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SEA

SERVICE DATE – NOVEMBER 25, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-55 (Sub-No. 691X)

**CSX Transportation, Inc. – Abandonment Exemption –
in Worcester County, MA**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Worcester County, Massachusetts. The rail line proposed for abandonment extends 4.2 miles from milepost QBU 0.0 in Fitchburg, MA to milepost QBU 4.2 in Leominster, MA (the Line). 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.

DESCRIPTION OF THE LINE

According to CSXT, the right-of-way was acquired between 1848 and 1914 by three railroads, the Fitchburg & Worcester Railroad Company, the Boston, Clinton, Fitchburg & New Bedford Railroad Company and the Old Colony Railroad, which was eventually acquired by the New York Central Railroad. The New York Central Railroad merged with the Pennsylvania Railroad to become the Penn Central Company and later the Consolidated Rail Corporation (Conrail). In 1999, CSXT's parent company and Norfolk Southern Corporation jointly acquired control of Conrail. As a result of this acquisition, CSXT began operating the Line pursuant to an operating agreement.

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 CFR 1105.7(b)].¹ The

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-55 (Sub-No. 691X).

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

Diversion of Traffic

According to CSXT, no local traffic has moved over the Line in over ten years, and there is no overhead traffic to 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.

CSXT indicates that the proposed abandonment would result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT also states that it does not intend to disturb any of the underlying rail-bed. Removal of material would be accomplished by using the right-of-way for access, along with existing public and private crossings, and no new access roads would be contemplated.

Based upon CSXT's review of the area, CSXT states that the Line is not within any wildlife sanctuaries or refuges, National or state parks or forests. CSXT also indicates that the proposed abandonment is not located within the State of Massachusetts Coastal Zone Management Program.

The City of Leominster, Conservation Commission (LCC) submitted comments stating that CSXT is in violation of the Massachusetts Wetlands Protection Act due to severe erosion along a section of the Line's rail bed and a collapsed culvert within the proposed project area. LCC further indicates that this section is causing fill to be discharged into a nearby wetland and waterway. LCC states that it issued an Enforcement Order on August 12, 2008, because CSXT had not taken any corrective action since it was made aware of the problem a year earlier. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring CXST to consult with LCC regarding the Enforcement Order.

The U.S. Fish and Wildlife Service indicated that no federally listed or proposed, threatened or endangered species or critical habitat are known to occur in the proposed project area. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required.

The U.S. Environmental Protection Agency's Region 1 Office (USEPA) has not submitted comments regarding this proposed abandonment. 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 LCC and USEPA for their review and comment.

HISTORIC REVIEW

CSXT served the historic report on the Massachusetts State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places. 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. 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 abandonment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, CSXT Transportation, Inc. shall consult with the City of Leominster, Conservation Commission regarding its Enforcement Order.

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 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 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-55 (Sub-No. 691X) 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 25, 2008.

Comment due date: December 8, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment