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SERVICE DATE – NOVEMBER 19, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 735X)

CSX TRANSPORTATION, INC.—ABANDONMENT  
EXEMPTION—IN VIGO COUNTY, IND.

Decided: November 18, 2014

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 1.39 miles of rail line on its Southern Region, Nashville Division, CE & D Subdivision, between the connection to CSXT's mainline at milepost QST 0.03 and the end of the track at the connection with the Indiana Railroad Company at milepost QST 1.42, in Terre Haute, Vigo County, Ind. Notice of the exemption was served and published in the Federal Register on October 20, 2014 (79 Fed. Reg. 62,708). The exemption is scheduled to become effective on November 19, 2014.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on October 24, 2014. In the EA, OEA states that CSXT consulted with the U.S. Environmental Protection Agency, Region 5, and the Indiana Department of Environmental Management (IDEM) to determine if a permit under Section 402 of the Clean Water Act is required. No comments were received from either agency. Further, OEA states that it does not believe that a Section 402 permit would be required because CSXT has indicated that measures would be implemented to prevent and/or control spills or pollutants entering surrounding waterways. However, OEA recommends that a condition be imposed requiring CSXT to (1) consult with IDEM to determine what, if any, permits may be required under the Clean Water Act, and (2) comply with IDEM's reasonable requirements.

Further, OEA states that CSXT, in addition to notifying the City of Terre Haute, notified the National Geodetic Survey (NGS) to determine whether any geodetic survey markers may be affected by the proposed abandonment. OEA adds that NGS, which maintains the National Spatial Reference System, responded that a single marker may be located in the area proposed for abandonment. Accordingly, OEA recommends that a consultation condition be imposed requiring CSXT to consult with NGS prior to conducting salvage activities in order to determine if any markers may be disturbed or destroyed by the proposed abandonment.

Comments to the EA were due by November 10, 2014. No comments were received. Accordingly, the conditions recommended by OEA in the EA will be imposed.

Based on OEA's recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on October 20, 2014, exempting the abandonment of the line described above is subject to the conditions that, prior to commencement of any salvage activities, CSXT shall: (1)(a) consult with IDEM to determine if the project is consistent with state and local water quality standards and if permits under the Clean Water Act are required; and (b) comply with reasonable requirements of IDEM; and (2) consult with and notify NGS at least 90 days prior to conducting salvage activities that will disturb or destroy any geodetic survey markers in order to plan for the possible relocation of the markers.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.