

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1332X

**Athens Transportation Partners, LLC – Abandonment Exemption –
In Clarke County, Ga.**

BACKGROUND

In this proceeding, Athens Transportation Partners, LLC (ATP)¹ filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad located in Clarke County, Georgia. The rail line proposed for abandonment is approximately 6.5 miles in length and extends from milepost F-MP 98.8 on the north side of the Oconee River trestle bridge in Athens-Clarke County north to milepost F-MP 105.3 near East Broad Street in the city of Athens (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If this notice becomes effective, ATP would be able to salvage the track, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line travels through flat to gently rolling terrain past the campus of the University of Georgia (UGA) and several residential communities and is close to the open space areas of the Oconee River, the State Botanic Gardens of Georgia and Oconee Forest Park. According to ATP, there has been no local or overhead traffic on the Line since 2014. ATP states that the Line was last used to transport coal to UGA for use in a coal-fired boiler that was decommissioned in 2015. In 2019, the Board granted ATP's predecessor, Athens Line, LLC, discontinuance authority for the Line as part of discontinuance proceeding in Docket No. AB 1274X.

ATP indicates that there are three bridges on the Line which are located at: the US Route 78/441 overpass (Athens Loop); River Road and East Campus Road; and the Oconee Street overpass (Oconee). The Georgia Department of Transportation owns the Athens Loop and Oconee bridges. If abandonment authority is granted, ATP intends to convey the right-of-way to UGA for development of a multi-modal connectivity corridor for bus rapid transit service and

¹ ATP is a limited liability affiliate of UGA Real Estate Foundation, which is a supporting organization of the University of Georgia.

pedestrian and bicycle uses. ATP indicates that this type of use is consistent with the Athens-Clarke County Leisure Services Proposed Trail Network Greenway Network Plan, which contemplates connecting riparian and wildlife corridors with recreational multi-use trails in Athens-Clarke County.²

The right-of-way is generally 75 feet to 100 feet in width, and the Line traverses United States Zip Codes 30601, 30602, and 30605. Based on available information, ATP states that the Line does not contain any federally granted rights-of-way.

ENVIRONMENTAL REVIEW

ATP submitted a combined E&H Report that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including abandonment-related salvage activities. ATP provided the E&H Report to a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)] implementing the National Environmental Policy Act (NEPA).³ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to ATP, no local traffic has moved over the Line for at least two years, and there is no need to reroute any overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. If abandonment authority is granted, ATP intends to transfer the right-of-way to UGA for the development of a multimodal connectivity corridor. In an email dated May 2, 2024, ATP indicated that it has not yet made plans to salvage the Line but that any salvage activities would occur after the Line has been authorized for abandonment and the abandonment has been consummated.

² Athens-Clarke County Unified Government Greenway Network Plan at <https://www.accgov.com/7143/Greenway-Network-Master-Plan>, (last visited May 5, 2024).

³ The E&H Report is available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1332" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on April 18, 2024.

By email dated May 25, 2023, the Georgia Department of Natural Resources (DNR) commented that it had no comment on the proposed abandonment. Therefore, no further consultation with DNR is recommended.

ATP requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. By email dated May 24, 2023, USFWS commented that no adverse effects are expected to occur on species of concern as a result of the proposed abandonment.⁴ Accordingly, OEA has determined that the proposed abandonment would have no effect on federally listed threatened and endangered species. OEA is providing USFWS' Georgia Ecological Field Office a copy of this Draft EA for review.

ATP submitted the E&H Report to the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (Corps) and requested comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA). OEA has not received responses from either agency but believes that the proposed abandonment would not impact waterways, including wetlands, given that aerial topographic maps show that the Line does not cross any waterbodies or any low-lying areas that could be wetlands. OEA is providing USEPA Region 4 and the Corps South Atlantic Division a copy of this Draft EA for review.

The proposed abandonment is not located within a Coastal Zone. Therefore, no further consultation is required.

OEA believes that there would be no or minimal impact from any air emissions or noise on the area surrounding the proposed abandonment because no salvage or other land disturbing activities would occur.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; and the Georgia Department of Natural Resources for review.

HISTORIC REVIEW

ATP submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Georgia Department of Community Affairs, Historic Preservation Division (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁵ By letter dated June 20, 2023 (Project #HP-230522-001), the SHPO stated

⁴ U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC) Tool at <https://ipac.ecosphere.fws.gov/> (OEA confirmed May 6, 2024).

⁵ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the NHPA. Applicants

that the Line is a segment of the Macon-Athens Railway line and is eligible for listing on the National Register of Historic Places (National Register) at a state level of significance under Criteria A and C for its contributions to the transportation and engineering history of the State of Georgia. Thus, the SHPO stated that the proposed abandonment would have an adverse effect on historic resources pursuant to the National Historic Preservation Act (NHPA) and that preparation of a Memorandum of Agreement (MOA) in accordance with 36 C.F.R. § 800.5(a)(2) would be needed to resolve the adverse effects.

OEA is continuing Section 106 of the National Historic Preservation Act (NHPA) consultation with the SHPO. Because the Section 106 process is ongoing, OEA is recommending a Section 106 condition requiring ATP 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 right-of-way (Area of Potential Effect or APE) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://stb.gov/resources/environmental/historic-preservation-overview/>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.⁶ The database indicates that there are four federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The four tribes are: the Alabama-Quassarte Tribal Town; the Cherokee Nation; the Coushatta Tribe of Louisiana; and the Muscogee (Creek) Nation. OEA is sending a copy of this Draft EA to these tribes for review and comment.

CONDITION

OEA recommends that the following condition be imposed on any decision granting abandonment authority.⁷

Athens Transportation Partners, LLC (ATP) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106

are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at <https://stb.gov/resources/environmental/historic-preservation-overview/>.

⁶ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited May 7, 2024).

⁷ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 were to be reached for the Line (or a portion thereof), compliance with this condition would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. ATP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Georgia Department of Community Affairs, Historic Preservation Division (State Historic Preservation Office or SHPO) and the public. ATP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will 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

Following abandonment and salvage of the Line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁸

TRAILS USE

A request for a NITU is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of 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 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁹

⁸ Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1332" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁹ Id.

PUBLIC ASSISTANCE

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

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://stb.gov>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

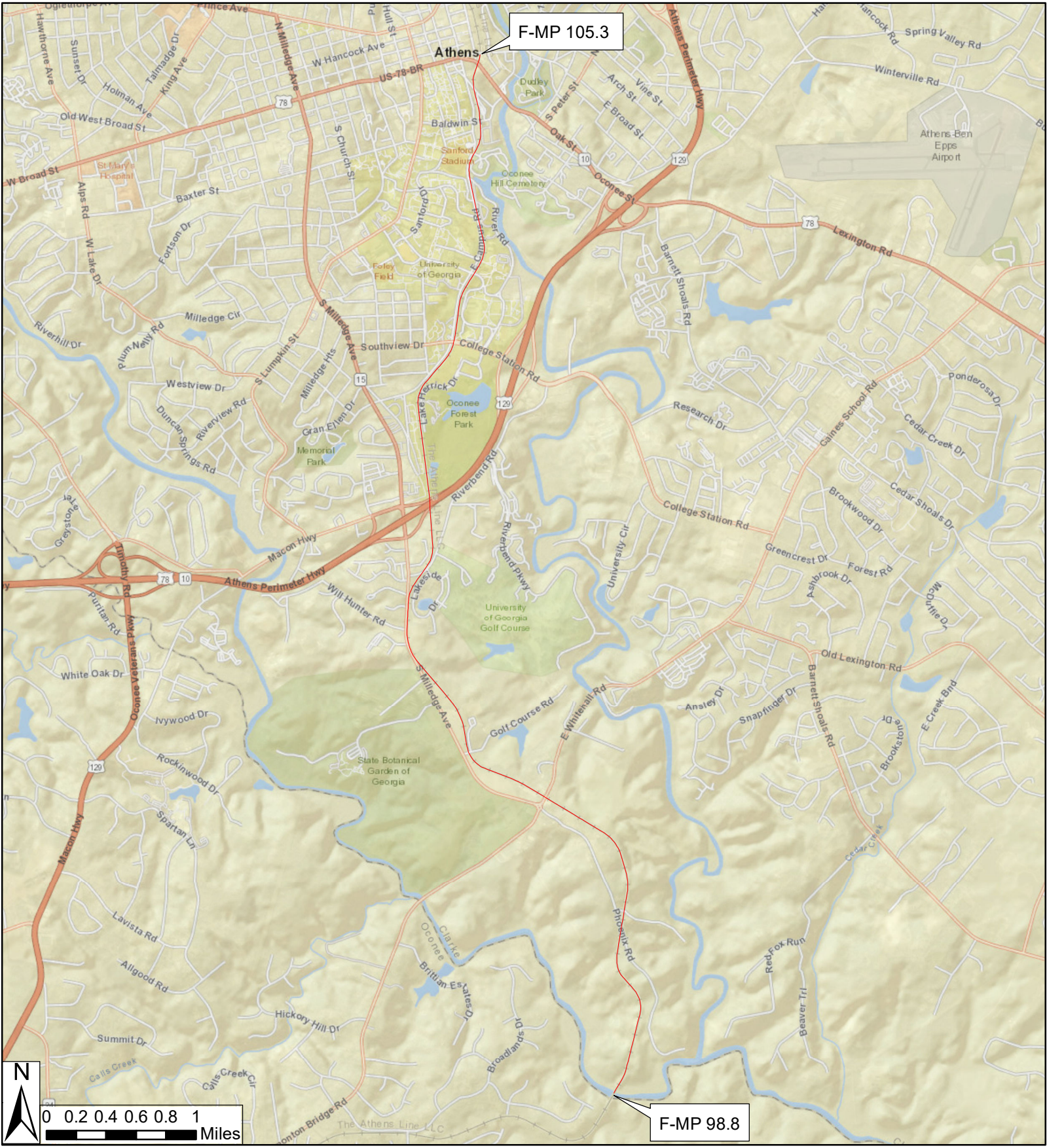
Alternatively, comments submitted by mail should be addressed to: Diana Wood, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1332X. If you have any questions, please contact Diana Wood by email at Diana.Wood@stb.gov or by phone at 202-934-0388.

Date made available to the public: May 17, 2024.

Comment due date: June 3, 2024.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

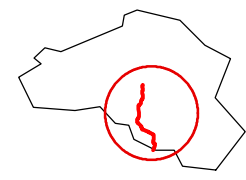


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Clarke County, GA

Legend

— the Line

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



Clarke County



Georgia