

SERVICE DATE – NOVEMBER 9, 2020

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

**Docket No. 43 (Sub-No. 191X)
Illinois Central Railroad Company – Abandonment Exemption –
in Jefferson County, Ill.**

and

**Docket No. 33 (Sub-No. 337X)
Union Pacific Railroad Company – Abandonment Exemption –
in Jefferson County, Ill.**

BACKGROUND

In this proceeding, Illinois Central Railroad Company (IC) and Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a jointly owned line of railroad in Jefferson County, Illinois. The rail line proposed for abandonment is an approximately 100-foot railroad bridge extending from Milepost 10.53 to Milepost 10.55 south of the Village of Waltonville (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to remove rail-related structures, salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is a railroad bridge over State Route 148 (County Road 600E) south of the Village of Waltonville. The rail right-of-way extends the width of the bridge and is less than 30 feet wide. There has been no rail freight service on the Line or the adjacent rail lines in many years.

ENVIRONMENTAL REVIEW

IC and UP submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage. IC and UP served the E&H 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)]¹ implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to IC and UP, no local traffic has moved over the Line during the last two years, and overhead traffic on the Line has been rerouted. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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.

If abandonment authority is granted in this proceeding, rail-related material would be salvaged from the rail right-of-way and the railroad bridge would be removed to allow the Illinois Department of Transportation (IDOT) to undertake a road improvement project on State Route 148. Should the Board authorize the abandonment, the rail line east of the Line would remain accessible via an existing connection with a nearby BNSF Railway Company rail line, and the rail line west of the Line would remain connected to the IC mainline near Bois, Illinois.

Transportation Systems

As noted above, the Line is a railroad bridge over State Route 148. According to IC and UP, the purpose of the proposed abandonment is to allow the bridge to be removed as part of a IDOT road improvement project. To ensure that abandonment-related salvage activities would not adversely affect vehicular traffic on State Route 148, OEA is recommending a condition requiring IC and UP to coordinate with IDOT regarding the timing and nature of abandonment-related salvage activities and to abide by the reasonable requirements of IDOT for any

¹ The E&H Report is available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records," selecting "Filings" in the "Search for" dropdown menu; entering "AB" "33" "337" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 15, 2020.

abandonment-related salvage activities that would take place within the right-of-way of State Route 148.

Land Use

IC and UP provided the E&H Report to the Jefferson County Board and the Greater Egypt Regional Planning and Development Commission requesting comments regarding consistency of the proposed abandonment with existing local land use plans. To date, OEA has not received a response. Because the Line is a railroad bridge over a state highway and the abandonment is being proposed to accommodate a IDOT road improvement project, OEA believes that the proposed abandonment would be consistent with local land use plans and is not recommending mitigation related to local land use.

IC and UP requested comments from the Natural Resources Conservation Service (NRCS) regarding potential impacts of the proposed abandonment on agricultural land, but no response from NRCS has been received to date. Because the Line is a railroad bridge over a state highway, OEA does not expect that the proposed abandonment would have any effect on prime or unique farmland. Accordingly, no mitigation related to agricultural land is necessary or recommended.

The National Geodetic Survey (NGS) has indicated that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended.

Coastal Zone Management

The Coastal Management Program of the Illinois Department of Natural Resources (IDNR) submitted comments stating that the proposed abandonment would take place outside of the boundaries of the Coastal Management Program. Therefore, a Federal Consistency Determination is not necessary, and OEA is not recommending any mitigation related to coastal zone management.

Surface Waters and Wetlands

IC and UP provided the E&H Report to the U.S. Environmental Protection Agency (USEPA), the Illinois Environmental Protection Agency (IEPA), and the Army Corps of Engineers (the Corps) requesting comments regarding potential impacts of the proposed abandonment on water resources. To date, USEPA and IEPA have not provided comments. By letter dated April 16, 2018, the Corps commented that the proposed abandonment would not impact streams or wetlands under the Corps' jurisdiction and would therefore not require

authorization from the Corps under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Based on available satellite imagery and maps, the Line does not cross and is not immediately adjacent to any surface waters or wetlands.² Therefore, OEA concludes that the proposed abandonment would not adversely affect water resources and is not recommending any mitigation related to water resources.

Hazardous Materials

IC and UP state that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the rail right-of-way. OEA's review of the area has confirmed that there are no federally-listed remediation sites in the vicinity of the Line.³ Because there are no known issues related to hazardous waste spills within or adjacent to the rail right-of-way, no mitigation related to hazardous waste sites or hazardous materials is necessary or recommended.

Biological Resources

The Line is a railroad bridge over a state highway and the right-of-way does not contain any vegetation or natural habitat for wildlife. To identify federally listed threatened and endangered species that could be present near the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.⁴ The table below shows the federally listed endangered and threatened species known or thought to occur in the county in which the Line is located, as identified by OEA's search. OEA notes that the Line does not cross critical habitat for any of the species identified.

Federally Listed Species in Jefferson County, Illinois	
Mammals	Status
Indiana Bat (<i>Myotis sodalis</i>)	Endangered
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Birds	
Piping Plover (<i>Charadrius melodus</i>)	Endangered

IC and UP requested comments from USFWS regarding the potential impact of the proposed abandonment on biological resources, including federally listed threatened and

² U.S. Fish and Wildlife Service, National Wetlands Inventory, <https://www.fws.gov/wetlands/data/mapper.html> (last accessed November 5, 2020).

³ Environmental Protection Agency, NEPAassist, <https://www.epa.gov/nepa/nepassist> (last accessed November 5, 2020).

⁴ U.S. Fish and Wildlife Service, Information for Planning and Consultation System, <https://ecos.fws.gov/ipac/> (last accessed October 29, 2020).

endangered species. By letter dated July 10, 2017, USFWS submitted comments stating that the removal of the railroad bridge falls under the *December 15, 2016 Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat* for the requirements of Section 7 of the Endangered Species Act (16 U.S.C. § 1531). USFWS also states that the railroad bridge was inspected in June of 2017 and that no bats or signs of bats were observed. USFWS concludes that the proposed abandonment would have no effect on the Indiana bat or the Northern long-eared bat. Based on the information provided by IC, UP, and USFWS, OEA concurs with USFWS that the proposed abandonment would not affect federally listed threatened and endangered bat species.

In its July 10, 2017 comment letter, USFWS states that piping plover is not covered under USFWS' no effect determination. Piping plover is a shorebird that is typically found along coastal sand and gravel beaches. Because the Line is a railroad bridge over a roadway, OEA does not anticipate that piping plover would be located within the project area. Therefore, OEA concludes that the proposed abandonment would have ***no effect*** on federally listed threatened and endangered species. Because the proposed abandonment would not result in the clearing of vegetation or other impacts on habitat, OEA also concludes that the proposed abandonment would not adversely affect other wildlife and vegetation species. Therefore, no mitigation related to biological resources is necessary or recommended. OEA is sending a copy of this Draft EA to USFWS for review and comment.

Air Quality

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Therefore, no mitigation related to air quality is recommended.

Noise

Any noise related to abandonment activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment. Therefore, no mitigation related to noise impacts is recommended.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to USFWS for review and comment.

HISTORIC REVIEW

Historical Background

According to IC and UP, the Line is a portion of rail line that was constructed in 1966 to access several coal mines from the railroads' mainlines, which are located to the west of the Line. To the east of the Line, the jointly owned track extends to the coal mines and on to a connection to the BNSF Railway Company mainline. Rail service on the Line was historically provided by IC, Missouri Pacific Railroad Company (MP), and Chicago, Burlington, and Quincy Railroad Company (CB&Q). CB&Q merged into Burlington Northern Railroad (BN) in 1970, and MP merged into UP in 1997. BN conveyed its interest in the Line to IC and UP in 1984. The coal mines and the rail lines serving them are all currently inactive.

Section 106 Review

IC and UP served the E&H Report on the IDNR's Historic Preservation Division (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁵ The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. OEA has reviewed the available information and concurs with the SHPO's comments.

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, OEA has determined that the proposed abandonment would not affect historic properties 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 E&H Report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.prod.stb.gov. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

⁵ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overseeing historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁶ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment:

- Menominee Indian Tribe of Wisconsin;
- Miami Tribe of Oklahoma;
- Osage Nation; and
- Peoria Tribe of Indians of Oklahoma.

OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:⁷

Illinois Central Railroad Company and Union Pacific Railroad Company shall coordinate with the Illinois Department of Transportation (IDOT) regarding the timing and nature of abandonment-related salvage activities and shall abide by the reasonable requirements of IDOT for any abandonment-related salvage activities that would take place within the right-of-way of State Route 148.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended mitigation measure is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

⁶ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed October 26, 2020).

⁷ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁸

TRAIL 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁹

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

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the

⁸ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "33" "337" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

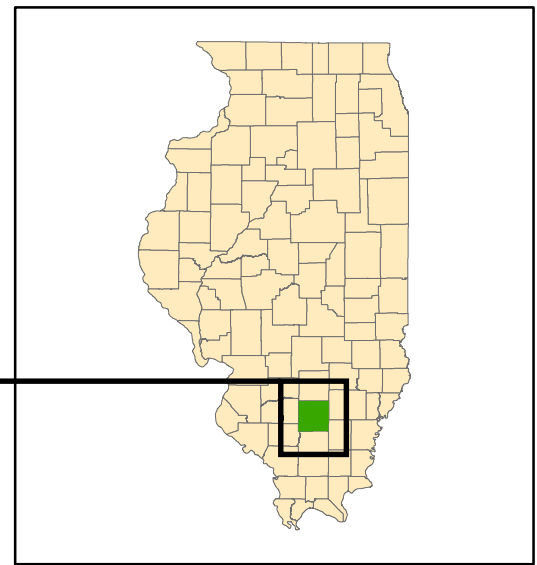
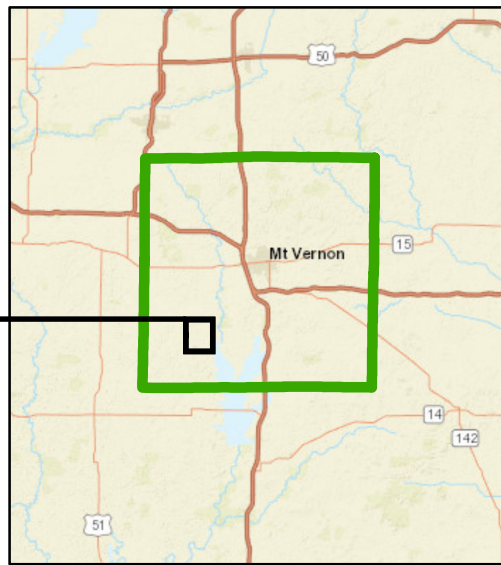
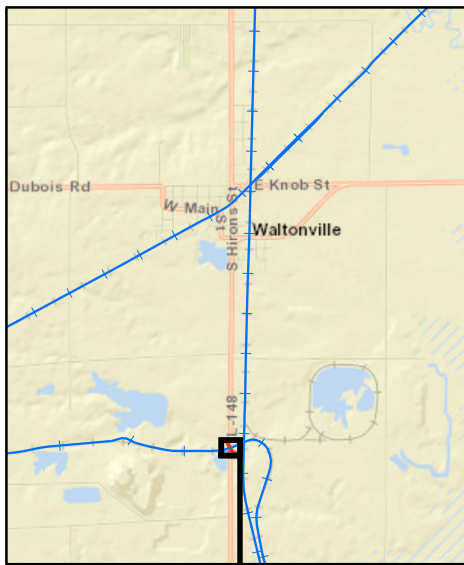
⁹ Id.

Draft EA, select “File an Environmental Comment” under “Need Assistance?” on the Board’s home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Joshua Wayland by email at joshua.wayland@stb.gov or by phone at 202-245-0330.

Date made available to the public: November 9, 2020.

Comment due date: November 24, 2020.

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



Docket No. AB 43 (Sub-No. 191X) - Illinois Central Railroad Company

Docket No. AB 33 (Sub-No. 337X) - Union Pacific Railroad Company

Abandonment Exemption in Jefferson County, Illinois

— The Line — Other rail lines ■ Jefferson County



Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general information purposes only.