

218155



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB 192 (Sub-No. 2 X)

**BIRMINGHAM SOUTHERN RAILROAD COMPANY
ABANDONMENT AND DISCONTINUANCE OF SERVICE OVER THE
OLD PORT BRANCH IN JEFFERSON COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPTION

**FILED
NOV 29 2006
SURFACE
TRANSPORTATION BOARD**

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SURFACE
TRANSPORTATION BOARD**

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**BIRMINGHAM SOUTHERN
RAILROAD COMPANY**

**ENTERED
Office of Proceedings**

NOV 29 2006

**Part of
Public Record**

BEFORE
THE SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 192 (Sub-No. 2 X)



BIRMINGHAM SOUTHERN RAILROAD COMPANY
ABANDONMENT AND DISCONTINUANCE OF SERVICE OVER THE OLD PORT
BRANCH
IN JEFFERSON COUNTY, ALABAMA

VERIFIED NOTICE OF EXEMPTION

Birmingham Southern Railroad Company, (hereinafter referred to as "Applicant" or "BSRC") herewith gives its Verified Notice of Exemption of the abandonment and discontinuance of rail service over its line of railroad known as the Old Port Branch, extending from point of switch Survey Station 936+04.07 of Turnout P-63 A, and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s Survey Station 945+52.55 in the City of Birmingham, Jefferson County, Alabama, a distance of 00.18 mile. Trestle 17.9 (FAC# P 18 E) is located at Milepost 17.9 on the Short Creek in Birmingham, Jefferson County, Alabama. A map indicating the exact location of the line to be abandoned is attached hereto and made a part hereof and shown as **Exhibit A**. Based on information in our possession, the line does not contain federally granted rights-of-way.

In accordance with 49 C.F.R. § 1152.50(d)(2), Applicant respectfully sets forth the following information in support of its Application.

The abandonment is to be consummated on or before February 28, 2007.

It is herewith certified that no local or overhead traffic has been handled over the line for at least two (2) years. In fact, the line has not been used for local or overhead traffic for fourteen (14) years or more. It is further certified that no formal complaint has been filed by a user of rail service on the line (or by a State

or local government entity acting on behalf of such user) regarding cessation of service over the line, and that no such complaint is pending with the Surface Transportation Board (the "Board") or any U.S. District Court or has been decided in favor of any such complainant within the two (2) year period.

The information required by 49 C.F.R. §§ 1152.22(a)(1)-(4), (7), (8), (e)(4) and (f), (g) and (h) is as follows:

§ 1152.22(a)(1): Applicant's Name.

Exact Name of Applicant.

The exact name of the Applicant is "Birmingham Southern Railroad Company", an Alabama corporation.

§ 1152.22(a)(2): Jurisdiction.

Whether Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

Applicant is a common carrier by railroad subject to the ICC Termination Act.

§ 1152.22(a)(3): Relief sought.

Relief sought (abandonment of line or discontinuance of service).

BSRC seeks permission to abandon and discontinue service over its line known as the Old Port Branch extending from point of switch Survey Station 936+04.07 of Turnout P-63 A, and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s line at Survey Station 945+52.55 in the City of Birmingham, Jefferson County, Alabama, a distance of 0.18 mile.

§ 1152.22(a)(4): Detailed map.

Detailed map of the subject line on a sheet not larger than 8 x 10 ½ inches, drawn to scale, and

with the scale shown thereon. The map must show, in clear relief, the exact location of the rail line to be abandoned or over which service is to be discontinued and its relation to other rail lines in the area, highways, water routes, and population centers.

*Attached as **Exhibit "A"** is a detailed map depicting the line to be abandoned.*

§ 1152.22(a)(7): Correspondence.

Name, title, and address of representative of Applicant to whom correspondence should be sent.

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RAILROAD COMPANY*

§ 1152.22(a)(8): ZIP Codes.

List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses.

The line proposed to be abandoned passes through U.S.P.S. ZIP Code 35118.

§ 1152.22(e)(4):

Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the Applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

Applicant represents that the Old Port Branch passes through a rural area. It connected to BSRC's Port Birmingham barge / rail terminal at the Locust Fork of the Warrior River. In conjunction with this abandonment application, the BSRC intends to convey to Ergon Terminaling, Inc. its interest in and to the line, including Trestle 17.9 and all the rails and ties associated therewith, and the right to use and maintain said trestle and line, commencing at a point measured along the Old Port Branch a distance of 423.59 feet from Survey Station 936+04.07, which will permit Ergon Terminaling, Inc the potential for a future rail connection should the appropriate need and economics justify it. In the event that Trestle 17.9 is not conveyed to Ergon Terminaling, Inc., it will be conveyed to the State of Alabama or dismantled.

§ 1152.22(f): Environmental Impact:

Please refer to the attached Environmental Reports.

§1152.22 (g): Passenger Service:

Passenger service is not provided on the subject line.

§1152.22 (h): Additional information:

The Applicant shall submit such additional information to support its application as the Board may require.

The BSRC intends to convey to Ergon Terminaling, Inc. or the State of Alabama its interest in and to the line, including Trestle 17.9 and all the rails and ties associated therewith, and the right to use and maintain said trestle and line, commencing at a point measured along the Old Port Branch a distance of

423.59 feet from Survey Station 936+04.07, which will permit Ergon Terminaling, Inc the potential for a future rail connection should the appropriate need and economics justify it. In the event that Trestle 17.9 is not conveyed to Ergon Terminaling, Inc., it will be conveyed to the State of Alabama or dismantled. Such a conveyance is contingent upon Board approval of this application.

The level of labor protection to be afforded is that provided in Oregon Short Line Railroad Company - Abandonment Goshen, 360 I.C.C. 91 (1979). There are no known employees who would be adversely affected by this abandonment.

Respectfully Submitted,



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RAILROAD COMPANY

CERTIFICATE OF SERVICE PURSUANT TO 49 C.F.R. § 1152.50(d)(2)

1. *I hereby certify that I have served the following Notices and papers by first class mail with postage prepaid as follows:*

- A. Notification pursuant to 49 C.F.R. § 1152.50(d)(1) upon the appropriate agencies (or equivalent agencies) as set forth in 49 C.F.R. § 1152.50(d)(1)(i)-(iv) by letters dated November 14, 2006, and mailed that date (copies and responses attached hereto);*
- B. A copy of the Environmental and Historic Report, along with a Transmittal Letter pursuant to 49 C.F.R. § 1105.11, upon the appropriate agencies (or equivalent agencies) as set forth in 49 C.F.R. § 1105.7(b) and the appropriate State Historic Preservation Officer by letter dated November 14, 2006, and mailed that date (copies and responses attached hereto).*



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ENVIRONMENTAL REPORT
BIRMINGHAM SOUTHERN RAILROAD COMPANY
PROPOSED RAIL LINE ABANDONMENT

Abandonment of Old Port Branch

From switch Survey Station 936+04.07 of Turnout P-63 A, and extending from that point over
and across Trestle 17.9 to a rail connection with the track owned by Ergon Terminaling, Inc. at Survey Station
945+52.55.

**ENVIRONMENTAL REPORT ON ABANDONMENT OF BIRMINGHAM SOUTHERN
RAILROAD COMPANY'S OLD PORT BRANCH FROM STATION 936+04.07 OVER AND
ACROSS TRESTLE 17.9 TO A RAIL CONNECTION WITH ERGON TERMINALING,
INC.'S TRACK AT SURVEY STATION 945+52.55 IN
JEFFERSON COUNTY, ALABAMA**

§ 1105.7(d): Documentation.

Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report oral responses from such agencies shall be briefly summarized in the report and the names, titles and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon shall also be provided.

All written responses received prior to the filing of the Verified Notice of Exemption have been attached to the report. Oral responses, citations to reference materials and persons contacted are contained in the section of the report to which they apply.

§ 1105.7(e)(1): Proposed action and alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

*BSRC intends to abandon a section of rail line known as the Old Port Branch. This action will have no effect on current operations or maintenance. A map delineating the section proposed for abandonment is attached as **Exhibit A**.*

§ 1105.7(e)(2): Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The abandonment will have no effect on regional or local transportation systems and patterns. No traffic will be diverted to other transportation systems or modes.

§ 1105.7(e)(3): Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

It is believed that the proposed abandonment is consistent with existing land use plans. No response was received from the appropriate planning agencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

USDA/NRCS has determined that there are no prime agricultural soil mapping units located within the area of the proposed abandonment.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

The proposed abandonment is not within a designated coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The Old Port Branch is not suitable for alternative public use under 49 U. S. C § 10906, because it (i) does not connect to any existing or proposed recreational trail system, nor would it be practical to do so in the foreseeable future; (ii) Trestle 17.9 is not appropriate for recreational purposes due to inherent safety concerns with such structures; and (iii) the relatively short length (0.18 mile) of the Old Port Branch makes it unsuitable for alternative public use. Therefore, in conjunction with this abandonment application, BSRC intends to convey to Ergon Terminaling, Inc. Trestle 17.9 and a portion of the Old Port Branch, which will permit Ergon Terminaling, Inc the potential for a future rail connection should the appropriate need and economics justify it. In the event that Trestle 17.9 is not conveyed to Ergon Terminaling, Inc., it will be conveyed to the State of Alabama or dismantled.

§ 1105.7(e)(4): Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will have no effect on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed abandonment will have no effect on overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
 - (A) 1,000 rail carloads a year; or
 - (B) an average of 50 rail carloads per mile per year for any Part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.

The proposed abandonment will not cause diversions from rail to motor carriage.

§ 1105.7(e)(5): Air.

- (i) If the proposed action will result in either:
 - (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal;
or
 - (B) an increase in rail yard activity of at least 100% (measured by carload activity); or
 - (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or re-institute service over a previously abandoned line, only the eight train a day provision in § (5)(i)(A) will apply.

The proposed abandonment will have no effect on rail or truck traffic.

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

- (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or
- (B) an increase in rail yard activity of at least 20% (measured by carload activity), or
- (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will have no effect on rail or truck traffic.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment does not involve the transportation of ozone depleting materials.

§ 1105.7(e)(6): Noise.

If any of the thresholds identified in Item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more; or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The proposed abandonment will have no effect on noise levels.

§ 1105.7(e)(7): Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no effect on public health and safety,

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed abandonment does not involve the transportation of hazardous materials.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or hazardous waste spill sites along the subject right-of-way.

§ 1105.7(e)(8): Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The proposed abandonment will have no effect on endangered or threatened species or areas designated as a critical habitat.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed abandonment will have no effect on wildlife sanctuaries or refuges, National or State parks or forests.

§ 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. Proposed abandonment is consistent with applicable federal, state, and local water quality standards.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

No permits are required under Section 404 of the Clean Water Act for the proposed abandonment. No designated wetlands or 100-year floodplains will be affected.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

No permits are required for the proposed abandonment under Section 402 of the Clean Water Act.

§ 1105.7(e)(10): Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

The proposed abandonment will have no adverse environmental impact. Therefore, no mitigation is required.

§ 1105.7(e)(11): Additional Information for Rail Constructions.

The following additional information should be included for rail construction proposals (including connecting track construction):

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7 ½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

Not Applicable.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

Not Applicable.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

Not Applicable.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

Not Applicable.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§ 1105.7(e)(4), (5), or (6) are met.

Not Applicable.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

Not Applicable.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

Not Applicable.

This is not a rail construction proposal; therefore, § 1105.7(e)(11) is not applicable.

§ 1105.7(f): Additional Information.

The Board may require applicants to submit additional information regarding the environmental or energy effects of the proposed action.

§ 1105.7(g): Waiver.

The Board may waive or modify, in whole or in part, the provisions of this section where a railroad applicant shows that the information requested is not necessary for the Board to evaluate the environmental impacts of the proposed action.

Respectfully Submitted,



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RAILROAD COMPANY

HISTORIC REPORT
BIRMINGHAM SOUTHERN RAILROAD COMPANY
PROPOSED RAIL LINE ABANDONMENT

Abandonment of Old Port Branch

From switch Survey Station 936+04.07 of Turnout P-63 A, and extending from that point over
and across Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s track at Survey Station 945+52.55

HISTORIC REPORT ON ABANDONMENT OF BIRMINGHAM SOUTHERN RAILROAD COMPANY'S OLD PORT BRANCH FROM SURVEY STATION 936+04.07 OVER AND ACROSS TRESTLE 17.9 TO A RAIL CONNECTION WITH ERGON TERMINALING, INC.'S TRACK AT SURVEY STATION 945+52.55 IN JEFFERSON COUNTY, ALABAMA.

§ 1105.7(e)(1): Proposed action and alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

*Abandon BSRC's Old Port Branch trackage rights from Station 936+04.07 to Station 945+ 52.55 in Jefferson County, Alabama. A map delineating the line proposed for abandonment is attached as **Exhibit "A."** No commodities have been transported over this section of track for a period of greater than two (2) years. In fact, the track has not been used for fourteen (14) years or more. There will be no change in the existing operations of BSRC. BSRC's Old Port Branch is located in a rural area. It connected to BSRC's Port Birmingham barge / rail terminal at the Locust Fork of the Warrior River. In conjunction with this abandonment application, BSRC intends to convey to Ergon Terminaling, Inc. its interest in and to the following named property, specifically, Trestle 17.9 and a portion of the Old Port Branch, which will permit Ergon Terminaling, Inc the potential for a future rail connection should the appropriate need and economics justify it. In the event that Trestle 17.9 is not conveyed to Ergon Terminaling, Inc., it will be conveyed to the State of Alabama or dismantled.*

§ 1105.8(d)(1): Topographic map.

A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed

action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

*Attached as **Exhibit "B"** hereto is a portion of U.S.G.S. Quadrangle Maps, Jefferson County, Alabama, illustrating the location of the proposed abandonment. No buildings are involved in the abandonment.*

§ 1105.8(d)(2): Description or right-of-way.

A written description of the right-of-way including approximate widths (to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

BSRC owns no land that is involved as part of this subject abandonment of trackage rights.

§ 1105.8(d)(3): Photographs.

Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

The only structure involved in this abandonment will be BSRC's Trestle 17.9 and Old Port Branch, which will be conveyed to Ergon Terminaling, Inc. In the event that Trestle 17.9 is not conveyed to Ergon Terminaling, Inc., it will be conveyed to the State of Alabama or dismantled.

§ 1105.8(d)(4): Construction dates.

The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

BSRC's Trestle 17.9 was built in the early 1900's and reinforced several times over its working life.

§ 1105.8(d)(5): Narrative history.

A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

BSRC's Old Port Branch provided a transportation connection between BSRC's Port Birmingham barge / rail terminal on the Locust Fork of the Warrior River. BSRC's Trestle 17.9, which is part of the abandonment proposal route, crosses Short Creek. The surrounding area is historically insignificant.

§ 1105.8(d)(6): Summary of documents.

A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

A complete set of engineering drawings of Trestle 17.9 is available.

§ 1105.8(d) f (7): Opinion of historical significance.

An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

The area surrounding the subject abandonment is historically insignificant.

§ 1105.8(d)(8): Ground conditions.

A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

Ground conditions will be left just as they have been for nearly 100 years.

§1105.8(d)(9): Additional Information.

Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

§ 1105.8(e): Waiver.

Any of these requirements may be waived or modified when the information is not necessary to determine the presence of historic properties and the effect of the proposed action on them.

Respectfully Submitted,



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RAILROAD COMPANY

NQ.
1. **GRANIOR**
Federal Ec-ga 1.1

LOCATED DURING THE AERIAL CONTROL SURVEY ON 27 COMPARISON
S.R.C. SURVEY DATA
FROM NEAREST MONUMENT FROM S.R.C. SURVEY
BASED ON AERIAL PHOTOGRAPHY TAKEN 2-8-88
PREVIOUS MAPPING
CLOSED SECTION INFORMATION AND SURVEY LOCATIONS
OTHER MAPPING

**CERTIFICATE OF SERVICE AND PUBLICATION
PURSUANT TO 49 C.F.R. § 1105.7(c)**

1. *I hereby certify that I have served the following Notices and papers by first class mail with postage prepaid as follows:*

A. A copy of the Environmental and Historic Reports, along with a Transmittal Letter pursuant to 49 C.F.R. § 1105.11, upon the appropriate agencies (or equivalent agencies) and within the time period specified in 49 C.F.R. § 1105.7(b) and upon the appropriate State Historic Preservation Officer by letter dated November 14, 2006, and mailed that date (copies and responses attached hereto). These agencies were consulted in preparing the report.

2. *I further certify that I caused to be published a Legal Notice in the November 18, 2006, issue of The Alabama Messenger as required in 49 C.F.R. § 1105.12 providing public notification of BSRCs intent to file this Verified Notice of Exemption (copy and Affidavit of Publication attached hereto).*



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RAILROAD COMPANY



BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Mr. Phillip Hinesley, Environmental Coordinator
Alabama Department of Conservation and Natural Resources
64 North Union Street - Suite 464
Montgomery, Alabama 36104

Re: Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)

Dear Mr. Hinesley:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C., Telephone (202) 565-1562 and refer to the above *Docket No.* Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA with a copy to our representative would be appreciated within three (3) weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

Enclosures:
Verified Notice of Exemption
Environmental/Historical Report
Map
Photographs

AFFIDAVIT OF PUBLICATION

NOTICE FOR OUT-OF-SERVICE
ABANDONMENT EXEMPTIONS
NOTICE OF INTENT TO
ABANDON OR TO DISCONTINUE
RAIL SERVICE

Birmingham Southern Railroad Company, an Alabama corporation, gives notice that on or about November 27, 2006, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of or discontinuance of service of railroad known as the Old Port Branch, extending from point of switch Survey Station 936+04.07 of Turnout P-63 A, and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s Survey Station 945+52.55 in the City of Birmingham, Jefferson County, Alabama, a distance of 00.18 mile, which traverses through United States Postal Service ZIP Code 35118. The proceeding will be docketed as No. AB 192 (Sub-No. 2 X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, D.C. 20423, or by calling that office at (202) 565-1562.

Appropriate officers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, D.C. 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (202) 565-1591. Copies of any comments or requests for conditions should be served on the applicant's representative:

Michael M. Partain, ESQ.
United States Steel Corporation
Law Department - Fairfield Office
6200 E. J. Oliver Boulevard, Suite 192
Fairfield, Alabama 35064
(205) 783-2515
Attorney for
Birmingham Southern
Railroad Company
Ala. Ms. - Nov. 18, 2006

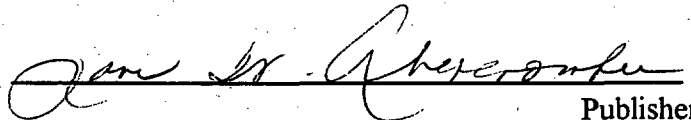
STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said
County, in said State, personally appeared
KAREN W. ABERCROMBIE

who, by me duly sworn, deposes and says that she is the
PUBLISHER OF ALABAMA MESSENGER, a weekly
newspaper of **GENERAL CIRCULATION**, PUBLISHED
and **PRINTED** in Jefferson County, Alabama, and which
has been in **CONTINUOUS WEEKLY PUBLICATION**
SINCE 1918, And that there was published in said
newspaper in the issues of

NOVEMBER 18, 2006

_____, a legal
notice, a copy of which is hereto attached.


Publisher

Swc

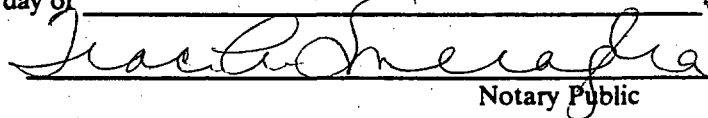
Am

he

22nd

day of

NOVEMBER, 2006


Notary Public



STB No. AB 192 (Sub-No. 2 X)

**Notice of Petition for Exemption to Abandon
or to Discontinue Service**

On November __, 2006, Birmingham Southern Railroad Company, an Alabama corporation, filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of or discontinuance of service of railroad known as the "Old Port Branch", extending from point of switch Survey Station 936+04.07 of Turnout P-63 A, and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s Survey Station 945+52.55 in the City of Birmingham, Jefferson County, Alabama, a distance of 00.18 mile, which traverses through United States Postal Service ZIP Code 35118.

The line does contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the level of labor protection afforded by that provided in Oregon Short Line Railroad Company - Abandonment Goshen, 360 I.C.C. 91 (1979). There are no known employees who would be adversely affected by this abandonment.

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.



BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064

November 14, 2006



Director
Alabama Department of Economic & Community Affairs
401 Adams Avenue
Montgomery, Alabama 36103-5690

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Director:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

Enclosures:
Verified Notice of Exemption
Environmental/Historical Report
Map
Photographs



BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Mr. Stephen Spencer, Branch Manager
Alabama Department of Environmental Management
110 Vulcan Road
Birmingham, Alabama 35209

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Mr. Spencer:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Mr. Russell Kelly, Chief
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36110

Re: Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)

Dear Mr. Kelly:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Director
Alabama Highway Department
1409 Coliseum Boulevard
Montgomery, Alabama 36130

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Director:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Mr. Walter Thomas, Secretary
Alabama Public Service Commission
P. O. Box 304260
100 N. Union Street - RSA Union, Suite 850
Montgomery, Alabama 36130

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Mr. Thomas:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL. 35064



November 14, 2006

Mr. Lawrence Oaks, Director SHPO
Alabama Historical Commission
468 South Perry Street
Montgomery, Alabama 36130

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Mr. Oaks:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Dr. Ed Bridges, Interim SHPO
Alabama Historical Commission
468 South Perry Street
Montgomery, Alabama 36130-0900

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Dr. Bridges:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminals, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Ms. Marjorie L. White, Director
Birmingham Historical Society
1 Sloss Quarters
Birmingham, Alabama 35222

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Ms. White:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminals, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

Enclosures:
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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Mr. Don G. Watkins, President
Birmingham-Jefferson Historical Society
P. O. Box 130285
Birmingham, Alabama 35213-0285

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Mr. Watkins:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminals, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Director
Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

Re: Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)

Dear Director:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Sincerely,

Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064

November 14, 2006



Mr. William Gilchrist, Director
Department of Planning, Engineering and Permits
710 North 19th Street
2nd Floor - City Hall
Birmingham, Alabama 35203

Re: Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)

Dear Mr. Gilchrist:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Ms. Lillie Fincher, Chair
Jefferson County Historical Commission
571 Landmark Center
2100 First Avenue North
Birmingham, Alabama 35203

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Ms. Fincher:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C., Telephone (202) 565-1562 and refer to the above *Docket No.* Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA with a copy to our representative would be appreciated within three (3) weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historical impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. BSRC's representative in this matter is Michael M. Partain, Esq., who may be contacted by telephone at (205) 783-2515, or by mail at the address above.

Sincerely,

Michael M. Partain

Enclosures:
Verified Notice of Exemption
Environmental/Historical Report
Map
Photographs



BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Mr. Larry Langford, President
Jefferson County Commission
716 Richard Arrington, Jr. Boulevard North
Birmingham, Alabama 35203

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Mr. Langford:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Director - SSMC-13
NGS Information Services/NOAA, N/NGS12
1315 East-West Highway 2993
Silver Spring, Maryland 20910-3282

Re: Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)

Dear Director - SSMC-13:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Director
U. S. Army Engineer District, Mobile
P. O. Box 2288
Mobile, Alabama 36628-0001

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Director:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Director, Land Resources Division
U. S. Department of Interior
National Park Service - Land Resources Division
1849 C Street, N.W.
Washington, D. C. 20240

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Director Land Resources Division:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Michael M. Partain

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Recreational Resources Assistant
U. S. Department of Interior
National Park Service Division
1849 C Street, N.W.
Washington, D. C. 20240

Re: Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)

Dear Recreational Resources Assistant:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminaling, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Director
U. S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

Re: Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)

Dear Director:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

Ms. Elaine Snyder-Conn, Acting Field Supervisor
U. S. Fish and Wildlife Service
1208-B Main Street
Daphne, Alabama 36526

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub-No. 2 X)*

Dear Ms. Snyder-Conn:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminals, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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BIRMINGHAM SOUTHERN RAILROAD COMPANY

P.O. BOX 579
FAIRFIELD, AL 35064



November 14, 2006

State Conservationist
USDA Natural Resources Conservation Service
3381 Skyway Drive
P. O. Box 311
Auburn, Alabama 36830

Re: *Birmingham Southern Railroad Company Proposed Abandonment of the Old Port Branch in Jefferson County, Alabama - Docket No. AB192 (Sub No. 2 X)*

Dear State Conservationist:

On or about November 28, 2006, Birmingham Southern Railroad Company (BSRC) expects to be filing with the Surface Transportation Board (STB) a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in Jefferson County, Alabama, known as the Old Port Branch, extending from Survey Station 936+ 04.07 of Turnout P-63-A and extending from that point over and across the Trestle 17.9 to a rail connection with Ergon Terminating, Inc.'s Survey Station 945+ 52.55 in the City of Birmingham, Jefferson County, Alabama, Zip Code 35118. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in BSRC's possession will be made available promptly to those requesting it.

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Michael M. Partain

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ENVIRONMENTAL REPORT
BIRMINGHAM SOUTHERN RAILROAD COMPANY
PROPOSED RAIL LINE ABANDONMENT



Abandonment of Old Port Branch

From switch Survey Station 936+04.07 of Turnout P-63 A, and extending from that point over
and across Trestle 17.9 to a rail connection with the track owned by Ergon Terminaling, Inc. at Survey Station
945+52.55.

**ENVIRONMENTAL REPORT ON ABANDONMENT OF BIRMINGHAM SOUTHERN
RAILROAD COMPANY'S OLD PORT BRANCH FROM STATION 936+04.07 OVER AND
ACROSS TRESTLE 17.9 TO A RAIL CONNECTION WITH ERGON TERMINALING,
INC.'S TRACK AT SURVEY STATION 945+52.55 IN
JEFFERSON COUNTY, ALABAMA**

§ 1105.7(d): Documentation.

Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report oral responses from such agencies shall be briefly summarized in the report and the names, titles and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon shall also be provided.

All written responses received prior to the filing of the Verified Notice of Exemption have been attached to the report. Oral responses, citations to reference materials and persons contacted are contained in the section of the report to which they apply.

§ 1105.7(e)(1): Proposed action and alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

*BSRC intends to abandon a section of rail line known as the Old Port Branch. This action will have no effect on current operations or maintenance. A map delineating the section proposed for abandonment is attached as **Exhibit A**.*

§ 1105.7(e)(2): Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The abandonment will have no effect on regional or local transportation systems and patterns. No traffic will be diverted to other transportation systems or modes.

§ 1105.7(e)(3): Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

It is believed that the proposed abandonment is consistent with existing land use plans. No response was received from the appropriate planning agencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

USDA/NRCS has determined that there are no prime agricultural soil mapping units located within the area of the proposed abandonment.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

The proposed abandonment is not within a designated coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The Old Port Branch is not suitable for alternative public use under 49 U. S. C § 10906, because it (i) does not connect to any existing or proposed recreational trail system, nor would it be practical to do so in the foreseeable future; (ii) Trestle 17.9 is not appropriate for recreational purposes due to inherent safety concerns with such structures; and (iii) the relatively short length (0.18 mile) of the Old Port Branch makes it unsuitable for alternative public use. Therefore, in conjunction with this abandonment application, BSRC intends to convey to Ergon Terminaling, Inc. Trestle 17.9 and a portion of the Old Port Branch , which will permit Ergon Terminaling, Inc the potential for a future rail connection should the appropriate need and economics justify it. In the event that Trestle 17.9 is not conveyed to Ergon Terminaling, Inc., it will be conveyed to the State of Alabama or dismantled.

§ 1105.7(e)(4): Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will have no effect on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed abandonment will have no effect on overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
 - (A) 1,000 rail carloads a year; or
 - (B) an average of 50 rail carloads per mile per year for any Part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.

The proposed abandonment will not cause diversions from rail to motor carriage.

§ 1105.7(e)(5): Air.

- (i) If the proposed action will result in either:
 - (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal;
or
 - (B) an increase in rail yard activity of at least 100% (measured by carload activity); or
 - (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or re-institute service over a previously abandoned line, only the eight train a day provision in § (5)(i)(A) will apply.

The proposed abandonment will have no effect on rail or truck traffic.

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

- (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or
- (B) an increase in rail yard activity of at least 20% (measured by carload activity), or
- (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will have no effect on rail or truck traffic.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment does not involve the transportation of ozone depleting materials.

§ 1105.7(e)(6): Noise.

If any of the thresholds identified in Item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more; or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The proposed abandonment will have no effect on noise levels.

§ 1105.7(e)(7): Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no effect on public health and safety,

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed abandonment does not involve the transportation of hazardous materials.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or hazardous waste spill sites along the subject right-of-way.

§ 1105.7(e)(8): Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The proposed abandonment will have no effect on endangered or threatened species or areas designated as a critical habitat.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed abandonment will have no effect on wildlife sanctuaries or refuges, National or State parks or forests.

§ 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. Proposed abandonment is consistent with applicable federal, state, and local water quality standards.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

*No permits are required under Section 404 of the Clean Water Act for the proposed abandonment.
No designated wetlands or 100-year floodplains will be affected.*

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

No permits are required for the proposed abandonment under Section 402 of the Clean Water Act.

§ 1105.7(e)(10): Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

The proposed abandonment will have no adverse environmental impact. Therefore, no mitigation is required.

§ 1105.7(e)(11): Additional Information for Rail Constructions.

The following additional information should be included for rail construction proposals (including connecting track construction):

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7 ½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

Not Applicable.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

Not Applicable.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

Not Applicable.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

Not Applicable.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§ 1105.7(e)(4), (5), or (6) are met.

Not Applicable.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

Not Applicable.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

Not Applicable.

This is not a rail construction proposal; therefore, § 1105.7(e)(11) is not applicable.

§ 1105.7(f): Additional Information.

The Board may require applicants to submit additional information regarding the environmental or energy effects of the proposed action.

§ 1105.7(g): Waiver.

The Board may waive or modify, in whole or in part, the provisions of this section where a railroad applicant shows that the information requested is not necessary for the Board to evaluate the environmental impacts of the proposed action.

Respectfully Submitted,



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EXHIBIT A