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SERVICE DATE – JANUARY 24, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 257X)

Norfolk Southern Railway Company - Abandonment Exemption - In Blackford County, IN

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS or railroad) filed a notice under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad in Blackford County, Indiana (IN). The rail line proposed for abandonment extends from Milepost RK-130.00 at Converse, IN to Milepost RK-138.60 at Hartford City, IN (the subject rail line). The total distance is approximately 8.60 miles. Upon receipt of abandonment authority, NS intends to salvage the rails, crossties, and other track material. All bridges would be removed and the ballast would remain in place. A map depicting the rail line in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

The land uses in the vicinity of the right-of-way (ROW) include agricultural (80 percent), undeveloped (10 percent), residential (7 percent), and industrial (3 percent). According to NS, the width of the ROW varies, but typically ranges from 80 to 115 feet from the centerline of the main line track. Local traffic and overhead traffic have not moved over the subject line for the past two years. A railroad listing indicates that there are eight bridges on the subject rail line that are 50 years of age or older. The original construction dates of these eight bridges range from 1891 to 1911. Construction of the subject line was originally completed in 1867 by the Columbus and Indiana Central Railroad Company.

ENVIRONMENTAL REVIEW

The railroad 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 railroad 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 (formerly the Soil Conservation Service) had not responded to the railroad's environmental report at the time this Environmental Assessment (EA) was prepared.

Because traffic has not moved on the subject rail line for at least two years, the proposed abandonment would not be expected to impact the development, use and transportation of 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.

The U.S. Army Corps of Engineers (USACOE) had not responded to the railroad's environmental report at the time this EA was prepared (Note: the railroad inadvertently sent the report to the Chicago District rather than the Louisville District). Because approximately three of the bridges that would be removed during salvaging operations are located at water bodies, permits may be required from the USACOE. Therefore, SEA recommends a condition that requires additional consultation with the USACOE.

Based on data published by the U.S. Fish and Wildlife Service (USFWS) and the Indiana Department of Natural Resources, two Federally list species may occur in Blackford County. They are the bald eagle (*Haliaeetus leucocephalus*) and Indiana bat (*Myotis sodalis*). The railroad states that the ROW does not occur within any known Federal or state parks or forests, or wildlife sanctuaries. The USFWS had not responded to the railroad's environmental report at the time this EA was prepared. Because of the potential presence of Federally listed species, SEA recommends condition that requires additional consultation with the USFWS.

The U.S. Environmental Protection Agency - Region 5 (USEPA) provided a number of comments on the railroad's environmental report. Issues addressed by the USEPA comments include removal and disposal procedures for track material; ROW access by salvaging crews and equipment; erosion control and revegetation practices; equipment storage procedures; and bridge and culvert removal or maintenance. In response to these comments, the railroad indicated that track materials would be reused, recycled or disposed of in accordance with applicable regulations; salvaging activities would limited to the existing ROW, public crossings and private crossings; ballast would remain in place and underlying soils would not be disturbed; reseeding would not need to occur; prevention and control of spills would be conducted in accordance with applicable regulations; all bridges would be removed; and culvert maintenance would be the responsibility of NS or future owners of the ROW. However, to ensure that the USEPA's concerns are appropriately addressed by the railroad, SEA recommends a condition that requires additional consultation with the USEPA.

The National Geodetic Survey (NGS) has identified one (1) geodetic station marker that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this

concern.

The Indiana Bureau of Historic Preservation and Archaeology (i.e., State Historic Preservation Office or SHPO) acknowledged receipt of the railroad's historic report and requested additional information. Therefore, pending completion of the SHPO's assessment, SEA recommends a condition to ensure compliance with the 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. Approximately three of the bridges that would be removed during salvaging operations are located at water bodies, and permits may be required from the USACOE. Therefore, prior to initiating salvaging activities, the railroad shall consult with the U.S. Army Corps of Engineers - Louisville District to determine the applicability and need for permits.
2. The U.S. Environmental Protection Agency - Region 5 (USEPA) provided a number of comments on the railroad's environmental report. To ensure that the USEPA's concerns are appropriately addressed, the railroad shall consult with USEPA prior to initiating salvaging activities.
3. Two Federally list species may occur in Blackford County. Therefore, prior to initiating salvaging activities, the railroad shall consult with the U.S. Fish Wildlife Service - Ecological Service Field Office in Bloomington, Indiana, and report the results of those consultations to the Board's Section of Environmental Analysis.
4. The National Geodetic Survey (NGS) has identified one (1) geodetic station marker that may be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to conducting salvage activities in order to plan for the marker's possible relocation by NGS.
5. The railroad shall retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Subject to the recommended conditions, and 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

Following abandonment and salvage of the rail line, 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. 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 STB Docket No. AB-290 (Sub-No. 257X) in all correspondence addressed to the Board.** Questions regarding this environmental assessment should be referred to David Navecky, the environmental contact for this case, by phone at 202-565-1593, or by email at naveckyd@stb.dot.gov.

Date made available to the public: January 24, 2005

Comment due date: **February 8, 2005**

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

Vernon A. Williams
Secretary

Attachment