



RE: Hojack Swing Bridge, STB Docket No. AB 167 (Sub-No. 1162X)
Bonafide, John (PEB)

EI-18956

to:

'Catherine.Glidden@stb.dot.gov'

08/27/2012 03:05 PM

Cc:

"Kenneth.Blodgett@stb.dot.gov", Melanie Yasbin

Hide Details

From: "Bonafide, John (PEB)" <John.Bonafide@parks.ny.gov>

To: "'Catherine.Glidden@stb.dot.gov'" <Catherine.Glidden@stb.dot.gov>

Cc: "Kenneth.Blodgett@stb.dot.gov" <Kenneth.Blodgett@stb.dot.gov>, Melanie Yasbin
<Melanie@lgrailaw.com>

Ms. Glidden:

Thank you for the information. This is the first time that our office has been made aware of STB's involvement in this undertaking. Both the US Coast Guard (with the support of the ACHP) and the Army Corps have determined that the removal is not an undertaking under Section 106 for their agencies. These actions resulted in the review falling to NYS DEC and our state Historic Preservation Act. If STB is asserting that the removal is a Section 106 reviewable action for your agency then our state law is not in force and a full Section 106 review with the involvement consulting parties and the ACHP would need to be undertaken by the STB. I will be out of the office tomorrow but available the remainder of the week to discuss how your agency would like to proceed. Please let me know when we might be able to set up a call.

John A. Bonafide

Director

Technical Preservation Services Bureau

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From: Catherine.Glidden@stb.dot.gov [<mailto:Catherine.Glidden@stb.dot.gov>]

Sent: Monday, August 27, 2012 1:23 PM

To: Bonafide, John (PEB)

Cc: Kenneth.Blodgett@stb.dot.gov; Melanie Yasbin

Subject: Hojack Swing Bridge, STB Docket No. AB 167 (Sub-No. 1162X)

Dear Mr. Bonafide,

I am contacting you regarding the Hojack Swing Bridge, a National Register of Historic Places eligible resource located in Monroe County, NY (see attached map).

I understand that the Hojack Swing Bridge has been under review by your office and that you recently were party to a Letter of Resolution (LOR) regarding the bridge, signed by the New York State Department of Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation and CSX Transportation Inc. (CSX). As you may already know, this historic resource is on a line of railroad (the Ontario Running Track) for which the Surface Transportation Board (STB) provided abandonment approval to Conrail, the former owner of the line, on July 18, 1996. That STB approval (the undertaking) included the Section 106 condition, as amended, that required the railroad to: "retain its interest in and take no steps to alter the historic integrity of the swing bridge at milepost 94.0 of the Ontario Industrial Track until completion of the Section 106 process of the National Historic Preservation Act, 16. U.S.C. 470f." I have attached the May 8, 1997 STB Decision that included this condition below.

The bridge has been the subject of extensive mitigation by CSX including measures stipulated in the LOR (see attached). Although we were not a party to the LOR, we feel that the measures that have been undertaken by CSX, and that are outlined in the LOR, will mitigate any adverse effects that would result from removal of the bridge. We are therefore providing you with our "No Adverse Effect" determination for the undertaking pursuant to 36 CFR Part 800.

Both the Coast Guard and Army Corps of Engineers have informed CSX that the bridge poses a hazard. Moreover, CSX needs to begin removal of the bridge by the beginning of November so that it will not be in contempt of a Coast Guard order requiring its removal. We therefore request your concurrence regarding our "No Adverse Effect" determination for the abandonment in STB Docket No. AB 167 (Sub-No. 1162X). Once the we have completed the Section 106 process, CSX will be free to initiate its Coast Guard order.

I will be follow up with you by phone to ensure that you are in receipt of this email. Your prompt attention to this matter is appreciated.

All the best,

Catherine Glidden
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
Washington, DC 20423