

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 33 (Sub-No. 327X)

November 16, 2018

ABANDONMENT TYPE

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

Background

On October 12, 2017, Union Pacific Railroad Company (UP) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon approximately 2.0 miles of rail line, between Milepost 155.5 near Elm Street and Milepost 157.5 near 19th Street, both in Mason City, Iowa (the Line). The Line is located entirely within Cerro Gordo County, Iowa.

Request for Notice of Interim Trail Use

On October 16, 2017, the City of Mason City, Cerro Gordo County, and the Iowa Natural Heritage Foundation (Trails Users), jointly filed a request for the issuance of a notice of interim trail use (NITU) to negotiate with UP for acquisition of the Line for use as a trail under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. Trails Users also submitted the information required under 49 C.F.R. § 1152.29—a statement of willingness to assume financial responsibility for the right-of-way and an acknowledgment that the use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service. In a response filed on November 17, 2017, UP agreed to negotiate with the Trails Users for interim trail use. On November 29, 2017, the Board issued a decision imposing a NITU condition giving Trails Users and UP 180 days to negotiate a trails use agreement. If a trail use agreement were to be reached (and thus, establish trails use), the parties shall jointly notify the Board within 10 days that an agreement has been

reached. 49 C.F.R. § 1152.29(d)(2) and (h). Use of the right-of-way for trail purposes would be subject to possible future reconstruction and reactivation of the right-of-way for rail service.

EA and Final EA

The Board's Office of Environmental Analysis (OEA) issued an Environmental Assessment (EA) and a Final EA for this proceeding on November 6 and 22, 2017, respectively. Because the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), was not completed at the time of the EA and Final EA, OEA recommended that the following condition be imposed upon any decision granting abandonment authority:

1. 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 Board's Office of Environmental Analysis regarding any consultations with the Iowa State Historic Preservation Office and the public. UP may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

OEA concluded that if the Board should decide to impose the recommended condition, the proposed abandonment would not significantly affect the quality of the human environment.

Board's Decision and NITU

Because the Trails Users' request for a NITU complied with the requirements of 49 C.F.R. § 1152.29 and UP was willing to negotiate for trail use, the Board issued a NITU in a November 29, 2017 decision. The decision also imposed the Section 106 condition recommended by OEA in the Final EA.

In a conversation between OEA and UP on October 31, 2018, UP representative Jeremy Berman stated that an interim trail use agreement (Agreement) had been conditionally reached between UP and the Trails Users.

New Comments on the Abandonment

On October 2, 2018, UP forwarded an email to OEA from the Iowa State Historic Preservation Office (SHPO). In the SHPO's email (dated October 1, 2018; SHPO R&C#: 170817079), the SHPO acknowledged receipt of additional information from UP about the proposed abandonment. Based on a telephone conversation between OEA and UP on October 16, 2018, this additional information consisted of a SHPO-supplied form titled "Request for SHPO Comment on a Project" (Request), which was completed by UP and returned to the SHPO. OEA requested and received a copy of the completed Request on October 16, 2018. OEA reviewed the Request and determined that it was similar to UP's Combined Environmental and Historic Report provided by UP to OEA on September 21, 2017. However, the Request

included details on proposed salvage activities that were not previously disclosed. In the Request, UP stated that salvage activities would include the removal of rails and other track material from the road bed and bridge decks, and grading of the road bed.

Upon its review of the Request, the SHPO stated in its October 1, 2018 email that the Willow Creek and State Street railroad bridges on the Line “appear to meet the National Register of Historic Places (NR) criteria and would be eligible for listing in the NR under Criteria C, for engineering.” Based on this information and its conversations with UP staff, the SHPO concluded that the proposed abandonment would have No Adverse Effect on properties eligible for the National Register of Historic Places with the following condition: track and tie removal should be done in a manner that ensures no, to minimal damage to the two eligible bridges (i.e., Willow Creek and State Street railroad bridges).

Modifications to the Final EA

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 of Historic Places with the following condition: track and tie removal should be done in a manner that ensures no, to minimal damage to the two eligible bridges (i.e., the Willow Creek and State Street railroad bridges). The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of UP’s Combined Environmental and Historic Report, UP’s Request, all relevant correspondence, the EA, the Final EA, and this Supplemental Final EA, which has been provided to the SHPO and made available to the public through posting on the Board’s website at <http://www.stb.gov>.

Recommendations

For the reasons stated above, OEA recommends that the Board reopen the proceeding and remove the Section 106 condition in its November 29, 2017 decision and replace it with the following Section 106 condition:

1. During any salvage activities, Union Pacific Railroad Company shall remove track and ties in a manner that ensures no, to minimal damage to the two bridges eligible for listing in the National Register of Historic Places (i.e., Willow Creek and State Street railroad bridges). UP shall inform the Board’s Office of Environmental Analysis regarding compliance with this condition. UP may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

If the recommended condition is imposed, OEA believes that the proposed action would not significantly affect the quality of the human environment.

OEA CONTACT: Dave Navecky
202-245-0294
david.navecky@stb.gov

Distribution: Sara Andre, Iowa State Historic Preservation Office
Jeremy Berman, Union Pacific Railroad Company
Andrea Pope-Matheson, Office of Proceedings
Jeff Herzig, Office of Proceedings
ECT