

37776
SEA

SERVICE DATE – MARCH 12, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-32 (Sub-No. 95X)

**Boston and Maine Corporation - Abandonment Exemption - in Essex and Middlesex
Counties, MA**

STB DOCKET NO. AB-355 (Sub-No. 26X)

**Springfield Terminal Railway Company - Discontinuance Exemption - in Essex and
Middlesex Counties, MA**

BACKGROUND

In this proceeding, the Boston and Maine Corporation (B&M) and the Springfield Terminal Railway Company (ST) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 for B&M to abandon and ST to discontinue service over an approximately 9.69-mile line of railroad known as the Wakefield Junction Industrial Track (“the Line”) in Essex and Middlesex counties, Massachusetts (MA). The Line extends between Milepost 9.38 and Milepost 19.07. A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, the railroads would have the authority to consummate the abandonment after complying with any imposed conditions; and thereby, extinguishing their common carrier obligations on the Line. B&M and ST do not plan on conducting any salvage operations.

DESCRIPTION OF THE LINE

The Line generally runs southwest to northeast within the communities of Wakefield, Lynnfield, Peabody and Danvers. Land uses in the vicinity of the Line include residential, commercial, and industrial. The right-of-way (ROW) of the Line is typically 66 feet wide, but varies from 33 to 82 feet wide.

The Line was originally constructed in the late 1850s and historically served as part of the local system of branch lines. According to B&M and ST, there are no significant railroad structures (e.g., bridges, trestles, stations, tunnels, track supports, etc) on the Line that are 50 years of age or older. No overhead or local traffic has moved over the Line for at least two years. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes. B&M and ST are not aware of any hazardous waste sites or sites where there have been known hazardous materials spills on the ROW.

The Line is currently owned by the Massachusetts Bay Transportation Authority (MBTA), and B&M provides rail service over the Line pursuant to a freight easement. ST acquired a leasehold interest in the Line from B&M in 1988.¹

ENVIRONMENTAL REVIEW

B&M and ST 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.² B&M and ST 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 reviewed and investigated the record in this proceeding.

Because there is no rail traffic on the Line, 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.

B&M and ST state that the proposed abandonment is consistent with local land use plans. The Town of Wakefield noted that it strongly supports the proposed abandonment and discontinuance because the community is interested in "rail-to-trails" use of the Line. The Town of Lynnfield noted that it was not aware of any potential adverse effects of the proposed abandonment and discontinuance.

The Natural Resources Conservation Service stated that the proposed abandonment and discontinuance would have no anticipated adverse effects on agricultural activities.

B&M and ST state that no designated wetlands or 100-year floodplains would be affected by the proposed abandonment and discontinuance. However, a copy of this Environmental Assessment has been provided to the U.S. Army Corps of Engineers for review and consideration of potential permitting requirements under Section 404 of the Clean Water Act (33 U.S.C. 1344).

¹ See Delaware and Hudson Railway Company – Lease and Trackage Rights Exemption – Springfield Terminal Railway Company, Finance Docket No. 30965 (Decided February 17, 1988).

² The 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-32 (Sub-No. 95X).

The U.S. Fish and Wildlife Service stated that there are no Federally listed or proposed threatened or endangered species or critical habitat in the vicinity of the Line; and therefore, the preparation of a Biological Assessment or further consultation under Section 7 of the Endangered Species Act (ESA) (16 USC 1535) are not required.

The National Park Service (NPS) reviewed the proposed abandonment and discontinuance and stated that it is not aware of any potential negative impacts to historic resources. The NPS also noted support for protecting the ROW for public benefit purposes.

The National Geodetic Survey (NGS) identified eleven (11) geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this concern.

The MA Office of Coastal Zone Management noted that the Line is not located within the designated boundaries of the Massachusetts Coastal Zone.

HISTORIC REVIEW

B&M and ST submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Massachusetts Historical Commission (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO determined that the proposed abandonment and discontinuance are unlikely to affect significant historic or archaeological resources (MHC RC 31771, August 30, 2006).

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database contained no records for Essex and Middlesex counties.

CONDITIONS

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. The Boston and Maine Corporation and the Springfield Terminal Railway Company shall notify the National Geodetic Survey at least 90 days prior to beginning any salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.

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 and discontinuance 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 and discontinuance would include denial (and therefore no change in operations and no salvage activities), 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, discontinuance and salvage of the rail line, the ROW 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 the time specified in the Federal Register notice. 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, please send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-32**

(Sub-No. 95X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: March 12, 2007.

Comment due date: March 26, 2007.

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

Vernon A. Williams
Secretary

Attachment