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OEA

SERVICE DATE – APRIL 4, 2014

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1115X**

**Nebraska Central Railroad Company – Abandonment Exemption –  
in Merrick County, Neb.**

**BACKGROUND**

In this proceeding, the Nebraska Central Railroad Company (NCRC) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Merrick County, Nebraska. The rail line proposed for abandonment extends approximately 1.81 miles from milepost 17.50 near Central City to milepost 19.31 in Central City (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, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

NCRC 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. NCRC 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)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The line begins at milepost 17.50 at the Platte River and extends in a northerly direction into Central City to the end of the line at milepost 19.31. NCRC indicates that the line traverses farmland from the Platte River to the edge of Central City, and then extends through a fairly densely populated urban area. There are several at grade crossings near the end of the line in Central City. One small bridge is located on the line. NCRC is unaware of any archeological or historic resources in or adjacent to the line.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1115X.

### ***Diversion of Traffic***

According to NCRC, no local traffic has moved over the line for at least two years and all overhead traffic has been routed over other lines. 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.

Upon receipt of abandonment authority, NCRC intends to remove the rail, track material, and crossties. The bridge and ballast would remain in place while NCRC explores rail banking of the line. There is little or no likelihood that the rail corridor would be needed for a transit or highway corridor. The right-of-way would be suitable for recreational trails. Based on information in NCRC's possession, the line does not contain federally granted rights-of-way. The property underlying the right-of-way may be reversionary, which would affect the transfer of the property for other than rail or rail-banking purposes.

NCRC does not expect that the proposed abandonment would be inconsistent with existing land use plans. NCRC is unaware of any known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the line. NCRC does not anticipate that any detrimental effects on public health and safety would occur as a result of the proposed abandonment.

NCRC states that the line does not pass through a designated coastal zone and that no designated wetlands or 100-year flood plains would be adversely affected by the proposed abandonment. NCRC indicates that, in its opinion, the proposed abandonment would be consistent with applicable water quality standards and would not require the issuance of any permits under Section 402 of the Clean Water Act.

The U.S. Department of the Army Corps of Engineers, Omaha District (Corps) has reviewed the environmental report submitted by NCRC. The Corps' Flood Risk Floodplain Management Section has indicated that it has no floodplain concerns. Any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Corps authorization under Section 404 of the Clean Water Act. Since the proposed

abandonment would include the salvaging of rail line and associated appurtenances, the Corps recommends coordination with its Werhspann Regulatory Office regarding authorization under Section 404 of the Clean Water Act. Accordingly, OEA will recommend a condition requiring that NCRC consult with the Corps prior to commencing any salvage activities to determine the applicability of Corps requirements under Section 404 of the Clean Water Act.

The Nebraska Department of Environmental Quality (NDEQ) has reviewed the environmental report submitted by NCRC and has indicated that should any solid and hazardous waste be generated or discovered during salvage activities related to the proposed abandonment, they must be characterized, handled, contained and disposed as per Nebraska Titles 128 and 132. NDEQ further indicates that railroad crossties must be stored so as to not affect ground or surface water. Due to creosote content, ties that are not reused or repurposed must be disposed at a construction and demolition or municipal solid waste landfill; they cannot be chipped or burned. In addition, if greater than or equal to one acre of land disturbance would occur during salvage activities, authorization under NPDES general permit NER 110000 would be necessary. OEA will recommend a condition requiring that NCRC consult with NDEQ prior to commencing any salvage activities to address NDEQ's concerns regarding solid and hazardous waste that might be generated or discovered during salvage activities, NCRC's handling of railroad crossties, and the applicability of NPDES permitting requirements to the proposed salvage activities.

The USDA Natural Resources Conservation Service (NRCS) has determined that the proposed abandonment would not adversely affect prime farm land. Consequently, a Farmland Conversion Impact Rating for Corridor Type Projects form (NRCS-CPA-106) would not be needed for the proposed abandonment since the project site occupies existing easements and right-of-ways and no additional cropland would be taken out of production.

The U.S. Fish and Wildlife Service has reviewed the environmental report provided by NCRC and indicated that it has no objection to the proposed abandonment. NCRC does not believe that any wildlife sanctuaries, refuges, forests, or National or State parks would be adversely affected by the proposed abandonment.

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.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts

## **HISTORIC REVIEW**

NCRC submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Nebraska State Historical Society (SHPO)

pursuant to 49 C.F.R. § 1105.8(c). The SHPO has indicated that, in its opinion, there would be no historic properties affected by the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 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 through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that one federally-recognized tribe, the Pawnee Nation of Oklahoma, may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the Pawnee Nation of Oklahoma for review and comment.

## **CONDITIONS**

OEA recommends that the following environmental conditions be imposed on any decision granting abandonment authority:

1. Nebraska Central Railroad Company (NCRC) shall, prior to conducting any salvage activities related to the abandonment, consult with the Nebraska Department of Environmental Quality (NDEQ) to address NDEQ's concerns regarding any solid and hazardous waste which might be generated or discovered during salvage activities, the handling of railroad crossties, and the applicability of NPDES permitting requirements.
2. Nebraska Central Railroad Company (NCRC) shall consult with the U.S. Department of the Army Corps of Engineers (Corps) prior to commencing any salvage activities to determine the applicability of Corps requirements under Section 404 of the Clean Water Act.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited March 31, 2014).

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 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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 original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1115X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: April 4, 2014.

**Comment due date: April 21, 2014.**

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

Attachment