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SEA

SERVICE DATE – NOVEMBER 16, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-88 (Sub-No. 12X)

**Bessemer and Lake Erie Railroad Company - Abandonment Exemption - in Butler
County, PA**

BACKGROUND

In this proceeding, Bessemer and Lake Erie Railroad Company (B&LE or railroad) filed a petition under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Butler County, Pennsylvania (PA). The rail line proposed for abandonment extends approximately 3.67 miles from Milepost 0.00 to Milepost 3.67 in Branchton, PA (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in rural area of western PA. According to B&LE, there are two bridges and 22 culverts on the Line. The Hogs Trestle Bridge at Milepost 1.66 was constructed around 1929 or 1930. Nelson's Bridge at Milepost 2.78 was rebuilt in 1950. B&LE is not aware of any known hazardous waste sites on the Line.

Currently there is only one shipper on the Line. B&LE has already worked with the shipper, J.S. McCormick, to provide continued service through the use of a transload facility. J.S. McCormick is a wholesale dealer of minerals and ores. There has been no other traffic on the Line in the past two years.

ENVIRONMENTAL REVIEW

B&LE 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. B&LE 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) reviewed and investigated the record in this proceeding.

Diversion of Traffic

Prior to completing the transload arrangement with J.S. McCormick, approximately 13 railcars of material were moved annually on the Line (based on 2005 and 2006 rail traffic). Using a railcar to truck ratio of 1:4, shipping this material by truck rather than railcar would generate approximately 104 truck trips per year (i.e., 52 roundtrips). This very limited increase in truck traffic would result in negligible impacts to air quality or the local or regional transportation networks. The proposed abandonment would also not adversely impact the development, use and transportation of energy resources or recyclable commodities; or transportation of ozone-depleting materials.

Salvage Activities

B&LE intends to remove the rail, ties and other track material from the Line. The railbed and sub-ballast of the Line would remain in place and undisturbed. The only public crossing on the Line would be removed. The two bridges and the culverts on the Line would remain in place although the rail, ties and other track material would also be removed from the structures.

B&LE notes that the proposed abandonment should not be inconsistent with local or regional land use plans.

The Natural Resources Conservation Service (NRCS) had not responded to the railroad's environment report at the time this EA was prepared. However, impacts to prime agricultural soils are not expected given the scope of B&LE's proposed salvage activities (i.e., no disturbance of the railbed and sub-grade). Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201).

The U.S. Fish and Wildlife Service, Pennsylvania Field Office, State College, PA stated that no Federally listed or proposed threatened or endangered species are known to occur in the project area. Therefore, these protected resources would not be adversely impacted by the proposed abandonment and further agency consultations are not required (Reference: USFWS Consultation # 2007-1587).

The U.S. Army Corps of Engineers (Corps) had not responded to the railroad's environmental report regarding impacts to waters of the United States at the time this EA was prepared. However, because B&LE's salvage activities would not include bridge or ballast removal, SEA would not expect the proposed abandonment to result in the discharge of dredge

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-88 (Sub-No. 12X).

or fill material to waters of the United States including wetlands. Nevertheless, a copy of this EA has been provided to the Corps for review and comment.

The National Geodetic Survey (NGS) has advised SEA that one geodetic station marker has been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires B&LE 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 PA Coastal Resources Management Program concluded that the Line is located outside the Lake Erie coastal zone; and therefore, the abandonment would be consistent with the PA Coastal Resources Management Program.

The PA Department of Environmental Protection (PADEP) recommended that the railroad contact the Butler County Conservation District (BCCD) to determine the need for an erosion and sedimentation control plan for salvaging activities. PADEP also recommended that work in waterways be avoided, and that any work in waterways, floodplains or wetlands have the prior approval of PADEP or BCCD. Additionally, PADEP noted that the bridges and culverts are considered water obstructions or encroachments (WOEs), and the maintenance, modification, and abandonment of WOEs is subject to PADEP's regulations. Accordingly, SEA recommends two conditions that require B&LE to further consult with BCCD and PADEP on these issues.

HISTORIC REVIEW

B&LE 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 Bureau of Historic Preservation (the State Historic Preservation Offices or SHPOs), pursuant to 49 CFR 1105.8(c). The SHPO reviewed the report and concluded that the proposed abandonment would not affect historic properties (SHPO File No. ER 07-1430-019-B).

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified no tribes within Butler County.

CONDITIONS

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

1. Bessemer and Lake Erie Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

2. Bessemer and Lake Erie Railroad Company shall consult with the Butler County Conservation District to determine the applicability of and need for an erosion and sedimentation control plan for salvaging activities.
3. Bessemer and Lake Erie Railroad Company shall consult with the Pennsylvania Department of Environmental Protection on the need for prior approvals for any work in waterways, floodplains or wetlands; and to determine the applicability of water obstruction or encroachment (WOE) requirements as they pertain to bridges and culverts.

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 and no salvage activities), 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 the time specified in the Federal Register notice. 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 environmental assessment, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-88 (Sub-No. 12X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: November 16, 2007.

Comment due date: December 17, 2007.

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

Vernon A. Williams
Secretary

Attachment