

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 290X)

**Union Pacific Railroad Company – Abandonment Exemption –
in Pulaski County, Ark.**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of a rail line, known as the Junction Bridge Line, in Pulaski County, Arkansas. The rail line proposed for abandonment extends approximately .32 miles from milepost 343.65 to the end of the line at milepost 343.97. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

UP 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. UP served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA)² has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to UP, no local traffic has moved over the line for at least 2 years and there is no overhead traffic on the line. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities;

¹ 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 33 (Sub-No. 290X).

² OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

According to UP, the right-of-way, which is generally 40 feet wide, passes through downtown North Little Rock. 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 the construction of new access points to the right-of-way. OEA notes that UP is also currently seeking to abandon a 4.04-mile portion of a rail line known as the Camp Robinson Spur in Pulaski County. That segment is the subject of a separate environmental review, but the cumulative environmental impacts of that proposed abandonment and the abandonment of the line assessed in this EA are set forth below.

The National Geodetic Survey did not identify any geodetic station markers in the area of the proposed abandonment. Accordingly, no mitigation regarding geodetic station markers is recommended.

The U.S. Fish and Wildlife Service's Arkansas Field Office (USFWS) reviewed the proposed abandonment and submitted comments stating that no federally-threatened or federally-endangered species are present in the area of the proposed project. Accordingly, no mitigation regarding threatened or endangered species is recommended.

The Natural Resources Conservation Service (NRCS) reviewed the proposed project and submitted comments stating that the abandonment would have no effect on prime farmland or farmland of statewide importance. Accordingly, no mitigation regarding prime farmland or farmland of statewide importance is necessary.

The U.S. Army Corps of Engineers' Little Rock District (Corps) determined that there are no wetlands or other waters of the United States within the area of the proposed abandonment. Therefore, a permit from the Corps is not required.

UP states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

UP served the Historic Report on the Arkansas Historic Preservation Program (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). According to UP, the line was originally built in 1870, by the Little Rock & Fort Smith Railroad. There are no bridges

on the line, which is constructed with 90-pound jointed rail and 100-pound welded rail. Based on available information, the SHPO has submitted comments stating that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), 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(d), 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.³ The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment: Osage Tribe, Oklahoma, and Quapaw Tribe of Indians, Oklahoma. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CUMULATIVE IMPACTS

As noted above, on October 1, 2010, UP filed a notice of exemption with the Board seeking to abandon a portion of another rail line located in Pulaski County.⁴ This 4.04-mile rail line, known as the Camp Robinson Spur, is located near Levy, between milepost 345.64 and milepost 349.68. This segment of rail line is located approximately 2 miles away from the line assessed in this EA.

The regulations of the Council on Environmental Quality implementing the National Environmental Policy Act (NEPA)⁵ define a cumulative impact as "the impact on the environment, which results from the incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions."⁶ This ensures that the range of actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited October 5, 2010).

⁴ Materials filed in that proceeding can be viewed on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 289X).

⁵ 42 U.S.C. §§ 4321-43.

⁶ 40 C.F.R. § 1508.7.

OEA received comments similar to those described above for the proposed abandonment of the 4.04-mile segment near Levy. Therefore, OEA concludes that the proposed abandonment of this 4.04-mile portion of the Camp Robinson Spur would have no adverse cumulative impacts on the environment.

CONDITIONS

OEA recommends that no environmental conditions be placed 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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 2 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 website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 290X) 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 christa.dean@stb.dot.gov.

Date made available to the public: October 26, 2010.

Comment due date: November 10, 2010.

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

Attachment