

35844
SEA

SERVICE DATE – MAY 20, 2005

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-646X

Atlantic & Western Railway, L.P. - Abandonment Exemption - in Lee County, NC

BACKGROUND

In this proceeding, Atlantic & Western Railway, L.P. (ATW or railroad) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Lee County, North Carolina (NC). The line extends approximately 0.74-mile from Milepost 3.76 (V.S. 198+37) to Milepost 4.5 (V.S. 237+47) in Jonesboro, NC (the subject line). A map depicting the subject line in relationship to the area served is appended to this report. If the notice becomes effective, ATW intends to sell the track material and underlying real estate to the NC Department of Transportation (NCDOT). NCDOT intends to acquire the property to permit construction of a highway bypass around Sanford, NC.

DESCRIPTION OF THE LINE

The subject line traverses agricultural, residential and light industrial land and crosses no major waterways. The right-of-way (ROW) is 50 feet wide. According to ATW, there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the ROW. There are no structures on the subject line.

The subject line was originally constructed by ATW in 1903. Historically, the subject line was used to move lumber and agricultural products, gravel, passengers, feeds, petroleum, fertilizer and alcohol. ATW has certified that no local traffic has moved over the subject line for at least two years and no overhead traffic has moved over the subject line for at least two years. Most recently, the subject line was used to transport lumber and alcohol for two shippers: Redmond Homes and Coty. Redmond Homes ceased inbound lumber shipments to its facility in 1997. Coty, a perfume manufacturer, last moved alcohol on the subject line in 1999.

ENVIRONMENTAL REVIEW

ATW submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. ATW served these reports 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)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service) in Raleigh, NC stated that it did not have any comments on the proposed abandonment.

As stated above, no traffic has moved on the subject line segment within the last two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers, Raleigh Regulatory Field Office (USACE) had not commented on the railroad's environmental report at the time this Environmental Assessment (EA) was prepared. However, impacts to wildlife, habitat, wetlands, and water resources under the jurisdiction of the USFWS and USACE are not anticipated because the railroad does not intend to conduct any salvaging or land-disturbing activities.

The North Carolina Department of Environment and Natural Resources stated that appropriate sediment and erosion control measures should be implemented in exposed and eroding drainage ditches and other areas susceptible to erosion. However, the railroad intends to sell the ROW and accompanying track materials to NCDOT upon receipt of abandonment authority. NCDOT ownership of the property would permit construction of a highway bypass around Sanford, NC. Therefore, the railroad would not be conducting any salvaging activities that might warrant erosion and sediment control activities. SEA anticipates that NCDOT would implement appropriate sediment and erosion control measures during rail line salvaging and road construction activities.

The North Carolina State Historic Preservation Office (SHPO) had not completed its review of the historic report at the time this EA was prepared. Therefore, pending completion of the SHPO's assessment, SEA recommends a condition to ensure compliance with the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

SEA recommends that the following environmental condition be placed on any decision granting abandonment authority.

1. The railroad shall retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 David Navecky, 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 STB Docket No. AB-646X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact David Navecky, the environmental contact for this case, by phone at 202-565-1593, fax at 202-565-9000, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: May 20, 2005

Comment due date: June 3, 2005

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

Vernon A. Williams
Secretary

Attachment