

33840

SERVICE DATE - SEPTEMBER 12, 2003

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 638X)

**CSX Transportation, Inc. – Abandonment Exemption –
in Knox County, OH**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSX) has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for CSX to abandon approximately 6.37 miles of rail line extending from Milepost BQ 25.90 at Mt. Vernon to Milepost BQ 32.27 at Fredericktown, in Knox County, Ohio. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, CSX 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 CSX, the property for this rail line was acquired by the Columbus and Lake Erie Railroad Company between 1848 and 1850. The subject abandonment begins within the city limits of Mount Vernon. The rail line traverses northwesterly through farmland and through the city of Fredericktown to the end of CSX's track near State Route 95. The right-of-way varies between 20 and 100 feet from the centerline of track. This line is not located within any historic districts in Knox County. Abandonment of the line will allow for the elimination of 15 highway rail at-grade crossings and the associated signs and structures.

There is one CSX-owned structure that is 50 years old or older that is part of the proposed action. Bridge No. 573 is a 138 foot Thru Plate Girder bridge that crosses the North Branch of the Kokosing River, near Mt. Vernon. Bridge No. 573 was built in 1909 by the Baltimore and Ohio Railroad Company.

CSX states that this line segment has generated minimal originating and terminating traffic during the past two years and no new rail-oriented business is expected to develop. The principal commodity transported over the line during the past several years has been fertilizers. There are currently two shippers located on the line. Rural Farm Distributors (Rural) and B&B Farm Service (B&B) operate farm supply businesses that sell fertilizer to consumers in the Fredericktown area. Although both Rural and B&B tend to rely on rail transportation, both utilize truck transportation periodically. During

calendar year 2001, Rural received 37 carloads and B&B received 49 carloads over the line. CSX has agreed to refrain from exercising any abandonment authority granted for a period to allow Rural and B&B a sufficient amount of time to make alternative transportation arrangements. The primary alternative transportation option available to these customers is greater use of motor carrier transportation. CSX is investigating the possibility of establishing a transload site in the area. Rural and B&B do not intend to oppose this abandonment proceeding. The proposed abandonment will relieve CSX from the costs of owning and maintaining an under-utilized line of railroad.

ENVIRONMENTAL REVIEW

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

The Ohio Department of Natural Resources (ODNR), Division of Real Estate and Land Management, Columbus, Ohio has advised us that the proposed project is not located in the designated coastal zone area of Lake Erie. Therefore, no effect to Lake Erie coastal resources will occur. In addition, ODNR states that there are no unique natural features near the proposed project, and there are no state nature preserves or scenic rivers in the vicinity of the site. ODNR's Natural Heritage Database contains one record of the state Endangered Eastern Hellbender (*cryptobranchus alleganiensis*). The ODNR, Division of Wildlife, does not have any concerns regarding impacts to the Eastern Hellbender.

The Ohio Environmental Protection Agency (Ohio EPA), Central District Office, has stated that no permits from the Division of Surface Water are needed for the proposed abandonment. Ohio EPA indicates that there should be no adverse effects to streams or aquatic life as long as appropriate best management practices are carried out during the removal of track material and the upper layer of ballast in the vicinity of local streams or rivers.

The U.S. Environmental Protection Agency (EPA), Region 5, has expressed concerns about the removal and salvage methods to be used by CSX during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, and soil erosion and stormwater runoff mitigation practices to be utilized during abandonment activities. Accordingly, we will recommend a consultation condition requiring that CSX contact EPA, Region 5, prior to commencement of any salvage activities on this project.

The application states that a total of 86 carloads were moved on the line during the base year (calendar year 2001). Using a rail-to-truck conversion factor of 4 trucks per carload¹, SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 344 new trucks per year (688 truck trips assuming an empty backhaul). This equates to approximately 3 trucks per day being added to area roads during a 240 workday year². 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)].

HISTORIC REVIEW

CSX submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. CSX served the report on the Ohio Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. 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 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not 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 CSX's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

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 six geodetic station markers that may be affected by the proposed abandonment. Therefore, CSX shall notify NGS 90 days prior to salvage activities in order to plan their relocation.

¹ The conversion factor is an estimate based on the nature of the commodities transported on the line.

² 240 workdays result when weekends and holidays are subtracted from a 365 day year.

2. To address the concerns raised by the Ohio Environmental Protection Agency, Central District Office, CSX shall carry out appropriate best management practices during the removal of track material and the upper layer of ballast in the vicinity of local streams or rivers.
3. To address the concerns raised by the U.S. Environmental Protection Agency, Region 5, CSX shall, prior to commencement of any salvage activities on this project, contact the U.S. Environmental Protection Agency, Region 5 (Kenneth A. Westlake, 312-886-2910), concerning removal and salvage methods, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills, and stormwater runoff mitigation practices to be utilized during abandonment 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.

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-55 (Sub No. 638X) 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.

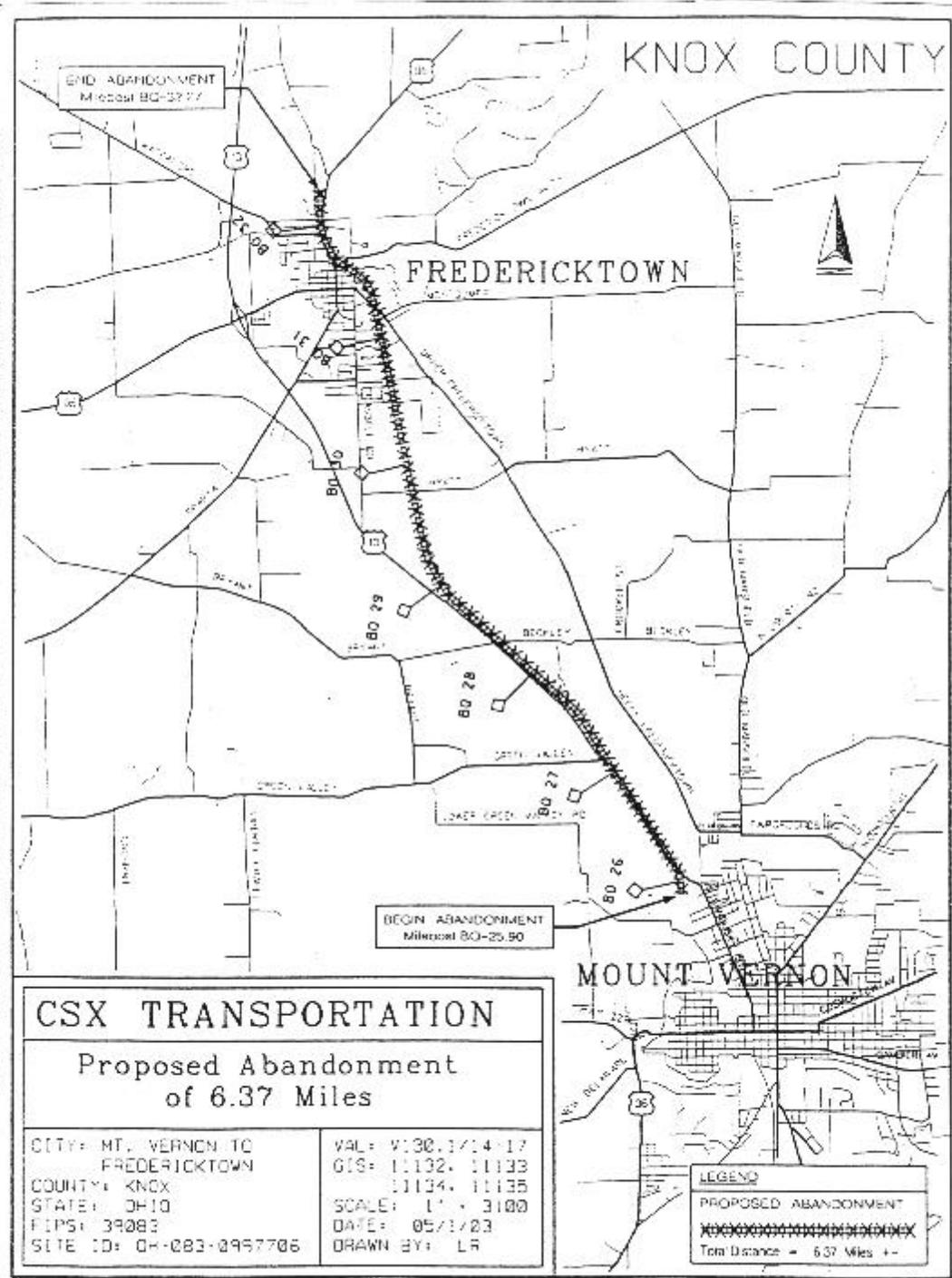
Date made available to the public: September 12, 2003.

Comment due date: **October 14, 2003 (30 days).**

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

Vernon A. Williams
Secretary

Attachment



CASE ID No. 33840 , AB-55 (Sub No 638X)