

41835
OEA

SERVICE DATE – SEPTEMBER 9, 2011

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 32 (Sub-No. 103X)

**Boston and Maine Corporation—Abandonment Exemption—
in Middlesex County, Mass.**

Docket No. AB 355 (Sub-No. 39X)

**Springfield Terminal Railway Company—Discontinuance of Service Exemption—
in Middlesex County, Mass.**

BACKGROUND

In this proceeding, the Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with B&M's abandonment of and ST's discontinuance of service over an approximately 1.72-mile rail line in Middlesex County, Massachusetts. The line extends between milepost 4.28 and milepost 6.0. A map depicting the 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 to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The applicants 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 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 Office of Environmental Analysis (OEA) 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. 103X).

Diversion of Traffic

No local traffic has moved over the line for at least 2 years and there is no overhead traffic on the line. Accordingly, the proposed abandonment and discontinuance of service 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

The rail line passes through Cambridge and Watertown, and the width of the right-of-way varies between 20 and 66 feet. As part of this proposed abandonment, B&M indicates that it plans to remove the rails, ties and other track materials for salvage.

The National Geodetic Survey (NGS) identified 5 geodetic station markers in the area of the proposed abandonment. Accordingly, we are recommending that B&M consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

B&M states that the line does not cross any bodies of water and the line is not located within a coastal zone. Therefore, additional consultation with the U.S. Army Corps of Engineers is not required, and no mitigation regarding state coastal management consistency certification is necessary.

The Natural Resources Conservation Service (NRCS) submitted comments stating that the proposed abandonment and discontinuance of service would not have an adverse effect on agricultural resources or businesses in the project area. Accordingly, no mitigation regarding prime agricultural land is necessary.

The Environmental Report states that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on the right-of-way. Accordingly, no mitigation regarding hazardous sites or spills is necessary.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

Other Comments

In a letter dated July 1, 2011, the Town of Watertown submitted a comment stating that it knows of no adverse effect that the proposed abandonment and discontinuance of service would have, and it does not object to the proposed action.

HISTORIC REVIEW

The applicants served the Historic Report on the Massachusetts Historical Commission (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has reviewed the proposed project and submitted comments stating that no known historic properties or archaeological assets 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.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 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 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 through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database identified no federally-recognized tribes in Middlesex County.

CONDITIONS

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

1. Boston and Maine Corporation shall consult with National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of and discontinuance of service over 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 and discontinuance of service would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

² Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited August 30, 2011).

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.

TRAIL 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 EA, send **1 original and 2 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 32 (Sub-No. 103X) 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: September 9, 2011.

Comment due date: September 26, 2011.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment