

BAKER & MILLER PLLC

303252

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ENTERED
Office of Proceedings
November 30, 2021
Part of
Public Record

CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

November 30, 2021

BY E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Alabama & Florida Railway Co., Inc. – Abandonment Exemption – In Geneva, Coffee and Covington, Counties, AL, AB-1073 (Sub-No. 1x)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances Alabama & Florida Railway Co., Inc. is filing a verified notice of exemption to abandon rail service over approximately 42.9 miles of railroad extending from milepost 581.3 at Andalusia, AL, to milepost 624.2 at Geneva, AL. A \$4,400.00 filing fee has been paid via Pay.gov. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com. If I am unavailable, you may contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh
Attorney for Alabama & Florida
Railway Co., Inc.

Enclosures
cc: Kristin Bevil

FILED
November 30, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
November 30, 2021
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

EXEMPTION NOTICE

**Kristin Bevil
General Counsel
Pioneer Lines, Inc.
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111**

**William A. Mullins
Crystal M. Zorbaugh
Spencer M. Naake
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849**

November 30, 2021

**Attorneys for Alabama & Florida
Railway Co., Inc.**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

EXEMPTION NOTICE

Alabama & Florida Railway Co., Inc. (“A&F”) hereby submits the following notice of exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service), to abandon approximately 42.9 miles of railroad extending from milepost 581.3 (at Andalusia, AL), to milepost 624.2 (at Geneva, AL) (hereinafter, the “Line”).¹

¹ A&F previously filed for authority to abandon the Line in 2011. In a decision served April 24, 2012, the Board reopened the proceeding and issued a notice of interim trail use or abandonment (“NITU”) to allow for interim trails use negotiations. The NITU negotiation period was extended several times through October 14, 2018. Unfortunately, the NITU period expired without the parties reaching an agreement and A&F failed to timely request a consummation deadline extension. These developments ultimately resulted in A&F’s authority to abandon the Line expiring on December 13, 2018. As a result, the Line remains an active line of railroad subject to the Board’s jurisdiction. See Alabama & Florida Ry. Co., Inc. – Abandonment Exemption – In Geneva, Coffee, and Covington Counties, ALA, AB-1073X (S.T.B. served April 18, 2019).

Note in July 2011, A&F originally filed for an entire line abandonment because it was then seeking to abandon the entirety of its rail operations. However, in November 2011, A&F acquired an additional line in Mississippi. See Alabama & Florida Ry. Co., Inc. d/b/a Ripley & New Albany R.R. Co. – Acquisition and Operation Exemption – Mississippi Tennessee Holdings, LLC and Mississippi Tennessee R.R., LLC, FD 35569 (S.T.B. served November 30, 2011). While A&F is refiled for abandonment authority, the abandonment is no longer an entire rail line abandonment because A&F also owns a line in the state of Mississippi.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), A&F² provides the following information in support of its abandonment notice of exemption:

Certification: 49 C.F.R. § 1152.50(b)

A&F certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. Part 1152, Subpart F. See Combined Certification and Verification of Ross Grantham, Chief Operating Officer for A&F attached hereto as Exhibit A. During the past two years, A&F has provided no local or overhead traffic over the Line; overhead traffic, if there were any, could be rerouted over other lines; and no formal complaint has been filed by a user of rail service on the Line or a state or local government entity acting on behalf of such user regarding cessation of service over the Line either pending before the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year-period. Id.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment will be consummated on or after January 19, 2022 (50 days after filing the notice of exemption).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Alabama & Florida Railway Co., Inc.

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

A&F is a Class III common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

² A&F is among 15 Class III railroads commonly controlled by Pioneer Railcorp, which on May 3, 2021, changed its legal name to Pioneer Lines, Inc.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

A&F is invoking the Board's two-year-out-of-service class exemption procedures to abandon approximately 42.9 miles of railroad extending from milepost 581.3 (at Andalusia, AL) to milepost 624.2 (at Geneva, AL).

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

A&F's representative to whom correspondence regarding this abandonment should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
Spencer M. Naake
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line lies within the following U.S. Postal Service ZIP Codes territories: 36340, 36420, 36421, 36453, 36467, and 36477.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

The Line has been dormant for well over a decade. A&F does not own the real property comprising the railroad's right-of-way. Rather, that land is owned by CSX Transportation, Inc. ("CSXT"). In the original transaction pursuant to which the Line was sold to an unaffiliated short line railroad predecessor to A&F in 1986, CSXT predecessor, Seaboard System Railroad, Inc., conveyed only the common carrier obligation associated with the Line, but it retained for itself an ownership interest in the underlying real estate and remained as a lessee of the Line's

right-of-way.³ A&F acquired the Line and the common carrier obligation for it; however, to this day, the real property continues to be owned by CSXT.⁴ A&F believes that the property upon which the Line is located might be suitable for other public purposes if CSXT was amenable to such an arrangement. For example, the Line's right-of-way might be suited for interim trail use.

The Line does not contain federally-granted right-of-way. As appropriate, A&F is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been inactive for over a decade, no railroad employees will be adversely affected by the exercise of abandonment authority. Nevertheless, the interests of A&F's employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying that A&F has complied with the notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certification

³ Alabama & Florida R.R., Inc. – Acquisition and Operation – Exemption, 51 FR 22869 (Jun. 23, 1986).

⁴ See Seminole Gulf Ry. Co. – Abandonment Exemption – In Lee Cty., FL, Docket No. AB-400 (Sub-No. 2X) (I.C.C. served Dec. 22, 1994), 1994 ICC LEXIS 278, *11-*12 (“CSXT need not obtain our authority to abandon this line . . . CSXT's interest in the line is solely that of the owner of the underlying right-of-way. We have previously recognized that the common carrier obligation can be separated from the underlying right-of-way and fixed assets of a rail line. Similarly, we have separated the ownership of the underlying right of way from the common carrier obligation and the ownership of the track . . . Here, the parties have separated CSXT's property interest in underlying right-of-way from the common carrier obligation transferred to [the short line carrier] along with the track and facilities. There is nothing of record indicating that CSXT retained any operating functions or exerted any control over [the short line's] operation of any of the lines”) (footnote and citations omitted).

of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), A&F has prepared a combined Environmental and Historic Report (“E&HR”) in anticipation of the proposed abandonment portion of the proceeding, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,

/s/ *Crystal M. Zorbaugh*

Kristin Bevil
General Counsel
Pioneer Lines, Inc.
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111

William A. Mullins
Crystal M. Zorbaugh
Spencer M. Naake
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849

November 30, 2021

Attorneys for Alabama & Florida
Railway Co., Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

EXEMPTION NOTICE

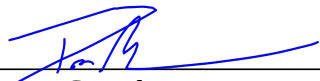
EXHIBIT A

**COMBINED CERTIFICATION AND
VERIFICATION**

COMBINED CERTIFICATION AND VERIFICATION

I, Ross Grantham, Chief Operating Officer for Alabama & Florida Railway Co., Inc. (“A&F”), hereby verify and certify that no local traffic has moved over A&F’s rail line extending from milepost 581.3 (at Andalusia, AL), to milepost 624.2 (at Geneva, AL) (the “Line”), for at least two years. I also hereby verify and certify that there is no overhead traffic on the Line that has been, or would need to be, rerouted as a result of the proposed abandonment. I further verify and certify that no formal complaint filed by a user of rail service on the Line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the said two-year period. Lastly, I certify that I am duly authorized to make this Combined Certification and Verification pursuant to 28 U.S.C. 1746 and that under penalty of perjury to the best of my knowledge, the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of A&F in connection with this proceeding before the Surface Transportation Board.

Dated: November 30, 2021



Ross Grantham
Alabama & Florida Railway Co., Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

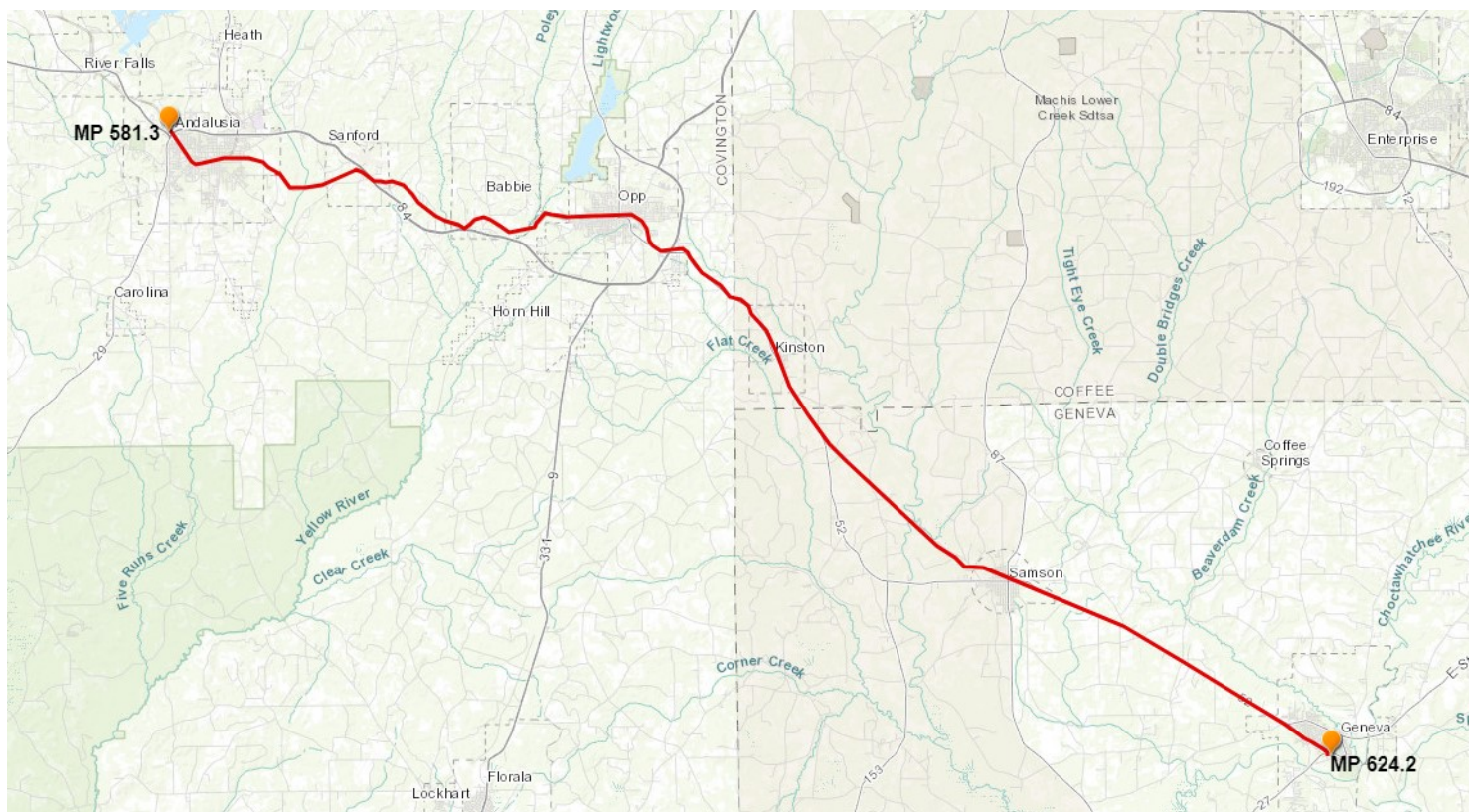
AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

EXEMPTION NOTICE

EXHIBIT B

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

EXEMPTION NOTICE

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1), I served the following parties with the written notice of intent of Alabama & Florida Railway Co., Inc., to use the Board's notice of exemption procedures to abandon approximately 42.9 miles of railroad line located in Geneva, Coffee, and Covington Counties, AL: I further certify that the Line does not contain federally-granted right-of-way.

Public Service Commission, et al.

G. Scott Morris, Director
Public Service Commission of Alabama
Transportation Division
P.O. Box 304260
Montgomery, AL 36130-4260

DOT/PUC

Oretta Clemons
Rail Program Manager
Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36130-3050

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Stephen Nofield
National Park Service
Rivers, Trails, and Conservation Assistance Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Bert Frost
Regional Director, Regions 3,4, and 5
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Department of Agriculture, Chief of the Forest Service

Vicki Christiansen
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

November 30, 2021

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh
Attorney for Alabama & Florida Railway Co., Inc.

Certificate of Publication

49 C.F.R. 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon” was published in the form prescribed by the Board for a Notice of Exemption (49 C.F.R. § 1105.12). The notice was published one time on October 28, 2021, in the Opp News, a newspaper of general circulation in Covington, Coffee, and Geneva Counties, AL, where the rail line is located. See Attachment 1 – Proof of Publication.

November 30, 2021

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh

Attorney for Alabama & Florida Railway Co., Inc.

Affidavit of Publication of Legal Notice

State of Alabama
Covington County

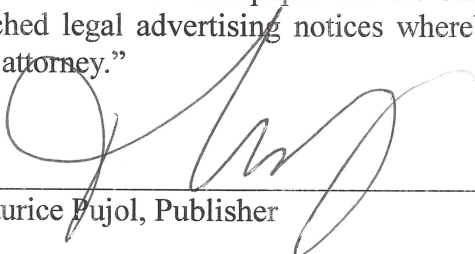
Before me, a notary public in and for the county and state above listed, personally appeared **Maurice Pujol**, who, by me duly sworn, deposes and says that:

"My name is **Maurice Pujol**, I am the publisher of **The Opp News**. The Newspaper is printed in the English language, has a general circulation and its principal editorial office in the county above listed and has been mailed under a publication class mailing privilege of the United States Postal Service from the post office where it is published at least 51 weeks a year.

The Newspaper published the attached legal notice in the issue(s) of: October 28, 2021. A copy of the advertisement is attached as appeared and was mailed to the person or official placing its advertisement.

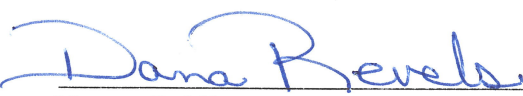
The sum charged for this publication was \$114.25. **The sum charged by the Newspaper for said publication does not exceed the lowest of the actual lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice appeared.**

There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney."



Maurice Pujol, Publisher

Sworn and subscribed this 28 day of Oct, 2021.



Notary Public

My Commission Expires 8-28-22

Baker & Miller PLLC

**NOTICE OF INTENT TO
ABANDON RAIL SERVICE
AB-1073 (Sub-No. 1X)**

Alabama & Florida Railway Co., Inc. ("A&F") gives notice that on or about November 22, 2021, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R. Part 1152 – Exempt Abandonments and Discontinuances of Service, permitting A&F to abandon approximately 42.9 miles of rail line (the "Line") located in Geneva, Coffee and Covington, Counties, AL, extending from milepost 581.3 (at Andalusia, AL) to milepost 624.2 (at Geneva, AL). A&F previously sought and was granted abandonment authority in 2011; however, the railroad failed to consummate its abandonment authority in the time provided and A&F's authority lapsed. As a result, A&F is now refiling for authority to abandon the Line. The subject rail line traverses United States Postal Zip Code territories 36340, 36420, 36421, 36453, 36467, and 36477. The proceeding will be docketed as AB-1073 (Sub-No. 1X).

The proposed action entails the abandonment of rail service over the Line. For abandonments, the Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance ("OFA") to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding OFAs, public use or trail use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: Crystal M. Zorbaugh, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.

As published in the Opp News October 28 2021.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1X)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

EXEMPTION NOTICE

EXHIBIT D

**CERTIFICATION OF COMPLIANCE
WITH ENVIRONMENTAL AND
HISTORIC REPORT REQUIREMENTS**

Certificate of Compliance

49 C.F.R. § 1105.11 – Advance Distribution of Environmental and Historic Report

I hereby certify that, on October 20, 2021, a copy of Alabama & Florida Railway Co., Inc.'s Consolidated Environmental and Historic Report for the proposed abandonment encompassed by AB-1073 (Sub-No. 1X), accompanied by a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11, was served upon the following entities as prescribed by 49 C.F.R. §§ 1105.7(b) and 1105.8(c) (copies of the transmittal letters is also appended hereto as part of Attachment 1):

Alabama Historical Commission
468 South Perry St.
P.O. Box 300900
Montgomery, AL 36130-0900

STATE DOT
Oretta Clemons
Rail Programs Manager
Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110

US ENVIRONMENTAL PROTECTION
AGENCY
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

REGIONAL/STATE EPA
John Blevins
Acting Regional Administrator
US EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Lance R. Lefluer, Director
Alabama Department of Environmental
Management
1400 Coliseum Boulevard
Montgomery, Alabama 36130-1463

CITY/TOWNSHIP
Mayor Earl Johnson
City of Andalusia
505 East Three Notch Street
Andalusia, Alabama 36420

Mayor Becky Bracke
City of Opp
101 Main Street
Opp, AL 36467

David B. Hayes, Mayor
City of Geneva
517 South Commerce St.
Geneva, AL 36430-2420

Councilman Rufus Lee
City of Geneva
517 South Commerce St.
Geneva, AL 35430-2420

Clay King, Mayor
City of Samson
16 East Main Street
Samson, AL 36477

COUNTIES

Chairman Gregory White
Office of Covington County Commission
260 Hillcrest Drive
Andalusia, Alabama 36420

Dean Smith, Chairman
Coffee County, Alabama
2 County Complex
New Brockton, Alabama 36351

Chairman Toby Seay
Geneva County Commission
Geneva County, Alabama
200 North Commerce Street
P.O.Box 430
Geneva, AL 36430

US ARMY CORPS OF ENGINEERS
Amy S. Babey, PMP
Chief, Civil Works - Planning, Programs and
Project Management Branch at U.S.Army
Corps of Engineers, Louisville District
U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

STATE COASTAL ZONE MANAGEMENT
Alabama Department of Environmental
Management ("ADEM")
Attn: Coastal Program
3664 Dauphin Street, Suite B
Mobile, Alabama 36608

U.S. FISH AND WILDLIFE SERVICE
Leopoldo Miranda-Castro
U.S. Fish & Wildlife Service
Region 4 (AL, AR, FL, GA, KY, LA, MS, NC,
SC, TN, PR/Virgin Islands)
1875 Century Boulevard, Suite 400
Atlanta, GA 30345

U.S. Fish & Wildlife Service
Daphne Ecological Services Field Office
1208 B Main Street
Daphne, Alabama 36525-4419

NATIONAL PARK SERVICE
Mr. Stephan Nofield
National Park Service
Rivers, Trails, and Conservation Assistance
Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Bob Vogel, Regional Director
Interior Region 2, South Atlantic-Gulf
National Park Service
100 Alabama Street SW
1924 Building, 6th Floor
Atlanta, GA 30303
Omaha, NE 68102-4226

NATIONAL GEODETIC SURVEY
Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

NATURAL RESOURCES CONSERVATION
SERVICE
Ben Malone
State Conservationist
3381 Skyway Drive
Auburn, Alabama 36830-6443

COUNTIES/LAND PLANNING

The City of Geneva
City Clerk's Office
P.O. Box 37
Geneva, AL 36340
Attention: Land Planning

Southeast Alabama Regional Planning & Development Commission
462 N Oates St 4th floor
Dothan, AL 36303

November 30, 2021

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh

Attorney for Alabama & Florida Railway Co., Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE, AND COVINGTON COUNTIES, AL**

ENVIRONMENTAL AND HISTORIC REPORT

**Kristin Bevil
General Counsel
Pioneer Lines, Inc.
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111**

October 20, 2021

**William A. Mullins
Crystal M. Zorbaugh
Spencer M. Naake
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
wmullins@bakerandmiller.com**

**Attorneys for Alabama & Florida
Railway Co., Inc.**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to the above-captioned proceeding, Alabama & Florida Railway Co., Inc. (“A&F”) intends to abandon approximately 42.9 miles of railroad (hereinafter, the “Line”) extending from milepost 581.3, at Andalusia, AL, to milepost 624.2, at Geneva, AL.¹ The Line traverses Geneva, Coffee, and Covington, Counties, AL. Per the procedures outlined in 49 CFR §§ 1105.7 and 1105.8, A&F is required to submit the following consolidated Environmental and Historic Report (“E&HR” or “Report”):

¹ A&F previously filed for authority to abandon the Line in 2011. In a decision served April 24, 2012, the Board reopened the proceeding and issued a notice of interim trail use or abandonment (“NITU”) to allow for interim trails use negotiations. The NITU negotiation period was extended several times through October 14, 2018. Unfortunately, the NITU period expired without the parties reaching an agreement and A&F failed to timely request a consummation deadline extension. These developments ultimately resulted in A&F’s authority to abandon the Line expiring on December 13, 2018. As a result, the Line remains an active line of railroad subject to the Board’s jurisdiction. See Alabama & Florida Railway Co., Inc. – Abandonment Exemption – In Geneva, Coffee, and Covington Counties, ALA, AB-1073X (STB served April 18, 2019).

Note in July 2011, A&F originally filed for an entire line abandonment because it was then seeking to abandon the entirety of its rail operations. However, in November 2011, A&F acquired an additional line in Mississippi. See Alabama & Florida Railway Co., Inc. d/b/a Ripley & New Albany Railroad Co. – Acquisition and Operation Exemption – Mississippi Tennessee Holdings, LLC and Mississippi Tennessee Railroad, LLC, FD 35569 (STB served November 30, 2011). While A&F is refiling for abandonment authority, the abandonment is no longer an entire rail line abandonment because A&F also owns a line in the state of Mississippi.

ENVIRONMENTAL REPORT

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

A&F² proposes to abandon approximately 42.9 miles of rail line extending from milepost 581.3 (Andalusia, AL) to milepost 624.2 (Geneva, AL). The Line is in Geneva, Coffee, and Covington, Counties, AL. A map delineating the proposed project/abandonment is attached as Exhibit 1. Because the Line was previously authorized for abandonment, the Line's rail and salvageable track material (such as tie plates, fasteners, crossties, and, possibly, the upper layer of ballast) have already been removed and no further salvaging is anticipated. The real estate comprising the Line's right-of-way is owned by CSX Transportation, Inc. and has been leased to A&F to accommodate the Line's operations. A&F is unaware of CSX's plans for the real estate upon A&F's abandonment of the Line's common carrier operations.

The Line has been out of service for over a decade, and A&F may therefore avail itself of the two-year-out-of-service abandonment provision at 49 CFR Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights).

The Line once had 103 at-grade rail-highway crossings – 43 private crossings, and 60 public crossings; however, all track materials for those crossings have been removed.

The only alternative to abandonment would be for A&F not to abandon the Line, and instead to continue to incur losses associated with the ownership of unused rail assets.

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

This Line has been inactive for over a decade, and, for this simple reason, the proposed abandonment will have no impact on regional or local transportation systems and patterns. No passenger or freight traffic would be diverted to other systems or modes as a result of the proposed abandonment.

² A&F is among 15 Class III railroads commonly controlled by Pioneer Lines ("Pioneer").

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

A&F believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Line consists of a combination of rural farmland, residential and commercial areas, and forested lands.

By letters dated October 20, 2021, copies of this Report have been mailed to the appropriate local and state contacts, including to representatives of Geneva County, Coffee County, Covington County, the City of Andalusia, the City of Geneva, the City of Samson, and the City of Opp for their information and comment. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

A&F does not believe that there is any prime agricultural land that would be adversely affected by the proposed abandonment. As indicated above, the land through which the Line traverses includes farmland, in addition to residential, commercial, and forested lands. Furthermore, the proposed abandonment should not in any way contribute to farmland loss, and could in fact permit the abandoned right-of-way to be converted, where practicable, to farmland use. Nevertheless, A&F has notified the United States Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated October 20, 2021 (to which letter this E&HR was appended) and has requested assistance in identifying any potential effects on prime agricultural land. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

A&F has consulted with the Alabama Department of Environmental Management, Coastal Program ("ADEM-CP") and, on the basis of such consultation, understands that no part of the Line traverses a designated coastal zone, that there are no designated coastal zones in Coffee, Covington, or Geneva Counties, and that the proposed abandonment would not be subject to review under any coastal zone management plan. Nevertheless, to assure compliance with the requirements of section 49 CFR § 1105.9, A&F has served a copy of this Report on ADEM-CP by letter dated October 20, 2021. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.**

The Line might be suitable for alternate public use. For example, the Line's right-of-way might be suited for use as a recreational trail. However, as noted above the real estate

comprising the Line's right-of-way is owned by CSX Transportation, Inc. and was leased to A&F to accommodate the Line's operations. Upon A&F being granted abandonment authority, A&F is unaware of CSX's future plans for the real estate.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.**

There has been no local or overhead traffic on the Line for over a decade, and, for this reason, the proposed abandonment will have no effect on energy resources transportation.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

Because the Line has been inactive for over a decade, no shipper will lose rail service as a result of the proposed action, and so the abandonment should have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

Because the proposed abandonment involves an out-of-use rail line, the abandonment should have no effect on overall energy usage.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:**

- (A) 1,000 rail carloads a year; or**
- (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

As indicated above, the Line has been inactive for over a decade. There will be no diversion of traffic to motor carriage as a result of the transaction, and, by extension, there will be no traffic diversions that would exceed the thresholds stated above.

(5) AIR

- (i) If the proposed action will result in either:**

- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or**
- (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or**
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road**

segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply.

The above thresholds will not be exceeded.

- (ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:**
 - (A) **An increase in rail traffic or at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,**
 - (B) **An increase in rail yard activity of at least 20 percent (measured by carload activity), or**
 - (C) **An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 49 U.S.C. 10901(or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.**

Based upon 40 CFR § 81.301, A&F believes that Geneva, Coffee, and Covington Counties are *not* designated non-attainment areas and that the above-stated thresholds are therefore inapplicable. Nevertheless, the above thresholds will not be exceeded.

- (iii) **If transportation of ozone-depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone-depleting materials in the event of a collision or derailment.**

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) **An incremental increase in noise levels of three decibels Ldn or more; or**
- (ii) **an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise**

increase for these receptors if the thresholds are surpassed.

None of the thresholds in item 5(i) of this section will be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

The proposed abandonment of an out-of-service rail line should have no material adverse impact on public health and safety. Upon the subject abandonment being granted, A&F will formalize permanent closure of 60 public road crossings and 43 private crossings, thereby enhancing safety by eliminating distractions to vehicular traffic crossing the Line.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents, and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

No hazardous materials are expected to be transported, and, indeed, no traffic of any kind has moved over the Line in over a decade.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way; identify the location of those sites and the types of hazardous materials involved.**

A&F has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Line's right-of-way or adjacent land.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

A&F does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. A&F has notified the regional office of the U.S. Fish and Wildlife Service ("USF&W"), and the Ecological Services Field Office of the U.S. Fish & Wildlife Service ("USF&W-ESF") of the proposed abandonment by letters dated October 20, 2021, and has requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. Because the Line was previously authorized for abandonment, the Line's rail and salvageable track material (such as tie plates, fasteners, crossties, and, possibly, the upper layer of ballast) have already been removed and no further salvaging is anticipated. Regardless, a copy of this Report was attached to the letters sent to USF&W and USF&W-ESF. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(ii) State whether wildlife sanctuaries or refuges, National or State parks, or forests will be affected, and describe any effects.

Having consulted local maps, A&F is unaware of any wildlife sanctuaries or refuges, National or State parks, or forests that would be adversely affected by the proposed abandonment. Nevertheless, A&F has notified the National Park Service (“NPS”) of the proposed abandonment by letter dated October 20, 2021. NPS has been supplied with a copy of this Report. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(9) WATER

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State, or local water quality standards. Describe any inconsistencies.

A&F is confident that the proposed abandonment will be consistent with applicable water quality standards. In connection with this issue, A&F has contacted the Alabama Department of Environmental Management (“ADEM”) and the United States Environmental Protection Agency (“USEPA”) by letters dated October 20, 2021. A copy of this report was attached to each of the letters. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

A&F believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. Because the Line was previously authorized for abandonment, the Line’s rail and salvageable track material (such as tie plates, fasteners, cross-ties, and, possibly, the upper layer of ballast) have already been removed and no further salvaging is anticipated. A&F has no plans to disturb any of the Line’s underlying roadbed or to perform any activities that would cause sedimentation or erosion of the soil (such as excavation), and A&F does not anticipate any dredging. Moreover, A&F does not anticipate undertaking any activity that would disturb streams, streambeds, or wetlands. For these reasons, A&F believes that a permit under Section 404 of the Clean Water Act will not be required. In connection with this issue, A&F has contacted the U.S. Army Corps of Engineers – Mobile District by letter dated October 20, 2021. A copy of this Report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

A&F believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. (See discussion in section 9(ii), above.) Nevertheless, A&F has contacted the ADEM and the USEPA regarding this item by letter dated October 20, 2021 and has requested guidance in identifying any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such

federal, state, or local standards. A copy of this report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(10) PROPOSED MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

A&F does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. A&F will, of course, cooperate in any further evaluation of proposed remedial/mitigation actions that interested federal, state, and/or local agencies may recommend to the Board.

(11) ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS

Not applicable.

HISTORIC REPORT

49 CFR 1105.8(d):

- (1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

U.S.G.S. topographic maps depicting the location of the proposed abandonment and the approximate location of structures that are 50 years old or older and that are located along the Line are attached as Exhibit 3. These maps are being supplied to the Alabama Historical Commission (“ALHC”), along with a digital version of railroad valuation maps in A&F’s possession as part of a complete copy of this report. A&F understands that there are seven railroad structures on the Line that are believed to be 50 years old or older, each of them a bridge.

- (2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

According to A&F data and valuation maps, the 42.9 miles of right-of-way is primarily 100 feet in width, but extends to approximately 200 feet near where the Line crosses the Pea River, and where the Line passes through the town of Samson, AL. The aforementioned right-of-way is located in Geneva, Coffee, and Covington Counties, AL. The Line runs adjacent to lands of varying uses, ranging from forested open land and rural farmland to commercial and residential areas. The topography is generally flat, with some rolling hills.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

A&F does not anticipate removing or dismantling any of the structures along the Line (described below) that are 50 years old or older.

A&F has determined that there are seven structures along the Line – all of them trestles or bridges – that may be 50 years old or older, and the location of each such structure is shown on the U.S.G.S. maps attached as Exhibit 3. As part of the abandonment in 2011, A&F photographed and documented each of these seven structures, and is supplying those photographs of the structures to ALHC for evaluation. A&F has also supplied railroad valuation maps to ALHC, which may provide further documentation potentially relevant to historical analysis of the structures in question. (The aforementioned photographs and valuation maps are attached to the copy of this report sent to ALHC as Exhibit 4.) Aside from the materials included in Exhibit 4, A&F does not have any additional information in its possession (such as engineering diagrams or other records) that it believes would be of usefulness in aiding in any historical structures analysis.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

According to the limited information in A&F's possession, the seven bridges along the Line are believed to have been built or substantially rebuilt at least 50 years ago. Many of these structures probably have been improved over time, although A&F has not undertaken any major improvements to these bridges during the time that A&F has owned the Line.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

A&F has no historical records of its own relating to the Line. Based on research, however, A&F understands that the Line may have been constructed in 1901, as part of a through route that extended from Georgiana, AL, to Graceville, FL. A&F believes that the Line was operated by the Louisville & Nashville Railroad, which in 1983 became part of the Seaboard System. In 1986, Alabama & Florida Railroad Co. ("AFR"), a short line carrier not affiliated with A&F and/or Pioneer, acquired the Line from Seaboard System as part of a larger transaction. See Alabama & Florida Railroad Co. – Acquisition and Operation – Exemption, 51 FR 22869 (Jun. 23, 1986). A&F, in turn, acquired the common carrier obligation for the Line from a corporate successor of AFR as part of a larger transaction in 1992. See Alabama & Florida Railway Co. – Purchase and Operation Exemption – Alabama and Florida, Inc., 57 FR 56591 (Nov. 30, 1992); and Pioneer Railcorp – Continuance in Control Exemption – Alabama & Florida Railway, 57 FR 56591 (Nov. 30, 1992).

A&F intends, upon the effectiveness of the exemption, to terminate its rail common carrier obligation over, and to abandon, the Line. A&F does not own the real estate underlying the Line and as a result does not intend to dismantle or remove any bridges along the Line.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

As indicated above, the Line appears to have been built in the early 1900s, but A&F is one of many subsequent owners of these rail assets. A&F was not supplied with and does not have, engineering drawings of the structures discussed above. In fact, the only relevant documents in A&F's possession have been included in Exhibit 4.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

As indicated above, A&F's records indicate that there are seven structures (bridges) on or adjacent to the Line that is believed to be 50 years old or older. In A&F's opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to ALHC would suggest, none of the subject structures appears to have unique or otherwise significant design characteristics. Moreover, none of these structures is

linked to events or historic significance. A&F understands that many, if not all, of the structures in question, could remain in use in the event that the Line's right-of-way was to be converted into recreational trail.

A&F is unaware of any archeological resources or any other previously unknown historic properties on the Line's right-of-way.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.**

A&F has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources. Undoubtedly, track work and/or construction has occurred regularly over the many years that the Line has been in operation. Such work may have affected the potential for recovery of archeological resources.

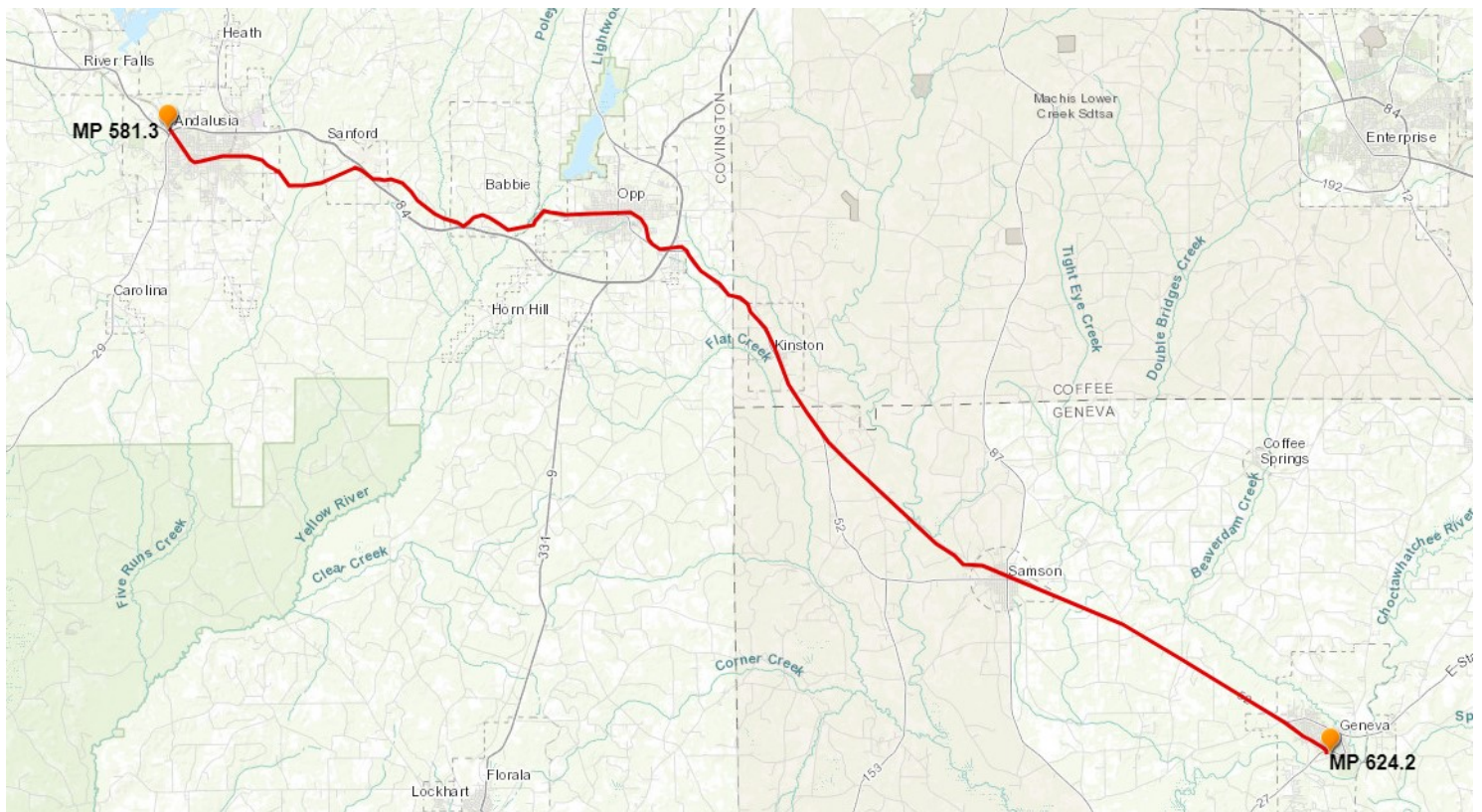
**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE, AND COVINGTON COUNTIES, AL**

ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 1 – LOCATION MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

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**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE, AND COVINGTON COUNTIES, AL**

ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 2 – E&HR CONSULTATION LETTER EXAMPLE AND SERVICE LIST

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

Crystal M. Zorbaugh

Direct Dial: (202) 663-7831
E-Mail: czorbaugh@bakerandmiller.com

October 20, 2021

[Insert Consulting Party]

RE: Alabama & Florida Railway Co., Inc. – Abandonment Exemption – In Geneva, Coffee and Covington, Counties, AL, AB-1073 (Sub No. 1X)

Dear Sir or Madam:

On or about November 22, 2021, Alabama & Florida Railway Co., Inc. (“A&F”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption pursuant to 49 CFR Part 1152, Subpart F (Exempt Abandonments, et al.), pursuant to which A&F will seek to abandon approximately 42.9 miles of rail line (hereinafter, the “Line”) located in Geneva, Coffee and Covington, Counties, AL.¹ The Line extends from milepost 581.3, at Andalusia, AL, to milepost 624.2, at Geneva, AL. The Line traverses United States Postal Zip Codes territories 36340, 36420, 36421, 36453, 36467, and 36477.

Attached is a consolidated Environmental and Historic Report (the “E&HR” or “Report”), which includes a map of the affected area, and describes the proposed action and any expected environmental and historic effects. If you wish to address any of the information contained in the attached E&HR or if you have any questions about the Board’s environmental review process, please contact the Board’s Office of Environmental Analysis, Surface

¹ A&F previously filed for authority to abandon the Line in 2011. In a decision served April 24, 2012, the Board reopened the proceeding and issued a notice of interim trail use or abandonment (“NITU”) to allow for interim trails use negotiations. The NITU negotiation period was extended several times through October 14, 2018. Unfortunately, the NITU period expired without the parties reaching an agreement and A&F failed to timely request a consummation deadline extension. These developments ultimately resulted in A&F’s authority to abandon the Line expiring on December 13, 2018. As a result, the Line remains an active line of railroad subject to the Board’s jurisdiction. See Alabama & Florida Railway Co., Inc. – Abandonment Exemption – In Geneva, Coffee, and Covington Counties, ALA, AB-1073X (STB served April 18, 2019). A&F is now filing refiling for authority to abandon the Line.

Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to AB-1073 (Sub-No. 1X). You may also contact the undersigned counsel for A&F.

Questions regarding the abandonment process generally, offers of financial assistance, and/or public use or trail use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Based on information in our possession, the Line does not contain federally granted rights-of-way. However, any documentation in A&F's possession will be made available promptly to those requesting it.

If there are any questions concerning this notice of intent, please contact me, A&F's representative, by mail: Crystal Zorbaugh, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: czorbaugh@bakerandmiller.com; or by telephone: (202) 663-7831. If I am not available, you may also contact William Mullins, who can be reached at (202) 663-7820 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,

Crystal M. Zorbaugh
Counsel for Alabama & Florida Railway Co., Inc.

Enclosure

RECIPIENT LIST - AB-1073 (Sub-No. 1X)

Alabama Historical Commission
468 South Perry St.
P.O. Box 300900
Montgomery, AL 36130-0900

STATE DOT
Oretta Clemons
Rail Programs Manager
Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110

US ENVIRONMENTAL PROTECTION
AGENCY
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

REGIONAL/STATE EPA
John Blevins
Acting Regional Administrator
US EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Lance R. Lefluer, Director
Alabama Department of Environmental
Management
1400 Coliseum Boulevard
Montgomery, Alabama 36130-1463

CITY/TOWNSHIP
Andalusia, AL, to milepost 624.2, at
Geneva, AL

Mayor Earl Johnson
City of Andalusia
505 East Three Notch Street
Andalusia, Alabama 36420

Mayor Becky Bracke
City of Opp
101 Main Street
Opp, AL 36467

David B. Hayes, Mayor
City of Geneva
517 South Commerce St.
Geneva, AL 36430-2420

Councilman Rufus Lee
City of Geneva
517 South Commerce St.
Geneva, AL 35430-2420

Clay King, Mayor
City of Samson
16 East Main Street
Samson, AL 36477

COUNTIES

Chairman Gregory White
Office of Covington County Commission
260 Hillcrest Drive
Andalusia, Alabama 36420

Dean Smith, Chairman
Coffee County, Alabama
2 County Complex
New Brockton, Alabama 36351

Chairman Toby Seay
Geneva County Commission
Geneva County, Alabama
200 North Commerce Street
P.O.Box 430
Geneva, AL 36430

US ARMY CORPS OF ENGINEERS
Amy S. Babey, PMP
Chief, Civil Works - Planning, Programs
and Project Management Branch at
U.S.Army Corps of Engineers, Louisville
District
U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

STATE COASTAL ZONE
MANAGEMENT

Alabama Department of Environmental
Management (“ADEM”)
Attn: Coastal Program
3664 Dauphin Street, Suite B
Mobile, Alabama 36608

U.S. FISH AND WILDLIFE SERVICE

Leopoldo Miranda-Castro
U.S. Fish & Wildlife Service
Region 4 (AL, AR, FL, GA, KY, LA, MS,
NC, SC, TN, PR/Virgin Islands)
1875 Century Boulevard, Suite 400
Atlanta, GA 30345

U.S. Fish & Wildlife Service
Daphne Ecological Services Field Office
1208 B Main Street
Daphne, Alabama 36525-4419

NATIONAL PARK SERVICE

Mr. Stephan Nofield
National Park Service
Rivers, Trails, and Conservation Assistance
Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Bob Vogel, Regional Director
Interior Region 2, South Atlantic-Gulf
National Park Service
100 Alabama Street SW
1924 Building, 6th Floor
Atlanta, GA 30303
Omaha, NE 68102-4226

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

NATURAL RESOURCES
CONSERVATION SERVICE

Ben Malone
State Conservationist
3381 Skyway Drive
Auburn, Alabama 36830-6443

COUNTIES/LAND PLANNING

The City of Geneva
City Clerk's Office
P.O. Box 37
Geneva, AL 36340
Attention: Land Planning

Southeast Alabama Regional Planning &
Development Commission
462 N Oates St 4th floor
Dothan, AL 36303

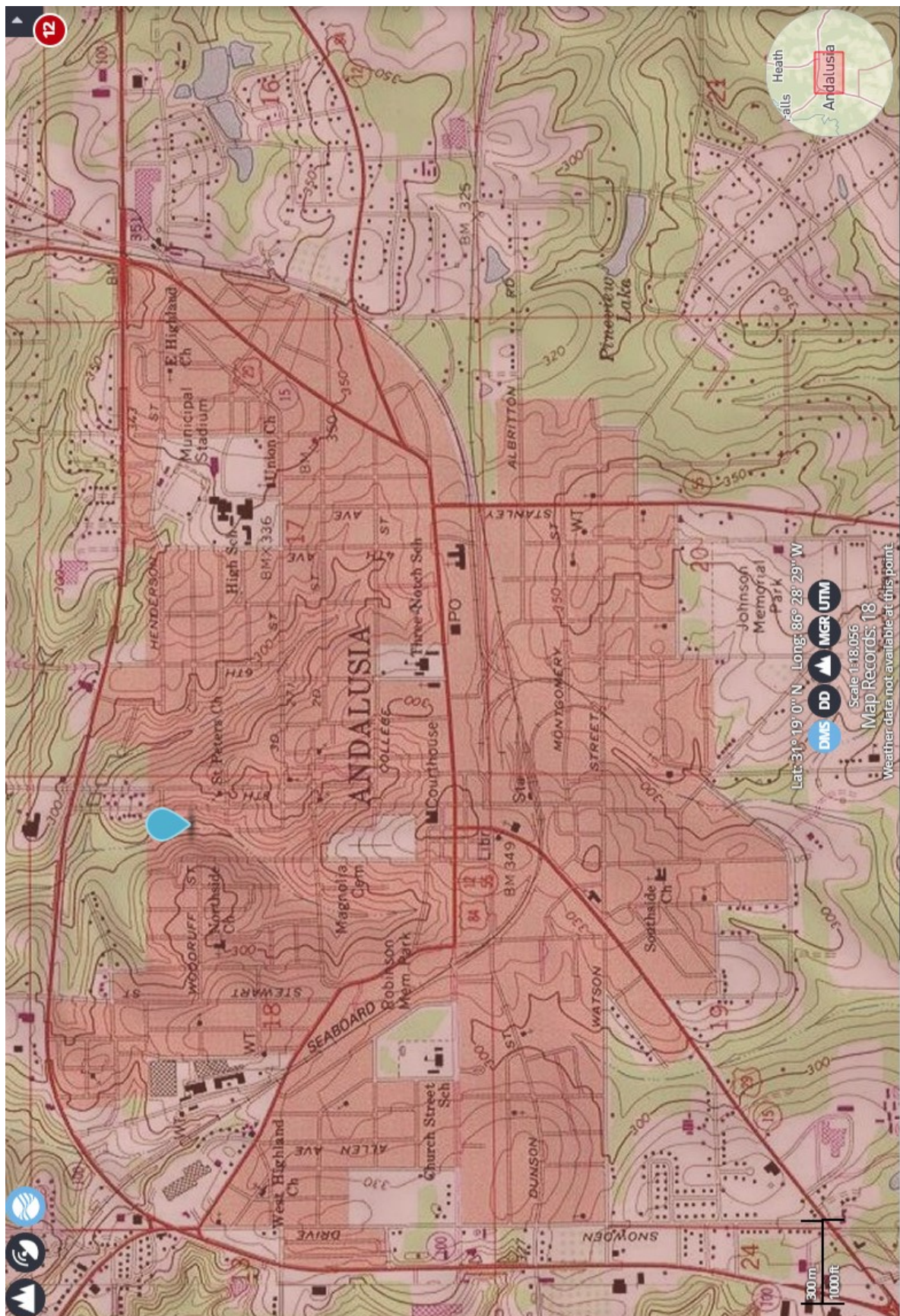
**BEFORE THE
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AB-1073 (Sub-No. 1x)

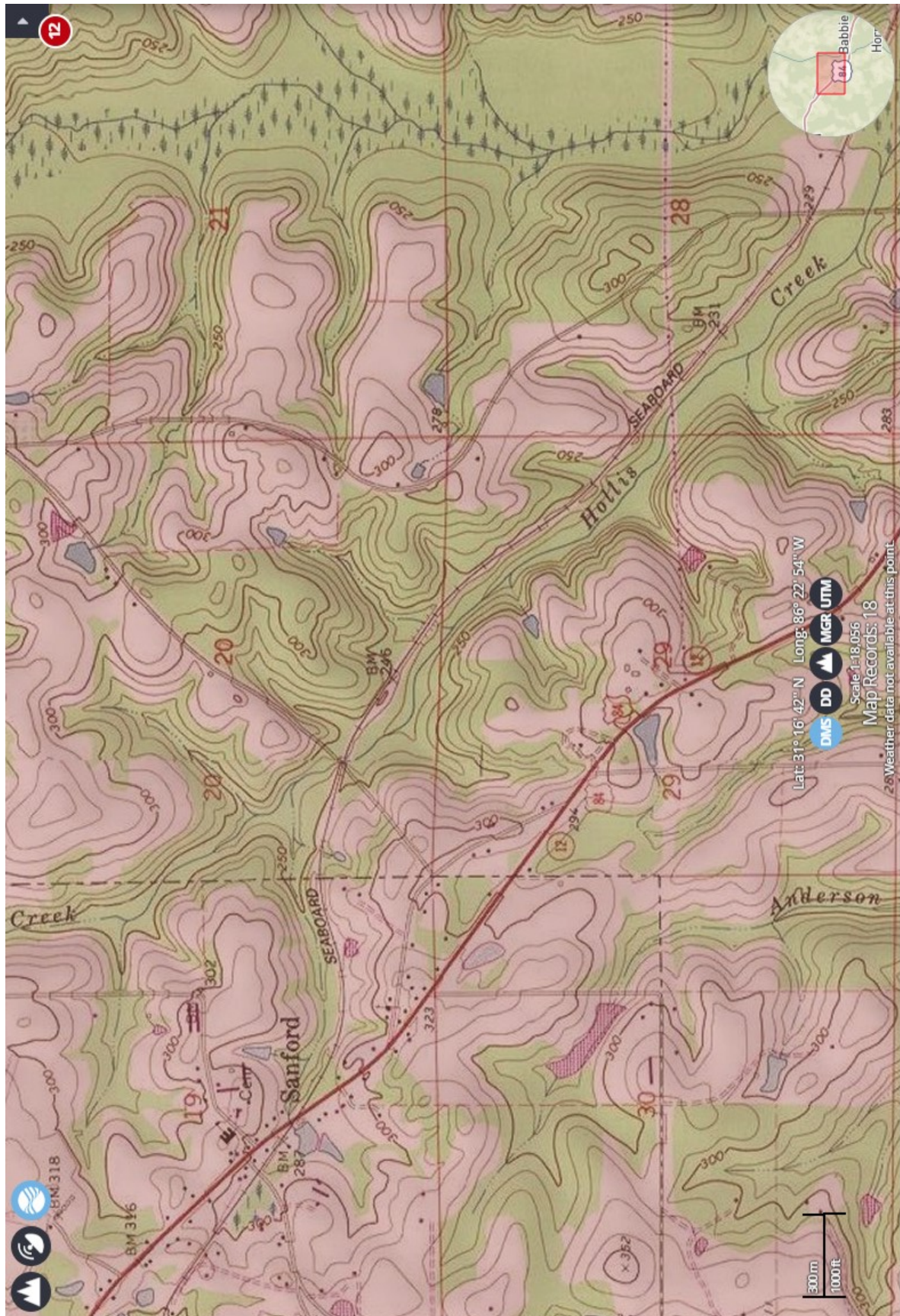
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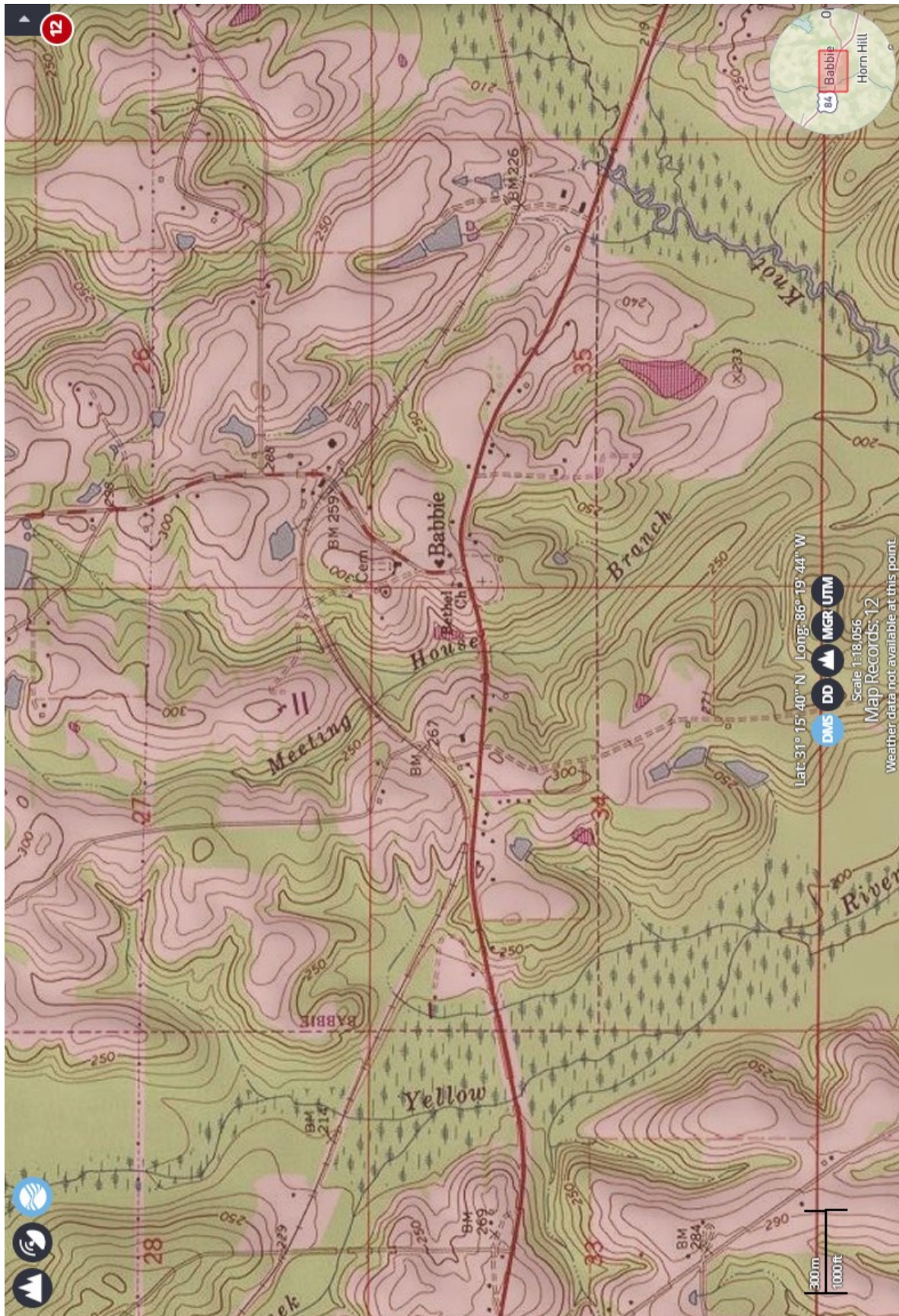
ENVIRONMENTAL AND HISTORIC REPORT

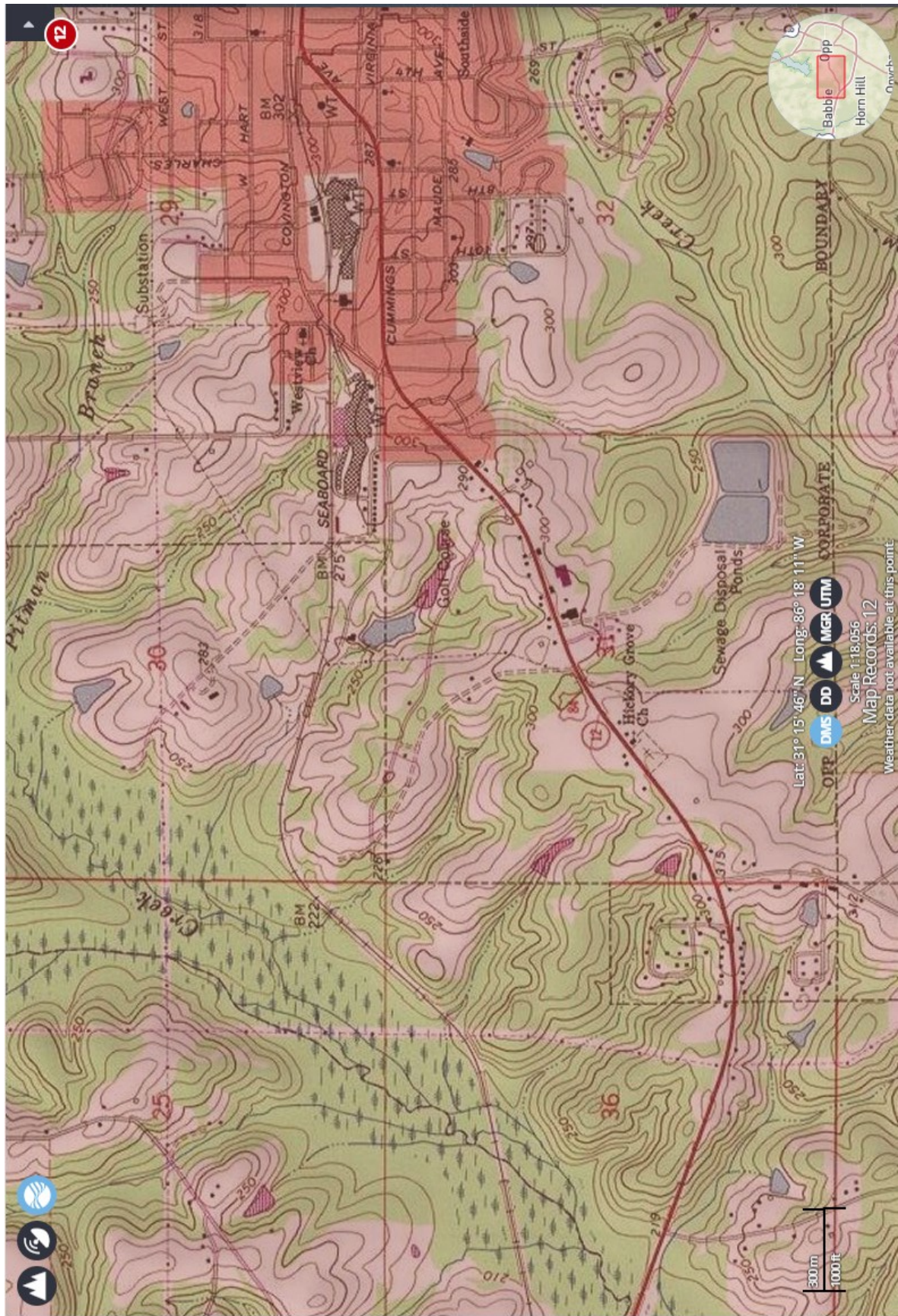
EXHIBIT 3 – U.S.G.S TOPOGRAPHIC MAPS

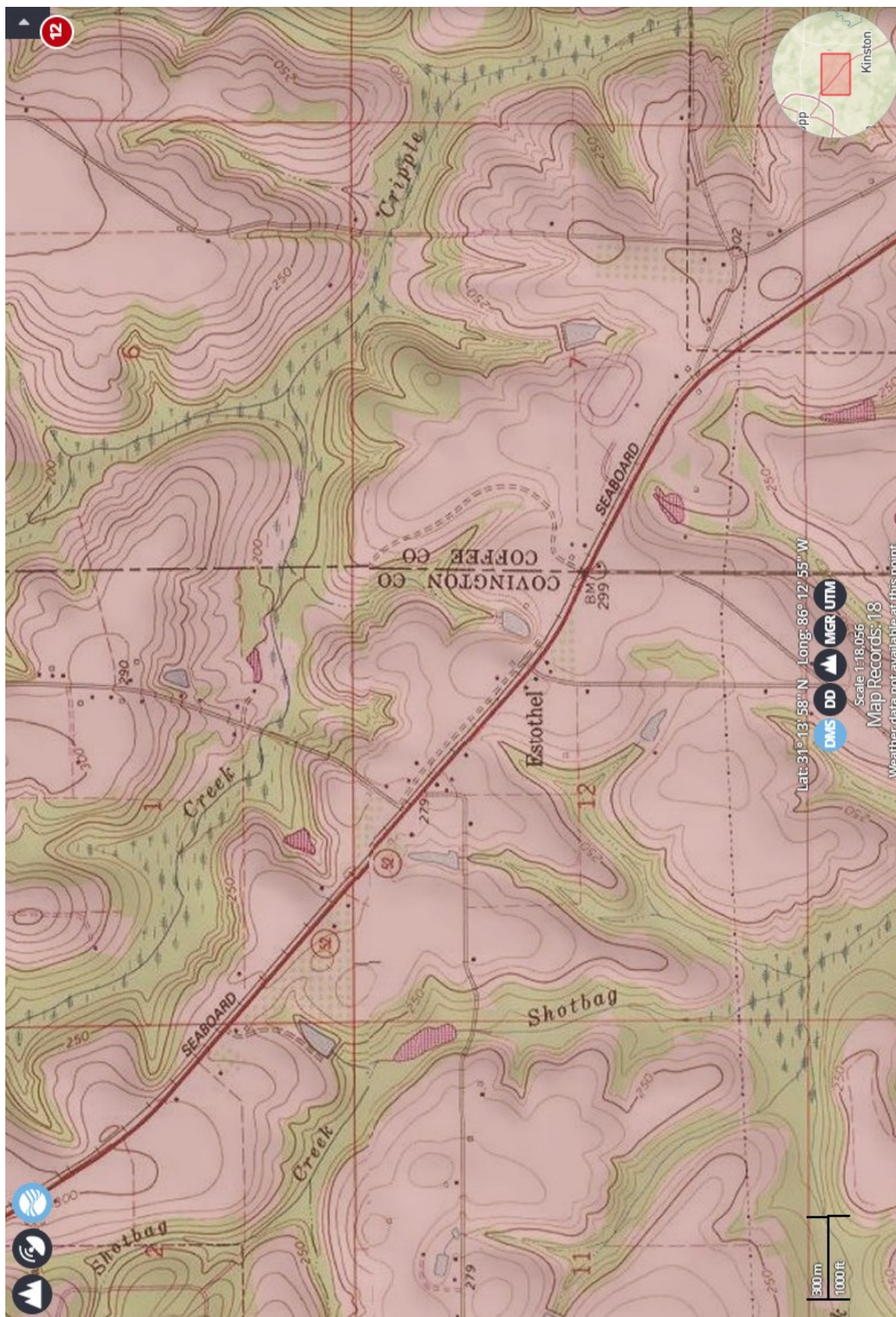




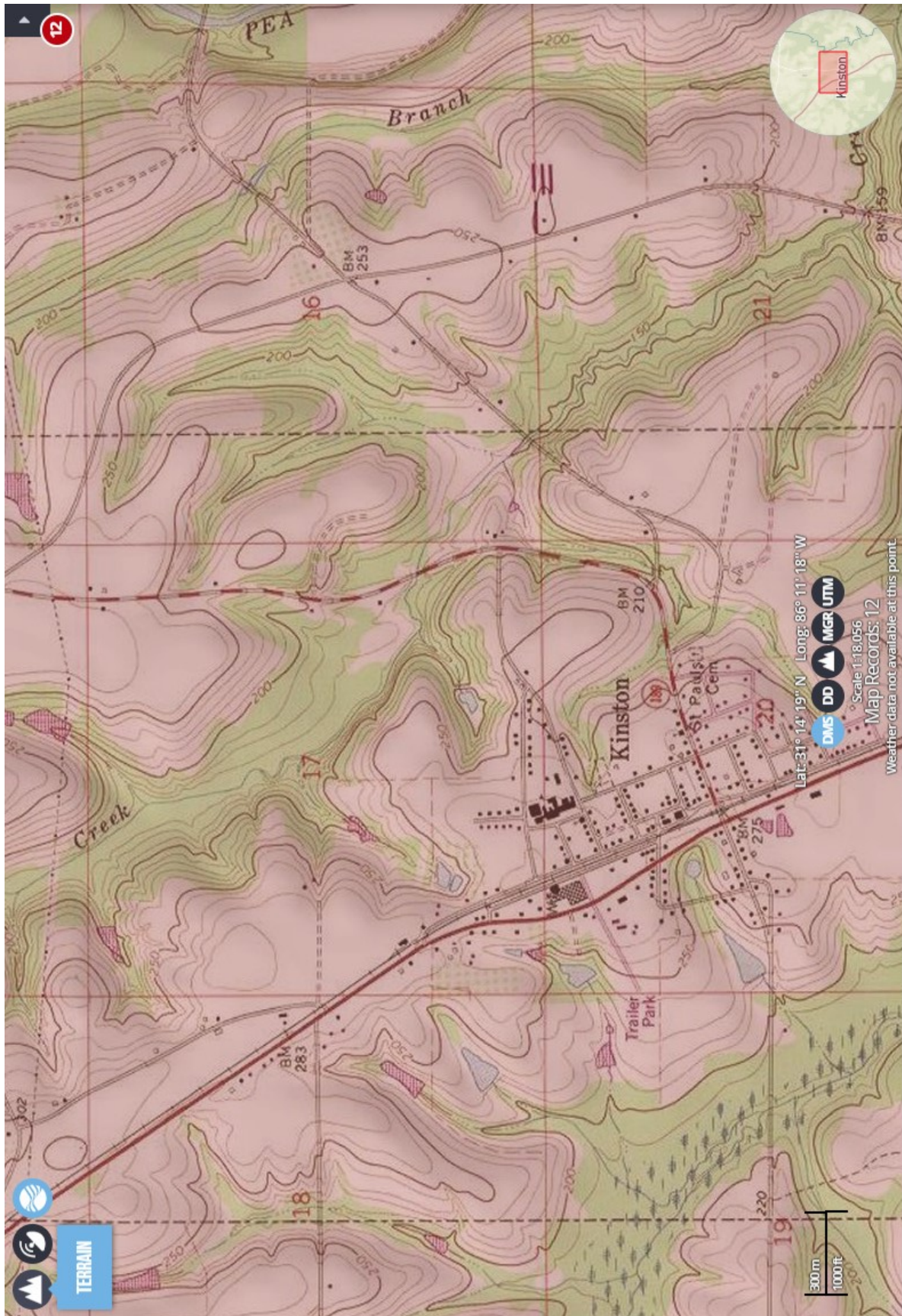


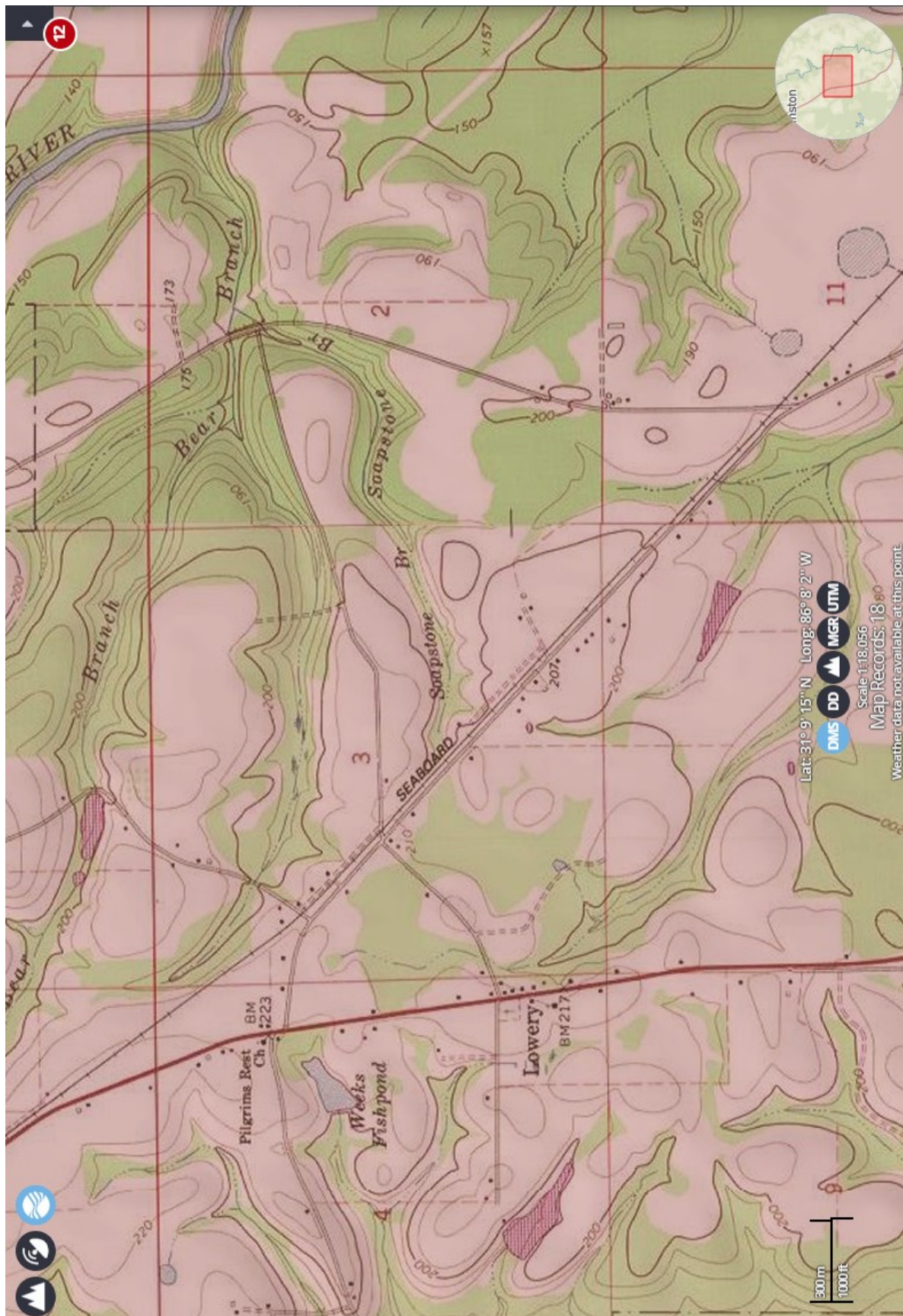




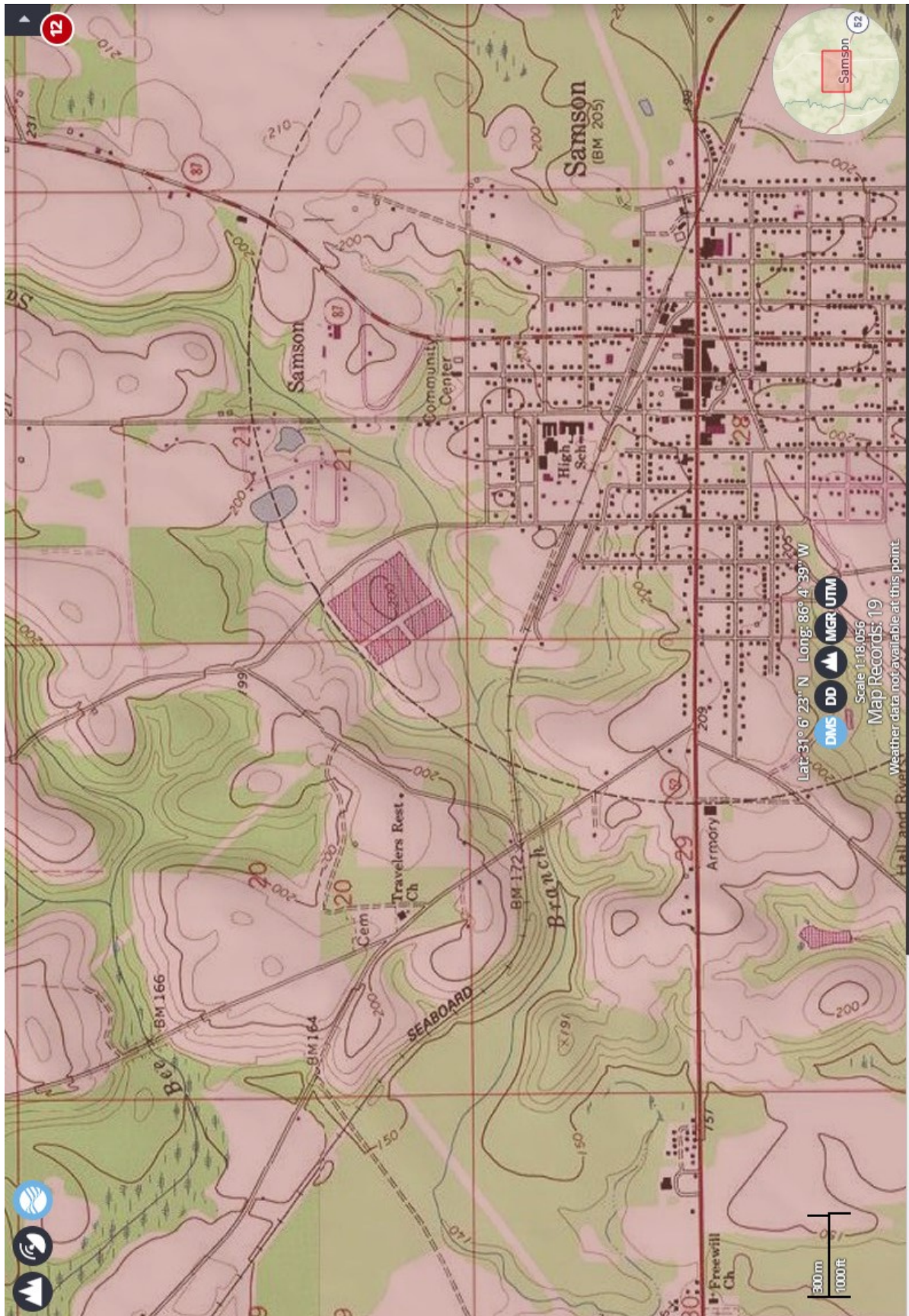


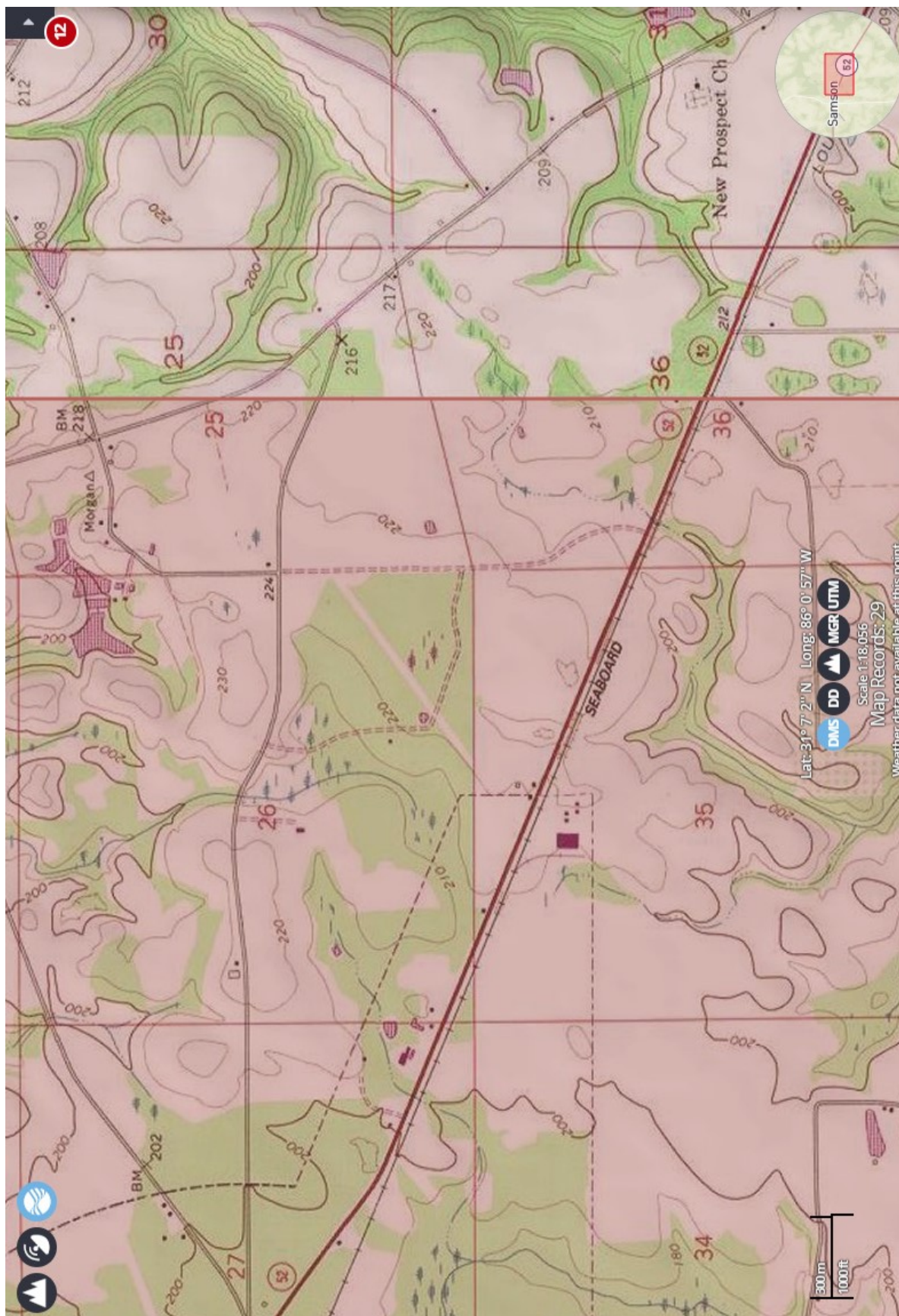
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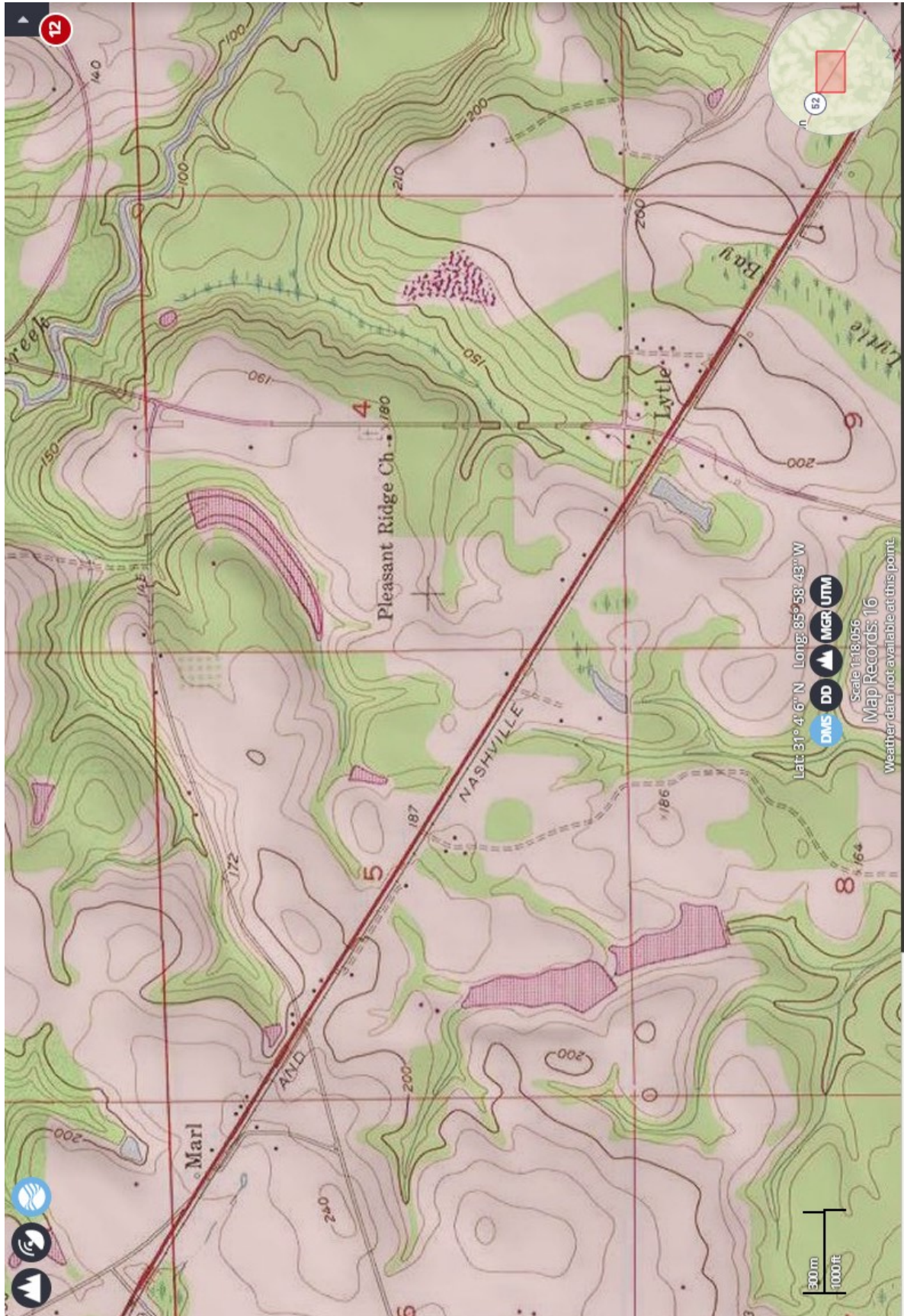


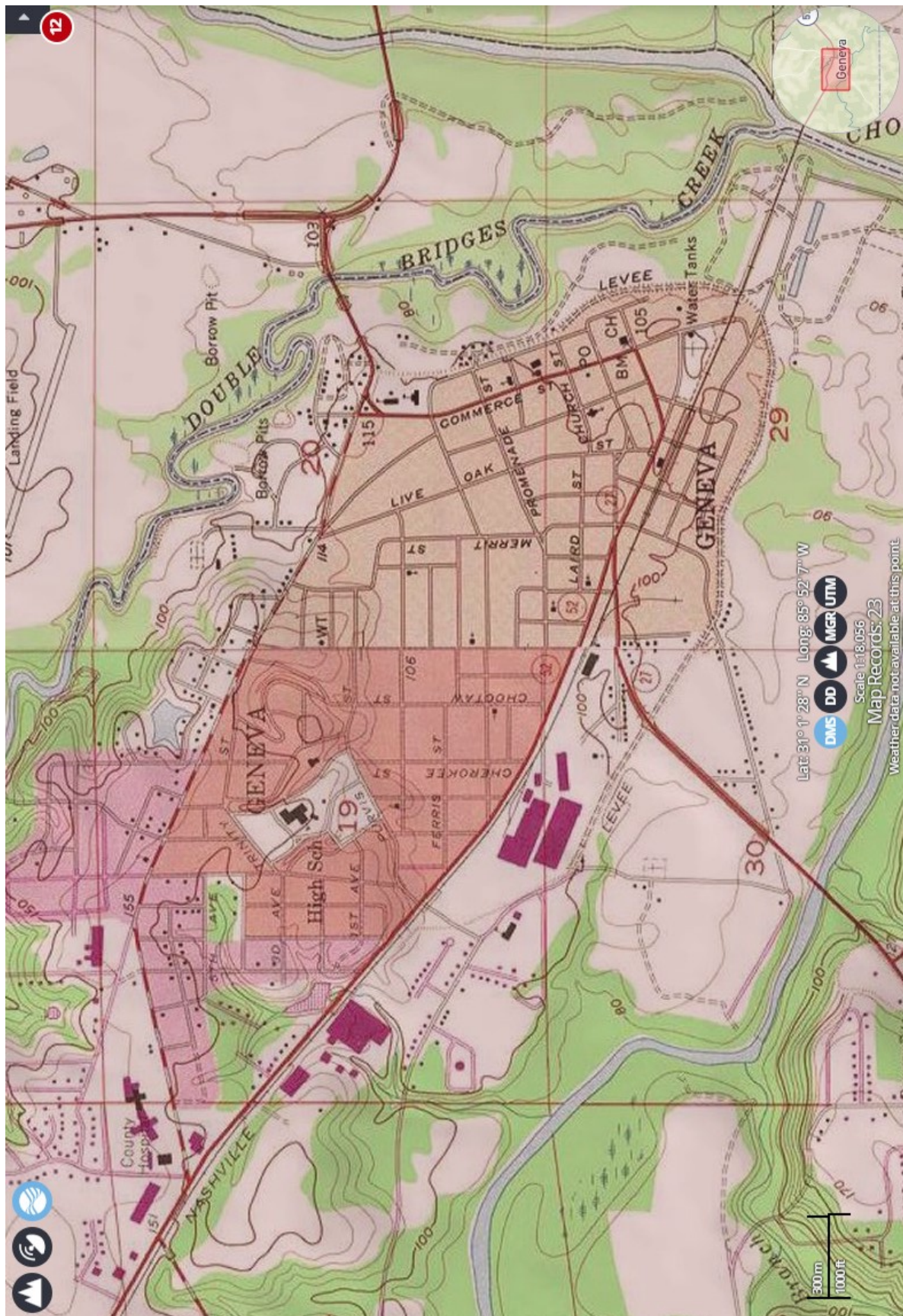












**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

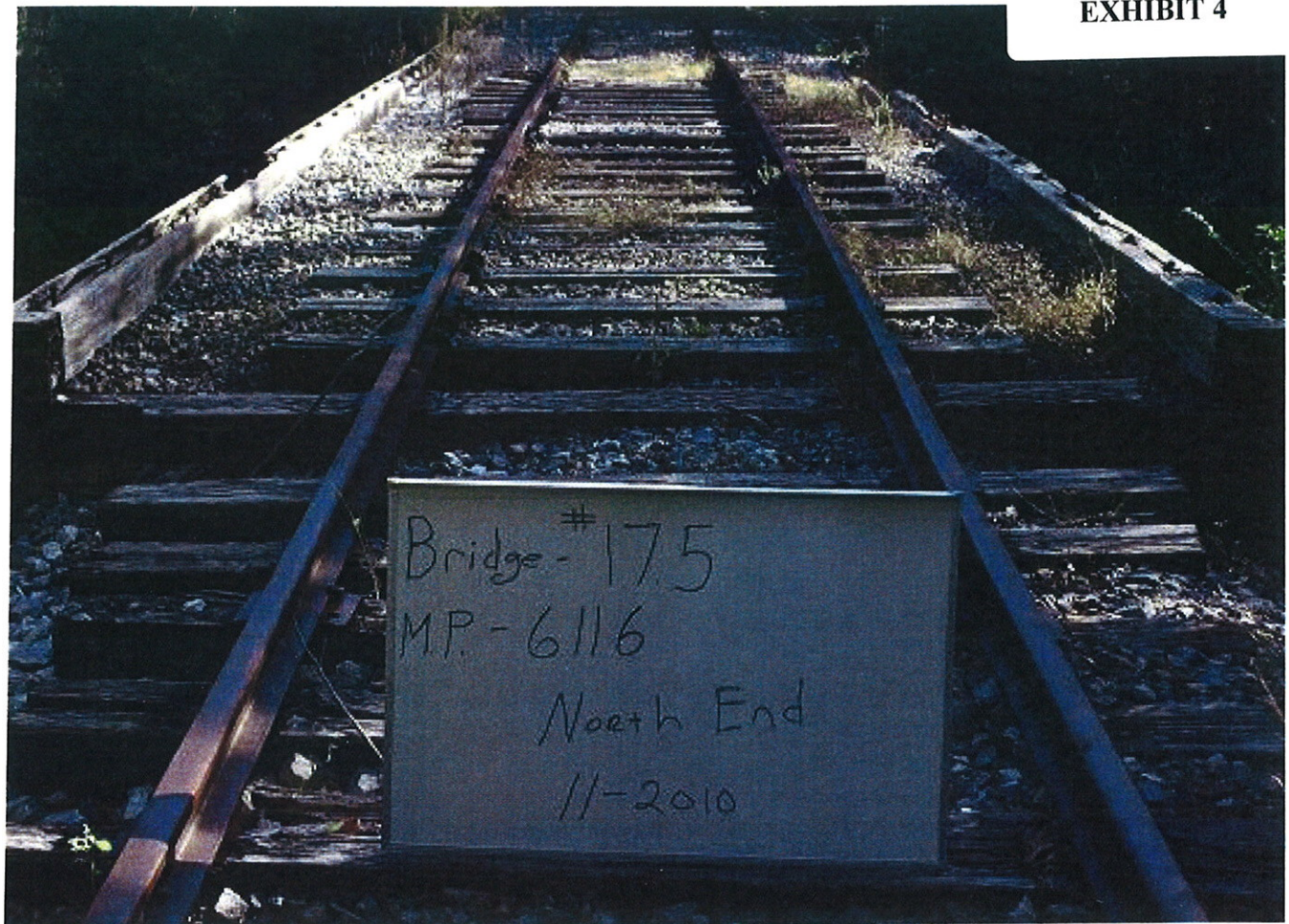
AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE, AND COVINGTON COUNTIES, AL**

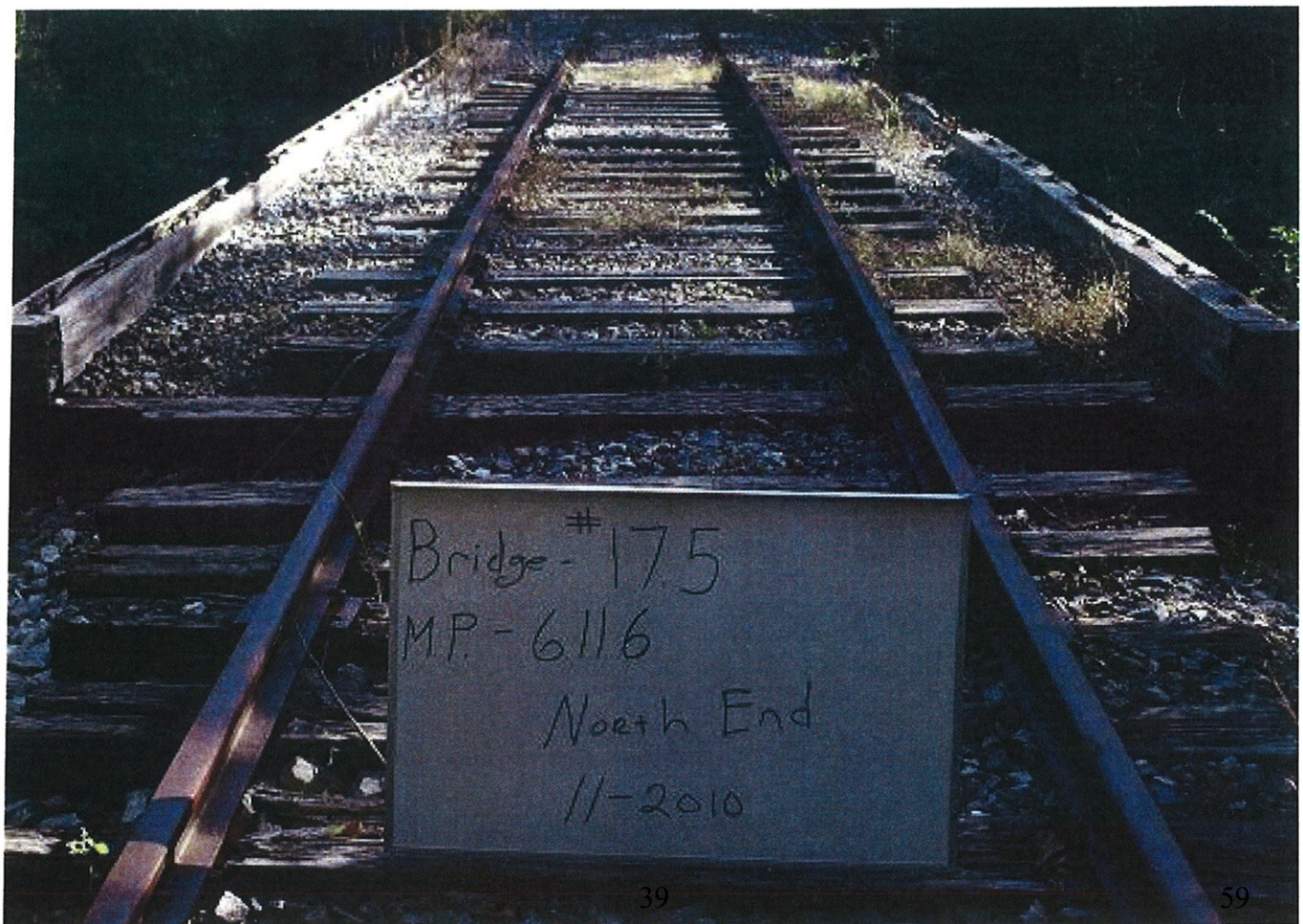
ENVIRONMENTAL AND HISTORIC REPORT

**EXHIBIT 4 – COLOR PHOTOGRAPHS (STRUCTURES) AND
OTHER SUPPORTING MATERIAL**

[SUPPLIED TO ALABAMA HISTORICAL COMMISSION]

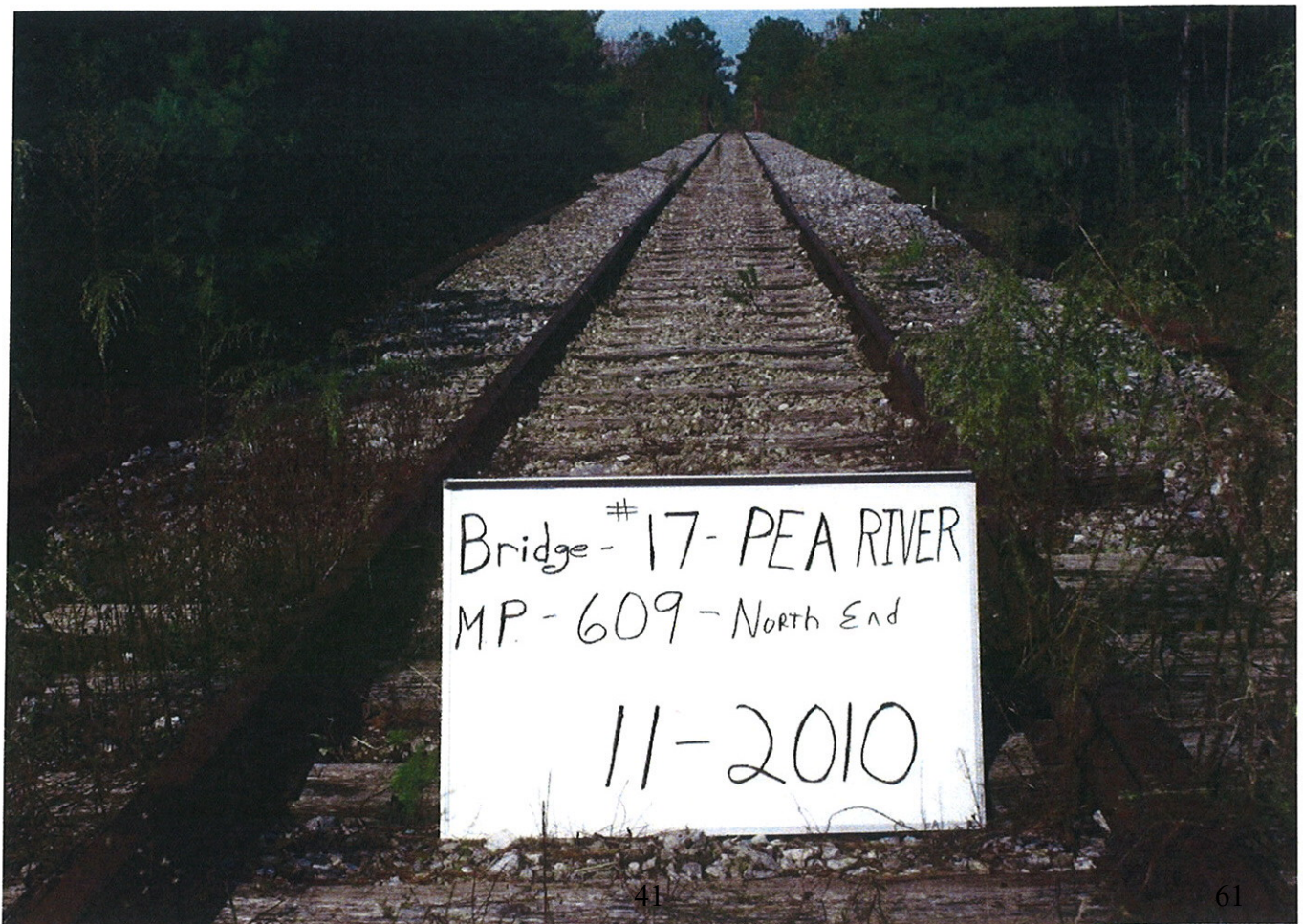
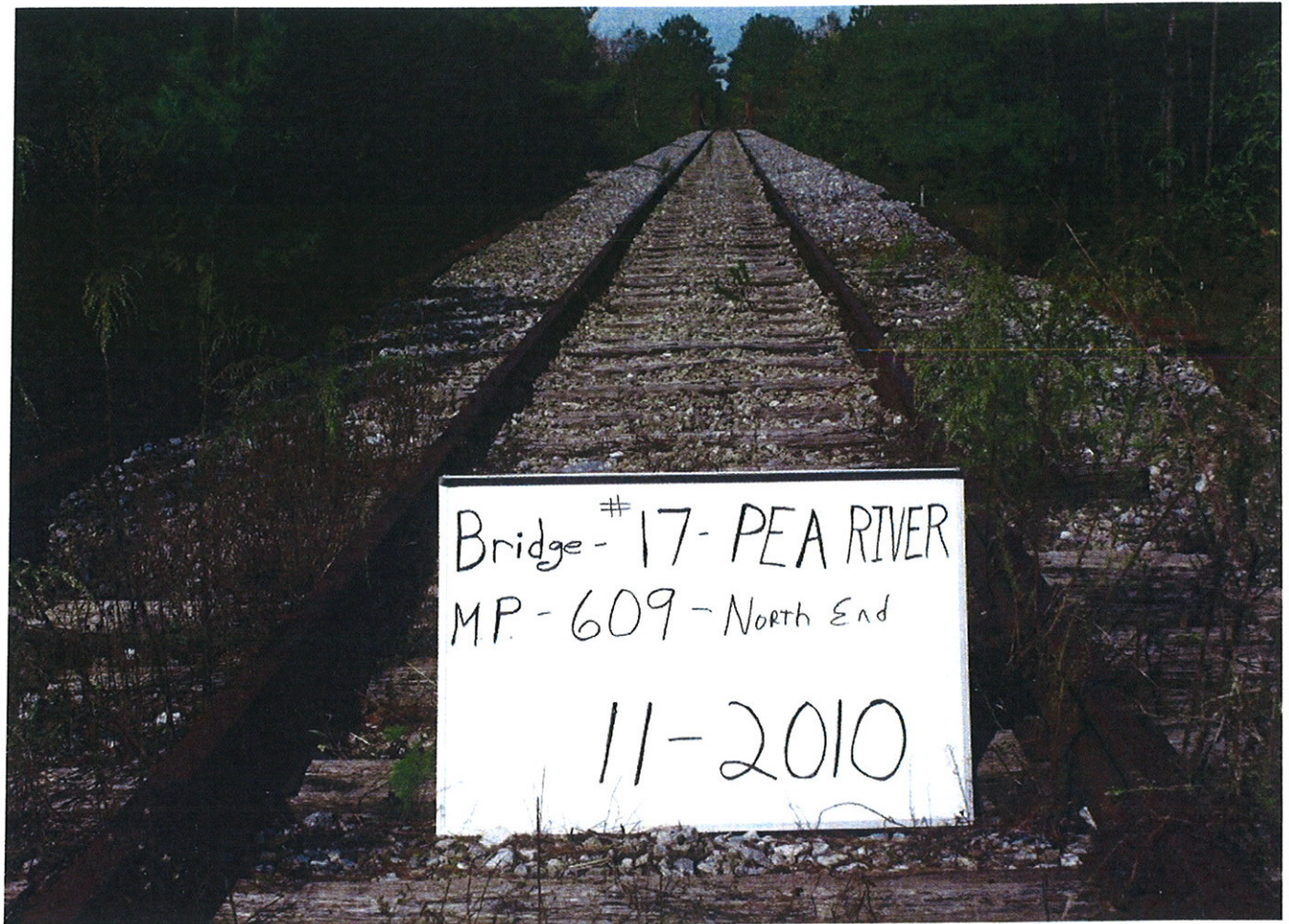


Bridge - #175
M.P. - 6116
North End
11-2010



Bridge - #175
M.P. - 6116
North End
11-2010















Bridge 14N END
MP - 5889
11-2010









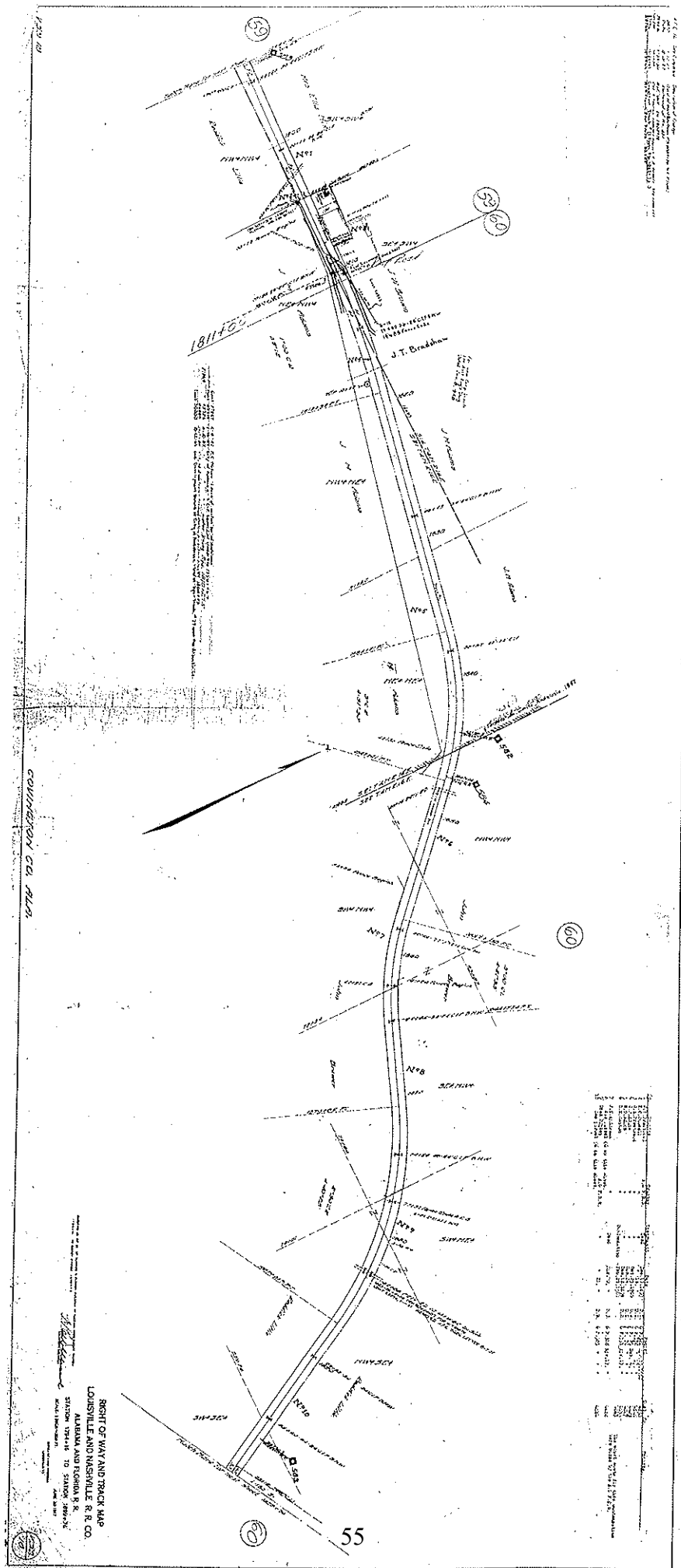


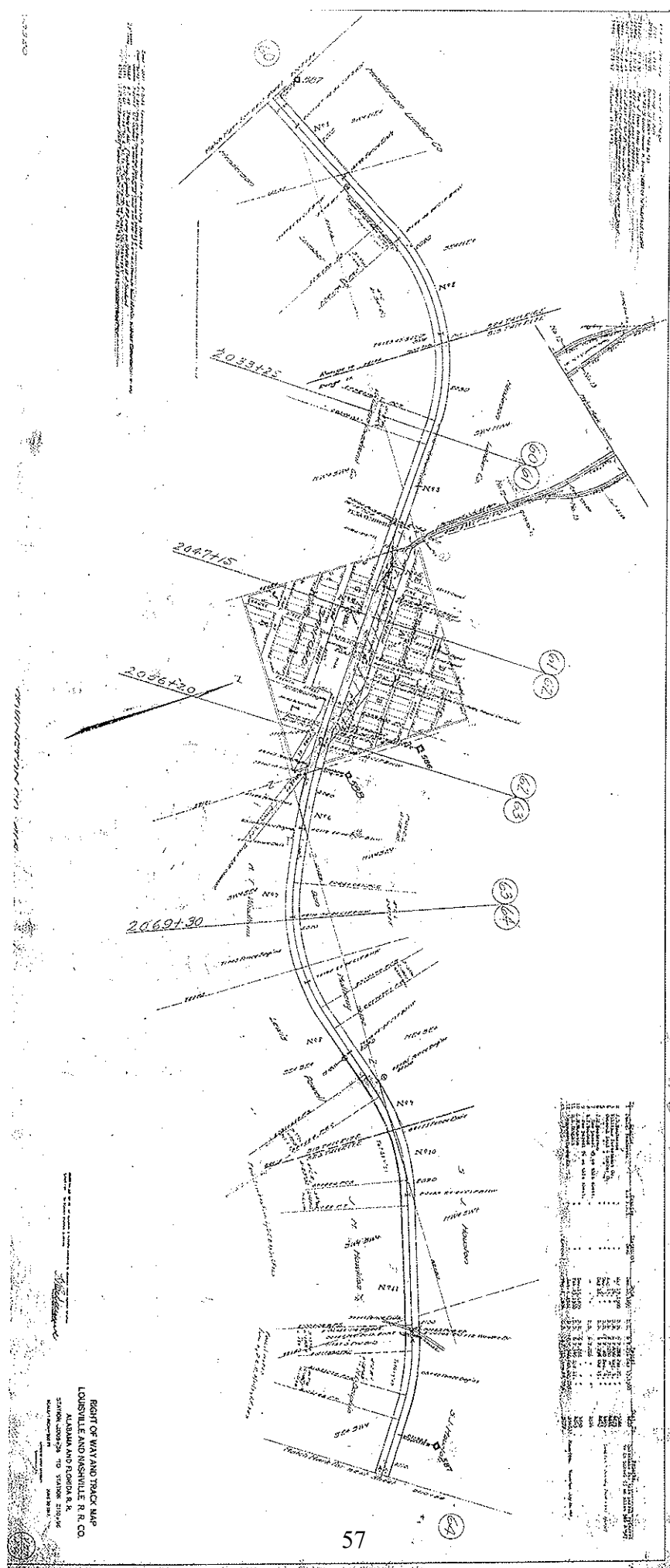




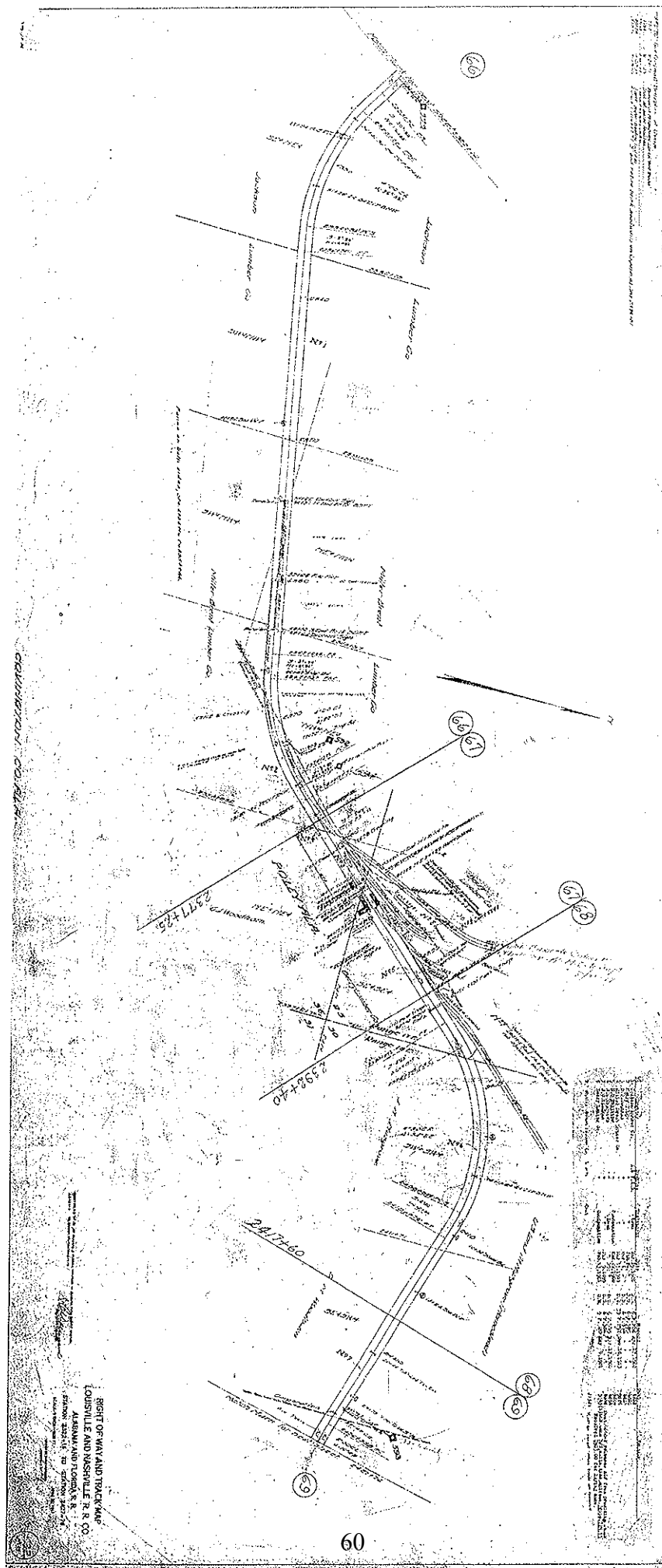


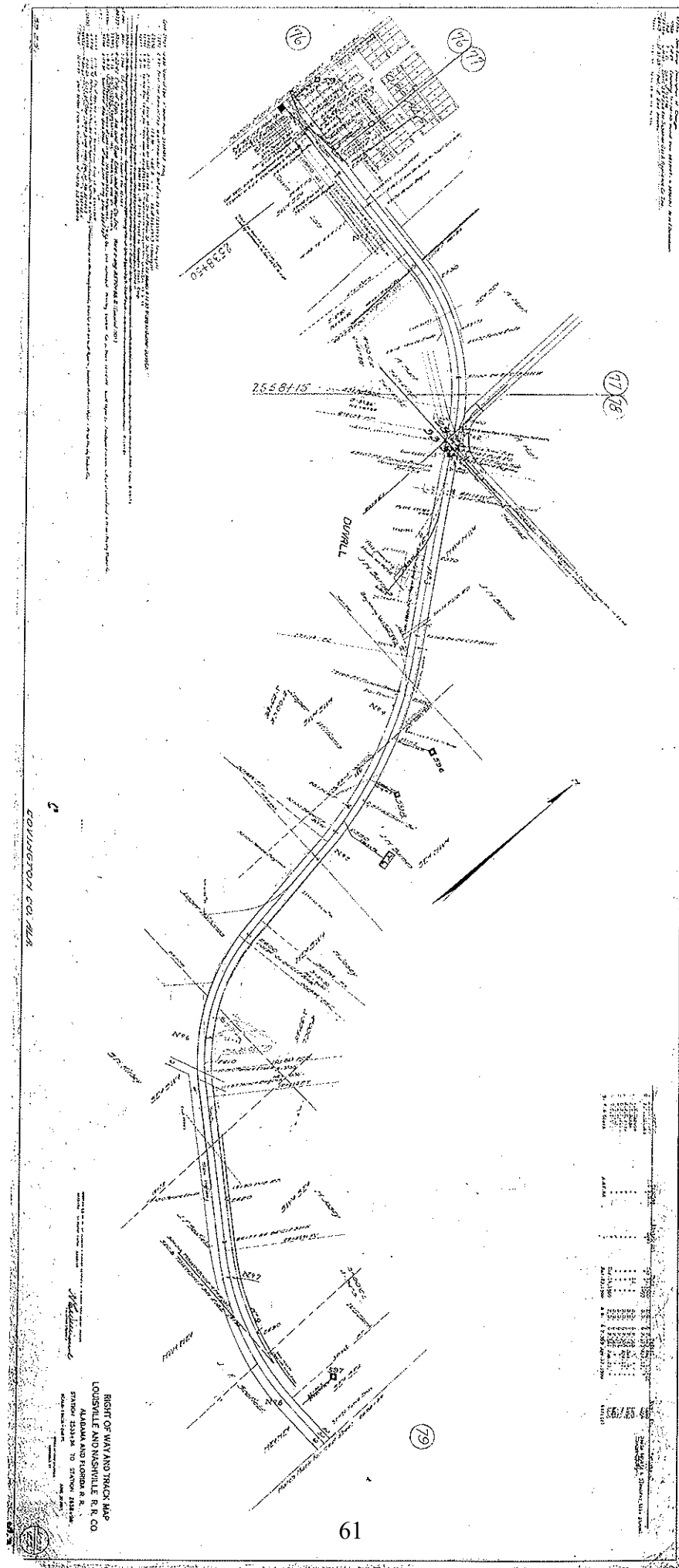


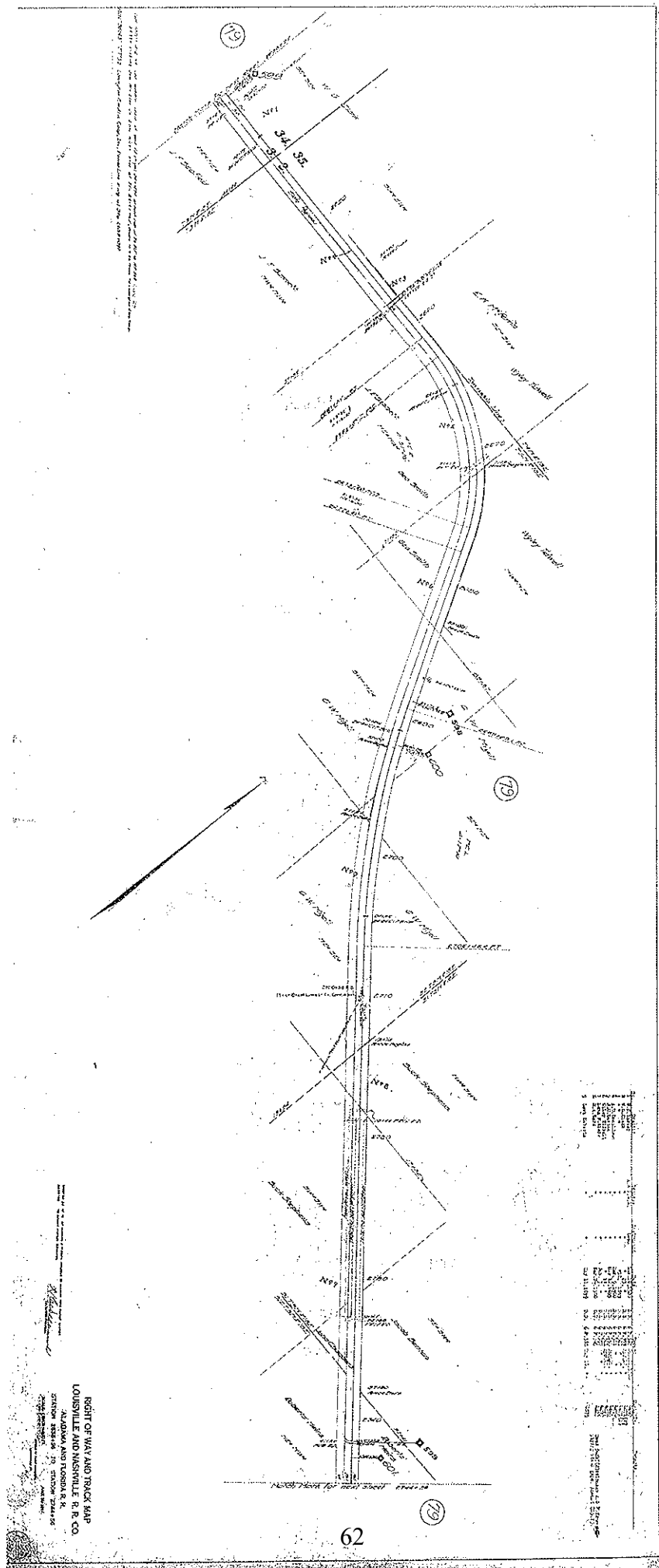


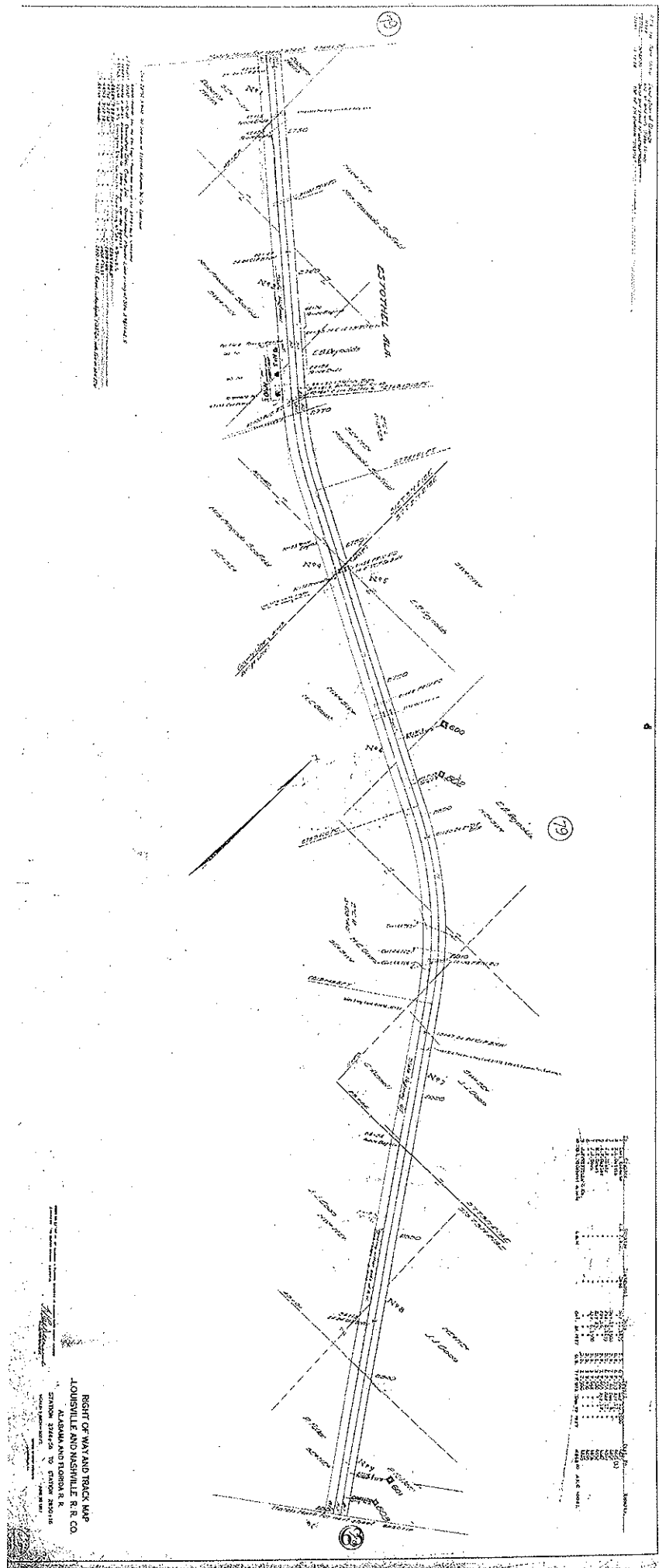


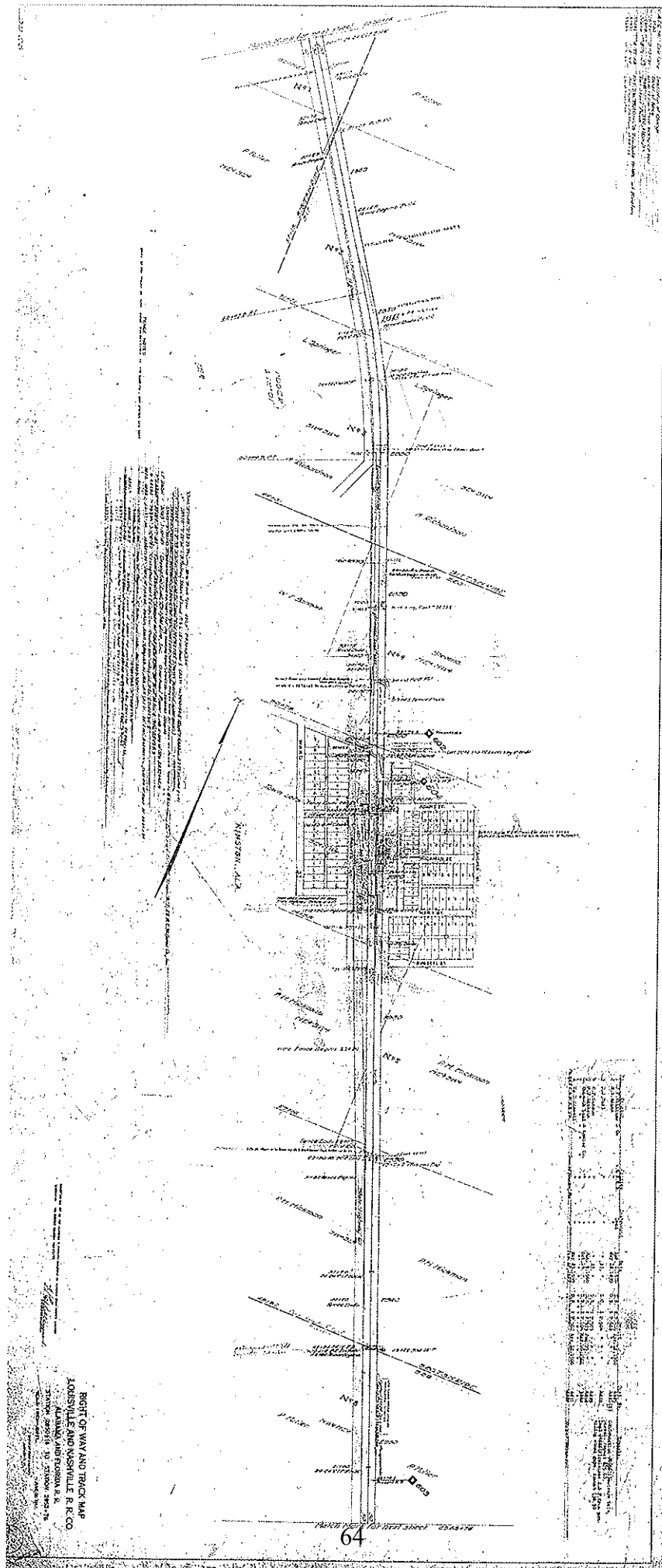
RIGHT OF WAY AND TRACK MAP
 LOUISIANA RAILROAD CO.
 STATION 20384+25 TO 20669+30
 SCALE 1" = 40'

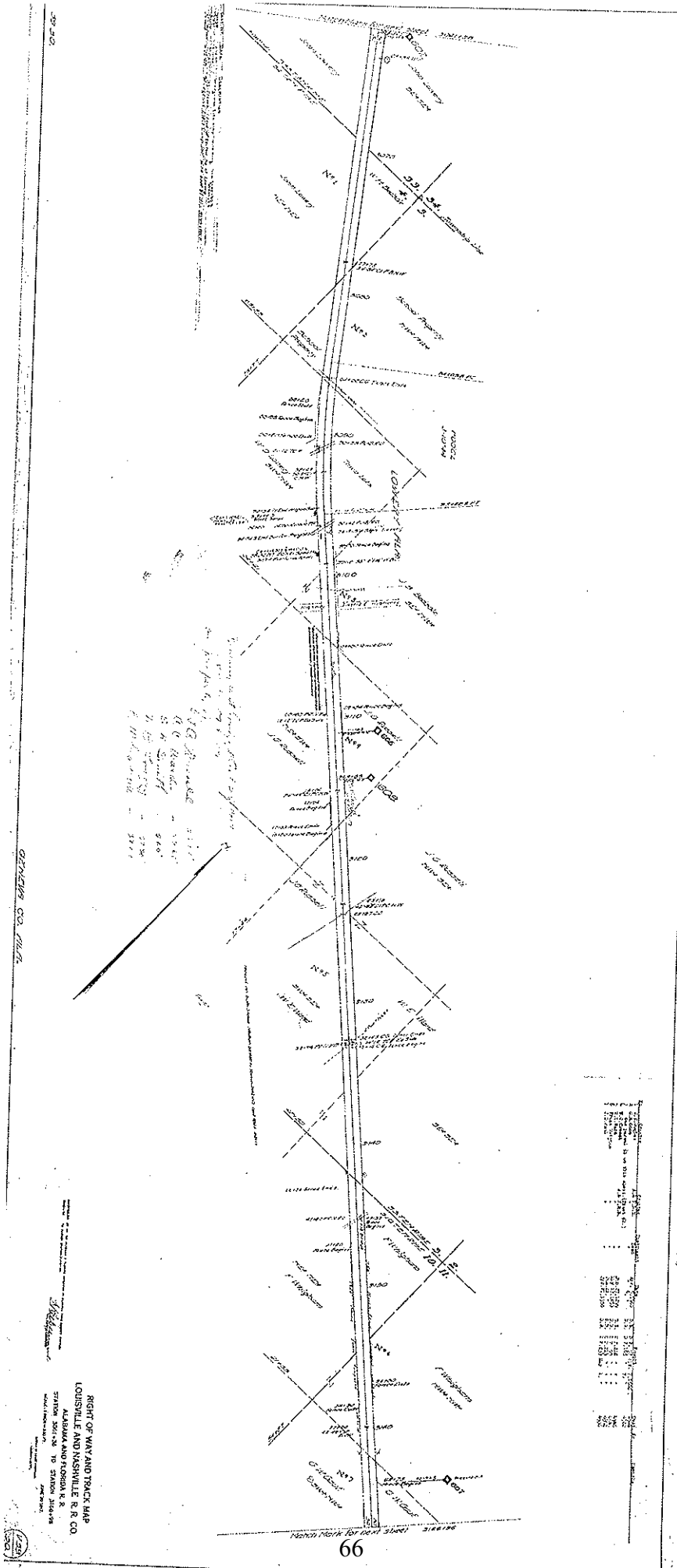


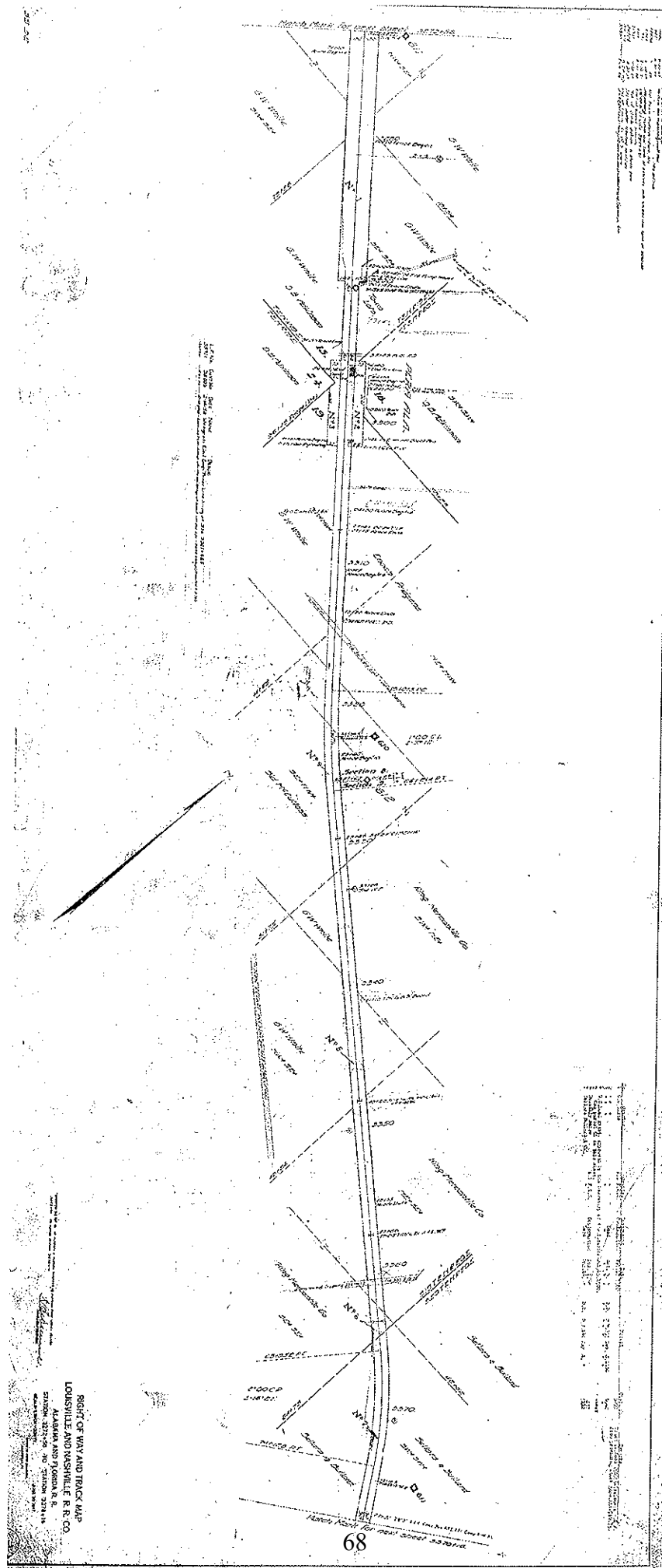


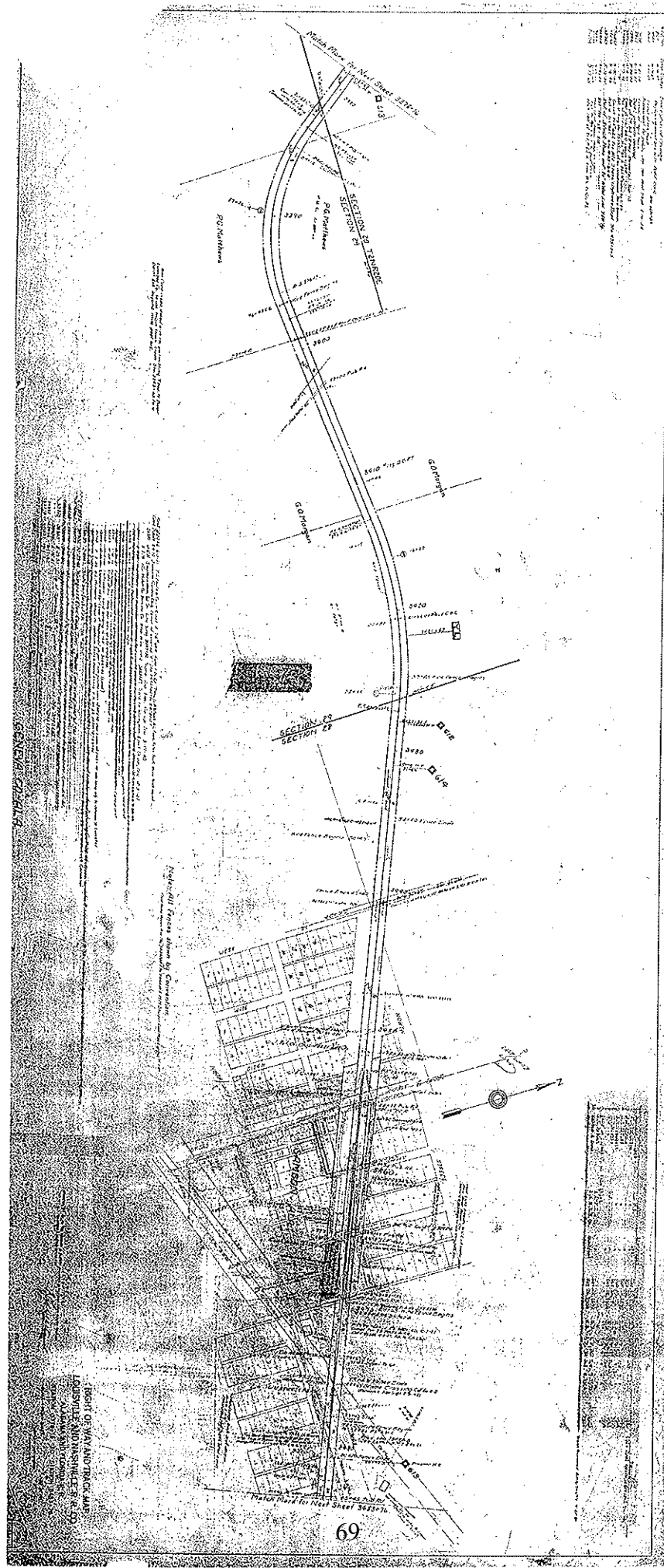


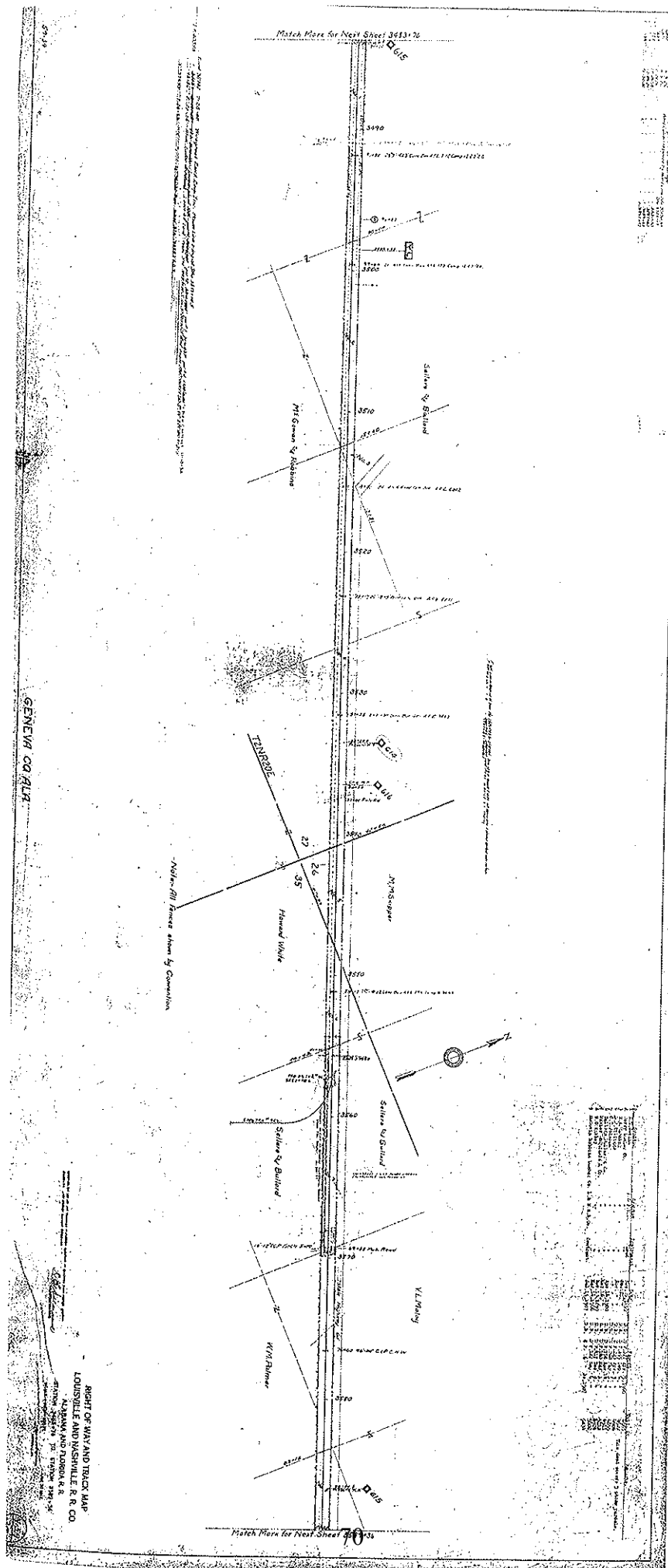


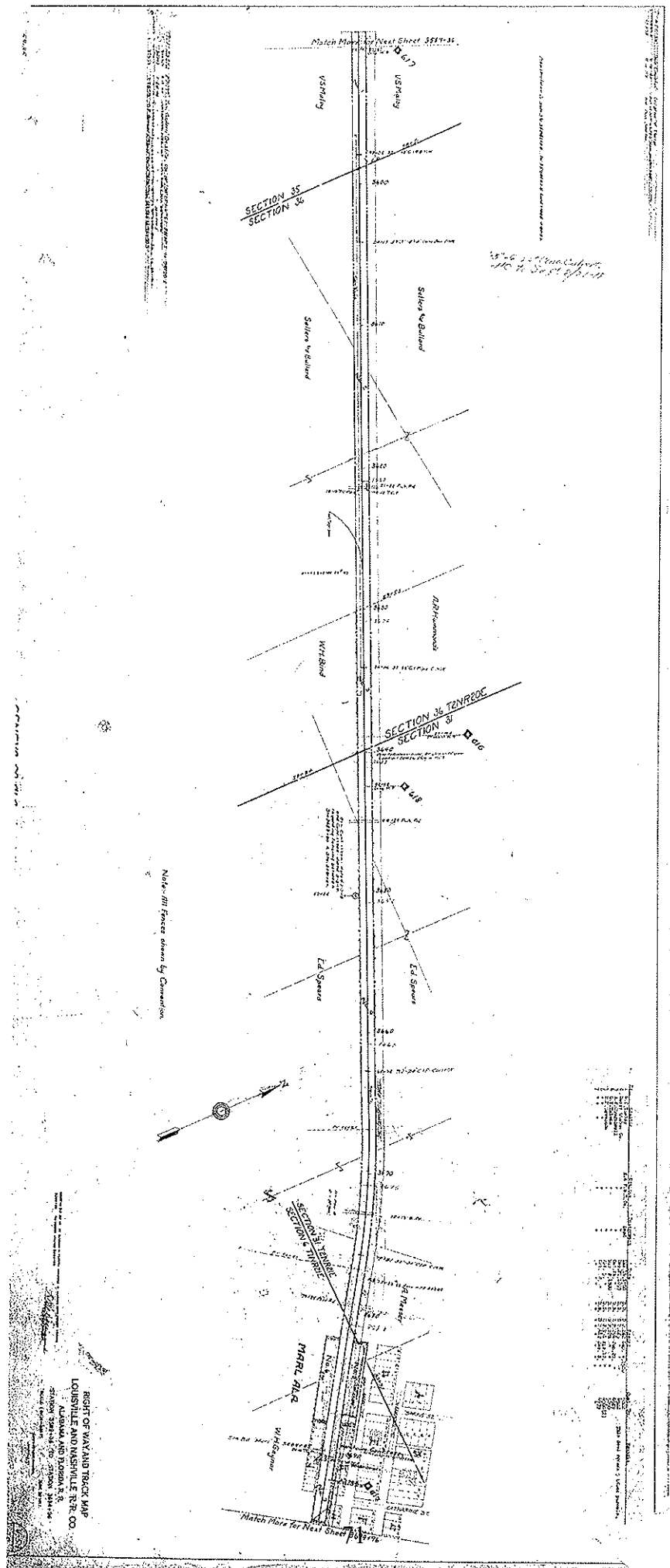


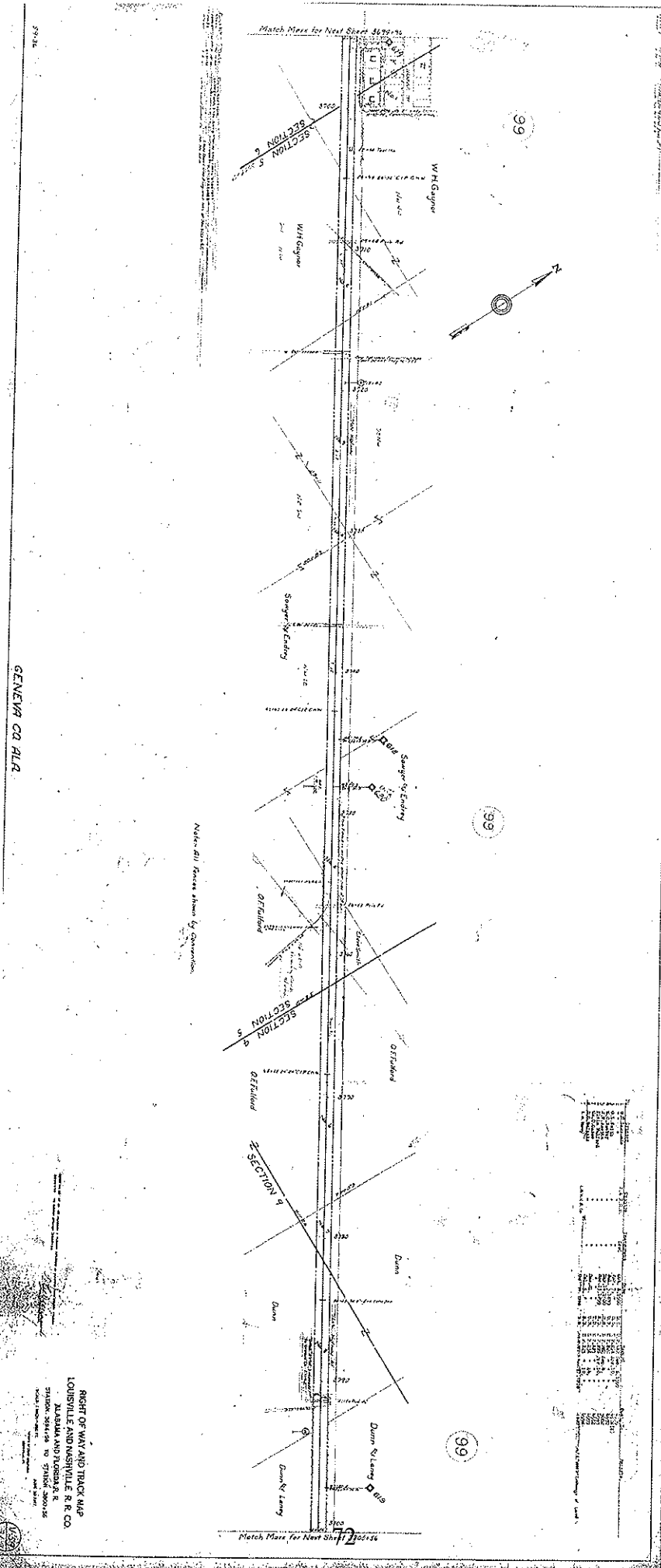


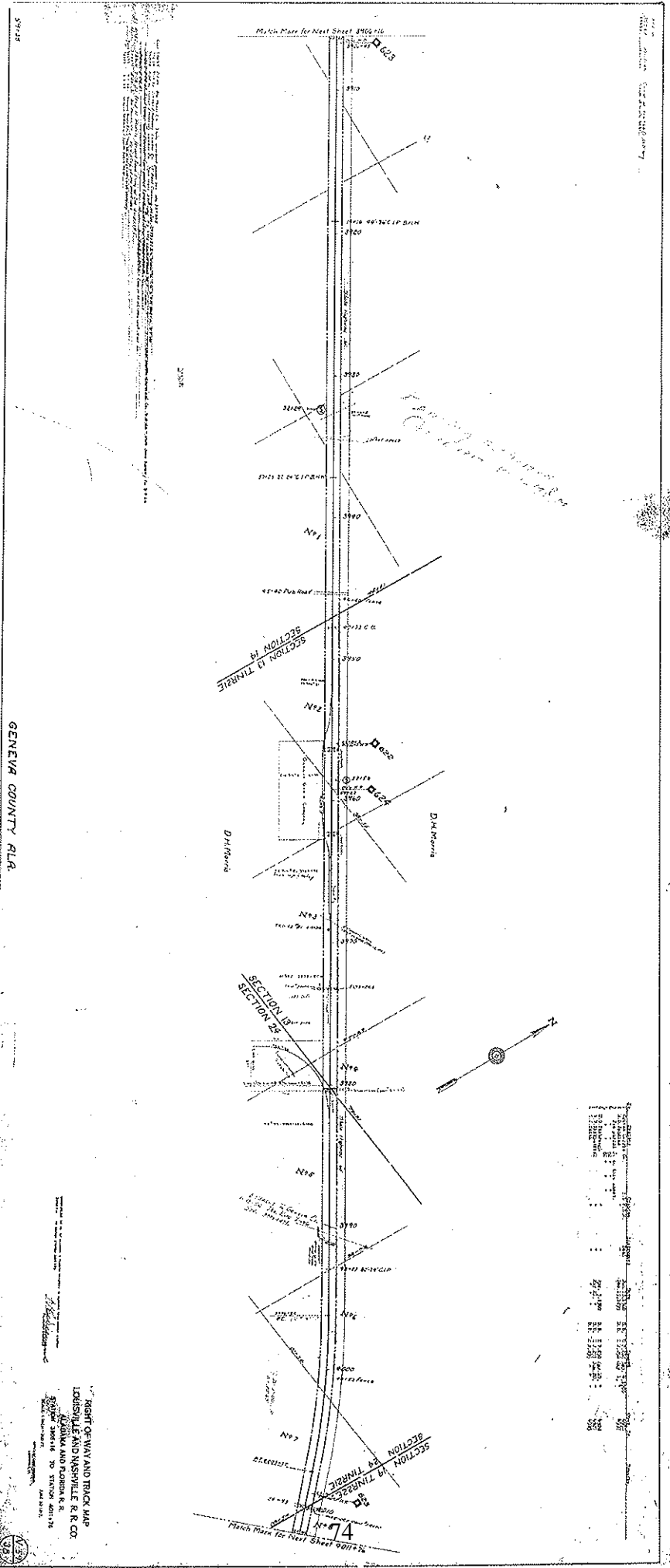












**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-1073 (Sub-No. 1x)

**ALABAMA & FLORIDA RAILWAY CO., INC.
– ABANDONMENT EXEMPTION –
IN GENEVA, COFFEE AND COVINGTON COUNTIES, AL**

EXEMPTION NOTICE

DRAFT NOTICE OF EXEMPTION

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 1073 (Sub-No. 1x)]

Alabama & Florida Railway Co., Inc.—Abandonment Exemption—in Geneva, Coffee, and
Covington Counties, AL

Alabama & Florida Railway Co., Inc. (A&F) has filed on November 30, 2021, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon 42.9 miles of its railroad in Geneva, Coffee, and Covington Counties, AL. The subject rail line extends from milepost 581.3 (at Andalusia, AL) to milepost 624.2 (at Geneva, AL) (the “Line”). The Line traverses United States Postal Service Zip Codes 36340, 36420, 36421, 36453, 36467, and 36477. There are no customers served on the Line, which has been out of service for well over two years.

A&F has certified that for the past two years: (1) no local or overhead traffic has moved over the Line; (2) overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R.R. – Abandonment Portion Goshen Branch

Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 11, 2022, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,⁵ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁶ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to A&F's representative: Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

A&F has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2021. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-

⁵ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁶ Each OFA must be accompanied by the filing fee, which is currently set at \$2,000.00. See 49 C.F.R. § 1002.2(f)(25).

0001) or by calling OEA, at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), A&F shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by A&F's filing of a notice of consummation by January 19, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____.

By the Board, _____, Director, Office of Proceedings.