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SEA

SERVICE DATE – SEPTEMBER 22, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 268X)

**Norfolk Southern Railway Company – Abandonment
Exemption – in Lorain County, OH**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) 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 Lorain County, Ohio. The abandonment extends 2.31 miles between mileposts LV-22.32 and LV-23.55 and between mileposts LV-24.17 and LV-25.25 in the Village of Sheffield. The line traverses United States Postal Service ZIP Code 44055 and includes the former station of South Lorain. NSR indicates that the line is not currently active and there are no associated grade crossings. Approximately 95 percent of the land surrounding the proposed abandonment is forested, with the remainder in residential and industrial uses. The right-of-way width is generally 100 feet, but expands to 190 feet along a section that passes through a small rail yard. According to the railroad, freight service over both segments of rail line was discontinued in 1988 per Docket No. AB-290 (Sub-No. 7X).

DESCRIPTION OF THE LINE

NSR indicates that the two rail line segments to be abandoned branch off the Bay Village to Vermillion, OH line at Lorain, OH, and were once used for car storage. In 1906, the Lorain and West Virginia Railway began constructing the segments of rail line to be abandoned. The railroad hauled coal to the local steel mill in Lorain, returning south with ore and other finished steel products. The railroad briefly delivered coal to nearby Oberlin College, and served a steam shovel bucket manufacturer in Wellington. In 1948, the Lorain and West Virginia Railway Company merged into the New York, Chicago, and St. Louis Railroad, also known as the Nickel Plate. In 1964, the Nickel Plate and the Norfolk and Western merged with the Wabash Railroad, the Akron, Canton & Youngstown, and the Pittsburgh & West Virginia Railroad to become the Norfolk and Western. In 1982, the Norfolk and Western and the Southern Railway Company were acquired by the Norfolk Southern Corporation, which later became Norfolk Southern Railway Company.

ENVIRONMENTAL REVIEW

NSR 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. NSR 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

Diversion of Traffic

According to NSR, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted as a result of the abandonment. 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 cause 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. NSR indicates that the line segment does not contain any bridges or other structures. Therefore, if the notice becomes effective, NSR would be able to salvage the remaining track, ties, and other railroad appurtenances, and dispose of the right-of-way.

The proposed abandonment is not expected to have any adverse effects on existing land use, and may improve local transportation networks. NSR indicates that Lorain County Metro Parks expressed interest in obtaining the property for recreational uses, and the Lorain County Board of Commissioners informed NSR of parties interested in developing commuter and/or excursion rail service and suggested consulting the Village of Sheffield for further guidance. NSR indicates that they have initiated consultation, but to date, have not received a response. NSR also indicates that the Village of Sheffield previously expressed interest in building a roadway through the right-of-way of the proposed abandonment to serve an industrial park.

¹ The railroad's 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-290 (Sub-No. 268X).

SEA has added the Lorain County Board of Commissioners, the Lorain County Metro Parks, and the Village of Sheffield to the service list to ensure they receive a copy of the EA for review and comment.

The Lorain Soil & Water District commented that soils maps for the area show that approximately 90 to 95 percent of the proposed abandonment contains prime farmland soils. However, SEA anticipates that the proposed abandonment would not adversely impact said soils because NSR indicated that salvage would be limited to removal of the track, ties and other railroad appurtenances, and not the roadbed.

NSR contacted the Ohio Department of Natural Resources (ODNR) to determine if the proposed abandonment and salvage would have adverse impacts on Federal or state listed endangered or threatened species. ODNR commented that four species are within the historical range of the proposed abandonment. These include the Indiana bat (*Myotis sodalis*), the piping plover (*Charadrius melodus*), the Bald eagle (*Haliaeetus leucocephalus*), and the eastern massasauga (*Sistrurus catenatus*). According to ODNR, any tree removal would require consultation with the US Fish and Wildlife Service (USFWS) and if the eastern massasauga is encountered during salvage, all work shall cease immediately. NSR was provided a local contact to consult for current information on the presence of bald eagles. If a nest is located within a ½ mile of the proposed abandonment, coordination with the USFWS would be necessary. Lastly, ODNR recommends contacting USFWS for guidance on the piping plover. To date, the USFWS has not provided comment, therefore SEA is recommending a condition that NSR further consult with the USFWS prior to commencement of salvage activities to ensure that the provisions of the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act, and Section 7 of the Endangered Species Act have been fulfilled.

NSR contacted the ODNR to determine if the proposed abandonment would pass through any state parks or forests, national parks or forests, or wildlife sanctuaries. NSR verified that the proposed abandonment does not pass through state parks or forests, National parks or forests, or wildlife sanctuaries. However, ODNR commented that the proposed abandonment is within close proximity to the Blackwater Reservation, a County park located west of the railroad line to be abandoned, in the Blackwater floodplain. Although no adverse impacts are anticipated, ODNR recommended contacting the Lorain County Metro Parks for additional consultation. In its response letter, the Lorain County Metro Parks did not express any concerns. SEA has added the National Park Service, ODNR, and Lorain County Metro Parks to the service list to ensure they receive a copy of the EA for review and comment.

NSR contacted the U.S. Army Corps of Engineers (ACOE), the Ohio Environmental Protection Agency, and the ODNR regarding the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The ACOE has determined that there are no navigable waterways or wetlands present within the area of the proposed abandonment.

Further, the railroad indicates that there would be no use of fill materials, dredging, or in-stream work. Therefore, no further action is required by the ACOE because it does not have jurisdiction over the area to be abandoned.

NSR contacted ODNR to determine if the proposed abandonment would likely result in impacts to water quality under Section 402 of the Clean Water Act. The railroad indicated that ODNR commented via telephone that a water quality permit would not likely be required because there are no waterways or bridges; however, additional confirmation was requested from the Ohio Environmental Protection Agency (OEPA), who has yet to respond. SEA has added ODNR and OEPA to the service list to ensure they receive a copy of the EA for review and comment.

The ODNR, Office of Coastal Zone Management has determined that neither segment to be abandoned is within Ohio's Coastal Area; therefore, coastal zone consistency is not required.

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.

NSR indicates that in 1994, a hazardous material incident occurred on land adjacent to the right-of-way in the South Lorain Yard in the Village of Sheffield. According to the railroad, an oil and fuel spill caused contamination within the soil matrix, but not to surrounding surface water and groundwater sources. The railroad indicates that the contaminated soil was removed, but does not provide information on whether the removal met Federal and state cleanup standards. As such, SEA is recommending a condition that NSR consult with the OEPA prior to commencement of any salvage activities to ensure that there are no outstanding issues regarding remediation of hazardous wastes within the area of the proposed abandonment.

HISTORIC REVIEW

NSR submitted a historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Ohio Historical Society (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has indicated that the proposed abandonment would have no effect on historic resources included in or eligible for inclusion in the National Register of Historic Places (National Register). SEA has reviewed the report and the information provided by the SHPO and concurs 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, SEA has 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 CFR 800.11(d), consists of NSR's historic

report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during the NSR's salvage activities, NSR shall immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and NSR to determine whether any mitigation measures are necessary.

SEA conducted a search of the National Park Service's Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that the Delaware Nation, the Forest County Potawatomi Community, the Hannahville Indian Community Council, the Ottawa Tribe of Oklahoma, and the Wyadotte Tribe of Oklahoma may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribes receive a copy of this EA for their review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Norfolk Southern Railway Company (NSR) shall consult with the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) to determine if the proposed abandonment could adversely impact habitat of the Indiana bat (*Myotis sodalis*), a state and Federally endangered species; the piping plover (*Charadrius melodus*), a state and Federally endangered species; the Bald eagle (*Haliaeetus leucocephalus*), a Federally threatened and state endangered species; and the eastern massasauga (*Sistrurus catenatus*), a state endangered and Federal candidate species. If habitat for the species is located within the right-of-way and USF&WS recommends avoidance and impact mitigation measures, NSR shall report the results of these consultations in writing to the Board's Section of Environmental Analysis (SEA) prior to the onset of salvage activities.
2. Prior to commencement of any salvage activities, NSR shall consult with the Ohio Environmental Protection Agency (OEPA) to ensure that any concerns regarding potential contamination within the proposed abandonment are addressed. If OEPA determines that contamination is present in the area of the proposed abandonment, and remediation activities are required, NSR shall report the results of these consultation efforts in writing to SEA prior to the onset of salvage operations.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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), and discontinuance of service without abandonment. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment 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) 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 Diana Wood, who prepared this Environmental Assessment. 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-290 (Sub-No. 268X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions

regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at woodd@stb.dot.gov

Date made available to the public: September 22, 2006.

Comment due date: **October 10, 2006.**

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

Vernon A. Williams
Secretary

Attachment