

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 122 (Sub-No. 2X)

**Terminal Railroad Association of St. Louis – Abandonment Exemption –
in St. Louis County, Mo.**

BACKGROUND

In this proceeding, Terminal Railroad Association of St. Louis (TRRA) 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 in connection with the abandonment of an approximately 0.1-mile rail line in St. Louis County, Missouri. If the notice becomes effective, TRRA will be able to remove rail-related structures, to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The rail line proposed for abandonment extends from milepost 0.7 near Bodine Industrial Drive to milepost 0.8 at the end of the track (the Line). A map depicting the Line in relation to the area served is appended to this Draft Environmental Assessment (Draft EA).

ENVIRONMENTAL REVIEW

TRRA 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. TRRA 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 (NEPA). The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The E&H Report is available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "122" "2" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on July 27, 2021.

Diversion of Traffic

According to TRRA, no local traffic has moved over the Line in 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 on 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. In this proceeding, TRRA does not intend to conduct any salvage as part of the proposed abandonment. Following abandonment, TRRA intends to sell the underlying real estate along with the rail, ties, and other track material.

Land Use

TRRA provided the E&H Report to the Overland Missouri Planning and Zoning Commission and St. Louis County and requested comments on the consistency of the proposed abandonment with existing local land use plans. To date, those agencies have not provided comments. However, by letter dated July 20, 2021, the Missouri Federal Assistance Clearinghouse submitted comments stating that the no state agencies or local agencies involved in review of the E&H Report had comments or recommendations to offer. Because TRRA does not propose to conduct any salvage activities as part of the proposed abandonment, OEA does not anticipate that the proposed abandonment would be inconsistent with any existing land use plans. Accordingly, no mitigation is recommended regarding the impact of the proposed abandonment on local land use.

TRRA requested comments from the Natural Resources Conservation Service (NRCS) regarding potential impacts of the proposed abandonment on agricultural land, but no response from NRCS has been received to date. Based on OEA's review of available data, the Line does

not cross any areas that contain prime farmland.² Therefore, because of the absence of prime farmland and because TRRA does not propose to undertake any abandonment-related salvage activities, OEA does not expect that the proposed abandonment would have any effect on prime or unique farmland and 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.

Water Resources

Based on information provided by TRRA and OEA's review of available satellite imagery and maps, the Line does not cross any waterways or wetlands.³ TRRA provided the E&H Report to USEPA and the U.S. Army Corps of Engineers (Corps) and requested comments from those agencies regarding potential impacts on water resources. By email dated July 7, 2021, the Corps submitted comments on the E&H Report stating that it does not appear that the proposed abandonment would impact Waters of the United States; therefore, a Corps permit under Section 404 of the Clean Water Act would not be required. OEA notes that TRRA does not propose to undertake any salvage activities as part of the proposed abandonment. Therefore, OEA concludes that the proposed abandonment would not adversely affect surface waters or wetlands. Accordingly, no mitigation related to water resources is necessary or recommended.

Biological Resources

To identify federally listed threatened and endangered species that could be present near the project area, OEA conducted a search of the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) system.⁴ The table below shows the federally listed endangered and threatened species known or thought to occur in the vicinity of the Line, as

² Natural Resources Conservation Service, Web Soil Survey, <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm> (last visited August 13, 2021).

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <https://www.fws.gov/wetlands/data/mapper.html> (last accessed August 13, 2021).

⁴ U.S. Fish and Wildlife Service, Information for Planning and Consultation System, <https://ecos.fws.gov/ipac/> (last accessed August 13, 2021).

identified by OEA's search and further research. OEA notes that the Line does not cross critical habitat for any federally listed threatened or endangered species.

Federally Listed Species in Project Area	
Mammals	Status
Gray Bat (<i>Myotis grisescens</i>)	Endangered
Indiana Bat (<i>Myotis sodalis</i>)	Endangered
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Flowering Plants	
Decurrent False Aster (<i>Boltonia decurrens</i>)	Threatened

By email dated June 8, 2021, the USFWS submitted comments on the E&H Report stating that USFWS does not have any further concerns or comments regarding the proposed abandonment. Because salvage activities are not planned as part of the proposed abandonment, OEA concludes that the proposed abandonment would have *no effect* on threatened and endangered species or other biological resources. Accordingly, formal consultation with USFWS under ESA Section 7 is unnecessary and OEA is not recommending any mitigation related to biological resources.

Hazardous Wastes

TRRA states that there are no hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA's review has confirmed that there are no federally listed remediation sites near the Line.⁵ Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Air Quality

Because TRRA does not propose to conduct any abandonment-related salvage activities, OEA concludes that the proposed abandonment would not result in any air emissions and would have no impact on air quality. Therefore, no mitigation related to air quality is necessary or recommended.

⁵ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited August 13, 2021).

Noise

Because TRRA does not propose to conduct any abandonment-related salvage activities, OEA concludes that the proposed abandonment would not result in any noise impacts. Therefore, no mitigation related to noise impacts is necessary or recommended.

Summary

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

HISTORIC REVIEW

According to TRRA, the Line was constructed between 1902 and 1903 as part of a belt line between a connection with the Missouri Pacific Railroad near Maplewood, Missouri and Eastern Avenue in St. Louis County. Title was originally held by the St. Louis Belt and Terminal Railway Company (B&T), but was transferred to TRRA by 1954, when B&T was dissolved.

TRRA provided the E&H Report to the Missouri State Historic Preservation Office (the State Historic Preservation Officer or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁶ To date, the SHPO has not provided comments regarding the potential for the proposed abandonment to adversely affect historic properties. Based on the information provided by TRRA and OEA's independent research, OEA does not believe that there are historic properties within the rail right-of-way (the Area of Potential Effect or APE) that are listed in or that may be eligible for listing in the National Register of Historic Places (National Register). The APE does not include or cross any rail-related historic properties or historic districts that are listed in the National

⁶ 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 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 at a link on the bottom of the Board's website overlooking historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

Register.⁷ The Line itself appears to be of ordinary design and construction, consisting of jointed steel track on wooden crossties and a layer of stone ballast, and there are no bridges, culverts, or other structures on the Line. Based on the information available to date, the Line does not appear to be associated with events that have made significant contribution to the broad patterns of history or with lives of significant historical persons. The Line also does not embody distinctive characteristics of a type, period, or method of construction and does not represent the work of a master or possess high artistic value. In addition, TRRA does not propose to undertake any salvage activities as part of the proposed abandonment that could affect historic properties.

Therefore, OEA finds that the proposed abandonment would have *no effect* on historical properties that are listed in or eligible for listing in the National Register within the APE. The documentation for that 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 <https://prod.stb.gov/>. In order to give the SHPO sufficient time to comment on OEA's finding, OEA is recommending that the Board impose a condition barring TRRA from consummating the proposed abandonment until the Section 106 process has been completed. If the SHPO does not object to OEA's finding or does not comment within 30 days of receipt of OEA's finding, OEA will prepare a Supplemental Final EA recommending 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://prod.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 to identify other federally recognized Tribes that may have ancestral connections to the project area.⁸ 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 of the proposed abandonment:

⁷ Surface Transportation Board, Rail Heritage Map, <https://stb.maps.arcgis.com/home/index.html> (last visited August 13, 2021).

⁸ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed August 13, 2021).

- Apache Tribe of Oklahoma;
- Miami Tribe of Oklahoma;
- Osage Nation;
- Peoria Tribe of Indians of Oklahoma;
- Quapaw Tribe of Indians; and
- Seneca-Cayuga Nation.

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:⁹

1. **Terminal Railroad Association of St. Louis (TRRA) 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, 54 U.S.C. § 306108, has been completed. TRRA shall report back to the Office of Environmental Analysis regarding any consultations with the Missouri State Historic Preservation Office (the State Historic Preservation Officer or SHPO) and the public. TRRA 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 condition above is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

⁹ 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 these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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.¹⁰

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 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.¹¹

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.

¹⁰ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records," selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "122" "2" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

¹¹ Id.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Joshua Wayland by email at joshua.wayland@stb.gov or by phone at 202-245-0330.

Date made available to the public: August 20, 2021.

Comment due date: September 6, 2021.

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



Project location in Missouri



Project location in St. Louis County

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Abandonment Exemption
In St. Louis County, Mo.



— Line Proposed for Abandonment

— Active TRRA Rail Line

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