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OEA

SERVICE DATE – JANUARY 6, 2012

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 328X)
Norfolk Southern Railway Company – Abandonment Exemption –
in Lancaster County, PA

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Lancaster County, Pennsylvania (PA). The rail line proposed for abandonment is a 2.0-mile segment between Milepost 83.9 (near South Bridge Street) and Milepost 85.9 (south of the intersection of Railroad Avenue and Old River Road) in the Borough of Marietta, PA. 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 track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line was originally constructed in 1835 as part of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railway Company. The Line parallels the northern bank of the Susquehanna River. Businesses and homes border the Line to the north as it enters Marietta. NSR states that it holds fee title to most of the land underlying the Line, though a small portion of the right-of-way is held by way of easement. The railroad provides no opinion regarding the suitability of the right-of-way for public purposes. However, it states that it does not have a contiguous corridor for conversion of the Line right-of-way to non-rail public uses.

ENVIRONMENTAL REVIEW

NSR 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. NSR 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 C.F.R. § 1105.7(b)]. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to NSR, no local traffic has moved over the Line since 1995. 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.

Salvage Activities

NSR advises that any salvage activities conducted along the Line would include the removal of rail and crossties. NSR has no plans to alter the roadbed underlying the Line and does not intend to remove ballast or disturb the sub-grade or any sub-grade structures. NSR states that the Line crosses no waterways. There are no bridges or structures along the Line. Existing drainage systems would remain intact. NSR states that it may reuse crossties it obtains from its salvage activities at other operations. If NSR must dispose of some crossties, it advises that it would do so in accordance with applicable federal and state laws and regulations.

The Borough of Marietta submitted comments to NSR indicating that it is generally supportive of the proposed abandonment. However, the Borough requests that NSR cooperate in its efforts to implement a flood control program and to develop a river trail in the area of the Line. The Borough notes that implementation of its flood control program, in particular, will require the assistance of NSR to fully implement since the Line is located between the Borough and the Susquehanna River. We therefore recommend a condition for NSR to consult with the Borough of Marietta prior to the initiation of salvage operations to ensure that the Borough's concerns are appropriately addressed.

The Lancaster County Commissioners' Office has stated to NSR that the County can support the proposed abandonment as it would have a positive effect on the Lancaster County Trail.

NSR received a letter from the U.S. Army Corps of Engineers, Baltimore District, stating that the proposed action would not require any permits under its jurisdiction.

The U.S. Environmental Protection Agency, Region 3, provided comments to NSR indicating that NSR would likely be required to obtain a National Pollution Discharge Elimination System (NPDES) permit if salvage of the Line would disturb an area greater than 1 acre. EPA advises that, if needed, a NPDES permit can be obtained from the Pennsylvania Department of Environmental Protection (PA DEP). PA DEP has submitted a letter that addresses permits NSR may be required to obtain, as discussed below.

In a July 26, 2011 letter to NSR, PA DEP's Office of Water Quality stated that the Line appears to be located within the floodplain of the Susquehanna River. If so, NSR would be

required to obtain a PA DEP Water Obstruction and Encroachment Permit or General Permit, and develop an erosion and sedimentation control plan prior to the initiation of salvage activities.

In a November 9, 2011 letter to NSR, PA DEP's Office of Waste Management, provided comments on the proposed abandonment in which it stated that measures should be taken prior to the onset of salvage operations to ensure that: 1) airborne dust nuisances are minimized, 2) any debris or dirt that is moved onto paved streets be promptly removed, 3) any debris from salvage be properly transported and disposed of at a PA DEP permitted facility, 4) open burning does not occur. In order to ensure that all of its concerns are appropriately addressed, OEA recommends a condition that would require NSR to consult with the PA DEP's Office of Water Quality and Office of Waste Management prior to the onset of salvage activities.

The Natural Resources Conservation Service provided comments indicating that the proposed abandonment would have no effect on prime farmlands.

The U.S Fish and Wildlife Service, Region 5, has concluded that the area of the proposed abandonment does not include federally listed species under its jurisdiction.

The National Geodetic Survey (NGS) advises that 3 geodetic station markers may be affected by the proposed abandonment. We therefore recommend a condition for NSR to notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

OEA 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, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Pennsylvania Bureau of Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments (SHPO Ref.: ER 2012-0185-071-A) in response stating that the Line is part of the Pennsylvania Railroad Mainline, a resource eligible for the National Register of Historic Places. The SHPO also noted that the Line is located in an area highly likely to contain archaeological resources. However, the SHPO concludes that the abandonment, as described in the historic report, is not an action that would adversely affect these resources. The SHPO requests that it be notified if the project is modified or changes to include significant ground disturbing activities.

OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral connections to the project area.¹ No tribes were identified.

Based on the SHPO comments and all available information provided to date, we have made a finding of “no historic properties affected” pursuant to 36 C.F.R § 800.4(d)(1). The documentation for this finding, as specified at 36 C.F.R. § 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 our web site at <http://www.stb.dot.gov>. Guidance regarding the Board’s historic preservation review process is available on the Board’s web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

CONDITIONS

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

1. Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. Prior to the initiation of salvage activities, Norfolk Southern Railway Company shall consult with the Pennsylvania Department of Environmental Protection’s Offices of Water Quality and Waste Management to ensure that reasonable measures are taken to minimize airborne dust, to ensure that appropriate water control measures are implemented and to obtain any permits that may be required.
3. Prior to the initiation of salvage activities, Norfolk Southern Railway Company shall consult with the Borough of Marietta regarding the implementation of its flood control program and other issues of concern to the Borough.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes 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.

¹ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited December 28, 2011).

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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 290 (Sub-No. 328X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: January 6, 2012.

Comment due date: January 23, 2012.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment