

SERVICE DATE – JUNE 30, 2015

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 550 (Sub-No. 3X)

**R. J. Corman Railroad Company / Allentown Lines, Inc. – Petition to Abandon
in Lehigh County, Pennsylvania**

BACKGROUND

In this proceeding, R. J. Corman Railroad Company / Allentown Lines, Inc. (RJC) filed a petition of exemption under 49 U. S. C. §10502 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Lehigh County, Pennsylvania. The rail line proposed for abandonment extends approximately 3.5 miles near milepost 93.2 and beginning at the south side of the Union Street Crossing (DOT marker 361714), in Allentown and extending north to milepost 96.709 in or near Whitehall (the Line). A map depicting the line in relationship to the area served is appended to this Environmental Assessment (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.

ENVIRONMENTAL REVIEW

RJC submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. RJC served the Environmental 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 The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 550 (Sub-No. 3X).

Summary of OEA findings

Transportation System	No significant impact.
Land Use	No significant impact.
Energy	No significant impact.
Air	No significant impact.
Noise	No significant impact.
Safety	No significant impact.
Biological Resources	No significant impact.
Water	No significant impact.
Historic Report	No significant impact.

**Two Conditions
Recommended**

**PennDOT
Consultation**

**Corps
Consultation**

Diversion of Traffic

According to RJC, there is one shipper located on the Line, American Carbonation (AC); RJC and AC have reached an agreement in which AC will lease property from RJC at RJC's nearby yard track not included within the scope of this abandonment where AC will continue its transloading operations. From this new location, RJC claims that it will continue to serve AC directly at (or before) such time as RJC officially terminates operations over the Line. One of the owners of AC submitted comment affirming this cooperative plan. According to RJC, the Line is stub-ended on the north-end at milepost 96.709 with no reasonable possibility for overhead rail traffic. According to RJC, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

If granted authority to abandon, RJC states that it will salvage the rails, ties, and other track material and then convey its right, title and interest, if any, in the right-of-way to Trestle Redevelopment Partners (Trestle). Trestle plans to use the right-of-way as part of a multi-faceted redevelopment project.

RJC plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. RJC does not anticipate discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act, and according to RJC, there are no wetlands located in or along the right-of-way of the Line. However, the Line appears to pass through 100-year floodplains. The U.S. Army Corps of Engineers (Corps) has expressed an interest in commenting, however, OEA has not yet received its response. Though OEA does not believe based on its research

and initial consultation with the Corps that the proposed abandonment would have any adverse impacts to water resources, to be thorough, OEA recommends that any decision granting abandonment authority include the condition that RJC consult with the Corps prior to commencing salvage activities regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps. Accordingly, we have included the appropriate offices of the Corps and the Federal Emergency Management Agency on the service list for this proceeding to ensure that they receive a copy of this Environmental Assessment.

According to RJC, the Line is located just west of the Lehigh River in Allentown with industrial sites to the east and low to medium density housing to the west. Lehigh County is not located within a designated coastal zone. Therefore, no state coastal management consistency certification is required. The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment would not affect federal trust resources under its jurisdiction and currently protected by the Endangered Species Act.

The Pennsylvania Department of Transportation (PennDOT) submitted comments recommending that RJC research whether various requirements related to water resources would be applicable to the proposed abandonment and that appropriate sediment controls be put in place. Additionally, PennDOT submitted comment that it retains its property interests in at-grade crossings, and requests consultation prior to any project work within these Department-owned rights-of-way. Accordingly, OEA recommends that any decision granting abandonment authority include a condition that PennDOT be consulted prior to the commencement of any salvage work that may take place in or near Department-owned rights-of-way.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities 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 salvage activities 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 EA to the following agencies for review and comment: the U.S. Army Corps of Engineers and the U.S. Federal Emergency Management Agency.

HISTORIC REVIEW

RJC served the Historic Report on the Pennsylvania State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's finding of no adverse effect.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected

within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. §800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² 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: Seneca Nation of Indians (previously listed as Seneca Nation of New York) and Tonawanda Band of Seneca. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

- 1. Prior to commencement of any salvage activities, R. J. Corman Railroad Company shall consult with the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.**
- 2. R. J. Corman Railroad Company shall consult with the Pennsylvania Department of Transportation prior to commencement of any project work within Department-owned rights-of-way at at-grade crossings.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are 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

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited June 16, 2015).

condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS 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).

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

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 550 (Sub-No. 3X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.dot.gov.

Date made available to the public: June 30, 2015.

Comment due date: July 30, 2015.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment