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SERVICE DATE - MAY 26, 1998

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-494X

**Akron Barberton Cluster Railway Company--Abandonment
Exemption--in Summit County, OH**

BACKGROUND

In the above entitled proceeding, Akron Barberton Cluster Railway Company (ABCR), has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a 4.14-mile line of its railroad from Valuation Station 440+00 at Main Street to Valuation Station 658+63 at Seiberling Avenue, in Summit County, OH. 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

The right-of-way passes through an area that is considered zoned industrial, light manufacturing, and residential. In its application, ABCR states that there has been no traffic on the line during the past two years.

ENVIRONMENTAL REVIEW

ABCR 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. ABCR 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 reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS), U.S. Department of Commerce, has informed us that 2 geodetic station markers may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for their relocation. NGS also sent a copy of the list and location of the markers to ABCR. We recommend NGS's request be imposed as a condition to any abandonment authority.

The State of Ohio Environmental Protection Agency, Division of Surface Water (OHIO EPA) stated that the line runs parallel to and crosses the Little Cuyahoga River. Ohio EPA has

expressed concern regarding disposal of debris during salvage operations. OHIO EPA states during salvage operations, none of the debris may be discarded along the right-of-way nor placed or left in streams or wetland, or the banks of such waterways. We recommend that ABCR consult with Ohio EPA prior to conducting salvage operations and take appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutants from entering any watercourses.

CONDITIONS

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

(1) The National Geodetic Survey (NGS) has identified 2 geodetic markers that may be affected by the proposed abandonment. Therefore, ABCR shall notify NGS at least 90 days prior to any salvage activities that may disturb or destroy these markers so that plans may be made for their relocation.

(2) The State of Ohio Environmental Protection Agency, Division of Surface Water, has expressed concern regarding disposal of debris during salvage operations. We recommend that ABCR consult with Ohio EPA prior to conducting salvage operations and take appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutants from entering any watercourses.

CONCLUSIONS

Based on the information provided from all sources to date and subject to the recommended conditions, we conclude that, as currently proposed, 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 discontinuance would include denial (and, therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rial line does not take place, 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

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Register. However, 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.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 2215, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub-No. 198X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629.

Date made available to the public: May 26, 1998.

Comment due date: June 10, 1998.

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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PLEASE SCAN MAP.