

#EO-3013

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
• DOCKET NO. AB 55 (SUB-NO. 779X) •

June 21, 2018

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, CSXT Transportation, Inc. (CSXT) filed a verified notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment and discontinuance of service of approximately 13.9 miles of rail line on its Newton Falls Subdivision, located between milepost BGA 86.1 and milepost BGA 100.00, in Trumbull County, Ohio. The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on June 4, 2018 for public review and comment. In the EA, OEA recommended one environmental (historic) condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

OEA received four comments during the 15-day comment period. By attached letter dated May 30, 2018, the U.S. Army Corps of Engineers (Corps) commented that it was not able to determine the number and type of aquatic resources within the area of the proposed abandonment and requested that CSXT hire a qualified wetland consultant to evaluate the area for potential jurisdictional waterways or wetlands. The Corps noted that a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) would be required if the salvage process resulted in any impacts to these resources and assigned the proposed abandonment a Corps permit number of 2018-713.

OEA and the Corps have since consulted and it was agreed that a permit would not be required for the proposed abandonment if the salvage process does not result in the discharge of dredged or fill material into waters of the United States. Specifically, that CSXT conduct its salvage operations in the existing right-of-way, along existing public and private crossings; that no new access roads be created; that the underlying road bed remain intact; that no dredging or use of fill material occur in removing the track and ties and that crossties and other debris is transported away from the rail line and associated water resources; and finally, that appropriate measures be used to prevent and control spills from fuels, lubricants and other pollutants from

entering any waterways. However, because the Corps was not able to evaluate the proposed abandonment for the presence of aquatic resources, OEA is recommending a condition that would require CSXT to consult with the Corps prior to initiating salvage and to comply with the Corps' reasonable requirements, which may include the use of best management practices in areas adjacent to wetlands or waterways, if present, during the salvage process.

The remaining three comments were in opposition to the proposed abandonment and requested that the rail line remain in use. In response, OEA notes that a number of parties have submitted formal filings to the Board, either in support of continued rail service or conversion to trail use, and that CSXT has formally replied that it is not opposed to a 180-day public use condition and is willing to negotiate an interim trail use/rail banking arrangement.¹ In addition, two of the three commenters referenced concerns about increased air pollution and truck traffic that they believe would occur as a result of the proposed abandonment. In response, OEA notes that these concerns were addressed in the EA. Specifically, the EA states that "no local traffic has moved over the line for at least two years and overhead traffic can and has been 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."

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that the following two conditions should be imposed upon any decision granting abandonment authority. The conditions are:

1. Prior to commencement of any salvage activities, CSXT Transportation, Inc. (CSXT) shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. CSXT 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 project right-of-way (the Area of Potential Effect) 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. § 30610816, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Ohio History Connection (State Historic Preservation Office or SHPO) and the public. CSXT 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.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

¹ The filings 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 55 (Sub-No. 779X).

Attachments

OEA CONTACT: Diana Wood 
202-245-0302
Diana.Wood@stb.gov

Distribution: Office of Proceedings
OEA Chron
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#E1-26312



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

May 30, 2018

Regulatory Division
2018-713

Gene Payne
CSX Transportation, Inc.
500 Water Street – J-315
Jacksonville, FL 32202

Dear Mr. Payne:

I refer to your letter, received in this office April 26, 2018. You propose to abandon an approximately 13.9-mile rail line in Trumbull County, OH.

The US Army Corps of Engineers regulates any earth moving activities within rivers, streams, or wetlands. This includes any placement of fill material, temporary or permanent. Due to the fact that your letter and location map do not clearly identify each aquatic resource, we recommend that you hire a qualified wetland consultant to evaluate the entire project area in order to determine if any jurisdictional streams or wetlands are present. Enclosed is a list of wetland consultants. If impacts to streams or wetlands are in fact proposed, you should again contact this office to discuss permitting requirements.

Your project will likely qualify for Nationwide Permit 3. Every effort should be made to avoid and minimize impacts to the aquatic resources on-site. We will continue to work with you in order to protect any aquatic resources that may be present.

This project has been assigned Department of the Army Permit Number **2018-713**. Please refer to this number in all future correspondence. If you have any questions, please contact Mike Engelhardt, 412-395-7141, or Michael.D.Engelhardt@usace.army.mil.

Sincerely,

Nancy Mullen
Chief, Northern Branch
Regulatory Division

Enclosure

Cc: OEPA – Ed Wilk
Trumbull County Soil and Water Conservation District – Marcus Hollenbank

#E1-26317

Wood, Diana

From: Engelhardt, Michael D CIV USARMY CELRP (US)
<Michael.D.Engelhardt@usace.army.mil>
Sent: Monday, June 18, 2018 10:39 AM
To: Wood, Diana; Melanie@lgraillaw.com
Subject: RE: Dept of Army Permit Number 2018-713

Diana,

I was waiting on the map described in your e-mail below, and didn't know you wanted a follow up from me before that. Sorry for not getting back to you sooner.

The letter we sent was fairly standard for when we don't have an accurate picture of what resources could potentially be impacted by the proposed activity. Placement of fill in a jurisdictional waterbody would require a permit to be obtained. If no fill is to be placed in those waterbodies, we would likely not require a permit.

BMP's are typically included in the permit plans and information. I would be agreeable to you including the BMP wording included in your 6/12 e-mail below. If that BMP is followed, then there may not be any permit requirements on our end. I would also be agreeable to you including the condition described in your 6/15 e-mail below.

Please let me know if you need anything else.

Mike Engelhardt
Regulatory Division
U.S. Army Corps of Engineers - Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222
(412) 395-7141

-----Original Message-----

From: Wood, Diana [mailto:Diana.Wood@stb.gov]
Sent: Friday, June 15, 2018 8:00 AM
To: Melanie@lgraillaw.com
Cc: Engelhardt, Michael D CIV (US) <Michael.D.Engelhardt@usace.army.mil>
Subject: [Non-DoD Source] FW: Dept of Army Permit Number 2018-713

Hi Melanie,

This is just a heads up that in the interest of time concerning the issuance of the Final EA, and the fact that the map has not been made and I haven't heard back from the Corps on the email below, AND that I noticed there is outside interest in purchasing the line, I will be recommending the following condition in the Final EA:

Prior to commencement of any salvage activities, the railroad shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

Thanks,

Diana

From: Wood, Diana
Sent: Tuesday, June 12, 2018 12:08 PM
To: 'Michael.D.Engelhardt@usace.army.mil' <Michael.D.Engelhardt@usace.army.mil>
Cc: 'Melanie Yasbin' <Melanie@lgrailaw.com>
Subject: Dept of Army Permit Number 2018-713

Dear Mr. Engelhardt,

I'm writing you in response to a proposed 13.1-mile rail line abandonment in Trumbull County, Ohio and a comment letter you wrote in response to this proceeding. When CSX initiated consultation with federal, state and local agencies on this project (as is required 20 days prior to their abandonment filing with STB), they may not have provided enough information on the salvage procedure in the letter you received and commented on. I have since issued the attached Environmental Assessment which describes in detail the process that is typically conducted by CSX, as well as most, if not all, railroad salvagers and railroads. The process, as described below, will not result in any discharges to streams, rivers, wetlands or other waterways under federal or state jurisdiction, and so a wetland delineation is not needed here. Any land disturbances following abandonment, such as a rail-to-trail conversion, would in all likelihood be subject to Corps' regulations if there is clearing, grubbing, and grading, but that is not the case here.

I know you commented on the map and not having enough information to make an informed decision, so I have asked our in-house GIS person to prepare a map that shows water features. But I assure you that these features, no matter how abundant or sparse, will not be disturbed during the salvage process. I'll send you the map once its prepared, and if there are a lot of water features, would be amenable to recommending a condition that requires CSX to install best management practices, as needed, in areas adjacent to waterways during the salvage process. In the interim, here is CSX's detailed salvage practice, as described in the attached EA:

CSXT has stated that its salvage operations would not result in the discharge of dredged or fill material into waters of the United States; that salvage would be conducted in the existing right-of-way, along existing public and private crossings; that no new access roads are contemplated; that it does not intend to disturb any of the underlying road bed or perform any activities that would result in sedimentation or erosion of the soil; that no dredging or use of fill material would occur in removing the track and ties and that crossties and other debris would be transported away from the rail

line and associated water resources; and finally, that it would use appropriate measures during salvage to prevent and control spills from fuels, lubricants and other pollutants from entering any waterways. Accordingly, OEA is not recommending any mitigation related to impacts to waters of the United States but has included the Corps' in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

Please let me know if you agree and if you have a preference for a particular best management practice. The comment period ends next Tuesday, June 19th, and I will need to issue a final EA by June 21st so timing is key.

I'll send you the map as soon as it's prepared.

Thanks so much for your consideration in this matter.

Regards,

Diana Wood

Diana F Wood

Office of Environmental Analysis

US Surface Transportation Board

395 E Street SW, Room 1110

Washington DC 20423

202-245-0302

Diana.Wood@stb.gov <mailto:Diana.Wood@stb.gov>

OHIO COMMERCE CENTER

#EL-26316

TO: Diana Wood
Surface Transportation Board
Washington, DC
Diana.Wood@stb.gov

18 June 2018

RE: Docket No. AB 55 (Sub-No. 779X)
CSX's Newton Falls Subdivision

Dear Diana,

I represent the Ohio Commerce Center, a 500+/- acre rail industrial park in Lordstown, Ohio and LTEX Rail, a leading Lessor and supplier of Locomotives and parts in America. We have been in the rail services business for 20+ years and have an interest in restoring vibrant rail service to the area. Our office only recently learned that CSX was requesting to abandon this 14 mile line.

We respectfully request to have our opposition to the abandonment filing Docket No. AB 55 (Sub-No. 779X) added to the record and to be listed as an interested party to this case. We also intend to file an Offer of Financial Assistance (OFA) request in this matter. We would have done so sooner but learned of this proposed abandonment only a few days ago. We are interested in this CSX right of way for business use and to support regional economic development efforts. Please advise us of anything further that might need in order to acquire CSX's Newton Falls Subdivision in its entirety.

Please contact me as soon as possible via email or phone regarding this matter.

Sincerely



Dan Crouse
Dan@OhioCommerceCenter.com
330-647-0411 Cell

HE-26318

Wood, Diana

From: Michael Connor <mjconnor_rr@hotmail.com>
Sent: Tuesday, June 19, 2018 7:38 PM
To: Wood, Diana
Subject: Comments re Docket AB 55 (Sub-No.779X)

Ms Wood

In re the proposed (by CSXT and no other entity) abandonment of the Newton Falls Subdivision in Ohio, Docket AB 55 (Sub-No. 779X), significant community pressure is building in opposition to this proposed abandonment. In addition to the probable increase in dangerous pollution-emitting truck traffic as even more freight is diverted to highways this railroad serves 28-miles of rail-front property which can provide a significant opportunity for economic development.

I would further note that President Trump has proposed a significant Transportation Infrastructure Program, albeit with details to follow. If, as many expect, freight and passenger rail will be part of this Economic Stimulus, it is counter-productive, nay, foolhardy, to be tearing up railroad track before the effects of the President's program on the Newton Falls Subdivision can be determined. Certainly, the potential delay in scrapping this 14 +/- mile line, if the application were ultimately approved, would have no significant impact on the profitability of CSXT and will permit alternate rail operators to emerge.

I think you owe the citizens of the Newton Falls Subdivision territory a reasonable time period to prepare and implement a positive rail-retention solution.

Please contact me if I can offer further input.

Michael J. Connor
1810 North Wooster Avenue
Dover, Ohio 44622
(cell) 330-691-0026

#E1-26319

Wood, Diana

From: smmancino@aol.com
Sent: Tuesday, June 19, 2018 8:54 PM
To: Wood, Diana
Subject: Comments re Docket AB 55 (Sub-No. 779X)

Subject: Comments re Docket AB 55 (Sub-No. 779X)

Ms Wood, As a woman who drives I am affected every time tracks are abandoned and shippers use trucks and not rail.

As a user of Ohio roads I am concerned that the Surface Transportation Boards actions in abandoning the Newton Falls Subdivision in Ohio, Docket AB 55 (Sub-No. 779X) will have the effect of increasing the dangerous, pollution emitting truck traffic on roads that I and my friends travel. The best way to improve road safety is to put as much freight on the rail tracks as possible.

I appreciate any help you can give in stopping this abandonment,
Susan McVay Mancino