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SERVICE DATE - MAY 19, 1999
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-560 (SUB-NO. 1X)

**Petition for Exemption of
Aberdeen & Rockfish Railroad Company
d/b/a Dunn-Erwin Railway Pursuant
to 49 U.S.C. 10502**

BACKGROUND

In this proceeding, the Aberdeen & Rockfish Railroad Company d/b/a Dunn-Erwin Railway (AR) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to (1) abandon approximately 5.488 miles of railroad located in Harnett County, in the state of North Carolina, from (a) Milepost SDS 53.00, near Erwin, NC, to Milepost SDS 56.66, at Dunn, NC, and (b) Milepost SDE 0.00, near Erwin to Milepost SDE 2.02, at Erwin; (the owned line) and (2) discontinue operations over approximately 3,093 feet of track in Dunn, NC, owned by CSX Transportation Inc.(CSX), consisting of (a) approximately 1,700 feet of track between Milepost SDS 56.66 and Milepost SDS 57.01, and (b) two adjoining spur tracks, D&S Tracks Nos. 3 11, which are 600 and 793 feet long, respectively (the leased line).

A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

AR's subsidiary, Dunn-Erwin Railway, Inc.(D-E) purchased the line proposed for abandonment and discontinuance in 1987, and operated it until 1990, when D-E was merged into AR. Because the line's only shipper, Swift Denim, has decided to stop receiving shipments of coal by rail, AR states that there is now insufficient

rail traffic on the owned line to continue its operation and maintenance. On the leased portion of the line, there are only three shippers on the line that receive minimal annual car loads. No overhead traffic currently travels over the line.

ENVIRONMENTAL REVIEW

The railroad has 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, National Park Service, the National Geodetic Survey, the North Carolina State Historic Preservation Office, and the Harnett County Manager.

CONDITIONS

The National Geodetic Survey has identified nine station markers that may be affected by this proposed abandonment. We therefore recommend imposition of the following condition: **If the Aberdeen & Rockfish Railroad Company plans any activities that would disturb or destroy the nine markers identified, it must notify NGS not less than 90 days' notification in advance of such activities in order to plan for their relocation.**

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition, 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 (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, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this

environmental assessment. **Please refer to Docket No. AB-560 (Sub No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: May 14, 1999.

Comment due date: June 14, 1999.

By the Board, Elaine K. Kaiser, Chief, Section of
Environmental Analysis.

Vernon A. Williams
Secretary

PLEASE SCAN MAP