

35006

SERVICE DATE - SEPTEMBER 7, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-862X

**Twin State Railroad Company - Abandonment Exemption - In Caledonia and Essex
Counties, VT**

BACKGROUND

In this proceeding, Twin State Railroad Company (TSRR or railroad) filed a notice under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad in Caledonia and Essex counties, Vermont (VT). The rail line proposed for abandonment extends from milepost 0.057 in St. Johnsbury to railroad engineering station 5503 at River Road in Lunenburg (the subject rail line). The total distance is approximately 20 miles. Upon receipt of abandonment authority, TSRR intends to salvage the rails, ties, and other track materials on the subject rail line. A map depicting the rail line in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

The land use / land cover in the vicinity of the right-of-way (ROW) is predominantly farmland and small towns. According to TSRR, the width of the ROW varies from approximately 60 to 100 feet in total width. Based on an independent review of U.S. Geological Survey topographic mapping by the Board's Section of Environmental Analysis (SEA), the subject rail line crosses the Moose River in St. Johnsbury and East St. Johnsbury, parallels the Moose River for approximately two-thirds of the 20-mile length of the subject rail line, parallels Miles Pond and several wetland areas, and crosses a number of other smaller streams.

Local and overhead traffic have not moved over the subject line for the past two years. A paper mill in Gilman, VT, had been the principal shipper on the subject. However, the paper mill closed in October 1999 and rail service has not been requested by any shipper since that time.

TSRR has operated the subject line since 1984. The original construction date and history of the subject line prior to the 1980s were not summarized within TSRR's notice. Additionally, TSRR's notice did not specify whether there are any structures 50 years of age or older on the subject line. In a August 26, 2004 letter from Mr. David Anderson, TSRR's counsel, to Mr. Eric Gilbertson, VT Deputy State Historic Preservation Officer, TSRR stated that all bridges and other structures would be left intact and undisturbed by salvaging operations.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service - State Conservationist (formerly the Soil Conservation Service) had not responded to the railroad's environmental report at the time this Environmental Assessment (EA) was prepared. However, the proposed abandonment would not convert existing farmland to non-farmland uses. Therefore, impacts to prime farmland would not be expected.

The Northeastern Vermont Development Association (NVDA) expressed opposition to the proposed abandonment. NVDA stated that it believes all regional rail lines and their operators are essential assets to the regions future development.

The VT Agency for Transportation (VTrans) noted VT's long-standing history of acquiring rail corridors threatened with abandonment, and either maintaining them for continued rail use where economically feasible, or railbanking them for interim trail use. VTrans expressed an interest in exploring these options with TSRR and other interested parties.

Because traffic has not moved on the subject rail line for at least two years, the proposed abandonment would not be expected to impact the development, use and transportation of recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Army Corps of Engineers - New England District (USACE) and the U.S. Fish and Wildlife Service - Concord, New Hampshire Office (USFWS) had also not responded to the railroad's environmental report at the time this EA was prepared. Because the proximity of the subject rail line to the Moose River, other smaller streams and wetlands areas was not discussed in the railroad's environmental report, SEA is recommending a condition that requires TSRR to further consult with the USACE and USFWS prior to initiating salvaging activities.

The U.S. Environmental Protection Agency - Region 1 (USEPA) had not responded to the railroad's environmental report at the time this EA was prepared. A copy of this EA is being provided to the USEPA for review and comment.

The VT Agency for Natural Resources, Department of Environmental Conservation (VDEC) reviewed the proposed abandonment and stated that the subject rail line should be

protected for potential future use or interim recreational use. If salvaging occurs, however, VDEC stated that all track material including ties should be removed from the line. SEA recommends a condition to address this concern.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has identified eleven (11) geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this concern.

The Vermont Agency for Commerce and Community Development, Division of Historic Preservation (i.e., State Historic Preservation Office or SHPO) was unable to comment on the proposed abandonment based on TSRR's historic report and has requested additional information from the railroad. Therefore, pending the submittal of this information by TSRR and completion of the SHPO's assessment, SEA recommends a condition to ensure compliance with the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to conducting any abandonment and salvaging activities, the railroad shall consult with the U.S. Army Corps of Engineers - New England District on permitting requirements for any abandonment and salvaging activities that may occur within waters of the United States including but not limited to streams, rivers, lakes and wetlands.
2. Prior to conducting any abandonment and salvaging activities, the railroad shall consult with the U.S. Fish and Wildlife Service - Concord, New Hampshire Office regarding potential impacts from salvaging activities to threatened and endangered species, and the railroad shall report the outcome of these consultations to the Board's Section of Environmental Analysis.
3. During salvaging activities, the railroad shall remove all ties and rails from the right-of-way for proper disposal, reuse or recycling.
4. The National Geodetic Survey (NGS) has identified eleven (11) geodetic station markers that could be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to salvage activities in order to plan for their potential removal.
5. The railroad shall retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Subject to the recommended conditions, and based on the information provided from all sources to date, we conclude 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), 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 of the rail line, the ROW 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 20 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 ROWs 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 David Navecky, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking

on the “E-FILING” link. **Please refer to STB Docket No. AB-862X in all correspondence addressed to the Board.** Questions regarding this environmental assessment should be referred to David Navecky, the environmental contact for this case, by phone at 202-565-1593, or by email at naveckyd@stb.dot.gov.

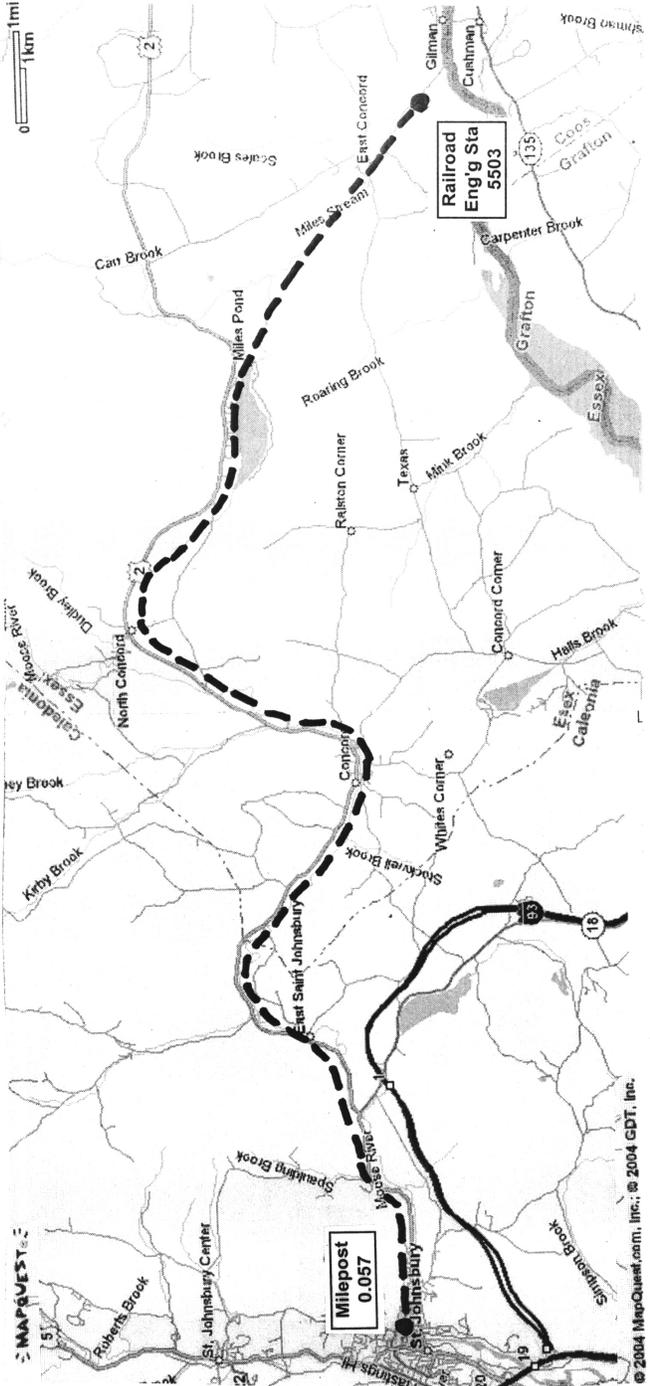
Date made available to the public: September 7, 2004

Comment due date: **September 21, 2004**

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

Vernon A. Williams
Secretary

Attachment



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Abandonment Exemption
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Decision ID No. 35006