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OEA

SERVICE DATE – AUGUST 23, 2011

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub-No. 708X)

**CSX Transportation, Inc., —Abandonment Exemption—
in Beaver County, Pa.**

BACKGROUND

On July 29, 2011, CSX Transportation, Inc. (CSX), filed a petition under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 for CSX to abandon 2.39 miles of rail line from milepost PLK 0.0 to milepost PLK 2.39, known as the Koppel Lead, in Koppel, Beaver County, PA (Line). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to CSX, no rail traffic has moved over the Line in more than 2 years. The last remaining customer was Koppel Steel which was served by CSX until the Line was taken out of service in 2008. Koppel Steel is currently served by Norfolk Southern Corporation (NS) with line-haul movements and interchanging of carloads between NS and CSX in Pittsburgh. While CSX actively used the Line, it moved miscellaneous commodities, including the principal commodities of steel and associated products.

CSX states that the only alternative to abandonment would be to pass on the costs of retaining the Line to all of its other CSX customers, which CSX does not wish to do.

If the abandonment is approved, CSX states that it would salvage the Line. Salvage would consist of the removal of rail, crossties, and possibly the upper layer of the ballast. CSX does not intend to disturb any of the sub-grade structures.

DESCRIPTION OF THE RAIL LINE

The topography surrounding the Line is generally hilly and passes through areas that are light residential and commercial/industrial in nature. The width of the right-of-way varies from between 100 to 160 feet. The Line contains no structures that are 50 years old or older. As stated earlier, if the Board should approve this abandonment, CSX would salvage the track materials and possibly the upper layer of ballast.

CSX states that the right-of-way may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer or title for other than rail purposes. The Line traverses United States Postal Service Zip Code 16136.

ENVIRONMENTAL REVIEW

CSX submitted an Environmental 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. CSX 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.

Diversion of Traffic

As noted above, the last customer on the Line was Koppel Steel. CSX states that all existing rail traffic has been re-routed via NS for more than 2 years. CSX also notes that it participates in the interchange movements with NS in Pittsburgh, PA.

In its Environmental and Historic Report, CSX states that there is no passenger or freight traffic moving over the Line and therefore, if approved there would be no impact on existing regional or local transportation systems or patterns. CSX also notes that because no rail traffic has moved over the Line in more than 2 years that there would be effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

Salvage Activities

If the Board should approve the proposed abandonment, CSX would salvage the track materials. Salvage would occur as follows:

The salvage process would be accomplished by use of right-of-way access, along with existing public and private crossings and no new access roads are contemplated. CSX does not intend to disturb any of the underlying roadbed and does not anticipate any dredging or use of fill in the removal of the track material.

The crossties and/or other debris would be transported away from the Line and would not be discarded along the right-of-way, not be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures would be implemented to prevent or controls spills from fuels, lubricants or any other materials from entering any watercourses.

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 708X).

Comments

CSX believes that the abandonment is not inconsistent with local land use plans. CSX also states that although there may be some prime farmland in the vicinity that the act of salvage would not have an adverse impact. The Natural Resources Conservation Service, District Conservationist indicates that the proposed abandonment would result in no environmental impact.

The Pennsylvania Game Commission states that the Indiana Bat (*Myotis sodalist*), a federally listed endangered species, may be located in the project area. Although OEA believes that if salvage CSX conducted salvage activities entirely within its right-of-way and would access the Line using existing roads and streets, such salvage operations would not impact the federally listed endangered Indiana Bat. To ensure that U.S. Fish and Wildlife is aware of how salvage would proceed, OEA will recommend that the Board impose a condition requiring CSX consult with the U.S. Fish and Wildlife Service prior to beginning any salvage operations.

CSX states in its Environmental Report that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

Although CSX states that does not intend to undertake any action that would be inconsistent with federal, state, and/or local water quality standards, it would obtain any required permits or applications as well as comply with conditions or procedures required by regulatory agencies.

The U.S. Army Corps of Engineers states that based on the information provided that a Section 404 permit would not be required.²

The Pennsylvania Department of Environmental Quality, Southwest Regional Office (PA-DEP), listed several general comments. Although the comments were of a general nature, OEA will recommend that the Board impose a condition requiring CSX to consult with the PA-DEP prior to initiating any salvage activities and comply with all reasonable requirements of that agency.

The Pennsylvania Department of Transportation, District Environmental Manager indicates that the project, as proposed, would not result in any environmental impacts. However, the comment notes that if CSX should conduct any waste studies on the right-of-way, such studies would be useful to PA-DOT as it identifies alternatives for the Koppel Bridge Replacement Project. The comment also notes that wetlands may exist under the Koppel Bridge, but that these wetlands are outside of the Line's right-of-way.

In response to PA-DOT's comment regarding waste studies, OEA notes that in its Environmental Report, CSX states that there are no known hazardous waste sites or sites where

² OEA spoke with the U.S. Army Corps of Engineers via telephone on August 19, 2011.

known hazardous material spills have occurred on or along the right-of-way. Without more information indicating that waste sites may be present on the Line, OEA will not recommend that the Board require CSX to conduct waste studies on the Line. And regarding PA-DOT's comment about the presence of wetlands under the Koppel Bridge, CSX stated in its Environmental Report that it is not aware of any wetlands or 100-year flood plains within the Line's right-of-way. As noted earlier, CSX states that its salvage activities would not result in any dredging or use of fill in the removal of the track material. Therefore, OEA does not believe that a condition requiring CSX to obtain permits or to consult with any other agencies with jurisdiction over wetlands, prior to conducting salvage activities on the Line, is necessary.

In an email dated June 16, 2011, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that there are approximately 4 geodetic survey markers located in the area of the proposed abandonment. OEA will recommend that CSX consult with the NGS prior to the commencement of any salvage activities to allow for relocation of any affected survey markers.

Based on all information available to date, and if the Board imposes the recommended mitigation, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, CSX states that there are no CSX owned structures on the Line that are 50 years old or older. CSX states that it does not believe that the Line is associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period, or method of construction; and do not represent a significant and distinguishable entity whose component may lack individual distinction and have not or may not be likely to yield information important in prehistory or history. CSX also notes that during construction of the Line, that any archaeological resources that may have been located in the area would have been destroyed during construction.

OEA's independent review of the history of the Line indicates that it was part of the Pittsburgh and Lake Erie Railroad (P&LE). The P&LE was formed on May 11, 1875 and served the steel mills of the greater Pittsburgh area. The P&LE was also known as the 'Little Giant' due to the amount of tonnage that it moved in proportion to its route miles. The steel mills of the area consumed vast amounts of coal, coke, iron ore, limestone, and steel. The P&LE was acquired by CSX in 1992.

The railroad 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 Pennsylvania Historical & Museum Commission, State Historic Preservation Office (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO³ and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. 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 <http://www.stb.dot.gov>.

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.⁴ The database indicated that there are no federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

CONDITIONS

We recommend that the following 3 conditions be imposed on any decision granting abandonment authority:

- 1. CSX Transportation, Inc., shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.**
- 2. CSX Transportation, Inc., shall consult with the Pennsylvania Department of Environmental Protection, Southwest Regional Office prior to the commencement of salvage activities and comply with all reasonable requirements.**
- 3. CSX Transportation, Inc., shall contact the U.S. Fish and Wildlife Service, Pennsylvania Field Office (USFWS) prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species. The railroad shall report the results of this consultation to the Board's Office of Environmental Analysis (OEA) in writing. Should any potential impacts be identified, the railroad shall consult with OEA and USFWS to develop appropriate mitigation measures.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, that abandonment of the

³ OEA spoke with the SHPO via telephone on August 18, 2011.

⁴ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited August 17, 2011).

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 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 Troy Brady, 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-55 (Sub-No. 708X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: August 23, 2011.

Comment due date: September 7, 2011.

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

Attachment