

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33387

SOUTHERN ELECTRIC RAILROAD COMPANY--CONSTRUCTION AND OPERATION  
EXEMPTION--WEST JEFFERSON, AL

Decided: October 23, 1997

By decision served July 16, 1997 (notice published in the Federal Register, at 62 FR 38190), the Board conditionally granted the Southern Electric Railroad Company (SERC) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate a rail line approximately 4.5 miles in length beginning near milepost 821 on the Norfolk Southern (NS) main line, located near the intersection of U.S. Highway 78 and Jefferson County Road No. 45 near West Jefferson, Jefferson County, AL, and connecting with the industry track facilities of the James H. Miller, Jr. Steam Electric Generating Plant located near the south bank of the Locust Fork of the Black Warrior River, approximately 20 miles northwest of Birmingham, AL. The grant was subject to the completion of environmental review of the proposal and a further Board decision. The environmental analysis is now completed.

An environmental assessment (EA) prepared by the Board's Section of Environmental Analysis (SEA) was served on August 28, 1997. The EA concluded that, subject to recommended mitigation, the proposed line extension would not significantly affect the quality of the human environment. The EA recommended a number of mitigation measures and requested comments on all aspects of the EA. No comments were received.

In a Post EA issued on September 26, 1997, SEA concluded that the analysis and conclusion of the EA should remain unchanged. SEA affirms that the EA adequately identifies and assesses potential environmental impacts, the scope of the EA is appropriate, SERC's Proposed Route is the environmentally preferable route, and, subject to the imposition of the specific mitigation measures set forth in the Appendix to this decision, there are no significant environmental impacts. The Board will adopt the mitigation measures as conditions to the exemption and will allow the exemption, as conditioned, to become effective 10 days after the service date of this decision.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. We adopt the mitigation measures set forth in the Appendix and impose them as conditions to this exemption.
2. The exemption that was the subject of the decision served July 16, 1997, as conditioned by the mitigation measures adopted and imposed in this decision, is made final and effective on November 13, 1997.
3. This decision is effective on November 13, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams  
Secretary

APPENDIX

MITIGATING MEASURES IMPOSED AS CONDITIONS

Land Use

1. In situations where the proposed rail line would sever property that the Southern Electric Railroad Company (SERC) would not acquire, SERC shall provide access to the severed property by constructing roads and/or at-grade crossings.
2. SERC shall obtain an easement to cross the streambed of the Locust Fork of the Black Warrior River from the Alabama Department of Conservation and Natural Resources and shall abide by any conditions attached thereto.
3. Should hazardous wastes be encountered in the project area during the proposed construction, SERC shall handle and dispose of such wastes in accordance with applicable federal, state, and local regulations.

Water Resources

4. SERC shall ensure that the proposed bridge over the Locust Fork provides adequate clearance to accommodate flooding which may occur in the area.
5. SERC shall comply with the conditions attached to the U.S. Army Corps of Engineers Nationwide Permits issued in conjunction with the proposed rail line construction.
6. Prior to beginning construction, SERC shall require its contractor to obtain from the Alabama Department of Environmental Management, Water Division, a National Pollution Discharge Elimination System permit for regulated stormwater discharges and shall require the contractor to abide by all conditions attached thereto.
7. SERC shall use tightly sealed coffer cells for the pouring of concrete for the Locust Fork bridge piers.
8. SERC shall ensure that all exposed portions of the right-of-way (ROW) not directly involved in rail operations are revegetated as soon as feasible with native grasses and/or other appropriate vegetation to control erosion.
9. SERC shall use only those herbicides for controlling ROW vegetation which will minimize adverse effects on the aquatic community and which are approved by the U.S. Environmental Protection Agency for such purposes.
10. SERC shall obtain qualified contractors to apply ROW maintenance herbicides and shall limit application of such herbicides to the extent necessary for rail operations.

Transportation/Safety

11. SERC shall design and construct the proposed rail line in accordance with all applicable requirements of the Federal Highway Administration, the American Association of State Highway and Transportation Officials, and the American Railroad Engineers Association.
12. SERC shall not begin construction of the proposed rail line until the Jefferson County Commission has approved its construction plans.

Air Quality

13. SERC shall obtain the required open burning permits from the Alabama Forestry Commission and the Jefferson County Health Department prior to conducting such activities during construction and shall comply with any conditions attached thereto.
14. SERC shall use Best Management Plans to control fugitive dust during construction.