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SERVICE DATE - SEPTEMBER 12, 2003

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-295 (Sub-No. 5X)

**The Indiana Rail Road Company - Abandonment and Discontinuance of Trackage Rights
Exemption - In Monroe County, IN**

BACKGROUND

In this proceeding, The Indiana Rail Road Company (INRD or railroad) filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 0.97-mile line of railroad, and to discontinue trackage rights over approximately 2.87 miles of CSX Transportation, Inc. (CSXT) line, in Monroe County, Indiana (IN). The rail line proposed for abandonment is located between Milepost B 1.71 and Milepost B 2.68 in Bloomington, IN. The trackage rights extend from CSXT Milepost 219.0 to CSXT Milepost 221.87, and over approximately 535 feet of CSXT's track in CSXT's McDoel Yard in Bloomington, IN¹. These trackage rights are used by INRD to access the line proposed for abandonment. A map depicting the subject rail line and trackage rights in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

The rail line proposed for abandonment runs from Rogers Street to Country Club Road in Bloomington, Monroe County, IN. Land use in the vicinity of the right-of-way (ROW) is largely suburban or urban in nature, and the surrounding terrain is slightly hilly. The ROW is approximately 50 feet wide and is owned in fee simple by INRD. INRD plans to sell the line as is, with the rails, ties and other track material in place, to the City of Bloomington for use as a recreational trail.

The line was acquired from the former Illinois Central when INRD was formed in 1986. According to INRD, the only structure on the line is a small bridge located at Milepost B-1.8, which was likely built in 1928, and rebuilt several times since then including 1997.

¹ In a proceeding filed on July 1, 2003, CSXT seeks an exemption under 49 U.S.C. 10502 from the provision of 49 U.S.C. 10903 to abandon a 2.95-mile line of railroad in Bloomington, IN, over which INRD's trackage rights run [see STB Docket No. AB-55 (Sub-No. 634X)].

According to INRD, the Indiana Warehouse is the only shipper on the line that received rail service in the past three years. The INRD moved railcars containing refrigerators to and from the warehouse for temporary storage. The refrigerators were produced at a General Electric (GE) manufacturing plant in Bloomington. Traffic on the line included 1,748 cars in 2001, 279 cars in 2002, and zero cars in the first four months of 2003. Refrigerators continue to move by rail from the manufacturing plant but GE stopped using the Indiana Warehouse for storage in 2002.

INRD also has a haulage agreement with CSXT under which it hauls CSXT traffic from Bloomington to Indianapolis. Currently, INRD picks up the haulage traffic at McDoel Yard and moves it via its trackage rights to the INRD main line and then north to Bloomington. As indicated below, this haulage traffic is primarily refrigerators from the manufacturing plant in Bloomington but has also included other commodities such as lumber, paper and plastics.

<u>Year</u>	<u>Railcars with Refrigerators</u>	<u>Railcars with Other Commodities</u>	<u>Totals</u>
2001	3,517	98	3,615
2002	4,152	328	4,480
2003	1,206	90	1,296

If CSXT is granted authority to abandon its line under STB Docket No. AB-55 (Sub-No. 634X) and INRD receives authority to discontinue its trackage rights under this proceeding, INRD would continue to haul CXST's refrigerator traffic using a rehabilitated siding near the manufacturing plant. INRD haulage traffic from the rehabilitated siding would not require use of the trackage tracks. The only CSXT haulage traffic that would not continue to be handled by INRD is traffic that originates or terminates on the CSXT line over which the trackage rights run and which CSXT is seeking exemption to abandon.

ENVIRONMENTAL REVIEW

INRD submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. INRD served these 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) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service - State

Conservationist (formerly the Soil Conservation Service), U.S. Army Corps of Engineers, and Indiana Department of Environmental Management had not responded to the applicant's Environmental Report at the time this Environmental Assessment was prepared. The U.S. Fish and Wildlife Service - Region 3 had also not commented on potential impacts to any Federally endangered or threatened species, or critical habitat.

Because traffic is no longer occurring on the subject rail line, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Environmental Protection Agency (EPA), Region 5, expressed concerns about the removal and salvage methods to be used by INRD during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, and soil erosion and stormwater runoff mitigation practices to be utilized during abandonment activities. Accordingly, we will recommend a consultation condition requiring that INRD contact EPA, Region 5, prior to commencement of any salvage activities that INRD may conduct for this project.

According to INRD, there are no known hazardous waste sites or hazardous material spill sites on the subject ROW.

The Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (the State Historic Preservation Office or SHPO) completed an analysis of the proposed abandonment. The analysis did not identify any archeological resources listed in or eligible for inclusion in the National Register of Historic Places (National Register) within the probable area of potential effects. With respect to buildings and structures within the probable area of potential effects, the SHPO identified two properties that meet the criteria to be considered eligible for inclusion in the National Register, and five properties that are listed in the National Register. However, the SHPO concluded that the proposed abandonment would not be expected to result in any alterations of the characteristics of these historic properties that qualify them for inclusion in or eligibility for the National Register. Based on SEA's analysis of the SHPO's findings and the applicant's Historic Report, SEA concludes that no historic properties would be affected by the proposed abandonment.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. To address the concerns raised by the U.S. Environmental Protection Agency, Region 5, INRD shall, prior to commencement of any salvage activities it may conduct for this project, contact the U.S. Environmental Protection Agency, Region 5 (Kenneth A. Westlake, 312-886-2910), concerning removal and salvage methods, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills, and stormwater runoff mitigation practices to be utilized during abandonment activities.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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

If abandonment and salvage of the rail line do take place, the ROW may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs 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 the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL 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 David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-295 (Sub-No. 5X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: September 12, 2003.

Comment due date: **October 10, 2003.**

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

Vernon A. Williams
Secretary

Attachment

