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SERVICE DATE – NOVEMBER 22, 2024

OEA

EAXX-472-00-0-1730190940

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (818X)

**CSX Transportation, Inc.—Abandonment
Exemption—in Marion County, Ind.**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Marion County, Indiana. The rail line proposed for abandonment is approximately 1.8-miles and runs between Lat/Long (39.74752, -86.18469) and Lat/Long (39.7294, -86.20626), on CSXT's Northeast Great Lakes Division, Indianapolis Terminal Subdivision, Craven Industrial track, in Marion County, Ind. (the Line). The Line runs parallel to Kentucky Avenue before connecting to the Indianapolis Belt Railroad near Eli Lilly Headquarters. A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is commonly referred to as the Craven Industrial Track. It was part of the old Indianapolis and Vincennes Railroad (I&V) that was proposed in 1865 with funding from the State of Indiana. Construction began in 1867. According to CSXT, there have been several owners over the long history of the Line prior to CSXT's ownership in June of 1999.

There are nine at grade road crossings and one CSXT owned bridge that is 50 years old or older along the Line. The Big Eagle Creek Bridge is a 222 foot long steel truss bridge that was built 1889. The Line itself consists of a single at-grade track.

ENVIRONMENTAL REVIEW

CSXT submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage.

CSXT served the E&H 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 implementing the National Environmental Policy Act. 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 in the last two years, and overhead traffic on the Line has been rerouted. Therefore the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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. Here, salvage would be performed within the right-of-way. CSXT would remove any remaining rail and crossties, and possibly the upper layer of ballast using existing access points. CSXT would not disturb the underlying roadbed. Any related structures, such as bridges, trestles, culverts, and tunnels would not be salvaged. CSXT believes the Line would be suitable for interim trail use/rail banking.

The National Geodetic Survey (NGS) has indicated that one geodetic survey marker is present in the right-of-way and could be disturbed by the proposed abandonment. Accordingly, OEA recommends that the Board impose a condition requiring CSXT to notify NGS at least 90 days prior to beginning abandonment-related salvage activities to allow time for the geodetic survey markers to be preserved.

CSXT requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. CSXT submitted a letter, via the USFWS Information for Planning and Consultation (IPaC) system, stating that four threatened and endangered species —

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "55" "818" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 28, 2024.

the Indiana Bat, Tricolored Bat, Whooping Crane and candidate Monarch Butterfly—may be in the area of the proposed abandonment, but that there are no critical habitats.

Additionally, several protected migratory birds may have a presence in the general area including Bald Eagles, Black-billed Cuckoo, Boblink, Cerulean Warbler, Chimney Swift, Eastern Whip-poor-will, Grasshopper Sparrow, Kentucky Warbler, Lesser Yellowlegs, Pectoral Sandpiper, Prothonotary Warbler, Red-headed Woodpecker, Rusty Blackbird, Short-billed Dowitcher, Upland Sandpiper, and Wood Thrush.

USFWS responded via email dated October 10, 2024, concurring that abandonment and salvage activities are not likely to adversely affect any federally listed species. Therefore, OEA has determined based on review of the salvage described by CSXT and the correspondence to date with USFWS, that no federally listed threatened or endangered species would be adversely affected by the proposed abandonment. No mitigation is recommended.

The proposed abandonment is not located within the State of Indiana's Coastal Zone Management Project. Thus, consistency with the State Coastal Zone Management Program is not required.

CSXT has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. Therefore, OEA believes that no authorization under the Clean Water Act or any water quality permitting would be necessary.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list, OEA is providing a copy of this Draft EA to NGS and the USFWS Indiana Ecological Services Field Office for review.

HISTORIC REVIEW

CSXT served the E&H Report on the State of Indiana Department of Natural Resources Division of Historic Preservation & Archaeology (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).²

² 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

Docket No. AB 55 (Sub-No. 818X)

In a letter response dated November 7, 2024, the SHPO reviewed known archaeological resources and historic buildings and structures within the proposed area of the proposed abandonment. The SHPO found no archaeological resources, but stated that Big Eagle Creek Bridge (historic bridge ID: HB-1066) may meet the criteria of eligibility for listing on the National Register of Historic Places (NRHP). SHPO further clarified that Big Eagle Creek Bridge consists of two spans per the Indiana Historic Sites and Structures Inventory: the Big Eagle Creek Bridge (IHSSI No. 098-392-02674) and the Iron Rail Road (IHSSI No. IHSSI No. 097-392-56145). Based on available information, the SHPO stated that the proposed abandonment would not adversely affect the characteristics that qualify the Big Eagle Creek Bridge for the NRHP. SHPO requested that any unanticipated discovery of prehistoric or historic archaeological artifacts or human remains uncovered during salvage activities be reported to the SHPO in adherence to Indiana Code 14-21-1-27 and 29 and applicable federal statutes. Accordingly, OEA recommends that the Board impose an unanticipated discoveries condition on any decision granting abandonment authority.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO, OEA has made a determination of No Adverse Effect on historic properties listed in or eligible for inclusion in the NRHP as a result of the proposed abandonment. Salvage activities would not include any changes to the potentially eligible Big Eagle Creek Bridge. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the CSXT's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.³ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Deleware Nation of Oklahoma, Miami Tribe of Oklahoma, and

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 at a link on the bottom of the Board's website overviewing historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

³ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 12, 2024).

Sececa-Cayuga Nation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:⁴

1. CSX Transportation, Inc. shall notify the National Geodetic Survey at ngs.infocenter@noaa.gov at least 90 days prior to beginning abandonment-related salvage activities.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the CSX Transportation Inc.'s (CSXT) abandonment-related salvage activities, the CSXT will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO (or THPO), interested Federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

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

⁴ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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 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 Board's Federal Register notice of the proposed abandonment.

The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

TRAIL 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at www.stb.gov. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in

⁵ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "55" "818" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.

Docket No. AB 55 (Sub-No. 818X)

the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

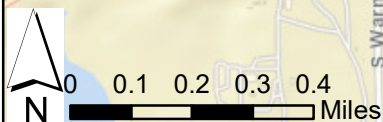
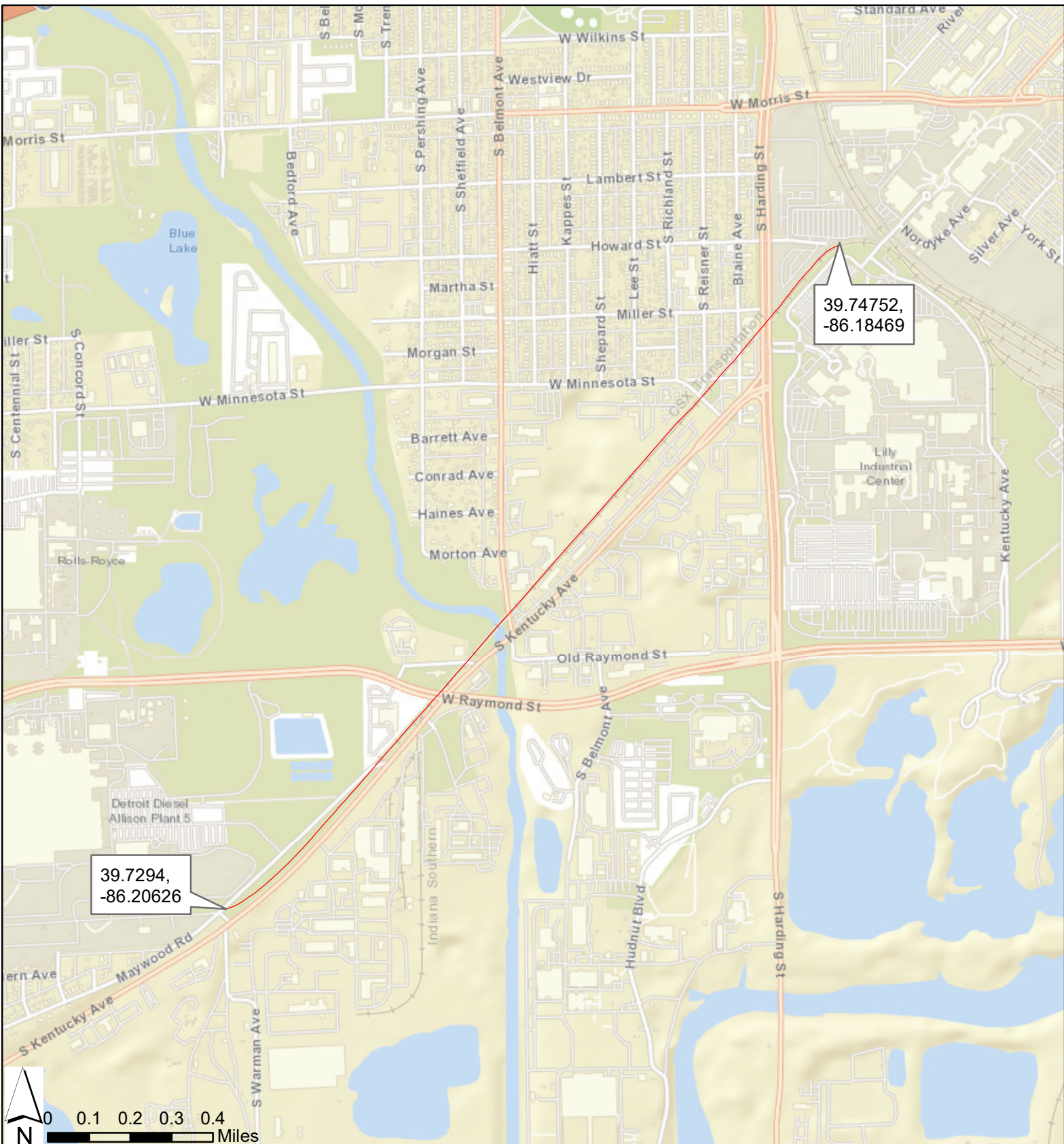
Alternatively, comments submitted by mail should be addressed to: Andrea E. Poole, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 55 (818X). If you have any questions, please contact Andrea E. Poole by email at Andrea.Poole@stb.gov by phone at 202-934-3330.

Date made available to the public: November 22, 2024.

Comment due date: December 6, 2024.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

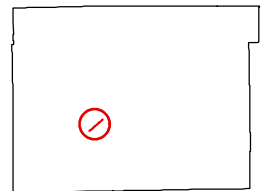


Docket No. AB 55 (Sub-No. 818X)
 CSX Transportation, Inc.
 Abandonment Exemption
 In Marion County, Ind.

Legend

— the Line

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



Marion County



Indiana