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SEA

SERVICE DATE – JULY 25, 2008

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-33 (Sub-No. 266X)**

**Union Pacific Railroad Company – Abandonment Exemption –  
in Maricopa County, AZ**

**BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP) filed a petition of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in the City of Goodyear, Maricopa County, AZ. The rail line (Line) proposed for abandonment, the Litchfield Industrial Lead, extends from milepost 889.34, Litchfield Junction, to milepost 892.25, Litchfield Park, a distance of 2.91 miles and traverses U.S. Postal Service Zip Codes 85338 and 85395. The right-of-way is generally 50 feet in width and there are no reversionary property interests or any federally granted rights-of-way. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, the UP would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

UP 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. 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)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

***Diversions of Traffic***

The proposed abandonment would permit UP to eliminate 2.91 miles of rail line located in the City of Goodyear (City), AZ. According to UP, the Line is located in a mixed industrial/residential area while the area north of the right-of-way consisting primarily of residential areas and parklands.

UP states that there are no active shippers using the Line and that no rail service has been provided since October 2007. However, prior to October 2007, the Line's sole customer, Dietrich Metal Framing (Dietrich), was located near milepost 890.50. UP states that Dietrich

moved 17 carloads in 2006, nine carloads in 2007, and zero carloads in 2008. In addition, UP states that the 1.75 miles of Line located north of Dietrich would qualify for an out-of-service exemption because no service has been provided on that portion of the Line for more than two years. UP states that Dietrich ceased direct rail shipment in October 2007 in favor of transloading along another UP rail line in the region. Furthermore, UP states that Dietrich has terminated the lease of its facility effective the end of April, 2008.

If approved, UP states that the abandonment would not result in any adverse impact to transportation facilities as nearest rail service would be provided via UP's Phoenix Subdivision located at Litchfield Junction (located at the southern end of the Line). Additionally, UP notes that the Line parallels Litchfield Road, which connects to Arizona Highway 85 at its southern end and U.S. Interstate 10 at its northern end.

UP states that there is no reasonable alternative to the proposed abandonment. UP states that there are no other current rail customers on the Line and no location of a new rail served industry along the Line is anticipated. Additionally, there is also no overhead traffic. Therefore, if the abandonment is approved, SEA anticipates no adverse effects on regional or local transportation systems and patterns.

### ***Salvage Activities***

UP states that the right-of-way is not suitable for other public purposes including roads or highways, mass transportation, conservation, energy production or transmission, or recreation. Furthermore, UP states that the Line does not contain any reversionary property interests or any federally granted right-of-way.

UP states that it is unaware of any adverse effects on local and existing land use plans.

In a letter dated March 27, 2008, Mr. Eric Banks, Assistant State Conservationist, Natural Resources Conservation Service, states that the proposed abandonment (1) will not result in any direct, permanent conversion of prime farmland and (2) does not appear to raise any concerns that would directly affect wetland areas associated with agriculture.

UP states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the Line's right-of-way.

In a letter dated March 18, 2008, Ms. Linda Taunt, Deputy Director, Water Quality Division, Arizona Department of Environmental Quality, states that the proposed abandonment would not result in adverse environmental impacts if the rail line remains or if it continues to operate under another company or as a public trail. However, if UP intends to physically remove the rail line, then the AZ-DEQ believes that the State's water quality laws and regulations would apply. The AZ-DEQ requests that if the rail line is to be salvaged, that UP download that appropriate Construction General Permit, Storm Water Pollution Prevention Plan checklist, and

associated forms from AZ-DEQ's website.<sup>1</sup> Accordingly, we will recommend a condition requiring the UP to consult with AZ-DEQ prior to salvage regarding the applicability of its water quality permitting requirements.

SEA 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.

In an e-mail dated May 5, 2008, the U.S. Department of Commerce, National Geodetic Survey (NGS) indicates that one geodetic station marker may be located in the area of the proposed abandonment. Therefore, SEA will recommend that the Board impose a condition requiring PRCC to notify the NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.

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

## **HISTORIC REVIEW**

UP states that the Line's right-of-way is generally 50 feet wide and level.

In its Environmental and Historic Report, UP states that the Line was originally planned and constructed in 1920 by Arizona Eastern Railroad (AZR). However, in an article appearing in the February 2, 1910, edition of the *New York Times* indicates that AZR, among other railroads, had merged with Southern Pacific Railroad on February 1, 1910. Additional information submitted by UP via an e-mail dated July 16, 2008, states that its information indicates that the Line was constructed solely as a stub-ended, industrial/agricultural service line. UP notes that the Line was originally about two miles longer and was abandoned in 1977 as AB-12 (Sub No. 44X).

Although no specific information regarding this Line is available, it is assumed that the Line was constructed by AZR, subsequently bought by Southern Pacific in 1910. The City of Goodyear has its origins in the purchase of 16,000 acres of land by Goodyear Tire and Rubber Company (GTRC) in 1916. The land was used to grow Egyptian cotton which was used in the production of tires for airplanes during World War I. Following World War I, the community suffered following the war with cotton prices plummeted. However, during World War II, the area saw a recovery when the Litchfield Naval Air Facility and the Goodyear Aircraft Corporation. It is believed that that Line was used to service the Litchfield Naval Air Facility and the Goodyear Aircraft Corporation as its alignment is located adjacent to these facilities.

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<sup>1</sup> The forms can be downloaded from:  
<http://www.azdeq.gov/environ/water/permits/stormwater.html#const>.

Additionally, during World War II, the Line probably provided service to the aerospace industry that grew up near the Line as this stub-ended spur at one-time provided service to the aircraft facility.

UP states that there are no structures that are 50 years old or older. Furthermore, UP states that it knows of no historic sites or structures or archeological resources located within the proposed project area.

UP served the historic report on the Arizona State Parks, State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c).<sup>2</sup> In a letter dated May 19, 2008, the SHPO states that UP's report should be revised to include National Register evaluation of this historic property and a determination of effect for the proposed abandonment. Furthermore, in a telephone conversation on July 16, 2008, the SHPO requested that the UP complete a form required by its office for review.<sup>3</sup>

Because of the issues raised by the SHPO, SEA requires further consultation to determine if the Line and/or any of its associated structures may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that the following eight tribes may have an interest in the proposed abandonment: (1) Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, (2) Fort McDowell Yavapai Nation, (3) Gila River Indian Community, (4) Salt River Pima-Maricopa Indian Community, (5) San Carlos Apache Tribe, (6) Tohono O'odham Nation, (7) White Mountain Apache Tribe, and (8) the Yavapai-Apache Nation of Camp Verde Indian Reservation. Accordingly, SEA is sending a copy of this EA to each of the eight identified tribes for review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: Arizona State Parks, State Historic Preservation Office; Three Rivers Historical Society; Litchfield Park Historical Society; and the City of Goodyear.

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<sup>2</sup> Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

<sup>3</sup> The form can be obtained by contacting Dr. Bill Collins, Deputy SHPO/Historian at 602.542.7159.

## **CONDITIONS**

SEA recommends the following condition be imposed on any decision granting abandonment authority.

- 1. The Union Pacific Railroad Company (UP) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Arizona State Parks and the public. UP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**
- 2. The Union Pacific Railroad Company shall consult with the Arizona Department of Environmental Quality prior to salvage regarding the applicability of its water quality permitting requirements.**
- 3. The Union Pacific Railroad Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.**

## **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.

UP states that the right-of-way is not suitable for other public purposes including roads or highways, mass transportation, conservation, energy production or transmission, or recreation. Furthermore, UP states that the Line does not contain any reversionary property interests or any federally granted right-of-way.

### **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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 266X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [Troy.Brady@stb.dot.gov](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: July 25, 2008.

**Comment due date: August 25, 2008.**

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

Anne K. Quinlan  
Acting Secretary

Attachment