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OEA

SERVICE DATE – JULY 25, 2011

SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub-No. 707X)

CSX Transportation, Inc. - Abandonment Exemption - in Hardin County, Ohio

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT or railroad) filed a notice under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Hardin County, Ohio. The rail line proposed for abandonment is a 0.21-mile segment between Milepost QTA 24.95 and Milepost QTA 25.16 in Kenton, Ohio (the Line). 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 would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in small community and warehouse area. The width of the right-of-way ranges from approximately 60 to 160 feet and the terrain is flat. According to the railroad, there are no CSXT-owned structures that are 50 years of age or older on the Line. CSXT is not aware of any hazardous waste sites on the Line.

No local rail traffic has moved on the Line during the at least two years, and any overhead traffic on the Line can be and has been rerouted by rail. There would be no diversion of rail traffic to motor carriage.

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. CSXT 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)).¹ The Board's Office of Environmental Analysis (OEA) reviewed and investigated the record in this proceeding.

Diversion of Traffic

Because there is no rail traffic on the Line, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or 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

CSXT would remove the rails, ties, and possibly the top layer of ballast. Removal of this material would be accomplished through the use of the right-of-way and existing public and private crossings. No new access roads are proposed. CSXT does not intend to disturb the underlying road bed or perform activities that could cause soil erosion and sedimentation, or dredge or place fill material into waters of the U.S. All debris would be transported away from the right-of-way. During salvaging activities, the railroad would implement appropriate measures to prevent or control spills of fuels, lubricants or other pollutants.

CSXT does not believe that the proposed abandonment would be inconsistent with local or regional land use plans.

The Natural Resources Conservation Service states that the area containing the Line is already designated for urban development and does not contain prime, unique, statewide, or local important farmland. Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. § 4201).

The U.S. Fish and Wildlife Service, Columbus Office states that due to the project type, size, and location, it did not anticipate any impacts on federally listed endangered, threatened or candidate species, or their habitats.

The U.S. Army Corps of Engineers (Corps) has not responded to the railroad's environmental report. Based on the railroad's description of the Line and salvaging activities, potential impacts to waters of the U.S. would not be expected and a permit under Section 404 of

¹ The railroad's 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. 707X).

the Clean Water Act (33 U.S.C. § 1344) would not likely be applicable. Nevertheless, OEA has provided a copy of this EA to the Corps for review and comment.

The U.S. Environmental Protection Agency and Ohio Department of Natural Resources have not responded to the railroad's environmental report. OEA has provided a copy of this EA to both agencies for review and comment.

The National Geodetic Survey states that it did not identify any geodetic station markers that could be affected by the proposed abandonment.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Ohio Historical Society (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA has not heard from the SHPO; and therefore, has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of any historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. 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>.

OEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ (visited July 19, 2011) to identify federally recognized tribes that may have ancestral connections to the project area. The database identified the following 5 tribes with connections to Hardin County:

- Delaware Nation, Oklahoma,
- Ottawa Tribe of Oklahoma,
- Peoria Tribe of Indians of Oklahoma,
- Shawnee Tribe, Oklahoma, and
- Wyandotte Nation, Oklahoma.

A copy of this EA has been provided to each tribe for review and comment.

CONDITIONS

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

1. CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of any 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, 16 U.S.C. § 470f, has been completed. CSXT shall report to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office and the public. CSXT 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 recommended condition is imposed, abandonment of the Line would 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 and no salvage activities), 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 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 the time specified in 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, D.C. 20423.

COMMENTS

If you wish to file comments regarding this EA, please send an **original and one copy** to Surface Transportation Board, Washington, D.C. 20423, to the attention of Dave Navecky, who prepared this document. 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. 707X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at david.navecky@stb.dot.gov.

Date made available to the public: July 25, 2011.

Comment due date: August 8, 2011.

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

Attachment