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SEA

SERVICE DATE – SEPTEMBER 1, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 657X)

CSX Transportation, Inc. - Abandonment Exemption - in Philadelphia County, PA

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Philadelphia County, Pennsylvania (PA). The rail line proposed for abandonment extends approximately 0.26 mile from Milepost 6.27 to Milepost 6.53 in Philadelphia, PA (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage rails, ties, and other railroad appurtenances and to dispose of the right-of-way (ROW).

DESCRIPTION OF THE LINE

The Line is located at Pier 124 on the Delaware River in the City of Philadelphia (see attached map). The project area is highly industrialized. The Line was used to move coal to barges and ships on the Delaware River. The ROW of the Line is approximately 83 feet from the centerline of the tracks. According to CSXT, the proposed abandonment does not include any railroad-owned structures that are 50 years of age or older that would be eligible for listing on the National Register. CSXT is not aware of any hazardous waste sites or sites where there have been known hazardous materials spills on the ROW.

CSXT assumed ownership of Pier 124 and the Line as part of its acquisition of Conrail in the late 1990s. Conrail was created in the mid 1970s by Federal legislation to reorganize the bankrupt railroads of the northeastern United States. At the time Conrail was created, Pier 124 and the Line were owned by the Penn Central Transportation Company (Penn Central). Penn Central was created by the merger of the Pennsylvania Railroad and the New York Central Railroad Company on February 1, 1968. The original construction date of the Line was not specified by CSXT in its notice of exemption.

CSXT provided a verified statement indicating that no local traffic has moved on the Line for over 15 years and that there is no overhead traffic handled on the Line to be rerouted.

ENVIRONMENTAL REVIEW

CSXT 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. CSXT 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) reviewed and investigated the record in this proceeding.

According to CSXT, no local traffic has moved over the Line for over 15 years and no overhead traffic would need to be rerouted as a result of the abandonment. Therefore, 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.

CSXT stated that the proposed abandonment should not be inconsistent with local or regional land use plans. The City of Philadelphia's Planning Commission commented that the proposed action would be consistent with existing land use plans for the City of Philadelphia. CSXT also noted that it has been in negotiations with the both city and state officials for redevelopment of the site into a modern port facility.

The Natural Resources Conservation Service (NRCS) commented that the Line and contiguous areas are not classified as either prime or state-wide important agricultural soils, and that there would be no effect on prime farmland soils as a result of the proposed abandonment.

The PA Coastal Zone Management Program (CZMP) had not responded to CSXT's environmental report at the time this EA was prepared. However, the PA CZMP website at <http://www.dep.state.pa.us/river/czmp.htm> indicates that the Line is located within the state's designated coastal zone and that rail line abandonment projects are subject to Federal Consistency reviews under the Federal Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*). Accordingly, we recommend a condition to ensure that the appropriate Federal Consistency review is completed for the proposed abandonment.

CSXT stated that it is not aware of hazardous waste sites or sites where there have been hazardous material spills. However, a CSXT Notice of Intent to Remediate was published in the Pennsylvania Bulletin on June 4, 2005 for Pier 124 soils contaminated with polyaromatic hydrocarbons and inorganics. Accordingly, we recommend a condition that requires the railroad to consult with the PA Department of Environmental Protection regarding remediation status.

The U.S. Fish and Wildlife Service (USFWS), Pennsylvania Field Office noted that there are no National Wildlife Refuges, National Fish Hatcheries or National Environmental Centers in the vicinity of the Line (USFWS Project No. 2006-2066). The USFWS also stated that no Federally listed or proposed threatened or endangered species are known to occur within the

“project impact area;” and therefore, no biological assessment or further consultation under the Endangered Species Act would be required.

CSXT does not anticipate the need for water quality or wetland permits under the Clean Water Act. CSXT states that all material would be removed using the ROW for access and no new access roads are contemplated. CSXT also does not intend to disturb the underlying roadbed, perform any activities that would cause sedimentation or erosion, or place dredged or fill material within waters of the United States.

The City of Philadelphia’s Planning Commission noted that Pier 124 and the Line are located within 100-year floodplain. We recommend a condition that requires the railroad to consult with the floodplain administrator for the City of Philadelphia prior to the commencement of salvaging activities regarding reasonable requirements.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c).

The SHPO’s reply indicated that no historic properties would be affected by the proposed abandonment (PA SHPO Ref.: ER 06-2292-101-A). 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 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.

At the time this EA was prepared, the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ was unavailable to assist in the identification of Federally recognized tribes that may have ancestral connections to the project area. However, Tribal guidance provided by the Federal Highway Administration / PA Department of Transportation at <http://www.dot.state.pa.us/Internet/Bureaus/pdCulturalResources.nsf/Tribal?OpenForm> suggests that the Delaware Nation, Oklahoma had ancestral connections to the project area. Although the Line and Pier 124 were likely constructed on fill material, and therefore, may not be of interest to the Delaware Nation, Oklahoma, SEA has provided a copy of this EA for review by the Tribe’s published contact for the Section 106 process.

CONDITIONS

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to beginning any salvage activities, CSX Transportation, Inc. shall consult with the Pennsylvania Coastal Zone Management Program to determine whether state coastal management consistency certification is required. If consistency certification is required, the railroad 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. and the Board's environmental regulations at 49 CFR 1105.9.
2. Prior to the commencement of any salvage activities, CSX Transportation, Inc. shall consult with the Pennsylvania Department of Environmental Protection regarding the status of the railroad's efforts at Pier 124 to remediate soils contaminated with polyaromatic hydrocarbons and inorganics.
3. To ensure that the 100-year floodplain is not adversely affected, CSX Transportation, Inc. shall consult with the floodplain administrator for the City of Philadelphia prior to commencement of any salvaging activities regarding potential impacts to the floodplain and shall comply with any reasonable requirements.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would 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 and no salvage activities), 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 ROW 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 the time specified in the Federal Register notice. 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) 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, please send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 657X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-565-1593, fax at 202-565-9000, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: September 1, 2006

Comment due date: September 15, 2006

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

Vernon A. Williams
Secretary

Attachment