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SERVICE DATE - MARCH 2, 1999

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

NO. AB-325 (SUB-NO. 1X)

Florida Midland Railroad Company, Inc.  
- Abandonment Exemption -  
In Polk County, Florida

### BACKGROUND

In this proceeding, the Florida Midland Railroad Company, Inc. (FMID) has 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 of its railroad line known as the "Lake Wales Spur" located between SV-967.47 at Scenic Highway and 967.65 at Fourth Street, a distance of .18 miles in Polk County, Florida. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

The rail line proposed for abandonment is located in a developed area of the City of Lake Wales. According to FMID, no rail traffic has moved over this line since 1987, and in fact, rail and track materials have been removed. If abandonment authority is granted, the right-of-way will be transferred to the City of Lake Wales to be developed for recreational use.

### ENVIRONMENTAL REVIEW

The railroad has 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. The railroad has 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 the record in this proceeding. Also, we have contacted appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the U.S. Army Corps

of Engineers, the National Geodetic Survey, the Florida Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, and the Polk County Transportation Division.

### **CONDITIONS**

The National Geodetic Survey (NGS) has identified three station markers (V 63, RV 867, and U 63) that may be affected by the proposed abandonment. Based on NGS comment, we recommend imposition of the following condition: **If FMID undertakes any actions that would disturb or destroy these markers, it must provide NGS with not less than 90 days' advance notification to plan the relocation of these markers.**

### **CONCLUSIONS**

Based on the information provided from all sources to date and subject to the recommended condition, we conclude that, as currently proposed, 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**

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use, although FMID states in its notice of exemption seeking abandonment authority that the right-of-way, if abandoned, would be developed by the City of Lake Wales for recreational 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. However, the Board will accept late-filed requests as long as it

retains jurisdiction to do so. 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, Room 843, Washington, DC 20423.

#### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-325 (Sub-No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: February 25, 1999.

**Comment due date: March 12, 1999.**

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

\*\*\*\*\* MAP HAS TO BE SCANNED \*\*\*\*\*