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OEA

SERVICE DATE – MARCH 1, 2019

**SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 312 (Sub-No. 4X)

South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Terrell County, Ga.

Docket No. AB 1000 (Sub-No. 4X)

Georgia Southwestern Railroad, Inc. – Discontinuance Exemption – in Terrell County, Ga.

BACKGROUND

In this proceeding, South Carolina Central Railroad Company, LLC (SCRF), and Georgia Southwestern Railroad, Inc. (GSWR) (collectively, Applicants), jointly filed a verified notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 for SCRF to abandon and for GSWR to discontinue service over approximately 1,350 feet of rail line (the Line). The Line extends from Milepost 72.88 to Milepost 72.63, in the Town of Sasser, Terrell County, Georgia. A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If this notice becomes effective, SCRF would be able to salvage track, ties and other railroad appurtenance and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in southwestern Georgia. The width of the Line's right-of-way was not specified by Applicants. There are no bridges or other structures on the Line, but structures adjacent to the right-of-way include retail buildings, grain storage bins, barns, a few single-family homes, and a church.

SCRF acquired the Line from CSX Transportation, Inc. in 1989. SCRF subsequently sold the Line and its physical assets to the Georgia Department of Transportation in 2002 but retained a permanent freight easement and common carrier obligation on the Line. Concurrently, SCRF leased the newly established freight easement to GSWR, which operated over the Line. Applicants stated that they received an expression of interest from South Georgia Rails to Trails, Inc. for acquisition of the right-of-way for rail banking and interim trail use.

ENVIRONMENTAL REVIEW

Applicants submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. Applicants served the environmental report on several appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) reviewed and investigated the record in this proceeding.

Diversion of Traffic

Applicants stated that no local traffic has moved over the Line for at least two years. The Line is also stub-ended; and therefore, there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Applicants stated that a portion of the tracks was removed at an unknown time in the past, but there are no plans to salvage the remaining track and track materials.

The National Geodetic Survey (NGS) stated that one geodetic station marker has been identified and the marker could be affected by the proposed abandonment. If the marker would be disturbed by the proposed abandonment, NGS stated that it should be consulted at least 90 days prior to any salvage activities that would disturb or destroy the station marker. OEA notes, however, that the marker should not be impacted by the proposed abandonment because Applicants do not plan to conduct any salvage.

The Natural Resources Conservation Service (NRCS) had not responded to the railroad's environmental report at the time this EA was prepared. Therefore, OEA is providing a copy of this EA to NRCS – Georgia State Conservationist for review and comment.

The U.S. Army Corps of Engineers had not responded to the railroad's environmental report at the time this EA was prepared. However, because SCRF does not plan to conduct salvage, OEA believes that a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required. Nevertheless, OEA is providing a copy of this EA to the Corps – Savannah District, Regulatory Division for review and comment.

¹ Applicants' environmental and historic reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 312 (Sub-No. 4X).

The U.S. Fish and Wildlife Service (USFWS) had not responded to the railroad's environmental report at the time this EA was prepared. However, because of the Line's limited length and the developed land uses adjacent to the Line, OEA does not expect that the proposed abandonment would adversely impact federally listed threatened or endangered species protected under the Endangered Species Act (16 U.S.C. § 1531 et seq.). Nevertheless, OEA is providing a copy of this EA to the USFWS – Georgia Ecological Services for review and comment.

Based on a review of the Georgia Department of Natural Resource's Coastal Zone Management Program (CZMP) website, OEA has determined that the Line is not located within Georgia's CZMP area.

The U.S. Environmental Protection Agency, Region 4 (USEPA) responded to the Applicants' environmental report and stated that it had no environmental concerns or comments.

The Town of Sasser stated that significant environmental impacts on the town would not be anticipated from the proposed abandonment.

HISTORIC REVIEW

Applicants submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and provided a copy to the Georgia Historic Preservation Division of the Georgia Department of Natural Resources (i.e., State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).² As part of its public outreach, Applicants also placed a notice of the proposed abandonment in The Dawson News on October 18, 2018 and notified local governments of the proposed abandonment. Both the historic report and this EA are available on the Board's website, and OEA is providing the SHPO with a copy of this EA.

Applicants do not possess historical data on the Line prior to it acquiring the Line in 1989. However, Applicants believe the Line was constructed more than 50 years ago. Applicants stated that there are no structures within the Line's right-of-way.

By letter dated October 22, 2018 (SHPO Project Number HP-181009-012), the SHPO commented that, as it has previously stated and as further documented in *Georgia's Railroads, 1833-2015: Historic Context and Statewide Survey*, most railroads in the State of Georgia are

² Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

eligible for listing in the National Register of Historic Places (National Register) under Criteria A and C for transportation and engineering. Therefore, the SHPO finds that the Line is eligible for listing in the National Register, and that removing it out of federal control through the abandonment process constitutes an adverse effect, pursuant to 36 C.F.R. § 800.5(a)(2). The SHPO indicates that further consultation is necessary to avoid or reduce the adverse effect the proposed abandonment would have on the associated historic properties. Accordingly, OEA is recommending a condition requiring SCRF to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool at <https://egis.hud.gov/tdat/>, to identify federally recognized tribes that may have ancestral connections to the project area. The database identified three tribes for Terrell County (search date of February 13, 2019):

- Coushatta Tribe of Louisiana,
- Alabama-Quassarte Tribal Town, and
- Muscogee (Creek) Nation.

OEA is providing each tribe with a copy of this EA for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:

- South Carolina Central Railroad, LLC (SCRF) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. SCRF shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Georgia Department of Natural Resources, Historic Preservation Division (State Historic Preservation Office or SHPO) and the public. SCRF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would 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 and no salvage activities), 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 C.F.R § 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 the time specified in the Federal Register notice. 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at 202-245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, D.C. 20423.

COMMENTS

If you wish to file comments regarding this EA, please send your written comments to Surface Transportation Board, Washington, D.C. 20423, to the attention of Dave Navecky, who prepared this document. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 312 (Sub-No. 4X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294 or e-mail at david.navecky@stb.gov.

Date made available to the public: March 1, 2019.

Comment due date: March 15, 2019.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment



Docket No. AB 312 (Sub-No. 4X)
South Carolina Central Railroad Company, LLC
Abandonment Exemption

Docket No. AB 1000 (Sub-No. 4X)
Georgia Southwestern Railroad, Inc.
Discontinuance Exemption
Town of Sasser
Terrell County, Georgia

Legend

 the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Location in State