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SEA**

SERVICE DATE - AUGUST 4, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-57 (Sub. No. 53X)

Soo Line Railroad Company – Abandonment Exemption – in Racine County, WI

BACKGROUND

In this proceeding, the Soo Line Railroad Company 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 of a line of railroad in Racine County, Wisconsin. The portion of the rail line proposed for abandonment extends about 7.5 miles from approximately milepost 18.43 near Kansasville to approximately milepost 25.93 in Burlington. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad 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 the railroad, there has been no traffic on the line since 1987. The railroad states that the right-of-way of the line is 99 feet wide and primarily single-tracked, running mostly through rural areas. The line crosses the Fox River at Burlington and terminates just outside the town limits.

The railroad states that ties, rails and other track structures would be removed following the abandonment, but bridges and other roadbed related structures, such as culverts, would remain in place.

ENVIRONMENTAL REVIEW

The railroad 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 served the environmental report 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)]. We have reviewed and investigated the record in this proceeding.

The railroad states that a Phase I Environmental Site Assessment was completed for the right-of-way of the proposed abandonment. The results of the assessment indicated that coal sheds and oil

houses had been located along the right-of-way at depot locations, and that there are discarded battery/signal boxes along the right-of-way. According to the railroad, risk to the property from the coal shed and oil houses is considered low, because the activity took place more than 50 years ago. The railroad states that it has taken steps to address the discarded battery/signal boxes.

The railroad states that all of Racine County is located in a Coastal Zone Management Area, but the proposed abandonment is located about 15 miles from Lake Michigan. The Wisconsin Coastal Management Program submitted comments stating that the railroad need not prepare consistency certification for the proposed abandonment.

The National Geodetic Survey (NGS) has submitted comments stating that five geodetic station markers have been identified that may be affected by the proposed abandonment, and requests that NGS receive at least 90 days notification in advance of any activities that will disturb or destroy the markers.

The U.S. Army Corps of Engineers (Corps) states that the proposed abandonment passes through the Fox River, Hoosier Creek, unnamed tributaries to Hoosier Creek Canal, and their adjacent wetlands, and that the discharge of dredged or fill materials into those waterways or adjacent wetlands would require a Corps' permit. The Corps also states that the waste materials generated by the project should be disposed of at approved, upland disposal sites. A Corps' permit would be required to dispose waste materials into adjacent waterways or wetlands. The railroad states that no in-stream salvage activities are contemplated as part of the proposed abandonment.

The Wisconsin Department of Natural Resources (DNR) has submitted comments on the proposed abandonment. DNR states that aquatic and terrestrial threatened and endangered resources are present in the area of the proposed abandonment, surface waters and wetlands of the Lower and Middle Fox/Illinois Basins are present, and the state threatened fish, River Redhorse, is present in the Fox River. DNR recommends that the railroad contact DNR to discuss the abandonment and to determine if special coordination is needed. DNR also states that the railroad should contact DNR to discuss options for waste disposal or if hazardous substance releases are discovered.

The Wisconsin Department of Transportation (DOT) has submitted comments on the proposed abandonment. DOT states that the railroad must comply with DOT's Abandoned Railroad Line Salvage and Clean-Up Policy/Standards/Procedures; protect surveying benchmarks, monumentation and mapping information for the line; remove the rail, ties and ballast at the crossings of the state highways; obtain a permit from DOT's District Maintenance section to work on highway right-of-way; handle traffic while the crossings are being removed; restore the roadway in like kind; and contact the maintaining authority to coordinate work before removing crossings across other streets and roadways.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the Wisconsin Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. 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 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not 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.

CONDITIONS

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

1. **The Soo Line Railroad Company shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers .**
2. Based on the comments of the U.S. Army Corps of Engineers, we recommend that the following condition be imposed on any decision granting abandonment authority: **the Soo Line Railroad Company shall dispose of all waste materials at approved, upland disposal sites.**
3. Based on the comments of the Wisconsin Department of Natural Resources (DNR), we recommend that the following condition be imposed on any decision granting abandonment authority: **prior to beginning salvage activities the Soo Line Railroad Company shall: (1) consult with DNR Endangered Resources Review Specialist Lisie Kitchel regarding aquatic and terrestrial threatened and endangered resources; (2) consult with DNR Water Management Specialist Pam Schense regarding surface waters and wetlands of the Lower and Middle Fox/Illinois Basins; (3) consult with DNR Fisheries Biologist Doug Welch regarding the state threatened fish, River Redhorse; (4) consult with DNR Remediation and Redevelopment Team Supervisor Walt Ebersohl regarding the results of the Phase I Environmental Site Assessment; (5) consult with**

DNR Waste Management Supervisor Frances Koonce regarding options for waste disposal.

4. Based on the comments of the Wisconsin Department of Transportation (DOT) we recommend that the following condition be imposed on any decision granting abandonment authority: **the Soo Line Railroad Company shall (1) comply with DOT's Abandoned Railroad Line Salvage and Clean-Up Policy/Standards/Procedures; (2) protect surveying benchmarks, monumentation and mapping information for the line; (3) remove the rail, ties and ballast at the crossings of the state highways; (4) prior to conducting salvage activities, consult with DOT's District Maintenance section regarding obtaining any permits; (4) handle traffic while the state highway crossings are being removed; (5) restore the roadway in like kind; and (6) prior to conducting salvage activities, consult with the maintaining authority to coordinate work before removing crossings across other streets and roadways.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are 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 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 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).

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 Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-57 (Sub-No. 53X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **August 4, 2003**

Comment due date: August 18, 2003.

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

Vernon A. Williams
Secretary

Attachment

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