

SERVICE DATE – MAY 25, 2018

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 496X)

BNSF Railway Company—Abandonment Exemption—in the City of Des Moines, Polk County, Iowa

Docket No. AB 290 (Sub-No. 400X)

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in the City of Des Moines, Polk County, Iowa

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) and Norfolk Southern Railway Company (NS) filed a joint notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to allow BNSF to abandon an approximately 0.48-mile line of railroad and for NS to discontinue operations over the rail line. The rail line proposed for abandonment and discontinuance extends from Milepost 67.38 to Milepost 66.93 in Polk County, Iowa (the Line). The Line is located immediately east of a line of railroad that was abandoned by BNSF in 2006 in Docket No. AB 6 (Sub-No. 401X) and runs parallel to Elm Street from the Des Moines River to SE 7th Street in the City of Des Moines (the City). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, BNSF would be able to salvage track, ties, and other railroad appurtenances from the rail right-of-way. According to BNSF, because BNSF's easement over the rail right-of-way is granted by a City ordinance, the right-of-way would revert to the City if abandonment and discontinuance authority are granted.

ENVIRONMENTAL REVIEW

BNSF and NS submitted a combined Environmental and Historic 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. BNSF and NS served the Environmental and Historic Report on appropriate federal, state, and local agencies, as required by the Board's 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 Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a

Diversion of Traffic

BNSF and NS state that no rail traffic has moved over the Line in at least two years. Accordingly, the proposed abandonment and discontinuance 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 significantly impact air quality or the local transportation network.

Salvage Activities

If abandonment and discontinuance authority are granted in this proceeding, BNSF intends to remove any track material, such as rails and ties, remaining on the Line. Steel rails and other metal parts would be salvaged and wooden ties would be recycled, if of sufficient quality, or disposed of at an approved disposal site. BNSF does not intend to remove any ballast, alter any culverts or other drainage structures, or to regrade the rail right-of-way. Any remaining road crossings would be removed and repaved. All salvage activities associated with the proposed abandonment and discontinuance would be confined to the width of the existing rail right-of-way.

The westernmost portion of the Line, extending from SE 2nd Street to the Des Moines River, has been extensively redeveloped. Based on information provided by BNSF and OEA's review of available land records, it appears that the railroad company that owned the Line prior to BNSF released its easement over this westernmost segment without seeking abandonment authority sometime prior to 1980 and that the underlying property was subsequently sold by the City to the Iowa Power & Light Company, now MidAmerican Energy Company, which currently maintains a building on the site. Because no rail-related materials are located on this portion of the Line, no salvage would occur on the westernmost segment.

Land Use

OEA believes that the proposed abandonment and discontinuance would be consistent with existing land use plans. BNSF states that BNSF's easement to operate the Line was granted by City Ordinance No. 157, as amended by Ordinance No. 1067. The City revoked that ordinance in September 2016 and requested that BNSF abandon the right-of-way to facilitate planned improvements along the E. Elm Street corridor. By letter dated October 30, 2017, the City submitted comments on the Environmental and Historic Report expressing support for the proposed abandonment and discontinuance. In those comments, the City also clarified that, according to the City's records, no rail traffic has moved on the Line since approximately 2000. Because salvage activities related to the proposed abandonment and discontinuance would be limited in scope, and because the proposed abandonment and discontinuance has the express support of the City, the local planning agency with jurisdiction over the project area, OEA

believes that local land use would not be adversely affected and is not recommending any mitigation measures related to local land use.

BNSF and NS have requested comments from the U.S. Natural Resource Conservation Service (NRCS) regarding the potential impact of the proposed abandonment on agricultural resources but have received no comments from NRCS to date. Because salvage activity would take place within an existing rail corridor in a developed urban area, OEA believes that the proposed abandonment and discontinuance would not result in the conversion of prime farmland or other impacts to agricultural resources. Accordingly, no mitigation related to agricultural resources is recommended.

BNSF and NS have requested comments on the proposed abandonment and discontinuance from the National Geodetic Survey (NGS) regarding the potential impact of salvage activities on any geodetic station markers that could be present in the rail right-of-way. To date, NGS has not provided comments. To identify geodetic station markers that could be located in the vicinity of the Line, OEA conducted a search of NGS' Survey Data Explorer tool.² The search indicated that no geodetic station markers are located within or immediately adjacent to the rail right-of-way. Accordingly, no mitigation related to geodetic station markers is recommended.

BNSF and NS have requested comments from the National Park Service (NPS) and the Bureau of Land Management (BLM) regarding the potential impact of the proposed abandonment and discontinuance on federally managed lands. To date, no response has been received from NPS or BLM. Following review of available geospatial data, OEA concludes that the Line does not cross and is not immediately adjacent to any local, state, or federal parks, refuges, or forests. Accordingly, no mitigation related to public lands is recommended.

Coastal Zone Compliance

The Line is not located within a Coastal Zone Management Program boundary. Accordingly, no mitigation related to coastal zone management is recommended.

Water Resources

Based on OEA's review of available satellite imagery, the Line does not appear to cross any waterways or wetlands. Although the western end of the Line is located near the Des Moines River, that segment of the Line appears to have been salvaged years ago and would not be altered as a result of the proposed abandonment and discontinuance.³ In response to the Environmental and Historic Report prepared by BNSF and NS, the Iowa Department of Natural Resources (IDNR) submitted comments stating that the proposed abandonment and

² National Geodetic Survey, Data Explorer, <https://www.ngs.noaa.gov/NGSDDataExplorer/> (last visited May 21, 2018).

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/Data/Mapper.html> (last visited May 21, 2018).

discontinuance would not require an IDNR permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342) because the area of disturbed land would be less than one acre. The U.S. Army Corps of Engineers (the Corps) submitted comments stating that the proposed abandonment and discontinuance would not result in the discharge of dredged or fill material into waters of the United States, including wetlands, and therefore would not require a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Because salvage activities associated with the proposed abandonment would be limited in scope and confined to an existing rail right-of-way, and upon consideration of the comments from IDNR and the Corps, OEA concludes that the proposed abandonment would not adversely affect water quality or waterways. Therefore, no mitigation related to water resources is recommended.

Hazardous Materials

BNSF and NS state that there are no hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the rail right-of-way. OEA's review of the area has confirmed that there are no federally listed remediation sites near the Line.⁴ Accordingly, no mitigation related to hazardous waste sites or hazardous material spills is recommended.

Biological Resources

By letter dated June 1, 2017, the U.S. Fish and Wildlife Service (USFWS) submitted comments stating that USFWS has no objection to the proposed abandonment and discontinuance. To further investigate the potential impact of the proposed abandonment and discontinuance on wildlife species, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.⁵ The table below shows the federally listed endangered and threatened species known or thought to occur in the general vicinity of the Line, as identified by OEA's search.

Federally Listed Protected Species in the Project Area	
Birds	Status
Least Tern (<i>Sterna antillarum</i>)	Endangered
Mammals	
Indiana Bat (<i>Myotis sodalist</i>)	Endangered
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Flowering Plants	
Prairie Bush-clover (<i>Lespedeza leptostachya</i>)	Threatened
Western Prairie Fringed Orchid (<i>Platanthera praeclara</i>)	Threatened

⁴ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited May 21, 2018).

⁵ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited May 21, 2018).

OEA notes that, based on a review of the USFWS critical habitat mapping tool, the Line is not located in or near critical habitat for any of the species identified.⁶ Because the Line is located within a heavily developed urban corridor, OEA believes that none of the species identified in the table above are likely to be present in the rail right-of-way. OEA therefore concurs with USFWS that the proposed abandonment and discontinuance would have no effect on federally listed threatened or endangered species and is not recommending any mitigation related to biological resources.

Air Quality

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. OEA notes that Polk County, Iowa is in attainment for the National Ambient Air Quality Standards (NAAQS) for the six criteria air pollutants.

Noise

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment and discontinuance.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment and discontinuance would cause significant environmental impacts.

HISTORIC REVIEW

Historical Background

Based on information provided by BNSF and OEA's review of available historical railroad maps, OEA has determined that the Line was originally part of the Des Moines & Knoxville Railway Company, which began operations in approximately 1878. In 1901, the Line became part of the Chicago, Burlington & Quincy Railroad Company, which was later merged into the Great North Pacific and Burlington Lines, Inc. system. Following several name changes and mergers in the 1970s, 1980s, and 1990s, the Line came under the control of the Burlington Northern and Santa Fe Railway Company, which changed its name to BNSF in 2005. NS leases the Line from BNSF and is seeking discontinuance of service authority concurrently with BNSF's proposed abandonment of the Line.

⁶ U.S. Fish and Wildlife Service, Critical Habitat Portal, <http://ecos.fws.gov/crithab/> (last visited April 3, 2018).

Initiation of Section 106 Process

The abandonment of a line a railroad is considered a federal undertaking under Section 106 of the National Historic Preservation Act (54 U.S.C. 306108). In this case, BNSF and NS initiated Section 106 consultation with the State Historical Society of Iowa (the State Historic Preservation Officer or SHPO) by providing the SHPO with a copy of the Environmental and Historic Report prior to filing its notice of exemption with the Board, pursuant to 36 C.F.R. § 800.4(d)(1).⁷ To date, the SHPO has not commented on the proposed abandonment and discontinuance.

Area of Potential Effects

Section 106 requires that federal agencies define an Area of Potential Effects (APE) in consultation with the appropriate SHPO for projects with the potential to affect historic properties listed in or eligible for listing in the National Register of Historic Places (National Register). The APE is the geographical area in which historic properties could be directly or indirectly affected by the federal undertaking. In the typical abandonment case, OEA defines the APE as the rail right-of-way because it is the area in which any abandonment-related salvage activities would take place. The change in federal jurisdiction that accompanies the abandonment of a line of railroad is also confined to the rail right-of-way.

In the present case, OEA has concluded that the APE does not encompass the entire rail right-of-way. Specifically, OEA has determined the APE excludes the portion of the rail right-of-way extending westward from SE 2nd Street to the Des Moines River. That portion of the rail right-of-way has been substantially redeveloped, and the underlying property was sold by the City to Iowa Power and Light Company, now MidAmerican Energy Company, sometime prior to 1980. MidAmerican Energy Company currently maintains a commercial and light industrial building on that site, which was constructed in 1978.⁸ BNSF does not intend to conduct any salvage along this segment of the Line because there are no remaining rail-related materials at that location. Therefore, the proposed abandonment and discontinuance would not result in any direct or indirect effects to any historic properties that could be present along that segment of the Line. Further, the Board has no authority to impose mitigation conditions related to the proposed abandonment and discontinuance on MidAmerican Energy Company, the current property owner. Accordingly, OEA has defined the APE as the segment of the Line extending from the east side of SE 2nd Street to the end of the Line at Milepost 66.9. The APE is approximately 100

⁷ 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. 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 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).

⁸ Polk County Assessor, Property Database, <http://web.assess.co.polk.ia.us/cgi-bin/web/tt/infoqry.cgi?tt=card/card&dp=04003875002000> (last visited May 22, 2018).

feet in width and is located immediately adjacent to Elm Street in downtown Des Moines, as shown in the map appended to this EA.

Identification of Historic Properties and Assessment of Effects

BNSF and NS state, and OEA's review has confirmed, that there are no bridges, buildings, or other rail-related structures within the APE. The westernmost end of the Line is located near a portion of the Des Moines River that falls within the borders of the Civic Center Historic District, a National Register-listed property. However, neither the rail right-of-way, nor the APE intersect the historic district boundaries.⁹ OEA believes that the Line itself, including rail, ties, and related materials, does not meet the qualifications for listing in the National Register because it is not associated with any historical persons, events, or trends, and because, having been partially dismantled over the past several decades, it no longer retains sufficient historical integrity to justify National Register listing. Because the proposed salvage activities would not result in ground disturbance, no known or unidentified archaeological resources would be affected. Accordingly, OEA has concluded that no historic properties listed in or eligible for listing in the National Register would be affected by the proposed abandonment and discontinuance. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov.

Pursuant to 36 C.F.R. § 800.4(d), OEA is hereby notifying the SHPO and the public of OEA's finding of ***no historic properties affected*** within the APE. To allow the SHPO sufficient time to review and comment on this finding, OEA is recommending that the Board impose a mitigation condition temporarily barring consummation of the proposed abandonment until the condition is removed. If the SHPO does not object to OEA's finding within 30 days of receipt of this EA, OEA will issue a Supplemental EA recommending that the Board remove the mitigation condition so that BNSF can consummate the proposed abandonment.

Tribal Consultation

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 to identify federally recognized tribes that may have ancestral connections to the project area.¹⁰ The search identified the following federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

⁹ United State Department of the Interior, National Park Service, National Register of Historic Places Registration Form for the Civic Center Historic District, https://npgallery.nps.gov/NRHP/GetAsset/NRHP/88001168_text (last visited May 22, 2018).

¹⁰ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tadat/> (last visited May 21, 2018).

- Apache Tribe of Oklahoma;
- Iowa Tribe of Kansas and Nebraska;
- Iowa Tribe of Oklahoma;
- Menominee Indian Tribe of Wisconsin;
- Sac & Fox Nation of Missouri in Kansas and Nebraska;
- Sac & Fox Nation, Oklahoma; and
- Sac & Fox Tribe of the Mississippi in Iowa.

OEA is sending a copy of this EA to those tribes and to the SHPO for review and comment.

CONDITIONS

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

- 1. BNSF Railway Company (BNSF) 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 rail right-of-way 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. BNSF shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historical Society of Iowa (the State Historic Preservation Office) and any other Section 106 consulting parties and the public. BNSF 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, if the condition above is imposed, 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 and discontinuance 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 would 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

Requests for a notice of interim trail use (NITU) are 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 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.

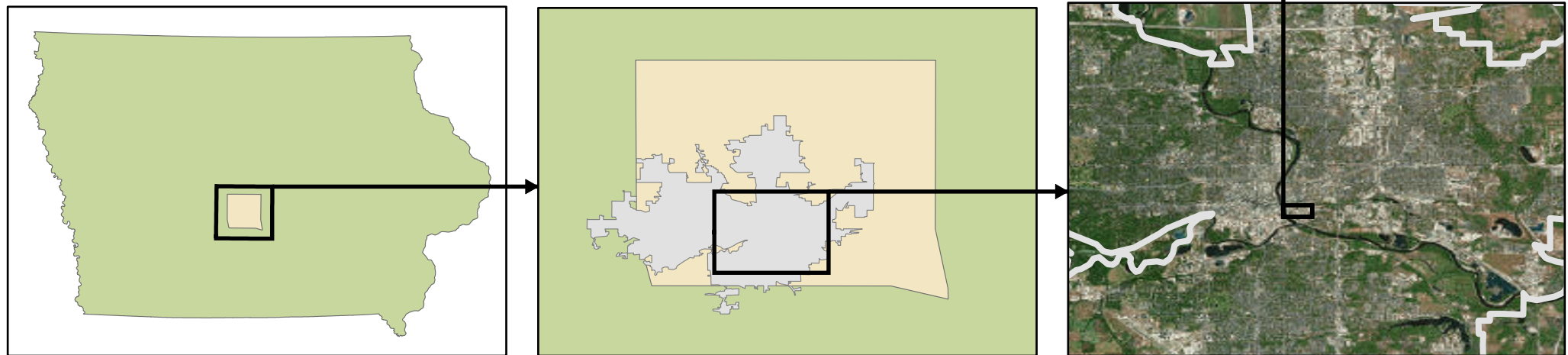
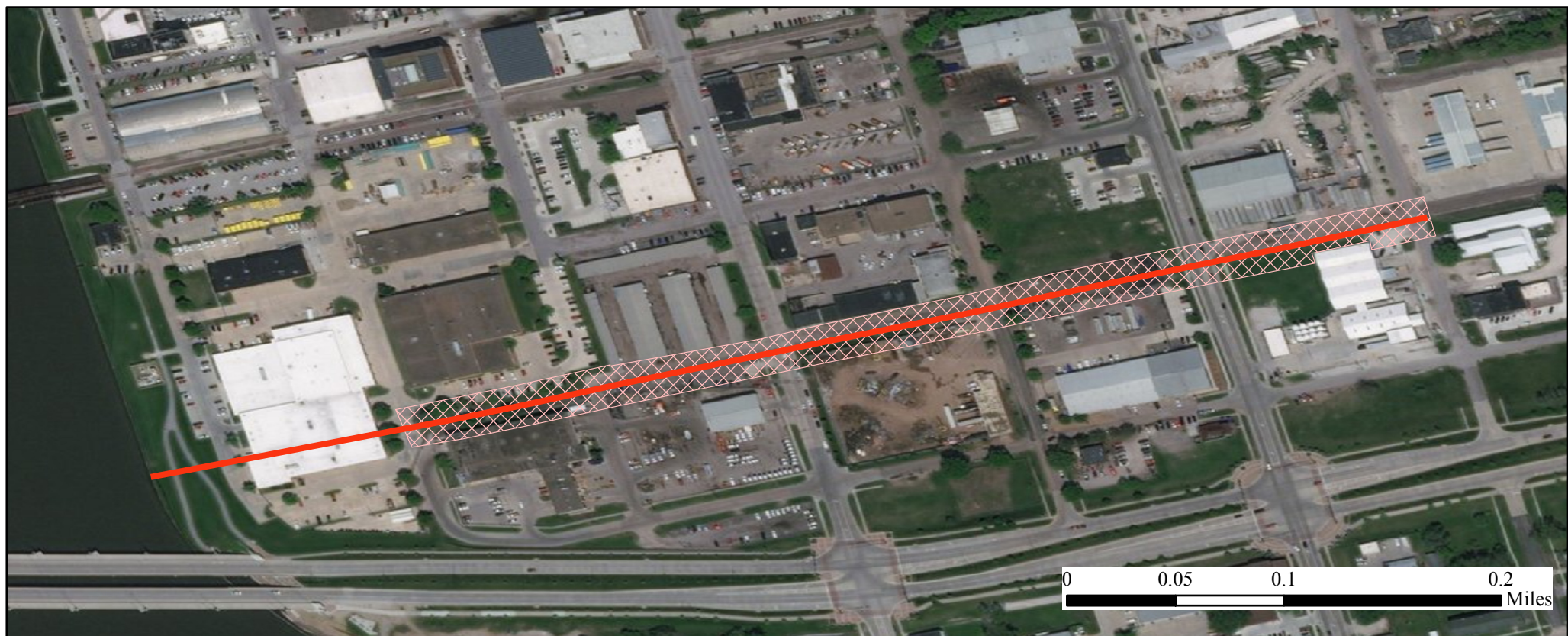
COMMENTS

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 Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 6 (Sub-No. 496X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at joshua.wayland@stb.gov.

Date made available to the public: May 25, 2018

Comment due date: June 11, 2018

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



Docket Nos. AB 6 (Sub-No. 496X) and AB 290 (Sub-No. 400X)

Abandonment and discontinuance of service exemption in the City of Des Moines, Polk County, Iowa

 The Line

 Area of Potential Effects

 City of Des Moines

 Polk County

 Iowa

Note: Maps created by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.