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OEA

SERVICE DATE – AUGUST 27, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub No. 727X)

**CSX Transportation, Inc. — Abandonment Exemption —
in Washington County, Md.**

BACKGROUND

On June 28, 2013, CSX Transportation, Inc. (CSX) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 0.76 miles of rail line located on its Hagerstown Industrial Track in Washington County, MD (Line). The Line begins at milepost BAW 19.44 and extends to milepost BAW 18.68 in Hagerstown-St. James, Washington County, MD. A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to CSX, the Line terminates at Conservit, Inc., the Line's sole customer. CSX states that Conservit does not oppose the proposed abandonment and has request that CSX seek abandonment authority of the Line. If the Board should approve the abandonment, CSX would reclassify the Line as spur track and sell it to Conservit, who would improve the track and redevelop the site. Conservit would use the track as private industry track to weigh and load its own cars before tendering the cars to CSX, who would continue to provide rail service to Conservit. Conservit's main commodity is scrap metal.

DESCRIPTION OF THE RAIL LINE

The Line runs south of Hagerstown and is located near Leslie Drive, approximately three miles from Sharpsburg Pike (Rt. 65) in area known as the Earley Business Park. The Earley Business Park is a rural industrial area that ends at the Maryland Correctional Institute. The width of the right-of-way varies from between 35 feet and 40 feet in width, traverses United States Postal Service Zip Code 21740 and does not contain any federally granted rights-of-way.

CSX notes that there are no structures located on the Line that are 50 years old or older and no salvage would occur.

ENVIRONMENTAL REVIEW

CSX submitted an Environmental Report that concludes that 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. CSX served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules (49 C.F.R. § 1105.7(b)).¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted earlier, the Line serves a single shipper, Conservit, who has requested that CSX seek abandonment authority. The principal commodity moved over the Line is scrap metal.

If approved, CSX would reclassify the Line as spur track and sell it to Conservit who would make the changes necessary allowing it to load and weigh its own rail cars. CSX would continue to provide rail service to Conservit and consequently, no rail-to-truck diversions would occur. OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Further, there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

In a letter dated June 17, 2013, Conservit states that it has agreed to purchase and maintain the land and track from CSX. Conservit further notes that the proposed abandonment would not have an adverse effect on its rail service and therefore supports the abandonment, as proposed.

CSX does not believe that the proposed abandonment would adversely impact or be inconsistent with existing land use plans since it would continue to provide rail service to the Line's sole shipper.

According to CSX, the Line may not be suitable for other public purposes, and may be subject to reversionary interest that may affect transfer of title for any use other than rail purposes.

The Maryland State Resource Conservationist states that the abandonment would result in no environmental impact.

The Natural Resources Conservation Service (NRCS) has not responded. OEA has provided a copy of this EA to the NRCS for review and comment.

CSX states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the Line.

¹ The 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. 727X).

The U.S. Fish and Wildlife Service (USFWS) states that except for the occasional transient individuals that no federally proposed or listed endangered or threatened species are known to exist with the proposed project area. Therefore, no Biological Assessment or further section 7 Consultation is required.

According to CSX, the Line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. OEA did not identify any National or State parks, wildlife sanctuaries, or refuges that would be affected by the proposed abandonment. The National Park Service (NPS) states that the proposed abandonment would not result in any adverse impacts to National Park Service lands.

The U.S. Army Corps of Engineers, Baltimore District, states that, according to the preliminary environmental report, no adverse impacts are anticipated.

CSX does not anticipate the need to acquire a Section 402 permit; however the U.S. Environmental Protection Agency has not responded. OEA will provide a copy of this EA for comment.

In an email dated May 29, 2013, the U.S. Department of Commerce, National Geodetic Survey states that there is one Geodetic Station Markers in the area of the proposed abandonment. OEA recommends a mitigation measure requiring CSX to consult with the NGS prior to the commencement of any salvage activities to allow for relocation of any affected survey markers.

Based on all information available to date, OEA does not believe that the proposed abandonment would result in significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, CSX states that the Line contains no structures that are 50 years old or older.

According to CSX, the Line was originally part of the Baltimore & Ohio Railroad System that ran from Weaverton, MD, just outside Harper's Ferry, WV to Hagerstown, MD and was 24 miles long. On November 15, 1978, 18.56 miles of the rail line, from Weaverton to Roxbury, MD was abandoned. The remaining 5.02 miles of rail line is used today to server Conservit.

On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

CSX served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Maryland Historical Trust (SHPO) pursuant

to 49 C.F.R. § 1105.8(c).² In a letter dated June 24, 2013, the SHPO states that there are no historic properties affected by the proposed undertaking.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 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 through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.³ The database indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the area of potential affect or APE).

CONDITIONS

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

CSX Transportation, Inc. shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.

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), discontinuance of service without abandonment, and continued operation by

² Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

³ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited August 22, 2013).

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 4-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 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 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, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. 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. 727X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: August 27, 2013.

Comment due date: September 25, 2013.

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

Attachment