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SEA

SERVICE DATE – JULY 3, 2007

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-55 (Sub-No. 679X)**

**CSX Transportation, Inc. – Abandonment Exemption –  
in Delaware County, IN**

**BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Delaware County, Indiana. The rail line proposed for abandonment extends 1.40 miles from milepost QIM 0.0 to milepost QIM 1.4 in Muncie, IN (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). 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 CSXT, the right-of-way was acquired in 1937 by the Muncie and Western, which was majority controlled by the New York Central. Conrail then acquired the right-of-way in the 1970s, and CSXT acquired control of Conrail in 1999. CSXT states that the right-of-way varies between 10 and 25 feet from the centerline of track and that the line runs through a commercial and residential portion of Muncie, Indiana. CSXT also indicates that the Line does not appear to be near any parks, wildlife sanctuaries, refuges, or forests.

**ENVIRONMENTAL REVIEW**

CSXT 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. 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 CFR 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. 679X).

### *Diversion of Traffic*

According to CSXT, no local traffic has moved over the Line in over eight years, and there is no overhead traffic to be rerouted. The last patron on the line, Indiana Bridge, took their own switch out of service in 2004. 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 the construction of new access points to the right-of-way.

CSXT indicates that the proposed abandonment would result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT states that it does not intend to disturb any sub grade structures. Removal of the material would be accomplished by using the right-of-way for access, along with existing public and private crossings, and no new access roads would be contemplated. CSXT believes that there would be a positive effect on public safety by the removal of four at grade crossings.

The Natural Resources Conservation Service has indicated that the proposed abandonment would not cause a conversion of prime farmland.

The U.S. Fish and Wildlife Service reviewed the project and stated that it has no objection to the proposed abandonment. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required.

The National Park Service reviewed the project and stated that it had no comment on the proposed abandonment.

The National Geodetic Survey (NGS) has advised SEA that one geodetic station marker has been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that CSXT contact NGS at least 90 days prior to beginning salvage activities so that NGS may plan for the possible relocation of the geodetic station marker.

The Indiana Department of Natural Resources' Division of Water (IDNR) has indicated that no plant or animal species listed as state or Federally threatened, endangered, or rare have been reported to occur in the project vicinity. IDNR has also indicated that fish, wildlife, and botanical resource losses as a result of the proposed abandonment would be minimal.

The U.S. Environmental Protection Agency's Region 5 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to USEPA for its review and comment.

## **HISTORIC REVIEW**

CSXT served the historic report on the Indiana State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places. The SHPO has also indicated that the American Lawn Mower Company located at 705 East 18th Street within the probable area of potential effects, may meet the criteria of eligibility for inclusion in the National Register of Historic Places. However, based on the information provided by CSXT, the SHPO does not believe that there will be any alterations to the characteristics of the building qualifying it for inclusion in or eligibility for the National Register. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 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.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: Delaware Nation, Oklahoma; Miami Tribe of Oklahoma; Ottawa Tribe of Oklahoma; Shawnee Tribe, Oklahoma; and Wyandotte Nation, Oklahoma. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

## **CONDITIONS**

We recommend 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 any salvage activities in order to plan for the possible relocation of 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 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 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, 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. 679X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at [danielle.gosselin@stb.dot.gov](mailto:danielle.gosselin@stb.dot.gov).

Date made available to the public: July 3, 2007.

**Comment due date: July 17, 2007.**

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

Vernon A. Williams  
Secretary

Attachment