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OEA**

SERVICE DATE – SEPTEMBER 7, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1317X

**Kiski Junction Railroad-Abandonment Exemption –
In Armstrong and Westmoreland Counties, Pa.**

BACKGROUND

In this proceeding, Kiski Junction Railroad (KJRR), a class III railroad, 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 a line of railroad in Armstrong and Westmoreland counties, Pennsylvania. The rail line proposed for abandonment consists of two segments: (1) Line Code 2229, which extends approximately 1.1 miles from milepost 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland counties, PA, and (2) Line Code 2242, which extends approximately 4 miles from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0 in Armstrong County, PA (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the Board grants the exemption, the railroad would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located primarily along a river abutting rural, industrial, and commercial areas. The right-of-way is generally 60 feet wide. The right-of-way is crossed by two local roadways, and a rail bridge. The line traverses United States Postal Service ZIP Codes 15656, 15682, 15690, and 16226.

ENVIRONMENTAL REVIEW

KJRR submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage of the track. KJRR provided the E&H Report to 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 implementing the

¹ The E&H Report is available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1317" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on July 21, 2021.

National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to KJRR, neither local rail traffic nor overhead traffic has moved on the Line in over two years. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities, or the transportation of ozone-depleting materials. KJRR understands that the Line might be suitable for trail use.

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 regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. KJRR anticipates removing only rails during salvage at this time.

Land Use

Impacts to land use or prime farmland are not anticipated because the Line has not been used for rail service for approximately two years and the limited scope of salvage activities

The Pennsylvania Department of Environmental Protection (DEP), Southwest Regional Office stated that it "does not have any specific concerns over this proposed action" but added that "permits or authorizations may be required from DEP for the project;" however, the potential permits or authorizations were not specified. The DEP Northwest Regional Office requested that the Applicant completed the DEP's Permit Application Consultation Tool and KJRR completed the consultation as requested. In response, DEP responded that it "has no record of any existing permit or Submerged Lands License Agreement" for the KJRR bridge across the Kiskiminetas River (constructed in 1899) and that if KJRR has any existing permits from DEP, those permits will have to be transferred if KJRR transfers the line to a new owner.

The National Geodetic Survey (NGS) provided two responses. First, NGS indicated that if a geodetic survey mark exists and will be disturbed by the abandonment, KJRR should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby. NGS conducted a search of NGS' database has located one geodetic survey marker (KX1529) at the north end (at or near mile post 30.0 in Alladin) of the proposed abandonment area. In the second response, NGS noted that the description of the area indicated only one set of rails at the time of the survey (1941), and that now there are two sets of rails. NGS understands that the mark KX1529 may have already been destroyed long ago by past rail construction. Because there remains some uncertainty in whether the marker remains, OEA recommends a condition requiring KJRR to notify NGS at least 90 days prior to

beginning abandonment-related salvage activities to allow time for any geodetic survey markers that may be present in the right-of-way to be preserved.

Noise

Noise related to the limited salvage activities would be temporary and are not anticipated to have a significant impact on the area surrounding the proposed abandonment.

Safety

OEA does not believe that the proposed abandonment would have any adverse effect on public health or safety because of the limited scope of salvage activities.

Biological Resources

OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system to obtain a list of threatened and endangered species.² IPaC identified five protected threatened or endangered species potentially located in the area of the proposed abandonment. The two mammal species include the Indiana bat (*Myotis sodalist*) and northern long-eared bat (*Myotis septentrionalis*). Three clam species include the Northern Riffleshell (*Epioblasma torulosa rangiana*), the Rayed Bean (*Villosa fabalis*), and the Snuffbox Mussel (*Epioblasma triquetra*). OEA has determined there would be No Effect on federally listed threatened or endangered species because there would be no disturbance to their natural habitat (including felling of trees, disturbance of caves, or soil disturbance that could contribute to sedimentation in adjacent streams) associated with proposed salvage activities. According to the IPaC report, no critical habitat, refuge lands, or fish hatcheries are located within the project area. IPaC results also noted that no further consultation is required. OEA is providing a copy of the Draft EA to the USFWS – Pennsylvania Ecological Services Field Office.

Water Resources

The Line is not located within Pennsylvania's coastal zone management area. No wetlands have been designated in the project area, and 100-year flood plains would not be affected.

The Line would not require in-water work. The existing rail bridge would remain intact, and no ground disturbance is anticipated for track removal. Therefore, OEA does not anticipate the need for permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) or Section 402 of the Clean Water Act (33 U.S.C. § 1342) for the proposed abandonment. To date, OEA has not received comments from the U.S. Army Corps of Engineers (the Corps) in this proceeding. OEA is providing a copy of this Draft EA to the Corps.

² U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC), <https://ecos.fws.gov/ipac/location/index> (search conducted August 23, 2021).

Air Quality

OEA believes that any air emissions associated with the limited salvage activities would be temporary and would not have a significant impact on air quality.

Historic Review

According to KJRR, the Line was originally part of the “Western Division of the Main Line Public Works” constructed by the Commonwealth of Pennsylvania between 1826 and 1834. The Commonwealth of Pennsylvania transferred the Line along with the rest of the Main Line to the Pennsylvania Railroad in 1857. It came under the ownership of Penn Central Transportation following the merger of the Pennsylvania Railroad and the New York Central Railroad. In 1978, Penn Central Transportation transferred the Line to Consolidated Rail Corporation (“CONRAIL”). Under CONRAIL, the Line was known as the Schenley Industrial Track. CONRAIL sold the Line to Berkman Rail Services, Inc. in 1953 who in turn sold it to KJRR in 2005. KJRR built an exempt spur track to connect the Line to the Logansport Mine, which was owned by its affiliate in 2011. The mine closed in 2018, and after that the Line was only used to handle carloads of sand and feed supplement. There is no local or overhead traffic on the Line.

KJRR provided the E&H Report to the Pennsylvania Historical and Museum Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).^{3,4} The SHPO reviewed the project in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966 (NHPA), and the implementing regulations (36 C.F.R. Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights Amendment, Article 1, Section 27 of the Pennsylvania Constitution, and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project’s potential effects on both historic and archaeological resources.

In a letter dated August 5, 2021, the SHPO determined No Effect to above-ground resources and No Effect to archaeological resources. The SHPO project identification for this consultation is ER Project # 2021PR05351.001. SHPO stated that no further consultation is required unless the existing rail bridge is demolished, or the project scope is amended to include additional ground disturbance.

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board’s website overiewing historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

⁴ Guidance regarding the Board’s historic preservation review process is available on the Board’s website at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of Applicants' historic report, all relevant correspondence, and this Draft EA, which has been provided to the SHPO and made available to the public through posting on the Board's website at <https://prod.stb.gov/>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁵ The database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Delaware Nation in Oklahoma, Delaware Tribe of Indians, Seneca Nation of Indians, Seneca-Cayuga Nation, and the Osage Nation. Accordingly, OEA is providing a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:⁶

- Kiski Junction Railroad shall notify the National Geodetic Survey (NGS) at NGS.Infocenter@noaa.gov at least 90 days prior to beginning abandonment-related salvage activities.

CONCLUSIONS

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.

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed August 16, 2021).

⁶ 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 this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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 Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁷

TRAIL 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 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 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁸

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, DC 20423.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Andrea E. Poole by email at Andrea.Poole@stb.gov or by phone at 202-245-0305.

Date made available to the public: September 7, 2021.

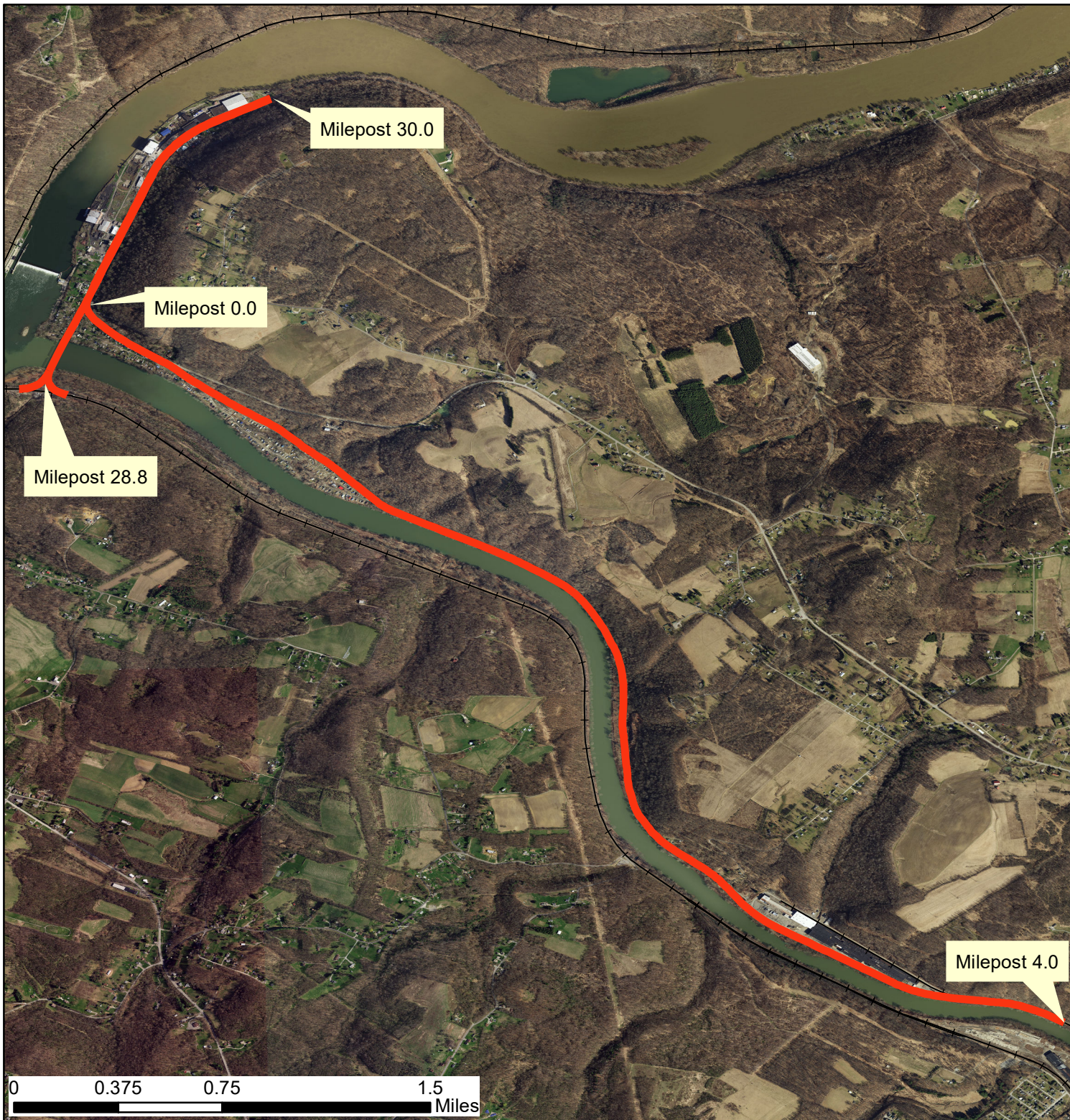
⁷ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records," selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1317" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁸ Id.

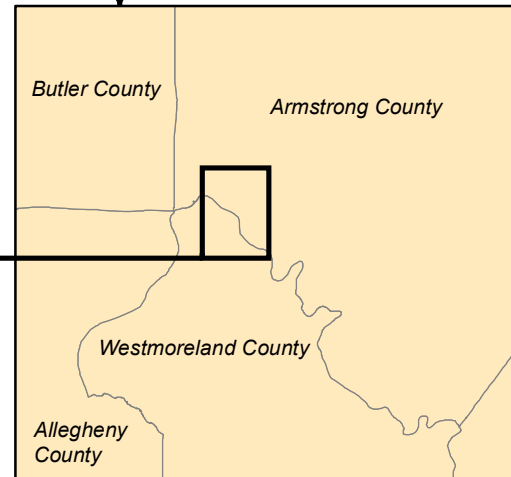
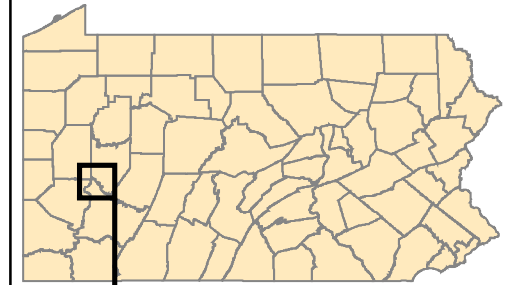
Comment due date: September 22, 2021.

By the Board, Danielle Gosselin, Acting Director, Office of Environmental Analysis.

Attachment



Project location in Pennsylvania



Docket No. AB 1317X

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Counties, Pa.



 The Line

 Active rail lines



Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.