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SERVICE DATE - JULY 18, 2001

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-32 (SUB-NO. 90)

**Boston and Maine Corporation – Abandonment and Discontinuance of Service – Essex
County Massachusetts and Rockingham County, New Hampshire**

BACKGROUND

In this proceeding, the Boston and Maine Corporation (B&M) has filed an application seeking authority under 49 U.S.C. 10903 to abandon and discontinue service over its railroad line located between MP 1.4 to MP 4.4 over the Manchester and Lawrence Branch in Lawrence, Essex County, Massachusetts and Salem, Rockingham County, New Hampshire, spanning a distance of 3 miles. A map depicting the rail line in relationship to the area served is appended to the report. If the application is approved, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The line is considered “Excepted Track” and is currently under an embargo, due to poor track conditions caused by severe weather. There is one shipper on the line, Key Packaging Products, Corp., who has been making shipments by truck, using a transload facility due to the embargo. Applicants stated that there is no overhead traffic on the line.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding.

Comments have been received from the Natural Resources Conservation Service indicating the proposed abandonment will not adversely impact agricultural resources.

Comments have been received from the New Hampshire Department of Environmental Services stating that the proposed abandonment will not impact known environmental features, facilities or wetlands.

Comments have also been received from the U.S. Fish and Wildlife Service stating that there are no federally listed or proposed threatened or endangered species in the project area.

Traffic

The one shipper on the line, Key Packaging Products, Corp., has been using truck service from transload facilities, due to the embargo. The principal commodity shipped by Key Packaging Products, Corp. is plastic products. Applicant indicated that in 1999 81 railcars carrying 15,433,850 pounds of goods traveled the line, while in 2000, 66 railcars carrying 12,482,986 pounds traveled the line. Applicant stated that during the Base Year, 52 trains were operated over the line, transporting 16,552,786 pounds of goods in 88 railcars. Applicant stated that the former rail traffic will likely remain converted to truck traffic. Route 495 and Route 28 are accessible from the line.

Safety Concerns

Applicant stated that “[t]o the extent that hazardous materials are transported over the line, these shipments will be transferred to truck. However, it is expected that the distance traveled by truck will be relatively short because the applicant is exploring transload options with the sole customer on the line.”

Historic Sites

The Massachusetts Historical Commission (SHPO) submitted comments stating that the railroad line passes through the Searless Tenney Nevins Local Historic District in Methuen, Massachusetts and is adjacent to the Spiket Falls National Register Historic District in Methuen. The SHPO’s comments did not indicate whether the proposed abandonment would have an adverse effect on the historic properties. Applicant also stated that the line contains four bridges that are at least 50 years old. The four bridges are: (1) bridge #2.80; (2) bridge #2.81; (3) bridge #2.82; and (4) bridge #3.13.

CONDITIONS

We recommend the following condition be placed on any decision granting abandonment authority:

The Massachusetts Historical Commission (SHPO) has indicated that the rail line proposed for abandonment passes through the Searless Tenney Nevins Local Historic District and is adjacent to the Spiket Falls National Register Historic District. Based on the SHPO’s comments, we cannot yet determine whether the proposed abandonment will adversely

effect any historic properties. Therefore, we recommend that Boston and Maine Corporation be required to retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f).

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition, we conclude that, as currently proposed, 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 certificate of interim trail use (CITU) is due to the Board, with a copy to the railroad, within 30 days of filing of the application. 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-32 (Sub No. 90) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh at (202) 565-1539.

Date made available to the public: July 18, 2001.

Comment due date: August 16, 2001. (30 Days)

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

Vernon A. Williams
Secretary

Attachments

MAP TO BE SCANNED