

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

**STB Docket No. AB-32 (Sub-No. 85X), Boston & Maine Corporation –
Abandonment Exemption – In Middlesex County, MA**

**STB Docket No. AB-355 (Sub-No. 37X), Springfield Terminal Railway Company –
Discontinuance of Service Exemption – In Middlesex County, MA**

BACKGROUND

In this proceeding, the Boston & Maine Corporation (B&M) and the Springfield Terminal Railway Company (ST), “Applicants,” filed for a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 for B&M to abandon and ST to discontinue service of a 1.27-mile line of railroad known as the Lowell Industrial Track (“the Line”) in Lowell, Middlesex County, Massachusetts. The Line extends between Station 1304 + 77, and Station 1372 + 00. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notices become effective, B&M would be able to salvage track, ties, and other railroad appurtenances and 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 and discontinuance or any post-abandonment activities.¹ 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 CFR 1105.7(b)]. The Board’s Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Description of the Line

The Line is in a flat urbanized and industrial area. Maps included in the environmental report show that the Line crosses a brook, a freeway, and several other smaller roads. The Line right-of-way is generally 66 feet wide with one area that narrows to 30 feet in width. The Applicants state that the Line was once part of a local system of branch lines originally constructed in the late 1850s.

¹ The environmental and historic reports are available for viewing on the Board’s website at <http://www.stb.dot.gov> by going to “E-Library,” selecting “Filings,” and then conducting a search for AB-32 (Sub-No. 85X).

Diversion of Traffic

According to the Applicants, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. Therefore, the proposed abandonment and discontinuance 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.

Salvage Activities

Impacts from salvage and disposal of a rail line could 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 would generally be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. The Applicants state that no salvage operations are planned in this case.

The National Geodetic Service (NGS) has identified one geodetic station marker in the vicinity of the proposed Line. SEA therefore recommends a condition for the B&M to consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning any salvage activities that would disturb or destroy any geodetic station markers.

The United States Fish and Wildlife Service (FWS) has noted that the proposed abandonment and discontinuance would not affect listed endangered or threatened species under its jurisdiction and currently protected by the Endangered Species Act.

Neither the United States Environmental Protection Agency (EPA) nor the Massachusetts Department of Environmental Protection (MassDEP) has submitted comments regarding the proposed action.

The United States Army Corps of Engineers (Corps) submitted comments indicating that a Department of the Army Permit is not required as long as B&M does not excavate, regrade, widen or otherwise engage in any salvage activities that would potentially discharge fill material into waters of the United States. As no salvage operations are planned, SEA believes no Corps permits would be required.

SEA 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 and discontinuance.

Based on all information available to date, SEA does not believe that salvage activities that could be conducted along this Line would cause significant environmental impacts. SEA is

providing a copy of this EA to the Corps; EPA and MassDEP and other appropriate state and federal agencies for review and comment.

HISTORIC REVIEW

The Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Massachusetts State Historic Preservation Office or SHPO pursuant to 49 CFR 1105.8(c). The SHPO has provided comments regarding the proposed abandonment and discontinuance indicating that the Applicants should conduct research concerning the presence of any inventoried historic and archaeological properties located within the project's right-of-way or area of potential affect (APE) which could be impacted by the proposed action. The SHPO requests that the results of the inventory be provided to them as well as the Lowell Historic Board, and STB for review and comment.

Based on the above, and pursuant to the Section 106 regulations of the National Historic Preservation Act (NHPA) at 36 CFR 800.5(b), SEA recommends a condition be imposed in this proceeding pending completion of the Section 106 process of the NHPA including appropriate measures to identify National Register eligible or listed historic properties that could be affected as a result of the proposed abandonment and discontinuance.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area; no tribes were listed.

CONDITIONS

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

- 1. The Boston & Maine Corporation 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, 16 U.S.C. 470f, has been completed. The Boston & Maine Corporation shall report back to the Section of Environmental Analysis regarding any consultations with the Minnesota State Historic Preservation Office and the public. The Boston & Maine Corporation 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. The Boston & Maine Corporation shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment and discontinuance 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 and discontinuance 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 discontinuance 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 CFR 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Government 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, Government Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-32 (Sub-No. 85X) and Docket No. AB-355 (Sub-No. 37X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: November 18, 2008.

Comment due date: December 3, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment