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SERVICE DATE - DECEMBER 5, 1997
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-33 (SUB-NO. 114X)

Union Pacific Railroad Company –
Abandonment Exemption in Washburn County, WI
(Hayward Industrial Lead, Trego-Hayward Junction)

BACKGROUND

In this proceeding, the Union Pacific Railroad Company has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line, known as the Hayward Industrial Lead, located between milepost 83.32 near Trego and to milepost 96.0 near Hayward Junction, a distance of 12.68 miles near Hayward Junction, in Washburn County, Wisconsin. A map depicting the rail line in relationship to the area served is appended to the report. 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

The Hayward Industrial Lead has had no local traffic operating over it since the sole shipper located on the line ceased operations in May of 1996. According to UP, there is also no overhead traffic to be rerouted.

ENVIRONMENTAL REVIEW

The railroad has 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, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the U.S. Environmental Protection Agency; the U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers; the National

Geodetic Survey; State Historical Preservation Office; and the Washburn County Clerk.

CONDITIONS

The National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. We therefore recommend imposition of the following condition: **Union Pacific Railroad Company shall notify the NGS at least 90 days prior to engaging in any activities that would disturb or destroy the one geodetic previously identified.**

The State Historical Society of Wisconsin has not completed its review of potentially historic sites and structures on the line proposed for abandonment. Therefore, we recommend imposition of the following condition: **Union Pacific Railroad Company shall retain its interest in and take no steps to alter any sites and structures on the line proposed for abandonment that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended conditions, we conclude 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.

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 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 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 114X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: December 2, 1997.

Comment due date: January 2, 1998.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

MAP TO BE SCANNED