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OEA

SERVICE DATE – MAY 10, 2024

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 350X)

**Union Pacific Railroad Company – Abandonment Exemption –
In St. Louis County, Mo.**

Docket No. AB 1338X

**Missouri Eastern Railroad, LLC – Discontinuance Exemption –
In St. Louis County, Mo.**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) and Missouri Eastern Railroad, LLC (MER) filed a joint notice of exemption under 49 C.F.R. 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 for UP to abandon and MER to discontinue operations in connection with the abandonment of a line of railroad in St. Louis County, Missouri. The rail line proposed for abandonment, also known as the Rock Island Old Passenger Main near Olivette, Missouri, extends approximately 0.55 miles from milepost 11.58 to milepost 11.03 (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

According to UP, the Line was originally constructed around 1887 as the Rock Island Old Passenger Main to St. Louis. The Line was expanded by the construction of a freight line connecting to the Terminal Railroad Association of St. Louis (TRRA) around 1908. The Line was then severed in 1937 and further shortened in 1950. A Southern Pacific (SP) subsidiary, the St. Louis Southwestern Railway Company, purchased the Line in 1980. The Central Midland Railway Company operated the Line under a lease from 2003 to 2022 when MER took over operation of the Line. The Line once served the Dielman Industrial Park located south of the bridge. According to UP, the industrial park has not been served in over 20 years, and the bridge has been tested and is not structurally sound enough to handle loaded railcars.

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, including salvage. 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 over 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. UP states that it has no intention to salvage any portion of the Line as part of the proposed abandonment. If granted abandonment authority, UP stated that it would consummate the abandonment and then convey the Line and any remaining track, ties, and ballast to the Metropolitan Park and Recreation District d/b/a The Great Rivers Greenway District (the District), a corporate and political subdivision of the State of Missouri. The District plans to use the Line as a hiking and biking trail. According to UP, the District would also remove the bridge superstructure, leaving bridge abutment walls generally in place.

The Missouri Federal Assistance Clearinghouse commented that no agencies involved had comments or recommendations to offer regarding the proposed abandonment. Accordingly, no further consultation is required.

The Metropolitan St. Louis Sewer District (MSD) commented that it had no objections to the proposed abandonment and discontinuance as long as MSD's easement/agreement rights are retained to allow access to sewer resources in the area. OEA is therefore recommending a

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" "350" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on March 27, 2024.

condition that would require UP to consult with MSD prior to salvage, or consummation of the abandonment if salvage does not occur, regarding MSD's concerns about rights/easements.

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 Five protected threatened or endangered species are located in the area of the proposed abandonment: gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), tricolored bat (*Perimyotis subflavus*), and decurrent false aster (*Boltonia decurrens*). According to the IPaC report, there is no 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 USFWS Missouri Ecological Services Field Office a copy of this Draft EA for review.

The Line is not located within a coastal zone. Therefore, no coastal zone consistency review is required.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

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

UP submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Missouri Department of Natural Resources (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ Based on available information, the SHPO submitted comments stating that no historic properties listed in

² <https://ipac.ecosphere.fws.gov>, last accessed May 7, 2024

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

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.

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 UP's historic 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.stb.gov.

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.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: Apache Tribe of Oklahoma, Miami Tribe of Oklahoma, Osage Nation, Peoria Tribe of Indians of Oklahoma, Quapaw Nation, and the Seneca-Cayuga Nation. Accordingly, 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:⁵

- Union Pacific Railroad Company (UP) shall consult with the Metropolitan St. Louis Sewer District (MSD) prior to salvage, or consummation of the abandonment if salvage does not occur, regarding MSD's concerns about rights/easements.

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 will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed May 6, 2024).

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.

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.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

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can

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" "Sub-No. 350" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁷ Id.

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be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 33 (Sub-No. 350X). 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: May 10, 2024.

Comment due date: May 27, 2024.

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

Attachment



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Union Pacific Railroad Company
Abandonment Exemption

Docket No. AB 1338X
Missouri Eastern Railroad, LLC
Discontinuance Exemption
St. Louis County, Mo.

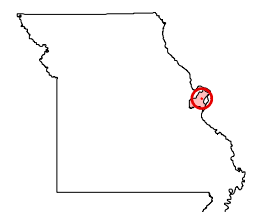
Legend

— 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.



St. Louis County



Missouri