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OEA

SERVICE DATE – JUNE 3, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 314 (Sub-No. 9X)

**Chicago Central & Pacific Railroad Company - Abandonment Exemption – in Black Hawk
County, Iowa**

BACKGROUND

In this proceeding, Chicago Central & Pacific Railroad Company (CCP) filed a notice of exemption 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 Waterloo, Black Hawk County, Iowa. The segment of rail line to be abandoned extends .08 miles from approximately 100 feet east of the CCP crossing with 11th Street, through and including the 11th Street crossing, and continuing west for approximately 268 feet (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 crossing 11th Street in the City of Waterloo. The right-of-way is approximately 20 feet wide and crosses 11th Street along the north side of the Cedar River. At this location, 11th Street consists of four lanes, with sidewalks adjacent to the roadway. There are no bridge structures associated with the Line.

The Line was constructed between 1861 and 1866 by the Dubuque and Sioux City Railroad (D&SC). The Illinois Central Railroad Company (IC) leased the Line from D&SC from 1867 to 1887 when it acquired equity control. The Line then operated as the Iowa Division of the IC until it was acquired by the CCP in 1996.

CCP now proposes to abandon the out-of-service Line and transfer its property rights to the Line to the City of Waterloo (City), allowing the City to utilize the right-of-way for a bridge improvement project. The City plans to add pedestrian lanes to the bridge carrying 11th Street over the Cedar River and the abandonment of the crossing would facilitate improvements in

traffic operations and efficiencies. Upon consummation of the abandonment, CCP intends to remove the tracks over the Line to assist the City with its bridge improvement project.

ENVIRONMENTAL REVIEW

CCP 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. CCP served the E&H 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 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 CCP, 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, CCP intends to remove the tracks, ties, and ballast.

CCP 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. To date, USFWS has not provided comments. To identify protected species that may be in the project area, OEA conducted a search of the USFWS

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" "314" "9" "X" sequentially in the boxes for "Docket Number," then selecting "Search." The E&H Report was filed on May 9, 2022.

Information for Planning and Conservation (IPaC) system.² Four protected threatened or endangered species are located in the area of the proposed abandonment: Northern Long-eared Bat (*Myotis septentrionalis*), the Monarch Butterfly (*Danaus plexippus*), the Eastern Prairie Fringed Orchid (*Platanthera leucophaea*), and the Western Prairie Fringed Orchid (*Platanthera praeclara*). According to the IPaC report, there are no critical habitats for these species in the project area. OEA has determined that these federally listed threatened or endangered species would not be affected because of the urban nature of the Line's right-a-way and the abandonment's limited scope (i.e., no surface disturbance, no waterway disturbance). OEA is providing USFWS (Ecological Services Field Office, Midwest Region) a copy of this EA for its review.

CCP requested comments from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) regarding potential impacts to prime farmland and soils. Although NRCS has not responded to date, OEA does not expect the loss of any prime farmland or soils due to the abandonment's limited scope. The Line to be abandoned has been in transportation use for over a century and there is no farmland or farming activities in the vicinity, which is primarily commercial in nature.

CCP requested comments from the National Geodetic Survey (NGS) regarding the potential for geodetic survey markers in the project area. On February 17, 2022, NGS provided comments stating that there are no markers within or adjacent to the Line's right-of-way. Therefore, no further consultation with NGS is recommended.

The proposed abandonment is not located within a Coastal Zone and Iowa does not participate in the National Coastal Zone Management Program; and thus, no further consultation is required.

The E&H Report was submitted to the U.S. Environmental Protection Agency, Region 7 (USEPA) and the U.S. Army Corps of Engineers, Rock Island District (USACE) 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. USACE submitted comments on December 6, 2021, noting that the proposed abandonment would not require a Section 404 permit. OEA does not anticipate the need for permits under the CWA because CCP does not intend to disturb any roadbed underlying the Line, or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to USEPA and USACE, and Iowa Department of Natural Resources for their review.

² USFWS Information for Planning and Conservation (IPaC) search conducted on May 25, 2022 (<https://ecos.fws.gov/ipac/>).

Because of the Line's very short length and the limited scope of CCP's proposed salvage activities (i.e., CCP does not intend to disturb any roadbed underlying the Line), OEA concludes that any air and noise emissions related to salvage activities would be very limited and temporary.

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 (Ecological Services Field Office, Midwest Region), USEPA, USACE, and Iowa Department of Natural Resources for review and comment.

HISTORIC REVIEW

CCP 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 Iowa State Historic Preservation Office (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ The SHPO responded to CCP on April 4, 2022 that the proposed abandonment presented no archaeological concerns, but also noted that the documentation submitted (Environmental/Historic Report) could not be considered a formal submission for the purposes of Section 106 review and consultation.

Based upon the information provided by CCP and OEA's independent research, OEA does not believe that there are any historic properties within the rail right-of-way (the Area of Potential Effects or APE) that are listed in or that may be eligible for listing in the National Register of Historic Places (National Register). The Line is at-grade, consisting of a single track, with ballast, ties, and rail. There are no bridges, culverts, or other structures. The Line appears to have accessed one facility, on the north side of 11th Street. An examination of an historic Sanborn Fire Insurance Map of Black Hawk County, Waterloo (dated 1918 – Jan 1962), shows that this facility was the Cedar Valley Lumber Company, a frame complex with numerous lumber sheds for storage. Much of that building was removed prior to 2002 (<https://historicaerials.com/>). Based upon the information available to date, the Line does not appear to be associated with events that have made a significant contribution to the broad patterns of history or with the lives of significant persons. The Line also does not embody

³ 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 overviewing historic preservation at <https://stb.gov/resources/environmental/historic-preservation-overview>.

distinctive characteristics of a type, period, or method of construction and does not represent the work of a master or possess high artistic value.

Therefore, OEA has determined that the proposed abandonment would have no effect on historic properties that are listed in or eligible for listing in the National Register within the APE. 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. In order to give the SHPO sufficient time to comment on OEA's determination, OEA is recommending that the Board impose a condition barring CCP from consummating the proposed abandonment until the Section 106 process has been completed. If the SHPO does not object to OEA's determination or does not comment within 30 days of receipt of this Draft EA, OEA will recommend that the Board remove the Section 106 condition, pursuant to 36 C.F.R. § 800.5(c). Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://stb.gov/resources/environmental/historic-preservation-overview/>.

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.⁴ 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 Menominee Indian Tribe of Wisconsin, the Miami Tribe of Oklahoma, 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. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:⁵

The Chicago Central & Pacific Railroad Company (CCP) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites,

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed May 25, 2022).

⁵ 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.

buildings, structures, and objects within the project right-of-way (the Area of Potential Effects) 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, 54 U.S.C. § 306108, has been completed. CCP shall report back to OEA regarding any consultations with the State Historic Preservation Office and the public. CCP may not file its consummation notice or initiate any abandonment-related salvage activities (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 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.⁶

TRAIL 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

⁶ 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" "314" "9" "X" sequentially in the boxes for "Docket Number," then selecting "Search."

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.⁷

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

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 314 (Sub-No. 9X). 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: June 3, 2022.

Comment due date: June 17, 2022.

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

Attachment

⁷ Id.

