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SERVICE DATE – MAY 10, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-43 (Sub-No. 177X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN LAWRENCE COUNTY, MS

Decided: May 9, 2006

Illinois Central Railroad Company (IC) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon a 4.1-mile line of railroad between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson, in Lawrence County, MS. Notice of the exemption was served and published in the Federal Register on April 11, 2006 (71 FR 18407). The exemption is scheduled to become effective on May 11, 2006.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 14, 2006. In the EA, SEA notes that salvage activities usually cause impacts along the right-of-way. Therefore, SEA recommends that IC be required to conduct salvage activities in the following manner: (1) take precautions during salvage operation to ensure public safety; and (2) dispose of no material into waterways during salvage activities. Also, in the EA, SEA states that the Natural Resources Conservation Service recommends, and SEA agrees, that IC follow Best Management Practices during salvage activities. SEA also notes that the Mississippi Department of Environmental Quality (DEQ) states that a General Permit is required for projects that involve the disturbance of one acre of land or more, pursuant to the Storm Water Regulations. Therefore, SEA recommends that IC be required, prior to commencement of salvage activities, to consult with DEQ's Environmental Permits Division of the Office of Pollution Control regarding its stormwater requirements and comply with its reasonable requirements. SEA further notes that the U.S. Environmental Protection Agency, Region 4 (USEPA), has submitted comments regarding the proposed abandonment and has concerns that salvage activities could cause various environmental problems. Therefore, SEA recommends that IC be required to: (1) control any runoff from the exposed rail bed during salvage activities, particularly at any rail line crossings of waterbodies such as streams; (2) properly dispose of railroad ties treated with creosote; (3) site all staging areas for salvage work outside of wetlands and streams and restore those areas after salvage is completed; (4) limit any noisy salvage work to weekdays during daytime hours to the extent feasible; and (5) in the event that any petroleum or other chemical spill is discovered, immediately contact USEPA and SEA. Finally, SEA notes that the Mississippi Department of Archives and History (SHPO) has indicated that there is a remote possibility that unrecorded cultural resources may be encountered during salvage activities. Therefore, SEA recommends that, in the event any unrecorded cultural resources (such as archaeological sites, human remains, funerary items or associated artifacts) are discovered during the railroad's salvage activities, the

railroad be required to immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and the railroad to determine whether any mitigation measures are necessary.

Comments to the EA were due by May 1, 2006. On May 1, 2006, the National Geodetic Survey (NGS) submitted comments stating that two geodetic station markers have been identified that may be affected by the proposed abandonment. Therefore, SEA additionally recommends that IC be required to provide NGS with at least 90 days' notice prior to beginning salvage activities so that NGS may plan for the possible relocation of the markers. Accordingly, the environmental conditions recommended by SEA in the EA and the new condition recommended by SEA will be imposed.

Based on SEA's recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that IC shall: (1) conduct salvage activities in the following manner: (a) take precautions during salvage operation to ensure public safety; and (b) dispose of no material into waterways during salvage activities; (2) follow Best Management Practices during salvage activities; (3) prior to commencement of salvage activities, consult with the DEQ's Environmental Permits Division of the Office of Pollution Control regarding its stormwater requirements and comply with its reasonable requirements; (4)(a) control any runoff from the exposed rail bed during salvage activities, particularly at any rail line crossings of waterbodies such as streams; (b) properly dispose of railroad ties treated with creosote; (c) site all staging areas for salvage work outside of wetlands and streams and restore those areas after salvage is completed; (d) limit any noisy salvage work to weekdays during daytime hours to the extent feasible; and (e) in the event that any petroleum or other chemical spill is discovered, immediately contact USEPA and SEA; (5) in the event that any unrecorded cultural resources (such as archaeological sites, human remains, funerary items or associated artifacts) are discovered during the railroad's salvage activities, immediately cease all work and notify SEA, interested Federally recognized tribes, and SHPO. SEA shall then consult with SHPO, interested Federally recognized tribes, and the railroad to determine whether any mitigation measures are necessary; and (6) provide NGS with at least 90 days' notice prior to beginning salvage activities so that NGS may plan for the possible relocation of the station markers.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary