

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 290 (Sub-No. 394X)

May 8, 2019

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

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In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption to abandon approximately 5.5 miles of rail line in Aurora, Portage County, Ohio. Because the Ohio State Historic Preservation Office (SHPO) indicated that the Aurora rail station is listed on the National Register of Historic Places and would be adversely affected by the proposed abandonment, the Board imposed a Section 106 condition in its December 28, 2017 decision requiring NSR to: a) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, has been completed; b) report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Officer, any other Section 106 consulting parties, and the public; and c) 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.

The Board has been working through the four steps of the Section 106 process in consultation with the SHPO, NSR, and the Section 106 consulting parties. On March 19, 2019, OEA held a Section 106 consulting party conference call to solicit comments on the Final Draft Memorandum of Agreement (MOA), which sets forth measures to avoid or minimize adverse effects on historic properties resulting from the proposed abandonment. The MOA was negotiated between OEA, the SHPO and NSR with input from the Section 106 consulting parties. The substantive comments from the March 19th call are summarized below.

- John Kudley of the Aurora Historical Society requested that the Aurora Historical Society be included (1) in drafting language for the historical signage and (2) as a signatory to the MOA as a concurring party. Mr. Kudley also requested that the Aurora Landmark Commission be added to the MOA as a concurring party. Section 1.5 of the MOA has been revised to state that NSR will consult with the SHPO and the Aurora Historical Society in developing the language for the sign and both the Aurora Historical Society

and the Aurora Landmark Commission have been added as concurring parties to the MOA.

- Diana Welling from the SHPO's office requested that the duration of the MOA be extended. Section IV.D of the MOA has been revised to extend the duration of the MOA from 18 months to 24 months.
- John Kudley, supported by SHPO, also requested that NSR leave an additional 50 feet of track in front of the Aurora rail station in place because the rail station is being expanded. NSR has agreed to leave the 50 additional feet of track in place. The MOA has been revised to reflect that NSR will leave a total of 506 feet of track in place as shown in Exhibit C.

On April 16, 2019, Gail Demming, the owner of the Aurora rail station, submitted a written comment indicating that the width of the right-of-way was incorrect on page 1 of the MOA because her property is closer than 50 feet from the center line of track. In the 5th Whereas Clause on page 1 of the MOA, the width of the right-of-way was changed from 50 to 100 feet to 30 to 100 feet on either side of the center line of track to address her concerns.

The MOA has been now been finalized. The attached correspondence includes the executed MOA that was negotiated to comply with the Section 106 process. The filing of this MOA with the Advisory Council on Historic Preservation completes the Board's compliance responsibilities under Section 106 of the NHPA.

Conclusions

Accordingly, OEA recommends that the Section 106 historic preservation condition imposed in the December 28, 2017 decision be removed.

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