

SERVICE DATE – SEPTEMBER 8, 2023

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub-No. 812X)

**CSX Transportation, Inc. – Abandonment Exemption –
In Cuyahoga County, OH**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Cuyahoga County, Ohio. The rail line proposed for abandonment extends approximately 1.3 miles from milepost BJB 73.21 to milepost BJB 74.51 on CSXT's Cleveland Subdivision (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in Cleveland, Ohio in an urban setting. CSXT states that the Line begins east of Canal Road and runs parallel to the Cuyahoga River and crosses under Canal Road. The Line then turns north and crosses under the North Fork Southern (NS) railroad bridge. Continuing northwest, the Line passes under Interstate 90 and continues under Carnegie Avenue and Eagle Avenue. The Line then runs parallel to the Cuyahoga River and ends before the Riverview South parking lot. CSXT indicates that the right-of-way is approximately 60 feet wide. The Line also passes under four roadway overpasses and a NS railroad bridge. CSXT states that they do not own the structures and abandonment of the Line will not affect these structures. CSXT states that it intends to sell the Line to the City of Cleveland through the notice of interim trail use (NITU) process.

ENVIRONMENTAL REVIEW

CSXT submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage. CSXT served the E&H 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 implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CSXT, no local traffic has moved over the Line over the last two years, and overhead traffic on the Line has already been rerouted. Therefore the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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. CSXT indicates abandonment of the Line would result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts, and tunnels would not be salvaged. There are no public or private at-grade crossings on the Line.

Upon receiving abandonment authority, removal of material would be accomplished by use of the right-of-way for access. No new access roads are contemplated. CXST does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the removal of the track material.

CSXT states that it would transport crossties and/or other debris away from the Line and would not discard them along the right-of-way or place or leave them in streams or wetlands or along the banks of such waterways. Also, during track removal, appropriate measures would be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering waterways.

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "55" "812" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on August 14, 2023.

Land Use

CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. CSXT states the purpose of the abandonment is to sell the Line to the City of Cleveland for trail use under the NITU process. CSXT notified Cuyahoga County by letter dated July 26, 2023, requesting comments and included a copy of the preliminary E&H Report. By email dated August 14, 2023, CSXT received a letter on behalf of Cuyahoga County Executive Ronayne's office stating that it "is aware and supportive of a feasibility study currently being led by [Northeast Ohio Areawide Coordinating Agency]" and that the study is exploring the 'possible extension of the Cuyahoga Valley Scenic Railroad rail service, connecting the Cuyahoga Valley National Park to Downtown Cleveland."

On July 26, 2023, CSXT notified the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) of the proposed abandonment by letter dated July 26, 2023. To date, CSXT has not received a reply. However, because the proposed abandonment is located in an urban area, OEA concludes that it is unlikely to have an adverse effect on prime agricultural land.

Hazardous Materials/Spills and Safety

CSXT states that the proposed abandonment would have no detrimental effects on public health and safety. There are no known hazardous waste sites or sites where there have been known hazardous materials spills on the Line. Therefore, OEA concludes that the proposed abandonment is unlikely to affect the transportation of hazardous materials.

Biological Resources

The Ohio Ecological Services Field Office of the US Fish and Wildlife Service (USFWS) sent CSXT an Official Species List dated July 25, 2023, that was generated from USFWS' Information for Planning and Consultation system. Six threatened, endangered, or candidate species were identified by the field office, including the Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), tricolored bat (*Perimyotis subflavus*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and monarch butterfly (*Danaus plexippus*) that may be affected by the proposed abandonment. No critical habitats were identified within the project area.

CSXT requested comments from USFWS regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. USFWS responded to CSXT by letter dated August 8, 2023, stating "[they] do not anticipate adverse effects to federally endangered, threatened, or proposed species or proposed or designated critical habitat." Thus, OEA has determined federally listed threatened or endangered species would not be affected because of the abandonment's limited scope of salvage. OEA is providing USFWS Ohio Ecological Field Services Office a copy of this Draft EA for its review.

CSXT notified the National Park Service (NPS) of the proposed abandonment by letter dated July 26, 2023, requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary E&H Report. NPS has not provided comments at the time Draft EA was prepared. Because the Line does not cross any wildlife sanctuaries or refuges, National or State parks or forests, OEA believes that no such area would be affected by the proposed abandonment.

Water Resources

The Line is within a designated coastal zone.² On July 26, 2023, CSXT notified Ohio's Office of Coastal Management (OCM) by letter of the proposed abandonment requesting comments and included a copy of the preliminary E&H Report and an Ohio Coastal Management Program Consistency Certification Statement. By email received on August 11, 2023, the Coastal Programs Administrator, OCM, Ohio Department of Natural Resources stated that it had no comment on the proposed activity. Therefore, no further consultation is required. OEA is providing the OCM a copy of this Draft EA for review.

On July 26, 2023, CSXT sent a letter to the Buffalo District of the U.S. Army Corps of Engineers (Corps) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and indicating that no designated wetlands or 100-year flood plains would be affected by the proposed abandonment. To date, Corps has not replied. However, the Line does not appear to cross any waterways or wetlands. Therefore, OEA believes that abandonment-related salvage activities would not require a permit under Section 404 of the Clean Water Act, and that no waterways, wetlands, or 100-year flood plains would be affected. OEA is providing the Corps a copy of this Draft EA for review.

Air Quality and Noise

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment 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 the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the

² Ohio Department of Natural Resources, Office of Coastal Management, Ohio Coastal Atlas Map Viewer, <https://ohiodnr.gov/discover-and-learn/safety-conservation/about-ODNR/coastal-management/Interactive+Maps/coastal-atlas-gis-mapping-service> (last accessed September 6, 2023).

following agencies for review and comment: Regional EPA, the USFWS Ohio Ecological Services Field Office, Office of Coastal Management, Ohio Department of Natural Resources, and U.S. Army Corps of Engineers.

HISTORIC REVIEW

CSXT states that the Line was originally part of the Valley Railway company which was formed in 1871 and filed for bankruptcy in 1895. After several acquisitions and mergers, the Line became part of CSXT in 1986. CSXT states there are no bridges or structures on the Line that are 50 years old or older.

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 Ohio History Connection (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ 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) will be affected along the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Therefore, pursuant to 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 the railroad'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 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's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The

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. 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 a link on the bottom of the Board's website overlooking historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed September 6, 2023).

database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Delaware Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Miami Tribe of Oklahoma; Ottawa Tribe of Oklahoma; Seneca Nation of Indians; Seneca-Cayuga Nation; and Wyandotte Nation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

Based on the information provided from all sources to date, OEA does not recommend any conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

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 Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

⁵ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "55" "812" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

TRAIL 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

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

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Karen Stevens, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB-55 (Sub-No. 812X). If you have any questions, please contact Karen Stevens by email at Karen.Stevens@stb.gov or by phone at 202-245-0304.

Date made available to the public: September 8, 2023.

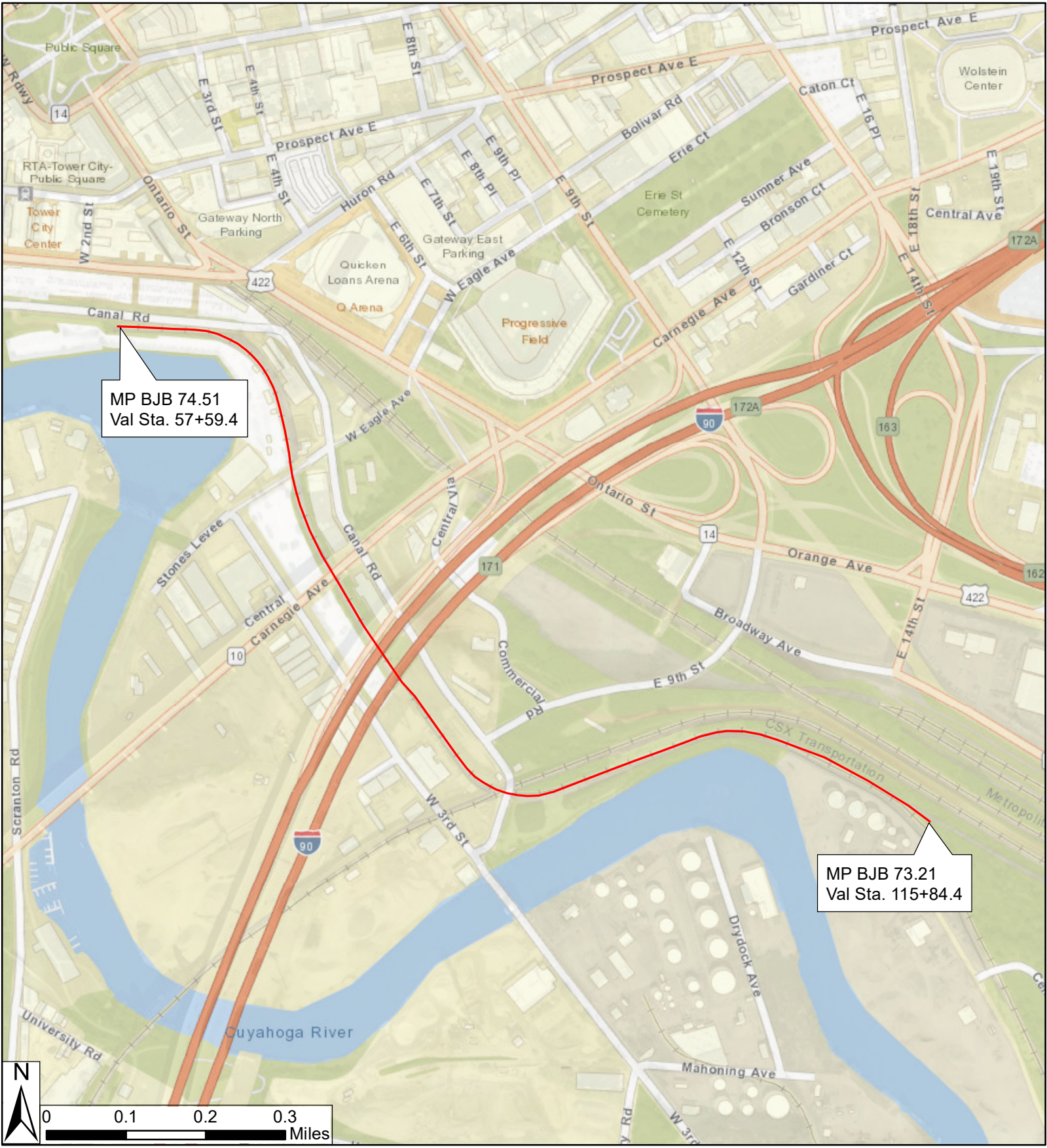
⁶ Id.

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Comment due date: September 22, 2023.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

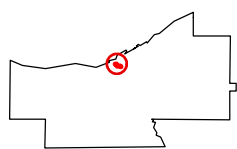


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Legend

 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.



Cuyahoga County



Ohio