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SEA

SERVICE DATE – MARCH 14, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-883 (Sub. No. 1X)

Rocky Mount And Western Railroad Co., Inc. -- Abandonment Exemption -- in
Nash County, NC

BACKGROUND

In this proceeding, the Rocky Mount and Western Railroad Co., Inc. (RM&W) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for RM&W to abandon a 4.7 mile rail line in Nash County, North Carolina. The line begins at milepost 134.8 at or near Momeyer, and ends at approximately milepost 139.5, at or near Spring Hope. A map depicting the entire rail line in relationship to the area served is appended to the report. If the notice becomes effective, RM&W will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

RM&W states that it acquired the subject line from L&S Holding Company d/b/a Nash County Railroad Corporation in 1994 and began common carrier operations in the same year. According to RM&W, the line proposed for abandonment was originally laid in the 1880s although most of the current track material was probably laid sometime between 1915 and the early 1930s. RM&W states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to RM&W, the line passes through a sparsely populated and mostly flat, rural farming area. The right-of-way width is 65 feet on each side. As a result of the proposed abandonment, RM&W will improve public safety by the elimination of 10 grade crossings currently located along the line.

RM&W has indicated that the rail line may be suitable for public use such as a trail. Based on information in the possession of RM&W, the line does not contain any Federally granted rights-of-way.

RM&W states that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way wherever possible. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment. According to RM&W, the line includes a foot bridge that will not be removed. Any culverts located along the line will also remain in place.

RM&W states that it may hire a contractor in order to remove track and rail material following abandonment of the line. Any material that is removed would be recycled, as possible, or reused on other parts of the railroad's extant track system.

ENVIRONMENTAL REVIEW

RM&W 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. RM&W served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has indicated to RM&W that there are no geodetic station markers that may be affected by the proposed abandonment.

To date, RM&W has not received a response from the U.S. Army Corps of Engineers (USACOE), regarding any effects from the proposed project to jurisdictional water of the United States protected under Section 404 of the Clean Water Act (33 U.S.C. Section 1344). Consequently, SEA has added the USACOE to the service list for this proceeding and will ensure that they receive a copy of this EA.

According to the United States Department of Agriculture, Natural Resources Conservation Service, the proposed abandonment will not have adverse impacts to any prime farmlands or other resources under their jurisdiction.

The U.S. Fish and Wildlife Service (US FWS), who has jurisdiction over Section 7 of the Endangered Species Act, has indicated to RM&W that the project, as described, will have no significant impact on fish and wildlife resources.

HISTORIC REVIEW

RM&W submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. RM&W served the report on the North Carolina State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be

affected by the proposed abandonment (SHPO Tracking Number ER-04-3156). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

We do not recommend any environmental conditions be placed on any decision granting abandonment authority for this proceeding.

CONCLUSIONS

Based on the information provided from all sources to date, 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.

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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL 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 Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-FILING" link. Please refer to **Docket No. AB-883 (Sub. No. 1X)** in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov

Date made available to the public: March 14, 2005.

Comment due date: **March 29, 2005 (15 days)**.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.
Vernon A. Williams
Secretary

Attachment