

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 167 (Sub-No. 1194X)

Consolidated Rail Corporation – Abandonment Exemption – in Indianapolis, Ind.

BACKGROUND

In this proceeding, Consolidated Rail Corporation (Conrail) filed a notice of exemption under 49 C.F.R. Part 1152, Subpart F to abandon approximately 1.28 miles of rail line extending from milepost 179.52 to milepost 180.80 in the City of Indianapolis, Indiana (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (EA). If the notice becomes effective, Conrail will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

Conrail states that the Line is known as the Thorne Secondary, and the topography of the surrounding area is flat. Conrail indicates that Line proposed for abandonment is not active and is not connected to any other Line of railroad. There are no structures located on the Line, and the proposed abandonment would not result in any salvage activities because the track and ties have already been removed. The purpose of the proposed abandonment is to facilitate the sale of the Line to the Indiana Department of Parks and Recreation for development and expansion of its trail system, known as the Pennsy Trail.

ENVIRONMENTAL REVIEW

Conrail submitted a combined environmental and historic 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. Conrail served the environmental and historic report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) 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 Conrail's environmental and historic report is 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 167 (Sub-No. 1194X).

Diversion of Traffic

Conrail states that no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. 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.

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. As noted above, Conrail indicates that no salvage activities would occur as a result of the proposed abandonment.

The United States Department of Agriculture commented that the proposed abandonment would not cause a conversion of prime farmland.

The U.S. Department of Interior, National Parks Service commented that it does not have any concerns regarding the proposed abandonment.

Conrail requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.² Two protected threatened or endangered species, the Indiana Bat and the Northern Long-eared Bat, are located in the area of the proposed abandonment. According to the IPaC report, there is no critical habitat for these species in the project area. OEA has determined that these federally protected threatened or endangered bat species would not be adversely affected because no salvage is anticipated as a result of the proposed abandonment. OEA is providing a copy of this EA to USFWS for its review.

The National Geodetic Survey (NGS) has indicated that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited 1/6/20).

Board's service list for this proceeding, OEA is providing a copy of this Draft EA to USFWS for its review and comment.

HISTORIC REVIEW

Conrail served the historic report on the Indiana State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ SHPO submitted comments stating that it did not identify any historic resources listed in or eligible for inclusion in the National Register of Historic Places (National Register) within the Area of Potential Effect (APE). OEA has reviewed the available information and concurs with the SHPO's comments. Accordingly, 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 SHPO and the public, OEA has 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 Conrail's historic report, all relevant correspondence, and this Draft 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.gov>.

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,⁴ to identify federally recognized tribes which may have ancestral connections to the project area. The search indicated that the Delaware Nation, Oklahoma, the Miami Tribe of Oklahoma and the Seneca-Cayuga Nation may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this Draft EA to these tribes for their review and comment.

CONDITIONS

OEA recommends that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

³ 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 (NHPA). 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).

⁴ U.S. Department of Housing and Urban Development (<https://egis.hud.gov/tadat/>) (last visited 1/6/20).

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the 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 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

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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

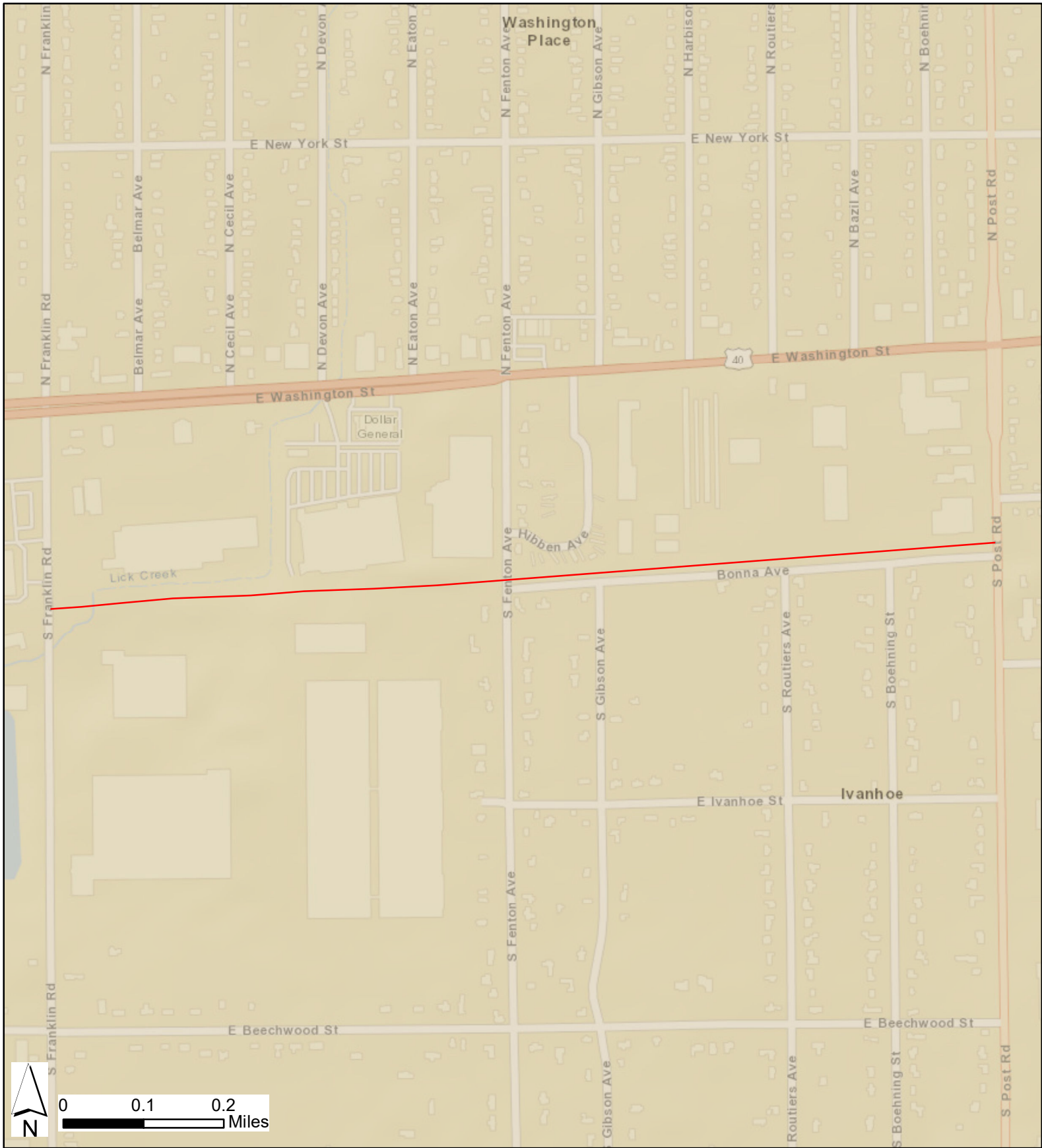
If you wish to file comments regarding this Draft Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Draft Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-167 (Sub-No. 1194X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Draft Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.gov.

Date made available to the public: January 10, 2020.

Comment due date: January 24, 2020.

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

Attachment



DOCKET NO. AB 167 (Sub-No. 1194X)
 Consolidated Rail Corporation
 Abandonment Exemption
 Marion County
 Indianapolis, Indiana

Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Location in State