valley and Western Limited (FVW) take appropriate measures to identify and properly dispose of all hazardous wastes along the right-of-way. Therefore, we recommend, that Fox Valley and Western Limited consult**

---

<sup>7</sup>Ms. Loretta Webster of the Oneida Tribal Land Office.

- A. with WI-DNR regarding the identification and remediation of all hazardous waste disposal/discharge sites and secure all necessary permits prior to initiation of remediation and disposal activities.
  - B. The Wisconsin Department of Natural Resources (WI-DNR) requests that Fox Valley and Western Limited (FVW) prepare a track salvage work plan (Work Plan), in compliance with the Wisconsin Department of Transportation's Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures, that addresses potential impact to surface water quality and wetlands resulting from abandonment activities. We recommend that FVW consult with the WI-DNR regarding the Work Plan guidelines prior to consummation of abandonment activities.
  - C. WI-DNR also states that the rail line passes through the Mack State Wildlife Area. We recommend that Fox Valley and Western Limited shall, prior to any salvage activities, consult with the WI-DNR specifically about such activities within Mack State Wildlife Area and take all steps necessary to keep salvage activities to a minimum within the boundary of the Mack State Wildlife Area.
5. The Wisconsin Department of Transportation (WI-DOT) requests that Fox Valley and Western Limited (FVW) prepare a track salvage work plan (Work Plan), in compliance with the WI-DOT's Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures, that addresses the following:
- FVW must contact the appropriate maintaining authority to coordinate work efforts.
  - Removal all rail, ties, and ballast from State at-grade crossings.
  - Obtaining a permit from the District Maintenance section to perform work on the roadway right-of-way.
  - Taking appropriate measures to handle traffic while rail line materials are being removed from the at-grade crossing.
  - Restoring the roadway at-grade crossing in like kind; and
  - Taking all measures necessary to protect surveying benchmarks, monumentation, and mapping information for the rail line segment.
- We recommend that FVW consult with the WI-DOT regarding the Work Plan guidelines prior to consummation of abandonment activities.
6. The Wisconsin Counties of Brown and Outagamie (Counties) have not completed their review of the proposed abandonment. Accordingly, we recommend that Fox

**Valley and Western Limited consult with the Counties prior to initiation of any salvage activities in order to address any concerns the Counties may have.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed and if the recommended conditions are imposed, abandonment of this rail line segment 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**

If abandonment and salvage of the rail line does take place, 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 Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

WI-DOT requests that, if abandoned, that the rail corridor be preserved in a manner consistent with existing land use plans.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

\_\_\_\_\_ WI-DOT and WI-DNR state that there is interest in acquiring this corridor, if abandoned, for trail use. WI-DNR further states that this rail corridor has also been identified in the State Trails Plan and the Northeast Region Trails Plan as a future State Trail segment.

The Oneida Tribe has stated that they are opposed to the rail corridor, if the abandonment is approved, being converted to trails use.

## **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 the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-402 (Sub. No. 8 X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1554.**

Date made available to the public: January 12, 2001.

Comment due date: **February 12, 2001 (30 days).**

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

Vernon A. Williams  
Secretary

MAP TO BE SCANNED