

SERVICE DATE – NOVEMBER 21, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 531 (Sub-No. 3X)

**Pioneer Valley Railroad Company—
Abandonment Exemption—In Hampshire County, Mass.**

BACKGROUND

In this proceeding, Pioneer Valley Railroad Company (PVRR) filed a notice of exemption under 49 C.F.R. § 1152.50 with the Surface Transportation Board (Board) seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in the Town of Southamptton (Southamptton), Hampshire County, Massachusetts known as the Florence Secondary Line. The rail line proposed for abandonment constitutes all of PVRR's right of way in Southamptton and runs approximately four and one quarter (4.25) miles from the northern terminus at Coleman Road (approximate milepost 69.70 in PVRR's original track chart) to the southern terminus at Brickyard Road, near its intersection with Valley Road (approximate milepost 73.95 in PVRR's original track chart) in Southamptton (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA).

DESCRIPTION OF THE LINE

The Line traverses through the United States Postal Service ZIP Code of 01073. The topography of the area includes small hills and valleys and is generally forested. Structures on the Line include two bridges and eleven culverts of unknown age. The right-of-way is approximately 50 feet wide. PVRR does not intend to salvage the Line. PVRR intends to transfer the Line to the Southamptton to be railbanked for public use pursuant to the National Trail Systems Act, 16 U.S.C. § 1247(d) (Trail Act).

ENVIRONMENTAL REVIEW

PVRR 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. PVRR provided the E&H Report to appropriate federal, state, and local agencies as required by the

Board's environmental rules [49 C.F.R. § 1105.7(b)]¹ implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding. Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts.

Diversion of Traffic

No impacts on the transportation of freight are anticipated. PVRR states there has been no passenger or freight rail traffic on the Line for over two years. Therefore, there would be no change to any freight service provided on the Line. The proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or 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.

Salvage Activities

No salvage and disposal activities are anticipated as part of the proposed abandonment. The contour of the existing roadbed would remain as is, and existing drainage systems would remain intact. The proposed abandonment would not result in the closure of at-grade roadway/rail crossings because all such crossing on the Line have already been closed. No ballast would be removed, and no soil disturbance would occur

Land Use

PVRR believes that the proposed abandonment is consistent with and would promote existing land use plans. On October 7, 2022, PVRR sent letters to the Department of Agriculture's Natural Resources Conservation Service, Southampton, and the Pioneer Valley Planning Commission. PVRR has not received any replies to date.

Hazardous Materials/Spills and Safety

PVRR is unaware of any known hazardous waste sites or sites where there have been known materials spills on the right-of-way. Further, because PVRR does not intend to disturb a subgrade or subgrade structures, the abandonment-related salvage activities would not have the potential to encounter residual hazardous materials, if any, present in the soil.

¹ 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" "531" "3" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 7, 2022.

Biological Resources

PVRR stated the proposed abandonment would not have an adverse effect on endangered or threatened species or areas designated as critical habitat. The New England Ecological Services Field Office of the U.S. Fish and Wildlife Service (USFWS) sent OEA a species list dated November 15, 2022 that was generated from the USFWS' Information for Planning and Consultation system. Two endangered, threatened, and candidate species were identified by the field office, including the northern long-eared bat (*Myotis septentrionalis*), and the monarch butterfly (*Danaus plexippus*). Additionally, seventeen migratory bird species were identified.²

OEA has determined that these federally protected species would not be affected by the proposed abandonment because there are no salvage activities related to this abandonment. Furthermore, none of the species would nest/hibernate or find food sources within the railroad right-of-way. Therefore, pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. §§ 1531-1544, OEA has determined that the proposed abandonment would have No Effect on any federally listed threatened or endangered species. OEA is providing USFWS New England Ecological Services Field Office a copy of this Draft EA for review.

PVRR notified the National Park Service (NPS) of the proposed abandonment by letter dated October 7, 2022 requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary E&H Report. NPS has not provided comments to date. Because the Line does not cross any wildlife sanctuaries or refuges, National or State parks or forests, OEA believes that no such areas would be affected by the proposed abandonment.

Water Resources

The Line is not located within a designated coastal zone.³ Therefore, OEA concludes that the proposed abandonment would not affect coastal resources. PVRR mailed a copy of the preliminary CEHR to the Massachusetts Office of Coastal Zone Management ("MOCZM") on October 7, 2022, for its information and to provide MOCZM an opportunity to comment. No comments have been received to date.

The Line would cross the Manhan River, and several intermittent waterways protected by culverts. There are no salvage activities associated with this abandonment, and therefore, no in-water work. OEA believes that abandonment-related activities would not require a permit under Section 404 of the Clean Water Act, and that no waterways, wetlands, or 100-year flood plains

² U.S. Fish and Wildlife Service, Information for Planning and Consultation Tool, <https://ecos.fws.gov> (last accessed November 15, 2022), Project Code: 2023-0015839.

³ Massachusetts Office of Coastal Zone Management, <https://www.mass.gov/service-details/czm-regions-coastal-communities-and-coastal-zone-boundary>. Last accessed on November 15, 2022.

would be affected. On October 7, 2022, PVRR sent a letter to the New England District of the U.S. Army Corps of Engineers (the Corps) regarding the proposed abandonment. To date, the Corps has not provided comments on the potential impact on the proposed abandonment on water resources under its jurisdiction.

Air Quality and Noise

There are no salvage activities anticipated as part of this abandonment. OEA believes the abandonment would not affect air quality. Similarly, noise impacts are not anticipated for the area surrounding the proposed abandonment.

OEA is providing a copy of this Draft EA to all parties on the Service List, and the following resource agencies: U.S. Environmental Protection Agency, Region 1 and the USFWS New England Ecological Services Field Office.

HISTORIC REVIEW

PVRR states the Line was originally run by Hampshire and Hampden Railroad. In the 1920s the Line ceased carrying passengers, but it continued to carry freight. The Line was conveyed by Consolidated Rail Corporation to PVRR on June 30, 1982. PVRR used the Line to carry freight until the 1990s, when it ceased operations on the Line. PVRR possesses valuation maps of the Line; however, it has no other documents regarding the Line or its structures.

PVRR 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 Massachusetts historical Commission (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁴ To date, the SHPO has not provided comments on the proposed abandonment. Therefore, OEA has not been able to consider the SHPO's opinion before determining if structures associated with the Line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA is recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect or APE) eligible for listing or listed in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

⁴ 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 overseeing historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

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 there are three federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

Accordingly, OEA is providing a copy of this Draft EA for review and comment to the following tribes: Delaware Tribe of Indians, Stockbridge Munsee Community of Wisconsin, and Narragansett Indian Tribe.

CONDITIONS

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

Pioneer Valley Railroad Company (PVRR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effects) that are potentially eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. PVRR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Officer, interested federally recognized tribes, and any other Section 106 consulting parties that have been identified. PVRR may not file its consummation until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

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 November 15, 2022).

⁶ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 were to be reached for the Line (or a portion thereof), compliance with this condition would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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, 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 is due to the Board, with a copy to the railroad, within 10 days of publication of 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.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

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed

⁷ Board decisions are available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "531" "3" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁸ Id.

in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Ms. Andrea Poole, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 531 (Sub-No. 3X). If you have any questions, please contact Andrea Poole by email at Andrea.Poole@stb.gov or by phone at 202-245-0305.

Date made available to the public: November 21, 2022.

Comment due date: December 6, 2022.

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

Attachment



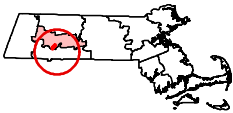
Docket No. AB 531 Sub-No. 3X

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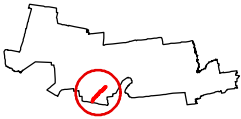
Legend

— the Line

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



Massachusetts



Hampshire County