

28202

SERVICE DATE - SEPTEMBER 25, 1997

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-227 (SUB-NO.10X)

**WHEELING & LAKE ERIE RAILWAY COMPANY
-ABANDONMENT EXEMPTION-
IN STARK COUNTY, OHIO**

BACKGROUND

In this proceeding, the Wheeling & Lake Erie Railway Company 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 22.05 at Run Junction near Navarre, Ohio and the end of the track at milepost 16.40 near Massillon, Ohio, a distance of approximately 5.65 miles in Stark County, Ohio. 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 line was embargoed due to poor track conditions on October 20, 1995, and no service has been provided over the line since that time. Prior to its embargo the Massillon Branch was classified as FRA excepted track. At the time of the embargo of the Massillon Branch, the sole shipper on the line was Republic Engineered Steel at Massillon. No traffic of any kind has moved on the Massillon Branch in the last 21 months. The rail line of the abandonment consists predominantly of 90-pound rail rolled in 1926 as well as approximately 18 lengths of 110-pound rail rolled in 1943. Ties are in fair to poor condition, while ballast and the three bridges on the line are in fair condition.

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 Ohio Historic Preservation Office, the Army Corps of Engineers, Pittsburgh District, State of Ohio Environmental Protection Agency, U.S. Fish and Wildlife Service, Reynoldsburg, Ohio, and the U.S. Natural Resources Conservation Service.

CONDITIONS

The Ohio State Historic Preservation Office (SHPO) has identified three known sites listed in the Ohio Archaeological Inventory for the project area. Additionally, the SHPO has indicated that additional information is needed to complete their review of this project. The SHPO states that an identification level survey is needed to identify any property that is eligible for inclusion in the National Register of Historic Places and that this survey must meet the Secretary of the Interior's standards and guidelines. Pending resolution of these issues, we recommend that the following condition be imposed on any decision granting abandonment authority: **The Wheeling & Lake Erie Railway Company shall retain its interest in and take no steps to alter the historic integrity of the 3 sites and 3 structures identified by the Ohio SHPO, until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

The U.S. Natural Resources Conservation Service states that approximately 1.5 miles of the proposed abandonment is situated through Carlisle and Linwood Muck soils. In order to avoid adverse impact with these soils, the Natural Resources Conservation Service recommends that caution should be exercised to prevent disturbing these areas if, in fact, they are jurisdictional wetlands. **Therefore, we recommend that a condition be imposed requiring the railroad to consult with the U.S. Natural Resources Conservation, Canton, OH, prior to salvaging the right-of-way.**

The Fish and Wildlife Service (FWS) states that the proposed abandonment is within the range of the Federally-listed endangered species the Indiana bat, as well as the Bald eagle, a threatened species. The FWS requests no specific conditions regarding these species, however, we recommend that a condition be imposed requiring the railroad to consult with the FWS field office at Reynoldsburg, Ohio, prior to salvaging the 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).

The Stark County Park District has expressed an interest in acquiring the Massillon Branch right-of-way for use as a trail.

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-227
(Sub No.10X) 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: **September 22, 1997.**

Comment due date: October 24, 1997.

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

Vernon A. Williams
Secretary