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SERVICE DATE - JANUARY 29, 1999
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-33 (SUB-NO. 132X)

**Union Pacific Railroad Company--Abandonment
Exemption--in Rio Grande and Mineral Counties, CO**

January 25, 1999

BACKGROUND

In the above entitled proceeding, the Union Pacific Railroad Company (UP), has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the Abandonment and Discontinuance of Service and Trackage Rights over a 21.6-mile line of railroad known as the Creede Branch extending from milepost 299.3 near Derrick to the end of the line at milepost 320.9 at Creede, in Rio Grande and Mineral Counties, CO. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

The Line is located on the former railroad known as The Denver and Rio Grande Western Railroad Company, a company of the former Southern Pacific Transportation which merged into the UP pursuant to Board authority granted in Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company - Control and Merger - Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760, Decision No. 44 (STB served Aug. 12, 1996). In this filing, UP is seeking to abandon the stub end of the line.

DESCRIPTION OF THE LINE

The Line is constructed primarily with 65-pound but has some 90-pound track material. There are no rail shipments on the line and it is doubtful that there will be future traffic sufficient to justify the cost necessary to sustain rail operations. According to UP the line contains 278.503 acres of federally granted rights of way. In addition, the line is composed of both reversionary and non-reversionary land. In its notice UP states that there has been no traffic on the line during the past two years.

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 and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. Also we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the State Clearinghouse, the State Environmental Protection Agency, U.S. Fish and Wildlife, U.S. Army Corps of Engineers, National Park Service, U.S. Natural Resources Conservation Service, National Geodetic Survey, U.S. Department of Agriculture, Colorado State Parks and the State Historical Preservation Office and Mineral and Rio Grande County Offices. We have reviewed and investigated the record in this proceeding.

The Colorado Historical Society (SHPO) has determined that the entire line, including six bridges are eligible for inclusion in the National Register of Historic Places and that the effects of the abandonment must be determine. We therefore recommend that a condition be imposed that UP shall retain its interest in and take to steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

The U.S. Department of the Army, Albuquerque District, Corps of Engineers (Corps) has indicated if the abandonment require removal of bridges, a Department of the Army Permit will be required. Therefore, we recommend that a condition be imposed requiring UP to consult with the U.S. Army Corps of Engineers, Albuquerque District, prior to salvaging the right-of-way to determine if permits are required under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (Department) states that the railroad right-of-way passes close and possibly through mine waste materials, which may be characterized as hazardous waste or hazardous substances. The Creede Mining District, which includes areas along Willow Creek (Creek) between Creede and the Rio Grande River, has been the subject of a Preliminary Assessment and Site Inspection investigation. This investigation has been performed by the Colorado Department of Public Health and Environment under a cooperative agreement with the U.S. Environmental Protection Agency, in compliance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERLA) (Superfund) pre-remedial site assessment activity, 26 USC 4611-4682. The Department also states that the flood plan deposits along the Creek between Creede and the confluence with the Rio Grande River, are thought to contain elevated metals concentrations and are a continuing source of metals contamination to the Creek. Therefore, we recommend that a condition be imposed requiring UP to consult with the Colorado Department of Public Health and Environment, Hazardous Materials Waste and Management Division, Grand Junction, CO, prior to salvage operations and report the results of its consultations to SEA.

CONDITIONS

We recommend the following environmental conditions be placed on any decision granting abandonment authority:

1. UP shall retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

2. UP shall consult with the U.S. Army Corps of Engineers, Albuquerque District, prior to salvaging the right-of-way to determine if permits are required under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

3. UP shall consult with the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Grand Junction, CO, prior to salvage operations and report the results of its consultations to SEA.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, and subject to the recommended conditions, we conclude that, as significantly 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 this case, 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. However, 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

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ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 2215, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub-No. 132X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629.

Date made available to the public: **January 29, 1999.**

Comment due date: February 14, 1999.

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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PLEASE SCAN MAP