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SEA

SERVICE DATE – JUNE 25, 2010

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 702X)**

**CSX Transportation, Inc., – Abandonment Exemption –  
in Marion County, Ind.**

**BACKGROUND**

In this proceeding, the CSX Transportation, Inc., (CSXT) has filed a petition for exemption under 49 U.S.C. §10502 from the prior approval requirements of 49 U.S.C. §§ 10903 and 10904 seeking to abandon a line of railroad in its Northern Region, Great Lakes Division, Indianapolis Terminal Subdivision, between milepost QSZ 3.60 and milepost QSZ 4.42, a distance of 0.82 miles, known as the Speedway Running Track, in Indianapolis, Marion County, Indiana (Line).

The Line currently serves a single shipper, Heritage-Crystal Clean (HCC). If the Surface Transportation Board (Board) should approve this abandonment, CSXT intends to abandon and then reclassify the Line as industrial track. This would allow CSXT to either lease or sell the Line to HCC so that it can use the Line to receive rail service without becoming a common carrier. Should HCC not require rail service in the future, CSXT would then salvage the Line.

According to CSXT, the Line does not contain any Federally granted rights-of-way and traverses U.S. Postal Service Zip Code 46222. A map depicting the proposed abandonment in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

CSXT has submitted an environmental report that concludes that neither the proposed abandonment nor post-abandonment activities, such as salvage and disposition of the right-of-way, would significantly affect the quality of the human environment. 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)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 702X).

### *Diversion of Traffic*

CSXT states that there is a single shipper, HCC, located on the Line. HCC, which is located near milepost QSZ 3.60, has expressed interest in acquiring and maintaining the Line which would allow it to expand intra-plant operations and rail use. HCC has submitted a letter of non-opposition to the proposed abandonment. Furthermore, if approved, HCC does not intend to become a common carrier and hold itself out to provide service to other shippers. CSXT states that it does not expect any new rail business interests to develop on the Line and that there is currently no demand for rail service other than from HCC. CSXT, is not aware of any opposition to the proposed abandonment.

CSXT states that the proposed abandonment would result in no effect on recyclable commodities.

### *Salvage Activities*

CSXT states that no salvage would take place as it intends to lease or sell the Line to HCC for continued freight operations. However, if HCC should not need the Line in the future salvage activities would take place as follows:

Upon receipt of abandonment authority, the removal of material would be accomplished by use of the right-of-way for access, in conjunction with existing public and private at-grade crossings, with no new access roads being 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 from the Line and would not be placed or left in streams or wetlands or along the banks of such waterways. Moreover, CSXT would implement appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

CSXT states that the right-of-way may be suitable for other public purposes. The right-of-way may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

In a letter dated March 18, 2010, the Indiana Department of Natural Resources (IN DNR) stated that it is currently reviewing the proposed action and that a response would be forthcoming. No further information has been received from IN DNR to date.

CSXT states that its records do not indicate any hazardous waste sites or sites where there have been hazardous materials spills on the Line.

In a letter dated March 3, 2010, the U.S. Fish and Wildlife Service states that it has no objection to the project as currently proposed.

CSXT notes that it does not contemplate any action known to be inconsistent with Federal, state, and/or local water quality standards. Any necessary permits or applications will be obtained, as well as compliance with conditions or procedures required by regulatory agencies. According to CSXT, it believes that permits under Sections 404 and 402 of the Clean Water Act are not required because the salvage activities planned by CSXT would not result in fill materials being deposited in any wetland or water body.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

In an e-mail dated February 26, 2010, the U.S. Department of Commerce, National Geodetic Survey (NGS) identified a single geodetic survey marker that may be disturbed by the proposed abandonment. Therefore, SEA will recommend a condition requiring that CSXT consult with the NGS prior to the commencement of any salvage activities.

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

## **HISTORIC REVIEW**

In its Historic Report, CSXT states that right-of-way is approximately 80 feet wide and traverses an industrial area of Indianapolis. CSXT also states that there are no structures on the Line that are 50 years old or older that may be eligible for listing in the National Register of Historic Places. CSXT is not aware of any archaeological resources. If any did exist, they would have been disturbed during construction of the Line.

According to CXST, the Line was acquired by the Cleveland, Cincinnati, Chicago and St. Louis Railway (CCC&StL), also known as the Big Four Railroad, in the late 19<sup>th</sup> century. The CCC&StL was acquired in 1906 by the New York Central Railroad. The former lines of the CCC&StL were incorporated into Penn Central in 1968 with the merger of New York Central Railroad and the Pennsylvania Railroad. Penn Central declared bankruptcy in 1970 and the Line was included in the lines of the newly formed Conrail. In 1999, the Line was acquired by CSXT when Conrail was divided between CSXT and Norfolk Southern.

CSXT has submitted the historic report to the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (the Indiana agency that acts as the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).<sup>2</sup> In a letter dated April 16, 2010, the SHPO notes that it has not identified any historic buildings, structures,

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<sup>2</sup> Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

districts or objects or any currently known archaeological sites listed in or eligible for inclusion in the National Register of Historic Places within the area of potential effect. The SHPO notes that this finding is subject to the understanding that the project activities, including potential future removal of the rail infrastructure, remain within the areas disturbed previously by construction.

In making its determination, SEA has considered the finding of the SHPO as well as statements by CXST regarding how any potential future salvage operations would take place. Pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), 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, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated the following 6 Federally recognized tribes that may have ancestral connections to the project area: 1) Delaware Nation of Oklahoma, 2) Miami Tribe of Oklahoma, 3) Ottawa Tribe of Oklahoma, 4) Peoria Tribe of Indians of Oklahoma, 5) Shawnee Tribe, and 6) Wyandotte Nation. SEA will ensure that the tribes receive a copy of this EA for their review and that these three tribes are added to the service list for this proceeding.

Based on the information available to date, SEA does not believe that salvage activities would cause significant impacts to historic or cultural resources.

## **CONDITIONS**

SEA recommends that the following condition be imposed on any decision granting abandonment authority.

**CSX Transportation, Inc., shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb or destroy geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, 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 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 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.

CSXT states that the right-of-way may be suitable for other public purposes, but may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

### **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 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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 an **original and two 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 web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 Sub-No. 702X 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](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: June 25, 2010.

**Comment due date: July 26, 2010.**

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

Attachment