

**SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1265X

**Lehigh Valley Rail Management, LLC - Abandonment Exemption - in Cambria County,
Pa.**

BACKGROUND

In this proceeding, Lehigh Valley Rail Management, LLC (LVRM) filed a verified notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon approximately 5.6 miles of rail line in Cambria County, PA (the Line). The Line consists of two contiguous segments; Segment 1 extends from Milepost 6.4 at Munster Road (Route 1003) in Munster Township to Milepost 10.45189 near the intersection of E. Crawford and Tanner streets in Ebensburg Borough, and Segment 2 extends from Milepost 15.355 (which is collocated with Milepost 10.45189) to Milepost 16.934 south of U.S. Route 22. A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If this notice becomes effective, LVRM would be able to salvage track, ties and other railroad appurtenance and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is in west-central Pennsylvania and the width of the right-of-way is generally 25 feet. The project area is largely rural in nature and consists of large-lot residential properties and hilly farmland and woodlots.

LVRM stated that it received an expression of interest from Cambria County Conservation and Recreational Authority regarding acquisition of the right-of-way for rail banking and interim trail use.

ENVIRONMENTAL REVIEW

LVRM submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. LVRM served the environmental report on several appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹

¹ Applicant's environmental and historic reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB_1265_0_X.

The Board's Office of Environmental Analysis (OEA) reviewed and investigated the record in this proceeding.

Diversion of Traffic

LVRM stated that no local or overhead traffic has moved over the Line since LVRM acquired the Line in 2003. The Line is also stub-ended; thus, removing the possibility of overhead traffic moving on the Line. Accordingly, 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

LVRM stated that it intends to salvage the track and track materials and that salvaging activities would be confined to the Line's right-of-way. The two LVRM-owned bridges on the Line would be left in place.

The National Geodetic Survey (NGS) stated that it was unable to determine whether there are geodetic station markers in the vicinity of the Line based on LVRM-submitted documentation and mapping. OEA is providing a copy of this EA, which includes a more detailed map, to NGS for review and comment.

The Natural Resources Conservation Service, State Conservation Engineer stated that it has no concerns with the proposed abandonment.

The U.S. Army Corps of Engineers (Corps) had not responded to the LVRM's environmental report at the time this EA was prepared. OEA is providing a copy of this EA to the Corps – Pittsburgh District, Regulatory Division for review and comment.

The U.S. Fish and Wildlife Service – Pennsylvania Field Office (USFWS) stated that no federally listed species under its jurisdiction is known or likely to occur in the project area. Therefore, no further consultation with USFWS is necessary.

The U.S. Environmental Protection Agency, Region 3 (USEPA) had not responded to the LVRM's environmental report at the time this EA was prepared. OEA is providing a copy of this EA to USEPA for review and comment.

The Cambria County Planning Commission stated that it does not anticipate adverse environmental and historic impacts from the proposed abandonment and noted that interim trail use of the right-of-way would be consistent with the regional comprehensive plan and the county bicycle and pedestrian plan.

HISTORIC REVIEW

According to LVRM, Segment 1 (Milepost 6.4 to Milepost 10.45189) is believed to have been constructed by the Ebensburg and Cresson Railroad Company (E&C) between 1859 and 1862. E&C consolidated with other railroads in 1903 to form the Cambria and Clearfield Railroad Company, which then became part of the Pennsylvania Railroad Company in 1913. The Pennsylvania Railroad eventually became part of Penn Central, and following the reorganization of Penn Central in 1976, became part of Conrail. R.J. Corman Railroad/Pennsylvania Lines (RJC) acquired Segment 1 from Conrail, together with other lines, in 1995. In 1998, RJC abandoned the section of railroad beyond (i.e., southeast of) Milepost 6.4 and Segment 1 was purchased by Cambria & Indiana Railroad (C&I). Subsequently, C&I sold Segment 1 to ISG Railways in 2003 and ISG Railways sold it to LVRM later that same year.

Segment 2 (Milepost 15.355 to Milepost 16.934) was constructed by C&I in 1963 to serve the former Bethlehem Steel Mine 33 (near Milepost 16.934). Ownership paralleled that of Segment 1, with Segment 2 being sold to ISG Railways and then to LVRM in 2003.

LVRM stated that the Line served various coalfields in the project area for most of its history. The last remaining coal mine served by the Line (Mine 33) ceased operations in 1993, which was the last year rail traffic moved on the Line.

LVRM submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and provided a copy to the Pennsylvania Historical and Museum Commission (i.e., State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).² As part of its public outreach, LVRM also placed a notice of the proposed abandonment in The Tribune Democrat on June 19, 2018 and notified local governments of the proposed abandonment. Both the historic report and this EA are available on the Board's website, and OEA is providing the SHPO with a copy of this EA.

By letter dated May 25, 2018 (SHPO Project Number ER 2018-1347-021-A), the SHPO stated that it does not believe there are any archaeological resources present along the Line. Regarding above-ground resources, SHPO stated that there may be resources in the project area eligible for the National Register of Historic Places (National Register). In order to facilitate the SHPO's review process for above-ground resources, it requested additional information. By letter dated February 13, 2019, LVRM submitted additional information including a description

² 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 (NHPA). 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 on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

of the scope of the proposed abandonment activities; definition of the Area of Potential Effect (APE) as the Line's 25-foot right-of-way; description of the Line's history; identification of the two bridges on the Line built in 1963; and evaluation of effect of the proposed abandonment on above-ground resources. LVRM concluded that the proposed abandonment would not result in adverse effects within the APE. Additionally, LVRM completed and submitted the SHPO's Historic Resource Survey Form with its reply.

SHPO responded to LVRM's additional information in a letter dated March 4, 2019. Based on the LVRM-supplied information and information in its own files, the SHPO stated that the Line "is not eligible for listing in the National Register due to a lack of integrity and/or significance." The SHPO also concurred with the scope and level of effort utilized to identify historic properties for the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), 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 <http://www.stb.gov>.

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 at <https://egis.hud.gov/tdat/> to identify federally recognized tribes that may have ancestral connections to the project area. The database identified four tribes for Cambria County (search date of March 21, 2019):

- Delaware Nation, Oklahoma,
- Delaware Tribe of Indians,
- East Shawnee Tribe of Oklahoma, and
- Seneca-Cayuga Nation.

OEA is providing each tribe with a copy of this EA for review and comment.

CONDITIONS

OEA recommends no environmental conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, 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 and no salvage activities), 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 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 the time specified in the Federal Register notice. 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, D.C. 20423.

COMMENTS

If you wish to file comments regarding this EA, please send your written comments to Surface Transportation Board, Washington, D.C. 20423, to the attention of Dave Navecky, who prepared this document and is the environmental contact for this case. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1265X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Dave Navecky by phone at 202-245-0294 or e-mail at david.navecky@stb.gov.

Date made available to the public: April 2, 2019.

Comment due date: April 16, 2019.

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

Attachment



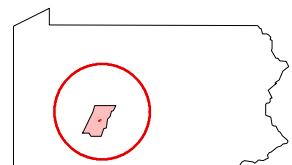
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Lehigh Valley Rail Management, LLC
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Cambria County, Pennsylvania

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.



Location in State