

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 193 (Sub-No. 3X)

**Canton Railroad Company—Abandonment Exemption—
in Baltimore City, MD.**

BACKGROUND

In this proceeding, Canton Railroad Company (Canton) filed a petition for exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. §10903 seeking to abandon approximately 1,200 linear feet (0.23 miles) of rail line located in Baltimore City, Maryland (the Line). According to Canton, the Line has no milepost or station designations and is sometimes referred to as the OverFlo Track. The Line traverses United States ZIP Code 21224 and travels through a combination of older industrial properties and newer and/or revitalized mixed-use developments. Based on information in its possession, Canton states that the Line does not contain any federally granted right-of-way.

According to Canton, there has been no freight service on the Line since December 12, 2017. The only shipper located on the Line sold its property on December 19, 2017. Following abandonment, Canton intends to sell the right-of-way to the new property owner, 601 Haven Street LLC (Haven), for non-rail use. By letter dated January 15, 2019, Haven affirmed its intentions to purchase the right-of-way for non-rail use and is fully supportive of the proposed abandonment.

Two maps depicting the Line in relationship to the area served are appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

Canton submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Canton 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

Diversion of Traffic

According to Canton, no local traffic has moved over the line since December 2017 and there is no overhead traffic to be rerouted. 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

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 construction of new access points to the right-of-way. If abandonment authority is granted, Canton indicates that no salvage would occur on approximately 300 feet of the Line because it was paved over some 20 years ago by a third-party facility owner. Canton states that the rail for most of the Line has been removed, but the ties and track materials remain. Canton intends to reuse these materials, if appropriate, in other parts of its system. Canton would otherwise properly dispose of any material not deemed acceptable. Salvage would occur in the existing right-of-way; no new access roads are contemplated. Canton does not intend to disturb the underlying roadbed or perform any salvage activities that would result in sedimentation or erosion of the soil. In order to make the right of way more level, Canton may back-fill areas where ties and/or track material are removed with stone or soil, but no such fill material (or any salvaged materials) would be placed in waters of the United States. Canton intends to use appropriate measures during salvage to prevent and control spills from fuels, lubricants and other pollutants from entering any waterways. Canton is not aware of any waterways directly adjacent to the right of way of the Line.

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.

The National Geodetic Survey (NGS) commented that there are no geodetic station markers that may be affected by the proposed abandonment. Accordingly, OEA has determined that no further consultation with NGS will be necessary in this proceeding.

The Maryland Department of the Environment (MDE) initially commented through several email exchanges with Canton that it had concerns about the proper handling and management of railroad ties during the salvage process. MDE followed up with a generic list of all its programs which include: Oil Control for petroleum storage tanks; Solid Waste for

website at www.stb.gov by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 193 (Sub-No. 3X).

construction, demolition and land clearing debris; Waste Diversion and Utilization for hazardous waste handlers/generators; Brownfields and Site Assessment Voluntary Cleanup for property transfer and redevelopment projects; Mining; and Lead-Based Paint. Based on the information presented to date, OEA believes that the Solid Waste Program is the only MDE office that would need to be contacted for proper disposal of rail ties. Accordingly, OEA is recommending a condition that would require Canton to consult with MDE's Solid Waste Program prior to initiating salvage to determine what approvals would be needed for the proper handling and disposal of rail ties and to comply with its reasonable requirements.

The Maryland Departments of General Services and Planning found the proposed abandonment to be consistent with state plans, programs, and objectives.

The Maryland Department of Natural Resources commented that, based on the materials Canton has presented as well as comments made by other Maryland state agencies, the proposed abandonment is consistent to the maximum extent practicable with its enforceable program policies governing the Coastal Zone Management Act (CZMA). OEA has therefore concluded that a Federal Consistency Determination, pursuant to the CZMA (16 U.S.C. § 1451 et seq.) is not required.

The Maryland Department of Transportation (MDOT) and the Baltimore City Planning Commission (BCPC) commented that the Line is located within a master planned designated 35-mile loop trail system that would surround Baltimore City. The loop trail is one of the Rails to Trails Coalition's national priorities, and MDOT is working with the Rails to Trails Coalition and BCPC on a strategy to acquire and preserve the entire loop right-of-way. BCPC commented that two properties adjacent to the Line have been rezoned to residential and concept development plans are in the works. BCPC is interested in incorporating the Line into the loop trail system and indicates that the City of Baltimore intends to pursue negotiations with Canton and Haven to acquire this property. Accordingly, OEA provided BCPC with the Board's public assistance contact information via email² well as the February 15, 2019 Federal Register notice in this proceeding in the event it is interested in pursuing the Public Use and Interim Trail Use process, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d).

No wildlife sanctuaries, refuges, national or state parks, or forests would be adversely affected by the proposed abandonment. Based on information that Canton included in its report, OEA obtained an official list of threatened or endangered species that may be in the project area using the U.S. Fish and Wildlife Service (USFWS) online Information for Planning and Consultation (IPaC) tool.³ The Northern Long-eared bat was identified as a federally threatened species potentially present in the project area. According to the IPaC report, there are no designated critical habitats within the project area. OEA has determined that this species would

² The contact information for the Board's Office of Public Assistance, Governmental Affairs, and Compliance is also provided on page 6 of this EA.

³ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited March 21, 2019).

not be adversely affected by salvage activities based on the information provided and because Canton's salvage activities are of limited scope. Canton has a thorough salvage protocol, as discussed above, which does not contemplate new access roads or any activities that would cause sedimentation or erosion of soil. Also, during track removal, Canton would implement appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. The proposed abandonment would have no adverse effect on areas designated as critical habitat. OEA is providing a copy of this EA to the USFWS Massachusetts Ecological Services Field Office for review and comment.

OEA has not yet received responses from other agencies regarding potential environmental impacts from the proposed abandonment. Therefore, in addition to the agencies that provided comments, OEA is sending a copy of this EA for review to the National Park Service; the U.S. Department of Agriculture's Natural Resources Conservation Service; the U.S. Fish and Wildlife Service; the U.S. Environmental Protection Agency; and the U.S. Army Corps of Engineers.

HISTORIC REVIEW

Canton submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Maryland Historical Trust (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).⁴ The SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

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 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(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 <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 Tribal Directory Assessment Tool to identify federally

⁴ 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).

recognized tribes that may have ancestral connections to the project area.⁵ The database indicates that there is one federally recognized tribe that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribe is the Delaware Nation, Oklahoma. OEA is sending a copy of the EA to this tribe for review and comment.

CONDITION

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

1. Prior to conducting salvage operations, Canton Railroad Company shall consult with the Maryland Department of Environment's Solid Waste Program to determine what approvals would be needed for the proper handling and disposal of rail ties and comply with its reasonable requirements.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that if the condition above is imposed by the Board, 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), 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 4-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 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).

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tadat/> (last visited February 22, 2019).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 193 (Sub-No. 3X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at Diana.Wood@stb.gov.

Date made available to the public: March 29, 2019.

Comment due date: April 29, 2019.

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

Attachments