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SEA

SERVICE DATE – OCTOBER 1, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-341 (Sub-No. 1X)

**Southwestern Railroad Company, Inc. - Abandonment Exemption - in Ellis County, OK,
and Lipscomb, Ochiltree, and Hansford Counties, TX**

BACKGROUND

In this proceeding, Southwestern Railroad Company, Inc. (SWRR or railroad) filed a petition under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Ellis County, Oklahoma (OK), and Lipscomb, Ochiltree, and Hansford counties, Texas (TX). The rail line proposed for abandonment extends approximately 85.3 miles from Milepost 0.10 at Shattuck, OK to Milepost 85.4 at Spearman, TX (“the Line”). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is stub-ended at the west end in Spearman, TX; and therefore, is not capable of overhead traffic. Land use in the vicinity of the Line is largely agricultural and rural. The right-of-way is approximately 100 feet wide. According to SWRR, there are 50 bridges on the Line that are 50 years of age or older. A depot located at Perryton, TX, was constructed in 1964. SWRR is not aware of any hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way.

The Line was originally constructed between 1917 and 1919 and was acquired by SWRR in 1990 from the Atchison, Topeka and Santa Fe Railway Company. A fire in 2006 destroyed a bridge at the east end of the Line and isolated all five active shippers on the Line from the interstate rail network.

Prior to the bridge fire, SWRR states that the 627 carloads were moved on the Line in 2006 (i.e., prior to the bridge fire), 1,150 carloads in 2005, and 1,258 carloads in 2004. These shipments were primarily outbound agricultural products, but included some inbound shipments of sand, clay and pipe.

ENVIRONMENTAL REVIEW

SWRR 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. SWRR 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) reviewed and investigated the record in this proceeding.

Diversion of Traffic

Prior to the bridge fire, an average of 1,204 carloads were moved annually on the Line (based on 2004 and 2005 rail traffic). Using a railcar to truck ratio of 1:4, shipping this material by truck rather than railcar would generate approximately 9,632 truck trips per year (i.e., 4,816 roundtrips). Assuming this truck traffic moved five days per week and 52 weeks per year, this rail traffic diversion would result in approximately 36 truck trips per day across a four-county area. This limited increase in truck traffic across such a large area would not result in significant impacts to air quality or the local or regional transportation networks. The proposed abandonment would also not adversely impact the development, use and transportation of energy resources or recyclable commodities; or transportation of ozone-depleting materials.

Salvage Activities

SWRR intends to remove the rail, track material and certain crossties. All of the bridges and many of the crossties would remain in place.

SWRR notes that the proposed abandonment should not be inconsistent with local or regional land use plans. At the time this EA was prepared, only Hansford County had replied to the railroad's environmental report. The reply notes that Hansford County does not have any land use regulations.

The Natural Resources Conservation Service (NRCS) offices in both OK and TX reviewed the proposed abandonment. The NRCS office in Oklahoma concludes that the proposed abandonment should not cause any additional impacts to prime agricultural land. The NRCS office in Texas concludes that the project area does not contain Important Farmland Soils. Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201).

The U.S. Fish and Wildlife Service, Ecological Services, Arlington, TX, notes that "no action" applies to this project; that is, Federally listed threatened or endangered species would

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-341 (Sub-No. 1X).

not be adversely impacted by the proposed abandonment and further agency consultations are not required (Reference: USFWS Consultation # 21420-2007-I-0307).

The National Park Service notes that no parks under its jurisdiction would be affected by the proposed abandonment.

The U.S. Army Corps of Engineers (Corps) – Tulsa District, Planning Branch notes that the proposed abandonment would have no adverse effect on 100-year floodplains. The Corps' Regulatory Branch had not responded to the railroad's environmental report regarding wetland impacts at the time this EA was prepared. However, because SWRR's salvage activities would not include bridge or ballast removal, SEA would not expect the proposed abandonment to result in the discharge of dredge or fill material to waters of the United States including wetlands. However, a copy of this EA has also been provided to the Corps for review and comment.

HISTORIC REVIEW

SWRR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Oklahoma Historical Society and Texas Historical Commission (the State Historic Preservation Offices or SHPOs), pursuant to 49 CFR 1105.8(c). The SHPOs reviewed the report and both conclude that the proposed abandonment would not affect historic properties.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the following three tribes within the four-county area that may have an interest in the proposed abandonment:

- Apache Tribe of Oklahoma,
- Comanche Nation, Oklahoma, and
- Kiowa Indian Tribe of Oklahoma.

A copy of this EA has been provided to all three tribes for review and comment.

CONDITIONS

SEA does not recommend that any environmental conditions be placed on any decision granting discontinuance of service and abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, discontinuance of service and 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 and no salvage activities), 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 ROW 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 the time specified in the Federal Register notice. 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, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, 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-341 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: October 1, 2007.

Comment due date: October 30, 2007.

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

Vernon A. Williams
Secretary

Attachment