

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1076X

**Caddo Valley Railroad Company – Abandonment Exemption –
In Clark, Pike and Montgomery Counties, AR**

BACKGROUND

In this proceeding, the Caddo Valley Railroad Company (CVRR) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon and discontinue service and trackage rights on approximately 32.2 miles of rail line in Clark, Pike and Montgomery Counties, Arkansas. The Norman Branch Line extends from milepost 447, near Antoine in Pike County, to the end of the line at milepost 479.2, near Birds Mill in Montgomery County.¹ CVRR certifies that no rail cars have used the line for at least 2 years and no overhead traffic would need to be rerouted as a result of the proposed abandonment.

According to CVRR, the rail line was constructed in 1907 by the Gurdon and Fort Smith Railroad. CVRR acquired the line in 2000 from the Arkansas Midland Railroad (AKMD), pursuant to the Feeder Railroad Development Program (49 U.S.C. § 10907). CVRR indicates that it suspended all rail operations on the line in 2009 due to poor track conditions and inadequate revenue. If the proposed abandonment is authorized, CVRR reports that the closest rail service would be provided by AKMD, which operates a transload facility adjacent to its main line and recently reacquired the southernmost segment of CVRR's Norman Branch Line.

CVRR states that the rail line proposed for abandonment does not contain any federally granted rights-of-way. CVRR believes that the rail line proposed for abandonment would be suitable for alternative public use and anticipates that it will enter into an agreement with the Southwest Arkansas Regional Intermodal Authority to rail bank the right-of-way and preserve the rail corridor. The rail line consists of 90-pound rail from 1940 to 1948 and the right-of-way is generally 100 feet wide. The rail line travels through rural lands along nearly level terrain and traverses U.S. Postal Service Zip Codes 71921, 71922, 71940, and 71943. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

¹ On October 27, 2011, CVRR also filed a petition for exemption in Docket No. AB-1076 (Sub-No. IX) to abandon an adjacent section of the Norman Branch Line between milepost 429.45, near Gurdon, to milepost 447, near Antoine, in Clark and Pike Counties, Arkansas.

ENVIRONMENTAL REVIEW

CVRR submitted an environmental report that concludes 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. CVRR 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 C.F.R. § 1105.7(b)].² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

CVRR states that no local traffic has moved over the line for at least 2 years and no overhead traffic would be rerouted. 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.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Following abandonment, CVRR intends to salvage the rail, ties and track material, and possibly the upper layer of ballast, but would leave the roadbed, bridges and subgrade, including any subgrade structures, intact.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area.

The Arkansas Department of Environmental Quality's (AKDEQ) Water Division commented that the proposed abandonment would not likely cause any violations of the Clean Water Act, unless stream crossings or other stream disturbances are contemplated. OEA does not believe that the proposed abandonment would generate any impacts to waterways, given that CVRR does not intend to disturb the roadbed, bridges or subgrade, including any subgrade structures, during salvage activities. However, OEA has included AKDEQ in the service list for

² The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1076X.

this proceeding, should any additional concerns be identified during the review of this EA.

AKDEQ's Waste Division commented that there are no known hazardous waste sites or hazardous materials spills in the right-of-way of the rail line proposed for abandonment. OEA has therefore determined that no further consultation with AKDEQ's Waste Division is necessary.

Based on the information provided by CVRR, OEA believes that the proposed abandonment would not cause significant environmental impacts, but is providing a copy of this EA to the following agencies for review and comment: the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Geodetic Service, the Arkansas State Clearinghouse, the Arkansas Department of Environmental Quality, and the West Central Arkansas Planning and Development District. Pending comments received from other agencies, OEA may recommend conditions that would require CVRR to consult further with any of the above referenced agencies, as necessary, prior to commencement of salvage activities.

HISTORIC REVIEW

CVRR served the historic Report on the Department of Arkansas Heritage (State Historic Preservation Officer or SHPO) pursuant to 49 C.F.R. §1105.8(c). OEA received comments from the SHPO indicating that it needed additional information before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. In a follow-up telephone conversation with the SHPO on November 14, 2011, OEA was informed that the SHPO's review is still ongoing. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral connections to the project.³ The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect). The tribes are: the Osage Tribal Council and the Osage Nation. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITION

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited November 3, 2011).

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. The Caddo Valley Railroad Company (CVRR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. CVRR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Department of Arkansas Heritage (State Historic Preservation Officer or SHPO) and the public. CVRR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, 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 4-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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Diana Wood, 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 1076X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: November 21, 2011.

Comment due date: December 7, 2011.

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

Attachment