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SEA

SERVICE DATE – JANUARY 15, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 255)
Union Pacific Railroad Company –
Abandonment – in Carver and Scott Counties, MN

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) filed an application under 49 C.F.R. 1152.22 for authority to abandon and discontinue service over the Chaska Industrial Lead, between milepost 38.6 near Merriam and milepost 33.0 near Chaska, MN, a distance of 5.60 miles in Carver and Scott Counties, MN (Line). The Line traverses United States Postal Service Zip Codes 55315, 55318, and 55379. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, UP will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

In its application, UP states that it has not operated over the Line since March 2007, when it was embargoed due to the destruction of a bridge over a tributary of the Minnesota River located at milepost 37.14. This bridge was destroyed as a result of a flooding caused derailment. Furthermore, UP states that the Minnesota River Bridge located at milepost 36.17 is in an advanced state of deterioration and will require extensive rehabilitation or replacement.

UP states that the right-of-way is approximately 100 feet wide and the topography is generally flat with the southerly portion located adjacent to fields and the Minnesota River while the northerly portion passes through Chaska, MN, which is located at the southwesterly edge of the suburban Minneapolis area. UP has identified seven bridges that are 50 years old or older.

Moreover, UP states that there appears to be no reasonable alternative to abandonment. According to UP, there are no prospects for new rail customers and there is no overhead rail traffic.

ENVIRONMENTAL REVIEW

UP has submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP has 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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Transportation and Safety

UP states that there are currently two active shippers on the Line, United Sugars Corporation (United Sugars) and Chaska Building Center. SEA conducted an analysis of the impact of rail-to-truck diversions on local roadways. SEA's preliminary analysis of carload data between March 2006 and February 2007 (base year), indicates that 764 railcars would be diverted to trucks. UP states that Chaska received limited rail car shipments of construction material until the line was embargoed and is currently relying on truck service to meet its shipping needs. Therefore, SEA's analysis will only consider impacts related to United Sugars.

The proposed abandonment and discontinuance, if approved, would result in 2,896¹ additional trucks or 5,792 additional truck trips annually. When the additional trucks are calculated on a per day basis, an estimated 11.6 trucks (23.2 truck trips) per day would result during a 250 day year.² It is important to note that SEA is assuming an empty backhaul, which translates into approximately 23.2 trucks per day traveling on U.S. Highway 212. U.S. Highway 212 is located approximately ten miles northeast of Interstate 494 which connects with the extensive Interstate Highway network serving the Minneapolis/St. Paul area. In analyzing transportation impacts, SEA used the most current average annual daily traffic (AADT) data for the Chaska, MN.

To further analyze the potential impact of the additional truck traffic, SEA calculated the increase in new truck traffic as a percentage of total traffic as well as a percent of heavy truck traffic. SEA's analysis assumes a worst case scenario by projecting that all new truck traffic would use U.S. Highway 212. SEA determined that the percent increase in average annual daily traffic, based on a 250 day year (5,792 new truck trips per day in each direction). See Table 1 below.

Based on the results in Table 1 below, SEA concludes that the rail-to-truck diversions, some of which may have already occurred, would constitute less than a 10 percent increase in AADT and would therefore not significantly contribute to traffic delay or adversely affect safety.

¹ SEA used a conversion of 3.8 trucks per railcar because railcars typically carry 95 tons, while most trucks can transport 25 tons.

² 250 workdays result when weekends and holidays are subtracted from a 365 day year.

Table 1: AADT Traffic Analysis

Community	AADT All Traffic	AADT Heavy Truck Traffic	Percent Increase All Traffic	Percent Increase Heavy Truck Traffic
U.S. Hwy 212 (Downtown Chaska) ³	19000	1270	0.12	1.83
U.S. Hwy 212 (SW of Chaska)	9700	900	0.24	2.58
U.S. Hwy 212 (N of Chaska)	18500	1610	0.13	1.44

In addition, SEA notes that the abandonment and discontinuance, as proposed, would result in the elimination of 12 public and 22 private existing highway/rail at-grade crossings.

Energy

For the purposes of this calculation, UP estimated that each shipment diverted from rail to truck will travel 5.6 miles, the distance of the Line proposed for abandonment. UP notes that this distance could be less if United Sugars were to transload its inbound shipments from a location along either UP's Mankato Subdivision at Merriam, MN, (approximately two highway miles south of Chaska, MN) or along the Twin Cities & Western Railroad (approximately three highway miles north of Chaska, MN).

Using Base Year data, United Sugars would require 5,792 truck trips annually with an almost 100% empty return rate. Based on this information, it is estimated that 3.8 times the amount of energy would be required. This results in a net energy consumption increase equal to approximately 2.8 times the amount of energy used during the Base Year to move United Sugar's traffic via rail over the Line proposed for abandonment.

Air Quality and Noise

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5)(ii) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrant detailed analysis. The applicable threshold level for an attainment area when assessing air pollution is an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of the rail line, or an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, neither of which will result if the abandonment is approved.

³ 2006 AADT data – Minnesota Department of Transportation, Office of Transportation Data & Analysis.

In addition, SEA notes that Carver and Scott Counties are currently listed as attainment areas for all pollutants regulated under the Clean Air Act. Therefore, SEA believes that the corresponding impacts to air quality and noise would be insignificant.

Solid and Hazardous Waste

In its filing, UP states that there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the Line's right-of-way.

SEA notes that if this abandonment is approved, salvage would likely entail removal of the rail, other track material, and ties from the right-of-way. Salvage operations are normally conducted entirely within the right-of-way by use of rail mounted equipment that removes the spikes and plates that hold the rails to the ties. After the rail, ties and other track material are removed, a vehicle equipped with magnets is generally used to travel over the right-of-way to remove any remaining spikes or plates inadvertently left behind. At that time, any ties or parts of ties left behind would be removed. The ballast and sub-ballast would remain undisturbed.

Biological Resources

In a letter dated June 7, 2007, Ms. Patricia Martinkovic, Manager, Minnesota Valley National Wildlife Refuge and Mr. Tony Sullins, Field Supervisor, Twin Cities Ecological Services Field Office, U.S. Fish and Wildlife Service (FWS), states that it has determined that there are no threatened or endangered species or any designated critical habitats have been documented within the proposed project area. Furthermore, the FWS states that removal of the Line would allow for the construction of a recreational trail within the existing right-of-way connecting the Cities of Carver and Chaska.

Land Use

In a letter dated May 15, 2007, Mr. William Lorenzen, Environmental Review/Justice Coordinator, U.S. Department of Agriculture, Natural Resources Conservation Service, states that the location and type of activity proposed will not impact agricultural lands and a Federal Farmland Policy Protection Act site assessment/land evaluation will not be required.

In a letter dated May 16, 2007, the National Park Service, Midwest Regional Office, states that they have no comment on the proposed action.

In an e-mail dated August 10, 2007, Mr. Simon Monroe, National Geodetic Survey (NGS), stated that there are approximately nine geodetic station markers that may be located in the project area.

Therefore, SEA will recommend that the Board impose a condition requiring the Applicants to consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the agencies discussed above, SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Army Corps of Engineers, St. Paul District; U.S. Environmental Protection Agency, Region 5; Minnesota Pollution Control Agency, Stormwater Program; and the Minnesota Department of Natural Resources, Central Minnesota Regional Office.

HISTORIC REVIEW

In its application, UP states that the Line was constructed in 1870 by the Minneapolis and St. Louis Railway Company (M & StL). The M & StL and the Iowa Central Railroads merged in 1901. In 1923, the M & StL went into receivership in 1923 where it foundered until 1935 when Mr. Lucian Sprague took over as receiver. Mr. Sprague sold off all but the most efficient portions and it subsequently became part of the Chicago and North Western Transportation Company (CNW) system in November 1960. CNW merged into UP in 1995.

UP states that there are seven bridges located on the Line that are 50 years old or older (See Table 2 below for details). UP served the historic report on the Minnesota Historical Society, State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c).⁴ In a letter dated June 18, 2007, the SHPO states that information submitted is insufficient and does not address other associated structures and buildings. The SHPO notes that their inventory includes a building known as the Merriam Junction Depot, located near the southern end of the Line. Furthermore, the SHPO states that the Line passes through and/or is adjacent to the Carver Historic District which is listed on the National Register of Historic Places.

In its historic report, UP states that other than the structures noted by the SHPO, it knows of no other historic sites, structures, or archeological resources on the Line or in the project area. UP also believes that there is nothing in the scope of the proposed action that merits historical comment. Additionally, UP states that an archaeological sites located within the right-of-way would have previously been disturbed during construction and maintenance of the Line.

⁴ Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Table 2: List of Bridges that are 50 years old or older.

Location (Milepost)	Description	Length (Feet)	Year Constructed
33.72	4 span rail timber pile trestle open deck	54	1956
34.25	5 span rail timber pile trestle open deck	67	1956
36.17 ⁵	6 span deck plate girder ballast deck	139	1900
36.17	1 span beam	32	1900
36.17	28 span rail timber pile trestle open deck	371	1900
36.77	39 pan rail timber pile trestle open deck	529	1954
37.14 ⁶	10 span rail timber pile trestle open deck	136	1947

As a result of the above inquiry, SEA sought clarification regarding status of the above referenced properties. On January 2, 2008, via telephone, SEA spoke with Mr. Gaberial Meyer, attorney representing UP, who confirmed that the Merriam Junction Depot is not part of the proposed abandonment and is in fact still in use by UP. As for the Carver Historic District, SEA believes that any abandonment activity would not result in any adverse impacts. Therefore, SEA believes that no adverse impact will result from the proposed abandonment to the properties identified by the SHPO. Moreover, SEA further notes that the Carver Historic District is located outside of the Line's right-of-way, which SEA generally defines as the Area of Potential Effect for rail line abandonments.

However, because of the issues raised by the SHPO, SEA requires further consultation to determine if the Line and/or any of its associated structures may be potentially eligible for listing on the National Register of Historic Places. 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) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes which may have ancestral connections to the project area. The database indicated that the following eight tribes may have an interest in the proposed abandonment: 1) Flandreau Santee Sioux Tribe of South Dakota, 2) Lower Sioux Indian Community, 3) Prairie Island Indian Community, 4) Santee Sioux Nation, 5) Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, 6) Spirit Lake

⁵ UP identifies three separate bridges at milepost 36.17 in its Environmental and Historical Report.

⁶ UP states that on March 23, 2007, a train derailment destroyed this bridge.

Tribe, 7) the Upper Sioux Community, and 8) the Shakopee Mdewakanton Sioux Community. Accordingly, SEA is sending a copy of this EA to the tribes for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. **The Union Pacific Railroad Company (UP) shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**
2. **The 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, 16 U.S.C. 470f, has been completed. UP shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Minnesota Historical Society 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, SEA concludes, that as currently proposed, that 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.

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 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

In a letter dated June 12, 2007, the Carver County Commissioners (Commissioners) state that the Line is suitable for other public use, specifically trail use, future rail use and other public transportation uses.

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 CFR 1152.29).

In a letter dated June 12, 2007, the Carver County Commissioners (Commissioners) requests issuance of a Public Use Condition as well as an Interim Trail Use Condition for the entirety of the Line.

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, 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 Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 255) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: January 15, 2008.

Comment due date: February 14, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment