

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 603 (Sub-No. 5X)

V and S Railway, LLC - Abandonment Exemption – in Franklin County, Mo.

BACKGROUND

In this proceeding, V and S Railway, LLC (V&S) filed a notice with the Surface Transportation Board's (Board) under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon a line of railroad in Franklin County, Missouri. The segment of rail line to be abandoned extends approximately 9.71 miles from milepost 61.89 at Union to Milepost 71.6 at Beaufort (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice 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

The Line consists of a single track, ties and ballast, with an average right-of-way (ROW) width of approximately 50 feet. V&S states that the Line includes an I-beam bridge, seven stone arch culverts, eight stone box culverts, and 22 other culverts. The right-of-way of the Line is crossed by approximately eight public crossings. The Line passes through heavily forested rural areas and the topography is relatively flat with some rolling hills.

According to V&S, the Line is part of the former Rock Island Line, which connected Chicago with Mississippi in 1854. The Missouri Central Railroad Company (MCRR) acquired the Line as part of a larger acquisition of the former Rock Island Line extending between milepost 19.0 at Vigus and milepost 263.5 at Pleasant Hill. In 2004, the Central Midland Railroad Company (CMRC) obtained Board authority to operate the MCRR line. On December 8, 2014, the Board issued a Notice of Exemption for MCRR to abandon and CMRC to discontinue 144.3 miles of rail line from milepost 215.325 (near Windsor) in Pettis County, Missouri to milepost 71.6 (near Beaufort) in Franklin County, Missouri (Docket No. AB 1068 (Sub-No. 3X)). In that same year, V&S acquired the 9.71 mile remainder of the MCRR line that is the Line subject to this proceeding. V&S states that the MCRR segment of the line is now railbanked under a Notice of Interim Trail Use (NITU) with the Missouri Department of Natural

Resources (MDNR), and that MDNR may also be interested in entering into a NITU for the current 9.71 mile Line subject to this abandonment proceeding.

ENVIRONMENTAL REVIEW

V&S submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line. V&S served the E&H 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 implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to V&S, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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. Should the Board authorize the proposed abandonment, V&S intends to remove the tracks, ties, and ballast.

V&S requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. On May 26, 2022, the USFWS provided comments stating that they have no concerns regarding the proposed abandonment. OEA has considered USFWS' comments and the available information and has determined that the proposed abandonment

¹ The E&H Report is available for viewing on the Board's website at <https://stb.gov/> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "603" "5" "X" sequentially in the boxes for "Docket Number," then selecting "Search." The E&H Report was filed on September 6, 2022.

would have *no effect* on threatened and endangered species or other biological resources. Accordingly, formal consultation with USFWS under Section 7 of the Endangered Species Act (16 U.S.C. § 1536) is unnecessary, and OEA is not recommending any mitigation related to biological resources. OEA is providing USFWS (Missouri Ecological Services Field Office) a copy of this EA for its review.

V&S requested comments from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) regarding potential impacts to prime farmland and soils. NRCS has not responded to date. However, OEA does not expect the loss of any prime farmland or soils due to the proposed abandonment's limited scope. The Line to be abandoned has been in transportation use for over a century and all abandonment-related salvage would be within the current rail right-of-way. Therefore, there would be no impacts to farming activities or farmlands in the vicinity and OEA is not recommending any mitigation related to agricultural land.

The National Geodetic Survey (NGS) has indicated that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended.

The proposed abandonment is not located within a Coastal Zone and thus, no further consultation is required under the Coastal Zone Management Act (16 U.S.C. § 1456-1467).

The E&H Report was submitted to the U.S. Environmental Protection Agency, Region 7 (USEPA) and the U.S. Army Corps of Engineers, St. Louis Regulatory Branch (Corps) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from USEPA. The Corps responded, stating that "as a result of any potential impacts to tributaries within the Meramec River watershed, the project may require further permit review... under Section 404 of the Clean Water Act" and that if "there are any proposed impacts to waters within the alignment, the Corps requires the submittal of a 404-permit application and/or a delineation of waters on the project site and a summary of any impacts to any wetlands or waters, including temporary impacts, bank stabilization plans or channel disturbances, prior to the commencement of the project." Accordingly, OEA is recommending a condition requiring V&S to consult with the Corps regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

OEA 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 areas adjacent to the proposed abandonment. OEA concludes that any air and noise emissions related to salvage activities would be very limited and temporary.

The Missouri Department of Transportation (MoDOT) provided comments expressing concern that abandonment-related salvage activities could affect roadways, particularly as related to the potential closure of roadway/rail at-grade crossings. MoDOT requests that V&S prepare and submit a plan for abandonment-related salvage activities that would address traffic control for activities that would affect traveled roadways; the removal of track materials from and repair of affected roadway and pedestrian crossings; the removal of safety devices at crossings, including signs, posts, flashing lights, and gates; and the need for appropriate permits for work affecting roadways. To address MoDOT's concerns, OEA is recommending a condition requiring V&S to consult with MoDOT prior to commencement of any abandonment-related salvage activities and to abide by the reasonable requirements of MoDOT to address potential impacts on roadways and at-grade crossings.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to USFWS (Missouri Ecological Services Field Office), USEPA, USACE, MDNR, and MoDOT for review and comment.

HISTORIC REVIEW

V&S submitted an historic report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Missouri Department of Natural Resources, State Historic Preservation Office (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).² The SHPO submitted comments on June 3, 2022 stating that, based on available information, the proposed abandonment would not affect historic proposed listed on or eligible for listing on the National Register of Historic Places (National Register) located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment, and further concurred with a determination of No Historic Properties Affected.

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

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. 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 at a link on the bottom of the Board's website overlooking historic preservation at <https://stb.gov/resources/environmental/historic-preservation-overview>.

eligible for inclusion in the National Register. 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 Draft 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's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.³ The database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: the Apache Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, and the Osage Nation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:⁴

1. V and S Railway, LLC shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. V and S Railway, LLC (V&S) shall consult with Missouri Department of Transportation (MoDOT) prior to the commencement of any abandonment-related salvage activities and shall abide by the reasonable requirements of MoDOT to address potential impacts on roadways and at-grade crossings.

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

³ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed October 26, 2022).

⁴ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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 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 Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

TRAIL USE

A request for a NITU is due to the Board, with a copy to the railroad, within 10 days of publication of the petition for 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

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.

⁵ Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "603" "5" "X" sequentially in the boxes for "Docket Number," then selecting "Search."

⁶ Id.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1324X. If you have any questions, please contact Alan Tabachnick by email at Alan.Tabachnick@stb.gov or by phone at 202-245-0367.

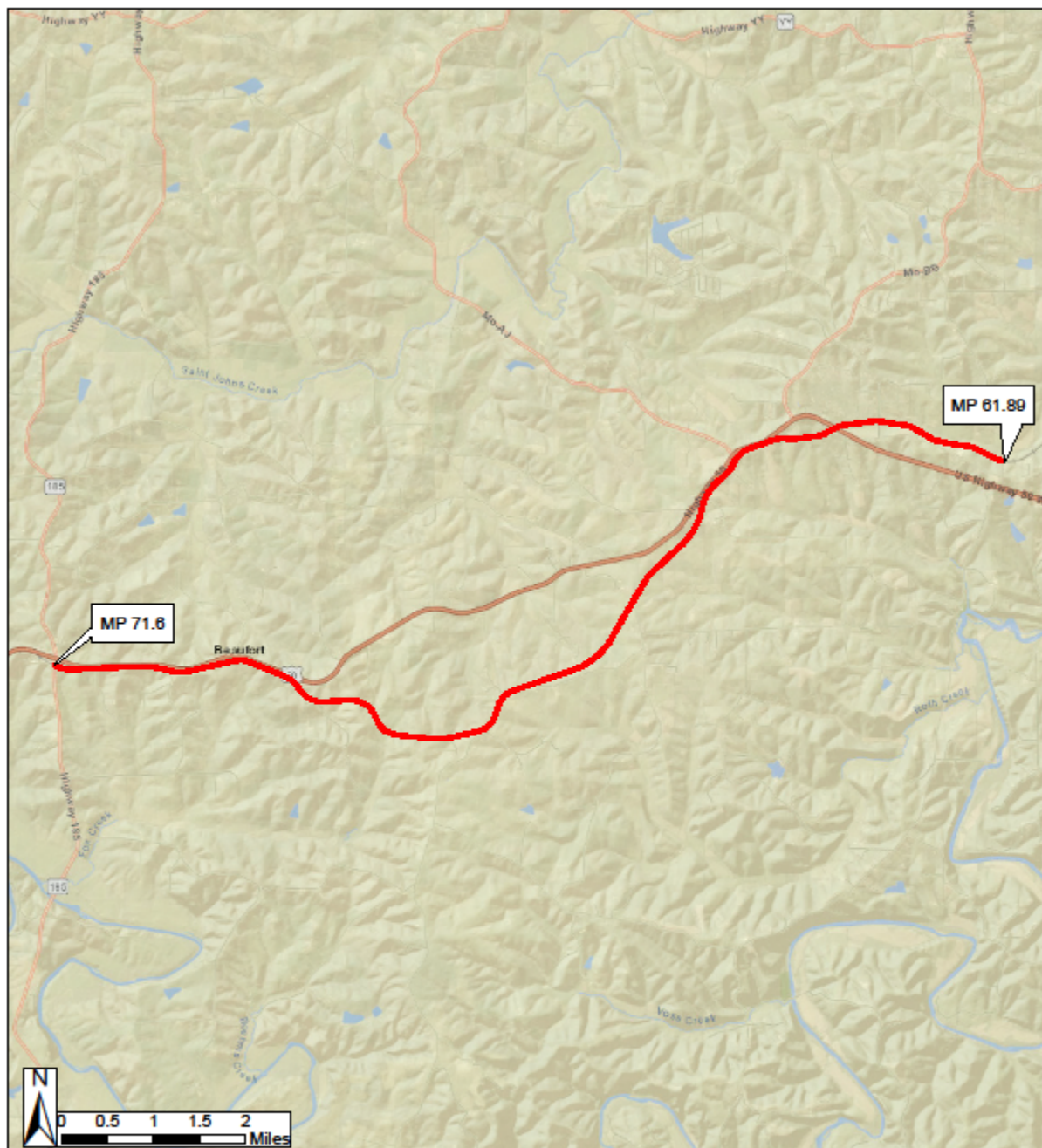
Date made available to the public: October 28, 2022.

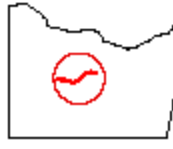
Comment due date: November 11, 2022.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

Docket No. AB 603 (Sub-No. 5X)



 Docket No. AB 603 (Sub-No. 5X) V and S Railway, LLC. Abandonment Exemption In Franklin County, Mo.	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.	 Franklin County	 Missouri
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