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SERVICE DATE - JANUARY 5, 2001

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-325 (Sub No. 2 X)

**FLORIDA MIDLAND RAILROAD COMPANY
PETITION FOR EXEMPTION FOR ABANDONMENT -
IN SUMTER AND LAKE COUNTIES, FL**

BACKGROUND

In this proceeding, Florida Midland Railroad Company (FMID) has filed an application seeking authority under 49 U.S.C. 10903 to abandon its rail line segment located from milepost ST-762.10, at or near Wildwood, FL, to milepost ST-773.71, at or near Leesburg, FL, and an additional short rail line segment, which crosses the first rail line segment, from milepost AS-800.76 to milepost AS-802.38 in Leesburg, a total distance of approximately 13.23 miles traversing the Florida counties of Sumter and Lake. Maps depicting the rail line segments in relationship to the area served is appended to the report. If the application is approved, 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

The rail line segments proposed for abandonment are located in central Florida in Sumter and Lake Counties, near the City of Orlando. The single-track, stub-ended rail line segment is physically isolated from the remainder of FMID's rail lines, and has a single rail connection at Wildwood with CSX railroad. This rail line segment traverses older, commercial and industrial downtown areas within Wildwood and Leesburg, and flat, rural agricultural and residential areas between those two cities.

The rail line segment has experienced a precipitous drop in rail traffic in the past several years, as two of the rail line's largest shippers have closed or relocated and a third has ceased rail shipments. In 1998, a total of 340 railcars moved over the rail line, 257 rail cars moved during 1999, and 62 rail cars moved over the rail line through June 2000. Additionally, no rail traffic has moved over this rail line since July 2000.

FMID states that this rail line segment is in poor condition, and a significant tie replacement program would be required if the rail line, currently classified as FRA excepted track, is to remain in service. Such a program would have a cost approaching \$1 million, and cannot be economically justified given the minimal rail traffic remaining on the rail line and the rail line's inability to cover even its own operating expenses. FMID imposed surcharges on the rail line segment in late 1999 and 2000 in an attempt to maintain the rail line's viability. However, only minor quantities of brick and lumber have recently moved over the rail line. Attempts to develop local governmental support for the rehabilitation and operation have not been successful.

FMID's Environmental and Historical Report (ER) states that there are no buildings or bridges on this rail line segment right-of-way. Therefore, no engineering documents are available. FMID also states that substantial subsurface ground disturbance occurred more than 100 years ago during construction of this rail line segment. FMID concludes that it is unaware of any hinderances that may affect archaeological recovery of resources.

ENVIRONMENTAL REVIEW

FMID submitted an ER 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 verified the record in this proceeding. Also, the Section of Environmental Analysis (SEA) has consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental and historic effects of the proposed abandonment.

FMID states that the rail line segment proposed for abandonment does not cross nor is it adjacent to State or National Park lands nor does it cross or is adjacent to any Indian Reservations.

SEA has consulted with the following agencies: U.S. Environmental Protection Agency, Region 4; Florida Department of State - Division of Historical Resources; Florida Department of Transportation; and the St. John's Water Management District.

Additionally, SEA has attempted, but has not been successful, in contacting representatives of Lake and Sumter Counties regarding any potential concerns.

Transportation

As stated earlier, no rail traffic has moved over this rail line segment since July 2000. Additionally, FMID indicates that it would remove all 42 at-grade crossings located on the rail line proposed for abandonment. These existing at-grade crossings consist of both public and private at-grade crossings. SEA believes that removal of these at-grade crossings would reduce the number of injuries and fatalities that might otherwise occur.

SEA therefore concludes that adverse impacts to highway infrastructure and safety on roadways would not be significant.

Solid and Hazardous Waste

The Florida Department of Environmental Protection (FL-DEP) requests that FMID submit a GIS-generated linear corridor map that will allow them to determine the occurrence of any identified hazardous waste sites.

Water

The St. John's River Water Management District (SJRWMD) has reviewed the proposed abandonment with regard to SJRWMD's areas of responsibility (which include water quality, water supply, flood protection, and natural systems). SJRWMD requests that, if the abandonment is approved, that FMID acquire all necessary permits and take all steps necessary to protect adjacent wetlands from disturbance, sedimentation, and encroachment.

Cultural and Historic Resources

The National Geodetic Survey (NGS) has informed SEA that nine geodetic station markers may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities that may affect the markers in order to plan for their relocation.

Florida Department of State, Division of Historical Resources has stated that their review did not identify any properties or areas of archeological or historical significance.

Biological Resources

The U.S. Department of Interior (US-DOI) and the Florida Game and Fresh Water Fish Commission have not identified any federally listed or proposed threatened or endangered species that would be adversely affected by the proposed abandonment. However, the FL-DEP states that the Florida Natural Areas Inventory (FNAI) has identified the

following endangered, threatened or rare species in the area of the right-of-way: bald eagle, indigo snake, and the Florida pine. FNAI requests that a site specific survey be conducted to determine the current presence or absence of the listed species.

CONDITIONS

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

- 1. If salvage operations are expected to destroy or disturb the nine geodetic station markers, Florida Midland Railroad Company shall notify the U.S. Department of Commerce, National Geodetic Survey in not less than ninety days prior to commencement of such operations.**
- 2. The Florida Department of Environmental Protection (FL-DEP) states that Florida Midland Railroad Company must submit a GIS-generated description of their right-of-way to allow FL-DEP to determine whether or not hazardous materials waste sites are located within their right-of-way. We recommend that FMID shall, prior to any salvage activities, consult with the FL-DEP specifically about guidelines and requirements required for generation of an acceptable GIS description of FMID's right-of-way.**
- 3. The St. Johns's River Water Management District (SJRWMD) states that activities affecting water quality, water supply, flood protection, and natural systems are subject to their review. Therefore, we recommend, that Florida Midland Railroad Company consult with SJRWMD prior to abandonment and secure all necessary permits prior to initiation of salvage or disposal activities.**
- 4. The Florida Counties of Lake and Sumter (Counties) have not completed their review of the proposed abandonment. Accordingly, we recommend that Florida Midland Railroad Company consult with the Counties prior to initiation of any salvage activities in order to address any concerns the Counties may have.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed and if the recommended conditions are imposed, abandonment of this rail line segment 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

If abandonment and salvage of the rail line does take place, 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

_____The FL-DEP's Office of Greenways and Trails has expressed interest in workings with Sumter and Lake Counties in pursuing acquisition of the abandoned rail corridor for conversion to a rails-to-trails project.

_____The Withlacoochee Regional Planning Council states in Policy 4.12.8 that abandoned railroad right-of-way should be considered for nature trails, bicycle paths, and wildlife passageways.

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 the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

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ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-325 (Sub. No. 2 X) in all correspondence addressed to the Board.** Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1554.

Date made available to the public: January 5, 2001.

Comment due date: **February 5, 2001 (30 days).**

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

Vernon A. Williams
Secretary

MAPS TO BE SCANNED