

43198
OEA

SERVICE DATE – JULY 26, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-290 (Sub No. 343X)

**Central of Georgia Railroad Company — Abandonment Exemption —
in Newton County, Ga.**

BACKGROUND

On July 1, 2013, the Central of Georgia Railroad Company (CGA), a wholly owned subsidiary of Norfolk Southern Railway Company (NS) filed with the Surface Transportation Board (Board) a notice under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon 14.90 miles of rail line located in Newton County, GA (Line). The Line begins at milepost E 65.80, at a point where the Line crosses Route 229 in Newborn, GA, and extends to milepost E 80.70, near the intersection of Washington Street, SW and Turner Lake Road, SW in Covington, GA. A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to CGA, no rail traffic has moved over the Line in more than two years, and there is no overhead rail traffic. CGA also notes that there has been no request for rail service from any shipper on the Line.

The Line does not contain any federally granted rights-of-way. CGA offers no opinion regarding the Line's suitability for other public purposes. Newton County Tail-Path Foundation, Inc. (NCTPF) has indicated interest in preserving the Line as a recreational trail.

CGA intends to salvage the rail, ties and track materials, including four bridges on the Line. According to CGA, salvage would occur only on the top of the rail bed with access via existing access points. The rail bed, subgrades and all structures (other than the four bridges mentioned above), culverts and related items would remain in place and not be disturbed.

DESCRIPTION OF THE RAIL LINE

The Line passes through suburban residential, wooded and farmland areas. The width of the right-of-way is typically 50 feet and traverses United States Postal Service Zip Codes 30014, 30055, and 30056.

ENVIRONMENTAL REVIEW

CGA submitted an Environmental Report that concludes that 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. CGA served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules (49 C.F.R. § 1105.7(b)).¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

The Line has been out of service for more than two years. Consequently, no rail-to-truck diversions would occur. Therefore, OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Further, there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

Salvage Activities

If the abandonment is approved, CGA states that the salvage process would occur as follows:

The salvage process would consist of removing the rail and track material from the existing railbed. The contours of the rail right-of-way would remain unchanged and existing drainage systems would remain intact. Following removal of the rail and track material would be smoothed creating a level surface. No ballast would be removed and soil disturbance would be minimal. No digging or burying would occur. All salvaged steel components would either be reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations. CGA intends to hire a contractor with expertise in bridge removal to conduct removal operations of the four bridges on the Line.

CGA does not believe that the proposed abandonment would have any adverse impact on or be inconsistent with existing land use plans.

The Natural Resources Conservation Service (NRCS) notes the following:

1. The proposed action is exempt from The Farmland Protection Policy Act as it does not convert farmland into other uses.

¹ 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. 343X).

2. The NRCS has determined that there are no authorized flood control and watershed protection structures, authorized through the Watershed Program, located downstream or in the vicinity of the proposed abandonment.
3. The NRCS has determined that there are no NRCS managed Wetland Reserve Program and Farm and Ranch Land Protection Program easements within the vicinity of the proposed abandonment.

The Georgia Department of Natural Resources, Coastal Resources Division, states that the proposed abandonment would not have any reasonably foreseeable impact on coastal uses or resources and concurs with CGA's Federal Consistency Determination of No Effects.

As noted earlier, NCTPF has expressed interest in preserving the Line as a recreational trail. On May 2, 2013, NCTPF submitted a contract to CGA and NS for review. To date, neither CGA nor NS have responded to NCTPF's submission. NCTPF stated that it would also file a Notice of Interim Trail Use.²

CGA states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the Line.

The U.S. Fish and Wildlife Service's (USFWS) states that federally listed species are not likely to occur in the area of the proposed abandonment.

According to CGA, the Line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. OEA did not identify any National or State parks, wildlife sanctuaries, or refuges that would be affected by the proposed abandonment. The National Park Service (NPS) has not responded. OEA has provided a copy of this EA to the NPS for review and comment.

According to CGA, it does not intend to remove or alter the contour of the railbed underlying the Line. CGA also opines that no soils would be disturbed as a result and no storm water mitigation or National Pollutant Discharge Elimination System permits would be required. With respect to the four bridges that CGA intends to remove should abandonment be granted, CGA states that it would not undertake any in-stream work, dredge and/or use any fill materials. The U.S. Army Corps of Engineers, Savannah District (Corps), states that the proposed action does not involve the discharge or dredge or fill material into wetlands and/or waters of the United States and therefore a Department of Army Section 404 permit is not required.

² On July 23, 2013, OEA spoke with a representative of Newton County Trail-Path Foundation, Inc. (<http://www.newtontrails.org/index.html>).

The U.S. Environmental Protection Agency, Region 4, NEPA Program Office (USEPA) states that it lacks sufficient information to provide guidance on the proposed rail abandonment. Therefore, OEA will recommend a condition requiring CGA to consult with the USEPA.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. The NGS is on the service list for this EA and is invited to review and comment on whether any Geodetic Station Markers may be affected by this abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would result in significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, CGA states that the Line contains four bridges that are 50 years old or older. The bridges were constructed between 1916 and 1925. As previously noted, NCTPF is interested in preserving the Line as a recreational trail and, if successful, the four bridges would not be salvaged.

According to CGA, the Line was originally part of the Middle Georgia and Atlantic Railway Company (MG&AR), a 64 mile railroad that connected Milledgeville to Covington, GA and constructed between 1890 and 1894. In December 1896, the MG&AR was purchased by Central of Georgia Railway (CGR) in a foreclosure sale. The CGR abandoned 18 miles of rail line from Eatonton to Machen, GA in 1959. The remainder of the rail line remains in place. On June 17, 1963, Southern Railway Company (SR) acquired the CGR. In 1971, SR merged the CGA, the Savannah and Atlanta Railway, and the Wrightsville and Tennille Railroad to form the CGA. In December 1990, SR changed its name to Norfolk Southern Railway Company.

In 1989, SR leased the former MG&AR line between Machen and Covington, GA, which includes the Line, to a short line carrier, Great Walton Railroad (Great Walton). The lease with Great Walton expired in 2009 when a portion of the rail line between Machen to Newborn, GA was leased to the Squaw Creek Southern Railroad. NS and Great Walton each obtained regulatory authority in 2010 to discontinue service over the Newborn-Covington line segment, which is also the subject of this proposed abandonment.³

CGA states that it believes that neither the four bridges on the Line nor the Line itself meet the criteria for listing in the National Register of Historic Places (NRHP). CGA opines that the four bridges are of ordinary design and construction. CGA served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the

³ Central of Georgia Railroad Company – Discontinuance of Service Exemption – Newton County, Ga., et al., STB Docket No. AB-290 (Sub No. 319X), et al., (STB served Jul. 15, 2010).

Georgia Department of Natural Resources, Historic Preservation Division (SHPO) pursuant to 49 C.F.R. § 1105.8(c).⁴ In a letter dated May 6, 2013, the SHPO offers the following opinion:

- No archaeological resources listed in or eligible for listing in the NRHP would be affected by the proposed abandonment.
- The Line and its four bridges should be considered eligible for inclusion in the NRHP under Criterion A and Criterion C. The SHPO also notes that the proposed abandonment, including removal of the four bridges, would result in an adverse effect to historic properties located within the Area of Potential Effects.

The SHPO also provided a copy of a report prepared in 1991 titled '*Historic Railroads in Georgia.*' The report states that Georgia was a leader in the development of railroads in the South which revolutionized transportation and reshaped the State's economy. The report finds that the principal historic resource is the rail bed itself, with or without the tracks, ties and other track materials. Thus, SHPO concludes that the Line and its four bridges may be eligible for inclusion in the NRHP the significant role that railroads played in the development of the State's transportation and economic history under Criterion A and the integrity, design and materials used under Criterion C.

Accordingly, OEA will recommend 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.

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.⁵ The database indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the area of potential affect or APE) of the proposed abandonment.

CONDITIONS

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

⁴ Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

⁵ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited July 22, 2013).

- 1. The Central of Georgia Railroad Company (CGA), a wholly owned subsidiary of Norfolk Southern Railway Company (NS) 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. CGA 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.**
- 2. Central of Georgia Railroad Company shall consult with the U.S. Environmental Protection Agency, Region 4, NEPA Program Office, regarding any necessary permits.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would 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).

The Newton County Trail-Path Foundation, Inc. has expressed interest in preserving the Line as a recreational trail.

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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 original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 290 (Sub No. 343X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: July 26, 2013.

Comment due date: August 12, 2013.

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

Attachment