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SERVICE DATE - AUGUST 13, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 216X)

Union Pacific Railroad Company - Abandonment Exemption - in Weld County, CO

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP or railroad) filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of the Monfort Industrial Lead in Weld County, Colorado (CO). The rail line proposed for abandonment is located between Milepost 141.12 and Milepost 140.00 near Kersey, CO (subject line). The total distance is approximately 1.12 miles. A map depicting the rail line in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

The width of the right-of-way (ROW) varies from 100 to 200 feet. Currently, the line is constructed with primarily 131-pound rail. The topography is generally level and the surrounding land use is mostly agricultural. There are no railroad structures or bridges that are 50 years of age or older. According to UP, the subject line was constructed in 1882 by the Colorado Central Railroad Company. UP is not aware of any hazardous material spill sites along the ROW.

ConAgra Foods is the only shipper on the subject line. There is no overhead traffic on the line. In 2002 and 2003, ConAgra shipped 246 and 463 railcars of corn, respectively. The purpose of the abandonment is to permit the reclassification and sale of the subject line and ROW to ConAgra¹. According to UP, ConAgra intends to reconfigure its facility to receive larger, more efficient unit trains of grain for its feeding operations. Therefore, ConAgra would retain rail service and rail traffic would be expected to increase after the reconfiguration is complete.

¹Abandonment would extinguish the common carrier obligation associated with the subject rail line; that is, the Union Pacific Railroad Company would no longer be obligated to provide rail service upon reasonable request by any other prospective shippers. Abandonment would also remove the underlying right-of-way from the Surface Transportation Board's jurisdiction.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment. The railroad served these reports 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)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service) had not responded to the railroad's environmental report at the time this environmental assessment (EA) was prepared.

Because railroad use would continue on the line or reconfigured line, the proposed abandonment would not be expected to adversely impact land use; adversely impact the development, use and transportation of energy resources or recyclable commodities; 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.

The U.S. Army Corps of Engineers - Omaha District - reviewed the railroad's environmental report and concluded that the proposed abandonment would not require Department of the Army permits under Section 404 of the Clean Water Act.

The U.S. Fish and Wildlife Service had not responded to the railroad's environmental report at the time this environmental assessment (EA) was prepared. However, adverse impacts to threatened and endangered species and their habitat would not be expected because railroad use would continue on the line or reconfigured line. Furthermore, in UP's environmental report, the railroad stated that it is unaware of any wildlife sanctuaries or refuges, or of any national or state parks or forests that would be affected by the proposed abandonment.

The U.S. Environmental Protection Agency - Region 8 and Colorado Department of Public Health and Environment had not responded to the railroad's environmental report at the time this EA was prepared. However, adverse impacts to water quality or air quality would not be expected because railroad use would continue after the rail line is abandoned by UP.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. However, because UP would not be conducting any salvaging activities that could disrupt or remove the marker, SEA has not recommended a condition regarding the marker.

The Colorado Historical Society (the State Historic Preservation Offices or SHPO) concluded in a January 23, 2004 letter that no historic properties would be affected by the proposed abandonment. SEA concurs with the SHPO's findings.

CONDITIONS

We recommend that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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, the ROW 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 Surface Transportation Board, with a copy to the railroad, within 20 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. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL 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 David Navecky, 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 STB Docket No. AB-33 (Sub-No. 216X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, please contact David Navecky by phone at 202-565-1593, fax at 202-565-9000, or email at naveckyd@stb.dot.gov.

Date made available to the public: August 13, 2004

Comment due date: **September 10, 2004**

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

Vernon A. Williams
Secretary

Attachment

