

40196
SEA

SERVICE DATE – SEPTEMBER 11, 2009

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 314X)

**Norfolk Southern Railway Company –
Abandonment Exemption –
In Latrobe, Westmoreland County, PA**

BACKGROUND

In this proceeding, the Norfolk Southern Railway Company (NSR) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a portion of railroad in Latrobe, Westmoreland County, Pennsylvania. The line extends from Milepost XN-0.00 to Milepost XN-2.04, a distance of 2.04 miles. NSR certifies that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment.

NSR indicates that the rail line proposed for abandonment was constructed in 1873 and went into service in 1877 as the Ligonier Valley Rail Road. The rail line was originally constructed as a narrow gauge line but was converted to standard gauge in 1882. According to NSR, the rail line primarily served the mineral, stone, coal, coke, and timber industries, but was also used for passenger service. In 1952, operations ceased and the portion of rail line to be abandoned was taken over by the Pennsylvania Railroad Company. In 2004, following a series of mergers and acquisitions, the rail line became part of the NSR system.

The rail line travels through urban and residential areas and the right-of-way is generally 60 feet wide. NSR indicates that there are nine at-grade crossings (eight public and one private) within the area of the proposed abandonment. There are no bridges or waterways within the segment of line proposed for abandonment. The rail line traverses U.S. Postal Service Zip Code 15650. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

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 or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR 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.

Diversion of Traffic

NSR states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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. Following abandonment, NSR intends to salvage the rail, ties and track material, but does not intend to remove or alter the roadbed or underlying soil.

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.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that there is one (1) geodetic station marker located within the area of the proposed abandonment. SEA is therefore recommending a condition that requires NSR to notify NGS 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) commented that it is not aware of any Prime Farmland as the area is urban. Therefore, the Federal Farmland Protection Policy Act would not apply, and no further consultation with NRCS is necessary.

¹ The railroad's 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-290 (Sub-No. 314X).

The U.S. Fish and Wildlife Service (USFWS) commented that no Federally listed species under its jurisdiction are known to occur within the area of the proposed abandonment. Therefore, no further consultation with USFWS under the Endangered Species Act is necessary.

The U.S. Army Corps of Engineers (Corps) commented that a Corps permit is not required for the proposed abandonment, providing no fill is placed into waters of U.S., as NSR has indicated. Therefore, no further consultation with the Corps in accordance with Section 404 of the Clean Water Act is necessary.

The Pennsylvania Department of Environmental Protection (PADEP), Water Planning Office, has reviewed the proposed abandonment in accordance with its Coastal Resources Program (CRP) and determined that the area is outside of Pennsylvania's Erie and Delaware Coastal Zones. Therefore, no further consultation with the PADEP CRP under the Coastal Zone Management Act is necessary.

The PADEP, Southwest Regional Office (SWRO), and the Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways (PennDOT), provided a list of environmental regulations that could apply to the proposed abandonment. Specifically, the agencies are requesting that NSR contact applicable Federal and state governmental agencies to determine the need for obtaining approvals for possible impacts to cultural resources, state endangered species, utilities, air quality, environmental cleanup, oil and gas wells, waste management, stormwater permitting, and water quality. SEA believes that some of these issues have already been or will be addressed by other agencies (see Historic Review section below for cultural resources). However, to ensure that all issues are resolved, SEA has included the agencies of concern in the service list for this proceeding so that they may receive a copy of the EA. SEA will then incorporate any comments it receives during the comment period into the Post EA. SEA is also recommending a condition that requires NSR to contact PADEP SWRO and PennDOT prior to initiating salvage activities to provide a status of its activities toward resolving the issues of concern.

The Westmoreland County Department of Planning and Development commented that the proposed abandonment conforms to its short and long term planning goals, and that the segment of rail line proposed for abandonment could potentially result in a recreational trail opportunity for the City of Latrobe.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Public Utility Commission, the Westmoreland County Board of Commissioners, the City of Latrobe, the U.S. Environmental Protection Agency; and the National Park Service.

HISTORIC REVIEW

As previously stated, there are no bridges on the portion of rail line to be abandoned and NSR believes that there are no structures eligible for inclusion on the National Register of Historic Places. NSR also believes that there are no archeological resources or other railroad related historic properties in the area of the proposed abandonment.

NSR served the historic report on the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely 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.

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 indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect).

CONDITIONS

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

1. The Norfolk Southern Railway Company (NSR) shall notify the U.S. Department of Commerce, National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.
2. NSR shall contact the Pennsylvania Department of Environmental Protection, Southwest Regional Office, and the Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways, prior to commencement of any salvage activities to provide a status of its activities toward resolving the following issues of concern: state endangered species, utilities, air quality,

environmental cleanup, oil and gas wells, waste management, stormwater permitting, and water quality.

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 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 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, 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 Diana Wood, 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 Docket No. AB-290 (Sub-No. 314X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov

Date made available to the public: September 11, 2009.

Comment due date: September 29, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment