

Environmental Assessment

Finance Docket No. 35147

Norfolk Southern Railway Company, Pan Am Railways, Inc., et al.—Joint Control and Operating/Pooling Agreements—Pan Am Southern, LLC In NY, NH, VT, MA and CT

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

November 14, 2008

Re: Norfolk Southern Railway Company, Pan Am Railways Inc., et al. – Joint Control and Operating/ Pooling Agreements – Pan Am Southern, LLC

Dear Reader,

The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) has prepared this Environmental Assessment (EA) in response to a petition filed by Norfolk Southern Railway Company (Norfolk Southern), Pan Am Railways, Inc. (PARI), (a noncarrier railroad holding company), and two of PARI's rail carrier subsidiaries, Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (Springfield Terminal). The petition seeks approval, under 49 U.S.C. 11322 and 11323, of (1) the acquisition by Norfolk Southern and B&M of joint control and ownership of Pan Am Southern, LLC (PAS), a new rail carrier to be formed; and (2) the agreements by which Springfield Terminal would operate the lines of PAS and establish rates for PAS (referred to collectively as the Transaction). The EA identifies environmental impacts that may result from the Transaction and SEA's preliminary recommendations for mitigating possible environmental effects.

This EA reflects SEA's independent analysis and incorporates correspondence with Federal, state, and local agencies. SEA invites comments from interested agencies, organizations and individuals on all aspects of this EA, and will consider timely comments received in making its final recommendations to the Board. The close of the public comment period is **December 15, 2008**. The Board will consider the entire environmental record, SEA's final recommendations, and any environmental comments received during this comment period in making its final decision.

If you wish to file comments regarding this EA, send an original and one copy to Surface Transportation Board, Case Control Unit, 395 E Street S.W., Washington, DC 20423, to the attention of Kenneth Blodgett. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. Please refer to Finance Docket No. 35147 (FD 35147) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Thank you for your interest and participation in the environmental review process.

Sincerely,

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Chief, Section of Environmental Analysis
Surface Transportation Board

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LIST OF ACRONYMS AND ABBREVIATIONS

ADT	Average daily traffic
AADT	Average annual daily vehicle traffic
APE	Area of potential effect
Applicants	Norfolk Southern Railway Company, Pan Am Railways, Inc., Boston and Maine Corporation, and Springfield Terminal Railway Company
AST	Aboveground storage tank
AUL	Notice of Activity and Use Limitation
B&M	Boston and Maine Corporation
BMP	Best Management Practice
Board	Surface Transportation Board
CAA	Clean Air Act
CADNA	Computer-Aided Noise Abatement
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CMR	Code of Massachusetts Regulations
CO	Carbon monoxide
CP	Canadian Pacific Railway Company
CSXT	CSX Transportation Inc.
CWA	Clean Water Act
D&H	Delaware & Hudson Railway Company
dBA	A-weighted decibels
DEP	Massachusetts Department of Environmental Protection
DNL	Day-night average noise level
DPM	Diesel particulate matter
E.F.	Emission factor
EA	Environmental Assessment
East-west main line	The main rail line between Mechanicville, New York and Ayer, Massachusetts
EB	East bound
ECL	Exceeds calculable limits
ENF	Environmental Notification Form
EO	Executive Order
EOTPW	Executive Office of Transportation and Public Works for the Commonwealth of Massachusetts
ERM	Environmental Resources Management
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FRA	Federal Railroad Administration
FTA	Federal Transit Authority
GHG	Greenhouse gas
GIS	Geographic Information System
GTM	Gross ton miles
HUC	Hydrologic Unit Code

List of Acronyms and Abbreviations

I	Interstate
L _{eq}	Level equivalent
LFTC	Luther Forest Technology Campus
LLC	Limited liability company
L _{maz}	Maximum noise level
in/sec	Inches per second
LOS	Level of Service
LTANK	Leaking Tanks Database
M.G.L.	Massachusetts General Law
MADEP	Massachusetts Department of Environmental Protection
MAESP	Massachusetts Endangered Species Program
MASHPO	Massachusetts State Historic Preservation Office
MBTA	Metropolitan Boston Transit Authority
MESA	Massachusetts Endangered Species Act
MGTM/yr	Million gross ton miles per year
MHC	Massachusetts Historic Commission
MHNP	Massachusetts Natural Heritage Program
mph	miles per hour
NAA	Nonattainment area
NAAQS	National Ambient Air Quality Standards
NATA	USEPA National Air Toxics Assessment
National Register	National Register of Historic Places
NB	North bound
NECR	New England Central Railroad
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHESP	Natural Heritage and Endangered Species Program
NMIM	National Mobile Inventory Model
Norfolk Southern	Norfolk Southern Railway Company
NO _x	Nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NWI	National Wetland Inventory
NYCRR	New York Codes, Rules, and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
NYSHPO	New York State Historic Preservation Office
O ₃	Ozone
OMB	Office of Management and Budget
PARI	Pan Am Railways, Inc.
PAS	Pan Am Southern, LLC
Pb	Lead
PCAPS	Personal Computer Accident Prediction System
PCBs	Polychlorinated biphenyls
PEM	Palustrine Emergent wetland
PFO	Palustrine Forested

List of Acronyms and Abbreviations

PM	Respirable particulate matter
PM2.5	Respirable particulate matter 2.5 micrometers in diameter
PM10	Respirable particulate matter 10 micrometers in diameter
PPV	Peak Particle Velocity
PVRR	Pioneer Valley Railroad
RAO	Response Action Outcome
ROI	Region of Influence
SB	South bound
SEA	Section of Environmental Analysis of the Surface Transportation Board
SEL	Sound exposure level
SFHA	Special Flood Hazard Areas
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SO ₂	Sulfur dioxide
SPDES	Stormwater Pollutant Discharge Elimination System
Springfield Terminal	Springfield Terminal Railway Company
SWPPP	Storm Water Pollution Prevention Plan
U.S.C.	United States Code
USACE	U.S. Army Corps of Engineers
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	Underground storage tank
V/C	Volume to capacity ratio
VMT	Vehicle-miles traveled
VOCs	Volatile Organic Compounds
WB	West bound
WPA	Wellhead protection areas

GLOSSARY OF TERMS

Abutment

A structure that supports the end of a bridge.

Ambient Air Quality

The nature or characteristics of outdoor air as determined over a set time period.

Aquifer

An underground geological stratum or formation that yields water.

At-grade crossing

The location where a local street or highway crosses railroad tracks at the same level or elevation.

Attainment area

An area the USEPA has classified as complying with the National Ambient Air Quality Standards (NAAQS) specified under the Clean Air Act as amended in 1990.

Automotive Facility

A facility for the transfer of automobile shipments from one mode of transportation to another.

Average Daily Traffic (ADT)

Total traffic volume over a given period, divided by the number of days in the period. Also referred to as Annual Average Daily Traffic (AADT).

A-weighted decibels (dBA)

A measure of noise level used to compare relative noise levels from various sources. A-weighting approximates the frequency response of the human ear.

Backwall

The vertical walls at the ends of most bridges that extend up from the abutment seats and support the expansion joint. Backwalls are small retaining walls which also support the approach slabs and hold back the embankment under the approach slabs.

Bearing seat

A prepared horizontal surface at or near the top of a bridge substructure (abutments, piers, or other constructions built to support the span of a bridge superstructure) upon which is placed a support element that transfers loads from the superstructure (portion of bridge structure that receives and supports traffic loads) to the substructure.

Best Management Practices (BMPs)

Practices that reduce or eliminate the creation of pollutants or wastes at a source, including practices that reduce the use of hazardous materials, energy, water, or other resources and practices that protect natural resources through conservation or more efficient use.

Buffer Averaging

Taking the average widths of buffer areas that differ in width based on adjacent land-uses and waterbodies on a site in order to provide improved protection to waterbody functions or to allow for reasonable use of a parcel.

Buffer Enhancement

Installing native plants in a buffer that is unvegetated, sparsely vegetated, or vegetated with invasive species.

Criteria pollutant

Any of six air pollutants (lead, carbon dioxide, sulfur dioxide, nitrogen dioxide, ozone, and particulate matter) regulated under the Clean Air Act as amended in 1990, and for which USEPA has established National Ambient Air Quality Standards.

Cultural resource

Any prehistoric or historic district, site, building, structure, or object of archeological, architectural, and/or historical interest. The term generally applies to resources more than 50 years old.

Cumulative effects

Impact on the environment that results from the incremental impact of the proposed action when considered in conjunction with other past, present, and reasonably foreseeable future actions, regardless of which agency (Federal or non-Federal) or person undertakes such actions.

Day-night average noise level (DNL)

The energy average of A-weighted decibels (dBA) sound level over a 24-hour period. This measure includes an adjustment factor for noise between 10 p.m. and 7 a.m. to account for the greater sensitivity of most people to noise during the night. The effect of nighttime adjustment is that one nighttime event, such as a train passing by between 10 p.m. and 7 a.m., is equivalent to 10 similar events during the daytime.

***De Minimis* levels**

The minimum threshold above which a USEPA General Conformity Rule determination must be performed for criteria pollutants in various areas. *De Minimis* impacts are considered negligible.

Drayage Truck

Diesel-fueled trucks that transport bulk goods from rail yards to other locations.

Emissions

Air pollutants that are discharged into the atmosphere.

Free Product

A hazardous substance, typically referring to oil, that is present as a liquid on groundwater.

Fugitive Dust

Particulate matter discharged to the atmosphere from the mechanical disturbance of granular material exposed to the air, but not discharged to the atmosphere in a confined flow stream.

General Conformity Rule

A component of the Clean Air Act as amended in 1990 which requires that Federal agencies work with state, tribal and local governments in a nonattainment or maintenance area to ensure that Federal actions conform to the initiatives established in the applicable SIP.

Greenhouse Gases

Gases that trap heat in the atmosphere. The primary greenhouse gases are water vapor, methane, and carbon dioxide.

Gross ton-mile (GTM)

A measure of railroad production that represents the weight of railroad cars and their contents moving over a distance of one mile.

Herbaceous Plant

A plant that has leaves and stems that die down to the soil level at the end of the growing season.

Horn noise (train)

Noise that occurs when locomotives sound warning horns, for instance near highway/rail at-grade crossings.

Hydraulic Conductivity

The ease with which water can move through pore spaces or fractures. This quality depends on the intrinsic permeability of the material and on the degree of saturation.

Hydroperiod

The period of time during which a wetland is covered by water.

Intermodal Facility

A facility for the transfer of trailers and containers between rail and highway or between rail and marine modes of transportation.

Kill

Channel or arm of a sea, river or stream.

Level Equivalent (L_{eq})

The energy average sound level over the time period specified.

Level of Service (LOS)

The primary measurement used to determine the operating quality of a roadway segment or intersection. In general, LOS is measured by the ratio of traffic volume to capacity (V/C) or by the average delay experienced by vehicles on the roadway.

Limited Liability Company (LLC)

A legal form of business company offering limited liability to its owners.

Main line

A railroad line that through trains use between terminals.

National Ambient Air Quality Standards (NAAQS)

Concentration limitations for certain air pollutants established by the USEPA under the Clean Air Act as amended in 1990 for the protection of human health and the environment.

National Priorities List (NPL)

The list of hazardous waste sites in the United States eligible for long-term remedial action financed under the Federal Superfund program.

Noise contour

A line plotted on a map or drawing connecting points of equal sound levels.

Nonattainment area (NAA)

A locality that contains air pollution levels that persistently exceed National Ambient Air Quality Standards as designated by USEPA.

Peak hours

The time of day when the highest traffic volumes on the roadway occur.

Palustrine wetland

Non-tidal wetland dominated by trees, shrubs, or persistent emergent vegetation. Includes wetlands traditionally classified as marshes, swamps, or bogs.

Particulate matter (PM)

Airborne dust or aerosols.

Point source

A distinct stationary source of air or water pollution such as a factory or sewer pipe.

Precursor

A term used in reference to air quality, meaning an initial ingredient contributing to a subsequent air quality pollutant.

Receptor

Location such as a school, library, hospital, residence, retirement community, or nursing home that are analyzed for potential impact from changes in noise levels.

Riparian

Relating to or located on the bank of a natural watercourse.

Rotary

A regional term for a circular, one-way road at a junction of thoroughfares that facilitates an uninterrupted flow of traffic. Also known as a traffic circle in other regions.

Siding

A track parallel to a main track that is connected to the main track at each end. A siding is used for the passing and/or storage of trains.

Sound Exposure Level (SEL)

The event-specific noise level with the sound level normalized to one second. For a transient noise event, SEL is a measure equivalent to the maximum A-weighted sound level that would occur if all of the noise energy associated with the event were restricted to a time period of one second. The SEL accounts for both the magnitude and the duration of the noise event; noise analysts use SEL to calculate the day-night average noise level.

State Implementation Plans (SIPs)

State regulations and other materials that form a state's plan to meet certain clean air standards and associated Clean Air Act requirements.

Successional

Pertaining to the gradual and orderly process of ecosystem development brought about by changes in community composition.

Surficial

Pertaining to or occurring on or near the earth's surface.

Swale

Constructed open-channel drainageways used to convey stormwater run-off. Swales are often used as an alternative to, or an enhancement of, traditional storm sewer pipes.

Trackage Rights

An agreement between two railroads according to which one railroad buys the right to run its trains on the tracks of the other.

Wayside train noise

Train noise adjacent to the right-of-way that comes from sources other than the horn, such as engine noise or noise from train wheels rolling on rails.

Wingwall

A wall at the abutment of a bridge, which extends beyond the bridge to retain the earth behind the abutment.

SUMMARY

S.1 Introduction

The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) has prepared this Environmental Assessment (EA) to identify and evaluate the environmental impacts of a to-be created rail carrier's proposed acquisition of certain existing rail lines and trackage rights, as well as related rail properties and facilities, in New York, Massachusetts, Vermont, New Hampshire, and Connecticut (the Transaction). The proposed Transaction would enhance existing rail infrastructure and create two new rail facilities. SEA is issuing this EA for public review and comment and will consider all comments received in making recommendations to the Board addressing the environmental impacts of the Transaction.

S.2 Purpose and Need for the Proposed Action

The principal purpose of the Transaction is to enhance the existing rail infrastructure on the main line between Mechanicville, New York and Ayer, Massachusetts in order to provide more efficient movement of freight throughout the New England region. Rail service in the New England region is currently constrained by the capacity of certain rail lines, the lack of needed yard facilities, and slow orders that have been imposed on some sections of the rail lines. The Transaction is necessary to sustain and improve service for long term growth, enhance competition, safety and reliability, and strengthen and increase efficiency along the east-west main line.

S.3 Proposed Action and Alternatives

The Applicants (Norfolk Southern Railway Company [Norfolk Southern], Pan Am Railways, Inc. [PARI], Boston and Maine Corporation [B&M] and Springfield Terminal Railway Company [Springfield Terminal]) propose to establish a new entity, Pan Am Southern, LLC (PAS), which would own railroad lines and acquire trackage rights over other rail carriers over a total of approximately 436.8 miles of track. Norfolk Southern would contribute capital to PAS, a portion of which would go into improving infrastructure by creating a new intermodal and automotive facility in Mechanicville, NY (the Mechanicville Facility), creating a new automotive facility in Ayer, MA (San Vel Automotive Facility), making minor improvements at an existing intermodal facility at Ayer (Ayer Intermodal), and enhancing other infrastructure along the existing east-west main line. The Transaction would also include acquisition and/or operation by PAS of six other existing rail yards in addition to the three facilities at which some construction would occur. The Transaction does not contemplate any yard improvements or changes in activity at any of these six rail yards, and, therefore, discussion of these facilities is not included in this EA. Under the No Action Alternative, the Transaction would not take place, PAS would not be formed, and the upgrades and facility development on the existing rail infrastructure would not take place.

S.4 Summary of Environmental Consequences of the Proposed Action

An in-depth review of Applicant's proposal and potential environmental impacts has been conducted. Potential environmental impacts are primarily associated with the proposed new Mechanicville Facility and the San Vel Automotive Facility. Increased activity is projected to occur at the existing Ayer Intermodal Facility as a result of minor improvements (such as

pavement patching and track upgrades) and therefore limited analysis of potential environmental impacts at that facility was warranted.

S.4.1 Transportation

S.4.1.1 Local Road Network

Based on projected vehicular traffic associated with the Mechanicville Facility, analysis of the local key roadway segments and intersections indicates that no roadways or intersections would experience a change in Level of Service (LOS) post-Transaction. Thus, the Transaction would have a negligible effect on overall traffic operations in the vicinity of the Mechanicville Facility.

Given that traffic from the San Vel Automotive Facility and the Ayer Intermodal Facility is anticipated to traverse the same key roadway segments, the EA analyzed the combined effect of these two facilities. Based on projected vehicular traffic associated with these two facilities, LOS analysis for the roadway segments and intersections within the vicinity of the San Vel Automotive and Ayer Intermodal Facilities indicates that no roadways would experience a change in LOS as a result of the Transaction and only one intersection (the stop-controlled Ayer Road/King Street intersection) is anticipated to experience a change in LOS conditions in the AM peak hour post-Transaction (from LOS D to LOS E). Because post-Transaction traffic changes are anticipated to be limited to one intersection during the AM peak hours and the average vehicle delay at that stop-controlled intersection is projected to increase by only three seconds, the Transaction is anticipated to have only a minimal effect on the local roadways and intersections in the vicinity of the San Vel Automotive Facility and the Ayer Intermodal Facility.

S.4.1.2 Grade Crossing Delay and Safety

An overall improvement in existing conditions for grade crossing delay and safety is anticipated as a result of the Transaction. The analysis shows that the number of vehicles delayed by rail traffic and the average delay experienced by each stopped vehicle would decrease at virtually all at-grade crossings along the rail segments that are part of the Transaction. Delay is predicted to increase slightly at the at-grade crossings along one rail segment and a slight increase in accident frequency at the at-grade crossings along one rail segment is also anticipated as a result of the Transaction. The magnitude of these changes is considered minimal, however. Because at-grade crossings along all other rail segments included in the Transaction are anticipated to have smaller or no increases in train traffic, increased train speeds, and/or lower vehicle traffic, the effect of the Transaction on safety at at-grade crossings would be minimal.

S.4.2 Land Use

The Transaction is not expected to be growth-inducing in terms of converting adjoining land uses in the vicinity of either the Mechanicville Facility or the San Vel Automotive Facility, and is consistent with current zoning and land use at the facilities. The facilities are to be constructed on land previously used for railroad or industrial purposes. In addition, the Transaction is not expected to conflict with land-use objectives in adjacent areas. Therefore, no adverse impacts to land use would result from the proposed Transaction.

S.4.3 Hazardous Waste Sites

No active hazardous waste sites were identified on the footprint of either the proposed Mechanicville Facility or the proposed San Vel Automotive Facility. In addition, no known active hazardous waste sites were identified at the various bridge improvement and track

clearance project locations along the east-west main line. Only one inactive hazardous waste site (D&H Engine House) was identified within the proposed 81-acre footprint of the Mechanicville Facility. Corrective actions were taken at this site and it is now closed. While other inactive or closed and two active hazardous waste sites were identified within or potentially within 500 feet of the proposed footprint of the Mechanicville Facility, each of these sites is outside the proposed footprint and construction and operation of the facility would not be expected to disturb the sites. In any event, if impacted media is encountered during construction of the Mechanicville Facility, Applicants would take appropriate actions to safeguard contractors as well as the environment in compliance with relevant New York State Department of Environmental Conservation (NYSDEC) regulations. One closed hazardous waste site (the “Near Two Rail Lines” site) was identified within the proposed footprint of the San Vel Automotive Facility. Although the “Near Two Rail Lines” site is closed, a Notice of Activity and Use Limitation (AUL) has been implemented in a small area located within a portion of the proposed facility footprint. Because the Transaction is anticipated to involve removal and/or disturbance of soils within the AUL area, a Soil Management Plan and Health and Safety Plan would be prepared and implemented prior to commencement of any subsurface activities within the AUL area at the San Vel Automotive Facility. Therefore, the Transaction would not disturb any hazardous waste sites during construction or operations as long as these activities are conducted in a manner consistent with the AUL. In addition, no active hazardous waste sites were identified within 500 feet of the footprint of the San Vel Automotive Facility. Because no active hazardous waste sites were identified within the footprints of the proposed Mechanicville Facility or San Vel Automotive Facility, and Applicants would take appropriate precautionary construction measures to address hazardous waste sites within 500 feet of the Mechanicville Facility as well as the closed hazardous waste sites within the footprint of the San Vel Automotive Facility, the Transaction would not have adverse impacts.

S.4.4 Socioeconomics

Construction of the Mechanicville Facility is expected to cost about \$40 million, including design, site preparation, building, paving, track work, and other expenses. During operations, it is anticipated that the Mechanicville Facility would employ up to approximately 84 people and that adequate infrastructure exists to accommodate this employment. Construction of the San Vel Automotive Facility would cost about \$8.1 million, including design, site preparation, building, paving, track work and other expenses. During operations, it is anticipated that the San Vel Automotive Facility would employ up to approximately 10 people. Improvements at the existing Ayer Intermodal Facility would consist of minor repairs that would cost approximately \$2.5 million. No additional employees are anticipated at the Ayer Intermodal Facility. No adverse socioeconomic impacts are expected as a result of the Transaction and some socioeconomic benefits to the local economies are likely as a result of the Transaction-related expenditures.

S.4.5 Geology and Soils

No prime, unique, or local farmland soils are located within the footprint of the proposed Mechanicville Facility or the proposed San Vel Automotive Facility. Construction of both new facilities would require removal of vegetation and surface grading. The standard erosion control practices that would be implemented by Applicants would limit soil erosion and minimize potential impacts. Thus, it is anticipated that implementation of the Transaction would result in only minor changes to the topography, geology, or soils in the vicinity of the two facilities.

S.4.6 Water Resources

At the Mechanicville Facility, EPA has not designated any sole-source aquifers and NYSDEC has not designated any principal or primary aquifers. A Storm Water Pollution Prevention Plan (SWPPP) would be implemented to ensure that stormwater is treated and diverted from all impervious surfaces. The San Vel Automotive Facility footprint is within Massachusetts DEP designated Zone II and Zone III wellhead protection areas (WPAs), which are associated with the Town of Ayer's and the Town of Littleton's drinking water supply. A SWPPP would implement treatments and diversion of stormwater from all impervious surfaces to retention areas that would recharge groundwater and maintain aquifer supply groundwater quality.

Construction impacts at both facility sites may include potential short-term and temporary erosion, sedimentation, and water quality impacts that result from typical ground disturbance activities during construction. Preliminary wetland delineations for the proposed Mechanicville Facility indicate that the facility development may affect no more than approximately one acre of wetlands and waters. For the San Vel Automotive Facility, two jurisdictional wetlands (0.15 acre and 0.11 acre) were delineated within the area of potential effect and could be affected by short-term, temporary run-off associated with construction. In the event that wetlands are to be disturbed, Applicants would obtain the appropriate Clean Water Act (CWA) Section 404 permits working through the Army Corps of Engineers. Accordingly, impacts to water resources resulting from the proposed Transaction would be minor.

S.4.7 Biological Resources

The disturbed nature of both the Mechanicville Facility and the San Vel Automotive Facility footprints from past land use are expected to limit wildlife to species that are tolerant of human disturbance and urban areas. Additionally, larger species, such as deer and coyotes, may be found in the areas surrounding the Mechanicville Facility. There are no Federally listed or proposed threatened or endangered species or critical habitats in the vicinity of either facility. Nor are there any state listed or proposed threatened or endangered species or critical habitats in the vicinity of the Mechanicville Facility. A narrow portion of the footprint of the San Vel Automotive Facility overlaps with Priority Habitat for the Blanding's Turtle, as designated by the state of Massachusetts. During site visits, Blanding's Turtle habitat was not observed within the facility footprint and it is more probable that the species would, if in the vicinity, be located in the surrounding wetlands. While it is possible that the turtle could be affected indirectly through impacts to water quality, the SWPPP for the proposed San Vel Automotive Facility would result in the treatment and containment of stormwater run-off from the facility and thus water quality of wetland surface water or associated groundwater and wetland hydroperiods would not be adversely affected. Thus, impacts to biological resources are expected to be limited to the displacement of wildlife to the larger forest, wetland, and/or open field habitats in the immediate vicinity of both the Mechanicville Facility and the San Vel Automotive Facility as a result of the removal of vegetation during construction. As sufficient habitat exists at both facilities to absorb this displaced wildlife, minimal impacts to biological resources are anticipated as a result of the Transaction.

S.4.8 Air Quality and Climate

Air quality and climate can be affected by rail operations through the emission of pollutants from locomotive diesel fuel combustion, cargo handling equipment, and associated truck activity. In the Albany-Schenectady-Troy, NY area, in which the Mechanicville Facility is located, and the

Boston-Lawrence-Worcester, MA area, in which the San Vel Automotive Facility and Ayer Intermodal Facility are located, the Transaction-related contribution to ambient pollutant concentrations would be *de minimis* (indicating a minimal contribution to ambient pollutant concentrations and therefore a negligible impact). Accordingly, the proposed Transaction would not impede the progress of the states or localities toward reaching attainment under the relevant State Implementation Plans. Additionally, diesel particulate matter emissions increases in the vicinity of the two facilities as a result of the Transaction would be only negligible additions to existing emissions.

Transaction-related changes in rail, yard and truck activity would have a negligible effect on greenhouse gas (GHG) emissions. The proposed Transaction is expected to result in only minor additions in the number of trains per day on a small number of rail line segments and is anticipated to cause an overall diversion of freight traffic from truck to rail transport. Rail transport is on average three or more times more fuel efficient than truck transport, so to the extent that freight is shifted from truck to rail, this modal shift would reduce fuel use and, thus, GHG emissions. Therefore, Transaction-related changes in rail, yard and truck activity would have a negligible effect on GHG emissions.

S.4.9 Noise and Vibration

The Transaction-related areas with an increase of 3 dBA or greater and an overall noise level of 65 DNL or greater associated with Transaction-related yard activity (including freight handling and other facility operations) and associated truck and rail line traffic would be limited to the immediate vicinity of the Mechanicville Facility and the San Vel Automotive Facility, in both cases covering an area where there are no sensitive receptors. It was found that estimated noise and vibration levels due to construction activities related to the Transaction would be below relevant Federal Transit Authority (FTA) thresholds and criteria for construction noise and vibration, respectively, and thus, no adverse noise or vibration impacts would result from the proposed Transaction.

S.4.10 Energy Resources

Additional diesel fuel would be consumed to power the slight projected increase in Transaction-related rail traffic and the truck traffic projected at the two new facilities and as a result of additional activity projected at the Ayer Intermodal Facility. This increase in fuel consumption would, however, be less than the commensurate decrease in diesel fuel consumption by trucks that would be removed from regional roadways as a result of the Transaction as shippers choose to transport their goods via the more efficient rail service that would be available to them as a result of the Transaction. It is expected that the proposed Transaction would result in a decrease in overall energy consumption.

S.4.11 Cultural Resources

No known National Register eligible cultural resources have been identified within the footprint of the Mechanicville Facility. However the New York State Historic Preservation Officer (NY SHPO) has indicated, based on review of its records, that small portions of the footprint are considered archaeologically sensitive. Applicants are undertaking a Phase I study to provide additional testing for archaeological resources, and this study will be completed before construction. If currently unknown National Register eligible sites are discovered in the course

of the Phase I study, consultation with the NY SHPO and, if necessary, design of a treatment plan would be undertaken.

Consultation with the Massachusetts SHPO resulted in a finding that no historic architectural or archaeological resources would be affected by the proposed San Vel Automotive Facility or by repair and improvement work to be conducted at two bridges in Massachusetts. Accordingly, the Transaction would not adversely affect cultural resources at the San Vel Automotive Facility or at the location of the two bridges.

S.4.12 Environmental Justice

There are no low income populations or minority populations that exceed 50 percent or are 10 percentage points higher than the County level in the vicinity of the Mechanicville Facility or the San Vel Automotive Facility. Additionally, no high and adverse impacts to resource categories would occur as a result of the proposed Transaction. Because of both the lack of minority and low income populations and the lack of high and adverse impacts that could affect human health or environmental impacts to human populations, no environmental justice impacts are expected in the vicinity of the Mechanicville Facility or the San Vel Automotive Facility. The vicinity of the Ayer Intermodal Facility does contain minority populations that exceed 50 percent or are 10 percentage points higher than the County level, but because the proposed Transaction entails only minor improvements to the existing facility and because there are no high and adverse impacts that could affect human health or environmental impacts to human populations, no environmental justice impacts are expected in the vicinity of this facility. Accordingly, the Transaction would not result in any environmental justice impacts.

S.4.13 Cumulative Effects

Three on-going or proposed projects within the vicinity of the Mechanicville Facility – the Fairway Meadow and Fairway Estates housing developments, the Luther Forest Technical Campus (LFTC) and the proposed Round Lake Bypass – have the potential to contribute to cumulative impacts to water and biological resources when combined with the impacts of the proposed facility. Impacts to the Anthony Kill, however, would be minimized by applicable permitting processes and the respective developers would mitigate wetlands impacts resulting from construction of the LFTC and Round Lake Bypass by the creation of compensatory wetlands in excess of the impacted acreage. No Federally or state listed threatened, endangered, or rare species are located in the vicinity of any of these developments. Any temporary wildlife displacement related to the projects would be absorbed by the larger forested areas connected to these developments. Additionally, there are no other projects in the vicinity of the Mechanicville Facility that, in conjunction with the proposed facility, could result in a cumulative impact on cultural resources.

In the vicinity of the San Vel Automotive Facility, two on-going or proposed housing developments and a proposed bulk transfer facility have the potential to contribute to cumulative effects to water and biological resources when combined with the impacts of the proposed facility. The proposed bulk transfer facility and a portion of one of the housing developments are in the same drainage area as the San Vel Automotive Facility. However, the SWPPP would minimize stormwater impacts from the bulk transfer facility and the San Vel Automotive Facility, and local planning and permitting processes applicable to the housing developments would minimize adverse water quality impacts. Impacts to biological resources would also be

minimal. No Federally or state listed threatened, endangered, or rare species are located in the vicinity of any of these developments, with the exception of a small portion of a Priority Habitat area associated with the state-listed Blanding's Turtle. While it is possible that the turtle could be affected indirectly through impacts to water quality, the SWPPP for the San Vel Automotive Facility and the bulk transfer facility and appropriate permitting processes applicable to the housing developments would avoid point-source drainage to all abutting wetland areas, which would minimize any impacts to the Blanding's Turtle. Any temporary wildlife displacement related to the projects would be absorbed by the larger forested areas connected to these developments. Additionally, no historic or archeological resources are anticipated to be affected at the San Vel Automotive Facility as a result of the Transaction, and thus, no cumulative impacts to cultural resources are anticipated in conjunction with other projects.

Because the environmental impacts associated with the Transaction and other reasonably foreseeable projects are considered minimal, no adverse cumulative impacts are anticipated.

S.5 Mitigation

SEA proposes that the following environmental mitigation measures for the Transaction be implemented:

Water Resources

- 1) Applicants shall complete delineation of all wetlands in the area of potential impact associated with the Mechanicville Facility and the San Vel Automotive Facility before final design of the respective facility, and shall negotiate compensatory mitigation to compensate for unavoidable impacts to jurisdictional wetlands, if any, as part of the Clean Water Act Section 404 permit for placement of fill in wetlands, as issued by the United States Army Corps of Engineers.
- 2) As part of the Section 404 Clean Water Act process, Applicants shall comply with requirements of a Section 401 Water Quality Certification, as necessary, issued by the New York State Department of Environmental Conservation (for the Mechanicville Facility) and the Massachusetts Department of Environmental Protection (for the San Vel Automotive Facility).
- 3) Applicants shall design the new Mechanicville Facility and the San Vel Automotive Facility, to the extent practicable, to avoid and minimize impacts to wetlands.
- 4) Applicants shall implement and comply with the terms and conditions of Storm Water Pollution Prevention Plans for the proposed Mechanicville Facility and the proposed San Vel Automotive Facility, consistent with the National Pollutant Discharge Elimination System requirements under the Clean Water Act, as administered by the New York State Department of Environmental Conservation (for the Mechanicville Facility) and the United States Environmental Protection Agency (for the San Vel Automotive Facility).
- 5) Applicants shall use silt fences during construction of the Mechanicville Facility and the San Vel Automotive Facility to minimize or avoid the potential erosion of exposed soils/stockpiles and the delivery of fine sediments to surface waters, and to avoid impacts to waters beyond the respective project footprints.
- 6) During construction of the Mechanicville Facility and the San Vel Automotive Facility, Applicants shall use water as needed to control fugitive dust emissions.

- 7) During construction of the Mechanicville Facility and the San Vel Automotive Facility, Applicants shall conduct land clearing activities only in areas where earthwork is necessary; shall reuse topsoil wherever practicable, and stockpile topsoil for application during reclamation of disturbed areas; and shall restore disturbed areas as soon as practicable after construction ends. Applicants shall also use stabilization fabric on created earthen slopes having a slope steeper than 2:1 to control erosion.
- 8) During construction of the Mechanicville Facility and the San Vel Automotive Facility, Applicants shall preserve existing vegetation where practicable, especially near wetlands and other waters. If weather or season precludes the prompt reestablishment of vegetation, Applicants shall implement temporary erosion control measures.
- 9) During or after construction of the Mechanicville Facility and the San Vel Automotive Facility, Applicants shall revegetate the bottom and sides of drainage ditches using natural recruitment from native seed sources in the stockpiled topsoil or a seed mix free of invasive plant species. Such restoration is for the rapid and permanent reestablishment of native ground cover on disturbed areas to prevent soil erosion and minimize delivery of fine silt particles to surface waters.
- 10) Applicants shall store any hazardous substances in a secure location when not in use, and shall dispose of all construction waste at approved disposal facilities.

Biological Resources

- 11) Applicants shall consult with the Massachusetts Natural Heritage and Endangered Species Program to address its concerns about the state-protected threatened Blanding's Turtle, and shall abide by all reasonable terms and conditions, if any, that may result from the Massachusetts Natural Heritage and Endangered Species Program review process for construction activity within a Priority Habitat.
- 12) Applicants shall design the proposed San Vel Automotive Facility, to the extent practicable, to avoid and minimize impacts to potential habitat for the Blanding's Turtle.

Cultural Resources

- 13) Applicants shall not initiate construction in areas potentially affected by historical properties within the Mechanicville Facility footprint, or take any steps to alter the historic integrity of historic properties including sites, buildings, structures, and objects within the project Area of Potential Effect that are eligible for listing or listed in the National Register of Historic Places, until the Board's responsibilities under the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, have been satisfied.

Consent Decree

- 14) Applicants shall abide by the conditions set forth in the Consent Decree between Guilford Rail Systems and the Town of Ayer, dated July 24, 2003, with respect to construction and operation of the San Vel Automotive Facility.

Notice of Activity and Use Limitation

- 15) Applicants shall abide by the conditions set forth in the Notice of Activity and Use Limitation filed with the Middlesex County Registry of Deeds on January 27, 1999 and

amended on May 24, 2002, if any disturbance of the AUL area is anticipated to occur as part of the development of the proposed San Vel Automotive Facility.

S.6 Conclusion and Request for Comments

Based on the information provided from all sources to date and the analysis presented in this EA, the Transaction is anticipated to have no significant adverse environmental impacts. Therefore, the preparation of an EA for this case is appropriate and the full Environmental Impact Statement process is unnecessary for this proceeding.

SEA invites comments on all aspects of this EA, and will consider all timely comments received in making its final recommendations to the Board. The Board will consider the entire environmental record, SEA's final recommendations, and any environmental comments received during this proceeding in making its final decision.

If you wish to file comments regarding this EA, send an original and one copy to Surface Transportation Board, Case Control Unit, 395 E Street S.W., Washington, DC 20423, to the attention of Kenneth Blodgett. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. Please refer to Finance Docket No. 35147 (FD 35147) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: **November 14, 2008.**

Comment due date: **December 15, 2008.**

