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OEA

SERVICE DATE – JANUARY 13, 2012

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 979 (Sub-No. 2X)

**Connecticut Southern Railroad, Inc. – Abandonment Exemption –
In Hartford County, CT**

BACKGROUND

In this proceeding, the Connecticut Southern Railroad, Inc. (CSO) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon a line of rail located in the town of Suffield, Hartford County, Connecticut. The Suffield Subdivision (the line) extends from Milepost 2.0 just west of Main Street, to Milepost 4.4 just south of Mountain Road, a distance of 2.4 miles. CSO certifies that no local rail traffic has moved over the line for at least 2 years and that any overhead traffic could be rerouted to other rail lines. If the abandonment is authorized, CSO believes the line would be suitable for other public purposes. CSO indicates that the line proposed for abandonment contains 3 public grade crossings and 2 bridges – 1 at Suffield Street and the other at Stony Brook west of Cains Pond. CSO intends to keep the bridges intact for future trails use.

CSO acquired the rail line from Consolidated Rail Corporation in 1996. CSO does not believe the line contains any federally granted rights-of-way. The rail line travels through rural areas and the right-of-way is generally 80 feet wide. The proposed abandonment traverses Zip Codes 06078 and 06080. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

CSO 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. CSO served the environmental report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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 979 (Sub-No. 2X).

Diversion of Traffic

As noted above, CSO states that no local traffic has moved over the line for at least 2 years and overhead traffic could 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 the construction of new access points to the right-of-way. Following abandonment, CSO states that it intends to leave the ballast, bridges, and culverts intact, but would remove the track and materials for future trails use.

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 proposed abandonment should not affect public safety because there has been no traffic on the rail line for at least 2 years.

The U.S. Army Corps of Engineers (Corps) commented that it does not have enough information on the proposed abandonment to adequately determine whether salvage operations would impact jurisdictional wetlands or waterways under Section 404 of the Clean Water Act. The Corps states that the bridge crossing at Stony Brook is the only potential 404 resource identified within the area of the proposed abandonment, but that if other 404 resources are present, they need to be identified so potential impacts can be assessed. CSO has indicated that it believes no Section 404 permits would be required for the proposed abandonment, but has provided no other information to support this claim. Rather, CSO did provide a detail of the best management practices it plans to implement during the salvage process. Under these practices, CSO has stated that it would not do the following: remove any ballast, bridges, or culverts; disturb any underlying roadbed; create any new access roads; perform any activities that would cause sedimentation or soil erosion; or deposit dredge or fill in any areas during the removal of track material. Given the nature of the proposed undertaking, OEA believes these practices would provide sufficient protection for any potential 404 resource. However, to ensure that the Corps concerns are adequately addressed, OEA has included a condition that requires CSO to consult with the Corps prior to initiating salvage operations.

The Connecticut Department of Energy and Environmental Protection (DEEP) commented that the proposed abandonment does not pass through any designated coastal zone, and therefore, is not subject to the Connecticut Coastal Management Act. DEEP also commented that the corridor for the proposed abandonment does not have any statewide significance in terms of future trail use conversion. DEEP, however, is aware of plans for trail

use conversion at the local level and recommended contacting the planner for the town of Suffield. OEA has since added 2 contacts in the town of Suffield to the service list for this proceeding so that they may receive a copy of this EA for review.

The Connecticut Bureau of Assets responded that it has no comment regarding the proposed abandonment.

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: U.S. Fish and Wildlife Service; U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; the National Geodetic Survey; National Park Service; Connecticut Department of Environmental Protection; and the town of Suffield.

HISTORIC REVIEW

According to CSO, there are 2 bridge structures in the portion of rail line proposed for abandonment that are 50 years or older. CSO does not know the dates of construction for the 2 bridges, but believes they are not historically significant and therefore, not eligible for inclusion on the National Register of Historic Places. CSO also believes that there are no archeological resources or other railroad related historic properties in the area of the proposed abandonment.

CSO served the historic report on the Connecticut Historical Commission, State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² 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 (the APE) of the proposed abandonment.

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited January 3, 2012).

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Connecticut Southern Railroad, Inc. (CSO) shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. CSO shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office and the public. CSO may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 979 (Sub-No. 2X) 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.

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

Comment due date: January 31, 2012.

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

Attachment