

SERVICE DATE – JUNE 4, 2018

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 779X)**

**CSX Transportation, Inc. – Abandonment Exemption –  
In Trumbull County, Ohio**

**BACKGROUND**

In this proceeding, CSXT Transportation, Inc. (CSXT) filed a verified notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment and discontinuance of service of approximately 13.9 miles of rail line on its Newton Falls Subdivision, located between milepost BGA 86.1 and milepost BGA 100.00, in Trumbull County, Ohio (the Line). The Line travels north, then west, and finally south through several communities. The Line parallels Route 169, Route 422, and Route 5 at points and then crosses under Interstate 80 before it ends at the connection with the CSXT mainline prior to the Mahoning River crossing in Newton Falls. CSXT states that there are five stations on the Line that can be closed if abandonment authority is granted. The stations are: Niles, Deforest, Warren, Leavittsburg, and Newton Falls. The Line traverses United States Zip Codes 44430, 44444, 44446, 44483, 44484, and 44485, and CSXT states that the right-of-way is approximately 65 feet wide.

Based on information in its possession, CSXT states that the Line does not contain any federally granted rights-of-way. CSXT believes the Line may be suitable for other uses but may also be subject to reversionary interests that may affect transfer of title for uses other than rail. If abandonment authority is granted, CSXT would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**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, including salvage and disposition of the right-of-way. CSXT 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)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to CSXT, no local traffic has moved over the line for at least two years and overhead traffic can and has been 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 construction of new access points to the right-of-way. If abandonment authority is granted, CSXT intends to salvage the rail, ties, track materials, and possibly the upper layer of ballast. CSXT does not intend to disturb or salvage any sub-grade or sub-grade structures, including bridges, trestles, culverts, and tunnels. If the rail line should become a trail under the National Trails System Act, the corridor and any trail-related structures would remain in place.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

By email sent May 9, 2018, the U.S. Fish and Wildlife Service (USFWS) commented that there are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the proposed abandonment. USFWS does not anticipate adverse effects to federally endangered, threatened, proposed, or candidate species as a result of salvage activities, but requests to be contacted, should there be any changes to the abandonment or if new information is revealed. Accordingly, OEA is not recommending any mitigation related to impacts to federal species of concern but has included USFWS in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

OEA has not received comments from the U.S. Army Corps of Engineers' (Corps) on whether a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) may be required. CSXT has stated that its salvage operations would not result in the discharge of dredged or fill

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.gov](http://www.stb.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 779X).

material into waters of the United States; that salvage would be conducted in the existing right-of-way, along existing public and private crossings; that no new access roads are contemplated; that it does not intend to disturb any of the underlying road bed or perform any activities that would result in sedimentation or erosion of the soil; that no dredging or use of fill material would occur in removing the track and ties and that crossties and other debris would be transported away from the rail line and associated water resources; and finally, that it would use appropriate measures during salvage to prevent and control spills from fuels, lubricants and other pollutants from entering any waterways. Accordingly, OEA is not recommending any mitigation related to impacts to waters of the United States but has included the Corps' in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

OEA has not received comments from the U.S. Environmental Protection Agency (USEPA) regarding hazardous waste sites or hazardous materials spills but believes that the proposed abandonment would not have a significant impact on land, air or water resources because CSXT has indicated that there are no known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way proposed for abandonment. Additionally, OEA believes the proposed abandonment would not have a significant impact on water quality, given CSXT's salvage procedure of minimal disturbance. Accordingly, OEA is not recommending any mitigation related to the need for a Section 402 permit under the Clean Water Act (33 U.S.C. § 1342) but has included USEPA in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

By email dated May 1, 2018, the Ohio Department of Natural Resources' Office of Coastal Management (ODNR-OCM) commented that the proposed abandonment is not located in Ohio's designated coastal zone or the Lake Erie watershed and that a federal consistency review is not required under the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.). Accordingly, OEA is not recommending any mitigation related to coastal zone consistency in this proceeding.

OEA has not yet received responses from several other federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. In addition to the previously mentioned agencies, OEA is sending a copy of this EA for review and comment to the National Park Service; the U.S. Department of Agriculture Natural Resources Conservation Service; the National Geodetic Survey; the Ohio Department of Transportation; the Trumbull County Commissioners; the City of Warren; the City of Niles; and the village of Newton Falls.

## **HISTORIC REVIEW**

CSXT submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Ohio History Connection (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).<sup>2</sup> The report indicates that the

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<sup>2</sup> Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website

line proposed for abandonment contains four bridges or structures that are 50 years old or older. The bridges are described as follows:

1. Bridge BGA 90.00 was built in 1924 and has an open deck, through plate girder with a steel superstructure and stone abutments;
2. Bridge BGA 90.70 was built in 1901 and has an open deck, deck plate girder with a steel superstructure and stone abutments that cross the Mahoning River in Warren;
3. Bridge BGA 91.41 was built in 1901 and has an open deck, deck beam with steel superstructure and timer-end-driven bent that crosses Hoyt Run in Warren; and
4. Bridge BGA 93.80 was built in 1901 and has a standard track section, arch superstructure with stone abutment that crosses Duck Creek in Levetttsburg.

CSXT believes these bridges are not unusual or noteworthy for inclusion on the National Register of Historic Places (National Register). CSXT also indicates that there are no archaeological resources or other railroad-related historic properties within the area of the proposed abandonment. CSXT is agreeable to trail use under the National Trails System Act and as previously stated, does not intend to disturb or salvage any sub-grade or sub-grade structures, including bridges, trestles, culverts, and tunnels.

OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register. Accordingly, OEA is recommending a condition requiring CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register 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 U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.<sup>3</sup> The database indicates that there are three federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: Eastern Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, and the Seneca-Cayuga Nation. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

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at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

<sup>3</sup> U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited May 18, 2018).

## **CONDITION**

OEA recommends that the following condition be imposed on any decision granting abandonment authority:

1. CSXT Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 30610816, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Ohio History Connection (State Historic Preservation Office or SHPO) and the public. CSXT 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 if the condition above is imposed by the Board, 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. A request containing the requisite 4-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 Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

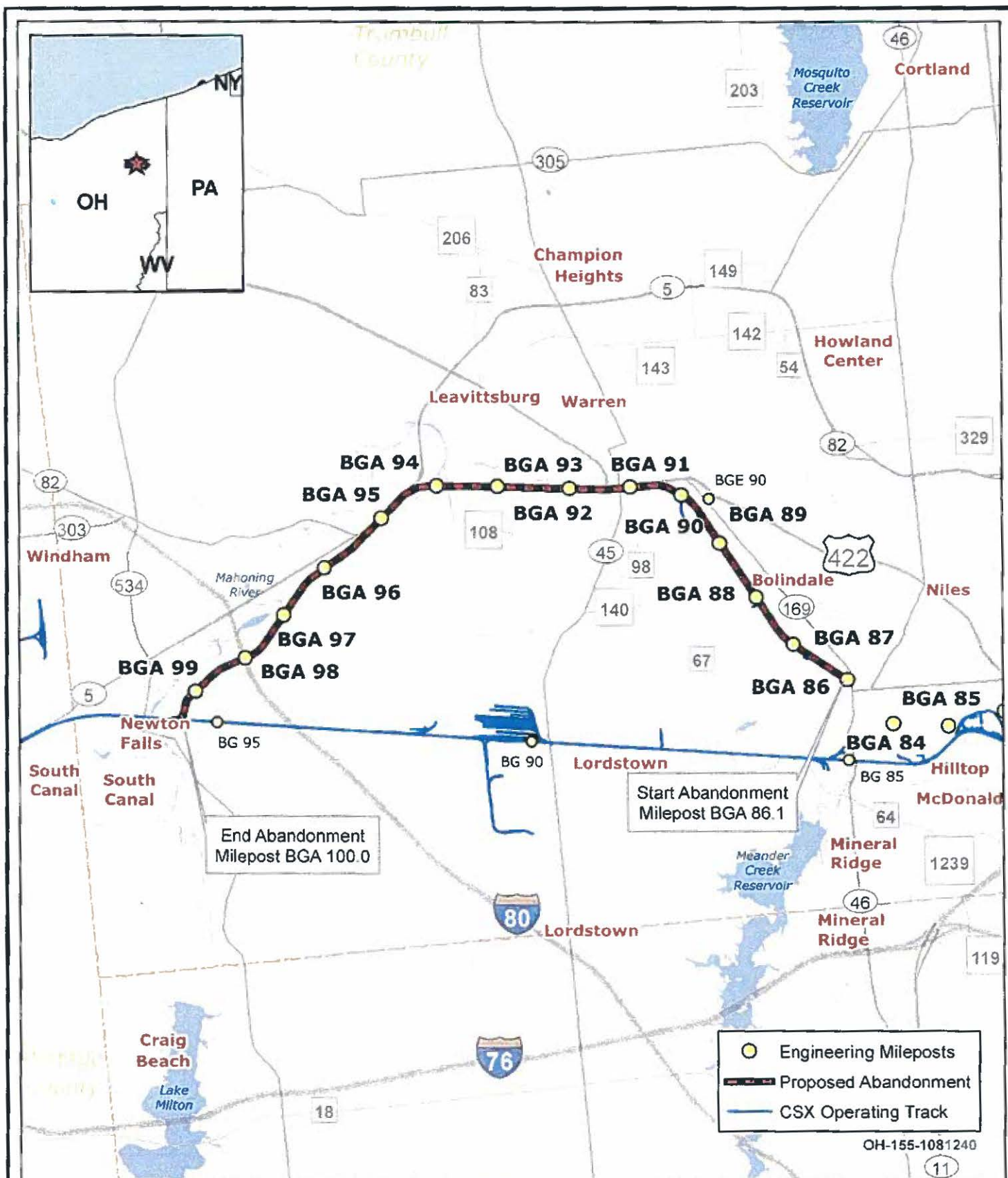
If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.gov](http://www.stb.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 779X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov).

Date made available to the public: June 4, 2018.

**Comment due date: June 19, 2018.**

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

Attachment



**CSX Transportation, Inc.**  
**Proposed Abandonment**  
**Trumbull County, OH**  
 Milepost BGA 86.1 to BGA 100.0  
 Total Distance of approx. 13.9 Miles  
 Great Lakes Division - Newton Falls Subdivision  
 STB Docket No. AB 55 (Sub-No. 779X)

