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SEA**

**SERVICE DATE – AUGUST 15, 2005**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

## **ENVIRONMENTAL ASSESSMENT**

**NO. AB-254 (SUB-NO. 8X)**

**Providence and Worcester Railroad Company - Abandonment Exemption -  
In Providence, RI**

### **BACKGROUND**

In this proceeding, Providence and Worcester Railroad Company (P&W), a Class II rail carrier, has filed a petition under 49 U.S.C. 10502 seeking exemption from the provisions of 49 U.S.C. 10903 to abandon approximately 4.79 miles of its rail lines in Providence County, RI. The rail lines proposed for abandonment include: (1) a portion of P&W's branch line, known as the East Providence Branch (EP Branch), extending from the switch at milepost 5.53 near Dunnellen Road south to the end of the track at milepost 9.84 near Whipple Avenue in East Providence, a distance of approximately 4.31 miles; and (2) a portion of P&W's branch line, known as the East Junction Branch (EJ Branch), extending from milepost 0.48 at the north side of Dexter Road south to its connection with the EP Branch at milepost 0.00 north of Waterman Avenue in East Providence, a distance of approximately 0.48 miles. The rail lines traverse U.S. Postal Service Zip Codes 02914, 02915, and 02916. P&W states that there are no active stations or terminals on the portions of the rail lines proposed for abandonment. A map depicting the rail lines in relationship to the area served is appended to the report. If the exemption becomes effective, P&W states that it will salvage track, ties and other railroad appurtenances, but leave the underlying railbed intact.

### **DESCRIPTION OF THE LINE**

P&W proposes to abandon approximately 4.79 miles of following two branch lines: (1) a portion of P&W's branch line, known as the East Providence Branch (EP Branch), extending from the switch at milepost 5.53 near Dunnellen Road south to the end of the track at milepost 9.84 near Whipple Avenue in East Providence, a distance of approximately 4.31 miles; and (2) a portion of P&W's branch line, known as the East Junction Branch (EJ Branch), extending from milepost 0.48 at the north side of Dexter Road south to its connection with the EP Branch at milepost 0.00 north of Waterman Avenue in East Providence, a distance of approximately 0.48 miles. P&W states that it does not transport any overhead traffic on the portion of the EP and EJ Branches that are proposed for abandonment and is unaware of any potential new source of local rail traffic from businesses located on these rail lines.

P&W has been asked by the State of Rhode Island (State) and the City of East Providence (City) to relinquish its rights in and to the property that is the subject of this abandonment and P&W has agreed. The State and the City have proposed a roadway project along the City's

waterfront that will improve vehicular access and facilitate development of certain waterfront properties. Consequently, P&W has begun construction of approximately 800 feet of connecting track, including a switch turn-out. The construction of this connecting track will join the remaining portion of the EP Branch at approximately milepost 5.07 to the remaining portion of the EJ Branch at approximately milepost 0.87. To date, approximately one-half of this connecting track has been completed. P&W believes that the construction of this connecting track will improve rail service to other industries located on those portions of the EP and EJ Branches that are not proposed for abandonment. Because the construction of this connecting track is an exempt construction, SEA will only assess its potential for cumulative effects (See - Cumulative Effects: Construction of Exempt Connecting Track).

According to P&W, there are three active shippers that have used some portions of the two branch lines slated for abandonment during the past four years: 1) William J. Canaan, Inc. (Canaan), a receiver of fresh fruits and vegetables, 2) Homestead Baking, and 3) Metals USA.

Canaan has received a total of 11 rail shipments via the EP Branch in the past four years. In the event that Canaan does require P&W rail service in the future, P&W has stated that it is willing to offer service to an existing transfer/transload facility in Pawtucket, RI, which is approximately four to five miles away. Canaan currently uses motor carriers to meet most of its transportation needs, as most of its in-bound produce is delivered via CSX to the New England Produce Center in Chelsea, MA, (near Boston, MA) and is then transloaded to truck for delivery to Canaan's location.

P&W states that Homestead Baking has received 156 carloads in the past four years while Metals USA has received 203 carloads during this same time period. P&W further states that because Homestead Baking and Metals USA are located on portions of the EJ Branch not proposed for abandonment that it will continue to provide rail service via the new connecting track that is currently under construction. This connecting track, when complete, will allow these shippers to resume normal rail service.

## **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 and reviewed the record in this proceeding.

The Board's Section of Environmental Analysis (SEA) has received comments from the following agencies stating that the proposed abandonment will have no adverse impacts: U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Army Corps of Engineers, New England District; U.S. Fish and Wildlife Service, New England Field Office; U.S. Department of Commerce, National Geodetic Survey; State of Rhode Island and Providence Plantations, Department of Administration, Statewide Planning Program; Rhode Island, Department of Environmental Management, Office of Waste Management, and the State of Rhode Island and Providence Plantations, Historical Preservation & Heritage Commission.

## **Transportation**

SEA believes that the abandonment, as proposed, would not result in any adverse impact to local or regional transportation systems. SEA notes that there has been no rail traffic over the EJ Branch for at least four years and that only been 10 carloads have been transported over the EP Branch in the same time period.

In addition, SEA notes that the elimination of an existing highway/rail at-grade crossing would likely have a positive effect on public safety.

## **Energy Consumption**

SEA believes that the abandonment, as proposed, would not result in any adverse impact to local or regional transportation systems. SEA notes that there has been no rail traffic over the EJ Branch for at least four years and that only been 10 carloads have been transported over the EP Branch in the same time period. All rail traffic consisted entirely of produce. Therefore, the proposed abandonment would not result in any adverse effect on the transportation of energy resources of recyclable commodities.

## **Land Use**

P&W states that it has reviewed planning documents of the area proposed for abandonment and believes that the proposed action is consistent with the State and local planning agencies.

In a letter dated June 1, 2005, the U.S. Department of Agriculture, Natural Resources Conservation Service, determined that the abandonment, as proposed, would not result in any adverse impacts to prime farmland. However, it does note that there is a small area of Prime Farmland, Merrimac Soils, located about 500 feet east of the proposed abandonment near the Metacoment Country Club. The abandonment would not adversely affect this area.

In a letter dated May 26, 2005, the State of Rhode Island and Providence Plantations, Department of Administration, Statewide Planning Program (DOA), states that the proposed action is consistent with the State Guide Plan.

## **Air Quality**

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5)(ii) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrant detailed analysis.

The applicable threshold levels for East Providence, Rhode Island (which is designated as “Severe” for the 1-hour ozone standard by the U.S. Environmental Protection Agency) are an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains per day on any segment of the rail line, or an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road

segment. Because there has been no rail traffic over the EJ Branch for at least four years and that there has only been 10 carloads transported over the EP Branch in the same time SEA has concluded that the proposed abandonment would not result in any of these threshold levels being met or exceeded.

### **Solid and Hazardous Waste**

P&W states that in September 1993, it was notified by the State of Rhode Island, Department of Environmental Management, that during the installation of a natural gas pipeline that thirty-four capacitors containing PCB laden soil and 250 cubic yards of PCB laden soil was discovered on property that it owned. The contamination was located in a former salt pile approximately 60 feet from the EP Branch right-of-way (ROW) at the corner of Massasoit and Waterman Avenue in East Providence, Rhode Island, and near the intersection of the EP and EJ Branches at approximately milepost 0.00. Following remediation of the site, an Environmental Land Usage Restriction was applied to the remainder of the property to restrict: i) exposure to the remaining inaccessible contaminated soil; and ii) use for residential activities.

On August 5, 2005, via telephone, Mr. Jeff Crawford, Rhode Island Department of Environmental Management, Office of Waste Management, stated that their office had no comment on the proposed abandonment.

### **Biological Resources**

P&W states that it does not believe that the rail line proposed for abandonment will affect any wildlife sanctuaries or refuges, National or state parks or forests.

In a letter dated July 20, 2005, the U.S. Fish and Wildlife Service, New England Field Office, states that there are no federally listed or proposed, threatened or endangered species or critical habitat under its jurisdiction in the project area.

The National Park Service, Northeast Regional Office, has not yet completed its review of the proposed abandonment. Therefore, SEA recommends that the Board impose a condition requiring P&W to consult with the National Park Service.

### **Water Resources**

In a letter dated May 23, 2005, the U.S. Army Corps of Engineers, New England District (ACOE), stated that based on information provided, the proposed abandonment does not include any of the activities listed under Section 404 of the Clean Water Act. Therefore, a permit would not be required. However, the ACOE went on to state that if other federal, state, and/or local agencies have jurisdiction over P&W's proposed activity, then P&W must receive all other applicable permits before work begins.

In letters dated May 26, 2005, and June 3, 2005, the State of Rhode Island and Providence Plantations, Coastal Resources Management Council (RI-CRMC), states that any site work in this area would require an assent. This assent will also constitute P&W's federal

consistency determination. Therefore, SEA recommends that the Board impose a condition requiring P&W to consult with the RI-CRMC.

The Rhode Island Department of Environmental Management, Office of Water Resources (DEM – WR) has not yet completed its review of the proposed abandonment. Therefore, SEA recommends that the Board impose a condition requiring P&W to consult with the DEM-WR.

### **Cultural and Historic Resources**

P&W states that there are three bridges on the EP Branch that are 50 years or older within the right-of-way. The bridges are listed below:

1. 66 ‘ long bridge located at milepost 8.29 near Bower’s Cove and constructed in 1910.
2. 20’ long bridge located at milepost 8.67 near Burgess Cove and constructed in 1920.
3. 17’ long bridge located at milepost 8.99 near Squantum Cove and constructed in 1940.

P&W states that it has files that contain sketches and engineering documents in addition to notes and invoices for most of the alterations performed. However, P&W does not believe that the EP or EJ Branches meet the criteria for listing on the National Register of Historic Places. P&W does not believe that there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area. Furthermore, P&W states that it only intends to remove track materials, such as rails and ties, but to leave the underlying railbed intact. P&W does not intend to perform any activities that would cause sedimentation or erosion of the soil.

On August 4, 2005, SEA identified the Narragansett Indian Tribe as the only Native American tribe which may have ancestral connections to the area. SEA has also requested that P&W send the environmental and historic report for this proceeding to the Narragansett Indian Tribe per 36 CFR 800.3(f)(2) to seek their input regarding any National Register eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. SEA will also add the Narragansett Indian Tribe to the service list for this proceeding. Furthermore, SEA will also ensure that a copy of this EA is sent to the Narragansett Indian Tribe for review and comment.

In a letter dated June 15, 2005, the State of Rhode Island and Providence Plantations, Historical Preservation & Heritage Commission, concludes that the sections of rail line proposed for abandonment do not meet the criteria for listing on the National Register of Historic Places.

In a letter dated June 30, 2005, the U.S. Department of Commerce, National Geodetic Survey, states that no geodetic station markers have been identified that may be affected by the proposed abandonment.

### **Cumulative Effects: Construction of Exempt Connecting Track**

As explained above, P&W has been asked by the State and the City to relinquish rights in and to the property that is the subject of this abandonment and P&W has agreed. The State and

the City have proposed a roadway project along the City's waterfront that will improve vehicular access and facilitate development of certain waterfront properties. Consequently, P&W has completed construction of approximately one-half of the 800 feet of connecting track, including a switch turn-out. The construction of this connecting track will join the remaining portion of the EP Branch at approximately milepost 5.07 to the remaining portion of the EJ Branch at approximately milepost 0.87. The connecting track is being constructed in an industrial area on land owned by P&W and located between the EP and EJ Branches. The connecting track is being constructed on a berm with an approximate one percent grade. This berm was permitted and constructed several years ago.

Wetlands are located to the south of the berm, however, P&W has received the applicable permit from the Rhode Island Department of Environmental Management. In a letter dated November 17, 1999, the Rhode Island Department of Environmental Management issued an Insignificant Alteration Permit to P&W for the construction of this connecting track which constitutes P&W's authorization from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

The regulations of the Council on Environmental Quality (CEQ) implementing the National Environmental Policy Act (NEPA) define cumulative impact as "the impact on the environment, which results from the incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions." (40 CFR 1508.7). This ensures that the range of actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

Using CEQ guidelines, SEA evaluated the cumulative impact from the P&W's proposed construction of connecting track. SEA consulted with local officials and local planning agencies to determine if other projects or activities would occur in the area. On August 5, 2005, SEA spoke to Ms. Jeanne Boyle, Planning Director, City of East Providence, RI, who stated that there is only one project in the vicinity of the construction of the connecting track that has received approval and is currently under construction. Based on the information gathered to date, SEA concludes that construction of the connecting track would have no adverse cumulative impacts on the environment.

## **CONDITIONS**

In response to the concerns expressed by or due to the lack of a response received to date from the following: U.S. National Park Service, Northeast Regional Office; Rhode Island Department of Environmental Management, Office of Water Resources; and the State of Rhode Island and Providence Plantations, Coastal Resources Management Council, we recommend that the following conditions be imposed on any decision granting abandonment authority.

- 1. The National Park Service, Northeast Regional Office (NPS), has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the Providence and Worcester Railroad Company from salvaging or disposing of the right-of-way until consultation with the NPS has been completed.**
- 2. The Rhode Island Department of Environmental Management, Office of Water Resources (DEM – WR), has not completed its review of the proposed abandonment. Therefore, to ensure compliance with the National Pollution Discharge Elimination System requirements, P&W shall consult with the DEM-WR prior to commencement of any salvage activities. P&W shall report the results of this consultation to the Board’s Section of Environmental Analysis.**
- 3. Prior to beginning any salvage activities, P&W shall consult with the State of Rhode Island and Providence Plantations, Coastal Resources Management Council, to determine whether state coastal management consistency certification is required. If consistency certification is required, P&W shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board’s Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, 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.

In a letter dated June 29, 2005, the Rhode Island Department of Transportation (RIDOT) requests issuance of a Public Use Condition as well as and Interim Trail Use Condition. In a letter dated July 8, 2005, P&W states that it fully supports RIDOT’s requests.

## **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. 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).

In a letter dated June 29, 2005, the Rhode Island Department of Transportation (RIDOT) requests issuance of a Public Use Condition as well as and Interim Trail Use Condition. In a letter dated July 8, 2005, P&W states that it fully supports RIDOT's requests.

## **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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-254 (Sub-No. 8X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Mr. Brady, the environmental contact for this case, by phone at (202) 565-1643, fax at (202) 565-9000, or e-mail at [bradyt@stb.dot.gov](mailto:bradyt@stb.dot.gov).

Date made available to the public: **August 15, 2005.**

**Comment due date: September 15, 2005. (30 Days)**

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

Vernon A. Williams  
Secretary

Attachment