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OEA

SERVICE DATE – JULY 13, 2012

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1098X**

**Pan American Southern, LLC – Abandonment Exemption –  
In Worcester County, Mass.**

**Docket No. AB 355 (Sub-No. 41X)**

**Springfield Terminal Railway Company –  
Discontinuance of Service Exemption –  
In Worcester County, Mass.**

**BACKGROUND**

In this proceeding, the Pan America Southern, LLC (Pan Am) and the Springfield Terminal Railway Company (jointly Applicants) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon and discontinue service over approximately 0.31 miles of rail line known as the Heywood Branch. The portion of line proposed for abandonment and discontinuance of service extends from Milepost 26.98 to Milepost 27.29 in Worcester County, Massachusetts.

The rail line proposed for abandonment travels through an urban area primarily composed of residential and commercial land uses. The topography in the area is generally rolling and the width of the right-of-way ranges from approximately 30 feet to 82 feet. The rail line traverses U.S. Postal Service Zip Code 01440. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

Applicants 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. Applicants 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)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

Applicants state that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. OEA notes that Pan Am and the Boston and Maine Corporation (B&M) are currently seeking to abandon a 0.14-mile portion of the Heywood Branch rail line immediately north of the proposed abandonment. That segment is the subject of a separate environmental review, but the cumulative environmental impacts of that proposed abandonment and the abandonment of the line assessed in this EA are set forth below.

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.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that one geodetic station marker has been identified that may be affected by the proposed abandonment. Accordingly, OEA is recommending a condition that would require the Applicants to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy the geodetic station marker in order to plan for its possible relocation by NGS.

The U.S. Fish and Wildlife Service's New England Field Office (USFWS) reviewed the proposed abandonment and submitted comments stating that no federally listed or proposed threatened or endangered species or critical habitat are known to occur in the area of the proposed project. Accordingly, no mitigation regarding threatened or endangered species is recommended.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1098 (Sub-No. 0 X).

The Natural Resources Conservation Service (NRCS) reviewed the proposed project and submitted comments stating that the abandonment would have no effect on agricultural resources or businesses in the area. Accordingly, no mitigation regarding prime farmland or farmland of statewide importance is necessary.

The Department of Army's Railroads for National Defense Program commented that the proposed abandonment would not affect national defense. Accordingly, no mitigation regarding this issue is necessary.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: USFWS; NGS; NRCS; the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; the National Park Service; the U.S. Forest Service; the Massachusetts Department of Environmental Protection; the Massachusetts Department of Housing and Community Development; the Massachusetts Coastal Zone Management Program; and the Gardner City Mayor's office (which is located adjacent to the rail line proposed for abandonment here).

## **HISTORIC REVIEW**

Applicants served the Historic Report on the Massachusetts Historical Commission (State Historic Preservation Office or SHPO) and the Gardner Historical Commission, pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. OEA has not received comments from the Gardner Historical Commission, but has included this agency in the service list for this proceeding so that it may receive a copy of the EA for review and comment. OEA will include any comments thereof in the Final EA.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way of the proposed abandonment. 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 the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral

connections to the project.<sup>2</sup> The database indicated that there are no federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment.

## **CUMULATIVE IMPACTS**

As noted above, on June 18, 2012, Pan Am and B&M filed a notice of exemption with the Board seeking to abandon a portion of another rail line located in Worcester County.<sup>3</sup> This 0.14-mile rail line, known as a portion of the Heywood Branch line, is located between Milepost 27.29 and Milepost 27.43. This segment of rail line is located immediately north of the rail line assessed in this EA.

The regulations of the Council on Environmental Quality implementing the National Environmental Policy Act (NEPA)<sup>4</sup> define a cumulative impact as “the impact on the environment, which results from the incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.”<sup>5</sup> This ensures that the range of actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

OEA received comments similar to those described above for the proposed abandonment of the 0.14-mile segment of the Heywood Branch line. These comments stated that the proposed abandonment of the 0.14-mile segment would result in no adverse environmental effects. Therefore, OEA concludes that with the recommended mitigation, the proposed abandonment of the 0.14-mile portion of the Heywood Branch line, when considered with the 0.31-mile segment assessed here, would have no adverse cumulative impacts on the environment.

## **CONDITION**

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

1. The Pan America Southern, LLC and the Springfield Terminal Railway Company shall consult with the U.S. Department of Commerce, National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy the geodetic station marker.

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited June 26, 2012).

<sup>3</sup> Materials filed in that proceeding can be viewed on the Board’s website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 32 (Sub-No. 105X).

<sup>4</sup> 42 U.S.C. §§ 4321-43.

<sup>5</sup> 40 C.F.R. § 1508.7.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is 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 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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental

comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1098X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: July 13, 2012.

**Comment due date: July 30, 2012.**

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

Attachment