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OEA

SERVICE DATE – NOVEMBER 24, 2023

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 813X)

**CSX Transportation, Inc.—Abandonment Exemption—
in Worcester, Mass.**

BACKGROUND

In this proceeding, Flats Industrial Railroad Company (FIR) filed a notice of exemption under 49 C.F.R. 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Worcester County, Massachusetts. The rail line proposed for abandonment extends approximately 0.38 miles from milepost QBU 4.2 to milepost QBU 4.58 on the Albany Division, Boston Subdivision, Fitchburg Branch (the Line). 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, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line extends 0.38 miles, beginning at milepost QBU 4.58 just north of Mechanic Street, moves north crossing Monoosnoc Brook, continues northward past Pine Grove Cemetery and ends at the connection with the Twin Cities Rail Trail at milepost QBU 4.20 in the City of Leominster, in Worcester County, Massachusetts (the City). According to CSXT, the arch bridge over Monoosnoc Bridge is over 50 years old, built in 1900. The Line's right-of-way is approximately 60 feet wide.

According to CSXT, the Line was acquired between 1848 and 1914 by three railroads, the Fitchburg & Worcester Railroad Company, the Boston, Clinton, Fitchburg & New Bedford Railroad Company and the Old Colony Railroad, which was eventually acquired by the New York Central Railroad. The New York Central Railroad merged with the Pennsylvania Railroad to become the Penn Central Company and later the Consolidated Rail Corporation (Conrail). In 1999, CSXT's parent company and Norfolk Southern Corporation jointly acquired control of Conrail. As a result of this acquisition, CSXT began operating the Line pursuant to an operating agreement.

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 salvage. CSXT served the E&H Report on 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 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 CSXT, no local traffic has moved over the Line over the last two years, and overhead traffic on the Line has been rerouted. Therefore the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant 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

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. CSXT intends to remove the rail, crossties, and possibly the upper layer of ballast, but does not intend to disturb any sub grade or sub grade structures. CSXT stated that structures that could be used to support trail use, such as bridges, trestles, culverts, and tunnels, would not be salvaged if the proposed abandonment is approved; CSXT intends to sell the Line to the City to allow for interim trail use under the Trails Act, 16 U.S.C. 1247(d).

According to CSXT, the proposed abandonment is consistent with existing land use plans and will not affect any prime agricultural farmland. Furthermore, the Line is not located within State of Massachusetts' coastal zone. Therefore, no coastal zone consistency review is required.

CSXT 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. USFWS submitted comments stating that there would be No Effect to federally listed threatened or endangered species and that no further consultation was

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "55" "813" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 30, 2023.

necessary. Therefore, OEA has determined that the proposed abandonment would have no impact on federally listed threatened and endangered species. OEA is providing the USFWS New England Field Office a copy of this Draft EA for its review.

The proposed abandonment is located in a section of the City of Leominster which is an economically depressed community that qualifies for Environmental Justice consideration. “Environmental Justice” is defined in Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (EO 12898).² EO 12898 directs federal agencies to “promote nondiscrimination in Federal programs substantially affecting human health and the environment and provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.”

As noted above, the proposed abandonment is located in US Census Bureau tracts identified as environmental justice communities due to minority population percentage and income level. Therefore, OEA assessed the potential impacts of the proposed abandonment to determine if it could result in disproportionately high or adverse impacts on minority or low-income communities. Based on available information, OEA determined that the proposed abandonment does not warrant an Environmental Justice analysis because abandonment (defined here as discontinuance of service over a dormant line and authority to dismantle the tracks) would not adversely affect the community. Rather, OEA believes that abandonment of the Line could have a beneficial impacts in the areas of noise and safety by removing the rail line from the community.

OEA believes that any air emissions associated with the proposed abandonment would be temporary and would not have a significant impact on air quality. Similarly, any noise related to the proposed abandonment 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 parties on the Board’s service list for this proceeding, OEA is providing a copy of this Draft EA to the USFWS New England Field Office for review and comment.

² The Board, as an independent regulatory agency, is not decisionally part of the executive branch of the Federal government. As an independent regulatory agency, the Board is not legally bound by Executive Orders, nevertheless, the Board makes every effort to comply with the intent of applicable Executive Orders for actions subject to its authority.

HISTORIC REVIEW

CSXT served the E&H Report on the Massachusetts Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining whether any historic properties eligible for, or listed on, the National Register of Historic Places (National Register) are present. 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 right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. 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>.

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.⁴ 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 Tribe of Indians; Mashpee Wampanoag Tribe; Mohegan Tribe of Indians of Connecticut; Narragansett Indian Tribe; Stockbridge Munsee Community, Wisconsin; and Wampanoag Tribe of Gay Head (Aquinnah). Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:⁵

CSX 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

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

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 20, 2023).

⁵ 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.

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 Massachusetts State Historic Preservation Officer (SHPO) and the public. 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 will 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 website.⁶

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.⁷

⁶ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "55" "813" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁷ Id.

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.

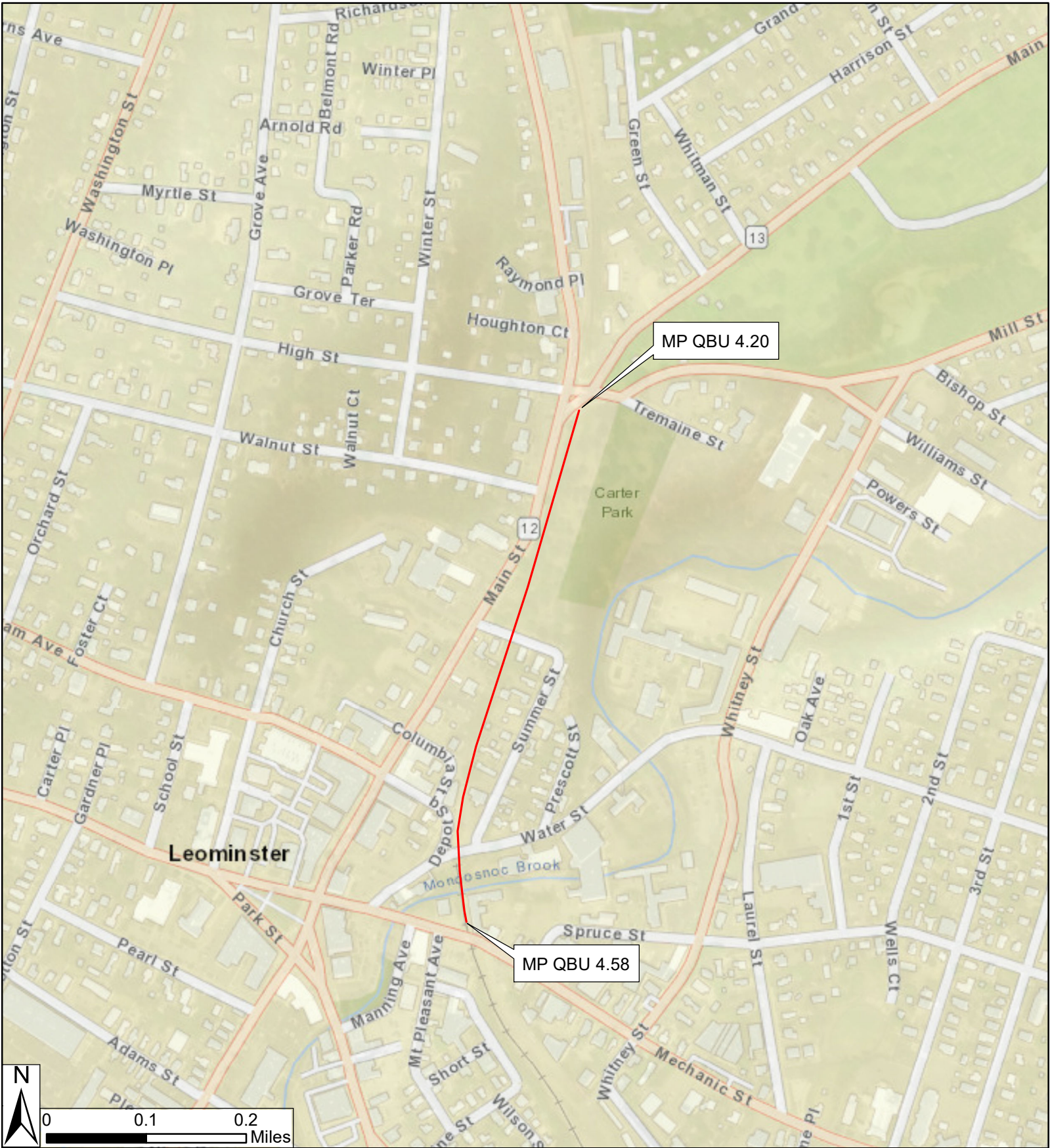
Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 55 (Sub-No. 813X). If you have any questions, please contact Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

Date made available to the public: November 24, 2023.

Comment due date: December 11, 2023.

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

Attachment



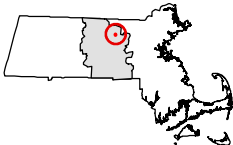
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Legend
 the Line

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.



Worcester County



Massachusetts