

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1073 (Sub-No. 1X)

**Alabama & Florida Railway Company, Inc. – Abandonment Exemption –
In Geneva, Coffee, and Covington Counties, Ala.**

BACKGROUND

In this proceeding, Alabama & Florida Railway Company, Inc. (A&F) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad located in Geneva, Coffee, and Covington counties, Alabama. The rail line proposed for abandonment extends approximately 42.9 miles from milepost 581.3 in Andalusia to milepost 624.2 in Geneva, and passes through the towns of Sanford and Babbie, and the cities of Opp, Kinston, and Samson (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA).

A&F received prior authority from the Board in 2011 to abandon the Line in Docket AB 1073X (2011 Abandonment).¹ However, A&F never consummated the abandonment, and the Board's authorization expired. As part of that proceeding, the Board imposed one historic condition and one environmental condition.² In addition, the Board granted A&F and the Alabama Trails Commission approval to negotiate an interim trail use agreement, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d). CSX Transportation, Inc.

¹ The docket includes filings, Board decisions and environmental comments and is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Dockets" in the "Search for" dropdown menu; entering "AB" "1073" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

² The conditions in the 2011 Abandonment required A&F to: (1) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or are listed in the National Register of Historic Places (National Register) until completion of the section 106 process of the National Historic Preservation Act; and (2) to consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers. On November 15, 2011, the Board removed the historic condition but retained the NGS-related condition, as it pertained to salvage which may occur before or after completion of the Board's role in the abandonment process.

(CSXT) was also a party to the negotiation because CSXT holds title to the Line's right-of-way.³ Trail use negotiations continued into 2018, but the parties never reached an agreement and A&F's authority to abandon the Line expired on December 13, 2018. Concurrent with this 2011 Abandonment process, A&F indicates that it salvaged the rail assets under its control, including the rail, tie plates, fasteners, crossties and possibly the upper layer of ballast, but retained the bridges and other underlying structures in CSXT's ownership. Although the Line has been salvaged, it remains an active line of railroad subject to the Board's jurisdiction.⁴ Accordingly, if this notice becomes effective, A&F would be able to remove its common carrier obligation over the Line and consummate the abandonment.

DESCRIPTION OF THE LINE

A&F indicates that the Line has been dormant for well over a decade and may be suitable for use as a recreational trail following abandonment. However, as previously noted, CSXT owns the underlying real estate and has not commented on what, if any, future plans it might have for the right-of-way. The Line passes through numerous towns and small cities as well as rural land in agricultural and forested uses. The surrounding topography is flat to gently rolling. Digital maps of the area show that the Line crosses the Pea River near the town of Samson and closely follows the Yellow River, Five Runs Creek, and numerous other streams, creeks, springs, ponds, and wetlands. A&F states that the right-of-way width is generally 100 feet but extends to 200 feet through Samson and at the Pea River crossing.

A&F notes that there are seven trestles/bridges on the Line that would remain intact as part of this abandonment. The Line contains 60 public and 43 private at-grade road crossings that A&F indicates were salvaged during the 2011 Abandonment. The Line traverses United States Zip Code 36340, 36420, 36421, 36453, 36467, and 36477. Based on information in its possession, A&F states that the Line does not contain any federally granted rights-of-way.

ENVIRONMENTAL REVIEW

A&F 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 abandonment-related salvage activities. A&F provided the E&H Report to a number of appropriate federal, state, and local agencies as

³ According to A&F, it does not own title to the real property comprising the Line's right-of-way but that the title remains with CSXT. A&F indicates that when the Line was sold in 1986 to an unaffiliated short line railroad predecessor of A&F (Alabama & Florida Railroad, Inc.), a CSXT predecessor (Seaboard System Railroad, Inc.) conveyed to Alabama & Florida Railroad, Inc. the common carrier obligation associated with the Line but retained an ownership interest in the underlying real estate and remained as a lessor of the Line's right-of-way. A&F acquired the Line from Alabama & Florida Railroad, Inc., subject to this arrangement with CSXT.

⁴ See Ala. & Fla. Ry. Co., Inc. – Aban. Exemption – In Geneva, Coffee, and Covington Cntys, Ala., AB-1073X (STB. served April 18, 2019).

required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)] implementing the National Environmental Policy Act (NEPA).⁵ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to A&F, no local traffic has moved over the Line for at least two years, and there is no need to reroute any overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

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. As previously noted, if abandonment authority is granted here, A&F would not conduct any salvage because it previously salvaged the rail, and other salvageable materials such as tie plates, fasteners, crossties and possibly the upper layer of ballast during the 2011 Abandonment process. A&F has retained the bridges/trestles and other underlying structures, including the railbed as these assets are in CSXT's ownership.

By email dated November 23, 2021, the National Geodetic Survey (NGS) commented that it contacted the Alabama Department of Transportation's Surveying and Mapping Administrator (ALDOT) for assistance in determining if any geodetic markers may be present in the right-of-way. According to NGS, ALDOT responded that it needed more time to evaluate the markers as some locations warranted field verification. In the 2011 Abandonment, NGS identified approximately 23 markers in the area of the Line's right-of-way that could be impacted from salvage activities. As a condition of the 2011 Abandonment, A&F was required to notify NGS 90 days prior to initiating salvage to allow NGS to plan for possible relocation to prevent the markers from being disturbed or destroyed. Given that A&F's prior salvage involved only the removal of tie plates, fasteners, crossties and possibly the upper layer of ballast and that no salvage would occur here, OEA concludes that the proposed abandonment would have no impact on NGS resources. Accordingly, no further consultation with NGC would be required. OEA is providing NGS a copy of this Draft EA to review.

The Alabama Department of Environmental Management's Coastal Program's Office (ADEM) has not provided comments on whether the Line is located in an Alabama coastal zone.

⁵ The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1073" "1" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on November 30, 2021.

However, OEA conducted a search of ADEM's web site and found that there are no designated coastal zone boundaries in Geneva, Coffee or Covington counties.⁶ Accordingly, the proposed abandonment is not subject to the federal coastal zone consistency requirements of the Coastal Zone Management Act.

A&F requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact the proposed abandonment may have on protected wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. § 1531 et seq.). To date, USFWS has not provided comments on the proposed abandonment but did provide comments on the 2011 Abandonment. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.⁷ Thirteen protected species are located in the area of the proposed abandonment. The species identified are: (1) Birds: the threatened Wood Stork (*Mycteria americana*); (2) Reptiles: the threatened Eastern Indigo Snake (*Drymarchon corais couperi*) and the candidate species Gopher Tortoise (*Gopherus polyphemus*); (3) Fishes: the threatened Gulf Sturgeon (*Acipenser oxyrinchus*); (4) Clams: the endangered Choctaw Bean (*Villosa choctawensis*); the threatened Fuzzy Pigtoe (*Pleurobema strodeanum*); the threatened Narrow Pigtoe (*Fusconaia escambia*); the endangered Southern Kidneyshell (*Ptychobranchus jonesi*); the threatened Southern Sandshell (*Hamiota australis*); the threatened Tapered Pigtoe (*Fuscinia burkei*); (5) Insects: the candidate species Monarch Butterfly (*Danaus plexippus*); and (6) Flowering Plants: the endangered Genetian Pinkroot (*Spigelia gentianoides*). The data base indicates that there is critical habitat for the fish and clam species. In the 2011 Abandonment, USFWS commented (reference #2011-TA-0475) that the Pea River is designated as critical habitat. USFWS indicated that as long as the Pea River bridge remained intact, no further consultation would be necessary. Because no land disturbance, salvage, instream work, or bridge/trestle removal is contemplated here, OEA concludes that the proposed abandonment would have no effect on any of the thirteen species, including the identified critical habitat. OEA is providing a copy of this Draft EA to the USFWS Alabama field office for its review.

By letter dated November 3, 2021, the U.S. Department of Agriculture Natural Resources Conservation Service commented that the proposed abandonment is exempt from the Farm Protection Policy Act but recommended that best management practices (BMPs) be implemented for any land disturbance activities. Because there would be no salvage, instream work, or removal of bridges/trestles, OEA concludes that the proposed abandonment would have no effect on any land or water resources and that BMPs would not be necessary.

A&F submitted the E&H Report to the U.S. Environmental Protection Agency, Region 4 (USEPA) and the U.S. Army Corps of Engineers, Louisville District (USACE) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from

⁶ Alabama Department of Environmental Management's Coastal Program's Office, <http://adem.alabama.gov/programs/coastal/> (last visited December 15, 2021).

⁷ U.S. Fish and Wildlife Service, Information, Planning, and Conservation (IPaC) System, <http://ecos.fws.gov/ipac> (last visited December 6, 2021).

either agency. OEA does not anticipate the need for permits under the CWA because A&F does not intend to disturb the roadbed underlying the Line or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to the USEPA and USACE for review.

OEA believes that there would be no impact from any air emissions or noise on the area surrounding the proposed abandonment because no salvage or other land disturbing activities would occur.

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 National Geodetic Survey; U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; and U.S. Army Corps of Engineers for review.

HISTORIC REVIEW

A&F submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Alabama Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has not provided comments on the proposed abandonment but did provide its opinion in the 2011 Abandonment. By letter dated October 25, 2011 (reference #AHC 11-0823), the SHPO stated 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. As no further SHPO consultation was required in 2011 before the Line was salvaged and no salvage is contemplated here, OEA concludes that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register.

Accordingly, 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 in 2011 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 the railroad'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 at <https://stb.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.⁸ The database indicates that there are six federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Alabama-Coushatta Tribe of Texas; the Alabama-Quassarte Tribal Town; the Choctaw Nation of Oklahoma; the Coushatta Tribe of Louisiana; the

⁸ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited December 16, 2021).

Mississippi Band of Choctaw Indians; and the Muscogee (Creek) Nation. OEA is providing a copy of this Draft EA to these tribes for review.

CONDITIONS

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

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 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 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.⁹

TRAILS 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.¹⁰

⁹ 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" "1073" "1" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

¹⁰ Id.

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.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Diana Wood by email at diana.wood@stb.gov or by phone at 202-245-0302.

Date made available to the public: December 23, 2021.

Comment due date: January 11, 2022.

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

Attachment



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In Geneva, Coffee and Covington Counties, Ala.

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.



Alabama