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SEA

SERVICE DATE – FEBRUARY 1, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-32 (Sub-No. 101X)

**Boston & Maine Corporation - Abandonment Exemption -
In Hartford County, CT**

STB DOCKET NO. AB-355 (Sub-No. 35X)

**Springfield Terminal Railway Company - Discontinuance of Service Exemption -
In Hartford County, CT**

BACKGROUND

In this proceeding, Boston & Maine (B&M) and Springfield Terminal Railway Company (ST) (collectively, Applicants) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for B&M to abandon and ST to discontinue service over an approximately .73-mile rail line in Greenbrier County, Connecticut. The line extends from milepost 24.00 to milepost 24.73. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, B&M will 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 of service 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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) 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-32 (Sub-No. 101X).

Diversion of Traffic

As described in the Environmental and Historic Reports, the line has not generated any local or overhead traffic in at least two years. Accordingly, the proposed project 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 result in significant impacts to air quality or the local transportation network.

Salvage Activities

According to the Applicants, the line traverses an urban area and the land is generally level. The right-of-way is 49.5 feet wide, and there are no known hazardous waste sites located on the line. In a January 17, 2008 phone call with SEA, a representative for the Applicants indicated that B&M plans to salvage the rail, crossties, and possibly the upper layer of ballast but states that the underlying roadbed would not be disturbed and no activities would be undertaken that would cause sedimentation or erosion.

The National Geodetic Survey (NGS) has stated that three geodetic station markers might be affected by the proposed abandonment and requested notification at least 90 days in advance of any activities that would disturb or destroy these markers in order to plan for their relocation. Accordingly, we recommend a condition requiring B&M to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the markers by NGS.

Based on consultations with the Natural Resources Conservation Service, the Applicants believe that the proposed project will have no effect or adverse impact on any prime agricultural land. Accordingly, no mitigation measures are recommended.

The U.S. Department of Fish and Wildlife (USFWS) has submitted comments stating that no Federally listed endangered or threatened species or species of concern are expected to be impacted by the proposed project. Accordingly, no mitigation measures are recommended.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to NGS.

Additional Comments

The Connecticut Department of Environmental Protection has expressed a desire to acquire the subject right-of-way for recreational purposes. SEA notes that the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad rights-of-way that otherwise would be abandoned.² The Trails Act is intended to preserve railroad rights-of-way for future railroad

² The Board does not conduct an environmental review of a potential conversion to
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use. Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

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 Connecticut Commission on Culture & Tourism, Historic Preservation & Museum Division (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The line was constructed in the late 1850s, and historically served as part of a local system of branch lines. According to the Applicants, there are no significant railroad structures on the line that are 50 years old or older. Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's web site at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database identified no Federally recognized tribes in Hartford County.

CONDITIONS

SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. 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.

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interim rail use/railbanking because it does not exercise sufficient Federal control so as to qualify as a "major Federal action" under NEPA. Only major actions by Federal agencies require environmental review.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of and discontinuance of service over 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 and discontinuance of service 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 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 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 Christa Dean who prepared this EA. 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 Docket No. AB-32 (Sub-No. 101X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: February 1, 2008.

Comment due date: February 18, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment