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SERVICE DATE - JANUARY 23, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-444 (Sub-No. 1X)

**Lamoille Valley Railroad Company – Abandonment and Discontinuance
of Trackage Rights Exemption – in Caledonia, Washington, Orleans, Lamoille, and
Franklin Counties, VT**

BACKGROUND

In this proceeding, Lamoille Valley Railroad Company (LVRC) filed a notice of exemption under 49 CFR 1152 in connection with the abandonment of approximately 96.78 miles of rail line in Caledonia, Washington, Orleans, Lamoille, and Franklin Counties, Vermont. The rail lines to be abandoned are: (1) extending approximately 95.26 miles from milepost 0.057 (SJLC valuation station 3+00) in St. Johnsbury to approximately milepost 95.324 (SJLC valuation station 5033+10) in Swanton; and (2) the Hardwick and Woodbury Connecting Track (H&W), extending approximately 1.52 miles from H&W valuation station 0+00 (Granite Junction) to approximately H&W valuation station 80+48 (Buffalo Road) (collectively, the line).

LVRC also seeks to discontinue trackage rights over the former Central Vermont Railway, Inc. (CVR) line between approximately milepost 9.9 at the north abutment of the Missisquoi River Bridge at Sheldon Junction and approximately milepost 27.4 at Richford (the Richford Subdivision).¹ A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, Conrail will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

_____The right-of-way of the line is generally 66 feet wide, extending generally east to west, and increasing slightly in width in areas of cuts and fills. The eastern end of the line terminates at an industrial area on the south side of the village of St. Johnsbury in the Passumpsic River valley. As the line moves westward, it passes through hilly, rural areas, and crosses the Green

¹ This environmental assessment pertains only to LVRC's proposed abandonment. The Richford Subdivision is currently subject to interim trail use (see The Central Vermont Railway, Inc. – Abandonment Exemption – in Franklin County, VT, Docket No. AB-174 (Sub-No. 3X) (ICC served Oct. 8, 1992)) and the railroad indicates that the discontinuance of trackage rights would have no effect on the existing use of the Richford Subdivision. Thus, the discontinuance will not be subject to environmental review. See Citizens Against Rails to Trails v. STB, 267 F.3d 1144 (D.C. Cir. 2001).

Mountains at the Greensboro Bend. At that point, the line descends along the Lamoille River as it continues west to Cambridge Junction. The line then moves northwest from Cambridge Junction to Sheldon Junction, at which point it turns westward, parallel to the Missisquoi River, terminating at Swanton, near Lake Champlain. Parts of the line sometimes experience flooding due to impoundments of water from beaver dams.

LVRC states that no local traffic has moved over the line for at least two years and there is no overhead traffic on the line. The line is owned by the State of Vermont by and through the State of Vermont Agency of Transportation (VTrans). See Lamoille County Railroad, Inc. and Vermont Transportation Authority, Acquisition and Operation Between St. Johnsbury and Swanton, VT, Finance Docket No. 27494, et al. (ICC served Apr. 22, 1974). LVRC holds a leasehold interest in the line, pursuant to a lease agreement by and between LVRC and the State of Vermont dated December 31, 1977.

LVRC states that it intends to relinquish its leasehold interest following abandonment and enter into a trails use agreement with VTrans for the line. The State of Vermont plans to arrange for removal of crossties, rails, and other track materials; bridges would be kept intact for trail use, unless safety considerations would necessitate removal. LVRC states that no in-stream salvage activities are contemplated.

ENVIRONMENTAL REVIEW

LVRC 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. LVRC served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

LVRC states that its former engine house and repair shop, which is adjacent to the line's right-of-way and is in an industrial park off Stafford Avenue in Morrisville, is an active hazardous waste site. According to LVRC, the site is listed in the Vermont Active Hazardous Sites List, August 2003 edition, issued by the Department of Environmental Conservation, Vermont Agency of Natural Resources, Waste Management Division (WMD). LVRC terminated its leasehold interest in the facility by agreement with the State of Vermont in 1998. We will recommend a condition requiring LVRC to consult with WMD prior to beginning salvage activities.

The National Geodetic Survey (NGS) has submitted comments stating that 60 geodetic station markers have been identified that may be affected by the proposed abandonment. NGS requests not less than 90 days notification in advance of any activities that will disturb or destroy these markers.

The U.S. Fish and Wildlife Service (FWS) has submitted comments stating that no Federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of FWS are known to occur in the area of the proposed abandonment.

The Town of Swanton has submitted comments stating that it would be interested in acquiring part of the right-of-way of the line following abandonment to further the town's long-range transportation plans.

The following local entities or organizations have submitted comments indicating support for the proposed abandonment and possible subsequent conversion to trail use: Town of St. Johnsbury; Hardwick Trails Committee; Town of Johnson; Lamoille Valley Chamber of Commerce; Morrystown Planning Commission; Town of Hyde Park, Planning and Zoning Office; Town of Hyde Park, Selectboard; Lamoille County Planning Commission;

Mr. Timothy Phelps submitted comments opposing the proposed abandonment proceeding.² The Town of Highgate has indicated interest in continued rail service over the line.

HISTORIC REVIEW

LVRC submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. LVRC served the report on the Vermont Division for Historic Preservation (SHPO) pursuant to 49 CFR 1105.8(c). In its report, LVRC states that there are about 50 railroad structures or bridges located along the line that are 50 years old or older. LVRC states that line contains several former passenger station and freight depots that are not part of LVRC's leasehold. According to LVRC, no railroad-owned structures exist on the H&W.

LVRC states that Bridge No. 45 (the Fisher Bridge) has been maintained pursuant to a 1968 agreement between the State of Vermont's former Board of Historic Sites and the St. Johnsbury & Lamoille County Railroad. LVRC states that the State of Vermont had maintained Bridge No. 98 as a historic site, but it was destroyed by fire in the 1980s. Currently the stone abutments and piers of Bridge No. 98 remain in place. Bridge No. 27A and Bridge No. 13 have been removed for safety reasons. The SHPO has not yet completed its review of the proposed abandonment.

² For a summary of Mr. Phelps' comments, see Lamoille Valley Railroad Company – Abandonment and Discontinuance of Trackage Rights Exemption – in Caledonia, Washington, Orleans, Lamoille, and Franklin Counties, VT, STB Docket No. AB-444 (Sub-No. 1X) (served Jan. 16, 2004) at footnote 6.

CONDITIONS

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

1. **Lamoille Valley Railroad Company shall consult with the National Geodetic Survey and provide the National Geodetic Survey with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. Because the former engine house and repair shop in Morrisville has been listed in the Vermont Active Hazardous Sites List by the Department of Environmental Conservation, Vermont Agency of Natural Resources, Waste Management Division (WMD), we recommend that **prior to beginning salvage activities, Lamoille Valley Railroad Company shall consult with WMD (contact Lynda Provencher, Waste Management Division, 103 South Main Street, West Building, Waterbury, Vermont 05676-0404 (802-241-3888)) regarding the Morrisville site and to identify any safety precautions that should be taken during salvage activities.**
3. Because the Vermont Division for Historic Preservation has not completed its review of the proposed abandonment, we recommend that **Lamoille Valley Railroad Company 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.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude 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 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 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, 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, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-444 (Sub-No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **January 23, 2004**

Comment due date: February 6, 2004.

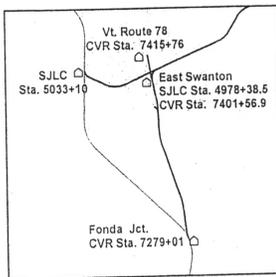
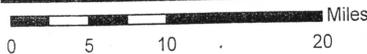
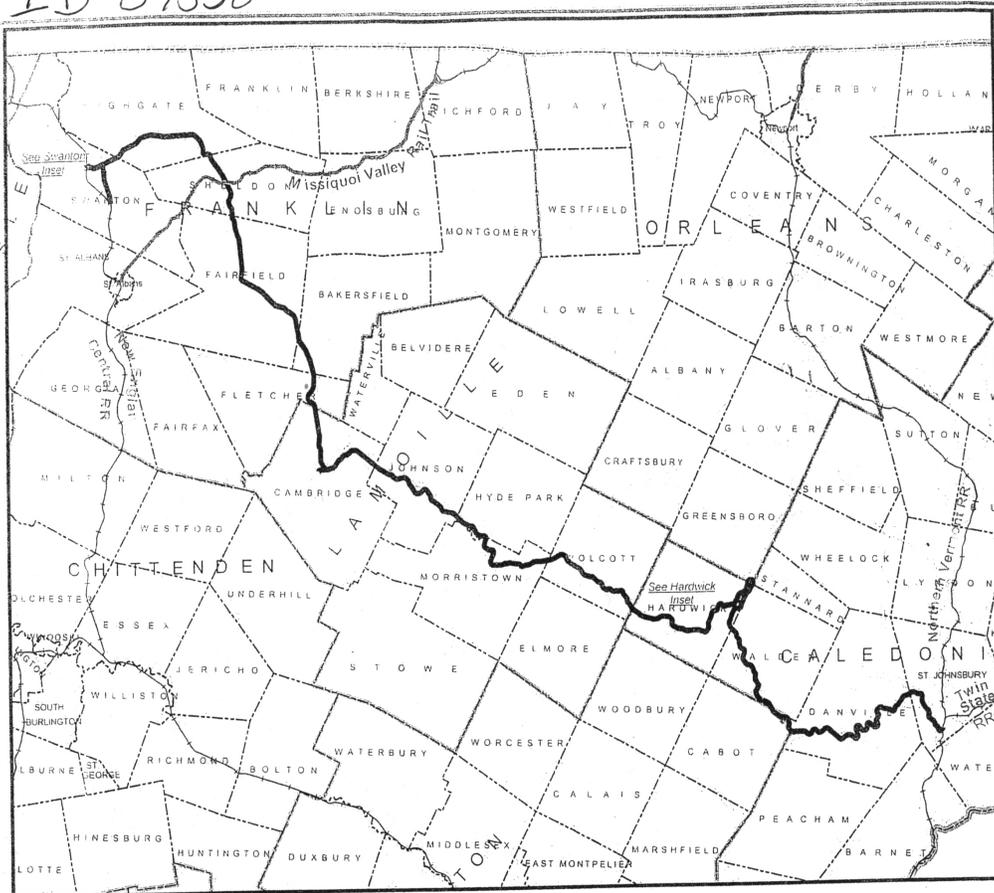
By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

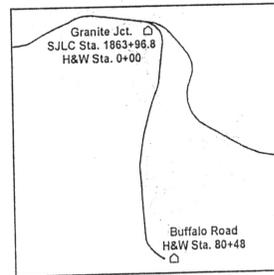
Attachment

ID-34350

AB-444 (SUB-NO. 1X)



Swanton Inset



Hardwick Inset

Location Map



Lamoille Valley Railroad
St. Johnsbury - Swanton
Vermont