

SURFACE TRANSPORTATION STB
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-369 (Sub-No. 7X)

January 22, 2009

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

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

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

☒ (X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Remove Section 106 Condition in AB-369 (Sub-No. 7X) –
Buffalo & Pittsburgh Railroad, Inc. - Abandonment
Exemption - In Erie and Cattaraugus Counties, New York

By decision served on November 4, 2008, the Board imposed a condition requiring Buffalo & Pittsburgh Railroad, Inc. (BPRR) 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 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Comments on the EA

At the request of the New York State Historic Preservation Office (State Historic Preservation Office or SHPO), BPRR submitted additional information regarding the line and structures on the line that are 50 years old or older. Based on all available information, the SHPO has submitted comments stating that the proposed abandonment would have no adverse effect on historic or cultural resources located within the Area of Potential Effect for the project.

However, the SHPO requested that BPRR continue conversations with the Village of Springville and the Western New York Railway Historical Society regarding the disposition of tracks near the Springville Station and the Orchard Park Station buildings, respectively. On January 15, 2009, BPRR voluntarily agreed to abide by the SHPO's stipulation for a reasonable period of time.

Pursuant to the Section 106 regulations of the NHPA, 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 of Historic Places. 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 October 10, 2008 Environmental Assessment, 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>.

Accordingly, we recommend that the Section 106 condition imposed by the Board in this proceeding be removed. Please contact Christa Dean if you need further information or justification.

SEA CONTACT: Christa Dean 245-0299



"Hocky, Eric M."
<ehocky@thorpreed.com>
01/15/2009 02:38 PM

To <Christa.Dean@stb.dot.gov>
cc <elizabeth.martin@oprhp.state.ny.us>
bcc
Subject RE: AB-369 (Sub-No. 7X)

I have conferred with my client and Ms. Martin.

By this email I can confirm that my client Buffalo & Pittsburgh Railroad, Inc. ("BPRR") has previously published notice of the abandonment in connection with the environmental and historic report, and that the SHPO is not requesting additional publication.

Further, BPRR is willing, for a reasonable period of time, voluntarily to continue conversations with the owners of the former Springville Station (Springville, NY), and with the Western New York Railway Historical Society with respect to the former Orchard Park station buildings, regarding the disposition of the tracks near each building.

We hope that on this basis, the STB will consider the Section 106 process complete, and will, subject to the foregoing, remove the restriction on salvage of the line. (The line continues to be subject to the notice of interim trail use.)

Please let me know if you have any additional questions, or need any additional information from BPRR.

Eric M. Hocky

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-----Original Message-----

From: Christa.Dean@stb.dot.gov [mailto:Christa.Dean@stb.dot.gov]
Sent: Monday, January 05, 2009 1:39 PM
To: Hocky, Eric M.
Subject: AB-369 (Sub-No. 7X)

Is the railroad willing to agree to the SHPO's condition that was set out in its December 23, 2008 letter?

Christa L. Dean, Attorney
Surface Transportation Board
Section of Environmental Analysis
202.245.0299

----- Forwarded by Christa Dean/STB on 01/05/2009 01:35 PM -----

<elizabeth.martin
@oprhp.state.ny.u
s>
To
12/23/2008 11:27
AM
cc
<Dominic.Jacangelo@oprhp.state.ny.u
s>
<Robert.Reinhardt@oprhp.state.ny.us
>
<Daniel.McEneny@oprhp.state.ny.us>
Subject
BPRR NAE

Dear Mr. Hocky and Ms. Dean,

Attached please find our response to your request for comments regarding the proposed abandonment of Subdivision #3 of the rail line.

With best regards,

Elizabeth Martin

Historic Site Restoration Coordinator

New York State Office of Parks, Recreation and Historic Preservation

Field Services Bureau

Peebles Island, PO Box 189, Waterford, NY 12188-0189

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