

225023



Gabriel S Meyer  
Assistant General Attorney

July 22, 2008



**Via Fax and UPS Overnight**

Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

**Attention: Victoria Rutson**

**Re: Proposed Abandonment and Discontinuance of the Great Western  
Industrial Lead; STB Docket Nos. AB-33 (Sub-No. 274X) and AB-414  
(Sub-No. 4X)**

223029

Dear Ms. Rutson

Enclosed for filing in the above-referenced matters are the original and ten (10) copies of Union Pacific Railroad Company's and Iowa Interstate Railroad, Ltd.'s Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. Sections 1105.7 and 1105.8, with a Certificate of Service and a transmittal letter pursuant to 49 C.F.R. Section 1105.11.

Union Pacific and Iowa Interstate anticipate filing a Petition for Exemption in this matter on or after August 11, 2008. Please do not hesitate to contact me if you have any questions

**ENTERED  
Office of Proceedings**

**JUL 22 2008**

**Part of  
Public Record**

Sincerely,

Gabriel S. Meyer

Enclosures

223078

BEFORE THE  
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 274X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT AND DISCONTINUANCE OF SERVICE--  
IN POTTAWATTAMIE COUNTY, IOWA  
(GREAT WESTERN INDUSTRIAL LEAD)

Docket No. AB-414 (Sub-No. 4X)

223079

IOWA INTERSTATE RAILROAD, LTD.  
--DISCONTINUANCE OF SERVICE--  
IN POTTAWATTAMIE COUNTY, IOWA  
(GREAT WESTERN INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY  
Gabriel S. Meyer  
Assistant General Attorney  
1400 Douglas Street, Mail Stop 1580  
Omaha, Nebraska 68179  
(402) 544-1658  
(402) 501-3393 FAX

ENTERED  
Office of Proceedings

JUL 25 2008

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Public Record

IOWA INTERSTATE RAILROAD, LTD.  
Ed Krug  
Krug Law Firm, PLC  
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(319) 626-3266 FAX

Dated and Filed: July 22, 2008

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 274X)**

**UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT AND DISCONTINUANCE OF SERVICE--  
IN POTTAWATTAMIE COUNTY, IOWA  
(GREAT WESTERN INDUSTRIAL LEAD)**

**Docket No. AB-414 (Sub-No. 4X)**

**IOWA INTERSTATE RAILROAD, LTD.  
--DISCONTINUANCE OF SERVICE--  
IN POTTAWATTAMIE COUNTY, IOWA  
(GREAT WESTERN INDUSTRIAL LEAD)**

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**Combined Environmental and Historic Report**

Union Pacific Railroad Company ("UP") and Iowa Interstate Railroad, Ltd. ("IAIS") submit this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C F R § 1105.8(d) for an exempt abandonment and discontinuance of the Great Western Industrial Lead, from Milepost 503.6 to Milepost 504.05, a distance of 0.45 miles in Pottawattamie County, Iowa (the "Line"). As part of this transaction, IAIS proposes to discontinue its trackage rights over the Line.<sup>1</sup> The Line traverses U S Postal Service Zip Code 51503.

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<sup>1</sup> Additionally, in its Petition for Exemption, which it expects to file on or after August 11, 2008, UP will seek to discontinue trackage rights over IAIS' Main Line from Milepost 486.8 to Milepost 488.0, a distance of 1.2 miles in Pottawattamie County, Iowa. Because IAIS' Main Line will remain subject to federal jurisdiction and IAIS will continue to serve it, it is not addressed in this EHR. IAIS' Main Line is linked to the Line that this is the subject of this abandonment proceeding by a short connecting track, which is not subject to federal jurisdiction.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Responses received thus far to UP's letters are also attached. UP and IAIS anticipate filing a Petition for Exemption to abandon and discontinue the Line on or after August 11, 2008

## **ENVIRONMENTAL REPORT**

### **49 C.F.R. § 1105.7(e)**

**(1) Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves an abandonment of UP's Great Western Industrial Lead. The Line proposed for abandonment extends from Milepost 503.6 to Milepost 504.05, a distance of 0.45 miles in Pottawattamie County, Iowa. A map of the Line is attached as **Attachment No. 1**.

The Line was originally constructed in 1901 by the Mason City and Fort Dodge Railroad. Its track, which is maintained as excepted track, contains 85-pound jointed rail, laid second-hand in 1961. The Line is located on property owned by Red Giant Oil Co ("Red Giant") and does not contain any federally granted rights-of-way or reversionary property.

UP has an operating easement over Red Giant's property, allowing it to operate the Line and has granted IAIS trackage rights that allow it to serve the Line as well.<sup>2</sup>

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<sup>2</sup> See *Iowa Interstate Railroad, Ltd. and Union Pacific Railroad Co —Joint Relocation Project Exemption in Council Bluffs, Pottawattamie County*, STB Docket No. 33883, STB served June 30, 2000.

During the past two years, IAIS has been the sole rail service provider on the Line, transporting oil products for Red Giant. No other customers have received rail service via the Line during this time period.

IAIS will continue to serve both customers on the Line following the Board's approval of the proposed action. The abandonment and trackage rights discontinuance will simply give Red Giant complete control over its property as an industrial facility by removing the encumbrance presented by UP's easement and IAIS' trackage rights over the Line. Accordingly, since neither UP nor IAIS are discontinuing service to any customers, it appears unnecessary to supply Red Giant's traffic information to the STB, as such information could be utilized by competitors.

After UP's proposed abandonment and IAIS' trackage rights discontinuance, rail service will continue to be available to other customers in the area via IAIS' Main Line, which is located approximately 400 feet west of the Line proposed for abandonment.

The Line proposed for abandonment is not suitable for other public purposes including roads or highways, mass transportation, energy production or transmission, or recreational use, as the Line is located on private property and IAIS will continue to use it to serve Red Giant. Moreover, the Line lies in the City of Council Bluffs, which is already served by numerous local streets and interstate highways, other UP and IAIS lines, as well as lines of other railroads, including BNSF Railway Co and Canadian National Railway Co. The removal of the encumbrance presented by the easement associated with the Line will enable Red Giant to modify and expand its operations as necessary.

The only shipments that utilize the Line are those which either originate or terminate at Red Giant. There is no overhead traffic and no passenger service on the

Line. Based upon information in UP's possession, the Line contains no federally granted right-of-way and none of the adjacent property is reversionary. Any documentation in UP's possession will be made available promptly to those requesting it

**(2) Transportation System** Describe the effects of the proposed action on regional or local transportation systems and patterns Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action

**Response:** There will be no effects on regional or local transportation systems and patterns, and no diversion of traffic to other transportation systems or modes, as IAIS will continue to utilize the Line to serve Red Giant, which is the Line's only customer.

**(3) Land Use.**

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans Describe any inconsistencies

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why

**Response:**

(i) UP is unaware of any adverse effects on local and existing land use plans. The Pottawattamie County Board of Supervisors Office has been contacted. To date, UP has received no response.

(ii) The Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has received no response.

(iii) Not Applicable.

(iv) The property associated with the Line does not appear to be suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation, or energy production or transmission, because the subject area is located in an industrial area, and because IAS will continue to use the Line.

#### **(4) Energy.**

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There will be no effects on the transportation of energy resources

(ii) There will be no effects on the transportation of recyclable commodities.

(iii) There will be no change in energy consumption resulting from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

**(5) Air. (i)** If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply

**Response:** UP does not anticipate any such effects.

**(5) Air. (ii)** If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under

49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

**(5) Air. (iii)** If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity; the frequency of service, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone-depleting materials.

**(6) Noise** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

**(7) Safety.**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

#### **(8) Biological resources.**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U.S. Fish and Wildlife Service has been contacted. To date, UP has received no response.

(ii) The National Park Service has been contacted. To date, UP has received no response.

**(9) Water.**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The U.S. Environmental Protection Agency Regional Office has been contacted. Upon review, the EPA has determined that no regulatory or remedial activity related to the proposed abandonment will be necessary within the Line's alignment. The EPA's response is attached as **Attachment No. 3.**

(ii) The U. S. Army Corps of Engineers has been contacted. To date, UP has received no response.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

**(10) Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

**(1)** A U S G S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See Attachment No. 1.

**(2)** A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

**Response:** The Line's right-of-way is approximately 50 feet wide, and its topography is level.

**(3)** Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** There are no structures over 50 years old affected by the proposed abandonment.

**(4)** The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** Not applicable.

**(5)** A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See UP's response to question (1) in the Environmental Report for a brief history and description

**(6)** A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** UP does not have any relevant documentation.

**(7)** An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources in the project area. No structures over 50 years old are affected by the proposed abandonment. The State Historical Society of Iowa is reviewing the proposed abandonment and has stated it will respond only if it determines within 30 days that one of several enumerated conditions in its response exists. The agency's response is attached as **Attachment No. 4**.

**(8)** A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

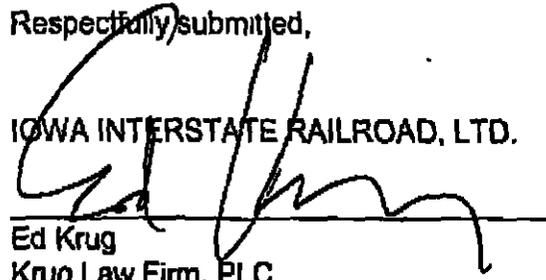
**Response:** UP does not have any such readily available information.

**(9)** Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American).

**Response:** Not applicable.

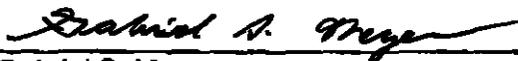
Dated this 22nd day of July, 2008.

Respectfully submitted,

  
IOWA INTERSTATE RAILROAD, LTD.

Ed Krug  
Krug Law Firm, PLC  
P.O. Box 888  
8 Hawkeye Drive, Suite 103  
North Liberty IA 52317  
(319) 626-2076  
(319) 626-3266 FAX

UNION PACIFIC RAILROAD COMPANY

  
Gabriel S. Meyer  
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1400 Douglas Street  
Mail Stop 1580  
Omaha, Nebraska 68179  
(402) 544-1658  
(402) 501-3393 FAX

**CERTIFICATE OF SERVICE OF THE  
COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket Nos AB-33 (Sub-No 274X) and AB-414 (Sub-No 4X) for abandonment and discontinuance of the Great Western Industrial Lead in Pottawattamie County, Iowa was served by first class mail on the 22nd day of July, 2008 on the following

**State Clearinghouse (or alternate):**

Mr Steven R McCann  
Division for Community Progress  
Iowa Department of Economic Development  
200 East Grand Avenue  
Des Moines, IA 50309

**State Environmental Protection Agency:**

Department of Natural Resources  
Henry A Wallace State Office Building  
502 E 9<sup>th</sup> Street  
Des Moines, IA 50319-0034

**State Coastal Zone Management Agency  
(if applicable):**

Not applicable

**Head of each County:**

Pottawattamie County Board of Supervisors  
227 South Sixth Street  
County Courthouse  
Council Bluffs, IA 51501-4269

**Environmental Protection Agency  
(regional office):**

U S Environmental Protection Agency  
Region VII  
901 North 5th Street  
Kansas City, KS 66101

**U.S. Fish and Wildlife:**

U S Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling MN 55111

**U.S. Army Corps of Engineers:**

U S Army Engineer District, Omaha  
1616 Capitol Ave , Suite 9000  
Omaha, NE 68102

**National Park Service:**

National Park Service - Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
693 Federal Bldg  
210 Walnut Street  
Des Moines, IA 50309-2180

**National Geodetic Survey:**

National Geodetic Survey  
Edward J McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

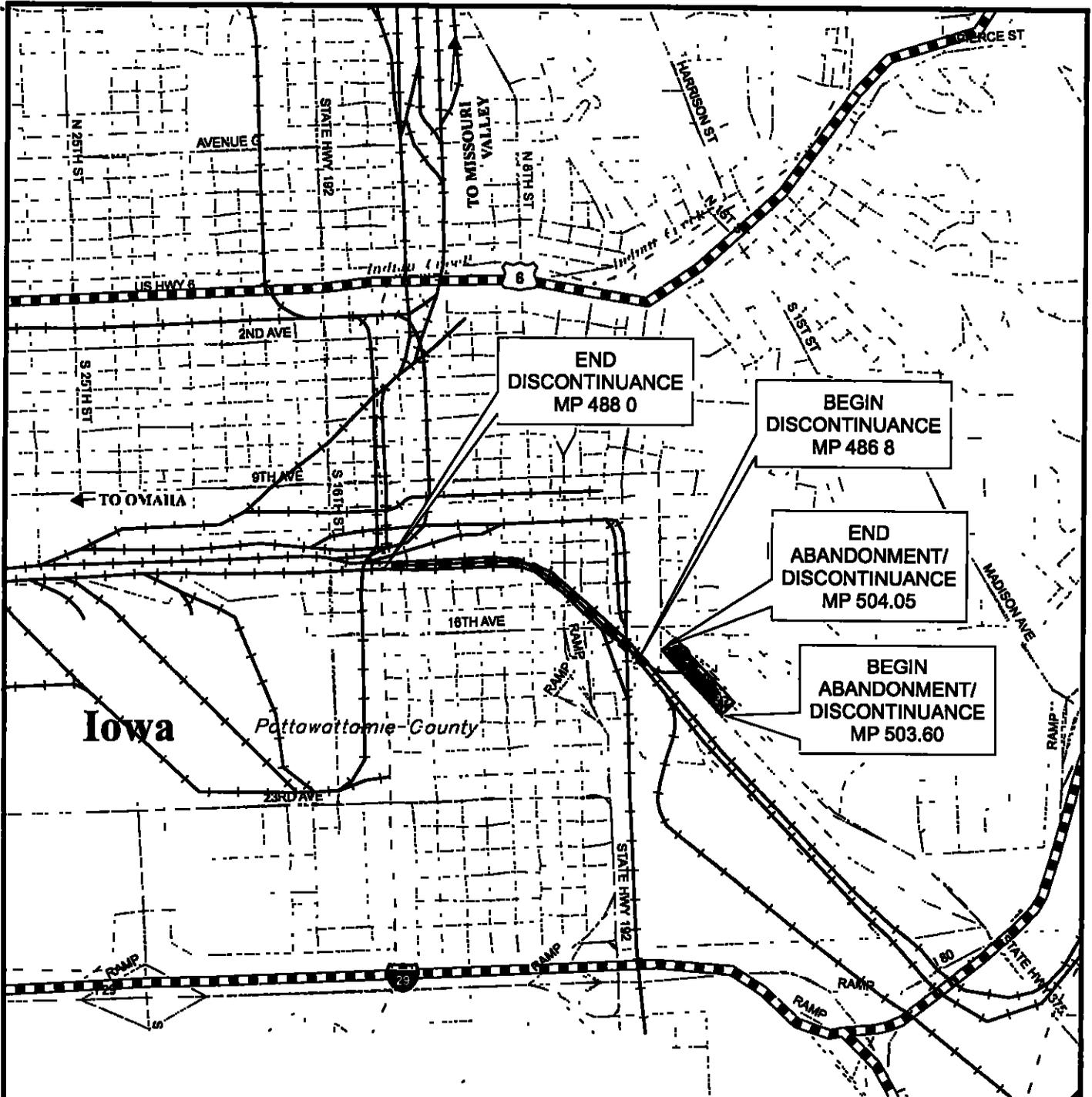
**State Historic Preservation Office:**

State Historical Society of Iowa  
Attn R&C Coordinator  
600 East Locust Street  
Des Moines, IA 50319-0290

Dated this 22nd day of July, 2008



Gabriel S Meyer



**Legend**

-  UPRR ABANDONMENT/IAIS DISCONTINUANCE
-  TRACKAGE RIGHTS TO BE DISCONTINUED OVER IOWA INTERSTATE RAILROAD
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

NOTE · THERE ARE NO 50+ YEAR OLD STRUCTURES

**GREAT WESTERN INDUSTRIAL LEAD**

ABANDONMENT/DISCONTINUANCE -  
 MP 503.6 TO MP 504.05  
 TOTAL OF 0.45 MILES  
 DISCONTINUANCE - MP 486.8 TO 488.0  
 TOTAL OF 2 MILES  
 IN POTTAWATTOMIE COUNTY, IOWA

**UNION PACIFIC RAILROAD CO.  
 GREAT WESTERN INDUSTRIAL LEAD  
 IOWA**

INCLUDING 50+ YEAR OLD STRUCTURES



Law Department

July 10, 2008

**State Clearinghouse (or alternate):**

Mr Steven R McCann  
 Division for Community Progress  
 Iowa Department of Economic Development  
 200 East Grand Avenue  
 Des Moines, IA 50309

**State Environmental Protection Agency:**

Department of Natural Resources  
 Henry A Wallace State Office Building  
 502 E 9<sup>th</sup> Street  
 Des Moines, IA 50319-0034

**State Coastal Zone Management Agency****(if applicable):**

Not applicable

**Head of each County:**

Pottawattamie County Board of Supervisors  
 227 South Sixth Street  
 County Courthouse  
 Council Bluffs, IA 51501-4269

**Environmental Protection Agency****(regional office):**

U S Environmental Protection Agency  
 Region VII  
 901 North 5th Street  
 Kansas City, KS 66101

**U.S. Fish and Wildlife:**

U S Fish & Wildlife Service, Region 3  
 One Federal Drive  
 Federal Building  
 Fort Snelling, MN 55111

**U.S. Army Corps of Engineers:**

U S Army Engineer District, Omaha  
 1616 Capitol Ave , Suite 9000  
 Omaha, NE 68102

**National Park Service:**

National Park Service - Midwest Region  
 1709 Jackson St  
 Omaha, NE 68102

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
 693 Federal Bldg  
 210 Walnut Street  
 Des Moines, IA 50309-2180

**National Geodetic Survey:**

National Geodetic Survey  
 Edward J McKay, Chief  
 Spatial Reference System Division  
 NOAA N/NGS2  
 1315 E-W Highway  
 Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

State Historical Society of Iowa  
 Attn R&C Coordinator  
 600 East Locust Street  
 Des Moines, IA 50319-0290

**Re: Proposed Abandonment of the Great Western Industrial Lead from Milepost 503.6 to Milepost 504.05, a distance of 0.45 miles in Pottawattamie County, Iowa; STB Docket No. AB-33 (Sub-No. 274X)**

Ladies and Gentlemen

Union Pacific Railroad Company (UP) plans to request authority from the Surface Transportation Board (STB) to abandon the Great Western Industrial Lead from Milepost 503 6 to Milepost 504 05, a distance of 0 45 miles in Pottawattamie County, Iowa<sup>1</sup> A map indicating the

<sup>1</sup> As part of this transaction, UP will also propose discontinuance of trackage rights over Iowa Interstate Railroad, Ltd (IASR) from Milepost 486 8 to Milepost 488 0 in Pottawattamie County, and IASR will propose discontinuance of its trackage rights over the portion of railroad that UP is abandoning The two rail line segments are linked by a short connecting track

proposed abandonment is attached UP does not anticipate that a grant of abandonment authority will result in removal of the line or a change in operations over it Rather, the line will become privately owned, and rail operations over it will continue

Pursuant to the STB's regulations at 49 C F R Part 1152, and the environmental regulations at 40 C F R Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below We do not anticipate any adverse environmental impacts, however, if you identify any adverse environmental impacts, please describe any actions that are proposed in order to mitigate the environmental impacts Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB. ***We ask that you provide us with a written response within seven days of receipt of this letter.***

LOCAL AND/OR REGIONAL PLANNING AGENCIES State whether the proposed action is consistent with existing land use plans Describe any inconsistencies

U S SOIL CONSERVATION SERVICE State the effect of the proposed action on any prime agricultural land

U S FISH AND WILDLIFE SERVICE (And State Game and Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges National or State parks or forests will be affected, and describe any effects

STATE WATER QUALITY OFFICIALS State whether the proposed action is consistent with applicable Federal, State or Local water quality standards Describe any inconsistencies

U S ARMY CORPS OF ENGINEERS State (1) whether permits under Section 404 of the Clean Water Act (33 U S C § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected Describe the effects

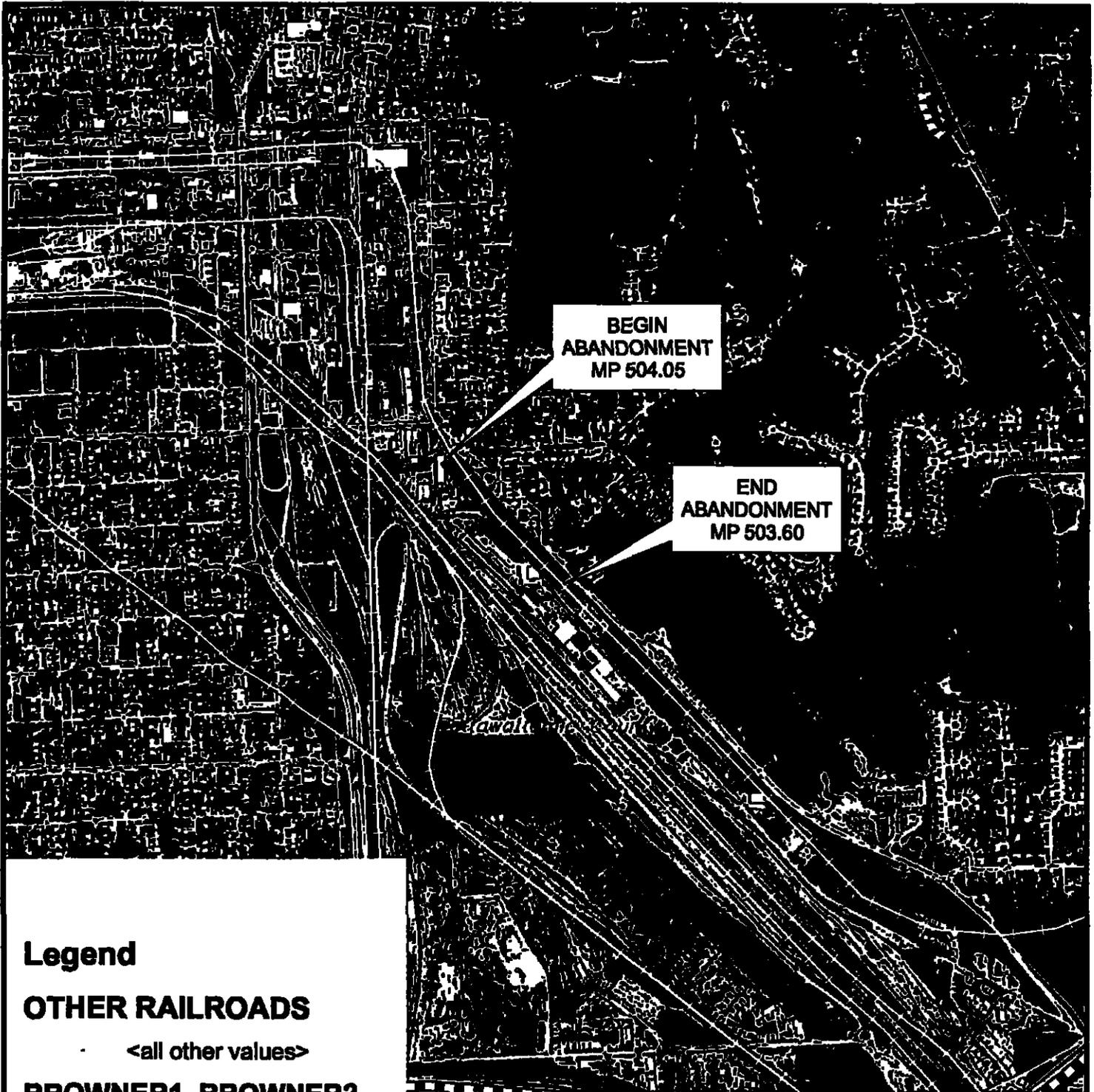
U S ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY) (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U S C § 1342) are required for the proposed action

Thank you for your assistance Please fax your reply to Union Pacific Railroad, Mr Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. The fax number is (402) 501-0129 If you need further information, please contact me at (402) 544-4861

Yours truly,

  
Charles W Saylor

Attachment



**Legend**

**OTHER RAILROADS**

<all other values>

**ROWNER1, RROWNER2**

—+—+—+ IAIS, ICE

—+—+—+ OTHER RAILROADS

■ abandonment.csv Events

==== OTHER UPRR LINES

—+—+—+ OTHER RAILROADS

▣▣▣▣ PRINCIPAL HIGHWAYS

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES

Q:\abandonments\ab-33\_274X.mxd

**GREAT WESTERN INDUSTRIAL LEAD**

MP 503.6 TO MP 504.05  
 TOTAL OF 0.45 MILES  
 IN POLK COUNTY, IOWA

**UNION PACIFIC RAILROAD CO.  
 GREAT WESTERN INDUSTRIAL LEAD  
 IOWA**

INCLUDING 50+ YEAR OLD STRUCTURES

0 0.050.1 0.2

Miles 00018



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
911 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

Mr. Chuck Saylor  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE 68179

Dear Mr. Saylor:

RE: STB Docket No. AB-33 (Sub-No. 274X), *Union Pacific Railroad Company—  
Abandonment of the Great West Industrial Lead from Milepost 503.6 to Milepost 504.05  
in Pottawattamie County, IA*

This correspondence responds to your inquiry of July 10, 2008, requesting the United States Environmental Protection Agency's interest in this proposed abandonment. In evaluating this action, I referred to EPA Region 7's Geographic Information Systems for spatial relationships of environmentally regulated facilities and remediation sites. In this evaluation, no regulatory or remedial activity was found to be within the rail line's alignment that should influence the abandonment proposal (please see enclosed map). EPA does caution, however, that environmental legacies of railway operations can include (but may not be limited to) product spills, maintenance activities-- where waste fuels and lubricants may have been discarded, wood preservative applications to ties and trestles, and rights-of-way maintenance with herbicides.

As is the case for all federal actions being reviewed through the National Environmental Policy Act process, it is the obligation of the lead federal agency to determine the environmental consequences of the action. Please note that while we believe that this letter expresses our views on the impacts of the project based on the limited available information, it is up to the STB to determine what, if any, further consultation with EPA would be necessary to begin operations. A more detailed reporting of removal &/or cleanup plans and procedures may be warranted.

For future abandonment proposals, if EPA can be of assistance within its jurisdiction or technical capabilities, please contact myself at (913)-551-7565 or [tucker.amber@epa.gov](mailto:tucker.amber@epa.gov), or you may also contact Mr. Joseph Cothorn, NEPA Team Leader, at (913) 551-7148 or [cothorn.joe@epa.gov](mailto:cothorn.joe@epa.gov).

Sincerely,

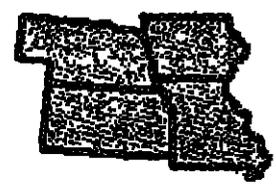
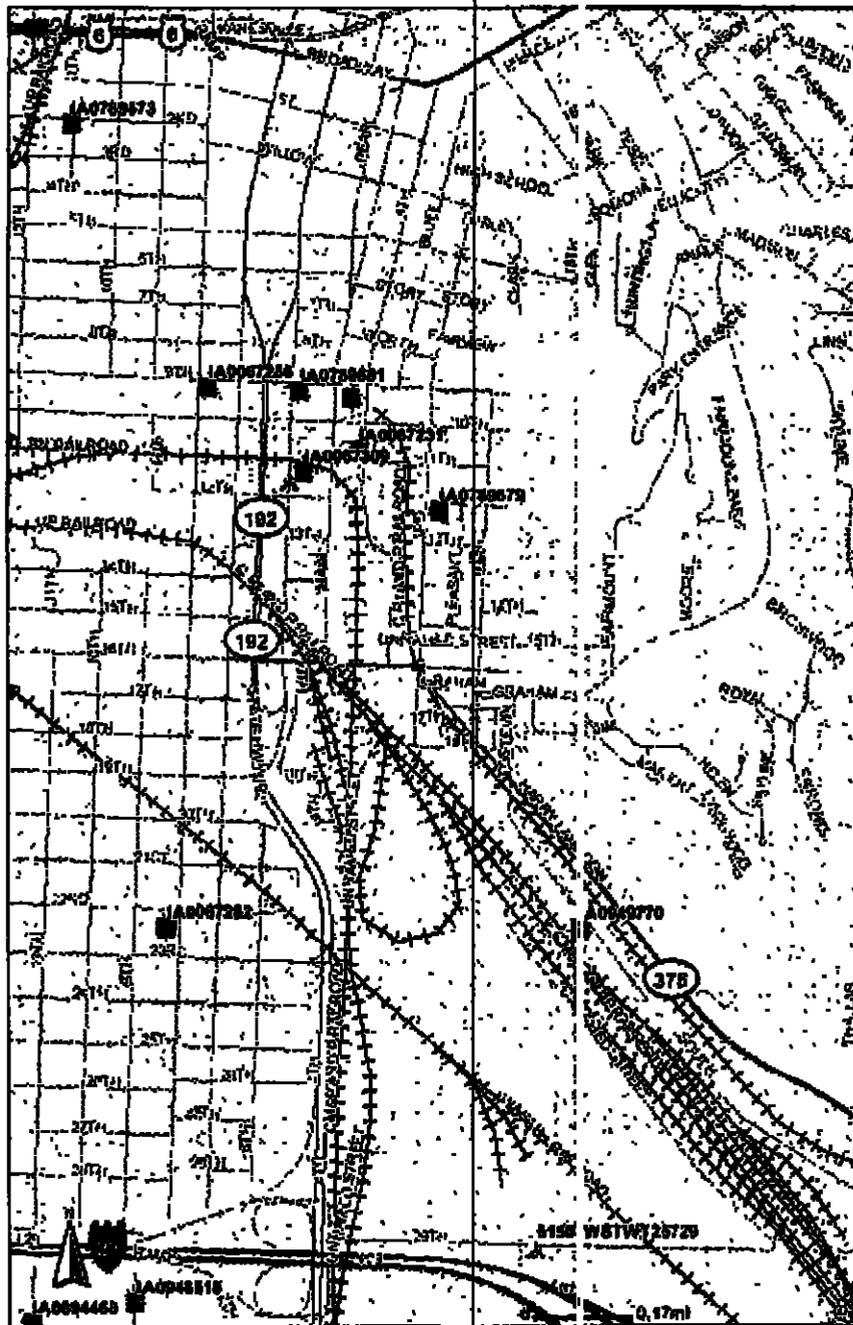
Amber Tucker  
NEPA Reviewer  
EPA R7 Environmental Services Division

Enclosure

00019



# UPR Abandonment Site



- AFS - Major
- AFS - Minor
- RCRA TSD
- ⊕ RCRA LQG
- ⊙ Superfund
- ▲ TRIS
- NPDES - Major
- NPDES - Minor
- PWS Wells
- PWS Intakes
- Interstate Highways
- US Highways
- State Highways and County Roads
- Roads
- Railroads
- 303d Streams
- EJ Areas (Block Group)

NOTE: The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown.

"Minorities" is a percentage of minority individuals relative to total population per block group. "Below Poverty" is the percentage of the total block group population with incomes below the poverty level in 1999. Block group geography and demographic data are based on the 2000 Census. This information depicts areas of concern where potential environmental and/or human health problems may disproportionately impact a population.

This information should not be used in comparison to previous EPA Region 7 Environmental Justice maps using 1990 data, as the data parameters have changed. The EPA Region 7 Environmental Justice Program has chosen to adopt the U.S. Census Bureau's parameters for poverty and race/ethnicity status in an effort to show a more accurate picture.

**EPA**  
**REGION 7**  
**ENSV Division**  
 7-15-2008

00020



A Division of the Iowa Department of Cultural Affairs

Your request for comment by the State Historic Preservation Officer has been received.

Date Received: 7/14/2008

End of 30 Day Period: 8/13/2008

Agency: STB

SHPO R&C #. 080778043

**UNION PACIFIC RAILROAD COMPANY (UP) - STB DOCKET NO. AB-33 (SUB-NO. 274X) - PROPOSED ABANDONMENT OF THE GREAT WESTERN INDUSTRIAL LEAD FROM MILEPOST 503.6 TO MILEPOST 504.05**

In accord with federal regulations, our office will respond **ONLY** when:

- The SHPO has received incomplete information or inadequate documentation under 36CFR800 11(a), (d), and (e) **OR**
- The SHPO objects to your definition of the Area of Potential Effect (APE) for the undertaking **OR**
- The SHPO objects to your finding of whether a property is or is not eligible for listing on the National Register of Historic Places **OR**
- The SHPO objects to your finding of the project's effect on a historic property **OR**
- The project is proposed to have a "No Adverse Effect," with or without conditions, and where the SHPO disagrees with the finding **OR**
- The project is determined to have an "Adverse Effect" on a historic property and the federal agency is consulting with SHPO on how to resolve such "Adverse Effects"

Otherwise, at the end of the 30-day period, you may either proceed to the next step in the process based on the finding or determination, or consult with the Advisory Council on Historic Preservation in lieu of the SHPO. In order to determine the next step in the process, please review the appropriate section of the federal regulations [36CFR800.4(d)(1) or the Programmatic Agreement under which your project is being reviewed

Be advised that the successful conclusion of consultation with the SHPO does not fulfill the agency's responsibility to consult with other parties who may have an interest in properties that may be affected by this project. Nor does it override the sovereign status of federally recognized American Indian Tribes in the Section 106 consultation process.

We have made these comments and recommendations according to our responsibility defined by Federal law pertaining to the Section 106 process. The responsible federal agency does not have to follow our comments and recommendations to comply with the Section 106 process. It also remains the responsible federal agency's decision on how you will proceed from this point for this project.

Should you have any questions please contact me at the number or email below, referencing the R&C # above.

SHPO Review & Compliance Coordinator  
(515) 281-8743

00021