

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

**DOCKET NO. AB-573X - Trinidad Railway, Incorporated - Abandonment Exemption and
Discontinuance - In Las Animas County, CO**

BACKGROUND

In the above entitled proceeding, Trinidad Railway, Incorporated (Trinidad) has 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 and discontinuance of service over its rail line from milepost 2.0¹ to milepost 30.0 east of Stonewall, CO, a distance of 28 miles in Las Animas County, CO. A map depicting the rail line in relationship to the area served is appended to the report. 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 Trinidad, there has been no service on the rail line since March 1996 and it further states that it is unlikely that there will be any prospect for new traffic. In 1992 Trinidad granted trackage rights to Burlington Northern Santa Fe (BNSF)² and Union Pacific (UP)³. In 1996, Trinidad anticipated providing rail service to the New Elk Mine, however, the coal mine owners have since determined that it would not be economically feasible to open and operate a coal mine in this area.

Trinidad describes the area surrounding the line as scenic and rural in nature. The rail line parallels State Highway 12, which is considered as a "Historic and Scenic Byway" by the Colorado Department of Transportation. From east to west, this rail line parallels the Purgatoire River, a narrow non-navigable river, the shore of Lake Trinidad, and a campsite and recreational area. As the rail line proceeds west, from Lake Trinidad, it encounters a gradual one percent

¹Trinidad will not abandon the first two miles of rail line and BNSF and UP will continue to operate over this portion via trackage rights.

²BNSF seeks discontinuance of trackage rights exemption under STB Docket No. AB-6 (Sub-No. 388X) but will retain trackage rights on the two miles of rail line not proposed for abandonment.

³UP seeks discontinuance of trackage rights exemption STB Docket No. AB-33 (Sub-No. 160X) but will retain trackage rights on the two miles of rail line not proposed for abandonment.

grade for much of the remaining distance.

There are four structures on the right-of-way all of which are more than 50 years old. There are three steel bridges that were constructed in 1902 and one freight house/train depot that was constructed in 1904.

Trinidad does not believe that any of these structures are historically significant.

ENVIRONMENTAL REVIEW

Trinidad has submitted an environmental and historic 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. Trinidad served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding. We have also consulted with appropriate agencies and individuals to verify the railroad's environmental and historical report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment.

To date, only one comment has been received from U.S. Department of Commerce regarding 10 geodetic control markers.

CONDITIONS

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

1. The U.S. Army Corps of Engineers (COE) has not completed its review of the proposed abandonment. Therefore, we recommend, that Trinidad Railway Incorporated consult with the COE prior to salvage of the rail line to determine if the proposed abandonment is consistent with applicable Federal, state, and local water quality standards, and if permits are required under Section 404 of the Clean Water Act.
2. The U.S. Environmental Protection Agency (EPA), Region 8, has not completed its review of the proposed abandonment. Therefore, we recommend, that Trinidad Railway Incorporated consult the EPA regarding the discharge of stormwater resulting from the disturbance of more than five acres, the railroad shall consult with the EPA and secure all necessary permits prior to initiation of salvage or disposal activities.
3. The U.S. Department of Agriculture, Fish and Wildlife Service (USFW) has not completed its review of the proposed abandonment. Therefore, we recommend, that Trinidad Railway Incorporated consult the USFW prior to initiation of salvage or

disposal activities.

4. The Colorado Department of Archaeology and Preservation (SHPO) has not completed its review of the proposed abandonment. Therefore, we recommend, that Trinidad Railway Incorporated consult with the SHPO prior to salvage of the rail line to determine if the proposed abandonment is consistent with Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
5. The Colorado Department of Transportation (CO-DOT) has not completed its review of the proposed abandonment. Therefore, we recommend, that Trinidad Railway Incorporated consult with the CO-DOT prior to abandonment to determine the impact of salvage activities on existing highway/rail at-grade crossings.
6. The Colorado Department of Environmental Quality (CO-DEQ) has not completed its review of the proposed abandonment. Therefore, we recommend, that Trinidad Railway Incorporated consult with the CO-DEQ prior to abandonment to secure all necessary permits prior to initiation of salvage or disposal activities.
7. If salvage operations are expected to destroy or disturb any of the 10 geodetic station markers listed in Attachment 14 of Trinidad Railway's Environmental Report, the railroad shall notify the U.S. Department of Commerce, National Geodetic Survey in not less than ninety days prior to commencement of such operations.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude 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

If abandonment and salvage of the rail line does take place, 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 Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

_____Trinidad states that the Colorado Department of Transportation may be interested in pursuing alternative public uses of the abandoned rail line, if approved.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

_____Trinidad states that it has been contacted by an organization regarding conversion of the abandoned rail line, if approved, to trail use. Trinidad indicates that it is willing to discuss rail-to-trail conversion.

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) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB-573 X in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1554.**

Date made available to the public: September 26,2000.

Comment due date: **October 11, 2000 (15 days).**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

Copies of the Environmental Assessment sent to above-referenced agencies for consideration.



