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OEA

SERVICE DATE – DECEMBER 8, 2017

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 394X)

**Norfolk Southern Railway Company – Abandonment Exemption – in Aurora, Portage
County, Ohio**

Docket No. AB 1257

**Cleveland Commercial Railroad Company, LLC–Discontinuance of Lease and Operation
Authority–in Aurora, Portage County, Ohio**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) and Cleveland Commercial Railroad Company, LLC (CCR) (collectively, Applicants) jointly filed a notice of exemption under 49 C.F.R. Part 1152, Subpart F, for NSR to abandon and CCR to discontinue serve over approximately 5.5 miles of rail line extending from milepost RH 22.0 to milepost RH 27.5 in Aurora, Portage County, Ohio (the Line). A map depicting the Line in relationship to the area served is appended to this EA. If the notice becomes effective, NSR will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

Applicants state that NSR's parent company, Norfolk Southern Corporation, acquired the Line when it assumed control of 58% of Conrail's properties in 1999. The Line was originally leased to CCR pursuant to a lease agreement entered into in May 2009. Applicants indicate that the right-of-way width ranges from 50 to 100 feet along the main track centerline, and the Line traverses United States Postal Service Zip Codes 44202 and 44255.

ENVIRONMENTAL REVIEW

Applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Applicants served the environmental 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.

Diversion of Traffic

According to Applicants, 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.

The Ohio Environmental Protection Agency (EPA), Northeast District Office, Division of Surface Water commented that no NPDES permit would be required because the proposed abandonment would not result in soil disturbance.

The Ohio EPA, Northeast District Office, Office of Compliance Assistance and Pollution Prevention offered guidance on the disposal of treated crossties if the crossties are determined to be hazardous. NSR has indicated that crossties that are not reused would be disposed of in accordance with applicable federal and state laws and regulations.

The Ohio Department of Natural Resources, Office of Coastal Management commented that a Federal Consistency review under the Coastal Zone Management Act of 1972 is not required because the proposed abandonment is not located within Ohio's designated coastal zone.

The United States Fish and Wildlife Service, Ohio Field Office (USFWS) commented that all projects in the state of Ohio lie within the range of the federally endangered Indiana bat and the federally threatened northern long-eared bat. Salvage activities associated with the proposed abandonment would be limited to the removal of tracks and ties and would be confined

¹ The Applicants' environmental and historic reports 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 290 (Sub-No. 394X) or AB 1257.

to the rail right-of-way. Therefore, OEA has determined that these species would not be adversely affected by the proposed abandonment and that the proposed abandonment would have no adverse effect on endangered or threatened species or areas designated as a critical habitat. OEA is sending a copy of this EA to the USFWS, Ohio Field Office for its review and comment.

The City of Aurora (the City) submitted a comment stating that it has been interested in pursuing a hike and bike trail on the Line for years and that this goal has been included in the City's long-range community plans.

The Portage Park District (the District) commented that it has been partnering and planning with communities locally and regionally for over 15 years with the intention of negotiating for use of the Line as a hike and bike trail. Additionally, the District indicates that the planned trail has been included in the its 10-year Master Plan.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, no further consultation with NGS is necessary.

Based on all information available to date, OEA does not believe that salvage activities 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 EA to USFWS for its review and comment.

HISTORIC REVIEW

Applicants served the historic report on the Ohio State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). SHPO submitted comments stating that the Aurora Train Station is listed on the National Register of Historic Places (National Register) and is located in the Area of Potential Effect or APE. Additionally, SHPO stated that there are several buildings listed in the Ohio Historic Inventory located along the rail right-of-way, and within the APE, that may be eligible for listing on the National Register. Therefore, SHPO determined that the proposed abandonment would have an adverse effect under 36 C.F.R. § 800.5. OEA has reviewed the record and the information provided by the SHPO, and concurs with the SHPO's comments. Accordingly, OEA is recommending a condition requiring NSR to take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects (including track and track material) within the project right-of-way or APE eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Native American Graves Protection and Repatriation Act, Online Native American Consultation Database and the

U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,² to identify federally-recognized tribes which may have ancestral connections to the project area. The search indicated that the Delaware Nation, Oklahoma, the Delaware Tribe of Indians, the Eastern Shawnee Tribe of 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 EA to these tribes for their review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. NSR shall report back to the Office of Environmental Analysis regarding any consultations with the State Historic Preservation Officer, any other Section 106 consulting parties, and the public. NSR 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.

CONCLUSIONS

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

² U.S. National NAGPRA Program (<https://grantsdev.cr.nps.gov/Nagpra/NACD/>); U.S. Department of Housing and Urban Development (<https://egis.hud.gov/tdat/>).

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 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 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-290 (Sub-No. 394X) and/or AB 1257 in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this 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: December 8, 2017.

Comment due date: December 21, 2017.

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

Attachment



Docket No. AB 290 (Sub-No. 394X)

Norfolk Southern Railway Company
Abandonment Exemption

Docket No. AB 1257

Cleveland Commercial Railroad Company, LLC
Discontinuance Exemption
Aurora, Portage County, Ohio

Legend



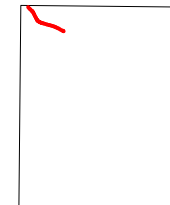
Aurora Station

the Line

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



Location in State



Location in County

