

# Final Environmental Assessment

**Docket No. FD 35756  
Hartwell Railroad Company**

**Construction of Connecting Track Exemption  
in Elbert County, Ga.**

**Lead Agency:**

Surface Transportation Board,  
Office of Environmental Analysis  
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**SURFACE TRANSPORTATION BOARD**  
*Washington, DC 20423*

*Office of Environmental Analysis*

October 3, 2014

Re: Docket No. FD 35756, Hartwell Railroad Company—Construction of Connecting Track Exemption— in Elbert County, Ga.; Issuance of Final Environmental Assessment

Dear Reader:

The Surface Transportation Board's Office of Environmental Analysis (OEA) is pleased to provide you with a copy of the Final Environmental Assessment (EA) for the proposal by Hartwell Railroad Company (Hartwell) to construct approximately 1,360 feet of track that would connect Hartwell's existing Toccoa-Elberton Line and CSX Transportation's, Inc. (CSXT) existing Abbeville Subdivision in Elbert County, Georgia. The proposed rail line would re-establish a prior rail connection formerly owned by the Norfolk Southern Railway Company (NSR) that was abandoned by NSR in 1995. Since then, Hartwell has interchanged its traffic with NSR at the other end of its line (some 40-miles northwest of the Proposed Action) in order to access the mainlines of CSXT approximately 60 miles to the northeast and about 37 miles to the southwest.

In describing Hartwell's Proposed Action in the Draft EA, we explained that the proposed rail line construction would permit Hartwell to reach points served by CSXT that NSR does not serve and eliminate the inefficiency that would otherwise involve three carriers (Hartwell-NSR-CSXT) instead of two (Hartwell-CSXT) to reach points served solely by CSXT. Hartwell expects to handle up to one train per day in each direction over the new connection with CSXT.

On July 1, 2014, OEA issued the Draft EA in this case and asked for your comments on all aspects of the environmental review. The 30-day comment period ended on July 31, 2014 and we received one comment on Hartwell's request. The U.S. Environmental Protection Agency (USEPA) Region 4, commented that it supports the proposed mitigation measures that require Hartwell to use best management practices during construction to protect water quality.

The Draft EA preliminarily concluded that the Proposed Action would adversely affect one environmental resource area, that of historic resources. The Georgia Department of Natural Resources' Historic Preservation Division (State Historic Preservation Office or SHPO)

identified the former Century Granite Company site, which includes several buildings, as eligible for listing on the National Register of Historic Places (National Register). Because the Proposed Action would have an adverse effect on these resources, OEA, in consultation with the SHPO and Hartwell, developed a Memorandum of Agreement (MOA) to mitigate the adverse effect. The MOA has since been fully executed by the parties and submitted to the Advisory Council on Historic Preservation. The Board has satisfied its Section 106 responsibilities under the National Historic Preservation Act.

The Board will now consider the complete environmental record, including the Draft EA, all comments we received, including those made during project scoping, and the Final EA in making its final decision whether to approve the proposed rail line construction proposed by Hartwell. If the Board should approve the construction proposal, it will also determine what, if any, environmental mitigation to impose.

If you have questions or need clarification, please call Diana Wood at (202) 245-0302. You may email Ms. Wood at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Sincerely,



Victoria Rutson  
Director

## **SUMMARY OF MAJOR CONCLUSIONS IN THIS FINAL ENVIRONMENTAL ASSESSMENT**

The Office of Environmental Analysis (OEA) has concluded its review of the potential beneficial and adverse environmental impacts that could result from the Proposed Action, a construction of approximately 1,360 feet of rail line just outside the corporate limits of the City of Elberton in Elbert County, Georgia that would reconnect Hartwell Railroad Company's (Hartwell) existing Toccoa-Elberton Line with CSX Transportation's, Inc. (CSXT) existing Abbeville Subdivision. OEA has reviewed and considered the comments submitted during project scoping and the 30-day comment period on the Draft EA, and has reached the following major conclusions based on its own independent environmental analysis:

- The Proposed Action would allow Hartwell to interchange its traffic with CSXT at Elberton. In 1995, Hartwell acquired the Toccoa-Elberton Line or Line – an approximately 48.3-mile railroad line between Toccoa and Elberton in Elbert, Franklin, Hart, and Stephens Counties, GA – from the Norfolk Southern Railroad Company (NSR). The acquisition allowed Hartwell to directly interchange its traffic with NSR at Toccoa on the west end of the Line, and to indirectly interchange its traffic with CSXT's Abbeville Subdivision on the east end of the Line at Elberton using an approximately 1.9-mile portion of the Toccoa-Elberton Line that was retained by NSR. NSR subsequently abandoned the 1.9-mile segment of rail line and salvaged the right-of-way. The abandonment severed Hartwell's ability to interchange with CSXT at Elberton and required it to interchange its traffic with NSR at Toccoa, where access to CSXT is approximately 60 miles to the northeast and about 37 miles to the southwest eastern connection.
- The Proposed Action would eliminate the inefficiency that would otherwise involve three carriers (Hartwell-NSR-CSXT) instead of two (Hartwell-CSXT) to reach points served by CSXT. Hartwell contends that the Proposed Action would permit it to reach points served by CSXT that NSR does not serve. Hartwell would then be able to offer competitive and more efficient transportation alternatives to existing and future shippers.
- Hartwell expects to handle up to one train per day in each direction over the new connection with CSXT. The types of commodities anticipated to be transported by Hartwell over its proposed rail line include, but are not limited to: grain, soybean meal, dried distiller grains, potash, limestone, steel, plastic, wood chips, lumber, propane, granite rock, canola, canola oil, and manufactured goods (i.e., Caterpillar tractors).
- The area is surrounded by industrial land uses that support the granite industry in both granite processing and tool supply, as well as several rail and highway transportation corridors that provide access to and from the local business network. The Proposed Action includes the demolition of several abandoned industrial buildings on land owned by Hartwell at the former Century Granite Company and the installation of a second set of tracks at the existing at-grade West Tate Street Extended crossing.

- Construction of the proposed rail line would adversely affect historic properties within the area of potential effects at the former Century Granite Company that are eligible for listing on the National Register of Historic Places. To mitigate these potential effects, OEA, in coordination with the Georgia State Historic Preservation Office and Hartwell, prepared a Memorandum of Agreement that satisfies the requirements of Section 106 of the National Historic Preservation Act.
- OEA's analysis of the Proposed Action indicates that there would be no significant impacts to transportation systems, land use, energy, air quality, noise, safety, biological resources, surface or groundwater resources, and minority or low-income populations based on review of the existing demographic data for the region and site reconnaissance.
- Hartwell and CSXT have agreed to enter into an interchange agreement. CSXT would move approximately 2,393 linear feet of track to better accommodate the proposed new connection with Hartwell. Construction would occur in CSXT's existing right-of-way and would entail moving less than half a mile of existing line approximately five feet. CSXT's proposed rail line modification is not subject to Board authorization. Because the Proposed Action would occur but for CSXT's realignment of the curve, the EA assesses it as a connected action. This realignment would have no significant impact on the human and natural environment.
- Based on the information provided from all sources to date and its independent analysis, OEA concludes that construction and operation of Hartwell's proposed rail line would have no significant environmental impacts if the Board imposes and Hartwell implements the final recommended mitigation measures set forth in this Final EA. Therefore, an environmental impact statement process is unnecessary in this proceeding.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

<b>Board</b>	Surface Transportation Board
<b>BOC</b>	Board of Commissioners
<b>C.F.R.</b>	Code of Federal Regulations
<b>CO</b>	Carbon Monoxide
<b>CSXT</b>	CSX Transportation, Inc.
<b>DNR</b>	Department of Natural Resources
<b>EA</b>	Environmental Assessment
<b>FHWA</b>	Federal Highway Administration
<b>Hartwell</b>	Hartwell Railroad Company
<b>HC</b>	Hydrocarbons
<b>MOA</b>	Memorandum of Agreement
<b>NEPA</b>	National Environmental Policy Act of 1969
<b>NHPA</b>	National Historic Preservation Act of 1966
<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>NSR</b>	Norfolk Southern Railway Company
<b>OEA</b>	Office of Environmental Analysis
<b>PM</b>	Particulate Matter
<b>SHPO</b>	State Historic Preservation Office
<b>U.S.C.</b>	United States Code
<b>USEPA</b>	U.S. Environmental Protection Agency

## EXECUTIVE SUMMARY

### INTRODUCTION

On May 27, 2014, the Hartwell Railroad Company (Hartwell)<sup>1</sup> filed a verified notice of exemption with the Surface Transportation Board (Board), from the prior approval requirements of 49 U.S.C. § 10901 and pursuant to the class exemption at 49 C.F.R § 1150.36. Hartwell proposes to construct approximately 1,360 feet of track (i.e., the Proposed Action) that would connect the existing active lines of Hartwell and CSX Transportation, Inc. (CSXT) in Elberton, Elbert County, Georgia, on land within existing rail right-of-way owned either by Hartwell or CSXT (see Figure ES-1 and Figure ES-2).

The Board's Office of Environmental Analysis (OEA) prepared a Draft Environmental Assessment (EA) to meet the Board's obligations under the National Environmental Policy Act (NEPA). The Draft EA identified and evaluated the potential direct, indirect, and cumulative environmental impacts of the Proposed Action. The Draft EA was made available to agencies, the public, and interested parties on July 1, 2014, for a 30-day public comment period. OEA received one comment on the Draft EA.

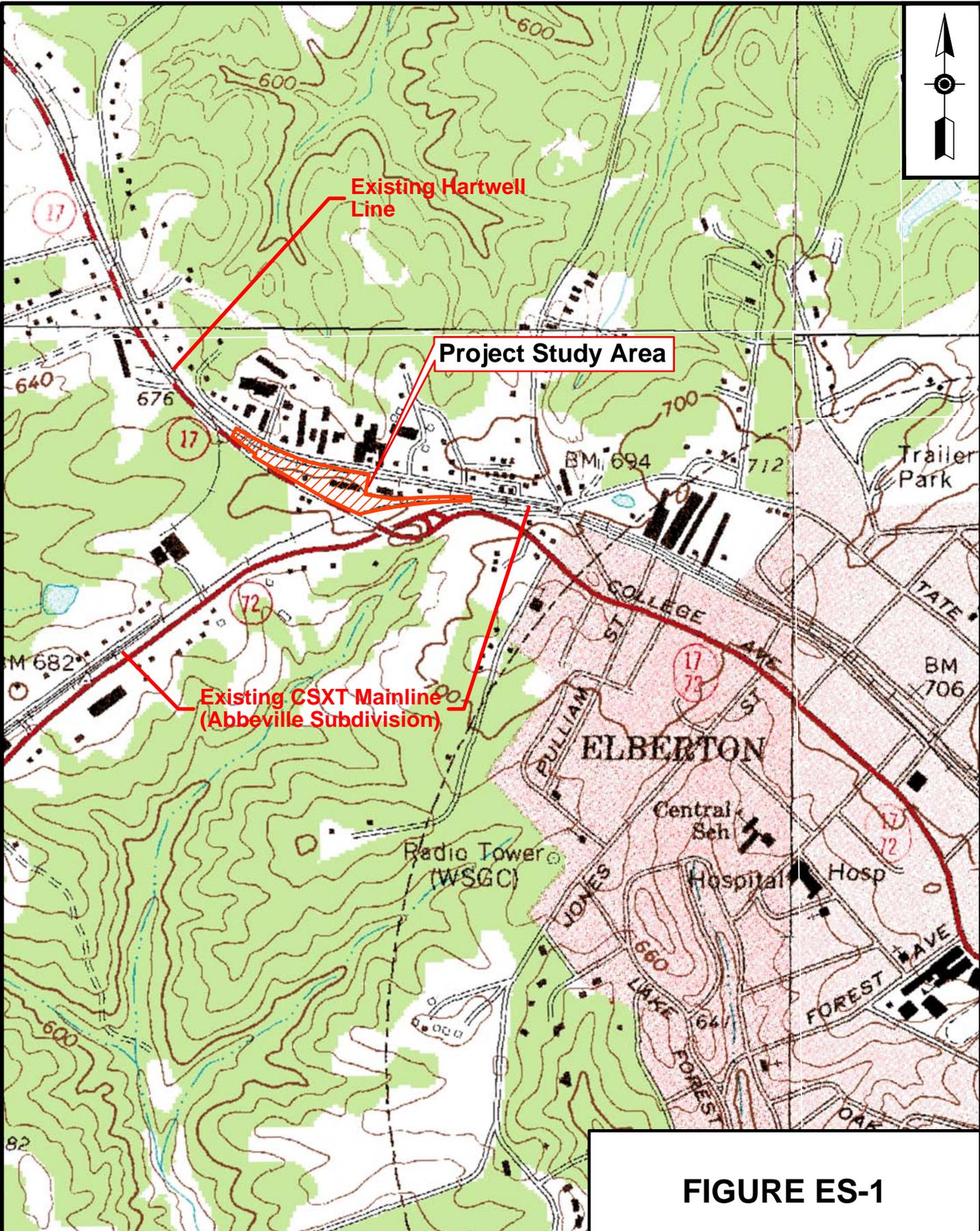
OEA is issuing this Final EA in response to the comment received on the Draft EA and to make final environmental recommendations. The Board will consider the entire environmental record, comprising the Draft EA, the Final EA, public and agency comments submitted on the Draft EA, and OEA's environmental recommendations in making its final decision on Hartwell's proposal to construct 1,360 feet of additional track. The Board will decide whether to approve, approve with conditions (which could include conditions designed to mitigate environmental impacts), or deny the Proposed Action.

### PURPOSE AND NEED

Hartwell has stated in its verified notice that the Proposed Action would re-establish a direct interchange between Hartwell's existing Toccoa-Elberton Line and CSXT's existing Abbeville Subdivision. The purpose and need for this proposed project is based on the current lack of direct connectivity between Hartwell's existing Toccoa-Elberton Line and CSXT's Abbeville Subdivision in Elberton, Georgia. Hartwell claims that the proposed project is needed in order to promote transportation efficiency and provide competitive transportation alternatives, which would benefit Hartwell's existing and future customers.

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<sup>1</sup> Hartwell is a Class III short line railroad operating out of Bowersville, Georgia. Hartwell operates over a former Norfolk Southern Railway Company (NSR) light-density line that extends from an interchange with NSR at Toccoa, through Lavonia and Royston, to Elberton, Georgia. The Hartwell Railroad Company is majority-owned and controlled by Bennie Ray Anderson, SR.

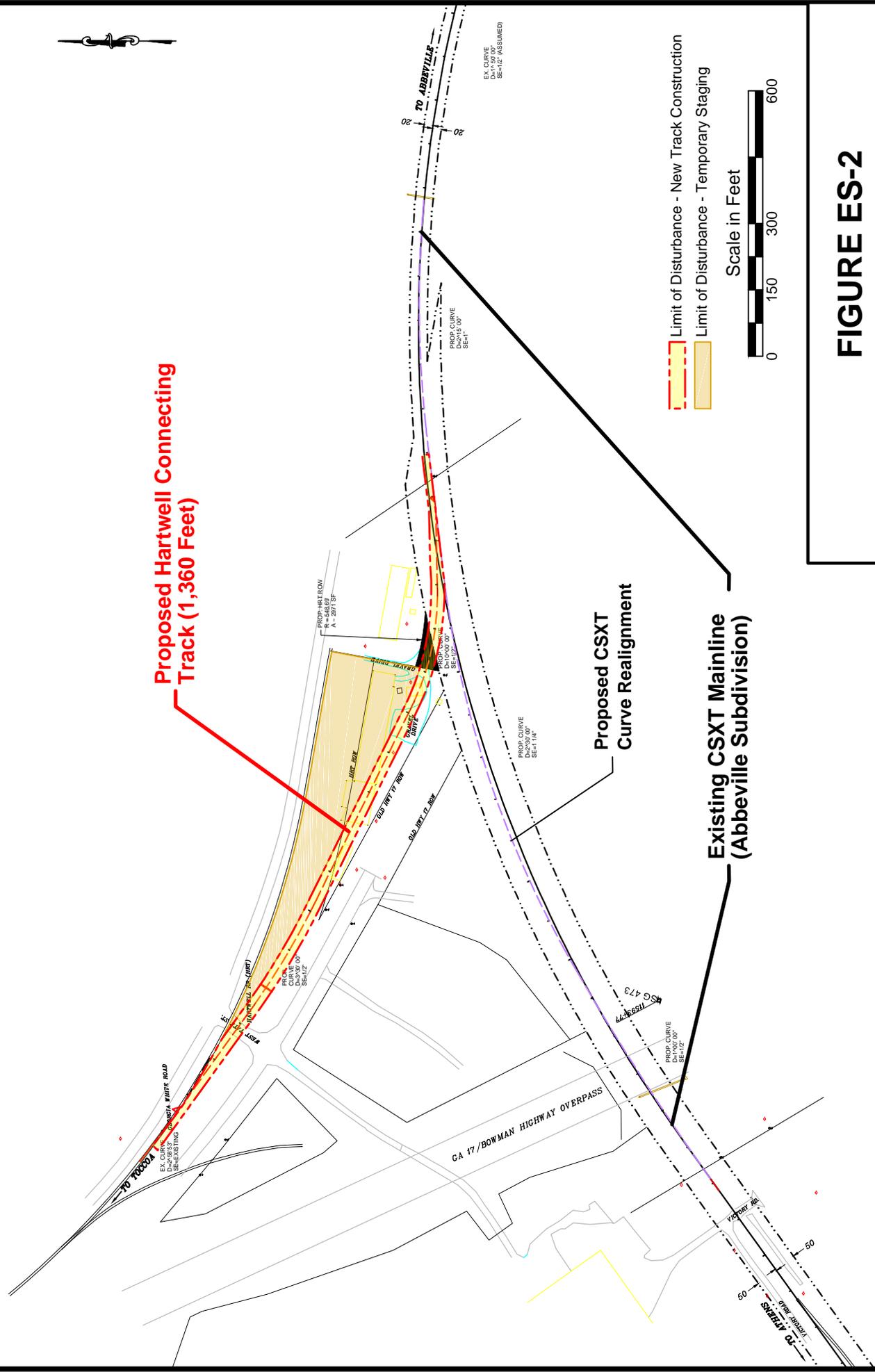


**FIGURE ES-1**  
**PROJECT LOCATION**

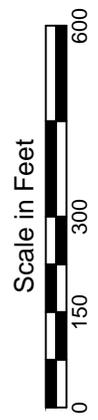
Source:  
USGS 7.5' Quadrangles - Dewy Rose, Rock Branch,  
Elberton West and Elberton East, Georgia



**Proposed Hartwell Connecting Track (1,360 Feet)**



Limit of Disturbance - New Track Construction  
 Limit of Disturbance - Temporary Staging



**Proposed CSXT Curve Realignment**

**Existing CSXT Mainline (Abbeville Subdivision)**

# FIGURE ES-2 HARTWELL/CSXT INTERCHANGE ENGINEERING DESIGN PLAN

  
 HDR ENGINEERING, INC.  
 1000 PHOENIX AVENUE, SUITE 400  
 ATLANTA, GEORGIA 30309-4003  
 (404) 850-5152



ENGINEERING DEPARTMENT  
 JACKSONVILLE, FLORIDA

## **PROPOSED ACTION**

The Proposed Action involves the construction of approximately 1,360 feet of rail line just outside the corporate limits of the City of Elberton in Elbert County, Georgia to provide a direct connection between Hartwell's existing Toccoa-Elberton Line and CSXT's existing Abbeville Subdivision (see Figure ES-2). The proposed rail line construction also involves the demolition of several abandoned industrial buildings on property owned by Hartwell at the former Century Granite Company and the installation of a second set of tracks at the existing West Tate Street Extended grade crossing. The types of commodities anticipated to be transported by Hartwell over its proposed rail line include, but are not limited to: grain, soybean meal, dried distiller grains, potash, limestone, steel, plastic, wood chips, lumber, propane, granite rock, canola, canola oil, and manufactured goods (i.e., Caterpillar tractors).

## **ALTERNATIVES CONSIDERED**

As part of its analysis, OEA considered the environmental impacts of the Proposed Action and the No-Build Alternative. The Proposed Action involves the construction of approximately 1,360 feet of rail line on land owned by either Hartwell or CSXT. The No-Build Alternative would involve taking no action; Hartwell would not construct its proposed connection to the CSXT Abbeville Subdivision, and its existing Toccoa-Elberton Line would continue to terminate at a dead-end stub several hundred feet east of the West Tate Street Extended grade crossing.

## **PUBLIC OUTREACH**

Hartwell conducted early outreach and consultation with various local agencies, officials, and interested parties. Hartwell received feedback from many stakeholders in Elbert and Franklin Counties, as well as existing shippers serving the project area and those with future interests. The Elbert County Board of Commissioners (BOC) passed a resolution in support of the project.

In addition, OEA initiated early consultation with various federal, state, and local agencies and jurisdictions that might have an interest or regulatory oversight role in the project. The Georgia Department of Natural Resources' (DNR) Historic Preservation Division (State Historic Preservation Office or SHPO) identified the former Century Granite Company site as being eligible for listing on the National Register of Historic Places (National Register). In consultation with the SHPO, OEA determined that the Proposed Action would have an adverse effect on these resources. OEA developed a Memorandum of Agreement (MOA) to mitigate the adverse effect. The MOA has since been executed by all parties, including the SHPO, Hartwell, and the Board. Hartwell must now comply with the terms, pursuant to 36 C.F.R. § 800.6(c).

As previously stated, OEA received one comment during the 30-day comment period on the Draft EA. The U.S. Environmental Protection Agency (USEPA), Region 4, commented that it supports the proposed mitigation measures that require Hartwell to use best management practices because they would protect water quality during construction.

OEA has concluded that there would be no significant impacts to transportation systems, land use, energy, air quality, noise, safety, biological resources, or surface or groundwater resources. Nor is it anticipated that there would be significant impacts on minority or low-income populations based on review of the existing demographic data for the region and site reconnaissance.

## **AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS**

The Draft EA included consideration of the existing project area environment from a natural, cultural and socioeconomic perspective and evaluated the potential impacts of the Proposed Action in direct comparison to the No-Build Alternative. These environmental impacts are summarized in Table ES-1 and outlined below by resource area.

**Land Use** – As previously mentioned, the Proposed Action is located in Elbert County, Georgia, just outside the corporate limits of the City of Elberton (see Figure ES-1). Elbert County is a major international supplier of finished and unfinished granite products and is commonly referred to as the “Granite Capital of the World.” Accordingly, land uses in and around the project study area predominantly support the granite industry. The area also contains highway and rail corridors that provide access to and from the local business network. These corridors include Georgia White Road/West Tate Street Extended, the recently relocated Georgia State Route 17 (Bowman Highway), and the existing rail lines of the Hartwell Railroad and CSXT’s Abbeville Subdivision. The Proposed Action is therefore consistent with area land uses.

**Socioeconomics** – The Proposed Action would have no direct effect on area demographics or employment, as no homes or businesses would be displaced and no new employment opportunities would be created. Hartwell intends to construct the proposed rail line connection in less than 90 days and does not anticipate the need to hire any additional employees. Following construction, the new interchange is anticipated to have a positive effect on the area’s economy, as many of the inefficiencies that currently exist for Hartwell and its customers in accessing CSXT’s markets would be eliminated.

The Proposed Action has local support from businesses and government entities. The Elbert County BOC approved a Resolution in support of the Proposed Action, and the Development Authority of Elbert County, Elberton and Bowman believes the Proposed Action would be beneficial to the region’s economy and the granite quarrying and manufacturing industry because rail transport is cost effective and has great market potential for the region as a whole. The Proposed Action would therefore have no significant impact on area socioeconomics.

**Physiography** – Topography in the project area is flat to gently rolling. The project area is situated approximately 700 feet above mean sea level at the highest point of the watershed. No substantive impacts are anticipated for site physiography other than the minor grading/earth disturbance activities needed to construct the proposed rail line. Impacts to soil resources are expected to be minimal because Hartwell has proposed to use best management practices as a voluntary mitigation measure.

**Water Resources** – The project area has no groundwater wells, or regulated wetlands, watercourses, or floodplains. Therefore, no impacts are anticipated as a result of the Proposed Action.

**TABLE ES-1  
ENVIRONMENTAL IMPACT SUMMARY TABLE**

<b>RESOURCE/IMPACT CATEGORY</b>	<b>PROPOSED ACTION</b>	<b>NO-BUILD ALTERNATIVE</b>
Demographics and Employment	Potential Positive Cumulative Impacts for the Region	No Potential Positive Cumulative Impacts for the Region
Community Facilities and Services	None	None
Land Use	Potential Positive Cumulative Impacts for the Region	No Potential Positive Cumulative Impacts for the Region
Topography	Minor Site Grading	None
Geology	None	None
Soils	0.94-acre of Earth Disturbance	None
Groundwater	None	None
Surface Water	None	None
Vegetation and Wildlife	0.34-acre of Vegetation Removal	None
Threatened and Endangered Species	None	None
Local Road Traffic/Grade Crossing Delay	3.64-Minute Traffic Delay (Twice Daily) at the West Tate St. Extended Grade Crossing	N/A
Rail Operations Safety	None	N/A
Estimated Annual Fuel Consumption (Gallons/Year)	1,607	N/A
Estimated Annual Mobile Source Air Emissions NO <sub>x</sub> (Tons/Year) CO (Tons/Year) HC (Tons/Year) PM (Tons/Year)	0.32 0.05 0.02 0.01	N/A
Noise-Impacted Sensitive Land Uses	None	None
Cultural Resources	Adverse Effect	No Effect
Recreation	None	None
Environmental Justice	None	None

**Wildlife** – The project area is largely industrial and impacts to vegetation and wildlife are anticipated to be minimal. Approximately 0.34 acre (i.e., 500 linear feet of a 30-foot-wide corridor) of vegetation would be removed in order to construct the proposed rail line. The Georgia DNR, Wildlife Resources Division, has not identified any high-priority species or habitats within the project area and the U.S. Fish and Wildlife Service indicated that the project area is not likely to have any species that would be protected under the Endangered Species Act. No impacts are expected to occur to wildlife resources as a result of the Proposed Action.

**Transportation and Safety** – Hartwell maintains one active single-track grade crossing at West Tate Street Extended (see Figure ES-2). Hartwell's operations terminate at a dead-end stub several hundred feet east of this grade crossing. Hartwell uses this grade crossing to move railroad cars stored on the terminal section of track. As shown in Figure ES-2, the Proposed Action would involve the addition of a second set of tracks at this location in order to connect to CSXT's Abbeville Subdivision. Construction of the second set of tracks would impact local traffic operations on a short-term basis and thus require a temporary detour and/or lane restriction. The impact is expected to be minimal and of short duration (i.e., three to five days).

The more lasting impact would be associated with the operation of the proposed rail line and the subsequent vehicle delay that would be experienced at this grade crossing when in use by the two daily trains. Here, the estimated length of time that the West Tate Street Extended grade crossing would be closed to vehicular traffic as a result of a train passing would be approximately 3 minutes and 38 seconds, two times per day (i.e., one inbound train and one outbound train), six days per week. This delay is expected to be minor because motorists can access Georgia State Route 17 at West Railroad Street (a half mile to the south) or at Georgia White Road (one mile to the north).

With regard to vehicular safety, the 1,360 feet of track that would be constructed has been designed for a 10 mph operating speed. This low rate of speed, combined with Hartwell's placement of new railroad crossbucks following construction, and the mandatory sounding of the horn at the West Tate Street Extended grade crossing, should serve to address railroad safety issues associated with this project. As such, the Proposed Action is not anticipated to have substantive impacts on local safety.

**Hazardous Materials Transport** – Hartwell transports three to four rail car shipments of liquid propane gas per year to one customer on its line. This is the only hazardous material being carried. Hartwell complies with all applicable laws and regulations governing the transport of hazardous materials in that its rail cars are properly identified with placards when hazardous materials are being transported and its train crews are required to follow specific procedures/protocols in the event of a hazardous materials incident. The train crew is equipped and trained in the use of the U.S. Department of Transportation Emergency Response Guide for handling a hazardous materials release. In the event of an incident, the crew first reports the incident and summons help and then consults the Emergency Response Guide to determine the appropriate handling of a hazardous materials release until the First Responders arrive and take charge. Hartwell uses a third-party contractor to handle any required remediation.

Hartwell is not aware of any changes that would occur as a result of the Proposed Action. Therefore, the Proposed Action is not anticipated to have substantive impacts on hazardous

materials releases, given Hartwell’s current procedures and practices and the low rate of speed of 10 mph that would occur at this connection.

**Energy Resources and Air Quality** – The effects on energy resources that would result from the operation of the Proposed Action were analyzed. Table ES-2 estimates the total annual diesel fuel requirement for the operation of trains over the proposed rail line. The analysis is based on an average fuel consumption of two locomotives per train operating over the proposed rail line with one roundtrip per day, six days per week.

**TABLE ES-2  
ESTIMATED ANNUAL DIESEL FUEL CONSUMPTION**

<b>OPERATION</b>	<b>GP38/GP40 LOCOMOTIVE FUEL ECONOMY (GALLONS/HOUR)</b>	<b>DAILY OPERATION TIME (HOURS)</b>	<b>ANNUAL FUEL CONSUMPTION (GALLONS/YEAR)</b>
Roundtrip Transport via the Proposed Action (2,720 feet)	50.0	0.0515	1,607

Other than the estimated annual fuel requirement, the Proposed Action would result in negligible impacts on other energy resources. In terms of overall fuel usage, rail transport is considered to be the most fuel-efficient form of ground transportation. A freight train can move a ton of freight an average of 436 miles on a single gallon of fuel, which is four times the distance it could be moved by truck. Generally, freight trains are three to four times more fuel-efficient than trucks. Thus, the impact of the proposed rail line would be negligible on energy resources compared to truck transport of various commodities over that same distance.

The estimated annual air quality emissions for the Proposed Action were quantitatively evaluated using USEPA’s emission standards for locomotives to calculate emissions. This analysis included calculating mobile source emissions for nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), hydrocarbons (HC), and particulate matter (PM) using USEPA’s standard emission factors. As shown in Table ES-3, the estimated annual mobile source emission of each criteria pollutant for the Proposed Action would be well below USEPA’s major emission source threshold of 100 tons/year for Title V permit applicability. Under these standards, the operation of trains over the proposed rail line would not result in significant adverse impacts to local air quality.

**TABLE ES-3  
ESTIMATED ANNUAL MOBILE SOURCE EMISSIONS  
OF CRITERIA POLLUTANTS  
(TONS/YEAR)**

<b>NO<sub>x</sub></b>	<b>CO</b>	<b>HC</b>	<b>PM</b>
0.32	0.05	0.02	0.01

**Noise** – Construction of the proposed rail line would result in a temporary increase in local noise levels on a short-term basis (i.e., less than 90 days) due to the operation of construction

equipment and machinery. However, given the industrial setting of the project area, these temporary, construction-related noise impacts are anticipated to be nominal. Noise impacts associated with the operation of trains are anticipated to be of no substantive concern to the adjacent industrial operations, given the Board's eight train per day regulatory threshold would not be met. Consequently, a detailed noise analysis was not warranted for this project, and no further impacts are anticipated.

**Cultural Resources** – The Georgia SHPO determined that both the Hartwell railroad line and the CSXT Abbeville Subdivision are eligible for listing in the National Register under Criterion A for transportation and commerce, but that the Proposed Action would have no adverse effect on these active rail lines. The SHPO also determined that the Century Granite Company site was eligible for listing on the National Register under Criterion A for industry. Because the project involves the demolition of these industrial buildings, the Proposed Action would have an adverse effect on these resources, pursuant to Section 106 of the National Historic Preservation Act (NHPA). OEA, in consultation with the SHPO and Hartwell, prepared an MOA to mitigate this adverse effect. The MOA has been fully executed by all parties and OEA has since amended Mitigation Measure 3 to require that Hartwell comply with the terms of the MOA, pursuant to 36 C.F.R. § 800.6(c).

**Recreation** – No public parks or recreation areas were identified within or adjacent to the project study area. Therefore, implementation of the Proposed Action would have no impact on recreation.

**Environmental Justice** – One residential parcel exists in the project study area. The parcel was recently acquired by Hartwell for future use in railroad operations and has since been vacated. The remainder of the project study area consists of industrial land uses surrounded by transportation corridors. There are no other residential structures and no minority and/or low-income populations within the project area.



## CHAPTER 1 FINAL RECOMMENDED MITIGATION

This chapter presents OEA's final recommended environmental mitigation. Based on the information available to date, consultations with appropriate agencies, comments from interested parties, and extensive environmental analyses, OEA has developed environmental mitigation measures to address the potential environmental impacts of the construction, operation, and maintenance of the proposed rail line.

### 1.1 OVERVIEW OF OEA'S APPROACH TO ENVIRONMENTAL MITIGATION

In conducting the environmental review, OEA has taken a hard look at the environmental consequences of the Proposed Action and its alternatives. The potential environmental effects that OEA identified would be both beneficial and adverse. Chapters 2 and 3 of the Draft EA discussed in detail the affected environment and potential environmental impacts. OEA's environmental analysis and its resulting mitigation recommendations reflect the variety and complexity of the environmental issues and offer a reasonable and feasible way of minimizing some of the environmental impacts discovered during the course of OEA's environmental review. As discussed below, OEA also encourages negotiations between applicants and potentially affected communities, or others, to reach mutually acceptable solutions to address the parties' concerns. Sometimes negotiated solutions can be more far-reaching than mitigation the Board could unilaterally impose. The mitigation in this Final EA includes both mitigation developed by OEA and voluntary mitigation offered by Hartwell and covers both the construction and operation of the one daily train in either direction over the connection.

#### 1.1.1 Limits of the Board's Conditioning Power

The Board has limited authority to impose conditions to mitigate potential environmental impacts. As a government agency, the Board can only impose conditions that are consistent with its statutory authority. Accordingly, any conditions the Board imposes must relate directly to the transaction before it, must be reasonable, and must be supported by the record before the Board. Thus, the Board's practice consistently has been to mitigate only those impacts that result directly from the proposed action. The Board typically does not require mitigation for pre-existing environmental conditions.

#### 1.1.2 Voluntary Mitigation and Negotiated Agreements

OEA encourages applicants to propose voluntary mitigation. In some situations, voluntary mitigation may replace, supplement, or be more far-reaching than measures that the Board might otherwise impose. Because applicants gain a substantial amount of knowledge about the issues associated with a proposed rail line during project planning, and because they consult with regulatory agencies during the permitting process, they are often in a position to offer relevant voluntary mitigation. In that regard, Hartwell has proposed voluntary mitigation, which is discussed below.

OEA also encourages applicants to negotiate mutually acceptable agreements with affected entities to address potential environmental impacts, if appropriate. Negotiated agreements can be

with individual property owners, groups of property owners, neighborhoods, communities, municipalities, counties, regional coalitions, states, or other entities. If an applicant submits negotiated agreements to the Board, the Board requires compliance with the terms of any such agreements as environmental conditions in any final decision approving the proposed action. These negotiated agreements supersede any environmental conditions for that particular community or other entity that the Board would otherwise impose.

## 1.2 HARTWELL'S VOLUNTARY MITIGATION MEASURES

Hartwell has offered eight voluntary mitigation measures (VM #) for the Board to consider. OEA has reviewed the voluntary mitigation measures and recommends that the Board, should the proposed rail line be approved, require Hartwell to comply with the voluntary mitigation measures. These voluntary mitigation measures are set forth below.

- VM 1. Hartwell shall implement the following best management practices to minimize potential erosion and sedimentation impacts during project construction:
- Minimize earth-clearing activities to the greatest extent practicable by disturbing only the area needed to physically construct the proposed rail line, required infrastructure, and staging area.
  - Prior to initiating site clearing, install erosion and sediment control measures such as silt fencing, silt socks, mulch blankets, or a similar erosion-control measure along the limit of disturbance and at the inlet of any storm drain structures within the construction zone.
  - Immediately stabilize any disturbed areas outside the rail corridor (i.e., temporary staging/equipment storage/material stockpiling areas) with an appropriate permanent vegetative cover after the completion of construction activities.
- VM 2. Hartwell shall ensure that any herbicides used during track maintenance are registered with the U.S. Environmental Protection Agency and applied by licensed individuals with experience in using best practices to minimize any environmental and safety risks to the extent necessary for rail operations.
- VM 3. Hartwell shall coordinate the construction of the second set of tracks at the West Tate Street Extended grade crossing, including the temporary maintenance and protection of traffic measures to be implemented at this grade crossing (i.e., detour/temporary lane restriction), with the Elbert County Road Department and the appropriate local emergency response service providers (i.e., police, fire, and ambulance).
- VM 4. During the construction of the second set of tracks at the West Tate Street Extended grade crossing, Hartwell shall provide appropriate advance warning signs for the detour/temporary lane restriction in accordance with Georgia Department of Transportation standards.

- VM 5. For the West Tate Street Extended grade crossing, Hartwell shall provide and maintain a permanent sign prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with the Department of Transportation Federal Highway Administration's (FHWA) regulations at 23 C.F.R. Part 655.
- VM 6. Hartwell shall limit the speed of trains operating over the proposed rail line to 10 miles per hour.
- VM 7. Hartwell shall comply with all applicable Federal Railroad Administration rail operations safety requirements at 49 C.F.R. Parts 200-299.
- VM 8. Hartwell shall erect new railroad crossbucks at the West Tate Street Extended grade crossing in accordance with FHWA's Manual on Uniform Traffic Control Devices.

### **1.3 OEA'S FINAL RECOMMENDED MITIGATION**

Based on project information and the comments received during the scoping process and the 30-day comment period, OEA is recommending a number of mitigation measures (MM #) to address the potential environmental impacts of the Proposed Action in the following resource areas: safety, emergency response, and historic resources. Note that MM 3 has been amended in this Final EA to reflect the current status of the Section 106 consultation process. These recommended mitigation measures would supplement Hartwell's proposed voluntary mitigation.

- MM 1. Hartwell shall comply with all voluntary mitigation measures.
- MM 2. During operations, Hartwell shall comply with all hazardous materials regulations of the U.S. Department of Transportation (including the Federal Railroad Administration and the U.S. Pipeline and Hazardous Materials Safety Administration), the Department of Homeland Security (including the Transportation Security Administration), the U.S. Environmental Protection Agency, and the Occupational Safety and Health Administration. During construction, Hartwell shall dispose of all materials that cannot be reused in accordance with applicable law.
- MM 3. Hartwell shall comply with the terms of the Memorandum of Agreement, developed pursuant to 36 C.F.R. § 800.6(c), which has been executed by all required parties and is included as Appendix B of this Final EA.



## **CHAPTER 2 PUBLIC COMMENTS AND RESPONSES**

OEA received one comment on the Draft EA (see Appendix A). This chapter summarizes and responds to that comment in accordance with Council on Environmental Quality guidelines.

### **Comment**

USEPA, Region 4, commented that it supports the recommended best management water quality protection measures included in Chapter 4, Mitigation, of the Draft EA because such measures would ensure that erosion control devices are installed and maintained during construction; disturbed areas are adequately vegetated in a timely manner; and that site grading is minimized to the extent possible to prevent storm water and associated pollutants from draining directly into local water sources.

### **Response**

Comment noted. OEA has included all of the water-quality protection measures outlined in Chapter 4 of the Draft EA as part of its final mitigation recommendations.



## Surface Transportation Board

### Incoming Correspondence Record

#EI-20494

#### Correspondence Information

Docket #:	<b>FD 35756 0</b>	Date Received:	07/31/2014
Name of Sender:	Beth Walls	Date of Letter:	07/31/2014
Group:	US EPA, Region 4		

#### Submitter's Comments

Dear Ms. Wood.

I am responding to US Surface Transportation Board's request to review the draft Environmental Assessment for the proposed action to construct approximately 1,360 feet of track to connect two existing railroads just outside the corporate limits of the City of Elberton, Elbert County, Georgia. A related action outside the scope of the proposed action is the relocation of an existing railroad, the length of which is under a half mile, approximately five feet within its existing right-of-way (ROW). The proposed action's purpose is to reduce the number of carriers from three to two and to expand the applicant's service points to the economic benefit of the surrounding rural communities.

Thank you for the opportunity to review STB's draft EA. EPA's only comment is to reiterate previously made water-quality protect recommendations. These include the use of stringent erosion control practices during construction activities and timely re-establishment of vegetation on disturbed areas. The inspection and maintenance of silt fences and other erosion control devices until vegetation has stabilized disturbed grounds. The use of natural vegetation and grading techniques (e.g. vegetated swales, turn-offs, vegetated buffer strips) to ensure the road or ROW does not serve as a conduit for storm water or pollutants into the water during or after construction.

Sincerely,

Beth Walls  
Environmental Scientist  
NEPA Program Office  
U.S. EPA, Region 4  
404-562-8309

#### Image Attachment(s)

[Docket No. FD.35756: Hartwell RR Co. Draft EA Construction of Connecting Track Exemption in Elbert County GA.msg](#)



[Docket No. FD 35756: Hartwell RR Co. Draft EA Construction of Connecting Track Exemption in Elbert County GA.msg](#)



#EO-2298  
Dw



**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Office of Environmental Analysis*

August 1, 2014

Charlene Dwin Vaughn, AICP  
Assistant Director, Office of Federal Agency Programs  
Federal Permitting, Licensing and Assistance Section  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, D.C. 20001-2637

**Re: STB Docket No. FD 35756—Hartwell Railroad Company—Notice of Exemption to Construct—In Elbert County, GA; Notification of Adverse Effect**

Dear Ms. Vaughn:

In this proceeding, the Hartwell Railroad Company (Hartwell) filed a verified notice of exemption with the Surface Transportation Board (STB or Board) seeking the Board's authority to construct approximately 1,360 feet of rail line (the Proposed Action) that would connect the existing Hartwell rail lines with a rail line owned and operated by CSX Transportation, Inc. (CSXT) in Elberton, Elbert County, Georgia. The Proposed Action would occur on land within existing rail right-of-way owned by Hartwell. The Board's approval of this proposed construction is considered the Undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (NHPA) and is thus covered under its provisions.

The Board's Office of Environmental Analysis (OEA) is responsible for ensuring the agency's compliance with the National Environmental Policy Act (NEPA) and NHPA. Based on available information, the Georgia Department of Natural Resources, State Historic Preservation Office (SHPO) submitted comments to OEA indicating that the Hartwell and CSXT rail lines are both eligible for listing on the National Register of Historic Places (National Register) for transportation and commerce, but that the Proposed Action would have no adverse effect on these resources because both lines are still active.

SHPO did, however, comment that the **buildings at the former Century Granite Company are eligible for listing on the National Register for industry due to their association with Elberton's unique status as "Granite Capital of the World,"** and that the demolition of these buildings as a result of the Proposed Project constitutes an adverse effect to these resources. We concur with this finding, and pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the NHPA at 36 CFR

800.6(a)(1), are notifying you that the Proposed Action may adversely affect these historic resources.

OEA has initiated consultation, has completed an Environmental Assessment identifying historic resources, by this letter is determining an adverse effect, and is now developing a Memorandum of Agreement (MOA) with SHPO and Hartwell to mitigate adverse effects to the National Register eligible resource. Because this matter is not controversial and because SHPO, Hartwell, and OEA are working closely together and are in agreement, we do not believe that your participation in the resolution of adverse effects is necessary at this time.

The following documents, which describe the proposed undertaking and provide information regarding the rail line pursuant to 36 CFR 800.11(e), are enclosed for your review: 1) the Verified Notice of Exemption that describes the Proposed Action and the Undertaking by the Board; 2) the July 1, 2014 Environmental Assessment prepared by OEA, which describes the area of potential effect, and includes photographs and maps, describes the steps taken by OEA to identify historic properties, describes the Proposed Action's effects on historic properties; and describes OEA's efforts to engage consulting parties, and 3) correspondence, dated January 9, 2014 and January 16, 2014, from the SHPO. Furthermore, all outgoing and incoming correspondence to and from federal, state, and local agencies, organizations, Tribes, individuals, and other interested parties is posted and available for public review on the Board's website. All correspondence between signatory and any consulting parties to the MOA, including draft copies of the MOA and the executed MOA, will also be posted on the Board's website for public review.

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact Diana Wood of my staff at 202-245-0302.

Sincerely,



Victoria Rutson  
Director  
Office of Environmental Analysis

#### Attachments

cc: Najah Duvall-Gabriel, ACHP  
Jennifer Dixon, Georgia SHPO (HP-131217-002)  
Matthew Williams, Attorney for Hartwell Railroad  
Kevin Starner, Skelly and Loy, Inc.

#E1-20508



Preserving America's Heritage

August 19, 2014

Ms. Victoria Rutson  
Director  
Office of Environmental Analysis  
Surface Transportation Board  
Washington, DC 20423

Ref: *Proposed Construction of Connecting Track Exemption – Hartwell Railroad Company*  
*Docket No. FD 35756*  
*Elberton, Elbert County, Georgia*

Dear Ms. Rutson:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Georgia State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Duvall-Gabriel at 202-517- 0210 or at [ngabriel@achp.gov](mailto:ngabriel@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION  
401 F Street NW, Suite 308 • Washington, DC 20001-2637  
Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)



MARK WILLIAMS  
COMMISSIONER

DR. DAVID CRASS  
DIVISION DIRECTOR

September 25, 2014

Diana F. Wood  
Office of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW, Room 1110  
Washington, DC 20423

**Re: Final Memorandum of Agreement  
STB 35756: Hartwell Railroad Company Construction and Operation Exemption  
Elbert County, Georgia  
HP-131217-002**

Dear Ms. Wood:

The Historic Preservation Division (HPD) has received the documentation for the above-referenced project. Our comments are offered to assist the Surface Transportation Board in complying with the provisions of Section 106 of the National Historic Preservation Act, as amended.

HPD has reviewed the final Memorandum of Agreement (MOA) for the proposed project, which our office received September 22, 2014. HPD agrees that the stipulations proposed in the MOA are appropriate to address the adverse effects associated with this undertaking. HPD is forwarding the signed agreement to your office for review and further processing.

Please refer to project number **HP-131217-002** in any future correspondence regarding this undertaking. If we may be of further assistance, please feel free to contact Jennifer Dixon, Environmental Review Program Manager, at (404) 651-6546 or [jennifer.dixon@dnr.state.ga.us](mailto:jennifer.dixon@dnr.state.ga.us).

V/r,

A handwritten signature in black ink, appearing to read "D. Crass".

Dr. David Crass  
Division Director and  
Deputy State Historic Preservation Officer

DC:jad

cc: Burke Walker, Northeast Georgia Regional Commission  
MOA file



**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Office of Environmental Analysis*

September 29, 2014

Charlene Dwin Vaughn, AICP  
Assistant Director, Office of Federal Agency Programs  
Federal Permitting, Licensing and Assistance Section  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, D.C. 20001-2637

Re: STB Docket No. FD 35756—Hartwell Railroad Company—Notice of  
Exemption to Construct—In Elbert County, GA; **Memorandum of Agreement**

Dear Ms. Vaughn:

On May 27, 2014, the Hartwell Railroad Company (Hartwell) filed a verified notice of exemption with the Surface Transportation Board (STB or Board) seeking the Board's authority to construct approximately 1,360 feet of rail line (the Proposed Action) that would connect the existing Hartwell rail lines with a rail line owned and operated by CSX Transportation, Inc. (CSXT) in Elberton, Elbert County, Georgia. The Proposed Action would occur on land within existing rail right-of-way owned by Hartwell. The Board's approval of this proposed construction is considered an undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (NHPA) and is thus covered under its provisions. The Board's Office of Environmental Analysis (OEA) is responsible for ensuring the agency's compliance with the National Environmental Policy Act and NHPA.

I am writing to notify you that OEA has executed a Memorandum of Agreement (MOA) with the Georgia State Historic Preservation Office (SHPO) and Hartwell to resolve any adverse effects to historic properties for the proposed undertaking, pursuant to 36 C.F.R. § 800.6(b)(i)(iv). The signed and executed document is included for your files. The filing of this document with the Advisory Council on Historic Preservation completes our compliance responsibilities under section 106 of the NHPA.

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact Diana Wood of my staff at 202-245-0302.

Sincerely,



Victoria Rutson  
Director  
Office of Environmental Analysis

Attachment

cc: Najah Duvall-Gabriel, ACHP  
Jennifer Dixon, Georgia SHPO (HP-131217-002)  
Matthew Williams, Attorney for Hartwell Railroad  
Kevin Starner, Skelly and Loy, Inc.

**MEMORANDUM OF AGREEMENT**

**Among**

**THE SURFACE TRANSPORTATION BOARD,  
THE HARTWELL RAILROAD COMPANY, AND  
THE GEORGIA STATE HISTORIC PRESERVATION OFFICER**

**Regarding**

**STB DOCKET NO. FD 35756  
HARTWELL RAILROAD COMPANY –  
NOTICE OF EXEMPTION TO CONSTRUCT–  
IN ELBERT COUNTY, GEORGIA  
(HP-131217-002)**

**WHEREAS**, on May 27, 2014, Hartwell Railroad Company (Hartwell) filed a verified notice of exemption with the Surface Transportation Board (STB), from the prior approval requirements of 49 U.S.C. § 10901 and pursuant to the class exemption at 49 C.F.R. § 1150.36 to construct approximately 1,360 feet of rail line (the proposed action) that would connect the existing active lines of Hartwell with CSX Transportation, Inc. (CSXT) in Elberton, Elbert County, Georgia; and,

**WHEREAS**, the proposed action would occur on land within existing rail right-of-way owned either by Hartwell or CSXT; and,

**WHEREAS**, the STB is the federal agency responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Part 470f and its implementing regulations at 36 C.F.R. Part 800; and,

**WHEREAS**, the STB's potential approval of the proposed action is an undertaking as defined at 36 C.F.R. § 800.16(y); and,

**WHEREAS**, pursuant to 36 C.F.R. Part 800, and in consultation with the Georgia State Historic Preservation Officer (SHPO), the STB's Office of Environmental Analysis (OEA) determined that the buildings at the former Century Granite Company site and within the existing rail right-of-way are eligible for listing in the National Register of Historic Places (NRHP); and,

**WHEREAS**, the rail line construction would result in the demolition of NRHP-eligible buildings at the former Century Granite Company and in consultation with Georgia SHPO was determined an adverse effect, pursuant to 36 C.F.R. § 800.5(a)(1); and,

**WHEREAS**, the STB determined, in consultation with the Georgia SHPO, that no archaeological resources that are eligible for or listed in the National Register would be affected

by the proposed undertaking due to prior disturbances; and,

**WHEREAS**, OEA issued a Draft Environmental Assessment (EA) for review on July 1, 2014 that notified the public of the adverse effect. The comment period ended July 31, 2014 and no comments were received regarding the adverse effect; and,

**WHEREAS**, the U.S. Department of Interior's National Park Service web site at <http://grants.cr.nps.gov/nacd/index.cfm> indicates that there are no federally recognized tribes in Elbert County, Georgia; and,

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), the STB has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and,

**NOW, THEREFORE**, the STB, the SHPO, and Hartwell agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the proposed undertaking on historic properties.

### **STIPULATIONS**

The STB shall ensure that the following measures are carried out by a Secretary of the Interior's Qualified professional:

#### **I. ARCHIVAL PHOTOGRAPHS RECORDATION**

- a. Prior to demolition, photographic documentation of the exterior of Century Granite Company, as well as photographs showing the overall complex and its setting will be taken.
- b. The photographer shall comply with the minimum level standards necessary for document retention at SHPO pursuant to the Guidelines for Establishing a Photographic Permanent Archival Record (Appendix A). A draft copy of the photographic record will be provided to SHPO for review and acceptance. The photographic documentation provided in Appendix D of the Draft EA will suffice. Upon approval, a second copy will be provided to the Elbert County Public Library.

#### **II. HISTORIC NARRATIVE**

- a. Hartwell will make arrangements for the research and writing of a one-to-two page historic narrative regarding the granite industry and Century Granite Company in Elberton, Georgia.
- b. STB will submit a draft copy of the developmental history report to the SHPO for review and approval. Upon approval of the draft copy of the development's history

report by the SHPO, final copies of the report will be submitted to the SHPO in hardcopy and digital format. The write-up provided in Appendix D of the Draft EA will suffice. One additional copy will be submitted to the Elbert County Public Library.

### **III. DURATION and TERMINATION**

The MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, STB may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V.

Unless terminated, this MOA will be in effect until the STB, in consultation with the other signatory parties, determines that all of its terms have been satisfactorily fulfilled. Upon a determination by the STB that all terms of this MOA have been satisfactorily fulfilled, this MOA will terminate and have no further force or effect. The STB will promptly provide the other signatory parties with written notice of its determination and of termination of the MOA. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation V. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, STB must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. STB shall notify the signatories as to the course of action it will pursue.

### **IV. DISPUTE RESOLUTION**

Should any signatory party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the STB shall consult with such party to resolve the objection. If the STB determines that such objection cannot be resolved, the STB will:

A. Forward all documentation relevant to the dispute, including the STB's proposed resolution, to the ACHP. The ACHP shall provide the STB with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the STB shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The STB will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the STB may make a final decision on the dispute and proceed

accordingly. Prior to reaching such a final decision, the STB shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. The STB's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

#### V. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

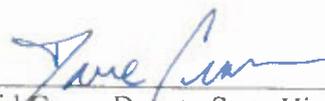
Execution of this MOA and implementation of its terms evidence that the STB has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

### SIGNATORY PARTIES

SURFACE TRANSPORTATION BOARD

By:  \_\_\_\_\_ Date: Sept. 26, 2014  
Victoria Rutson, Director  
Office of Environmental Analysis

GEORGIA STATE HISTORIC PRESERVATION OFFICE

By:  \_\_\_\_\_ Date: 25 SEPT. 2014  
David Crass, Deputy State Historic Preservation Officer  
Georgia Department of Natural Resources

HARTWELL RAILROAD COMPANY

By: Bennie Ray Anderson Date: 9/19/14  
Bennie Ray Anderson, President  
Hartwell Railroad Company