

25530

SERVICE DATE - JULY 2, 1997

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-167 (SUB-NO. 1178X)

CONSOLIDATED RAIL CORPORATION
--ABANDONMENT EXEMPTION--IN ERIE COUNTY, NY

BACKGROUND

In this proceeding, the Consolidated Rail Corporation (Conrail) 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 a portion its railroad line known as the Black Rock Industrial Track. The portion of the line to be abandoned is located between milepost 396.97 and milepost 397.56, a distance of 0.59 miles, in the City of Buffalo, Erie County, New York. 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

Conrail has proposed the abandonment of this line at the request of the only shipper (Protective Closures Co., Inc.) located on the line. The shipper desires to purchase a portion of the abandoned line for the purpose of expanding its manufacturing facilities and relocating its rail siding. The shipper will continue to receive direct rail service from Conrail via the portion of the Black Rock Industrial Track not proposed for abandonment. The line is located in an urban industrial area.

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 verified the record in this proceeding. Responses to the railroad's request for comments thus far have indicated no need for mitigation conditions.

CONDITIONS

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

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 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

Conrail states that it is unaware of an alternative public use for which the right-of-way is suitable. However, if a public use request is made, such 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-

1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment. **Please refer to Docket No. AB-167 (Sub No. 1178X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr. McNulty at (202) 565-1539.

Date made available to the public: June 30, 1997.

Comment due date: July 30, 1997.

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

Vernon A. Williams
Secretary