

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

**Docket No. AB 1320X
Growth Resources of Wellsboro Foundation – Abandonment Exemption**

**Docket No. AB 1325X
Wellsboro & Corning Railroad, LLC – Discontinuance of Lease and Operation Authority
in Tioga County, Penn.**

BACKGROUND

In this proceeding, Growth Resources of Wellsboro Foundation (GROW) filed a notice pursuant to 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon and for Wellsboro & Corning Railroad, LLC (WCOR) to discontinue a line of railroad in Tioga County, Pennsylvania. The rail line proposed for abandonment extends approximately 3.27 miles from milepost 0.624 (near Mary Worthington Lane) and milepost 3.9 (near the Charleston Township line) in Wellsboro (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is primarily located along the Marsh Creek in Tioga County, Pennsylvania. Adjacent land uses are rural, commercial, and residential. According to GROW, the right-of-way is approximately 66 feet wide (33 feet on each side of the tracks), expanding to approximately 100 feet on each side of the tracks in certain areas due to the natural topography of the landscape. There are five bridges where the line crosses the creek. The Line is approximately 3.276 miles and includes the derailing area, which is the current location of the Wellsboro Passenger Station at 35 Charleston Street (at milepost 2.94). The Passenger Station is listed as a contributing resource to the Wellsboro Historic District.

According to GROW, the Line was originally part of the “Wellsboro and Lawrenceville Railroad,” which was completed in 1872. The line extended south to the coal mines at Antrim and north to connect with the Blossburg and Corning Railroad. In 1873, these two railroads were merged to form the Corning, Cowanesque and Antrim Railway, which was leased to the Fall Brook Coal Company Railway. In 1892, the Fall Brook Coal Company Railway was reorganized to include three additional holdings, and began offering passenger service between Lyons, New York and Williamsport, PA, passing through Wellsboro. In 1899, the Fall Brook Railway was leased to the New York Central and Hudson River Railroad, which reorganized as

the New York Central Railroad in 1914. The New York Central Railroad was succeeded by the Penn Central Transportation Company in 1968, which was then succeeded by Conrail in 1976. In 1988, Conrail ceased operation of its line between Wellsboro and Jersey Shore, Pennsylvania. The only line remaining was that between Gang Mills, New York and Wellsboro, Pennsylvania. On December 31, 1992, Conrail ceased operations between Gang Mills and Wellsboro. The line was then purchased by GROW and it began operations on the Wellsboro & Corning rail line under the North Shore Railroad to maintain freight operations. No freight has moved on this line since 2016. Tioga Central began operating scenic passenger excursion trains on this line in 1994. The excursion trains were operated by Wellsboro and Corning Railroad as a wholly owned subsidiary of Genesee & Wyoming Inc. However, the excursions ceased in 2019, and no local traffic has moved over the line for at least two years.

ENVIRONMENTAL REVIEW

GROW submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage. GROW served the E&H 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 implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to GROW, there is no overhead traffic to be rerouted and no local traffic has moved over the Line since 2019. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1320" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on July 28, 2022.

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. If the Board authorizes the abandonment, GROW would sell the Lineto Tioga County for the purpose of constructing the Pine Creek Rail Extension/Marsh Creek Greenway (Greenway), a connector trail linking Wellsboro residents to a 62-mile trail owned by the Pennsylvania Department of Conservation and Natural Resources (DCNR).

GROW requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment on protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.² The IPaC report identified two protected threatened or endangered species (the threatened northern long-eared bat [*Myotis septentrionalis*] and the endangered northeastern bulrush [*Scirpus ancistrochaetus*], a flowering plant) as potentially located in the area of the proposed abandonment. According to the IPaC report, there is no critical habitat for these species in the project area. OEA has determined that these federally listed threatened or endangered species would not be affected because of the abandonment's limited scope and the unlikely presence of individuals of the identified species in the disturbed rail corridor. OEA is providing USFWS Pennsylvania Ecological Services Field Office a copy of this EA for its review.

The Line is not located within one of Pennsylvania's coastal zones. Accordingly, no consultation with the Pennsylvania Coastal Resources Management Program is required.

GROW requested comments from the U.S. Army Corps of Engineers (Corps) regarding the potential impact of the proposed abandonment on waters of the United States. To date, the Corps has not provided comments. GROW does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line, and disturbed areas will be limited to the right-of-way wherever possible. GROW also has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. However, the line passes through 100-year floodplains. Accordingly, OEA is providing the Corps and the Federal Emergency Management Agency a copy of this Draft EA for their review and consideration.

The United States Department of Agriculture's Natural Resource Conservation Service (NRCS) commented that if any federal funding is involved in the project, a prime farmland and

² <https://ipac.ecosphere.fws.gov/> (last accessed November 16, 2022)

statewide farmland soils review would be required. To OEA's knowledge, no federal funding is involved in the proposed abandonment. OEA is providing this Draft EA to NRCS for its review and consideration.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment 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 the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the following agencies for review and comment: USFWS, Corps, NRCS, and FEMA.

HISTORIC REVIEW

GROW served the E&H Report on the Pennsylvania Historical and Museum Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ Based on available information, the SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected 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 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 listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the GROW's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

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. 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 at a link on the bottom of the Board's website overlooking historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Delaware Nation, Oklahoma; Delaware Tribe of Indians; Seneca Nation of Indians; and Seneca-Cayuga Nation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the no environmental conditions be imposed on any decision granting abandonment authority in this proceeding.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment 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 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 four-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 Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 16, 2022).

⁵ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1320" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

TRAIL 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 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

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

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1320X. If you have any questions, please contact Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

Date made available to the public: November 17, 2022.

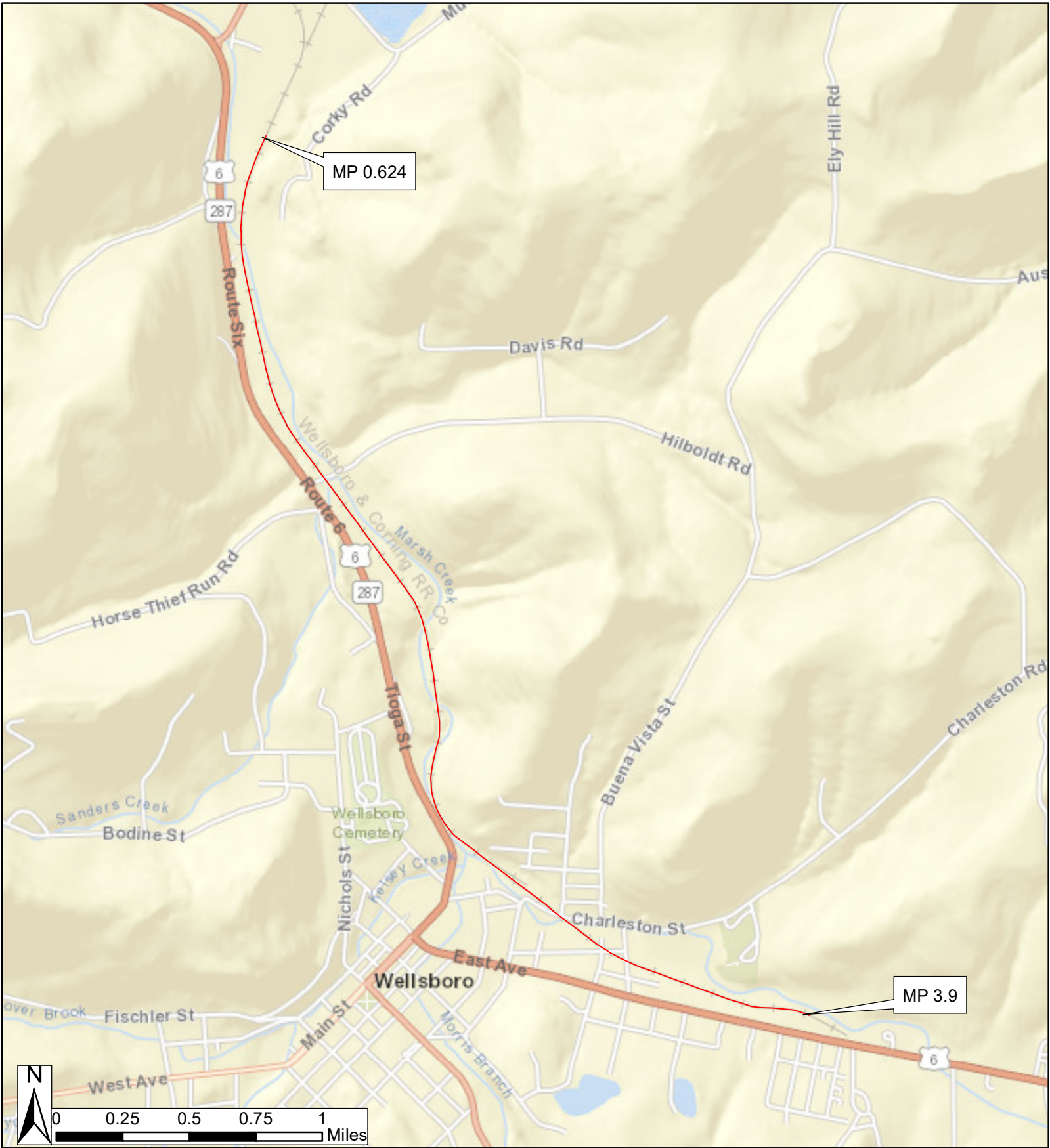
⁶ Id.

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Comment due date: December 2, 2022.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment



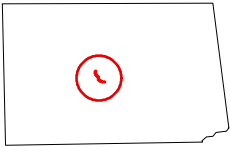
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Legend

— 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.



Tioga County