

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

ED-1390
KB

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATION IN
STB FINANCE DOCKET NO. AB-167 (Sub-No. 1093X)

January 14, 2010

**Consolidated Rail Corporation – Abandonment Exemption – in
Broome County, NY**

By decision dated August 28, 1989, the Board's predecessor agency, the Interstate Commerce Commission, imposed a condition requiring Consolidated Rail Corporation (Conrail) to leave in place the bridge over Vestal Road. The condition was imposed at the request of the Town of Vestal (Vestal). Conrail agreed to leave the Vestal Road Bridge (bridge) in place. Conrail exercised its abandonment authority and ownership of the bridge has subsequently been conveyed to the Central New York Railroad Corporation (CNYK).

Vestal no longer desires that the bridge remain in place and would like to remove the bridge structure in connection with a New York State Department of Transportation construction project. Vestal and the Broome County Department of Public Works have requested that the Board remove the condition requiring that the bridge be left in place. CNYK has never sought authority to commence railroad operations over the bridge and has never conducted any railroad operations over the bridge. CNYK supports the request that the condition be removed.

In 1989, the New York State Office of Historic Preservation advised the Commission's environmental office, then known as the Section of Energy and Environment (SEE) that the proposed abandonment would have no adverse affect on any structures listed or eligible for listing in the National Register of Historic Places. The New York State Office of Parks, Recreation and Historic Preservation (NY SHPO) advised Vestal by letter dated November 5, 2009 (copy attached) that removal of the bridge would have no impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

Accordingly, we recommend that the condition imposed in the Board's August 28, 1989 decision requiring that Conrail leave in place the bridge over Vestal Road be removed.

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



TOWN OF VESTAL

605 Vestal Parkway West
Vestal • New York • 13850-1486
Telephone (607) 748-1514 / Fax (607) 786-3631

ET-18028

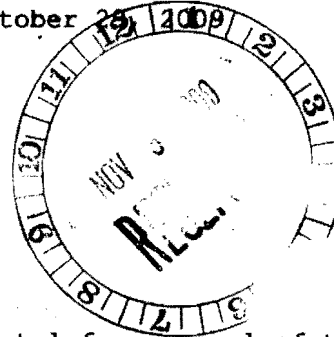
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Town Council
Emil Bielecki
Patty Fitzgerald
Francis Majewski
John Schaffer

Supervisor
Pete Andreasen

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
The Mercury Bldg.
395 E Street SW
Washington, DC 20423-0001

October 28, 2009



RE: Docket No. AB-167 (Sub-No. 1093X)

Dear Secretary Quinlan:

This letter is submitted as a petition by the Town of Vestal for removal of the conditions contained in the August 28, 1989 Decision in the above-referenced proceeding which require that the bridge over Vestal Road (the "Vestal Road Bridge") be left in place.

On August 28, 1989 a Decision was issued in the above matter in which Consolidated Rail Corporation ("Conrail") was granted abandonment authority over a 3.1 mile line of railroad in Broome County, New York. A copy of that Decision is attached hereto as Exhibit A. Conrail subsequently exercised that abandonment authority.

At the request of the Town of Vestal and Conrail, a condition to Conrail's salvage of the line was that the railroad bridge over Vestal Road be left in place. Conrail subsequently conveyed ownership of the railroad bridge; the current owner is Central New York Railroad Corporation.

Due to changes in circumstances in the ensuing twenty years, the Town of Vestal no longer desires that the railroad bridge over Vestal Road remain in existence. As noted in the letter of support attached hereto as Exhibit B, the current owner of the bridge joins in that request.

Accordingly, the Town of Vestal respectfully requests that the STB reopen the above docket for the purpose of removing the conditions requiring the continued existence of the Vestal Road Bridge.

Respectfully,

Pete Andreasen
Town Supervisor

I hereby verify under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this letter petition.

Executed on 10-29-09, 2009

EXHIBIT A

SERVICE DATE

AUG 31 1989

DO

INTERSTATE COMMERCE COMMISSION

DECISION

Docket No. AB-167 (Sub-No. 1093X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
IN BROOME COUNTY, NY

Decided: August 28, 1989

Consolidated Rail Corporation (Conrail) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon its 3.1-mile line of railroad between milepost 196.6 and milepost 199.7, in Broome County, NY. A notice of exemption was served and published in the Federal Register on July 31, 1989 (54 FR 31589). The exemption is scheduled to become effective on August 30, 1989.

The Commission's Section of Energy and Environment (SEE) has been informed that the town of Vestal, NY, and Conrail agreed to condition Conrail's salvage operations as follows: (1) the bridge over Vestal Road shall be left in place; and (2) Conrail shall keep the roadbed at a height not less than that currently existing. SEE recommends that these conditions be imposed. I will impose both conditions.

As conditioned, this action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment by Consolidated Rail Corporation of the line described above is subject to the following salvage conditions: (1) Conrail must leave in place the bridge over Vestal Road; and (2) Conrail must keep the roadbed at a height not less than that currently existing.
3. This decision is effective on its date of service.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

(SEAL)

Noreta R. McGee
Secretary

EXHIBIT B

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION

**1 Railroad Avenue
Cooperstown, NY 13326
607-547-2555 ph.
607-547-5658 fax
www.nysw.com**

**Nathan R. Fenno
President
nfenno@nysw.com**

October 7, 2009

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
The Mercury Bldg.
395 E Street SW
Washington, DC 20423-0001

RE: Docket No. AB-167 (Sub-No. 1093X)

Dear Secretary Quinlan:

This letter is submitted in support of the request by the Town of Vestal for removal of the conditions contained in the August 28, 1989 Decision which require that the bridge over Vestal Road (the "Vestal Road Bridge") be left in place.

By Deed dated February 25, 1998, Consolidated Rail Corporation conveyed to Newco Services Inc. certain real property which included the Vestal Road Bridge. Such conveyance was subject to the conditions set forth in the August 28, 1989 Decision. By Deed dated May 21, 2002, Newco Services, Inc. conveyed certain property, including the Vestal Road Bridge, to Central New York Railroad Corporation ("CNYK"). CNYK remains the owner of the Vestal Road Bridge. CNYK has never sought authority to commence railroad operations over the Vestal Road Bridge and has never conducted any railroad operations over the Vestal Road Bridge.

CNYK joins in the petition of the Town of Vestal to reopen the above docket for the purpose of removing the conditions requiring the continued existence of the Vestal Road Bridge.

Respectfully,

A handwritten signature in black ink, appearing to be 'N. Fenno', with a long horizontal line extending to the right.

Nathan R. Fenno
President

NRF:ksp

Broome County Department of Public Works

Barbara J. Fiala, Broome County Executive • Patrick J. Brennan, Commissioner

EI-18029

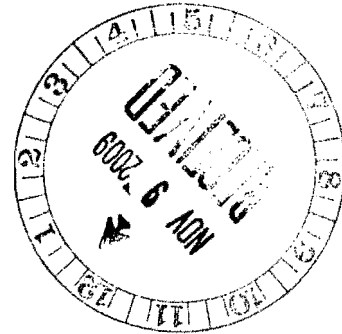
KB



Broome County Office Building • 60 Hawley Street • P.O. Box 1766 • Binghamton, New York 13902
(607) 778-2909 • Fax (607) 778-6051 • Website: www.gobroomecounty.com

November 4, 2009

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
The Mercury Bldg.
395 E Street SW
Washington, DC 20423-0001



RE: Docket No. AB-167 (Sub-No. 1093X)

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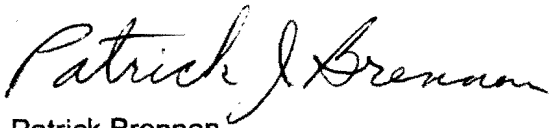
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At the request of the Town of Vestal New York and Conrail, a condition to Conrail's salvage of the line was that the railroad bridge over Vestal Road be left in place. Conrail subsequently conveyed ownership of the railroad bridge. The current owner is Central New York Railroad Corporation.

Due to changes in circumstances in the ensuing twenty years, it is my understanding the Town of Vestal requests the railroad bridge over Vestal Road no longer remains in existence. As noted in the letter of support attached hereto as Exhibit B, the current owner of the bridge has joined in that request.

Accordingly, the County of Broome supports the request that the STB reopen the above docket for the purpose of removing the conditions requiring the continued existence of the Vestal Road Bridge.

Respectfully,

A handwritten signature in cursive script that reads "Patrick J. Brennan". The signature is written in dark ink and is positioned above the printed name and title.

Patrick Brennan
Deputy County Executive of Physical Services
Commissioner of Public Works

I hereby verify under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this letter petition.

Executed on November 4, 2009

enc.

cc w/o enc. John Fitzgerald, NYSDOT Region 9

EXHIBIT A

SERVICE DATE

AUG 31 1989

DO

INTERSTATE COMMERCE COMMISSION

DECISION

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By the Commission, Jane F. Mackall, Director, Office of Proceedings.

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Secretary

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**Nathan R. Fenno
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October 7, 2009

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
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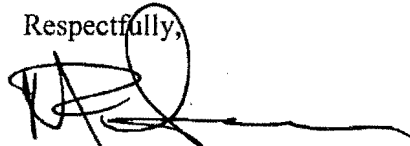
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Respectfully,



Nathan R. Fenno
President

NRF:ksp



TOWN OF VESTAL

Engineering Department
133 Front Street • Vestal • New York • 13850-1486

ET-18030
KB

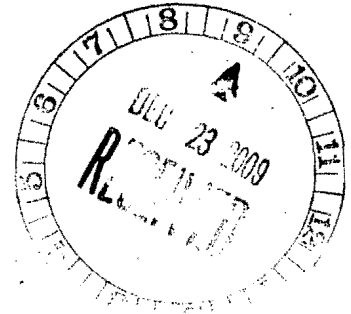
Ph (607) 786-0980

Ph (607) 786-0981

Fax (607) 786-0984

December 14, 2009

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
The Mercury Building
395 E Street SW
Washington, DC 20423-0001



Re: Docket No. AB-167 (Sub-No. 1093X)

Dear Secretary Quinlan:

Due to construction design time frames, I have been asked to see if there has been any action taken or planned with regards to the attached letter dated October 29, 2009, from my Town Supervisor.

The request is basically for approvals to remove an unused Conrail bridge superstructure.

Please advise me as soon as possible, since a NYSDOT construction project schedule does depend on the outcome of your decision.

Very truly yours,

Gary W. Campo
Town Engineer

GWC:mbp

Attachment

cc: Frank Matyas – NYSDOT, Region 9
44 Hawley Street
Binghamton, NY 13901



TOWN OF VESTAL

605 Vestal Parkway West
Vestal • New York • 13850-1486
Telephone (607) 748-1514 / Fax (607) 786-3631

Town Council
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Supervisor
Pete Andreasen

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
The Mercury Bldg.
395 E Street SW
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October 29, 2009

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Respectfully,

Pete Andreasen
Town Supervisor

I hereby verify under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this letter petition.

Executed on 10.29.09, 2009



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

EI-18031

K3

David A. Paterson
Governor

Carol Ash
Commissioner

November 05, 2009

Gary W. Campo
Town of Vestal
605 Vestal Parkway West
Vestal, New York 13850

Re: DOT
Abandoned Railroad Bridge over Vestal Rd
VESTAL, Broome County
09PR05803

Dear Mr. Campo:

Thank you for requesting the comments of the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Field Services Bureau 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 State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register 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