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OEA

SERVICE DATE – SEPTEMBER 24, 2013

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 88 (Sub-No. 13X)

**Bessemer and Lake Erie Railroad Company – Abandonment Exemption –
In Allegheny County, Pa.**

BACKGROUND

In this proceeding, the Bessemer and Lake Erie Railroad Company (“B&LE”) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of rail line in Allegheny County, Pennsylvania. The rail line proposed for abandonment extends approximately 0.79 miles between milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue near Harwick, Pennsylvania.

The rail line travels through an urban area consisting of mixed land uses. There are no bridges along the line. The line right-of-way varies from 60 feet to 160 feet in width but is generally 60 feet wide. Based on a recent title search, B&LE indicates that there is no reversionary right-of-way and the rail line does not contain any federally granted right-of-way. The proposed abandonment traverses Zip Codes 15024 and 15049. If the notice becomes effective, B&LE would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

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, including salvage and disposition of the right-of-way. 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 C.F.R. § 1105.7(b)].¹ The Board’s Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The 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. 13X).

Diversion of Traffic

B&LE states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, 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

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and re-grading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. B&LE has stated that it does not intend to remove any grade crossings. There are no bridges along that line that would need dismantling. OEA believes that B&LE's salvage process would therefore be limited to the tracks, ties, and ballast.

B&LE has indicated that it has entered into an agreement with Knox Watson, who owns property in an adjacent parcel, to sell a portion of the railroad right-of-way to Knox Watson once the abandonment is consummated. B&LE states that the remaining portion of the right-of-way may be suitable as a trail.

The Pennsylvania Coastal Resource Management Program has determined that the rail line does not lie within a designated Coastal Management Area and is not subject to federal consistency review.

The U.S. Army Corps of Engineers (Corps) has provided comments regarding the proposed abandonment. In its comments, the Corps states that the railroad needs to determine the location of any jurisdictional streams or wetlands before it can provide its opinion regarding impacts. OEA is therefore recommending a condition that, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), B&LE consult with the Corps prior to initiating salvage operations to determine if a Department of Army permit is needed. In the interim, this project has been assigned Army Permit Number 2013-1495.

The Southwestern Regional Office of the Pennsylvania Department of Environmental Protection (DEQ) has provided comprehensive comments regarding the proposed abandonment. The comments include an overview regarding all potential environmental impacts that could apply including those to air quality, wetlands, waterways, and drinking water. DEQ discusses its concerns regarding waste management including the remediation of any contaminated soils and abandoned gas and oil wells. It also advises that OEA ensure that B&LE contact the appropriate agencies regarding any potential effects of the proposed abandonment to environmental resources. OEA therefore recommends a condition requiring B&LE to consult with DEQ regarding its concerns.

Based on the results of its state Nature Diversity Inventory, DEQ indicates that no impacts would occur to threatened and/or species of specific concern as a result of the proposed abandonment.

The U.S. Fish and Wildlife Service, Pennsylvania Field Office, has determined that the area of the proposed abandonment does not contain federally listed species under its jurisdiction.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the right-of-way of the proposed abandonment. OEA has therefore determined that no further consultation with NGS is necessary.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to those agencies for review and comment.

HISTORIC REVIEW

B&LE submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Pennsylvania Bureau for Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). In response, the SHPO provided comments indicating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1) OEA has 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> (search under Docket No. AB 88 (Sub-No. 13X)).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have current or ancestral connections to the project area.² The database listed no tribes.

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited September 12, 2013).

CONDITIONS

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

1. Prior to commencement of any salvage activities, the , the Bessemer and Lake Erie Railroad Company shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. Prior to commencement of any salvage activities, the Bessemer and Lake Erie Railroad Company shall consult with the Pennsylvania Department of Environmental Protection, Southwest Regional Office, to ensure that any concerns in the right-of-way are addressed regarding demolition waste; fugitive dust; contaminated soil; watershed disturbances; erosion and sedimentation; wastewater discharges; concrete waste discharge; water tanks; oil and gas wells; water wells; and emergency response contingency plans.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is 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 4-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 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Nadals, 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. 13X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Nadals, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at nadalsc@stb.dot.gov.

Date made available to the public: September 24, 2013.

Comment due date: October 9, 2013.

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

Attachment