

52371

SERVICE DATE – NOVEMBER 25, 2024

OEA

EAXX-472-00-0-1732010626

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1240 (Sub-No. 1X)

**Southwest Pennsylvania Railroad Company – Abandonment Exemption –
In Fayette County, Pa.**

BACKGROUND

In this proceeding, Southwest Pennsylvania Railroad Company (SWP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Fayette County, Pennsylvania. The approximately 1.87-mile rail line proposed to be abandoned consists of two connecting segments and extends: (1) from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles; and (2) from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles (Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). 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

The two segments of Line connect at Redstone Jct. and the surrounding area is largely residential, becoming more commercial at the southwest end of the Line extending toward the city of Uniontown, in Fayette County, Pa. Portions of the Line are paralleled by another SWP rail line which is not proposed for abandonment. According to SWP, portions of the track near Oliver Road and near North Gallatin Avenue Extension have previously been removed.

SWP indicates that there are three bridges on the Line that are at least 50 years old. Two of the bridges cross Redstone Creek heading in the direction of Uniontown and one of the bridges crosses Cove Run near V.S. 1926+00. According to SWP, the portion of Line between V.S. 1926+00 and V.S. 1989+93 was constructed between 1874 and 1876 by the South-West Pennsylvania Railway Company. The portion of Line between Redstone Jct. at V.S. 874+34 and V.S. 839+30 was constructed in 1882. Ownership of the Line changed multiple times, and SWP

eventually acquired the Line in 2012. SWP believes that the Line would be suitable for public use and indicates that it has been negotiating with a group interested in establishing a trail for public recreational use.

ENVIRONMENTAL REVIEW

SWP submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment, including salvage. SWP served the E&H 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 implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to SWP, there has been no local traffic on the Line in over two years, and any overhead traffic can be rerouted. Therefore the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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 the construction of new access points to the right-of-way. If abandonment authority is granted, SWP intends to remove the rail, spikes, and crossties, although some track may be left in place as non-regulated industrial track that could be accessed from SWP's adjacent line. SWP states it has no plans to remove any ballast or bridges or other structures, as they may become part of a public recreational trail.

SWP notified the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) of the proposed abandonment. By letter, dated September 25,

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1240" "1" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 31, 2024.

Docket No. AB 1240 (Sub-No. 1X)

2024, SWP received a response from NRCS stating that because the project is within the “Uniontown, Pa. Urban Area” it is not subject to the Farmland Protection Policy Act. Therefore, OEA concludes there would be no adverse impact on prime agricultural land.

SWP requested comments from the U.S. Fish and Wildlife Service (USFWS) and the Pennsylvania Department of Environmental Protection (PDEP) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS and PDEP have not provided comments. To identify federally protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Conservation (IPaC) system.² The data base revealed the following species may be present in the project area: Indiana Bat, endangered species; Northern Long-eared Bat, endangered species; Tricolored Bat, proposed endangered species; and Monarch Butterfly, candidate species. According to the IPaC report, there is no critical habitat for these species in the project area. Because no land disturbance or instream work is contemplated; no bridge, viaduct, embankment, or tree removal is contemplated; and no critical habitat is present, OEA concludes that the proposed abandonment would have no effect on any of these four species. OEA is providing a copy of this Draft EA to the USFWS Pennsylvania Field Office for its review.

The proposed abandonment is not located within a Coastal Zone. Therefore, no further consultation under the Coastal Zone Management Act is required.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The National Geodetic Survey (NGS) has indicated that three geodetic survey markers may be present in the right-of-way but some of them may have already been destroyed. NGS does not recommend preserving any of the markers if they are found. Accordingly, no further consultation with NGS is required.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board’s service list for this proceeding, OEA is providing a copy of this Draft EA to the USFWS Pennsylvania Field Office for review and comment.

² USFWS Information for Planning and Conservation (IPaC) search conducted on November 12, 2024 (<https://ecos.fws.gov/ipac/>).

HISTORIC REVIEW

SWP served the E&H Report on the Pennsylvania State Historic Preservation Office (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ On October 3, 2024, the SHPO submitted comments stating that the proposed abandonment would have no effect on above ground resources, including historic structures, and would have no effect on archaeological resources. Therefore, 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, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding as specified at 36 C.F.R. § 800.11(d), consists of SWP's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website 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's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Delaware Tribe, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Osage Nation; and Seneca-Cayuga Nation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends no conditions be imposed on any decision granting abandonment authority.

³ 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. 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 at a link on the bottom of the Board's website [overviewing historic preservation at https://www.stb.gov/resources/environmental/historic-preservation-overview](https://www.stb.gov/resources/environmental/historic-preservation-overview).

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 18, 2024).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes 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

Following abandonment and salvage of the rail line, 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 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

TRAIL USE

A request for a notice of interim trail use (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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation

⁵ Board decisions are available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1240" "1" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.

Docket No. AB 1240 (Sub-No. 1X)

Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

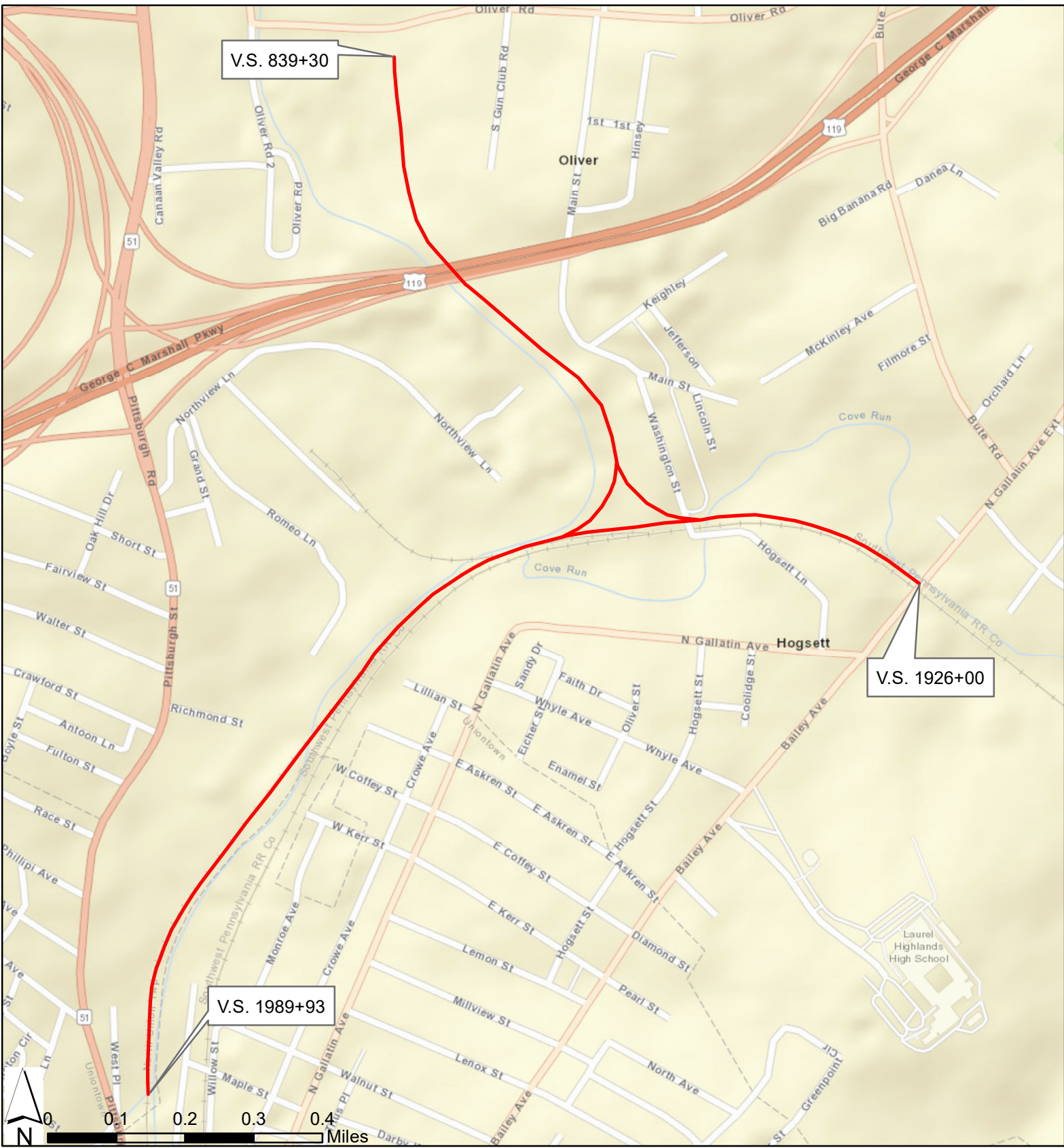
Alternatively, comments submitted by mail should be addressed to: Elizabeth Webster, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1240 (Sub-No. 1X). If you have any questions, please contact Elizabeth Webster by email at Elizabeth.webster@stb.gov or by phone at 202-360-0742.

Date made available to the public: November 25, 2024.

Comment due date: December 10, 2024.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

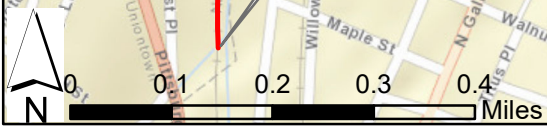
Attachment



V.S. 839+30

V.S. 1926+00

V.S. 1989+93

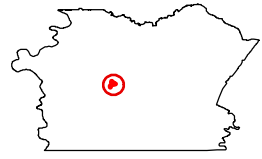


Docket No. AB 1240 (Sub-No. 1X)
 Southwest Pennsylvania Railroad Company
 Abandonment Exemption
 In Fayette County, PA

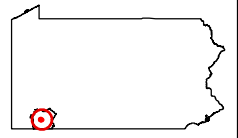
Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Fayette County



Pennsylvania