

SERVICE DATE – MARCH 11, 2005**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423****ENVIRONMENTAL ASSESSMENT****NO. AB-792X****Railroad Switching Service of Missouri, Inc. –
Abandonment Exemption – In St. Louis County, MO****BACKGROUND**

In this proceeding, Railroad Switching Service of Missouri, Inc. (RSSM) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of operations of rail line, located in St. Louis County, Missouri. The rail line is approximately 1.89 miles long, from a point of connection to Norfolk Southern Railway Company (NS) at or near Branch Street in St. Louis, MO, at milepost 0.0 to its terminus at the publishing facility of the St. Louis Post-Dispatch (daily St. Louis newspaper) at 800 North Tucker Boulevard in St. Louis, MO, at milepost 1.89. RSSM has operated this rail line since 1989. Two maps 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.

On January 12, 2005, RSSM filed a petition seeking an exemption to abandon this 1.89 mile ling rail line, extending from milepost 0.0 from a point of connection to NS at or near Branch Street in St. Louis, MO, at milepost 0.0 to its terminus at the publishing facility of the St. Louis Post-Dispatch (daily St. Louis newspaper) at 800 North Tucker Boulevard in St. Louis, MO, at milepost 1.89. In this proceeding, RSSM is proposing to abandon a rail line that constitutes its entire rail system.

DESCRIPTION OF THE LINE

In its Application, RSSM states that this rail line was solely used to transport newsprint paper to the St. Louis Post-Dispatch. The St. Louis Post-Dispatch, in a letter dated November 15, 2004, informed RSSM that it will no longer make use of its rail service and that RSSM has its to file with the Surface Transportation Board (Board) for abandonment authority. RSSM states that in the year ending June, 30, 2004, it transported 150 carloads of newsprint paper to the St. Louis Post-Dispatch and that there has been no rail traffic over the rail line since June 2004. RSSM states that it operated over this rail line for 15 years without being able to convince any other entity to use the rail line. Therefore, RSSM believes that there is reasonable possibility for future development of new rail traffic over this rail line. Additionally, RSSM states that it intends to dispose of the land by sale for railbanking and interim trail use or by piecemeal sale for non-rail use.

RSSM states that the right-of-way (ROW) varies in width but averages 45 feet wide. The rail line is located in an industrial urban area. Of the 1.89 miles of rail line proposed for abandonment, approximately 4,400 feet of rail is located on a steel girder bridge that crosses Interstate Highway 70 and other streets in the area. The bridge is 50 years old or older and is thought to be approximately 75 years old. Another approximately 300 feet of rail line is located in a tunnel at and near the end of the rail line at the St. Louis Post-Dispatch. If the abandonment is approved, RSSM states that it intends to salvage all rail, ties, and track materials as appropriate.

RSSM states that it believes the bridge does not meet the criteria for listing on the National Register of Historic Places and that there is no likelihood of archeological resources or any other previously unknown historic properties are in the project area.

ENVIRONMENTAL REVIEW

The railroad has 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. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

Comments have been received from the following agencies: U.S. Environmental Protection Agency, Region 7 – NEPA Team; The U.S. Department of Agriculture, Natural Resources Conservation Service; State of Missouri, Missouri Department of Natural Resources, State Historic Preservation Office; Missouri Department of Transportation, Rail Division; and the Missouri Department of Natural Resources, Land Survey Division.

Transportation

Because this rail line has been out of service since June 2004, SEA believes that there will be no adverse impact on transportation systems.

SEA notes that the St. Louis Post-Dispatch, in a letter dated November 15, 2004, informed RSSM that it will no longer make use of its rail service and that RSSM has the permission of the St. Louis Post-Dispatch to file with the Board for abandonment authority.

In a telephone conversation on March 4, 2005, the Missouri Department of Transportation, Rail Section, stated that it had no comment.

RSSM states that the rail line may be suitable for alternative public use as a recreational trail because of the assembled nature of the corridor. However, RSSM also states that it is doubtful that the ROW would be suitable for highway use.

Energy Consumption

Because rail service has been discontinued at the request of the rail line's sole customer since June 2004, SEA believes that there will be no adverse impact on energy consumption.

Land Use

RSSM states that it believes that the proposed abandonment will not be inconsistent with local or regional land use plans and will not result in adverse impacts to prime agricultural farmland as it is located in the City of St. Louis, MO.

In a telephone conversation on March 8, 2005, the U.S. Department of Agriculture, National Resource Conservation Service, stated that it had no comment.

The City of St. Louis, Planning Department, has not completed its review of the proposed abandonment.

As stated earlier, RSSM believes this rail line may be suitable for use as a recreational trail.

Air Quality

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5)(ii) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrant detailed analysis. The applicable threshold level for an attainment area when assessing air pollution is an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of the rail line, or an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment.

Because the rail line has been out of service since June 2004 at the request of its sole customer, SEA believes that the abandonment, as proposed, will not result in any adverse impacts to air quality.

Noise

RSSM states that it believes that there will be no adverse impact to safety since there has been no rail service over this line since June 2004.

Safety

RSSM states that it believes that there will be no adverse impact to safety since there has been no rail service over this line since June 2004.

Solid and Hazardous Waste

The U.S. Environmental Protection Agency, Region 7 (U.S. EPA), has completed its review and finds that there are no regulatory or remedial activity within the rail line's ROW.

Biological Resources

RSSM states that the proposed abandonment should not affect wildlife sanctuaries, refuges, National or State parks, or forests.

The U.S. Fish and Wildlife Service, Great Lakes Office – Big River Region, has not yet completed its review of the proposed abandonment.

The U.S. National Park Service, Midwest Regional Office, has not yet completed its review of the proposed abandonment.

Water Resources

Because the rail line proposed for abandonment does not cross any water bodies, RSSM states that it believes that permits under sections 402 or 404 of the Clean Water Act are not required and that the proposed action will not affect any designated wetland or 100-year flood plains.

The U.S. Army Corps of Engineers, St. Louis District, has not yet completed its review of the proposed abandonment.

The Missouri Department of Natural Resources, Water Protection Program, has not yet completed its review of the proposed abandonment.

Cultural and Historic Resources

The ROW varies in width but averages 45 feet wide. Approximately 4,400 feet of the rail line consists of trackage located on a steel girder bridge over Interstate Highway 70 and other streets in the area. Approximately 300 feet of the rail line consist of trackage located underground in a tunnel at and near the end of the rail line at the facility of the St. Louis Post-Dispatch.

RSSM states that the steel girder bridge is 50 years old or older. However, RSSM has no documentation as to its exact but it is thought to be approximately 75 years old.

RSSM believes that the steel girder bridge does not meet the criteria for listing on the National Register of Historic Places and that there is no likelihood of archeological resources or any other previously unknown historic properties in the project area.

In a letter dated February 17, 2005, the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO), concurs that the proposed action is located adjacent to the Murphy Blair Historic Place but will have no adverse effect on the National Register of Historic Places listed district. However, the SHPO states that the bridge may be eligible for listing on the National Register of Historic Places.

The Missouri Department of Natural Resources, Land Survey Section, has completed its review and determined that there are no National Geodetic Station markers in the railroad ROW proposed for abandonment.

The U.S. National Park Service, Midwest Regional Office, has not yet completed its review of the proposed abandonment.

CONDITIONS

In response to the concerns expressed by Missouri Department of Natural Resources, State Historic Preservation Office, we recommend that the following conditions be imposed on any decision granting abandonment authority.

- 1. The Missouri Department of Natural Resources, State Historic Preservation Office (SHPO), has completed its evaluation of the potential impact of this project on historic resources and concurs with RSSM that the proposed action that is located adjacent to the Murphy Blair Historic Place will have no adverse effect on the National Register of Historic Places listed district. However, the SHPO states that the bridge may be eligible for listing on the National Register of Historic Places. Accordingly, we recommended imposition of the following condition: RSSM shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way 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.**
- 2. The U.S. Fish and Wildlife Service, Great Lakes Office, Big Rivers Region (U.S. FWS) has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the Railroad Switching Service of Missouri, Inc., from salvaging or disposing of the right-of-way until consultation with the U.S FWS has been completed.**
- 3. The U.S. Army Corps of Engineers, St. Louis District (U.S. ACOE), has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Railroad Switching Service of Missouri, Inc., from salvaging or disposing of the right-of-way until consultation with the U.S ACOE has been completed.**

4. **The U.S. Park Service, Midwest Regional Office (NPS), has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Railroad Switching Service of Missouri, Inc., from salvaging or disposing of the right-of-way until consultation with the NPS has been completed.**
5. **The Missouri Department of Natural Resources, Water Protection Program (DNR-WPP), has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Railroad Switching Service of Missouri, Inc., from salvaging or disposing of the right-of-way until consultation with the DNR-WPP has been completed.**
6. **The City of St. Louis Planning Department (SL-PD) has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Railroad Switching Service of Missouri, Inc., from salvaging or disposing of the right-of-way until consultation with the SL-PD has been completed.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, 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.

RSSM states that the rail line may be suitable for alternative public use as a recreational trail because of the assembled nature of the corridor. However, RSSM also states that it is doubtful that the ROW would be suitable for highway use.

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 the petition for 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).

RSSM states that the rail line may be suitable for alternative public use as a recreational trail because of the assembled nature of the corridor. However, RSSM also states that it is doubtful that the ROW would be suitable for highway use.

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.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB- 792X in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Troy Brady at (202) 565-1643.

Date made available to the public: **March 11, 2005.**

Comment due date: April 11, 2005. (30 Days)

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

Vernon A. Williams
Secretary

Attachment