

SERVICE DATE – APRIL 1, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. 33 (Sub-No. 338X)

**Union Pacific Railroad Company– Abandonment Exemption –
In Salt Lake County, Utah**

BACKGROUND

In this proceeding, 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 line of railroad in Salt Lake County, Utah. The rail line proposed for abandonment extends approximately 0.5 miles from milepost 743.7 to milepost 744.2 in Salt Lake City, Utah (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 salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line begins southwest of the intersection of 900 South and 500 Southwest in Salt Lake City, Utah. The right-of-way runs through commercial and industrial areas. The right-of-way is approximately 50 feet wide. The topography is flat.

According to UP, the Line was constructed around 1882 by the Denver and Rio Grande Western as part of its route into downtown Salt Lake City. The Line was severed to the north through an abandonment authorized in 1998, and severed to the south as the result of a sale to the Utah Transit Authority at least seven years ago. Prior to 1998, the Line was used as an industrial lead. No local traffic has moved to or from the Line in the past two years and there is no overhead railroad traffic.

According to UP, its real property interest in the Line is primarily fee in nature. Based upon information in UP's possession, the Line does not contain federally granted right-of-way. There are no public at-grade road crossings, railroad signals, bridges or structures on the Line. Interstate 15 carries vehicular traffic over the Line via an overhead grade-separated structure. Surrounding land uses are primarily commercial industrial. Rails and ties remain on the Line.

ENVIRONMENTAL REVIEW

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. 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 UP, no local traffic has moved over the Line since 1998 and there is no overhead traffic on the Line. 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. UP intends to sell the right-of-way, track and ballast, and assign any existing leases, licenses, or easements to a private party or adjacent landowners. Existing culverts and right-of-way grading would remain intact so as not to alter the prevailing drainage and water flows along the Line. Ballast would be left in place.

UP requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.² Two protected threatened species—the yellow-billed cuckoo bird (*Coccyzus americanus*) and the June sucker fish (*Chasmistes liorus*)—could be located in the area of the proposed abandonment. According to the IPaC report, there is no

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "33" "338" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on February 16, 2022.

² <https://ipac.ecosphere.fws.gov> (Last accessed March 30, 2022)

critical habitat for these species in the project area. OEA has determined that these federally listed threatened or endangered species would not be affected because of the abandonment's limited scope of salvage and the urban nature of the project area. OEA is providing the USFWS Utah Ecological Services Field Office a copy of this EA for its review.

According to UP, the Line is not located in a coastal zone.

OEA believes there would be limited potential for air or noise emissions from the proposed abandonment because UP does not intend to conduct salvage activities (i.e., track, tie, and ballast would remain in place).

According to UP, 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.

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 the USFWS.

HISTORIC REVIEW

UP served the E&H Report on the Utah State Historical Society (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ OEA has not heard from SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, OEA is 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. Guidance regarding the Board's historic preservation review process is available on the Board's website at [www. https://www.stb.gov/resources/environmental/historic-preservation-overview](https://www.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

³ 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 overviewing historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

federally recognized Tribes that may have ancestral connections to the project area.⁴ 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: Northwest Band of Shoshoni Nation, Shoshone-Bannock Tribes of the Fort Hall Reservation, Ute Indian Tribe of the Uintah and Ouray Reservation, Utah. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition(s) be imposed on any decision granting abandonment authority:⁵

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, 54 U.S.C. § 306108, has been completed. UP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office 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.

CONCLUSIONS

Based on the information provided from all sources to date, OEA 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.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed March 30, 2022).

⁵ 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.

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.⁶

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.⁷

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 www.stb.gov. To submit a comment on the 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 Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

Date made available to the public: April 1, 2022.

⁶ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "33" "338" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁷ Id.

Comment due date: April 18, 2022.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment



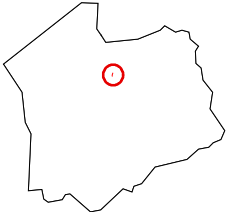
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Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Salt Lake County, Utah