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SERVICE DATE - FEBRUARY 13, 2004

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-859 (Sub-No. 1X)**

**Pennsylvania Lines LLC– Abandonment Exemption –  
in Northampton County, PA**

**STB DOCKET NO. AB-290 (Sub-No. 245X)**

**Norfolk Southern Railway Company–Discontinuance of Service Exemption–  
in Northampton County, PA**

**BACKGROUND**

In this proceeding, Pennsylvania Lines LLC (PRR) and Norfolk Southern Railway Company (NS) have filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for PRR to abandon and NS to discontinue service over 3.7 miles of rail line extending from Milepost EK-53.0, at Hellertown, to Milepost EK-56.7, at Bethlehem, in Northampton County, PA. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, PRR will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to the railroads, the subject line is the end segment of a larger rail line running from Philadelphia to Bethlehem, PA, that was part of the Reading Company system. Operations on the line began in 1857. After several changes in operation, Conrail Rail Corporation (Conrail) acquired and took possession of the property in 1976. Subsequently, Conrail's interest in the line was allocated to PRR, a wholly-owned subsidiary of Conrail, and in 1999, NS leased and operated PRR's assets. According to the railroads, there has been no traffic on the line for at least two years.

The line runs through an already developed, urban area. The area is primarily used for industrial and commercial purposes; however, 20 percent is residential. The width of the ROW varies but is generally 35 feet on each side of the centerline of track. A small bridge, which was constructed in 1912, is apparently the only structure on the rail line that is 50 years of age or older. Applicants state that they

do not plan to remove the bridge, which is described as relatively modern and ordinary in design and construction.

The rail line crosses Silver Creek and Saucon Creek and the tributaries, 100-year floodplains, and wetlands associated with these waterways. The line terminates approximately 20 feet prior to the bridge crossing at the Lehigh River. Applicants state that they have no plans to undertake in-stream work, and applicants do not intend to remove or appreciably alter the contour of the roadbed. Where PRR owns the ROW, it would be allowed to revegetate naturally.

According to the railroads, PRR does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, a contiguous corridor for public use would not be available.

## **ENVIRONMENTAL REVIEW**

PRR and NS 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. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service had not responded to the reports at the time this document was prepared. However, the proposed abandonment would not be expected to have an adverse effect on prime agricultural land.

Northampton County is designated as a non-attainment area for ozone. Because traffic has not moved on the subject rail line for the past two years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The State of Pennsylvania had not submitted comments at the time this document was prepared; however, salvage activities for the proposed abandonment shall comply with state air quality rules, specifically 25 Pa. Code 123.1, regarding fugitive dust emissions.

The City of Bethlehem has regulations that establish thresholds for noise levels within its boundaries. Noise levels associated with rail removal or salvage operations would be temporary and should not have a significant impact on the area surrounding the proposed abandonment and discontinuance. However, applicants shall comply with the City of Bethlehem's noise regulations.

The U.S. Army Corps of Engineers, Philadelphia District, concluded that the proposed abandonment, as outlined by the applicant, would not involve the discharge of dredged or fill material in waters of the United States, including wetlands. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

Based on an undocumented response from the U.S. Fish and Wildlife Service (USFWS), NS reports that the subject rail line is located within the range of the bog turtle (*Clemmys muhlenbergii*), a species that is Federally listed as threatened. At the time this Environmental Assessment (EA) was prepared, the USFWS had not yet commented on the proposed abandonment's potential impacts to the bog turtle. Therefore, SEA recommends a condition to address this concern.

The Pennsylvania Natural Diversity Inventory (PNDI) has indicated that the proposed project has the potential to impact several species. The following state endangered or threatened plant species may occur in the project vicinity: 1) the Northern Water-Milfoil (*Myriophyllum sibiricum*), which typically grows in still water of rivers, lakes, ponds, and marshes; 2) the Western hairy rock-cress (*Arabis hirsute*), which typically grows in woods, on banks, or rock ledges and is usually found on limestone; 3) the Sedge (*Carex tetanica*), which typically grows in fens, marshes, boggy swales, and moist, calcareous meadows; and 4) the Prairie Sedge (*Carex prairea*), which typically grows in marshes, fens, and moist, calcareous meadows. Considering the habitat requirements of the above species and the urbanized character of the subject rail line, it is unlikely that any of the above species would be adversely affected by the proposed abandonment. However, if any of the above habitats exist in the right-of-way, PNDI recommends that a site survey be conducted by a qualified botanist before the onset of any earth disturbance associated with the project, in order to confirm or deny the presence of these species in the project area. After the survey is conducted, PNDI requests that the applicants contact its office with the results, in order to discuss the measures necessary to protect these species. Accordingly, SEA recommends that the applicants consult with PNDI prior to any salvage activities.

According to the applicants, there are no known hazardous waste sites or hazardous material spill sites on the subject ROW. Nevertheless, the applicants provided a list of 26 potential sites for potential hazardous materials or waste sites near the area of the proposed project. The City of Bethlehem comments that one of these sites, the old Champion Battery Company in Hellertown, is a Superfund Site that is under remediation. Because the Pennsylvania Department of Environmental Protection (PDEP) has not yet responded, SEA recommends that applicants contact the PDEP, Hazardous Sites Cleanup Program, at 717-783-7509, prior to any abandonment activities.

The U.S. Department of Commerce's National Geodetic Survey has identified twelve (12) geodetic station markers that may be affected by the proposed abandonment and discontinuance of service. Therefore, SEA recommends a condition to address this concern.

NS states that the line is not within any wildlife sanctuaries, National or State parks or forests. The City of Bethlehem states that the line does pass through local parks; however, it does not object to the proposed abandonment.

Pennsylvania State Senator, Robert M. Tomlinson, submitted comments stating that there are plans to reinstate commuter rail service on an existing rail right-of-way between Norristown and Quakertown, PA. The line proposed for abandonment is approximately eight miles north of Quakertown and is the only existing rail link between Philadelphia and the Allertown/Bethlehem area. Senator Tomlinson states that the proposed abandonment would eliminate the possibility of restoring commuter rail service to the area. Bucks County Transportation Management Association expressed similar opposition to the proposed abandonment and discontinuance.

### **HISTORIC REVIEW**

Applicants 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 Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). At the time this EA was prepared, the SHPO had not completed its assessment of the proposed abandonment. The SHPO has requested additional information from the applicants, including a more detailed map of the project area. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

### **CONDITIONS**

1. Salvage activities for the proposed abandonment and discontinuance shall comply with Pennsylvania state air quality rule 25 Pa. Code 123.1, regarding fugitive dust emissions.
2. Applicants shall comply with the City of Bethlehem's noise regulations, which establish thresholds for noise levels.
3. Prior to conducting any abandonment or salvaging activities, the railroad shall consult with the U.S. Fish and Wildlife Service's (USFWS) Pennsylvania Field Office (State College, PA) to assess potential impacts to the bog turtle or other Federally threatened or endangered species, and identify any appropriate mitigation measures that may be warranted. The railroad shall report the results of the USFWS consultations to the Surface Transportation Board's Section of Environmental Analysis.
4. The Pennsylvania Natural Diversity Inventory (PNDI) has indicated that the proposed abandonment and discontinuance is within the range of the following state threatened or endangered plant species: Northern Water-Milfoil, Western hairy rock-cress, Sedge, and Prairie Sedge.

Accordingly, SEA recommends that the applicants consult with PNDI regarding the existence of these species' habitats in the right-of-way and the need for a site survey. If a site survey is determined to be necessary, it should be conducted by a qualified botanist. The applicants shall contact PNDI with the survey results, in order to discuss the measures necessary to protect the species.

5. The applicants have identified 26 potential sites for potential hazardous materials or waste sites near the area of the proposed project. Accordingly, SEA recommends that applicants contact the Pennsylvania Department of Environmental Protection, Hazardous Sites Cleanup Program, at 717-783-7509, prior to any abandonment activities.

6. The National Geodetic Survey (NGS) has identified twelve (12) geodetic station markers that could be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to salvage activities in order to plan for their potential removal.

7. Applicants shall retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude 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 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 the petition for 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean, who prepared this environmental assessment. **Please refer to Docket No. AB-859 (Sub No. 1X) et. al. in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Christa Dean, the environmental contact for this case by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at [deanc@stb.dot.gov](mailto:deanc@stb.dot.gov).

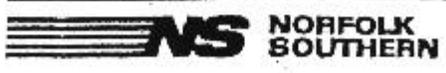
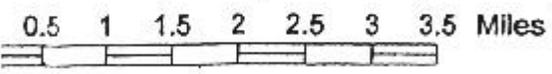
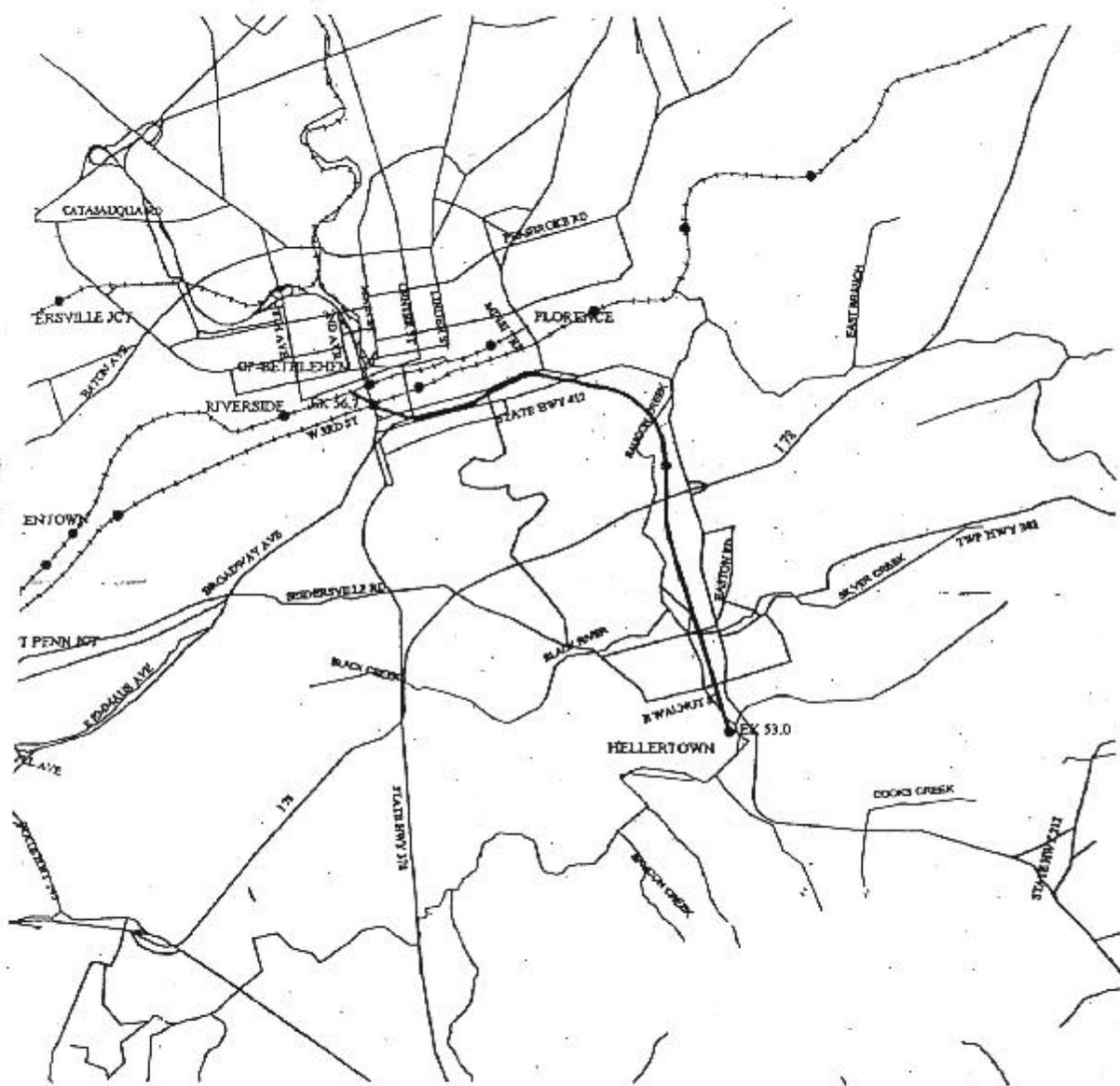
Date made available to the public: February 13, 2004.

**Comment due date: March 1, 2004.**

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

Vernon A. Williams  
Secretary

Attachment



Rev.	By	Date	Description
			Location Hellertown to Bethlehem, PA
			Title Proposed Abandonment: Saucon R.T.: EK 53.0 - 55.7 Bethlehem Sec.: EK 55.7 - 56.7