

SERVICE DATE – MARCH 12, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 695X)

CSX Transportation, Inc. - Abandonment Exemption – In Jefferson County, NY

BACKGROUND

In this proceeding, CSX Transportation Inc. (CSXT) 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 0.24-mile rail line in Jefferson County, New York. The line, known as the Roe Feed Industrial Track, extends between milepost QMC 87.2 to the end of the track at milepost QMC 87.44. If the notice becomes effective, CSXT will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way. A map depicting the rail 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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

CSXT states that no local traffic has moved over the line for at least two years and that any overhead traffic has already been 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.

¹ 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. 695X).

Salvage Activities

According to CSXT, the right-of-way width is approximately 33-feet from the centerline of track, and the line passes through urbanized and semi-industrial areas of Philadelphia, New York. Based upon CSXT's review of the area, CSXT states that the Line is not within any wildlife sanctuaries or refuges, National or state parks or forests.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or 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. CSXT states that it intends to salvage rail, crossties, and possibly the upper layer of ballast. However, the railroad has no plans to disturb any of the underlying road-bed or sub grade structures.

The National Geodetic Survey (NGS) did not identify any geodetic station markers in the area of the proposed abandonment. Accordingly, no mitigation regarding geodetic station markers is recommended.

The proposed abandonment would not affect land or water uses within the New York State coastal area. Accordingly, no state coastal management consistency certification is required for the proposed project.

CSXT states that some prime farmland may exist in the vicinity of the proposed abandonment but the removal of track should not have an adverse impact. Because the Natural Resource Conservation Service (NRCS) has not submitted any comments regarding this proposed abandonment, SEA will provide a copy of this EA to NRCS for its review and comment.

CSXT does not believe that the proposed abandonment would have a negative effect on any Federally-threatened or Federally-endangered species or their critical habitats. The U.S. Fish and Wildlife Service's New York Field Office reviewed the proposed abandonment and submitted comments stating that no further Endangered Species Act coordination or consultation is required. Accordingly, no mitigation regarding threatened or endangered species is recommended.

There are no known hazardous waste sites or hazardous material spills on the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

The proposed project would not involve any discharge of dredge or fill material into Federal, jurisdictional wetlands or waters. In the event that abandonment authority is granted, CSXT states that the crossties and other debris would be transported away from the rail line and would not be discarded along the right-of-way or placed in streams, wetlands or along the banks of such waterways. In addition, during any track removal, CSXT states that appropriate measures would be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any watercourses. The U.S. Army Corps of Engineers' Buffalo

District (Corps) has reviewed the proposed abandonment and determined that a Corps permit would not be required. Accordingly, no mitigation regarding Federal, jurisdictional wetlands or waters is recommended.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to NRCS for its review and comment.

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 New York State Office of Parks, Recreation and Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). In the Historic Report, the railroad states that there are no CSXT-owned structures on the line that are 50 years old or older. Based on available information, the SHPO has submitted comments stating that the proposed abandonment would not adversely affect National Register of Historic Places (National Register) historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.5(b), 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(e), 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>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database identified no Federally-recognized tribes in Jefferson County.

CONDITIONS

SEA recommends that no environmental conditions be placed on any decision granting abandonment authority.

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), 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 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 for 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 EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean 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. 695X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: March 12 2010.

Comment due date: March 29, 2010.

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

Attachment