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SERVICE DATE - DECEMBER 13, 2002

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-565 (Sub-No. 11X)

New York Central Lines, LLC – Abandonment Exemption –  
in Lake County, OH

## **BACKGROUND**

In this proceeding, New York Central Lines, LLC (NYC), and CSX Transportation, Inc. (CSXT), (collectively, applicants) jointly filed a petition for exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NYC to abandon and CSXT to discontinue service over a portion of the Western Region, Great Lakes Division, Chicago Line Subdivision in Lake County, OH.<sup>1</sup> The portion of the rail line proposed for abandonment and discontinuance spans approximately 2.56 miles from the former B&O Valuation Station 2535+40 to the end of track at former Conrail Valuation Station 45+01 between Painesville and Grand River, Ohio.<sup>2</sup> A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, NYC 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 the applicants, the line, known as the Morton Salt Industrial Track, begins in the Painesville, Ohio Yard and runs north along the Grand River through an area that changes from industrial to recreational use. The line serves one customer located at the end of the track who is active but has generated minimal originating and terminating traffic during the past two years. Principal commodities

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<sup>1</sup> This case embraces STB Docket No. AB-55 (Sub. No. 617X), CSX Transportation, Inc. – Discontinuance of Service – in Lake County, OH.

<sup>2</sup> CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

transported over the line have been salt, lime and limestone products. Abandonment of the line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently operations and maintenance of the line will cease. The City of Painesville has expressed an interest in acquiring a portion of the line to add to their adjacent property ownership and enhance their planning goals. In addition, Lake Metro Parks for Northeast Ohio has expressed an interest in acquiring the entire line for a trail. The line does not contain federally granted right-of-way. The Lake County Planning Commission and the Village of Grand River are opposed to the abandonment, stating that their communities could be economically impacted by the elimination of existing and future rail access.

Applicants state that the traffic on the line does not cover the cost of operation. There are two rail-served facilities located on the line and three potential customers on the line: Morton Salt, Carmeuse North America (new owners of the former LTV Steel facility), and Allegheny Niagara. Applicants state that the only traffic on the line in the recent past includes a handful of shipments by Morton Salt and the traffic of Allegheny Niagara.

Morton Salt operates a rock salt facility at Painesville. The majority of the outbound shipments from the Morton Salt facility are transported via truck. During calendar year 2001 Morton Salt handled six carloads over the line.

International Steel Group (ISG) recently purchased the former LTV lime facility on the line in Painesville. Carmeuse North America (Carmeuse), in turn, purchased the facility from ISG. The former LTV facility on the line supplied lime to various LTV steel operations. The lime facility was shut down in December of 2001. Although Carmeuse recently reopened the facility, Carmeuse has utilized truck service to transport the lime. Likewise, when LTV operated the facility, LTV did not utilize rail transportation at all. During calendar year 2001 there were no carloads over the line originated at this facility.

Allegheny Niagara shipped a lime by-product via rail from the LTV facility. When the LTV facility shut down in December, 2001, the operation of Allegheny Niagara likewise ceased. Allegheny Niagara did not utilize the line during the shutdown period. The LTV facility has been reopened by Carmeuse and Allegheny Niagara is still not making use of rail transportation. During calendar year 2001 Allegheny Niagara handled seventy-one carloads over the line.

The right-of-way widths along this line vary between 25 feet and 100 feet from the centerline of track. The line runs through an area that changes from industrial to recreational use. As traffic over the line will cease, six public and private grade crossings will be eliminated, in addition to eliminating train movement through a potentially dangerous area of trackside boats, restaurants and close clearance points through the Village of Grand River. According to the applicants, there are no railroad structures on the property that are 50 years old or older.

## **ENVIRONMENTAL REVIEW**

The applicants 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. The applicants 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 Ohio Historical Society, Historic Preservation Division 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.

The National Geodetic Survey has advised us that two geodetic station markers have been identified that may be affected by the proposed abandonment.

The U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services, Reynoldsburg, Ohio Office, has advised us that the proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*). Summer habitat requirements for the species include: dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas; live trees (such as shagbark hickory) which have exfoliating bark; and stream corridors, riparian areas, and upland woodlots which provide forage sites. Accordingly, we recommend a condition to avoid or minimize potential impacts to the summer habitat of this species.

The U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services, Reynoldsburg, Ohio Office, has advised us that the proposed project is within the range of the Federally threatened bald eagle (*Haliaeetus leucocephalus*). Accordingly, we recommend a condition to avoid or minimize potential impacts to this species.

The Ohio Department of Natural Resources (ODNR) has completed a review of the proposed abandonment. ODNR has concluded that, provided the project is implemented as described in the project documentation, it should not result in significant adverse impacts to resources of concern to the Department. The project is located in the designated coastal zone area of Lake Erie and appears consistent with the Ohio Coastal Management Program.

The application states that a total of 77 carloads were moved on the line during the base year (calendar year 2001). Using a rail-to-truck conversion factor of 4 trucks per carload<sup>3</sup>, SEA calculates

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<sup>3</sup> The conversion factor is an estimate based on the varied nature of the commodities transported on the line.

that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 308 new trucks per year (616 truck trips assuming an empty backhaul). This equates to approximately 3 trucks per day being added to area roads during a 240 workday year<sup>4</sup>. This increase will not exceed the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment [49 C.F.R. 1105.7(e)].

## **CONDITIONS**

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

1. Applicants shall retain their 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.
2. The National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, applicants shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
3. To comply with the U.S. Department of the Interior, Fish and Wildlife Service's concerns regarding the summer habitat of the Federally endangered Indiana bat that may be within the area, applicants shall save trees exhibiting characteristics of Indiana bat habitat wherever possible. If the trees must be cut, they should not be cut between April 15 and September 15. If this time restriction is unacceptable, a survey to determine if bats are present shall be conducted in coordination with the U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services, Reynoldsburg, Ohio Office endangered species coordinator.
4. To comply with the U.S. Department of the Interior, Fish and Wildlife Service's concerns regarding Federally threatened bald eagles that may be nesting within the area, applicants shall, prior to any salvage activities on this project, contact the Ohio Division of Wildlife for the location(s) of the eagle nest(s) in the county. If any nests are located within ½ mile of the project site, applicants shall notify and further coordinate abandonment activities with the U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services, Reynoldsburg, Ohio Office.

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<sup>4</sup> 240 workdays result when weekends and holidays are subtracted from a 365 day year.

## 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.

## 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 Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-565 (Sub No. 11X) in all correspondence addressed to the Board.** If you have any questions regarding

this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: December 13, 2002.

Comment due date: **January 13, 2003 (30 days)**.

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

Vernon A. Williams  
Secretary

Attachment

