

SERVICE DATE – APRIL 4, 2014

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 712X)

**CSX Transportation, Inc. – Abandonment Exemption –
In White County, Ind.**

BACKGROUND

In this proceeding, the CSX Transportation, Inc. (CSXT) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 9.67 miles of rail line on its Monticello Industrial Track, Monon Subdivision, between Monon, milepost 0QA 88.33, and Monticello at the end of the track, milepost 0QA 98.00, in White County, Indiana (the Line). The width of the rail line right-of-way proposed for abandonment varies from 25 to 50 feet from the centerline of the track. The rail line travels in a southeasterly direction through a range of land uses, including rural farmland, small communities, and the cities of Monon and Monticello. There are three bridges on the line, and several small waterways. The Line traverses United States Postal Service Zip Codes 47959 and 47960 and includes the Monon Station, milepost 0QA 88.3, and the Monticello Station, milepost 0QA 98.00.¹ CSXT states that, based on information in its possession, the Line does not contain any federally granted rights-of-way.

CSXT states that there is one shipper on the Line, Monticello Farm Services, Inc. (MFS), and that the revenue generated by MFS is insufficient to cover operation and maintenance costs, much less generate a return on CSXT's investment in the Line. CSXT states that during the past several years, miscellaneous commodities have been handled, however, the principal commodity shipped on this Line has been nitrogen fertilizer. CSXT notes that the current traffic being delivered can be transloaded to truck in Francesville, IN, approximately 21.5 miles from the current location, and that there are six trucking companies within a four mile radius of the current shipper. CSXT states that it does not expect any new rail-oriented business to develop on the Line. If the notice becomes effective, CSXT would be able to use a portion of the Line near Monon for railcar storage and salvage track, ties, and other railroad appurtenances and to dispose of the remaining right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

¹ CSXT plans to abandon the Monticello Station as part of the proposed action, but would leave the Monon Station active to facilitate the possible reopening of a nearby quarry.

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes the quality of the human environment would 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 Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As previously stated, MFS is the only shipper on the line. CSXT states that MFS's current traffic could be transloaded to truck in Francesville, IN, approximately 21.5 miles from the current location. According to CSXT's petition, the line handled an average of 23 rail carloads of commodities per year between 2010 and 2013 (the 23 rail carloads is based on the average of 7 in 2013, 42 in 2012, 17 in 2011, and 23 in 2010). If all the rail traffic is diverted to truck traffic, and using a rail-to-truck conversion factor for varied commodities of four trucks per one rail carload, OEA determined that there would be 88 truckloads (176 truckloads assuming an empty backhaul) of traffic on area roadways per year. Based on a 240 day work year, OEA calculates that 176 truck trips would add approximately 0.73 new trucks per day to area roads, and would 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(e)(4)(iv)(A).³ Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, CSXT intends to salvage the rail, ties and track material but leave the roadbed intact. CSXT does not intend to perform any activities that would cause erosion and sedimentation, and dredging or the use of fill material is not anticipated. No new roads are

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. 712X).

³ The Board's 50 vehicles per day threshold was not met or surpassed in any of the traffic years, including 2012, when traffic was at its highest at 42 rail carloads. In this year, OEA calculated that a total of 336 yearly or 1.4 daily rail carloads would have been generated.

contemplated. Crossties and other debris would be transported away from the line and not discarded in the right-of-way. CSXT intends to take appropriate measures to prevent or control spills from fuels, lubricants or any other pollutants from entering into neighboring waterways.

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

CSXT indicates that the proposed abandonment and discontinuance of service would eliminate 17 at-grade crossings (9 public and 8 private). Accordingly, OEA believes that these closures would improve public safety.

The City of Monticello commented that the proposed abandonment may not be in the best interest of MFS and the surrounding business community, and supports using the rail line for future economic growth opportunities similar to what has occurred at a neighboring iron ore pellet plant and what is being planned at a nearby rail-served business corridor. The City also conferred with the White County Commissioners on the proposed abandonment, and commented that the County has been expecting the proposed abandonment to occur for about 10 years.

The White County Area Plan Commission, and the White County Building and Planning Department commented that any post-abandonment construction or improvement activities, such as CSXT's planned railcar storage yard, must adhere to the County's zoning and permitting requirements. Because post-abandonment activities are beyond the scope of this EA, OEA cannot recommend the imposition of any mitigation measures to address this request.⁴

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) commented that the proposed abandonment would not cause a conversion of prime farmland. OEA has therefore determined that no further consultation with NRCS is necessary.

The U.S. Army Corps of Engineers (Corps) commented that the proposed abandonment may affect waters of the United States, including wetlands, if salvage results in the discharge of dredge or fill material into waterways or wetlands of the United States. While CSXT has stated that it would leave the roadbed intact and not conduct any activities that would cause erosion or sedimentation, or dredging or the use of fill material in neighboring waterways, OEA notes that in an email correspondence between CSXT and DNR (page 86 of the February 4, 2014 filing) CSXT indicated that it may be removing an in-stream center stone structure at one of the bridges during salvage operations. If this is to occur, CSXT would need to consult with the Corps to

⁴ For environmental reviews of rail line abandonments, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency. This includes the diversion of traffic to other rail lines or transportation modes and the consequences of removing the track and related structures. Iowa Southern R. Co. – Exemption – Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990).

determine the need for a Section 10 Rivers and Harbors Act of 1899 permit and/or a Section 404 Clean Water Act (33 U.S.C. § 1344) permit. OEA is therefore recommending a condition that would require CSXT to consult with the Corps prior to salvage operations and to comply with its reasonable requirements.

The Indiana Department of Natural Resources (DNR), Division of Fish and Wildlife provided a number of comments on the proposed abandonment. Specifically: (1) the proposed action may require formal approval from DNR's Division of Water's Technical Service Section for any work that crosses a stream or other flowing waterbody having a drainage area greater than one square mile; (2) Portions of the rail line right-of-way contain remnants of native prairie vegetation that should be restored and preserved if the rail line is to be converted to trail use; (3) DNR notes that the Turquoise bluet (*Enallagma divagans*), a state rare insect species, has been documented one half mile to the east of the railroad, but requires no further action; and (4) DNR asks that sediment and erosion control measures be implemented during salvage operations and that all disturbed areas, including steep slopes and stream banks, be vegetated following salvage operations. While the Board has no authority over trail use activities⁵ in the above item 2 and OEA notes that CSXT has stated that it would leave the roadbed intact and not conduct any activities that would cause erosion or sedimentation, or dredging or the use of fill material in neighboring waterways under item 4, OEA is recommending a condition that would require CSXT to consult with DNR prior to salvage to address concerns relating to item 1 and the possible removal of the in-stream center stone structure discussed in the previous paragraph discussing the Corps' issues.

The U.S. Fish and Wildlife Service (USFWS), Northern Indiana Sub-office, commented that the proposed abandonment would have no environmental impact on federally listed or endangered species, pursuant to Section 7 of the Endangered Species Act. OEA has therefore determined that no further consultation with USFWS is necessary.

The National Geodetic Survey (NGS) commented that one geodetic survey marker may be located in the area of the proposed rail line abandonment. Accordingly, OEA has included a condition in this EA that would require CSXT to notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers within the area of the proposed abandonment and discontinuance of service.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties that commented above and those on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: the Indiana Department of Environmental Management, the Indiana Department of Transportation, the Region 5 U.S. Environmental

⁵ The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient federal control so as to qualify as a "major federal action" under the National Environmental Policy Act (NEPA). Only major actions by federal agencies require environmental review pursuant to NEPA.

Protection Agency, the White County Government Center, the National Park Service, and the Greater Monticello Chamber.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the DNR Division of Historic Preservation and Archaeology (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.⁶ In addition, the SHPO stated that there are no identified or currently known archaeological sites within the area of the proposed abandonment and that the area has been disturbed by prior construction. The SHPO did, however, indicate that the proposed abandonment is subject to Indiana Code 14-21-1-27 and 29, should any archaeological sites or human remains be uncovered during salvage, and requests that work in the area of the discovery immediately stop and that it be notified within two business days so that further consultation can be undertaken. In response to the SHPO's concerns, OEA is recommending a condition regarding unanticipated discoveries of archaeological 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, we have 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 36 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.⁷ The database indicates that there are six federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Citizen Potawatomi Nation, Oklahoma; the Delaware Nation, Oklahoma; the Forest County Potawatomi Community, Wisconsin; the Hannahville Indian Community, Michigan; the Miami Tribe of Oklahoma; and the Peoria Tribe of Indians of Oklahoma. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

⁶ This includes the Monon and Monticello Stations.

⁷ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited March 24, 2014).

CONDITIONS

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

1. CSX Transportation, Inc. (CSXT) shall consult with the Indiana Department of Natural Resources (DNR) Division of Fish and Wildlife, and the Division of Water's Technical Service Section prior to initiating salvage operations to determine the need to protect streams and other flowing waterbodies, and provide best management practices.
2. CSXT shall consult with the U.S. Army Corps of Engineers (Corps) prior to initiating salvage activities for potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
3. CSXT shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
4. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, CSXT shall immediately cease all work and notify OEA, appropriate federally recognized tribes, and the DNR Division of Historic Preservation and Archaeology (State Historic Preservation Office or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, appropriate federally-recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is 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 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 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 712X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: April 4, 2014.

Comment due date: May 5, 2014.

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

Attachment