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OEA

SERVICE DATE – AUGUST 23, 2011

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 711X)**  
**CSX Transportation, Inc. – Abandonment Exemption –**  
**in Oswego County, NY**

**BACKGROUND**

In this proceeding, CSXT Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of two formally connected rail lines totaling 2.4 miles located in Fulton, Oswego County, New York (the Line). The northern segment originates at milepost 25.67 adjacent to County Road 57 and continues approximately 6,814 feet to the end of the track between Ontario and Erie Streets. The southern segment, known as the Fulton Industrial Lead, begins at milepost 22.8 and continues approximately 5,938 feet to the end of the track at Division Street. The segments are separated by approximately 4,800 feet. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**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 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.

The Line is located in the town of Fulton just east of the Oswego River. A combination

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<sup>1</sup> Following CSXT's submission of its Environmental Report, CSXT served a revised Environmental Report on these parties to include an additional 2,000 feet of track in its Notice of Exemption for the northern segment, or from 4,814 feet to 6,814 feet. The additional track was added in response to a letter CSXT received from the New York Department of Transportation requesting this addition to allow affected property owners to clear residual railroad easements from their titles. The Environmental and Historic Reports are available for viewing on the Board's website at <http://www.stb.dot.gov> by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 711X).

of various businesses, factories and homes border the Line. The northern segment is located in a mostly residential area while the southern segment is primarily industrial in nature having once served several factories including the now closed Nestle Chocolate Factory. The Line contains no bridges.

### *Diversion of Traffic*

According to CSXT, no local traffic has moved over the Line for at least 2 years and all overhead traffic has been rerouted. Therefore, 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. CSXT believes that the proposed abandonment would result in improved safety in the area due to the elimination of 5 public at-grade road crossings.

### *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.

CSXT advises that any salvage activities conducted along the Line would include the removal of rail, crossties and possibly the upper layer of ballast. CSXT does not intend to disturb the sub-grade or any sub-grade structures. CSXT plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. Salvage activities would not cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill when removing the track material. CSXT states that no debris would be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

In comments submitted to CSXT, the New York State Department of Environmental Conservation (NYSDEC) states that disturbance of more than one acre of land would require a permit under the NYSDEC General Permit for Stormwater Discharges from Construction Activities. However, as previously noted, CSXT does not intend to disturb any new areas during its salvage activities. Therefore, OEA does not anticipate the need for a permit for the proposed abandonment.

NYSDEC indicated that the area of the proposed abandonment does not contain protected streams or wetlands under its jurisdiction. However, NYSDEC states that its NYS Water Quality Standards must be followed during any activity that could impact water bodies and wetlands. In order to minimize such potential impacts, NYSDEC recommends that no petroleum products, fresh concrete, concrete leachate; washings from equipment of trucks; or excessive amounts of silt, clay, or mud be permitted to enter any waters of New York State. In order to control erosion

in downslope edges of disturbed areas, NYSDEC recommends that bales of hay, water bars, and silt fences be placed as a barrier to sediment before the onset of any salvage activities and that such barriers remain in place until any disturbed areas are heavily vegetated. It further requests that all disturbed areas be seeded with appropriate perennial grasses and mulched with hay or straw within one week to final grading. In order to ensure that its concerns are appropriately addressed, OEA recommends a condition that would require CSXT to consult with NYSDEC prior to the onset of salvage activities

The U.S. Environmental Protection Agency, Region 2, provided comments to CSXT indicating that it had not concerns regarding the proposed abandonment.

Operation Oswego County, Inc. provided comments to CSXT regarding the economic impact of the proposed abandonment stating that abandonment of the southern segment could impact three major industrial facilities along the Line, two active and one being redeveloped. Operation Oswego County, Inc. offered no objections to the abandonment of the northern segment.

The National Geodetic Survey (NGS) has commented that 1 geodetic station marker may be affected by the proposed abandonment. We therefore recommend a condition for CSXT to notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

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.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties noted herein, OEA is providing a copy of this EA to the following for review and comment: the Natural Resources Conservation Service, the New York Division of Coastal Resources, the National Park Service, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service.

## **HISTORIC REVIEW**

CSXT sent the Historic Report to the New York State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments in response stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) located within the project right-of-way (Area of Potential Effect).

OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral connections to the project area.<sup>2</sup> No tribes

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited August 5, 2011).

were identified.

Based on the SHPO comments and all available information provided to date, we have made a finding of “no historic properties affected” pursuant to 36 C.F.R § 800.4(d)(1). 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 our web site at :

### **CONDITIONS**

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

1. CSXT Transportation, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. CSXT Transportation, Inc. shall consult with the New York State Department of Environmental Conservation prior to the initiation of salvage activities regarding the control of impacts to water bodies from: petroleum products, fresh concrete, concrete leachate; washings from equipment of trucks; or excessive amounts of silt, clay, or mud; the control of sediment through the use bales of hay, water bars, and silt fences; and the reseeding of any disturbed areas with appropriate perennial grasses mulched with hay or straw.

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA 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 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 711X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: August 23, 2011.

**Comment due date: September 7, 2011.**

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

Attachment