

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1324X

**Alabama Railroad, LLC - Abandonment Exemption – in Escambia, Conecuh, and Monroe
Counties, Ala.**

BACKGROUND

In this proceeding, Alabama Railroad, LLC (ARL) filed a petition with the Surface Transportation Board’s (Board) under 49 C.F.R. § 1152.60 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon a line of railroad in Escambia, Conecuh, and Monroe counties, Alabama. The segment of rail line to be abandoned extends 47.5 miles from milepost 607.73 (at Flomaton, Alabama) to milepost 655.2 (near Tunnel Springs, Alabama), including all sidings and the MR Junction Spur between valuation stations 0+00 and 90+81 (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the petition becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

The Line was previously authorized for abandonment while under different ownership. In 2019, Alabama Railroad Company (ALAB) sought and secured authorization to abandon the Line pursuant to the Board’s class exemption procedures at 49 C.F.R. Part 1152, subpart F (AB-463 (Sub-No. 2X)). ALAB never filed a notice of abandonment consummation, and thus the Line remains under the Board’s jurisdiction. ALAB sold the Line to ARL in late 2020.

DESCRIPTION OF THE LINE

The Line consists of a single track, ties and ballast, with an average right-of-way (ROW) width of approximately 100 feet. The ROW varies in width as the Line passes through towns along the main track centerline. There are 60 railroad structures (bridges) along the Line. The Line passes through lands of varying uses, from forests, to towns, to rural farmland. The topography is relatively flat with some rolling hills.

The Line first appears on historic maps in the early 1880s, identified as the Louisville and Nashville Railroad (L&N). The Line remains visible on historic maps as well as USGS mapping from the 1970s as the L&N (<https://historicaerials.com/viewer>;

<http://alabamamaps.ua.edu/historicalmaps/index.html>). According to ARL, the Line is the remainder of a branch line which once extended from Flomaton, Alabama to Corduroy, Alabama. The Line connected with CSXT at Flomaton. In 1991, CSX Transportation, Inc. (CSXT) sold this roughly 61-mile long branch to the Wabash and Grand River Railway Co. (WGRR). Late in 1991, WGRR sold the entire branch to ALAB. In 1995, ALAB abandoned the northern portion of the branch from milepost 662.62 (near Beatrice) to milepost 666.3 (at Corduroy). In 2013, the Board granted ALAB abandonment authority for the segment between milepost 655.2 (near Tunnel Springs) and milepost 662.62 (near Beatrice), resulting in the Line's current configuration and 47.5 mile length. As noted above, ARL acquired the Line in 2020

ENVIRONMENTAL REVIEW

ARL 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. ARL served the E&H Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)]¹ implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

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

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Should the Board authorize the proposed abandonment, ARL intends to remove the tracks, ties, and ballast.

¹ 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" "1324" "0" "X" sequentially in the boxes for "Docket Number," then selecting "Search." The E&H Report was filed on July 6, 2022.

ARL requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. OEA conducted a search of the USFWS Information for Planning and Conservation (IPaC) system to identify current protected species that may be in the project area.²

According to the IPaC report, there are 15 protected threatened or endangered species located in the area of the proposed abandonment: the Wood Stork (*Mycteria americana*), the Eastern Indigo Snake (*Drymarchon couperi*), the Gopher Tortoise (*Gopherus polyphemus*), the Red Hills Salamander (*Phaeognathus hubrichti*), the Gulf Sturgeon (*Acipenser oxyrinchus* (=oxyrhynchus) *desotoi*), the Choctaw Bean (*Obovaria choctawensis*), the Fuzzy Pigtoe (*Pleurobema strodeanum*), the Narrow Pigtoe (*Fusconaia escambia*), the Orangenacre Mucket (*Hamiota perovalis*), the Round Ebonyshell (*Reginaia rotulata*), the Southern Clubshell (*Pleurobema decisum*), the Southern Kidneyshell (*Ptychobranhus jonesi*), the Southern Sandshell (*Hamiota australis*), the Monarch Butterfly (*Danaus plexippus*), and the Louisiana Quillwort (*Isoetes louisianensis*). There are no critical habitats for these species in the project area.

OEA has determined that the federally listed threatened or endangered species would not be affected because of the the proposed abandonment's limited scope. The contour of the existing roadbed would remain as it is and the existing drainage systems would remain intact. No ballast would be removed and no soil disturbance would occur: no digging or burying of any kind would take place. There would be no changes to any of the bridges or water crossings and no waterway disturbance. However, previous consultation with USFWS from 2019 noted that suitable habitat for the Red Hills salamander was known to be adjacent to the rail line and within the right-of-way in areas of Monroe County. To address potential impacts on the Red Hills salamander, OEA recommends a condition requiring ARL to refrain from storing or placing equipment or materials on any steep slopes and to implement the use of best management practices while conducting salvage in Monroe County. OEA has determined that, with the implementation of the recommended mitigation measure, no federally threatened or endangered species would be adversely affected by the proposed abandonment. OEA is providing USFWS (Alabama Ecological Services Field Office) a copy of this EA for its review.

ARL requested comments from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) regarding potential impacts to prime farmland and soils. NRCS has not responded to date. However, OEA does not expect the loss of any prime farmland or soils due to the proposed abandonment's limited scope. The Line to be abandoned has been in transportation use for over a century and all abandonment-related salvage would be within the current right-of-way. Therefore, there would be no impacts to farming activities or farmlands in the vicinity.

² USFWS Information for Planning and Conservation (IPaC) search conducted on August 25, 2022 (<https://ecos.fws.gov/ipac/>).

ARL requested comments from the National Geodetic Survey (NGS) regarding the potential for geodetic survey markers in the project area. On May 11, 2022, NGS provided comments stating that the proposed abandonment is identical to the previous abandonment submitted for its review in 2019 (Docket No. AB 463 (Sub-No. 2X)), and that there are 23 markers within (16) or adjacent (7) to the Line's right-of-way. Accordingly, OEA recommends a condition requiring ARL to notify NGS at least 90 days prior to beginning abandonment-related salvage activities to allow time for the geodetic survey markers to be preserved.

The proposed abandonment is not located within a Coastal Zone and thus, no further consultation is required.

The E&H Report was submitted to the U.S. Environmental Protection Agency, Region 4 (USEPA) and the U.S. Army Corps of Engineers, Mobile 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 USEPA or USACE. OEA does not anticipate the need for permits under the CWA because ARL does not intend to disturb any roadbed underlying the Line, alter or remove any bridges, or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to USEPA and USACE, and the Alabama Department of Environmental Management for their review.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the areas adjacent to the proposed abandonment. OEA concludes that any air and noise emissions related to salvage activities would be very limited and temporary.

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 USFWS (Alabama Ecological Services Field Office), USEPA, USACE, and the Alabama Department of Environmental Management for review and comment.

HISTORIC REVIEW

ARL 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).³ The SHPO responded to the

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation

E&H Report on June 8, 2022 noting that their office previously concurred with the findings in the 2019 abandonment (Docket No. AB 463 (Sub-No. 2X)) and offered the same concurrence in this proceeding: the proposed abandonment would have no effect on any cultural resources. The SHPO also requested that a condition be imposed regarding the unanticipated discovery of artifacts or archaeological features. To address the SHPO's concerns, OEA is recommending an unanticipated discoveries condition requiring ARL to notify OEA and the SHPO upon the discovery of any artifacts or archaeological features during salvage activities.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of 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 www.stb.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: the Coushatta Tribe of Louisiana, the Mississippi Band of Choctaw Indians, the Alabama-Coushatta Tribe of Texas, the Choctaw Nation of Oklahoma, the Alabama-Quassarte Tribal Town, the Muscogee (Creek) Nation, and the Poarch Band of Creeks. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:⁵

Letter can be found at a link on the bottom of the Board's website overviewing historic preservation at <https://stb.gov/resources/environmental/historic-preservation-overview>.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed August 26, 2022).

⁵ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

1. Alabama Railroad LLC, shall notify the National Geodetic Survey at NGS.Infocenter@noaa.gov at least 90 days prior to beginning abandonment-related salvage activities.
2. Alabama Railroad, LLC, shall refrain from storing or placing equipment or materials on any steep slopes and implement the use of best management practices while conducting salvage activities in Monroe County, prior to and during any abandonment-related salvage activities.
3. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the Alabama Railroad, LLC's abandonment-related salvage activities, ARL will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested Federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, 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 rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

⁶ 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" "1324" "0" "X" sequentially in the boxes for "Docket Number," then selecting "Search."

TRAIL USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the petition for 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.⁷

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

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

Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1324X. If you have any questions, please contact Alan Tabachnick by email at Alan.Tabachnick@stb.gov or by phone at 202-245-0367.

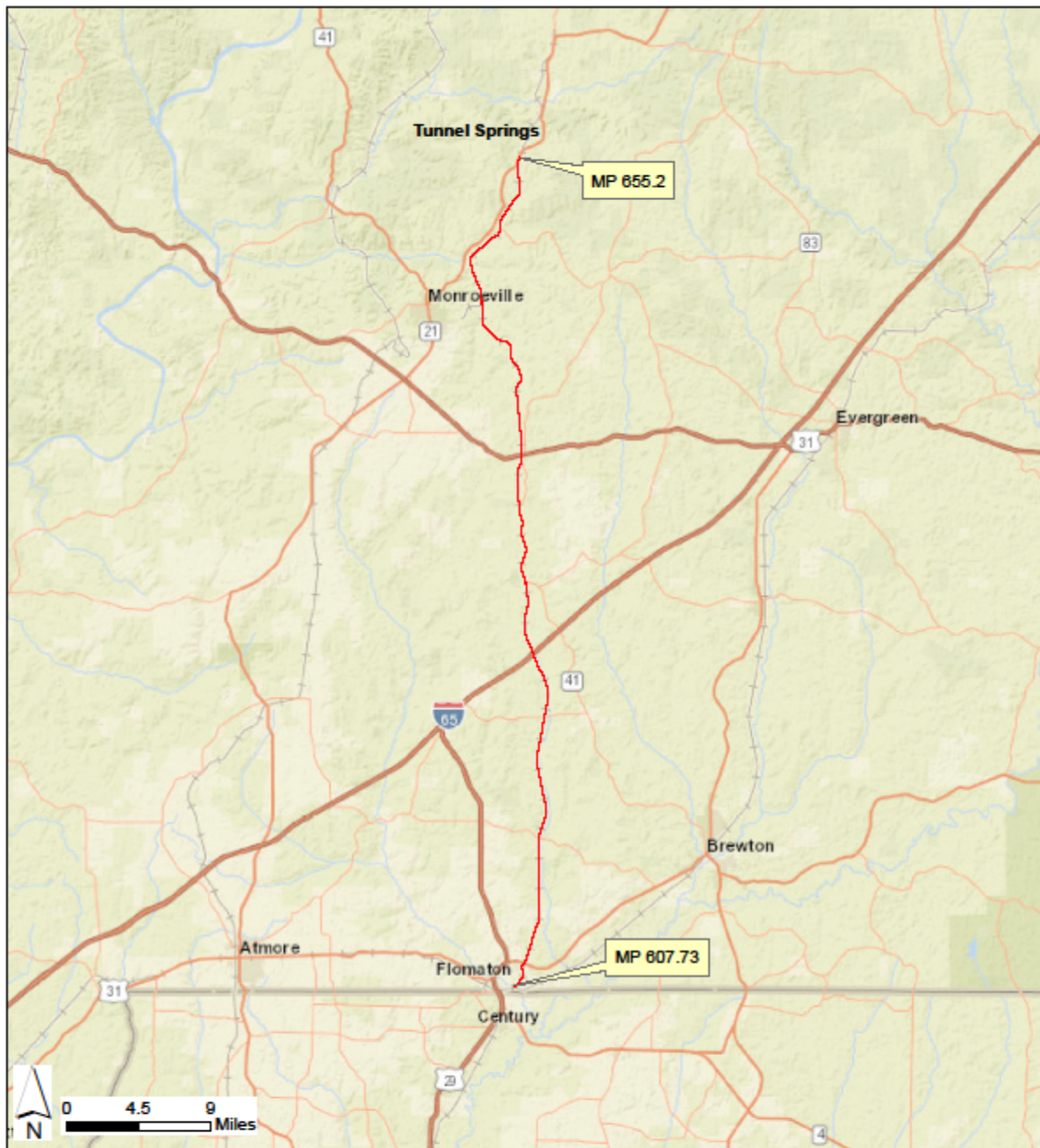
Date made available to the public: September 2, 2022.

Comment due date: October 3, 2022.

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

Attachment

⁷ Id.



	Docket No. AB 1324X Alabama Railroad, LLC. Abandonment Exemption Escambia, Conecuh, and Monroe Counties, AL	Legend	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.	 Location in State
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