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OEA

SERVICE DATE – FEBRUARY 15, 2019

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 336X)

Union Pacific Railroad Company– Abandonment Exemption – in Douglas County, Neb.

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a petition under 49 U.S.C. § 10502 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon approximately .28 miles of rail line in Omaha, Douglas County, Nebraska. The .28 miles of rail line proposed for abandonment extends from milepost 485.55 near Grover Street to milepost 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue (the Line). A map depicting the Line in relationship to the area served is appended to this EA. If the exemption 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

Upon receiving abandonment authority, UP states that it would sell the track and property to Darling Ingredients (Darling), the only shipper on the Line. Darling plans to use the track for continued rail service to support an expansion of its facility. UP would continue to serve Darling in the same manner as it currently does, and UP indicates that no other shipper would be served on the Line. UP states that Darling's use of the Line would be limited to the movement of railcars at Darling's facilities; storage, loading, and unloading operations; and receipt and delivery of railcars to UP. Based on information in UP's possession, the Line does not contain federally granted rights-of-way.

ENVIRONMENTAL REVIEW

UP submitted an environmental 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. 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 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

According to UP, there is one shipper on the Line, and rail service would continue as is. Therefore, there is no overhead traffic to 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. UP states that it would continue to operate the Line and provide service to Darling after receiving abandonment authority. Therefore, OEA concludes that there would be no environmental impacts to transportation and safety, land use, energy, air, noise, biological resources, or water from salvage-related activities. However, OEA is recommending environmental conditions based on the comments discussed below in the event UP should decide to salvage the Line.

The Nebraska Department of Environmental Quality (NDEQ) commented that before the commencement of salvage activities, various permits may be required. Accordingly, OEA recommends that a condition be imposed on any decision granting abandonment authority requiring UP to consult with NDEQ and comply with its reasonable permitting requirements should any salvage activities be conducted.

The National Geodetic Survey (NGS) commented that one geodetic survey marker is located within the area of the proposed abandonment. Accordingly, OEA recommends that a condition be imposed on any decision granting abandonment authority requiring UP to consult with NGS and notify NGS at least 90 days prior to beginning any salvage activities that will disturb or destroy any geodetic station markers.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to NDEQ for its review and comment. Because OEA has not received responses from

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 336X).

several federal, state and local agencies, OEA is also sending a copy of this EA to the Douglas County Commissioners, the City of Omaha Planning Department, the Natural Resource Conservation Service, the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection agency for their review and comment.

HISTORIC REVIEW

UP served the historic report on the Nebraska State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c).² SHPO submitted comments stating that no historic properties would be affected by the proposed abandonment. OEA has reviewed the available information and concurs with the SHPO's comments. Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 C.F.R. § 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 www.stb.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,³ to identify federally-recognized tribes which may have ancestral connections to the project area. The search indicated that the Apache Tribe of Oklahoma, the Cheyenne and Arapaho Tribes, Oklahoma, the Iowa Tribe of Oklahoma, the Omaha Tribe of Nebraska, the Otoe-Missouria Tribe of Indians, Oklahoma, the Ponca Tribe of Nebraska, the Sac & Fox Nation of Missouri in Kansas and Nebraska, the Sac & Fox Nation, Oklahoma, and the Sac & Fox Tribe of the Mississippi in Iowa may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to these tribes for their review and comment.

² Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

³ U.S. Department of Housing and Urban Development (<https://egis.hud.gov/tdat/>).

CONDITIONS

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

1. Should any salvage activities be conducted, Union Pacific Railroad Company shall consult with the Nebraska Department of Environmental Quality and comply with its reasonable permitting requirements prior to salvage.
2. Should any salvage activities be conducted, Union Pacific Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes 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

Following abandonment 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 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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

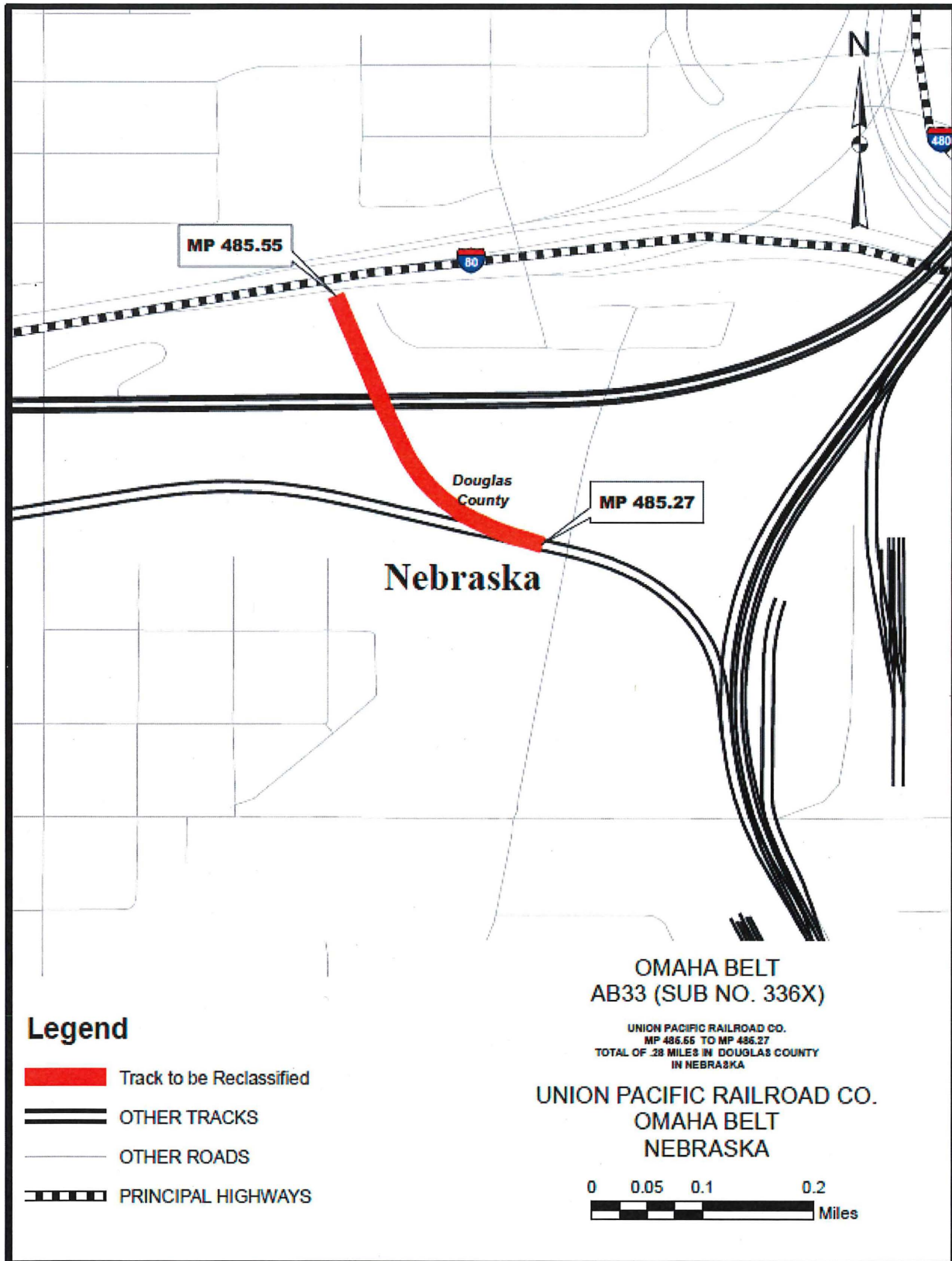
If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 336X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.gov.

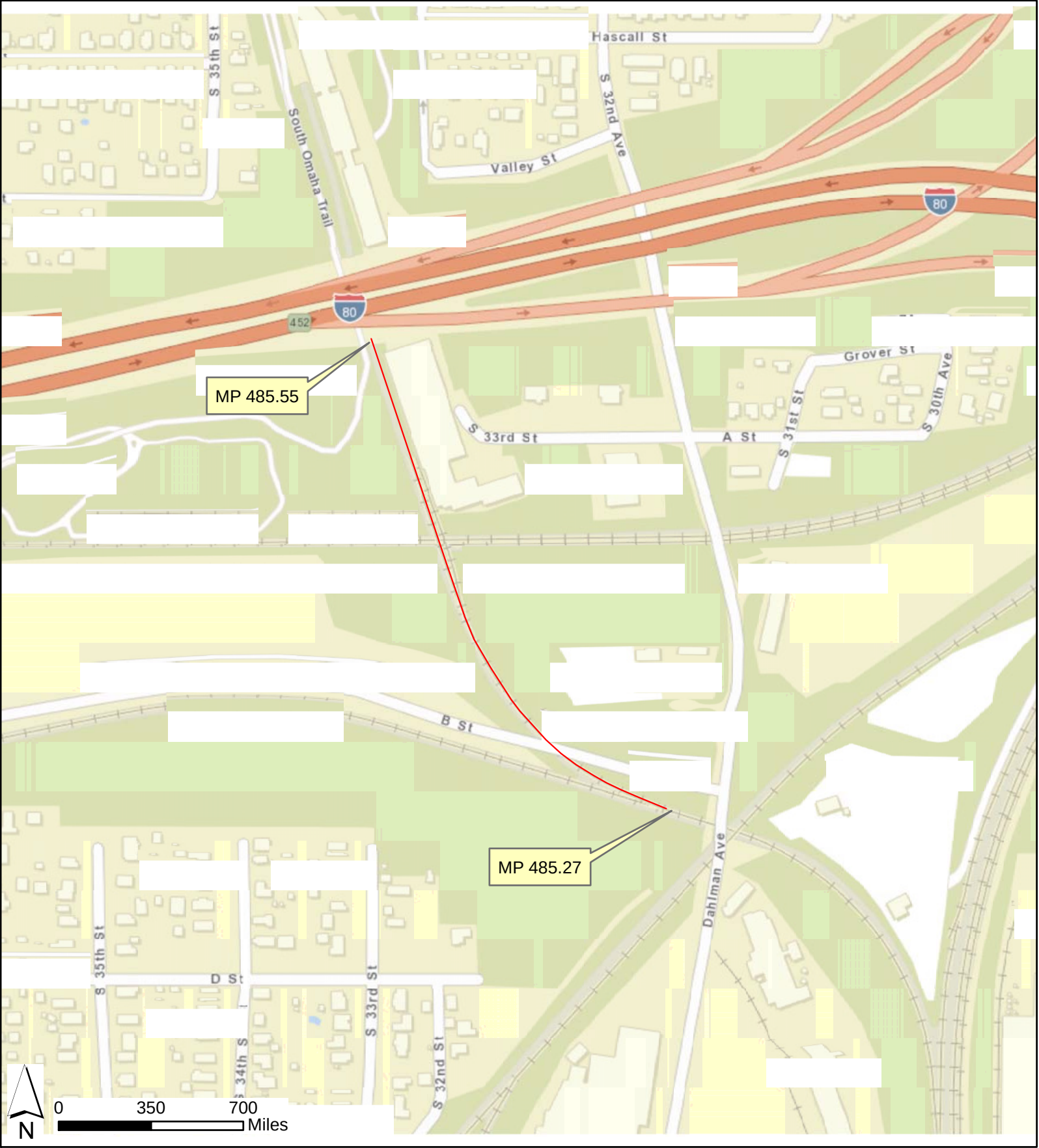
Date made available to the public: February 15, 2019.

Comment due date: March 18, 2019.

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

Attachment





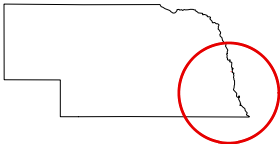
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Abandonment Exemption
Douglas County, Nebraska
Omaha Belt Industrial Lead

Legend

 the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Location in State