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SERVICE DATE – LATE RELEASE DECEMBER 26, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1292X

ALABAMA & TENNESSEE RIVER RAILWAY, LLC—ABANDONMENT EXEMPTION— IN MARSHALL COUNTY, ALA.

Decided: December 26, 2019

Alabama & Tennessee River Railway, LLC (ATN), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 885-foot rail line beginning approximately 3,670 feet north of milepost 86 in Marshall County, Ala., and continuing to the end of the track (the Line). Notice of the exemption was served and published in the Federal Register on November 27, 2019 (84 Fed. Reg. 65,451). The exemption is scheduled to become effective on December 27, 2019.

The Board's Office of Environmental Analysis (OEA) served a draft Environmental Assessment (EA) on December 2, 2019, recommending that two conditions be imposed on any decision granting abandonment authority. In the EA, OEA noted that ATN submitted its historic report to the Alabama Historical Commission (State Historic Preservation Office, or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO submitted a comment finding that the proposed abandonment would not affect any historic properties listed in or eligible for listing in the National Register of Historic Places (National Register). The SHPO also stated that, should artifacts or archeological features be encountered during project activities, ATN should cease work and consult with the SHPO immediately. Accordingly, OEA recommended a condition requiring that, in the event any artifacts or archeological sites are discovered during abandonment-related salvage activities, ATN shall immediately cease all work and notify OEA and the SHPO, pursuant to 36 C.F.R. § 800.13(b), after which OEA shall consult with the SHPO, ATN, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

OEA also stated that the National Geodetic Survey (NGS) commented that three geodetic survey markers could be located in the area. Accordingly, OEA recommended a condition that would require ATN to notify NGS at least 90 days prior to beginning salvage activities to allow time for potentially affected geodetic survey markers to be preserved.

OEA issued its final EA on December 20, 2019, noting that two comments to the EA were received. The Alabama Department of Transportation (ALDOT) commented that ATN should coordinate with the local road authority regarding the removal and remediation of a public at-grade road crossing at Taylor Street and should notify the Federal Railroad Administration (FRA) of the crossing removal so that FRA can update its crossing database.

ATN responded to ALDOT, stating that the at-grade crossing at Taylor Street would not be removed as part of the proposed abandonment, and ATN intends to continue using the crossing for railroad operations to serve a customer near Taylor Street. Accordingly, OEA does not recommend any mitigation in response to ALDOT's comments.

Additionally, NGS commented that the proposed abandonment would not affect any geodetic survey makers. Accordingly, OEA no longer recommends that the Board impose a condition relating to geodetic survey markers.

OEA continues to recommend the historic preservation condition previously recommended. Accordingly, the one condition proposed in the final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on November 27, 2019, exempting the abandonment of the Line described above is subject to the condition that, in the event any artifacts or archeological sites are discovered during abandonment-related salvage activities, ATN shall immediately cease all work and notify OEA and the SHPO, pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, ATN, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
3. This decision is effective on its service date.

By the Board, Julia Farr, Acting Director, Office of Proceedings.