

#EO -1304

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-290 (Sub-No. 314X)

October 6, 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**

SEA served an Environmental Assessment (EA) for this proceeding on September 11, 2009 for public review and comment. In the EA, SEA recommended two (2) environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received new comments from the City of Latrobe following the issuance of the EA. Specifically, the City requested that the seven grade crossings in the segment of rail line proposed for abandonment be effectively restored for safe passage of vehicles and pedestrians, and that during salvage activities, adequate best management practices be put into place within the 2.04 miles of rail line to be abandoned to protect adjacent drainage ways and streams

Modifications to the EA

To ensure that the proposed action does not adversely impact the City, SEA is including a condition in this EA that requires Norfolk Southern Railway to consult with the City of Latrobe prior to salvage operations and to comply with the reasonable requirements of the City.

Conclusions

Based on the information received in this proceeding, SEA recommends that the following three conditions should be imposed upon any decision granting abandonment authority:

1. The Norfolk Southern Railway Company (NSR) shall notify the U.S. Department of Commerce, National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.

2. NSR shall contact the Pennsylvania Department of Environmental Protection, Southwest Regional Office, and the Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways, prior to commencement of any salvage activities to provide a status of its activities toward resolving the following issues of concern: state endangered species, utilities, air quality, environmental cleanup, oil and gas wells, waste management, stormwater permitting, and water quality.
3. Prior to commencement of salvage activities, NSR shall contact the City of Latrobe regarding the restoration of the seven road crossings, as well as the proper installation of best management practices within the 2.04 mile segment of rail line to be abandoned to protect drainage ways and streams. NSR shall comply with the reasonable requirements of the City.

SEA CONTACT:

Diana Wood *DAW*
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ECT

CERTIFICATE OF SERVICE

IN RE: Norfolk Southern Railway - Abandonment Exception
Westmoreland County, PA
STB Docket No. AB-290 (Sub-No. 314X)

I do hereby certify that on this 3rd of October, 2009, I served a true and exact copy of letter to Surface Transportation Board attention Diana Wood, Case Control Unit, Washington DC, by United States Mail, Postage prepaid upon the person set forth below:

James R Paschall, Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

James E. Kelley, Jr.
Solicitor for the City of Latrobe

October 3, 2009

Surface Transportation Board
Attn: Diana Wood
Case Control Unit
Washington, DC 20423

**SENT VIA US MAIL AND
ELECTRONICALLY FILED**

IN RE: Norfolk Southern Railway Company - Abandonment Exception
Westmoreland County, PA
STB Docket No. AB-290 (Sub-No. 314X)

Dear Ms. Wood:

Please accept this letter as comments by the City of Latrobe regarding the environmental assessment for the above captioned abandonment matter. The City of Latrobe received the environmental assessment from the Surface Transportation Board, Washington, DC 20423 on or shortly after September 11, 2009. At a meeting of City Council held on Monday, September 28, 2009, Council authorized to submit comments to your unit regarding the environmental assessment.

The City generally agrees with your conclusion that, as currently proposed with the recommended condition, abandonment of line will not significantly affect the quality of the human environment. However, the City does have concerns which it believes falls under the umbrella of environmental issues. First, there are approximately seven street crossings over the 2.4 mile abandonment area. The City raises the concern that if the rails are removed from, inter alia, the street crossings, they would need to be effectively restored and/or repaired to permit safe passage over the crossing area by vehicles and pedestrians. Prior to filings its Petition for Abandonment, the City was involved in a dispute with Norfolk Southern Railway Company regarding the quality of maintenance of the crossing areas. The City of Latrobe requests, as a condition of abandonment, that Norfolk Southern Railway Company would be responsible for proper grading and surfacing of the crossing areas were the rail would be removed.

The second concern of the City is the bed wherein the railway ties and rails lie. The 2.04 mile segment proposed for abandonment, traverse north-south over an area that slopes from east to west, the easterly bank (grassy area) of the railroad property is higher than the rails and the westerly bank (grassy area) slopes away to the west. Upon removal the remaining bed would appear to consist of gravel and other stone. The concern of the City of Latrobe is that if re-grading of the right of way would occur through the salvage process, appropriate surface cover would remain to prevent soil erosion and water runoff.

The City is of the belief that the proposed abandonment will confirm to the City's short and long term planning goals for the community and that the segment of the rail line proposed to be abandoned could possibly result in an opportunity for the City, or a related entity/agency, to develop the abandoned segment for recreational purposes or for recreational trail use.

Very truly yours,

James E. Kelley, Jr.
Solicitor City of Latrobe

JEKjr/bam

cc: Richard J. Stadler, City Manager
Mayor Thomas Marflac
Member of Council