

33880

SERVICE DATE - SEPTEMBER 29, 2003

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-855 (Sub-No. 1X)

**A & R Line, Inc. – Abandonment Exemption –
in Cass and Pulaski Counties, IN**

STB DOCKET NO. AB-847 (Sub-No. 2X)

**Toledo, Peoria & Western Railway Corporation – Discontinuance of Service Exemption –
in Cass and Pulaski Counties, IN**

BACKGROUND

In this proceeding, A & R Line, Inc. (A&R), and Toledo, Peoria & Western Railway Corporation (TP&W), (collectively, applicants) jointly filed a petition for exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for A&R to abandon and TP&W to discontinue service over A&R's entire 15.9 mile rail line between Milepost 5.1W near Kenneth to Milepost 21.0W near Winamac in Cass and Pulaski Counties, Indiana. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, A&R will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to the applicants, the line was formerly a main line of The Pennsylvania Railroad Company, which was transferred to the Consolidated Rail Corporation (Conrail) in 1976 as part of the Final System Plan. Conrail sold the line to the Winamac Southern Railway Company (WSRC) in 1993. WSRC sold the line to A&R in 1995, but continued to operate over the line. Cargill Incorporated (Cargill) acquired stock in A&R in 1997, to ensure service to its grain elevator in Winamac at Milepost 20.0W. Also in 1997, TP&W leased the line and began to operate over it.

According to the applicants, there is no longer a demand for rail service on the line. Cargill, the only shipper on the line, has stopped using the line, closed its facilities, and does not oppose the abandonment and discontinuance of service. Prior to Cargill closing the grain elevator at Winamac, TP&W was providing service on an as needed basis. The applicants state that TP&W transported 301 carloads of corn in 2001, 60 carloads of corn in 2002, and no carloads to date in 2003. The last service on the line occurred on September 16, 2002.

The Indiana Department of Transportation (INDOT) states that incorrect and inadequate information was provided by the applicants in the July 31, 2003 petition for exemption. INDOT believes that there is potential for new ownership to operate the line, stating that the line could be utilized for grain shipments by rail for hundreds of farmers located within the surrounding area. In addition, INDOT states that the annual report filings provided to INDOT by A&R show a total of 418 carloads moved in 2001 and 463 carloads in 2002.

The applicants state that the line does not contain any federally granted right-of-way. The right-of-way is generally 100 feet wide. In Winamac and the towns of Star City and Royal Center, the land adjoining the line is residential. All other points along the line are rural. The project will not cause conversion of prime farmland. The line parallels U.S. Route 35 to just southeast of Royal Center, at which point the line becomes a north-south route paralleling 600 West Road. The proposed abandonment would result in the removal of 34 grade crossings and the associated signs and structures. Highways at which grade crossings will be eliminated include U.S. Route 24 and Indiana Route 16. The line crosses Little Indian Creek, Wilson Wiseley Ditch, Indian Creek, Mud Creek, Mill Creek, and the Tippecanoe River.

The applicants have indicated that there are eight bridges and other structures on the line. The bridge at Milepost 11.54W, constructed in 1928, is a 54 foot ballast deck plate girder bridge, built for double track with one track in place. The bridge at Milepost 18.50W, construction date unknown, is a 73 foot open deck plate girder bridge over Mill Creek, built for double track with one track in place. The bridge at Milepost 19.10W, unknown construction date, is a 293 foot open deck plate girder bridge over the Tippecanoe River, consisting of six spans, built for double track with one track in place. In addition to these bridges, there is a concrete box culvert structure at Milepost 1.80W (construction date unknown), a metal arch culvert structure at Milepost 3.60W (constructed in 1918), a bridge structure at Milepost 7.20W (construction date unknown), a bridge structure at Milepost 8.70W (constructed in 1918), and a steel pipe structure at Milepost 13.67W (constructed in 1911). Applicants intend to salvage the rail, crossties, and other track material, but not the bridges, and divest the underlying right-of-way. Applicants do not intend to salvage the bridges on the line, instead, they believe that the bridges should be left in place for trail use.

ENVIRONMENTAL REVIEW

The applicants 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 applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The Indiana Department of Environmental Management (IDEM) has reviewed the proposed project with respect to applicable environmental rules, laws and standards. IDEM provided general recommendations on water and biotic quality, air quality, potential right-of-way contamination, and obtaining permits that the applicants should consider prior to commencement of any salvage activities on this project. Accordingly, we recommend a consultation condition requiring that the applicants contact IDEM prior to commencement of any salvage activities on this project.

The U.S. Environmental Protection Agency (EPA), Region 5, has expressed concerns about the removal and salvage methods to be used by the applicants during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, and soil erosion and stormwater runoff mitigation practices to be utilized during abandonment activities. Accordingly, we will recommend a consultation condition requiring that the applicants contact EPA, Region 5, prior to commencement of any salvage activities on this project.

The application states that a total of 60 carloads were moved on the line during the base year (calendar year 2002¹). Using a rail-to-truck conversion factor of 4 trucks per carload², SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 240 new trucks per year (480 truck trips assuming an empty backhaul). This equates to approximately 2 trucks per day being added to area roads during a 240 workday year³. INDOT states that a total of 463 carloads were moved on the line during the base year (calendar year 2002). In this case, using a rail-to-truck conversion factor of 4 trucks per carload, SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 1852 new trucks per year (3704 truck trips assuming an empty backhaul). This case results in approximately 16 trucks per day being added to area roads during a 240 workday year. In either case, the increase will not exceed the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment [49 C.F.R. 1105.7(e)].

HISTORIC REVIEW

The applicants submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The applicants served the report on the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) pursuant to 49 CFR

¹ Because 2002 is the most recent complete year of date, the Section of Environmental Analysis (SEA) is using 2002 as the base year.

² The conversion factor is an estimate based on the nature of the commodities transported on the line.

³ 240 workdays result when weekends and holidays are subtracted from a 365 day year.

1105.8(c). The SHPO has requested additional information which can be used to determine if the property meets any of the National Register's criteria for inclusion in the National Register of Historic Places.

CONDITIONS

We recommend that the following three environmental conditions be placed on any decision granting abandonment authority:

1. To address the concerns raised by the Indiana Department of Environmental Management, the applicants shall, prior to commencement of any salvage activities on this project, contact the Indiana Department of Environmental Management concerning their recommendations on water and biotic quality, air quality, potential right-of-way contamination, and any applicable environmental rules or permit requirements.
2. To address the concerns raised by the U.S. Environmental Protection Agency, Region 5, the applicants shall, prior to commencement of any salvage activities on this project, contact the U.S. Environmental Protection Agency, Region 5 (Kenneth A. Westlake, 312-886-2910), concerning removal and salvage methods, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills, and stormwater runoff mitigation practices to be utilized during abandonment activities.
3. Pending resolution of the issues raised by the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO), the applicants shall retain their interest in and take no steps to alter the historic integrity of the property 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, we conclude 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 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, 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 Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-855 (Sub No. 1X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: September 29, 2003.

Comment due date: **October 29, 2003 (30 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

Decision ID 33880

Docket No. AB-847 (Sub-No. 2X)
 TOLEDO, PEORIA & WESTERN
 RAILWAY CORPORATION-
 DISCONTINUANCE EXEMPTION-
 (BETWEEN KENNETH AND
 WINAMAC) IN CASS AND PULASKI
 COUNTIES, IN

Docket No. AB-855 (Sub-No. 1X)
 A & R LINE, INC.-ABANDONMENT
 EXEMPTION-(BETWEEN KENNETH
 AND WINAMAC) IN CASS AND
 PULASKI COUNTIES, IN

