

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 310X)

**Norfolk Southern Railway Company – Abandonment Exemption – in Floyd and Polk
Counties, GA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR or railroad) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a line of railroad in Floyd and Polk counties, Georgia (GA). The rail line proposed for abandonment extends approximately 12.31 miles between Milepost 3.69-N and Milepost 16.00-N (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, NSR would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in a rural area of northwest GA. According to the railroad, there are fifteen bridges on the Line that are 50 years of age or older. All are timber bridges constructed between 1901 and 1930, and range from approximately 27 feet to 262 feet in length.

Service over the Line was discontinued in 1977 and the railroad has provided a verified statement indicating that no local or overhead traffic has moved on the Line for at least two years. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes. NSR is not aware of any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the
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Diversion of Traffic

Because there is no rail traffic on the Line, 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

Rail line salvaging activities typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

For the proposed abandonment, NSR stated that rail and track materials would be salvaged, and all bridges would be removed. NSR does not intend to appreciably remove or alter the contour of the roadbed underlying the Line, undertake any in-stream work, or dredge and/or use any fill materials during abandonment and salvage activities.

The cities of Cave Spring and Rome, and Floyd County consider the proposed abandonment as a potential opportunity to expand existing trail systems in the region.

The Natural Resources Conservation Service (NRCS) stated that prime and statewide important farmlands occur in the area, but proposed abandonment and salvaging activities would not result in any impacts to these resources. Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201).

The U.S. Fish and Wildlife Service - Athens Field Office (USFWS) stated that the proposed abandonment would not be expected to significantly affect fish and wildlife resources under its jurisdiction (USFWS Reference No. N6-09-60-FLOY).

The U.S. Environmental Protection Agency – Region 4 (USEPA) noted that a discharge permit under Section 402 of the Clean Water Act (33 U.S.C. 1342) would be required if abandonment and salvage activities disturb one acre or more of land. USEPA has delegated the authority to issue these permits to the GA Department of Natural Resources (GDNR) and GDNR makes the final determination on permit applicability. A copy of this EA has been provided to GDNR for review and comment.

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Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-290 (Sub-No. 310X).

The U.S. Army Corps of Engineers - Mobile District (USACOE) had not replied to the railroad's environmental report at the time this EA was prepared. Although it does not appear that the proposed abandonment would result in the placement of fill in any waters of the U.S. including wetlands, the railroad's environmental report was not clear that the abandonment would include the removal of nineteen bridges. Therefore, SEA recommends a condition that requires NSR to consult further with the USACOE on the need to obtain a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344). A copy of this EA has been provided to the USACOE for review and comment.

The National Geodetic Survey (NGS) has advised SEA that eleven geodetic station markers have been identified that could be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires NSR to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Georgia Historic Preservation Division (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In a January 27, 2009 reply, the SHPO stated that there are no archaeological resources listed in or eligible for listing in the National Register of Historic Places (National Register) that would be affected by the proposed abandonment. However, the SHPO concluded that the railroad corridor is eligible for listing in the National Register, and requested additional information pertaining to the nature of the abandonment including whether any bridges would be removed (SHPO Project Number HP-081230-004). Additional information was supplied to the SHPO in a March 20, 2009 letter from the GA Department of Transportation (GDOT). GDOT intends to construct a highway across a portion of the Line and has apparently been working cooperatively with NSR on the proposed abandonment. Based on this additional information, the SHPO concluded that no archaeological or historic structures that are listed in or eligible for listing in the National Register would be affected by the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 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 CFR 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>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the following four tribes as having connections to Floyd and Polk counties:

- Eastern Band of Cherokee Indians of North Carolina,
- Seminole Nation of Oklahoma,
- Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations, and
- Muscogee (Creek) Nation, Oklahoma.

A copy of this EA has been provided to each tribe for review and comment.

CONDITIONS

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. Prior to commencement of any salvage activities, Norfolk Southern Railway Company shall consult with the U.S. Army Corps of Engineers – Mobile District (USACOE) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of any USACOE permit.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions were 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 and no salvage activities), 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 CFR 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 the time specified in the Federal Register notice. 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-290 (Sub-No. 310X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: May 8, 2009.

Comment due date: May 22, 2009.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment