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SERVICE DATE - JUNE 18, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-494X

AKRON BARBERTON CLUSTER RAILWAY COMPANY--
ABANDONMENT EXEMPTION--IN SUMMIT COUNTY, OH

Decided: June 15, 1998

Akron Barberton Cluster Railway Company (ABCR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon 4.14 miles of its line of railroad from Valuation Station 440 + 00 at Main Street to Valuation Station 658 + 63 at Seiberling Avenue, in Summit County, OH. Notice of the exemption was served and published in the Federal Register on May 21, 1998 (63 FR 28026-27). The exemption is scheduled to become effective on June 20, 1998.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 26, 1998. In the EA, SEA states that the National Geodetic Survey (NGS) has identified two geodetic markers that may be affected by the abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy the five geodetic markers. Therefore, SEA recommends that a condition be imposed requiring ABCR to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

SEA also states that the State of Ohio Environmental Protection Agency, Division of Surface Water (Ohio EPA), states 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 that, during salvage operations, none of the debris may be discarded along the right-of-way or placed or left in streams or wetland, or the banks of such waterways. Ohio EPA also states that appropriate measures should be taken to prevent or control spills from fuels, lubricants, or any other pollutants from entering any watercourses. Therefore, SEA recommends that a condition be imposed requiring ABCR to consult with the Ohio EPA prior to conducting salvage operations.

The recommended conditions will be imposed. As conditioned, this decision 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 exemption of the abandonment of the rail line described above is subject to the conditions that ABCR shall: (1) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; and (2) consult with the 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.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary