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**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-290 (Sub-No. 286)

February 1, 2007

ABANDONMENT TYPE

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

☐ Notice of Exemption ☐ Petition for Exemption ☒ Regulated Abandonment

☐ **NO NEW COMMENTS WERE RECEIVED**

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SEA served an Environmental Assessment (EA) for this proceeding on December 22, 2006 for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received four comments after issuance of the EA.

The Indiana Department of Natural Resources, Division of Water (Indiana DNR) has reviewed the project and indicated that formal approval of Indiana DNR would be required prior to any construction of trails in a floodway. Indiana DNR indicates that no plant or animal species listed as state or Federally threatened, endangered, or rare have been reported to occur in the project vicinity. Indiana DNR has recommended some basic guidelines to be considered for the portion of the abandoned rail line that would be converted into a trail in or around potential fish, wildlife, or botanical resource habitat within the floodway. Indiana DNR's guidelines on trail construction fall outside the scope of salvage activities examined in this EA. No new condition is recommended.

Meryl Domina, a resident of South Bend, supports the adverse abandonment which would allow for multiple uses of the right-of-way to include a recreational trail and an alternative transportation corridor.

Mr. Allen Stevens of Stevens Transportation Services has recommended that the Board reject the adverse abandonment application. Mr. Stevens states that the University of Notre Dame (the University) has historically received coal by rail, that railroad infrastructure is still in

place to the University, and that a buyer and operator with intentions of transporting coal to the University has stepped forward. Mr. Allen states that rail shipment of coal is cheaper, environmentally friendlier, and safer than truck transport. The Chicago, Lake Shore & South Bend Railway Company (CLSSB) filed comments on the EA stating that operating electrified railroad freight services to the University of Notre Dame would conserve fuel, reduce air pollution, and improve public safety. CLSSB filed a notice of exemption with the Board in STB Finance Docket No. 34960 to acquire and reactivate rail service to 3.2 miles of the rail line that is the subject of this proceeding. CLSSB indicates that they have offered the City of South Bend easements which would allow for construction of trails and sewer. SEA notes that reactivation of the line could have environmental benefits, however, reactivation of the line is speculative at this time. Moreover, the action before the Board being examined in this EA is the adverse abandonment proceeding.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the following condition previously recommended in the EA should be imposed upon any decision granting abandonment authority:

Applicant shall, prior to assisting Norfolk Southern Railway Company with any salvage activities, complete the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. Applicant shall report back to the Section of Environmental Analysis regarding any consultations with the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) and any other Section 106 consulting parties.

If the above condition is imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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KHB