

SERVICE DATE – OCTOBER 15, 2018

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 402X)

**Norfolk Southern Railway Company—Abandonment Exemption—
in the City of Detroit, Mich.**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of two segments of railroad line in the City of Detroit, Michigan. The first segment that NSR proposes to abandon extends 0.63 miles from Milepost D 1.38 to a point without a milepost near Rosa Parks Boulevard and encompasses NSR's Detroit Boat Yard rail yard (Segment A). The second segment extends approximately 0.49 miles from Milepost D 1.23 to Milepost D 1.72 (Segment B). Because Segment B is jointly owned and operated by NSR and CSX Transportation, Inc. (CSXT), CSXT would continue to operate that segment as a common carrier if NSR is granted abandonment authority in this proceeding. A map depicting Segment A and Segment B in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, NSR would be able to salvage track, ties, and other railroad appurtenances from the rail right-of-way along Segment A. NSR would also be able to abandon its common carrier obligation over Segment B.

ENVIRONMENTAL REVIEW

NSR submitted a combined Environmental and Historic Report that concludes that 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. NSR served the Environmental and Historic Report on 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.

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 290 (Sub-No. 402X).

Diversion of Traffic

NSR states that NSR has not provided any local or overhead rail service over Segment A or Segment B for at least two years. Accordingly, the proposed abandonment would not adversely impact the development, use, or transportation of energy resources or of recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could significantly impact air quality or the local transportation network.

Salvage Activities

If abandonment is granted in this proceeding, NSR intends to salvage rail and related track materials from Segment A. NSR would reuse rail and other steel materials or sell those materials for scrap. NSR would also reuse crossties or recycle the crossties in accordance with applicable federal and state laws and regulations. After removing the track materials, NSR or its salvage contractor would smooth the roadbed to a level surface. NSR does not intend to regrade the rail right-of-way, alter any existing drainage systems, remove any ballast, or otherwise disturb the soil underlying the roadbed.

Segment B is jointly owned and operated by NSR and CSXT. Therefore, NSR would not conduct any salvage activities on that segment. CSXT would continue to operate Segment B as a common carrier, and OEA would assess and address any impacts related to the abandonment of that segment if and when CSXT seeks abandonment authority from the Board.

Land Use

NSR provided its Environmental Report to the City of Detroit and requested comments regarding the consistency of the proposed abandonment with existing local land use plans. To date, the City of Detroit has not responded. Because salvage activities would be limited to the removal of rails, ties, and related track materials from an existing rail right-of-way, OEA does not anticipate that the proposed abandonment would affect local land uses. Therefore, no mitigation related to local land use is recommended. OEA is sending a copy of this EA to the City of Detroit for review and comment.

The U.S. Natural Resource Conservation Service (NRCS) submitted comments stating that, because salvage activities would take place in an area that is classified as urban, the proposed abandonment would not result in any negative impacts to prime or unique farmland. Accordingly, no mitigation related to agricultural resources is recommended.

The National Geodetic Survey (NGS) submitted comments stating that 11 geodetic survey marks are located in the project area. Accordingly, OEA is recommending a condition requiring NSR to consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

NSR states, and OEA has confirmed, that the rail segments proposed for abandonment do not cross and is not immediately adjacent to any local, state, or federal parks, wildlife sanctuaries or refuges, or forests, or other federally or state managed lands.² Accordingly, no mitigation related to public lands is recommended.

Coastal Zone Compliance

The rail segments proposed for abandonment are located within the Michigan Coastal Zone Management Program (Michigan CZMP) boundary. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board's environmental rules, NSR provided its Environmental Report to the Office of the Great Lakes (OGL), which oversees the Michigan CZMP, and requested comments from OGL regarding potential impacts to coastal resources and uses. To date, OGL has not responded. In order to provide OGL the opportunity to review and comment on the proposed abandonment, OEA is recommending a condition requiring NSR to consult with the OGL and obtain state coastal management consistency certification prior to beginning salvage activities or consummating the proposed abandonment.

Water Resources

Although the rail segments proposed for abandonment do not cross any waterways or wetlands, much of Segment A is located immediately adjacent to the Detroit River, as shown in the map appended to this EA.³ Because salvage activities would be limited in scope would take place within an existing rail right-of-way, OEA does not anticipate any significant impacts to water resources.

NSR provided its Environmental Report to the Michigan Department of Environmental Quality (MDEQ), the state agency with responsibility for overseeing the National Pollutant Discharge Elimination System (NPDES) program under Section 402 of the Clean Water Act (33 U.S.C. § 1342). To date, MDEQ has not provided comments. Because NSR does not propose to conduct any salvage activities that would result in ground disturbance, OEA believes that the proposed abandonment would not require a NPDES permit from MDEQ. Accordingly, OEA is not recommending any mitigation related to the discharge of pollutants into waterways. OEA is sending a copy of this EA to MDEQ for review and comment.

The U.S. Army Corps of Engineers (the Corps) submitted comments stating that NSR should obtain a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) if salvage activities would result in the discharge of dredged or fill material into navigable waters of the United State or wetlands adjacent to those waters. The Corps also states that NSR should obtain a Corps permit under Section 10 of the Rivers and Harbors Act (33 U.S.C. § 403) if salvage activities would affect the course, location or condition of the Detroit River with respect

² U.S. Geological Survey, Protected Areas Database of the United States, <https://maps.usgs.gov/padus/> (last visited October 11, 2018).

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/Data/Mapper.html> (last visited October 11, 2018).

to its navigable capacity. Because NSR does not propose to conduct any salvage activities that would result in the discharge of dredged or fill materials into waterways or wetlands and because NSR does not propose to conduct any instream work or activities that could affect the navigability of the Detroit River, OEA does not believe that the proposed abandonment would require Corps permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. Accordingly, OEA is not recommending any mitigation in response to the Corps' comments. OEA is sending a copy of this EA to the Corps for review and comment.

Hazardous Materials

NSR states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the rail right-of-way. OEA's review of the area has confirmed that there are no federally-listed remediation sites within or immediately adjacent to the rail right-of-way.⁴ Accordingly, no mitigation related to hazardous waste sites or hazardous materials is recommended.

Biological Resources

NSR provided its Environmental Report to the U.S. Fish and Wildlife Service (USFWS) and requested that USFWS provide comments related to the proposed abandonment's potential to affect wildlife, including federally listed threatened and endangered species. To date, USFWS has not responded to NSR's request.

To identify federally listed threatened and endangered species that could be present in the project area, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.⁵ The table below shows the federally listed endangered and threatened species known or thought to occur in the vicinity of the proposed abandonment, as identified by OEA's search. OEA notes that the project area does not contain critical habitat for any of the species identified.

⁴ Environmental Protection Agency, NEPAAssist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited October 10, 2018).

⁵ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited October 10, 2018).

Federally Listed Protected Species in the Project Area	
Birds Red Knot (<i>Calidris canutus rufa</i>)	Status Threatened
Mammals Indiana Bat (<i>Myotis sodalist</i>)	Endangered
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Reptiles Eastern Rattlesnake (<i>Sistrurus catenatus</i>)	Threatened
Clams Northern Riffleshell (<i>Epioblasma torulosa rangiana</i>)	Endangered
Flowering Plants Eastern Prairie Fringed Orchid (<i>Platanthera leucophaea</i>)	Threatened

Because salvage activities would be limited in scope and because the proposed abandonment would take place within a heavily developed urban area, OEA believes that none of the species identified in the table above are likely to be present in the rail right-of-way. OEA therefore concludes that the proposed abandonment is ***not likely to affect*** federally listed threatened or endangered species. OEA is sending a copy of this EA to USFWS for review and comment.

Air Quality

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Therefore, no mitigation related to air quality is recommended.

Noise

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment. Therefore, no mitigation related to noise impacts is recommended.

Summary

Based on all information available to date, OEA believe that the proposed abandonment, including abandonment-related salvage activities, would not result in any significant environmental impacts. OEA is sending a copy of this EA to the following agencies for review and comment: OGL, MDEQ, the Corps, USFWS, and the City of Detroit.

HISTORIC REVIEW

Historical Background

The proposed abandonment includes two segments. Segment A, which includes NSR's Detroit Boat Yard rail yard, once served the Detroit Boat Yard on the Detroit River. According to NSR, the Detroit Boat Yard was established by the Wabash Railroad (the Wabash) circa 1913 to ferry rail cars across the Detroit River from Detroit to Windsor, Ontario via a car float operation. Based on OEA's review of topographical maps of Detroit from the United States Geological Survey, however, car float operations appear to have been in use at the site by 1905.⁶ This is consistent with the history of the Wabash described by Middleton et al. (2007), who report that the Wabash acquired trackage rights on the Grand Trunk Railway system across the southern portion of Ontario sometime after 1889 and used rail car ferries across the Detroit River to access that system.⁷

The Wabash initially purchased three rail car ferries from the Michigan Central Railroad Company (MC), which ceased its own, much larger, car float operations after the completion of the Michigan Central Railway Tunnel in 1910. MC had previously operated car floats between Stony Island, south of Detroit, and Gordon, Ontario and between downtown Detroit and Windsor, operating out of slips constructed at the foot of Trumbull Avenue (formerly 9th Street) in 1883. At its height, the latter crossing was the most densely travelled car ferry line in America, with the exception of several car float operations in New York harbor.⁸ After completion of the tunnel, however, rail car ferry traffic across the Detroit River diminished substantially.⁹

Beginning in 1927, the Union Belt of Detroit (UBD) handled interchange traffic over Detroit Boat Yard facilities for the Wabash and, later, for Norfolk and Western Railway (N&W) after the Wabash was merged into N&W in 1964. By the 1970s, N&W expanded ferry operations at the Detroit Boat Yard and acquired ferry equipment from Grand Trunk Western Railroad, which had also previously provided ferry services between Detroit and Windsor. UBD continued to provide interchange services at the expanded facility following the merger of N&W with Southern Railway Company to form NSR in 1982. In 1992, NSR took over operations from UBD and operated the car float until 1994. Although the car float no longer operated after 1994, the piers at which railcars were moved onto ferries are still present today, immediately south of the APE, based on OEA's review of satellite imagery of the project area. However, the tracks

⁶ U.S. Geological Survey, Historical Topographical Map Explorer, <http://historicalmaps.arcgis.com/usgs/> (last visited October 11, 2018)

⁷ Middleton, W.D., Smerk, G.M., & Diehl R.L. (eds.) (2007). *Encyclopedia of North American Railroads*. Indianapolis: Indiana University Press.

⁸ Hilton, G.W. (2003). *Great Lakes Car Ferries*. Davenport: Montevallo Historical Press, Inc.

⁹ Kavanaugh, K.B. (2001). *Images of America: Detroit's Michigan Central Station*. Chicago: Arcadia Publishing.

connecting Segment A to the piers were removed between 2002 and 2004, along with other rail yard trackage to the south and southwest of the APE.

Segment B was constructed in approximately 1881 by the Detroit Union Railroad Depot and Station Company (DU). Various railroads jointly owned or leased the rail line over the years and in 1958 UBD was established to perform industrial switching and maintain and operate the joint trackage. UBD was dissolved in 1992, and Segment B is currently jointly owned and operated by NSR and CSXT. If abandonment authority is granted to NSR in this proceeding, CSXT would continue to own and operate Segment B as a common carrier rail line.

Initiation of Section 106 Process

The abandonment of a line of railroad is considered a federal undertaking under Section 106 of the National Historic Preservation Act (54 U.S.C. 306108). In this case, NSR initiated Section 106 consultation with the Michigan State Historic Preservation Office (the SHPO) by providing the SHPO with a copy of its Historic Report prior to filing its notice of exemption with the Board, pursuant to 36 C.F.R. § 800.4(d)(1).¹⁰ By letter dated August 21, 2018, the SHPO declined to provide any preliminary comments on the Historic Report and requested that the Board, as the federal agency with the responsibility for Section 106, provide the SHPO with an adequately documented finding and request the SHPO's concurrence on that finding.

Area of Potential Effects

Section 106 requires that federal agencies define an Area of Potential Effects (APE) in consultation with the appropriate SHPO for projects with the potential to affect historic properties listed in or eligible for listing in the National Register of Historic Places (National Register). The APE is the geographical area in which historic properties could be directly or indirectly affected by the federal undertaking. In rail abandonment cases, OEA typically defines the APE as the rail right-of-way because it is the area in which any abandonment-related salvage activities would take place.

In this case, OEA has determined that the APE does not encompass the entire rail right-of-way. Because CSXT would continue to operate Segment B as a common carrier rail line, no physical or jurisdictional changes would occur on that segment, and no effects to historic properties would occur. OEA would assess and address any potential effects to historic properties along that segment, if any historic properties are present, if and when CSXT seeks

¹⁰ 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 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).

abandonment authority from the Board. Accordingly, the APE is limited to the right-of-way of Segment A, as shown in the map appended to this EA.

Identification of Historic Properties and Assessment of Effects

NSR states, and OEA's review has confirmed, that there are no bridges or buildings within the APE. The rail line itself, including ballast, rail, ties, and other rail-related materials, does not meet the National Register Criteria for Evaluation. Segment A is not associated with events that have made significant contributions to broad patterns of history or with significant historical persons. Although Segment A served the Detroit Boat Yard, a facility that contributed to local railroad history as one of several car float operations over the Detroit River, that connection has been diminished by the removal of the rail connecting Segment A with the car float operation in the early 2000s. The piers over which rail cars were moved onto ferries and barges during car float operations at the Detroit Boat Yard are still extant but are outside of the APE and would not be affected by the proposed abandonment.

Segment A appears to be ordinary in design and construction for early 20th century rail yard trackage and has been substantially altered by periodic maintenance during operations and by the removal of some track and related materials since operations ceased. The rail line therefore does not embody distinctive characteristics of a type, period, or method of construction or possess high artistic value. Because the proposed salvage activities would not result in ground disturbance, no known or unidentified archaeological resources would be affected. The property is therefore unlikely to yield any important historical or prehistorical information. Accordingly, based on all information available to date, OEA has concluded that no historic properties listed in or eligible for listing in the National Register are located within the APE of the proposed abandonment.

Pursuant to 36 C.F.R. § 800.4(d), OEA is hereby notifying the SHPO and the public of OEA's finding of ***no historic properties affected*** within the APE. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov. To allow the SHPO sufficient time to review and comment on this finding, OEA is recommending that the Board impose a mitigation condition temporarily barring consummation of the proposed abandonment until the condition is removed. If the SHPO does not object with OEA's finding, OEA will issue a Supplemental EA recommending that the Board remove the mitigation condition so that NSR can consummate the proposed abandonment.

Tribal Consultation

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.¹¹ The search identified

¹¹ U.S. Department of Housing and Urban Development, Tribal Directory Assessment

the following federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Forest County Potawatomi Community of Wisconsin;
- Hannahville Indian Community, Michigan;
- Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac de Flambeau Reservation of Wisconsin;
- Little Traverse Bay Bands of Odawa Indians, Michigan;
- Menominee Indian Tribe of Wisconsin;
- Miami Tribe of Oklahoma;
- Pokagon Band of Potawatomi Indians, Michigan and Indiana;
- Sault Ste. Marie Tribe of Chippewa Indians, Michigan; and
- Seneca-Cayuga Nation.

OEA is sending a copy of this EA to those tribes and to the SHPO for review and comment.

CONDITIONS

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

- 1. Norfolk Southern Railway Company (NSR) 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 rail right-of-way 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. NSR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Michigan State Historic Preservation Office and any other Section 106 consulting parties and the public. NSR 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.**
- 2. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board's environmental regulations at 49 C.F.R. § 1105.9, Norfolk Southern Railway Company (NSR) shall consult with the Michigan Coastal Zone Management Program and obtain state coastal management consistency certification. NSR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it**

Tool, <https://egis.hud.gov/tadat/> (last visited October 12, 2018).

reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.

- 3. Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the conditions above are imposed, the proposed abandonment 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 would 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 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

Requests for a notice of interim trail use (NITU) are 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 EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 290 (Sub-No. 402X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at joshua.wayland@stb.gov.

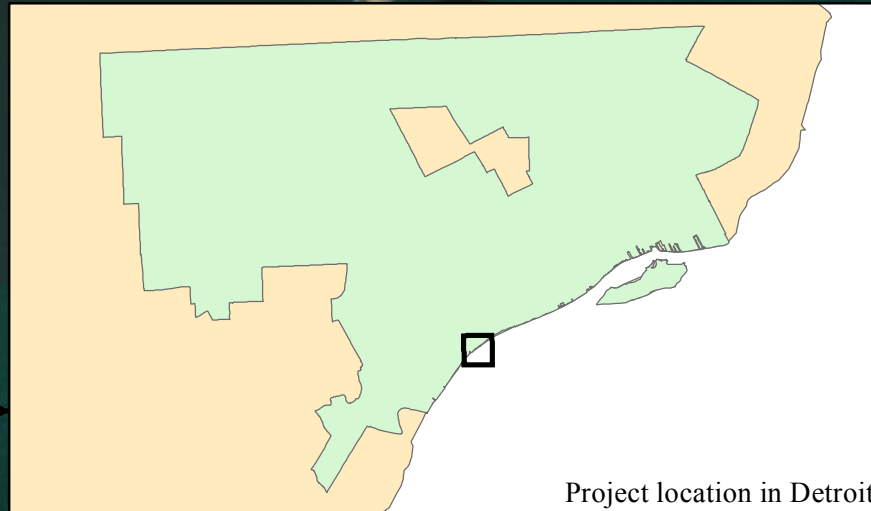
Date made available to the public: October 15, 2018

Comment due date: October 30, 2018

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



Project location in Michigan



Project location in Detroit

Docket No. AB 290 (Sub-No. 402X)
Norfolk Southern Railway Company
-Abandonment Exemption-
in the City of Detroit, Michigan

- Segment A
- - - Segment B
- Area of Potential Effects

Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are intended for general purposes only.

