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SEA**

SERVICE DATE – FEBRUARY 7, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub No. 265X)

**NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN CALHOUN COUNTY, ALABAMA**

BACKGROUND

In this proceeding, the Norfolk Southern Railway Company (NS) filed a notice of exemption pursuant to 49 C.F.R. 1152.50 to abandon 5.9 miles of rail line between milepost 55.3-N at Fort McClellan and milepost 61.1-N at Anniston, Calhoun County, Alabama. The line traverses United States Postal Service ZIP Codes 36201, 36203, 36205, 36206, and 36207. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would 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 served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

According to NS, this line has been out of service for more than two years. Consequently, the proposed abandonment would cause no diversion of passengers or freight to other transportation systems or modes. Because the line has handled no local or overhead traffic during the last two years, the proposed abandonment would not affect the transportation of energy resources or recyclable commodities, and would not result in an increase in overall energy efficiency.

NS states that it is aware of no inconsistencies of the proposed action with existing land use plans. Land use along the rail line proposed for abandonment is 55% unimproved, 25% industrial/commercial and 20% residential. If abandonment authority is granted, NS states that where it owns the right-of-way, it will be allowed to naturally revegetate.

NS maintains that any emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

NS maintains that abandonment of the proposed rail line would not have significant impacts upon public health or safety. Moreover, NS states that the closing of fourteen at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line.

The United States Fish and Wildlife Service (USFWS) has notified NS that there are 89 threatened or endangered species that may exist statewide, including the Federally-list endangered gray bat which is known to occur in the project area along Choccolocco Creek. The Federally-listed threatened blue shiner is also known to occur in Choccolocco Creek. Moreover, USFWS maintains that the southern portion of the project area is located on highly contaminated soils near Snow Creek, which is adjacent to Choccolocco Creek. USFWS is concerned that salvage activities may cause contaminated soil to enter Snow and Choccolocco Creeks and adversely impact the gray bat and blue shiner. USFWS has requested additional information on salvage methods and the results of any contaminants analyses (specifically PCB, mercury, and lead) in surface soils in the area of the proposed abandonment. Because the USFWS has expressed concern that Federally-listed threatened or endangered species that occur in the project area could be adversely impacted by the proposed abandonment, SEA recommends that NS contact the USFWS to determine what additional information is needed to facilitate a review of possible effects of this project on any Federally-listed threatened or endangered species or areas designated as critical habitat. SEA further recommends that NS report the results of these consultation efforts to SEA prior to the onset of salvage operations. NS states in its notice of exemption that it is willing to undertake reasonable mitigating actions to protect any endangered species which might be encountered in connection with and during abandonment activities.

At the time this EA was prepared, the United States Army Corps of Engineers (USACE) had not responded to NS's request for assistance in identifying any designated wetlands or 100-year flood plains that could be affected by the proposed abandonment. Accordingly, in order to determine whether a USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would be required, we recommend that NS consult with the USACE prior to commencement of any salvage activities.

At this time, the Alabama Coastal Area Management Program has not submitted a determination on whether the proposed abandonment would affect land or water resources within the Alabama coastal zone. However, because the proposed abandonment is not located near any Alabama coastal areas, it is unlikely that it would have any impacts in the coastal zone.

The National Geodetic Survey has advised the Board in a letter of August 10, 2005 that no geodetic station markers have been identified that may be affected by the proposed abandonment.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Alabama State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). At the time this EA was prepared, the SHPO had not submitted comments on the proposed abandonment. Because there are several structures on the line that are 50 years old and older, NS shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA is required to consult with tribes pursuant to 36 CFR 800.3(f)(2) to seek their input regarding any National Register of Historic Places eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. SEA has identified the following Federally recognized Indian tribes, which may have ancestral connections to the project area and may therefore have an interest in the project's potential impacts on any areas of tribal interest. The tribes identified are the Eastern Band of Cherokee Indians of North Carolina, and the Muscogee (Creek) Nation of Oklahoma. SEA has added the tribes to the service list for this proceeding to ensure that they receive a copy of this EA for their comment.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

- NS shall consult with the United States Army Corps of Engineers prior to commencement of any salvage activities in order to determine whether a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required.
- NS shall consult with the United States Fish and Wildlife Service regarding possible impacts to Federally-listed threatened and endangered species that may occur in the vicinity of the line proposed for abandonment. We further recommend that NS report the results of these consultation efforts to SEA prior to the onset of salvage operations.
- NS shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are 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), 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

In its notice of exemption, NS states that it does not have fee title to the entire right-of-way underlying the line proposed for abandonment; therefore NS would not have a contiguous corridor available for public use. Under these circumstances, NS does not believe that the right-of-way is suitable for alternative public use. Nevertheless, following abandonment and salvage of the rail line, a portion of 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 is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class 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 (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, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site,

www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub. No. 265X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail johnson-ballp@stb.dot.gov.

Date made available to the public: February 7, 2006.

Comment due date: February 22, 2006.

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

Vernon A. Williams
Secretary

Attachment