

32903

SERVICE DATE - SEPTEMBER 6, 2002

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-314 (Sub-No. 2X)

Chicago Central & Pacific Railroad Company - Abandonment Exemption - in Linn County, IA

BACKGROUND

In this proceeding, the Chicago Central & Pacific Railroad Company (CCP) filed a petition for exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 for CCP to abandon a segment of the Marion-Louisa Industry Lead in Linn County, Iowa. The portion of rail line proposed for abandonment spans 3.8 miles from Milepost ZA 225.7 to Milepost ZA 229.5. A map depicting the rail line in relationship to the area served is appended to this report. If the petition becomes effective, CCP would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way (ROW).

DESCRIPTION OF THE LINE

The rail line proposed for abandonment is located in Linn County in eastern Iowa. The line extends from Milepost ZA 229.5 near Blairs Ferry Road in the City of Cedar Rapids to the current end of the track at Milepost ZA 225.7 near 35th Street in the City of Marion. The total length to be abandoned is 3.8 miles.

According to CCP, there has been no originating or terminating rail traffic thus far in 2002. In 2001, traffic consisted of four outbound carloads from Marion Metal and six inbound carloads to Prince Agri Products. There was no traffic in 2001 associated with Linn Co-op, the only other remaining customer on the section of line proposed for abandonment. CCP stated that there is no overhead traffic on the line because the track dead ends at Milepost ZA 225.7 in Marion.

Land use in the vicinity of the rail line varies and includes residential, industrial, commercial, city parkland, and a public library. There are 15 at-grade and two grade-separated public road crossings along the rail line. CCP states that there are no known wildlife sanctuaries or refuges, or state or national parks or forest in the vicinity of the rail line.

The width of the ROW is variable and ranges from zero to 200 feet. The zero width occurs on a section of the line located within a City of Marion public street. The ROW was originally acquired some time between the late 1800's and 1915 by the former Chicago, Milwaukee & St. Paul Railroad ("Milwaukee Road"), and came under the current ownership in 1999 following a series of railroad

mergers and acquisitions.

A bridge over Indian Creek is the only structure on the rail line that is 50 years of age or older. The 332-ft long bridge was built in 1915 and consists of a concrete deck and piers. CCP has stated that it does not believe the bridge possesses any historical value or significance. The Historical Society of Iowa (the State Historic Preservation Office or SHPO) has not yet rendered an opinion on the proposed abandonment.

ENVIRONMENTAL REVIEW

The applicant submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The applicant served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The State Conservationist at the U.S. Department of Agriculture, Natural Resources Conservation Service had not responded to the applicant's inquiry at the time this document was prepared. Because of the developed nature of the land uses in the vicinity of the line, however, abandonment would not be expected to adversely effect prime agricultural land.

The cities of Cedar Rapids and Marion have both filed requests for Public Use Conditions and Notices of Interim Trail Use (NITU). CCP has expressed a willingness to negotiate on these issues.

The City of Marion has stated that the portion of the rail line between approximately 22nd Street and 31st Street may be a potential brownfield site. The nature of the potential concern (e.g., soil or groundwater contamination) was not specified by the city. Therefore, we recommend a condition to address this concern.

The U.S. Environmental Protection Agency, Region VII, Environmental Services Division (EPA) did not identify any significant environmental concerns with the proposed abandonment. The agency did specify two positive benefits of abandonment including the discontinuance of ROW-clearing herbicides, and the potential conversion of the ROW to a recreational trail. EPA recommended that CCP contact the Iowa Department of Natural Resources regarding potential stormwater permitting requirements. Therefore, we recommend a condition to address this concern.

The U.S. Army Corps of Engineers, Rock Island District stated that the proposed abandonment would not require a Section 404 permit (i.e., the placement of fill or dredged material into waters of the U.S. including wetlands would not occur).

The U.S. Fish and Wildlife Service, Rock Island, Illinois Field Office stated that it had no objections to the proposed abandonment. The Iowa Department of Natural Resources, Conservation

and Recreation Division found no records of rare species or significant natural communities for areas in the vicinity of the rail line.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has identified three geodetic station markers that may be affected by the proposed abandonment.

A portion of the rail line proposed for abandonment traverses the floodplain associated with Indian Creek. Floodplain impacts would not be expected because the Indian Creek bridge would be left in place. The rail line is not located in a Coastal Zone Management area.

Because of the minimal volume of rail traffic that has moved on the rail line in recent years, any potential diversion of traffic from rails to trucks would not be expected to adversely affect local road networks.

The State Historical Society of Iowa (the State Historic Preservation Office or SHPO) has not yet rendered an opinion on the proposed abandonment. Therefore, we recommend a condition to address this concern.

CONDITIONS

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

1. The NGS has identified three geodetic markers that could be affected by the proposed abandonment. Therefore, the applicants shall notify NGS 90 days prior to salvage activities in order to plan for their potential removal.
2. The applicant shall consult with the Iowa Department of Natural Resources regarding permitting requirements under Section 402 of the Clean Water Act (i.e., stormwater permitting requirements).
3. The applicant shall consult with the City of Marion concerning potential brownfield issues prior to initiating abandonment activities.
4. The applicant shall retain its interest in and take no steps to alter the historic integrity of the ROW 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, we conclude that, as currently

proposed, abandonment of the line would 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 ROW may be suitable for other public uses. 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.

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 20 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 ROWs 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 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 Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to Docket No. AB-314 (Sub-No. 2X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: September 6, 2002.

Comment due date: **October 4, 2002**

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

Vernon A. Williams
Secretary

Attachment

Proposed Abandonment in Cedar Rapids and Marion, Iowa

Chicago Central & Pacific Railroad Company

Docket No. AB-314 (Sub-No. 2X)

DD-329AS

FD 32903

