



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

January 10, 2023

Mr. Thomas Wilcox
Law Office of Thomas W. Wilcox, LLC
1629 K. Street, NW Suite 300
Washington, DC 20006

RE: Docket No. FD 36616, Savage Tooele Railroad Company –
Construction and Operation Exemption – Line of Railroad in Tooele
County, Utah

VIA EMAIL

Dear Mr. Wilcox,

Thank you for your December 5, 2022 letter regarding the Savage Tooele Railroad Company's (STR) proposal to construct and operate a new line of railroad in Tooele County, Utah. STR filed a petition with the Surface Transportation Board (Board) on June 30, 2022, seeking exemption from the prior approval requirements of 49 U.S.C § 10901 for STR's proposal, which would involve the reinstitution of common carrier freight rail service over an approximately six-mile segment of a previously abandoned rail line known as the Warner Branch, as well as the construction of approximately five miles of new track. The Board's Office of Environmental Analysis (OEA) understands that the proposed rail line would service an existing light industrial area that is currently building sites for potential businesses.

In your letter, you request a waiver of the requirements of 49 C.F.R. §1105.6(a), which generally provides for the preparation of an Environmental Impact Statement (EIS) for rail line construction proposals. Your letter identifies several reasons why STR believes that construction and operation of the proposed rail line would not result in significant environmental impacts. These include the fact that STR intends to reinstate service over an abandoned rail line on which some of the tracks and railbed still exist using construction methods that do not require further land disturbance, and that STR believes and that the areas where new track construction would occur do not contain environmentally sensitive areas.

Pursuant to 49 C.F.R. § 1105.6(d), OEA is granting your request for a waiver of 49 C.F.R. § 1105.6(a). Based on the information available to date, OEA believes that the potential

environmental impacts of the proposed rail line would not be significant, and any impacts could be addressed through appropriate mitigation measures.

Therefore, OEA has determined that the preparation of an Environmental Assessment (EA) is appropriate in this case for the following reasons:

1. OEA conducted preliminary agency and tribal consultation in October and November of 2022 and requested formal comments. Several topics were raised from relevant agencies to be included in the analysis. However, there is no Tribal interest to date, and SHPO had no specific concerns. OEA has determined an EA can adequately address the topics brought forth by stakeholders.
2. OEA visited the project site on October 12 and 13, 2022 and observed very little wildlife habitat that could potentially be affected by construction and operation of the proposed rail line. Therefore, the potential for adverse impacts to wildlife species, including federally and state listed threatened and endangered species, would likely be low.
3. OEA conducted a wetland survey in November 2022. The previous Warner Branch right-of-way, on which much of the proposed rail line would be located, was originally constructed on land located within or adjacent to areas that are considered wetlands. STR has committed to confine all rehabilitation and new construction within the existing fill limits so as not to infringe on any wetland areas. OEA has determined that any potential wetland impacts as determined by the U.S. Army Corps of Engineers would likely be minimal.
4. OEA understands that only approximately one train per weekday is expected to move on the proposed rail line. Due to the small volume of expected rail traffic, the potential for impacts related to air quality, safety, and noise during rail operations would be low.
5. Traffic patterns, safety concerns, and vehicle delays due to rail crossing of State Route 138 may necessitate intersection improvements. The EA will outline potential issues and solutions for further consideration by Utah Department of Transportation and the municipalities. OEA does not expect that these impacts would be significant.
6. Based on OEA's site inspection and review of available satellite imagery, county development plans, and the presence of an existing operational rail line, adverse noise impacts on noise-sensitive receptors, such as residences, schools, nursing homes, hospitals, and places of worship, would be minimal.

OEA will now prepare a Draft EA and make it available for public review and comment. OEA will then prepare a Final EA that will respond to the substantive comments received on the Draft EA and include any appropriate modifications or additions to its analysis. The Final EA will also set forth OEA's final recommended mitigation measures to the Board. The Board will consider the entire environmental record, including the Draft EA, all comments received on the Draft EA, and the Final EA, when making its final decision in this proceeding. However, should

the EA process disclose unanticipated impacts that are significant and unable to be mitigated, OEA would require the preparation of an EIS at that time.

If we can be of further assistance, please do not hesitate to contact me or Andrea Poole at 202-245-0305.

Sincerely,

A handwritten signature in cursive script, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis