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OEA

SERVICE DATE – JUNE 30, 2025

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

**Docket No. AB 290 (Sub-No. 418X)
Norfolk Southern Railway Company – Abandonment Exemption – In Cuyahoga, Geauga,
and Portage Counties, Ohio**

And

**Docket No. AB 1257 (Sub-No. 1X)
Cleveland & Cuyahoga Railway, LLC – Discontinuance of Service Exemption– In
Cuyahoga, Geauga, and Portage Counties, Ohio**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) and Cleveland & Cuyahoga Railway, LLC (CCRL) (jointly, the Applicants) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 for NSR to abandon and CCRL to discontinue service in connection with a line of railroad in Cuyahoga, Geauga, and Portage Counties, Ohio. The rail line proposed for abandonment and discontinuance extends approximately 7.0 miles from milepost RH 15.0 on the east side of Harper Road to milepost RH 22.0 north of Treat Road (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, Applicants will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to Applicants, in 1848, the Cleveland and Mahoning Valley Railroad was chartered to build a rail line from Cleveland to Youngstown. Construction began in 1853, and the rail line began operating in 1857. Over the next century, the Line was owned or leased by a number of railroads, including the Atlantic and Great Western Railroad; the Erie Railroad; the New York, Pennsylvania, and Ohio Railroad; the New York, Lake Erie and Western Railroad; the Delaware, Lackawanna and Western Railroad; and the Erie Lackawanna Railroad. In 1976, portions of the Erie Lackawanna properties, including the Line, were included in the formation the Consolidated Rail Corporation (Conrail). In 1999, Norfolk Southern Corporation, parent to NSR, assumed control of approximately fifty-eight percent of the Conrail properties, including

the Line. In 2009, the Line was leased to the Cleveland Commercial Railroad, LLC and in 2019, the Cuyahoga & Cleveland Railway, LLC acquired the lease by assignment.

According to Applicants, the Line is approximately 7.0 miles and its associated right-of-way is approximately 100 feet wide. Salvageable track and materials remain on the Line, and portions of the Line are overgrown and may contain trees. According to Applicants, there are two structures over 50 years old in the right-of-way. The first is a through plate girder bridge (constructed in 1973) crossing Som Center Road at milepost RH 16.90. The second is a reinforced concrete slab bridge (constructed in 1917) over what was once a cattle pass and is now being used as a golf course carpath at milepost RH 19.47.

ENVIRONMENTAL REVIEW

Applicants 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. NSR served the E&H 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 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 Applicants, no local traffic has moved over the Line over the last two years, and any overhead traffic on the Line can be 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. If granted

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" "290" "418" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on June 5, 2025.

Docket No. AB 290 (Sub-No. 418X), et al.

abandonment authority, Applicants intend to salvage rail and related track material from the existing roadbed, leave existing drainage structures in place, and smooth the remaining roadbed to a level surface. Applicants state that while they does not intend to create new access roads, there are some trees located within the gauge of the tracks that would need to be removed to facilitate abandonment-related salvage operations.

NSR 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. USFWS submitted comments identifying two threatened and endangered species, the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*), that may be affected by the proposed abandonment. According to USFWS, if no caves or abandoned mines are present and removal of trees of at least three inches diameter at breast height (dbh) must occur, such removal should only occur between October 1 and March 31 to avoid adverse effects. USFWS notes that such protective mitigation would also benefit the proposed endangered tricolored bat (*Perimyotis subflavus*) which is also present throughout Ohio. To address potential impacts to these species, OEA is recommending a condition be imposed upon any decision granting abandonment authority requiring NSR to conduct removal of trees with 3-inch dbh or greater between October 1 and March 31 in connection with abandonment-related salvage activities. OEA has determined that if the recommended mitigation measure is imposed, there would be no adverse effect to these federally listed threatened and endangered species. OEA is providing USFWS Ohio Ecological Services Field Office a copy of this Draft EA for its review.

The Ohio Department of Natural Resources' Coastal Management Program submitted a comment confirming that the Line is not located within a coastal zone.

The U.S. Army Corps of Engineers (Corps) Buffalo District commented that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required.

The Ohio Environmental Protection Agency commented that the proposed abandonment would not require a National Pollution Discharge Elimination System permit if no soil disturbing or fill activities are required for access roads or staging areas.

The Geauga County Board of Commissioners, in coordination with the County Engineer's Office, the Planning Commission, and the Department of Water Resources submitted a comment on April 29, 2025, regarding the consistency of the proposed abandonment with existing land use plans. To ensure proper review, the County Engineer requested infrastructure mapping and engineering records from NSR, as well as maintenance and legal agreements. The Planning Commission noted that a portion of the Line was previously converted to trail in Portage County, known as the Headwaters Trail, located between Mantua and Garrettsville, and

that additional trails would support current county planning goals. Lastly, the Department of Water Resources noted that Geauga County currently maintains public water and sanitary sewer infrastructure that crosses under the Line, noting an easement for infrastructure that runs along Pettibone Road east and west of the Line. Accordingly, OEA is recommending a condition be imposed upon any decision granting abandonment authority requiring NSR to consult with the Geauga County Board of Commissioners prior to commencement of any abandonment-related salvage activities. OEA is providing the Geauga County Board of Commissioners a copy of this Draft EA for its review.

The Portage County Board of Commissioners commented that it had no environmental concerns associated with the proposed abandonment.

OEA believes that any air emissions associated with abandonment-related salvage activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment-related salvage activities would also be temporary and should not have a significant impact on the surrounding area.

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 following agencies for review and comment: USFWS Ohio Ecological Services Field Office and Geauga County Board of Commissioners.

HISTORIC REVIEW

NSR submitted a 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).² Based on available information, the SHPO 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.

² 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>.

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 NSR'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 www.stb.gov. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

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.³ The 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; Delaware Tribe of Indians; 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

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:⁴

1. Norfolk Southern Railway Company shall only conduct removal of trees with 3-inch dbh or greater in connection with abandonment-related salvage activities between October 1 and March 31.
2. Prior to commencement of any abandonment-related salvage activities, Norfolk Southern Railway Company shall consult with the Geauga County Board of

³ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed June 16, 2025).

⁴ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

Commissioners to address its concerns regarding consistency with local land use plans.

CONCLUSIONS

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

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

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" "290" "1" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.

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.

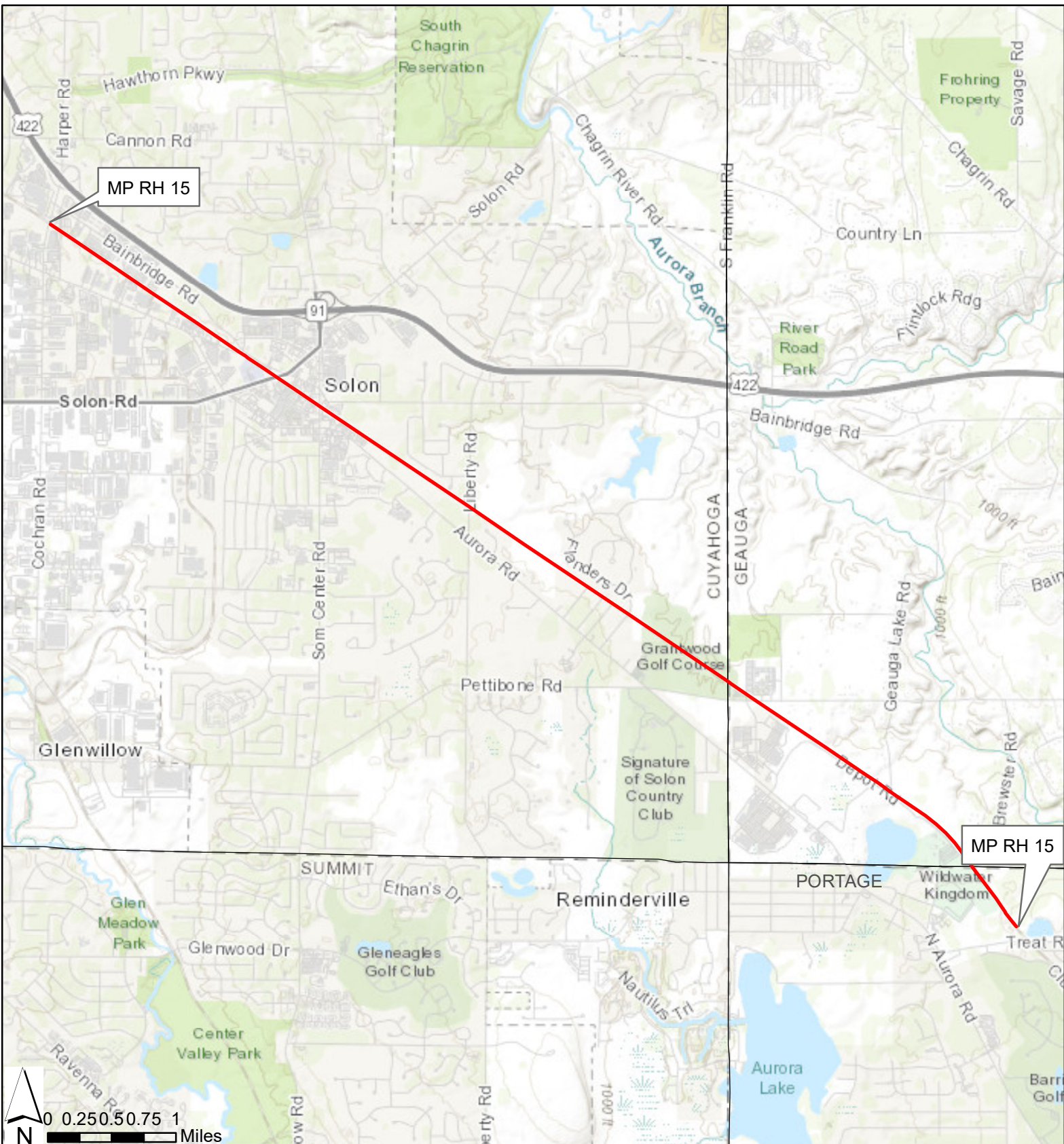
Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 290 (Sub-No. 418X). If you have any questions, please contact Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

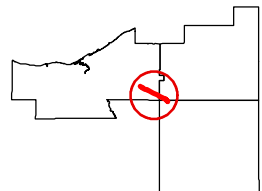
Date made available to the public: June 30, 2025.

Comment due date: July 15, 2025.

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

Attachment



	Docket No. AB-290 (Sub-No. 418X) Norfolk Southern Railway Company Abandonment Exemption And Docket No. AB-1257 (Sub-No. 1X) Cleveland Cuyahoga Railway, LLC Discontinuance of Service Exemption In Cuyahoga, Geauga, and Portage Counties, Ohio	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, Geauga, and Portage Counties	 Ohio
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