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SEA

SERVICE DATE – OCTOBER 3, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

**STB DOCKET NO. AB-868 (SUB-NO. 1X), MISSISSIPPI TENNESSEE HOLDINGS,
LLC—ABANDONMENT EXEMPTION—IN HARDEMAN COUNTY, TN AND TIPPAH
AND UNION COUNTIES, MS**

AND

**STB DOCKET NO. AB-869 (SUB-NO. 1X), MISSISSIPPI TENNESSEE RAILROAD,
LLC—DISCONTINUANCE OF SERVICE EXEMPTION—IN HARDEMAN COUNTY,
TN AND TIPPAH AND UNION COUNTIES, MS**

BACKGROUND

In this proceeding, pursuant to 49 C.F.R. 1152.50 the Mississippi Tennessee Holdings, LLC filed for abandonment, and the Mississippi Tennessee Railroad, LLC filed for discontinuance of rail service over the following two rail line segments: (1) a segment of track located between Milepost No. 367.5, in Middleton, Hardeman County, Tennessee, and Milepost No. 348.1, near the northern end of Ripley, Tippah County, Mississippi, a distance of 19.4 miles; and (2) a segment of track located between Milepost No. 325.56, in New Albany, Union County, Mississippi, and Milepost No. 324.2, near Interstate Highway 78 in Union County, Mississippi, a distance of 1.36 miles. The Mississippi Tennessee Holdings, LLC and the Mississippi Tennessee Railroad, LLC are collectively referred to in this Environmental Assessment (EA) as Applicants. A map depicting the rail line in relationship to the area served is appended to this EA. If the notices become effective, the Applicants will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

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

According to Applicants, the lines have been out of service for more than two years. Applicants state that the existing traffic that moves over the lines for interchange with Norfolk Southern Railway Company or Kansas City Southern Railway Company at Middleton, TN, can be rerouted or interchanged with the BNSF Railway Company at New Albany, MS. Because the

lines have handled no local traffic during the last two years, and the existing overhead traffic would be rerouted to an alternate rail line, the proposed abandonment and discontinuance of service would not adversely affect the transportation of energy resources or recyclable commodities, and would not result in an increase in overall energy efficiency.

Applicants state that they are aware of no inconsistencies of the proposed actions with existing land use plans. The lines do not cross any agricultural land. The lines are not located in a designated coastal zone. Applicants explain in its notice of abandonment and discontinuance of service that salvage activities would not result in earthmoving or disturbance of the land on the right-of-way or surrounding the line.

Applicants maintain that any 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 and discontinuance of service. According to Applicants, the proposed abandonment and discontinuance of service would have a beneficial impact on public health and safety because the discontinuance of rail operations would result in the elimination of 22 public at-grade road crossings along the line. Vehicle delay and the potential for rail-motor vehicle accidents would also be reduced in the area.

According to Applicants, there are no wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment and discontinuance of service. Applicants state that the proposed abandonment and discontinuance of service would be handled in a manner that is consistent with the applicable Federal, state, and local water quality standards. To the best of Applicants' knowledge, the proposed abandonment and discontinuance of service would have no effect on wetlands or 100-year flood plains. Applicants sent the notice of abandonment and discontinuance of service in this proceeding to the United States Army corps of Engineers (CORPS) and the United States Fish and Wildlife Service (USFWS). No response has been received from either agency. SEA has added the CORPS and the USFWS to the service list in this proceeding to ensure that they receive a copy of the EA for review and comment.

HISTORIC REVIEW

Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Mississippi State Historic Preservation Office (MSHPO) and the Tennessee State Historic Preservation Office (TSHPO), pursuant to 49 CFR 1105.8(c). The MSHPO and the TSHPO have submitted comments stating that no historic properties listed in or eligible for inclusion in the *National Register of Historic Places* (National Register) would be affected by the proposed abandonment and discontinuance of service. We have reviewed the report and the information provided by the MSHPO and the TSHPO and concur with their comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36

CFR 800.8, we have determined that the proposed abandonment and discontinuance of service 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(d), consists of the Applicants' historic report, all relevant correspondence, and this EA, which have been provided to the MSHPO and TSHPO and made available to the public.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database did not identify any Federally recognized tribes that may have an interest in the proposed abandonment and discontinuance of service.

CONDITIONS

No environmental conditions are recommended.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment and discontinuance of service over the lines would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment and discontinuance of service 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, discontinuance of service and salvage of the rail line, a portion of the rights-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 is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class 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 Phillis Johnson-Ball, 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 Nos. AB-868 (Sub-No. 1X) and AB-869 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail johnson-ballp@stb.dot.gov.

Date made available to the public: October 3, 2006.

Comment due date: October 18, 2006.

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

Vernon A. Williams
Secretary

Attachment