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SEA

SERVICE DATE – AUGUST 3, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-55 (Sub-No. 681X)

**CSX Transportation, Inc. – Abandonment Exemption –
in Orange County, FL**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) 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 a line of railroad in Orange County, Florida. The rail line proposed for abandonment, known as the “Mills & Nebraska Lead,” extends 0.69 miles from milepost 815.88 to milepost 816.57 in the City of Orlando. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, CSXT 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, this line segment was acquired and built by the Orlando and Winter Park Railway Company (OWPR) in 1889. By deed dated May 29, 1891, the property and franchises of the OWPR were sold to the East Florida and Atlantic Railroad Company. On December 4, 1893, the line was sold to the Florida Central and Peninsula Railroad Company (FCPR). Subsequently, by agreement dated June 27, 1903, the FCPR was merged into the Seaboard Air Line Railway (SAL). In the ensuing years, the SAL merged with thirty additional small railroads. On July 1, 1967, the SAL and Atlantic Coast Line merged to form the Seaboard Coast Line (SCL). On November 1, 1980, SCL and Chessie Systems merged to become CSX Corporation. On January 1, 1983, the merger of the Family Lines’ affiliates formed the Seaboard System Railroad Inc., which changed names on July 1, 1986, to CSX Transportation.

The line proposed for abandonment traverses a residential and light commercial location within the city limits of the City of Orlando. CSXT has received considerable interest from the City of Orlando about acquiring this line segment to extend their contiguous rails-to-trails line segment. Based on information in CSXT’s possession, the line does not contain Federally granted rights-of-way. The right-of-way varies between 25 to 75 feet. CSXT is not aware of any archeological resources or any other previously unknown historic properties in the project area. The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time.

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 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)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

CSXT states that no local or overhead rail traffic has moved over the line during the past two years. Accordingly, 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

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

CSXT indicates that abandonment of this line would result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Upon receiving abandonment authority, CSXT indicates that removal of material would be accomplished by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris would be transported away from the rail line and would not be discarded along the right-of-way nor be placed or left in streams, wetlands, or along the banks of such waterways. Appropriate measures would be implemented during track removal to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

The abandonment would result in the elimination of three public road crossings. CSXT is not aware of any designated wetlands or 100-year flood plains within the proposed project area. Based upon CSXT's review of the area the line does not appear to be near any parks, wildlife sanctuaries, refuges, or forests.

The City of Orlando has indicated that the proposed abandonment is consistent with existing land use plans. The rail segment is an important piece of the planned Orlando Urban Trail serving residents, employees, and visitors of the City of Orlando with an important linear park for recreation and transportation opportunities. The City of Orlando intends to file a notice of interim trail use for the rail corridor upon execution of the abandonment.

CSXT's records indicate that there are two right-of-entry project areas designated for environmental clean up as a result of contamination in close proximity to the proposed abandonment. CSXT is not the responsible party and does not have any regulatory or financial obligations to either project. The first site is located at 722 Brookhaven and is known as the "Former Spellman Engineering Site." CSXT has received notification from the State of Florida indicating groundwater in the area impacted with TCE. It is not known whether the impacts extend beneath CSXT property. The second site is located at 1000 Highland Avenue. The Orlando Utility Commission has requested access to CSXT property at Milepost A-788.74 to delineate and remediate petroleum hydrocarbon impacted soils between CSXT mainline "A" and spur track "ST."

The Florida Department of Environmental Protection (DEP) has reviewed the environmental report and determined that, based on the information available and minimal project impacts, the proposed activities are consistent with the Florida Coastal Management Program.

The U.S. Fish and Wildlife Service has indicated that the proposed action would not be likely to adversely affect resources protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

The National Geodetic Survey (NGS) has advised SEA that no geodetic station markers have been identified that may be affected by the proposed abandonment.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

CSXT served the historic report on the Florida State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that, based on the information provided, the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The query resulted in identification of two tribes. SEA has added the Seminole Nation of Oklahoma and the Seminole Tribe of Florida to the service list for this proceeding to ensure that they receive a copy of this environmental assessment for their comment.

CONDITIONS

We recommend that no environmental conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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

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 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, 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 EA. 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-55 (Sub-No. 681X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: August 3, 2007.

Comment due date: August 17, 2007.

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

Vernon A. Williams
Secretary

Attachment