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SEA**

**SERVICE DATE - OCTOBER 6, 2003**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-854X**

**Allegheny & Eastern Railroad, Inc. – Abandonment Exemption – in Elk and Cameron  
Counties, PA**

### **BACKGROUND**

In this proceeding, Allegheny & Eastern Railroad, Inc. (A&E) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Elk and Cameron Counties, Pennsylvania. The portion of the rail line proposed for abandonment extends 18.9 miles from milepost 131 north of St. Mary's in Elk County to milepost 149.9 in the southeastern corner of Emporium in Cameron County. A map depicting the rail line in relationship to the area served is appended to the report. If the notice 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**

According to A&E, there has been no traffic on the line for at least two years. A&E states that the right-of-way of the line is primarily in a mountainous rural area and is predominantly 66 feet wide. At points along the right-of-way, small streams parallel and/or cross under the line.

### **ENVIRONMENTAL REVIEW**

A&E 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. A&E served the environmental 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 30 geodetic station markers have been identified that may be affected by the proposed abandonment, and requests that NGS receive at least 90 days notification in advance of any activities that will disturb or destroy the markers.

The Pennsylvania Department of Environmental Protection (DEP) has submitted comments stating that DEP's regulations require a permit prior to the abandonment of any stream crossings; crossings that may affect adjacent property owners because they are too small or deteriorated may need to be removed during abandonment of the line; and structurally sound culverts/bridges may remain in place under a permit.

## **HISTORIC REVIEW**

A&E submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the Pennsylvania Historical and Museum Commission (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has not yet completed its review of the proposed abandonment.

## **CONDITIONS**

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

1. **Allegheny & Eastern Railroad, Inc. shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. Based on the comments of the Pennsylvania Department of Environmental Protection (DEP), we recommend that **Allegheny & Eastern Railroad, Inc. consult with DEP prior to salvage regarding the abandonment of stream crossings.**
3. Because the Pennsylvania Historical and Museum Commission has not completed its review of the proposed abandonment, we recommend that **Allegheny & Eastern Railroad, Inc. retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

## **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 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 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).

### **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-854X 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: **October 6, 2003**

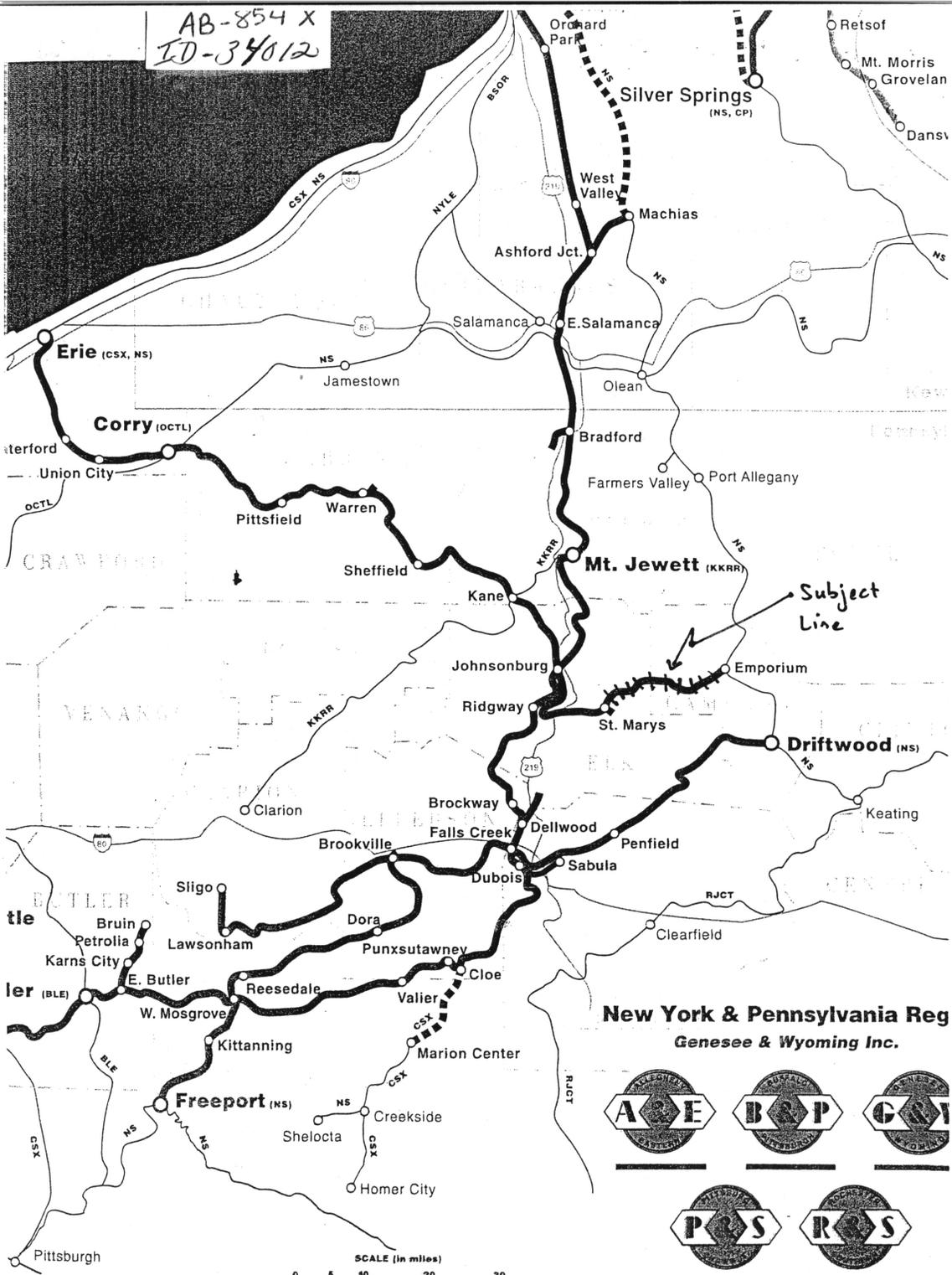
**Comment due date: October 20, 2003.**

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

Vernon A. Williams  
Secretary

Attachment

AB-854 X  
ID-34012



Subject Line

New York & Pennsylvania Reg  
Genesee & Wyoming Inc.

