

37455
SEA

SERVICE DATE – NOVEMBER 9, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

**STB Docket No. AB-32 (Sub-No. 99X), Boston & Maine Corporation –Abandonment
Exemption – In Middlesex County, MA**

And

**STB Docket No. AB-355 (Sub-No. 33X), Springfield Terminal Railway Company –
Discontinuance of Service Exemption – In Middlesex County, MA**

BACKGROUND

In this proceeding, pursuant to 49 C.F.R. 1152.50, the Boston & Maine Corporation filed for abandonment, and the Springfield Terminal Railway Company filed for discontinuance of rail service, over a segment of track (the “Line”) located between Milepost No. 0.0, and Milepost No. 0.86, in Somerville, Middlesex County, Massachusetts, a distance of 0.86 miles. The Boston & Maine Corporation and the Springfield Terminal Railway Company are collectively referred to in this Environmental Assessment (EA) as Applicants. A map depicting the rail line in relationship to the area served is appended to this EA. If the notices become effective, the Boston & Maine Corporation will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The Applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment and discontinuance or any post-abandonment activities, including salvage and disposition of the right-of-way. The Applicants 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)]. The Board’s Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to the Applicants, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. Accordingly, the proposed abandonment and discontinuance 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 cause 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. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

According to the Applicants, the Line is in a highly-urbanized area, just northwest of Boston, Massachusetts. The Applicants state that the Line is part of the former “Freight Cut-Off” that provided an improved route for freight trains operating between Boston and points to the west. The majority of the route was abandoned in 1978 and converted into the MBTA Red Line extension to Alewife, Massachusetts. The segment currently proposed for abandonment and discontinuance was formally used for the local delivery of freight cars, but, as previously noted, has had no local or overhead traffic for more than two years.

The Applicants state that they are unsure about the suitability of the Line for public non-rail purposes. However, the City of Somerville provided comments to the Applicants suggesting that the right-of-way could be converted into a multi-use trail that would extend the existing Somerville Community Path.

The City of Somerville further stated in its comments that the Somerville Conservation Commission previously surveyed the project area and concluded that it does not include any Massachusetts Regulated Wetlands and lies outside the 100-year floodplain. The City has also completed a preliminary review of state records related to hazardous spills; which indicates no significant spills or hazardous waste sites within the right-of-way.

The Natural Resources Conservation Service submitted comments to the Applicants indicating that there would be no adverse effects to agricultural resources that would result from the proposed abandonment and discontinuance.

According to the Massachusetts Office of Coastal Zone Management (CZM), the Line proposed for abandonment and discontinuance falls outside the geographical boundaries of the Massachusetts Coastal Zone and therefore is not subject to federal consistency review.

The United States Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment and discontinuance would not affect listed endangered or threatened species under its jurisdiction and currently protected by the Endangered Species Act.

The Massachusetts Department of Environmental Protection (MassDEP) submitted comments to the Applicants regarding the presence of oil and/or hazardous materials along the right-of-way of the proposed abandonment and discontinuance. In its comments, MassDEP stated that if these substances are present in the soil and groundwater, remedial actions may be required to eliminate any contaminants pursuant to the Massachusetts Contingency Plan, 310

CMR 40.0000. To ensure that MassDep's concerns are addressed, SEA is recommending a condition that the Boston & Maine Corporation, who would be solely responsible for conducting salvaging activities on the line, consult with MassDEP, Northeast Regional Office (Richard J. Chalpin, 978 694-3200), prior to the commencement of salvage activities.

The United States Army Corps of Engineers (Corps) submitted comments to the Applicants indicating that a Department of the Army Permit is not required as long as the Boston & Maine Corporation does not excavate, regrade, widen or otherwise engage in any salvage activities that would potentially discharge fill material into waters of the United States.

SEA 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 and discontinuance.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the City of Somerville and the following agencies for review and comment: Corps; EPA and MassDEP.

HISTORIC REVIEW

The Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Massachusetts State Historic Preservation Office or SHPO pursuant to 49 CFR 1105.8(c). The SHPO has provided comments to SEA regarding the proposed abandonment and discontinuance indicating that the project is unlikely to affect significant historic or archaeological resources.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing Section 106 of the National Historic Preservation Act at 36 CFR 800, we have determined, in consultation with the SHPO, that the proposed abandonment and discontinuance will not adversely 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.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area; no tribes were listed.

CONDITION

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

- 1. The Boston & Maine Corporation shall consult with the Massachusetts Department of Environmental Protection, Northeast Regional Office (Richard J. Chalpin, 978 694-3200), prior to beginning salvage activities regarding potential contamination of the right-of-way. The Boston & Maine Corporation shall report the results of these consultations in writing to the Section of Environmental Analysis prior to the onset of salvage operations.**

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 and discontinuance 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 and discontinuance 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 discontinuance 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-32 (Sub-No. 99X) and Docket No. AB-355 (Sub-No. 33X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: November 9, 2006.

Comment due date: November 24, 2006.

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

Vernon A. Williams
Secretary

Attachment