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SERVICE DATE - SEPTEMBER 27, 2000

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-290 (SUB-NO.208X)

THE CINCINNATI NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY -
PETITION FOR EXEMPTION - BETWEEN CRAB ORCHARD AND ROCKWOOD IN
CUMBERLAND AND ROAN COUNTIES, TN.

BACKGROUND

In this proceeding, the Cincinnati New Orleans and Texas Pacific Railway Company (CNOTP) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of service of 15.4 miles of railroad line between railroad milepost 141.5-H at Crab Orchard, TN and railroad milepost 156.9-H at Rockwood, TN (the Crab Orchard Line), which traverses through United States Postal Code 37723, 37842 and 37854. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The line passes through mostly mountainous forest and a small residential and industrial area. There are twelve(12) bridges present along the right-of-way, each over 50 years old. There is one active shipper on the line, Franklin Industries that ships limestone.

ENVIRONMENTAL REVIEW

The CNOTP has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The CNOTP has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to

verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, National Geodetic Survey, U.S. Department of Agriculture, Tennessee Department of Environment and Conservation, Tennessee Historical Commission, National Park Service, State Planning Office and Cumberland County Administrator.

In its application CNOTP, indicates that the only shipper on the line, Franklin Industries, intends to buy the entire right-of-way and continue to use the track for its own account as a private industrial lead track.¹

CONDITIONS

We recommend the following environmental conditions be placed on any decision granting abandonment authority:

1. The Tennessee State Historic Preservation Office (SHPO) has not yet completed their review of the proposed abandonment. Therefore, we recommend, that NS further consult with the Tennessee SHPO, and retain its interest in and take no steps to alter the historic integrity of the line segment until completion of the Section 106 process of the National Historic Preservation Act, 16, U.S.C. 470f.
2. The U.S. Fish and Wildlife Service (US FWS) has not yet completed their review of the proposed NS rail line abandonment. Therefore, we recommend, that a condition be placed on any decision granting abandonment authority prohibiting NS from salvaging or disposing of the entire right-of-way until completion of the Section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition(s), we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

¹SEA is attaching to this EA, a copy of a letter from Nelson Severinghaus, Jr., President and CEO of Franklin Industries Inc. supporting this claim.

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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub No. 208X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1539.

Date made available to the public: September 26, 1999.
Comment due date: October 26, 2000 2000.

By the Board, Elaine K. Kaiser, Chief, Section of
Environmental Analysis.

Vernon A. Williams
Secretary

MAP AND ATTACHMENT TO BE SCANNED