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SEA

SERVICE DATE – JULY 3, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-976 (Sub-No. 2X)
Pittsburg & Shawmut Railroad, LLC – Abandonment Exemption –
in Clarion and Jefferson Counties, PA

STB Docket No. AB-369 (Sub-No. 6X)
Buffalo & Pittsburgh Railroad, Inc. – Discontinuance Exemption –
in Clarion and Jefferson Counties, PA

BACKGROUND

In this proceeding, Pittsburg & Shawmut Railroad, LLC (PSR) and Buffalo & Pittsburgh Railroad, Inc. (BPRR), (collectively applicants) filed notices of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for PSR to abandon and BPRR to discontinue service over a rail line located between Milepost 41.95 in Brookville, Jefferson County, Pennsylvania and Milepost 6.0 in or near Lawsonham, Clarion County, Pennsylvania, a total distance of 35.95 miles. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, PSR will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

Based on information in PSR's possession, the line proposed for abandonment was built and placed into service circa 1870 by Allegheny Valley Railroad Company, which was later reorganized as Allegheny Valley Railway Company on December 15, 1891. The Allegheny Valley Railway Company was merged into The Pennsylvania Railroad Company on April 7, 1910, which merged with The New York Central Railroad Company on February 1, 1968 and formed Penn Central Transportation Company. Penn Central conveyed the line to Consolidated Rail Corporation (Conrail) on March 30, 1976. Conrail sold the line to Mountain Laurel Railroad Company on December 30, 1991, who sold it on April 26, 1996 to PSR.

According to PSR, no traffic has been handled on the line for nearly three years. PSR plans to salvage the track and materials for resale. The width of the right-of-way is the standard width of approximately 66 feet. The right-of-way from Brookville to Lawsonham follows the Red Bank Creek in a southwesterly direction. The line crosses the creek five times in Jefferson County and follows along the north side of Red Bank Creek in Clarion County. The topography is generally at a "river grade" with a hill on one side and the creek on the other. Leaving Brookville, the line passes through the small towns of Hawthorne and New Bethlehem to

Lawsonham. PSR states that structures along the line are believed to have generally been built between 1872 and 1916, prior to the acquisition of the right-of-way by PSR.

ENVIRONMENTAL REVIEW

PSR 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. PSR 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)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to PSR, no local or overhead traffic has moved over the line for at least two years. 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. PSR plans to salvage the track and materials for resale.

The Pennsylvania Fish and Boat Commission, Division of Environmental Services (FBC) has reviewed the environmental report. FBC has advised us that the removal and salvage of the rail lines from the abandoned lines should be done in such a manner as to avoid run-off, soil erosion and sedimentation, and in conformance with an approved Erosion and Sedimentation Control Plan. Because of the rail line's proximity to water bodies under the jurisdiction of the FBC, this concern is heightened. After the abandonment and removal of the salvaged materials, any disturbed earth should be given a permanent vegetative cover to minimize erosion and sedimentation. In addition, all of PSR's salvage activities should be done in a way as to avoid and minimize impacts to access to the creek or FBC's Summerville property which is located along Redbank Creek. Accordingly, we will recommend a condition requiring that PSR consult with FBC prior to conducting salvage activities to address FBC's concerns.

The Pennsylvania Department of Conservation and Natural Resources (DCNR) has expressed an interest in working with BPRR, county and local officials and trail groups to preserve the railroad corridor. DCNR states that preserving the corridor and reusing it as a rail-

trail would maintain the integrity of the corridor in case at some future date the corridor would be needed again for transportation purposes. In addition, DCNR states that the potential alternative use of the corridor as a rail-trail could have a tremendous economic impact on the region through increased outdoor and nature tourism.

The U.S. Department of Agriculture, Natural Resources Conservation Service in Harrisburg, Pennsylvania (NRCS) has advised SEA that the project area is entirely within the previously disturbed boundaries of the railroad right-of-way, and no Federally-designated farmlands exist in the proposed project area. NRCS cautioned that for any project involving earthmoving, both temporary and permanent erosion and sedimentation control practices should be planned, implemented, and maintained.

The Pennsylvania Department of Environmental Protection (DEP) Watershed Management Division has advised SEA that earth disturbance activity requires an Erosion and Sedimentation Control Plan and may require an NPDES permit and Water Obstruction and Encroachment Permit. PSR states that the salvage process would be handled in a manner that is consistent with applicable local, state and Federal water quality standards, and indicates that the salvage process is not expected to create any earth disturbance or to impact on any adjacent waterways.

The DEP Waste Management Division has advised that metal rails and wooden railroad ties that are not in salable condition should be taken to a permitted facility for proper disposal or processing. PSR states that its contractors would be required to remove all waste (including rails and ties) from the site during the salvage operation. The ties would either be sold as relay ties, or properly removed by the contractor.

DEP Coastal Resources Management (CRM) Program has determined that the proposed activities are located outside of Pennsylvania's coastal zones and would not impact upon them. As such, the activities would be consistent with Pennsylvania's CRM Program.

The National Geodetic Survey (NGS) has advised SEA that approximately 51 geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that PSR contact NGS at least 90 days prior to beginning salvage activities so that NGS may plan for the possible relocation of the geodetic station markers.

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.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

PSR submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Pennsylvania Bureau for Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that, based on their survey files (which include both archaeological sites and standing structures) and the information provided by PSR, there are no National Register of Historic Places (National Register) eligible or listed historic or archaeological properties in the area of the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment and responsibility for consultation with the SHPO for this project is complete.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not 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 through posting on the Board's web site at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified no Federally recognized tribes that may have an interest in the proposed abandonment.

CONDITIONS

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

1. Pittsburg and Shawmut Railroad, LLC shall consult with the Pennsylvania Fish & Boat Commission (FBC) prior to commencement of any salvage activities to address FBC's concerns about erosion and sedimentation and to avoid and minimize impacts to FBC's Summerville property.
2. Pittsburg and Shawmut Railroad, LLC shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of geodetic station markers by NGS.

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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, 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 Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-976 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental

contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: July 3, 2007.

Comment due date: July 18, 2007.

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

Vernon A. Williams
Secretary

Attachment