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SEA

SERVICE DATE – AUGUST 25, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 258X)

**Union Pacific Railroad Company – Abandonment Exemption – in
Shelby County, TN**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Shelby County, TN. The line extends approximately 2.61 miles from milepost 387.0 to milepost 389.61 (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to UP, the Line was originally constructed by the Union Railway of Memphis. The Line was acquired by the Missouri Pacific Railroad in 1966. UP states that the Line is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or recreation as the Line is located in an older established urban area with varying uses. The land along the Line right-of-way is owned by UP. Following abandonment approval, UP intends to dispose of the property and sell it to adjacent land owners.

UP states that there are currently no shippers on the Line and that no commodities have originated or terminated on the Line for over two years; UP states that it intends to continue to provide rail service to shippers on either end of the Line through direct service or through agreements with other railroads. 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.

ENVIRONMENTAL REVIEW

UP 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. UP 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of bridges or other structures that may be present on the rail 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 indicates that the proposed salvage activities would have no detrimental effects on public health and safety. UP also states that there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the Line right-of-way. By letter dated July 3, 2008, the Tennessee Department of Environment and Conservation (DEQ), Memphis Environmental Field Office, provided UP with a list of inactive hazardous substances sites and site files that confirmed that the Line is not located within or near any known hazardous site areas.

The Tennessee DEQ, Water Pollution Control Office, has indicated to UP that an Aquatic Resource Alteration Permit may be required if there are any alterations to waters of the state or if one acre or more of land would be disturbed by the proposed abandonment. Consequently, SEA recommends a condition for UP to consult with DEQ prior to the onset of any salvage operations regarding any such potential impacts.

The National Geodetic Survey (NGS) has advised SEA that one geodetic station marker has been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires UP to notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

The U.S. Fish and Wildlife Service (FWS) has provided comments to UP indicating that no known federally listed or proposed endangered or threatened species occur within the area of the proposed abandonment. However, FWS did recommend that several measures be implemented in the event any post abandonment activities would impact aquatic resources or stream substrate. Though not noted in the environmental report, the Line crosses Cypress Creek which flows to the Mississippi River.² FWS asked that UP minimize tree removal and that soil disturbance in the vicinity of the proposed abandonment occur during the driest season in order to minimize erosion. FWS also requested that revegetation of any disturbed areas be accomplished as soon as possible following any salvage activities. SEA is recommending a

1 The railroad's environmental and historic reports are available for viewing on the Board's Website at <http://www.stb.dot.gov> by conducting a search for AB-33 (Sub-No. 258X) within "Filings" under "E-Library."

2 There is no mention in the environmental report regarding any bridges along the Line.

condition for UP to consult with FWS prior to the initiation of salvage activities to ensure that its concerns are appropriately addressed.

The U.S. Army Corps of Engineers, Memphis District, has provided written notice to UP stating that there are no wetlands or other waters of the United States being impacted by the project and that permits under Section 404 of the Clean Water Act are not required.

The United States Natural Resources Conservation Service has stated that the area of the proposed abandonment does not contain prime, unique, statewide, or local important farmland.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Neither SEA nor UP have received comments from the U.S Environmental Protection Agency, or the Shelby County Commissioners Office regarding the proposed abandonment. Accordingly, copies of the EA will be provided to these and other Federal, local and state agencies for their review and comment.

HISTORIC REVIEW

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Tennessee Historical Commission (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments to UP indicating that the proposed abandonment would have **no effect** on properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). SEA concurs with this recommendation and has determined that no National Register listed or eligible properties would be affected by the proposed undertaking pursuant to Section 106 of the National Historic Preservation Act.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized Tribes that may have ancestral connections to the project area. The database did not list any Tribes.

CONDITIONS

SEA recommends that the following environmental conditions be imposed on any decision granting abandonment authority:

1. The Union Pacific Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. The Union Pacific Railroad Company shall consult with the State of Tennessee Department of Environment and Conservation, Water Pollution Control Office, prior to the onset of salvage activities regarding potential impacts to wetlands or water resources.

3. The Union Pacific Railroad Company shall consult with the U.S. Fish and Wildlife Service regarding potential impacts to aquatic resources that could occur as a result of salvage activities conducted along the Line.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line will 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.

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 the petition for 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).

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

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. 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. 258X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: August 25, 2008.

Comment due date: September 9, 2008.

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

Anne A. Quinlan
Acting Secretary

Attachment