

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 183 (Sub-No. 5X)

**Union Railroad Company, LLC – Abandonment Exemption –
in Allegheny County, Pa.**

BACKGROUND

In this proceeding, Union Railroad Company, LLC (URR) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Allegheny County, Pennsylvania. The rail line proposed for abandonment consists of approximately 5.4 miles of switching and terminal trackage on approximately 20.7 acres of right-of-way in the City of McKeesport (the Line). The Line does not have any milepost designations according to URR. Maps depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the Board grants the exemption, the railroad would 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 in a largely urban and industrial area of McKeesport. Portions of the Line are single tracked but several segments consist of up to seven parallel tracks. The width of the Line's right-of-way ranges from 25 to 200 feet. According to URR, the Line was originally operated as the McKeesport Connecting Railroad Company (MCRC). Incorporated in 1889, MCRC connected the National Tube Works Company, and later U.S. Steel's National Plant, to the Pennsylvania, Pittsburgh & Lake Erie, and Baltimore & Ohio railroads. URR became owner of the Line when MCRC merged with URR in 2013. There are no structures on the Line.

ENVIRONMENTAL REVIEW

URR submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly because of the proposed abandonment of the Line, including salvage. URR served the E&H 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 implementing the National Environmental

¹ The E&H Report is available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu;

Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to URR, there has been no common carrier rail service on the Line for over four years. 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.

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.

Should the Board authorize the proposed abandonment, URR states that it intends to sell the Line to the sole shipper served by the Line, DB Pipe, LLC. According to URR, DB Pipe, LLC intends to use the Line to support its steel finishing plant located on an adjacent property, and for the storage of railroad cars. Furthermore, DB Pipe, LLC has no immediate plans to salvage the Line's rail and related track material.

To identify potential protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.² According to IPaC, critical habitat is not listed in the vicinity of the Line. The search did identify the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened northern long-eared bat (*Myotis septentrionalis*) as being potentially affected by activities in the project area. However, because of the largely urban nature of the project area and URR's intention not to conduct salvage, OEA has determined that the proposed abandonment would have no impact on federally listed threatened and endangered species. OEA is providing USFWS – Pennsylvania Field Office in State College, Pennsylvania a copy of this Draft EA for review.

URR requested comments from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) regarding potential impacts to prime farmland and prime farmland

entering "AB" "183" "5" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on May 3, 2021.

² U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC), <https://ecos.fws.gov/ipac/location/index> (search conducted May 18, 2021).

soils. Although NRCS had not responded to the E&H Report at the time this Draft EA was prepared, OEA does not expect prime farmland and prime farmland soils to be impacted by the proposed abandonment because of the largely urban nature of the project area and lack of plans to conduct salvage activities. OEA is providing a copy of the Draft EA to the NRCS Pennsylvania State Field Office for review.

URR also submitted the E&H Report to the U.S. Army Corps of Engineers, Pittsburgh District (USACE), U.S. Environmental Protection Agency, Region 3 (USEPA), and Pennsylvania Department of Environmental Protection (PADEP) for comments on potential permitting requirements and general impacts to water quality and waters of the United States. To date, responses from these agencies have not been received. However, because of the lack of plans to conduct any salvage activities, OEA does not anticipate the need for USACE permitting under Section 404 of the Clean Water Act (33 U.S.C. § 1344) or USEPA and PADEP permitting under Section 402 of the Clean Water Act (33 U.S.C. § 1342), nor does OEA anticipate any impacts to water quality or waters of the United States in general as a result of the proposed abandonment. OEA is providing a copy of this Draft EA to USACE, USEPA, and PADEP for review.

A copy of the E&H Report was sent to Allegheny County and the City of McKeesport for comments on the consistency of the proposed abandonment with local land use plans. No comments have been received to date.

Based on all the 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:

- U.S. Department of Agriculture, Natural Resources, Conservation Service, Pennsylvania State Field Office, Harrisburg, Pennsylvania;
- U.S. Fish and Wildlife Service, Pennsylvania Ecological Services Field Office, State College, Pennsylvania;
- U.S. Army Corps of Engineers, Pittsburgh District, Pittsburgh, Pennsylvania;
- U.S. Environmental Protection Agency, Region 3, Philadelphia, Pennsylvania; and
- Pennsylvania Department of Environmental Protection, Harrisburg, Pennsylvania.

HISTORIC REVIEW

URR served the E&H Report on the Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation (State Historic Preservation Office or SHPO), pursuant to 49

C.F.R. § 1105.8(c).³ As part of its public outreach, URR also placed a notice of the proposed abandonment in Pittsburgh Post-Gazette on April 15, 2021 and notified local governments of the proposed abandonment.

At the time this Draft EA was prepared, OEA had not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA is recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

OEA is sending a copy of this Draft EA to the SHPO, and it is being made available to the public through posting on the Board's website at www.prod.stb.gov.

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 to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the following six federally recognized Tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Catawba Indian Nation;
- Delaware Nation, Oklahoma;
- Delaware Tribe of Indians;
- Osage Nation;
- Seneca-Cayuga Nation; and
- Eastern Shawnee Tribe of Oklahoma.

OEA is sending a copy of this Draft EA to these Tribes for review.

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 overviews historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed May 17, 2021).

CONDITIONS

OEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

1. Union Railroad Company, LLC (URR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. URR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office, any other Section 106 consulting parties that have been identified and the public. URR may not file its consummation notice or initiate any abandonment-related salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, 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.

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

⁵ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov>

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 the petition for 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

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats. If you have any questions, please contact Dave Navecky by email at david.navecky@stb.gov or by phone at 202-245-0294.

Date made available to the public: May 28, 2021.

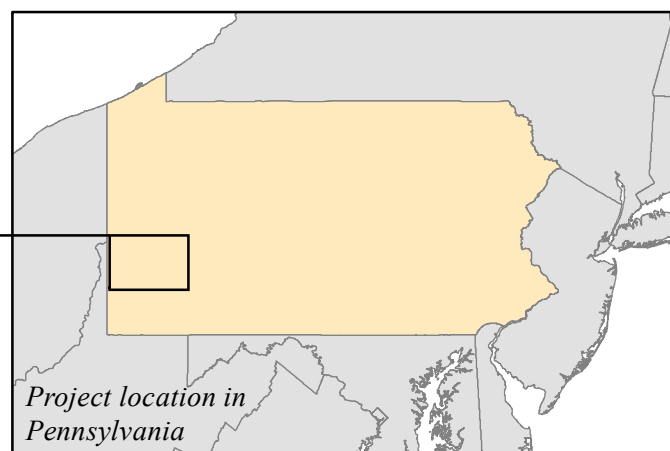
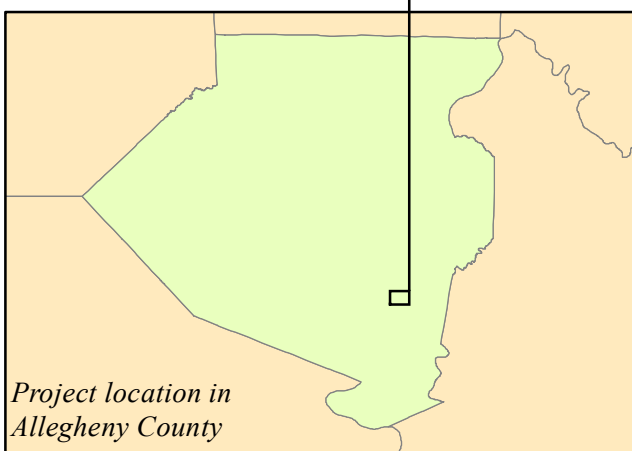
Comment due date: June 14, 2021.

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

Attachments

by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "183" "5" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.



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Abandonment Exemption
In McKeesport, Allegheny County, Pa.



- The Line
- Other rail lines

Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.



ALLEGHENY COUNTY, PA.

CITY OF
DUQUESNE

S.M.S.A.
6280

DUQUESNE-MCKEESPORT
HIGHWAY BRIDGE

MONONGAHELA RIVER

MCKEESPORT CONNECTING RAILROAD

UNION RAILROAD

CSX TRANSPORTATION

CITY OF
MCKEESPORT

LEGEND

— CATEGORY 5



McKEESPORT CONNECTING RAILROAD COMPANY

SCALE 1" = 1600 FEET

S.M.S.A. 6280

MONROEVILLE, PA.

DATE **SEPT. 2012**

ENGINEERING SERVICES