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SERVICE DATE – JANUARY 24, 2005

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (Sub-No 259X)**

**Tennessee Railway Company–Abandonment Exemption–in Anderson and Campbell Counties,  
TN**

**BACKGROUND**

In this proceeding, Tennessee Railway Company (TNR) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with an abandonment of a line of railroad in Anderson and Campbell Counties, Tennessee. The line extends approximately 14.4 miles from milepost TE-27.96 at Nick’s Creek, Tennessee and milepost TE-42.00 at Devonia, Tennessee. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

TNR is a wholly-owned subsidiary of Norfolk Southern Railway Company. According to TNR, the subject line was built in 1904, as part of a 44.65-mile rail line running between Oneida to Fork Mountain, Tennessee. The Tennessee Railway Company, a predecessor to TNR, originally built the line to serve coal mines in the vicinity of the New River and also several sawmills. TNR states that there has been no traffic on the line for at least two years.

Currently, the land use along the right-of-way is 10% pasture, 80% forest, 5% residential, and 5% commercial. The width of the right-of-way varies but is generally 50 feet from the centerline of track, and abandonment of the line would allow for the elimination of any at-grade crossings. In addition, there are a number of bridges on the line. Several of these bridges were constructed between 1889 and 1910; however, TNR indicates that the early structures on the line have been replaced over the years with metal and more modern materials.

TNR states that it does not have fee title to the entire right-of-way. Therefore, TNR does not believe that a contiguous corridor would be available for public use. Upon abandonment, TNR states that track and materials may be salvaged.

## **ENVIRONMENTAL REVIEW**

TNR 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. The applicant served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. SEA has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the 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.

TNR states that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line, and disturbed areas will be limited to the right-of-way wherever possible. Furthermore, where TNR owns the right-of-way, it would be allowed to revegetate naturally. TNR also has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. However, the line crosses Nick Creek, Hicks Creek, Beach Creek, Elijah's Creek, Charlies Branch, Usery Branch, and eight unnamed waterways. In addition, the line passes through 100-year floodplains. Accordingly, we have included the Federal Emergency Management Agency on the service list for this proceeding to ensure that they receive a copy of this Environmental Assessment (EA).

The U.S. Army Corps of Engineers (USACE), Nashville District, determined that the proposed abandonment would not involve the placement of fill or dredged material in waters of the U.S. Therefore, an USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

TNR has submitted information on state air quality rules, specifically 1200-3-8.01 and 1200-3-8.02, regarding fugitive dust emissions. The Tennessee Department of Environment and Conservation had not submitted comments regarding fugitive dust emissions at the time this document was prepared. Accordingly, they have been added to the service list.

The railroad has submitted a list of threatened and endangered species that may exist in Anderson and Campbell Counties.<sup>1</sup> Based on an undocumented response from the Tennessee Department of Environment and Conservation (TDEC), the railroad reports that due to the limited

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<sup>1</sup> The list was compiled by Tennessee's Division of Natural Heritage.

scope of the project action, harm to habitat or plant species of state concern would be minimal and no significant impact to those species is likely to result from project implementation. Accordingly, no mitigation measures were suggested. However, the TDEC has been added to the service list.

The United States Fish and Wildlife Service (USFWS) had not responded at the time this document was prepared. Accordingly, the USFWS has also been added to the service list.

TNR states that the line is not within any wildlife sanctuaries or refuges, National or state parks, or forests. In addition, TNR states that there are no known hazardous waste sites or hazardous material spill sites on the subject right-of-way.

### **HISTORIC REVIEW**

TNR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Tennessee Historical Commission (the State Historic Preservation Office or 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. 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 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely 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(e), consists of the applicant's/railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

### **CONDITIONS**

SEA recommends that no environmental conditions be placed on any decision granting abandonment authority.

### **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are 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 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 Christa Dean, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 259X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at [deanc@stb.dot.gov](mailto:deanc@stb.dot.gov).

Date made available to the public: January 24, 2005.

**Comment due date: February 8, 2005.**

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

Vernon A. Williams  
Secretary

Attachment