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OEA

SERVICE DATE – JANUARY 13, 2012

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-290 (Sub No. 331X)

**Norfolk Southern Railway Company — Abandonment Exemption—
in Henry and Spalding Counties, Ga.**

BACKGROUND

On December 6, 2011, Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under petition under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 to permit it to abandon approximately 4.92 miles of rail line between milepost 4.80 M (south of Meredith Park Drive near the line's crossing of Indian Creek in McDonough) and milepost 9.72 M (east of Trestle Road in Locust Grove), in Henry and Spalding Counties, GA (Line).¹ A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to NSR, the Line has been out of service for more than 2 years. In fact, a 1.47 mile section of the Line located between milepost 8.25M and the end of the Line at milepost 9.72M was mistakenly salvaged in 2002 by NSR, the result of a miscommunication between the real estate department and the salvage contractor. Therefore, if approved, no salvage would take place along this section of the Line. NSR states that there is no alternative to abandonment other than for it to retain the track in place.

DESCRIPTION OF THE RAIL LINE

The topography surrounding the Line is generally level, passing through suburban residential areas. The width of the right-of-way is approximately 100 feet wide and traverses United States Postal Service Zip Codes 30223, 30228, 30248, and 30253.

The Line contains a single structure, a trestle bridge that is 50 years old or older. According to NSR, the trestle bridge was constructed in 1943 and is of typical railroad design. Should the Board approve this abandonment, NSR plans to salvage the trestle bridge and the remaining 3.45 miles of track not salvaged in 2002. NSR would either reuse or sell as scrap the salvaged materials from the Line.

¹ OEA notes that NSR incorrectly listed the length of the rail line to be abandoned as 4.72 miles in its Environmental Report. The correct length of the rail line to be abandoned is 4.92 miles as noted in NSR's Notice of Exemption and in its Historic Report.

NSR states that Line does not contain federally granted rights-of-way. Because NSR does not hold fee title to most of the right-of-way, it does not believe that the right-of-way would be suitable for public use. However, NSR has no opinion on whether or not the right-of-way would be suitable for other public purposes.

ENVIRONMENTAL REVIEW

NSR 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. NSR 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)).² The Board's Office of Environmental Analysis has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, the Line has been out of service for several 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. Furthermore, because no rail traffic has moved over the Line in more than 2 years 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 Board should approve the proposed abandonment, NSR would salvage the remaining 3.45 miles of track, ties and other track materials. NSR states that salvage would occur as follows:

All remaining track structures would be removed from the existing railbed. The contours of the existing railbed along with all existing drainage systems would remain intact. Once the track structures have been removed, the contractor would smooth the railbed. No ballast would be removed nor would any digging or burying of any kind be permitted. All steel track materials would be reused or sold as scrap, while crossties would be reused or disposed of in accordance with applicable federal and state laws and regulations.

The Spalding County Community Development Department finds no inconsistencies as the proposed abandonment relates to its local land use policies. Spalding County also notes that the tracts of land in question are under private ownership.

² 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. 331X).

The Henry County Department of Planning & Zoning indicates that the proposed abandonment of the Line could be advantageous to the County if the Line were developed into a Rail-to-Trails Project. The County notes because the Line is not located in an industrial area, it appears that the proposed abandonment would not pose economic hardship on the County. Furthermore, the proposed abandonment is consistent with Spalding County's Rails-to-Trails Program.

According to NSR, it does not hold fee title to the entire right-of-way and therefore does not have a contiguous corridor available for public use. However, NSR states that it would be willing to negotiate with interested parties for alternative public use.

The Natural Resources Conservation Service states that prime or important farm lands are located in the area of the proposed abandonment. However, because NSR states that it would not engage in any additional land disturbance beyond the salvage activities discussed above, the proposed abandonment is exempt from the Farmland Protect Policy Act guidelines.

The Georgia Department of Natural Resources (GDNR) states that the abandonment, as proposed, would be consistent with the State's water quality standards. GDNR also concurs that a National Pollutant Discharge Elimination System (NPDES) permit would not be required. Likewise, the U.S. Department of Army, Corps of Engineers, Savannah District, states that because no fill would be placed in any jurisdictional waters of the United States, that no Department of Army Permit would be required under Section 404 of the Clean Water Act.

The Georgia Department of Natural Resources, Coastal Resources Division, states that proposed abandonment would not likely result in any impacts on coastal counties. Therefore, the Georgia Coastal Management Program concurs with NSR's Federal Consistency Determination of No Effects.

According to NSR, it does not believe that any federally listed endangered species or their habitats would be adversely affected by the proposed abandonment. Furthermore, NSR notes that the Line does not pass through any state parks or forests, national parks or forests, or wildlife sanctuaries.

The U.S. Fish and Wildlife Service, West Georgia Ecological Services Office, concurs in that it has no concerns related to threatened and endangered species.

NSR states that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

In an email dated November 18, 2011, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that there are approximately 7 geodetic survey markers located in the area of the proposed abandonment. OEA will recommend that NSR consult with the NGS prior to the commencement of any salvage activities to allow for relocation of any affected survey markers.

Based on all information available to date, and if the Board imposes the recommended mitigation, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, NSR states that the right-of-way is approximately 100 feet wide and includes a single trestle bridge that is 50 years old or older. According to NSR, the trestle bridge was constructed in 1943 and is of standard railroad design. NSR also states that it believes that there are no archeological resources or historic properties on or immediately adjacent to the Line.

The Georgia Midland Railway (GMR) was founded in 1896 to take over the failed Georgia Midland and Gulf Railroad, which operated approximately 100 miles of railroad from McDonough, GA, to Columbus, GA. Within a year, the GMR was leased to Southern Railway Company (SRC), for 99 years and 3 months. Norfolk Southern Corporation acquired control of SRC and the Norfolk and Western on June 1, 1982. In December 1990, SRC changed its name to NSR. Of particular note, President Franklin D. Roosevelt used this rail line (which was then owned by the Southern Railway) on his trips to the ‘Little White House’ in Warm Springs, GA.

NSR 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 Georgia Department of Natural Resources, Historic Preservation Division (SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ The SHPO, in a letter dated November 29, 2011, states that the proposed abandonment would have no adverse effect on historic resources provided that the trestle bridge, which is a contributing resource to the railroad, is not removed. In response to the SHPO’s letter, NSR, in a letter dated December 20, 2011, clarified its intent that it would remove the trestle bridge as part of the proposed abandonment. Accordingly, we are recommending a condition requiring the NSR to retain its interests in and take no steps to alter the historic integrity of the trestle bridge which may be eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board’s historic preservation review process is available on the Board’s website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

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.⁴ The database indicated that the Muscogee (Creek) Nation, Oklahoma may have knowledge regarding properties of traditional religious and cultural

³ 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>.

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited January 5, 2012).

significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the Muscogee (Creek) Nation, Oklahoma for review and comment.

CONDITIONS

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

- 1. Norfolk Southern Railway Company shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.**
- 2. Norfolk Southern Railway Company (NSR) shall retain their interest in and take no steps to alter the historic integrity of trestle bridge located at milepost 4.90M that may be 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. NSR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the SHPO and the public. NSR may not file its consummation notice or initiate any salvage activities related to trestle bridge (including removal of tracks and ties from the trestle bridge) until the Section 106 process has been completed and the Board has removed this condition.**

CONCLUSIONS

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

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. 331X) 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: January 13, 2012.

Comment due date: January 30, 2012.

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

Attachment