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OEA

SERVICE DATE - NOVEMBER 15, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 979 (Sub-No. 3X)

**Connecticut Southern Railroad, Inc. – Abandonment Exemption –
In Hartford County, Conn.**

BACKGROUND

In this proceeding, Connecticut Southern Railroad, Inc. (CSO) filed a notice with the Surface Transportation Board (Board) 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 line of railroad located in Hartford County, Connecticut. The rail line proposed for abandonment extends approximately 1.07 miles from milepost 8.33 (Station 5730+04) to milepost 9.40 (Station 5673+42) (the Line). The Line is located in the Town of Manchester and closely parallels Woodbridge Street and Sheldon Road. There are no stations on the Line. A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If this notice becomes effective, CSO would be able to salvage the track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CSO, it acquired the Line and other segments from Consolidated Rail Corporation in 1996. CSO states that at one time, the Line and other segments extended from milepost 0.0 in Hartford to milepost 9.6 in the Town of Manchester. However, the segment between milepost 9.40 and milepost 9.60 was abandoned in 2005, leaving the Line stub ended.¹ CSO indicates that the Line served its last customer in 2016 and that its traffic consisted of lumber, steel, carbon dioxide and recyclables. The Line passes through a mix of commercial, light industrial and residential land uses and sits directly south of the Hop River State Park Trail. The Line crosses Lydall Brook at approximately milepost 9.0. CSO indicates that the right-of-way ranges from 63 to 83 feet in width and traverses United States Zip Code 06042. Based on information in its possession, CSO states that the Line does not contain any federally granted rights-of-way. If abandonment authority is granted, CSO intends to sell the Line to the Connecticut Department of Transportation for future trail use.

¹ See Conn. S.R.R., Inc.–Aban. Exemption–In Hartford Cnty. Conn., AB-979X (STB served June 29, 2005).

ENVIRONMENTAL REVIEW

CSO 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 abandonment-related salvage activities. CSO 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)]² implementing the National Environmental Policy Act (NEPA).³ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CSO, no local traffic has moved over the Line for at least two years and there is no need to reroute any overhead traffic. 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 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. If abandonment authority is granted, CSO would salvage the rail and track materials but intends to retain the ties, underlying ballast and any structures, including the bridge crossing at Lydall Brook near milepost 9.0. CSO notes that its salvage work would conform to any applicable regulations, be confined to the right-of-way, and would not result in any subsurface ground disturbance.

By email dated September 3, 2021, the Town of Manchester indicated that the Town Attorney's Office would review the proposed abandonment and provide comments.

² The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "979" "3" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 1, 2021.

³ Since sending the agency consultation letters dated August 30, 2021, CSO discovered that it had inadvertently referenced the United States Zip Code as 06402 when it should have been referenced as 06042. As this warranted the need to re-notify the agencies, CSO sent follow-up letters dated September 16, 2021 that corrected the error. As some agency responses received to date reflect the initial correspondence, OEA will include any updated agency information in the Final EA.

By emails dated September 16, 2021 and September 27, 2021, the National Geodetic Survey (NGS) indicated that there are no geodetic survey markers present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended.

By email dated August 31, 2021, the Connecticut Department of Energy and Environmental Protection's Land and Water Resources Division commented that the proposed abandonment is not located within a Connecticut coastal zone. Therefore, no further consultation with this office is recommended.

By email dated September 22, 2021, the U.S. Army Corps of Engineers' New England District (Corps) concluded that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required.

CSO requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. § 1531 et seq.). To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.⁴ Two protected species are located in the area of the proposed abandonment. The species identified are: the threatened northern long-eared bat (*Myotis septentrionalis*) and the Monarch butterfly (*Danaus plexippus*), a candidate species. The data base indicates that there is no critical habitat for these species. OEA has determined that both species would not be affected because the proposed salvage activities would be confined to the existing right-of-way and would not disturb the underlying roadbed or involve the removal of any structures, including the bridge over Lydall Brook. Moreover, OEA notes that for the northern long-eared bat, any take that may occur as a result of salvage activities is not prohibited under the Endangered Species Act, Section 4(d) rule adopted for this species at 50 C.F.R. § 17.40(o). OEA is providing a copy of this Draft EA to the USFWS New England field office for its review.

CSO submitted the E&H Report to the U.S. Environmental Protection Agency, Region 1 (USEPA) for comments on potential permitting requirements under Sections 402 of the Clean Water Act (CWA) (33 U.S.C. §1342). To date, OEA has not received a response but anticipates that permits under the CWA would not be needed because CSO has indicated that it does not intend to disturb any roadbed or structures, including the bridge at Lydall Brook. OEA is providing a copy of this Draft EA to the USEPA for review.

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

⁴ U.S. Fish and Wildlife Service, Information, Planning, and Conservation (IPaC) System, <http://ecos.fws.gov/ipac> (last visited October 27, 2021).

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the following agencies for review and comment: the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

HISTORIC REVIEW

CSO 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 Connecticut Department of Economic and Community Development, State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO submitted comments stating 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 Effect, 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), 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. 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 Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <https://stb.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.⁵ The database indicates that there are three federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Mashantucket Pequot Indian Tribe; the Mohegan Tribe of Indians of Connecticut; and the Narragansett Indian Tribe. OEA is sending a copy of this Draft EA to these tribes for review and comment.

CONDITIONS

OEA recommends no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes 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.

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited November 8, 2021).

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 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.⁶

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

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://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 Diana Wood by email at diana.wood@stb.gov or by phone at 202-245-0302.

⁶ Board decisions are available for viewing on the Board's website at <https://stb.gov/> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "979" "3" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁷ Id.

Date made available to the public: November 15, 2021.

Comment due date: December 1, 2021.

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

Attachment

