

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-584 (Sub-No. 1X)

Canada Southern Railway Company - Abandonment Exemption - in Niagara County, NY

BACKGROUND

In this proceeding, the Canada Southern Railway Company (CSR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of the line extending between Milepost 0.0 and Milepost 0.15 in Niagara Falls, Niagara County, New York, a distance of approximately 0.15 miles. A map depicting the rail line in relationship to the area served is appended to the report. 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.

DESCRIPTION OF THE LINE

According to CSR, most of the line (approximately 500 feet) consists of a single track located on the International Bridge. Approximately 300 feet of track serves as an approach to the International Bridge, with an average right-of-way width of between 50 and 100 feet. There are also two smaller bridges over Lewiston/Main Street and Whirlpool Street that serve as part of the approach to the International Bridge. The International Bridge is currently owned by the Niagara River Bridge Company (NRBC), which is owned by CSR. The topography for the approach to the bridge is an urban area. The western portion of the bridge includes a section of the Niagara River Gorge.

The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast would remain in place. Negotiations are underway for a potential purchase of the bridge by a third party for non-railroad use. Re-use as a truck-only bridge has been proposed by the potential purchasers of the bridge. CSR's action in this proceeding is to cease rail service over the bridge, remove rail-related structures, and preserve the bridge structures themselves and the approach for appropriate reuse at a later date.

All rail traffic over this segment of trackage has been diverted to other routes. There are no shippers located on this line. Tracks on the Canadian side of the border have been removed, as the line was declared auxiliary in late 2001. On the U.S. side, the trackage rights that allowed rail access to the bridge have been discontinued and rail traffic has been relocated to a bridge that meets the needs of the rail users far more efficiently. For all practical purposes, there is no longer rail access to this rail-only

bridge, and rail traffic over this bridge is unlikely to ever be resumed.

The International Bridge was constructed in 1924-25 as a replacement for the Michigan Central Railway Cantilever Bridge which served that railroad from 1895 to 1925. The bridge was designed by William Perry Taylor, with J.L. Delming of the Michigan Central Railway as the Chief Engineer. The main span across the river is a steel two-hinged spandrel arched truss, with a span of 640 feet between the springings or hinges, which are located approximately halfway up the riverbanks. At each end of the arch span, there is a major approach span that spans from the end bent of the arch to a concrete pier located near the top of the riverbank. In addition to the two smaller bridges which serve as an approach to the International Bridge, there is an unused shed located on the north side of the tracks at approximately MP 0.0 and an out-of-service signal box close to the south border of the property line.

ENVIRONMENTAL REVIEW

CSR 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. CSR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey has advised us that five geodetic station markers have been identified that may be affected by the proposed abandonment.

The New York Department of State, Division of Coastal Resources has indicated that, because the proposed abandonment is located within a Coastal Zone Management Area, review pursuant to Coastal Zone Management Act (CZMA) consistency provisions is required. CSR has been engaged in ongoing consultation with the Division of Coastal Resources. A Coastal Zone Consistency Determination is being sought to ensure that the project is consistent with the Coastal Zone Policies of the State of New York. A Federal Consistency Assessment Form, which constitutes a consistency certification when completed, has been submitted by CSR to the Division of Coastal Resources. The Division of Coastal Resources is currently in the process of reviewing the proposed activity and the consistency certification.

The New York State Office of Parks, Recreation and Historic Preservation - Historic Preservation Field Services Bureau (NY SHPO), has indicated that the Michigan Central Bridge (International Bridge) was previously determined eligible for listing in the National Register of Historic Places. In addition, the project site is substantially contiguous to several other historic properties, including the Whirlpool Rapids Bridge (National Register-eligible), the Niagara Falls Custom House at 2245 Whirlpool Street (National Register-listed), and the Niagara Reservation (National Register-listed)

and designated a National Historic Landmark). Much of the area is archeologically sensitive, and a survey would be warranted if any part of the larger undertaking includes any ground-disturbing activities. Given the concentration of historic resources, the NY SHPO is concerned about potential impacts resulting from the abandonment and sale of the

property. We will notify the Advisory Council on Historic Preservation and determine their participation pursuant to 36 CFR part 800.6. We will begin consultation with the New York SHPO to determine ways of resolving any adverse effect.

CONDITIONS

We recommend that the following three environmental conditions, addressing the environmental concerns discussed above, be placed on any decision granting abandonment authority.

1. The National Geodetic Survey (NGS) has identified five geodetic station markers that may be affected by the proposed abandonment. Therefore, NSR shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
2. To address the concerns raised by the New York Department of State, Division of Coastal Resources, the Coastal Zone Management Act process must be completed and a Coastal Zone Consistency Determination must be made by the New York Department of State, Division of Coastal Resources, prior to any salvage by CSR.
3. The New York State Office of Parks, Recreation and Historic Preservation - Historic Preservation Field Services Bureau is concerned, given the concentration of historic resources, about potential impacts resulting from the abandonment and sale of the property. Pending resolution of these issues, CSR shall retain its interest in and take no steps to alter the historic integrity of the property until completion of the Section 106 process of the national Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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

If abandonment and salvage of the rail line does take place, 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 CFR 1152.28) must be filed with the Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL 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 Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-584 (Sub No. 1X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: October 25, 2002.

Comment due date: **November 12, 2002 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

AB 584 (Sub-No. IX)
33074

