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SEA

SERVICE DATE – JULY 27, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 32 (Sub-No. 71X)

**Boston & Maine Corporation – Abandonment Exemption –
in Essex, Middlesex and Suffolk Counties, Mass.**

BACKGROUND

In this proceeding, the Boston & Maine Corporation (B&M) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for B&M to abandon and discontinue service over an approximately 9.74-mile line of railroad, known as the Saugus Branch. The rail line extends from milepost 2.69 in Middlesex County, Mass., to milepost 12.43, in Essex County, Mass. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, B&M will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to B&M, the Line was constructed in 1853 and served as both a freight and passenger line. Passenger service ceased in 1957, and freight service ended in 1998. The Line traverses the Town of Saugus and the Cities of Lynn, Malden, Revere, and Everett in Massachusetts. The width of the right-of-way varies from 38 feet to 83 feet.

ENVIRONMENTAL REVIEW

B&M submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment and discontinuance or any post-abandonment activities, including salvage and disposition of the right-of-way. B&M 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 C.F.R. § 1105.7(b)).¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ 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. 71X).

Diversion of Traffic

According to B&M, no local traffic has moved over the Line for at least 2 years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment and discontinuance 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.

The Town of Saugus (Town) submitted comments stating that the Town does not object to the proposed abandonment and discontinuance.

The Natural Resources Conservation Service indicated that the proposed abandonment and discontinuance would not have an adverse effect on agricultural resources or businesses in the area.

The National Park Service, Northeast Regional Office (NPS) submitted comments providing B&M with a list of resources of interest to NPS and directing B&M to determine if the proposed abandonment and discontinuance is located in the vicinity of, and may potentially affect, any of the listed resources. If so, NPS indicated that B&M should contact the manager of the specific resource for more information. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring B&M to consult with NPS regarding any resources that may be affected by the proposed abandonment and discontinuance.

The National Geodetic Survey (NGS) identified six geodetic station markers in the area of the proposed abandonment and discontinuance. Accordingly, SEA recommends a condition that requires B&M to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy the geodetic station marker.

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

HISTORIC REVIEW

B&M served the Historic Report on the Massachusetts Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO submitted comments stating that the proposed project is unlikely to affect significant historic or archeological resources. 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 C.F.R. § 800.5(c) and 36 C.F.R. § 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 of Historic Places. The documentation for this finding, as specified at 36 C.F.R. § 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.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that there are no federally recognized tribes that may have an ancestral connection to the project area.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Boston & Maine Corporation shall consult with the National Park Service, Northeast Regional Office regarding any resources that may be affected by the proposed abandonment and discontinuance.
2. Prior to commencement of any salvage activities, the Boston & Maine Corporation shall notify the National Geodetic Survey at least 90 days prior to beginning salvages activities that would disturb or destroy and geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 C.F.R. § 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 2 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 website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 32 (Sub-No. 71X) 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: July 27, 2010.

Comment due date: August 10, 2010.

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

Attachment