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SEA

SERVICE DATE – DECEMBER 1, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 305X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Somerset County, PA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) filed a petition of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad known as the South Fork Industrial Track in Somerset County, PA. The rail line (Line) proposed for abandonment extends from milepost QS 14.40 to milepost QS 16.20, a distance of 1.80 miles and traverses U.S. Postal Service Zip Code 15963. The right-of-way is generally 50 feet wide. There are no reversionary property interests or any federally granted rights-of-way. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, NS states that it does not plan to perform any salvage activities as the Line would be conveyed intact to Rosebud Mining.

ENVIRONMENTAL REVIEW

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

Diversion of Traffic

The proposed abandonment would permit NS to eliminate 1.80 miles of rail line (Line) known as the South Fork Industrial Lead. According to NS, the Line has been returned to service recently after a period of dormancy of over six years. NS states that the only traffic moving over the Line originates from Rosebud Mining (Rosebud).

NS states that there are no active shippers using the Line other than Rosebud.

In a letter dated August 15, 2008, Mr. James Barker, Executive Vice President, Rosebud, encourages approval of the proposed abandonment as expeditiously as possible.

Salvage Activities

If approved, NS states that it would not engage in any salvage activities. The Line would be conveyed to Rosebud, or one of its affiliates, most likely Kiski Junction Railroad, Inc., for use in its operations as a private rail line supporting its coal mining operations. Therefore, abandonment would not result in any adverse impacts to regional or local transportation systems and patterns.

NS states that there is no reasonable alternative to the proposed abandonment. Furthermore, NS states that if the abandonment is not approved that Rosebud would be prevented from use of the Line as a private track.

According to NS, it does not have fee title to the entire right-of-way and therefore NS would not have a contiguous corridor available for public use. Moreover, public use would be inconsistent with the continued use of the Line by Rosebud as a private track.

NS states that it is unaware of any adverse effects on local and existing land use plans. NS also notes that the Line does not cross any waterways.

In a letter dated August 27, 2008, Ms. Denise Pyers, Director, Bureau of Rail Freight, Ports & Waterways, Pennsylvania Department of Transportation, states that the materials have been forwarded to the State's Engineering District 9-0 and Bureau of Design, Environmental Quality Assurance Division for review.

In a letter dated June 13, 2008, Mr. Dennis Berkey, Borough of Paint, Somerset County, states that it has no comments other than that the trestle bridge located on the Line in the Borough of Paint should continue to be maintained.

In a letter dated May 16, 2008, Mr. Tim Emenheiser, Resource Conservationist, Natural Resources Conservation Service, states that the proposed abandonment is entirely within the urban boundaries of Somerset County and that no federally designated farmlands exist.

In a letter dated June 25, 2008, Ms. Pamela Shellenberger, U.S. Fish and Wildlife Service, states that the proposed abandonment would have no effect on federally listed threatened or endangered species.

NS states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

In a letter dated June 24, 2008, Mr. Ronald Schwartz, Assistant Regional Director, Pennsylvania Department of Environmental Protection, had no specific comments. However,

Mr. Schwartz did provide contact information for other resource agencies if certain actions would be undertaken.

In a letter dated May 27, 2008, Mr. Lawrence Toth, Coastal Resources Management Program, Pennsylvania Department of Environment Protection, states that the proposed abandonment is located outside the State's Coastal Zones and will not have an impact upon them.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, SEA has added NGS to the service list for this EA and specifically invites NGS's comments on this EA.

Based on all information available to date, SEA does not believe that salvage of the Line, which NS does not plan to do, would result in any significant environmental impacts.

HISTORIC REVIEW

The proposed abandonment would permit NS to eliminate 1.80 miles of rail line known as the South Fork Industrial Lead. According to NS, the Line has been returned to service recently after a period of dormancy of over six years. NS states that the only traffic moving over the Line originates from Rosebud. NS also states that because it intends to convey the Line to Rosebud that it will not undertake any salvage activities.

NS states that the Line's right-of-way is generally 50 feet wide and passes through urban areas.

In its Environmental and Historic Report, NS states that the Line now known as the South Fork Industrial Track was previously known as the South Fork Branch. According to NS, the South Fork Branch is one of several branch lines constructed by the Pennsylvania Railroad Company to serve the coal mines in Southwestern Pennsylvania.

NS states that there is a single structure that is 50 years old or older. According to NS the sole structure is a 41 foot open deck thru plate girder bridge constructed in 1903 over the Johnstown Parkway located at milepost QS 15.07. NS believes that neither the bridge nor the Line itself meets the criteria for listing in the National Register of Historic Places.

NS served the historic report on the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (SHPO), pursuant to 49 CFR 1105.8(c).¹ In a letter dated August 18, 2008, the SHPO states that in its opinion that neither the bridge nor the Line itself are eligible for listing in the National Register of Historic Places. Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for

¹ 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>.

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.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. 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 through posting on the Board's web site at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that there are no Federally recognized tribes that may have ancestral connections to the project area.

Based on all information available to date, SEA does not believe that abandonment activities would cause significant environmental impacts.

CONDITIONS

SEA recommends that no conditions be imposed on any decision granting abandonment authority.

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 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), 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.

NS states that it does not have fee title to the entire right-of-way and therefore NS would not have a contiguous corridor available for public use. Moreover, public use would be inconsistent with the continued use of the Line by Rosebud as a private track. NS also requests that it not be subject to Offers of Financial Assistance or Public Use conditions.

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).

NS proposes to convey the Line to Rosebud for continued use as a private rail line supporting its coal mining operations, therefore it does not appear that interim trail use is feasible here.

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 Troy Brady, 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-290 (Sub-No. 305X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: December 1, 2008.

Comment due date: December 31, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment