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SEA

SERVICE DATE – AUGUST 8, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 289X)

**Norfolk Southern Railway Company – Abandonment Exemption – in Hamilton County,
OH**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR or railroad) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a line of railroad in Hamilton County, Ohio (OH). The rail line proposed for abandonment extends approximately 1.10 miles between Milepost CT 2.50 and Milepost CT 3.60 (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, NSR would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The majority of the Line is located in the City of Norwood, an independent community in the greater Cincinnati metropolitan area. Adjacent land uses are urban in nature and include residential areas to the east, and Xavier University and Lower Millcrest Park to the west. According to the railroad, the only structure on the Line is a 91-foot open deck plate girder bridge that was constructed in 1923. The bridge spans Hopkins Avenue at Milepost CT 3.08. The right-of-way varies from 50 to 120 feet in width.

The Line was originally part of the Cincinnati Connecting Belt Railway (CCBR), which was chartered in 1899. CCBR was constructed to connect several railroads in and around the City of Cincinnati. Later in 1899, CCBR was leased to the Cincinnati, Portsmouth and Virginia Railway (CPVR). In 1901, CPVR was purchased by the Norfolk and Western Railway Company. Norfolk Southern Corporation, the parent company to NSR, acquired control of Norfolk and Western Railway Company in 1982. The railroad has provided a verified statement indicating that no local or overhead traffic has moved on the Line for at least two years. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes. NSR is not aware of any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way.

ENVIRONMENTAL REVIEW

The railroad 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. The railroad 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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

Diversion of Traffic

Because there is no rail traffic on the Line, 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

Rail line salvaging activities typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

For the proposed abandonment, the railroad has stated that the rail, ties and track materials would be salvaged. NSR does not intend on removing or altering the roadbed under the Line. The abandonment would eliminate eight at-grade road crossings.

The cities of Norwood and Cincinnati both expressed public use interest in the right-of-way. The identified potential uses include public transit and recreation.

The Natural Resources Conservation Service (NRCS) stated that there are no prime farmland soils in the area of the proposed abandonment.

The U.S. Army Corps of Engineers - Huntington District stated that it does not appear that the proposed abandonment would result in the placement of fill in any waters of the U.S. including wetlands. Therefore, a permit would not be required under Section 404 of the Clean Water Act (33 U.S.C. 1344) if all salvaging activities are limited to upland areas.

¹ The railroad's 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-290 (Sub-No. 289X).

The National Geodetic Survey (NGS) has advised SEA that two geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires NSR to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Ohio Historical Society (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In an October 25, 2007 reply, the SHPO stated that the proposed abandonment would not adversely affect historic properties (SHPO Serial Number 1015396).

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined 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 the railroad'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 website at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the following three tribes as having connections to Hamilton County:

- Delaware Nation, Oklahoma
- Miami Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma

A copy of this EA has been provided to each 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. Norfolk Southern Railway Company 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 condition is 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), 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 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 Assistance, Governmental Affairs, and Compliance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA 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, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-290 (Sub-No. 289X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: August 8, 2008.

Comment due date: August 25, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment