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SEA

SERVICE DATE – NOVEMBER 8, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 663X)

CSX Transportation, Inc. – Abandonment Exemption – in Jefferson County, NY

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) 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 1.1-mile line of railroad in Jefferson County, New York. The rail line is on CSXT's Northern Region, Albany Division, St. Lawrence Subdivision and extends between milepost 1.5 and the end of the track at milepost 2.6 near Watertown. 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 dispose of the right-of-way.

DESCRIPTION OF THE LINE

CSXT states that this line has not generated any originating or terminating traffic in over three years, and no future rail traffic is expected. During its use, various commodities were shipped over this line segment, including coal. The right-of-way varies in width but is generally 30 to 50 feet from the centerline of track, and the line parallels Main Street and the Black River.

Upon receiving authority to abandon the line, CSXT intends to remove the rail, crossties, and possibly the upper layer of ballast. According to CSXT, removal of material would be accomplished by utilizing the right-of-way for access, as well as existing private and public crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and it does not anticipate any dredging or use of fill in the removal of track material. The crossties and other debris would be transported away from the rail line and would not be discarded along the right-of-way or be placed in streams, wetlands, or along the banks of such waterways. In addition, CSXT states that appropriate measures would be implemented to prevent or control spills from fuels, lubricants, or any pollutant materials from entering any waterways.

CSXT states that the property may be suitable for other public purposes but indicates that the land may be subject to reversionary interests that may affect transfer of title for purposes other than rail use.

ENVIRONMENTAL REVIEW

CSXT 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. CSXT served the environmental and historical reports 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) has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the line segment in over three 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.

The proposed abandonment does not appear to be located in the coastal zone. However, because of the proposed abandonment's proximity to the Black River, the New York Department of State's Division of Coastal Resources (Coastal Resources) stated that the proposed abandonment may impact significant habitat.² Coastal Resources has not completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring CSX Transportation, Inc. to consult with Coastal Resources regarding its concerns and regarding New York State Coastal Management consistency certification.

CSXT is not aware of any designated wetlands or 100-year flood plains within the proposed project area, and the proposed abandonment would not involve the discharge of fill material in waters of the United States. However, the United States Army Corps of Engineers (Corps) had not commented on the railroad's environmental report at the time this Environmental Assessment was prepared. Accordingly, we recommend that a condition be imposed requiring CSXT, prior to commencement of any salvage activities, to consult with the Corps' Buffalo District regarding its requirements and, if applicable, to comply with the reasonable requirements of the Corps.

CSXT states that prime farmland may exist in the vicinity of this proposed project. Mr. Ed Moffet, District Conservationist at the U.S.D.A. Natural Resource Conservation Service (NRCS), has requested additional information and maps of the proposed project area. Accordingly, CSXT shall consult with NRCS and report the results of the consultation to SEA prior to commencement of any salvage activities.

The U.S. Environmental Protection Agency, Region 2 (EPA), reviewed the proposed

¹ The Environmental and Historic Reports are available on the Board's web site at www.stb.dot.gov and may be viewed under the "E-LIBRARY" link by clicking on "Filings."

² SEA spoke with Coastal Resources by telephone in October 2005.

project and did not have any concerns. However, EPA recommended that CSXT contact Mr. Richard E. Draper at the New York State Department of Environmental Conservation (NY DEC) regarding permit coverage. Accordingly, we recommend that a condition be imposed requiring CSXT, prior to commencement of any salvage activities, to consult with NY DEC and to comply with the reasonable requirements of NY DEC. CSXT shall report the results of this consultation to the Board's Section of Environmental Analysis.

The Jefferson County Department of Planning submitted a comment stating that it does not have a long range comprehensive plan that would be affected by the proposed abandonment. The Village of Glen Park submitted a similar comment stating that it has no long range plans for the proposed project area and it fully supports the railroad's intent to abandon the line.

CSXT states that its records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

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 New York State Historic Preservation Office (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). According to CSXT, the line was disturbed during construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. In addition, the railroad states that there are no CSXT-owned structures on the line that are 50 years old or older. At the time this Environmental Assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the NHPA.

SEA is required to consult with tribes pursuant to 36 CFR 800.3(f)(2) to seek their input regarding any National Register of Historic Places eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. A search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ identified no Federally recognized tribes in Jefferson County.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to beginning salvage activities, CSX Transportation, Inc. (CSXT) shall consult with the New York Department of State's Division of Coastal Resources to determine whether New York State Coastal Management consistency certification is required. If consistency certification is required, CSXT 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.

2. Prior to commencement of any salvage activities, the railroad shall consult with the United States Army Corps of Engineers (Corps) Buffalo District regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.
3. The U.S.D.A. Natural Resource Conservation Service (NRCS) requested additional information and maps of the proposed project area in order to determine whether the proposed project might affect prime farmland. Accordingly, CSXT shall consult with the District Conservationist, Mr. Ed Moffet, at (315) 782-7289 and shall report the results of the consultation to the Section of Environmental Analysis prior to commencement of any salvage activities.
4. Prior to commencement of any salvage activities, CSX Transportation, Inc. shall consult with Mr. Richard E. Draper at the New York State Department of Environmental Conservation (NY DEC) regarding permit coverage and shall comply with the reasonable requirements of NY DEC. CSXT shall report the results of this consultation to the Section of Environmental Analysis prior to commencement of any salvage activities.
5. CSX Transportation, Inc. shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until 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, SEA 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.

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) 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean 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. 663X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Christa Dean the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

Date made available to the public: November 8, 2005.

Comment due date: November 22, 2005.

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

Vernon A. Williams
Secretary

Attachment