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SERVICE DATE - JANUARY 2, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 643X)

**CSX Transportation, Inc. – Abandonment Exemption –
in LaPorte, Porter, and Starke Counties, IN**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSX), has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for CSX to abandon approximately 32.97 miles of rail line extending from Milepost CF 0.63, at LaCrosse, to Milepost CF 15.23, at Wellsboro, and from Milepost CI 212.55, at North Judson, to Milepost CI 230.92, at Malden, in LaPorte, Porter, and Starke Counties, IN. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, CSX will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CSX, the line was acquired in 1987, when the Chesapeake and Ohio Railway was merged into CSX. The portion of the line running from La Crosse to Wellsboro travels in a northerly direction through a predominantly rural area, and the right-of-way is 50 feet from the centerline of track. From North Judson to Malden, the line runs through fertile farming lands with scattered small stands of forest and several small communities. The right-of-way on this segment varies between 40-60 feet from the centerline of track. Abandonment of the line will allow for the elimination of 61 highway rail at-grade crossings.

There are 11 CSX-owned, timber pile trestle bridges on the line that are 50 years old or older. These bridges were constructed between 1922 and 1944 and range from 8 feet to 108 feet in length. Under CSX's required maintenance practices, these bridges are repaired on an ongoing and as-needed basis. CSX states that these repairs have changed the historic qualities of the bridges, and CSX, therefore, does not consider these bridges to be historic.

CSX states that the line has generated minimal originating and terminating traffic during the past two years and no new rail business is expected to develop. CSX previously interchanged with the Toledo, Peoria and Western Railroad (TPW) at North Judson; however, TWP has ceased interchanging at this location as a result of a decrease in rail traffic, and CSX indicates that TPW has filed for

discontinuance of service of this line. See Toledo Peoria and Western Railway Corporation–Discontinuance of Service Exemption–in Starke and Pulaski Counties, IN, STB Docket No. AB-847 (Sub-No. 1X) et al., (STB served Nov. 18, 2003).

There are currently two shippers that use the line: Bruder Fertilizer (Bruder) and La Porte County Farm Bureau (LCFB). Bruder and LCFB operate farm supply businesses, and the principal commodities transported over the line during the past several years have been feed grains and fertilizer (i.e. potassium chloride). Bruder shipped 14 carloads in 2001; 24 carloads in 2002; and 16 carloads in 2003. LCFB received 476 carloads in 2001; 447 carloads in 2002; and 107 carloads in 2003. The primary alternative transportation option available to these shippers is greater use of motor carriers. Following the abandonment, LCFB may enter an agreement with CSX to lease approximately 4,000 feet of the line as industrial track for a super-loading facility. Bruder currently transloads carloads from a side track, and CSX states that Bruder is exploring an alternate transload facility. CSX indicates that the shippers have been informed of this abandonment proceeding.

CSX further states that the line is in poor condition, and significant repairs would be required if the line, currently classified as FRA excepted track, is to remain in service. CSX estimates that the rehabilitation would cost \$1,568,050, and cannot be economically justified given the nominal amount of traffic on the line. The proposed abandonment would relieve CSX from the costs of owning and maintaining an under-utilized line of railroad.

CSX states that it currently intends to remove only the track material and the upper layer of ballast. CSX does not intend to disturb any of the underlying roadbed and no new access roads are contemplated.

ENVIRONMENTAL REVIEW

CSX 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. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Water

Lake Michigan borders the northern boundaries of Porter and LaPorte Counties. The Indiana Department of Natural Resources, Division of Soil Conservation, Lake Michigan Coastal Program, advised the Board's Section of Environmental Analysis (SEA) that the proposed abandonment is not located in the designated proposed coastal zone area of Lake Michigan and, therefore, no effect to Lake Michigan coastal resources will occur.

According to the map in CSX's environmental report, the line crosses the Yellow River. However, the U.S. Fish and Wildlife Service, Bloomington Field Office (USFWS), indicates that the line actually crosses the Kankakee River at approximately Milepost CI-218. The USFWS states that it is important that none of the abandonment activities adversely affect the Kankakee River or adjacent wetlands in Starke and LaPorte Counties. Accordingly, SEA recommends a consultation condition requiring that CSX contact the USFWS prior to commencement of any salvage activities.

The U.S. Army Corps of Engineers, Detroit District, concluded that the proposed abandonment, as outlined by CSX, 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.

The U.S. Environmental Protection Agency (US EPA), Region 5, has submitted comments on the proposed abandonment. Because the line crosses the Kankakee River, the US EPA suggests that CSX conduct culvert and bridge maintenance and recommends that CSX contact the Kankakee River Basin Commission regarding the disposition of the bridge at the Kankakee River. Accordingly, the Kankakee River Basin Commission has been added to the service list.

The US EPA has also expressed concerns about the removal and salvage methods to be used by CSX during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, and soil erosion and storm water runoff mitigation practices to be utilized during abandonment activities. Accordingly, SEA will recommend a consultation condition requiring that CSX contact the US EPA, Region 5, prior to commencement of any salvage activities on this project.

Land Use

District Conservationists working for the U.S. Department of Agriculture, Natural Resources Conservation Service, indicate that the line is adjacent to prime agricultural land in LaPorte and Starke Counties. Additionally, the line is adjacent to soils of statewide importance in Starke County. No mitigation measures were suggested.

Biological Resources

The USFWS has advised SEA that the proposed abandonment is within the range of the Federally endangered Indiana bat (*Myotis sodalis*). The Indiana bat utilizes wooded riparian and adjacent upland areas as a summer maternity habitat and has been found along the Kankakee River. The USFWS states that the Indiana bat should not be adversely affected if no trees are cut during abandonment activities. Any tree cutting activity should be restricted to the season when bats are not

present, between September 15 and April 15. Accordingly, SEA recommends a condition to avoid or minimize potential impacts to the summer maternity habitat of this species.

The USFWS has advised SEA that the proposed abandonment is within the range of the following Federally endangered or threatened species: Mitchell's satyr butterfly (Neonympha mitchelli), Karner blue butterfly (Lycaeides melissa samuelis), the bald eagle (Haliaeetus leucocephalus), and Pitcher's Thistle (Cirsium pitcheri). These species are unlikely to occur within the right-of-way, but if these species are encountered during salvage operations, CSX shall consult with the USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.

The eastern massasauga rattlesnake (Sistrurus catenatus catenatus) is listed as a Candidate for possible listing as either a threatened or endangered species and has been observed on land adjacent to the right-of-way, on the north side of the Kankakee River, in September 1998. Accordingly, the USFWS requests that CSX contact them prior to the initiation of salvage activities to determine the status of the eastern massasauga and evaluate any possible impacts on this species.

The Indiana endangered Franklin's ground squirrel (Spermophilus franklinii) has been found along the Starke County portion of the right-of-way, north of North Judson. However, the Indiana Department of Natural Resources, Section of Wildlife Diversity, informed SEA that abandonment would not be detrimental to the ground squirrel, unless there is development that would change the un-mowed grassland or character of the right-of-way.

According to USFWS, there is high quality sand prairie approximately one mile from North Judson in Starke County, possibly between Mileposts CI-218 and CI-221; the highest quality prairie is between the Kankakee River and County Road 2200 South. This prairie habitat is locally and regionally significant because it serves as a refuge for wildlife in an area of extensive agricultural development. The USFWS recommends that activities be confined to the actual roadbed and not extend into the adjacent right-of-way, so that the prairie habitat will not be degraded. Based on the USFWS's comments, SEA recommends a consultation condition requiring that CSX contact the USFWS prior to commencement of any salvage activities.

CSX states that the line is not within any wildlife sanctuaries, National or State parks or forests.

Safety

According to CSX, there have been two incidents involving the release of hazardous materials on the subject right-of-way, in LaCrosse, IN. On April 1, 2001, there was a non-accident release of one pound of Anhydrous Ammonia, and on April 28, 2001, there was a locomotive diesel fuel spill of five gallons. The release of one pound of anhydrous ammonia fell below the 100 pound reportable quantity, and the diesel fuel spill is on record with the Indiana Department of Environmental Management as incident number 2001-04-266. CSX states, and the Indiana Department of Environmental

Management, Emergency Response Section, confirmed that no environmental clean-up was necessary for these incidents.

Traffic

CSX states in its application that a total of 797 carloads were moved on the line during the base year (calendar year 2002).¹ This traffic included 24 carloads shipped by Bruder, 447 carloads received by LCFB, and 326 carloads shipped via the interchange by TPW. Using a rail-to-truck conversion factor of 4 trucks per railcar,² SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment could generate an estimated 3,188 new trucks per year (6,376 truck trips assuming an empty backhaul). This equates to approximately 27 trucks per day being added to area roads during a 240 workday year.³ This increase will not exceed the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment [49 C.F.R. 1105.7(e)].

Other Comments

The National Geodetic Survey has advised us that two geodetic station markers have been identified that may be affected by the proposed abandonment.

Porter County submitted comments stating that the proposed abandonment would have an adverse effect on the economy, as well as the local quality of life. The County further stated that abandonment of the line could increase truck traffic on area highways, including SR 49.

The Hoosier Valley Railroad Museum, Inc. (Museum), a non-profit railroad museum located in North Judson, submitted comments stating that potential future benefits to the local economy and tourism would be lost if the line is abandoned. The Museum stated that it has the ability and desire to establish a tourist train operation and requested that consideration be given to alternatives that may allow the continued existence and potential use of the line.

HISTORIC REVIEW

CSX submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. CSX served the report on the Indiana Historic Preservation

¹ Because 2002 is the most recent complete year of data, SEA is using 2002 as the base year.

² The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

³ 240 workdays result when weekends and holidays are subtracted from a 365 day year.

Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO identified three properties within the probable area of potential effects that meet the criteria for inclusion in the National Register due to their historical and architectural significance. These include Toad Hall, the English Lake 1870 Gun Club; La Crosse High School; and the Marathon Gas Station. Based on documentation provided by CSX, however, the SHPO states that it does not believe that there will be any alterations to the characteristics of the identified properties that would qualify them for inclusion in the National Register. The SHPO identified no other historic or archeological resources that could be affected by the proposed abandonment. SEA has reviewed 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, we have determined that the proposed abandonment will 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(e), consists of CSX's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

We recommend that the following 6 conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, CSX shall notify NGS at least 90 days prior to salvage activities in order to plan for their relocation.
2. The U.S. Fish and Wildlife Service, Bloomington Field Office (USFWS), has raised concerns regarding the Kankakee River and adjacent wetlands in Starke and LaPorte Counties, as well as the high quality sand prairie habitat in Starke County. Accordingly, SEA will recommend a consultation condition requiring that CSX contact USFWS prior to commencement of any salvage activities on this project.
3. To address the concerns raised by the U.S. Environmental Protection Agency (US EPA), Region 5, CSX shall, prior to commencement of any salvage activities on this project, contact the US EPA, Region 5 (Elizabeth S. McCloskey, 219-983-9753), concerning removal and salvage methods, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills, and stormwater runoff mitigation practices to be utilized during abandonment activities.

4. To comply with the U.S. Fish and Wildlife Service's concerns regarding the Federally endangered Indiana bat that may be within the area, CSX shall avoid any tree cutting activities. If trees must be cut, such activity must be restricted to the period between September 15 and April 15.

5. U.S. Fish and Wildlife Service, Bloomington Field Office (USFWS), has indicated that the proposed abandonment is within range of the following Federally endangered or threatened species: Mitchell's satyr butterfly, Karner blue butterfly, bald eagle, and Pitcher's Thistle. If these species are encountered during salvage operations, CSX shall consult with the USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.

6. The eastern massasauga rattlesnake (Sistrurus catenatus catenatus) is a Candidate for possible listing as either a threatened or endangered species. Prior to any salvage activities, CSX shall contact U.S. Fish and Wildlife Service, Bloomington Field Office (USFWS), to determine the protected status of the eastern massasauga and evaluate any possible impacts on this species.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude 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), 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 (68 FR 65759).

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 the petition for 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 Christa Dean, who prepared this environmental assessment. **Please refer to Docket No. AB-55 (Sub No. 643X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Christa Dean, the environmental contact for this case by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

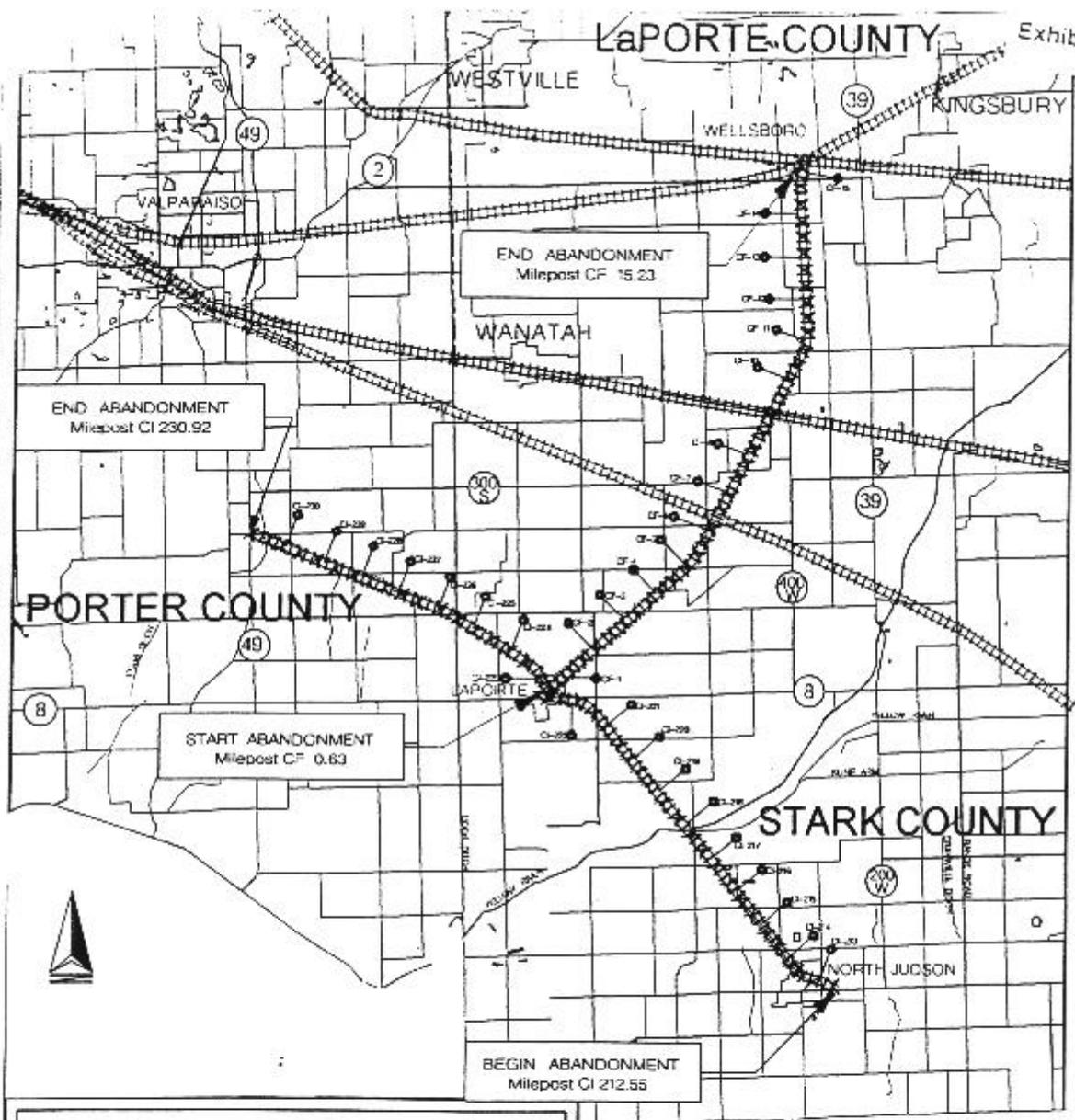
Date made available to the public: January 2, 2004.

Comment due date: February 2, 2004.

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

Vernon A. Williams
Secretary

Attachments



CSX TRANSPORTATION	
Proposed Abandonment of 32.97 Miles	
Line Name: Wabash Sub.	VAL: C&O V-51/180-199
County: LaPorte, Stark, Porter	V3IND/1-11
State: Indiana	GIS: 17360-17380,22851-22865
Fips: 18091,18149,18127	Scale: 1" = 16,500'
Site ID: IN-091-0997878	Date: 08/20/03
	Drawn By: J.H. Sullivan

LEGEND
————— CN LINE
————— CSX LINES
————— NS LINE
————— PROPOSED ABANDONMENT
————— Total Distance = 32.97 Miles +- Western Region Chicago Division Wabash Subdivision

AB-55 (Sub-No. 643X)

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