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SERVICE DATE – NOVEMBER 25, 2024

OEA

EAXX-472-00-0-1730457663

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 290 (Sub-No. 412X)**

**Norfolk Southern Railway Company – Abandonment Exemption –  
in the City of Baltimore, Md.**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NSR) 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 freight rail easement in the City of Baltimore, Md. The freight rail easement proposed for abandonment extends approximately 1.0 mile from milepost +/- UU 0.00 southeast of North Howard Street to milepost +/- UU 1.00 north of Wyman Park Drive, known as the Cockeysville Industrial Track (CIT) which runs between Baltimore and Cockeysville, Md. (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA).

According to NSR, the Maryland Transit Administration (MTA) owns the underlying right-of-way and physical assets of the Line and currently operates passenger rail service over the Line. Because MTA has no residual common carrier obligation to provide freight rail service over the Line, the entire common carrier obligation of any rail carrier or party to provide freight service over the Line would be extinguished with abandonment of the freight operating easement. If the notice becomes effective, the Line would remain intact, and passenger rail service would continue to operate.

**DESCRIPTION OF THE LINE**

The Line is located in the City of Baltimore (City), Maryland, in an urban setting and is part of MTA's 30-mile light rail system which runs from Hunt Valley in Baltimore County to Cromwell Station in Glen Burnie, Anne Arundel County, Maryland.

In 1990, MTA acquired the CIT from Consolidated Rail Corporation (Conrail), and Conrail retained a "perpetual, assignable, exclusive freight operating easement" over the CIT. NSR eventually obtained Conrail's interest in the CIT through a merger with Pennsylvania Lines, LLC. NSR abandoned 13.26 miles of the CIT freight rail easement in 2010 and retained approximately 1 mile of it, which is now the subject of this abandonment. See Norfolk Southern Railway Co.—Petition for Exemption—In Baltimore City and Baltimore Cnty., Md., AB 290 (Sub-No. 311X) (STB served Apr. 5, 2010).

## **ENVIRONMENTAL REVIEW**

NSR 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 of the Line, including salvage. NSR 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)]<sup>1</sup> 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 NSR, no local traffic has moved over the Line over the last five years, and there is no overhead traffic on the line that would have to 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. According to NSR, it does not own or maintain any structures on the Line. If abandonment authority is granted, neither NSR nor MTA would conduct any salvage.

### ***Land Use***

NSR considers the proposed abandonment to be consistent with existing land use plans. NSR requested comments on the proposed abandonment from the City and Baltimore County. The City replied by letter dated September 8, 2023, stating the property is zoned for industrial use and is not located within an Urban Renewal Plan area. Therefore, the City has no objection to the abandonment.

NSR notified the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) of the proposed abandonment by letter dated September 23, 2024. To date, OEA has not received a response. However, because the Line is located within an urban

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<sup>1</sup> The E&H Report is available for viewing on the Board's website at [www.stb.gov](http://www.stb.gov) by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "290" "412" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 31, 2024.

area and no salvage activities are proposed, OEA concludes that the proposed abandonment is unlikely to have an adverse effect on prime agricultural land.

*Hazardous Materials/Spills and Safety*

NSR states that the proposed abandonment would have no detrimental effects on public health and safety. There are no known hazardous waste sites or sites where there have been known hazardous material spills on the Line. Therefore, OEA concludes that the proposed abandonment is unlikely to affect the transportation of hazardous materials.

*Biological Resources*

NSR requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.<sup>2</sup> The following two species may be present in the project area:

<b>Protected Species That May Occur in the Project Area or be Affected by the Project</b>	
<b>Mammals</b>	<b>Status</b>
Tricolored bat ( <i>Perimyotis sublavus</i> )	Proposed Endangered
<b>Insects</b>	
Monarch butterfly ( <i>Danaus plexippus</i> )	Candidate

According to the IPaC report, there is no designated 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; no salvage activities are proposed; and no critical habitat is present, OEA concludes that the proposed abandonment would have no effect on these species. OEA is providing a copy of this Draft EA to the USFWS Chesapeake Bay Field Office for its review.

NSR notified the National Park Service (NPS) of the proposed abandonment requesting assistance in identifying any potential effects on wildlife sanctuaries or refugees, National or State parks or forests. To date, NPS has not provided comments. Because no salvage is contemplated and the Line does not cross any wildlife sanctuaries or refuges, National or State parks or forests, OEA believes that no such area would be affected by the proposed abandonment.

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<sup>2</sup> U.S. Fish and Wildlife Service, Information for Planning and Consultation Tool (IPaC), <https://ipac.ecosphere.fws.gov> (OEA confirmed on November 13, 2024)

*Water Resources*

The Line is located within a Coastal Zone. NSR notified the Maryland Coastal Zone Management Program (MCZMP) of the proposed abandonment by letter dated September 23, 2024. To date, MCMZP has not provided comments. Because no land disturbance or instream work is contemplated, no salvage activities are proposed, no freight rail traffic would be diverted to truck traffic, and MTA passenger service would continue to operate, OEA concludes the proposed abandonment would not affect land or water uses within the Maryland Coastal Zone and thus would have no impact to coastal resources or cause coastal use conflicts. OEA is providing a copy of this Draft EA to MCMZP for its review.

NSR requested assistance from the U.S. Environmental Protection Agency, Region 3 (USEPA) and the U.S. Army Corps of Engineers, Baltimore District (USACE) in identifying whether permits under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344) are required for the proposed abandonment, respectively. To date USEPA has not provided comments. However, OEA does not anticipate the need for permits under Section 402 of the CWA because NSR does not intend to disturb any roadbed underlying the Line or do any work in Waters of the United States (WOTUS).

By email received on September 21, 2023, USACE stated that if the proposed abandonment does not involve any discharge of dredged or fill material into WOTUS or jurisdictional wetlands, then Section 404 authorization from the USACE is not required. OEA does not anticipate the need for permits under Section 404 of the CWA because no salvage activities are proposed. Therefore, there would be no discharge of dredged or fill materials into WOTUS or jurisdictional wetlands.

OEA received a comment from the Maryland Department of the Environment (MDE) stating they had no concerns with the proposed abandonment.

*Air Quality and Noise*

OEA believes the proposed abandonment would not impact air quality as no freight traffic has moved on the Line in over five years, and no salvage activities are proposed. Similarly, the proposed abandonment activities would not impact noise in the area surrounding the proposed abandonment.

*Summary*

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 following agencies for review and comment: the USFWS, Chesapeake Bay Ecological Services Field Office and MCZMP.

## **HISTORIC REVIEW**

NSR served the E&H Report on the Maryland Historical Trust (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).<sup>3</sup> Based on available information, the SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

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. The documentation for this finding as specified at 36 C.F.R. § 800.11(d), consists of NSR'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](http://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.<sup>4</sup> 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 Nation, Oklahoma; Delaware Tribe of Indians; 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.

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<sup>3</sup> 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 overlooking historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

<sup>4</sup> U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 5, 2024).

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes 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 not 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.<sup>5</sup>

## **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.<sup>6</sup>

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

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<sup>5</sup> Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "290" "412" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

<sup>6</sup> Id.

**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 Work, Adobe Acrobat, or other file formats.

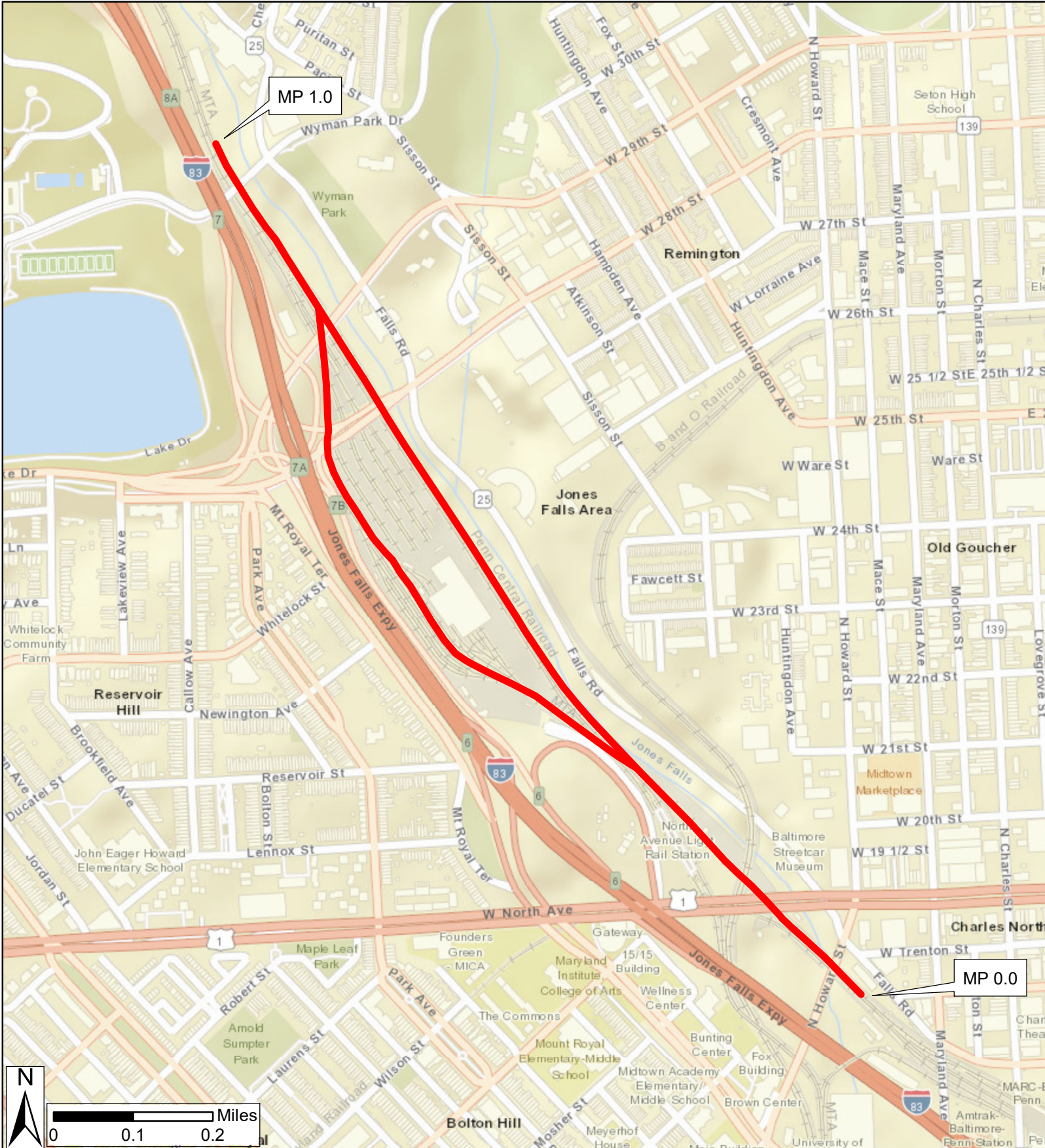
Alternatively, comments submitted by mail should be addressed to: Karen Stevens, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environment Filing, Docket No. AB-290 (Sub-No. 412X). If you have any questions, please contact Karen Stevens by email at [Karen.Stevens@stb.gov](mailto:Karen.Stevens@stb.gov) or by phone at 202-245-0304.

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



**Docket No. AB 290 (Sub-No. 412X)**  
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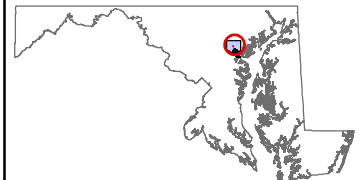
**Legend**

 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.



Baltimore City



Maryland