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SEA

SERVICE DATE – DECEMBER 19, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 267X)

**Union Pacific Railroad Company – Abandonment Exemption –
in Comanche County, OK**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon and to discontinue service over a line of railroad in Comanche County, OK. The rail line proposed for abandonment extends 3.85 miles from milepost 50.75 to milepost 54.60 (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, UP will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to UP, the Line was constructed by the Enid and Anadarko Railway in 1901. The Line is currently leased by UP for railroad operations from the State of Oklahoma, which has no underlying common carrier obligation resulting from its purchase of the property from Charles A. Gibbons, Trustee of the Property of the Chicago, Rock Island and Pacific Railroad. UP states that the discontinuance of its lease operation will permit the State of Oklahoma, through the Oklahoma Department of Transportation, to eliminate the Interstate 44 grade separation at milepost 52.35 when that highway is rebuilt and improved.

ENVIRONMENTAL REVIEW

UP 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. 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 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-33 (Sub-No. 267X).

Diversion of Traffic

According to UP, no local traffic has moved over the Line in at least two years, and there is no overhead traffic to 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.

The U.S. Fish and Wildlife Service (USFWS) indicated that there are four federally-listed species that currently occur in Comanche County, and one candidate species that historically occurred. USFWS stated that it requires more information about the project area and a more comprehensive project description in order to be able to provide additional relevant input. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring UP to consult with USFWS regarding its concerns about the endangered species that may occur in the area of the proposed abandonment.

The National Park Service (NPS) reviewed the proposed abandonment and determined that no parks would be affected. Therefore, NPS had no comments.

The U.S. Army Corps of Engineers commented that the proposed abandonment is not subject to regulation pursuant to Section 404 of the Clean Water Act. Therefore, a Department of the Army permit would not be required.

The U.S. Environmental Protection Agency's Region 6 Office (USEPA) has not submitted comments regarding the proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

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 USFWS and USEPA for their review and comment.

HISTORIC REVIEW

Applicants served the historic report on the Oklahoma State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the

proposed abandonment would not affect any known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

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 will 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 Native American Consultation Database at <http://www.nps.gov/nacd/> to identify federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Comanche Nation may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to the Comanche Nation for its review and comment.

CONDITIONS

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

Prior to commencement of any salvage activities, Union Pacific Railroad Company shall consult with the U.S. Fish and Wildlife Service regarding its concerns about the endangered species that may occur in the area of the proposed abandonment.

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 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), 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 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 Danielle Gosselin, 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-33 (Sub-No. 267X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

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

Comment due date: January 2, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment