

36114
SEA

SERVICE DATE – AUGUST 30, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub No. 659X)

CSX Transportation, Inc.—Abandonment Exemption—In Allegany County, MD

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a Notice of Exemption pursuant to the class exemption at 49 C.F.R. 1152.50 for CSXT to abandon an 8.54 mile line in its Southern Region, Huntington Division East, Georges Creek Subdivision, between Morrison, Milepost BAI 27.0, and Carlos at the end of the track, Milepost BAI 18.46, in Allegany County, Maryland. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment. If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

Transportation

According to CSXT, no freight or passenger traffic has moved over this line during the last two years. Thus, the proposed abandonment would have not adversely impact regional or local transportation systems and patterns; or result in the diversion of rail traffic to trucks. The principal commodity shipped over this line has been coal.

Land Use

The Environmental Review Unit of the Maryland Department of Natural Resources (DNR) has determined that the proposed abandonment activities are not located within Maryland's Coastal Zone Management Area (CZMA). Moreover, DNR states that the proposed abandonment activities do not conflict with any CZMA goals, objectives or programs.

Biological Resources

In a letter of July 14, 2005 to CSXT, the Maryland Department of the Environment, Water Management Administration (MDE) explains that Maryland law requires an approved erosion and sediment control plan for any earth disturbance of 5,000 square feet or 100 cubic yards or more. According to MDE, because the proposed length of track to be salvaged is 8.54 miles, an erosion and sediment control plan approval and a Notice of Intent form under Maryland's General Permit for Construction Activity should be completed and submitted to the agency. Additionally, MDE states that the Clean Water Act requires that stormwater discharges related to construction activity may require a National Pollutant Discharge Elimination System general permit. Therefore, we recommend a condition requiring CSXT to consult with the MDE prior to commencing any salvage activities on the line.

SEA has not yet received comments from the U.S. Fish and Wildlife Service (USFWS) regarding the project's potential effects on Federally threatened and endangered species. However, a search of the USFWS website indicates that the area proposed for abandonment may contain Federally-listed threatened and endangered species. Accordingly, SEA recommends that, prior to commencement of any salvage activities, CSXT shall consult with USFWS regarding potential impacts from salvage activities to Federally-listed threatened and endangered species that may occur in the vicinity of the line.

Air /Noise

CSXT states that air pollutant emissions associated with salvage activities are expected to be insignificant. Moreover, the minor increase in noise levels during salvage activities would be short-term and insignificant.

Hazardous Materials

CSXT states that it is not aware of any hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor.

Energy

The proposed abandonment would have no effect on the transportation of energy resources or the transportation of recyclable commodities.

National Geodetic Survey

The National Geodetic Survey (NGS) has identified one geodetic station marker on the line (PID—JW1554) that may be affected by the proposed abandonment. NGS states that if there are any planned activities which would disturb or destroy this station marker, it requires not less than 90 days notification in advance of such activities in order to plan for its relocation.

Accordingly, we recommend a condition requiring CSXT to notify NGS not less than 90 days in advance of any activities on the line that would disturb or destroy the station marker.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Maryland State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). At the time this environmental assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

- o Pending completion of the Maryland State Historic Preservation Office's review, CSXT shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
- o If there are any planned activities that would disturb or destroy National Geodetic Survey (NGS) station marker PIDS—JW1554, NGS shall be notified not less than 90 days in advance of such activities in order to plan for its relocation.
- o Prior to commencing any salvage activities on the line, CSXT shall consult with the Maryland Department of the Environment, Water Management Administration to develop procedures to minimize soil erosion and sedimentation into water bodies during salvage activities, as appropriate.
- o Prior to commencing any salvage activities on the line, CSXT shall consult with the Maryland Department of the Environment, Water Management Administration to determine if a National Pollutant Discharge Elimination System general permit is required.
- o Prior to commencing any salvage activities on the line, CSXT shall consult with the US Fish and Wildlife service to ensure that any species listed on its list of Federally threatened or endangered species are not adversely affected during salvage activities.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line would 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. According to CSXT, the property may be subject to reversionary interest that may affect transfer of title for other than rail purposes. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

The Town of Barton, MD has expressed an interest in acquiring a portion of the line proposed for abandonment to connect with the Allegheny Highlands Trail of Maryland walking and biking trail. 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, 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 Phillis Johnson-Ball, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub. No. 659X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail johnson-ballp@stb.dot.gov.

Date made available to the public: August 30, 2005.

Comment due date: September 14, 2005.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment