

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1182X**

**Brandon Railroad, L.L.C. – Abandonment Exemption –  
In Douglas County, Neb.**

**BACKGROUND**

In this proceeding, Brandon Railroad, L.L.C. (BRR) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 17.3 miles of rail line in Douglas County, Nebraska, in the former Omaha-South Omaha switching district.<sup>1</sup> If the abandonment is authorized, BRR states that it would convert the rail line from common carrier to contract and private carrier, and that no salvage operations would be conducted as a result. The rail line proposed for abandonment is located in an urban area and traverses United States Postal Zip Code 68107. BRR indicates that to the best of its knowledge, the rail line does not contain any federally granted right-of-way.

BRR states that it acquired the rail line proposed for abandonment from the Brandon Corporation in 2006. Since then, BRR has handled traffic for an affiliated company, GBW Railcar Services, L.L.C, and in August 2015, entered into a long-term Confidential Services Private Agreement (TSA) with the last remaining common carrier shipper on the line, United States Cold Storage, Inc. (Cold Storage). BRR intends to handle any future traffic by Cold Storage pursuant to the TSA. Other common carrier traffic, although very limited, would be handled under contract. BRR indicates that the proposed abandonment would have no impact on freight operations and maintenance practices because the rail line is in good condition. If the petition becomes effective, BRR would retain the track, ties, and other railroad appurtenances for continued use as a private rail line. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

BRR 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. BRR served the environmental report on a number of appropriate federal, state, and local agencies as required by

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<sup>1</sup> There are no mileposts associated with the rail line proposed for abandonment.

the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>2</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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

No local, overhead or passenger traffic would need to be rerouted as a result of the proposed abandonment. As previously stated, Cold Storage is the last remaining common carrier on the line and BRR intends to handle future traffic with this shipper pursuant to the TSA. Although other common carrier traffic has been limited, BRR would handle any requests under contract. 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 cause 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 construction of new access points to the right-of-way. However, no physical changes are anticipated here because there would be no salvage; the track, ties, and other railroad appurtenances would remain intact for continued use as a private rail line.<sup>3</sup>

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) commented that the proposed abandonment is exempt from the Farmland Protection Policy Act (FPPA) because the rail line travels through urban areas. OEA has therefore determined that no further consultation with NRCS will be necessary in this proceeding.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment but believes that there would be no impact to land, air or water media because there would be no rail to truck traffic diversions or salvage activities. OEA is however sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; the National Geodetic Survey; the National Park Service; the

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<sup>2</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 1182 (Sub-No. 0X).

<sup>3</sup> For environmental reviews of rail line abandonments, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency. This includes the diversion of traffic to other rail lines or transportation modes and the consequences of removing the track and related structures. Iowa Southern R. Co. – Exemption – Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8<sup>th</sup> Cir. 1990).

U.S. Fish and Wildlife Service; the Nebraska Environmental Protection Agency; the Douglas County Environmental Services; the Douglas County Commissioners; and the City of Omaha Planning Department for review and comment, if necessary.

## **HISTORIC REVIEW**

BRR submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Nebraska State Historical Society (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 the proposed abandonment would not adversely affect National Register of Historic Places (National Register) historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), 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(e), 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 to identify federally recognized tribes that may have ancestral connections to the project area.<sup>4</sup> The database indicates that there are 13 federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Arapaho Tribe of the Wind River Reservation, Wyoming; the Cheyenne and Arapaho Tribes, Oklahoma; the Iowa Tribe of Oklahoma; the Iowa Tribe of Kansas and Nebraska; the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; the Santee Sioux Nation, Nebraska; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation; the Sac and Fox Tribe of the Mississippi in Iowa; the Omaha Tribe of Nebraska; the Otoe-Missouria Tribe of Indians; the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; the Ponca Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

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<sup>4</sup> Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited April 7, 2016) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tadat/Tribal.aspx> (last visited April 7, 2016).

## CONDITIONS

We recommend that no conditions be imposed on any decision granting abandonment authority.

## CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes 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

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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1182 (Sub-No. 0X) in all**

**correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: April 15, 2016.

**Comment due date: May 15, 2016.**

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

Attachment