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SEA

SERVICE DATE – DECEMBER 29, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-192 (Sub-No. 2X)

**Birmingham Southern Railroad Company –
Abandonment and Discontinuance Exemption – In
Jefferson County, Alabama**

BACKGROUND

In this proceeding, the Birmingham Southern Railroad Company (BSRC) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of the Old Port Branch, a line of railroad in Jefferson County, Alabama. The rail line proposed for abandonment extends from Survey Station 936+04.07 across Trestle 17.9 to Survey Station 945+52.55, located at a rail connection with Ergon Terminaling, Inc., in the City of Birmingham, a distance of 0.18 mile. BSRC states that at one time the line provided a transportation connection between its barge and rail terminal at Port Birmingham along the Locust Fork of the Warrior River. Following abandonment, the railroad intends to convey its interest in Trestle 17.9 and a portion of the Old Port Line to Ergon Terminaling, Inc. if there is a need for a future rail connection. Otherwise, the line will be conveyed to the State of Alabama or salvaged. The Old Port Branch is located in a rural area and traverses United States Postal Zip Code 35118. Two maps depicting the Line in relationship to the area served are appended to this Environmental Assessment (EA).

DESCRIPTION OF THE RAIL LINE

According to information obtained from BSRC's web site, the line was originally built in 1878 to haul coal to the steel mills in Birmingham. In 1887, the line was extended west to the neighboring suburb of Ensley. The line was later purchased and operated by the Louisville and Nashville Railroad and the Southern Railway, and then acquired by the Tennessee Coal, Iron, and Railroad Company, which became the United States Steel Corporation in 1906. In 1910, the railroad expanded its lines in the western industrial section of Jefferson County and in 1966, acquired the 18-mile Federal Barge Lines, providing service to Mobile, AL, via the Warrior River. In 1988, the Birmingham Southern was sold to Transtar, Inc; a privately-held transportation holding company with principal operations in railroad freight transportation, dock operations, and inland river barging serving the steel, mining, and chemical industries.

ENVIRONMENTAL REVIEW

BSRC submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BSRC 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to BSRC, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. As stated previously, BSRC intends to convey its interest in the rail line to Ergon Terminaling, including all the rails and ties associated therewith, should the market justify it. In the absence of such a need, BSRC indicates that it would convey its interest to the State of Alabama or salvage the line.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The National Geodetic Survey commented that there would be no geodetic station markers in the area that would be affected by the proposed abandonment. Therefore, no further action is required.

¹ The railroad's 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-192 (Sub-No. 2X).

BSRC states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way or in adjacent areas. Additionally, BSRC states that the line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries.

Jefferson County does not lie within a designated coastal zone, therefore coastal zone consistency is not required.

BSRC has served the environmental report on a number of other appropriate Federal, state and local agencies; however, to date, none have responded. Based on the limited information available, SEA cannot fully determine if salvage activities would cause significant environmental impacts on the area surrounding the proposed abandonment. Therefore, SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Department of Interior, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S. Department of Agriculture, Alabama Department of Conservation and Natural Resources, Alabama Department of Environmental Management, Alabama Public Service Commission, and Jefferson County Commission. Additionally, SEA will recommend conditions requiring BSRC to consult with the above referenced agencies, as necessary, prior to commencement of any salvage activities.

HISTORIC REVIEW

BSRC submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Alabama Historical Commission (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has not yet submitted comments in response to the historic report. Potential impacts to any historic sites or structures would occur only if the line is salvaged. Because BSRC may not salvage the line, SEA recommends imposition of the following condition:

In the event BSRC does not sell the line for continued rail use and decides to salvage the line, prior to beginning any salvage activities, BSRC shall reinitiate the consultation process pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470, and 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 completion of the Section 106 process. BSRC shall report back to SEA regarding any consultations with the SHPO and any other Section 106 consulting parties that have been identified. BSRC may not 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.

SEA conducted a search of the National Park Service's Native American Consultation Database <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that the Eastern Band of Cherokee Indians and the Muscogee (Creek) Nation of Oklahoma may have an interest in the proposed abandonment.

Consequently, SEA will ensure that the tribes receive a copy of this EA for their review and comment.

CONDITION

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

1. In the event the Birmingham Southern Railroad Company (BSRC) does not sell the line for continued rail use and decides to salvage the line, prior to beginning any salvage activities, BSRC shall reinitiate the consultation process pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470, and 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 completion of the Section 106 process. BSRC shall report back to the Surface Transportation Board's (Board) Section of Environmental Analysis regarding any consultations with the State Historic Preservation Officer and any other Section 106 consulting parties that have been identified. BSRC may not 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.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is 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 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 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, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-192 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at woodd@stb.dot.gov.

Date made available to the public: December 29, 2006.

Comment due date: January 16, 2007.

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

Vernon A. Williams
Secretary

Attachments