

51979
DO

SERVICE DATE – DECEMBER 15, 2023

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 813X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN WORCESTER,
MASS.

Decided: December 15, 2023

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58, on its Albany Division, Boston Subdivision, Fitchburg Branch, in Worcester, Mass. (the Line). Notice of the exemption was served and published in the Federal Register on November 17, 2023 (88 Fed. Reg. 80,375). The exemption is scheduled to become effective on December 17, 2023.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on November 24, 2023, recommending that one condition be imposed on any decision granting abandonment authority.

OEA stated that CSXT submitted a combined environmental and historic report and served the report on the Massachusetts Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The Draft EA stated that OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining whether any historic properties eligible for, or listed on, the National Register of Historic Places (National Register) are present. Accordingly, OEA recommended a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed and the Board has removed this condition.

OEA issued its Final Environmental Assessment (Final EA) on December 14, 2023, indicating that no new comments were received and OEA therefore continues to recommend that the condition recommended in the Draft EA be imposed. Based on OEA's analysis and recommendation, the condition recommended in the Final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The notice served and published in the Federal Register on November 17, 2023, exempting the abandonment of the Line described above is subject to the condition¹ that CSXT shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. CSXT shall report back to OEA regarding any consultations with the SHPO and the public. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition set forth below is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.