

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-55 (Sub No. 692X)

January 26, 2009

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☒ (X) Notice of Exemption ☐ () Petition for Exemption ☐ () Regulated Abandonment

☐ () **NO NEW COMMENTS WERE RECEIVED**

☒ (X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on January 6, 2009 for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received three comments after issuance of the EA.

A comment was received from the National Geodetic Survey stating that there are no survey marks located in the area of the rail line to be abandoned.

A comment was received from the Buffalo District of the Army Corps of Engineers (the Corp). The Corp stated that a review of the information in CSX Transportation's (CSXT) letter of October 27, 2008 indicated that the proposed work would not involve a discharge of dredged or fill material into Federal, jurisdictional wetlands or waters. They did request that "proper erosion control measures be taken to prevent unintentional discharges from entering the waterway." CSXT stated in its Environmental Report that during track removal, appropriate measures would be implemented to prevent or control spill from fuels, lubricants or any other pollutant materials from entering any waterway.

The U.S. Environmental Protection Agency (EPA) initially responded that CSXT should contact the New York State Department of Environmental Conservation directly as they are authorized to implement the Section 402 permit program in New York State. CSXT did include that agency in its initial October 27th inquiry. Subsequently the EPA Region 2 office e-mailed an additional response to CSXT stating that it has no comments on the proposed abandonment.

Conclusions

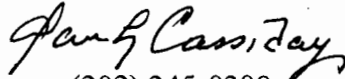
The EA comment period has ended. Accordingly, SEA recommends that the following conditions previously recommended in the EA should be imposed upon any decision granting abandonment authority:

1. CSXT shall consult with the City of North Tonawanda regarding the City's concerns about contamination at the site described in the City's Dec 4, 2008 letter.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT:

Alan L. Cassiday, P.E.



Phone: (202) 245-0308

E-mail: alan.cassiday@stb.dot.gov.

Distribution: Ann Newman, Office of Proceedings (original)
SEA Chron
ECT