

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 787X)
CSX Transportation, Inc. – Abandonment Exemption –
in Bronx County, N.Y.

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Bronx County, New York. The rail line proposed for abandonment extends approximately 1.8 miles from Milepost QVP 0.0 to Milepost QVP 1.8 (the Line). The Line is on CSXT's Port Morris Branch, Albany Division. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, CSXT will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

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 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The Line was operated from its inception by the New York Central Railroad (NYC). NYC was formed in 1853 by the consolidation of many small New York state railroads. By 1930, having absorbed larger railroads, NYC was one of the leading railroads connecting the Eastern Seaboard with the Midwest. NYC and the Pennsylvania Railroad merged in 1968 forming the Penn Central Company (Penn Central), which went bankrupt in the early 1970s. The federal government created Conrail in 1976 from Penn Central and five other failed eastern railroads. CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail in 1999.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 787X).

The Line traverses a highly urbanized area. There are no public or private crossings, stations, or maintenance areas on the Line. The right-of-way width is approximately 25 feet from the center-line of track. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. CSXT believes that the property proposed for abandonment may be suitable for other purposes but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

Diversion of Traffic

According to CSXT, overhead traffic has been rerouted and no local rail traffic has moved over the Line during the past two years. 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. Upon receiving abandonment authority, CSXT's operations and maintenance over the Line would cease.

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.

CSXT indicates that abandonment of the Line would result in the removal of the remaining rail and crossties, if any, and possibly the upper layer of ballast. Upon receiving abandonment authority, removal of material would be accomplished by use of the existing right-of-way for access, along with existing crossings. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or to perform any activities that would cause sedimentation or erosion of soil. CSXT does not anticipate any dredging or use of fill in the removal of the track material. CSXT would transport crossties and/or other debris away from the Line and would not discard them along the right-of-way or place or leave them in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

CSXT does not foresee any inconsistency with regional and/or local land use plans. CSXT states that no known hazardous waste sites or sites where there have been known hazardous material spills are located in or adjacent to the right-of-way.

The U.S. Department of Agriculture, Natural Resources Conservation Service in Syracuse has indicated that the proposed abandonment would have no effect on prime agricultural land. The soils in the project area are rated not prime or statewide significant.

A portion of the Line is located within the boundaries of the New York State Coastal Management Program. To ensure that the proposed abandonment and related salvage activities comply with the New York State Coastal Management Program, OEA recommends that a condition be imposed on any decision granting abandonment authority requiring CSXT to consult with the New York State Department of State prior to beginning any salvage activities to determine whether state coastal management consistency certification would be required. OEA is providing a copy of this EA to the New York State Department of State for review and comment.

No wetlands or 100-year flood plains would be affected by the proposed abandonment. CSXT believes that activities related to the proposed abandonment would be consistent with applicable water quality standards, and no permits under Sections 402 or 404 of the Clean Water Act would be required.

No wildlife sanctuaries, refuges, national or state parks, or forests would be adversely affected by the proposed abandonment. Based on information that CSXT included in its report, OEA obtained an official list of threatened or endangered species that may be in the project area using the U.S. Fish and Wildlife Service (USFWS) online Information for Planning and Consultation (IPaC) tool.² The Piping plover (*Charadrius melodus*) was identified as a federally threatened species potentially present in the project area. According to the IPaC report, there are no designated critical habitats within the project area. Based on the information provided, OEA has determined that any Piping plover present in the project area would not be adversely affected by salvage activities because of the limited scope of the abandonment's salvage activities and the urban nature of the project area. The proposed abandonment would have no adverse effect on areas designated as critical habitat. OEA is providing a copy of this EA to the USFWS Long Island Ecological Services Field Office for review and comment.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage 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 salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

CSXT submitted a Historic Report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Parks, Recreation and Historic Preservation Office – New York Division for Historic Preservation (New York State Historic Preservation

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited January 31, 2019).

Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ At the request of the SHPO, CSXT submitted additional documents and requested assistance electronically using New York State's Cultural Resource Information System. Based upon its review of the additional documentation, the SHPO has determined that no historic properties would be affected by this undertaking.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 C.F.R. § 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.gov>. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ The database indicated that four federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Those tribes are the Delaware Nation of Oklahoma, Delaware Tribe of Indians, Shinnecock Indian Nation, and the Stockbridge Munsee Community of Wisconsin. OEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

OEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

Prior to beginning any salvage activities, CSX Transportation Inc. (CSXT) shall consult with the New York State Department of State to determine whether state coastal

³ 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 Preservation Act (NHPA). 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 on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

⁴ U.S. Department of Housing and Urban Development, <http://egis.hud.gov/tadat> (last visited January 31, 2019).

management consistency certification is required. CSXT shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.

CONCLUSIONS

Based on the information provided from all sources to date, OEA 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), 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 4-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 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 C.F.R. § 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

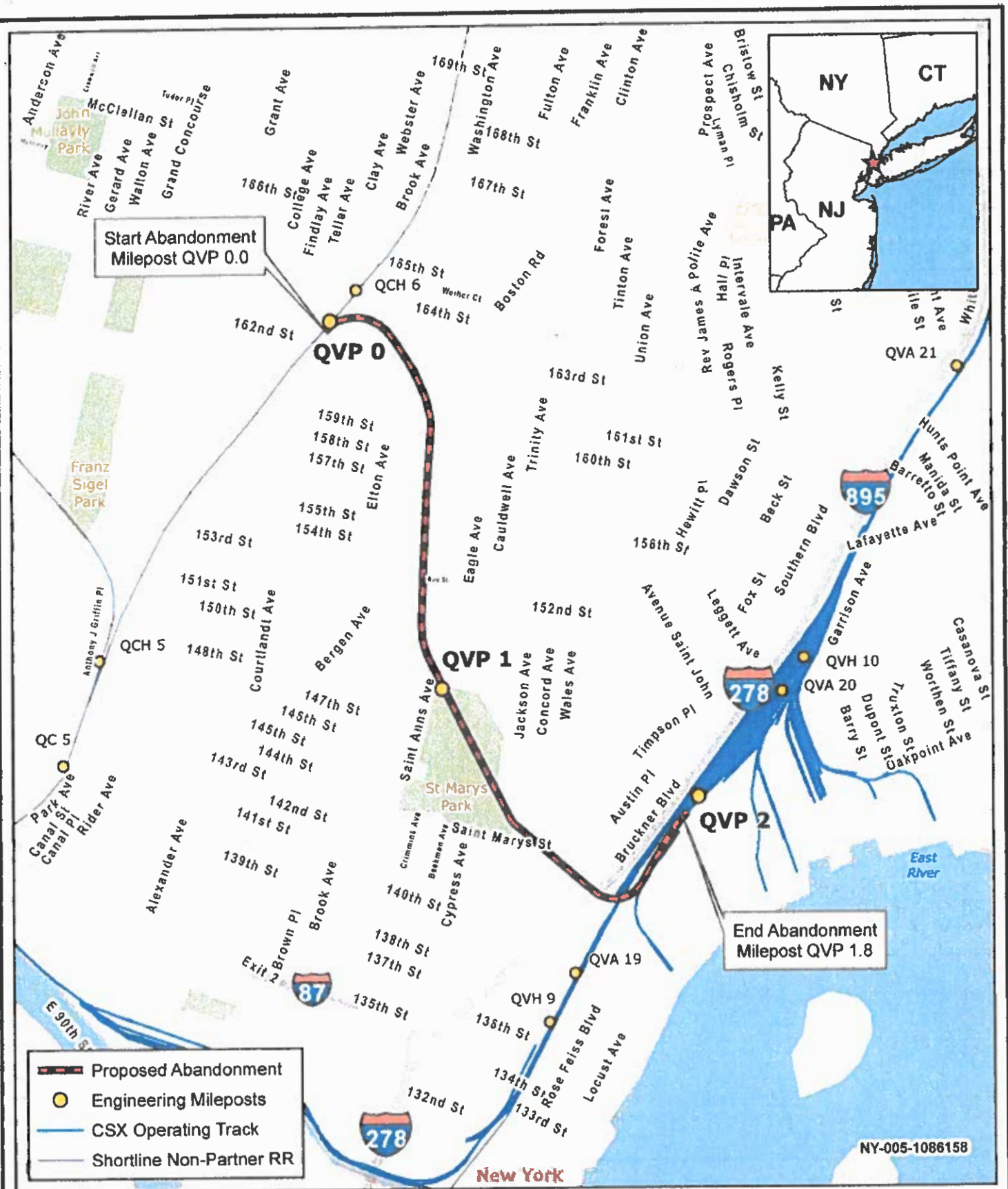
If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 787X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at Kenneth.Blodgett@stb.gov.

Date made available to the public: February 15, 2019.

Comment due date: March 4, 2019.

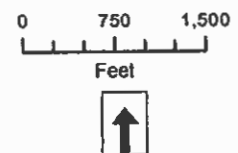
By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

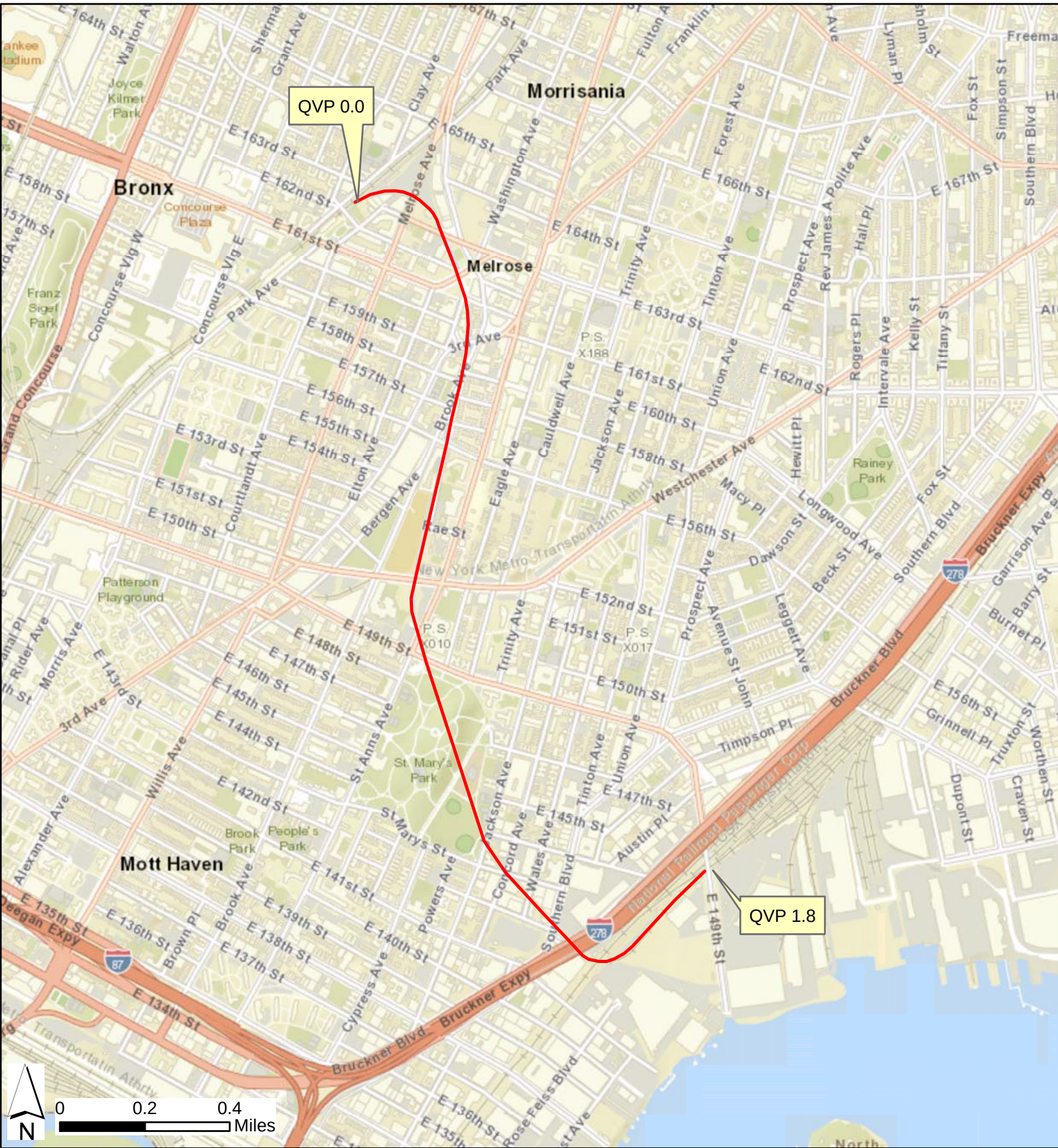
Attachment



**CSX Transportation, Inc.
Proposed Abandonment
Bronx County - New York, NY
Port Morris Branch**

**Milepost QVP 0.0 to QVP 1.8
Total Distance of approx. 1.8 Miles
Albany Division - Hudson Subdivision
STB Docket No. AB 55 (Sub-No. 787X)**





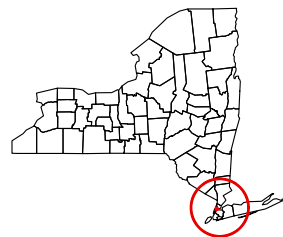
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CSX Transportation, Inc.
Abandonment Exemption
Bronx County
New York, NY
Port Morris Branch

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.



Location in State