

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 195X)

Union Pacific Railroad –Abandonment Exemption–in Salt Lake County, Utah

BACKGROUND

In this proceeding, Union Pacific Railroad (UP) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in order to permit abandonment and discontinuance of service over the Sugar House Branch Line from milepost 0.0 near Roper to the end of the branch line at milepost 2.74 near Sugar House, a distance of 2.74 miles in Salt Lake County, Utah. The line is currently owned by Utah Transit Authority (UTA) and UP's abandonment of its interests in the line and discontinuance of its operations over the line would not alter the current physical status of the line. A map depicting the rail line in relationship to the area served is appended to the report.

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 and historical reports 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)]. SEA has reviewed and investigated the record in this proceeding.

In 2002, the line served two customers, Harbison Walker Refractories (Harbison) and Burton Lumber Company (Burton). Harbison received cars in 2002 and then relocated off the UP railroad network in 2003. Burton was an active shipper until it relocated to another UP served location in Salt Lake City in October of 2003. Therefore, there is no customer impact associated with the proposed abandonment. The line has not been a route for overhead traffic and is not in service at the present time.

The United States Fish and Wildlife Service concurs with UP's "no effect" determination for threatened and endangered species and critical habitat. Impacts on air quality, noise levels, water quality and safety associated with the proposed project would be negligible.

HISTORIC REVIEW

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). At the time this environmental

assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

The National Geodetic Survey (NGS) has identified five geodetic station markers designated U 86, 4240, H 18, WW 90 and C 17 that may be affected by the proposed abandonment. If there are any planned activities which would disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

- If there are any planned activities which would disturb or destroy NGS markers designated U 86, 4240, H 18, WW 90 and C 17, NGS will be notified not less than 90 days in advance of any such activities in order to plan for their relocation.
- Pending completion of the SHPO's review of the proposed project, we recommend that the railroad take no steps to alter the historic integrity of any railroad related structures to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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

The UTA requests, in a letter of March 5, 2005, issuance of a Notice of Interim Trail Use (NTIU) for the rail line. UTA seeks rail banking and interim trail use on the line. A request for a NITU was filed March 24, 2005, by UTA, with the Board. All requests for a NITU must be filed with 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 (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 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 Phillis Johnson-Ball, 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 Docket No. AB-33 (Sub-No. 195X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail at Johnson-ballp@stb.dot.gov.

Date made available to the public: May 3, 2005

Comment due date: June 2, 2005

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

Vernon A. Williams
Secretary

Attachment