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SERVICE DATE – NOVEMBER 15, 2002
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-550 (Sub-No. 2X)

**R.J. Corman Railroad Company/Allentown Lines, Inc.–
Abandonment Exemption–in Erie County, NY**

BACKGROUND

In the above entitled proceeding, R.J. Corman Railroad Company/Allentown Lines, Inc. (RJCN) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon: (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50; and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60, a total distance of 5.20 miles in Erie County, NY. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, 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 Walden Running Track is generally 100 feet wide. The width of the right-of-way of the JD Industrial Track is not known. The topography of the surrounding area is flat. The line is located in a rural/industrial area. RJCN states that there has been no traffic on the line during the past two years.

ENVIRONMENTAL REVIEW

RJCN 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. RJCN served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. Also we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the: Department of Agriculture; Erie County Environment and Planning; Mr. Joel Giambra; County Executive; Military Traffic Management Command Transportation Engineering Agency; National Oceanic and Atmosphere Administration, National Geodetic Survey; National Park Service, National Recreation and Conservation Assistance Division; New York Department of Environmental Conservation; New York Department of State

Division of Coastal Resources; New York Natural Resource Conservation Service; New York State Department of Public Service; New York State Parks, Recreation and Historic Preservation; U.S. Army Engineer District, Buffalo; U.S. Environmental Protection Agency, Region; and the U.S. Fish and Wildlife Service, Region 5.

The New York State Department of Environmental Conservation Division of Legal Affairs, Region 9 (NYSDEC) in its comment expresses concern about potential safety hazards, designated wetlands, 100-year floodplains, water quality and storm water management. NYSDEC indicates that: (1) the Division of Solid and Hazardous Wastes advises that all solid or hazardous materials removed from the site, such as railroad track, ties, contaminated ballasts, etc., must be disposed of properly during salvage operations; and (2) that salvage operations perform in any regulated activities within the area, or within a 100' buffer zone, will require an application for a wetlands permit under Article 24, Title 7 of the Environmental Conservation Law.¹ NYSDEC states that a portion of the track to be abandon crosses the Ellicott Creek, a Class B Stream. Any disturbance within 50 feet of Ellicott Creek will require an application for a protection of water permit pursuant to Article 15, Title 5 of the Environmental Conservation Law;² and (3) The rail line correspond to approximately 6.3 acres and that construction of 5 acres or more require a storm water permit. If a physical disturbance is associated with the removal of track and materials, a SPEDS General Permit for storm water discharges should be obtained pursuant to Article 17, Titles 7 and 8 of the Environmental Conservation Law.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment.

Based on the comments of NYSDEC, prior to salvage activities RJCN shall: (1) consult with NYSDEC concerning the disposal of solid or hazardous materials removed from the site; (2) consult with NYSDEC to determine whether section 402 permits are required; and (3) consult with NYSDEC to determine whether the salvage activities would require coverage under the general permit for stormwater discharges.

¹ NYSDEC notes that while the area lies within the floodplain of the Towns of Cheektowaga and Lancaster, it is unlikely that the removal of rails and ties will constitute a man-made change or disturbance requiring issuance of a floodplain development permit.

² NYSDEC states that it has provided RJCN with a photocopy of the areas Freshwater Wetland Map. The areas highlighted are the areas of concern as indicated.

CONCLUSIONS

Based on the information provided from all sources to date, 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 this case, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does not take place, 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 the petition for exemption in the Federal Register. However, 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, 1925 K St., N.W., Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL 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 0423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-550 (Sub-No. 2X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629, fax at (202) 565-9002, or e-mail at Ann.Newman@STB.dot.gov.

Date made available to the public: November 15, 2002.

Comment due date: December 2, 2002.

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

Vernon A. Williams
Secretary

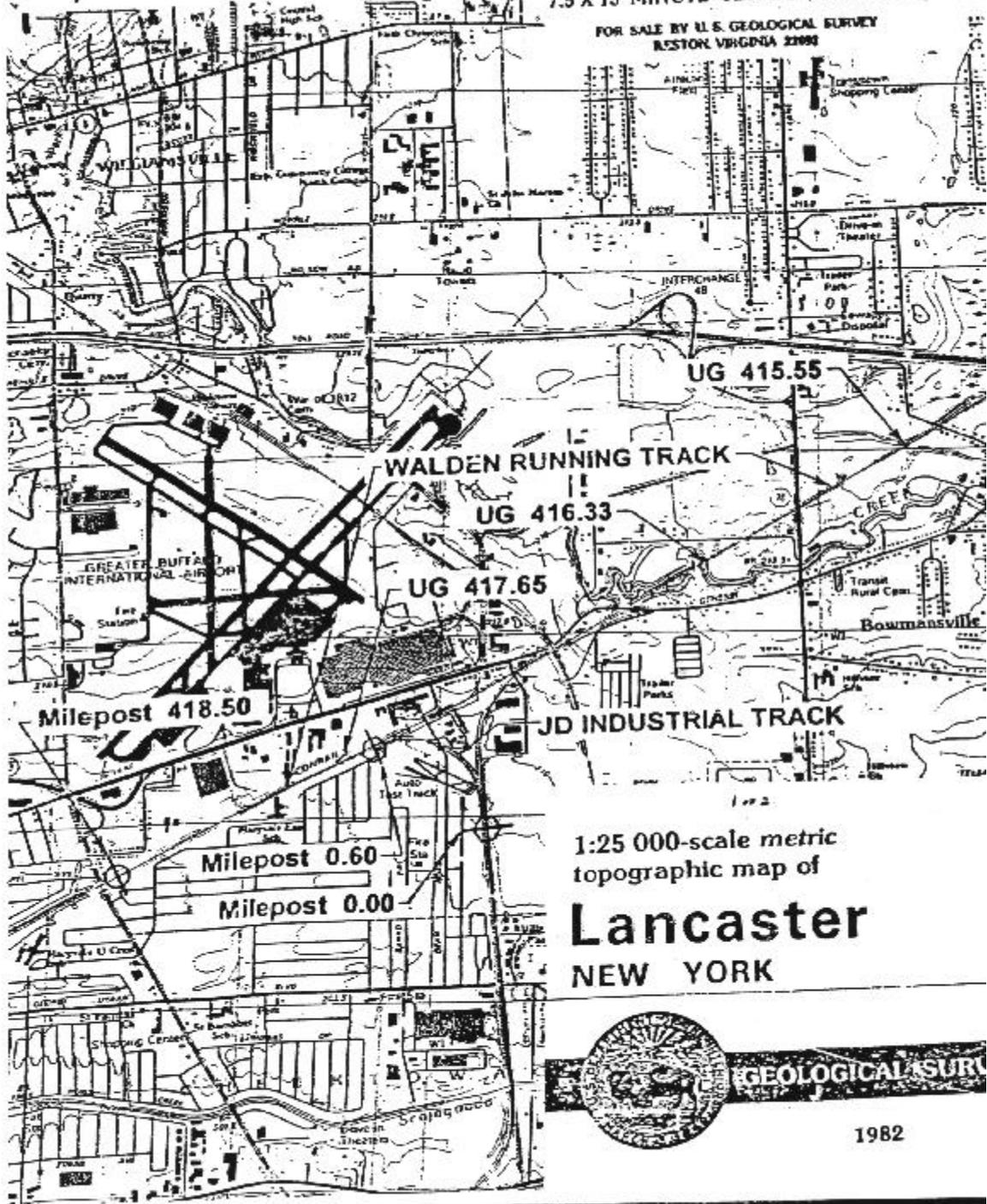
Attachment

EXH. A

AB-550 (Sub No. 2K)

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

FOR SALE BY U.S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



1:25 000-scale metric
topographic map of

Lancaster

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