

34434
SEA

SERVICE DATE - FEBRUARY 20, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-32 (Sub-No. 97X)

**Boston and Maine Corporation – Abandonment Exemption –
in Middlesex County, MA**

STB Docket No. AB-355 (Sub-No. 29X)

**Springfield Terminal Railway Company – Discontinuance of Service Exemption –
in Middlesex County, MA**

BACKGROUND

In this proceeding, Boston & Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) filed a notice of exemption under 49 CFR 1152 for B&M to abandon and ST to discontinue service over a line of railroad, known as the Tewksbury Branch, in Middlesex County, Massachusetts. The line extends 0.75 miles from milepost 0.0 to milepost 0.75. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, B&M will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

B&M and ST state that there is no passenger or freight traffic on the line, and any traffic previously moving over the line was rerouted more than two years ago. The right-of-way is generally 66 feet wide.

According to B&M and ST, the area of the proposed abandonment and discontinuance is outside the boundary of the Massachusetts coastal zone.

ENVIRONMENTAL REVIEW

B&M & ST submitted an environmental and historical report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment and discontinuance or any post-abandonment activities, including salvage and disposition of the right-of-way. B&M and ST served the environmental and historical report 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)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has submitted comments stating that 1 geodetic station marker has been identified that may be affected by the proposed abandonment. NGS requests not less than 90 days notification in advance of any activities that will disturb or destroy this marker.

The U.S. Fish and Wildlife Service (FWS) has submitted comments stating that no Federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of FWS are known to occur in the area of the proposed abandonment and discontinuance.

The U.S. Army Corps of Engineers (Corps) has submitted comments stating that a Corps permit could be required for salvage activities associated with the proposed abandonment. According to the Corps, a Corps permit would be required under Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States. These waters include navigable waters, inland rivers, lakes, streams, and wetlands. The Corps indicated that the type of salvage activities associated with the abandonment would determine the specific Corps' permit that would be required.

HISTORIC REVIEW

B&M and ST served the environmental and historical report on the Massachusetts Historical Commission (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment and discontinuance is unlikely to affect significant historic or archeological resources. 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 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment and discontinuance will 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/railroad's historic report, all relevant correspondence, and this environmental assessment, which have been provided to the SHPO and made available to the public.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment and discontinuance authority:

- 1. Boston & Maine Corporation shall consult with the National Geodetic Survey and provide the National Geodetic Survey with 90 days notice prior to disturbing or destroying any geodetic station markers.**

2. **Boston & Maine Corporation shall consult with the U.S. Army Corps of Engineers (Corps) prior to beginning salvage activities to determine Corps' permitting requirements.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of and discontinuance of service over 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 and discontinuance 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. However, B&M and ST state there are plans to sell the title to the line to third parties, and thus, the right-of-way may not be suitable for alternative 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 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 Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-32 (Sub-No. 97X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **February 20, 2004**

Comment due date: March 8, 2004.

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

Vernon A. Williams
Secretary

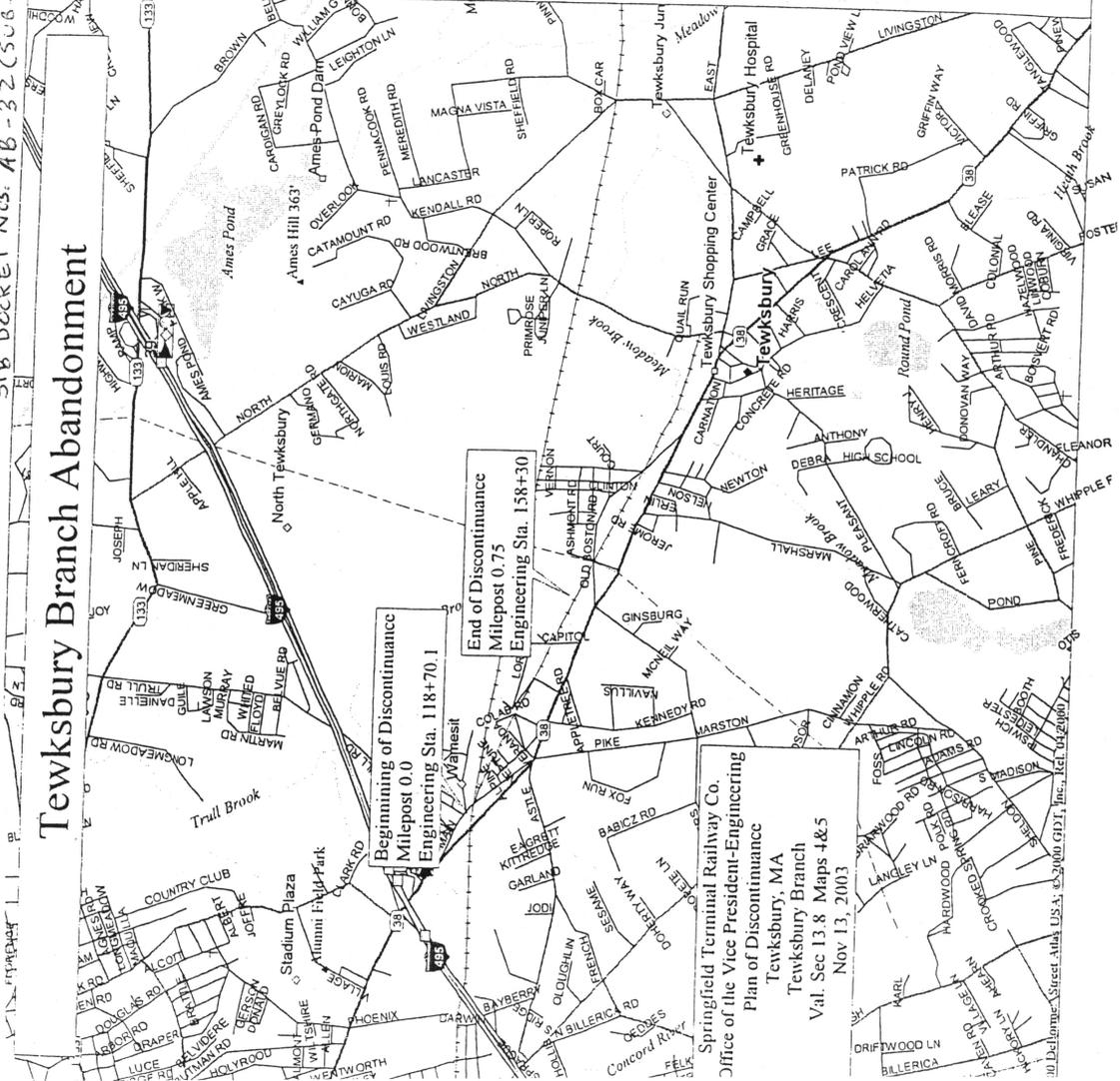
Attachment

STB DCKET NOS: AB-32 (SUB-NO. 97X) and AB-355 (Sub-NO. 97X)
ID-34834

Mag 14.00
Thu Nov 13 11:50 2003
Scale 1:31,250 (at center)
2000 Feet
1000 Meters

Tewksbury Branch Abandonment

- Local Road
- Exit/Gas
- Exit/Lodging
- Exit/Food
- Interstate/Limited Access
- Major Connector
- Slate Route
- Exit
- Utility/Pipe
- Railroad
- Point of Interest
- Small Town
- Summit
- Hospital
- Park/Reservation
- Exit/Other Services
- Locale
- Cemetery
- County Boundary
- Land
- Water
- River/Canal
- Intermittent River



Springfield Terminal Railway Co.
Office of the Vice President-Engineering
Plan of Discontinuance
Tewksbury, MA
Tewksbury Branch
Vol. Sec 13 & Maps 4&5
Nov 13, 2003