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SERVICE DATE - MARCH 28, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-43 (Sub-No. 174X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN RANDOLPH COUNTY, IL

Decided: March 26, 2003

Illinois Central Railroad Company (IC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.45-mile line of railroad between milepost MM 602.55 and milepost MM 603.0 near Baldwin, in Randolph County, IL. Notice of the exemption was served and published in the Federal Register on February 28, 2003 (68 FR 9737-38). The exemption is scheduled to become effective on March 30, 2003.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 7, 2003, requesting comments by March 24, 2003. In the EA, SEA stated that the Illinois Department of Agriculture (IDA) has expressed several concerns regarding the right-of-way. Specifically, IDA's concerns are that: (1) every effort should be made to ensure that the surface and/or subsurface drainage on adjacent agricultural land is not adversely affected by IC's abandonment; (2) weeds should be controlled on the abandoned right-of-way in the event the land is not sold or deeded to another party; and (3) any debris, including ballast, rails, ties, spikes, litter, etc., should be completely removed from the right-of-way to prevent their dispersal onto adjacent farmland. Accordingly, SEA recommended that IC consult with IDA prior to salvage operations to address these concerns.

SEA also stated that the Natural Resources Conservation Service (NRCS) has advised that the low area or draw that runs through the railroad bed on the west end is located in the 100-year flood plain. At that point, there is a very large culvert running under the railroad bed and tracks. If, following abandonment of the line, only the rails and railroad ties are removed, there would not be a negative impact on this area. If, however, the bed is removed, then there could be possible impacts in the flood plain dealing with potential wetlands. In response to the concerns of the NRCS, SEA recommended that IC consult with NRCS prior to commencement of any salvage activities concerning possible impacts of abandonment in the 100-year flood plain.

Finally, SEA stated that the U.S. Army Corps of Engineers, St. Louis District (Corps), has indicated that, if the abandonment requires discharge of dredge or fill material into waters, including wetland, a permit under section 404 of the Clean Water Act will be required. Based on the Corps' comments, IC provided additional information to the Corps indicating that salvage activities will not involve the placement of dredge or fill material in waters. However, the Corps

has not yet indicated whether a section 404 permit is needed. Therefore, SEA recommended that IC consult with the Corps prior to engaging in any salvage activities to determine if permits are required under section 404 of the Clean Water Act.

No comments to the EA were filed by the March 24, 2003 due date. Accordingly, the conditions recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on February 28, 2003, exempting the abandonment of the line described above is subject to the conditions that IC: (1) consult with the IDA prior to conducting salvage activities to address IDA's concerns; (2) consult with NRCS prior to conducting salvage activities concerning possible impacts of abandonment in the 100-year flood plain; and (3) consult with the Corps prior to engaging in any salvage activities to determine if permits are required under section 404 of the Clean Water Act.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary