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SEA

SERVICE DATE – APRIL 3, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-511 (Sub-No. 4X)

**Central Railroad Company of Indianapolis –Abandonment Exemption–
In Howard County, IN**

BACKGROUND

In this proceeding, Central Railroad Company of Indianapolis (CERA) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Howard County, Indiana. A portion of the rail line lies within S. Buckeye Street, which travels through the middle of downtown Kokomo. The rail line proposed for abandonment consists of 2.38 miles on CERA's mainline (West Kokomo line segment) between milepost 181.26 and milepost 183.64, and 2.8 miles on CERA's Tipton Industrial Lead (South Kokomo line segment) between milepost 51.5 and milepost 54.3 (collectively the line segments). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (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.

ENVIRONMENTAL REVIEW

CERA submitted a Combined Environmental and Historic Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities. CERA served the Combined Environmental and Historic Report 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 record in this proceeding.

Diversion of Traffic

According to CERA, no local traffic has moved over the line segments for at least two years and any overhead traffic on the line could be rerouted over other lines. 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 re-grading of the right-of-way.

The West Kokomo line segment begins at milepost 183.64 in a rural setting where it crosses over W. Defenbaugh Street by way of an open deck, wooden pile and steel plate girder bridge. Running in a northeasterly direction, it crosses Wildcat Creek on an open deck, steel plate girder bridge at milepost 183.09. Continuing northeast, in the decreasing milepost direction, the line segment crosses over W. Markland Street and runs parallel to Shambaugh Run. The line segment continues northeast with at-grade crossings at W. Sycamore Street, W. Jefferson Street, and other streets, continuing to milepost 181.26, at about Webster Street. There are 18 total at-grade public crossings on the line. The line segment right-of-way consists of 22 acres of land. The right-of-way varies in width, the width generally widening as the line gets farther from the center of town. From milepost 181.26 to milepost 182 the line segment ranges from 12 feet wide to 66 feet wide, from milepost 182 to milepost 183 it ranges from 50 feet wide to 66 feet wide, and from milepost 183 to milepost 183.64 it ranges from 66 feet wide to 100 feet wide.

The South Kokomo line segment begins at milepost 51.5 at U.S. Route 31 and runs northwest. The line is shown crossing Kokomo Creek on the Google Earth website, prior to crossing E. Lincoln Road at-grade. The line crosses E. Lincoln Road and runs parallel to Home Avenue, with several at-grade crossings. Continuing northeast, the line enters the City of Kokomo, crosses S. Main Street and runs parallel to S. Main Street. The line segment then crosses Wildcat Creek at milepost 53.95 on a thru truss bridge and continues northward, crossing several downtown streets, to milepost 54.3 near Taylor Street in downtown Kokomo. Google Earth shows the line to run within S. Buckeye Street between Wildcat Creek and Taylor Street. According to CERA, there are 21 public and three private at-grade road crossings on the South Kokomo segment. The segment consists of 24 acres of land. As with the West Kokomo segment the South Kokomo segment's right-of-way varies. From milepost 51.5 to milepost 52 it ranges from 59 feet wide to 63 feet wide, from milepost 52 to milepost 53 it ranges from 60 feet wide to 25 feet wide, and from milepost 53 to the end of the segment it is 60 feet wide.

CERA states that it would remove the rail, crossties and possibly the upper layer of ballast if the Board approves this abandonment. CERA does not intend to disturb any sub grade or sub grade structures. CERA further states that removal of material would be accomplished by use of the right-of-way for access, along with existing public and private crossings. Removal of the rail lines would eliminate 39 total public road crossings and three private crossings.

On February 5th, CERA contacted various parties advising them of CERA's intent to abandon the Line and requesting their input regarding the proposed abandonment. Pursuant to

the requirements of 49 CFR 1105.7 and 1105.08, CERA included a copy of their Combined Environmental and Historical Report in the February 5th first class mailings.

CERA considers the proposed abandonment to be consistent with existing land use plans. CERA believes that the line segments may be suitable for interim trail use/rail banking based on the City of Kokomo's recreational master plan, which identifies the line segments as key connective components between downtown and the outskirts of the community. CERA contacted the City of Kokomo and the County of Howard, IN via their February 5th mailing. CERA has received no response from the city or county as of this date.

CERA contacted the Natural Resources Conservation Service (NRCS). NRCS responded that the proposed abandonment would not cause a conversion of prime farm land.

The U.S. Fish and Wildlife Service (USFWS) responded to CERA's February 5th inquiry. USFWS questioned if there would be any removal of bridges. CERA responded that there are no plans to alter, remove or dispose of any bridges on the line segments. In its follow up response, USFWS stated that based on the information provided, there would be no disturbance to streams, wetland or riparian areas, and that USFWS has no comments on the proposed abandonment. USFWS did advise CERA that the project is within the range of the federally endangered Indiana bat, *Myotis sodalists*, but concurred that the project is not likely to adversely affect the endangered species.

The National Park Service (the Service) was served a copy of the Combined Environmental and Historical Report by CERA. The Service responded stating that it had no comments on the proposed abandonment.

The U.S. Army Corps of Engineers (the Corps) submitted comments upon review of CERA's Combined Environmental and Historic Report relative to Section 404 of the Clean Water Act. CERA believes no permits under Section 404 of the Clean Water Act would be required for the abandonment and that no designated wetlands or 100-year flood plains would be affected by the proposed abandonment. The Corps concurs with CERA that if removed materials are placed in an upland site, no permit would be required. CERA states that crossties and/or other debris would be transported away from the line segments and would not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. CERA further states that it does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, does not anticipate any dredging or use of fill in the removal of the track material, and that no new access roads are contemplated.

CERA contacted the Indiana Department of Environmental Management (INDEM) and the U.S. Environmental Protection Agency (the EPA), providing them a copy of the Combined Environmental and Historic Report. To date, no response has been received from either agency. CERA is confident that the proposed abandonment would be consistent with applicable water quality standards and that no permit under Section 402 of the Clean Water Act would be

required. CERA also states that during track removal, appropriate measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering the waterways.

CERA contacted the National Geodetic Survey (NGS) and received an e-mail response. NGS stated that approximately one geodetic survey mark may be located in the area of the Line. NGS also stated that if the marker would be disturbed or destroyed by the abandonment, CERA shall consult with them at least 90 days prior to beginning salvage activities. Accordingly, SEA recommends a condition that requires CERA to consult with and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station marker.

Based on all information available to date, SEA does not believe that the abandonment would cause significant environmental impacts.

Trails Use

The City of Kokomo and Greenways Foundation, Inc. (the Proponents) have expressed an interest to the Board in converting the rail line into a trail. The Proponents have filed with the Board a request for the Board to issue a Notice of Interim Trail Use (NITU) covering all portions of both line segments within this Notice of Exemption. In their filing, the Proponents have provided a statement of their willingness to assume full responsibility as specified and required by the implementing procedure (49 CFR 1152.29). SEA notes that the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned. The Trails Act is intended to preserve railroad rights-of-way for future railroad use. Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

HISTORIC REVIEW

CERA served the Combined Environmental and Historic Report on the Indiana Department of Natural Resources (DNR) Division of Historic Preservation and Archeology (SHPO), pursuant to 49 CFR 1105.8(c). CERA received comments from the SHPO stating that they have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area. The SHPO also stated that no archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction, but that Indiana state law requires that any archaeological artifacts or human remains uncovered during construction, demolition, or earthmoving activities must be reported to the DNR within two business days.

CERA determined that there are three bridges on the line segment that are 50 years old or older. On the South Kokomo line segment, the bridge at milepost 53.95 is a through truss

structure crossing Wildcat Creek. The SHPO believes that the bridge meets the criteria of eligibility for inclusion in the National Register of Historic Places. The bridge, c. 1900, is a steel Pratt through truss. It is an intact turn of the century railroad structure featuring cut stone abutments and wingwalls. This line segment was originally the Peru & Indianapolis Railroad line, which ultimately became a part of the Norfolk & Western Railroad. Based on the information provided the SHPO, the abandonment may affect characteristics of this bridge that qualify it for inclusion in the National Register. The SHPO has requested additional information from CERA concerning the use and disposition of the bridge following a granting of abandonment. Once the SHPO receives the additional information, they along with SEA will resume identification and evaluation procedures for this abandonment. Accordingly, we will recommend that a condition be imposed requiring the railroad to take no steps to alter the historic integrity of all sites and structures on the Line that are eligible for listing in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the SHPO.

On the West Kokomo line, the bridge at milepost 183.09 is an open deck, steel plate girder bridge that crosses Wildcat Creek. The third bridge identified by CERA is the bridge crossing W. Defenbaugh Street at milepost 183.64. It is an open deck, wooden pile and steel plate girder bridge. While being at least 50 years old, no concern over the disposition of these two bridges have been expressed by any party, presumably due to no distinguishing features or characteristics of historical value being present on either structure.

SEA conducted a search of the Tribal Directory Assessment Tool at www.hud.gov/offices/cpd/environment/tribal/index.cfm to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following Federally recognized tribe may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: Miami Tribe of Oklahoma. Accordingly, SEA is sending a copy of this EA to this tribe for review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. The Central Railroad Company of Indianapolis 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, 16 U.S.C. 470f, has been completed. The Central Railroad Company of Indianapolis shall report back to the Section of Environmental Analysis regarding any consultations with the Indiana State Historic Preservation Officer and the

public. The Central Railroad Company of Indianapolis 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.

2. The Central Railroad Company of Indianapolis shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

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 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.

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 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 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 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

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 **Alan Cassiday**, who prepared this Environmental Assessment. 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-511 (Sub-No. 4X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Alan Cassiday, the environmental contact for this case, by phone at (202) 245-0308, fax at (202) 245-0454, or e-mail at alan.cassiday@stb.dot.gov.

Date made available to the public: April 3, 2009.

Comment due date: April 17, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment