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SERVICE DATE – SEPTEMBER 3, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 463 (Sub-No. 2X)

ALABAMA RAILROAD CO.—ABANDONMENT EXEMPTION—IN ESCAMBIA,
CONECUH, AND MONROE COUNTIES, ALA.

Decided: August 30, 2019

Alabama Railroad Co. (ALAB) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 47.5 miles of rail line, which extends from approximately milepost 607.73 at Flomaton, Ala., to approximately milepost 655.2 near Tunnel Springs, Ala., including all sidings and the MR Junction Spur between valuation stations 0+00 and 90+81 in Escambia, Conecuh, and Monroe Counties, Ala. (the Line). Notice of the exemption was served and published in the Federal Register on April 18, 2019 (84 Fed. Reg. 16,310). The exemption became effective on May 18, 2019.

By decision served on May 17, 2019, the Board imposed several conditions, including a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 30618, which requires ALAB to: (1) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 has been completed; (2) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Alabama Historical Commission (the Alabama State Historic Preservation Office, or SHPO) and the public; and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of track and ties) until the Section 106 process has been completed and the Board has removed this condition.

In a Supplemental Final Environmental Assessment (EA) dated August 16, 2019, OEA states that the SHPO indicated that project activities would have no effect on any cultural resources listed on or eligible for the National Register provided all structures (bridges, raised beds, etc.) remain in place. The SHPO further stated that, should artifacts or archaeological features be encountered during salvage activities, work should cease, and the SHPO should be consulted immediately. Therefore, OEA states that the Board has satisfied its responsibilities under Section 106 of the NHPA. Accordingly, OEA recommends that the Board reopen the proceeding, remove the Section 106 condition imposed on May 17, 2019, and impose the following new condition to address the SHPO's concerns about artifacts and archeological features in the project area: in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during ALAB's salvage activities, ALAB shall immediately cease all work and notify OEA, interested Federally recognized tribes,

and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested Federally recognized tribes, ALAB, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

Based on OEA's recommendation, this proceeding will be reopened, the previously imposed Section 106 historic preservation condition will be removed, and the newly recommended condition concerning unanticipated discoveries will be imposed. The salvage-related condition imposed in the May 17, 2019 decision remains in effect.

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

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the May 17, 2019 decision is removed. Further, ALAB's exemption is subject to the additional condition that, in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during ALAB's salvage activities, ALAB shall immediately cease all work and notify OEA, interested Federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested Federally recognized tribes, ALAB, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
3. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.