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OEA

SERVICE DATE – MARCH 8, 2013

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 335X)

**The Alabama Great Southern Railroad Company – Abandonment Exemption –
In Gadsden, Etowah County, Ala.**

AND

Docket No. AB 290 (Sub-No. 340X)

**Tennessee, Alabama and Georgia Railway Company – Abandonment Exemption –
In Gadsden, Etowah County, Ala.**

BACKGROUND

In this proceeding, the Alabama Great Southern Railroad Company (AGS) and the Tennessee, Alabama and Georgia Railway Company (TAG)¹ (jointly Applicants) filed a notice under 49 C.F.R. § 1152.52 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon approximately 4.25 miles of interconnected rail line located in Gadsden, Etowah County, Alabama. Specifically, AGS proposes to abandon approximately 3.10 miles of rail line (AGS segment) extending between milepost 2.40 AG (near Cabot Avenue in Gadsden) and milepost 5.50 AG (near the intersection of River and Coosa Streets in Gadsden). TAG proposes to abandon approximately 1.15 miles of rail line (TAG segment) between milepost TA 90.30 (located between the north end of Brookside Drive and Owls Hollow Road in Gadsden) and milepost TA 91.45 (at the TAG segment's connection with the AGS segment west of North 5th Street in Gadsden). The AGS and TAG segments are collectively referred to as the rail line or, simply, the line. The proposed abandonment traverses Zip Codes 35901 and 35904. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, Applicants will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

Applicants 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-

¹ AGS and TAG are wholly-owned railroad subsidiaries of Norfolk Southern Railway Company.

abandonment activities, including salvage and disposition of the right-of-way. Applicants 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

Applicants state that no local traffic has moved over the line for at least two 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

The rail line travels through suburban residential areas and the right-of-way ranges from 25 feet to 100 feet in width along the main track centerline of the TAG segment and 50 feet in width along the main track centerline of the AG segment. 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 regarding of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, Applicants would salvage the rail, tie, and track material. The ballast would remain in place and soil disturbance would be minimal so as not to alter or impede existing drainage flows. Applicants have indicated that there are a total of four bridges on the line – all on the AG segment – and that these bridges may be removed during salvage.

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 surrounding the proposed abandonment.

Applicants state that there are no known hazardous waste sites on or adjacent to the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is necessary.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that the proposed project would not result in the discharge of dredge or fill material into waterways or wetlands of the United States. Accordingly, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required.

² The 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 290 (Sub-No. 335X).

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that no federally listed species/critical habitat are known to occur within the area of the proposed abandonment. Accordingly, no additional consultation on endangered or threatened species would be required as a result of the proposed abandonment.

The U.S. Environmental Protection Agency (EPA), Region 4, submitted comments requesting that the Applicants consult with appropriate state and local agencies to ensure that the proposed abandonment is in compliance with applicable federal, state, and local water management regulations. In particular, EPA has noted that there are a number of waterways in and around the area of the proposed abandonment that may be regulated under the federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES) stormwater program. EPA indicated that this program is administered at the state level by the Alabama Department of Environmental Management (ADEM), and has recommended that the Applicant's contact ADEM as well as the City of Gadsden to determine the need for any permits.

Applicants subsequently provided the information to ADEM, and in response, received a list of project-related activities that may apply to the proposed abandonment. ADEM's response also included a Notice of Intent – General Permit application for stormwater discharges associated with construction activities that would result in a total land disturbance of one acre or greater. OEA is not able to determine if the salvage procedure outlined by the Applicants would require permits under the NPDES program because Applicants have indicated that there would be no instream work or soil disturbance during the salvage process, despite the possible removal of four bridges. Accordingly, OEA is recommending a condition that would require Applicants to consult with ADEM, as well as the City of Gadsden, to determine what, if any, approvals and/or permits at both the state and local levels may be required prior to initiating the salvage process.

The U.S. Department of Agriculture, Natural Resources Conservation Service commented that the proposed abandonment is entirely within an urban area and that there would be no impact on prime agricultural soils or important farmland. Accordingly, no mitigation regarding prime agricultural land is recommended.

The Etowah County Commission submitted a comment indicating that it does not have planning jurisdiction inside the City of Gadsden.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: the National Park Service; the National Geodetic Survey; the Alabama Department of Environmental Management, the Alabama Department of Conservation and Natural Resources, and the City of Gadsden.

HISTORIC REVIEW

Applicants submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Alabama Historical Commission (State

Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The report indicated that the line proposed for abandonment contains four bridges that are 50 years old or older. As stated above, these bridges are located in the AG segment of the line; there are no structures in the TAG segment of the line proposed for abandonment.

Applicants believe that neither the structures on the line nor the line itself would be eligible for listing in the National Register of Historic Places (National Register) and have described the bridges as “short in length and of ordinary design and construction.” By letter dated December 6, 2012 (SHPO reference #AHC 13-0200), the SHPO indicated that it would need more information to continue its review, specifically with regard to the bridges.

Due to the potential presence of historic resources, OEA is recommending a condition that requires Applicants to retain their 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 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>. Specifically, OEA will work with the SHPO to ensure that SHPO will be able to provide an opinion on the potential eligibility, as well as an effect determination, of all historic resources on the line in the APE of the proposed abandonment.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.³ The database indicated that there are two federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. The tribes are: the Eastern Band of Cherokee Indians of North Carolina and the Muscogee (Creek) Nation. OEA has included the tribes in the service list for the proposed abandonment so that they may receive a copy of the EA.

CONDITIONS

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

1. The Alabama Great Southern Railroad Company and the Tennessee, Alabama and Georgia Railway Company (collectively, Applicants) railroad shall, prior to commencement of any salvage activities, consult with Alabama Department of Environmental Management and the City of Gadsden regarding their stormwater requirements and shall comply with its reasonable requirements.

³ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited February 27, 2013).

2. Applicants 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. Applicants shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office and the public. Applicants 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 290 (Sub-No. 335X) and AB 290 (Sub-No. 340X) 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: March 8, 2013.

Comment due date: March 25, 2013.

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

Attachment