

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-1019X

**Transit America, LLC – Abandonment Exemption –
In Buchanan County, MO**

BACKGROUND

In this proceeding, Transit America, LLC (TA) filed a petition of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a section of the Missouri Branch rail line (line) in Buchanan County, Missouri. The rail line proposed for abandonment extends from Milepost 200.4 eastward to Milepost 198.4 in St. Joseph, Missouri, a distance of approximately 2.0 miles.¹ TA indicates that the portion of line to be abandoned travels through rural landscapes and that the right-of-way is generally 100 feet wide. According to TA, the line to be abandoned does not have any bridges or structures that are 50 years or older, and does not contain any Federally granted rights-of-way. The line traverses U.S. Postal Service Zip Codes 64503 and 64507. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

TA 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. TA 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)].² The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ In the course of preparing environmental consultation letters for the Environmental and Historical Report, TA states that it inadvertently extended the boundaries of the line to be abandoned two miles beyond the actual limits to Milepost 196.4. TA indicates that it will not be reissuing any environmental correspondence, given that the area of the proposed abandonment consists of a shorter distance.

² The railroad's 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 search for AB-1019X.

Diversion of Traffic

TA indicates that in 2001, it acquired the right, title, and interest to a portion of the line to be abandoned, between Milepost 201.0 and Milepost 198.4, from its affiliate Herzog Contracting Corporation (HCC).³ TA indicates that since 2002, it has provided the only train service on the section of rail line proposed to be abandoned, and that it has provided this service solely to HCC. If the petition becomes effective, TA intends to convey the trackage and right-of-way to HCC so that it may operate non-common carrier switching service to continue and expand operations at its shop facilities.

TA certifies that no other customers are located on the line and that no other freight service has been provided on the portion of line to be abandoned for more than 15 years. Therefore, the proposed abandonment would not require the diversion of trains to other transportation systems or modes. 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. TA indicates that it does not intend to salvage the line in this case.

The U.S. Army Corps of Engineers (Corps) commented that it has jurisdiction over all waters of the United States, and that discharges of dredged or fill materials into these waters, including wetlands, requires prior authorization from the Corps under Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps commented that a permit may be required for the proposed abandonment, should it result in such discharges. Although TA has indicated that it does not intend to salvage the portion rail line to be abandoned, SEA is recommending a condition that TA consult with the Corps in the event TA should decide to salvage the rail line, following abandonment approval. The consultation must occur prior to the initiation of any salvage activities.

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.

³ See TransitAmerica, LLC – Operation Exemption – Line in Buchanan County, MO, in STB Finance Docket No. 34253, served October 17, 2002.

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. Fish and Wildlife Service (USFWS), Division of Realty, commented that it does not own any lands or have any interests in land in the vicinity of the proposed abandonment. Therefore, SEA has concluded that no further consultation with USFWS's Division of Realty is necessary.

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, the Missouri Department of Conservation, and the Buchanan County Commission.

HISTORIC REVIEW

TA 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 it needs additional information to complete its review and determine possible effects on any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no further steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (Area of Potential Effect) eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed.

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 Iowa Tribe of Kansas & Nebraska, the Iowa Tribe of Oklahoma, the Omaha Tribal Council, the Otoe-Missouria Tribe of Indians, the Sac and Fox Nation of Missouri, the Sac and Fox Nation of Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa as having connections to Buchanan 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 conditions be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Transit America, LLC, shall consult with the U.S. Army Corps of Engineers (Corps) prior to conducting any salvage activities of the rail line for potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. Transit America, LLC (TA) 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 project right-of-way (the Area of Potential Effect) 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, 16 U.S.C. 470f, has been completed. TA shall report back to the Section of Environmental Analysis regarding any consultations with the State Historic Preservation Office and the public. TA 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.

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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1019X 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.

Date made available to the public: October 10, 2008.

Comment due date: November 12, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment