

31967

SERVICE DATE - JULY 13, 2001

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-55 (Sub-No. 591X)**

**CSX Transportation, Inc. - Abandonment Exemption - In Clark and Floyd Counties,  
Indiana**

**BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of the line extending between Milepost B-50.5 near Clarksville in Clark County and Milepost B-54.3 near New Albany in Floyd County. The line is located in Clark and Floyd Counties, Indiana and spans 3.8 miles. A map depicting the rail line in relationship to the area served is appended to the report. 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.

**DESCRIPTION OF THE LINE**

According to CSXT, there has been no local traffic on the line for two years. The line does not contain Federally granted rights-of-way. Abandonment of this line will result in the removal of the rail cross-ties and upper layer of ballast. Operations and maintenance of this line will cease.

**ENVIRONMENTAL REVIEW**

CSXT 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. CSXT 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 U.S. Army Corps of Engineers has advised us that, based on the information provided, it does not appear that a Department of the Army permit will be needed since the work would not result in any discharge of fill material into Silver Creek or any jurisdictional wetlands.

The National Geodetic Survey (NGS) has advised us that seven geodetic station markers have been identified that may be affected by the proposed abandonment, and we recommend a condition to comply with NGS's concerns.

The U.S. Department of the Interior, Fish and Wildlife Service, Bloomington Field Office, has advised us that the abandonment corridor includes Silver Creek and traverses adjacent forested wetlands. The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*) and Federally threatened bald eagle (*Haliaeetus lencoecephalus*). Silver Creek is a major foraging area for a colony of gray bats which forage for insects chiefly along forested waterways. Accordingly, we recommend a condition to avoid or minimize potential impacts to these species.

The Indiana State Historic Preservation Officer has not yet completed the assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

### **CONDITIONS**

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

1. The National Geodetic Survey (NGS) has identified seven geodetic station markers that may be affected by the proposed abandonment. Therefore, CSXT shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
2. To comply with the U.S. Department of the Interior, Fish and Wildlife Service's concerns regarding several threatened or endangered species that may be within the area, CSXT shall:
  - 1) minimize tree clearing and avoid wetland disturbance for access to work areas;
  - 2) avoid discharge of demolition debris, waste material, or other pollutants into Silver Creek or wetlands;
  - 3) if earthmoving is required, contain disturbed soils to prevent runoff to waterways or wetlands;
  - 4) if bridge removal at Silver Creek is proposed, avoid work in stream channels during the primary fish spawning season (April 1 - June 15).
3. CSXT shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of way that are 50 years old or older 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, 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**

If abandonment and salvage of the rail line does take place, 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-55 (Sub No. 591X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Kenneth Blodgett at (202) 565-1554.**

Date made available to the public: July 13, 2001.

Comment due date: **July 27, 2001 (15 days).**

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

Vernon A. Williams  
Secretary

Attachment

