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SERVICE DATE - MAY 24, 2002

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-565 (Sub-No. 9X)**

**New York Central Lines, LLC - Discontinuance of Service Exemption - in Allen  
County, OH**

**BACKGROUND**

In this proceeding, New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants), jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NYC and CSXT to discontinue service over a portion of line in Allen County, Ohio.<sup>1</sup> The portion of rail line proposed for discontinuance spans approximately 0.9 mile from Milepost QFL 51.0 to Milepost QFL 51.9 in the City of Lima, Ohio.<sup>2</sup> A map depicting the rail line in relationship to the area served is appended to this report. If the exemption becomes effective, the applicants would be able to discontinue service on the line. The applicants have not requested authorization to abandon the subject rail line. Salvaging activities, such as the removal of rail and ties, or the rerouting of freight to other rail lines or modes of transportation, would not occur.

**DESCRIPTION OF THE LINE**

The rail line is located within the City of Lima in northwestern Ohio. According to the applicants, there has been no originating or terminating traffic on the subject line for the past two years and there is no overhead traffic on the line. The principal commodities transported over the line had been petroleum products. The width of the ROW ranges from 20 to 70 feet from the centerline of the

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<sup>1</sup>This case embraces Surface Transportation Board Docket No. AB-55 (Sub-No. 611X), CSX Transportation, Inc. - Discontinuance of Service Exemption - in Allen 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 that is subject to this proceeding is included among the property being operated by CSXT pursuant to the NYC operating agreement.

track. The property that encompasses the rail line was originally acquired between 1881 and 1926 by the Chicago and Atlantic Railway Company, and came under the control of the applicants following an extended series of railroad mergers, acquisitions and consolidations.

Land use in the vicinity of the rail line is predominantly urban and the terrain is relatively flat. There are two at-grade public crossings along the line. The line is not located in the designated coastal management zone for Lake Erie. The applicants have stated that the subject line is not located in any wildlife sanctuary or refuge, or National or state park or forest. In a review of their records, the applicants did not identify any hazardous waste sites or hazardous materials spill sites on the subject line. The applicants state that they do not own structures on the subject line that are eligible for the National Register of Historic Places.

## **ENVIRONMENTAL REVIEW**

The applicants submitted an environmental report and historical report that indicate that the quality of the human environment would not be affected significantly as a result of the proposed discontinuance of service. The applicants served these 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 U.S. Army Corps of Engineers, Buffalo District, has advised the applicants that a Department of the Army permit would not be required because the proposed discontinuance of service would not involve a discharge of dredged or fill material into Waters of the United States including wetlands.

The U.S. Fish and Wildlife Service (USFWS) has advised the applicants that the project area lies within the range of the Indiana bat, a Federally-listed endangered species. However, the USFWS concluded that the proposed discontinuance would have no effect on this species.

The Ohio Department of Natural Resources (ODNR) has advised the applicants that the proposed discontinuance would not result in significant adverse impacts to the resources of concern to ODNR.

The Ohio Historical Society (OH SHPO) has not completed its assessment of the potential impact of this project on historic resources. However, discontinuance of service on the subject rail line would not be expected to adversely effect historic or cultural resources that may be present.

The City of Lima and the Lima-Allen County Regional Planning Commission state that the proposed discontinuance of service may be inconsistent with local land use plans. According to the City of Lima, representatives from the city, state and rail companies are discussing a proposal to route

all rail traffic that currently moves on an Indiana and Ohio Railroad line through Lima to the rail line subject to this proceeding. The City states that this routing of rail traffic would minimize capital costs for several grade separation projects, enhance the safety of rail operations, reduce the number of rail crossings, and enhance rail service through the community. Therefore, the City of Lima objects to any action that would directly or indirectly limit or impede the ability to route rail traffic to the subject rail line.

If the applicants receive authorization to discontinue service, the opportunity to route rail traffic to the subject line would remain. Abandonment activities, including the removal of rails and ties, could not occur. If the applicants would like to abandon the subject rail line at some time in the future, they would be required to request authorization from the Board to do so. Under such a request, the proposed abandonment would be reviewed by the Board, and this review would include the preparation of an environmental document under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules that implement NEPA (49 CFR 1105), the City of Lima, as well as other appropriate Federal, state and local agencies, would be provided the opportunity to review the environmental document and provide comments for the Board's consideration.

### **CONDITIONS**

We recommend no environmental conditions be placed on any decision granting discontinuance authority.

### **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, discontinuance of service on the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed discontinuance would include denial (and, therefore, no change in operations), or continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **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 David Navecky, who prepared this environmental assessment. **Please refer to Docket No. AB-**

**565 (Sub-No. 9X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

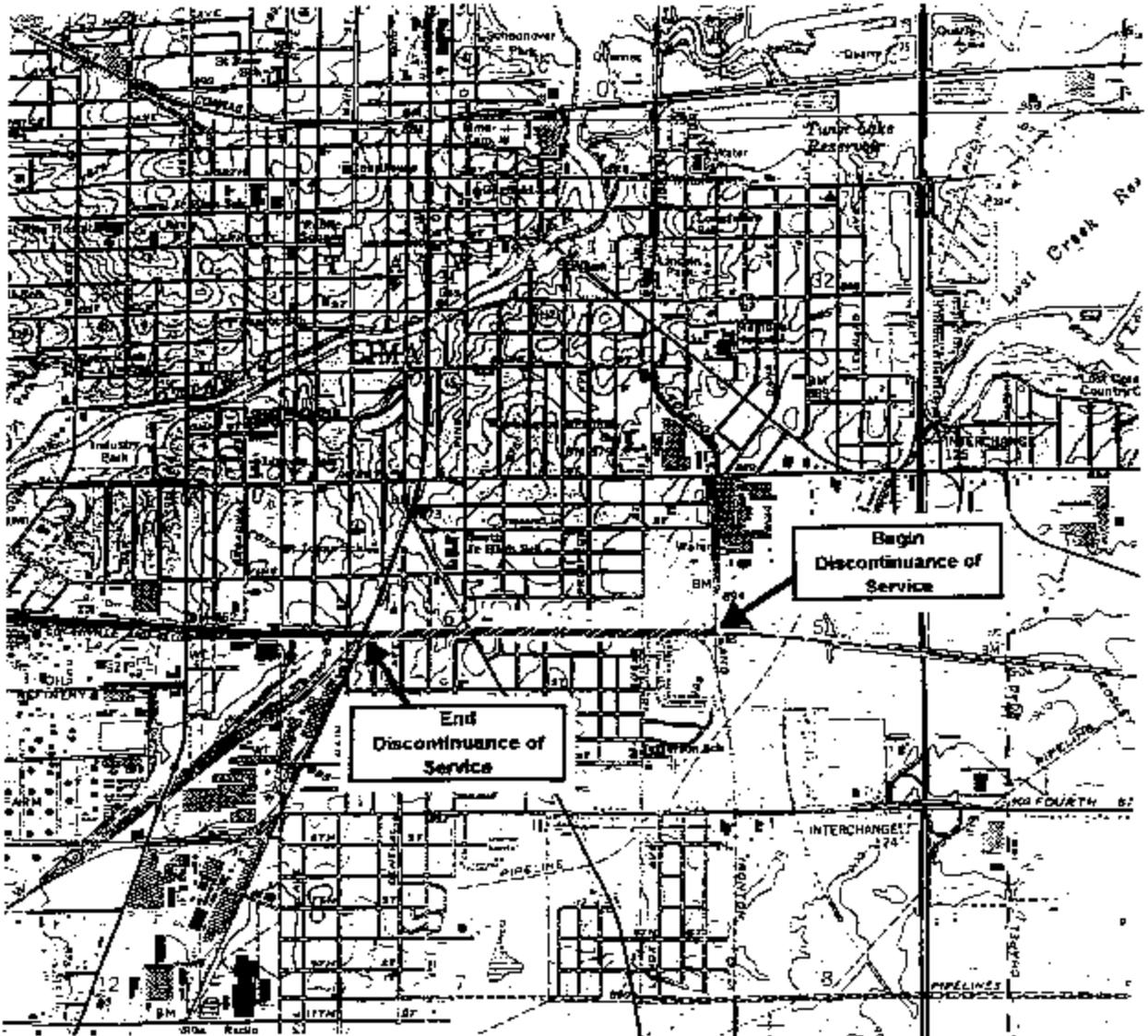
Date made available to the public: May 24, 2002.

Comment due date: **June 7, 2002.**

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

Vernon A. Williams  
Secretary

Attachment



CONTOUR INTERVAL 5 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929