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OEA

SERVICE DATE – DECEMBER 12, 2014

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1068 (Sub-No. 3X)

**Missouri Central Railroad Company – Abandonment and Discontinuance of Service
Exemption – In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries,
Gasconade, and Franklin Counties, Mo.**

AND

Docket No. AB 1070 (Sub-No. 3X)

**Central Midland Railway Company – Discontinuance of Service and Operating Rights
Exemption – In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries,
Gasconade, and Franklin Counties, Mo.**

BACKGROUND

In this proceeding, the Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) (collectively, Applicants) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for MCRR to abandon and for CMR to discontinue service and operating rights over an approximately 144.3-mile rail line in two segments in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri. The first segment of rail line extends from milepost 263.5 to milepost 262.906, near Pleasant Hill in Cass County, Missouri. The second segment extends from milepost 215.325, near Windsor in Pettis County, Missouri to milepost 71.6, near Beaufort in Franklin County, Missouri. The two segments are collectively referred to as the line, unless otherwise specified.¹

The proposed abandonment and discontinuance of service traverses U.S. postal zip code 64080 in Cass County; U.S. postal zip code 65360 in Pettis County; U.S. postal zip codes 65078, 65084, 65011, and 65026 in Morgan County; U.S. postal zip codes 65026, 65032, 65040, 65075, and 65058 in Miller County; U.S. postal zip codes 65032 and 65040 in Cole County; U.S. postal

¹ The line segments connect to two previously abandoned line segments in AB 1068X and AB 1070X and AB 1068 (Sub-No. 1X) and AB 1070 (Sub-No. 1X) that have either become or will become a recreational trail, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d).

zip codes 65058, 65085, 65048, 65001, 65035, 65013, and 65014 in Osage County; U.S. postal zip code 65013 in Maries County; U.S. postal zip codes 65014, 65066, 63091, and 63037 in Gasconade County; and U.S. postal zip codes 63037, 63056, and 63013 in Franklin County; all in Missouri.

The rail line passes through rural areas and the right-of-way is generally 100-feet in width.² Agriculture is the predominant land use, though the line passes through or near a number of small towns including Windsor; Cole Camp; Stover, Versailles; Barnett; Eugene; Meta; Freeburg; Belle; Bland; Owensville; Rosebud; Gerald; Leslie; and Beaufort. The surrounding terrain is flat to rolling. The line crosses the Osage River (near milepost 143.3) and the Gasconade River (near milepost 114.6), and the area contains numerous smaller waterways and drainage features. There are 39 bridges, 11 monuments, 3 tunnels, and approximately 458± culverts on the line proposed for abandonment and discontinuance of service. Applicants indicate that the rail line does not contain any federally granted right-of-way. If the notice becomes effective, MCRR would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

Applicants 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. Applicants 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)].³ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

Applicants state that no local traffic has moved over the line proposed for abandonment and discontinuance for at least two years and no overhead traffic would need to be rerouted. Applicants state that there has been no reasonable request for service in many years, despite the railroads' prior efforts to develop traffic on the line, and further note that the area served by the line is in proximity to a roughly parallel rail line owned and operated by the Union Pacific Railroad Company. Accordingly, the proposed abandonment and discontinuance of service 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.

² The rail line width is generally 100 feet, but varies up to 300+ feet in places.

³ 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 1068 (Sub-No. 3X).

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 regarding 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. According to MCRR, if abandonment and discontinuance authority is granted, MCRR would salvage the rail, tie, and track material, but would retain the underlying ballast, and any structures including bridges, tunnels, and culverts so as not to alter or impede existing drainage flows.

MCRR indicates that the proposed abandonment and discontinuance of service is consistent with the State of Missouri's intent to develop the line as a recreational trail. Specifically, the State is interested in preserving the corridor by establishing a trail on the right-of-way, and MCRR is willing to negotiate rail-banking, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d). The trail would be a separate action by the State and would be an extension of a trail currently being developed on the 5.6-mile portion of the MCRR right-of-way between milepost 262.906 and milepost 257.283, and one that would be developed on the 42-mile portion between milepost 257.283 and milepost 215.325. Both line segments were previously proposed for abandonment.⁴

The Cass County Commission commented that it had not identified any adverse environmental or historic impacts related to the proposed abandonment and discontinuance of service. The County supports the establishment of a trail on the right-of-way.

The State of Missouri's Office of Administration filed comments indicating that the Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies, reviewed the proposed abandonment and discontinuance of service, and had no comments to offer at this time.

MCRR states that the line proposed for abandonment and discontinuance of service does not pass through any wildlife sanctuaries or refuges, or National or State parks or forests. The line is adjacent to the Hi Lonesome Prairie Conservation Area near Cole Camp, Missouri, but MCRR states that this Conservation Area is outside the railroad right-of-way. OEA believes that the proposed abandonment and discontinuance of service would not adversely affect the Conservation Area because MCRR's salvage activities would be limited to the railroad right-of-way and involve the removal of rail, steel track materials, and ties only. No ballast would be removed and MCRR has no plans to remove or alter the contour of the existing roadbed, or undertake in-stream work or dredge and/or use fill materials.

OEA has not received comments from the U.S. Army Corps of Engineers (Corps), but believes that a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would

⁴ See generally Missouri Central R.R.Co. – Aban. and Discontinuance of Service Exemption – In Cass County, Mo., AB 1068X, and Missouri Central R.R.Co. – Aban. and Discontinuance of Service Exemption – In Cass, Henry, Johnson, and Pettis Counties, Mo., AB 1068 (Sub-No. 1X).

not be required because MCRR has stated that it has no plans to alter the contour of the underlying roadbed, or perform any in-stream work including the dredging and/or placement of fill materials. However, because there are numerous streams and other drainage features along the 144-mile rail line proposed for abandonment and discontinuance of service, OEA has included a condition in this EA that would require MCRR to consult with the Corps prior to initiating salvage to determine if a Corps permit would be required, and if so, to comply with the Corps reasonable requirements.

OEA has not received comments from the U.S. Environmental Protection Agency (USEPA) or the Missouri Department of Natural Resources (MDNR), but anticipates that the proposed abandonment and discontinuance of service would have no adverse effects on water quality because MCRR's planned salvage operations would be limited to the removal of rail, steel track materials, and ties only. No ballast would be removed and there are no plans to remove or alter the contour of the existing roadbed, or undertake any in-stream work or dredge and/or use fill materials. However, because there are numerous streams and other drainage features along the 144-mile rail line proposed for abandonment and discontinuance of service, OEA has included a condition in this EA that would require MCRR to consult with the USEPA or MDNR (whichever agency has delegated authority to administer the federal National Pollution Discharge Elimination System (NPDES) program) prior to initiating salvage to determine if an NPDES stormwater permit is required under Section 402 of the Clean Water Act, and if so, to comply with the agency's reasonable requirements.

OEA has not received comments from the Natural Resources Conservation Service (NRCS) regarding project applicability to the Farmland Protection Policy Act (FPPA), but believes that the proposed abandonment and discontinuance of service would be exempt from the full provisions of FPPA because the rail line was an established right-of-way well before the FPPA applicability date of August 4, 1984.⁵ OEA has, however, included NRCS in the service list for this proceeding so that it may receive a copy of this EA and comment, if necessary.

OEA has not received comments from the U.S. Fish and Wildlife Service regarding project applicability to Section 7 of the Endangered Species Act. However, given that the 144-mile rail line proposed for abandonment and discontinuance travels through rural and undeveloped land with numerous streams and drainage features, OEA is not certain if the line segment contains species and/or habitat of concern. Accordingly, OEA has included a condition in this EA that would require MCRR to contact USFWS prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species. MCRR shall report the results of this consultation to OEA in writing. Should any potential impacts be identified, MCRR shall consult with OEA and USFWS to develop appropriate mitigation measures.

OEA 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.

⁵ The rail line right-of-way dates to between the mid-1850s and early 1900s.

MCRR states that there are no known hazardous waste sites on or adjacent to the right-of-way. MCRR contacted the USEPA and MDNR for any comments they may have regarding this subject, but to date, has not received responses. OEA has included USEPA and MDNR in the service list for this proceeding so that they may receive a copy of the EA for review.

Based on all information available to date, OEA 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, OEA is providing a copy of this EA to the following agencies for review and comment: the U.S. Fish and Wildlife Service; the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; the Natural Resources Conservation Service; the National Park Service; the National Geodetic Survey; the Missouri Department of Natural Resources; the Cass County Commissioners; the Pettis County Commissioners; the Benton County Commissioners; the Morgan County Commissioners; the Miller County Commissioners; the Cole County Commissioners; the Osage County Commissioners; the Maries County Commissioners; the Gasconade County Commissioners; and the Franklin County Commissioners.

HISTORIC REVIEW

MCRR served the Historic Report on the Missouri Department of Natural Resources State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c) as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)]. The rail corridor is part of the former Rock Island Line, which became the first rail line to connect Chicago with the Mississippi River in 1854, and it is significant in Missouri railroad history because, in 1901, the Rock Island acquired a local line – the St. Louis, Kansas City & Colorado Railroad line – as part of a plan to connect Kansas City with St. Louis. Accordingly, the SHPO submitted comments stating that, based on this review and its prior reviews of the 5.6-mile and 42-mile abandonment line segments in AB 1068X and AB 1068 (Sub-No. 1X), respectively, it is likely that this additional section of railroad will be determined eligible for inclusion in the National Register of Historic Places (National Register). The SHPO also believes that there is a moderate to high potential for archaeological resources to exist within or adjacent to many sections of the corridor right-of-way, and that additional railroad related historic properties may exist in the many small towns along the rail corridor.⁶ The SHPO has requested additional information so that it may conduct a more detailed review.

Although MCRR has indicated that the SHPO's requested information is forthcoming, it has asked that the SHPO deem the 458+ culverts on the line not eligible for listing on the National Register under any criterion. MCRR is also requesting that the culverts be exempt from being individually documented because they would remain in place during salvage and are of the same common design as the culverts in the two prior abandonments in AB 1068X and AB 1068 (Sub-No. 1X).⁷ MCRR asserts that if the SHPO does determine that the culverts are eligible for

⁶ The Board's statutory authority is limited to the rail line right-of-way, or area of potential effect, therefore any structures or objects outside the right-of-way, such as any railroad related historic properties along the route, would be outside of the Board's jurisdictional control.

⁷ The rail corridor and the 11 bridges and approximately 85 culverts on the line were

listing in the National Register, it would only be under Criterion A, and that the culverts could be documented using a more generalized approach.⁸ OEA has discussed this request with MCRR and the SHPO and believes that it is too early in the review process to make an informed decision on MCRR's request. However, it was determined that the issue could be resolved later, as more detailed information concerning Section 106 resources becomes available, and possibly, as part of the Memorandum of Agreement (MOA)⁹ process.

MCRR has also requested that the salvage process be allowed to move forward prior to the completion of the Section 106 review process of the National Historic Preservation Act (NHPA) so that it may begin to remove the rail, steel track materials, and ties. MCRR states that it has no plans to disturb any potentially historic structures or features, including the roadbed, ballast, bridges, tunnels, culverts, or other structures, nor would it remove or alter the contour of the existing roadbed, or undertake any in-stream work that could potentially uncover archaeological resources. OEA has discussed this request with MCRR and the SHPO and believes that it is too early in the review process to make an informed decision on MCRR's request. However, it was determined that the issue could be resolved later, as more detailed information concerning Section 106 resources becomes available, and possibly, as part of the MOA process.

Accordingly, OEA is recommending a condition that would require MCRR to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way, or APE, eligible for listing or listed in the National Register until completion of the Section 106 process. 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 36 C.F.R. § 800.2, OEA conducted a search of the Native American and the Tribal Directory Assessment Tool Consultation Databases to identify federally recognized tribes that may have ancestral connections to the project area.¹⁰ The databases indicate that there are 11 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 Iowa Tribe of Kansas and Nebraska; the Iowa Tribe of Oklahoma; the Omaha

determined to be eligible for listing in the NRHP under Criterion A, for their association with events that made a significant contribution to the broad patterns of our history. The bridges and culverts were also determined to be possibly eligible for listing in the NRHP under Criterion C, as objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

⁸ The culverts in the other two abandonments were individually documented in the Phase I Archaeological Survey Report prepared in 2013 by SCI Engineering, Inc.

⁹ A Memorandum of Agreement is an agreed-upon document that defines steps to avoid, minimize, or mitigate adverse effects associated with a proposed action.

¹⁰ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited November 20, 2014) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tdat/Tribal.aspx> (last visited November 20, 2014).

Tribe of Nebraska; the Osage Nation; the Otoe-Missouria Tribe of Indians; the Peoria Tribe of Indians of Oklahoma; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation of Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Eastern Shawnee Tribe of Oklahoma; and the United Keetoowah Band of Cherokee Indians.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Missouri Central Railroad Company (MCRR) shall consult with the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.
2. To ensure appropriate consideration of the National Pollution Discharge Elimination System (NPDES) requirements, MCRR shall consult with U.S. Environmental Protection Agency or the Missouri Department of Natural Resources (whichever agency is authorized to administer the NPDES program) prior to commencement of any salvage activities and shall comply with the reasonable NPDES requirements.
3. MCRR shall contact the U.S. Fish and Wildlife Service (USFWS) prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species. MCRR shall report the results of this consultation to the Board's Office of Environmental Analysis (OEA) in writing. Should any potential impacts be identified, MCRR shall consult with OEA and USFWS to develop appropriate mitigation measures prior to initiating the salvage process.
4. MCRR shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. MCRR shall report back to OEA regarding any consultations with the State Historic Preservation Office and the public. MCRR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation 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 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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1068 (Sub-No. 3X) and AB 1070 (Sub-No. 3X) 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 12, 2014.

Comment due date: December 30, 2014.

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

Attachment