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SEA

SERVICE DATE – NOVEMBER 23, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-268 (Sub-No. 16X)
Portland Terminal Company –
Abandonment Exemption – Line in Cumberland County, ME

STB Docket No. AB-355 (Sub-No. 34X)
Springfield Terminal Railway Company –
Discontinuance of Service Exemption – Line in Cumberland County, ME

BACKGROUND

In this proceeding, Portland Terminal Company (PT) and the Springfield Terminal Railway Company (ST) (collectively Applicants), jointly filed their respective petitions under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. In this proceeding, PT seeks to abandon and ST seeks to discontinue service over the Mountain Branch in Westbrook, Maine between milepost 6.0 and milepost 7.3, a distance of 1.3 miles in Cumberland County, Maine (Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petitions become effective, PT would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way, and ST would be able to discontinue operations over the Line.

DESCRIPTION OF THE LINE

According to Applicants, the Line was constructed in the late 1850s, and portions of the Line were acquired in the late 1840s and early 1850s. Historically, the Line served as part of a local system of branch lines. Applicants indicate that the right-of-way is consistently 66 feet wide and traverses United States Postal Service Zip Code 04092. Applicants also state that the Line does not contain any federally granted rights-of-way.

ENVIRONMENTAL REVIEW

Applicants 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. 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 CFR

1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to Applicants, no local traffic has moved over the Line in over two years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment and discontinuance 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 the construction of new access points to the right-of-way.

The Mayor of the City of Westbrook (City) stated that the City has no objection to the proposed project but believes that it would result in an adverse affect to the community. Specifically, the City is concerned with nuisance associated with trespassers utilizing the abandoned right-of-way for personal use. The City indicated that the neighboring properties have experienced a large number of off-road vehicles including ATV's, 4-wheel drive vehicles, and snowmobiles utilizing the area as a trail. The City asked that Applicants work to make the right-of-way less accessible from intersecting streets to discourage the use of the property in this manner. It is well settled that in conducting environmental review in abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. Iowa Southern R. Co.-Exemption-Abandonment, 5 I.C.C.2d 496, 501(1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990). Accordingly, SEA does not recommend environmental conditions regarding the post-abandonment use of the right-of-way, and it would not be appropriate or consistent with Board precedent for SEA to recommend a condition regarding post-abandonment use of the right-of-way.

The U.S. Fish and Wildlife Service reviewed the project and stated that no federally threatened or endangered species under its jurisdiction are known to occur in the project area. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required.

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-268 (Sub-No. 16X) or AB-355 (Sub-No. 34X).

The National Geodetic Survey (NGS) stated that three geodetic station markers have been identified that may be affected by the proposed project. Accordingly, SEA will recommend that the Board impose a condition requiring Applicants to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Environmental Protection Agency's Region 1 Office (USEPA) has not submitted comments regarding this proposed project. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA 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, SEA is providing a copy of this EA to the City and USEPA for their review and comment.

HISTORIC REVIEW

Applicants served the historic report on the Maine State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO submitted comments stating that there will be no historic properties (architectural or archeological) affected by the proposed undertaking. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 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.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that there are no tribes that may have an interest in the proposed project.

CONDITIONS

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

1. Portland Terminal Company and the Springfield Terminal Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days

prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition 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 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) 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, 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-268 (Sub-No. 16X) and AB-355 (Sub-No. 34X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: November 23, 2007.

Comment due date: December 7, 2007.

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

Vernon A. Williams
Secretary

Attachment