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SEA

SERVICE DATE – APRIL 22, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-295 (Sub. No. 6X)

The Indiana Rail Road Company -- Abandonment Exemption – in
Monroe County, IN

BACKGROUND

In this proceeding, the Indiana Rail Road Company (INRD) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for INRD to abandon a 2.44 mile rail line in Monroe County, IN. The line begins at milepost Q216.13 near Loesch Road, and ends at milepost Q213.69 at Ellettsville, IN. A map depicting the entire rail line in relationship to the area served is appended to the report. If the notice becomes effective, INRD 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 INRD, the right-of-way for the line proposed for abandonment was initially part of the main north-south line of the Louisville & Nashville Railroad. That main line ran from Louisville, KY through Bedford and Bloomington, IN to Michigan City, IN. Several of the sections from this main line have already been abandoned. INRD states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to INRD, the line passes through a combination of wooded and agricultural farming land and abuts several private residences. Several of these residences appear to have private driveways that cross the line. The line is generally level and crosses a number of streams including Jack's Defeat Creek. The line includes four small bridges. The right-of-way width of the railroad line is 50 feet along its entire length.

INRD has suggested that the rail line may be suitable for public use such as a trail and has indicated that it would negotiate with any interested parties to develop a trail use agreement. INRD has already been in contact with the Monroe County Parks Department and one other unnamed party regarding their interest in entering into a trail use agreement with INRD. The railroad notes that the right-of-way consists entirely of

railroad easements and points out that this would preclude the use of the right-of-way for purposes other than trail use. Based on this information, the line does not contain any Federally granted rights-of-way.

INRD states that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way wherever possible. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment. Following abandonment, INRD intends to salvage the rail line for reuse. INRD plans to leave all structures including bridges and culverts in place.

ENVIRONMENTAL REVIEW

INRD 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. INRD 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 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has advised the Board's Section of Environmental Analysis (SEA) that one geodetic station marker has been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that may disturb or destroy this marker. Accordingly, SEA is recommending a condition for INRD to consult with NGS regarding the possible relocation of the geodetic station marker.

According to the U.S. Army Corps of Engineers (USACOE), the project crosses Jack's Defeat Creek and several unnamed tributaries and associated wetlands, which they have identified as jurisdictional waters of the United States protected under Section 404 of the Clean Water Act (33 U.S.C. Section 1344). The USACOE has indicated to INRD that the proposed project could have impacts to these waterways if it would necessitate the discharge of dredged or fill material. However, INRD has indicated that the project will not result in the discharge of dredged or fill material and, that therefore, no impacts to jurisdictional waters will occur. SEA is recommending that USACOE be added to the service list for this proceeding and that they receive a copy of this environmental assessment (EA).

Kathleen Kowal, of the U.S. Environmental Protection Agency (USEPA), Region 5, has raised a number of environmental concerns to INRD regarding the proposed action. She suggests that the railroad conduct any salvage operations with the following provisions and considerations: 1) any creosote preserved crossties should be appropriately removed and disposed of; 2) existing track should be removed from within the existing right-of-way for access including any public or private crossings; 3) silt fencing should be placed prior to the removal of track materials to prevent erosion; 4) areas of disturbed soils should be restored to original grade and reseeded immediately

with a native species mix; 5) openings to any culverts that appear to be blocked shall be cleaned and maintained, and any removed material appropriately disposed of away from the streambed; and 6) refueling activities shall take place in upland areas away from sensitive habitats. SEA is recommending a consultation condition for INRD to consult with the USEPA, Region 5 (Kathleen Kowal, 312-353-5206) regarding their specific concerns and suggestions.

According to the United States Department of Agriculture, Natural Resources Conservation Service, the rail line will not cause a conversion of prime farmlands.

The U.S. Fish and Wildlife Service (USFWS), Bloomington Field Office, who has jurisdiction over Section 7 of the Endangered Species Act, has indicated to INRD that the proposed abandonment is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and Federally threatened bald eagle (*Haliaeetus leucocephalus*). They note, however, that while some foraging habitat of these species may exist in the area, the proposed project is not likely to affect these species. The USFWS has, however, expressed concern regarding the proposed project's proximity to karst features that may support unique subterranean ecosystems. Although they are not aware of any specific karst features in the project area, they do recommend that if sinkholes or springs are encountered within the project area, that these should be protected and buffered with 25 feet of undisturbed vegetation. USFWS has also made the following general recommendations to avoid, minimize or mitigate the proposed project: 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 streams or wetlands; 3) if earthmoving is required, contain disturbed soils to prevent runoff to waterways and wetlands; 4) if removal of the bridge over Jack's Defeat Bridge is proposed, avoid work in the stream channel during primary fish spawning season (April 1-June 15).

HISTORIC REVIEW

INRD submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. INRD served the report on the Indiana Division of Historic Preservation and Archaeology (SHPO) pursuant to 49 CFR 1105.8 (c). The SHPO has not responded regarding the potential effect of the proposed project on historic properties listed in or eligible for listing in the National Register of Historic Places (National Register). Therefore, SEA will recommend a condition that INRD will retain its interest in and take no steps to alter the historic integrity of all National Register listed or eligible sites and structures on the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA has requested that INRD send the combined environmental and historic report for this proceeding to the Delaware Nation of Oklahoma, Miami Tribe of Oklahoma, and Peoria Tribe of Indians of Oklahoma per 36 CFR 800.3(f)(2) to seek their input regarding any National Register eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. These Federally recognized tribes may have ancestral connections to the project area and may therefore

have an interest in the project's potential impacts on any areas of tribal interest. We will recommend that the tribes be added to the service list for this proceeding and that they receive a copy of this EA for their comment.

CONDITIONS

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

1. The National Geodetic Survey has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, the Indiana Rail Road Company shall notify the National Geodetic Survey 90 days prior to the onset of salvage activities in order to plan for its possible relocation by the National Geodetic Survey.
2. The Indiana Division of Historic Preservation and Archaeology (SHPO) has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, the Indiana Rail Road Company 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 eligible for listing or listed on the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. The Indiana Rail Road Company shall report back to SEA the results of any consultations with the SHPO.
3. Based on the comments from the U.S. Fish and Wildlife Service (USFWS), the Indiana Rail Road Company shall protect and buffer any sinkholes or springs that are encountered within the project area with 25 feet of undisturbed vegetation prior to the onset of salvage activities. The Indiana Rail Road Company shall also follow these USFWS recommendations to avoid, minimize or mitigate the proposed project during salvage activities: 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 streams or wetlands; 3) if earthmoving is required, contain disturbed soils to prevent runoff to waterways and wetlands; 4) if removal of the bridge over Jack's Defeat Bridge is proposed, avoid work in the stream channel during primary fish spawning season (April 1- June 15).
4. The U.S. Environmental Protection Agency - Region 5 (USEPA) provided a number of comments on the Indiana Rail Road Company's environmental report. To ensure that the USEPA's concerns are appropriately addressed, the Indiana Rail Road Company shall consult with USEPA (Kathleen Kowal, 312-353-5206) prior to initiating salvaging activities.

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.

ENVIRONMENTAL 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 Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-FILING" link. Please refer to Docket No. AB-6 (Sub No. 427X) 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) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov

Date made available to the public: April 22, 2005.

Comment due date: **May 9, 2005 (15 days)**.

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

Vernon A. Williams
Secretary

Attachment