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OEA

SERVICE DATE – AUGUST 8, 2014

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB-290 (Sub-No. 278X)**

**The Central of Georgia Railroad Company Abandonment Exemption and**

**AB-55 (Sub-No. 728X)**

**CSX Transportation Inc. Discontinuance of Operating Rights in the City of Montgomery,  
Montgomery County, Alabama**

**BACKGROUND**

In this proceeding, Central of Georgia Railroad Company (CGA), a subsidiary of Norfolk Southern Railway Company, and CSX Transportation, Inc. (CSX) jointly filed a notice of exemption and discontinuance of service exemption under 49 C.F.R. § 1152.50. CGA seeks exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad and any associated common carrier obligation in the city of Montgomery, Montgomery County, Alabama. CGA proposes to abandon approximately 2.12 miles of line within the city. CSX seeks to discontinue operating rights and to terminate common carrier obligation over approximately .55 miles of the same line. According to CGA and CSX, the line has been out of service for over two years with no freight or passenger service.

The rail line proposed for abandonment (CGA line) extends for a distance of 2.12 miles from Milepost H 411.50 to H 413.62. The portion for which CSX seeks discontinuance is between Milepost H 413.07 and H 413.62. Based on maps provided by CGA and CSX, the western terminus of the line is at or near the point where it passes beneath Interstate 65. The easternmost terminus is at or near the line's intersection with Highland Avenue. The right-of-way reported by CGA and CSX varies from 50-100 feet in width. Historically, the right-of-way may have been wider in some areas, especially where switchyards were located. The total project area or Area of Potential Effect (APE) equates to a maximum of roughly 25 acres of land. A Site Map is attached depicting the line.

The landscape of the 2.12 mile section of CGA line varies considerably. On the western end the line traverses a short stretch of urban and waterfront area. The northern end passes through a light industrial zone and a large cemetery (Oakwood Cemetery). The landscape in the eastern and southeastern section of right-of-way is below grade and is heavily vegetated, creating a narrow linear stretch of wooded area. Land use in this area includes light industry, athletic facilities, and residential neighborhoods. Despite its route through an urban area, the line

segment proposed for abandonment crosses local roads in only four locations. Four roads bridge the line.

## **ENVIRONMENTAL REVIEW**

In accordance with the Surface Transportation Board's (Board) Environmental Rules (49 CFR 1105), CGA and CSX submitted to the Board a combined Environmental and Historic Report, in which CGA and CSX conclude that the quality of the human environment will not be significantly affected as a result of the proposed abandonment and discontinuance. CGA and CSX served the report on a number of appropriate federal, state, and local agencies as required by 49 C.F.R. § 1105.7(b).<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Proposed Salvage Activities***

If abandonment authority is granted in this proceeding, CGA may proceed with salvage of materials. Salvage will include removal of rails and ties. Steel will be reused or sold as scrap, while ties will be reused or disposed. CGA reports that ballast will not be removed. The contour of the roadbed will be left in its existing condition with only smoothing of the bed surface. Other than surface smoothing, CGA reports that no ground disturbance will be involved in the salvage. Three bridges will be removed. Existing access points to the right-of-way will be used and no new access roads will be required for salvage. There will be no dredging or use of fill material.

### ***Transportation System***

According to CGA and CSX, no local or overhead traffic has moved over the line for more than two years, hence no significant rail-to-truck diversions are expected. Since no existing or future shipping would be diverted from the line, the proposed abandonment and discontinuance would not adversely affect existing regional or local transportation systems or patterns.

### ***Energy***

As no change in shipping would result from the abandonment, no effect is foreseen on the development, use and transportation of energy resources or recyclable commodities or transportation of ozone-depleting materials. The abandonment will not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-290 (Sub-No. 278X) or AB-55 (Sub-No. 728X).

## ***Water Resources***

The following hydrological conditions characterize the area of the CGA line. Most of the line is located within the Jackson Lake watershed, adjacent to the Alabama River.<sup>2</sup> The line does not pass over any mapped streams nor mapped wetlands or water bodies.<sup>3</sup> Approximately half of a mile of the western portion of the line proposed for abandonment is located within the 100-year flood plain.<sup>4</sup>

Based on information provided by CGA and CSX, the proposed abandonment is unlikely to affect water resources. Three small bridges located along the line cross low elevation areas. The bridges range from 8.7 feet to 31.3 feet in length. At least two bridges feature timber open deck construction on low concrete piers or parapets and another includes a concrete deck. One is a single span and others have two spans. While salvage will include removal of these bridges, CGA and CSX indicate that no impacts to water resources will result since all bridge material will be removed from the area. No effects are anticipated on the floodplain as no alteration of the rail bed will result from abandonment or salvage. No discharge or erosion of sediment or fill is anticipated, as no ground disturbance below grade is necessary.

CGA and CSX consulted with the U.S. Army Corps of Engineers, Mobile District, to determine if a permit under Section 404 of the Clean Water Act is required for the proposed abandonment and discontinuance. The Corps responded that no permit by their agency is required. CGA and CSX also consulted with the U.S. Environmental Protection Agency, Region 4 (Atlanta [EPA]) and the Alabama Department of Environmental Management (DEM) to determine if a permit under Section 402 of the Clean Water Act is required. The EPA was unable to comment and deferred to the state DEM. No comment was received from DEM. CGA and CSX indicate that measures will be implemented to prevent and/or control spills or pollutants entering surrounding waterways. A condition is recommended below to ensure that DEM comment is received to confirm the lack of need for a Section 402 permit.

## ***Land Use***

Abandonment of the CGA line will be consistent with existing or future land use adjacent to the right-of-way. CGA and CSX consulted with the city of Montgomery and federal agencies to help assess land use impacts. Norfolk Southern Railway Company, parent company of CGA, maintains fee and easement title to the right-of-way, which may be consistent with a future alternative public use.

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<sup>2</sup> U.S. Environmental Protection Agency (<http://nepassisttool.epa.gov/>).

<sup>3</sup> 1958 Montgomery North, Ala. USGS 6.5 minute quadrangle; U.S. Environmental Protection Agency (<http://nepassisttool.epa.gov/>).

<sup>4</sup> U.S. Environmental Protection Agency (<http://nepassisttool.epa.gov/>).

In response to notification of the proposed abandonment and discontinuance, the city of Montgomery returned comments and information, noting its full support. The abandonment would be consistent with multiple land use plans developed by the city, including multiple neighborhood plans adopted between 2007-2011. These plans incorporate future use of a portion of the right-of-way as a pedestrian and bicycle trail. The Montgomery Metropolitan Planning Organization (MPO), a regional planning authority, has also developed a long-range transportation plan that incorporates part of the CGA line as a rails-to-trails project. Another long-range plan prepared by the MPO features a potential high-speed intercity passenger rail project that would utilize a short section of the CGA line in the vicinity of the Montgomery Union Station Trainshed.

In addition to notifying the city of Montgomery, CGA notified the National Geodetic Survey (NGS), to determine if any geodetic survey markers may be affected by the abandonment. The NGS, which maintains the National Spatial Reference System, responded with a finding that approximately three markers may be located in the proposed abandonment area. OEA is recommending a consultation condition for CGA to consult with the NGS prior to conducting salvage activities in order to determine if any markers may be disturbed or destroyed.

CGA also notified the Natural Resources Conservation Service (NRCS) to determine potential for the abandonment to affect prime agricultural land. The NRCS analyzed the soils in the area of the proposed abandonment and found that the line, located in city corporate limits, does not contain prime farmland. The NRCS noted that no adverse environmental impacts to soil would result from the abandonment and discontinuance.

### ***Biological Resources***

Though some threatened or endangered species occur in the general area of Montgomery County, the project is not likely to adversely affect biological resources. The U.S. Fish and Wildlife Service (USFWS), Alabama Ecological Service Field Office, identifies three federally listed endangered or threatened species as occurring in Montgomery County.<sup>5</sup> The threatened Wood stork (*Mycteria Americana*) is a large wading bird found in the Southeastern United States. Two clam species are endangered (Choctaw bean, *Villosa choctawensis* and the Southern clubshell, *Pleurobema decisum*) in the area and another (Narrow pigtoe, *Fusconaia escambia*) is threatened. The Choctaw Bean and Narrow pigtoe occur primarily in Florida and Alabama, while the Southern clubshell occurs mainly in Alabama. No critical habitat exists in Montgomery County. The CGA line does not pass through federal or state wildlife sanctuaries, refuges, parks or forests. No threatened or endangered species will be affected by the proposed abandonment, as the right-of-way includes no suitable habitat. CGA and CSX consulted with the USFWS, who responded with a finding of no concerns with the project.

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<sup>5</sup> <http://www.fws.gov/daphne/es/specieslst.html>

## *Air Quality and Noise*

The proposed abandonment would have no significant effect on air quality in the Montgomery area, which CGA and CSX note is in attainment for National Ambient Air Quality Standard pollutants. Abandonment and discontinuance would not result in noise that would affect significant receptors such as public facilities and private residences. As no future traffic on the line will occur, emissions and noise will only result from temporary salvage activity.

## *Safety and Hazardous Waste*

The proposed abandonment is unlikely to significantly affect public health and safety. With no future use of the CGA line, the proposed abandonment will pose no significant safety risk from rail traffic, including vehicle delay time at railroad grade crossings. CGA expects no transportation of hazardous materials or chemicals in association with or resulting from the abandonment. CGA reports no known hazardous waste sites on the right-of-way. CGA reports that crossties are subject to reuse and any disposal will follow state laws and regulations.<sup>6</sup>

CGA consulted the Region 4, EPA and the Alabama DEM (see water resources). The EPA was unable to comment and deferred to the state DEM. No comment was received from DEM. Both of these agencies regulate hazardous waste disposal.

## **HISTORIC REVIEW**

To facilitate compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR 800, CGA and CSX served a Historic Report on the State Historic Preservation Officer, Alabama Historical Commission (SHPO), pursuant to 49 C.F.R. § 1105.8(c). As noted above, the APE for this undertaking consists of the 2.12-mile rail right-of-way, which varies from 50-100 feet in width, resulting in a total maximum area of approximately 25 acres. Section 106 of the NHPA requires consideration of the potential for a federally approved project to impact historic properties that are eligible for or listed on the National Register of Historic Places (NRHP).

Like many railroads, the CGA line has a long history. According to CGA's and CSX's Historic Report, the line began as a portion of the Montgomery and Eufaula Railroad, which finished the line ca. 1870. Nine years later, the Central Railroad and Banking Company acquired the line and then reorganized as the Central of Georgia Railway in 1895. In 1963, Southern Railway acquired the Central of Georgia Railway and combined with two others to form the

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<sup>6</sup> Creosote-treated wood is generally not considered a regulated hazardous waste based on an exemption promulgated by the U.S. EPA in 1980 in 40 CFR 261.4(b)(9) (U.S. EPA Reregistration Eligibility Decision for Creosote [Case 0139]). The EPA recommends however, that disposal as well as other activities, including burning and mulching of creosote-treated wood follow any regulations or guidelines developed by state or local governments

Central of Georgia Railroad Company. In 1982, Norfolk Southern Corporation assumed control of the Southern Railway Company and Norfolk and Western Railway Company. The CGA line was abandoned in 1985 and four years later so too was the line between Union Springs and Eufaula, Alabama.

In their Historic Report, CGA and CSX indicate that the line is not eligible for the NRHP. This includes the three bridges within the right-of-way with construction dates ranging from 1909-1926. While the line may be generally associated with important trends in 19<sup>th</sup> century development of transportation networks that stimulated and helped sustain local and regional economies, it lacks any specific and unique design character or association with a person or event that would distinguish it from common rail lines throughout the state and region. The bridge structures are simple, utilitarian elements of the line, built well after the line's original development. The STB believes that the line does not meet the criteria for listing on the NRHP. Consultation with the SHPO corroborates this finding. The SHPO returned comments to CGA and CSX stating that the project will have no effect on any cultural resources listed on or eligible for the National Register.

While the line is not considered a historic property, the National Park Service lists an adjacent historic passenger station as a National Historic Landmark (NHL). The Montgomery Union Station and Trainshed was listed as a NHL in 1976.<sup>7</sup> The Louisville and Nashville Railroad constructed the massive and elaborate station of the Romanesque style in 1898 to accommodate passenger traffic that had grown to 44 trains per day in 1894. The three-story building features a three-story central block with two-story wings, arches with stained glass and terra cotta detail and balconies with carved oak railings. Behind the building, a 600 foot long elaborate shed of iron steel and timber trusses with an original slate roof provided shelter for passengers boarding and alighting trains. The shed is significant for the incorporation of bridge-building techniques.

The CGA line was part of the rail line that once served the historic Montgomery Union Station and Trainshed. The rail right-of-way runs along the north/northwest side of the station, along the south bank of the Alabama River. The alignment of the railroad bed would not be affected by the proposed abandonment. While the tracks, ties and ballast would be removed, the setting of the historic station would remain intact as it will include the original rail bed atop the adjacent riverbank.

Regarding any potential for the abandonment and salvage operations to affect archaeological sites, CGA and CSX report that that the proposed salvage will only affect surface deposits that were introduced or altered with rail line construction, forming the extant rail grade. Salvage operations will not extend deeper than the depth of any previous disturbance. Hence

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<sup>7</sup> Zambala, Dennis M., Historic American Engineering Record, National Register of Historic Places Nomination Form, 1976; National Historic Landmarks Program (73000368), <http://tps.cr.nps.gov/nhl>.

there is no potential to affect intact archaeological deposits.

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, OEA has determined that approval of the abandonment and discontinuance will have no adverse effect on historic properties. This finding is based on CGA's consultation with the SHPO, the absence of historic properties in the right-of-way, the absence of any effect to the setting of the Montgomery Union Station, and the minimal potential to affect archaeological sites.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Native American Graves Protection and Repatriation Act Online Native American Consultation Database and the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, to identify federally-recognized tribes that may have ancestral connections to the land now part of Montgomery County, Alabama.<sup>8</sup> The search indicated that the Muscogee Creek Nation, Oklahoma may have interest in the project area. A copy of this EA will be provided to the Muscogee Creek Nation to ensure they have an opportunity to review and comment on the proposed abandonment and the OEA's analysis of environmental impacts.

## **CONDITIONS**

The OEA recommends that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to the commencement of any salvage activities, CGA and/or CSX shall consult with the Alabama Department of Environmental Management to confirm that the project is consistent with state and local water quality standards and that no permits under Section 402 of the Clean Water Act are required.
2. Prior to commencement of any salvage activities, CGA and/or CSX shall consult with the National Geodetic Survey (NGS). CGA and/or CSX shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic survey markers in order to plan for the possible relocation of the survey markers by NGS.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, CGA's abandonment of and CSX's discontinuance of carrier obligation along the portion of the CGA line between Milepost H 411.50 and Milepost H 413.62 in the city of Montgomery, Montgomery County, Alabama, will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

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<sup>8</sup> U.S. National NAGPRA Program (<http://grants.cr.nps.gov/nacd/index.cfm>); U.S. Department of Housing and Urban Development (<http://egis.hud.gov/tdat/Tribal.aspx>).

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 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 an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of **Jeff Irwin**, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 278X) and/or AB 55 (Sub-No. 728X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Jeff Irwin, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at [Jeffrey.Irwin@stb.dot.gov](mailto:Jeffrey.Irwin@stb.dot.gov).

Date made available to the public: August 8, 2014.

**Comment due date: August 22, 2014.**

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

Attachment