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SEA

SERVICE DATE – JUNE 27, 2008

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub-No. 264X)**

**Union Pacific Railroad Company – Abandonment Exemption –  
In Saline County, MO**

**BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a section of railroad over the Marshall Industrial Lead in and around the city of Marshall in Saline County, Missouri. The line extends from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles. UP states that the line was constructed in the late 1880s as a branch line, but was reclassified to side track in 1975 by the Missouri Pacific Railroad. UP certifies that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment. UP further states that freight service will continue to be provided to the area by the Kansas City Southern Railway Company and UP's River Subdivision line, respectively located west and east of the line to be abandoned. In addition, the area is within close proximity to U.S Route 65, a north-south corridor, and Interstate 70, a major east-west route. UP indicates that most of the right-of-way to be abandoned is reversionary and therefore not suited for public purposes. Following abandonment, UP intends to reclassify and retain the first 3000-foot section of line east of central Marshall for railroad purposes, and work with adjacent landowners for disposition of the right-of-way.

UP states that the right-of-way width along the portion of line to be abandoned varies from 200 feet inside the Marshall city limits to 100 feet in the outlying undeveloped areas. The rail line traverses U.S. Postal Service Zip Code 65340. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

UP 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 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)].<sup>1</sup> The

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the  
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Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

### *Diversion of Traffic*

UP states that no local traffic has moved over the line for at least two years and no overhead traffic would 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. If the petition is granted, UP would be able to salvage the track, ties and other railroad appurtenances, and dispose of the right-of-way.

SEA 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.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, SEA has concluded that no further consultation with NGS is necessary.

The Natural Resources Conservation Service (NRCS) commented that the proposed abandonment would not have an adverse impact on prime farmland soils. Therefore, SEA has concluded that no further consultation with NRCS under the Farmland Protection Policy Act is necessary.

The U.S. Army Corps of Engineers (USACE) commented that it did not have enough information to determine whether the activities associated with the proposed abandonment

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Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-33 (Sub-No. 264X).

would require a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344). Accordingly, SEA is including a condition in this EA that requires UP to further consult with USACE prior to commencement of any salvage activities.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency; the National Park Service; the U.S. Fish and Wildlife Service, the Missouri Department of Natural Resources, the Missouri Department of Economic Development, and the Saline County Supervisors.

### **HISTORIC REVIEW**

UP served the historic report on the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 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.

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 that may have ancestral connections to the project area. The database identified the Osage Nation, the Otoe-Missouri Tribe of Indians, and the Peoria Tribe of Indians of Oklahoma as having connections to Saline County. SEA is therefore sending a copy of this EA to the tribes for review and comment.

### **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, 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.

### **CONDITIONS**

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, the Union Pacific Railroad Company shall consult with the U.S. Army Corps of Engineers (USACE) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the USACE.

### **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 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 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 264X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: June 27, 2008.

**Comment due date: July 15, 2008.**

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

Anne K. Quinlan  
Acting Secretary

Attachment