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OEA

SERVICE DATE – JULY 16, 2019

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 793X), CSX Transportation, Inc.
Abandonment Exemption – in Allegheny County, Penn.

And

Docket No. AB 1233 (Sub-No. 1X), Allegheny Valley Railroad Company
Discontinuance Exemption – in Allegheny County, Penn.

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) and Allegheny Valley Railroad Company (AVR) filed a notice of exemption under 49 C.F.R. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903 for CSXT to abandon and AVR to discontinue service over an approximately 0.85-mile rail line on the River Branch, Baltimore Division, P&W Subdivision between Valuation Station (Val. Sta.) 40+75 and Val. Sta. 85+76 in Pittsburgh, Allegheny County, Pennsylvania (the Line). The Line begins at 33rd Street and runs west following the Allegheny River ending at 24th Street. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage remaining track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

CSXT submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment. CSXT seeks to consummate the abandonment and salvage the Line. CSXT served the Environmental and Historic Report on 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.

¹ The Environmental and Historic Report is 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. 793X).

Diversion of Traffic

According to CSXT, the Line has been out of service for over two years and no local or overhead traffic has moved over the Line in that time. Therefore, no traffic would need to be rerouted if the proposed abandonment were approved. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; adversely impact the 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.

Salvage Activities

Salvage and disposal of a rail line typically include the 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. CSXT states that, if abandonment were authorized, it would remove remaining track materials such as rails and ties, leaving the right-of-way, bridges, and culverts in place. CSXT states that while it may salvage upper levels of ballast, it would not disturb any ballast located in the subgrade, and would only access the Line using existing roads, so no soil disturbance would occur.

Land Use

According to CSXT, the right-of-way along the Line is approximately 50 feet wide. Adjacent land use consists primarily of urban commercial and industrial buildings, other rail rights-of-way, and a trail. The Line ends at the Strip District Trail at the southwest terminus, which is part of the Three Rivers Heritage Trail. The Line has no road crossings, though it passes below the 31st Street Bridge. The United States Department of Agriculture, Natural Resource Conservation Service, submitted a letter stating that the proposed abandonment is not subject to the provisions of the Farmland Protection Policy Act (FPPA) because it is located within the Pittsburgh, PA Urbanized Area.

Transportation and Safety

Because the Line is out of service, no freight traffic would be diverted from rail to truck transportation.

Coastal Zone Compliance

OEA confirmed that the Line is not located within the Pennsylvania Coastal Zone Management's coastal zones, and accordingly determined that the proposed abandonment does not require state coastal management consistency certification under the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.)

Water Resources

According to CSXT, the Line is located within a 100-year flood plain, and there are several bridges and/or stream crossings on the Line. CSXT intends to leave existing bridges, culverts, and ballast intact so as not to alter prevailing waterflows along the Line and to allow for potential trails use.

CSXT plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to CSXT, salvage activities would not cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill. CSXT states that debris would not be discarded along the right-of-way, and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutant materials.

CSXT does not anticipate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. The proposed abandonment would not result in the discharge of wastewater or storm water, and CSXT believes it would not need a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342). Accordingly, OEA recommends no mitigation related to impacts to water quality. Since OEA has not received comment from the Pennsylvania Department of Environmental Protection (PADEP) regarding the need for a permit under Section 402, OEA is providing a copy of this EA to PADEP for review and comment.

OEA has not received comment from the U.S. Army Corps of Engineers (Corps) on the potential impact of the proposed abandonment to waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Because salvage activities would be limited to the right-of-way and not involve altering any bridges over waterways, OEA concurs with CSXT that the proposed abandonment would likely not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, and that a Section 404 permit would therefore likely not be required. Accordingly, no mitigation related to impacts to waterways or wetlands is recommended. OEA is providing a copy of this EA to the Corps for review and comment.

Hazardous Materials

CSXT states that it is not aware of any release of hazardous substances on or near the Line. OEA's review has not found any federally-listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

CSXT requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. OEA conducted a search of the USFWS Information,

Planning, and Conservation (IPaC) system and received an official species list identifying two federally listed threatened or endangered species that may exist in the area of the proposed abandonment: the endangered Indiana bat (*Myotis sodalis*) and the threatened Northern long-eared bat (*Myotis septentrionalis*).² However, due to the temporary nature of the proposed salvage activities, the absence of suitable habitat within the right-of-way, and because the project does not otherwise present a risk to the species, OEA concludes that the species are not present in the project area, per FWS guidance, and therefore no mitigation is required.

Air Quality

Because salvage activities would be limited in scope and areal extent, and any air emissions associated with the proposed abandonment would be temporary, OEA believes that these activities would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from the proposed abandonment would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies: PADEP and the Corps.

HISTORIC REVIEW

CSXT served the Historic Report on the Pennsylvania State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ According to CSXT, there are no structures in the Area of Potential Effect (the right-of-way) that meet any criteria for listing on the National Register of Historic Places (National Register). In a letter dated June 19, 2019, SHPO stated that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in National Register.

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited July 15, 2019).

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 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).

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, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. 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 www.stb.gov. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/stb/environment/preservation.html>. OEA is providing a copy of this EA to SHPO.

Consultation with Federally-Recognized Tribes

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the United States Department of Housing and Urban Development (HUD) Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database identified six federally-recognized Tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: the Catawba Indian Nation; the Delaware Nation, Oklahoma; the Delaware Tribe of Indians; the Eastern Shawnee Tribe of Oklahoma; the Osage Nation; and the Seneca-Cayuga Nation. Accordingly, OEA is forwarding these Tribes a copy of this EA for their review and comment.

CONDITIONS

OEA recommends that no environmental or historic conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, 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.

⁴ <https://egis.hud.gov/TDAT> (last visited July 12, 2019).

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 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 if 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, 395 E. Street SW, Washington, DC 20423.

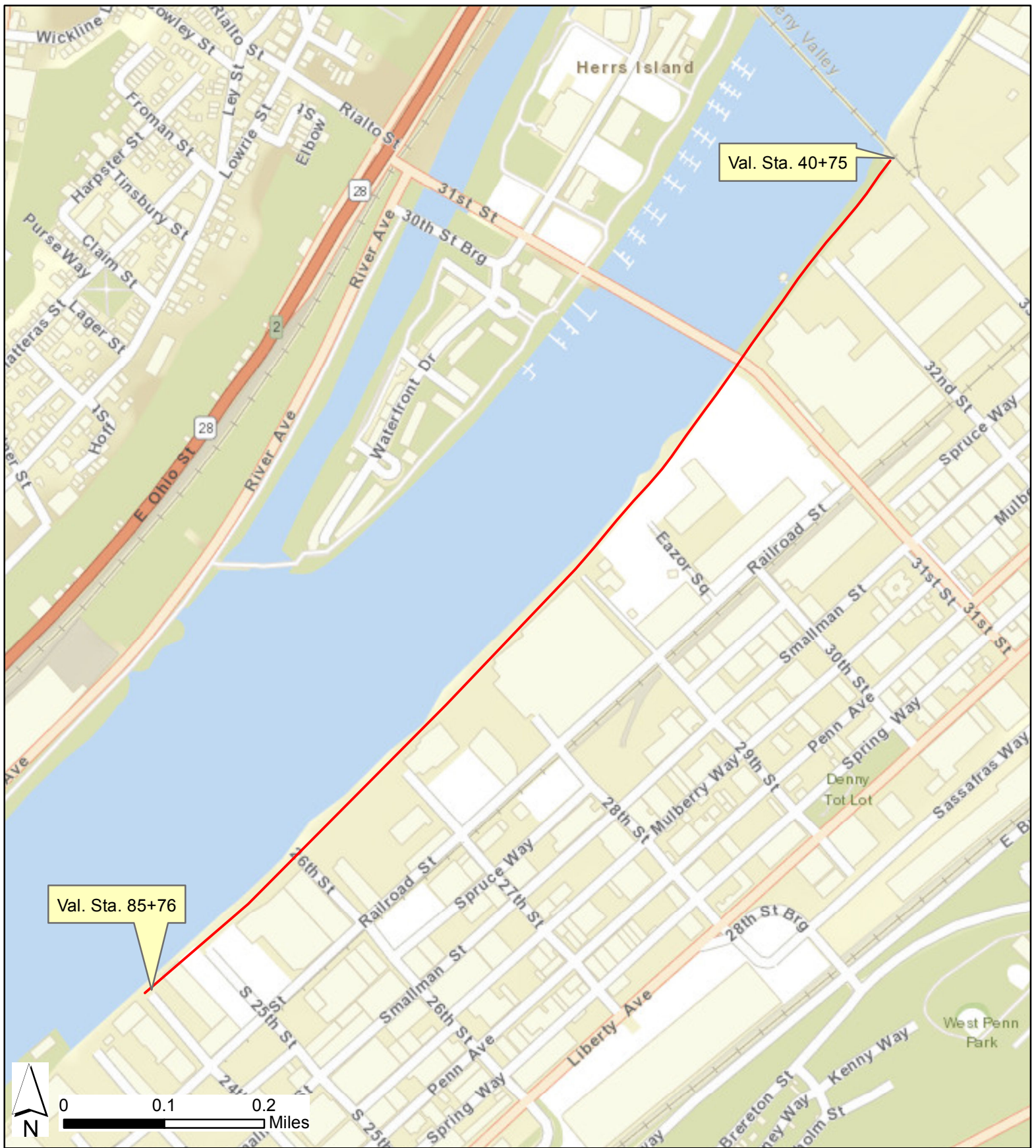
COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, 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. 793X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: July 16, 2019.

Comment due date: July 29, 2019.

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

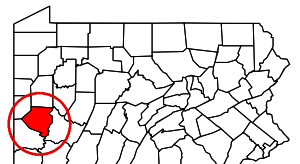


Docket No. AB-55 (Sub-No. 793X)
 CSX Transportation, Inc.
 Abandonment Exemption
Docket No. AB-1233 (Sub-No. 1X)
 CSX Transportation, Inc.
 Abandonment Exemption
 Allegheny County, PA
 Pittsburgh

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