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SERVICE DATE - APRIL 11, 2003

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 622X)

CSX Transportation, Inc. - Abandonment Exemption - In Pike County, OH

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT or applicant) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for CSXT to abandon a line of railroad in Pike County, Ohio (OH). The rail line proposed for abandonment is located between Milepost CES-0.00 and Milepost CES-4.14 in Teays Junction, OH. The total distance is approximately 4.14 miles. A map depicting the rail line in relationship to the area served is appended to this report. If the notice becomes effective, CSXT has indicated an intent to remove the rails, ties and possibly the upper layer of ballast.

DESCRIPTION OF THE LINE

The rail line is located in Teays Junction, Pike County, OH and is referred to as the Teays Junction Industrial Track. According to CSXT, there has been no originating or terminating rail traffic on the subject line for the past two years. CSXT has also stated that there is no overhead rail traffic on the line. Previously, the rail line had been used to move military equipment and hazardous materials.

Land use in the vicinity of the right-of-way (ROW) is largely undeveloped and forested. The terrain is hilly. There are six public crossings along the ROW. The width of the ROW varies between 50 feet and 150 feet from the centerline of track. The ROW was originally acquired between 1952 and 1959 by The Chesapeake and Ohio Railway Company (C&O). The Chessie System, Inc. was formed in 1973, and Chessie Systems Railroads was adopted as the corporate identity for the C&O, Baltimore & Ohio Railroad Company (B&O) and Western Maryland Railroad Company. In 1980, the Chessie Systems, Inc. and Seaboard Coast Line Industries, Inc. merged to become CSX Corporation. In 1987, the B&O and C&O were merged into CSXT.

According to CSXT, there are no structures on the rail line that are 50 years of age or older. The two bridges on the line were constructed in 1954.

ENVIRONMENTAL REVIEW

The applicant submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The applicant served these reports 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) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service - District Conservationist (formerly the Soil Conservation Service) has stated that the proposed abandonment should have no effect on prime agricultural land.

The U.S. Army Corps of Engineers - Huntington District concluded that the proposed abandonment, as outlined by the applicant, would not involve the discharge of dredged or fill material in waters of the United States, including wetlands. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

Upon review of the applicant's environmental report, the U.S. Fish and Wildlife Service - Ecological Services, Reynoldsburg, OH (USFWS) determined that the ROW lies within the range of the Indiana bat (*Myotis sodalis*), a Federally-listed endangered species, and the timber rattlesnake (*Crotalus horridus horridus*), a species of concern. If habitat for either species is located within the ROW of the rail line to be abandoned, USFWS recommended various avoidance and impact mitigation measures. Therefore, we recommend a condition to address the concerns of the USFWS.

The Ohio Department of Natural Resources (ODNR) concluded that the proposed abandonment should not result in significant adverse impacts to resources of concern to that agency. ODNR also stated that the rail line is not located in a designated coastal zone management area of Lake Erie.

Upon review of the applicant's environmental report, the Ohio Environmental Protection Agency - Division of Surface Water (OEPA) concluded that the project would not require a National Pollutant Discharge Elimination System permit for the discharge of stormwater due to industrial or construction activity, or a 401 Water Quality Certification.

The applicant stated that there are no known hazardous waste sites or hazardous material spill

sites on the subject ROW.

In response to the applicant's environmental report, the Pike County Planning Commission concluded that the proposed abandonment would be inconsistent with a 1998 land use plan. The 1998 plan describes a proposed intermodal transportation facility that would utilize the rail line proposed for abandonment.

The Pike County Engineer's Office submitted written comments directly to SEA on the proposed abandonment. The County Engineer expressed concerns over the disposition of two railroad bridges if abandonment authority is granted by the Board. The bridges carry the rail line over county roads (Bobo Road and Happy Hollow Road), and the County Engineer stated that both bridges are in need of repair. The County Engineer also provided documentation that the Public Utilities Commission of Ohio, Transportation Department, Railroad Section (PUCO), had inspected both bridges, and PUCO concluded that the bridges "will pose a threat to traveling public in the future if they are not maintained or removed . . ." If abandonment authority is granted by the Board, the County Engineer requests that CSXT be required to remove the portions of the bridges that impact the two roadways including the overhead spans, piers and pier foundations.

The Pike County Engineer also expressed concerns with the CSXT at-grade crossings at McCorkle Road and Taylor Hollow Road. In the interest of public health and safety, the County Engineer requests that CSXT be required to remove the rails and ties and restore highway paving at these locations if abandonment authority is granted by the Board.

SEA contacted CSXT¹ to discuss the abandonment concerns of the Pike County Engineer. CSXT expressed a willingness to address the concerns and will correspond directly with the County Engineer. Depending on the outcome of this correspondence, SEA may deem it appropriate to recommend a condition in its Post Environmental Assessment (EA) to address the concerns of the County Engineer. SEA will prepare the Post EA at the conclusion of this EA's public comment period.

Because traffic has not moved on the subject rail line for the past 2 years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

At the time this EA was prepared, the Ohio Historical Society (the State Historic Preservation Office or SHPO) had not yet responded to the applicant's historical report. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with Section 106 process of the

¹Natalie S. Rosenberg, Counsel, CSXT.

National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

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

1. Once abandonment plans are finalized and prior to the commencement of abandonment activities, the applicant shall consult with the U.S. Fish and Wildlife Service - Ecological Services, Reynoldsburg, OH (USFWS) to determine if the proposed abandonment could adversely impact habitat of the Indiana bat (*Myotis sodalis*), a Federally-listed endangered species, or the timber rattlesnake (*Crotalus horridus horridus*), a species of concern. If habitat for either species is located within the ROW of the rail line to be abandoned, USFWS may recommend avoidance and impact mitigation measures. The applicant shall report the results of this consultation to the Board.
2. The applicant shall take no steps to alter the historic integrity of the ROW until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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 another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does take place, the ROW 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs 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 the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

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 STB Docket No. AB-55 (Sub-No. 622X) 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: April 11, 2003.

Comment due date: **April 25, 2003.**

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

Vernon A. Williams
Secretary

Attachment

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