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OEA

SERVICE DATE – NOVEMBER 15, 2011

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub-No. 713X)

**CSX Transportation, Inc., —Abandonment Exemption—
in Monroe County, Ala.**

BACKGROUND

On July 29, 2011, CSX Transportation, Inc. (CSX), filed a notice under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 for CSX to abandon 1.5 miles of rail line on its Southern Alabama Subdivision between milepost 0RA 676.27 to milepost 0RA 677.79, at the end of the track, in Hybart, Monroe County, AL (Line). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to CSX, no rail traffic has moved over the Line in more than 2 years and all overhead traffic has been rerouted. If the abandonment is approved, CSX states that it would salvage the Line. Salvage would consist of the removal of rail, crossties, and possibly the upper layer of the ballast. CSX does not intend to disturb any of the sub-grade structures.

DESCRIPTION OF THE RAIL LINE

The topography surrounding the Line is generally flat and located with a rural area adjacent to County Road 56. The width of the right-of-way varies from between 50 to 100 feet. The Line contains no structures that are 50 years old or older. If the Surface Transportation Board (Board) should approve this abandonment, CSX would salvage the track materials and possibly the upper layer of ballast.

CSX states that the right-of-way may not be suitable for other public purposes because it may be subject to reversionary interests that may affect transfer of title for other than rail purposes. The Line does not contain any federally granted rights-of-way and traverses United States Postal Service Zip Code 36481.

ENVIRONMENTAL REVIEW

CSX submitted an Environmental Report that concludes that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSX served the Environmental 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 The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As stated above, CSX states that no traffic has moved over the Line in more than 2 years and therefore, if approved there would be no impact on existing regional or local transportation systems or patterns. CSX also notes that there would be no effect on the movement and/or recovery of energy resources, recyclable commodities, or change in overall energy efficiency.

Salvage Activities

As stated above, if the Board should approve the proposed abandonment, CSX would salvage the track materials. Salvage would occur as follows:

The salvage process would be accomplished by use of right-of-way access, along with existing public and private crossings and no new access roads are contemplated. CSX does not intend to disturb any of the underlying roadbed and does not anticipate any dredging or use of fill in the removal of the track material.

The crossties and/or other debris would be transported away from the Line and would not be discarded along the right-of-way, not be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures would be implemented to prevent or controls spills from fuels, lubricants or any other materials from entering any watercourses.

Comments

CSX believes that the abandonment is not inconsistent with local land use plans. CSX also states that, although there may be some prime farmland in the vicinity, salvage activities would be limited to the rail right-of-way and would not affect lands outside the rail right-of-way.

The Alabama Department of Transportation (AL-DOT) states that it has no objection to the proposed abandonment. But if the abandonment is approved, AL-DOT requests that the crossing at Milepost A677.28 be either paved or the track removed and the crossbuck be taken down. Accordingly, we will recommend a condition requiring the CSX to consult with AL-DOT

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 713X).

regarding salvaging and abandonment procedures prior to commencement of any salvage activities.

CSX states in its Environmental Report that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the right-of-way. In addition, the Line is not located within any wildlife sanctuaries or refuges, National or State parks or forests.

Although CSX states that does not intend to undertake any action that would be inconsistent with federal, state, and/or local water quality standards, it would obtain any required permits or applications as well as comply with conditions or procedures required by regulatory agencies.

In an email dated October 28, 2011, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that there is 1 geodetic survey marker located in the area of the proposed abandonment. OEA will recommend that CSX consult with the NGS prior to the commencement of any salvage activities to allow for relocation of the affected survey marker.

Based on all information available to date, and if the Board imposes the recommended mitigation, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, CSX states that there are no CSX owned structures on the Line that are 50 years old or older that may be eligible for listing in the National Register. CSX states that it does not believe that the Line is associated with any event that has contributed to the broad patterns of history and that it does not appear to have any of the associations, distinctive characteristics, or represent any significant entity. CSX notes that any archaeological resources that may have been located in the area would likely have been disturbed during construction of the Line.

OEA's independent review of the history of the Line indicates that it was part of the Gulf, Florida and Alabama Railway Company (GFAR). The GFAR extended its rail line into the backwoods of Alabama and to an interchange with Southern Railway at Kimbrough, AL, sometime in late 1913 or early 1914. The GFAR constructed this section of the rail line to better access areas of prime timber, which would then be moved to its deep water port in Pensacola, FL. This section of the rail line was constructed to a very low standard, with the section between Broughton and Hybart, AL, having several 7 and 8 degree curves, some back to back with 0.8% grades. Several small towns, including Hybart, AL, began to spring up along the rail line, many of which were vital to providing timber to be used as lumber and sold in naval stores.

The railroad submitted an 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 (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating 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. OEA confirmed this information with the SHPO in a November 8, 2011 telephone call.

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, we have 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 EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database indicated that the following 2 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:

1. Eastern Band of Cherokee Indians of North Carolina
2. Muscogee (Creek) Nation, Oklahoma

Accordingly, OEA is sending a copy of this EA to these 2 tribes for review and comment.

CONDITIONS

We recommend that the following 2 conditions be imposed on any decision granting abandonment authority:

- 1. CSX Transportation, Inc., shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.**

² Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited November 7, 2011).

- 2. CSX Transportation, Inc., shall consult with Alabama Department of Transportation regarding salvaging and abandonment procedures prior to commencement of any salvage activities.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, that abandonment of the line will 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. CSX states that the only alternative to abandonment would be to pass the opportunity costs of retaining the Line to all of its other CSX customers, which CSX does not wish to do.

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 4-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 Federal Register notice.

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).

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

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 713X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: November 15, 2011.

Comment due date: November 30, 2011.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment