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**SERVICE DATE - MARCH 24, 1998**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

## **ENVIRONMENTAL ASSESSMENT**

**NO. AB-459 (SUB-NO.2X)**

**CENTRAL RAILROAD COMPANY OF INDIANA-  
ABANDONMENT EXEMPTION-IN DEARBORN, DECATUR,  
FRANKLIN, RIPLEY AND SHELBY COUNTIES**

### **BACKGROUND**

In this proceeding, the Central Railroad Company of Indiana has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between milepost 23.0, near Thatcher, IN, to milepost 81.0 near Shelbyville, IN (the "Shelbyville Line"), a distance of 58 miles in Dearborn, Decatur, Franklin, Ripley and Shelby Counties, in the State of Indiana. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption 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**

The right-of-way climbs out of the Ohio River Valley through a curvy, hilly terrain between Greendale and Sunman. Between Sunman and Shelbyville, the railroad is essentially flat and travels through primarily agricultural land.

There are only five shippers located on the Shelbyville Line: Premier Ag Coop ("Premier")(milepost 63.2), Greensburg Milling, Inc. ("Greensburg Milling")(milepost 63.0), Kolkmeier Bros. Feed & Grain ("Kolkmeier")(milepost 73.0); Kova Fertilizer ("Kova")(milepost 63.0) and Lowe's Pellet & Grain Co. ("Lowe's")(milepost 63.0). In 1996, Premier shipped or received 3 carloads of corn and 43 carloads of various fertilizers; Greensburg Milling shipped or received 31 carloads of corn, 18 carloads of soybeans and 9 carloads of fertilizers; Kolkmeier shipped or received 93 carloads of corn and 27 carloads of soybeans; Kova shipped or received 59 carloads of fertilizers; and Lowe's shipped or received 365 carloads of various agricultural products.

When CIND began operations on the Shelbyville Line in 1992, it was generally in Federal Railroad Administration ("FRA") class 2 condition, which permitted operations up to 25 miles per hour. By November 1994, approximately 30 miles of the Shelbyville Line were down to FRA class 1 condition, good for operations not exceeding 10 miles per hour. In February of 1997 CIND halted operations over the segment from milepost 23.0 to milepost 39.0 due to slippage of the right of way, erosion, slides, wash outs, drainage, and other problems in the area. Abandonment of the line would allow CIND to abandon approximately 108 public grade crossings and 40 private grade crossings, thereby reducing the possibility of vehicle delay time or accidents at those crossings.

#### **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 consulted with 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 Indiana Department of Natural Resources, Division of Historic Preservation and Archeology, the Army Corps of Engineers, U.S. Army Engineer District, Louisville, U.S. Fish and Wildlife Service, Bloomington Field Office, U.S. Natural Resources Conservation Service, the Indiana Department of Environmental Management, and the Indiana Department of Natural Resources.

#### **CONDITIONS**

The National Geodetic Survey (NGS) has identified 63 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: **The Central Railroad Company of Indiana shall consult with the National Geodetic Survey and provide NGS with 90 days notice prior to disturbing or destroying any geodetic markers.**

The Indiana Department of Natural Resources, Division of Historic Preservation and Archeology has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, we recommend imposition of the following condition: **Central Indiana Railroad Co. shall retain its interest**

in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

The Fish and Wildlife Service (FWS), Bloomington Field Office, stated that the proposed abandonment will occur in close proximity to 21 wetlands as well as the Big Blue River. To avoid adverse impacts on these water resources, FWS recommends that the railroad: (1) post DO NOT DISTURB signs at the construction zone boundaries; (2) keep tree removal to a minimum in all forested areas; (3) avoid all degradation of wetlands and waterways when conducting salvage activities and revegetate all disturbed soil areas upon project completion; and (4) avoid channel work during the fish spawning season (April 1 through June 30). **Although CIND does not anticipate the removal of any bridges on the subject line, we recommend that a condition be imposed requiring the railroad to consult with the FWS field office at Bloomington prior to salvaging the right-of-way.**

The Indiana Department of Environmental Management (IDEM) states that if, in the course of removal of construction materials from the abandoned railroad track area, any contaminated materials are encountered, the materials must be characterized for proper disposal. The IDEM recommends that the applicant contact the Special Waste Section of IDEM's Office of Solid and Hazardous Waste Management for assistance in both materials characterization and identification of the appropriate means of materials disposal or reuse options. **We recommend that a condition be imposed requiring the railroad to consult with the IDEM prior to salvaging or disposing of the entire right-of-way.**

#### **CONCLUSIONS**

Based on the information provided from all sources to date, **and subject to the recommended conditions,** 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.

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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, 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, Room 711, Washington, DC 20423-0001, to the attention of Scott Decker, who prepared this environmental assessment. **Please refer to Docket No. AB-459 (Sub No.2X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Scott Decker at (202) 565-1531. Date made available to the public: **March 19, 1998.**

**Comment due date: April 20, 1998.**

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

Vernon A. Williams  
Secretary

\*\*\*\*\*MAP HAS TO BE SCANNED\*\*\*\*\*