

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-32 (Sub-No. 99X)

BOSTON AND MAINE CORPORATION–ABANDONMENT EXEMPTION–IN  
MIDDLESEX COUNTY, MA

Decided: December 7, 2006

Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for B&M to abandon, and ST to discontinue service over, a line of railroad, known as the Fitchburg Freight Cut-Off, extending from milepost 0.00 to milepost 0.86 in Somerville, in Middlesex County, MA. Notice of the exemption was served and published in the Federal Register on November 7, 2006 (71 FR 65197).<sup>1</sup> The exemption is scheduled to become effective on December 7, 2006.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 9, 2006. In the EA, SEA noted that the Massachusetts Department of Environmental Protection (MADEP) has indicated the presence of oil or hazardous materials along the right-of-way proposed for abandonment and discontinuance. MADEP stated that, if these substances are present in the soil and groundwater, remedial actions may be required to eliminate any contaminants pursuant to the Massachusetts Contingency Plan, 310 CMR 40.0000. In an attempt to ensure that MADEP’s concerns were addressed, SEA recommended that, prior to the commencement of salvage activities, B&M be required to consult with MADEP, Northeast Regional Office (Richard J. Chalpin, 978-694-3200), regarding potential contamination of the right-of-way, and to report the results of these consultations in writing to SEA.

Comments to the EA were due November 22, 2006. By letter dated November 22, 2006, the City of Somerville (the City) expressed concern regarding the specific wording of the condition recommended by SEA in the EA. The City states that the actual owner of the right-of-way is Massachusetts Bay Transit Authority (MBTA) and that the condition should either be removed or changed to make MBTA responsible for complying with any measures associated with salvage activities. The City asserts that the recommended condition could hinder its ability to lease the line for conversion to a rail-trail and linear park for Somerville.

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<sup>1</sup> The notice served and published on November 7, 2006, embraced STB Docket No. AB-355 (Sub-No. 33X), Springfield Terminal Railway Company–Discontinuance of Service Exemption–in Middlesex County, MA.

On December 1, 2006, applicants confirmed to SEA that MBTA is the current owner of the line, including the track and ties, and that applicants do not intend to perform salvage operations on the line. Moreover, applicants contacted Mr. Chalpin of MADEP regarding the condition, and Mr. Chalpin stated that any consultations regarding salvage activities on the line would appropriately be completed between MADEP and MBTA, not applicants. Because the line proposed for abandonment and discontinuance is not owned by applicants and applicants do not intend to complete salvage activities on the line, SEA now recommends that the condition previously recommended in the EA not be imposed.

The salvage condition previously recommended by SEA in the EA will not be imposed. The Board's action here (authorizing abandonment) will not have any potential for significant impacts because applicants do not intend to salvage the line. If and when any salvage activities take place, they would be performed by MBTA. The Board would not impose mitigation on MBTA because MBTA is not one of the applicants here. Moreover, no condition is needed because MADEP agrees that any consultations regarding salvage on the line would appropriately be completed by MADEP and MBTA.

There are no remaining environmental or historic preservation issues that have been raised by any party or identified by SEA. Therefore, a Finding of No Significant Impact under 49 CFR 1105.10(g) will be made pursuant to 49 CFR 1011.7(b)(9).

It is ordered:

1. Abandonment of the involved rail line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary