

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

**AB-55(Sub-No. 588X)**  
**CSX Transportation Company**  
**Petition for Exemption**  
**In McMinn and Polk Counties, Tennessee**

### BACKGROUND

In this proceeding, CSX Transportation Company (CSX) filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with CSX's abandonment of that portion of its Southern Region, Atlanta Division, Etowah Old Lind Subdivision, extending between milepost OKX 339.00 in Etowah, to milepost OKX 382.47 in Copperhill, a distance of approximately 43.47 miles in Polk and McMinn Counties, Tennessee. A map depicting the rail line in relationship to the area served is attached to this report. If the exemption becomes effective, CSX will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### DESCRIPTION OF THE LINE

CSX states in its application that the only one rail patron on the line, Marsulex, Inc., recently closed its facility at the end of the line in Copperhill. CSX states that removal of the line may improve highway safety in the region because abandonment and salvage will result in the removal of approximately 41 highway rail at-grade crossings. During salvage, CSX states that it intends to only remove the metal track material, crossties, and perhaps the upper layer of ballast, and to preserve the existing routes of water and flow and drainage, and that appropriate measures will be implemented to prevent any contaminants or sedimentation from entering adjacent waterways.

The line traverses the Cherokee National Forest and a part of it parallels the Hiwassee River. The line was built over one hundred years ago and incorporates a unique engineering feature known as the Hiwassee Loop. According to CSX's estimate, there are at least 14 bridges over 50 years old, one of which is a stone-arch bridge.

### ENVIRONMENTAL REVIEW

CSX 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. CSX served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the

record in this proceeding.

The Tennessee State Historic Preservation Officer has informed us that there may be structures on the line that are potentially eligible for inclusion in the National Register of Historic Places and these structures may be adversely affected by abandonment and salvage of the line. Accordingly, we have initiated the process implementing Section 106 of the National Historic Preservation Act.

A spokesperson for the Cherokee National Forest has expressed concern about the abandonment and salvage of the line as it passes through the forest and about the ultimate disposition of the right-of-way. According to the spokesperson, the U.S. National Forest Service would generally support the local communities' on-going proposals to retain the rail line in place as a scenic railroad or to convert the right-of-way into a recreation trail.

The Mayor of Copperhill has advised us about the line's importance to the economic development of the region and its historic and scenic importance.

The U.S. National Geodetic Survey has advised us that 31 geodetic station markers have been identified that may be affected by the proposed abandonment.

### **CONDITIONS**

Based on the information we have to date, we recommend that the following environmental conditions be placed on any decision granting abandonment authority:

**(1) Because of outstanding historic resources concerns, CSX shall consult with the Tennessee State Historic Preservation Officer and shall retain its interest in and take no steps to alter the historic integrity of the line until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

**(2) The National Geodetic Survey (NGS) has identified 31 geodetic station markers that may be affected by the proposed abandonment. Therefore, CSX shall notify NGS at least 90 days prior to any salvage activities that may disturb or destroy these markers so that plans can be made for their relocation.**

### **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measure, 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 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services 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, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB- 55 (Sub-No. 588X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Dana White at (202) 565-1552.

Date made available to the public: **June 22, 2001.**

**Comment due date: July 23, 2001 (30 Days).**

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

Vernon A. Williams  
Secretary

Attachment

MAP NEEDS TO BE SCANNED.