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OEA

SERVICE DATE – DECEMBER 17, 2020

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

**Docket No. AB 1307X
York Railway Company – Discontinuance Exemption –
In York County, Pa.**

**Docket No. AB 1308X
Yorkrail, LLC – Abandonment Exemption –
In York County, Pa.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, Yorkrail LLC (Yorkrail) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of approximately 8.59 miles of rail line located on two segments in York County, Pennsylvania (the Line). The first segment proposed for abandonment extends approximately 3.23 miles from at or near milepost 20.07, in the Village of Bair in West Manchester Township, to at or near milepost 23.30 in the Borough of Spring Grove. The second segment proposed for abandonment extends approximately 5.36 miles from at or near milepost 24.10, near Spring Grove in Jackson Township, to at or near milepost 29.46, near Hanover, in Heidelberg Township. OEA served a Draft EA for this proceeding on November 27, 2020 for public review and comment. In the Draft EA, OEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received two comments after issuance of the Draft EA from Daniel Hollinger. Mr. Hollinger has concerns about the federally threatened Bog Turtle, which he states is present on his property which is adjacent to the Line. Mr. Hollinger attached a copy of a letter from the Pennsylvania Fish and Boat Commission (PFBC), dated August 6, 2007, in which PFBC indicated the presence of potential Bog Turtle habitat based on records maintained in the Pennsylvania Natural Diversity Inventory (PNDI) database and its own records. Mr. Hollinger

requests that a Bog Turtle environmental study be completed by an expert.

As discussed in the Draft EA, Yorkrail intends to leave rail, crossties, ballast, and all other rail related structures such as bridges and culverts in place. Yorkrail states that if they were to conduct any salvage activities, those activities would take place within the right-of-way. Due to the limited scope of any abandonment-related salvage activities, OEA believes that impacts to the Bog Turtle would be unlikely to occur as a result of the proposed abandonment. As discussed in the Draft EA, OEA believes that the proposed abandonment would have no impact on the Bog Turtle. OEA has provided U.S. Fish and Wildlife Service – Pennsylvania Ecological Services Field Office a copy of the Draft EA and this Final EA for its review.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the following conditions previously recommended in the Draft EA should be imposed upon any decision granting abandonment authority:¹

1. Yorkrail, LLC, shall notify the National Geodetic Survey at NGS.Infocenter@noaa.gov at least 90 days prior to beginning abandonment-related salvage activities.
2. To address the Pennsylvania Game Commission's concerns about potential impacts on the nesting great blue heron, Yorkrail, LLC, shall conduct any abandonment-related salvage activities on the section of rail line between where it crosses Codorus Creek and extends south for approximately 1500 feet between August 16th and February 14th.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.