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OEA

SERVICE DATE – SEPTEMBER 11, 2014

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB 1121 (Sub-No. 0X) and AB 733 (Sub-No. 0X)

Coltsville Terminal Company, Inc. - Abandonment Exemption – in Berkshire County, Mass., and Housatonic Railroad Company, Inc. - Discontinuance of Service Exemption - in Berkshire County, Mass.

BACKGROUND

In this proceeding, the Coltsville Terminal Company, Inc. (“CTC”) and the Housatonic Railroad Company (“HRC”) jointly filed a notice of exemption under 49 C.F.R. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 for CTC to abandon and for HRC to discontinue service over 1.91 miles of rail between milepost QBY-0.59 and milepost QBY-2.50 in the city of Pittsfield, Berkshire County, Mass. (the Line). A map depicting the Line is appended to this Environmental Assessment (EA).

The Line is located in a mixed residential and rural area and runs in a northerly direction from Merrill Road to the south to North Adams Junction Yard to the north. There is one bridge on the Line. The Line right-of-way ranges between 50 and approximately 99 feet in width but is generally 82.5 feet wide. The applicants indicate that the Line does not contain federally granted rights-of-way. If the notices become effective, CTC would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The applicants submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental report on a number of 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 Reports are available for viewing on the Board’s website at www.stb.dot.gov by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 733 (Sub-No. 0X) and AB 1121 (Sub-No 0X).

Diversion of Traffic

The applicants state that there has been no service on the Line for two years and there is no reasonable prospect for future use of the Line. According to the applicants, HRC provided service to just one customer on the Line in the last twelve years. No freight has moved over the Line since 2008. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could cause significant impacts to air quality or the local transportation network. The applicants suggest that the proposed abandonment would increase safety as it would include the removal of two public road crossings on the Line.

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 re-grading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via construction of new access points to the right-of-way.

The applicants state that they are working with the Massachusetts Department of Transportation (DOT) to purchase the Line for conversion to a trail to connect with the existing Ashuwillticook Rail Trail.

The City of Pittsfield provided the following comments regarding the proposed abandonment. The City states that the proposed abandonment would have no effect on the regional and local transportation system as there would be no diversion of traffic from the Line onto other transportation systems. The City also indicates that the proposed abandonment is consistent with the Sustainable Berkshires Master Plan proposed by the Berkshire Regional Planning Commission which includes the extension of its rail trail system. The City is particularly encouraged by the further development of the Ashuwillticook Rail Trail as it would provide for expanded options for alternative transportation in the region including walking and biking.

A map of prime farmland generated by the Natural Resource Conservation Service (NRCS) indicates that the line encompasses farmlands of both unique and statewide importance. The NRCS has not submitted comments regarding any impacts that would result from the proposed abandonment. However, OEA recommends a condition be attached to the decision requiring CTC to consult with the NRCS regarding any impacts to prime farmlands that would result from any post-abandonment salvage activities.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to those agencies for review and comment.

HISTORIC REVIEW

The applicants submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Massachusetts Historical Commission (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). No comments have been received in response to the historic report. However, in its letter to the SHPO, the applicants state that its historic report is incomplete and that they intend to supplement the report with a list of all structures on the Line as well as photographs of such properties. The line is over 50 years in age and therefore meets the minimum requirement for listing on the National Register of Historic Properties (National Register). It also includes a bridge.

As the SHPO has not received complete information regarding historic properties on the Line; and, as the Line meets the minimum criteria for listing on the National Register, OEA recommends that a condition be added to its decision requiring CTC to retain its interest in and take no steps to alter the historic integrity of all historic properties until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed.

OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have current or ancestral connections to the project area.² The database listed no tribes.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. Coltsville Terminal Company, Inc. (CTC) 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 on the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. CTC shall report back to the Office of Environmental Analysis regarding any consultations with the Massachusetts Historical Commission (State Historic Preservation Office), the public, and any other Section 106 consulting parties that have been identified. CTC may not file its consummation notice or initiate any 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.**

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited September 9, 2014).

2. **The Natural Resources Conservation Service (NRCS) provided a map showing areas of prime farmland located along the right-of-way of the proposed abandonment. Accordingly, CTC shall consult with NRCS prior to commencement of any salvage activities regarding measures to minimize impacts to prime farmlands.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the Line will 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 4-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 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).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Nadals, who prepared this Environmental Assessment. Environmental

comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Dockets No. AB 733 (Sub-No. X) and AB 1121 (Sub-No 0X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Nadals, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at nadalsc@stb.dot.gov.

Date made available to the public: September 11, 2014.

Comment due date: September 26, 2014.

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

Attachment