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OEA

SERVICE DATE – JUNE 11, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-33 (Sub No. 283X)

**Union Pacific Railroad Company — Abandonment Exemption —
in Iron County, Utah**

BACKGROUND

On May 17, 2013, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a notice under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon 1.03 miles of rail line located in Iron County, Utah (Line). The Line, also known as the Cedar City Subdivision, begins at milepost 30.50 and extends to the end of the Line at milepost 31.83, in Cedar City, Iron County, Utah. A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to UP, no rail traffic has moved over the Line in more than two years, and there is no overhead rail traffic. UP also notes that no complaint regarding cessation of services has been filed, is pending, or had been ruled upon in favor of a complaint in at least two years.

The Line does not contain any reversionary property or federally granted rights-of-way. And because, according to UP, this area is adequately served by existing roadways and utility lines, UP asserts that the Line is not suitable for other public purposes such as roads or highways or other forms of mass transportation. The City of Cedar (City) has expressed interest in use of the right-of-way as recreational trail and UP is willing to discuss the conversion of the Line to a recreational trail with the City.

If the Board should approve this abandonment, UP would continue to provide rail service from the remaining portion of its Cedar City Subdivision. The City is also served by U.S. Interstate 15, which bisects Utah State Routes 130, 14, and 56.

UP intends to salvage the rail, ties and track materials. According to UP, salvage would occur only on the top of the rail bed with access via existing access points. The rail bed, subgrades and all structures, culverts and related items would remain in place and not disturbed.

DESCRIPTION OF THE RAIL LINE

The Line, located on the north side of the City, begins at U.S. Interstate 15 and continues eastward through a mixture of areas considered commercial and industrial in nature. The width

of the right-of-way is typically 100 feet wide and traverses United States Postal Service Zip Code 84721. According to UP, the Line does not contain any structures that are 50 years old or older and there are no bridges or structures on the Line.

ENVIRONMENTAL REVIEW

UP submitted an Environmental Report that concludes that 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. UP served the Environmental Report on a number of 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.

Diversion of Traffic

The Line has been out of service for more than two years. Consequently, no rail-to-truck diversions would occur. Therefore, OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Further, there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

As noted earlier, the City would continue to receive rail service from the remaining portion of its Cedar City Subdivision. The City is also served by U.S. Interstate 15.

Salvage Activities

If the abandonment is approved, UP states that the salvage process would occur as follows:

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by UP's contractor to an EPA approved disposal site or to a cogeneration plant.

¹The 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 33 (Sub No. 283X).

Culverts and right-of-way grading would remain intact so as not to alter the prevailing water flows along the Line. Ballast would typically be left in place, but might be removed if it is of exceptional quality, thus suitable for resale. UP's salvage contractors would be required to limit their activities to the width of the right-of-way and to not place fills or other material in water bodies, including inland waterways. When the salvage process has been completed, water flows in the area would not have been disrupted. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by the governing authority. Any railroad signals would also dismantled and removed.

UP states that its salvage work for abandonments is performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work is independently inspected by a UP roadmaster (a railroad maintenance official) to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

The Natural Resources Conservation Service (NRCS) has not responded. OEA has provided a copy of this EA to the NRCS for review and comment.

UP states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the Line.

OEA conducted a search the U.S. Fish and Wildlife Service's (USFWS) website² to search for any species of concern in Iron County, UT. The USFWS website lists the following species as threatened or endangered species:

- Mexican spotted owl (*Strix occidentalis lucida*) – Threatened
- Utah prairie dog (*Cynomys parvidens*) – Threatened
- Southwestern willow flycatcher (*Empidonax trillii extimus*) – Endangered

Upon review of the list of endangered and threatened species identified in Iron County, OEA does not believe that any salvage activities associated with the abandonment would result in adverse impacts to these species.

OEA did not identify any National or State parks, wildlife sanctuaries, or refuges that would be affected by the proposed abandonment. In a response dated on September 24, 2009, the National Park Service stated that no parks would be affected and therefore has not comment.

The U.S. Army Corps of Engineers, Sacramento District Office (Corps) states that the proposed action does not involve work in navigable waters of the U.S and therefore a

² U.S. Fish and Wildlife Website, Find Endangered Species:
<http://www.fws.gov/endangered>.

Department of Army Section 404 permit is not required. UP also states that the Line neither crosses nor is immediately adjacent to any waterway or wetland.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. The NGS is on the service list for this EA and is invited to review and comment on whether any Geodetic Station Markers may be affected by this abandonment.

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

HISTORIC REVIEW

In its Historic Report, UP states that the Line contains no bridges or other structures, therefore, there are no structures 50 years old or older on the Line. According to UP, the Line was originally constructed in 1923 by the Los Angeles & Salt Lake Railroad (LA&SLR). The railroad was originally incorporated as the San Pedro, Los Angeles and Salt Lake Railroad in 1901. The railroad's main line, between Los Angeles, CA and Salt Lake City, Utah, was completed in 1905. The name of the railroad was changed to the LA&SLR in 1916.

The LA&SLR was the brainchild of William Andrews Clark and was constructed to compete with UP. Despite the opposition to the construction by the head of UP, E.H. Harriman, Mr. Clark secured the support of a number of political and financial backers in both California and Utah. Construction began in Nevada, along an existing UP grade, which resulted in a brief railroad war. A truce was called in 1903. The truce agreement called for Mr. Clark's railroad to acquire existing UP trackage south of Salt Lake City, UT and in turn UP, received 50% ownership of the LA&SLR. The LA&SLR operated until April 27, 1921 when UP agreed to acquire Mr. Clark's half-interest in the railroad.

If the abandonment is approved, UP states that it intends to salvage the rail, ties and track materials. Salvage would occur only on the top of the rail bed. The rail bed, subgrades and all structures, culverts and related items would remain in place and not disturbed.

According to UP, it states that the SHPO has informally concurred with UP's position that the proposed abandonment would have no effect on historical or cultural resources because a prior abandonment and alterations over time have compromised the historic integrity of the area. UP further notes that the Cedar City Subdivision once terminated in a distinctive loop track, which provided passenger rail service to a depot where tourists would transfer from trains to buses destined to UP National Park Hotels. The loop was abandoned and portions reclassified or salvaged in 1978. The rail depot was preserved and remains intact.

Based on available information, UP believes that no culturally significant locations, archaeological sites or unique landforms would be affected by the abandonment, as proposed. UP served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Utah State Historical Society, Department of Community

and Culture (SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ In a letter dated May 18, 2012, the SHPO states that because of prior abandonments and alterations over time, the historic integrity of the Line has been compromised. The SHPO further notes that no determination of significance has been made at this time.

It appears that the Line is not eligible for listing in the National Register, but OEA has not heard from the SHPO regarding its determination of significance and therefore has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing on the National Register of Historic Places. OEA will continue to consult with the SHPO. In the meantime, we are recommending a condition requiring the railroad to 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) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ The database indicated that the following four tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the area of potential affect or APE) of the proposed abandonment:

1. Kaibab Band of Paiute Indians, Kaibab Indian Reservation, AZ
2. Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, NV
3. Moapa Band of Paiute Indians of the Moapa River Indian Reservation, NV
4. Paiute Indian Tribe, UT

Accordingly, OEA is sending a copy of this EA to the four tribes listed above for review and comment.

CONDITIONS

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

³ Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited June 9, 2013).

- 1. The Union Pacific Railroad Company 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. The Union Pacific Railroad Company 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, as currently proposed, and if the recommended condition 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 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

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-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

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 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 Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, 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 33 (Sub No. 283X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: June 11, 2013.

Comment due date: June 25, 2013.

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

Attachment