

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1269X

**Iowa Traction Railway Company – Abandonment Exemption – in Cerro Gordo County,
Iowa**

BACKGROUND

In this proceeding, Iowa Traction Railway Company (Iowa Railway) filed a notice under 49 U.S.C § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon 3 miles of rail line in Mason City, Cerro Gordo County, Iowa. The 3 miles of rail line proposed for abandonment extends from milepost 155.5 located approximately 100 yards south of Elm Drive, to milepost 152.5 located approximately 600 yards north of County Highway B-20 (the Line). A map depicting the Line in relationship to the area served is appended to this 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 Iowa Railway, the right-of-way is generally 100 feet wide and includes approximately 36 acres of land. The topography of the Line is generally flat and although it is located in Mason City, it is not located near a residential area. Iowa Railway indicates that the Line is thickly overgrown with vegetation after many years of nonuse. Iowa Railway also states that Mason City is interested in using the Line on an interim basis as a recreational trail.

ENVIRONMENTAL REVIEW

Iowa Railway submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Iowa Railway served the environmental 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 The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1269X.

Diversion of Traffic

According to Iowa Railway, no local traffic has moved over the Line for at least thirty years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

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. Iowa Railway indicates that it would reuse the track and materials from the Line elsewhere in its system and would abide by recognized industry practices for removal of track materials and for safe disposal of crossties.

The Cerro Gordo County Planning and Zoning Office (CGCPZ) commented that the proposed abandonment is consistent with the Cerro Gordo County Comprehensive Plan and other applicable land use plans. CGCPZ also noted that the Winnebago River Bridge, which is listed on the National Register of Historic Places, is located approximately a half mile west of the Line but should not be impacted by the proposed abandonment.

The Iowa Department of Natural Resources submitted a comment stating that no known hazardous material spills or other known sources of environmental contamination are located in the right-of-way based on its review of its databases. In addition, no regulated underground storage tanks were found within the right-of-way. No records were found that suggest there is a known contamination issue within the right-of-way proposed for abandonment.

The U.S. Army Corps of Engineers, Rock Island District (Corps) commented that the proposed abandonment does not require a Department of Army Section 404 permit. Therefore, no further consultation with the Corps is necessary.

Iowa Railway 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, Planning, and Conservation (IPaC) system.² Four protected threatened or

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System,

endangered species, the poweshiek skipperling (insect), the northern long-eared bat, the prairie bush-clover, and the western prairie fringed orchid are located in the area of the proposed abandonment. According to the IPaC report, there are not critical habitats in the project area. OEA has determined that the federally protected threatened or endangered species in the project area would not be adversely affected because of the abandonment's limited scope of salvage and the urban nature of the project area. OEA is providing USFWS a copy of this EA for its review.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage 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 EA to USFWS for its review and comment.

HISTORIC REVIEW

Iowa Railway served the historic report on the State Historical Society of Iowa (SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ Iowa Railway indicates that the bridges over the Winnebago River and Calmus creek are likely to be 50 years old or older. In the likely event that the Line is railbanked for interim trail use, Iowa Railway indicates that the bridges would remain intact after salvage. Iowa Railway also states that neither the tracks nor the bridges have distinctive characteristics of historical significance.

The SHPO has not yet commented and, therefore, OEA has not been able to consider the SHPO's opinion in determining the impact of the proposed abandonment on historic resources. Accordingly, we are 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 or APE) eligible for listing or listed in the National Register until completion of the Section 106

<http://ecos.fws.gov/ipac/> (last visited 3/18/19).

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 (NHPA). 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 on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,⁴ to identify federally-recognized tribes which may have ancestral connections to the project area. The search indicated that the Apache Tribe of Oklahoma, the Flandreau Santee Sioux Tribe of South Dakota, the Lower Sioux Indian Community in the State of Minnesota, the Menominee Indian Tribe of Wisconsin, the Prairie Island Indian Community in the State of Minnesota, the Santee Sioux Nation, Nebraska, the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota, the Spirit Lake Tribe, North Dakota, and the Upper Sioux Community, Minnesota may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

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

Iowa Traction Railway Company (Iowa Railway) 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. Iowa Railway shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historical Society of Iowa (State Historic Preservation Office or SHPO) and the public. Iowa Railway 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 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 (<https://egis.hud.gov/tdat/>) (last visited 3/18/19).

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 Federal Register notice.

TRAILS 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).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1269X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.gov.

Date made available to the public: March 22, 2019.

Comment due date: April 5, 2019.

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

Attachment

STB Docket No. AB-1269X

DHR - Appendix 3

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