

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

ED-1283

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POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATION IN STB FINANCE DOCKET NO. 35147

September 4, 2009

**Norfolk Southern Railway Company, Pan Am Railways, Inc., et al. – Joint Control and
Operating /Pooling Agreements – Pan Am Southern LLC**

By decision served on March 10, 2009, the Board imposed a condition (#17) requiring that applicants not initiate construction in areas potentially affected by historical properties within the proposed Mechanicville Facility footprint, or take any steps to alter the historic integrity of historic properties, including sites, buildings, structures, and objects within the project Area of Potential Effect (APE) that are eligible for listing or listed in the National Register of Historic Places (National Register), until the Board's responsibilities under the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470 f (NHPA), have been satisfied.

In correspondence dated August 27, 2009 (attached), applicants forwarded to the Board information from the New York State Office of Parks, Recreation and Historic Preservation (NY SHPO) indicating that, based on information submitted by the applicant, the proposed project would have no effect on historic resources listed or eligible for listing on the National Register for the APE examined by the investigations undertaken for the Mechanicville Facility project.

As discussed in the EA and Post EA, consultation with the Massachusetts Historical Commission (MA SHPO) resulted in a finding that no historic architectural or archaeological resources would be affected by the proposed San Vel Automotive Facility or by repair and improvement work to be conducted at two bridges in Massachusetts. Accordingly, no historic preservation mitigation was recommended for Massachusetts.

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultation with the NY SHPO, MA SHPO and the public, we have determined that the proposed project would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the November 14, 2008 Environmental Assessment, the January 30, 2009 Post Environmental Assessment, and all relevant correspondence which has been provided to the SHPOs and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>. STB's compliance responsibilities under Section 106 of NHPA have been completed.

Accordingly, we recommend that the Section 106 condition (#17) imposed in the Board's March 10, 2009 decision be removed.

SEA CONTACT: Ken Blodgett (202-245-0305)

K8

EI - 17859
KB



August 27, 2009

Kenneth Blodgett
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Finance Docket No. 35147 – Norfolk Southern Railway Company, Pan Am Railways, Inc. et.al.
Joint Control and Operating/Pooling Agreements – Pan Am Southern LLC;
Compliance with Section 106 of the National Historic Preservation Act (NHPA)

Dear Mr. Blodgett:

The purpose of this letter is to inform you that consultation has now been concluded with the two State Historic Preservation Officers (SHPO) where the above referenced transaction had the potential to affect historic properties. Attached are three documents from the Massachusetts SHPO stamped on 9/19/2008, and a letter from the New York SHPO dated 8/25/2009, all concurring with a finding of "no historic properties affected." No further Section 106 consultation is required with any of the SHPOs. These findings conclude the Board's obligations related to the transaction for compliance with Section 106 of the NHPA (16 USC 470(f)) and its regulations (36 CFR Part 800.) Please feel free to contact me with any questions or comments you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Summerville", written in a cursive style.

Alan Summerville

Attachments: MA SHPO (3), NY SHPO (1) Section 106 concurrence documents, and Research and Historical Documentation Review



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

25 August 2009

Mr. Richard Starzak
IFC Jones & Stokes
811 West 7th Street, Suite 800
Los Angeles, CA 90017

Re: STB
Norfolk Southern Railway / Mechanicville Intermodal and Auto Facility
City of Mechanicville, Towns of Halfmoon and Stillwater, Saratoga County
08PR04526

Dear Mr. Starzak:

The State Historic Preservation Office (SHPO) has reviewed the information submitted for this project (*Literature Review: Delaware & Hudson Engine Terminal, Mechanicville, Proposed Mechanicville Intermodal and Automotive Facility, Town of Halfmoon, Saratoga County, New York, August 2009*; prepared by ICF Jones & Stokes). Our review has been in accordance with Section 106 of the National Historic Preservation Act and relevant implementing regulations.

Thank you for submitting this additional information. Based on this and previously submitted reports, SHPO recommends that the planned project will have **No Effect** on historic resources listed or eligible for listing on the National Register of Historic Places. This recommendation pertains only to the Area of Potential Effects (APE) examined by the various investigations undertaken for the above-reference project. Should the project design be changed, SHPO recommends further consultation with this office.

These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, OPRHP
Phone: 518-237-8643 x3276; FAX: 518-233-9049
Email: Philip.Perazio@oprhp.state.ny.us

Cc: John Connell, U.S. Army Corps of Engineers (via email)

**APPENDIX A MASSACHUSETTS HISTORICAL COMMISSION 220 MORRISSEY
BOULEVARD BOSTON, MASS. 02125 617-727-8470, FAX: 617-727-5128**

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SEP 11 2008

PROJECT NOTIFICATION FORM

MASS. HIST. COMM

Project Name: Norfolk Southern Railway Company, Pan Am Railways, Inc. et.al. Joint Control and
Operating/Pooling Agreements – Pan Am Southern, LLC

Location / Address: San Vel Automotive Facility, Willows Road

City / Town: Ayer, Massachusetts

Project Proponent Name: ICF on behalf of Norfolk Southern Railway Company and Pan Am Railways
Inc.

Address: 811 W. 7th Street, Suite 800

City/Town/Zip/Telephone: Los Angeles, California 90017, 213.627.5376

After review of MHC files and the materials
you submitted, it has been determined that
this project is unlikely to affect significant
historic or archaeological resources.

P.C. 45108

Jonathan K. Patton
Archaeologist / Preservation Planner
Massachusetts Historical Commission

Date

9/19/08

Agency license or funding for the project (list all licenses, permits, approvals, etc. if
being sought from state and federal agencies).

XC.. Ayer Historical Commission

Agency Name

Type of License or funding (specify)

U.S. Surface Transportation Board

Approval of railroad transaction

Project Description (narrative):

Regulatory Framework: The Surface Transportation Board (STB), through its Section of Environmental Analysis (SEA), undertakes the Section 106 process in railroad licensing proceedings. The STB's regulations governing the Section 106 process may be found at Section 1105.8 of Title 49, Code of Federal Regulations (49 CFR 1105.8). (Further information can be found at <http://www.stb.dot.gov/stb/environment/preservation.html>).

Description of Undertaking: The transaction between Norfolk Southern Railway Company and Pan Am Railways, Inc. (formerly Guilford Transportation and the Boston & Maine Railroad), currently pending before the federal Surface Transportation Board (STB) in Finance Docket No. 35147, would create a new railroad entity, Pan Am Southern LLC (PAS), to operate certain rail lines that are now owned and/or operated by Pan Am Railways or its subsidiaries. No new rail lines are proposed to be constructed and no abandonments will occur. Three separate elements of the transaction in three different towns in Massachusetts would have discrete Areas of Potential Effects. Each of these elements has been identified on a project notification form sent under separate cover.

As part of the proposed transaction, a new automotive facility will be constructed at the San Vel site, located on Willows Road, in Ayer (San Vel Automotive).

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Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

There would be no proposed demolition of buildings as part of the undertaking.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

The only existing building at the San Vel site would be moved to a different location on the site. The structure is a metal-sided industrial building on a concrete pad, constructed in the late 1980s/early 1990s, and would not meet National Register criteria consideration G for buildings less than 50 years old. Photos are included as Appendix A/Figures 1 & 2.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

The proposed facility at San Vel includes new construction, but it would be confined to previously disturbed areas.

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

There are no known archaeological properties that exist within the proposed San Vel Automotive Facility site. This area was heavily disturbed by a gravel pit and excavation operation, which formerly occupied the site.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space: _____ acres	Mining/Extraction _____ acres
Developed _____ acres	Total Project Acreage <u>36</u>

The footprint of construction for the proposed San Vel facility encompasses 36 acres of previously disturbed land directly abutting the existing railroad mainline. The site of the facility is located on a 126.1 acre-tract that was formerly a gravel pit excavation operation. Approximately 30 acres of the 126.1-acre tract is wetland area. The wetland area is entirely outside the footprint of construction for the proposed facility.

What is the acreage of the proposed new construction?

36 acres. The proposed new construction would be confined to previously disturbed areas at the San Vel site.

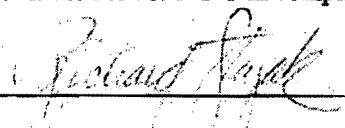
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What is the present land use of the project area?

The current land is operated by Springfield Terminal, a subsidiary of Pan Am Railways Inc., and is used by the company for rail lines and railroad facilities.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: 

Date: September 10, 2008

Name: Richard Starzak, Senior Architectural Historian, Principal

Address: ICF, 811 W. 7th Street, Suite 800

City/Town/Zip: Los Angeles, California 90017

Telephone: 213.627.5376

REGULATORY AUTHORITY 950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

7/1/93 950

CMR - 276

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BOULEVARD BOSTON, MASS. 02125 617-727-8470, FAX: 617-727-5128**

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PROJECT NOTIFICATION FORM

SEP 11 2008

MASS. HIST. COMM

Project Name: Norfolk Southern Railway Company, Pan Am Railways, Inc. et.al. Joint Control and RC 45110
Operating/Pooling Agreements – Pan Am Southern, LLC

Location / Address: Bridge No. 82.04 over Tunnel Street in Athol

City / Town: Athol, Massachusetts

Project Proponent Name: ICF on behalf of Norfolk Southern Railway Company and Pan Am Railways, Inc.

Address: 811 W. 7th Street, Suite 800

City/Town/Zip/Telephone: Los Angeles, California 90017, 213.627.5376

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

After review of MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources.
RC 45110

Agency Name

Type of License or funding (specify)

9/19/08

U.S. Surface Transportation Board

Approval of railroad transaction

Jonathan K. Patton
Archaeologist / Preservation Planner
Massachusetts Historical Commission

Date

xc: Athol Historical Commission

Project Description (narrative):

Regulatory Framework: The Surface Transportation Board (STB), through its Section of Environmental Analysis (SEA), undertakes the Section 106 process in railroad licensing proceedings. The STB's regulations governing the Section 106 process may be found at Section 1105.8 of Title 49, Code of Federal Regulations (49 CFR 1105.8). (Further information can be found at <http://www.stb.dot.gov/stb/environment/preservation.html>).

Description of Undertaking: The transaction between Norfolk Southern Railway Company and Pan Am Railways, Inc. (formerly Guilford Transportation and the Boston & Maine Railroad), currently pending before the federal Surface Transportation Board (STB) in Finance Docket No. 35147, would create a new railroad entity, Pan Am Southern LLC (PAS), to operate certain rail lines that are now owned and/or operated by Pan Am Railways or its subsidiaries. No new rail lines are proposed to be constructed and no abandonments will occur. Three separate elements of the transaction in three different towns in Massachusetts would have discrete Areas of Potential Effects. Each of these elements has been identified on a project notification form sent under separate cover.

As part of the proposed transaction, the parties anticipate existing railroad Bridge No. 82.04 may undergo substructure repair and superstructure replacement.

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Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

The parties anticipate that the superstructure of Bridge No. 82.04 may be replaced and the substructure may be repaired.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Bridge No. 82.04 over Tunnel Street in Athol was built in 1910, with alterations in 1930, 1940, and 1946. It has a riveted deck plate girder superstructure with open timber deck and maintenance walkway, with a 32' 7" span, with stone masonry abutments and wingwalls. The parties anticipate that the existing superstructure may be replaced and the substructure may undergo structural repairs. Substructure repairs may include replacement of the backwalls and bearing seats with poured concrete. The bearing seat and backwall replacement would not alter the cut stone abutment, which would remain intact. The west abutment of Bridge No. 82.04 is adjacent to the beginning of a stone arch bridge over Mill Brook (Bridge No. 82.05). No repairs or modifications are planned for Bridge No. 82.05. Photos are included as Appendix A/Figures 1 through 4.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

As part of the proposed transaction, the parties anticipate replacement of the superstructure on Bridge No. 82.04. In addition, the backwall and bearing seats may be replaced.

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

There are no known archaeological properties at the existing bridge location.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space: _____ acres	Mining/Extraction _____ acres
Developed _____ acres	Total Project Acreage <u>less than 1 acre</u>

The existing bridge encompasses less than one acre of previously disturbed land.

What is the acreage of the proposed new construction?

Less than one acre. The proposed new construction would be confined to an existing bridge.

What is the present land use of the project area?

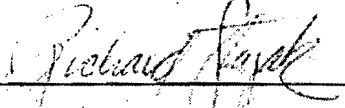
The present land use is rail and roadway.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

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Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: 

Date: September 10, 2008

Name: Richard Starzak, Senior Architectural Historian, Principal

Address: ICF, 811 W. 7th Street, Suite 800

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Telephone: 213.627.5376

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PROJECT NOTIFICATION FORM

MASS. HIST. COMM

Project Name: Norfolk Southern Railway Company, Pan Am Railways, Inc. et.al. Joint Control and
Operating/Pooling Agreements – Pan Am Southern, LLC

Location / Address: Bridge No. 103.73 over a former branch line near McClelland Road in East
Deerfield.

City / Town: East Deerfield, Massachusetts

Project Proponent Name: ICF on behalf of Norfolk Southern Railway Company and Pan Am Railways,
Inc.

Address: 811 W. 7th Street, Suite 800

City/Town/Zip/Telephone: Los Angeles, California 90017, 213.627.5376

After review of MHC files and the materials
you submitted, it has been determined that
this project is unlikely to affect significant
historic or archaeological resources.

RC. 45109

Agency license or funding for the project (list all licenses, permits, approvals, or other entitlements
being sought from state and federal agencies).

Jonathan K. Patton Date
Archaeologist / Preservation Planner
Massachusetts Historical Commission

9/19/08

Agency Name

Type of License or funding (specify)

x c : Deerfield Historical Commission

U.S. Surface Transportation Board

Approval of railroad transaction

Project Description (narrative):

Regulatory Framework: The Surface Transportation Board (STB), through its Section of Environmental Analysis (SEA), undertakes the Section 106 process in railroad licensing proceedings. The STB's regulations governing the Section 106 process may be found at Section 1105.8 of Title 49, Code of Federal Regulations (49 CFR 1105.8). (Further information can be found at <http://www.stb.dot.gov/stb/environment/preservation.html>).

Description of Undertaking: The transaction between Norfolk Southern Railway Company and Pan Am Railways, Inc. (formerly Guilford Transportation and the Boston & Maine Railroad), currently pending before the federal Surface Transportation Board (STB) in Finance Docket No. 35147, would create a new railroad entity, Pan Am Southern LLC (PAS), to operate certain rail lines that are now owned and/or operated by Pan Am Railways or its subsidiaries. No new rail lines are proposed to be constructed and no abandonments will occur. Three separate elements of the transaction in three different towns in Massachusetts would have discrete Areas of Potential Effects. Each of these elements has been identified on a project notification form sent under separate cover.

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As part of the proposed transaction, the parties anticipate placing fill underneath existing railroad Bridge No. 103.73 and the superstructure may be removed.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

The parties anticipate placing fill underneath existing Bridge No. 103.73 and the superstructure may be removed.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Bridge No. 103.73 over a former branch line near McClelland Road in East Deerfield was built in 1911 with alterations in 1939, 1956, and 1960. It has a riveted deck plate girder superstructure with a 40' span, open timber deck and maintenance walkways along both sides. The abutments and wingwalls are stone masonry with concrete backwalls. The parties anticipate placing fill underneath Bridge No. 103.73 and the superstructure may be removed. The tangent tracks that pass under this bridge have been removed; therefore, there is no longer a need for a bridge in this location. This bridge is an approach to the main span, Bridge No. 103.75 over the Connecticut River (which features a two-part deck truss supported on a stone pier and stone abutments). No repairs or modifications are planned for Bridge No. 103.75. Moreover, the main spans of the bridge are not in the direct Area of Potential Effects for construction related to the transaction. Photos are included as Appendix A/Figures 1 through 4.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

There will be no new construction on Bridge No. 103.73. The parties anticipate placing fill underneath existing railroad Bridge No. 103.73, and the superstructure may be removed.

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

There are no known archaeological properties at the existing bridge location.

What is the total acreage of the project area?

Woodland _____ acres

Wetland _____ acres

Floodplain _____ acres

Open space: _____ acres

Developed _____ acres

Productive Resources:

Agriculture _____ acres

Forestry _____ acres

Mining/Extraction _____ acres

Total Project Acreage less than 1 acre

The existing bridge encompasses less than one acre of previously disturbed land.

What is the acreage of the proposed new construction?

There will be no new construction on Bridge No. 103.73.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

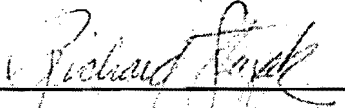
APPENDIX A MASSACHUSETTS HISTORICAL COMMISSION 220 MORRISSEY
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What is the present land use of the project area?

The property is in use by the railroad at present.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: 

Date: September 10, 2008

Name: Richard Starzak, Senior Architectural Historian, Principal

Address: ICF, 811 W. 7th Street, Suite 800

City/Town/Zip: Los Angeles, California 90017

Telephone: 213.627.5376

REGULATORY AUTHORITY 950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

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