

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

ED-1092

KB

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-290-271X

November 13, 2008

ABANDONMENT TYPE

☒ (X) Notice of Exemption ☐ () Petition for Exemption ☐ () Regulated Abandonment

☐ () **NO NEW COMMENTS WERE RECEIVED**

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By decision served on February 6, 2008, the Board imposed a condition requiring Norfolk Southern Railway Company (NSR) to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470 f (NHPA).

Comments on the EA

In correspondence dated October 3, 2008, NSR forwarded to the Board information from the New York State Office of Parks, Recreation and Historic Preservation (NY SHPO) indicating that the proposed project would not effect cultural resources in or eligible for inclusion in the National Register.

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultation with the NY 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 the December 21, 2007 Environmental Assessment which have been provided to the NY SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Accordingly, we recommend that the Section 106 condition imposed in the Board's February 6, 2008 decision be removed.

SEA CONTACT: Ken Blodgett (202-245-0305)

KB



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney

(757) 629-2759

October 3, 2007

Honorable Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

ENTERED
Office of Proceedings

OCT 16 2008

Part of
Public Record

Re: STB Docket No. AB-290 (Sub. No. 271X), Norfolk Southern Railway
Company – Abandonment Exemption -
Wyoming and Genesee Counties, NY

Dear Ms. Quinlan:

Enclosed is a copy of a letter dated September 24, 2008 from the New York State Office of Parks, Recreation and Historic Preservation. The letter states the SHPO's opinion that this project will have no effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.

In a decision served February 6, 2008, the Board ordered NSR 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 that are eligible for listing or are listed in the National Register until completion of the section 106 process of the NHPA. Inasmuch as the enclosed response completes the section 106 process in this proceeding, NSR requests that the Board remove the section 106 condition from the exemption.

Yours very truly,

James R. Paschall

JRP/kch
Enclosure



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

September 24, 2008

Kathy C. Headrick
Norfolk Southern Corporation
3 Commercial Pl
Norfolk, Virginia 23510

Re: STB
Norfolk Southern Track Abandonment
Attical to Alexander
ALEXANDER, Genesee
ATTICA, Wyoming County
08PR04895

Dear Ms. Headrick:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director