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SERVICE DATE – FEBRUARY 27, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-993X

**Motive Rail, Inc. d/b/a Missouri North Central Railroad – Discontinuance Exemption –
in Livingston, Linn, and Chariton Counties, Missouri**

STB DOCKET NO. AB-1001X

**Chillicothe-Brunswick Rail Maintenance Authority – Discontinuance Exemption –
in Livingston, Linn, and Chariton Counties, Missouri**

BACKGROUND

Motive Rail, Inc. d/b/a Missouri North Central Railroad (Motive Rail) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Services seeking to discontinue service over an approximately 29.55-mile rail line between milepost 218.25 and milepost 188.7, in Livingston, Linn, and Chariton Counties, Missouri. Chillicothe-Brunswick Rail Maintenance Authority (CBRA) has also filed a notice of exemption seeking to discontinue service over an approximately 37.44-mile portion of the same rail line between milepost 226.0 and milepost 188.56, in Livingston, Linn, and Chariton Counties, Missouri. If these notices become effective, Motive Rail and CBRA would be able to discontinue service over the above mentioned portions of the line.¹ A map depicting the rail line in relationship to the area served is appended to the report.

ENVIRONMENTAL REVIEW

The Board's predecessor, the Interstate Commerce Commission (ICC), previously authorized abandonment of the line in a 1983 decision. See Norfolk & Western Railway Co. et al. – Abandonment, etc. – in Chariton et al Counties, AB-10 (Sub-No. 27) (ICC served Nov. 10, 1983). As stated in that decision, the environmental impacts of the proposed abandonment were examined by the ICC's Section of Energy and Environment,² which prepared an Environmental Assessment (EA) and determined that the abandonment would not significantly affect the quality

¹ For purposes of this environmental review, the portions of the line that each railroad seeks to discontinue service over will be referred to together as the "line."

² In 1991, the Section of Energy and Environment was renamed as the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA).

of the human environment. Energy consumption, air and water quality, noise levels and public safety were some of the environmental areas that were considered. The abandonment was consummated in 1984.

For the current proceedings, Motive Rail and CBRA jointly submitted an Environmental Report³ that concludes the quality of the human environment will not be affected significantly as a result of the proposed discontinuances. The Environmental Report was served on a number of appropriate Federal, state, and local agencies. SEA has reviewed and investigated the record in these related proceedings.

The line is located in an area that is primarily farmland, and the width of the right-of-way is generally 100 feet. Currently, the line and associated fixtures (track and ties) are owned by the City of Chillicothe (City).⁴ In a letter dated February 6, 2007, the City states that it supports the discontinuance authority sought by Motive Rail and CBRA.

Several comments have been submitted in this proceeding. The National Geodetic Survey (NGS) identified nineteen geodetic station markers that may be affected by the proposed discontinuances. In addition, the Missouri Department of Natural Resources (MDNR), submitted comments stating that it has identified no environmental concerns related to the proposed discontinuances. However, MDNR expressed concern regarding removal and salvage of rail infrastructure. MDNR stated that there may be potential lead or asbestos contamination of structure such as bridges. Accordingly, MDNR recommended that the railroads conduct an appropriate inspection, give notification of demolition, and properly handle all contaminated materials. In addition, MDNR recommended that the railroads conduct an inspection for previously unidentified hazardous waste or other materials from spills. Finally, MDNR, recommended that the railroads use best management practices and recycling, if possible, for the disposal of all demolition materials.

As stated above, Motive Rail and CBRA do not own the underlying real estate or the line itself. Moreover, it is uncertain how long the remaining rail, track material, and crossties will remain in place. Because the City, which is not a common carrier under the Board's jurisdiction, owns the property, SEA cannot recommend that a condition be imposed requiring compliance with NGS' or MDNR's specific recommendations pertaining to salvage activities for these

³ 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-993X.

⁴ The City's predecessor in interest, Green Hills Rural Development, Inc. (GH), is a locally-owned non-profit corporation. According to Motive Rail and CBRA, GH acquired the line in a transaction that the ICC ruled did not fall within the ICC's jurisdiction. Although Motive Rail and CBRA only have operating authority and do not own the rail line or the underlying real estate, SEA has determined that an EA is appropriate here because the line will pass out of the Board's jurisdiction as a result of the proposed discontinuances, if approved.

proposed discontinuances. In a letter dated February 16, 2007, however, the City states that any entity salvaging the line on its behalf will comply with all applicable laws, regulations, and best management practices during salvage activities.

HISTORIC REVIEW

As discussed above, Motive Rail and CBRA submitted an Environmental and Historic Report as part of the discontinuance proceedings, and served the report on the Missouri Department of Natural Resources' State Historic Preservation Office (SHPO). At the time that the 1983 EA was prepared, the ICC's Section of Energy and Environment recommended that all sites 50 years old or older be left intact pending a final determination as to eligibility for inclusion in the National Register of Historic Places (National Register). As noted above, however, the abandonment was consummated in February 1984.

While the record for the prior abandonment proceeding is silent on the resolution of the historic preservation issue, Motive Rail and CBRA state that the bridges on the line have all been reconstructed as a consequence of flooding that occurred in 1983 and 1993. Accordingly, Motive Rail and CBRA do not believe that there are any sites or structures on the line that qualify for the National Register.

CONDITIONS

As stated above, the proposed discontinuances would not include salvage operations separate from those connected with the prior abandonment of the line. Accordingly, SEA recommends that no environmental conditions be placed on any decision granting discontinuance authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, discontinuance of service on the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed discontinuances would include denial (and therefore no change in operations) 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.

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 Christa Dean who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-993X in all correspondence,**

including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at deanc@stb.dot.gov.

Date made available to the public: February 27, 2007.

Comment due date: March 20, 2007.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment