

SERVICE DATE – MAY 22, 2012

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB 511 (Sub-No. 6X)**

**Central Railroad Company of Indianapolis – Abandonment Exemption –  
in Howard County, Ind.**

**BACKGROUND**

In this proceeding, Central Railroad Company of Indianapolis (CERA) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of the Tipton Industrial Lead in Howard County, Indiana. The rail line extends 2.84 miles from milepost 55.66 at North Kokomo to milepost 58.5 at Cassville (the Line).<sup>1</sup> A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (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.

**ENVIRONMENTAL REVIEW**

CERA submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CERA served the Environmental 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)].<sup>2</sup> The Board's Office Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> CERA had previously filed a Notice of Exemption with the Board on July 2, 2010, to abandon the Line under Docket No. AB 511 (Sub-No. 5X). However, CERA did not consummate that abandonment by the July 22, 2011 deadline set by the Board and has therefore resubmitted its request under the current docket number.

<sup>2</sup> The environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) choosing "E-Library," selecting "Filings," then conducting a search for AB 511 (Sub-No. 6X). Environmental and historic reports submitted under Docket No. AB 511(Sub-No. 5X) are also available for viewing on the Board's website.

### *Diversion of Traffic*

According to CERA, no local traffic has moved over the Line in the last two years. There is also no overhead traffic that would have to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources of recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### *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.

CERA states that it intends to salvage the Line, including track and ties, following abandonment. However, it does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion. CERA does not anticipate the need to conduct any dredging activities or use fill in the removal of track material. During removal activities, CERA plans to implement measures to prevent or control oil spills from fuels, lubricants and other potentially pollutant materials.

The Line extends south from Cassville and crosses Route 31 just before entering Kokomo. The Line's right-of-way ranges between 44 to 80 feet in width and consists of 30 acres of land. Residences and business, including some industrial in nature, border the Line at Cassville and at Kokomo. Elsewhere, the land surrounding the Line is primarily used for agricultural purposes.

CERA states that, following abandonment, it plans to convey 4.671 acres of land underlying the Line to the Indiana Department of Transportation (INDOT) to build a Route 31 realignment that would bypass Kokomo. The conveyance of the property to INDOT would effectively sever the Line in half and create two unconnected segments. According to CERA, abandonment of the Line would, however, facilitate the construction of the bypass by eliminating the need for INDOT to build two costly grade separation structures over the Line.

According to CERA, a previously abandoned section of rail line that connects to the northern terminus of the Line was converted into the 40-mile long Nickel Plate Trail. The City of Kokomo had shown interest in using the two unconnected segments of the Line not needed for

the Route 31 bypass, for trails use (the “Trail Line”); the northern Trail Line segment would extend the existing Nickel Plate Trail by 1.73 miles.<sup>3</sup>

The Natural Resources Conservation Service has advised CERA that the proposed abandonment would not affect prime farmlands.

The Fish and Wildlife Service provided notice to CERA indicating that the proposed action would not affect lands under its jurisdiction.

Based on all information available to date, OEA does not believe that any salvage activities that would be conducted following abandonment of the Line would cause significant environmental impacts. 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 area surrounding the proposed abandonment. Abandonment of the Line would also improve public safety in the area through the elimination of five public road crossings and one private road crossing.

In addition to the parties on the Board’s service list, copies of this EA will be sent to the following agencies for review and comment: the U.S. Army Corps of Engineers; the U.S. Environmental Protection Agency; the Indiana Department of Natural Resources; the Indiana Department of Environmental Management; the City of Kokomo; and the County of Howard.

## **HISTORIC REVIEW**

CERA served the Historic Report on the Indiana State Historic Preservation Office (SHPO) for its review and comment as required under 49 C.F.R. § 1105.8(c). In a May 7, 2012 letter, the SHPO stated that the proposed abandonment would not affect historic properties.

Pursuant to 36 C.F.R. § 800.4(d)(1), OEA has determined that there are no National Register of Historic Places eligible or listed historic properties located within the project’s Area of Potential Effect that would be affected by the proposed abandonment. OEA’s finding is based on all information available to date, including CERA’s Historic Report, and the opinion of the SHPO.

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<sup>3</sup> CERA had been in discussions with the City of Kokomo regarding interim trails use/rail banking over the Trail Line and the Board imposed public use and trail use conditions for the two unconnected segments in Docket No. AB 511 (Sub-No. 5X). However, CERA terminated its trail use/interim trails use negotiations with the City of Kokomo when it failed to consummate the abandonment on the portion of line not subject to the conditions.

In its May 7, 2012 letter, the SHPO requested that in the event that previously unknown archaeological sites, human remains, funerary items or associated artifacts are discovered during any post abandonment salvage activities, that the applicant notify the appropriate parties including contacting the SHPO within two days. We are therefore recommending a condition to ensure that the above concerns expressed by the SHPO are addressed.

OEA conducted a search of the Native American Consultation Database at <http://grants.cr.nps.gov/nacd/index.cfm> to identify federally recognized tribes that should be consulted regarding the undertaking. The Miami Tribe of Oklahoma was listed as having ancestral connection to the project area and may therefore be interested in the proposed project. Accordingly, a copy of this EA will be sent to the tribe for review and comment.

Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

### **CONDITION**

We recommend that the following condition be imposed on any decision granting abandonment authority:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, Central Railroad Company of Indianapolis shall immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, and the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested federally recognized tribes, CERA, and other consulting parties to determine whether mitigation measures are necessary.

### **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 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 4-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 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 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).

### **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**

If you wish to file comments regarding this Environmental Assessment, send **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 511 (Sub-No. 6X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: May 22, 2012.

**Comment due date: June 6, 2012.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment