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OEA

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SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub-No. 735X)

**CSX Transportation Inc. — Abandonment Exemption —
in Terre Haute, Vigo County, IN**

BACKGROUND

On September 30, 2014, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 with the Surface Transportation Board (Board). CSXT seeks exemption from the requirements of 49 U.S.C. § 10903 in connection with the proposed abandonment of a line of railroad and any associated common carrier obligation in the City of Terre Haute, Vigo County, Indiana. CSXT proposes to abandon approximately 1.39 miles of line within the city.

The portion of line proposed for abandonment is part of the Southern Region, Nashville Division, CE & D Subdivision. Known as the 1st Street Lead, the proposed abandonment extends between milepost QST 0.03 at a connection with CSXT's main line southward to milepost QST 1.42 where it connects with track owned by the Indiana Railroad Company (IRC). The IRC owns the track and leases the land to the immediate south of the CSXT rail line proposed for abandonment here.

Based on a map provided by CSXT, milepost QST 0.03 is near the intersection of Sycamore Street and First Street on the northern end of the proposed abandonment. Milepost QST 1.42 is just south of the intersection of Park Street and First Street. The right-of-way is narrow at 40 feet and for most of its route, this narrow line runs within the median of a city street (North First Street and South First Street) oriented north/south. The right-of-way does not include federally granted property. A site map showing the rail line proposed for abandonment is attached to this Environmental Assessment (EA).

The landscape of the 1.39-mile section of line is urban and surrounding land parcels include a variety of land use, including residential, commercial, water front parks and industry. The right-of-way is free of vegetation and is on a fairly level grade. There are no bridges or other structures along the line. The line traverses a single U.S. Postal Service ZIP Code area—47807. According to CSXT, the line has been out of service for over two years with no freight or passenger service.

ENVIRONMENTAL REVIEW

In accordance with the Board's environmental rules (49 C.F.R. 1105), CSXT submitted to the Board's Office of Environmental Analysis (OEA) a combined Environmental and Historic Report, in which CSXT concludes that the quality of the human environment will not be significantly affected as a result of the proposed abandonment. CSXT served the report on a number of appropriate federal, state, and local agencies as required by 49 C.F.R. § 1105.7(b).¹ OEA has reviewed and investigated the record in this proceeding.

Proposed Salvage Activities

If the Board grants abandonment authority, CSXT may proceed with salvage of materials. Salvage will include removal of rails and ties and possibly the upper layer of ballast. Salvage activity would utilize the right of way and any public and private crossings for access. No disturbance to underlying roadbeds and no dredging or use of fill would be necessary. Crossties and other debris would be carried away from the rail line and no material would be discarded along the right-of-way nor in or along the banks of streams or wetlands. CSXT indicates that measures would be taken during track removal to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses. Following abandonment, CSXT would sell or lease the right-of-way.

Transportation System

According to CSXT, no local or overhead traffic has moved over the line for more than two years, hence OEA expects no significant rail-to-truck diversions. Since no existing or future shipping would divert from the line, the proposed abandonment and discontinuance would not adversely affect existing regional or local transportation systems or patterns.

Energy

As no change in shipping would result from the abandonment, no effect is foreseen on the development, use and transportation of energy resources or recyclable commodities or transportation of ozone-depleting materials. The 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. There would be no increase or decrease in overall energy efficiency.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-55 (Sub-No. 735X).

Water Resources

The proposed abandonment lies within the Izaak Walton Lake-Wabash River watershed, along an elevated terrace east of the Wabash River. The right-of-way is within 250 meters of the river at its closest point. The right-of-way does not cross a stream or tributary of the river. Likewise, no wetlands or water bodies are crossed by or are adjacent to the right-of-way. The line is not within a flood hazard zone.² The line is outside of coastal zone management areas defined for the state of Indiana.³

Based on information provided by CSXT, the proposed abandonment is unlikely to affect water resources. No effects are anticipated on the floodplain, as no alteration of the rail bed would result from abandonment or salvage. No discharge or erosion of sediment or fill is anticipated, as no ground disturbance below grade would be necessary.

CSXT consulted with the U.S. Army Corps of Engineers, Louisville District, to determine if a permit under Section 404 of the Clean Water Act is required for the proposed abandonment. The Corps responded that no permit by their agency is required.

CSXT also consulted with the U.S. Environmental Protection Agency, Region 5 (Chicago) and the Indiana Department of Environmental Management (IDEM) to determine if a permit under Section 402 of the Clean Water Act is required. No comment was received from either agency. OEA believes that a Section 402 permit would not be required because CSXT has indicated measures would be implemented to prevent and/or control spills or pollutants entering surrounding waterways. However, OEA has included a condition that would require CSXT to consult with IDEM to determine what, if any, permits may be required under the Clean Water Act, and to comply with the reasonable requirements thereof.

Land Use

Abandonment of the 1st Street Lead line would be consistent with existing or future land use adjacent to the urban, transportation corridor right-of-way. CSXT consulted with the City Engineer of the City of Terre Haute and federal agencies to help assess land use impacts. CSXT reports that the city of Terre Haute is interested in post-abandonment use of the right-of-way for utilities, as a median and for turn lanes on First Street. Additionally, Indiana State University may be interested in acquiring a northern portion of the right-of-way. The City Engineer noted in a response to CSXT that the area around the 1st Street Lead is included in a long-range comprehensive plan for non-industrial reuse and redevelopment. The U.S. Department of Agriculture, Resources Conservation Service, confirms that the line is not within an area containing prime farmland, hence abandonment would have no effect on land of agricultural value.

² U.S. Environmental Protection Agency (<http://nepassisttool.epa.gov/>).

³ Office for Coastal Management (<http://coast.noaa.gov/czm/mystate>).

In addition to notifying the City of Terre Haute, CSXT notified the National Geodetic Survey (NGS), to determine if any geodetic survey markers may be affected by the abandonment. The NGS, which maintains the National Spatial Reference System, responded with a finding that a single marker may be located in the proposed abandonment area. OEA is recommending a consultation condition for CSXT to consult with the NGS prior to conducting salvage activities in order to determine if any markers may be disturbed or destroyed.

Biological Resources

The proposed abandonment is not likely to adversely affect biological resources. The line is confined to an urban setting within the median of a city street. While the U.S. Fish & Wildlife Service lists the Indiana bat (*Myotis sodalis*) as occurring in Vigo County,⁴ the Indiana Department of Natural Resources (DNR), Division of Fish and Wildlife, responded to CSXT's consultation with a determination that no plant or animal species listed as threatened, endangered or rare at the state or federal level is within the immediate project area. The Indiana DNR offers recommendations for revegetation and erosion control in order to avoid, minimize, or compensate for impacts. These measures include treatment of bare and disturbed areas and erosion control measures. Since the majority of right-of-way is within a narrow, unvegetated street median, OEA considers these measures inapplicable.

Air Quality and Noise

The proposed abandonment would have no significant effect on air quality in the Terre Haute area as rail traffic has ceased along the line and no future traffic would occur. Abandonment would not result in noise that would affect significant receptors such as public facilities and private residences. Noise and emissions associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Safety and Hazardous Waste

The proposed abandonment is unlikely to significantly affect public health and safety. With no future use of the 1st Street Lead, the proposed abandonment would pose no significant safety risk from rail traffic. The proposed abandonment would eliminate sixteen public, at-grade rail crossings. CSXT expects no transportation of hazardous materials or chemicals in association with or resulting from the abandonment. CSXT reports no known hazardous waste sites or spills in the right-of-way.

⁴ <http://www.fws.gov/endangered/>

HISTORIC REVIEW

To facilitate compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR 800, CSXT served a Historic Report on the State Historic Preservation Officer (SHPO), Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology, pursuant to 49 C.F.R. § 1105.8(c). Based on this report, OEA defines the Area of Potential Effects for this undertaking as the 1.39-mile rail right-of-way, which is 40 feet wide, resulting in a total maximum area of approximately 6.7 acres. Section 106 of the NHPA requires consideration of the potential for a federally approved project to directly or indirectly affect historic properties, i.e., sites, buildings, structures that are eligible for or listed on the National Register of Historic Places (NRHP).

Like many railroads, the 1st Street Lead is part of a line with a long history. According to CSXT, the history of the line dates to at least 1885 when the Evansville, Indianapolis and Terre Haute Railway (EITR) acquired the rail property described in this EA. The EITR was acquired by the Cleveland, Cincinnati, Chicago and St. Louis Railway (CCC&SL), which was subsequently acquired by New York Central Railroad in 1906. In 1968, the former lines of CCC&SL became part of Penn Central when New York Central merged with the Pennsylvania Railroad. In 1970, with the bankruptcy of Penn Central, the newly created Conrail network incorporated the old EITR line. In 1999, CSXT and Norfolk Southern Corporation acquired control of Conrail and the line fell under CSXT ownership.

The EITR line was part of a robust rail network in Terre Haute, a town with a rail history dating to the early 1850s. Once a regional rail hub, many different railroads served the city in the 19th and early 20th centuries. Terre Haute had a major rail infrastructure, including connecting points for several main lines, numerous rail yards, and a major passenger station (Union Station).

At least eight different passenger and freight depots stood in the city historically.⁵ The small section of line proposed for abandonment was part of a line in place by 1876.⁶ Just north of the proposed abandonment point, where the line meets the main CSXT line, the line once connected to a roundhouse, removed in the early 20th century.⁷ Much of this infrastructure no longer exists as the city has developed, numerous lines have been abandoned, and stations and other features removed.

OEA considers the line proposed for abandonment ineligible for the NRHP. While the EITR and other rail lines in Terre Haute have some general historical relevance, the line segment lacks any special significance in relation to historic events, trends, or individuals. The line is of a standard design without exceptional representation of railroad engineering. The loss of much of

5 Mike McCormick, "Terre Haute known as railroad hub", *Tribune-Star Online*, February 23, 2003.

6 A.T. Andreas, Plan of Terre Haute, Vigo Co., Published by Baskin, Forster & Co. Lakeside Building Chicago, p. 118, series no. 111, 1876.

7 Terre Haute Quadrangle. United States Geological Survey, 1941. Map is based on surveys conducted between 1929-1939.

the 19th century rail infrastructure in the city, e.g. the roundhouse and depots, compromises the ability of a line to contribute to a railroad or transportation district. Finally, integrity of materials, setting, and feeling have all been weakened as components of the rail line, including ties, rails, and ballast have been replaced through regular maintenance and as the surrounding landscape has changed and modernized.

In response to CSXT's Historic Report, the SHPO provided information and comments. The SHPO identified a number of historic properties near the project APE. None of these relate to the EITR railroad. The properties include archaeological site 12Vi596, the Wabash & Erie Canal, the Chauncey Rose Memorial Plaza in Fairbanks Park, and three structures or buildings: Jail (34 Ohio Street), Indiana Gas Utilities Co. (325 Water Street), and the Paul Dresser birthplace. The latter is on the NRHP while the others are NRHP-eligible. Site 12Vi596 is within or near the northern section of the APE and the old canal route crosses the APE at one location (vicinity Eagle Street). However, neither property would be affected by the proposed salvage activities occurring at ground surface within a previously disturbed and developed roadway. The other historic properties are outside of the 40-foot wide right-of-way. As the tracks are within an urban, transportation corridor, traversing a narrow median in a road, the removal of tracks would result in little change to the landscape. No indirect effects to nearby historic properties are expected.

Regarding any potential for the abandonment and salvage operations to affect archaeological sites, the proposed salvage would only affect surface deposits previously introduced or altered with rail line construction, forming the extant rail grade. Salvage operations will not extend deeper than the depth of any previous disturbance. Hence, there is no potential to affect intact archaeological deposits.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), OEA has determined that approval of the abandonment will have no effect on historic properties. This finding is based on CSXT's consultation with the SHPO and the absence of any effect to the integrity or character-defining features of the nearby historic properties, and the lack of potential to affect archaeological sites.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Native American Graves Protection and Repatriation Act, Online Native American Consultation Database and the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, to identify federally-recognized tribes that may have ancestral connections to the land now part of Vigo County, Indiana.⁸ The search indicated that four tribes have traditional cultural ties to the area of Vigo County, Indiana: Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Miami Tribe of Oklahoma. OEA will ensure that these tribes receive a copy of this EA and have an opportunity to review and comment on it.

⁸ U.S. National NAGPRA Program (<http://grants.cr.nps.gov/nacd/index.cfm>); U.S. Department of Housing and Urban Development (<http://egis.hud.gov/tadat/Tribal.aspx>).

CONDITIONS

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

1. Prior to the commencement of any salvage activities, CSXT shall consult with the Indiana Department of Environmental Management (IDEM) to determine if the project is consistent with state and local water quality standards and if permits under the Clean Water Act are required. CSXT shall comply with reasonable requirements of the IDEM.
2. Prior to commencement of any salvage activities, CSXT shall consult with the National Geodetic Survey (NGS). CSXT shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic survey markers in order to plan for the possible relocation of the survey markers by NGS.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation measures are imposed, CSXT's abandonment of the portion of the 1st Street Lead rail line between milepost OST 0.03 and milepost OST 1.42 in Terre Haute, Vigo County, Indiana, 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 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the notice of exemption 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 Federal Register notice. 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 an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Jeff Irwin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 735X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Jeff Irwin, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at Jeffrey.Irwin@stb.dot.gov.

Date made available to the public: October 24, 2014.

Comment due date: November 10, 2014.

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

Attachment