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SEA

SERVICE DATE – MARCH 21, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 302X)

**Norfolk Southern Railway Company - Abandonment Exemption -
In East Whiteland Township, Chester County, PA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) 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 an approximately .75-mile line of railroad in Chester County, Pennsylvania. The rail line extends from milepost DX 10.65 to milepost DX 11.40. A map depicting the rail 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 dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NS submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NS 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 Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NS states that the line has not generated any traffic for at least two years and that any overhead traffic on the line can be rerouted over other lines. 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.

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-290 (Sub-No. 302X).

Salvage Activities

The line is located in East Whiteland Township, which is located about 20 miles west of Philadelphia. According to NS, the width of the right-of-way varies but it is generally 33 feet from the centerline of track. NS plans to salvage the rail, crossties, and possibly the upper layer of ballast but states that it does not intend to appreciably remove or alter the contour of the underlying roadbed.

The rail line proposed for abandonment does not cross any waterways, and there are no bridges associated with this proposed abandonment. The U.S. Army Corps of Engineers (Corps) submitted comments stating that the proposed abandonment would not adversely affect any 100-year floodplains. In addition, the proposed project would not require the Corps' approval since it would not involve regulated activities in federally regulated waters or wetlands. Accordingly, no mitigation regarding salvage activities is recommended.

The Natural Resources Conservation Service (NRCS) evaluated the area of the proposed project and submitted comments stating that there are no Federally-designated farmlands. However, NRCS recommended that the railroad: 1) consult with the Pennsylvania Department of Agriculture and 2) consult with the appropriate county conservation district regarding erosion and sedimentation control practices. The Pennsylvania Department of Agriculture has already completed its review and submitted comments stating that the proposed project is not located in an Agricultural Security Area.² Accordingly, we will recommend that, prior to commencement of any salvage activities, NS consult with the appropriate county conservation district regarding erosion and sedimentation control.

The U.S. Fish and Wildlife Service's Pennsylvania Field Office (USFWS) submitted comments stating that, except for occasional transient species, no federally listed or endangered species are known to occur within the proposed project area. Accordingly, no mitigation regarding salvage activities is recommended.

The Pennsylvania Department of Environmental Protection (Pennsylvania DEP) has determined that the proposed abandonment is located outside of Pennsylvania's Delaware Estuary Coastal Zone and will have no impact on the Coastal Zone. In addition, there are no known hazardous waste sites located on the line proposed for abandonment.

At the time of this EA, the U.S. Environmental Protection Agency (USEPA) had not submitted comments. SEA has included the USEPA on the service list for this proceeding to ensure that they receive a copy of this EA.

² An area of at least 250 acres can be declared an Agricultural Security Area, which is intended to promote more permanent and viable farming operations over the long term by strengthening the farming community's sense of security in land use and the right to farm. Agricultural Security Areas are created by local municipalities in cooperation with individual landowners.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agency for review and comment: USEPA.

HISTORIC REVIEW

NS submitted an Historic Report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Pennsylvania Historical and Museum Commission's Bureau for Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The line, also known as the Chester Valley Running Track, was originally constructed by the Chester Valley Railroad Company, which opened the rail line for operation in 1853. After receiving additional information regarding the proposed project, the SHPO submitted comments stating that the proposed abandonment would have no adverse effect on the rail line. Accordingly, no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not 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 through posting on the Board's web site at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 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 identified no Federally-recognized tribes in Chester County.

CONDITIONS

SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. To address the concerns raised by the Natural Resources Conservation Service regarding erosion and sedimentation control, Norfolk Southern Railway Company shall consult with the appropriate county conservation district prior to commencement of any salvage activities.

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 would 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 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) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, 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 EA. 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-290 (Sub-No. 302X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: March 21, 2008.

Comment due date: April 7, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment