

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 811X)

CSX Transportation, Inc. –Abandonment Exemption – In Bronx County, N.Y.

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 U.S.C. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a 0.77-mile rail line that runs between between milepost Q## 3.79 and milepost Q## 4.5 on its Albany Division, New York Terminal, Putnam Branch, in Bronx County, New York (the “Line”). CSXT intends to sell the Line to the City of New York through the notice of interim trail use (NITU) process. A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, CSXT 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, originally part of the New York City and Northern, was built in 1879–80 and is currently owned by CSXT. According to CSXT, there are no private or public crossings on the Line, and the right-of-way width is approximately 60 feet wide. The Line runs alongside Metro-North’s Hudson Division beginning at W 230th Street overpass and continuing in a north/northeast direction, ending at Van Cortlandt Park St. Aerial digital images show that the topography is relatively flat. The Line traverses United States Zip Code 10463 parallel to Highway 87. CSXT believes the Line would be suitable for interim trail use/rail banking.

ENVIRONMENTAL REVIEW

CSXT 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. CSXT provided the E&H Report to several 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

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”

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

Diversion of Traffic

According to CSXT, neither local rail traffic nor overhead traffic has moved on the Line in the past two years, and no traffic needs to be rerouted. 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.

Salvage Activities

Impacts from abandonment-related 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. CSXT stated they intend to remove all rail, crossties, and possibly the upper layer of ballast. Any trail related structures, such as bridges, trestles, culverts and tunnels would not be salvaged.

Land Use

The National Geodetic Survey (NGS) has indicated that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended. CSXT notified the State Conservationist, United States Department of Agriculture Natural Resource Conservation Service (NRCS) by letter dated March 22, 2023 requesting comments and included a copy of the preliminary E&H Report. No comments have been received to date. OEA reviewed aerial mapping and does not believe there is any prime farmland in this urban area. CSXT notified New York City Planning and the Bronx Borough President by letter dated March 22, 2023 requesting comments and included a copy of the preliminary E&H Report. No comments have been received to date.

Hazardous Materials/Spills

CSXT stated the proposed abandonment would have no detrimental effects on public health and safety. The proposed abandonment would not affect the transportation of hazardous materials. CSXT is not aware of any known hazardous waste sites or sites where there have been

dropdown menu; entering "AB" "55" "811" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on April 11, 2023.

known hazardous materials spills on the Line. CSXT does not intend to disturb a subgrade or subgrade structures.

Biological Resources

CSXT stated the proposed abandonment would not adversely affect endangered or threatened species or areas designated as critical habitat.

CSXT notified the U.S. Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation of the proposed abandonment by letter dated March 22, 2023 requesting assistance in determining whether the proposed abandonment would adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary E&H Report. Through use of the USFWS website <https://ecos.fws.gov/ipac/>, a species list was generated by the Long Island Ecological Services Field Office on March 21, 2023, finding the Northern Long-ear Bat, the Piping Plover, and the Monarch Butterfly may be in the project area, but no critical habitats were identified.² OEA has determined that these federally listed species would not be affected because none of the species would nest/hibernate or find food sources within the railroad right-of-way, and CSXT has indicated that salvage would be of limited scope. OEA is providing USFWS Long Island Ecological Services Field Office a copy of this Draft EA for review.

CSXT notified the National Parks Service, Northeast Region of the proposed abandonment by letter dated March 22, 2023 requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the E&H Report. No comments have been received to date.

Coastal Resources

CSXT does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line, and disturbed areas will be limited to the right-of-way wherever possible. OEA reviewed the Federal Emergency Management Agency flood hazard maps and believes the Line is not located in a coastal zone or special flood hazard area. Therefore, no mitigation is recommended.

Water Resources

CSXT states that no streams or wetlands are crossed by the Line and CSXT has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. CSXT requested comments from the U.S. Army Corps of Engineers (Corps)

² U.S. Fish and Wildlife Service, IPaC Information for Planning and Consultation Tool, <https://ecos.fws.gov> (last accessed March 21, 2023), Consultation Code:2023-0058010.

regarding the need for a Section 404 of the Clean Water Act (33 U.S.C. § 1344) permit if fill material is discharged or placed into any water bodies, including inland waterways as a result of salvage activities. To date, the Corps has not provided comments. OEA has reviewed aerial digital images of the area and believes a Corps permit is not necessary because there are no water features along the Line's right-of-way. There, no mitigation is recommended.

Air Quality and Noise

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. 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.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the Service List for this proceeding, OEA is providing a copy of this Draft EA to EPA Region 2, USFWS Long Island Ecological Service Field Office, and the Bronx Borough President for review.

Historic Review

The Line, originally part of the New York City and Northern, was built in 1879–80, in an era of intense railroad speculation. It went bust, reorganized as the New York and Northern, and was bought by the New York Central in 1894. The Old Putnam's (the "Put") first terminal was 155th Street in Manhattan. 155th Street was changed in 1918 to Sedgwick Avenue in the Bronx. The Line was at one time connected to the Ninth Avenue elevated line that has since been demolished. The 0.77-mile Line that CSXT seeks to abandon is part of the Put that ran alongside the New York Central's (now Metro-North's) Hudson Division for a 25-mile stretch in the Bronx, then proceeded north through Van Cortlandt Park and into Tibbets Brook Park. It paralleled today's Saw Mill River Parkway in Southern Westchester and ran north to Elmsford, Yorktown Heights, Lake Mahopac, and finally Brewster.

CSXT 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 Parks, Recreation and Historic Preservation Office, New York Division for Historic Preservation (State Historic Preservation Office or

SHPO), pursuant to 49 C.F.R. § 1105.8(c)^{3,4} through the New York State online CRIS system on March 21, 2023. Documentation from the SHPO dated April 4, 2023, requests additional mapping and photographs of the line which CSXT provided on April 6, 2023.

OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if 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) eligible for listing or listed in the National Register until completion of the Section 106 process.

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 four 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 Delaware Nation, Oklahoma, Delaware Tribe of Indians, Shinnecock Indian Nation, and the Stockbridge Munsee Community, Wisconsin for their review and comment.

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://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://stb.gov/resources/environmental/historic-preservation-overview>.

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed April 26, 2023).

CONDITIONS

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

CSXT Transportation, Inc. (CSXT) 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 Effect) that are 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. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the New York Division for Historic Preservation, CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) 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.

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 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

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.

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 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.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 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: Andrea E. Poole, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 55 (811X). 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: May 8, 2023.

⁷ 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" "55" "811" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁸ Id.

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Comment due date: May 23, 2023.

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

Attachment

