

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-204 (Sub-No. 2X) – Cape Fear Railways, Inc. –  
Abandonment Exemption – in Cumberland County, NC**

**BACKGROUND**

In this proceeding, Cape Fear Railways, Inc. (CF) has filed a notice of exemption under 49 C.F.R. 1152.50 seeking exemption from the requirements of 40 U.S.C. 10903 in connection with the abandonment of the Skibo-Fort Bragg Line which extends 4.9 miles from Skibo to the southern part of the Fort Bragg Line in Cumberland County, North Carolina (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice become effective, CF will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

CF 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, including salvage and disposition of the right-of-way. CF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

***Description of Rail Line***

According to CF, the Line extends from the southern end of the Fort Bragg Army Reservation to the town of Skibo. The Line is in an urban setting that closely parallels Route 24.<sup>1</sup> The Line right-of-way is generally 100 feet wide.

CF states that the Line was originally constructed by the Fayetteville Street Railway and Power Company in 1906. CF took over control of the Line in 1921 in order to serve Fort Bragg with aviation fuel, the primary commodity hauled. CF decided to stop service on the Line in

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<sup>1</sup> According to CF, many locations along the Line are currently paved over to provide access to local businesses situated along Route 24.

1984 due to concerns of transporting this highly flammable commodity in such close proximity to Route 24 with its growing retail development.

According to CF, no local traffic has moved over the Line for at least two years and no overhead traffic would be rerouted as a result of the proposed abandonment. Accordingly, 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 salvage and disposal activities 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.

CF has received correspondence from the Cumberland County Board of Commissioners indicating that the proposed abandonment would have no adverse impact on any of their land use or transportation plans.

In an August 22, 2007 letter to CF, the North Carolina Department of Transportation (NCDOT) stated that the proposed abandonment would facilitate its efforts to acquire land to widen Route 24. CF agrees that this action would result in the best use of the property and has negotiated with NCDOT for sale of the land following the proposed abandonment.

The Department of the Army has stated that it does not object to abandonment of the Line and will continue to be served by CF from a connection with CSXT.

The National Geodetic Survey has indicated that the area of the proposed abandonment may include approximately five geodetic station markers.

According to CF, the proposed abandonment would have no significant effect on public health or safety.

No response has been received from the U.S. Fish and Wildlife Service (USFWS) regarding the potential for the proposed abandonment to affect Federally listed endangered and threatened species.

According to CF, the rail line does not pass through any state wildlife sanctuaries, national parks or forests.

The U.S. Army Corps of Engineers (USACE) has not commented on the environmental report. However, impacts to wetlands and water resources under the jurisdiction of the USACE

are not anticipated because the rail line does not border any waterways. Moreover, CF does not intend to conduct any salvaging activities within streambeds or wetlands, or perform activities that could cause sedimentation.

The North Carolina Department of Environmental Protection and U.S. Environmental Protection Agency (EPA) have agreed that permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) would not be required for the proposed abandonment. However, EPA has requested that CF use best management practices during any salvage operations to address soil erosion control and any hazardous materials that may be discovered. EPA also suggests that the area of the proposed abandonment be seeded to blend in with the natural environment.

CF has stated that any noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Neither SEA nor CF has received comments from the USFWS or USAC regarding the proposed abandonment. Consequently, copies of the EA will be provided to these Federal agencies and appropriate local and state agencies for their review and comment.

## **HISTORIC REVIEW**

CF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].<sup>2</sup> CF served the report on the North Carolina Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c) and Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. In an August 27, 2007 letter to CF, the SHPO stated that the right-of-way of the proposed abandonment (the Area of Potential Affect) does not contain known historic properties that would be affected by the proposed abandonment. SEA has therefore determined that the undertaking would have **no effect on historic properties**.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Eastern Band of Cherokee Indians of North Carolina might have an interest in the proposed action. Consequently, SEA will ensure that the Tribe receives a copy of this EA for its review and comment.

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<sup>2</sup> The combined environmental and historic report for this proceeding can be viewed online by conducting a "Full Text Search" using the Docket Numbers for this proceeding, Docket No. AB-204 (Sub-No.2X), at <http://www.stb.dot.gov> under E-library/Filings.

## **CONDITIONS**

SEA recommends that the following environmental conditions be imposed on any decision granting abandonment authority:

1. Cape Fear Railways 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.
2. Cape Fear Railways Inc. shall consult with the U.S Environmental Protection Agency (EPA) to address its concerns regarding any hazardous materials that might be located along the right-of-way and the use of best management practices to control for soil erosion.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and with the imposition of the above conditions, abandonment service 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 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 10 days of publication of the notice 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 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, and Washington, DC 20423.

## **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this EA, send an **original and two copies** to the Surface Transportation Board, Case Control Unit, Washington, DC 20423-0001, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-204 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at 202-245-0293, fax at 202-245-1454, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: November 09, 2007.

Comment due date: **November 23, 2007.**

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

Vernon A. Williams  
Secretary

Attachment