

21203

SERVICE DATE - LATE RELEASE DECEMBER 17, 1996  
SURFACE TRANSPORTATION BOARD<sup>1</sup>  
WASHINGTON, DC 20423  
ENVIRONMENTAL ASSESSMENT

NO, AB-167 (SUB-NO.1173X)  
CONSOLIDATED RAIL CORPORATION  
-- ABANDONMENT EXEMPTION --  
IN MADISON COUNTY, INDIANA

BACKGROUND

In this proceeding, the Consolidated Rail Corporation (Conrail) has 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 its railroad line located between milepost 120.65 and milepost 121.10, a distance of 0.45 miles in the City of Anderson, Madison County, Indiana. 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. No traffic has moved over the line for at least two years. There are no bridges or other railroad structures on the line.

ENVIRONMENTAL REVIEW

The railroad has 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have contacted appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included: the U.S. Fish and Wildlife Service; the U.S. Army Corps of Engineers; the Indiana State Clearinghouse; the Indiana Department of Natural Resources (including the Division of Historic Preservation and Archaeology); and the Indiana Department of Environmental Management.

CONDITIONS

We recommend that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

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<sup>1</sup> Formerly the Interstate Commerce Commission (ICC). The ICC Termination Act of 1995, Pub. L, No. 104-88, 109 Stat, 803 (the Act) , which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and transferred certain functions and proceedings to the Surface Transportation Board.

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

Conrail states that it is not aware of an alternative public use for which the right-of-way is suitable. However, if there is a request for such use, the 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. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so, 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 Assistance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives, You may contact OPA directly at (202) 9276184, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Room 4412, Washington, DC 20423.

#### ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an original and two copies to Vernon A. Williams, office of the Secretary, Room 2215, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment, Please refer to Docket No. AB-167 (Sub-No. 1173X) in all correspondence addressed to the Board. If you have questions regarding this environmental assessment, you should contact Mr. McNulty at (202) 927-6217.

Date made available to the public: December 10, 1996.

Comment due date: December 24, 1996.

By the Board, Elaine K, Kaiser, Chief, Section of Environmental Analysis.

Vernon A, Williams  
Secretary