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SERVICE DATE - OCTOBER 5, 2001

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-565 (Sub. No. 4X)

**New York Central Lines, LLC – Abandonment Exemption –
in Vermillion and Warren Counties, Indiana**

BACKGROUND

In this proceeding, New York Central Lines, LLC (NYC), and CSX Transportation, Inc. (CSXT), (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NYC to abandon and CSXT to discontinue service over a portion of a line of railroad in Vermillion and Warren Counties, Indiana.¹ The portion of the rail line proposed for abandonment and discontinuance spans about 6.12 miles from milepost QSO-15.18 near the Illinois/Indiana state line in Vermillion County to Milepost QSO-11.30 near Olin in Warren County (the line).² A map depicting the rail line in relationship to the area served is appended to the report. If the notice 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

According to the applicants, there has been no originating or terminating traffic on the line for the past three years and there is no overhead traffic on the line. Applicants state that the line was used to transport chemicals.

¹ This case embraces STB Docket No. AB-55 (Sub. No. 597X), CSX Transportation, Inc. – Discontinuance of Service Exemption – in Vermillion and Warren Counties, Indiana.

² CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

ENVIRONMENTAL REVIEW

The applicants 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 applicants 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 have reviewed and investigated the record in this proceeding.

Comments have been received from the Vermillion County Area Plan Commission stating that the proposed abandonment “would be inconsistent with the recommendations and goals of the Vermillion County Development Plan.”

Comments have been received from the Natural Resources Conservation Service stating that prime farmland is adjacent to the area of the proposed abandonment.

Comments have been received from the Indiana Department of Natural Resources stating that Indiana is in the process of having its Lake Michigan Coastal Program approved under the Federal Coastal Zone Management Program, and the proposed abandonment does not seem to impact areas that are within the proposed boundary for the Lake Michigan Coastal Program.

Comments have also been received from the Indiana Department of Environmental Management stating that the proposed abandonment, if executed as planned by the applicants, would not violate “the water pollution control laws and regulations of the State of Indiana.” The U.S. Army Corps of Engineers (Corps) has also submitted comments stating that the proposed abandonment would not require Corps permits.

Comments have been received from the U.S. Fish and Wildlife Service (FWS) stating that the area of the proposed abandonment contains forested and emergent wetlands at 3 locations, and that wetlands impacts, such as draining, filling, tree-clearing, and disposal of debris, should be avoided. FWS also stated that the proposed abandonment crosses Spring Creek, which is a perennial tributary of the Wabash River, and two intermittent streams, one called Spring Creek and the other is unnamed. FWS recommends that in-channel work be avoided in the larger Spring Creek during the fish-spawning season of April 1 to June 30, and that best management practices be used to avoid or minimize runoff of sediment or toxic substances to the waterways.

FWS also indicated that the federally endangered Indiana bat and the federally threatened bald eagle inhabit the area of the proposed abandonment. However, FWS stated that avoiding tree-clearing in riparian areas from April 15 to September 15 would prevent adverse impacts to the Indiana bat and the bald eagle.

Comments have been received from the National Geodetic Survey stating that three geodetic station markers may be affected by the proposed abandonment.

Applicants state that there is one structure over 50 years old on the line proposed for abandonment. The structure is Bridge No. 174.

CONDITIONS

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

1. **Based on the comments of the U.S. Fish and Wildlife Service, we recommend that applicants shall avoid wetlands impacts, such as draining, filling, tree-clearing, and disposal of debris at the 3 forested and emergent wetland locations; conduct any in-channel work in the larger Spring Creek outside of the fish-spawning season of April 1 to June 30; and use best management practices to avoid or minimize runoff of sediment or toxic substances to the waterways.**
2. **The U.S. Fish and Wildlife Service also indicated that the federally endangered Indiana bat and the federally threatened bald eagle inhabit the area of the proposed abandonment. Therefore, we recommend that applicants shall not conduct tree-clearing in riparian areas from April 15 to September 15.**
3. **The National Geodetic Survey (NGS) has identified three geodetic station markers along the rail line and requests 90 days notice to plan relocation of any markers which may be disturbed or destroyed. Therefore, we recommend that the following condition be imposed on any decision granting abandonment authority: applicants shall consult with NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**
4. **Based on the comments of the Natural Resources Conservation Service (NRC), we recommend that applicants shall consult with NRC prior to salvage to protect the prime farmland adjacent to the area of the proposed abandonment.**
5. **The Indiana Department of Natural Resources has not yet completed its review of the proposed abandonment. Therefore, we recommend that applicants shall retain their interest in and take no steps to destroy the historic integrity of Bridge No. 174 until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are 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 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 Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-565 (Sub-No. 4X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh at (202) 565-1539.

Date made available to the public: **October 5, 2001.**

Comment due date: October 19, 2001 (15 Days)

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

Vernon A. Williams
Secretary

Attachment

MAP NEEDS TO BE SCANNED.