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SERVICE DATE - FEBRUARY 23, 2004

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-156 (Sub-No. 24X)

**DELAWARE AND HUDSON RAILWAY COMPANY, INC.—ABANDONMENT
EXEMPTION—IN ALBANY, COUNTY, NY**

BACKGROUND

Delaware and Hudson (D&H) has filed a notice of exemption under 49 CFR 1152 to abandon a 1.3 +/- mile line of railroad between milepost T1.81 +/- (in Green Island) and milepost T3.11 +/- (in Cohoes) which traverses through United States Postal Service Zip Codes 12047 and 12183, in Albany County, New York. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track,¹ ties and other railroad appurtenances, and to dispose of the right-of-way.

CONTACTS AND PROCEDURES

The railroad has 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included Natural Resources Conservation Service, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, and National Geodetic Survey.

ENVIRONMENTAL REVIEW

The proposed action is the abandonment of a 1.3 mile length of track located within Albany

¹Defined as removal of track and ties

County. The track is out of service and no traffic has moved over the line for over twenty years. Any overhead trackage has already been rerouted over other lines. If abandonment authority is granted, any remaining ties and rails will be removed. Ties and rail will be either recycled or disposed of in an appropriate manner. No effects on rail traffic are anticipated by the abandonment of this out-of-service line. The line is suitable for public use. The Village of Green Island is planning for the purchase of one portion of the line for use as a road. The proposed action will not have an effect on any prime agricultural land.

There are no known hazardous waste sites and there are no known hazardous material spills on the right of way. D&H advises that it completed a Phase I Environmental Site Assessment (ESA) in September, 2003, the ESA revealed no Recognized Environmental Conditions (RECs) on the site. However, there is a hazardous waste site located adjacent to the property (Ford Motor Company, NYS DEC Site No. 401007). The New York State Department of Environmental Conservation (NYS-DEC) has recommended, and D&H has agreed to consult with NYS-DEC prior to commencing any work in the area that would impact NYS DEC Site No. 401007.

No diversion of traffic from rail to truck transportation would occur as a result of the proposed abandonment, and, therefore, no significant impact on air quality would occur. Temporary increases in noise levels during salvage may occur, but should not have a significant impact on the area surrounding the proposed abandonment. Based upon consultation with the NYS-DEC, D&H advises it will evaluate the area prior to any ground disturbance for the presence of the Giant Pine-drop, an endangered plant species.

D&H states temporary displacement of wildlife along the right of way may occur during short periods when salvage operations are conducted. However, this will be a minor and short-lived effect. No sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment as none exist along the right-of-way.

No designated wetlands or 100 year flood plains will be adversely affected. The U.S. Army Corps of Engineers has been notified of the proposed abandonment. Permits under Section 402 of the Clean Water Act and Section 404 are not anticipated for this action as no in-stream salvage activities are contemplated.

Cultural and Historic Resources

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the Michigan State Historic Preservation Officer (SHPO) pursuant to the Board's environmental regulations at 49 CFR 1105.8(c). The SHPO is reviewing the proposed project. Because the SHPO has not completed its review of the proposed abandonment, we recommend that D&H retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

One geodetic control mark has been identified in the proposed abandonment area Pids MZo787–Designation Z64.

CONDITIONS

SEA recommends the following conditions on any grant of abandonment authority:

- Because there is a hazardous waste site located adjacent to the property (Ford Motor Company, NYS DEC Site No. 401007), D&H will consult with the New York State Department of Environmental Conservation prior to commencing any work that would impact NYS DEC Site No. 401007.
- Because the SHPO has not completed its review of the proposed abandonment, we recommend that D&H retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
- One geodetic control mark has been identified in the proposed abandonment area, Pids MZO787–Designation Z64, if there are any planned activities which will disturb or destroy these markers, D&H will contact National Geodetic Survey not less than 90 days in advance of such activities in order to plan for their relocation.
- D&H shall consult with the New York State Department of Environmental Conservation prior to any salvage activities for the presence of the Giant Pine-drop, an endangered plant species, in or adjacent to the right-of-way.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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 any 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, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Please refer to Docket No. AB 156 (Sub No. 24X) all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

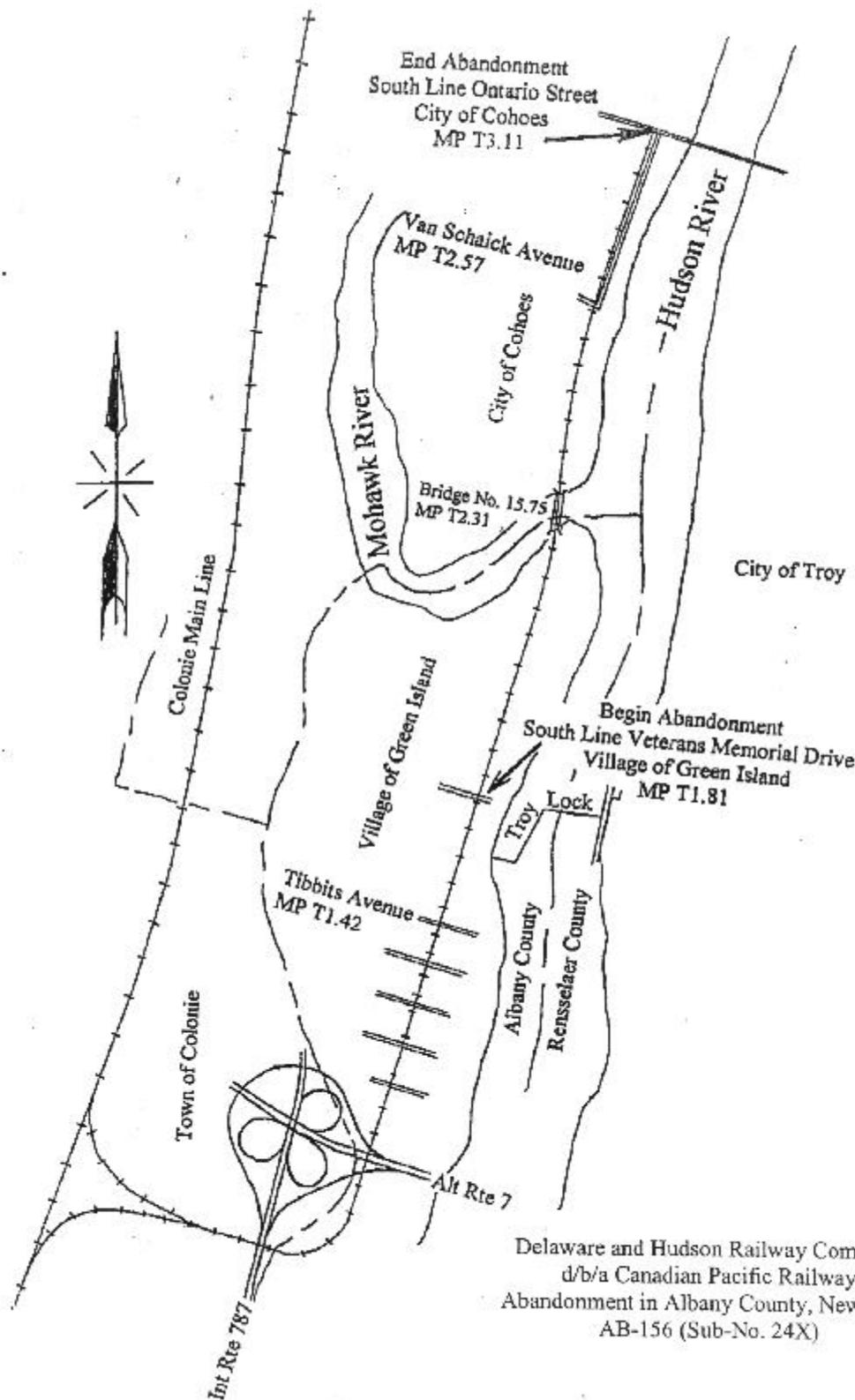
Date made available to the public: 2/23/04.

Comment due date: 3/8/04.

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

Vernon A. Williams
Secretary

Attachment



Delaware and Hudson Railway Company
d/b/a Canadian Pacific Railway
Abandonment in Albany County, New York
AB-156 (Sub-No. 24X)