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SEA

SERVICE DATE – JUNE 5, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 633X)

CSX Transportation, Inc. - Abandonment Exemption - in Genesee County, MI

BACKGROUND

In this proceeding, CSX Transportation Inc. (CSXT) filed a petition for exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 for CSXT to abandon approximately 1.78 miles of rail line (“the Line”) in the cities of Flint and Burton located in Genesee County, Michigan (MI). The Line is situated in the CSXT Northern Region, Chicago Division, Saginaw Subdivision, from Valuation Station 9195+50 to Valuation Station 9289+36.¹ A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, CSXT would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line, known as the Old Mainline in Atwood Yard, generally runs northwest to southeast. Land use in the vicinity of the Line is mostly commercial. The right-of-way of the Line is typically 50 feet wide. Based on information in CSXT’s possession, the Line does not contain Federally granted right-of-way. CSXT has indicated that the properties located along the Line right-of-way may be suitable for other public purposes, but may be subject to reversionary interests that may affect any transfer of title.

The majority of the Line was originally owned by the Pere Marquette Railway Company (PM), organized in 1917. In 1947, the Chesapeake and Ohio Railway Company (C&O) acquired PM with its 1,941 miles of line in Michigan, Ohio, Indiana, Illinois, Canada, and New York. In 1973 Chessie System Inc. was formed and was adopted as the new corporate identify for C&O, the Baltimore & Ohio and Western Maryland Railroads. In 1987, through a series of mergers, Chessie Systems Inc. became CSXT.

According to CSXT, for the last five years, the Line has been used solely to serve Clean Harbors Environmental Services (Clean Harbors), which is located near the beginning of the

¹ The portion of the rail line running north and west of the Line was formally abandoned on April 20, 1990 in Docket No. AB-55 (Sub-No. 327X).

Line at Valuation Station 9289+36. CSXT plans to reclassify the line after abandonment and either lease or sell a portion of the Line to Clean Harbors to switch and store its cars.²

According to CSXT, new rail-oriented customers are not likely to locate along the Line. Moreover, there is no overhead traffic and no demand for service on the Line aside from Clean Harbors. CSXT states that the Line is no longer needed for common carrier purposes and retention of the Line is no longer economically viable for the railroad. Once the Line is abandoned, CSXT can then reclassify the Line as excepted track so that Clean Harbors will not incur a common carrier obligation.

As Clean Harbors will continue to use the Line following abandonment, there would be no effect on regional or local transportation systems or patterns, and no rail traffic will be diverted to truck traffic as a result of the proposed abandonment. Therefore, the Surface Transportation Board's (Board) thresholds for conducting more detailed air quality and noise analysis (an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment) would not be exceeded.

CSXT states that operations over the Line will not cease unless the customer no longer requires rail service. In that instance, CSXT will remove rail, crossties, and possibly the upper layer of ballast. According to CSXT, removal of any rail material would occur within its right-of-way and/or along existing crossings. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion and does not anticipate any or use of fill material during the removal of track. CSXT states that any crossties that are removed would be discarded appropriately along its right-of-way. CSXT would also implement measure to prevent erosion of any materials or substances into any nearby waterways.

ENVIRONMENTAL REVIEW

CSXT 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.³ CSXT served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

CSXT received a response from Tom Strasser, Deputy Planning Official for the City of Burton, stating that the proposed abandonment will not have any impact to any of the City's

² Clean Harbors sent a letter to CSXT dated January 31, 2007, stating that it does not object to the proposed abandonment.

³ The environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-55 (Sub-No. 633X).

proposed planning activities. In 2003, CSXT also received a letter from the Genesee County Metropolitan Planning Commission stating that the Line is not an integral part of the County's transportation network and that abandonment of the Line would not affect any of the county's future plans.

The U.S. Department of Agriculture, Natural Resources Conservation Service for Genesee County, Michigan, has indicated to CSXT that the area of the proposed abandonment does not contain prime farmlands.

The U.S. Fish and Wildlife Service in East Lansing, MI stated that no significant adverse impacts to Federally listed threatened or endangered species are anticipated from the proposed abandonment.

According to CSXT, the area of the proposed abandonment does not contain or is near any parks, wildlife sanctuaries, refuges, or forests. The National Park Service, Midwest Regional Office in Omaha, Nebraska stated that it has no comment on the proposed action.

CSXT received a response from the U.S. Army Corps of Engineers, Detroit, Michigan stating that the Michigan Department of Environmental Quality (MDEQ) has been delegated Corps regulatory responsibilities in the area of the proposed abandonment. CSXT contacted MDEQ regarding the need for a permit under Section 404 of the Clean Water Act, as required, but has not received a response regarding this issue. CSXT states that it is not aware of any designated wetlands or 100-year floodplains in the area of the proposed abandonment. However, SEA will ensure that MDEQ receives a copy of this EA for its review and comment.

MDEQ's Land and Water Management Division has indicated to CSXT that the area of the proposed abandonment is located outside of Michigan's coastal management boundary and that no adverse impacts to coastal resources are anticipated.

The U.S. Environmental Protection Agency, Region 5 (USEPA) has not responded to CSXT's inquiry regarding National Pollutant Discharge Elimination System (NPDES) permitting requirements under Section 402 of the Clean Water Act (33 U.S.C. 1342). Therefore, SEA will ensure that USEPA receives a copy of this EA for its review and comment.

The National Geodetic Survey identified one (1) geodetic station marker that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this concern.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Michigan State Historic Preservation Office or SHPO, pursuant to 49 CFR 1105.8(c). The SHPO stated in its April 10, 2007 letter to SEA that

no historic properties would be affected within the area of potential effects of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), SEA has determined, in consultation with the SHPO, that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of CSXT's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's web site at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the Saginaw Chippewa Indian Tribe of Michigan as the only Federally recognized tribe that may have an interest in the project. A copy of this EA has been provided to the tribe for review and comment.

CONDITIONS

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. CSX Transportation Inc. shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning any salvage activities in order to plan for the possible relocation of geodetic station markers by NGS.

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 and no salvage activities) and continued operation by another operator. In either 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 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 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 the time specified in the Federal Register notice. 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 202-245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, please send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 633X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden the environmental contact for this case, by phone at 202-245-0293, fax at 202-245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: June 5, 2007.

Comment due date: July 5, 2007.

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

Vernon A. Williams
Secretary

Attachment