

EO-349
CG

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

**ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-32 (Sub-No. 99X) AND
STB DOCKET NO. AB-355 (Sub-No. 33X)**

December 1, 2006

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

NEW COMMENTS WERE RECEIVED

SEA served an Environmental Assessment (EA) for this proceeding on November 9, 2006 for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment. SEA now recommends that this condition be removed.

Comments on the EA

SEA received two comments following issuance of the EA. SEA received comments from the City of Somerville and the Applicants.

The City of Somerville provided its comments in a November 22, 2006 letter to SEA. In its letter, the City expressed concern regarding the specific wording of the existing condition which states the following:

The Boston & Maine Corporation shall consult with the Massachusetts Department of Environmental Protection, Northeast Regional Office (Richard J. Chalpin, 978 694-3200), prior to beginning salvage activities regarding potential contamination of the right-of-way. The Boston & Maine Corporation shall report the results of these consultations in writing to the Section of Environmental Analysis prior to the onset of salvage operations.

The City explained that the condition should either be removed or changed to make the actual owner of the ROW, which it states is the Massachusetts Bay Transit Authority (MBTA), responsible for complying with any measures associated with salvage activities (see attached). The City writes that the condition, as currently worded, could hinder its ability to lease the line for conversion to a rail-trail and linear park for Somerville, as MBTA has no influence over the Applicants.

Email correspondence provided by the John P. Curtin, counsel for the Applicants, confirms that MBTA is the current owner of the line including the track and ties (see attached).

Mr. Curtin further indicates that the Applicants do not intend to perform salvage operations on the line. Moreover, in the email, Mr. Curtin noted he had spoken with Richard Chalpin of the Massachusetts Department of Environmental Protection (MassDEP) regarding the condition. Mr. Chalpin stated that any consultations regarding salvage activities on the line would appropriately be completed between MassDEP and the actual owner, not the Applicants.

As the line proposed for abandonment and discontinuance is not owned by the Applicants, and as the Applicants do not intend to complete salvage activities on the line, SEA recommends that the existing condition be removed.

Conclusions

The EA comment period has ended and **no conditions** are recommended by SEA. Accordingly, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT: Catherine Glidden (565-1542) *CG*

Original to Ann Newman, Office of Proceedings. Copies furnished to SEA Chron and ECT.

ET-2585

CITY OF SOMERVILLE, MASSACHUSETTS
SOMERVILLE BICYCLE COMMITTEE

JOSEPH A. CURTATONE
MAYOR

November 22, 2006

Catherine Glidden
Surface Transportation Board
Case Control Unit
Washington DC, 20423

Re: Docket No. AB-32 (sub-No.99X) and AB-355 (Sub-No.33X), B&M Rail Abandonment in Somerville, MA

To the STB:

Thank you for processing this abandonment application, one step on the conversion of this unused rail corridor to a rail-trail and City linear park for Somerville.

The Somerville Bicycle Committee supports this legal abandonment process but requests that you remove or rephrase the paragraph on page 3 that ends with: "to ensure that Mass DEP's concerns are addressedBoston & Maine, solely responsible for ... prior to commencement of salvage activities".

The reason for our request is that the applicant (Boston and Maine, aka Springfield Terminal, aka PanAm Railways, aka Guilford) does not own this ROW or the tracks and ties. Therefore, the MBTA (the owner) and the City of Somerville (the proposed leasee) will have no influence over the applicants salvage activities and this may impede development of the rail-trail/park. The MBTA and/or the City will be conducting salvage operations and like any owner/operators are responsible for adhering to the MassDEP regulations if any contamination is found. Therefore this recommendation concerning salvaging is not even needed. However, if you feel it must be included, then please have the recommendation refer generically to whomever is conducting the salvage operations rather than Boston & Maine or anyone specifically.

Thank you very much,

Alan Moore
Chair, Somerville Bicycle Committee

CC: John Curtin, PanAm Railways
Daniel A. Grabauskas, General Manager, MBTA
Transit Realty
electronic filing at <http://www.stb.dot.gov>

EI-2587

CG



"Jack Curtin"
<JCurtin@bmainways.com>

12/01/2006 10:46 AM

To gliddenc@stb.dot.gov

cc richard.chalpin@state.ma.us

bcc

Subject Fitchburg Freight Cut-Off, Somerville, MA -
Abandonment/Discontinuance

Re: STB Docket # AB-32 (Sub-No. 99X) Boston and Maine
Corporation -

Abandonment Exemption in Middlesex County,
MA

STB Docket # AB-355 (Sub-No. 33X) Springfield
Terminal Railway Company
- Discontinuance of Service Exemption in Middlesex
County, MA

Dear Ms. Glidden,

Per our earlier phone conversation, Boston and Maine
Corporation/Springfield Terminal Railway Company
("B&M/ST") will not be
conducting any salvage operations. At one time, B&M/ST
owned the property.
However, it is currently owned by The Massachusetts
Bay Transit Authority
("MBTA"). B&M/ST retained a Freight Easement in the
property. We apologize
for any confusion.

Also, I spoke to Richard Chalpin, Regional Director of
the Massachusetts
Department of Environmental Protection ("MDEP"),
earlier this
morning, regarding his previously submitted comments.
Mr. Chalpin's
comments were to be considered general in nature, and
were primarily aimed
at citing the relevant laws which need to be followed
prior to the
commencement of any salvage activities. As B&M/ST does
not currently own
the property, B&M/ST will not be conducting any
salvage operations. The
MDEP does not care which entitie(s) notify them prior
to the commencement
of such activities, so long as they are consulted in
accordance with the
relevant laws. In this case, subject to MBTA
agreement, it would most
likely be the City of Somerville, or one of its
contractors, that would
actually conduct any salvage operations.

Sincerely,

John P. Curtin
Staff Attorney