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SERVICE DATE – FEBRUARY 16, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 311X)

Norfolk Southern Railway Company – Petition for Exemption – in Baltimore City and Baltimore County, MD

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with NSR's abandonment of rail freight operating rights and freight service operations on a line of railroad in the City of Baltimore and Baltimore County, Maryland. The rail line proposed for abandonment, known as the Cockeysville Industrial Track (CIT), extends 13.26 miles from Milepost UU-1.00 (located just north of Wyman Park Drive, formerly Cedar Avenue) in Baltimore City and the end of the CIT line south of the bridge at Milepost UU-15.44 in Baltimore County. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

DESCRIPTION OF THE LINE

NSR states that the line was originally constructed by the Baltimore and Susquehanna Railroad Company and began operations in 1838. According to NSR, the difference between the actual length of the abandonment and the calculated distance between the mileposts is a result of the demolition of the Calvert Street Station at former Milepost UU-0.00 in 1947. The bridge demolition led to the relocation of Milepost UU-0.00 at the southern end of the line by approximately 1.18 miles to the north without a corresponding change in the milepost number at the end of the CIT. Based on information in NSR's possession, the line does not contain Federally granted right-of-way. The area traversed by the line is mostly urban, and includes commercial, industrial and residential properties. NSR indicates that the width of the right-of-way varies greatly between Mileposts UU-1.00 and UU-7.00. The width of the corridor is 132 feet from Milepost UU-7.00 to the end of the line.

The Maryland Transit Administration (MTA) owns the entire line over which NSR will abandon its rail freight operating rights and freight service operations. MTA, which is part of the Maryland Department of Transportation (MDOT), acquired the CIT from Conrail pursuant to an Agreement of Sale dated May 1, 1990. Conrail kept a railroad freight operating easement and exclusive freight operating rights over the line. Conrail and MTA entered into an operating agreement setting the terms by which MTA and Conrail were to share use of the CIT in perpetuity. NSR acquired the freight operating easement and freight operating rights over the line from Conrail in 1998.

MTA currently operates passenger rail transit service over most of the line. MTA's passenger rail transit operation over the line extends to the wye track just north of Warren Road, near Milepost UU-13.00, at which point the Hunt Valley Extension springs from the CIT main line. This segment of the line, encompassing most of its length and the Hunt Valley Extension, will remain intact and in operation for passenger rail transit purposes.

No freight service has moved over the line since April of 2005 when MTA began work on double tracking the CIT in order to improve its passenger rail transit operation. With NSR's cooperation, MTA arranged alternative transportation services for the remaining shippers on the line at that time. The stub-ended line has had no overhead traffic since at least 1976. There is little prospect of attracting other rail traffic commitments sufficient to support a profitable rail freight operation. As a result of the proposed abandonment, NSR's common carrier obligation to provide freight service over the line will be extinguished.

NSR states that it will not undertake any salvage operations in connection with the proposed abandonment. NSR has no ownership interest in any fixed assets on the line. MTA owns the line in its entirety and will continue to use the line for passenger rail transit operations and public purposes after NSR's abandonment of rail freight service.

NSR has requested that the Surface Transportation Board (Board) revoke the imposition of any public use conditions, any conditions under the Trails Act, and any financial assistance procedures. The line will remain in use as a passenger rail transit line of railroad operated by MTA and owned by MDOT. The right-of-way will continue to be put to public use. NSR states that it does not have a sufficient property interest in the right-of-way to convey it to a third party for additional public use. NSR concludes that the line should not be subject to Offers of Financial Assistance or public use conditions. NSR has indicated that it will not consent to the imposition of a trail use negotiation condition because MTA, the owner of the right-of-way, will continue to use the right-of-way for passenger rail transit operations.

In its abandonment filing before the Board, NSR states that the line technically qualifies for class exemption for abandonment of an out-of-service railroad line under the Board's regulations. NSR has filed a petition for exemption to abandon the line rather than a notice of exemption in order to present more detailed information about the subject line and to request exemptions from the Offer of Financial Assistance (OFA) provisions and the public use provisions.

ENVIRONMENTAL REVIEW

NSR submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment of rail freight operating rights and freight service operations, or any post-abandonment activities. NSR served the environmental report on a number of appropriate Federal, state, and local agencies as

required by the Board's environmental rules (49 CFR 1105.7(b)). The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NSR states that no freight service has moved over the line since April of 2005, when MTA began work on double tracking the CIT in order to improve its passenger rail transit operation. MTA arranged for alternative transportation service for the remaining shippers on the line with NSR's cooperation. Those shippers agreed to and have been using alternative transportation service to meet their transportation needs. The proposed abandonment would not result in any further diversion of freight traffic to other transportation systems or modes as a result of the proposed abandonment of rail freight service. 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 result in significant impacts to air quality or the local transportation network.

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 regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. NSR's abandonment of rail freight service would not result in any salvage activities, bridge removal or in-water work by NSR. The right-of-way and materials belong to MTA. MTA will continue to operate its passenger rail transit service over the line. NSR indicates that it is abandoning its rail freight service operation in order to cooperate with MTA's continuing efforts to offer uninterrupted commuter rail service.

There are ten at-grade crossings on the line. The crossing at Cockeysville Road has been paved over, and most of the track north of that point has been removed over the years. The railroad bridge over York Road was removed in the early 1990's by the Maryland State Highway Administration with the authorization of MTA in order to correct a dangerous condition.

The line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated in connection with the proposed abandonment.

There would not be any alteration of the underlying roadbed as a result of the proposed abandonment of rail freight service. NSR has no plans to undertake in-stream work or dredge and/or use any fill materials in connection with the proposed abandonment. Water quality impacts are not expected in connection with the proposed action. No effect on the coastal zone is anticipated as the proposed action involves only the abandonment of rail freight service operations. No discernible effects on either 100-year flood plains or adjacent wetlands are

expected in connection with the proposed abandonment. NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

The National Geodetic Survey has advised SEA that 36 geodetic station markers have been identified that may be located in the area of the proposed abandonment. NSR's proposed abandonment of rail freight operating rights and freight service operations would not result in any salvage activities and therefore would not disturb or destroy any geodetic station markers.

The Maryland Department of the Environment (MDE) has advised NSR that any solid waste including construction, demolition and land clearing debris generated from the proposed abandonment must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. NSR's proposed abandonment of rail freight operating rights and freight service operations would not result in any salvage activities and therefore would not generate any solid waste. MDE has indicated that the proposed abandonment does not appear to impact regulated water resources that would require an authorization from MDE.

The United States Army Corps of Engineers (USACE) has indicated that USACE authorization would not be required as the proposed abandonment of rail freight service does not entail the placement of dredged or fill material into waters of the U.S., including jurisdictional wetlands.

The United States Department of the Interior, Fish and Wildlife Service (USFWS) has indicated that, except for occasional transient individuals, no Federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further section 7 Consultation with USFWS is required.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has indicated that, with the exception of approximately 985 feet of rail line just north of the City/County boundary, the majority of the area through which the rail line passes has been built up. As such, NRCS does not anticipate additional impacts to the prime farmland soils in the area due to the proposed abandonment.

Baltimore County states that the MTA's Central Light Rail Line is a key component of the developing rail system that will address the transportation and growth needs of the Baltimore region. Baltimore County supports the proposed abandonment, indicating that removal of freight service on the corridor would be entirely consistent with its long term objectives.

SEA believes that any air emissions associated with the proposed abandonment of rail freight operating rights and freight service operations would be temporary and would not have a significant impact on air quality. Noise associated with the proposed abandonment would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that the proposed abandonment of rail freight operating rights and freight service operations would cause significant environmental impacts.

HISTORIC REVIEW

NSR submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Maryland Department of Planning, Maryland Historical Trust (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has indicated that, because the line will remain in state ownership and will continue to be used and maintained, the proposed abandonment of freight service on the line by NSR will have no effect on historic properties.

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 of rail freight service would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the applicant'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 website 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 did not identify any Federally recognized tribes that may have an interest in the undertaking.

CONDITIONS

We recommend that no environmental conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment of rail freight service operations on 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 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

Because the line will remain in use as a passenger rail transit line operated by MTA and owned by MDOT, the right-of-way does not appear to be suitable for other public use following abandonment of the rail line. NSR has requested that the Board revoke the imposition of any public use conditions. At this time, the Board has not yet made a decision on NSR's request. 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. NSR has requested that the Board revoke the imposition of any conditions under the Trails Act and has indicated that it will not consent to the imposition of a trail use negotiation condition because MTA, the owner of the line's right-of-way, will continue to use the right-of-way for passenger rail transit operations. At this time, the Board has not yet made a decision on NSR's request. 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, Governmental 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, 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 Kenneth Blodgett, who prepared this Environmental Assessment. 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-290 (Sub-No. 311X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, 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: **February 16, 2010.**

Comment due date: **March 15, 2010.**

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

Attachment