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SERVICE DATE – JUNE 29, 2010

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-55 (Sub-No. 701X )**

**CSX Transportation, Inc. - Abandonment Exemption - in Vigo County, Ind.**

**BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSXT or railroad) filed a petition under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Vigo County, Indiana (Ind.). The rail line proposed for abandonment is a 3.71-mile segment in the railroad's Southern Region, Nashville Division, CE&D Subdivision, between Milepost QST 1.42 (at Park Street) and Milepost QST 5.13 (at Spring Hill) in Terre Haute, Ind. (the Line). The Line contains the International Paper Lead, and portions of the Graham Grain Lead and 1<sup>st</sup> Street Lead. A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line is located in west central Indiana. The right-of-way is approximately 80 feet wide and traverses residential, commercial and light industrial areas. According to the railroad, there are no CSXT-owned structures on the Line that are 50 years older or older. CSXT is not aware of any known hazardous waste sites on the Line.

The Evansville, Indianapolis & Terre Haute Railway (EITR) originally purchased the right-of-way around 1885. EITR was acquired by the Cleveland, Cincinnati, Chicago and St. Louis Railway (CCC&STL or 'Big Four Railroad'), which was subsequently acquired by the New York Central Railroad in 1906. The former lines of the CCC&STL were incorporated into Penn Central in 1968 when the New York Central Railroad and the Pennsylvania Railroad merged. Penn Central declared bankruptcy in 1970 and the Line became part of the newly formed Consolidated Railway Corporation (Conrail). In 1999, the Line was acquired by the CSX Corporation, which is the railroad's parent company.

CSXT states that if abandonment authority is approved, it intends to sell or lease 1.35 miles of the Line between Milepost QST 1.42 and Milepost QST 2.77 (at Helen Avenue). The Line has had only one customer (Gavilon Grain) over the past several years, and sale or lease of this segment of the Line would enable Gavilon Grain to maintain its access to rail service.

CSXT would continue to connect to the sold or leased portion of the Line from the north and the Indiana Rail Road Company would connect at the southern end just north of Helen Avenue (please see the map appended to the EA).

CSXT also states that it has received expressions of interest from the City of Terre Haute and Vigo County about converting the remaining 2.36 miles of the Line between Mileposts QST 2.77 and QST 5.13 into a trail. There are no shippers on this portion of the Line. CSXT adds that, if a request for interim trail use/rail banking is filed, it plans to agree to negotiate.

## **ENVIRONMENTAL REVIEW**

CSXT submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. CSXT 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 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

Gavilon Grain is the only active shipper on the Line. Because CSXT intends to sell or lease the portion of the Line needed to maintain rail service to Gavilon Grain, the proposed abandonment would not result in the diversion of rail traffic to truck traffic. Therefore, 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 result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

CSXT would remove rails, crossties, and possibly the upper layer of ballast from the portion of the Line not sold or leased. CSXT does not intend to disturb any subgrade or subgrade structures, or perform any activities that could cause erosion and sedimentation. Dredging or the use of fill material is not anticipated. Removal of material would be accomplished using the existing right-of-way and along existing public and private crossings. No new access roads would be constructed. All waste material would be transported away from the right-of-way and appropriate measures would be implemented to prevent or control spills of fuels, lubricants or any other potential pollutants.

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-55 (Sub-No. 701X).

CSXT believes that the proposed abandonment would not be inconsistent with local or regional land use plans. The City of Terre Haute and Vigo County support the proposed abandonment but would prefer that the sold or leased portion of the Line terminate at Milepost QST 1.85 at Hulman Street. Termination at this location would enable the city to eliminate a costly at-grade crossing.

The Natural Resources Conservation Service states that the proposed abandonment would not have any significant impacts on “prime farmland soils and fields.” Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. § 4201).

The U.S. Fish and Wildlife Service, Bloomington Field Office states that it has no objections to the abandonment outlined in the railroad’s environmental report, and that no additional consultations under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1535) were necessary.

The U.S. Army Corps of Engineers, Chicago District (Corps) has not responded to the railroad’s environmental report. Based on the railroad’s description of salvaging activities, potential impacts to waters of the U.S. would not be expected and a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not likely be applicable. Nevertheless, SEA has provided a copy of this EA to the Corps for review and comment.

The National Geodetic Survey (NGS) states that three geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires CSXT to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy the geodetic station marker.

The Indiana Department of Natural Resources (IDNR) has not responded to the railroad’s environmental report; however, IDNR states that a formal response was forthcoming. SEA has provided a copy of this EA to IDNR for review and comment.

## **HISTORIC REVIEW**

The railroad submitted an historic report as required by the Surface Transportation Board’s environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Indiana Division of Historic Preservation and Archaeology (the State Historic Preservation Offices or SHPO), pursuant to 49 C.F.R. § 1105.8(c). In an April 21, 2010 reply (Ind. SHPO Ref.: DHPA #9327), the SHPO stated that it had not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion on the National Register of Historic Places. In terms of archaeological sites, however, the SHPO stated that two locks (Site 12Vi801 – Lock #43 and Site 12Vi802 – Lock #44) associated with the Wabash and Erie Canal are in the project area, and the proposed abandonment could have an impact on the two sites. Accordingly, the SHPO requested additional information from the railroad. In a May 20, 2010 letter to SEA, the railroad stated it was working with the SHPO regarding the requested information.

In light of the SHPO's comments, SEA is recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process under the National Historic Preservation Act, 16 U.S.C. § 470f. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

SEA conducted a search of the Native American Consultation Database at [www.cast.uark.edu/other/nps/nacd/](http://www.cast.uark.edu/other/nps/nacd/) to identify federally recognized tribes that may have ancestral connections to the project area. The database identified the following four tribes within Vigo County:

- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Miami Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma

A copy of this EA has been provided to each tribe for review and comment.

## **CONDITIONS**

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

1. CSX Transportation, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.
2. CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. CSXT shall report to the Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office and the public. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

## CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions were 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 and no salvage activities), 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 the time specified in the Federal Register notice. 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 Assistance, Governmental Affairs, and Compliance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA 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, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 701X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at [naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov).

Date made available to the public: June 29, 2010.

**Comment due date: July 28, 2010.**

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

Attachment