

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-344(SUB-NO. 1X)

**Chicago Southshore & South Bend Railroad
Petition for Exemption
In LaPorte County, Indiana**

BACKGROUND

In this proceeding, Chicago Southshore & South Bend Railroad (CSS) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of operations over an industrial lead located in Michigan City, in LaPorte County, Indiana. The rail line is approximately 2400 feet long, is stub-ended, and serves a single shipper. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

CSS states in its application that the rail line is located in a downtown setting and extends from a connection at the east end of its Lincoln Yard, near Second Street, and ends within the boundary's of Pioneer Lumber Company (Pioneer).

In its Application, CSS states that Pioneer has been the sole active shipper for over 20 years and supports the proposed abandonment. All rail traffic from 1998 through June 30, 2001, has consisted entirely of inbound carloads of lumber. In 1998, Pioneer received a single carload; in 1999 no carloads; in 2000, five carloads; and as of June 30, 2001, three carloads. In addition to receiving rail service on this rail line, Pioneer also uses, and will continue to use following the abandonment, CSS's ramp located approximately two miles from their facility. Due to the low traffic volume on local roadways and Pioneer's continued access, via CSS's ramp, no significant impacts are expected from rail-to-truck diversions. CSS also states that no overhead traffic has moved over this rail line.

In addition, CSS states that the abandonment, if approved, will enhance public health and safety by eliminating an at-grade crossing and a railroad diamond that intersects with Amtrak's high-speed, Detroit-to-Chicago, route near Second Street, as well as, three public at-grade crossings.

As a result of the rail line's downtown setting and its proximity to Amtrak's high-speed main line, CSS believes that the rail line is not suitable for public use.

ENVIRONMENTAL REVIEW

The railroad has 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has submitted comments advising us that one geodetic station marker could be affected by the proposed abandonment.

The U.S. Department of Interior, Fish and Wildlife Service has submitted comments indicating that it had no concerns regarding the proposed abandonment.

The U.S. Department of Agriculture, Natural Resources Conservation Service has stated that the proposed abandonment will not result in adverse impact.

The National Park Service's Indiana Dunes National Lakeshore has indicated that the rail line is outside of the Park's boundary. Although the Park has interest in acquiring the rail line as part of a railroad museum, to date, representatives of Michigan City have not been enthusiastic.

The Indiana Department of Transportation, Railroad Section, has advised us that a State Statute requires the railroad, following salvage operations, to restore the road surface within one year of consummation.

The Indiana Department of Natural Resources submitted comments stating that no archaeological resources eligible for inclusion in the National Register of Historic Places has been identified. However, they identified the Michigan City Train Station (Train Station) which may be eligible for inclusion in the National Register. CSS states that the Train Station is located on right-of-way now owned by Amtrak and has never been under CSS' ownership.

CONDITIONS

In response to the concerns expressed by U.S. Department of Commerce, National Geodetic Survey and the Indiana Department of Transportation, Railroad Section, we recommend that the following conditions be imposed on any decision granting abandonment authority.

1. Chicago Southshore & South Bend Railroad (CSS) shall notify the U.S. Department of Commerce, National Geodetic Survey (NGS) prior to any salvage activities that will disturb or destroy the single survey marker on the right-of-way. CSS will allow the NGS 90 days from the issuance of any decision granting abandonment authority in this proceeding to survey the rail line for any historical benchmarks or monumentation.

2. Chicago Southshore & South Bend Railroad shall consult with the Indiana Department of Transportation, Railroad Section, regarding specific procedures for the proper restoration of road surfaces, prior to initiation to any salvage activities.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, 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.

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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services 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, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB- 344 (Sub No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Troy Brady at (202) 565-1593.

Date made available to the public: **August 28, 2001.**

Comment due date: September 26, 2001. (30 Days)

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

Vernon A. Williams
Secretary

Attachment

MAP TO BE SCANNED