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SEA

SERVICE DATE – SEPTEMBER 10, 2010

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, D.C. 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB-1020 (Sub-No. 1X)**

**East Penn Railroad, LLC - Abandonment Exemption - in Montgomery County, Pa.**

**BACKGROUND**

In this proceeding, East Penn Railroad, LLC (ESPN or railroad) filed a notice under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Montgomery County, Pennsylvania (Pa.). The rail line proposed for abandonment is a 2.14-mile segment between Milepost 0.0, in the Borough of Bridgeport, and Milepost 2.14, at Henderson Road, Upper Merion Township (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line is located in an urban area of southeastern Pennsylvania. According to the railroad, there is one bridge on the Line and it appears to be more than 50 years old. ESPN is not aware of any hazardous waste sites on the Line.

Construction of the Line, also known as the “Chester Valley Line,” started in 1852 and the Chester Valley Railroad began operations in 1853. In 1888, the Chester Valley Railroad became the Philadelphia & Chester Valley Railroad, and the Line was leased to and operated by the Philadelphia & Reading Railroad (Reading) until 1976. In 1976, the Line was conveyed to the Consolidated Rail Corporation (Conrail) under a federally approved plan for the disposition of bankrupt railroads, including the Reading. After Conrail, a series of transactions eventually led to the acquisition of the Line by ESPN in 2007.

No local rail traffic has moved on the Line for at least two years, and the Line is stub-ended and not capable of handling overhead traffic. ESPN states that if abandonment authority is approved, it intends to remove the rails, crossties and other track material. The bridge, culverts and ballast on the Line would be retained by ESPN while it explores rail-banking opportunities.

## **ENVIRONMENTAL REVIEW**

ESPN submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. ESPN 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)).<sup>1</sup> The Board's Office of Environmental Analysis (OEA) reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

Because there is no rail traffic on the Line, 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.

### ***Salvage Activities***

ESPN would remove track materials for reuse, scrap or resale. ESPN believes that the proposed abandonment would not be inconsistent with local or regional land use plans. The Montgomery County Planning Commission states that the proposed abandonment is consistent with local land use plans.

The Natural Resources Conservation Service states that it is not aware of any potential impacts on Prime Farmland from the proposed abandonment. 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 states that no federally listed species under its jurisdiction is known or likely to occur in the project area.

The U.S. Army Corps of Engineers (Corps) has not responded to the railroad's environmental report. Based on the railroad's description of the Line and salvaging activities, potential impacts to waters of the U.S. would not be expected and a permit under Section 404 of

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-1020 (Sub-No. 1X).

the Clean Water Act (33 U.S.C. § 1344) would not likely be applicable. Nevertheless, OEA has provided a copy of this EA to the Corps for review and comment.

The U.S. Environmental Protection Agency and Pa. Department of Environmental Protection have not responded to the railroad's environmental report. OEA has provided a copy of this EA to both agencies for review and comment.

The National Geodetic Survey states that no geodetic station markers were identified that could be affected by the proposed abandonment.

### **HISTORIC REVIEW**

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Pennsylvania Bureau of Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). In an August 11, 2010 reply (SHPO Ref.: ER 2010-1525-091-B), the SHPO states that proposed abandonment would have no adverse effect on any property listed in or eligible for inclusion in the National Register of Historic Places (National Register), or archaeological resources eligible for inclusion in the National Register.

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>.

SEA conducted a search of the Native American Consultation Database at [www.cast.uark.edu/other/nps/nacd/](http://www.cast.uark.edu/other/nps/nacd/) (last visited September 2, 2010) to identify federally recognized tribes that may have ancestral connections to the project area. The database identified no tribes within Montgomery County.

### **CONDITIONS**

We recommend no environmental conditions be imposed on any decision granting abandonment authority.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that abandonment of the Line, as currently proposed, 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 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.

## **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 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, D.C. 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, D.C. 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1020**

**(Sub-No. 1X) 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: September 10, 2010.

**Comment due date: September 24, 2010.**

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

Attachment