

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-530 (Sub-No. 1X)

ECONOMIC DEVELOPMENT II RAIL CORPORATION--
ABANDONMENT EXEMPTION--IN TRUMBULL COUNTY, OH

Decided: September 10, 1997

Economic Development II Rail Corporation (EDRC-II) filed a notice of exemption under 49 CFR 1152 Subpart F-- Exempt Abandonments to abandon a 2.5-mile line of railroad from milepost NF-89.1 at the DeForest Junction Station to milepost 91.6 at the North Warren Station, in the city of Warren, Trumbull County, OH. Notice of the exemption was served and published in the Federal Register on August 19, 1997 (62 FR 44170-71). The exemption is scheduled to become effective on September 18, 1997.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served August 22, 1997.¹ In the EA, SEA states that the Ohio Environmental Protection Agency (Ohio EPA) has expressed several concerns about salvage operations. Ohio EPA specifically requests that EDRC-II take precautions to control runoff of pollutants if bedding materials, such as slag, are to be disturbed during salvage and re-used. The reuse of rail line slag, according to Ohio EPA, has caused water quality and public health concerns due to the presence of pesticide residuals, petroleum and hazardous substances in the slag. Therefore SEA recommends that EDRC-II consult with Ohio EPA if salvage operations involve disturbance and/or reuse of bedding materials, such as slag.

SEA further states that the Ohio State Historic Preservation Officer (Ohio SHPO) has advised that the line may have historic significance. The Ohio SHPO specifically requests that an inventory be taken to identify properties in the area of potential effect. However, Bridge 90.5 and Bridge 90.6 have been identified as having potentially historic significance. SEA recommends that EDRC-II consult with the Ohio State Historical Society and complete the Ohio Historic Inventory Bridge Forms, providing additional information as needed, to aid the Surface Transportation Board in meeting its responsibilities under the National Historic Preservation Act and to determine the extent of the historic significance of the two bridges and to determine whether they may be eligible for listing in the National Register of Historic Places. Therefore, pending resolution of this issue, SEA recommends that a condition be imposed requiring EDRC-II to retain its interest in and take no steps to alter the historic integrity of Bridge 90.5 and Bridge 90.6 until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

Finally, the National Geodetic Survey, U. S. Department of Commerce (NGS), has identified four geodetic markers that may be affected by the abandonment. NGS states that it must be notified 90 days in advance to plan relocation of any markers that may be disturbed or destroyed. Therefore, SEA recommends that a condition be imposed requiring EDRC-II to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

The recommended conditions will be imposed.

¹ The EA served on August 22, 1997, inadvertently stated that the environmental conditions recommended applied to the discontinuance portion of this proceeding in STB Docket No. AB-513 (Sub-No. 1X), Warren & Trumbull Railroad Company--Discontinuance of Service Exemption--in Trumbull County, OH. On August 27, 1997, a notice to the parties was served stating that the environmental conditions recommended in the EA do not apply to the discontinuance portion of this proceeding and that they apply only to the abandonment portion of the proceeding, STB Docket No. AB-530 (Sub-No. 1X).

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that EDRC-II shall: (1) consult with the Ohio EPA if salvage operations involve disturbance and/or reuse of bedding materials, such as slag; (2) retain its interest in and take no steps to alter the historic integrity of Bridge 90.5 and Bridge 90.6 until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, and (3) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary