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SEA

SERVICE DATE – APRIL 1, 2009

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub-No. 261)**

**Union Pacific Railroad Company – Abandonment – in New Madrid, Scott, and Stoddard Counties, MO**

**BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP or railroad) filed an application under 49 U.S.C. 10903 for permission to abandon and discontinue service over its Essex to Miner Line. The rail line extends from Milepost 196.7, near Essex, to Milepost 216.27, near Miner, a distance of 19.57 miles, in New Madrid, Scott, and Stoddard counties, MO (the Line). The Line includes the stations of Hunterville (Milepost 198.7), Morehouse (Milepost 205.4), Sikeston (Milepost 211.4), and Miner (Milepost 214.5). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, UP would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line is located mostly on level terrain used as farmland, but also passes through the small cities of Miner and Sikeston, Missouri. The right-of-way is generally 100 feet wide. The Line was originally constructed in 1873 by the Cairo, Arkansas & Texas Railroad. According to the railroad, there are 18 bridges on the Line that are 50 years of age or older. The construction dates for these 18 bridges ranges from 1901 to 1948. The bridges are mostly constructed of timber pile trestles. According to the railroad, there are also approximately 40 railroad-roadway at-grade crossings on the Line.

There are currently four shippers on the Line: Tetra Pak, Steward Supply, Cargill Ag Horizons and River Bend Ag. For the current (or forecast) year, UP estimates that it will move 246 railcars for these four shippers. The total movements for these four shippers in 2007 and 2008 were 236 railcars and 200 railcars, respectively. There is no overhead or bridge traffic on the Line.

**ENVIRONMENTAL REVIEW**

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

### ***Diversion of Traffic***

In the absence of rail service to the four shippers on the Line, the railroad estimates that approximately 1,922 additional trucks (loaded and unloaded) would need to move across local roads and highways. This would be approximately eight additional trucks (loaded and unloaded) per business day moving and dispersing across the local road and highway network. This limited increase in truck traffic would result in negligible impacts to air quality and the local or regional transportation networks. The proposed abandonment would have negligible or no adverse impact on the development, use and transportation of energy resources or recyclable commodities; or transportation of ozone-depleting materials.

### ***Salvage Activities***

Rail line salvaging activities typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. For the proposed abandonment, the railroad has not specified the nature of salvage activities for any remaining track materials, or the fate of existing bridges and structures.

The U.S. Environmental Protection Agency, Region 7 (EPA) noted that several facilities regulated by EPA are located near the right-of-way of the Line. EPA also noted that the remains of product spills, herbicide use, and wood preservatives could be present within the right-of-way. UP is not aware of any known hazardous waste sites or sites where known hazardous waste spills have occurred on or along the Line. However, SEA has recommended a condition to address EPA's concerns.

The Natural Resources Conservation Service (NRCS) stated that the proposed abandonment would not affect prime agricultural land.

The U.S. Fish and Wildlife Service, Missouri Ecological Services Office, concluded that no Federally listed species or designated habitat occur within the project area; and consequently, no additional consultations are required under Section 7 of the Endangered Species Act (16 U.S.C. 1535).

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the 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. 261).

The U.S. Army Corps of Engineers - Memphis District (USACOE) stated that it does not appear that the proposed abandonment would result in fill or dredged material being placed in any waters of the U.S. including wetlands. Therefore, a permit would not be required under Section 404 of the Clean Water Act (33 U.S.C. 1344) if all salvaging activities are limited to upland areas (USACOE Reference Number MVM-2008-427-RSA).

The Missouri Department of Natural Resources, Water Protection Program, noted that a land disturbance permit may be required if the proposed abandonment would disturb one acre or more. SEA has recommended a condition to address this concern.

## **HISTORIC REVIEW**

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). In an October 3, 2008 reply, the SHPO concluded that no historic properties would be affected by the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not 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 through posting on the Board's website at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at [www.cast.uark.edu/other/nps/nacd/](http://www.cast.uark.edu/other/nps/nacd/) to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified no tribes as having connections to New Madrid and Stoddard counties, but identifies the following four tribes as having connections to Scott County:

- Peoria Tribe of Indians of Oklahoma,
- Sac and Fox Nation of Missouri in Kansas and Nebraska,
- Sac and Fox Nation, Oklahoma, and
- Sac and Fox Tribe of the Mississippi in Iowa.

A copy of this EA has been provided to each tribe for review and comment.

## **CONDITIONS**

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

1. Prior to initiating salvage activities, the Union Pacific Railroad Company shall consult with the U.S. Environmental Protection Agency, Region 7 (EPA) on the potential presence of EPA-regulated facilities within the right-of-way of the line to be abandoned.
2. Prior to initiating salvage activities, the Union Pacific Railroad Company shall consult with the Missouri Department of Natural Resources, Water Protection Program, on the need for a land disturbance permit.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions were 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 would include denial (and therefore no change in operations and no salvage activities), 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 the time specified in the Federal Register notice. 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 (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA 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 environmental assessment, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, 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 STB Docket No. AB-33 (Sub-No. 261) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at [naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov).

Date made available to the public: April 1, 2009.

**Comment due date: April 30, 2009.**

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

Attachment