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SEA

SERVICE DATE – DECEMBER 19, 2008

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-314 (Sub-No. 4X)

**Chicago Central & Pacific Railroad Company –
Abandonment Exemption –
In Linn County, IA**

BACKGROUND AND DESCRIPTION OF RAIL LINE

In this proceeding, the Chicago Central & Pacific Railroad Company (CCP) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon service over a line of railroad extending from milepost 229.50 to milepost 229.75, a distance of 0.25 miles in Cedar Rapids, Linn County, Iowa. CCP indicates that the proposed abandonment would have no adverse effect on shippers because no local traffic has used the line for two years and there is no foreseeable development of new rail traffic. CCP states that the line travels through residential and commercial areas, and that in 2007, much of the line outside the area of the proposed abandonment was formally abandoned and sold for trails use. CCP states that there are no structures or bridges in the area of the proposed abandonment. Should the abandonment be approved, CCP intends to salvage the rail, ties, and track materials and remove one at-grade road crossing at milepost 229.66, Rockwell Drive NE. The line traverses U.S. Postal Service zip code 52302. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

CCP 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. CCP 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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's 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-314 (Sub-No. 4X).

Diversion of Traffic

CCP states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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 result in 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 the construction of new access points to the right-of-way. As previously stated, CCP intends to salvage the rail, ties, and track materials and remove one at-grade road crossing at milepost 229.66, Rockwell Drive NE, should the abandonment be approved.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

CCP states that the proposed abandonment would not affect the transportation of hazardous materials. Furthermore, CCP states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way or in adjacent areas.

The Natural Resources Conservation Service (NRCS) provided a letter stating that it has no comment on the proposed abandonment. Therefore, SEA has determined that the proposed abandonment would have no effect on prime farmland pursuant to the Farmland Protection Policy Act, and that no further consultation with NRCS is required.

The U.S. Fish and Wildlife Service commented that it has no objection to the proposed abandonment. Therefore, SEA has determined that the proposed abandonment would have no effect on listed species pursuant to the Endangered Species Act, and that no further consultation is required.

The National Geodetic Survey commented that there are zero geodetic marks in the area of the proposed abandonment. Therefore, SEA has determined that the proposed abandonment would have no impact on geodetic marks and that no further consultation is required.

The National Park Service commented that the proposed abandonment would have no effect on Federal parkland. Therefore, SEA has determined that no further consultation is required.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the Iowa Department of Transportation, and the Linn County Board of Supervisors.

HISTORIC REVIEW

CCP served the historic report on the State of Iowa Historic Building (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c) stating that there are no buildings or structures located in the area of the proposed abandonment, therefore no historic properties would be affected. The SHPO submitted a letter indicating that it had no further comment. SEA has reviewed the historic report and the information provided by the SHPO and pursuant to 36 CFR 800.4 (d)(1), concurs with the SHPO.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment would not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 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.

SEA conducted a search of the National Park Service's Native American Consultation Database <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that there are three Federally recognized tribes that may have an interest in the proposed abandonment. The data base indicated that the Sac and Fox Nation of Missouri, the Sac and Fox Nation of Oklahoma, and the Sac and Fox Tribe of the Mississippi in IA. may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribes receive a copy of this EA for their review and comment.

CONDITIONS

SEA recommends that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, 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 four-part showing for imposition of a public use condition (49 CFR 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 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) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, 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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-314 (Sub-No. 4X) 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.

Date made available to the public: December 19, 2008.

Comment due date: January 7, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment