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OEA

SERVICE DATE – JANUARY 12, 2018

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

**Docket No. AB 55 (Sub-No. 775X)
CSX Transportation, Inc. – Abandonment Exemption –
in Clark, Floyd, Lawrence, Orange, and Washington Counties, Ind.**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Clark, Floyd, Lawrence, Orange, and Washington Counties, Indiana. The rail line proposed for abandonment extends approximately 62.3 miles from Milepost 00Q251.7 near Bedford to Milepost 00Q314.0 near New Albany (the line). The line is on CSXT's Northern Region, Louisville Division, Hoosier Subdivision. CSXT was granted authority to discontinue service over the line by a Surface Transportation Board (Board) decision served on April 7, 2010. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, CSXT will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

CSXT 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. CSXT served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The line was originally built by the New Albany & Salem Railroad and opened in 1854. In October of 1859, the company changed its name to the Louisville New Albany & Chicago Railroad Company (LN&C). LN&C consolidated with the Chicago & Indianapolis Air Line Railway Company in 1881, retaining the LN&C name. LN&C was purchased under foreclosure in 1897 and the new company was organized as the Chicago, Indianapolis & Louisville Railway Company (CI&L). The Louisville and Nashville Railroad Company (L&N) and the Southern

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 775X).

Railway Company jointly acquired capital stock of CI&L in 1902 and eventually merged into L&N in 1971. The Family Lines, including L&N and the Seaboard Coast Line Railroad, was formed in 1972. The Family Lines merged with Chessie System in 1980 and became CSX Corporation.

The line begins northwest of Mitchell in Lawrence County, moving south through Mitchell to Orleans in Orange County before heading east toward Saltillo and Campbellsburg. The line continues in an easterly direction to Salem in Washington County before turning south through New Pekin and Borden in Clark County. Continuing southeast, the line passes through Sellersburg and terminates in New Albany in Floyd County.

The right-of-way width of the line varies, but is approximately 100 feet (50 feet on each side of the centerline of track). CSXT indicates that the line does not contain federally granted rights-of-way. The line may be suitable for other public purposes or trail use, but may be subject to reversionary interests. CSXT is agreeable to converting the line to interim trail use/railbanking. The Indiana Trails Fund, Inc. has expressed interest in using the abandoned corridor for trail purposes.

The proposed abandonment would allow CSXT to close 91 public road crossings and 47 private road crossings. Abandonment of the line would result in the removal of the rail and crossties. CSXT does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures.

Diversion of Traffic

According to CSXT, no local rail traffic has moved over the line during the past two years. Any overhead traffic on the line can be and has been rerouted. No new rail oriented business is expected to develop, and the line is no longer required for operating purposes. 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. Upon receiving abandonment authority CSXT's operations and maintenance over the line would cease.

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.

Upon receiving abandonment authority, removal of material would be accomplished by use of the existing right-of-way for access, along with existing crossings. No new access roads

are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of soil. CSXT does not anticipate any dredging or use of fill in the removal of the track material.

CSXT does not foresee any inconsistency with regional and/or local land use plans. CSXT states that no known hazardous waste sites or sites where there have been known hazardous material spills are located in or adjacent to the right-of-way.

The U.S. Department of Agriculture, Natural Resources Conservation Service in Indianapolis has indicated that the proposed abandonment would not cause any conversion of prime farmland.

The line is not located within a designated Coastal Zone Management Area. CSXT indicates that no wetlands or 100-year flood plains would be affected by the proposed abandonment. CSXT believes that activities related to the proposed abandonment would be consistent with applicable water quality standards and no permits under Sections 402 or 404 of the Clean Water Act would be required.

No wildlife sanctuaries, refuges, National or State parks, or forests would be adversely affected by activities related to the proposed abandonment. The U.S. Fish and Wildlife Service (USFWS) in Bloomington, Indiana identified the Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), sheepsnose mussel (*Plethobasus cyphus*), fanshell mussel (*Cyprogenia stegaria*), and the rough pigtoe mussel (*Pleurobema plenum*) as federally endangered protected species potentially present in the project area. As indicated earlier, CSXT's salvage activities would be confined to the existing right-of-way. CSXT does not intend to disturb any sub-grade structures or remove any bridges. CSXT would not clear trees or understory vegetation while conducting salvage activities or perform any activities that would cause sedimentation or erosion of soil. Based on the information provided, USFWS has no objections to the abandonment as currently proposed. Due to the limited scope of the abandonment's salvage activities, OEA has determined that the federally endangered protected species in the project area would not be adversely affected by the proposed abandonment and that the proposed abandonment would have no adverse effect on endangered or threatened species or areas designated as a critical habitat. OEA is sending a copy of this EA to USFWS for review and comment.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Indiana Department of Natural Resources (SHPO) pursuant to 49 C.F.R. § 1105.8(c).²

A review of CSXT records indicates that there are 21 CSXT-owned structures over 50 years old on this line that may be eligible for listing in the National Register of Historic Places (National Register). These structures have been modified as necessary throughout their existence to maintain safe railroad operations and perform routine maintenance. According to CSXT track inventory, the main track was rebuilt in the 1980s. CSXT does not believe that the bridges on the line are unusual or noteworthy for inclusion on the National Register. CSXT does not know of any significance or uniqueness to the structures that would warrant consideration. To CSXT's knowledge, the structures and the line are not associated with any event that has made a contribution to the broad patterns of history; were not associated with lives of persons significant to our past; do not embody the distinctive characteristic of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

It is CSXT's opinion that there are no archeological resources or other railroad related historic properties in the project area. CSXT does not plan to alter, remove or dispose of any of the bridges on the line. The right-of-way was disturbed during construction by cuts and fill and any archeological resources that may have been in the project area would have been affected at that time.

OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is

² Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.³ The database indicated that nine federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Those tribes are the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, Kickapoo Tribe of Oklahoma, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Shawnee Tribe, Citizen Potawatomi Nation, Forest County Potawatomi Community, Hannahville Indian Community, and the Prairie Band of Potawatomi Nation. OEA is sending a copy of this EA to the tribes for review and comment.

CONDITIONS

OEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Indiana Department of Natural Resources (SHPO) and the public. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

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.

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited January 10, 2018).

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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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 original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 775X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at Kenneth.Blodgett@stb.gov.

Date made available to the public: January 12, 2018.

Comment due date: January 29, 2018.

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

Attachment

 Engineering Mileposts
 Proposed Abandonment
 CSX Operating Track

IN-093-1083438



**CSX Transportation, Inc.
Proposed Abandonment
Clark, Floyd, Lawrence, Orange, and Washington Counties, IN
Hoosier Subdivision**

Milepost 00Q 251.7 - 00Q 314.0
Total Distance of Approx. 62.3 Miles
Louisville Division - Hoosier Subdivision
STB Docket No. AB 55 (Sub-No. 775X)

