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SEA

SERVICE DATE – OCTOBER 19, 2007

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-1000 (Sub-No. 1X)**

**Georgia Southwestern Railroad, Inc. – Abandonment and  
Discontinuance Exemption –  
In Harris and Meriwether Counties, GA**

**BACKGROUND**

In this proceeding, Georgia Southwestern Railroad, Inc. (GSRW) filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 for GSRW to abandon an approximately 43-mile line of railroad in Harris and Meriwether Counties, Georgia. The rail line extends between milepost R-12.0 and milepost R-55.0. A map depicting the rail line in relationship to the area served is appended to the Environmental Assessment (EA). If the petition is granted, GSRW would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

GSRW 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. GSRW 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 CFR 1105.7(b)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

Between May 2003 and August 2005, the line was out of service due to a washout of one of the bridges. In 2005, GSRW acquired the line,<sup>2</sup> and the railroad repaired the

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-1000 (Sub-No. 1X).

<sup>2</sup> See Georgia Southwestern Railroad, Inc. – Acquisition and Operation Exemption – Central of Georgia Railroad Company, STB Finance Docket No. 34699

bridge and resumed service on the line by August 2005. According to GSWR, 322 carloads were moved on the line during the base year (calendar year 2006). Using a rail-to-truck conversion factor of four trucks per railcar,<sup>3</sup> SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 1288 new trucks per year (2576 truck trips assuming an empty backhaul). This increase in truck traffic would not exceed the Board's thresholds of an increase of more than ten percent of the average daily traffic (ADT) or 50 vehicles a day on any affected road segment. See 49 CFR 1105.7(e)(5)(C). There is one active shipper on the line. That shipper has direct access to CSX Transportation, Inc. (CSXT) rail service, and GSWR believes that current rail traffic would shift to CSXT.

### ***Salvage Activities***

The line begins at Florida Rock and runs through Hamilton, Pine Mountain, Durand, and Harris City until it ends at Allie, Georgia. The area where the line is located is generally rural and sparsely populated, and the right-of-way varies in width from 25 to 120 feet. In addition, GSWR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way. According to GSWR, the right-of-way does not appear to be suitable for alternative public use other than as a trail.

The National Geodetic Survey (NGS) has identified 35 geodetic station markers that may be affected by the proposed abandonment and has requested notification at least 90 days in advance of any activities that would disturb or destroy these markers in order to plan for their relocation. Accordingly, we recommend that GSRW consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

GSWR states that no wetlands or 100-year floodplains would be adversely affected by the proposed abandonment. In addition, the line does not pass through a designated coastal zone. In an October 10, 2007 phone call with SEA, a representative for GSWR indicated that the railroad has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. The railroad also does not intend to appreciably remove or alter the contour of the roadbed. At the time of this EA, the U.S. Army Corps of Engineers Mobile District (Corps) had not submitted any comments. SEA has included the Corps on the service list for this proceeding to ensure that they receive a copy of this EA.

At the time of this EA, the Natural Resource Conservation Service (NRCS) had not submitted any comments. Because the line is located in a rural area, SEA has included the NRCS on the service list for this proceeding to ensure that they receive a copy of this EA.

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(STB served May 20, 2005).

<sup>3</sup> The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

The U.S. Environmental Protection Agency (USEPA) submitted comments stating that the proposed abandonment may be subject to the Clean Water Act (CWA), and the Georgia Department of Natural Resources' Environmental Protection Division (Georgia EPD) is authorized to implement the National Pollution Discharge Elimination System (NPDES) permit program under Section 402 of the CWA. Georgia EPD submitted comments stating that the removal of the rail, track material and crossties is considered land disturbing activity under both the Georgia Erosion and Sedimentation Act and the NPDES Storm Water General Permit Program. Accordingly, we recommend that GSWR consult with Harris County, Meriwether County, and Georgia EPD prior to commencement of any salvage activities and comply with the reasonable requirements of the Georgia Erosion and Sedimentation Act and NPDES. We also recommend that GSRW report the results of these consultations to SEA prior to commencement of any salvage activities.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment is not expected to significantly impact fish and wildlife resources under the USFWS jurisdiction. Accordingly, no mitigation measures are necessary.

Based on all information available to date, SEA 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, SEA is providing a copy of this EA to the following groups and agencies for review and comment: Corps; NRCS; Harris County; Meriwether County; and Georgia EPD.

### ***Additional Comments***

Harris County has expressed an interest in converting the rail line into a trail and filed a Petition for Interim Trail Use on September 27, 2007. According to the railroad, there is a strong interest in trails use throughout the communities that the line runs through. SEA notes that the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned.<sup>4</sup> The Trails Act is intended to preserve railroad rights-of-way for future railroad use. Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

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<sup>4</sup> The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient Federal control so as to qualify as a major Federal action under NEPA. Only major actions by Federal agencies require environmental review.

## **HISTORIC REVIEW**

The railroad has submitted an Historic Report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Georgia Department of Natural Resources' Historic Preservation Division (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). According to the railroad, there are 17 bridges on the line and ten of the bridges are 50 years old or older. Based on available information, the SHPO believes that the rail bed is eligible for listing on the National Register of Historic Places (National Register) and that four of the bridges are contributing elements to this property. However, because the eligible rail bed and bridges will remain intact, the SHPO has stated that the proposed abandonment would not adversely affect National Register historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not 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 railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

SEA also conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Muscogee (Creek) Nation of Oklahoma may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect) of the proposed abandonment. Accordingly, SEA is sending a copy of this EA to the Muscogee (Creek) Nation of Oklahoma for review and comment.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Georgia Southwestern Railroad, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
2. Prior to commencement of any salvage activities, Georgia Southwestern Railroad, Inc. (GSR) shall consult with Harris County, Meriwether County, and the Georgia Department of Natural Resources' Environmental Protection Division and shall comply with the reasonable requirements of the National Pollution Discharge Elimination System (NPDES) Storm Water General Permit Program and the Georgia Erosion and Sedimentation Act. GSR shall report the results of

these consultations in writing to the Section of Environmental Analysis prior to commencement of any salvage activities.

## **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 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) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this EA, 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 EA. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1000 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for

this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: October 19, 2007.

**Comment due date: November 19, 2007.**

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

Vernon A. Williams  
Secretary

Attachment