

EO-1761

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 1073X

September 21, 2011

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

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In this proceeding, Alabama & Florida Railway, Co., Inc. (A&F) filed a notice of exemption to abandon a 42.9-mile line of railroad in Geneva, Coffee, and Covington Counties, Alabama. Because the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, had not been completed at the time of the Board's September 7, 2011 decision, the Board imposed one Section 106 historic preservation condition.

Comments on the Abandonment

Section 106 Condition

On September 15, 2011, A&F submitted a letter from the Alabama Historical Commission (SHPO) stating that the line is potentially eligible for the National Register of Historic Places (National Register). The SHPO requested that a cultural assessment be conducted to evaluate the line for National Register eligibility. The SHPO also stated that provided activities remain within the right-of-way and on previously disturbed land, there should be no adverse effect to archeological resources listed on or eligible for the National Register.

On September 16, 2011 A&F sent a letter to the SHPO stating that salvage would only occur within the existing right-of-way and on previously disturbed land. A&F also stated that it does not intend to dismantle or remove any bridges or structures along the line because CSX Transportation, Inc. retained ownership of all the line's bridges and structures, and A&F only acquired title to the tracks, ties, switches, signals, and other track materials when it acquired the line. A&F requested that the SHPO inform the Board that it either considers the Section 106 process complete or that it does not object to the salvage of the tracks and ties pending completion of the Section 106 process.

On September 19, 2011, A&F requested an amended decision to allow salvage of the rails and ties¹ and submitted a letter from the SHPO stating that the salvage of the rails and ties may proceed, but that the SHPO is still awaiting the evaluation of the historic aspect of the line. Accordingly, OEA believes that the Section 106 condition imposed in the September 7, 2011 decision should be modified to allow salvage of the tracks and ties.

New Condition to Address Geodetic Station Markers

On September 21, 2011, OEA received a late-filed comment from the National Geodetic Survey (NGS). NGS identified 23 geodetic station markers in the area of the proposed abandonment, and has requested notification at least 90 days in advance of any activities that would disturb or destroy these markers in order to plan for their relocation. Accordingly, we recommend that A&F consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

Conclusions

For the reasons stated above, OEA recommends that the Board: 1) modify the Section 106 historic preservation condition imposed in the September 7, 2011 decision, and 2) impose a new condition to address the geodetic station markers in the area of the proposed abandonment. The conditions are as follows:

1. Alabama & Florida Railway Co., Inc. (A&F) shall ensure that it retains its interest in and takes no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way (excluding the tracks and ties) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. A&F shall report back to the Office of Environmental Analysis regarding any consultations with the SHPO, any other Section 106 consulting parties and the public. A&F may not file its consummation notice until the Section 106 process has been completed, and the Board has removed this condition.
2. Alabama & Florida Railway Co., Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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¹ Where an historic condition is needed only for a portion of the line or for particular structures on the line, a railroad may request that the Board modify the condition to allow the railroad to salvage the rest of the line not affected by that condition. See Consummation of Rail Line Abandonments That Are Subject To Historic Preservation And Other Environmental Conditions, EP 678 (April 23, 2008).