

32617

SERVICE DATE - MARCH 29, 2002

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-565 (Sub-No. 6X)

New York Central Lines, LLC - Abandonment Exemption - in Shelby County, Ohio

BACKGROUND

In this proceeding, New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants), jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NYC to abandon and CSXT to discontinue service over a portion of line in Shelby County, Ohio.¹ The portion of rail line proposed for abandonment and discontinuance spans approximately 0.9 mile from Milepost QIO 163.98 to Milepost 163.08 in the City of Sidney, Ohio.² A map depicting the rail line in relationship to the area served is appended to this report. If the notice becomes effective, the applicants would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way (ROW).

DESCRIPTION OF THE LINE

The rail line is located within the City of Sidney in west-central Ohio. According to the applicants, there has been no originating or terminating traffic on the subject line for the past two years and there is no overhead traffic on the line. The width of the ROW ranges from 17.5 to 50 feet from the centerline of the track. The property that encompasses the rail line was originally acquired between 1850 and 1859 by The Bellefontaine and Indiana Railroad, and came under the control of the applicants following an extended series of railroad mergers, acquisitions and consolidations. The ROW may be subject to reversionary interests if abandonment occurs. The City of Sidney has expressed an interest in establishing a recreational trail along the segment of

¹This case embraces Surface Transportation Board Docket No. AB-55 (Sub No. 604X), CSX Transportation, Inc. - Discontinuance of Service Exemption - in Shelby County, Ohio.

²CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc., and its wholly-owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to NYC, a wholly-owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

line proposed for abandonment.

Land use in the vicinity of the rail line is urban and the terrain is relatively flat. Designated wetlands or 100-year floodplains are not known to be present within the proposed project.

The rail line crosses seven streets within the City of Sidney. The crossties and other track material and debris would be transported away from the ROW. The removal contractor would be required to minimize soil disturbance during abandonment activities.

ENVIRONMENTAL REVIEW

The applicants submitted an environmental report and historical report that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The applicants served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service has indicated that prime agricultural land is not present in the immediate vicinity of the rail line.

The Shelby County Regional Planning Commission has stated that it does not object to the proposed abandonment, and the City of Sidney has stated that it supports the abandonment.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has advised the Board that three geodetic station markers have been identified that could be affected by the proposed abandonment.

The Ohio Historical Society (OH SHPO) has not completed its assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. The applicants shall retain their interest in and take no steps to alter the historic integrity of the ROW until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. The NGS has identified three geodetic station markers that could be affected by the proposed abandonment. Therefore, the applicants shall notify NGS 90 days prior to salvage activities in order to plan for their potential relocation.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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

If abandonment and salvage of the rail line does take place, the ROW 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 Surface Transportation 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 Surface Transportation 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 ROWs 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 the Surface Transportation Board, Office of Public Services, 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, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to Docket No. AB-565 (Sub-No. 6X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Recent events involving a principal postal facility within Washington, D.C. may affect for a period of time the receipt of materials mailed to the Board, as well as customer receipt of reply mail sent from the Board. Until the timely delivery of mail has been reestablished, the Section of Environmental Analysis (SEA) requests that individuals filing comments regarding this or other environmental assessments take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact indicated above prior to the close of the comment period and inform them that you have mailed a comment.
2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.
3. Retain a copy of your comment for your records should alternative modes of delivery be necessary.

SEA is committed to carrying out its duties to the public and regrets any inconvenience these new procedures may cause.

Date made available to the public: March 29, 2002.

Comment due date: **April 12, 2002**

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

Vernon A. Williams
Secretary

Attachment

MAP NEEDS TO BE SCANNED.