

42200
OEA

SERVICE DATE – FEBRUARY 27, 2012

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub No. 714X)

**CSX Transportation, Inc. — Abandonment Exemption —
in Vermillion County, Ill.**

BACKGROUND

On February 2, 2012, CSX Transportation, Inc. (CSXT) filed a verified notice under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 to permit it to abandon approximately 0.4 miles of rail line of its Northern Region, Chicago Division, Woodland Subdivision, between milepost QSK 3.6 and milepost QSK 4.0, at the end of the track, in Danville, Vermillion County, IL (Line). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to CSXT, the Line has been out of service for more than 2 years. If the Surface Transportation Board (Board) should approve the abandonment, CSXT would be able to salvage the Line. Salvage would consist of removal of the rail, crossties, and possible the upper layer of ballast. CSXT does not intend to disturb any sub-grade or sub-grade structures.

DESCRIPTION OF THE RAIL LINE

The topography surrounding the Line is generally level, passing through rural residential/industrial areas. The width of the right-of-way is approximately 149.5 feet wide and traverses United States Postal Service Zip Code 61832. The rail line extending 25.40 miles west of milepost QSK 4.0, formerly owned by the Consolidated Rail Corporation (Conrail), was abandoned by Conrail following a decision by the Board served August 2, 1996, approving the abandonment.¹

The Line contains a single bridge that is 50 years old or older. According to CSXT, the bridge was built in 1958 and is constructed of concrete and steel. The concrete crash walls were vertically altered by the Illinois Department of Transportation (ILDOT) in 2008.

¹ STB Docket No. AB 167 (Sub No. 1161X), Consolidated Rail Corporation—Abandonment Exemption—in Vermillion and Champaign Counties, IL. The Board served its Decision on August 2, 1996.

CSXT states that Line does not contain federally granted rights-of-way but it may be subject to reversionary interests. According to CSXT, the Line would be appropriate for other public purposes. CSXT notes that ILDOT has identified the bridge for removal to eliminate the height restriction and to allow for improvements of the interchange between US 150 and Interstate 74.

According to CSXT, the only alternative to abandonment would be to pass the opportunity costs of retaining the Line onto all other CSXT customers.

ENVIRONMENTAL REVIEW

CSXT submitted an Environmental Report that concludes that 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. CSXT served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules (49 C.F.R. § 1105.7(b)).² The Board's Office of Environmental Analysis has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, the Line has been out of service for more than 2 years. Consequently, no rail-to-truck diversions would occur. Therefore, OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Furthermore, because no rail traffic has moved over the Line in more than 2 years there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

According to CSXT, the abandonment, if approved, would result in the improvement of public safety with the implementation of the planned improvements to roadways planned by the ILDOT.

The ILDOT, Region 3, District 5, states that it has no concerns nor can it foresee any impact to the environment should the Board approve this proposed abandonment. This position was also reiterated by the ILDOT's Program Development Engineer.

Salvage Activities

If the Board should approve the proposed abandonment, CSXT would remove the rail, cross-ties and possibly the upper layer of ballast. CSXT states that it does not intend to disturb

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub No. 714X).

any sub-grade or sub-grade structures. According to CSXT, salvage would occur as described below:

Salvage would be accomplished by use of the right-of-way along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris would be transported away from the Line and would not be discarded along the right-of-way nor be placed or left in streams or wetlands or along the banks of such waterways. Also, during track removal, appropriate measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

The Natural Resources Conservation Service (NRCS) states that because the proposed abandonment would be confined to the existing rail corridor, it would have no impact on prime or important farmlands. The NRCS' State Soil Scientist also concurs that the proposed abandonment would not result in any adverse impacts.

The U.S. Army Corps of Engineers, Louisville District (Corps), states that based on the information provided that the proposed abandonment would not impact waters of the United States. Therefore, no authorization is required under Section 404 of the Clean Water Act. The Corps also notes that there appears to be no navigable waters within the proposed project area.

Due to the limited scope of the proposed project, CSXT also does not believe that a permit under Section 402 of the Clean Water Act would be required.

CSXT states that it has no knowledge of any known hazardous material spills or hazardous waste sites along the right-of-way.

Due to the nature of the proposed salvage activities, CSXT does not believe that any federally endangered or threatened species would be negatively affected or critical habitats modified if the abandonment is approved. CSXT also notes that the Line is not located within any wildlife sanctuaries or refuges, National or State parks or forests.

In an email dated January 6, 2012, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that there are no geodetic survey markers located in the area of the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, CSXT states that the right-of-way is 149.5 feet wide and includes a single bridge that is 50 years old or older. According to CSXT, the bridge was built in 1958 of concrete and steel. The concrete crash walls were vertically altered by the ILDOT in 2008.

According to CSXT, the Danville, Urbana, Bloomington and Pekin Railroad Company was incorporated on August 28, 1866 and constructing a rail line from Danville, IL, to the eastern boundary of IL. This rail line subsequently merged with a rail line in Indiana to form the Bloomington and Western Railway Company (IB&W). This new railroad was a bargaining factor in obtaining Danville's strong support for locating the University of Illinois in Champaign County. The IB&W eventually became the Peoria and Eastern Railway Company (P&E). On February 22, 1890, the P&E entered into a contract in which it surrendered the operation and control of its railroad to the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, a subsidiary of the New York Central Railroad System (NYC). The NYC was formed in 1853 by the consolidation of many small NY railroads. By 1930, after having absorbed other large railroads, the NYC was one of the leading railroads connecting the Eastern seaboard with Midwestern cities. In 1968, the Penn Central Company was formed by the merger of the NYC and the Pennsylvania Railroad. By the early 1970's, the Penn Central was bankrupt and in 1976, the U.S. Government created Conrail from Penn Central and 5 other failed eastern railroads. In 1999, CSXT and Norfolk Southern Railway each acquired portions of the Conrail system, with CSXT acquiring the Line at issue here.

CSXT served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Illinois Historic Preservation Agency (SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ The SHPO, in a letter dated February 2, 2012, states that the proposed abandonment would have no adverse effect on historic resources. Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 38 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ The database indicated that the following 7 tribes may have

³ Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last (continued . . .)

knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment:

1. Citizen Potawatomi Nation, Oklahoma
2. Forest County Potawatomi Community, Wisconsin
3. Hannahville Indian Community, Michigan
4. Kickapoo Tribe of Indians of the Kickapoo Reservation, Kansas
5. Kickapoo Tribe of Oklahoma
6. Peoria Tribe of Indians, Oklahoma
7. Prairie Band of Potawatomi Nation, Kansas

Accordingly, OEA is sending a copy of this EA to the tribes for review and comment.

CONDITIONS

We recommend that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, that 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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in

(. . . continued)
visited February 23, 2012).

a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub No. 714X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: February 27, 2012.

Comment due date: March 12, 2012.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment