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OEA

SEVICE DATE – OCTOBER 24, 2011

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 145 (Sub-No. 1X)

**Carrollton Railroad – Abandonment Exemption –
in Carroll County, KY**

Docket No. AB 55 (Sub-No. 715X)

**CSX Transportation, Inc. – Discontinuance Exemption –
in Carroll County, KY**

BACKGROUND

In this proceeding, Carrollton Railroad (CRR) and CSX Transportation, Inc. (CSXT), (jointly Applicants) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for CRR to abandon and CSXT to discontinue service over a line of railroad in Carroll County, Kentucky. The rail line proposed for abandonment extends approximately 0.79 miles from milepost OCR 6.72 to milepost OCR 7.51 (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, CRR 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 Applicants, the Line is located in a rural area of Northern Kentucky, surrounded by industrial facilities, the local high school, and the Ohio River. The right-of-way is approximately 50 feet wide, and the Line connects with the CSXT main line in Worthville, Kentucky. Applicants state that the purpose of this abandonment and discontinuance is to downgrade the track to industry lead track and subsequently to lease a segment of the Line to a commercial customer for car storage.

ENVIRONMENTAL REVIEW

Applicants submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Applicants 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)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to Applicants, no local traffic has moved over the Line during the last two years, and any overhead traffic has been rerouted. 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.

Applicants indicate that the groundwater beneath the rail corridor has been impacted by gasoline-related contaminants from a bulk petroleum storage facility in the area of the proposed abandonment and that site cleanup efforts were directed by the Kentucky Department of Environmental Protection (KYDEP). KYDEP has not responded to Applicants' request for comments on the proposed abandonment. Accordingly, OEA will provide a copy of this EA to KYDEP for its review and comment.

The U.S. Fish and Wildlife Service commented that no significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from the proposed abandonment. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required.

The U.S. Army Corps of Engineers stated that based on the information provided, a Department of the Army permit would not be needed since the proposed abandonment would not involve a discharge of dredged or fill material into any waters of the United States.

The National Resources Conservation Service (NRCS) submitted a letter responding to Applicants' inquiry concerning the presence of prime agricultural land in the area of the proposed abandonment. NRCS provided a soils map showing where there is prime farmland located along the Line. Accordingly, we recommend that a condition be imposed upon any

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 145 (Sub-No. 1X) and AB 55 (Sub-No. 715X).

decision granting abandonment authority requiring CRR to consult with NRCS regarding the prime agricultural land identified in the area of the proposed abandonment.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the area of the proposed abandonment. Therefore, no further consultation with NGS will be necessary.

The U.S. Environmental Protection Agency's (USEPA) Region 4 Office has not submitted comments regarding the proposed abandonment. Accordingly, OEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, OEA 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, OEA is providing a copy of this EA to KYDEP, NRCS, and USEPA for their review and comment.

HISTORIC REVIEW

Applicants served the historic report on the Kentucky State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). Based on available information, the SHPO has submitted comments stating that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 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 through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the Delaware Nation, Oklahoma, the Miami Tribe of Oklahoma, and the Peoria Tribe of Indians of Oklahoma may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment. Accordingly, OEA 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:

1. Prior to the commencement of any salvage activities, Carrollton Railroad shall consult with the Natural Resources Conservation Service regarding the prime agricultural land identified in the area of the proposed abandonment.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would 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 Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, 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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 145 (Sub-No. 1X) and AB 55 (Sub-No. 715X) 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.

Date made available to the public: October 24, 2011.

Comment due date: November 3, 2011.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment