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SEA

SERVICE DATE – APRIL 25, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-1017X

West Shore Railroad Corporation – Abandonment Exemption – in Union and Northumberland Counties, PA

STB DOCKET NO. AB-1018X

Union County Industrial Railroad Company – Discontinuance of Service Exemption – in Union County, PA

BACKGROUND

In this proceeding, West Shore Railroad Corporation (WSRC) and Union County Industrial Railroad Company (UCIR) (collectively, railroads) jointly filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 for WSRC to abandon and UCIR to discontinue service over a line of railroad in Northumberland and Union counties, Pennsylvania (PA). The rail line proposed for abandonment by WSRC extends approximately 11.8 miles between Milepost 0.0 at Montandon in Northumberland County, through Lewisburg, PA, and ending at Milepost 11.8 at Mifflinsburg in Union County (the Line). UCIR would discontinue service on the portion of the Line in Union County between Lewisburg and Mifflinburg, PA. A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, WSRC would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way, and UCIR would be released from its rail service obligations.

DESCRIPTION OF THE LINE

The Line generally runs east-west through flat, rural farm land. The right-of-way is approximately 66 feet wide. According to the railroads, there is only one structure on the Line: a single-track, steel-box truss bridge over the Susquehanna River. The bridge is more than 50 years old, and is part of Lewisburg Historic District, which was listed on the National Register of Historic Places in 2004.

The Line was originally constructed by the Pennsylvania Railroad in 1853. The Pennsylvania Railroad sold the Line to Consolidated Rail Corporation (Conrail) in 1976, and WSRC acquired the Line from Conrail in 1983. The railroads have provided a verified statement indicating that no local traffic has moved on the Line for at least two years and that there is no overhead traffic handled on the Line to be rerouted. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes.

ENVIRONMENTAL REVIEW

The railroads 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. The railroads 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)].¹ The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

Diversion of Traffic

Because there is no rail traffic on the Line, 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

Rail line salvaging activities typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

For the proposed abandonment, the railroads have not specified the nature of proposed salvage activities. However, it is anticipated that the bridge over the Susquehanna River would be retained.

The Union County Planning Commission expressed support for the abandonment and a potential conversion of the right-of-way to recreational trail use.

The Natural Resources Conservation Service identified no impacts to prime agricultural farmlands. Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201). NRDC noted, however, that erosion and sedimentation control practices should be planned, implemented and maintained if the proposed abandonment involves earthmoving, and recommended that the railroads consult with the appropriate county conservation districts. SEA recommends a condition to address this concern.

In response to the railroads' initial consultation letter, the U.S. Fish and Wildlife Service, Pennsylvania Field Office (USFWS) noted that there are no Federally listed or proposed

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-1017X.

threatened or endangered species known to occur in the abandonment area (Reference: USFWS Project #2008-0489). Therefore, the USFWS concluded that no biological assessment or further consultations under Section 7 of the Endangered Species Act (16 U.S.C. 1535) would be required. If abandonment is not consummated by January 2009 (i.e., one year from the date of the USFWS reply), then an updated consultation would be required by the USFWS. SEA recommends a condition to address this concern.

The U.S. Army Corps of Engineers (Corps) had not responded to the railroads' environmental report regarding impacts to waters of the United States at the time this EA was prepared. Without a reply from the Corps and lacking information on proposed salvage activities, SEA is unable to conclude whether the proposed abandonment could require a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344). Therefore, SEA recommends a condition to address this concern. A copy of this EA has also been provided to the Corps – Baltimore District for review and comment.

According to the PA Coastal Resources Management Program, the Line is not located in PA's designated coastal zones.

HISTORIC REVIEW

The railroads submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the PA Bureau of Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In a January 3, 2008 reply, the SHPO stated that it had insufficient information to proceed with its review and requested additional information (Reference: ER 08-0539-042-A). The railroads supplied additional information to the SHPO in a letter dated January 9, 2008. The SHPO had not responded to the railroads' additional information at the time this EA was prepared. Therefore, SEA recommends a condition to address this concern. A copy of this EA has also been provided to the SHPO for review and comment.

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 tribes within Union or Northumberland counties.

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 commencement of any salvage activities, West Shore Railroad Corporation shall consult with the appropriate county conservation districts to ascertain the need for erosion and sedimentation control practices for any planned salvaging activities.

2. Prior to commencement of any salvage activities, West Shore Railroad Corporation shall consult with the U.S. Army Corps of Engineers – Baltimore District (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
3. If abandonment is not consummated by January 17, 2009, West Shore Railroad Corporation shall conduct supplemental consultations with the U.S. Fish Wildlife Service (USFWS) to determine if abandonment would impact any Federally listed or proposed threatened or endangered species. The railroad shall report the results of any supplemental consultations with the USFWS to the Board's Section of Environmental Analysis (SEA) in writing. Should any potential impacts be identified, the railroad shall consult with SEA and the USFWS to develop appropriate mitigation measures prior to initiating any salvaging activities.
4. West Shore Railroad Corporation shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. West Shore Railroad Corporation shall report back to the Board's Section of Environmental Analysis regarding any consultations with the Pennsylvania Bureau of Historic Preservation. West Shore Railroad Corporation may not initiate any salvage activities related to abandonment (including removal of the tracks and ties) or file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

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 202-245-0230, 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, please send an **original and one copy** 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 STB Docket No. AB-1017X 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 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: April 25, 2008.

Comment due date: May 9, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment