

SERVICE DATE - MARCH 30, 1998

28871

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-290 (SUB-NO. 184X),
Norfolk and Western Railway Company – Petition for Exemption – in
Cincinnati, Hamilton County, OH

No. AB-532,
The Cincinnati Terminal Railway Company (Indiana & Ohio Railway
Company, Successor) – Notice of Exemption – Discontinuance of
Lease – in Cincinnati, Hamilton County, OH

No. AB-167 (Sub-No. 1180X),
Consolidated Rail Corporation – Notice of Exemption
– Discontinuance of Trackage Rights –
in Cincinnati, Hamilton County, OH

No. AB 31 (Sub-No. 30),
Grand Trunk Western Railroad Incorporated – Adverse
Discontinuance of Trackage Rights Application and Petition for
Waivers by Norfolk and Western Railway Company – in Cincinnati,
Hamilton, OH

BACKGROUND

In this proceeding, the Norfolk and Western Company (NW), Consolidated Rail Corporation (Conrail) and The Cincinnati Terminal Railway Company (CTER), Indiana & Ohio Railway Company, Successor (IORY) have filed a combined application, petition, and notices. The filings are as follows: (1) in AB-290 (Sub-No. 184X), NW seeks to abandon segment of line know as the Riverfront Running Track between Oasis and Plum Street in the City of Cincinnati, Hamilton County, OH, a distance of 1.5 miles long; (2) in AB-167 (Sub-No. 1180X), Conrail seeks discontinuance of trackage rights over the Riverfront Running Track extending from a point near Oasis Block Station to a point in the southern line of Front Street near its intersection with Smith Street; (3) in AB 532, CTER, IORY Successor seeks to discontinue service under a lease limited to certain overhead movements by CTER, IORY Successor, over the Riverfront Running Track; and (4) in AB 31 (Sub-No. 30), NW seeks adversely to permit the discontinuance of the limited overhead trackage rights that may be held by Grand Trunk Western Railroad over the Riverfront Running Track.

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 track, along with the Fort Washington Way expressway and existing surface parking lots serve as barriers between Cincinnati's central business district and the north bank of the Ohio River. According to applicants, permanent removal of the Riverfront Running Track will allow the Riverfront revitalization project to proceed and the improvements to be used without being limited by the existing track structure.

There has been no local traffic on the line for more than two years. There are no remaining active shippers on or near 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 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 U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, USDA Natural Resources Conservation Service, U.S. Fish and Wildlife Service, National Park Service, Ohio State Clearinghouse, Ohio EPA, the Ohio Historical Society, and the Southwest Ohio Regional Transit Authority.

CONDITIONS

The National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, **we recommend that Norfolk and Western Railway Company notify NGS at least 90 days in advance of conducting any activities that would disturb or destroy these markers.**

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition, 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

NW does not believe that the line would be suitable for public use. Nevertheless, 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, Suite 700, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub No. 184X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: March 26, 1998.

Comment due date: April 24, 1998.

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

Vernon A. Williams
Secretary

PLEASE SCAN MAP