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**SERVICE DATE - JULY 31, 1998**  
**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

## **ENVIRONMENTAL ASSESSMENT**

**STB Docket NO. AB-354 (SUB-NO. 2X)**

**Rochester & Southern Railroad, Inc.--Abandonment Exemption--in  
Cattaraugus County, NY**

### **BACKGROUND**

In this proceeding, Rochester & Southern Railroad, Inc. (R&S) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of 10.41 miles of railroad from milepost 83.39, at or near Machias to milepost 93.8, at or near Ashford Junction, in Cattaraugus County, NY. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### **DESCRIPTION OF THE LINE**

In its petition, R&S states that there has not been regular service on the subject line since November, 1997. According to R&S, there is only one shipper on the line, Buffalo Crushed Stone. In 1997, 569 carloads originated or terminated and 30 carloads through the first 3 months of 1998. R&S states that service can be diverted to motor carrier. The surrounding area is predominantly wooded and rural, although the subject line passes through a number of small towns and villages.

### **ENVIRONMENTAL REVIEW**

The railroad has 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding.

The New York State Office of Parks, Recreation and Historic Preservation (SHPO) has determined that the entire line is eligible for listing in the National Register of Historic Places and will require determination of the effects of the proposed abandonment. Therefore, we recommend that a condition be imposed requiring R&S to retain its interest in and take no steps to alter the integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S. C. 470f.

The National Geodetic Survey (NGS), U.S. Department of Commerce, has informed us that four geodetic station markers may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for their relocation. NGS also sent a copy of the list and location of the markers to R&S. We will recommend NGS's requests as a condition to any abandonment.

The USDA Natural Resources Conservation Service (NRCS) has expressed several concerns about salvage operations. NRCS states that during the process of dismantling the crossing and appurtenances and any other demolition process, appropriate measures be taken to prevent the discharge of demolition debris and other materials into the watercourse. NRCS also states that any contaminated soils and materials are to be appropriately handled in order to prevent further contamination of adjacent soils and natural resources and any discharge into a watercourse or wetland either directly or through percolation. We will recommend the conditions be imposed to implement NRCS's concerns.

## **CONDITIONS**

We recommend the following environmental conditions be placed on any decision granting abandonment.

**(1) R&S shall consult with the New York State Office of Parks, Recreation and Historic Preservation providing additional information as needed, to aid the Surface Transportation Board in meeting its responsibilities under the National Historic Preservation Act and to determine the extent of the historic significance. Therefore, pending resolution of this issue, we recommend that R&S retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line until completion of the Section 106 process of the National Preservation Act, 16 U.S.C. 470f.**

**(2) The National Geodetic Survey (NGS) has identified four geodetic station markers that may be affected by the proposed abandonment. Therefore we recommend that R&S consult with the National Geodetic Survey at least 90 days prior to salvage activities in order to plan for their relocation.**

**(3) The USDA Natural Resources Conservation Service (NRCS) has expressed several concerns about salvage operation. NCRS request that during the process of dismantling the crossing and appurtenances and any other demolition process, appropriate measures should be taken to prevent the discharge of demolition debris and other materials into the watercourse. NRCS also states that any contaminated soils and materials are to be appropriately handled in order to prevent further contamination of adjacent soils and natural resources and any discharge into a watercourse or wetland either directly or through percolation. Therefore, we recommend that R&S consult with the NRCS prior to conducting any salvage activities.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that , as currently proposed 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 discontinuance 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.

## **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 the petition 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 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, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 2215, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-354 (Sub-No. 3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629.

STB Docket No. 354 (Sub-No. 2X)

Date made available to the public: July 31, 1998.

**Comment due date: August 28, 1998.**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

STB Docket No. 354 (Sub-No. 2X)

PLEASE SCAN MAP